

27 February 2020

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Chair State Planning Commission  
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Dear Michael

Draft Phase 3 Planning and Design Code

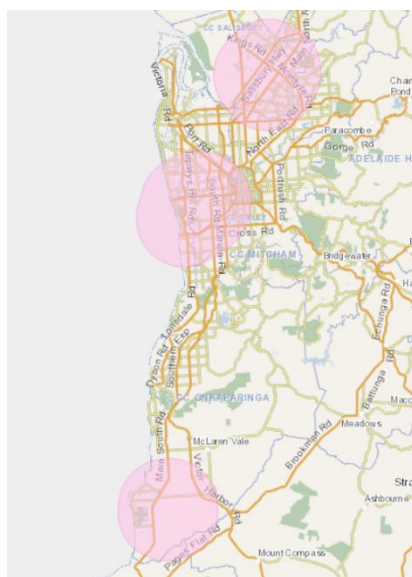
Stimson Consulting has been engaged by Fairmont Homes Pty Ltd to review the draft Phase 3 Planning and Design Code in relation to its potential impacts on the hundreds of residential dwelling applications Fairmont Homes creates and submits each year.

It is our understanding that it is the aim of the PD Code to have the vast majority of simple application types being dealt with through the Deemed To Satisfy (DTS) process. **An internal analysis of Fairmont Home's popular dwellings which are generally dealt with** at present through the ResCode process has found that only around 40% of such applications will be processed through the DTS pathway. Such a change would mean a substantial increase in workload for our applications team and also for Council with seemingly little if any benefit.

The key reasons for the expected decrease in use of the simple pathway (DTS) are some of the Overlays and some of the DTS policies in the Zone provisions as well as in the General Development policies. Our concerns are discussed below.

Overlays

The Building Near Airfields Overlay covers a substantial part of western Adelaide, the southern part of the City of Salisbury / northern part of City of Port Adelaide Enfield and the Aldinga / Sellicks Beach area as shown below. No dwelling can be DTS in these areas. It is considered that a single or two storey dwelling is highly unlikely to cause an issue with the relevant airfield. This policy should be amended.



The Hazards (Bushfire - Urban Interface) Overlay covers substantial parts of urban growth areas and does not allow a dwelling to be DTS. This is despite the policy in the



Overlay being aimed at land division applications. This policy should be removed from various zones for dwellings.

The Sloping Land Overlay has numerous errors and should be removed. A policy could be inserted to the Design in Urban Areas General Development policy dealing with land that has a slope of greater than say 1 in 8.

The Noise and Air Emissions Overlay covers areas in a manner that is not consistent. The Angle Vale, Munno Para West /Downs and Virginia suburbs are affected but, many other growth areas are not. The vast majority of these affected areas are not near noise or air emission sources. It is considered the specificity of noise and air emission sources should be mapped so a more defined extent of Overlay is determined.

#### General Neighbourhood Zone

The minimum allotment sizes for the different types of dwellings are considered to be overly restrictive. DTS/DPF 2.1 should be as follows:

<b>Dwelling Type</b>	<b>Minimum Lot Size (sqm)</b>
Detached	300
Semi detached	280
Row	180
Group	200
Residential Flat Building	150

DTS 7.1 - The build on boundary wall length should be 11m not 10m to allow for stacked garages/carports.

DTS 8.1 – dot points g – k are duplicates of a – f. For single storey dwellings there are only four of the elements can be utilised. It is unclear whether the garage counts towards (a). It should count. The development industry for many years has dealt with the issue of dwelling facades being interesting. This has been controlled through the use of Design Guidelines in various ways. Amend the DTS so that

. the garage is included in (a)

. **add "(g) the front façade must have at least two materials / colours with the second material/colour being at least 20% of the façade."**

#### Masterplanned Suburban Neighbourhood Zone

There are some issues with the Zone policies including:

. group dwellings should be DTS subject to certain policies being met and also listed in the Performance Assessed Table 3 with certain policies applying.

. land division creating allotments where dwellings have already been approved should be DTS – it is understood from the Update Report dated December 2019 that this is being considered.

. DTS/DPF 8.1 has part of its metrics not being in accordance with other proposed policy. The proposed maximum length of boundary wall of 10m does not allow a stacked garage to be built on the boundary as a stacked (tandem) garage has to be a minimum of 11m long in the Design in Urban Areas DTS/DPF 23.1. The maximum boundary wall length should be 11m.



The front, side, rear and secondary street setbacks in DTS/DPF 6.1, 7.1, 9.1 and 10.1 should be able to be altered with a Building Envelope Plan that is approved as part of a land division. The Procedural Matters (d) should be amended to read **"dwellings that do not satisfy 5.1, 6.1, 7.1, 8.1, 9.1 or 10.1, unless it meets an approved Building Envelope Plan."**

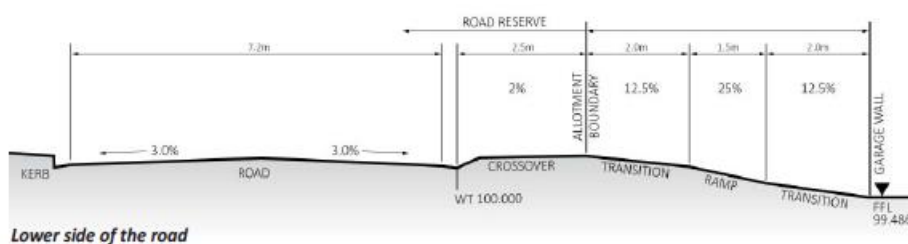
In order to reduce public notifications to a level that is reasonable and appropriate it is considered zones should be grouped by type and the Procedural Matters table **be amended so that (a) reads "the site of the development is adjacent land to land in a different zone group". This should occur in all zones.**

### Design in Urban Areas

PO 7.1 and DTS/DPF 7.1 are inappropriate for land with gradients of more than 1 in 15. There are many sites for residential development that have such slopes that are being developed at present (including Seaford Heights).

The policy also fails to deal with the issue of combined retaining wall and fence heights. It is considered reasonable to expect a <1m retaining wall (not development) and a 1.8m high fence (combined height <2.8m) to be DTS. This is particularly the case in a greenfield situation where the purchasers are fully aware of what scenario they are buying into, as there are inevitably Design Guidelines and Building Envelope Plans attached to contracts that provide guidance in this regard. There are many examples where retaining walls and fences are around 3.5m high that have been approved by Councils as they are the best solution. As such it is considered the DPF policy needs to accommodate retaining walls and fences with a combined height of around 3.5m in greenfield locations – such as, but not limited to, the Masterplanned Suburban Neighbourhood Zone.

DTS 17.1 - With numerous estates being developed at present where even minor slope exists there are typically allotments on the low side of the road. The issue around flooding of the allotment / dwelling is not what the FFL of the dwelling is but what is the height at the property boundary in relation to the top of kerb. More many years new estates have had to provide a 2 - 2.5% gradient up from the top of kerb to the property boundary in order for flood waters in the road not coming into the allotment. The diagram below shows what typically happens. **The wording of the policy will mean around half of dwellings won't be able to be DTS.** How will this be measured for allotments that have a side slope? Amend the DTS wording to the following: **"Where the residential accommodation's FFL is below the top of kerb, the property boundary's level must be above the top of kerb."**



DTS 21.1 - The requirement for soft landscaping is too onerous given that in many instances the extent of landscaping is greater than the area of POS. In order to achieve the required amount of soft landscaping a dwelling footprint needs to be reduced. This may force people to build two storey which comes with extra cost per square metre. It will also have a negative impact on the value of the land. Amend the percentage requirements so the areas are a closer match to the amount of private open space that is required as per below:

. <200sqm lot – 10%



- . 201 – 450sqm lot – 12.5%
- . >451sqm lot - 15%

DTS 21.2 – Including requirements for deep-rooted trees for DTS dwellings will result in increased building costs due to increased costs of footings. This requirement should be removed.

DTS 23.1 – Single width garages should comply with the Australian Standard – 3.0m wide not 3.2m. The same should apply for double width garages.

There is a conflict between DTS 23.3 and Transport Access and Parking DTS 3.6 with regard to driveway crossover widths. DTS 23.3 requires 12m wide lots or less to have a 3.2m maximum width driveway, whereas DTS 3.6 requires lots with a width of 20m or less to have a driveway maximum of 3.2m wide.

Amend Table 1 so that the private open space requirement of 24sqm includes allotments of 300sqm in size.

#### Interface Between Land Uses

DTS 3.1 and 3.2 - The DTS provision requiring any applicant that has a southern side/rear boundary to demonstrate that there shall not be any overshadowing to northern windows of habitable rooms and private open space is too onerous for development that is essentially complying, particularly for single storey dwellings. Further how does one gain access to information regarding the layout of neighbouring properties.

#### Other

With numerous large estates encumbrances with Design Guidelines and Building Envelope Plans are typically are attached to the Certificate of Title to guide and control development. These have usually been approved by Council during the planning application process for land divisions. It is considered that where these are in place they should supersede the DTS provisions. An Overlay with reference to a spatial area with the BEP and Design Guidelines attached is one way this could occur.

Should you have any queries regarding the above please do not hesitate to contact the undersigned or Scott Searle – General Manager, Fairland on [REDACTED]

Yours sincerely  
STIMSON CONSULTING PTY LTD

JOHN STIMSON  
Managing Director

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