

Agenda Report for Decision

Meeting Date: 26 May 2022

Item Name	Code Amendment Initiation Advice to the Minister for Planning – Proposal to Initiate the Leader Street Bakery Code Amendment
Presenters	Jason Bailey and Nadia Gencarelli
Purpose of Report	Decision
Item Number	4.2
Strategic Plan Reference	5. Discharging Statutory Obligations
Work Plan Reference	5.2 Advise the Minister on Code Amendments
Confidentiality	Not Confidential (Release Delayed). To be released following final decision by the Minister for Planning on initiation of the Code Amendment. Anticipated by May/early-June 2022.
Related Decisions	N/A

Recommendation

It is recommended that the State Planning Commission (the Commission) resolves to:

1. Approve the designation of this item as Not Confidential (Release Delayed), with the meeting papers for the item to be released following final decision by the Minister for Planning (the Minister) on initiation of the Code Amendment. Anticipated during May/early-June 2022.
2. Advise the Minister that it:
 - 2.1 Recommends the approval of the Leader Street Bakery Code Amendment under section 73(2)(vii) of the *Planning, Development and Infrastructure Act 2016* (the Act), subject to the following conditions applied under section 73(5)(b) of the Act:
 - a) The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays or technical and numerical variations provided for under the published Planning and Design Code (the Code) (on the date the Amendment is released for consultation).
 - b) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.
 - c) The Design Overlay is not applied to land within the Urban Neighbourhood Zone.
 - 2.2 Recommends that Harmony Forestville Pty Ltd be the Designated Entity responsible for undertaking the Code Amendment process.

3. Specify that the Designated Entity consults with the following nominated individuals and entities, under section 73(6)(e) of the Act:
 - Adelaide Airport Limited
 - Department for Infrastructure and Transport
 - Environment Protection Authority
 - Affordable Housing Unit of the SA Housing Authority
 - Utility providers including SA Power Networks, APA Group, SA Water, NBN Co. and other telecommunications providers
 - State Members of Parliament for the electorates in which the proposed Code Amendment applies.
4. Specify the following further investigations or information requirements under section 73(6)(f) of the Act in addition to those outlined in the Proposal to Initiate:
 - Further investigations and referral to Adelaide Airport Limited (as the operator of Adelaide Airport and formal referral body in the Planning and Design Code) in respect to proposed amendments to the Airport Building Heights (Regulated) Overlay to require referral for all structures over 20 metres instead of 15 metres.
 - Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify relevant Aboriginal heritage considerations including any identified cultural sites and objects.
5. Recommend that the Minister approve the initiation of the Code Amendment by signing the Proposal to Initiate (**Attachment 1**) and approval letters with conditions (**Attachment 2**).
6. Approve and authorise the Chair of the Commission to sign the advice to the Minister as provided in **Attachment 3**.
7. Authorise the Chair to finalise any minor amendments to the advice and attachments as required.

Background

Section 73(2)(b)(vii) of the Act provides that a proposal to amend the Code may be initiated by a person who has an interest in the relevant land with the approval of the Minister, acting on the advice of the Commission, in relation to the following matters:

- Strategic assessment against the State Planning Policies and *The 30-Year Plan for Greater Adelaide: 2017 Update*.
- Any person or body that must be consulted by the Designated Entity, pursuant to section 73(6)(e) of the Act.
- Any investigations to be carried out or information to be obtained by the Designated Entity, in accordance with section 73(6)(f) of the Act.

The purpose of this report is therefore to provide the Commission with advice to be provided to the Minister in relation to the Proposal to Initiate submitted by Harmony Forestville Pty Ltd (**Attachment 1**).

Procedural matters regarding the Commission's role is provided in **Attachments 4 and 5**.

Discussion

Scope of the Amendment

The Proposal seeks to rezone 7,264m² of land occupied by a commercial bakery at 4 Leah Street (95-103 Leader Street), Forestville from the Established Neighbourhood Zone to the Urban Neighbourhood Zone to support medium density, medium rise residential development. The existing bakery has expanded to a point that it has outgrown the available land area and capacity of surrounding infrastructure, and is now considered incompatible with the surrounding residential area. The current Established Neighbourhood Zone is not considered an appropriate zone to facilitate the densities required to support viable redevelopment of the land, due to the cost involved in site remediation.

Subject to further investigations, it is also proposed to apply the Affordable Housing, Design, and Noise and Air Emissions Overlays to the affected area, and potentially amend application of the Airport Building Heights (Regulated) Overlay as it applies to the land.

The Design Overlay does not currently apply to the Urban Neighbourhood Zone. This Overlay triggers a referral (for regard) to the Government Architect for proposals that are medium to high rise. Design review is a State service for significant proposals, and as it stands, there has been no agreement to offer this service beyond those areas to which it currently applies. The Design Overlay also changes the relevant authority (responsible for making decisions on development proposals) from the City of Unley's Council Assessment Panel/Assessment Manager to the State Commission Assessment Panel (SCAP) for proposals exceeding four storeys. Given the proximity of the affected area to the former Le Cornu site, there may be merit in extending the Design Overlay in this location. However, as the Overlay does not currently apply to sites within the Urban Neighbourhood Zone, the application to this site would set a precedent for a review of similar locations across the State. The role of design review for sites such as this is more appropriate for the relevant authority at Council level and a Local Design Review should be sought if available at the time of lodgement of a development proposal. The application of the Design Overlay is therefore not supported in this instance.

The affected area and current zoning are shown in the figure below.



Detailed discussion is provided in the advice to the Minister in **Attachment 3**.

Advice to the Minister

The attached advice to the Minister sets out the statutory and procedural elements that must be considered as part of the initiation of a Code Amendment (**Attachment 3**).

The advice recommends that the Minister approve the initiation of the Code Amendment for the following reasons and subject to conditions (as set out below).

Strategic considerations

The Proposal seeks to rezone a consolidated land holding occupied by an existing and now constrained industrial bakery in Adelaide's Inner Metro Region. The rezoning will facilitate medium density residential and complementary non-residential uses that take greater advantage of the site's close proximity to high frequency public transport (tram, train and buses), existing services, walking and cycling infrastructure, public open space and the Adelaide CBD.

The proposed rezoning will assist in improving local amenity and reducing existing interface impacts to adjoining established residential areas located within the Historic Area Overlay. It will also ensure that the future replacement of the bakery will be economically viable given site contamination and remediation requirements to support a change in land use. Given the size of the affected area and the ability to manage interface impacts, together with its proximity to the former Le Cornu site which will soon be redeveloped, the site is well positioned to facilitate higher densities. Further, despite its current industrial use, the land is not identified as key employment land in the region in the Land Supply Report for Greater Adelaide. The proposed rezoning is therefore considered appropriate.

Further strategic considerations and discussion are provided in **Attachment 3**.

Procedural considerations

The Proposal to Initiate meets all procedural requirements, as detailed in the attached advice to the Minister (**Attachment 3**).

Practice Direction 2 – Preparation and Amendment of Designated Instruments requires the Proponent to provide evidence that they have consulted with the Chief Executive of the relevant council, and any details raised as a result. The City of Unley's administration did not object to initiation and provided feedback in relation to investigations and the engagement process, which have been reflected in the Proposal to Initiate.

Conditions proposed and items specified

A number of conditions have been recommended to be specified by the Minister, pursuant to sections 73(5)(b) of the Act.

In addition, it has been recommended that the Commission specify persons or bodies to be consulted with by the Designated Entity under section 73(6)(e) of the Act, as well as specify additional investigations to be undertaken by the Designated Entity under section 73(6)(f) of the Act, as outlined in the advice to the Minister (**Attachment 3**).

Attachments:

1. Proposal to Initiate the Leader Street Bakery Code Amendment (#18178037).
2. Draft approval letters to:
 - a) Harmony Forestville Pty Ltd (#18336989)
 - b) City of Unley (#18336973).
3. State Planning Commission Advice to the Minister (#18337019).
4. Procedural matters for the State Planning Commission (#18343542).
5. Process Flowchart – Code Amendments Initiated by Proponents (#18338028).

Prepared by: Belinda Monier

Endorsed by: Jason Bailey

Date: 12 May 2022

**PROPOSAL TO INITIATE AN AMENDMENT TO THE
PLANNING & DESIGN CODE**

Leader Street Bakery Code Amendment

By Harmony Forestville Pty Ltd (*the Proponent*)



**Robert Andrew McIntyre
Director**

Harmony Forestville Pty. Ltd. (*the Proponent*)

Date: 20 December 2021

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 website by the Attorney General's Department.

MINISTER FOR PLANNING AND LOCAL GOVERNMENT

Date:

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1. INTRODUCTION

In accordance with Section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016* (the 'Act'), **Harmony Forestville Pty. Ltd** (the 'Proponent') seeks the approval of the Minister for Planning and Local Government (the 'Minister') to initiate an amendment to the Planning and Design Code (the 'Code Amendment') as it relates to land at **4 LEAH STREET (95-103 LEADER STREET), FORESTVILLE** (the 'Affected Area').

This Proposal to Initiate an Amendment to the Planning and Design Code ('Proposal to Initiate') provides details in relation to the scope of the Code Amendment. It also identifies the relevant strategic and policy considerations, the nature of investigations to be carried out and other 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 requests that the Minister grant it approval under Section 73(2)(b)(vii) of the Act on the basis that it (i.e., the Proponent) will conduct the processes specified in Section 73 of the Act.

We confirm that the Proponent has a legal interest in the whole of the Affected Area as identified in Section 2.1 of this document.

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 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 Act.
- 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) Rebecca Thomas, Director, Ekistics Planning and Design
 - b) rthomas@ekistics.com.au
 - c) 0474 894 433
- 1.1.4 The Proponent intends to utilise the services of Ekistics Planning and Design Pty. Ltd. ('Ekistics') to assist it in undertaking the Code Amendment. Ekistics is a specialist planning consultancy comprised of a team of Accredited Professionals with significant experience in the preparation of planning policy as well as land use investigations and community engagement. The Code Amendment process will be undertaken by planning practitioners who have qualifications and experience that is equivalent to a Accredited Professional – Planning Level 1.

Established residential properties about the Affected Area to the south, east and west. The former Le Cornu's site, which is vacant and has been prepared for future development, is located to the immediate north.

The Affected Area has been used for commercial purposes since at least the 1920's when a smaller bakery operation occupied the eastern portion of the land. During this time, the western portion of the Affected Area was utilised by a vehicle body manufacturer. In the mid-1960's the bakery operations expanded across the entire land parcel identified as the 'Affected Area'. The Affected Area has continued to be used for the commercial production of baked goods since this time.

The scale of operations undertaken on the land have, for some time, expanded to a point that has outgrown the land area available and the capacity of the surrounding public infrastructure. Existing improvements occupy the majority of the land in the form of large warehouse style buildings of two to three storey in scale. The site present a highly industrial appearance to all street frontages. Grain silo tanks are visible, together with service infrastructure, numerous crossovers, roller doors, loading docks and large expanses of blank wall.

The bakery operates 24 hours, 7 days a week (due to long established use rights).

Inadequate on-site truck delivery and loading space results in trucks regularly parking along Leader Street, as there is insufficient loading space on site.

Photos of the Affect Area are provided in Figure 1.2.

Figure 1.2 Site Photos

Leader Street Façade



Figure 1.2 Photos cont.

Leah Street Façade



Leah and Leader Street corner



Figure 1.2 Photos cont.

First Avenue Façade



The incompatibility of the existing industrial commercial bakery use within an established residential area is well recognised and we understand Council receives regular complaints in relation to noise and vehicle movements outside of typical business hours.

The Affected Area is currently located within an **Established Neighbourhood Zone** which envisages “A neighbourhood that incl

udes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.” (Zone Desired Outcome 1).

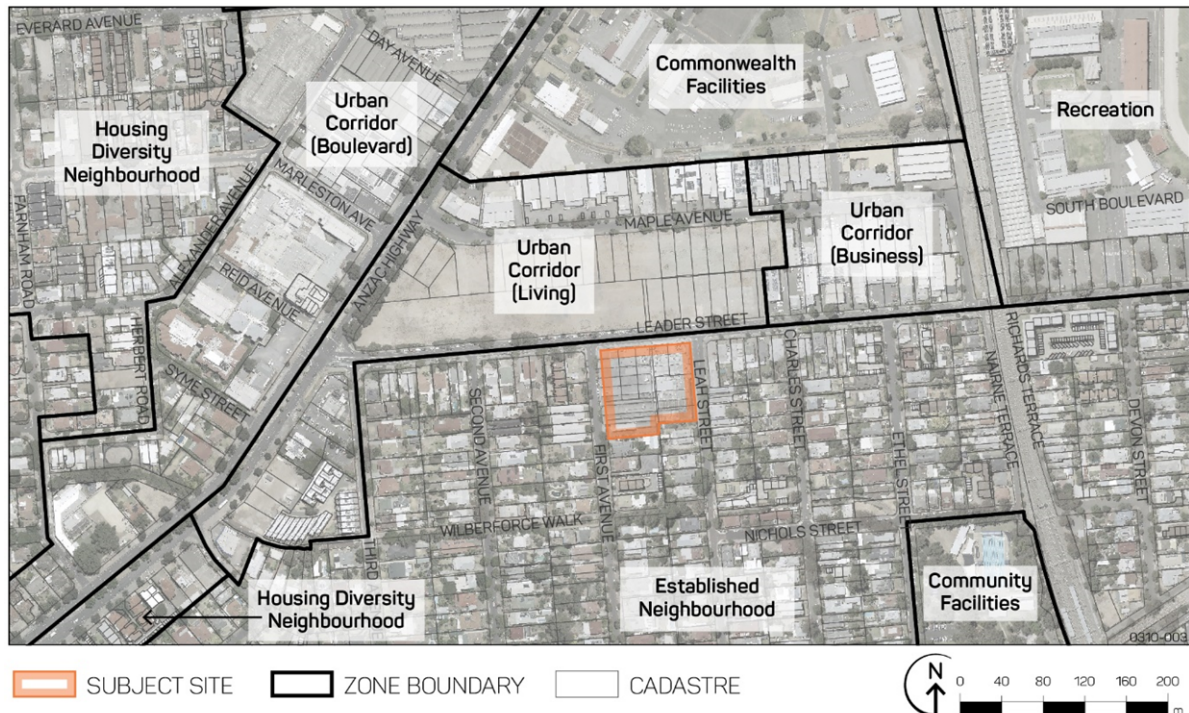
The zone is best described as a low-density residential zone which encourages predominantly single storey dwellings on allotments of 800m² or 550m² (minimum site area). Site frontages of 15 -18 metres are sought together with 50% maximum site coverage. The maximum building height is 5.7 metres and 6 metres or 1 level.

The Affected Area and surrounds are also currently incorporated within the Historic Area Overlay (southern side of Leader Street only), albeit we note there are no Local or State Heritage listed buildings (or Representative Buildings) located within proximity of the site (the closest being a Local Heritage former shop approx. 200 metres east of the site on Leader Street).

In contrast, the land immediately north is zoned **Urban Corridor Zone** which envisages a mix of land uses including offices, retail and medium density residential development. Buildings up to 22 metres or 6 levels are encouraged. Furthermore, development on significant development sites (being sites in excess of 2,500m² in area) can achieve up to 30% above the maximum building height.

The existing zoning arrangements are illustrated in Figure 1.3 below.

Figure 1.3 Relevant Code Zones



For a number of reasons, the current Zone is considered unsuitable for the Affected Area and most importantly, would not support a viable redevelopment of the land.

Site history investigations have revealed that the Affected Area will require an appropriate remediation strategy to ensure the land is made suitable for more sensitive land uses, namely residential. There will be significant expenses associated with making the site suitable for residential development, including demolition of existing improvements, site works, remediation and services augmentation.

The current Zone density parameters would yield as few as ten (10) to eleven (11) residential allotments on the Affected Area. Conversion of the land to low density residential development is simply unviable.

A preliminary market analysis and development feasibility undertaken by the Proponent has indicated that strong demand exists in this locality for medium density residential development, Accordingly, the site has economic development potential that is likely to be realised in the short term.

The Affected Area offers significant potential for medium density residential opportunities that will assist in improving the amenity of Leader Street and the two side streets (Leah Street and First Avenue), as well as reducing existing interface impacts to the southern adjoining properties.

A more suitable Zone would also enhance opportunities to activate the Leader Street frontage in conjunction with the pending redevelopment of the former Le Cornu's site.

The generous proportions of the Affected Area including depth of the site (86.9 metres to First Avenue and 76.2 metres to Leah Street) and full block (88.3 metre) site

frontage to Leader Street offers flexible design options and the ability to sensitively manage the interface with adjoining low scale dwellings.

The land is also consolidated and has only one owner enabling a site wide development outcome to be achieved.

Further, the site can be economically serviced with all essential infrastructure including power, water, sewer, gas, communications.

The Affected Area offers many strategic locational benefits including being within walking distance of multiple public transport options including:

- 265 metres to Anzac Highway (a designated transport route), that includes high frequency bus services;
- 480 metres to the Forestville Tram stop (south);
- 550 metres to the Goodwood Train station (south-east);
- Immediately adjacent the high frequency bus service that runs along :Leader Street and Leah Street to the city.

The site benefits from being within a 450m walk (6 min) to Forestville Reserve and a 900m (11 min) walk to Goodwood Oval. Forestville Reserve includes an associated playground, basketball court, outdoor fitness equipment, a skatepark, Unley Swimming Pool Centre, picnic facilities and grassed areas. While Goodwood Oval incorporates a football and cricket oval, tennis courts, hockey fields, cricket nets, playground equipment, picnic facilities and grassed areas.

The South Australian State Planning Policies are the highest order policy directives in the State and detail the importance of establishing medium residential densities in and near established services and transport corridor catchments to achieve densities required to support the economic viability of these locations.

The 30-Year Plan for Greater Adelaide details the Government's aim to contain the urban footprint of Adelaide by increasing residential densities in appropriate areas such as 'Mass Transit Routes'. It aims to accommodate population growth mainly by increasing infill development in established areas.

The Attorney General's Department (AGD) June 2021 Land Supply Report (LSR) for Greater Adelaide – Part 2 – Urban Infill outlines that within the Inner Metro Region, the projected new dwelling demand over the next ten (10) years will be 8,300 at a projected medium population growth rate or 13,600 at a projected high population growth rate. The LSR anticipates that 30% of the new dwelling increase will come from strategic infill (such as the Affected Area).

Accordingly, the Code Amendment proposes to investigate policy amendments to encourage medium density residential development to make better use of the site's proximity to public transport, public reserves, cycling infrastructure and the Adelaide CBD.

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The Affected Area is known as 4 Leah Street (95-103 Leader Street), Forestville and comprises land on the southern side of Leader Street, Forestville, identified in Certificate of Title Volume 5853 Folio 536 and Certificate of Title Volume 5751 Folio 953.

The Affect Area is located within the City of Unley Council as shown in the map at **Attachment A**.

2.2. Scope of Proposed Code Amendment

The Code Amendment proposes to introduce a policy framework that will facilitate appropriate medium density residential development and complimentary non-residential uses.

Current Policy¹	<p>Current Zone:</p> <ul style="list-style-type: none">Established Neighbourhood Zone <p>Current Local Variations (TNV):</p> <ul style="list-style-type: none">Maximum Building Height (Metres) (Maximum building height is 5.7m) - For the <u>eastern</u> half of the siteMaximum Building Height (Metres) (Maximum building height is 6m) - For the <u>western</u> half of the siteMinimum Frontage (Minimum frontage for a detached dwelling is 15m; semi-detached dwelling is 15m; row dwelling is 15m) - For the <u>eastern</u> half of the siteMinimum Frontage (Minimum frontage for a detached dwelling is 18m) - For the <u>western</u> half of the siteMinimum Site Area (Minimum site area for a detached dwelling is 550m²; semi-detached dwelling is 550m²; row dwelling is 550m²) - For the <u>eastern</u> half of the siteMinimum Site Area (Minimum site area for a detached dwelling is 800m²) - For the <u>western</u> half of the siteMaximum Building Height (Levels) (Maximum building height is 1 level)Minimum Side Boundary Setback (Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher)
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	<ul style="list-style-type: none"> • Site Coverage (Maximum site coverage is 50 per cent) <p>Current Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) (<i>All structures over 15 metres</i>) • Building Near Airfields • Historic Area (<i>Un15</i>) – For the <u>western</u> half of the site • Historic Area (<i>Un4</i>) – For the <u>eastern</u> half of the site • Hazards (Flooding General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy
<p>Amendment Outline</p>	<p>The Code Amendment proposes to investigate suitable amendments to allow for medium density residential development to make better use of the site’s close proximity to high frequency public transport options, public reserves, cycling infrastructure to support healthy lifestyles, walkable neighbourhoods and to ensure that replacement of the industrial bakery operation will be economically viable due to site contamination obligations.</p>
<p>Intended Policy</p>	<p>The Code Amendment proposes to rezone the Affected Area to Urban Neighbourhood Zone, being a zone which enables redevelopment of urban areas in close proximity to high frequency public transport corridors or adjacent primary road corridors.</p> <p>The Code Amendment will propose the inclusion of the following Technical and Numeric Variations:</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (<i>Maximum building height is 18.5m</i>); • Maximum Building Height (Levels) (<i>Maximum building height is 5 levels</i>); • Interface Height (<i>Development should be constructed within a <u>building envelope</u> provided by a 30 or 45 degree plane, depending on orientation, measured 3m above natural ground at the boundary of an allotment</i>);

	<p>The Code Amendment proposes the following Overlays for insertion (replacing current Overlays):</p> <ul style="list-style-type: none"> • Affordable Housing - NEW • Airport Building Heights (Regulated) (<i>All structures over 20 metres</i>) - AMENDED • Building Near Airfields – RETAINED • Design Overlay - NEW • Hazards (Flooding General) - RETAINED • Noise and Air Emissions – NEW • Prescribed Wells Area – EXISTING • Regulated and Significant Tree – EXISTING • Stormwater Management - RETAINED • Traffic Generating Development - RETAINED
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3. STRATEGIC PLANNING OUTCOMES

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

- State Planning Policies (SPPs)
- Regional Plans
- Other relevant strategic documents.

3.1. 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 it aligns with or seeks to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
SPP 1 – Integrated Planning	
<i>Policy 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>	<p><i>The Code Amendment will seek to facilitate medium density residential development within an established and well-serviced area.</i></p> <p><i>The Affected Area is located within close proximity to three (3) high frequency</i></p>

<p><i>Policy 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></p>	<p><i>public transport options (bus, tram and train) and existing cycling and walking infrastructure (including the Mike Turtur Bikeway and Marino Rocks Greenway).</i></p> <p><i>To the west of the Affected Area is Anzac Highway (approximately 260m). Site with frontage to Anzac Highway and all of the former Le Cornu site has been rezoned to Urban Corridor (Living). Land located further east along Leader Street consists of a mix of employment land uses that are located within the Urban Corridor (Business) Zone. To the east of the Affected Area is Goodwood Road (approximately 770m). Goodwood Road consists of Employment Zoning and Suburban Main Street Zoning. The Affected Area is connected to existing and future employment lands, providing a walking or cycling option to work, shops or services for future residents.</i></p>
<p><i>Policy 1.9 – Plan neighbourhoods to support walking and cycling, particularly in Greater Adelaide and regional townships.</i></p>	
<p><i>Policy 1.11 – Include performance targets in regional plans for the creation of walkable neighbourhoods and increasing the number of dwellings close to public transport.</i></p>	
<p>SPP 2 – Design Quality</p>	
<p><i>Policy 2.5 – Prioritise performance-based design quality outcomes in Adelaide City, heritage and character areas, places where medium-rise buildings interface with lower-rise development, mixed-use renewal precincts, transit corridors, and iconic locations that attract high levels of pedestrian activity and/or tourism.</i></p>	<p><i>The locality south of Leader Street is located within an Established Neighbourhood Zone (including Historic Area Overlays). The Affected Area’s existing manufacturing built form has an equivalent scale of two to three storeys, with large boundary walls located along all site boundaries. The existing layout includes a loading area which abuts a southern residential allotment. The existing built form presents a poor interface to these existing residential allotments.</i></p> <p><i>The Code Amendment will seek to facilitate an improved interface to the existing low-rise residential development and streetscape compared to the existing commercial building. The Code Amendment will incorporate Technical & Numeric Variations to manage the</i></p>
<p><i>Policy 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>Policy 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><i>maximum building levels and heights and interface scale.</i></p> <p><i>Given the intent to sensitively redevelop the land, it is proposed the Historic Area Overlay is removed during the Code Amendment. It is considered that the Historic Area Overlay would unnecessarily restrict the ability to construct medium density development and is not compatible with the Urban Neighbourhood Zone.</i></p>
<p><i>Policy 2.6 – Maximise opportunities for the Principles of Good Design and community engagement to inform future policy creation and improve design outcomes.</i></p>	<p><i>The Code Amendment will seek to facilitate medium density residential development with an emphasis on good quality design outcomes. Guidance will come from the Design in Urban Areas General Development Policies and the Design Overlay.</i></p>
<p><i>Policy 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>The Code Amendment will seek to facilitate active frontages along Leader Street (and Leah Street and First Avenue where appropriate), providing an improved presentation to the public realm.</i></p>
<p>SPP 3 – Adaptive Reuse</p>	
<p><i>Policy 3.1 – Remove barriers and encourage innovative and adaptive reuse of underutilised buildings and places to inspire urban regeneration, stimulate our economy and unlock latent investment opportunities.</i></p>	<p><i>The Code Amendment will facilitate the transformation of the Affected Area to a more suitable land use and a high quality built form design that will make better use of the strategically located site, providing benefits to the community and removing an unsuitable industrial activity.</i></p>
<p>SPP 4 – Biodiversity</p>	
<p><i>Policy 4.4 – Enhance the biodiversity of urban areas and townships through a connected and diverse network of green infrastructure systems along streetscapes, major watercourses, linear parks, open</i></p>	<p><i>The Affected Area is approximately 70m north of the Brown Hill Creek walking path and watercourse.</i></p> <p><i>The Code Amendment will seek to facilitate green infrastructure within the Affected Area and along the streetscape to enhance biodiversity in the locality.</i></p>

<i>space, the coast and other strategic locations.</i>	
SPP 5 – Climate Change	
<i>Policy 5.1 – Create carbon-efficient living environments through a more compact urban form that supports active travel, walkability and the use of public transport.</i>	<i>The Code Amendment will seek to facilitate a compact urban form that is in close proximity to high frequency public transport services, walking and cycling infrastructure and commercial uses in the locality.</i>
SPP 6 – Housing Supply and Diversity	
<i>Policy 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>	<i>The Code Amendment will seek to facilitate a diverse range of housing supply by enabling medium residential density in the Affected Area. Facilitating redevelopment of the land responds to population growth trends and lifestyle needs of current and future communities.</i>
<i>Policy 6.6 – A diverse range of housing types within residential areas that provide choice for different household types, life stages and lifestyle choices.</i>	<i>The Code Amendment will allow for residential diversity including row dwellings, residential flat buildings, group dwellings and/or semi-detached dwellings.</i>
<i>Policy 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>	<i>The Code Amendment will seek to facilitate a compact urban form in close proximity to high frequency public transport services, walking and cycling infrastructure and commercial uses in the locality.</i>
<i>Policy 6.8 – Ensure a minimum of 15% of new housing in all significant developments that meets the criteria for affordable housing.</i>	<i>The Code Amendment will apply the Affordable Housing Overlay to the Affected Area.</i>
SP 9 – Employment Lands	
<i>Policy 9.6 – Protect prime industrial land for employment use where it provides connectivity to freight networks;</i>	<i>The Affected Area is not considered “prime industrial land” due to the site’s isolation from other industrial activities and its incongruity with the surrounding</i>

<p><i>enables a critical mass or cluster of activity; has the potential for expansion; is connected to skilled labour; is well serviced; and is not constrained by abutting land uses.</i></p>	<p><i>sensitive uses, including those intended for the former LeCornu's land. The current bakery activities are at capacity and any future expansion is restricted.</i></p>
<p>SPP 11 – Strategic Transport Infrastructure</p>	
<p><i>Policy 11.2 – Development that maximises the use of current and planned investment in transport infrastructure, corridors, nodes and services.</i></p>	<p><i>The Code Amendment will seek to facilitate a compact urban form that is in close proximity to three (3) high frequency public transport services (bus, train and tram), walking and cycling infrastructure (including the Mike Turtur Bikeway and Marino Rocks Greenway) and existing commercial uses in the locality.</i></p>
<p><i>Policy 11.5 – Encourage development that supports the increased use of a wider variety of transport modes, including public transport, walking and cycling, to facilitate a reduced reliance on private vehicle travel and promote beneficial community health outcomes.</i></p>	
<p><i>Policy 11.11 – Encourage housing in metropolitan Adelaide in proximity to current and proposed fixed line (rail, tram, O-Bahn and high frequency bus routes.</i></p>	
<p>SPP 14 – Water Security and Quality</p>	
<p><i>Policy 14.5 – Development should incorporate water sensitive urban design principles that contribute to the management of risks to water quality and other risks (including flooding) to help protect people, property and the environment and enhance urban amenity and livability.</i></p>	<p><i>The Code Amendment will seek to protect and enhance Brown Hill Creek (a watercourse), located south of the Affected Area.</i></p> <p><i>The Affected Area is not located within either a Water Protection Area, nor a River Murray Protection Area. The Code Amendment will apply the Prescribed Wells Overlay.</i></p>
<p>SPP 15 – Natural Hazards</p>	
<p><i>Policy 15.1 – Identify and minimise the risk to people, property and the environment from exposure to natural</i></p>	<p><i>The Code Amendment will incorporate policy outcomes which seek to minimise the risk of flooding to people and</i></p>

<i>hazards including extreme heat events; bushfire; terrestrial and coastal flooding; soil erosion; drought; dune drift; acid sulfate soils; including taking into account the impacts of climate change.</i>	<i>property. The Affected Area will maintain the Hazards (Flooding General) Overlay.</i>
SPP 16 – Emissions and Hazardous Activities	
<i>Policy 16.2 – Assess and manage risks posed by known or potential site contamination to enable the safe development and use of land.</i>	<i>The Code Amendment will include the necessary environmental investigations to identify any potentially contaminating activities and inform appropriate zone, policy and remediation responses.</i>

3.2. 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)* volume of the Planning Strategy is relevant for this Code Amendment.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<i>Transit corridors, growth areas and activity centre</i>	
<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>	<i>The Code Amendment will facilitate a compact design in a well established area.</i> <i>The Affected Area has been identified as being a 650m (8min) walk from the Goodwood Road Train Station, a 600m (7min) walk to the Forestville Tram Stop and a 400m (5min) walk from the nearest bus stop along Anzac Highway. The Affected Area is considered to be located within a high frequency public transport catchment (following the guidance of Figure 2.3 of the 30YPGA).</i>
<i>P2. Increase residential and mixed use development in the walking catchment of:</i> <ul style="list-style-type: none"> <i>• strategic activity centres</i> <i>• appropriate transit corridors</i> <i>• strategic railway stations.</i> 	
<i>P3. Increase average gross densities of development within activity centres and transit corridor catchments from 15 to 25 dwellings</i>	<i>When applying a density of 35 dwellings per hectare, the Affected Area could generate in the order of 25</i>

<p><i>per hectare to 35 dwellings per hectare.</i></p>	<p><i>dwellings. In comparison, 15 to 25 dwellings per hectare would result in 11 to 18 dwellings for the Affected Area.</i></p>
<p>P4. <i>Ensure that the bulk of new residential development in Greater Adelaide is low to medium rise with high rise limited to the CBD, parts of the Park Lands frame, significant urban boulevards, and other strategic locations where the interface with lower rise areas can be managed.</i></p>	<p><i>The Affected Area is well placed to accommodate medium density residential development, assisted by the multiple street frontages and generous site dimensions. Density and interface impacts can be appropriately managed via Building Envelope policy and Technical & Numeric Variations applied to the Affected Area.</i></p>
<p>A4. <i>Rezone strategic sites to unlock infill growth opportunities that directly support public transport infrastructure investment.</i></p>	<p><i>The Code Amendment will unlock a strategic site enabling future residents of the Affected Area to utilise and support the existing high frequency public transport options.</i></p>
<p>Design Quality</p>	
<p>P25. <i>Encourage urban renewal projects that take an all-inclusive approach to development by including streetscapes, public realm, public art and infrastructure that supports the community and responds to climate change.</i></p>	<p><i>The Code Amendment facilitates the option for the streetscape and public realm to be upgraded (or maintained where recently upgraded) as part of the future development, where it may have been restricted previously due to the nature of the existing use and built form.</i></p>
<p>P28. <i>Promote permeable, safe, attractive, accessible and connected movement networks (streets, paths, trails and greenways) in new growth areas and infill redevelopment areas that incorporate green infrastructure.</i></p>	
<p>P29. <i>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>P30. <i>Support the characteristics and identities of different neighbourhoods, suburbs and</i></p>	<p><i>The Code Amendment would facilitate redevelopment of the Affected Area through the construction of more</i></p>

<i>precincts by ensuring development considers context, location and place.</i>	<i>compatible uses and built form design that will complement the existing residential character of Forestville.</i>
P32. <i>Encourage higher density housing to include plantable space for trees and other vegetation where possible.</i>	<i>The Code Amendment will follow the guidance of the Design in Urban Areas General Development Policies regarding landscaping.</i>
A16. <i>Ensure that the local area planning process adequately address interface issues in the local context and identify appropriate locations for:</i> <ul style="list-style-type: none"> <i>• medium and high rise buildings</i> <i>• sensitive infill in areas of protection and areas of heritage value</i> <i>• where there should be minimum and maximum height limits.</i> 	<i>The Code Amendment would apply relevant Technical & Numeric Variations that will impose maximum building height and level limits, to minimise interface impacts to adjoining properties and allow for medium rise buildings.</i>
<i>Housing mix, affordability and competitiveness</i>	
P36. <i>Increase housing supply near jobs, services and public transport to improve affordability and provide opportunities for people to reduce their transport costs.</i>	<i><u>Target 1.1</u> of the 30YPGA, seeks by 2045 that 85% of new residential growth will be built within established urban areas across Greater Adelaide.</i> <i>The Affected Area will work towards achieving the residential growth outlined in Target 1.1, in an established inner metropolitan area.</i>
P46. <i>Ensure an adequate land supply is available to accommodate housing and employment growth over the longer term (at least a 15 year supply).</i>	
P37. <i>Facilitate a diverse range of housing types and tenures (including affordable housing) through increased policy flexibility in residential and mixed-use areas, including:</i> <ul style="list-style-type: none"> <i>• ancillary dwellings such as granny flats, laneway and mews housing</i> <i>• dependent accommodation such as nursing homes</i> <i>• assisted living accommodation</i> 	<i><u>Target 6</u> of the 30YPGA seeks to increase housing choice by 25% to meet changing household needs in Greater Adelaide by 2045.</i> <i>The Code Amendment facilitates the opportunity for a diverse range of housing options that will likely consist predominantly of row dwellings and residential flat buildings, to achieve the goal of medium density in the Affected Area.</i>

<ul style="list-style-type: none"> • <i>aged-specific accommodation such as retirement villages</i> • <i>small lot housing types</i> • <i>in-fill housing and renewal opportunities.</i> 	
<p>P39. <i>Promote universal and adaptable housing principles in new housing stock to support changing needs over a lifetime, including the needs of those who are less mobile.</i></p>	<p><i>The Code Amendment facilitates the opportunity for development to incorporate modern technology and facilities to allow access to all members of society.</i></p> <p><i>PO 4.1 (Transport, Access and Parking – General Development Policies) of the Code will provide guidance regarding providing sufficient access for people with a disability. Future development for the site will be considered against PO 4.1.</i></p>
<p>P42. <i>Provide for the integration of affordable housing with other housing to help build social capital.</i></p>	<p><i>The Code Amendment will apply the Affordable Housing Overlay.</i></p>
<p>P43. <i>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>P43 and P44 support rezoning where it provides the opportunity for affordable housing to be applied to a major development such as the Affected Area.</i></p>
<p>P44. <i>Enable and encourage the provision of affordable housing through linking incentives, including the benefits of re-zoning such as planning policy bonuses or concessions to new affordable housing supply.</i></p>	
<p>P45. <i>Promote affordable housing in well located areas close to public transport and which offers a housing</i></p>	

<p><i>mix (type and tenure) and quality built form that is well integrated into the community.</i></p>	
<p>Health, wellbeing and inclusion</p>	
<p>P47. <i>Plan future suburbs and regenerate and renew existing ones to be healthy neighbourhoods that include:</i></p> <ul style="list-style-type: none"> <i>• diverse housing options that support affordability</i> <i>• access to local shops, community services and facilities</i> <i>• access to fresh food and a range of food services</i> <i>• safe cycling and pedestrian-friendly streets that are tree-lined for comfort and amenity</i> <i>• diverse areas of quality public open space (including local parks, community gardens and playgrounds)</i> <i>• sporting and recreation facilities</i> <i>• walkable connections to public transport and community infrastructure.</i> 	<p><i>The following key services and landmarks have been identified in close proximity to the Affected Area:</i></p> <ul style="list-style-type: none"> <i>• High frequency public transport, 650m (8min) walk to the Goodwood Road Train Station, 600m (7min) walk to the Forestville Tram Stop and 400m (5min) walk from the nearest bus stop along Anzac Highway;</i> <i>• Forestville Reserve is located within a 450m (6min) walk, and includes an associated playground, basketball court, outdoor fitness equipment, a skatepark, Unley Swimming Pool Centre, picnic facilities and grassed area;</i> <i>• To the east of the site is the option of either Drakes Foodland (1.1km / 14min walk) or the group of shops 111A-125 Goodwood Road (1.1km/14min walk) including an IGA, butchers, fruit & veg and bakery;</i> <p><i>Future retail development is also anticipated opposite the site on the former Le Cornu's land;</i></p> <p><i>The opportunity for a medium density development consisting of diverse housing types, allow the future development to take advantage of these services and facilities and to contribute towards a healthy neighbourhood.</i></p>
<p>P49. <i>Encourage more trees (including productive trees) and water sensitive urban landscaping in the private and public realm, reinforcing neighbourhood character and creating cooler, shady and</i></p>	<p><i>The Code Amendment facilitates the option for the streetscape and public realm to be upgraded (or maintained where recently upgraded) as part of the future development, where it may</i></p>

<i>walkable neighbourhoods and access to nature.</i>	<i>have been restricted previously due to the nature of the existing use.</i>
P53. <i>Encourage the integration of green infrastructure in the public and private realms to support positive physical, mental and social health outcomes.</i>	
Our Policy themes – The economy and jobs	
P56. <i>Ensure there are suitable land supplies for the retail, commercial and industrial sectors.</i>	<i>The existing zoning for the Affected Area does not support the current land use. As the existing bakery manufacturing use is not envisaged in the current zoning, the Code Amendment will not be impacting the land supply for industrial sectors.</i>
P73. <i>Provide sufficient strategic employment land options with direct access to major freight routes to support activities that require separation from housing and other sensitive land uses.</i>	
A35. <i>Prepare guidelines and accompanying planning policies for employment lands (including industrial, defence and agri-business uses) to identify those areas that:</i> <ul style="list-style-type: none"> <i>• require protection from incompatible development</i> <i>• may evolve to more mixed-use employment</i> <i>• may require expansion</i> <i>• may transition to other land uses, including residential. (This will require the management of interface issues with adjacent sensitive land uses and the management of any site contamination).</i> 	<i>A35 supports the transition of employment lands (e.g. industrial uses) to residential where the interface issues and site contamination are sufficiently managed. As discussed, interface issues will be managed by Technical & Numeric Variations and site contamination will be discussed below from investigations that have been carried out.</i>
Transport	
P75. <i>Increase the number of neighbourhoods, main streets and activity centres where place is given greater priority than vehicle</i>	<i>The Code Amendment allows the opportunity for the medium density residential development with a diverse range of housing types to take</i>

<p><i>movement by adopting a 'link and place' approach.</i></p>	<p><i>advantage of the transport, open space and services previously outlined.</i></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><i>P80. Reduce car parking requirements in mixed-use areas near high frequency public transit services to encourage the use of alternative transport modes.</i></p>	
<p><i>Infrastructure</i></p>	
<p><i>P86 Ensure that new urban infill and fringe and township development are aligned with the provision of appropriate community and green infrastructure, including:</i></p> <ul style="list-style-type: none"> <i>• walking and cycling paths and facilities</i> <i>• local stormwater and flood management including water sensitive urban design</i> <i>• public open space</i> <i>• sports facilities</i> <i>• street trees</i> <i>• community facilities, such as child care centres, schools, community hubs and libraries.</i> 	<p><i>Commentary above for P75, P76 and P80 provides details of public reserves and cycling infrastructure that are in close proximity to the Affected Area.</i></p> <p><i>Goodwood Library and Community Centre are located 1.1km east of the site, resulting in a 13min walk.</i></p> <p><i>Goodwood Primary School is a 1.1km (14min) walk east of the Affect Area, with a childcare centre in close proximity.</i></p> <p><i>Black Forest Primary School is a 1.9km (23min) walk south of the Affected Area.</i></p> <p><i>Clarence Park Community Centre and Clarence Park Community Kindergarten are located 1.4km (17min) walk south of the Affected Area.</i></p>
<p><i>Biodiversity</i></p>	
<p><i>P92. Support the enhancement of the urban biodiversity of metropolitan Adelaide through the development of greenways in transit</i></p>	<p><i>The Affected Area is approximately 70m north of the Brown Hill Creek walking path and watercourse.</i></p>

<p><i>corridors, along major watercourses, linear parks and the coast and in other strategic locations.</i></p>	<p><i>The Code Amendment will seek to facilitate green infrastructure within the Affected Area and along the streetscape to enhance biodiversity in the locality.</i></p>
<p>P95. <i>Support the enhancement of the urban biodiversity of metropolitan Adelaide through a connected and diverse network of green infrastructure.</i></p>	
<p>Open space, sport and recreation</p>	
<p>P99. <i>Ensure quality open space is within walking distance of all neighbourhoods to:</i></p> <ul style="list-style-type: none"> <i>• link, integrate and protect biodiversity assets and natural habitats</i> <i>• provide linkages to encourage walking and cycling to local activities, local activity centres and regional centres</i> <i>• be multi-functional, multi-use (including the shared use of strategically located school facilities) and able to accommodate changing use over time</i> <i>• incorporate the principles of Crime Prevention Through Environmental Design for safety and amenity</i> <i>• contain appropriate and low-maintenance species and locate trees to maximise shade</i> <i>• encourage unstructured recreation opportunities such as the provision of a variety of paths and children's play equipment</i> <i>• foster a connection to the natural environment through the provision of nature play spaces and urban forest opportunities.</i> 	<p><i>See comments above regarding P75, P76, P80 and P86 in relation to cycling infrastructure, local activity centres (i.e. shops and community facilities)</i></p> <p><i>The Design in Urban Areas General Development Policies will provide guidance regarding Crime Prevention through Environmental Design.</i></p>
<p>Climate Change</p>	

<p>P107. Increase the proportion of low-rise, medium-density apartments and attached dwellings to support carbon-efficient living.</p>	<p>The proposed zoning and Technical & Numeric Variations will support achieving medium residential density.</p>
<p>P110. Encourage the adoption of best practice waste management design and systems in high-density residential and mixed use developments.</p>	<p>The Design in Urban Areas General Development Policies will provide guidance regarding Waste Management.</p>
<p>Water</p>	
<p>P115. Incorporate water-sensitive urban design in new developments to manage water quality, water quantity and water use efficiency and to support public stormwater systems.</p>	<p>The Code Amendment will retain the Hazards (Flooding General) Overlay.</p> <p>The Design in Urban Areas General Development Policies will provide guidance regarding Stormwater Management.</p>
<p>P117. Increase the provision of stormwater infrastructure (including water sensitive urban design) to manage and reduce the impacts of:</p> <ul style="list-style-type: none"> • run-off from infill development • urban flooding from increased short-duration intense rainfall events associated with climate change • pollution from roads and other developed areas. 	
<p>Emergency management and hazard avoidance</p>	
<p>P118. Minimise risk to people, property and the environment from exposure to hazards (including bushfire, terrestrial and coastal flooding, erosion, dune drift and acid sulphate soils) by designing and planning for development in accordance with a risk hierarchy of:</p> <ul style="list-style-type: none"> • avoidance • adaptation • protection. 	<p>The Code Amendment will retain the Hazards (Flooding General) Overlay.</p>

<i>P121. Ensure risk posed by known or potential contamination of sites is adequately managed to enable appropriate development and safe use of land.</i>	<i>The Site Contamination General Development Policies will provide guidance regarding Site Contamination Management.</i>
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3.3. 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 the proposed Code Amendment:

City of Unley Community Plan 2033	Code Amendment Alignment with Other Relevant Document
<i>Community Living: People value our City with its enviable lifestyle, activities, facilities and services.</i>	<i>The Code Amendment will provide the opportunity for medium density residential development, taking advantage of the public transport options, public reserves, shops, community facilities and cycling infrastructure in close proximity to achieve the objectives for Community Living and Environmental Stewardship.</i>
<i>Environmental Stewardship: We will maintain and enhance our urban environment, and strengthen our City's resilience to climate change by providing leadership to our Community.</i>	
City of Unley Economic Development Growth Strategy 2021-2025	Code Amendment Alignment with Other Relevant Document
Objective 2 – People & Places	
<i>2.2 Prioritise the redevelopment of strategic sites</i>	<i>The Affected Area is considered to be a strategic site, where the existing land use no longer meets the community preference and can be replaced with medium density residential development to complement the existing locality.</i>
<i>2.4 Optimise and diversify the City's population within existing dwellings</i>	<i>By allowing for medium density residential development, the Code Amendment can allow for a diverse range of dwelling typology, that will contribute towards a</i>

	<i>diverse population across the City of Unley.</i>
<i>2.5 Promote the economic benefits of integrating environmental design principles in new developments and public realm upgrades</i>	<i>The Code Amendments allows for the entire site to be master planned, coordinated and developed at the same time and to contribute towards consistent streetscape and public realm upgrades and/or the retention of existing recent upgrades to the public realm</i>
Unley Integrated Transport Strategy	Code Amendment Alignment with Other Relevant Document
<p>Focus Area 1, Active Transport:</p> <ul style="list-style-type: none"> <i>• Unley is recognised as a leader in providing connected, efficient and safe active transport choices;</i> <i>• Active transport options are more utilised by the local community.</i> 	<p><i>The Affected Area benefits from three (3) modes of high frequency public transport, 650m (8min) walk to the Goodwood Road Train Station, 600m (7min) walk to the Forestville Tram Stop and 400m (5min) walk from the nearest bus stop along Anzac Highway.</i></p> <p><i>Leader Street has existing cycling infrastructure that connects up to the Marino Rocks Greenway cycling path that runs parallel to the trainline. Located south of the Affected Area (2min ride) is the Mike Turtur cycling path future residents can make use of.</i></p>
<p>Focus Area 3, Public Transport and Shared Transport:</p> <ul style="list-style-type: none"> <i>• Unley residents enjoy connected and accessible public transport and shared transport options;</i> <i>• Our public transport networks provides for the existing future needs of our community.</i> 	
<p>Focus Area 2, Parking:</p> <ul style="list-style-type: none"> <i>• Unley is recognised for its proactive, innovative, and customer centric approach to parking management;</i> <i>• Equitable and convenient parking options are delivered throughout the City.</i> 	<i>Future development will follow the guidance of the Transport, Access and Parking General Development Policies regarding medium density residential parking requirements.</i>

<p>Focus Area 4, Traffic Management and Road Safety:</p> <ul style="list-style-type: none"> • Unley is recognised as a leader in road safety and traffic management outcomes; • Safety is at the core of all of our infrastructure, traffic and transport management initiatives; • Unley’s street and path networks provide effective, safe routes for all users. 	<p>The Code Amendment will allow the commercial bakery use to be replaced with a more compatible residential uses, thereby removing the number of commercial vehicles and trucks that currently visit the site. It is noted that currently the existing land use requires heavy vehicles to be parked frequently along Leader Street. These vehicles often reduce the visibility for vehicles turning onto Leader Street from Leah Street due to their size.</p>
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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 Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
<p>Contamination advice – prepared by Toby Carter Consulting (Attachment B)</p>	<p>A high-level overview of the various contaminated site investigations done to date including:</p> <ol style="list-style-type: none"> 1. South Australian Health Commission (SAHC) Report on Preliminary Site Assessment Report, Buttercup Bakeries, 10 November 1992; 2. URS Australia Pty Ltd Report on Final Report, Phase 1 Environmental Site Assessment, Forestville, SA, dated 13 May 2008 3. URS Australia Pty Ltd Report on Phase II Environmental Site 	<p>A referral to the EPA will be required when future Development Applications are lodged.</p> <p>The EPA indicated (Appendix C) that a full assessment of site contamination can be deferred to the Application assessment stage, noting there will be a Referral requirement due to the site moving to a more sensitive land use.</p>

	<p><i>Assessment, Forestville, SA, 1 December 2010</i></p> <p><i>4. URS Australia Pty Ltd Report on Additional Phase II Environmental Site Assessment, Forestville, SA, dated 26 October 2011</i></p> <p><i>These reports included site history, site use and potential sources of contamination.</i></p> <p><i>Toby Carter Consulting has engaged the SA EPA discussing expectations for the Code Amendment (Appendix C).</i></p>	
Site Survey	<p><i>Site Survey undertaken by Alexander Symonds (Appendix D)</i></p>	Nil

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
<i>Additional Contamination Assessments</i>	<p><i>As per the recommendations of Toby Carter Consulting:</i></p> <ul style="list-style-type: none"> <i>• Update the site history into one consolidated document, providing a clearer and simpler understanding of the site history.</i> <i>• Additional groundwater assessment will be undertaken that may include sampling of the current ‘well’ network and/or the drilling, installation and sampling of additional wells.</i> <i>• A conceptual site model will be prepared. This model will be used as the basis of an assessment for contamination risks that may be posed, and used to address the EPA’s requirements.</i> <p><i>Toby Carter Consulting have been engaged to undertake this work.</i></p>

<p><i>Traffic and Transport Impact Assessment</i></p>	<p><i>The Traffic and Transport Impact Assessment will investigate:</i></p> <ul style="list-style-type: none"> • <i>The traffic and transport implications of the proposed Code Amendment, including a 'Traffic Impact Study' to determine the impact of the proposed Code Amendment on the surrounding transport network;</i> • <i>Traffic generation characteristics associated with future development of the Affected Area;</i> • <i>Any infrastructure improvements that may be required (including timing and costs);</i> • <i>How the proposed rezoning will support walkable neighbourhoods including potential pedestrian and cycling linkages;</i> • <i>Vehicular access arrangements to and from the Affected Area; and</i> • <i>Appropriate parking provision to support future development of the Affected Area.</i> <p><i>Cirqa Traffic Consultants have been engaged to undertake this work.</i></p>
<p><i>Flooding, Hydrology and Stormwater Investigations;</i></p>	<p><i>Flooding, Hydrology and Stormwater Investigations will generally cover the following:</i></p> <ul style="list-style-type: none"> • <i>A review of the Hazards (Flooding General) Overlay applicable to the Affected Area;</i> • <i>Identify and model potential flooding, hydrology and surface water flows in and around the Affected Area, both in pre-development and post-development conditions;</i> • <i>Determine whether a finished floor level minimum is required to mitigate any issues from potential floodwaters; and</i> • <i>Identify and provide indicative costs to any infrastructure required to mitigate flooding potential.</i> <p><i>PT Design have been engaged to undertake this work.</i></p>
<p><i>Land Use Interface Investigations</i></p>	<p><i>The Land Use Interface Investigations will be undertaken including the suitability of existing Planning and Design Code Policy to successfully manage and address:</i></p> <ul style="list-style-type: none"> • <i>The design, character and visual appearance of buildings;</i> • <i>The heights, bulk, scale and visual impact of buildings;</i> • <i>Building setbacks in relation to surrounding land; and</i>

	<ul style="list-style-type: none"> • <i>Interface impacts including visual privacy, access to sunlight / overshadowing and acoustic privacy.</i> <p><i>Ekistics Planning are engaged to undertake this work.</i></p>
<i>Civil Infrastructure Investigations</i>	<p><i>Civil Infrastructure Investigations will review:</i></p> <ul style="list-style-type: none"> • <i>Existing servicing and infrastructure to the Affected area in relation to supply of:</i> <ul style="list-style-type: none"> ▪ <i>Potable Water,</i> ▪ <i>Recycled Water;</i> ▪ <i>Wastewater;</i> ▪ <i>Electrical;</i> ▪ <i>Gas;</i> ▪ <i>Communications; and</i> ▪ <i>Any other services as relevant.</i> • <i>Capacity of existing systems and any required upgrades to facilitate an ultimate development outcome in the Affected Area.</i> <p><i>Building Services Engineers (BSE) have been engaged to undertake this work.</i></p>

4.3. Engagement Already Undertaken

In accordance with Practice Direction 2, the City of Unley Council been consulted on this proposal and have advised of their in-principal support for a zoning review.

The Council's correspondence is provided as **Attachment E**. In summary, the following matters were raised by the Council:

- *The current Unley Planning Strategy supports a rezoning, generally at the higher end of the medium density range (70 dwellings per hectare net) for the subject site;*
- *Support a scale of 3 storey generally, which respects the lower form of the southern frontage of Leader Street and surrounding low-rise and low-density zone;*
- *Support potential for limited 4 storey in a core area towards the centre of Leader Street frontage due to the large area of the site and greater height of the Urban Corridor (Living) Zone and anticipated development to the north of Leader Street;*
- *Ensure a building envelope within an interface of a 30 degree plane from 3 metres above ground level at the zone boundary, and/or corresponding varied height limits of 1, 2, 3 and more storeys at appropriate setbacks, to afford a commensurate sensitive building scale transition to adjoining low rise and density zone and nature of development;*

- *Anticipate long term changes identified in Concept Plan 110 in Planning and Design Code for intersection of Leah and Leader Street in the site planning and proposed setbacks and built form;*
- *Achieve street setbacks at ground level in order of 3 to 4 metres to Leader Street and 4 to 6 metres to side streets, and greater for heights above two storeys, to respect the adjacent building setbacks pattern and afford an opportunity for dwelling separation and green spaces along street frontages;*
- *Provide setbacks to rear southern boundary of 5 to 6 metres to afford appropriate building separation and space for softening and screening landscaping;*
- *Support small scale ground floor level uses that encourage community interaction and activation at street level;*
- *Consolidate vehicle access points to a minimum number, away from junctions and conflict areas, and shared between Leah Street, First Avenue and Leader Street;*
- *Maximise active frontages to Leader Street, providing continuous pedestrian environment and building setback to create an improved public realm and street presentation;*
- *Establish a number of pedestrian walkways through the site with the careful articulation of building mass as well as beneficial connection with public realm and new on-site communal open spaces;*
- *Optimise provision of on-street parking, in addition to achieving applicable onsite visitor parking requirements within the site, as well as public and private bike parking facilities;*
- *Integrate waste and service vehicles loading and coordinated collection on-site with provision for vehicle forward access into site and forward egress from site; and*
- *Ensure minimum 15% deep soil and tree canopy to optimise greening, amenity and urban heat mitigation within and around site.*

4.4. Further Engagement Proposed

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

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
<i>City of Unley</i>	<i>Additional engagement will be undertaken with the City of Unley in relation to the Code Amendment. The purpose of this additional engagement will be to identify and resolve planning matters of local significant to the Council and its local community.</i>
<i>Neighbouring land owners and occupiers</i>	<i>The Proponent will comply with the Community Engagement Charter for the purposes of consultation in relation to the Code Amendment process. Also, if the Code</i>

	<p><i>Amendment has a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally), the Proponent will comply with Regulation 20 of the Planning, Development and Infrastructure (General) Regulations 2017, by giving notice to:</i></p> <ul style="list-style-type: none"> <i>• the owners or occupiers of the land; and</i> <i>• owners or occupiers of each piece of land within proximity of the site.</i> <p><i>A community meeting would also be held (subject to demand).</i></p> <p><i>A detailed Engagement Plan will be prepared following initiation of the Code Amendment.</i></p>
<p>Key State Agencies</p>	<p><i>Engagement with the following state agencies and service providers may also be required to identify key planning and environmental considerations, servicing and augmentation requirements relating to the Code Amendment:</i></p> <ul style="list-style-type: none"> <i>• Attorney General’s Department – Planning and Land Use Services (Planning consideration)</i> <i>• Department of Infrastructure and Transport (Traffic and access considerations)</i> <i>• South Australian Environment Protection Agency (Site contamination considerations)</i> <i>• Adelaide Airport (Airport Building Heights Overlay change)</i> <i>• S.A Water (Potable water and sewer)</i> <i>• APA Group (Gas connections)</i> <i>• NBN Co, Nextgen and Optus (Telecommunications)</i> <i>• SA Power Networks (Electrical)</i>

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 Designated Entity will prepare an Engagement Plan prior to the commencement of engagement on the proposed Code Amendment. The Engagement Plan will include 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 to 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 **Attachment F**. 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.

ATTACHMENT A
Maps of Affected Area



 AREA AFFECTED

 CADASTRE

 TRAINLINE

 TRAMLINE





 SUBJECT SITE  CADASTRE



0310-005



0310-003



ATTACHMENT B
Contamination Advice, Toby Carter Consulting



26 October 2021

Reference No: 21004J-001A

Lauren Talifero
Harmony Property Investments
Level 1, 60 Light Square
Adelaide SA 5000

CONTAMINATION ADVICE – FORESTVILLE CODE AMENDMENT

Dear Lauren

Introduction

Harmony Property Investments (Harmony) is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to its land located at 4 Leah Street / 95 to 103 Leader Street, Forestville (the Affected Area).

Ekistics, on behalf of Harmony, is preparing a 'Proposal to Initiate' which seeks the approval of the Minister for Planning and Local Government (the Minister) to initiate the Code Amendment under section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act). The Proposal to Initiate describes, amongst other things, 'Investigations Already Undertaken' and 'Further Investigations Proposed'. Given the known potential for there to be contamination issues at the site, the Proposal to Initiate will need to make specific reference to contamination investigations.

With the above in mind, this letter has been prepared for the purpose of being attached to, and referenced by, the Proposal to Initiate. It includes a summary of the following:

1. Investigations Already Undertaken for the Affected Area.
2. Current use and, on the basis of the above, site history and contamination that may impact the Affected Area.
3. The nature of the proposed Code Amendment as it relates to sensitivity of land use relative to that already permitted by the current Policy.
4. Outcomes of liaison with SA EPA regarding expectations for the Code Amendment.
5. Further Investigations Proposed for the Affected Area.

Investigations Already Undertaken

The following reports and related documentation exist for the Affected Area and have been considered in provision of this advice:

1. South Australian Health Commission (SAHC) Report on *Preliminary Site Assessment Report, Buttercup Bakeries*, dated 10 November 1992 (reference SAHC 08/141/569) referred to hereafter as 'SAHC, 1992'.
 - Documents a Preliminary Site Assessment prepared by SAHC and based on a SA Housing Trust report prepared by Nicholas Calabrese and Associates.
 - The assessment considered use of the site for residential purposes.
 - The investigation scope included a detailed site history (including valuable data obtained from personnel interviews) and the drilling of 12 soil bores across the site (noting a borehole location plan is not available to view).
 - Underground storage tanks (USTs) were noted as being present on site and were inferred as being as a result of the sites prior use (i.e., prior to use as a bakery).
2. Three reports prepared by URS Australia Pty Ltd for Goodman Fielder (the then owner) as part of its vendor due diligence prior to its sale of the site to Harmony:
 - URS Australia Pty Ltd Report on *Final Report, Phase 1 Environmental Site Assessment, Forestville, SA*, dated 13 May 2008 (reference 42177598) referred to hereafter as 'URS, 2008'.
 - URS Australia Pty Ltd Report on *Phase II Environmental Site Assessment, Forestville, SA*, dated 1 December 2010 (reference 42657530) referred to hereafter as 'URS, 2010'.
 - URS Australia Pty Ltd Report on *Additional Phase II Environmental Site Assessment, Forestville, SA*, dated 26 October 2011 (reference 42657676) referred to hereafter as 'URS, 2011'.

The reports document the following:

- The three reports included a comprehensive site history, drilling of twelve soil bores and the installation and sampling of seven groundwater monitoring wells, primarily to assess if the identified USTs had impacted groundwater.
 - At least four USTs were identified at the site (T1 to T4). Three USTs (T1 to T3) are located in the loading bay in the southwest corner of the site, their location and extent being well understood. The fourth UST (T4) is located somewhere on the eastern boundary of the site; however, its exact location could not be determined.
 - The investigations resulted in notification to EPA under Section 83A of the Act in 2010, notably for inorganics as opposed to hydrocarbons (i.e., there was no identified impact from the USTs).
3. SA Environment Protection Authority letter *Re: Review of Site Contamination Report Outcomes – Action Required*, dated 26 November 2020 (reference EPA GENI 60318) referred to hereafter as 'EPA, 2020'.
 - It is understood that EPA assessed a number of sites in the vicinity of Keswick following establishment of its Keswick Assessment Area (refer <https://engage.epa.sa.gov.au/Keswick>).
 - EPA reviewed three reports from the public register in relation the site being SAHC, 1992 and two prepared by URS (2010 and 2011).
 - EPA stated (amongst other things) that while the assessment of contamination at the site to date had been inadequate to determine nature and extent, it would not be regulating the site.

Site history, site use and contamination

Collectively, the four existing assessment reports provide a detailed site history, an overview of which is provided below:

- As early as the 1920s there was a bakery located on the eastern portion of the Affected Area. The western portion, by comparison, was occupied by TJ Richards since 1924, a vehicle body manufacturer. Other uses indicated to have occurred on site or in the vicinity in the 1920s include horse stables, a motor mechanic, bootmaker and blacksmiths.
- The use of the western portion of the site by TJ Richards (which later became Chrysler) occurred until 1966 when the bakery use extended across the entire Affected Area. Activities undertaken by TJ Richards / Chrysler included prototype styling. This included use of an onsite timber mill and furnace to allow for wooden templates to be constructed that would be used to cast moulds for future car panels. Bulk manufacturing and assembly of vehicles did not occur on the site.
- It is unclear whether the USTs were associated with use by Chrysler or the bakery; regardless, contents appear to have been petrol and diesel.

Regarding current use, a detailed description of the activities undertaken at the Affected Area is described in URS, 2008, following which very little has changed. In summary:

- The site is used for the production of baked goods by the tenant (and prior owner) Goodman Fielder. This includes the use of raw baking materials on site.
- The nature of the site's current use for food production necessitates high levels of cleanliness and hygiene. There are no notable current activities that represent potential sources of contamination other than the storage of minor volumes of lubricants for machinery.
- The USTs remain at the site and have not been decommissioned.

Regarding findings of the intrusive investigations undertaken at the Affected Area:

- Fill depth is variable, being from approximately 0.7 m depth to 1.5 m depth.
- Furnace residue (i.e., slag and coke), brick chips and iron pieces were observed in samples of fill.
- Quality of the fill appears to be very variable with high concentrations of lead in some locations and concentrations below the lab's limit of reporting elsewhere. High concentrations of PAHs are also present.
- While some low concentrations hydrocarbons were identified in soil collected from around the USTs in the loading bay, hydrocarbons were not identified in groundwater.
- There is no data for groundwater immediately downgradient of the UST referred to as T1 located on the eastern boundary given issues with accessing the operational areas of the site and that the exact location of the UST cannot be confirmed.

Land use sensitivity and the Planning Policy

- The current Established Neighbourhood Policy for the site primarily supports low density residential use, similar to that which surrounds the site. This is considered an Item 1 'sensitive' land use in accordance with Practice Direction 14 - Site Contamination Assessment 2021 ('the Practice Direction').
- Harmony's preference is that the Code Amendment allow for a higher density residential use (i.e., townhouse or apartment based residential being medium to high density).
- In this instance, the proposed Code Amendment would see a change to a less sensitive use being permitted, i.e., low density residential uses changing to medium / high density residential uses mixed with various local amenity uses, noting that any residential use still constitutes a sensitive use in accordance with the Practice Direction.
- Critically, and as is often the case with Code Amendments, it would not see more sensitive land uses being permitted that are not currently envisaged by the Policy.

- In the past, and where a Code Amendment that permits a sensitive use has been pursued, the expectation has been that as a minimum, Interim Audit Advice (IAA) will be provided. This requires commencement of a Site Contamination Audit (SCA).
- In the last 12 months, the introduction of the *Planning, Development and Infrastructure Act 2016* and related Statutory Instruments (and in particular the Practice Direction) has brought a more structured and well-defined process for the assessment of 'Development' in relation to contamination. In particular, the future anticipated change in land use from 'Item 7 – Industrial' to any other use allowed for by the Code Amendment would require an assessment of Site Contamination in accordance with the Practice Direction. Further, given the site is subject to a Section 83A notification and is located within a Groundwater Prohibition Area, referral of the Development Application to the EPA would be mandated.

Liaison with SA EPA

- With the above in mind, a meeting was held with EPA on 26 July 2021 to discuss expectations for the Code Amendment and in particular to test the assumption that IAA would be required for the Code Amendment.
- As a follow up to the meeting, EPA indicated the following:
"Noting the new formalised process for assessing site contamination at DA stage, it is considered that the full assessment of site contamination can be deferred to the DA stage".
- Noting the above, additional expectations for provision of information as part of the Code Amendment were also communicated by EPA. These are discussed below.

Further Investigations Proposed

The following investigations are proposed:

- Updated site history: while collectively, the existing four reports referenced herein provide detailed information and a good foundation for the site history, it is proposed that the information be supplemented, rationalised and mapped with the intention that there can be a clearer and simpler understanding of what occurred, where and when. This will enable a more targeted conceptual site model to be developed.
- Additional consideration of groundwater: it is noted that there has been no monitoring of groundwater since 2011. It is therefore proposed that additional assessment of groundwater occur. Subject to the outcomes of the updated site history and the operability of the existing on-site wells, additional assessment will be undertaken that may include sampling of the current well network and/or the drilling, installation and sampling of additional wells.
- Conceptual site model: based on the findings of both of the above, a conceptual site model will be prepared. This will be used as the basis of an assessment or contamination risks that may be posed. Further, it will also be used to address EPA's requirements for information to be provided with the Code Amendment; specifically, the following:
 - A summary of the known contamination issues relating to the site.
 - Reference to the previously prepared site contamination reports.
 - An outline of the potential or known human health risks.
 - A discussion of the known site contamination and potential for human health impacts in the context of the proposed zone.

Closing

I trust that this proposal meets your needs. If you have any queries or would like me to provide additional detail on any aspects of the advice, please don't hesitate to contact me on 0414 297 980.

Best regards



Toby Carter
Principal Consultant

Limitations

- This report is provided for use solely by Toby Carter Consulting's Client and persons acting on their behalf. Toby Carter Consulting has no responsibility and offers no reliance to any other person who relies or makes decisions based upon this report or who makes any other use of this report.
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- The passage of time may affect the accuracy and applicability of the assessment and advice documented in this report. The report is based upon the information and other circumstances that existed and were known when the assessment was undertaken, and this report was prepared.

ATTACHMENT C
EPA Correspondence

Rebecca Thomas

From: Chrystal, Melissa (EPA) <Melissa.Chrystal@sa.gov.au>
Sent: Thursday, 29 July 2021 4:20 PM
To: Rebecca Thomas
Subject: FW: CONFIDENTIAL - Proponent Initiated Code Amendment - Forestville [SEC=Government, DLM=Sensitive:Commercial]
Attachments: L 20201028 NSA Closure (002).pdf; 0310-001 Existing Zoning r3-01.jpg
Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

Hello Beck,

Good to catch up and discuss the proposed Code Amendment at the Goodman Fielders Bakery site at Forestville.

As you are aware, the planning system now requires site contamination assessment to be undertaken when assessing a development application proposing a change of use to a more sensitive use. Regardless of the form or density of the site, the proposal to change the use of the land from a commercial bakery to a mixed use development including residential dwellings constitutes a change of use to a more sensitive use. Therefore any future DA will be captured by the new system requirements and require an assessment of site contamination. The DA will need to be accompanied by a PSI report (unless an audit for the site has been prepared in the last 5 years), a completed Site Contamination Declaration Form, a copy of the Certificate of Title and any audit prepared for the site. As the site is subject to a s83A notification and is located within a Groundwater Prohibition Area, an EPA referral is mandated.

Noting the new formalised process for assessing site contamination at DA stage, it is considered that the full assessment of site contamination can be deferred to the DA stage. It is also noted that the proposal to rezone the site from lower density residential to medium density residential as part of a mixed use development is not considered to increase the site contamination risk.

Notwithstanding, it is expected the Code Amendment document will:

- summarise the known contamination issues relating to the site
- reference the previously prepared site contamination reports
- outline the potential or known human health risks, and
- discuss known site contamination and potential for human health impacts in the context of the proposed zone.

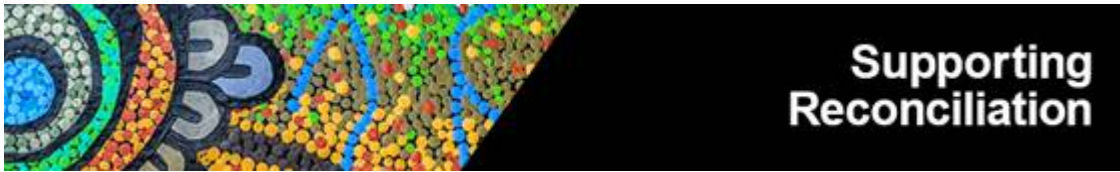
If you have any further enquiries, please contact me (via return email in the first instance) to discuss.

Kind regards,

Melissa

Melissa Chrystal
Senior Planning Adviser (Projects and Assessment)

Environment Protection Authority
T: (08) 820 41318
211 Victoria Square, Adelaide 5000



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Sensitive: Commercial

Classified by melissa.chrystal@sa.gov.au on 29/07/2021 4:19:58 PM

From: Riggs, Hayley (EPA) <Hayley.Riggs@sa.gov.au>
Sent: Monday, 28 June 2021 10:24 AM
To: Chrystal, Melissa (EPA) <Melissa.Chrystal@sa.gov.au>
Subject: FW: CONFIDENTIAL - Proponent Initiated Code Amendment - Forestville
Importance: High

Hi Melissa

Can you please follow up in relation to this request?

Thanks

Hayley Riggs

Principal Adviser Development Assessment

Strategy and Assessment Directorate | Planning and Impact Assessment Branch
Environment Protection Authority
P (08) 8207 1916
211 Victoria Square Adelaide 5000

From: Rebecca Thomas <rthomas@ekistics.com.au>
Sent: Monday, 28 June, 2021 10:21 AM
To: Riggs, Hayley (EPA) <Hayley.Riggs@sa.gov.au>
Subject: CONFIDENTIAL - Proponent Initiated Code Amendment - Forestville
Importance: High

Dear Hayley

Further to my phone call, I am hoping to set up a meeting with yourself and Rebecca Hughes (or Gabrielle Wigley) with respect to a proposed Code Amendment for a parcel of land in Forestville. The site relates to the property

referenced in the attached EPA correspondence. Ekistics are engaged by Harmony Property Investments (MRS Property) to prepare the Proponent Initiated Code Amendment to rezone the land (currently occupied by the Goodman Fielder Bakery). While the site is currently used as a lawful industrial activity (commercial bakery) it is currently zoned for low scale residential in the **Established Neighbourhood Zone** under the P&D Code. Harmony seek to explore the potential rezoning of the land to allow for medium density residential development, such as a mix of a mid-rise 3-4 storey apartment building and some complimentary townhouses.

Toby Carter from TC-Consulting (formerly Golder) is also engaged by Harmony to provide advice in relation to the site contamination issues.

Obviously further site testing and future remediation will be required; however we are keen to discuss the EPA's expectations on the extent of site investigation work required during a Code Amendment process noting that the intention is to rezone the land from low density residential to med/high density residential.

Would you and Rebecca have time to meet with Toby and myself to discuss this?

Please note that we have not yet submitted the Code Initiation documents but have commence discussions with AG-Plus via Nadia Gencarelli.

Kind Regards,

Beck Thomas
Director



Level 1, 16 Vardon Avenue, Adelaide SA 5000

M 0474 894 433

W ekistics.com.au

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Environment Protection Authority

GPO Box 2607 Adelaide SA 5001

211 Victoria Square Adelaide SA 5000

T (08) 8204 2004

Country areas 1800 623 445

EPA GENI 60318

Ms Carol Olsen
National Portfolio Manager
Harmony Property Investments
PO Box 235
Rundle Mall SA 5000
colsen@mrs.com.au

Dear Ms Olsen

RE: REVIEW OF SITE CONTAMINATION REPORT OUTCOMES – ACTION REQUIRED

Site: Goodman Fielder Bakeries, 4 Leah Street, Forestville (CT5853; CT5751/953; CT5751/952)

The EPA has completed a review of all information on the EPA Public Register regarding the site.

- South Australian Health Commission, RE: Forestville, Buttercup Bakeries, 10 November 1992
- URS Australia, Phase II Environmental Site Assessment, Forestville SA, 1 December 2010
- URS Australia, Additional Phase II Environmental Site Assessment, Forestville SA, 26 October 2011

Based on this information the site has been deemed to be a Level 3 regulatory priority in accordance with the EPA Site Contamination Regulatory and Orphan Site Management Framework. This means that the potential for human health and environmental exposure due to the historically potentially contamination activities undertaken at the site; use of contaminated fill material; and storage of fuels in underground storage tanks, are considered low. This priority level assists the EPA in selecting the appropriate regulatory approach and any necessary reporting timeframe to ensure that site contamination is managed effectively.

The EPA considers that the assessment undertaken at the site in 2010 and 2011 is inadequate to understand the nature and extent of site contamination at the site. The EPA considers it would have been prudent for consultants to undertake a subsequent groundwater monitoring event to check the validity of the 2011 groundwater monitoring results given the disparity in results between the 2010 and 2011. However, given the site is within the recently established groundwater prohibition area¹ which includes portions of Keswick, Forestville, Ashford, Everard Park, Wayville and Mile End South, the EPA considers there is minimal risk in relation to the use of groundwater in the area.

The 2010 Phase II Environmental Site Assessment identified site contamination in soil and groundwater and the 2011 Additional Phase II Environmental Site Assessment again identified site contamination in soil.

The 2010 notification to the EPA of site contamination of underground water has been deemed to be complying and its details have been recorded in the EPA Public Register². This information will be made available to interested parties upon written enquiry to the Public Register Administrator of the EPA and are included in the Public Register Index on the EPA website (<http://www.epa.sa.gov.au>). The information will also be available to all prospective purchasers of the site in the Form 1 of the Regulations under the *Land and Business (Sale and Conveyancing) Act 1994* (refer to the 'Particulars Relating To Environment Protection'), and through Section 7

¹ Pursuant to section 103S of the *Environment Protection Act 1993*

² In accordance with section 109(3)(i) of the *Environment Protection Act 1993*

statements. Relevant government bodies and utilities have also been informed of the presence of site contamination at the site, primarily for the protection of worker safety.

You are informed that based on the groundwater prohibition in the area, the ongoing use of the site as commercial/industrial, and the information that the EPA holds, the site has been deemed suitable for closure.

As such, the EPA will no longer be actively regulating the site and no further assessment or remedial works are required of you at this time. You are advised however, that the EPA reserves the right to request further work of your company if new information suggests that site contamination related to the site poses a potential risk to human health or the environment.

Please note that the site is suitable for a non-sensitive land use³ only and that if the site is to be developed for a sensitive use then the EPA recommends that a site contamination audit be undertaken.

The EPA recommends that you keep this letter in your personal records for future reference.

If you would like further assistance on this matter please contact Gabrielle Wigley on (08) 8204 2049 or at gabrielle.wigley@sa.gov.au.

Yours sincerely

Rebecca Hughes

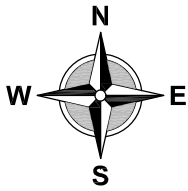
PRINCIPAL ADVISER, SITE CONTAMINATION

ENVIRONMENT PROTECTION AUTHORITY

Date: 26 November 2020

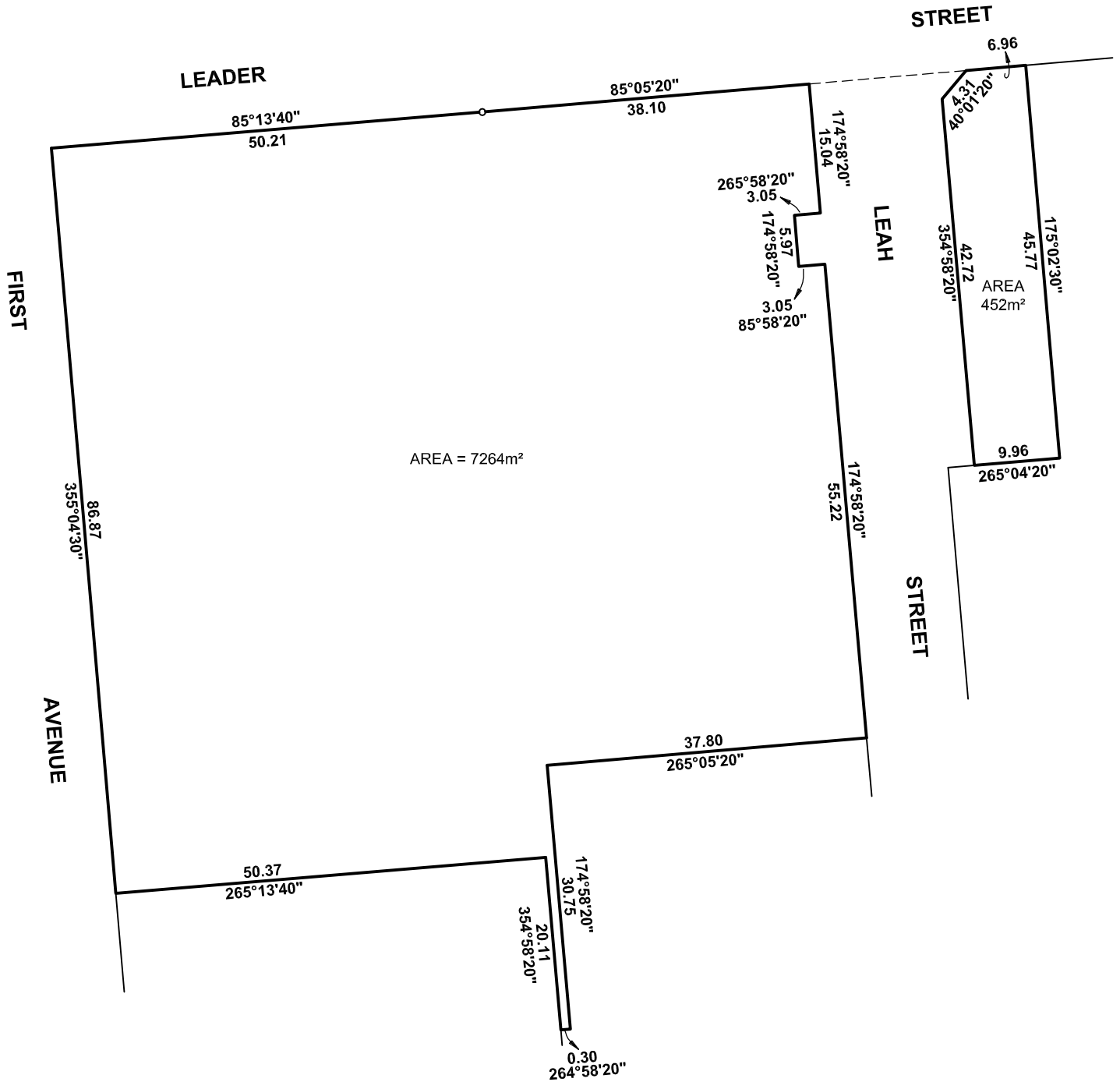
³ As defined in Section 3 of the EP Act

ATTACHMENT D
Survey



ALLOTMENT PLAN
ALLOTMENTS 27, 28, 29, 92 AND 93 IN DP 2463
ALLOTMENTS 201, 202, 203 204 AND 247 IN FP 9319
 IN THE AREA NAMED
FORESTVILLE
 HUNDRED OF ADELAIDE

CERTIFICATE OF TITLE : **VOLUME 5853 FOLIO 536**
VOLUME 5751 FOLIO 952
VOLUME 5751 FOLIO 953



Alexander & Symonds Pty Ltd
 11 King William Street Kent Town,
 South Australia 5067
 PO Box 1000 Kent Town, SA 5071
 DX 209 ABN 93007 753 988

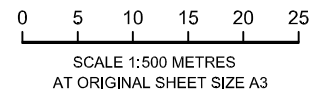
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F (08) 8362 0099
W www.alexander.com.au
E adelaide@alexander.com.au

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LEGEND

- MN DENOTES MASONRY NAIL
- MP DENOTES METAL PIN
- SPK DENOTES SPIKE
- PM DENOTES PERMANENT MARK
- FD DENOTES FOUND
- CT DENOTES CERTIFICATE OF TITLE
- F DENOTES FENCE
- GI DENOTES GALVANISED IRON



Brenton Carn
 LICENSED SURVEYOR

REFERENCE A033608.00

DWG No A033608PLAN

FIELD BOOK

JLG 11.07.2008

ATTACHMENT E
City of Unley Correspondence

6 October 2021

Rebecca Thomas
Director
Ekistics
Level 1 / 16 Vardon Avenue
Adelaide SA 5000
Via email: C/- rthomas@ekistics.com.au

Dear Rebecca

Confidential – Private Land Owner Initiated Code Amendment

4 Leah Street (97-103 Leader Street) Forestville

Thank you for your correspondence of 26 August 2021 regarding the proposal of land owner Harmony Forestville Pty Ltd to initiate a Private Proponent Planning & Design Code Amendment for the large site (7,264m²) at 4 Leah Street (97-103 Leader Street) Forestville.



The current Established Neighbourhood Zoning and Historic Area Overlay represent a transition of the former outdated zoning. It is recognised as being inappropriate for the southern frontage of Leader Street. The current Unley Planning Strategy supports a rezoning, generally at the lower end of the medium density range and for the subject large site at the higher end of the medium density range.



There is recognition that the substantial scale of the site, strategic location and incompatible industrial use warrant redevelopment for a complementary, primarily residential focussed development, facilitated by a medium density outcome.

The Unley Planning Strategy and associated zone parameters have been formulated on the basis of good urban design principles to identify an appropriate future nature of activity and desired building form for sites and precincts.

The key Principles of Good Design, promoted by the Office for Design & Architecture SA and adopted in the Planning and Design Code, are considered applicable for the consideration of the appropriate planning zone and policy outcome:

Contextual - *by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality:*

- Support medium density development, in the order of around 70 dwellings per hectare net, to achieve positive uplift opportunity, whilst respecting adjacent development character and amenity;
- Support a scale of 3 storey generally, which respects the lower form of the southern frontage of Leader Street and surrounding low-rise and low-density zone;
- Support potential for limited 4 storey in a core area towards the centre of Leader Street frontage due to the large area of the site and greater height of the Urban Corridor (Living) Zone and anticipated development to the north of Leader Street;
- Ensure a building envelope within an interface of a 30 degree plane from 3 metres above ground level at the zone boundary, and/or corresponding varied height limits of 1, 2, 3 and more storeys at appropriate setbacks, to afford a commensurate sensitive building scale transition to adjoining low rise and density zone and nature of development;
- Support a balanced approach to increased development with the provision of beneficial open spaces within the site and adjacent to surrounding streets; and
- Anticipate long term changes identified in Concept Plan 110 in Planning and Design Code for intersection of Leah and Leader Street in the site planning and proposed setbacks and built form.

Durable - *fit for purpose, adaptable and long lasting:*

- Support building design, articulation, materiality and appearance that respects but does not mimic surrounding residential building forms;
- Achieve street setbacks at ground level in order of 3 to 4 metres to Leader Street and 4 to 6 metres to side streets, and greater for heights above two storeys, to respect the adjacent building setbacks pattern and afford an opportunity for dwelling separation and green spaces along street frontages;
- Provide setbacks to rear southern boundary of 5 to 6 metres to afford appropriate building separation and space for softening and screening landscaping; and
- Support small scale ground floor level uses that encourage community interaction and activation at street level.

Inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors

- Consolidate vehicle access points to a minimum number, away from junctions and conflict areas, and shared between Leah Street, First Avenue and Leader Street;
- Maximise active frontages to Leader Street, providing continuous pedestrian environment and building setback to create an improved public realm and street presentation;
- Establish a number of pedestrian walkways through the site with the careful articulation of building mass as well as beneficial connection with public realm and new on-site communal open spaces;
- Optimise provision of on-street parking, in addition to achieving applicable on-site visitor parking requirements within the site, as well as public and private bike parking facilities; and
- Integrate waste and service vehicles loading and coordinated collection on-site with provision for vehicle forward access into site and forward egress from site.

Sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.

- Limit building site cover and optimise extent of softening landscaping;
- Ensure minimum 15% deep soil and tree canopy to optimise greening, amenity and urban heat mitigation within and around site;
- Support green roofs, green walls and balcony opportunities to integrate green infrastructure to support a more sustainable development;
- Promote good site planning and passive building design to reduce ongoing building operational costs;
- Support use of recycled and low carbon materials; and
- Integrate on-site stormwater management of peak flow detention and retention for re-use within the development.

As part of allotment 201 there is an extension of a narrow strip of land 0.3 metres wide, running south behind properties on Leah Street and First Avenue, and its purpose and future use is unknown, and would benefit from clarification.

This advice represents that of the Council Administration and not necessarily that of the Elected Members or the Council.

Enquiries

Should you have any enquiries or additional clarification is required, please contact David Brown, Principal Planner at dbrown@unley.sa.gov.au

Ongoing liaison with Council is encouraged and would be welcomed to assist with the determination of refined zone and policy options for a mutually beneficial outcome for an appropriate site redevelopment and respect for the local context and community.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Tsokas', with a long horizontal flourish extending to the right.

Peter Tsokas
Chief Executive Officer

26 August 2021

REF No.: 00479-003

City of Unley
PO Box 1
Unley SA 5061

Attention: Mr David Brown

By Email: *C/- dbrown@unley.sa.gov.au*

Dear David,

CONFIDENTIAL - PROPONENT INITIATED CODE AMENDMENT - 95-103 LEADER STREET (4 LEAH STREET), FORESTVILLE

Further to previous discussions, we write on behalf of Harmony Forestville Pty Ltd (Harmony) who are seeking to initiate a Proponent Initiated Code Amendment to rezone a consolidated parcel of land they own in Forestville (currently occupied by the Goodman Fielder Bakery).

This correspondence seeks to inform Council regarding Harmony's intentions and formally initiate dialogue with Council on the potential Code Amendments process. This communication follows a number of informative meetings with yourself over recent years during which the possibility of a rezoning of the land has been suggested by Harmony.

1.0 Subject Land

The land of interest is identified as 95-103 Leader Street (officially 4 Leah Street), Forestville, sited directly opposite the former Le Cornu's site (10 Anzac Highway). The land comprises 7,264m² of land on the southern side of Leader Street and is more formally recognised as Certificate of Title Volume 5853 Folio 536 and Certificate of Title Volume 5751 Folio 953.

The site presents a frontage of some 88.3 metres to Leader Street, a Local Council road which connects Anzac Highway and Goodwood Road, and frontages of 86.9 metres to First Avenue and 76.2 metres to Leah Street.

The land has operated as a wholesale bakery manufacturing operation for many years and contains large warehouse buildings of two to three storey scale which cover the majority of the land and present a highly industrial appearance to all street frontages. Grain silo tanks are visible, together

Def: E-KIS-TICS [noun] : The Science of Human Settlements ...

with service infrastructure, numerous crossovers, roller doors, loading docks and expanses of blank wall.

The bakery operates 24 hours, 7 days a week (due to long established use rights).

2.0 Proposed Code Amendment

The Code Amendment is to be proposed pursuant to Section 73(2)(b) of the *Planning, Development and Infrastructure Act, 2016* (the Act) whereby a proposal to amend a designated instrument (i.e. the Planning and Design Code) may be initiated by “a person who has an interest in land and who is seeking to alter the way in which the Planning and Design Code or a design standard affects that land.”

Harmony Forestville Pty Ltd, the Proponent, is the registered proprietor (as shown on the relevant Certificates of Title) of the whole of the Affected Area, as identified in Figure 1.

Figure 1 Proposed Code Amendment Affected Area



3.0 Current Code Policy

Notwithstanding its lawful (and long established) use as an industrial bakery operation, the land is currently located within a low density **Established Neighbourhood Zone**.

This zone facilitates low density residential development comprising single storey dwellings on allotments of between 559-800m² (minimum site areas). On the subject site, this would yield as little as nine (9) to eleven (11) residential allotments.

Given the expenses associated with making the site suitable for residential development, including demolition of existing improvements, site works, remediation and services augmentation, the conversion of the land to low density residential development is deemed unviable.

Further, the large, strategically located site lends itself to a master planned, mixed-residential product outcome which is not possible under the current zoning.

Accordingly, Harmony seek to explore the potential rezoning of the land to allow for medium density residential development. The suitable alternative Zone has not yet been identified but an uplift in residential density and building height would be suggested.

Importantly, Harmony recognise that successful redevelopment of the land will hinge on the ability to sensitively manage the interface with adjoining low rise residential development to the south.

4.0 Code Amendment Reasoning

The unsuitability of the existing industrial use within an established residential area is well recognised. We understand the Council has long considered the bakery land use incompatible with the expectations of the surrounding residential area and the intent of the existing zone.

The key features and characteristics which make the subject site highly suited to medium density residential development include the following:

- A preliminary market analysis and development feasibility has demonstrated that strong demand exists in this locality for medium density residential development which indicates that the site has economic development potential that is likely to be realised in the short term;
- The site provides significant potential for mixed use with medium density outcomes that will assist to improve the amenity of Leader Street and the two side streets and provide opportunities to activate the street frontage in conjunction with the redevelopment of the former Le Cornu's site;

- The generous proportions of the land including depth of the site and full block site frontage to Leader Street offers flexible design options and the ability to sensitively manage the interface with adjoining low scale dwellings;
- The proximity of the land surrounded by established residential properties which abut the site to the south, east and west and the future redevelopment of the Le Cornu's site to the immediate north;
- The incompatibility of the existing industrial activity operating on the subject site which we understand has been the subject of complaints from adjoining residential properties over the years in relation to noise, traffic impacts and associated land use interface conflicts;
- The proximity of the site which is within walking distance of multiple public transport options including:
 - » within 400 metres of a designated transport route (265m to ANZAC Highway to the west);
 - » 480 metres to the Forestville Tram stop (south);
 - » 550 metres to the Goodwood Train station (east);
 - » immediately adjacent the bus service which runs along Leah Street to the city;
- The land is consolidated and has only one owner enabling a site wide development outcome to be realised; and
- The site can be economically serviced with all essential infrastructure including power, water, sewer, gas, communications.

Without a change in the current zoning, a desirable and viable infill development concept cannot be realised. Given the pending redevelopment of the adjacent former Le Cornu's site, the continuation of the existing industrial bakery operations are less than ideal and will detract from both the new development proposed while continuing to detrimentally impact on the existing residents in the locality.

We look forward to the opportunity to engage productively with Council on the Code Amendment request and would be pleased to meet and discuss the proposal further.

Yours Sincerely



Rebecca Thomas

Director

ATTACHMENT F

Timetable for Code Amendment by Proponent

Step	Responsibility	Timeframe
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	AGD	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)	AGD, 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 AGD	Designated Entity	8 weeks
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes	AGD	1 week
Preparation of Materials for Consultation	Designated Entity	TBA – informed by 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	TBA – informed by Engagement Plan
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared and lodged with AGD	Designated Entity	4 weeks
Assess the amendment and engagement. 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>	AGD	4 weeks
Consideration of Advice	Commission (Delegate)	2 weeks <i>(includes 1 week to process through Minister's office)</i>
	Commission	+ 3 weeks
Decision Process		

Step	Responsibility	Timeframe
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	AGD	2-4 weeks
Parliamentary Scrutiny		
Referral of approved Code Amendment to ERDC	AGD	8 weeks



TO: MINISTER FOR PLANNING

**RE: PROPOSAL TO INITIATE THE LEADER STREET BAKERY CODE
AMENDMENT BY HARMONY FORESTVILLE PTY LTD**

PURPOSE

To recommend that you approve, with conditions, the Proposal to Initiate the Leader Street Bakery Code Amendment (the Proposal).

BACKGROUND

Section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act) provides:

73 – Preparation and amendment

- (2) A proposal to amend a designated instrument may be initiated by—
- (b) with the approval of the Minister, acting on the advice of the Commission—
 - (vii) in relation to the Planning and Design Code or a design standard— a person who has an interest in land and who is seeking to alter the way in which the Planning and Design Code or a design standard affects that land.

Harmony Forestville Pty Ltd has lodged a Proposal to Initiate the Leader Street Bakery Code Amendment to amend the Planning and Design Code (the Code) as it relates to the affected area (**Attachment 1**).

The State Planning Commission (the Commission) considered the Proposal to Initiate at its meeting of 26 May 2022 and resolved to support the Code Amendment, subject to conditions.

A summary of the roles and responsibilities for you and the Commission in regard to the Code Amendment is provided in **Appendix A**.

A flowchart of the Code Amendment process is provided in **Appendix B**.

DISCUSSION

The following sets out the strategic, policy and procedural considerations in relation to the Proposal to Initiate, including conditions that are recommended should you agree to initiate the Code Amendment.

Proposal

The Proposal seeks to rezone 7,264m² of land occupied by a commercial bakery at 4 Leah Street (95-103 Leader Street), Forestville from the Established Neighbourhood Zone to the Urban Neighbourhood Zone to support medium density, medium rise residential development.

The current bakery has expanded to a point that it has outgrown the available land area and capacity of surrounding infrastructure, and is now considered incompatible with the surrounding residential area. The current Established Neighbourhood Zone is not considered to support viable redevelopment of the land.

The affected area and current zoning are shown in the figure below.



Strategic considerations

The following sets out the strategic considerations relating to this proposal and rationale for the Commission recommending support for the Code Amendment.

More details of the Commission's strategic priorities are provided in **Appendix C**.

An assessment against the State Planning Policies (SPPs) and relevant Regional Plan are provided in **Appendix D**.

Strategic advice

The Proposal seeks to rezone a consolidated land holding occupied by an existing and now constrained industrial bakery in Adelaide's Inner Metro Region. The rezoning will facilitate medium density residential and complementary non-residential uses. The rezoning seeks to take advantage of the site's close proximity to high frequency public transport (tram, train and buses), existing services, walking and cycling infrastructure, public open space, and future development on the former Le Cornu site in the adjacent Urban Corridor Zone. Given the proposal presents an opportunity to increase residential land supply in a region that heavily relies on strategic infill opportunities to respond to growth, additional residential land in this location is deemed appropriate.

The current Established Neighbourhood Zone is not considered appropriate to support viable, medium-density redevelopment of the site.

- Future development of the land for primarily medium density residential development at the higher end of the medium density range (70 dwellings per hectare net) is supported in the City of Unley's *Unley Planning Strategy*.
- Coupled with the planned future development of the former Le Cornu site on the opposite side of Leader Street (to be co-developed by Renewal SA for approximately 300 new homes), the Proposal will regenerate the western end of Leader Street as it transitions from its commercial and industrial past to a higher density mixed use precinct within the next few years.

Residential land supply

The subject land is located in the Inner Metro Region of the Greater Adelaide Planning Region (GAPR). Noting this, the Land Supply Reports (LSRs) for Greater Adelaide completed in June 2021 indicate the following:

- By 2030, the region is projected to grow by between 17,000 (medium) and 28,400 (high) persons, with most of this growth projected for the City of Adelaide – this translates to an estimated demand of 8,300 (medium) and 13,600 (high) dwellings. The LSR anticipates that 30 per cent of the new dwelling increase will come from strategic infill sites such as the affected area.
- Projected growth in the Millswood-Goodwood statistical area (SA2) is more modest and dependent on the future availability of sites such as the former Le Cornu site located on the opposite side of Leader Street and the subject land.
- The LSR – Part 2 (Urban Infill) indicates there is a sufficient amount of zoned land to accommodate projected demand for urban infill development within the Inner Metro region over the next 10+ years. However, the majority of general infill is located in the north-eastern part of the region (i.e. Campbelltown) and the majority of strategic infill located within the CBD and Urban Corridor Zone areas.

Land use characteristics

The land accommodates a wholesale bakery manufacturing operation comprising large warehouse buildings of a two-to-three storey scale (with silos rising above), immediately fronting and presenting a highly industrial appearance to all street frontages (Leader Street, Leah Street and First Avenue). Although the existing industrial use operates 24/7 under established use rights, it has expanded to a point that it has outgrown the available land area and capacity of surrounding infrastructure. The bakery has been the subject of complaints from adjoining residential properties over a number years in relation to noise, traffic impacts and associated land use interface conflicts.

Surrounding development predominantly comprises single storey dwellings, with a small number of two storey developments in the vicinity. The affected area and surrounding Established Neighbourhood Zone is located within the Historic Area Overlay.

The former Le Cornu site (currently vacant) sits immediately north of the site across Leader Street in the Urban Corridor (Living) Zone, and is to be co-developed by Renewal SA as a significant medium-to-high density mixed use precinct delivering approximately 300 new homes. Land immediately east of the former Le Cornu site and north-east of the subject land is located in the Urban Corridor (Business) Zone and contains a range of retail, commercial and light industrial activities, with the Keswick Army Barracks located further to the north and the Wayville Showgrounds to the north-east.

The area to the west of the affected area, fronting Anzac Highway, includes fast food restaurants and higher density residential development, as well as a range of bulky goods retailing, warehousing, multi-level retirement living, and the Ashford Hospital and associated medical facilities. The Unley Swimming Centre and Forestville Reserve are also located within a 450 metre walk of the affected area, with Goodwood Oval being located just under a kilometre away to the south-east.

Transport and access

The affected area is well served and within walking distance to a range of public transport options, including high frequency bus services operating on Leah and Leader streets and Anzac Highway (250 metres to the north), the Goodwood train station (550 metres to the east) and the Forestville tram stop (480 metres to the south). The area is also in proximity to shared walking and cycling pathways running along Brown Hill Creek to the south and well located to take advantage of the existing Mike Turtur Bikeway.

The subject land currently has multiple access points from all adjoining streets. Leader Street is a major collector road that connects Anzac Highway and Goodwood Road and contains provision for on-street parking and bicycle lanes in both directions. Inadequate onsite truck delivery and loading space associated with the current bakery requires frequent parking of heavy vehicles along Leader Street, resulting in safety issues. Leah Street, which abuts the eastern boundary, is also a major collector road with a relatively narrow carriageway that connects Leader Street to the Adelaide to Glenelg tram line and East Avenue, while First Avenue is a local road abutting the western site boundary.

Airport Building Heights and Noise Impacts

The affected area is located within the Building Near Airfields and Airport Building Heights (Regulated) Overlays given the subject land's proximity to Adelaide Airport (the latter requiring referral for structures exceeding 15 metres in height).

As buildings up to 18.5 metres (five levels) in height are envisaged for the site, amendments to the Building Heights (Regulated) Overlay are being sought in order to increase the height at which referral to the Adelaide Airport is triggered. Whilst noting that the adjacent Urban Corridor Zone currently requires referral for structures over 22 metres in height, consultation with Adelaide Airport Limited should be required prior to any such amendment to ensure aviation safety at Adelaide Airport.

The affected area is not located in the Aircraft Noise Exposure Area or subject to aircraft noise requirements.

Services and infrastructure

The affected area is located within an established and well serviced area with access to water, sewer, gas, telecommunications and the NBN. With respect to social infrastructure, the affected area is located in proximity to shopping and medical facilities, child care centres, schools and educational establishments, and reserves and sporting and recreation grounds, with opportunities for new social infrastructure, retail and employment activities to emerge as part of the redevelopment of the former Le Cornu site.

Site contamination

Given the long standing industrial use of the affected area, a number of site contamination assessments have previously been undertaken dating back to 1992, including site history and identification of potential sources of contamination. The Code Amendment will include the necessary environmental investigations to identify any potentially contaminating activities and inform appropriate zone, policy and remediation responses. The Environment Protection Authority (EPA) has confirmed that a full assessment of site contamination can be deferred to the development application assessment stage.

Procedural considerations

The following sets out the key procedural considerations that satisfy the legislative requirements. Pursuant to section 73(5) of the Act, approval for a Proposal to Initiate may be given on conditions prescribed by the regulations (there are none at this time) or as specified by you, as Minister for Planning. As such, a number of conditions are recommended by the Commission as set out below.

Information requirements

Practice Direction 2 – Preparation of Amendment of Designated Instruments outlines the information requirements for a Proposal to Initiate (**Appendix E**).

The mandatory information requirements have been met and therefore the Proposal is of a suitable form to be considered by you.

Consistent with the State Planning Policies and Regional Plan

The Code must be consistent with the principles of the SPPs and should be consistent with the directions of the relevant Regional Plan, which, in this instance, is *The 30-Year Plan for Greater Adelaide: 2017 Update*. This assessment is provided in the appendices.

A more detailed analysis is also located in the Proposal to Initiate (**Attachment 1**).

In summary, the Proposal to Initiate is considered to be consistent with the SPPs and Regional Plan.

Designated Entity

As this proposal is by a private proponent, under section 73(4) of the Act, you may decide to enable the Proponent to be the Designated Entity and conduct the Code Amendment processes, or alternatively, you can give the Chief Executive of the Department the responsibility for undertaking the processes.

The documentation should, however, be prepared by a suitably qualified person to ensure statutory procedures and good planning outcomes are addressed.

Recommendation(s)

- That Harmony Forestville Pty Ltd be the Designated Entity responsible for undertaking the Code Amendment process.
- The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.

Investigations to support the Amendment

The investigations undertaken to date are outlined in the Proposal to Initiate (**Attachment 1**).

The Proponent has identified further investigations to support the Code Amendment, including:

- Additional site contamination investigations
- Traffic and transport impact assessment
- Flooding, hydrology and stormwater investigations
- Land use interface investigations
- Civil infrastructure investigations.

Given that the Proposal is seeking to amend the Airport Building Heights (Regulated) Overlay in respect to building height referrals, and that the site will be demolished and a change of use sought, the following additional investigations are also recommended:

- Further investigations and consultation with Adelaide Airport Limited (as the operator of Adelaide Airport and formal referral body in the Planning and Design Code) in respect to proposed amendments to the Airport Building Heights (Regulated) Overlay to require referral for all structures over 20 metres instead of 15 metres

Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify relevant Aboriginal heritage considerations including any identified cultural sites and objects.

The Commission has resolved to specify these additional investigations under section 73(6)(f) of the Act.

Recommendation(s)

That the following further investigations be undertaken by the Designated Entity, in addition to that outlined in the Proposal to Initiate, under section 73(6)(f) of the Act:

- Further investigations and consultation with Adelaide Airport Limited (as the operator of Adelaide Airport and formal referral body in the Code) in respect to proposed amendments to the Airport Building Heights (Regulated) Overlay to require referral for all structures over 20 metres instead of 15 metres.
- Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify relevant Aboriginal heritage considerations including any identified cultural sites and objects.

Application of the Code

The Proposal seeks to rezone land from the Established Neighbourhood Zone to the Urban Neighbourhood Zone to support medium density, medium rise residential development and complementary non-residential uses. Consideration will also be given to applicable Overlays in accordance with Code drafting principles, such as the Affordable Housing Overlay.

The Design Overlay does not currently apply to the Urban Neighbourhood Zone. This Overlay triggers a referral (for regard) to the Government Architect for proposals that are medium to high rise. Design review is a State service for significant proposals and as it stands, there has been no agreement to offer this service beyond those areas to which it currently applies. The Design Overlay also changes the relevant authority (responsible for making decisions on development proposals) it from the City of Unley (the Council) to the State Commission Assessment Panel (SCAP) for proposals exceeding four storeys. Given the proximity of the affected area to the former Le Cornu site, there may be merit in extending the Design Overlay in this location. However, as the Overlay does not currently apply to sites within the Urban Neighbourhood Zone, the application to this site would have implications on a State-wide level and would trigger the need for a review of similar locations across the State. The application of the Design Overlay is therefore not supported in this instance.

Amendments to the Airport Building Heights (Regulated) Overlay will also be considered, as mentioned above.

The Proposal also includes an intent to apply the Noise and Air Emissions Overlay. Application of this Overlay is not consistent with Code drafting principles and this is noted in the letter to the Designated Entity.

Recommendation(s)

That a condition be placed on the Proposal to Initiate that limits the scope of the proposed Code Amendment to exclude the creation of new planning rules, and to be limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Code (on the date the Amendment is released for consultation).

That a condition be placed on the Proposal to Initiate to determine that the Design Overlay is not applied to land within the Urban Neighbourhood Zone.

Consultation

The Proponent has undertaken preliminary consultation with Council who have advised that the substantial scale of the site, its strategic location and existing incompatible industrial use warrant redevelopment for a complementary, primarily residential focussed development at medium density in accordance with Council's own Planning Strategy. Notably, the current *Unley Planning Strategy* specifically supports rezoning of the subject site, generally at the higher end of the medium density range (70 dwellings per hectare net).

Council has generally provided support for building heights up to three-to-four storeys, with taller buildings being located towards the centre of the Leader Street frontage given building heights anticipated for the former Le Cornu site across Leader Street, and lower buildings heights at the interface with adjacent low-rise, low density development through use of a suitable building envelope.

In accordance with the Community Engagement Charter, the Designated Entity is required to prepare an Engagement Plan that will outline how, when and with whom it engages with regarding the proposed Code Amendment. Consultation is scheduled to commence in May 2022, subject to consideration regarding early commencement.

The Commission has determined to specify the following further persons or bodies that the Designated Entity must consult with in relation to the proposed Code Amendment, as permitted under section 73(6)(e) of the Act:

- Adelaide Airport Limited
- Department for Infrastructure and Transport
- Environment Protection Authority
- Affordable Housing Unit of SA Housing Authority
- Utility providers including SA Power Networks, APA Group, SA Water, NBN Co. and other telecommunications providers
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

In addition, in accordance with sections 44(6) and 73(6)(d) of the Act, the consultation must be undertaken with:

- The City of Unley
- Owners or occupiers of the land and adjacent land in accordance with the *Planning, Development and Infrastructure (General) Regulations 2017*.

Recommendation(s)

Advise the Designated Entity of the required consultation with the entities and bodies specified by the Commission.

RECOMMENDATIONS

It is recommended that you:

- | | |
|--|--------------------------|
| <p>1. Note the advice of the State Planning Commission provided to you as required under section 73(2)(b) of the Act.</p> | <p>NOTED / NOT NOTED</p> |
| <p>2. Note that the State Planning Commission has, under section 73(6)(e) of the Act, specified that the Designated Entity must consult with the following nominated individuals and entities, and advise the Designated Entity accordingly:</p> <ul style="list-style-type: none"> • Adelaide Airport Limited • Department for Infrastructure and Transport • Environment Protection Authority • Affordable Housing Unit of SA Housing Authority • Utility providers, including SA Power Networks, APA Group, SA Water, NBN Co. and other telecommunications providers • State Members of Parliament for the electorates in which the proposed Code Amendment applies. | <p>NOTED / NOT NOTED</p> |
| <p>3. Note that the State Planning Commission has, under section 73(6)(f) of the Act, resolved to specify the following further investigations to those outlined in the Proposal to Initiate, and advise the Designated Entity accordingly:</p> <ul style="list-style-type: none"> • Further investigations and consultation with Adelaide Airport Limited (as the operator of Adelaide Airport and formal referral body in the Planning and Design Code) in respect to proposed amendments to the Airport Building Heights (Regulated) Overlay to require referral for all structures over 20 metres instead of 15 metres. • Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify relevant Aboriginal heritage considerations including any identified cultural sites and objects. | <p>NOTED / NOT NOTED</p> |

4. Approve initiation under section 73(2)(b) of the Act, subject to the following conditions, under section 73(5) of the Act:

APPROVED / NOT APPROVED

a) The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Planning and Design Code (on the date the Amendment is released for consultation).

b) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.

c) The Design Overlay is not applied to land within the Urban Neighbourhood Zone.

5. Under section 73(4)(a) of the Act, approve the initiation of the Code Amendment on the basis that Harmony Forestville Pty Ltd will undertake the Code Amendment processes (as the Designated Entity) required under the Act.

APPROVED / NOT APPROVED

6. Agree to sign the Proposal to Initiate the Leader Street Bakery Code Amendment (**Attachment 1**).

AGREED / NOT AGREED

7. Agree to sign the attached letters to Harmony Forestville Pty Ltd (**Attachment 2**) and the City of Unley (**Attachment 3**) advising of your approval and conditions.

AGREED / NOT AGREED



CRAIG HOLDEN
Chair, State Planning Commission
08 / 06 / 2022

NICK CHAMPION MP
/ / 2022

Attachments:

1. Proposal to Initiate the Leader Street Bakery Code Amendment (#18178037).
2. Suggested letter to Harmony Forestville Pty Ltd (#18336989).
3. Suggested letter to the City of Unley (#18336973).

Appendices:

- A. Summary of Roles and Responsibilities in the Code Amendment Process (#18348242).
- B. Process Flowchart – Code Amendments Initiated by Proponents (#18338028).
- C. State Planning Commission’s Strategic Priorities (#18338043).
- D. Assessment against the State Planning Policies and Regional Plan (#18336920).
- E. Extract from *Practice Direction 2 – Preparation and Amendment of Designated Instruments* (#18338096).

Contact: Jason Bailey
Tel No: 0439 995 006

Procedural Matters for the State Planning Commission (the Commission)

The Commission's role at Initiation, when the Commission is not the Proponent, is to:

- Provide advice to the Minister for her consideration in making a decision on initiation pursuant to section 73(2)(b) of the Act.
- Specify any person or body the Designated Entity must consult with under section 73(6)(e) of the Act, noting that the designated entity will also need to prepare an engagement plan in accordance with the Community Engagement Charter prior to consultation.
- Specify any investigations to be carried out and/or information to be obtained by the Designated Entity, in accordance with section 73(6)(f) of the Act.

The importance of the initiation process is two-fold:

- Firstly, it enables proposals considered to be significantly at odds with the State Planning Policies (SPPs) and relevant Regional Plan to be refused early in the process, minimising risk. This is because the decision to proceed is based on an assessment against these documents.

To that end, the Commission may also advise the Minister on how the proposal fits with its stated priorities, including:

- Technical amendments that enhance the operation of the Code.
- Bushfire policy in response to the Royal Commission and improved bushfire mapping data.
- Support land supply, including infill, master planned neighbourhoods and growth areas consistent with the Growth Management Programme.
- Support economic clusters such as agribusiness and value adding, defence industries, energy and resources, health and medical industries and knowledge and creative industries.
- Provide state-wide strategic benefit such as protection against environmental hazards.
- Secondly, the initiation process is the point at which the scope of the Code Amendment process, investigations and information requirements and the amendments are determined. This provides clarity and certainty for the proponents.

Approval of the Proposal to Initiate may be given on conditions prescribed by the regulations (there are none at this time) or as specified by the Minister. As such, conditions have been recommended by the Commission, to be made by the Minister.

The Commission has previously determined that (where possible) Code Amendments should be prepared and led by proponents themselves for the first 12 months following implementation of the Phase Three Code.

Code Amendments Initiated by Proponents

Section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*

