

18 December 2020

The Chair  
State Planning Commission  
GPO Box 1815  
Adelaide SA 5001

By Email: [dit.planningreformsubmissions@sa.gov.au](mailto:dit.planningreformsubmissions@sa.gov.au)

**Attention: Mr Michael Lennon**

Dear Mr Lennon,

**Re: Submission – Revised Planning & Design Code (Phase 3)**

We write on behalf of Country Allotments Pty Ltd, that owns two (2) large, Greenfield land parcels within Encounter Bay (refer *Figure 1* below).



*Figure 1 – Lot 503 Tabernacle Road and Section 80 Waitpinga Road, Encounter Bay (Source: SAPPA)*

The site is currently located within Encounter Bay Policy Area 13 of the Residential Zone of the Victor Harbor Council Development Plan (consolidated 20 June 2017).

Under the Code, the site is proposed to be located within the **Hills Neighbourhood Zone**. The site is not located within a specific sub-zone.

The site is also captured within the following Overlays.

- Affordable Housing
- Hazards (Bushfire – Medium Risk) (Medium)
- Hazards (Bushfire – Urban Interface) (Urban Interface)
- Hazards (Flooding)
- Native Vegetation
- Prescribed Water Resources Area
- Stormwater Management
- Urban Tree Canopy
- Water Resources

The Technical and Numeric Variations identify the site is located within an area with a maximum building height of 9 metres/2 building levels; minimum lot size of 560m<sup>2</sup> and minimum frontage for a detached dwelling of 15 metres.

Having reviewed the planning ordinance proposed to apply under the Code, we note the following concerns:

1. The Hills Neighbourhood Zone appears to be unnecessarily restrictive with respect to allotment yield. In particular:

*Desired Outcome 1 (D01) seeks 'low density housing...' (recognising that Part 8 of the Code specifies that 'low density' means less than 35 dwelling units per hectare)*

2. It is noted the site is located within the 'Hazards (Bushfire – Medium Risk) (Medium)' Overlay. We acknowledge there is cause for a single residential dwelling, located on the site, to require appropriate assessment and mitigation of potential bushfire risk. However, once the site becomes substantially developed for residential purposes (in accordance with the intent of proposed future zone), the bushfire risk will be significantly reduced. Accordingly, the need for all future dwellings to require the additional measures required for 'medium bushfire' risk area appears unnecessary and onerous. However, we note there does not yet appear to be any process for such an Overlay to be easily removed or superseded in a holistic master-planned development.

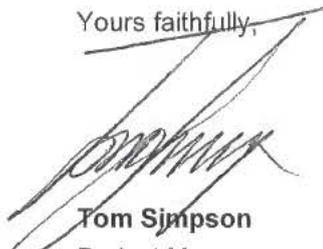
3. It appears that the presence of the 'Hazards (Bushfire – Medium Risk) (Medium)' Overlay will mean that a Deemed-to-Satisfy (DTS) pathway of assessment for residential dwellings is not available. This would cause all new residential developments within a master-planned development to be unnecessarily subject to a 'Performance Assessment' pathway. This is despite the requirements for residential dwellings for Medium Bushfire Risk areas being well defined and documented in the Ministers Code, with no Referrals required to the Country Fire Service (CFS).

Proposed Amendments to the Planning and Design Code:

- Given the relatively flat topography of this site; its proximity to existing residential development, transport linkages and open space, we request that the zoning should be amended to the more flexible 'General Neighbourhood Zone' which would allow for an increased allotment yield, as well as facilitate the orderly and coordinated development of these large greenfield sites.
- In addition, Deemed to Satisfy (DTS) pathways for residential development, listed within the General Neighbourhood Zone, should be reviewed, and amended to ensure they are not diluted by the imposition of onerous Overlay restrictions (e.g., Bushfire – Medium Risk), which would unreasonably restrict simple and expected classes of development from following the DTS assessment pathway.

We would welcome the opportunity to meet with the Commission to discuss and further explain our position in relation to the matters identified above.

Yours faithfully,



**Tom Simpson**  
Project Manager