

Statement of Intent

By the Council

Gawler (CT)

**Statement of Intent for the
Commercial and Rural Areas DPA
by the Town of Gawler**

25 July 2017

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:

**John Rau
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, 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 Petruzzella, Land Use Policy Officer

1.2.2 Developer Supported DPA

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

The DPA process will be funded by:

- Peter Kittle Toyota

Peter Kittle Toyota has entered into a Deed with the Council, whereby Peter Kittle Toyota has agreed to fund the preparation of the Development Plan Amendment. Council via a tender process has engaged Holmes Dyer Pty Ltd to prepare the DPA on its behalf.

The DPA will be prepared by Helen Dyer FRPIA. Ms Dyer holds the prescribed qualifications for the purposes of Section 101 of the *Development Act 1993* and *Regulation 86*.

2. Scope of the Proposed DPA

2.1 Need for the Amendment

2.1.1 Rationale

The Council has been approached to rezone land to accommodate a commercial enterprise (car dealership and pre-delivery centre) along Main North Road at Kudla. The site proposed for the car dealership has a history of use as a commercial property and is located in an area along Main North Road that has a mixture of other commercial uses including non-rural related uses. The site is also at the extremities of the zone adjacent land zoned residential. Opposite the site within the same zone are some other commercial uses and light industrial land uses.

Main North Road is a key arterial linking the Town of Gawler and the areas to the north with the Adelaide CBD. It transitions through a range of semi-rural and urban areas and provides opportunities for high levels of exposure. Council appreciates the need to provide opportunities for employment, especially with the closure of the nearby Holden's vehicle manufacturing plant. The rezoning therefore warrants consideration.

The Council owns land at the corner of Angle Vale Road and Jack Cooper Drive at Evanston Gardens. The site (CT5448/384) is a former Country Fire Service (CFS) depot. This site has a site area of 8,932m², and is currently zoned Residential and is located within Policy Area 4 – Evanston Gardens/Evanston South Residential. This zoning anticipates that the land will be used to accommodate predominantly low to medium density residential housing comprising a range of dwelling types. Given the site's strategic location (corner of two major roads – Angle Vale Road and Jack Cooper Drive), issues of potential contamination resulting from the site's previous use, and poor attributes generally for residential development (shape and in particular depth, access, and location) the Council is of the view this site would more properly function and contribute to surrounding land uses and the community as a petrol filling station. Rezoning the site for commercial purposes (petrol filling station) therefore warrants consideration.

The purpose of this DPA is therefore to rezone:

- a small section of land within Council's Rural Zone to accommodate a new car dealership and pre-delivery centre (commercial development); and
- the parcel of land on the north-western corner of Angle Vale Road and Jack Cooper Drive currently within Council's Residential Zone (Policy Area 4-Evanston Gardens/Evanston South Residential) to accommodate a petrol filling station and shop (commercial development).

This DPA is primarily designed to realise significant employment generating opportunities within the automotive industry, which is timely given the impending closure of Holden's. For this reason, although the Planning Reforms currently underway have prompted the State Government to discourage further DPAs being commenced until the Planning and Design Code is operative, the Council has received in principle support from the State Government for this DPA to proceed.

The following matters are to be addressed as part of this DPA:

- Appropriateness of the site at 3283 Main North Road, Kudla (CT 6108/58) and a small portion of the adjoining allotment (CT 6108/56) for commercial uses and specifically a car dealership and pre-delivery centre; and
- Appropriateness of the former Country Fire Service (CFS) Depot site (CT5448/384) located at the corner of Angle Vale Road and Jack Cooper Drive Evanston Garden for commercial uses specifically as a petrol filling station.

2.1.2 Affected Area

The area affected by the proposed DPA can be described as follows:

- The site at 3283 Main North Road, Kudla (CT6108/58) and a small portion of the adjoining allotment (CT6108/56), and the former Country Fire Service Depot (CFS) (CT5448/384) on the Corner of Angle Vale Road and Jack Cooper Drive, Evanston Garden within the Residential Zone, Policy Area 4 – Evanston Gardens/Evanston South Residential

The area affected by the proposed DPA is shown on the attached map:



2.1.3 Potential Issues

Potential issues associated with the subject land include:

- Appropriateness of the site at 3283 Main North Road, Kudla for commercial uses including a car dealership and pre-delivery centre;
- Appropriateness of commercial land uses within the Residential Zone, Policy Area 4 – Evanston Gardens/Evanston South Residential, and the appropriateness specifically of the former CFS Depot on the corner of Angle Vale Road and Jack Cooper Drive for commercial uses including a petrol filling station;
- Access;
- Potential flooding hazards and stormwater management; and
- Infrastructure and options for funding.

3. Strategic and Policy Considerations

3.1 The Planning Strategy

3.1.1 Policies

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

The 30 Year Plan for Greater Adelaide (2017 Update)	
Policy	
Health, wellbeing, and inclusion	
Policy 47 - Plan future suburbs and regenerate and renew existing ones to be healthy neighborhoods that include: <ul style="list-style-type: none"> • Access to local shops, community services and facilities. • Access to fresh food and food services 	One site to be considered as part of this DPA is proposed to be rezoned to facilitate small scale business activity. It is likely that this will include a convenience shopping offer that will be located in proximity to housing (and further housing growth areas) that presently has limited access to such.
Economy and Jobs	
Policy 56 - Ensure there are suitable land supplies for the retail, commercial and industrial sectors.	This DPA considers two strategic sites for commercial purposes to enable a broader range of land uses including some retail and commercial activities. This is very important in the context of Northern Adelaide.

3.2 Council Policies

3.2.1 Council’s Strategic Directions (Section 30) Report

Recommendations from Council’s Strategic Directions (Section 30) Report supporting the proposed DPA are as follows:

This DPA will contribute to a number of the projects in the Council’s Strategic Directions report notably Project 1 – Rural Areas, Project 3 – Growth Management and Project 6 Evanston Gardens.

Whilst this DPA relates only to a portion of each of these larger projects, it nevertheless looks to rezone land to best support the existing and growing community by enabling the provision of additional access to services and facilities. It also looks to locate land uses having regard to the function and nature of transport corridors and optimise key high exposure locations and looks to whether or not specific uses interface appropriately with surrounding areas.

Council has adopted some Guiding Principles to assist with future planning. These principles are relevant to this DPA and vice versa.

Guiding Principles:

- Land uses will maintain and improve views of an open rural character from key entrances to Gawler of a rural character (components of a rural character relating to land use, style, setbacks, design features etc. will be required to facilitate and achieve open rural views);
- Land uses will reinforce the transition between Gawler (a regional township in a rural setting) and metropolitan Adelaide;
- Land uses can be managed to address interface issues between incompatible land uses;

- Land uses will contribute to the economic health of the local and broader community;
- Land uses will contribute to the social health of the local and broader community; and
- Land uses will contribute to the environmental health of the study area and region.

3.2.2 Gawler Community Plan 2014 - 2024

The Gawler Community Plan 2014-2024 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 Community – serving today's community for tomorrow"

To attain this vision the plan sets out five goal areas each one supported by a number of objectives and strategies. The five goal areas, and the objectives and strategies most directly related to this DPA are listed below.

1. Our Identity – A Uniquely Identifiable Township
 - Create a clearly defined township, which is distinctively separate from our neighbouring peri-urban areas;
 - Development of peri-urban and regional town planning policies that ensure Gawler's built form provides a sense of distinction from metropolitan Adelaide; and
 - Ensure the views and vistas are maintained to provide an open landscape character through the provision of both open space, maintaining Gawler's regional appearance and sense of arrival.
2. Our Growth – Sustainable Growth Management
 - Physical and social infrastructure to match population growth
 - Develop land use policy for Evanston South, Hillier and Kudla to build an attractive, accessible, integrated and resident friendly environment, supporting a range of housing, lifestyle, recreational and rural opportunities.
 - Responsive to the local environment.
 - Economic Development – creating local economic activity and job opportunities and wealth creation.
3. Our Community – A Healthy, Active, Safe, Engaged Community.
4. Our Environment – To Respect and Nurture the Environment
 - An ecologically sustainable riverine environment that reflects the social, cultural and landscape values of the river corridors; and
 - Ecological sustainable use of natural resources to conserve energy, water and soil and to minimise waste to landfill.
5. Our Leadership – A Strong Vibrant Community.

This DPA will propose planning policy that supports the attainment of the Council's goals and objectives and through this the Council's vision for the area.

3.3 Infrastructure Planning

3.3.1 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.

In particular, this DPA will promote appropriate job creating development along major access corridors.

3.4 Other Policies or Local Issues

3.4 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 and specifically:

1. Appearance of Land and Buildings and the Public Environment;
2. Building Setbacks from Arterial Roads;
3. Bushfire Protection;
4. Commercial Development;
5. Conservation;
6. Contaminated Land;
7. Form of Development;
8. Hazards;
9. Infrastructure;
10. Interface Between Land Uses;
11. Land Division;
12. Metropolitan Open Space System;
13. Natural Resources;
14. Open Space and Recreation;
15. Regulated Trees/Significant Trees;
16. Rural Development; and
17. Waste.

- Council's Current DPAs

In 2016, the Council released the Evanston Gardens DPA for Community Consultation. This is a third party funded DPA. The primary purpose of the Evanston Gardens DPA is to rezone six lots (five are zoned Deferred Urban and one is zoned Rural) to residential (or similar).

Notwithstanding the Evanston Gardens DPA includes land adjacent the study area that DPA is not considered to materially impact the intent of this DPA. In preparing this DPA however, the progress of the Evanston Gardens DPA will be watched to ensure all policy proposals are coordinated and consistent.

- The Development Plans of adjoining areas

- Light Regional Council;
- Playford Council; and
- The Barossa 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 2 B—New dwellings. However, it is considered unlikely that there will be any need for amendment arising out of this DPA given it has a commercial focus.

3.5 Minister's Policies

3.5.1 Planning Policy Library

The key land use that need to be considered as part of this DPA is commercial/business and how this will interface with adjacent residential and rural areas.

The Gawler (CT) Development Plan is not a converted Development Plan and thus retains some zones that have not been pulled forward to the Planning Policy Library.

The Policy Library does provide the Commercial Zone that could cover off the commercial elements of this DPA, alternatively the Council's own Business Zone may well be appropriate.

On the basis that this Development Pan is currently not converted, and very soon will need to transition to the Planning and Design Code, it would appear to be prudent to seek to adopt a best fit policy for this DPA, seeking to maintain consistency across the existing Development Plan such that the transition to the Code is less complicated than may otherwise be the case.

3.5.2 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:

- Bushfire Protection policies (to the extent of potentially excluding some land from the 'General' and 'High' Bushfire Risk' category).

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.

3.5.3 Ministerial DPAs

The policies of this DPA will be consistent with and not contradict the policies proposed in the following relevant Ministerial DPAs:

- There are no publicly available Ministerial DPAs that will be impacted by or impact upon this DPA.

4. Investigations and Consultation

4.1 Investigations

4.1.1 Investigations Previously Undertaken

Investigations previously undertaken (prior to the preparation of this SOI) that will inform this DPA include the following:

Investigations associated with the following projects will be considered as part of this DPA:

- Rural Land Use and Infrastructure and Investigations;
- Gawler and surrounds Stormwater Management Plan;
- Gawler Transport and Traffic Management Plan; and
- Barossa, Light and Lower North Region Open Space, Recreation, Sport and Public Realm Strategy.

4.1.2 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:

- The provision of an infrastructure analysis for each site that identifies all potential infrastructure issues that will have to be addressed in any subsequent development application, and provide a strategy which offers a funding solution for each of these issues;
- An assessment of the visual impact of rezoning the site on the corner of Main North Road and Gordon Road; and
- Land use interface assessment.

4.2 Consultation

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

- Council;
- DPTI (SSD, Planning and Office of the Coordinator General);
- SA Water;
- Department of Primary Industries;
- City of Playford;
- Light Regional Council;
- Service providers;
- RDA Barossa;
- Peter Kittle Toyota;

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

- Department for Communities and Social Inclusion;
- Country Fire Service;

- Department for Education and Child Development;
- Department of Environment, Water and Natural Resources;
- Department for Health and Ageing;
- Legal Services Commission;
- 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;
- SAPOL;
- Department of State Development;
- State Emergency Service;
- Environment Protection Authority;
- ElectraNet Pty Ltd;
- Epic Energy;
- SA Power Networks;
- APA Group;
- South East Australia Gas Pty Ltd;
- SA Water;
- Adelaide and Mount Lofty Ranges NRM Board;
- RDA Barossa;
- Member for Light;
- Member for Napier;
- Barossa Council;
- Light Regional Council; and
- Playford Council.

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;
- A notice in the Advertiser Newspaper;
- A notice in "The Bunyip"; and
- The scheduling of a Public Meeting at which any interested person may appear to make representations on the proposed amendment.

5. Proposed DPA Process

5.1 DPA Process

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

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.

5.1.1 Rationale

Process B2 has been selected because this DPA will support a number of key targets and policies as are contained within the 30 Year Plan for Greater Adelaide, there has been much work undertaken in this area previously and there is a good level of knowledge and awareness generally. Work to date has not identified any issues that are considered to be “out of the ordinary” and it is anticipated that all issues can be appropriately resolved and managed.

5.2 Interim Operation

Interim Operation is not being considered for this DPA.

6. Professional Advice and Document Production

6.1 Professional Advice

The professional advice required will be provided by:

Ms. Helen Dyer FPIA, RP; and
Mr. Ryan Viney MPIA

These people 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 people are not considered to have a conflict of interest or perceived conflict on interest in 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 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 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:

- Mr. Matthew Pistor of 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
Development Plan Amendment (DPA)		
Investigations conducted; DPA prepared	Council	4 Weeks 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	3 week 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