

“SCOTTY’S CORNER” CODE AMENDMENT

INTERIM ENGAGEMENT REPORT

Prepared in accordance with section 73(7) of the *Planning, Development and Infrastructure Act 2016*

YS SUPER INVESTMENTS PTY LTD

Date:
26.11.2021

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INTERIM REPORT

1. EXECUTIVE SUMMARY

Engagement has been undertaken for the “Scotty’s Corner” Code Amendment. The key themes coming through the engagement activities in response to the Code Amendment include:

- traffic impacts;
- maximum building height;
- amenity impacts arising from future development (overlooking and overshadowing);
- the inclusion of two residential properties in the Affected Area;
- the loss of the Historic Area Overlay;
- precedent;
- whether rezoning should cover a larger geographical area;
- alignment with the Town of Walkerville Community Plan and Urban Masterplan;
- application of the Urban Corridor Business Retail Subzone to the Affected Area;
- the need and desire for the Affected Area to be redeveloped; and
- community engagement and its alignment with the Community Engagement Charter.

2. PURPOSE

This report has been prepared by YS Super Investments Pty Ltd (the Designated Entity) for consideration by the Minister for Planning and Local Government (the Minister) in adopting the “Scotty’s Corner Code Amendment” (the Code Amendment).

The report details the engagement that has been undertaken and the outcomes of the engagement, including:

- a summary of the feedback made;
- the response to the feedback; and
- evaluation of the engagement (to be completed once feedback received).

To ensure the principles of the Community Engagement Charter (the Charter) are met, an evaluation of the engagement process for the Code Amendment is currently occurring. As part of this evaluation, you are invited to complete a survey via this link: <https://www.surveymonkey.com/r/B3YS382>



Use your smart phone to scan this code

This survey will be open until 10 December 2021 to enable you to consider the outcomes of the engagement before evaluating the engagement.

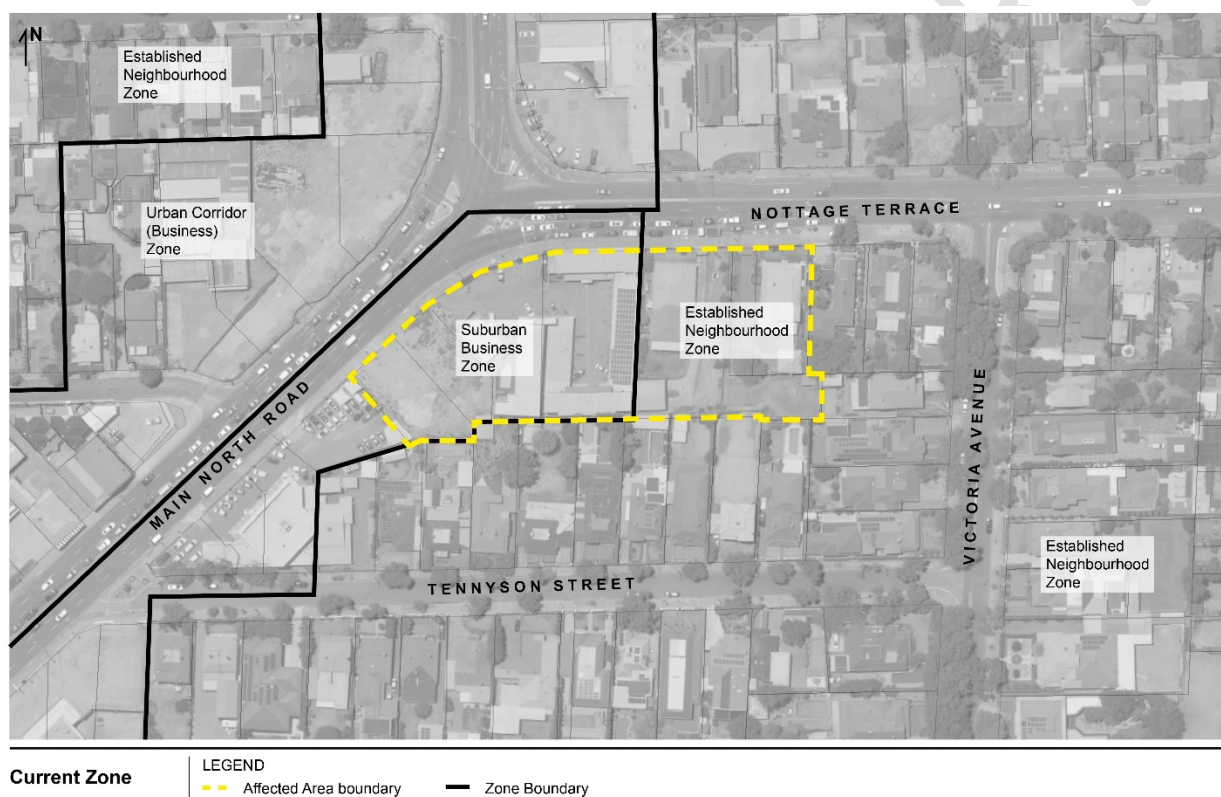
The final Engagement Report and Code Amendment Report will be made publicly available on the PlanSA website at the following link: https://plan.sa.gov.au/have_your_say/general_consultations.

3. INTRODUCTION

The Designated Entity has initiated the Code Amendment in relation to the land comprising seven contiguous allotments located at 1-5 Nottage Terrace, Medindie and 43 Main North Road, Medindie and described as Allotment 98 on Certificate of Title 5761/575, Allotment 99 on Certificate of Title 5761/569, Allotment 8 on Certificate of Title 5106/255, Allotment 15 on Certificate of Title 5106/256, Allotment 7 on Certificate of Title 5798/222, Allotment 3 on Certificate of Title 5228/569 and Allotment 2 on Certificate of Title 5228/570 (together the 'Affected Area').

The Affected Area is currently located within the Suburban Business Zone and the Established Neighbourhood Zone and adjoins the Established Neighbourhood Zone to the east and south, the Suburban Business Zone to the south-west and the Urban Corridor (Business) Zone to the north and west. The Affected Area and current zoning are shown in **Figure 3.1** below.

Figure 3.1 Current Zoning & Affected Area

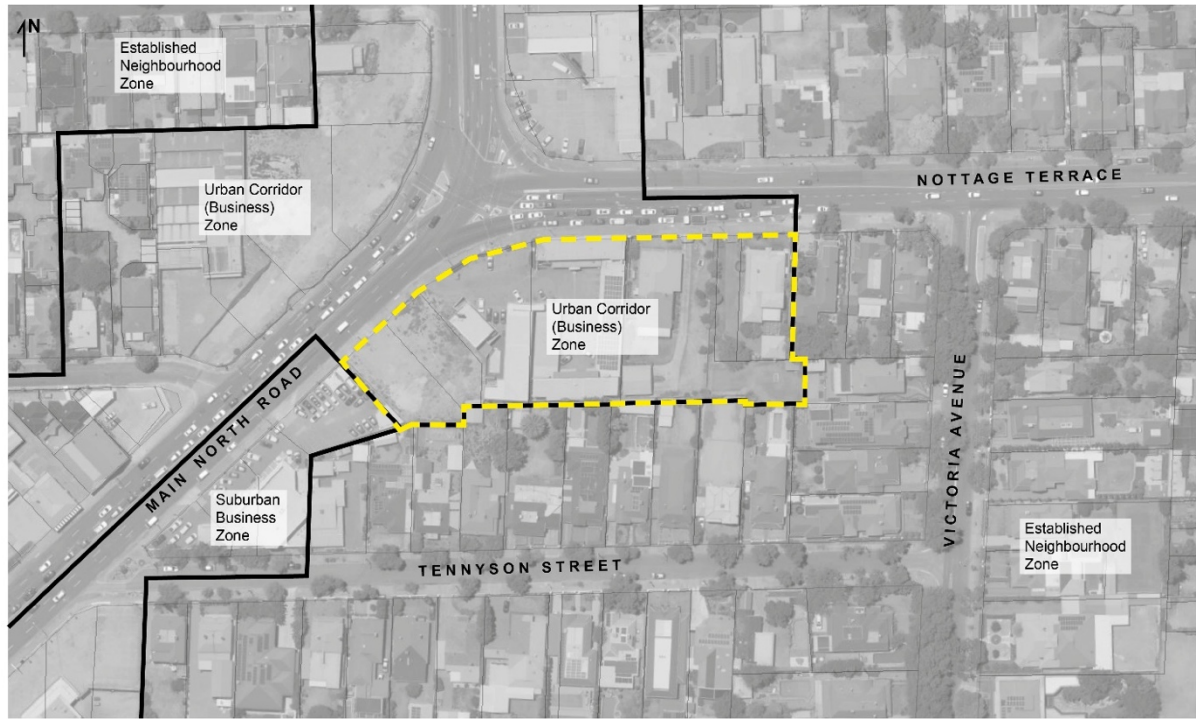


The intent and purpose of the Code Amendment is to rezone the Affected Area to the Urban Corridor (Business) Zone as shown within **Figure 3.2** below.

The proposed Urban Corridor (Business) Zone will enable the orderly and economic development of the Affected Area consistent with outcomes anticipated for adjacent land located on the northern and north-west corners of the Main North Road and Nottage Terrace intersection, that are also located within the Urban Business (Corridor) Zone.

The subject land is currently underutilised, being developed at a low scale and intensity. The proposed rezoning has the potential to deliver a more compact urban form, whilst respecting the character and amenity of the adjoining Established Neighbourhood Zone.

Figure 3.2 *Proposed Zone*



Proposed Zone

LEGEND

— Affected Area boundary

— Zone Boundary

INTERIM

4. ENGAGEMENT OBJECTIVES

The process for amending the Planning and Design Code (Code) is set out in the *Planning, Development and Infrastructure Act 2016* (the Act). The Act requires public engagement to take place in accordance with the Charter.

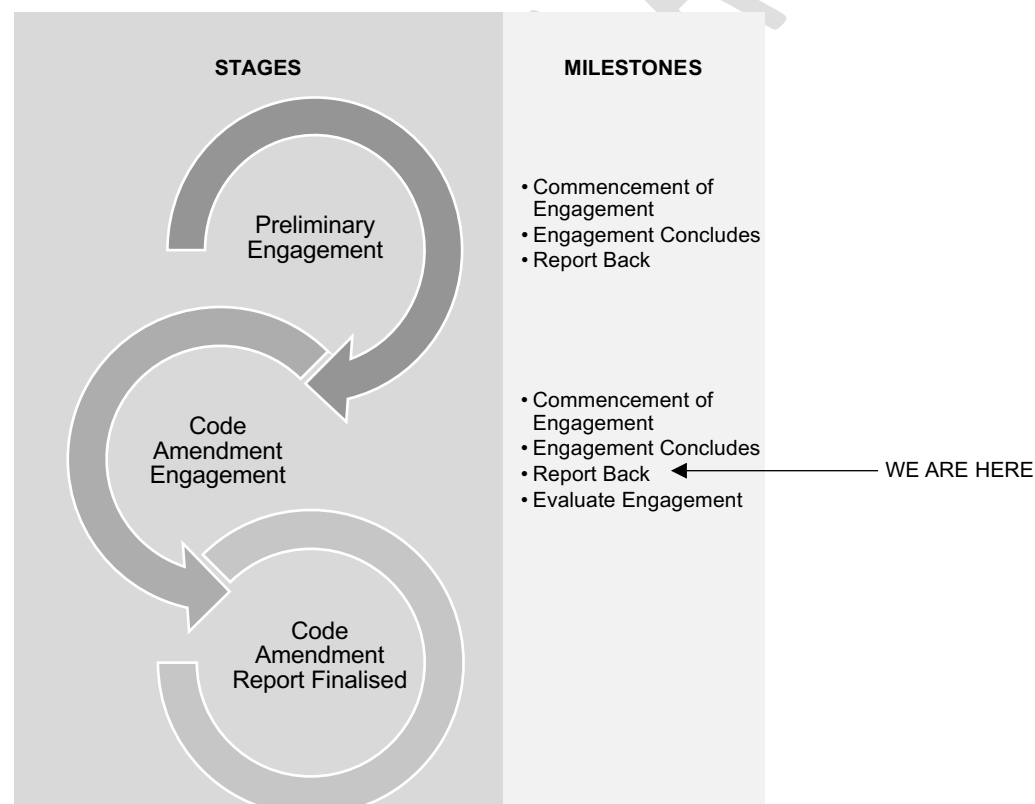
The Designated Entity prepared an Engagement Plan to apply the principles of the Charter. The key objectives of the engagement were to:

- share information with the public about the Code Amendment;
- create an understanding of the reasons for the Code Amendment;
- understand the views of the stakeholders;
- inform and improve the quality of the policy within the Code Amendment; and
- comply with the Charter and the Act.

The Engagement Plan detailed the various engagement activities proposed for each engagement level¹. The engagement activities occurred over the following two stages:

- *Preliminary Engagement*, undertaken prior to the drafting of the Code Amendment Report; and
- *Code Amendment Engagement*, undertaken after the drafting of the Code Amendment Report was completed and includes the Report being made available to the public and all stakeholders for review and input.

Figure 4.1 Summary of Stages and Milestones



¹ The levels of engagement were informed by the IAP2 Spectrum of Public Participation (see section 4 of the Engagement Plan).

5. ENGAGEMENT ACTIVITIES

The engagement activities were selected to ensure that the method of engagement was appropriate for achieving the objectives and level of influence set out in the Engagement Plan.

A summary of the activities undertaken during the two stages of engagement are summarised below.

5.1 Preliminary Engagement

5.1.1 Preliminary Engagement with the Town of Walkerville

Representatives of the Designated Entity met with Andreea Caddy and Carly Walker, employees of the Town of Walkerville on 16 June 2021 to discuss the Code Amendment, next steps and draft Engagement Plan.

Feedback was sought on the:

- draft Engagement Plan;
- policy changes being sought through the Code Amendment; and
- level of involvement that the Town of Walkerville sought to have in respect to the Code Amendment.

5.1.2 Meeting with Residents of Medindie

Representatives of the Designated Entity attended an online meeting with a resident of Medindie on 7 July 2021 to discuss the Code Amendment process. The meeting was facilitated following a request from the resident to discuss the Code Amendment. During this meeting the Code Amendment process was discussed and it was confirmed that the Engagement Plan included consultation with adjacent land owners and occupiers once the Code Amendment report had been finalised. At the time of this meeting investigations were still being undertaken that would inform the Code Amendment.

5.1.3 Town of Walkerville Elected Member Briefing

On 3 August 2021 representatives of the Designated Entity presented to the Elected Members of the Town of Walkerville. The purpose of the briefing was to explain the nature of the Code Amendment, the process for Code Amendments and next steps, including public consultation. The Elected Member briefing was held prior to completion of the drafting of the Code Amendment and commencement of the public consultation period. This was to hear feedback from Elected Members on the Code Amendment and ensure that Elected Members were aware of the Code Amendment in the event they were contacted by members of the community.

5.1.4 Discussion with City of Prospect

On 22 July 2021 an online meeting with held with Rick Chenoweth, employee of the City of Prospect. The purpose of the meeting was to notify the City of Prospect of the proposed Code Amendment, next steps and the level of involvement the City of Prospect sought to have in respect to the Code Amendment.

5.2 Code Amendment Engagement

5.2.1 Letters to Adjacent Land Owners and Occupiers

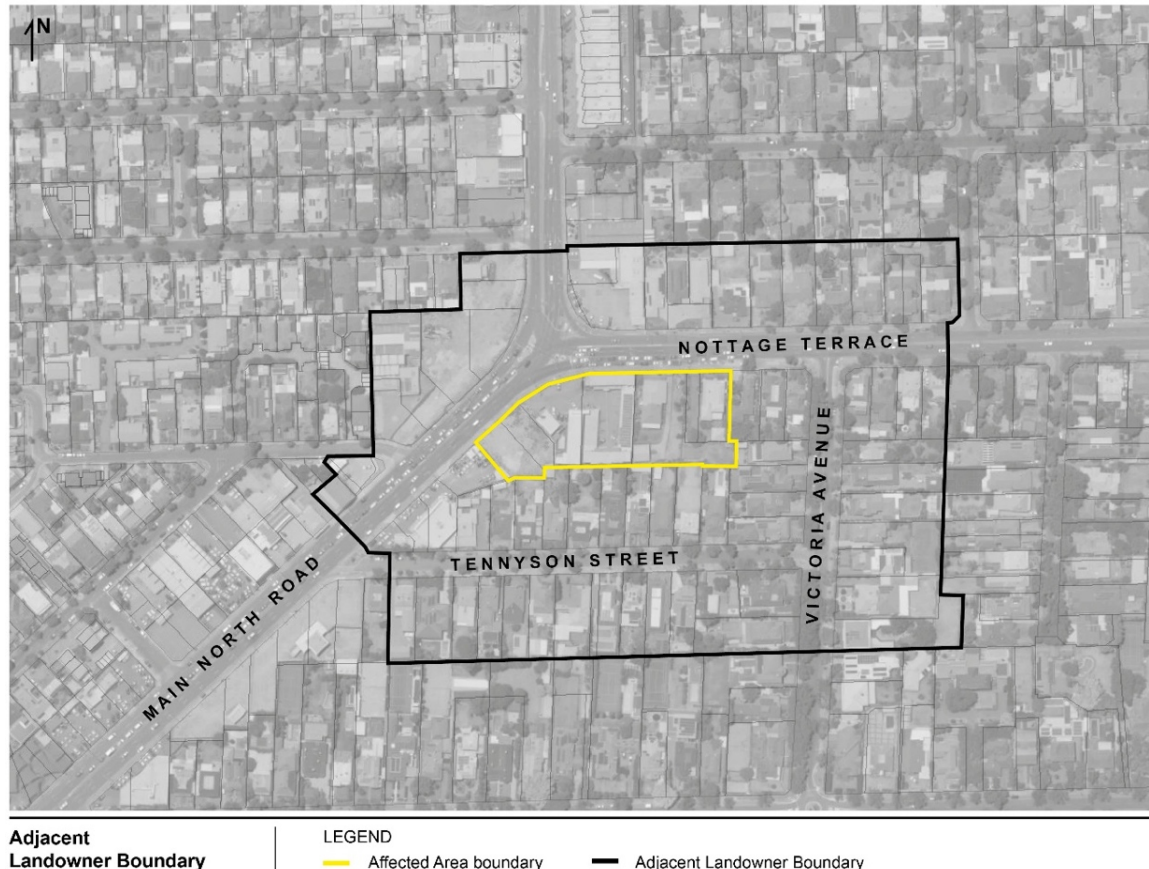
On 2 August 2021 letters were posted to adjacent landowners and occupiers (refer Figure 5.1) notifying them of the Code Amendment and inviting their feedback. These letters were delivered on or about 7 August 2021. The letters included:

- details of the Code Amendment;

- that feedback was being sought on the Code Amendment;
- details of how to make a submissions in response to the Code Amendment; and
- the Notice required pursuant to regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

A copy of the letter and notice sent to adjacent owners and occupiers is contained in **Appendix 1**.

Figure 5.1 *Extent of Adjoining Land Owners*



In addition to adjacent land, the Designated Entity identified additional allotments which may be impacted by the proposed Code Amendment and chose to send this notice to the owners or occupiers of these allotments as part of the engagement. All of the land owners or occupiers that were sent this notice are highlighted in Figure 5.1 above.

5.2.2 Letters to other Stakeholders

On 2 August 2021 and 6 August 2021 letters were posted or emailed (respectively) to other stakeholders identified in the Engagement Plan including:

- Town of Walkerville;
- City of Prospect;
- Department of Infrastructure and Transport (DIT);
- Environment Protection Authority (EPA);
- Utility providers;
- State Member of Parliament;

- Local Government Association;
- State Planning Commission;
- Attorney Generals Department;
- Prospect Residents Association; and
- Prospect Local History Group.

These letters included:

- details of the Code Amendment;
- that feedback was being sought on the Code Amendment;
- details of how to make a submissions in response to the Code Amendment; and
- where relevant, a copy of the Notice prepared pursuant to regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

5.2.3 Public Meeting

On 8 September 2021 stakeholders and members of the public were invited to attend a public meeting to make a verbal submission in respect to the Code Amendment. The public meeting was held at the Walkerville RSL located at 98 Walkerville Terrace, Walkerville. Due to Covid-19 restrictions participants were required to register to attend the meeting. Registrations were made available via Eventbrite. Online access to the meeting was also made available.

Stakeholders were notified of the public meeting through the letter providing notice of the Code Amendment. Details of the public meeting were also made available on the PlanSA Code Amendments page.

5.2.4 Access to Code Amendment Report and Engagement Plan

During the consultation period the Code Amendment Report and Engagement Plan were available to be viewed electronically via PlanSA and in hard copy at the Town of Walkerville Civic Centre and City of Prospect Civic Centre.

5.3 Mandatory Requirements

The following mandatory engagement requirements have been met:

- notice and consultation was undertaken with the Town of Walkerville and City of Prospect in accordance with the Charter;
- notice and consultation with the Local Government Association in accordance with the Charter; and
- notice and consultation with owners or occupiers of Land specifically impacted and each piece of adjacent land² pursuant to section 73 of the Act.

² Adjacent land is defined by the *Planning Development and Infrastructure Act 2016* as 'in relation to other land, means land that is no more than 60 metres from the other land'.

6. ENGAGEMENT OUTCOMES

6.1 What we heard

6.1.1 Preliminary Engagement

The Town of Walkerville provided feedback in respect to the consultation period and recommended this be increased from four weeks to six weeks. It was also recommended that the Designated Entity provide a community meeting. Both of these recommendations were incorporated into the Engagement Plan.

During the video meeting with the resident of Medindie it was indicated that residents in the area would have concerns with the Code Amendment if a building height increase was sought for the Affected Area. To address this additional investigations were undertaken including a massing exercise, overshadowing study and review of development policies that manage impacts on the interface. These investigations were incorporated into the Code Amendment.

6.1.2 Town of Walkerville Elected Member Briefing

At the briefing, Elected Members and staff raised a number of matters in respect to the Code Amendment, these included:

- concerns that the community will not understand the difference between a Code Amendment to a development proposal;
- that without a development proposal the community would struggle to understand the impacts of the Code Amendment;
- management of the interface between the Affected Area and the adjoining residential properties;
- that development policies are not a strict set of rules that need to be adhered to and that future development could be approved that does not meet the relevant policies, particularly in relation to the interface management building envelope;
- how the community was being notified of the Code Amendment; and
- whether accessibility to green spaces had been considered.

These questions were addressed at the briefing and were also taken into consideration in finalising the Code Amendment prior to community consultation commencing.

6.1.3 Letters to Adjacent Land Owners/Occupiers and Other Stakeholders

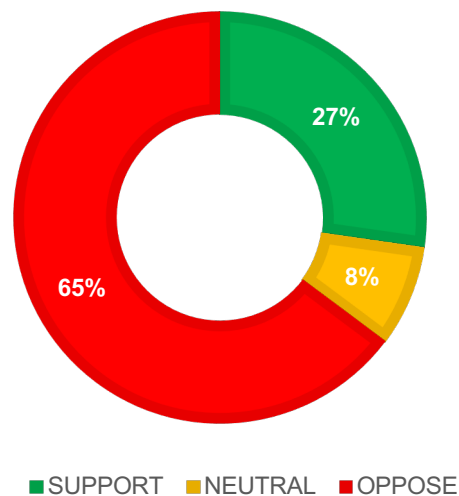
A total of 88 written submissions were received during the consultation period. Submissions were received from a number of stakeholder groups including members of the public, residents of Medindie, Local Government, utility providers, local community groups, Government agencies and the local Member of Parliament and candidate for the seat of Adelaide.

In accordance with the Engagement Plan different stakeholders were identified as having different levels of influence. For example the Town of Walkerville had a collaborate level of influence while adjacent landowners/occupiers had a consult level of influence. Accordingly and depending on the level of influence, submissions from different stakeholders were given different weight in informing the Code Amendment. In this regard the Designated Entity notes that the Town of Walkerville submission identified a number of matters that were also raised in submissions by land owners and occupiers.

The Designated Entity also acknowledges the submissions received from the Department of Infrastructure and Transport (DIT), SA Water and Telstra that raised no objection or specific concerns in response to the Code Amendment.

Of the submissions received, 24 indicated support for the Code Amendment, 58 were opposed to the Code Amendment and 7 did not indicate a position in support or opposition to the Code Amendment.

Figure 6.1 *Proportion of submissions received from all stakeholders*



Three of the submissions were received after the 13 September 2021, after the timeframe for submissions to be received had closed. These submissions have been considered in this Engagement Report, but are noted as being received outside of the consultation period.

Three stakeholders provided more than one submission. Where the submissions were not duplicates, both submissions have been considered in preparing the Engagement Report.

Many of the submissions received supported a redevelopment of the Affected Area, with a general acknowledgement that the existing “Scotty’s Hotel” building was outdated and the Affected Area was an “eyesore”. However, there was a preference to retain the current Suburban Business Zone for the Affected Area.

A summary of key themes of feedback heard through written submissions is below:

- the Code Amendment and redevelopment of the Affected Area is supported;
- concerns about the proposed maximum building height proposed for the Affected Area;
- interface management including overshadowing and loss of privacy;
- consistency in existing building height in the area to ensure continuity of the streetscape;
- removal of the Historic Area Overlay and Established Neighbourhood Zone from two existing residential properties;
- protection of heritage areas and old dwellings;
- impacts on the existing character of Medindie;
- concerns regarding increased traffic in the area, access to the Affected Area, carparking and safety;
- concerns about the anticipated dwelling densities and associated impacts;
- reduction in land value;
- site contamination;
- the availability of facilities and services in the locality to support higher density development and increased population in the area;
- that the Code Amendment will set a precedent for other rezoning in the area and building height, density and land uses on the western side of Main North Road;

- that the Code Amendment should cover a larger geographical area;
- impacts on the water table;
- concerns with consultation process does not accord with the Community Engagement Charter; and
- difficulties in understanding the Code Amendment process.

A more detailed summary of the feedback received is provided in **Appendix 2** and a copy of all submissions (redacted) are available in **Appendix 3**.

6.1.4 Public Meeting

The public meeting was well attended with 56 people registering to attend in person and 53 people attending on the night. Eleven people indicated a desire to make a verbal submission at the meeting. Due to an administrative error one person who had indicated a desire to make a verbal submission was not called upon at the meeting. However, this person provided a written submission following the meeting that has been included as a submission to the Code Amendment. This person was also invited to meet with representatives of the Designated Entity to discuss their submission in person. At the meeting an additional person indicated a desire to make a verbal submission and they were provided with an opportunity to do so.

Video access to observe the meeting online was made available. A number of people observed the meeting online, including staff and Elected Members of the Town of Walkerville.

A summary of key themes of feedback heard is below, these themes were similar to those in the written submissions:

- support redevelopment of the Affected Area but not at the height proposed;
- building height, including that increasing the building height to the Affected Area is unjustified and will impact on enjoyment, result in loss of privacy and overshadowing;
- the ability for development to exceed maximum height where development is significant;
- dwelling density;
- future land uses;
- rezoning of land currently contained in the Established Neighbourhood Zone and subject to the Historic Area Overlay and the potential loss of a Representative Building;
- impact on existing heritage;
- future development would not reflect the character of the area;
- traffic, congestion and carparking, including vehicles using the surrounding road network to 'bypass Main North Road and Nottage Terrace';
- that the Code Amendment would set a precedent for other land in the suburb of Medindie;
- lack of investigations;
- deficiencies in the Code Amendment process;
- the land should be returned to park/public open space;
- consideration of air pollution from major roads and health impacts;
- living standards for future occupants of the Affected Area;
- overcrowding;
- climate concerns;
- land required for future road widening of the intersection;

- information provided in the Code Amendment Report, including massing study, was misleading;
- the Code Amendment is not consistent with the State Planning Policies, 30-Year Plan for Greater Adelaide and Walkerville Community Plan; and
- the scope of Code Amendment should be expanded to capture a larger area.

In the opinion of the representatives of the Designated Entity hearing directly from the local community at the public meeting provided the Designated Entity with a greater understanding of the communities' concerns and assisted the Designated Entity in working out how it may proceed with the Code Amendment and address the concerns that were raised.

INTERIM REPORT

6.2 Response to questions in submissions

A number of the submissions raised specific questions that have been answered below:

1. Is there a right to a certain number of hours of light?

The Code provides a number of policies that manage overshadowing. In respect to access to sunlight Performance Outcome 3.1 and Performance Outcome 3.2 in General Development Policies 'Interface Between Land Uses' in the Code seek that access to windows and private open space of residential land uses is maintained. The corresponding Designated Performance Features ('DPF'), DPF 3.1 and DPF 3.2 indicate that a minimum of 3 hours of direct sunlight between the hours of 9am and 3pm on 21 June should be provided. The indicative shadow diagrams contained in Appendix 12 of the updated Code Amendment Report demonstrate that a building up to five levels and 18.5 metres in height can be designed that will provide a minimum of 4 hours of sunlight to adjoining properties on the winter solstice (21 June), exceeding the requirements within the Code.

2. How will the developer seek to mitigate the effects of overshadowing onto properties in the surrounding area?

Future development of the Affected Area will have to have regard to relevant development policies in the Code that manage overshadowing impacts, including the following development policies contained in the General Development Policies - Interface Between Land Uses:

| Overshadowing | |
|--|---|
| <p>PO 3.1</p> <p>Overshadowing of habitable room windows of adjacent residential land uses in:</p> <ol style="list-style-type: none"> a neighbourhood-type zone is minimised to maintain access to direct winter sunlight other zones is managed to enable access to direct winter sunlight. | <p>DTS/DPF 3.1</p> <p>North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.</p> |
| <p>PO 3.2</p> <p>Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:</p> <ol style="list-style-type: none"> a neighbourhood type zone is minimised to maintain access to direct winter sunlight other zones is managed to enable access to direct winter sunlight. | <p>DTS/DPF 3.2</p> <p>Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:</p> <ol style="list-style-type: none"> for ground level private open space, the smaller of the following: <ol style="list-style-type: none"> half the existing ground level open space or 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m) for ground level communal open space, at least half of the existing ground level open space. |
| <p>PO 3.3</p> <p>Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account:</p> <ol style="list-style-type: none"> the form of development contemplated in the zone the orientation of the solar energy facilities the extent to which the solar energy facilities are already overshadowed. | <p>DTS/DPF 3.3</p> <p>None are applicable.</p> |

3. How will the developer seek to mitigate the invasion of privacy for neighbouring properties from overlooking residences in the development?

Future development of the Affected Area will have to have regard to impacts, including overlooking. The adjoining properties to the rear of the Affected Area are residential in nature and are contained within the Established Neighbourhood Zone. As such the amenity of these properties will be protected in the assessment of proposed development. This includes ensuring that unreasonable and direct overlooking does not occur from upper level windows or balconies. Overlooking impacts are managed through the development policies contained in the General Development Policies 'Design in Urban Areas' of the Code, as follows:

Where future development proposes a low rise building (being a building up to two levels in height):

| | |
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| <p>PO 10.1</p> <p>Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.</p> | <p>DTS/DPF 10.1</p> <p>Upper level windows facing side or rear boundaries shared with a residential use in a neighbourhood-type zone:</p> <ol style="list-style-type: none"> 1. are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm 2. have sill heights greater than or equal to 1.5m above finished floor level 3. incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5 m above the finished floor level. |
| <p>PO 10.2</p> <p>Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.</p> | <p>DTS/DPF 10.2</p> <p>One of the following is satisfied:</p> <ol style="list-style-type: none"> 1. the longest side of the balcony or terrace will face a public road, public road reserve or public reserve that is at least 15m wide in all places faced by the balcony or terrace <p>or</p> <ol style="list-style-type: none"> 2. all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of: <ol style="list-style-type: none"> 1. 1.5m above finished floor level where the balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land <p>or</p> <ol style="list-style-type: none"> 2. 1.7m above finished floor level in all other cases |

If the development is for a medium or high rise (being anything three levels and over):

| | |
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| <p>PO 16.1</p> <p>Development mitigates direct overlooking of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones through measures such as:</p> <ol style="list-style-type: none"> 1. appropriate site layout and building orientation 2. off-setting the location of balconies and windows of habitable rooms or areas with those of other buildings so that views are oblique rather than direct to avoid direct line of sight 3. building setbacks from boundaries (including building boundary to boundary where appropriate) | <p>DTS/DPF 16.1</p> <p>None are applicable.</p> |
|---|---|

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|--|--|
| that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms | |
| 4. screening devices that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity. | |

4. Will the developer show modelling of how movement through the whole suburb may occur, as a result of development in the Affected Area?

The traffic assessment undertaken for the Code Amendment is based on hypothetical outcomes. Future development of the Affected Area would be required to have regard to traffic impacts specific to the type of development being proposed. This would include consideration of traffic impacts on the street network.

In terms of the Code Amendment, further traffic investigations have been commissioned to further consider impacts of the Code Amendment on the local street network. These traffic investigations are included in the updated Code Amendment in Appendix 6.

5. Is the developer expecting to have housing that is suitable for families within the proposed development and, if so, has there been any consideration in relation to the strain on local public schools?

As this is a Code Amendment and not a development application, the nature of land uses is not known. The types of land uses that could be developed on the Affected Area are broad with PO 1.1 of the Urban Corridor (Business) Zone seeking "a diverse range of employment land uses, educational and community facilities with residential accommodation". DPF 1.1 of the Urban Corridor (Business) Zone list a number of land uses that include:

- Consulting Room
- Dwelling
- Educational Establishment
- Hotel
- Licensed Premises
- Light Industry
- Office
- Preschool
- Residential Flat Building
- Retail Fuel Outlet
- Retirement Facility
- Service Trade Premises
- Shop
- Store
- Student Accommodation
- Supported Accommodation
- Tourist Accommodation
- Warehouse

While this is not an exhaustive list of the land uses that may be accommodated on the Affected Area through the rezoning, they are a good indication of the types of land uses envisaged by the rezoning.

Future redevelopment of the Affected Area is a medium to long term proposition with future land uses ultimately dictated by market demand. As part of the Code Amendment investigations, consideration was given to existing schools in the locality. These investigations identified that there are six (6) schools within 1.5 kilometre of the Affected Area. Mapping showing the location of schools, public open space and other community amenities in close proximity to the Affected Area is contained in Appendix 15 of the updated Code Amendment Report.

6. Are any mature trees going to be removed and, if so, which blocks will have their trees removed, what type of trees are these and will they be replaced?

No trees are proposed to be removed as part of this Code Amendment. The Regulated and Significant Tree Overlay in the Code currently applies to the Affected Area and will continue to apply in accordance with the Code Amendment. In this regard, the removal of any regulated or significant trees will require a development approval, if they are proposed to be removed.

7. Has or will there be consideration of the effect of underground development on the high-water table in Medindie on surrounding properties?

Investigations have not been undertaken into the water table. Any future development would have to have regard to natural features of the land, including the water table. Matters of this nature would be resolved as part of a detailed design for proposed development.

8. What are the plans for the Bigs Scotsman monument?

While the future of the Big Scotsman cannot be resolved in planning policy, the Designated Entity is aware that there is a great deal of community interest in the Big Scotsman that has overtime created a landmark of the Affected Area. To this end no decision has been made about what will happen with the Big Scotsman. The Designated Entity is open to suggestions about what could happen with the Big Scotsman, including incorporating the monument into a future redevelopment of the land or gifting the monument to a state agency for its future preservation.

9. Is a developer going to be subject to stringent planning and design regulation criteria?

Yes. Any proposed development of the Affected Area will be subject to the relevant development policies under the Code and the Building Rules.

10. How many people will live on the property?

As this is a Code Amendment and not a development it is not known how many people may live on the Affected Area in the future. The development policies that would be applied to the Affected Area through the Code Amendment encourage a number of land uses, including but not limited to residential. As development is inherently dictated by market demand, any future development of the Affected Area will also be dictated in this way. In other words, if there is no demand for residential development on the Affected Area future redevelopment is unlikely to include residential land uses. Conversely, if residential land uses are envisaged this will likely be incorporated into a future redevelopment.

For the purposes of investigating potential impacts from the Code Amendment assumptions about future development of the Affected Area were made, including that future development would incorporate a residential component. These investigations confirm that if there was a demand for residential development, up to 160 two bedroom dwellings may be accommodated on the Affected Area.

11. How will noise impacts be managed for existing sensitive (residential) land uses and any future residents of the Affected Area?

Impacts arising from noise are managed through the following development policies that are proposed to be applied to or will continue to apply to the assessment of development on the Affected Area:

- Application of the Noise and Air Emissions Overlay that seeks to protect community health and amenity from adverse impacts of noise and air emissions.
- General Development Policies – Interface Between Land Uses that includes a number of development policies to manage noise impacts from development on adjoining land uses.

12. Will there be any public green space, and will this be accessible to the public?

As this is a Code Amendment and not a development proposal, green spaces cannot be proposed as part of the Code Amendment itself. However, if the Affected Area is rezoned and redeveloped for more than 20 dwelling allotments there will be a legislated requirement that a minimum of 12.5% of the Affected Area be provided for open space or that payment be made into the open space fund (refer section 198 of the *Planning, Development and Infrastructure Act 2016*).

Depending on the land use proposed as part of a future development application private open space and/or communal open space may also be required. For example, if a development proposed residential uses these would have to include private open space in accordance with PO 21.1/DPF 21.1 and PO 21.2/DPF 21.2 and Table 1 – Private Open Space in General Development Policies - Design in Urban Areas.

13. Will there be any play areas, and will this be accessible to the public?

See answer to question 12 (above).

14. How will the development of this site contribute to active or passive public open space within the Medindie Area?

See answer to question 12 (above).

Redevelopment of the Affected Area is not anticipated to contribute to open space in the area. Depending on the nature of future redevelopment on the Affected Area, this may contribute to services and facilities that support the local community, noting that the Desired Outcomes ('DO') in the Urban Corridor (Business) Zone seek:

- DO 1 *A medium rise mixed use zone with a strong focus on employment, which accommodates a diverse range of commercial and light industrial land uses together with compatible medium density residential development oriented towards a primary road corridor.*
- DO 2 *Residential development that provides a pleasant amenity for residents without diminishing business opportunities on adjacent land.*

6.3 Response to outcomes from engagement

The Designated Entity has considered the responses received during the engagement activities and responded to the key themes of the feedback below. The matters raised have resulted in the Designated Entity undertaking further investigations, details of which are included below and are contained in the updated Code Amendment Report.

6.3.1 Height

There has been further consideration of the maximum height to be applied to the Affected Area through Technical Numeric Variation, including consideration of a reduction in the maximum height and implications of the significant development site policy.

In response to this, the Designated Entity will reduce the maximum building height to 5 levels and 18.5 metres, to match the maximum height in levels anticipated on the western side of Main North Road, ensuring that a continuity of built form could be achieved along this corridor. The Designated Entity notes that the 18.5 metre height limit is greater than the 15 metre height limit applied to adjacent land in the Urban Corridor (Business) Zone. However, the additional height is considered appropriate in this instance to factor in for increased floor to ceiling height at the ground floor of a future building to provide opportunities for active street frontage and flexibility in the floor to ceiling height of other building levels.

The reduced maximum height will also ensure that future redevelopment that seeks to utilise the significant development site policy in PO 5.1 of the Urban Corridor (Business) Zone will be limited to a maximum height of 24 metres, being half a metre less than what was proposed originally for the maximum building height in the Code Amendment of 24.5 metres.

The Code Amendment Report has been updated to include additional investigations regarding the maximum building height, including indicative massing and overshadowing diagrams, and implications should the significant development site policies be utilised as part of a future development of the Affected Area.

6.3.2 Application of the Urban Corridor Business Retail Subzone

The Designated Entity welcomes the feedback regarding the Urban Corridor Business Retail Subzone ('Subzone') provided in the submission from City of Prospect. It is appropriate for the Subzone to be applied to the Affected Area to enable appropriately sized shops, office or consulting as part of a future development. This has been included as part of the Code Amendment.

With the application of the Subzone, the Urban Corridor (Business) Zone is considered to provide suitably flexible development policy to enable an appropriate redevelopment of the Affected Area in the future.

6.3.3 Overshadowing, Noise and Overlooking

Feedback was received regarding the potential for the future redevelopment of the land to result in overshadowing, noise and overlooking impacts. The Code Amendment ensures that such impacts can be considered as part of a future development.

Overshadowing is managed through PO 3.1, PO 3.2 and PO 3.3 of the Interface Between Land Uses General Development Policies, together with the interface height building envelope contained in PO 4.1 of the Urban Corridor (Business) Zone. While the interface height building envelope speaks to mitigating impacts from massing and does not specifically reference overshadowing, the building envelope policy inadvertently manages overshadowing as it specifically limits built form in proximity to boundaries of a site. Further, assessment of a future development application would need to consider both policies, together with all of the other policies in the Code relevant to the assessment of the development. It is the cumulative assessment of a proposed development against all of the relevant development policies that forms the basis for determining the suitability of an application.

The indicative overshadowing diagrams included in Appendix 12 of the updated Code Amendment Report, that demonstrate indicative massing of a building 5 levels and 18.5 metres in height, confirm that at least 4 hours of sunlight will be maintained on the adjacent residential properties, exceeding the requirement for 3 hours of sunlight within the Code.

If future redevelopment were to utilise the significant development site policy and a building up to 24 metres in height, the indicative overshadowing diagrams in Appendix 13 of the Code Amendment Report confirm that at least 3 hours of sunlight will be maintained on the adjacent residential properties, consistent with the Code.

The Designated Entity agrees with the submission from the Town of Walkerville, specifically the review undertaken by URPS, that the overlooking policies that would apply to a building over two levels in height are those contained in PO 16.1 of the Design in Urban Areas General Development Policies. With PO 10.1 and 10.2 of the Design in Urban Areas General Development Policies applying to development up to two levels in height.

It is the Designated Entity's opinion that the policies contained in the Code that seek to manage overlooking are adequate to protect the privacy of residential properties adjacent the Affected Area. The Town of Walkerville submission queried whether the onus is on a developer to tick one of the boxes or all of the boxes in PO 16.1. In this regard, the application of development policy and the level of compliance required with any development policy will have regard to the specific circumstances of a site. In this instance the Affected Area interfaces with existing residential development and, as such, there will be considerable onus placed on a developer to ensure that privacy of adjoining residential development is protected. The wording of PO 16.1 allows a developer to incorporate a variety of measures to mitigate overlooking impacts. It is also worth noting that these same considerations would be relevant to a redevelopment of the Affected Area under the current zoning that permits a building of up to three storeys to be developed.

Noise impacts on future development of the Affected Area and noise impacts on adjacent land from future redevelopment of the Affected Area are both addressed through Code policy. Noise impacts on future development are managed through the application of the Noise and Air Emissions Overlay to the Affected Area. With impacts on neighbouring land managed through policies contained in the Interface Between Land Uses General Development Policies.

The interface management investigations have been updated in the Code Amendment Report to provide further clarification on how impacts that may arise from future development will be managed at the interface.

6.3.4 Application of the Affordable Housing Overlay

Submissions raised concerns about the application of the Affordable Housing Overlay and what this may mean in respect to residential development of the Affected Area.

The application of the Affordable Housing Overlay to the Affected Area aligns with a number of the Housing Supply and Diversity State Planning Policies as identified in Appendix 5 of the updated Code Amendment Report.

When considering affordable housing it is important to note that Affordable Housing is different to social or public housing. The Affordable Housing Overlay allows a developer to include a percentage of housing as affordable housing as part of a development that is then sold at a specified price point as affordable housing. For example, a developer may include affordable housing to meet one of the criteria in the significant development site policy. However, just because the Affordable Housing Overlay is applied to a site, does not mean that development must include affordable housing. This would be determined as part of a future development proposal for the Affected Area.

6.3.5 Heritage and Character Impacts

The Designated Entity acknowledges the concerns raised regarding impact on the existing character and heritage of Medindie, the inclusion of two dwellings in the Established Neighbourhood Zone as part of the Affected Area and removal of the Historic Area Overlay.

The Designated Entity has undertaken further investigations in relation to the concerns raised, including commissioning a report from Dash Architects. A summary of the investigations is provided in Part 4.3 of the updated Code Amendment Report and a copy of the Dash report is included in Appendix 14.

6.3.6 Traffic Impacts

The Designated Entity acknowledges the submissions regarding traffic impacts arising from the Code Amendment including, increased traffic the local street network in Medindie, access to the Affected Area, impacts on the intersection of Main North Road and Nottage Terrace and onsite and on-street carparking, and pedestrian/cyclist movements.

Further investigations regarding traffic related impacts that may arise from the Code Amendment have been undertaken with specific reference to the traffic report by Santec (formally GTA) contained in the submission from the Town of Walkerville.

The further traffic investigations confirm the Code Amendment is appropriate from a traffic, transport and parking perspective. A copy of the additional traffic investigation is contained in Appendix 6 of the updated Code Amendment Report.

6.3.7 Existing Services and Facilities in the Area

As a starting point it is important to note that this is a Code Amendment to change development policy that applies to the Affected Area, not a development proposal. As such reference to land uses in the Code Amendment document are purely hypothetical and were selected to enable the Designated Entity to, in a general sense, assess the impacts of the proposed policy change.

While the traffic modelling was based on future development of the Affected Area that included residential land uses, future land uses of the Affected Area will ultimately be determined by a future development application. The Designated Entity understands that this may have caused confusion.

Naturally, any future development of the Affected Area would have regard to what is existing in the locality. With the need for certain land uses being largely dictated by market demand.

In terms of existing services and facilities in the area, these services do exist and it is likely that an increased intensity of development on the land could be accommodated. The Code Amendment included investigations in relation to existing services that confirmed an intensification of development on the Affected Area resulting from the rezoning could be supported. Utility providers were also consulted as part of the development application and did not raise any concerns in relation to the availability or impact on infrastructure. In addition, the proposed Code Amendment seeks to apply the Urban Corridor (Business) Zone to the Affected Area that envisages a range of land uses, some of which, if incorporated into future development could increase services and facilities in the area.

6.3.8 Alignment with Community Plan and Urban Masterplan

The submission from the Town of Walkerville queried how the Code Amendment aligned with the [2020 – 2024 Living in the Town of Walkerville: a Strategic Community Plan](#) ('Community Plan') and [A Connected Community: The Town of Walkerville Urban Masterplan](#) ('Urban Masterplan'). For example the submission from the Town of Walkerville queried:

...how the zoning change aligns with the following key pillars of the 2020 – 2024 Living in the Town of Walkerville: a Strategic Community Plan:

- Pillar 3 – Mobility and Movement – Mobility and Movement – Provide easy traffic and pedestrian movement throughout the town; nor
- Pillar 5 – Heritage – Protect and maintain the unique history of the township and its buildings.

Further concerns are held for how the rezoning can be justified against key strategic outcomes sought by the Town of Walkerville Urban Masterplan. For example, the package does not adequately address how the rezoning and future development of the site will connect with the greater community, how the change will reduce the traffic impact on the major arterial roads and more importantly, how the site will be served by the undersupply of public open space that currently exists within the Medindie suburb...

Furthermore, the code amendment package fails to adequately address the urban fabric principles 5 and 6 of Urban Masterplan, which seeks to reinforce the character and qualities of Walkerville's core and develop strip commercial along Main North Road.

There is a hierarchy to application and consideration of strategic planning policy. The Hierarchy is as follows:

- State Planning Policies ('SPPs');
- Regional Plans, in this case this is the 30-Year Plan for Greater Adelaide; and
- other strategic plans or masterplans.

It is acknowledged that the Urban Masterplan was not included in the draft Code Amendment. Notably the Urban Masterplan focuses on key strategic areas for the Town of Walkerville, including the shopping precinct in Walkerville Terrace and the Linear Park. The only direct reference to the Affected Area in the Masterplan is its identification as forming part of the retail development strip along Main North Road as demonstrated in Figure 6.2. It is also noted that the Affected Area is located some distance from those areas specifically targeted in the Masterplan.

Figure 6.2 Walkerville – A Place to Live (2025 – 2040) taken from the Urban MasterPlan

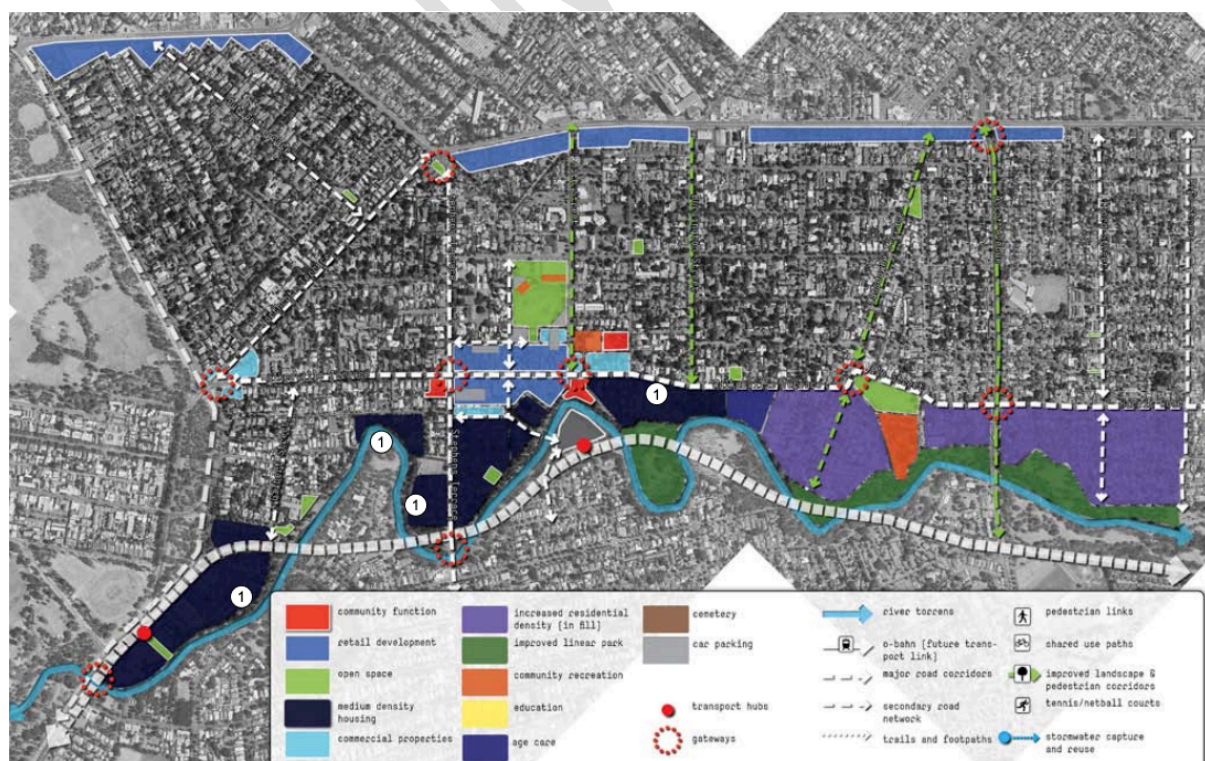


Image courtesy of 'A Connected Community: The Town of Walkerville Urban Masterplan' Part 5.3 Walkerville – A Place to Live (2025 – 2040) page 55.

Further review and consideration of the Community Plan and Urban Masterplan has been undertaken and is set out in table 6.1 and 6.2 below.

Table 6.1 Alignment with Town of Walkerville Community Plan

| 2020 – 2024 Living in the Town of Walkerville: a Strategic Community Plan | |
|---|---|
| Key Objectives | Code Amendment Outcome |
| <p><i>Creating a livable, connected place based on the following key pillars:</i></p> <ul style="list-style-type: none"> • <i>Mobility and Movement –</i> <ul style="list-style-type: none"> ○ <i>incorporating safe and interconnected networks of cycle/walking paths to link key destinations through public transport and road infrastructure</i> ○ <i>provide easy traffic and pedestrian movement throughout the town</i> • <i>Economy – Create the means to enable economic diversity and encourage business opportunities –</i> <ul style="list-style-type: none"> ○ <i>support and encourage business growth</i> • <i>Heritage – Protect and maintain the unique history of the township and its buildings</i> | <p>The Affected Area is located on a State Maintained Road. The Code Amendment will facilitate the future development of the Affected Area including the connection and utilisation of cycling/walking paths and public transport, particularly to North Adelaide and the Adelaide CBD.</p> <p>The Affected Area is accessible to pedestrians and cyclists through the surrounding road network. Including the cycling lane that has been incorporated into the Main North Road and Nottage Terrace intersection through the road upgrades. Pedestrians and cyclists, unlike cars are also not restricted in the ability to move freely in any direction when entering and existing the Affected Area, with the surrounding suburban road network available to pedestrians and cyclists in this regard.</p> <p>The traffic investigations undertake to date confirm that future redevelopment of the Affected Area will have a negligible impact on the Main North Road/Nottage Terrace intersection and the surrounding suburban street network (further traffic investigations in this regard are being undertaken with the outcomes to be included in the final Code Amendment).</p> <p>The Code Amendment will encourage future development on the Affected Area comprising a mix of land uses including commercial and residential, including opportunities for commercial and retail tenancies. The inclusion of the Urban Corridor Business Retail Zone that enables floor</p> |

| | |
|--|---|
| | areas for retail, offices or consulting rooms up to 2000 square metres in area. |
|--|---|

Table 6.2 Alignment with Town of Walkerville Urban Masterplan

| A Connected Community: The Town of Walkerville Urban Masterplan | |
|--|--|
| Key Objectives | Code Amendment Outcome |
| <p><i>The Urban Masterplan identifies the Affected Area as forming part of the retail development strip along the north-west boundary of the Town of Walkerville.</i></p> <p><i>The anticipated outcomes of the Urban Masterplan included:</i></p> <ul style="list-style-type: none"> • <i>Open space improvements and an increase in open space provision</i> • <i>Wide range of dwelling types to meet the anticipated population growth, demographic changes over the next 30 years, fostering the idea of 'cradle to grave' communities</i> • <i>Improved Streetscapes including stormwater collection, amenity and biodiversity</i> • <i>New pedestrian and shared use path connection</i> • <i>Creation of a dynamic urban realm that is focused on creating a sustainable well-connected community</i> <p>5. <i>Structure Plan Key Actions (paraphrased)</i></p> <ul style="list-style-type: none"> • <i>Revitalisation of the commercial and retail centre (north and south) creating a compact mixed town centre</i> • <i>Development of medium density housing adjacent to the commercial centre.</i> | <p>The Code Amendment seeks to retain the Affected Area within a zone, being the Urban Corridor (Business) Zone that accommodates a variety of commercial and retail land uses. The application of the Urban Corridor Business Retail Subzone that increases the floor area for shops, offices and consulting rooms within one building from 250 square metres to 2000 square metres. Increase in retail/commercial floor area creates opportunities for active street frontages that will improve the streetscape.</p> <p>Any future dwellings proposed on the Affected Area are anticipated to be at medium densities as sought in the Urban Corridor (Business) Zone. The application of the Affordable Housing Overlay to the Affected Area provides opportunities for the provision of affordable housing. The application of the Urban Corridor (Business) Zone and Affordable Housing Overlay to the Affected Area provide opportunities to increase the range and accessibility of housing in the area, which typically consists of detached dwellings at low densities.</p> <p>The Urban Corridor (Business) Zone also supports alternative accommodation options in the forms of student accommodation, supported accommodation and tourist accommodation.</p> |

| | |
|---|---|
| <ul style="list-style-type: none"> • Continued development of medium density residential areas. • Limited expansion of commercial development • Continued development of vehicular and footpath connections in response to modification of urban fabric. | <p>Where residential development is provided as part of future development this will include provisions of private open space and/or communal open space. There would also be opportunities to improve pedestrian and cycling linkages to the Adelaide Parklands.</p> |
|---|---|

Accordingly, the Designated Entity remains of the view that the proposed Code Amendment appropriately aligns with the strategic outcomes sought by both the Community Plan and Urban Masterplan. These additional considerations will be incorporated into refer Part 4.1.4 and Appendix 5 the updated Code Amendment Report.

6.3.9 Hydrological Study

The Designated Entity acknowledges that the submissions asserted there is a high water table in the area. We note that no evidence was produced in support of these assertions. While the Designated Entity makes no comment in regard to whether the area has a high water table or not, it is relevant to note that this will be a consideration of assessment of a future development application, that will include such things as soil investigations and the like.

6.3.10 Precedent

Submissions have suggested that if the Code Amendment is approved this will set a precedent for rezoning of land on Nottage Terrace and Main North Road.

The Designated Entity does not agree that the Code Amendment will result in a precedent for further rezoning as:

- the Affected Area is a unique parcel of land comprising seven contiguous allotments under the same ownership located on the corner of Main North Road and Nottage Terrace;
- the parcels of the Affected Area located in the Established Neighbourhood Zone are on the boundary of the Established Neighbourhood Zone;
- other parcels of land on Nottage Terrace and Main North Road are not of a size that could accommodate rezoning of the nature proposed;
- for private landowners to commence a Code Amendment they must first obtain approval to initiate from the Minister by demonstrating that the Code Amendment has, in principle, merit; and
- even if a landowner obtains approval to initiate, they must then demonstrate that the Code Amendment is suitable through investigations and community engagement. Simply pointing to another Code Amendment will not provide adequate justification to support a further Code Amendment.

That is not to say that the process for rezoning of land on Nottage Terrace and Main North Road could not be undertaken. But rather, a Code Amendment will have to have regard to the specific parcel of land proposed to be rezoned and demonstrate why the rezoning is suitable. In this regard proposed policy outcomes that may be suitable for other sites in the locality could well be different to those being sought in this Code Amendment.

6.3.11 Rezoning of larger Geographical Area

While the Designated Entity is not opposed to a Code Amendment being undertaken for a larger geographical area, the Designated Entity is unable to consider a larger geographical area as part of this Code Amendment as it does not have an interest in other parcels of land.

A Code Amendment that takes into consideration a larger geographical area would need to be initiated by the Town of Walkerville or the Minister.

This Code Amendment does not prevent a future Code Amendment from being considered in the area.

6.4 Changes to the Code Amendment

Based on the feedback that was received, the following changes have been made to the Code Amendment:

- reduction in the maximum height to be applied to the Affected Area to 5 levels and 18.5 metres, including updated massing and overshadowing diagrams; and
- application of the Urban Corridor Business Retail Zone to the Affected Area.

As a result of the feedback, additional investigations were undertaken. These investigations have resulted in the following changes to the Code Amendment:

- clarification of policies in the Code that manage the interface, including overshadowing and overlooking;
- consideration of the significant development site policy and how this may impact future development of the Affected Area; and
- consideration of heritage and character and why in the context of the Code Amendment it is appropriate to include the residential properties at 3 and 5 Nottage Terrace and remove the Historic Area Overlay.

These improvements to the Code Amendment have occurred as a direct result of engagement.

The updated Code Amendment Report is available here: <https://www.futureurban.com.au/engagement>

The final Engagement Report and Code Amendment Report will be available on the Plan SA Portal.

7. NEXT STEPS

To ensure the principles of the Community Engagement Charter (the Charter) are met, an evaluation of the engagement process for the Code Amendment is occurring. As part of this evaluation, you are invited to complete a survey via this link: <https://www.surveymonkey.com/r/B3YS382>



Use your smart phone to scan this code

This survey will be open until 10 December 2021 to enable you to consider the outcomes of the engagement before evaluating the engagement.

A final Engagement Report and Code Amendment Report will be made publicly available here: https://plan.sa.gov.au/have_your_say/general_consultations.

INTERIM REPORT