

17 February 2020

Reference: 0342-004

**Attention: State Planning Commission**

By Email: DPTI.PlanningReform@sa.gov.au.

Copy: Onkaparinga Council

**DRAFT PLANNING AND DESIGN CODE – PHASE 3 (URBAN CODE) CONSULTATION SUBMISSION**

This consultation submission is provided on behalf of the landowners at [REDACTED], Aldinga Beach.

**Site and Surrounds**

The subject site is shown in **Figure 1** and is approximately 1.842 hectares in area. The site is currently vacant. The site is generally bound by Dolphin Boulevard, Aldinga Beach to the north, employment (home industry) land uses to the west, and employment (industry) land uses to the east and south.

*Figure 1. Subject Site*



The site is formally described as Allotment 1010 in Deposited Plan 91625 in the area named Aldinga Beach in the Hundred of Willunga (Certificate of Title Volume 6115 Folio 157). The site is owned by D & A Calleja Investments Pty Ltd. The title is showing an agreement under the *Development Act 1993* and Encumbrance to Gemtree Property Pty Ltd registered to the title.

The Encumbrance restricts use and development of the land primarily only for light industry, service industry, warehouse and storage activities purposes. Subdivision of

the land to create any additional allotment requires the approval of the Encumbrancee (Gemtree Properties).

The whole of the subject land is subject to a Land Management Agreement (LMA) in favour of the City of Onkaparinga. The LMA was entered as part of an application to divide the land in both the Home Industry Zone and Industry Zone (DA 145/D759/03). In relation to the subject land, the LMA requires a 3-metre-wide landscape buffer within allotments along the northern boundary as well as baffle fencing and graffiti removal from fencing. The LMA includes clauses to either vary the agreement (by Council and the landowner) or for Council to waive any part of the obligations of the LMA.

Most recently in 2011, development approval was granted for division of the land (DA145/D164/11) into 10 allotments. The approved lot sizes that range from approximately 1240m<sup>2</sup> to 2444m<sup>2</sup> are not conducive to Industry and more suited to Home Industry.

Initial enquiries about each of the encumbrance, LMA and development approval has been made to the relevant party with a view to facilitating use of the land for home industry.

#### ***Renewal SA Land***

East of How Road (within 200 metres of the subject site) is a significant portion of approximately 94 hectares of undeveloped land bound by Main South Road, Aldinga Beach Road, How Road and Quinliven Road owned by Renewal SA. Structure planning for this land has recently been completed.

The intention is that the land be rezoned for residential and compatible uses. It is unclear whether a DPA for this land has been initiated or whether the land will be subject to a Code Amendment following transition of Development Plans to the Planning and Design Code on 1 July 2020. The draft Code identifies the zoning of the Renewal SA land as remaining Deferred Urban.

Structure planning for the Renewal SA land (Aldinga Structure Plan) indicates the land includes the site for a new birth-to-year-12 school (scheduled to be opened for the 2022 school year), and is also the location of the proposed railway corridor and terminus for a future rail extension from Seaford.

The draft Structure Plan was informed by an Employment Lands Assessment prepared by Fyfe Pty Ltd in 2019. That assessment indicates existing capacity within the light industrial Urban Employment Zone fronting How Road and Aldinga Beach Road. Demand for employment lands was considered to be sufficiently low so as not to require designation of any other land within the Structure Plan area for such purposes (unless considered strategically relevant for transitional land use or buffering outcomes). Given additional employment lands were not considered to be a demand driven outcome, the assessment concludes such transitional land uses may remain vacant or undeveloped for an extended period.

That portion of land between How Road and the rail corridor is subsequently identified as providing for transitional land uses including: existing school, residential, park and ride facilities, commercial (approximately 5,300m<sup>2</sup>), and stormwater detention.

The assessment notes the existing Home Business Policy Area 17 is developed almost completely for residential dwellings and functions as an extension to the

neighbouring residential zoned areas. It proposes a similar outcome could be considered for land between How Road and the rail corridor within the Structure Plan area (ie with allotments of a larger size able to accommodate small scale home businesses of a commercial nature).

Equally, extending the Home Industry Zone over the subject site (**Figure 1**) could support both residential and employment diversity in Aldinga Beach.

The assessment also draws on work by Holmes Dyer Pty Ltd as well as its own investigations to: 1 indicate demand for residential land within Aldinga; and 2. the benefit of additional population growth to support the existing Aldinga District Centre (which will continue to operate at the low end of a District Centre even with residential development of the Renewal SA and recently rezoning surrounding lands).

Again, this supports a zoning outcome for the subject land that includes residential and home-based employment.

#### ***Employment Lands DPA***

The Employment Lands DPA prepared by Onkaparinga Council and gazetted on 6 February 2018 was informed by the Industrial Land Analysis by Jones Lang LaSalle (JLL) in 2015.

That report considered government estimates of industrial land consumption to be over-estimated with a relatively small portion of consumption in Southern Adelaide. Residential/home based business development in Aldinga Beach between 2008-2012 was identified as one of five examples of significant land consumption in the period.

At the time of the report, the proportion of vacant land in the Aldinga Home Industry Precinct was low and there was approximately 5 hectares of vacant land available within the Aldinga Beach Industry Precinct.

The report notes that the main components of employment growth for Onkaparinga Council area into the future are likely to be in sectors that do not traditionally locate on industrial zoned land. Diversification will require flexible planning policy.

For the reasons outlined above, additional land supply within the Home Industry Zone is supportable.

#### **Existing Planning Provisions**

The subject site (**Figure 1**) is located within the Onkaparinga Council and accordingly, the relevant Development Plan is the Onkaparinga Council Development Plan – Consolidated 20 December 2018.

The site is currently wholly contained in the Urban Employment Zone as identified on Zone Map Onka/100. It is not within a designated policy area. To its north and east boundaries, the land adjoins land also zoned Urban Employment but within Policy Area 17 – Home Business Policy Area.

Under current policy a dwelling is a non-complying form of development within the Urban Employment Zone but not in the Home Business Policy Area 17.

#### **Feedback on Phase 3 of the Code**

The draft Code proposes that land currently zoned Urban Employment at Aldinga Beach be transitioned into two separate zones as follows (refer **Figure 2**):

1. Land within Policy Area 17 – Home Business Policy Area of the Urban Employment Zone is proposed to transition to Home Industry Zone (no sub-zone).
2. The balance of the Urban Employment Zone (without a Policy Area), including the subject site, is proposed to transition to Employment Zone (no sub-zone).

Figure 2. Proposed Zones – The Code



The subject site abuts the proposed Home Industry Zone. The Home Industry Zone is already fully developed. Excepting the subject site, there are several small parcels of undeveloped (vacant) land in the Employment Zone.

**Employment Zone**

The Desired Outcomes (DO) of the Employment Zone focus on employment generating land uses including a comprehensive range of industrial, logistical, warehousing, storage, research and training and uses together with compatible business activities.

Performance Outcomes for Land Use and Intensity are dependent on the interface with another zone (PO 1.1 and PO 1.2). It is unclear how development in the Employment Zone is impacted by the adjoining Home Industry Zone.

PO 1.1 states (*my emphasis*):

*PO 1.1*

*Development primarily for a range of higher impacting land uses including general industry, warehouse, transport distribution and the like supplemented by other compatible development so as not to unduly impede the use of land in other ownership in the zone for employment generating land uses, particularly those parts of the zone unaffected by an interface with another zone that would be sensitive impact generating uses.*

PO 1.1 could be interpreted such that higher impacting land uses are not appropriate on the subject land as it abuts land zoned for Home Industry (small scale and low impact businesses in conjunction with a dwelling).

This is reinforced through PO 1.2 which states (*my emphasis*):

*PO 1.2*

*Development adjacent land in another zone used for or primarily accommodating residential development incorporates a range of low impact non-residential uses to mitigate adverse amenity and safety impacts on the adjoining zone.*

This interpretation is not helped by Deemed To Satisfy (DTS)/Designated Performance Feature (DPF) 1.2 which speaks of adjacent land used for, or expected to be primarily used for, residential purposes, as follows:

*DTS/DPF 1.2*

*Development involving any of the following uses on a site adjacent land in another zone used for or expected to be primarily used for residential purposes:*

- *Bulky goods outlet*
- *Consulting room*
- *Indoor recreation facility*
- *Light industry*
- *Office*
- *Research facility*
- *Service trade premises*
- *Store*
- *Training facility.*

PO 1.4 seeks residential development only where minor and subordinate to a non-residential use, as follows:

*PO 1.4*

*Residential development is subordinate and necessary to support the efficient management, security and/or operational aspects of a non-residential land use.*

The impact of the draft Code is that the subject site is now at the interface with another Zone and will generally be restricted to low impact non-residential uses and interface treatments.

### ***Home Industry Zone***

The Desired Outcome (DO) for the Home Industry Zone is:

*'A zone accommodating small scale and low impact business enterprises in conjunction with a dwelling to provide opportunities to work from home and contribute to employment diversity.'*

The DO provides for residential development while acknowledging demand for small and home-based enterprises.

All overlays identified in the Home Industry Zone abutting the site are identified within the Urban Employment Zone excepting the Hazards (Bushfire Urban Interface).

### **Conclusions**

For a range of reasons outlined in this correspondence, it makes sense to realign the boundary of the proposed Home Industry Zone in the draft Code to include the subject site.

These reasons include that:

- The Home Industry Zone at Aldinga Beach is fully developed;
- Low demand and uptake for Employment (industrial) land uses;
- Vacant land availability within the area to remain Employment Zone;
- The subject site is currently undeveloped and represents a large area that can logically extend the existing Home Industry Zone to cater for future residential-home industry land supply;
- The subject site provides opportunity for a land use that appears to be in demand;
- Development approval was granted for division of the subject site into lot sizes that are not conducive to Industry and more suited to Home Industry; and
- The zoning outcome is compatible with the existing and prospective development of sites in the location.

#### Clarifications and Minor Corrections

The following are clarifications and minor corrections to the draft Code identified during review of the subject site:

- Regulated Tree Overlay is repeated in the Code (refer pages 2172-2175).
- It is unclear why PO 4.1 and PO 4.2 in the Employment Zone are only relevant within a neighbourhood zone.

Should you require further information, we would be pleased to discuss this matter in more detail.

Your sincerely



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