

## DECISION REPORT

<b>REPORT TITLE:</b>	POST CONSULTATION KEY ISSUES PRELIMINARY REVIEW – VILLAGE LIVING & DESIRABLE NEIGHBOURHOODS DEVELOPMENT PLAN AMENDMENT - RESIDENTIAL CHARACTER, GROWTH AREAS AND COUNCIL WIDE RESIDENTIAL POLICY REVIEW
<b>ITEM NUMBER:</b>	11
<b>DATE OF MEETING:</b>	12 AUGUST 2014
<b>AUTHOR:</b>	DAVID BROWN
<b>JOB TITLE:</b>	PRINCIPAL POLICY PLANNER
<b>RESPONSIBLE OFFICER:</b>	DAVID LITCHFIELD
<b>JOB TITLE:</b>	GENERAL MANAGER ECONOMIC DEVELOPMENT & PLANNING
<b>COMMUNITY GOAL:</b>	<u>Emerging – Our Path to a Future City</u> 1.1 A thriving and prosperous business community 1.3 A dynamic mix of uses and activities in selected precincts.  <u>Living – Our Path to a Vibrant City</u> 2.1 Highly desirable and diverse lifestyle
<b>REPRESENTORS:</b>	NIL
<b>ATTACHMENTS:</b>	1. POST CONSULTATION KEY ISSUES PRELIMINARY REVIEW 2. SUMMARY OF PUBLIC MEETING PRESENTATIONS 3. SUMMARY OF PUBLIC SUBMISSIONS 4. SUMMARY OF AGENCY SUBMISSIONS (FORWARDED UNDER SEPARATE COVER)

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### **PURPOSE**

To present the Post Consultation Key Issues Preliminary Review, and seek endorsement of the proposed strategy to advance the Development Plan Amendment.

## **RECOMMENDATION**

MOVED:  
SECONDED:

That:

1. The report be received.
  2. The recommended responses from the Post Consultation Key Issues Preliminary Review of the Village Living and Desirable Neighbourhood Development Plan Amendment (Residential Character, Growth Areas and Council Wide Residential Policy Review) be endorsed.
  3. Complete the Summary of Consultation and Proposed Amendments Report and an appropriately amended Development Plan Amendment part A addressing the Council-wide and re-zoning proposals for the areas east of East Avenue and Leah Street (except Mary Street precinct in Unley) for consideration by Council in February 2015.
  4. Prepare an appropriately amended Development Plan Amendment part B addressing the re-zoning proposals for the areas west of East Avenue and Leah Street, and the Mary Street precinct in Unley, and a public consultation plan, for consideration by Council in February 2015.
  5. Advise and request the approval of the Minister for Planning to the proposed response and timing for review and submission of Development Plan Amendment parts A and B for approval in accord with resolutions 3 and 4.
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## **BACKGROUND**

The Village Living & Desirable Neighbourhoods Development Plan Amendment – Residential Character, Growth Areas and Council Wide Residential Policy Review (Residential Growth DPA) was on public consultation during March to May 2014 with a public meeting in June 2014 to hear further verbal presentations.

## **COMMUNITY ENGAGEMENT**

Community consultation occurred in relation to the Residential Growth DPA in accord with Development Act requirements and the Development Plan Amendments Community Engagement Plan adopted by Council in December 2013.

The level of consultation undertaken by Council was substantially greater than the minimum statutory requirements.

The public consultation (eight (8) weeks) was from the 27 March 2014 until the 22 May 2014.

In addition to the requirement for statutory notices and media advertisements, letters, an explanatory brochure and feedback sheet were sent to properties affected by a

change to their zoning. An inadvertent oversight delayed letters being sent to owners adjoining the changed zones but in recognition of the delay, submissions from these people were accepted up until the 30 May 2014.

Letters were also sent to government agencies, adjoining councils, associations (business and community) and the two local State Members of Parliament.

The information was also available at Council libraries and in electronic form on the Council web-site, which included additional Fact Sheets on the new zones and further relevant background studies.

Drop-in information sessions were held on 6 and 8 April 2014 with detailed displays, information and pertinent personnel to help explain the proposed policy changes and answer questions. Staff also addressed many phone and counter enquiries.

A total of 289 public submissions, and 18 state and local government agency submissions, were received.

Sixty eight (68) of those making submissions requested to be heard at the public meeting on the 16 June 2014 before the Development Strategy and Policy Committee (Council delegate). Twenty eight (28) people confirmed their attendance before the meeting and thirty seven (37) people ultimately presented to the Committee.

## **DISCUSSION**

The Residential Growth DPA affects areas principally in Everard Park, Black Forest, Clarence Park, Highgate, Parkside, Fullarton and Myrtle Bank.

The Planning Strategy (The 30-Year Plan for Greater Adelaide) and Unley strategic vision has been to move away from widespread indiscriminate in-fill consolidation to the maintenance of the majority of existing character neighbourhood areas. Required growth, and choice for a diversity of alternative and affordable housing options, is to be predominately focussed along the main road corridors and limited in-fill in strategically located residential precincts.

The extent of interest and matters raised by respondents, particularly in the western areas of the city, require comprehensive review, documentation, consideration and determination of possible responses.

A Post Consultation Key Issues Preliminary Review has been prepared to allow initial consideration and direction on possible responses in the review of the Residential Growth DPA. The Review is contained in Attachment 1 to Item 11/14 (provided under separate cover).

*Attachment 1*

A summary of the presentations to the public meeting is contained in Attachment 2 to Item 11/14 (provided under separate cover).

*Attachment 2*

A summary of the written public submissions is contained in Attachment 3 to Item 11/14 (provided under separate cover).

*Attachment 3*

A summary of the agency submissions is contained in Attachment 4 to Item 11/14 (provided under separate cover).

*Attachment 4*

Responses to the submissions and possible amendments to the DPA will be addressed once direction is provided by Council on the key issues. Complete copies of all the original submissions are available for perusal by members as desired.

These summaries and the preliminary review of key issues have been prepared for August 2014, to allow consideration before the start of the caretaker period in September 2014 for the November 2014 Local Government elections, and thereby to guide preparation of necessary outcomes during this period and for subsequent determination by Council in early 2015.

A new Council in November 2014 will require an appropriate induction period. It is proposed therefore, that decisions on the review and possible amendments to the Residential Growth DPA not be considered by Council before February 2015.

Ultimately, a 'Summary of Consultation and Proposed Amendments (SCPA) Report' will provide a full review and summary of all submissions (written and verbal), responses to all the issues and recommendations on any proposed amendments to the Residential Growth DPA. This SCPA Report must be endorsed by Council before being provided to the Minister.

### ***Post Consultation Key Issues Preliminary Review***

The Post Consultation Key Issues Preliminary Review addresses in detail the key issues that were raised through the public consultation, including:

- Strategic Concepts
  - The 30-Year Plan for Greater Adelaide
  - Integrated Transport and Land Use Plan
  - Living on/near Transit Corridors and Centres
- Zoning and Key Parameters
  - Streetscape Zones
  - Clarence Park
  - Black Forest (South)
  - Black Forest (North)
  - South Road (Everard Park and Black Forest)
  - Anzac Highway (Everard Park)
  - Unley (Charles Street and Mary Street)
  - Fullarton Road (Parkside, Fullarton, Highgate and Myrtle Bank)
  - Fullarton (Aragon Street)
  - Fullarton (Fisher Street Policy Area)
  - Myrtle Bank
  - Myrtle Bank (Spence Avenue Policy Area and Concept Plan)

- Recognition of Existing Supported Accommodation Facilities
- Council-wide Policy And Design Parameters
  - Building Envelope (Height and Setbacks)
  - Overlays (Emissions and Affordable Housing)

The key issues primarily relate to concerns with the nature of proposed re-zoning in the western areas of the city and a few other specific areas. There was a smaller number of submissions in relation to the proposed Council-wide policy and other proposed re-zoning areas.

The range and validity of issues raised indicates the need to make substantial amendments to parts of the Residential Growth DPA.

### ***Options for Progressing the DPA***

There are a range of scenarios for progressing the Residential Growth DPA.

Potential effective options include, either:

1 - Split review into two parts to:

- proceed with more acceptable elements with minor amendments; and
- amend areas of concern and re-consult on altered re-zoning proposals; or
- abandon areas of concern and leave zoning as existing

or

2 - Proceed with full range of amendments together and re-consult as a whole

Other potential, but not recommended options, include:

- Proceed as proposed, simply noting the submissions that have been made
- Proceed with minor amendments
- Abandon the whole process and leave policy and zoning as it exists

Where there will be proposed amendments that are minor and address specific concerns, they may be appropriately pursued as part of the process of review towards a positive final outcome.

Where there will be proposed amendments that are substantial or involve significant change, eg change to zoning, it is appropriate there is further re-consultation. While potentially mitigating initial concerns, the changes may create other concerns or affect people differently who did not previously identify issues or make a submission.

Pursuing the Residential Growth DPA in its current form or minor amendments, fails to recognise the full range and validity of many issues raised.

### ***Splitting into Two DPA's***

Splitting the Residential Growth DPA allows the review of the positive elements in part A to be completed and submitted for early approval.

The other elements can be packaged into a reduced and revised Residential Growth DPA part B that can be run through another consultation and review process. Alternatively, this part could be abandoned and the affected policy elements left as they exist. This would not necessarily resolve the upgrading of the Development Plan policy and may not be accepted by the Minister for Planning.

However, to split the review into two parts when it is already a complex DPA, and effectively undertake a new process for the more controversial aspects, may cause further community concern.

The scenario to split the Residential Growth DPA and create an amended part A can address the Council-wide and re-zoning proposals for the areas east of East Avenue and Leah Street (possibly also excluding the Mary Street precinct in Unley) and allow early consideration by Council for endorsement and submission to the Minister for Planning for approval. The requisite SCPA Report and correspondingly amended Residential Growth DPA part A could be prepared for Council consideration in February 2015.

The Council endorsed SCPA Report, and Council determination of any proposed amendments to the Residential Growth DPA part A, would be forwarded to the Minister for Planning for consideration and final resolution. The Minister will receive advice from the Department of Planning Transport and Infrastructure (DPTI) and Development Policy Advisory Committee (DPAC) in forming a position on suitability for approval. Approval may be resolved by mid 2015.

The resultant Residential Growth DPA part B that addresses the re-zoning proposals for the areas west of East Avenue and Leah Street, and possibly the Mary Street precinct in Unley, could correspondingly be compiled. The amended Residential Growth DPA part B, together with a suitable public re-consultation plan, could be prepared for consideration by Council in February 2015. Subsequent re-consultation, review, SCPA Report and Residential Growth DPA part B would lead to approval possibly being resolved towards the end of 2015.

### ***Reprocessing the Whole DPA***

Revising and re-processing the whole Residential Growth DPA through consultation and review may be simpler, but would involve repeating the whole process and would delay resolution of any of the changes, including the positive elements, eg Streetscape Zones, Residential Regeneration Zone (Spence Avenue Policy Area).

Abandoning the Residential Growth DPA may avoid the changes but would forfeit the opportunity to upgrade a new policy and to introduce its positive elements, eg Residential Regeneration Zone (Spence Avenue Policy Area) where major investment for high demand aged care and accommodation facilities is pending its early outcome.

The Post Consultation Key Issues Preliminary Review identified significant issues and options for changes to the zoning for the areas west of East Avenue and Leah Street. In addition, an area in the Mary Street precinct in Unley that was to be included in a future King William Road Corridor DPA, may be considered for inclusion at this time if desired, if re-consultation of the Residential Growth DPA were to occur. The changes as recommended, or a different combination, as determined by Council, will lead the response and revision to complete the review of the Residential Growth DPA.

The future of the Residential Growth DPA and any amendments, or processing as two parts, would be subject to receiving the approval of the Minister for Planning. Depending on the option determined, the Minister for Planning could be advised and

requested to consider approval, and if successful, the necessary matters pursued accordingly. If the request is denied, in part or whole, the Council can be appraised accordingly and reconsider its options.

## **ANALYSIS OF OPTIONS**

Option 1 – Receive and recommend endorsement of the Post Consultation Key Issues Preliminary Review, as proposed or alternative combination of options.

Recommend the splitting of the Residential Growth DPA into Part A, acceptable elements with minor amendments, for approval and Part B, areas of changed zoning proposals, for re-consultation

The Post Consultation Key Issues Preliminary Review must be endorsed to progress the Residential Growth DPA.

Splitting the Residential Growth DPA allows the positive component to have the SCPA Report completed and submitted for early approval. The other elements can then either be packaged into a reduced and revised Residential Growth DPA part B that can be run through the full consultation and review process again.

This allows for the SCPA Report, including the responses to submissions and recommended amendments, for the Residential Growth DPA part A to be completed for consideration in February 2015.

The revised Residential Growth DPA part B could also be considered by Council in February 2015, and if appropriate, proceed to consultation and review.

As the SCPA Reports, and correspondingly amended Residential Growth DPAs (part A and B), are processed and endorsed by Council, they can be submitted to the Minister for Planning for consideration of final approval. The Minister may accept the recommended amendments, seek comment from Council before making further amendments or decline to proceed with the DPA.

The disadvantage of this option is that it introduces a further layer of complexity into what is already a complex process.

Option 2 – Receive and recommend endorsement of the Post Consultation Key Issues Preliminary Review, as proposed or alternative combination of options, and the Residential Growth DPA be revised accordingly and prepared with supporting material for re-consultation

The issues raised warrant a number of major amendments, and a range of other appropriate minor amendments, in accord with options as determined by Council that should be the subject of re-consultation.

Re-consultation of the whole Residential Growth DPA simplifies the process, but delays progression of all its elements and a repetition of the

whole broad and large consultation process. The Minister for Planning would need to be advised of the proposed re-consultation and delay.

Direction at this time will allow the Residential Growth DPA to be suitably amended, together with preparation of a comprehensive re-consultation plan and material, for consideration in February 2015.

The process of consultation and review would occur through 2015 with a required SCPA Report prepared for Council consideration thereafter, likely late in 2015.

If endorsed, the SCPA Report and correspondingly amended Residential Growth DPA, would then be submitted to the Minister for Planning for consideration of final approval. The Minister may accept the recommended amendments, seek comment from Council before making further amendments or decline to proceed with the Residential Growth DPA.

The main disadvantages of this option are the delays before any component of the Residential Growth DPA are approved, and the significant cost involved in re-consulting for the entire DPA. There has been discussion about consulting even more widely than was done initially and this has further cost implications.

Option 3 – Receive the Post Consultation Key Issues Preliminary Review and pursue the Residential Growth DPA as proposed, with only minor amendments

Pursuing the Residential Growth DPA as proposed, even with minor amendments, fails to recognise the full range and validity of many issues raised.

It would allow for the SCPA Report, including the responses to submissions and recommended amendments, for the Residential Growth DPA to be completed for consideration by February 2015.

If endorsed the SCPA Report, and correspondingly amended Residential Growth DPA, would then be submitted to Minister for Planning for consideration of final approval. The Minister may accept the recommended amendments, seek comment from Council before making further amendments or decline to proceed with the Residential Growth DPA.

Option 4 – Receive the Post Consultation Key Issues Preliminary Review and abandon the Residential Growth DPA

Abandoning the Residential Growth DPA entirely may avoid any changes but also forfeits the opportunity to introduce its positive elements.

This would result in the Development Plan remaining in its current form. This will not secure the inclusion of the appropriate additional City-wide policy, the desired introduction of additional streetscape areas and warranted growth opportunities.



The SCPA Report could be completed on this basis and presented to Council in February 2015 for consideration.

If endorsed, the SCPA Report and recommendation to decline to proceed with the Residential Growth DPA, would be submitted to Minister for Planning for consideration. The Minister may accept the recommendation, or may, given the State Government priority for the proposals for dwelling growth, seek comment and encourage Council to reconsider, and if not, the Minister may assume and proceed with the Residential Growth DPA notwithstanding Council's position.

### **RECOMMENDED OPTION**

Option 1 is the recommended Option.

### **POLICY IMPLICATIONS**

The Residential Growth DPA progresses further towards the previously adopted strategy vision and policy upgrading to support the desired built, environmental and economic future of the City.

The public consultation and review of the Residential Growth DPA is an important and required step in the proper and transparent process of reviewing the proposals and determining the appropriate final content of the Residential Growth DPA.

Abandoning the policy changes, in part or whole, will fail to address the strategic vision and policy upgrade. Revision of the policy proposals is warranted given the community feedback and review, and some elements would justify re-consultation and further review.

Re-consulting on the DPA as a whole maintains a continuous process but will delay the completion of all the elements and increase associated costs. There is a possible alternative option to continue to proceed with those elements considered appropriate, and pursue an early approval, and only re-process and re-consult on those elements where major revision is encompassed. This complicates the process but facilitates an early approval of some parts plus could reduce the overall cost for a smaller targeted re-consultation and review.

The Minister for Planning (and DPAC and DPTI) will scrutinise all the submissions and Council proposed responses and recommendations in the SCPA Report, and potential splitting into two parts, in the DPA review process.

The Minister may not accept the amendments, or splitting of the Residential Growth DPA, or seek further changes. Advice will be given of any such decisions and/or further changes and Council provided with an opportunity to make comment.

The Minister for Planning will ultimately determine the final approval (as proposed or as amended), or potentially the rejection, of the Residential Growth DPA.

The Environment Resources and Development Committee of Parliament have an opportunity for a final review of the Residential Growth DPA following the Minister's approval, but primarily it is a procedural review.

## **CONCLUSION**

The Residential Growth DPA introduces significant changes of policy to promote higher density residential growth along the primarily residential main road corridors and in limited strategic precincts, whilst maintaining much of the character neighbourhood areas, in accord with the Unley Proposed Strategic Plan that was adopted and underpins the DPA program.

Considerable interest and feedback on the proposed changes have been received and a number of significant key issues raised that warrant review.

All the submissions have been summarised, the common key issues analysed and options explored for appropriate amendments to the Residential Growth DPA in the Post Consultation Key Issues Preliminary Review.

The final draft SCPA Report, and amended Residential Growth DPA, will be prepared in accord with the determinations by Council at this time and for their subsequent consideration in early 2015. As suitable completed documents are resolved by Council they will be forwarded to the Minister for Planning for consideration for final approval.