

Statement of Intent

By the Council

Gawler (CT)

**Local Heritage Transition Development Plan
Amendment**

by the

Town of Gawler

Date – 20 March 2020

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.



**Henry Inat
CHIEF EXECUTIVE OFFICER**

Date: 30.3.20

**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 Town of Gawler (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 and 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:

Ryan Viney, Manager Development, Environment and Regulatory Services

2. Scope of the Proposed DPA

2.1 Rationale

South Australia's planning system is undergoing significant reforms via the implementation of the *Planning Development and Infrastructure Act 2016*. Through these reforms every Council Development Plan across the state will be replaced by a state wide Planning and Design Code.

With the transition to the Planning and Design Code (the Code) it has been determined that existing Contributory Items will no longer be individually identified.

Contributory Items within existing Heritage areas will be afforded some level of protection by the Historic Area overlay however some may qualify for local heritage place listing in their own right. Council is keen to elevate worthy items to Local Heritage Places to ensure these place are appropriately recognised in the new system.

Council has reviewed its 604 contributory items and determined to proceed with the consideration of 150 to be listed as local heritage places. Each place has been assessed against the local heritage criteria (prescribed in section 23 (4)(a) of the *Development Act, 1993*) and this assessment is provided in **Attachment 1** (Data Sheets, Thematic History and Desktop Survey Summary Report).

2.2 Affected Area

Each Contributory Item within the Town of Gawler is located within one of the following zones/policy areas:

- Residential Historic (Conservation) Zone
 - Gawler East Policy Area
 - Gawler South Policy Area
 - Light Policy Area
 - Willaston (Redbanks Road) Policy Area
 - Willaston Policy Area
- Residential Zone
 - Gawler South Policy Area
- Town Centre Historic (Conservation) Zone
 - Town Centre Gawler South Policy Area
 - Town Centre Light Policy Area
- Special Uses Zone
 - Special Uses Zone Historic (Conservation) Policy Area

2.3 Potential Issues

Potential issues associated with the proposed listings:

- The identification of any incentives that Council may offer landowners of local heritage places.
- Managing community expectations and understanding of the implications of any changes of listing from Contributory Item to Local Heritage Place.

3. Strategic and Policy Considerations

3.1 The Planning Strategy

The DPA will support the relevant volume of the Planning Strategy (or draft Strategy) by implementing the following targets and policies:

Target	How the target/policy will be implemented:
The 30 Year Plan for Greater Adelaide (2017 Update)	
Target 6: Greater Housing Choice – Increase housing choice by 25% to meet changing household needs in greater Adelaide by 2045	Clarifying the heritage value of properties currently listed as contributory items provides greater certainty as to the housing that is sought to be retained in Local Heritage areas. This provides context for housing development and choice across the balance of the Council area.
Policy 34 – Ensure heritage places and areas of heritage value are appropriately identified and their conservation promoted	The DPA will review existing contributory items against the local heritage places criteria and seek to list those that meet these criteria in order to ensure their ongoing recognition and conservation.

3.2 Council Policies

No changes to Council Development Plan Policies are proposed.

3.2.1 Council's Strategic Directions (Section 30) Report

Council's last (Section30) Strategic Directions Report 2014-2018 did not specifically identify the subject Development Plan Amendment as a project to pursue. However it is noted that the Strategic Directions Report 2014-2018 was prepared prior to the implementation of the *Planning, Development and Infrastructure Act 2016* and prior to the understanding that Contributory Items would not be recognised under the new planning regime.

It is noted that Project 2 in Council's Strategic Directions Report is the Residential and Character Development Plan Amendment.

Residential and Character Development Plan Amendment

The aim of the Residential and Character Development Plan Amendment was to protect character areas and infrastructure-constrained areas from incompatible development by means of appropriate built form and land use controls and proactive design guidance, while still ensuring a level of flexibility needed to attract and retain investment and promote housing diversity.

Through this DPA, Council was seeking to facilitate an appropriate balance between the retention of the important character elements of Gawler and demand for infill development in established areas in a manner that respected the underlying character and heritage elements whilst maximising redevelopment potential.

A Statement of Intent was prepared and sent to the Minister of Planning in November 2014. A response was later received (June 2015) from Minister John Rau stating that, after careful consideration, he was only willing to review policies within the Residential Historic (Conservation) Zone and that if Council still wished to investigate policy changes across the broader area (as proposed) further investigations were required.

Council subsequently chose to prepare these additional investigations and sent them to the Minister for formal consideration on 13 April 2016.

Council ultimately received correspondence from the Department of Planning Transport and Infrastructure, stating that, whilst recognising the significant body of work completed on the Statement of Intent, the DPA was not to be progressed and that Council was encouraged to work in partnership with the Department to develop the policy framework to transfer into the Planning and Design Code.

Although very different in nature, the proposed DPA is somewhat similar to the Residential and Character DPA as it seeks to promote and protect the intrinsic character of Gawler.

Gawler Community Plan 2017-2027

The Gawler Community Plan 2017-2027 is the overarching strategic plan for the Town of Gawler as it moves forward. This Plan establishes the Council's vision as being:

"A liveable, cohesive, active, innovative and sustainable community".

To attain this vision the plan sets out five goal areas, each one supported by a number of objectives and strategies. Below are the five overarching goal areas:

1. Our Identity – A Uniquely Identifiable Township
2. Our Growth – Managed and Sustainable Growth
3. Our Community – A Healthy, Active, Safe, Engaged Community
4. Our Environment – To Respect and Nurture the Environment
5. Our Leadership – A Strong Vibrant Community.

The objectives and strategies aligned with Goal Two are most directly related to this DPA and are listed below:

2. Our Growth – Managed and Sustainable Growth

- Growth to be sustainable and respectful of cultural and built heritage
 - Refine planning policies to protect Gawler's heritage and character with flexibility to encourage investment, building maintenance, adaptive re-use and appropriate infill development.
 - Campaign to the State Government that changes to the State Planning System via reforms be respectful of Gawler's unique character.
 - Ensure new development reinforces local character.
- The local environment to be respected.

3.2.2 Infrastructure Planning

The DPA will not be affected by, nor affect, current infrastructure planning (both social and physical) by Council, the Minister or by a relevant government agency.

3.3 Minister's Policies

The DPA is seeking to list local heritage places only; it will not amend policy and therefore no amendment to the Planning Policy Library or existing Ministerial Policies will occur. The listing process will not affect any existing Ministerial DPAs (Adelaide-Gawler Rail Corridor Uplift DPA).

4. Investigations and Consultation

4.1 Investigations Previously Undertaken

- 609 contributory items have been reviewed by Flightpath Architects against the criteria for Local Heritage Places as prescribed in section 23 (4)(a) of the *Development Act, 1993*. In reviewing these places consideration was given to the themes of activities and historical forces.
- In doing so the following Council heritage surveys were reviewed:
 - *Hignett & Company, Gawler Heritage Study Stage 1, December 1981*
 - *Gervaise & Associates with McDougall & Vines, Murray Street Main Street Study, July 1989*
 - *Gawler Heritage Survey 1998 – Prepared by Danvers Architects*
- The extent of the building/structures that are to be included in the proposed listings has been reviewed.
- Places that are considered to be structurally unsound, have public safety issues or are irredeemably beyond repair have been removed from the proposed listing.

4.2 Investigations Initiated to Inform this DPA

Additional investigations (including those arising from issues not addressed in the Planning Policy Modules) to inform this DPA will include the following:

- Gawler Contributory Items Survey 2019 – Prepared by Flightpath Architects

4.3 Consultation

The following key stakeholders will be consulted during the investigations stage for input into the proposed DPA:

- Department for Planning, Transport and Infrastructure
- Council
- Owners of each Contributory Item

The following agencies, State Members of Parliament, interested parties, individuals and Councils will be consulted during the consultation stage of the DPA:

- Department for Planning, Transport and Infrastructure;
- Department for Environment and Water;
- SA Heritage Council;
- City of Playford;
- Light Regional Council;
- Barossa Council;
- RDA Barossa;
- National Trust of SA;
- Department of the Premier and Cabinet;
- Member for Light;
- Member for Napier;

Consultation with the public will be undertaken in accordance with the requirements of the Act and Regulations. This will include:

- A notice in the Government Gazette (mandatory).
- A notice in the Advertiser Newspaper.
- A notice in “The Bunyip”;
- The scheduling of a Public Meeting at which any interested person may appear to make representations on the proposed amendment;
- Notices to the owners of any land that is currently listed as a Contributory Item and proposed to be listed as Local Heritage Places; and
- Council led workshops with affected landowners.

5. Proposed DPA Process

5.1.1 DPA Process

Council intends to **undertake the following DPA process** (check box):

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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.

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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).

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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).

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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.

5.1.2 Rationale

Council intends to undertake **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).

As Council has provided the assessment of the proposed local heritages listing to DPTI, consultation approval is not necessary. 8 weeks' consultation is appropriate for a heritage DPA.

6. Professional Advice and Document Production

6.1 Professional Advice

The professional advice required will be provided by:

Mr. Ryan Viney MPIA
Ms. Jane Strange RPIA
Mr. Douglas Alexander, Flightpath Architects Pty Ltd
Ms Kate Paterson, Flightpath Architects 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. These persons are not considered to have a conflict of interest or perceived conflict of interest in the DPA.

The Town of Gawler may also seek the services of a suitably qualified consultant at some point throughout the project.

6.2 Document Production

The DPA (including the structure, amendment instructions and mapping) will be prepared in accordance with the Heritage in Transition Practitioner Guide and 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 (e.g. version 5 July 2007). 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 liaise with the Department to prepare the mapping requirements and input into the Heritage database. Amendments to the maps will be undertaken by DPTI with Council providing necessary support.

7. Proposed DPA Timetable

Process B2 - Heritage 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.

Consultation will be completed prior to the replacement of the Development Plan with the Planning and Design Code.

Heritage DPAs not lodged for approval by **31 December 2020** will cease to operate as the Development Act provisions will cease and a new Code Amendment process will need to be undertaken.

Steps	Responsibility	Agreed Timeframe from Minister's Approval
Development Plan Amendment (DPA)		
Investigations conducted; DPA prepared	Council	Upon SOI agreement – DPA commences consultation
Agency and public consultation concludes	Council	8 weeks
Summary of Consultation and Proposed Amendment (SCPA)		
Public Meeting held; submissions summarised; DPA amended in accordance with Council's assessment of submissions; SCPA prepared and lodged with the Department	Council	4 weeks Public Consultation closes - SCPA lodged with the Department by 31 December 2020
SCPA assessed and considered by the Local Heritage Hearing Panel and State Planning Commission (SPC). Approval DPA prepared for Minister.	Department	16 weeks
Minister considers report on DPA and makes decision (If amendments are proposed the Minister must consult with Council prior to finalising the DPA)	Minister	8 weeks
Approved DPA 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.