



Agenda Report for Decision

Meeting Date: 26 May 2022

Item Name	Code Amendment Initiation Advice to the Minister for Planning – Proposal to Initiate the Mary and Arthur Streets, Unley Code Amendment
Presenters	Jason Bailey and Nadia Gencarelli
Purpose of Report	Decision
Item Number	4.1
Strategic Plan Reference	5. Discharging Statutory Obligations
Work Plan Reference	5.2 Advise the Minister on Code Amendments
Confidentiality	Not Confidential (Release Delayed). To be released following final decision by the Minister for Planning on initiation of the Code Amendment. Anticipated by 10 June 2022
Related Decisions	N/A

Recommendation

It is recommended that the State Planning Commission (the Commission) resolves to:

1. Approve the designation of this item as Not Confidential (Release Delayed), with the meeting papers for the item to be released following final decision by the Minister for Planning (the Minister) on initiation of the Code Amendment. Anticipated by 10 June 2022.
2. Advise the Minister that it:
 - 2.1 Recommends the approval of the Mary and Arthur Streets, Unley Code Amendment under section 73(2)(vii) of the *Planning, Development and Infrastructure Act 2016* (the Act), subject to the following conditions applied under section 73(5)(b) of the Act:
 - a) The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays or technical and numerical variations provided for under the published Planning and Design Code (the Code) (on the date the Amendment is released for consultation). This includes the creation of new technical and numerical variation capabilities.
 - b) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.
 - c) Removal of the Hazards (Flooding – General) Overlay cannot be contemplated without sufficient evidence to demonstrate that the flood hazard risk is reduced in this location.

- d) Recommends that Mary and Arthur Street Pty Ltd be the Designated Entity responsible for undertaking the Code Amendment process.
3. Specify that the Designated Entity consults with the following nominated individuals and entities, under section 73(6)(e) of the Act:
 - o Department for Infrastructure and Transport
 - o Affordable Housing Unit of the SA Housing Authority
 - o Utility providers including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
 - o State Members of Parliament for the electorates in which the proposed Code Amendment applies.
4. Specify the following further investigations or information requirements under section 73(6)(f) of the Act in addition to those outlined in the Proposal to Initiate:
 - o Investigate application of the Affordable Housing Overlay or otherwise provide clear planning rationale as to why it should not be applied to the affected area.
 - o Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify relevant Aboriginal heritage considerations, including any identified cultural sites and objects.
5. Recommend that the Minister approve the initiation of the Code Amendment by signing the Proposal to Initiate (**Attachment 1**) and approval letters with conditions (**Attachment 2**).
6. Approve and authorise the Chair of the Commission to sign the advice to the Minister as provided in **Attachment 3**.
7. Authorise the Chair to finalise any minor amendments to the advice and attachments as required.

Background

Section 73(2)(b)(vii) of the Act provides that a proposal to amend the Code may be initiated by a person who has an interest in the relevant land with the approval of the Minister, acting on the advice of the Commission, in relation to the following matters:

- Strategic assessment against the State Planning Policies and *The 30-Year Plan for Greater Adelaide: 2017 Update*.
- Any person or body that must be consulted by the Designated Entity, pursuant to section 73(6)(e) of the Act
- Any investigations to be carried out or information to be obtained by the Designated Entity, in accordance with section 73(6)(f) of the Act.

The purpose of this report is to provide the Commission with advice to be provided to the Minister in relation to the Proposal to Initiate submitted by Mary and Arthur Street Pty Ltd (**Attachment 1**).

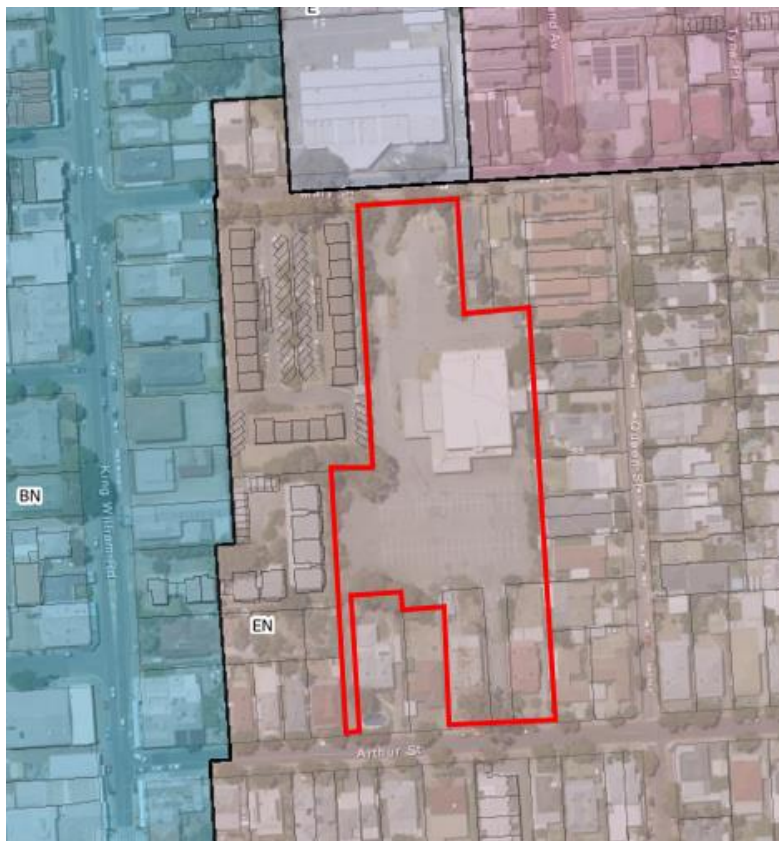
Procedural matters regarding the Commission's role are detailed in **Attachments 4** and **5**.

Discussion

Scope of the Amendment

The Proposal to Initiate seeks to rezone 1.1 hectares of disused land in Unley from the Established Neighbourhood Zone to the Housing Diversity Neighbourhood Zone. Subject to further investigations, a range of Technical and Numeric Variation (TNV) changes are sought, including the possible creation of a new rear setback TNV capability in the Housing Diversity Neighbourhood Zone. Removal of the Historic Areas Overlay and Hazards (Flooding – General) Overlay are also proposed to be investigated. The introduction of a Concept Plan over the affected area is proposed.

The affected area and current zoning are shown in the figure below.



Planning and Design Code Zoning

The affected area is located within the Established Neighbourhood Zone.

The following Overlays apply to the land:

- Airport Building Heights (Regulated) - All structures over 45 metres
- Building Near Airfields
- Historic Area - Un7
- Heritage Adjacency
- Hazards (Flooding - General)
- Prescribed Wells Area
- Regulated and Significant Tree
- Stormwater Management
- Urban Tree Canopy.

Land surrounding the affected area is within the Established Neighbourhood Zone, Employment Zone and Urban Renewal Neighbourhood Zone.

Detailed discussion is provided in the draft advice to the Minister in **Attachment 3**.

Advice to the Minister

The attached draft advice to the Minister sets out the statutory and procedural elements that must be considered as part of the initiation of a Code Amendment (**Attachment 3**).

The draft advice recommends that the Minister approve the initiation of the Code Amendment for the following reasons and subject to conditions (as set out below).

Strategic considerations

The Proposal seeks to rezone an underutilised land holding in a prime location to facilitate low- to medium-density residential infill development. The proposed rezoning will support the development of around 40 to 60 dwellings. Based on limited available supply of land for strategic infill development in the region, additional residential land represents a significant opportunity. Further, the affected area has been subject to many reviews, development proposals and masterplans over the years and the City of Unley is supportive of its redevelopment. The proposed rezoning is therefore considered appropriate.

Further strategic considerations and discussion are provided in **Attachment 3**.

Procedural considerations

The Proposal to Initiate meets all procedural requirements, as detailed in the attached advice to the Minister (**Attachment 3**).

Conditions proposed and items specified

Several conditions have been recommended to be specified by the Minister, pursuant to sections 73(5)(b) of the Act. In addition, it has been recommended that the Commission specify persons or bodies to be consulted with by the Designated Entity under section 73(6)(e) of the Act, as outlined in the advice to the Minister (**Attachment 3**).

Attachments:

1. Proposal to Initiate the Mary and Arthur Streets, Unley Code Amendment (#18498497).
2. Draft approval letters to:
 - a) Mary and Arthur Street Pty Ltd (#18532492)
 - b) The City of Unley (#18532550).
3. State Planning Commission Advice to the Minister (#18507176).
4. Procedural matters for the State Planning Commission (#18515767).
5. Process Flowchart – Code Amendments Initiated by Proponents (#18515740).

Prepared by: Belinda Monier

Endorsed by: Brett Steiner

Date: 13 May 2022

Proposal to Initiate an Amendment to the Planning & Design Code

Mary and Arthur Streets, Unley Code
Amendment

By Mary and Arthur Street Pty Ltd (the Proponent)

 (Signature Required)
Mary and Arthur Street Pty Ltd (the Proponent)

Date: 20 April 2022

This Proposal to Initiate document together with conditions specified by the Minister forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*.

MINISTER FOR PLANNING AND LOCAL GOVERNMENT

Date:

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Attachment A: Maps for Affected Area

Attachment B: Housing Diveristy Neighbourhood Zone (Example only)

Attachment C: Timetable for Code Amendment by Proponent

1. Introduction

Mary and Arthur Street Pty Ltd is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to land located at 79-85 Mary Street, 58 Arthur Street and 60-62 Arthur Street Unley (the Affected Area). The Proponent owns the Affected Area and as such has an interest in the land.

The purpose of this Proposal to Initiate is to seek approval of the Minister for Planning and Local Government (the Minister) to initiate the Code Amendment under section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act).

This proposal provides a unique opportunity to enable the regeneration of land for medium density residential development in a highly sought-after location. The rezoning supports an Urban Design Study led by the City of Unley in 2019 and will carefully respond to the local context and setting. While the site has the capacity for more intensive development, this proposal largely seeks to accommodate dwellings at low-to-medium density and predominantly two-storeys. Some three-storey development is envisaged where impacts on any existing dwellings can be managed. The Amendment proposes to replace the Established Neighbourhood Zone with the Housing Diversity Neighbourhood Zone which has been applied to other parts of the Unley Council area.

This Proposal to Initiate details the scope, relevant strategic and policy considerations, nature of investigations to be carried out and information to be collected for the Code Amendment. It also details the timeframes to be followed in undertaking the Code Amendment, should this Proposal to Initiate be approved by the Minister.

The Proponent acknowledges that the Minister may specify conditions on approving this Proposal to Initiate, under section 73(5) of the Act. In the event of inconsistency between this Proposal to Initiate and any conditions specified by the Minister, the conditions will apply.

1.1 Designated Entity for Undertaking

In accordance with section 73(4)(a) of the Act, the Proponent will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- 1.1.1. The Proponent acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements Act.
- 1.1.2. The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:

Grazio Maiorano, RPIA (Fellow)
Director, URPS
gmaiorano@urps.com.au
8333 7999

This person is an accredited professional (level 1) and therefore is consistent with Practice Direction 2.

- 1.1.3. The Proponent intends to undertake the Code Amendment by:

- a) Engaging URPS and relevant subconsultants to provide the professional services required to undertake the Code Amendment.

The Proponent acknowledges that the Minister may, under section 73(4)(b) of the Act, determine that the Chief Executive of the Department will be the Designated Entity responsible for undertaking the Code Amendment. In this case, the Proponent acknowledges and agrees that they will be required to pay the reasonable costs of the Chief Executive in undertaking the Code Amendment.

1.2 Rationale for the Code Amendment

Mary and Arthur Street Pty Ltd has purchased a large, dormant allotment located between Mary Street and Arthur Street, Unley, known locally as the Brethren Site. The site was previously used as a place of worship with associated car parking with these assets remaining, however the site has been abandoned and become derelict. The Area Affected also includes two residential allotments facing Arthur Street.

In October 2019 the Affected Area was included as part of a detailed Urban Design Study (*Arthur/Mary Streets Church Site & Precinct Urban Design Study*) which was commissioned by the City of Unley, landowners and the State Planning Commission. At its core, this study (and Council) supported an appropriate change to the zoning and policy parameters to enable the development of the Affected Area. Specifically, the Study recognised the strategic value of the land for housing development given its substantial scale, strategic location close to community services and infrastructure, capacity to manage development impacts on-site and recognition that the land is no longer required for its previous purpose.

Given the above, the Code Amendment proposal seeks to establish a planning policy environment which supports the redevelopment of the Affected Area for low-medium density residential development. It is proposed that this rezoning include a Concept Plan that identifies a local park and new road that provides access through the site. Therefore, while it is envisaged that there will be some smaller allotments, this will be balanced with a more substantive amount of public space within the development area.

2. Scope of the Code Amendment

2.1 Affected Area

The proposal seeks to amend the Code for the Affected Area, being the land within the City of Unley and identified as:

- 79-85 Mary Street, Unley (CT:5904/548) – the Bretheran site
- 58 Arthur Street, Unley (CT:5851/808) – dwelling site
- 62 Arthur Street, Unley (CT:5581/644) – dwelling site.

A map identifying the Affected Area is included below and shown in **Attachment A**.

Figure 1 Affected Area



Figure 2 Current Zoning



2.1.1 Locality Description

The land subject to this Code Amendment has an area of some 1.14ha with frontages to both Mary Street and Arthur Street.

The Affected Area currently comprises a place of worship which is no longer in operation, open car park for more than 100 vehicles (access is via Mary and Arthur streets), and two dilapidated homes abutting Arthur Street (both vacant). The affected area is surrounded by residential uses on three sides with commercial uses (Australia Post business centre, medical supplies and products) north of the site on the opposite side of Mary Street. Residential uses vary in density from single storey detached homes on allotments of approximately 400 – 800 square metres, two storey townhouses and residential flat buildings on the majority of the west boundary

The Affected Area presents a unique opportunity to redevelop a large infill site in a sensitive manner and in close proximity to key retail, commercial and community services.

Of note, the Area Affected is in a prime location:

- Within 100 metres of King William Road.

- Just over 500 metres of the City-Glenelg Tram Line and less than 100 metres from high frequency public transport services.
- Around 500 metres from Unley Road and the Unley Shopping Centre.
- Less than 2 km from the CBD and 1 km from the Adelaide Park Lands (which provides a range of recreation services).

While the land is within the Established Neighbourhood Zone and Historic Area Overlay, the immediate locality is characterised by a mix of single-storey detached dwellings on larger allotments and two-storey residential flat buildings on smaller sites. The current allotment pattern and building heights is shown on the figure 2 and 3 below.

In summary, the area is mixed in relation to its development characteristics (development era, architectural style, allotment pattern, materials, fencing and landscape setting), with varied representation of the historical themes identified as significant for the locality.

Figure 3 Allotment Sizes within the Locality



Figure 4 Building heights within the Locality



2.2 Scope of the Proposed Code Amendment

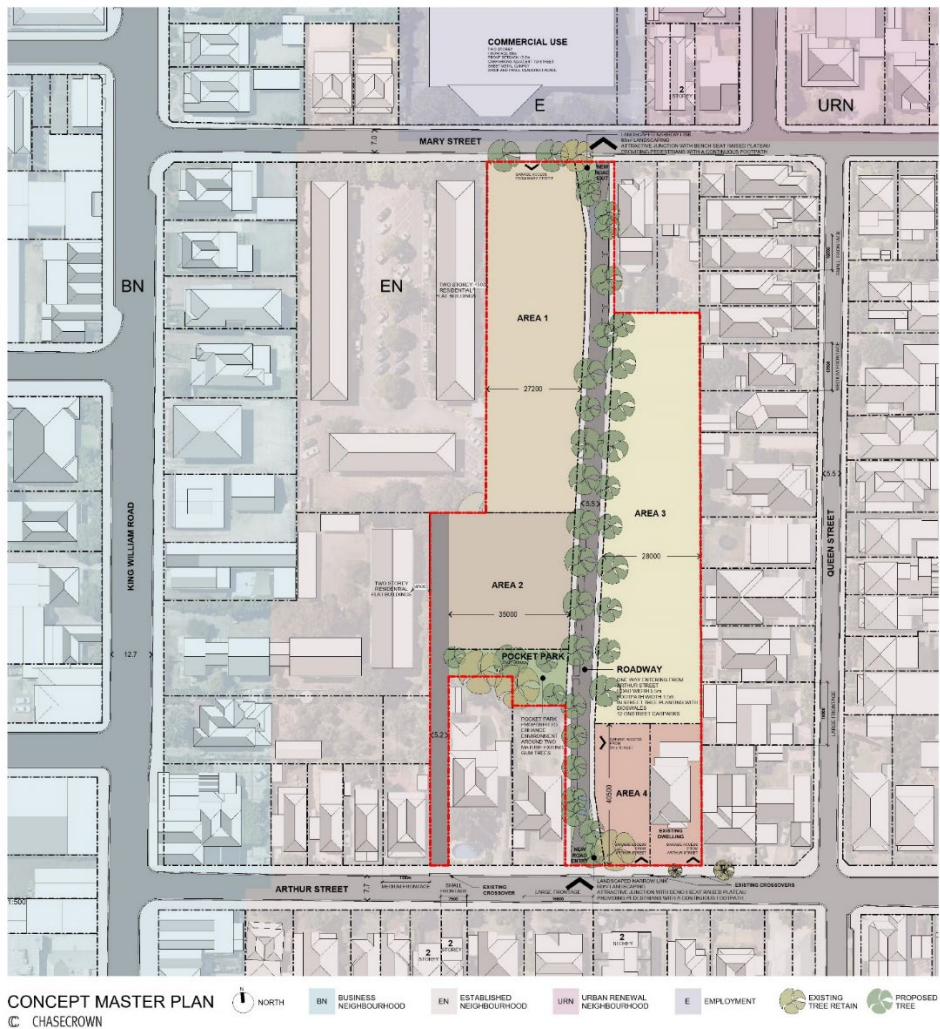
The scope of the amendment is to introduce a policy framework that facilitates sensitive infill development in a form that includes low-medium density residential development that is low-rise.

The proposal is underpinned by a Concept design, which has been prepared for the site. The Concept Design is illustrated in Figure 5 and includes a central tree-lined street and local pocket park that is designed to enhance the locality and protect existing trees within the development area.

The urban form has been carefully designed across the site to respond to the context and minimise impacts on existing residences. The design includes four key areas with the following broad intentions:

- Area 1 envisages development of two to three storeys, with frontages facing the public road in the order of 10 metres wide.
- Area 2 envisages three storey development with garages to the rear facing the laneway. As a result, the frontages to the public road will be narrower, in the order of 4.5 metres.
- Area 3 envisages two storey dwellings with a minimum frontage facing the public road in the order of 11.5 metres, with more generous rear setbacks of 4 metres at ground level and 6 metres for the second level.
- Area 4 envisages two storey dwellings setback from Arthur Street around 7 metres to reflect the current streetscape character.

Figure 5 Concept Design



The Area Affected is within the Established Neighbourhood Zone, Historic Area Overlay. This Overlay calls up the UN7 Historic Area Statement which sets out the identifiable historic, economic and/or social themes of recognised importance for the area. The heritage overlays and listings affecting the site are shown on Figure 6 below.

In this case, the historical period of importance in the locality is 1880-1930. This includes Victorian and Turn-of-the-Century double-fronted, single-fronted and attached cottages. Victorian and Turn-of-the-Century symmetrical and asymmetrical villas and Inter-War Bungalows are also identified as important.

The Area Affected by this Code Amendment does not include buildings that are listed as Local or State Heritage. The locality itself does not provide an intact demonstration of the historical values for the locality. However, it will be important that development complements the streetscape character along Arthur Street and Mary Street.

The scope of this Amendment therefore seeks to investigate the removal of the Historic Area Overlay over the Area Affected, with the potential for retention along Arthur Street.

Figure 6 Heritage Policy Settings



The detail of the Amendment scope is set out below and the current zoning and overlays are shown in **Attachment A**.

Current Policy	Zone
	<ul style="list-style-type: none"> • Established Neighbourhood Zone <p>Overlays</p> <ul style="list-style-type: none"> • Historic Area - Un7 - The Historic Area Overlay aims to reinforce historic themes and characteristics through conservation, contextually responsive development, design and adaptive reuse that responds to the attributes expressed in the Historic Area Statement. • Airport Building Heights (Regulated) – All structures over 45 metres - to ensure building height does not pose a hazard to the operation and safety requirements of commercial and military airfields. • Building Near Airfields – to ensure development does not pose a hazard to the operational and safety requirements of commercial and military airfields. • Heritage Adjacency –to minimise impacts of development on existing heritage places. • Hazards (Flooding – General) - to minimise impacts of general flood risk through appropriate siting and design of development. • Prescribed Wells Area - to ensure sustainable water use in prescribed wells areas. • Regulated and Significant Tree - to mitigate the loss of regulated trees through appropriate development and redevelopment. • Stormwater Management - to ensure new development incorporates water sensitive urban design techniques to capture and re-use stormwater. • Urban Tree Canopy - to preserve and enhance urban tree canopy through the planting of new trees and retention of existing mature trees where practicable. <p>Technical and Numeric Variation (TNVs)</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) – 5.7m • Maximum Building Height (Levels) – 1 level • Minimum frontage: <ul style="list-style-type: none"> – Detached dwelling, semi-detached and row dwelling – 15m • Minimum Site Area: <ul style="list-style-type: none"> – Detached dwelling, semi-detached and row dwelling – 500m²

	<ul style="list-style-type: none"> • Minimum Side Boundary Setback – 1m for first building level, 3m for any second level or higher • Site Coverage – 50%. <p>Note: Rear Boundary setbacks are set out in the Zone as follows:</p> <ul style="list-style-type: none"> • 4m setback to the rear for the first building level • 6m setback to the rear for any second building level.
<p>Amendment Outline</p>	<p>The Code Amendment seeks to create a policy environment which enables the redevelopment of the Affected Area for low-medium density residential activities.</p>
<p>Intended Policy</p>	<ul style="list-style-type: none"> • The Code Amendment intends to replace the Affected Area with the Housing Diversity Neighbourhood Zone. • The following TNVs will be investigated with preliminary recommendations as follows (noting that they may vary across the site): <ul style="list-style-type: none"> – Building height (Levels) – 2- 3 storeys (this may vary across the site) – Building height (Metres) – 9 - 12 metres – Minimum Frontage (Metres) – 4.5 – 10 metres – Minimum Site area – 125 m² <p>(Note: it is proposed that these TNVs vary based on the Concept Plan illustrated in Figure 5 above).</p> • The removal of the Historic Areas Overlay will be investigated. • Investigate whether the Hazards (Flooding – General) Overlay is required given the proposal will be a master planned development. • The opportunity to include a Concept Plan within the Zone will be investigated to lend support to the strategic outcomes sought for the site. • The potential to vary the Rear Boundary setbacks will be investigated as part of the proposal. The dwelling designs for the site include internal courtyards facing north to maximise daylight and ventilation to private open space areas and living areas. This reduces the rear boundary setbacks for some allotments. The investigations will analyse the potential to reduce these setbacks taking into account impacts on adjacent land (including overshadowing, overlooking and massing). Given the nature of the zone in supporting housing diversity, flexibility in setbacks is important to achieving diverse housing product.

3. Strategic Planning Outcomes

Proposed Code Amendments occur within a state, regional and local strategic setting, which includes:

- State Planning Policies (SPPs)
- Regional Plans
- Other relevant strategic documents.

3.1 Summary of Strategic Planning Outcomes

The strategic planning outcomes for the site include:

- Orderly residential growth within the existing urban footprint that protects the loss of important primary production land and sensitive environmental features
- Efficient use of existing utilities and infrastructure within the locality including public transport services
- Support economic activity in the locality including retail and hospitality uses along King William Road and in the Unley Centre
- Development that is compatible with the local neighbourhood, including:
 - Building heights that are relative to site, precinct and neighbourhood context
 - Building setbacks relative to roads and boundary interfaces
 - Diversity of type and size of dwellings and complementary main street mixed commercial uses.

3.2 Alignment with State Planning Policies

The State Planning Policies (SPPs) set out the State’s overarching goals and requirements for the planning system. Under section 66(3)(f) of the Act, the Code must comply with any principle prescribed by a SPP.

The Code Amendment should be initiated because the strategic planning outcomes sought to be achieved through the Code Amendment align with or seeks to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>State Planning Policy 1 – Integrated Planning</p> <p>To apply the principles of integrated planning to shape cities and regions in a way that enhances our liveability, economic prosperity and sustainable future.</p> <p>1.1 An adequate supply of land (well serviced by infrastructure) is available that can</p>	<p>The Code Amendment seeks to provide a further opportunity to support urban infill growth on a strategic site that could support in the order of 40-60 dwellings.</p> <p>The land is located within the suburb of Unley which is well serviced by a range of community services and infrastructure and is in close proximity to the CBD, the Adelaide Park Lands and key shopping</p>

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>accommodate housing and employment growth over the relevant forecast period.</p> <p>1.3 Plan growth in areas of the state that is connected to and integrated with, existing and proposed public transport routes, infrastructure, services and employment lands.</p> <p>1.7 Regenerate neighbourhoods to improve the quality and diversity of housing in appropriate locations supported by infrastructure, services and facilities</p>	<p>and entertainment precincts including King William Road and Unley Road.</p> <p>The land has been vacant for some time, and this proposal allows for the regeneration of the site to provide a more attractive built form and additional housing supply within a highly sought-after location.</p>
<p>State Planning Policy 2 – Design Quality</p> <p>2.1 Promote best practice in the design of buildings, places and the public realm by applying the principles of Good Design.</p> <p>2.10 Facilitate development that positively contributes to the public realm by providing active interfaces with streets and public open spaces.</p> <p>2.11 Manage the interface between modern built form of different scales with more traditional dwelling forms, including through the management of streetscape character, access to natural light, visual and acoustic privacy, massing and proportions.</p> <p>2.12 Create design solutions for infill development that improves the relationship between buildings and public spaces, and the interface with neighbours.</p>	<p>The Planning and Design Code includes a range of policies that address design quality, including the management of the interface between modern built form and more traditional dwelling forms. This rezoning will allow for a high-quality residential infill opportunity that is of a scale that can manage the range of design issues that may arise for the subject land.</p>
<p>State Planning Policy 6 – Housing Supply and Diversity</p> <p>6.1 A well-designed, diverse and affordable housing supply that responds to population growth and projections and the evolving demographic, social, cultural and lifestyle needs of our current and future communities.</p> <p>6.2 The timely supply of land for housing that is integrated with, and connected to, the range of services, facilities, public transport and</p>	<p>This Proposal is to amend the Planning and Design Code to allow for low-to-medium density residential development that complements the locality. The Proposal therefore adds to the existing housing supply in a locality which is highly sought after and is proximate to a range of services and community infrastructure.</p> <p>It is not proposed to apply the Affordable Housing Overlay to the land given that it is to be included in a</p>

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>infrastructure needed to support liveable and walkable neighbourhoods.</p> <p>6.3 Develop healthy neighbourhoods that include diverse housing options; enable access to local shops, community facilities and infrastructure; promote active travel and public transport use; and provide quality open space, recreation and sporting facilities.</p> <p>6.8 Ensure a minimum of 15% of new housing in all significant developments that meets the criteria for affordable housing.</p>	<p>comparable zone to the existing (low to medium density). Further, the affordable housing price point is not achievable at the densities proposed, and would require a higher order zoning approach, which would be less palatable to the local community.</p>
<p>State Planning Policy 7: Cultural Heritage</p> <p>7.5 Maintain the context of a place or area of heritage value through appropriate design guidelines that encourage compatible design solutions.</p>	<p>The land was originally identified as a Streetscape Zone within the City of Unley Development Plan and was transitioned to the Established Neighbourhood Zone, Historic Areas Overlay within the Planning and Design Code.</p> <p>Preliminary investigations suggest that this site does not contribute to the historical value of the locality. This will be further investigated as part of this Amendment with input from specialists with heritage expertise.</p> <p>The Code Amendment is not anticipated to impact on areas of Indigenous cultural heritage significance given its location within a built-up urban area.</p>

3.3 Alignment with Regional Plans

As with the SPPs, the directions set out in Regional Plans provide the long-term vision as well as setting the spatial patterns for future development in a region. This includes consideration of land use integration, transport infrastructure and the public realm.

The 30-Year Plan for Greater Adelaide is the relevant Regional Plan for this Code Amendment. This Plan includes six targets, underpinned by a range of policies that will help measure progress on delivering a new urban form. They are:

1. Containing our urban footprint and protecting our resources
2. More ways to get around
3. Getting active

4. Walkable neighbourhoods
5. A green liveable city
6. Greater housing choice.

Target 1 is concerned with ‘Containing our urban footprint and protecting our resources’ and includes a target for 85% of all new housing in metropolitan Adelaide will be built in established urban areas by 2045.

Target 6 – ‘Greater Housing Choice’ includes a target to increase housing choice by 25% to meet changing household needs in Greater Adelaide by 2045.

These targets will drive higher population across the metropolitan area and a more compact and dense urban form. The rezoning proposal provides opportunities for a range of housing styles that promote housing diversity and various price points, including housing products that meet the affordable housing price point, as well as providing for an increasingly affordable lifestyle due to access to the range of services and employment within the area.

The Code Amendment proposal reinforces the desire for a more compact metropolitan area as it represents the infill of one of the few remaining redevelopment sites of scale inside the existing urban footprint. It is acknowledged that the price point for the development is likely to be above the affordable housing price point due to the size of the allotments that have been designed to be compatible with the residential character of the locality.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p>Design Quality</p> <p>P26. Develop and promote a distinctive and innovative range of building typologies for residential housing which responds to metropolitan Adelaide’s changing housing needs, reflects its character and climate, and provides a diversity of price points.</p> <p>P29. Encourage development that positively contributes to the public realm by ensuring compatibility with its surrounding context and provides active interfaces with streets and public open spaces.</p>	<p>The Code Amendment proposes to introduce the Housing Diversity Zone which includes a range of design related policies, including setbacks, building heights, wall heights. The rezoning is underpinned by an Urban Design Study which will be reflected in the Code Amendment and in the subsequent land division.</p>
<p>Heritage</p> <p>P33 Recognise the value that communities place on heritage and ensure that new development is implemented sensitively and respectfully.</p>	<p>The Code Amendment will investigate the potential to impact on the heritage values of the locality to ensure development is sensitive and respectful of its surroundings.</p>

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p>Housing Mix, Affordability and Competitiveness</p> <p>P36. Increase housing supply near jobs, services and public transport to improve affordability and provide opportunities for people to reduce their transport costs.</p> <p>P42. Provide for the integration of affordable housing with other housing to help build social capital.</p> <p>P43. Increase the supply of affordable housing through the provision of 15 per cent affordable housing in all new significant developments. These developments include surplus and residential government land projects; declared major developments and projects; and rezoned land that increases dwelling yield (including all new growth areas).</p>	<p>It is proposed that the Code Amendment will provide an additional supply of residential land in close proximity to the CBD.</p>
<p>Climate Change</p> <p>P105 Deliver a more compact urban form to:</p> <ul style="list-style-type: none"> • protect valuable primary production land • reinforce the Hills Face Zone, character preservation districts and Environment and Food Production Areas • conserve areas of nature protection areas • safeguard the Mount Lofty Ranges Watershed <p>reduce vehicle travel and associated greenhouse gas emissions.</p>	<p>This Code Amendment provides opportunities for infill development within the existing urban footprint. It will investigate opportunities for urban greening and quality landscape design.</p>

3.4 Alignment with other Relevant Documents

Additional documents may relate to the broader land use intent within the scope of this proposed Code Amendment (or directly to the Affected Area) and therefore are identified for consideration in the preparation of the Code Amendment.

The following table identifies other documents relevant to the proposed Code Amendment:

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
<p>City of Unley Community Plan 2033</p>	<p>The Community Plan sets out 14 principles that build on The 30-Year Plan for Greater Adelaide:</p> <ul style="list-style-type: none"> • A compact and carbon efficient city • Housing diversity and choice • Accessibility • A transit focused and connected city • World class design and vibrancy • Social inclusion and fairness • Heritage and character • Healthy, safe and connected communities • Affordable living • Economic growth and competitiveness • Climate change resilience • Environmental protection, restoration and enhancement • Natural resources management • Community engagement. <p>This Code Amendment supports these principles.</p>

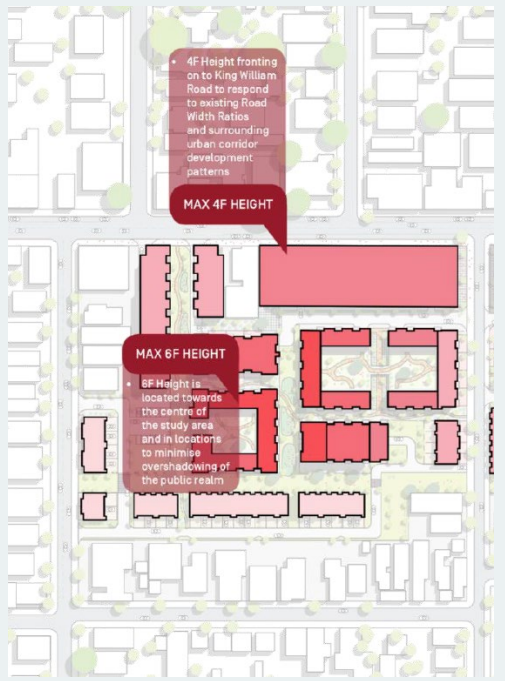
4. Investigations and Engagement

4.1 Investigations Already Undertaken

The table below identifies what investigations have already been undertaken in support of the proposed Code Amendment. The Unley Urban Design Study identified six key design strategies for the site and the broader study area (which extended to King William Road to the west and Charles Walk to the north):

- Establish active green links to Charles Walk
- Create Smaller scale buffer zone to interface with existing residential
- Extend King William Road active frontage to increase amenity (outside of the scope of this Amendment)
- Establish landscaped roadways to prioritise pedestrian safety and comfort
- Create new centre of density to inform a new diverse community
- Utilise Diversity and Density to unlock further development potential.

The investigations considered the following design parameters to ensure that development is compatible with the neighbourhood character:

Policy Element	Summary of Outcome of Recommendations	
<p>Height</p>	<ul style="list-style-type: none"> • Townhouses fronting Mary Street at 3-storey height • Townhouses fronting Arthur Street at 2-storey height • Apartment maximum at 6-storey height <p>This Code Amendment proposes a maximum of 3 building levels with the predominant built form a maximum of 2-storeys.</p>	

Policy Element	Summary of Outcome of Recommendations	
Setback	Setbacks: <ul style="list-style-type: none"> • Comparable to existing setbacks on Arthur Street and Mary Street • Interface setback angles to guide building upper levels, measured from the adjacent residential. 	

4.2 Further Investigations Proposed

In addition to the investigations already undertaken and identified above, the table below outlines what additional investigations that will be undertaken to support the Code Amendment.

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Traffic Impact Statement	To identify the impact of the proposed Code Amendment on the road network and the scope and timing of road upgrades required to support future development (if any). This will include the design of a new road through the site and suitable site access.
Stormwater Investigations	To confirm the stormwater runoff can be appropriately managed – flood overlay.
Heritage and Character	To determine the suitability of the alterations of TNVs taking into account surrounding context.
Arborist	To identify any regulated and/or significant trees and the potential need for retention.
Community Infrastructure Analysis	To identify level of community services.
Site Contamination	Preliminary site analysis to identify level of contamination.
Design Analysis	Investigations into the TNVs and the potential impacts on adjoining land. This will include an analysis of rear boundary setbacks and the potential to alter these across the site to better respond to site conditions.

4.3 Engagement Already Undertaken

In accordance with Practice Direction 2, the City of Unley Chief Executive has been consulted on this proposal. In summary, the following matters were raised by the Council:

- There is recognition that given the substantial scale of the site, the strategic location and transition to denser development to the west and the obsolete Place of Worship facility, the site warrants redevelopment for a complementary, primarily residential focussed medium density development.
- The key principles of Good Design, promoted by the Office for Design and Architecture and adopted for the Planning and Design Code are considered relevant for consideration.
- Support a scale of 2 storey generally, and some limited 3 storey development in the core area.
- Propose a building envelope with an interface of a 30 degree plane from 3 metres above natural ground level at the boundary.
- Street setbacks along Arthur and Mary streets should be consistent with historic buildings, and otherwise setbacks in the order of 3-4 metres through the site.
- Support the review of site boundary setbacks, rear setbacks, and site coverage to enable medium density residential.
- Suggest consideration be given to provisions to support an attractive public realm (road design, cross overs, street tree plantings etc).
- Propose a minimum of 15% deep soil and tree canopy to optimise greening, amenity and urban heat mitigation.

These matters will be further considered through the investigations and as part of the land division design at development application stage. Preliminary discussions have been held with the Code Control Group within the Attorney-General’s Department who have recommended the Housing Diversity Neighbourhood Zone as the most compatible Zone to support the proposal. Alternatives considered included the Established Neighbourhood Zone with changes to the local policies (technical and numerical variations) or the Urban Neighbourhood Zone. The Urban Neighbourhood Zone was assessed as providing for a much higher density outcome than that envisaged for the site, and therefore the Housing Diversity Neighbourhood Zone has been selected.

4.4 Further Engagement Proposed

In addition to the engagement already undertaken and identified above, the table below outlines what additional engagement will be undertaken to support the Code Amendment and prior to formal consultation. Formal consultation will be undertaken in accordance with the Community Engagement Charter as set out under section 5.

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
Meeting with Council staff	Consultation prior to the formal commencement of the consultation process to inform the technical aspects of the Amendment.

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
Attorney-General's Department (Code Control Group)	Engagement prior to formal community consultation to inform final Zone selection and local policy content.

5. Code Amendment Process

5.1 Engagement Plan

The Code Amendment process will occur in accordance with the Community Engagement Charter and Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument.

The Designated Entity will prepare an Engagement Plan prior to the commencement of engagement on the proposed Code Amendment. The Engagement Plan will include the following mandatory consultation requirements (which may be in addition to the engagement outlined in this Proposal to Initiate):

- the Local Government Association must be notified in writing of the proposed Code Amendment;
- if the Code Amendment has a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally), the Designated Entity must take reasonable steps to give a notice in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:
 - the owners or occupiers of the land; and
 - owners or occupiers of each piece of adjacent land;
- consultation must also occur with any person or body specified by the State Planning Commission under section 73(6)(e) of the Act.

5.2 Engagement Report

Once engagement on the Code Amendment is complete, the Designated Entity will prepare an Engagement Report under section 73(7) of the Act.

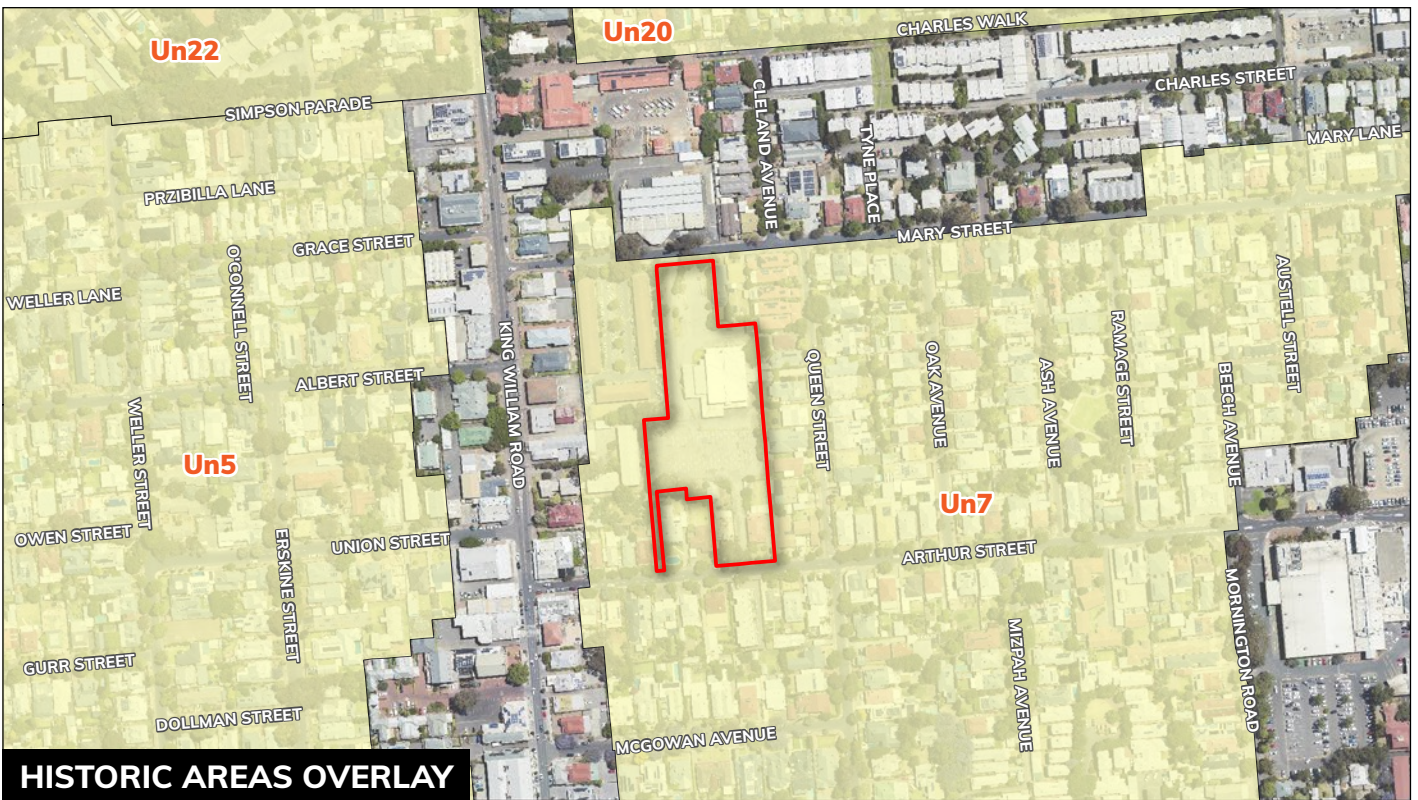
The Designated Entity must ensure that a copy of the Engagement Report is furnished on the Minister and also published on the SA Planning Portal. This will occur in accordance with Practice Direction 2.

The Engagement Plan and the Engagement Report will also be considered by the State Planning Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under section 74(3) of the Act. The Commission's report will provide information about the reason for the Code Amendment, the consultation undertaken on the Code Amendment and any other information considered relevant by the Commission.

5.3 Code Amendment Timetable

The Proponent (where it is also the Designated Entity) commits to undertaking the Code Amendment in line with the timeframe outlined **Attachment C**. If a timeframe is exceeded (or expected to be exceeded) the Proponent agrees to provide an amended timetable to the Department with an explanation of the delay, for approval by the Minister of an extension of time for the Code Amendment.

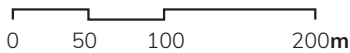
ATTACHMENT A
Maps for Affected Area



PLANNING AND DESIGN CODE OVERLAYS

79-85 Mary Street, 58 & 62 Arthur Street, Unley

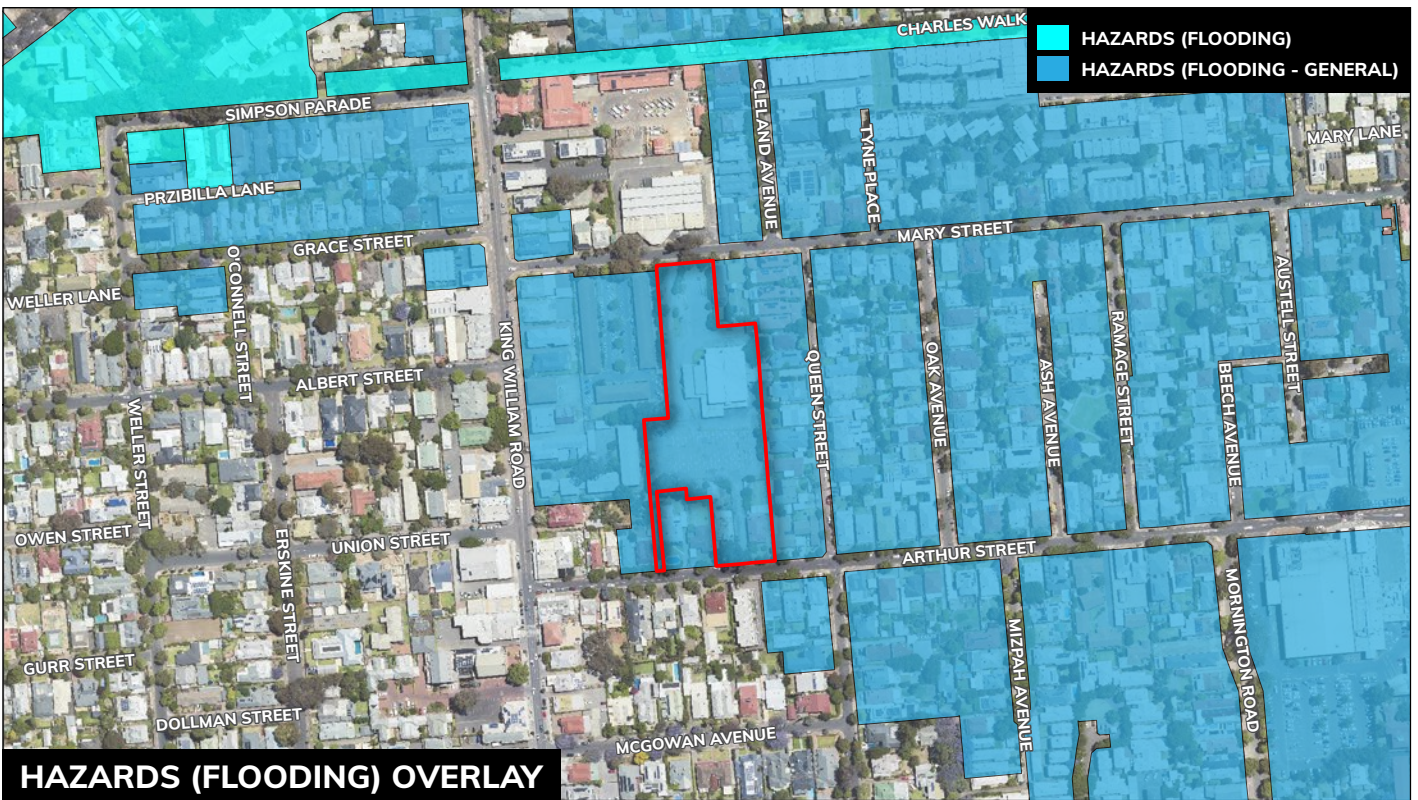
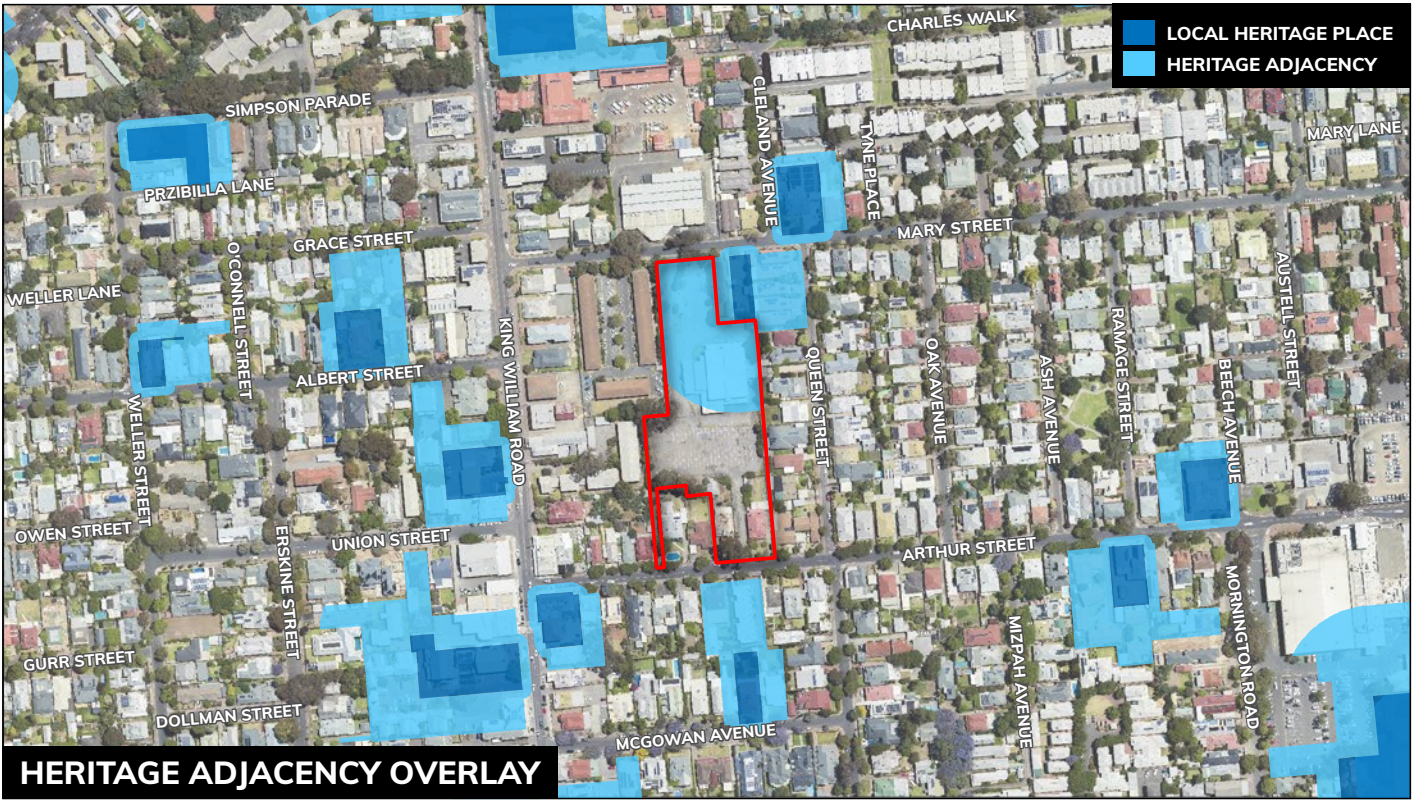
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PREPARED BY.	MP
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REVISION.	1
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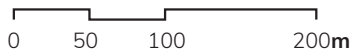
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PLANNING AND DESIGN CODE OVERLAYS

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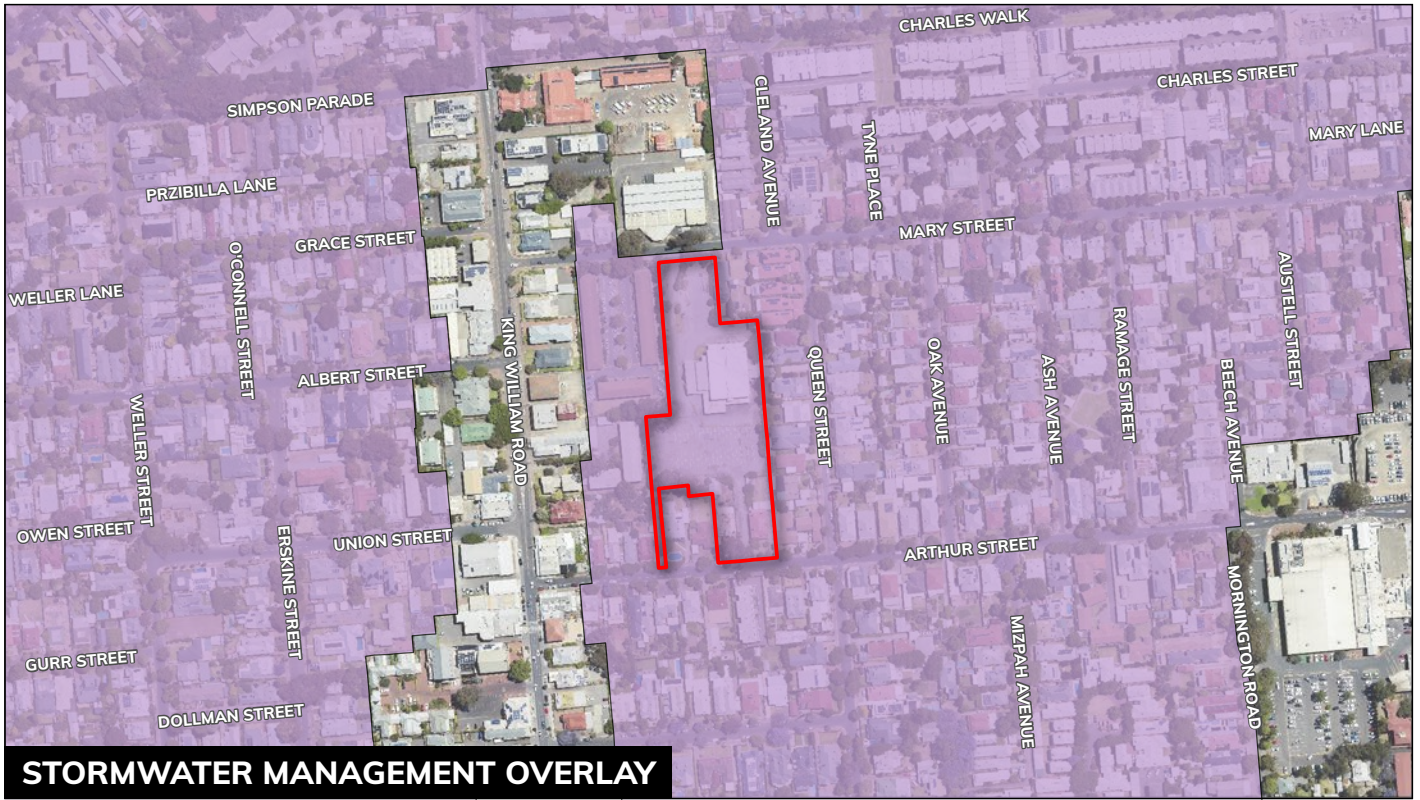
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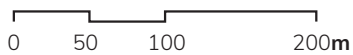
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PLANNING AND DESIGN CODE OVERLAYS

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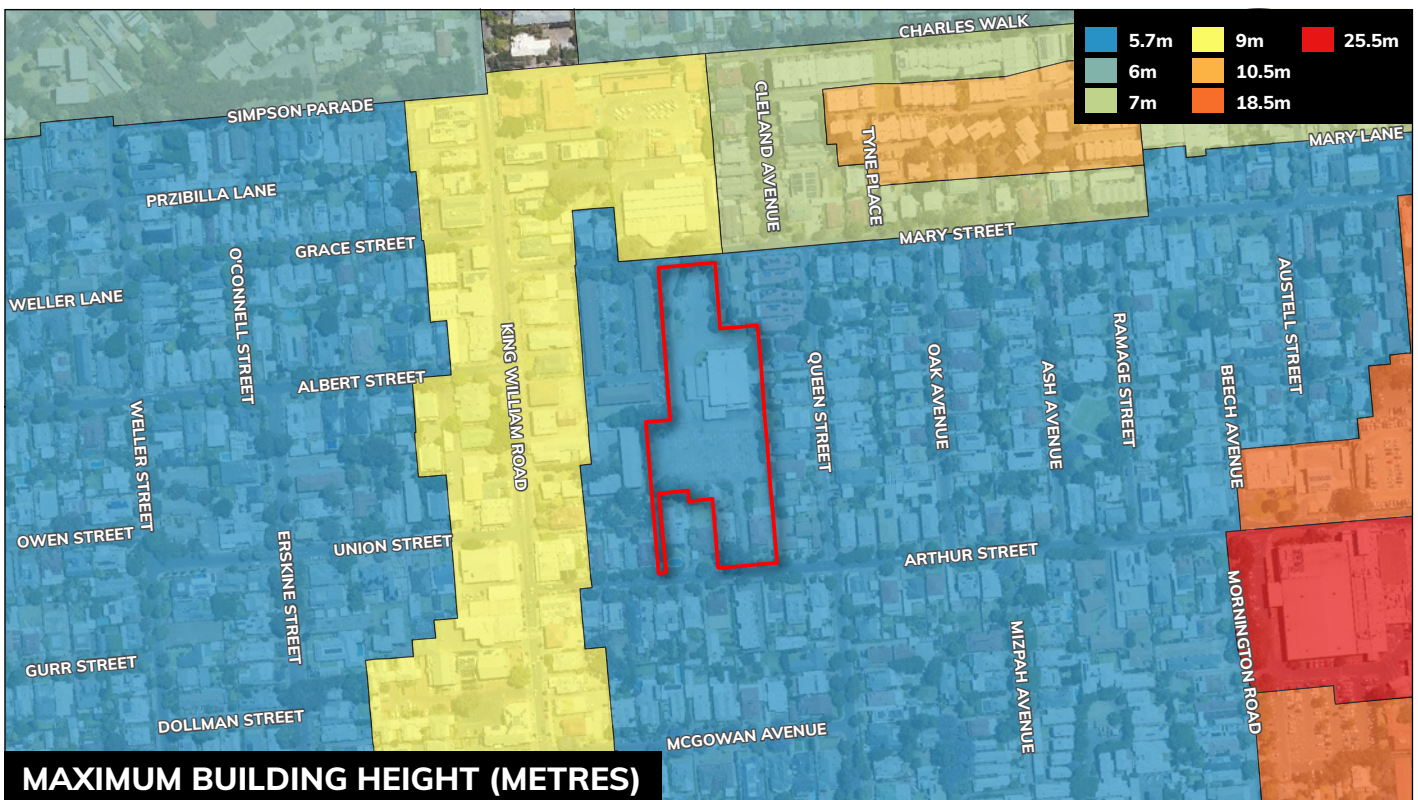
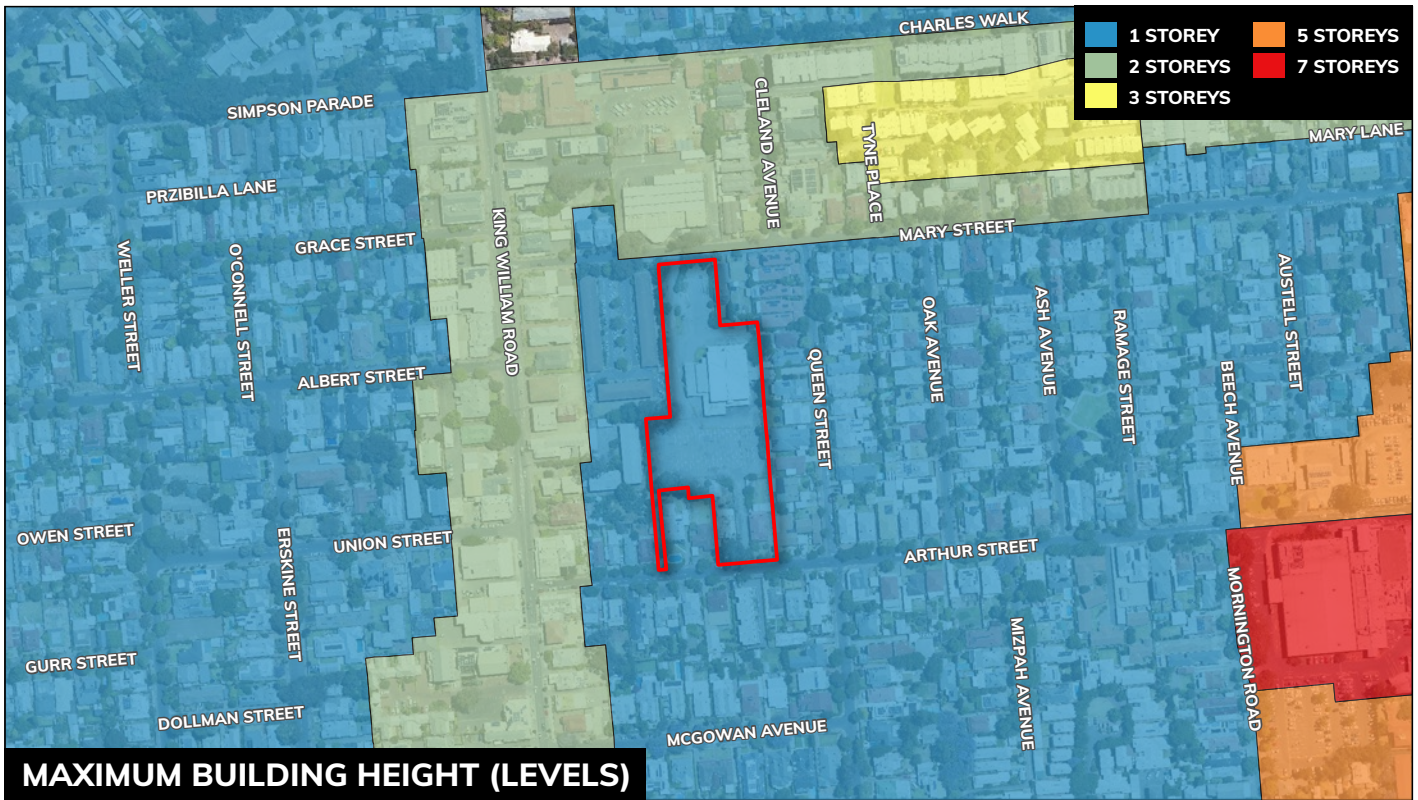
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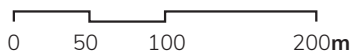
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TECHNICAL & NUMERICAL VARIATIONS

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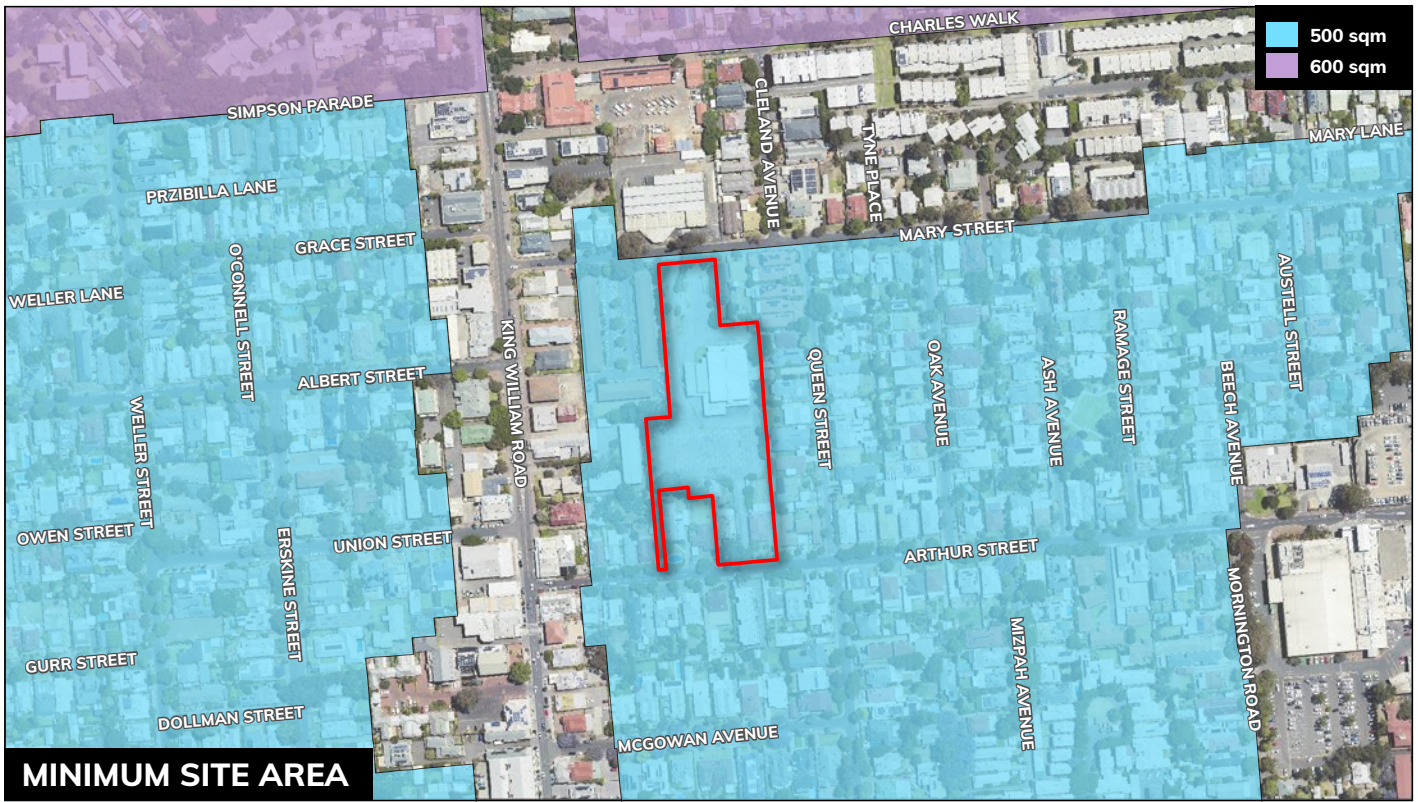
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PREPARED BY.	MP
DATE.	18.01.22
REVISION.	1
DATA SOURCE.	MetroMap (11.12.2021) data.sa.gov.au



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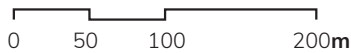
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TECHNICAL & NUMERICAL VARIATIONS

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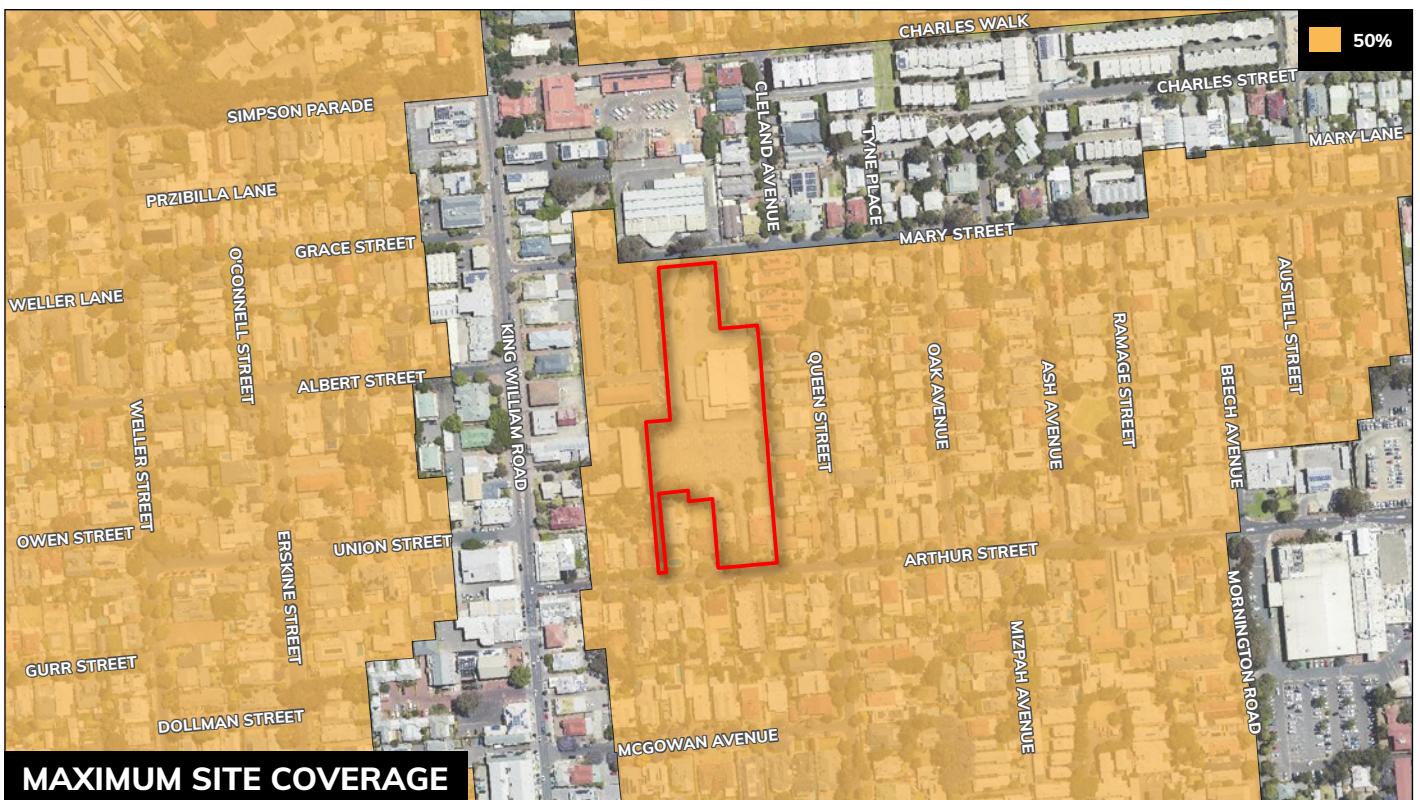
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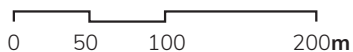
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REVISION.	1
DATA SOURCE.	MetroMap (11.12.2021) data.sa.gov.au



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ATTACHMENT B
Housing Diversity Neighbourhood Zone
Example Only

Part 2 - Zones and Sub Zones

Housing Diversity Neighbourhood Zone

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Medium density housing supports a range of needs and lifestyles, located within easy reach of a diversity of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
<p>PO 1.1</p> <p>Diverse range of medium density housing and accommodation complemented by a range of compatible non-residential uses supporting an active, convenient, and walkable neighbourhood.</p>	<p>DTS/DPF 1.1</p> <p>Development comprises one or more of the following:</p> <ul style="list-style-type: none"> (a) Ancillary accommodation (b) Consulting room (c) Community facility (d) Dwelling (e) Educational establishment (f) Office (g) Place of Worship (h) Pre-school (i) Recreation area (j) Residential flat building (k) Retirement facility (l) Shop (m) Supported accommodation.
<p>PO 1.2</p> <p>Commercial activities improve community access to services are of a scale and type to maintain residential amenity.</p>	<p>DTS/DPF 1.2</p> <p>A shop, consulting room or office (or any combination thereof) satisfies any one of the following:</p> <ul style="list-style-type: none"> (a) it is located on the same allotment and in conjunction with a dwelling where all the following are satisfied: <ul style="list-style-type: none"> (i) does not exceed 50m² gross leasable floor area (ii) does not involve the display of goods in a window or about the dwelling or its curtilage (b) it reinstates a former shop, consulting room or office in an existing building (or portion of a building) and satisfies one of the following: <ul style="list-style-type: none"> (i) the building is a State or Local Heritage Place (ii) is in conjunction with a dwelling and there is no increase in the gross leasable floor area previously used for non-residential purposes (c) is located more than 500m from an Activity Centre and satisfies one of the following: <ul style="list-style-type: none"> (i) does not exceed 100m² gross leasable floor area (individually or combined, in a single building) where the site does not have a frontage to a State Maintained Road (ii) does not exceed 200m² gross leasable floor area (individually or

	<p>combined, in a single building) where the site has a frontage to a State Maintained Road</p> <p>(d) the development site abuts an Activity Centre and all the following are satisfied:</p> <p>(i) it does not exceed 200m² gross leasable floor area (individually or combined, in a single building)</p> <p>(ii) the proposed development will not result in a combined gross leasable floor area (existing and proposed) of all shops, consulting rooms and offices that abut the Activity Centre in this zone exceeding the lesser of the following:</p> <p>A. 50% of the existing gross leasable floor area within the Activity Centre</p> <p>B. 1000m².</p>					
<p>PO 1.3</p> <p>Non-residential development located and designed to improve community accessibility to services, primarily in the form of:</p> <p>(a) small-scale commercial uses such as offices, shops and consulting rooms</p> <p>(b) community services such as educational establishments, community centres, places of worship, pre-schools and other health and welfare services</p> <p>(c) services and facilities ancillary to the function or operation of supported accommodation or retirement facilities</p> <p>(d) open space and recreation facilities.</p>	<p>DTS/DPF 1.3</p> <p>None are applicable.</p>					
<p>PO 1.4</p> <p>Expansion of existing community services such as educational establishments, community facilities and pre-schools in a manner which complements the scale of development envisaged by the desired outcome for the neighbourhood.</p>	<p>DTS/DPF 1.4</p> <p>Alteration of or addition to existing educational establishments, community facilities or pre-schools where all the following are satisfied:</p> <p>(a) set back at least 3m from any boundary shared with a residential land use</p> <p>(b) building height not exceeding 1 building level</p> <p>(c) the total floor area of the building not exceeding 150% of the total floor area prior to the addition/alteration</p> <p>(d) off-street vehicular parking exists or will be provided in accordance with the rate(s) specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas to the nearest whole number.</p>					
<p>PO 1.5</p> <p>Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.</p>	<p>DTS/DPF 1.5</p> <p>None are applicable.</p>					
<p>Site Dimensions and Land Division</p>						
<p>PO 2.1</p> <p>Allotments/sites created for residential purposes accommodate a diverse range of low to medium density housing, with higher densities closer to public open space, public transport stations and activity centres.</p>	<p>DTS/DPF 2.1</p> <p>Development will not result in more than 1 dwelling on an existing allotment</p> <p>or</p> <p>Allotments/sites for residential purposes accord with the following:</p> <p>(a) site areas (or allotment areas in the case of land division) are not less than the following (average site area per dwelling, including common areas, applies for group dwellings or dwellings within a residential flat building):</p> <table border="1" data-bbox="831 1865 1520 2128"> <thead> <tr> <th style="text-align: center;">Minimum Site Area</th> </tr> </thead> <tbody> <tr> <td>Minimum site area for a group dwelling is 250 sqm; residential flat building is 250 sqm</td> </tr> <tr> <td>Minimum site area for a detached dwelling is 150 sqm; semi-detached dwelling is 150 sqm; row dwelling is 150 sqm; group dwelling is 150 sqm; residential flat building is 150 sqm</td> </tr> <tr> <td>Minimum site area for a detached dwelling is 160 sqm; semi-detached dwelling is 160 sqm; row dwelling is 160 sqm; group dwelling is 160 sqm; residential flat building is 160 sqm</td> </tr> <tr> <td>Minimum site area for a detached dwelling is 200 sqm; semi-detached dwelling is 180 sqm; row dwelling is 120 sqm; group dwelling is 150 sqm; residential flat building is 80</td> </tr> </tbody> </table>	Minimum Site Area	Minimum site area for a group dwelling is 250 sqm; residential flat building is 250 sqm	Minimum site area for a detached dwelling is 150 sqm; semi-detached dwelling is 150 sqm; row dwelling is 150 sqm; group dwelling is 150 sqm; residential flat building is 150 sqm	Minimum site area for a detached dwelling is 160 sqm; semi-detached dwelling is 160 sqm; row dwelling is 160 sqm; group dwelling is 160 sqm; residential flat building is 160 sqm	Minimum site area for a detached dwelling is 200 sqm; semi-detached dwelling is 180 sqm; row dwelling is 120 sqm; group dwelling is 150 sqm; residential flat building is 80
Minimum Site Area						
Minimum site area for a group dwelling is 250 sqm; residential flat building is 250 sqm						
Minimum site area for a detached dwelling is 150 sqm; semi-detached dwelling is 150 sqm; row dwelling is 150 sqm; group dwelling is 150 sqm; residential flat building is 150 sqm						
Minimum site area for a detached dwelling is 160 sqm; semi-detached dwelling is 160 sqm; row dwelling is 160 sqm; group dwelling is 160 sqm; residential flat building is 160 sqm						
Minimum site area for a detached dwelling is 200 sqm; semi-detached dwelling is 180 sqm; row dwelling is 120 sqm; group dwelling is 150 sqm; residential flat building is 80						

	sqm
	Minimum site area for a detached dwelling is 200 sqm; semi-detached dwelling is 200 sqm; row dwelling is 200 sqm; group dwelling is 200 sqm; residential flat building is 200 sqm
	Minimum site area for a detached dwelling is 230 sqm; semi-detached dwelling is 230 sqm; row dwelling is 230 sqm; group dwelling is 230 sqm; residential flat building is 200 sqm
	Minimum site area for a detached dwelling is 250 sqm; semi-detached dwelling is 200 sqm; row dwelling is 150 sqm; group dwelling is 150 sqm; residential flat building is 150 sqm
	Minimum site area for a detached dwelling is 250 sqm; semi-detached dwelling is 200 sqm; row dwelling is 200 sqm; group dwelling is 200 sqm; residential flat building is 200 sqm
	Minimum site area for a detached dwelling is 250 sqm; semi-detached dwelling is 220 sqm; row dwelling is 170 sqm; group dwelling is 200 sqm; residential flat building is 150 sqm
	Minimum site area for a detached dwelling is 250 sqm; semi-detached dwelling is 250 sqm; row dwelling is 150 sqm; group dwelling is 175 sqm; residential flat building is 175 sqm
	Minimum site area for a detached dwelling is 250 sqm; semi-detached dwelling is 250 sqm; row dwelling is 220 sqm; group dwelling is 220 sqm; residential flat building is 220 sqm
	Minimum site area for a detached dwelling is 250 sqm; semi-detached dwelling is 250 sqm; row dwelling is 250 sqm; group dwelling is 250 sqm; residential flat building is 250 sqm
	Minimum site area for a detached dwelling is 270 sqm; semi-detached dwelling is 270 sqm; row dwelling is 180 sqm; group dwelling is 200 sqm; residential flat building is 200 sqm
	Minimum site area for a detached dwelling is 300 sqm; semi-detached dwelling is 220 sqm; row dwelling is 180 sqm; group dwelling is 275 sqm; residential flat building is 200 sqm
	Minimum site area for a detached dwelling is 300 sqm; semi-detached dwelling is 250 sqm; group dwelling is 250 sqm; residential flat building is 120 sqm
	Minimum site area for a detached dwelling is 330 sqm; semi-detached dwelling is 300 sqm; row dwelling is 200 sqm; group dwelling is 200 sqm
	Minimum site area is 200 sqm
	Minimum site area for a detached dwelling is 270 sqm; semi-detached dwelling is 270 sqm; row dwelling is 270 sqm; group dwelling is 270 sqm; residential flat building is 270 sqm
	Minimum site area for a detached dwelling is 300 sqm; semi-detached dwelling is 220 sqm; row dwelling is 150 sqm; group dwelling is 200 sqm; residential flat building is 200 sqm
	Minimum site area for a detached dwelling is 325 sqm; semi-detached dwelling is 325 sqm; row dwelling is 230 sqm; group dwelling is 270 sqm; residential flat building is 270 sqm
	and
	(b) site frontages (or allotment frontages in the case of land division) are not less than:
	Minimum Frontage
	Minimum frontage for a group dwelling is 20m; residential flat building is 20m
	Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 8m; group dwelling is 20m; residential flat building is 20m
	Minimum frontage for a detached dwelling is 7.5m; semi-detached dwelling is 7m; row dwelling is 6m; group dwelling is 22m; residential flat building is 22m
	Minimum frontage for a detached dwelling is 8m; semi-detached dwelling is 7m; row dwelling is 5m; group dwelling is 15m; residential flat building is 15m
	Minimum frontage for a detached dwelling is 8m; semi-detached dwelling is 8m; row dwelling is 6m; group dwelling is 18m; residential flat building is 18m
	Minimum frontage for a detached dwelling is 8m; semi-detached dwelling is 8m; row dwelling is 7m; group dwelling is 16m; residential flat building is 16m
	Minimum frontage for a detached dwelling is 8m; semi-detached dwelling is 8m; row dwelling is 8m; group dwelling is 13m; residential flat building is 13m
	Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 6m; row dwelling is 7m; group dwelling is 12m; residential flat building is 22m
	Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 7m; row dwelling is 7m; group dwelling is 15m; residential flat building is 15m
	Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 8m; row dwelling is 5m; group dwelling is 18m; residential flat building is 18m
	Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 8m; row dwelling is 7m; group dwelling is 15m; residential flat building is 15m
	Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 8m; row

	<p>dwelling is 7m; group dwelling is 18m; residential flat building is 18m</p> <p>Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 9m; row dwelling is 5m; group dwelling is 7m; residential flat building is 15m</p> <p>Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 9m; row dwelling is 6m; group dwelling is 18m; residential flat building is 18m</p> <p>Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 9m; row dwelling is 7m; group dwelling is 7m; residential flat building is 7m</p> <p>Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 9m; row dwelling is 9m; group dwelling is 9m; residential flat building is 15m</p> <p>Minimum frontage for a detached dwelling is 8m; semi-detached dwelling is 7m; row dwelling is 6m; group dwelling is 6m; residential flat building is 6m</p> <p>Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 9m; row dwelling is 7m; group dwelling is 18m; residential flat building is 18m</p> <p>In relation to DTS/DPF 2.1, in instances where:</p> <p>(c) more than one value is returned in the same field, refer to the <i>Minimum Frontage Technical and Numeric Variation</i> layer or <i>Minimum Site Area Technical and Numeric Variation</i> layer in the SA planning database to determine the applicable value relevant to the site of the proposed development.</p> <p>(d) no value is returned in DTS/DPS 2.1(a) (i.e. there is a blank field or the value is not relevant), then a net residential density of up to 70 dwellings per hectare applies.</p> <p>(e) no value is returned in DTS/DPS 2.1(b) (i.e. there is a blank field or the value is not relevant), then there is no minimum frontage and DTS/DPF 2.1(b) is met.</p>														
<p>PO 2.2</p> <p>Development creating new allotments/sites in conjunction with retention of an existing dwelling ensures the site of the existing dwelling remains fit for purpose.</p>	<p>DTS/DPF 2.2</p> <p>Where the site of a dwelling does not comprise an entire allotment:</p> <p>(a) the balance of the allotment accords with the requirements specified in Housing Diversity Neighbourhood Zone DTS/DPF 2.1</p> <p>(b) if there is an existing dwelling on the allotment that will remain on the allotment after completion of the development it will not contravene:</p> <p>(i) private open space requirements specified in Design in Urban Areas Table 1 - Private Open Space</p> <p>(ii) car parking requirements specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas to the nearest whole number.</p>														
<p>Building Height</p>															
<p>PO 3.1</p> <p>Building height is consistent with the form expressed in any relevant Maximum Building Height Levels Technical and Numeric Variation and Maximum Building Height Metres Technical and Numeric Variation, and is otherwise generally low rise, or complements the height of nearby buildings.</p>	<p>DTS/DPF 3.1</p> <p>Building height (excluding garages, carports and outbuildings) is no greater than:</p> <p>(a) the following:</p> <table border="1" data-bbox="831 1512 1517 1993"> <thead> <tr> <th style="text-align: center;">Maximum Building Height (Metres)</th> </tr> </thead> <tbody> <tr><td>Maximum building height is 8m</td></tr> <tr><td>Maximum building height is 8.5m</td></tr> <tr><td>Maximum building height is 9m</td></tr> <tr><td>Maximum building height is 10m</td></tr> <tr><td>Maximum building height is 12m</td></tr> <tr><td>Maximum building height is 12.5m</td></tr> <tr><td>Maximum building height is 16.5m</td></tr> <tr><td>Maximum building height is 11m</td></tr> <tr> <th style="text-align: center;">Maximum Building Height (Levels)</th> </tr> <tr><td>Maximum building height is 1 level</td></tr> <tr><td>Maximum building height is 2 levels</td></tr> <tr><td>Maximum building height is 3 levels</td></tr> <tr><td>Maximum building height is 4 levels</td></tr> </tbody> </table> <p>(b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - 2 building levels up to a maximum height of 9m.</p>	Maximum Building Height (Metres)	Maximum building height is 8m	Maximum building height is 8.5m	Maximum building height is 9m	Maximum building height is 10m	Maximum building height is 12m	Maximum building height is 12.5m	Maximum building height is 16.5m	Maximum building height is 11m	Maximum Building Height (Levels)	Maximum building height is 1 level	Maximum building height is 2 levels	Maximum building height is 3 levels	Maximum building height is 4 levels
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Maximum building height is 2 levels															
Maximum building height is 3 levels															
Maximum building height is 4 levels															

	<p>In relation to DTS/DPF 3.1, in instances where:</p> <p>(c) more than one value is returned in the same field, refer to the <i>Maximum Building Height (Levels) Technical and Numeric Variation</i> layer or <i>Maximum Building Height (Meters) Technical and Numeric Variation</i> layer in the SA planning database to determine the applicable value relevant to the site of the proposed development</p> <p>(d) only one value is returned for DTS/DPF 3.1(a) (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other.</p>
<p>Primary Street Setback</p>	
<p>PO 4.1</p> <p>Buildings are set back from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.</p>	<p>DTS/DPF 4.1</p> <p>The building line of a building set back from the primary street boundary not less than 3m.</p>
<p>Secondary Street Setback</p>	
<p>PO 5.1</p> <p>Buildings are set back from secondary street boundaries to achieve a pattern of separation between building walls and public thoroughfares and to reinforce streetscape character.</p>	<p>DTS/DPF 5.1</p> <p>Buildings walls are set back at least 900mm from the boundary of the allotment with the secondary street frontage, or if a dwelling on any adjoining allotment is closer to the secondary street than 0.9m, the distance of that dwelling from the boundary with the secondary street (being, if relevant, the lesser of the 2 distances).</p>
<p>Boundary Walls</p>	
<p>PO 6.1</p> <p>Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining residential properties.</p>	<p>DTS/DPF 6.1</p> <p>Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur on only one side boundary and satisfy (a) or (b) below:</p> <p>(a) side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height</p> <p>(b) side boundary walls do not:</p> <p>(i) exceed 3m in height from the top of footings</p> <p>(ii) exceed 11.5m in length</p> <p>(iii) when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary</p> <p>(iv) encroach within 3m of any other existing or proposed boundary walls on the subject land.</p>
<p>PO 6.2</p> <p>Dwellings in a semi-detached, row or terrace arrangements maintain space between buildings consistent with a suburban streetscape character.</p>	<p>DTS/DPF 6.2</p> <p>Dwelling walls in a semi-detached, row or terrace arrangement are set back at least 900mm from side boundaries shared with allotments outside the development site.</p>
<p>Side Boundary Setback</p>	
<p>PO 7.1</p> <p>Buildings walls are set back from side boundaries to provide:</p> <p>(a) separation between dwellings in a way that complements the established character of the locality</p> <p>(b) access to natural light and ventilation for neighbours.</p>	<p>DTS/DPF 7.1</p> <p>Other than walls located on a side boundary, building walls are set back from side boundaries:</p> <p>(a) at least 900mm for a wall height less than 3m</p> <p>(b) at least 900mm plus 1/3 of the wall height above 3m.</p>
<p>Rear Boundary Setback</p>	
<p>PO 8.1</p> <p>Dwelling walls are set back from rear boundaries to provide:</p> <p>(a) separation between dwellings in a way that complements the established</p>	<p>DTS/DPF 8.1</p> <p>Dwelling walls are set back from the rear boundary at least:</p> <p>(a) 3m for the first building level or 0m where the rear boundary abuts a laneway</p>

<p>character of the locality</p> <p>(b) access to natural light and ventilation for neighbours</p> <p>(c) open space recreational opportunities</p> <p>(d) space for landscaping and vegetation.</p>	<p>(b) 5m for any second building level</p> <p>(c) 5m plus any increase in wall height over 7m for buildings of 3 building levels and above..</p>							
<p>Concept Plans</p>								
<p>PO 9.1</p> <p>Development is compatible with the outcomes sought by any relevant Concept Plan contained within Part 12 - Concept Plans of the Planning and Design Code to support the orderly development of land through staging of development and provision of infrastructure.</p>	<p>DTS/DPF 9.1</p> <p>The site of the development is wholly located outside any relevant Concept Plan boundary. The following Concept Plans are relevant:</p> <table border="1" data-bbox="833 472 1520 712"> <thead> <tr> <th style="text-align: center;">Description</th> </tr> </thead> <tbody> <tr> <td>Concept Plan 2 - Hurling Drive, Mount Barker</td> </tr> <tr> <td>Concept Plan 3 - Mount Barker and Littlehampton</td> </tr> <tr> <td>Concept Plan 1 - Hawthorn Road South Mount Barker</td> </tr> <tr> <td>Concept Plan 82 - Hackney</td> </tr> <tr> <td>Concept Plan 81 - Edinburgh Defence Airfield Lighting Constraints</td> </tr> <tr> <td>Concept Plan 93 - Noarlunga Centre</td> </tr> </tbody> </table> <p>In relation to DTS/DPF 9.1, in instances where:</p> <p>(a) one or more Concept Plan is returned, refer to Part 12 - Concept Plans in the Planning and Design Code to determine if a Concept Plan is relevant to the site of the proposed development. Note: multiple concept plans may be relevant.</p> <p>(b) in instances where 'no value' is returned, there is no relevant concept plan and DTS/DPF 9.1 is met.</p>	Description	Concept Plan 2 - Hurling Drive, Mount Barker	Concept Plan 3 - Mount Barker and Littlehampton	Concept Plan 1 - Hawthorn Road South Mount Barker	Concept Plan 82 - Hackney	Concept Plan 81 - Edinburgh Defence Airfield Lighting Constraints	Concept Plan 93 - Noarlunga Centre
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Concept Plan 81 - Edinburgh Defence Airfield Lighting Constraints								
Concept Plan 93 - Noarlunga Centre								
<p>Ancillary buildings and structures</p>								
<p>PO 10.1</p> <p>Residential ancillary buildings are sited and designed to not detract from the streetscape or appearance of primary residential buildings on the site or neighbouring properties.</p>	<p>DTS/DPF 10.1</p> <p>Ancillary buildings:</p> <p>(a) are ancillary to a dwelling erected on the same site</p> <p>(b) have a floor area not exceeding 60m²</p> <p>(c) are not constructed, added to or altered so that any part is situated:</p> <p style="margin-left: 20px;">(i) in front of any part of the building line of the dwelling to which it is ancillary</p> <p style="margin-left: 20px;">or</p> <p style="margin-left: 20px;">(ii) within 900mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads)</p> <p>(d) in the case of a garage or carport, the garage or carport:</p> <p style="margin-left: 20px;">(i) is set back at least 5.5m from the boundary of the primary street</p> <p style="margin-left: 20px;">(ii) when facing a primary street or secondary street, has a total door / opening not exceeding:</p> <p style="margin-left: 40px;">A. for dwellings of single building level - 7m in width or 50% of the site frontage, whichever is the lesser</p> <p style="margin-left: 40px;">B. for dwellings comprising two or more building levels at the building line fronting the same public street - 7m in width</p> <p>(e) if situated on a boundary (not being a boundary with a primary street or secondary street), do not exceed a length of 11.5m unless:</p> <p style="margin-left: 20px;">(i) a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary and</p> <p style="margin-left: 20px;">(ii) the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent</p> <p>(f) if situated on a boundary of the allotment (not being a boundary with a primary street or secondary street), all walls or structures on the boundary will not exceed 45% of the length of that boundary</p> <p>(g) will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or about the proposed wall or structure</p> <p>(h) have a wall height (or post height) not exceeding 3m</p> <p>(i) have a roof height where no part of the roof is more than 5m above the natural ground level</p> <p>(j) if clad in sheet metal, is pre-colour treated or painted in a non-reflective colour</p> <p>(k) retains a total area of soft landscaping in accordance with (i) or (ii), whichever is less:</p>							

	<p>(i) a total area as determined by the following table:</p> <table border="1" data-bbox="901 129 1520 1126"> <thead> <tr> <th data-bbox="906 129 1225 853">Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m²)</th> <th data-bbox="1225 129 1516 853">Minimum percentage of site</th> </tr> </thead> <tbody> <tr> <td data-bbox="906 853 1225 875"><150</td> <td data-bbox="1225 853 1516 875">10%</td> </tr> <tr> <td data-bbox="906 875 1225 958">150-200</td> <td data-bbox="1225 875 1516 958">15%</td> </tr> <tr> <td data-bbox="906 958 1225 1041">201-450</td> <td data-bbox="1225 958 1516 1041">20%</td> </tr> <tr> <td data-bbox="906 1041 1225 1126">>450</td> <td data-bbox="1225 1041 1516 1126">25%</td> </tr> </tbody> </table> <p>(ii) the amount of existing soft landscaping prior to the development occurring.</p>	Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site	<150	10%	150-200	15%	201-450	20%	>450	25%
Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site										
<150	10%										
150-200	15%										
201-450	20%										
>450	25%										
<p>PO 10.2</p> <p>Ancillary buildings and structures do not impede on-site functional requirements such as private open space provision, car parking requirements or result in over-development of the site.</p>	<p>DTS/DPF 10.2</p> <p>Ancillary buildings and structures do not result in:</p> <p>(a) less private open space than specified in Design in Urban Areas Table 1 - Private Open Space</p> <p>(b) less on-site car parking than specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.</p>										
<p>Advertisements</p>											
<p>PO 11.1</p> <p>Advertisements identify the associated business activity, and do not detract from the residential character of the locality.</p>	<p>DTS/DPF 11.1</p> <p>Advertisements relating to a lawful business activity associated with a residential use do not exceed 0.3m² and mounted flush with a wall or fence.</p>										

Table 1 - Accepted Development Classification

The following table identifies Classes of Development that are classified as Accepted Development subject to meeting the Accepted Development Classification Criteria

Class of Development	Accepted Development Classification Criteria
<p>Air handling unit, air conditioning system or exhaust fan Except where any of the following apply:</p> <ul style="list-style-type: none"> Local Heritage Place Overlay State Heritage Area Overlay State Heritage Place Overlay 	<ol style="list-style-type: none"> The item will be installed on or within an existing dwelling. The item being installed does not encroach on a public street. If the associated building is in a Historic Area Overlay, no part of the item, when installed, will be able to be seen by a person standing at ground level in a public street.
<p>Brush fence Except where any of the following apply:</p> <ul style="list-style-type: none"> Hazards (Flooding) Overlay 	<ol style="list-style-type: none"> The fence is formed (wholly or partially) from brush. The fence does not exceed 2.1 metres in height (measured from the lower of the 2 adjoining finished ground levels).

<ul style="list-style-type: none"> • Historic Area Overlay • Local Heritage Place Overlay • Ramsar Wetlands Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 3. The fence does not exceed 1 m in height within 6 m of the intersection of 2 boundaries of land where those boundaries both face a road, other than where a 4 x 4 m corner cut-off has already been provided (and is to be preserved). 4. The development will not be located within the extents of the River Murray 1956 Flood Level as delineated by the SA Property and Planning Atlas.
<p>Building work on railway land Except where any of the following apply:</p> <ul style="list-style-type: none"> • Coastal Areas Overlay • Hazards (Acid Sulfate Soils) Overlay • Local Heritage Place Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 1. Building work is associated with a railway. 2. It is situated (or to be situated) on railway land (within the meaning of Schedule 4 clause 14 of the Planning, Development and Infrastructure (General) Regulations 2017). 3. It is required for the conduct or maintenance of railway activities. 4. It does not involve the clearance of native vegetation. 5. The development will not be located within the extents of the River Murray 1956 Flood Level as delineated by the SA Property and Planning Atlas
<p>Carport Except where any of the following apply:</p> <ul style="list-style-type: none"> • Future Local Road Widening Overlay • Future Road Widening Overlay • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 1. The development will not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i>. 2. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system. 3. It is ancillary to a dwelling erected on the site. 4. Primary street setback - at least 5.5m from the primary street boundary and as far back as the building line of the building to which it is ancillary. 5. Total floor area - does not exceed 40m². 6. Post height - does not exceed 3m measured from natural ground level (and not including a gable end). 7. Building height - does not exceed 5m. 8. If situated on or abutting a boundary (not being a boundary with a primary street or secondary street) - a length not exceeding 11.5m unless: <ol style="list-style-type: none"> (a) a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary; and (b) the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent. 9. If the carport abuts or is situated on the boundary of the allotment (not being a boundary with a primary street or secondary street): <ol style="list-style-type: none"> (a) it will not result in all relevant walls or structures located along the boundary exceeding 45% of the length of the boundary; and (b) it will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut the proposed wall or structure. 10. Door opening for vehicle access facing a street frontage - does not exceed, in total, 7m in width or 50% of the width of the allotment frontage (whichever lesser). 11. The carport is located so that vehicle access: <ol style="list-style-type: none"> (a) is provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land; or (b) is not obtained from a State Maintained Road, and will use a driveway that: <ol style="list-style-type: none"> (i) is not located within 6 metres of an intersection of 2 or more roads or a pedestrian actuated crossing; (ii) will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; (iii) is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the carport when the work is completed is not steeper than 1:4 on average (iv) is aligned relative to the street so that there is no more than a 20 degree deviation from 90 degrees between the centreline of the driveway at the public road boundary and the centre of the front of the covered car parking space for which it provides vehicle access (v) if located so as to provide access from an alley, lane or right of way - the alley, lane or right of way is at least 6.2m wide along the boundary of the allotment / site. 12. If any part involves cladding in sheet metal-will have cladding which is pre-colour treated or painted in a non-reflective colour. 13. Does not involve the clearance of native vegetation 14. Retains a total area of soft landscaping in accordance with (a) or (b), whichever is less: <ol style="list-style-type: none"> (a) a total area as determined by the following table:

	<p>Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m²)</p>	<p>Minimum percentage of site</p>								
<p>Internal building work Except where any of the following apply:</p> <ul style="list-style-type: none"> • Local Heritage Place Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<table border="1"> <tr> <td data-bbox="901 779 1225 806"><150</td> <td data-bbox="1225 779 1525 806">10%</td> </tr> <tr> <td data-bbox="901 806 1225 891">150-200</td> <td data-bbox="1225 806 1525 891">15%</td> </tr> <tr> <td data-bbox="901 891 1225 976">201-450</td> <td data-bbox="1225 891 1525 976">20%</td> </tr> <tr> <td data-bbox="901 976 1225 1061">>450</td> <td data-bbox="1225 976 1525 1061">25%</td> </tr> </table> <p>(b) the amount of existing soft landscaping prior to the development occurring.</p>	<150	10%	150-200	15%	201-450	20%	>450	25%	<ol style="list-style-type: none"> 1. There will be no increase in the total floor area of the building. 2. Other than where located within the Historic Area Overlay there will be no alteration to the external appearance of the building to any significant degree. 3. There will be no alteration to the external appearance of the building where located within the Historic Area Overlay.
<150	10%									
150-200	15%									
201-450	20%									
>450	25%									
<p>Outbuilding Except where any of the following apply:</p> <ul style="list-style-type: none"> • Coastal Areas Overlay • Future Local Road Widening Overlay • Future Road Widening Overlay • Hazards (Flooding) Overlay • Historic Area Overlay • Local Heritage Place Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 		<ol style="list-style-type: none"> 1. The development will not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i>. 2. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system. 3. It is detached from and ancillary to a dwelling erected on the site. 4. Primary street setback - at least 5.5m from the primary street boundary and as far back as the building line of the building to which it is ancillary. 5. Secondary street setback - at least 900mm from the boundary of the allotment (if the land has boundaries on two or more roads). 6. Total floor area - does not exceed 40m². 7. Wall height - does not exceed 3m measured from natural ground level (and not including a gable end). 8. Building height - does not exceed 5m. 9. If situated on or abutting a boundary (not being a boundary with a primary street or secondary street) - a length not exceeding 11.5m unless: <ol style="list-style-type: none"> (a) a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary; and (b) the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent. 10. If the outbuilding abuts or is situated on the boundary of the allotment (not being a boundary with a primary street or secondary street): <ol style="list-style-type: none"> (a) a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary; and (b) the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent. 11. Door opening for vehicle access facing a street frontage - does not exceed, in 								

total, 7m in width or 50% of the width of the allotment frontage (whichever lesser)

12. If the outbuilding abuts or is situated on the boundary of the allotment (not being a boundary with a primary street or secondary street):
 - (a) it will not result in all relevant walls or structures located along the boundary exceeding 45% of the length of the boundary; and
 - (b) it will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut the proposed wall or structure.

13. If the outbuilding is a garage, it is located so that vehicle access:
 - (a) is provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land; or
 - (b) is not located obtained from a State Maintained Road, and will use a driveway that:
 - (i) is not located within 6 metres of an intersection of 2 or more roads or a pedestrian actuated crossing;
 - (ii) will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree;
 - (iii) is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the carport when the work is completed is not steeper than 1:4 on average
 - (iv) is aligned relative to the street so that there is no more than a 20 degree deviation from 90 degrees between the centreline of the driveway at the public road boundary and the centre of the front of the covered car parking space for which it provides vehicle access
 - (v) if located so as to provide access from an alley, lane or right of way - the alley, lane or right of way is at least 6.2m wide along the boundary of the allotment / site

14. If clad in sheet metal is pre-colour treated or painted in a non-reflective colour.
15. Does not involve-
 - (a) excavation exceeding a vertical height of 1 metre; or
 - (b) filling exceeding a vertical height of 1 metre,

and, if the development involves both excavation and filling, the total combined excavation and filling must not exceed a vertical height of 2 metres.

16. Does not involve the clearance of native vegetation.
17. The development will not be located within the extents of the River Murray 1956 Flood Level as delineated by the SA Property and Planning Atlas
18. Retains a total area of soft landscaping in accordance with (a) or (b), whichever is less:
 - (a) a total area as determined by the following table:

Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site
<150	10%
150-200	15%

	<table border="1" data-bbox="903 105 1519 297"> <tr> <td data-bbox="903 105 1227 210">201-450</td> <td data-bbox="1227 105 1519 210">20%</td> </tr> <tr> <td data-bbox="903 210 1227 297">>450</td> <td data-bbox="1227 210 1519 297">25%</td> </tr> </table> <p>(b) the amount of existing soft landscaping prior to the development occurring.</p>	201-450	20%	>450	25%
201-450	20%				
>450	25%				
<p>Partial demolition of a building or structure Except where any of the following apply:</p> <ul style="list-style-type: none"> • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<p>None</p>				
<p>Private bushfire shelter Except where any of the following apply:</p> <ul style="list-style-type: none"> • Coastal Areas Overlay • Future Local Road Widening Overlay • Future Road Widening Overlay • Hazards (Acid Sulfate Soils) Overlay • Hazards (Flooding) Overlay • Local Heritage Place Overlay • River Murray Flood Plain Protection Area Overlay • Significant Landscape Protection Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 1. The development will not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i>. 2. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system. 3. Primary street setback - at least as far back as the building to which it is ancillary. 4. Secondary street setback - at least 900mm from the boundary of the allotment. 5. At least 6m from the corner of an allotment which abuts the intersection of two or more roads (other than where a 4m x 4m allotment cut-off is already in place) 6. Does not involve the clearance of native vegetation. 				
<p>Shade sail Except where any of the following apply:</p> <ul style="list-style-type: none"> • Future Local Road Widening Overlay • Future Road Widening Overlay • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 1. The development will not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i>. 2. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system. 3. Shade sail consists of permeable material. 4. The total area of the sail - does not exceed 40m². 5. No part of the shade sail will be: <ol style="list-style-type: none"> (a) 3m above ground or floor level (depending on where it is situated) at any place within 900mm of a boundary of the allotment (b) 5m above ground or floor level (depending on where it is situated) within any other part of the allotment. 6. Primary street setback - at least as far back as the building line of the building to which it is ancillary. 7. If any part of the sail will be situated on a boundary of the allotment, the length of sail along a boundary does not exceed 11m. 8. In a case where any part of the sail or a supporting structure will be situated on a side boundary of the allotment - the length of the sail and any such supporting structure together with all relevant walls or structures located along the boundary will not exceed 45% of the length of the boundary. 9. Does not involve the clearance of native vegetation. 10. The development will not be located within the extents of the River Murray 1956 Flood Level as delineated by the SA Property and Planning Atlas 11. Retains a total area of soft landscaping in accordance with (a) or (b), whichever is less: <ol style="list-style-type: none"> (a) a total area as determined by the following table: <table border="1" data-bbox="903 1541 1519 2096" style="background-color: #003366; color: white; text-align: center; padding: 10px;"> <tr> <td style="width: 50%; padding: 10px;"> <p>Dwelling site area (or in the case of residential flat building or group dwelling(s),</p> </td> <td style="width: 50%; padding: 10px;"> <p>Minimum percentage of site</p> </td> </tr> </table>	<p>Dwelling site area (or in the case of residential flat building or group dwelling(s),</p>	<p>Minimum percentage of site</p>		
<p>Dwelling site area (or in the case of residential flat building or group dwelling(s),</p>	<p>Minimum percentage of site</p>				

	<table border="1" data-bbox="901 107 1516 537"> <thead> <tr> <th data-bbox="901 107 1225 264">average site area) (m²)</th> <th data-bbox="1225 107 1516 264"></th> </tr> </thead> <tbody> <tr> <td data-bbox="901 264 1225 291"><150</td> <td data-bbox="1225 264 1516 291">10%</td> </tr> <tr> <td data-bbox="901 291 1225 369">150-200</td> <td data-bbox="1225 291 1516 369">15%</td> </tr> <tr> <td data-bbox="901 369 1225 454">201-450</td> <td data-bbox="1225 369 1516 454">20%</td> </tr> <tr> <td data-bbox="901 454 1225 537">>450</td> <td data-bbox="1225 454 1516 537">25%</td> </tr> </tbody> </table> <p data-bbox="858 564 1476 593">(b) the amount of existing soft landscaping prior to the development occurring.</p>	average site area) (m ²)		<150	10%	150-200	15%	201-450	20%	>450	25%
average site area) (m ²)											
<150	10%										
150-200	15%										
201-450	20%										
>450	25%										
<p data-bbox="124 654 438 694">Solar photovoltaic panels (roof mounted) Except where any of the following apply:</p> <ul data-bbox="156 712 406 772" style="list-style-type: none"> • Local Heritage Place Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol data-bbox="858 660 1508 884" style="list-style-type: none"> 1. The development will not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i>. 2. Panels are installed parallel to the roof of a building and with the underside surface of the panel not being more than 100mm above the surface of the roof. 3. Panels and associated components do not overhang any part of the roof. 4. Does not apply to system with a generating capacity of more than 5MW that is to be connected to the State's power system. 5. If the building is in a Historic Area Overlay-no part of the system, when installed, will be able to be seen by a person standing at ground level in a public street. 										
<p data-bbox="124 922 430 963">Swimming pool or spa pool Except where any of the following apply:</p> <ul data-bbox="156 981 462 1164" style="list-style-type: none"> • Coastal Areas Overlay • Future Local Road Widening Overlay • Future Road Widening Overlay • Hazards (Acid Sulfate Soils) Overlay • Hazards (Flooding) Overlay • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol data-bbox="858 929 1516 1422" style="list-style-type: none"> 1. The development will not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i>. 2. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system. 3. It is ancillary to a dwelling erected on the site or a dwelling to be erected on the site in accordance with a development authorisation which has been granted. 4. Allotment boundary setback - not less than 1m. 5. Primary street setback - at least as far back as the building line of the building to which it is ancillary. 6. Location of filtration system from a dwelling on an adjoining allotment: <ul data-bbox="925 1187 1508 1265" style="list-style-type: none"> (a) not less than 5m where the filtration system is located inside a solid structure that will have material impact on the transmission of noise; or (b) not less than 12m in any other case. 7. Does not involve the clearance of native vegetation. 8. The development will not be located within the extents of the River Murray 1956 Flood Level as delineated by the SA Property and Planning Atlas 9. Retains a total area of soft landscaping in accordance with (a) or (b), whichever is less: <ul data-bbox="858 1433 1276 1456" style="list-style-type: none"> (a) a total area as determined by the following table: <table border="1" data-bbox="901 1460 1516 2072"> <tr> <td data-bbox="901 1460 1225 2072"> <p data-bbox="906 1518 1212 2072">Dwelling site area (or in the case of residential flat building or group dwelling(s), average site</p> </td> <td data-bbox="1225 1460 1516 2072"> <p data-bbox="1232 1518 1508 1691">Minimum percentage of site</p> </td> </tr> </table>	<p data-bbox="906 1518 1212 2072">Dwelling site area (or in the case of residential flat building or group dwelling(s), average site</p>	<p data-bbox="1232 1518 1508 1691">Minimum percentage of site</p>								
<p data-bbox="906 1518 1212 2072">Dwelling site area (or in the case of residential flat building or group dwelling(s), average site</p>	<p data-bbox="1232 1518 1508 1691">Minimum percentage of site</p>										

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area) (m ²)	
<150	10%
150-200	15%
201-450	20%
>450	25%

(b) the amount of existing soft landscaping prior to the development occurring.

<p>Verandah Except where any of the following apply:</p> <ul style="list-style-type: none"> • Future Local Road Widening Overlay • Future Road Widening Overlay • Historic Area Overlay • Local Heritage Place Overlay • State Heritage Area Overlay • State Heritage Place Overlay

1. The development will not be contrary to the regulations prescribed for the purposes of section 86 of the *Electricity Act 1996*.
2. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system.
3. It is ancillary to a dwelling erected on the site.
4. Primary street setback - as far back as the building line of the building to which it is ancillary.
5. Total floor area - does not exceed 40m².
6. Post height - does not exceed 3.2m measured from natural ground level.
7. Building height - does not exceed 5m.
8. Length - does not exceed 11.5m if any part of the structure abuts or is situated on a boundary of the allotment.
9. Does not involve the clearance of native vegetation
10. Retains a total area of soft landscaping in accordance with (a) or (b), whichever is less:

(a) a total area as determined by the following table:

Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site
<150	10%
150-200	15%
201-450	20%
>450	25%

(b) the amount of existing soft landscaping prior to the development occurring.

<p>Water tank (above ground) Except where any of the following apply:</p> <ul style="list-style-type: none"> • Historic Area Overlay • Local Heritage Place Overlay • Ramsar Wetlands Overlay • State Heritage Area Overlay • State Heritage Place Overlay 	<ol style="list-style-type: none"> 1. The development will not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i>. 2. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system. 3. The tank is part of a roof drainage system. 4. Total floor area - not exceeding 15m². 5. The tank is located wholly above ground. 6. Tank height - does not exceed 4m above natural ground level. 7. Primary street setback - at least as far back as the building line of the building to which it is ancillary. 8. In the case of a tank made of metal - the tank is pre-colour treated or painted in a non-reflective colour. 9. Does not involve the clearance of native vegetation 10. Retains a total area of soft landscaping in accordance with (a) or (b), whichever is less: <ol style="list-style-type: none"> (a) a total area as determined by the following table: <table border="1" data-bbox="901 555 1519 1550"> <thead> <tr> <th>Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m²)</th> <th>Minimum percentage of site</th> </tr> </thead> <tbody> <tr> <td><150</td> <td>10%</td> </tr> <tr> <td>150-200</td> <td>15%</td> </tr> <tr> <td>201-450</td> <td>20%</td> </tr> <tr> <td>>450</td> <td>25%</td> </tr> </tbody> </table> (b) the amount of existing soft landscaping prior to the development occurring. 	Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site	<150	10%	150-200	15%	201-450	20%	>450	25%
Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site										
<150	10%										
150-200	15%										
201-450	20%										
>450	25%										
<p>Water tank (underground) Except where any of the following apply:</p> <ul style="list-style-type: none"> • Coastal Areas Overlay • Hazards (Acid Sulfate Soils) Overlay • Ramsar Wetlands Overlay 	<ol style="list-style-type: none"> 1. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system. 2. The tank (including any associated pump) is located wholly below the level of the ground. 3. Does not involve the clearance of native vegetation. 										

Table 2 - Deemed-to-Satisfy Development Classification

The following table identifies Classes of Development that are classified as Deemed-to-Satisfy Development subject to meeting the 'Deemed-to-Satisfy Development Classification Criteria'. Provisions referred to in the table are Deemed-to-Satisfy Criteria. Where a development comprises more than one Class of Development the relevant criteria will be taken to be the sum of the criteria for each Class of Development.

Class of Development	Deemed-to-Satisfy Development Classification Criteria			
	Zone	General Development	Subzone (applies only)	Overlay (applies only)

ATTACHMENT C

Timetable for Code Amendment by Proponent

Step	Responsibility	Timeframe
Approval of the Proposal to Initiate		
Review of Proposal to Initiate to confirm all mandatory requirements are met (timeframe will be put on hold if further information is required). Referral to the Minister to request advice from the Commission	AGD	2 weeks <i>(includes lodgement and allocation + referral to Government Agencies within the first week)</i>
Minister requests advice from the Commission.	Minister	2 weeks
Referral to Government Agencies for comment (where necessary)	AGD, Relevant Government Agencies	+ 2 weeks
Consideration of Proposal to Initiate and advice to the Minister	Commission (Delegate)	3 weeks
	Commission	+ 3 weeks
Proposal to Initiate agreed to by the Minister	Minister	2 weeks
Preparation of the Code Amendment		
Engagement Plan Prepared. Investigations conducted; Code Amendment Report prepared The Drafting instructions and draft mapping provided to AGD	Designated Entity	"Insert No. Weeks"
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes	AGD	1 week
Preparation of Materials for Consultation	Designated Entity	To be informed by Engagement Plan
Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan	Designated Entity	To be informed by Engagement Plan
Consideration of Engagement and Finalisation of Amendments		

Step	Responsibility	Timeframe
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared and lodged with AGD	Designated Entity	4 weeks
Assess the amendment and engagement. Prepare report to the Commission or delegate <i>Timeframe will be put on hold if further information is required, or if there are unresolved issues</i>	AGD	4 weeks
Consideration of Advice	Commission (Delegate)	2 weeks <i>(includes 1 week to process through Minister's office)</i>
	Commission	+ 3 weeks
Decision Process		
Minister considers the Code Amendment Report and the Engagement Report and makes decision	Minister	3 weeks
Implementing the Amendment (operation of the Code Amendment)		
Go- Live- Publish on the PlanSA Portal	AGD	2-4 weeks
Parliamentary Scrutiny		
Referral of approved Code Amendment to ERDC	AGD	8 weeks

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TO: MINISTER FOR PLANNING

**RE: PROPOSAL TO INITIATE THE MARY AND ARTHUR STREETS, UNLEY
CODE AMENDMENT BY MARY AND ARTHUR STREET PTY LTD**

PURPOSE

To recommend that you approve, with conditions, the Proposal to Initiate the Mary and Arthur Streets, Unley Code Amendment (the Proposal).

BACKGROUND

Section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act) provides:

73 – Preparation and amendment

- (2) A proposal to amend a designated instrument may be initiated by—
- (b) with the approval of the Minister, acting on the advice of the Commission—
 - (vii) in relation to the Planning and Design Code or a design standard— a person who has an interest in land and who is seeking to alter the way in which the Planning and Design Code or a design standard affects that land.

Mary and Arthur Street Pty Ltd has lodged a Proposal to Initiate the Mary and Arthur Streets, Unley Code Amendment to amend the Planning and Design Code (the Code) as it relates to the affected area (**Attachment 1**).

The State Planning Commission (the Commission) considered the Proposal to Initiate at its meeting of 26 May 2022 and resolved to support the Code Amendment, subject to conditions.

A summary of the roles and responsibilities for you and the Commission in regard to the Code Amendment is provided in **Appendix A**.

A flowchart of the Code Amendment process is provided in **Appendix B**.

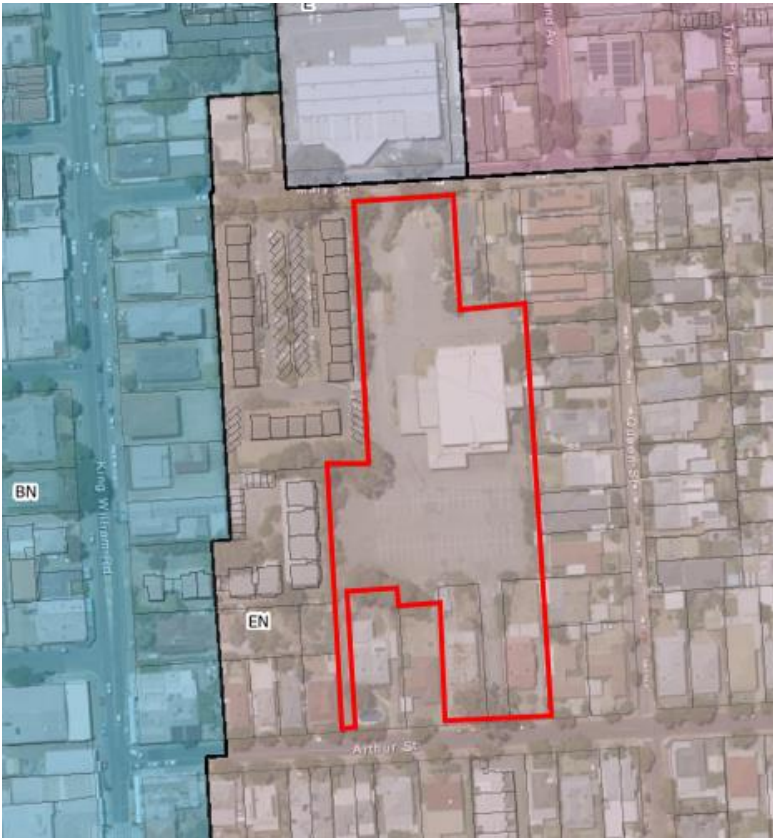
DISCUSSION

The following sets out the strategic, policy and procedural considerations in relation to the Proposal to Initiate, including conditions that are recommended should you agree to initiate the Code Amendment.

Proposal

The Proposal to Initiate seeks to rezone 1.1 hectares of disused land in Unley from the Established Neighbourhood Zone to the Housing Diversity Neighbourhood Zone. Subject to further investigations, a range of Technical and Numeric Variation (TNV) changes are sought, including the possible creation of a new rear setback TNV capability in the Housing Diversity Neighbourhood Zone. Removal of the Historic Areas Overlay and Hazards (Flooding – General) Overlay are also proposed to be explored, as is the introduction of a Concept Plan over the affected area.

The affected area and current zoning are shown in the figure below.



Planning and Design Code Zoning

The affected area is located within the Established Neighbourhood Zone.

The following Overlays apply to the land:

- Airport Building Heights (Regulated) - All structures over 45 metres
- Building Near Airfields
- Historic Area - Un7
- Heritage Adjacency
- Hazards (Flooding - General)
- Prescribed Wells Area
- Regulated and Significant Tree
- Stormwater Management
- Urban Tree Canopy.

Land surrounding the affected area is within the Established Neighbourhood Zone, Employment Zone and Urban Renewal Neighbourhood Zone.

Strategic considerations

The following sets out the strategic considerations relating to this proposal and rationale for the Commission recommending support for the Code Amendment.

More details of the Commission's strategic priorities are provided in **Appendix C**.

An assessment against the State Planning Policies (SPPs) and relevant Regional Plan are provided in **Appendix D**.

Strategic advice

The Proposal seeks to rezone an underutilised land holding in a prime location to facilitate low- to medium-density residential infill development. The rezoning will support the development of around 40 to 60 dwellings. Based on limited available supply of land for strategic infill development in the region, additional residential land represents a significant opportunity. Further, the affected area has been subject to many reviews, development proposals and masterplans over the years and the City of Unley (the Council) is supportive of its redevelopment. The proposed rezoning is therefore considered appropriate.

Residential land supply

The subject land is located within the Inner Metro Region of the Greater Adelaide Planning Region (GAPR). The recently completed Land Supply Reports (LSRs) for Greater Adelaide indicate the following:

- Population projections estimate the Inner Metro Region will grow by 17,000 (medium) to 28,400 (high) people over the next 10 years to 2030. However, most of this growth is projected for the City of Adelaide.
- It is estimated this region will need to accommodate between 8,300 (medium) to 13,600 (high) dwellings over the next 10 years in order to accommodate projected growth. This will all come from urban infill (both general and strategic).
- Analysis indicates there is limited strategic infill supply within the Inner Metro Region, outside of the CBD.

Land use characteristics and transport

The affected area contains a place of worship that is no longer used, an open car park and two dilapidated, vacant homes. The land is generally flat and surrounded by residential uses and some commercial uses to the north. The surrounding residential dwellings vary in type and density, from single storey detached dwellings to townhouses and flats.

The site is within 100 metres of King William Road and is well serviced by public transport, with King William Road being a Go-Zone and the Glenelg tram line just over 500 metres away. The Unley Shopping Centre is approximately 500 metres from the site, and the Adelaide CBD less than two kilometres away.

An access road through the centre of the affected area is proposed and traffic investigations are required to determine the impact on the local road network.

Environmental

The site may contain regulated and/or significant trees and it is proposed to retain these.

Investigations will include a preliminary site assessment to determine if the affected area is contaminated.

As the Hazards (Flooding – General) Overlay applies over the affected area, stormwater investigations will be undertaken to determine if stormwater can be managed effectively on site.

Procedural considerations

The following sets out the key procedural considerations that satisfy the legislative requirements. Pursuant to section 73(5) of the Act, approval for a Proposal to Initiate may be given on conditions prescribed by the regulations (there are none at this time) or as specified by you, as Minister for Planning. As such, a number of conditions are recommended by the Commission as set out below.

Information requirements

Practice Direction 2 – Preparation of Amendment of Designated Instruments outlines the information requirements for a Proposal to Initiate (**Appendix E**).

The mandatory information requirements have been met and therefore the Proposal is of a suitable form to be considered by you.

Consistent with the State Planning Policies and Regional Plan

The Code must be consistent with the principles of the SPPs and should be consistent with the directions of the relevant Regional Plan, which, in this instance, is *The 30-Year Plan for Greater Adelaide: 2017 Update*. This assessment is provided in the appendices.

A more detailed analysis is also located in the Proposal to Initiate (**Attachment 1**).

In summary, the Proposal to Initiate is considered to be consistent with the SPPs and Regional Plan.

Designated Entity

As this proposal is by a private proponent, under section 73(4) of the Act, you may decide to enable the Proponent to be the Designated Entity and conduct the Code Amendment processes, or alternatively, you can give the Chief Executive of the Department the responsibility for undertaking the processes. In this instance, it is considered appropriate that the Proponent be the Designated Entity as there are no integrated planning imperatives warranting the Chief Executive of the Department or some other public entity (i.e. the City of Unley) being the Designated Entity.

The documentation should, however, be prepared by a suitably qualified person to ensure statutory procedures and good planning outcomes are addressed.

Recommendation(s)

- That Mary and Arthur Street Pty Ltd be the Designated Entity responsible for undertaking the Code Amendment process.
- The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.

Investigations to support the Amendment

The investigations undertaken to date are outlined in the Proposal to Initiate (**Attachment 1**).

The Proponent has identified further investigations to support the Code Amendment, including:

- Traffic Impact Statement
- Stormwater Investigations
- Heritage and Character
- Arborist Report
- Community Infrastructure Analysis
- Site Contamination
- Design Analysis.

These investigations are considered appropriate.

The Affordable Housing Overlay triggers policies relating to the provision of affordable housing, including a requirement for 15 per cent of significant developments of 20 or more dwellings to be affordable housing. It also offers incentives such as increased densities and reduced car parking rates where 15 per cent affordable housing has been provided. This Overlay generally applies to the Housing Diversity Neighbourhood Zone; however, it is not proposed in this Code Amendment. It is therefore considered appropriate that the Proponent investigate the application of the Overlay or otherwise provide a clear planning rationale as to why it should not be proposed in this location.

A search of the Register of Aboriginal Sites and Objects (Taa wika) should be conducted to identify relevant Aboriginal heritage considerations, including any identified cultural sites and objects.

The Commission has resolved to specify these additional investigations under section 73(6)(f) of the Act.

Recommendation(s)

That the following further investigations be undertaken by the Designated Entity, in addition to that outlined in the Proposal to Initiate, under section 73(6)(f) of the Act:

- Investigate application of the Affordable Housing Overlay or otherwise provide a clear planning rationale as to why it should not be applied to the affected area.
- Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify relevant Aboriginal heritage considerations, including any identified cultural sites and objects.

Application of the Code

The Proposal seeks to rezone land from the Established Neighbourhood Zone to the Housing Diversity Neighbourhood Zone to support low- to medium-density residential development. Consideration will also be given to removing the Historic Area Overlay, as well as amendments to the TNVs that apply in the zone and the introduction of a Concept Plan.

The Proposal seeks to vary the rear boundary setback in the Housing Diversity Zone, possibly through the introduction of a new TNV capability. This change is not supported for the following reasons:

- Given the State-wide nature of the Code, amendments to zone policy will have an impact across all locations in which the Housing Diversity Zone applies.
- Appropriate policy exists within the Code to enable any proposed development with a lesser setback to be performance assessed, having consideration to a wide range of outcomes including overlooking, overshadowing and so forth.
- A general Code drafting principle is that TNVs are for matters which require nuancing to manage local characteristics. Matters such as managing rear setbacks requires a consistent approach regardless of the location, and as such, TNV capability is not provided. This consistency in policy in turn leads to equity within the Code, regardless of location.

There is also an intent to investigate whether the Hazards (Flooding – General) Overlay is required. Given the Overlay relates to flood hazard risk present in the area, it is considered that the removal of this overlay for the purposes of supporting a master planned development is inappropriate. In all other instances of master planned type zones, where a flood hazard risk exists, the Overlay is applied. It is considered that the Proposal should seek to meet the requirements of the Overlay through the master plan, rather than removing the Overlay because of a master plan. However, should the Proponent provide evidence that the flood hazard risk over the affected area is reduced, a more appropriate flood hazard overlay can be considered and ultimately proposed.

Recommendation(s)

That a condition be placed on the Proposal to Initiate that limits the scope of the proposed Code Amendment to exclude the creation of new planning rules, and to be limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Code (on the date the Amendment is released for consultation). This includes the creation of new technical and numerical variation capabilities.

That, should the Proposal to Initiate be approved, the Designated Entity be advised that the removal of the Hazards (Flooding – General) Overlay cannot be contemplated without sufficient evidence to demonstrate that the flood hazard risk is reduced in this location.

Consultation

The Proponent has undertaken preliminary consultation with Council who have advised support for the redevelopment of the site for low- to medium-density residential. Council supports two storeys generally, with the potential for three storeys in the core area of the site.

In accordance with the Community Engagement Charter, the Designated Entity is required to prepare an Engagement Plan that will outline how, when and with whom it engages with regarding the proposed Code Amendment. Consultation is scheduled to commence in June 2022.

The Commission has determined to specify the following further persons or bodies that the Designated Entity must consult with in relation to the proposed Code Amendment, as permitted under section 73(6)(e) of the Act:

- Department for Infrastructure and Transport
- Affordable Housing Unit of the SA Housing Authority
- Utility providers including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

In addition, in accordance with sections 44(6) and 73(6)(d) of the Act, consultation must be undertaken with:

- The City of Unley
- Owners or occupiers of the land and adjacent land in accordance with the *Planning, Development and Infrastructure (General) Regulations 2017*.

Recommendation(s)

Advise the Designated Entity of the required consultation with the entities and bodies specified by the Commission.

RECOMMENDATIONS

It is recommended that you:

- | | |
|--|--------------------------------|
| <p>1. Note the advice of the State Planning Commission provided to you as required under section 73(2)(b) of the Act.</p> | <p>NOTED / NOT NOTED</p> |
| <p>2. Note that the State Planning Commission has, under section 73(6)(e) of the Act, specified that the Designated Entity must consult with the following nominated individuals and entities, and advise the Designated Entity accordingly:</p> <ul style="list-style-type: none"> • Department for Infrastructure and Transport • Affordable Housing Unit of the SA Housing Authority • Utility providers including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers • State Members of Parliament for the electorates in which the proposed Code Amendment applies. | <p>NOTED / NOT NOTED</p> |
| <p>3. Note that the State Planning Commission has, under section 73(6)(f) of the Act, resolved to specify the following further investigations to that outlined in the Proposal to Initiate, and advise the Designated Entity accordingly:</p> <ul style="list-style-type: none"> • Investigate application of the Affordable Housing Overlay or otherwise provide a clear planning rationale as to why it should not be applied to the affected area. • Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify relevant Aboriginal heritage considerations, including any identified cultural sites and objects. | <p>NOTED / NOT NOTED</p> |
| <p>4. Approve initiation under section 73(2)(b) of the Act, subject to the following conditions, under section 73(5) of the Act:</p> <p>a) The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the</p> | <p>APPROVED / NOT APPROVED</p> |

published Planning and Design Code (on the date the Amendment is released for consultation). This includes the creation of new technical and numerical variation capabilities.

- b) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.
- c) Removal of the Hazards (Flooding – General) Overlay cannot be contemplated without sufficient evidence to demonstrate that the flood hazard risk is reduced in this location.

- 5. Under section 73(4)(a) of the Act, approve the initiation of the Code Amendment on the basis that Mary and Arthur Street Pty Ltd will undertake the Code Amendment processes (as the Designated Entity) required under the Act.
- 6. Agree to sign the Proposal to Initiate the Mary and Arthur Streets, Unley Code Amendment (**Attachment 1**).
- 7. Agree to sign the attached letters to Mary and Arthur Street Pty Ltd (**Attachment 2**) and the City of Unley (**Attachment 3**) advising of your approval and conditions.

APPROVED / NOT APPROVED

AGREED / NOT AGREED

AGREED / NOT AGREED



CRAIG HOLDEN
Chair, State Planning Commission
08 / 06 / 2022

NICK CHAMPION MP
/ / 2022

Attachments:

1. Proposal to Initiate the Mary and Arthur Streets, Unley Code Amendment (#18498497).
2. Suggested letter to Mary and Arthur Street Pty Ltd (#18532492).
3. Suggested letter to the City of Unley (#18532550).

Appendices:

- A. Summary of Roles and Responsibilities in the Code Amendment Process (#18531034).
- B. Process Flowchart – Code Amendments Initiated by Proponents (#18515740).
- C. State Planning Commission’s Strategic Priorities (#18531061).
- D. Assessment against the State Planning Policies and Regional Plan (#18515937).
- E. Extract from *Practice Direction 2 – Preparation and Amendment of Designated Instruments* (#18531098).

Contact: Jason Bailey
Tel No: 0439 995 006

Summary of Roles and Responsibilities in the Code Amendment Process

As Minister for Planning (the Minister), your role with respect to initiation of the Code Amendment, is to:

- Determine whether to approve initiation of the proposed Code Amendment (as described in the Proposal to Initiate) after considering the advice of the Commission under section 73(b) of the Act.
- If approving initiation of the Code Amendment, specify any conditions pursuant to section 73(5)(b) of the Act.
- Notify the proponent of any items specified by the Commission under the Act, which may include:
 - Persons or bodies the designated entity should consult under section 73(6)(e) of the Act.
 - Investigations to be carried out or information to be obtained under section 73(6)(f) of the Act.

The importance of the Code Amendment initiation process is two-fold:

- Firstly, the decision on whether a Code Amendment process should proceed is based on a strategic assessment against the State Planning Policies, Regional Plans and other relevant strategic planning documents. If the proposal is considered significantly at odds with these strategic documents, the rezoning should not be initiated.
- Secondly, the initiation process is a point at which the scope of the Code Amendment process, (including investigations, information and consultation requirements) are determined. This provides clarity and certainty for the Proponents.

Code Amendments Initiated by Proponents

Section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*

