Thank you with providing Council the opportunity to provide our feedback regarding the draft Planning and Design Code that was released for public consultation on 1 October 2019. Council acknowledges the enormity of the project to combine all Development Plans into one state wide document. Council is appreciative of the announcement on 7 February 2020 that the introduction of the Planning and Design Code will be delayed until later in the year so that the omissions and errors in both the Planning and Design Code and e-planning system can be corrected prior its introduction.

In regards to the consultation period Council raises concerns with both the amount time provided and the manner in which the draft Planning and Design Code was released. Phase 2 councils were given inadequate time in which to provide meaningful feedback on the Code. This was further compounded by the large amount of errors and omissions in the draft Code that was far from being a clear and complete document. Those errors and omissions were not rectified during the consultation process for Phase 2 councils and therefore did not provide a consultation process that was fit for purpose.

The errors and omissions have been left unresolved for the 5 month consultation process, which has restricted the amount of meaningful consultation with Phase 2 and 3 councils. Council appreciates the enormity of the task of combining all Council’s Development Plan into one document, however the draft version of the code that was released for consultation fell well short of the standard that this document should have been presented in. The document has clearly not been edited and there was no consistency in either formatting or use of terminology between different zones that further prevented a clearly understanding of the policies. In general, to describe the overall presentation of the Planning and Design Code as poor, is an understatement and not reflective of the time and resources that should have been dedicated to this document that is the centre piece of the whole planning reforms.

In general, the Code does not streamline development, has clearly not been tested prior to release to understand the full implications of the proposed policies, and in many instances references incorrect policies.
The issue of heritage has been well documented over the past six months with heritage contributory items not transferring into the Planning and Design Code. Council is disappointed that Heritage Contributory Items will not transition when they currently sit in Council’s Development Plan. The City of Holdfast is undertaking a local heritage transition Development Plan Amendment in response to this, but Council’s preference would be that they retain their heritage contributory status afforded to them in the current Development Plan.

Councils across the State have in the past spent significant time and resources in consultation with their communities developing policy to suit their local needs. Whilst we support a common approach and the opportunity to streamline assessment, the Code presents a one size fits all approach that results in significant policy gaps, loss of local content and zones that do not reflect the current or future direction of certain areas. Many of the Zones have been significantly altered without documentation to provide reasoning supporting these changes that would normally be required under a Development Plan Amendment process.

Recommendations

Given the above comments, the City of Holdfast Bay has the following recommendations to make to the consultation process. DPTI should:

1) Introduce the Planning Design Code for all of South Australia’s 68 Councils on the same date and not proceed with the phased approach to implementation of the Planning and Design Code;

2) Not introduce the draft Planning and Design Code until the State Planning Commission has engaged with councils to address the errors, omissions and inconsistencies identified during the current consultation process;

3) Undertake a comprehensive review of the cumulative impacts of infill development in South Australia to inform evidence-based decision making about the capacity of identified infill areas to sustain further growth and development; and

4) Ensure that all existing Conservation Zones and Heritage Contributory Items transition into the first generation of the Planning and Design Code.

The City of Holdfast Bay has the following comments and concerns in relation to the Planning and Design Code, as well as the associated online mapping system. Some of the comments are repeated throughout the document as the same comments relate to multiple Zones, and so for clarity those comments are repeated where relevant. The comments have been listed under their relevant sections relating to the zones or overlays in the Planning and Design. Comments have been written in bold and italics to highlight their importance. Council has chosen to submit our response this way as the template provided by the Department was not easy to use given the small boxes provided for each section.
Justification for Zane Amendments

The planning reforms was previously touted as being a chance for generational change to the planning system to update and modernism the planning system in accordance with future requirements. Normally with a Development Plan Amendment significant research is required in order to change development plans, as to be able to understand the impacts the changes will have on the locality. The Planning and Design Code presents significant change to many zones with no demonstrated research on what impact the changes will introduce. The extensive changes to the residential areas will significantly increase densities, but no justification has been provided as to the potential impact on infrastructure and residential amenity. Similarly, significant changes are proposed to centre zones and the Light Industry Zone with no justification these will have on the local areas within the City of Holdfast Bay.

Council requests that DPTI provide an analysis of how the proposed zone changes will impact on the City of Holdfast Bay.

Missing Assessment Criteria

Council is concerned about the significant amount of assessment criteria that is missing from the performance assessment tables for the Neighbourhood Zones. Council has not completed a full assessment of other zones in the Planning and Design Code that are not relevant to the City of Holdfast Bay. Small residential type development such as swimming pools, sheds and verandahs are listed in the accepted development and deemed to satisfy table, but do not appear in the performance assessed table. This will result in relatively simple applications such as sheds and verandahs being classified as 'all other development' and therefore requiring notification. The Code was intended to provide certainty to applicants by having a clear designated assessment pathway. Whilst common sense would dictate what policies a development would be assessed against, it fails to deliver what was hoped for in the Planning and Design Code.

Council recommends that the DPTI review all procedural tables to ensure that all common forms of development, especially those listed in the Accepted Development, and Deemed to Satisfy tables have a listed performance assessment pathway.

Naming Convention

Council is concerned about the naming conventions for Zones under the Planning and Design Code. The current Development Plans clearly label Zones for residential purpose with variations to allow for character and higher density zones. This also extends to Centre Zones, Light Industry Zones and Mixed Used Zones where a clear understanding of those terms has been developed. Developers are also keen for descriptive terms which clearly define the intended character of an area. The new
Zones move away from the current process and does not allow for a clear understanding of what the preferred uses are.

The broad use of the terms ‘suburban’ and ‘neighbourhood’ diminishes the meaning of these terms resulting in a very broad and confusing meaning, of what was previously understood system.

*Council recommends reverting to the existing naming convention to provide a smoother transition to the Code.*

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**Centres Zone**

The current Development Plan provides a hierarchy of Centres Zones and delineates where commercial development should occur and at what scale. Council has significant concerns about the loss of this hierarchy. Many of the proposed Zones have a significantly higher allowance for shop floor area compared to the Development Plan that will potentially result in a significant change in shopping and traffic movements. No justification is provided for this allowance, or any explanation of the potential impacts from this change in policy.

It is also noted that the Planning and Design Code allows for significantly more non-residential development in what are currently Residential Zones. Some of the concerns include that the assessment of car parking requirements is allowed for in the assessment, no provision is given for landscaping, with front yards potentially being sealed to provide off-street parking, but at the cost the streetscape amenity.

*Whilst Council supports in principle the inclusion of shops and non-residential uses into residential zones, we request that changes of use applications to non-residential development in a Neighbourhood Zone be performance assessed and notified to neighbours to ensure businesses are introduced into residential areas at an appropriate scale.*

*Council also requests that proposed maximum shop floor areas for the new zones match the existing requirements in the Development Plan*

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**Residential Front Setbacks**

Council acknowledges the difficulty in providing a clear guidance in regards to front setbacks, but by providing a size fits all appropriate, it has the potential to significantly impact on existing streetscapes that Council have been seeking to retain. Front setbacks significantly impact on streetscape character and without reasonable assessment, could detrimentally impact on that character. Within the Neighbourhood Zones minimum front setbacks have been provided in the Planning and Design Code, whereas the City of Holdfast Bay’s Development Plan currently seeks that new development should match the existing setbacks of the adjacent dwellings. It is noted that the front setback provision allow for a further protrusion of 1.5 metres for verandahs, porticos and similar. Within the Housing Diversity Zone a minimum front setback of 3 metres is required, this is
potentially reduced in half by the verandah/portico allowance, which will lead to a significant reduction in landscaping and detract from the streetscape character. By applying such a small front setback, it provides no consideration for the existing streetscape character where a much larger setback may exist. PO 4.1 and 4.2 for the Housing Diversity Zone both state “Buildings are setback from primary street boundaries to establish a consistent streetscape character”. This PO has no regard for existing character and has the potential to significantly impact existing streetscape character.

The same goes for the General Neighbourhood Zone, albeit with a larger setback provision, but with no regard to the existing streetscape character. A front setback of 5 metres with verandahs and porticos able to protrude 1.5 metres closer to the street. Where an existing street may have a setback pattern of 8 metres (as many streets do), a front setback of 3.5 metres will significantly detract streetscape character. This will not provide sufficient room for landscaping or retention of trees, and will result in development in which the Planning and Design Code was meant to prevent.

Council recommends that the setback provision for all existing residential zones should be the average of the adjacent dwellings to establish a consistent streetscape character.

The Deemed-to-Satisfy or performance criteria for dwellings within the General, Suburban, or Housing Diversity Zone make no reference to garage setbacks. When garages are incorporated into the building they are assessed as part of the dwelling, not a separate structure. This will have the biggest impact in the Housing Diversity Zone that allows for garages under the main roof to be setback 3 metres from the street, which would be a totally unacceptable outcome.

A principle that requires “garages to be setback at least 5.5 metres from the street, or 0.5 metres from the main face of the dwelling, whichever is the greater” should be included in all residential type zones.

General Neighbourhood Zone

The General Neighbourhood will replace nearly all of the existing Residential Zone with the exception of a small portion around North Esplanade. Council has no objection to the proposed spatial layout of the General Neighbourhood Zone.

The land division requirements for the General Neighbourhood Zone are a significant departure from the Residential Zones within the City of Holdfast Bay. No detailed analysis has been provided for this substantial reduction in allotment sizes or the impacts it will have. The requirements have been reduced by 25% for both the frontage and allotment sizes, which will significantly impact on densities, but with no analysis of the impact on infrastructure such as stormwater, on-street parking or capacity at zoned schools. If Council were to propose such a significant policy change in a Development Plan Amendment, substantial research would be required to justify the new Policy.

Council requests a detailed analysis of the impact this increase in density will have on the local infrastructure.
The Esplanade south of the Broadway Glenelg South is currently Zoned Residential, Policy Area 3, which allows for dwellings up to 3 storey in height, minimum frontages of 5 metres, and allotment sizes ranging from 200sqm to 300sqm. The area is proposed to be zoned General Neighbourhood and only allows for two storey dwellings on allotment frontages ranging from 9 metres to 12 metres. This does not keep the same policy requirements and will place new development at odds with previous development.

*It is recommended that the Esplanade be rezoned to allow for TNVs to maintain the current policy requirements.*
- The above images shows R/3 (Residential Policy Area 3), which is recommended to be rezoned to match existing allotment and dwelling height allowances.
The Code has allowances for shops in all three residential Zones that are in the City of Holdfast Bay (General, Suburban and Housing Diversity), 100sqm in normal area and 200sqm where near an arterial road. This is effectively a deregulation of the centres area and will have a big impact on the commercial viability of shopping centres and precincts. This will also have a big impact on on-street car parking availability, which is a big concern of the wider community. In relation to these uses, Council is of the opinion that non-residential development applications in a Neighbourhood zone should be performance assessed and be a type of development that requires notification. Council is also concerned in regards to the potential hours of operation, with allowances to operate until 9pm.

_Council’s requests that change of use applications to non-residential is performance assessed, and that the DPF for opening hours should be reduced to 6pm, not 9pm._

The public notification triggers between three main residential areas are significantly different, with significantly more elements triggering notification in the General Neighbourhood zone. Non-residential development triggers notification in the Housing Diversity Zone, but no other residential zone. This should be consistent with all Neighbourhood type Zones, with notification for change of use to non-residential type developments.

_Council would like to see consistency between residential zones for notification, and that change of use application to non-residential uses require notification._

The procedural table for the General Neighbourhood Zone has clause (d) which makes reference to dwellings.

_This should be changed to ensure that singular dwellings are captures, not just multiple dwellings that don’t meet that criteria._

There are insufficient policies included for Ancillary accommodation in the Deemed-to-Satisfy table. The policies do not take site coverage into consideration and there is no setback requirements other than length on a boundary, so setback requirement if a wall exceeds 3 metres in height. This needs to be included in the performance assessed table. There are no provisions for design or use of materials to be consistent with the existing dwelling on the site. There isn’t even a requirement for it to be ancillary to a dwelling on the site.

There is no restriction for ancillary accommodation to be limited to single storey. Once the building does go more than 1 level, no assessment principles about overlooking and the need for obscure glazing. This will apply for all 3 of the residential zones. Ancillary accommodation buildings should be subject to privacy principles to ensure that any 2 storey development appropriately maintain the privacy of neighbours.

_It is recommended that the ancillary development sectioned be reviewed to address the above concerns in relation to site coverage, setbacks and privacy._
With new dwelling builds there is a requirement to provide areas of private open space, soft landscaping in the front and rear yard and a tree. There is no detail as to how does later development such as outbuildings and ancillary accommodation take into consideration the matter of soft landscape areas and mandatory trees.

*It is recommended that the assessed tables be amended to ensure that this detailed in reviewed in future applications.*

There is an error in the proposed demolition controls for the General Neighbourhood Zone where Historic Area overlays exist. In the assessment tables for demolition in a historic area, the only overlays listed for assessment are for State heritage places and local heritage places, and as such there is no protection for dwellings in a historic area overlay unless they are local or state heritage. This contradicts previous advice and should be amended to match over zone demolition policies.

*It is recommended that the assessment table be amended to require demolition applications in an area with a historic overlay to be performance assessed.*

No rear setback provisions for the General Neighbourhood listed in the Code, but should be a minimum of 4 and 6 metres. Also no side setback provisions.

*This is essential to good development and such reflect current requirements in Schedule 4 of the Development Regulations 2008. Council strongly recommends these are included in the Planning and Design Code.*

Dwelling additions should be excluded from Deemed-to-Satisfy where Character and Historic Area overlays apply in the General Neighbourhood Zone. The ‘Amended Tables Document’ released December 2019 has removed those overlays. This is inconsistent with the practice direction and is a significant step away from existing policies and procedures.

*Council recommends that dwelling additions should be performance assessed where a Character Area or Historic Area Overlay apply.*

The only type of development to trigger a Concept Plan in this Zone is land division. The one and only concept plan in the City of Holdfast Bay is over the Minda site at Brighton and doesn’t involve land division, but building heights. The most relevant type of development that will occur on this site is either residential flat building, or a retirement village, neither of which will trigger the relevant concept plan.

*It is recommended that the policy be reword so the above types of development (not just land division) triggers the use of the concept plan.*
The Suburban Neighbourhood Zone will replace all of the existing Residential Character Zone, and includes a small portion of the existing Residential Zone along the North Esplanade in Glenelg North. Council has no objection to the proposed spatial layout of the Suburban Neighbourhood Zone.

In the City of Holdfast Bay, Character Area Overlays will only apply over areas in the Suburban Residential Zone. The Character area overlay exempts swimming pools, and with no DTS criteria, swimming pools in a character will go from currently being BCO, to being performance assessed.

*It is recommended that swimming pools be exempt from requiring planning consent in this zone, subject to the requirement in the Regulations.*

The proposed Zone principles in the Suburban Neighbourhood Zone allows for shops in the Suburban Neighbourhood Zone, 100sqm in normal area and 200sqm on arterial roads, will have a deregulation of centres area.

*Council does not object to the proposed floor areas of 100sqm, in residential areas, but conditions allowing 7am to 9pm is considered excessive, and should be exempt from deemed-to-satisfy and performance assessed.*

The allowances of commercial uses on arterial road will effectively deregulate centres areas. This will likely have big impact to properties along Brighton Road and Anzac Highway, which is currently zoned residential, but will allow for commercial use. This policy may assist to retain existing buildings and character for uses such as offices and consulting rooms, but assessment is required on the amount of parking and potential loss of front landscaping to allow for additional off street parking provision.

*Conditions allowing use up till 9pm is potentially acceptable for arterial roads, but again should be performance assessed.*

The four historic conservation areas will be maintained as existing in regards to both boundary and policy intent. These areas will also be covered by Historic area overlay, similar to Character Area Statements, but these will be used for the assessment of demolition in these areas. The assessment of demolition in the Historic Areas is similar with the existing policy and will allow for Council to maintain the existing character.

*Council supports the proposed TNVs in this Zone.*

The public notification triggers between three main residential areas are significantly different, with much element trigger notification in the general neighbourhood area.

*Council recommends that the procedural table be amended to ensure public notification is consistent across the residential areas.*
Non-residential development triggers notification in housing diversity Zone, but not other residential zone.

*This should be consistent with all residential type Zones, with the procedural table amended so that notification occurs for non-residential type development.*

Council is concerned about some of the preferred uses listed for the residential zones. In the suburban neighbourhood zone, a cinema, hotel & restaurant are listed, which aren’t compatible with our areas of this Zone. This Zone replaces existing Residential Character Zones that has minimal commercial development and Council’s preference is that the residential character of the area be retained.

*Council requests that larger scale non-residential types are removed from this list, with only small scale uses being listed.*

Suburban Neighbourhood is meant to be a low density zone with a lower site coverage requirement than the General neighbourhood Zone, but the rear setbacks do not match this, a 3m rear setback for single storey and 5 for upper storey is considered too small, should be at least 5m and 8m.

*The assessment principles should be amended so that the setback requirements are greater than specified in the General Neighbourhood Zone.*

The front setback requirement under DTS 4.1 (a), the word building should be replaced with main face of the adjacent dwelling. By definition a masonry wall or retaining is classified as a building. Also there are irregular carport forward of dwellings which should be ignored.

*The use of the word buildings in clause (b) should be replaced with dwelling to ensure a more consistent approach to setbacks.*

DTS 6.1 should remove the portion of the clause that relates to buildings on other sites. All development should be 900mm off a secondary street boundary.

The “amended tables” document has character and historic area overlays removed from exempting dwelling additions as being deemed-to-satisfy. This is inconsistent with the practice direction and is a significant step away from existing policies and procedures.

*Dwelling additions should be excluded from Deemed-to-Satisfy where character and historic area applies in the Suburban Neighbourhood Zone.*
The Housing Diversity Zone will replace the existing Residential Zone, Medium Density Policy Area. There is no mapping variation from the existing Policy and therefore Council has no objection to the spatial layout of Zone.

Council has concerns in relation to the proposed density allowed for in this Zone. Currently the Medium Density Policy Area allows for allotments of 250sqm, and 150sqm on arterial roads where certain criteria is met. The lowering of allotment sizes is a significant departure from the existing policy where not located on an arterial road, especially taking into consideration the front setback requirement of 3 metres.

*Council requests that the minimum size allotment be increased to be more consistent with current policy.*

Non-residential development such as shops are significantly catered for in this Zone with 100sqm in normal area and 200sqm on arterial roads. 100sqm of floor area for commercial development is considered acceptable for activation of residential areas, but conditions allowing 7am to 9pm is excessive for a predominately residential area. Jetty Road Brighton will be located in this Zone and is an example of where these types of shops could be successfully located. The increase in allowances for non-residential development is supported, but should be done in a performance assessed application, with DTS criteria limited to 50sqm and lower hours. Careful assessment is needed to ensure right mix of residential and non-residential, rather than a tick box system.

*Council recommends that change of use applications to a non-residential Development in the Housing Diversity Zone should be performance assessed.*

The performance assessment table for shops in the Housing Diversity Zone doesn’t pick up size and intensity of shops outlined in the earlier POs in the Zone. A shop is only assessed on height and setbacks.

*Council recommends amending the assessment table to include Zone DTS 1.1, DTS 1.5 & DTS 1.6*

| Shop                | [Building Height]: PO 3.1 | [Primary Street Setback]: PO 4.2 | [Secondary Street Setback]: PO 5.1 | [Boundary Walls]: DTS 6.1, 6.2 | [Side Boundary Setbacks]: PO 7.1 | [Rear Boundary Setback]: PO 8.1 | Clearance from Overhead Powerlines: PO 1.1 | Design in Urban Areas [External Appearance]: PO 1.4 | Design in Urban Areas [Car Parking Design]: PO 6.1, 6.4, 6.5 | Design in Urban Areas [Water Sensitive Design]: PO 42.1, 42.3 | Interface Between Land Uses [Hours of Operation]: PO 2.1 | Interface Between Land Uses [Overshadowing]: PO 3.1, 3.2 | Transport, Access and Parking [Movement Systems]: PO 1.4 | Infrastructure and Renewable Energy Facilities [Wastewater Services]: PO 12.1, 12.2 |
PO 1.3 for the Housing Diversity Zone does not make mention of a café or restaurant as a suitable development in this Zone. Whilst a ‘shop’, is included, it could be more beneficial to specify restaurant and/or café.

*Café and restaurant should be included in PO 1.3 as this would be one of the most preferred types of development.*

Garage setbacks are not specified in relation to new dwellings, or dwelling additions. Garage setbacks needs to be specified in the Zone provisions, otherwise dwellings which incorporate a garage can have the garage at 3 metres from the Street. The setback also needs to relate to the main face of the dwelling.

*A Principle that states that the garage or carport should be setback at least 0.5 metres from the main face of the dwelling, or 5.5 metres from street, whichever is greater should be included into the assessment of dwellings.*

Under clause (e) of the notification table, what is non-residential development? Is a shop that is associated with a residential component residential development? Is removal of a significant tree residential development if it is on a residential allotment? Is a retaining wall residential development?

*Council recommends that this clause be changed to read “a change of use to a shop, office or consulting room”. It is considered that the change of use that will be the biggest concern for neighbours. Later works should generally not require notification. The notification table should be amended so that in clause (d) dwellings is replaced by building or buildings, so that it captures both singular and more than one building are capture.*

It isn’t clear what the differences are DTS 6.2 and 7.1. Both specify side boundary setbacks, but have different requirements. DTS 6.2 just states 900mm as the requirement for semi-detached development, whilst 7.1 relates to buildings and varies the setback according to the height of the wall. Council presumes that DTS 6.2 should retail to boundary setback on the shared boundary, other than where a wall is located on a boundary.

*Council suggests rewording of these principles to specify whether this relates to the boundary where a party wall, or abutting wall is located on the boundary with the remainder of the dwelling set at least 900mm off the boundary.*

The House Diversity Zone will replace the current Residential Zone Policy Area 7 at Seacliff. The area has a significant gradient that drops down to the ocean. To accommodate the gradient dwellings are allowed to development on the hill face with a maximum of seven storeys, but not to have a vertical height greater than three storeys at any one point.

*Council recommends the TNV for the areas highlighted on the image below are amended to allow for a maximum of 7 storeys, but no vertical height greater than three storeys at any one point as shown in the image below.*
Except from the Development Plan showing how height is managed in Seacliff

Zone mapping showing the areas highlight where the proposed TNV should be altered
The Urban Corridor Zone (Main Street) will replace the District Centre Zone that relates to Jetty Glenelg. As the Zone will identically replace the District Centre Zone, Council has no objection to the spatial layout of the Urban Corridor Zone.

The Deemed-To-Satisfy table for this Zone allows for a change of use from residential to shop office with no assessment criteria. Council questions why is this not accepted development or why there is any assessment criteria?

Council accepts that this could be Deemed-to-Satisfy, but there should be some assessment criteria, which would also give guidance to applicants above the level of information that should be provided as part of an application.

PO 3.1 is an incomplete sentence so not sure on the full meaning of the PO “Buildings mitigate visual impacts of building massing on residential development within a neighbourhood zone, except where this........?"

Council requests that this principle be completed and further consultation be allowed and it was not clear what this meant during the consultation process.

What is a Neighbourhood zone in relation to DTS 3.1 & 3.2. PO is not well worded and hard to understand. This whole Zone needs to be reworded as to be clear and concise on what the intent of the Policy is.

Council suggests writing adjacent to a zone with the word ‘neighbourhood’ in its title.

The Urban Renewal Zone is currently zoned as High Density 3 storey, the new zoning does allow for 3 storey, and 4 storey where certain provisions are met, however none of the allotments are big enough within the Zone to meet that requirement. Therefore height within this zone will match the existing policy.

Council has no objection to the proposed mapping of the two areas of this Zone, but notes that this Zone maybe a suitable replacement for the Suburban Activity Centre proposed over the Glenelg Foreshore Area.

Urban Renewal neighbourhood Zone public notification table does not make any sense, includes numbers that don’t exist in Point (C) as shown below.

Council suggests rewording to ensure table is appropriate.
Notification

All classes of performance assessed development are excluded from notification except where they involve any of the following:

(a) where the site of the development is adjacent land to land in a different zone
(b) development identified as "all other code assessed development" in Suburban Renewal Zone Table 3
(c) Dwellings that do not satisfy DTS/DPF 201, 301, 4.1, 5.1, 5.2, 6.1, 7.1 and 9.1
(d) buildings with a wall height greater than 7m and total height greater than 9m.

Procedural Table showing incorrect DTS numbering

Also, point D is inconsistent with existing policy and seems limiting for a Zone that seeks 3 or 4 storey development.

*Council recommends increasing the height threshold before notification is required.*

Urban Neighbourhood

The Urban Neighbourhood Zone replaces the Residential High Density Zone along the Glenelg foreshore area, and also along Adelphi Terrace. The Zone has varying heights across the Zone that are controlled by several TNV.

*Council is supportive of the proposed mapping of this Zone and the proposed height, which are similar to existing policy.*

The Zone is predominately residential, or tourist accommodation, with some small scale commercial use. The Land Use and Intensity statement does not correlate to the performance outcomes specified in the Zone.

PO 1.1 states;

*Development of low, medium and high density accommodation types for living, including dwellings, supported accommodation, student accommodation, short term accommodation, either as part of a mixed use development or wholly residential development*

However, then DTS 1.6 allows for individual shops up to 500sqm 5,500sqm in a single building is a significant increase from the current allowance of 1,500sqm in total. This is primarily a residential zone and the allowances provided for non-residential are totally inappropriate.

*Council recommends reducing the allowance for commercial development in this Zone down to 1,500 to match existing policy.*
The Suburban Business and Innovation Zone replaces the existing Mixed Use Zone, in the same location and as such Council has no objection to the spatial mapping of the Zone. The naming of the Zone seems to be inappropriate and not reflective of the policy or the area that it is located in. The use of the word ‘Suburban’ is confusing, especially in relation to how it is used elsewhere in the Code, which is mainly in relation to existing residential areas.

**Council recommends removing ‘Suburban’ from the title, so that the name is called “Business and Innovation Zone”, or preferably retain the existing title of Mixed Use Zone.**

In the assessment tables for this Zone, the Deemed-to-Satisfy change of use provision does not take any external impact into consideration. Hours of operation and impact to sensitive receivers should be added to the list of principles for assessment. A change of use from a consulting room to a shop can have many impact that should require assessment, no just be ignored, especially where the development is to occur in a multi tenancy building (potentially with residential). To limit the assessment to parking requirement is a complete under assessment and will potentially lead to many issues (that could have been addressed in a detailed assessment). Given the list of assessment requirements for a shop in the performance assessed table, the Deemed to satisfy appears to be very inconsistent.

**Council recommends increasing the principles requiring assessment in the DTS criteria to match those in the Performance Assessment Table.**

Council also questions how does the assessment work in regards to conditions, if there is no assessment required on the potential impacts? What conditions can Council impose?

<table>
<thead>
<tr>
<th>Change of use from shop, office or consulting room to consulting room, office, dwelling, storage or car parking,</th>
<th>Deemed to Satisfy principle 1</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling additions and multi tenancy buildings and improvements to existing buildings and improvements to existing building and extensions to existing buildings and extensions to existing building</td>
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<tr>
<td>Should any of the following apply:</td>
<td>Transport, roads and drainage (when having effect on DTS)</td>
<td>Site</td>
</tr>
<tr>
<td>- Any change in street layout</td>
<td>Multi-storey, mixed use, or retail use</td>
<td>Performance Assessment Table</td>
</tr>
<tr>
<td>- Any change in building layout</td>
<td>Council has no objection to the spatial mapping of the Zone</td>
<td></td>
</tr>
<tr>
<td>- Any change in parking requirements</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**In the Deemed to Satisfy table, dwelling additions should be excluded where a Historic Area overlay or a character area overlay exists.**

The land division principle Deemed to Satisfy in this Zone does not given any guidance other than a PDC which seeks minor adjustment of boundaries, or creation of single additional allotments for residential purposes.

**Council recommends reviewing the land division assessment process and providing more assessment principles that will be consistent with the current zoning.**
The existing Glenelg Foreshore and Patawalonga Area is to be zoned Suburban Activity Centres Zone. This Policy not consistent with current tourism and residential focus, especially area on the northern side of the marina where is entirely residential, upper market. Given the existing name of the zone, the Policy Content within the Development Plan has a lot of local contain and is unique to this area.

In theory a Bunnings warehouse could be developed in the Cygnet Court area, which would be completely at odds with the existing area that is entirely residential. The Cygnet Court area which is entirely residential, will be at odds with the Proposed Policy that seeks residential development only in conjunction with non-residential development, however this is an entirely residential area and any commercial development would be at odds with existing character and impact on the amenity of the area.

*Council recommends rezoning this area to be more consistent with the desired character for this area. The Open Space Zone should be continued over the beach and Patawalonga River, and Wigley and Colley Reserve. The Urban Renewal Zone to the north should extend over the Cygnet Court Area, whilst the Glenelg Foreshore development area should be rezoned either Urban Renewal Zone, or Urban Neighbourhood Zone.*

In regards to other areas where the Suburban Activity Centre is proposed the online mapping system has not included relevant TNV in relation to height. There is a proposed Suburban Activity Centre on the Broadway in Glenelg South, which is not consistent with the small scale single storey development allowed for in the Development Plan. The proposed policy states that development up to 6 storeys with 5,500sqm of commercial floor area.

*Council recommends the inclusion (in consultation with Council) of several TNV that limit height and floor area to match existing policy.*
The existing High Density 3 storey Zone to the north of Cygnet Council does not have any TNV data in the proposed zone details, so it is not clear what height is anticipated. It is acknowledged that the existing development along the Esplanade is around 5 storey, so it is an area that could contemplate an increase in height without impacting on the amenity of the locality.

The Suburban Activity Centres Zone have no TNV for height, as specified in the Zone. The area along the Broadway in Glenelg South is currently single storey, but the Zone Policy states allowances for low to medium rise, which according to the definitions is 3 to 6 storey, which would be completely inappropriate for this area.

Council recommends a TNV be put in place, in consultation with Council, to maximise development at single storey to maintain existing policy requirement.

Change of use to a consulting room in Suburban Activity Centre (currently Glenelg Foreshore Zone) is Deemed-To-Satisfy inside a building. So with the apartment buildings at the pier, an apartment could be turned into a consulting room and would be DTS. This principle does not take any impacts of such a
change of use into consideration. Whilst this may help ‘fast track’ developments, change of use application with minimal issues do not require much assessment and are quickly processed. This process would also be at odds with the case law of *The Oaks Hotels and Resorts P/L v City of Holdfast Bay & Anor [2010] SAERDC 16*. In that case it was considered that the change from a dwelling to a serviced apartment was a change of development, and category 3. Given that kind of legal precedence it would be considered appropriate to re-zone the existing Glenelg Foreshore and Patawalonga frontage Zone into something other than the Suburban Activity Zone.

*Therefore Council requests the area to be rezoned to be more consistent with the current Development Plan.*

**Suburban Employment Zone**

Brighton Railway station is currently zoned commercial and is proposed to be zoned Suburban Employment Zone. The zone covers an area that is predominately railway land and station, with a small BMX pump track built alongside the train lines. This area would be more suited as an Infrastructure Zone as there is no space for intensification of this area increased due to demand for parking (park and ride).

*Council recommends this area be changed to an Infrastructure Zone.*

The existing Light Industry Zone will be converted to the Suburban Employment Zone. The Zone is going to a more commercial focus, increased parking demand and conflicting land uses with current uses. Council seeks to maintain this area as a light industry and manufacturing area. The name of the Zone is inconsistent with the overall intent of the area, as it is not what would commonly be known as a ‘suburban area’ which gives some reference to residential use, and it is not a zone with focus on employment. The employment that occurs within this Zone is secondary to the manufacturing that occurs here, which is Council’s focus and desire for this Zone. The current naming of the Zone as Light Industry reflects the current uses and Council’s direct for this area to remain as a manufacturing area with low demand for parking and other shared infrastructure.

*Therefore Council requests that this Zone remain as a ‘Light Industry’, both in name and in policy, with significant less commercial uses than proposed in the Planning and Design Code.*

The list on the next page is a list of preferred forms of development proposed in the Suburban Employment Zone. PO 1.1 and DTS 1.1 appear to contradict each other, in that the Zone is for light industrial with service trade premises and motor repairs. The DTS list contains shops, tourist accommodation and place of worship which are generally not compatible. Bulky goods outlet is also listed as a desired use for this area.

*Council recommends removing those uses not suitable for a light industry area from the list. Council strongly objects to the inclusion of Bulky Good Outlets in this Zone as it is completely inappropriate for the Somerton Park Light Industry Zone and will significantly impact on traffic movements and viability of existing uses in this Zone.*
Uses such as a bulky good outlet, community centre, consulting rooms, hotel, office, petrol filling station and tourist accommodation, and place of worship are considered inappropriate with the current uses in the area, plus the limited infrastructure of narrow streets with an already high demand for on-street parking which will not support increased demand.

The changes to the Zone are not considered suitable, Council requests the area to have a sub-zone where less commercial development sought.

<table>
<thead>
<tr>
<th>Land Use and Intensity</th>
</tr>
</thead>
<tbody>
<tr>
<td>A range of employment generating light industrial, service trade, motor repair and other compatible businesses servicing the local community that do not produce objectionable emissions.</td>
</tr>
</tbody>
</table>

Development comprises one or more of the following land uses:
- 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.

List of preferred land uses in the ‘Suburban Employment’ Zone
The above image shows the Light Industry Zone within the City of Holdfast Bay which a sub-zone is requested.

The Suburban Employment Zone proposes in DTS 3.4 a 3m side setback on one side of a building for a warehouse, as to allow for access to the rear. There is no justification for this and is at odds with currently policy and the existing built form in the Zone that allows for boundary to boundary development to maximise warehouse space and floor area.

*Council recommends removing this principle, or provide further justification and reasoning for its inclusion.*

There is no height TNV for Suburban employment area, currently zoned as light industry. This should ideally be limited to 2 storey to maintain existing height given that the zone is adjacent residential and not seeking to be a major commercial or manufacturing location.

*Council recommends the inclusion of a TNV limiting building heights to two storeys.*
There are no provisions in the Procedural table of the Suburban Employment Zone for any kind of development to be notified. This Zone has the potential for noise and smell pollution and is adjacent an existing residential Zone.

*It is recommended that development that abuts a different zone, and any development captured as all other types of development be included in the notification table.*

**Open Space Zone**

The City of Holdfast Bay has no major objections to this zone other than some mapping issues and the point raised below. In regards to mapping, the Open Space Zone covers the Patawalonga River until the King Street Bridge, this should continue all the way to the ocean. Similarly the Open Space Zone should continue on the beach at Glenelg on the north side of the Jetty. The proposed zone is on the east side of the Jetty, but ends at the Jetty.

*Council is of the opinion that all of the Patawalonga River should be included in this zone, including the space where the replica Buffalo was sited. Colley Reserve and Wigley Reserve should also be included in the Open Space Zone.*

The performance assessed table should include recreational equipment as to allow these types. These types of uses are listed in DTS/DPF1.1 of the Open Space Zone, but do not appear in the performance assessed table and therefore would be notifiable, as being all other development.

*A fence should be included in the performance assessment table as high fences that require development approval are often found within this Zone and shouldn’t be notified.*

**Conservation Zone**

Council supports land division listed as a restricted form of development, but request that;

*Land division that does not create any additional allotments be listed as an exclusion. This view is supported by PO 2.1 and DTS/DPF 2.1 providing guidance for such development.*

**Recreation Zone**

Council has no comment to make in relation to this zone.
Caravan and Tourist Park

Land division is listed as restricted in this zone. This seems to be too restrictive and there are often circumstances where a boundary realignment is relatively minor and provides a suitable outcome.

*Council is of the opinion that it would be more appropriate to restrict land division that creates new allotments, as boundary realignments should not be listed as restricted.*

*DTS/DPF 1.5 should be reworded as it makes no sense at the moment and is not clear of what the intention of the requirement is.*

The procedural matters table is not consistent with the Neighbourhood Zone requirements. Shops of 150sqm or greater adjacent land used for residential purposes requires notification, but shop of 150sqm in a Neighbourhood Zone do not require notification.

*This should be reworded from “adjacent land used for residential purposes” to “adjacent a Neighbourhood zone”.*

As currently proposed, there is no criteria for alterations and additions to existing tourist accommodation. This is potentially a relatively common and minor form of development that should have clearly outlined assessment processes.

*Council recommends this to be rewritten there should be criteria to allow for deemed to satisfy pathway for alterations and additions to existing tourist accommodation.*

Community Facilities Zone

Council has no comment to make in relation to this Zone.

Infrastructure (Ferry and Marina Facilities)

This new Zone covers about 950sqm of water near the mouth of the Patawalonga. Given the small amount of area of this Zone and the location will have minimal, if any impact on the City of Holdfast Bay. Therefore Council has no comment in relation to this Zone.
Heritage Policies

A draft Practice Direction has been released stating how the Character and Historic area overlays will operate. The Practice Direction states that an Architects report must be provided with any development within a character or historic area, with greater emphasis on the report in a historic area. An Architects report will be required for any demolition of a dwelling in a historic area overlay.

The demolition test of PO 6.1 should relate to more than just the Historic area statement, and should take into consideration how the dwelling contributes to the historic character and streetscape of the locality. The three dot points also needs to relate to more than just the front elevation of the building. The test should be expanded to include side elevations and roof form as these also contribute to the streetscape. The test should also take into account the spatial setting of the dwelling and the allotment and how it contributes to the locality.

Council recommends PO 6.1 be rewritten as

Buildings and structures that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:

(a) the building has been substantially altered and cannot be reasonably, economically restored in a manner consistent with the building’s original style; or

(b) the building does not contribute to the historic character of the streetscape; or

(c) the structural integrity or condition of the building is beyond economic repair.

Alterations and additions

PO 2.1
Alterations and additions complement the subject building and are sited to ensure they do not dominate the primary facade, and employ a contextual design approach.

DTS 2.1
Alterations and additions are fully contained within the roof space of an existing building with no external alterations made to the building elevation facing the primary street.

PO 2.2
Encourage the adaptive reuse of buildings that complement the prevailing historic values and character of the locality, by enabling complementary changes to buildings to accommodate new land uses.

DTS 2.2
None are applicable

Alterations and Additions Policy for the Historic Area Overlays
Alterations and Additions Policy for Character Area Overlay

PO 2.1 and DPF 2.1 of the Character overlay is confusing and potentially contradicts PO 1.1 to 1.5. There is no reason to restrict side additions based on being closer to the boundary. This clause should be deleted as PO 1.1 to 1.5 provide a clearer direction, and when combined with the character area statement provide sufficient policy to cover additions and new buildings.

*Council recommends the deletions of Character Area Overlay DPF 2.1*

P.O & DTS 2.1 is too prescriptive and will only apply to certain location. This is a state wide policy and therefore should be more generic as to allow for a greater number of outcomes, with the finer detail being in the character and historic area statements.

Also, the in-roof policy for upper storey development shouldn't be in the overlay policies as this is an individual location policy. In some Historic Areas within the City of Holdfast Bay two storey development is appropriate in character and historic areas, and others isn't. It would be more appropriate for this policy to sit in the character area statement, rather than a blanket policy affecting areas it doesn't need to.

*Council recommends reviewing this policy and limit two storey development to certain policy areas, not a state wide level principle.*
**Sloping Land Overlay**

The sloping land overlay is inconsistently mapped. Many areas that comprise a sloping area are not mapped, whilst others are. There is no consistency which will lead to confusion with applicants about when this is applicable. Many steep sloping areas of Mitcham Council are now excluded. It appears that additional areas have been included that aren’t actually sloping, which is considered to be an inappropriate use of this overlay. Council recommends removing this overlay as it is inconsistently applied and introducing forms of development (earthworks) that didn’t previously exist in the Holdfast Bay Council Area.

*Council recommends removing this overlay.*

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**Building near airport overlay**

The building near airports overlay significantly impacts on the potential for development to be considered as deemed to satisfy. It covers a large amount of Council and means that dwelling additions and sheds require a performance assessment, rather than accepted or DTS. The actual policy in the overlay appears to have very minimal (if any) impact on the types of development it impacts on from being either accepted or deemed to satisfy.

*Council recommends removing this overlay.*

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**Flood Hazards Overlay**

There is no flood data for Holdfast Council despite the mapping showing significant water flow from the Marion Council boundary to the east. Council recommends the inclusion of flood data that it has made available to the department.

There is no flood map data for the City of Holdfast Bay, even though the flood mapping overlay shows significant flooding in both Marion and West Torrens Councils that flow on from Mitcham and Onkaparinga Council. This lack of flood mapping means that dwellings and other forms of development can be DTS, even though we know there is flooding issues. Gut given the issues highlights on the Marion side it would seem appropriate to continue the data over the Council boundary.

The one issue to manage flooding in a DTS criteria is that dwellings need to have a FFL 300mm above top of kerb. This only applies to dwellings and no other form of development even though they may be in a flood prone area. Council recommends other forms of development to be included with this
requirement. The 300mm above Top Of Kerb (TOK) is ok, but not suitable for a 1 size fits all approach, what about sites that sit about 500mm below TOK, should they be built up 800mm? This means any site that sits below TOK will potentially not be able to be signed off as Deemed-to-Satisfy by private certifier.

_Council request the inclusion of the flood mapping available on the Marion Council website, which shows the flood impacted areas of Holdfast Bay Council._

**Aircraft Noise Exposure Overlay**

There is no noise data over Holdfast Bay Council in relation to the airport, meaning there is no requirement for noise attenuation for dwellings in the flightpath. Whilst this has great significance for West Torrens Council, it is an issue for Glenelg North, which allow for DTS and no noise prevention measures being assessed. Whilst there is some data to the east of the airport, the data looks to be incomplete and not consistent across different Councils.

_Council recommends incorporating the ANEF data available from the Adelaide Airport into the Planning and Design Code._

**Interface between uses**

Hours of operations for DTS non-residential development in a residential zone should be reduced from 9pm to something more aligned with standard business hours.

_Council recommends that the deemed to satisfy requirement be reduced to 6pm in the evenings, and then anything beyond that will be performance assessment._

**Car Park Ratios**

Car parking ratio are carried across as mostly like for like from Development Plans, with the changes only minor, with the exception of dwellings, where 2-bedroom dwellings only require 1 parking space, whereas currently they require two spaces. It is considered that this is a market driven requirement and very few detached dwelling will be constructed with less than 2 parking spaces. This is more relevant to residential flat buildings where there is an opportunity for shared parking.

_Visitor parking requirements should be included to ensure a sufficient number of parking spaces are provided._
Housing renewal general policies are for the South Australian Housing Trust (SAHT). This applies across the residential areas and including the suburban neighbourhood zone. The performance assessed table and Deemed to Satisfy table allows for Medium high rise, which is up to 6 storeys, a 3 m front setback and side setbacks of 900mm for walls up to 6m, and 2m for higher walls. There are no general zone policies taken into consideration. This has the potential to significantly impact on the character of Holdfast Bay.

*Council recommends that the additional height above 2 storey should only be allowed on larger sites with the additional height well separated from other residential areas to minimise impacts.*

*Also wording of preferred forms of development means that residential flat buildings should only be supported where they do not contain above ground dwellings.*
**Housing Renewal**

**Assessment Provisions (AP)**

**Desired Outcomes (DO)**

**DO 1**

Renewed residential environments to replace older social housing, provide new social housing infrastructure and other housing options and tenures to enhance the residential amenity of the local area.

**Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria**

**Land Use and Intensity**

**PO 1.1**

Residential development provides a range of housing choices.

**DTS/DPF 1.1**

Development comprises:

(a) detached dwellings;
(b) semi-detached dwellings;
(c) row dwellings;
(d) group dwellings; or
(e) residential flat buildings, except where incorporating above-ground dwellings.

**PO 1.2**

Higher density housing options (such as medium rise residential flat buildings) provided in close proximity to public transit, open space or activity centres.

**DTS/DPF 1.2**

None are applicable.

**Building Height**

**PO 2.1**

Buildings contribute to a low-to-medium rise suburban character.

**DTS/DPF 2.1**

Building height (excluding garages, carports and outbuildings) does not exceed 3 building levels and 12m and wall height does not exceed 9m, except in the case of a gable end.

**PO 2.2**

Medium rise buildings in locations close to public transit, centres or open space.

**DTS/DPF 2.2**

None are applicable.

**PO 2.3**

Medium rise residential flat buildings located within or at the interface with zones which restrict heights to a maximum of 2 storeys transition down in scale and height towards the periphery (side and rear boundaries) of the site.

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*What the intention of DTS 1.1, as the policy suggests a preference for underground dwellings in a residential flat building. Council suggests rewriting this principles show that it makes sense.*

**DTS** for Housing by SAHT is 3 storeys, but the procedural table requires notification for buildings 3 storeys or greater. How can an application be deemed to satisfy but also require notification? Council recommends that only two storey buildings be deemed to satisfy and any higher buildings
require notification. Also, this notification table sits within the General Policies area, and will be trumped by any principles in the Procedural Table for the subject Zone.

The DTS/DPF of 3.1 does not match the PO of 3.1. The PO seeks buildings that setback from the street boundary compatible with the desired outcomes of the area. But DTS/DPF 3.1 allows for setbacks of just 3 metres.

*This is considered to be insufficient and the policy should require buildings to be setback the average of the adjacent dwellings, especially given the allowance for additional height.*

<table>
<thead>
<tr>
<th><strong>Primary Street Setback</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>PO 3.1</strong></td>
</tr>
<tr>
<td>Buildings are set back from the primary street boundary in a manner which is compatible with the desired outcomes of the area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>DTS/DPF 3.1</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings (excluding any balcony, verandah, porch, awning or similar structure) are set back from the primary street boundary 3m or more.</td>
</tr>
</tbody>
</table>

The DTS outcomes for wall setbacks are considered to be insufficient and will potentially impact on residential amenity. The allowance of a 6 metre wall to only be set 900mm from the boundary is considered to be completely inappropriate.

*Council recommends that setback provisions in relation to walls should be consistent with the subject zone in which the development is proposed.*

<table>
<thead>
<tr>
<th><strong>Design in Urban Areas</strong></th>
</tr>
</thead>
</table>

Ancillary development Principles 16.1, though probably meant to the 17.1, should state that garages and carports should be setback 0.5 metres behind the main face of the dwelling. The requirement for a carport or garage to be set back 5.5 metres from the street is not carried over into the Zone provisions, which it should be. Otherwise a garage under a main roof can be set back 3 metres (for DTS) in a Housing Diversity Zone. This could potentially be set even close if dwelling setback is considered acceptable in a performance assessment application.

*Council recommends that garage setback provisions are included in the assessment of a dwelling, not just for a separate ancillary outbuildings.*
**Minimum Floor Levels**

The current Development Plan includes minimum site and floor levels for allotment adjacent the ocean, shown in the maps at the rear of the Development Plan, under 'Development Constraints'. The minimum site levels are set as to minimise flooding impacts on properties adjacent the ocean. These levels will be important for any deemed to satisfy or performance assessed application as to ensure appropriate floor and site levels are developed. The affected properties are shown highlighted in pink and purple on the following pages.

*Council requests that the minimum floor and site levels shown below are incorporated in the Planning and Design Code.*
Overlay Map HoB/10
DEVELOPMENT CONSTRAINTS
HOLDFAST BAY COUNCIL
Consolidated - 2 June 2016
It is Council's intention to pursue the best outcomes for our community as part of the Planning and Design Code implementation process. To that end, we are raising these issues of concern in the hope that a productive solution can be found.

I look forward to the Commission's response on how these issues will be addressed.

Should you have any questions please contact Michael Gates, Business Partner – Transition & Policy Planning (Development Services) on [redacted] or [redacted]

Yours Sincerely,

Roberto Bria
Chief Executive Officer
City of Holdfast Bay