Q1 Which part of the Planning and Design Code would you like to make a submission about? (Please click the circle to select which part of the Code you wish to comment on. You can also see which council areas are included in the rural and urban code via the links below.)

My submission relates to Rural code. (click here for council areas)

Q2 Please provide your contact details below (Name, Postcode & Email are mandatory) Please be advised that your submission will be made publicly available on the SA Planning Portal.

Name: David Hutchison
Company: Access Planning (SA) Pty Ltd
Address: 235 Henley Beach Road
Suburbs/Town: Torrensville
State: SA
Postcode: 5038
Country: Australia
Email Address: [Redacted]

Q3 Which sector do you associate yourself with? Development Industry

Q4 Please upload your PDF template for submission here (pdf only)

Submission Final.pdf (1.2MB)
Consultation Template Submission Form

Q5 Please enter your general feedback here

Respondent skipped this question
27th November 2019

State Planning Commission
Attention: Michael Lennon
Level 5
50 Flinders Street
ADELAIDE SA  5000

Dear Michael,

Re: Planning & Design Code (Phase 2) Wallaroo - Copper Coast Council

I act for Crystalcorp Developments Pty Ltd who are developers of the Copper Cove Wallaroo Marina and submit this report as part of the public consultation period for Phase 2 of the Planning & Design Code.

Crystalcorp Developments Pty Ltd is an active and in fact major land owner and developer within the Wallaroo community and has been since the late 1990s. It has worked collaboratively with the District Council of Copper Coast in developing Development Plan policies to guide future development within the Marina in particular, but also more broadly in the Council area.

The Marina has been long in planning and execution, and the development outcomes presently set out in the Council Development Plan have been negotiated and agreed over many years and several Development Plan Amendments.

This pro-active working arrangement with the District Council of Copper Coast has resulted in Development Plan policies that provide a clear vision of future development in and around the Marina.

I understand that you have recently met with the developers of the Marina and have some understanding of the development and intended development outcomes contained in the Council's current Development Plan.

This submission focuses on two key landholdings that Crystalcorp Developments Pty Ltd are currently in the process of developing. These include:

- Allotment 1005 on Deposited Plan 116378 of Certification of Title Volume 6222 Folio 517
- Allotment 48 on Deposited Plan 73704 of Certificate of Title Volume 5991 Folio 890
- Allotment 49 on Deposited Plan 73704 of Certificate of Title Volume 5991 Folio 891
- Allotment 50 on Deposited Plan 73704 of Certificate of Title Volume 5991 Folio 892

The allotments in question are outlined in red on the plan below.

You will see that they are strategic development sites and have been recognised by the Council as such.
Firstly, as a general comment, and as a planning practitioner of many years’ experience, it is disappointing to review the Planning & Design Code to find that little or no regard has been given to the detailed policies contained within the current Development Plans.

These policies have been promulgated over many years and reflect local attributes and communities’ desires for development in their area and have been prepared by the Council with a keen interest in achieving development outcome that are a best fit for the local community.

To ignore the large body of work that has been undertaken in putting local policies together is I think and indictment on the proposed Code and its likely outcomes.

I consider that it is also important to mention that the Planning & Design Code is incredibly difficult to read, interpret and understand, even for someone with my experience. I found it very difficult and time consuming to determine what policies are applicable to the above-mentioned land holdings.

Whilst this latter issue might be resolved when the Portal is operating properly, to put the Code on consultation with the Portal in operation is not in my opinion a proper way to undertake meaningful community consultation.

Throughout the development of the Code, I have taken an interest in the Planning Reforms program, the implementation of the Code and updates on the SA Planning Portal. Of particular interest, I have noted that one of the key ‘outcomes’ of the Reforms is to ‘Involve the Community in Planning’.

Figure 1: Subject holdings
It is with considerable disappointment that the consultation in relation to the draft Planning & Design Code has not been undertaken in accordance with the identified criteria:

- Communities can better engage with the planning system via practical tools and easy-to-understand information
- Simplified information to improve understanding of the planning system and encourage greater participations earlier in the planning process.

If I am struggling to understand the policies in the Code, I cannot fathom how the public at large will be able to do so.

Crystalcorp takes pride in the manner in which it has proactively and cooperatively worked with Council Elected Members, Council staff and the wider community in the development of the Copper Cove Wallaroo Marina and current Development Plan policies. Unfortunately, they only became aware of the extent of policy changes applicable to its landholding when the Code was placed on public consultation.

There has been no direct notification to Crystalcorp or any involvement with them in how the policies have been applied, and as such I question how this process is seeking to better engage communities with the planning system.

I question if Communities have been ‘better engaged’ in this process as the Planning & Design Code is by no means a ‘practical tool and easy-to-understand information’, in this regard I note that;

- There are 1,189 pages of the Planning & Design Code applicable to the District Council of Copper Coast (Code extract)
- The Mapping Tool doesn’t link to the Planning & Design Code in other than a cursory manner
- There is a distinct lack of policies that provide certainty and guidance for future development
- Concept Plans have been removed
- Desired Character Statements have been removed
- The naming of Zones proves difficult to interpret the overall intent and is city based with little regard to the character of small country towns and settlements

That said, I turn to the land in question.

**Heritage Drive**

The subject land is approximately 28,000m² in area and is a landmark site at the entrance to the Copper Coast Wallaroo Marina.
The land is currently located in the Coastal Marina Zone as depicted in Map CoCo/10 of the Copper Coast Council Development Plan, consolidated 23 May 2019.

The Planning & Design Code proposes that this be altered to the Infrastructure (Ferry and Marina Facilities) Zone.

It is considered that this is a substantial change from what the Development Plan currently envisages to that proposed in the Planning & Design Code.

An analysis of the two zones has found the following discrepancies:

<table>
<thead>
<tr>
<th>Desired Character</th>
<th>Coastal Marina Zone</th>
<th>Infrastructure (Ferry and Marina Facilities) Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Clear description of the key outcomes sought by the Zone. This Zone is ‘land based’ and incorporates a range or policies to guide built form of a mixed use (tourist accommodation, residential, commercial, tourist, marine based retail)</td>
<td>No Desired Character. Desired outcomes place greater emphasis on on-water development with minimal discussion of land bases land uses.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Envisaged land use</th>
<th>Coastal Marina Zone</th>
<th>Infrastructure (Ferry and Marina Facilities) Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Wide range of envisaged land uses</td>
<td>Reduced range of encouraged land uses</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum building heights</th>
<th>Coastal Marina Zone</th>
<th>Infrastructure (Ferry and Marina Facilities) Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum 2 Storey</td>
<td></td>
<td>No reference to heights</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Design &amp; Appearance</th>
<th>Coastal Marina Zone</th>
<th>Infrastructure (Ferry and Marina Facilities) Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detailed analysis of building materials, design and activation of all frontages</td>
<td>No reference to design. Would rely on generic - general policies that are not suitable for the subject land.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Coastal Flooding and erosion</th>
<th>Coastal Marina Zone</th>
<th>Infrastructure (Ferry and Marina Facilities) Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Desired Character and PDCs 8 &amp; 11</td>
<td>No reference to coastal flooding.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Notification</th>
<th>Coastal Marina Zone</th>
<th>Infrastructure (Ferry and Marina Facilities) Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extensive range of Cat 1 development (does not require public notification)</td>
<td>Many land uses not listed in Table 3 of the Zone (including any residential forms of development) would be publicly notified and to be heard by the Council Assessment Panel</td>
<td></td>
</tr>
</tbody>
</table>

Crystalcorp is in active discussions with the District Council of Copper Coast on the finalisation of a Concept Plan for the subject land.

A copy of the draft plan, which has been the subject of discussion with the Council is provided in Figure 2 below.

The proposed development outcome seeks to emphasise the key areas of private and public investment and the diverse mix of land uses with the siting of a number of key buildings fronting the Copper Cove Wallaroo Marina. The marina/commercial/residential development incorporates the following:

- Marina Commercial precinct – incorporating 5 levels of commercial/retail/tourist activities/café with upper storey tourist accommodation/residential apartments
- 3 x 6 storey residential towers with undercroft car parking
- Marina hardstand area, marine service tenancies, open boat stacks, boat lift and slipway
Boat wash, storage sheds, offices, marine fuel supply (existing), fuel facilities, roads, landscaping and other associated infrastructure

Figure 2: Draft concept plan

It is Crystalcorp’s primary concern that the changes from the existing Development Plan’s Coastal Marina Zone to the Infrastructure (Ferry and Marina Infrastructure) Zone significantly alters the existing development opportunities applicable to the subject land and will compromise the ability to create the integrated development sought by the community on this landmark site.

It is therefore respectfully requested that consideration be given to reinstating key Development Plan criteria into the Planning & Design Code. This could be through the creation of a new Zone to incorporate the following key criteria:

- Desired Outcomes that emphasise the development of an integrated development consisting of commercial/marine activities/tourist accommodation and residential development
- Increased emphasis on land based activities that enable a diverse range of residential and/or tourist accommodation
- Residential development be included in the envisaged list of land uses
- Ensure that residential and/or tourist accommodation can occur on the ground levels
- Commercial/retail/marine related activities are encouraged in the draft concept plan in the main ‘marina commercial building’ – however there is only a limited demand for commercial development in Wallaroo and development should not be constrained by such policies
- Ensure minimum building heights are included with no maximum building heights prescribed
- Increased range of exclusions to the public notification list to ensure that development on the subject land is not subject to public notification
- Creation of a Concept Plan to assist in guiding locations of key built form and land uses
- Ensure that the Coastal Areas Overlay does not apply so that a referral to the Coastal Protection Board is not required. Inclusion of minimum AHD levels is however supported.

**Inverness Way**

The subject land is approximately 1,850m² in area and is a landmark site at the Wallaroo Marina.

The land is currently located in the Residential Zone as depicted in Map CoCo/10 of the Copper Coast Council Development Plan. The land is also located in the Wallaroo Marina Policy Area 8 and Precinct 19 – Marina.

*Concept Plan Map CoCo/9 – Marina* is also contained within the Copper Coast Council Development Plan. The subject land is shown as a ‘Corner Landmark Site’ within ‘Area 1 – Marina Basin Medium Density’.

The Planning & Design Code proposes that this land be changed to the General Neighbourhood Zone. It is considered that this is a *substantial change* from what the Development Plan currently encourages to that proposed in the Planning & Design Code.

An analysis of the two zones has found the following discrepancies:

<table>
<thead>
<tr>
<th></th>
<th>Residential Zone Wallaroo Marina Policy Area 8 Precinct Area 19 – Marina Area 1 – Marina Basin Medium Density Concept Plan CoCo/9 – Marina</th>
<th>General Neighbourhood Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Desired Character</strong></td>
<td>Clear description of the key outcomes sought by the Zone. Emphasises the opportunity for medium density residential development on this ‘corner landmark site’ Development is to address both the Marina basin and the Inverness Way frontage (primary road).</td>
<td>No Desired Character. General application for Zone across the entire State and appears to be focused on metropolitan areas and not areas associated with Marinas. Does not emphasise opportunities for medium density development greater than 4 storeys. Does not include policies to address both the marina and primary road frontage.</td>
</tr>
<tr>
<td><strong>Envisaged land use</strong></td>
<td>Medium density housing as shown on Concept Plan CoCo/9 – Marina</td>
<td>Low rise, low and medium density residential development.</td>
</tr>
<tr>
<td><strong>Minimum building heights</strong></td>
<td>Minimum 4 Storey</td>
<td>No reference to minimum heights. Max height 2 storeys.</td>
</tr>
<tr>
<td><strong>Design &amp; Appearance</strong></td>
<td>Detailed analysis of building materials, design and activation of all frontages</td>
<td>No reference to design. Would rely on generic General policies that are not suitable for the subject land</td>
</tr>
</tbody>
</table>
It is Crystalcorp’s primary concern that the changes from the existing zoning to the General Neighbourhood Zone significantly alters the development opportunities applicable to the subject land.

The State Planning Commission has released the *People and Neighbourhoods Policy Discussion Paper* (also out on public consultation) that describes the overall intent of the General Neighbourhood Zone:

“The General Neighbourhood Zone (which will largely apply to areas where the current Residential Code is used) will provide greater standardisation of minimum frontage or site area requirements. This zone is aimed at delivering a steady supply of well-designed and diverse infill housing that is compatible with existing suburban streets and suburbs across Greater Adelaide and in some regional locations.

The Zone sets minimum site areas and frontages that are designed to be in-sync with typical allotment patterns and are wide enough, and big enough, to comfortably accommodate a range of housing options.”

It is clear that the application of the General Neighbourhood Zone is not consistent with the existing development opportunities afforded to the subject land. This is land associated with an existing Marina, with the Development Plan enabling built form comprising a minimum 4 storey medium density development. This is not a type of development that is anticipated in generic residential zones (where the current Residential Code applies). The type of built form anticipated requires a different suite of policies to guide the increased development potential.

It is therefore requested that consideration be given to reinstating key Development Plan criteria applicable to this ‘Corner Landmark Site’ into the Planning & Design Code.

It is considered that the creation of a Subzone to reflect the ‘4 Areas’ (as shown in the Development Plan) along Inverness Way and its associated Concept Plan would ensure that the current development opportunities are retained.

**Conclusion**

Crystalcorp has been in recent discussions with the District Council of Copper Coast regarding the consultation period of the Planning & Design Code and the above mentioned concerns have been raised.

It is understood that Council will be conveying similar concerns in addition to a list of suggested amendments to the Planning & Design Code that apply to the wider Copper Coast Council area.

Crystalcorp would appreciate the opportunity to work with both Council and the State Planning Commission to ensure that any amendments facilitate the desired development outcomes and ensure that these landmark sites are developed to their maximum potential.

If you require any further clarification on the above matters, please do not hesitate to contact me.

Yours sincerely

David Hutchison BA CPP PIA
Access Planning (SA) Pty Ltd