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Dear Jason

Draft Planning and Design Code – Phase 2 Submission on Behalf of Catholic Education South Australia and the Association of Independent Schools in South Australia

Introduction

URPS has been engaged by Catholic Education South Australia (CESA) and the Association of Independent Schools in South Australia (AISSA) to review and advise in respect of the draft Planning and Design Code (the Draft Code).

CESA oversees more than 103 Catholic schools and AISSA represents 104 independent schools across South Australia. These include pre-schools, primary and secondary schools in regional South Australia and Metropolitan Adelaide. Together, CESA and AISSA schools provide educational services to 95,000 children across the State each year, employ 11,000 staff and engage with approximately 300,000 family members.

My clients are concerned that the consultation process does not allow sufficient time for feedback to be considered and changes made to the draft Code before it is activated. Specifically, submissions for Phase 3 close 28 February 2020 and Phase 2 is programmed to go live April 2020. Some issues raised in submissions for Phase 3 may be equally relevant to Phase 2, and yet the planning process does not allow time for changes to be made after the close of Phase 3 submissions and the activation of Phase 2. The planning framework is effectively being locked in well before all feedback has been received. If the intent is to provide the best possible framework for planning and design in this State, then sufficient time should be allowed for all feedback to be genuinely considered and acted upon before any phase is activated.

While CESA and AISSA are generally supportive of the direction within the draft Code and wish to provide feedback to the Department on:

1. Planning tests/guidelines generally
2. Public notification
3. The relevant authority
4. Appeal rights, and
5. Zone boundaries.

Approach to Submission

Given CESA and AISSA schools' substantial landholdings across the State, we have been asked to review a select number of School sites and consider the nature of existing zoning and the proposed zoning under the Draft Code. We have selected schools in 6 different regional towns, including one school with three campuses in Whyalla. These are summarised below:

Table 1 Existing and Proposed Zoning for Selected Schools

	Existing Zone	Proposed Zone	Critical Overlays
Caritas College, Port Augusta R-12, Coeducational	Residential Zone	Suburban Neighbourhood Zone	
Our Lady of the River School, Berri R-7, Coeducational	Residential Zone	Housing Diversity Neighbourhood Zone	
Samaritan College Whyalla, Saint Teresa's Campus R-6, Coeducational	Residential Character Zone	Suburban Neighbourhood Zone	Character Area Overlay
Samaritan College Whyalla, Saint John's Campus 7-12, Coeducational	Residential Zone	General Neighbourhood Zone	
Samaritan College Whyalla, Our Lady Help of Christians Campus 7-12, Coeducational	Residential Zone	General Neighbourhood Zone	
St Anthony's Primary, Millicent R-7, Coeducational	Residential Zone	General Neighbourhood Zone	
St Josephs School, Clare R-7, Coeducational	Recreation Zone	Recreation Zone	
St Mark's, Port Pirie R-12, Coeducational	Community Zone	Community Facilities Zone	

Planning Tests/Guidelines

It is understood that the transition from individual Council Development Plans to the State-wide Planning and Design Code is intended to be “policy neutral”. This means that the merits of an application when assessed under the current system would largely be retained under the Code.

Based on our preliminary review of the Draft Code and the relevant zone provisions, CESA and AISSA generally support the policy neutral approach of the transition but provide commentary and observations on the following:

- land use
- built form/character
- car parking, and
- interface provisions.

Land Use

Schools (educational establishments) and pre-schools are envisaged land uses in DTS/DPF 1.1 in the following Zones:

- General Neighbourhood Zone
- Suburban Neighbourhood Zone
- Housing Diversity Neighbourhood Zone
- Community Facilities Zone, and
- Greenfield Suburban Neighbourhood Zone.

Schools are also envisaged in the following Zones:

- Suburban Activity Zone
- Suburban Main Street Zone
- Township Main Street Zone
- Township Activity Centre Zone, and
- Urban Activity Centre Zone.

Schools (educational establishments) and pre-schools are not envisaged lands uses in DTS/DPF 1.1 in the Recreation Zone.

While educational establishments are an envisaged kind of development in the Neighbourhood Zones and the Community Facilities Zone, they are not listed in their respective Table 3 with applicable policies. Educational establishments are listed in Table 3 within the Activity Centre Zones. Pre-schools and other non-residential land uses such as shops, offices and consulting are all listed in Table 3 with applicable policies.

In our view, all envisaged land uses in a Zone should be listed in Table 3 and the applicable policies. This will provide clarity and certainty for development applications for land uses that are expected within the Zone. It is clear that schools are appropriate in neighbourhood, community and recreation zones given they already exist principally within these areas.

We recommend that educational establishments be included within Table 3 in all Zones where they are an envisaged kind of development.

Built form/character

The respective zones generally provide some guidance on building setbacks, site coverage and building height. These provisions refer to “buildings” and not just dwellings. Therefore, the provisions would be applicable to school development. These are generally supported and it is appreciated that the Performance Outcome provisions provide flexibility where necessary.

In some cases, CESA and AISSA have schools that will be located in Character Area Overlays and/or Historic Area Overlays. While the intent of these overlays is supported, CESA and AISSA have concerns that these overlays can unreasonably restrict envisaged and expected school development. While the Character Area Overlay does not have provisions that relate to demolition, the Historic Area Overlay provisions do. Those provisions in the Historic Area Overlay only permit demolition where replacement buildings are proposed.

Schools are unique in that they have requirements for open space and there may be future applications where demolition is proposed and no replacement building is proposed. This is an issue that CESA is currently dealing with in a metropolitan Council.

Car Parking

CESA and AISSA have engaged MFY to review the Code’s approach to car parking for school development. A copy of this advice is enclosed with this submission.

MFY considers that:

- the draft Code does not adequately identify the very short peak parking demands associated with the pick-up/drop-off of students
- the areas for safe pick-up/drop-off of students is not necessarily best achieved on a school site
- the parking demand needs to consider a number of elements and not just the number of staff and students; these elements include, separation of students/vehicles, balanced use of the site, safety of students and the functional planning of school sites particularly where those sites are constrained
- the parking rates specified in the Code will be a significant impediment for development, particularly where school sites are constrained
- the Code should enable for a balanced assessment of the needs of individual sites and the potential impact on surrounding land uses and appropriate clauses could be included within the Code to this effect
- there are concerns with the nature of the proposed parking rates within Code and that those rates are not sufficiently well founded and exceed the surveyed demands for high schools
- the holistic advice of Aurecon’s *Parking Spaces for Urban Places* report has not been incorporated into the Code and this will could lead to an over-provision of parking on site and will mean that the highest and best use of a site would not be realised
- the Code parking demands will potentially conflict with existing Department of Education which prescribes that no parking for students would be provided on educational land, and
- parking provision for schools should be limited to staff and visitor requirements with a functional traffic management solution for a school; this can be provided through policy without relying on overly conservative parking rates.

The observations and concerns of MFY are supported by URPS, CESA and AISSA.

Interface

Interface provisions relevant to school development are typically located in the General Development Policies. They relate to hours of operation, overshadowing, noise and light spill.

The overshadowing and light spill provisions are generally the same under the current Development Plans and South Australian Planning Policy Library provisions. These provisions are supported and generally do not conflict with the design and operation of schools.

Noise impacts are something that are regularly considered with school development. This relates principally to noise of children playing and general school activity. This kind of noise is not covered under the *Environment Protection (Noise) Policy 2007*, but this is not well known or appreciated by Council planning staff or neighbours. Schools are required to take reasonable and practical measures to reduce the impact of noise under the *Environment Protection Act 1999*. Code provisions should reflect that schools have peak noise periods and this should be expected even in neighbourhood type zones and other zones where schools are envisaged.

It has also been our experience that various local Councils have asked for justification that proposed school development is of a scale that serves a local community on the basis that planning policy refers to schools being local level in scale. There are many other measures applicable to the assessment of a school development proposal that seek to manage externalities such as traffic and parking, scale of built-form etc. It is the satisfactory management of these externalities which is most relevant and not the more arbitrary consideration of whether a school is “local” in scale. It is CESA’s and AISSA’s experience that even very small schools attract students who reside large distances from the school. The relationship between the size of a school, the scale of a development and the extent to which a school is considered “local” is at best tenuous.

Public Notification

Public notification in the Neighbourhood Zones, Recreation Zone and the Community Facilities Zone is typically required where:

- The site of the development is adjacent land in a different Zone, and
- Development is identified as “all other assessed development” in each Zone’s Table 3.

It is also required in the Neighbourhood Zones where it involves land division or exceeds the building height guideline.

It is appreciated that development that adjoins land in a different zone is subject to public notification. This is the case for all development unless the development application is considered minor in nature and would not unreasonably impact nearby land (in accordance with Practice Direction 3).

As outlined in the preceding section, it is considered that educational establishments should be listed in Table 3 of each zone where they are envisaged. This would mean that the development would not be listed as “all other code assessed development” and avoid the need for public notification in that case. This approach would provide further clarity and certainty for school development that is reasonable and expected in a zone.

Appeal rights

Educational establishments will be assessed as performance assessed development under the Code. This provides opportunities for appeal rights for applicants. This is supported. Likewise, that there are no appeal rights for third parties is also supported.

The Relevant Authority

The planning system has some inequities in respect of the assessment of school developments. Government school developments are assessed by the State Commission Assessment Panel through the Crown development assessment pathway. Local councils have little influence in the decision-making process for public school development and the tests for public notification are very different in comparison to the more typical assessment pathway.

Government schools are also treated differently in respect of car parking requirements given State Government policy that pick-up and drop-off, as well as parent/guardian parking, is not to take place on school land. Non-government schools are required by Councils to provide considerably more car parking spaces and to accommodate student pick-up and drop-off on the site.

It is considered that the above inequities significantly disadvantage non-government school development applications and in some circumstances the viability of those schools. The inequities are even more prevalent and will be more problematic with the removal of the State Significant Development pathway where the State Commission Assessment Panel is appointed as the relevant authority. This assessment pathway has proven beneficial for a number of significant non-government school investments that have also led to great urban design and public realm outcomes.

Zone Boundaries

One of the biggest concerns that is a regular planning hurdle relates to the expansion of existing school sites through the acquisition of adjacent land.

Non-government schools are often growing and need additional land to deliver new buildings, recreation areas and car parking to meet demand. These matters are often subject to Category 3 public notification as it involves the change of use of land to an educational establishment.

Planning issues associated with the expansion of school zones are well known and able to be addressed. They largely relate to the interface with residential development where those dwellings were previously buffered by existing development. Nevertheless, these concerns are raised during public notification processes and the issues raised are able to be addressed.

Schools that are located wholly within one zone and surrounded by another zone are affected when it comes to expansion. This is because it appears that a school is either:

- expanding where it shouldn't, or
- increasing to a scale where it no longer serves a local community.

In the first case, some schools have zoning that is limited to their site boundaries (eg. at Clare where the school is in a Recreation Zone). Norwood, Payneham and St Peters Council has recently placed schools in the Community Zone where they are surrounded by other zones, including residential zones. Through the Development Plan Amendment Process, NPSP Council has removed schools from being an envisaged kind

of development in residential zones. This has effectively constrained schools such that it is difficult for them to grow outside of their current boundaries. This is severely detrimental to the future of many non-government schools that are facing increased demand for services. Further, it is unclear how non-government schools in this circumstance could satisfy the increased car parking requirements provided for in the draft Code.

Given the nature of the proposed Neighbourhood and Activity Zones it is clear that schools are an envisaged and expected land use and we consider that the schools are generally better placed in those zones than the Recreation or Community Facilities Zone.

Recommendations and Conclusion

The following recommendations are made on behalf of CESA and AISSA and their approximately 207 schools in relation to finalisation of Draft Code:

1. Schools/educational establishments anticipated in a Zone should be listed in Table 3 of that Zone and the applicable policies i.e. including the Neighbourhood, Community and Recreation Zones. This would also reduce the amount of public notification associated with appropriate school development.
2. Notwithstanding the above, Schools/educational establishments should be placed in Neighbourhood and Activity Zones that extend over adjacent land to provide some opportunity for expansion over time without onerous development assessment processes, rather than sitting in Recreation or Community Facilities Zone that constrain future potential growth.
3. Open space/recreation areas associated with schools/educational establishments should be identified as appropriate where demolition may occur within the Historic Area Overlay, given the significance of the land use in most neighbourhoods and the legitimate need for associated open space.
4. Code provisions should reflect that schools/educational establishments have peak noise periods and this should be expected in all Zones where schools are envisaged.
5. Any policy limiting the scale of a school/educational establishment to a "local level" should be removed.
6. Appeal rights for proponents of school/educational establishment development and no appeal rights for objectors to such development is supported.
7. The preservation/creation of a mechanism for SCAP to be the assessing authority for substantial school/educational establishment development is requested to provide independence in the assessment process and parity with government schools.

Thank you for the opportunity to provide this submission.

Please call me if you have any questions on [REDACTED].

Yours sincerely



Simon Channon
Senior Associate

Enc

MLM/19-0265

27 November 2019

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Dear Simon,

DRAFT PLANNING AND DESIGN CODE PHASE 2 – REVIEW OF PLANNING RATES

I refer to your request to provide a review of the proposed parking requirements identified in the draft Code. Specifically, you have sought my view as to whether the rates identified for schools would provide for an appropriate and reasonable provision for future school developments.

As requested, I have completed an assessment of the draft Code as it relates to parking and, in particular, have undertaken a detailed assessment of the parking provision identified in Table 1 – General Off-Street Car Parking Requirements.

The Relevant parking rates for schools is listed in the Community and Civic Uses section of Table 1, which list the following:

Childcare Centres:	0.25 spaces per child
Pre-school:	1 per employee plus 0.25 per child (drop off/pick up bays)
Educational Establishment:	For a primary school – 1.1 space per full time equivalent employee plus 0.25 spaces per student. For a secondary school – 1.12 per full time equivalent employee plus 0.16 spaces per student. For tertiary institution – 0.8 per student based on the maximum number of students on the site at any time.

The rates identified for a childcare centre identified in Table 1 are consistent with comparable rates that have been adopted for such facilities for many years. They are also consistent with the demand



identified at childcare centres for which the operation and actual demand has been assessed by MFY. Accordingly, I would suggest that this rate is appropriate.

The parking demand rate for a pre-school will be dependent on whether the pre-school is independent or located within a school. The parking demand rate of 0.25 spaces/student could be impacted (reduced) when a pre-school is co-located with a school as a result of shared trips with siblings.

In regard to schools, the parking environment for these establishments is unique in that a peak demand occurs for a very short period prior to the commencement and at the completion of the school day. During the remainder of the day, the parking associated with a school is limited to staff and a small number of infrequent visitors.

It is important to provide for safe pick-up and set-down of students at a school. However, this is not necessarily best achieved on the school site. The assessment for the parking demand associated with pick-up/set-down and parking demand for a school needs to consider a number of elements:

- the number of spaces needed;
- separation of students and vehicles;
- balanced use of a site so that large areas are not utilised for parking for short periods;
- safety of students during school periods as well as pick-up/set-down periods; and
- functional planning of school sites, particularly where existing sites are constrained.

The requirement to provide for all pick-up/set-down on-site for a school development will result in a significant impediment for development, particularly where sites are constrained. This would not only result in an inefficient use of a site where the primary purpose is the education of children but would result in considerable expense for an area which would only be required for short term periods.

While there may be opportunities to develop pick-up/set-down areas on larger greenfield sites, it would equally not be orderly or economic development to sterilise a large portion of land on a school site for the peak parking period.

Surveys completed at existing schools have reinforced that this peak occurs for a very short period, as illustrated in Figure 1.

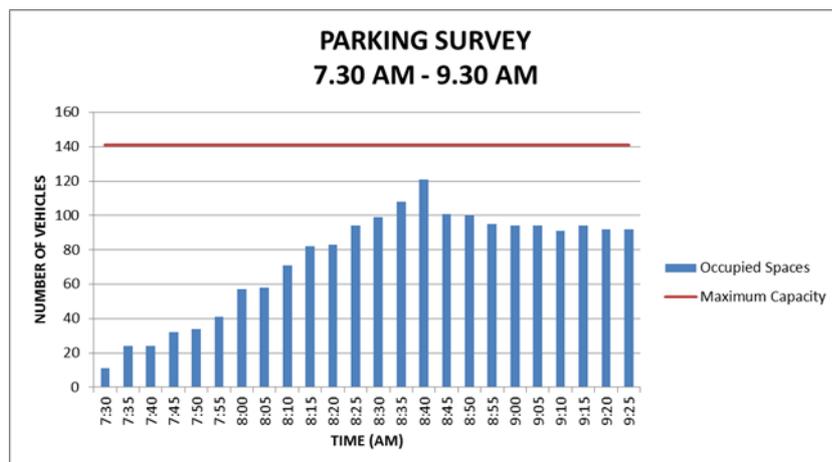


Figure 1: Example of the short peak additional parking demand associated with the set-down period

The above graph, which is a typical example a pick-up/set-down regime at a school, identifies that the peak demand occurs for approximately ten minutes in the am and pm peak school periods. Based on a seven hour school day, the time that the parking would be used is less than 5% of the time students attend school. It would, therefore, be a disproportionate emphasis on parking to apply to a pick-up/set-down area if it could only be used for this short period, particularly when comparing educational or outdoor play facilities.

The need for short term on-site parking should be a balanced consideration which takes into account availability on-site and on-street and potential compromise to other school facilities. In this regard, it is too prescriptive to identify required on-site parking numbers for students in Table 1 of the draft Code. This requirement should be satisfied by a balanced assessment of the need for individual sites and the potential impact on surrounding land uses. Appropriate clauses could be included to effect this assessment criteria for school development.

Notwithstanding the above, the rates identified would appear to be based on the recommendations identified in the Parking Spaces for Urban Places report prepared by Aurecon for the City of Port Adelaide Enfield. A review of the assessment prepared by Aurecon identified the following:

- there was only one set of data available to inform the pick-up/set-down rate for a primary school, which was a school in a small town in New Zealand;
- the first principles calculation utilised by Aurecon assumed one child per car, which is anticipated to be an underestimate for the majority of schools;
- no data were available on which to base the pick-up/set-down requirements for a secondary school; and
- the nominated rate for a secondary school has been based on a rate specified by the City of Port Adelaide Enfield but no supplementary evidence has been included to confirm the accuracy of this rate.

MFY has collected data at numerous schools to inform the parking demand for many existing schools. The rate identified for a Primary School is comparable with the results of the data collected

by MFY. In respect to Secondary Schools, however, the rate is higher than that realised during the peak traffic periods. Table 1 identifies the results of the survey.

Table 1: Parking Demand for Schools

School	Pick-Up/Set-Down Rate Secondary School
St Paul's College	0.05 spaces per student
St Peter's Girls School	0.08 spaces per student
Unity College Murray Bridge	0.1 spaces per student

The above results confirm that the actual rates realised at existing schools are lower than those identified in the draft Code.

In addition to the above, it is relevant to note that while the rates in the Aurecon report would appear to have been inserted into Table 1 of the Draft Code in relation to school requirements, the recommendations included in the report as to how parking should be provide have not been considered. As an example, the technical bulletin prepared to supplement the Aurecon report identified the following information in respect to the school assessment.

There is scope to apply discount to Primary schools, particularly for staff and children aged 10 and over (35% of all children)

- *The calculated demand for the short stay drop-off / pick up bay would be very difficult to accommodate, even if on-street parking could be utilised to accommodate part of or the entire drop-off / pick-up bay. To reduce the impact on local streets of the drop-off / pick-up, individual school years could be allocated a street within a 400m radius of the school as a dedicated drop-off / pick-up zone, with younger years located closest to the school and older years the furthest. Staggered start and finish times would also reduce the intensity of the peak periods. Consultation with residents could champion the benefits to the whole community of sharing the responsibility of being located near a school.*
- *Depending on street characteristics, on-street parking could be utilised as part of an area wide traffic management plan to accommodate part of or the entire drop-off / pick-up bay.*
- *Recommended rate range based on SA Bulletin rate, with allowance for use of alternative transport modes:*
 - *Provide parking rate of 0.8 to 1.1 spaces per employee PLUS*
 - *Drop-off / pick-up rate range of 0.2 to 0.25 spaces per student OR*
 - *Area wide traffic management plan to accommodate drop-off / pick-up demand of 0.25 spaces per child.*

In relation to Secondary Schools, the technical bulletin provided the following advice:

Similar to Primary Schools, but to a lesser extent, the calculated demand for the short stay dropoff / pick up bay would be very difficult to accommodate, even if on-street parking could be utilised

to accommodate part of or the entire drop-off / pick-up bay. To reduce the impact on local streets of the drop-off / pick-up, individual school years could be allocated a street within a 400m radius of the school as a dedicated drop-off / pick-up zone, with younger years located closest to the school and older years the furthest. Staggered start and finish times would also reduce the intensity of the peak periods. Consultation with residents could champion the benefits to the whole community of sharing the responsibility of being located near a school.

- *Depending on street characteristics, on-street parking could be utilised as part of an area wide traffic management plan to accommodate part of or the entire drop-off / pick-up bay.*
- *Recommended rate range based on SA Bulletin rate, with allowance for use of alternative transport modes:*
 - *Provide parking rate of 0.8 to 1.1 spaces per employee PLUS*
 - *Drop-off / pick-up rate range of 0.12 to 0.16 spaces per student OR*
 - *Area wide traffic management plan to accommodate drop-off / pick-up demand of 0.16 spaces per child.*

Clearly the requirements for pick-up/set-down parking at a school included in the draft Code have not considered the holistic advice of this assessment nor the reality in respect to the best outcome of a school site in respect to safety or the best use of the land. The use of selective information from the Aurecon study will mean that the highest and best use for the land would potentially not be realised.

In addition to the above issue, there is a potential conflict between existing Development for Education policy which prescribes no parking for students on educational land and the draft provision in the Code. While the need for a safe and orderly solution will be required to develop an appropriate outcome for pick-up/set-down, there will be solutions that can be developed to achieve this outcome while not conflicting with this policy. This would be consistent with the advice in the Aurecon assessment. Reconciliation of contradictory policy requirements will be potentially problematic and the ability to allow for a good design outcome without prescribing a solution is desirable.

The parking provision for schools in Table 1 should be limited to staff and visitor requirements to maintain for sound planning for school sites to be achieved with balanced facilities to provide for the needs of the school. The desirability to develop a sound functional traffic management solution for a school (be it on-site, on-street or both) can be incorporated onto the policy requirements without prescribing parking rates. Should a parking rate be prescribed, it should accurately reflect the anticipated demand rather than be overly conservative, particularly when there is little to no technical issues for the rate prescribed.

Additionally, Table 1 also includes the following criteria.

“where a development comprises more than one development type, then the overall car parking demand rate will be taken to be the sum of the car parking rates for each development type”



The assessment of a peak parking demand for a mixed-use development as being the sum of individual components is antiquated and will lead to an over provision of parking for a development. It would not be progressive planning to introduce outdated philosophies in respect to high parking provision rather than actively encourage alternative and more sustainable transport modes so that an appropriate level of parking can be realised which will be used to capacity regularly.

In this regard, PO 5.1 and DTS/DPF 5.1 are contradictory and this should be better clarified in the Code.

There is an increasing need to design viable developments so that they satisfy all criteria but do not result in excessive over provision of infrastructure which will not be utilised. This will not only sterilise land but will increase parking requirements and environmental impacts.

In relation to parking, sensible and orderly development will provide for shared parking between complimentary land uses. In the case of schools, shared community facilities (such as gymnasiums/performance spaces for example) will be able to use parking occupied during pick-up/set-down periods. This is sound planning and will support the highest and best use of the land through sensible design but would not be supported by the Code without resolution of this contradiction.

In summary, there are a number of matters that require further consideration in respect to the parking requirements for developments. In specific reference to schools, the rates identified for Secondary Schools and the lack of flexibility in respect to enabling a balanced parking solution with short term requirements on-street will substantially impact the development potential for school sites.

Yours sincerely,
MFY PTY LTD

A handwritten signature in black ink, appearing to read 'Melissa Mellen'.

MELISSA MELLEN
Director



2010 NATIONAL WINNER
2010 TELSTRA SOUTH AUSTRALIAN
BUSINESS WOMAN OF THE YEAR