28 February 2020
Reference: 0465-00

Attention: State Planning Commission
By Email: DPTI.PlanningReformSubmissions@sa.gov.au

DRAFT PLANNING AND DESIGN CODE- PHASE 3 (URBAN CODE) CONSULTATION SUBMISSION

We act on behalf of a number of landowners in the Bowden Brompton area, notably:

• Conroy Industries
• Kennett Builders
• Marble & Cement
• Nemeson Bowden
• Prop International

These landowners all hold land in the area included in the Bowden Brompton Mixed Use (Residential and Commercial) DPA, which was gazetted in June 2019.

As a result of issues raised via the ERD Committee of Parliament, the landowners agreed to the inclusion of three minor amendments to the DPA as an act of good faith and further agreed to raise these matters at the time of the Planning and Design Code (the Code) review by way of submission to the Code. In this way, the Minister could see fit to accept (or not) the content of this submission and make the minor amendments (or not) to the DPA as part of the transition to the Code.

We enclose our correspondence of 27 November 2019, together with the amended Concept Plan Map ChSt/31 which accompanied that letter for your consideration.

With regard to the Code as currently exhibited, we provide the following comments.

The locality is proposed to be zoned Urban Neighbourhood. This is an appropriate zone for the area and generally captures a similar intent to the existing Urban Core Zone. Its introduction is supported.

The zone retains reference to the Concept Plan for the area, which underpins the heights, open space locations, road widenings and stormwater options envisaged for the locality. This is accepted.

The area is subject to a number of Technical and Numeric Variations, one of which, “Building Height (Metres)” has what appears to be a critical typographical error, namely a height limit of 4 metres over the whole area. We assume the figure might have been intended to be 34 metres. We seek this to be adjusted.

The area contains a number of major landowners who have consolidated land parcels over many years. These consolidated land holdings represent desirable sites for infill development and should be encouraged to remain in their consolidated form by the acknowledgement of the better development outcomes and increased yields capable of being achieved on larger sites.
Specifically, we believe that the Code should distinguish between master planned infill sites and minor infill sites in its application of assessment criteria within the Code.

We note that small scale infill development in established suburbs, and particularly the redevelopment of individual allotments into two or more allotments has been the source of widespread concern regarding the perceived adverse impacts such as on streetscapes, reduces areas of vegetation and tree planting, increases vehicle crossovers, reduces on street parking and increases the likelihood of overlooking or overshadowing of neighbours.

The Code is introducing a Design Overlay as well as General Development Policy for Design in Urban Areas and Design in Rural Areas that seeks to address a number of these concerns.

However, the quantitative standards of the Code as currently drafted will capture small and large infill sites in the same way. We believe that large infill sites have the propensity to resolve all design concerns expressed in respect of small-scale infill development and therefore should not be subjected to the same quantitative standards.

We note that the draft Code recognises this distinction in the four Urban Corridor Zones and in the City of Living Zone through the introduction of “Significant Development Sites” and “Catalyst Sites” Performance Outcomes and Deemed to Satisfy criteria. With minor modification these provisions could form the basis of guidance for Significant Development Sites in other zones including the proposed Urban Neighbourhood Zone, which covers the subject area.

We would be pleased to discuss any aspect of this submission.

Yours sincerely,

Stephen Holmes
Director

Encls: Letter to Joanne Fleer, Parliamentary Officer, ERD Committee
Concept Plan Map ChSt/31 (as amended)
Significant Development Sites
27 November 2019

Reference: 0120

Joanne Fleer
Parliamentary Officer
Environment, Resources and Development Committee
House of Assembly
Parliament of South Australia

Attention: Joanne Fleer

By Email: [email]

Dear Ms Fleer

BOWDEN BROMPTON MIXED USE (RESIDENTIAL AND COMMERCIAL) DPA

On behalf of Mr Alf Ianniello from Detmold, and the wider landowners represented by Holmes Dyer Pty Ltd, we provide the following advice in respect of the landowner’s position in respect of the DPA.

Whilst the landowners’ preference would be to have the DPA remain in its gazetted form, in the spirit of cooperation, the landowners have acknowledged the concerns expressed by Mr Malinauskas and have agreed to a series of amendments as follows:

1. Introduction of a two storey building height limit along the Hawker Street frontage of the rezoning area (between Chief Street and Drayton Street);

2. Increased setback from Hawker Street of the transition from the three storey height limit to the five storey height limit; and

3. The introduction of a 1.0m minimum building line setback to Chief Street.

The first two points are captured by amending Concept Plan Map ChSt/31, which is attached to this correspondence for your information.

The third point will require a change to the policy text, notably PDC 26, which will need to be amended so that the Bowden /Brompton site in the table reads as follows:

<table>
<thead>
<tr>
<th>General Location</th>
<th>Designated Area</th>
<th>Minimum setback from the primary road frontage</th>
<th>Maximum setback from the primary road frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bowden/Brompton Site</td>
<td>Urban Core Zone</td>
<td>No Minimum (other than for the frontage of Chief Street, which shall be 1.0m)</td>
<td>3 metres</td>
</tr>
</tbody>
</table>
For the record, we also enclose a copy of the letter we sent to the Hon. Mark Parnell (and others) in respect of this matter.

Your sincerely

[Signature]

Stephen Holmes
Director

Encls: Concept Plan Map ChSt/31 (as amended)

Letter to Hon Mark Parnell
Significant Development Sites

Proposed Modifications

We suggest the definition of a “Significant Development Site” be amended to a site of more than 4000m² within one or more allotment, but without a road frontage dimension. The larger minimum area (4000m² rather than 2500m²) will restrict its application to only sites requiring a more substantial investment (and therefore likely to involve development entities that have greater financial capacity to address design, environment and building quality).

Further, we see no reason to apply a frontage criterion, since the “Interface Height” provisions dictate scale relationships at the site boundaries which ensure compatibility with surrounding development scale, regardless of the width of the site.

The new “Significant Development Site” criteria could be restricted to Performance Outcomes only or could involve a combination of Performance Outcomes and Deemed To Satisfy criteria.

The following section provides an example of how the “Significant Development Sites” provisions might be drafted.

Significant Development Sites

PO 4.1
Consolidation of significant development sites (a site over 4000m² in area, which may include one or more allotment) to achieve increased development yield provided that off-site impacts can be managed and broader community benefit is achieved in terms of design quality, community services, affordable housing provision, or sustainability features.

DTS/DPF 4.1
Development on significant development sites up to 30% above the maximum building height specified in DTS/DPF .... where it:

(a) Incorporates the retention, conservation and reuse of a building which is a listed heritage place or an existing built form and context that positively contributes to the character of the local area;

(b) Includes more than 15% of dwellings as affordable housing; or

(c) Includes at least:

i. Three of the following:
   A. high quality open space that is universally accessible and is directly connected to, and well-integrated with, public realm areas of the street;

   B. high quality, safe and secure, universally accessible pedestrian linkages that connect through the development site;

   C. active uses are located on the public street frontages of the building, with any above ground car parking located behind;
D. a range of dwelling types that includes at least 10% of 3+ bedroom apartments;

E. a child care centre; and

ii. three of the following sustainable design measures provided:

A. a communal useable garden integrated with the design of the building that covers the majority of a rooftop area supported by services that ensure ongoing maintenance;

B. living landscaped vertical surfaces of at least 50m² supported by services that ensure ongoing maintenance;

C. passive heating and cooling design elements including solar shading integrated into the building;

D. higher amenity through provision of private open space in excess of minimum requirements by 25% for at least 50% of dwellings;

E. higher amenity through provision of public open space in excess of the 12.5% standard by at least 10%;

F. higher amenity through delivery of a minimum of 15% deep root zone space within public and/or private spaces, including within reserves and streetscapes.

PO 4.2

Development on a significant development site (a site over 4000m², which may include one or more allotment) designed to minimise impacts on residential uses in adjacent zones with regard to intensity of use, overshadowing, massing and building proportions.

DTS/DPF 4.2

Development that:

(a) is constructed within zone’s Interface Building Height provision as specified DTS/DPF ....... and .......;

(b) locates non-residential activities and higher density elements towards the centre of the site; and

(c) locates taller building elements towards the centre of the site.

Note that we have included some additional sub-clauses in the form DTS 4.1 (c)(ii) E and F. We believe these provisions are particularly pertinent to larger sites where a development may include public roads and public reserves and that these public spaces can actually achieve more in terms of vegetation, tree canopy and open space than would otherwise be achieved within the allotments themselves.