Ref: 16ADL-0314

13 February 2020

Attention: Anita Allen

The Department of Planning, Transport and Infrastructure
By email: dpti.planningreformsubmissions@sa.gov.au

Dear Ms Allen

Submission - Planning & Design Code Phase 3 – Taplin Group

Introduction

URPS has been engaged by the Taplin Group (‘Taplin’) to review and provide a written submission on the Draft Planning and Design Code Phase 3 (‘the Code’) as it relates to the proposed ‘Urban Corridor (Main Street) Zone’ in Glenelg.

For reasons expressed below our client wishes for a zone boundary to be re-aligned and some of the proposed “Performance Outcomes” and “Designated Performance Outcome Criteria” to be amended.

The current Code content is in our view problematic in so far as:

• It does not properly acknowledge existing land uses that are of a non-residential nature but which fall within a residential type zone. Consequently, these create a perception of a potential land use interface issue with our client’s land which does not exist in reality.

• It seriously limits our client’s ability to develop land under his ownership given the wording of the interface policies is somewhat inflexible. In addition, the interface zone policies should not seek to protect high density residential zone (in other words, such provisions should only be aimed at protecting low density/low rise residential areas), and

Because of the above the Code content will potentially not facilitate the kinds of development that is specifically anticipated in the current Development Plan and that intended for the ‘Urban Corridor (Main Street) Zone’ within the Code.
Background

Taplin owns numerous properties and has obtained Development Plan Consent for multiple large-scale projects throughout the Glenelg area, in particular those fronting Jetty Road, Colley Terrace and Brighton Road.

These properties include:

- **Jetty Road - Development Number 110/M001/19**
  - Demolition of existing shops fronting Byron Street, retention of existing shops fronting Jetty Road and construction of a 6 storey building comprising ground floor retail, 3 levels of above ground car parking and 3 levels of office space.

- **Colley Terrace - Development Number 110/M009/16**
  - Demolition of existing retail tenancies and construction of 7 level mixed use building comprising ground floor retail, residential apartments and ancillary car parking.

- **Brighton Road - Development Number 110/M005/17**
  - Multi-level residential flat building with ancillary car parking in associated with non-residential development.

As such, Taplin is deeply involved and invested with the revitalisation of Glenelg and wishes to ensure orderly and economic outcomes can still be achieved under the terms of the Code.

Discussion

To assist in our discussion we have attached a related map titled ‘Code Submission – Jetty Road, Glenelg’.

Zone Change

The ‘District Centre Zone’ and ‘Glenelg Policy Area 2’ (as per the current Development Plan) within Glenelg is proposed to change to the ‘Urban Corridor (Main Street) Zone’ (per the Code).

Re-alignment of Zone Boundary

Consideration should be given to changing the alignment with the General Neighbourhood Zone so that non-residential land uses are positioned within the Urban Corridor (Main Street) Zone. In this respect the following is noted:

- There are several properties used for non-residential purposes in the side streets extending from Jetty Road.
- The City of Holdfast Bay has supported the change of land use for several (former) dwellings to commercial sites/uses, to the extent that there is more commercial development than residential development within many of these streets (in the areas immediately near Jetty Road and the proposed Urban Corridor (Main Street) Zone).
- There are several purpose designed commercial buildings in these side streets which offer important services to the community.
- It is timely for the department to review this and amend the zoning to reflect the existing use and trend for commercial development to ‘spill’ down these side streets off Jetty Road.
Interface Height

Glenelg Policy Area 2 within the current Development Plan provides Principle 8 which states the following:

Any portion of a development above 2 storeys (8 metres) in height should be constructed within a building envelope provided by a 30 degree plane measured from a point 3 metres above natural ground level at the zone boundary with the Residential / Residential Character Zone (except where this boundary is a primary road corridor i.e. Brighton Road), as illustrated in Figure 1, unless it is demonstrated that the proposed development minimises interface impacts including from building massing, overshadowing and overlooking with adjoining residential development:

(Underlining added)

By comparison, the draft Code introduces Performance Outcome 3.1 which states:

Buildings constructed within a building envelope provided by a 45 degree plane measured from a height of 3 metres above natural ground level at the allotment boundary of a residential allotment within a neighbourhood zone as shown in the following diagram (except where this boundary is a southern boundary in which case DTS/DPF 3.2 will apply, or where this boundary is the primary street boundary):

(Underlining added)

Performance Outcome 3.2 further states:

Buildings constructed within a building envelope provided by a 30 degree plane grading north, measured from a height of 3m above natural ground level at the allotment boundary of a residential allotment within a neighbourhood zone...

(Underlining added)
The new distinction between northern and southern boundaries, which provides a less onerous setback provision adjacent the northern boundary, is supported.

The interface height provisions however no longer provide the necessary and important planning policy flexibility for a developer to demonstrate that:

“...the proposed development minimises interface impacts including from building massing, overshadowing and overlooking with adjoining residential development”

This demonstration may then justify encroachment beyond the 30 or 45 degree plane.

On this basis, the provisions are somewhat rigid, particularly compared to the existing provisions, and may diminish reasonable development opportunities beyond a 30 or 45 degree plane and in turn the most efficient and economic use of land.

As such, we recommend that wording be included to provide some flexibility in appropriate circumstances.

Significantly, we believe the 30 and 45 degree plane provisions should not apply to development currently abutting the Residential High Density Zone (proposed to be Urban Neighbourhood Zone under the code).

For example, the Colley Terrace development site (reference 2 on the attached map) owned by Taplin neighbours a 10-storey apartment building to the north.

In such a situation, this land is unreasonably restricted from achieving reasonable development should a 30- or 45-degree plane be applied adjacent an existing tall building, or land where a tall building is anticipated.

**Significant Development Sites**

Glenelg Policy Area 2 within the current Development Plan provides Principle 20 which states the following with respect to “Strategic Development Sites”:

20 Development on strategic development sites (sites with a frontage to Jetty Road or Brighton Road and over 1500 square metres in area, which may include one or more allotment) should:

(a) be constructed in accordance with the building envelope requirement specified in the policy area

(b) not exceed 7 storeys (or 25.5 metres) in height, or 8 storeys (or 29 metres) in height on land bounded by Brighton Road, Augusta Street, Rosa Street and Jetty Road.

(c) ensure the massing of taller building elements above 5 storeys (or 18.5 metres) in height are distributed across the site to minimise impacts on the streetscape and residential uses in adjacent zones.

(Underlining added)

To currently qualify as a “Strategic Development Site” the following must be satisfied:

- Have frontage to Jetty Road or Brighton Road.
- Have a development site which comprises one or more allotments of at least 1,500 square metres.

Being considered a “Strategic Development Site” then allows increased development potential subject to:

- Compliance with building envelope requirements.
• Minimised massing of taller building elements above 5 storeys or 18.5 metres in height.

By comparison, the Draft Planning and Design Code introduces Performance Outcome 4.1 which states:

**PO 4.1 Consolidation of significant development sites (a site with a frontage over 25m to a primary road corridor and over 2500m2 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.**

(Underlining added)

Notably, the term “Strategic Development Site” has now changed to “Significant Development Site”, along with the qualifications which now require:

• Site with a frontage to a primary road corridor of 25 metres.
• Area over 2,500 square metres, including one or more allotments.

This is followed by the Designated Performance Outcome Criteria which states:

**DTS/DPF 4.1 Development on significant development sites up to 30% above the maximum building height specified in DTS/DPF 2.6 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 are 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.
The requirements of development situated on “Significant Development Sites” has increased to what appears to try and better manage the potential for off-site impacts and provide community benefit via design, housing affordability and sustainable design features.

This intention is understood however there appears to be no basis in which to increase the required area from 1,500 square metres to 2,500 square metres.

We suggest that 1,500 square metres be reinstated unless reasonable planning rationale is substantiated as otherwise development opportunities within Glenelg are reduced.

Ultimately, a reduction back to 1,500 square metres will still require management of off-site impacts as intended.

Summary and Conclusion

In summary, we believe the following changes should be considered:

• Consideration should be given to changing the parts of the proposed General Neighbourhood Zone currently used for commercial purposes to be within the Urban Corridor (Main Street) Zone. In this regard, existing commercial uses (as designated in the attached map) would be better situated within the Urban Corridor (Main Street) Zone.

• As per the current Development Plan, flexibility be introduced to the code’s interface height provisions that allow a developer to demonstrate a development will not have unreasonable impacts. This demonstration may then justify encroachment beyond the 30 or 45 degree plane.

• The 30 and 45 degree plane provisions should not apply to development currently abutting the Residential High Density Zone (proposed to be Urban Neighbourhood Zone under the code), an existing tall building, or land in which a tall building is anticipated – this will result in somewhat unusual planning outcomes and, in terms of the Coley Terrace site owned by our client, seriously affect its development potential

• Reinstate the 1,500 square metres requirement for “strategic/significant development sites” as otherwise development opportunities within Glenelg are reduced.

We believe these considerations will ensure that orderly and economic outcomes can still be achieved under the terms of the code and that the policy intent to revitalize Glenelg can be achieved and not be hamstrung by additional and unnecessary planning constraints.

Thank you for considering our submission. Do not hesitate to call me with questions on 8333 7999.

Yours sincerely

Matthew King RPIA
Managing Director