

**PROPOSAL TO INITIATE AN AMENDMENT TO THE
PLANNING & DESIGN CODE**

Marion Road Code Amendment

By Marion Council

Tony Harrison
Chief Executive Officer
City of Marion


_____ (Signature Required)

Marion Council *(the Proponent)*

Date: 27 July 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, HOUSING AND URBAN DEVELOPMENT

Date: 13/11/22

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1. INTRODUCTION

The Proponent is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to land located on or adjacent to Marion Road, (between the tram crossing in the north to Sturt Road in the south) in Ascot Park, Marion, Mitchell Park, Park Holme, Plympton Park and South Plympton (the Affected Area).

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

The Proponent is the Council for the whole of the Affected 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 the Code Amendment

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 declares that it has not and does not intend to enter into an agreement with a third party for the recovery of costs incurred in relation to the Code Amendment under section 73(9) of the Act. If the Proponent does enter into such an agreement, the Proponent will notify the Department prior to finalising the Engagement Report under section 73(7).
- 1.1.3. The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:
 - a) David Melhuish, Senior Policy Planner
 - b) david.melhuish@marion.sa.gov.au
 - c) 08 83756721and/or
 - a) Warwick Deller-Coombs, Manager Development & Regulatory Services
 - b) Warwick.deller-coombs@marion.sa.gov.au
 - c) 08 8375 6665

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

a) utilising professional expertise of employees of the Proponent including:

Planning Practitioners

- David Melhuish, Senior Policy Planner – MPIA
- Warwick Deller-Coombs, Manager Development and Regulatory Services – MPIA
- Nicholas Timotheou, Senior Development Officer Planning

Community Engagement

- Council's Media and Engagement Department

1.2. Rationale for the Code Amendment

Council originally investigated applying an Urban Corridor Zone along Marion Road as part of the Housing Diversity DPA, under the Development Act 1993. The zone was to provide opportunity for multi-storey mixed-use development (retail/commercial/residential) in appropriate locations and help relieve the pressure for infill development in local streets in the inner suburbs. However, this zone was not implemented at that time.

Further investigations have identified matters with respect to the proposed zoning which required further analysis. This included traffic, built form and land use character, 'strategic sites', and the suitability of a blanket zoning approach along Marion Road.

Council has compared the circumstances of Marion Road with those of other roads which have been subject to, and partially developed under, similar Corridor-type Zones, including Churchill Road and Prospect Road. Differences in existing character, traffic volumes and likely development outcomes were identified, implying that the form these roads have taken would be difficult to replicate on Marion Road.

Further analysis revealed that many of the 'strategic sites' along Marion Road, which were considered as catalysts for the Urban Corridor Zone during the Housing Diversity DPA, have now been developed.

An Urban Corridor Zone, facilitating mixed use development, may not be the most appropriate zone for Marion Road, as much of the existing land uses (both residential and non-residential) are unlikely to be redeveloped for the foreseeable future, and an increase in traffic volumes from higher density development and further commercial type land uses may have detrimental impacts on an already heavily trafficked road system.

There are currently no 'mixed use' developments along Marion Road, however, there is a substantial number of both residential and non-residential uses on separate sites. Recent development on other main roads covered by an Urban Corridor Zone (i.e. Prospect Road and Churchill Road) comprises predominantly multi-storey residential buildings, with very few examples of mixed use development. As there appears to be little take-up for mixed-use type development, developers may therefore seek to retain the separation of these uses rather than pursue a mix of uses that there may be little demand for.

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For these reasons it may be appropriate to leave the current non-residential zones/land uses as they are, letting the market decide future outcomes, within the policy parameters of the zones.

Even though there is already a substantial number of multi-dwelling developments along Marion Road, rezoning the existing residential areas to an alternate neighbourhood zone such as the Housing Diversity Neighbourhood Zone, which allows local variations, would provide opportunity for a greater diversity of dwelling types on the sites yet to be redeveloped, and could facilitate better development outcomes than the site dimension policy criteria within the current General Neighbourhood Zone.

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The proposal seeks to amend the Code for the Affected Area, being land located on or adjacent to Marion Road (between the tram crossing in the north to Sturt Road in the south) in Ascot Park, Marion, Mitchell Park, Park Holme, Plympton Park and South Plympton as shown in the mapping in **Attachment A**.

2.2. Scope of Proposed Code Amendment

Area 1 – Affected Area along Marion Road currently within the General Neighbourhood Zone

Current Policy	General Neighbourhood Zone <u>Overlays</u> <ul style="list-style-type: none">• Airport Building Heights (Regulated) (All structures over 15 metres)• Affordable Housing• Building Near Airfields• Future Road Widening• Hazards (Flooding - Evidence Required)• Major Urban Transport Routes• Prescribed Wells Area• Regulated and Significant Tree• Stormwater Management• Traffic Generating Development• Urban Tree Canopy <u>TNVs</u> <ul style="list-style-type: none">• Nil
Amendment Outline	Replacing the General Neighbourhood Zone with the Housing Diversity Neighbourhood Zone which allows local variations, which would provide opportunity for a greater diversity of dwelling types on the sites yet to be redeveloped, and could facilitate better development outcomes than the site dimension policy criteria within the current General Neighbourhood Zone.

Intended Policy	<p>Housing Diversity Neighbourhood Zone</p> <p><u>Overlays</u></p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) (All structures over 15 metres) • Affordable Housing • Building Near Airfields • Future Road Widening • Hazards (Flooding - Evidence Required) • Major Urban Transport Routes • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <p><u>TNVs (potential)</u></p> <ul style="list-style-type: none"> • Maximum building height is 2 building levels and 9m, except where the site: <ul style="list-style-type: none"> A. is at least 1200m² in area and B. has a frontage of at least 30m <ul style="list-style-type: none"> - where maximum building height is 3 building levels and 12m • Minimum Frontage (Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 8m; row dwelling is 7m; group dwelling is 18m; residential flat building is 18m) • Minimum Site Area (Minimum site area for a detached dwelling is 250 sqm; semi-detached dwelling is 220 sqm; row dwelling is 200 sqm; group dwelling is 200 sqm; residential flat building is 200 sqm)
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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 key strategic planning considerations are summarised as follows:

- Facilitate the opportunity for an increased diversity in housing types and densities to meet the varying needs of the community.

- A higher density of housing encouraged in locations with convenient access to shopping and community facilities and public transport.
- Relieve the pressure for infill development within local streets.
- Consideration of the need for suitable transitions between existing lower density residential areas and proposed higher density development.

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>Principles of Good Planning</p> <p><u>Urban renewal principles</u></p> <p><i>Preference should be given to accommodating the expected growth of cities and towns through the logical consolidation and redevelopment of existing urban areas.</i></p> <p><i>Urban renewal should seek to make the best use (as appropriate) of underlying or latent potential associated with land, buildings and infrastructure.</i></p>	<p>The amendment seeks to provide opportunity for the replacement of existing lower density residential uses, located along a major transit route (Marion Road), with a greater diversity of residential development, with convenient access to public transport and shopping/community facilities.</p>
<p>Integrated Planning</p> <p><i>1.7 Regenerate neighbourhoods to improve the quality and diversity of housing in appropriate locations supported by infrastructure, services and facilities.</i></p>	<p>The amendment seeks to provide opportunity for the replacement of existing lower density residential uses, located along a major transit route (Marion Road), with a greater diversity of residential development, with convenient access to public transport and shopping/community facilities.</p>
<p>Design Quality</p> <p><i>2.9 Respect the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers existing and desired future context of a place.</i></p> <p><i>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</i></p>	<p>The amendment will consider the need for suitable transitions, through various design elements, between existing lower density residential areas and proposed higher density and potentially taller development along the Marion Road corridor.</p>

<p><i>natural light, visual and acoustic privacy, massing and proportions.</i></p>	
<p>Housing Supply and Diversity 6.6 <i>A diverse range of housing types within residential areas that provide choice for different household types, life stages and lifestyle choices.</i></p>	<p>The amendment seeks to provide opportunity for the replacement of existing lower density residential uses, located along a major transit route (Marion Road), with a greater diversity of residential development, with convenient access to public transport and shopping/community facilities.</p> <p>A greater diversity and choice of dwelling types would better provide for the changing lifestyle needs of the community.</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 (2017 Update) volume of the Planning Strategy is relevant for this Code Amendment.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p><i>Principle 1: A compact and carbon-neutral city</i></p>	<p>The Code Amendment will seek to facilitate the provision of additional housing opportunities at increased densities which can be adequately serviced by infrastructure such as public transport within the footprint of the existing metropolitan area.</p>
<p><i>Principle 2: Housing diversity and choice</i></p>	
<p><i>Principle 4: A transit-focused and connected city</i></p>	<p>Providing additional housing opportunities near public transport services.</p>
<p>Transit corridors, growth areas and activity centres</p>	
<p><i>Policy 1. Deliver a more compact urban form by locating the majority of Greater Adelaide’s urban growth within existing built-up areas by increasing density at strategic locations close to public transport.</i></p>	<p>The Code Amendment proposes to investigate an increase in residential density on a major road corridor, serviced by public transport.</p>

Housing mix, affordability and competitiveness	
<i>Policy 37. Facilitate a diverse range of housing types and tenures (including affordable housing) through increased policy flexibility in residential and mixed-use areas.....</i>	The Code Amendment will facilitate greater diversity of residential housing types on a major road corridor, serviced by public transport. The Affordable Housing Overlay will be applied to the subject land.
<i>Policy 45. Promote affordable housing in well located areas close to public transport and which offers a housing mix (type and tenure) and quality-built form that is well integrated into the community.</i>	

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
Housing Diversity Development Plan Amendment	The previous Housing Diversity DPA (HDDPA) sought the creation of an Urban Corridor Zone along much of Marion Road. This Zone was to provide opportunity for multistorey mixed - use development (retail/commercial/residential) in appropriate locations and help relieve the pressure for infill development in local streets in the inner suburbs. However, an Urban Corridor Zone may not be the most appropriate zone for Marion Road, as much of the existing land uses (both residential and non-residential) are unlikely to be redeveloped for the foreseeable future, and an increase in traffic volumes from higher density development and further commercial type land uses may have detrimental impacts on an already heavily trafficked road system.

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
<p>Marion Road Urban Design Study -- 2009</p> <p>Oxigen and Connor Holmes</p>	<p>To provide guidelines which aid future strategic and development decisions along and adjacent to Marion Road including informing Council's strategic planning process, particularly relating to future amendments to the (former) Development Plan.</p>	<ul style="list-style-type: none"> • Introduce more flexible policy to encourage redevelopment of sites in the corridor, including encouraging mixed use development outcomes along the whole corridor. • Encourage development of 3 to 5 storeys within the corridor, including non-residential uses at street level to activate the street, with residential development above • Consider opportunities to increase the depth of existing zones in certain areas to further encourage redevelopment and potentially enhance interface issues.
<p>Marion Road – Feasibility Study: Urban Corridor Zone (as part of former Housing Diversity DPA)</p>	<p>Analysis identifying the key development opportunities along Marion Road and consideration of policy mechanisms to achieve the desired outcomes</p>	<p>Identified 6 key sites with highest potential for redevelopment.</p> <p>Three of these sites have since been approved and/or developed. Two of the sites for forms of development not previously envisaged (lower density/not mixed use).</p>

4.2. Further Investigations Proposed

In addition to the investigations already undertaken and identified above, the table below outlines the 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
Demand for the nature and extent of development anticipated in the zone	Identify the appropriateness of rezoning the extent of land proposed to ensure that it reflects the demand for the nature of development anticipated in the zone.

4.3. Engagement Already Undertaken

The following engagement occurred on the previous Housing Diversity Development Plan Amendment in 2019:

- The community were advised of the proposed changes to the zoning and associated policy affecting those properties to be included in the (then) proposed Urban Corridor Zone along Marion Road.
- Public notification (including letter drop to all properties within the Council, notices in newspapers, Council's web site and Government Gazette) was undertaken and the community was given an opportunity to provide response.
- Council received 66 responses regarding the proposed changes to Marion Road.

It is noted that, as an Urban Corridor Zone, facilitating mixed use development, is no longer considered to be the most appropriate zone for Marion Road, many of the responses received are no longer relevant to the proposed Code Amendment.

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.

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
<ul style="list-style-type: none"> • 8-week consultation process on the Draft Code Amendment. • A copy of the Code Amendment in the Plan SA Portal. • A notice in the Advertiser Newspaper. • Information on Council's 'Making Marion' website, with information on the Code Amendment including, but not limited to a copy of the draft Code Amendment, FAQs and information on how to make comments. • A written notice to all property owners within the affected area and property owners immediately surrounding the 	<p>The broad intent of the engagement process will be to:</p> <ul style="list-style-type: none"> • Alert attention to the draft Code Amendment, its scope and intent. • Highlight any specific issues identified during the drafting process. • Provide details on the Code Amendment process and opportunities for input/comment. • Provide information on how to seek further information. • Consider responses received during consultation process and make amendments

<p>affected area (as considered appropriate) inviting them to review and comment on the draft policy.</p> <ul style="list-style-type: none"> • Information brochure outlining what the Code Amendment is about, the proposed policy amendments, and how interested persons can comment. • Notification of the draft Code Amendment to relevant State Government departments/agencies, Members of Parliament, adjacent Councils, infrastructure providers and other interested parties. • Copies of draft Code Amendment and information brochure to be made available at Council offices and libraries. • The scheduling of a Public Meeting (if required) at the conclusion of the consultation process, at which any interested person may appear before Council's Planning and Development Committee to make representations on the proposed amendment. 	<p>to the Code Amendment where necessary/appropriate.</p>
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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 in **Attachment B**. 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.

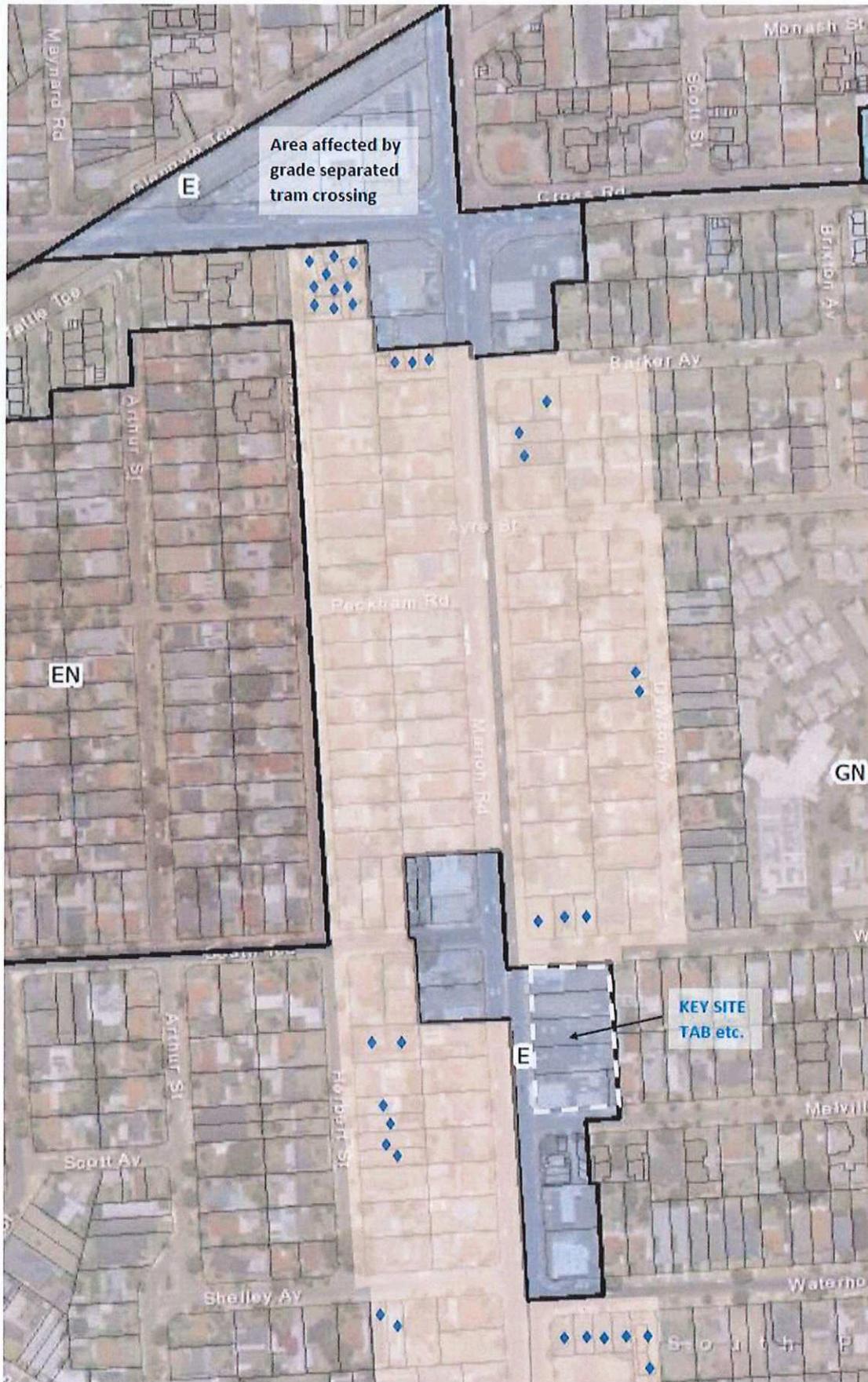
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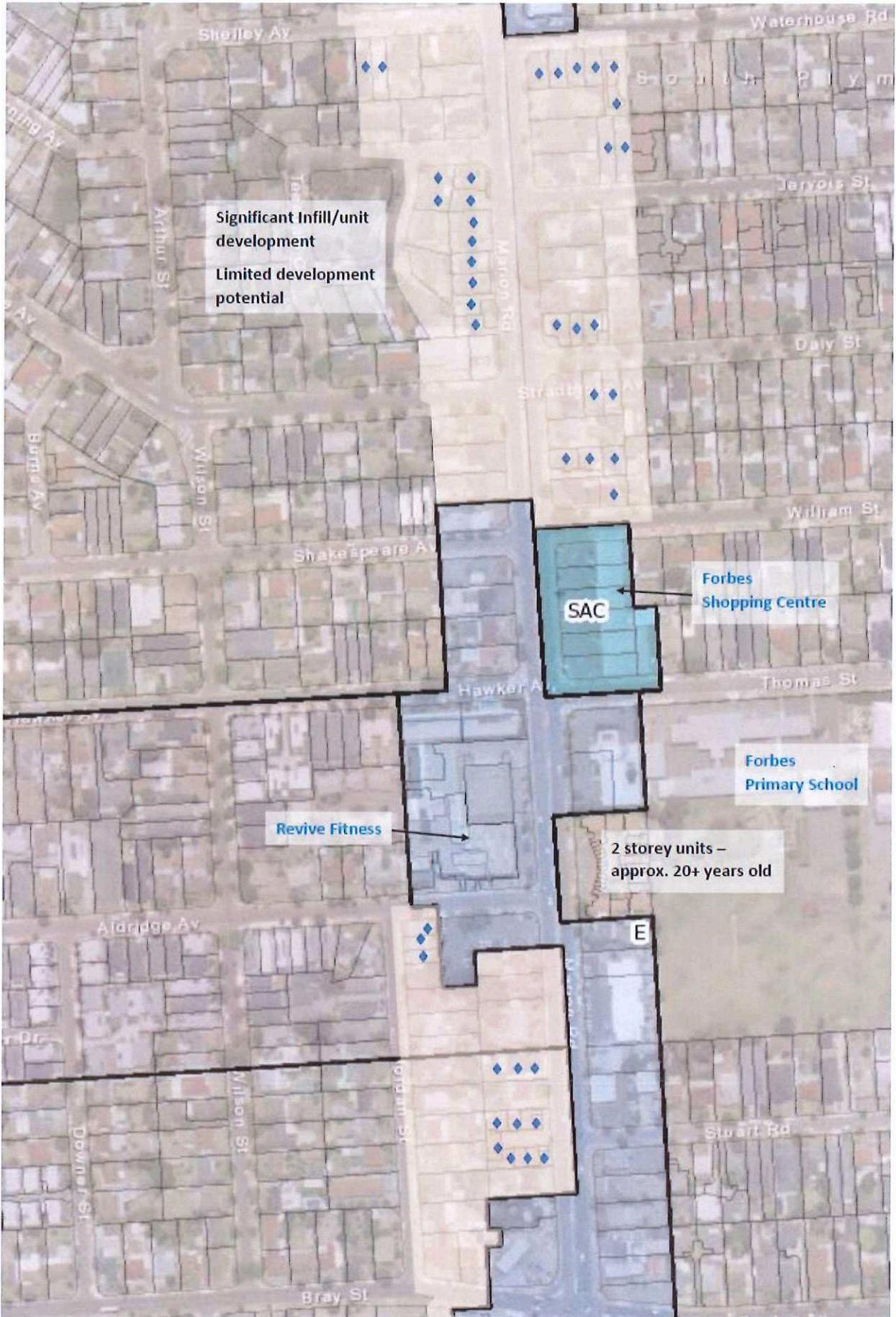
ATTACHMENT A
Maps of Affected Area

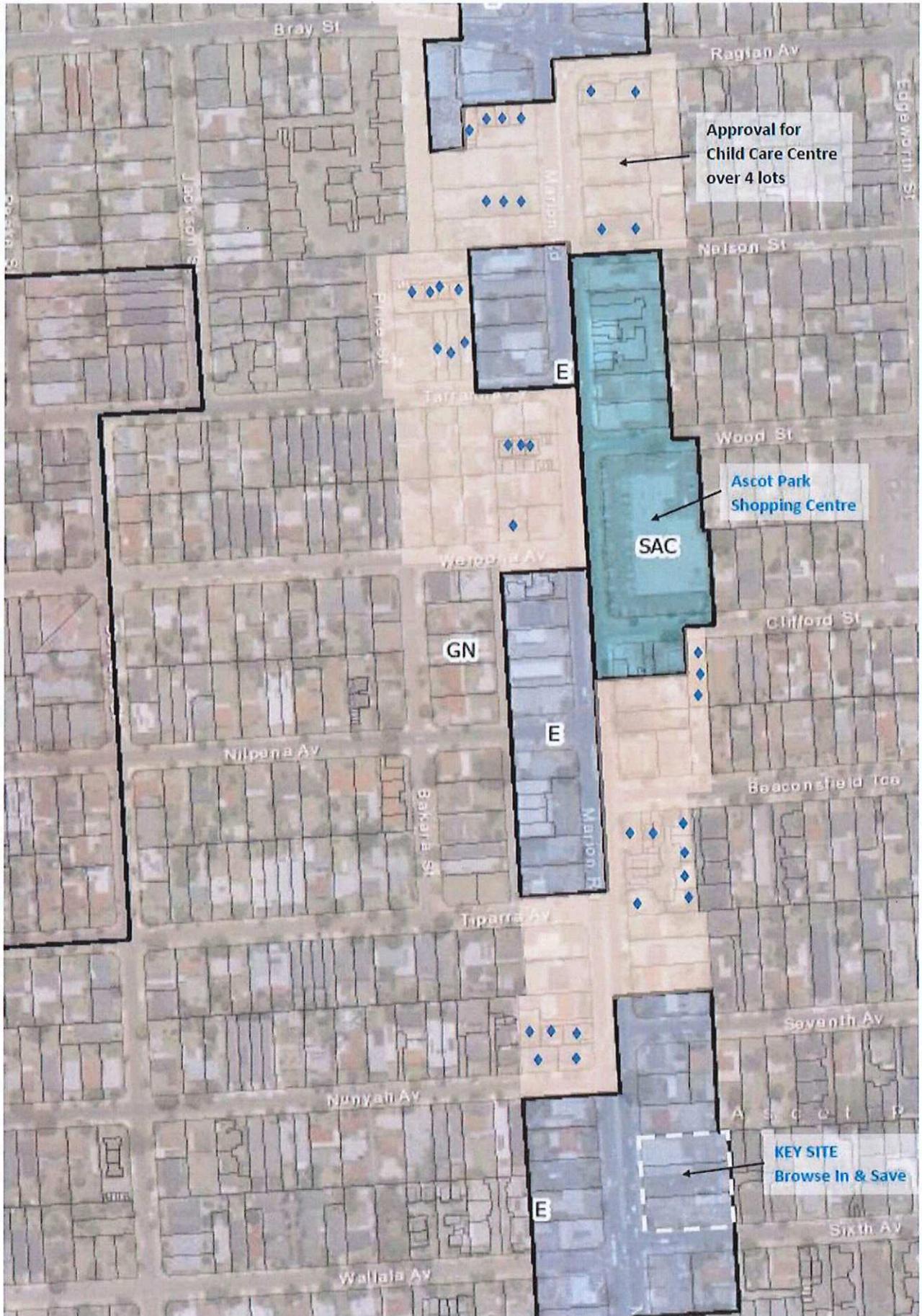
MARION ROAD – POTENTIAL FOR REDEVELOPMENT OF RESIDENTIAL AREAS

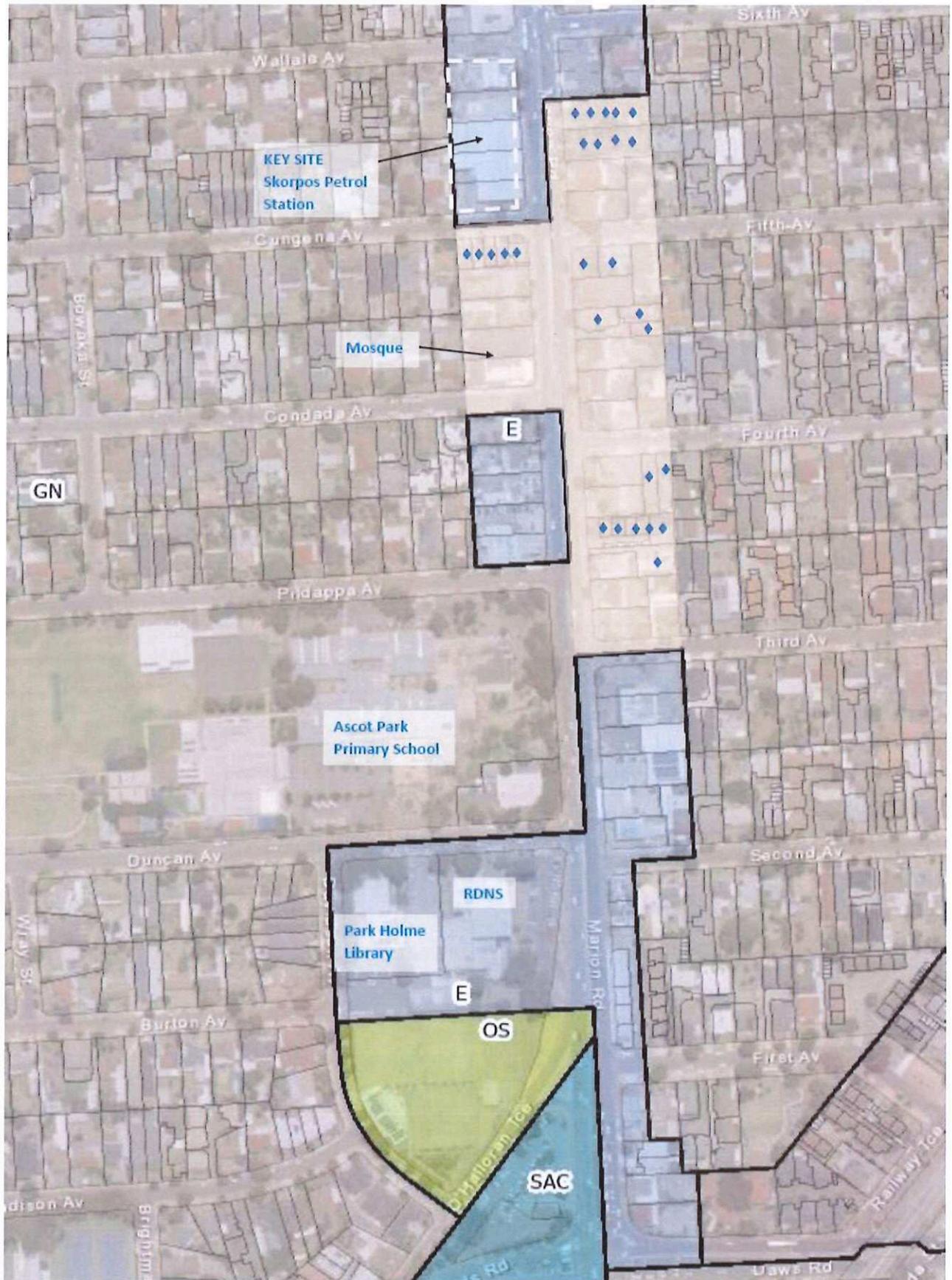
◆ MULTIPLE DWELLING DEVELOPMENTS

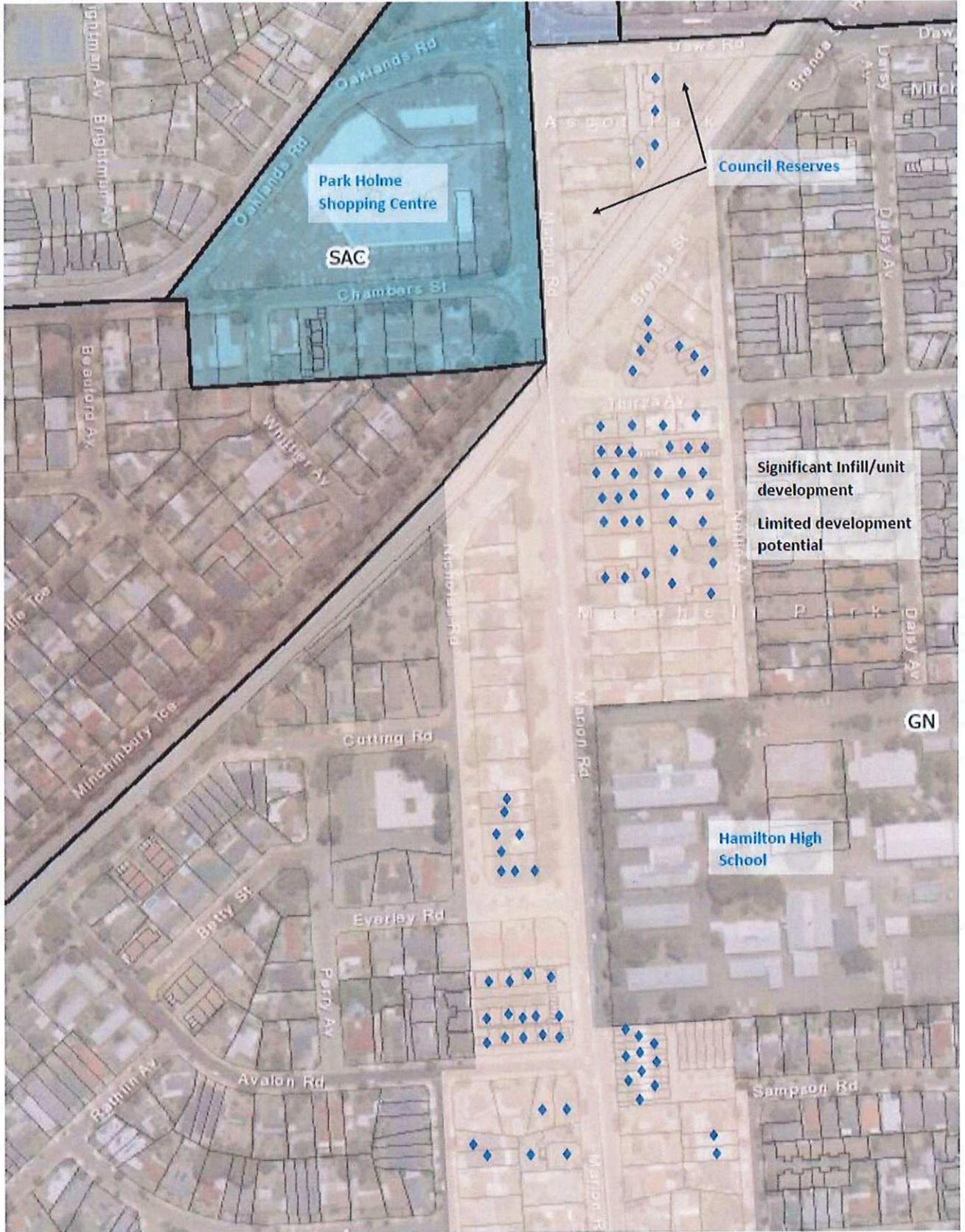
AFFECTED AREA

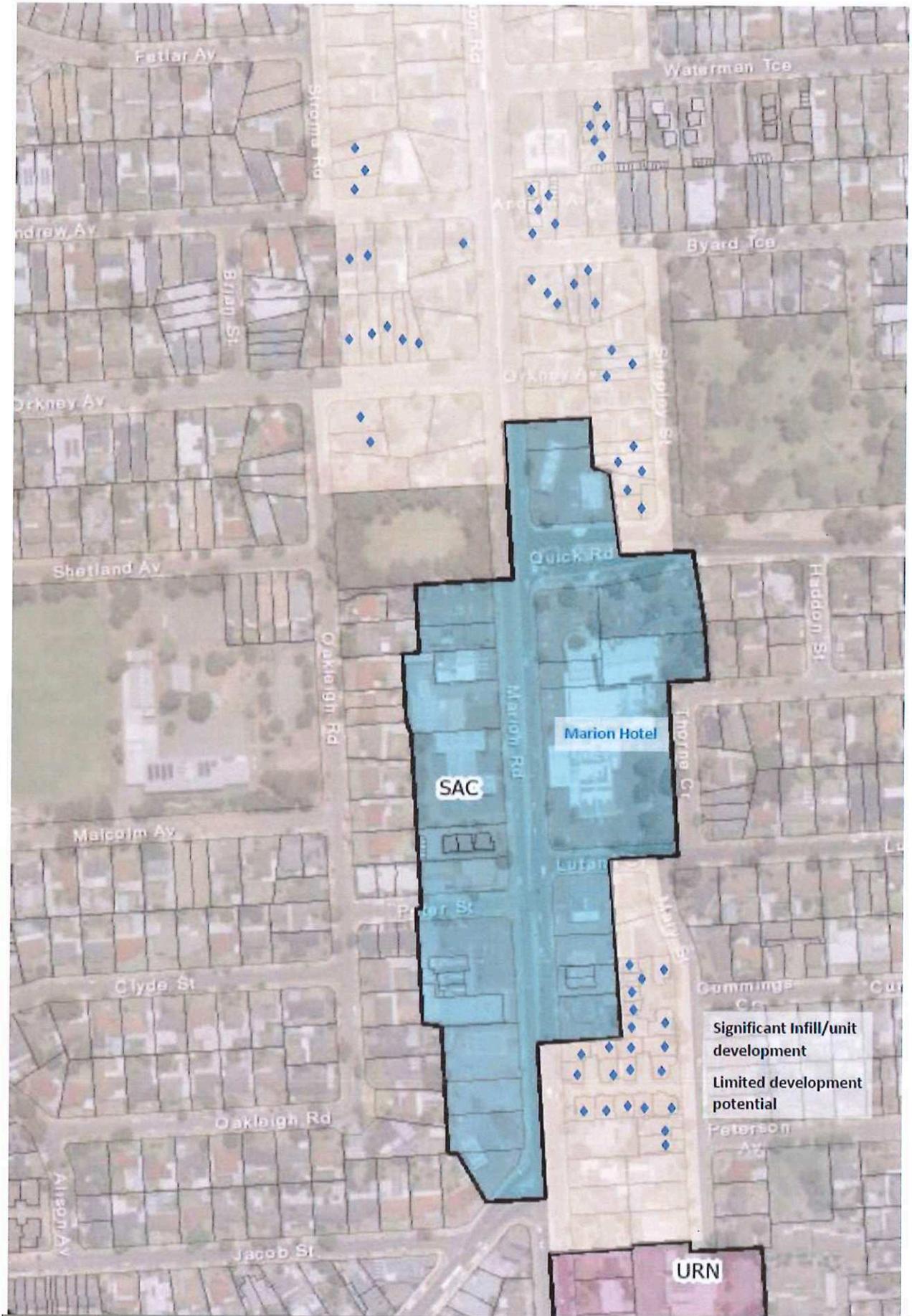


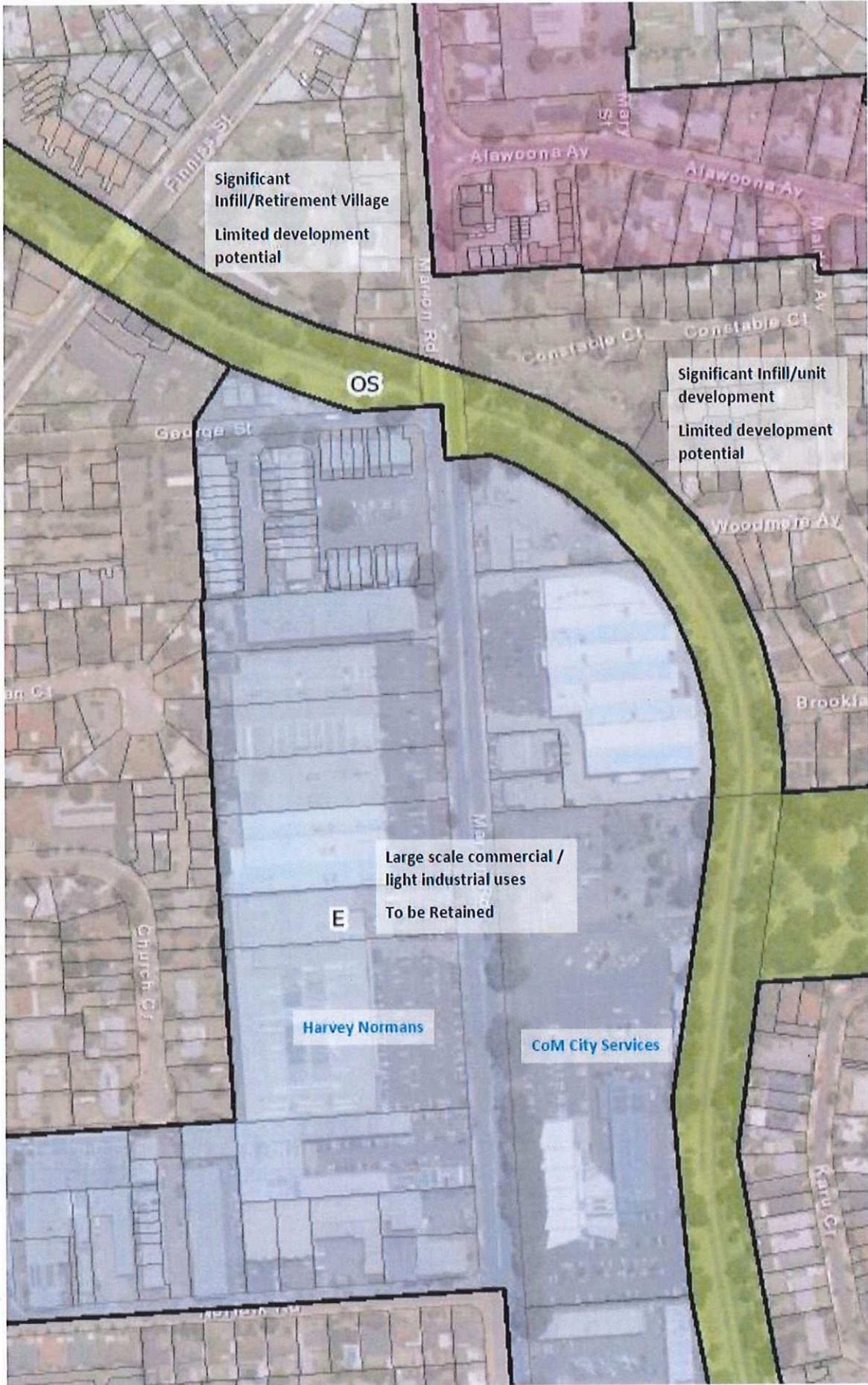


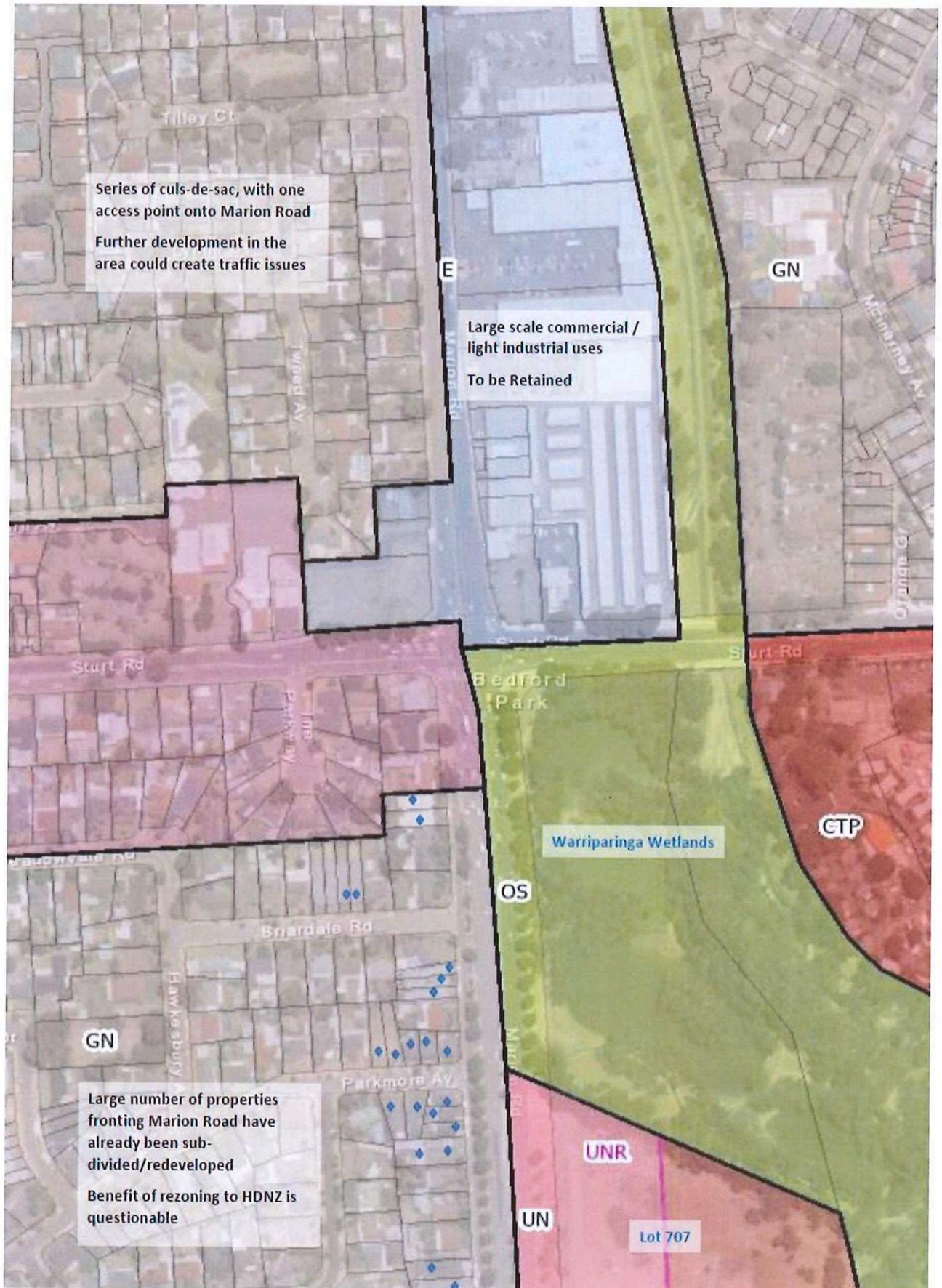


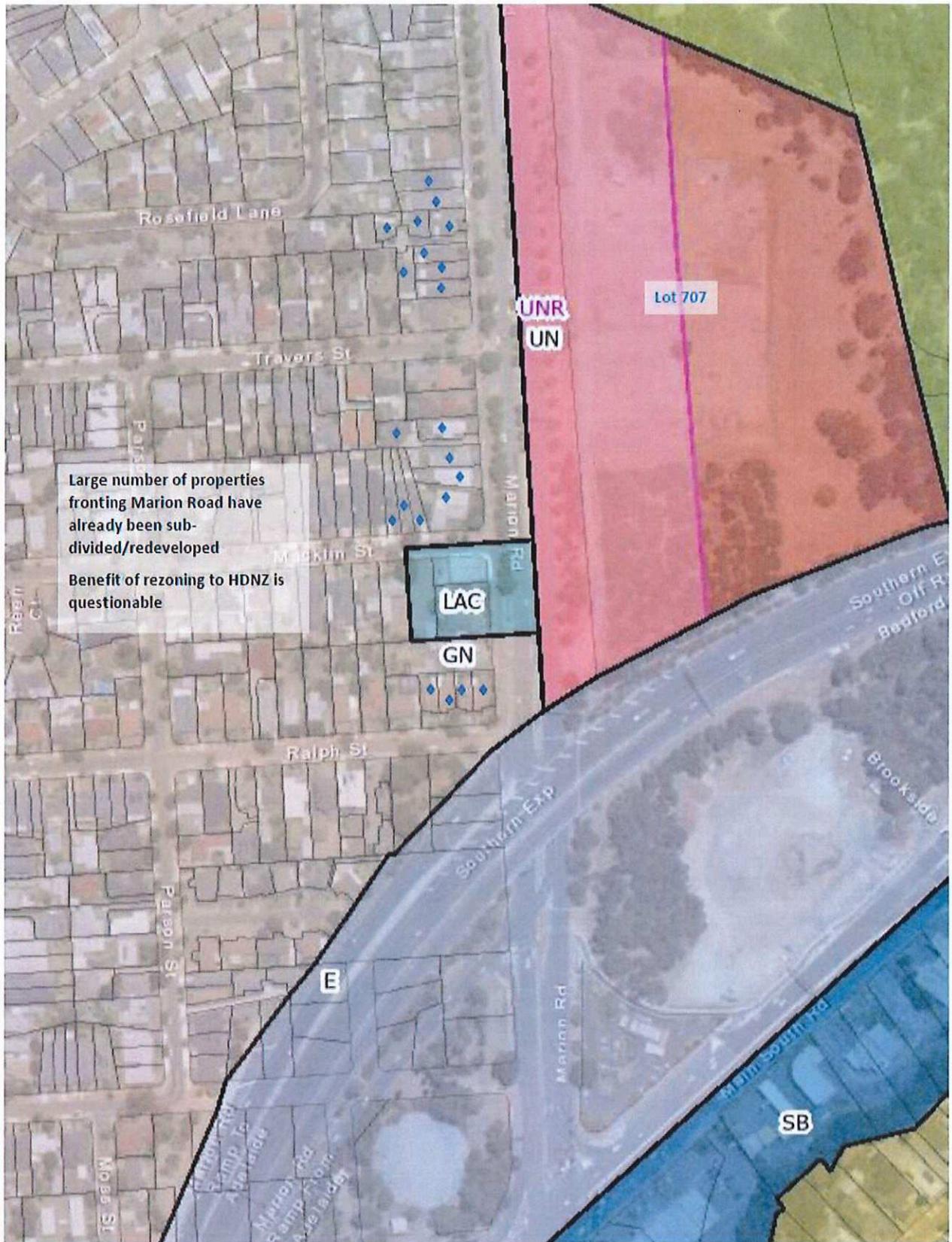












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ATTACHMENT B

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	Council	12 weeks
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes	AGD	1 week
Preparation of Materials for Consultation	Council	6 weeks
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	Council	12 weeks
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared and lodged with AGD	Council	8 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

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Step	Responsibility	Timeframe
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