

REF: South Esplanade, Glenelg

28 February 2020

Mr Michael Lennon
Chair, State Planning Commission
Department of Planning, Transport and Infrastructure
Via email: DPTI.PlanningReformSubmissions@sa.gov.au



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Dear Michael,

RE: PLANNING AND DESIGN CODE – 21-25 SOUTH ESPLANADE, GLENELG

This firm acts for 21-25 South Esplanade Pty Ltd, the registered proprietor of 21-21 South Esplanade, Glenelg ('the Land').

We are instructed to submit the following submission in respect of Phase 3 of the State's Planning and Design Code ('the Code').

The Land is comprised in Certificates of Title 5808/865, 5424/810, 5083/907, 5447/495, 5205/462, 5108/234 and 5424/809 and is in excess of 4382 square metres in area. The Land has approximately 80 metres frontage to the coast at Glenelg beach and is surrounded on the eastern and southern sides by Oldham and Pier Streets and a public path to the north granting access to persons on foot or bicycle to the coast path and beach. The image below is provided for context.

Figure 1 *Aerial image of the Land*



The Land is shown in the Code’s online mapping system as within the new Urban Neighbourhood Zone, transitioning from the current Residential High Density / Urban Glenelg Policy Area 15 (five storey precinct) in the City of Holdfast Bay.

Our client is generally supportive of the intentions of the Code to provide greater certainty and a single source of truth for development applications, however, for the reasons set out below, has concerns about the application of it to the Land.

In the first instance, there appears to be a glaring omission in the Code around maximum building heights.

The Code provides maximum building heights of 5 storeys for the Land. However, when comparing those provisions to the existing zone requirements in the Council’s Development Plan, there is no provision that replicates the allowance for a transition in building height to the 12 storey, Precinct 5 immediately adjacent to the land to the north.

The Development Plan provides at Zone PDC 20(c):

*“immediately adjacent **Precinct 5 Twelve Storey**, additional building height above 5 storeys in height is appropriate in order to achieve a transition in scale from the taller building anticipated in **Precinct 5 Twelve Storey**, down to the 5 storey scale anticipated in **Precinct 4 Five Storey**, provided buildings are designed to minimise any impacts on adjoining land within **Precinct 4 Five Storey** or adjoining residential zones.”*

As can be seen from the image of the Land above, the Land adjoins the Precinct 5 - 12 Storey Precinct area and therefore, presently envisages building heights greater than 5 storeys to allow for a transition in building heights across it. This policy is omitted from the Code.

It appears that in the “like-for-like” transition, the nuance of the existing policy in terms of building height transition has been lost with the focus of the Code policy upon the headline building height only.

The building heights for the Land should receive careful consideration, more particularly, the building heights for the Land should, as a minimum, replicate the provisions in the Development Plan that provide a transition in building height to the adjacent land to the north.

We respectfully submit the built-form on this site should instead, be regulated by the 45 degree plane measured from a height of 3 metres above natural ground level at the allotment boundary with an upper building height of 12 storeys across the entire Land.

The 45 degree plane technique effectively manages the off-site impacts to any adjoining residential uses, whilst ensuring this rare amalgamation of prime waterfront allotments is able to be developed in an orderly and economic fashion. The 12 storey height also provides a logical ‘book-end’ that is complementary to the height and scale of the Stamford Grand Hotel at the northern end of the precinct.

Given the scarcity of waterfront land, the Code represents an ideal opportunity to ensure the policies regulating development accurately reflect the significant value of this Land. The Code as it is presently drafted, wipes significant value from the Land and diminishes it as a development site. We respectfully submit that the envisaged 12 storey height be extended across the entire amalgamated land holding to reflect the strategic significance of the land and the associated urban design benefits both localised and more broader with respect to the Precinct proper.

We would be pleased to meet with DPTI staff to further discuss this submission and to work through solutions which ensure the Code enables delivery of the excellent development outcomes in the manner anticipated by the State Government.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Duncan', written over a light blue horizontal line.

Marc Duncan
Principal