



Agenda Report for Decision

Meeting Date: 14 December 2022

Item Name	Code Amendment Initiation Advice to the Minister for Planning – Proposal to Initiate the John Rice Avenue Elizabeth South Residential Code Amendment
Presenters	Jason Bailey and Daniel Clapp
Purpose of Report	Decision
Item Number	4.1
Strategic Plan Reference	4 Discharging Statutory Obligations
Work Plan Reference	4.2. Advise the Minister on Code Amendments
Confidentiality	Not Confidential (Release Delayed). To be released following final decision by the Minister for Planning and Local Government on initiation of the Code Amendment.
Conflicts Declared	Nil
Related Decisions	Nil

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.
2. Advise the Minister that it:
 - 2.1 Recommends the approval of the John Rice Avenue Elizabeth South Residential Code Amendment under section 73(2)(b)(i) of the *Planning, Development and Infrastructure Act 2016* (the Act), subject to the following condition applied under section 73(5) of the Act:
 - a) 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.
 - 2.2 Recommends that the Chief Executive of the Department for Trade and Investment (the Department) be the Designated Entity 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

- Affordable Housing Unit of the SA Housing Authority
 - Renewal SA
 - Adelaide Airport Limited
 - Environment Protection Authority
 - Department for Environment and Water
 - 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.
4. Recommend that the Minister approve the initiation of the Code Amendment by signing the Proposal to Initiate (**Attachment 1**) and approval letters (**Attachment 2** and **Attachment 3**).
 5. Approve and authorise the Chair of the Commission to sign the advice to the Minister as provided in **Attachment 4**.
 6. Authorise the Chair to finalise any minor amendments to the advice and attachments as required.

Background

Section 73(2)(b)(i) of the Act provides that a proposal to amend the Planning and Design Code (the Code) may be initiated by the Chief Executive of the Department with the approval of the Minister, acting on the advice of the Commission. The Commission's role includes the following matters:

- Undertaking a strategic assessment against the State Planning Policies and relevant Regional Plan, and providing advice to the Minister.
- Specifying any person or body that must be consulted by the Designated Entity, pursuant to section 73(6)(e) of the Act
- Specifying 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 therefore to provide the Commission with advice to the Minister in relation to the initiation proposal submitted by the Chief Executive (**Attachment 1**).

Discussion

Scope of the Amendment

The Proposal to Initiate seeks to rezone a 10.5 ha area that is predominantly in the Employment Zone with a small amount in the General Neighbourhood Zone to residential zoning that supports medium – high density development such as the Master Planned Neighbourhood Zone, High Density Neighbourhood Zone or Urban Neighbourhood Zone (subject to investigation).

Subject to further investigations, it has also been proposed to apply the Affordable Housing and Urban Tree Canopy Overlays to the affected areas.

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



Detailed discussion is provided in the advice to the Minister in **Attachment 4**.

Advice to the Minister

The attached 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 4**).

The 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 Affected Area could accommodate in the order of between 260-520 dwellings (based on a lower and upper medium density range), although the final figure will depend on the final density of development.

The land is well positioned in proximity to infrastructure and services and will provide a logical contiguous extension of adjoining residential areas that surround it south of John Rice Avenue.

The development of the site for residential purposes will provide housing supply and diversity to contribute to the growth needs of northern Adelaide. This new population will provide additional support towards the economic strength and viability of local businesses, services and institutions.

The *2021 Land Supply Report for Greater Adelaide, Part 3 Employment* identifies the subject land as vacant employment land.

The site's employment status reflects long-standing zoning; however, the land has remained vacant. The Affected Area is located in the Outer North Region, although it's adjacent to the boundary with the Inner Region.

The Land Supply Report identifies there is:

- approximately 10ha of vacant land in the adjacent Employment Zone north of John Rice Avenue, and a further 247ha of vacant land in the Employment Zone nearby in Edinburgh Parks

Planning and Design Code Zoning

The affected area is located within the Employment Zone and General Neighbourhood Zone.

The following Overlays apply to the land:

- Airport Building Heights (Regulated) – All structures over 15 metres
- Advertising Near Signalised Intersections
- Affordable Housing
- Building Near Airfields
- Defence Aviation Area - All structures over 45 metres
- Hazards (Flooding)
- Hazards (Flooding – General)
- Prescribed Water Resource Area
- Prescribed Wells Area
- Regulated and Significant Trees
- Stormwater Management
- Traffic Generating Development
- Urban Transport Routes
- Urban Tree Canopy.

Technical and Numeric Variations (TNV)

- Concept Plan 81 – Edinburgh Defence Airfield Lighting Constraints.

Land surrounding the affected area is within General Neighbourhood Zone, and Strategic Employment Zone on the northern side of John Rice Avenue.

- An additional 239ha of vacant employment zoned land in other parts of the Inner North Region
- 142ha of vacant employment zoned land in the Outer Region (not included the subject land)
- 1732ha of future employment zoned land in the Outer Northern Region.

Given the substantial amount of vacant employment zoned land in the vicinity and the immediate need for zoned land to support the provision of new housing, exploring a zone that allows residential activity is considered warranted in the circumstances.

Further strategic considerations and discussion are provided in **Attachment 4**.

Procedural considerations

The Proposal to Initiate meets all procedural requirements, as detailed in the attached advice to the Minister (**Attachment 4**).

Conditions proposed and items specified

It is recommended the Commission recommend a condition to be specified by the Minister, pursuant to section 73(5)(b) of the Act, which requires the Amendment to be prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under 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 4**).

Attachments:

1. Proposal to Initiate the John Rice Avenue Elizabeth South Residential Code Amendment (#20948133)
2. Draft approval letter to The Chief Executive of the Department for Trade and Investment (#20898419)
3. Draft approval letter to the City of Playford (#20899041)
4. State Planning Commission Advice to the Minister (#20899066)

Prepared by: Daniel Clapp

Endorsed by: Brett Steiner

Date: 6 December 2023

PROPOSAL TO INITIATE AN AMENDMENT TO THE PLANNING & DESIGN CODE

John Rice Avenue Elizabeth South Residential Code Amendment

By the Chief Executive (the Designated Entity)

Contact details:

PlanSA

Email: plansa@sa.gov.au

Phone: 1800 752 664



(Signature)

CHIEF EXECUTIVE, DEPARTMENT FOR TRADE AND
INVESTMENT

Date: 05/12/2023

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*.

(Signature)

MINISTER FOR PLANNING

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1. INTRODUCTION

The Chief Executive of the Department for Trade and Investment (the Chief Executive) seeks to amend the Planning and Design Code (the Code) pursuant to section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act).

The John Rice Avenue Elizabeth South Residential Code Amendment (the Code Amendment) proposes to rezone the Affected Area to allow for medium density residential development.

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.

The Chief Executive is the 'designated entity' responsible for conducting this Code Amendment process and is required to undertake consultation in accordance with the [Community Engagement Charter](#) and make final recommendations to the Minister for Planning (the Minister) prior to consideration whether to adopt, alter or refuse the Code Amendment.

It is acknowledged 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 the Code Amendment

In accordance with section 73(2)(b) of the Act, the Chief Executive will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- 1.1.1. The Chief Executive acknowledges responsibility for undertaking the Code Amendment in accordance with the requirements Act.
- 1.1.2. The Chief Executive intends to undertake the Code Amendment by:
 - (a) Engaging with relevant State Government agencies and local governments, and
 - (b) Utilising professional expertise of employees of the Department including:
 - i. professional planning staff
 - ii. communications staff
 - iii. mapping and spatial data expert staff
 - iv. ePlanning staff responsible for the management and operation of the Planning and Design Code.

1.2. Rationale for the Code Amendment

The subject land is owned by Renewal SA. The Chief Executive of Renewal SA requested that the Chief Executive of the Department for Trade and Investment (the Department) lead the Code Amendment. Renewal SA requested that the land be rezoned for residential use.

The subject land is currently zoned Employment and is vacant. The zoning is long standing, but conditions have been such that the land has never been developed for commercial or industrial purposes. Renewal SA's request to review the current zoning with a view to enabling residential activity has merit given:

- the subject land adjoins housing and therefore would provide a more compatible interface compared to commercial uses that could potentially locate in Employment Zoned land
- there is a large supply of vacant employment zoned land in the region in locations that do not interface with sensitive uses
- there is demand for residential zoned land which can be readily brought to market (noting the urban location suggests connectivity to infrastructure is unlikely to be a significant impediment).

Accordingly, the proposed Code Amendment seeks to introduce a suitable policy framework that:

- Supports residential activity that is contiguous with adjoining residential areas, and
- Provides for an appropriate interface treatment along John Rice Avenue and nearby strategic employment land.

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The Affected Area is an approximately 10.5 ha area south of John Rice Avenue between the intersection with Commercial Road to the east and Jarvis Road to the west. The Affected Area comprises the entirety of the Employment Zone plus the balance of Renewal SA owned land that protrudes from the Employment Zone into the General Neighbourhood Zone as shown in the map in **Attachment A**.

The Affected Area is located approximately 19.5km north-east of the Adelaide CBD within the City of Playford, on Karna Country.

2.2. Scope of Proposed Code Amendment

<p>Current Policy</p>	<p>Zones</p> <ul style="list-style-type: none"> • Employment Zone • General Neighbourhood Zone <p>Overlays</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) – All structures over 15 metres • Advertising Near Signalised Intersections • Affordable Housing • Building Near Airfields • Defence Aviation Area - All structure over 45 metres • Hazards (Flooding) • Hazards (Flooding – General) • Prescribed Water Resource Area • Prescribed Wells Area • Regulated and Significant Trees • Stormwater Management • Traffic Generating Development • Urban Transport Routes • Urban Tree Canopy. <p>Technical and Numeric Variations (TNV)</p> <ul style="list-style-type: none"> • Concept Plan 81 – Edinburgh Defence Airfield Lighting Constraints.
<p>Amendment Outline</p>	<p>The objective of the Code Amendment is to introduce an appropriate zone and policy framework to facilitate medium density residential development that is contiguous with existing adjoining residential areas.</p>
<p>Intended Policy</p>	<p>A number of zones will be explored for possible application over the Affected Area with a view to allowing for medium density residential outcomes. The Planning and Design Code contains a range of potential zones including:</p> <p>Zones</p> <ul style="list-style-type: none"> • Master Planned Neighbourhood Zone • Urban Neighbourhood Zone. <p>Overlays</p> <ul style="list-style-type: none"> • Relevant applicable Overlays and TNVs will be applied spatially based on Code drafting principles depending on the selected Zone. In particular, it is anticipated that

	<p>the Affordable Housing Overlay will be applied. It is expected that current Overlays will be retained.</p> <p>Application of a Concept Plan</p>
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3. STRATEGIC PLANNING OUTCOMES

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. 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><i>SPP 6 - Housing Supply and Diversity</i></p> <p>To promote the development of a well-serviced and sustainable housing and land choices where and when required.</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 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.</p> <p>6.6 A diverse range of housing types within residential areas that provide choice for different household types, life stages and lifestyle choices.</p>	<p>The Affected Area could accommodate in the range of 260-520 dwellings (based on a lower and upper medium density range), although the final figure could be higher depending on the final density of development.</p> <p>It is well positioned in proximity to infrastructure and services, it will provide a logical contiguous extension of adjoining residential areas south of John Rice Avenue on currently underutilised, vacant land.</p> <p>The development will provide housing supply and diversity to contribute to the growth needs of northern Adelaide. This new population will provide additional support towards the economic strength and viability of local businesses, services and institutions.</p> <p>The proposed Code Amendment will seek to ensure that the subject land provides a selection of housing types and can accommodate a range of allotment sizes.</p> <p>The Code Amendment will seek to provide policy to achieve at least 15% affordable housing.</p>
<p>SPP9 – Employment Lands</p> <p>To provide sufficient land supply for employment generating uses that supports economic growth and productivity</p>	
<p>SPP9: Employment Lands</p> <p>9.1 Support the expansion and clustering of key economic growth areas including health; education; tourism; energy and resources; primary industry; defence; and knowledge and creative industries.</p>	<p>The subject land is located on the southern side of John Rice Avenue and is surrounded by residential uses. Commercial and industrial uses on the land could potentially lead to interface issues with the adjoining existing residential activity.</p> <p>Residential uses on the land are considered a more appropriate option compared to use as employment activities in the circumstances.</p>

<p>9.12 Plan for employment and industrial precincts in strategic locations that improve economic productivity; are protected from encroachment; connect to efficient supply chains; and are located to provide transport access and connectivity.</p>	
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3.2. 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 – 2017 Update (the 30-Year Plan) volume of the Planning Strategy is relevant for this Code Amendment.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p>Policy Theme – Housing mix, affordability and competitiveness</p> <p>P.36 Increase housing supply near jobs, services and public transport to improve affordability and provide opportunities for people to reduce their transport costs.</p> <p>P.37 Facilitate a diverse range of housing types and tenures (including affordable housing) through increased policy flexibility in residential and mixed-use areas, including:</p> <ul style="list-style-type: none"> • in-fill housing and renewal opportunities <p>P.40 Use government-owned land and large underdeveloped or vacant sites as catalysts for stimulating higher density development and innovative building forms.</p> <p>P.43 Increase the supply of affordable housing through the provision of 15</p>	<p>The subject land is well positioned in close proximity to key northern region employment lands around Greater Edinburgh Parks and the Lionsgate (formerly Holdens) site, health facilities, shops, public transport, and open space.</p> <p>The proposal will consider applying the Affordable Housing Overlay.</p> <p>The provision of additional residential zoned land will increase land supply and support the provision of new housing. The broader locality has a large amount of land zoned for employment uses, so the use of the subject land for residential activity will have minimal impact on employment opportunities in the area.</p>

<p>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>P.46 Ensure an adequate land supply is available to accommodate housing and employment growth over the longer term (at least a 15 year supply).</p>	
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3.3. 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>2021 Land Supply Report for Greater Adelaide, Part 3 Employment</p>	<p>The <i>2021 Land Supply Report for Greater Adelaide, Part 3 Employment</i> identifies the subject land as vacant employment land.</p> <p>The site’s employment status reflects long standing zoning; however, the land has remained vacant. The Affected Area is located in the Outer North Region, although its adjacent to the boundary with the Inner Region.</p> <p>The Land Supply Report identifies there is:</p> <ul style="list-style-type: none"> • approximately 10ha of vacant land in the adjacent Employment Zone north of John Rice Avenue, and a further 247ha of vacant land in the Employment Zone nearby in Edinburgh Parks • An additional 239ha of vacant land in employment zoned land in other parts of the Inner North Region

	<ul style="list-style-type: none"> • 142ha of vacant land in employment zoned land is the Outer Region (not included the subject land) • 1732ha of future employment zoned land in the Outer Northern Region. <p>Given the substantial amount of vacant land in employment zoned areas in the vicinity, and more broadly in the Inner and Outer Northern Regions, and the need for land zoned for residential purposes to support new the provision of new housing, exploring a zone that allows residential activity is considered warranted in the circumstances.</p>
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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.

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
2021 Land Supply Report for Greater Adelaide, Part 3 Employment	The Land Supply Report provides information and analysis on employment land supply, demand, industry types and projected jobs growth to 2030.	<p>The subject site is not critical to be retained for employment land purposes given the availability of alternative vacant employment zoned land in the region.</p> <p>Use of the affected area for residential purposes is therefore considered reasonable.</p>

4.2. Further Investigations Proposed

In addition to the investigations already undertaken and identified above, the table below outlines 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
Development Potential Investigations	Investigate residential development potential including density and built form to inform appropriate policy settings to ensure potential dwelling yields can be maximised in the site's context. This will assist with zone selection.
Land Use Interface Investigations	Investigate potential interface issues with commercial and industrial activities on the adjacent former General Motor Holden site on the northern side of John Rice Avenue
Utilities infrastructure analysis	Undertake a detailed assessment of infrastructure capacity and upgrade requirements to determine if there is capacity for anticipated residential development, and if any upgrades are required.
Traffic and transport investigations	Investigate the traffic and transport implications of the proposed Code Amendment, including a Traffic Impact Study to determine the impact of the proposed Code Amendment on the surrounding transport network and to determine any infrastructure improvements that may be required.
Preliminary site investigation	<p>Undertake a desk top site history analysis to identify possible potentially contaminating activities on the land proposed for rezoning.</p> <p>Undertake preliminary site contamination investigations, prepared by an environmental consultant (with experience in site contamination) in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999, and determine whether the land proposed for rezoning is suitable for the intended use.</p>
Cultural Heritage	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.

4.3. Engagement Already Undertaken

The following engagement has occurred on the proposed Code Amendment:

- Preliminary discussions with Renewal SA.

A summary of outcomes or matters raised through engagement already undertaken is as follows:

- Confirmation that a medium density residential outcome is sought.

4.4. Further Engagement Proposed

In addition to the engagement already undertaken and identified above, the table below outlines additional engagement proposed to be undertaken to support the Code Amendment.

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
Community engagement	Broader community engagement to provide an opportunity for any interested community members to comment on the proposed outcomes of the Code Amendment.
Consultation with any person or body specified by the Commission under section 73(6)(e) of the Act.	The Engagement Plan will outline the specific method and nature of engagement.

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* (Practice Direction 2).

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):

- Given the proposal is specifically relevant to one Council (where the Council did not initiate the proposal), the City of Playford must be consulted.
- Given the Code Amendment has a specific impact on one 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 the Minister is furnished with a copy of the Engagement Report and published on the SA Planning Portal. This will occur in accordance with Practice Direction 2.

The Engagement Plan and the Engagement Report may also be considered by the State Planning Commission during the final stages of the Code Amendment process if the Minister is of the opinion that the matter is significant. 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

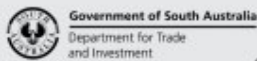
The Code Amendment is intended to be undertaken in line with the timeframe outlined **Attachment B**.

ATTACHMENT A

Map of Affected Area



LGA: City of Playford
Affected Area (ha): 10.6
Current Zone: Employment, General Neighbourhood
Proposed Zone: Subject to investigations : Master Planned Neighbourhood, Urban Neighbourhood or other zone



ATTACHMENT B

Timetable for Code Amendment by the Chief Executive

Step	Responsibility	Timeframe
Preparation of the Code Amendment		
Engagement Plan prepared Investigations conducted; Code Amendment Report prepared Drafting instructions and draft mapping prepared	Chief Executive (as Designated Entity)	26 weeks
Preparation of Materials for Engagement	Chief Executive (as Designated Entity)	Informed by the Engagement Plan
Engagement on the Code Amendment		
Code Amendment Report released for public engagement in accordance with the Community Engagement Charter and the prepared Community Engagement Plan	Chief Executive (as Designated Entity)	To be specified in the Engagement Plan
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared	Chief Executive (as Designated Entity)	4 weeks
Prepare report to the Commission	The Department	4 weeks
Consideration of Advice		
Decision Process		
Minister considers the Code Amendment Report and the Engagement Report and makes decision – decision published on the PlanSA Portal within 5 business days (policy is not live)	Minister	Unknown
Implementing the Amendment (operation of the Code Amendment)		
Implement the Code Amendment in the Planning and Design Code and the South Australian Property and Planning Atlas	The Department	2-4 weeks
Parliamentary Scrutiny		
Referral of adopted Code Amendment to Environment, Resources and Development Committee of Parliament – referred within 28 days of implementation		



TO: MINISTER FOR PLANNING

RE: PROPOSAL TO INITIATE THE JOHN RICE AVENUE ELIZABETH SOUTH RESIDENTIAL CODE AMENDMENT BY THE CHIEF EXECUTIVE OF THE DEPARTMENT FOR TRADE AND INVESTMENT

PURPOSE

To recommend that you approve, with conditions, the Proposal to Initiate the John Rice Avenue Elizabeth South Residential 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—

(i) the Chief Executive.

The Chief Executive of the Department for Trade and Investment (the Department) has lodged a Proposal to Initiate the John Rice Avenue Elizabeth South Residential 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 14 December 2023 and resolved to support the Code Amendment, subject to conditions.

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 seeks to rezone the affected area to allow for medium density residential development.

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



Planning and Design Code Zoning

The affected area is located within the Employment Zone and General Neighbourhood Zone.

The following Overlays apply to the land:

- Airport Building Heights (Regulated) – All structures over 15 metres
- Advertising Near Signalised Intersections
- Affordable Housing
- Building Near Airfields
- Defence Aviation Area - All structures over 45 metres
- Hazards (Flooding)
- Hazards (Flooding – General)
- Prescribed Water Resource Area
- Prescribed Wells Area
- Regulated and Significant Trees
- Stormwater Management
- Traffic Generating Development
- Urban Transport Routes
- Urban Tree Canopy.

Technical and Numeric Variations (TNV)

- Concept Plan 81 – Edinburgh Defence Airfield Lighting Constraints.

Land surrounding the affected area is within General Neighbourhood Zone, and Strategic Employment Zone on the northern side of John Rice Avenue.

Strategic considerations

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

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

Strategic advice

The proposal is considered to be consistent with the strategic intent of a number of the SPPs and directions of *The 30-Year Plan for Greater Adelaide: 2017 Update* that support the provision of affordable housing, housing choice, and supply of new housing.

Further, specific reasons are provided below:

- The Affected Area could accommodate in the range of 260-520 dwellings (based on a lower and upper medium density range), although the final figure could be higher depending on the final density of development.
- It is well positioned in proximity to infrastructure and services and will provide a logical contiguous extension of adjoining residential areas south of John Rice Avenue on currently underutilised, vacant land.
- This new population will provide additional support towards the economic strength and viability of local businesses, services and institutions.

The affected area is currently zoned Employment. The *2021 Land Supply Report for Greater Adelaide - Part 3 Employment* identifies the subject land as vacant employment land. The site's employment status reflects long standing zoning, however, the land has remained vacant. The Affected Area is located in the Outer North Region, although it is adjacent to the boundary with the Inner Region.

The Land Supply Report identifies there is:

- approximately 10ha of vacant land in the adjacent Employment Zone north of John Rice Avenue, and a further 247ha of vacant land in the Employment Zone nearby in Edinburgh Parks.
- An additional 239ha of vacant employment zoned land in other parts of the Inner North Region.
- 142ha of vacant employment zoned land in the Outer Region (not including the subject land).
- 1732ha of future employment zoned land in the Outer Northern Region.

Given the substantial amount of vacant land in employment zoned areas in the vicinity and more broadly in the Inner and Outer Northern Regions, and the need for land zoned for residential purposes to support the provision of new housing particularly in light of the current housing situation, exploring a zone that allows medium density residential activity is considered warranted in the circumstances.

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.

Information requirements

In accordance with *Practice Direction 2 – Preparation of Amendment of Designated Instruments*, 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 **Appendix A**. A more detailed analysis is also provided in the Proposal to Initiate (**Attachment 1**).

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

Designated Entity

The Chief Executive of the Department is proposed to be the Designated Entity and conduct the Code Amendment processes, pursuant to section 73(2)(b)(i) of the Act.

The Commission supports the Chief Executive being the Designated Entity in this instance. The documentation should, however, be prepared by a suitably qualified person to ensure statutory procedures and good planning outcomes are addressed.

Recommendation(s)

That the Chief Executive of the Department for Trade and Investment 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 and proposed are outlined in the Proposal to Initiate (**Attachment 1**).

The Commission has resolved that these investigations are suitable, but recommends the following further investigations are undertaken under section 73(6)(f) of the Act:

- The affected area for the Code Amendment be expanded to include consideration of the vacant land on the southern side of John Rice Avenue east of the Renewal SA land to determine its suitability for medium density residential development.
- The proposed traffic and transport investigations be expanded to consider connectivity, movement, and accessibility to and from the affected area into the wider locality.
- The retention of existing vegetation be investigated.

Application of the Code

The Proposal seeks to rezone land from the Employment Zone and General Neighbourhood Zone to suitable zone that supports medium density residential development, allowing a diverse range of dwelling types.

Engagement

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 mid-2024, subject to consideration regarding early commencement.

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
- Renewal SA
- Adelaide Airport Limited
- Environment Protection Authority
- Department for Environment and Water
- 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 section 44(6) of the Act, a proposal to amend a designated instrument that is relevant to 1 or more councils must provide for consultation with—

- if the proposal is specifically relevant to a particular council or councils—that council or those councils; or
- if the proposal is generally relevant to councils—the Local Government Association (LGA).

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:

- | | |
|---|-------------------------|
| 1. Note the advice of the State Planning Commission provided to you as required under section 73(2)(b) of the Act. | NOTED / NOT NOTED |
| 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: <ul style="list-style-type: none">• Department for Infrastructure and Transport• Affordable Housing Unit of the SA Housing Authority• Renewal SA• Adelaide Airport Limited• Environment Protection Authority• Department for Environment and Water• 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. | NOTED / NOT NOTED |
| 3. Approve initiation under section 73(2)(b)(i) of the Act, subject to the following conditions, under section 73(5) of the Act: <ul style="list-style-type: none">a) 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.b) The affected area for the Code Amendment be expanded to include consideration of the vacant land on the southern side of John Rice Avenue east of the Renewal SA owned land to determine its suitability for medium density residential development. | APPROVED / NOT APPROVED |

- c) The traffic and transport investigations be expanded to consider connectivity, movement and accessibility to and from the affected area into the wider locality.
- d) The Code Amendment investigate the retention of existing vegetation.
- 4. Under section 73(4)(a) of the Act, approve the initiation of the Code Amendment on the basis that the Chief Executive of the Department for Trade and Investment will undertake the Code Amendment processes (as the Designated Entity) required under the Act.
- 5. Agree to sign the Proposal to Initiate the John Rice Avenue Elizabeth South Residential Code Amendment (**Attachment 1**).
- 6. Agree to sign the attached letters to the Chief Executive of the Department for Trade and Investment (**Attachment 2**) and the City of Playford (**Attachment 3**) advising of your approval.

APPROVED / NOT APPROVED

AGREED / NOT AGREED

AGREED / NOT AGREED



STUART MOSELEY
Acting Chair, State Planning Commission
18 / 01 / 2024

NICK CHAMPION MP
/ / 2024

Attachments:

- 1. Proposal to Initiate the John Rice Avenue Elizabeth South Residential Code Amendment (#20948133)
- 2. Suggested letter to the Chief Executive of the Department for Trade and Investment (#20898419)
- 3. Suggested letter to the City of Playford (#20899041)

Appendices:

- A. Assessment against the State Planning Policies and Regional Plan (#20901424)

Contact: **Brett Steiner**
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