28 February 2020

Mr Michael Lennon
Chairman – State Planning Commission

By email: DPTI.planningreformsubmissions@sa.gov.au

Dear Michael

**Planning and Design Code - Phase 3 Submission**

The Hickinbotham Group is a proud third generation family owned and operated business. It is the largest and longest established building and development group in South Australia and one of the largest in the nation. The Hickinbotham Group has been South Australia’s number one builder for the last 16 years and, since 1954, has:

- developed over 60 community estates;
- constructed more than 100,000 homes; and
- has invested more than $2 billion into significant developments throughout South Australia.

The Hickinbotham Group recognises the importance of an effective planning system in order to provide the well documented social and community benefits to this state as well as facilitate and guide investment in the property sector and the economic growth of South Australia.

We are therefore generally supportive of processes which seek to achieve improvements in the planning system, providing any such changes are progressive, minimise delays and inefficiency and provide certainty of outcome to all stakeholders.

To achieve the key purpose of the planning reform process, we feel it needs to respond to the needs of the urban development and housing industry by adopting best practice. In Victoria, dwellings in greenfield/master planned areas do not require a planning permit, which avoids double handling as applications are approved by a building surveyor/private certification system.

**Without such a streamlined process, South Australia’s planning system will remain uncompetitive and a continued barrier to urban development investment and growth, a key economic driver of this state.**
We have carefully examined the draft Planning and Design Code (PDC) – Phase 3 and have ‘road tested’ a number of our dwelling and land products through the draft PDC.

We want to highlight that the draft PDC does include many requirements that are beneficial to home builders. For example, the exclusion of coves in the assessment criteria for housing site coverage. The deemed approval process is excellent, and the e-portal is an efficient way forward if it is built correctly and not a drain on resources.

We also commend the idea that greenfield master planned estates will be assessed differently to infill in a more streamlined approach.

However, as experienced practitioners in the delivery of new communities in South Australia, we have found the new system, as placed on exhibition, very difficult to navigate and to understand in its full complexity.

This is somewhat alarming when the new system was intended to streamline the current system. We do not have confidence that the proposed system will deliver what is intended. We believe it is important that the new system be trialled live, ahead of full implementation, in order to ensure all procedural mechanisms are tested and any identified issues resolved.

We are supportive of the announcement from DPTI at the UDIA Draft Planning and Design Code Workshop on 19 February 2020 that the implementation of Phase 2 and Phase 3 of the Code would be delayed in order to ensure it was tested and “business ready” prior to the formal release.

Given the difficulty in understanding all policy and procedural requirements for any particular development scenario, it is nearly impossible to fully identify the ultimate practical consequences of the draft PDC.

It is in this context that that we urge DPTI and the State Planning Commission to ensure that a firm commitment be made to identify, review and resolve issues prior to implementation and an appropriate forum provided to the major users of the new system to contribute to improving the PDC post implementation to address any subsequent issues discovered.

While not stated explicitly in the current Planning legislation, one essential aspect of any planning system is the promotion of orderly economic development of the State. This supports job creation and the growth of the economy within the geographic and social parameters of the planning system.

It is essential in our view that the proposed substantial changes to the current planning system should be viewed through the lens of their impact on the ability of the economy to drive job growth and the wellbeing of the people of South Australia. One critical aspect of this is housing affordability. It has become clear in recent years that the cost of housing is significantly impacted by the cost of regulation and compliance and, while some regulatory burden is inevitable in a modern society like ours, every reform of this magnitude needs to be closely examined to ensure that it reduces the cost of that burden rather than increasing it.

As things now stand, we are not convinced that the system as drafted passes this test and this is one reason we hope that the amendments we and others in industry have suggested will be considered, not only for their intrinsic planning merit, but because they enhance housing affordability for ordinary South Australians and therefore benefit everyone.
Noting the constraints in fully reviewing every aspect of the draft PDC, we have listed a number of issues that we perceive to be of concern. For ease of reference, we have considered the draft PDC from both a land development and dwelling design perspective, these being the two primary arms of the Hickinbotham Group business.

**LAND DEVELOPMENT**

Firstly, it is important to mention that land division and housing construction are reliant on one another. Each aspect needs to be carefully considered against the other’s requirements to provide an informed understanding of the outcomes. For instance, any housing constraints may affect land division and vice versa.

Whilst the key issues outlined below expressly impact on land division under the draft PDC, we suggest dwelling design issues that have been identified may also impact land division.

In reviewing the draft PDC and considering the implications for our collective business, we observe that there are numerous policies, as outlined in the submission, which will inhibit achieving a ‘Deemed To Satisfy’ (DTS) outcome for many dwellings. In our view, dwelling approvals in greenfield/master planned areas and zones should be highly streamlined, to the extent that they should be classified as ‘Accepted’ development under the PDC.

Within the Urban Growth Zone in Victoria, dwellings do not require a planning permit and are approved via a building surveyor/certification system. In effect, the design outcomes are negotiated up front as part of the precinct structure plan, which avoids double handling with the Council and the planning authority.

Without such a streamlined process, South Australia’s planning system will remain uncompetitive and a continued barrier to urban development investment and growth, a key economic driver of this state.

We therefore urge the State Government in reviewing and finalising the draft PDC to return to the key purpose of the planning reform process and ensure the planning system is highly competitive and responds to the needs of the urban development and housing industry.

The creation of master planned communities and major residential estates covers a significant cross section of policies and procedures proposed by the draft PDC. The key issues identified and outcomes sought are outlined as follows.

1. **Proposed Zones for Key Residential Estates**

   We are concerned that the proposed zones for all of our residential estates are not consistent with other greenfield development sites and will be at a disadvantage.

   The significant majority of Hickinbotham Group estates are residential led greenfield developments, which have been designed following an extensive master plan process which includes engagement with various leading independent technical experts and relevant planning authorities. Most of our residential estates are large and range from 50 to 3,500 allotments.

   Having considered the draft PDC, and in particular the desired outcomes for each zone, we believe that the majority of our residential estates should be included in the Greenfield Suburban Neighbourhood Zone. We note that Desired Outcome 1 for the Greenfield Suburban Neighbourhood Zone states the following:
DO I
A new or expanding community with a diverse range of housing that supports a range of needs and lifestyles located within easy reach of a diversity of services, facilities and open space. Walking and cycling is encouraged and include a range of open spaces, landscaped areas and recreational facilities that make it a pleasant place to live.

This desired outcome is entirely consistent with what has been either delivered and/or is planned for our residential estates in greenfield locations.

We do not consider the General Neighbourhood, Suburban Neighbourhood and to a lesser degree the Housing Diversity Neighbourhood zones to be suitable for the greenfield location and circumstances which apply to the majority of our residential estates. The reason is the zones do not recognise the scale of these developments where a new master planned character will be established, where greater flexibility in design outcomes should be facilitated.

The consequences of these zones on the planned deliverables for our residential estates are many, including less potential for dwellings to achieve a DTS outcome, based on current dwelling designs due to:

- requirements for larger garage sizes and regulation to limit garage sizes on narrow allotments
- soft landscaping requirements impacting the allowable dwelling to be built on a site and affecting the value of properties overall
- tree planting requirements will require dwellings to be constructed to withstand any tree root affects it may have on dwellings
- private open space requirements will limit permissible dwelling outcomes afforded by the current system
- clarity surrounding setback requirements
- site coverage requirements under the current proposed zoning in the draft PDC
- clarity surrounding top of kerb requirements

At the UDIA Draft PDC workshop we were pleased that DPTI representatives acknowledged that many of the constraints mentioned above applied more particularly to infill development rather than greenfield/master planned sites. We understood from DPTI at the workshop that they intend to propose to the Commission and Minister that these requirements ought not to apply in the Greenfield Suburban Neighbourhood and Master Plan Suburban Neighbourhood zones.

**Outcome Sought:**
Greenfield Suburban Neighbourhood and Master Planned Suburban Neighbourhood zones to be exempt from dwelling design requirements discussed above.

The following table outlines our various land interests which are presently zoned for residential purposes, the current Development Plan zone, the proposed PDC zone and our requested zone. We have also appended spatial plans identifying each estate (other than Roseworthy), the proposed PDC zone and our zone outcome sought.
<table>
<thead>
<tr>
<th>Estate</th>
<th>Current Zone</th>
<th>Proposed PDC Zone</th>
<th>Requested Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Rise (Hayborough)</td>
<td>Residential Hayborough North Policy Area 15</td>
<td>Suburban Neighbourhood</td>
<td>Greenfield Suburban Neighbourhood</td>
</tr>
<tr>
<td>Seaside (Moana)</td>
<td>Residential</td>
<td>General Neighbourhood</td>
<td>Greenfield Suburban Neighbourhood</td>
</tr>
<tr>
<td>Seaford Meadows</td>
<td>Residential Seaford Meadows Policy Area 44</td>
<td>Housing Diversity Neighbourhood</td>
<td>Greenfield Suburban Neighbourhood</td>
</tr>
<tr>
<td>The Heights (Hackham)</td>
<td>Residential Coordinated Policy Area 67</td>
<td>General Neighbourhood</td>
<td>Greenfield Suburban Neighbourhood</td>
</tr>
<tr>
<td>Riverside (Allenby Gardens)</td>
<td>Residential Integrated medium density 20</td>
<td>Housing Diversity Neighbourhood</td>
<td>Housing Diversity Neighbourhood</td>
</tr>
<tr>
<td>Eden (Two Wells)</td>
<td>Suburban Neighbourhood/Rural Living</td>
<td>Housing Diversity Neighbourhood/Rural Living</td>
<td>Greenfield Suburban Neighbourhood/Rural Living</td>
</tr>
<tr>
<td>Liberty (Two Wells)</td>
<td>Suburban Neighbourhood</td>
<td>Housing Diversity Neighbourhood</td>
<td>Greenfield Suburban Neighbourhood</td>
</tr>
<tr>
<td>Roseworthy</td>
<td>Suburban Neighbourhood</td>
<td>General Neighbourhood</td>
<td>Master Plan Suburban Neighbourhood</td>
</tr>
</tbody>
</table>

In respect to Roseworthy, we have interests in multiple parcels contained within the current Neighbourhood Zone. The whole of the current Suburban Neighbourhood zone should be converted to a Master Planned Suburban Neighbourhood zone. This will better reflect the intent of the recently rezoned area (2016) and facilitate development outcomes which most effectively respond to the opportunities arising from the location and scale of the land.

2. Public Notification
The triggers for public notification are excessive and will result in potential delay in obtaining planning approvals without adding value to community engagement in the planning process. We understand community participation should be focussed at the policy formulation and zoning stage, as compared to the development application phase.

Public notification will add to overall approval costs and introduce significant delays for the notification process, including the potential need for applications to be considered at planning authority panel meetings that otherwise would not be required under the current system.

Again, this outcome is a consequence of not recognising the difference between infill development and greenfield/master planned sites.
Outcome Sought:
Significant amendment is needed for multiple zones within the draft PDC to reduce the extent of notification. The new system should not increase public notification beyond what currently exists.

3. Overlays and Referrals
Whilst the number of referral triggers in the new regulations has been reduced, the draft PDC identifies the circumstances where a referral to an agency is required. The draft PDC incorporates a large number of ‘Overlays’ with a significant spatial extent requiring an expanded number of referral triggers.

For example, the new ‘Traffic Generating Overlay’ has a significant spatial extent and includes a large number of triggers for referral to the Commissioner of Highways for a variety of different land uses of varying size and composition.

This is expected to significantly increase the actual number of agency referrals required, and the agencies now have the power to ‘direct’ the planning authority in relation to a determination on the application. This significant increase of power takes away from the planning judgement currently afforded to the relevant planning authority.

We anticipate negotiating outcomes with the relevant agencies will result in additional cost and delay, with a substantive risk of not achieving development outcomes as presently accommodated.

The above implications are inconsistent with one of the stated goals (on the SA Planning Portal website) to ‘provide South Australians with planning policy that is consistent and clear, making the planning process quicker, simpler and more equitable’.

The use of Overlays is extraordinarily complex and will make the system inaccessible and difficult to interpret for most people and indeed most professional practitioners. It adds an incredible degree of complexity and means a user cannot easily work out the planning policy applicable to a property without access to powerful IT resources.

There is a further issue with the concept and implementation with the overlay system which may not have been fully considered and that is the way it will impact on workflow for developers and builders and others in the general industry. The concept of overlays, which can change from block to block and vary from overlay to overlay, will make it very hard to incorporate this into an existing IT based automatic workflow without significant adjustment and cost.

In effect, the impact of all the various overlays will need to be assessed for each location and this is a significant job which may not fit well with existing automated systems. If this proves to be the case, significant time and expenditure will be required to validate new systems and the cost and delays will impact on housing affordability and have a broader economic impact on the growth of the State.

We are also concerned that matters relating to overlays will create referrals for both a land division and dwelling application. Where a matter is addressed at the land division stage, if it is also required to be referred at the subsequent dwelling application, there will be unnecessary duplication.
Outcome sought:
An alternative approach to that proposed would be to have many of the referrals having a Regard comment as opposed to mandatory Direction. If the planning authority did not take into account the comments made by the referral agency then the application could be sent to SCAP for concurrence. The impact of the overlay system on current automated business practices should also be assessed to determine the economic impact and viability of early implementation.

4. Retaining Walls
Retaining walls are a fundamental element of most large residential estates which delivers a coordinated, integrated approach in master planned and greenfield developments. We are concerned that, as drafted, the PDC requires approval for minor retaining walls and public notification for any other type of retaining walls.

Outcome sought:
We submit that retaining walls less than or equal to one metre should not be considered development in all zones (consistent with the current position). Further, we submit that a retaining wall less than or equal to one-and-a-half metres in height, which is not visible from public land, should be DTS, particularly in Greenfield Suburban Neighbourhood and Master Plan Suburban Neighbourhood zones.

5. Sloping Land
We understand that there are some spatial mapping issues in respect to the Sloping Land Overlay and that DPTI mentioned at the UDIA Draft PDC Workshop they intend to remove this overlay and replace with policy dealing with land that has a slope in excess of 1 in 8.

Outcome sought:
Removal of this overlay and confine policy to land which has a slope in excess of 1 in 8. Also note specific comments in relation to retaining walls. Such a policy should also include a clear and simple description as to how the gradient is to be measured/determined.

6. Land Division
Land division, particularly for smaller applications, should be processed through the DTS pathway. This does not appear to be the case based on our review of the draft PDC.

Presently, the Residential Code allows for a complying Land Division to be approved when it matches Residential Code approved dwellings. This is not possible with the draft PDC and instead, a ‘Performance Assessed’ pathway for Land Division would be required. This is a retrograde step and will reduce the extent of complying development.

Outcome sought:
A new class of complying development should be added – ‘Land Division Facilitating Approved Dwellings’ which could then be either ‘accepted development’ or DTS, allowing for an outcome consistent with that currently possible under the Residential Code.

Dwellings
As discussed earlier in this submission, we believe it is essential that one aspect of consideration is the economic outcome of these changes on housing affordability and the economy in general. It is not sufficient to see such substantial change only in a “planning” context.
Many of the new detailed requirements go well beyond what is required in a modern and sophisticated market like Adelaide and begin to specify room size, window dimensions, site coverage, rainwater tanks, waste storage and the like. While some may feel that these issues require central control by the State planning system, there is an alternative view that such matters should be left to the consumer and the market to determine.

Once the planning system gets to this level of detail, there is little left for the developer or builder to do to differentiate product in the market and little scope to offer a variety of product at a range of price points.

South Australia is a sophisticated market and purchasers will not accept or purchase a house without sufficient windows, or rooms which are of inadequate size, etc. Competition in the marketplace will ensure that an attractive product is offered to consumers at an affordable price but not if the regulatory burden is such that housing affordability is adversely impacted by the planning process itself.

Reasonable regulation is of course always appropriate, and we have endeavoured to suggest a pathway in our submission which meets the needs of consumers for affordable and liveable housing while not imposing an unreasonable and overly prescriptive regulatory regime.

1. Overlays and Referrals
Overlays which exclude the DTS assessment process is an undesirable outcome which will lengthen assessment timeframes.

As an example, currently the draft PDC will exclude dwellings from a DTS assessment pathway if they are located within the Building Near Airfields overlay. The assessment provisions for this overlay is silent on residential development yet nonetheless it would need to be performance assessed purely due to the overlay being in place.

Another example, dwellings located within any of the Hazards (Bushfire) overlays are excluded from being considered as DTS. This is, in our opinion, unnecessary where the requirements of the CFS are known and no referral to the CFS is triggered and should be assessed as DTS.

We explain above our concern that the overlays as they are currently proposed may result in duplicating assessment of matters that would have been addressed during the assessment of a land division application.

Outcome sought:
We suggest that Overlays are not listed as ‘exceptions’ when determining whether a ‘Class of Development’ can proceed as DTS development. The Overlay should be referenced within the ‘Overlay’ column of the ‘Deemed-to-Satisfy Development Classification Criteria’.

In this way if compliance with each of the DTS/DPF provisions contained within each Overlay are achieved a DTS assessment pathway can proceed.

This would ensure that the streamlined assessment process being sought is achieved and that DTS development can be equally assessed by an Independent Assessor or a Council, which is the current system under the Residential Code. This outcome is in line with the goals of the PDI Act.

We submit that any overlay assessment criteria addressed as part of the land division application ought not apply to the subsequent dwelling application.
2. Private Open Space

[General Development Policies – Design In Urban Areas - Table 1 – Outdoor Open Space]

Proposed private open space requirements are determined by the size of the site and can result in increased provision of private open space.

As an example, on 300 square metre allotments the private open space requirement has increased from the current Residential Code by an extra 36 square metres. At the UDIA Draft PDC Workshop it was pleasing to hear DPTI staff advise that a single private open space figure of 24 square metres for all allotment sizes is being considered.

Outcome sought:
A single open space figure (24 square metres) would be a more appropriate policy outcome to apply across all but the most ‘urban’ forms of development (i.e. apartments and some very small lot terrace product). We understand this issue is being considered by DPTI.

3. Soft Landscaping

[General Development Policies- Design In Urban Areas - DTS/DPF 21.1]

We understand the intent of this policy is to reduce the visual impact of hard paving to front yards in infill areas.

As proposed, the size of the area of soft landscaping is determined by the size of the site. The proposed percentage of soft landscaping is significant and will reduce the size of dwellings able to be accommodated on a site and/or require larger allotments in greenfield/master planned developments. This in turn will have a detrimental effect on existing property values and affordability for in particularly home buyers requiring larger homes.

Furthermore, soft landscaping is not a regulated form of development and we question how it is enforceable? We understood from DPTI at the UDIA Draft PDC Workshop that soft landscaping requirements are being considered for omission from greenfield/master planned developments, which we wholeheartedly support.

Outcome sought:
The policy as a whole should be removed as it currently affects the size of a house rather than addressing the concern of hard paving in front yards in infill areas.

The following zones in non-infill areas should be exempt from this issue as the concern is addressed in public realm as part of a greenfield/master planned approach:

- Greenfield Suburban Neighbourhood
- Masterplanned Suburban Neighbourhood.

4. Public Notification

[Procedural Matters in all Zones]

Our concern is the draft PDC will result in more applications requiring public notification over and above the current system.
Alarmingely, new provisions that do not currently require public notification are being proposed. For example, a single minor departure from the requirements such as wall height or articulation or site area will result in the application being publicly notified.

Furthermore, if the allotment already exists but does not achieve a minimum DTS site area, any proposed dwelling will require public notification, in effect creating inequity for some landowners for circumstances out of their control.

The increased requirement for public notification will result in additional cost and timeframes and will ultimately affect affordability.

We understand from the UDIA Draft PDC Workshop that DPTI mentioned they are reviewing the public notification tables with a view to align public notification requirements with the current system.

Outcome sought:
Significant amendment is needed within the draft PDC to reduce the extent of notification. The new system should not increase public notification beyond what current exists.

5. Garage Internal Dimensions
[General Development Policies - Design In Urban Areas - DTS/DPF 23.1]

Currently this policy requires internal garage dimensions to be greater than the Australian Standard requirements.

This design outcome will exceed Australian Standards, and will impact current dwelling designs that are popular with the market and comply with the current system. It will also impact how smaller and more affordable allotments can accommodate dwellings suited to the market’s needs.

We were pleased to hear that DPTI are considering aligning the policy with Australian Standards at the UDIA Draft PDC Workshop.

Outcome sought:
Adopt policy in accordance with the current Residential Code requirements or minimum Australian Standards.

6. Top of Kerb
[General Development Policies - Design In Urban Areas DTS/DPF 17.1]

The proposed policy states that the ground level finished floor level of a dwelling must be 300mm above the top of the kerb.

Our concern with this is that the policy unnecessarily excludes a large number of dwellings from a DTS assessment that may show an appropriate solution to dispose of stormwater.

Outcome sought:
We suggest that this policy is removed as it excludes dwellings from a DTS assessment when a suitable outcome is achieved, ie a stormwater connection point or a stormwater system designed by a suitably qualified engineer.
7. Internal Room Dimensions for Primary Street Facing Habitable Room
[General Development Policies - Design In Urban Areas DTS/DPF 14.1]

By introducing the minimum 2.7m dimension for 'a primary street facing habitable room' it will reduce garage options on affordable narrow allotments and limit choice for the homebuyer seeking a double garage outcome. Clearly the day to day needs of a home buyer should determine the size and dimensions of their front room.

Outcome sought:
That no minimum room dimension should apply for a habitable room facing a primary street and the size of the room is left to the market.

8. Two Square Metres of Glazing
[General Development Policies - Design In Urban Areas DTS/DPF 14.1]

Our concern with having a policy that enforces 'at least one window with a total window area of at least 2m² facing the primary street', is that all dwellings will look similar.

Furthermore, there may be practical reasons (for example noise management, safety or solar efficiency) which require an alternate approach to window design.

Outcome sought:
We believe that window sizing should not be dictated to the homebuyer and it should be left up to the market to decide. If window sizing is to be enforced we request it be achieved by a choice of single or multiple windows to encourage diversity.

9. Garage Width and Building on Boundaries for Narrow Allotments
[General Development Policies Design In Urban Areas DTS/DPF 18.1]

This policy determines garage widths allowed for specific site frontages.

As proposed in the PDC a garage width can be a maximum 50% of the site width. The impact of this will limit the possibility of delivering affordable housing product with double garages on narrow allotments (i.e. 10 metres wide).

It is often hard for first home buyers to achieve home ownership and as a result we developed a product with a double garage for a 10-metre wide block and this has become a best seller.

The reason this is popular in greenfield developments is that first home buyers can buy a narrow allotment and build a home with a double garage. With greenfield estates public transport often comes later when there is enough demand, so consequently the double garage is important as the buyers are heavily reliant on multiple cars.

The concern is that within the proposed draft PDC this will have a negative impact on affordable housing as this style of home will not be permitted. The risk is it will cut out an important segment of the market which has shown it demands this style of home and will prohibit first home buyers from getting their foot in the door to home ownership.

It is also the case that garage design and garage door shapes and dimensions are manufactured to standard specifications. As a consequence, a standard garage door (which is more affordable) may not translate to a percentage of the frontage width, but rather a practical outcome independent of the dimensions of an allotment.
Outcome sought:
We do not feel that garage sizing should be regulated and that the market should be given the choice. However, if this requirement is enforced, we request the maximum garage opening width requirement be increased from 50% to 60% for all sites and remove the policy for maximum garage door widths.

We also note that the additional policy for single width tandem garages should have an increased provision for the garage to be able to be established on the boundary. The draft PDC does not enable a tandem garage (10.4m internal dimension), to be established on the boundary. The length of wall on a boundary should be increased to 12 metres.

10. Tree Plantings
[General Development Policies – Design In Urban Areas PO 21.2]

The requirement to plant a tree will increase footing specifications to address potential tree root effects.

In order for the engineers to warrant house footings there will be an increased footing size which will increase the cost to the home builder and impact housing affordability.

It could also cause major legal issues between all parties involved.

Outcome sought:
Exclude requirement. As a minimum, ensure this requirement is excluded from greenfield/master plan zones as the common practice in master planned communities is to provide for considerable plantings of the public realm.

11. Rainwater and Stormwater Detention
[General Development Policies DTS/DPF 22.1]

The draft PDC increases the requirement from the current 1,000 litre tank to a minimum 2,000-5,000 litre tank (depending on lot size) will be hard to achieve on smaller allotments once private open space, tree and storage requirements are met. This will potentially increase allotment areas or reduce house sizes and at an additional cost of up to $4,300 which will impact on housing affordability.

Further, the tanks themselves are expensive and the added cost is an additional burden on home buyers again impacting on affordability.

Outcome sought:
Retain existing requirements for infill. This in our view is an over regulation issue which will simply add to the cost of houses. The Productivity Commission has provided previous commentary in relation to such matters.

For greenfield/master planned developments sufficient stormwater management provisions for the retention and detention of stormwater is provided. As such we are of the opinion that rainwater tanks should be at the discretion of the homeowner.
12. Waste Storage  
[General Development Policies DTS/DPF 24.1]

An exclusive 3 square metre area for the storage of waste bins will require an increase in private open space which will result in either increased allotment areas or reduced house sizes.

Outcome sought:
Exclude this requirement from the policy.

13. Design Features, Front Elevation  
[General Development Policies DTS/DPF 18.2]

The adoption of three minimum design features is restrictive. As there are only four options provided for single storey designs, with two based on the entry feature, there is in our opinion potential for the policy to drive repetitive street elevations.

Outcome sought:
Exclude policy and let the market decide.

14. Interpretation/Setbacks  
Throughout the draft PDC, various provisions refer to the setback of dwellings, building or garages to boundaries. Clarity is required if the setbacks for DTS is to be measured from the wall or from the eave.

Outcome sought:
Ensure consistent terminology and application. We suggest that the setback should be measured from the main wall of façade/closest wall to the boundary and should specifically exclude eaves, porches and porticos.

GENERAL

1. E-Portal
We appreciate the intention of the e-portal is to streamline the process but if it is not built correctly it will add additional administration. We currently have a system that pre-populates applications without significant user input, then the applications are then lodged. If the e-portal is not set up correctly it will cause the requirement to data enter for each application and will be a huge drain on resources as it will take considerable administration support and add cost.

CONCLUSION

In summary, we note the significance of the planning reforms and the challenges arising from integration of current Development Plan policy into the draft PDC.

We applaud the Planning Commission and DPTI for setting out to achieve a target of 80% of applications to be assessed by DTS. However, we are concerned that without significant changes to the draft PDC, this laudable objective will be difficult to reach.

We also reiterate our concern that the whole change process should be viewed through an additional objective of ensuring housing affordability and enhanced opportunities for job growth through sustained economic development in South Australia.
While this is not a core objective of the planning system under the legislation, we consider this an oversight and would urge that the Commission and the Minister take this opportunity to ensure that the new DPC does promote these objectives.

While many aspects of detail can be specified in the DPC, it does not mean that doing so is always desirable and often these matters are best left to the market if housing affordability and freedom of consumers to select their housing style of choice is to be our priority.

We would like to reinforce the importance of ensuring an efficient streamlined process is adopted for greenfield/master planned developments for compliant housing approvals.

We urge you to consider an element of the Victorian system where dwellings in greenfield/master planned areas do not require a planning permit, this avoids double handling as applications are approved by a building surveyor/private certification system.

Without such a streamlined process, South Australia’s planning system will remain uncompetitive and a continued barrier to urban development investment and growth, a key economic driver of this state.

We appreciate the opportunity to review and provide feedback in respect to the draft PDC and trust that our comments are constructive and will be taken on board ahead of introduction of Phase 3.

We would be pleased to meet with DPTI staff to further clarify these issues and potential solutions.

Yours sincerely,
Hickinbotham Group

Michael Hickinbotham
Managing Director

Enc: Spatial Mapping of Estates with Specific Zone Requests
Two Wells (Liberty)

Two Wells (Eden)
Hayborough (The Rise)

Hindmarsh Valley
Seaford Meadows

Moana
Strathalbyn

Hackham (The Heights)
28 February 2020

Mr Michael Lennon  
Chairman – State Planning Commission

By email: Dpti.planningreformsubmissions@sa.gov.au

Dear Michael 

Planning and Design Code - Phase 3 Submission – 30 North Terrace, Kent Town

The Hickinbotham Group is a proud third generation family owned and operated business. It is the largest and longest established building and development group in South Australia and one of the largest in the nation. The Hickinbotham Group has been South Australia’s Number 1 builder for the last 16 years and, since 1954, has:

- developed over 60 community estates;
- constructed more than 100,000 homes; and
- has invested more than $2 billion into significant developments throughout South Australia.

The Hickinbotham Group recognises the importance of an effective planning system in order to provide the well documented social and community benefits to this state as well as facilitate and guide investment in the property sector and the economic growth of South Australia.

We are therefore generally supportive of processes which seek to achieve improvements in the planning system, providing any such changes are progressive, minimise delays and inefficiency and provide certainty of outcome to all stakeholders.

We have carefully examined the draft Planning and Design Code (PDC) – Phase 3 as it relates to one of our key future urban development sites, located at 30 North Terrace, Kent Town.

The extent and location of the site is shown by Figure 1. It is readily apparent that the subject land is a site of particular significance given its size, location and proximity to the Parklands and CBD.
Figure 1 also shows the zoning as proposed by the draft PDC. It is evident that the draft PDC proposes the site be located within the Urban Corridor Zone, Soft Edged Landscape Sub Zone.

**Figure 1: 30 North Terrace, Kent Town**

At the outset, we note that we are very concerned that this new regime will make it even more difficult to develop important sites, such as 30 North Terrace, Kent Town, which are already a great challenge to make stack up financially.

The result will be to freeze a number of sites throughout Adelaide, which will not assist the government in its vision to unlock capital and opportunity and create a vibrant city.

The enclosed table provides a comparison between the existing and proposed zones. We have concerns that the proposed zone will result in a potentially reduced density of development as compared to the current Development Plan policies, as a consequence of:

- the introduction of the Soft Edged Landscape Sub-Zone, which we consider will result in a less ‘urban’ outcome as compared to a Hard Edge Built Form Sub Zone, with increased provision for landscaping and setbacks adjacent to the primary road frontage;
- an increased secondary street setback from having no minimum requirement to 2 metres; and
- shops with a floor area exceeding 4000sqm being a restricted development.

In terms of potential alternatives, we note the draft PDC proposes two sub-zones under the Urban Corridor (Boulevard) Zone – a Hard-Edge Built Form Sub Zone and the Soft-Edge Landscaped Sub-Zone.

Whilst the intent of such may recognize different characters for different roads or seek to improve pedestrian amenity, this approach doesn’t necessarily take into account local context or other policy constraints.
In our opinion, a soft landscaped area may be better established in that portion of a site adjoining an established, lower density residential area, in order to optimise the management of the interface.

Such an approach may then encourage proponents to collaborate with Council to upgrade footpaths (including street trees, landscaping, canopies, etc to provide a more comfortable and inviting space) within the public realm along the primary street frontage, which we understand is the intent of the soft-edge sub zone.

We therefore submit that the Soft-Edge Landscape Sub-Zone should be either:

- excluded from this portion of the Urban Corridor (Boulevard Zone), which presently has a hard edge character; and/or
- replaced with the Hard-Edge Built Form Sub Zone.

Whilst we recognise that planning policy evolves, we do not support policy which constrains urban development, and submit that optimal flexibility should be facilitated in order to support and not unduly constrain economic investment. That is vital in order to retain and generate jobs, noting the building sector has been under significant pressure in recent years.

It is extremely hard to unlock the value of sites such as 30 North Tce, Kent Town under the existing relatively permissive zoning structure. We are fearful that strategic sites such as this, and hundreds of others like it, all of which need to be developed for the benefit of our city and state, will be even harder to make stack up under the proposed zoning regime and will be frozen in time as undeveloped sites.

All of this “land capital” benefits no one, and will certainly not give effect to the Premier’s and your vision of creating a vibrant, energetic city, replete with opportunity and activity for residents and visitors.

In summary, we submit that the current building height, density and overall potential development yield, and therefore value of our property at 30 North Terrace, Kent Town, should not in any way be diminished through either the introduction of the PDC, or through any subsequent Code Amendment.

Yours sincerely,

Hickinbotham Group

Michael Hickinbotham
Managing Director

Enc: Zone Comparison, with key issues highlighted
### ZONES AND POLICY AREAS/SUBZONES

<table>
<thead>
<tr>
<th>OVERLAYS</th>
<th>DEVELOPMENT PLAN</th>
<th>PLANNING &amp; DESIGN CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Corridor / Boulevard Policy Area 14.1</td>
<td>Urban Corridor (boulevard) / soft edged landscaped</td>
<td></td>
</tr>
<tr>
<td>• Affordable Housing</td>
<td>• Design</td>
<td></td>
</tr>
<tr>
<td>• Noise &amp; Air Emissions</td>
<td>• Noise &amp; Air Emissions</td>
<td></td>
</tr>
<tr>
<td>• Strategic Transport Routes</td>
<td>• Affordable housing</td>
<td></td>
</tr>
<tr>
<td>• Airport Building Heights (exceeding 100m)</td>
<td>• Airport Building Heights (regulated) (exceeding 110m)</td>
<td></td>
</tr>
</tbody>
</table>

**Existing - Boulevard Policy Area – desired character (area B):** Provides an opportunity for development up to ten storeys, incorporating a mix of commercial or educational development and medium to high density residential accommodation. The desired built form should incorporate a series of building elements, with space around them to provide pedestrian and vehicle permeability. The mass of the upper levels of buildings should be broken up into well-articulated tower elements, in order to minimise the visual and overshadowing impacts of tall buildings.

**Proposed - Soft edged landscaped – desired outcome:** A sub-zone that accommodates a variety of compatible non-residential and residential land uses providing a transitional soft-edged landscaped frame to the main road corridor.

### DEVELOPMENT PLAN

<table>
<thead>
<tr>
<th>COMPLYING</th>
<th>NON-COMPLYING</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Change in use from residential to office on ground or first floor (subject to meeting car parking rates)</td>
<td>• Industry (other than light industry)</td>
</tr>
<tr>
<td>• Change in use from residential to shop (&lt;250sqm) on ground floor (subject to meeting car parking rates)</td>
<td>• Fuel depot</td>
</tr>
<tr>
<td></td>
<td>• Petrol filling station</td>
</tr>
<tr>
<td></td>
<td>• Public service depot</td>
</tr>
<tr>
<td></td>
<td>• Road transport terminal</td>
</tr>
<tr>
<td></td>
<td>• Service trade premises</td>
</tr>
<tr>
<td></td>
<td>• Store</td>
</tr>
<tr>
<td></td>
<td>• Transport depot</td>
</tr>
<tr>
<td></td>
<td>• Warehouse</td>
</tr>
<tr>
<td></td>
<td>• Waste reception storage treatment and disposal</td>
</tr>
</tbody>
</table>
### PLANNING AND DESIGN CODE

<table>
<thead>
<tr>
<th>DEEMED TO SATISFY</th>
<th>RESTRICTED DEVELOPMENT</th>
</tr>
</thead>
</table>
| - Change of use using an existing building (that does not require any building work) from;  
  - Office to consulting or shop  
  - Shop to office or consulting  
  - Dwelling to office or consulting  
  - Office or consulting to dwelling | - Industry (excluding light industry)  
  - Shop (excluding restaurant and shop with leasable area >4000sqm) |

### PUBLIC NOTIFICATION

<table>
<thead>
<tr>
<th>DEVELOPMENT PLAN</th>
<th>PLANNING AND DESIGN CODE</th>
</tr>
</thead>
</table>
| **Category 1**  
  - Advertisement  
  - Aged persons accommodation  
  - All forms of development ancillary and in association with residential development  
  - Consulting room  
  - Dwelling  
  - Educational establishment  
  - Office  
  - Pre-school  
  - Primary school  
  - Residential flat building  
  - Retirement village  
  - Supported accommodation  
  - Shop or group of shops with a gross leasable area of 1000sqm or less | All classes of development are excluded from notification except the following:  
  - Site of the development is adjacent land to a land in a different zone  
  - Development identified as “all other code assessed development”  
  - Development exceeding maximum building height – 36 metres and 10 storeys  
  - Development exceeding the defined building envelope  
  - Shop, office or consulting room in excess of 2000sqm of gross leasable floor area |
| **Category 2**  
  - All forms of development not listed as category 1, other than non-complying  
  - Any development listed as category 1 and located on land adjacent a residential zone that;  
    - Is 3 or more storeys in height  
    - Exceeds the building envelope provision |

### QUANTITATIVE REQUIREMENTS

<table>
<thead>
<tr>
<th>DEVELOPMENT PLAN</th>
<th>PLANNING AND DESIGN CODE</th>
</tr>
</thead>
</table>
| **REAR SETBACK**  
  - 5m where subject land abuts allotment of another zone  
  - 3m except where development abuts the wall of an existing or simultaneously constructed building on adjoining land |  
  - 5m where subject land abuts allotment of another zone  
  - 3m except where development abuts the wall of an existing or simultaneously constructed building on adjoining land |
| SIDE SETBACK                          | For allotments with a frontage width of;  
|                                        | a. 20m or less = no minimum  
|                                        | b. More than 20m = 3m  
|                                        | Buildings with no window/s or balcony/s fronting the boundary;  
|                                        | a. No minimum on the boundary, within first 18m from front boundary for any building level  
|                                        | b. No minimum for remaining length for ground level only  
|                                        | c. 2m for first level and above for building parts more than 18m from front boundary  
| SECONDARY STREET                      | No minimum  
|                                          | Not less than 2m  
| FRONT SETBACK                         | 4m  
|                                          | 3 metres including landscaping along primary street frontage (from subzone)  
| DENSITY                               | 100 dwellings per hectare (net)  
|                                          | 75 dwellings per hectare (net) – not including residential development in a mixed use building  
| BUILDING HEIGHT                       | Min. = 3 storeys or no less than 11.5m  
|                                          | Max. = 10 storeys or up to 36m  
| GROUND FLOOR – MIN FLOOR TO CEILING HEIGHT | 3.5m  
| PRIMARY FRON TAGE TO BE VISUALLY PERMEABLE, TRANSPARENT OR CLEAR GLAZED | 50%  
| PODIUM OR STREET WALL                 | Nil  
| MAXIMUM GROSS LEASABLE FLOOR AREA FOR SHOP, OFFICE OR CONSULTING | Maximum in a single building = 1000sqm  
|                                          | Not exceeding 2000sqm in a single building  

Hickinbotham Group Hickinbotham Holdings Pty Ltd (ABN 88 007 717 446), Alan Hickinbotham Pty Ltd (ABN 13 007 567 222), Hickinbotham Homes Pty Ltd (ABN 24 007 618 797), Statesman Homes Australia, Construction Services Australia Pty Ltd (ABN 99 007 641 787), Land Australia Estates, Concrete Systems Pty Ltd (ABN 16 007 663 247)