

7 January 2020

Ms Anita Allen
Manager, Planning Reform
Department of Planning, Transport and Infrastructure
Via email: DPTI.PlanningReform@sa.gov.au



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Dear Anita,

RE: PLANNING AND DESIGN CODE – LOT 62, DEVONPORT TERRACE, PROSPECT

This firm acts for Michael Calabro Pty Ltd, the registered proprietor of Lot 62, Devonport Terrace, Prospect ('the Land').

We are instructed to submit the following submission in respect of Phase 3 of the State's Planning and Design Code ('the Code').

The Land is comprised in Certificate of Title 6212/293 and is depicted on Deposited Plan 119266. The Land is approximately 1,740 square metres in area and surrounded on all four of its sides by public roads, namely Devonport Terrace, Lime Kiln Lane and Irish Harp Lane. A copy of the Deposited Plan is attached to this submission for context.

The Land is shown in the Code's online mapping system as within the new Urban Corridor (Boulevard) Zone, transitioning from the current Urban Corridor Zone – Boulevard Policy Area in the City of Prospect Development Plan.

Our client is generally supportive of the Code provisions as they apply to the Land, as the forms of development envisaged in each are relatively aligned.

There does appear, however, to be the glaring omission in the Code around maximum building heights.

The Land is currently located within Concept Plan Fig/UrC/1 providing maximum building heights of three to eight storeys and minimum residential density of 150 dwellings per hectare. Attached is the Concept Plan that is currently applicable to the Land.

The Code's online mapping system does not provide any indication of maximum building heights. Further, the Zone policies within the Code provide the following guidance in respect of building heights:

PO 2.4

Building height consistent with the form expressed in the *Maximum Building Height Levels Technical and Numeric Variation Overlay* and the *Maximum Building Height Metres Technical and Numeric Variation Overlay* and positively responds to the local context including the site's frontage, depth, and adjacent primary corridor or street width.

DTS/DPF 2.4

Building height is not greater than any maximum, or less than any minimum, specified in the *Maximum Building Height Levels Technical and Numeric Variation Overlay*, the *Maximum Building Height Metres Technical and Numeric Variation Overlay*, or the *Minimum Building Height Levels Technical and Numeric Variation Overlay*.

As you would be aware, the “Technical and Numeric Variation Overlay” has no detail that can be attributable to any land. Therefore, the Land is either unencumbered by building height (which we assume is an incorrect assumption) or, alternatively, maximum building heights within the Urban Corridor Zones in the Prospect Council area have been overlooked.

To this end, we note the Concept Plans for several other Councils have been included in the draft Code currently on public consultation. The Concept Plans for the City of Prospect have been omitted. It is not known whether this is by design or innocent omission however, in the absence of any guidance this is most concerning to our client, as maximum building heights have a significant impact on the development potential of the Land.

We submit the existing building heights under the City of Prospect Development Plan should, as a minimum, apply under the Code to ensure certainty for owners and investors of land within the Urban Corridor Zones of the City of Prospect.

Significant Development Sites

We are instructed to submit the application of “significant development site” policies should be amended to include sites such as the Land.

The Performance Outcomes for these sites is listed below:

PO 4.1

Consolidation of significant development sites (a site with a frontage over 25m to a primary road corridor and over 2500m² in area, which may include one or more allotment) to achieve increased development yield provided that off-site impacts can be managed and broader community benefit is achieved in terms of design quality, community services, affordable housing provision, or sustainability features.

The criteria for the application of the “significant development site” dispensation for building height applies to sites exceeding 2,500 square metres and with frontage over 25 metres to a primary road corridor. This policy is supported, as sites of this size can effectively deal with deleterious interface issues by providing sufficient setbacks to ameliorate such impacts.

The Land is an “island” site, effectively bounded on all four sides by public roads. To this end, any external interface impacts are similarly reduced due to the proximity of adjoining allotments.

We submit the criteria for significant development sites should include an additional qualifying trigger to allow “island sites” with frontage on all sides to a public road to be included in the definition of a “significant site.” Given the rarity of such sites, we submit the inclusion of this qualifying criteria would be sufficiently restrictive to ensure its application is not too broad.

We would be pleased to meet with DPTI staff to further discuss this submission and to work through solutions which ensure the Code enables delivery of the excellent development outcomes in the manner anticipated by the State Government.

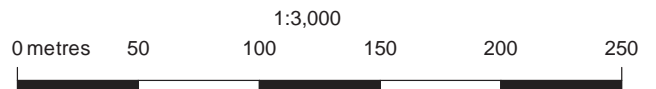
Yours sincerely

A handwritten signature in black ink, appearing to read "M. Duncan", enclosed in a thin black rectangular border.

Marc Duncan
Principal



- 3-8 Minimum - Maximum Building Height (Storeys)
Minimum Density - 150 dwellings per hectare net
- P Kiss 'n' Ride Associated with Islington Rail Station
- ↔ Preferred Access Point
- T Train Station
- Cycle and Pedestrian Links
- Boulevard Policy Area Boundary
- Development Plan Boundary
- Landscaping
- Open Space (Indicative only)



PROSPECT (CITY) CHURCHILL ROAD Concept Plan Fig UrC/1

PIECES SCHEDULE

ONE ALLOTMENT COMPRISES	TOTAL AREA
63* 64* AND 65*	54.68m ²

* Asterisk denotes PIECE Identifier only.

D119266

SHEET 2 OF 2

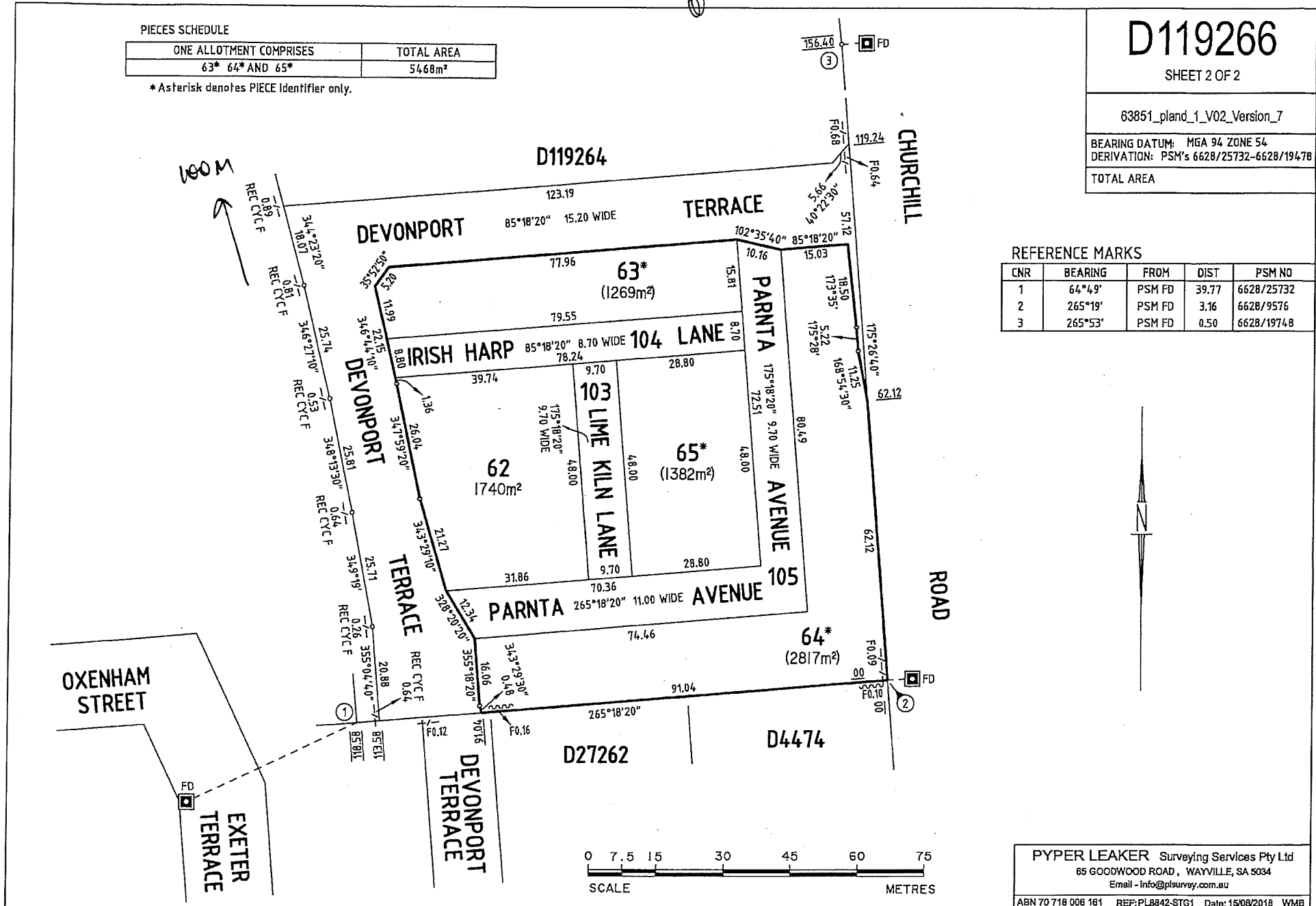
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BEARING DATUM: MGA 94 ZONE 54
DERIVATION: PSM's 6628/25732-6628/19478

TOTAL AREA

REFERENCE MARKS

CNR	BEARING	FROM	DIST	PSM NO
1	64°49'	PSM FD	39.77	6628/25732
2	265°19'	PSM FD	3.16	6628/9576
3	265°53'	PSM FD	0.50	6628/19748



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