

28 February 2020

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Attention: State Planning Commission

By Email: DPTI.PlanningReformSubmissions@sa.gov.au

DRAFT PLANNING AND DESIGN CODE – PHASE 3 (URBAN CODE)

CONSULTATION SUBMISSION

We act on behalf of Unity Housing, who has an interest in land at 35 Henley Beach Road, Henley Beach South. This site is a former SAHT estate which provided three storey walk-up flats, prior to their demolition in recent years. The subject site is identified in the following locality plan.

Figure 1. Site Location



The subject land is located in the Integrated Medium Density Policy Area of the Residential Zone, which was specifically implemented across this site to create the opportunity to deliver a more intensive and greater height development than occurring in the surrounding suburbs. Specifically, the existing zone has no density control, permits development up to three storeys (where at least 30m from adjacent residencies), minimal boundary setbacks and recognises that it needs not meet a range of General Section provisions of the Development Plan, including those relating to visual impact, overshadowing, and access to rear of sites.

These policy provisions are specific to this location and are intended to encourage a particular development outcome that is not readily achievable under the Code zoning proposed to be applied in this location.

Most notably, the proposed new zone, Housing Diversity Neighbourhood Zone, introduces a density limit (70 dwellings per hectare), a height limit of two storeys and increased boundary setback requirements via the Deemed to Satisfy (DTS) criteria. While Performance Outcomes may permit variations from these DTS criteria, the

additional onus imposed to justify variations from the DTS will be substantial and potentially limiting in terms of future development outcomes.

As a consequence, we would recommend that the proposed zoning of the area be amended from Housing Diversity Zone to Urban Neighbourhood Zone, to reflect the development expectations in this location.

If the zone is to remain Housing Diversity, then we recommend the following:

- Lifting the DTS height limit to 3 storeys for sites 30m or more from the nearest residential properties in an adjoining zone;
- Reducing boundary setbacks to the standards currently prevailing in the Integrated Medium Density Policy Area of the Residential Zone;
- Introducing “Significant Development Site” provisions applicable to the Housing Diversity Zone; and
- Ensuring clarity regarding the non-applicability of DTS provisions in the assessment of Performance Assessed proposals (and thereby responding only to the prescribed Performance Outcomes).

With regard to the introduction of “Significant Development Site” provisions we believe that the Code should distinguish between master planned infill sites and minor infill sites in its application of assessment criteria within the Planning and Design Code (the Code).

We note that small scale infill development in established suburbs, and particularly the redevelopment of individual allotments into two or more allotments has been the source of widespread concern regarding the perceived adverse impacts such as on streetscapes, reduces areas of vegetation and tree planting, increases vehicle crossovers, reduces areas of vegetation and tree planting, increases vehicle crossovers, reduces on street parking and increases the likelihood of overlooking or overshadowing of neighbours.

The Code is introducing a Design Overlay as well as General Development Policy for Design in Urban Areas and Design in Rural Areas that seeks to address a number of these concerns.

However, the quantitative standards of the Code as currently drafted will capture small and large infill sites in the same way. We believe that large infill sites have the propensity to resolve all design concerns expressed in respect of small-scale infill development and therefore should not be subjected to the same quantitative standards.

We note that the draft Code recognises this distinction in the four Urban Corridor Zones and in the City of Living Zone through the introduction of “Significant Development Sites” and “Catalyst Sites” Performance Outcomes and Deemed to Satisfy criteria. With minor modification these provisions could form the basis of guidance for Significant Development Sites in other zones including the proposed Housing Diversity zone, which covers the subject area.

Finally we believe clarity can be brought to any confusion over the (non) applicability of DTS in Performance Assessed proposals by introducing the following:

- Introduce greater clarity with respect to Performance Assessed proposals by:
 - » Removing the DTS from the Assessment Provisions and insert them into Table 2 (similarly to the way Classification Criteria are used in Table 1);

- » Delete DPF from the Assessment Provisions and Procedural Matters such that performance assessed development is on its merits; and
- » With the removal of DTF altogether, remove the last paragraph under “Rules of Interpretation: Policies – Desired Outcomes and Performance Outcomes” and replace it with the following: “Performance outcomes do not need to meet a DTS. A DTS represents only one way a PO might be met”.

We would be pleased to be heard in respect of this matter.

Yours sincerely



Stephen Holmes
Director