

His Worship the Mayor  
Councillors  
CITY OF MARION

## NOTICE OF URBAN PLANNING COMMITTEE MEETING

Committee Room 1  
245 Sturt Road, Sturt

Tuesday, 04 February 2020 at 05:30 PM

The CEO hereby gives Notice pursuant to the provisions under Section 83 of the Local Government Act 1999 that a Urban Planning Committee meeting 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 Committee Rooms is via the main entrance to the Administration Centre on Sturt Road, Sturt.



Adrian Skull  
Chief Executive Officer



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## OPEN MEETING

## KAURNA ACKNOWLEDGEMENT

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

## ELECTED MEMBERS DECLARATION (if any)

## CONFIRMATION OF MINUTES

### Confirmation of the minutes for the Special Urban Planning Committee Meeting held on 21 January 2020

<b>Originating Officer</b>	Development Officer - Planning - Kai Wardle
<b>Corporate Manager</b>	Manager Development and Regulatory Services - Warwick Deller-Coombs
<b>Report Reference:</b>	SUPC200204R01

## RECOMMENDATION:

That the minutes of the Special Urban Planning Committee Meeting held on 21 January 2020 be taken as read and confirmed.

## ATTACHMENTS:

#	Attachment	Type
1	SUPC200121 - Final Minutes	PDF File



## **MINUTES OF THE SUPC200121 - SPECIAL URBAN PLANNING COMMITTEE MEETING**

**Tuesday, 21 January 2020 at 05:30 PM**

**Council Administration Centre, 245 Sturt Road, Sturt**



## **ATTENDANCE**

### **Committee Members**

Councillor - Ian Crossland (Presiding Member)  
Mayor - Kris Hanna  
Councillor - Maggie Duncan  
Councillor - Joseph Masika  
Councillor - Nathan Prior

### **Other Elected Members**

Nil

### **Other Attendees**

Chief Executive Officer: Adrian Skull  
General Manager City Development: Ilia Houridis  
Manager Development and Regulatory Services: Warwick Deller-Coombs  
Team Leader - Planning: Alex Wright  
Senior Policy Planner: David Melhuish  
Development Officer - Planning: Kai Wardle

## **OPEN MEETING**

Councillor Crossland opened the meeting at 05:33 PM

## **KAURNA ACKNOWLEDGEMENT**

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

5:33 PM - Mayor Hanna entered the meeting.

## **ELECTED MEMBERS DECLARATION (if any)**

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

No declarations were made.

## **CONFIRMATION OF MINUTES**

**Confirmation of the minutes for the Urban Planning Committee Meeting held on 1 October 2019**  
**Report Reference:** SUPC200121R01

**Moved Councillor - Maggie Duncan, Seconded Councillor - Joseph Masika**

That the minutes of the Urban Planning Committee Meeting held on 1 October 2019 be taken as read and confirmed.

**Carried Unanimously**

## **BUSINESS ARISING - Nil**

## **CONFIDENTIAL ITEMS - Nil**

## **REPORTS FOR DISCUSSION**

### **Planning Reforms - Response to P&D Code Consultation**

**Report Reference:** SUPC200121R02

**Moved Mayor - Kris Hanna, Seconded Councillor - Nathan Prior**

That the Urban Planning Committee notes the Draft Marion Council Response to the Planning and Design Code as attached to this report, and suggests the following alterations:

- Emphasis placed on the community consultation already undertaken from previous DPAs;
- Clarity of Council's position on car parking;
- Editorial changes;
- Minor variations as requested from Elected Member feedback.

**Carried Unanimously**

### **Seacliff Park Residential and Centre Development Plan Amendment - Final Draft DPA**

**Report Reference:** SUPC200121R03

**Moved Mayor - Kris Hanna, Seconded Councillor - Maggie Duncan**

That the Urban Planning Committee:

1. Recommends to Council that the Draft Seacliff Park Residential and Centre Development Plan Amendment be endorsed as suitable for Ministerial Approval, subject to Council's approval of the Stormwater Deed.
2. Expresses concern about potential traffic impacts, but notes that there will be future opportunities to consider traffic impacts in greater detail following Ministerial Approval when development applications are made.
3. Notes that agreement has not yet been reached between adjoining landowners regarding the haulage road.

**Carried Unanimously**

## **REPORTS FOR NOTING - Nil**

## **WORKSHOP / PRESENTATION ITEMS - Nil**

## **OTHER BUSINESS - Nil**

## **MEETING CLOSURE**

Meeting Declared Closed at 06:24 PM

**CONFIRMED THIS 4TH DAY OF FEBRUARY 2020**

.....

**CHAIRPERSON**

## BUSINESS ARISING

## CONFIDENTIAL ITEMS - Nil

## REPORTS FOR DISCUSSION

### Planning and Design Code Submission

<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 - Ilia Houridis
<b>Report Reference</b>	SUPC200204R02

### REPORT OBJECTIVE

The objective of this report is to seek the Urban Planning Committee's input to changes for the City of Marion's submission on the Draft Planning and Design Code.

### EXECUTIVE SUMMARY

The Urban Planning Committee (UPC) previously endorsed the draft submission the Planning and Design Code on 21 January 2020 (subject to minor changes).

Since then, staff have met with representatives of the Department of Planning, Transport and Infrastructure (on 24 January 2020) resulting from that meeting, DPTI put forward a range of compromised positions for Council to consider.

Council also heard a deputation from a resident (Angela Davison) on 28 January 2020 and this report proposes options on the submission regarding the Southern hills area (south of Seacombe Road).

### RECOMMENDATION

**That the Urban Planning Committee:**

- 1. Notes the updated Draft Marion Council Response to the Planning and Design Code as attached to this report, and suggests the following alterations:**
  - **Either Option 1, 2 or 3 for the southern hills area be selected;**
- 2. Provide Council with recommendation for further amendments as outlined by the Urban Planning Committee.**

### DISCUSSION

Final submissions on the Draft Planning and Design Code are due 28 February 2020.

On 21 January 2020, the Urban Planning Committee (UPC) noted:

*"...the Draft Marion Council Response to the Planning and Design Code as attached to this report, and suggests the following alterations:*

- *Emphasis placed on the community consultation already undertaken from previous DPAs;*



- *Clarity of Council's position on car parking;*
- *Editorial changes;*
- *Minor variations as requested from Elected Member feedback."*

To clarify Council's position on car parking:

- The current off-street and on-street car parking standards as outlined in Council's existing Development Plan should be the minimum requirements within the Planning and Design Code.
- Attachment 1 demonstrates our existing and proposed requirements and this has been copied into our submission.

On 24 January 2020, staff met with Department of Planning, Transport and Infrastructure (DPTI) as the department responsible for undertaking the work on behalf of the State Planning Commission (SPC) and are now able to better inform our submission.

Administration has made changes to the cover letter and submission document (Attachment 2 & 3). The changes to be discussed during the meeting include:

Key Issue 2:

- Strengthening our justification for applying the Suburban Neighbourhood Zone instead of the General Neighbourhood Zone.

Key Issue 7:

- New options for southern hills area drafted (further explained below).

Key Issue 8:

- New note included to alert DPTI to the proposal by Vicinity Centres and our desire to work collaboratively with them and DPTI for any changes to Castle Plaza zoning.

Key Issue 17:

- Consolidated position regarding Marion Road > Urban Corridor section.

Key Issue 18:

- Car parking comparison table added.
- Added Council driveway crossover requirements.

Key Issue 19:

- Strengthened language alerting DPTI that localised design criteria will be lost through removal of desired character statements and suburb specific policies.

General Issues:

- Additional private open space considerations.
- Added comments to suggest overshadowing be considered as a 'deemed to satisfy' requirement.
- Strengthened comments on landscaping requirements.

### Southern Hills and Meeting with DPTI

During a meeting with DPTI on 24 January 2020, Council staff put forward Council's endorsed position seeking Marion's traditional residential areas to the north and south be transitioned to the Suburban Neighbourhood Zone instead of the General Neighbourhood Zone. This would allow Council to maintain it's numerical standards as recently approved by the Housing Diversity Development Plan Amendment (in August 2019).

DPTI had previously released an update report to the Code in December 2019 which clarified some issues but complicated others. This report includes an example of unintentional application of the General Neighbourhood Zone:

**"CASE STUDY -**

Residential Hills Zone to General Neighbourhood Zone – City of Marion

*The General Neighbourhood Zone has been applied to the Hills Policy Area 11 in the Residential Zone in Seaview Downs in the City of Marion. This area is however better suited to be a Suburban Neighbourhood Zone to more appropriately respond to sloping land issues and to maintain large allotments and wider frontages. The Commission supports this change which will ensure that development has regard to the topography and character in this location and in other similar zones across Greater Adelaide.*

*Proposal: Where the General Neighbourhood Zone has been unintentionally applied, it will be replaced with the Suburban Neighbourhood Zone, together with Technical and Numerical Variations, to address the current maximum building height, minimum allotment size and frontage width policies. Any changes will be undertaken in consultation with relevant councils until public consultation concludes in February 2020."*

Source:

[https://www.saplanningportal.sa.gov.au/\\_data/assets/pdf\\_file/0007/613654/Planning\\_and\\_Design\\_Code\\_-\\_Phase\\_3\\_Update\\_Report.pdf](https://www.saplanningportal.sa.gov.au/_data/assets/pdf_file/0007/613654/Planning_and_Design_Code_-_Phase_3_Update_Report.pdf)

**While DPTI confirm this intent, they clarified in an email that they will not be able to confirm this transition prior to the closing of consultation and City of Marion should include the request for changes to the southern hills area in our submission.**

Given part two of the Housing Diversity DPA was not enacted and included possible changes to the southern hills area, UPC and Council may wish to advocate for new rules for the southern hills areas.

The options for Key Issue 7 in the attached paper have been drafted to represent current development plan requirements, those proposed by the Housing Diversity DPA and a third option which is another way to balance the development potential of this area given its sloping topography.

General update

- An Indaily article published 30 January 2020 mentioned that the DPTI Director of Planning Reforms Marcus Bal has recently resigned and the State Government may not be 'open' to postponing the date of implementation of the Code. Until any formal advice is received, staff will be continuing to work towards the 1 July 2020 start date.
- DPTI staff thanked Council staff for providing issues in a way that suggested alternate solutions and not just the 'issues'.

Next steps:

- Submissions on the Draft Code will be sent to the SPC by 28 February.
- DPTI staff will review submissions and provide a summary report to the SPC (likely April).
- The SPC will consider which matters to approve / reject / further discuss and will report back to Council on all issues raised.
- The Minister for Planning will then have the final sign off on the P&D Code.

Following the submission on the P&D Code, CoM Development staff will continue to liaise with our DPTI Council liaison officer and raise pertinent matters with Council and UPC as they arise.

Staff will also focus on the internal business changes required for working within the new planning regime.

**Attachment**

#	Attachment	Type
1	Attachment 1 - City of Marion Car Parking Comparison	PDF File
2	Attachment 2 - PDCode - Formal Response - Covering Letter	PDF File
3	Attachment 3 - UPC - Summary of Issues - 31.1.20	PDF File

## City of Marion Car Parking Comparison as in Submission

	Development Plan	Planning & Design Code	
Off- Street Parking	2 spaces per dwelling (up to 3 bedrooms or rooms capable of being used as bedrooms).	1 space per dwelling (1 or 2 bedroom).	Change
	3 spaces per dwelling containing 4 or more bedrooms (up to 3 bedrooms or rooms capable of being used as bedrooms).	2 spaces per dwelling (3 or more bedrooms)	Change
	1 additional visitor space per 3 dwellings is provided in the case of 3 or more group and residential flat buildings	1 additional visitor space per 3 dwellings is provided in the case of 3 or more group and residential flat buildings	No Change
On-Street Parking	1 space per 2 dwellings	1 space per 3 dwellings	Change
Distance required between driveways	6 metres	6 metres	No Change

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

Dear Mr. Lennon

**Planning and Design Code (Phase 3) Consultation – City of Marion Formal Response**

Thank you for providing Council with an opportunity to review the Planning & Design Code and provide detailed feedback. We attach our submission along with this covering letter.

Council would like to state its dissatisfaction in the version of the Code originally released for consultation purposes in October 2019. Due to the detail provided being the 'back end' of an electronic document, it is very difficult to navigate and therefore comprehend how the Code will look and work as a finished product. The provision of the electronic "front end" component of the Code in addition, would have offered a more intuitive version in which to provide comment on. On top of this, the draft provided contained a considerable number of mistakes and omissions, with parts also appearing unworkable. The document does not appear to be at a stage that was suitable for consultation and it is clearly evident more time and detailed analysis/proof reading was required. In addition, releasing an amended version during the consultation period was an unusual and somewhat confusing procedure, especially as this document referred to changed, or incorrect general policy provisions.

The City of Marion would strongly urge the commission to provide the public with an opportunity to review, and provide comment on, the amended/updated code in its entirety prior to the implementation date.

Please find attached the City of Marion's detailed comments in regard to Phase 3 of the Planning and Design Code (the Code). Council has provided comment on many aspects of the proposed new policy and procedures, however it wishes to highlight a number of key matters that are likely to result in negative impacts on the character and amenity of the Council area and/or result in missed opportunities to better plan for and locate higher density housing. There are also a number of key issues we wish to draw your attention to;

- Given the recent community engagement and Ministerial approval of the CoM Housing Diversity Development Plan Amendment, we are seeking the outcomes of this DPA be implemented in its entirety.
- Implementation of an Urban Corridor Zone along Marion Road, as previously considered as part of the Housing Diversity DPA as was agreed during consultation.
- Implementation of rigorous Urban Design standards, either within the Code or as a standalone statutory document, which places an emphasis on environmentally sustainable and high quality urban design.
- Council has a limited understanding as to how the Planning and Design Code will impact Council's ability to efficiently function (i.e. resourcing) and how the Code will be implemented in practice.
- The reduction in on-site parking requirements, combined with anecdotal evidence indicating a significant percentage of garages/carports are used for storage and vehicular parking, will inevitably result in additional pressures being placed on the local road network.

- Greater emphasis is required on the long term sustainability of development, including additional measures for the greening of the urban realm.

It is requested the Commission and DPTI meet with Council in the immediate future to ensure that appropriate policy and process are created to address the concerns raised in the submission prior to a final of the Code being created.

Further to our request for the Housing Diversity DPA changes to apply, further details are provided below;

### **Northern Part of Council Area (north of Seacombe Road)**

The Minister for Planning has only recently, on 1 August 2019, approved the Marion Council Housing Diversity DPA (Part 1). A major component of Part 1 rezoned much of the northern section of Council's residential area to "Marion Plains Policy Area 8".

The previous zoning in these areas had resulted in the original housing stock being replaced by multiple dwellings at much higher densities which has given rise to, amongst other things, a loss in amenity to streetscapes and issues with on-street car parking and congestion on the local road system. Council has received constant complaints on the matter for many years.

During public consultation of the Housing Diversity DPA, an extensive number of submissions were received from the community requesting a reduction in the number, scale and density of infill development.

The Marion Plains Policy Area seeks increased allotment sizes (site area and street frontages) so as to better control and reduce the number of dwellings being constructed, along with the associated issues/impacts.

On 1 July 2020 the State Government's new Planning and Design Code will replace Council's Development Plan, including the recently approved Marion Plains Policy Area and the new policy criteria.

Council's understanding is that the Code will be replacing the Marion Plains Policy Area with the 'General Neighbourhood Zone'. This zone permits allotment sizes of between 200m<sup>2</sup> and 300m<sup>2</sup> in area, with frontages of between 7m and 9m for dwellings facing a road and 15m for unit type development. These dimensions are of a lesser dimension than, not only that proposed by the recently approved "Marion Plains Policy Area", but also the previous policy area that Marion Plains Policy Area superseded, meaning that the density of infill development and the associated issues will be greater/worse than that we currently experience!

This seems to contradict one of the key objectives of the Code; to improve the design standards and associated impacts of infill development.

Council sees the proposed General Neighbourhood Zone as a step backwards, as it undoes the greater protection against the impacts of infill development proposed by Council's Housing Diversity DPA.

Council is seeking that the Marion Plains Policy Area be replaced with the Code's 'Suburban Neighbourhood Zone' which, as we understand, would enable us to retain our individual suburban character and the criteria currently within the Marion Plains Policy Area. This would better meet the expectations of our community while still allowing development to progress across our city.

*Refer to Issue 2 in the accompanying 'Summary of Issues' document for further detail on this matter.*

### **Southern Part of Council Area (south of Seacombe Road)**

Council has received many requests over the years from residents in the southern suburbs for the opportunity to sub-divide and redevelop their property to allow them to remain in the area in a more functional house on a smaller and more manageable site.

The southern part of the Council area was therefore also being considered for rezoning and changes in opportunity for a greater diversity of housing types as part of the Housing Diversity DPA.

Council is mindful that the southern section of Marion Council comprises a considerable amount of relatively steep sloping land, which could be problematic for development at a higher density. Council's Housing Diversity DPA made a delineation between the lesser and steeper sloping land; proposing to retain the steeper sloping land in the current Hills Policy Area, requiring a minimum site area of 700m<sup>2</sup>. A new Foothills and Seaside Policy Area would allow allotments of between 300m<sup>2</sup> and 400m<sup>2</sup> to be created, dependent on the grade of slope of the land.

Other than for the suburb of Hallett Cove, the Foothills and Seaside Policy Area component of the Housing diversity DPA was not approved by the Minister, so properties remain in the original/current policy areas.

Council's understanding is that the Code was originally replacing all of the current policy areas in the southern part of the Council area with the 'General Neighbourhood Zone', with no consideration for the sloping topography of the land and no delineation between the lesser and steeper sloping land.

The proposed allotment sizes for the southern area would have been the same as for land on the flat land in the north of the Council area (200m<sup>2</sup> - 300m<sup>2</sup>). Allotments of this size would be totally unsuitable on sloping land.

Council is seeking that the proposed General Neighbourhood Zone be replaced with the Code's 'Suburban Neighbourhood Zone' which, as we understand, would enable Council to seek inputting of, and perhaps expanding on, the criteria proposed for the Foothills and Seaside Policy Area as part of the Housing Diversity DPA.

*Refer to Issue 7 in the accompanying 'Summary of Issues' document for greater detail on this matter.*

It is understood the Commission has, as part of the Phase Three (Urban Areas) Code Amendment - Update Report, acknowledged the General Neighbourhood Zone is inappropriate for areas where specific policy applies relating to the management of sloping land, where the intended land division pattern is for large allotments and wider frontages or where current zoning typically does not seek increased diversity or density.

This notwithstanding, the Phase Three (Urban Areas) Code Amendment - Update Report states changes will be undertaken in consultation with relevant councils until public consultation concludes in February 2020. To date, no formal consultation with Council has occurred, nor has Council been consulted as to what areas of the Council these changes (and the content of the changes) will apply to.

### **Urban Corridor along Marion Road**

The Housing Diversity DPA sought the creation of an Urban Corridor Zone along much of Marion Road. This Zone would provide opportunity for multi-storey mixed use development (retail/commercial/residential) in appropriate locations and help relieve the pressure for infill development in local streets in the inner suburbs.

The Urban Corridor Zone was not approved by the Minister as part of the Housing Diversity DPA, so properties remain in the original/current zones and policy areas, which are predominantly residential in nature. A number of property owners along Marion Road have been in contact with Council seeking an update on the status of the rezoning as they were intending to and ready to redevelop their land.

As the properties along Marion Road remain residentially zoned there has been no proposed transition across to an urban corridor, or similar, as part of the Planning and Design Code. Council is seeking that Marion Road is given consideration for rezoning to urban corridor as part of the transition to the new Code, rather than waiting to undertake a Code Amendment after the Code is authorised.

*Refer to Issue 17 in the accompanying 'Summary of Issues' document for greater detail on this matter.*

### **Reduction in Design Criteria**

The Planning & Design Code appears to significantly reduce the existing localized design criteria found within specific Policy Area Desired Characters and Principles of Development Control. This loss results in a system which is more outcome focussed, rather than a system which ensures built form is of a high quality design and fits or improves its locality.

Council understands that there is to be a more robust design system for large scale development (including guidelines) however there does not appear to be anything similar proposed to ensure that smaller scale infill development (which is probably the largest component of new housing development) will be of an acceptable level of design. Whilst it is acknowledged the Planning and Design Code provides a range of design features, specific Policy Area Principles and Objectives informing and providing guidance on built form outcomes have been removed. Additionally, no provision of greater urban design standards within the Planning & Design Code that ensures the design of all built form includes environmental sustainability considerations has been included. This is of great concern to Council.

*Refer to Issue 19 in the accompanying 'Summary of Issues' document for greater detail on this matter.*



It is Council's intention to pursue the best outcomes for our community as part of the Planning and Design Code implementation process. To that end, we are raising these issues of concern in the hope that a productive solution can be found.

If you are interested to work with Council to hear more about the work that went into Housing Diversity DPA process and the level of community input, we would be more than happy to share this with you.

Lastly, we reserve the right to make further comments on the Code and other planning reforms as their full affects become apparent.

I look forward to the Commission's response on how these issues will be addressed.

Yours sincerely

Kris Hanna  
**Mayor**  
**City of Marion**

Enclosed:

1. City of Marion Response to the Planning and Design Code
2. City of Marion Residential Design Guidelines

# Summary of Issues

Marion Council Submission on the Draft  
Planning & Design Code – February 2020



<b>Issue 1</b>	Oaklands Park Policy Area 14 to General Neighbourhood Zone	<b>1</b>
<b>Issue 2</b>	Marion Plains Policy Area 8 to General Neighbourhood Zone	<b>2</b>
<b>Issue 3</b>	Suburban Activity Zone (Laffers Triangle) to Urban Neighbourhood Zone	<b>4</b>
<b>Issue 4</b>	Industry Zone, Precinct 4 Industry Interface to Suburban Employment Zone	<b>5</b>
<b>Issue 5</b>	Industry Zone, Winery Policy Area 8 to Suburban Employment Zone	<b>6</b>
<b>Issue 6</b>	Dwelling site exclusivity definitions issue	<b>7</b>
<b>Issue 7</b>	Cement Hill Policy Area 10, Hills Policy Area 11, Foothills and Seaside Policy Area 23, Southern Policy Area 18, Worthing Mine Policy Area 20 to General Neighbourhood Zone	<b>8</b>
<b>Issue 8</b>	Mixed Use (PA 12 Castle Plaza Environmental Assessment Area) to Suburban Main Street Zone Mixed Use Zone (no precinct) to Suburban Activity Centre Zone Mixed Use (PA 13 Limited Residential Development) to Suburban Business and Innovation Zone	<b>14</b>
<b>Issue 9</b>	Regional Activity Zone (Tonsley and Laffer's Triangle) to Innovation Zone	<b>15</b>
<b>Issue 10</b>	Local Centre Zone to Suburban Activity Centre Zone Neighbourhood Centre Zone to Suburban Activity Centre Zone	<b>16</b>
<b>Issue 11</b>	District Centre Zone to Community Facilities Zone ( <i>Precinct 2 Community Hallett Cove</i> ) District Centre Zone to Suburban Activity Centre Zone ( <i>Precinct 3 Retail Core Hallett Cove</i> )	<b>17</b>
<b>Issue 12</b>	Mineral Extraction Zone to Resource Extraction Zone Hills Face Zone to Hills Face Zone	<b>18</b>
<b>Issue 13</b>	Community Zone (Recreation PA 22) to Recreation Zone Community Zone to Community Facilities Zone	<b>19</b>
<b>Issue 14</b>	Racecourse (Morphettville) Zone to Recreation Zone	<b>20</b>
<b>Issue 15</b>	Metropolitan Open Space System (MOSS) to Open Space Zone	<b>21</b>
<b>Issue 16</b>	Spatial Map Zone and Overlay Issues	<b>22</b>
<b>Issue 17</b>	Rezoning of land adjacent Marion Road from Urban Corridor Zone	<b>24</b>
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<b>Issue 19</b>	Limited Provision of Urban Design Standards	<b>28</b>
<b>Issue 20</b>	Character Area Statements	<b>30</b>
<b>Issue 21</b>	Flooding Overlay/General Policies	<b>31</b>
<b>Issue 22</b>	Stormwater/Retention Tanks	<b>32</b>
<b>General Issues</b>	What constitutes a 'Minor Variation' Public Notification and general code drafting errors Private Open Space Overshadowing Site Contamination Overlay Landscaping Other	<b>33</b>

### **Issue 1**

#### **Oaklands Park Policy Area 14 to General Neighbourhood Zone**

##### **Change Sought:**

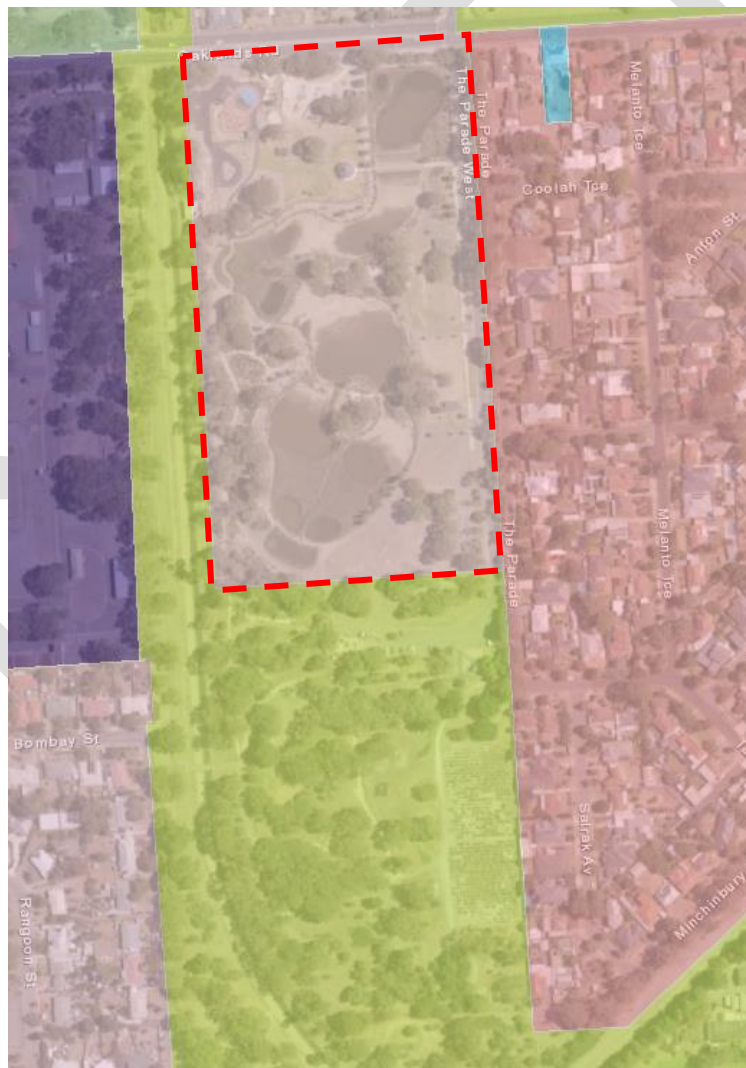
- Change proposed General Neighbourhood Zone to Open Space Zone.

##### **Key Reason:**

- Current Policy Area (within existing Development Plan) was created prior to the redevelopment of the locality and creation of Oaklands Wetlands. Residential development is not an anticipated or desired outcome on the site.

##### **Solution:**

- Amend proposed zoning of area identified in image below (red outline) to Open Space Zone, in line with remainder of open space areas to the south and west.



## Issue 2

### Marion Plains Policy Area 8 to General Neighbourhood Zone

#### Changes Sought:

- Change proposed General Neighbourhood Zone to Suburban Neighbourhood Zone for all areas currently zoned Marion Plains Policy Area 8 within existing Development Plan (Residential Zone Map included as part of submission).
- Include Technical and Numerical Variation Overlays for allotment size and frontage widths that reflect the existing policy requirements.

#### Key Reason:

- Preservation of exiting character and reduction of the impact of infill development. The current zoning seeks a lower density than proposed through the provision of larger allotments and frontage widths.
- A major component of Part 1 of the Marion Council Housing Diversity DPA (Part 1) resulted in the rezoning of a considerable amount of Council's residential area north of Seacombe Road to the "Marion Plains Policy Area 8". This was formally gazetted on 8<sup>th</sup> August 2019.
- The previous zoning in these areas had resulted in the original housing stock being replaced by multiple dwellings at much higher densities, which had given rise to a loss in amenity to streetscapes, issues with on-street car parking and congestion on the local road system. Council has received constant complaints on the matter for many years.
- During public consultation of the Housing Diversity DPA, an extensive number of submissions were received from the community requesting a reduction in the number, scale and density of infill development.
- The Marion Plains Policy Area 8 sought an increase in allotment sizes (site area and street frontages) so as to better control and reduce the number of dwellings being constructed, along with the associated issues/impacts. The proposed General Neighbourhood Zone provides lesser allotment dimensions than, not only those proposed by the Marion Plains Policy Area 8, but also the previous policy area that Marion Plains Policy Area superseded.

#### Solution:

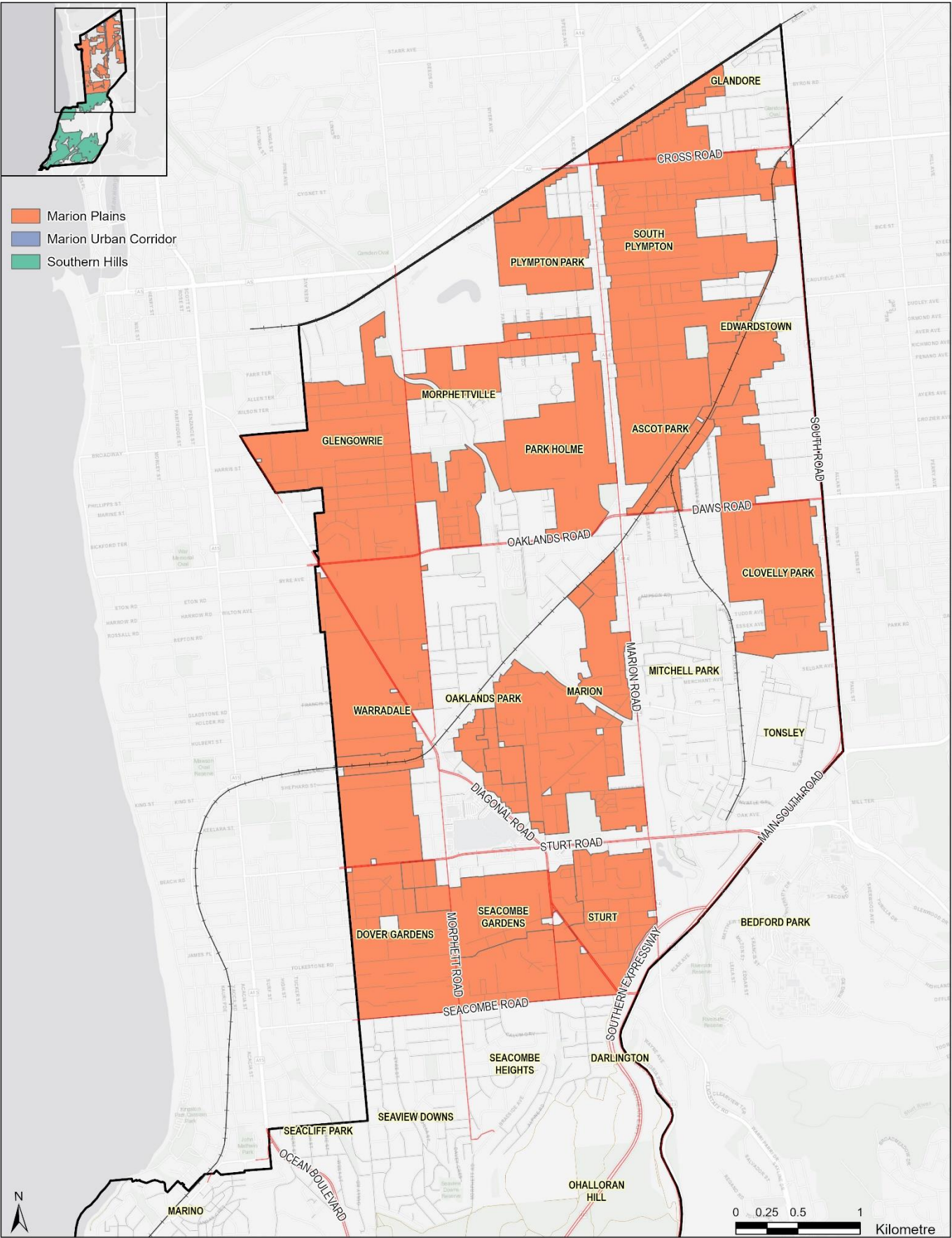
1. Convert existing Marion Plains Policy Area 8 to Suburban Neighbourhood Zone.
2. Include the following Technical and Numerical Variation Overlay requirements:

Dwelling Type	Site Area	Frontage
Detached Dwelling	350 square metres	10 metres
Semi-detached Dwelling	350 square metres	10 metres
Row Dwelling	300 square metres	9 metres
Group Dwelling	350 square metres	20 metres
Residential-flat building	350 square metres	20 metres





Residential Areas North of Seacombe Road



### Issue 3

#### Suburban Activity Zone (Laffers Triangle) to Urban Neighbourhood Zone

##### Issue:

- The area currently zoned Suburban Activity Node Zone/Core Area within the existing Development Plan is proposed to be incorporated within the Urban Neighbourhood Zone.

The current zone seeks a desired minimum net residential density of 70 dwellings per hectare within the 'Core Area' and 50 dwellings per hectare elsewhere (remainder of area). Additionally, the minimum and maximum building height for dwellings are as follows;

Designated area	Minimum building height	Maximum building height
Core Area	2 storeys	6 storeys / 24.5 metres
Other Area	1 storey	4 storeys / 16.5 metres
Area adjacent a lower density residential zone boundary	1 storey	2 storeys / 12.5 metres

DTS 1.2 seeks residential development (other than residential development in a mixed use building) achieves a net residential density of at least 150 dwellings per hectare, except where varied by a *Concept Plan Technical and Numeric Variation Overlay*. A review of the Planning & Design Code has identified no Concept Plan exists for this locality.

The *Maximum Building Height Levels Technical and Numeric Variation Overlay* and *Maximum Building Height Metres Technical Overlay* states a maximum of three storeys and a maximum building height of 12.5 metres applies.

##### Clarification Required:

- It is unclear how a minimum net residential density of 150 dwellings per hectare can be achieved given the building height and storey limitations, especially when considering the Zone contemplates non-residential uses. Additionally, it is unclear what residential density is sought when included within a 'mixed use building'.

Further consideration to the proposed desired density and/or the maximum building height/storeys is required.

#### Issue 4

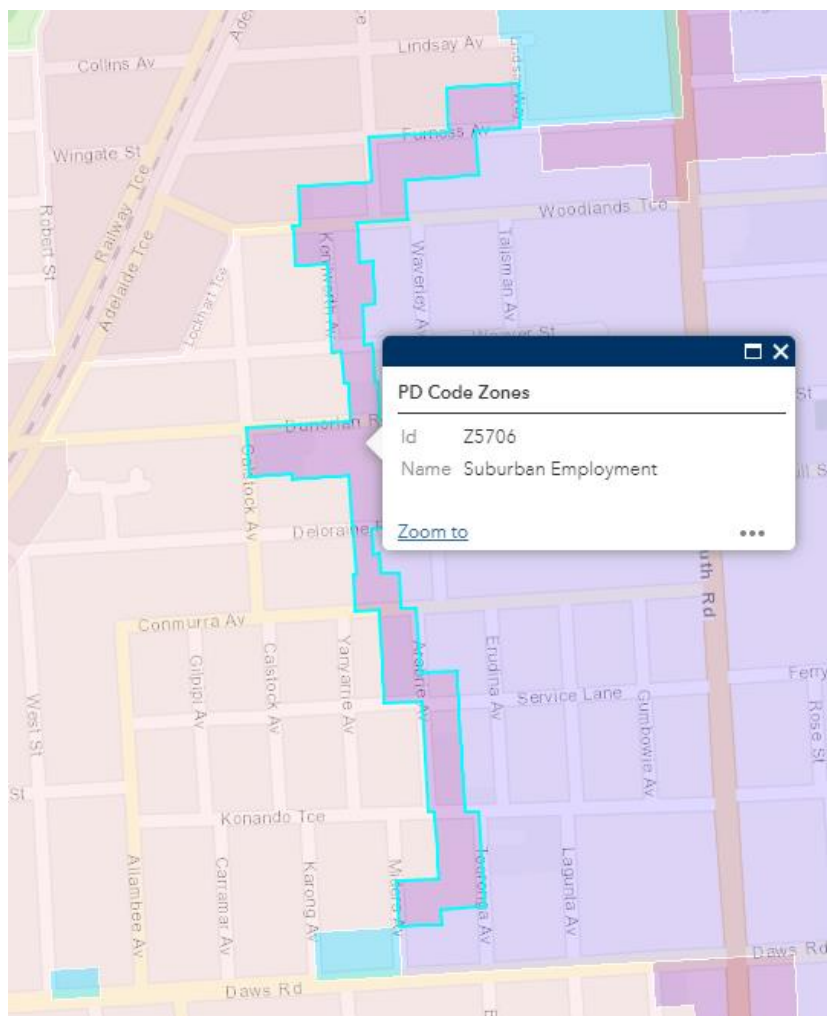
#### Industry Zone, Precinct 4 Industry Interface to Suburban Employment Zone

##### Issue:

- The current Precinct 4 Industry Interface is proposed to be included within the Suburban Employment Zone, however this interface area is a transition space between heavier industry and existing residential. It is considered that Suburban Employment Zone does not afford appropriate protection to both adjacent residential land uses (within General Neighbourhood Zone) and the potential uses anticipated within the adjacent Employment Zone.

##### Solution:

- The current Precinct 4 Industry Interface should be a 'sub-zone' of the Suburban Employment Zone which incorporates the protection currently provided by the existing Development Plan.



**Area highlighted in blue is the current Interface**

## Issue 5

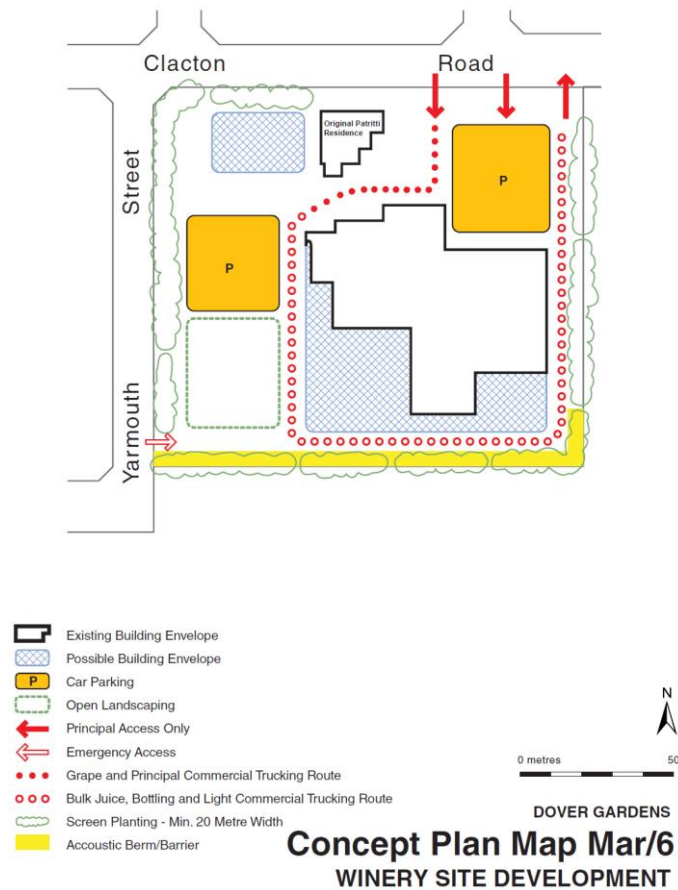
### Industry Zone, Winery Policy Area 8 to Suburban Employment Zone

#### Issue:

- The current Winery Policy Area 8 contains specific Principles of Development Control that limits the type (i.e. buildings for Winery and ancillary related purposes) and intensity of the use, and provides guidance on the desired built form outcomes. Suburban Employment Zone does not provide specific restrictions on the type of use and likely built form outcomes.

#### Solution:

- Give the small scale nature of the Policy Area (a single allotment), Council is of the opinion the current Winery Policy Area 8 should be a 'sub-zone' of the Suburban Employment Zone which incorporates restrictions on future use, and the desired built form outcome currently provided by the existing Development Plan. Additionally, the existing Winery Site Development (Dover Gardens) Concept Plan should be included as a *Concept Plans Technical and Numeric Variation Overlay*.





## **Issue 6**

### **Dwelling site exclusivity definitions issue**

- Generally, throughout the Planning and Design Code particular dwelling types, namely, detached, semi-detached, row dwellings and group dwellings are referenced in the 'Class of Development' tables for Deemed-to Satisfy and 'Performance Assessed Development'.

It is noted that 'dwelling' is not listed in these tables, or as an anticipated form of development in many primarily residential type zones such as the General Neighbourhood Zone.

The Planning & Design Code designates minimum site areas and allotment frontages etc. for each form of dwelling type (detached dwelling through to residential flat building). In certain circumstances, where an application for more than one dwelling is proposed, the correct interpretation (defined by case law) as outlined by the current and proposed definitions, is that either individual titles must exist or an associated land division is required to be considered concurrently within the same application to legally define the type of dwelling to be assessed. Without the aforementioned requirements the dwelling can only be defined as a 'dwelling'. Many zones within the Planning & Design Code do not provide criteria in which to assess a 'dwelling' in terms of site area and dimensions.

Without a change to the definitions to capture this anomaly, there are likely to be instances where developments cannot be technically or legally assessed against the criteria available within a particular zone. Council is aware that not all Councils and private certifiers use the interpretation mentioned above, so there is likely to be a lack of consistency between the way that applications are assessed.

## **Issue 7**

### **Cement Hill Policy Area 10, Hills Policy Area 11, Foothills and Seaside Policy Area 23, Southern Policy Area 18, Worthing Mine Policy Area 20 to General Neighbourhood Zone**

#### **Overview**

Council seeks for the Foothills and Seaside Policy Area 23 (brought in by the Housing Diversity DPA) currently covering the suburb of Hallett Cove to be transitioned to the Suburban Neighbourhood Zone, and/or a Sub Zone but with the inclusion of amended allotment site area and frontage width criteria relative to land gradient (OR via Technical and Numerical Variation Overlays).

There are currently five (5) different residential policy areas in the southern part of the Council;

- Cement Hill Policy Area 10
- Hills Policy Area 11
- Southern Policy Area 18
- Worthing Mine Policy Area 20
- Foothills and Seaside Policy Area 23

The existing Policy Areas provide following characteristics;

- Cement Hills Policy Area (allowing detached dwellings on a site area of 420m<sup>2</sup> and 15 metre frontage).
- Foothills and Seaside Policy Area, brought in by the Housing Diversity DPA (allowing a range of housing types, site areas ranging between 350m<sup>2</sup> and 400m<sup>2</sup> dependent on gradient of slope and frontages ranging between 9m and 20m).
- The Hills Policy Area (allowing detached and group dwellings with site areas ranging from 700m<sup>2</sup> and 1100m<sup>2</sup> dependent on gradient and frontages ranging between 18m and 26m).
- Southern Policy Area (allowing a range of housing types on site areas ranging from 280m<sup>2</sup> to 420m<sup>2</sup> and frontages ranging between 8m and 20m)
- Worthing Mine Policy Area (allowing detached, semi-detached and row dwellings on site areas ranging between 300m<sup>2</sup> and 540m<sup>2</sup> dependent on site gradient and frontages ranging between 10m and 18m).

As there is a vast variation in housing types, frontage widths, site areas and gradient requirements between the five policy areas, using the site dimension criteria from the Foothills and Seaside Policy Area may not provide the most appropriate solution for the whole of the southern suburbs. Consideration of the slope of the areas previously designated too steep to be included in the Foothills and Seaside Policy Area (Escarpment Policy Area) is required. Three scenarios for the rezoning of the southern suburbs are discussed below under 'Recommended Changes'.

#### **Changes Sought:**

- Change proposed General Neighbourhood Zone to Suburban Neighbourhood Zone for all five Policy Areas within the existing Development Plan
- Technical and Numeric Variations to reflect (at a minimum) the criteria currently associated with Foothills and Seaside Policy Area 23 (site area, site frontage, building heights).

The P&D Code shows an intention to rezone all of the residential areas south of Seacombe Road to the one residential zone with no difference in policy criteria, whereas Council's Housing Diversity DPA made a delineation between the lesser and steeper sloping land; proposing to retain the steeper sloping land in the current Hills Policy Area, requiring a minimum site area of 700m<sup>2</sup>. This being the case, the criteria for land with a gradient of greater than 1:8 for the Foothills and Seaside Policy Area 23 (400m<sup>2</sup> site area) is inappropriate for the steeper land and should be increased accordingly, with perhaps different criteria for land greater than 1:4. See next point below.

- DTS/DPF2.2 (SNZ) – site areas and site frontage dimensions (shown in table b of DTS/DPF 2.2) be amended to provide a more appropriate transition between differences in gradient, especially when compared to the site dimensions appropriate for gradients less than 1:8, which Council is suggesting require a minimum site area of 350m<sup>2</sup> and 10m frontage (refer to Foothills and Seaside Policy Area 23).
- The site dimensions within the table should also be amended to either; better reflect the dwelling type rather than have one criteria for all, or, restrict the types of dwellings possible on land with a gradient greater than 1:8 and/or 1:4.
- Secondary street setbacks and side boundary setbacks need to be reconsidered (increased) for the steeper sloping land to help reduce site work impacts and the potential difference in ground level between adjacent sites.
- Ensure the above criteria and the relative (and different) criteria for other existing residential policy areas that are to be transitioned into the Suburban Neighbourhood Zone are transitioned appropriately.

#### **Key Reasons:**

- The southern section of Marion Council (south of Seacombe Road) comprises a considerable amount of relatively steep sloping land. Under the proposed General Neighbourhood Zone allotment sizes for this land would be the same as for land on the plains (flat land) in the north of the Council area (200m<sup>2</sup> - 300m<sup>2</sup>). Allotments of this size would be totally unsuitable on sloping land given the likely need for associated retaining and earthworks to accommodate a future dwelling. The area of Hallett Cove, which was covered by the recently approved Housing Diversity DPA (Part 1) proposes allotments of between 300m<sup>2</sup> and 400m<sup>2</sup>. The southern suburbs of Marion should be at least this dimension and preferably larger on land that is steeply sloping.
- The site works (cut/fill and retaining walls etc.) required on steeper sloping land can be substantial and can have impacts on neighbouring properties and the streetscape. The smaller the allotment the greater the impacts are likely to be; therefore appropriately sized minimum site areas and frontages are critically important. In addition to the above, secondary street setbacks and side boundary setbacks will also need to be greater than those considered appropriate on the plains.

#### **Solution:**

- It is suggested Council meet with DPTI/the Commission to ensure that an appropriate policy is created for the steeper sloping land in Council's southern suburbs.
- Amended southern section of Marion Council (south of Seacombe Road) to Suburban Neighbourhood Zone with applicable Technical and Numerical Variations relating to block size and gradient of land.

## **Recommended Changes:**

### **Option 1**

Convert the existing residential zone/policy areas in the suburbs south of Seacombe Road to Suburban Neighbourhood Zone and create a new zone or 'sub-zone' (e.g. Marion South) which reflects the policy of the current Foothills and Seaside Policy Area 23

- 10 A dwelling should have a minimum site area (and in the case of residential flat buildings and group dwellings, an average site area per dwelling) and a frontage to a public road and site depth not less than that shown in the following table:

Dwelling Type	Average Site Gradient	Minimum Site Area (square metres)	Minimum Frontage Width		Minimum Site Depth (metres)
			Other Road (metres)	Arterial Road (metres)	
Detached Semi-detached	Less than 1-in-8	350	10	12	20
	More than 1-in-8	400	12	12	20
Row	Less than 1-in-8	300	9	12	20
	More than 1-in-8	350	10	12	20
Group Residential flat building	Less than 1-in-8	300	20	20	45
	More than 1-in-8	400	20	20	45

- 11 Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.

### **Option 2**

Convert the existing residential zone/policy areas in the suburbs south of Seacombe Road to Suburban Neighbourhood Zone and create a new zone or 'sub-zone' (e.g. Marion South) which reflects the policy of the current Foothills and Seaside Policy Area 23 and includes the following amended minimum allotment dimensions (to better reflect the inclusion of steeper sloping land);

Dwelling type	Site gradient	Minimum site area (square metres)	Minimum frontage width		Minimum site depth
			Other road (metres)	Arterial road (metres)	
Detached Semi-detached	Less than 1-in-10	350	10	12	20
	Between 1-in-10 and 1-in-8	400	12	12	20
	More than 1-in-8	500	15	15	20
Row	Less than 1-in-10	300	9	12	20
	Between 1-in-10 and 1-in-8	350	10	12	20
	More than 1-in-8	400	10	12	20
Group Residential flat	Less than 1-in-10	300	20	20	45
	Between 1-in-10 and 1-in-8	400	20	20	45
	More than 1-in-8	500	20	20	45

### Option 3

Convert the existing residential zone/policy areas (with the exception of the areas that were to be located within the Escarpment Policy Area as part of the Housing Diversity DPA) in the suburbs south of Seacombe Road to Suburban Neighbourhood Zone and create a new zone or 'sub-zone' (e.g. Marion South) which reflects the policy of the current Foothills and Seaside Policy Area 23. Those areas to be covered by the Escarpment Policy Area to have a minimum site area of 700m<sup>2</sup> and frontage of 18 metres.

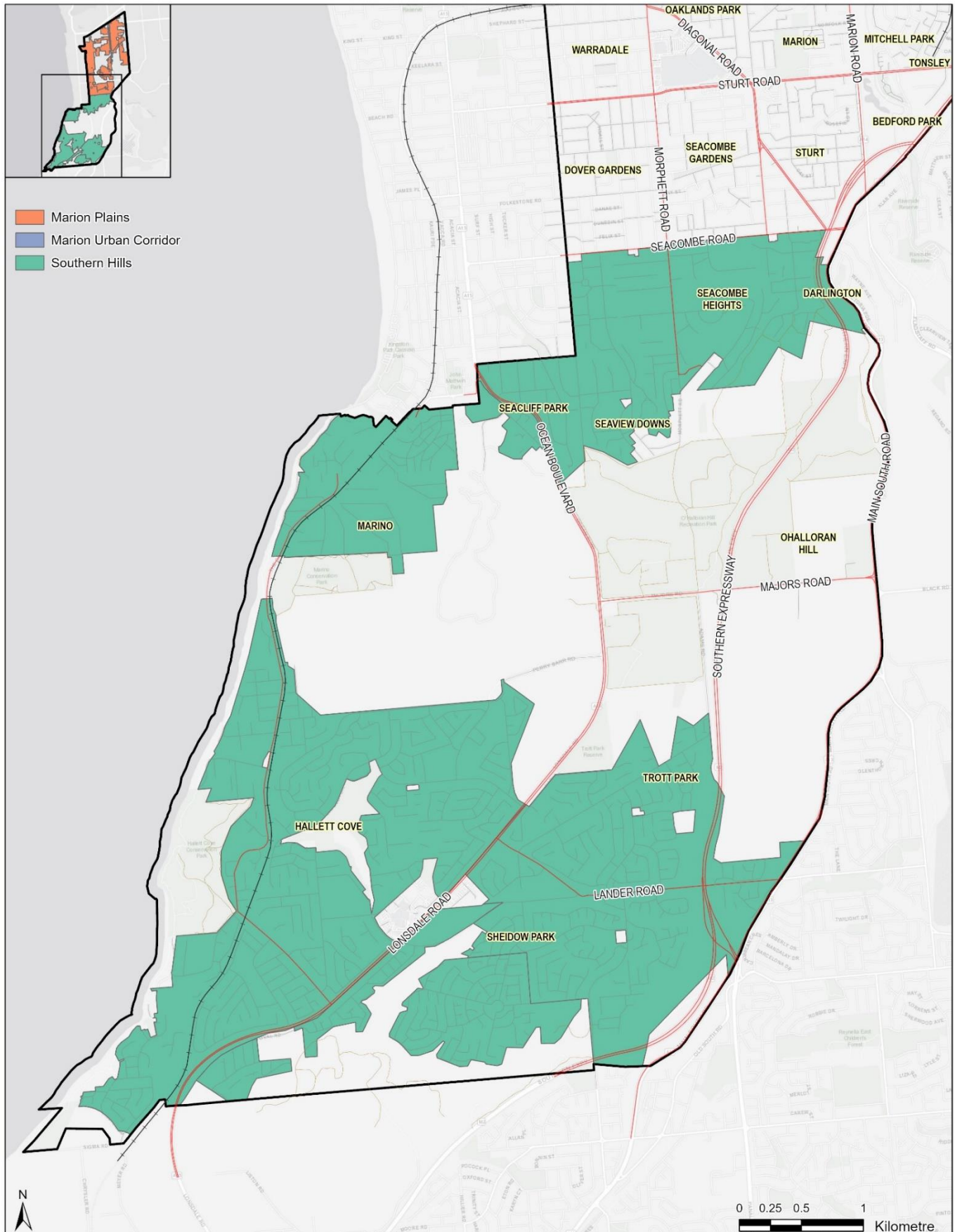
### Include the following criteria with all options

1. Include a Deemed To Satisfy (DTS) provision for site coverage and floor area ratio of;
  - a. maximum site coverage of 50 per cent of the allotment (excluding eaves)
  - b. maximum floor area ratio of 0.6.
2. Include policy specific language that is included within a Desired Outcome that reflects the unique locality characteristics:
  - Where a distinctive and attractive streetscape character exists, development should complement the scale, bulk, siting and positive elements of existing dwellings.
  - Development should be designed and sited to relate to the slope of the land, so that the amount of cutting and filling of the natural ground profile is minimised.
  - Where a proposed development would interfere with any view, vista or prospect presently available from land in private ownership, such interference will be reasonable and anticipated if the proposed development complies with the relevant guidelines and desires of this Development Plan, including height, setbacks, building envelopes, building form and massing.

- Development that would be prominently visible should:
  - (a) achieve a profile that blends with the topography of the land
  - (b) avoid the use of bright and highly reflective external materials and finishes
  - (c) incorporate existing vegetation wherever possible and additional landscaping to assist in reducing the apparent bulk and scale of the building and any site works.
- The visual dominance of garages and carports on the streetscape should be minimised.
- Development of more than one storey in height should take account of the height and bulk of the proposed building relative to dwellings on adjoining land by:
  - (a) incorporating stepping in the design in accordance with the slope of the land
  - (b) where appropriate, setting back upper storeys a greater distance from all
  - (c) boundaries than the lower storey.



## Residential Areas South of Seacombe Road



## **Issue 8**

**Mixed Use Zone (PA 12 Castle Plaza Environmental Assessment Area) to Suburban Main Street Zone**

**Mixed Use Zone (no precinct) to Suburban Activity Centre Zone**

**Mixed Use Zone (PA 13 Limited Residential Development) to Suburban Business and Innovation Zone**

### **Changes Sought:**

- The existing Concept Map Plan (Concept Plan Map Mar/9 Mixed Use Zone) should be included within the Numeric and Technical Variation Overlay within the Planning & Design Code, as it provides guidance on the type of development and built form outcomes desired which are not reflected within the general Zone policies. The Technical and Numeric Specifications of the code should reflect what the current development plan specifies. This may result in the requirement for DPTI to reconsider the proposed zones and/or their boundary locations.
- Contamination issues in the locality and remediation should be included over this portion of land and potentially included as a Sub Zone. The area requiring further environmental assessment (precinct 12) may need to be provided graphically within the Code.
- It is acknowledged the new Zone does not list 'dwelling' (or variation of) as an anticipated form of development. This goes against the original intent of the previous DPA which occurred to encourage specific forms of residential development (such as apartment buildings etc).

### **Key Reasons:**

- The current Zone incorporates a Concept Plan which provides guidance and direction for the Castle Plaza precinct in relation to the types and location of desired development. Additional forms of Development are supported within Area 2, whilst residential dwellings are only contemplated outside of Area 1. The proposed Main Street Zone does not provide this level of detail.
- Preservation of desired development in the Mixed Use Zone/Castle Plaza Centre to ensure it functions without allowing the area to be utilised purely for residential development, particularly due to the presence of contamination in the locality. Reference to site contamination and remediation should be retained in order to assist with Council addressing these matters and to ensure sensitive land uses can safely operate.

### **Solution/outcomes:**

- Preserve desired outcome and anticipated development for the Zone while ensuring site contamination is appropriately considered and addressed for new development via way of a sub-zone specific to the Castle Plaza precinct.
- Include current Concept Map Plan within Numeric and Technical Variation Overlay to ensure future development occurs in an appropriate manner.

It is noted Council Administration has had preliminary conversations with the land owners of the Castle Plaza precinct who advised they may lodged a submission seeking the introduction of a new Zone. It is suggested Council meet with DPTI/the Commission to ensure that an appropriate Zone is created for this precinct should a change be warranted.



## **Issue 9**

### **Regional Activity Zone (Tonsley and Laffer's Triangle) to Innovation Zone.**

#### **Change Sought:**

- Concept Map Plans (Mar/7 – Laffer's Triangle & Mar/8 – Tonsley) should be included within the Numeric and Technical Variation Overlay within the Planning & Design Code, as it provides guidance on the type of development and built form outcomes desired which are not reflected within the general Zone policies. The Technical and Numeric Specifications of the code should reflect what the development plan currently specifies.
- The current Zone, aside from a bulky goods outlet which should not exceed 500 square metres, does not place any restriction on the gross leasable floor area. The proposed Innovation Zone prescribes a gross leasable floor area DTS provision of 250 square metres for shops, offices or consulting rooms. Additionally, a shop, except restaurant, with a gross leasable floor area exceeding 500m<sup>2</sup> is considered to be 'restricted' development. Greater consideration to the maximum floor area limitations is required, either within the zone, or by way of a sub-zone specific to the existing Tonsley precinct.

#### **Key Reasons:**

- The future aspirations of the Tonsley Precinct envision commercial/retail, including a supermarket which is likely to exceed a floor area of 500 square metres. Greater consideration to the minimum floor areas is required.
- The current Zone relies on the Concept Maps 7 and 8 to guide the location, form and outcome of future development. A key component of the Concept Plan is outlining where future development is permitted and the form desired (i.e. building height). The proposed new Innovation zone does not have this level of detail, and it is unclear if the Concept Plan will be incorporated into the P&D Code.
- The Zone results in removal of the entire Desired Character statement, Concept Map and supporting Principles which control the approximate location of land uses throughout the zone and building heights. The current Concept Plan prescribes a Transition Area, Core and Commercial Area within the Zone (Regional Activity Zone). These areas are specifically referenced through the Desired Character and Principles of Development Control and designated the approximate location of particular uses which assists in ensuring separation is provided between commercial uses and more sensitive uses (such as residential etc).

#### **Solution/outcomes:**

- Various forms of development are anticipated to occur within Tonsley as the area progressively grows. The abovementioned changes will ensure the built form and land uses can operate without conflict.
- The current Concept Map Plan's should be included within the Numeric and Technical Variation Overlay to ensure future development occurs in an appropriate manner.

The current zone specific policies which assist in guiding the location, form and outcome of future development throughout the precinct should be included via way of a sub-zone which is specific to the existing precinct. As the future aspirations of the Tonsley Precinct envision commercial/retail which is likely to exceed a floor area of 500 square metres, provision for retail exceeding 500 square metres should be included. The current areas nominated for residential development should be located within a Suburban Masterplanned Neighbourhood Zone.

**Issue 10**

**Local Centre Zone to Suburban Activity Centre Zone  
Neighbourhood Centre Zone to Suburban Activity Centre Zone**

**Change Sought:**

- Restricted development list should be updated to identify 'dwelling', unless in conjunction and/or sited above/below non-residential development.
- Given 'dwellings' are not listed as restricted development, guidance on the type and desired residential density for development should be provided.

**Key Reason:**

- Preservation of the intent of the Local and Neighbourhood Centre Zones. By removing dwelling from the restricted development list, unless in conjunction with non-residential development, there is the opportunity for all centres serving local communities to be removed and developed for residential purposes.

**Solution/outcome:**

- Provide further guidance as to where a dwelling can be constructed (and in what situation) to preserve centres from being developed purely for residential developments and ensure the intent of the Zone to serve the local community remains. Where dwellings can be constructed, provide further guidance on desired density outcomes.

**Issue 11**

**District Centre Zone to Community Facilities Zone** (*Precinct 2 Community Hallett Cove*)  
**District Centre Zone to Suburban Activity Centre Zone** (*Precinct 3 Retail Core Hallett Cove*)

**Change Sought:**

- Restricted development list should be updated to identify 'dwelling', unless in conjunction and/or sited above/below non-residential development.
- Given 'dwellings' are not listed as restricted development, guidance on the type and desired residential density for development should be provided.

**Key Reason:**

- Preservation of the intent of the District Centre Zone. By removing dwelling from the restricted development list, unless in conjunction with non-residential development, there is the opportunity for all centres serving local communities to be removed and developed for residential purposes.

**Solution/outcome:**

- Provide further guidance as to where a dwelling can be constructed (and in what situation) to preserve centres from being developed purely for residential developments and ensure the intent of the Zone to serve the community remains. Where dwellings can be constructed, provide further guidance on desired density outcomes.

**Issue 12**

**Mineral Extraction Zone to Resource Extraction Zone  
Hills Face Zone to Hills Face Zone**

**Changes Sought:**

- Introduce the current non-complying development list within the Procedural Matters Section of each respective zone to the new Planning & Design Code Zones as restricted development.
- Prescribed mining operations should be included in Deemed to Satisfy development or, if left as Performance Assessed development be exempt from public notification if meeting applicable criteria (which occurs within the current Development Plan requirements).

**Key Reason:**

- To prevent unreasonable development of these parcels in the future and to allow the anticipated development on this land to be streamlined through the assessment process.

**Solution/outcomes:**

- Introduce the current non-complying development list within the Procedural Matters Section of each respective zone to the new Planning & Design Code Zones as restricted development.
- Prescribed mining operations should be included in Deemed to Satisfy development or, if left as Performance Assessed development be exempt from public notification if meeting applicable criteria (which occurs within the current Development Plan requirements).

**Issue 13**

**Community Zone (Recreation PA 22) to Recreation Zone  
Community Zone to Community Facilities Zone**

**Change Sought:**

- Increase scope of development listed in Procedural Matters table of each Zone which is to be exempt from requiring public notification.

**Key Reason:**

- To allow anticipated development within this zone to be streamlined through the assessment process. New Zoning identifies all development on sites adjacent a different zone and all other code assessed development requiring notification. Notification for minor works such as retaining walls, small outbuildings, structures envisioned for the zone is considered to be unnecessary and onerous.

**Solution/outcome:**

- Increase scope of development listed in Procedural Matters table which is to be exempt from requiring public notification.

**Issue 14**

**Racecourse (Morphettville) Zone to Recreation Zone**

**Change Sought:**

- New Zone does not have a Desired Character or Desired Outcomes that relate to uniqueness of the particular Zone. The existing specific policies should be included within a 'sub-zone' to the Recreation Zone to ensure the existing protection currently provided by the Development Plan is maintained.
- Within Sub-Zone insert existing 'Complying Development' anticipated for the Racecourse (Morphettville) Zone into deemed to satisfy Table.
- Increase scope of development listed in Procedural Matters table of each Zone which is to be exempt from requiring public notification.

**Key Reasons:**

- Morphettville is one of the only racecourses in metropolitan Adelaide and the current Zoning provides specific provisions which relate to this unique use.
- When considering the new Zone, all performance assessed development would require notification due to development being adjacent a different Zone.
- Streamline the processing of applications for what is generally anticipated to occur in the zone.
- Processing of such applications will likely take more time/require notification where previously they would have been complying.

**Solution/outcome:**

- Create a 'sub-zone' within the Recreation Zone which contains specific policy (i.e. form and type of development envisioned), deemed to satisfy provisions and public notification exemptions.

## **Issue 15**

### **Metropolitan Open Space System (MOSS) to Open Space Zone**

#### **Issue**

- The MOSS designation is referred to in the Native Vegetation Act when defining locations where the act applies for native vegetation protection. Changing this zone to Open Space seems to result in a break from the Native Vegetation Act, thereby losing the protection that native vegetation has along all major corridors of open space across Adelaide.
- Linked to the above, the change from MOSS to Open Space seems to lose the function of MOSS zones and linear corridors. The Objectives and Principles of Development Control that specifically relate to conservation, corridors, rehabilitation and restoration of ecosystems, and landscaping considerations appear to be lost.

#### **Reason for Change**

- The Restricted Development list for the MOSS Zone has significantly reduced; however, it is acknowledged the Coastal Land Overlay applies which aims to promote the conservation and enhancement of the natural coastal environment. This notwithstanding, if an unreasonable development were to be lodged with Council over these Zones, it would need to be performance assessed, compared to the current situation where it would likely fall into a Non-Complying form of development, providing Council the opportunity to choose to not proceed with the assessment.

#### **Solution:**

- Retain all existing land currently located within the Metropolitan Open Space System (MOSS) as land within the MOSS Zone to ensure native vegetation is protected in accordance with Native Vegetation Act.
- Include specific provisions relating to conservation, landscape/wildlife corridors, rehabilitation and restoration of ecosystems, and landscaping within the Open Space Zone, or alternatively, create a sub-zone which provide greater control in these areas.

## Issue 16

### Spatial Map Zone and Overlay Issues

#### Issue:

- The State Heritage Place Overlay contained within the Planning & Design Code is larger than the current allotment where the Heritage Places are contained. Located at the Sturt Triangle, Sturt, the State Heritage Place (as prescribed in the Development Plan and SA Heritage Database) includes Warriparinga wetlands, including Fairford House (Laffer Residence), Coach House (former winery) and surrounding grounds.

The State Heritage Place Overlay encompasses not only the Open Space Zone where the Heritage Places are located, but also sections of the Caravan and Tourist Park Zone (in dark red) and the Urban Neighbourhood Zone (in light red).

Consequences of this are that it shall prevent Zone-specified deemed-to-satisfy developments from occurring, and applies the criteria of the State Heritage Overlay to any development within the Overlay.

#### Clarification Required:

- Council seeks clarification as to how the spatial overlay has been developed and implemented. Additionally, clarification is required on why the State Heritage Listed Area Overlay exceeds the existing allotment boundary which contains the Heritage Places (proposed to the Open Space Zone).





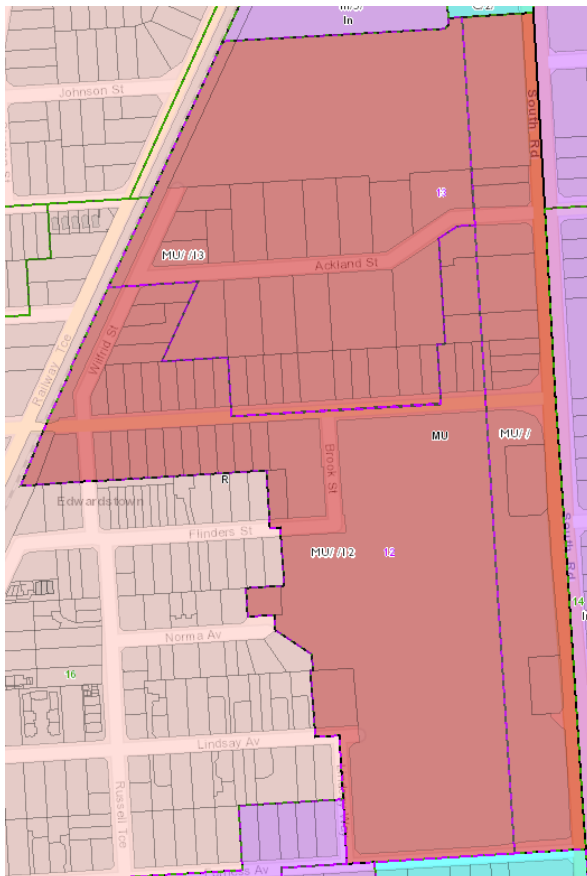
## Issue 16 Spatial Map Zone and Overlay Issues (cont.)

### Issue:

- The proposed spatial mapping boundaries provided as part of the P&D Code for the new Zones at Castle Plaza are not consistent with the existing Precinct boundaries illustrated within the Development Plan.

### Clarification Required

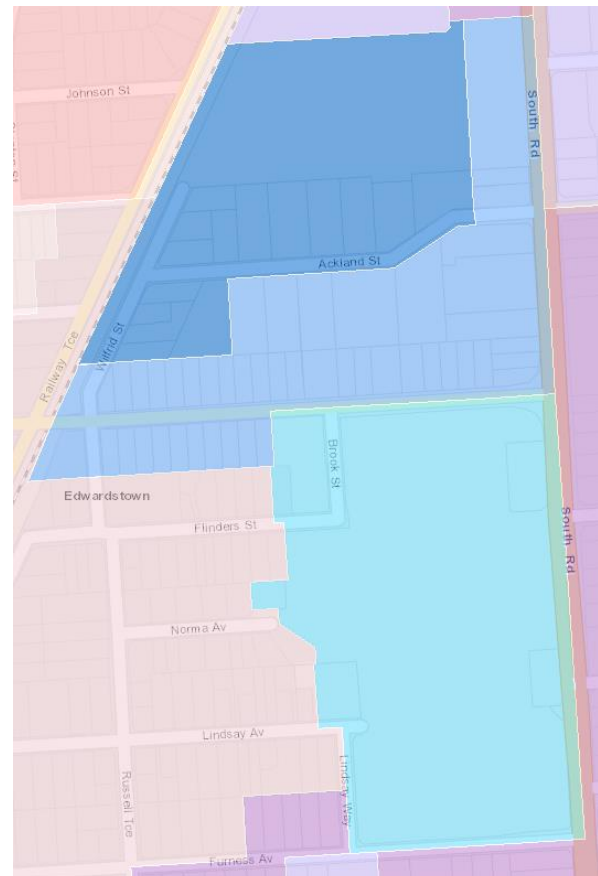
- Council seeks clarification as to how the spatial overlay has been developed and implemented. Additionally, clarification is required on why the State Heritage Listed Area Overlay exceeds the existing allotment boundary which contains the Heritage Places (proposed to the Open Space Zone).



#### **Existing Development Plan Zoning**

Red = Mixed Use Zone

Blue Line = Precinct and Area boundary



#### **Planning & Design Code Zoning**

Teal = Suburban Activity Centre

Light Blue = Suburban Main Street

Dark Blue = Suburban Business and Innovation

## **Issue 17**

### **Rezoning of land adjacent Marion Road to Urban Corridor Zone**

#### **Issue:**

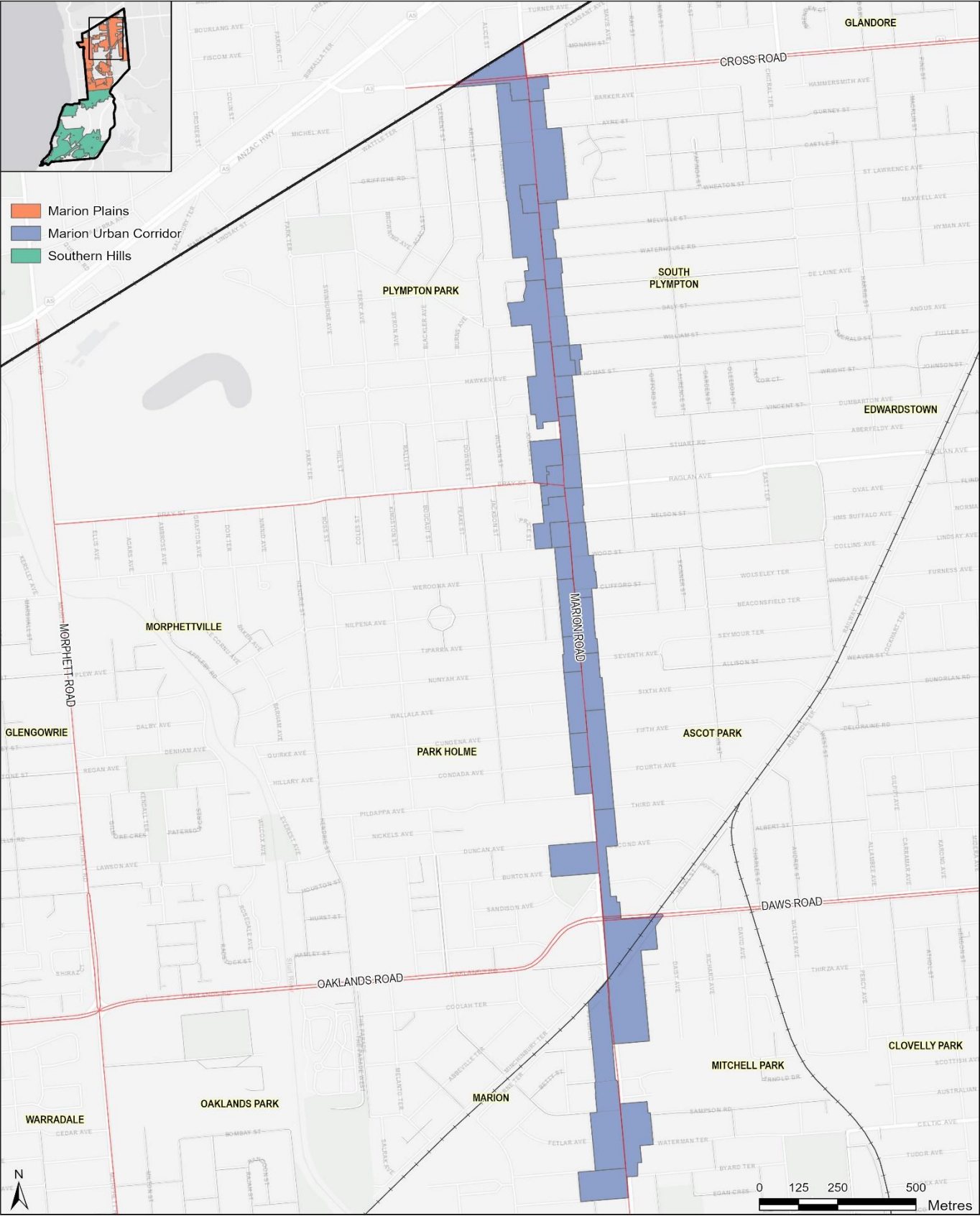
- The Housing Diversity DPA sought the creation of an Urban Corridor Zone along much of Marion Road. This Zone was to provide opportunity for multi-storey mixed use development (retail/commercial/residential) in appropriate locations and help relieve the pressure for infill development in local streets in the inner suburbs.
- The Urban Corridor Zone was not approved by the Minister as part of the Housing Diversity DPA Part 1. Subsequently, the existing properties remain in the original/current zones and policy areas, which is predominantly residential.
- As the properties along Marion Road remain residentially zoned there has been no proposed transition across to an urban corridor, or similar, as part of the Planning and Design Code. Council is seeking that Marion Road is given consideration for rezoning as part of the transition to the new Code as these areas have already been consulted on and agreed by Council and the Minister.
- Given the existing properties have not been transition across to a particular urban corridor, it is suggested Council and DPTI collaborate to provide a Zone which best reflects the Urban Corridor Zone and Boulevard Policy Area 19 Desired Character, Objectives, and Principles of Development Control sought by Council as part of the Housing Diversity DPA.

#### **Solution:**

1. It is recommended the areas identified on the Map provided (see attachment) are rezoned as part of the Planning & Design Code to an Urban Corridor Zone which best reflects the Urban Corridor Zone and Boulevard Policy Area 19 Desired Character, Objectives, and Principles of Development Control sought by Council as part of the Housing Diversity DPA (attached is a copy of the Zone and Policy Area requirements originally provided to the Minister for Planning as part of the DPA process).
2. Include the following Technical and Numerical Variation Overlay requirements for the following;
  - o Minimum net residential density of 70 dwellings per hectare
  - o Minimum building height of 2 storeys and maximum building height of 3 storeys and up to 12.5 metres.
  - o Where the site exceeds 2,000 square metres in area, incorporates a minimum depth of 40 metres and has a frontage to Marion Road and access from a side street, a maximum of 5 storeys (or 18.5 metres) in height above natural ground level is permitted.



# Urban Corridor Zone Along Marion Road



## Issue 18

### Reduction in on-site and on-street car parking requirements.

#### Change Sought:

- Retention of existing Development Plan car parking requirements for residential development:
  - o 2 car parking spaces per dwelling containing up to 3 bedrooms (or rooms capable of being used as bedrooms), 1 of which is to be covered,
  - o 3 car parking spaces per dwelling containing 4 or more bedrooms (or rooms capable of being used as bedrooms), 1 of which is to be covered. Plus, in the case of 3 or more group and residential flat buildings, 1 visitor space per 3 dwellings.
- Retention of existing on-street parking requirements for residential development:
  - o A minimum of one on-street car parking space should be provided for every 2 allotments created.
- Include wording within Planning & Design Code Policy requiring any room that could be used as a bedroom (i.e. study etc) is considered in the total overall number of bedrooms to ensure parking rates are calculated according to what may actually eventuate on site.

#### Key Reason:

- In Council's experience infill development results in an increase in demand for on-street parking due to the provision of smaller allotments and subsequent reduction in opportunity for on-site parking. The reduction in on-site parking, combined with anecdotal evidence suggesting a significant percentage of garages/carports are used for storage and vehicular parking, will inevitably result in additional pressures being placed on the local road network in relation to parking. The reduction in on-street parking requirements from 1 space per 2 dwellings to 1 space per 3 dwellings will additionally result in pressures being placed on the local road network in relation to parking.

	Development Plan	Planning & Design Code	
Off-Street Parking	2 spaces per dwelling (up to 3 bedrooms or rooms capable of being used as bedrooms).	1 space per dwelling (1 or 2 bedroom).	Change
	3 spaces per dwelling containing 4 or more bedrooms (up to 3 bedrooms or rooms capable of being used as bedrooms).	2 spaces per dwelling (3 or more bedrooms)	Change
	1 additional visitor space per 3 dwellings is provided in the case of 3 or more group and residential flat buildings	1 additional visitor space per 3 dwellings is provided in the case of 3 or more group and residential flat buildings	No Change
On-Street Parking	1 space per 2 dwellings	1 space per 3 dwellings	Change
Distance between driveways	6 metres	6 metres	No Change

**Solution/outcome:**

- Transport, Access and Parking Table 1 – General Off-Street Car parking Requirements should be amended to provide the following;

Detached Dwelling	- 2 car parking spaces per dwelling containing up to 3 bedrooms (or rooms capable of being used as bedrooms).
Semi-Detached Dwelling	- 3 car parking spaces per dwelling containing 4 or more bedrooms (or rooms capable of being used as bedrooms).
Row Dwelling	- A minimum 1 space must be, or can be, covered.
Group Dwelling	- In the case of 3 or more group and residential flat buildings, 1 additional visitor space per 3 dwellings is provided.
Residential Flat Building	

- Design in Urban Areas DTS / DPF 23.6 is amended to require a minimum of 1 on-street parking space per 2 proposed dwellings (which is a minimum 6 metres in length measured from the closest point of the driveway/kerb, including in flaring).
- Clarification is required if Design in Urban Areas DTS / DPF 23.4(a), which requires a minimum 500mm setback from infrastructure, is taken from the edge of the driveway, or the edge of any driveway/kerb flare.
- Include wording within Planning & Design Code Policy requiring any room that could be used as a bedroom (i.e. study etc) is considered in the total overall number of room that could be used as a bedroom, as to ensure parking rates are calculated according to what may actually eventuate on site.
- Provide standardised crossover driveway access standards (a copy of the City of Marion standards of construction for concrete crossover driveway access has been included within the submission).

## **Issue 19**

### **Limited Provision of Urban Design Standards**

#### **Change Sought:**

- Provision of greater urban design standards within the Planning & Design Code which retains the localized flavour found within existing Development Plan Policy Area Desired Characters and Principles of Development Control.
- Provision of greater urban design standards within the Planning & Design Code that ensures the design of all built form includes environmental sustainability considerations.

#### **Key Reason:**

- The Planning & Design Code significantly reduces the existing localized design criteria found within specific Policy Area Desired Characters and Principles of Development Control. This loss results in a system which is more outcome focussed, rather than a system which ensures built form is of a high quality design and fits or improves its locality.
- 
- It is understood that there is to be a more robust design system for large scale development (including guidelines) there does not appear to be anything similar proposed within the timescale for transition to the new Code to ensure that smaller scale infill development (which is probably the largest component of new housing development) will be of an acceptable level of design.
- 
- Whilst it is acknowledged the Planning and Design Code provides a range of design features, specific Policy Area Principles and Objectives informing and providing guidance on built form outcomes have been removed. Additionally, comprehensive Desired Character statements which provide further guidance on the desired built form outcome have been removed.

#### **Solution/outcome:**

- Provide greater design and appearance provisions/requirements within the Planning & Design Code which require all built form, regardless of the development size/cost (i.e. multi-storey development, through to one dwelling on one allotment). Some minor suggestions include;
  - o Provide additional design criteria for front and side/rear façade, especially façades which present to public spaces such as secondary streets, reserves etc).
  - o Design criteria for residential and non-residential uses should be defined through separate policy provisions.
- Provide a statutory document (i.e. Design Standards/Guidelines) which provides guidance on the types of high quality design outcomes desired for infill/small scale residential development. Additionally, this document should be accompanied by appropriate policies within the Regulations and/or Planning and Design Code to ensure the built form, improves and enhances, the locality in which it is intended to be built.
- Ensure policies are contained within the Planning & Design Code and/or accompanying documents (such as the Design Standards/Guidelines) require materials and building design to incorporate environmental sustainability considerations.



- Ensure design guidelines place an emphasis on sustainable urban design, particularly through the placement, sitting and orientation of dwellings, and use of colours and materials which minimise environmental impacts.
- To assist the Commission, Council has included a draft 'Urban Design Guidelines' which illustrates the type and form of development desired.

**Issue 20**

**Character Area Statements**

**Change Sought:**

- Inclusion of detailed Principles and Policies within both the Character Area Statements and within the Planning & Design Code, by way of sub-zone of Technical & Numerical Overlay which contains design requirements.

**Key Reason:**

- The Character Area Statements released by the Commission contain each contain an attribute table which provides guidance as to the valued character attributes sought by new development.

Whilst the attributes table provides guidance, it appears there no accompanying provisions within the Planning & Design Code to ensure new development occurring within these areas are design to ensure they reflect the desired character are provided.

**Solution/outcome:**

- Inclusion of detailed Principles and Policies within both the Character Area Statements and within the Planning & Design Code, by way of sub-zone of Technical & Numerical Overlay which contains design requirements.



## Issue 21

### Flooding Overlay/ General Policies

- Council has undertaken extensive flood inundation studies and developed policies and principles to ensure potential flood inundation on future development is appropriately mitigated, without adversely impacting on the proposed owners, or owners of adjacent properties. The current Development Plan, as recently amended, provides for greater stormwater controls in response to urban renewal/intensification.
- Council's Development Engineer has reviewed the information contained within the Planning & Design Code relating to flooding, including the Hazards (Flooding) Overlay.

Council's existing flood inundation studies recommend mitigations solutions that contradict the general requirements of the Code. It is unclear if the mitigation recommendations of an adopted Flood Study will supersede the Code requirements. Reference should be made to the best practice requirement to prepare local Stormwater Management Plans based on detailed catchment modelling. Outcomes/recommendations contained within SMP's should feed through to the code via way of overlay and subsequently supersede any general flood mitigation requirements.

- There is a concern that a generalised approach to flood mitigation through the inclusion of a DTS provision requiring a dwellings finished floor level to be a minimum 300mm above Top Of Kerb (TOK) will result in unreasonable and necessary filling and retaining throughout the flatter areas of the Council lead to an inconsistent approach to development. This is of particular concern for allotments which slope away from the street and acknowledging the Sloping Land Overlay does not apply to the majority of land south of Seacombe Road. A general reference to setting FFL's a minimum, for example 250mm above Finished Paving Level, should be included for allotments that fall away from the road at a grade of greater than 0.5%. This scenario will reduce potential fill/retaining impacts on adjacent allotments.

### Clarification Required:

- It is unclear how spatial data, and accompanying policies (which are just as important), developed by the Council will be sourced and included into the Code and accompanying spatial mapping. Clarification is required to determine whether it will be DPTI/the Commission who will approach Council, or will individual Council need to provide this data to DPTI on its own accord?
- Clarification is required on Hazard (Flooding) Overlay DTS/DPF 1.1 allows the division of land exposed to a flood depth of up to 0.3m (with flood velocities not exceeding 0.3m/s). PO 1.3 appears to further restrict this requirement by requiring roads, and parking areas to be at least 0.3m above this flood depth. Presumably a freeboard of 0.15m to 0.3m is applied above this further constraint? Does this require the compliant FFL of buildings to be up to 0.9m above natural ground level in the developable flood prone areas?

## **Issue 22**

### **Stormwater/Retention Tanks**

- Council has policies requiring all new buildings (this includes outbuildings, verandahs etc) north of Seacombe Road, exceeding an area of 20sqm, incorporate the provision of stormwater retention.

Council's policies state buildings exceeding 20 square metres or more in floor area, shall incorporate on-site stormwater retention systems which ensure that the first 15 mm of rainfall within any 24 hour period is retained on site. Where such retention systems rely on the use of infiltration, and testing shows that site soils will not permit infiltration of retained stormwater within a 24 hour period, provision of additional storage shall be provided either within an infiltration trench or tank which has sufficient capacity to contain runoff from 15 mm of rainfall and discharges over a period of at least 2 hours and no greater than 24 hours. These policies have been informed by Council's Flood inundation studies and aims to assist in reducing flooding impacts on the wider council area.

It is generally considered that this performance requirement is met for residential dwellings through the installation of plumbed-in rainwater tanks no less than 5000 litre for roof areas greater than 150m<sup>2</sup> (with at least 80% of connected roof area). Further, all impervious pavement surfaces should drain to a complying infiltration trench or "rain garden", unless constructed of "permeable pavement".

This is proposed to be removed from the Code, providing minimum tank capacities determined by the size of an allotment, not the form of development proposed. Hammerhead developments require driveway and pathways constructed of a minimum 50% permeable material as well as retention tanks. Tank sizes are consistent for all dwellings; however, all dwellings will require a tank connection to roof area of at least 60%, whereas row dwellings require a connection to at least 80% roof area.

### **Solution/outcome:**

- Council believes the reduction in on-site retention is not appropriate, and that the policies within the Planning & Design Code should be amended to include larger retention requirements, include policies relating to the construction of outbuildings and include requirements for retention tanks for any form of dwelling not specifically listed within Design in Urban Areas DTS 22.1.

## General Issues

### What constitutes a 'Minor Variation'

- It is unclear what constitutes a 'minor' variation. Under the current planning system there is limited direction as to what can be considered a 'minor variation' and subsequently what is 'minor' is interpreted differently.

It is suggested a Practice Direction accompany the Planning & Design Code outlining what can be considered 'minor', how this will be implemented in practice, and rules/ a method outlining how this will be considered during the assessment process.

### Public Notification and general code drafting errors

- It is noted the Planning & Design Code includes multiple drafting errors within the Zone Performance Assessed Tables and Public Notification Tables. These tables reference incorrect (or non-existent) Deemed to Satisfy Provisions/ Performance Outcomes, and in some cases refer to different zones entirely.

Council cannot provide sufficient commentary on whether the extent of notification, or what elements or a proposal requires notification, is appropriate without being provided the correct information/data in the original circumstance.

### Private Open Space

- It is noted Table 1 – Outdoor Open Space includes a list of dwelling types that require minimum open space areas and dimensions. It is noted this table does not include 'residential flat-building' or 'dwelling'. It is unclear whether this is an omission or it is intended for residential flat-buildings and undefined dwellings to be excluded from open space requirements.

Council is of the opinion residential flat-dwellings should be included within Table 1, whilst further consideration to open space requirements for undefined 'dwellings' should be had.

- Provision of Open Space forward of the dwelling should have the following limitations
  - o Incorporates a northerly aspect
  - o Has a direct connection to a living room
  - o Do not compromise passive surveillance opportunities or restrict primary access to the dwelling
  - o Does not incorporate more than 50% of the overall open space.

### Overshadowing

- Whilst the Code has provision for consideration of Overshadowing of habitable room windows and adjacent areas of open space, assessment of dwellings (Deemed to Satisfy and Performance Assessed) within the General Neighbourhood Zone seems to omit any assessment requirement. Clarification is required if overshadowing considerations have been erroneously or intentionally omitted.

### Solution

- Overshadowing of existing and proposed habitable room windows and open spaces areas of dwellings should be included within the Design in urban Areas (and Design in Rural Areas) policy module. Additional overshadowing requirements relating to the shadowing of solar panels should be included within the Planning & Design Code.

- Consideration of overshadowing impacts should be included within the Deemed To Satisfy Provisions of any residential related zone (i.e. General Neighbourhood Zone, Suburban Neighbourhood Zone etc).

### **Site Contamination Overlay**

- Site contamination is an evolving and constantly changing issue. It is suggested general policies be enhanced to take into consideration issue of potential contamination which arise but are not subject to a formal contamination register or audit process.

Council is of the opinion site contamination, whether it be formally identified by way of formal notice/register or by way of investigation, be included spatially on the Planning & Design Code mapping.

### **Landscaping**

- Council cautiously welcomes the introduction of mandatory tree planting for development. One of the Code's objectives for development is to integrate sustainable techniques into its design, siting and landscaping in order to reduce the effect of urban heat, etc.
- However, minimum deep soil areas are only relevant to development of four or more storeys. Residential development of three storeys or less refers only to minimum 'areas for soft landscaping', which may be poorly defined and does not guarantee deep soil areas suitable for larger tree growth. Further, these areas require a minimum dimension of only 0.5 metres, and there is no quantitative requirement for a larger dimension of any particular size. Only a minimum of 25% of any land between the road boundary and the primary building line is to be provided for soft landscaping – which, in other terms, could result in 75% paved front yards.
- Limited landscaping provisions are applicable to non-residential development of three storeys or less.
- The failure of the Code to desire locally indigenous/native species is considered to be a key issue and further clarification on the desired tree type and species is required. Additionally, the compliance of tree planting (and on-going maintenance) may result on an unreasonable burden on Council's resources.

### **Recommended Changes:**

- Strengthen landscaping requirements by mandating deep soil zones for all res-development types.
- Define what is soft landscaping (i.e. living turf not artificial etc)
- Include recommended local indigenous/native species tree list.
- Provide consistency for deep root zones across all forms of dwellings.

### **Other**

- In relation to the following zones:
  - Coastal Open Space Zone - Open Space Zone
  - Coastal Conservation Zone - Conservation Zone
  - Conservation – Conservation
  - Open Space (including Hallett Cove Buffer PA 9) - Open Space Zone

- Native Vegetation should be included across these Zones for the purposes of protecting the coastal/natural environment and to be made consistent with Council's records.
- Sloping Land Overlays (or relevant policy) should be included across these Zones for the purposes of protecting the coastal/natural environment and the natural topography.
- The Restricted Development list for these Zones has significantly reduced; however, it is acknowledged the Coastal Land Overlay applies, which aims to promote the conservation and enhancement of the natural coastal environment. This notwithstanding, if an unreasonable development were to be lodged with Council over these Zones, it would need to be performance assessed, compared to the current situation where it would likely fall into a Non-Complying form of development, providing Council the opportunity to choose to not proceed with the assessment.

**REPORTS FOR NOTING - Nil**

**WORKSHOP / PRESENTATION ITEMS - Nil**

**OTHER BUSINESS**

**MEETING CLOSURE**