

201218 P5320 Code Submission

18th December 2020

Mr Michael Lennon
The Chair
State Planning Commission
GPO Box 1815,
Adelaide SA 5001

By email: dit.planningreformsubmissions@sa.gov.au

Dear Mr Lennon

Minda Incorporated, Brighton _ Phase 3 Draft Planning + Design Code Re-release Submission

Jensen PLUS writes on the behalf of Minda Incorporated (Minda), the owner of the Brighton Precinct site at North Brighton.

Minda is generally supportive of the intent of the planning reforms to consolidate and streamline planning processes within the State. This letter is in response to the public consultation for Phase 3 of the Draft Planning and Design Code re-release, and more specifically, how it applies to the Brighton Precinct site.

About Minda and its Master Plan

For over 122 years Minda has been at the forefront of the disability sector, offering supported accommodation, employment, respite services and opportunities to participate in the community to approximately 3,500 South Australians. Minda is and will continue to be an organisation of critical importance to the South Australian community.

Minda is a not-for-profit service provider with little government support and as such needs to source its own income, income, above and beyond donations and bequests to remain financially viable.

Released in 2012, Minda prepared a Master Plan for the Brighton Precinct site, following detailed investigations and widespread consultation with stakeholders and the community. The Master Plan establishes a long term direction for Minda in regard to the development of the Brighton Precinct site over the next 30 years. Key aims of the Master Plan are to:

- de-institutionalise the accommodation and other facilities for Minda's residents and clients so that they support person-centred thinking and are of current standards
- ensure the ongoing financial sustainability of Minda into the future so it can maintain and expand on the services it provides to the community
- provide opportunities for retirement living on the site
- improve connectivity, wayfinding and movement across the site for residents, staff and the general public
- maintain and improve the landscaped character of the site with a variety of spaces which encourage people to come in and interact (including connection to the Coast Park trail).





Figure 1: Artist's Impression of Minda Master Plan

Minda has commenced implementation of the Master Plan through the construction of Phases 1, 2 and 3, which have resulted in award winning developments that have transformed the site and the lives of its residents and community. In addition, Minda has facilitated, on its own land, the implementation of the Coast Park trail, one of the final missing links along Adelaide's coastline.

Changes to the zoning of the land were essential in facilitating Stages 2 and 3, and will continue to be important to the implementation of the Master Plan into the future. The Ministerial DPA for the land (Gazetted 30 July 2015) established a policy regime that supported medium density development, a diverse range of dwelling types and increased building heights across the site, particularly (but not only) along the foreshore.

It is critical for Minda's long term financial security, that the zoning for its Brighton Precinct site continues to support the implementation of the Master Plan.

How the Code transition impacts Minda

A comparative analysis of the transition of the zoning from the current Development Plan policy to the proposed planning and Design Code has been undertaken. The existing Residential Zone (Institution Policy Area 4) is proposed to be transitioned across into the General Neighbourhood Zone.

As a positive, it is noted that the policy transition for envisaged land uses is a fairly consistent and identified restricted development in itself is not of concern for the Minda site. In addition, the Concept Plan relating to the Minda Incorporated site has been translated across into the Code, which contains important landscape and structural elements to guide the development of this location.

However, a number of key policy changes which could significantly impact on the future development opportunities and operation of the Minda site have been found as a result of this analysis. As a result, the

General Neighbourhood Zone is not considered to provide an appropriate level of policy coverage relevant for the Minda site. The key policy issues of concern are discussed below.

Site density

There is also a complete policy shift in the densities envisaged within the proposed General Neighbourhood Zone. The Code desired and performance outcomes seek low density development and significantly limits maximum density to 35 dwelling units per hectare. This is in contrast to the existing policy for the Minda Brighton Precinct site (within the Institution Policy Area) which seeks medium density development up to a maximum of 60 dwellings per hectare.

The allowance of low density development is considered to significantly compromise Minda's overall vision and master plan for the site. The inability to achieve densities, particularly in relation to retirement housing and accommodation for people with disabilities, will impact on the financial returns and viability, as well as housing diversity to cater for Minda's needs.

This is unacceptable to Minda.

Building height

There is a similarly complete policy shift in building heights within the General Neighbourhood Zone, where the desired outcome and performance outcomes seek low rise development (which is defined as buildings up to two levels). While it is acknowledged that the Concept Plan Map continues to identify foreshore development up to 9 storeys, there is both a change in policy for the remainder of the site (which is currently able to accommodate buildings up to 6 levels), as well as a clear contradiction / conflict in policy between the Concept Plan and zone policy intent, which is a poor planning policy outcome that could compromise clarity in assessment of proposals.

This is also a dramatic policy change that will have very significant implications for Minda's ability to implement the Master Plan and therefore future redevelopment and operation of the Minda site. It is also undoing the Ministerial DPA approved for the site.

This is unacceptable to Minda.

Public notification

There is a policy shift in relation to the notification of development within the proposed zone in relation to building heights. Within the General Neighbourhood Zone, buildings exceeding 2 storeys are subject to public notification, whereas currently, buildings exceeding 3 storeys are subject to notification. This will be onerous, more restrictive to the current policy setting and ultimately, is contrary to the intent of the reform process.

Concept Plan

As previously stated, the Concept Plan relating to the Minda Incorporated site has largely been translated across into the Code and is supported. However, a further review of the Concept Plan is warranted given the loss of accompanying policy / Desired Character Statement content within the current Policy Area (Institution Policy Area 4). For example, it may be appropriate to reference the 6 storey height limit for the remainder of the site (if not translated as a TNV), along with clarification regarding the Interface Area that is illustrated on the Concept Plan to aid in interpretation.

It is recommended that further consideration of how the Concept Plan can support some of the local content in the Character Area Statement for the site.

Discussions with Council staff and the PLUS liaison officer for the Holdfast Bay Council area have highlighted that the poor Code policy transition for the Minda site has been missed and not initially identified by both bodies. This is extremely disappointing given the level of policy change proposed, and its significant implications for Minda, particularly as the recent policy changes were as a result of a Ministerial DPA.



However, we are encouraged that both bodies are open to discussion and are eager to resolve the right policy setting for the Minda site in the finalisation of the Code.

Alternative zone solution

Upon reviewing alternative zones that are available within the updated draft Code, it is recommended that the Housing Diversity Neighbourhood Zone be adopted for the Minda Precinct site as a more appropriate zone that reflects the current policy setting for this location. This is considered more appropriate as it:

- continues to align with the envisaged land uses within the existing Residential Zone;
- provides suitable opportunities for retail and commercial development at a scale that aligns with the existing Residential Zone;
- supports the density (medium density up to 70 dwellings per hectare) envisaged for this location;
- provides better support for the building heights envisaged for this location through the adoption of Technical and Numerical Variations that can express the 6 storey height overall and the 9 storey height for the foreshore development area;
- maintains the opportunity for the inclusion of the existing Concept Plan for the Minda site, which contains important landscape and structural elements for the development of this location;
- links public notification to “overheight” development and larger scale retail, commercial and consulting room proposals, which is a more reasonable approach that also aligns to the approach adopted for Corridors, Activity Centres and other growth areas.

Summary

As it currently stands, the transition of the Minda Site within the proposed Code as General Neighbourhood Zone is totally unacceptable for Minda and is strongly opposed.

It is respectfully request that the Minda Brighton Precinct site be transitioned to the Housing Diversity Neighbourhood Zone in the finalisation of the Code to maintain the current level of local policy coverage. This will ensure the long-term operation, development viability and ultimately the strategic objectives and aims of the Minda Master Plan.

I trust that this submission is favourably considered and would be pleased to discuss the concerns raised further with the Attorney General Department staff.

Please contact David on [REDACTED] if you wish to discuss any details of this submission.

Yours faithfully



David Barone

Associate

Jensen PLUS

Cc Hon Corey Wingard MP, Member for Gibson
Mayor Amanda Wilson