

28 February 2020

Mr Michael Lennon
Chairperson
State Planning Commission

By email: DPTIPlanningReformSubmissions@sa.gov.au

Dear Mr Lennon

**Re: Submission of Planning and Design Code – Phase 3
Scentre Group – Westfield Tea Tree Plaza Shopping Centre Site**

This submission has been prepared by MasterPlan on behalf of Scentre Group in relation to the Westfield Tea Tree Plaza Shopping Centre located at Main North East Road, Reservoir Road and Smart Road, Modbury.

The subject site is currently located in an Urban Core Zone and the Main Street Policy Area 10. Within the new Planning and Design Code (PD Code) the Urban Core Zone has been transitioned into an Urban Activity Centre Zone.

It is noted that Concept Plans TTG/15 Urban Core Building Heights and TTG/17 Urban Core Movement and Landscaping relating to the Shopping Centre have been deleted.

On behalf of our client, we have reviewed the draft Planning and Design Code – Phase 3 consultation documents in relation to the subject site. A summary of the analysis of the assessment provisions in the transition to the new zone is provided in the attached table, **Attachment A**.

It is considered that the proposed transition of the Urban Core Zone to an Urban Activity Centre Zone in the Planning and Design Code is generally acceptable however there are a number of issues that we wish to address:

- The Desired Outcomes DO1 and DO2 generally cover the mix of uses referred to in the relevant Objectives of the existing zone apart from residential land uses. To be consistent with existing policy, the Desired Outcome DO 2 should make reference to medium to high density residential development.



- Similarly, Performance Outcome PO1.1 makes no mention of residential land uses. Affordable housing, aged persons accommodation, dwelling, residential flat building and supported accommodation are all listed as envisaged land uses in the current zone. Although residential development is mentioned in PO1.3 and PO1.5, it should also be mentioned in PO1.1.
- We note that no land uses are listed in DTS 1.1 which we consider to be a failure in the drafting of the proposed zone provisions and is inconsistent with the drafting of Zone provisions throughout the Planning and Design Code. In support of our analysis we reference the Suburban Activity Centre Zone, DTS 1.1 which expressly lists all the land uses that are considered to fulfil PO1.1 of the zone for Land Use and Intensity.
- There is only one residential development Performance Outcome PO1.5 regarding density (minimum net density of 35 dwelling units per hectare). There is no reference to higher density development, i.e. 60- 67 dwellings per hectare, which is current policy (PDC 9 and 10) and should be included.
- The Deemed to Satisfy DTS 2.6 provision that not less than 50 percent of the ground floor primary frontage of buildings are visually permeable, transparent or clear glazed is a new provision and is supported.
- In the PD Code, building height levels are proposed to be specified in the Technical and Numerical Variation Overlay (TNV). we note that the proposed height of five (5) storeys is consistent with the current building height requirements (5 Storey for the subject site) outlined in Concept Plan Map TTG/15).
- There is also no information available in the zone. In the general policies relating to Design in Urban Areas, there are general setback requirements that could be applied but the existing setback requirements in in PDC 22 and 23 should be retained in some form.
- The vehicle parking rates are located within the General Development Policy section and are consistent for the Urban Activity Centre Zone, i.e. minimum three (3) spaces per 100 square metres; and maximum five (5) spaces per 100 square metres, which is supported.
- There is no reference to advertising signs in the current zone and there is no reference specifying a maximum height or a maximum display area in the current Urban Core Zone or the General Council policy.
- The PD Code includes a Performance Outcome and a Deemed to Satisfy provision in the Urban Activity Centre Zone and a General Policy Requirement for the zone that specifies an 8.0-metre height limit and five (5) square metre display area for freestanding signs. Noting the size and scale of the shopping centre such a restriction on signs is considered inappropriate when applied to an integrated shopping centre in an Urban Activity Centre Zone.



- There are fundamental concerns regarding the drafting of the Procedural Matters (Notification) section of the Zone which lists:

"development on a site located adjacent a dwelling within a neighbourhood zone (sic) which comprises:

(i) construction of a building which fails to comply with DTS 3.1 to 3.3 (inclusive);

or

(ii) the construction of or change of use to a retail fuel outlet, educational establishment, emergency services facility, entertainment venue, hospital, hotel, light industry."

Clarification is required to determine the intent of this clause, which is assumed to relate to dwellings on land in an adjacent "Neighbourhood Zone" being any type of neighbourhood zone. If this is the intent, then the notification policy is supported however the current wording may need to be revised to reflect this intent.

On behalf of our client we request that the following amendments be made to the PD Code in relation to the Tea Tree Plaza Shopping Centre:

- inclusion of reference to residential facilities in Desired Outcomes 1 and 2 of the Urban Activity Centre Zone;
- inclusion of reference to residential in the land uses listed in Performance Outcome 1;
- Inclusion of reference to high density development, i.e. 60-67 dwellings per hectare in the relevant Performance Outcomes; and
- delete the Urban Activity Centre Zone from Table 1 – Maximum Size and Height Requirements for Signs allowing signs to be considered on their merits against the relevant Performance Outcomes.

Should you require any further details on this submission, please do not hesitate to contact the undersigned.

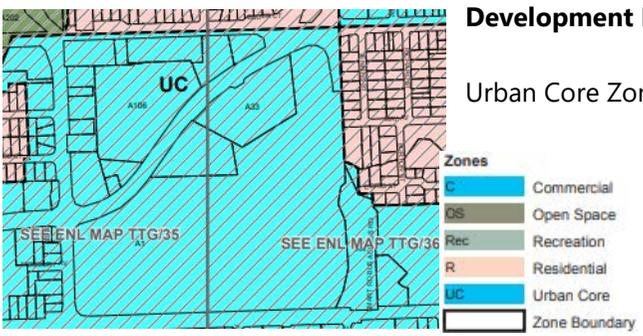
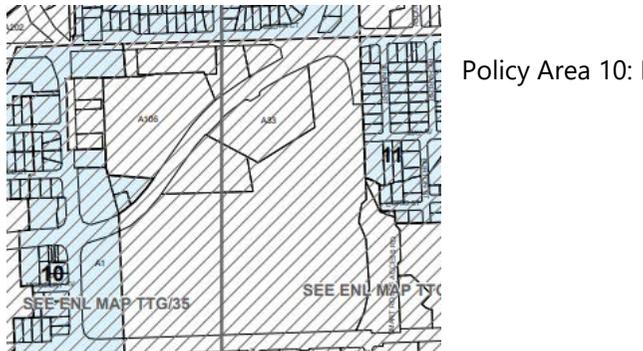
Yours sincerely

Greg Vincent
MasterPlan SA Pty Ltd

Enc: Attachment A: Comparison Table
cc: Aimee Taylor, Scentre Group.

WESTFIELD SHOPPING CENTRE TEA TREE PLAZA

Zoning Table

Existing Council's Development Plan	New Planning and Design Code
<p>Development Plan: City of Charles Sturt</p> <p>Urban Core Zone (UC)</p>  <p>Zones</p> <ul style="list-style-type: none"> ■ Commercial ■ Open Space ■ Recreation ■ Residential ■ Urban Core Zone Boundary <p>SEE ENL MAP TTG/35 SEE ENL MAP TTG/36</p>	 <p>12/12/2019, 15:37:43</p> <p>0 0.05 0.1 0.2 mi 0 0.075 0.15 0.3 km</p>
<p>Policy Area 10: Main Street</p>  <p>SEE ENL MAP TTG/35 SEE ENL MAP TTG/36</p>	
<p>OBJECTIVES</p> <p>1 A Regional Centre representing the primary focus for business and commercial services for the region, outside the central business district of Adelaide, providing a full range of shopping, administrative, cultural, community, entertainment, education, religious and recreational facilities, and public and private office development.</p>	<p>Desired Outcome (DO)</p> <p>DO 1 A cohesive and legible environment supporting a broad spectrum of regional level business, shopping, entertainment and recreational facilities that can cater for large crowds, smaller social gatherings and events over extended hours.</p>

<p>2 A mixed use zone accommodating a mix of employment generating land uses and medium to high density residential development in close proximity to a high frequency public transport corridor.</p> <p>3 Development within a mixed use environment that is compatible with surrounding development and which does not unreasonably compromise the amenity of the zone or any adjoining residential zone.</p> <p>4 Smaller dwellings, including innovative housing designs, located close to local services and public transport stops.</p> <p>5 Mixed use development integrated with a high quality public realm that promotes walking, cycling, public transport patronage and positive social interaction.</p> <p>6 A zone that provides a spatial separation, or transitions down, in scale and intensity to adjacent lower density residential zones.</p> <p>7 Development that contributes to the desired character of the zone.</p>	<p>DO 2</p> <p>Primary business, shopping and entertaining areas are integrated with public transport facilities, pedestrian and cycling networks, and community transport infrastructure, and designed to enhance the quality of the public realm.</p> <p>Performance Outcomes (PO) and Deemed to Satisfy / Designated Performance Outcome Criteria (DTS/DPF)</p>
<p>DESIRED CHARACTER</p>	<p>N/A. There are no desired character statements in the P&D Code</p>
<p>PRINCIPLES OF DEVELOPMENT CONTROL</p> <p>Land Use</p> <p>1 The following types of development, or combination thereof, are envisaged in the zone:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ aged persons accommodation ▪ child care facility ▪ civic centre ▪ community centre ▪ consulting room ▪ convention centre ▪ dwelling ▪ educational establishment ▪ entertainment venue except within a transition area identified on Concept Plan Map TTG/16 - Urban Core Land Uses ▪ emergency services facility ▪ hospital ▪ hotel except within a transition area identified on Concept Plan Map TTG/16 - Urban Core Land Uses 	<p>Land Use and Intensity</p> <p>PO 1.1</p> <p>Shops, offices, entertainment, health, education and recreation related uses supplemented by other complementary businesses that provide a comprehensive range of goods and services to the region.</p> <p>DTS 1.1</p> <p>None are applicable.</p> <p>PO 1.2</p> <p>Facilities within the centre sited and designed with a view to promoting after-hours use to reinforce the centre as the focus of social activity.</p> <p>DTS 1.2</p> <p>None are applicable.</p> <p>PO 1.3</p> <p>Residential development does not prejudice the operation of existing non-residential development and the long term provision of services and facilities for wider community benefit.</p> <p>DTS 1.3</p> <p>None are applicable.</p>

<ul style="list-style-type: none"> ▪ library ▪ indoor recreation facility ▪ licensed premises ▪ light industry within the light industry area identified on Concept Plan Map TTG/16 - Urban Core <p>Land Uses</p> <ul style="list-style-type: none"> ▪ motor repair station ▪ place of worship ▪ nursing home ▪ office ▪ pre-school ▪ residential flat building ▪ retirement village ▪ service industry within the light industry area identified on Concept Plan Map TTG/16 - Urban Core <p>Land Uses</p> <ul style="list-style-type: none"> ▪ store within the light industry area identified on Concept Plan Map TTG/16 - Urban Core Land Uses ▪ shop or group of shops ▪ special event ▪ supported accommodation ▪ tourist accommodation ▪ warehouse within the light industry area identified on Concept Plan Map TTG/16 - Urban Core Land Uses. <p>2 Development listed as non-complying is generally inappropriate.</p> <p>3 Core Areas, Transition Areas and other identified features should be developed in accordance with Concept Plan Map TTG/16 - Urban Core Land Uses.</p> <p>4 Core Areas should be developed to include a range of land uses that are high pedestrian generators, directly promote public transport use and provide opportunities for multi-purpose trips.</p> <p>5 Light industrial and commercial development (including high technology and research-based activity) should be located in the Light Industry area designated on Concept Plan Map TTG/16 - Urban Core Land Uses and be compatible with adjoining uses.</p>	<p>PO 1.4 Dwellings developed in conjunction with non-residential uses to support business, entertainment and recreational activities and contribute to making streets and pedestrian thoroughfares pleasant and lively places.</p> <p>DTS 1.4 Dwellings are located at upper levels of buildings with non-residential uses located at ground level.</p> <p>PO 1.5 Where residential development is appropriate having regard to other performance outcomes of the zone, residential development achieves medium-to-high densities.</p> <p>PO 1.5 Residential development achieves a minimum net density of 35 dwelling units per hectare.</p> <p>PO 1.6 Bulky goods outlets are sited and designed to achieve or maintain a vibrant and interesting streetscape within retail areas.</p> <p>DTS/DPF 1.6 Bulky goods outlets with a gross leasable area of 500m² or more are located towards the periphery of the zone.</p> <p>Built Form and Character</p> <p>PO 2.1 Development throughout the zone that integrates with existing development through building scale, connections and complementary land uses.</p> <p>DTS 2.1 None are applicable.</p> <p>PO 2.2 Development integrated with existing or planned public or community transport interchanges and networks.</p> <p>DTS 2.2 None are applicable.</p> <p>PO 2.3</p>
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<p>6 Core Areas should incorporate integrated public open spaces, sport and recreation facilities, and community areas that act as social hubs for communal activity.</p> <p>7 Except in Core Areas where a higher intensity of development is envisaged, non-residential development should comprise uses that:</p> <p>(a) encourage walking to local shopping, community services and other activities</p> <p>(b) do not detrimentally impact on the amenity of nearby residents.</p>	<p>Buildings are sited and designed to create pedestrian, vehicular, open space and visual linkages between the various built-form elements within the zone and adjoining main roads and thoroughfares.</p> <p>DTS 2.3 None are applicable.</p> <p>PO 2.4 Vehicular access points and car parks are coordinated and consolidated to enable the shared use of parking spaces.</p> <p>DTS 2.4 None are applicable.</p> <p>PO 2.5 Development promotes the use of pedestrian and cyclist connections to centre facilities and services.</p> <p>DTS 2.5 None are applicable.</p> <p>PO 2.6 Buildings and facilities are sited and designed to provide an active frontage to the public realm, contributing to streetscapes and spaces that encourage social interaction.</p> <p>DTS / DPF 2.6 Not less than 50% of the ground floor primary frontage of buildings are visually permeable, transparent or clear glazed.</p>
<p>Form and Character</p> <p>8 Development should be consistent with the desired character for the zone.</p> <p>9 Residential development (other than residential development in mixed use buildings), should achieve a minimum net residential site density of 67 dwellings per hectare.</p> <p>10 Residential development in a mixed use building should achieve a minimum net residential site density of 60 dwellings per hectare.</p> <p>11 In Transition Areas, development should provide a built form that provides the transition between an intense core of development and neighbouring lower intensity development.</p> <p>12 In Transition Areas, buildings should adopt a less commercial appearance by:</p>	<p>Built Form and Character</p> <p>PO 2.1 Development throughout the zone that integrates with existing development through building scale, connections and complementary land uses.</p> <p>DTS 2.1 None are applicable.</p> <p>PO 2.2 Development integrated with existing or planned public or community transport interchanges and networks.</p> <p>DTS 2.2 None are applicable.</p>

- (a) utilising traditional pitched roof forms and materials such as tiles or pre-coloured coated metal sheeting
- (b) utilising traditional materials such as brick, stone or rendered masonry
- (c) designing building facades with a high solid to void ratio reflective of traditional dwelling styles and the surrounding Residential Zone.

Design and Appearance

- 13 In areas identified as Active frontages on Concept Plan Map TTG/18 - Urban Core Setbacks and Frontages:
- (a) the ground and first floors of buildings should be built to dimensions including a minimum ceiling height of 4.5 metres to allow for adaptation to a range of land uses including shops, office and residential without the need for significant change to the building
 - (b) a minimum of 60 per cent of the ground floor primary frontage of buildings should be visually permeable, transparent or clear glazed to promote active street frontages and maximise passive surveillance.
- 14 Development within gateways illustrated on Concept Plan Map TTG/17 - Urban Core Movement and Landscaping should:
- (a) define and create a landmark building which addresses all street frontages by incorporating corner elements such as verandas, balconies and other articulation into the design of the building
 - (b) incorporate prominent entrances and/or windows at the apex
 - (c) increase roof articulation, pitch and building height at the corner to emphasise the importance of the street corner
 - (d) projecting corner elements forward or incorporating entries and forecourts with public art and landscaping
 - (e) reveal attractive interior spaces and activities through atriums, grand entries and large windows
 - (f) highlight key building corners and road intersections through varying building heights, changes in façade planes, awnings, canopies, signs and pedestrian entrances.
- 15 Except in Core Areas as identified on Concept Plan Map TTG/16 - Urban Core Land Uses, development of three or more storeys in height should ensure that:
- (a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment receive at least 3 hours of direct sunlight over a portion of their surface between 9.00 am and 3.00 pm on 21 June

PO 2.3

Buildings are sited and designed to create pedestrian, vehicular, open space and visual linkages between the various built-form elements within the zone and adjoining main roads and thoroughfares.

DTS 2.3

None are applicable.

PO 2.4

Vehicular access points and car parks are coordinated and consolidated to enable the shared use of parking spaces.

DTS 2.4

None are applicable.

PO 2.5

Development promotes the use of pedestrian and cyclist connections to centre facilities and services.

DTS 2.5

None are applicable.

PO 2.6

Buildings and facilities are sited and designed to provide an active frontage to the public realm, contributing to streetscapes and spaces that encourage social interaction.

DTS / DPF 2.6

Not less than 50% of the ground floor primary frontage of buildings are visually permeable, transparent or clear glazed.

<p>(b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9.00 am and 3.00 pm on 21 June to at least the smaller of the following:</p> <ul style="list-style-type: none"> (i) half of the existing ground level open space (ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres). <p>16 Buildings should address key streetscapes and the key pedestrian network illustrated on Concept Plan Map TTG/17 - Urban Core Movement and Landscaping and the 'Bike Direct' network.</p> <p>17 Masonry fences should be no more than 1.2 metres in height to maintain sight lines between buildings and the street and to improve safety through passive surveillance.</p> <p>18 Buildings should predominantly provide vehicle access via a side street or rear lane access way.</p> <p>19 Side streets and rear lane access ways should be designed to:</p> <ul style="list-style-type: none"> (a) provide space between buildings to create a more interesting public realm, and allow for landscaping, lighting, vehicles and pedestrian movement (b) achieve active frontages at a lower intensity than the primary street frontage (c) provide access for servicing residential and commercial development including waste collection vehicles and delivery vehicles. <p>Transportation and Access</p> <p>29 Pedestrian connections should be established in accordance with Concept Plan Map TTG/17 – Urban Core Movement and Landscaping.</p>	
<p>Building Envelope</p> <p>Building Height</p> <p>20 Except where airport building height restrictions prevail, building heights (excluding any rooftop located mechanical plant or equipment) should be consistent with Concept Plan Map TTG/15 - Urban Core Building Heights.</p> <p>Setbacks from the Primary Road Frontage</p>	<p>Building height and setbacks</p> <p>PO 3.1</p> <p>Medium rise development, with the highest intensity of built form at the centre of the zone, and lower scale at the peripheral zone interface.</p> <p>DTS/DPF 3.1</p> <p>Building height is not greater than any maximum, or less than any minimum, specified in the Maximum Building Height Levels Technical and Numeric Variation Overlay, the Maximum Building Height Metres Technical and Numeric Variation Overlay, or the Minimum Building Height Levels Technical and Numeric Variation Overlay.</p>

21 Buildings (excluding verandas, porticos and the like) should be set back from the primary road frontage in accordance with the following parameters:

Area	Minimum setback from side boundaries
Arterial roads and key streetscapes	As illustrated on Concept Plan Map TTG/18 - Urban Core Setbacks and Frontages
All other primary street frontages	3 metres

Setbacks from side boundaries

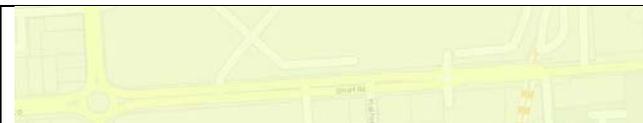
22 Buildings (excluding verandas, porticos and the like) should be set back from side boundaries in accordance with the following parameters:

Designated area	Minimum setback from side boundaries
Main Street Policy Area 10	No minimum
Core Area	No minimum
Transition Area (except where Main Street Policy Area 10 applies)	0 metres (1 storey) for a maximum length of 10 metres 1 metre (2 storey component) 2 metres (3 storey component) 3 metres (components 4 storey and above)
Any area not designated by the above	No minimum

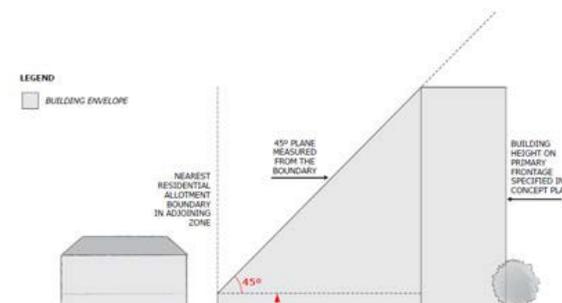
Other Setbacks

23 Buildings (excluding verandas, porticos and the like) should be set back in accordance with the following parameters:

Designated area	Setback parameter
Minimum setback from secondary road frontage:	
Main Street Policy Area 10	No minimum
Core Area	No minimum
Transition Area	0.9 metres
Minimum setback from a rear access way	No minimum where the access way is 6.5 metres or more
Minimum setback from the rear allotment boundary	0 metres except at interface locations illustrated on Concept Plan Map TTG/16 - Urban Core Land Uses 3 metres at interface locations illustrated on Concept Plan Map TTG/16 - Urban Core Land Uses

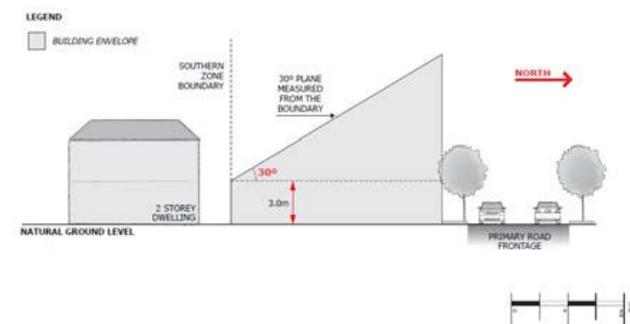


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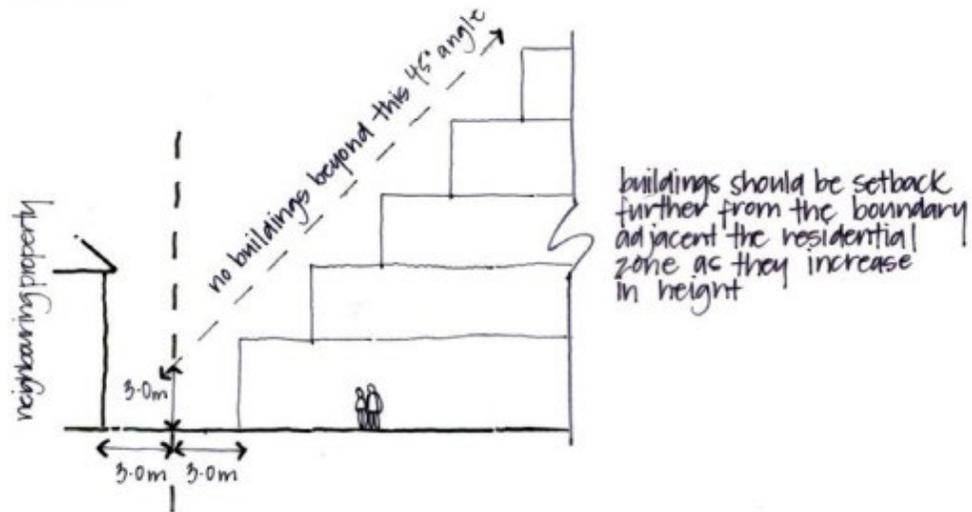
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Interface Height Provisions

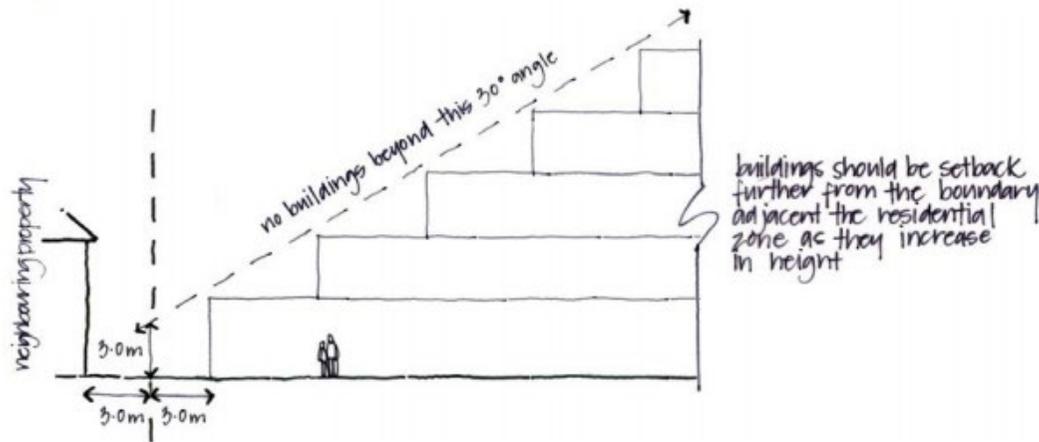
- 24 To minimise building massing at the interface with residential development outside of the zone, buildings should be constructed within a building envelope provided by a 45 degree plane, measured from a height of 3 metres above natural ground level at the allotment boundary of a residential allotment within a residential zone (except where this boundary is a southern boundary or the Primary Road Corridor), as illustrated in Figure 4:

Figure 4



To minimise overshadowing of sensitive development outside of the zone, buildings should be constructed within a building envelope provided by a 30-degree plane grading north, measured from a height of 3 metres above natural ground level at the southern zone boundary (**Figure 5**):

Figure 5



N/A. There are no Advertisement and Concept Plans provision statements in District Centre Zone policy.

Advertisements

PO 5.1

Freestanding advertisements that identify the associated business without creating a visually dominant element within the locality.

DTS 5.1

Freestanding advertisements that:

- (f) do not exceed 10m in height; and
- (g) do not have a sign face that exceeds 8m² per side.

Concept Plans

PO 7.1

Development is compatible with the outcomes sought by any relevant Concept Plan contained within the Concept Plans Technical and Numeric Variation Overlay.

Vehicle Parking

26 Vehicle parking should be provided in accordance with the rates set out in Table TTG/2 - Off Street Vehicle Parking Requirements or Table TTG/2A - Off Street Vehicle Parking Requirements for Designated Areas (whichever applies).

TABLE : Non-residential development excluding tourist accommodation

Designated Area	Conditions	
Urban Core Zone	None	

Location of development	Desired minimum number of vehicle parking spaces	Maximum number of vehicle parking spaces
All <i>Designated Areas</i> (unless otherwise stated)	3 spaces per 100 square metres of gross leasable floor area	6 spaces per 100 square metres of gross leasable floor area

Land Division

- 27 A traditional street grid pattern should be reinforced in any comprehensive development of areas for mixed use activity to maintain clear sightlines and ensure maximum connectivity.
- 28 Wherever practicable, land division and site amalgamation should:
- (a) create allotments that vary in size and are suitable for a variety of residential and commercial uses
 - (b) improve the level of integration associated with the design and layout of buildings, vehicle parking areas, access points and landscaping treatments

Vehicle parking

PO 6.1

Vehicle parking areas are sited and designed to minimise visual dominance when viewed from the public realm.

PO 6.1

Vehicle parking areas are sited above or below street level, in decked or basement parking.

Note: There are no vehicle parking rates in the Urban Activity Zone provision.

Reference is made to the General Development Policies (Part 4)

Transport, Access and Parking [Vehicle Parking Rates] DTS/DPF 5.1

DTS/DPF 5.1

Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using Transport, Access and Parking Table 1 – General Off-Street Car Parking Requirements or Transport, Access and Parking Table 2 – Off-Street Vehicle Parking Requirements in Designated Areas, whichever is relevant.

Table 2 – Off-Street Vehicle Parking Requirements in Designated Areas

Class of Development	Minimum number of spaces	Maximum number of spaces	Designated Areas
Non-residential Development excluding tourist accommodation	3 spaces per 100m ² of gross leasable floor area.	5 spaces per 100m ² of gross leasable floor area.	Urban Activity Centre Zone

Land Division

PO 4.1

Land division that creates allotments that vary in size and are suitable for a variety of business and community facilities.

DTS 4.1

None are applicable.

<p>Main Street Policy Area 10 Council's Development Plan policy applies.</p>	<p>N/A. There is no distinction in policy for designated policy area which is currently called West Lakes Policy Area 4. The proposed policy for the zone applies to whole area.</p>
<p>Affordable Housing Overlay Strategic Transport Routes Overlay Noise and Air Emissions Overlay Development Constraints Overlay (River/Creek floodwater area) Transport Overlay</p>	<p>Affordable Housing Overlay Noise and Air Emissions Overlay Major Urban Transport Route Overlay Traffic Generating Development Overlay Future Road Widening Overlay Prescribed Wells Area Overlay Regulated Trees Overlay Building Height (Storeys)</p>