

DIT:Planning Reform Submissions

From: David Barone <[REDACTED]>
Sent: Friday, 18 December 2020 11:01 AM
To: DIT:Planning Reform Submissions
Cc: [REDACTED]; Andrew Hooper-Nguyen
Subject: Phase 3 Draft Planning and Design Code - 35 South Marina Submission
Attachments: 201218 P0519 35 South Marina Code submission.pdf

Categories: leah

Please find attached a submission, on behalf of 35 south Marina, on the Draft Planning and Design Code as it applies to their site at North Haven.

I look forward to receiving acknowledgement and further discussion on the matters raised within the submission. I would be happy to meet with PLUS staff to further discuss our suggested recommendations.

Regards

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Our office will be closed from 12 noon Wednesday 23rd December 2020 and will reopen Monday 11th January 2021. We wish all our clients and fellow collaborators a Merry Christmas and Happy New Year.

201216 P0519 Draft Code submission letter

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

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

Dear Michael

Draft Planning and Design Code Phase 3 _ Submission relating to the Infrastructure (Ferry and Marina Facilities) Zone

I write on behalf of 35 South Marina, the owners and operators of the 35 South Marina situated at North Haven. The Marina accommodates 76 existing berths and has an active approval for up to 103 berths at this location. You may be aware that recently, Development Plan Consent was granted by the State Commission Assessment Panel for the construction of a hotel and associated function, lounge and dining spaces.

The extent of the 35 South Marina land holdings are shown in Figure 1 below.



Figure 1: Extent of 35 South Marina land and water holdings



35 South Marina will be seeking to transform the North Haven location as an attractive coastal destination, linking the waterfront development with both the surrounding community and the nearby Techport precinct. It is eager to ensure that the policy regime affecting its interests either do not change the development opportunities for the site to those existing, or place any further restrictions on the site.

How the Code applies to 35 South Marina

A comparative analysis has been undertaken to understand how the Draft Phase 3 Code applies to the site. The Coastal Marina Zone from the current Development Plan applies to this site, with the Marina itself (waterways and berths) situated within the Boat Haven Policy Area 1, and the marina lounge, car park and future hotel development site (former Blue Sky Marine site) situated within the Business Policy Area 2.

The Code proposes to transition the land and water holdings of interest into the Infrastructure (Ferry and Marina Facilities) Zone, as well as the Waterfront Neighbourhood Zone for a small portion of the site (highlighted in red in Figure 2 below).



Figure 2: Zoning as proposed for the 35 Marina Site, including strip of land which sits within the Waterfront Neighbourhood Zone.

We Support

Overall, there is a degree of support for the transition of the site into the Infrastructure (Ferry and Marina Facilities) Zone in that it provides the policy support for the marina use and provides some additional flexibility for consideration of a number of issues, including:

- establishment of standalone on-land residential development;
- removal of the building height limit (15.5m AHD);
- setbacks, particularly adjacent to the surrounding residential boundaries – instead relying on general design quality policies consistent with those that would apply to adjacent locations;

- building design and materiality, with specific dated design policy removed, although it is noted that the principles of good design continue to apply through general modules;
- some reduced car parking ratios for selected land uses to better align with contemporary ratios commonly applied for development.

We have concerns about

Notwithstanding the above, a number of concerns and additional limitations are being applied to the site as a result of the transition to the new Infrastructure (Ferry and Marina Facilities) Zone which are of concern to 35 South Marina. This principally relates to the following two matters.

Limitations on land uses

- The proposed zone provides limitations for shops, offices, restaurants, hotel and tourist accommodation to only be in association with a marina, whereas the current zone facilitates them with or without a marina activity.

This is a distinct policy change that is proposed and we are concerned about this change as it unfairly and, without justification and investigation, places additional limitation on the land uses currently able to be established on land within the 35 South Marina site (and adjacent sites). While it is understood that there is a general direction to ensure a link to the marina activities more broadly for the zone as it applies across the State, there is a reasonable argument that this restriction at North Haven is unjustified and excessive, particularly in light of the existing zoning.

We do not consider it appropriate for these types of uses to be considered as part of the performance assessment, as there is a distinct shift in policy which does infer that these activities are not envisaged and this is inappropriate given the current regime.

35 South Marina strongly objects to this policy approach and seeks that the current policy settings be maintained.

There are currently a number of retail and entertainment land uses at this location which service the surrounding community above and beyond the marina and as such, do not have a reliance on the Marina itself. These include shops, restaurants and the Sailmaster Tavern. The same could be applied to the approved hotel use and associated activities within the dining, lounge and function spaces. This was the intent of the overall Marina Master Plan, where the activity centre would be a cluster of uses that would both have a relationship to the marina and service the marina users, but also service the surrounding residential community, where there is no specific reliance on the marina itself.

It is noted that many other marinas with similar characteristics, such as at Holdfast Shores Marina have land side areas located within another zone that better supports a wider range of activities and uses that complement the adjacent marina, but are not solely reliant on it (or indeed in association with it). We also note that the Wallaroo Marina is provided with a Sub-zone specifically for the land based areas.

The Waterfront Neighbourhood Zone which surrounds the Marina provides additional flexibility for the establishment of retail, commercial and other community uses without any need for connection of the marina (or waterfront) and so it appears to be illogical to have this applied to the land-side areas of the Infrastructure (Ferry and Marina Facilities) Zone at North Haven, particularly given the extent of portions of the zone and its eventual distance from the Marina itself (for example some sites actually front Lady Gowrie Drive and have a far stronger relationship to this than the marina itself).

Multiple zones covering the Marina site extent

Another concern is the manner in which the walkway connection from the Marina lounge and car park and the berths being located within the Waterfront Neighbourhood Zone. This has the potential to create processing issues for any future marina proposals which is not appropriate. The walkway forms an important part of the infrastructure for the marina, being the only legal land based access point for users to the berths within Lots 1 to 4 within the Marina's Strata Plan.



We suggest the following solutions

Create a sub-zone

It is considered appropriate that a Sub-zone be established for North Haven (but could also be applied more broadly for other specific locations as applicable) which provides for additional stand-alone retail, commercial and tourism related uses without the need for them to be associated with the Marina. For North Haven, this Sub-zone could potentially align to the current Business Policy Area 2.

The benefit for this approach is that it does not impact on other marina locations across Adelaide (and within the Regions), but can also provide flexibility into the future for specific locations where a Code Amendment can help facilitate further development or expansion where this is considered appropriate.

Rezone the walkway

We also suggest that the walkway which forms part of the common property to the Strata that comprises the marina (show in red outline in Figure 2) be transitioned across into the Infrastructure (Ferry and Marina Facilities) Zone and not the Waterfront Neighbourhood zone.

We, on behalf of our client, look forward to the Commission's favourable consideration of the above issues and recommendations for this location. I would be happy to discuss any aspect of the site, its intended future development and the matters raised within this submission with Attorney General's Department staff and can be contacted on 8338 5511.

Yours faithfully



David Barone MPIA
Associate
Jensen PLUS