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**ATTENTION: DEPARTMENT OF PLANNING, TRANSPORT, AND INFRASTRUCTURE**

**RE: SUBMISSION FOR PHASE THREE DRAFT PLANNING AND DESIGN CODE  
CONSULTATION PLANNING REFORM**

Dear DPTI Staff,

Introduction

I have been engaged by Mr. Greg Walker, a resident of 1 Semmens Road, McLaren Vale, land which is situated within the town's northern interface with the surrounding grape growing and wine production area. My client has an interest in the development of McLaren Vale particularly land adjacent his property ("Field Street carpark") and the town's main street. My client's property, and the land in question, are highlighted in Figure 1 below:



**Figure 1:** Subject Land and Walker Dwelling

**Source:** SA Property and Planning Atlas (Govt. SA)

I have been asked to review the draft policies of the new Planning & Design Code Draft for Phase Three released for public consultation on the 1<sup>st</sup> October 2019, and highlight the implications proposed policies may have on the development of the carpark site and the town of McLaren Vale in general. In conducting this review, I have also considered the relevant policies in the Council's Development Plan applicable to development within the township.

## Observations

My client's land is in a Residential Zone which is bound by the Pedler Creek Policy Area of the Open Space Zone, the Caravan and Tourist Park Zone and the McLaren Vale Policy Area of the Neighbourhood Centre Zone. The same Open Space Zone surrounds the whole of the Field Street carpark except part of the land's street frontage immediately adjacent my client's property. The Open Space Zone to the north and west of the subject land is also within the Character Preservation District.

The Field Street carpark is physically separated to the rest of the Neighbourhood Centre Zone by the Coast at Vines Rail Trail and being some 200 metres from Main Road, exhibits no direct connectivity with the commercial activities of the street. The land primarily fronts open space and low-density residential land and has no direct vehicle access to Main Road other than via Field Street.

While the draft Planning and Design Code (the "**Code**") does not propose changes to existing Zone boundaries, names of some zones will change, as shown in the following table.

<b>Current Development Plan Zoning</b>	<b>Planning and Design Code Zoning</b>
Neighbourhood Centre	Suburban Main Street
Residential	General Neighbourhood
Urban Employment	Employment
Mixed Use	Suburban Business and Innovation

Further, the following existing Zones are supported by Policy Areas which provide an additional layer of local policy specific to development within the township.

<b>Development Plan Zone</b>	<b>Associated Policy Area</b>
Neighbourhood Centre	Policy Area 22 – McLaren Vale
Residential	Policy Area 39 – McLaren Vale
Tourist Development	Policy Area 51 – Bellevue Centre
Open Space	Policy Area 27 – Pedler Creek

The current provisions within Council's Development Plan were developed as a result of intensive investigations, analysis and consultation. The zones do not consist wholly of generic policies from the South Australian Planning Policy Library but include many "Local Variations", especially within Desired Character Statements and policy areas. It is evident Council and State Government understood specific provisions for the McLaren Vale township are necessary in order to retain, protect and maintain its 'Country township' attributes and character which complements the historic and rural setting of the McLaren Vale wine region.

Regarding the draft policies of the Planning and Design Code it appears little, if any, consideration has been given to the existing policies which have played such a critical role in defining and protecting the unique character and qualities of the McLaren Vale township.

For example, the Code exhibits minimal evidence of restricting building height limits to reflect the existing low scale character of the township, specific land use designations to the north or south sides of Main Road, and the low scale domestic character which is shown through siting, articulation and materiality.

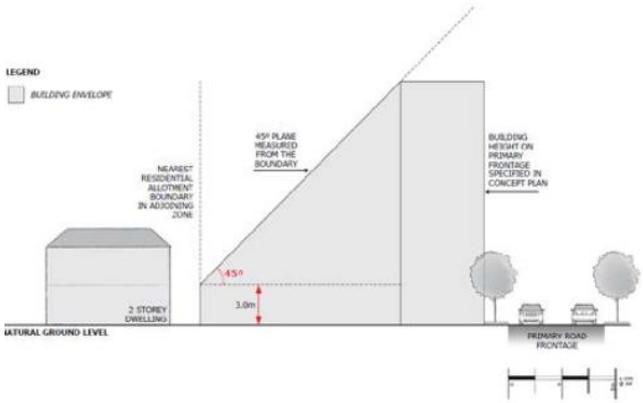
To highlight our client's concerns a comparison table between the policies of Policy Area 22 of the Neighbourhood Centre Zone and the proposed Suburban Main Street Zone is included with this submission as follows.

No.	Issue	Current Development Plan	New Planning and Design Code	Comment
1.	Controls for the extent, location and scale of new development	<p>Centre expansion limited to underutilised land between abandoned railway line and rear of buildings on the northern side of main road.</p> <p>Larger scale buildings and development are more characteristic of large communities in metropolitan Adelaide and are to be avoided.</p> <p>Development should be located in accordance with the following:</p> <ul style="list-style-type: none"> <li>• shopping development should predominate on the northern side of Main Road</li> <li>• administrative and community development should predominate on the southern side of Main Road</li> <li>• development should take place on under-utilised land at the rear of buildings on the northern side of Main Road, with primary vehicle access to this area being obtained from a possible future roadway which follows the alignment of the abandoned railway line.</li> </ul>	<p>None</p> <p>Seeks low-to medium rise buildings.</p> <p>None.</p>	<p>Current policy specifically limits development to desirable locations within the township. This is not reflected in the Code policies and facilitates the possibility of ad-hoc development which may not strengthen the function of the town's main street.</p> <p>The existing policy area blatantly states that larger scale buildings are inappropriate in the locality. The Code does not account for the unique context of the existing McLaren Vale townscape</p> <p>Current policy specifically limits development to desirable locations within the township. This is not reflected in the Code policies and facilitates the possibility of ad-hoc development which may not strengthen the function and desired integration of particularly land uses within and adjacent to the town's main street.</p>
2.	Building Height	Buildings should be no more than one-storey in height.	Low-to medium rise buildings; where the height is commensurate with the development site frontage and depth as well as the main street depth, so the impacts of building mass on adjoining properties and the streetscape can be minimised.	The code's provisions allow buildings of well in excess of one and two storeys to be constructed. This is not in keeping with the low scale of the township and is inappropriate considering the undulating nature of the topography in the town.

No.	Issue	Current Development Plan	New Planning and Design Code	Comment
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Which is in accordance with the technical and numeric variation overlay for building height levels

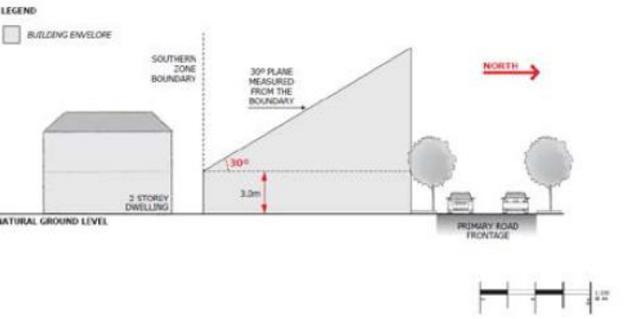
More specifically, buildings constructed within a building envelope provided by a 45-degree plane measured from a height of 3 metres above ground level at the allotment boundary of a residential allotment within a neighbourhood zone, except for when this boundary is the southern boundary of the primary street boundary:



If the above described boundary is the southern boundary, buildings on site are to be constructed within a building envelope provided by a 30-degree plane grading north measured from a height of 3m above ground level at the boundary:

The visual impact will be detrimental to the character of McLaren Vale.

Lack of stronger controls for multi storey developments will have a detrimental impact on the visual amenity, country township character, and attractiveness of the town and the surrounding rural area.

No.	Issue	Current Development Plan	New Planning and Design Code	Comment
			 <p>The diagram illustrates a cross-section of a building envelope. On the left is a '2 STOREY DWELLING'. To its right is a 'SOUTHERN ZONE BOUNDARY'. A '30° PLANE MEASURED FROM THE BOUNDARY' is shown, with a vertical height of '3.0m' from the 'NATURAL GROUND LEVEL' to the top of the plane. To the right of the boundary is a 'PRIMARY ROAD FRONTAGE' with trees and cars. A 'NORTH' arrow points to the right. A legend indicates 'BUILDING ENVELOPE' with a square symbol. A scale bar at the bottom right shows '0 1 2 3 4 5'.</p>	
3.	Building articulation and materiality to preserve the domestic and low-scale country township nature	<p>Buildings adjacent to Main Road should be designed to respect and reinforce the domestic scale of existing development. Wherever possible, roofs should be pitched and should incorporate gables facing toward the street.</p> <p>Buildings on the northern side of the road should, if built to the road boundary, include verandas and balconies over the footpath.</p> <p>External building materials, colours and finishes should respect the materials, colours and finishes of adjacent development, particularly those traditionally used on older buildings.</p>	<p>A ground floor minimum ceiling height of 3.5m.</p> <p>Buildings which create visual interest, promote an active interface with the main street frontage and maximise passive surveillance, Development that creates an efficient and convenient pedestrian network establishing linkages within the main street and to adjoining zones.</p> <p>Awnings, canopies and verandas providing shade and shelter for pedestrians over footpaths.</p> <p>Buildings that preserve the main street appearance by complementing the key shop-front elements such as narrow buildings and tenancy footprint with frequently repeated frontages, and clear-glazed narrow shop front displays above raised display levels (base stall boards) and recessed entries.</p>	<p>The focus of low domestic scale development is lost in the transition to the Code.</p> <p>There is no mention of roof style/structure.</p> <p>Emphasis on northern side of Main Road is lost</p> <p>The Policy Area focuses on materiality complementing the existing built fabric of the older buildings, whereas the Code has some leniency to more modern materials and does not specify details regarding colour/finish more than encouraging interaction with the public</p>

No.	Issue	Current Development Plan	New Planning and Design Code	Comment
			Not less than 50% of the ground floor primary frontage of buildings are visually permeable, transparent or clear glazed.	realm. There needs to be emphasis on the historical and country town character.
4.	Heritage	Development which is adjacent to or in the vicinity of a heritage place should be designed and sited in a way that does not detract from the setting and significance of the heritage place.	None.  There are no active overlays relating to any heritage place status.	We note Policy Area 22's area corresponds to the original village of Gloucester, established in the 1840s. No controls may result in the lack of protection of the historical buildings in the township, which are vital to the keeping with the character of the town.
5.	Car Parking	Car parking areas should be screened from public view, adequately landscaped, and should not be established in the set-back area between Main Road and the building.  Off-street car-parking is prescribed in Table Onka/3 of the Development Plan; as the Main Street is not defined as a Designated Area,  The Council has established a car parking fund for the associated Policy Area in conjunction with others in Council area.	Development minimises the need for vehicle crossovers on the main street to reduce conflicts with pedestrians and avoid disruption to the community of built form.  Parking to be located behind buildings away from the primary main street frontage and designed to minimise its impacts on residential amenity.	McLaren Vale is a service centre for the larger surrounding district which depend on the use of private motor vehicles to access the town's services. The provision of adequate off-street parking is necessary to support the town's function as it does not enjoy the same density, walkability or public transport opportunities enjoyed by other suburban main streets.  Inadequate off-street parking will create congestion which will discourage visitation by the community. What will the impact be to the Council car parking fund?
6.	Advertisements	Listed as a non-complying form of development.  Provisions of policy area state free-standing signs, animated signs or signs mounted above roof lines should not be erected.	Advertising is acceptable if it creates freestanding advertisements that; <ul style="list-style-type: none"> <li>• identifies the associated business without creating a visually dominant element within the locality;</li> <li>• do not exceed 8m in height; and</li> <li>• do not have a sign face that exceeds 6m<sup>2</sup> per side.</li> </ul>	Poses the threat of visual clutter, detracting from the rural setting and context of the township.

No.	Issue	Current Development Plan	New Planning and Design Code	Comment
7.	Residential Development	<p>Residential flat buildings are listed as non-complying.</p> <p>Dwellings only to occur in the zone if in conjunction with a non-residential use, occurring behind or above the non-residential use.</p> <p>The policy area limits buildings to 1 storey, hence implying dwellings only to occur behind a non-residential use.</p>	<p>Dwellings can be developed only in conjunction with non-residential uses and sited:</p> <ul style="list-style-type: none"> <li>• At upper levels of buildings with non-residential uses located at ground level; or</li> <li>• Behind non-residential uses on the same allotment</li> </ul>	<p>The policy area in current development plan ensures residential development occurs in keeping with the low-scale nature of the town centre.</p>
8.	Land Division	<p>Land division in the zone is appropriate provided new allotments are of a size and configuration to ensure the objectives of the zone can be achieved.</p>	<p>Land division and site amalgamation that creates allotments that vary in size and are suitable for a variety of residential and commercial activities that improve the level of development integration.</p>	<p>The Code speaks of residential activities, this is a concern as the Policy Area limits residential development to a great extent.</p>
9.	Non-complying/ Restricted Development	<p>The Procedural Matters include an extensive list of non-complying forms of development. Some of the most relevant examples in the current plan include the following:</p> <ul style="list-style-type: none"> <li>• Advertising</li> <li>• Dwelling except where it is in conjunction with a non-residential development</li> <li>• Electricity generating station</li> <li>• Fuel depot</li> <li>• Industry</li> <li>• Motor repair station</li> <li>• Residential flat building</li> <li>• Showground</li> <li>• Store</li> <li>• Warehouse</li> </ul>	<p>In the Suburban Main Street Zone, the only restricted class of development is Industry.</p>	<p>Compared to the extensive list of non-complying developments in the current development plan's zoning, this opens up the potential for development that is entirely not in keeping with the character of the township and the desired development that the community and local government wish to see.</p>

It is noted a Character Preservation District overlay will apply to the proposed zones within the township. While the overlay recognises the need to protect and enhance the special character of Character Preservation Districts, the specific DTS/DPF (Deemed to Satisfy/Designated Performance Feature) and PO (Performance Outcomes) do not include provisions which acknowledge and protect the unique character and attributes of the township. The current policies specific to the McLaren Vale township will be lost.

This is a considerable concern to our client as the transition from the Onkaparinga Development Plan to the Code should deliver a 'like for like' planning outcome. As highlighted above, this will not be the case with the draft Code enabling significant changes to the character of the McLaren Vale township, especially with respect to the introduction of medium rise buildings of substantial scale on larger allotments.

Due to the Field Street carpark being constructed over three allotments the subject land is one of the few relatively large sites within the McLaren Vale Neighbourhood Centre Zone. We believe the land's proposed inclusion in the Suburban Main Street Zone is entirely inappropriate given the open nature of the immediate locality, its largely natural setting and the evident disconnect the land has to the core of the town's main street.

The land is surrounded by open space local reserves including the popular Coast to Vines Rail Trail and Pedler Creek watercourse. The reserves comprise open areas covered with native and introduced vegetation, which is complemented by the low-rise, low density residential developments on the eastern side of Field Street. With exception to the carpark, the locality provides an attractive interface between the urban fabric of the town and the surrounding vineyards.

The proposed transition of the Neighbourhood Centre Zone to a Suburban Main Street Zone lacks consideration to the natural open space character of the local setting and the change of the carpark land to a Suburban Main Street Zone introduces the possibility of medium-rise buildings of substantive scale being developed on the land. Such events will unduly disrupt the attractive natural appeal and character of the local landscape which provides an attractive backdrop for the town.

To prevent such a possibility occurring, we strongly encourage the existing Neighbourhood Centre Zone instead be converted to a Suburban Activity Centre Zone. The Suburban Activity Centre Zone is a better fit for the Code transition in relation to the Field Street carpark and more so when the Technical and Numerical Variation (TNV) of one storey-height limit is also applied. We advocate that a TNV for single storey building heights to be applied to the Field Street carpark site.

If this request is not supported then, at the very least, additional TNV's should be included to the Suburban Main Street Zone of McLaren Vale. In the first instance the TNV's should limit building heights to single storey along the Main Road and the zone's interface with the General Neighbourhood Zone. In other areas of the zone the building heights should be limited to no more than two storeys and not be visually apparent within the Main Road streetscape or from properties within the General Neighbourhood Zone.

Furthermore, the current policies seek small scale forms of development reflective of a country town. The Code policies do not recognise this existing feature of McLaren Vale's main street. TNV's requiring setbacks from boundaries to enable landscaping between buildings and boundaries should be incorporated, as well as a design criterion which puts an emphasis on the use of traditional building materials, colours and finishes.

My client has consulted with the Council on many occasions regarding this matter, especially the policy impacts the Code will have on the carpark land. The Council is in agreeance with

the concerns expressed in this submission regarding the inappropriateness of a Suburban Main Street Zone being applied to the Field Street carpark land and we anticipate the Council's submissions have, or will, seek a stronger policy position on building heights and scale. The Suburban Main Street Zone being applied to the Field Street carpark is not a 'like for like' policy position and the Council agree the Suburban Activity Centre Zone is a better fit for the Field Street carpark land, more so when the Technical and Numerical Variation (TNV) of one storey-height limit is also applied.

Finally, we believe this problem is not limited to McLaren Vale, and potentially one faced by many similar small country towns which act as small service centres for the surrounding rural areas.

### Conclusion

The Code seems to be metropolitan-centric, giving no regard to the attributes and character which are unique to the McLaren Vale township. The policies within the current Development Plan, which the Council has spent many years developing and improving, provides a development vision which reflects the local community's desire for the preservation of McLaren Vale's historic attributes and low scale character. These provisions have for the most part been excluded from the Code, which means there is potential for poor development outcomes and loss of the unique country township character.

The Code should address this risk by substituting the existing Neighbourhood Centre Zone with a Suburban Activity Centre Zone and not a Suburban Main Street Zone as is currently proposed in the consultation version of the Code. Further, additional provisions which provide greater guidance on building scale, siting and materials should be included to ensure McLaren Vale's township character is not damaged by future development.

The land across the road from my client's property is one such site which could see development seriously compromise the attractive attributes which contribute to the town's country character and charm. The Field Street carpark is physically separated to the rest of the Neighbourhood Centre Zone by the Coast at Vines Rail Trail and being some 200 metres from Main Road, exhibits no direct connectivity with the commercial activities of the street. The land primarily fronts expansive, natural open space and low-density residential land and has no direct vehicle access to Main Road other than via Field Street

To prevent such an event, we call for greater effort being made to deliver a 'like for like' policy position over the town, and especially to the Field Street carpark site, in the transition process. Failure to limit the height and scale of future development have an irreversible and detrimental impact the natural open character and low-scale appeal of the locality.

If you have any questions in relation to this submission, please feel free to contact me. I would be pleased to assist.

Yours sincerely,



David Hutchison  
**Access Planning SA Pty. Ltd.**