

28 February 2020

REF No.: 00882-005

The Chair
State Planning Commission

Attention: Mr Michael Lennon

By Email: DPTI.PlanningReformSubmissions@sa.gov.au

Dear Mr Lennon,

Re: Submission - Draft Planning & Design Code (Phase 3 Urban Areas)

We write on behalf of our client, Country Allotments Pty Ltd, that owns two (2) large, Greenfield land parcels within Encounter Bay. These parcels are identified in **Figure 1** below.



Figure 1 – Lot 503 Tabernacle Road and Section 80 Waitpinga Road, Encounter Bay (Source: SAPPA)

The site is currently located within **Encounter Bay Policy Area 13** of the **Residential Zone** of the Victor Harbor Council Development Plan (consolidated 20 June 2017).

Under the Code, the site is proposed to be located within the **Suburban Neighbourhood Zone**. The site is not located within a specific sub-zone.

The site is also captured within the following Overlays.

- Hazards (Bushfire – Medium Risk)
- Local Heritage Place (applies to the south-east portion of Lot 503)
- Native Vegetation
- Prescribed Water Resources
- Regulated Trees
- Water Resources (applies to portions of Section 80)

The Technical and Numeric Variations identify the site is located within an area with a maximum building height of 9 metres/2 building levels; minimum lot size of 560m² and minimum frontage for a detached dwelling of 15 metres (as identified within the *Planning and Design Code Consultation Map Viewer*).

Having reviewed the planning ordinance proposed to apply under the Code, we note the following concerns:

1. The Suburban Neighbourhood Zone appears to be unnecessarily restrictive with respect to allotment yield. In particular:
 - » Desired Outcome 1 (DO1) seeks ‘*low or very-low density housing...*’ (recognising that Part 8 of the Code specifies that ‘low density’ means less than 35 dwelling units per hectare).
2. The public notification ‘triggers’ identified within the Suburban Neighbourhood Zone are also more onerous, when compared to the existing Residential Zone. On this basis, it is likely that more developments will require public notification under the Code. Specifically, we note public notification is required in the following instances:
 - » Where the development is adjacent a different zone – for any kind of performance assessed development;
 - » Where development comprises a row dwelling, group dwelling, residential flat building and detached dwelling (battle-axe arrangement) type development;
 - » Where development comprises an ‘outbuilding’ – that it is not in the form of a garage; and
 - » Where development comprises four (4) or more allotments/dwellings.
3. It is noted the site is located within the ‘Bushfire – Medium Risk’ Overlay. We acknowledge there is cause for a single residential dwelling, located on the site, to require appropriate assessment and mitigation of potential bushfire risk. However, once the site becomes substantially developed for residential purposes (in accordance with the intent of proposed future zone), the bushfire risk will be significantly reduced. Accordingly, the need for all future dwellings to require the additional measures required for ‘medium bushfire’ risk area appears unnecessary and onerous. However, we note there

does not yet appear to be any process for such an Overlay to be easily removed or superseded in a holistic master-planned development.

4. It appears that the presence of the 'Bushfire – Medium Risk' Overlay will mean that a Deemed-to-Satisfy (DTS) pathway of assessment for residential dwellings is not available. This would cause all new residential developments within a master-planned development to be unnecessarily subject to a 'Performance Assessment' pathway. This is despite the requirements for residential dwellings for Medium Bushfire Risk areas being well defined and documented in the Ministers Code, with no Referrals required to the Country Fire Service (CFS).

Proposed Amendments to the Planning and Design Code:

- Given the relatively flat topography of this site; its proximity to existing residential development, transport linkages and open space, we request that the zoning should be amended to the more flexible 'Greenfield Suburban Neighbourhood Zone' (or 'General Neighbourhood Zone') which would allow for an increased allotment yield, as well as facilitate the orderly and coordinated development of these large greenfield sites.
- In addition, Deemed to Satisfy (DTS) pathways for residential development, listed within the Greenfield Suburban Neighbourhood Zone (and General Neighbourhood Zone), should be reviewed and amended to ensure they are not diluted by the imposition of onerous Overlay restrictions (e.g. Bushfire – Medium Risk), which would unreasonably restrict simple and expected classes of development from following the DTS assessment pathway.

In addition, we note that it has been extraordinarily difficult and time consuming to navigate the draft Code for consultation. Clearly the new Code is better suited and produced for an electronic format. Not being able to access the proposed E-Planning system during the consultation process has made it difficult and inefficient to assess the proposed changes. We are concerned there may be other changes not yet known or properly understood and would appreciate the opportunity to comment on the next iteration of the Code once the E-Planning system is available.

We thank the State Planning Commission for the opportunity to make this submission. We would welcome the opportunity to meet with the Commission to discuss and further explain our position in relation to the matters identified above.

Yours Sincerely



Chris Carrey
Planning Consultant