

Ref: 19ADL-0300

25 February 2020

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Dear Jason

## **Submission - Planning & Design Code Phase 3 - 136 Adelaide Road, Murray Bridge**

### **Introduction**

URPS has been engaged by Mr Steven Ayling, the owner of 136 Adelaide Road, Murray Bridge. We have been asked to review and provide a submission on the Draft Planning and Design Code Phase 3 ('the Code') as it relates to our client's site.

### **Executive summary**

In summary, we respectfully submit the following:

- We support the following elements:
  - > The change from Light Industry Zone under the Development Plan ('DP') to the Suburban Employment Zone under the Code is supported in principle. The Suburban Employment Zone is more reflective of the diverse commercial land uses and development trends in this location.
  - > The inclusion of 'bulky goods outlets' as an envisaged land use under DTS/DPF 1.1 of the Suburban Employment Zone, and that bulky goods outlets will not be a 'restricted' development in the zone.
  - > Bulky goods outlets having an unrestricted floor area under Zone DTS/DPF 1.2.
- We suggest the following changes:
  - > Create greater opportunity for development to qualify as Deemed-to-Satisfy (DTS) development in this Zone and on this site. Shops are not DTS in this zone, and the presence of broad overlays prevents any DTS development occurring on the land.
  - > Include 'warehouses' within DTS/DPF 1.1 – this omission is clearly an error.
  - > Include 'educational establishment' within DTS/DPF 1.1, or at least include it in Zone Table 3.
  - > Clarify the Zone Public Notification Table. The 'typical' notification trigger capturing Performance Assessed "development adjacent to land in a different Zone" should be avoided or modified to avoid excessive notification. Otherwise, virtually all development on this large site would require notification.

- > Amend the terminology “objectionable emissions” within PO 1.1 of the Suburban Employment Zone. We instead suggest terminology such as “unreasonable emissions” or “emissions that would detrimentally affect the amenity of the locality”.
- > Amend Suburban Employment Zone DTS/DPF 1.2 (and the Code generally) to clarify the reading of subclauses, when there is no “and” or “or” specified between subclauses.
- > Amend Suburban Employment Zone DTS/DPF 6.1 to provide increased height and size criteria for signage. The draft criteria is considered very impractical for commercial development envisaged in this zone.
- > Amend IBLU DTS/DPF 2.1 to include Sunday trading for shops, office and consulting rooms.
- > Various grammar and typographical corrections, as well as headers/footers on each page to specify the zone/section.

## Discussion

### Analysis of this site

<b>Address</b>	136 Adelaide Road, Murray Bridge (CT 6140/454). Refer Appendix A.
<b>Existing Zone (DP)</b>	Light Industry Zone of Murray Bridge  <i>Objective 1: A zone accommodating a range of light industrial, storage and warehouse land uses.</i>
<b>Proposed Zone (Code)</b>	Suburban Employment Zone  <i>Desired Outcome 1: A zone supporting a diverse range of low impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities.</i>
<b>Code Overlays</b>	Murray Darling Basin Urban Transport Route Traffic Generating Development Native Vegetation Advertising Near Signalised Intersection
<b>Code minimums</b>	1000sqm lot size and 20m frontage for detached dwellings

### Why the change to the Suburban Employment Zone is justified

Based on URPS’ recent findings in the *Rural City of Murray Bridge Land Scoping Study 2019*, over 50% of land in the DP’s Light Industry Zone is classified as retail, personal, professional and business services, retail trade, residential, horticulture or vacant. As such, the existing Light Industry Zoning is no longer reflective of the diverse commercial land uses and development trends in this location. A land use map is provided in Appendix A to demonstrate the diversity of uses in the proposed zone.

The abovementioned study also found that this Council Area contains some 180 hectares of underdeveloped industrial zoned land, whereas demand for vacant industrial land has averaged 1 hectare per annum since 1993. We conclude there is low demand for industry activities in this zone and the Council Area generally, while there is a high supply of industrial zoned land.

The proposed Suburban Employment Zone provides opportunity for more varied commercial development, in accordance with current trends, while preserving opportunity for light industry development to occur.

#### *Why bulky goods outlet are considered appropriate in this zone / on this site*

The subject land already contains a bulky goods outlet (Bunnings outlet). The existing Bunnings outlet is relatively small, where other Bunnings Outlets in Adelaide can be 2-3 times larger in floor area.

Bunnings Group is in the process of preparing a planning application for a new, larger Bunnings on the land, with a number of meetings held with Council staff in recent months. Under the current planning system, this application is required to undergo a 'non-complying assessment process' unfortunately, despite exhibiting significant planning merit.

We support the inclusion of bulky goods outlets as an envisaged use in the Suburban Employment Zone, with the following justification:

- In our view, the development of bulky goods outlets in the Suburban Employment Zone are unlikely to materially impact the hierarchy or function of 'activity centres' and 'main streets' in the Council Area in our view.
- The ERD Court has established that bulky goods outlets are unlikely to encourage pedestrian activity. As such, we do not believe it is necessary or desirable to *only* allow bulky goods outlets within activity centre or main street zones.
- Bulky goods outlets were previously envisaged in the DP's Commercial Zone (adjacent this site). As such, bulky goods outlets were previously acceptable in Murray Bridge, outside of centre zones, in any event.
- The proposed zoning under the Code will facilitate a more efficient planning assessment process for the redevelopment/improvement of the existing Bunnings outlet on our client's site.

#### *Suburban Employment Zone – Table 2 for Deemed to Satisfy Development Classification*

The Suburban Employment Zone does not provide a Deemed-to-Satisfy (DTS) pathway for shops, but does for office, consulting rooms and advertisements

The site's location within the Murray Darling Basin Overlay and Traffic Generating Development Overlay means that no development could be treated as DTS however. This is conservative.

**Suburban Employment Zone - Assessment Provisions**

We support the majority of Suburban Employment Zone provisions in principle.

We however suggest changes to the following provisions.

ZONE PROVISION	OUR COMMENT
<p>PO 1.1:</p> <p>A range of employment generating light industrial, service trade, motor repair and other compatible businesses servicing the local community that do not produce <u>objectionable emissions</u>.</p>	<p>We support this provision except for the terminology “objectionable emissions”. We consider this to be unfamiliar, undefined, ambiguous, and it is only referenced in one other location in the Code. We instead suggest terminology such as “unreasonable emissions” or “emissions that would detrimentally affect the amenity of the locality”, which is more consistent with Development Plan terminology.</p>
<p>DTS/DPF 1.1.</p> <p>Development comprises one or more of the following land uses:</p> <p>Bulky goods outlet            Consulting room            Indoor recreation facility            Light industry            Office            Research facility            Service trade premises            Shop            Store            Training facility            Tourist accommodation            Retail fuel outlet            Place of worship            Motor repair station.</p>	<p>We generally support the breadth of land uses listed, however the omission of ‘warehouse’ appears to be a clear error because warehouse development:</p> <ul style="list-style-type: none"> <li>• aligns with PO 1.1;</li> <li>• is within Table 3’s listed Performance Assessed development;</li> <li>• is not restricted development;</li> <li>• is generally grouped/compatible with other uses which are envisaged in the zone such as light industry, store, service trade premises, motor repair station etc; and</li> <li>• is envisaged under the Murray Bridge Development Plan in the Commercial, Urban Employment and Light Industry Zones.</li> </ul> <p>In addition, our client queries whether there is scope to include educational establishment within DTS/DPF 1.1, or at least include it within Zone Table 3). This would potentially facilitate the adjoining Tyndale Christian School (teaching R-12) to expand east using our client’s site.</p>

<p>DTS/DPF 1.2:</p> <p>Shop:</p> <ul style="list-style-type: none"> <li>a. with a gross leasable floor area up to 500m<sup>2</sup>;</li> <li>b. in the form of a bulky goods outlet; or</li> <li>c. ancillary to and located on the same allotment as a light industry.</li> </ul>	<p>We support this provision provided clause (b) is read independently of clauses (a) and (c). In our view, bulky goods outlets should not be limited to a floor area of only 500m<sup>2</sup>.</p> <p>To remove all doubt, we suggest that the Code’s ‘Rules of Interpretation’ be updated to clarify how subclauses are to be read when there is no “and” or “or” specified between subclauses. We suggest that a consistent approach be applied throughout all 3 volumes of the Code.</p>
<p>DTS/DPF 6.1</p> <p>Freestanding advertisements:</p> <ul style="list-style-type: none"> <li>a. do not exceed 4m in height above natural ground level; and</li> <li>b. do not have a face that exceeds 3m<sup>2</sup>.</li> </ul>	<p>In the context of a Suburban Employment Zone, where commercial uses predominate often on large sites offset from residential areas, we are of the view that the specified advertisement parameters of 4m high and 3m<sup>2</sup> are far too small and impractical. For example, our client typically uses 12m high pylon signs with faces in the order of 28m<sup>2</sup>.</p> <p>For signage which exceeds the DTS/DPF, while we understand the authority should consider such signage against the related qualitative performance outcome, our concern is that the DTS/DPF sets an undesirably low reference point.</p>
<p>Various Zone Provisions</p>	<p>Grammar and typographic corrections are required to various provisions.</p> <p>Headers on the top of each page, listing the relevant Zone, would also be beneficial throughout the Code.</p>

**Suburban Employment Zone – Public notification table**

The public notification table for the zone appears incomplete with clause (a) empty. If the intent is for all Performance Assessed development to be exempt from notification, the table should be worded accordingly.

We note that in the notification tables for other zones, Performance Assessed development often must undergo notification where “the site of the development is adjacent to land in a different Zone”. Generally, this is an onerous approach, particularly where differing zones are not sensitive to one another. We ask that this trigger remains omitted from the subject zone’s table. If the intent was to include this trigger, we urge that appropriate exclusions to the trigger should be considered to avoid excessive notification (eg taking into account separation distances from dwellings or whether surrounding land uses are residential).

### General Development Policies (GDPs)

We have not undertaken an exhaustive review of all GDPs that would apply to a redevelopment of our client's site. Important matters are identified below.

GENERAL DEVELOPMENT POLICIES - PROVISION	OUR COMMENT
Interface between Land Uses DTS/DPF 2.1:  Consulting room, office and shop hours of operation are limited to 7am – 9pm Monday to Friday and 8am – 5pm Saturday inclusive.	We suggest that Sunday trading should be included within this provision. To omit Sunday trading is clearly restrictive and not in line with community expectations, particularly for shops.

### Conclusion

Thank you for considering our submission. Please contact the undersigned with any questions on [REDACTED]

Yours sincerely



Joshua Skinner RPIA  
**Associate**

## APPENDIX A - MAPS

### SUBJECT LAND



### LAND USE MAP

