

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

**Morphettville/Glengowrie Horse Related Activities
Code Amendment**

By Marion Council



(Signature Required)

Marion Council (*the Proponent*)

Date: 26 August 2021

This Proposal to Initiate document together with conditions specified by the Minister forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*.



MINISTER FOR PLANNING AND LOCAL GOVERNMENT

Date: 25 10 21

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1. INTRODUCTION

Marion Council is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to land within the Suburban Neighbourhood Zone located adjacent the Morphetville Racecourse on the southern side of Bray Street in Morphetville and the western side of Morphett Road in Glengowrie. (the Affected Area).

The purpose of this Proposal to Initiate is to seek approval of the Minister for Planning and Local Government (the Minister) to initiate the Code Amendment under section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act).

The Proponent is the council for the whole of the Affected Area.

This Proposal to Initiate details the scope, relevant strategic and policy considerations, nature of investigations to be carried out and information to be collected for the Code Amendment. It also details the timeframes to be followed in undertaking the Code Amendment, should this Proposal to Initiate be approved by the Minister.

The Proponent acknowledges that the Minister may specify conditions on approving this Proposal to Initiate, under section 73(5) of the Act. In the event of inconsistency between this Proposal to Initiate and any conditions specified by the Minister, the conditions will apply.

1.1. Designated Entity for Undertaking the Code Amendment

In accordance with section 73(4)(a) of the Act, the Proponent will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- 1.1.1. The Proponent acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements Act.
- 1.1.2. The Proponent declares that it has not and does not intend to enter into an agreement with a third party for the recovery of costs incurred in relation to the Code Amendment under section 73(9) of the Act. If the Proponent does enter into such an agreement, the Proponent will notify the Department prior to finalising the Engagement Report under section 73(7).
- 1.1.3. The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:
 - a) David Melhuish, Senior Policy Planner
 - b) david.melhuish@marion.sa.gov.au
 - c) 08 83756721

and/or

- a) Warwick Deller-Coombs, Manager Development & Regulatory Services
- b) Warwick.deller-coombs@marion.sa.gov.au
- c) 08 8375 6665

1.1.4. The Council intends to undertake the Code Amendment by:

a) utilising professional expertise of employees of the Council including:

Planning Practitioners

- David Melhuish, Senior Policy Planner – MPIA
- Warwick Deller-Coombs, Manager Development and Regulatory Services – MPIA

Community Engagement

- Communications Department
- Community Engagement Coordinator

1.2. Rationale for the Code Amendment

The area was formerly covered (under the former Development Plan) by the Residential Racecourse Zone, which formalised the opportunity for the stabling of horses and residential use on the same property. The zone specifically sought detached dwellings at low densities in association with a range of horse related activities, with minimum allotment sizes of 560m² and 15 metre frontage.

Under the Planning and Design Code, the area has been rezoned to the Suburban Neighbourhood Zone. The policy within this zone no longer refers to horse related activities, nor is there a requirement for only detached dwellings, but it does maintain the minimum 560m² site area and 15m frontage.

The South Australian Jockey Club (SAJC) will soon construct additional stables within the adjacent racecourse property (corner of Bray Street and Morphett Road). It is understood that a number of stable owners in the affected area are considering relocating into these new stables.

Council understands that even with the proposed additional stables at Morphettville Racecourse, there would not be sufficient numbers to cater for all the horses currently within the surrounding area. The SAJC may consider increasing the number of additional stables to be built on the racecourse land; however, they advise that this requires commitment from stable owners that they will relocate to the racecourse if the stables were built. Council has heard from a number of the stable owners that they are reluctant to commit to anything unless the land is rezoned to enable the sale of their land and relocation to the new stables, to be more financially viable.

These stable owners have requested that Council consider the rezoning of their land to an exclusively residential type zone (without the requirement for associated horse related activities) that provides the opportunity for residential development at higher densities to be constructed.

Council is aware that the current necessity to walk horses through and across streets to the racecourse (particularly Bray Street and Morphett Road) is a potentially dangerous practice for both horses and motorists. The removal and/or reduction of stables and horse related activities from the surrounding streets, and into the racecourse, would most certainly result in a safer environment.

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The proposal seeks to amend the Code for the Affected Area, being land located adjacent the Morphettville Racecourse on the southern side of Bray Street in Morphettville and the western side of Morphett Road in Glengowrie, within the City of Marion, as shown in the map in **Attachment A**.

2.2. Scope of Proposed Code Amendment

Site 1 – The Affected Area currently within the Suburban Neighbourhood Zone

<p>Current Policy</p>	<p>Suburban Neighbourhood Zone</p> <p><u>Overlays</u></p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) (All structures over 15 metres) • Affordable Housing • Building Near Airfields • Hazards (Flooding - Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <p><u>TNVs</u></p> <ul style="list-style-type: none"> • Maximum Building Height is 9m • Maximum Building Height is 2 levels • Minimum Frontage is 15m • Minimum Site Area is 560 sqm
<p>Amendment Outline</p>	<p>The Code Amendment proposes to investigate policy amendments (particularly site dimensions) that provide opportunities for a greater diversity of appropriate residential development to occur within the affected area.</p> <p>This in turn will provide incentive for existing horse related activities to move into the facilities within the Morphettville Racecourse.</p>
<p>Intended Policy</p>	<p>Potential rezoning to:</p> <p>General Neighbourhood Zone</p> <p>OR</p> <p>Suburban Neighbourhood Zone with amended TNVs that allow smaller site dimensions for particular forms of dwelling type.</p> <p>Final zone and local variations (TNV) will be identified following consideration of the findings of the investigations.</p>

3. STRATEGIC PLANNING OUTCOMES

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

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

3.1. Summary of Strategic Planning Outcomes

The key strategic planning considerations are summarised as follows:

- Creation of a safer environment between horses and vehicles in the streets within and surrounding the affected area.
- Provide opportunity for infill development to occur in an area in reasonable proximity to existing services and public transport
- Opportunity to renew and provide increased housing choices to meet the needs of the community

3.2. Alignment with State Planning Policies

The State Planning Policies (SPPs) set out the State’s overarching goals and requirements for the planning system. Under section 66(3)(f) of the Act, the Code must comply with any principle prescribed by a SPP.

The Code Amendment should be initiated because the strategic planning outcomes sought to be achieved through the Code Amendment align with or seeks to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p><i>Principles of Good Planning</i></p> <p><u><i>Urban renewal principles</i></u></p> <ul style="list-style-type: none"> • <i>Preference should be given to accommodating the expected growth of cities and towns through the logical consolidation and redevelopment of existing urban areas.</i> • <i>Urban renewal should seek to make the best use (as appropriate) of underlying or latent potential associated with land, buildings and infrastructure.</i> <p><u><i>Activation and liveability principles</i></u></p> <ul style="list-style-type: none"> • <i>Urban areas should include a range of high quality housing options with an emphasis on living affordability</i> 	<p>The proposed Code Amendment would introduce policy that will provide an opportunity for replacement of aging housing stock and horse related activities with a diversity of dwelling types in an established and well serviced area.</p> <p>Options exist for the relocation of horse related activities from an area that is mixed with residential properties, to the adjacent Morphetville Racecourse, providing opportunity to address/reduce conflict between the two diverse and often incompatible uses.</p>

<p>Integrated Planning</p> <p><i>1.7 Regenerate neighbourhoods to improve the quality and diversity of housing in appropriate locations supported by infrastructure, services and facilities.</i></p>	<p>The proposed Code Amendment would introduce policy that will provide an opportunity for replacement of aging housing stock and horse related activities with a diversity of dwelling types in an established and well serviced area.</p>
<p>Housing Supply and Diversity</p> <p><i>6.6 A diverse range of housing types within residential areas that provide choice for different household types, life stages and lifestyle choices.</i></p>	<p>The proposed Code Amendment would introduce policy that will provide an opportunity for replacement of aging housing stock and horse related activities with a greater diversity of dwelling types that better cater for life stages and lifestyle choice.</p>

3.3. Alignment with Regional Plans

As with the SPPs, the directions set out in Regional Plans provide the long term vision as well as setting the spatial patterns for future development in a region. This includes consideration of land use integration, transport infrastructure and the public realm.

The 30–Year Plan for Greater Adelaide (2017 Update) volume of the Planning Strategy is relevant for this Code Amendment.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
No relevant priorities, policies or targets further to those mentioned in the State Planning Policies above	

3.4. Alignment with Other Relevant Documents

Additional documents may relate to the broader land use intent within the scope of this proposed Code Amendment (or directly to the Affected Area) and therefore are identified for consideration in the preparation of the Code Amendment.

The following table identifies other documents relevant to the proposed Code Amendment:

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
Nil	

4. INVESTIGATIONS AND ENGAGEMENT

4.1. Investigations Already Undertaken

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

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
Seeking level of support for proposed changes	Letter sent to all property owners within the affected areas seeking level of support for the rezoning proposal.	50% response rate. 29 of the 31 submissions received were in favour of the rezoning proposal.

4.2. Further Investigations Proposed

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

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Impacts between land uses	<p>A number of property owners with horse related activities may not wish to relocate into the racecourse land but remain operating where they are.</p> <p>This could result in a mix of land uses for some time (or permanently) as the process of moving horses from existing stables to the new stables at Morphettville is carried out.</p> <p>Further investigations seeking an understanding of the likely impacts between a potentially greater number of dwellings and remaining horse related activities will be undertaken, to ensure appropriate co-existence can be achieved.</p>
Appropriate forms/densities of dwellings	<p>It is noted that a large number of existing allotments are under 18 metres in frontage (15m - <18m) and/or have frontage to an arterial road (Morphett Road)</p> <p>Investigations into appropriate frontage dimensions, access and dwelling forms for the affected area will be undertaken to ensure appropriate design outcomes can be achieved.</p>
Appropriate supply of 'on-course' stabling	<p>Investigate whether the potential supply of on-course stables will be sufficient for the transfer of existing off-site stables, and whether there is sufficient demand for future transfer of suburban stables to on-course.</p>

4.3. Engagement Already Undertaken

The following engagement has occurred on the proposed Code Amendment:

- Letter sent to all property owners within the affected areas seeking level of support for the rezoning proposal.
- Further letter sent to all property owners within the affected areas that did not provide a response to the initial letter.
- A copy of the letter/s can be viewed in **Attachment C**

A summary of outcomes or matters raised through engagement already undertaken is as follows:

- 50% response rate.
- Majority were in favour of rezoning proposal.

4.4. Further Engagement Proposed

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

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
<ul style="list-style-type: none"> • 8-week consultation process on the Draft Code Amendment. • A copy of the Code Amendment in the Plan SA Portal. • A notice in the Advertiser Newspaper. • Information on Council's 'Making Marion' website, with information on the Code Amendment including, but not limited to a copy of the draft Code Amendment, FAQs and information on how to make comments. • A written notice to all property owners within the affected area and property owners immediately surrounding the affected area (as considered appropriate) inviting them to review and comment on the draft policy. • Information brochure outlining what the Code Amendment is about, the proposed policy amendments, and how interested persons can comment. • Notification of the draft Code Amendment to relevant State Government departments/agencies, Members of Parliament, adjacent 	<p>The broad intent of the engagement process will be to:</p> <ul style="list-style-type: none"> • Alert attention to the draft Code Amendment, its scope and intent. • Highlight any specific issues identified during the drafting process. • Provide details on the Code Amendment process and opportunities for input/comment. • Provide information on how to seek further information.

<p>Councils, infrastructure providers and other interested parties.</p> <ul style="list-style-type: none"> • Copies of draft Code Amendment and information brochure to be made available at Council offices and libraries. • The scheduling of a Public Meeting (if required) at the conclusion of the consultation process, at which any interested person may appear before Council's Planning and Development Committee to make representations on the proposed amendment. 	
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5. CODE AMENDMENT PROCESS

5.1. Engagement Plan

The Code Amendment process will occur in accordance with the Community Engagement Charter and Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument.

The Designated Entity will prepare an Engagement Plan prior to the commencement of engagement on the proposed Code Amendment. The Engagement Plan will include the following mandatory consultation requirements (which may be in addition to the engagement outlined in this Proposal to Initiate):

- the Local Government Association must be notified in writing of the proposed Code Amendment;
- if the Code Amendment has a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally), the Designated Entity must take reasonable steps to give a notice in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:
 - the owners or occupiers of the land; and
 - owners or occupiers of each piece of adjacent land;
- consultation must also occur with any person or body specified by the State Planning Commission under section 73(6)(e) of the Act.

5.2. Engagement Report

Once engagement on the Code Amendment is complete, the Designated Entity will prepare an Engagement Report under section 73(7) of the Act.

The Designated Entity must ensure that a copy of the Engagement Report is furnished to the Minister and also published on the SA Planning Portal. This will occur in accordance with Practice Direction 2.

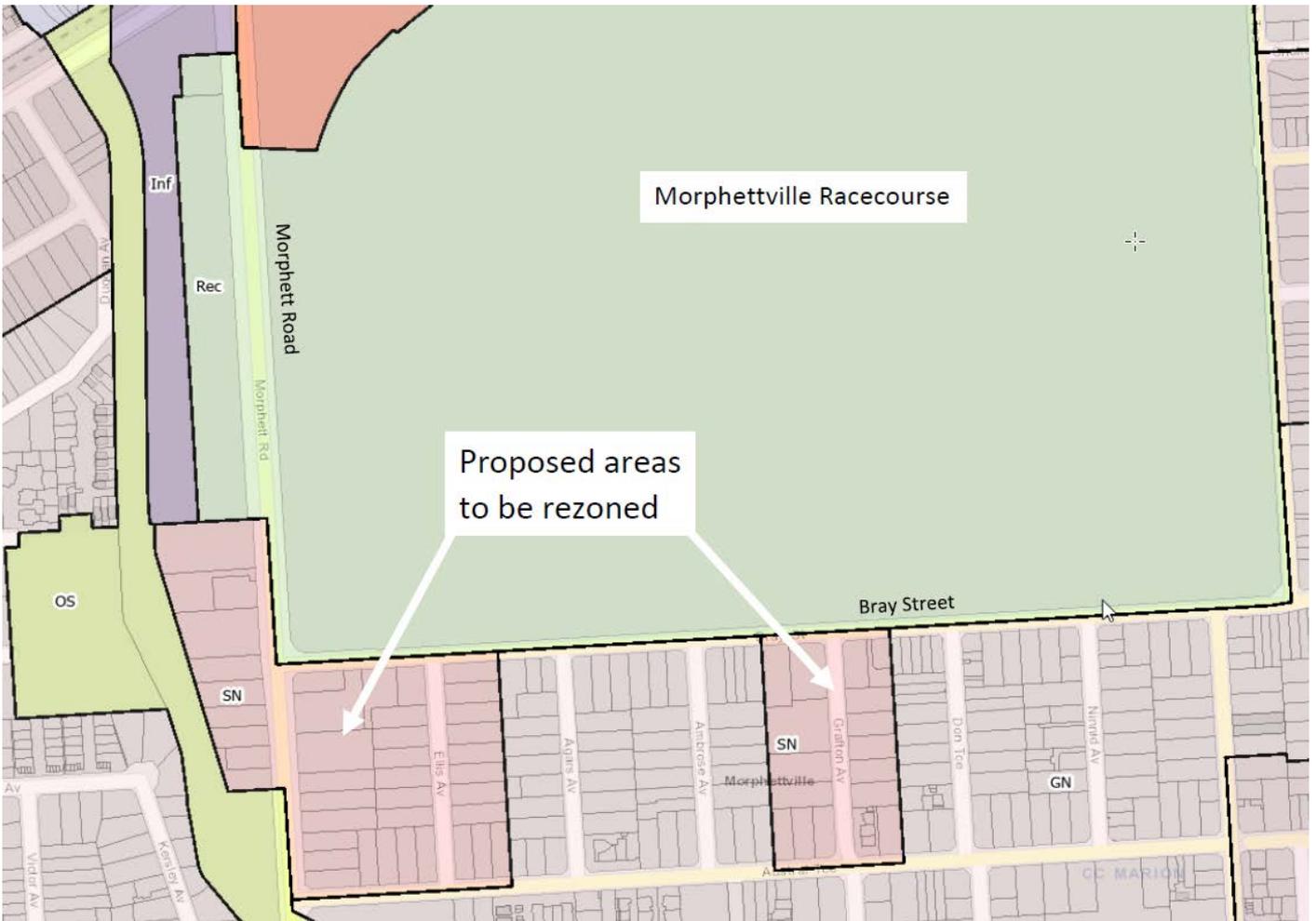
The Engagement Plan and the Engagement Report will also be considered by the State Planning Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under section 74(3) of the Act. The Commission's report will provide information about the reason for the Code Amendment, the consultation undertaken on the Code Amendment and any other information considered relevant by the Commission.

5.3. Code Amendment Timetable

The Proponent (where it is also the Designated Entity) commits to undertaking the Code Amendment in line with the timeframe outlined **Attachment B**. If a timeframe is exceeded (or expected to be exceeded) the Proponent agrees to provide an amended timetable to the Department with an explanation of the delay, for approval by the Minister of an extension of time for the Code Amendment.

ATTACHMENT A

Maps of Affected Area



ATTACHMENT B

Timetable for Code Amendment by Proponent

Step	Responsibility	Timeframe
Approval of the Proposal to Initiate		
Review of Proposal to Initiate to confirm all mandatory requirements are met (timeframe will be put on hold if further information is required). Referral to the Minister to request advice from the Commission	AGD	2 weeks (includes lodgement and allocation + referral to Government Agencies within the first week)
Minister requests advice from the Commission.	Minister	2 weeks
Referral to Government Agencies for comment (where necessary)	AGD, Relevant Government Agencies	+ 2 weeks
Consideration of Proposal to Initiate and advice to the Minister	Commission (Delegate)	3 weeks
	Commission	+ 3 weeks
Proposal to Initiate agreed to by the Minister	Minister	2 weeks
Preparation of the Code Amendment		
Engagement Plan Prepared. Investigations conducted; Code Amendment Report prepared The Drafting instructions and draft mapping provided to AGD	Designated Entity	12 weeks
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes	AGD	1 week
Preparation of Materials for Consultation	Designated Entity	6 weeks
Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan	Designated Entity	12 weeks
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared and lodged with AGD	Designated Entity	8 weeks
Assess the amendment and engagement. Prepare report to the Commission or delegate <i>Timeframe will be put on hold if further information is required, or if there are unresolved issues</i>	AGD	4 weeks
Consideration of Advice	Commission (Delegate)	2 weeks (includes 1 week to process through Minister's office)
	Commission	+ 3 weeks
Decision Process		

Step	Responsibility	Timeframe
Minister considers the Code Amendment Report and the Engagement Report and makes decision	Minister	3 weeks
Implementing the Amendment (operation of the Code Amendment)		
Go- Live- Publish on the PlanSA Portal	AGD	2-4 weeks
Parliamentary Scrutiny		
Referral of approved Code Amendment to ERDC	AGD	8 weeks

ATTACHMENT C

Engagement Already Undertaken

OFFICE OF THE MAYOR

17 May 2021



PO Box 21, Oaklands Park
South Australia 5046

245 Sturt Road, Sturt
South Australia 5047

T (08) 8375 6600

F (08) 8375 6699

E council@marion.sa.gov.au

ADDRESS BLOCK

Dear Sir/Madam

Potential change to the zoning of your property to allow opportunity for subdivision and construction of a range of dwelling types to occur.

Council is seeking your views on the above matter to see whether there is community support for a rezoning process to be undertaken.

The area proposed for rezoning is located on the southern side of Bray Street in Morphettville and the western side of Morphett Road in Glengowrie. The area was formerly covered by the **Residential Racecourse Zone**, which formalised the opportunity for the stabling of horses and residential use on the same property. The zone specifically sought detached dwellings at low densities in association with a range of horse related activities, with minimum allotment sizes of 560m² and 15 metre frontage.

Under the State Government's recently commenced Planning and Design Code, the area has been rezoned to the **Suburban Neighbourhood Zone**. The policy within this zone no longer refers to horse related activities, nor is there a requirement for only detached dwellings, but it does maintain the minimum 560m² site area and 15m metre frontage.

The South Australian Jockey Club (SAJC) will soon construct **additional stables within the adjacent racecourse property** (corner of Bray Street and Morphett Road). I understand that a number of stable owners in the subject area are considering relocating into these new stables.

Council has received enquiries from a number of the stable owners in the area requesting the rezoning of their land to an exclusively residential type zone (**without** the requirement for associated horse related activities). This would allow residential development at higher densities to be constructed, which would make the sale of existing land and relocation to the new stables in the racecourse more financially viable.

Council is aware that the current necessity to walk horses through and across streets to the racecourse (particularly Bray Street and Morphett Road) is a potentially dangerous practice for both horses and motorists. The removal and/or reduction of stables and horse related activities from the surrounding streets, and into the racecourse, would most certainly result in a safer environment.

Staff and I recently met with horse trainers, stable owners and members of the SAJC. There appeared to be general support for the rezoning from those attending.

Council understands that even with the proposed additional stables at Morphettville Racecourse, there would not be sufficient numbers to cater for all the horses currently within
as the traditional and continuing custodians of the land.



[facebook.com/CityofMarion](https://www.facebook.com/CityofMarion)



twitter.com/CityofMarion



[youtube.com/CityofMarion](https://www.youtube.com/CityofMarion)

[marion.sa.gov.au](https://www.marion.sa.gov.au)

the surrounding area. The SAJC may consider increasing the number of additional stables to be built on the racecourse land; however, they advise that this will require commitment from stable owners that they will relocate to the racecourse if the stables were built. Council has heard from a number of the stable owners that they are reluctant to commit to anything unless the land is rezoned to enable the sale of their land and relocation to the new stables, to be more financially viable.

Rezoning of the subject area requires amendments to be made to the Planning and Design Code. This involves Council undertaking a Code Amendment process, which is a relatively lengthy procedure and involves the approval of the Minister for Planning. Council is unlikely to undertake a Code Amendment process unless there is support from the relevant property owners.

If there is appropriate demand for a change in zoning, Council will seek to rezone the land to that of the surrounding General Neighbourhood Zone. This zone is predominantly a residential zone that would provide an opportunity for many property owners to subdivide their land and a greater diversity of dwelling types to be constructed. Allotments with minimum areas of 250m² and/or 300m² would be possible, dependent on the type of dwelling proposed.

Staff advise that if the area is rezoned, current stable complexes and other non-residential uses have 'existing use rights', which means they can remain operating at the location. Staff advise it is probable that there is likely to be a mix of land uses for some time as the process of moving horses from existing stables to the new stables at Morphetville is carried out.

Council is seeking feedback on the matter from all property owners within the subject area (both properties involving horse related activities and those used for purely residential purposes).

A simple questionnaire, asking whether you support the rezoning proposal, is attached for your consideration. There is also space provided for any additional comments you may have on the matter. An aerial photograph outlining the subject areas is also attached.

Please provide any comment you may have by 5pm Friday 4 June 2021.

If you would like to discuss the matter further, please do not hesitate to contact Council's planning staff:

David Melhuish, Senior Policy Planner
Ph: 83758721
Email: david.melhuish@marion.sa.gov.au

Warwick Deller-Coombs, Manager Development and Regulatory Services
Ph: 83758885
Email: warwick.deller-coombs@marion.sa.gov.au

Yours faithfully,



Kris Hanna
Mayor

Rezoning of properties within Morphettville and Glengowrie

Council is considering rezoning the subject properties, outlined on the aerial photograph (currently used for, or adjacent to, horse related activities) to General Neighbourhood Zone. This will allow the opportunity for subdivision and redevelopment of properties for residential development.

Are you in favour of the above proposal?

YES

NO

Please return the questionnaire to:

Development Services
City of Marion
PO Box 21, Oaklands Park
SA 5046 OR
council@marion.sa.gov.au

If you wish to provide further discussion on your answer and/or any other comment in relation to the matter, please do so below. (please attach further comment if insufficient space)

Please provide the following details:

Name:	
Address – (within the subject area):	
Contact Details:	Phone: Email:

