

16th December 2020

Mr Michael Lennon
Chairperson
State Planning Commission

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Dear Mr Lennon

Draft Planning and Design Code – Phase 3 – November 2020

Our client, Adelaide Workers' Homes Inc (AWH), has authorised Access Planning to lodge the following submission to the 2020 Code version released last month for consultation.

The proposed Code provisions applying to the client's land have been reviewed as to the adequacy of the Code policy having the capacity to support the social and affordable housing options that are desired for the land so that a proper and balanced development of the site is able to be achieved by AWH.

Details of the affected land and the existing and proposed zoning

50 Davenport Terrace, Richmond

(CTs 5602/680, 5774/255, 5774/257, 5788/493, 5801/271 and 5827/897)

Existing zoning: Residential Zone / Medium Density Policy Area 19

Proposed Code November 2020 zoning: Housing Diversity

Neighbourhood Zone

Background

In the West Torrens Council Development Plan (consolidated 21 May 2020), the subject land is within the Medium Density Policy Area 19 of the Residential Zone whose prime objectives are to accommodate a range of various dwelling types at very low, low and medium densities, including a minimum of 15 per cent affordable housing. The Policy Area envisages medium density housing accommodating a range of dwelling types (akin to the parent zone) including semi-detached, row and group dwellings, as well as some residential flat buildings and some detached dwellings on small allotments.

Significantly, policy in both the zone and the Policy Area impose height limitations on buildings, with a 2 storey / 8.5m maximum height parameter for buildings located within the Policy Area (although a 3 storey / 12.5m height is allowable in particular locations).

The subject land is also affected by the Airport Building Height development constraint which applies to structures exceeding 15m in height.

AWH has a valid development approval to construct seven 2 to 3 storey residential flat buildings comprising 219 dwellings and ancillary office, car parking, communal facilities, outbuildings, landscaping and access ways as a staged development over a period of 10 years on the subject land.

This site is of considerable size having a combined lot area of 19,145sq m and being bound by Davenport Terrace, Milner Road, Ellen Street and adjoining residential development to the south. Development is already completed on stage 1, with stage 2 well underway and is expected to be completed within the 10 year period approved by the Council.



The subject land

AWH made an application earlier this year to vary the approved scheme to increase the number of dwelling units from 219 to 271 primarily by increasing the height of the central building from 3 to 5 floors (there were other residual changes to building types and unit formation). The increased height of the central building was to be significantly offset by the use of lower scale 2 and 3 storey buildings near the perimeter in order to provide a transition in building height from the outer boundaries of the land, such that the potential for interface impacts with neighbouring residential housing would be mitigated.

Unfortunately, the application was not successful because of the emphasis placed upon the current zone's evident building height restrictions, with the rationale supporting the taller building within the approved complex being subordinate to that issue.

The building height directions inherent in the zone/Policy Area represent a considerable constraint for realising AWH's social housing goals in a convenient, equitable and flexible form. The subject land has some major advantages to offer as to the wider housing options and diversity that the uniqueness of this site offers if the building height restriction is not applied in such a mandatory fashion.

Proposed Code zoning October 2019 and November 2020

In the 2019 version of the Code released for consultation, the subject land was to be transitioned over to the ***Housing Diversity Neighbourhood Zone***, a conversion that was confirmed when the November 2020 version of the Code was released for consultation. This zoning transition has therefore not changed between the consultation versions.

Our client accepts that the proper comparable Code zone has been selected for the site.

The Housing Diversity Neighbourhood Zone does appear to be a sound substitute for the current zoning policy contained in the Development Plan. The Medium Density Policy Area 19, supplemented by the parent Residential Zone provisions, does have equivalent policy regarding building heights, some setbacks and minimum site areas and frontages as the proposed Code zone. Also, on the whole, the range and the conditions for establishing non-residential development are complementary between the two zones.

That being said, however, it is felt that there are shortcomings in the Code's zoning policy framework meaning that key provisions are unable to respond to AHW's social housing aspirations for the desired development of the land.

Principally, this is because the Housing Diversity Neighbourhood Zone contains practically the same building height directions as those that are in the zone/Policy Area already.

Medium Density Policy Area 19 (PDC 3) limits the height of buildings to 2 storeys / 8.5m and this standard is not going to change when the Code is introduced if it is based on the consultation version that has been released. DTS/DPF 3.1 in the Code zone employs a table and TNV values to specify possible maximum building heights. TNV data have been applied over the subject land which limits building height to 2 levels / 9m, ie there is no major difference over the current situation. In the context of the new Code zone, total building height will remain a significant factor in determining whether residential schemes, overall, are going to be acceptable in the context of building mass and dimension.

Submission

It is strongly recommended that the 2020 proposed Code Zone, ie the ***Housing Diversity Neighbourhood Zone***, be modified as it applies to the subject land. As pointed out, from the perspective regarding the potential development opportunities that will be made available in the new Code zone, the subject land will be little better off since the building height limitations will be substantially the same as the current restrictions, and will be unable to provide development options that have the capacity to produce social and affordable housing benefits and choice to the community.

This submission therefore argues for alternatives to be drafted within the Code zone provisions themselves in order to better achieve the development/height outcome sought for the site, with a particular focus on DTS/DPF 3.1. Because of the large size and consolidated nature of the site, and being under the single ownership, the subject land has a uniqueness associated with it in terms of the scope this affords to accommodate a broader diversity of development options that make more effective use of the area available, ranging from siting to height to scale to car parking/landscaping provision.

A large land parcel provides this opportunity in a way that small separate, individual lots cannot. If the land is subdivided to the fullest extent allowable by the size/density policies in the current Development Plan, and the new Code zone, and the consequent multiple lots also developed to their fullest, the density, design and streetscape outcome is likely to be worse than a sound professionally designed multi-storey residential complex.

The purpose of the housing and the charter of AWH which collectively point to the creation of not only needed community/social housing but also a significant amount of affordable housing, which in itself is encouraged by the Code, are key factors as well since this reinforces the social benefits of the scheme and is not developer or profit-driven to attain the

maximum return. Also, the housing will be managed as a group by AWH. This arrangement is unique and helps support the argument that this land is a special case.

It is important that these points are stressed in some detail as they do highlight the distinctiveness or exclusivity of AWH housing development and what it offers, and which clearly sets AWH apart from the conventional home building industry.

Adelaide Workers' Homes objectives

AWH was established on 30 September 1898. Under the terms of the will of the late Sir Thomas Elder, twenty five thousand pounds was bequeathed 'to benefit workmen by providing them with suitable dwellings at a reasonable rental'. Responsibility for the actual setting up of the organisation was left to the 'absolute and uncontrolled discretion' of Sir Thomas's Executors although it was requested that much regard be paid to 'the Trust Deeds constituting what is known as the Peabody Donation Fund in England'. Note that the 1898 Trust Deed stated that the term workmen, whenever mentioned, shall include workwomen.

Since its establishment, the Trust has grown substantially and it currently owns more than 332 properties throughout the Richmond, Mile End, Woodville North and Norwood areas.

Under the broad umbrella of providing workmen with dwellings at reasonable rental, the well-defined objectives of the Trust Deed encompass in part -

- *the purchase of real estate not further in a straight line from the GPO at Adelaide than 100 miles*
- *dwellings and other development which the Trustees consider will benefit the well-being of residents and their families*
- *maintenance and improvements*
- *rental and sale of property to achieve a net increment for the further extension of Trust benefits.*

Adelaide Workers' Homes tenants

In the original Trust Deed, housing was available to workmen and their families. In 1966, it was amended to also apply to persons who 'having been workmen or dependents of workmen are pensioners or on aged pensions'.

This change reflects the duration of tenure which is typical of AWH tenants and the goodwill that exists between the landlord and its tenants. The residents then, and now, are provided accommodation at subsidised rental rates similar to those traditionally offered by the former SA Housing Trust.

Adelaide Workers' Homes on-going housing development

AWH is slowly but continually turning over its housing stock as the capital value increases. It does this to retain a reasonable parity between the establishment capital value and the rent received. The Board has the discretion to offer residents the opportunity to purchase their homes; otherwise they are sold on the open market. The funds generated provide capital for subsequent projects.

Additionally, where dwellings are at lower densities than now provided for by relevant planning policy, redevelopment is occurring to increase dwelling densities along with the considerable improvement to the curtilage of the dwellings by way of provision of private open space, improved communal open spaces and landscaping, provision of storage areas for individual dwellings and improved and safer pedestrian links.

Proposed solution

On the basis of the site's distinctive size and character and AWH's special role in providing for social and affordable housing, this submission argues that a lateral approach needs to be taken for finding a suitable solution that can accommodate building height flexibility without compromising high quality built form nor avoiding potential interface impact issues.

This can be achieved by using the Code's TNV mechanism to, in this case, micro control how high buildings are able to be constructed on the subject land.

Accordingly, it is recommended that a different TNV value, one dedicated specifically for the subject land only and no other site within the zone as a whole, that increases the maximum building height to 5 levels / 15m (reflecting the Airport Building Height restriction) is justified. As stated, such an action is possible under the Code's structure whereby the TNV system allows for this individual variation without compromising the building height integrity over the remainder of the zone area, ie the impact is confined to the subject land itself and such a change does not expose other land to these taller building limits. Future specific development proposals would still be individually Performance Assessed with building height being but one element that forms part of the assessment process. The TNV value will still provide definite guidance on this matter.

Summary

It is believed that the benefits, economic and particularly social, gained from applying a different TNV height parameter to the subject land far outweigh any requirement for maintaining a status quo position which has limited potential to adapt to the desired social housing types and densities that are emerging within the Adelaide lower income housing market where, generally, supply has tended to be constrained.

In this regard, the following factors support the recommended increase in the TNV maximum building height allowance for the subject land -

- the land is a unique property holding in terms of its land bank size and amalgamated form
- it is well placed in relation to existing community facilities and public transport to support housing density options that allow it to be developed at a higher density than might otherwise be tolerable within the general surrounding residential environment
- it has the potential to fulfil a significant role in supplying a comprehensive range of social and affordable housing by facilitating the formation of a variety of housing types that are needed by AWH lower income tenants
- future development can be located and designed to respond more effectively and positively to minimise any impacts it might have on adjoining residential development, by way of overlooking and overshadowing due to building height, because the large site area offers greater siting and setback flexibility.

Taking all elements and issues into account, the adoption of a precise and focused TNV building height value solely over the site itself, namely up to 5 levels / 15m, is appropriate and does represent a reasonable compromise in the context of the broad height expectations for the zone across the board relative to the more specialised development goals AWH has for the subject land.

If you require any further clarification or validation and especially regarding the recommendation supporting the adoption of revised and slightly more generous TNV data for the land at 50 Davenport Terrace, Richmond please contact me on [REDACTED] during business hours.

Yours sincerely



David Hutchison BA CPP PIA
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