

His Worship the Mayor  
Councillors  
City of Marion

## **Notice of Planning and Development Committee**

Council Chamber, Council Administration Centre  
245 Sturt Road, Sturt

**Tuesday, 7 March 2023 at 5.30 pm**

The CEO hereby gives Notice pursuant to the provisions under Section 83 of the *Local Government Act 1999* that a Planning and Development Committee will be held.

A copy of the Agenda for this meeting is attached in accordance with Section 83 of the Act.

Meetings of the Council are open to the public and interested members of this community are welcome to attend. Access to the Council Chamber is via the main entrance to the Administration Centre on Sturt Road, Sturt.



Tony Harrison  
Chief Executive Officer

<b>1 OPEN MEETING.....</b>	<b>3</b>
<b>2 KAURNA ACKNOWLEDGEMENT .....</b>	<b>3</b>
<b>3 ELECTED MEMBER DECLARATION OF INTEREST (IF ANY) .....</b>	<b>3</b>
<b>4 CONFIRMATION OF MINUTES .....</b>	<b>3</b>
4.1 Confirmation of Minutes of the Planning and Development Committee Meeting held on 6 September 2022 .....	3
<b>5 BUSINESS ARISING.....</b>	<b>12</b>
5.1 Business Arising Statement - Action Items .....	12
<b>6 CONFIDENTIAL ITEMS .....</b>	<b>16</b>
6.1 Cover Report - Confidential Business Arising Statement – Action Items.....	16
<b>7 REPORTS FOR DISCUSSION.....</b>	<b>17</b>
7.1 Southern Suburbs Residential Policy - Code Amendment .....	17
7.2 Code Amendments Update.....	81
<b>8 REPORTS FOR NOTING .....</b>	<b>87</b>
8.1 Development Services Activities Update .....	87
8.2 Land Development Projects Update .....	103
<b>9 WORKSHOP / PRESENTATION ITEMS - NIL .....</b>	<b>106</b>
<b>10 OTHER BUSINESS .....</b>	<b>106</b>
<b>11 MEETING CLOSURE .....</b>	<b>106</b>

**1 Open Meeting****2 Kurna Acknowledgement**

We acknowledge the Kurna people, the traditional custodians of this land and pay our respects to their elders past and present.

**3 Elected Member Declaration of Interest (if any)****4 Confirmation of Minutes****4.1 Confirmation of Minutes of the Planning and Development Committee Meeting held on 6 September 2022**

<b>Report Reference</b>	PDC230307R4.1
<b>Originating Officer</b>	Business Support Officer Governance and Council Support – Cassidy Mitchell
<b>Corporate Manager</b>	Manager Office of the Chief Executive – Kate McKenzie
<b>General Manager</b>	Chief Executive Officer – Tony Harrison

**RECOMMENDATION**

That the minutes of the Planning and Development Committee Meeting held on 6 September 2022 be taken as read and confirmed.

**ATTACHMENTS**

1. PD C 220906 - Final Minutes [4.1.1 - 8 pages]



**Minutes of the Planning and Development Committee  
held on Tuesday, 6 September 2022 at 6.30 pm  
Council Chamber, Council Administration Centre  
245 Sturt Road, Sturt**







## PRESENT

His Worship the Mayor Kris Hanna  
 Councillor Kendra Clancy (Presiding Member)  
 Councillor Luke Hutchinson  
 Councillor Jason Veliskou  
 Councillor Joseph Masika

## In Attendance

Chief Executive Officer - Tony Harrison  
 General Manager City Development - Tony Lines  
 Manager Development and Regulatory Services - Warwick Deller-Coombs  
 Chief Executive Officer of Point Data – George Giannakodakis  
 Senior Policy Planner – David Melhuish  
 Development Officers – Kristen Sheffield & Kai Wardle  
 Manager Engineering, Assets and Environment – Mathew Allen  
 Project Support Officer (Development) - Anne Mitchell  
 Executive Officer to the General Manager City Development - Mina Caruso

## 1 Open Meeting

The Chair opened the meeting at 6:31pm.

## 2 Kurna Acknowledgement

We acknowledge the Kurna people, the traditional custodians of this land and pay our respects to their elders past and present.

## 3 Elected Member Declaration of Interest (if any)

The Chair asked if any member wished to disclose an interest in relation to any item being considered at the meeting

Nil interests were disclosed.

The Chair sought and was granted leave of the meeting to vary the order of the agenda and consider the *Point Data Workshop* (PDC220906R9.1) item next on the agenda.

## 9 Workshop / Presentation Items

### 9.1 Point Data Workshop

Report Reference	PDC220906R9.1
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The Manager Development and Regulatory Services introduced Mr George Giannakodakis, the CEO of Point Data. Mr Giannakodakis provided a presentation demonstrating the capability of the Point

PDC220906 - Planning and Development Committee - 6 September 2022



Data analytics tool and gave members the opportunity to discuss how this may be used to counteract and model issues arising from infill development, as well as other applicable uses.

The following was noted during the presentation:

- The use of technology and data and how it can assist in making better planning policy decisions.
- Housing prices in Adelaide rose sharply during Covid and is recently showing a small adjustment back down.
- These high prices mean developers are seeking to push the boundaries of the Planning and Design (P&D) Code.
- The ability to model and present climate risk layers, such as flooding and bushfire, for banks and insurance companies which could also be useful to councils.
- Ability to match development sites to specific home designs, then apply this information to the streetscape to measure traffic, visual, and green benefits, as well as adverse impacts.
- Can use criteria from the P&D Code to apply a planning algorithm. This can display which properties have the potential for redevelopment, including the ability to narrow by dwelling type (e.g., semi-detached, row, group).
- Highlighted the need to account for the market as well community drivers such as affordability, and supply in desirable areas.
- Machine learning also considers surrounding land uses, such as park and recreation facilities.

The following discussion points were noted:

- Infill development is subjective, and there are differing views about what is considered good versus poor development outcomes.
- Could amend the P&D Code to counter the infill and investigate ways to better apply and enforce the design guidelines.
- In denser developments there are ways to increase open and green spaces.
- Narrow streets are creating parking and vehicle access issues. Currently don't have the data on street widths but can provide modelling and data to support a Council position on certain types of developments and designs based on street width.
- Street parking and how this can change over time with the number of parks available on the street decreasing. This can be measured; it also would need to take into account other information such as household size. Given these likely changes over time, data could support Council in seeking changes requiring more off-street carparking.
- Parking permits should be assessed based on the number of carparks available to the dwelling off-street. We currently only apply permits where there is timed parking.
- Some developments are maximising potential and profit over great outcomes. Would like to encourage good development and data could potentially point out marginal areas.
- Clusters of new development can be problematic; this again is subjective as it can be achieved successfully. A precinct plan approach may assist with achieving better outcomes.
- The Code currently doesn't allow for larger blocks to maximise their ability to provide high quality infill development or encourage the amalgamation of sites.
- There is a challenge achieving affordable and well-designed developments.
- Mixed use developments are not occurring in areas where they would work well. It was noted that this could potentially be restricted by the market and whether people are interested purchasing such properties.
- There is interest in tiny house developments, but the flexibility isn't there in the regulations.
- If Council is interested in testing certain policy planning scenarios, Point data can enable this.



Additionally, it was noted that Council Panel Member, Ben Russ, works for Point Data but has not participated in or engaged in this process in any way.

The Planning and Development Committee participated in the workshop and thanked Mr George Giannakodakis for his presentation.

#### 4 Confirmation of Minutes

##### 4.1 Confirmation of Minutes of the Planning and Development Committee Meeting held on 5 July 2022

Report Reference PDC220906R4.1

**Moved Councillor Hutchinson**

**Seconded Mayor Hanna**

That the minutes of the Planning and Development Committee Meeting held on 5 July 2022 be taken as read and confirmed.

**Carried**

#### 5 Business Arising

##### 5.1 Business Arising Statement - Action Items

Report Reference PDC220906R5.1

The following discussion points were noted:

- That the 1 November 2022 Planning and Development meeting be cancelled due to a lack of items.
- Whilst there are only standing items currently scheduled for 1 November it may be helpful for potential new Council Members to have a meeting early in their term to enable them to be across development issues.

**Moved Councillor Hutchinson**

**Seconded Councillor Masika**

That the Planning and Development Committee:

1. Notes the business arising statement, meeting schedule and upcoming items.
2. Recommend to Council that the Planning and Development Committee meeting scheduled for the 1st of November 2022 be cancelled due to a lack of items.

**Carried**

#### 6 Confidential Items - Nil

#### 7 Reports for Discussion

##### 7.1 Code Amendments Update



#### Report Reference PDC220906R7.1

The Manager Development and Regulatory Services provided a brief update on recent and active Code Amendments.

The following discussion points were noted:

- Possible changes have been highlighted through the Morphettville masterplan; however details have not yet been provided.
- The need for stables is being investigated and will impact what form stables will take in the masterplan.

**Moved Councillor Hutchinson**

**Seconded Councillor Masika**

That the Planning and Development Committee:

1. Notes the report.

**Carried**

#### 7.2 Southern Suburbs Residential Code Amendment

#### Report Reference PDC220906R7.2

The Manager Development and Regulatory Services and the Senior Policy Planner gave a brief overview of the 'Southern Suburbs Residential Policy – Code Amendment' and the proposed community consultation.

The following discussion points were noted:

- The engagement plan is being reviewed with the intent to present it to the new Council as soon as practicable.
- There are known issues with drainage and stormwater which will need to be addressed as the Code Amendment progresses.
- The intent is to encourage opportunities for development on flatter land and to deter it on steeper land where good outcomes are less likely to be realised. This can be achieved by increasing site area and frontage requirements for sloping land.
- The preference is that no Deemed to Satisfy (DTS) developments are allowed on sloping land for Group and Row dwellings.
- The potential for applying the same frontage criteria for detached and semi-detached dwellings.
- That there is clay and reactive soils in some areas.

Councillor Veliskou declared a perceived conflict of interest due to owning a property located within the Southern Suburbs Residential Policy Area and left the meeting.

7:44pm Councillor Veliskou left the meeting.

- Ideally would like to minimise the likelihood of houses blocking the views of other houses when developing on sloping land, by encouraging gaps between roofing and certain roofing styles. However, this would require a change in policy within the Code that is unlikely to be supported by PLUS. As part of a Code Amendment, the height, frontage and site areas can be amended, however changes to other policy factors are generally not supported.



- The zone criteria cannot be changed. To achieve the above it would require adding a new zone or sub-zone to the suite of zones in the Code. However, a new zone policy might not even achieve this.
- Council previously proposed five gradients however the State Government required this be reduced.
- This area was originally proposed as all General Neighbourhood Zone, but several councils indicated that the P&D Code did not account for sloping land in metro areas and the Hills Neighbourhood Zoning was then created to address this.

**Moved Councillor Hutchinson**

**Seconded Councillor Masika**

That the Planning and Development Committee:

1. Considers the report; in particular, the spatial changes to the Hills Neighbourhood Zone, the proposed amendments to the slope-related policy within that zone, and the associated Community Engagement Plan/process.
2. Recommends that Council endorses the amendments to the Planning and Design Code proposed within the 'Southern Suburbs Residential Policy - Code Amendment as being appropriate for community consultation.
3. Recommends that Council endorses the Community Engagement Plan/process.

**Carried**

7:58pm Councillor Veliskou re-entered the meeting.

### 7.3 Tiny Houses

**Report Reference**

PDC220906R7.3

The following discussion points were noted:

- The Code in its current form doesn't allow for the clustering of tiny houses on one site. It could potentially have its place, but the flexibility isn't there to allow for this type of development at present.
- There is interest in providing affordable accommodation similar to a cluster of tiny houses, such as converted shipping containers but as they would each be considered as a dwelling in their own right it isn't allowed.
- The code should look to include design criteria for tiny house developments as there are examples of this type of development being attractive and affordable.
- Potential for a large dwelling with shared facilities and numerous bedrooms. Shared housing development opportunities could be investigated by the new Council.
- The market will determine what place these alternatives have in the housing sector, and it was noted they share similarities with long term caravan park sites.

**Moved Councillor Hutchinson**

**Seconded Councillor Masika**

That the Planning and Development Committee:

1. Notes the report.

**Carried Unanimously**



7

**Moved Councillor Hutchinson****Seconded Mayor Hanna**

That the following reports be moved en bloc:

- *Development Services Activities Update* (PDC220906R8.1)
- *Land Development Projects Update* (PDC220906R8.2)
- *North South Corridor Update* (PDC220906R8.3)

**Carried****8 Reports for Noting****8.1 Development Services Activities Update**

<b>Report Reference</b>	PDC220906R8.1
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**Moved Councillor Hutchinson****Seconded Mayor Hanna**

That the Planning and Development Committee:

1. Notes the report.

**Carried****8.2 Land Development Projects Update**

<b>Report Reference</b>	PDC220906R8.2
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**Moved Councillor Hutchinson****Seconded Mayor Hanna**

That the Planning and Development Committee:

1. Notes the report.

**Carried****8.3 North South Corridor Update**

<b>Report Reference</b>	PDC220906R8.3
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**Moved Councillor Hutchinson****Seconded Mayor Hanna**

That the Planning and Development Committee:

1. Notes the report.

**Carried****10 Other Business****Cancellation of 1 November 2022 Committee Meeting**



Mayor Hanna noted that at the Special General Council Meeting held 28 September 2021 the Committee dates were specified for 2022, confirming that a resolution is needed by Council to cancel the Planning and Development Meeting scheduled for 1 November 2022.

#### **Parking of Caravans**

Clarification was sought regarding restrictions on the parking of a caravan in a public parking bay in an Oaklands Park street.

**ACTION:** Manager Development and Regulatory Services to supply the committee with information regarding caravan parking restrictions.

#### **Improvements/changes to urban infill planning/design**

Further information was sought regarding the list of design features discussed in the Code consultation process two years ago and if these must be included with new dwellings.

The following was noted and discussed:

- During the consultation phase specific design criteria was proposed, such as eaves, windows facing the street, porticos and articulated facades. The P&D Code was going to stipulate that a certain number of these criteria must be met. This would be a worthy addition to the design review.
- The Deemed to Satisfy (DTS) criteria covers this to some degree. Design features that were implemented and were envisaged to be good design outcomes are applied with DTS developments however performance assessed developments do not require the same criteria. This will be fed back as part of the Expert Panel Review of the SA Planning System.

The Committee thanked the Chair Councillor Kendra Clancy.

The Committee noted this will be Senior Policy Planner, David Melhuish's last Planning and Development Committee meeting and thanked him for his contributions.

#### **11 Meeting Closure**

The meeting was declared closed at 8:15pm.

CONFIRMED THIS 1 DAY OF NOVEMBER 2022

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CHAIRPERSON

## 5 Business Arising

### 5.1 Business Arising Statement - Action Items

Report Reference	PDC230307R5.1
Originating Officer	Executive Officer to the General Manager City Development – Mina Caruso
Corporate Manager	
General Manager	General Manager City Development – Tony Lines

### REPORT OBJECTIVE

The purpose of this report is to review the business arising from previous meetings of the Planning and Development Committee meetings, the meeting schedule and upcoming items.

### RECOMMENDATION

**That the Planning and Development Committee:**

1. **Notes the business arising statement, meeting schedule and upcoming items.**

### ATTACHMENTS

1. PDC230307 - Business Arising as at 07 March 2023 [5.1.1 - 1 page]
2. PDC230307 - Schedule of Upcoming Items 2023 [5.1.2 - 2 pages]



**CITY OF MARION**  
**BUSINESS ARISING PLANNING & DEVELOPMENT COMMITTEE MEETINGS**

**AS AT 07 MARCH 2023**



Meeting Date	Document	Item No.	Item	Action Required	Assignee/s	Action Taken	Due Date	Status
5/10/2021	PDC211005 – Planning and Development Committee 5 October 2021 <i>* Confidential</i>	9.1	<b>Confidential Item</b> - Lot 707 Marion Road, Bedford Park		W Deller-Coombs	<i>Confidential</i> – Update provided in PDC230307F6.1	31 July 2023	In Progress
6/09/2022	PDC220906 – Planning and Development Committee 6 September	7.1	Southern Suburbs Residential Code Amendment	2. Recommends that Council endorses the amendments to the Planning and Design Code proposed within the 'Southern Suburbs Residential Policy - Code Amendment as being appropriate for community consultation.  3. Recommends that Council endorses the Community Engagement Plan/process.	W Deller-Coombs  W Deller-Coombs	SEPTEMBER 22 – Report to go to Council once elections completed and new Council is formed - December 2022 or early 2023.  DECEMBER 22 – Report to go back to PDC 7 March 2023 to allow new members to gain a fuller understanding of the proposed changes.  SEPTEMBER 22 – Report to go to Council once elections completed and new Council is formed - Dec 2022 or early 2023  FEBRUARY 23 – Report went to 13 December 2022 GC, where Council recommended that the matter go back to 7 March 2023 PDC to allow the details of the proposal to be fully explained to Council Members (particularly the new Members who have not had much exposure to the proposal).	7 March 2023  7 March 2023	Item to come back to Council  Item to come back to Council

\* Completed items to be removed are shaded

## Planning and Development Committee – 2023 Draft schedule of Upcoming Items

Planning and Development Committee		Date: Tuesday, 07 March	Time: 5.30pm – 7.00pm	Venue: Chamber	
Topic	Type of Report	Description	External Attendees	Staff Responsible	
Business Arising		Business arising from previous meetings, the meeting schedule, and upcoming items		M Caruso	
Land Developments Update	R	Standing Report		W Deller-Coombs	
Development Services Activity Report	R	Standing Report		W Deller-Coombs	
Code Amendments Update	R	Standing report		W Deller-Coombs	
Southern Suburbs Code Amendment		Deferred from GC 13/12/22		W Deller-Coombs A Wright	

Planning and Development Committee		Date: Tuesday, 2 May	Time: 5.30pm – 7.00pm	Venue: Chamber	
Topic	Type of Report	Description	External Attendees	Staff Responsible	
Business Arising		Business arising from previous meetings, the meeting schedule, and upcoming items		M Caruso	
North South Corridor Update	R	Standing report		B Grimm	
Development System Update	R	Standing report		A Wright W Deller-Coombs	
Code Amendments Update	R	Standing report		W Deller-Coombs	
Development Case Studies Workshop	F	Confidential – Moved from May PDC – Moved from July PDC		W Deller-Coombs	
Land Developments Update	R	Standing Report		W Deller-Coombs	
Development Services Activity Report	R	Standing Report		W Deller-Coombs	

Planning and Development Committee		Date: Tuesday, 1 August	Time: 5.30pm – 7.00pm	Venue: Chamber	
Topic	Type of Report	Description	External Attendees	Staff Responsible	
Business Arising		Business arising from previous meetings, the meeting schedule, and upcoming items		M Caruso	
North South Corridor Update	R	Standing report		B Grimm	
Development System Update	R	Standing report		W Deller-Coombs	
Code Amendments Update	R	Standing report		W Deller-Coombs	

## Planning and Development Committee – 2023 Draft schedule of Upcoming Items

Land Development Projects Update	R	Standing Report		W Deller-Coombs
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Planning and Development Committee		Date: Tuesday, 10 October	Time: 5.30pm – 7.00pm	Venue: Chamber
Topic	Type of Report	Description	External Attendees	Staff Responsible
Business Arising		Business arising from previous meetings, the meeting schedule, and upcoming items		M Caruso
North South Corridor Update	R	Standing report		B Grimm
Development System Update	R	Standing report		W Deller-Coombs
Code Amendments Update	R	Standing report		W Deller-Coombs
Land Development Projects Update	R	Standing report		W Deller-Coombs

Planning and Development Committee		Date: Tuesday, 05 December	Time: 5.30pm - 7:00pm	Venue: Chamber
Topic	Type of Report	Description	External Attendees	Staff Responsible
Business Arising		Business arising from previous meetings, the meeting schedule, and upcoming items		M Caruso
North South Corridor Update	R	Standing report		B Grimm
Development System Update	R	Standing report		W Deller-Coombs
Code Amendments Update	R	Standing report		W Deller-Coombs
Land Development Projects Update	R	Standing report		W Deller-Coombs

## 6 Confidential Items

### 6.1 Cover Report - Confidential Business Arising Statement – Action Items

Report Reference	PDC230307F6.1
Originating Officer	Manager Development and Regulatory Services – Warwick Deller-Coombs
Corporate Manager	N/A
General Manager	General Manager City Development – Tony Lines

#### REASON FOR CONFIDENTIALITY

##### ***Local Government Act (SA) 1999 S 90 (2) 3***

(g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty

(h) legal advice

(m) information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the *Planning, Development and Infrastructure Act 2016* before the draft instrument or amendment is released for public consultation under that Act

#### RECOMMENDATION

Pursuant to Section 90(2) and (3) (g)(h) and (m) of the *Local Government Act 1999*, the Committee orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Office of the CEO, Manager Development and Regulatory Services, Team Leader Planning, Senior Policy Planner and Executive Officer to General Manager City Development be excluded from the meeting as the Committee receives and considers information relating to Confidential Business Arising Statement – Action Items, upon the basis that the Committee is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to a development application, legal advice, planning policy matters as well as Aboriginal Heritage considerations.

## 7 Reports for Discussion

### 7.1 Southern Suburbs Residential Policy - Code Amendment

<b>Report Reference</b>	PDC230307R7.1
<b>Originating Officer</b>	Manager Development and Regulatory Services - Warwick Deller-Coombs
<b>Corporate Manager</b>	Manager Development and Regulatory Services - Warwick Deller-Coombs
<b>General Manager</b>	General Manager City Development - Tony Lines

### REPORT HISTORY

<b>Report Reference</b>	<b>Report Title</b>
<a href="#">GC210511R11</a>	Proposed Code Amendments: Morphettville/Glengowrie stables, Southern Residential Areas, Centre Zones, Marion Road Corridor
<a href="#">GC210914R11.4</a>	Southern Suburbs Residential Policy - Code Amendment
<a href="#">PDC220906R7.2</a>	Southern Suburbs Residential Code Amendment
<a href="#">GC221213R11.3</a>	Southern Suburbs Residential Policy - Code Amendment

### REPORT OBJECTIVE

To provide the Committee and Elected Members with a better understanding of the former, current, and proposed zoning and allotment dimensions, and differences in development opportunities the proposed rezoning and associated policy, will bring about within Marion's southern suburbs.

To seek the Committee's consideration and endorsement of the proposed policy direction for future redevelopment potential for properties affected by the proposed 'Southern Suburbs Residential Policy - Code Amendment.'

### EXECUTIVE SUMMARY

The City of Marion's southern suburbs currently have wide-ranging and inconsistent planning policies in regard to minimum allotment sizes for subdivision. Many sites in theory offer smaller allotments for subdivision on sloping land, however these are not likely to be approved. Conversely, some areas, particularly areas just south of Seacombe Road, maintain stricter policies, where in fact subdivision may be better supported in these areas.

The mapping and policy context is complex, especially since the conversion to the Planning and Design Code (P&D Code). The transition to the P&D Code 'picked up' the former Policy Area variations and put them in Zones with multiple 'technical and numerical variations' (TNVs) - which now apply across broadly across the southern suburbs, without the Policy Areas for context.

In essence, this Code Amendment is seeking to simplify policy rules and apply them consistently across the southern suburbs within the City of Marion – while considering slope and reasonable outcomes of potential development opportunities.

Importantly, Council is seeking only to vary the TNVs that relate to the 'deemed to satisfy'

development pathway (a 'tick and flick' process) and the bulk of assessments undertaken by staff relate to 'performance assessment' (where applications undertake a thorough assessment against a greater number of policies in the P&D Code).

### **Proposed Changes to Code Policy via the Code Amendment**

The Code Amendment proposes the following changes to spatial zoning designations and slope related policy:

- Southern residential areas recently rezoned by the Planning and Design Code to the Suburban Neighbourhood Zone (SNZ) (being former Southern Policy Area 18 covering Trott Park, Sheidow Park and a section of O'Halloran Hill and Cement Hill Policy Area 10 covering part of Seacliff Park) be transitioned to the Hills Neighbourhood Zone (HNZ), so that all properties within the affected area will be in the HNZ.
- Application of one consistent and appropriate slope-related policy (gradient, site dimensions and dwelling types) within the entire zone, which provides opportunity for subdivision/redevelopment to occur in suitable locations, particularly on gentle sloping sites.
- Redevelopment on gentler sloping areas is expected to result in more appropriate planning and design outcomes, and are therefore the areas being targeted by the Code Amendment.
- Redevelopment of steeper land is to be limited, through the incorporation of larger site dimension requirements or exclusion of certain dwelling types. The creation of small and narrow sites on steeply sloping land is likely to result in the requirement for substantial site works (cut and fill/retaining walls) and minimal side setbacks, which can potentially lead to associated issues with bulk and scale, overshadowing, privacy, streetscape character and access.
- Given the above, it is recommended that certain forms of dwelling types (i.e., semi-detached/row/group dwellings/residential flat buildings) be excluded from the zone and, if considered appropriate, only occur on slopes less than 1:8
- Generally, the existing pattern and layout of allotments result in most dwellings achieving 18m – 19m wide frontages, and would therefore not satisfy the 10m requirement for detached dwellings. It is proposed to reduce the 'deemed to satisfy' (DTS) frontage requirement for semi-detached dwellings to 9m to provide greater redevelopment opportunity. Detached dwellings may still be possible on allotments with a frontage less than 10m, however, their assessment would be based on individual merit.

Following discussion and any agreed amendments, the Code Amendment, including policy details and the required Community Engagement Plan for endorsement will be put before General Council for a decision.

Following the engagement process, Council will be able to consider further amendments to the proposal and (if necessary) further engagement, before submission to the Minister for Planning.

### **RECOMMENDATION**

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**That the Planning and Development Committee:**

- 1. Considers the report; in particular, the spatial changes to the Hills Neighbourhood Zone, the proposed amendments to the slope-related policy within that zone, and the associated Community Engagement Plan.**
- 2. Recommends that Council endorses the amendments to the Planning and Design Code proposed within the 'Southern Suburbs Residential Policy - Code Amendment' as being appropriate for community consultation.**
- 3. Recommends that Council endorses the Community Engagement Plan.**

## **DISCUSSION**

### **Background**

On 14 September 2021 Council endorsed the 'Southern Suburbs Residential Policy - Code Amendment - Proposal to Initiate' and subsequently forwarded the document to the Minister for Planning for consideration. On 11 February 2022, the Minister approved the Proposal to Initiate allowing Council to undertake a Code Amendment process.

Although sharing similar topographical characteristics to the suburbs within the Hills Neighbourhood Zone (HNZ), properties within the Suburban Neighbourhood Zone (SNZ) are not subject to slope-related policy. This provides the potential for unsuitable subdivision/redevelopment to occur in inappropriately steep locations.

Site dimension policy also varies between the suburbs covered by the SNZ, reflecting the criteria of the two previous residential policy areas (Cement Hill Policy Area / Southern Policy Area) under the former Development Plan. All forms of dwellings in the area covered by the former Cement Hill Policy Area have the same site area and frontage criteria (420m<sup>2</sup> / 15m), whereas site dimensions for properties covered by the former Southern Policy Area vary dependent on the dwelling type.

Although sharing similar topographical characteristics, site dimension policy varies considerably between the suburbs within the HNZ. Under the former Development Plan these suburbs were covered by three separate residential policy areas (Hills Policy Area / Worthing Mine Policy Area / Foothills and Seaside Policy Area). Each of these policy areas had distinctively different slope gradient parameters, substantially diverse minimum site dimensions (site areas/frontages) and variations in the types of dwellings suitable within the policy area. Much of the HNZ requires minimum allotment areas of 700m<sup>2</sup> and frontages of 18m, on relatively gentle sloping land, preventing further subdivision from occurring.

When transitioned to the Planning and Design Code (the Code) all slope gradients were converted to one set of parameters (<1:8 / 1:8 – 1:4 / >1:4). However, site dimensions primarily reflect the criteria of the three previous residential policy areas, resulting in a lack of consistency in opportunity for redevelopment. In addition, allotment dimensions for properties with gradients 1:8 – 1:4 and > 1:4, in areas previously covered by Worthing Mine Policy Area and Foothills and Seaside Policy Area, are now the same.

The dwelling types envisaged varies within different areas of the HNZ, with the areas covered by the former Hills Policy Area (under the Development Act 1993) seeking only detached dwellings and group dwellings.

Approximately 50% of properties within the affected area are located on slopes of less than 1:8 so, subject to meeting site area and frontage requirements, would have potential for redevelopment in the future. However, PlanSA has advised that, from experience, when land is rezoned to allow further redevelopment potential, the take-up rate of property owners is likely to be less than 40% over the foreseeable future (*taking into consideration factors such as personal choice, land to asset (dwelling) value ratio (financial viability), age of dwelling, size of allotment, etc.*)

Not all suburbs/areas will have the same opportunity for redevelopment/subdivision due to differences in allotment sizes (allotments have in general become smaller over time – therefore older developed suburbs are likely to provide more opportunity).

Also, properties in more recently developed suburbs (i.e., Hallett Cove and Sheidow Park) are unlikely to be financially viable for redevelopment in the short to medium term due to a low land to asset (dwelling) value ratio.

Attachment 1 includes various forms of information that should provide members with:

- A clearer understanding of the former, current, and proposed zoning, allotment dimensions, slope gradients and allowable dwelling types.
- Differences in development opportunities the proposed rezoning and associated policy, will facilitate, compared to current policy.
- The areas within the southern suburbs included in the proposed Code Amendment
- The areas with greater potential for redevelopment (slope gradients <1:8)

A copy of the *Draft Southern Suburbs Residential Policy - Code Amendment* (for consultation purposes) is included as Attachment 2.

## Infrastructure

An analysis of both the road network and stormwater network in the southern suburbs has been undertaken by Administration. This includes both an analysis of the existing situation and the infrastructure's capacity to support a potential increase in dwelling numbers.

In summary, the analysis provides the following:

### Traffic and Parking

- The expected development take-up rate of less than 40% should have the effect of keeping traffic volumes in existing local areas to an acceptable service level.
- It is important that more off-street parking be required to support additional dwelling density.
- The wide roads at the intersections of the north-south collector roads with Seacombe Rd afford opportunity for road widening to allow for better intersection channelisation and upgrade as required.

### Stormwater

- It is unlikely (subject to rainwater tank installation compliance) that the proposed additional development of one into two or three will cause unmanageable overload of the existing



stormwater infrastructure particularly given the likely redevelopment take up of less than 40% and general limitation to 12.5% (1:8) sloping sites.

- Due to the fairly recent construction of housing in the newer suburbs and the generally smaller site dimensions, it is anticipated that there will be less opportunity for redevelopment, particularly in the short to medium term. Therefore, no substantial increase in stormwater flows would be anticipated in these areas.

The full analysis has been included in the version of the Code Amendment for Community Engagement ([\*Attachment 2\*](#)).

## **Community Engagement**

### The Process

Council will be undertaking community consultation in line with the State Government's [Community Engagement Charter](#) (the Charter), which guides how the community is engaged when preparing and amending planning policy, strategies, and schemes in South Australia.

The Charter puts consultation and participation at the forefront of the planning process.

The Charter establishes an outcome-based, measurable approach for engaging communities on planning policy, strategies, and schemes. It provides a flexible framework that enables fit-for-purpose engagement rather than prescriptive minimum standards. The Charter seeks to ensure that communities have timely and meaningful opportunities to participate in, or access information about, planning policy setting. It also seeks to ensure that information about policy development is readily accessible, expressed in plain language and in a form that facilitates participation.

### Engagement Plan

An Engagement Plan is to be prepared for each Code Amendment to ensure that engagement will be conducted and measured against the principles of the Community Engagement Charter and that it is tailored to the scope of the Amendment and there would be appropriate stakeholder consultation.

Amongst other things, the Engagement Plan outlines who is to be notified, why they are being notified, and the form of engagement activity to be undertaken.

The *Engagement Plan for the Southern Suburbs Residential Policy - Code Amendment* is included as [Attachment 3](#).

## **Conclusion**

While the Code Amendment process and associated documentation has a necessary level of technical complexity, the Committee should be satisfied that the intent from Administration is consistent with previous advice and that the aim of the Code Amendment is:

*That one set of consistent and appropriate slope-related policy (gradient/site dimensions) is used throughout the zones of the southern suburbs, which provides opportunity for*

*subdivision/redevelopment to occur in appropriate locations, and more particularly on gentle sloping sites.*

It is intended that the Code Amendment be placed on community engagement in April-May if approved by Council approval in March 2023.

## **ATTACHMENTS**

1. Attachment 1: Current and Proposed Zoning in Affected Area [**7.1.1** - 4 pages]
2. Attachment 2: Code Amendment for Consultation [**7.1.2** - 39 pages]
3. Attachment 3: Engagement Plan [**7.1.3** - 15 pages]

Proposed Zoning

(Current Zoning and Proposed spatial changes/inclusions to Hills Neighbourhood Zone)

CURRENT ZONING

HN - Hills Neighbourhood Zone

SN – Suburban Neighbourhood Zone

Affected Areas

All properties within Affected Areas to be zoned – Hills Neighbourhood Zone

(Former) XXXXXXXXXXXX

Former Residential Policy Area (prior to commencement of the Planning and Design Code)

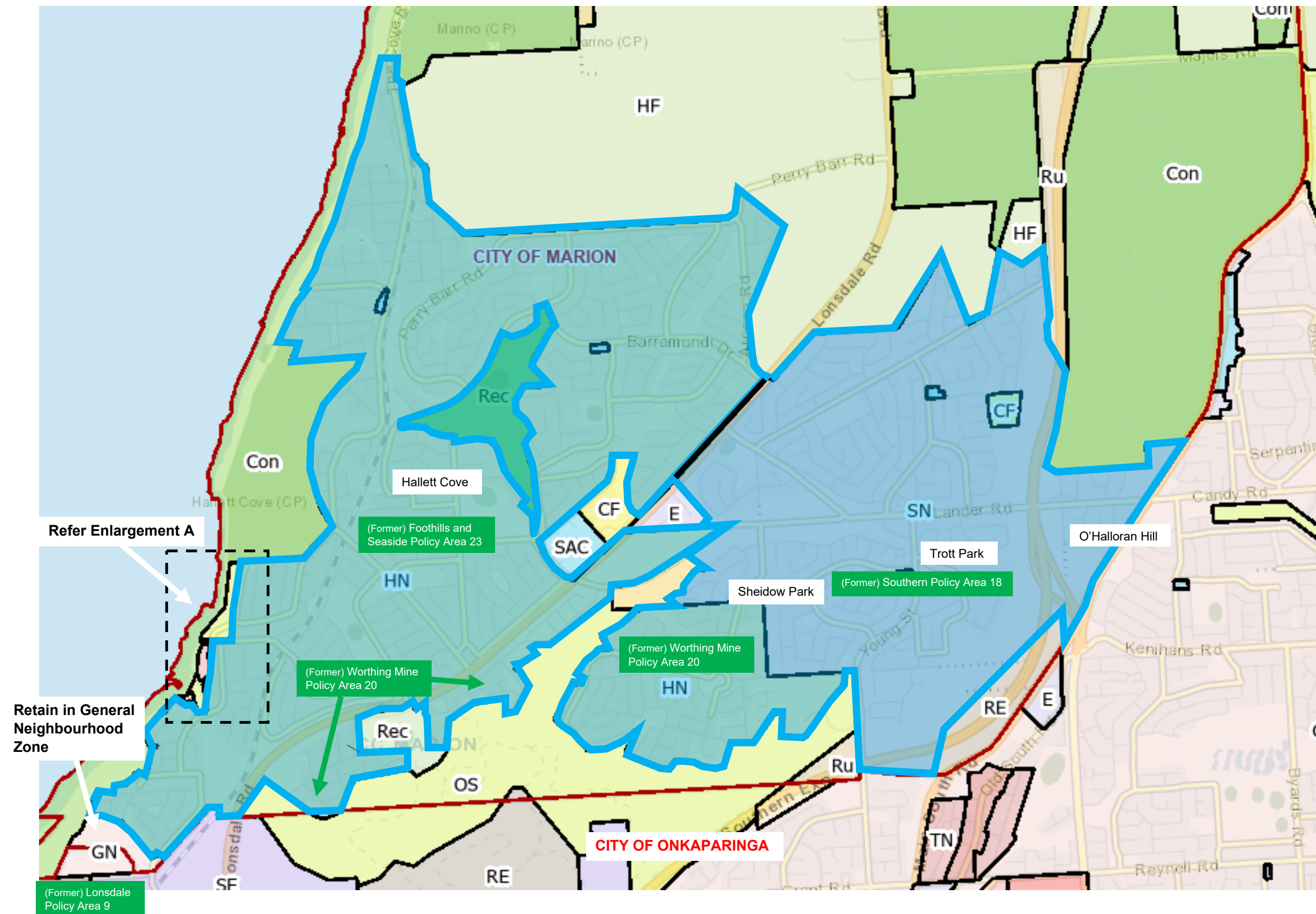
Refer to Table below for:

Minimum site dimensions currently applicable to properties within areas previously covered by the Policy Area

and

Proposed minimum site dimensions for all properties within the Hills Neighbourhood Zone





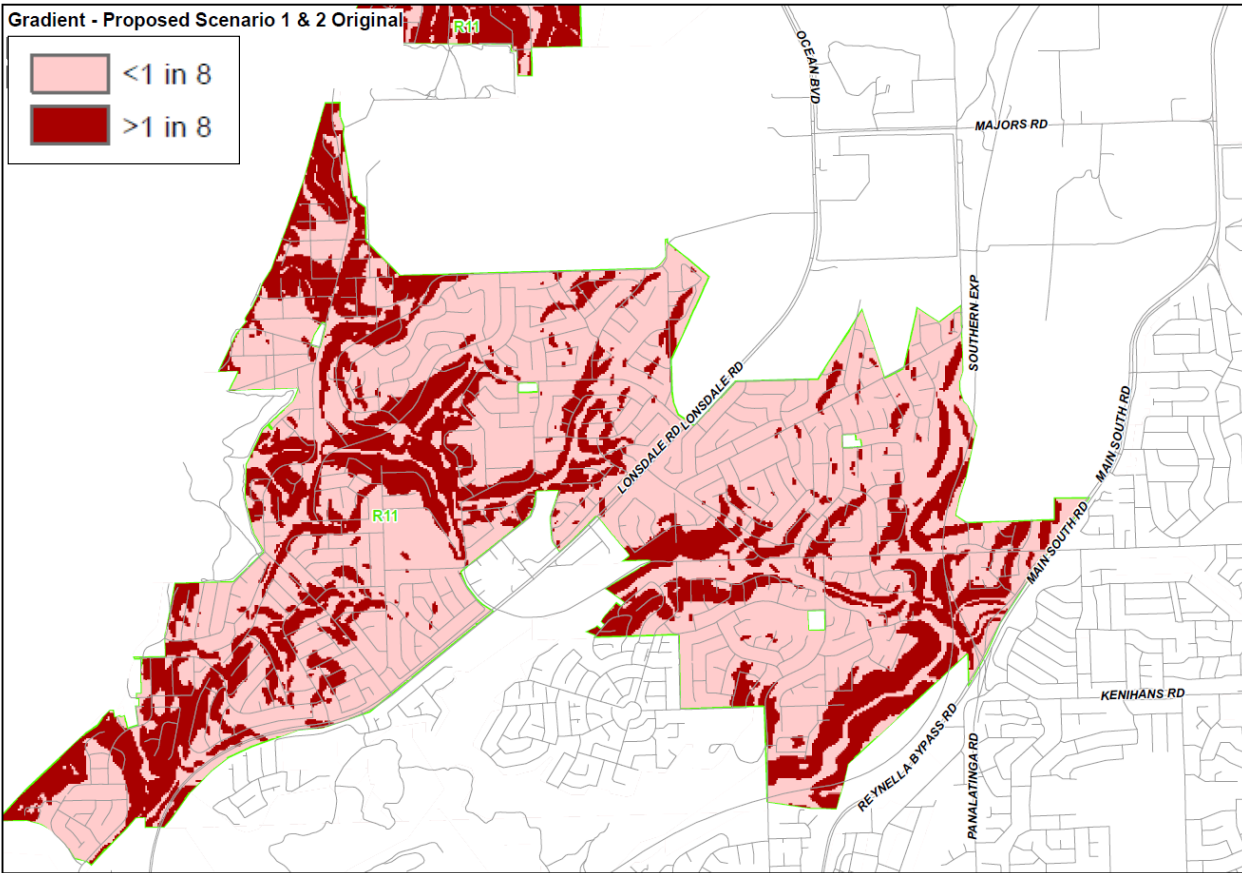
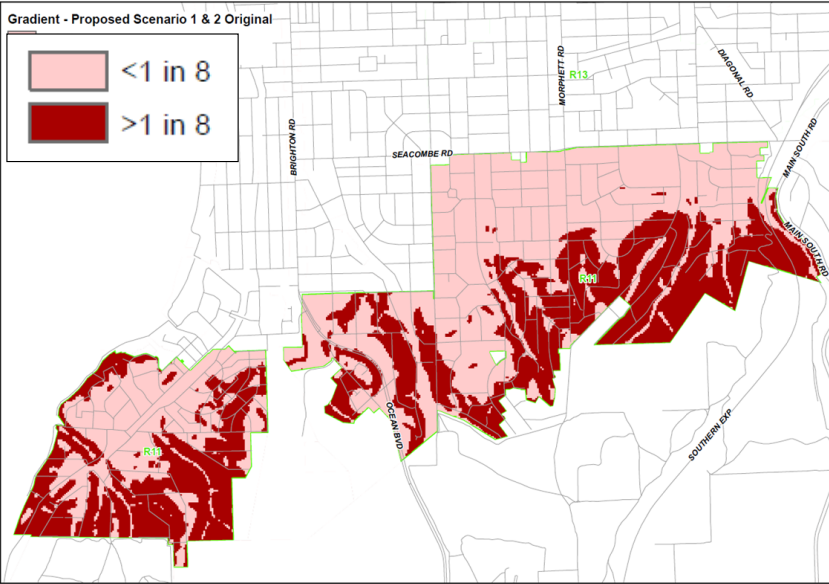


Enlargement A – Hallett Cove



It is noted that around 50% of properties within the affected area are located on slopes of less than 1:8 so, subject to meeting site area and frontage requirements, would have potential for redevelopment in the future.

PlanSA has advised that when land is rezoned to allow further redevelopment potential, the average take-up rate of property owners is likely to be less than 40% over the foreseeable future (taking into consideration factors such as personal choice, land to asset (dwelling) value ratio (financial viability), age of dwelling, size of allotment, etc.)



Dwelling Type	Gradient of Site	Minimum Site Area / Frontage					Minimum Site Area / Frontage	Maximum Building Height	
		CURRENT Technical Numeric Variations (TNVs) Deemed To Satisfy (DTS) criteria					PROPOSED TNVs DTS criteria		
	(Gradients controlled by Code)	Hills Neighbourhood Zone			Suburban Neighbourhood Zone		Hills Neighbourhood Zone (amended policy)		
		Former Development Plan Policy Area Name (until 18 March 2021)							
		Foothills and Seaside Policy Area (Dev Plan)  (gradient >1:8 have same criteria)	Hills Policy Area 11 (Dev Plan)	Worthing Mine Policy Area (Dev Plan)  (gradient >1:8 have same criteria)	Cement Hill Policy Area (Dev Plan)	Southern Policy Area (Dev Plan)	All properties within the Affected Area		
Detached Dwelling	< 1:8	350m²/10m	700m²/18m	450m²/15m	420m²/15m	420m²/14m		350m²/10m	2 levels/9m
	1:8 – 1:4	400m²/12m	900m²/20m	540m²/18m	420m²/15m	420m²/14m		450m²/12m	2 levels/9m
	>1:4	400m²/12m	1100m²/20m	540m²/18m	420m²/15m	420m²/14m		550m²/15m	2 levels/9m
Semi-Detached Dwelling	< 1:8	350m²/10m	-	450m²/15m	420m²/15m	350m²/12m		350m²/9m	2 levels/9m
	1:8 – 1:4	400m²/12m	-	540m²/18m	420m²/15m	350m²/12m		- (No DTS criteria proposed)	-
	>1:4	400m²/12m	-	540m²/18m	420m²/15m	350m²/12m		- (No DTS criteria proposed)	-
Row Dwelling	< 1:8	300m²/9m	-	450m²/15m	420m²/15m	280m²/8m		300m²/9m (appropriateness to be discussed at PDC)	2 levels/9m
	1:8 – 1:4	350m²/10m	-	540m²/18m	420m²/15m	280m²/8m		- (No DTS criteria proposed)	-
	>1:4	350m²/10m	-	540m²/18m	420m²/15m	280m²/8m		- (No DTS criteria proposed)	-
Group Dwellings	< 1:8	300m²/20m	700m²/24m	-	420m²/15m	300m²/20m		300m²/20m (appropriateness to be discussed at PDC)	2 levels/9m
	1:8 – 1:4	400m²/20m	900m²/26m	-	420m²/15m	300m²/20m		- (No DTS criteria proposed)	-
	>1:4	400m²/20m	1100m²/26m	-	420m²/15m	300m²/20m		- (No DTS criteria proposed)	-
Residential Flat Buildings	< 1:8	300m²/20m	-	-	420m²/15m	250m²/20m		300m²/20m (appropriateness to be discussed at PDC)	2 levels/9m
	1:8 – 1:4	400m²/20m	-	-	420m²/15m	250m²/20m		- (No DTS criteria proposed)	-
	>1:4	400m²/20m	-	-	420m²/15m	250m²/20m		- (No DTS criteria proposed)	-

**CURRENT SITUATION**

Although sharing similar topographical characteristics to the suburbs within the Hills Neighbourhood Zone (HNZ), properties within the Suburban Neighbourhood Zone (SNZ) are not subject to slope-related policy. This provides potential for unsuitable subdivision/redevelopment to occur in inappropriately steep locations.

Site dimension policy also varies between the suburbs covered by the SNZ, reflecting the criteria of the two previous residential policy areas (Cement Hill Policy Area / Southern Policy Area) under the former Development Plan.

Although sharing similar topographical characteristics, site dimension policy varies considerably between the suburbs within the HNZ. Under the former Development Plan these suburbs were covered by three separate residential policy areas (Hills Policy Area / Worthing Mine Policy Area / Foothills and Seaside Policy Area). Each of these policy areas had distinctively different slope gradient parameters, substantially diverse minimum site dimensions (site areas/frontages) and variations in the types of dwellings suitable within the policy area. Much of the HNZ requires minimum allotment areas of 700m² and frontages of 18m, on relatively gentle sloping land, preventing further subdivision from occurring.

When being transitioned to the Planning and Design Code (the Code) all slope gradients were converted to one set of parameters (<1:8 / 1:8 – 1:4 / >1:4). However, site dimensions, other than in areas previously covered by Worthing Mine Policy Area, primarily reflect the criteria of the previous residential policy areas, resulting in a lack of consistency in opportunity for redevelopment. Dimensions in the former Worthing Mine Policy Area have been changed considerably and do not reflect the recent development form of the area.

The type of dwellings envisaged varies within different areas of the HNZ, with the areas covered by the former Hills Policy Area (under the Development Act 1993) seeking only detached dwellings and group dwellings.

**PROPOSED CHANGES**

All properties within the affected area are to be included in the HNZ.

Application of one set of consistent (and appropriate) slope related policy (gradient, site dimensions and dwelling types) within the entire zone, that provides opportunity for appropriate subdivision/redevelopment outcomes to occur in suitable locations.

The redevelopment of gentler sloping areas is expected to result in more appropriate planning and design outcomes, so are the areas to be targeted by the Code Amendment. Redevelopment of steeper land is to be restricted with either larger site dimension requirements or exclusion of certain dwelling types. Certain dwelling types may be considered appropriate, but only on slopes less than 1:8 (refer to dimensions in white font).

Many existing properties are around 18m – 19m wide so would not meet the 10m requirement for detached dwellings. It is proposed to reduce the ‘deemed to satisfy’ (DTS) frontage requirement for semi-detached dwellings to 9m to provide greater redevelopment opportunity. Detached dwellings may still be possible on allotments with a frontage less than 10m, however, they would be performance assessed (assessed on individual merit).

**Note:**

The proposed changes relate to DTS only. It would still be possible to lodge an application for a dwelling on a site that does not meet the dimension/gradient criteria. Such an application would be assessed/considered on its merits.

Not all suburbs/areas will have the same opportunity for redevelopment / subdivision due to differences in lot sizes (generally allotments have become smaller over time – therefore older developed suburbs are likely to provide more opportunity)

Also, properties in more recently developed suburbs are unlikely to be financially viable for redevelopment in the short to medium term due to low land to asset (dwelling) value ratio.

## **Southern Suburbs Residential Policy - Code Amendment**

**By Marion Council**

**Draft for Consultation**





<b>HAVE YOUR SAY .....</b>	<b>5</b>
<b>1. WHAT IS THE PLANNING AND DESIGN CODE?.....</b>	<b>6</b>
1.1 Planning and Design Code Framework.....	6
1.2 Overlays .....	6
1.3 Zones.....	6
1.4 Sub zones.....	6
1.5 General Development Policies .....	6
1.6 Amending the Planning and Design Code.....	6
<b>2. WHAT IS PROPOSED IN THIS CODE AMENDMENT?.....</b>	<b>8</b>
2.1 Need for the amendment.....	8
2.2 Affected Area .....	8
2.3 Summary of proposed policy changes .....	8
<b>3. WHAT ARE THE NEXT STEPS FOR THIS CODE AMENDMENT? .....</b>	<b>9</b>
3.1 Early Commencement .....	9
3.2 Engagement .....	9
3.3 How can I have my say on the Code Amendment? .....	9
3.4 What changes to the Code Amendment can my feedback influence? .....	10
3.5 What will happen with my feedback? .....	10
3.6 Decision on the Code Amendment.....	10
<b>4. ANALYSIS.....</b>	<b>12</b>
4.1 Strategic Planning Outcomes .....	12
4.2 Infrastructure planning.....	13
4.3 Investigations.....	13
<b>5. REFERENCES .....</b>	<b>15</b>
<b>ATTACHMENT A – AFFECTED AREA MAPPING .....</b>	<b>16</b>
<b>ATTACHMENT B – CURRENT CODE POLICY .....</b>	<b>17</b>
<b>ATTACHMENT C – PROPOSED CODE POLICY .....</b>	<b>18</b>
<b>ATTACHMENT D – STRATEGIC PLANNING OUTCOMES .....</b>	<b>19</b>
1. State Planning Policies .....	19
2. Regional Plans .....	19
3. Other Strategic Plans .....	20
<b>ATTACHMENT E – INVESTIGATIONS .....</b>	<b>21</b>



## HAVE YOUR SAY

**Drafting Note (to be deleted):**

*Include details of consultation as relevant from the Engagement Plan, as shown in the examples below.*

This Code Amendment is on consultation from **[insert date] to [insert date]**.

During this time, you are welcome to lodge a written submission about any of the changes proposed in this Code Amendment.

Submissions can be sent to **[include email and/or postal address]**.

**Drafting Note (to be deleted):**

*Further information should be included as required to provide the public or target audience (as identified in the engagement plan) with opportunities to participate in the engagement. For example, this may require.*

- *Details of a relevant contact person or people available to answer questions or provide further information regarding the Code Amendment during the consultation period.*
- *Details of any public information sessions or public meetings, including date, time, and location.*

## 1. WHAT IS THE PLANNING AND DESIGN CODE?

The Planning and Design Code (the Code) sets out the rules that determine what landowners can do on their land.

For instance, if you want to build a house, the Code rules will tell you how high you can build and how far back from the front of your land your house will need to be positioned. The Code will also tell you if any additional rules apply to the area where your land is located. For example, you might be in a high bushfire risk area or an area with specific rules about protecting native vegetation.

### 1.1 Planning and Design Code Framework

The Code is based on a framework that contains various elements called overlays, zones, sub zones and general development policies. Together these elements provide all the rules that apply to a particular parcel of land. An outline of the Code Framework is available on the PlanSA portal.

### 1.2 Overlays

Overlays contain policies and maps that show the location and extent of special land features or sensitivities, such as heritage places or areas of high bushfire risk.

They may apply across one or more zones. Overlays are intended to be applied in conjunction with the relevant zone. However, where policy in a zone conflicts with the policy in an overlay, the overlay policy trumps the zone policy.

### 1.3 Zones

Zones are areas that share common land uses and in which specific types of development are permitted. Zones are the main element of the Code and will be applied consistently across the state.

For example, a township zone for Andamooka can be expected to apply to similar townships like Carrieton. Each zone includes information (called classification tables) that describes the types of development that are permitted in that zone and how they will be assessed.

### 1.4 Sub zones

Sub zones enable variation to policy within a zone, which may reflect local characteristics. An example is Port Adelaide centre, which has many different characteristics to typical shopping centres due to its maritime activities and uses.

### 1.5 General Development Policies

General development policies outline functional requirements for development, such as the need for car parking or wastewater management. While zones determine what development can occur in an area, general development policies provide guidance on how development should occur.

### 1.6 Amending the Planning and Design Code

The *Planning, Development and Infrastructure Act 2016* (the Act) provides the legislative framework for undertaking amendments to the Code. With approval of the Minister for Planning and Local Government (the Minister) a Council, Joint

Planning Board, Government Agency, or private proponent may initiate an amendment to the Code and undertake a Code Amendment process.

An approved Proposal to Initiate will define the scope of the Amendment and prescribe the investigations which must occur to enable an assessment of whether the Code Amendment should take place and in what form.

The State Planning Commission (the Commission) is responsible under the Act for ensuring the Code is maintained, reflects contemporary values relevant to planning, and readily responds to emerging trends and issues.

The Commission provided independent advice to the Minister for Planning and Local Government on the Proposal to initiate this Code Amendment. The Commission will also provide a report on the Code Amendment (including compliance with the Community Engagement Charter) at the final stage of the Code Amendment process.



## 2. WHAT IS PROPOSED IN THIS CODE AMENDMENT?

### 2.1 Need for the amendment

In transitioning to the Planning and Design Code, much of Marion Council's southern suburbs have been rezoned to Hills Neighbourhood Zone (HNZ) and some to the Suburban Neighbourhood Zone.

Although the Hills Neighbourhood Zone recognises the sloping nature of the land, the site dimensions and slope gradients require further consideration. At this stage the site dimensions reflect those of the 5 different Residential Zone Policy Areas under the former Development Plan.

Retaining the varying allotment sizes associated with the different former policy areas (although a hybrid version that misses out on some criteria has been used in the Code) on land that has similar topographical characteristics, whilst using the same slope gradient parameters for all, lacks consistency in opportunity for redevelopment.

Also, some of the changes brought in by the Code do not reflect what has been developed and greatly reduces development potential.

The most appropriate site dimensions and spread of gradient parameters requires further consideration.

Recognition of the opportunities for low density infill development in established residential areas (particularly Darlington, Marino, Seacliff Park, Seacombe Heights, Seaview Downs) where much of the housing stock has reached an age where the buildings are no longer of a condition, design and/or size that meets the needs of residents. Many comprise small houses on larger than average suburban allotments (800m<sup>2</sup>+/-).

The former Southern Policy Area and former Cement Hill Policy Area have been transitioned to the Suburban Neighbourhood Zone, which has no slope related policy. These two policy areas share similar topographical characteristics to the other three policy areas that have been included in the Hills Neighbourhood Zone so should be considered for this zone, and be subject to assessment against slope related policy, to facilitate better design outcomes.

Much of the housing stock in the older established suburbs in Marion's south (Darlington, Marino, Seacliff Park, Seacombe Heights, Seaview Downs) has reached an age where the buildings are no longer of a condition, design and/or size that meets the needs of residents. Many comprise small houses on larger than average allotments. The current minimum site areas of 700m<sup>2</sup>/900m<sup>2</sup>/1100m<sup>2</sup> do not provide opportunity for subdivision/redevelopment to occur.

Council is therefore seeking that those southern residential areas recently rezoned to the Suburban Neighbourhood Zone (former Southern Policy Area 18 and Cement Hill Policy Area 10) be transitioned to the Hills Neighbourhood Zone and that one set of consistent (and appropriate) slope related policy is used (gradient/site dimensions) that provides opportunity for subdivision/redevelopment to occur in appropriate locations, particularly on gentle sloping sites.

## 2.2 Affected Area/s

The areas affected by the proposed amendment are described as being the residentially zoned land (currently Hills Neighbourhood Zone and Suburban Neighbourhood Zone) in the suburbs of Darlington, Hallett Cove, Marino, O'Halloran Hill, Seacliff Park, Seacombe Heights, Seaview Downs, Sheidow Park and Trott Park within the City of Marion, shown in the map[s] at **Attachment A**:

## 2.3 Summary of proposed policy changes

### 2.3.1 Current Code Policy

The Affected Areas are currently located in the **Hills Neighbourhood Zone (HNZ)** and the **Suburban Neighbourhood Zone (SNZ)** in the Code, as shown in **Attachment B**:

#### Hills Neighbourhood Zone (HNZ)

Although sharing similar topographical characteristics, site dimension policy varies considerably between the suburbs within the zone. Under the former Development Plan these suburbs were covered by three separate residential policy areas (Hills Policy Area / Worthing Mine Policy Area / Foothills and Seaside Policy Area) Each of these policy areas had distinctively different slope gradient parameters, substantially diverse minimum site dimensions (site areas/frontages) and variations in the types of dwellings suitable within the policy area. Much of the HNZ requires minimum allotment areas of 700m<sup>2</sup> and frontages of 18m, on relatively gentle sloping land, preventing further subdivision to occur.

When being transitioned to the Planning and Design Code (Code) all slope gradients were converted to one set of parameters (<1:8 / 1:8 – 1:4 / >1:4). However, site dimensions primarily reflect the criteria of the three previous residential policy areas, resulting in a lack of consistency in opportunity for redevelopment. Also, allotment dimensions for properties with gradients 1:8 – 1:4 and > 1:4, in areas previously covered by Worthing Mine Policy Area and Foothills and Seaside Policy Area, are the same.

The type of dwelling envisaged varies within different areas of the HNZ, with the areas covered by the former Hills Policy Area (under the Development Act 1993) seeking only detached dwellings.

Further detail of the site dimensions, slope gradients and applicable dwelling types is indicated in the table below:

#### Suburban Neighbourhood Zone (SNZ)

Although sharing similar topographical characteristics to the suburbs within the HNZ, properties within the SNZ are not subject to slope related policy. This provides potential for subdivision/redevelopment to occur in inappropriately steep locations.

Site dimension policy also varies between the suburbs covered by the SNZ, reflecting the criteria of the two previous residential policy areas (Cement Hill Policy Area / Southern Policy Area) under the former Development Plan. All forms of dwellings in the area covered by the former Cement Hill Policy Area have the same site area and frontage criteria (420m<sup>2</sup> / 15m), whereas site dimensions for

properties covered by the former Southern Policy Area vary, dependent on the dwelling type.

Further detail of the site dimensions and applicable dwelling types is indicated in the table below:

#### Current Zones and associated Site Area/Frontages

(former Residential Policy Area – under the Development Plan - identified)

Dwelling Type	Gradient of Site	Site Area / Frontage				
		Hills Neighbourhood Zone			Suburban Neighbourhood Zone	
					<i>(no gradient related criteria)</i>	
		Foothills and Seaside Policy Area (Dev Plan)  <i>(gradient &gt;1:8 have same criteria)</i>	Hills Policy Area (Dev Plan)	Worthing Mine Policy Area (Dev Plan)  <i>(gradient &gt;1:8 have same criteria)</i>	Cement Hill Policy Area (Dev Plan)	Southern Policy Area (Dev Plan)
Detached Dwelling	< 1:8	350m <sup>2</sup> /10m	700m <sup>2</sup> /18m	450m <sup>2</sup> /15m	420m <sup>2</sup> /15m	420m <sup>2</sup> /14m
	1:8 – 1:4	400m <sup>2</sup> /12m	900m <sup>2</sup> /20m	540m <sup>2</sup> /18m	420m <sup>2</sup> /15m	420m <sup>2</sup> /14m
	>1:4	400m <sup>2</sup> /12m	1100m <sup>2</sup> /20m	540m <sup>2</sup> /18m	420m <sup>2</sup> /15m	420m <sup>2</sup> /14m
Semi-Detached Dwelling	< 1:8	350m <sup>2</sup> /10m		450m <sup>2</sup> /15m	420m <sup>2</sup> /15m	350m <sup>2</sup> /12m
	1:8 – 1:4	400m <sup>2</sup> /12m		540m <sup>2</sup> /18m	420m <sup>2</sup> /15m	350m <sup>2</sup> /12m
	>1:4	400m <sup>2</sup> /12m		540m <sup>2</sup> /18m	420m <sup>2</sup> /15m	350m <sup>2</sup> /12m
Row Dwelling	< 1:8	300m <sup>2</sup> /9m		450m <sup>2</sup> /15m	420m <sup>2</sup> /15m	280m <sup>2</sup> /8m
	1:8 – 1:4	350m <sup>2</sup> /10m		540m <sup>2</sup> /18m	420m <sup>2</sup> /15m	280m <sup>2</sup> /8m
	>1:4	350m <sup>2</sup> /10m		540m <sup>2</sup> /18m	420m <sup>2</sup> /15m	280m <sup>2</sup> /8m
Group Dwellings	< 1:8	300m <sup>2</sup> /20m	700m <sup>2</sup> /24m		420m <sup>2</sup> /15m	300m <sup>2</sup> /20m
	1:8 – 1:4	400m <sup>2</sup> /20m	900m <sup>2</sup> /26m		420m <sup>2</sup> /15m	300m <sup>2</sup> /20m
	>1:4	400m <sup>2</sup> /20m	1100m <sup>2</sup> /26m		420m <sup>2</sup> /15m	300m <sup>2</sup> /20m
Residential	< 1:8	300m <sup>2</sup> /20m			420m <sup>2</sup> /15m	250m <sup>2</sup> /20m



Flat Buildings	1:8 – 1:4	400m <sup>2</sup> /20m			420m <sup>2</sup> /15m	250m <sup>2</sup> /20m
	>1:4	400m <sup>2</sup> /20m			420m <sup>2</sup> /15m	250m <sup>2</sup> /20m

### 2.3.2 Proposed Code Policy

The Code Amendment proposes the following changes:

Include all properties within the affected area in the **Hills Neighbourhood Zone**.

Variations (Technical and Numeric Variations) to minimum allowable site dimensions are permitted within this zone.

Application of one set of consistent (and appropriate) slope related policy (gradient, site dimensions and dwelling types) within the entire zone, that provides opportunity for appropriate subdivision/redevelopment outcomes to occur in suitable locations.

The redevelopment of gentler sloping areas is expected to result in more appropriate planning and design outcomes, so are the areas to be targeted by the Code Amendment. Redevelopment of steeper land is to be restricted with either larger site dimension requirements or exclusion of certain dwelling types.

Detail of the proposed site dimensions, slope gradients and applicable dwelling types is indicated in the table below:

#### Southern Suburbs – Hills Neighbourhood Zone –Proposed Site Area/Frontages (TNVs)

Dwelling Type	Gradient of Site	Minimum Site Area / Frontage		Maximum Building Height
	(Gradients controlled by Code)	<b>Current</b> (former 'Foothills and Seaside Policy Area' - Dev Plan)	<b>Proposed TNVs</b>	2 levels/9m
Detached Dwelling	< 1:8	350m <sup>2</sup> /10m	350m <sup>2</sup> /10m	
	1:8 – 1:4	400m <sup>2</sup> /12m	450m <sup>2</sup> /12m	
	>1:4	400m <sup>2</sup> /12m	550m <sup>2</sup> /15m	
Semi-Detached Dwelling	< 1:8	350m <sup>2</sup> /10m	350m <sup>2</sup> /9m	
	1:8 – 1:4	400m <sup>2</sup> /12m	-	
	>1:4	400m <sup>2</sup> /12m	-	
Row Dwelling	< 1:8	300m <sup>2</sup> /9m	300m <sup>2</sup> /9m	
	1:8 – 1:4	350m <sup>2</sup> /10m	-	
	>1:4	350m <sup>2</sup> /10m	-	
Group Dwellings	< 1:8	300m <sup>2</sup> /20m	300m <sup>2</sup> /20m	
	1:8 – 1:4	400m <sup>2</sup> /20m	-	
	>1:4	400m <sup>2</sup> /20m	-	
Residential Flat	< 1:8	300m <sup>2</sup> /20m	300m <sup>2</sup> /20m	

Buildings	1:8 – 1:4	400m <sup>2</sup> /20m	-	
	>1:4	400m <sup>2</sup> /20m	-	

Note:

Not all suburbs/areas will have the same opportunity for redevelopment / subdivision due to differences in lot sizes (generally allotments have become smaller over time – therefore older developed suburbs are likely to provide more opportunity)

Also, properties in more recently developed suburbs are unlikely to be financially viable for redevelopment in the short to medium term due to low land to asset (dwelling) value ratio.

The proposed policy changes are shown in **Attachment C**.

### 3. WHAT ARE THE NEXT STEPS FOR THIS CODE AMENDMENT?

#### 3.1 Engagement

Engagement on the Code Amendment must occur in accordance with the Community Engagement Charter principles, which required that:

- engagement is genuine
- engagement is inclusive and respectful
- engagement is fit for purpose
- engagement is informed and transparent
- engagement processes are reviewed and improved.

An Engagement Plan has been prepared for this Code Amendment to ensure that engagement will be conducted and measured against the principles of the Charter. For more information on the Community Engagement Charter go to the PlanSA portal at ([plan.sa.gov.au/en/charter](https://plan.sa.gov.au/en/charter)).

A summary of the engagement that is occurring for this Code Amendment is as follows:

- A copy of the draft Code Amendment in the SA Planning Portal.
- A notice in the Advertiser Newspaper.
- Information on Council's 'Making Marion' website, with information on the Code Amendment including, but not limited to a copy of the draft Code Amendment, and information on how to make a submission.
- Copies of draft Code Amendment and information brochure to be made available at Council offices and libraries.
- Invitation to prepare submissions online or via post.
- A written notice to all property owners within the affected area and other property owners immediately surrounding the affected area inviting them to review and comment on the draft policy.
- Information brochure outlining what the draft Code Amendment is about, the proposed policy amendments, how interested persons can comment.
- City of Marion social media platforms.
- A Public Meeting to be held at the culmination of the consultation process to hear any verbal submissions (if required).

#### 3.2 How can I have my say on the Code Amendment?

There are several ways in which you can provide feedback on the Code Amendment. This includes:

- a) Online on the SA Planning Portal  
[https://plan.sa.gov.au/have\\_your\\_say/general\\_consultations](https://plan.sa.gov.au/have_your_say/general_consultations)

b) Via Council's Making Marion website at [www.xxxxxxxxxxxxxx.com.au](http://www.xxxxxxxxxxxxxx.com.au)

or

emailed to: [xxxxxxx@marion.sa.gov.au](mailto:xxxxxxx@marion.sa.gov.au)

or

- c) Posted to:  
Chief Executive Officer  
City of Marion  
Southern Suburbs Residential Policy Code Amendment  
PO Box 21  
Oaklands Park SA 5046
- d) Attending and speaking at the public meeting (*if required*) proposed for this draft Code Amendment (please indicate in your written submission if you desire to be heard at the Public Meeting)

**Drafting Note (to be deleted):**

*Include as relevant.*

- *Completing an online submission via the PlanSA portal at [include link to online form, link will be provided by the Department]*
- *Providing a written submission by email to [include email address]*

**Drafting Note (to be deleted):**

*Insert additional engagement activities or details as provided in the Engagement Plan.*

### 3.3 What changes to the Code Amendment can my feedback influence?

Aspects of the draft Code Amendment process which stakeholders and the community **can** influence are:

- The type of zone(s) selected for the affected area, and the extent of its spatial application across the affected area.
- Potential applicable site dimensions (Technical and Numerical Variations) that are proposed for the selected zone.

As the Planning and Design Code is a State Government document that applies to the whole State (and not just Council), there is no scope for changes to the specific policy content of Core Modules of the Code, other than where identified as a Technical and Numerical Variation (such as for building heights).

Aspects of the draft Code Amendment process which stakeholders and the community **cannot** influence are:

- The standard policies and wording contained in Zones and Overlays in the Planning and Design Code.

- The policies contained within the General Modules of the Planning and Design Code.
- The extent and placement of desired land uses.
- The design of future development proposals e.g., dwelling applications.

### **3.4 What will happen with my feedback?**

Marion Council is committed to undertaking consultation in accordance with the principles of the Community Engagement Charter and is genuinely open to considering the issues raised by people in the community.

All formal submissions will be considered by Marion Council when determining whether the proposed Amendment is suitable and whether any changes should be made.

Each submission will be entered into a register, and you will receive an email acknowledging receipt of your submission. Your submission will be published on the PlanSA portal. Personal addresses, email and phone numbers will not be published; however, company details will be.

Marion Council will consider the feedback received in finalising the Code Amendment and will prepare an Engagement Report which will outline what was heard during consultation and how the proposed Code Amendment was changed in response to submissions.

The Engagement Report will be forwarded to the Minister, and then published on the PlanSA portal.

### **3.5 Decision on the Code Amendment**

Once the Engagement Report is provided to the Minister, the Commission may provide further advice to the Minister:

- at the Minister's request, if the Code Amendment is considered significant.

The Minister will then either adopt the Code Amendment (with or without changes) or determine that the Code Amendment should not proceed. The Minister's decision will then be published on the PlanSA portal.

If adopted, the Code Amendment will be referred to the Environment Resources and Development Committee of Parliament (ERDC) for their review. The Commission will also provide the Committee with a report on the Code Amendment, including the engagement undertaken on the Code Amendment and its compliance with the Community Engagement Charter.

## 4. ANALYSIS

### 4.1 Strategic Planning Outcomes

#### 4.1.1 Summary of Strategic Planning Outcomes

- Increase opportunity for Infill housing supply within areas with existing infrastructure and services
- Help reduce demand on greenfield land supply
- Opportunity to renew and provide increased housing choices to meet the needs of the community

**Drafting Note (to be deleted):**

*This section should set out the key strategic planning considerations and where **necessary** should draw on relevant investigations undertaken, analysis of matters including (but not limited to):*

- *infrastructure and services*
- *integrated transport*
- *environmental impacts*
- *land supply and demand*
- *economic analysis*
- *environmental impacts*
- *interface between different land uses*
- *development patterns and trends*

#### 4.1.2 Consistency with the State Planning Policies

State Planning Policies define South Australia's planning priorities, goals, and interests. They are the overarching umbrella policies that define the state's interests in land use. There are 16 State Planning Policies and six special legislative State Planning Policies.

These policies are given effect through the Code, with referral powers assigned to relevant Government Agencies (for example, the Environmental Protection Agency for contaminated land). The Code (including any Code Amendments) must comply with any principle prescribed by a State Planning Policy.

This draft Code Amendment is considered to be consistent with the State Planning Policies as shown in **Attachment D**.

#### 4.1.3 Consistency with the Regional Plan

The directions set out in Regional Plans provide the long-term vision and set the spatial patterns for future development within a region. This can include land use integration, transport infrastructure and the public realm.

The Commission has identified that the existing volumes of the South Australian Planning Strategy, prepared under the *Development Act 1993*, will apply until such time as the new Regional Plans are prepared and

adopted. Refer to the PlanSA portal for more information on the Commission's program for implementing Regional Plans throughout South Australia.

Where there is conflict between a Regional Plan and the State Planning Policies, the State Planning Policies will prevail.

This Code Amendment is considered to be consistent with the Regional Plan as shown in **Attachment D**.

#### 4.1.4 Consistency with other key strategic policy documents

This Code Amendment aligns with other key policy documents in the following manner:

##### Marion Council Strategic Directions Report 2013

*Recommendation\* 4: Residential' (Southern' Suburbs)* (Hallett Cove, Marino, Seaview Downs, Seacombe Heights, Darlington) – Examine the potential to provide greater housing choice (dwelling variety and densities) in appropriate sections of Hallett Cove, Marino, Seaview Downs, Seacombe Heights, & Darlington currently within the Hills Policy Area 11, Southern Policy Area 18, and District Centre Zone. (consideration given to slope of land, impact on existing residential development and proximity to services, facilities, and public transport), and facilitate the opportunity for ageing in place.

#### 4.2 Infrastructure planning

The following infrastructure planning is relevant to this Code Amendment:

Council Infrastructure Planning	Response/Comment
Stormwater	<i>Refer Attachment E - Investigations</i>
Roads	<i>Refer Attachment E - Investigations</i>
Government Agency Infrastructure Planning	Response/Comment
Various Infrastructure Providers	<i>Comment to be sought during Community Engagement process.</i>

#### 4.3 Investigations

##### 4.3.1 Investigations undertaken

The extent of investigations that have been undertaken as part of the Code Amendment process have been agreed by the Minister in the Proposal to Initiate. In addition to this, the Commission has also specified certain investigations to be undertaken to support the Code Amendment.

The following investigations have been undertaken to inform this Code Amendment:

Southern Suburbs Analysis (as part of former Housing Diversity DPA)

Analysis undertaken of all existing residential policy areas in that part of the council area south of Seacombe Road, including the general allotments sizes, and the topography of the land, to get a broader picture of the potential opportunities for greater housing diversity in the southern suburbs.

A large proportion of the older housing stock has potential for redevelopment, generally at a low to medium density scale, dividing allotments predominantly into two, and perhaps three, on larger less sloping sites.

Development Potential (yield tables/spatial mapping etc.)

As above

Comparison – Former Development Plan Site Dimension Policy vs CODE

Analysis/comparison between site dimensions of former policy areas with those transitioned into the Code, to determine any difference in likely impacts for future redevelopment.

Analysis resulted in Council proposing the site dimensions, slope gradients and applicable dwelling types, as indicated in the table in section 2.3.2 – ‘Proposed Code Policy’, as appropriate policy criteria for the zone.

Analysis of appropriate site dimensions for particular gradient bands

Analysing whether the gradient bands within the Code (<1:8/1:8 – 1:4/>1:4) are appropriate when considered against the large discrepancy between associated allotment dimensions for the various councils; particularly as Marion comprises smaller dimensions compared to others.

The gradient band policy within the Hills Neighbourhood Zone has a state-wide context so amendment is generally restricted. Council has therefore considered the most appropriate site dimensions for each existing gradient band, to ensure that appropriately sized allotments are created for a particular gradient of slope that will enable suitably designed planning outcomes that complement and enhance the character of an area.

The Commission has resolved to specify the following further investigations or information requirements:

- Identify road network capacity and potential upgrade needs  
*Refer Attachment E - Investigations*
- Undertake an assessment of infrastructure and services capacity to support the proposed increase in residential densities and infill living  
*Refer Attachment E - Investigations*
- Investigate potential interface impacts from major road corridors within the affected area, particularly regarding air and noise emissions and including the application of appropriate interface overlay/s.  
*Refer Attachment E - Investigations*



Further details on investigations undertaken in support of the Code Amendment are included in **Attachment E**.

#### 4.3.2 Recommended policy changes

Following is a list of the recommended policy changes which are proposed in response to the investigations undertaken in support of this Code Amendment:

- Include all properties within the affected area in the **Hills Neighbourhood Zone**.
- Include the following Technical and Numeric Variations (TNVs) within the affected area/Zone:

Dwelling Type	Gradient of Site	Minimum Site Area / Frontage		Maximum Building Height
	(Gradients controlled by Code)	<b>Current</b> (former 'Foothills and Seaside Policy Area' - Dev Plan)	<b>Proposed TNVs</b>	2 levels/9m
<b>Detached Dwelling</b>	< 1:8	350m <sup>2</sup> /10m	350m <sup>2</sup> /10m	
	1:8 – 1:4	400m <sup>2</sup> /12m	450m <sup>2</sup> /12m	
	>1:4	400m <sup>2</sup> /12m	550m <sup>2</sup> /15m	
<b>Semi-Detached Dwelling</b>	< 1:8	350m <sup>2</sup> /10m	350m <sup>2</sup> /9m	
	1:8 – 1:4	400m <sup>2</sup> /12m	-	
	>1:4	400m <sup>2</sup> /12m	-	
<b>Row Dwelling</b>	< 1:8	300m <sup>2</sup> /9m	300m <sup>2</sup> /9m	
	1:8 – 1:4	350m <sup>2</sup> /10m	-	
	>1:4	350m <sup>2</sup> /10m	-	
<b>Group Dwellings</b>	< 1:8	300m <sup>2</sup> /20m	300m <sup>2</sup> /20m	
	1:8 – 1:4	400m <sup>2</sup> /20m	-	
	>1:4	400m <sup>2</sup> /20m	-	
<b>Residential Flat Buildings</b>	< 1:8	300m <sup>2</sup> /20m	300m <sup>2</sup> /20m	
	1:8 – 1:4	400m <sup>2</sup> /20m	-	
	>1:4	400m <sup>2</sup> /20m	-	

#### HNZ Overlay

Airport Building Heights (Regulated) (All structures over 30 / 45 metres) – (dependent on location)

Affordable Housing

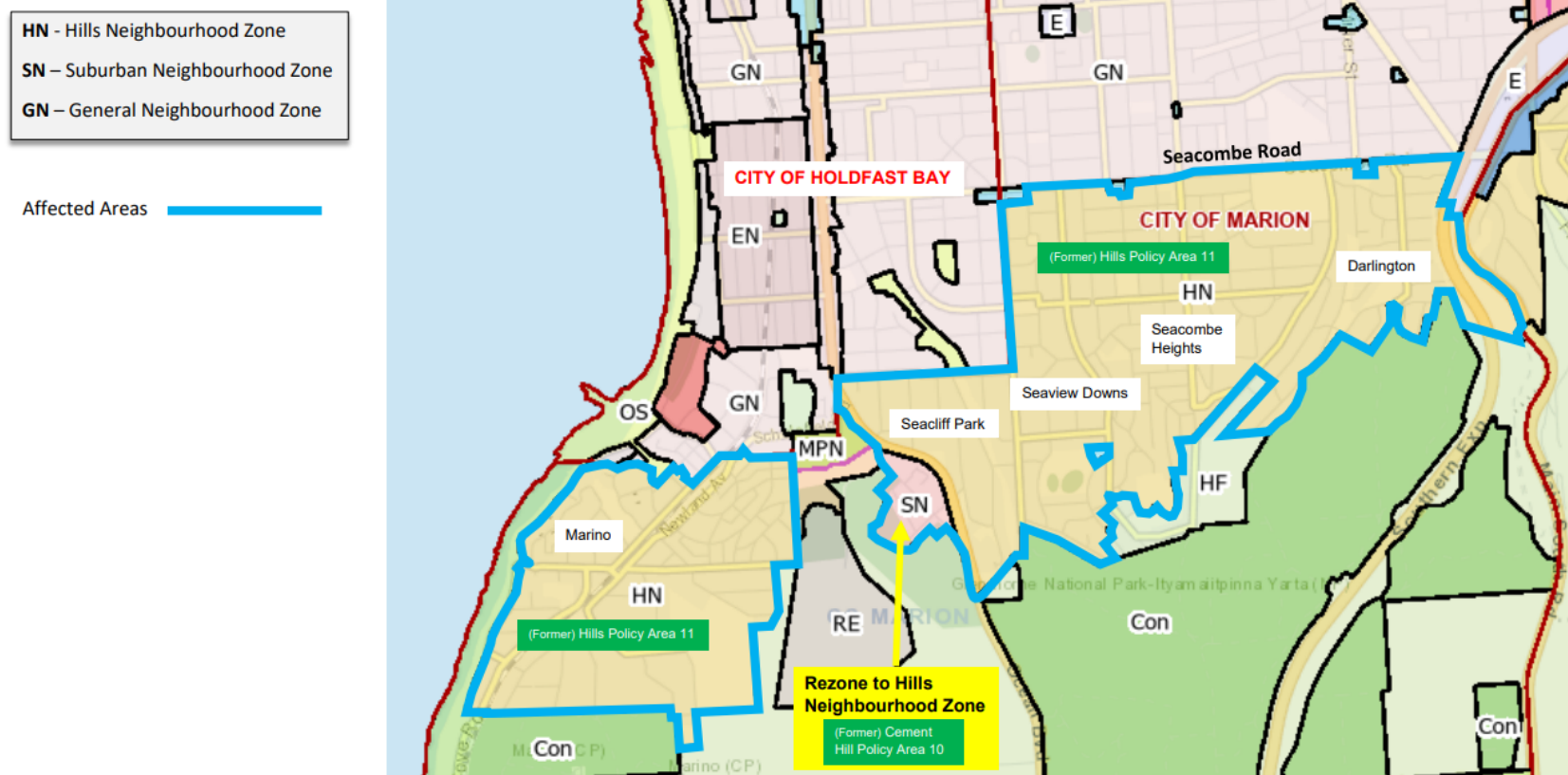
Hazards (Flooding) / (Flooding - General) / (Evidence - Required) – (dependent on location)

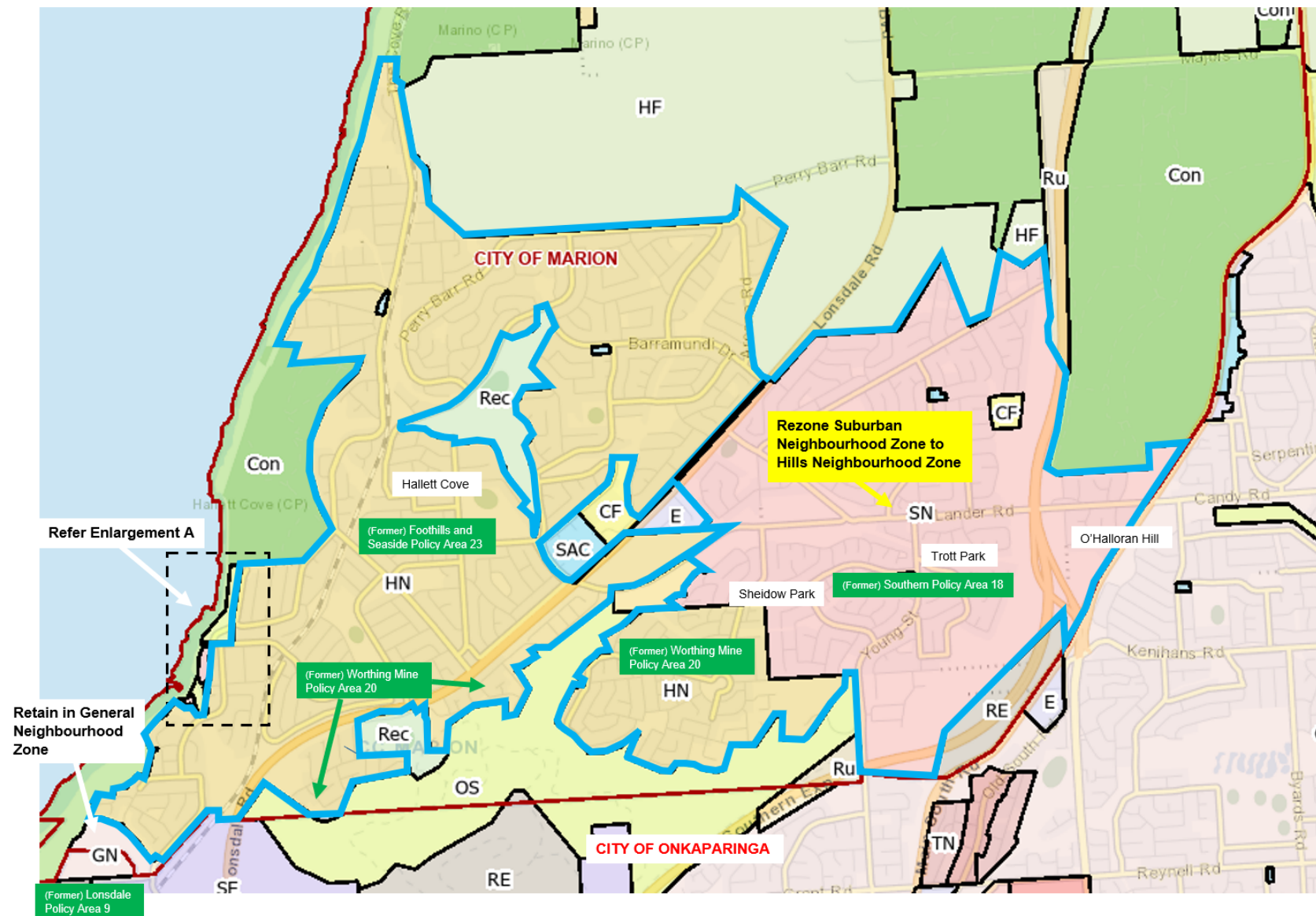
Prescribed Wells Area

Regulated and Significant Tree  
Stormwater Management  
Traffic Generating Development – (dependent on location)  
Urban Tree Canopy

## Affected Areas

(Current Zoning and Proposed spatial changes/inclusions to Hills Neighbourhood Zone)





## Enlargement A – Hallett Cove



## ATTACHMENT B – CURRENT CODE POLICY

The Affected Area is currently zoned either 'Hills Neighbourhood Zone' (HNZ) or 'Suburban Neighbourhood Zone' (SNZ) as delineated in the 'Affected Area' mapping in Attachment A.

Only relevant Overlays and Technical and Numerical Variations, applying to each Zone, have been included. Other policy associated with the zones has not been included as it has a state-wide context and amendment is generally restricted, so no changes are to be made.

Please refer to the Planning and Design Code

[https://code.plan.sa.gov.au/home/browse\\_the\\_planning\\_and\\_design\\_code?code=browse](https://code.plan.sa.gov.au/home/browse_the_planning_and_design_code?code=browse) to view all relevant policy applying to each zone.

### Hills Neighbourhood Zone (HNZ)

#### **Overlays**

- Airport Building Heights (Regulated) (All structures over 30 / 45 metres) – (dependent on location)
- Affordable Housing
- Hazards (Flooding) / (Flooding - General) – (dependent on location)
- Prescribed Wells Area
- Regulated and Significant Tree
- Stormwater Management
- Traffic Generating Development – (dependent on location)
- Urban Tree Canopy

#### **Local Variations (TNV)**

Dwelling Type	Gradient of Site	Minimum Site Area / Frontage		
		Hills Neighbourhood Zone		
		<i>Former</i> Foothills and Seaside Policy Area (Dev Plan)	<i>Former</i> Hills Policy Area (Dev Plan)	<i>Former</i> Worthing Mine Policy Area (Dev Plan)
<b>Detached Dwelling</b>	< 1:8	350m <sup>2</sup> /10m	700m <sup>2</sup> /18m	450m <sup>2</sup> /15m
	1:8 – 1:4	400m <sup>2</sup> /12m	900m <sup>2</sup> /20m	540m <sup>2</sup> /18m
	>1:4	400m <sup>2</sup> /12m	1100m <sup>2</sup> /20m	540m <sup>2</sup> /18m
<b>Semi-Detached Dwelling</b>	< 1:8	350m <sup>2</sup> /10m	-	450m <sup>2</sup> /15m
	1:8 – 1:4	400m <sup>2</sup> /12m	-	540m <sup>2</sup> /18m
	>1:4	400m <sup>2</sup> /12m	-	540m <sup>2</sup> /18m
<b>Row Dwelling</b>	< 1:8	300m <sup>2</sup> /9m	-	450m <sup>2</sup> /15m
	1:8 – 1:4	350m <sup>2</sup> /10m	-	540m <sup>2</sup> /18m
	>1:4	350m <sup>2</sup> /10m	-	540m <sup>2</sup> /18m
<b>Group Dwellings</b>	< 1:8	300m <sup>2</sup> /20m	700m <sup>2</sup> /24m	-
	1:8 – 1:4	400m <sup>2</sup> /20m	900m <sup>2</sup> /26m	-

	>1:4	400m <sup>2</sup> /20m	1100m <sup>2</sup> /26m	-
<b>Residential</b>	< 1:8	300m <sup>2</sup> /20m	-	-
<b>Flat</b>	1:8 – 1:4	400m <sup>2</sup> /20m	-	-
<b>Buildings</b>	>1:4	400m <sup>2</sup> /20m	-	-

- Maximum Building Height (Metres) (Maximum building height is 9m)
- Maximum Building Height (Levels) (Maximum building height is 2 levels)

### **Suburban Neighbourhood Zone (SNZ)**

#### ***Overlays***

- Airport Building Heights (Regulated) (All structures over 30 metres)
- Affordable Housing
- Hazards (Flooding - Evidence Required) – (dependent on location)
- Prescribed Wells Area
- Regulated and Significant Tree
- Stormwater Management
- Traffic Generating Development – (dependent on location)
- Urban Tree Canopy

#### ***Local Variations (TNV)***

Dwelling Type	Gradient of Site	Minimum Site Area / Frontage	
		<b>Suburban Neighbourhood Zone</b> (no gradient related criteria)	
		<i>Former</i> Cement Hill Policy Area (Dev Plan)	<i>Former</i> Southern Policy Area (Dev Plan)
<b>Detached Dwelling</b>	< 1:8	420m <sup>2</sup> /15m	420m <sup>2</sup> /14m
	1:8 – 1:4	420m <sup>2</sup> /15m	420m <sup>2</sup> /14m
	>1:4	420m <sup>2</sup> /15m	420m <sup>2</sup> /14m
<b>Semi-Detached Dwelling</b>	< 1:8	420m <sup>2</sup> /15m	350m <sup>2</sup> /12m
	1:8 – 1:4	420m <sup>2</sup> /15m	350m <sup>2</sup> /12m
	>1:4	420m <sup>2</sup> /15m	350m <sup>2</sup> /12m
<b>Row Dwelling</b>	< 1:8	420m <sup>2</sup> /15m	280m <sup>2</sup> /8m
	1:8 – 1:4	420m <sup>2</sup> /15m	280m <sup>2</sup> /8m
	>1:4	420m <sup>2</sup> /15m	280m <sup>2</sup> /8m
<b>Group Dwellings</b>	< 1:8	420m <sup>2</sup> /15m	300m <sup>2</sup> /20m
	1:8 – 1:4	420m <sup>2</sup> /15m	300m <sup>2</sup> /20m
	>1:4	420m <sup>2</sup> /15m	300m <sup>2</sup> /20m
<b>Residential</b>	< 1:8	420m <sup>2</sup> /15m	250m <sup>2</sup> /20m

<b>Flat Buildings</b>	1:8 – 1:4	420m <sup>2</sup> /15m	250m <sup>2</sup> /20m
	>1:4	420m <sup>2</sup> /15m	250m <sup>2</sup> /20m

- Maximum Building Height (Metres) (Maximum building height is 9m)
- Maximum Building Height (Levels) (Maximum building height is 2 levels)



## ATTACHMENT C – PROPOSED CODE POLICY

The whole of the Affected Area is proposed to be zoned 'Hills Neighbourhood Zone' (HNZ) as delineated in the 'Affected Area' mapping in Attachment A.

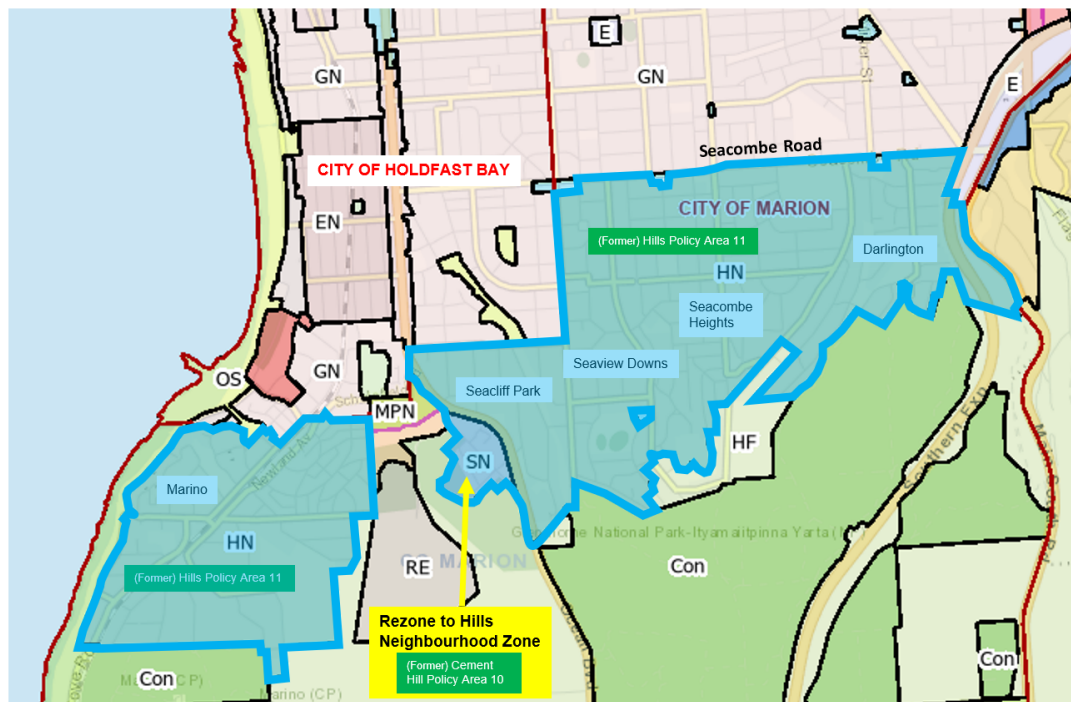
Only relevant Overlays and Technical and Numerical Variations, applying to each Zone, have been included. Other policy associated with the zone has not been included as it has a state-wide context and amendment is generally restricted, so no changes are to be made.

Please refer to the Planning and Design Code

[https://code.plan.sa.gov.au/home/browse\\_the\\_planning\\_and\\_design\\_code?code=browse](https://code.plan.sa.gov.au/home/browse_the_planning_and_design_code?code=browse) to view all relevant policy applying to each zone.

### Proposed Zoning

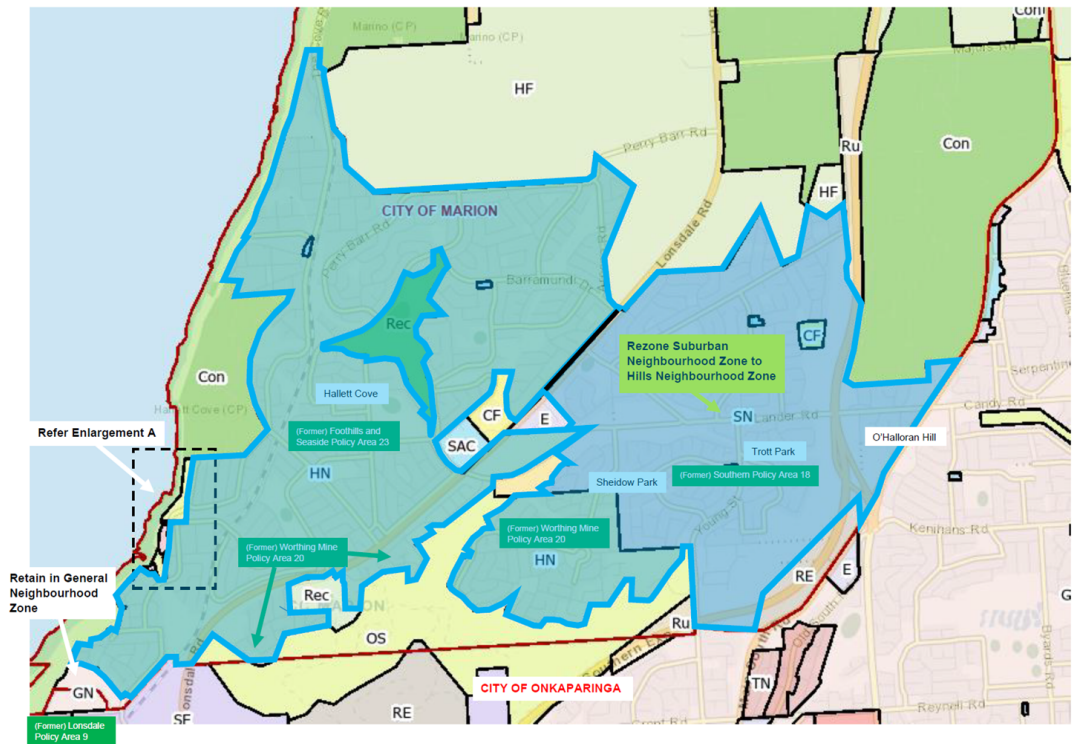
(Current Zoning and Proposed spatial changes/inclusions to Hills Neighbourhood Zone)



**Affected Areas**   
**All properties to be zoned -**  
**Hills Neighbourhood Zone**

#### CURRENT ZONING

HN - Hills Neighbourhood Zone  
 SN – Suburban Neighbourhood Zone  
 GN – General Neighbourhood Zone



Enlargement A – Hallett Cove



**Hills Neighbourhood Zone (HNZ)****Overlays**

- Airport Building Heights (Regulated) (All structures over 30 / 45 metres) – *(dependent on location)*
- Affordable Housing
- Hazards (Flooding) / (Flooding - General) / (Evidence - Required) – *(dependent on location)*
- Prescribed Wells Area
- Regulated and Significant Tree
- Stormwater Management
- Traffic Generating Development – *(dependent on location)*
- Urban Tree Canopy

**Local Variations (TNVs) – (Table Form)****Hills Neighbourhood Zone –Proposed Site Area/Frontages/Building Heights (TNVs)**

Dwelling Type	Gradient of Site	Minimum Site Area / Frontage		Maximum Building Height
	(Gradients controlled by Code)	<b>Current</b> <i>(former 'Foothills and Seaside Policy Area' - Dev Plan)</i>	<b>Proposed TNVs</b>	
<b>Detached Dwelling</b>	< 1:8	350m <sup>2</sup> /10m	350m <sup>2</sup> /10m	2 levels/9m
	1:8 – 1:4	400m <sup>2</sup> /12m	450m <sup>2</sup> /12m	
	>1:4	400m <sup>2</sup> /12m	550m <sup>2</sup> /15m	
<b>Semi-Detached Dwelling</b>	< 1:8	350m <sup>2</sup> /10m	350m <sup>2</sup> /9m	2 levels/9m
	1:8 – 1:4	400m <sup>2</sup> /12m	-	-
	>1:4	400m <sup>2</sup> /12m	-	-
<b>Row Dwelling</b>	< 1:8	300m <sup>2</sup> /9m	300m <sup>2</sup> /9m	2 levels/9m
	1:8 – 1:4	350m <sup>2</sup> /10m	-	-
	>1:4	350m <sup>2</sup> /10m	-	-
<b>Group Dwellings</b>	< 1:8	300m <sup>2</sup> /20m	300m <sup>2</sup> /20m	2 levels/9m
	1:8 – 1:4	400m <sup>2</sup> /20m	-	-
	>1:4	400m <sup>2</sup> /20m	-	-
<b>Residential Flat Buildings</b>	< 1:8	300m <sup>2</sup> /20m	300m <sup>2</sup> /20m	2 levels/9m
	1:8 – 1:4	400m <sup>2</sup> /20m	-	-
	>1:4	400m <sup>2</sup> /20m	-	-

***Local Variations (TNVs) – (List Form)***

- Maximum Building Height (Metres) (Maximum building height is 9m)
- Maximum Building Height (Levels) (Maximum building height is 2 levels)
- Gradient Minimum Frontage (Detached) (Minimum frontage for detached dwellings where the site gradient is less than 1-in-8 is 10m; 1-in-8 to 1-in-4 is 12m; greater than 1-in-4 is 15m)
- Gradient Minimum Frontage (Semi-detached) (Minimum frontage for semi-detached dwellings where the site gradient is less than 1-in-8 is 9m)
- Gradient Minimum Frontage (Row) (Minimum frontage for row dwellings where the site gradient is less than 1-in-8 is 9m)
- Gradient Minimum Frontage (Group) (Minimum frontage for group dwellings where the site gradient is less than 1-in-8 is 20m)
- Gradient Minimum Frontage (Residential Flat) (Minimum frontage for residential flat building where the site gradient is less than 1-in-8 is 20m)
- Gradient Minimum Site Area (Detached) (Minimum site area for detached dwellings where the site gradient is less than 1-in-8 is 350sqm; 1-in-8 to 1-in-4 is 450sqm; greater than 1-in-4 is 550sqm)
- Gradient Minimum Site Area (Semi-detached) (Minimum site area for semi-detached dwellings where the site gradient is less than 1-in-8 is 350sqm)
- Gradient Minimum Site Area (Row) (Minimum site area for row dwellings where the site gradient is less than 1-in-8 is 300sqm)
- Gradient Minimum Site Area (Group) (Minimum site area for group dwellings where the site gradient is less than 1-in-8 is 300sqm)
- Gradient Minimum Site Area (Residential Flat) (Minimum site area for residential flat building where the site gradient is less than 1-in-8 is 300sqm)

## ATTACHMENT D – STRATEGIC PLANNING OUTCOMES

### 1. State Planning Policies

The State Planning Policies (SPPs) require that the Principles of Good Planning are considered in the preparation of any designated instrument, including a Code Amendment.

#### SPP Key Principles

There are 16 SPPs that include Objectives, Policies and Principles for Statutory Instruments (including the Planning and Design Code). The most critical SPPs in the context of this Code Amendment are:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p><b><i>Principles of Good Planning</i></b></p> <p><u><i>Urban renewal principles</i></u></p> <ul style="list-style-type: none"> <li><i>Preference should be given to accommodating the expected growth of cities and towns through the logical consolidation and redevelopment of existing urban areas.</i></li> <li><i>Urban renewal should seek to make the best use (as appropriate) of underlying or latent potential associated with land, buildings, and infrastructure.</i></li> </ul> <p><u><i>High-quality design principles</i></u></p> <ul style="list-style-type: none"> <li><i>Development should be designed to reflect the local setting and context, to have a distinctive identity that responds to the existing character of its locality, and strike a balance between built form, infrastructure, and the public realm.</i></li> </ul> <p><u><i>Activation and liveability principles</i></u></p> <ul style="list-style-type: none"> <li><i>Urban areas should include a range of high-quality housing options with an emphasis on living affordability</i></li> </ul>	<p>Much of the housing stock in the older established suburbs in Marion's south have reached an age where the buildings are no longer of a condition, design and/or size that meets the needs of residents.</p> <p>Many comprise small houses on larger than average allotments. The current minimum site areas of either 700m<sup>2</sup>/900m<sup>2</sup>/1100m<sup>2</sup> do not provide opportunity for subdivision / redevelopment to occur.</p> <p>The proposed Code Amendment seeks that one set of consistent (and appropriate) slope related policy (gradient/site dimensions, etc.) is applied to the southern suburbs that provides opportunity for subdivision / redevelopment to occur in appropriate locations.</p> <p>Many residents in Council's southern suburbs have been anticipating a change in zoning and associated policy that will allow subdivision and greater redevelopment potential for their large, aging, and under-developed properties; firstly, as part of Council's Housing Diversity DPA in 2019 and more recently via transition to the new Planning and Design Code.</p>
<p><b><i>Integrated Planning</i></b></p> <p><i>1.7 Regenerate neighbourhoods to improve the quality and diversity of housing in appropriate locations</i></p>	<p>The proposed Code Amendment would introduce policy that will provide an opportunity for replacement of aging housing stock in established residential areas with a greater diversity of dwelling types.</p>

<i>supported by infrastructure, services, and facilities.</i>	
<b>Design Quality</b> <i>2.9 Respect the characteristics and identities of different neighbourhoods, suburbs, and precincts by ensuring development considers existing and desired future context of a place.</i>	Much of the southern area of council comprises undulating land of varying gradients. Allotment dimensions (area, frontages etc.) will reflect the differences in steepness of individual properties/areas.
<b>Housing Supply and Diversity</b> <i>6.6 A diverse range of housing types within residential areas that provide choice for different household types, life stages and lifestyle choices.</i>	The proposed Code Amendment would introduce policy that will provide an opportunity for replacement of aging housing stock in established residential areas with a greater diversity of dwelling types that better cater for life stages and lifestyle choice.

## 2. Regional Plans

### The Regional Plan

The key policies and targets of the 30 Year Plan for Greater Adelaide (2017 Update) is relevant for this Code Amendment.

The investigations undertaken to date and outlined in this Code Amendment, will ensure that the proposed rezoning is largely consistent with the key policies and targets of the Regional Plan as described below.

<b>Regional Plan Identified Priorities or Targets</b>	<b>Code Amendment Alignment with Regional Plan</b>
<b><i>Principle 1: A compact and carbon-neutral city</i></b>	The Code Amendment will seek to facilitate the provision of additional housing opportunities at increased densities which can be adequately serviced by infrastructure such as public transport within the footprint of the existing metropolitan area.
<b><i>Principle 2: Housing diversity and choice</i></b>	The proposed Code Amendment would introduce policy that will provide an opportunity for replacement of aging housing stock in established residential areas with a greater diversity of dwelling types and densities that better cater for life stages and lifestyle choice.
<b>Transit corridors, growth areas and activity centres</b>	
<b><i>Policy 1. Deliver a more compact urban form by locating the majority of Greater Adelaide's urban growth</i></b>	The Code Amendment proposes to investigate an increase in residential density in established

<i>within existing built-up areas by increasing density at strategic locations close to public transport.</i>	residential areas in close proximity to public transport (buses and trains).
<b>Design Quality</b>	
<b>Policy 30:</b> <i>Support the characteristics and identities of different neighbourhoods, suburbs, and precincts by ensuring development considers context, location, and place.</i>	The Code Amendment seeks to ensure that new development in the affected area, whilst of a higher density, has due consideration of the sloping nature and existing character of the land.
<b>Housing mix, affordability, and competitiveness</b>	
<b>Policy 37:</b> <i>Facilitate a diverse range of housing types and tenures (including affordable housing) through increased policy flexibility in residential and mixed-use areas.....</i>	The proposed Code Amendment would introduce policy that will provide an opportunity for replacement of aging housing stock in established residential areas with a greater diversity of dwelling types and densities that better cater for life stages and lifestyle choice.
<b>Policy 46:</b> <i>Ensure an adequate land supply is available to accommodate housing and employment growth over the longer term (at least a 15-year supply).</i>	The proposed Code Amendment would introduce policy that will provide an opportunity for an increase in dwelling numbers in established residential areas thereby adding to potential land supply.
<b>Infrastructure</b>	
<b>Policy 46:</b> <i>Ensure that new urban infill and fringe and township development are aligned with the provision of appropriate community and green infrastructure, including:</i> <ul style="list-style-type: none"> <li>• <i>walking and cycling paths and facilities</i></li> <li>• <i>local stormwater and flood management including water sensitive urban design</i></li> <li>• <i>public open space</i></li> <li>• <i>sports facilities</i></li> <li>• <i>street trees</i></li> <li>• <i>community facilities, such as childcare centres, schools, community hubs and libraries.</i></li> </ul>	The proposed Code Amendment would introduce policy that will provide an opportunity for an increase in dwelling numbers in established residential areas where both community and green infrastructure already exists.

**3. Other Strategic Plans**

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
Housing Diversity Development Plan Amendment	<p>The previous Housing Diversity DPA (HDDPA) sought changes to the zoning and policy of the residential areas in Council's southern suburbs to enable the redevelopment of appropriate properties with a greater diversity of housing.</p> <p>The proposed changes to the southern areas were not implemented as part of the approved HDDPA (Part 1).</p>



## ATTACHMENT E – INVESTIGATIONS

### Investigations undertaken

The extent of investigations that have been undertaken as part of the Code Amendment process have been agreed by the Minister in the Proposal to Initiate. In addition to this, the Commission has also specified certain investigations to be undertaken to support the Code Amendment.

The following investigations have been undertaken to inform this Code Amendment:

#### **Southern Suburbs Analysis** (as part of former Housing Diversity DPA)

Analysis undertaken of all existing residential policy areas in that part of the council area south of Seacombe Road, including the general allotments sizes, and the topography of the land, to get a broader picture of the potential opportunities for greater housing diversity in the southern suburbs.

A large proportion of the older housing stock has potential for redevelopment, generally at a low to medium density scale, dividing allotments predominantly into two, and perhaps three, on larger less sloping sites.

#### **Development Potential** (yield tables/spatial mapping etc.)

As above

#### **Comparison – Former Development Plan Site Dimension Policy vs CODE**

Analysis/comparison between site dimensions of former policy areas with those transitioned into the Code, to determine any difference in likely impacts for future redevelopment.

Analysis resulted in Council proposing the site dimensions, slope gradients and applicable dwelling types, as indicated in the table in section 2.3.2 – 'Proposed Code Policy', as appropriate policy criteria for the zone.

#### **Analysis of appropriate site dimensions for particular gradient bands**

Analysing whether the gradient bands within the Code (<1:8/1:8 – 1:4/>1:4) are appropriate when considered against the large discrepancy between associated allotment dimensions for the various councils; particularly as Marion comprises smaller dimensions compared to others.

The gradient band policy within the Hills Neighbourhood Zone has a state-wide context so amendment is generally restricted. Council has therefore considered the most appropriate site dimensions for each existing gradient band, to ensure that appropriately sized allotments are created for a particular gradient of slope that will enable suitably designed planning outcomes that complement and enhance the character of an area.

The Commission has resolved to specify the following further investigations or information requirements:

- **Identify road network capacity and potential upgrade needs**

### **Traffic and Parking**

ISSUE	COMMENT
Daily traffic movements from residential properties generally range between 6 to 10 vehicle trips/day.	The expected development take-up rate of less than 40% should have the effect of keeping traffic volumes in existing local areas to an acceptable service level.
The negative amenity effects of local street traffic begin to become noticeable above 1000 vehicle trips/day caused by access to 100 properties.	
The proposed higher density redevelopment will also create less availability of on-street parking due to more frequent driveway crossovers, exacerbated by the increased demand for on-street carparking due to the population density increase.	It is important that more off-street parking be required to support additional dwelling density.  Council to ensure that garages are being used for their proposed purpose.
These factors of increased street congestion and increased traffic volumes will lead to reduced amenity and road safety in our local streets.	These are a metro wide issues that require consideration and addressing in the Planning and Design Code at a state level.
Larger traffic volumes can be expected at the intersections of the north-south collector roads (south of Seacombe Rd) with Seacombe Rd, due to the larger road catchment areas of the grid network.	The wide roads at the intersections of the north-south collector roads with Seacombe Rd afford opportunity for road widening to allow for better intersection channelisation and upgrade as required.

- Undertake an **assessment of infrastructure and services capacity** to support the proposed increase in residential densities and infill living

### **Stormwater**

ISSUE	COMMENT
Stormwater Runoff from new developments increase proportionately to the combined effect of increased site coverage and reduced pervious surface. Impervious site coverage of pre-development properties increases from 50% to 90% post-development.	<p>All new developments are required to manage stormwater flows by retaining/detaining additional generated stormwater to required levels by use of rainwater tanks and connection to toilets etc.</p> <p>It is unlikely (subject to rainwater tank installation compliance) that the proposed additional development of one into two or three will cause unmanageable overload of the existing stormwater infrastructure, particularly given the likely redevelopment take up of less than 40% and general limitation to 12.5% (1:8) sloping sites.</p> <p>Due to the relatively recent construction of housing in these newer suburbs and the generally smaller site dimensions, it is anticipated that there will be less opportunity for redevelopment, and particularly in the short to medium term.</p>
The proposed further subdivision of existing properties will accordingly increase the stormwater peak runoff and volume generated in our existing suburbs.	
The impact on existing stormwater infrastructure will however have different effects in the newer suburbs of Hallett Cove/ Trott Park/ Sheidow Park/Marino, compared with the older suburbs immediately south of Seacombe Rd (i.e., Seacombe Heights, Seaview Downs, Darlington, Seacliff Park).	
The grid pattern of roads on the hill south of Seacombe Road delivers collected stormwater along the downhill north-south roads efficiently, given the steep downhill grades to Seacombe Rd. At Seacombe Rd this stormwater is required to do a 90 degree turn in underground pipes for minor storms and within the road surface for major storms, which exceeds the capacity of Seacombe Rd at most T-Junctions causing overland flooding of the suburbs north of Seacombe Rd (in accordance with flood plain mapping). Any increase in development density will exacerbate the existing flooding problems.	
The development pattern of curvilinear road alignments and cul-de-sacs in the newer suburbs of Hallett Cove/Trott Park/Sheidow Park/Marino, utilise watercourses along drainage reserves to carry the major stormwater events rather than rely on the	

road surface capacity of the road network to convey the major storms. Flooding concerns from further subdivision is less likely in these suburbs that have more effective stormwater distribution systems. However, the primary concern is erosion of these watercourses which additional stormwater generated by additional development may cause.	Therefore, no substantial increase in stormwater flows would be anticipated in these areas.
Some properties on the low side of roads, may not have access to rear-of-allotment drainage.	<p>Therefore, they would require larger retention tanks and sump/pumps to discharge generated stormwater to the existing road drainage system.</p> <p>These properties must also take care to construct crossovers that do not allow entry of road surface stormwater into their driveways.</p> <p>These matters/requirements would be considered during the development assessment process.</p>
The greater expected rate of on-street parking associated with infill development will probably increase the frequency of interruption of gutter flows which are likely to flow over the top of kerb on the steeper roads, causing erosion and flooding for low side properties.	<p>It is therefore important that more off-street parking be required to support additional dwelling density.</p> <p>Although this is a metro wide issue that requires consideration and addressing in the Planning and Design Code at a state level, it is important to recognise that this issue is of greater concern in steeper terrain and may require additional policy support in these areas.</p>

- *Investigate **potential interface impacts from major road corridors** within the affected area, particularly regarding air and noise emissions and including the application of appropriate interface overlay/s.*

#### **Existing Interface Overlays**

The major urban transport routes in the southern areas of Council affected by the proposed Code Amendment (Seacombe Road, Ocean Boulevard/Lonsdale Road, Southern Expressway and Main South Road) are currently covered by the 'Major Urban Transport Routes', the 'Urban Transport Routes', or the 'Traffic Generating Development' overlays. The residential areas in the southern suburbs are, in the main, fully developed, and many dwellings currently have frontage to or are adjacent to the

major road corridors. Future redevelopment of these properties would be subject to the requirements of these overlays whilst being mindful of the current residential land use.

The Code Amendment does not increase the spatial area of land to be used for residential purposes, it is intended to provide opportunity for redevelopment of existing residential properties at a slightly higher density (1 into 2 and perhaps 1 into 3 if site dimensions and slope are appropriate).

### **Noise and Air Emission Overlay**

Residential properties adjacent Lonsdale Road in Hallett Cove and Sheidow Park do not directly front onto the main road; either being separated by a parallel local road or fronting onto an internal local road with a landscaped buffer area within the main road alignment.

The alignment of the Southern Expressway is in most instances a considerable distance from residential properties and is separated by a landscaped buffer and set down below the level of nearby residential areas.

There are only a few residential properties in close proximity to Main South Road that have opportunity for redevelopment, being in vicinity of Lander Road. Primarily these properties are separated by a service road and/or a landscaped buffer.

Most residential properties located on both the southern and northern sides of Seacombe Road have direct frontage onto the road. Properties on the northern side are covered by the General Neighbourhood Zone, which contemplates residential development at higher densities than that proposed for properties south of Seacombe Road (Hills Neighbourhood Zone). Many of the properties on the northern side of the road have been redeveloped in recent times. Properties have often been divided down the middle (narrow frontage) and dwellings been designed with garages taking up around 50% of the frontage with both internal and external living areas to the rear. This criterion reflects that contemplated in the noise and air emission overlay which seeks living areas being located away from the emission source.

The noise and air emission overlay has, in the past, been applied to those properties that are being rezoned to allow for high density and multi-storey residential/mixed use development, that either front a main road or are adjacent high impact non-residential uses and where significantly more persons are likely to live and be affected by external impacts. This Code Amendment seeks opportunities for small scale redevelopment (1 into 2 and perhaps 1 into 3 if site dimensions and slope are appropriate).

Most properties affected by this Code Amendment are located within the local road system amongst lower density residential properties so impacts from noise and air emissions are expected to be extremely low.

Any noise and air emission overlay following the main roads within the southern suburbs of Marion Council is likely to have little work to do, therefore there appears to be little need for its application.

## Marion Council

# Engagement Plan

## Southern Suburbs Residential Policy - Code Amendment

Date **XXXXXX**

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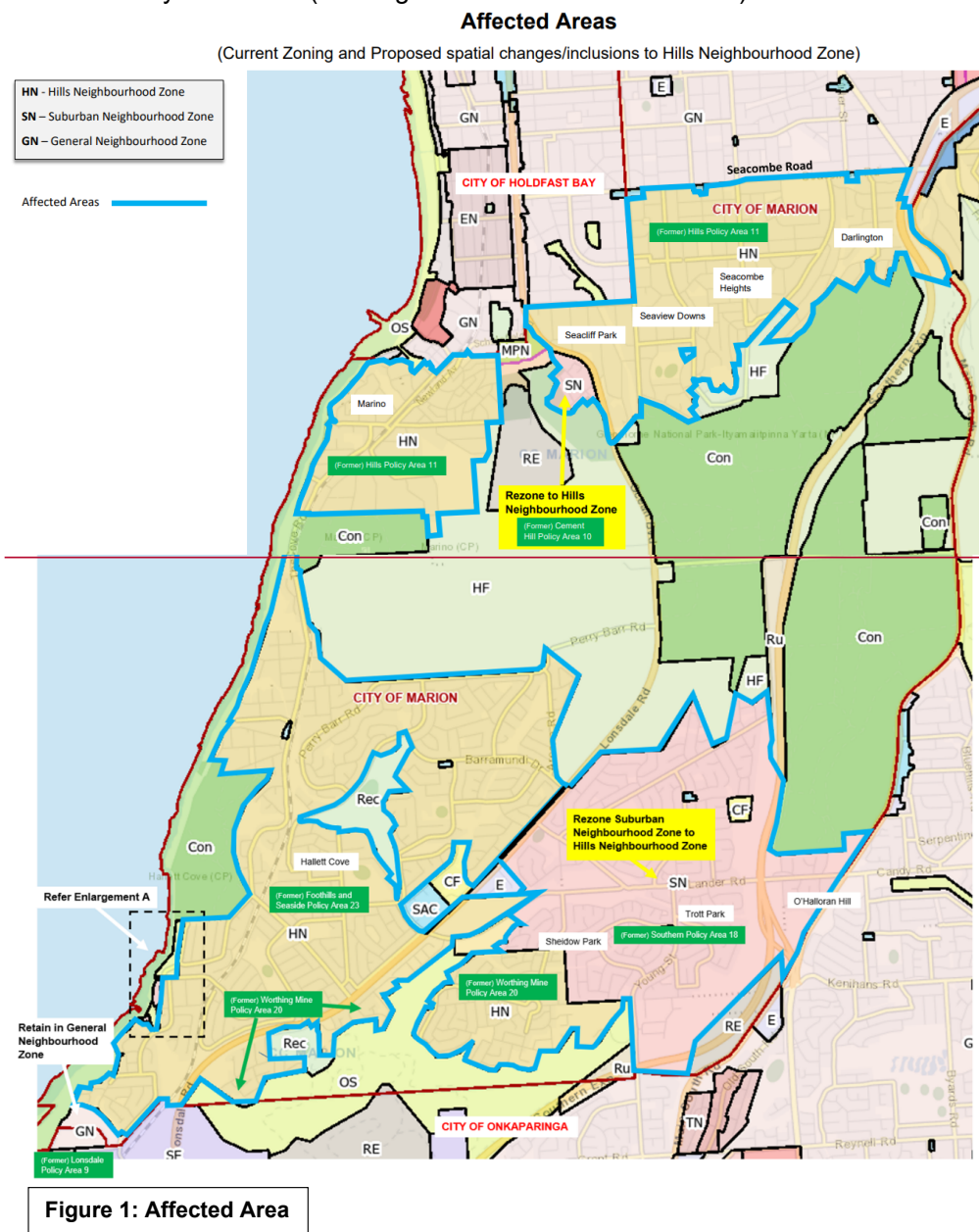
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**CONTENTS**

1. BACKGROUND INFORMATION
2. STATUS OF THE CODE AMENDMENT
3. ENGAGEMENT PURPOSE
4. ENGAGEMENT OBJECTIVES
5. STAKEHOLDER IDENTIFICATION AND ANALYSIS
6. SCOPE OF INFLUENCE
7. KEY MESSAGES
8. LEVEL OF PARTICIPATION
9. STAKEHOLDER AND COMMUNITY MAPPING
10. THE ENGAGEMENT APPROACH
11. COMMUNITY ENGAGEMENT PLAN
12. APPLYING THE CHARTER PRINCIPLES IN PRACTICE
13. EVALUATION
14. CLOSING THE LOOP AND REPORTING BACK

## 1. Background information

The areas affected by the proposed amendment are described as being the residentially zoned land (currently Hills Neighbourhood Zone and Suburban Neighbourhood Zone) in the suburbs of Darlington, Hallett Cove, Marino, O'Halloran Hill, Seacliff Park, Seacombe Heights, Seaview Downs, Sheidow Park and Trott Park within the City of Marion. (See Figure 1 – Affected Area below)







In transitioning to the Planning and Design Code, much of Marion Council's southern suburbs have been rezoned to Hills Neighbourhood Zone (HNZ) and some to the Suburban Neighbourhood Zone.

Although the Hills Neighbourhood Zone recognises the sloping nature of the land, the site dimensions and slope gradients require further consideration. At this stage the site dimensions reflect those of the 5 different Residential Zone Policy Areas under the former Development Plan.

Retaining the varying allotment sizes associated with the different former policy areas (although a hybrid version that misses out on some criteria has been used in the Code) on land that has similar topographical characteristics, whilst using the same slope gradient parameters for all, lacks consistency in opportunity for redevelopment.

Also some of the changes brought in by the Code do not reflect what has actually been developed and greatly reduces development potential.

The most appropriate site dimensions and spread of gradient parameters requires further consideration.

The former Southern Policy Area and former Cement Hill Policy Area have been transitioned to the Suburban Neighbourhood Zone, which has no slope related policy. These two policy areas share similar topographical characteristics to the other three policy areas that have been included in the Hills Neighbourhood Zone so should be

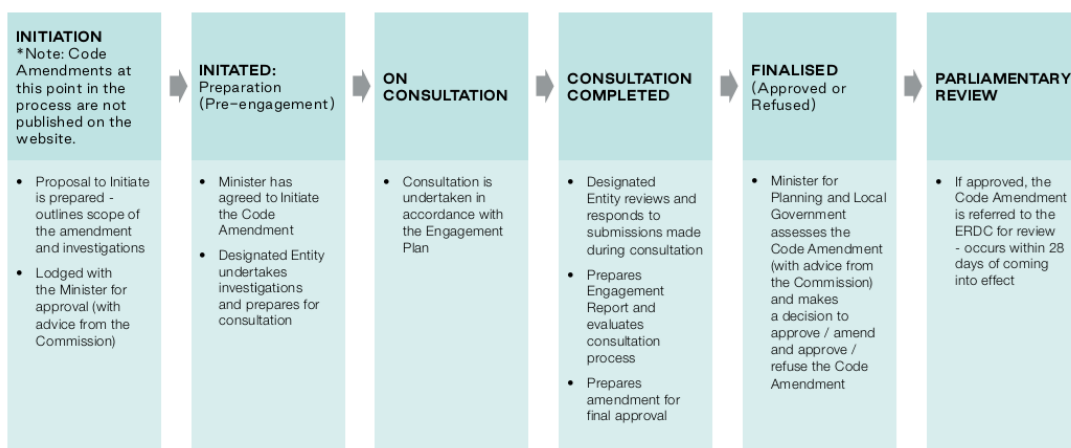
considered for this zone, and be subject to assessment against slope related policy, to facilitate better design outcomes.

Much of the housing stock in the older established suburbs in Marion's south (Darlington, Marino, Seacliff Park, Seacombe Heights, Seaview Downs) has reached an age where the buildings are no longer of a condition, design and/or size that meets the needs of residents. Many comprise small houses on larger than average allotments. The current minimum site areas of 700m<sup>2</sup>/ 900m<sup>2</sup>/ 1100m<sup>2</sup> do not provide opportunity for subdivision/redevelopment to occur.

Council is therefore seeking that those southern residential areas recently rezoned to the Suburban Neighbourhood Zone (former Southern Policy Area 18 and Cement Hill Policy Area 10) be transitioned to the Hills Neighbourhood Zone and that one set of consistent (and appropriate) slope related policy is used (gradient/site dimensions etc.) that provides opportunity for low density infill development to occur in appropriate locations, particularly on gentle sloping sites.

## 2. Status of the Code Amendment

The Code Amendment process includes a number of steps which must be undertaken before any changes to zoning or policy can be implemented. An overview of the Code Amendment process is illustrated below. The Code Amendment has been 'Initiated' and is proposed to be placed 'On Consultation'.



## 3. Engagement purpose

The purpose of the engagement process is to:

- Inform and consult (seek feedback) affected and interested persons on a proposed rezoning of the Affected Area which would facilitate opportunity for low density infill development to occur in appropriate locations, particularly on gentle sloping sites.
- Provide information about the proposed changes and what the changes will enable/mean for the affected locality.
- Enable community/stakeholders to provide feedback on the Code Amendment so that any issues or opportunities can be considered prior to it being finalised.

#### 4. Engagement objectives

This engagement plan includes the following objectives to ensure consistency with the Government's Community Engagement Charter Principles:

- Ensure the community and stakeholders are aware that changes are proposed to the zoning of the Affected Area, specifically the changes to allotment dimensions which will provide opportunity for a greater diversity of housing types and densities than the existing housing stock in the area.
- To ensure the community and stakeholders have easy access to appropriate information about the proposed Code Amendment.
- To provide easy to understand written and graphic materials that explain and demonstrate the impacts of the proposed policy changes.
- To gain input from affected and interested community and other stakeholders in ways that are inclusive and engaging and inform the amendment.
- Inform participants in the engagement process of the outcome and final decision concerning the proposal and reasoning for these decisions.
- To obtain localised knowledge and perspective to inform the amendment.

#### 5. Stakeholder identification and analysis

The primary audience for the engagement of this Code Amendment are the owners and occupiers of properties within the affected area and adjacent landowners, as well as any other relevant stakeholders.

Overall, the aim of the community engagement is to provide a level of engagement which seeks to work directly with the relevant stakeholders throughout the process to ensure that public concerns and aspirations are understood, considered and reflected in the Code Amendment process.

A stakeholder engagement approach has been prepared and is detailed in **Part 10**, with a summary of this analysis provided in **Table 1 below**.

**Table 1** Stakeholder Analysis Summary

Inform and Consult	State Planning Commission Planning and Land Use Services / Attorney General's Department Local Government Association Landowners and occupiers within and adjacent to the Affected Area Department for Infrastructure and Transport (DIT) – Transport Services Housing SA Renewal SA Department for Environment and Water Environment Protection Authority Utility Providers State MPs Federal MPs City of Onkaparinga City of Holdfast Bay	<ul style="list-style-type: none"> <li>• Letters</li> <li>• Website</li> <li>• Locally circulated newspaper</li> <li>• Information brochure</li> </ul>
Inform and Consult	General public/wider community	<ul style="list-style-type: none"> <li>• Website</li> <li>• Social Media</li> <li>• Locally circulated newspaper</li> <li>• Information brochure</li> </ul>

The following agencies, State and Federal Members of Parliament, interested parties, individuals, communities of interest, and Councils will be consulted during the consultation stage of the draft Code Amendment:

- Landowners and occupiers within and adjacent to the Affected Area
- General public/wider community
- State Planning Commission
- Planning and Land Use Services / Attorney General's Department
- Local Government Association
- Department for Infrastructure and Transport (DIT) – Transport Services
- Housing SA
- Renewal SA
- Department for Environment and Water
- Environment Protection Authority
- APA Group
- ElectraNet Pty Ltd
- EPIC Energy

- SA Power Networks
- SA Water
- NBN
- Other telecommunications providers
- Ms Erin Thompson MP (Member for Davenport)
- Mr David Speirs MP (Member for Black)
- Ms Louise Miller-Frost MP (Federal Member for Boothby)
- Ms Amanda Rishworth MP (Federal Member for Kingston)
- City of Onkaparinga
- City of Holdfast Bay

## 6. Scope of influence

Aspects of the draft Code Amendment process which stakeholders and the community **can** influence are:

- The type of zone(s) selected for the affected area, and the extent of its spatial application across the affected area.
- Potential applicable site dimensions (Technical and Numerical Variations) that are proposed for the selected zone.

Aspects of the draft Code Amendment process which stakeholders and the community **cannot** influence are:

- The standard policies and wording contained in Zones and Overlays in the Planning and Design Code.
- The policies contained within the General Modules of the Planning and Design Code.
- The extent and placement of desired land uses.
- The design of future development proposals eg: dwelling applications.

## 7. Key Messages

The following key messages will underpin the engagement regarding the draft Southern Suburbs Residential Policy Code Amendment:

- A section of the Affected Area currently within the Suburban Neighbourhood Zone is proposed to be rezoned to the Hills Neighbourhood Zone, to match the zoning of other properties within the Affected Area.
- Planning policy within the Hills Neighbourhood Zone, relating to residential allotment sizes (technical and numeric variations), is proposed to be amended to create one set of consistent (and appropriate) slope related policy (gradient/site dimensions etc.) that provides opportunity for low density infill development to occur in appropriate locations, particularly on gentle sloping sites.
- In preparing the Code Amendment, stakeholders and the community will be given opportunities to provide input and feedback for consideration by Council.

8. Level of Participation

The level of engagement for this project is based on the International Association of Public Participation (IAP2) Spectrum as it is well known and used by local governments.

The following level of engagement is proposed:

Inform	Consult
<i>To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.</i>	<i>To obtain public feedback on analysis, alternatives and/or decisions.</i>

## 9. Stakeholder and community mapping

Stakeholder	Level of interest in the project (i.e. high, medium or low)	Potential nature of interest in the project and/or the potential impact of the project	Stakeholder needs/expectations for engagement in the project	Level of engagement (i.e. inform, consult, involve, collaborate)
Land owners and occupiers within and adjacent to the Affected Area	High	<ul style="list-style-type: none"><li>• High interest in the Code Amendment proposal and potential impacts, as the zone and policy changes directly relate to the future development of their locality.</li><li>• How the Zone change will affect the street and general locality.</li><li>• How the Zone change will affect the nature of traffic in the locality.</li></ul>	<p>That they will be kept informed, listened and feedback taken into consideration.</p> <p>Ensure their submission is acknowledged and reflected in the Code Amendment engagement process.</p> <p>Direct stakeholders to the SA Planning Portal and Council's Making Marion website to provide up to date information on the status of the draft Code Amendment process.</p> <p>Feedback provided after the Code Amendment engagement process to explain any policy amendments proposed to the draft Code Amendment (post engagement process)</p>	Inform and Consult
General Public/Wider Community	Medium	<ul style="list-style-type: none"><li>• May have an interest in proposed changes to facilitate land division/redevelopment with a greater choice of residential housing</li></ul>		
Department for Infrastructure and Transport (DIT) – Transport Services	Medium	<ul style="list-style-type: none"><li>• DIT may have an interest in any future implications on the main road system which may occur as a result of an increased number of residential allotments.</li></ul>		
Local Government Association	Medium	<ul style="list-style-type: none"><li>• To review the proposed policy as the LGA has an interest in planning policy across metropolitan Adelaide; and</li><li>• It is a mandatory requirement to notify the Local Government Association in writing and to be consulted in accordance with the PDI Act.</li></ul>		
State Planning Commission	Medium	<ul style="list-style-type: none"><li>• May on request make recommendation to Minister whether to approve the Code Amendment.</li></ul>		
Attorney General's Department (Planning and Land Use Services)	Medium	<ul style="list-style-type: none"><li>• Ensure the intent of the Planning and Design Code is maintained</li><li>• Ensure the Code Amendment is undertaken in accordance with legislated requirements.</li><li>• Approval authority for the Code Amendment.</li><li>• Identified as a required consultation.</li></ul>		
Department for Environment and Water	Medium	<ul style="list-style-type: none"><li>• Potential impacts on the environment and natural resources</li></ul>		
Housing SA	Medium	<ul style="list-style-type: none"><li>• Interest in redevelopment potential of the land</li></ul>		
Renewal SA	Medium	<ul style="list-style-type: none"><li>• Interest in redevelopment potential of the land</li></ul>		
Utility Providers	Medium	<ul style="list-style-type: none"><li>• Interest in potential impact on capacity of existing infrastructure brought about by the proposed changes to facilitate an increase in housing numbers.</li><li>• Identified as a required consultation</li></ul>		
State MP	Medium	<ul style="list-style-type: none"><li>• Interest in development of land in their electorate</li><li>• Interest in the views of residents in their electorate</li></ul>		
Federal MP	Medium			
Neighbouring Council's	Low	<ul style="list-style-type: none"><li>• Identified as a required consultation.</li></ul>		

## 10. The Engagement Approach

Stage	Objective	Stakeholders/target audience	Engagement level	Potential Engagement activity	Timing	Who's responsible?	Resources required *	Risks and mitigation *
Code Amendment Engagement	<ul style="list-style-type: none"> <li>Share information with the community and Agency's about the draft Code Amendment</li> <li>Explain the reasons for the draft Code Amendment</li> <li>Understand and consider the views of the stakeholder submissions received</li> <li>Inform and amend, where appropriate, the policy within the draft Code Amendment.</li> </ul>	<ul style="list-style-type: none"> <li>Land owners in the Affected Area</li> <li>Adjacent landowners</li> <li>Local Government Association</li> <li>State Planning Commission</li> <li>Attorney General's Department/Planning Land Use Services</li> <li>Department for Infrastructure and Transport (DIT) – Public Transport Division</li> <li>Environment Protection Authority</li> <li>Department for Environment and Water</li> <li>Housing SA</li> <li>Renewal SA</li> <li>Utility Providers</li> <li>State MP's</li> <li>Federal MP's</li> <li>Neighbouring Councils</li> </ul>	Inform and Consult	<ul style="list-style-type: none"> <li>Letters/emails to Stakeholders</li> <li>Information fact sheets</li> <li>Information on Plan SA Portal</li> <li>Information on Making Marion website</li> <li>Information on social media (i.e. Facebook, Twitter)</li> <li>Hard copy displays at Libraries ?</li> <li>Notice in the Advertiser</li> <li>Community Information Sessions ?</li> <li>Drop-In Sessions ?</li> <li>Public Meeting to hear any verbal submissions</li> <li>Survey after engagement process to seek feedback on the process.</li> </ul>	Eight (8) week consultation process.  Date TBC	City of Marion	<ul style="list-style-type: none"> <li>Letters (<i>targeted for different stakeholders</i>)</li> <li>Information Brochure</li> <li>SA Planning Portal – Have Your Say</li> <li>City of Marion Website – Making Marion</li> <li>City of Marion Social Media Pages</li> </ul>	<ul style="list-style-type: none"> <li>Allow for a wide range of engagement resources to accommodate different stakeholder groups.</li> </ul>
		<ul style="list-style-type: none"> <li>General Public/Wider Community</li> </ul>	Inform and Consult	<ul style="list-style-type: none"> <li>Website information</li> <li>Hard copy displays at Libraries</li> <li>Public Meeting to hear any verbal submissions</li> <li>Survey after engagement process to seek feedback on the process.</li> </ul>	Date TBC	City of Marion	<ul style="list-style-type: none"> <li>SA Planning Portal – Have Your Say</li> <li>City of Marion Website – Making Marion</li> <li>City of Marion Social Media Pages</li> <li>Information Brochure</li> </ul>	<ul style="list-style-type: none"> <li>Allow for a wide range of engagement resources to accommodate different stakeholder groups.</li> </ul>

\*this information does not need to be provided to the Minister



11. Community Engagement Plan

The scope for community engagement includes the following steps and timing.

Step	Title	Description
1.	Agreement from the Minister to Initiate a Code Amendment process <b>(completed)</b>	<ul style="list-style-type: none"><li>• Proposal to Initiate an Amendment to the Planning &amp; Design Code approved by the Minister</li><li>• Information provided on the SA Planning portal and Council's website to advise of the Code Amendment process underway.</li></ul>
2.	Prepare Engagement Plan	<ul style="list-style-type: none"><li>• Prepare a Community Engagement Plan in relation to the matter.</li></ul>
3.	Authorise Engagement Plan	<ul style="list-style-type: none"><li>• Obtain approval of the Community Engagement Plan from Council</li></ul>
4.	Pre-Engagement	<ul style="list-style-type: none"><li>• Ensure consultation material is ready to "go live" on the SA Planning Portal from the date of commencement of the planned consultation</li><li>• <i>Forward material (publication instructions to be provided to AGD/PLUS at least 3 weeks prior to commencement of Engagement period)</i></li><li>• <i>Letters sent to owners/occupiers of affected land and adjacent land 4 days prior to the first day of the consultation period</i></li></ul>
5.	Undertake Engagement	<p>The engagement activities anticipated include the following:</p> <ul style="list-style-type: none"><li>• A copy of the draft Code Amendment in the SA Planning Portal.</li><li>• A notice in the Advertiser Newspaper.</li><li>• Information on Council's 'Making Marion' website, with information on the Code Amendment including, but not limited to a copy of the draft Code Amendment, FAQs and information on how to make a submission.</li><li>• Copies of draft Code Amendment and information brochure to be made available at Council offices and libraries.</li><li>• Invitation to prepare submissions online or via post.</li><li>• A written notice to all property owners within the affected area and other property owners immediately surrounding the affected area inviting them to review and comment on the draft policy.</li><li>• Information brochure outlining what the draft Code Amendment is about, the proposed policy amendments, how interested persons can comment.</li><li>• City of Marion social media platforms.</li><li>• A Public Meeting to be held at the culmination of the consultation process to hear any verbal submissions <i>(if required)</i>.</li></ul>
6.	Consider Submissions	<ul style="list-style-type: none"><li>• Review and consider written submissions received.</li><li>• Copy of written submissions received made publicly available on Council's 'Making Marion' website.</li></ul>
7.	Prepare Report	<ul style="list-style-type: none"><li>• Prepare an engagement report which:<ul style="list-style-type: none"><li>• Summarises the community engagement process and outcomes.</li><li>• Present comments on the feedback provided.</li><li>• Make recommended responses.</li></ul></li></ul>
8.	Council Decision	<ul style="list-style-type: none"><li>• Council Members will consider the report and recommendation(s) and decide on the matter.</li><li>• Communicate Council's decision and next steps in the Code Amendment process through Council's 'Making Marion' website and in writing to all persons who provided submissions.</li><li>• The Engagement Report and Code Amendment Report to be made publicly available on Council's 'Making Marion' website and on the SA Planning Portal.</li></ul>
9.	Minister Decision	<ul style="list-style-type: none"><li>• Engagement report and Code Amendment submitted to the Minister for decision on the Code Amendment.</li><li>• On-going updates on the Code Amendment process will be provided on Council's dedicated 'Making Marion' website and through the SA Planning Portal for the project including submission of the Code Amendment to the Minister for consideration and the process of Parliamentary scrutiny following the Minister's decision.</li></ul>
10.	Communicate Decision	<ul style="list-style-type: none"><li>• Following a decision of the Code Amendment by the Minister, communicate decision through Council's 'Making Marion' website and through the SA Planning Portal and in writing to all persons who provided submissions.</li></ul>

12. Applying the Charter principles in practice

The South Australian Community Engagement Charter outlines five principles that describe what is important when engaging on the establishment or amendment to planning policy, strategies or schemes. Table 2 below outlines how the Code Amendment engagement process will align with these principles.

Charter principle	How does your engagement approach/activities reflect this principle in action?
Engagement is genuine	<ul style="list-style-type: none"><li>• Provide clear and concise information to ensure community understanding of the Code Amendment process and the planning policy proposed in the draft Code Amendment.</li><li>• Provide opportunity for stakeholders and the community to identify their issues through a submission which will be reviewed and considered before finalising the Code Amendment.</li></ul>
Engagement is inclusive and respectful	<ul style="list-style-type: none"><li>• Provide people appropriate opportunity to participate via various engagement methods (i.e. website, direct letters and social media) and have the opportunity to be heard via written and verbal submission.</li><li>• All comment/feedback is recorded and considered</li></ul>
Engagement is fit for purpose	<ul style="list-style-type: none"><li>• Provide clear and concise information that is publicly available to ensure people understand what is proposed and how to participate in the Code Amendment engagement process.</li><li>• Engagement activities are appropriate to the scale and likely impact of the proposal</li></ul>
Engagement is informed and transparent	<ul style="list-style-type: none"><li>• Information is presented in a concise and easy to understand format which clearly articulates the proposal, any potential impacts, the engagement process and invites feedback/participation.</li><li>• Information is clear about the aspects of the proposed amendment that stakeholders can influence and those that they cannot</li><li>• At the end of the engagement process, a report summarising the feedback received, any proposed alterations made to the draft Code Amendment, and the subsequent decision process, is to be prepared and used to inform stakeholders.</li></ul>
Engagement is reviewed and improved	<ul style="list-style-type: none"><li>• Monitor the engagement plan and adjust if required during the engagement period</li><li>• The Code Amendment Engagement process is evaluated and measured at the conclusion of the engagement process and reported on in the Engagement Report.</li><li>• Learnings obtained from the engagement process, will help improve future engagement processes</li></ul>

Table 2 Alignment of engagement activities against the Charter’s Principles

### 13. Evaluation

At the completion of the engagement, all participants will be invited to assess the success of the engagement against performance criteria one to four, below. The project manager, with assistance from communications and engagement specialists, will assess the success of the engagement against criteria five to nine. This evaluation will be included in the statutory report (section 73(7) of PDI Act) that is sent to the State Planning Commission and the Minister for Planning and which details all engagement activities undertaken. It will also be referenced in the Commission Report (section 74 (3)(b) that is issued to the Governor of South Australia and the Environment Resources and Development Committee of Parliament. Any issues raised about the engagement during the engagement process will be considered and action will be taken if considered appropriate.

#	Charter criteria	Charter performance outcomes	Respondent	Indicator <sup>2</sup>	Evaluation tool <sup>3</sup> Exit survey / follow-up survey	Measuring success of project engagement
1	Principle 1: Engagement is genuine	<ul style="list-style-type: none"> <li>People had faith and confidence in the engagement process.</li> </ul>	Community	I feel the engagement <b>genuinely sought</b> my input to help shape the proposal	Likert scale - strongly disagree to strongly agree	Per cent from each response.
2	Principle 2: Engagement is inclusive and respectful	<ul style="list-style-type: none"> <li>Affected and interested people had the opportunity to participate and be heard.</li> </ul>	Community	I am <b>confident my views were heard</b> during the engagement	Likert scale - strongly disagree to strongly agree	Per cent from each response.
3	Principle 3: Engagement is fit for purpose	<ul style="list-style-type: none"> <li>People were effectively engaged and satisfied with the process.</li> <li>People were clear about the proposed change and how it would affect them.</li> </ul>	Community	I was given sufficient <b>information</b> so that I could take an informed view.	Likert scale - strongly disagree to strongly agree	Per cent from each response.
				I was given an <b>adequate opportunity to be heard</b>	Likert scale - strongly disagree to strongly agree	Per cent from each response.
4	Principle 4: Engagement is informed and transparent	<ul style="list-style-type: none"> <li>All relevant information was made available, and people could access it.</li> <li>People understood how their views were considered, the reasons for the outcomes and the final decision that was made.</li> </ul>	Community	I felt <b>informed</b> about why I was being asked for my view, and the way it would be considered.	Likert scale - strongly disagree to strongly agree	Per cent from each response.
5	Principle 5: Engagement processes are reviewed and improved	<ul style="list-style-type: none"> <li>The engagement was reviewed, and improvements recommended.</li> </ul>	Project Lead	<b>Engagement was reviewed</b> throughout the process and improvements put in place or recommended for future engagement.	<ul style="list-style-type: none"> <li>Reviewed and recommendations made</li> <li>Reviewed but no system for making recommendations</li> <li>Not reviewed</li> </ul>	Per cent from each response.
6	Engagement occurs early	<ul style="list-style-type: none"> <li>Pre-statutory engagement occurred before undertaking the Code Amendment process to inform directly affected landowners that a Code Amendment process was being considered.</li> <li>Engagement occurred before or during the drafting of the planning policy, strategy, or scheme when there was an opportunity for influence.</li> </ul>	Project Lead	Engagement <b>occurred early enough</b> for feedback to genuinely influence the planning policy, strategy, or scheme.	<ul style="list-style-type: none"> <li>Engaged when there was opportunity for input into the draft Code Amendment</li> </ul>	Per cent from each response.
7	Engagement feedback was considered in the development of planning policy, strategy, or scheme	<ul style="list-style-type: none"> <li>Engagement contributed to the substance of the final draft Code Amendment for decision.</li> </ul>	Project Lead	Engagement <b>contributed to the substance of the final plan</b>	<ul style="list-style-type: none"> <li>In a significant way</li> <li>In a moderate way</li> <li>In a minor way</li> <li>Not at all</li> </ul>	Per cent from each response.
8	Engagement includes 'closing the loop'	<ul style="list-style-type: none"> <li>Engagement included activities that 'closed the loop' by providing feedback to participants/ community about outcomes of engagement</li> </ul>	Project Lead	Engagement <b>provided feedback to community about outcomes</b> of engagement	<ul style="list-style-type: none"> <li>Formally (report or public forum)</li> <li>Informally (closing summaries)</li> <li>No feedback provided</li> </ul>	Per cent from each response.
9	Charter is valued and useful	<ul style="list-style-type: none"> <li>Engagement is facilitated and valued by planners</li> </ul>	Project Lead	Identify <b>key strength</b> of the Charter and Guide Identify <b>key challenge</b> of the Charter and Guide		

14. Closing the loop and reporting back

How will you respond to participants?	Who's responsible?	When will you report back?
Keep a contact register of all participants who lodge formal submissions or make enquiries during the engagement period, to use to provide feedback on the process and outcomes.	Marion Council	On receipt of a submission provide a written acknowledgement.  Ongoing during the engagement period
Seek feedback on the effectiveness of the engagement process from all participants through an evaluation survey.	Marion Council	As soon as practicable post-consultation
Prepare an Engagement Report.  Summarise and sort feedback into a set of key themes and advise how this information has been used to inform/change the Code Amendment. – to be provided to engagement participants for their information.  Ensure the Engagement Report is available to the community and stakeholders.	Marion Council	As soon as practicable post-consultation
All stakeholders who provided a submission will be directly notified in writing by letter and / or e-mail.	Marion Council	Following a review of the submissions received a decision has been made by Council on a final draft Code Amendment.
The public will be made aware of the outcomes via information made available on the Plan SA Portal and Council's 'Making Marion' website.	Marion Council	Following a review of the submissions received a decision has been made by Council on a final draft Code Amendment.

## 7.2 Code Amendments Update

<b>Report Reference</b>	PDC230307R7.2
<b>Originating Officer</b>	Manager Development and Regulatory Services - Warwick Deller-Coombs
<b>Corporate Manager</b>	Manager Development and Regulatory Services – Warwick Deller-Coombs
<b>General Manager</b>	General Manager City Development – Tony Lines

## REPORT HISTORY

Report Reference	Report Title
<a href="#">PDC220301R7.2</a>	Code Amendments Update
<a href="#">PDC220503R7.4</a>	Code Amendments Update
<a href="#">PDC220705R7.2</a>	Code Amendments Update
<a href="#">PDC220906R7.1</a>	Code Amendments Update

## REPORT OBJECTIVE

To provide Members with an update on recent and active Code Amendments (both Council initiated and privately initiated).

## EXECUTIVE SUMMARY

- At the 11 May 2021 General Council meeting, Council approved the initiation of four Code Amendments.
- The State Government has recently released a proposed Code Amendment for consultation.
- Council has been advised of two privately initiated Code Amendments, proposing a change of zoning within the Council area.

This is a standing report to update Council on the status of each.

## CURRENT STATUS

### Council Initiated Code Amendments

#### *Morphettville and Glengowrie Horse Related Activities*

- An amended version of the Proposal to Initiate was drafted and forwarded to the Minister for approval on 5 April 2022.
- Amended version approved by Minister 25 November 2022.
- SAJC have removed the proposal to build new stables.
- Committee (at this meeting 7 March 2023) to consider further engagement with residents before proceeding with amendment.

#### *Urban Corridor – Marion Road*

- An amended version of the Proposal to Initiate was approved by Council on 26 July 2022 and subsequently forwarded to the Minister for approval on 1 August 2022.
- Amended version approved by Minister 13 November 2022.
- Project on hold pending priority of other amendments.

***Southern Suburbs Residential Policy***

- Council approval for a draft version of the Code Amendment for Consultation Purposes, and an Engagement Plan, for placing on community consultation was sought at 13 December 2022 General Council meeting.
- The matter was deferred to 7 March 2023 Planning and Development Committee to provide Elected Members (particularly new Members) with a better understanding of the current and proposed allotment dimensions and differences in development opportunities.
- This matter is included in this agenda for information and discussion purposes.
- Following discussion and any agreed amendments, the matter will be put before General Council for a decision.

***Centre Zones***

- 24 May 2022 Council approved the Proposal to Initiate a Code Amendment.
- 25 May 2022 the Proposal to Initiate was forwarded to the Minister for consideration.
- Ministerial Approval received 25 September 2022.
- Documentation being prepared to bring to Council for engagement.

**Ministerial / Government-led Code Amendments**

- The Chief Executive of the Department for Trade and Investment (incorporating the Planning and Land Use Services Division) has released a Flooding Hazards Mapping Update Code Amendment for Consultation.
- This Code Amendment seeks to update the spatial areas of the Hazard (Flooding - Evidence Required) Overlay in the Planning and Design Code, for 13 Local Government Areas and several townships within the Outback Areas of the State, including CoM.
- There is a Public Meeting available for CoM residents:

**20 March, 5pm-7pm @ City of Onkaparinga, Onkaparinga Civic Centre**

**Privately Initiated Code Amendments*****Lots 51 and 52 Morphett Road Glengowrie (SAJC)***

- SAJC received Ministerial Approval to proceed on 2 October 2022.
- SAJC presented to Council on 31 January 2023.
- Community Consultation commenced 13 February-26 March 2023.

***Bedford Park (Lot 707) (Bunnings Properties Pty Ltd)***

- The Minister approved the Proposal to Initiate on 25 January 2023.
- Investigations on key issues are currently being undertaken.

More details on each Code Amendment is provided for the Committee's consideration in the Discussion section of the report.

**RECOMMENDATION**

**That the Planning and Development Committee:**

- 1. Notes the report.**

## DISCUSSION

### Council Initiated Code Amendments

#### Morphettville and Glengowrie Horse Related Activities

- The Proposal to Initiate (a Code Amendment) document was approved by the Minister on 25 October 2021.
- Work on the Amendment and associated Community Engagement Plan has progressed.
- A report recommending the retention of the Suburban Neighbourhood Zone, with amended site dimensions (technical and numeric variations) and an expansion to the area to be rezoned, was supported by the Committee on 1 March 2022.
- Council approved the above amendments on 22 March 2022.
- An amended version of the Proposal to Initiate was drafted and forwarded to the Minister for approval on 5 April 2022.
- Amended version approved by Minister 25 November 2022.
- Council were advised 30 January 2023 that SAJC are no longer planning to build new stables at the Morphettville track.
- ***As this was a strong motivation for Council to enact the amendment, the Committee should discuss how to proceed including; proceeding as is, possible further engagement with residents, or discontinuing the amendment process.***

#### Urban Corridor – Marion Road

- A Proposal to Initiate document was forwarded to and received by PLUS via the planning portal on 16 September 2021.
- At a meeting with DIT on 19 November 2021 DIT raised some concerns with the proposed Urban Corridor zoning, noting existing high levels of traffic on Marion Road and potential for consideration of different zoning strategies.
- Staff compared the circumstances of Marion Road with those of other roads which have been subject to similar Corridor-type Zones, including Churchill Road and Prospect Road, which has identified some differences in existing character, traffic volumes and development outcomes.
- Further staff analysis also concluded that many of the 'strategic sites' along Marion Road which were considered as catalysts for the Urban Corridor Zone during the Housing Diversity DPA have now been developed.
- The Committee considered a report from staff at the 7 December 2021 meeting which detailed the above matters, noting some issues with a blanket approach to the proposed corridor zoning and resolving the following: "The Committee recommends to Council to request the Minister for Planning hold the Marion Road Urban Corridor Code Amendment and ask Administration to undertake further analysis of specific sites along the proposed corridor."
- Council at the meeting of 14 December 2021 agreed to this action.
- On 20 December 2021 PLUS acknowledged Council's request and placed the Proposal to Initiate on hold until further advised by Council.
- Zones that will allow appropriate forms and densities of residential/mixed use development are being considered by administration.
- A report outlining further analysis undertaken and a suggested zone that will allow appropriate forms and densities of residential/mixed use development along Marion Road was considered by the Committee on 5 July 2022.
- An amended version of the Proposal to Initiate was approved by Council on 26 July 2022 and subsequently forwarded to the Minister for approval on 1 August 2022.
- Amended version approved by Minister 13 November 2022.



- Given the priority of other amendments, this amendment will be progressed later in 2023.

### Southern Suburbs Residential Policy

- Initial investigations regarding slope-related information have been undertaken.
- A Proposal to initiate document was forwarded to PLUS, via the planning portal, on 16 September 2021.
- An initial review of allotment sizes for properties within the Hills Neighbourhood Zone in other Council areas was undertaken to help determine whether there is a common approach to the development of sloping land.
- The Proposal to Initiate (a Code Amendment) document was approved by the Minister on 11 February 2022; therefore Council can proceed with the Code Amendment.
- Administration met with PLUS (via Teams) on 30 March 2022 to discuss potential policy parameters for the Code Amendment.
- A report outlining suggested slope-related policy and a draft version of the Code Amendment for Consultation Purposes, and an Engagement Plan, were discussed at the 6 September 2022 Committee meeting.
- Council approval for a draft version of the Code Amendment for Consultation Purposes, and an Engagement Plan, for placing on community consultation was sought at 13 December 2022 General Council meeting.
- The matter was deferred to 7 March 2023 Planning and Development Committee to provide Elected Members (particularly new Members) with a better understanding of the current and proposed allotment dimensions and differences in development opportunities.
- Manager Development and Regulatory Services has spoken to several Elected Members to explain aspects of the proposed amendment and worked with the Engagement team to improve aspects of the report and comms materials.
- This matter is included in this agenda for information and discussion purposes.
- Following discussion and any agreed amendments, the matter will be put before General Council for a decision.

### Centre Zones

- Rezoning and/or realignment of centre zone boundaries could occur in some instances to address a variety of matters (e.g. site has been redeveloped, misalignment of zone boundary, need for a reduction/increase in zone boundary).
- Informal comments from the owners of the affected sites were received in late November 2021 (pre-engagement).
- On 23 December 2021 Administration sought advice from PLUS whether 8 of the sites (boundary/land use discrepancies) could be undertaken under Section 76 of the PDI Act. (Minor or operational amendments).
- On 9 February 2022 PLUS advised that notwithstanding the discrepancies between land use and zoning boundaries, the transition to the Code followed the correct process so does not meet the requirements of Section 76.
- PLUS further advised that given the relatively minor changes sought, such a Code Amendment may be able to be completed reasonably quickly.
- 24 May 2022 Council approved the Proposal to Initiate a Code Amendment.
- 25 May 2022 Proposal to Initiate was sent to Minister for approval.
- Staff regularly follow up with PLUS. The previous information provided to Council indicated that this may be able to be actioned under delegation.
- Ministerial Approval received 25 September 2022.
- Staff have progressed aspects of the amendment and is likely to submit to Council following the recruitment of a new policy planner.



## **Ministerial / Government-led Code Amendments**

- The Chief Executive of the Department for Trade and Investment (incorporating the Planning and Land Use Services Division) has released a Flooding Hazards Mapping Update Code Amendment for Consultation.
- This Code Amendment seeks to update the spatial areas of the Hazard (Flooding - Evidence Required) Overlay in the Planning and Design Code, for 13 Local Government Areas and several townships within the Outback Areas of the State, including CoM.
- This will allow for the correct application of the Overlay to the right areas and avoid flood policies being unnecessarily applied, where there is minimal risk of flooding.
- CoM Engineering staff inputted into the investigations of the flood data, along with other local government staff in a collaborative effort.
- Code Amendment consultation material: [plan.sa.gov.au/en/ca/floodmappingstageone](http://plan.sa.gov.au/en/ca/floodmappingstageone)
- Government Consultation Map Viewer: <https://bit.ly/3leuWYo>
- Public Meeting for CoM residents:

**20 March, 5pm-7pm @ City of Onkaparinga, Onkaparinga Civic Centre**

## **Privately Initiated Code Amendments**

### ***Lots 51 and 52 Morphett Road Glengowrie (SAJC)***

- Land is owned by the SAJC and located on the western side of Morphett Road, adjacent Morphettville Racecourse.
- Proposal to Initiate lodged with the Minister seeking to rezone the land from Recreation Zone to Urban Neighbourhood Zone.
- The rezoning of the land is envisaged to accommodate medium scale/medium to high density residential led mixed use development.
- Investigations have been undertaken to consider traffic management issues.
- Ministerial Approval received 2 October 2022.
- SAJC presented to Council on 31 January 2023 and several issues were discussed including height of proposed buildings and traffic and access considerations.
- Community Consultation commenced 13 February-26 March 2023.
- Staff will provide Council with a report to consider on the matter before the due date.
- ***The Committee should discuss which aspects of the proposal they wish staff to focus on or provide further information on.***

### ***Bedford Park (Lot 707) (Bunnings Properties Pty Ltd)***

- Proposal to Initiate lodged with the Minister seeking to rezone a part of Lot 707 from Urban Neighbourhood Zone to an alternate zone, most likely the Employment Zone.
- The overall intent of the amendment is to enable the further development of large format employment generating uses such as bulky goods outlets and service trades premises.
- The Minister approved the Proposal to Initiate on 25 January 2023.
- Investigations on key issues are currently being undertaken.
- The Committee may wish to discuss aspects of this project in confidence as per the business arising statement.
- There has been little further progress to report so far in 2023.

If the Committee wishes to discuss confidential information related to the Bedford Park (Lot 707) (Bunnings Properties Pty Ltd) Code Amendment, it is recommended that the Committee resolve to move into confidence with the following resolution:

Pursuant to Section 90(2) and (3) (g)(h) and (m) of the Local Government Act 1999, the Committee orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Office of the CEO, Manager Development and Regulatory Services, Team Leader Planning, Development Officer, Project Support Officer (Development), and Executive Officer to General Manager City Development be excluded from the meeting as the Committee receives and considers information relating to Code Amendments Update - Bedford Park (Lot 707) (Bunnings Properties Pty Ltd), upon the basis that the Committee is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to a development application, legal advice, planning policy matters as well as Aboriginal Heritage considerations.

**ATTACHMENTS**

Nil

## 8 Reports for Noting

### 8.1 Development Services Activities Update

<b>Report Reference</b>	PDC230307R8.1
<b>Originating Officer</b>	Manager Development and Regulatory Services – Warwick Deller-Coombs
<b>Corporate Manager</b>	N/A
<b>General Manager</b>	General Manager City Development - Tony Lines

### REPORT HISTORY

<b>Report Reference</b>	<b>Report Title</b>
<a href="#">PDC220503R7.1</a>	Development Services Activities Update including 12-month review of PDI
<a href="#">PDC220705R8.1</a>	Development Services Activities Update
<a href="#">PDC220906R8.1</a>	Development Services Activities Update

### REPORT OBJECTIVE

To provide the Planning and Development Committee with an overview of the status of the planning system from a performance, planning, building and compliance perspective.

### EXECUTIVE SUMMARY

The Planning and Design Code (the Code) commenced on 19 March 2021 and is now the legislated rule book for processing and assessing development applications.

The report provides a ‘snapshot’ of how the system is operating and is a standing report for the Committee to monitor development system performance.

### RECOMMENDATION

**That the Planning and Development Committee:**

1. **Notes the report.**

### DISCUSSION

#### BAU Updates

##### System Enhancements

Planning and Land Use Services (PLUS) continues to make updates and enhancements to the ePlanning Portal to improve workflow efficiencies, user interface, and resolve ongoing system errors.

The reporting available to staff through the portal is continuing to be updated and future enhancements are in progress, bringing together information and data currently available in a variety of reports, into one place. Currently staff are participating in a workgroup coordinated by PlanSA discussing and testing post approval reporting.

A 'beta' version of an updated dashboard for the portal is currently in a testing mode and provides improved reporting and workload monitoring abilities for staff. It is expected that PlanSA will implement the updated dashboard soon, subject to review of feedback.

### Amendments to P&D Code

PLUS is in the process of undertaking the Miscellaneous Technical Enhancement Code Amendment and has sought technical feedback from the planning industry on the content of Public Notification tables, new assessment pathways and related policy, potential policy refinement and new/updated planning definitions. Council staff provided a feedback submission during the consultation period in September 2022. It is understood that PLUS are currently in the process of reviewing the feedback gained from consultation.

The Minister for Planning has commissioned an independent panel of planning experts to conduct a review of the planning system, known as the Planning System Implementation Review. The Expert Panel are reviewing a range of legislative, policy and usability matters across the PDI Act, Planning and Design Code, ePlanning system and PlanSA website. The Review involved a period of community engagement with the South Australian public and industry stakeholders. Council staff provided a feedback submission in January 2023, which comprised comments from elected members, technical comments by staff, and comments from other relevant internal departments. It is understood that the Expert Panel are currently in the process of reviewing the feedback gained from consultation and aim to present a report to the Minister for Planning with recommendations for enhancements prior to Easter 2023.

### 'Live' Snapshot

The following table (1) provides a 'live' snapshot of the system as at 20 April, 16 June 2022 and 2 February 2023. The live snapshot illustrates only a slight decrease in the number of applications in the process of Planning or Building Verification (i.e. quasi assessment prior to formal payment being received) and a notable drop in the number of overdue assessments.

**Table 1: Snapshot of applications**

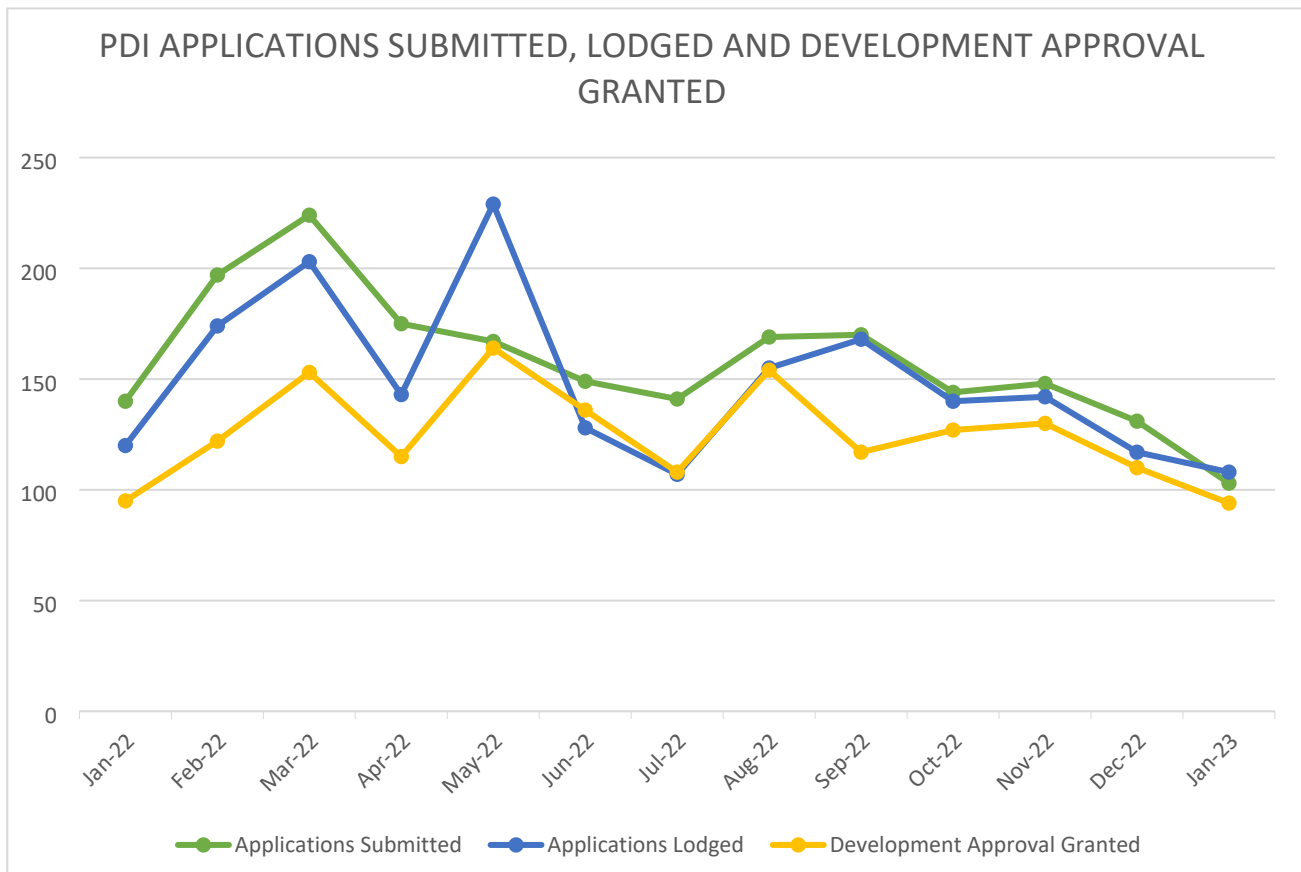
Status	Number as at 16 June 2022	Number as at 22 August 2022	Number as at 2 February 2023
Verification Check	36	32	33
Overdue Verification Check	0	0	0
Awaiting Mandatory Verification Documentation	123	130	119
Awaiting Fee Payment	28	30	33
Total Active Assessments	126	121	127
Overdue Assessments	5 – Active 29 – Paused	5 – Active 7 – Paused	1 – Active 1 – Paused
Formal Request for Further Information	37	25	26
Active Referrals	7	9	9
Active Public Notification	7	3	2

*Overdue assessments: Active = Council awaiting further information from the applicant*

*Overdue assessments: Paused = Application on Hold*

## Development Assessment

### **Development Applications**



**Submitted:** When a user clicks on Submit for a new application, the application becomes submitted and receives a submitted date.

**Lodged:** The lodgement date of an application is recorded on the day that fees have been paid, for the fees raised during verification of the first consent.

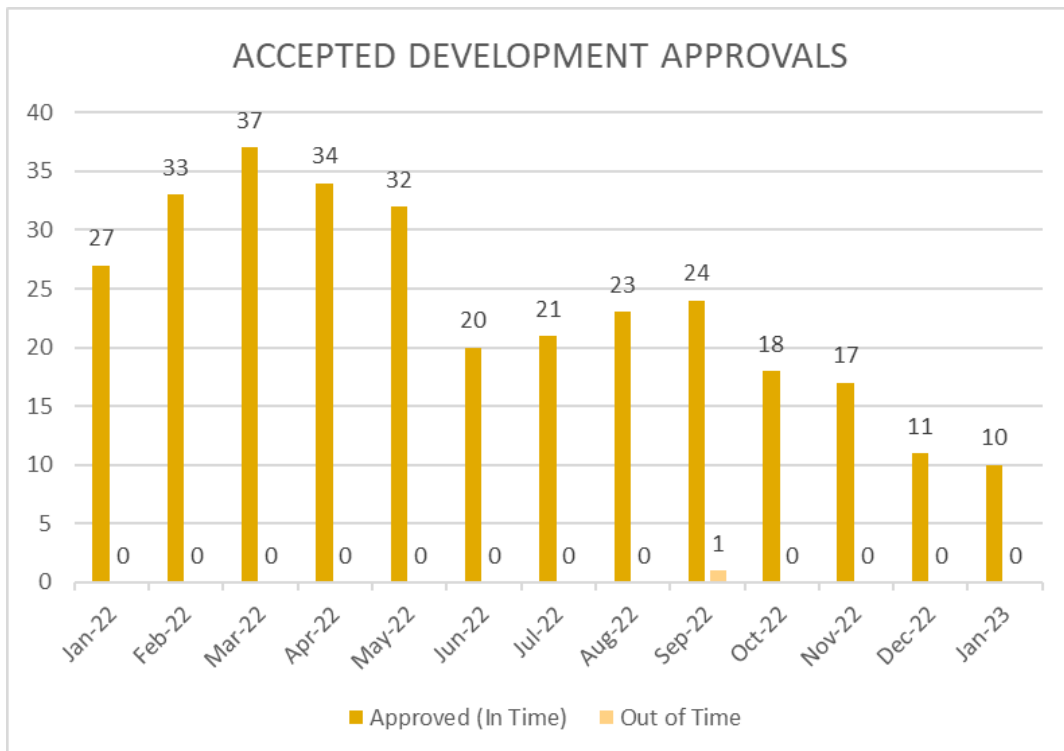
**Development Approval:** Permission to undertake a development, granted by the relevant authority.

#### **Comment:**

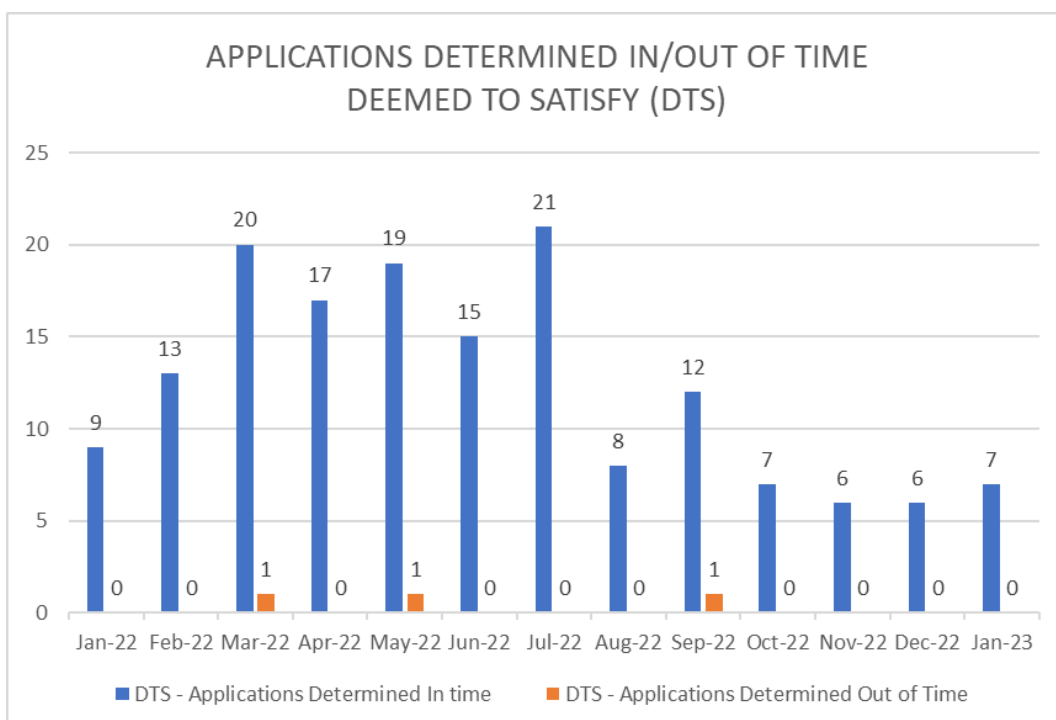
The number of applications submitted for verification exceeds the total number of applications receiving Development Approval. As expected, there was a decrease in lodgements over December and January due to the holiday period. We anticipate lodgements to increase over the next few months following annual trends. It is also expected that several major projects will contribute to an increase in applications this year.

## PDI - Planning Consents

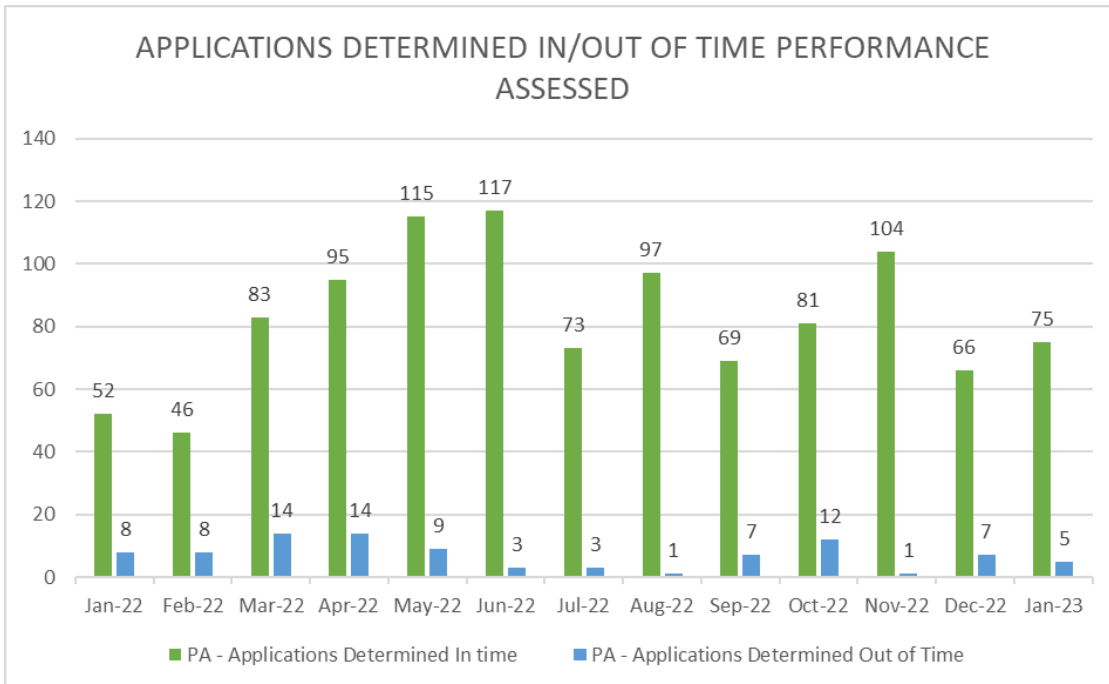
### **Planning and Land Division Consents by Relevant Authority**



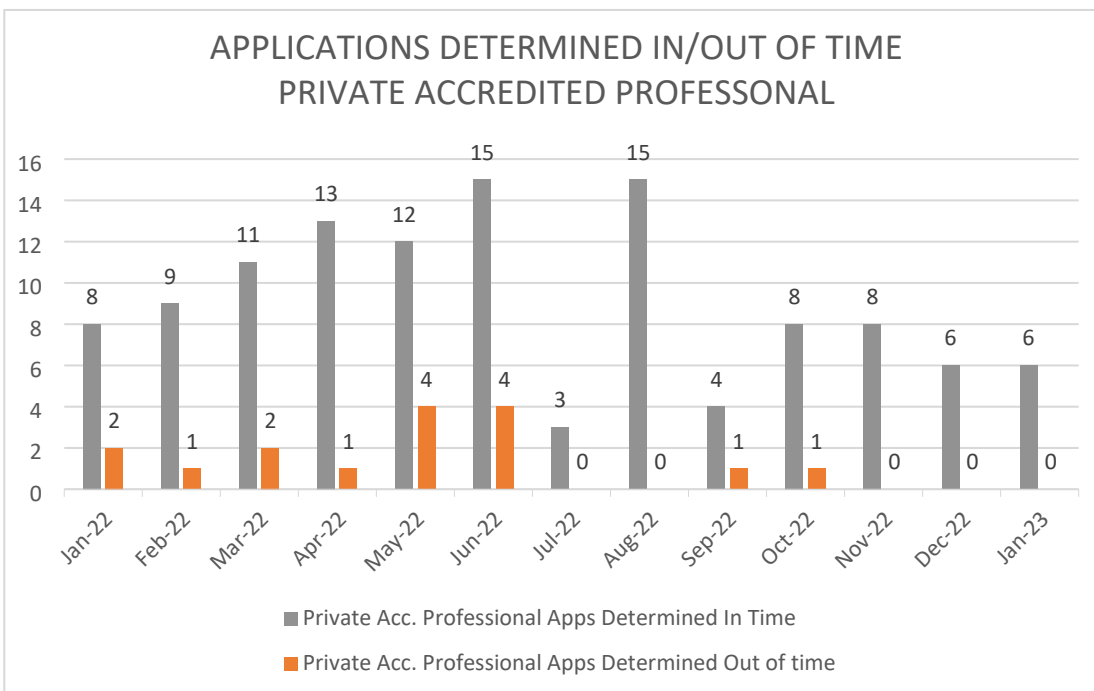
**Accepted:** Accepted development includes minor and standard applications which only require building consent. Upon lodgement these applications are reviewed by Administration to ensure they comply with the 'Accepted' criteria.

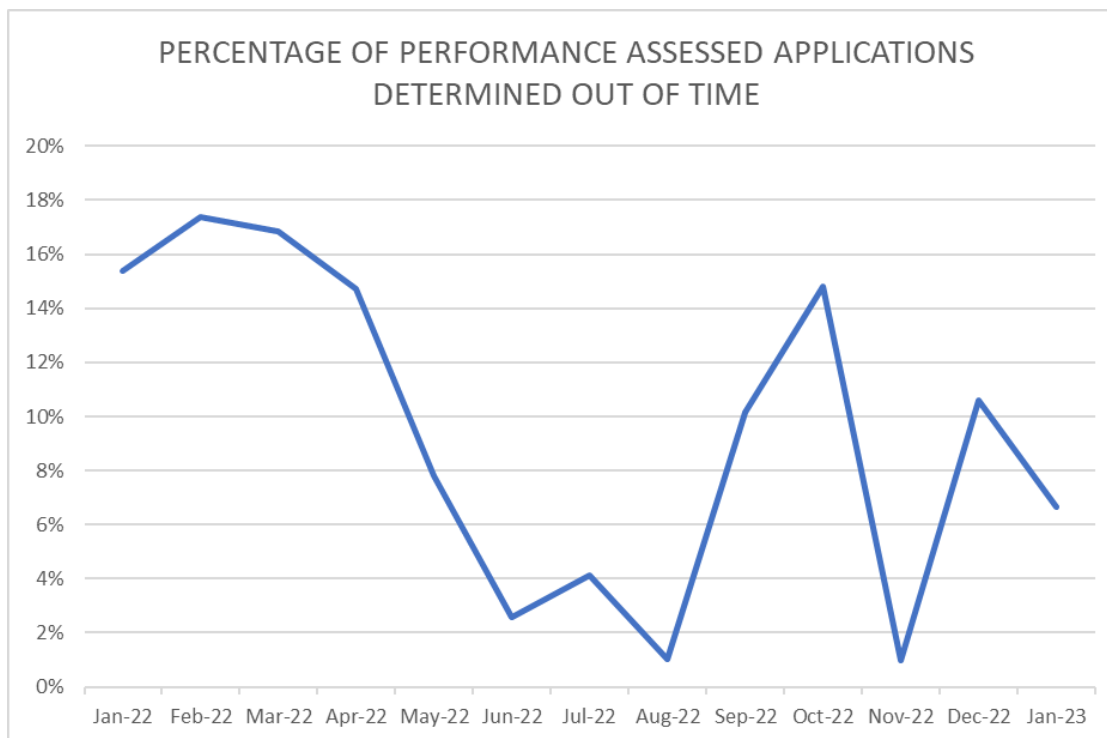


**Deemed to Satisfy:** Five business day are provided for the 'Tick & flick' planning assessment.



**Performance Assessed:** Twenty business days are provided for the assessment against the Code's Desired and Performance Outcomes (additional time is provided for applications requiring Public Notification or proposing land division).





Assessment Manager - Deemed to Satisfy (DTS): 96.80%

Assessment Manager Performance Assessed: 91.95%

Private Accredited Professional: 80.29%

#### **Comment:**

The number of monthly Planning Applications determined (i.e. Planning Consent granted or refused), whether Deemed-to-Satisfy or Performance Assessed, appear to have stabilised at slightly below the mean average amount for the past year. Typically, a lesser number of determinations during the December-January period can be attributed to the seasonal reduction in lodgements and staff absences due to leave over the holiday period. This January has seen 20 more decisions made than January last year.

A gradual decline in the number of new applications lodged over the past several months may see the number of decisions made continue to decline in future months, although a stabilisation or gradual increase may also occur, influenced by the number of active assessments which have remained steady, and the expected seasonal increase in lodgements following the holiday period.

The number of applications determined 'out of time' continue to be low, with many within 1-2 days of the due date and having had required internal review by another officer prior to a decision being issued.

#### **Deemed Consents**

Council received its first Deemed Planning Consent notice in December 2022, although in this instance there were minimal consequences to the decision, primarily due to the fact that the application's assessment had been completed 'in time', and the assessing officer was supportive of the application.

If a Council is supportive of an application that has submitted a Consent notice, it may override the Consent notice with its own approval and subsequent conditions (which occurred in this case).

Following assessment by the officer, the file was submitted for review (as per internal delegations) to the Team Leader. The assessing officer took leave and unfortunately did not notify the Team



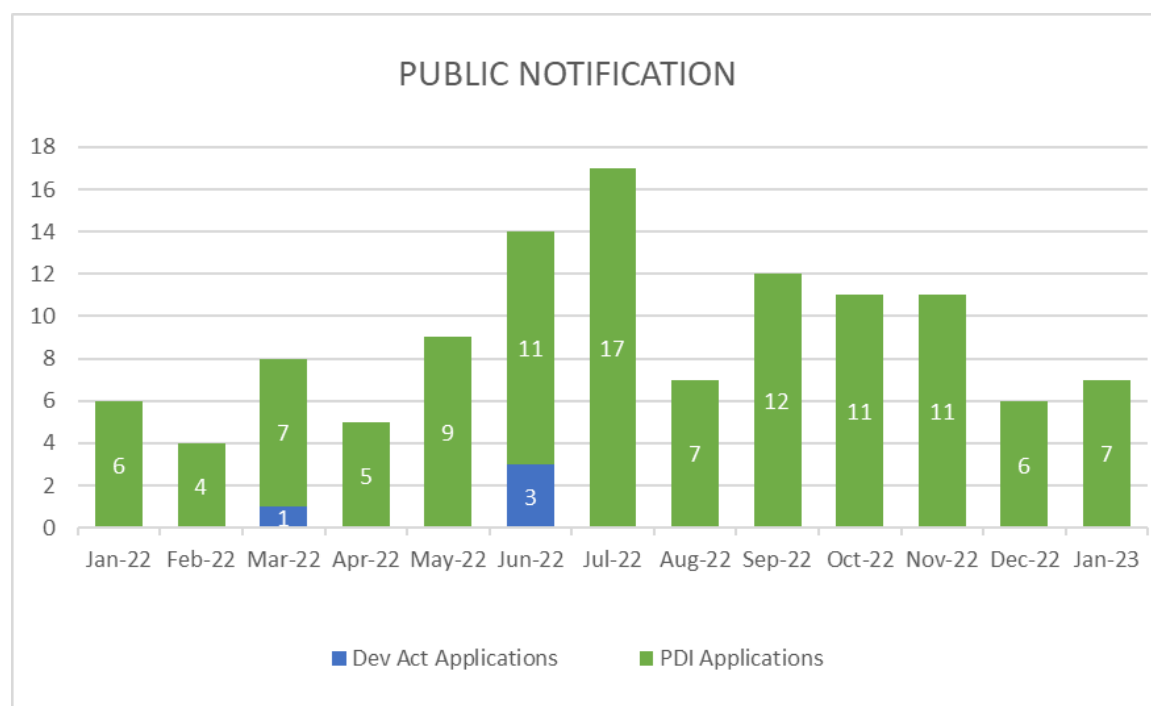
Leader of the need to review the application. During this time (a few days), the clock expired, and Council was immediately issued with the notice. The assessing officer returned from leave shortly after the notice was served, and following the completion of the Team Leader review, proceeded to issue Planning Consent, as was originally intended.

Since this occurrence, the team has been reminded to ensure there is sufficient time for peer review (if required) and account for periods of extended leave. Planning staff are required to maintain a detailed record of active assessment timeframes.

Anecdotally, until this notice was received, the City of Marion was one of the last remaining metropolitan councils with no Deemed Consent notices and continues to maintain a good percentage of 'in time' decisions.

Planning application timeframes are monitored by the Executive Leadership Team through the Corporate KPI process.

### **Public Notification**



*15 business days for public notification and 15 business days for applicant response.*

### **Comment:**

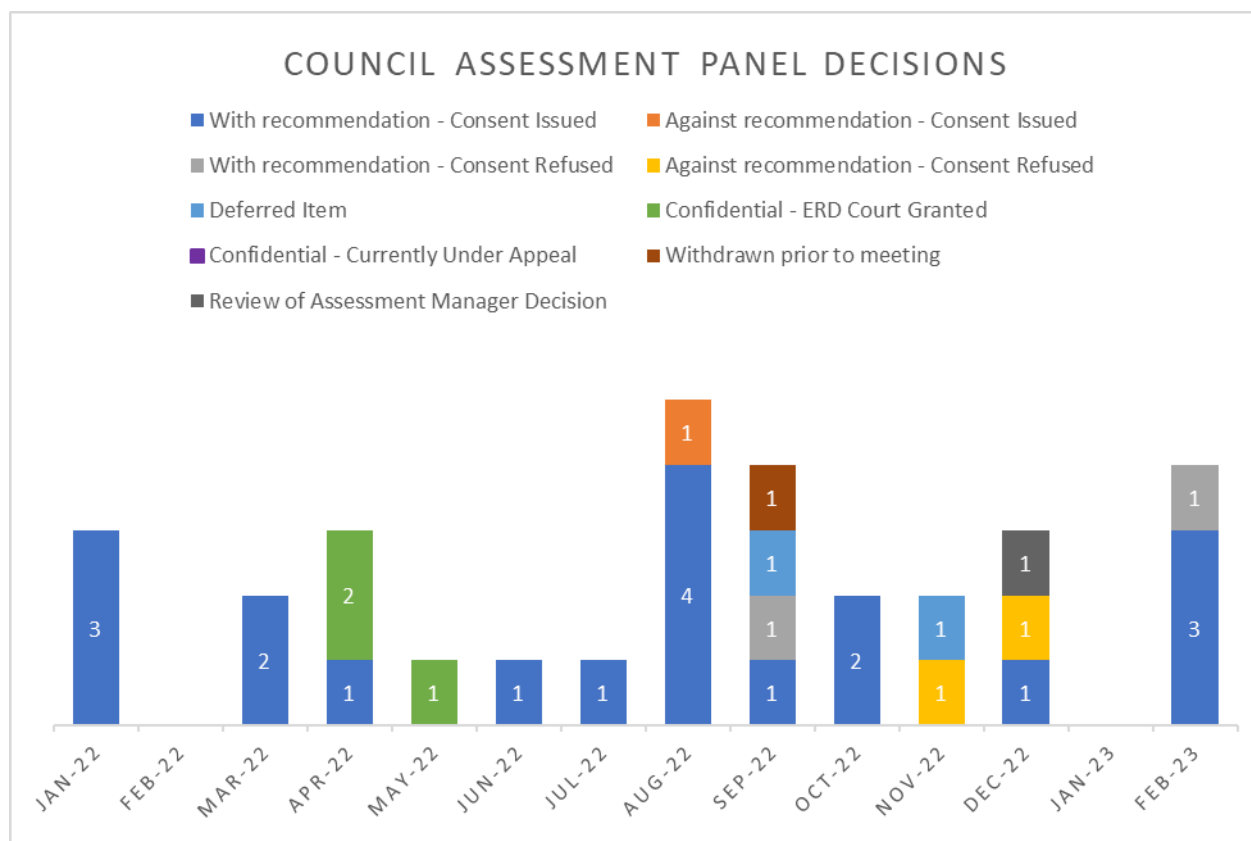
The number of applications placed on Notification in June and July were the highest since May 2021; and included the highest number of PDI applications since the introduction of the Code. A range of residential and non-residential applications were notified. The number of applications requiring public notification reflects the expected decline in applications lodged over the holiday period.

### **Council Assessment Panel (CAP)**

#### **Meetings and Decisions**

The next CAP meeting is due to be held, Wednesday, 5 April 2023.

	Meetings	PDI Items	Dev Act Items	Applicants Heard	Representors Heard
<b>2021</b>	11	7	21	17	19
<b>2022</b>	11	21	5	18	15
<b>2023</b>	2	4	0	5	3



#### Comment:

No meeting was held in January 2023 due to a lack of suitable items, however two meetings were held in February. Besides January, at least 2 items have been presented to the Panel per month since August, and this trend is expected to continue over coming months with a mixture of residential and non-residential items.

#### ERD Court Appeals

##### Appeals Against Panel Decisions

On-going Appeals – Nil

New Appeals

**Address**

**Appeal Lodged**

**Current Status**

1 Wattle Terrace, Plympton Park

4 November 2022

Conference adjourned. Pending date for site inspection with applicant and Council staff.

##### Appeals Against Delegated Applications

On-going Appeals – Nil

New Appeals

**Address**

**Appeal Lodged**

**Current Status**

3, 7 & 9 Franklin Street, Sturt

13 January 2023

Conciliation conference held on 14 February 2023 and adjourned until 11 April 2023, with a compromise proposal expected to be presented to the Panel during that time.

## **Appeals Against Enforcement**

*New or On-going Appeals – Nil*

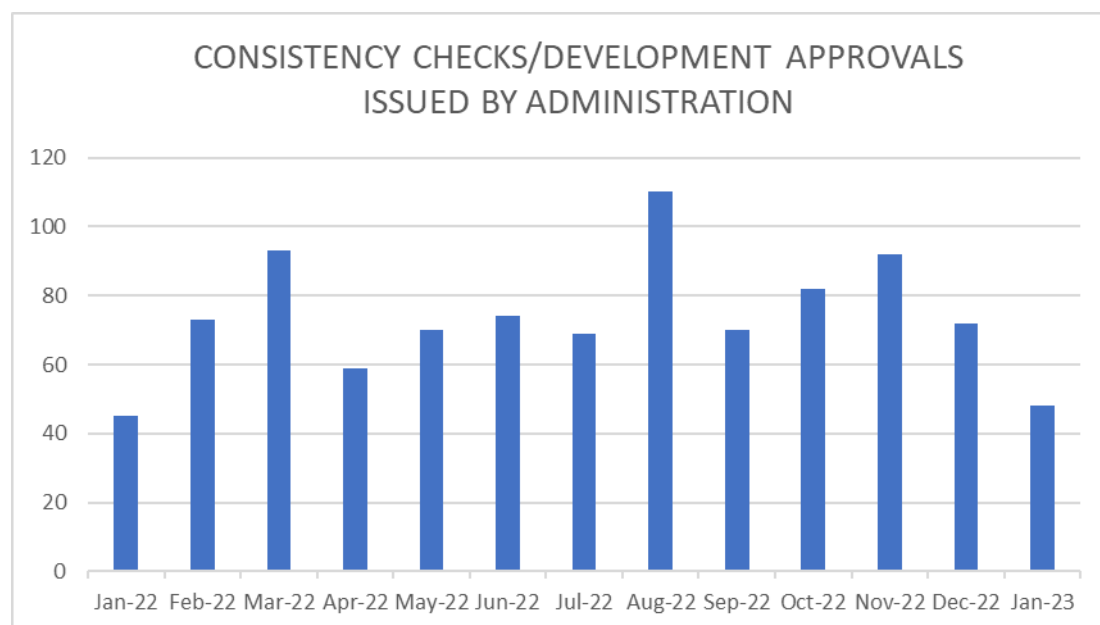
## **Review of Assessment Manager Decisions**

The Council Assessment Panel processed its first review of an Assessment Manager decision in December 2022. The relevant application proposed a 1-into-2 land division with retention of (and alterations to) an existing dwelling in Hallett Cove, and was refused by staff under delegation from the Assessment Manager. The Council Assessment Panel affirmed the decision of the Assessment Manager with the same reasons for refusal.

*Note: For planning consent applications where the Assessment Manager is the relevant authority, the PDI Act introduces a new means of appeal for applicants as an alternative to appealing to the ERD Court. Applicants may seek a review of a prescribed decision of the Assessment Manager by the Council Assessment Panel. The CAP has adopted a [Review of Decision of Assessment Manager Policy](#) to guide this process.*

## **Consistency Checks/Development Approvals Issued by Administration**

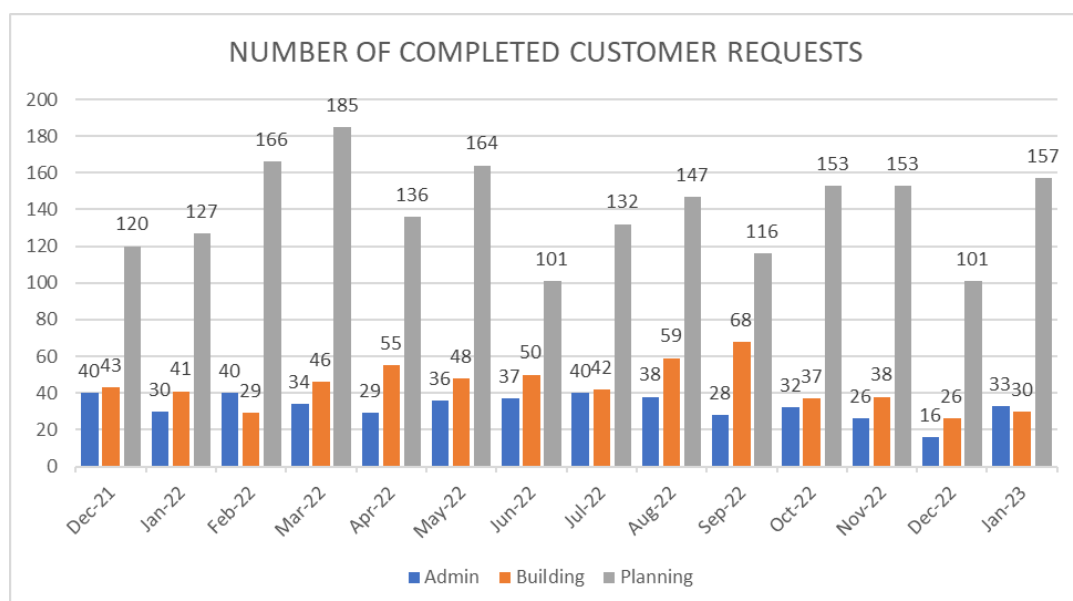
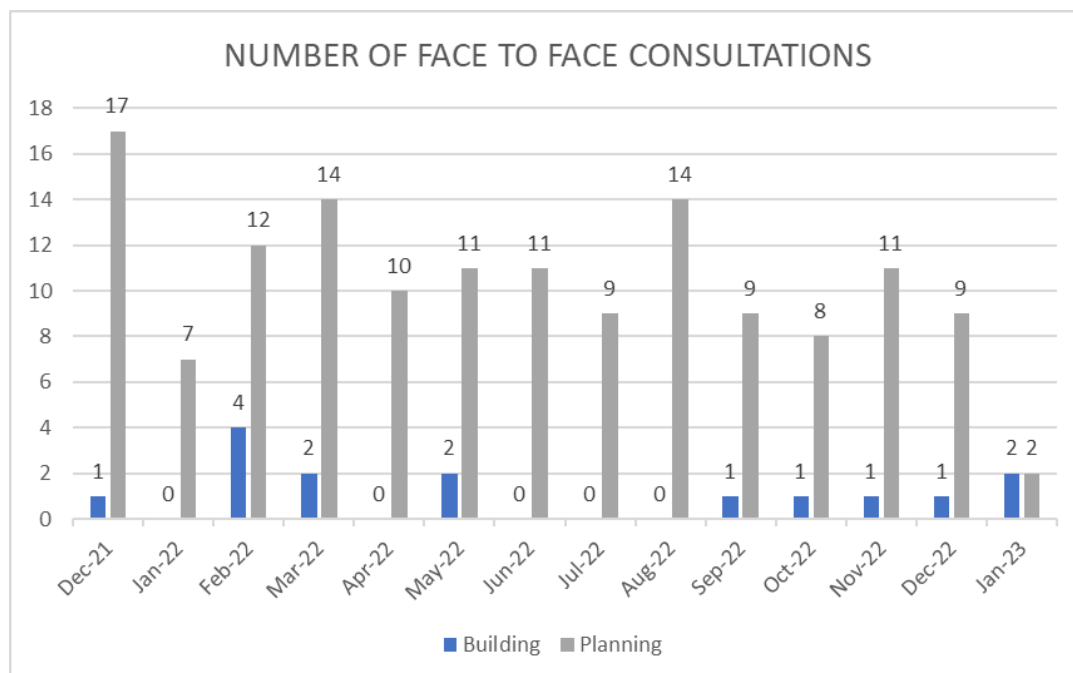
Consistency checks are undertaken when building rules consent is received from the Private Certifier. The plans approved by the Private Certifier are checked against the Planning Consent to ensure that the plans are consistent. The graph below illustrates the number of checks undertaken where full development approval has then been issued.



## **Customer Interactions**

Development advice is provided to customers via phone, email and in person at the Administration Centre. Rostered Duty Planner and Duty Building Officers are available to answer preliminary and general enquiries during Administration Centre opening hours. The Development Administration team are also available to answer general questions, lodgements,

and copies of plans enquiries.

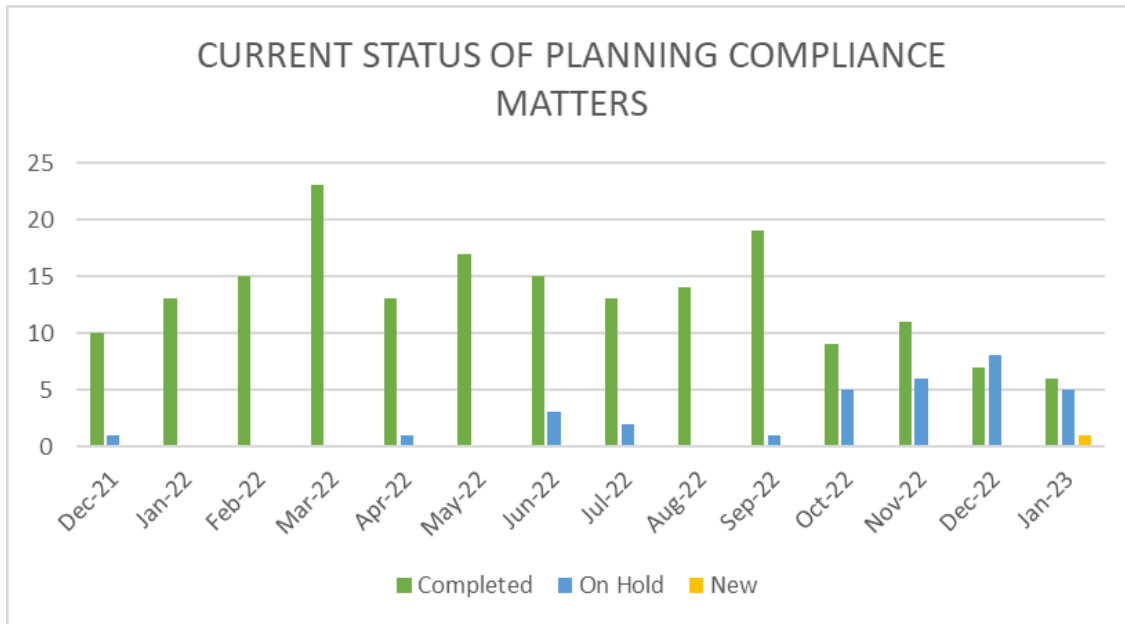


*Note: This data does not include ad-hoc enquiries, calls answered at the time of first contact or queries answered by the Customer Service Centre Team.*

### **Comment:**

The number of customer interactions remains high. It should be noted, whilst a number of events would be simple and require the provision of limited information, others may require considerable time resources and provisions of detailed and comprehensive information.

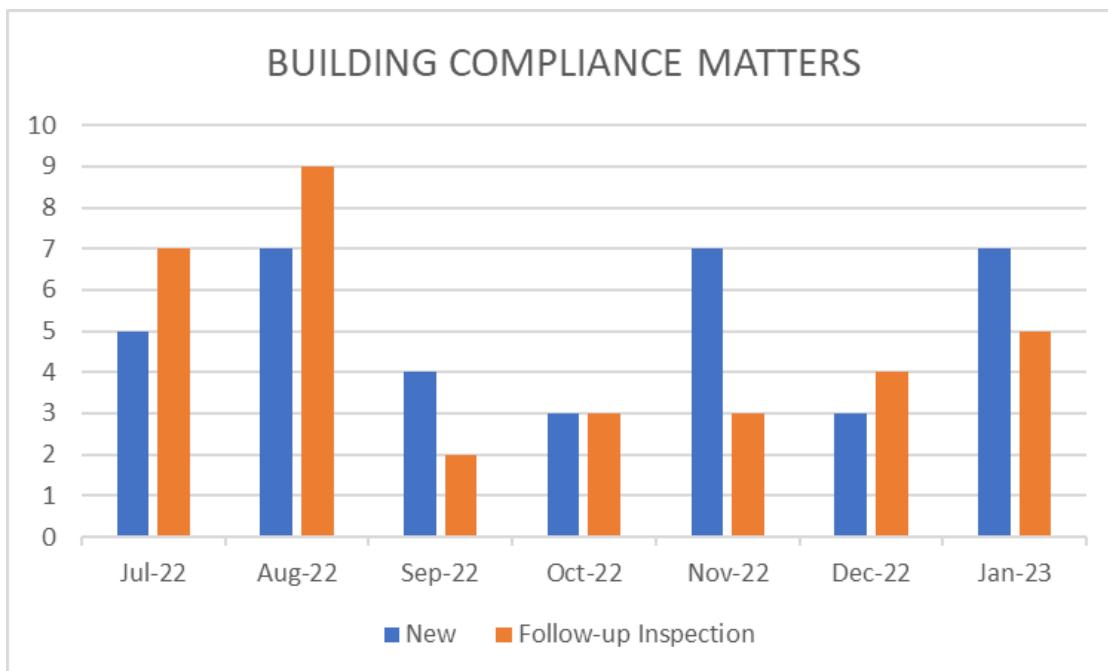
### **Planning Compliance**



**Comment:**

Staff are investigating opportunities for Council to increase the operational capacity of compliance resources to undertake more proactive compliance, particularly focused on the increased conditions stemming from the PDI Act including the inclusion of tree planting and rainwater tanks.

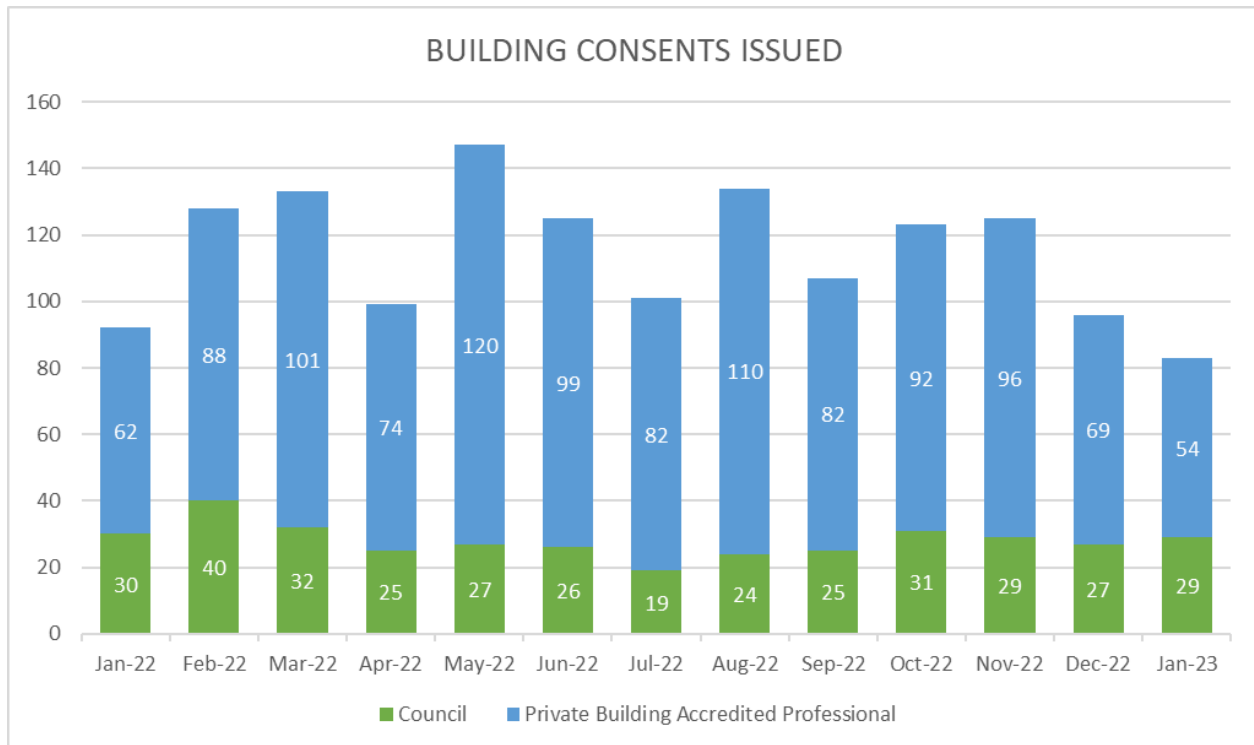
**Building Compliance**



**Comment:**

Staff are investigating opportunities for Council to increase the operational capacity of compliance resources to undertake more proactive compliance relating to swimming pool safety and fire safety matters relating to commercial developments.

### **Building Consent Decisions**



*Note: Building Rules Consents are assessed by Council or private assessors known as Private Certifiers, these privately certified assessments still need to be registered, checked and Development Approval issued by Council.*

### **Building Inspections**

The following data is taken directly from the Plan SA portal.

**Current Snapshot – as at 2 February 2023**



**Notes:** The red line indicates the number of required inspections as directed by legislation and the 'needle' indicates how many inspections have been undertaken.

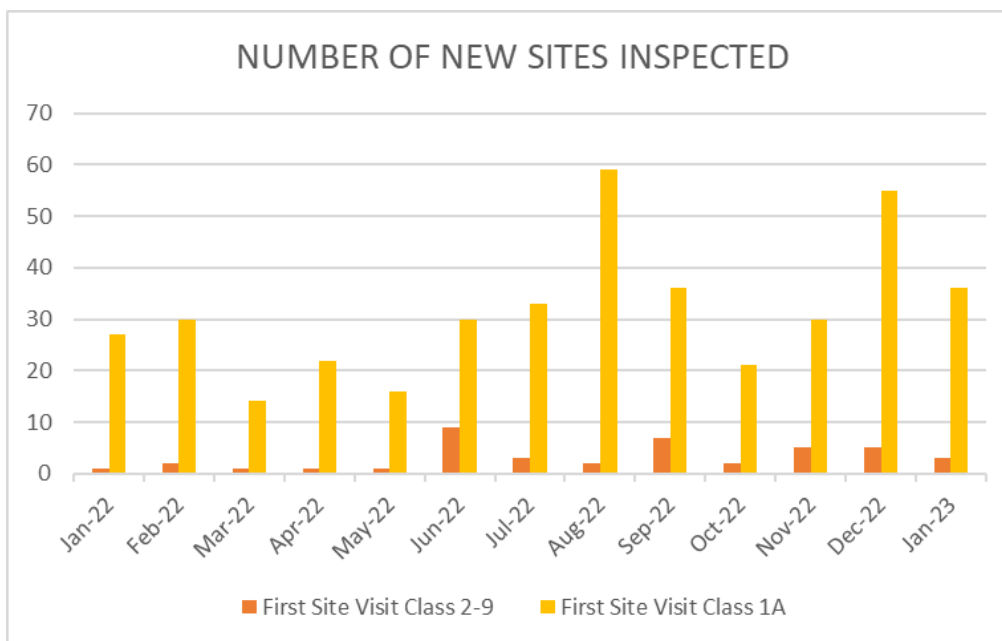
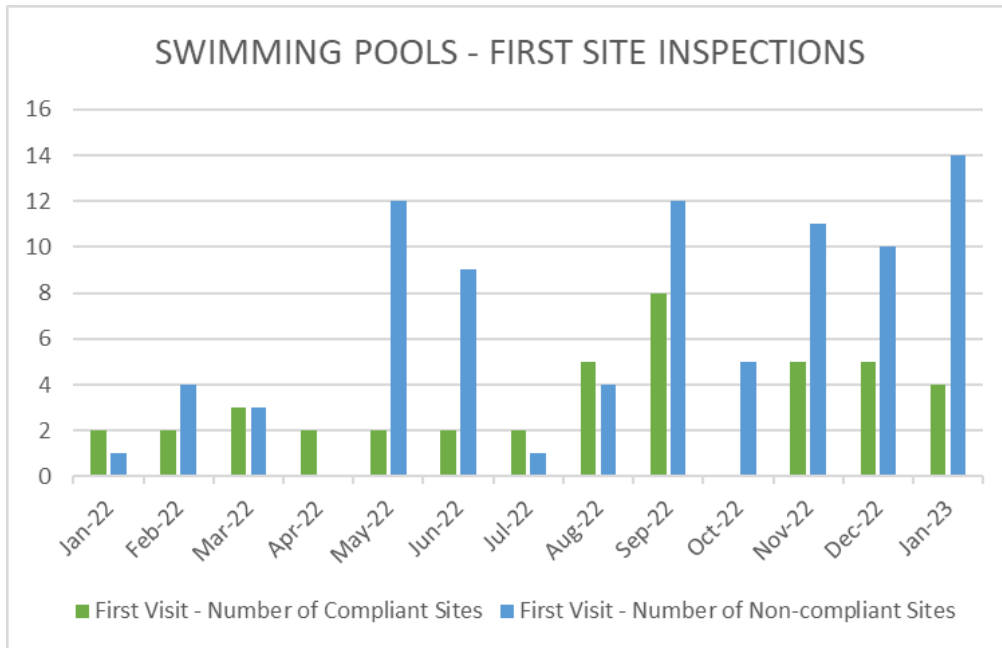
Council does not have any farm buildings to inspect, this is a fixed screen that demonstrates the limitations of the reporting and data presentation available through the Plan SA Portal.

Swimming pools are below the required inspection rate as the image indicates the number of commencement notifications received and we inspect at completion (to ensure safety fencing meets the requirements).

**Comment:**

Council is required to inspect:

- Minimum 66% building class 1, at least once
- Minimum 90% building classes 2-9, at least once
- 100% swimming pools and pool fences, at completion

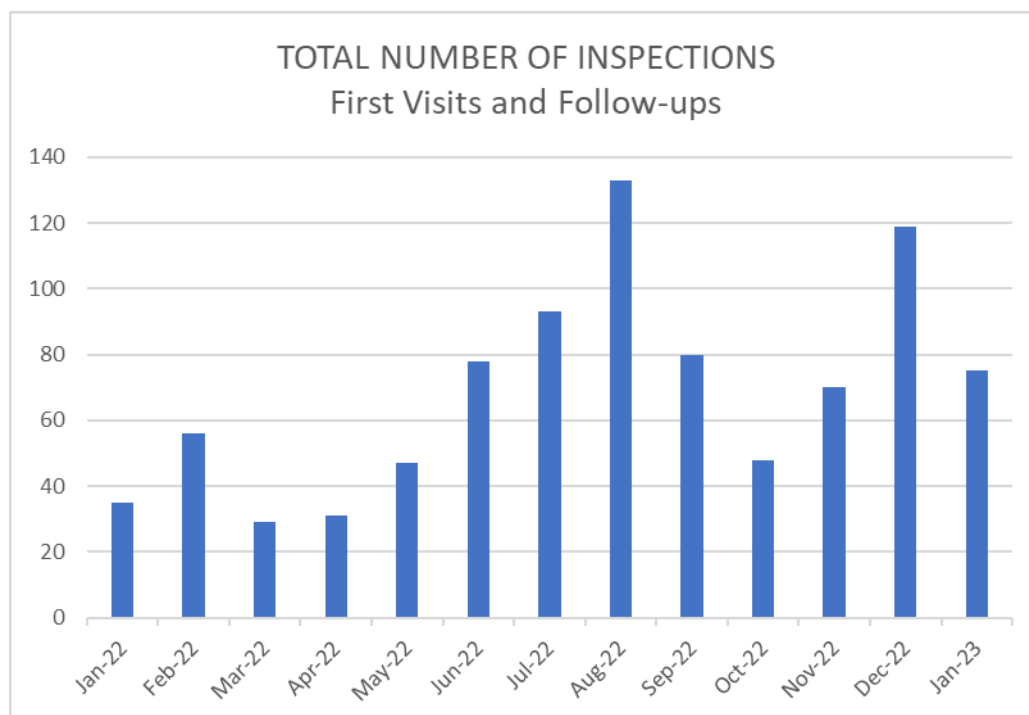


**Note:** New sites inspected does not include follow up or additional inspections made by staff and does not consider whether a site contains multiple buildings requiring inspection.

**Class 1A:** Residential Development – Dwellings, Dwellings Additions, Boarding Houses

**Class 2-9:** Commercial, Industrial, Public Buildings, Schools, Retail, Hotels and Offices





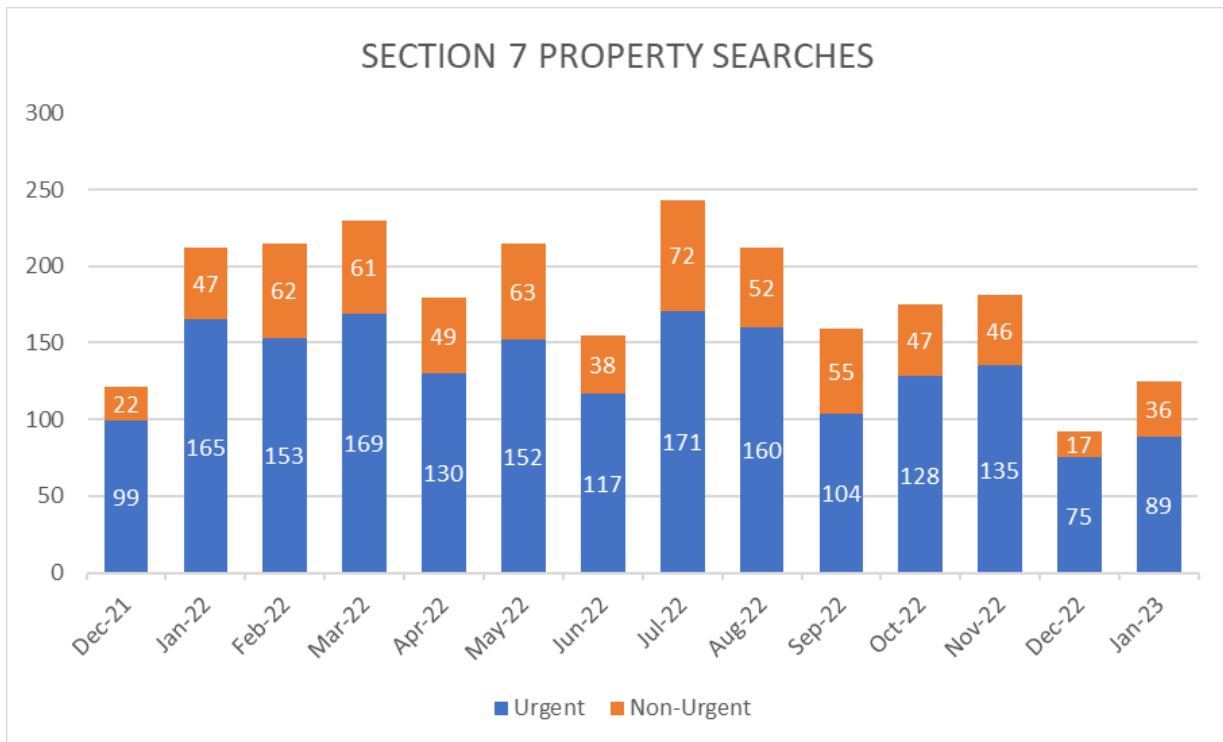
**Comment:**

Builders must notify Council when a site is ready for inspection, at various stages throughout construction such as commencement, footings, framing, fire safety, completion. Council can inspect a site at any stage and may inspect sites multiple times/stages. Sites containing multiple dwellings may also see staff undertake multiple inspections on one site. Non-compliant sites can be re-inspected multiple times. The main issues encountered with non-compliant sites includes:

- Builders not building to the approved plan
- Minor structural deficiencies
- Fire wall deficiencies
- Storm water connection
- Inadequate documentation
- Pool barrier safety upon installation of child-safety barriers
- Essential safety provisions documentation for commercial and industrial buildings
- Statement of compliance documentation for all classes of building work

**Property and land information requests**

When a property is purchased, the purchasers are provided with a Form 1. Council contributes to the Form 1 providing a certificate to the potential purchaser with all relevant known history for the property. A search is done on previous applications to check for continuing conditions, a copy of the indemnity insurance (if available) is attached, and any Land Management Agreements or current notices issued for that particular property are supplied with the certificate.



**Urgent:** Given priority and generally completed within 24 hours of payment.

**Non-urgent:** Council has 8 working days from the day payment is received to complete the search.

*This data does not include Rates Certificate only requests.*

*Note: A Section 7 search is based per CT noting some CT's have multiple parcels.*

## ATTACHMENTS

Nil

## 8.2 Land Development Projects Update

<b>Report Reference</b>	PDC230307R8.2
<b>Originating Officer</b>	Manager Development and Regulatory Services – Warwick Deller-Coombs
<b>Corporate Manager</b>	N/A
<b>General Manager</b>	General Manager City Development - Tony Lines

### REPORT OBJECTIVE

To provide the Planning and Development Committee with a status update on major land development projects.

### RECOMMENDATION

**That the Planning and Development Committee:**

1. **Notes the report.**

### DISCUSSION

Within the City of Marion, there are several major land development projects ongoing. This report is a standing report to keep the Committee informed on the progress of each.

#### Morphettville Racecourse (Morphettville)

<b>Project value (if known)</b>	\$350 million
<b>Land size (approximately)</b>	10 hectares
<b>Description</b>	New housing and commercial developments at the racecourse site.
<b>Comments</b>	CoM component includes approximately 400 low-rise dwellings and potential infield open space activation. The remainder is in City of West Torrens.
<b>Project Update</b>	SAJC have revised their plans to build stables at the course. SAJC are yet to announce builder. SAJC have a code amendment to rezone land West of Morphett Road to mixed use commercial and residential which is currently on consultation.

#### Oaklands Green (Oaklands Park)

<b>Project value (if known)</b>	\$135 million
<b>Land size (approximately)</b>	16.5 hectares
<b>Description</b>	New housing, social housing and upgraded open space.

<b>Comments</b>	740 homes including the replacement of 250 social housing properties. Note increase from 650 due to reconfigurations of allotment layouts.
<b>Project Update</b>	<p>Stage 1A and 1B civil works are nearing completion.</p> <p>Bonds will be in place with Council for works such as reserve landscaping.</p> <p>Settlements are targeted for late March with Rivergum to then commence dwelling construction.</p> <p>The new sales centre at the corner of Jewell St and Barry Rd is nearing installing, with associated landscaping to be completed.</p> <p>Civil stages at 1C and 2A will be next lodged with Council and have already been subject of discussions with Council staff.</p> <p>Demolition of the next vacant properties in the north-western corner are set to commence to allow stormwater works to be undertaken.</p>

Seacliff Village (Seacliff Park)

<b>Project value (if known)</b>	\$200+ million
<b>Land size (approximately)</b>	12 hectares
<b>Description</b>	New housing, open space, retail and medical centre.
<b>Comments</b>	110 terraced housing units, 630 residential apartments, shopping centre and medical centre.
<b>Project Update</b>	<p><b>Suburb renaming</b></p> <p>The Surveyor-General has indicated that they will conduct engagement on Council's idea of a new suburb called "Seacliff Heights" incorporating adjacent land to the south.</p> <p><b>Council Boundaries</b></p> <p>Council received a six-month extension (until mid-year) to the proposal deadline which is currently under review.</p> <p><b>Development projects</b></p> <p>CoM continues to negotiate infrastructure outcomes before agreeing to support the land division DAs.</p>

Cove Point (Hallett Cove)

<b>Project value (if known)</b>	TBC
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<b>Land size (approximately)</b>	12 hectares
<b>Description</b>	New suburban residential development
<b>Comments</b>	180 low-density allotments are envisaged. The area was rezoned in 2019/20 and the site officially transferred to the Marion Council from Onkaparinga Council, through a boundary realignment process (approved in 2021).
<b>Project Update</b>	The development application (22029448) has been lodged and is currently pending the information from the developer as part of the assessment process.

Hills Industries (Edwardstown)

<b>Project value (if known)</b>	N/A
<b>Land size (approximately)</b>	8 hectares
<b>Description</b>	Former home of Hills Industries, the site was previously earmarked for expansion of the Castle Plaza shopping centre. Council previously facilitated a developer-funded development plan amendment for the site to allow the expansion and mixed-use development.
<b>Comments</b>	This site is impacted by site works for the N/S Corridor and is currently under review by Council staff and DIT.
<b>Project Update</b>	TBA

**ATTACHMENTS**

Nil

**9 Workshop / Presentation Items - Nil****10 Other Business****11 Meeting Closure**

The meeting shall conclude on or before 7.00pm unless there is a specific motion adopted at the meeting to continue beyond that time.