

7 February 2020

Ms Sally Smith
Executive Director, Planning and Land Use Services
Department of Planning, Transport and Infrastructure
Level 5, 50 Flinders Street, Adelaide 5000
GPO Box 1815, Adelaide SA 5001
Email: DPTI.PlanningReformSubmissions@sa.gov.au

cc Geoff Parsons, Manager – Development and Regulation, [REDACTED] [@murraybridge.sa.gov.au](mailto:[REDACTED]@murraybridge.sa.gov.au)

Dear Ms Smith

**FEEDBACK FOR PHASE THREE OF THE PLANNING AND DESIGN CODE – 398 JERVOIS ROAD,
MURRAY BRIDGE SOUTH**

We write on behalf of Rivergum Homes Pty Ltd in relation to the request for feedback on Phase Three of the Planning and Design Code (the Code) currently on public consultation until Friday, 28 February 2020. In particular, we write regarding the implications that the Code presents for the former ‘Puzzle Park Site’ known as 398 Jervois Road, Murray Bridge South (CT 5785/910), herein referred to as the subject land.

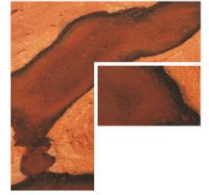
If the Code were to be implemented in its current form, it would limit the future development potential of the subject land, particularly for tourism related development, when compared to the land uses envisaged and encouraged within the Murray Bridge Council Development Plan (consolidated 21 February 2019). We anticipate that this will also impact the assessment of any future improvements or expansion of the adjacent Swanport Hotel site.

In our opinion, the Code should not detrimentally impact the development potential afforded by the current Development Plan. This is especially relevant given the Code will ‘supersede’ policy included in a recent Development Plan Amendment which encourages tourism related development on the subject land.

Accordingly, we respectfully request that a Concept Plan Technical and Numeric Variation Overlay be included within Phase Three of the Planning and Design Code in order to better align with the current zoning of the land. Should this not be feasible, we request that the land be positioned within the Tourism Development Zone, albeit we note that such would not allow for residential development on the site. More details about the background of this site, the current zoning and the implications of the proposed Residential Neighbourhood Zone in the absence of changes are outlined below.

Background

The Murray Bridge Council Development Plan was amended on 21 February 2019 following the developer funded Swanport Development Plan Amendment (the DPA). This DPA involved the rezoning of land immediately south of the South Eastern Freeway, including the subject land.



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The site was incorporated into the DPA given a planning consent for 234 retirement dwellings, a community centre and cabin park lapsed in 2015 and no interest was being shown for a potential tourism related development at the time. Consequently, the DPA rezoned the subject land (including the adjacent Swanport Hotel) from the Tourist Development Zone to the Rural Living Zone.

Notwithstanding, the DPA did not seek to limit the future development potential of the subject land and included policies that reinforce and support the existing tourism development on the land. The DPA also revised the list of non-complying uses within the Rural Living Zone to ensure the ongoing operation and expansion of the existing tourism related businesses was encouraged whilst allowing for new tourism related development to occur.

Current Policy Setting within the Development Plan

The subject land is currently situated within the Rural Living Zone and Precinct Area 21 Swanport as shown in Figure 1 below.

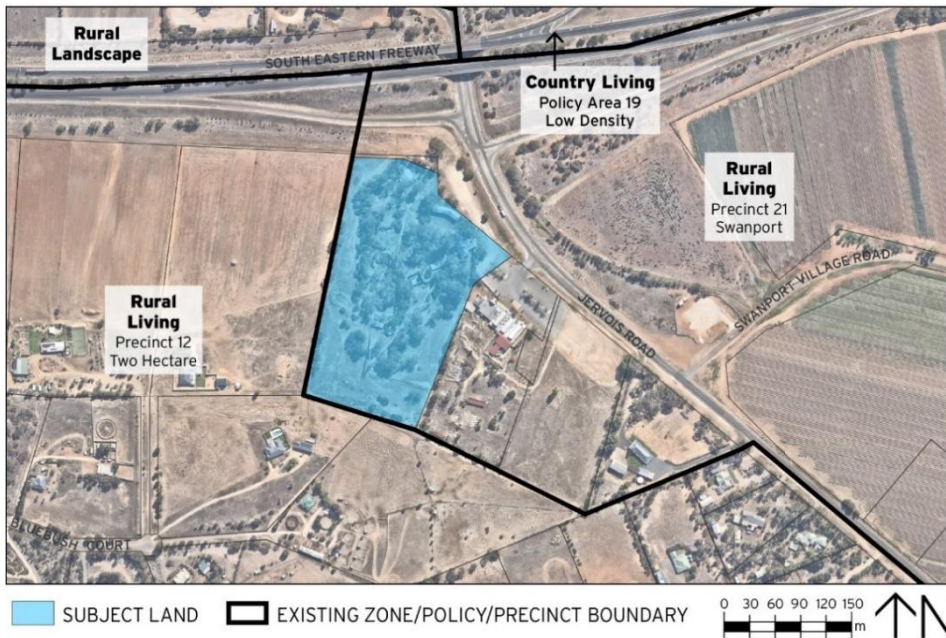


Figure 1 Current Zoning (Murray Bridge Development Plan)

With respect to tourism development and associated uses, the Precinct Area outlines the following:

Desired Character: The area in the vicinity of the existing Swanport Hotel on the western side of Jervois Road will support the continued operation and redevelopment of the hotel, including the development of a range of tourist accommodation and ancillary uses. Tourist accommodation facilities will recognise the location of the site adjacent a major transport corridor and will include accommodation in the form of motel and cabins together with powered and unpowered sites for caravans and recreational vehicles. The hotel and associated tourist accommodation uses will feature a landscape buffer separating these uses from surrounding residential development.





PDC 33 *The following forms of development are envisaged in the precinct to the west of Jervois Road (in addition to those envisaged in the Rural Living Zone):*

- *tourist accommodation*
- *hotel*
- *motel*
- *caravan park*
- *truck parking area, in association with tourist accommodation*
- *recreational facilities.*

PDC 34 *Land within the precinct to the west of Jervois Road should be development for a mix of residential, hotel and tourist accommodation uses.*

PDC 35 *Tourist accommodation uses within the precinct to the west of Jervois Road should be separated from surrounding residential development by a 20 metre landscaped buffer. Species used to establish the landscape buffer should comprise those found within Table MuBr/6 - Landscaping Schedule.*

The land also benefits from multiple exceptions within the Procedural Matter of the Zone, enabling a hotel, restaurant or shop to be assessed ‘on-merit’ rather than non-complying. In addition, the procedural matters of the Rural Living Zone assign such land uses as Category 2 for the purposes of public notification.

Consequently, whilst the subject land is situated within a Rural Living Zone, it is evident that the Development Plan supports tourism development on the subject land, in a manner similar to the Tourist Development Zone that previously applied to the land.

Proposed Policy Setting within Phase Three of the Planning and Design Code

The Code proposes to re-zone the subject land to the Residential Neighbourhood Zone, as shown in Figure 2 below.

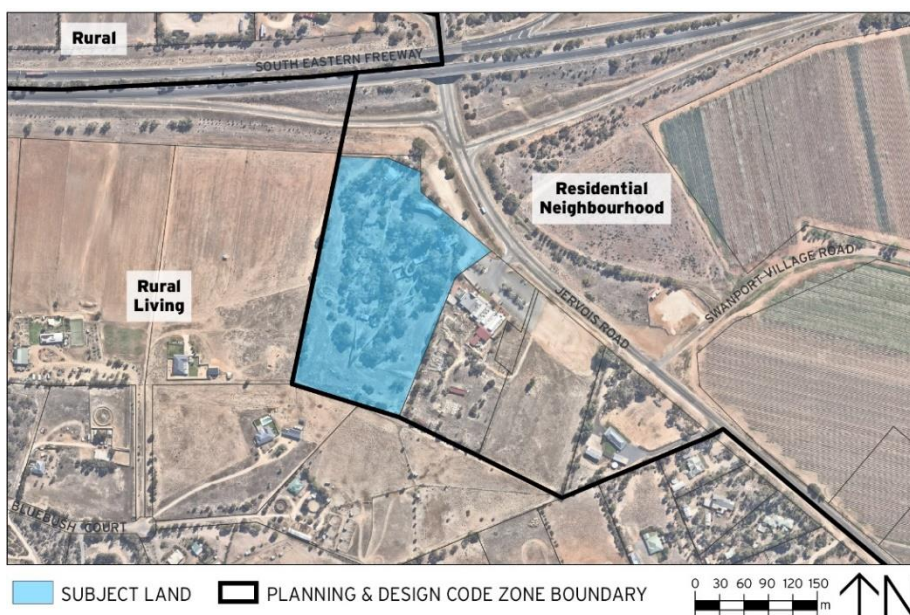
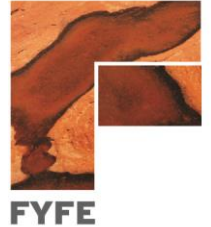


Figure 2 Proposed Zoning (Planning and Design Code)



The Residential Neighbourhood Zone outlines the following uses are anticipated within the Zone:

DTS/DPF Development comprises one or more of the following land uses:

1.1

- *Ancillary accommodation*
- *Community facility*
- *Dwelling*
- *Educational establishment*
- *Office*
- *Outbuilding*
- *Pre-school*
- *Recreation area*
- *Residential flat building*
- *Retirement facility*
- *Shop*
- *Supported accommodation.*

In addition to the above, the Zone also clearly emphasises the intent to retain the residential nature of the Zone:

DO 1 Low or very low density housing within low rise buildings, often together with large outbuildings. Easy access and parking for cars. Considerable space for trees and other vegetation around buildings, as well as on-site wastewater treatment where necessary. Limited goods, services and facilities that enhance rather than compromise rural residential amenity.

PO 1.1 Residential development and supporting uses that are consistent with a spacious and peaceful lifestyle for individual households.

PO 1.3 Non-residential development compatible with a residential character and amenity.

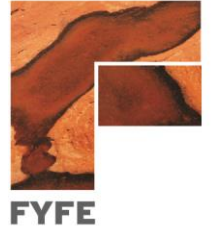
It is evident from the above that the Residential Neighbourhood Zone does not envisage the same uses that the current Rural Living Zone encourages, impacting the development potential for the land. In addition, the proposed Zone does not recognise the existing Swanport Hotel on the adjacent site. A comparison of the procedural matters relating to key tourism related developments for each site is provided in **Attachment A**.

Tourism Development Zone

In contrast to the Residential Neighbourhood Zone, the Tourism Development Zone outlines the following:

DO 1 A range of tourist accommodation and associated services and facilities that enhance visitor experiences and enjoyment.

PO 1.1 Tourist accommodation and a range of complementary entertainment, recreation and service activities catering to the needs and enjoyment of travellers.



DTS/DPF Development comprises one or more of the following land uses:

1.1

- *Advertisement*
- *Amenity block, including shower, toilet and laundry facilities*
- *Caravan park*
- *Coast protection works*
- *Dwelling ancillary to tourist accommodation*
- *Indoor recreation facility*
- *Office ancillary to tourist accommodation*
- *Recreation facility*
- *Shop*
- *Spa pool*
- *Swimming pool*
- *Tourist accommodation*
- *Tourist information centre.*

As a result, in our opinion, the Tourism Development Zone better reflects the policy contained within the current Rural Living Zone in relation to tourism development. However, it does not contemplate residential development unless is it associated with tourism development.

Preferred Outcome

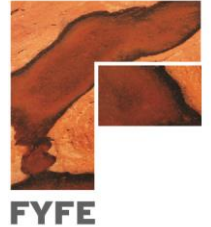
Based on the review above, in our opinion no Zone within the Planning and Design Code exists that combines both tourism and residential development in a similar manner to the current Rural Living Zone. With this in mind, we respectfully request that a Concept Plan Technical and Numeric Variation Overlay be included within Phase Three of the Code in order to better align with the current zoning.

This Concept Plan Technical and Numeric Variation Overlay should include the key Principles of Development Control (PDCs) that apply to Precinct Area 21 Swanport along with Concept Plan MapMuBr/20 - Rural Living (Swanport), similar to our example included in **Attachment B** (based on similar Concept Plan Technical and Numeric Variation Overlays already included within the Code).

Further supporting this approach, we note that the Residential Neighbourhood Zone already includes Performance Outcome (PO) 11.1 which states:

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

Most forms of tourism related development will fall within '*all other Code Assessed Development*' of '*Table 3 - Applicable Policies for Performance Assessed Development*' of the Residential Neighbourhood Zone. Therefore, all Zone policies will be applicable to the assessment of tourism related development within the Zone, including PO 11.1, enabling the relevant authority to consider the policies included within the Concept Plan Technical and Numeric Variation Overlay.



Overlays

Separately, we note that the subject land is also subject to the following overlays:

- Noise and Air Emissions Overlay
- Traffic Generating Development Overlay
- Urban Transport Routes Overlay
- Hazards (Bushfire – General Risk) Overlay
- Murray Darling Basin Overlay
- Native Vegetation Overlay
- Technical and Variation Overlays
 - Minimum frontage for a detached dwelling is 30m
 - Minimum lot size is 2500 sqm

The above Overlays are not considered to fundamentally restrict the future use of the land for the purposes of tourist accommodation or associated development, so no further comment has been made in relation to these Overlays.

In closing, we appreciate the opportunity to provide feedback to Phase Three of the Code and would welcome the opportunity for an ongoing dialogue with DPTI during the transition to the Code.

Should you have any questions about the above feedback, please contact the undersigned on [REDACTED] or [REDACTED]

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kayla Gaskin', with a long horizontal flourish extending to the right.

Kayla Gaskin
Town Planning Consultant



ATTACHMENT A

DEVELOPMENT PLAN AND PLANNING AND DESIGN CODE COMPARISON

Attachment A – Development Plan and Planning and Design Code Comparison

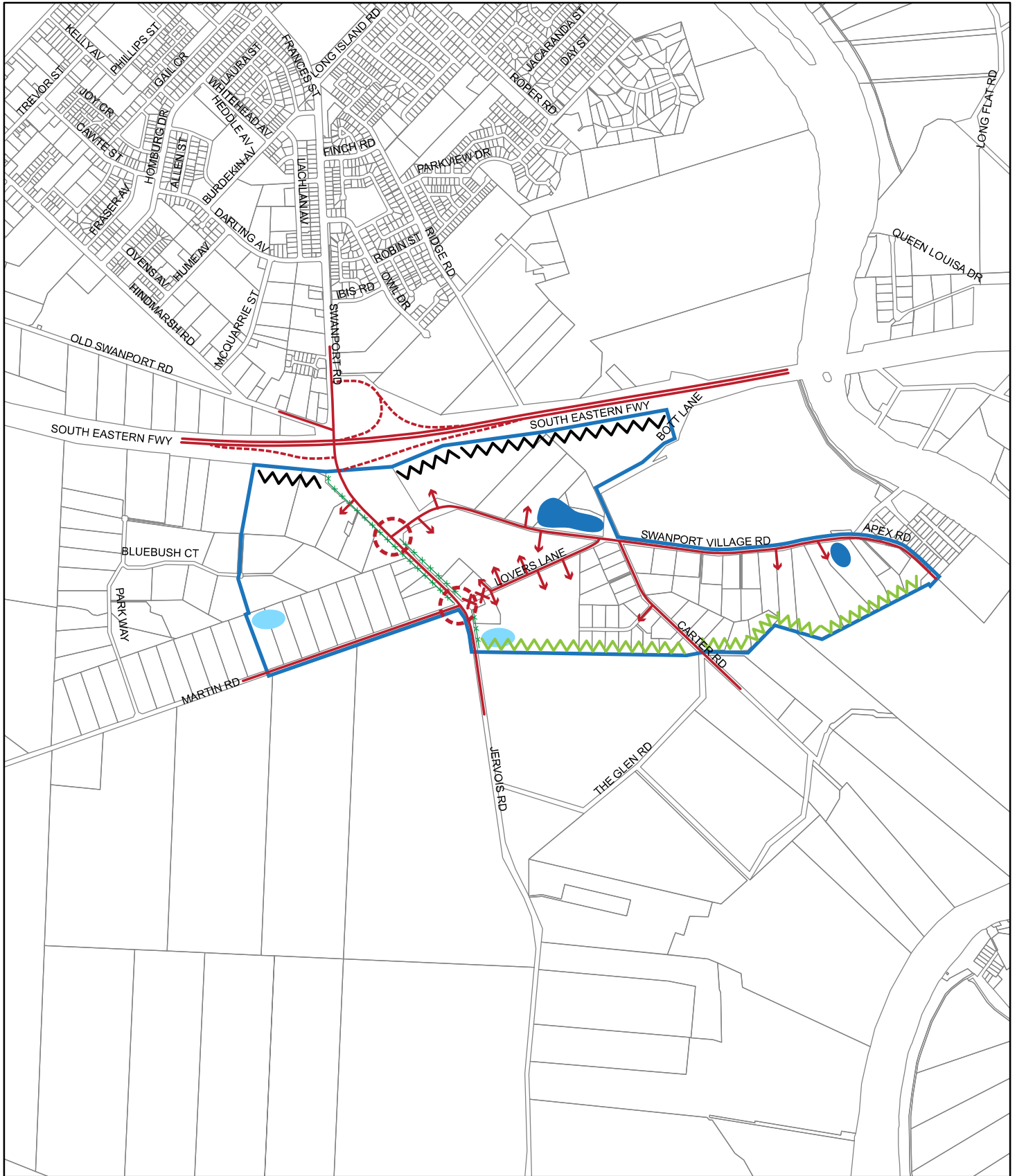
Land Use	Murray Bridge Council Development Plan (Consolidated 21 February 2019) <i>Rural Living Zone</i>	Planning and Design Code (Phase Three) <i>Residential Neighbourhood Zone</i>	Planning and Design Code (Phase Three) <i>Tourism Development Zone</i>
Tourist accommodation	<ul style="list-style-type: none"> - 'On-merit' - Category 2 - Specifically envisaged within Precinct Area 21 Swanport 	<ul style="list-style-type: none"> - Performance assessed development - Public Notification required - Not envisaged within the Zone 	<ul style="list-style-type: none"> - Performance assessed development - Public Notification required - Specifically envisaged within the Zone
Hotel	<ul style="list-style-type: none"> - 'On-merit' - Category 2 - Specifically envisaged within Precinct Area 21 Swanport 	<ul style="list-style-type: none"> - Performance assessed development - Public Notification required - Not envisaged within the Zone 	<ul style="list-style-type: none"> - Performance assessed development - Public Notification required - Specifically envisaged within the Zone
Motel (will be tourist accommodation when Code is implemented)	<ul style="list-style-type: none"> - 'On-merit' - Category 2 - Specifically envisaged within Precinct Area 21 Swanport 	<ul style="list-style-type: none"> - Performance assessed development - Public Notification required - Not envisaged within the Zone 	<ul style="list-style-type: none"> - Performance assessed development - Public Notification required - Specifically envisaged within the Zone
Caravan park / Caravan and Tourist Park	<ul style="list-style-type: none"> - 'On-merit' - Category 2 - Specifically envisaged within Precinct Area 21 Swanport 	<ul style="list-style-type: none"> - Performance assessed development - Public Notification required - Not envisaged within the Zone 	<ul style="list-style-type: none"> - Performance assessed development - Public Notification required - Specifically envisaged within the Zone
Truck parking area, in association with tourist accommodation	<ul style="list-style-type: none"> - 'On-merit' - Category 2 - Specifically envisaged within Precinct Area 21 Swanport 	<ul style="list-style-type: none"> - Performance assessed development - Public Notification required - Not envisaged within the Zone 	<ul style="list-style-type: none"> - Performance assessed development - Public Notification required - Specifically envisaged within the Zone
Recreational Facilities / Indoor Recreation Facilities	<ul style="list-style-type: none"> - 'On-merit' - Category 2 - Specifically envisaged within Precinct Area 21 Swanport 	<ul style="list-style-type: none"> - Performance assessed development - Public Notification required - Not envisaged within the Zone (only recreation areas are envisaged) 	<ul style="list-style-type: none"> - Performance assessed development - Public Notification required - Specifically envisaged within the Zone

Land Use	Murray Bridge Council Development Plan (Consolidated 21 February 2019) <i>Rural Living Zone</i>	Planning and Design Code (Phase Three) <i>Residential Neighbourhood Zone</i>	Planning and Design Code (Phase Three) <i>Tourism Development Zone</i>
Restaurant	<ul style="list-style-type: none"> - 'On-merit' - Potentially Category 3, noting that a shop can be considered Category 2 but is also subject to a maximum gross leasable area - Uses ancillary to tourist accommodation are anticipated 	<ul style="list-style-type: none"> - Performance assessed development - Public Notification required - Not envisaged within the Zone 	<ul style="list-style-type: none"> - Performance assessed development - Public Notification required - Specifically envisaged within the Zone
Shop or group of shops	<ul style="list-style-type: none"> - 'On-merit' if the gross leasable area is 80 square metres or less - Category 2 - Specifically envisaged within Precinct Area 21 - Uses ancillary to tourist accommodation are anticipated 	<ul style="list-style-type: none"> - Performance assessed development if the gross leasable area is less than 200 square metres - Public Notification required - Envisaged within the Zone 	<ul style="list-style-type: none"> - Performance assessed development - Public Notification required - Specifically envisaged within the Zone

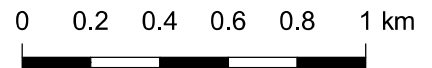


ATTACHMENT B

**CONCEPT PLAN TECHNICAL AND NUMERIC
VARIATION OVERLAY**



- Road
- Access points
- XX Road Closure
- - - Freeway Interchange
- ⊕ Junction upgrade
- ~ Primary Production Interface
- ~ South Eastern Freeway Interface
- x - x - x Vegetation (no access) buffer
- Stormwater Detention
- Infiltration basins/soakage trench
- Concept Plan Boundary



Concept Plan Map MuBr/20

RURAL LIVING (SWANPORT)

1. The following forms of development are envisaged in the precinct to the west of Jervois Road (in addition to those envisaged in the Rural Living Zone):
 - tourist accommodation
 - hotel
 - motel
 - caravan park
 - truck parking area, in association with tourist accommodation
 - recreational facilities.
2. Land within the precinct to the west of Jervois Road should be development for a mix of residential, hotel and tourist accommodation uses.
3. Tourist accommodation uses within the precinct to the west of Jervois Road should be separated from surrounding residential development by a 20 metre landscaped buffer.
4. Residential development should have regard to the influence of noise from the Princes Freeway with respect to site layout, orientation, design and construction to ensure a safe and comfortable residential environment in respect to both internal living areas and private open space.