

# **O'SULLIVAN BEACH CODE AMENDMENT INTERIM ENGAGEMENT REPORT**

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

OSB PTY LTD

Date:  
**21.02.2022**

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### Document Control

<b>Revision</b>	<b>Description</b>	<b>Author</b>	<b>Date</b>
V1	Draft	KGH	17.02.2022
V2	Review	MO	17.02.2022
V3	Final (with client's edits)	Client / KGH	21.02.2022

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## 1. PURPOSE

This report has been prepared by OSB Pty Ltd (the Designated Entity) for consideration by the Minister for Planning and Local Government (the Minister) in adopting the O'Sullivan Beach 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
- the changes to the Code Amendment.

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/YWVGL63>



*Use your smart phone to scan this code*

This survey will be open until two weeks after the publication of this Engagement Report 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 following the evaluation of the engagement process at the following link:

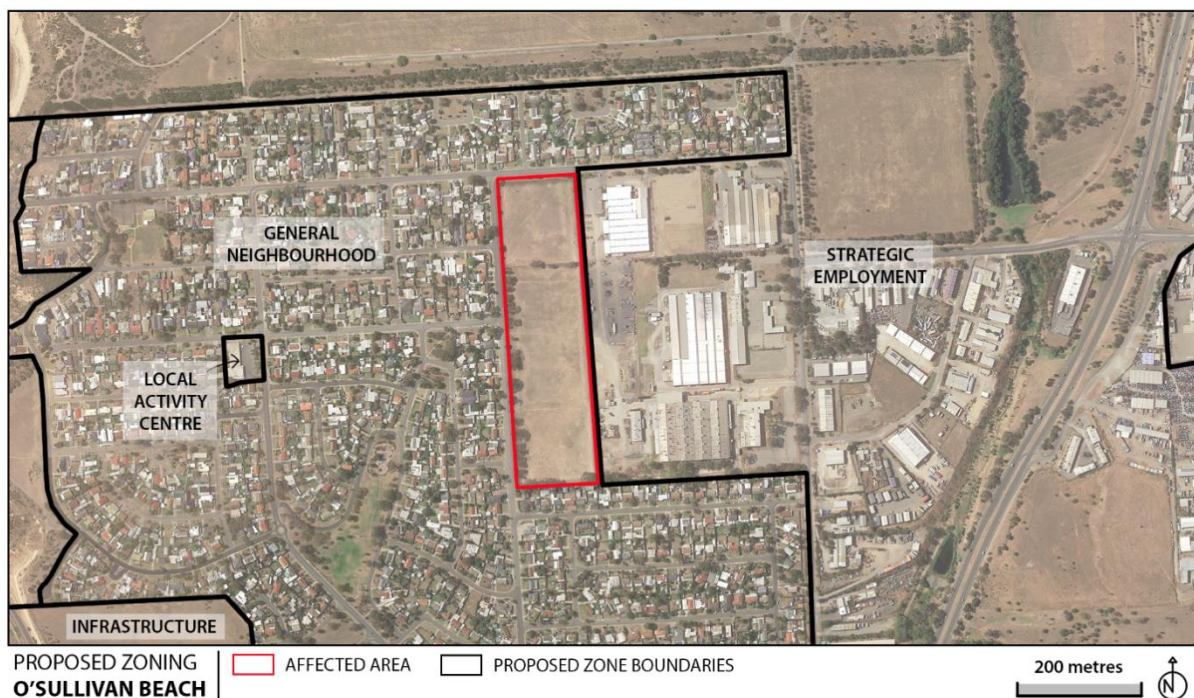
[https://plan.sa.gov.au/have\\_your\\_say/general\\_consultations](https://plan.sa.gov.au/have_your_say/general_consultations).

## 2. INTRODUCTION

OSB Pty Ltd (the 'Designated Entity') is proposing to amend the Planning and Design Code ('the Code Amendment') in relation to 6 hectares of vacant land at Baden Terrace and Gumeracha Road in O'Sullivan Beach. The affected area and the proposed Zoning is shown within **Figure 2.1** below.

The land adjoins established employment generating uses to the east, however residential uses are located to the north, south and east.

**Figure 2.1** Proposed Zone boundaries and Affected Area



The overall intent of the Code Amendment is to enable the low to medium density residential development of the land. To do this, the land is proposed to be rezoned from the Strategic Employment Zone to the General Neighbourhood Zone. The General Neighbourhood Zone currently applies to the adjacent residential area to the north, south and west.

More information on the Code Amendment and the investigations undertaken to support the Code Amendment are available here: <https://www.futureurban.com.au/engagement>

The Designated Entity will finalise the Code Amendment and this Engagement Report once the evaluation of the engagement has been complete and will provide these documents, as well as all submissions, to the State Planning Commission for a decision.

## 3. ENGAGEMENT APPROACH

The process for amending a designated instrument (including the process to amend the Planning and Design 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 Community Engagement Charter.

An Engagement Plan was prepared which is available here: <https://www.futureurban.com.au/engagement>

The purpose of the engagement was to inform the rezoning of land. In more detail, 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 (including the public);
- inform and improve the quality of the policy within the Code Amendment; and
- comply with the Community Engagement Charter and the *Planning, Development and Infrastructure Act 2016* (PDI Act).

Engagement activities were selected for the following three stages:

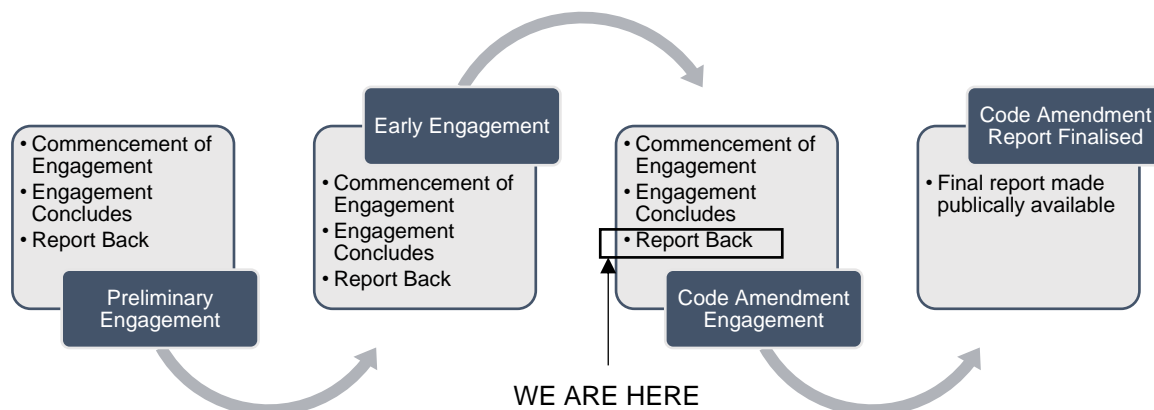
- Preliminary Engagement, undertaken prior to the drafting of the Code Amendment Report;
- Early Engagement, undertaken after the initial draft of the Code Amendment Report is prepared, but allowing for early input and sharing of information before the Code Amendment is publicly available; and
- Code Amendment Engagement, undertaken after the draft of the Code Amendment Report is completed and includes the Report being made available to the public and all stakeholders for review and input.

Each stage had milestones, which are summarised in Figure 3.1 below.

The engagement activities outlined below occurred as set out in the Engagement Plan. However, the Engagement Plan was varied to include:

- Additional engagement with one of the adjacent owners (DeYoungs Pty Ltd) including:
  - » A direct email to advise them of the Code Amendment prior to the engagement commencing (sent on 10 September 2021);
  - » An on-site meeting following the engagement upon their request;
- Ongoing discussion with the Environment Protection Authority (EPA) to ensure that their initial concerns were adequately resolved;
- Consultation with the Department of Infrastructure and Transport and utility providers including SAPN, Electranet, APA Group, SA Water, EPIC Energy, NBN and Telstra in accordance with the advice of the State Planning Commission pursuant to section 73(6)(e) of the *Planning Development and Infrastructure Act 2016*.

**Figure 3.1 Summary of Stages and Milestones**



### 3.2 Engagement Activities

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

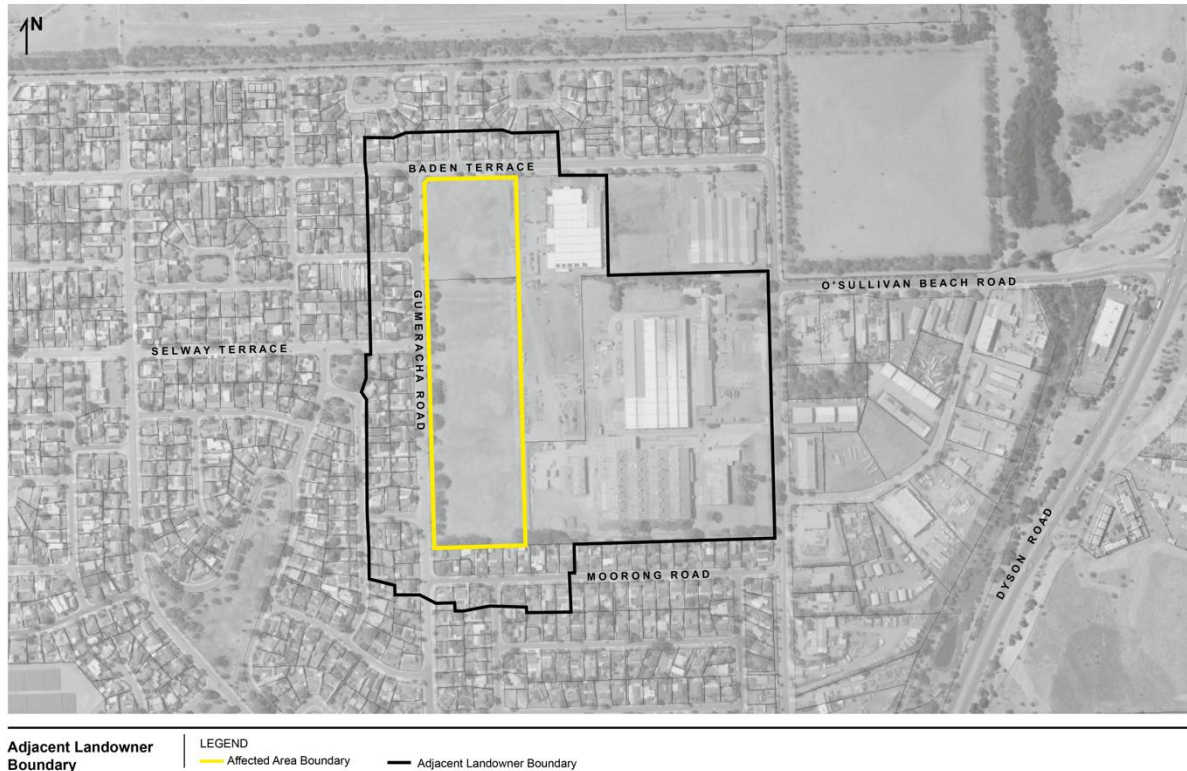
A summary of the engagement activities is provided in **Table 3.1** below. A letter was sent to each of the stakeholders (except the general public) to advise that the Code Amendment Report was available and how they could make a submission. The public were able to view the Code Amendment Report and were invited to make a written submission providing their feedback on the Code Amendment. The report was publicly available with an invitation for submissions for a period of 6 weeks from 13 September to 24 October, 2021.

**Table 3.1** Summary of Engagement Activities

Stakeholders	Engagement level	Engagement Activity
<ul style="list-style-type: none"> <li>Adjacent landowners shown in <b>Figure 3.2</b></li> <li>State Planning Commission</li> </ul>	Consult	<ul style="list-style-type: none"> <li>Letter</li> <li>Information provided on website</li> <li>Written submissions</li> </ul>
<ul style="list-style-type: none"> <li>City of Onkaparinga</li> <li>Local Government Association</li> <li>Attorney General's Department</li> <li>Country Fire Service</li> <li>Environment Protection Authority</li> <li>State MP</li> <li>Department of Infrastructure and Transport</li> <li>Utility Providers</li> </ul>	Involve	<ul style="list-style-type: none"> <li>Letter</li> <li>Written submission</li> <li>Ongoing discussion to resolve any matters raised in written submission</li> </ul>
<ul style="list-style-type: none"> <li>General Public</li> </ul>	Inform	<ul style="list-style-type: none"> <li>Information provided on website</li> <li>Social Media</li> </ul>



**Figure 3.2** *Extent of Adjoining Land Owners*



### 3.3 Mandatory Requirements

The following mandatory engagement requirements have been met:

1. Notice and consultation with the City of Onkaparinga;
2. Notice and consultation with the Local Government Association; and
3. Notice and consultation with Owners or Occupiers of Land which is specifically impacted and each piece of adjacent land<sup>1</sup>.

A copy of the notice that was sent to each of the owners or occupiers of land which is specifically impacted and/or each piece of adjacent land forms **Appendix 1**. In addition to adjacent land, the Designated Entity identified additional allotments that are in close proximity to the Affected Area and chose to send this notice to as part of the engagement. All of the land owners or occupiers that were sent this notice are highlighted in **Figure 3.2** above.






<sup>1</sup> 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'.



## 4. ENGAGEMENT OUTCOMES

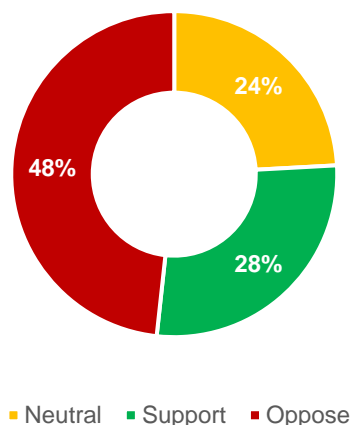
### 4.1 What We Heard?

A total of 29 written submissions were received from five different groups. These groups, and how many submissions were received from each group are summarised below:

<p>Adjacent or nearby land owners / occupiers<sup>2</sup></p>  <p>1 submission</p>	<p>The O'Sullivan Beach community<sup>3</sup></p>  <p>7 submissions</p>	<p>State Government Agencies</p>  <p>1 submission</p>	<p>Council</p>  <p>1 submission</p>	<p>The Public<sup>4</sup></p>  <p>19 submissions</p>
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Overall, 14 of the submissions indicated that they opposed the Code Amendment whilst 8 supported the Code Amendment and 7 were neutral by making observations or comments above the Code Amendment. Figure 4.1 illustrates the proportion of submissions received in support and opposition.

**Figure 4.1** Proportion of submissions received in support and opposition



<sup>2</sup> Adjacent or nearby land owners / occupiers are shown in Figure 3.2.

<sup>3</sup> The O'Sullivan Beach community includes people who indicated that they live or work within O'Sullivan Beach.

<sup>4</sup> The public includes anyone who did not identify themselves as falling within any of the above groups.

It is noted that 28% of submissions were supportive of the land being used for residential purposes. The submissions received in support were mostly from the O'Sullivan Beach community (4 submissions) and Council (1 submission).

In relation to those opposed to the Code Amendment, 4 of the submissions were from the local O'Sullivan Beach community or an adjacent owner, with the remaining 10 submissions being from the public generally.

The three most common comments received in the written submissions were:

- The area should be made into a green space or nature reserve (13 submissions) and the future development should allow for replacement trees for habitat/amenity in the new development (4 submissions);
- Support the land being developed for residential purposes (8 submissions); and
- Do not support the proposed density (4 submissions).

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

Following the engagement, further discussions occurred with the Environment Protection Authority (EPA) and the adjacent land owner to the east of the site, DeYoungs Pty Ltd. A copy of all correspondence with the EPA, including their original submission and subsequent correspondence is provided in **Appendix 4** and an email record of the meeting with DeYoungs Pty Ltd is provided in **Appendix 5**.

The City of Onkaparinga also advertised the consultation on their Facebook page. The Facebook post reached 17,041 people, resulted in 70 people clicking the link to the Plan SA Portal and attracted 215 comments. A detailed analysis and response to all comments has not been prepared noting that a significant number of comments did not comment on the Code Amendment (e.g., were simply tagging someone or commenting on unrelated matters such as cat controls). A number of comments were made in relation to the interface with the industrial land uses, creating a recreation or green space and concerns about density. Each of these matters are discussed further in section 4.2 below.

A copy of the Facebook insights and comments are attached in **Appendix 6**.

## **4.2 Responses to What We Heard?**

Based on the review of all of the feedback we received through the engagement activities, the key matters calling for a response are:

- The interface with the existing business in the Strategic Employment Zone based on the comments received from adjacent land owner;
- Green space and nature reserves; and
- The proposed density.

Each of these matters are discussed under the relevant headings below.

### **4.2.1 Interface with Strategic Employment Zone**

Two submissions made comment on the interface with the Strategic Employment Zone. These submissions were from the EPA and one of the adjacent land owners, DeYoungs Pty Ltd.

Both the EPA and DeYoungs Pty Ltd want to ensure that the interface between the future residential uses in the proposed General Neighbourhood Zone and the existing uses within the Strategic Employment Zone is managed appropriately, particularly in relation to noise.

A summary of the key feedback received in relation to this interface is summarised in Table 4.1 below.

**Table 4.1** *Summary of Feedback in Relation to Interface*

Stakeholder	Feedback
EPA	<ul style="list-style-type: none"> <li>• Concerns with the noise modelling and approach within the original Sonus report (i.e., referencing former standards in the Development Plan due to being prepared prior to the implementation for Planning and Design Code)</li> <li>• Concerned that the Noise and Air Emissions Overlay has not been applied to the Affected Area as part of the Code Amendment</li> <li>• Concerned with the 10 metre depth of the Interface Management Overlay</li> <li>• Concerned that the proposed policy changes provide no mechanism to ensure that the noise mitigation measures would be implemented at the planning or building consent stages</li> </ul>
DeYoungs Pty Ltd	<ul style="list-style-type: none"> <li>• Concerned that residential uses will encroach on the existing businesses within the Strategic Employment Zone</li> <li>• Concerned about the proposed density adjacent the Zone boundary</li> <li>• Concerned with the 10 metre depth of the Interface Management Overlay</li> <li>• Concerned with the absence of 'buffers' within the Code Amendment</li> <li>• Requested an <i>'amendment to the proposed policy to ensure further design and layout considerations (creating a larger physical separation / buffer'</i></li> <li>• Do not want a metal acoustic barrier adjacent the boundary, would prefer concrete, that is to be maintained by the developer</li> <li>• DeYoungs had made a similar proposal to develop a school and dwellings on this land (prior to selling it to the Designated Entity)</li> </ul>

Following this feedback, the Designated Entity arranged further acoustic investigations including monitoring noise levels continuously between 8 November and 19 November 2021 at three locations adjacent the proposed Zone boundary. A copy of these investigations have been included in the amended Code Amendment Report (see **Appendix 7** available here: <https://www.futureurban.com.au/engagement>).

These investigations confirmed that to provide a suitable interface between existing industry in the Strategic Employment Zone and future residents, the following measures are recommended:

- construction of a minimum height 2.4m barrier at the industry interface;
- restricting development on a portion of the land to only single storey residences (within 45 metres of the noise barrier); and
- upgrades to dwelling facades (i.e. a performance standard of sound exposure category 1 in the MBS010, or a comparable or better level of acoustic performance).

Accordingly, the Designated Entity has reviewed the Code Amendment to ensure that the policies which will apply to the Affected Area enable the above measures to be delivered as part of future development applications. This included investigating various policy options available to address the feedback from the EPA and DeYoungs Pty Ltd. A summary of the policy options investigated and outcomes are provided in the Code Amendment Report (see **Appendix 15** available here: <https://www.futureurban.com.au/engagement>).

Following these investigations, the Code Amendment has been amended to apply the Interface Management Overlay to the whole of the Affected Area. The application of this Overlay allows the relevant authority to consider the interface management between the residential uses and existing industrial uses as part of any future development application for a land division or land use. This approach was also recommended by the Attorney General's Department's Code Control Group (see advice in **Appendix 7**) and is consistent with the approach for a similar Code Amendment that rezoned land from Strategic Employment to Housing Diversity Neighbourhood (65-73 Mooringe Avenue Plympton Code Amendment).

It is anticipated that the acoustic measures will be delivered as part of the future land division, which will likely require the construction of the acoustic barrier. Building height restrictions and upgrades to dwelling facades would then be required via conditions to planning consent or a Land Management Agreement entered into at land division stage.

In relation to the comments made by DeYoungs Pty Ltd regarding a buffer, it is important to reiterate that the Interface Management Overlay serves to ensure that the interface is appropriately dealt with at the time of any future land division or change of land use application having regard to the nature of the relevant application. The environmental noise investigations demonstrate that attenuation measures can be adopted to bring future sensitive receivers on the Affected Area within the environmental noise policy, were the rezoning to proceed. Such measures will be consistent with the recommendations contained within the Environmental Noise Assessment which forms part of the Code Amendment (see **Appendix 7** available here: <https://www.futureurban.com.au/engagement>). Hence a buffer is not necessary to protect receivers or prevent encroachment by new uses on to existing businesses.

#### 4.2.2 Green Space and Nature Reserves

Some 13 submissions suggested that the area should be made into a green space or nature reserve and 4 submissions mentioned that the future development should allow for replacement trees for habitat/amenity in the new development.

The land is currently within the Strategic Employment Zone and could be developed for a range of commercial land uses. No policy within the Planning and Design Code would require the provision of public open space as part of this development and some policies would apply in relation to landscaping.

The proposed Code Amendment seeks to rezone the land to the General Neighbourhood Zone and as a result, policies will apply to the future development of the land relating to the provision of public open space, landscaping and planting of street trees. As a result, the proposed Code Amendment will increase the likelihood that public open space and additional trees will be accommodated on part of the land.

#### 4.2.3 Density

Four submissions raised concerns with the density proposed as part of the Code Amendment.

The proposed General Neighbourhood Zone has a minimum allotment size of 300 square metres for most dwellings, which is consistent with the minimum allotment size applied to the adjacent residential areas. As a result, the density will be less than 35 dwellings per hectare, which is defined as low net residential density within the Planning and Design Code.

The General Neighbourhood Zone does not contain policy that refers to Technical and Numeric Variations (TNVs). Accordingly, no TNVs to alter allotment sizes are proposed.

### 4.3 Changes to the Code Amendment

Based on the feedback that was received, additional investigations were undertaken, including:

- Site contamination investigations undertaken by WSP in order to respond to EPA’s feedback;
- A revised Environmental Noise Assessment prepared by Sonus; and
- A review of policy options to address the interface with the Strategic Employment Zone.

As a result of the feedback and the above investigations, the following changes have been made to the Code Amendment:

- The Interface Management Overlay has been extended to apply to the whole of the site.

The updated Code Amendment Report, including the updated investigations are available here: <https://www.futureurban.com.au/engagement>

The Engagement Report and Code Amendment Report will be available on the Plan SA Portal following the completion of the evaluation of the engagement.

## 5. 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/YWVGL63>



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Due to number of Appendices, these have been uploaded separately here: <https://www.futureurban.com.au/engagement>

If you have any issues accessing the Appendices, please contact [info@futureurban.com.au](mailto:info@futureurban.com.au)