

Notice of the Strategic Planning and Development Policy Committee Meeting

NOTICE IS HEREBY GIVEN in accordance with Section 101 A of the
Development Act 1993 that a meeting of the

Strategic Planning and Development Policy Committee

of the

CITY OF BURNSIDE

will be held in the Council Chambers, Civic Centre
at 401 Greenhill Road, Tusmore

on

**Tuesday 22 November 2016
at 6.30 pm**

A handwritten signature in black ink, appearing to read 'P. Deb'.

Paul Deb
Chief Executive Officer

Strategic Planning and Development Policy Committee Meeting Agenda

**22 November 2016 at 6.30 pm
Council Chamber, 401 Greenhill Road, Tusmore**

Members: Mayor David Parkin
Councillors Bagster, Bills, Cornish, Davey, Davis, Ford, Lemon,
Lord, Monceaux, Osterstock, Piggott and Wilkins

1. **Apologies**
2. **Leave of Absence**
3. **Confirmation of Minutes**
Nil
4. **Reports of Officers**
 - 4.1 **Draft Mixed Use and Activity Centres Development Plan Amendment (DPA) – Consultation Stage** p)
Attachment A - provided under separate cover
5. **Other Business**
6. **Confidential Items**
Nil
7. **Closure**

Item No: 4.1
To: Strategic Planning and Development Policy Committee
Date: 22 November 2016
Author: Sue Draper and Wendy Hoare – Planning Policy and Projects
General Manager and Division: Louise Miller-Frost – General Manager, Community and Development Services
Contact: 8366 4136
Subject: DRAFT MIXED USE AND ACTIVITY CENTRES DEVELOPMENT PLAN AMENDMENT (DPA) – CONSULTATION STAGE
Attachments: A. Draft Mixed Use and Activity Centres DPA (policy amendment)
Prev. Resolution: C9853, 26/8/14
SPDP0002, 23/8/16
C10815, 13/9/16

Officer's Recommendation

1. That the Report be received.
2. That the Council endorse the draft City of Burnside Mixed Use and Activity Centres Development Plan Amendment (Attachment A) as being suitable for forwarding to the Minister for Planning requesting agreement to commence public and agency consultation pursuant to Section 25(6) and 25(8) of the *Development Act, 1993*.
3. That Council authorise the Chief Executive Officer or General Manager, Community and Development Services to undertake amendments (if deemed to be required by the General Manager) to the draft City of Burnside Mixed Use and Activity Centres Development Plan Amendment and Statement of Investigations to ensure that it is in an acceptable form for public and agency consultation, provided that the amendments do not alter the scope and intent of the DPA.
4. That Council authorises the Chief Executive Officer to execute and issue the required Certificate pursuant to Section 25(10) of the *Development Act 1993*, prior to forwarding the DPA to the Minister for Planning seeking agreement to commence public and agency consultation.

Purpose

1. To seek Council's endorsement for the draft Mixed Use and Activity Centres Development Plan Amendment (DPA) to be forwarded to the Minister for Planning requesting agreement to commence public and agency consultation.

Strategic Plan

2. The following Strategic Plan provisions are relevant:

"Conservation and enhancement of the historic character of the City"

"A range of housing that meets the varying needs of the community"

“Environmentally sustainable development which complements the City’s Character”

“Sustainable, engaging and functional community public spaces and streetscapes”

“A range of businesses and organisations that increase vitality and wealth in the city”

“A vibrant and diverse community that has a strong sense of belonging”

“A community that can access a range of information, services and opportunities that enhance their lives”

“Our community is actively engaged and involved in shaping the City’s future”

“Fit for purpose and cost effective infrastructure that meets community needs”

“An effective transport network that supports safe and efficient movement, connecting people and places”

“A safe community that values and supports its people”

Communications/Consultation

3. The following communication / consultation has been undertaken:
 - 3.1. Council staff have had a number of meetings with the Department of Planning Transport and Infrastructure (DPTI). These have related to the proposed form and policy content of the draft DPA.
 - 3.2. Internal discussions regarding the draft DPA have been held with the General Manager Community and Development Services, General Manager Urban Services, Manager City Development and Safety, Policy Planners and Development Officers (Planning).
 - 3.3. Community consultation Stage 1 and 2 on “Residential Growth in the City of Burnside” provided information on the community’s preferences for managing growth within the City of Burnside. There was a strong preference for higher density on main roads and in activity centres in preference to intensive growth along residential streets. This draft DPA reflects that preference.
 - 3.4. A Statement of Intent for this Mixed Use and Activity Centres DPA was endorsed by Council at its meeting of 26 August 2014 (C9853).
 - 3.5. An initial draft of the Mixed Use and Activity Centres DPA was presented to the Strategic Planning and Development Policy Committee of Council at the meeting of 23 August 2016 (SPDP0002).
 - 3.6. If endorsed, this draft DPA will be forwarded to the Minister for Planning for approval to undertake community consultation.
 - 3.7. Community consultation through notices in circulating newspapers for a minimum of eight weeks is statutorily required; however, the Administration recommends, and has budgeted, to undertake a

consultation that involves the publishing and distribution of leaflets to residents and ratepayers to ensure that the community has the opportunity to follow up its previous advice with commentary on a specific planning policy document.

4. The Chief Executive Officer (CEO), together with the Administration, has reviewed these documents.

Statutory

5. The following legislation is relevant in this instance:

Local Government Act 1999

Development Act 1993

Policy

6. The following Council policies are relevant in this instance:

Be the Future of Burnside, Our Strategic Community Plan 2012-2015

Better Living Better Health, The Regional Public Health and Wellbeing Plan for the Eastern Heath Authority Constituent Councils 2014-2018

Burnside (City) Development Plan

Streetscape Policy

Traffic and Road Management Policy

Tree Management Policy

Risk Assessment

7. The following risks have been identified:

7.1. Failure to adequately address the aims and objectives of the *30-Year Plan for Greater Adelaide* may result in the Minister for Planning undertaking amendments to the Burnside (City) Development Plan in a manner inconsistent with community expectations.

CEO Performance Indicators

8. There are no impacts on or threats to achieving the CEO's Performance Indicators with this recommendation.

Finance

9. The DPA will incur costs associated with research and investigation, consultation, advertising, administration and staff resourcing. This was allowed for in the 2016/17 budget.

Discussion

Background

10. The State Government's *30-Year Plan for Greater Adelaide* sets out the objectives of the State Government's Planning Strategy which advocates that local Councils should provide greater opportunities for mixed use precincts, which are both sustainable and vibrant and offer a greater diversity of housing options in close proximity to employment, shopping, community, recreation and education facilities.
11. The *30-Year Plan* also advocates that the majority of residential growth will be within existing urban areas, as opposed to greenfield outer metropolitan areas. This will necessitate an increase in densities and heights in parts of the existing metropolitan area.
12. A number of adjoining Councils, including the Cities of Unley, Campbelltown and Norwood Payneham and St Peters, have already undertaken DPAs that address these objectives of the *30 Year Plan*. The City of Burnside is required to undertake a similar process. It is important that this process is undertaken in a thoughtful way and in a manner that balances the objectives of the *30 Year Plan* and local amenity outcomes.
13. In addition to the *Development Act 1993* requirement for Council to consider and address the directions of the *30-Year Plan for Greater Adelaide*, the Minister for Planning in his response to Council's Section 30 Review – Strategic Directions Report 2012 (C8940), highlighted the need for the City of Burnside to update planning policy pertaining to mixed-use, activity centres and residential zones and population growth as a priority.
14. Council undertook extensive community consultation in 2013/2014 to obtain feedback from the community regarding options for residential growth, including mixed-use, within our City, and to seek community responses in relation to providing for the needs of an ageing and changing population within the City of Burnside. This consultation process, undertaken in two stages, was entitled *Residential Growth in Burnside: Burnside is your city and we want to help it grow your way*.
15. The community's feedback from this consultation indicated a general acceptance of the need to allow for change, provided that development is sympathetic with existing neighborhoods and streetscapes, particularly within existing heritage areas.
16. The community response also indicated that options for increased growth should be particularly considered both along main roads and in commercial areas in the form of mixed use development.
17. Following the completion of the second stage of the residential growth consultation, Council endorsed a Statement of Intent for a Mixed-Use and Activity Centres DPA at its meeting held on 26 August 2014 (C9853).
18. The Statement of Intent was forwarded to the Minister for Planning on 2 September 2014, seeking his agreement to progress a Development Plan Amendment.

19. The Minister for Planning agreed that the Statement of Intent formed a reasonable basis for the preparation of the proposed DPA on 30 January 2015.
20. In addition to the above, in 2015, the Minister for Planning initiated investigations for Stage 2 of the Inner Metropolitan Growth Project through the drafting of the Inner and Middle Metropolitan Corridor Infill DPA. This work followed on from the approval of the Inner Metropolitan Growth (Stage 1) Development Plan Amendments in October 2013 which rezoned parts of Fullarton Road and Greenhill Road as an Urban Corridor Zone.
21. At this stage, the Minister has not yet progressed Stage 2 of the Inner Metropolitan Growth Project and Councils have been advised to continue with their own DPAs for the localities that were to be included in the Minister's second stage of the Inner Metro Growth project. In the City of Burnside, this was to affect Magill Road and parts of The Parade and Kensington Road. Consequently, these areas have now been included in Council's draft Mixed-Use and Activity Centres DPA, as was originally proposed in the Statement of Intent. If they had not been included in Council's DPA, this would potentially have left those areas without any guiding policy.
22. A preliminary draft of proposed planning policy for a City of Burnside Mixed Use and Activity Centres DPA was presented to Council on 23 August 2016.
23. At that meeting, Council resolved (SPDP0002)
 1. *That the Report be received.*
 2. *That the Administration be authorised to prepare the documentation required for submission of the final draft of the Mixed Use and Activity Centres Development Plan Amendment to the Minister for Planning in line with the draft provided in Attachment A of this report.*
24. A draft DPA and associated Statement of Investigations has now been prepared ready for consultation.

Analysis

25. The planning policy for centre, business and commercial zones in the Burnside (City) Development Plan is currently outdated and contains a number of anomalies. Amendments to the current Burnside (City) Development Plan are required to address these anomalies and update policy.
26. An updating of the Burnside (City) Development Plan policy will also facilitate increased opportunities for mixed-use development in appropriate locations to better reflect the aims and objectives of the *30-Year Plan for Greater Adelaide*.
27. Mixed-use development combines two or more different land uses in close proximity and are both physically and functionally integrated. The most common form of mixed-use development is the combination of residential use with a retail/commercial use. This frequently takes the form of retail/commercial at a ground floor level with residential accommodation located on floors above.
28. A review of the City of Burnside's zoning and policies for existing retail and commercial centres, offices, businesses and other commercial uses in and

around these existing non-residential zones has been undertaken and the Draft Mixed Use and Activity Centres DPA has been prepared following this review.

29. The Statement of Investigations (also in Attachment A) outlines the background and rationale for the proposed policy changes.
30. The proposed policy and format is based on State Government templates which have been reworked to include local variations and specific policy to reflect the desired objectives and character of the City of Burnside.
31. The existing general policies which apply to retailing and centres have been updated in accordance with the State Government's planning policy module for Centres and Retail Development.

Proposed Zones

32. This DPA will affect the areas in and around the highlighted areas shown in the Area Affected Map contained the Statement of Investigations.
33. The draft DPA policy proposes four new mixed use zones along several of the Council's main roads and amendments to the existing District, Neighbourhood and Local Centre zones.
34. Areas which are captured in existing Business and Office Zones within the current Burnside (City) Development Plan will be absorbed into either the amended Local Centre or new Mixed-Use zones.
35. The proposed Mixed-Use zones focus retail and commercial uses at lower floor levels. Where residential uses are appropriate they may be located above ground level, over non-residential uses, or in some instances at the rear of buildings.
36. The existing District Centre will continue to encompass Burnside Village, the council Civic Centre and various retail and commercial development around the Greenhill/Portrush Road intersection. Policy for this area will also facilitate the opportunity for some future upper-level residential development in association with the existing uses.
37. Some redefinition of the location of neighbourhood and local centres is proposed to better reflect the nature of existing use in these localities.
38. Neighbourhood Centre Zone policy will now only apply to the following two retail areas:
 - 38.1. Frewville Shopping Centre area; and
 - 38.2. Marryatville/Leabrook/Kensington Park shopping centre area.
39. In the Magill Village area, at the eastern end of Magill Road, the diverse cultural and community uses are better reflected in mixed use policy than the current Neighbourhood Centre Zone policy. This area is to be included in the new Mixed-Use (Urban Activity) Zone which is described in further detail below.
40. Amendments to the Neighbourhood Centre policy allow for future residential development in association with the existing retail/commercial uses in this

zone. New Desired Character statements reflect the desired use and form of these centres into the future.

41. The draft DPA policy proposes 13 local centres (below) which are based on the existing local centres. These local centres will continue to provide a focus for the daily shopping and business needs of the local community. Each of the centres will have a new Desired Character Statement which addresses the envisaged form and use within each of the centres.

41.1. LCe1 – Devereux Road / Sturdee Street, Linden Park

41.2. LCe2 – Devereux Road / Hay Street, Linden Park

41.3. LCe3 – Dulwich Avenue / Stuart Road, Dulwich

41.4. LCe4 – Glen Osmond Road (Bevington Road Glenunga Avenue), Glenunga

41.5. - LCe5 – Glynburn Road / Knightsbridge Road, Leabrook

41.6. LCe6 – Greenhill Road (Conyngham Street to Allinga Avenue), Glenside

41.7. - LCe7 – Greenhill Road / Devereux Road, Tusmore-Linden Park

41.8. - LCe8 – Hallett Road / Marble Terrace, Stonyfell

41.9. - LCe9 – Kensington Road, Erindale/Kensington Gardens

41.10. LCe10 – Kensington Road / Penfold Road, Wattle Park

41.11. LCe11 – Portrush Road / Hay Road, Linden Park

41.12. LCe12 – Portrush Road / Queen Street, Glenunga

41.13. LCe13 – The Parade (near Norwood Morialta High School), Kensington Gardens

42. In a few cases, minor amendments to zone boundaries are proposed to capture existing, non-conforming uses which currently sit outside the existing centre or business zones.

43. The draft DPA proposes four new Mixed Use Zones, each of which are further broken down into additional areas with their own specific Desired Character and policy:

43.1. Mixed Use (Business) Zone - Mu(Bu)

This zone provides a focus for a diverse range of commercial and business activities in five defined areas:

43.1.1. Mu(Bu)1 – western end of Kensington Road, Rose Park

43.1.2. Mu(Bu)2 – western end of Greenhill Road, Dulwich

43.1.3. Mu(Bu)3 – Fullarton Road, Eastwood

- 43.1.4. Mu(Bu)4 – south-east quadrant of the intersection of Portrush Road / Mount Barker Road, Glen Osmond
- 43.1.5. Mu(Bu)5 – Glynburn Road / Greenhill Road (Feathers Precinct), Burnside

43.2. Mixed Use (Glen Osmond Road) Zone – Mu(GOR)

This zone is located along Glen Osmond Road in three defined areas and provides a focus for office and commercial development of a low traffic generating nature:

- 43.2.1. Mu(GOR)1 – Glen Osmond Road (between Moar Street and Fullarton Road), Eastwood
- 43.2.2. Mu(GOR)2 – Glen Osmond Road (between Main Avenue and Conyngham Street), Frewville
- 43.2.3. Mu(GOR)3 – Glen Osmond Road (between Vine Lane and Portrush Road), Glen Osmond

43.3. Mixed Use (Urban Living) Zone – Mu(UL)

This zone has a focus on medium density residential development supported by a variety of mixed use business activities:

- 43.3.1. Mu(UL)1 – The Parade (between Portrush Road and Gurrs Road), Beulah Park
- 43.3.2. Mu(UL)2 – Kensington Road (between Close Street and Thomas Place), Rose Park

43.4. Mixed Use (Urban Activity) Zone – Mu(UA)

This zone is located along Magill Road and comprises five areas of mixed use business activity that provide for the daily needs of both visitors and the local community.

- 43.4.1. Mu(UA)1 – Magill Road (between Penfold Road and Carey Street), Magill
- 43.4.2. Mu(UA)2 – Magill Road (between Glynburn Road and Water Street), Kensington Park
- 43.4.3. Mu(UA)3 – Magill Road (between Orient Road and Glynburn Road), Kensington Park
- 43.4.4. Mu(UA)4 – Magill Road (between Water Street and Birnie Avenue), Kensington Park
- 43.4.5. Mu(UA)5 – Magill Road (between Osborne Road and Portrush Road), Beulah Park

Proposed Policy

- 44. The proposed policy in each locality promotes the creation of lively and active pedestrian environments.
- 45. The current policy within the existing local centres and business areas generally restricts development to single storey, even though the surrounding residential area allows two storey buildings. The proposed policy removes this

- restriction in most local centre areas and enables built form within these centres and new mixed-use areas to be more compatible with that of surrounding residential areas. Development up to two storeys is envisaged in the majority of the commercial areas other than where specific site and local circumstances are specified within the Desired Character statement.
46. Increase above two stories is proposed only in certain areas which are appropriate for mixed use medium density residential development, in association with non-residential uses.
 47. The proposed building heights for centres and mixed-use zones are shown on the Building Heights Map (Figure 4) in the Statement of Investigations.
 48. The 2014 Residential Growth consultation feedback indicated a strong preference by Burnside's community to locate any increased dwelling densities and buildings heights along main roads, rather than within established residential areas. As such, this draft DPA policy proposes that this increase in dwelling density should occur as part of mixed-use development in selected main road locations which can accommodate an appropriate buffer between established residential areas by means of the depth of site, presence of a separating road or existing high buildings in that locality. For example, some four storey areas are suggested along parts of Fullarton Road, Portrush Road and Glen Osmond Road where these locations meet suitable buffer criteria.
 49. In all locations, irrespective of overall maximum height, buildings will graduate to no more than two storeys where the development site directly abuts a Residential Zone or Historic Conservation Zone, and is not separated from that adjacent zone by a roadway.
 50. This draft DPA incorporates the State Government's current interface height provision figure which addresses heights at the zone boundaries. This figure allows individual Councils to specify desired set-back requirements. The draft DPA policy proposes that in most instances, the required setback will match the setbacks required for development in the adjacent zone.
 51. In order to create built form of human scale which has visual interest in harmony with existing character buildings and the surrounding established residential built form, the proposed policy encourages development with articulated facades and pitched roof forms and rather than one homogenous mass.
 52. Incentive towards human scale development is given by policy allowing an additional mezzanine floor level within pitched or gable roof spaces in order to discourage streetscapes exhibiting long sections of flat roof box-like commercial development which are at odds with human scale.
 53. The State Government's review of the *30-Year Plan* envisions significant movement towards greening the metropolitan area and establishing green infrastructure and a viable green canopy across Greater Metropolitan Adelaide. In line with this objective, the draft DPA includes policy encouraging appropriate landscaping, environmental provisions to encourage sustainable development and green roofs in all centres and mixed-use areas.

54. The Complying Development policies that were introduced by the Minister as part of the *Existing Activity Centres Policy Review Ministerial DPA*, authorised in April 2016, are not proposed to be changed as part of this DPA.
55. Off-street vehicle parking requirements within the current Development Plan will be continue to be applied to each of the amended centre zones and will also apply to each of the proposed mixed use zones. The car parking rate for residential development in the form of residential flat buildings and residential development in multi-storey buildings has been modified to account for the local conditions and adjacent residential road network which differs from the characteristics of the Urban Corridor Zone (refer Tables Bur/5 and 6).

Next Steps

56. Following Council's endorsement of the draft Mixed Use and Activity Centres DPA, and associated Statement of Investigations, as being suitable for forwarding to the Minister for Planning requesting agreement to commence public and agency consultation, these documents will be forwarded to the Minister for Planning.
57. Following receipt of these documents, the Minister will either give approval to release the draft DPA for consultation, or may require some alteration of the DPA before its official release for a minimum period of eight weeks.
58. The Administration has previously undertaken to undertake this consultation in a manner that is more extensive than that which is statutorily required – in the form of leaflets to residents and ratepayers. The Administration considers this to be an important way of ensuring that the community has an opportunity to follow up its previous feedback with commentary on more specific planning policy. Budget has been allocated for this exercise.
59. At the conclusion of the consultation period, a public meeting may be held if a written submission has indicated the desire to be heard, and a Summary of Submissions will be prepared for review by Council
60. The DPA may then be amended by Council in accordance with Council's assessment of the positions, before the DPA is finally submitted to the Minister for Planning.
61. The Minister will then consider the report on submissions and any amendments to the Draft DPA before making a decision.

Conclusion

62. Council is required to address the current State Planning Strategy as set out in the *30-Year Plan for Greater Adelaide* and to address the needs of an ageing and changing population within the City of Burnside.
63. A draft Mixed Use and Activity Centres DPA, and associated Statement of Investigations has been prepared for submission to the Minister for Planning, requesting agreement to commence public and agency consultation pursuant to Section 25(6) and 25(8) of the *Development Act, 1993*.

64. Proposed changes to the Burnside (City) Development Plan policy address existing anomalies, outdated planning policy, current objectives of the *30-Year Plan for Greater Adelaide*, and will assist our business areas to remain viable and vibrant destinations into the future.
65. Council's endorsement of the City of Burnside Draft Mixed Use and Activity Centres DPA, and associated Statement of Investigations, is now sought.