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Dear Anita

Submission – Draft Planning & Design Code Review Relating to Crest at Woodside

Introduction

We make this submission on behalf of the Aspen Group, who is the property owner of Crest at Woodside. The plan on the following page depicts the current boundaries (in yellow) of Crest at Woodside.

Aspen Group is an ASX listed property group focused on providing competitively priced accommodation in across Australia.

Located on the outskirts of Woodside on the Nairne to Woodside Road, Crest at Woodside was formerly residential accommodation for military personnel. The existing dwellings on the land were also used briefly to accommodate refugees.

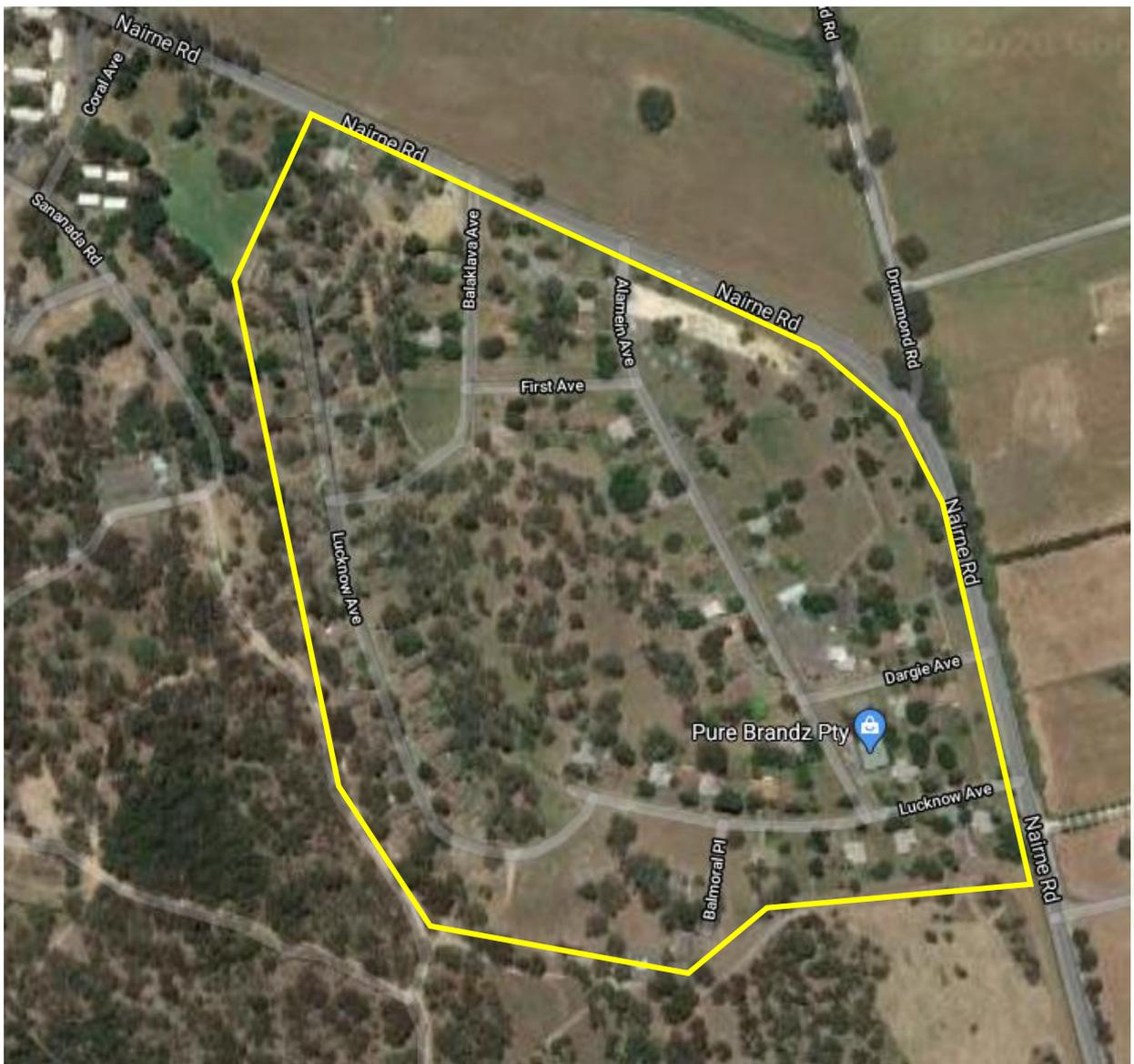
The 22.6 hectare site has all the hallmarks of a residential suburb. This includes 81 existing dwellings with substantial setbacks, that are often split-level following the contours of the land and are located in a park-like setting. There is also a community hall, day-care facility, gym and office/workshop/warehouse. Existing infrastructure across the site includes sealed and curbed streets, footpaths, water, sewer, electricity and stormwater infrastructure. In the past, there has been as many as 129 dwellings located in addition to at least 15 vacant sites.

The land was acquired from the Federal Government in 2017. A Development Application subdividing the land into a total of 148 allotments was then approved by the State Commission Assessment Panel in 2018.

The Aspen Group has already commenced improving infrastructure across the site (e.g. roads, sewer, water and stormwater), and renovated half the existing dwellings (40 of 81) and these have been rented for 12 months with strong demand. Once infrastructure works are completed, Aspen will look to sell vacant allotments and houses to private purchasers. Additionally the office/warehouse/workshop building and develop a portion of the site for tourism and other short-term accommodation (i.e. short-term workers accommodation).

We have examined the Draft Planning & Design Code (the Draft Code) in some detail as it relates to Crest at Woodside, focusing on the following issues:

- Watershed
- Land division
- Land use
- Dwelling design
- Restricted development
- Public notification, and
- Deemed to satisfy development.



Source: Google Earth

Summary of Comments and Recommended Amendments to the Draft Code

The following comments and recommendations are made in relation to the Draft Code as it relates to Crest at Woodside:

1. The designation of the site within the Mount Lofty Ranges Catchment (Area 2) Overlay is of no consequence given the connection of the land to SA Water's sewerage system.
2. The land is more appropriately located in the Township Zone similar to the rest of Woodside where the Limited Land Division Overlay does not apply. As a minimum, the Limited Land Division Overlay should not be applied to the Crest at Woodside site. This will provide improved design flexibility in the future without unreasonably compromising the watershed or surrounding rural landscape
3. Deemed to satisfy criteria should be included for tourist accommodation and short term workers' accommodation for this site.

Watershed

The Crest at Woodside site is currently located within the Priority Area 3 of the Watershed under. This is the least sensitive part of the Mount Lofty Ranges watershed area providing some additional flexibility for development compared to Priority Areas 1 and 2 of the Watershed.

Under Schedule 8 of the existing Development Regulations 2008, lots of development in within the Mount Lofty Ranges Watershed Protection Area must be referred to the EPA. The EPA can comment on such applications, but has no power to direction the consent authority.

Under the Draft Code, it is understood that all of the Priority 3 Areas become part of the Mount Lofty Ranges Catchment (Area 2) Overlay. Development proposal for lots of different forms of development not connected to a community wastewater management system or sewerage infrastructure will be referred to the EPA and, importantly, the EPA will have powers of direction.

Significantly, Crest at Woodside is connected to a sewerage system and, on this basis, it is understood that there will be no requirement for EPA referrals.

Land Division

As explained in the introduction to this submission, Crest at Woodside has previously subdivided the subject site into 148 allotments. No additional allotments are anticipated in the foreseeable future.

That is not to say that some minor land division associated with the future potential tourist and short-term worker's accommodation may not be warranted for practical reasons.

The Limited Land Division Overlay in the Draft Code applies to the subject site. Performance Outcome 1.1 within this Overlay states

PO 1.1 Land division does not result in the creation of an additional allotment.

It is understood that one of main reasons that this Overlay has been applied to land that was formerly in the Watershed (Primary Production) Zone is because of concerns about more land division creating more development opportunity that will negatively impact on water quality in the watershed.

Crest @ Inverbrackie, however, is already connected to water and sewerage infrastructure provided by SA Water. This means that any additional development on this land will have minimal impact on the watershed.

It is also understood that one of the other key reasons to restrict land division and associated development is to preserve the rural character of the Zone. Crest at Woodside, however, already appears as a largely suburban/developed area within a broader rural setting.

In this context, we contend that Crest at Woodside is better located in the Township Zone similar to the rest of Woodside where the Limited Land Division Overlay does not apply. As a minimum, the Limited Land Division Overlay should not be applied to the Crest at Woodside site. This will provide improved design flexibility in the future without unreasonably compromising the watershed or surrounding rural landscape.

Land Use

The Crest site is currently located within the Watershed (Primary Production) Zone and the Onkaparinga Valley Policy Area under the existing Adelaide Hills Council Development Plan (Consolidated 8 August 2019). The provisions of this Zone anticipate predominantly primary production and associated activities such as limited dwellings, wineries, mineral extraction and processing plants.

The Draft Code identifies the subject site as being within the Peri-Urban Zone. This proposed Zone anticipates the following land uses:

- DO 1** **A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and scenic qualities of the landscape.**
- DO 2** **A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.**
- DTS/DPF 1.1** **Development comprises one or more of the following land uses:**
- **Advertisement**
 - **Agricultural building**
 - **Brewery**
 - **Carport**
 - **Cidery**
 - **Distillery**
 - **Demolition**
 - **Detached dwelling**
 - **Dwelling addition**
 - **Excavation and filling**
 - **farming**
 - **fence**
 - **Horse keeping**
 - **Horticulture**
 - **Industry**
 - **Low intensity animal husbandry**

- **Outbuilding**
- **Shop**
- **small scale ground mounted solar power facility**
- **Tourist accommodation**
- **transport distribution**
- **verandah**
- **warehouse**
- **workers accommodation**
- **winery**

The listing of envisaged land uses for the Peri-Urban Zone within the Draft Code provides greater clarity when compared to the existing Development Plan. It also anticipates the range of land uses Aspen group envisages for the Crest at Woodside site.

At the same time, Crest at Woodside looks and performs much more like a residential suburb of Woodside than it does a rural/primary production land, and yet all of the surrounding land also sits within the Peri-Urban Zone. There is concern that Desired Outcomes 1 and 2 make no direct reference to dwellings, yet that is the primary land use occurring and proposed for Crest at Woodside.

Residential development very much performs a secondary role to primary production in the Peri-Urban Zone as indicated in the following provisions:

PO 5.1 Residential development is designed and sited so that it does not compromise primary production, horticultural or other land use activities supported by the Zone.

DTS/DPF 5.1 Dwellings:

- (a) will not result in more than one dwelling on an allotment; and**
- (b) where the Minimum Allotment Size Technical and Numeric Variation Overlay applies are:**
 - a. located on an allotment with an area not less than that specified in the Minimum Allotment Size Technical and Numeric Variation Overlay; and**
 - b. located on and have a demonstrated connection with an allotment used for primary production or value adding**

Given the large size of the land within Crest at Woodside and given that it already contains 81 dwellings, we again contend that Crest at Woodside would be better located within the Township Zone similar to the rest of Woodside so that residential land use is given greater primacy.

This is also on the proviso that the Township Zone is also amended to anticipate tourist accommodation.

Dwelling Design

Provisions 5.2 in the Code provides design guidelines for dwellings as follows:

PO 5.2 Dwelling are sited, designed and of a scale that maintains a pleasant natural and rural character and amenity.

DTS/DPF 5.2 Dwellings

- (c) are setback from allotment boundaries by at least 40 metres;**

- (d) do not exceed 2 building levels and 9 metres measured from the top of the footings; and**
- (e) have a wall height is not greater than 6 metres.**

Some elements of these provisions again emphasise the inappropriateness of the Peri-Urban Zone for the Crest at Woodside site, indicating that dwellings should be setback 40m from allotment boundaries when established dwellings setbacks are clearly (and appropriately) much more reflective of suburban areas.

Restricted Development

Restricted Development is development that requires assessment by SCAP. It replaces, but is also different to, non-complying development within the existing Development Plan. Within the Peri-Urban Zone, the following key forms of development are listed as restricted:

Dairy where located in the Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay

Intensive Animal Husbandry where located in the Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay

Land division within the Limited Land Division Overlay (except where it involves a boundary realignment)

Landfill

Shop, except where:

- a) it is ancillary to an located on the same allotment or adjoining allotment used for primary production or value adding and offers for sale or consumption produce or goods that are primarily sourced, produced or manufactured on the same allotment or from the region; or**
- b) it has a gross leasable floor area less than 250m² or**
- c) it is a restaurant**

Stock sales yard

Stock slaughter works

Special industry

Windfarm

These restricted land use designations are generally acceptable for Crest at Woodside, within the exception of “Land Division within the Limited Land Division Overlay (except where it involves a boundary realignment)” for the reasons discussed previously in this submission.

Public Notification

The inverse/exclusionary non-complying list in the existing Watershed (Primary Production) Zone means that lots of development in this Zone is subject to onerous Category 3 public notification.

Under the Draft Code, it is understood that those types of development within the Peri-Urban Zone designated as “performance assessed” will require the equivalent of a merit assessment and will generally be subject to public notification but third parties will not have rights of appeal.

This is not yet made clear for dwellings, however, which are the dominant land use at Crest at Woodside. We contend that dwellings should not require public notification within Crest at Woodside given the established suburban nature of the area.

Deemed to Satisfy

There are no “deemed to satisfy” provisions that relate tourist accommodation or short-term workers accommodation for Crest at Woodside (effectively providing for ‘as of right development’).

Regardless of which Zone Crest at Woodside sits within, it is requested that some deemed to satisfy provisions for tourist accommodation and short-term workers accommodation be included.

I trust that this review of the Draft Code as it relates to the Crest at Woodside site is useful for the finalisation of the Draft Code. Please call me or Rebecca Gosling if you have any questions on (08) 8333 7999.

Yours sincerely

Marcus Rolfe MPIA (Fellow)

Director