

Ref: 2019-0255



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29 November 2019

Anita Allen  
Manager Planning Reform  
Department of Planning Transport and Infrastructure  
50 Flinders Street  
ADELAIDE SA 5000  
By email: [dpti.planningreformsubmissions@sa.gov.au](mailto:dpti.planningreformsubmissions@sa.gov.au)

Dear Anita,

## Submission – Planning and Design Code. Employment Zone.

### Introduction

We make this submission on behalf of Australian Naval Infrastructure (ANI), who is the property owner of the Osborne Naval Shipyard (ONS) which is located within the Osborne Maritime Precinct. The following figure depicts the current boundaries (in black) of the ONS.

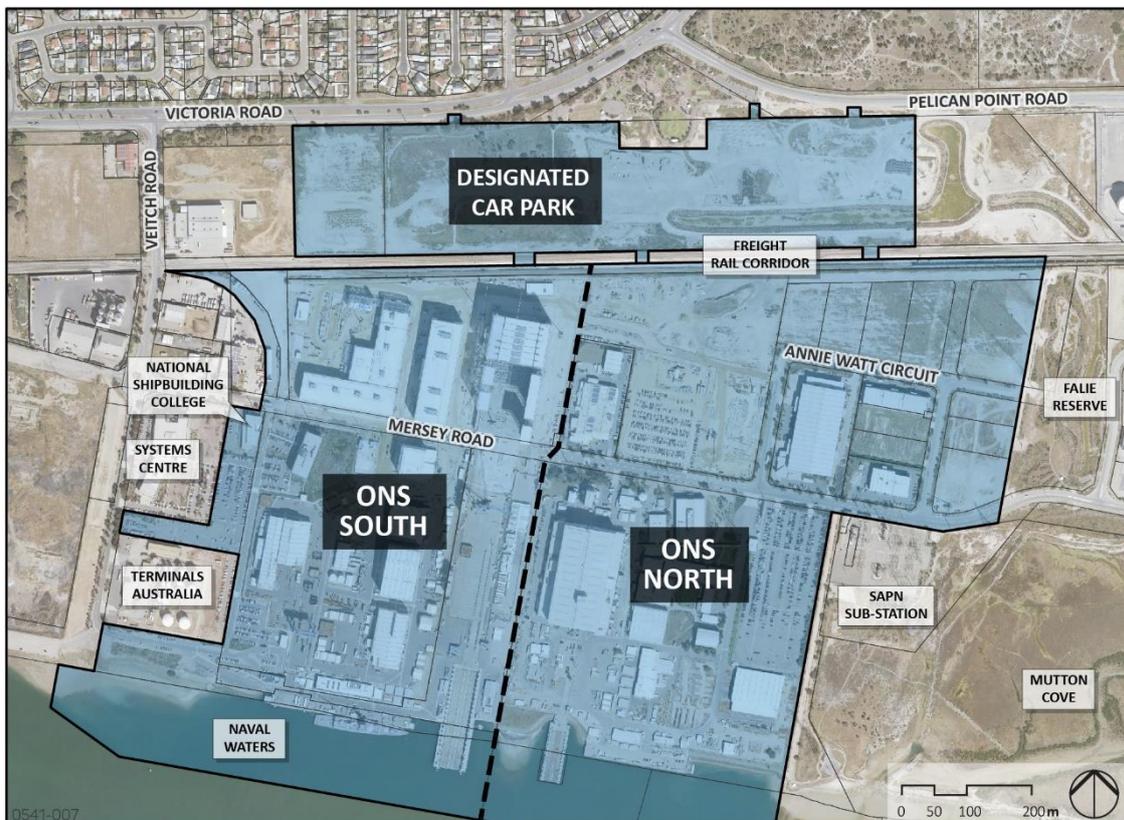


Figure 1: Osborne Naval Shipyard

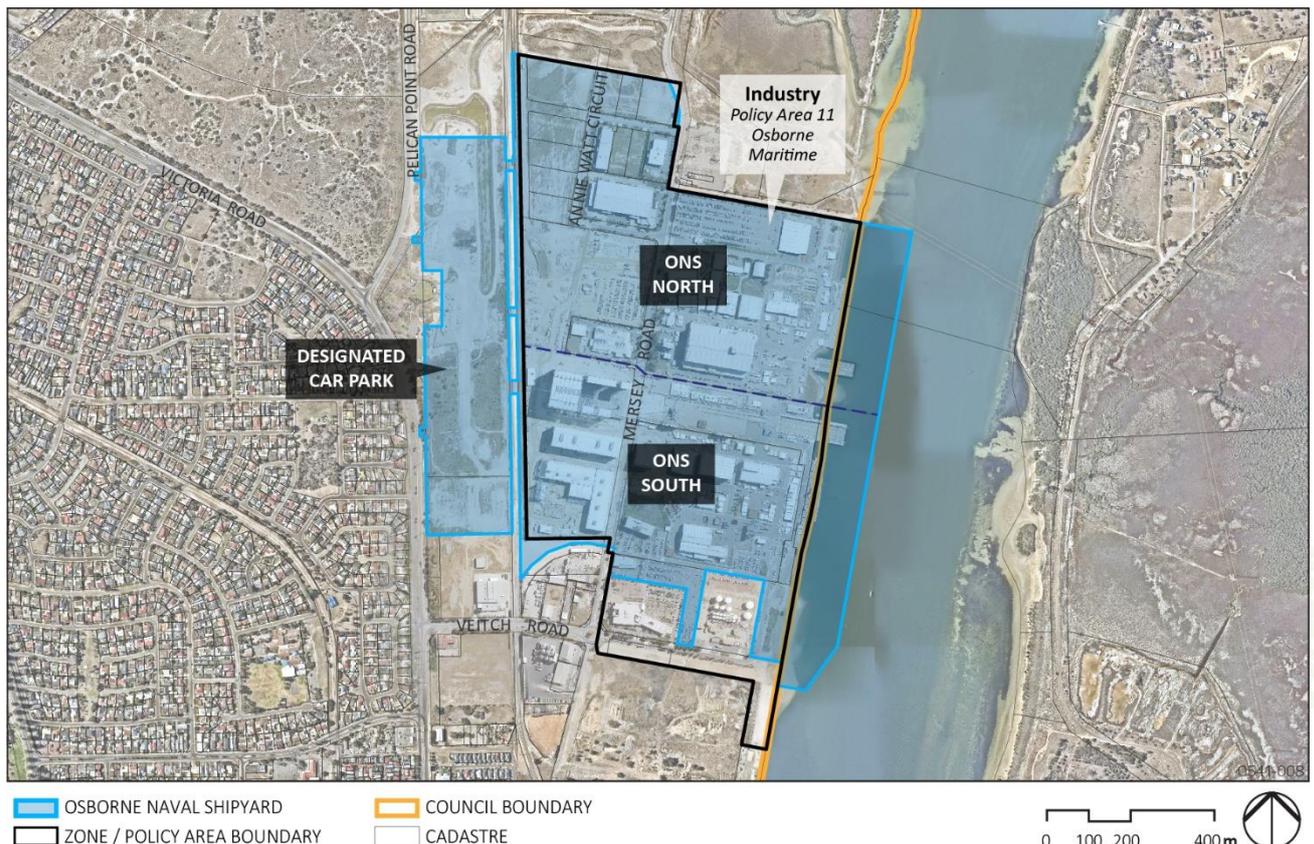
The continued development of the ONS and the operations that will be undertaken therein, underpin the successful delivery of the Commonwealth Governments \$90 billion *Naval Shipbuilding Plan 2017*. Under this plan, all of the Royal Australian Navy’s future major surface combatants and future submarines will be constructed within the ONS.

We have examined the draft Planning & Design Code and assessed that the the zoning proposed by the Code is not fit for purpose when referenced to current and intended operations within the ONS.

### Affected Area and Current Development Plan

ONS operations are generally currently accommodated within an Industry Zone and are further supported by a set of tailored provisions by virtue of the Osborne Maritime Policy Area 11 (refer to below image for Policy Area Boundary).

The current Development Plan’s Industry Zone and in particular the Osborne Martine Policy Area 11, envisages ship building. The Zone also appropriate limits public notification processes for developments that are envisaged within the Zone. The Osborne Martine Policy Area was clearly drafted having regard to the needs of the shipbuilding precinct. Unfortunately, it appears that the the transition to the new Code, the bespoke planning approach has been lost and we are concerned that this may result in additional public notification processes.



**Figure 2: Existing Industry Zone - Martine Policy Area 11**

## The Planning and Design Code

It is our understanding that, barring a few exceptions, the initial implementation of the Planning and Design Code is seeking to establish the nearest policy equivalent to what currently exists, by selecting a compatible type of zone from Planning SA's pre-established policy library/Council's Development Plans.

We have therefore shaped our assessment according to how faithfully this policy transfer reflects the current situation. The existing Industry Zone with its attendant policy area reasonably accommodates the nature of current and intended activities within the ONS and we would expect the new policy regime to equally do so.

The Phase Three consultation draft of the Planning and Design Code assigns ONS principal operations to an Employment Zone.

The zone's policy content relates to a range of employment sites and associated land uses across broader metropolitan Adelaide. However, the zone's provisions do appear to carry limitations or lack of connection in respect to the specialised function of the ONS, especially in its treatment of industrial uses.

Put simply, ONS operations constitute much more than an employment site.

By necessity there is an element of heavy industry involved in the construction of submarines and frigates. They are fitted with advanced electronics and other components by processes that may not necessarily be seen as heavy industry, but heavy industry remains as a central part of ONS activities (we use the term heavy industry deliberately to save confusion with other defined terms expressed by the Planning and Design Code).

When reading the provisions for the proposed Employment Zone, the approach to the assessment and mandating of industry seems confusing. Industry is not in the list of "accepted" or "deemed to satisfy" development. Light industry and General Industry appear in the list of uses that are "performance" assessed with the respective assessment criteria specified. Then, in the list of "restricted" development, "Industry" is deemed restricted subject to listed exclusions, whereby "Special Industry" is specifically excluded. This appears to be an error.

The Code expresses definitions and meanings for these uses. The term Industry quite naturally describes all manner of industrial processes, and the Code further specifies that Industry is taken to include the defined uses of Light Industry, General Industry and Special Industry. The definition of Light Industry describes activities of low hazard and impact, whereas the definition of Special Industry describes uses of high hazard and impact. The definition for General Industry captures all other "Industry" that is neither "Light Industry" or "Special Industry". Therefore, for the purposes of the Code, there is no other form of industry except for Light Industry, General Industry and Special Industry.

It is certainly arguable that parts of ONS operations are "Special Industry". When the Employment Zone specifies that all "Industry" will be restricted development, except "Special Industry", it would seem to suggest that the heavy industry aspects of the ONS are aligned to performance assessment, but "Special Industry" does not appear in the Performance Assessment table. In respect to downstream activity that may relate more to the fit-out of submarines and frigates, the definitions of Light Industry or General Industry might more appropriately apply. These do appear in the list for performance assessment.

However, by way of seeming contradiction, they then get locked up under the category of restricted development by being a form of Industry (as mentioned previously, the only listed exclusion is for Special Industry).

Unless our reading of the Code's constructs are wrong, its provisions relating Industry and sub-set forms of Industry are working at cross-purposes and need attention.

### State Strategic Significance

It seems unfortunate that a site of such strategic importance is encumbered by a generic policy approach that applies to all manner of employment lands and associated uses. The creation and operation of the ONS are of a high order strategic nature that have been purposefully mandated by Government, which sets it apart from privately initiated development typically generated within the market-place. It should therefore be reasonable to expect that the strategic purpose of ONS operations should not in any way be undermined by a lower order of policy construction.

Having said this, ANI is acutely aware that the sites it owns do not exist in isolation. These operations have a presence in the broader locality of Osborne, a locality that also needs to develop and prosper in a manner that brings benefit to the wider community. ANI undertakes that it will always seek to offer support to those things that promote the Osborne ship-building operations as a good neighbour and positive presence within the general community, notwithstanding the high level of activity, control and security that is needed to support our operations.

Accordingly, ANI enthusiastically supports the proposed rezoning of land to the west of the rail corridor that borders the precinct to Suburban Employment.

ANI also advises that it is more than happy to manage off-site impacts in a targeted and responsible manner in collaboration with State and Local Government. However, this is best achieved on a footing where local planning policy don't inadvertently frustrate the achievement of an optimum development outcome.

It is the recommendation of ANI and URPS that significant activities meeting a high level strategic imperative mandated by Government should be accommodated within the local planning system through the likes of a "Ship-building Sub-Zone", that better reflects the bespoke policy of the existing Osborne Martine Policy Area 11.

Alternatively, the Code can introduce a "State Strategic Purpose Zone or Sub-Zone" prefaced not so much on land use categorisation, but on the strategic benefit that specific government-supported initiatives can bring to the State or the Nation. This might work across many various sectors, such as energy, food, defence and natural resources, and be accountable to performance requirements that exceed the scope of conventional development assessment processes. Even though this brings a higher level of accountability, there will at least be assurances that tailored solutions can be fashioned for off-site impacts while maintaining integrity of the strategic goal that drives the specific activity or project.

### Conclusions

We are of the view that the proposed new zoning removes the unambiguous "merit" status of Special Industry (and other forms of Industry for that matter) that exists under current zoning and therefore produces the potential to significantly disadvantage ANI's interests.

Furthermore, we feel the proposed new zone is too simplistic in its policy orientation to properly mandate the activities that are necessary as part of ONS operations.

In summary we recommend:

- All industry, including Special Industry should be identified as a “Performance Assessed Development” with reference to associated policies (and thereby generally excluded from notification).
- Industry, including Special Industry, should not be listed as a Restricted class of development.
- Special Industry should be listed in Deemed-to-Satisfy (DTS) /DFP 1.1.
- The Osborne Martine Policy Area 11 policies should be reflected in a “Ship-building Sub-Zone” or “State Strategic Purpose Zone or Sub-Zone”

We would appreciate the opportunity to discuss this matter with you to explore the possibilities of accommodating these needs in a more appropriate manner.

Yours sincerely



Grazio Maiorano, RPIA (Fellow)  
**Director**

CC Paul Bates, General Manager Operations, ANI

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14 February 2020

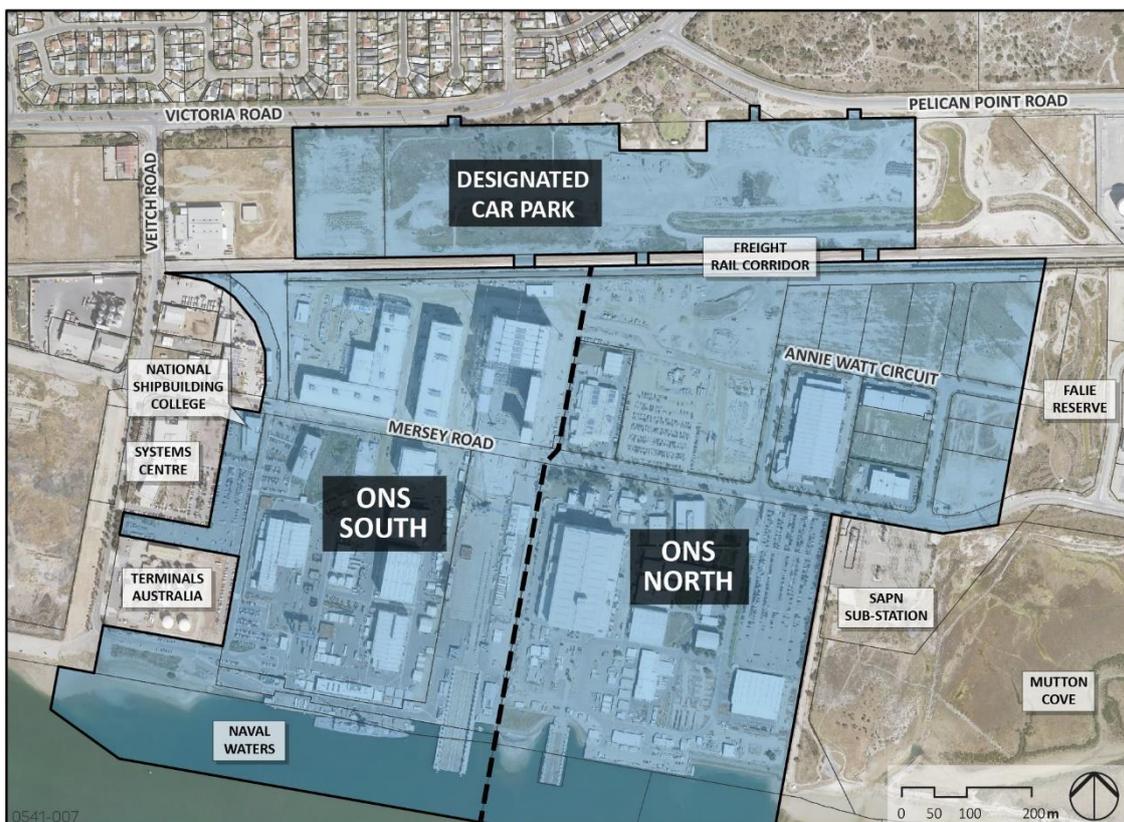
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Dear Anita,

## **ANI Submission Number 2 – Planning and Design Code - Zone Boundary Anomaly.**

### **Introduction**

We make this submission on behalf of Australian Naval Infrastructure (ANI), who is the property owner of the Osborne Naval Shipyard (ONS) which is located within the Osborne Maritime Precinct. The following figure depicts the current boundaries (in black) of the ONS.



**Figure 1: Osborne Naval Shipyard**

This submission is provided in addition to our previous submission dated November 2019.

## Affected Land

This submission affects land identified as Lot 99 in Certificate of Title Volume 6061 Folio 113, Annie Watt Court, Osborne. Refer to Figure 2.



**Figure 2: Lot 99 Annie Watt Court, Osborne.**

## The Requested Amendment

A portion of the allotment (refer to red dash area) in Figure 2 is contained within the proposed Open Space Zone (currently MOSS Zone). The remaining portion of the allotment is proposed to be zoned Employment (currently zoned Industry / Policy Area 11.)

The Code has carried over an existing Development Plan anomaly.

The intent of the previous Development Plan policy writers was to ensure the whole allotment be envisaged for industrial purposes. The implication of a small portion of the land being affected by a MOSS Zone, is that most industrial forms of developments, (including car parking spaces) on the allotment are listed as non-complying development.

In our opinion, this is clearly a zone boundary anomaly caused as a result of the alignment of Mersey Road North.

We request that the zone boundary is amended to ensure the common boundary of the Employment Zone and the Open Space Zone is located at the centreline of Mersey Road North, resulting in all of Lot 99 Annie Watt Court, Osborne contained within the proposed Employment Zone

Please do not hesitate to contact me if you any any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Grazio Maiorano', with a long horizontal flourish extending to the right.

Grazio Maiorano, RPIA (Fellow)  
**Director**