



Development Act 1993

Gawler (CT) Development Plan

Gawler Racecourse Development Plan Amendment

Summary of Consultation and Proposed Amendments Report for the Minister for Urban Development and Planning

by the Development Policy Advisory Committee

1. INTRODUCTION

This report provides an account of the consultation process and the matters raised during the public consultation period in respect to the draft Gawler Racecourse Development Plan Amendment (DPA) and recommendations regarding the draft DPA.

2. CONSULTATION

Consultation process

Statutory consultation with State Government Agencies, Councils and the community, has been undertaken in accordance with the Development Plan Amendment process B and in accordance with Section 26 of the *Development Act 1993*.

The consultation period commenced on 15 October 2009 and concluded on 9 December 2009.

A list of the State Government Agencies, organisations and persons who were advised of the draft Development Plan Amendment is contained in **Attachment A**.

Public notification

Notices were published in *The Advertiser* and the *Government Gazette* on 15 October 2009 and the *Gawler Bunyip* on 21 October 2009.

Copies of statutory and other public notification documents are contained in **Attachment B**.

The draft DPA was placed on display at the offices of the Department of Planning and Local Government (the Department), North Terrace, Adelaide and was made available at the office of the Town of Gawler. The draft DPA was also available for viewing on the Department's web site.

3. SUBMISSIONS

Public submissions

Nineteen (19) public submissions have been received. The main issues/comments raised are set out below:

- General support for redevelopment of Gawler Racecourse and facilities and rezoning for that purpose.
- General support for proposed stormwater harvesting opportunities but desire for this to be strengthened.
- General support for zoning of land to extend school grounds and provide frontage to Main North Road.
- Tourist accommodation – some concern and some support regarding its inclusion in the Recreation Zone.
- Land division should be removed from non-complying list in Recreation Zone to facilitate envisaged developments.
- Concerns that the investigations underpinning the traffic and retail assessments are flawed; with alternative studies provided (commissioned by Council and referred to in a range of submissions – see below) challenging the methodologies used and the assumptions and conclusions made. Submissions were also lodged challenging the reports commissioned by Council.
- Traffic management – there were mixed responses to this issue:

- *Supporting comments:*
 - Traffic flow around the school would be improved as a result of a 4 way intersection at Main North/Para Roads and provision of a service road and traffic lights.
 - Improved access to shops as town centre is congested and parking restricted.

- *Concerns in relation to traffic:*
 - Increased congestion issues with the provision of a Neighbourhood Centre adjacent the school, particularly at peak times.
 - Compromised student safety due to increased traffic flow and need for traffic calming devices etc.
 - Increased traffic volumes that will overwhelm the local and arterial road network that is already nearing capacity, regardless of the proposed realignment and intersection management devices.
 - Barnet Street should be sited further north to align with Morrow Avenue to provide additional land to the school and improve access to/from Main North Road.

- Retail/Neighbourhood Centre – there were mixed responses to this issue:
 - *Supporting comments:*
 - Proposed site will be a more accessible centre than the Gawler town centre.
 - Site is very desirable for retail development given central, main road location
 - Bulky goods should be an envisaged use in the zone.

 - *Concerns in relation to this issue:*
 - Negative impact on adjacent school, attracting anti-social behaviour, creating poor amenity and concerns regarding impact on student management.
 - Significant negative impact on existing retail centres (local and district) as well as proposed centre activity.
 - Bulky goods should be non-complying in the zone.

- Concern about the impact of the Neighbourhood Centre Zone on the adjoining Business Zone.

A summary of each submission is contained in **Attachment C**.

Council submissions

A submission has been received from the Town of Gawler. The main issues/comments raised in the submission are set out below:

- Retail and traffic investigations flawed, the investigations commissioned by Council identify alternative conclusions.
- Traffic investigations commissioned by the Council identify that increased traffic volumes will overwhelm the road network and that the proposed intersection management solutions will not be adequate.
- Retail/Neighbourhood Centre investigations commissioned by the Council identify that the proposed Neighbourhood Centre will result in serious economic impact on existing and proposed centres, and that the proposed centre will effectively operate as a District Centre. The proposed Centre should be postponed until after centres planned for Evanston Gardens and Gawler East are developed. Retail floor space should be capped at 2000 square metres.
- Tourist accommodation in the Recreation Zone is unlikely to be delivered and should be included in surplus land area.

- The Council has prepared a range of alternative options for the development of the surplus land, with the preferred option outlining a Mixed Use Zone that includes provision for the expansion of the school.

A summary of the submission is contained in **Attachment C**.

Agency submissions

Fourteen (14) responses have been received from State Government Agencies. A summary of issues raised in the submissions are set out below:

- General support for stormwater harvesting opportunities.
- Opportunity for a community sports hub to be considered at the site.
- Seeking increased provisions to address Water Sensitive Urban Design principles in the new zones.
- Would like more emphasis on the incorporation of native vegetation into the new zones
- Additional policy required to address potential impacts of noise from the centre and/or racecourse on adjacent residential areas.
- Additional investigations are required to address potential for site contamination.
- Need for additional investigations to identify the traffic generation reflective of the proposed land use and a need to clarify the nature of the proposed realignment of Barnet Road.

A summary of the submissions is contained in **Attachment D**.

Public's access to submissions about the DPA

Copies of all public submissions were made available for public review from 11 December 2009 to 17 December 2009 on the Department's web site and at the Department's offices.

Public Meeting

Ten (10) submitters requested to be heard in support of their submission, and a Public Meeting was held on 17 December 2009.

4. ADDITIONAL CONSULTATIONS

Additional consultation was conducted with the Department of Transport Energy and Infrastructure (DTEI) to ensure that the proposed realignment of Barnet Road is acceptable. Additional discussions were also held with the Department for Education and Children's Services (DECS) to clarify and confirm the future land requirements for Gawler High School and the extent of the proposed Special Use Zone. See discussion below.

5. DISCUSSION

The following key issues have been drawn from the submission summary tables.

Traffic Management

A number of concerns have been raised about traffic management in the area. DTEI have indicated concern with the location of the realigned Barnet Street potentially being too close to Potts Road and the traffic signals proposed at that intersection. DPAC has been advised that additional consultation was undertaken with DTEI to resolve this issue.

To minimise the interaction between the two intersections on Main North Road (ie, Potts/Para Roads and the realigned Barnet Street), DPAC has been advised that DTEI has recommended that the realigned Barnet Street intersection, be located so that it is no closer to Potts Road than Morrow Avenue. DPAC also understands that DTEI notes that this intersection may need to be signalised. DTEI would accept the realigned Barnet Street immediately opposite Morrow Avenue on the basis that Morrow Avenue is either closed at Main North Road or left-in/left-out movements are only allowed at Morrow Ave.

DTEI notes that further traffic analysis is still required to determine the specific improvement needs at both intersections. DPAC has been advised that this would occur at the DA stage once more definitive land proposals have been developed.

I advise that DPAC supports this arrangement.

School Land

DPAC has been advised that DECS have confirmed their intention to purchase approximately 5000 square metres of land at the southern end of the surplus land. The land will provide for the expansion of the Gawler High School (which is now intended to be a Birth to Year 12 facility) and visual exposure from Main North Road.

DPAC is of the view that the area allocated to the School (ie the Special Uses Zone), should be better defined on the Zone map, using fixed measurements/points to avoid administrative difficulties at the development assessment stage.

To account for any unforeseen future school expansion requirements, DPAC is of the view that educational facilities should be identified as envisaged uses in the Neighbourhood Centre Zone, particularly on the southern side of the realigned Barnet Street where the Special Uses Zone would directly abut.

DPAC also recommends that policy be strengthened within the Neighbourhood Centre Zone to ensure that development within the zone complements existing development in adjoining zones in terms of built form, land use, interaction between the zones and the provision of screen landscaping.

Retailing/Neighbourhood Centre

The Statement of Investigations has concluded that retailing can occur on the site, having regard to the nature of existing and proposed centres in the area. Additional information from Connor Holmes is provided in submission P17 and supports the modelling which has been used to justify retailing at the site.

The Statement of Investigations set out a cap on retailing of 5,900m² until the year 2020. It has been clarified in the public submissions (P17) that the Connor Holmes retail analysis only considers the potential for conventional retail floor space and does not consider the potential for bulky goods. This is addressed in Section 3.4.2 of the Statement of Investigations.

It is noted that this did not translate over to the policy framework for the Neighbourhood Centre Zone which states that *'The Centre should not exceed a gross leasable area of 3,800 square metres, but this may increase to 5,200 square metres in 2015 and 5,900 square metres in 2020'*.

DPAC is of the view that this is ambiguous and does not reflect that there are other uses which could be established in the Neighbourhood Centre Zone that would not have an impact on retailing in other centres (eg, office and other commercial activity such as consulting rooms).

On the basis of the above and for procedural fairness reasons (noting that that draft DPA was released for consultation with a cap in place) DPAC is recommending that a single cap of 5,900m² be placed on retailing (excluding retail showrooms or bulky goods outlets) with no end date. DPAC is of the view that the staged capping should be removed given the short timeframes involved and the potential uncertainty in respect to what happens with the site after 2020.

DPAC have had regard to the objectives/targets of the 30 Year Plan for Greater Adelaide and the long term direction it provides for the development of Adelaide. In particular, the Plan seeks to establish a long term direction for Adelaide including:

- Establishing a 15 year supply of development ready land for residential, commercial and industrial land across Greater Adelaide.
- Establishing 5315 hectares of employment lands across Greater Adelaide.
- Providing for a population target of 139,000 additional people for the Barossa Region, with a significant portion to occur in and around Gawler. Allocating land for commercial use will be necessary to underpin this 30 year target.
- Creating walkable neighbourhoods. The 30 year plan provides 800 metres as a general guide.
- Setting aside designated employment lands and promote mixed use development in corridors. The NCe Zone provides for a range of uses and is within a corridor.
- Building a competitive and efficient planning system. Promoting competitiveness is seen as a mechanism for attracting jobs and a magnet for investment.

DPAC has been advised that with respect to this last point, the ACCC's *Report of the ACCC inquiry into the competitiveness of retail prices for standard groceries* and the Productivity Commission's *The Market for Retail Tenancy Leases in Australia* concluded, that planning and zoning legislation restricts competition in the supply and use of retail space. Caps could be considered an unnecessary restriction on competition.

In light of the above, DPAC has been advised that COAG recently committed (7 December 2009) to the following action:

1. To ensure a continued focus on the competitive benefits which can be secured through appropriately balanced planning and zoning systems. COAG agreed to commit to ensuring that:
 - a) Opportunities for gaming of appeals processes are minimised.
 - b) Processes are in place to maintain adequate supplies of land suitable for a range of retail activities.
 - c) Any unnecessary or unjustifiable projections for existing businesses from new and innovative competitors are eliminated.

The removal of the cap entirely could be supported on the basis of the above discussion, however there is potential for judicial review should this path be adopted, given that the DPA was released for consultation with a cap in place and that it could be reasonably assumed that some stakeholders would have an interest in this issue. To this end, potentially affected property owners may not have lodged a submission accepting the rezoning on the basis that a cap was to be put in place.

Should the Minister resolve to remove the cap entirely, DPAC acknowledges that the amount of retailing established on the site would be limited through other mechanisms including:

- The size and configuration of the zone allotments.
- Traffic generation and the nature of existing and proposed traffic management arrangements.
- Council-wide and Neighbourhood Centre Zone policy which requires:
 - car parking for 'shops' at a rate of 7 spaces per 100m²
 - landscaping areas
 - the provision of stormwater management initiatives
 - storage, delivery and service areas
 - the provision of public facilities
 - consideration of urban design matters, setbacks, etc
 - road widening requirements.

Regarding of the size and distribution of centres, DPAC notes that the recently approved zoning arrangements in the Blakeview/Munno Para area provide for a series of new and expanded Neighbourhood Centre Zones ranging between 4 to 30 hectares in area and as close as 1.3 km apart. In addition, the Neighbourhood Centre Zones are as close as 1.6 km to the District Centre at Munno Para. This is less than the spatial distances between the Gawler Town Centre and the proposed Neighbourhood Centre.

In respect to retailing generally and the current hierarchy of Centres, DPAC is of the view that if there is a change in direction as a result of COAG agreements then the strategic impacts of these changes must be documented and communicated to relevant stakeholders. To do otherwise, may result in confusion and legal challenge.

Options Presented by Council

The Town of Gawler has provided a series of alternative options for the development of the surplus land, which are projected (by Council) to achieve the desired economic return for the Racecourse (ie \$6-\$7 million).

DPAC acknowledges that varied valuations have been received as part of the consultation process. In both valuations the proposal identified by the draft DPA as the 'highest and best use' provides for the greatest return.

DPAC is of the view that the draft DPA provides for a flexible zoning arrangement, accommodating a range of uses, from retailing to business and housing to educational facilities, within two zones.

This compares to the alternative options put forward by the Town of Gawler which potentially provides for 3 to 5 zones/policy areas over a relatively modest parcel of land (4.3ha) and thereby reducing the flexibility that is provided by a single/twin zone arrangement on a greenfield site.

Tourist accommodation is identified in the options suggested by Council as an appropriate use on the surplus land. DPAC agrees with this suggestion and recommends that tourist accommodation be added to the list of envisaged uses in the Neighbourhood Centre Zone, acknowledging that it is a complementary use to this type of zone.

5. RECOMMENDED AMENDMENTS FOLLOWING CONSULTATION

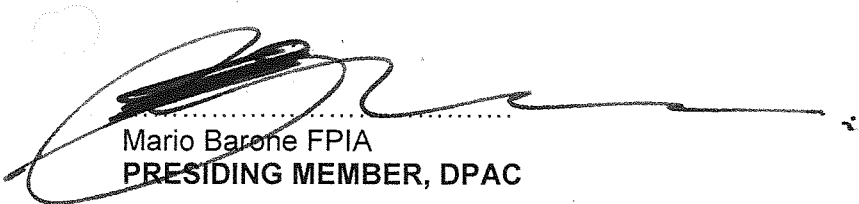
Based on a review of all the submissions, the Development Policy Advisory Committee is of the opinion that the draft Gawler Racecourse Development Plan Amendment is in a form suitable for approval subject to the following amendments:

1. Amending Figure NCe/1 (Structure/Site Layout Plan) to show:
 - The realigned Barnet Street directly opposite Morrow Avenue.
 - Landscaping along the Main North Road frontage of the site.
2. Insert new provisions in the Neighbourhood Centre Zone to support the realignment of Barnet Street and ensure that its intersection with Main North Road is no closer to Potts Road than the Morrow Road intersection.
3. Amending Map Ga/9 to reflect the amendments suggested to Figure NCe/1 and identify a fixed boundary between the school land (Special Uses Zone) and the Neighbourhood Centre Zone.
4. A single cap of 5,900m² be placed on retailing (excluding retail showrooms or bulky goods outlets) in the Neighbourhood Centre Zone and that the staged capping be removed. The relevant statement in the Desired Character statement should be amended to read as follows:

Shops (excluding retail showrooms or bulky goods outlets) within the Zone should not exceed a total combined gross leasable floor area of 5,900 square metres.

5. Insertion of additional policies into the Neighbourhood Centre Zone to:
 - Ensure that land uses adjoining the Special Use Zone (south side of the realigned Barnet Street) are compatible with proposed school uses, in particular to provide for low intensity activities such as offices/consulting rooms/tourist accommodation.
 - Seek a minimum level of landscaping along Barnet Street to screen future development and to retain and utilise existing landscaping where it contributes to the amenity of the area.
 - Strengthen existing Council-wide policy ensuring that development within the zone complements existing development in adjoining zones, in terms of built form and design.
 - Ensure residential development within the zone is designed and sited to minimise adverse impacts arising from nearby non-residential activities and major traffic routes.
 - Provide for future public transport needs within the zone, such as bus shelters etc.
6. Inclusion of the following land uses into the envisaged uses list for the Neighbourhood Centre Zone:
 - Pre-School
 - Primary School
 - Educational Establishment
 - Tourist Accommodation
 - Retail Showroom
 - Bulky Goods Outlet.
7. Removal of Land Division from the Non-Complying list in the Recreation Zone with the inclusion of additional policies to ensure that land division only occurs where it does not create additional allotments or supports an envisaged use.

8. Inclusion of policies to provide for safe pedestrian movement across Main North Road and to provide linkages with the surrounding railway stations.
9. Acknowledge, in the Desired Character Statement for the Recreation Zone, the important role that horse trails and equestrian events have played in Gawler.
10. Amend part (g) of Principle of Development Control 15 of the Recreation Zone and Principle of Development Control 16 of the Neighbourhood Centre Zone to read: *avoid the necessity for backing to and from public roads.*



Mario Barone FPIA
PRESIDING MEMBER, DPAC

Date: *15 February 2010.*

LIST OF ATTACHMENTS

- Attachment A:**
List of agencies and persons who were advised of the Development Plan Amendment
- Attachment B:**
Copies of statutory and other public notification documents
- Attachment C:**
Summary of public and council submissions
- Attachment D:**
Summary of agency submissions