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## PLANNING AND DESIGN CODE SUBMISSION

### WALLAROO SHORES

#### INTRODUCTION

Humby Consulting has been requested by Monopoly Property Group to prepare this submission in relation to the proposed Planning and Design Code (Phase 3) as it relates to the Wallaroo Shores development at Wallaroo.

A number of amendments are proposed to the Planning and Design Code to ensure that the policies applicable to the Wallaroo Shores Estate are consistent with the existing Development Plan, Wallaroo Shores Masterplan and Wallaroo Shores Design Guidelines.

#### BACKGROUND

The Wallaroo Shores Estate is part of a large landholding that has had a significant role in the history of the Wallaroo township. The Wallaroo Smelters operated in the locality between 1861 and 1926 with a large superphosphate factory opening in 1900 and manufacturing fertiliser until the early 1990s.

The majority of structures have been demolished and no longer form part of the wider locality, with only ruins of various structures, slag heaps and the landmark Hughes Chimney Stack forming the most notable feature of the area.

In mid 2000's, the Copper Coast Council commenced a Wallaroo Town Centre and Coast Urban Design Framework (completed 2007) to provide a strategic framework for the long term development of this strategic part of the Wallaroo township. This underpinned the preparation of a Masterplan that has since been amended on a number of occasions to reflect the change in ownership, communities expectations and differing development outcomes.

The most recent iteration of this Masterplan has been prepared by the Copper Coast Investments P/L (Monopoly Property Group) in 2018 and demonstrates that the subject land forms part of the Wallaroo Shores Estate – *'Where Town Meets Sea'*.



Over the last 10 years, a number of Development Plan Amendments have been undertaken to result in the appropriate zoning to reflect the desired development outcomes. The Wallaroo Shores Estate was removed from the original State Heritage listing of 'Wallaroo Smelters Site' to reflect its lack of state significance and considerable investment has been undertaken to remove any soil and ground water contamination caused by the previous land uses.

Monopoly Property Group has in recent years been working with Council to install the necessary infrastructure to facilitate the development outcomes sought by the Wallaroo Shores Masterplan. Liberator Way has recently been developed, providing a key access route between the Wallaroo main street and the Wallaroo Marina. Power, water, waste water and stormwater infrastructure has been designed and its implementation to be staged accordingly.

Monopoly Property Group obtained Development Approval in 2016 for the construction of the Wallaroo Shores Resort that consists of 100 two-storey townhouses and function centre. Construction is currently underway with this development anticipated to be completed in late 2022.

More recently, a 4 storey residential flat building comprising 58 apartments has been submitted to Council and forms part of the initial development stages of the Wallaroo Shores Estate.

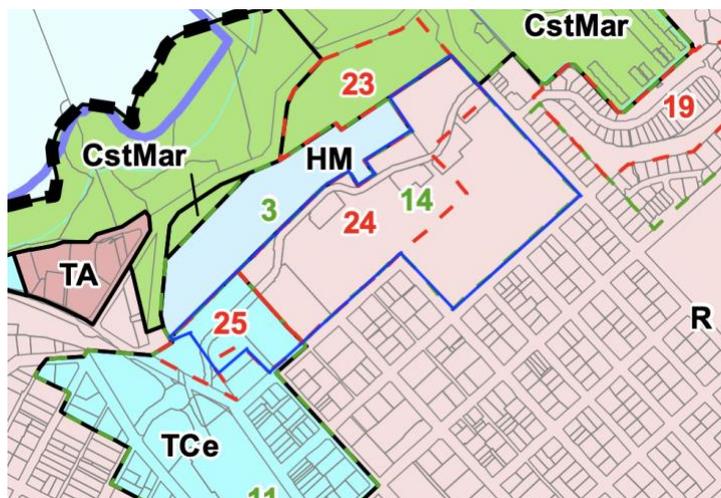
The Monopoly Property Group has also finalised the Wallaroo Shores Design Guidelines document that has been undertaken in collaboration with the Copper Coast Council. The Wallaroo Shores Design Guidelines will form part of the encumbrance for all purchases of land in the Wallaroo Shores Estate and will be registered to all Certificate of Titles. The Wallaroo Shores Design Guidelines will assist in the high quality design of future dwellings within the Estate. A copy of the Guidelines is attached.

The Wallaroo Shores Design Guidelines contains Building Envelope Plans that requires all dwellings to be designed in accordance with these Plans and comply with the detailed design criteria.

## COPPER COAST COUNCIL DEVELOPMENT PLAN

The Wallaroo Shores area is located within the following zones as depicted within the Copper Coast Council Development Plan:

- Residential Zone – Wallaroo Shores Policy Area 14
- Residential Zone – Wallaroo Shores Policy Area 14 - Wallaroo Shores Medium Density Precinct 24
- Town Centre Zone – Policy Area 11 – Mixed Use Precinct 25



*Existing Zones, Policy Areas and Precincts*

The Residential Zone seeks to accommodate a range of dwelling types at varied densities to meet the needs of a changing and diverse community. Infill development is encouraged throughout the Residential Zone with emphasis placed on dwellings up to 4 storeys in height, where located in appropriate locations.

The Wallaroo Shores Policy Area 14 recognises that the subject land has been subject to a master planned process with areas designated for increased densities to be located primarily in the Wallaroo Shores Medium Density Precinct 24. Medium to high density residential development is encouraged to occur up to a maximum 4 storeys in height with emphasis placed on increased setbacks for larger buildings to minimise its visual impact, overshadowing and overlooking impacts.

The Town Centre Zone – Policy Area 11 – Mixed Use Precinct 25 seeks to accommodate the logical expansion of the existing Wallaroo Town Centre and provide for mixed use, multi-storey buildings that incorporate ground level commercial/retail uses with residential or tourist accommodation above. A maximum 4 storeys in height is encouraged. Aged care facilities, retirement villages, open space and small scale community and civic uses are also considered appropriate.

### CONSULTATION ON PLANNING AND DESIGN CODE (OCT 2019 TO FEB 2020) - 1ST STAGE

In late 2019, the draft Planning and Design Code was released for its first round of public consultation with the following changes proposes:

- the Residential Zone (and associated Policy Areas and Precinct) to be transitioned to the General Neighbourhood Zone
- the Town Centre Zone to be transitioned to the Urban Renewal Neighbourhood Zone.



The Monopoly Property Group prepared a public submission identifying a number of concerns with the proposed changes and provided a number of recommendations:

- ensure building heights reflect the current Development Plan criteria
- move the Zone boundary from Oliphant Lane to line up with Bagot Street to better reflect the Wallaroo Shores Master Plan
- Replace the proposed General Neighbourhood Zone with the Urban Renewal Neighbourhood Zone (within Superlot F – the allotment closest to the Copper Coast Marina) to allow for apartment buildings up to 4 storeys in height



*Suggested Zone changes to the Code*

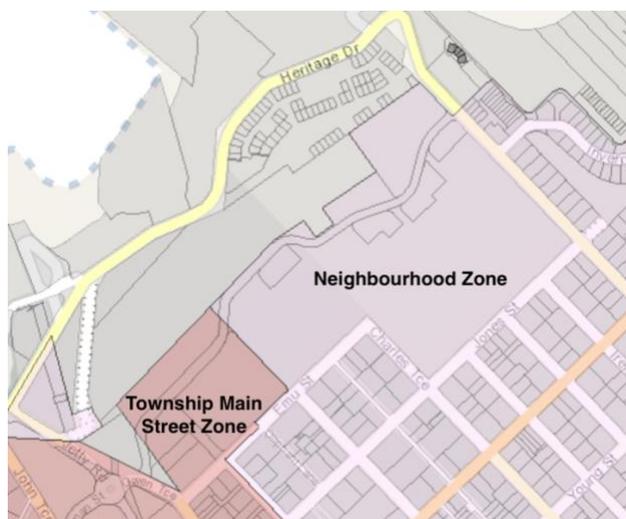
It is understood that Council also submitted a public consultation submission requesting changes to the proposed Code Zones.

### **CONSULTATION ON PLANNING AND DESIGN CODE (NOV 2020 TO DEC 2020) - 2ND STAGE**

It appears that the recommendations of the Monopoly Property Group were not fully supported by the State Planning Commission, with the 2020 draft Code proposing a different approach. The draft Code now suggests the following changes:

- Residential Zone (and associated Policy Areas and Precinct) transitioning to the Neighbourhood Zone
- Town Centre Zone transitioning to the Township Main Street Zone

The suggested change to the Zone boundary from Oliphant Lane to line up with Bagot Street has, however been adopted and now reflected in the proposed Zone boundaries.



*Proposed Zones - 2020 draft Code*

## **NEIGHBOURHOOD ZONE**

The draft Neighbourhood Zone encourages very low density housing with low rise buildings, often with large outbuildings, easy access and parking for vehicles. Existing Development Plan criteria for minimum allotments sizes, buildings heights and site frontages are managed via Technical and Numerical Variations (TNVs). The Neighbourhood Zone provides suitable on-site waste water management criteria for areas that may not have access to mains sewer or cannot be connected to a community waste water management scheme.

A key outcome of the Neighbourhood Zone is for future low scale development to be '*compatible with the residential character of the neighbourhood*'. This Zone is considered appropriate for the existing residential areas of Wallaroo, however is a concern for the Wallaroo Shores Estate as this an entirely new development area, with the intent of the Master Plan and Design Guidelines to create a *new character*, not be compatible with existing dwellings that adjoin the development area.

The Wallaroo Shores Estate also does not require the Neighbourhood Zone provisions requiring consideration of on-site waste water infrastructure as the area is adequately serviced by communal waste water infrastructure – a key consideration of the initial superlot land divisions and negotiations with Council.

The proposed Neighbourhood Zone is clearly different to the suite of policies contained with both the Development Plan and the Wallaroo Shores Design Guidelines and is not considered to be an appropriate Zone to enable the desired outcomes of the Wallaroo Shores development.

As such, the proposed Neighbourhood Zone is not supported.

## **ALTERNATE ZONE OPTION**

The draft Master Planned Neighbourhood Zone is a new zone created by the State Planning Commission, which merges the existing Master-Planned Suburban Neighbourhood and Greenfield Suburban Neighbourhood zones into the single zone.

The Master Planned Neighbourhood Zone is proposed to cover greenfield development areas and larger master planned urban neighbourhoods with a diverse range of housing to cater for a new or expanding community. The Zone does not use any TNVs to carry over existing Development Plan criteria, but rather



references criteria contained within 'Building Envelope Plans' that may be been created as part of these master planned areas.

As previously mentioned, the Monopoly Property Group has prepared the Wallaroo Shores Design Guidelines with support from the Copper Coast Council. The Wallaroo Shores Design Guidelines contains Building Envelope Plans that requires all dwellings to be designed in accordance with these Plans and comply with the detailed design criteria.

The transition from the existing Residential Zone to the draft Master Planned Neighbourhood Zone would enable the use of the Wallaroo Shores Design Guidelines (and its associated Building Envelope Plan) to provide increased design criteria that is not included within the Code.

This approach is supported as its placed greater emphasis on the design criteria embedded in the Building Envelope Plan rather than relying on that 'standardised' policies in the Zone that are applicable to many areas across the State.

It is also understood that a 'Practice Direction' is being prepared by the State Planning Commission to clarify the process of how developers and Councils can seek approval. The Monopoly Property Group would appreciate being involved in any consultation process when the Practice Direction is released for review.

## **SUPERLOT F**

Piece 2033 Deposited Plan 121589, Heritage Drive, Wallaroo – or commonly known as Superlot F – forms part of the Residential Zone – Wallaroo Shores Policy Area 14 - Wallaroo Shores Medium Density Precinct 24.

The subject land does not form part of the Wallaroo Shores Design Guidelines and does not contain any Building Envelope Plans to assist in the design and assessment of future applications.

The draft Code proposes to transition the subject land to the Neighbourhood Zone, with no TNVs applied to guide appropriate building heights (minimum and maximum) and site areas.

As the subject land is currently in the process of seeking Development Plan consent for nine, four storey residential flat buildings comprising 58 dwellings (currently assessed as an envisaged and Category 1 form of development), the transition to the Neighbourhood Zone is not considered appropriate.

It is recommended that the State Planning Commission transition Superlot F into the Housing Diversity Neighbourhood Zone.

The Desired Outcome of the Housing Diversity Neighbourhood Zone supports medium density housing to support a range of needs and lifestyles, with Performance Outcome 1.1 envisaging residential flat buildings.

As part of the transition to the Housing Diversity Neighbourhood Zone, the following Technical and Numerical Variations would be required to ensure consistency with existing Medium Density Precinct provisions:

- Minimum Site Area
- Site Frontages
- Maximum Building Heights (Levels)
- Maximum Building Heights (Metres)



## TOWNSHIP MAIN STREET ZONE

The draft Township Main Street Zone provides a focus for regional main streets that service the local community and visitors. Development will primarily comprise retail, office, entertainment, and recreational land uses and activities. Residential and tourist accommodation are supported, generally where the ground floor is retained for shop, offices or consulting rooms to ensure an active and vibrant main street.

The transition from the existing Town Centre – Policy Area 11 – Mixed Use Precinct 25 to the Township Main Street Zone is considered to be most suitable Zone available to choose from the Code library.

Performance Outcome 1.1 (DTS/DPF 1.1) lists a range of land uses that are encouraged with the Township Main Street Zone. The Wallaroo Shores Masterplan clearly defines a large area to be developed for a retirement village, with the Desired Character Statement of the existing Township Zone providing the following support:

*“Aged care facilities, retirement villages, open space and small scale community and civic users are also appropriate where the desired mixed use character of this area can be maintained”.*

To ensure an improved consistency with the intent of existing Development Plan provisions and Wallaroo Shores Master Plan, it is recommended that ‘retirement facility’ is included as a suitable land use within DTS/DPF 1.1 of the Township Main Street Zone.

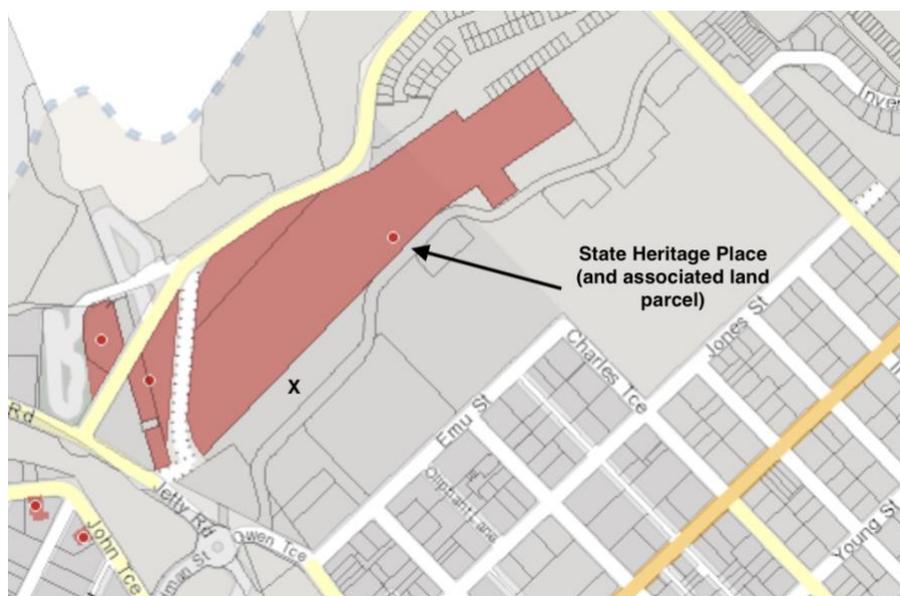
## STATE HERITAGE PLACE OVERLAY

Superlots A, B and C (identified as Q2031 of Deposited Plan 121859 of Certificate of Title 6228 Folio 868) are all shown within the draft Code to be included within the State Heritage Place Overlay. *Table CoCo/4 – State Heritage Places* within the Copper Coast Council Development Plan identifies that the adjoining allotment is listed as a State Heritage Place – not the subject land.

This is a mapping error and should be amended.



Draft P&D Code



Source: SAPPA

It is recommended that Superlots A, B and C (identified as Q2031 of Deposited Plan 121859 of Certificate of Title 6228 Folio 868) be removed from the State Heritage Place Overlay.

The Heritage Adjacency Overlay will still apply to this allotment and ensure that the future built form design is cognisant of the adjoining State Heritage Item (Hughes Chimney Stack).

## SUMMARY AND RECOMMENDED ACTIONS

Monopoly Property Group raised concerns with the 2019 draft Code proposing a number of changes to the existing policies that apply to the Wallaroo Shores development area. There have been a number of significant changes between the 2019 draft Code and the recently released 2020 draft Code, with the Wallaroo Shores area now transitioning the existing Residential areas to the Neighbourhood Zone and the existing Town Centre Zone to the Township Main Street Zone.

The Neighbourhood Zone is not an appropriate Zone for an area that is currently undergoing significant growth. Instead, it is recommended that the draft Master Planning Neighbourhood Zone proposes a more suitable policy framework to cater for a new or expanding community (subject to a number of amendments). The policies contained within the Zone will enable the work undertaken to prepare the Wallaroo Shores Design Guidelines and ensure that suitable design outcomes are achieved.

Superlot F does not form part of the Wallaroo Shores Design Guidelines and given the intended 4 storey apartment development, it is recommended that the Housing Diversity Neighbourhood Zone provides a more suitable policy framework than the currently proposed Neighbourhood Zone.

It is considered that the proposed Township Main Street Zone is a suitable transition from the existing Town Centre Zone, subject to the inclusion of 'retirement facility' as an envisaged land use.



### **Recommended Actions**

1. Do not support the transition of existing Residential Zone – Wallaroo Shores Policy Area 14 and Medium Density Precinct 24 to the Neighbourhood Zone.
2. Support the transition of existing Residential Zone – Wallaroo Shores Policy Area 14 and Medium Density Precinct 24 (excluding Superlot F) to the Master Planned Neighbourhood Zone
3. Support the transition of Superlot F from the Neighbourhood Zone to the Housing Diversity Zone and include the following TNVs to reflect existing Medium Density Precinct 24 criteria:
  - Minimum Site Area TNV
  - Minimum Frontage TNV
  - Maximum Building Height (Levels) TNV
  - Maximum Building Height (Metres) TNV
4. Recommend amendments to the State Heritage Place Overlay to remove a portion of land that does not form part of the current State Heritage Place listings (identified as Q2031 of Deposited Plan 121859 of Certificate of Title 6228 Folio 868)
5. Support the following change to the Master Planned Neighbourhood Zone:
  - PO 1.5 – ‘Small scale’ shops, offices and consulting rooms are encouraged up to 150m<sup>2</sup>. The intent of this zone is to foster primarily residential land uses, with other ‘neighbourhood’ based zones in the Code that seek low-medium density residential support small scale non-residential land uses of a size ranging from 50m<sup>2</sup> – 100m<sup>2</sup>. Given the balance of the residential areas within the Wallaroo township is in the Neighbourhood Zone, it is proposed that this figure be reduced from 150m<sup>2</sup> to 50m<sup>2</sup>.
6. Support including ‘Retirement Facility’ into DTS/DPF 1.1 of the Township Main Street Zone as this reflects the intended development outcomes of both the Wallaroo Shores Masterplan and Development Plan.

We ask that the State Planning Commission give strong consideration to the proposed changes.

Should you require any further information or clarification, I can be contacted on [REDACTED].

Yours faithfully

**Andrew Humby**  
Director  
Humby Consulting  
[REDACTED]