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Dear Anita

### **Submission on the Revised Planning & Design Code (Phase 3) Relating to Wairoa, Aldgate**

I act on behalf of Richard Bray, one of the owners of the site referred to as Wairoa as shown on the attached plan.

The Adelaide Hills Council provided a detailed written submission relating to the Draft Planning and Design Code (Phase 3) dated 28 February 2020.

There is considerable discussion within the Adelaide Hills Council's submission regarding the Wairoa site as follows:

#### **3.1 Local Issues**

##### **Zoning Errors**

***Numerous zoning errors have been identified during the review process, the following outlines each...***

***Wairoa Site: this site is proposed to be zoned Infrastructure, this is considered a serious variance from the existing Public Purpose zoning and does not adequately capture the existing dominant uses on the site.***

##### **Review of the EFPA Boundary**

***Review the EFPA Boundary Council is seeking a review of the Environment and Food Production Area boundaries in order to exclude two particular sites:***

- ***The Wairoa site (142 Mount Barker Road, Aldgate), and***
- ***Randell's Cottages in Gumeracha owned by Council (refer to Appendix C).***

***It is noted that both of these sites have long established uses that have no relationship with, and are not being used for primary production.***

#### **5.7 Infrastructure Zone**

##### **Wairoa Site**

The 12.5ha Wairoa site located at 142 Mount Barker Road, Aldgate is made up of numerous community title allotments of varying size and shape within private ownership. The primary access to the site is provided via Mount Barker Road to the north west of the site.

The site contains a state heritage listed building and garden, and an LMA is registered on the land to preserve and conserve the heritage gardens and native vegetation. The site is connected to mains water, sewer and electricity.

The site is somewhat of a zoning anomaly as it sits within the Public Lands Policy Area and is zoned Public Purpose, despite being held in private ownership. Surrounding zoning includes the Country Living Zone and the Watershed (Primary Production) Zone. It also sits within the EFPA.

The existing zoning supports a mix of land uses as detailed in Table 5.1 below, however Council is only aware of an existing school operating from one of the allotments with the balance of allotments being used for residential purposes.

As proposed under the P+D Code, this site is proposed to be transitioned into the Infrastructure Zone. The list of envisaged uses for the Infrastructure Zone is provided in Table 5.1 below. The rationale to instate the Infrastructure Zone for the Wairoa site is considered to be a serious variance with the current Zoning and existing land use mix, as well as a threat to the setting of the state heritage listed building and garden. In addition, the future provisioning for infrastructure for the Stirling District would be best suited to the existing council land holding at the Heathfield Recovery Centre which is proposed to be transitioned into the Infrastructure Zone.

Council therefore considers that an alternative zone must be selected to accommodate the Wairoa site. In considering the surrounding zones and the existing land use mix Council considers that the Residential Neighbourhood Zone with an appropriate TNV criteria to capture site area minimums that effectively restrict land fragmentation or an appropriate Overlay, would be a more appropriate choice (refer to Table 5.1 for a comparison of each Zone).

POLICY PROVISIONS	PUBLIC PURPOSE ZONE (Public Lands Policy Area)	INFRASTRUCTURE ZONE	RESIDENTIAL NEIGHBOURHOOD ZONE
LAND USE	<ul style="list-style-type: none"> <li>• Child care facility</li> <li>• Entertainment facility</li> <li>• Facilities for the use of tourists and visitors, excluding tourist accommodation</li> <li>• Hospital</li> <li>• Library</li> <li>• place of worship</li> <li>• Public service depot</li> <li>• Recreation centre</li> <li>• Swimming pool</li> <li>• Theatre</li> <li>• Welfare institution.</li> </ul>	<ul style="list-style-type: none"> <li>• Electricity substation</li> <li>• Landfill, including gas extraction plant and equipment</li> <li>• Water treatment and supply</li> <li>• Stormwater retention / detention basin</li> <li>• Sewerage treatment facility</li> <li>• Public service depot</li> <li>• Waste transfer depot</li> </ul>	<ul style="list-style-type: none"> <li>• Ancillary accommodation</li> <li>• Community facility</li> <li>• Dwelling</li> <li>• Educational establishment</li> <li>• Office</li> <li>• Outbuilding</li> <li>• Pre-school</li> <li>• Recreation area</li> <li>• Residential flat building</li> <li>• Retirement facility</li> <li>• Shop</li> <li>• Supported accommodation</li> </ul>
OBJECTIVES	<p>Development &amp; scale compatible with existing buildings and surrounding area, and preserve native vegetation.</p>	<p>Development does not hinder operation of existing utility/infrastructure services.</p> <p>Ancillary development undertaken to enhance operations.</p>	<p>Low or very low density housing within low rise buildings, often together with large outbuildings.</p> <p>Considerable space for trees and other vegetation . . .</p> <p>Limited goods, services and facilities that enhance rather than compromise rural residential amenity.</p>

***Proposal: In response to the above Council proposes to replace the Infrastructure Zone with the Residential Neighbourhood Zone and apply a TNV with a site area criteria, that captures slightly more than half of the largest allotment, as a minimum site area requirement for land division i.e. 2.5ha. In addition or alternatively the Limited Land Division Area Overlay could be applied to further discourage any land division speculation.***

***Note: This approach would align with the EFPA in that it would restrict land divisions that create additional allotments for residential use. Notwithstanding that the application of the EFPA for this site is inappropriate due to the zoning and the fact that the LMA effectively limits the lands capacity for primary production use. (underlining added).***

*Note: Where the “Residential Neighbourhood Zone” is referenced, we understand that this should be the “Rural Neighbourhood Zone” similar to the zoning applied to the land adjoining to the north of the Wairoa site.*

Following the initial consultation period relating on the Draft Planning and Design Code (Phase 3), the State Planning Commission resolved to change the proposed zoning for the Wairoa site to the Community Facilities Zone on the basis that “this change was made to better accommodate existing uses of the site”. The State Planning Commission also advised that “a change to a residential or settlement-type Code Zone was not considered appropriate due to the subject land being located within the EFPA”.

The Wairoa site has always contained dwellings. It was also home of the now defunct Marbury School some years. The site currently contains some nine dwellings and a small Montessori School. The existing land uses site on numerous allotments.

The Wairoa site has been inappropriately located in the Public Purpose Zone under the Adelaide Hills Development Plan for many years, despite the Marbury School and Montessori Schools being private educational facilities and the site containing numerous dwellings.

We have lobbied the Adelaide Hills Council for many years to more appropriately zone the land to the adjoining Country Living Zone which, at the very least, would more accurately reflect the existing land uses already on the site.

The State Planning Commission has said a residential or settlement-type Code Zone is not considered appropriate due to the subject land being located within the EFPA.

While the Wairoa site is located in the Watershed area, it is connected to mains water and sewer. Therefore, any incidental development that has or could occur on the land will not unreasonably impact on water quality within the Watershed. It is also worth noting that the land has not incorporated any primary production activity in living memory.

For these reasons, it is our view that the Wairoa site has been inappropriately included in the EFPA, despite being located in the Watershed area.

If the State Planning Commission is concerned about the potential impact of minor residential development on the EFPA, it is worth noting that the Community Facilities Zone lists the following land uses as Deemed to Satisfy development:

- Consulting rooms
- Educational Establishments
- Indoor recreation facilities

- Library
- Community Centre
- Hospital
- Shops and offices under 250m<sup>2</sup>

These land uses have the potential for similar or even greater impact on the Watershed area.

In this context, we support the previous recommendation of the Adelaide Hills Council that the Wairoa site be placed in the Rural Neighbourhood Zone. We also acknowledge that a Technical Numeric Variation with site area criteria that captures slightly more than half of the largest allotment as a minimum site area requirement for land division (i.e. 2.5ha) may be considered desirable. In addition, or alternatively, the Limited Land Division Area Overlay could be applied to further discourage any land division.

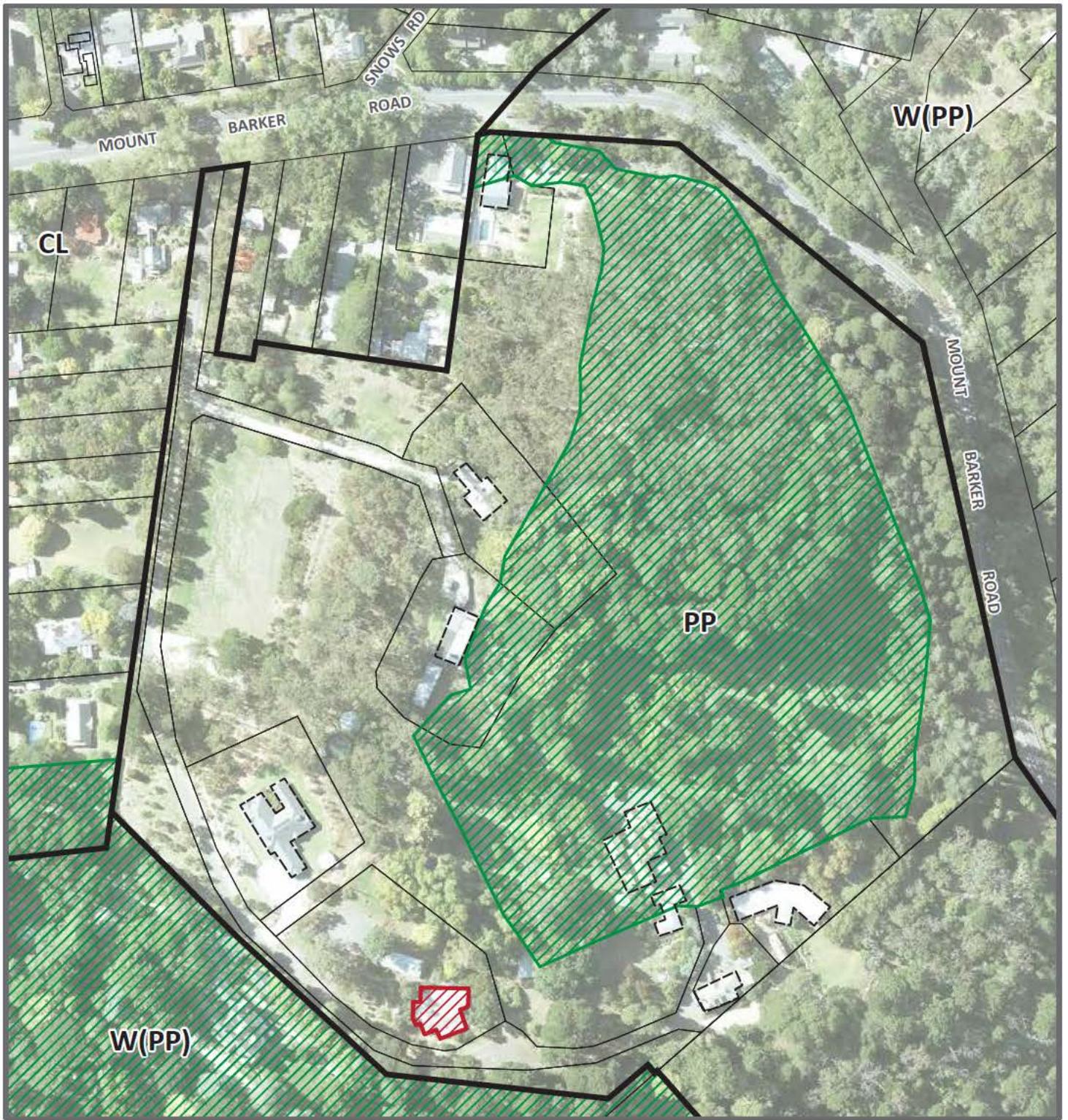
It is also emphasised that the Rural Neighbourhood Zone anticipates Educational Establishments in Performance Outcome 1.4, which reinforces the existing Montessori School activity and provides reasonable expansion opportunities for this existing use in the future if desired.

Thank you for your consideration of this submission. We look forward to the appropriate zoning and planning regime finally being applied to the numerous existing dwellings and school on the Wairoa site.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Rolfe', enclosed within a large, loopy, oval-shaped flourish.

**Marcus Rolfe**  
Director



1:2500

0 100 m



## SITE PLAN

PROJECT MT BARKER ROAD, ALDGATE  
DPA SUBMISSION

JOB REF. 2016-0188

PREPARED BY. ML

DATE. 08.06.2016

REVISION. 1

DATA SOURCE. Property Location Browser

### LEGEND

- Cadastre
- Zone boundary
- Dwelling
- School
- Area affected by heritage agreement

### ZONES

- CL** Country living
- PP** Primary Production
- W(PP)** Watershed (Primary Production)

