

14 December 2020

Mr Michael Lennon
Chairman
State Planning Commission

Ground Floor,
89 King William Street
GPO Box 2403
Adelaide SA 5001
PH: 08 8221 5511
W: www.futureurbangroup.com
E: info@futureurbangroup.com
ABN: 34 452 110 398

Submitted by email: DIT.PlanningReformSubmissions@sa.gov.au

Dear Michael

**RE: PLANNING AND DEVELOPMENT CODE SUBMISSION – LOT 707
MARION ROAD, BEDFORD PARK**

We write on behalf of the Indigenous Land and Sea Corporation (ILSC) which is the registered owner of land located at Lot 707 Marion Road, Bedford Park. The location of the land is identified by Figure 1 below.

Figure 1: Lot 707 Marion Road, Bedford Park



The ILSC is a corporate Commonwealth entity established to assist Aboriginal and Torres Strait Islander people to realise economic, social, cultural and environmental benefits that the ownership and management of land, water and water related rights can bring. The ILSC provides this assistance through the acquisition and management of rights and interests in land, salt water and fresh water.

The ILSC's primary governing legislation is Part 4A of the [Aboriginal and Torres Strait Islander Act 2005](#).

Previous submission

In our previous submission on behalf of the ILSC submitted to the State Planning Commission during the first round of public consultation on the Planning and Design Code (dated 24 November 2019) we were supportive of the proposed establishment of an Urban Neighbourhood Zone over the site, which is similar in intent to the current zoning within the Suburban Activity Node Zone. Most importantly for the ILSC, the proposed Urban Neighbourhood Zone continues to encourage mixed use development.

In our submission, we stated that it was critical that PO 1.6 and DTS/DPF 1.6 be retained, as this provision provided for a significant retail node on the site, capable of supporting the medium to high density residential development outcomes sought within the zone. The previous version of PO 1.6 and DTS/DPF 1.6 is quoted below:

<p>PO 1.6</p> <p>Shops, restaurants, offices and consulting rooms services and facilities to meet the day to day needs for the local community.</p>	<p>DTS/DPF 1.6</p> <p>Shops, offices or consulting room uses not exceeding a maximum gross leasable floor area of 500m² for individual tenancies and 5,500m² in a single building.</p>
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Our previous submission also requested an amendment to remove any requirement for public notification in this locality due to the separation from any potentially sensitive uses.

Current submission

From our review of the updated Planning and Design Code released for the second round of consultation on 4 November 2020, we have identified amendments to the maximum gross leasable area that should be rectified to appropriately encourage mixed use development on this large site.

Disappointingly, PO 1.6 and DTS/DPF 1.6 have been amended since the first round of consultation to reduce the maximum gross leasable floor area in a single building from 5,500m² to 1,000m² (unless a subzone applies). The version of PO 1.6 and DTS/DPF 1.6 currently proposed is quoted below:

<p>PO 1.6</p> <p>Shops, offices and consulting rooms services and facilities to meet the needs of the local community</p>	<p>DTS/DPF 1.6</p> <p>Except where a Main Street Subzone or Urban Neighbourhood Retail Subzone applies, shops, offices or consulting room uses not exceeding a maximum gross leasable floor area of 500m² for individual tenancies and 1,000m² in a single building.</p>
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This relatively constricting cap on the gross leasable floor area of single buildings, particularly in the context of the ILSC’s large allotment of approximately 57,750m², will significantly constrain the potential for the Desired Outcome of the Urban Neighbourhood to be achieved, particularly *a mixed*

use area... that provides adaptable and flexible buildings that can accommodate changes in land use and respond to changing economic and social conditions and advances in technology'.

By contrast, the current Development Plan provisions applicable to the land under the Suburban Activity Node Zone and Laffers Triangle (as delineated on Concept Plan Map Mar/7) encourages a maximum gross leasable area of 2,000m² for a shop or group of shops under Suburban Activity Node Zone Principle of Development Control 6. The ILSC land will therefore be more constrained under the proposed Urban Neighbourhood Zone than under the current zoning.

Application of Urban Neighbourhood Retail Subzone

We are therefore of the opinion that it would be appropriate for the ILSC land to be placed within the Urban Neighbourhood Retail Subzone. The Urban Neighbourhood Retail Subzone contains only one performance outcome quoted below, which would restore the maximum gross leasable floor area to 5,500m²:

<p>PO 1.1</p> <p>Retail, office, entertainment and recreation related uses supplemented by other businesses providing a range of goods and services to the community, complement the function of the adjoining activity centre.</p>	<p>DTS/DPF 1.1</p> <p>Shops not exceeding a maximum gross leasable floor area of 5,500m² within the whole subzone area.</p>
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The Urban Neighbourhood Retail Subzone also contains the following Desired Outcome, which we are of the opinion would be appropriate for this large site within the Urban Neighbourhood Zone considering the current Development Plan provisions applicable to this area and the increase in density envisaged in the surrounding residential areas:

"Additional neighbourhood-scale shopping, business, entertainment and recreation facilities to provide a focus for business and community life and most daily and weekly shopping needs of the community."

It is relevant to note that no other adjacent subzones are proposed within the locality, with the nearest relevant subzone being the Activity Node Subzone under the Strategic Innovation Zone that applies to the Tonsley Innovation Precinct. The nearest Urban Neighbourhood Retail Subzone currently proposed is applied to the 'West' subdivision of the former AAMI Stadium within the City of Charles Sturt (some 17 kilometres to the north of the ILSC land).

Given the large size of the ILSC land, strategic importance of Laffers Triangle (as recognised by the current Development Plan) and lack of competing Urban Neighbourhood centres within the locality to service the increase in residential density sought within this area, we are therefore of the opinion that the Urban Neighbourhood Retail Subzone should be applied to the ILSC land within the Urban Neighbourhood Zone.

Building Height

The site is proposed to be subject to a Technical Numerical Variation that nominates a minimum building height of two-storeys along the Marion Road frontage of the site to a depth of approximately 63 metres within the site. The eastern side of the site is proposed to be subject to a minimum building height of one-storey (effectively no minimum). Maximum building heights of six-storeys and 24.5 metres are proposed to apply to the Marion Road frontage, whilst maximum building heights of four-storeys and 16.5 metres are proposed to apply to the eastern side of the site.

Whilst we are supportive of the proposed maximum building heights, we are of the opinion that no minimum building heights should apply to the site, as a minimum building height of two-storeys may preclude the development of several forms of single storey commercial development that meet the needs of the local community, such as childcare centres, supermarkets, cafés and restaurants.

In support of our submissions on both the gross leasable floor area and minimum building height, a retail and property advice report prepared by JLL on 28 August 2017 is appended to this letter. This report considered the commercial viability of various forms of development on the subject land and most notably concluded that:

- Limitations on the gross leasable floor area of commercial development on this site are inappropriate, as there is significant capacity for non-residential uses at ground level along the Marion Road frontage;
- A two-storey minimum height policy will preclude single storey commercial development fronting Marion Road, which is likely the highest and best commercial use of the Marion Road frontage of the site; and
- Higher development costs associated with multi-storey development are not necessarily recouped by increased rent and will delay investment on the site.

Please do not hesitate to contact the undersigned with any questions about this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read "Bryn Adams".

Bryn Adams
Senior Consultant