

65307-001

29 March 2019

Mr Jason Bailey, Project Lead Planning and Design Code
Department of Planning, Transport and Infrastructure
Level 5, 50 Flinders Street, Adelaide 5000
GPO Box 1815,
Adelaide SA 5001

Email: DPTI.PlanningEngagement@sa.gov.au

Dear Mr Bailey

RE: RESPONSE TO PHASE ONE OF THE PLANNING AND DESIGN CODE

We write in response to the request for feedback on Phase One of the Planning and Design Code currently on public consultation until Friday, 29 March 2019.

We have been requested by Commercial and General to review the draft policies and prepare a submission, based on our perceived implications for Commercial and General, should the above document be adopted in its current form.

Section one: About Commercial and General

For context, Commercial and General is an Australian development company delivering property development and investment management solutions.

Commercial and General Communities is currently developing the WEST project at West Lakes. WEST is transforming the iconic Football Park precinct into Adelaide's newest cosmopolitan destination. With an array of premium residential and retail offerings, WEST sets a new benchmark in the delivery of master-planned communities in South Australia.

In 2018, Commercial & General Communities won the Urban Development Institute of Australia, South Australia (UDIA SA) and most recently National UDIA Medium Density Housing Award for the WEST development.

Section two: Feedback on the Planning and Design Code (General Modules)

It is expected that the General Modules will apply broadly across the within the structure of the new Planning and Development Code. It is not clear if the General Modules in Phase One of the Planning and Design Code will differ from those that will follow in Phase Two and Three, however it is assumed that the intention for a single set of planning 'rules' will result in the General Modules being widely applicable.



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Commercial and General has identified a number of concerns with the General Modules as currently presented. Our comments are discussed below under the headings outlined in the response template provided as part of the consultation material.

Residential Liveability Table 1 – Private Open Space

It is noted that minimum private open space areas generally accord with those in the existing planning system and are consistent with those proposed in apartments within the WEST development.

The Code seeks to introduce a variable minimum dimension for private open space. This variable minimum dimension will reduce flexibility in apartment configuration and design and will lead to added complexity and cost in designing new apartment buildings.

A single minimum dimension should replace the proposed approach to allow for increased certainty and flexibility in design. A minimum of two metres, as currently required, is preferred by Commercial and General.

This approach ensures certainty, consistency and flexibility in the delivery of medium density dwellings without the additional complexity of also needing to amend balcony sizes during design development.

For site areas below 300 square metres, a single minimum rate of 24 square metres is proposed. This is inconsistent with award winning terrace housing being delivered at WEST, where the current planning policies provide for minimum private open space ranging between 8 square metres to 15 square metres depending on the number of bedrooms.

A typical two bedroom dwelling requires 11 square metres at WEST, with 24 square metres more than double the current requirement.

This minimum requirement will result in reduced dwelling yields, a less compact urban form and ultimately significantly increased costs to purchasers who are currently not seeking this level of private open space in many housing types.

The proposed minimum does not reflect current exemplar developments medium density developments. The WEST development has a Council endorsed Master Plan which provides over 17% public open space, resulting in usable public open spaces adjacent or in near proximity to every dwellings within the development, supporting the current private open space delivered in over 250 dwellings thus far.

Whilst it might be the case that future urban zoning policy may reduce these deemed to comply minimums, such an approach would result in quantitative requirements located in multiple locations and this will add complexity to the planning system.

It is our submission that the private open space requirements be moved to the zone level to better acknowledge that open space provision in an urban setting is different to a low density residential zone.



Furthermore, the proposed minimum provision must be amended to reflect contemporary medium-density housing products already being successfully delivered in South Australia. Increasing the minimum private open space area has no rationale or justification.

Site Contamination

Commercial and General is concerned that the proposed Deemed-to-Satisfy conditions will become a de-facto requirement for all sites to require a site audit report, including those which may be low risk.

The Draft Development (Site Contamination) Variation Regulations 2018 identifies potentially contaminating activities will be classified into three classes; Class 3 (Low risk), Class 2 (Medium risk) and Class 1 (High risk) with corresponding responses to the level of risk.

As part of the draft guidelines, only land subject to notification under Section 103P of the Act will mandate a site contamination auditor. Other classes may require only the input from a site contamination consultant or an auditor at the EPA's direction.

It is Commercial and General's submission that Deemed-to-Satisfy condition represents a duplication of regulation and risks inconsistency with other legislation. Commercial and General seeks that the response to site contamination default to the EPA framework to avoid conflict or duplication of responses.

If this is not supported, the Deemed-to-Satisfy approach must be amended to introduce different risk categories and solutions rather than simply default to a site audit. The practical approach presently undertaken by the City of Charles Sturt has been successful and hence the change considered unnecessary and undesirable.

Parking

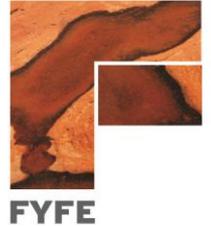
Whilst it is acknowledged that Transport, Access and Parking Table 1 – Off-Street Car Parking Requirements relates to the application of a Deemed-to-Satisfy condition, the rate of 2 spaces for dwellings with two or more bedrooms does not appropriately recognise the parking and occupation variables that apply to different household/dwelling types and locational attributes of the dwelling location.

For instance, a two bedroom apartment has a very different parking demand to a four bedroom suburban dwelling, however the table makes no distinction between these dwelling types.

Commercial and General seek policy which continues to support the provision of only 1 car only for 2 bed apartments and 2 bed terrace dwellings.

Apartments up to three bedrooms in size in our experience are typically provided with 1 on site car park, with visitor parking provided on- street. To increase on-site car parking will add significant cost to projects and prejudice the viability of projects, particularly when such outcomes are not sought by the market.

The table should be amended to reflect parking demands associated with different building forms.



Section three: Evaluation of this engagement

DPTI has requested feedback on the engagement process and understanding of the Code.

As an award winning developer of land and housing, Commercial and General would welcome the opportunity to directly engage during the preparation of future phases of the Code to ensure that the new planning provisions recognise the challenges, market demands and best-practice delivery of housing for South Australians.

There are many implications arising from residential development policies on project viability and therefore evolution of the envisaged new urban form of Adelaide.

Rather than important policies being 'hidden' within a large complex document which also has the complexities of interpretation arising from the new Code format, it is recommended that workshops be convened with key stakeholders (major developers and their planning advisors) to work through specific policies. From a residential development perspective, it would be beneficial to workshop the general Residential Liveability policies (and associated tables) as a minimum.

Should you wish to discuss any of the matters raised in this letter please contact the undersigned. We would be pleased to further amplify our significant concerns in relation to the draft Code.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Osborn', with a long, sweeping underline.

Michael Osborn
National Planning Manager