

27 February 2020

State Planning Commission
Attention: Mr Michael Lennon, *Chairperson*
Level 5
50 Flinders Street
ADELAIDE SA 5000

Dear Michael

SUBMISSION – PLANNING & DESIGN CODE (PHASE 3)

142 ADAMS ROAD, TROTT PARK

1.0 INTRODUCTION

Ben Green & Associates has been engaged by Rod & Jen Learey to submit this report as part of the public consultation period of Phase 3 of the Planning & Design Code.

We have been requested to review and provide a submission of the Planning & Design Code (the Code) as it relates to our client's land holding identified as [REDACTED] Trott Park who have requested that the proposed zoning be altered to the Residential Neighbourhood Zone to enable the further development of the subject land.

I provide my views and opinions below.

2.0 SUBJECT LAND AND LOCALITY

The subject land is formally described as [REDACTED] (Allotment 51) [REDACTED] Trott Park and has Certificate of Title Book Volume 5965 and Folio 166.

The subject land is, in most parts, rectangular in shape and retains an area of approximately 2.103 hectares. The subject land is located on the western side of Adams Road, adjoins the Southern Expressway to the east and residential areas of Trott Park to the south.

The subject land contains an existing detached dwelling and associated structures on the northern most portion of the allotment. An equestrian training ring for the private use of the occupants is located directly to the south of the existing dwelling with large paddocks located further south. The fenced paddocks currently contain a small number of horses with little to no vegetation found throughout the subject land.

The subject land rises from the southern section of the allotment to the northern boundary. This slope is evident as it leads towards Majors Road to the north of the subject land.



The subject locality comprises a mix of residential allotments containing primarily single storey detached dwellings, rural living allotments, various rural activities, recreational land and the adjoining Southern Expressway.

Subject Land



Source – SAPPA

The land to the immediate south of the subject land is part of the residential areas of Trott Park with small residential sized allotments containing detached dwellings. To the east of the subject land is the road reserve associated with the Southern Expressway with the southern section of the O'Halloran Hill Recreation Park located to the north of the subject land.

To the west of the subject land are a number of rural living sized (or small rural) allotments that are used for a range of rural activities, primarily in the form of grazing animals. Detached dwellings are spotted throughout this area.

Locality Plan



Source – SAPPA



3.0 PLANNING ASSESSMENT

3.1 *Development Plan Zoning*

The subject land is located within the Hills Face Zone as depicted on Map Mar/14 of the Marion Council Development Plan consolidated 15 August 2019.

The land to the north and west of the subject land is also situated within the Hills Face Zone with the land to the south located in the Residential Zone. The land to the east of Adam Road is located in the Primary Production Zone but acknowledge that this land contains the Southern Expressway and its associated road reserves.



The Residential Zone to the south of the subject land also contains the Southern Policy Area 18. This Policy Area contains a suite of policies to guide residential development with the emphasis on low to medium density development, characterised by allotment sizes ranging from 280m² – 420m² and building heights up to 2 storeys.

4.0 PROPOSED AMENDMENTS TO THE PLANNING & DESIGN CODE

Public consultation of the Code commenced on 1 October 2019 and set to conclude on 28 February 2020.

The subject land, currently contained within the Hills Face Zone, is proposed to be replaced by a similarly named Code zone - Hills Face Zone. The envisaged land uses will be similar to that currently contained with the Marion Development Plan and limits the opportunity for any contiguous expansion of existing urban areas.

It is noted that the draft Hills Face Zone retains land division as a restricted form of development.

The proposed Hills Face Zone is a zone that is intended to limit development to low-intensity agriculture activities and public/private open space to maintain the western slopes of the Southern Mount Lofty



Ranges and provide a backdrop to the Adelaide Plains. The Desired Outcomes of the Zone clearly articulate the intended land uses:

DO 1

To maintain the western slopes of the South Mount Lofty Ranges as an important natural asset of Greater Adelaide by limiting development to low-intensity agricultural activities and public and private open space. The natural character of the zone will be preserved, enhanced and re-established to:

- (a) provide a natural back drop to the Adelaide Plain and a contrast to the urban area;*
- (b) preserve biodiversity and restore locally indigenous vegetation and fauna habitats close to metropolitan Adelaide;*
- (c) provide for passive recreation in an area of natural character close to the metropolitan area; and*
- (d) provide a part of the buffer area between metropolitan districts and prevent the urban area extending into the western slopes of the Mount Lofty Ranges.*

'Natural character' refers to the natural topography, native vegetation and colours, such as greens and browns of non-reflective earthen tones, normally associated with a natural landscape. Additionally, natural character refers to the open character of the land in those areas of the zone where open grazing currently predominates.

DO 2

Development ensures that the community is not required to bear the cost of providing services to and within the zone.

It is considered for the following reasons that the subject land does not fit the above criteria and warrants consideration for an alternative Planning & Design Code Zone:

- the subject land is not visible from the Adelaide Plains and cannot 'provide a natural back drop'. The land is highest at its northern boundary and slopes downwards towards the southern boundary – ensuring that the land cannot be seen from the Adelaide Plains;
- the subject land cannot preserve biodiversity as it has been cleared of all forms of vegetation and only contains grassed areas, suitable for the upkeep of horses. It is considered unlikely that the restoration of existing indigenous vegetation and fauna habitats given the private ownership and fragmentation of adjoining land parcels;
- the subject land is privately owned and does not possess any characteristics that warrants its use as passive recreation. It is also recognised that large areas to the immediate north that forms part of the O'Halloran Hill Conservation Park provides this role to both the local and wider community;
- the subject land does not buffer between metropolitan districts but rather is an allotment that warrants consideration as an appropriate expansion of the adjoining urban areas;
- the subject land adjoins an existing urban area with immediate access to power, water, waste water, road infrastructure, social services and access to commercial and retail activities. The subject lands proximity to such infrastructure demonstrates that there will not be any unreasonable costs afforded to the community should the land be developed for urban purposes.



The current Hills Face Zone boundaries were first introduced into planning policy in the 1960s and were based upon higher elevations above which infrastructure could not be economically provided. This has now evolved into the broader communities vision for the protection of natural landscape as seen from the Adelaide Plains.

It should also be noted that the Hills Face Zone boundary was last reviewed in 1980 / 1982, where only minor boundary adjustments were made. No review of the Hills Face Zone boundary has since been made, to our understanding.

The State Government published the 'Hills Face Zone Review' in February 2004 that documented the need to undertake a comprehensive review of the Hills Face Zone, its policies and boundaries to ensure that it is updated to reflect the urban growth of metropolitan Adelaide, the greater accessibility of essential infrastructure and the key areas of biodiversity that warrant protection.

Although no review has been initiated since February 2004, it is considered that the subject land would warrant consideration for a change in its current zoning.

As the Planning & Design Code is undertaking a modern review of current planning policies, it is considered timely that the subject land's zoning is reviewed and amended accordingly.

It is considered that the Code contains a suite of differing Zones that could be readily applied to the subject land that better reflects the current and future desired land uses in this locality.

The draft Residential Neighbourhood Zone contains a suite of policies that provides for sensitive urban growth of low/very low density residential development. This Zone is considered a more suitable zone for the subject land that recognises the logical and contiguous expansion of the Trott Park urban areas while providing site areas that fosters a transition to larger allotments adjoining the O'Halloran Hill Recreation Park.

The existing land owners wish to continue residing within the existing dwelling and utilise the established equestrian ring. This area accounts for approximately 6,800m². A Technical and Numerical Variation (TNV) could be applied to this portion of the proposed Residential Neighbourhood Zone that requires a minimum 5,000m². This would ensure that the existing built form could be retained and maintain a suitable transition to the adjoining O'Halloran Hill Recreation Park.

It is suggested that the area to the south of the existing dwelling and equestrian ring could also be included within the Residential Neighbourhood Zone, however the TNV would be a minimum 1,200m². This would provide a suitable transition from the larger allotment to the north and the residential sized allotments to the south (as shown on Figure 1 below)

The draft Residential Neighbourhood Zone encourages a minimum allotment frontage of 20 metres, which would be suitable to continue the existing semi-rural character of the locality.

Based on the above discussion, it is asked that the Commission look favourably at the proposed amendments and enable the urban development of a small section of land between the existing urban areas of Trott Park and the existing built form that adjoins the O'Halloran Hill Recreation Park.



Figure 1 – Proposed TNV Areas





5.0 CONCLUSION

It is considered that the proposed changes from the draft Hills Face Zone to the Residential Neighbourhood Zone is an appropriate amendment to the Planning & Design Code.

The Residential Neighbourhood Zone provides the necessary policies to recognise the logical and contiguous expansion of the Trott Park urban area. The subject land does not contain any native vegetation, is not visible from the Adelaide Plains and has direct access to existing infrastructure available in the immediate locality. For these reasons, it is considered appropriate to alter the zoning proposed for the subject land.

We ask that the Department of Planning, Transport and Infrastructure and the State Planning Commission give strong consideration to the proposed changes.

Yours faithfully

Ben Green & Associates

Ben Green, CPP MPIA
[Redacted signature]

cc *Mr Rod & Jen Leary*