



17 December 2020

Mr Michael Lennon
Chairman
State Planning Commission

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

Dear Michael

RE: PHASE 3 – REVISED PLANNING AND DESIGN CODE - SUBMISSION BY BUNNINGS GROUP LIMITED

We refer to our previous Bunnings submission in relation to the first iteration of the draft Planning and Design Code (the Code), which was released for publication on 1 October 2019. Our submission focussed on the following matters:

- The need for bulky goods outlets to be encouraged and subject to the more straightforward 'Deemed to Satisfy' assessment pathway in a larger number of proposed zones;
- The restrictiveness of various policies on building height, floor area and streetscape appearance in a range of zones;
- The questionable requirement for bulky goods outlets in the Employment Zone to be subject to public notification despite being an envisaged use; and
- The Code provisions proposed to apply to the site at 621 Goodwood Road, Panorama, which has since been rezoned under the Mitcham Council's Growth Precincts Development Plan Amendment.

We have reviewed the updated version of Phase 3 of the Code currently released for public consultation and our observations and requests for amendments are as follows.

Employment Zone

One of Bunnings' undeveloped land holdings at 3-5 Penna Avenue, Glynde is currently proposed to be held within the Employment Zone under Phase 3 of the Code. In our reading, the Employment Zone is one of the more permissive zones for bulky goods outlets, with bulky goods outlets listed as an encouraged land use within the proposed Employment Zone under PO 1.2 and DTS 1.2.

Despite being an encouraged land use, bulky goods outlets are proposed to be a 'Performance Assessed' form of development. Other forms of shops that have gross leasable floor area of less than 1,000m² or that are not ancillary to light industry are Restricted Development. As encouraged in our initial submission, we are of the opinion that bulky goods outlets should be a Deemed to Satisfy form of development within the Employment Zone in order to provide a more straightforward and efficient assessment pathway, in keeping with the overarching intent of the changes to South Australia's planning system.

A maximum building height of two storeys or 9 metres applicable to both of these sites under DTS 3.5 of the proposed Employment Zone provisions is unduly restrictive, not only to bulky goods outlets but most of the other large format warehouse and light industrial type uses encouraged within the zone. Whilst such a building height may be suitable for an older style store, typical outlets, including those most recently established at Windsor Gardens and Edwardstown exceed 21 metres in height. We therefore strongly request that a maximum building height of four levels or 25 metres at the very least be applicable within the Employment Zone, noting other policies will encourage a more limited height at the zone interface.

In particular we note that development adjacent to a different zone would also need to satisfy a building envelope provided by a 45 degree plane measured from a height of 3 metres above natural ground level under DTS 3.6, in order to avoid public notification. Such policies are more appropriate to manage amenity impacts caused by building height rather than imposing a restrictive cap on maximum building height across all sites, even when centrally located to the zone.

There are also building design policies within the Employment Zone, such as PO 2.2 that encourage avoiding elevations that consist solely of metal cladding and using techniques reduce large expanses of blank walls (including modulation and incorporation of offices and showrooms along elevations visible to a public road) that are not particularly suitable for application to the kinds of bulky goods and warehousing uses that the Employment Zone supports. More generally such a policy, whilst aspirational in its intent, is at complete odds with the design techniques uses for similar buildings anticipated in the Employment Zone, such as bulk storage warehouses and transport/logistics facilities which can be several hectares in size.

We therefore are of the opinion that amendments to the Employment Zone are required to:

- **enable reasonable opportunities for bulky goods outlets and other forms of encouraged development to be subject to the Deemed to Satisfy assessment pathway;**
- **increase the maximum building height to at least four storeys or 25 metres; and**
- **alter the built form policies regarding the design of buildings to reflect the reasonably expected design of bulky goods and other forms of commercial and light industrial development encouraged within the zone.**

621 Goodwood Road, Panorama

Bunnings Properties Pty Ltd ('Bunnings') is the registered proprietor of land located at 621 Goodwood Road, Panorama.

Bunnings has previously sought to develop the land to establish bulky goods uses. Two applications have been submitted and refused, one for a Bunnings store, the other for a generic bulky goods development.

The land was rezoned from being within an Institutional Zone to a Mixed Use Zone under the Growth Precincts Development Plan Amendment (DPA), which was consolidated into the Mitcham (City) Development Plan on 27 August 2020. This DPA recognised the superseded nature of the previous Institutional Zone, which prevented commercially viable development of the land.

Planning and Design Code

Under the first version of the Planning and Design Code released for public consultation from 1 October 2019 until 28 February 2020, the land was proposed to be held within the Community Facilities Zone, with the adjoining land to the north and east held within the Suburban Employment Zone.

Reflecting the policy amendments introduced under the Growth Precincts DPA, the land and adjacent allotments to the north, east, south and west are now proposed to be held within the Urban Neighbourhood Zone.

Whilst Bunnings sought and is supportive of the proposed Urban Neighbourhood zoning, this was on the basis of the draft version of the Code, where retail development of scale was definitely anticipated. However, amendments to the Urban Neighbourhood zone, as contained in the November 2020 version, have identified that a Retail Subzone is needed to support any retail development of note.

Under the October 2019 version of the Planning and Design Code, which was released for public consultation, PO 1.6 and DTS/DPF 1.6 of the Urban Neighbourhood Zone prescribed the following:

PO 1.6 Shops, restaurants, offices and consulting rooms services and facilities to meet the day to day needs for the local community.	DTS/DPF 1.6 Shops, offices or consulting room uses not exceeding a maximum gross leasable floor area of 500m2 for individual tenancies and 5,500m2 in a single building.
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The provisions of the Urban Neighbourhood Zone have since been amended to reduce the maximum gross leasable floor area in a single building under PO 1.6 and DTS/DPF 1.6 from 5,500m2 to 1,000m2 (unless a subzone applies). The version of PO 1.6 and DTS/DPF 1.6 currently proposed is quoted below:

<p>PO 1.6 Shops, offices and consulting rooms services and facilities to meet the needs of the local community</p>	<p>DTS/DPF 1.6 Except where a Main Street Subzone or Urban Neighbourhood Retail Subzone applies, shops, offices or consulting room uses not exceeding a maximum gross leasable floor area of 500m² for individual tenancies and 1,000m² in a single building.</p>
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This relatively constricting cap on the gross leasable floor area of single buildings represents a substantial change in policy content and in our view is not appropriate in the context of the locality, which:

- comprises large holdings to the east of Goodwood Road, south of Springbank Road, which are strategically significant and present opportunity to support a retail led mixed use development;
- is of an increasingly redundant industrial nature with Bedford Industries and Kennards Self Storage on the adjacent sites to the north and a variety of manufacturing and service trade uses to the east; and
- has limited utility for residential development due to the proximity of and interface to Goodwood Road (a primary arterial road) to the west.

It is relevant to note that the large floor area footprints of the existing uses in the locality would be significantly greater than the proposed 1,000m² cap, for instance:

- Bedford Industries has a gross leasable floor area in the order of 17,500m²;
- Kennards Self Storage has a gross leasable floor area in the order of 6,500m²; and
- the various industrial tenancies to the eastern side of Shepley Avenue have gross leasable floor areas in the order of 650m² (noting the smaller area of these allotments of around 745m² each.)

The gross leasable floor area cap will significantly constrain the potential for the Desired Outcome of the Urban Neighbourhood to be achieved, particularly *‘a mixed use area... that provides adaptable and flexible buildings that can accommodate changes in land use and respond to changing economic and social conditions and advances in technology’*.

The maximum building height proposed for the site is four (4) levels, which represents lost opportunity to support residential development of scale in the central portion of the site.

Application of Urban Neighbourhood Retail Subzone

We are therefore of the opinion that it would be appropriate for the land and locality to the eastern side of Goodwood Road within this Urban Neighbourhood Zone to be placed within the Urban Neighbourhood Retail Subzone. The Urban Neighbourhood Retail Subzone contains only one

performance outcome quoted below, which would increase the maximum gross leasable floor area to 5,500m²:

<p>PO 1.1 Retail, office, entertainment and recreation related uses supplemented by other businesses providing a range of goods and services to the community, complement the function of the adjoining activity centre.</p>	<p>DTS/DPF 1.1 Shops not exceeding a maximum gross leasable floor area of 5,500m² within the whole subzone area.</p>
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The Urban Neighbourhood Retail Subzone also contains the following Desired Outcome, which we are of the opinion would be appropriate for this large site within the Urban Neighbourhood Zone considering the recently updated Development Plan provisions now applicable to this area arising from the Growth Areas DPA:

“Additional neighbourhood-scale shopping, business, entertainment and recreation facilities to provide a focus for business and community life and most daily and weekly shopping needs of the community.”

It is relevant to note that the nearest Urban Neighbourhood Zone applies to portion of Tonsley Village adjacent to the train line (some 4.2 kilometres driving distance from the subject land) and there are no other adjacent retail subzones are proposed within the locality, with the nearest relevant subzone being the Activity Node Subzone under the Strategic Innovation Zone that applies to the Tonsley Innovation Precinct. The nearest Urban Neighbourhood Retail Subzone currently proposed is applied to the ‘West’ subdivision of the former AAMI Stadium within the City of Charles Sturt (some 15 kilometres to the north).

Other activity centres of note are located at Pasadena and Mitcham, both traditional centres which do not accommodate mixed use, and are exclusively retail in nature. Panorama represents a clear opportunity for retail led mixed use, with such a vision now constrained through the draft PDC.

We are therefore supportive of the Urban Neighbourhood Zone proposed for 621 Goodwood Road, Panorama and the surrounding locality, subject to the Urban Neighbourhood Retail Subzone also being applied.

Conclusion

To conclude, Phase 3 of the Code as currently proposed raises issues in terms of:

- clearly supporting the built form of bulky goods outlets (and similar large format buildings) sought within the Employment Zone;
- further constrains the potential to establish retailing as a key anchor for a mixed use development at Panorama.

We therefore request that the Code be amended prior to implementation to address the issues identified in this correspondence. Please do not hesitate to contact me on 03 [REDACTED] should you wish to discuss.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Andrew Marks', with a long, sweeping flourish extending to the right.

Andrew Marks
Director – Property and Store Development
Bunnings Group Limited