

18 December 2020

Reference: 0216h

Michael Lennon
Chair
South Australian Planning Commission

Attention: Michael Lennon

By Email: DIT.planningreformsubmissions@sa.gov.au

Dear Mr Lennon,

ROSEWORTHY

We act for Platinum Property Retirement in respect of their site at Lots 61 and 62 Horrocks Highway, Roseworthy (CT 6185/327 and CT 6185/328).

The subject site is approximately 68 hectares in area and is currently being developed as a master planned residential community and associated town centre. It sits at the centre of a new community that is envisaged to comprise more than 4,000 dwellings and 10,000 residents upon completion. Under the current zoning, residential development at a range of densities and an Activity Centre, incorporating a wide range of residential, commercial, community, recreation and educational facilities, are accommodated within the Suburban Neighbourhood Zone.

The subject site represents the designated location for the Activity Centre to serve Roseworthy and the surrounding locality.

We note our previous submission to Code consultation, where we requested that the Commission amend the zoning of the area to apply a Master Planned Neighbourhood Zone. We are pleased to see that this has been done, and thank the Commission for this.

We also support the lack of a limit on floor area for Activity Centres. This is important in ensuring that centres are able to be flexible in meeting the demands of communities large or small.

One further point to be made relates to the use of building envelopes. We are thoroughly supportive of their use, as in DTS / DPF 5.1-10.1. These allow for yet further tailored local variations, such as the desire for development with no front setback facing the Activity Centre, as is the case in the current Development Plan policy, with greater flexibility than TNV's.

We do however still have concerns relating to the way the Emerging Activity Centre Subzone is applied within this.

Specifically, we are concerned with ambiguity in terms of where the Subzone applies, and therefore when to apply the provisions of the Subzone over the Zone, given their directly conflicting nature.

The Subzone is applied across the entire area of the site, and indeed, the whole of the Roseworthy Township Expansion area, just as the Zone is. This, read in conjunction with the wording of the Subzone provisions, suggests that a further

designation of the Activity Centre is required. We make the assumption that this designation comes from the Concept Plan for the site. However, the Concept Plan only uses a dot to designate the Activity Centre, rather than showing the full extent of the centre. This creates ambiguity with regard to whether a development, wherever on the site it may be, should be assessed as part of the Activity Centre, or not.

Where an Activity Centre can be defined then it should be to avoid creation of competing centres that detract from achieving the intent of the designated Activity Centre. In the case of Roseworthy, this definition is clear and is illustrated on the accompanying plan.

The use of the dot as the designating feature on the Concept Plan is common among many other Concept Plans for the Master Planned Neighbourhood Zone. This practice is common in order to allow for flexibility in the construction and design of the Centre, based on the demand, which will be subject to a number of important points which are likely not to have been resolved prior to the rezoning. As such, we endeavour to propose a solution which will preserve the flexibility offered under this arrangement, while still providing the certainty required to conduct the assessment.

Under the existing Development Plan arrangements, applications for development of a commercial nature will be assessed under a "Merit" pathway. This allows for the planner conducting that assessment to make a determination, based on the Principles of Development Control, of whether the development forms part of the Activity Centre. A Deemed-to-Satisfy pathway under the Code would preclude any such decision from being made, thus making it unclear what provisions the development should be assessed against.

We raise further concerns that should the policy shown in this draft carry over, there is the possibility of a Court ruling regarding this issue of which provisions to apply. This issue can be quickly and easily resolved now with the action of the Commission to rectify this issue.

We would propose instead that changes be made to the Performance Outcomes (PO's) of the Zone and Subzone in order to be more flexible with regard to other land uses, and that the borders of the Subzone be amended to reflect the largest expected extent of the Activity Centre. This would create an outcome similar to that seen in Concept Plan 105 – Seaford Heights.

Firstly, with regard to the amendments to the PO's, we would specifically note provisions PO 1.5 of both the Zone and Subzone, as well as the Procedural Matters section.

For the Zone, in terms of PO 1.5, the following change is proposed:

*Small scale shops, offices and consulting rooms, **including in small scale centres**, provide services close to housing*

With regard to the Subzone, we would propose multiple changes. As far as process goes, we would propose that any application for residential land division within the Activity Centre be assessed through a Performance Assessed pathway, but that then the built form be assessed using the provisions of the Zone. To achieve this, we would propose adding a PO, which would be numbered 1.5 since it relates to land division, stating:

Land division for residential purposes only occurs where land is not otherwise required for non-residential purposes.

This would allow the Relevant Authority to make a determination, similar to the existing system under the Development Plan, on whether or not such land should be reserved for the Activity Centre.

In terms of the current PO 1.5, we would propose the following change:

Within Activity Centres, dwellings are developed only in conjunction with non-residential uses to support businesses, entertainment and recreational activities, or where land is not otherwise required for non-residential purposes.

A further amendment would then be made to the current DTS / DPF 1.5 to add the following provision:

Or (c) on land which is part of an approved land division for residential purposes; in which case the provisions of the Zone apply

We believe that this will indeed function as intended, since Activity Centres are typically regarded as a higher and better economic use of the land and hence, the use of the land for residential purposes is only likely to occur if a higher value commercial use is not found.

We also note the Procedural Matters section, where ground level dwellings are not a class of development that is excluded from notification. We request that this be added in order to allow such dwellings where appropriate.

We also propose an amendment to the Subzone boundaries to reflect the actual possible extent of the Activity Centre. This would involve portions of Lot 62 DP 144625, CT 6185/328. This is illustrated in the map below:



We urge the Commission in the strongest possible terms to accede these requests, in order to ensure that development can proceed in an orderly manner, without uncertainty and potential litigation.

We note that the owner of the site, Mr Joe Oppedisano, and the Hon. John Darley, MLC, met with the Chair of the Planning Commission, Mr Michael Lennon, at which the Chair acknowledged the desirability of confirming and strengthening the position of Activity Centres, where possible, on sites which are otherwise compromised by the application of an Emerging Activity Centre Subzone which facilitates activity centre development anywhere with the Subzone.

We would be pleased to be heard in respect of this matter.

Yours sincerely,

Stephen Holmes
Director