

# COMMITTEE AGENDA

## **City Strategy & Development Policy Committee**

Notice is hereby given pursuant to the provisions of the Local Government Act, 1999, that the next Meeting of the City Strategy & Development Policy Committee will be held in the Council Chambers, 181 Unley Road Unley on

***Tuesday 11 June 2019 7.00pm***

for the purpose of considering the items included on the Agenda.

**Peter Tsokas  
Chief Executive Officer**



## **MEMBERS**

Councillor J. Dodd – Presiding Member  
Mayor M. Hewitson – ex Officio  
Councillor D. Palmer  
Councillor J. Boisvert  
Councillor M. Hudson  
Councillor P. Hughes  
Councillor K. Anastassiadis  
Councillor M. Rabbitt  
Councillor E. Wright  
Councillor N. Sheehan  
Councillor M. Broniecki  
Councillor J. Russo  
Councillor S. Dewing

## **ACKNOWLEDGEMENT**

We would like to acknowledge this land that we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country.

We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

## **ORDER OF BUSINESS**

<b>ITEM</b>	<b>PAGE NO</b>
<b>1. ADMINISTRATIVE MATTERS</b>	
<b>1.1 APOLOGIES</b>	
Nil	
<b>1.2 LEAVE OF ABSENCE</b>	
Nil	
<b>1.3 CONFLICT OF INTEREST</b>	
<i>Members to advise if they have any material, actual or perceived conflict of interest in any Items in this Agenda and a Conflict of Interest Disclosure Form (attached) is to be submitted.</i>	
<b>1.4 MINUTES</b>	
Nil	
<b>1.5 DEFERRED / ADJORNED ITEMS</b>	
Nil	
<b>2. REPORTS</b>	
2.1 Council Policy - Privately Funded Development Plan Amendments	7
2.2 Agreement to Proceed - Privately Funded Development Plan Amendment - Life Care Parkrose Village Norman Terrace Everard Park	17
2.3 Statement of Intent - Privately Funded Development Plan Amendment - Life Care Parkrose Village Norman Terrace Everard Park	157
<b>3. PETITIONS/DEPUTATIONS</b>	
Nil	
<b>4. MOTIONS AND QUESTIONS</b>	
<b>4.1 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN</b>	
Nil	



**4.2 MOTIONS WITHOUT NOTICE**

*Chair to ask the Members if there are any motions without notice*

**4.3 QUESTION OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**4.4 QUESTIONS WITHOUT NOTICE**

*Chair to ask the Members if there are any questions without notice*

**5. CORRESPONDENCE**

Nil

**NEXT MEETING**



## DECISION REPORT

<b>REPORT TITLE:</b>	COUNCIL POLICY - PRIVATELY FUNDED DEVELOPMENT PLAN AMENDMENTS
<b>ITEM NUMBER:</b>	2.1
<b>DATE OF MEETING:</b>	11 JUNE 2019
<b>AUTHOR:</b>	DAVID BROWN
<b>JOB TITLE:</b>	PRINCIPAL POLICY PLANNER
<b>ATTACHMENTS:</b>	1. DRAFT COUNCIL POLICY - PRIVATELY FUNDED DEVELOPMENT PLAN AMENDMENTS

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### 1. **EXECUTIVE SUMMARY**

Development Plan Amendments (DPAs) have historically been conducted by the City of Unley in accord with its pro-active review program.

This program has been interrupted and delayed by virtue of the pursuit since 2017 of the impending new replacement Planning and Design Code (the Code) in 2020, resulting in some desired zoning and policy changes not being implemented.

At this stage, changes could await amendments to the Code after 2020, but strategic and/or urgent opportunities to enable positive development may not be addressed in a timely manner.

The Policy provides the option to entertain Privately Funded DPAs in the short-term if Council considers they may be beneficial to the proper future planning of the City. The approved DPA changes would be transitioned into the new Code from July 2020, if accepted by the Minister of Planning.

### 2. **RECOMMENDATION**

That:

1. The report be received.
  2. The *Council Policy - Privately Funded Development Plan Amendments* be endorsed and adopted.
- 

### 3. **RELEVANT CORE STRATEGIES/POLICIES**

4. Civic Leadership

4.1 We have strong leadership and governance.

#### **4. BACKGROUND**

The Development Plan and zoning of the City is continually monitored and periodically reviewed through DPAs.

Council has previously always addressed changes through its pro-active planning policy and zoning review program. With the Planning Reforms and the impending new Code), the Minister in 2017 indicated no more would proceed. This left Council's program incomplete and some areas with out-dated zoning and policy.

More recently, the Minister has revised this position to support DPAs which deliver strategic or urgent outcomes. Apparently, a large number of Ministerial and Council DPAs, many facilitated by private funding from land owners, have resulted.

The Council has not had a need with its pro-active review program to consider Privately Funded DPAs before but now there may be such a need with outstanding and out-dated zoning preventing positive development.

#### **5. DISCUSSION**

Pursuant to the Development Act, only the Minister for Planning, or upon request and support of the Minister, a Council can undertake a DPA.

The Development Act, however, does not prevent a Council from receiving funds from external parties to assist with the DPA process.

A Policy will guide the assessment and undertaking of privately funded DPAs, define when they may be considered as appropriate and ensure they are undertaken in a clear and transparent manner.

It is prudent that Council, challenged by limited resources and/or time, provides for the option of land owners and proponents of developments to support a DPA to allow for timely and responsive changes to the Development Plan. This may otherwise be unduly delayed if left as part of the overall program of policy review.

The Policy does not remove the need to adhere to all statutory requirements (as a minimum) when undertaking the DPA process, including Statement of Intent, draft DPA, public consultation, review of consultation and issues, response and revision of draft DPA and submission to the Minister of Planning for consideration of approval.

A Council initiated DPA requires the consideration and endorsement of Council at all key stages; initiation, proposed policy, consultation, review and final support.

The option for DPAs, and private funding, only remains an option until the new Code under the new Planning Development and Infrastructure Act (PDI Act) from July 2020. The PDI Act provides for a Code Amendment to be undertaken by the Minister, State Planning Commission (SPC), Council or private land owner, whilst supported by the SPC and Minister.

A DPA in the short-term would need to be concluded by early 2020 and its approved changes would be adopted in the transition to the new Code from July 2020.

The attached Policy is self-explanatory.

*Attachment 1*

## **6. ANALYSIS OF OPTIONS**

### **Option 1 – Endorse the Council Policy for Privately Funded DPAs.**

The endorsement of the Policy provides the option for facilitating and securing support for urgent and positive zoning changes.

Council is not obligated to proceed with a privately funded DPA unless convinced it is beneficial and funding is afforded to off-set resource and cost implications.

A DPA is always under the control of Council at all key stages of its initiation, preparation, consultation, review and final support.

### **Option 2 – Not support the need for adhoc, site specific and privately funded DPAs.**

Without such a Policy the progression of DPAs to pursue any positive zoning changes would fall to Council.

Beyond late 2019 the option of any DPAs disappears with the impending replacement by the Code from July 2020.

## **7. RECOMMENDED OPTION**

Option 1 is the recommended option.

## **8. POLICY IMPLICATIONS**

### **8.1 Financial/Budget**

The Policy will afford the option to progress a DPA with resource and cost implications upon Council, but able to be addressed by proponent funding.

## **8.2 Legislative/Risk Management**

Council maintains control at all key stages of policy change.

Following clearly the Council Policy directions and acting with integrity is necessary to ensure probity, avoid any or perceived bias and conflict of interest.

## **8.3 Staffing/Work Plans**

Internal arrangements and/or external contract assistance may be necessary to provide in-house resources/staff to manage key steps, policy review and the critical community engagement. Funding from the proponent will assist with this.

## **8.4 Environmental/Social/Economic**

Policy in itself has no implication but possible resulting DPAs and policy would need to consider these matters.

## **8.5 Stakeholder Engagement**

Policy in itself is primarily procedural. Initiation of DPA is entirely at Council's discretion.

If proceeding with a DPA, community engagement will occur pursuant to the Development Act statutory requirements, and per established expectations relative to nature of change.

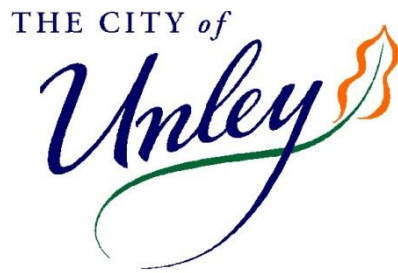
## **9. REPORT CONSULTATION**

City Design, City Development.

Development Assessment, Community Development.

## **10. REPORT AUTHORISERS**

<b>Name</b>	<b>Title</b>
Ben Willsmore	Manager City Design
Claude Malak	General Manager, City Development



## POLICY TITLE – PRIVATELY FUNDED DEVELOPMENT PLAN AMENDMENTS

Policy Type:	Council Policy
Responsible Department:	City Design, City Development
Responsible Officer:	Principal Policy Planner
Related Policies and Procedures:	Staff Code of Conduct
Date Adopted:	
Last Council review:	
Next review date:	June 2022 3 yearly cycle for Council policies.
ECM Doc Set ID:	

### 1. POLICY STATEMENT

The Development Act 1993 enables the Minister for Planning or a Council to undertake a Development Plan Amendment (DPA).

The Act does not prevent Council from receiving funds from external parties to assist with the DPA process. With limited Council resources, it is prudent that Council provides for such an option to land owners and proponents of developments to allow for timely and responsive changes to the Development Plan that may otherwise be unduly delayed if part of overall program of policy review.

This policy does not remove the need to adhere to all statutory requirements (as a minimum) when undertaking the DPA process.

Purpose of policy is to guide the assessment and undertaking of privately funded DPAs in a clear and transparent manner.

### 2. COMMUNITY GOAL

Unley Community Plan 2033 themes, goals and objectives

#### Community Living

People value our City with its enviable lifestyle, activities, facilities and services

*1.3 Our City meets the needs of all generations*

*1.4 Our Community is proud to be part of our City*

### *1.5 Our City is connected and accessible*

#### 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

*2.1 Unley's urban forest is maintained and enhanced*

*2.3 The energy efficiency of the City is increased and carbon footprint reduced*

*2.4 Efficient, effective and sustainable water management is ensured*

*2.5 The City's resilience to climate change is increased*

#### Economic Prosperity

Our businesses are valued because of the range of goods, services and facilities they provide, and new businesses are supported, not burdened with bureaucracy

*3.1 Unley is recognised as an easy place to do business*

*3.2 Thriving Main streets and other business activities operate across our City*

#### Civic Leadership

Council will listen to the community and make transparent decisions for the long-term benefit of the City

### **3. POLICY OBJECTIVES**

This policy applies when a third party seeks to fund a Council initiated DPA through an agreement with Council based on one of the following options:

#### ***Option 1: DPA undertaken by Council***

The private funder provides financial resources to the Council to undertake the DPA process (either internally or through the procurement of external consultants or a combination of both).

#### ***Option 2: DPA undertaken by private funder***

The private funder funds, procures and manages as much of the DPA process as possible and provides funds for Council to procure external consultants and/or internal resources to undertake independent peer reviews of the draft SOI and draft DPA, support conduct of appropriate public consultation and Public Meeting, and review responses to all written and verbal submissions on the DPA and the approval version of the DPA (at the discretion of Council).

It is Council's decision, at its absolute discretion, which of the two privately funded DPA options is appropriate based on its consideration of the nature of the proposal and available Council resources at the time.

### **4. PRINCIPLES**

In order to determine whether or not Council should proceed with a Privately Funded DPA, the DPA should be assessed against the following criteria to determine if the DPA has merit:



- (a) The proposed policy change(s) is consistent with the State Government's Planning Strategy for Metropolitan Adelaide (30 Year Plan for Greater Adelaide) and/or future Regional Plans applying to the subject land;
- (b) The proposed policy change is consistent with relevant key Council Strategic Plans and Documents;
- (c) The existing zoning and/or planning policy arrangements for the subject land are considered to be outdated and limit reasonable development expectations for the subject land;
- (d) When considered with regard to potential 'triple bottom line' outcomes (ie social, environmental and economic), the resultant development is likely to have a net positive impact on the subject and adjoining land, any potentially affected communities of interest, the broader Council area and the State;
- (e) Whether the DPA process can be effectively managed and resourced by Council staff given other Council priorities and ongoing demands on Council resources.

## 5. POLICY

The Policy outlines Council's position, the key steps and requirements.

### ***Statement of Justification***

In the first instance, the proponent seeking Council support for a privately funded DPA will be required to prepare a brief 'Statement of Justification' to support such a proposal. This statement should clearly identify the following:

- (a) The subject land and current land ownership.
- (b) In broad terms, the policy outcomes that are being sought in undertaking a DPA.
- (c) Consistency with criteria (a) to (d) in Section 4 Principles above.
- (d) The preferred DPA option identified in Section 3 Policy Objectives above.

Council will assess the proposal, consider any resource implications, undertake preliminary investigations, and/or consult State Government departments / agencies in determining whether to support the proposal.

A decision to proceed with or reject a proposal for a privately funded DPA will be made by the Elected Member body. Council is under no obligation to accept a proposal for a privately funded DPA.

### ***Project Management and the Procurement Process***

#### ***Option 1: DPA undertaken by Council***

The cost of the DPA investigations, document preparation, consultation and other costs as per the Deed of Agreement, will be borne by the private funder and paid into a fund as agreed and directed by Council.

Council will either manage the procurement process for engaging a consultant to undertake a Privately Funded DPA, undertake the DPA investigations internally, and/or procure specific external advice as required. A consultant undertaking the privately

funded DPA (or specific investigations) will report directly to Council staff, and project management of the DPA process will be undertaken by Council staff.

In selecting a consultant to undertake the Privately Funded DPA an open or select tender process will be undertaken in accordance with Council's procurement policies.

***Option 2: DPA undertaken by private funder***

The private funder undertakes to engage suitably qualified consultants, including one who meets the requirements of the *Development Act 1993* and *Development Regulations 2008*, to:

- (a) Prepare a draft Statement of Intent (SOI).
- (b) Undertake investigations in accordance with the agreed SOI.
- (c) Prepare the required DPA documentation in accordance with the Development Act 1993 and Development Regulations 2008.
- (d) Review and respond to all written and verbal submissions on the draft DPA.
- (e) Prepare the approval version of the DPA.

At the discretion of Council the private funder will also agree to an independent peer review of the draft SOI and draft DPA (prior to consultation), support conduct of appropriate public consultation and Public Meeting, and review of all responses to the written and verbal submissions, and the approval version of the DPA.

The cost of the peer review(s) will be borne by the private funder and paid into a fund as agreed and directed by Council. Council will be responsible for procuring the services of a suitably qualified consultant to undertake the independent peer review(s).

The consultant undertaking the independent peer review will report directly to Council staff.

Under both options, at key stages of the DPA process (eg endorsement of the SOI, endorsement of the draft DPA for consultation, endorsement of the approval version of the DPA) the Elected Member body will need to endorse the documentation prior to proceeding to the next stage.

***Legal Arrangements***

A legal instrument in the form of a Deed of Agreement will be required to be entered into between Council and a private funder. As a minimum, the deed of Agreement will include references to the following:

- State that a private funder is funding an open and transparent DPA process, which provides no guarantees that any DPA outcome sought by the private funder will be provided.
- Outline the heads of agreement and legal procedures, including the roles of the parties, legal requirements and procedures, and project and financial management.
- Define in detail the nature of the DPA including the area to be covered, the purpose of the DPA and what the DPA investigations will encompass.

- Acknowledge that Council maintains ultimate control of the DPA process, in that key stages are presented to the Elected Member body for consideration and endorsement prior to proceeding to the next stage.
- Acknowledge that some parts of the DPA process cannot be outsourced and management, policy oversight and processing will remain the responsibility of Council staff, and therefore managed according to Council priorities, meeting schedules and timeframes.
- Acknowledge that while Council may initiate a DPA, ultimately the decision on its authorisation rests with the Minister for Planning.
- Detail what may happen if the DPA is either not authorised or authorised with amendments that may not suit the private funder.
- State that the DPA process will proceed at the expense of the private funder and acknowledge that the private funder will fund any additional investigations that may be required by Council following consideration of a draft DPA and/or following consultation.
- Acknowledge that the private funder will fund any legal costs associated with the DPA process, including legal review, legal proceedings or judicial review proceedings.

Council is under no obligation to commence the DPA process (by submitting a SOI to the Minister for Planning) until the Deed of Agreement is signed by all relevant parties. All DPA documentation will explicitly indicate that the DPA is a privately funded DPA.

## 6. DEFINITIONS

Provide definitions for any key words or technical terms contained in the policy.

Key Term / Acronym	Definition
Development Plan Amendment (DPA)	A Development Plan Amendment or DPA is a document that describes proposed changes to a Development Plan. The DPA process involves a series of stages and approvals and includes undertaking and documenting investigations to inform and justify the proposed policy changes to the Development Plan.
Statement of Intent (SOI)	A Statement of Intent or SOI is a document that outlines the scope, timing, consultation requirement and nature of investigations to be carried out in preparing a DPA. A Council is required to prepare a SOI under Section 25(1) of the Development Act 1993 to reach agreement with the Minister for Planning to initiate a DPA.
Private funder	Means one or more private persons or organisations proposing to fund the undertaking of a DPA affecting their (and potentially adjacent) land to facilitate future development

	outcomes on the land.
Deed of Agreement	A Deed of Agreement is a legally binding agreement signed by the private funder and the Council. It contains the agreed legal obligations and responsibilities of both parties in undertaking a privately funded DPA.

## 7. LEGISLATION/REFERENCES

This is an optional voluntary policy in relation to the preparation of DPA's pursuant to the *Development Act 1993* and *Development Regulations 2008*.

## 8. POLICY DELEGATIONS

Nil applicable

## 9. ROLES/RESPONSIBILITIES

- Principal Policy Planner – review and advice on behalf of the council.
- Chief Executive Officer – review and necessary certification of DPA.

## 10. AVAILABILITY

The policy is available for public inspection during normal office hours from;

Civic Centre  
181 Unley Road  
Unley SA 5061

A copy may be purchased for a fee as determined annually by Council.

It is also available for viewing, download and printing free of charge from the Council's website, [www.unley.sa.gov.au](http://www.unley.sa.gov.au)

## 11. DOCUMENT HISTORY

Date:	Council/Committee/Internal	Comment:
	Committee item / year	
	Council item / year	

## DECISION REPORT

<b>REPORT TITLE:</b>	AGREEMENT TO PROCEED - PRIVATELY FUNDED DEVELOPMENT PLAN AMENDMENT - LIFE CARE PARKROSE VILLAGE NORMAN TERRACE EVERARD PARK
<b>ITEM NUMBER:</b>	2.2
<b>DATE OF MEETING:</b>	11 JUNE 2019
<b>AUTHOR:</b>	DAVID BROWN
<b>JOB TITLE:</b>	PRINCIPAL POLICY PLANNER
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. STATEMENT OF STRATEGIC CONTEXT (JUSTIFICATION) FOR PLANNING POLICY UPDATE FOR LIFE CARE PARKROSE VILLAGE NORMAN TERRACE</li><li>2. DEVELOPMENT PLAN AMENDMENT FUNDING AGREEMENT - LIFE CARE INCORPORATED</li></ol>

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### 1. **EXECUTIVE SUMMARY**

Development Plan Amendments (DPAs) have historically and usually been conducted by Council in accord with its pro-active review program.

This program has been interrupted and delayed by virtue of the pursuit since 2017 of the impending new replacement Planning and Design Code (the Code) in 2020 by the State Government, resulting in some desired zoning and policy changes in the west of the City not being implemented.

The subject site, 28-36 Norman Terrace, 1-5 Ross Street and 24 Fourth Avenue Everard Park, is within the unchanged area and remains with existing zoning and policy. The land owner's priority for re-development of this old facility has now become more pressing. A contemporary re-development for an independent living and care aged residential facility offers many benefits for the area and the community.

The option for Council to entertain a Privately Funded DPA in the shorter-term would advance the policy change that could facilitate a re-development, at least for the specific but large site, if not the precinct. Council would maintain full control of the DPA process and outcome, and private funding will address Council resource implications.

### 2. **RECOMMENDATION**

That:

1. The report be received.
  2. Council support the justification, nature and the progression of a Privately Funded DPA for re-zoning of the Parkrose Village site at 28-36 Norman Terrace, 1-5 Ross Street and 24 Fourth Avenue Everard Park.
  3. Council endorse and approve the execution of the Privately Funded DPA Agreement with Life Care as contained in Attachment 2, with the CEO authorised to make minor edits if necessary whilst not changing the substance or intent of the Agreement.
- 

### **3. RELEVANT CORE STRATEGIES/POLICIES**

1. Community Living
  - 1.3 Our City meets the needs of all generations.
- 3.1 State Planning Strategy (The 30-Year Plan for Greater Adelaide (2017 Update) provides direction for increased and diverse housing to suit needs.

### **4. BACKGROUND**

The Development Plan and zoning of the City is continually monitored and periodically reviewed through DPAs. Council has previously always addressed changes through its pro-active planning policy and zoning review program.

The Village Living and Desirable Neighbourhood Development Plan Amendment – Residential Character, and Growth Areas and Council-wide Policy Review (Residential Character and Growth DPA2) was progressed and consulted on through 2014 and resolved by Council in 2015. However, due to the significant public feedback and required changes post consultation in the area to the west of East Avenue, the tram line and Goodwood Road the DPA2 Part 2 (West) was deferred. The DPA2 Part 1 (East) proceeded to approval by the Minister for Planning in July 2017.

With the Planning Reforms and the impending Code, the Minister in 2017 indicated no more DPAs would proceed. This led to the DPA2 Part 2 (West) being discontinued and the zoning left out-of-date. The new Code may provide some opportunity for incorporation of desired change, but the first generation is primarily a transition of current policy in the existing Development Plan. Limited and supported change may be able to be incorporated but, with the scope and significant time that has lapsed since consultation of DPA2, it may not be supported.

More recently, the Minister has revised this position to support DPAs which deliver strategic or urgent outcomes. Accordingly, a large number of DPAs by the Minister and Councils, many facilitated as Privately Funded DPAs from land owners, have now been initiated across South Australia.

## 5. **DISCUSSION**

The site at Parkrose Village 28-36 Norman Terrace, 1-5 Ross Street and 24 Fourth Avenue Everard Park comprises a substantial existing long-term aged independent living and care facility, comprising 12 consolidated titles and a site area over 1.9 hectares.

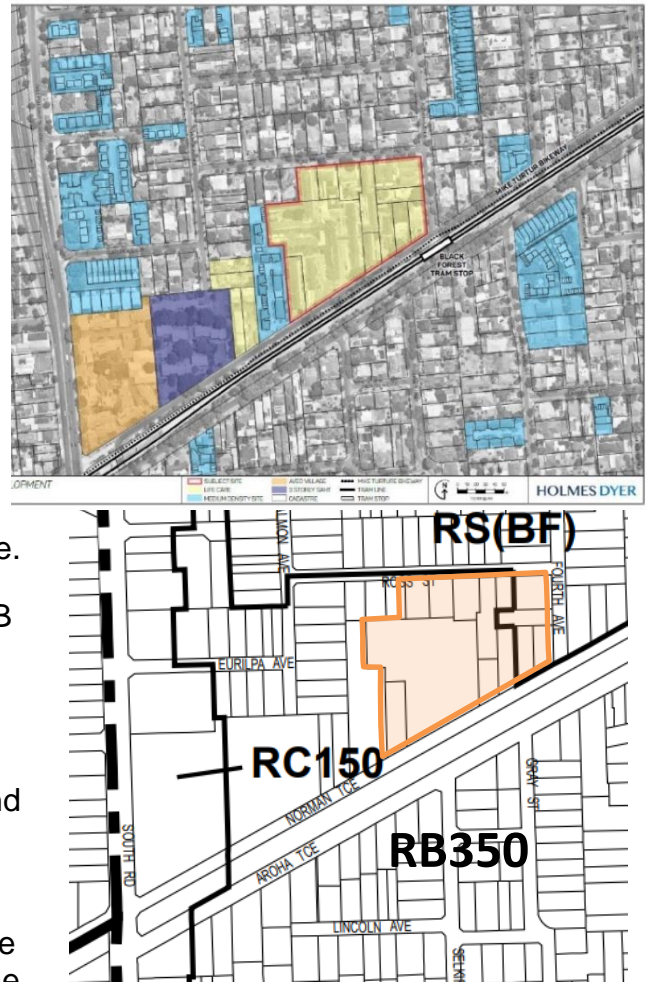
The land owner, Life Care, has planned for a contemporary re-development for some time. Other sites owned by Life Care were prioritised but there is now a keen desire to proceed with this site.

The site is currently in Residential B 350 and Residential Streetscape (Built Form) Zones. These limit the density of a re-development opportunity to 350m<sup>2</sup> and 700m<sup>2</sup> minimum site areas respectively and maximum two-storey height.

The current out-of-date zoning compromises the optimisation of the contemporary re-development of the site. A Development Application (DA) could be pursued but the zoning would be challenging, complicated and potentially unsuccessful.

The applicant could pursue a DA with the Council Assessment Panel, or potentially through a Coordinator General call-in and the State Commission Assessment Panel (SCAP). The current draft regulations for the new Planning System have proposed that any development over four-storeys would be considered by the SCAP, but this is still under review. If it was considered by the SCAP, Council would have little influence on the outcomes.

Life Care has approached and requested the City of Unley to consider supporting a DPA to addresses the re-zoning of their site. A Statement of Strategic Context (Justification) has been provided in support of the development benefits and the facilitated privately funded process to achieve this end. See Attachment 1.



## *Attachment 1*

Council's Strategic Plan and previous outcome of DPA2 Part 2 (West) support the change. The proposed rezoning in DPA 2 Part 2 (West) supported higher density zoning for the strategic precinct adjacent to the tram-line, providing for a sensitive two-storey height along Ross Street and Fourth Avenue with a greater height of four-storeys towards the tram-line frontage (Norman Terrace). Appropriate zoning and policy could also reinforce community benefits including good streetscape design, sensitive scale of development, positive green spaces and tree canopy and contemporary housing diversity options.

Typically, preference would be for re-zoning of a contiguous logical precinct rather than a specific site. However, the site is substantial in its own right and bordered to the west with medium density development in multiple individual ownership that is unlikely to be redeveloped within the medium to long term.

Pursuant to the Council Policy for Privately Funded DPAs, it is proposed that a DPA be supported by the private entity. Life Care would contract suitable consultants to prepare all necessary documentation and support the process of a DPA. In addition, they would provide an agreed sum to Council to support the focus of necessary resources for all the associated administration, independent review, public consultation and liaison with DPTI (on behalf of the Minister for Planning) regarding suitability and support for the proposed change. Council maintains control at all key stages in relation to the nature of change and proceeding with support.

Pursuant to the Policy, and to support the progressing of a Privately Funded DPA, a suitable Agreement has been prepared which confirms the arrangements, respective responsibilities and funding to Council, estimated to entail up to \$35,000 (GST exclusive). Initiation of the DPA, ie submitting an agreed Statement of Intent, would not proceed until the Agreement was executed and agreed initial non-refundable payment of \$7,000 (GST exclusive) is made. A copy of the draft Agreement is contained in Attachment 2.

## *Attachment 2*

Pursuant to the Transitional Regulations adopted by the Minister of Planning to come into effect on 1 July 2019, a DPA and public consultation must be completed and the transition into the Code requested within three months of the revoking of the applicable Development Plan (July 2020). The Minister, with advice from SPC, may adopt, alter or decline the transition of the DPA policy into the Code.

Currently, under the Development Act only the Minister for Planning or a Council, with the Minister's support, can undertake a DPA. Accordingly, even though private support may be afforded, the Council maintains full control of all stages and progress, or otherwise, for proposed changes. After July 2020 under the new Code, the Minister, or with support, the State



Planning Commission, Council or a private land owner may pursue a Code amendment in their own right.

The undertaking of a DPA is considered to be beneficial for Council as it would retain control of the process. Life Care has also indicated that it intends to submit the Development Application for development to the Council Assessment Panel rather than the SCAP. This would then allow Council to work with Life Care to achieve a positive outcome for the community.

## **6. ANALYSIS OF OPTIONS**

Option 1 – Support the justification, nature and the progression of a Privately Funded DPA for re-zoning of the Parkrose Village site at 28-36 Norman Terrace 1-5 Ross Street, Everard Park, and endorse and approve the execution of the Privately Funded DPA Agreement with Life Care.

The re-zoning of the Parkrose Village site at 28-36 Norman Terrace, 1-5 Ross Street and 24 Fourth Avenue Everard Park for contemporary redevelopment realises positive residential accommodation options for the community for the substantial subject site.

The progression of a Privately Funded DPA and contribution of necessary documentation and resources would facilitate the change and address the burden upon existing Council resources and priorities.

Council would maintain full control of all stages and nature of the proposed change through the current DPA process.

The execution of the Privately Funded DPA Agreement with Life Care will confirm the arrangements, respective responsibilities and agreed funding to Council. Probity and transparent process and decision making, as usual, would be required to avoid any perception of bias.

Option 2 – Not support the justification and progression of a Privately Funded DPA for re-zoning of the Parkrose Village site at 28-36 Norman Terrace, 1-5 Ross Street and 24 Fourth Avenue Everard Park.

The proposed changes to zoning and policy would not proceed at this time.

After July 2020 and with the new Code, the Minister, or with support, the State Planning Commission, Council or a private land owner may pursue a Code amendment.

The changes may be pursued as part of the new Code, but this first generation is primarily intended as a transition of existing policy and significant other change will compound the public consultation and review process.

The applicant could at that time pursue a Development Application through a Coordinator General call-in and the State Commission Assessment Panel rather than via the Council Assessment Panel.

## **7. RECOMMENDED OPTION**

Option 1 is the recommended option.

## **8. POLICY IMPLICATIONS**

### **8.1 Financial/Budget**

A DPA is a large undertaking with inherent resource, consultation and therefore budget costs.

The agreed funding by a private entity to support a DPA would off-set these typical costs.

### **8.2 Legislative/Risk Management**

The execution of the Privately Funded DPA Agreement with Life Care will confirm the arrangements, respective responsibilities and agreed funding to Council.

Probity and transparent process and decision making, as usual, would be required to avoid any perception of bias.

While only focussing on a specific site, it is substantial in its own right.

### **8.3 Staffing/Work Plans**

The review and conduct of a DPA and public consultation processes would require a focus for staff resources and this may result in other projects being deferred. This will be managed in-house.

### **8.4 Environmental/Social/Economic**

It has been recognised that the current zoning is out-of-date, and an update would be warranted.

Facilitating appropriate re-development of the site would afford a contemporary aged independent living and care residential facility for the community.

### **8.5 Stakeholder Engagement**

Comprehensive community consultation would occur as part of the testing and review of the DPA and proposed zone and policy changes.

**9. REPORT CONSULTATION**

City Design, City Development.

**10. REPORT AUTHORISERS**

<b>Name</b>	<b>Title</b>
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## STATEMENT OF STRATEGIC CONTEXT (JUSTIFICATION) NORMAN TERRACE, EVERARD PARK

Prepared for:  
Life Care

Date:  
30.04.2019

create • manage • deliver | land • cities • communities



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## EXECUTIVE SUMMARY



## Executive Summary

The 30 Year Plan for Greater Adelaide sets out a spatial framework for the delivery of a prosperous South Australia. This Plan identifies that Greater Adelaide has more people aged over 65 than the Australian average and its share of this age group is also growing faster than the national average. It also identifies the importance of giving older people more opportunities to 'age in place' through well-designed smaller accommodation, aged care and age-in-place options, located next to services, public transport and shops.

Similarly, the City of Unley *Community Plan 2033, A Community of Possibilities*, sets the strategic planning framework for Unley. That Plan recognises that people 85 years and over is significant in Unley, double the figure for Australia and almost double the level for South Australia. Within this strategy, the City of Unley *Four Year Delivery Plan 2017 – 2021* identifies Council will continue to advocate for improved planning policy for housing diversity and deliver on its Active Ageing Strategy and its commitment to the World Health Organisation's Global Network of Age Friendly Cities and Communities (signatory in 2012). A key guiding principle of the Strategy is the right to age in place, so people can remain in Unley for as long as they wish.

The subject land is currently zoned for residential uses pursuant to the *City of Unley Development Plan* consolidated 19 December 2017), and is bisected by a zone boundary. The land is predominantly (western three quarters of the site) in the Residential B350 Zone. The eastern quarter of the land (near Fourth Avenue) is in the Residential Streetscape (Built Form) Zone. Policy Area 9 – Spacious, and Precinct 9.2 Everard Park and Forestville (East), also applies to this part of the zone.

Both zones contemplate low density dwellings at heights of one and two storeys. Under the current zoning, some forms of aged care accommodation could be acceptable across both zones based on land use pursuant to the Development Plan. However, current zoning does not adequately contemplate or support (re)development of the subject land to deliver contemporary residential aged care accommodation and services or reflect proximity of the subject land to public transport.

The subject land was previously included in the Council initiated Development Plan Amendment (DPA) East of Goodwood Road – East Avenue in June 2015. That DPA proposed the subject land be rezoned to Residential Regeneration Zone with low to medium-rise development of four storeys with a transition to two storeys at the interface with existing low-rise residential uses.

At that time, the subject land formed part of a broader area for rezoning consideration. Council ultimately decided to split its DPA process and continue with part 1 of the original DPA. Part 2 of the DPA (of which the subject land formed a part) has not been pursued, among other reasons, due to uncertainty by the State Government regarding SA planning reforms and the interaction between DPAs with the introduction of the Planning and Design Code. There is now greater certainty (by Regulation) regarding the ability to transition DPAs into the planning reform program.

The proponent's vision for redevelopment of the site brings a range of potential social, environmental and economic benefits. Notwithstanding these benefits, attention will need to be paid to existing residential interfaces and particularly the relationship to land to the west of the subject land in the Residential B350 Zone.



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Conceptual planning for the site demonstrates how interfaces and other matters associated with the rezoning can be adequately managed. The indicative concept plan also shows a high-quality design outcome can be achieved for the subject land.

Life Care has activity sought to consolidate its land holding as part of planned expansion and owns residential properties contiguous with Parkrose Village that form part of this proposal. The subject land is in single ownership with potential to achieve a coordinated development outcome.

The proponent can fund the rezoning process without fettering the rights of Council and pending Council approval can commence this process immediately.

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## 1 - INTRODUCTION



## 1. Introduction

### 1.1. Purpose

Life Care is the owner of land in Everard Park in the City of Unley and is seeking a rezoning of the land to facilitate regeneration of its existing facility.

Much of the land is associated with the existing Parkrose Village assisted living facility at 34-36 Norman Terrace, Everard Park. Life Care has activity sought to consolidate its land holding and is also the owner of 28, 29 and 30 Norman Terrace, 24 Fourth Avenue, and 1 Ross Street, Everard Park.

The proposal forms part of Life Care's targeted program based around its 'live every day' model, which will deliver expanded accommodation services and improved services and facilities for its residents and in-home patrons. The expansion program includes increased service provision to and interaction with local communities.

Life Care has other land holdings on Norman Terrace and Halmon Avenue, Everard Park which do not form part of the rezoning proposal.

### 1.2. Proponent

Life Care is a South Australian leading provider of aged care accommodation and services to the community. Its mission is *"To create communities where people embrace life and Live Every Day."*

Life Care's mission is supported by its vision which is:

*"To be South Australia's premier provider of services and accommodation for older people."*

Life Care has been operating for over 66 years and currently employs more than 650 staff, making it one of the largest and most stable employers in the State.

Life Care was established by the Churches of Christ, with the 1950 opening of the Glenrose Court aged care complex in Glen Osmond. The organisation still operates at this site. Services have since grown and diversified to meet the changing needs of ageing South Australians, with the view of challenging conventional attitudes towards aged care and the notion of ageing. Life Care now operates as a not-for-profit, fully independent organisation, but its values remain consistent with its history.

Life Care provides a wide range of services including:

- Independent Living in attractive, secure community settings;
- Assisted Living, providing a little extra support for residents where it is needed, without compromising freedom and independence;
- Residential Aged Care, providing assisted care for residents in greater need;
- Respite Services to meet temporary accommodation needs and to support carers helping others live in their family home;
- Life Care at Home, providing in-home care to individuals who remain in their own home;



- Life Care Active, delivering a range of specialist health services and fitness programs to people over 55; and
- Working with schools to maximise the benefits of intergenerational connection.

Life Care is committed to providing elderly South Australians with a high quality of life (notwithstanding their need for support) and is therefore continually refining its service delivery model to ensure the greatest flexibilities for residents to promote a feeling of home life as distinct to institutional care.

### 1.3. Site Context

The subject land is in the suburb of Everard Park in the western area of the City of Unley in near proximity of South Road and Unley's boundary with the City of West Torrens.

The locality is characterised by residentially zoned land with increased densities associated with the South Road corridor. A wide range of housing types is evident in the area including detached dwellings, villas and bungalows. Residential flat buildings of 1970's and '80s era are also present. The Aveo Ackland Park Retirement Village is within approximately 150 metres of the subject land on South Road, Everard Park.

Areas of open space exist approximately 300m from the subject land with Everard Park Reserve to the north and Forrest Avenue Reserve to the south. Near the Everard Park Reserve is the Community Kids Ashford Early Education Centre. Near the Forest Avenue Reserve is the Black Forest Primary School. Both the Goodwood Oval co-located with the Millswood Tennis Club, and the Forestville Reserve co-located with the Unley Swimming Centre, are within 1km east of the subject land.

Commercial and shopping exists along South Road. The Black Forest Shopping Centre on South Road is less than 1km south of the subject land and provides a mix of local services including Post Office, fitness centre and bakery. Additional open space and services exist west of South Road in the neighbouring City of West Torrens.

The subject land has favourable attributes for increased density including existing medium density development adjoining and surrounding the site, as well as being immediately opposite the Black Forest tram stop for the City to Glenelg tram. The Mike Turtur bikeway runs past the subject site along Norman Terrace.

Figure 1 below shows the site in the context of medium density and existing surrounding land uses.



Figure 1. Local Context



## 1.4. Subject Land

The subject land is in Everard Park. The site area is approximately 1.9ha with three road frontages; north of Norman Terrace (approximate road frontage of 176m), west of Fourth Avenue (approximate road frontage of 83m), and south of Ross Street (approximate road frontage of 134m).

The subject land abuts established residential properties along its western boundary, most notably two storey residential flat buildings.

The site is shown in Figure 2 below.

Figure 2. Subject Land



Most of the site is commonly known as Parkrose Village and is currently developed with single storey accommodation providing for independent and residential living. Life Care has activity sought to consolidate its land holding as part of planned expansion and owns residential properties contiguous with Parkrose Village that form part of this proposal.

The rezoning proposal is for the land owned by Life Care, known as:

- Allotment 76 in Filed Plan 6522 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5804 Folio 30);
- Allotment 75 in Filed Plan 6522 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5804 Folio 31);
- Allotment 150 in Deposited Plan 63587 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5922 Folio 145);
- Allotment 77 in Filed Plan 6522 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5729 Folio 732);
- Allotment 71 in Filed Plan 6522 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5922 Folio 144);



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- Allotment 70 in Filed Plan 6522 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5674 Folio 218);
- Allotment 69 in Filed Plan 6522 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5675 Folio 381);
- Allotment 68 in Filed Plan 6522 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5804 Folio 32);
- Allotment 6 in Deposited Plan 2440 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5649 Folio 292);
- Allotment 5 in Deposited Plan 2440 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5129 Folio 286);
- Allotment 4 in Deposited Plan 2440 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5786 Folio 274); and
- Allotment 3 in Deposited Plan 2440 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5187 Folio 224).

The arrangement of Certificates of Title is shown in Figure 3 below.

**Figure 3.** Arrangement of Certificates of Title



Certificates of Title show that the land is subject to the *Retirement Villages Act 1987* (now *Retirement Villages Act 2016*). There are no easements or other notations listed on the titles. Certificates of Title are included in Appendix 1.

## 1.5. Current Zoning

The subject land is zoned for residential uses pursuant to the *City of Unley Development Plan* consolidated 19 December 2017), and is bisected by a zone boundary, as follows:

1. Residential B350 Zone:
  - » The land is predominantly (western three quarters of the site) in the Residential B350 Zone. No policy area is applicable to this portion of the land.
2. Residential Streetscape (Built Form) Zone:
  - » The eastern quarter of the land (near Fourth Avenue) is in the Residential Streetscape (Built Form) Zone. Policy Area 9 – Spacious, and Precinct 9.2 Everard Park and Forestville (East), also applies to this part of the zone.

Current zoning and policy areas are shown in Figure 4 below. Relevant existing zoning is provided in Appendix 2.

Figure 4. Current Zoning and Policy Areas



Both zones contemplate low density dwellings at heights of one and two storeys.

A summary of the key attributes of each zone follows.

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### Residential B350 Zone

The Residential B350 Zone contains one Objective, which states:

*Objective 1: Provision for a range of dwelling types of up to two storeys compatible in form, scale and design with the existing positive elements of the character of the area.*

While envisaged density and height is low, the Desired Character of the zone envisages infill development through aggregation of larger sites and that areas close to railway stations may offer better opportunities for new higher density development.

Retirement villages, nursing homes and rest homes are on-merit uses in the zone.

### Residential Streetscape (Built Form) Zone

The Residential Streetscape (Built Form) Zone contains four Objectives. Objective 3 seeks the retention and refurbishment of buildings, including the sensitive adaptation of large and non-residential buildings, as appropriate for supported care. The Objectives state (**emphasis added**):

*Objective 1: Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.*

*Objective 2: A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.*

*Objective 3: Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households.*

*Objective 4: Replacement of buildings and sites at variance with the desired character to contribute positively to the streetscape.*

The Desired Character for the zone includes the following statements:

*Sites greater than 5000 square metres will be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings, supported accommodation or institutional housing facilities at densities higher than, but compatible with, adjoining residential development.*

*Sites for existing or proposed aged care housing, supported accommodation or institutional housing may include minor ancillary non-residential services providing that the development interface is compatible with adjoining residential development.*

The zone seeks predominantly single storey, street facing development. This is reinforced through the provisions contained in Policy Area 9 – Spacious of the Residential Streetscape (Built Form) Zone which seeks low scale building development.

The form of development being contemplated by the proponent, although appropriate to the site and locality and surrounding land uses, is nonetheless likely to be of a scale greater than that contemplated by the Residential Streetscape (Built Form) Zone.



### Summary

Some forms of aged care accommodation could be acceptable across both zones based on land use pursuant to the Development Plan. However, current zoning does not adequately contemplate or support (re)development of the subject land to deliver contemporary residential aged care accommodation and services.

The current policy framework is not considered to appropriately contemplate the concentration of population along the existing City – Glenelg tram line and the strategic potential for transit-oriented development associated with the Norman Terrace tram stop.

It would therefore appear appropriate for the subject land to be rezoned to be compatible with both community expectation for high quality aged care accommodation and services, and highly favourable locational attributes for increased density.

## 1.6. Opportunities and Constraints

As part of conceptual planning for the site, opportunities and constraints have been broadly identified as follows:

- Large consolidated land holding (subject land) in single ownership;
- Logical transition in built form and density toward the South Road corridor including:
  - » Existing two storey residential development predominantly abutting the western site boundary;
  - » Existing three storey residential development (Housing SA); and
  - » Aveo Ackland Park Retirement Living Village.
- Street facing, low density existing residential development along Ross Street;
- Long length of side boundary fencing to existing residence along Fourth Avenue and examples of street facing residences near the intersection of Fourth Avenue and Ross Street;
- Overhead powerlines along Norman Terrace (northern side);
- Tram Stop immediately opposite the site on Norman Terrace for the City-Glenelg tram; and
- Mike Turtur bikeway along Norman Terrace.



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## 2 – PROPOSITION

## 2. Proposition

### 2.1. Proposal

The proposition by Life Care is to rezone the subject land to enable a contemporary residential aged care facility in Everard Park (Parkrose Village). The proposition is consistent with Objectives for urban regeneration and infill development such as those contained in the Residential Regeneration Zone of the Unley Council Development Plan (consolidated 19 December 2017).

The Objectives of the Residential Regeneration Zone, state (*emphasis added*):

- Objective 1: A predominantly medium density residential zone that comprises a range of dwelling types of 2 storeys together with associated local community services and facilities.*
- Objective 2: Provision of medium to high dwelling densities of up to 3 to 5 storeys within designated policy areas achieved through the re-development of under utilised or aggregated land and land in close proximity to centres, public transport stops and public open spaces.*
- Objective 3: Increased mix in the range of dwellings, including a minimum of 15 per cent affordable housing, available to cater for changing demographics, particularly smaller household sizes and supported accommodation*
- Objective 4: Increased dwelling densities and population*
- Objective 5: Sustainable development outcomes through the provision of water sensitive design, energy efficiency, waste minimisation and urban landscaping and biodiversity.*
- Objective 6: High quality urban design where buildings are sited, composed and scaled to mitigate visual and amenity impacts on residential neighbours in adjoining residential zones.*
- Objective 7: Development that contributes to the desired character of the zone.*

The service model proposed by Life Care includes services available to the residents and patrons of its facilities but also for broader community use. This is contemplated by Objective 1 of the Residential Regeneration Zone.

The Development Plan identifies use of the Residential Regeneration Zone in the following circumstances:

- (a) development is nearing the end of its economic life or is under-utilised;*
- (b) are located outside of designated character areas;*
- (c) comprise existing medium density housing development;*
- (d) have strategic locational benefits supporting higher density residential living such as close proximity to centres, public transport and open space.*

The subject land meets all circumstances in that: the existing built form is dated; the land is not in a designated character area; is surrounded by examples of medium density development; and is immediately opposite a tram stop for the City-Glenelg tram.

Land uses envisaged in the Residential Regeneration Zone are:

- Affordable housing

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- Domestic outbuilding in association with a dwelling
- Domestic structure
- Dwelling addition
- Dwelling
- Residential flat building
- Small scale community facilities that serves the local community, for example:
  - » office in association with a dwelling
  - » open space
  - » recreation area
- Student accommodation
- Supported accommodation.

The proponent has a vision for the subject land that would see the introduction of Assisted Living Apartments (ALAs), provision of Independent Living Apartments (ILAs) and Independent Living Units (ILUs) that present as two-storey dwellings, and an increase in the provision of Residential Aged Care (RAC) beds. The rezoning could therefore more specifically contemplate land uses for aged care accommodation.

The existing Residential Regeneration Zone contains four Policy Areas and examples of concept plans for specific locations within the Zone. The proposed rezoning could investigate whether such an approach would be appropriate in relation to the subject land.

The Desired Character of the Residential Regeneration Zone calls for design and siting of multi-storey development to be underpinned by good design principles and contextual considerations. Car parking is to be provided to the rear of the site or underneath buildings in the form of underground parking. This is consistent with Life Care's vision for the site.

### 2.2. Concept Development

Life Care has prepared a Master Plan that envisages a staged redevelopment and expansion of its residential campuses. The proposal for Everard Park would include a mix of aged care accommodation types that represent an expansion of existing provision on the site.

A broad indication of the expansion capacity is shown in Table 1 below.

**Table 1.** Possible expansion of accommodation

Accommodation type	Number of existing	Number under redevelopment scenario
Residential Aged Care (RAC) beds	69 RAC beds	90 RAC beds
Assisted Living Apartments (ALAs)	Nil	16 ALAs comprising: <ul style="list-style-type: none"> <li>» Approx. 80% ALAs of 1 bed</li> <li>» Approx. 20% ALAs of 2 beds</li> </ul>
Independent Living Apartments (ILAs)	46 ILUs comprising: <ul style="list-style-type: none"> <li>» 15 ILUs of 2 and 3 beds</li> <li>» 24 ILUs of 1 and 2 beds</li> <li>» 7 dwellings of 2 beds</li> </ul>	102 ILAs comprising: <ul style="list-style-type: none"> <li>» Approx. 10% ILAs of 1 bed</li> <li>» Approx. 60% ILAs of 2 beds</li> <li>» Approx. 30% ILAs of 3 beds</li> </ul>
Independent Living Units (ILUs)		18 ILUs of 2 beds and study that present as two storey dwellings

An indicative concept of how the subject land could develop over time has been prepared and demonstrates future development of the land for which the proposed rezoning could provide. The indicative concept is shown in Figure 5 below. An A3 copy of the indicative concept is provided in Appendix 3.

**Figure 5.** Indicative Concept Plan





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The indicative concept plan has the following features:

- Minimum 5m setback to all boundaries;
- Space at the site perimeter for landscaping;
- Deep root zones for medium to large trees;
- Tree canopy comprising more than 15% of site and extensive landscaping and green space;
- Two storey interfaces with existing low-density residential development along Ross Street and Fourth Avenue in the form of street facing dwellings with individual garaging;
- Two (to three) storey interface at the western boundary;
- Taller elements toward Norman Terrace approximately 20m from the site boundary (which abuts an existing two storey residential flat building);
- Club space providing for library, games, entertainment, pool table and bar area and sitting lounge;
- Community, allied health and Life Care active at ground floor level to Norman Terrace;
- Primary access (main entry) via Norman Terrace;
- Main entry with porte cochere and plaza area to Norman Terrace;
- Approximately 6 at-grade, on-site car parking spaces associated with the main entry;
- Basement car parking for residents and visitors accessed via Norman Terrace.

Figure 6 below shows impressions of the indicative concept plan from Norman Terrace, including community spaces.

*Figure 6. Artist impressions, Norman Terrace*



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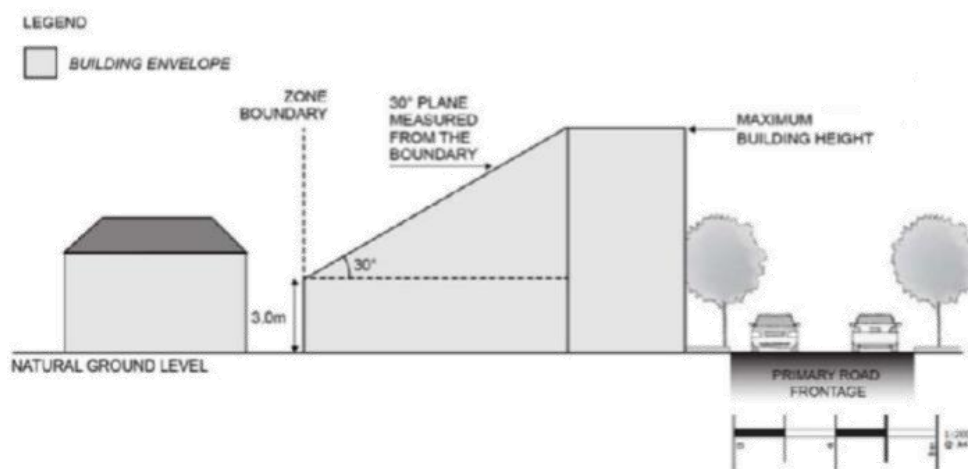
Impressions of the indicative concept plan from Ross Street are shown in Figure 7 below.

*Figure 7. Artist impressions, Ross Street*



The Residential Development Section of the Council-wide Section of the Unley Development Plan includes PDC 25 which seeks to minimise impacts at the interface with lower scale sensitive development. That is, buildings of 3 storeys or more (or heights greater than 7 metres) should be constructed within a building envelope provided by a 30 degree plane, measured from a height of 3 metres above ground level (of the adjoining affected land) at the zone or policy area boundary (except where this boundary is the primary road frontage (refer to Figure 8 reproduced from the Unley Council Development Plan). The proposed concept achieves the indicative building envelope (refer Appendix 3).

*Figure 8. Building Envelope, Unley Council Development Plan (Figure 1)*



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### 3 – REQUIREMENT FOR REZONING



### 3. Requirement for Rezoning

#### 3.1. Changing Landscape of Aged Care

Over the last decade, the broader community has become increasingly aware of the challenges faced by its rapidly ageing society. As the population is getting older and more diverse, much of the public discourse has focused on the policy challenges of a burgeoning healthcare budget and shrinking tax base.

Australia has one of the fastest growing ageing populations and, as a result, the nature of aged care in Australia has changed and will continue to change well into the future. This change is being driven by both the number of seniors, with the number of those aged over 85 expecting to increase four-fold by 2047, and the fact that the level of long-term illness and disability increases significantly for those over 65.

On 31 January 2019, His Excellency, the Governor approved State Planning Policies for South Australia which are now in effect. As a statutory instrument under the *Planning, Development and Infrastructure Act 2016*, the State Planning Policies are the highest-level policy in the planning system and address the economic, environmental and social planning priorities for South Australia.

*State Planning Policy 6: Housing Supply and Diversity*, seeks more diverse housing supply including dependent accommodation such as nursing homes, assisted living accommodation and retirement villages as part of urban renewal and infill development.

'Planning for a New Retirement Future' is a key discussion theme within the wider policy conversation about housing diversity. Consultation by the State Planning Commission brought together a range of key stakeholders to discuss opportunities and challenges around aged and retirement living. A summary paper of the consultation is provided in Appendix 4. It identifies a need for less prescriptive and more performance-based policy to allow for flexibility, and to ensure that policy is reviewed regularly to keep pace with changing needs and demand. The paper also identifies an opportunity to reconsider matters such as car parking requirements and manage potential challenges such as higher density living in low-rise neighbourhoods.

Life Care recognises that contemporary accommodation and services are essential to provide the level of care the community want for the ageing population. Current zoning for the subject land does not adequately contemplate or support (re)development of the land to deliver contemporary residential aged care accommodation and services (refer Section 1.5). Conceptual planning to support this rezoning proposition demonstrates challenges such as interface management can be appropriately managed for the subject land (refer Sections 2 and 4.2.5).

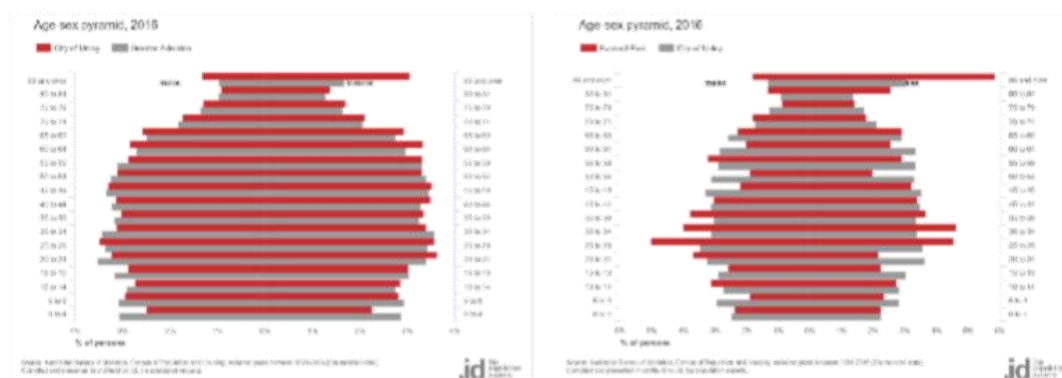
The rezoning proposal for Everard Park seeks to deliver benefits in both accommodation and services for current and future residents, patrons and to support communities.

### 3.2. Housing and Residential Function

The City of Unley's population in 2018 was 39,145 (based on estimated resident population), with a population density of 27.44 persons per hectare.

Based on the 2016 Census, 13.5% of the population was 70 years and over, compared with 11.9% for Greater Adelaide. Due to services and facilities such as Life Care Everard Park, the proportion of the population in Everard Park aged 70 years and older is 17.3% (with 8% of the population 85 years and over). The distribution of the population by age and gender is shown in Figure 10 below.

**Figure 9. Age Sex Pyramid, Unley compared with Greater Adelaide and Everard Park**



*City of Unley compared with Greater Adelaide*

*Everard Park compared with City of Unley*

In 2016, Everard Park was providing a significant housing and residential function for older persons living in Unley. The population projections published by the Department of Planning, Transport and Infrastructure estimate that the Unley population will increase to 42,693 persons by 2031. This includes an estimated population aged 70 years or more of approximately 7,674 or approximately 18% of the population. The projected growth in older persons has the potential to place increased pressure on demand for accommodation and services in Unley including opportunities to 'age-in-place' and remain a part of the Unley community.

The rezoning proposal will improve the ability with which aged care accommodation and services can respond to increasing demand.



## 3.3. Land Use

Parkrose Village was predominantly established in the early 1960's and while the facility is well maintained and has been subject to upgrades, the built form is tired and would benefit from redevelopment to a contemporary aged care facility.

Photographs of the subject land are shown in Figure 11 below.

*Figure 10. Photographs of existing land use (Parkrose Village)*



*Parkrose Village viewed from Norman Terrace*



*Main RAC building entrance (from Norman Terrace)*



*Parkrose Village viewed from Ross Street*



*Lounge space*

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*Older style room (without ensuite)*



*Older style (shared bathroom)*



*Recent renovations to create bedrooms with ensuites*



*Café, shop and library spaces*



*Older style nurse station*



*Dining area*

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The subject land is in an area of predominantly established residential with a range of traditional dwellings.

Opposite the subject land on Ross Street (north) is a mix of traditional dwelling types of single storey on separate allotments facing the subject land. A similar pattern of development can be seen on Fourth Avenue (east) however, the dwelling immediately opposite the subject land faces Norman Terrace and has a long side boundary facing most of the length of the subject land. On the western boundary, the subject land abuts two-storey residential flat buildings. Within approximately 50 metres west of the subject land are existing three storey flats. To the south is Norman Terrace and the City-Glenelg tram-line.

Key interfaces are shown in Figure 12 below.

*Figure 11. Photographs of key interfaces with the subject land*



*Roberts Close Norman Terrace, Everard Park*



*Roberts Close Norman Terrace, Everard Park*



*38 Norman Terrace, Everard Park*



*Looking west along Norman Terrace*



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*Tram stop, Norman Terrace*



*27 Norman Terrace, Everard Park (side boundary)*



*23 Fourth Ave, Everard Park*



*Looking west along Ross Street, Everard Park*



*Example of housing style, Ross Street, Everard Park*



*Example of housing style, Ross Street, Everard Park*



### 3.4. Policy History

The subject land was included in the Council initiated Development Plan Amendment (DPA) East of Goodwood Road – East Avenue in June 2015. That DPA proposed the subject land be rezoned to Residential Regeneration Zone with low to medium-rise development of four storeys with a transition to two storeys at the interface with existing low-rise residential uses.

At that time, the subject land formed part of a broader area for rezoning consideration. Council ultimately decided to split its DPA process and continue with part 1 of the original DPA. Part 2 of the DPA (of which the subject land formed a part) has not been pursued, among other reasons, due to uncertainty by the State Government regarding SA planning reforms and the interaction between DPAs with the introduction of the Planning and Design Code.

There has been some uncertainty for Council regarding DPA processes given the impending introduction of the Planning and Design Code in 2020. This situation is now addressed by Regulation which provides transitional arrangements for DPAs (refer to Section 5.6).

### 3.5. Alternatives

This section of the report considers two alternatives for the subject land as follows:

1. Maintain the existing split zoning of Residential B350 Zone (majority) and Residential Streetscape (Built Form) Zone; or
2. Change the Zone to Residential Regeneration Zone.

The readily identifiable consequences of each option are listed below.

1. Maintain the existing split zoning:
  - » The existing zone boundary through the subject land creates a level of uncertainty and complication for redevelopment of the site as a whole;
  - » Given both zones contemplate low density dwellings at heights of one and two storeys, this could result in the land being underutilised; and
  - » The strategic potential for transit-oriented development associated with the Norman Terrace tram stop will likely continue to be unrealised.
2. Change the zone to Residential Regeneration Zone:
  - » Provides impetus to redevelop the site;
  - » Provides consistency with the government policy agenda for infill development within locations close to services and public transport;
  - » Provides greater opportunity for strategic urban growth and housing diversity;
  - » Opportunities for small scale non-residential uses would be contained to those permitted within residential zoning.

HOLMES DYER

## 4 – IMPLICATIONS OF REZONING



## 4. Implications of Rezoning

### 4.1. Social

#### 4.1.1. Access to Housing

Market research indicates growth in demand for retirement living accommodation, residential aged care and independent living units is expected to be significant across Greater Adelaide (and South Australia) as the population ages.

The existing Life Care facility at Everard Park provides 69 residential aged care (RAC) beds, and 34 independent living units (ILUs) generally around the edge of the facility.

Redevelopment of the subject land has the potential to provide homes for some 90 fully supported residents and provide approximately 136 dwellings for independent and semi-independent living.

Independent living options provide an alternative downsizing option in an environmental that is supportive, providing a range of social activities and facilities within the campus.

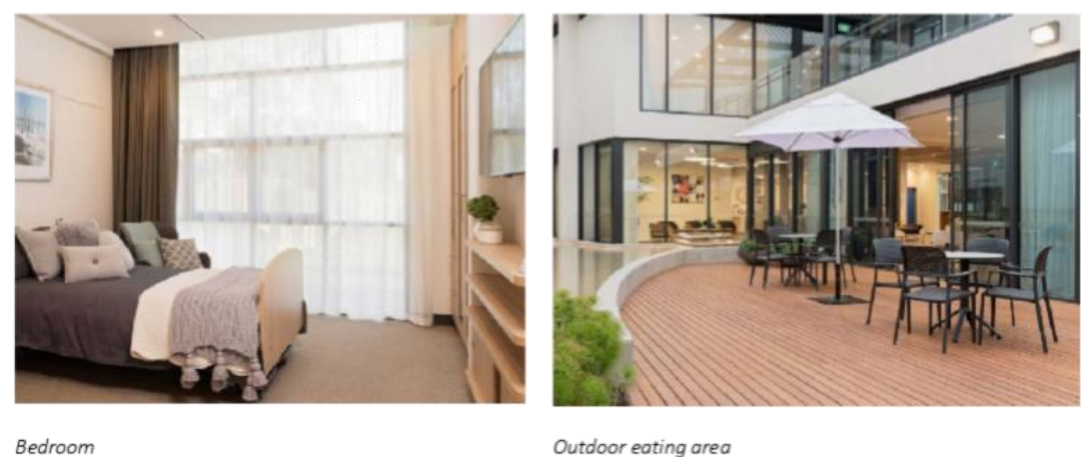
Residential living is provided for residents at various levels as required ranging from largely independent residents, to residents choosing to access support such as for dining, laundry, cleaning and social activities, to assistance with care and general living.

Everard Park will continue to provide respite for carers and clients for short-term stays.

Further, new Life Care campuses are being developed in accord with dementia management principles and providing specific training for staff with a focus on quality of life for persons with dementia. This includes working towards “gold star” accreditation for excellence in dementia design through the University of Stirling’s Dementia Services Development Centre (DSDC).

Example photographs of the quality of new Life Care campuses are provided in Figure 13 below (based on the recent redevelopment of the Life Care Joslin facility).

**Figure 12. Photographs of Joslin Residential Living Facility**





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*Café space*



*Dementia-friendly spaces*

### 4.1.2. Expanded Services

The existing Life Care facility at Everard Park includes a shop, café, hairdressing salon, library (served from Mitcham Library), massage room, billiards room, activity hall and chapel, several resident lounges, outdoor courtyards and maintained gardens as well as an indoor aviary. A community bus transports residents to Castle Plaza. Residents' health and well-being is supported by their visiting doctor or visiting allied health professionals, such as Physiotherapy, Podiatry, Dietetics, Occupational Therapy, Dentistry, Pharmacy, and Optometry. To support the residents, community spaces and support facilities would continue to be provided on site.

Conceptual planning for the site (refer Section 2.2), includes the provision of Life Care Active which provides specialist health, fitness, weight loss, rehabilitation, pilates, wellbeing and training services and classes for individuals and groups. The aim of Life Care Active is to assist residents to become and remain fit and healthy. This includes health services and exercise programs to help with fitness, flexibility, strength and overall good health to be 'active' every day. Life Care Active is unique in that a full complement of specialists is available to assist with meeting health and wellness goals.

There is also potential for other services and facilities to be expanded for instance to enable allied health professionals to co-locate on the site, or to provide local outreach services (such as library services) for the community. An example of this style of development is the Watermark Castle Cove Retirement Village in Sydney (refer to Appendix 5). Expanded facilities at the site could variously be available to the wider community which assists not only to support existing residents, but also provides a mechanism to strengthen community and prevent social isolation.

### 4.1.3. Quality Care

Life Care is a leader in aged care facilities and support the highest quality of life for its residents and patrons.

Life Care is moving away from a traditional institutional care model to a more hospitality-based approach. This approach is considered to provide the requisite level of service but in an environment of greater independence and lifestyle choice and quality for clients.

# HOLMES DYER

## 4.1.4. Training Benefits

Life Care is working in partnership with the Stirling University in Scotland in dementia care and facilities design and planning.

As part of this partnership Life Care is dedicated to implementing international best practice for living environments for people living with dementia. The partnership is also committed to undertaking relevant research opportunities within the area of dementia.

As part of this work Life Care is refining and developing new care programmes specifically tailored for people with cognitive decline. These activities and programmes build on what such persons can do rather than what these people cannot do and thus provide for empowerment, confidence and overall quality of life.

Furthermore, Life Care is extending its work in this area to training for staff, Board, volunteers and dementia client families in interacting with people with dementia.

The redevelopment of the Life Care facility at Everard Park will include a whole of building design that is not only aged friendly but also has a focus on best practice design elements for those living with dementia.

Key Life Care staff are accredited by Stirling University as trainers, enabling these staff to roll out a training programme for the wider organisation as well as to external providers and volunteers.

## 4.2. Environmental

### 4.2.1. Good Design

Conceptual planning by the proponent (refer to Section 2.2) demonstrates that principles of good design form part of the overall proposal with extensive attention to the external appearance and relationship to the streetscape and surrounding uses, including:

- Contemporary architectural design;
- Active street frontages;
- Tree canopy;
- Visible and publicly accessible internal open space;
- Retention of streetscape; and
- Generous setbacks.

In addition, Life Care's building specifications include environmental sustainability including: double glazing to exterior windows, gas/solar hot water systems, stormwater reticulated into toilets and for landscaping, motion sensors for lights, fresh air into buildings via a Building Management Systems, and LED lighting.

### 4.2.2. Vegetation and Tree Canopy

The subject land is virtually flat with low-growing plant species in landscaped garden beds and some lawned areas. Some existing mature trees are located on the subject land but tends to be sparse and there is no established pattern of tree planting. More recent landscaping has been introduced to provide amenity and additional vegetation cover.

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Photographs of existing vegetation and tree canopy are shown in Figure 14 below.

Street tree planting is on the southern side of Norman Terrace and not along the subject land frontage. Street tree planting is more established in Ross Street and Fourth Avenue with plantings of Jacaranda.

**Figure 13.** Photographs of existing vegetation (landscaping) and tree canopy



*Established manicured garden beds, Parkrose Village*



*Existing lawned areas, Parkrose Village*



*Existing courtyard space, Parkrose Village*



*Existing tree, Norman Terrace (no street trees)*



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*Recent landscaping, Parkrose Village*



*Updated courtyard space, Parkrose Village*

Conceptual planning by the proponent (refer to Section 2.2) identifies deep root zones for establishing larger tree species, as well as a series of green spaces connecting through the development. Planting is intended to provide amenity, shade and a level of screening between different uses on the subject land. Landscaping to all street frontages is proposed.

### **4.2.3. Open Space**

Infill development relies in part on access to quality open space.

The subject land is within walking distance of two local reserves and school oval. Within 1km of the subject land is the Goodwood Oval, Millswood Tennis Club, and Unley Swimming Centre.

Conceptual planning by the proponent (refer to Section 2.2) identifies a series of green spaces connecting through the development.

### **4.2.4. Connectivity and Transit Oriented Development**

The Parkrose site is located within immediate proximity to the Norman Terrace tram station providing additional opportunities for resident (employee and family) access and connectivity.

The location is also within close proximity to a mix of inner-city services and centres, including the CBD, making services accessible and trips in taxis affordable.

Each Life Care Campus provides regular transportation services to facilities within the general locality usually with a dedicated bus service which further enhances convenience and affordability for residents. At Everard Park, a community bus service is currently available to transport residents to and from Castle Plaza.

### **4.2.5. Interface Management**

The subject land has an approximate road frontage of 134m to Ross Street, Everard Park which is characterised by single storey detached dwellings on separate allotments that are street facing. Dwellings have a mix of solid and open style fencing. A private residence at 23 Fourth Avenue, Everard Park faces the north-east corner of the subject land and has open style fencing. Another private residence along Fourth Avenue to the eastern boundary





of the subject land faces Norman Terrace (27 Norman Terrace) and has a long length of side boundary fencing facing the subject land.

Management of these interfaces is proposed to be via low rise development (such as two-storey dwellings) that provide a transition down in height from low to medium rise development toward the Norman Terrace frontage.

Toward the western boundary the proposal is for heights of two (up to three) storeys to provide an appropriate interface with existing two storey flat development(s) at 38 Norman Terrace, Everard Park.

Vehicle access to the site is current provided via Norman Terrace and Ross Street.

Conceptual planning by the proponent (refer to Section 2.2) identifies main entry points to the subject land via Norman Terrace. This includes a *porte cochere* drop-off location associated with the main entrance as well as two ramp access points, one near the western boundary and the other toward the eastern boundary to separate basement carparks.

Traffic movements for an aged care facility can be lower than other large uses as a proportion of residents will not drive vehicles. In addition, families and visitors to the facility generally do not typically coincide with peak morning or afternoon traffic, choosing to visit outside of these hours.

Low rise residential development facing Ross Street and Fourth Avenue would take direct access from the local road network as is consistent with other residences in those streets and the broader locality.

### 4.3. Economic

The proposal for Everard Park is part of a master planned approach by Life Care for the staged redevelopment and expansion of its residential campuses. This represents, from an economic perspective, growth in the aged care sector and local economic development through jobs growth.

#### 4.3.1. Facility Provision

Market analysis of retirement living and the aged care market, indicate that facility provision is continuing to evolve to provide buildings that support (follow) individual care models rather than buildings that drive service provision.

Trends in facility provision include:

- Technology to support independence.
- Homes designed to feel more domestic and less institutional.
- Facilities will include more domestic spaces, ie. kitchens.
- Facilities will increasingly become more vertical.
- Facilities will integrate with the surrounding community, no longer enclosed, these sites will assist with connectivity.

One of the more challenging aspects of new facility provision from a planning policy perspective is the introduction of medium and higher rise elements in otherwise low-rise residential areas. As is the case for the subject land, existing policy frameworks contemplate predominantly single up to two storey development. The ability to deliver



contemporary aged care services such as those envisaged by the proponent requires more density on the site to be practical.

#### **4.3.2. Labour Force and Employment**

At the 2016 Census, Health Care and Social Assistance was the largest employer in the City of Unley, comprising approximately 23.7% of total employment (compared with 15.9% for Greater Adelaide) or 4,595 persons employed in the sector in Unley.

Of the 23.7% of employment in Health Care and Social Assistance, 9.4% was in Residential Care Services (1,828 employed persons), 3.6% was in Other Social Assistance Services (701 employed persons) and 3.1% was in Allied Health Services (600 employed persons). Health Care and Social Assistance was significantly above the next largest industry sectors of employment in the City of Unley (Professional, Scientific and Technical Services at 11.9% and Retail Trade at 10.1%).

These statistics provide a strong indication of the importance of the Health Care and Social Assistance industry for employment in the City of Unley.

The local workforce in the City of Unley is skewed slightly toward female employment with 56.8% female employees (compared with 48.2 in SA) and 43.2% male employees (compared with 51.8% in SA). The split of full time to part time employment in 2016 was 55.2% / 43.4% (compared with a split of 58.2% / 40.1% in SA).

Workforce statistics are consistent with high levels of employment in the Health Care and Social Assistance industry sector providing further indication of the importance of the sector to employment in Unley.

In addition to ongoing direct and indirect employment, the construction phase of the proposed redevelopment will generate demand for a range of materials, services and construction labour (refer Section 4.3.4).

#### **4.3.3. Access to Jobs**

Unemployment rates in the City of Unley are consistently significantly lower compared with Greater Adelaide and SA. The unemployment rate in Unley for the June 2018 quarter was reported at a low of 2.95% (compared with 6.04% for Greater Adelaide and 5.6% for SA).

In the year ending June 2018, there was an estimated 22,656 jobs in the City of Unley and an estimated 20,770 residents employed. In 2016, approximately 18% of residents living in the City of Unley also worked locally, with labour supply commonly drawn from the surrounding local government areas of Mitcham, Onkaparinga, Marion and Charles Sturt (35.1% combined).

A high proportion of people working in the City of Unley travel to work by car (74.7% compared with 70.7% for SA). The subject land is opposite a tram stop and has the potential to increase the number of jobs conveniently accessibly by alternative travel modes.

Life Care provides significant economic benefits through direct and indirect job provision and prospective ongoing training exports, particularly in new areas of aged care hospitality and living with dementia. Expansion of facilities and services at its Everard Park campus is expected to increase local employment opportunities in a key industry sector for the City of Unley.

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### 4.3.4. Investment

There are two major impacts upon the economy of investment at Everard Park. The first is the implications of the large amount of construction activity required to build new aged care facilities. The second, is the day to day operation of the new and expanded aged care facilities once they are constructed. The construction value of the redevelopment of Everard Park is likely to be in the order of \$125M plus multiplier effects.

### 4.3.5. Infrastructure

The subject land represents an infill development opportunity which contributes towards the Government's objectives of promoting infill over fringe development and the utilisation of existing infrastructure over the need for extension of new services and facilities.

The operation of the expanded site will contribute to the social and economic well-being of Everard Park and assist in the underpinning of local services and facilities.

HOLMES DYER

## 5 – KEY CRITERIA FOR EVALUATION

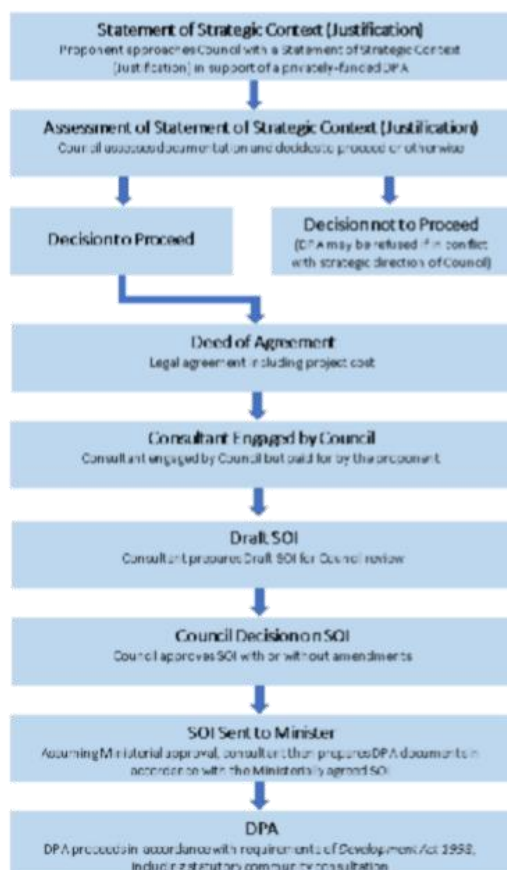
## 5. Key Criteria for Evaluation

### 5.1. The Process

The City of Unley has not adopted a third-party funded DPA policy, however, policies can be commonly referenced from South Australian metropolitan local governments. This policy refers to the City of Burnside *Privately Funded Development Plan Amendment Policy* dated 20 February 2018 which provide guidance on process (refer Appendix 6).

This proposal is for a rezoning funded by the proponent (who would prepare the Statement of Intent, commission investigations and studies and complete the draft DPA) for review by Council and in no way compromises Council's probity. A flow-chart of the process is provided in Figure 15 below.

Figure 14. Process for DPA



The following assessment has been prepared with reference to the City of Burnside *Privately Funded Development Plan Amendment Policy*. The assessment is considered to provide some objective tests to enable Unley Council to fully consider the proposal in the context of good planning and governance principles.



## **5.2. Consistent with State Government Policy**

### **5.2.1. The 30 Year Plan for Greater Adelaide**

The 30 Year Plan for Greater Adelaide sets out a spatial framework for the delivery of a prosperous South Australia. This plan seeks to ensure quality of life for all South Australians by making provision for a range of land uses that support healthy and resilient communities through job creation, connectivity, services and a sustainable built form.

The plan has three key objectives Liveability, Competitiveness and Sustainability.

Liveability is predicated on residents having comfortable and convenient living environments with good access to services and facilities.

This Plan identifies that Greater Adelaide has more people aged over 65 than the Australian average and its share of this age group is also growing faster than the national average. It also identifies the importance of giving older people more opportunities to 'age in place' through well-designed smaller accommodation, aged care and age-in-place options, located next to services, public transport and shops.

In general terms, the Plan has a specific focus to balance greenfield development with infill development and thus provides a focus on increasing densities within existing areas.

Specifically, the Plan acknowledges that there will need to be more appropriate accommodation of our elderly citizens and that this is likely to take the form of smaller dwellings including a mix of public and private housing as well as purpose-built retirement living.

Importantly the 30 Year Plan for Greater Adelaide also identifies the need for policies to protect existing aged care facilities and establishments and to allow for their redevelopment to ensure that people have age appropriate living choices in the areas with which they are familiar.

Life Care's "Live Every Day" philosophy accords closely with the aspirations of the 30 Year Plan for Greater Adelaide. Life Care's campuses incorporate a range of housing choices that are age appropriate and increasingly enable services to be moved to people to enable them to age in place.

The majority of the campuses are within the existing urban area and are well serviced with public transport and other facilities and services such as allied health and medical facilities and areas to encourage exercise and recreation.

This application for Parkrose supports the realisation of these aspirations by providing additional beds, a range of housing options that are well located within the community, to transport and potentially jobs. It is also within the existing built up area.

### **5.2.2. Prosperity Through Longevity: South Australia's Ageing Plan 2014-2019**

Prosperity Through Longevity: South Australia's Ageing Plan is all about encouraging positive ageing. In the foreword the Chair states: *"Prosperity Through Longevity emphasises the value of older South Australians to the community as a whole. It is a principle that underpins all aspects of this vision. 'Value' is defined broadly, to encompass all aspects of life in the state – from family to community, economy to culture."*



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The Plan's vision is:

*The state government's vision is to bring the community together to create an all-ages-friendly state. To ensure South Australians have a fulfilling, active and enjoyable life at every age, gaining the maximum benefit from longevity linking personal wellbeing with social and economic productivity.*

There are three priorities of this vision:

1. Health, wellbeing and security;
2. Social and economic productivity; and
3. All-ages-friendly communities.

All of the priorities seek to:

- Acknowledge our population's wide diversity;
- Respond directly to the voices of older South Australians;
- Recognise seniors as vital drivers of the state's social infrastructure and economy;
- Uphold the right of seniors to safety, security and informed decision making;
- Promote the participation of seniors in civic life and support opportunities for lifelong learning and social and economic engagement;
- Support good urban and regional planning for user friendly environments that benefit all ages; and
- Promote the value of intergenerational collaboration.

Life Care's approach and facilities support the priorities of this Plan as follows:

- Life Care's campuses typically provide a range of accommodation and facilities appropriate to a range of ages. Where possible, Life Care seeks to move services and not people and thus people can reside in a campus and receive the level of care they need in the one place.
- A resident of a Life Care campus has comfort and confidence that their health, wellbeing and security needs will be at the forefront of care.
- Campuses are designed to be homes for people enabling the resident to operate as far as is practicable as if living in their own private dwelling. To this end each facility is designed to function appropriately to provide the levels of care required but appear domestic in scale. This functionality provides for resident empowerment.
- Life Care campuses provide for social engagement. The campuses are designed with the resident's needs in mind.
- New campuses are being located in proximity to services and facilities that encourage active living and intergenerational interaction. Specifically, Life Care encourages interaction between its residents and carers and school children through programmes designed to exchange experience, wisdom and knowledge, benefitting all generations involved. This further highlights and values the contribution that older generations make to our community.

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The rezoning proposal for the Life Care Campus at Everard Park seeks to provide for social interaction amongst residents both on and outside the site. The facility is well located and will provide a range of living options catering for independent living to assisted living as an integral part of the City of Unley community.

### 5.3. Consistent with Council's Strategic Directions / DPA Program

#### 5.3.1. Community Plan 2033

The City of Unley *Community Plan 2033, A Community of Possibilities*, sets the strategic planning framework for Unley. The Plan notes its alignment with the State Planning Strategy (and fulfils the requirements of the Strategic Directions Report under Section 30 of the *Development Act 1993*) and a commitment to be an Age Friendly City, including Council's goal to create a city for people of all ages and abilities.

The Plan recognises that people 85 years and over is significant in Unley, double the figure for Australia and almost double the level for South Australia.

'Community Living' is one of four themes in the Plan with the following goal: *People value our City with its enviable lifestyle, activities, facilities and services. A key strategy within this theme is the City meets the needs of all generations.*

Within this strategy, the City of Unley *Four Year Delivery Plan 2017 – 2021* identifies Council will continue to advocate for improved planning policy for housing diversity and deliver on its Active Ageing Strategy.

The rezoning proposal is consistent with Council's strategic objectives and focus on providing for older members of its community. The rezoning proposal also responds more broadly to key matters of importance to the community identified in the Plan such as providing development with green space and tree canopy cover.

Underlying the strategic planning framework of the Council are five workplace "possibilities" or values, that align with the philosophy and operating model of Life Care with its values of integrity, respect, engagement, excellence and teamwork (refer Section 1.2), as follows:

- Pursue excellence: Life Care has formed a strategic partnership with The Dementia Services Development Centre, which is part of the Department of Social Sciences at Stirling University in Scotland for dementia excellence in building and environmental design.
- Achieve together: Life Care's purpose is to partner with people to embrace life and to live every day.
- Demonstrate integrity: the Life Care model is to be delivered in line with its values of which integrity is a core value.
- Customer first: Life Care's service model is about providing comprehensive high quality of life for all.
- Be progressive: as part of Life Care's Gaynes Park campus (Joslin), first truly mobile call system in the Southern Hemisphere was installed to do away with 'nurse call bells' on the wall and 'fall mats' on the floor.





### **5.3.2. Active Ageing Strategy**

The City of Unley has endorsed an Active Ageing Strategy as part of its commitment to the World Health Organisation's Global Network of Age Friendly Cities and Communities (signatory in 2012). A key guiding principle of the Strategy is the right to age in place, so people can remain in Unley for as long as they wish.

The Strategy encourages a service alliance which includes strengthening the network of key health and support service providers to partner with the City of Unley in implementing the actions in the Strategy and identifying challenges and opportunities to better meet the needs of residents as they age.

Housing is a key focus area of the Strategy (focus area 3) with a goal that affordable and accessible housing is available to meet the needs of residents throughout their lives. The Strategy notes Council's role in promoting and advocating for the provision of modern models of residential aged care in Unley.

This rezoning proposal seeks to facilitate the provision of a contemporary model of aged care and improve the quality of service provision for residents.

### **5.4. Ability to Achieve a Coordinated Development Outcome**

The subject land comprises twelve separate titles and represents a sizeable parcel(s) of land that the proponent has a preliminary concept plan prepared for (refer to Section 2.2). The concept plan demonstrates the potential to deliver a coordinated development outcome on the subject land.

Further, design quality is increasingly important to infill development to ensure the enjoyment, amenity and sustainability of the community. The proponents' vision is for a high-quality design outcome including in the siting of built form, connectivity through the site and to surrounding areas, use of green space and deep root zones for the establishment of tree canopy, and sensitive interface with the established residential area (generally to the north and north-east corner of the subject land).

The rezoning proposal provides an opportunity for a coordinated development and delivery of contemporary aged care facilities in Everard Park, in the City of Unley.

### **5.5. Appropriateness of Existing Zoning**

The subject land is current bisected by a zone boundary. Both zones contemplate low density dwellings at heights of one and two storeys.

The form of development being contemplated by the proponent, although appropriate to the site and locality and surrounding land uses, is nonetheless likely to be of a scale greater than that contemplated by existing planning policy.

Some forms of aged care accommodation could be acceptable across both zones based on land use pursuant to the Development Plan. However, current zoning does not adequately contemplate or support (re)development of the subject land to deliver contemporary residential aged care accommodation and services nor the scale of development required to underpin the delivery of enhanced community services.



The current policy framework is not considered to appropriately contemplate the concentration of population along the existing City – Glenelg tram line and the strategic potential for transit-oriented development associated with the Norman Terrace tram stop.

It would therefore appear appropriate for the subject land to be rezoned to be compatible with both community expectation for high quality aged care accommodation and services, and highly favourable locational attributes for increased density.

The current zoning has been identified by Council as being within an area that is planned for review (through the Council initiated Development Plan Amendment (DPA) East of Goodwood Road – East Avenue in June 2015). That DPA proposed the subject land be rezoned to Residential Regeneration Zone with low to medium-rise development of four storeys with a transition to two storeys at the interface with existing low-rise residential uses. The rezoning proposal by Life Care is consistent with the former approach by Council to the subject land.

While Council had originally intended a broader rezoning through the Development Plan Amendment (DPA) East of Goodwood Road – East Avenue in June 2015), given the timing of the SA planning reforms it is appropriate that the DPA remain focussed to the subject land. This will ensure the DPA is both manageable and can be completed before the introduction of the Planning and Design Code. Notwithstanding the proposal largely affects a consolidated land holding, the investigations and policy approach for the subject land will consider the relationship with surrounding land uses (particularly those west of the subject land in the Residential B350 Zone).

## **5.6. Appropriate Management and Timing of the DPA Process**

The proposed approach is for the third party to fund and manage the DPA process with Council to undertake peer review (either via its own consultants or administration).

It is proposed the DPA follow Process B2 (consultation approval not required). A draft DPA timetable is provided in Table 2 below.

**Table 2. Draft DPA Timetable**

Steps	Responsibility	Agreed Timeframe from Minister's Approval
<b>Development Plan Amendment (DPA)</b>		
Investigations conducted; DPA prepared	Council	10 weeks SOI drafted - Investigations undertaken and draft DPA prepared
Agency and public consultation concludes	Council	8 weeks
<b>Summary of Consultation and Proposed Amendment (SCPA)</b>		
Public Meeting held; submissions summarised; DPA amended in accordance with Council's assessment of submissions; SCPA prepared and lodged with the Department	Council	8 weeks Public consultation closes – SCPA lodged with the Department
SCPA assessed and report on DPA prepared for Minister	Department	7 weeks
Minister considers report on DPA and makes decision	Minister	4 weeks
Approved amendment gazetted	Department	2 weeks

There has been some uncertainty for Council regarding DPA processes given the impending introduction of the Planning and Design Code in 2020. This situation is now addressed by Regulation which provides transitional arrangements for DPAs.

The *Planning, Development and Infrastructure (Transitional Provisions) (Code) Variation Regulations 2019* that come into operation on 1 July 2019 under the *Planning, Development and Infrastructure Act 2016* provide for transitional arrangements in relation to a DPA (Development Plan Amendment under section 25 of the *Development Act 1993*).

Regulation 8 (refer to extract contained in Appendix 7) allows for a DPA prepared by a Council that has completed public consultation to be considered by the Minister (subject to application to the Minister by Council), and after consultation with the State Planning Commission either adopted, altered or declined. A council may not make an application under this regulation more than 3 months after the date on which the Development Plan to which the DPA relates has been revoked by the Minister.

The new Planning and Design Code is scheduled to take effect from 1 July 2020, on this basis Council would have until September 2020 to finalise the proposed DPA.

HOLMES DYER

## 6 – CONCLUSION



## 6. Conclusion

In conclusion, we request that Council considers this request for an externally funded DPA process to rezone the subject land (refer Section 1.4) on the basis that:

1. The proposed rezoning is consistent with Government (State and local) policy positions including a commitment by the City of Unley to be an age friendly community and city;
2. The rezoning is likely to improve opportunities for Unley's community to 'age in place' in contemporary accommodation and have access to associated community services;
3. Current zoning had previously been scheduled for review by Council;
4. The potential to manage the interface with existing residences and provide a high-quality design outcome can be demonstrated;
5. The potential for a coordinated development outcome of quality design can be demonstrated;
6. Council can retain control over the rezoning process and the ultimate zoning and policy outcome;
7. The proponent can fund and manage the rezoning process without fettering the rights of Council; and
8. Transitional arrangements for DPAs are provided through the *Planning, Development and Infrastructure (Transitional Provisions) (Code) Variation Regulations 2019* as it relates to the introduction of the Planning and Design Code.

HOLMES DYER

## APPENDIX

HOLMES DYER

## Appendix 1.Certificates of Title



**Product** Register Search (CT 5129/286)  
**Date/Time** 11/04/2019 10:31AM  
**Customer Reference** 0257  
**Order ID** 20190411002788



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



## Certificate of Title - Volume 5129 Folio 286

**Parent Title(s)** CT 1113/36  
**Creating Dealing(s)** CONVERTED TITLE  
**Title Issued** 29/06/1993      **Edition** 4      **Edition Issued** 28/08/2018

### Estate Type

FEE SIMPLE

### Registered Proprietor

CHURCHES OF CHRIST LIFE CARE INC.  
OF L 1 128 GREENHILL ROAD UNLEY SA 5061

### Description of Land

ALLOTMENT 5 DEPOSITED PLAN 2440  
IN THE AREA NAMED EVERARD PARK  
HUNDRED OF ADELAIDE

### Easements

NIL

### Schedule of Dealings

NIL

### Notations

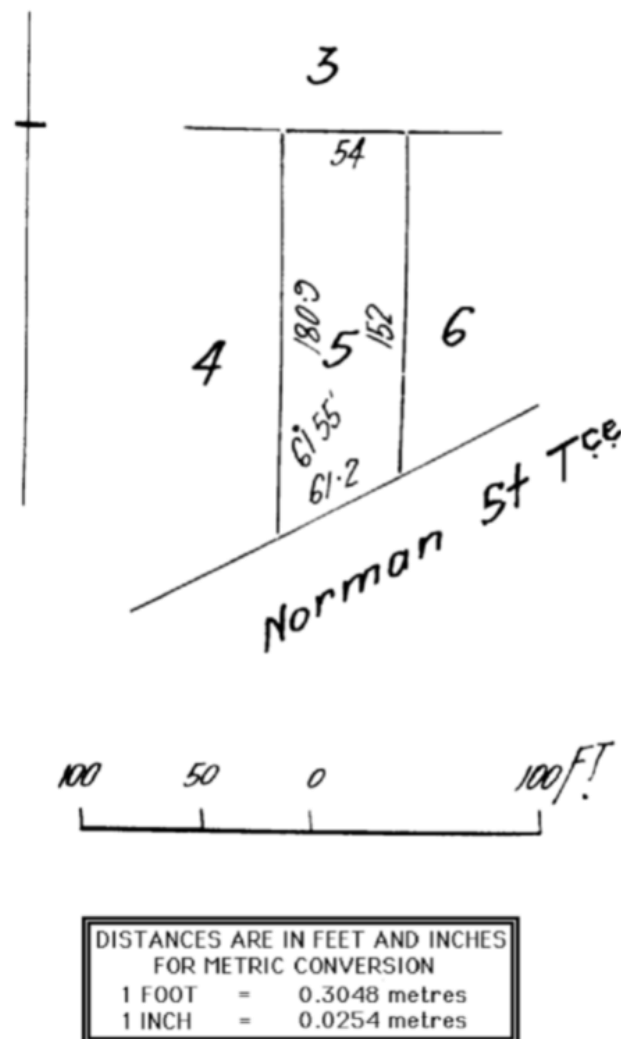
<b>Dealings Affecting Title</b>	NIL
<b>Priority Notices</b>	NIL
<b>Notations on Plan</b>	NIL
<b>Registrar-General's Notes</b>	NIL
<b>Administrative Interests</b>	NIL





Product  
Date/Time  
Customer Reference  
Order ID

Register Search (CT 5129/286)  
11/04/2019 10:31AM  
0257  
20190411002788





<b>Product</b>	Register Search (CT 5187/224)
<b>Date/Time</b>	11/04/2019 10:25AM
<b>Customer Reference</b>	0257
<b>Order ID</b>	20190411002636

REAL PROPERTY ACT, 1885



South Australia

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



## Certificate of Title - Volume 5187 Folio 224

<b>Parent Title(s)</b>	CT 1174/178		
<b>Creating Dealing(s)</b>	CONVERTED TITLE		
<b>Title Issued</b>	17/05/1994	<b>Edition</b>	5
		<b>Edition Issued</b>	30/07/2012

### Estate Type

FEE SIMPLE

### Registered Proprietor

CHURCHES OF CHRIST LIFE CARE INC.  
OF 263 MELBOURNE STREET NORTH ADELAIDE SA 5006

### Description of Land

ALLOTMENT 3 DEPOSITED PLAN 2440  
IN THE AREA NAMED EVERARD PARK  
HUNDRED OF ADELAIDE

### Easements

NIL

### Schedule of Dealings

NIL

### Notations

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

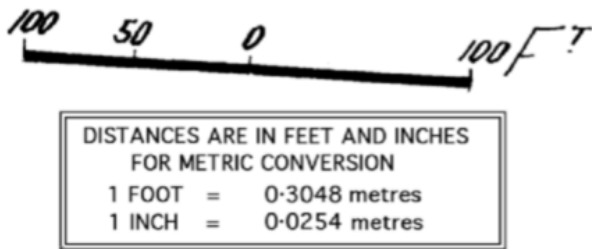
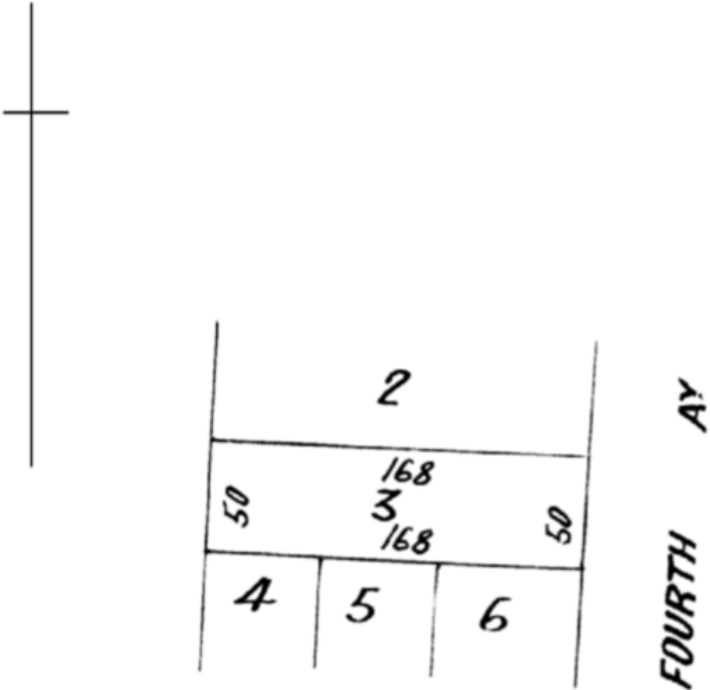


ProductRegister Search (CT 5187/224)

Date/Time11/04/2019 10:25AM

Customer Reference0257

Order ID20190411002636





**Product** Register Search (CT 5649/292)  
**Date/Time** 11/04/2019 10:33AM  
**Customer Reference** 0257  
**Order ID** 20190411002834



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



## Certificate of Title - Volume 5649 Folio 292

**Parent Title(s)** CT 1252/191  
**Creating Dealing(s)** CONVERTED TITLE  
**Title Issued** 04/05/1999      **Edition** 5      **Edition Issued** 14/02/2008

### Estate Type

FEE SIMPLE

### Registered Proprietor

CHURCHES OF CHRIST LIFE CARE INC.  
OF 263 MELBOURNE STREET NORTH ADELAIDE SA 5006

### Description of Land

ALLOTMENT 6 DEPOSITED PLAN 2440  
IN THE AREA NAMED EVERARD PARK  
HUNDRED OF ADELAIDE

### Easements

NIL

### Schedule of Dealings

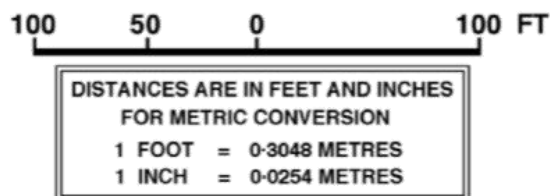
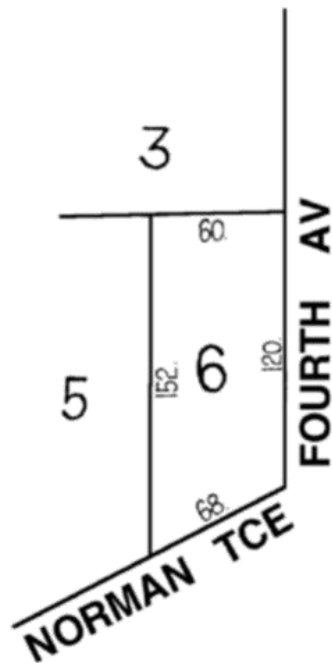
Dealing Number	Description
10858305	APPLICATION PURSUANT TO RETIREMENT VILLAGES ACT, 1987 THE LAND IS USED AS A RETIREMENT VILLAGE

### Notations

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



<b>Product</b>	Register Search (CT 5649/292)
<b>Date/Time</b>	11/04/2019 10:33AM
<b>Customer Reference</b>	0257
<b>Order ID</b>	20190411002834





**Product** Register Search (CT 5674/218)  
**Date/Time** 11/04/2019 10:41AM  
**Customer Reference** 0257  
**Order ID** 20190411003033



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



## Certificate of Title - Volume 5674 Folio 218

**Parent Title(s)** CT 2418/135  
**Creating Dealing(s)** CONVERTED TITLE  
**Title Issued** 22/07/1999      **Edition** 2      **Edition Issued** 14/05/2013

### Estate Type

FEE SIMPLE

### Registered Proprietor

CHURCHES OF CHRIST RETIREMENT SERVICES INC.  
OF 263 MELBOURNE STREET NORTH ADELAIDE SA 5006

### Description of Land

ALLOTMENT 70 FILED PLAN 6522  
IN THE AREA NAMED EVERARD PARK  
HUNDRED OF ADELAIDE

### Easements

NIL

### Schedule of Dealings

Dealing Number	Description
6407380	APPLICATION PURSUANT TO RETIREMENT VILLAGES ACT, 1987 THE LAND IS USED AS A RETIREMENT VILLAGE
11930031	MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

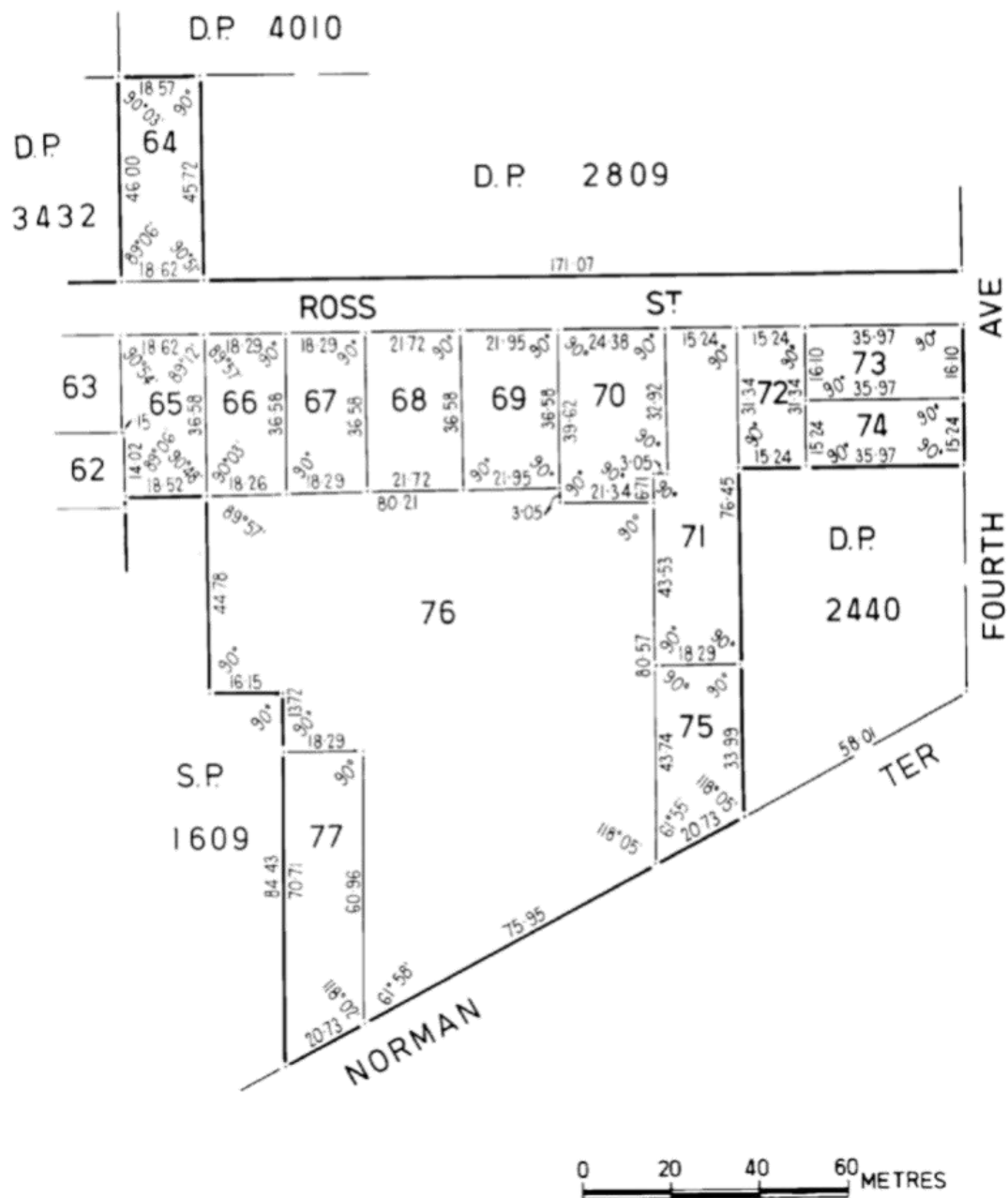
### Notations

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





Product Register Search (CT 5674/218)  
 Date/Time 11/04/2019 10:41AM  
 Customer Reference 0257  
 Order ID 20190411003033





**Product** Register Search (CT 5675/381)  
**Date/Time** 11/04/2019 10:38AM  
**Customer Reference** 0257  
**Order ID** 20190411002942



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



## Certificate of Title - Volume 5675 Folio 381

**Parent Title(s)** CT 2368/190  
**Creating Dealing(s)** CONVERTED TITLE  
**Title Issued** 27/07/1999      **Edition** 2      **Edition Issued** 14/05/2013

### Estate Type

FEE SIMPLE

### Registered Proprietor

CHURCHES OF CHRIST RETIREMENT SERVICES INC.  
OF 263 MELBOURNE STREET NORTH ADELAIDE SA 5006

### Description of Land

ALLOTMENT 69 FILED PLAN 6522  
IN THE AREA NAMED EVERARD PARK  
HUNDRED OF ADELAIDE

### Easements

NIL

### Schedule of Dealings

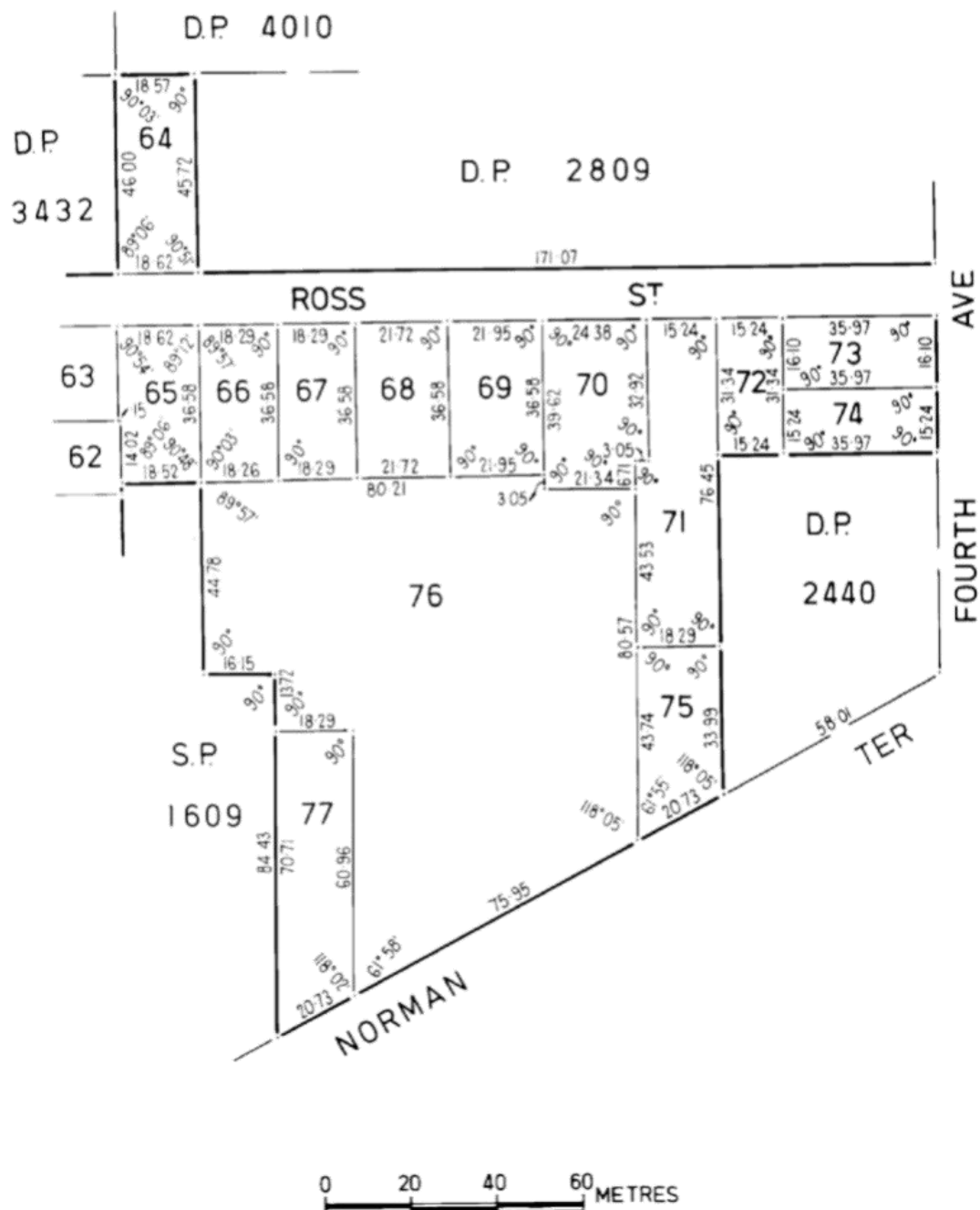
Dealing Number	Description
6407380	APPLICATION PURSUANT TO RETIREMENT VILLAGES ACT, 1987 THE LAND IS USED AS A RETIREMENT VILLAGE
11930031	MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

### Notations

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



Product Register Search (CT 5675/381)  
 Date/Time 11/04/2019 10:38AM  
 Customer Reference 0257  
 Order ID 20190411002942





**Product** Register Search (CT 5729/732)  
**Date/Time** 11/04/2019 10:51AM  
**Customer Reference** 0257  
**Order ID** 20190411003263



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



## Certificate of Title - Volume 5729 Folio 732

**Parent Title(s)** CT 1668/163  
**Creating Dealing(s)** CONVERTED TITLE  
**Title Issued** 31/01/2000      **Edition** 2      **Edition Issued** 14/05/2013

### Estate Type

FEE SIMPLE

### Registered Proprietor

CHURCHES OF CHRIST RETIREMENT SERVICES INC.  
OF 263 MELBOURNE STREET NORTH ADELAIDE SA 5006

### Description of Land

ALLOTMENT 77 FILED PLAN 6522  
IN THE AREA NAMED EVERARD PARK  
HUNDRED OF ADELAIDE

### Easements

NIL

### Schedule of Dealings

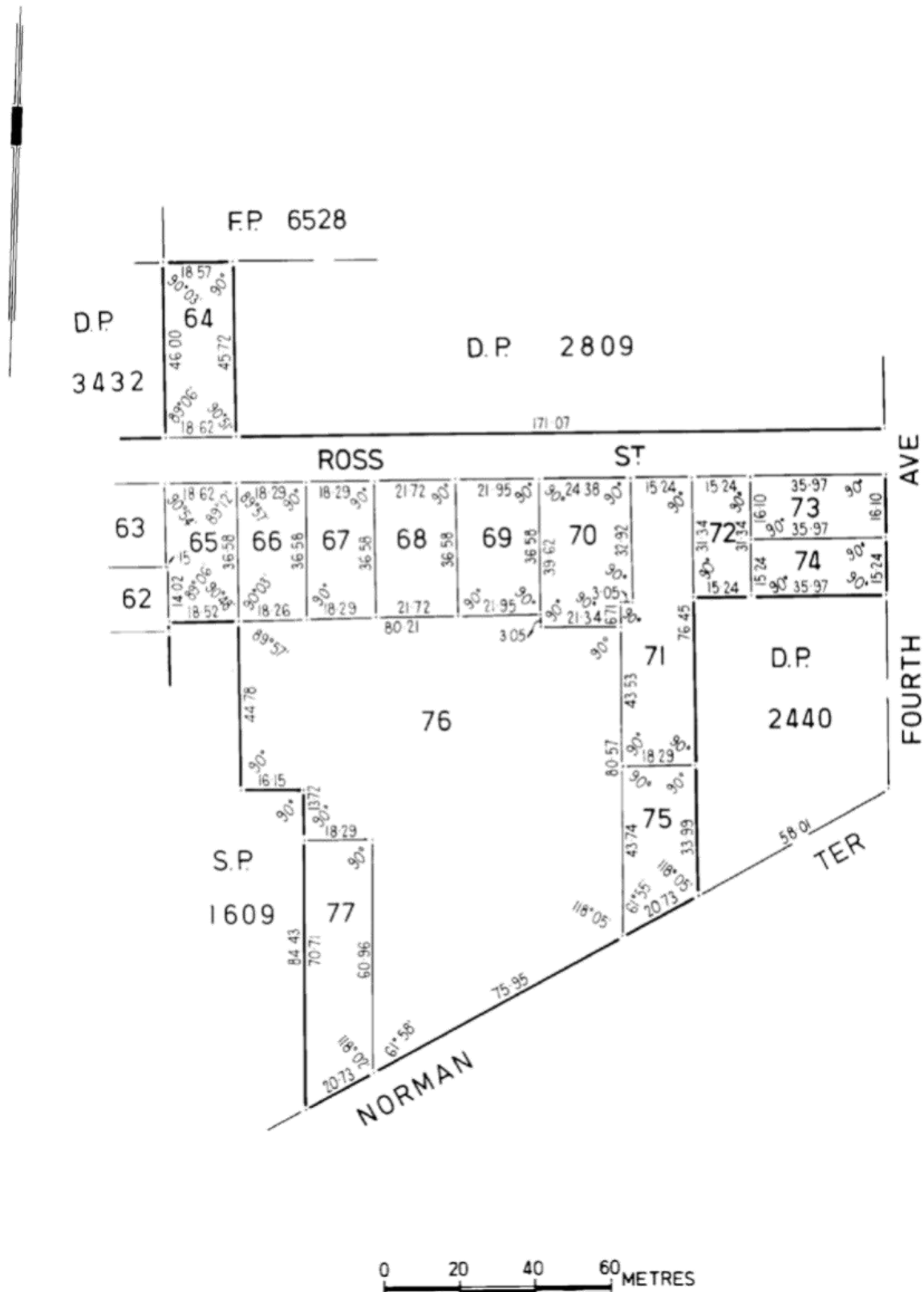
Dealing Number	Description
6407380	APPLICATION PURSUANT TO RETIREMENT VILLAGES ACT, 1987 THE LAND IS USED AS A RETIREMENT VILLAGE
11930031	MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

### Notations

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



Product Register Search (CT 5729/732)  
 Date/Time 11/04/2019 10:51AM  
 Customer Reference 0257  
 Order ID 20190411003263





**Product** Register Search (CT 5786/274)  
**Date/Time** 11/04/2019 10:29AM  
**Customer Reference** 0257  
**Order ID** 20190411002712



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



## Certificate of Title - Volume 5786 Folio 274

**Parent Title(s)** CT 1329/131  
**Creating Dealing(s)** CONVERTED TITLE  
**Title Issued** 03/07/2000      **Edition** 2      **Edition Issued** 14/05/2013

### Estate Type

FEE SIMPLE

### Registered Proprietor

CHURCHES OF CHRIST RETIREMENT SERVICES INC.  
OF 263 MELBOURNE STREET NORTH ADELAIDE SA 5006

### Description of Land

ALLOTMENT 4 DEPOSITED PLAN 2440  
IN THE AREA NAMED EVERARD PARK  
HUNDRED OF ADELAIDE

### Easements

NIL

### Schedule of Dealings

Dealing Number	Description
6407380	APPLICATION PURSUANT TO RETIREMENT VILLAGES ACT, 1987 THE LAND IS USED AS A RETIREMENT VILLAGE
11930031	MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

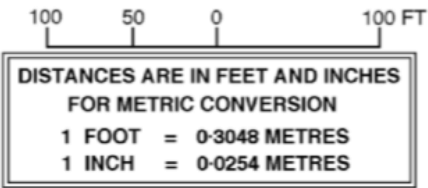
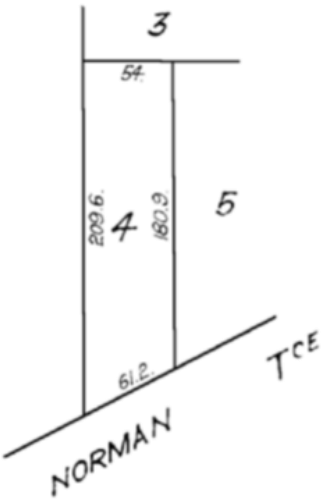
### Notations

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





Product	Register Search (CT 5786/274)
Date/Time	11/04/2019 10:29AM
Customer Reference	0257
Order ID	20190411002712





**Product** Register Search (CT 5804/30)  
**Date/Time** 11/04/2019 10:49AM  
**Customer Reference** 0257  
**Order ID** 20190411003209



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



## Certificate of Title - Volume 5804 Folio 30

**Parent Title(s)** CT 3047/53  
**Creating Dealing(s)** CONVERTED TITLE  
**Title Issued** 04/09/2000      **Edition** 2      **Edition Issued** 14/05/2013

### Estate Type

FEE SIMPLE

### Registered Proprietor

CHURCHES OF CHRIST RETIREMENT SERVICES INC.  
OF 263 MELBOURNE STREET NORTH ADELAIDE SA 5006

### Description of Land

ALLOTMENT 76 FILED PLAN 6522  
IN THE AREA NAMED EVERARD PARK  
HUNDRED OF ADELAIDE

### Easements

NIL

### Schedule of Dealings

Dealing Number	Description
6407380	APPLICATION PURSUANT TO RETIREMENT VILLAGES ACT, 1987 THE LAND IS USED AS A RETIREMENT VILLAGE
11930031	MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

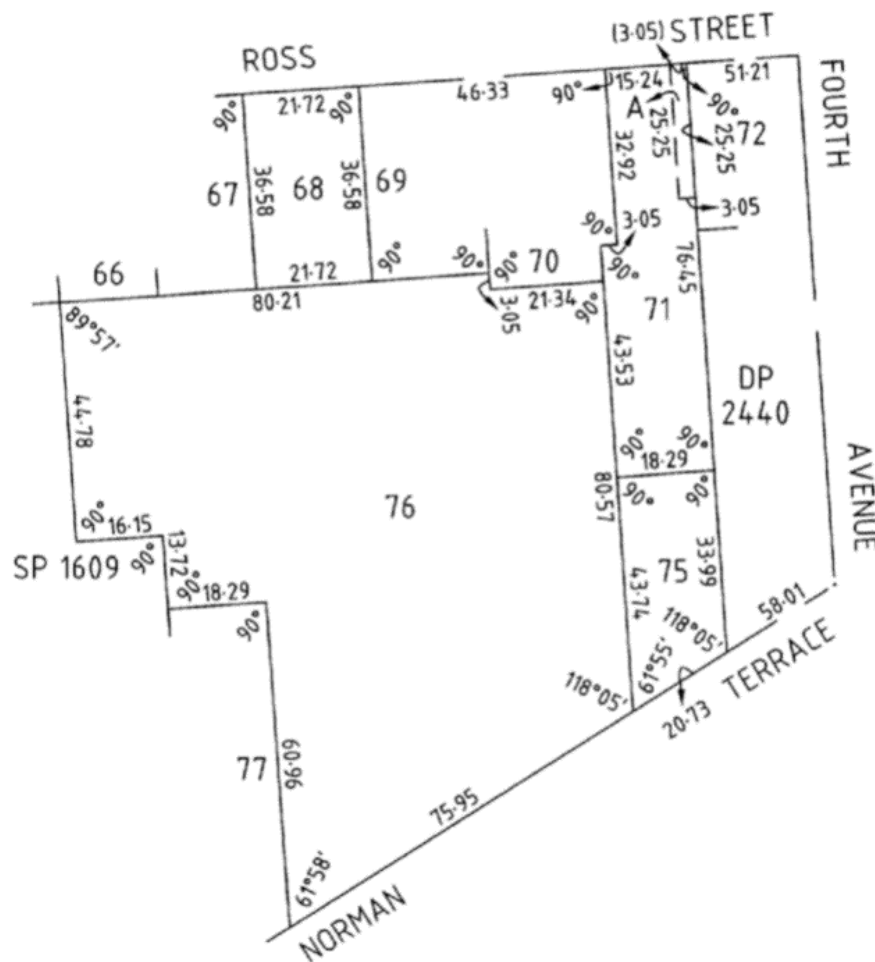
### Notations

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



Product
Date/Time
Customer Reference
Order ID

Register Search (CT 5804/30)  
11/04/2019 10:49AM  
0257  
20190411003209



0 12.5 25 37.5 50 Metres



**Product** Register Search (CT 5804/31)  
**Date/Time** 11/04/2019 10:46AM  
**Customer Reference** 0257  
**Order ID** 20190411003153



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



## Certificate of Title - Volume 5804 Folio 31

**Parent Title(s)** CT 3391/120  
**Creating Dealing(s)** CONVERTED TITLE  
**Title Issued** 04/09/2000      **Edition** 2      **Edition Issued** 14/05/2013

### Estate Type

FEE SIMPLE

### Registered Proprietor

CHURCHES OF CHRIST RETIREMENT SERVICES INC.  
OF 263 MELBOURNE STREET NORTH ADELAIDE SA 5006

### Description of Land

ALLOTMENT 75 FILED PLAN 6522  
IN THE AREA NAMED EVERARD PARK  
HUNDRED OF ADELAIDE

### Easements

NIL

### Schedule of Dealings

Dealing Number	Description
6407380	APPLICATION PURSUANT TO RETIREMENT VILLAGES ACT, 1987 THE LAND IS USED AS A RETIREMENT VILLAGE
11930031	MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

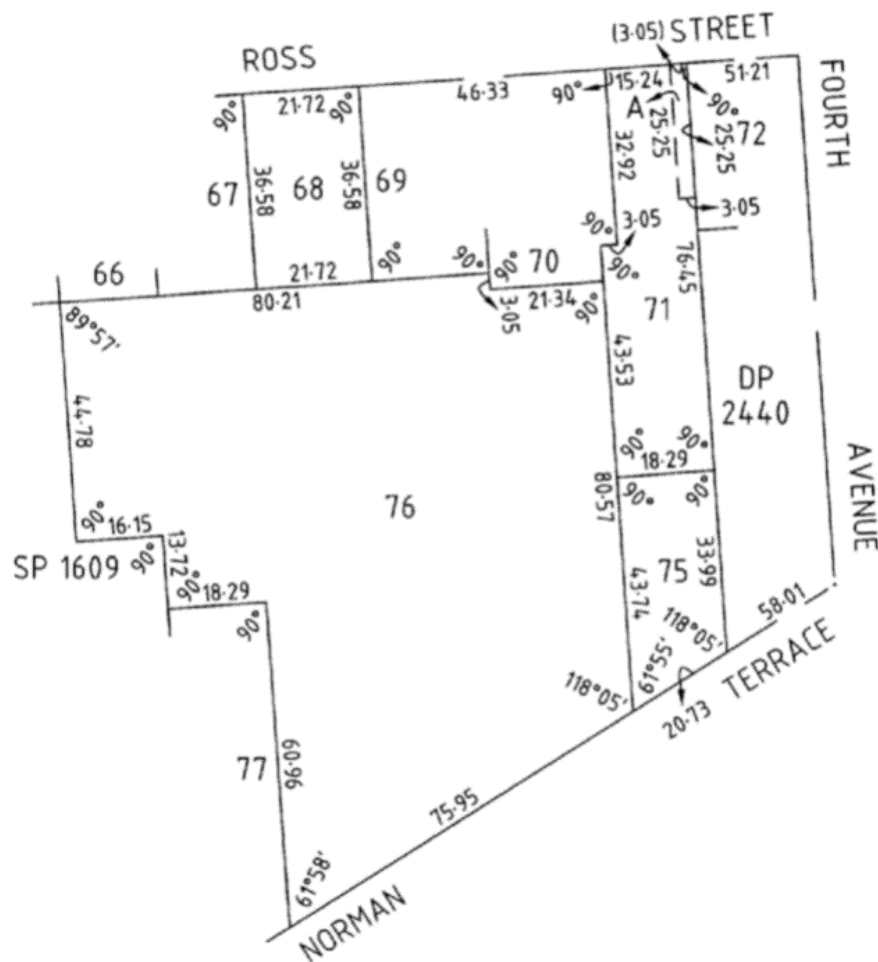
### Notations

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



Product
Date/Time
Customer Reference
Order ID

Register Search (CT 5804/31)  
11/04/2019 10:46AM  
0257  
20190411003153



0    12.5    25    37.5    50 Metres



**Product** Register Search (CT 5804/32)  
**Date/Time** 11/04/2019 10:35AM  
**Customer Reference** 0257  
**Order ID** 20190411002882



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



## Certificate of Title - Volume 5804 Folio 32

**Parent Title(s)** CT 2371/13  
**Creating Dealing(s)** CONVERTED TITLE  
**Title Issued** 04/09/2000      **Edition** 2      **Edition Issued** 14/05/2013

## Estate Type

FEE SIMPLE

## Registered Proprietor

CHURCHES OF CHRIST RETIREMENT SERVICES INC.  
OF 263 MELBOURNE STREET NORTH ADELAIDE SA 5006

## Description of Land

ALLOTMENT 68 FILED PLAN 6522  
IN THE AREA NAMED EVERARD PARK  
HUNDRED OF ADELAIDE

## Easements

NIL

## Schedule of Dealings

Dealing Number	Description
6407380	APPLICATION PURSUANT TO RETIREMENT VILLAGES ACT, 1987 THE LAND IS USED AS A RETIREMENT VILLAGE
11930031	MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

## Notations

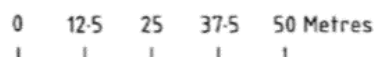
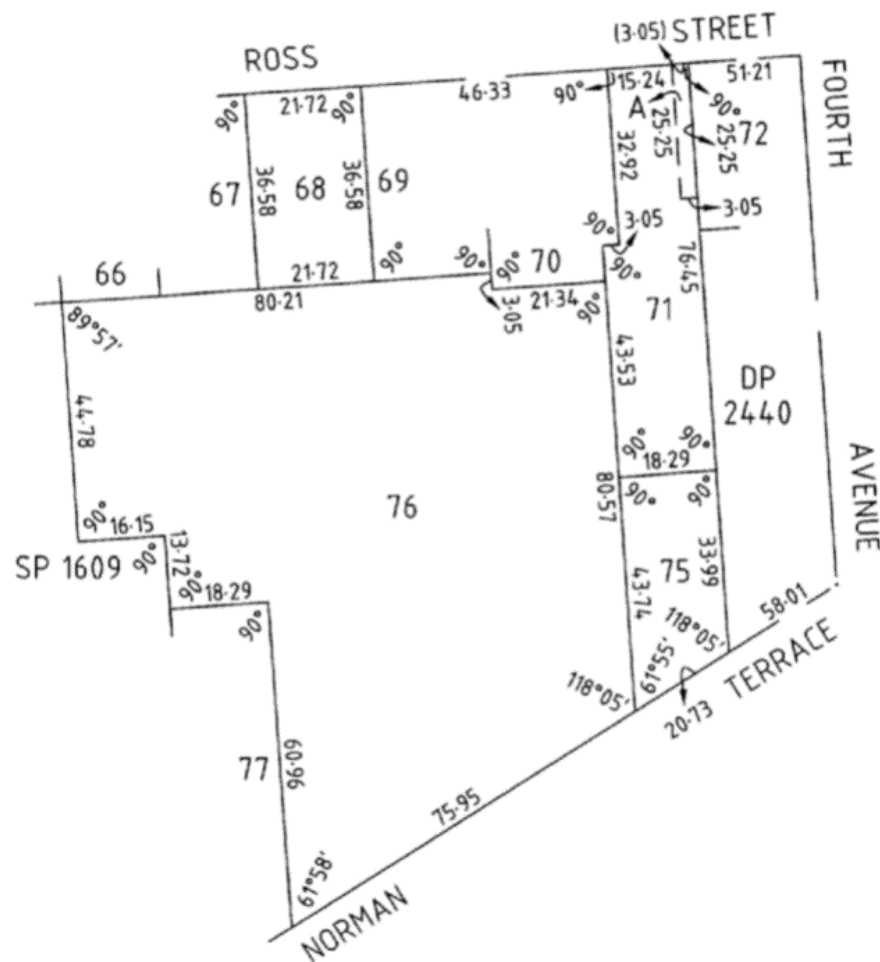
<b>Dealings Affecting Title</b>	NIL
<b>Priority Notices</b>	NIL
<b>Notations on Plan</b>	NIL
<b>Registrar-General's Notes</b>	NIL
<b>Administrative Interests</b>	NIL





**Product**  
**Date/Time**  
**Customer Reference**  
**Order ID**

Register Search (CT 5804/32)  
11/04/2019 10:35AM  
0257  
20190411002882





**Product** Register Search (CT 5922/144)  
**Date/Time** 11/04/2019 10:43AM  
**Customer Reference** 0257  
**Order ID** 20190411003094



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



## Certificate of Title - Volume 5922 Folio 144

**Parent Title(s)** CT 5154/145, CT 5804/33  
**Creating Dealing(s)** VE 9791620  
**Title Issued** 13/08/2004      **Edition** 2      **Edition Issued** 14/05/2013

## Estate Type

FEE SIMPLE

## Registered Proprietor

CHURCHES OF CHRIST LIFE CARE INC.  
OF 263 MELBOURNE STREET NORTH ADELAIDE SA 5006

## Description of Land

ALLOTMENT 71 FILED PLAN 6522  
IN THE AREA NAMED EVERARD PARK  
HUNDRED OF ADELAIDE

## Easements

NIL

## Schedule of Dealings

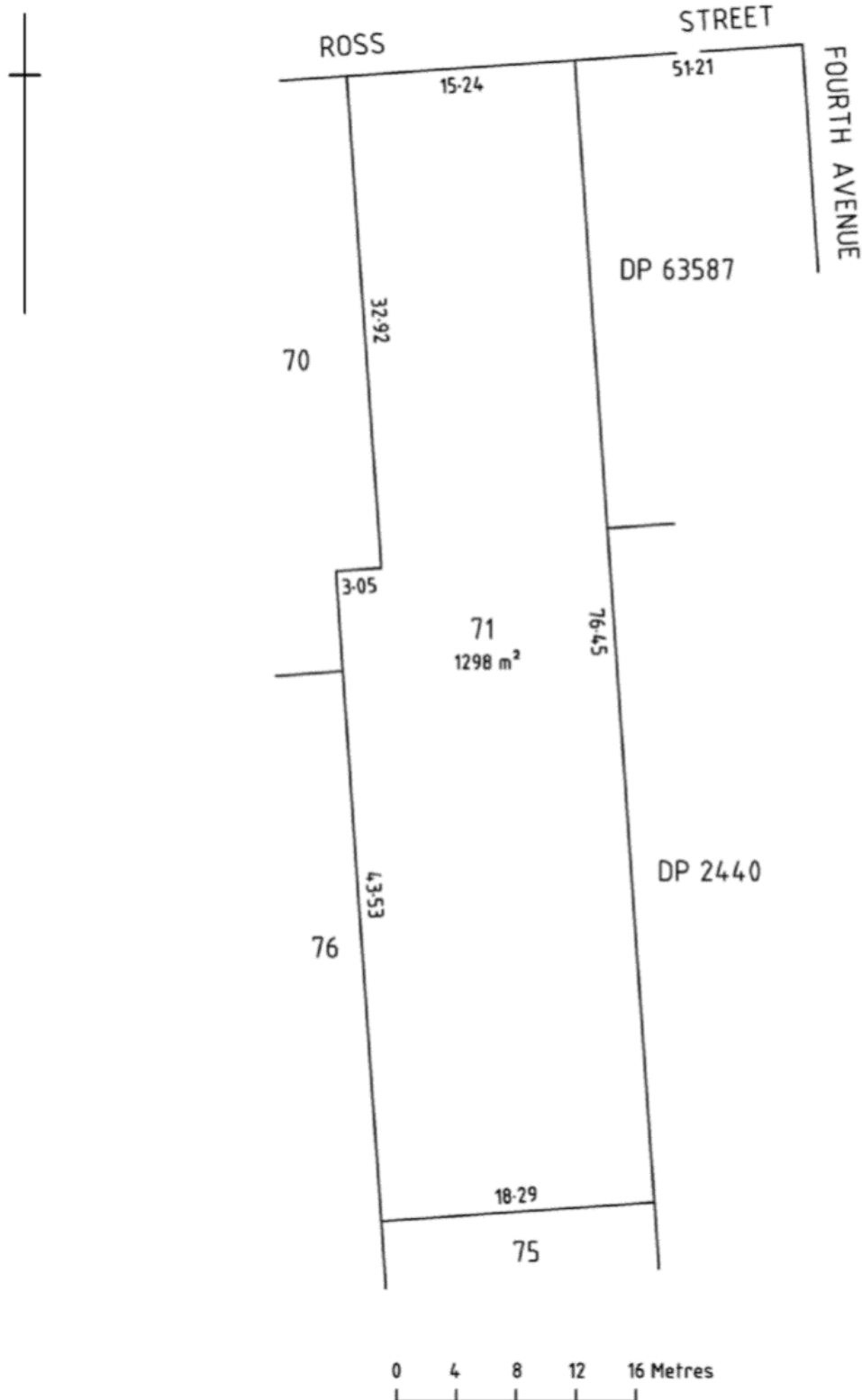
Dealing Number	Description
6407380	APPLICATION PURSUANT TO RETIREMENT VILLAGES ACT, 1987 THE LAND IS USED AS A RETIREMENT VILLAGE
11930031	MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

## Notations

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



<b>Product</b>	Register Search (CT 5922/144)
<b>Date/Time</b>	11/04/2019 10:43AM
<b>Customer Reference</b>	0257
<b>Order ID</b>	20190411003094





**Product** Register Search (CT 5922/145)  
**Date/Time** 11/04/2019 10:54AM  
**Customer Reference** 0257  
**Order ID** 20190411003343



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



## Certificate of Title - Volume 5922 Folio 145

**Parent Title(s)** CT 5133/472, CT 5154/145, CT 5190/794  
**Creating Dealing(s)** VE 9791620, RTA 9791621  
**Title Issued** 13/08/2004      **Edition** 1      **Edition Issued** 13/08/2004

## Estate Type

FEE SIMPLE

## Registered Proprietor

CHURCHES OF CHRIST LIFE CARE INC.  
OF 263 MELBOURNE STREET NORTH ADELAIDE SA 5006

## Description of Land

ALLOTMENT 150 DEPOSITED PLAN 63587  
IN THE AREA NAMED EVERARD PARK  
HUNDRED OF ADELAIDE

## Easements

NIL

## Schedule of Dealings

Dealing Number	Description
7661031	APPLICATION PURSUANT TO RETIREMENT VILLAGES ACT, 1987 PORTION OF THE LAND IS USED AS A RETIREMENT VILLAGE
9727008	APPLICATION PURSUANT TO RETIREMENT VILLAGES ACT, 1987 PORTION OF THE LAND IS USED AS A RETIREMENT VILLAGE

## Notations

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



Product  
Date/Time  
Customer Reference  
Order ID

Register Search (CT 5922/145)  
11/04/2019 10:54AM  
0257  
20190411003343



HOLMES DYER

## Appendix 2.Current Zoning

## RESIDENTIAL B350 ZONE

### Introduction

The desired character, objectives and principles of development control that follow apply in the Residential B350 Zone shown on [Maps Un/3, 7 and 8](#). They are additional to those expressed for the whole of the council area.

### *Existing Features*

The Residential B350 Zone is located in the western sector of the City and includes the suburb of Forestville and most of the suburbs of Everard Park, Black Forest and Clarence Park. Southern parts of the Zone in the Clarence Park area were subdivided before the turn of the century including workman's blocks in Black Forest and Clarence Park in the 1890's. Areas of the Zone within Forestville and Everard Park were developed later in the 1903 to 1915 period. As with the majority of land within the City of Unley these areas were always intended for living purposes in close proximity to the City.

### Desired Character

This Zone is intended to continue as an attractive and established living area with limited infill development. All types of single storey and two-storey housing development in this Zone should ensure that the character and levels of amenity of the locality enjoyed by existing residents is substantially maintained.

### *Housing Types*

Given the extended period over which areas of the Residential B350 Zone developed a wide range of housing types is evident in the Zone. These include single fronted detached dwellings on small allotments to larger villas and bungalows on larger allotments. Residential flat buildings constructed in the 1960's and 1970's are also scattered throughout the Zone. Development should reflect the character and improve the amenity of the immediate area in which it is proposed having particular regard to wall height, roof form, external materials, siting and front and side boundary set-backs.

Allotment sizes vary but are generally between 500 and 700 square metres with sound buildings, thus limiting individual site infill redevelopment opportunities. As such infill development is envisaged through aggregation of larger sites or the replacement of unsound dwellings. Areas formed by the older buildings in the zone, close to railway stations may offer better opportunities for new higher density development.

### *Streetscape*

A wide variety of mature vegetation in private gardens and in street reserves is evident in the Zone. Landscaping associated with development should complement and enhance existing planting thereby improving the established character of the area.

## OBJECTIVE

**Objective 1:** Provision for a range of dwelling types of up to two storeys compatible in form, scale and design with the existing positive elements of the character of the area.

## PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should be primarily for dwellings of up to two storeys compatible in form, scale and design with existing positive elements of the character of the area.
- 2 Dwellings should have a site area of not less than 350 square metres (averaged for three or more dwellings sharing a common access). In the case of hammerhead allotments or allotments incorporating a right of way or shared access for one or two dwellings, the area of the "handle" or right of way is excluded from individual dwelling site areas.



- 3 Dwelling sites should have a primary street frontage and site width consistent with the typical ranges specified in the following table in order to make a positive contribution to the desired character:

**Required Minimum Street Frontage Width (Metres)**

Detached	Semi-Detached	Row Dwelling	2 Dwellings	3 Dwellings	4 or more Dwellings
9	7.5	7	15	22	22

- 4 Development should be primarily accommodated by infill between existing sound and attractive dwellings or replacement of incompatible land uses and unsatisfactory dwellings.
- 5 Residential development should insulate its occupants from disturbance caused by existing non-residential land uses and traffic.
- 6 Development should provide for attractive front garden landscaping, including the planting of at least one tree per dwelling.

**Complying Development**

- 7 Those kinds of development listed in [Table Un/7](#), together with the following kinds of development (including combinations thereof, or more than one of a particular kind) are **complying** in the Residential B350 Zone, other than in respect to State or Local Heritage Places identified in [Table Un/3](#) or [Table Un/4](#), subject to the conditions prescribed in [Table Un/1](#):

The change of use of land, erection of a building, additions or alterations to, earthworks or any other construction for the purposes of:

Addition of not more than single-storey to a Detached, Semi-detached or Row Dwelling  
 Carport attached to an Existing Dwelling  
 Domestic Outbuilding of not more than single-storey  
 Fence  
 Garage attached to an Existing Dwelling  
 Outdoor Spa Bath  
 Recreation Area  
 Swimming Pool  
 Verandah attached to an Existing Dwelling

**Non-complying Development**

- 8 All kinds of development are **non-complying** in the Residential B350 Zone other than:
- (a) complying development whether meeting or not the relevant conditions in [Table Un/1](#); and
- (b) the following kinds of development (including combinations thereof, or more than one of a particular kind):

Advertisement  
 Alteration and/or addition of not more than two storeys to an existing building or structure on its existing site  
 Demolition  
 Domestic Outbuilding of not more than two storeys  
 Dwelling of not more than two storeys  
 Dwelling of not more than two storeys incorporating a home office  
 Land Division  
 Lodging House  
 Multiple Dwelling  
 Nursing Home

Public Car Park  
Rest Home  
Retirement Village  
Tree Damaging Activity

**Public Notification**

- 9 Those kinds of development listed in Part 1 of [Table Un/8](#) are assigned as **Category 1 Development** in the Residential B350 Zone.
- 10 Those kinds of development listed in Part 2 of [Table Un/8](#) are assigned as **Category 2 Development** in the Residential B350 Zone.

## RESIDENTIAL STREETSCAPE (BUILT FORM) ZONE

### Introduction

The objectives and principles of development control that follow apply in the Residential Streetscape (Built Form) Zone shown on [Maps Un/3 to 10](#). They are additional to those expressed for the whole of the Council area.

The Residential Streetscape (Built Form) Zone contains 3 policy areas as shown on [Maps Un/12 to 19](#).

### OBJECTIVES

- Objective 1:** Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.
- Objective 2:** A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.
- Objective 3:** Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households.
- Objective 4:** Replacement of buildings and sites at variance with the desired character to contribute positively to the streetscape.

### DESIRED CHARACTER

#### Streetscape Value

The Residential Streetscape (Built Form) Zone encompasses much of the living area in inner and western Unley, (excluding the business and commercial corridors and those areas of heritage value). The zone is distinguished by those collective features (termed "streetscape attributes") making up the variable, but coherent streetscape patterns characterising its various policy areas and precincts. These attributes include the:

- (a) rhythm of building sitings and setbacks (front and side) and gaps between buildings; and
- (b) allotment and road patterns; and
- (c) landscape features within the public road verge and also within dwelling sites forward of the building façade; and
- (d) scale, proportions and form of buildings and key elements.

#### Streetscape Attributes

It is important to create high quality, well designed buildings of individuality and design integrity that nonetheless respect their streetscape context and contribute positively to the desired character in terms of their:

- (a) *siting* - open style front fences delineate private property but maintain the presence of the dwelling front and its garden setting. Large and grand residences are on large and wide sites with generous front and side setbacks, whilst compact, narrow-fronted cottages are more tightly set on smaller, narrower, sites. Infill dwellings ought to be of proportions appropriate to their sites and maintain the spatial patterns of traditional settlement; and

- (b) *form* - there is a consistent and recognisable pattern of traditional building proportions (wall heights and widths) and overall roof height, volume and forms associated with the various architectural styles. Infill and replacement buildings ought to respect those traditional proportions and building forms; and
- (c) *key elements* - verandahs and pitched roofs, the detailing of facades and the use of traditional materials are important key elements of the desired character. The use of complementary materials, careful composition of facades, avoidance of disruptive elements, and keeping outbuildings, carports and garages as minor elements assist in complementing the desired character.

Sites greater than 5000 square metres will be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings, supported accommodation or institutional housing facilities at densities higher than, but compatible with, adjoining residential development.

Sites for existing or proposed aged care housing, supported accommodation or institutional housing may include minor ancillary non-residential services providing that the development interface is compatible with adjoining residential development.

## PRINCIPLES OF DEVELOPMENT CONTROL

### General

- 1 Development should support and enhance the desired character (as expressed for each of the three policy areas, and the respective precincts).
- 2 Development should comprise:
  - (a) alterations and/or additions to an existing dwelling; and
  - (b) ancillary domestic-scaled structures and outbuildings; and
  - (c) the adaptation of, and extension to, a building to accommodate and care for aged and disabled persons, or for a multiple dwelling or residential flat building; and
  - (d) selected infill of vacant and/or under-utilised land for street-fronting dwelling type(s) appropriate to the policy area; and
  - (e) replacement of a building or site detracting from the desired character of a precinct with respectful and carefully designed building(s).
- 3 Development should retain and enhance the streetscape contribution of a building by:
  - (a) retaining, refurbishing, and restoring the building; and
  - (b) removing discordant building elements, detailing, materials and finishes, outbuildings and site works; and
  - (c) avoiding detrimental impact on the building's essential built form, characteristic elements, detailing and materials as viewed from the street or any public place (ie only the exposed external walls, roofing and chimneys, verandahs, balconies and associated elements, door and window detailing, and original finishes and materials of the street façade); and
  - (d) altering or adding to the building and carrying out works to its site only in a manner which maintains its streetscape attributes and contribution to the desired character, and responds, positively to the streetscape context of its locality in terms of the:
    - (i) rhythm of buildings and open spaces (front and side setbacks) of building sites; and

- (ii) building scale and forms (wall heights and proportions, and roof height, volumes and forms); and
  - (iii) open fencing and garden character; and
  - (iv) recessive or low key nature of vehicle garaging and the associated driveway.
- 4 Alterations and additions to a building should be located primarily to the rear of the building and not be visible from the street or any public place unless involving the dismantling and replacement of discordant building elements so as to better complement the building's original siting, form and key features.
- 5 Adaptation, expansion or redevelopment of a building for a community or non-residential use should be:
- (a) confined to an existing non-residential building or its site; and
  - (b) of a form and nature readily able to accommodate such a use; and
  - (c) of a small scale and low impact, or serving a local community function, and in any event have minimal impact on abutting or nearby residential occupiers.

#### **Replacement Development**

- 6 Demolition of the whole of a building should only be undertaken – where the replacement building(s) makes a comparable or more positive contribution to the desired character than the building to be demolished, or alternatively where the building to be demolished:
- (a) is structurally unsafe or so unsound as to be unreasonably economically rehabilitated; or
  - (b) is so compromised or altered that there is no reasonable prospect of its original character being revealed; or
  - (c) adds little value to the desired character due to its discordant form and poor streetscape contribution; or
  - (d) is incongruous with, and makes a poor contribution to the particular character of its streetscape.
- 7 Demolition of portion only of a building should only be undertaken where it does not involve the essential built form, characteristic elements, detailing and materials of the front or visible sides of the building as viewed from the street or any public place.

#### **New Development**

- 8 Development should comprise street-fronting dwellings exhibiting streetscape attributes consistent with the desired character. In this respect:
- (a) sites should not be amalgamated for the purposes of developing residential flat buildings, group dwellings or non street-fronting dwellings unless involving existing large sites occupied by buildings of discordant character where the consolidated site and its replacement dwellings produce a streetscape setting and built forms complementing the desired character; and
  - (b) "hammerhead" allotment(s) should not be created, nor should a dwelling be located in a rear yard of an existing street-fronting dwelling site where this would detrimentally impact on the established settlement pattern or impose on the characteristic spacious setting of neighbouring dwelling sites, exceed single storey, or impose excessive building bulk.

- 9** Development should present a single storey built scale to the streetscape. Any second storey building elements should be integrated sympathetically into the dwelling design, and be either:
- (a) incorporated primarily into the roof or comprise an extension of the primary single storey roof element without imposing excessive roof volume or bulk, or massing intruding on neighbouring spacious conditions, nor increasing the evident wall heights as viewed from the street; or
  - (b) set well behind the primary street façade of the dwelling so as to be inconspicuous in the streetscape, without being of a bulk or mass that intrudes on neighbouring properties.
- 10** Buildings should be of a high quality contemporary design and not replicate historic styles. Buildings should nonetheless suitably reference the contextual conditions of the locality and contribute positively to the desired character, particularly in terms of:
- (a) scale and form of buildings relative to their setbacks as well as the overall size of the site; and
  - (b) characteristic patterns of buildings and spaces (front and side setbacks), and gaps between buildings; and
  - (c) primarily open front fencing and garden character and the strong presence of buildings fronting the street.
- 11** In localities of a distinctive and generally coherent character consistent with the pertinent desired character, building facades should be composed in a more traditional manner adopting key building elements, materials and detailing complementing the characteristic architectural styles.
- 12** In localities where the built character and streetscape qualities are incoherent or generally in discord with the desired character, development should redevelop a site by replacing the discordant elements, key features or materials and better support the desired character.

### **Boundary Walls**

- 13** Building walls on side boundaries should be avoided other than:
- (a) a party wall of semi-detached dwellings or row dwellings; or
  - (b) a single storey building, or outbuilding, which is not under the main dwelling roof and is setback from, and designed such that it is a minor, low and subservient element and not part of, the primary street façade, where:
    - (i) there is only one side boundary wall, and
    - (ii) the minimum side setback prescribed under the desired character is met on the other side boundary; and
    - (iii) the desired gap between buildings, as set out in the desired character, is maintained in the streetscape presentation.

### **Carports and Garages**

- 14** A carport or garage should form a relatively minor streetscape element and should:
- (a) be located to the rear of the dwelling as a freestanding outbuilding; or
  - (b) where attached to the dwelling be sited alongside the dwelling and behind its primary street façade, and adopt a recessive building presence. In this respect, the carport or garage should:

- (i) incorporate lightweight design and materials, or otherwise use materials which complement the associated dwelling; and
- (ii) be in the form of a discrete and articulated building element not integrated under the main roof, nor incorporated as part of the front verandah or any other key element of the dwelling design; and
- (iii) have a width which is a proportionally minor relative to the dwelling façade and its primary street frontage; and
- (iv) not be sited on a side boundary, except for minor scale carports, and only where the desired building setback from the other side boundary is achieved.

**15** Vehicle access should be taken from:

- (a) a rear laneway or secondary street, or a common driveway shared between dwellings, wherever possible; or
- (b) a driveway from the primary street frontage but only of a single car width for as long as is practicable to minimise the impact on the garden character, and on street trees and the road verge.

**Fencing**

**16** Fencing of the primary street frontage and the secondary street on corner sites, forward of the front façade of the dwelling, should complement the desired character, and be compatible with the style of the associated dwelling and its open streetscape presence, and comprise:

- (a) on narrow-fronted dwelling sites of up to 16 metres in street frontage - low and essentially open-style fencing up to 1.2 metres in height, including picket, dowel, crimped wire or alternatively low hedging; or
- (b) on dwelling sites in excess of 16 metres in street frontage - low and essentially open-style fencing as in (a), but may also include masonry pier and plinth fencing with decorative open sections of up to 1.8 metres in total height.

**Land Division**

**17** Land should only be divided:

- (a) on a detached dwelling site - where the resultant allotment(s) conform with the minimum street frontage and site area set out in the desired character; or
- (b) on a site of other dwelling types - to give separate title to approved dwelling(s) site(s) (including any common land of a community land division) upon which the dwelling construction or conversion has been substantially commenced; or
- (c) in those parts of the zone where the prevailing settlement pattern is clearly at variance with the desired character of the respective policy area – where the resultant allotment(s) are consistent with those in the locality, providing the allotment(s) provide for dwellings of street-fronting format and the building settings and proportions which reinforce the desired character.

**PROCEDURAL MATTERS**

**Complying Development**

Complying developments are prescribed in Schedule 4 of the *Development Regulations 2008*.

In addition, those forms of developments listed in [Table Un/7](#) are designated as complying development.



**Non-complying Development**

Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying:

<b>Form of Development</b>	<b>Exceptions</b>
Advertisement and/or advertising hoarding	Except where associated with a non-residential use
Amusement Machine Centre	
Auction Room	
Bank	
Bus Depot	
Bus Station	
Car Wash	
Consulting Room	Except where it involves one of the following: (a) alterations and/or additions to an existing consulting room; (b) the conversion of an existing non-residential building to a consulting room; (c) it is ancillary to supported accommodation.
Crematorium	
Fire Station	
Fuel Depot	
Hall	
Home Office and Dwelling	Except where the total floor area is less than 50 square metres or 30% of the associated dwelling, including the area for a home activity
Horse Keeping	
Hospital	
Hotel	
Indoor Recreation Centre	
Industry	
Intensive Animal Keeping	
Motel	
Motor Repair Station	
Office	Except where it involves one of the following: (a) alterations and/or additions to an existing office; (b) the conversion of an existing non-residential building to an office; (c) it is ancillary to supported accommodation.
Petrol Filling Station	
Plant Nursery	
Public Service Depot	

Form of Development	Exceptions
Radio or TV Studio	
Road Transport Terminal	
Service Trade Premises	
Shop or Group of Shops	Except where it involves one of the following: (a) alterations and additions to an existing shop or group of shops on its existing site(s); (b) it is ancillary to supported accommodation.
Stadium	
Stock Sales Yard	
Stock Slaughter Works	
Store	
Telecommunications Facility	
Transport Depot	
Warehouse	
Waste Reception, Storage, Treatment or Disposal	
Wrecking Yard	

### Public Notification

Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008*.

Further, the following forms of development (except where the development is classified as non-complying) are designated:

Category 1	Category 2
Those kinds of development listed in Part 1 of <a href="#">Table Un/8</a> as applicable in this Zone	Those kinds of development listed in Part 2 of <a href="#">Table Un/8</a> as applicable in this Zone

## Policy Area 8 – Compact

### Introduction

This policy area contains five precincts located across the northern parts of City of Unley near the Parklands fringe, from Forestville in the west to Parkside in the east.

The desired character and streetscape attributes to be retained and enhanced for each of these precincts is set out below. The table below identifies in detail the differences between the six precincts in terms of the predominant:

- (a) allotment widths and sizes; and
- (b) front and side building setbacks including the collective side setbacks.

The streetscape attributes include the:

- (a) low scale building development;

- (b) compact road verges and building setbacks to the street;
- (c) building forms and detailing of the predominant cottages and villas; and
- (d) varied but coherent rhythm of buildings and spaces along its streets.

Development will:

- (a) be of street-fronting dwelling format, primarily detached dwellings, together with semi-detached dwelling and row dwelling types. The conversion or adaptation of a building for a multiple dwelling or residential flat building may also be appropriate; and
- (b) maintain or enhance the streetscape attributes comprising:
  - (i) *siting* - the regular predominant allotment pattern, including the distinctive narrow-fronted sites associated with the various cottage forms produces an intimate streetscape with a compact building siting and low scale built character with generally low and open style fencing and compact front gardens. Street setbacks are generally of some 6 metres and side setbacks are consistently of 1 metre or greater, other than for narrow, single-fronted and attached cottages producing a regular spacing between neighbouring dwellings of generally 3 to 5 metres (refer table below); and
  - (ii) *form* - the consistent and recognisable pattern of traditional building proportions including wall heights and widths of facades, and roof height, volumes and shapes associated with the identified architectural styles in (iii) below; and
  - (iii) *key elements* - the defining design features, including the verandahs and pitched roofs, use of wall and roofing materials-facades of the predominant architectural styles (Victorian and Turn-of-the-Century double-fronted and single-fronted cottages and villas, and complementary Inter-war bungalows as well as attached cottages).

Precinct	Predominant Allotment Size		Predominant Setbacks		
	Area	Width	Street setbacks	Minimum side setbacks	Collective side setbacks†
8.1 Forestville (North)	550m <sup>2</sup>	15m	6.0m	1.0m	4.0m
8.2 Goodwood and Hyde Park	500m <sup>2</sup>	15m	6.0m	1.0m	5.0m
8.3 Parkside (North)	400m <sup>2</sup>	15m	5.0m	1.0m	3.0m
8.4 Parkside (South)	500m <sup>2</sup>	15m	7.0m	1.0m	4.0m
8.5 Unley (West) and Hyde Park	500m <sup>2</sup>	15m	5.0m	1.0m	4.0m

† is the distance between the main walls of neighbouring dwellings.

## Policy Area 9 – Spacious

### Introduction

This policy area contains eleven precincts located across the City of Unley from Everard Park and Clarence Park in the west through to Parkside and Fullarton in the east.

The desired character and streetscape attributes to be retained and enhanced for each of these precincts is set out below. The table below identifies in detail the differences between the twelve precincts in terms of the predominant:

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- (a) allotment widths and sizes;
- (b) front and side building setbacks including the collective side setbacks; and
- (c) the prevailing architectural styles (and characteristic built forms and detailing).

### Desired Character

The streetscape attributes include the:

- (a) low scale building development;
- (b) spacious road verges and front and side building setbacks from the street;
- (c) forms and detailing of the predominant architectural styles (variously Victorian and Turn-of-the-Century double-fronted cottages and villas, and Inter-War era housing, primarily bungalow but also tudor and art deco and complementary styles); and
- (d) varied but coherent rhythm of buildings and spaces along its streets.

Development will:

- (a) be of a street-front dwelling format, primarily detached dwellings; and
- (b) maintain or enhance the streetscape attributes comprising:
  - (i) *siting* - the regular predominant subdivision and allotment pattern, including the distinctive narrow-fronted sites associated with the various cottage forms (found only in the Unley (North) and Wayville Precincts). This produces a streetscape pattern of buildings and gardens spaces set behind generally open fenced front boundaries. Street setbacks are generally 6 to 8 metres and side setbacks consistently no less than 1 metre and most often greater, other than for narrow fronted cottages. Such patterns produce a regular spacing between neighbouring dwellings of generally between 5 metres and 7 metres (refer table below); and
  - (ii) *form* - the consistent and recognisable pattern of traditional building proportions, including the wall heights and widths of facades and roof heights, volumes and shapes associated with the architectural styles identified in the table below; and
  - (iii) *key elements* - the iconic and defining design features including, in particular the detailed composition and use of materials on facades and roofing of the predominant architectural styles identified in the table below.

Precinct	Predominant Architectural Style	Predominant Allotment Size		Predominant Setbacks		
		Area	Width	Street setbacks	Minimum side setbacks	Collective side setbacks†
9.1 Clarence Park	Cottages, Villas, Bungalows, Tudor and Art Deco	700m <sup>2</sup>	15m	7.0m	1.0m	6.0m
9.2 Everard Park and Forestville (East)	as per Precinct 9.1	800m <sup>2</sup>	18m	7.0m	1.0m	5.0m
9.3 Kings Park	Cottages, Villas, and Bungalows	750m <sup>2</sup>	18m	8.0m	1.5m	7.0m

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Precinct	Predominant Architectural Style	Predominant Allotment Size		Predominant Setbacks		
		Area	Width	Street setbacks	Minimum side setbacks	Collective side setbacks†
9.4 Millswood, Hyde Park (West) and Goodwood (South)	as per Precinct 9.3	600m <sup>2</sup>	15m	6.0m	1.0m	5.0m
9.5 Millswood (South)	Cottages, Villas, Bungalows, Tudor and Art Deco	1,000m <sup>2</sup>	21m	8.0m	1.5m	9.0m
9.6 Unley (Allen Grove)	Art Deco	600m <sup>2</sup>	18m	8.0m	1.0m	6.0m
9.7 Unley (North)	Cottages (inc narrow fronted styles), Villas and Bungalows	600m <sup>2</sup>	15m	6.0m	1.0m	5.0m
9.8 Unley Park (East)	as per Precinct 9.1	1,000m <sup>2</sup>	21m	8.0m	1.5m	8.0m
9.9 Wayville	as per Precinct 9.7	600m <sup>2</sup>	15m	7.0m	1.0m	6.0m
9.10 Fullarton (West)	Bungalows and Art Deco	700m <sup>2</sup>	16m	7.0m	1.0m	4.0m
9.11 Unley Park (West)	Interwar & Turn of Century	900m <sup>2</sup>	20m	10m	1.5m	6.0m

† is the distance between the main walls of neighbouring dwellings.

## Policy Area 10 – Grand

### Introduction

This policy area contains one precinct only being a small area of Myrtle Bank bounding Ferguson Avenue, a short distance east of Fullarton Road.

The desired character and streetscape attributes to be retained and enhanced is set out below.

### Desired Character

The streetscape attributes include the:

- (a) grand, but single storey, buildings on very large and wide allotments, with well developed mature landscaping;
- (b) building scale, forms and detailing of the predominant Turn-of-the-Century and Inter-war era villas, bungalow and tudor architectural styles; and
- (c) varied but coherent rhythm of buildings and spaces along its streets.

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Development will:

- (a) be of grand street-fronting detached dwellings; and
- (b) maintain or enhance the streetscape attributes comprising:
  - (i) *siting* - the regular allotment pattern with sites typically of no less than 25 metres street frontages and with site areas of no less than 1500 square metres. This produces a generous and grand scale characterised by large gardens set behind open style fencing and deeply set dwellings. Street setbacks are predominantly of some 14 metres and side setbacks of between 3 metres and 7 metres. Such patterns produce a regular spacing between neighbouring dwellings of some 10 metres; and
  - (ii) *form* - the consistent and recognisable pattern of traditional building proportions including the wall heights and widths of facades, and roof height, volumes and shapes associated with the identified architectural styles in (iii) below; and
  - (iii) *key elements* - the iconic and defining design features, in particular the detailed composition and use of materials on facades and roofing of the predominant architectural styles (Turn-of-the-Century villas and inter-war bungalows and tudors).



### Appendix 3. Concept Plans





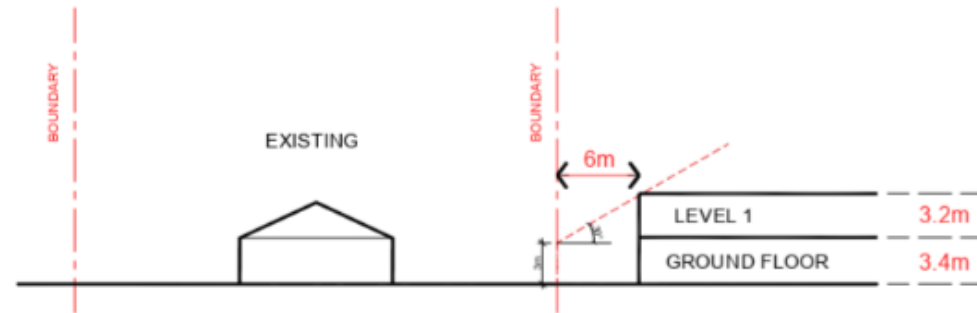


**SITE PLAN**  
Scale 1:1000@A3

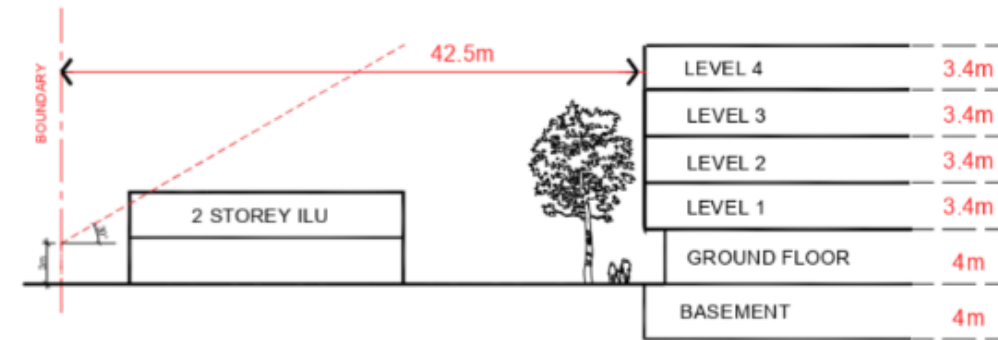
**SITE AREA - 19,245sqm APPROX.**  
**TREE CANOPY AREA = 3,000sqm (+) APPROX (15%)**

<div>IMPORTANT NOTES: Do not scale from drawings. All dimensions shall be checked on site before commencement of work. All discrepancies shall be brought to the attention of the Architect. Larger scale drawings and written dimensions take precedence. This drawing is copyright and the property of the author, and must not be reprinted, copied or used without the express authority of MARCHESE PARTNERS INTERNATIONAL PTY. LTD.</div> <div>PRELIMINARY NOT FOR CONSTRUCTION</div>	<table><tr><th>REVISION</th><th>DATE</th><th>DESCRIPTION</th><th>BY</th></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></table>	REVISION	DATE	DESCRIPTION	BY					<div><div>life care</div><div>INSPIRED LIVING</div></div>	<div>marchesepartners</div> <div>Marchese Partners International Pty Ltd Level 1, 22-26 Peel Street, Adelaide, SA 5000, Australia P+61 8 8121 9304 E info@marchesepartners.com.au www.marchesepartners.com.au Sydney · Brisbane · Canberra · Melbourne · Adelaide · Perth London · Kuala Lumpur · Auckland ABN 20 099 552 151</div>	<div><div></div></div>	<div>CURRENT LIFECARE</div>	<div>DRAWING TITLE CONCEPT SITE PLAN</div>			
		REVISION	DATE	DESCRIPTION	BY												
<div>PROJECT PARKROSE VILLAGE</div>	<div>SCALE 1:1000@A3</div>	<div>DATE APRIL 2019</div>	<div>DRAWN SC</div>	<div>CHECKED SC</div>													
	<div>JOB</div>	<div>DRAWING SK-00</div>	<div>REVISION 1</div>														

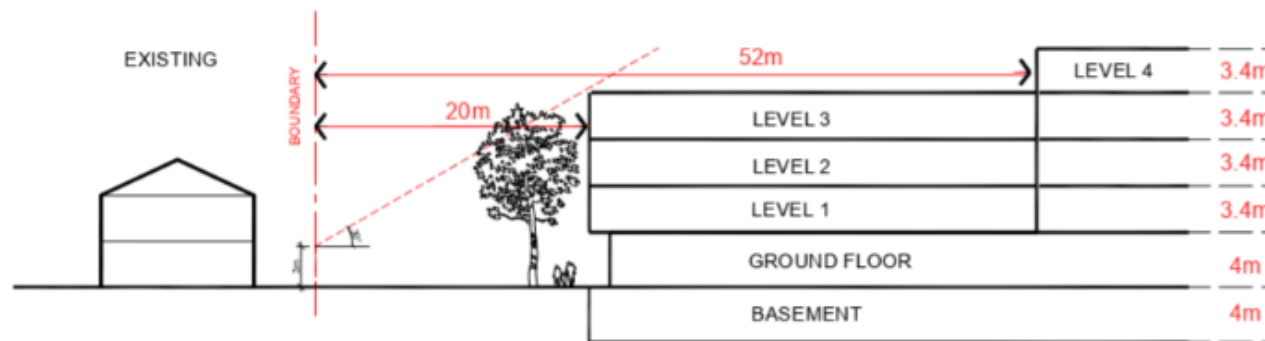




**01 SITE SECTION**  
SK00 Scale 1:1000@A3



**02 SITE SECTION**  
SK00 Scale 1:1000@A3



**03 SITE SECTION**  
SK00 Scale 1:1000@A3

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**PRELIMINARY**  
NOT FOR CONSTRUCTION

REVISION	DATE	DESCRIPTION	BY



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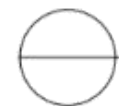
**CLIENT**  
LIFECARE

**PROJECT**  
PARKROSE VILLAGE

**DRAWING TITLE**  
CONCEPT SITE SECTIONS

SCALE	DATE	DRAWN	CHECKED
1:1000@A3	APRIL 2019	SC	SC
JOB	DRAWING	SK-02	REVISION 1





VIEW 1 - NORMAN TERRACE PERSPECTIVE

NTS

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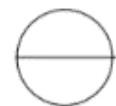
PROJECT  
PARKROSE VILLAGE

DRAWING TITLE

CONCEPT SITE SECTIONS

SCALE	DATE	DRAWN	CHECKED
NTS	APRIL 2019	SC	SC
JOB	DRAWING	REVISION	
	SK-03	1	





VIEW 2 - ROSS STREET PERSPECTIVE

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**PROJECT**  
PARKROSE VILLAGE

**DRAWING TITLE**

**CONCEPT SITE SECTIONS**

SCALE	DATE	DRAWN	CHECKED
NTS	APRIL 2019	SC	SC
JOB	DRAWING	REVISION	
	SK-04	1	





## Appendix 4. 'Planning for a New Retirement Future' Consultation Summary



## WHAT WE HAVE HEARD REPORT PLANNING FOR A NEW RETIREMENT FUTURE

### PLANNING FOR A NEW RETIREMENT FUTURE

Our ageing population is one of the biggest demographic challenges facing our state. It is forecast that by 2036, a quarter of all South Australians will be aged 65 and over, and a fifth aged over 85.

While many older people live in retirement villages or supported accommodation, the majority of older South Australians live independently in their own home and have a desire to stay active, productive and engaged with their local communities.

Supporting older South Australians to make this positive choice means meeting an unrealised demand for a greater diversity of well-designed and appropriately located affordable housing.

The State Planning Commission intends to engage with local government, industry and the community as it develops South Australia's new Planning and Design Code (the Code). In doing so it is important the Commission considers the opportunities and challenges facing older South Australians.

In implementing South Australia's new planning system, the Commission intends to harness the policies that have served us well, improve upon those which aren't up to scratch, and importantly focus on areas in need of substantial reform.

'Planning for a New Retirement Future' is a key discussion theme within a wider policy conversation about housing diversity that the State Planning Commission will have with industry and the community as it develops the Code.

The State Planning Commission recently hosted a 'Planning for a New Retirement Future' event, which sought to bring together a range of key stakeholders to discuss the opportunities and challenges that are informing the contemporary narrative around aged and retirement living in South Australia.

This event also sought to highlight ways to improve policies and processes for the future. This report summarises the key areas of discussion including important next steps for the Commission.



[saplanningportal.sa.gov.au](http://saplanningportal.sa.gov.au)



Government of South Australia  
Department of Planning,  
Transport and Infrastructure





## WHAT WE HAVE HEARD REPORT PLANNING FOR A NEW RETIREMENT FUTURE

### TOP FIVE OPPORTUNITIES

#### 1. Land titling and tenure

With more people preferring to age in the communities they love, the current regulatory environment relating to titling and tenure could be reviewed. Particular attention should be paid to best practice examples of community and multi-occupancy housing both interstate and overseas.

#### 2. Meeting the demand for alternative housing

The mix of available housing and alternative housing options could be improved in order to meet future demand. An opportunity exists to work directly with older South Australians, together with housing providers and developers, to better understand our housing needs.

#### 3. Delivering outcomes in the right places

A more coordinated and collaborative approach to housing policy is needed to cater for our increasingly diverse communities. This approach needs to offer flexibility in planning rules and incentives for more diverse and affordable housing. It also needs to promote our state's liveability.

#### 4. Innovation and retirement living

Opportunities exist to be smarter and more innovative when designing age-appropriate housing, particularly in terms of accessibility, making use of technological advancements, and enabling existing space to be repurposed when no longer required (i.e. car parking).

#### 5. Providing and age-friendly public realm

Many of our public spaces and the infrastructure that links them together must be more age-friendly, accessible and welcoming. This would promote increased use and interaction between people, and necessitates state and local government investment in our streets, parks and other public spaces.

### TOP FIVE CHALLENGES

#### 1. Perception and the role of engagement

Community engagement must be used as an active tool to improve the perception of the aged care and retirement living sector. This would encourage developers to consider a wider range of living options, and help the wider community embrace alternative dwelling types in our established neighbourhoods.

#### 2. Cost of living and housing affordability

As the cost of living continues to grow, so does the proportion of South Australians under financial pressure as they near retirement age. There is a significant lack of affordable housing alternatives, particularly in the face of the ever-growing middle class who are reaching retirement with mortgages in tow.

#### 3. Lack of housing options

Current policy limits opportunities for more diverse housing and the chance to move to more bespoke accommodation within the one neighbourhood. This is a challenge for both policy-makers and developers as they endeavour to meet contemporary demand for different types of housing.

#### 4. Design for retirement living

Higher density living is often proposed in well-serviced, established neighbourhoods. These proposals can bring a range of planning and design challenges, particularly in terms of height and form, which often necessitates management of interface issues such as visual impact, overlooking and overshadowing, particularly in low-rise neighbourhoods.

#### 5. Social isolation

Lack of connection to our neighbourhoods and community networks, particularly in apartment-style living, is having a significant impact on the mental health and wellbeing of older South Australians. Healthy, liveable and accessible neighbourhoods are important for wellbeing generally, but particularly so for people who have moved into retirement.



## WHAT WE HAVE HEARD REPORT PLANNING FOR A NEW RETIREMENT FUTURE

### RECOMMENDATIONS FOR THE PLANNING SYSTEM + THE PLANNING AND DESIGN CODE

- Ensure land use definitions are updated, and that clear and consistent development assessment pathways are established for aged care and retirement living development
- Ensure policy consistency across all council areas, and provide options for housing flexibility to meet the needs and aspirations of our older residents
- Ensure policy is less prescriptive and more performance-based to allow for flexibility, and ensure that policy is reviewed regularly to keep pace with changing needs and demand
- Where standard prescriptive residential policy exists (e.g. private open space and car parking), consider improvements to better meet the needs of an older demographic
- Review restrictions relating to proposals for more than one home on an allotment, including self-contained units such as Fonzie and granny flats
- Enhance the role of design and consider the possibility of including universal design principles in the Planning and Design Code – both in relation to housing and supporting infrastructure
- Enable sharing of, and access to, land and space within retirement housing projects with the surrounding community to assist in fostering a better sense of neighbourliness.

### RECOMMENDATIONS FOR STAKEHOLDER AND COMMUNITY ENGAGEMENT

- Rejuvenate the conversation with key stakeholders and our communities on this important topic, including building empathy and connections through engagement and communication about all the 'good' work occurring in this area in South Australia
- Provide a platform for proponents and developers to work through planning and design issues, particularly with regard to co-designing development with both future occupants as well as neighbouring residents

- Start a conversation between planners, designers, developers and residents on what they want their community to be like in the future
- Approach engagement in a more contemporary way through the use of technology, and showcase demonstration projects which highlight the benefits of well-designed and well-executed aged care and retirement housing

### LEVERS OUTSIDE OF THE PLANNING SYSTEM

- At a local and national level, consider the provision of financial and taxation incentives to allow more freedom of movement within the retirement housing market place (e.g. stamp duty concessions)
- Consider more carefully the interconnections between planning and related legislation such as the *Retirement Villages Act 2016*, particularly in relation to ownership and tenure matters

### SUMMARY

- For a more detailed outline of the feedback recorded at the 'Planning for a New Retirement Future' event, refer to the **Event Discussion Notes** on the SA Planning Portal.

### NEXT STEPS

The State Planning Commission will use the feedback received from this event to guide solutions to improve both policy and process for the first generation of the Code. The Commission will also use this event as a platform for further discussion on those areas requiring a greater level of investigation and reform. Many of the recommendations in this report will also be outlined in the soon-to-be-released policy discussion paper on people and neighbourhoods. Given the scale, complexity and importance of age care and independent living, the Commission is committed to continuing the conversation with the South Australian community in relation to how we can best plan for our new retirement future.

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## Appendix 5. Watermark Castle Cove





**Watermark Castle  
Cove Library**

<https://retirementvillagesydney.com.au/>

**HOLMES DYER**



## Appendix 6. Burnside Privately Funded DPA Policy



## Privately Funded Development Plan Amendment Policy

Classification:	Council Policy
Policy Name:	Privately Funded Development Plan Amendment (DPA)
First Issued / Approved:	14 July 2015, C10254
Last Reviewed:	20 February 2018, C11590
Next Review:	February 2020
ECM Tracking No.:	2406996
Responsible Officer:	General Manager Corporate and Development
Relevant Legislation:	Development Act 1993 Development Regulations 2008 Local Government Act 1999 Planning, Development and Infrastructure Act 2016
Related Policies:	Community Engagement (Public Consultation) Policy Procurement Policy

### 1. Introduction

- 1.1. A Development Plan Amendment (DPA) is a document that describes proposed changes to a Development Plan and includes a statutory process required to be undertaken when either the Council or the Minister for Planning seeks to amend land use zoning and/or the policies contained within the Development Plan.

Under Sections 24 and 25 of the *Development Act 1993*, only the relevant Minister or a Council can prepare a Development Plan Amendment (DPA) to amend a Development Plan. The Development Act does not, however, prevent Council from receiving funds to undertake a DPA under appropriate circumstances

A private organisation or individual can enter into an agreement with the Minister or Council for the preparation of a specific DPA where all associated costs are covered by the applicant, but the final content and the amendments proposed by the DPA are at the discretion of Council and the Minister.

Privately Funded DPAs are one model that can be used to complement Council and State Government funded rezonings.

This Policy outlines an open and transparent process for the private funding of the preparation of amendments to the Burnside (City) Development Plan in order to mitigate risks to Council and the community and addresses potential conflicts of interest.

The Planning, Development and Infrastructure Act 2016 amends the planning system by replacing Development Plans with the Planning and Design Code and bringing with the new Code a new way of updating it.



The relevant Sections of the Planning, Development and Infrastructure Act are not yet operational. Once they are, this Policy will need to be amended accordingly.

## **2. Strategic Plan Desired Outcomes**

- 2.1 Environmentally sustainable development which complements the City's character
- 2.2 Our community is actively engaged and involved in shaping the City's future.
- 2.3 Delivery of good governance in Council business.
- 2.4 A financially sound Council that is accountable, responsible and sustainable.
- 2.5 An empowered Council and Administration that is visionary and innovative in meeting community needs.

## **3. Our Approach**

- 3.1 Balance future development and existing historic character through complementary and sustainable development practices.
- 3.2 Enhance the character, amenity, safety, and accessibility of the City through promoting sympathetic and sustainable development
- 3.3 Provide a range of opportunities for the community to actively engage and participate in Council's decision making activities
- 3.4 Provide sufficient resources to meet current and future needs of the community

## **4. Legislative Requirements and Corporate Policy Context**

The following legislation has relevance to this Policy

- 4.1 Section 24 of the *Development Act 1993* enables Council or the Minister to prepare an amendment to a Development Plan.
- 4.2 Section 25 of the *Development Act 1993* requires that if Council is considering an amendment to the Development Plan, the Council must first reach agreement with the Minister on a "Statement of Intent" prepared by the council in accordance with the regulations. The DPA must then be prepared in accordance with the requirements of Section 25 of the *Development Act 1993*.

## **5. Interpretation**

For the purpose of this Policy, the following definitions apply:

- 5.1 "A Privately Funded Development Plan Amendment" is defined as when a third party funds the investigation of work and/or drafts the DPA required to change the Development Plan zoning and policies.
- 5.2 "DPA" means a Development Plan Amendment as defined by the *Development Act 1993*
- 5.3 "Council" means the City of Burnside
- 5.4 "Consultants" means a company or person(s) engaged by Council to provide assets, goods, works or services.

- 5.5 "SOI" means a Statement of Intent as defined by the *Development Act 1993*
- 5.6 "the applicant" means the company or person(s) external to the Council or the Minister for Planning who has proposed and is funding or partly funding the preparation of the DPA

## 6. Policy

This policy has the following Objectives:

- 6.1 To ensure an open and transparent process for accepting private funds for investigations into potential planning policies and/or the preparation of amendments to the Burnside (City) Development Plan.
- 6.2 To ensure adherence to the legislated requirements outlined in the Development Act (1993) for the rationale and processing of Development Plan Amendments (DPA).
- 6.3 To mitigate any risks to Council associated with receiving private funds associated with the preparation of a Statement of Intent (SOI) and DPA.

This policy adheres to the following principles:

- 6.4 Privately funded investigations into planning policies and any subsequent DPAs should adhere to the process outlined in Figure 1.
- 6.5 The applicant should cover all costs in the initiation, preparation, community consultations and authorisation of the SOI, DPA, peer review and any court costs associated with legal challenges.
- 6.6 The legal agreement between the Council and the applicant should state that an applicant is funding an open and transparent process which provides no guarantee that the financier will receive any advantage from the DPA.
- 6.7 At all stages the DPA should declare the private funding through the public release of the legal agreement via inclusion in the Statement of Intent and DPA.
- 6.8 Council will maintain control, independence and planning professionalism in the DPA process, and ensure DPA investigations are impartial and conducted by professional and qualified persons.
- 6.9 Council can at any time withdraw, reject or otherwise or cease the process of the DPA.
- 6.10 Only DPAs that are not in conflict with Council's strategic directions will be pursued.

### Statement of Strategic Context

- 6.11 Prior to pursuing a privately funded DPA, the applicant must submit to Council a Statement of Strategic Context to enable Council to determine whether to proceed with the DPA.
- 6.12 This Statement must be prepared by a qualified professional who meets the requirements of Section 86 of the *Development Regulations*.
- 6.13 The statement of strategic context must include:
  - 6.13.1 An outline of the issue needing to be addressed;
  - 6.13.2 An outline of the proposed amendment to the Development Plan;

- 6.13.3 A statement of how the proposed amendment relates to Council's last Strategic Directions Report;
- 6.13.4 A statement of how the proposed amendment relates to social, economic and environmental issues;
- 6.13.5 A statement of how the proposed amendment relates to the State Government's 30 Year Plan for Greater Adelaide and Planning Strategy; and
- 6.13.6 Any other matters determined by Council as relevant.

#### Assessment of Statement of Strategic Context

- 6.14 A Statement of Strategic Context will be assessed by Council's planning staff on its merits against the criteria outlined in procedures 6.12 – 6.13 and presented to Council for consideration as to whether to continue (see attachment 1 – Privately Funded DPA Process).

#### Legal Agreement and Project Cost Estimates

- 6.15 Should Council agree to continue with the Privately Funded DPA process, the applicant must sign a legal agreement drafted by Council. The agreement will include details of the following:
  - 6.15.1 The nature of the arrangements and agreed figure on the cost of preparing the DPA, peer review, and the time when payment is to be made;
  - 6.15.2 Details of the nature of the DPA including the area to be covered, the purpose of the DPA and what the DPA investigations will encompass (the DPA principles);
  - 6.15.3 An acknowledgement by the applicant funding the DPA that the DPA will be prepared at the direction of Council and that the applicant funding the DPA will have no right to control or direct the progress or form of the DPA apart from making written submissions to the Council as a part of the consultation process;
  - 6.15.4 An acknowledgement by the Council that it will use its best endeavours and strive to achieve authorisation of the DPA which incorporates the agreed DPA principles, cognisant of the timing of other Council policy priorities;
  - 6.15.5 An acknowledgement by the applicant and the Council that while the Council may agree to and process the DPA, ultimately the decision on its authorisation is a decision by the Minister for Planning and not the Council, and that the Council has no control over this process;
  - 6.15.6 Agreement as to what happens if the DPA is either not authorised by the Minister or authorised with amendments that do not suit the interest of the applicant;
  - 6.15.7 Agreement that the applicant will fund any legal costs associated with the preparation of the DPA, including legal review, legal proceedings or judicial review proceedings in relation to the DPA process;
  - 6.15.8 Acknowledgment that the legal agreement shall not in any way affect Council's standing as the relevant authority to assess

application for development approval in respect of land affected by a Privately Funded DPA.

#### Project Management and the Procurement Process

- 6.16 The applicant will make payment of the project cost into a fund as directed by Council. Council will engage a suitably qualified consultant who meets the requirements of the Development Act and Regulations to prepare the SOI and draft DPA, in accordance with Council's Procurement Policy.
- 6.17 The consultant undertaking the privately funded DPA will report directly to Council staff and project management of the DPA process will be undertaken by Council staff.
- 6.18 The draft Statement of Intent will be released for public consultation and feedback prior to being submitted to the Minister for Planning for agreement. Feedback and commentary received from the public during this period will be provided to the applicant for consideration and response. The feedback and commentary, and any response from the applicant will be considered by the Administration and by Council as part of the decision-making about whether to continue with the Privately Funded DPA, amend the SOI, or discontinue the process.
- 6.19 It should be noted that Council maintains ultimate control of the DPA, in that key stages are presented to Council for consideration prior to being submitted to the Minister for agreement or endorsement. The key stages that are considered by Council include: Statement of Intent (post community consultation), draft investigations and policy for Public and Agency Consultation, hearing public submissions and Approval.
- 6.20 The capacity for Council to process a Privately Funded DPA will be influenced by Council's other policy priorities, and projected timing will be estimated accordingly.
- 6.21 Council reserves the right to cease proceeding with a Privately Funded DPA at any stage.
- 6.22 At all stages the DPA will declare the private funding through the public release of the legal agreement via inclusion in the Statement of Intent and DPA.

#### 7. Availability

- 7.1 The Policy is available to be downloaded, free of charge, from Council's website [www.burnside.sa.gov.au](http://www.burnside.sa.gov.au)
- 7.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Burnside Civic Centre

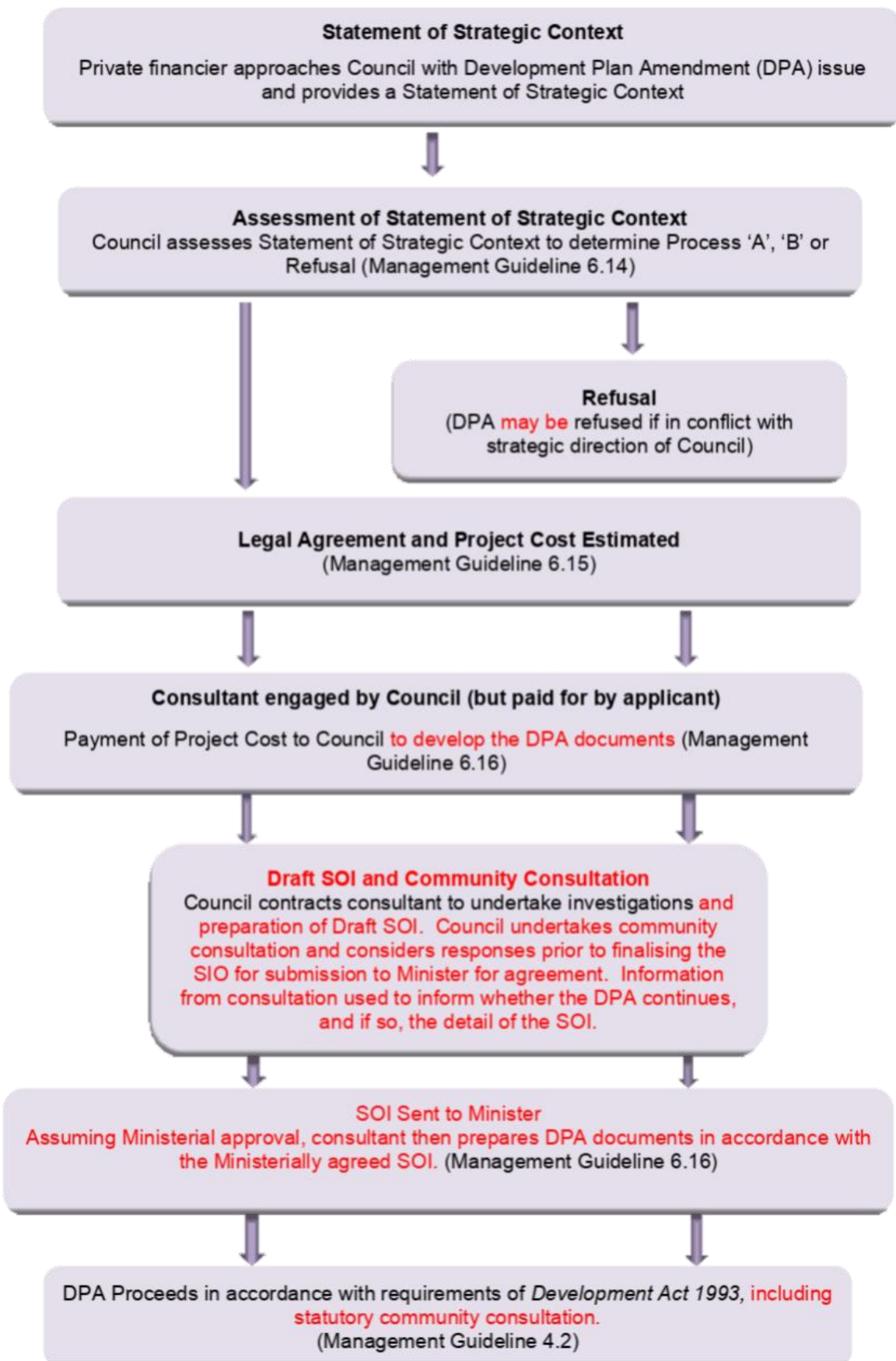
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**Figure 1 – Process for Privately Funded DPAs**

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## Appendix 7.Regulations 2019



No 17 of 2019 published in <i>Gazette</i> 28.2.2019 p 713
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South Australia

## **Planning, Development and Infrastructure (Transitional Provisions) (Code) Variation Regulations 2019**

under the *Planning, Development and Infrastructure Act 2016*

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### **Contents**

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- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017***

- 4 Insertion of heading
- 5 Insertion of heading
- 6 Insertion of Parts 3 and 4

##### **Part 3—Development plan amendments**

- 7 Interpretation
- 8 Adoption of DPAs

##### **Part 4—Staged commencement of development assessment under Act**

- 9 Interpretation
  - 10 General scheme for staged commencement
  - 11 Related provisions
  - 12 Local heritage
  - 13 Significant trees
  - 14 Appeals
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Planning, Development and Infrastructure (Transitional Provisions) (Code) Variation Regulations 2019*.

#### **2—Commencement**

These regulations come into operation on 1 July 2019.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

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**Planning, Development and Infrastructure (Transitional Provisions) (Code) Variation Regulations 2019**

Part 2—Variation of *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017*

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**Part 2—Variation of *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017***

**4—Insertion of heading**

Before regulation 1 insert:

**Part 1—Preliminary**

**5—Insertion of heading**

After regulation 3 insert:

**Part 2—Initial provisions**

**6—Insertion of Parts 3 and 4**

After regulation 6 insert:

**Part 3—Development plan amendments**

**7—Interpretation**

In this Part—

*DPA* means a Development Plan Amendment under section 25 of the repealed Act;

*PDI Act* means the *Planning, Development and Infrastructure Act 2016*.

**8—Adoption of DPAs**

(1) In addition to clause 9 of Schedule 8 of the PDI Act, if—

- (a) a DPA has been prepared by a council under section 25 of the repealed Act; and
- (b) the requirements of section 25 of the repealed Act relating to public consultation have been completed and a report prepared under section 25(13) of that Act (whether before or after the commencement of this regulation); and
- (c) the council applies to the Minister under this subregulation in accordance with any requirements determined by the Minister,

the Minister may, after consultation with the Commission—

- (d) adopt an amendment proposed in the report; or
- (e) alter an amendment proposed in the report and then proceed to adopt the amendment as altered; or
- (f) decline to adopt an amendment proposed in the report.

**Planning, Development and Infrastructure (Transitional Provisions) (Code) Variation  
Regulations 2019**

*Variation of Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017—Part 2*

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- (2) If the Minister adopts an amendment (or an amendment as altered) under subregulation (1), the Minister may, by notice in the Gazette, amend the Planning and Design Code to give effect to the amendment, subject to such modifications as may, in the opinion of the Minister, be necessary on account of the amendment being adopted as an amendment to the Planning and Design Code rather than as an amendment to a Development Plan.
- (3) An amendment made to the Planning and Design Code under subregulation (2)—
  - (a) does not have effect until it is published on the SA planning portal; and
  - (b) may take effect from the date of publication under paragraph (a), or from a later date specified by the Minister.
- (4) Subject to subregulation (5), the Minister may act under this regulation even if the relevant Development Plan has been revoked by the Minister under clause 9 of Schedule 8 of the PDI Act.
- (5) A council may not make an application under this regulation more than 3 months after the date on which the Development Plan to which the DPA relates has been revoked by the Minister.

## **Part 4—Staged commencement of development assessment under Act**

### **9—Interpretation**

In this Part—

*PDI Act* means the *Planning, Development and Infrastructure Act 2016*;

*relevant day* means the relevant day, as applying under regulation 10(1)(a) in relation to a particular area of the State.

### **10—General scheme for staged commencement**

- (1) On and after the commencement of Part 7 of the PDI Act the following provisions will apply:
  - (a) if or when the Minister, acting under clause 9(7) of Schedule 8 of the PDI Act, has revoked or revokes a Development Plan (with the revocation to take effect on or after the commencement of Part 7 of the PDI Act), development within the area of the State to which the Development Plan related will be assessed in all respects under the PDI Act, on and from the day on which the revocation takes effect (the *relevant day*);
  - (b) until the Minister revokes a particular Development Plan acting under clause 9(7) of Schedule 8 of the PDI Act—

**Planning, Development and Infrastructure (Transitional Provisions) (Code) Variation Regulations 2019**

**Part 2—Variation of *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017***

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- (i) development within the area of the State in relation to which the Development Plan relates will continue to be assessed against the provisions of the Development Plan rather than the provisions of the Planning and Design Code; and
  - (ii) the repealed Act (and the regulations under that Act) will continue to apply in relation to development within the area of the State in relation to which the Development Plan relates.
- (2) Subregulation (1) applies subject to regulation 11.

**11—Related provisions**

- (1) The following provisions apply in conjunction with regulation 10.
- (2) An application made to a relevant authority under section 39 of the repealed Act with respect to a proposed development within an area of the State that is subject to the revocation of the relevant Development Plan that has not been finally determined before the relevant day in relation to that area may be continued and completed under the provisions of the repealed Act, except that—
  - (a) notice of a decision on the application will be in the form that applies under section 126 of the PDI Act rather than the form that applies under section 40 of the repealed Act; and
  - (b) section 127 of the PDI Act will apply in relation to the application rather than section 42 of the repealed Act; and
  - (c) a decision on the application will, once given, be taken to be a decision given under the PDI Act (and the PDI Act will apply in relation to the relevant development authorisation).
- (3) The repealed Act will continue to apply to and in relation to a proposed development or project that is the subject of a declaration made under section 46 of the repealed Act before the relevant day in relation to the area within which the development or project would be undertaken (and that has not been the subject of a decision of the Governor under section 48 of the repealed Act before the relevant day), except that section 48 of the repealed Act will, on or after the relevant day, apply in relation to the development or project as if a reference to the Governor were a reference to the Minister (and a decision of the Minister in relation to the development or project will have effect as if it were a decision of the Minister under section 115 of the PDI Act).
- (4) An application lodged under section 49 or 49A of the repealed Act that has not been finally determined before the relevant day in relation to which the relevant development would be undertaken may be continued and completed under the provisions of the repealed Act, except that a decision on the application will, once given, be taken to be a decision given under the PDI Act (and the PDI Act will apply in relation to the relevant development authorisation).

**Planning, Development and Infrastructure (Transitional Provisions) (Code) Variation  
Regulations 2019**

*Variation of Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017—Part 2*

- (5) If development is proposed to be undertaken partly within an area of the State in relation to which regulation 10(1)(a) applies and partly within an area of the State in relation to which regulation 10(1)(b) applies, then—
  - (a) an application for a development authorisation in relation to the development made after the relevant day will be assessed in all respects as if regulation 10(1)(a) applied in relation to the development; and
  - (b) the Commission will be the relevant authority.
- (6) If—
  - (a) regulation 10(1)(a) applies in relation to an area of the State; and
  - (b) the Planning and Design Code, in applying under that regulation, overlaps with the area to which a Development Plan continues to apply by virtue of the operation of regulation 10(1)(b),then—
  - (c) any development that would, but for this subregulation, be subject to the Planning and Design Code and to a Development Plan by virtue of the overlap will be assessed in all respects as if regulation 10(1)(a) applied in relation to the development; and
  - (d) the Commission will be the relevant authority.

## **12—Local heritage**

- (1) On the relevant day in relation to an area of the State, a place designated as a place of local heritage value by a Development Plan that has been revoked by the Minister will be taken to be designated as a place of local heritage value by the Planning and Design Code.
- (2) The Minister may, by notice in the Gazette, amend the Planning and Design Code in order to include a place of local heritage value in the Planning and Design Code by virtue of the operation of subregulation (1).
- (3) Subregulations (1) and (2) do not limit the ability to make a later amendment to the Planning and Design Code in relation to a place to which subregulation (1) applies.
- (4) Section 202(1)(a) of the PDI Act does not apply to or in relation to the designation of a place of local heritage value under the PDI Act by operation of subregulation (1) or on account of the inclusion of a place of local heritage value in the Planning and Design Code under subregulation (2).

**Planning, Development and Infrastructure (Transitional Provisions) (Code) Variation Regulations 2019**

Part 2—Variation of *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017*

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**13—Significant trees**

- (1) On the relevant day in relation to an area of the State, a significant tree by virtue of the operation of a Development Plan that has been revoked by the Minister will be taken to be a significant tree under the Planning and Design Code.
- (2) The Minister may, by notice in the Gazette, amend the Planning and Design Code in order to include a significant tree in the Planning and Design Code by virtue of the operation of subregulation (1).
- (3) Subregulations (1) and (2) do not limit the ability to make a later amendment to the Planning and Design Code in relation to a tree to which subregulation (1) applies.

**14—Appeals**

A right of appeal under sections 38 and 86(1)(b) of the repealed Act may be exercised in relation to an application made to a relevant authority under section 39 of the repealed Act that has not been finally determined before the relevant day in relation to the area within which the development would be undertaken even if the process under section 38 of the repealed Act had not been commenced (or completed) before the relevant day.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 28 February 2019

No 17 of 2019

MPL18/007CS



## **DEVELOPMENT PLAN AMENDMENT FUNDING AGREEMENT**

THE CORPORATION OF THE CITY OF UNLEY  
CHURCHES OF CHRIST LIFE CARE INCORPORATED



Level 15, 45 Pirie Street  
Adelaide SA 5000  
Telephone + 61 8 8210 1200  
Fax + 61 8 8210 1234  
[www.normans.com.au](http://www.normans.com.au)

## DATE

## PARTIES

**THE CORPORATION OF THE CITY OF UNLEY** of 181 Unley Road Unley SA 5061  
(**Council**).

**CHURCHES OF CHRIST LIFE CARE INCORPORATED** ABN 67 390 593 649 of 128  
Greenhill Road Unley SA 5061 (**Proponent**).

## BACKGROUND

- A. The Proponent has an interest in the Land.
- B. The Land is within the area of the Council.
- C. The Land is situated partly within a Residential B350 Zone, and partly within a Residential Streetscape (Built Form) Zone according to the Development Plan.
- D. The Proponent is seeking to amend the Development Plan to facilitate development of an expanded residential aged care and independent living village on the Land.
- E. The Council has agreed to proceed with a process under section 25 of the Act to amend the Development Plan subject to the terms of this Agreement.

## AGREED TERMS

### 1. DEFINITIONS AND INTERPRETATION

#### 1.1 Definitions

- A. In this Agreement:
- B. **Act** means the *Development Act 1993* (SA).
- C. **Agreed Sum** means the amount specified in Item 2.2 of Schedule 1 to this Agreement, being a reasonable estimation of the total cost (direct and indirect, preparatory and substantive) likely to be incurred or absorbed by the Council as a consequence of it agreeing to undertake a process to rezone the Land at the Proponent's request, and it includes the Establishment Costs.
- D. **Agreement** means this Development Plan Amendment Funding Agreement.
- E. **Business Day** means a day that is not a Saturday, Sunday or public holiday in South Australia.
- F. **Development Plan** means the Unley (City) Development Plan as amended from time to time.
- G. **DPA** means Development Plan Amendment which has the same meaning as in the Act.

H. **DPA Principles** means the criteria and principles specified in Item 3 of Schedule 1 to this Agreement.

I. **DPA Process** means a process under section 25 of the Act including, according to context, any one or more of the Stages identified in Item 4 of Schedule 1 to this Agreement (whether a statutory process or otherwise).

J. **Establishment Costs** means the amount specified in Item 2.1 of Schedule 1 to this Agreement, being a reasonable estimation of the costs (direct and indirect) likely to be incurred by the Council in establishing the DPA Process, including preparing and negotiating this Agreement and the SOI.

K. **Land** means the land identified in Item 1 of Schedule 1 to this Agreement.

L. **Minister** means the Minister for Planning.

M. **PDI Act** means the *Planning, Development and Infrastructure Act 2016*.

N. **Peer Review** means a review of the DPA Process to be undertaken by the Peer Reviewer, and comprises the First Peer Review and the Second Peer Review as identified in Item 4 of the Schedule to this Agreement.

O. **Peer Reviewer** means a person with Prescribed Qualifications engaged or instructed by the Council to undertake the Peer Review, and may include an employee of the Council, but may not include a person with any prior relationship with the Proponent which might affect, or be perceived to affect, that person's independence.

P. **Prescribed Qualifications** means the prescribed qualifications under regulation 86 of the Regulations.

Q. **Regulations** means the *Development Regulations 2008* (SA).

**Stage** means a stage of the DPA Process as identified in Schedule 1 to this Agreement.

**SOI** means a Statement of Intent which has the same meaning as in the Act.

## 1.2 Interpretation

R. In this Agreement, unless the context otherwise requires:

1.2.1 headings do not affect interpretation;

1.2.2 singular includes plural and plural includes singular;

1.2.3 words of one gender include any gender;

1.2.4 a reference to a party includes its executors, administrators, successors and permitted assigns;

1.2.5 a reference to a person includes a partnership, corporation, association, government body and any other entity;

- 1.2.6 a reference to this Agreement includes any schedules and annexures to this Agreement;
- 1.2.7 an agreement, representation, warranty or indemnity by two or more parties (including where two or more persons are included in the same defined term) binds them jointly and severally;
- 1.2.8 an agreement, representation, warranty or indemnity in favour of two or more parties (including where two or more persons are included in the same defined term) is for the benefit of them jointly and severally;
- 1.2.9 a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;
- 1.2.10 a provision is not construed against a party only because that party drafted it;
- 1.2.11 an unenforceable provision or part of a provision may be severed, and the remainder of this Agreement continues in force, unless this would materially change the intended effect of this Agreement;
- 1.2.12 the meaning of general words is not limited by specific examples introduced by 'including', 'for example' or similar expressions;
- 1.2.13 an expression defined in the *Corporations Act 2001* (Cth) has the meaning given by the Act at the date of this Agreement.

### 1.3 **Background**

S. The Background forms part of this Agreement and is correct as at the date of this Agreement.

## 2. **STATEMENT OF INTENT**

- 2.1 This Agreement is conditional on the Council and the Minister agreeing to an SOI on terms that are acceptable to the Proponent.
- 2.2 If the Council and the Minister cannot agree to an SOI on terms that are acceptable to the Proponent (or the Proponent is not content with an SOI agreed to by the Council and Minister), the Proponent must, on demand by the Council, reimburse it for the Establishment Costs (but is not liable to pay any other amount to the Council under this Agreement).

## 3. **DPA PROCESS**

- 3.1 The Parties agree that unless otherwise agreed in writing, the DPA Process will proceed in accordance with the DPA Principles.
- 3.2 Subject to this Agreement, the Parties will:
  - 3.2.1 undertake or procure those Stages within their area of responsibility as specified in Item 4 of Schedule 1;

- 3.2.2 do all other things as required or necessary under section 25 of the Act; and
  - 3.2.3 use their best endeavours to achieve the authorisation of a DPA as contemplated in this Agreement and the SOI.
- 3.3 For the avoidance of doubt, if at any time:
  - 3.3.1 either party terminates this Agreement; or
  - 3.3.2 the Council, in its absolute discretion, determines to decline to proceed with the DPA or the DPA Process;

then the Parties will not be under any obligation to complete, procure or undertake any further steps from that time on.
- 3.4 The costs of the DPA Process will be borne by the Proponent, subject to the terms of this Agreement.
- 3.5 Any DPA will clearly state that although the DPA Process is being funded substantially by the Proponent, the Council has sought and relied upon independent advice from a person with Prescribed Qualifications.

#### **4. PROPONENT'S OBLIGATIONS**

- 4.1 The Proponent will, at its cost, engage a suitably qualified and experienced consultant to undertake any investigations as required by the SOI and to prepare a draft DPA for consideration by the Council.
- 4.2 When a draft DPA is provided to the Council, the Proponent must also:
  - 4.2.1 provide to the Council a copy of any relevant studies, reports, investigations, correspondence or other material in its possession that is relevant to the DPA Process or the proposed re-zoning of the Land, and the Council will be permitted to make whatever use of that material that it thinks fit; and
  - 4.2.2 pay to the Council the Agreed Sum in full.
- 4.3 The Council will be under no obligation to commence, procure or undertake any part of the DPA Process until the Agreed Sum is paid in full.
- 4.4 Subject to clause 6 (Unanticipated costs) and clause 11 (GST) below, the Proponent will not be liable to pay any amount other than the Agreed Sum to the Council for, or in relation to, the DPA Process.
- 4.5 The Proponent must not either directly or indirectly approach or seek to control or direct the Peer Reviewer in any way (but may answer questions or provide information if requested to do so by the Council or the Peer Reviewer).
- 4.6 Nothing in this Agreement prevents the Proponent from:
  - 4.6.1 participating in public consultation undertaken pursuant to section 25 of the Act in relation to the DPA;

- 4.6.2 providing further submissions to the Council prior to a DPA being sent to the Minister;
  - 4.6.3 approaching the Minister or a State Government department or agency in relation to any relevant matter.
- 4.7 The Proponent must make any payment to the Council by electronic bank transfer to an account nominated by the Council in writing, or by any other method expressly permitted by the Council in writing.

## **5. COUNCIL'S OBLIGATIONS**

- 5.1 The Council will progress the DPA Process as expeditiously as possible in accordance with the requirements of the Act, and having regard to availability of resources and the timing and priority of any other DPAs being progressed by the Council at the relevant time.
- 5.2 The Council will apply the Agreed Sum towards the costs (whether direct or indirect, preparatory or substantive) associated with the DPA Process in such manner and form as it thinks fit in its absolute discretion, and the Proponent shall have no right to question or dispute as to how the Agreed Sum has been, or will be, applied. For the avoidance of doubt, the Agreed Sum may be applied towards such things as (but not necessarily limited to) the engagement of any consultant, administrative costs or disbursements associated with public and agency consultation and Council staff costs associated with administration (including preparation of Council reports).
- 5.3 The Council may engage a consultant to undertake, or assist with any aspect of, the DPA Process (including Peer Review), in which case selection and procurement of the consultant will be undertaken at the sole discretion of the Council in accordance with the Council's standard procurement practices.
- 5.4 The Council will keep the Proponent reasonably informed of the progress of the DPA Process including at the commencement and completion of each stage which is identified as falling within the responsibility of the Council under Schedule 1 and, in any event, will respond to any reasonable written request from the Proponent for information in relation to the DPA Process and its progress within 14 days of receiving such request.
- 5.5 Without limiting the Council's obligations under this clause, the Council will notify the Proponent if at any stage the Council or Minister determines to:
  - 5.5.1 cease the DPA Process;
  - 5.5.2 decline to proceed with a DPA; or
  - 5.5.3 pursue a DPA in a form that is materially different from the draft DPA submitted to the Council by the Proponent.



## 6. UNANTICIPATED COSTS

- 6.1 If the Council considers it reasonably necessary to incur additional costs associated with the DPA Process (including after any DPA is referred to the Minister under section 25(14) of the Act), which costs:
- 6.1.1 will result in the Council incurring costs over and above the Agreed Sum; and
  - 6.1.2 were not reasonably anticipated or contemplated at the time of this Agreement;
- (**Unanticipated Costs**), then the Council will consult the Proponent before incurring Unanticipated Costs, and the Proponent must indicate whether or not it agrees to such Costs being incurred.
- 6.2 If the Proponent disagrees that it is necessary to incur Unanticipated Costs, or with their quantum, the Council may, at the Proponent's cost, seek a determination from an independent person with Prescribed Qualifications, and that person's determination will be final and binding on both parties.
- 6.3 If after following the procedure under this clause, Unanticipated Costs are, or will be, incurred by the Council, the Proponent agrees to pay those Costs to the Council within 14 days of indicating its agreement under clause 6.1 or a determination under clause 6.2, as the case may be.

## 7. ACKNOWLEDGEMENTS OF THE PROPONENT

The Proponent acknowledges that:

- 7.1 the outcome of the DPA Process is uncertain;
- 7.2 the Council may, on the basis of investigations undertaken as part of the DPA Process or otherwise in its absolute discretion:
  - 7.2.1 make such changes as it thinks fit to the draft DPA submitted by the Proponent; or
  - 7.2.2 decline to proceed with a DPA;
- 7.3 the final outcome of the DPA Process will be determined by the Minister and that the Council has no control over the Minister;
- 7.4 the Minister's decision in relation to a DPA is subject to Parliamentary scrutiny, upon which either House of Parliament may disallow a DPA approved by the Minister;
- 7.5 despite the termination of this Agreement, the Council may in its discretion decide to continue on with the DPA Process at its own cost;
- 7.6 the DPA Process may be interrupted or otherwise frustrated by the transition to the PDI Act for reasons outside the Council's control (although, if necessary,

the Council will use its best endeavours to transition the DPA Process in accordance with the *Planning, Development and Infrastructure (Transitional Provisions) (Code) Variation Regulations 2019*;

- 7.7 the Council will retain control over any material produced or received by the Council in the course of the DPA Process, and it may use that information for any other purpose as it sees fit, including any process under or in relation to the PDI Act and including matters unrelated to the Proponent or the Land;
- 7.8 the DPA may (but only following reasonable consultation with the Proponent) include other parcels of land adjoining or in the vicinity of the Land despite that such land may be registered in the name of a third party; and
- 7.9 the Council's obligations under this Agreement are at all times in addition to, and do not derogate from, its statutory obligations and discretions under the Act.

## 8. MUTUAL UNDERTAKINGS AND ACKNOWLEDGMENTS

The parties acknowledge and agree that:

- 8.1 this Agreement confers no rights whatsoever upon any person in respect of the eventual development of the Land;
- 8.2 the Council must deal with any development application in respect of the Land (or any part thereof) in accordance with the usual requirements of the Act and cannot and will not accord any person (including the Proponent) any preferential treatment whatsoever;
- 8.3 this Agreement creates no expectation on the part of the Proponent that the Council will grant any development authorisation to the Proponent by reason of the Proponent having paid monies under this Agreement. For the avoidance of doubt, this Agreement shall not in any way affect the Council's standing as the relevant authority to assess development applications made under the Act in respect of development of the Land;
- 8.4 in the event of a third party legal challenge to the DPA Process:
  - 8.4.1 the Proponent shall bear its own costs of, or incidental to, such challenge;
  - 8.4.2 the Council shall not be liable for any costs, loss or damage incurred by the Proponent which may be directly or indirectly caused by such challenge;
  - 8.4.3 the Council is under no obligation to defend such challenge in any way and may act as it sees fit;
  - 8.4.4 if the Proponent and the Council agree, that the Council will actively participate in any legal proceedings, then the Proponent shall indemnify the Council for its reasonable costs of, or incidental to, those proceedings; and

- 8.4.5 nothing in this clause prohibits or prevents the Proponent from seeking to recover costs payable under this clause from a third party.
- 8.5 If necessary, the Parties will use their best endeavours to transition any work undertaken pursuant to this Agreement to an equivalent instrument or process under the PDI Act.

## **9. TERMINATION AND NOTIFICATION OF CERTAIN EVENTS**

### **9.1 Termination**

- 9.1.1 A party may terminate this Agreement with immediate effect by giving notice to the other party if:
  - 9.1.1.1 that other party fails to pay any sum of money within 15 Business Days after the date such payment fell due under this Agreement or otherwise agreed to by the parties;
  - 9.1.1.2 that other party breaches any other provision of this Agreement and fails to remedy the breach within 15 Business Days after receiving notice requiring it to do so;
  - 9.1.1.3 that other party breaches a material provision of this Agreement where that breach is not capable of remedy.
- 9.1.2 The Council may terminate this Agreement with immediate effect by giving notice to the Proponent under clause 9.2.1.1 if the Council decides to decline to proceed with a DPA, or if the Council is advised by the Minister that the Minister has declined to proceed with a DPA.
- 9.1.3 The Proponent may terminate this Agreement by giving notice to the Council under clause 9.2.1.1 if the Proponent does not wish the DPA Process to proceed or continue.
- 9.1.4 If this Agreement is terminated, the Council may recover any amount outstanding from the Proponent as a debt due and payable.
- 9.1.5 If this Agreement is terminated, the Proponent is not entitled to any refund of moneys paid to the Council, or to recover any damages or compensation whatsoever in relation to or in connection with this Agreement or any acts or activities contemplated by this Agreement, and the Council shall not be liable for any loss howsoever caused (whether directly or indirectly). For the avoidance of doubt, nothing in this agreement prohibits the Council from agreeing to refund any amount to the Proponent in its absolute discretion, but it shall be under no obligation to do so.

### **9.2 Notification of events**

- 9.2.1 Each party must notify the other party immediately if:
  - 9.2.1.1 either party wishes to exercise their rights to terminate under this Agreement;

- 9.2.1.2 there is any change in the direct or indirect beneficial ownership or control of that party;
- 9.2.1.3 the Proponent's interest in the Land is disposed of in whole or in part;
- 9.2.1.4 that party ceases to carry on business;
- 9.2.1.5 that party ceases to be able to pay its debts as they become due;
- 9.2.1.6 any step is taken by a mortgagee to take possession or dispose of the whole or part of that party's assets, operations or business; or
- 9.2.1.7 any step is taken to enter into any arrangement between that party and its creditors; or
- 9.2.1.8 any step is taken to appoint a receiver, a receiver and manager, a trustee in bankruptcy, a provisional liquidator, a liquidator, an administrator or other like person of the whole or part of that party's assets, operations or business.

### **9.3 Accrued rights and remedies**

T. Termination of this Agreement does not affect any accrued rights or remedies of either party.

## **10. MISCELLANEOUS**

### **10.1 Time**

U. Time is of the essence.

### **10.2 Alteration**

V. This Agreement may be altered only by a supplementary written Agreement signed by each party.

### **10.3 Approvals and consents**

W. Unless otherwise provided, a party must not unreasonably withhold or delay any approval or consent under this Agreement.

### **10.4 Assignment**

X. A party must not assign or otherwise deal with this Agreement or any right under it without the written consent of the other party which consent must not be unreasonably withheld.

### **10.5 Entire agreement**

Y. This Agreement:

10.5.1 constitutes the entire agreement between the parties about its subject matter;

10.5.2 supersedes any prior understanding, agreement, condition, warranty, indemnity or representation about its subject matter.

**10.6 Waiver**

Z. A waiver of a provision of, or right under, this Agreement:

10.6.1 must be in writing signed by the party giving the waiver;

10.6.2 is effective only to the extent set out in the written waiver.

**10.7 Exercise of power**

10.7.1 The failure, delay, or relaxation by a party in exercising a power or right under this Agreement is not a waiver of that power or right.

10.7.2 An exercise of a power or right under this Agreement does not preclude a further exercise of it or the exercise of another right or power.

**10.8 Survival**

AA. Each indemnity, obligation of confidence and other term capable of taking effect after the expiration or termination of this Agreement, remains in force after the expiration or termination of this Agreement.

**10.9 Counterparts**

BB. This Agreement may be executed in counterparts. All executed counterparts constitute one document.

**10.10 Governing law**

10.10.1 This Agreement is governed by the law in South Australia.

10.10.2 The parties irrevocably submit to the exclusive jurisdiction of the courts in South Australia.

**11. GST**

11.1 In this clause an expression defined in the *A New Tax System (Goods and Service Tax) Act 1999* (Cth) has the meaning given to it in that Act.

11.2 The parties agree that all amounts paid or payable in respect of any supply under or required by this agreement is exclusive of GST.

11.3 If either party makes a supply under or in connection with this agreement in respect of which GST is payable, the consideration for the supply is increased by an amount equal to the GST payable by the supplier on the supply.

11.4 This clause survives Completion and any termination of this agreement.

## 12. NOTICES

12.1 A notice, demand, consent, approval or communication under this Agreement (**Notice**) must be:

12.1.1 in writing, in English and signed by a person authorised by the sender; and

12.1.2 hand delivered or sent by pre paid post or facsimile to the recipient's address or facsimile number specified below, as varied by any Notice given by the recipient to the sender.

12.2 At the date of this Agreement, the addresses and facsimile numbers for Notices are:

The Corporation of the City of Unley  
Address: 181 Unley Road, Unley SA 5061  
Phone: 08 8372 5185  
Email: [dbrown@unley.sa.gov.au](mailto:dbrown@unley.sa.gov.au)  
Attention: David Brown

Life Care  
Address: Level 1, 128 Greenhill Road Unley SA 5061  
Phone: 1800 555 990  
Email: [allen.candy@lifecare.org.au](mailto:allen.candy@lifecare.org.au)  
Attention: Allen Candy

12.3 A Notice is deemed to be received:

12.3.1 if hand delivered, on delivery;

12.3.2 if sent by prepaid mail, on the third Business Day after posting (or on the 15th Business Day after posting if posting to or from a place outside Australia);

12.3.3 if sent by email, at the time and on the date that the email is received into the email recipient's mail server.

CC. However if the Notice is deemed to be received on a day that is not a Business Day or after 5:00pm or before 9:00am on a Business Day, the Notice is deemed to be received at next occurring instance of 9:00am on a Business Day.



DD.

12.4 If two or more people comprise a party, Notice to one is effective Notice to all.

**EXECUTED** as an Agreement

**SIGNED** for and on behalf of the **THE  
CORPORATION OF THE CITY OF  
UNLEY** by:

.....  
Signature of Chief Executive Officer

.....  
Signature of Witness

.....  
Name of Chief Executive Officer (print)

.....  
Name of Witness

**The common seal of CHRUCHES OF  
CHRIST LIFE CARE INCORPORATED  
life care** was affixed in the presence of:  
**Check Constitution**

.....  
Chairperson/ Vice-Chairperson  
(Please delete as applicable)

.....  
Signature of Committee/Board Member  
(Please delete as applicable)

.....  
Name (print)

.....  
Name (print)

## SCHEDULE 1

### Item 1: Land

The land situated at 28,29, 30 and 34-36 Norman Terrace, 24 Fourth Avenue and 1 Ross Street, Everard Park, being the land comprised and described in the following parcels and certificates, as depicted in the plan attached at Schedule 2:

Allotment	Plan	Area	CT Volume	CT Folio
76	Filed Plan 6522	Everard Park in the Hundred of Adelaide	5804	30
75	Filed Plan 6522	Everard Park in the Hundred of Adelaide	5804	31
150	Deposited Plan 63587	Everard Park in the Hundred of Adelaide	5922	145
77	Filed Plan 6522	Everard Park in the Hundred of Adelaide	5729	732
71	Filed Plan 6522	Everard Park in the Hundred of Adelaide	5922	144
70	Filed Plan 6522	Everard Park in the Hundred of Adelaide	5674	218
69	Filed Plan 6522	Everard Park in the Hundred of Adelaide	5675	381
68	Filed Plan 6522	Everard Park in the Hundred of Adelaide	5804	32
6	Deposited Plan 2440	Everard Park in the Hundred of Adelaide	5649	292
5	Deposited Plan 2440	Everard Park in the Hundred of Adelaide	5129	286
4	Deposited Plan 2440	Everard Park in the Hundred of Adelaide	5786	274
3	Deposited Plan 2440	Everard Park in the Hundred of Adelaide	5187	224

### Item 2: Costs

**2.1 Establishment Costs** \$7,000

**2.2 Agreed Sum** \$35,000

### Item 3: DPA Principles

Purpose / objectives of the DPA:	To re-zone the Land from the existing Residential B350 Zone and Residential Streetscape (Built Form) Zone to an appropriate zone with suitable design criteria that is more conducive to the development of a complementary expanded residential aged care and independent living village on the Land.
Key investigations:	<ul style="list-style-type: none"> <li>Strategic planning alignment</li> <li>Urban Design built form and streetscape</li> </ul>

	<p>compatibility</p> <ul style="list-style-type: none"> <li>• Residential area and property interface and amenity</li> <li>• Vehicle parking, access, servicing and area traffic implications</li> <li>• Open space, landscaping and tree canopy provision</li> <li>• Zone and supporting design policy framework</li> </ul>
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**Item 4: DPA Process Stages**

STAGE	RESPONSIBILITY
1. Undertake investigations in accordance with SOI and prepare draft DPA for consideration by the Council	Proponent
2. Review draft DPA prior to public and agency consultation ( <b>First Peer Review</b> )	Council
3. Undertake public and agency consultation (including public hearing if necessary)	Council
4. Review draft DPA following agency and public submissions and prepare draft section 25(13)(a) Report	Proponent
5. Review output from Stage 4 and finalise section 25(13)(a) report ( <b>Second Peer Review</b> )	Council
6. Submit DPA and section 25(13)(a) report to the Minister (subject to Council decision to proceed)	Council
7. Undertake such other action as may be necessary following referral to Minister	Council

**SCHEDULE 2 – LAND / DPA AREA**



## DECISION REPORT

<b>REPORT TITLE:</b>	STATEMENT OF INTENT - PRIVATELY FUNDED DEVELOPMENT PLAN AMENDMENT - LIFE CARE PARKROSE VILLAGE NORMAN TERRACE EVERARD PARK
<b>ITEM NUMBER:</b>	2.3
<b>DATE OF MEETING:</b>	11 JUNE 2019
<b>AUTHOR:</b>	DAVID BROWN
<b>JOB TITLE:</b>	PRINCIPAL POLICY PLANNER
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. CURRENT AND PROPOSED (DPA2 2014) ZONING</li><li>2. EVERARD PARK REGENERATION - STATEMENT OF INTENT - FOR DEVELOPMENT PLAN AMENDMENT</li></ol>

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### 1. **EXECUTIVE SUMMARY**

The Life Care Parkrose Village site at 28-36 Norman Terrace, 1-5 Ross Street and 24 Fourth Avenue Everard Park, is an old facility recognised as needing a contemporary re-development for an independent living and aged care residential facility. It is a substantial land holding of over 1.9 hectares.

The current zoning is long-standing, out-dated and not cognisant of contemporary demand, nature of development and the strategic location.

The land owner's priority for re-development of this old facility has now become more pressing. Accordingly, a Privately Funded Development Plan Amendment has been suggested to Council for consideration in the shorter-term to advance an appropriate zone and policy change, ahead of the establishment of the Planning and Design Code (the Code) in July 2020.

To initiate a DPA the Council must support and submit for the approval of the Minister for Planning a Statement of Intent which details the scope, relevant strategic/policy considerations, nature of investigations to be carried out, the public consultation process and timeframes to be followed in preparing the DPA.

Council would maintain full control of the DPA process and outcome, and private funding will address Council resource implications.

### 2. **RECOMMENDATION**

That:

1. The report be received.
  2. Council support the initiation of a Development Plan Amendment (DPA) via the Statement of Intent for the re-zoning of the Parkrose Village site at 28-36 Norman Terrace, 1-5 Ross Street and 24 Fourth Avenue, Everard Park, to facilitate an appropriate higher density and diversity of residential accommodation.
  3. Council endorse the approval of the Statement of Intent for the Life Care Parkrose Village Norman Terrace Everard Park Development Plan Amendment (DPA) and submission for approval to the Minister for Planning in accord with the terms of the Deed of Agreement.
- 

### **3. RELEVANT CORE STRATEGIES/POLICIES**

#### **1. Community Living**

##### **1.3 Our City meets the needs of all generations.**

##### **3.1 City of Unley Community Plan 2033 – Strategic Planning Framework**

##### **3.2 State Planning Strategy (The 30-Year Plan for Greater Adelaide (2017 Update) provides direction for increased and diverse housing to suit needs.**

### **4. BACKGROUND**

The Village Living and Desirable Neighbourhood Development Plan Amendment – Residential Character, and Growth Areas and Council-wide Policy Review (Residential Character and Growth DPA2) in 2014 proposed residential zone changes across the city, and for this area, to address maintenance of character areas and identification of infill and growth areas.

Following comprehensive public consultation through the second half of 2014, there was significant community feedback and revised options for the western area as part of the review in 2015. The DPA was split to allow the DPA2 Part 1 (East) to proceed to approval by the Minister for Planning in July 2017 while the DPA2 Part 2 (West) in the area to the west of East Avenue, the tram line and Goodwood Road was deferred and not progressed due to the significant community feedback and revisions.

With the Planning Reforms and the impending Code, the Minister in 2017 indicated no more DPAs would proceed. This led to the DPA2 Part 2 (West) being discontinued and the zoning left out-of-date.

More recently the Minister has revised this position to support DPAs which deliver strategic or urgent outcomes. The new Code may provide some opportunity for incorporation of desired changes, but the first generation is primarily a transition of existing Development Plan policy. As a

consequence, a large number of DPAs by the Minister and Councils, many facilitated by private funding from land owners, have now been initiated.

## **5. DISCUSSION**

The site at Parkrose Village 28-36 Norman Terrace, 1-5 Ross Street and 24 Fourth Avenue, Everard Park, encompasses a substantial existing long-term aged independent living and care facility comprising 12 consolidated titles and site area of over 1.9 hectares.

The site is currently in Residential B 350 and Residential Streetscape (Built Form) Zones. These limit the density of re-development opportunity to 350m<sup>2</sup> and 700m<sup>2</sup> minimum site areas respectively and maximum two-storey height.

The proposed rezoning in DPA 2 Part 2 (West) supported higher density zoning, providing for a sensitive lower two-storey height to the edge of the zone along Ross Street and Fourth Avenue with greater height of four-storey towards the tram-line frontage. Refer to Attachment 1.

### *Attachment 1*

The land owner, Life Care, has planned for a contemporary re-development for some time. Other sites were prioritised but are now completed and there is a keen desire to now proceed with this site.

Life Care has approached and requested the City of Unley to consider supporting a privately funded DPA to address the re-zoning. A Statement of Strategic Context (Justification) was provided in support of the development benefits and facilitation by a privately funded process to achieve this end.

Pursuant to the Council Policy for Privately Funded DPAs and Council endorsing execution of a suitable Agreement with the proponent, Life Care, all necessary documentation and funding to support Council's processing, consultation and review of a DPA would be provided.

Council at all times would maintain control of the key stages of the DPA in relation to the nature of change, public consultation and proceeding with its support.

The first step to initiate a DPA is submitting a Statement of Intent and obtaining the approval of the Minister for Planning to proceed. A Statement of Intent details the scope, relevant strategic/policy considerations, nature of investigations to be carried out, the public consultation process (minimum statutory requirements plus additional measures, eg letters to affected area) and timeframes to be followed in preparing a DPA.

A suitable Statement of Intent has been prepared by the proponent and reviewed and agreed to by the Administration and is contained in Attachment 2.



Council's Strategic Planning Framework, and previous outcome of DPA2 Part 2 (West), support a zoning change for this area, and site, to facilitate an appropriate higher density and diversity of residential accommodation. The Statement of Intent and scope and nature of the DPA are considered to warrant support.

Currently under the Development Act, only the Minister for Planning or a Council, with the Minister's support, can undertake a DPA.

If not supported or proceeded with at this time, after July 2020, pursuant to the new PDI Act, the Minister, or with the Minister's support, the State Planning Commission, Council or a private land owner may pursue an amendment to the Code (replacement of the Development Plan).

## 6. **ANALYSIS OF OPTIONS**

Option 1 – Support the initiation of a DPA via the Statement of Intent for the re-zoning of the Parkrose Village site at 28-36 Norman Terrace, 1-5 Ross Street and 24 Fourth Avenue Everard Park, to facilitate an appropriate higher density and diversity of residential accommodation and endorse the approval and submission of the Statement of Intent for the Life Care Parkrose Village Norman Terrace Everard Park Development Plan Amendment for approval by the Minister for Planning.

The re-zoning of the Parkrose Village site at 28-36 Norman Terrace, 1-5 Ross Street and 24 Fourth Avenue Everard Park for contemporary redevelopment realises positive residential accommodation options for the community.

The initiation of a DPA, with Agreement on the manner of private contribution and funding support, would facilitate the change while addressing the burden upon existing Council resources and priorities.

Council's Strategic Planning Framework, and the previous outcome of DPA2 Part 2 (West), support a zoning change for this area, and site, to facilitate an appropriate higher density and diversity of residential accommodation.

The Council would maintain control of the nature of the proposed change and all stages of the DPA process.

Option 2 – Not support the Statement of Intent to initiate a DPA for the re-zoning of the Parkrose Village site at 28-36 Norman Terrace, 1-5 Ross Street and 24 Fourth Avenue Everard Park.

The proposed changes to zoning and policy would not proceed at this time.

The changes may be pursued as part of the new Code, but this first generation is primarily intended as a transition of existing policy. Significant

other change would compound the scope and scale of the public consultation and review process. A future amendment of the new Code could be pursued after 2020.

The applicant could pursue a Development Application, with the Council Assessment Panel, or potentially through a Coordinator General call-in, the State Commission Assessment Panel.

## **7. RECOMMENDED OPTION**

Option 1 is the recommended option.

## **8. POLICY IMPLICATIONS**

### **8.1 Financial/Budget**

A DPA is a large undertaking with inherent resource, consultation and therefore budget costs.

The agreed funding by private entity to support a DPA would off-set these typical additional costs for Council.

### **8.2 Legislative/Risk Management**

The execution of an Agreement for a Privately Funded DPA will confirm the arrangements, respective responsibilities and agreed funding to Council.

Probity and transparent process and decision making, as usual, would be required to avoid any perception of bias.

### **8.3 Staffing/Work Plans**

The review and conduct of a DPA and public consultation processes would require a focus for staff resources and this may result in other projects being deferred. This will be managed in-house.

### **8.4 Environmental/Social/Economic**

It has been recognised that the current zoning is out-of-date, and an update would be warranted.

Facilitating appropriate re-development of the site would afford a contemporary aged independent living and care residential facility within the community.

### **8.5 Stakeholder Engagement**

Comprehensive community consultation would occur as part of the testing and review of the DPA proposed zone and policy changes.

**9. REPORT CONSULTATION**

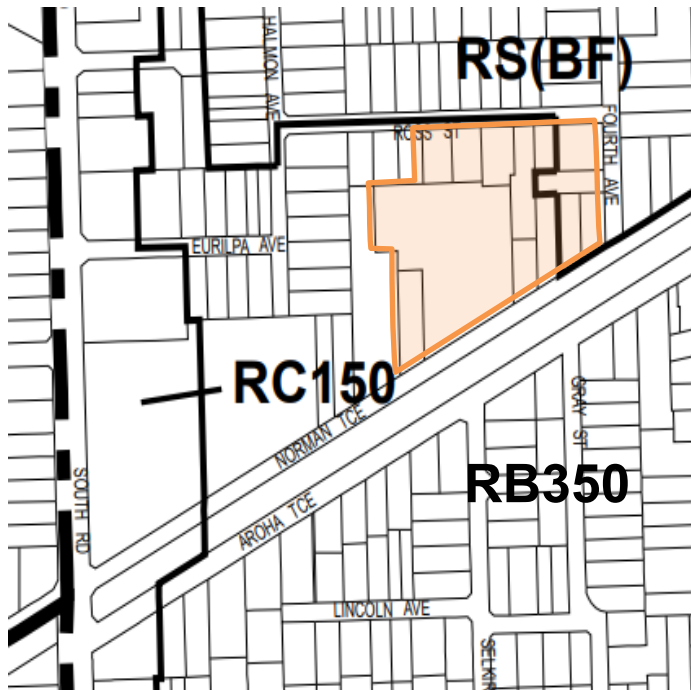
City Design, City Development.

**10. REPORT AUTHORISERS**

<b>Name</b>	<b>Title</b>
Ben Willsmore	Manager City Design
Claude Malak	General Manager, City Development

## Life Care Parkrose Village – Norman Terrace Everard Park

### Current Zoning – Development Plan



### Proposed Zoning - Residential Character and Growth DPA2 Part 2 (West)





# **Unley Council Development Plan**

## **Everard Park Regeneration Statement of Intent**

**by the**

**Unley Council**

**24 June 2019**

**Pursuant to section 25 (1) of the *Development Act 1993* this Statement of Intent forms the agreed basis for the preparation of the proposed Development Plan Amendment.**

**Peter Tsokas  
CHIEF EXECUTIVE OFFICER**

**Date:**

**Stephan Knoll  
MINISTER FOR PLANNING**

**Date:**

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## 1. Introduction

### 1.1 Statement of Intent

Pursuant to section 25(1) of the Development Act 1993 (the Act) the Unley Council (the Council) has reached agreement with the Minister on this Statement of Intent (SOI) prepared by the Council in accordance with the Development Regulations 2008 (the Regulations).

The SOI details the scope, relevant strategic / policy considerations, nature of investigations to be carried out, the consultation process and timeframes to be followed in preparing the DPA.

### 1.2 Chief Executive Statement

The Chief Executive Officer of the Council confirms the following:

- The proposed DPA will assist in implementing the Planning Strategy.
- The proposed DPA has been endorsed by Council.
- All procedures, documentation and mapping will accord with relevant statutory requirements of the Act and Regulations.
- Sufficient Council resources will be devoted to completing the DPA within the agreed timeframe. Council acknowledges that the Minister can lapse the DPA if key timeframes are not met by Council pursuant to section 25(19) of the Act.
- Council may use the outcome of investigations and other information produced by external sources which will be reviewed by a qualified, independent professional advisor (pursuant to section 25(4) of the Act).

#### 1.2.1 Council Contact Person

The key Council contact person who will be responsible for managing the DPA process and who will receive all official documents relating to the DPA is:

- David Brown, Principal Policy Planner, [dbrown@unley.sa.gov.au](mailto:dbrown@unley.sa.gov.au)

#### 1.2.2 Developer Supported DPA

Council will retain full control over the DPA process and decision making responsibilities in accordance with the *Development Act 1993*.

The DPA process will be fully funded by:

- Life Care
- Attention: Allen Candy  
Level 1, 128 Greenhill Road  
UNLEY SA 5061

Holmes Dyer Pty Ltd will prepare the DPA on behalf of Life Care.

## 2. Scope of the Proposed DPA

### 2.1 Need for the Amendment

#### 2.1.1 Rationale

The subject land is in the suburb of Everard Park in the western area of the City of Unley and is in near proximity of South Road and Unley's boundary with the City of West Torrens.

Much of the land is associated with the existing Parkrose Village assisted living facility owned and operated by Life Care at 34-36 Norman Terrace, Everard Park. Life Care has activity sought to consolidate its land holding and is also the owner of 28, 29 and 30 Norman Terrace, 24 Fourth Avenue, and 1 Ross Street, Everard Park.

The subject land is zoned for residential uses pursuant to the City of Unley Development Plan consolidated 19 December 2017), and is bisected by a zone boundary, as follows:

- Residential B350 Zone: the land is predominantly (western three quarters of the site) in the Residential B350 Zone. No policy area is applicable to this portion of the land.
- Residential Streetscape (Built Form) Zone: the eastern quarter of the land (near Fourth Avenue) is in the Residential Streetscape (Built Form) Zone. Policy Area 9 – Spacious, and Precinct 9.2 Everard Park and Forestville (East), also applies to this part of the zone.



Figure 1 Current Zoning and Policy Areas

The Residential B350 Zone contains one Objective, which states:

*Obj 1: Provision for a range of dwelling types of up to two storeys compatible in form, scale and design with the existing positive elements of the character of the area.*

While envisaged density and height is low, the Desired Character of the zone envisages infill development through aggregation of larger sites and that areas close to railway stations may offer better opportunities for new higher density development.

Retirement villages, nursing homes and rest homes are on-merit uses in the zone.

That portion of the subject land that falls within the Residential B350 Zone is identified on Residential Code Map Un/7 (Unley Council) as a Determined Area for the purposes of Schedule 4 – Complying development, Clause 2B – New dwellings pursuant to the Development Regulations 2008.

The Residential Streetscape (Built Form) Zone contains four Objectives. Objective 3 seeks the retention and refurbishment of buildings, including the sensitive adaptation of large and non-residential buildings, as appropriate for supported care. The Objectives state (emphasis added):

*Obj 1: Enhancement of the desired character of areas of distinctive and primarily coherent streetscapes by retaining and complementing the siting, form and key elements as expressed in the respective policy areas and precincts.*

*Obj 2: A residential zone for primarily street-fronting dwellings, together with the use of existing non-residential buildings and sites for small-scale local businesses and community facilities.*

***Obj 3: Retention and refurbishment of buildings including the sensitive adaptation of large and non-residential buildings as appropriate for supported care or small households.***

*Obj 4: Replacement of buildings and sites at variance with the desired character to contribute positively to the streetscape.*

The Desired Character for the zone includes the following statements:

*Sites greater than 5000 square metres will be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings, supported accommodation or institutional housing facilities at densities higher than, but compatible with, adjoining residential development.*

*Sites for existing or proposed aged care housing, supported accommodation or institutional housing may include minor ancillary non-residential services providing that the development interface is compatible with adjoining residential development.*

The zone seeks predominantly single storey, street facing development. This is reinforced through the provisions contained in Policy Area 9 – Spacious of the Residential Streetscape (Built Form) Zone which seeks low scale building development.

Some forms of aged care accommodation could be acceptable across both zones based on land use pursuant to the Development Plan. However, current zoning does not adequately contemplate or support (re)development of the subject land to deliver contemporary residential aged care accommodation and services.

The current policy framework is not considered to appropriately contemplate the concentration of population along the existing City to Glenelg tram line and the strategic potential for transit-oriented development associated with the Norman Terrace tram stop.

It would therefore appear appropriate for the subject land to be rezoned to be compatible with both community expectation for high quality aged care accommodation and services, and highly favourable locational attributes for increased density.

The readily identifiable consequences of maintaining the existing split zoning of Residential B350 Zone (majority) and Residential Streetscape (Built Form) Zone include:

- The existing zone boundary through the subject land creates a level of uncertainty and complication for redevelopment of the site as a whole;
- Given both zones contemplate low density dwellings at heights of one and two storeys, this could result in the land being underutilised; and
- The strategic potential for transit-oriented development associated with the Norman Terrace tram stop will likely continue to be unrealised.

The potential implications of a single zone that provides for contemporary aged care accommodation and services include:

- Provides impetus to redevelop the site;
- Provides consistency with the government policy agenda for infill development within locations close to services and public transport;
- Provides greater opportunity for strategic urban growth and housing diversity;
- A large consolidated site provides scope for sensitive urban design including managing the interface to existing low density residential development and concentration of density and height toward the Norman Terrace frontage; and
- Opportunities for small scale non-residential uses would be contained to those permitted within residential zoning.

Life Care formally approached Council in 2019 requesting to undertake a privately funded DPA for the site.

The subject land comprises twelve separate titles and represents a sizeable parcel(s) of land for which the proponent has completed a high-level concept plan. The concept plan confirms the ability to achieve a coordinated aged care development outcome that may include a combination of Residential Aged Care (RAC) beds; Assisted Living Apartments (ALAs); Independent Living Apartments (ILAs); and Independent living Units (ILUs).

The proposed rezoning provides an opportunity to investigate a mix of aged care accommodation types that represent an expansion of existing provision on the subject land.

The rezoning proposal forms part of Life Care's targeted program based around its 'live every day' model, which will deliver expanded accommodation services and improved services and facilities for its residents and in-home patrons. The expansion program includes increased service provision to and interaction with local communities.

Further, design quality is increasingly important to infill development to ensure the enjoyment, amenity and sustainability of the community. The proponents' vision is for a high-quality design outcome including in the siting of built form, connectivity through the site and to surrounding areas, use of green space and deep root zones for the establishment of tree canopy, and sensitive interface with the established residential area (generally to the north and north-east corner of the subject land).

To this end, a Statement of Justification was presented to the City Strategy and Development Policy Committee on 11 June 2019 and Council on 24 June 2019.

In considering the request for a privately funded DPA, the Council notes the subject land was included in the Council initiated Village Living and Desirable Neighbourhoods Development Plan Amendment (DPA) Program. - Stage 2 Residential Character, Growth Areas and Council Wide Residential Policy. Consultation was undertaken on the DPA in 2014 and reviewed by Council in 2015 before final approval of (Part 1 East) in 2017. Part 2 (West) was the focus of representations and was split from the DPA to enable a focus on the introduction of the new Planning and Design Code (scheduled for 2020). That DPA proposed the subject land be rezoned to Residential Regeneration Zone with low to medium-rise development of four storeys with a transition to two storeys at the interface with existing low-rise residential uses. At that time, the subject land formed part of a broader area for rezoning consideration.

Council ultimately decided to split its DPA process and continue with part 1 of the original DPA. Part 2 of the DPA (of which the subject land formed a part) has not been pursued, among other reasons, because there has been some uncertainty for Council regarding DPA processes given the impending introduction of the Planning and

Design Code in 2020. This situation is now addressed by Regulation which provides transitional arrangements for DPAs.

On <date> the proponent signed and agreed to a Deed Agreement for the privately funded DPA. Council subsequently endorsed the Deed Agreement on <date> June 2018, following a resolution on the matter.

### **Council's (Community Plan 2033) A Community of Possibilities**

The proposed rezoning has strong alignment with Council's Community Plan 2033.

The Community Plan 2033 is aligned with the State Planning Strategy and includes a commitment by Council to be an Age Friendly City, including a goal to create a city for people of all ages and abilities. The Plan recognises that people 85 years and over is significant in Unley, double the figure for Australia and almost double the level for South Australia.

'Community Living' is one of four themes in the Plan with the following goal: 'People value our City with its enviable lifestyle, activities, facilities and services.' A key strategy within this theme is the 'City meets the needs of all generations'.

Implementation of the Community Plan 2033 is via the City of Unley Four Year Delivery Plan 2017 – 2021. The Delivery Plan identifies Council will continue to advocate for improved planning policy for housing diversity and deliver on its Active Ageing Strategy.

The rezoning proposal is consistent with Council's strategic objectives and focus on providing for older members of its community. The rezoning proposal also responds more broadly to key matters of importance to the community identified in the Plan such as providing development with green space and tree canopy cover.

The City of Unley has endorsed an Active Ageing Strategy as part of its commitment to the World Health Organisation's Global Network of Age Friendly Cities and Communities (signatory in 2012). A key guiding principle of the Strategy is the right to age in place, so people can remain in Unley for as long as they wish.

The Strategy encourages a service alliance which includes strengthening the network of key health and support service providers to partner with the City of Unley in implementing the actions in the Strategy and identifying challenges and opportunities to better meet the needs of residents as they age.

Housing is a key focus area of the Strategy (focus area 3) with a goal that affordable and accessible housing is available to meet the needs of residents throughout their lives. The Strategy notes Council's role in promoting and advocating for the provision of modern models of residential aged care in Unley.

This rezoning proposal seeks to facilitate the provision of a contemporary model of aged care and improve the quality of service provision for residents.

The issues to be addressed as part of this DPA are discussed in Section 2.1.3.



## 2.1.2 Affected Area

The area affected by the proposed DPA is shown on Figure 2 and is described as:

- Allotment 76 in Filed Plan 6522 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5804 Folio 30);
- Allotment 75 in Filed Plan 6522 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5804 Folio 31);
- Allotment 150 in Deposited Plan 63587 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5922 Folio 145);
- Allotment 77 in Filed Plan 6522 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5729 Folio 732);
- Allotment 71 in Filed Plan 6522 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5922 Folio 144);
- Allotment 70 in Filed Plan 6522 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5674 Folio 218);
- Allotment 69 in Filed Plan 6522 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5675 Folio 381);
- Allotment 68 in Filed Plan 6522 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5804 Folio 32);
- Allotment 6 in Deposited Plan 2440 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5649 Folio 292);
- Allotment 5 in Deposited Plan 2440 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5129 Folio 286);
- Allotment 4 in Deposited Plan 2440 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5786 Folio 274); and
- Allotment 3 in Deposited Plan 2440 in the area named Everard Park in the Hundred of Adelaide (Certificate of Title Volume 5187 Folio 224).



**Figure 2 Affected Map Area**



The arrangement of Certificates of Title is shown in Figure 3 below.



**Figure 3 Arrangement of Certificates of Title**

Certificates of Title show that the land is subject to the Retirement Villages Act 1987 (now Retirement Villages Act 2016). There are no easements or other notations listed on the titles.

The subject land is in Everard Park. The subject land comprises approximately 1.9ha with three road frontages; north of Norman Terrace (approximate road frontage of 176m), west of Fourth Avenue (approximate road frontage of 83m), and south of Ross Street (approximate road frontage of 134m).

Most of the site is commonly known as Parkrose Village and is currently developed with single storey accommodation providing for independent and residential living. Life Care has activity sought to consolidate its land holding as part of planned expansion and owns residential properties contiguous with Parkrose Village that form part of this proposal.

### **2.1.3 Potential Issues**

The subject land is currently bisected by a zone boundary. Both zones contemplate low density dwellings at heights of one and two storeys.

The form of development being contemplated by the proponent, although appropriate to the site and locality and surrounding land uses, is nonetheless likely to be of a scale greater than that contemplated by existing planning policy.

Parkrose Village was predominantly established in the early 1960's and while the facility is well maintained and has been subject to upgrades, the built form is tired and would benefit from redevelopment to a contemporary aged care facility.

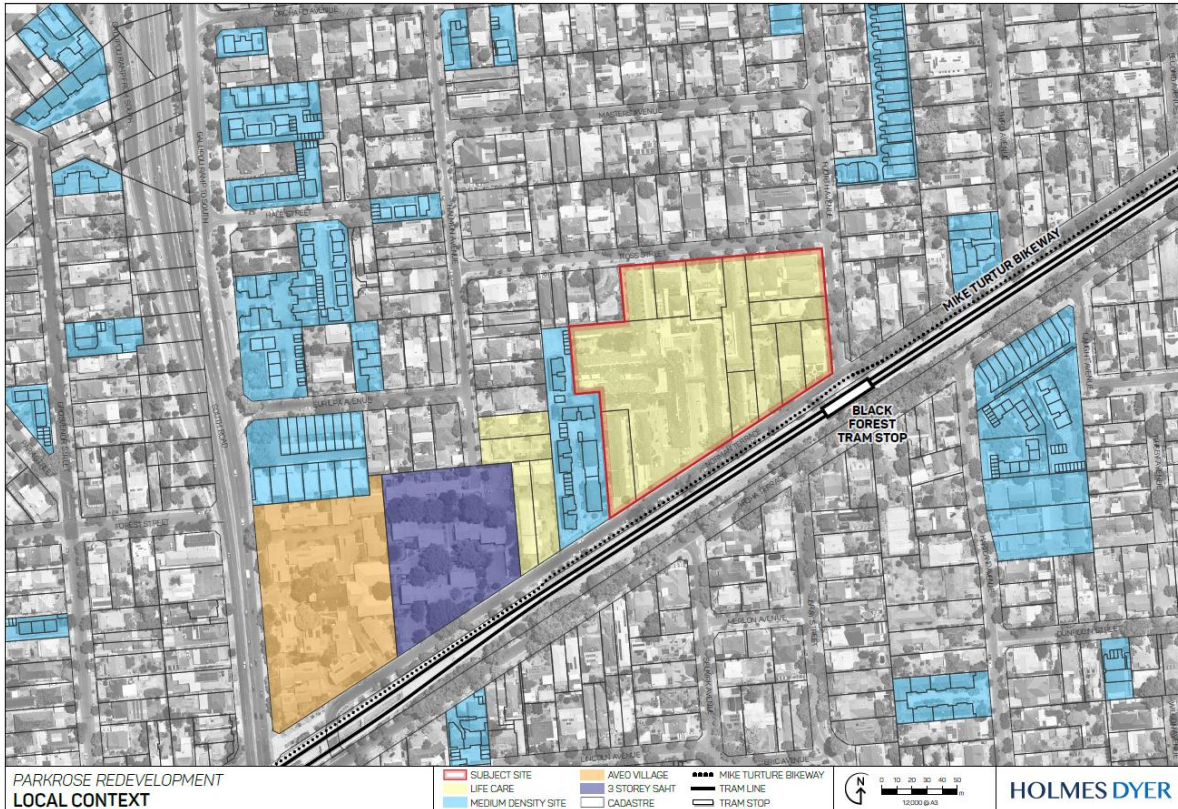
As part of the proposed rezoning of the land there are a range of potential issues that will need to be investigated and addressed to ensure an appropriate policy framework is formulated to facilitate a high-quality residential development while respecting existing residential interfaces.

In response, the proponent has completed conceptual planning for the site to consider the range of opportunities and constraints that exist. Much of this initial investigation work is contained in the Statement of Justification prepared by Holmes Dyer Pty Ltd. A short summary of the analysis is provided below.

- Market research indicates growth in demand for a mix of aged care accommodation that can be provided on the subject land such as Residential Aged Care beds, Assisted Living Apartments, Independent Living Apartments, and Independent Living Units. An expanded facility also provides opportunity to increase aged care service provision including community and allied health uses.
- Low rise street-facing development can be designed to interface with existing residences along Fourth Avenue and Ross Street and an increase in development intensity in the centre of the subject land and toward the Norman Terrace frontage.
- Height and bulk can be managed via appropriate setbacks, building envelope and landscaping to the perimeter of the subject land.
- The rezoning proposal provides for a logical transition in built form and density toward the South Road corridor including:
  - Existing two storey residential development predominantly abutting the western site boundary;
  - Existing three storey residential development (Housing SA); and
  - Aveo Ackland Park Retirement Living Village.
- Access to the site can be managed with the main access via Norman Terrace, provision of on-site car parking, and domestic-scale access via Ross Street and Fourth Avenue.
- Immediately opposite the site on Norman Terrace is the Black Forest tram stop for the City to Glenelg tram and the Mike Turtur bikeway. These facilities result in the subject land being easily accessible for residents, visitors and employees.
- Services in the form of commercial development, shops, Post Office, fitness, bakery, early learning centre, primary school, open space, oval, tennis club and swimming pool are within ease of access of the subject land by multiple travel modes.
- Existing civil infrastructure within the built-up area, noting overhead powerlines along Norman Terrace adjacent the subject land.
- The subject land is largely devoid of large trees and vegetation with more recent landscaping to parts of the subject land and further opportunity to increase green cover including for medium to large trees.

The locality is characterised by residentially zoned land with increased densities associated with the South Road corridor. A wide range of housing types is evident in the area including detached dwellings, villas and bungalows. Residential flat buildings of 1970's and '80s era are also present.

The subject land has favourable attributes for increased density including existing medium density development and access to multiple transport modes.



**Figure 4 Local context map**

Potential issues associated with the proposed rezoning of the subject land include:

- Interface and integration with the adjacent residential area generally to the north and east of the subject land.
- Relationship with land to the west of the affected area toward the South Road corridor.
- Traffic generation, site access, public transport and car parking requirements, including consideration of:
  - staff, visitor, service, delivery and waste vehicles; and
  - limiting and consolidating access points.
- Civil infrastructure assessment and servicing requirements, including consideration of overhead powerlines along Norman Terrace (northern side).
- Possibility of accommodating other land uses.
- Site context and existing planning policy including consideration of the transition to the Planning and Design Code.
- Operation of the tram (noting the subject land is not identified as a designated area for noise and air emissions (Un/1 Overlay 3a)).

There are no State or local heritage listed places associated with the subject land. The closest heritage place in proximity of the subject land is at 631 South Road, Everard Park associated with the Aveo Ackland Park Retirement Living Village.

## 3. Strategic and Policy Considerations

### 3.1 The Planning Strategy

#### 3.1.1 Targets

The DPA will support the relevant volume of the Planning Strategy (or draft Strategy) by implementing the following targets:

Target	How the target will be implemented:
<b>The 30 Year Plan for Greater Adelaide 2017 Update</b>	
<b>1.1</b> 85% of all new housing in metropolitan Adelaide will be built in established urban areas by 2045.	The subject land is located within an established urban area. In accordance with the intent of this target, the DPA will investigate the potential for additional housing and accommodation options on the subject land.
<b>2</b> 60% of all new housing in metropolitan Adelaide will be built within close proximity to current and proposed fixed line (rail, tram, O-Bahn and bus) and high frequency bus routes by 2045.	The subject land is located immediately opposite the Black Forest tram stop for the City to Glenelg tram. The DPA will investigate the potential for a greater intensity of development to support the public transport network.
<b>3</b> Increase the share of work trips made by active transport modes by residents of Inner, Middle and Outer Adelaide by 30% by 2045.	The Mike Turtur bikeway runs past the subject land along Norman Terrace. The DPA will investigate opportunities to expand aged care facilities on the subject land which in turn will support direct and indirect employment from the subject land.
<b>4</b> Increase the percentage of residents living in walkable neighbourhoods in Inner, Middle and Outer Metropolitan Adelaide by 25% by 2045.	The DPA will support infill opportunities with ease of walking access to a range of local shopping and services, including improving access and pedestrian permeability through the subject land.
<b>5</b> Urban green cover is increased by 20% in metropolitan Adelaide by 2045.	The DPA will consider the role of the subject land in supporting this target by investigating policies that support deep root zones and tree canopy cover on the subject land.
<b>6</b> Increase housing choice by 25% to meet changing household needs in Greater Adelaide by 2045.	The DPA will investigate housing diversity to identify opportunities for a range of housing types and tenures such as dependent accommodation, assisted living accommodation, age-specific accommodation and apartments.

### 3.3.2 Policies

The DPA will support the relevant volume of the Planning Strategy (or draft Strategy) by implementing the following policies:

Policy	How the policy will be implemented:
<b>Transit corridors, growth areas and activity centres</b>	
<p>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. (Map 2).</p> <p>P2. Increase residential and mixed use development in the walking catchment of:</p> <ul style="list-style-type: none"> <li>• strategic activity centres</li> <li>• appropriate transit corridors</li> <li>• strategic railway stations.</li> </ul>	<p>The DPA will consider the site's role in delivering a more compact urban form by exploring potential for infill residential (aged care) development within the existing built-up area of Everard Park. The subject land is adequately serviced by infrastructure and has ease of access to public transport (tram).</p>
<p>P4. 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</p>	<p>The DPA will investigate appropriate height, density and built form in the context of:</p> <ul style="list-style-type: none"> <li>• site characteristics</li> <li>• neighbourhood form and amenity</li> <li>• height and scale of adjoining residential development</li> <li>• the Norman Terrace frontage.</li> </ul>
<p>A4. Rezone strategic sites to unlock infill growth opportunities that directly support public transport infrastructure investment.</p>	<p>The DPA proposes to assess the potential of the subject land to facilitate infill development and formulate a policy framework. Access to public transport (and future investment opportunities) will be considered as part of the investigations.</p>
<b>Design quality</b>	
<p>P25. 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.</p> <p>P29. Encourage development that positively contributes to the public realm by ensuring compatibility with its surrounding context and provides active interfaces with streets and public open spaces.</p> <p>P30. Support the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers context, location and place.</p>	<p>The DPA will seek to provide policy that ensures existing interfaces are appropriately managed and that the subject land makes a positive contribution to the public realm, including consideration of:</p> <ul style="list-style-type: none"> <li>• quality design and built form</li> <li>• active streetscapes</li> <li>• existing residential context</li> <li>• connectivity and permeability of the subject land.</li> </ul> <p>The DPA will investigate the potential to limit and consolidate vehicle access points to focus access and vehicle movements toward the Norman Terrace frontage.</p>
<p>P26. Develop and promote a distinctive and innovative range of building typologies for residential housing which responds to metropolitan Adelaide's changing housing needs, reflects its character and climate, and provides a diversity of price points.</p>	<p>The DPA will seek to provide policy to facilitate a range of contemporary housing types that meet the needs of the current and future population and specifically contribute to housing diversity and a range of price points for older persons accommodation, including an ability to 'age-in-place.'</p>

Policy	How the policy will be implemented:
P27. Provide for transitions between higher density and multi-storey, mixed-use developments in activity centres, corridors and existing detached housing precincts.	The DPA provides an opportunity to transition policy from the South Road Corridor along Norman Terrace to provide a vibrant precinct in proximity of the City to Glenelg tram.
P32. Encourage higher density housing to include plantable space for trees and other vegetation where possible.	The DPA will investigate policy to facilitate zones for deep root planting and appropriate landscaping.
<b>Housing mix, affordability and competitiveness</b>	
<p>P36. Increase housing supply near jobs, services and public transport to improve affordability and provide opportunities for people to reduce their transport costs.</p> <p>P42. Provide for the integration of affordable housing with other housing to help build social capital.</p> <p>P45. Promote affordable housing in well located areas close to public transport and which offers a housing mix (type and tenure) and quality built form that is well integrated into the community.</p>	The DPA will investigate potential for housing in proximity to key employment locations and with ease of access to employment by active travel and public transport.
<p>P37. Facilitate a diverse range of housing types and tenures (including affordable housing) through increased policy flexibility in residential and mixed-use areas, including:</p> <ul style="list-style-type: none"> <li>• ancillary dwellings such as granny flats, laneway and mews housing</li> <li>• dependent accommodation such as nursing homes</li> <li>• assisted living accommodation</li> <li>• aged-specific accommodation such as retirement villages</li> <li>• small lot housing types</li> <li>• in-fill housing and renewal opportunities.</li> </ul>	<p>The DPA will investigate policy options to facilitate a range of housing types to meet the demands of a changing age structure and household profiles including opportunities for:</p> <ul style="list-style-type: none"> <li>• dependent accommodation</li> <li>• assisted living accommodation</li> <li>• aged-specific accommodation.</li> </ul>
<p>P39. 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.</p> <p>A27. Develop a policy framework to support projects that provide for aged care and retirement accommodation to meet growing demand.</p>	The DPA will investigate a policy framework to encourage a range of housing to be provided on the subject land that facilitates accommodation for persons as their needs dictate.
<p>A22. Provide mechanisms to support the development of larger sites to regenerate neighbourhoods, including:</p> <ul style="list-style-type: none"> <li>• developing a model (in collaboration with councils and developers) for providing incentives for landowners to amalgamate</li> </ul>	The DPA will respond in part to the active consolidation of a land holding to enable a planned expansion of an existing aged care facility (and services). The DPA will investigate opportunities for additional community services.



Policy	How the policy will be implemented:
<p>neighbouring sites</p> <ul style="list-style-type: none"> <li>• preparing guidelines on options and incentives for the renewal of larger sites to increase development yield in return for contributions to the local neighbourhood.</li> </ul>	
<b>Health, wellbeing and inclusion</b>	
<p>P47. Plan future suburbs and regenerate and renew existing ones to be healthy neighbourhoods that include:</p> <ul style="list-style-type: none"> <li>• diverse housing options that support affordability</li> <li>• access to local shops, community services and facilities</li> <li>• access to fresh food and a range of food services</li> <li>• safe cycling and pedestrian-friendly streets that are tree-lined for comfort and amenity</li> <li>• diverse areas of quality public open space (including local parks, community gardens and playgrounds)</li> <li>• sporting and recreation facilities</li> <li>• walkable connections to public transport and community infrastructure.</li> </ul>	<p>The subject land is within an established urban area that offers potential for residential infill that provides for housing choice to support the current and future population.</p> <p>The site has ease of access to a range of local shops, services and community facilities and is adequately serviced with public transport.</p> <p>The DPA will seek to ensure that policy contributes to the amenity and function of the public realm including amenity and connectivity that support active travel such as walking and cycling.</p>
<p>P49. 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 walkable neighbourhoods and access to nature.</p> <p>(Infrastructure) P86. Ensure that new urban infill and fringe and township development are aligned with the provision of appropriate community and green infrastructure, including:</p> <ul style="list-style-type: none"> <li>• walking and cycling paths and facilities</li> <li>• local stormwater and flood management including water sensitive urban design</li> <li>• public open space</li> <li>• sports facilities</li> <li>• street trees</li> <li>• community facilities, such as child care centres, schools, community hubs and libraries.</li> </ul>	<p>The DPA will investigate policy options to encourage tree canopy, mitigation of urban heat effects, connectivity through the site and to surrounding areas and opportunities for activation.</p>
<b>Transport</b>	
<p>P77. Ensure that new housing (and other sensitive land uses) permitted in locations adjacent to airports and under flight paths or near major transport routes (road, rail and tram) mitigates the impact of noise and air emissions.</p>	<p>The DPA will investigate local traffic movement, patterns and implications for management to ensure that policy appropriately contributes to future function and amenity of the neighbourhood.</p> <p>The DPA will review the adequacy of existing planning</p>



Policy	How the policy will be implemented:
	<p>policy in the context of the site's proximity to the City to Glenelg tram and South Road.</p> <p>The subject land is in Zone C in relation to Airport Building Heights which requires all proposed structures exceeding 15 metres above ground level to be referred to the relevant body for direction (in relation to a development assessment decision).</p>

## 3.2 Council Policies

### 3.2.1 Council's Strategic Directions (Section 30) Report

- The City of Unley Community Plan 2033, A Community of Possibilities fulfills the requirements of Section 30 of the Development Act 1993. However, the Plan does not specifically identify a schedule of Development Plan amendments.
- The subject land was previously included in the Council initiated Village Living and Desirable Neighbourhoods Development Plan Amendment (DPA) Program. - Stage 2 Residential Character, Growth Areas and Council Wide Residential Policy commenced in 2014. That DPA proposed the subject land be rezoned to Residential Regeneration Zone with low to medium-rise development of four storeys with a transition to two storeys at the interface with existing low-rise residential uses.
- At that time, the subject land formed part of a broader area for rezoning consideration. Council ultimately agreed to split its DPA process to allow it to continue with Part 1 of the original DPA. Part 2 of the DPA (of which the subject land formed a part) has not been pursued, among other reasons, due to uncertainty regarding SA planning reforms and the interaction between DPAs with the introduction of the Planning and Design Code. There is now greater certainty (by Regulation) regarding the ability to transition DPAs into the planning reform program.
- The Planning, Development and Infrastructure (Transitional Provisions) (Code) Variation Regulations 2019 that will come into operation on 1 July 2019 under the Planning, Development and Infrastructure Act 2016 provide for transitional arrangements in relation to a DPA (Development Plan Amendment under section 25 of the Development Act 1993). Regulation 8 allows for a DPA prepared by a Council that has completed public consultation to be considered by the Minister (subject to application to the Minister by Council), and after consultation with the State Planning Commission either adopted, altered or declined. A Council may not make an application under this regulation more than 3 months after the date on which the Development Plan to which the DPA relates has been revoked by the Minister. The new Planning and Design Code is scheduled to take effect from 1 July 2020.
- The opportunity afforded by the proponent's request for a DPA is timely in that it progresses earlier Council work in relation to amending the policy framework over the subject land; and given the subject land is in single ownership represents a process that can be appropriately managed and completed prior to the transition to the Planning and Design Code.

### 3.2.2 Infrastructure Planning

The proposed amendment will be consistent with current infrastructure planning (both social and physical) identified in council's strategic directions report, by the Minister or by a relevant government agency.

The proposed amendment seeks policy changes to facilitate urban renewal and improve the capacity for aged care accommodation in an inner metropolitan location where there is evidence of demand for residential housing suited to an ageing population.

The DPA provides an opportunity to support existing investments in South Road, the City to Glenelg tram and the Mike Turtur bikeway; and to investigate other opportunities for investment in the community.

### **3.2.3 Other Policies or Local Issues**

The policies of this DPA will be consistent with the policies in:

The Council-wide section of the Development Plan

- Community Facilities
- Crime Prevention
- Design and Appearance
- Form of Development
- Energy Efficiency
- Hazards
- Interface between Land Uses
- Land Division
- Landscaping
- Medium and High Rise Development (3 or More Storeys)
- Natural Resources
- Outdoor Advertisements
- Open Space and Recreation
- Orderly and Sustainable Development
- Regulated and Significant Trees
- Residential Development
- Transportation
- Waste

#### **Council's Current DPAs**

- Nil

#### **The Development Plans of adjoining areas**

- Burnside Council
- Adelaide City
- Marion Council
- Mitcham Council
- West Torrens Council

#### **Schedule 4 of the Regulations**

- The DPA will investigate whether there is a need for the Minister to amend the existing determined areas for the purposes of Schedule 4-Complying development, clause 2B-New dwellings to include that portion of the subject land that is currently not designated.

## **3.3 Minister's Policies**

### **3.3.1 Planning Policy Library**

The DPA will draw on the following SA Planning Policy Library modules:

- Residential

- Residential Regeneration
- General Section – Landscaping, Fences and Walls
- General Section – Residential Development
- General Section – Medium and High Rise Development (3 or More Storeys)

Council will use the latest version of the Planning Policy Library with an eye to the transition to the Planning and Design Code.

Council does not anticipate that the DPA will involve the introduction of local additions or variation to the Planning Policy Library, however, should the investigations identify that this form of policy amendment is necessary - justification will be provided in the DPA.

### **3.3.2 Existing Ministerial Policies (Section 25(5), 26 and Section 29)**

The following Ministerial policies introduced through section 25(5), 26 or 29 of the Act may be amended by this DPA:

- Not Applicable

Any amendment to these policies will be justified in the DPA and Council confirms that the policies will only be changed in a way that ensures consistency with the Planning Strategy.

### **3.3.3 Ministerial DPAs**

The policies of this DPA will be consistent with and not contradict the policies proposed in the following relevant Ministerial DPA's:

- Not Applicable

## 4. Investigations and Consultation

### 4.1 Investigations

#### 4.1.1 Investigations Previously Undertaken

Investigations previously undertaken by Council (prior to the preparation of this SOI) that will inform this DPA include the following:

- Village Living and Desirable Neighbourhoods Development Plan Amendment (DPA) Program. - Stage 2 Residential Character, Growth Areas and Council Wide Residential Policy.

The subject land was considered as part of this DPA. The Summary of Consultation and Proposed Amendment (SCPA) Report included a series of images that show Council's previous thinking in relation to the subject land. The ultimate recommendation was to pursue Option 1 (shown in Figure 6). Throughout the process, the subject land was shown as Residential Regeneration (Main Roads Policy Area). The subject land (and surrounding area) was removed from the DPA with the intention to pursue a rezoning later. Previous work can inform this DPA.

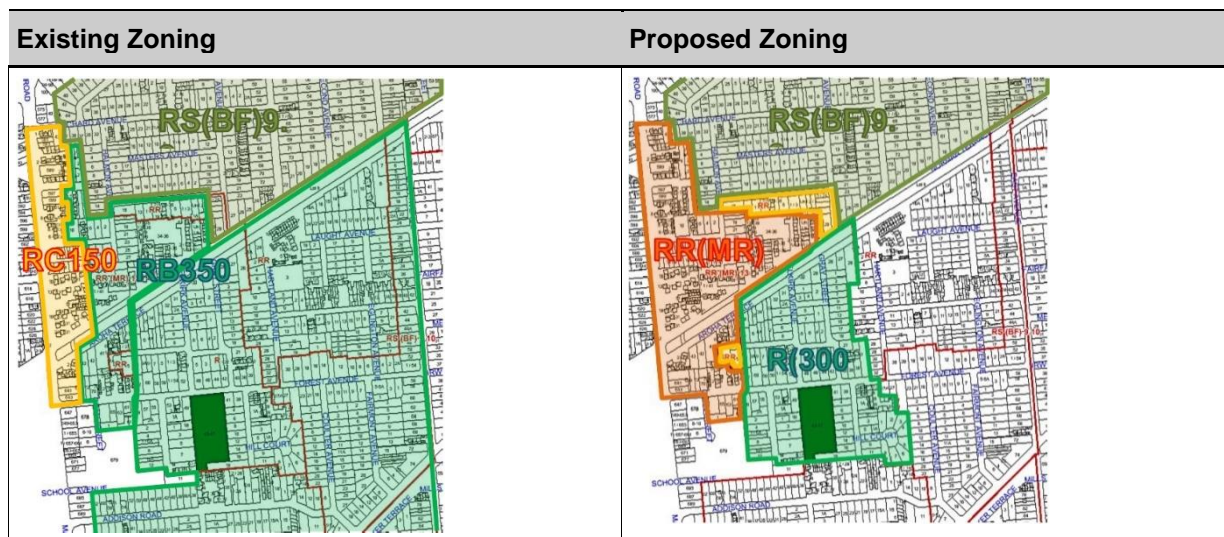


Figure 5 Zoning considerations prior to consultation

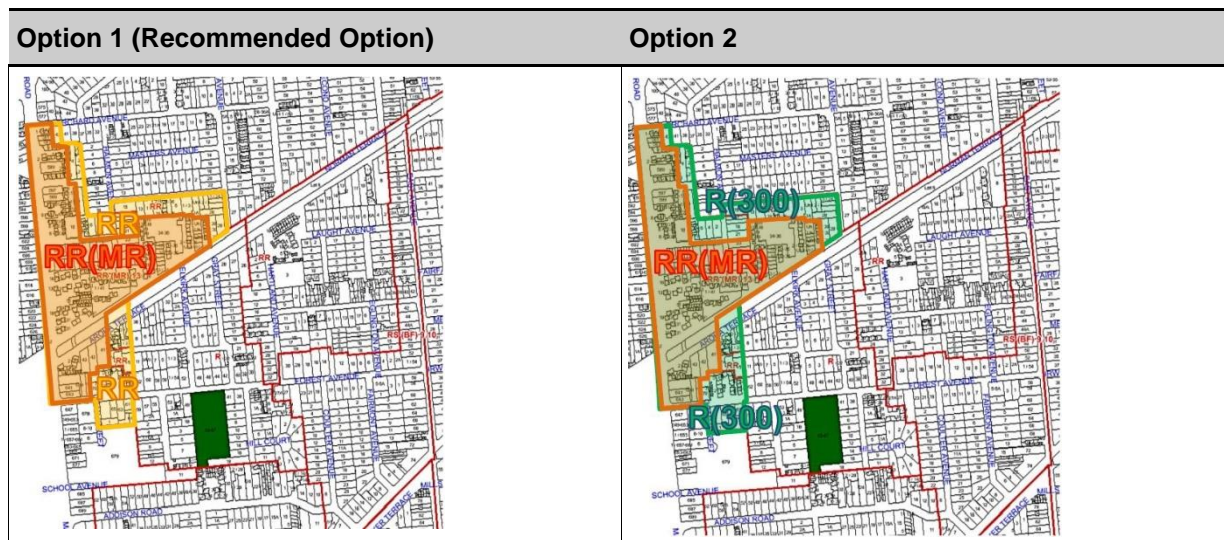


Figure 6 Zoning considerations SCPA report – post consultation

### **4.1.2 Investigations Initiated to Inform this DPA**

Investigations (including those arising from issues not addressed in the Planning Policy Modules) to inform this DPA will include the following:

- Consideration, justification and analysis of the application of the Residential Zone or Residential Regeneration Zone and potential insertion of Policy Area in the Unley Council Development Plan.
- Investigate and develop a suitable design framework for the treatment of streetscapes, public realm and the interface between public and private realm.
- Review of the capacity of existing social infrastructure as it relates to aged care and opportunity for services and facilities to meet expected demand from this proposed rezoning.
- Transport investigation and assessment to:
  - Identify the traffic impact of future land uses and identify required traffic control and management to connect to existing road network for safe and efficient operation.
  - Identify opportunities for public transport and walking/cycling to and from the site and connectivity to existing networks around the site.
- Review existing stormwater disposal network and identify augmentation, detention/retention or other upgrade works, where required.
- Capacity of existing electricity supply, gas supply and mains water and sewer supply having regard to projected nature of future development likely to occur.
- Identification of tree health and retention status.
- Review of Desired Character Statement(s) and specific policy for the site to address issues such as desired land uses, built form, interfaces and traffic movements and access.
- Prepare where necessary, concept plan(s) to guide future development.

## **4.2 Consultation**

The following key stakeholders will be consulted during the investigations stage for input into the proposed DPA:

- Department of Planning, Transport and Infrastructure, Planning Division
- Department of Planning, Transport and Infrastructure, Transport Division

The following agencies, State Members of Parliament, interested parties, individuals and Councils will be consulted during the consultation stage of the DPA:

- Department of Human Services
- Department for Environment and Water
- Department for Health and Wellbeing
- Metropolitan Fire Services
- Department of Planning, Transport and Infrastructure
- Department of the Premier and Cabinet
- Department of Primary Industries and Regions
- Department of the Treasury and Finance
- Department for Innovation and Skills
- Environment Protection Authority
- SA Power Networks
- APA Group
- SA Water

- State Emergency Services
- Renewal SA
- Office of Local Government
- Office for Design and Architecture SA
- Adelaide Airport Limited

#### Federal Members of Parliament

- Steve Georganas MP Member for Adelaide
- Nicolle Flint MP Member for Boothby

#### State Members of Parliament

- Hon David Pisoni, Member for Unley
- Ms Jayne Stinson, Member for Badcoe

#### Councils

- Burnside Council
- Marion Council
- Adelaide City Council
- Mitcham Council
- West Torrens Council

#### Organisations

- FOCUS (Friends of the City of Unley)
- Real Estate Institute
- Housing Industry Association
- Planning Institute of Australia (SA)
- Urban Development Institute (SA)
- Property Council of Australia

Consultation with the public will be undertaken in accordance with the requirements of the Act and Regulations, and Council expectations. This will include:

- A notice in the Government Gazette.
- A notice on the Advertiser newspaper.
- A notice in Eastern Courier Messenger Newspaper; advice in 'Unley Matters' column in Eastern Courier Messenger.
- The scheduling of a Public Meeting at which any interest person may appear to make representations on the proposed amendment.
- Council website; explanatory brochure and fact sheets to elaborate and explain proposals; and feedback sheets.
- Letters and information direct to the owners or occupiers surrounding the affected area (approximately 300m radius).

## 5. Proposed DPA Process

### 5.1 DPA Process

Council intends to **undertake the following DPA process:**

☐ **Process A**

Agencies will be consulted on a draft version of the DPA for a period of 6 weeks. A copy of the DPA, and copies and a summary of agency submissions, will then be sent to the Minister for approval to release the DPA for public consultation.

☐ **Process B1 (with consultation approval)**

A copy of the DPA will be sent to the Minister for approval to release it for concurrent agency and public consultation (not more than 8 weeks for agency comment and not less than 8 weeks for public comment).

☒ **Process B2 (consultation approval not required)**

A copy of the DPA will be released for concurrent agency and public consultation (not more than 8 weeks for agency comment and not less than 8 weeks for public comment).

☐ **Process C**

A copy of the DPA will be released for concurrent agency and public consultation (not more than 4 weeks for agency comment and not less than 4 weeks for public comment). Landowners and occupiers identified in the SOI will receive direct notification of the DPA.



## **6. Professional Advice and Document Production**

### **6.1 Professional Advice**

The professional advice required will be provided by:

- David Brown, Principal Policy Planner, City of Unley, email: [dbrown@unley.sa.gov.au](mailto:dbrown@unley.sa.gov.au) or phone: 8372 5185
- Sarah Gilmour MPIA, Senior Consultant, Holmes Dyer Pty Ltd

These persons satisfy the professional advice requirements of the Act and Regulations and will provide advice to the council prior to the preparation of the DPA.

Mr Brown is not considered to have a conflict of interest or perceived conflict of interest in the DPA.

Holmes Dyer Pty Ltd is preparing the DPA on behalf of Life Care, the owner of the land and funder of the DPA.

### **6.2 Document Production**

The DPA (including the structure, amendment instructions and mapping) will be prepared in accordance with the Technical Guide to Development Plan Amendments issued by the Department for Planning, Transport and Infrastructure (the Department) and any templates, except as mutually agreed.

To ensure certainty as to the correct version of the DPA, the DPA will contain a date in the footer (eg version 1 October 2019). The footer will be located on every page of the DPA, including the proposed amendments (including mapping).

The Chief Executive Officer of the council will ensure that the policies implement the Planning Strategy, all procedures have been completed within the statutory requirements, and that mapping is correct prior to issuing a certificate in accordance with the Act. If this is not the case, the council will take responsibility for the DPA until the matter has been resolved.

### **6.3 Mapping**

Council will obtain electronic copies of all the affected maps and/or figures from the Department prior to the commencement of mapping amendments to ensure all mapping is amended based on current map bases.

Amendments to maps will be provided in the required format to the Planning Division of the Department. Mapping amendments for this DPA will be undertaken by:

- Matt Pistor, Graphica

## 7. Proposed DPA Timetable

### Process B2 (consultation approval not required) Timetable

The following timetable is proposed for this DPA based on the selected process. Council will take steps to update this timetable if it appears at any stage that Council will require an extension to complete a task.

Steps	Responsibility	Agreed Timeframe from Minister's Approval
<b>▪ Development Plan Amendment (DPA)</b>		
Investigations conducted; DPA prepared	Council	10 weeks SOI agreement – DPA commences consultation
▪ Agency and public consultation concludes	Council	8 weeks
<b>▪ Summary of Consultation and Proposed Amendment (SCPA)</b>		
Public Meeting held; submissions summarised; DPA amended in accordance with Council's assessment of submissions; SCPA prepared and lodged with the Department	Council	8 weeks Public consultation closes – SCPA lodged with the Department
▪ SCPA assessed and report on DPA prepared for Minister	Department	7 weeks
▪ Minister considers report on DPA and makes decision	Minister	4 weeks
▪ Approved amendment gazetted	Department	2 weeks

Following Ministerial approval of the proposed amendment, it is forwarded to the Environment, Resources and Development Committee of Parliament for review.