




**PROPOSAL TO INITIATE AN AMENDMENT TO
THE PLANNING AND DESIGN CODE
25 PIERSON STREET, LOCKLEYS CODE AMENDMENT**

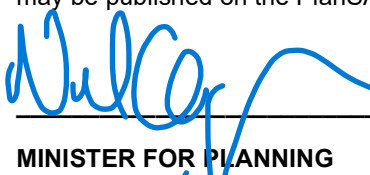
BY PIERSON PTY LTD



T.S. Margo,
(signature required)
Pierson Pty Ltd

Date: 13.04.2023

This proposal to initiate document together with conditions specified by the Minister forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*. By signing this Proposal to Initiate, the Proponent acknowledges and agrees that this Proposal to Initiate, and any supporting documents may be published on the PlanSA Portal by the Department for Trade and Investment.



(signature required)
MINISTER FOR PLANNING
DATE: 6/7/23

Proprietary Information Statement

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CONTENTS

1. INTRODUCTION	1
1.1 Designated Entity for Undertaking the Code Amendment.....	1
1.2 Rationale for the Code Amendment	2
2. SCOPE OF CODE AMENDMENT	4
2.1 Affected Area	4
2.2 Scope of Proposed Amendment.....	5
3. STRATEGIC PLANNING DOCUMENTS.....	6
3.1 Summary of Strategic Planning Outcomes	6
3.2 Alignment with State Planning Policies	6
3.3 Alignment with Regional Plans	8
3.4 Alignment with Other Relevant Documents	10
4. INVESTIGATIONS AND ENGAGEMENT	11
4.1 Investigations already Undertaken.....	11
4.2 Further Investigations Proposed.....	12
4.3 Engagement already Undertaken	12
4.4 Further Engagement Proposed	13
5. CODE AMENDMENT PROCESS	14
5.1 Engagement Plan	14
5.2 Engagement Report.....	14
5.3 Code Amendment Timetable	14

ATTACHMENTS

ATTACHMENT 1: CERTIFICATE OF TITLE
 ATTACHMENT 2: MAP OF AFFECTED AREA AND CURRENT ZONE
 ATTACHMENT 3: PROPOSED ZONE
 ATTACHMENT 4: ENGAGEMENT PLAN
 ATTACHMENT 5: LETTER FROM CITY OF WEST TORRENS
 ATTACHMENT 6: TIMETABLE FOR CODE AMENDMENT BY PROPONENT

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 at 25 Pierson Street, Lockleys (the Affected Area), on Kaurua Country.

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 registered proprietor of the Affected Area, as confirmed in the appended Certificate of Title (**Attachment 1**).

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 (Pierson Pty Ltd) 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 under the Act; and
- 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) of the Act.
- 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) Name – Belinda Monier (Senior Consultant – Future Urban)
 - (b) Email - belinda@futureurban.com.au
 - (c) Phone – 8221 5511
- 1.1.4. The Proponent intends to undertake the Code Amendment by engaging Future Urban Pty Ltd to provide the professional services required to undertake the Code Amendment. Michael Osborn will oversee the Code Amendment and has a planning qualification (Graduate Diploma in Urban and Regional Planning – 1992) and significant experience (25 years) in the areas of planning policy preparation and land use investigations.

In addition, this person has experience in engagement and the preparation of engagement plans and will ensure engagement accords with the Community Engagement Charter. Michael has prepared numerous engagement plans and undertaken engagement activities for both private developers and state government agencies over the last 16 years. Michael will be assisted by others within the Future Urban team who have IAP2 accreditation.

The Proponent acknowledges that the Minister may, under section 73(4)(b) of the Act, determine that the Chief Executive of the Department will be the Designated Entity responsible for undertaking the

Code Amendment. In this case, the Proponent acknowledges and agrees that they will be required to pay the reasonable costs of the Chief Executive in undertaking the Code Amendment.

1.2 Rationale for the Code Amendment

The Affected Area was previously subject to the Code Amendment which was subsequently declined by the Minister for Planning, citing community concerns about amenity impacts of higher density development. The Minister noted that he would be willing to explore rezoning of the subject site to the Suburban Neighbourhood Zone (or similar), to facilitate the redevelopment of the site that is more in keeping with the established character of the area. With this in mind, the Code Amendment has been re-lodged and a varied outcome is sought.

Pierson Pty Ltd has a vision to redevelop the overall site with a low to medium scale residential form of development. In general terms, the intent is to:

- facilitate low density residential development up to two storeys at the existing residential interfaces, including along the eastern, western and Pierson Street boundaries of the site;
- encourage medium density residential development of a medium scale (3-4 storeys) towards the centre of the Affected Area and along the River Torrens frontage;
- encourage rear-loaded product to maximise on-street carparking and to support high quality public realm outcomes with a focus on maximising tree canopy cover to reduce heat;
- potentially incorporate small scale non-residential development along the Torrens River frontage to enhance the experience for pedestrians/cyclists;
- encourage the provision of open space and improved linkages to the River Torrens Linear Park (through use of a concept plan); and
- create open space through the site and integrate such space with WSUD principles.

We note that the site offers significant potential for a medium density mixed use development on the basis of:

- direct access/frontage to the adjacent River Torrens linear park;
- close proximity to Rowells Road/Findon Road, a north-south arterial road accommodating public transport;
- close proximity to Lockleys Children's Centre and Lockleys North Primary School;
- replacing a large-scale non-residential land use surrounded by established residential development; and
- reasonable proximity to multiple neighbourhood level retailing offers on Findon Road.

Since the previous Code Amendment was sought, it is noted that the Kidman Park Residential and Mixed Use Code Amendment (which is approximately 200 metres from the Affected Area) was approved by the Minister for Planning. The approval letter noted:

"In adopting the Code Amendment, I am of the view that the Code Amendment will provide opportunities for a diversity of housing and commercial development on land that is well located and close to services and facilities, including the River Torrens / Karrawirra Parri. The Code Amendment will contribute to a number of targets within The 30-Year Plan for Adelaide: 2017 Update and I am satisfied that the interface issues with the existing community and environment will be appropriately managed through the application of relevant Planning and Design Code (the Code) policies and the Concept Plan."

The intent of the 25 Pierson Street, Lockleys Code Amendment is to provide opportunities for a diversity of housing on land that is well located and close to services and the River Torrens. The Code Amendment proposes to transition building heights from 2 building levels up to 3-4 building levels, as per the Kidman Park Residential and Mixed Use Code Amendment. The Code Amendment also

proposes use of a Concept Plan and will contribute to all six targets within the 30-Year Plan for Greater Adelaide.

Further, the City of West Torrens has indicated that there is a lack of public open space in the surrounding area. In order to maximise the provision of public open space while providing a diversity of housing choices, higher densities must be sought.

Key differences with the former Code Amendment:

Lockleys Code Amendment	25 Pierson Street, Lockleys Code Amendment
Urban Neighbourhood Zone	Suburban Neighbourhood Zone (as per the Minister's request) and Housing Diversity Neighbourhood Zone OR Urban Renewal Neighbourhood Zone
6 building levels / 24.5 metres proposed, reduced to 18.5 metre following engagement	Transition from 2 building levels where adjacent to existing residential uses to 3 building levels or 12.5 metres. Investigate use of 4 building levels / 16.5 metres through the centre of the site if it can be demonstrated that amenity can be maintained
No concept plan	Use of a concept plan to show open space and improved linkages to the River Torrens Linear Park (as per the Minister's request)

2. SCOPE OF CODE AMENDMENT

2.1 Affected Area

The proposal seeks to amend the Code for the Affected Area, being the land in Allotment 20, Filed Plan 17083, in the area named Lockleys, hundred of Adelaide within the City of West Torrens as shown in the map in **Attachment 2**.

The subject land comprises an area of 48,700 square metres, with Pierson Street forming the southern boundary, with the River Torrens linear park to the immediate north. The land also has frontage to Tracey Crescent and Azalea Drive.

The land presently accommodates the Westpac Mortgage Centre (office) and the Lockleys Child Care and Early learning Centre.

The Affected Area is within the Employment Zone. Adjacent land to the west, south and east is located in the Suburban Neighbourhood Zone. Land to the north is located in the Open Space Zone.

A review of surrounding neighbourhood-type zones and TNVs within a 400 metre radius of the Affected Area was undertaken which noted:

Zone	Building Height	Minimum Site Area
Suburban Neighbourhood Zone	2 building levels, 9 metres	420 sqm for detached or semi-detached dwellings
Housing Diversity Neighbourhood Zone	4 building levels, 16.5 metres	250 sqm for detached dwellings, 200 sqm for semi-detached dwellings; 150 sqm for row and residential flat buildings
Urban Renewal Neighbourhood Zone	Up to 4 building levels, 16.5 metres	N/A
General Neighbourhood Zone	2 building levels, 9 metres	300 sqm for detached and semi-detached dwellings; 250 sqm for row and 300 sqm (average) for group and residential flat buildings

It is therefore considered that a transition within the site from Suburban Neighbourhood Zone to a neighbourhood-type zone that allows up to 3-4 building levels is in keeping with the established character and policy setting within the surrounding locality. There will be little to no visual impact from adjacent residences and Pierson Street as those areas are proposed to be rezoned to the Suburban Neighbourhood Zone or 2 building levels.

2.2 Scope of Proposed Amendment

Current Policy	<p>Employment Zone</p> <p>Overlays:</p> <ul style="list-style-type: none"> • Airport building heights (regulated) – all structures over 15 metres • Building Near Airfields • Hazards (Flooding – Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development • Water Resources
Amendment Outline	<p>The overall intent of the amendment is to enable low to medium density residential development outcome.</p> <p>This will necessitate the Affected Area to be rezoned from the Employment Zone to the Suburban Neighbourhood Zone and either the Housing Diversity Neighbourhood Zone or the Urban Renewal Neighbourhood Zone, in keeping with the zones found in the surrounding area.</p>
Intended Policy	<ul style="list-style-type: none"> • Rezone part of the Affected Area which adjoins existing residential uses to the Suburban Neighbourhood Zone; • Rezone the remaining portion of the land to Housing Diversity Neighbourhood Zone or Urban Renewal Neighbourhood Zone; • Apply the Affordable Housing Overlay over the Affected Area; • Apply the Stormwater Management Overlay over the Affected Area; • Apply the Urban Tree Canopy over the Affected Area; • Inclusion of a Concept Plan; • Investigate application of appropriate TNVs, most likely a continuation of the existing TNVs from the adjacent Suburban Neighbourhood Zone and transitioning up to 3 building levels, 12.5 metres through the centre and River Torrens frontage of the Affected Area; • Investigate opportunities for 4 building levels, or 16.5 metres through the centre of the site; and • It is not intended to remove or alter any of the existing Overlays that currently apply to the zone (consultation will occur with Adelaide Airport Limited in relation to the proposed building heights).

3. STRATEGIC PLANNING DOCUMENTS

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

- Strategic Planning Policies (SPPs);
- Regional Plans; and
- Other relevant strategic documents.

3.1 Summary of Strategic Planning Outcomes

The key strategic planning considerations include (but not limited to):

- increasing opportunities for infill development, diverse housing choice and land supply within the urban area of metropolitan Adelaide;
- infill development that is accessible and provides opportunities for walkability and diverse transport options;
- a change in the use of the Affected Area from a commercial precinct to residential uses;
- opportunities for increased tree canopy through introduction of the Urban Tree Canopy Overlay;
- future development of the Affected Area that will have regard to its environmental impact; and
- the provision of infrastructure (roads, stormwater, sewer etc) that will provide for the future needs of residential use of the Affected Area.

The investigations to be undertaken for this Code Amendment will address these matters and have regard to the investigations undertaken to inform the other Code Amendments (as applicable).

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
State Planning Policy 1 – Integrated Planning <i>1.1 An adequate supply of land (well serviced by infrastructure) is available that can accommodate housing and employment growth over the relevant forecast period.</i> <i>1.3 Plan growth in areas of the state that is connected to and integrated with, existing and proposed public transport routes, infrastructure, services and employment lands.</i> <i>1.7 Regenerate neighbourhoods to improve the quality and diversity of housing in appropriate locations supported by infrastructure, services and facilities.</i>	The proposed low and medium density residential outcomes will increase housing choice in the locality. The proposal represents a significant urban renewal opportunity in a location of high amenity, well serviced by existing services and transport infrastructure.

<p>State Planning Policy 2 – Design Quality</p> <p><i>2.1 Promote best practice in the design of buildings, places and the public realm by applying the principles of Good Design.</i></p> <p><i>2.10 Facilitate development that positively contributes to the public realm by providing active interfaces with streets and public open spaces.</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 natural light, visual and acoustic privacy, massing and proportions.</i></p> <p><i>2.12 Create design solutions for infill development that improves the relationship between buildings and public spaces, and the interface with neighbours.</i></p>	<p>The Code provides numerous policies which inform the design of buildings and the public realm.</p> <p>The subject land is of an area which supports a master planned development outcome, a process which would optimise the integration of the design of the private and public realm.</p> <p>The subject land's site area has the flexibility of design options.</p> <p>The General Policies and those policies in the neighbourhood-type zones provide direction in respect to interface management.</p> <p>A concept plan is proposed to show open space and pedestrian linkages.</p>
<p>State Planning Policy 6 – Housing Supply and Diversity</p> <p><i>6.1 A well-designed, diverse and affordable housing supply that responds to population growth and projections and the evolving demographic, social, cultural and lifestyle needs of our current and future communities.</i></p> <p><i>6.3 Develop healthy neighbourhoods that include diverse housing options; enable access to local shops, community facilities and infrastructure; promote active travel and public transport use; and provide quality open space, recreation and sporting facilities.</i></p> <p><i>6.5 Locate higher density residential and mixed-use development in strategic centres and transport corridor catchments to achieve the densities required to support the economic viability of these locations and the public transport services.</i></p> <p><i>6.8 Ensure a minimum of 15% of new housing in all significant developments that meets the criteria for affordable housing.</i></p>	<p>Appropriate zoning of the land will facilitate increased diversity of housing stock in the locality.</p> <p>Increased density and diversity also facilitates the delivery of affordable housing.</p> <p>The subject land is located in close proximity to existing facilities including public open space and schools. Increased population will further support the viability of public transport services in the locality.</p>
<p>State Planning Policy 9 – Employment Lands</p> <p><i>9.2 Enable opportunities for employment and encourage development of underutilised lands connected to, and integrated with, housing, infrastructure, transport and essential services.</i></p>	<p>The subject land is an island site surrounded by established residential development to the west, south and east. The land does not have frontage to an arterial road and is not considered to represent strategic employment lands.</p>

<p>State Planning Policy 11 – Strategic Transport Infrastructure</p> <p><i>11.2 Development that maximises the use of current and planned investment in transport infrastructure, corridors, nodes and services.</i></p>	<p>The subject land represents a significant urban renewal opportunity which will support existing investment in transport infrastructure, including public transport and designated cycling paths.</p>
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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 is the volume of the Planning Strategy relevant to this Code Amendment.

Regional Plan identified priorities or targets	Code Amendment Alignment with Regional Plan
<ul style="list-style-type: none"> Target 1 Containing Our Urban Footprint and Protecting Our Resources: <ul style="list-style-type: none"> Target 1.1 – 85% of all new housing in metropolitan Adelaide will be built in established urban areas by 2045 Target 3 Getting Active. Increase the share of work trips made by active transport modes by residents of Inner, Middle and Outer Adelaide by 30% by 2045 Target 4 Walkable Neighbourhoods. Increase the percentage of residential living in walkable neighbourhoods in Inner, Middle and Outer Metropolitan Adelaide by 25% by 2045 Target 5 A Green Liveable City. Urban green cover is increased by 20% in metropolitan Adelaide by 2045 Target 6 Greater Housing Choice. Increase housing choice by 25% to meet changing household needs in Greater Adelaide by 2045 	<p>The Code Amendment will facilitate additional housing in a well serviced, walkable neighbourhood. The proposed neighbourhood-type zones allow for a variety of dwelling types and introduction of the Urban Tree Canopy Overlay will ensure new dwellings incorporate trees to support the green canopy target.</p>
<p>Transit Corridors, Growth Areas and Activity Centres</p> <p><i>P1. 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 subject land represents a significant urban renewal opportunity. Utilising the land for residential use will reinforce the strategic objective of containing Adelaide's growth to existing urban areas, taking advantage of existing open space and public transport infrastructure.</p>

<p><i>P2. Increase residential and mixed use development in the walking catchment of:</i></p> <ul style="list-style-type: none"> • <i>strategic activity centres*</i> • <i>appropriate transit corridors</i> • <i>strategic railway stations.</i> <p><i>P5. Encourage medium rise development along key transport corridors, within activity centres and in urban renewal areas that support public transport use.</i></p>	
<p>Design Quality</p> <p><i>P26. Develop and promote a distinctive and innovative range of building typologies for residential housing which responds to metropolitan Adelaide's changing housing needs, reflects its character and climate, and provides a diversity of price points.</i></p> <p><i>P29. Encourage development that positively contributes to the public realm by ensuring compatibility with its surrounding context and provides active interfaces with streets and public open spaces.</i></p> <p><i>P32. Encourage higher density housing to include plantable space for trees and other vegetation where possible.</i></p>	<p>The proposed Code Amendment seeks to introduce neighbourhood-type zones which will facilitate a diverse and distinctive range of residential development and appropriate interfaces to existing residential boundaries.</p> <p>The subject land is of an area which supports a master planned outcome, where the interface between the private and public realm is considered holistically.</p> <p>Future development would need to respond to existing General Development Policies in the Draft Planning and Design Code including;</p> <ul style="list-style-type: none"> • Design in Urban Areas • Design • Interface between Land Uses • Transport, Access and Parking
<p>Housing Mix, Affordability and Competitiveness</p> <p><i>P36. Increase housing supply near jobs, services and public transport to improve affordability and provide opportunities for people to reduce their transport costs.</i></p> <p><i>P42. Provide for the integration of affordable housing with other housing to help build social capital.</i></p> <p><i>P43. Increase the supply of affordable housing through the provision of 15 per cent affordable housing in all new significant developments. These developments include surplus and residential government land projects; declared major developments and projects; and rezoned land that increases dwelling yield (including all new growth areas).</i></p> <p><i>P45. 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></p>	<p>It is proposed that the Code Amendment will introduce appropriate zoning aimed at facilitating a range of dwelling types.</p> <p>It is further anticipated that such a zone will be sufficiently flexible to enable the ultimate developer to deliver a variety of dwelling typologies in a low to medium density form which will respond to market preference and choice in this location, whilst ensuring development is complementary to the established character.</p> <p>An increase in the supply of suitably zoned land will increase competition in close proximity to the Adelaide CBD further facilitating the provision of affordable housing.</p>

<p>Transport</p> <p><i>P76. Improve the amenity and safety of public transport stops, stations and interchanges by improving their connections to adjacent development and encouraging mixed-use development and housing diversity in close proximity.</i></p>	<p>The subject land is in close proximity to existing public transport stops.</p>
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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 this proposed Code Amendment:

Other Relevant Documents	Code Amendment Alignment with Other Relevant Documents
City of West Torrens: Towards 2025 Community Plan	<p>The Community Plan outlines the community aspirations in respect to 6 themes, these being:</p> <ul style="list-style-type: none"> • Community Life; • Built Environment; • Financial Sustainability; • Natural Environment; • City Prosperity; • Organisational Strength. <p>The Code Amendment will consider the Community Plan and where necessary relevant Corporate Plans which support the Community Plan.</p>

4. INVESTIGATIONS AND ENGAGEMENT

4.1 Investigations already Undertaken

The table below identifies what investigations have already been undertaken in support of the proposed Code Amendment.

Investigation/s Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
Traffic Investigations	Traffic investigations were undertaken by CIRQA for the previous Code Amendment.	<p>The traffic assessment was undertaken assuming the higher end of dwelling density envisaged in the Urban Neighbourhood Zone (approximately 70 dwellings per hectare). The traffic assessment confirmed:</p> <ul style="list-style-type: none"> • generation of traffic associated with the rezoning of the Affected Area on the adjacent road network will be less than that associated with the current use of the Affected Area; • the rezoning and subsequent redevelopment of the Affected Area would result in a positive impact on the adjacent road network; • the SIDRA analysis has been prepared for the intersection of Pierson Street and Rowells Road which confirms improved conditions would be realised as a result of the rezoning and anticipated redevelopment of the Affected Area for medium density residential use. <p>On this basis, it is assumed that the anticipated traffic volumes from a reduced dwelling yield are able to be accommodated by the existing surrounding road network.</p>
Infrastructure, Stormwater and Services	FMG undertook investigations in relation to stormwater, infrastructure and services for the previous Code Amendment.	The FMG investigations confirm that the Affected Area is or can be provided with appropriate infrastructure to support a medium density residential development.
Preliminary Site Investigation	Preliminary site investigations have been undertaken by JBS&G.	The investigations confirm that further testing of the Affected Area is required to

		<p>ensure that the Affected Area is suitable or can be made suitable for future intended land uses, including residential. While site contamination will require further investigation, there are no implications arising in respect to the Code Amendment</p> <p>Relevantly, if further investigations are undertaken find that the Affected Area is not suitable for sensitive land uses, remediation of the Affected Area and/or management practices will be required before development can occur.</p>
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4.2 Further Investigations Proposed

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

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Traffic Investigations	Update the previous traffic investigations undertaken, taking into consideration the lower dwelling yield anticipated.
Infrastructure, Stormwater and Services	Update existing report with relevance to application of the zone/s.
Linkages and improved interface with River Torrens Linear Park	Explore policy mechanisms to encourage the provision of open space and improved linkages to the River Torrens Linear Park.
Zone and Policy Assessment	To ensure any proposed development that may occur as a result of the Code Amendment is complementary to the established character of the area.
Open Space and Soft Infrastructure Assessment	Analysis of public open space and soft infrastructure in the vicinity of the Affected Area, including identification of potential future requirements.
Tree Assessment	Undertake an audit of trees to determine how many regulated and significant trees are within, or adjacent to, the Affected Area.
Search of the Taa wika - Aboriginal Sites and Objects Register	To confirm if the Affected Area is subject to any registered Aboriginal sites or objects.

4.3 Engagement already Undertaken

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

- Ensure early engagement with Elected Members;
- Suggest re-engaging with people who previously submitted feedback;
- Staff are supportive of dissemination of information via council social media, Your Say website and displaying hard copies;
- Suggest investigations include assessment of public open space and soft infrastructure in the vicinity;
- Support use of a concept plan;
- Consider up to two road connections on Pierson Street and rear loaded dwellings to avoid individual access points;
- Do not support the connection of Azalea Drive and Tracey Crescent; and
- Request investigations relating to vegetation.

In addition the following engagement has also occurred on the proposed Code Amendment:

- Hon Tom Koutsantonis MP – Member for West Torrens:
 - Verbal discussion and letter relating to future options for the site. Preference was for application of the Suburban Neighbourhood Zone.

A summary of key issues raised through engagement undertaken on the previous Code Amendment are as follows:

- building height and dwelling density;
- traffic congestion, carparking and pedestrian safety;
- impacts on River Torrens (Karrawirra Parri) and Linear Park including visual impacts, environmental impacts and impacts on flora and fauna;
- application of the Affordable Housing Overlay and perceived impacts of this (i.e. crime);
- amenity impacts including visual appearance, overlooking, overshadowing and noise;
- strain on existing infrastructure including opens spaces, shops, utilities and roads;
- not on a major transport route, near shops and not serviced by adequate public transport (not consistent with Desired Outcomes of Urban Neighbourhood Zone);
- code amendment and resulting development would not be consistent with the character of the surrounding residential area;
- hazard to the Adelaide Airport;
- loss of the existing land uses on the Affected Area, in particular the Early Learning Centre; and
- provision of open space.

This feedback has been taken into consideration in the zone selection and proposed investigations for this Code Amendment.

4.4 Further Engagement Proposed

In addition to the engagement already undertaken and identified above, further engagement on the Code Amendment will occur once the Code Amendment is initiated. The draft Engagement Plan is provided in **Attachment 4**.

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 Proponent has prepared an Engagement Plan (**Attachment 4**) which includes 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 5**. 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. The timetable is attached in **Attachment 5**.

ATTACHMENT 1: CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6153 Folio 97

Parent Title(s) CT 6135/203
Creating Dealing(s) DDA 12269116
Title Issued 04/03/2015 **Edition** 2 **Edition Issued** 03/12/2015

Estate Type

FEE SIMPLE

Registered Proprietor

PIERSON PTY. LTD. (ACN: 069 471 174)
OF CARE L 3 31 EBENEZER PLACE ADELAIDE SA 5000

Description of Land

ALLOTMENT 20 FILED PLAN 17083
IN THE AREA NAMED LOCKLEYS
HUNDRED OF ADELAIDE

Easements

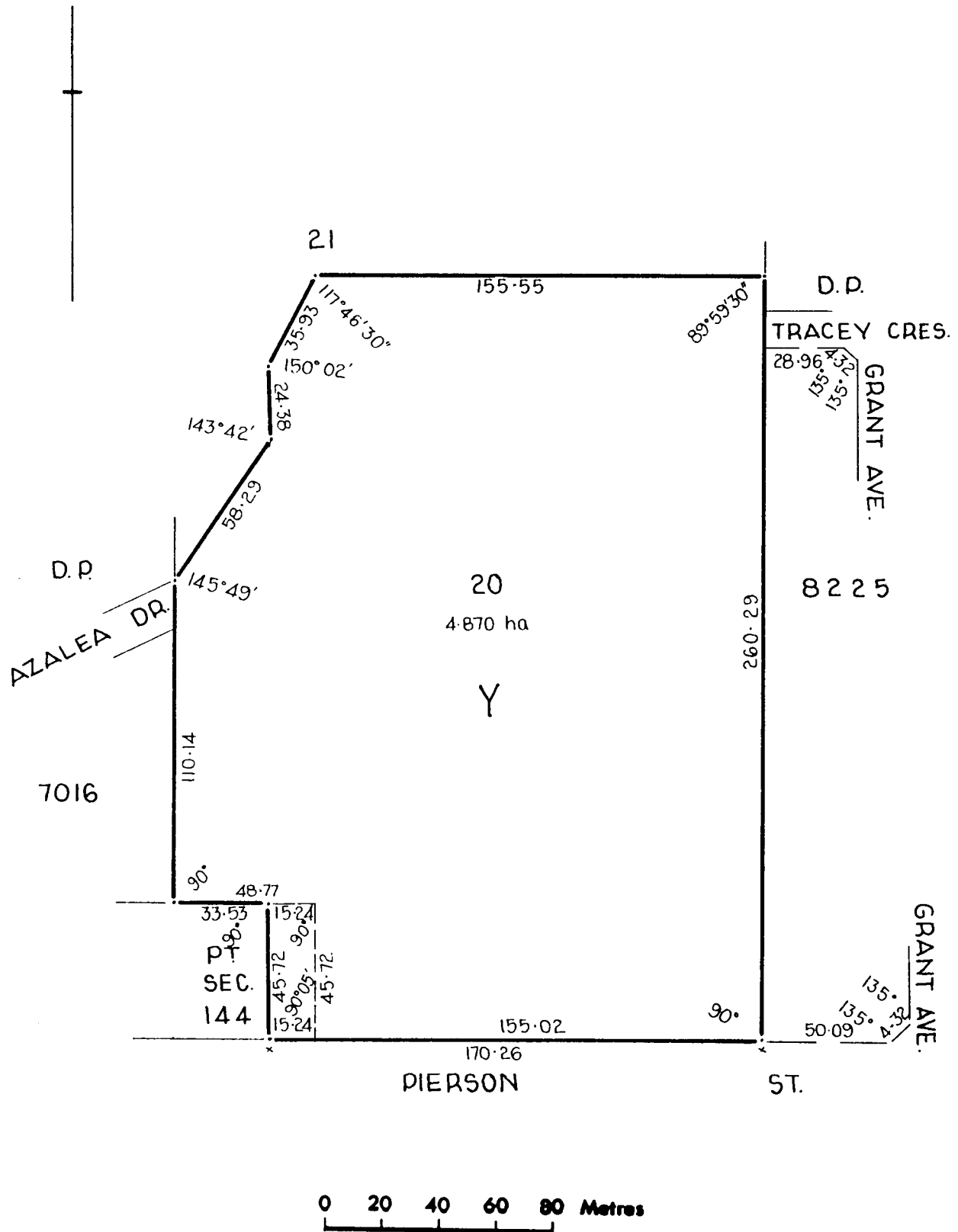
TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED A ON FP 17083
APPURTENANT ONLY TO THE LAND MARKED Y HEREON

Schedule of Dealings

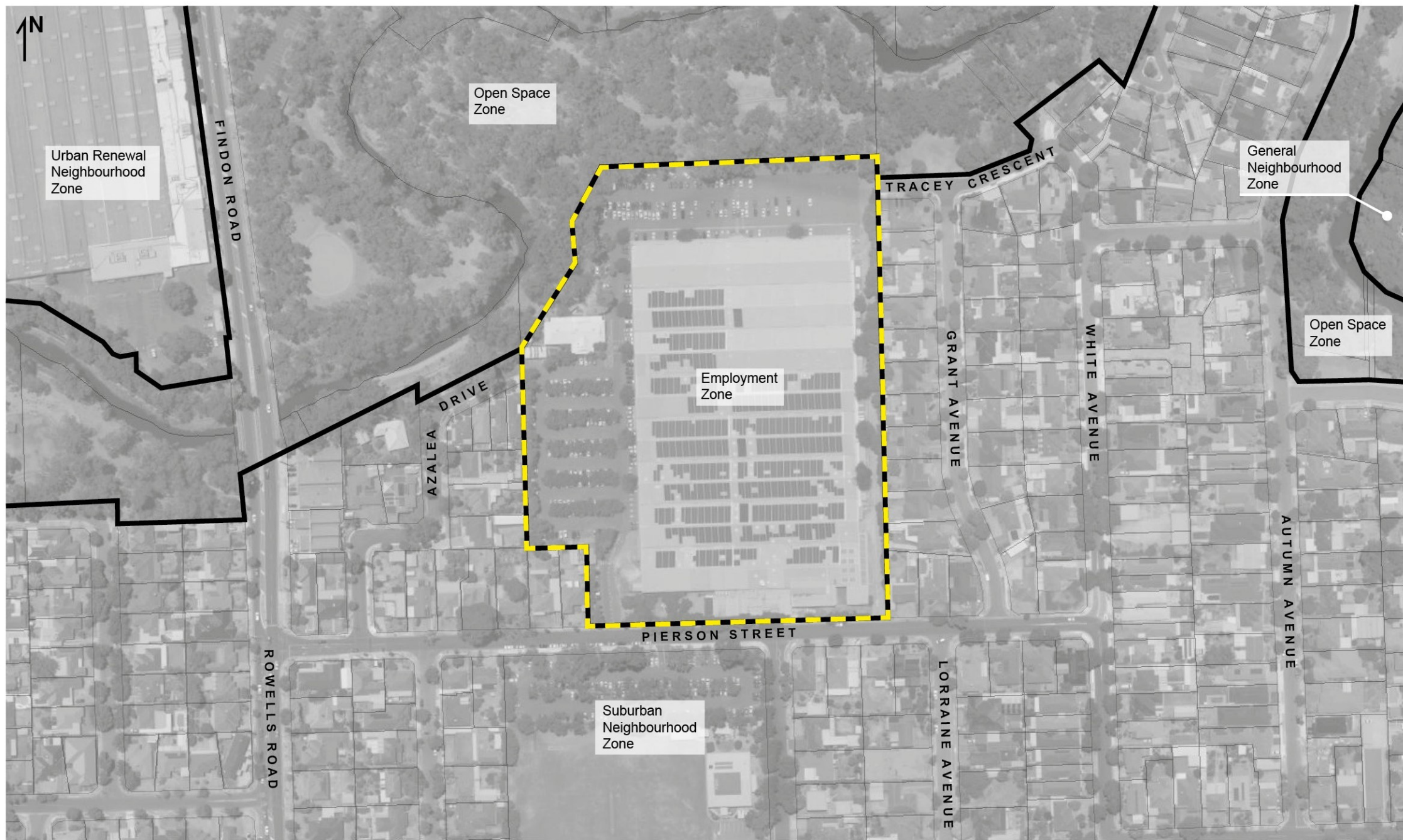
Dealing Number	Description
7988375	LEASE TO WESTPAC BANKING CORPORATION COMMENCING ON 6/9/1995 AND EXPIRING ON 5/9/2020
7988376	MORTGAGE TO BENDIGO & ADELAIDE BANK LTD.
12495854	MORTGAGE TO BENDIGO & ADELAIDE BANK LTD. (ACN: 068 049 178)

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



ATTACHMENT 2: MAP OF AFFECTED AREA AND CURRENT ZONE



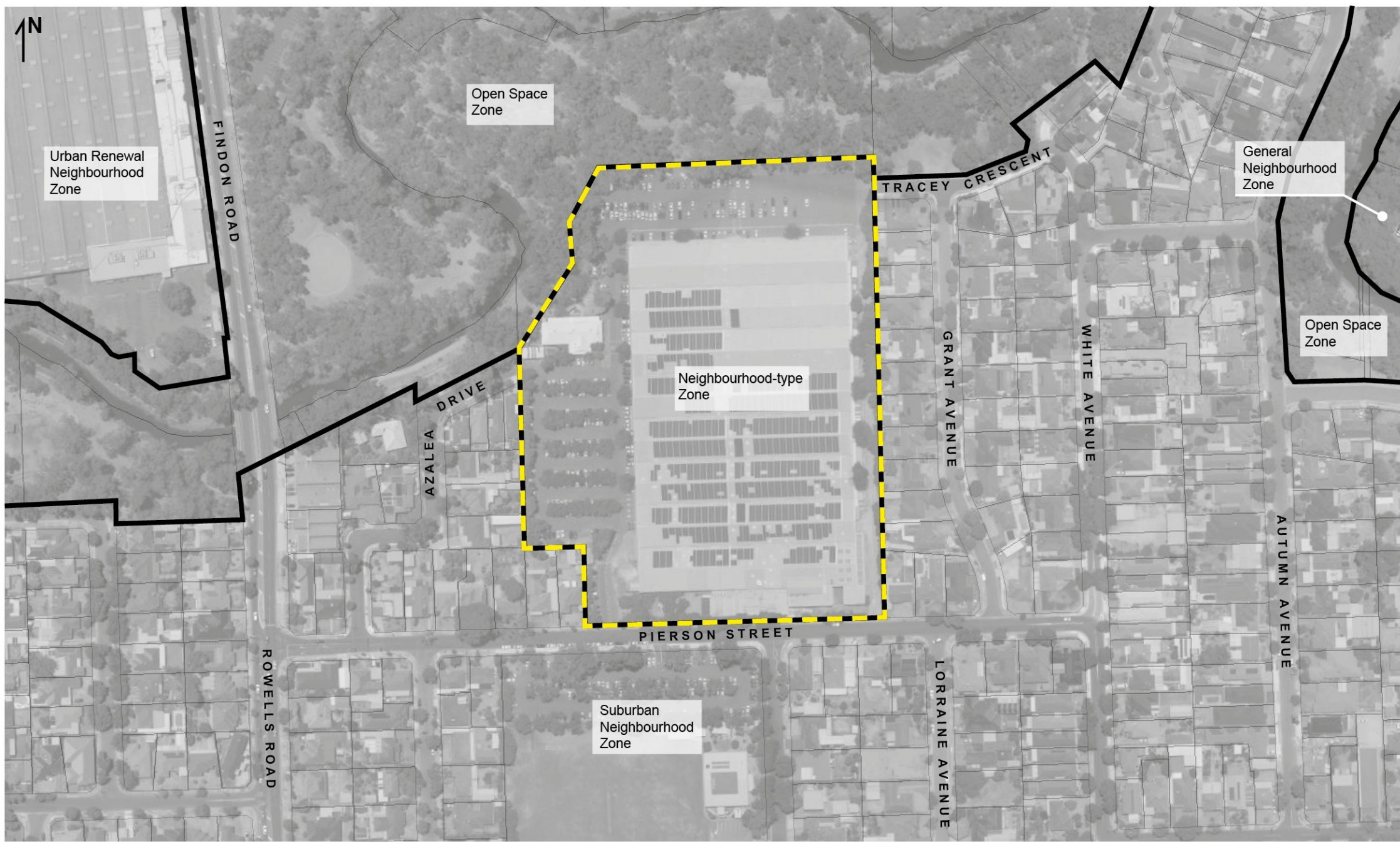
Current Zone

LEGEND

— — — — — Affected Area Boundary

— Zone Boundary

ATTACHMENT 3: PROPOSED ZONE



Proposed Zone

LEGEND

— — — Affected Area Boundary

— Zone Boundary

ATTACHMENT 4: ENGAGEMENT PLAN



ENGAGEMENT PLAN

25 Pierson Street, Lockleys Code Amendment

By Pierson Pty Ltd

Date:
14.04.2023

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V3			
V4			

CONTENTS

1. BACKGROUND INFORMATION.....	3
1.2 Why is this project being initiated?	3
1.3 Investigations completed	4
1.4 What is the status of the Code Amendment	4
2. ENGAGEMENT PURPOSE	4
3. ENGAGEMENT OBJECTIVES.....	5
4. STAKEHOLDER IDENTIFICATION AND ANALYSIS.....	5
5. SCOPE OF INFLUENCE	9
6. APPLYING THE CHARTER PRINCIPLES IN PRACTICE	11
7. KEY MESSAGES.....	14
8. EVALUATION	14

APPENDICES

- APPENDIX 1. STAKEHOLDER AND COMMUNITY MAPPING
 APPENDIX 2. PLANNING YOUR ENGAGEMENT APPROACH
 APPENDIX 3. MEASURING SUCCESS
 APPENDIX 4: CLOSING THE LOOP AND REPORTING BACK

1. BACKGROUND INFORMATION

Pierson Pty Ltd is proposing to amend the Planning and Design Code (the 'Code Amendment') as it relates to the land located at 25 Pierson Street, Lockleys, referred to hereafter as the 'Affected Area' and shown in Figure 1.1 below. The Affected Area presently contains the Westpac Mortgage Centre and the Lockleys Child Care and Early Learning Centre.

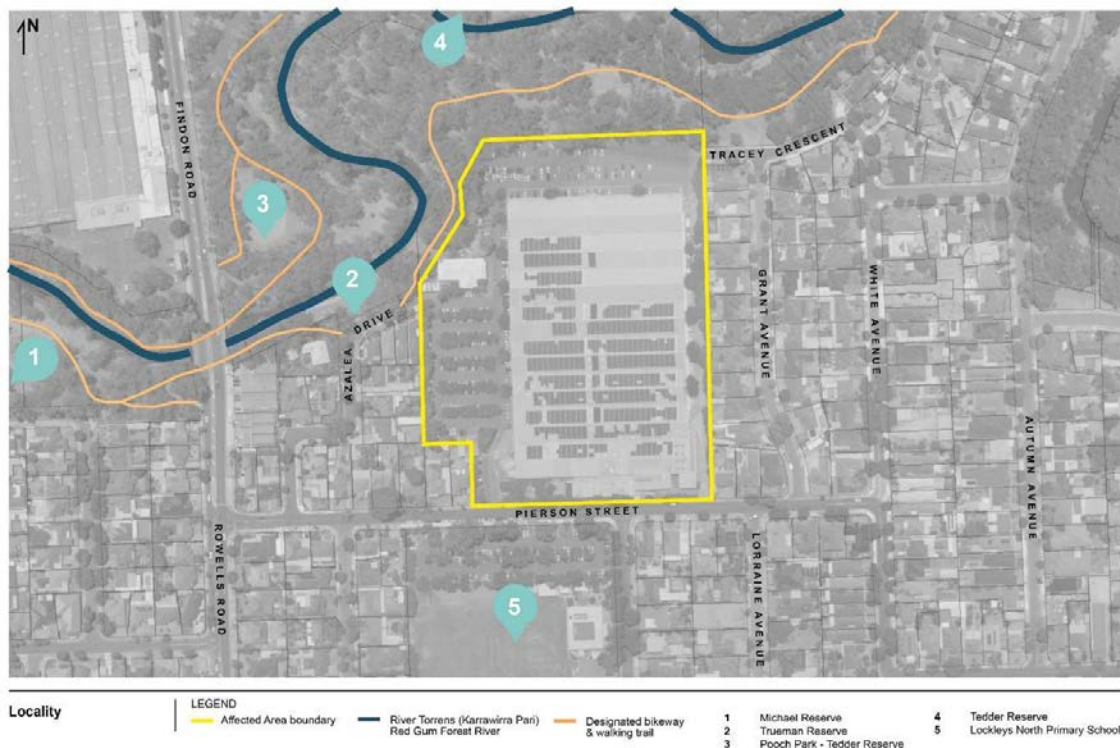
The Affected Area is located within the City of West Torrens council area and is approximately 300 metres east of Holbrooks Road. The Affected Area is located immediately to the south of the River Torrens which is the boundary between the City of West Torrens and the City of Charles Sturt.

The proposed Code Amendment will rezone the Affected Area from the Employment Zone to a neighbourhood-type zone.

The Affected Area adjoins the Suburban Neighbourhood Zone to the east, south and west and the Open Space Zone to the north.

The location of the Affected Area is shown by **Figure 1.1** below.

Figure 1.1 Affected Area



1.2 Why is this project being initiated?

The overall intent of the Code Amendment is to enable low to medium scale residential development of the Affected Area, together with small scale retail or community facilities. This will necessitate the Affected Area being rezoned from the Employment Zone to a neighbourhood-type zone.

The proposed rezoning aligns with a number of State Planning Policies in relation to integrated planning (housing), design quality, strategic transport infrastructure, water security and natural hazards. The proposed rezoning also aligns with a number of targets and policies within the 30-Year Plan for Greater Adelaide, as outlined within the Code Amendment Initiation document. In particular, the proposal

correlates with the 30-Year Plan policies in respect to transit corridors, transport, growth areas and activity centres, design quality, housing mix and affordability, health and wellbeing and the economy and jobs.

1.3 Investigations completed

Investigations undertaken to date include:

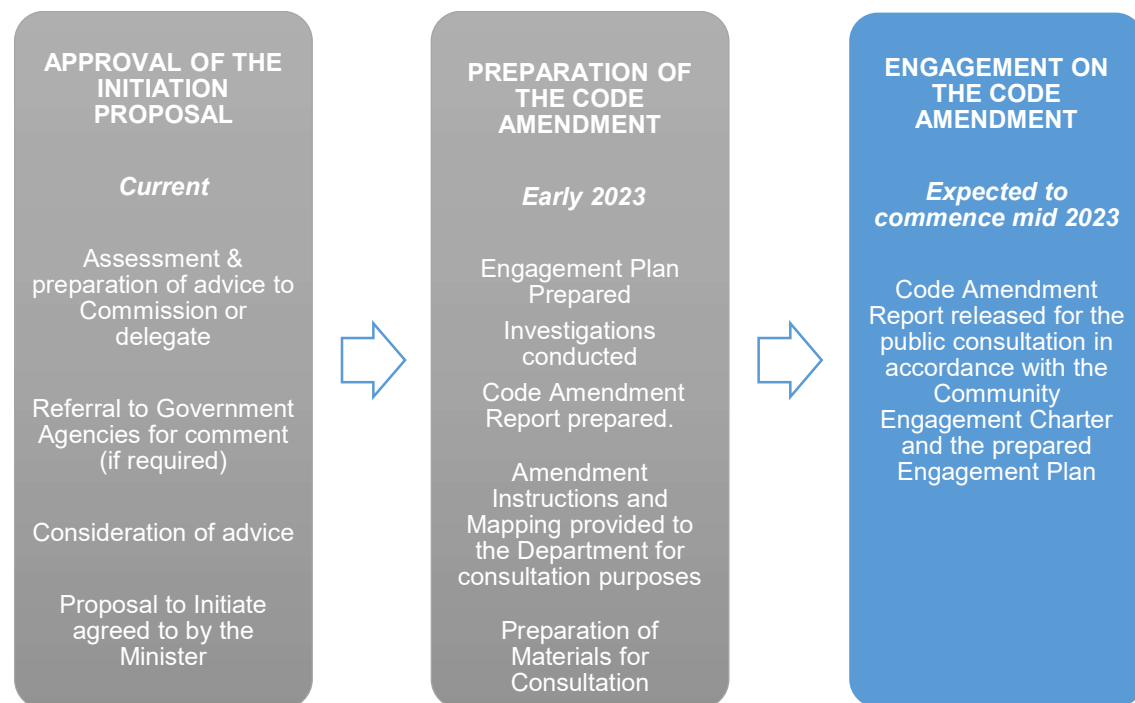
- Traffic and Parking Assessment;
- Stormwater and Infrastructure;
- Preliminary Site Investigations; and
- Linkages and opportunities for improved interface with the River Torrens Linear Park, including amenity, passive surveillance and wayfinding from the broader residential area;

Rezoning of the Affected Area was previously proposed as part of the former Lockleys Code Amendment which was subsequently declined by the Minister for Planning.

1.4 What is the status of the Code Amendment

The Code Amendment process follows steps which require specific actions at each milestone. The timeframes for each step are outlined within **Figure 1.2**. Most of the engagement activities will occur after the preparation of the Code Amendment, shown in blue below.

Figure 1.2 Status of the Code Amendments



2. ENGAGEMENT PURPOSE

The purpose of the engagement is to inform the rezoning of the Affected Area to enable the future development of the land for residential purposes.

Specifically, the engagement will:

- Communicate to raise awareness that a Code Amendment is being prepared;
- Provide information about what is proposed by the Code Amendment including the location of where the proposed changes will apply;
- Provide the opportunity for stakeholders to identify issues and opportunities early, so that they can be considered in the preparation of the Code Amendment;
- Enable stakeholders and community to provide feedback on the Code Amendment prior to it being finalised and submitted to the Minister for Planning;
- Close the loop with stakeholders and community to inform them of the final version of the Code Amendment;
- Meet statutory requirements as they relate to engagement on a Code Amendment;
- Build relationships and a community of interest to support future activities (i.e. construction);
- Maximise the opportunity for the media to be well informed, minimising reporting of inaccurate or biased reporting.

3. ENGAGEMENT OBJECTIVES

The key objectives of the engagement are 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 Community Engagement Charter and the *Planning, Development and Infrastructure Act 2016* (Act).

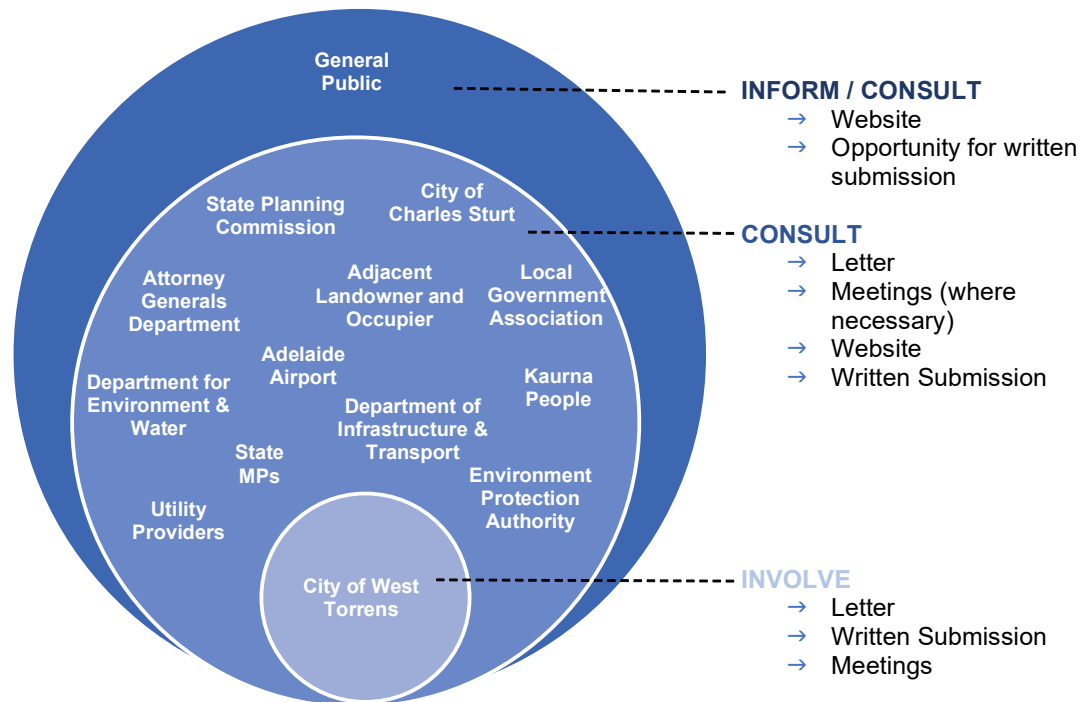
4. STAKEHOLDER IDENTIFICATION AND ANALYSIS

The Code Amendment has a group of stakeholders whose involvement, interest and influence vary, including the City of West Torrens, State Agencies, the adjacent land owners and broader Lockleys community.

Overall, the aim of the community engagement is to provide a level of influence which seeks to work directly with the relevant stakeholders throughout the process to ensure that concerns and aspirations are understood, considered and reflected in the Code Amendment.

A stakeholder identification and analysis has been undertaken and the outcomes of this are provided in **Appendix 1**, with a summary of this analysis provided in **Figure 4.1** below.

Figure 4.1 Stakeholder Analysis Summary



The stakeholders which have been determined to influence the proposed Code Amendment are:

- adjacent landowners and occupiers as identified by **Figure 4.2**;
- City of West Torrens;
- City of Charles Sturt;
- Local Government Association;
- Kurna Yerta Aboriginal Corporation;
- State Planning Commission;
- Department for Infrastructure and Transport;
- Department for Environment and Water;
- Attorney-General's Department;
- Environment Protection Authority;
- Adelaide Airport Limited;
- State Members of Parliament;
- Utility providers; and
- the general public.

Figure 4.2 *Extent of adjoining landowners to be directly notified*



The level of each stakeholders interest (low, medium and high), the nature of their interests and their needs and expectations of the engagement process have been identified. Having regard to the level of interest, the potential impact of the project on each of the stakeholders interests and the potential impact of each stakeholder on the Code Amendment, the level of engagement has been established. The outcomes of this analysis are included in **Appendix 1**.

The levels of engagement are informed by the IAP2 Spectrum of Public Participation and are summarised in Table 4.1.

Table 4.1 *IAP2 Spectrum of Public Participation*

	Inform	Consult	Involve	Collaborate	Empower
Participation Goal	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
Promise to Stakeholders	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

In addition to stakeholder engagement outlined above, the Proponent also intends to engage with and seek the advice of the PLUS Code Control Group, particularly in the preliminary and early stages of drafting the Code Amendment Report and following stakeholder engagement to inform the Code Amendment.

5. SCOPE OF INFLUENCE

The Planning and Design Code (the Code) is a statutory instrument under the *Planning, Development and Infrastructure Act 2016*, for the purposes of development assessment and related matters within South Australia.

The Code contains the planning rules and policies that guide what can be developed in South Australia. Planning authorities use these planning rules to assess development proposals.

This Code Amendment is led by a private proponent, Pierson Pty Ltd. The scope of the Code Amendment is limited to the spatial application of existing policies within the Code. The Code Amendment cannot create additional policies/zones or make changes to existing policy/zone text.

Aspects of the project which stakeholders and the community can influence (i.e. are negotiable) are:

- Whether the selected Zone/s is/are the most appropriate Zone/s for the Affected Area;
- Whether the investigations undertaken as part of the Code Amendment are sufficient to consider the impact of the rezoning on the surrounding area;
- Whether the Overlays and 'Technical and Numeric Variations' applied address key matters stakeholders would like to see future development meet; and
- Whether the Concept Plan reflects the desired vision for future development of the Affected Area.

Aspects of the project which stakeholders and the community cannot influence (i.e. are not negotiable) are:

- The geographic extent of the Code Amendment (i.e. the Affected Area);
- The residential intent of the selected Neighbourhood-type Zones; and
- The policy wording within the Planning and Design Code.

An implementation plan has been prepared which details the various engagement activities proposed for each engagement level.

Engagement activities have been included to ensure that the method of engagement is appropriate for achieving the objectives and level of influence of the engagement. The engagement activities are summarised in **Table 5.1** below.

Table 5.1 *Engagement Activities*

Stage	Stakeholders/ target audience	Engagement activity	Levels of Engagement
Preliminary Engagement	<ul style="list-style-type: none"> • City of West Torrens • Planning and Land Use Services (PLUS) 	<ul style="list-style-type: none"> • Meeting(s) with Council staff • Information sharing • Opportunity for written and verbal feedback 	Involve
Early Engagement	<ul style="list-style-type: none"> • City of West Torrens (including Elected Members) • State Member for West Torrens 	<ul style="list-style-type: none"> • Information sharing • Opportunity for written and verbal feedback • Meetings 	Involve / Consult

Stage	Stakeholders/ target audience	Engagement activity	Levels of Engagement
	<ul style="list-style-type: none"> Department for Trade and Investment (Code Control Group) 	<ul style="list-style-type: none"> Meeting Information sharing Opportunity for written and verbal feedback 	Involve
Code Amendment Engagement	<ul style="list-style-type: none"> City of West Torrens 	<ul style="list-style-type: none"> Letter Information provided on website Written submissions 	Involve
	<ul style="list-style-type: none"> Department for Infrastructure and Transport Environment Protection Authority State MPs Utility Providers Department for Environment and Water Adjoining landowners and occupiers City of Charles Sturt; Local Government Association; Kaurna Yerta Aboriginal Corporation; State Planning Commission; Attorney-General's Department; Adelaide Airport Limited. 	<ul style="list-style-type: none"> In person questions, answer and feedback sessions offered to all adjacent owners and occupiers Written submissions Letter Information provided on website Social media promotion Community open days One-on-one sessions offered Meetings offered Hard copies available at various locations 	Consult
	<ul style="list-style-type: none"> Local Community General Public 	<ul style="list-style-type: none"> Information provided on website Any member of the public will be able to make a written submission 	Inform / Consult

The overall engagement will consist of three stages, which include:

- 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.

Within each stage of the engagement, the engagement activities generally include the following three milestones:

- Commencement of engagement;
- Engagement concludes; and
- Report back to the relevant stakeholders and/or the public on the outcomes and next steps.

6. APPLYING THE CHARTER PRINCIPLES IN PRACTICE

The stakeholders have been considered in respect to their needs and requirements to ensure that the design of the engagement allows all stakeholders to contribute equally. **Table 6.1** outlines the characteristics of the stakeholders relevant to this engagement and the needs and / or techniques which have been implemented.

The adjacent owners and local community include residents within the suburbs of Lockleys and Underdale. The Community profile¹ of the area includes:

- Top responses for ancestry were listed as English, Australian, Italian, Greek, Irish and Chinese;
- The percentage of households where English is the only language is lower than the average for SA. In Lockleys 75.7% of households only speak English and in Underdale 62.8% speak only English, compared to 93% for SA. People who indicated that they did not speak English well or at all listed the following language as the language spoken at home:
 - » Cantonese (22 households);
 - » Mandarin (26 households);
 - » Greek (44 households);
 - » Italian (49 households);
 - » Punjabi (15 households);
 - » Spanish (5 households);
 - » Serbian (6 households);
 - » Polish (4 households);
 - » Korean (4 households); and
 - » Vietnamese (24 households).
- People 70 years of age and over varies between suburbs, with Lockleys 17.7% and Underdale 11.7%. This indicates a slightly older population in Lockleys compared to SA, where 14.4% of the population is over 70;
- People under 20 years of age, form 20.9% of the local community in Lockleys and 19.5% in Underdale; slightly lower than the SA average of 23%;
- The median age is 44 in Lockleys and 38 in Underdale, which comparable to the average age of South Australians of 41 years;
- 30-35% of the local population are not in the labour force (compared to 36% of SA);
- People who needed assistance to undertake core activities form 7% of the local population in Lockleys and 4% in Underdale; and
- Approximately 14.6% (Lockleys) and 18.8% (Underdale) of residents did not access the internet at home (2016 census data).

The above groups all have varying needs. **Table 6.1** outlines the characteristics of the stakeholders relevant to this engagement and the needs and / or techniques which have been implemented to improve accessibility to engagement.

¹ Based on the Australian Bureau of Statistics 2021 Census Data

Table 6.1 *Applying the Charter Principles*

Stakeholder	Engagement need or technique
Government Bodies and Agencies and Utility Providers	<ul style="list-style-type: none"> • Time to review and respond to Code Amendment documents, particularly having regard to reporting cycles of local government.
Majority of adjacent owners and local community	<ul style="list-style-type: none"> • Time to review and respond to Code Amendment documents. • Explanatory information that explains the process and what they are being asked for feedback on in clear, plain English. • Ability to ask questions during the engagement process about the Code Amendment (generally via phone or email).
People over 70	<ul style="list-style-type: none"> • Ability to access documents in hard copy at a convenient location (i.e., the local Council office). • Ability to provide feedback and/or communicate by post or via phone. • Promote the Code Amendment in the local newspapers.
English as a second language	<ul style="list-style-type: none"> • Hard copy and website materials that are easily translatable and details, in their language. • Materials confirm how to access translated materials.
People with a core need for assistance	<ul style="list-style-type: none"> • In person meetings are held at a location that meets accessibility needs for people with reduced mobility. • Materials are accessible in a variety of mediums including website and hard copies, and websites include accessibility features.
People who do not have access to the internet at home	<ul style="list-style-type: none"> • Ability to access documents in hard copy at a convenient location (i.e., the local Council office). • Ability to provide feedback and/or communicate by post or via phone.

The engagement activities have been identified and the relevant charter principles have been addressed which is outlined within **Table 6.2** below.

Table 6.2 *Charter Principles in Practice*

Charter Principles	How does your engagement approach/activities reflect this principle in action?
Engagement is genuine	<ul style="list-style-type: none"> • The engagement process has targeted a wide range of stakeholders (based on stakeholder identification to determine who may be impacted/interested, and engagement materials have been prepared with accessibility in mind). • The engagement process has provided a sufficient time frame for stakeholders to review the information and respond as necessary. • Workshop and/or one-on-one meetings to be held on weekends or after work hours to maximise opportunity for people to attend, unless requested during business hours (i.e., with government agencies). • The engagement activities seek to provide clear and concise information that builds the community capacity to understand planning. • The engagement process provides opportunity for stakeholders and the community to identify their issues and solutions and for these issues to be analysed and considered before finalising the Code Amendment.
Engagement is inclusive and respectful	<ul style="list-style-type: none"> • Affected and interested people have the opportunity to participate via website, direct letters, email and/or social media and have the opportunity to be heard via written submission. • Engagement material is appropriately varied and includes easy to understand information to help audiences understand how the Code Amendment may be relevant to them, supplemented with more detailed technical information for full transparency.
Engagement is fit for purpose	<ul style="list-style-type: none"> • Clear and concise information will be publicly available to ensure people understand what is proposed and how to participate in the engagement.
Engagement is informed and transparent	<ul style="list-style-type: none"> • Information (online and hard copy via letter-box drop) in basic language clearly articulates the proposal, potential impacts, engagement process and invites feedback/participation. • Each submission will be acknowledged and informed of next steps in the process.

	<ul style="list-style-type: none"> The community engagement report will summarise the feedback received and how it has been, or will be, used to inform the Code Amendment.
Engagement is reviewed and improved	<ul style="list-style-type: none"> Measures of success are identified and measured at the conclusion of the engagement and reported on in the Engagement Report. Any issues raised about the engagement process will be considered and action taken if appropriate.

7. KEY MESSAGES

The following key messages will underpin the engagement regarding the Code Amendment:

- Pierson Pty Ltd is proposing to re-zone the Affected Area located at 25 Pierson Road, Lockleys from the Employment Zone to a neighbourhood-type zone in order to facilitate the development of the Affected Area for low and medium density residential purposes together with small scale retail and community activities;
- The reason for this is that the Affected Area is of a size, configuration and location which supports housing diversity and choice, noting the direct interface with the River Torrens Linear Park;
- A Code Amendment is required to enable this rezoning; and
- The Minister for Planning is the decision maker for approval or refusal of the proposed Code Amendment. The Minister will take into account the feedback received during the consultation period and whether the consultation was carried out in accordance with the Community Engagement Charter. The Minister may also seek the advice of the State Planning Commission prior to making a decision.

8. EVALUATION

As part of the engagement process, feedback from stakeholders regarding the engagement will be noted to ensure that the project team can:

- Address any changes for the implementation of the Code Amendment;
- Alter the engagement process if needed to respond to feedback and/or mitigate risks to the project; and
- Maintain the quality of the engagement activities.

Appendix 3 includes a table which outlines a summary of measuring the success of the engagement process. Participants are invited to assess the success of the engagement against the criteria. The evaluation will be included in the statutory report required to be prepared by the Designated Entity under section 73(7) of the PDI Act (the Engagement Report).

Following an evaluation of the success of the engagement, a summary of the engagement process will be provided to participants. The methods for reporting back and closing the loop are outlined within **Appendix 4**.

APPENDIX 1. STAKEHOLDER AND COMMUNITY MAPPING

Stakeholder and community mapping

Stakeholder	Level of interest in the project (i.e. high, medium or low)	Nature of interest in the project and/or the potential impact of the project	Stakeholder needs/expectations for engagement in the project	Level of engagement (i.e. inform, consult, involve, collaborate)
Adjacent landowners	High	<ul style="list-style-type: none"> High interest in the Code Amendment proposal and impact as the Zone change is located within their locality; How the Zone change will affect the value of their property; How the Zone change will affect the street and general locality. 	That they will be made aware of the Code Amendment, have an opportunity to participate, influence the outcome and be kept informed.	Consult
City of West Torrens	High	<ul style="list-style-type: none"> High interest in the Code Amendment proposal as the land proposed to be rezoned is within the City of West Torrens Council area. 	That we will seek their advice and innovation in formulating solutions and incorporate their advice and recommendations into the decisions to the maximum extent possible.	Involve
City of Charles Sturt	Medium	<ul style="list-style-type: none"> Medium interest in the Code Amendment proposal as the land proposed to be rezoned is directly adjacent to the City of Charles Sturt Council area. 	That they will be made aware of the Code Amendment, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Local Government Association	Medium	<ul style="list-style-type: none"> Medium level of interest as the Code Amendment is relevant to the City of West Torrens; and 	That they will be made aware of the Code Amendment, have an opportunity	Consult

		<ul style="list-style-type: none"> It is a mandatory requirement to notify the Local Government Association in writing and to be consulted in accordance with the PDI Act. 	to participate, influence the outcome and be kept informed.	
State Planning Commission	Medium	<ul style="list-style-type: none"> Medium level of interest. 	That they will be made aware of the Code Amendment, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Attorney-General's Department	Low	<ul style="list-style-type: none"> Low level of interest; and Identified as a required consultation. 	That they will be made aware of the Code Amendment, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Kaurna Yerta Aboriginal Corporation	Medium	<ul style="list-style-type: none"> Interest as the Traditional Owners of the Affected Area, and the impacts the change of zone will have on surrounding features. 	That they will be made aware of the Code Amendment, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Department for Infrastructure and Transport	Medium	<ul style="list-style-type: none"> Medium level of interest; and Identified as a required consultation. 	That we will work with them to ensure that their concerns and aspirations are reflected in the Code Amendment and feedback will be provided on how their input influenced the decision.	Consult
Environment Protection Authority	Medium	<ul style="list-style-type: none"> Medium level of interest; and The Code Amendment seeks to accommodate a more sensitive use 	That we will work with them to ensure that their concerns and aspirations are reflected in the Code Amendment and feedback will be provided on how their input influenced the decision.	Consult

		of land as compared to the current non-residential use.		
Department for Environment and Water	Medium	<ul style="list-style-type: none"> • Medium level of interest; • Proximity of land to River Torrens. 	That they will be made aware of the Code Amendment, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Adelaide Airport Limited	Low	<ul style="list-style-type: none"> • The Airport Building Heights (Regulated) Overlay applies over the Affected Area. 	That they will be made aware of the Code Amendment, have an opportunity to participate, influence the outcome and be kept informed.	Consult
Utility Providers	Medium	<ul style="list-style-type: none"> • Medium level of interest. 	That they will be made aware of the Code Amendment, have an opportunity to participate, influence the outcome and be kept informed.	Consult
State MP's	Medium	<ul style="list-style-type: none"> • Medium level of interest. 	That we will work with them to ensure that their concerns and aspirations are reflected in the Code Amendment and feedback will be provided on how their input influenced the decision.	Consult
General Public	Low	<ul style="list-style-type: none"> • To keep informed in the overall process of the Code Amendment and Zone change; • To provide feedback on the Code Amendment. 	That they will be made aware of the Code Amendment, have an opportunity to participate, influence the outcome and be kept informed.	Inform/Consult

APPENDIX 2. PLANNING YOUR ENGAGEMENT APPROACH

Planning your engagement approach

Stage	Objective	Stakeholders/ target audience	Engagement level	Engagement activity	Timing
Preliminary Engagement	<ul style="list-style-type: none"> To Share information about the Code Amendment; Create an understanding of the reasons for the Code Amendment; Understand the views of the stakeholders; and Inform and improve the quality of the policy within the Code Amendment. 	<ul style="list-style-type: none"> West Torrens Council State MP – Hon Tom Koutsantonis MP – Member for West Torrens Planning and Land Use Services division of the Department for Trade and Investment 	Involve / Consult	<ul style="list-style-type: none"> One-on-one meetings Presentations Letter 	Preliminary engagement to occur following initiation, but prior to drafting the Code Amendment Report.
		<ul style="list-style-type: none"> Code Control Group 	Nil		
Early Engagement	<ul style="list-style-type: none"> To Share information about the Code Amendment; Create an understanding of the reasons for the Code Amendment; Understand the views of the stakeholders; and Inform and improve the quality of the policy within the Code Amendment. 	<ul style="list-style-type: none"> West Torrens Council Planning and Land Use Services division of the Department for Trade and Investment 	Involve	<ul style="list-style-type: none"> One-on-one meetings Presentations Letter 	Early engagement to occur following initiation and prior to release of the Code Amendment Report for the Code Amendment Engagement.
		<ul style="list-style-type: none"> Code Control Group 	Nil		
		<ul style="list-style-type: none"> General Public State Planning Commission Department of Trade and Investment 	Inform	<ul style="list-style-type: none"> Information provided on website Written submissions 	
Code Amendment	<ul style="list-style-type: none"> Share information with the public about the Code Amendment; Create an understanding of the reasons for the Code Amendment; 	<ul style="list-style-type: none"> City of West Torrens. 	Involve	<ul style="list-style-type: none"> Letter Information provided on website Written submissions 	Code Amendment Engagement in anticipated to commence mid 2023

Stage	Objective	Stakeholders/ target audience	Engagement level	Engagement activity	Timing
	<ul style="list-style-type: none"> Understand the views of the stakeholders; Inform and improve the quality of the policy within the Code Amendment; and Comply with the Community Engagement Charter and the Act. 	<ul style="list-style-type: none"> Department for Infrastructure and Transport State MPs Environment Protection Authority Local Government Association City of Charles Sturt Attorney-General's Department Utility Providers Kaurna Yerta Aboriginal Corporation Department for Environment and Water Adelaide Airport Limited State Planning Commission Adjacent landowners. 	Consult.	<ul style="list-style-type: none"> Letter Information provided on website Written submissions Community open days Social media promotion One-on-one sessions offered Meetings offered Hard copies available at various locations 	
		<ul style="list-style-type: none"> General Public. 	Inform/Consult.	<ul style="list-style-type: none"> Information provided on website Written submissions 	

APPENDIX 3. MEASURING SUCCESS

Measuring success

At the completion of the engagement, all participants will be invited to assess the success of the engagement against performance criteria one to four, below. The project manager, with assistance from communications and engagement specialists, will assess the success of the engagement against criteria five to nine. This evaluation will be included in the statutory report (section 73(7) of PDI Act) that is sent to the State Planning Commission and the Minister for Planning and which details all engagement activities undertaken. It will also be referenced in the Commission Report (section 74 (3)(b) that is issued to the Governor of South Australia and the Environment Resources and Development Committee of Parliament. Any issues raised about the engagement during the engagement process will be considered and action will be taken if considered appropriate.

#	Charter criteria	Charter performance outcomes	Respondent	Indicator	Evaluation tool	Measuring success of project engagement
1	Principle 1: Engagement is genuine	<ul style="list-style-type: none"> People had faith and confidence in the engagement process. 	Community	I feel the engagement genuinely sought my input to help shape the proposal	Exit survey / follow-up survey with Likert scale - strongly disagree to strongly agree	Per cent from each response.
2	Principle 2: Engagement is inclusive and respectful	<ul style="list-style-type: none"> Affected and interested people had the opportunity to participate and be heard. 	Community	I am confident my views were heard during the engagement	Exit survey / follow-up survey with Likert scale - strongly disagree to strongly agree	Per cent from each response.
			Project Lead	The engagement reached those identified as community of interest.	<ul style="list-style-type: none"> Representatives from most community groups participated in the engagement Representatives from some community groups participated in the engagement There was little representation of the community groups in engagement. 	Evaluation by Project Lead
3	Principle 3:	<ul style="list-style-type: none"> People were effectively engaged and satisfied with the process. 	Community	I was given sufficient information so that I could take an informed view.	Exit survey / follow-up survey with Likert scale - strongly disagree to strongly agree	Per cent from each response.

#	Charter criteria	Charter performance outcomes	Respondent	Indicator	Evaluation tool	Measuring success of project engagement
	Engagement is fit for purpose	<ul style="list-style-type: none"> People were clear about the proposed change and how it would affect them. 		I was given an adequate opportunity to be heard	Exit survey / follow-up survey with Likert scale - strongly disagree to strongly agree	Per cent from each response.
4	Principle 4: Engagement is informed and transparent	<ul style="list-style-type: none"> All relevant information was made available and people could access it. People understood how their views were considered, the reasons for the outcomes and the final decision that was made. 	Community	I felt informed about why I was being asked for my view, and the way it would be considered.	Exit survey / follow-up survey with Likert scale - strongly disagree to strongly agree	Per cent from each response.
5	Principle 5: Engagement processes are reviewed and improved	<ul style="list-style-type: none"> The engagement was reviewed and improvements recommended. 	Project Lead	Engagement was reviewed throughout the process and improvements put in place, or recommended for future engagement	<ul style="list-style-type: none"> Reviewed and recommendations made Reviewed but no system for making recommendations Not reviewed 	Evaluation by Project Lead
6	Engagement occurs early	<ul style="list-style-type: none"> Engagement occurred before or during the drafting of the planning policy, strategy or scheme when there was an opportunity for influence. 	Project Lead	Engagement occurred early enough for feedback to genuinely influence the planning policy, strategy or scheme	<ul style="list-style-type: none"> Engaged when there was opportunity for input into scoping Engaged when there was opportunity for input into first draft Engaged when there was opportunity for minor edits to final draft Engaged when there was no real opportunity for input to be considered 	Evaluation by Project Lead
7	Engagement feedback was	<ul style="list-style-type: none"> Engagement contributed to the substance of a plan or resulted in changes to a draft. 	Project Lead	Engagement contributed to the substance of the final plan	<ul style="list-style-type: none"> In a significant way In a moderate way In a minor way 	Evaluation by Project Lead

#	Charter criteria	Charter performance outcomes	Respondent	Indicator	Evaluation tool	Measuring success of project engagement
	considered in the development of planning policy, strategy or scheme				<ul style="list-style-type: none"> Not at all 	
8	Engagement includes 'closing the loop'	<ul style="list-style-type: none"> Engagement included activities that 'closed the loop' by providing feedback to participants/ community about outcomes of engagement 	Project Lead	Engagement provided feedback to community about outcomes of engagement	<ul style="list-style-type: none"> Formally (report or public forum) Informally (closing summaries) No feedback provided 	Evaluation by Project Lead
9	Charter is valued and useful	<ul style="list-style-type: none"> Engagement is facilitated and valued by planners 	Project Lead	Identify key strength of the Charter and Guide Identify key challenge of the charter and Guide		Evaluation by Project Lead

APPENDIX 4: CLOSING THE LOOP AND REPORTING BACK

Closing the loop and reporting back

How will you respond to participants?	Who's responsible?	When will you report back?
Keep a contact register of all participants who made a submission during the engagement period to use to provide feedback on the process and outcomes	Future Urban on behalf of the Designated Entity	Ongoing across the engagement period
Prepare an Engagement Report in accordance with section 73 of the PDI Act that includes summary of submissions, amendments to the Code Amendment and evaluation of engagement	Future Urban on behalf of the Designated Entity	As soon as practicable post-engagement
Publish the Engagement Report	Department of Trade and Investment	As soon as practicable post-engagement
Inform stakeholders on the outcome of the Code Amendment	Future Urban on behalf of the Designated Entity	As soon as practicable following a decision on the proposed Code Amendment
Publish the outcome of the Code Amendment	Department of Trade and Investment	As soon as practicable following a decision on the proposed Code Amendment

ATTACHMENT 5: LETTER FROM CITY OF WEST TORRENS

12 April 2023

Belinda Monier
Senior Consultant
Level 1, 74 Pirie Street
ADELAIDE SA 5000

Via email: belinda@futureurban.com.au

Dear Ms Monier,

Draft Proposal to Initiate Code Amendment

Thank you for meeting with Council staff on 21 March 2023 to inform them of the impending lodgement of a Proposal to Initiate a Planning and Design Code amendment at 25 Pierson St, Lockleys.

They have advised me that this is a different Code Amendment to the one that was previously undertaken and subsequently declined in 2022 by the Minister for Planning.

They have also advised me that the Proposal to Initiate seeks the establishment of the Suburban Neighbourhood Zoning over the designated site with investigations to be undertaken that will explore possible TNVs as they relate to site area, site frontage and building height and the inclusion of a concept plan with a particular focus on the surrounding locality and site context.

Council's previous submission on the former Code Amendment (attached) yields some pertinent feedback that may assist in your preparation of the current Proposal to Initiate and help inform investigations for selection and preparation of policy and concept plan.

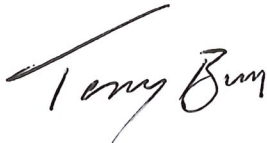
As you were advised by staff at your initial meeting with them, early engagement with Council's Elected Members is sought given their decision making role in respect of the strategic management of the City. Further, I can confirm that staff will support, where possible, the dissemination of information to the West Torrens community including through its social media channels, display of hardcopy documents and creating a "Your Say" page directing interested parties to the relevant sites hosting information.

As identified by staff, we strongly advise that your engagement strategy includes informing those people who submitted feedback during the previous Code Amendment process of the new proposed Code Amendment and encouraging them to provide further feedback.

I trust this letter is sufficient for your submission to the Minister for Planning in confirming your early attendance to inform of the intent to lodge the proposal.

If you would like to discuss this matter further please contact Gordon Andersen,
Manager Strategy and Business (Acting) on 8416 6291 or via email
gandersen@wtcc.sa.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Terry Buss'.

Terry Buss PSM
Chief Executive Officer
City West Torrens

Attachments:

- *City of West Torrens submission on the former Planning and Design Code Amendment at 25 Pierson Street, Lockleys*

Civic Centre
165 Sir Donald Bradman Drive
Hilton, SA 5033
Tel: 08 8416 6333
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Web: westtorrens.sa.gov.au



22 October 2021

Emily Nankivell
Future Urban
Level 1, 74 Pirie Street
ADELAIDE SA 5001

Dear Ms Nankivell,

RE: Private Proponent Code Amendment at 25 Pierson St, Lockleys

Please find attached City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys.

Council is not supportive of the Urban Neighbourhood Zone being implemented over the affected site and seeks further investigations to inform better suited zone policy including investigation into the Suburban Neighbourhood Zone.

This Zone is located to the east, west and south of the site. The Suburban Neighbourhood Zone seeks low density residential development and has local variation capacity through TNV application to tailor minimum frontage, minimum site area and maximum building height.

The Suburban Neighbourhood Zone enables better alignment between the existing zone surrounding this discrete site and the private proponent's intent to provide medium density residential development with limited non-residential land uses to support the residential development, is at odds with the high density residential development identified in supporting documents provided for consultation.

Should you require further information or would like to discuss this matter further, please contact Sue Curran, Manager Strategy and Business on 8416 6333 or scurran@wtcc.sa.gov.au

Yours sincerely,

Terry Buss PSM
Chief Executive Officer

Attachments:

- City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys
- Extract from the released Confidential Council Agenda and Minutes 6 July 2021

City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys

Introduction

On 14 July 2021, Council wrote to the Minister for Planning and Local Government requesting a review of the private proponent Code amendment process. This letter also requested that all existing private proponent Code amendments be placed on hold including the Lockleys Code amendment.

While Council's preferred position is that Code amendments be put on hold until the process is reviewed, in the event that this request is not granted, Council provides the following feedback on the Code Amendment for 25 Pierson St, Lockleys.

Discussion

The proposal seeks to amend the Code for the area which comprises a single allotment identified as Allotment 20, Filed Plan 17083, in the area named Lockleys, hundred of Adelaide. The land is located within the suburb of Lockleys.

The subject land comprises an area of 4.87 hectares, with Pierson Street forming the southern boundary and the River Torrens linear park to the immediate north. The land also has access from Tracey Crescent (east) and Azalea Drive (west).

The land currently accommodates the Westpac Mortgage Centre (office), the Lockleys Child Care and early learning centre and associated car parking (noting additional parking is provided off site at the Lockleys North Primary School).

The Code identifies the subject land as being located within the Employment Zone, which is somewhat of an anomaly in the context of the broader locality, reflecting the on the ground use of the land at this site. Adjacent land to the west, south and east is located in the Suburban Neighbourhood Zone and land to the north is in the Open Space Zone being the River Torrens.

Thorough investigations should be undertaken prior to zone selection, with the intent of the investigations informing the selection of suitable policy and zoning. In this instance, the Master Planned Zone has been identified as per the private proponent's preference rather than based on sound planning principles underpinned by strategic investigations.

Furthermore, the zone suggested in the Minister for Planning's letter dated 22 April 2021 appears to have little regard for the prevailing character of the existing surrounding pattern of residential development or the natural landscape provided by the River Torrens. The Minister's request for the investigations identified in the below dot points is supported:

- Exploration of linkages and opportunities for improved interface with the River Torrens Linear Park, including amenity, passive surveillance and wayfinding from the broader residential area.
- Consideration of the economic potential for population serving retail, commercial or community activities.
- Exploration of the use of the Urban Neighbourhood Zone, which provides for medium density residential development up to 6 storeys, together with minor retail, commercial and community activities that would serve the local population.

**City of West Torrens submission on the
Planning and Design Code amendment at 25 Pierson Street, Lockleys**

However, West Torrens is of the view that further investigations and considerations in relation to the subject site, including the use of the Suburban Neighbourhood Zone, with appropriate TNV to accommodate some density increase in what is otherwise a low rise, low density setting with a sensitive interface to the River Torrens also be undertaken. The affected area is not located on a major transport corridor, yet the policy contained in the Urban Neighbourhood Zone is similar to the Urban Corridor Zones in terms of land use, built form and density. The Council advises that the Urban Neighbourhood Zone is not an appropriate zone for the affected land.

Unfortunately, due to the pre-initiation of the Code Amendment not including Council in discussions, it is apparent that there has been a missed opportunity to identify further investigations, share information between all agencies (private proponent, Council and State Government) and identify all appropriate zoning for further consideration prior to community engagement. Following a review of the Code amendment currently on consultation, internal discussion with subject matter experts and resolution from the elected Council the following comments and recommendations are made.

Land uses and relationship with existing development:

It is recommended that:

- The Suburban Neighbourhood zone, in line with zoning located immediately adjacent the subject site which also provides for small scale non-residential land uses (such as minor retail, commercial and community activities), be investigated by the proponents as an alternative zoning for the affected site.
- Policy including TNV and **concept plan** providing for a sensitive transition of building form, bulk, scale, setbacks and height to respect low rise, low density residential development located in the adjacent Suburban Neighbourhood Zone and open, natural state of the linear park and River Torrens located in the adjacent Open Space Zone. It is suggested that the proponent identify and consult on appropriate TNV parameters.
- Investigate whether there is a need to include the extent of non-residential land uses anticipated by the Urban Neighbourhood Zone, given its identification as a site not considered as representing strategic employment lands be conducted by the proponents.
- The proponents undertake investigations in to market forces and future trends to support selection of zoning. Noting, that the Urban Neighbourhood Zone envisages a number of land uses currently sought by the Employment Zone and envisages some additional uses not currently identified in current policy (see table below). The Urban Neighbourhood Zone supports retention of light industry and inclusion of educational establishments, hotels and licensed premises:

**City of West Torrens submission on the
Planning and Design Code amendment at 25 Pierson Street, Lockleys**

Land Use and Intensity		
Employment Zone	Urban Neighbourhood Zone	Suburban Neighbourhood Zone
<p>A range of employment-generating light industrial, service trade, motor repair and other compatible businesses servicing the local community that do not produce emissions that would detrimentally affect local amenity. Development comprises one or more of the following:</p> <ul style="list-style-type: none"> • Advertisement • Consulting room • Indoor recreation facility • Light industry • Motor repair station • Office • Place of worship • Research facility • Retail fuel outlet • Service trade premises • Shop • Store • Telecommunications facility • Training facility • Warehouse. 	<p>Development of medium and high density accommodation types for living, including dwellings, supported accommodation, student accommodation, short term accommodation, either as part of a mixed use development or wholly residential development. Development comprises one or more of the following:</p> <ul style="list-style-type: none"> • Advertisement • Carport • Consulting Room • Dwelling • Educational Establishment • Hotel • Licensed Premises • Light Industry • Office • Outbuilding • Pre-school • Residential Flat Building • Retirement Facility • Shop • Student Accommodation • Supported Accommodation • Tourist Accommodation 	<p>Predominantly low density residential development with complementary non-residential uses compatible with a low density residential character. Development comprises one or more of the following:</p> <ul style="list-style-type: none"> • Ancillary accommodation • Community facility • Consulting room • Dwelling • Educational establishment • Office • Place of Worship • Pre-school • Recreation area • Shop • Supported accommodation.

**City of West Torrens submission on the
Planning and Design Code amendment at 25 Pierson Street, Lockleys**

- Proponent investigate the types of development that may be supported based on the restricted development triggers and implications on existing activity centres

Restricted Development		
Employment Zone	Urban Neighbourhood Zone	Suburban Neighbourhood Zone
<ul style="list-style-type: none"> • Industry except light industry • Shop except any of the following: <ul style="list-style-type: none"> a) shop with a gross leasable floor area less than 1000m² b) shop that is a bulky goods outlet c) shop that is ancillary to a light industry on the same allotment d) shop located in the Retail Activity Centre Subzone e) shop located in the Roadside Service Centre Subzone. • Waste reception, storage, treatment or disposal • Wrecking yard 	<ul style="list-style-type: none"> • Industry except light industry • Shop except any of the following: <ul style="list-style-type: none"> a) Shop located in the Main Street Subzone b) Shop located in the Urban Neighbourhood Retail Subzone c) Shop with gross leasable floor area less than 2000m² d) shop that is a restaurant 	<ul style="list-style-type: none"> • Shop except with a gross leasable floor area less than 1000m²

- The proponents undertake recommended investigations into site suitability to more sensitive land use as per the Preliminary Site Investigation undertaken by JBS&G dated 29 May 2020 prior to enacting policy that supports more sensitive land uses including residential development.

Community facilities, Soft and Hard Infrastructure:

It is recommended that the proponents:

- Undertake investigations of current and forecast demographics to support community facility provisioning.
- Assess existing provision of community facilities, including schools in collaboration with relevant Government agencies.

**City of West Torrens submission on the
Planning and Design Code amendment at 25 Pierson Street, Lockleys**

- Give consideration to the proposed Code Amendment and other Code Amendments planned in close proximity at 436-450 Findon Rd, Kidman Park former Metcash site (<https://www.charlessturt.sa.gov.au/development-and-infrastructure/policy-and-heritage/south-australia-planning-and-design-code/findon-road.-kidman-park>) and any cumulative impacts and likely demand on community facilities and existing infrastructure (both hard and soft), including preparation of a community infrastructure plan.
- The consultation document identifies that water mains, sewer and electrical remains outstanding. No decision should be made on a Code amendment until investigations in infrastructure, stormwater and services is complete and identifies the increase in service provisioning required by the incoming policy.

Walking and cycling:

- The Administration supports and encourages connection from this site to the existing shared pathway within the Linear Park to be shown on a **concept plan** as such, the Administration recommends that the proponent includes provision of improved permeability and connection to the linear park shared path.
- A strip of land in the alignment of Azalea Drive north-eastwards to the linear park should be provided for in a **concept plan** in the Code Amendment and by any future applicant developing the site to enable upgrade to the existing shared use path and access track. Currently, there are steep slopes on the river side of the reserve and any additional land from the subject site would be beneficial for future planning and upgrade of the southern shared use path. This would improve visitor experience, and importantly, safety.

Climate responsiveness:

- It is recommended that the proponent be made aware of the following rezoning issues to ensure a climate responsive development:
 - Allotment orientation and building design to maximise solar gain and energy performance.
 - Ensure street widths and driveway crossover locations are designed to allow street tree planting and maturation.
 - Promote use of energy efficient building materials and external finishes.
 - Promote use of renewable energy and recycled water in the policy development and any future development of the site.

Open Space/green space:

- General feedback for the proponent includes, recent investigations into the River Torrens identifies numerous stakeholders who are requiring more of the park as a place of ecological, recreational and experiential value. Recent tensions include densifying inner suburbs, a hotter and drier climate with more severe weather events, and the rising desire by people to be in nature. These considerations are straining the established nature of the park, intensifying requirements of, and tensions between, its multiple roles, and complicating efforts towards improvements to the park.
- General feedback for the proponent includes highlighting that the River Torrens linear park is identified as being a regional open space attracting people from beyond the City of West Torrens. It is a linear path which connects open spaces across the Greater Adelaide region. The immediate locality can be seen to be in a fairly natural state with native plantings intended to enhance biodiversity. This is not proposed to change and should be protected from encroachment by any future development.

**City of West Torrens submission on the
Planning and Design Code amendment at 25 Pierson Street, Lockleys**

- General feedback for the proponent identifies that the open space of the linear park is not only used as a walking/cycling path but provides recreational space and in this particular location is highly prized as a feature location in West Torrens' 'Our Big Backyard'.
- Further discussions are sought between the private proponent and Council around provision of open space on the subject site including location to achieve a buffer to existing linear park for inclusion in a **concept plan**.
- Council has developed a *Public Realm Design Manual* to assist in guiding the material and aesthetics of public spaces and road reserves. This document is available through the Council Website and would be used as a guidance to the selection of materials and finishes in association with any public space delivery within ultimate development of the site at a later date.

Vegetation and landscaping:

- It is recommended that the proponent undertakes a tree audit on the subject site and adjacent immediately to ensure appropriate buffers are accommodated in any **concept plan** to protect trees that are regulated, significant or identified as part of a wildlife corridor. Council's Arborist commented, from an initial rudimentary inspection, that the trees sited along the northern portion of the subject site were potentially of greater environmental benefit than many of the trees within the adjacent linear Park corridor.
- For the proponent's information, across the entirety of the northern boundary of the site, there is an existing, heavily vegetated, earth mounding formation within the Linear Park, with minimal offset from the fence line. Council Administration are not aware of the history of this mounding, it is speculated that (based on its placement and the manner in which it terminates at both ends of the site) the mound is not part of the formal flood levee protection works along the river, but an amenity buffer between the Linear Park and the existing activity on the site.
- The private proponent is advised that established street trees on Pierson Street are to be retained

Biodiversity:

The following is provided for consideration when looking at the appropriateness of development potential and zone selection adjacent an area recognised for its high biodiversity value, being the River Torrens:

- In partnership with Green Adelaide, through the River Torrens Recovery Project, Council undertakes work along the River Torrens to improve water quality and ecosystem function in the river and the coastal waters where it enters the sea. As part of this Council targets priority weeds for removal and undertakes habitat restoration in conjunction with the local community through annual planting events. In 2018 a community planting event was held along Tracey Crescent, Lockleys (which is close to the proposed development) to plant 4,000 native seedlings. Three native bee BnB's were also installed in conjunction with Gardening Australia's Sophie Thomson and local native bee expert Dr Katja Hogendoorn. Educational signage was installed to promote the different types of native bees which can be found in the area.

**City of West Torrens submission on the
Planning and Design Code amendment at 25 Pierson Street, Lockleys**

- A number of Management Plans have been developed to provide an overall vision and consistency for the River Torrens Linear Park, including the *River Torrens Linear Park Management Plan (Eastern Section)* which was developed by URPS in 2011. The plan does note however that the City of West Torrens was not involved in the development of this Management Plan. The Plan references community feedback and views regarding potential developments adjacent to the area including:

The community engagement process also emphasised the need for infill development to have a carefully designed interface that minimised the hardening of the Linear Park.

...Residential development adjacent to the Linear Park should be of a height, scale, bulk, set-back, colours and site coverage which are sympathetic to the natural setting of the park and do not undermine its natural, aesthetic and environmental values.

- Lighting included as part of the development (such as on roadways) and a general increase in overspill from residential properties has the potential to impact local wildlife. Light pollution has been shown to impact the behaviour of wildlife, and even cause physiological changes which could be particularly acute when the development is directly adjacent to the River Torrens. The existing site does not appear to have significant artificial lighting, so the development would contribute to an increase in localised light pollution.

Heritage:

- It is recommended that the proponent undertakes investigations and review of Register of Aboriginal Sites and Objects around the river (*Karrawirra Pari*), adjacent land (as necessary) and subject site in recognition of Kaurna culture and connection to the land.

Waste:

- It is recommended that the proponent engages in discussions with Council administration and investigate alternate waste systems that enable increased street tree planting and on-street car parking.

Stormwater and WSUD:

- The information provided to date by the proponent acknowledges that no information has currently been provided in relation to stormwater management, and this is an area requiring further investigation by the proponent.
- It is requested that the stormwater management from the greater development of this site be addressed in a master planned manner to identify and implement the most efficient and effective stormwater management solutions for the development of the site.
- With a Master Planned Stormwater Management Scheme for the site, Council seeks genuine harvesting of stormwater runoff both in a passive and active manner, improvement of the quality of the stormwater runoff from the site in accordance with the State Government's WSUD policy and detention of runoff of flows from the site.

**City of West Torrens submission on the
Planning and Design Code amendment at 25 Pierson Street, Lockleys**

- It is council administration's current understanding that the majority of the site (if not all) drains to a dedicated stormwater outlet to the River Torrens directly to the north of the existing site boundary with Azalea Drive. It is believed that there is no water external from site which makes its way to this outlet and there is no site based water which makes its way to the surrounding Council streets or drains. The developer may already be aware of this as all presented options have some manner of stormwater management basin in the corner of the site adjacent to this discharge location. Council would seek for all stormwater runoff from the redevelopment of this site to be directed to this existing connection, so as not to adversely impact on the surrounding streets and stormwater networks.

Cars, roads, traffic and public transport:

- If the subject site were used for residential development as suggested by the Applicant, the proposal presented in CIRQA traffic report would result in a significant reduction in trips generated from the subject site. Therefore, there would likely be a significant improvement to the traffic flow conditions in Pierson Street and the adjacent road network, including the traffic signals at Pierson Street/Rowells Road, resulting from the proposal. Overall, compared to the existing commercial land uses, the proposed residential land uses should result in lower traffic volumes on the major collector route of Pierson Street-Garden Terrace. The report does not address potential for non-residential land uses anticipated by the Urban Neighbourhood Zone.
- The provided concept plans are considered too simplistic for Council Administration to provide any comment of value on suitability on potential road design characteristics. The various options appear to comprise a combination of more major roads, secondary roads and laneways, Council administration would typically be supportive of a hierarchy of roads of this nature and would be happy to work with the applicant to further consider specific road corridor width and road design characteristic as option development further advances.
- Having regard to the potential daily trip generation of the site (1,600 vpd), it would not be unreasonable to consider 2 potential road connections in Pierson Street for the subject site, provided the new road junctions are able to be kept at sufficient distances from the adjacent existing junctions (with reference to the relevant Austroads design guidelines). This would enable the traffic generated from the subject site to be distributed in a more efficient manner.
- Pierson Street is a major collector road, allotments should be designed to have access from the internal road, or rear loaded access with access from Pierson Street be avoided. This is to minimise the interference to the collector road, particularly on the approach to the traffic signals at Rowells Road, and to maintain safety by reducing conflict points.
- The provision of connectivity to both Azalea Drive and Tracey Crescent could bring about excessive through movement of traffic. Council reserves comment on connection to Azalea Drive following receipt of a traffic report that reflects the zoning sought.

**City of West Torrens submission on the
Planning and Design Code amendment at 25 Pierson Street, Lockleys**

- The Administration does not support a direct connection from the site to Tracey Crescent for vehicle access, due to the manner in which the street network is arranged (as shown in option 3), and the potential of this being used as preferred site access over the Pierson Street connection.
- It is noted in option 3 that dead end roads would not be convenient for waste collection and should be avoided.

Overlays

Airport Building Heights (Regulated) Overlay (all structures over 15 metres)

- The affected land has the Airport Building Heights (Regulated) overlay applied. Buildings located in this area that will exceed the height specified by this overlay, being over 15 metres will require a referral to the airport-operator company. The purpose is to provide expert assessment and direction to the relevant authority on potential impacts on the safety and operation of aviation activities. The proposed policy seeks a TNV of a maximum building height of 24.5 metres.
This Code amendment should be referred to the relevant body for consideration of the impact of such a height increase from current policy. Currently the affected land has a maximum building height of 2 levels up to a height of 9 metres as per PO 3.5 and DTS/DPF 3.5 for the Employment Zone.

Traffic Generating Development Overlay

- The affected site is located within the Traffic Generating Development Overlay for which the following triggers would require a referral to the Commissioner of Highways. Except where all of the relevant deemed-to-satisfy criteria are met:
 1. land division creating 50 or more additional allotments
 2. commercial development with a gross floor area of 10,000m² or more
 3. retail development with a gross floor area of 2,000m² or more
 4. a warehouse or transport depot with a gross leasable floor area of 8,000m² or more
 5. industry with a gross floor area of 20,000m² or more
 6. educational facilities with a capacity of 250 students or more.

Information contained within the traffic report indicates that this is to be a high density development seeking policy to cater for approximately 360 dwellings, likely creating in excess of 50 or more additional allotments, without considering potential non-residential uses envisaged by the Zone currently consulted on.

The Code amendment should also be referred to the Commissioner of Highways for consideration and to enable adequate future planning, specifically highlighting to the appropriate Commissioner the reason for consultation.

City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys

General Comments:

- It is sought that the private proponent include a **concept plan** in the Code amendment and engage the community and Council on the information contained in the **concept plan**. The **concept plan** should contain key policy including road location connection, open space and other elements necessary to support the development of the site;
- Investigations be undertaken by the proponent considering cumulative impacts (e.g. traffic, visual amenity) as a result of proposed Code amendment at the Metcash site in Kidman Park;
- 3D modelling be provided to community to demonstrate:
 - o the intent of the proposed policy as developed at its maximum capacity, and
 - o the extent of land that may experience impaired visual amenity and erosion of low density, low rise character. Including impact on key vistas due to an increase from the current 2 levels (9 metres) maximum height envisaged to the proposed 6 levels (24 metres) maximum height sought.
- The Strategic Planning Outcomes as per appendix 4 of the consultation document does not explore some key State Planning Policies. In particular, review against Biodiversity, Climate Change and Cultural Heritage. Delving into appendix 4 reveals that Code amendment outcomes when considered against SPPs relating to infrastructure, water security and quality and employment lands are either missing or generic in response. Its queried why all SPPs aren't captured, considered and if irrelevant noted as such.

Consultation

The level of uplift sought, including range of non-residential land uses, building height and residential yield is not accurately portrayed in consultation documents. The proponent routinely refers to '*medium density residential uses and some smaller compatible non-residential uses*'. This language and explanation throughout the document/s does not adequately portray the extent of development possible through the Urban Neighbourhood Zone. Site plans provided in the traffic report seeks high density residential development without any non-residential land use, likewise, interface and massing diagrams do not adequately portray that 6 building levels could be developed across the entirety of the affected area (bar any interface provisions at the Zone boundary).

For this reason the consultation on this Code Amendment is confusing, if not misleading.

Secondly, consultation on a Code Amendment is very much akin to public notification for any development application requiring notification (including, for example, a carport that may have exceeded boundary length by mere centimetres). It is worth noting that in public notification for a development application there are clear parameters about expectation and information to be provided and displayed.

The above points are a reflection of the current private proponent Code Amendment process, this requires review by the State Government, to provide a process which better reflects the intent of the Community Engagement Charter.

Consideration by the State Government should also be given to requiring State Government approval of Engagement Plans and the messaging provided to the community to maintain the integrity and meaningfulness of the process for Code Amendments.

**City of West Torrens submission on the
Planning and Design Code amendment at 25 Pierson Street, Lockleys**

Finally, all impacted community members/land owners should be engaged during the consultation. It is envisaged that land beyond the 60 metres is affected and in this instance even those with line of sight across the River Torrens.

Conclusion

Investigations to date do not appear adequate to have enabled identification of the proponent's preferred zone. The investigations should inform the policy setting. To reiterate, an alternate policy to be investigated by the proponent is the Suburban Neighbourhood Zone that surrounds the subject site. Based on the documents provided by the Minister, Attorney-General's Department, the planning consultant and Council's own investigations, Council provided the following feedback for the Minister's consideration:

- Council report and resolution from meeting held 6 July 2021 (attached).
- Investigate alternate zoning of Suburban Neighbourhood Zone, as is in place surrounding the subject site. The Suburban Neighbourhood Zone provides low rise and, low and medium density housing through tailored TNV implementation.
- In the event of Urban Neighbourhood Zone being the preferred option by the Minister, that further investigation and inclusion of appropriate TNV to better reflect the existing character and provide for appropriate parameters to protect the surrounding open character, with particular regard to building height, street frontage, site area and natural environment; and
- Inclusion of a concept plan that captures road connections to existing network, public open space, strip of land to improve the existing shared use path and access track along Linear Park and any stormwater detention requirements.

City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys

Confidential Council Agenda

6 July 2021

21.4 Private Proponent Code Amendment 2

Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(3)(j)(i) and (j)(ii) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (j)(i) Information the disclosure of which - would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council).
- (j)(ii) Information the disclosure of which - would, on balance, be contrary to the public interest.

RECOMMENDATION

It is recommended to Council that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams in attendance at the meeting, and meeting secretariat staff, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 21.4 - Private Proponent Code Amendment 2, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(j)(i) and (j)(ii) because this information is required to be dealt with in confidence to ensure that Council does not divulge confidential information provided to it by a Minister for the Crown
2. At the completion of the confidential session the meeting be re-opened to the public.

Brief

This reports presents information and initial feedback with regard to a private proponent led Planning and Design Code Amendment, in relation to land in Lockleys, which has been initiated by the Minister for Planning and Local Government.

RECOMMENDATION

It is recommended to Council that the Chief Executive writes to the Minister of Planning and Local Government:

1. Detailing the issues raised in this report with regard to the *Lockleys Code Amendment*.
2. Seeking more detailed investigations to be undertaken to inform zone selection and inclusion of appropriate technical and numeric variances (TNV) in the *Lockleys Code Amendment*.
3. Seeking the inclusion of a concept plan in the *Lockleys Code Amendment* that details:
 - a) anticipated building heights;
 - b) building envelope and setbacks;
 - c) infrastructure layout;

In order to:

- i. provide policy that is compatible with the surrounding character of the area; and

City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys

Confidential Council Agenda

6 July 2021

- ii. ensure that environmental audit advice that has been provided applies to the intended design of development at the site in order to protect human health; and
 - iii. achieve appropriate Interface policy between the subject site and the River Torrens Linear Park; and
 - iv. future-proof infrastructure associated with any development that takes place as a result of the *Lockleys Code Amendment*
4. Advising that, to be consistent with surrounding zones, the *Lockleys Code Amendment* should give consideration to the 'Suburban Neighbourhood Zone' as an alternative option for the conversion of this site to residential uses (subject to appropriate site remediation if required).

FURTHER

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the Item 21.4 - Private Proponent Code Amendment 2 the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(j)(i) and (j)(ii), be kept confidential and not available for public inspection for a period of 6 months from the date of this meeting, on the basis that this information is required to be dealt with in confidence to ensure that Council does not divulge confidential information provided to it by a Minister for the Crown.
2. Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

Introduction

Council has received notification from the Minister for Planning and Local Government that she has initiated a private proponent led Planning and Design Code Amendment (Lockleys Code Amendment) with respect to 25 Pierson Street, Lockleys (Image one), being a 4.87 hectares in size (Attachments 1 & 2 respectively). The proponent is Pierson Pty Ltd and the consultant assisting them is Future Urban.



Image one: Subject area highlighted in blue

City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys

Confidential Council Agenda

6 July 2021

The subject land is located in the Lockleys Ward (image two), in close proximity to Thebarton Ward which is on the eastern side of Holbrooks Road and further east (down Ashley St and located to the rear of properties on Hayward Ave), and Airport Ward which is south of Henley Beach Road. Across the river in the City of Charles Sturt, the nearby wards are Findon and Beverley Wards.

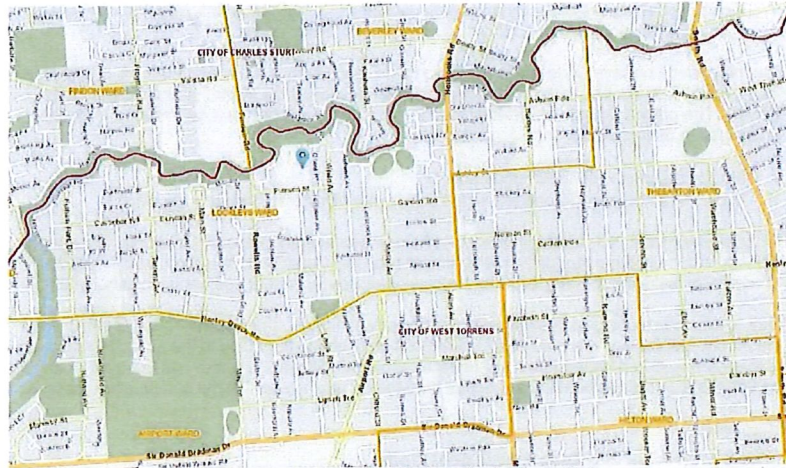


Image two: LGA Wards identified by yellow border and text



Image two: LGA Wards identified by blue border and orange text

The proposed Lockleys Code Amendment is limited to the spatial application of set zones which use the policy wording established in the published Code.

City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys

Confidential Council Agenda

6 July 2021

As the Lockleys Code Amendment does not seek to create new planning rules or policy provisions, the consultant acting on behalf of the proponent (known as the 'designated entity') only has a mandatory obligation to consult 'in writing' with:

- The City of West Torrens; and
- Owners or occupiers of the land and adjacent land in accordance with Regulation 20 of the Planning, Development and Infrastructure (General) Regulations 2017.

The proposed Lockleys Code Amendment seeks to rezone the subject land from the Employment Zone, which was applied to the site through the introduction of the Planning and Design Code (Code). The private proponent has identified that the following zones will be included for further investigation as part of the Code Amendment:

- Master Planned Neighbourhood Zone; or;
- Urban Neighbourhood Zone (as suggested by the Minister for further exploration).

In the newly introduced private proponent-led Code Amendment process, Council is no longer a decision-maker in the code (policy) amendment process. Council's formal input into the Code amendment is limited to being consulted as a stakeholder in the engagement/consultation phase.

Due to the nature of a private proponent-led Code Amendment, the Administration is seeking early input from Members and a pre-engagement position to shape feedback to the public consultation that is proposed to be undertaken in August for a period of 6 weeks. There has been no indication, as yet, that Council will be engaged earlier than the commencement of the consultation process.

Discussion

Private Proponent Led Code Amendment Process

The process of proponent led Code Amendments run by a designated entity on their behalf, is new to South Australia and was introduced as part of the planning reform that recently came into effect on 19 March 2021 for Phase 3 councils, of which Council is one. This process enables 'a person with an interest in the land' to engage with a private planning consultancy to:

1. Initiate the proposed Code Amendment (at which point the Minister may choose to approve the initiation or otherwise);
2. undertake relevant investigations and community engagement; and
3. provide relevant investigations and reporting on the engagement back to the Minister.

Following this, at the completion of the Code Amendment process, the Minister will make a determination on whether to approve the proposed amendment.

The Code Amendment process appears to be undergoing a process of refinement, with a number of amendments to *Practice Direction 2- Preparation and Amendment of Designated Instruments* (PD 2) evident over the last month, including the most recent iteration which requests:

'Evidence that the Private Proponent has undertaken preliminary consultation with the Chief Executive Officer of the relevant Council and/or with a relevant Joint Planning Board on the Proposal to initiate and details of any matters raised on the Proposal to initiate as a result. If consultation with the Chief Executive Officer of the relevant Council or with the relevant Joint Planning Board has not been undertaken by the Private Proponent, consultation will be undertaken by the Department.'

The above requirement was not in place when the Lockleys Code Amendment was initially commenced and the relevant PD2, version 2 is attached (**Attachment 3**).

City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys

Confidential Council Agenda

6 July 2021

The Community Engagement Charter (Charter) (Attachment 4) and PD2 do not identify minimum requirements for the duration of a Code Amendment engagement process. Council has not yet been formally advised of the content of the proposed engagement plan, or indeed of the engagement plan itself, although at a minimum owners or occupiers of adjacent land will be notified of the Code Amendment in writing and be directed to the PlanSA portal to provide their input.

The scope of influence for this Code Amendment is yet to be advised, but may include parameters related to TNV including site area, minimum frontage and building height along with concept plans which relate to infrastructure including open space, connectivity e.g. road, pedestrian, road widening and stormwater detention.

While the engagement process is designed and undertaken by the private proponent, the Administration will facilitate engagement when possible, including:

- offering to keep hardcopies of relevant documents at the Civic Centre, Hamra Centre and any community centres in close proximity to the affected land;
- pushing messages out through social media; and
- promoting the opportunity to participate the Code amendment engagement process via Council's website which will direct parties to the PlanSA portal.

A Council pre-brief has been arranged for August 2021, at which the consultant will present the proposed Code Amendment to Members.

Below depicts the engagement requirements with regard to Code Amendments (being the last column entitled 'Policy Setting'.

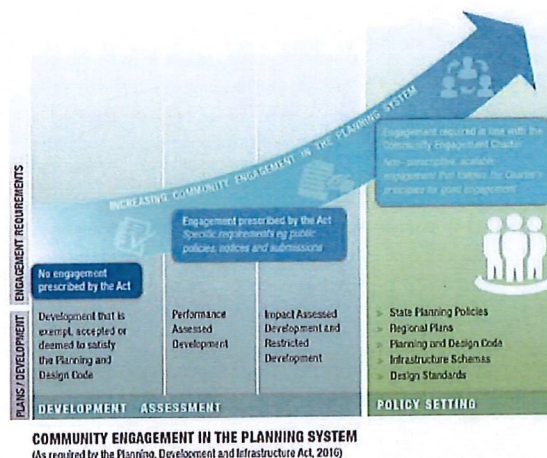


Image three: Community Engagement in the Planning System as per the Community Engagement Charter

The application of the following principles, as outlined in the Community Engagement Charter are mandatory and they must be considered when the designated entity acting on behalf of the private proponent determines the approach to engagement.

City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys

Confidential Council Agenda

6 July 2021

The below points are also reviewed by the decision maker as to whether they were adequately considered:

1. Engagement is genuine
2. Engagement is inclusive and respectful
3. Engagement is fit for purpose
4. Engagement is informed and transparent
5. Engagement processes are reviewed and improved

Affected Area

The proposal seeks to amend the Code for the area which comprises a single allotment identified as Allotment 20, Filed Plan 17083, in the area named Lockleys, hundred of Adelaide. The land is located within the suburb of Lockleys.

The subject land comprises an area of 4.87 hectares, with Pierson Street forming the southern boundary and the River Torrens linear park to the immediate north. The land also has access from Tracey Crescent (east) and Azalea Drive (west).

The land currently accommodates the Westpac Mortgage Centre (office), the Lockleys Child Care and early learning centre and associated car parking (note: additional parking is provided off site at the Lockleys North Primary School).

The Code identifies the subject land as being located within the Employment Zone. Adjacent land to the west, south and east is located in the Suburban Neighbourhood Zone and not the General Neighbourhood Zone as indicated in the proposal to initiate (page 3). Land to the north is in the Open Space Zone (see image four, which highlights current zoning).

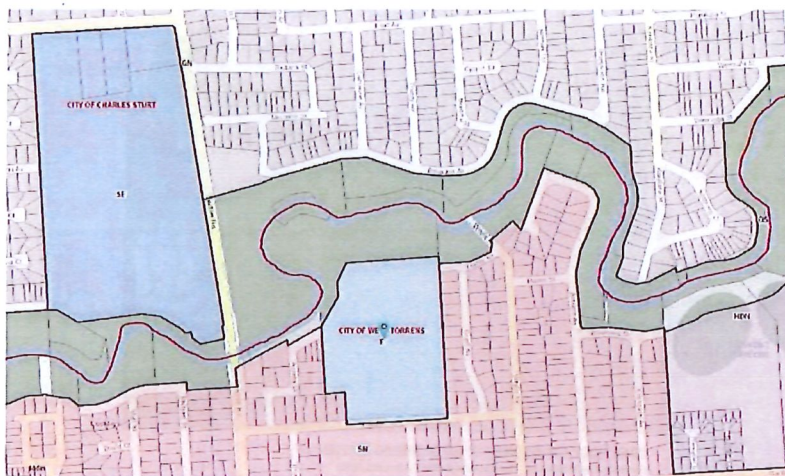


Image four: Current zoning as per the Planning and Design Code

For context, the Code identifies the following desired outcome/s for each of the current zones. The desired outcome is the overarching intent for the zone which subsequent provisions should help achieve the desired outcome (DO).

City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys

Confidential Council Agenda

6 July 2021

- **Employment Zone:**

DO 1	A diverse range of low-impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities.
DO 2	Distinctive building, landscape and streetscape design to achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces.

- **Suburban Neighbourhood Zone**

DO 1	Low density housing is consistent with the existing local context and development pattern. Services and community facilities contribute to making the neighbourhood a convenient place to live without compromising residential amenity and character.
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- **Open Space Zone:**

DO1	Areas of natural and landscaped open space provide for biodiversity, tree canopy cover, urban cooling and visual relief to the built environment for the health and enjoyment of the community.
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Of note, land in the Strategic Employment Zone located north-west of the subject site in the City of Charles Sturt has been identified for rezoning in the near future (Attachment 5).

Proposed Zones

Below is a summary of the two zones that the Code Amendment is investigating for the affected area. The Master Planned Neighbourhood Zone was put forward by the Future Urban, as per the private proponent's proposal to initiate and Urban Neighbourhood Zone has been suggested by the Minister on advice from Attorney General's Department and the State Planning Commission in an attempt to retain some employment land uses at the site.

- **Master Planned Neighbourhood Zone**

The desired outcome seeks to provide for a new or expanding community with a diverse range of housing that supports a range of needs and lifestyles located within easy reach of a diversity of services, facilities and open space. The intent of the Master Planned Neighbourhood Zone as outlined by AGD during the community consultation on the Draft Code (for phase 3) includes:

- o an emphasis on addressing the majority of planning, design and infrastructure matters through a master planned approach,
- o flexible assessment pathway applied for dwellings at the individual allotment scale. This may include the introduction of an accepted pathway (no planning consent is required) for new houses in master planned areas if they are consistent with an approved building envelope plan.

The Master Planned Neighbourhood Zone looks to provide a low to medium density neighbourhood (medium net residential density means 35 to 70 dwelling units per hectare) with a low to medium rise residential character (low-rise means up to and including 2 building levels and medium-rise means 3 to 6 building levels). It is noted that medium to high density (high density means greater than 70 dwellings units per hectare) is supported close to activity centres, open space and/or public transport and buildings above 3 levels and up to 6 levels be located close to activity centres, open space and/or public transport.

City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys

Confidential Council Agenda

6 July 2021

The following land uses are identified as suitable within the Master Planned Neighbourhood Zone:

- Ancillary accommodation
- Community facility
- Consulting room
- Display home
- Dwelling
- Educational establishment
- Indoor recreation facility
- Office
- Pre-school
- Recreation area
- Residential flat building
- Retirement facility
- Shop
- Supported accommodation.

The Planning and Design Code Amendment Engagement Report prepared by the Attorney-General's Department indicates the Master Planned Neighbourhood Zone as suitable for use in broad hectare areas. Land is classified as broad hectare if it is residentially zoned (including mixed use zones), greater than 4,000 square metres, ([Broadhectare Report 2019.pdf](https://dpti.sa.gov.au/Broadhectare_Report_2019.pdf) (dpti.sa.gov.au))

- **Urban Neighbourhood Zone**

This zone supports a combination of major land use types such as residential, retail, office, commercial and civic in compact and higher-density growth or regeneration areas. These are the highest density of land uses in the state (with the exception of the Adelaide CBD) and may apply to locations where there is substantial opportunity to increase the density of development around a major public transit node or corridor or a significant place of interest.

The Urban Neighbourhood Zone is a mixed use area that:

- a) provides a flexible policy framework for the redevelopment of urban areas in close proximity to high frequency public transport corridors or adjacent primary road corridors that have the potential to become activity generators
- b) provides for the high-quality design and integration of buildings and public realm in mixed use areas with walkable urban form, excellent provision for walking and cycling and active street frontages that encourage social interaction, positively contribute to public safety and vibrancy and promote active movement and public transport use
- c) provides a concentration of mixed use activity close to community focal points, such as a high frequency fixed transit stop, activity centre or high quality open space
- d) provides adaptable and flexible buildings that can accommodate changes in land use and respond to changing economic and social conditions and advances in technology
- e) transitions to a reduced scale and intensity at the zone boundary to maintain the amenity of residential properties located within adjoining zones.

This zone supports development of medium and high density accommodation types for living, including dwellings, supported accommodation, student accommodation, short term accommodation, either as part of a mixed use development or wholly residential development.

The following land uses are considered appropriate (subject to appropriate interface controls):

City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys

Confidential Council Agenda

6 July 2021

- Advertisement
- Carport
- Consulting Room
- Dwelling
- Educational Establishment
- Hotel
- Licensed Premises
- Light Industry
- Office
- Outbuilding
- Pre-school
- Residential Flat Building
- Retirement Facility
- Shop
- Student Accommodation
- Supported Accommodation
- Tourist Accommodation

There appears to be scope for development in specified locations of up to 7 or more building levels as per performance outcome 1.2, although there is capacity for appropriate TNV to be applied and also inclusion of concept plans. This zone also seeks to manage the interface with a low-rise neighbourhood-type zone by incorporating less dense, low-rise residential land uses at the interface, and avoiding land uses or intensity of land uses that adversely affect residential amenity.

Both Zones being investigated by the private proponent have subzones that enable retail or activity centres. It is not known whether there is an intent to include subzones. Following investigations undertaken to date, Future Urban has advised that community engagement would include the presentation of the Urban Neighbourhood Zone as the most suitable zoning for the subject site (in keeping with the Minister's suggestion).

To reaffirm, the private proponent led Code amendment process, enables a person who can demonstrate an interest in the affected land to propose a rezoning with policy that suits their needs. The selection of policy appears to occur prior to completion of adequate investigations and in the absence of engagement with Council and Council administration to share information to help inform policy selection and discuss infrastructure needs. It is yet to be made clear (by the proponent and/or the Minister/AGD) how community feedback may shape policy and whether possible variances in policy may be captured in concept plans or technical and numerical variances offered by the selected zoning in response to any of community feedback received.

Investigations

Below is a summary of the conclusions which have been derived and provided in support of the proposed rezoning to the Urban Neighbourhood zone:

Transport Investigations:

Prepared by CIRQA Pty Ltd dated 16 April 2020

The CIRQA report provides the summary below, it is worth noting that this has been based on residential development and does not consider the mixed use nature of the private proponent's preferred Urban Neighbourhood Zone:

'The subject rezoning (DPA) within Lockleys will facilitate the future redevelopment of the subject land for residential development. It is anticipated that up to 360 dwellings could be developed within the site (likely in a mix of townhouses and apartments).'

City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys

Confidential Council Agenda

6 July 2021

It is considered desirable that at least one primary intersection be provided on Pierson Street to service the subject site, albeit additional intersections and minor direct access may be considered (subject to appropriate analysis, design and liaison with Council). It is desirable that the access on Pierson Street accommodate the majority of vehicle movements associated with the site (and the internal road network should be designed accordingly). Additional access may also be provided via Azalea Drive and Tracey Crescent, however should be minor (secondary) in nature.

The intersections (access points) should connect to an internal road network designed and constructed in accordance with the City of West Torrens' requirements. The planning and design of the internal layout shall ensure adequate provisions for on-street parking, waste collection vehicle movements and appropriate traffic control treatments within the site. A high level of permeability for pedestrians and cyclists should be provided including connections to/from the adjacent Linear Trail.

An assessment has been undertaken of the traffic generation associated with the subject site. This includes a forecast of existing generation as well as that associated with the anticipated future yields. The forecasts identify that there will be a reduction in traffic generation associated with the ultimate redevelopment of the site. The rezoning and subsequent redevelopment would therefore result in a positive impact on the adjacent road network. Additionally, SIDRA analysis has been prepared for the intersection of Pierson Street and Rowells Road which confirms improved conditions would be realised as a result of the redevelopment of the site for residential use.'

Preliminary Site Investigation- 25 Pierson St, Lockleys: Prepared by JBS&G dated 29 May 2020

JBS&G recommends the following to further ascertain the contamination status at the site:

- Undertake a ground penetrating radar survey of the western carpark to determine if there is a UST adjacent to the southern boundary of the childcare centre;
- Undertake a limited soil survey in the vicinity of the UST for diesel to determine if the tank or associated infrastructure has leaked; and
- Should there be any future works in relation to the repair or replacement of the UST, a detailed soil (and potentially groundwater) investigation should be undertaken in the vicinity of the UST to determine whether it has caused site contamination. Any assessment works related to the UST (replacement, removal, validation) should be undertaken by a suitably qualified and experienced site contamination consultant in accordance with SA EPA and other relevant guidelines;
- Should the site be redeveloped that includes a change to a more sensitive land use (i.e. residential), it is likely a site contamination audit will be required, based on the activities at the site (primarily storage of petroleum); and
- If the land use changes to residential, further soil, groundwater and soil vapour assessment may be required by a site contamination consultant to support the site contamination audit – these works may also include remediation works (i.e. tank removal / tank pit validation works).

To best determine the subject sites suitability for a more sensitive land use, such a residential zoning, the above recommendations be implemented.

Administration Response based on Proposal to Initiate

Based on the documents provided by the Minister, the Administration has reviewed the subject site and written materials and provides the following preliminary feedback for Council's consideration in readiness for the invitation for Council to respond formally as part of the community engagement process:

City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys

Confidential Council Agenda

6 July 2021

Land uses and relationship with existing development:

It is recommended that:

- The Suburban Neighbourhood zone, in line with zoning located immediately adjacent the subject site that provides for small scale non-residential land uses, be investigated by the proponents as an alternative zoning for the affected site
- Policy and concept plans that require sensitive transition of building form, bulk, scale, setbacks and height to respect low rise, low density residential development located in the adjacent Suburban Neighbourhood Zone and open, natural state of the linear park and River Torrens located in the adjacent Open Space Zone. Identify and consult on appropriate TNV parameters be sought.
- An investigation into whether there is a need to include non-residential land uses, given its identification as a site not considered as representing strategic employment lands be conducted by the proponents.
- The proponents undertake all relevant investigations prior to settling on a preferred zone, allowing investigations to inform policy setting.
- The proponents undertake recommended investigations into site suitability to more sensitive land use as per the Preliminary Site Investigation undertaken by JBS&G dated 29 May 2020
- The proponents undertake investigations in to market forces and future trends to support selection of zoning or to support alternate zone.

Community facilities and development:

It is recommended that the proponents:

- undertake investigations of current and forecast demographics to support community facility provisioning.
- assess existing provision of community facilities, including schools in collaboration with relevant Government agencies.
- give consideration to the proposed Code Amendment and other Code Amendments planned in close proximity at 436-450 Findon Rd, Kidman Park former Metcash site (<https://www.charlessturt.sa.gov.au/development-and-infrastructure/policy-and-heritage/south-australia-planning-and-design-code/findon-road-kidman-park>) and any cumulative impacts and likely demand on community facilities and existing infrastructure (both hard and soft), including preparation of community infrastructure plan.

Walking and cycling:

- The Administration supports and encourages connection from this site to the existing shared pathway within the Linear Park to be shown on a concept plan as such, the Administration recommends that the proponent includes provision of improved permeability and connection to the linear park shared path.
- A strip of land in the alignment of Azalea Drive north-eastwards to the linear park should be provided for in a concept plan in the Code Amendment and by any future applicant developing the site to enable upgrade to the existing shared use path and access track. Currently, there are steep slopes on the river side of the reserve and any additional land from the subject site would be beneficial for future planning and upgrade of the southern shared use path. This would improve visitor experience, and importantly, safety.

City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys

Confidential Council Agenda

5 July 2021

Climate responsiveness:

- It is recommended that the proponent be made aware of the following rezoning issues to ensure a climate responsive development:
 - Allotment orientation and building design to maximise solar gain and energy performance.
 - Ensure street widths and driveway crossover locations are designed to allow street tree planting and maturation.
 - Promote use of energy efficient building materials and external finishes.
 - Promote use of renewable energy and recycled water in the policy development and any future development of the site.

Open Space/green space:

- General feedback for the proponent includes highlighting, recent investigations into the River Torrens identifies numerous stakeholders who are requiring more of the park as a place of ecological, recreational and experiential value. Recent tensions include densifying inner suburbs, a hotter and drier climate with more severe weather events, and the rising desire by people to be in nature. These considerations are straining the established nature of the park, intensifying requirements of, and tensions between, its multiple roles, and complicating efforts towards improvements to the park.
- General feedback for the proponent includes highlighting that the River Torrens linear park is identified as being a regional open space attracting people from beyond the City of West Torrens. It is a linear path which connects open spaces across the Greater Adelaide region. The immediate locality can be seen to be in a fairly natural state with native plantings intended to enhance biodiversity. This is not proposed to change and should be protected from encroachment by any future development.
- General feedback for the proponent identifies that the open space of the linear park is not only used as a walking/cycling path but provides recreational space and in this particular location is highly prized as a feature location in West Torrens' 'Our Big Backyard'.
- Further discussions are sought between the private proponent and Council around provision of open space on the subject site including location to achieve a buffer to existing linear park for inclusion in a concept plan.
- Council has developed a *Public Realm Design Manual* to assist in guiding the material and aesthetics of public spaces and road reserves within the city. This document is available through the Council Website and would be used as a guidance to the selection of materials and finishes in association with any public space delivery within ultimate development of the site at a later date.

Vegetation and landscaping:

- It is recommended that the proponent undertakes a tree audit on the subject site and adjacent immediately to ensure appropriate buffers are accommodated in any concept plan to protect trees that are regulated, significant or identified as part of a wildlife corridor. Council's Arborist commented, from an initial rudimentary inspection, that the trees sited along the northern portion of the subject site were potentially of greater environmental benefit than many of the trees within the adjacent linear Park corridor.
- For the proponent's information, across the entirety of the northern boundary of the site, it is highlighted that there is an existing, heavily vegetated, earth mounding formation within the Linear Park, with minimal offset from the fence line.

City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys

Confidential Council Agenda

6 July 2021

Council Administration are not aware of the history of this mounding. It is speculated that (based on its placement and the manner in which it terminates at both ends of the site) the mound is not part of the formal flood levee protection works along the river, but an amenity buffer between the Linear Park and the existing activity on the site.

- The private proponent is advised that established street trees on Pierson Street are to be retained

Heritage:

- It is recommended that the proponent undertakes investigations and review of Register of Aboriginal Sites and Objects around the river (*Karrawirra Park*), adjacent land (as necessary) and subject site in recognition of Kaurna culture and connection to the land.

Waste:

- It is recommended that the proponent engages in discussions with Council administration and investigate alternate waste systems that enable increased street tree planting and on-street car parking.

Stormwater and WSUD:

- The information provided to date by the proponent acknowledges that no information has currently been provided in relation to stormwater management, and this is an area requiring further investigation by the proponent.
- It is requested that the stormwater management from the greater development of this site be addressed in a master planned manner to identify and implement the most efficient and effective stormwater management solutions for the development of the site.
- With a Master Planned Stormwater Management Scheme for the site, Council seeks genuine harvesting of stormwater runoff both in a passive and active manner, improvement of the quality of the stormwater runoff from the site in accordance with the State Government's WSUD policy and detention of runoff of flows from the site.
- It is Council administration's current understanding that the majority of the site (if not all) drains to a dedicated stormwater outlet to the River Torrens (directly to the north of the existing site boundary with Azalea Drive). It is believed that there is no water external from site which makes its way to this outlet and there is no site based water which makes its way to the surrounding Council streets or drains. The developer may already be aware of this as all presented options have some manner of stormwater management basin in the corner of the site adjacent to this discharge location. Council would seek for all stormwater runoff from the redevelopment of this site to be directed to this existing connection, so as not to adversely impact on the surrounding streets and stormwater networks.

Cars, roads, traffic and public transport:

- The CIRQA traffic report, provided in support of the proposal, appears to have been developed upon a different concept or proposal for the site and is not considered to relate/align well to the presented Options 1 through 3. As such, Council's Traffic Consultant has made assumptions which have led to a substantially different yield of new dwellings and vehicles than that outlined within the CIRQA report. The report does not address potential for non-residential land uses anticipated by the Urban Neighbourhood Zone.
- It is highly recommended that an updated Traffic Investigation Report (CIRQA report) be provided in association with the proposal to better align and speak to the options presented by the planning consultants before administration provide detailed response to the report.

City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys

Confidential Council Agenda

6 July 2021

- The provided concept plans are considered too simplistic for Council Administration to provide any comment of value on suitability on potential road design characteristics. The various options appear to comprise a combination of more major roads, secondary roads and laneways. Council administration would typically be supportive of a hierarchy of roads of this nature and would be happy to work with the applicant to further consider specific road corridor width and road design characteristic as option development further advances.
- The proposed major road connection of the site to Pierson Street as provided in options 1-3 would be supported and encouraged in a manner similar to that presented within all the options. It appears to be in a location similar to that of the existing major access to the site.
- Pierson Street is a major collector road, allotments should be designed to have access from the internal road, or rear loaded access with access from Pierson Street be avoided.
- The provision of connectivity to both Azalea Drive and Tracey Crescent could bring about excessive through movement of traffic. Council reserves comment on connection to Azalea Drive following receipt of a traffic report that reflects the zoning sought.
- The Administration does not support a direct connection from the site to Tracey Crescent for vehicle access, due to the manner in which the street network is arranged (as shown in option 3), and the potential of this being used as preferred site access over the Pierson Street connection.
- It is noted in option 3 that dead end roads would not be convenient for waste collection and should be avoided.

General Comments:

- Private proponent to include a concept plan in the Code amendment and engage the community on the information contained in the concept plan. The concept plan should contain key policy including road location connection, open space and other elements necessary to support the development of the site;
- Investigations be undertaken by the proponent considering cumulative impacts (e.g. traffic, visual amenity) as a result of proposed Code amendment at the Metcash site in Kidman Park;
- 3D modelling be provided during engagement for community to demonstrate:
 - o the intent of the proposed policy, and
 - o the extent of land that may be impacted beyond adjacent land (60 metres) as defined by in the Code for consultation purposes.

Administration recommend that all impacted community members/land owners be engaged with during the consultation. It is envisaged that land beyond the 60 metres is affected.

Pre-engagement Position

On the understanding that no stringent timeframes are provided for in the Planning Design and Infrastructure Act (PDI Act) and associated practice directions or Community Engagement Charter, the Administration considers it prudent to present available information to the proponent with the above points and request for further investigations to be sought in order to help the Minister for Planning form an informed position in relation to the Code amendment at Lockleys.

Summary of Discussion

Standard practice requires that thorough investigations are undertaken to inform the selection of suitable policy and zoning.

City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys

Confidential Council Agenda

6 July 2021

In this instance, the Master Planned Zone has been identified as per the private proponent's preference rather than based on sound planning principles underpinned by strategic investigations.

Furthermore, the zone suggested by the Minister appears to have little regard for the prevailing character of the existing surrounding pattern of residential development.

The Minister's request for the investigations identified in the below dot points is supported:

- Exploration of linkages and opportunities for improved interface with the River Torrens Linear Park, including amenity, passive surveillance and wayfinding from the broader residential area.
- Consideration of the economic potential for population serving retail, commercial or community activities.
- Exploration of the use of the Urban Neighbourhood Zone, which provides for medium density residential development up to 6 storeys, together with minor retail, commercial and community activities that would serve the local population.

However, the Administration is of the view that further investigations and considerations in relation to the subject site, including the use of the Suburban Neighbourhood Zone, with appropriate TNV to accommodate some density increase in what is otherwise a low rise, low density setting with a sensitive interface to the River Torrens be undertaken prior to community engagement.

Unfortunately, due to the pre-initiation of the Code Amendment not including Council in discussions, it is apparent that there has been a missed opportunity to identify further investigations, share information between all agencies (private proponent, Council and State Government) and identify all appropriate zoning for further consideration prior to community engagement.

The proposed Code Amendment process does not offer clear timeframes or expectations for stakeholders to actively engage in the front end loading of policy making as was intended by the mandatory Community Engagement Charter. However, recent discussions with the proponent indicate that amended studies and additional studies may yet to be received by Council however no timeframes have yet to be provided.

Due to some uncertainty in this new Code Amendment process, a pre-consultation position is being sought by Council. This position is to be provided to the private proponent's consultant and the Minister as soon as practicable in an effort to inform policy selection and ensure that adequate investigations occur preferably prior to community engagement.

Climate Impact Considerations

(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)

Council's ability to future-proof existing and potential infrastructure requirements through the new private proponent-led Code Amendment process is limited. This may have impacts on outcomes for future development sites where Council would otherwise build in policy protections to mitigate the effects of climate impact factors such as urban heat island effect and stormwater management.

Conclusion

This report outlines information received in relation to the private proponent led Lockleys Code Amendment and highlights the proponent's proposed process and recommends an advocacy approach to influence policy process and outcomes in preparation for Council's formal response when the Code Amendment is released for public consultation.

**City of West Torrens submission on the
Planning and Design Code amendment at 25 Pierson Street, Lockleys**

Confidential Council Agenda

6 July 2021

Attachments

1. Letter from Minister for Planning regarding initiating a proposed Code amendment
2. Proposal to Initiate a Code Amendment Signed by Minister for Planning
3. Practice Direction 2 Version 2
4. Community Engagement Charter
5. Media Article 'Hundred of homes go west'

Item 21.4

Page 148

Page 28 of 31

**City of West Torrens submission on the
Planning and Design Code amendment at 25 Pierson Street, Lockleys**

Confidential Council Minutes

6 July 2021

21.4 Private Proponent Code Amendment 2**Reason for Confidentiality**

The Council is satisfied that, pursuant to Section 90(3)(i)(I) and (i)(ii) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (i)(I) Information the disclosure of which - would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council).
- (i)(ii) Information the disclosure of which - would, on balance, be contrary to the public interest.

Council resolved that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams in attendance at the meeting, and meeting secretariat staff, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report item 21.4 - Private Proponent Code Amendment 2, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(i)(I) and (i)(ii) because this information is required to be dealt with in confidence to ensure that Council does not divulge confidential information provided to it by a Minister for the Crown.
2. At the completion of the confidential session the meeting be re-opened to the public.

8.43pm the meeting moved into Confidence and the confidential session commenced.

PRESENT**Council Members:**

Mayor M Coxon (Presiding Member)

Councillors: J Woodward, E Papanikolaou, D Huggett, K McKay, D Mugavin, G Nitschke, S Pal, S Tsiaparis, G Vlahos, C O'Rielly, J Wood

Officers:

Mr T Buss	(Chief Executive Officer)
Mr C James	(General Manager Corporate and Regulatory - Acting)
Mr A Callnari	(General Manager Urban Services)
Ms L Gilmartin	(Manager Financial Services)
Ms S Curran	(Manager Strategy and Business)
Mr J Ielasi	(Manager City Assets)
Mr D Ottanelli	(Manager City Property)
Ms H Bateman	(Manager City Development)
Ms C Rorke-Wickins	(Senior Land Use Policy Planner)

This reports presents information and initial feedback with regard to a private proponent led Planning and Design Code Amendment, in relation to land in Lockleys, which has been initiated by the Minister for Planning and Local Government.

Page 8

City of West Torrens submission on the Planning and Design Code amendment at 25 Pierson Street, Lockleys

Confidential Council Minutes

6 July 2021

RECOMMENDATION

It is recommended to Council that the Chief Executive writes to the Minister of Planning and Local Government:

1. Detailing the issues raised in this report with regard to the *Lockleys Code Amendment*.
2. Seeking more detailed investigations to be undertaken to inform zone selection and inclusion of appropriate technical and numeric variances (TNV) in the *Lockleys Code Amendment*.
3. Seeking the inclusion of a concept plan in the *Lockleys Code Amendment* that details:
 - a) anticipated building heights;
 - b) building envelope and setbacks;
 - c) infrastructure layout;

In order to:

- i. provide policy that is compatible with the surrounding character of the area; and
- ii. ensure that environmental audit advice that has been provided applies to the intended design of development at the site in order to protect human health; and
- iii. achieve appropriate interface policy between the subject site and the River Torrens Linear Park; and
- iv. future-proof infrastructure associated with any development that takes place as a result of the *Lockleys Code Amendment*
4. Advising that, to be consistent with surrounding zones, the *Lockleys Code Amendment* should give consideration to the 'Suburban Neighbourhood Zone' as an alternative option for the conversion of this site to residential uses (subject to appropriate site remediation if required).

Prior to the consideration of Confidential Council Item 21.4 - Private Proponent Code Amendment 2, the Chief Executive Officer reiterated his statement advising Council of the reasoning behind the amended wording of the resolution, particularly the first and second points.

RESOLUTION

Moved: Cr Jasmine Wood

Seconded: Cr Daniel Huggett

That the Chief Executive writes to the Minister of Planning and Local Government:

1. Advising that Council in response to Private Proponent Planning and Design Code Amendments has already resolved to write to the Minister for Planning and Local Government expressing its concerns with the Private Proponent Plan Code Amendment process and seeks a review of this process and also suggests that Code Amendments be put on hold pending the outcome any such review.
2. Should the Minister not agree to review the Private Proponent Plan Code Amendment process or put a hold on such Code Amendments pending the outcome of any review, the Chief Executive be authorised to concurrently write to the Minister:
 - a). Detailing the issues raised in this report with regard to the *Lockleys Code Amendment*.

Page 9

**City of West Torrens submission on the
Planning and Design Code amendment at 25 Pierson Street, Lockleys**

Confidential Council Minutes

6 July 2021

- b). Seeking more detailed investigations to be undertaken to inform zone selection and inclusion of appropriate technical and numeric variances (TNV) in the *Lockleys Code Amendment*.
- c). Seeking the inclusion of a concept plan in the *Lockleys Code Amendment* that details:
 - a. anticipated building heights;
 - b. building envelope and setbacks;
 - c. infrastructure layout;
 in order to:
 - i. provide policy that is compatible with the surrounding character of the area; and
 - ii. ensure that environmental audit advice that has been provided applies to the intended design of development at the site in order to protect human health; and
 - iii. achieve appropriate interface policy between the subject site and the River Torrens Linear Park; and
 - iv. future-proof infrastructure associated with any development that takes place as a result of the *Lockleys Code Amendment*
- d). Advising that, to be consistent with surrounding zones, the *Lockleys Code Amendment* should give consideration to the 'Suburban Neighbourhood Zone' as an alternative option for the conversion of this site to residential uses (subject to appropriate site remediation if required).

CARRIED

FURTHER

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the Item 21.4 - Private Proponent Code Amendment 2 the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(j)(i) and (j)(ii), be kept confidential and not available for public inspection for a period of 6 months from the date of this meeting, on the basis that this information is required to be dealt with in confidence to ensure that Council does not divulge confidential information provided to it by a Minister for the Crown.
2. Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

RESOLUTION

Moved: Cr Jassmine Wood

Seconded: Cr Daniel Huggett

That the recommendations be adopted.

CARRIED

8.44pm the Confidential session closed and the meeting reopened to the public.

Page 10

ATTACHMENT 6: TIMETABLE FOR CODE AMENDMENT BY PROPONENT

CODE AMENDMENTS TIMETABLE		
Steps	Responsibility	Timeframes
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	PLUS	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)	PLUS, 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 PLUS.	Designated Entity	6 weeks
PLUS prepares Amendment Instructions and Mapping and provides to Council for consultation purposes	PLUS	2 weeks
Preparation of Materials for Consultation.	Designated Entity	Informed by the Engagement Plan
Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan .	Designated Entity	Informed by the Engagement Plan
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised, amended drafting instructions provided, Engagement Report prepared and lodged with PLUS.	Designated Entity	6 weeks
Assess the Amendment and engagement.	PLUS	4 weeks

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>		
Consideration of Advice.	Commission (Delegate)	2 weeks <i>(includes 1 week to process through Minister's office)</i>
	Commission	+ 3 weeks
Decision Process		
Minister considers the Code Amendment Report and the Engagement Report and makes decision.	Minister	3 weeks
Implementing the Amendment (operation of the Code Amendment)		
Go-live / Publish on the PlanSA portal.	PLUS	2-4 weeks
Parliamentary Scrutiny		
Referral of approved Code Amendment to ERDC.	PLUS	8 weeks