

CITY OF VICTOR HARBOR

**VICTOR HARBOR CENTRES AND RESIDENTIAL
DEVELOPMENT PLAN AMENDMENT BY THE
MINISTER FOR PLANNING**

**SUMMARY OF CONSULTATION AND RECOMMENDED
AMENDMENTS REPORT FOR THE MINISTER FOR
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 Victor Harbor Centres and Residential Development Plan Amendment (DPA), together with recommendations regarding the 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 29 October 2015 and concluded on 14 January 2016.

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

A notice was published in The Advertiser on 29 October 2015.

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

The draft Development Plan Amendment was placed on display at the offices of the Department of Planning, Transport and Infrastructure (North Terrace, Adelaide) and was made available at the Offices of the City of Victor Harbor. The draft Development Plan Amendment was also available for viewing at www.sa.gov.au/planning/dpas

Public Meeting

Sixty five (65) requests were received from the public to be heard in support of their submissions, and a Public Meeting was held on 27 January 2016.

3. SUBMISSIONS

Public submissions

One hundred and ten (110) public submissions have been received, including two late submissions.

The main issues / comments raised in objection to the proposal include:

- Concern that infrastructure costs to support developments will be borne by the Council and therefore ratepayers
- Concern that existing traffic management issues, including safety, noise and amenity, will be exacerbated – particularly in relation to the Adelaide Road area
- Concern that there is inadequate demand for additional activity centres and that rezoning will have detrimental impacts on the economic viability of the existing regional town centre, employment opportunities and township identity
- Concern that the impact of future developments on Adelaide Road will reduce the amenity of Adelaide Road as the 'gateway to the township'

There are also submissions expressing support for the DPA, including:

- Perception that additional retail outlets will result in increased diversity of goods and services; more competitive pricing and improved accessibility
- Belief that the regional town centre will remain viable as it caters for a different and wider market and is a destination in its own right
- Belief that new development should be encouraged to allow Victor Harbor to progress and grow
- Perception that the Adelaide Road 'gateway' is currently unattractive and that new development will help improve this.

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

Council submission

A submission has also been received from the City of Victor Harbor. The main issues/comments raised in the submission are summarised as follows:

- Infrastructure provision – developers, whose land is being 'up-zoned' should be responsible for infrastructure cost associated with their respective developments, as well as infrastructure upgrades where developments impact the broader locality.
- The quantum of land proposed for commercial purposes is not supported and the established centres hierarchy remains relevant and associated policies to manage this (eg floor caps) should be retained.
- McCracken site – concerns regarding access and impacts on Adelaide Road / Hindmarsh Road / Port Elliot Road roundabout and adverse impacts on the visual amenity of the locality as a result of development.
- Hindmarsh Valley site – the neighbourhood centre appears inadequate in size and the area should be defined to provide more certainty.
- Encounter Bay site – suggests there is a need to: reduce ambiguity of bushfire provisions; review the line of delineation between low density residential areas and other residential areas; and include provisions to give effect to the findings of the recently completed landscape analysis.
- Victor Harbor site – suggests that any areas not required for an emergency services hub should be retained for recreational purposes.

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

State Government Agency submissions

Seven (7) responses have been received from State Government agencies. The main issues/comments which have been raised in the submissions are set out below:

- The Transport Safety and Service Division of the Department of Planning, Transport, and Infrastructure noted its in-principle support for the rezoning proposals but highlighted a range of points including:
 - Hayborough site - pedestrian activated crossings or underpasses are not considered justified at this juncture – passive crossings are considered appropriate unless otherwise evidenced
 - McCracken site – access arrangements can be finalised at the development assessment stage but a Traffic Impact Assessment will be required at that point to determine final access arrangements. Provision appears suitable for an additional leg being added to the adjacent Adelaide Road roundabout and a channelized junction further north on Adelaide Road

- Infrastructure – Council and / or the developers are to bear all costs for any infrastructure improvements to or junctions with the arterial road network
- The Environment Protection Authority (EPA) generally supports the DPA, but suggests the separation distance between residential development and the Holcim Quarry at Encounter Bay should be increased from 400 metres to 500 metres to reduce the potential for noise impacts from quarrying activities (blasting).
- The Office for Recreation and Sport (ORS) noted that the proposed rezoning of the Victor Harbor site from Recreation to Mixed Use Zoning could reduce Council's capacity to provide sporting facilities to meet forecast demand and recommends the proposed emergency services hub be relocated to Ewen Terrace.
- Updating a range of Council-wide policies to strengthen policy directions, particularly the Affordable Housing Overlay.

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

Public's access to submissions about the Development Plan Amendment

Copies of all submissions were made available for public review from 15 January 2016 at www.sa.gov.au/planning/dpas and at the Department's office.

4. PUBLIC MEETING

A public meeting was held by the Development Policy Advisory Committee (DPAC) at the McCracken Club, McCracken Drive, Victor Harbor on 27 January 2016.

Of the 110 public and council submissions received, 65 requested to make a verbal representation at the public meeting, however, only 19 people spoke on the night, including 2 people who were not scheduled to speak.

The DPAC Subcommittee members who conducted the public meeting noted the polarised views of the public in relation to the proposed rezonings and policy directions contained in the DPA. Matters raised at the meeting reiterated the range of issues and perspectives provided in the written submissions.

5. DISCUSSION

The Committee appreciates that the DPA is being progressed to support business innovation and competition, improve consumer access to services, and accommodate employment and housing growth that can benefit Victor Harbor township and the Fleurieu region generally.

Of the submissions received, many were supportive of the proposed directions as it provides local opportunities for jobs and expands choices for shopping and other services.

There were a number of submissions interested in extending the scope of the DPA or concerned about matters that cannot be addressed through land use policy. These generally related to:

- proposals to rezone land outside of those areas currently affected by the DPA (ie land adjacent to the Encounter Bay site)
- introducing assessment parameters that would affect development across the whole Council district, not just the areas and policy topics covered by the DPA
- resourcing / funding of community services / infrastructure.

The Committee notes there has been considerable interest in the last point, with many concerned that infrastructure funding associated with the development of the five areas affected by the DPA could ultimately fall to Council (and therefore ratepayers).

The development plan contains existing requirements about the provision of infrastructure (utilities and roads) in conjunction with development. These can provide a basis for relevant parties (eg developers / landowners, utility supply companies, and road transport providers) to negotiate infrastructure works to support a proposed development and how costs might be allocated / apportioned as part of the development process. However, reliance on the development process alone does not necessarily provide the level of certainty desired by all parties, particularly for any off-site improvements.

In this regard the Committee understands that landowners / developers of the McCracken, Hayborough and Encounter Bay sites have reached in-principle agreement with Council regarding contributions to infrastructure improvements (mainly for roads, intersections and pedestrian / cycle paths), including some adjacent off-site works and contingency funding.

The Committee appreciates that some of the infrastructure matters subject to funding agreements and which are external to the subject sites (eg footpaths, pedestrian refuges, etc) may not materialise should the DPA be finalised before binding agreements are in place. It would appear that the sorts of external site improvements are of a desirable rather than an essential nature and in this respect you may choose to progress the DPA ahead of any binding agreements being in place.

However, in light of the willingness of some landowners to commit resources to off-site improvements and the value Council and the community appear to place on securing those resources, you could also consider progressing the DPA in conjunction with agreements that secure off-site works.

The following sections provide discussion on the main concerns raised and which have possible land use policy implications that could be addressed in the DPA.

(a) Traffic management

Studies undertaken by Council and reviewed by the Transport Services Division of the Department of Planning, Transport and Infrastructure have indicated that the existing road network can be modified to maintain the safe and efficient operation of the road network as a result of the development of areas affected by the DPA. This includes improvements to the Agnes Gillespie Road and Adelaide Road intersection, which has been mentioned in a number of submissions expressing concern that the performance of this intersection will be further compromised by the development of the Hayborough site.

The Council-wide provisions contained in the Victor Harbor (City) Development Plan, together with the DPA's proposed concept plans and policies, provide suitable guidance regarding the form of development and to ensure a safe and efficient road network.

In addition, the Committee is advised that the developers of the Hayborough site intend to make provision for works at the corner of Agnes Gillespie Road and Adelaide Road to ensure it can safely accommodate freight vehicle access generated by commercial activities. Design details of the upgraded intersection will need to be considered through the normal development process, which is likely to involve a referral to the Commissioner of highways.

The Committee noted concerns that the zoning proposals and subsequent development of commercial land could increase the volume of traffic along some local roads. Changes in local traffic patterns are not easily accounted for as part of a rezoning process and typically require consideration of site access arrangements and, if problems arise, localised monitoring and management strategies to be put in place. In relation to the areas proposed to be rezoned, the Committee is satisfied that there are existing provisions in the development plan that allow the relevant planning authority to determine whether any proposed site access / egress arrangements will minimise traffic intrusion into adjacent residential areas.

(b) Excessive retail space / activity centres

The Committee acknowledges that there are community and business concerns about the economic viability of the regional town centre should a more dispersed pattern of service provision be accommodated through the rezoning of sites affected by the DPA. Incumbent businesses and landowners in the regional town centre appear particularly concerned about changes that could risk their livelihood and investment.

The Committee appreciates that various retail investigations have been considered in preparing the DPA, which indicate differing shortfalls of retail space to meet the needs of a growing population in Victor Harbor and the surrounding district. However, it is the Committee's view that such studies should not be a primary consideration in rezoning land to accommodate additional services, and that other factors should be taken into account including:

- nationally based views into retail competition that suggest a need for caution in land use zoning practices to ensure it does not act as a barrier to new investment and innovation
- new centre developments can: assist in satisfying the needs and expectations of a growing population; improve access to services; enhance competition and choice; and help create more resilient communities
- the ability to deliver successful activity centres / community hubs through: private / government investment; marketing; innovation / reinvention; land use mix (retail and other uses); and responsiveness to wider lifestyle / shopping trends.

Importantly, a number of submissions applaud the proposed changes contained in the DPA for these and other reasons.

The Committee accepts that the DPA is supporting a range of community and business outcomes and, based on the existing and proposed land use policy framework, the regional town centre is still expected to provide the cultural heart of the township for the local and regional community, as well as for tourists / visitors.

Given that a review of the Regional Town Centre Zone requirements were not within the scope of this DPA, it would be reasonable at some stage to assess whether the existing land use criteria for the zone are sufficiently robust to ensure the vision for the centre can be achieved in light of proposed changes to zoning contained in this DPA.

(c) Appearance of the township entrance

Submissions provide a range of views regarding the impact of development on the urban character along Adelaide Road, being a main road into the Victor Harbor township. The concern is that large scale commercial developments will dominate the 'gateway' into the township.

The Committee considers that there are sufficient requirements proposed in the DPA and contained in the existing development plan to ensure new development positively contributes to (and potentially enhances) the character along Adelaide Road.

Concern has also been expressed that the proposed built form parameters in the Neighbourhood Centre Zone could unreasonably hinder commercial development, particularly because it is sloping land. More specifically, the DPA proposes to reduce the maximum building height for development on the McCracken site from the 12 metres prescribed in the existing Local Centre (Hayborough) Zone to 9 metres under the new Neighbourhood Centre Zone (the 9 metre height limit is an existing requirement in this zone).

In considering the imposition of a building height limit the Committee notes:

- there is limited precedence in other development plans regarding building height limits in Neighbourhood Centre Zones;
- the SAPPL does not anticipate any height limits being applied in neighbourhood centres;
- a key outcome of the DPA is to support more commercial / retail opportunities in Victor Harbor – it would seem appropriate that any implications arising from building height on character grounds are balanced against other criteria such as commercial functionality;
- there are sufficient policy requirements in the DPA / existing development plan to ensure local character considerations are taken into account by developers when determining the layout and design of buildings, and by the relevant planning authority when assessing proposals, including options to mitigate visual dominance of development.

On this basis the Committee supports an amendment to the Neighbourhood Centre Zone policy to contemplate buildings up to 12 metres tall.

In addition, submissions propose that policy be introduced into the Neighbourhood Centre Zone to permit pylon advertisements to a maximum of 10 metres as the existing development plan contains limited guidance on this form of development.

The Committee again notes that there is limited precedence regarding signage height across development plans, although there are instances where policy envisages signs up to 6-8 metres tall. In most cases signage is managed by qualitative requirements that seek to ensure signs are in keeping with the character of a locality and compatible with the development of a site.

The Committee considers that signage is an important ancillary consideration to retail / commercial development and that providing additional clarity on this matter has some merit. In this regard it is recommended policies are included in the Neighbourhood Centre Zone to allow a single freestanding advertisement to a height of 8 metres that incorporates the name or nature of each business or activity within the site or complex (to avoid visual clutter).

(d) Retain the Victor Harbor site for recreation

The Victor Harbor site is owned by the Minister for Infrastructure and has been earmarked for an emergency services hub fronting Armstrong Road, with any remaining land potentially offered for sale as surplus to requirements. The DPA seeks to rezone the land from Recreation to a Mixed Use Zone, which recognises a number of existing uses on the land and also supports the development of an emergency services hub. This proposed zone also provides flexibility over the use of any surplus land.

While there is support for using a portion of the site as an emergency services hub, some submissions (including the one from Council) would prefer all land surplus land be retained for recreational uses in line with the Encounter Bay Sport and Recreation Precinct Master Plan (submitted during the consultation period – refer P107A).

There are two aspects of the Mixed Use Zone worth noting:

- 'community facility' is an envisaged use in the zone and therefore recreation / sports activities are generally contemplated under the proposal
- the lower sections of the site (being the floodplains adjacent to the Inman River) are already proposed to be retained for recreational purposes.

Based on the zone requirements, the main contention appears to be whether any 'surplus' land outside of the floodplain area should be reserved wholly for recreation. The proposed zoning is not emphatic about the future use of surplus land and therefore ownership

becomes a key issue. That is to say, should a current or future owner of the land desire to use any elevated surplus land for recreation, then it would simply be a matter of assessing the proposed use against the relevant criteria in the development plan for the proposed Mixed Use Zone.

As the land is owned by the State Government, its future use would depend on the State's disposal process and the intentions of other parties (including Council) to obtain (acquire) the land for community purposes. The Committee does not consider the disposal of surplus land to be central to this DPA and that it is sufficient to allow the final use of any surplus land to be determined based on a range of priorities, which could include the expansion of existing educational (eg TAFE) or law enforcement facilities or a new use.

Submissions also suggested the emergency services hub should be relocated to Ewen Terrace to accommodate recreation along Armstrong Road and presumably strengthen ties with existing recreational uses on the opposite side of Armstrong Road (the Encounter Bay Recreation Reserve). The Committee is advised that the Armstrong Road site is the preferred location for the emergency services hub to enable direct access onto the ring route for quicker emergency response times. Notwithstanding that the location of the emergency services hub in the DPA is indicative only, the Committee does not consider there to be any substantive reason put forward to alter the proposed location of the emergency services hub.

(e) Council-wide policy updates

It has been suggested that the Affordable Housing Overlay should be introduced to all five sites affected by the DPA to strengthen requirements for affordable housing provision in areas proposed for residential use.

The State Government target of 15 per cent affordable housing is adopted in the Planning Strategy and promoted for '*significant new developments and growth areas*'.

Some changes proposed in the DPA are primarily to support commercial development opportunities (with limited housing). Only the Hindmarsh Valley and Encounter Bay sites are primarily intended to accommodate residential development. In considering the need to introduce additional policy on affordable housing for these two areas (in particular) the following matters are relevant:

- there are existing references to affordable housing in the Victor Harbor (City) Development Plan including:
 - Council-wide Objective (19) which seeks: '*Affordable housing provided in appropriate locations*'
 - the Residential (Hindmarsh Valley) Zone contains specific policy supporting a minimum of 15 per cent affordable housing and its integration with other forms of residential development
- there is currently no Affordable Housing Overlay mapping in the development plan
- the DPA introduces a new Suburban Neighbourhood Zone over Deferred Urban zoned land at Encounter Bay – this new zone identifies affordable housing in the list of envisaged uses and includes incentive policy that allows developers to reduce prescribed site / allotment sizes when projects include at least 15 per cent affordable housing
- information about the housing market in Victor Harbor indicates that the median property prices for detached houses (with 3 bedrooms or less) and units is already less than the sale threshold established under the affordable housing criteria
- the existing development plan encourages a range of housing types.

Given the above the Committee is of the view that there is already capacity to accommodate low to moderate income households through more compact and retirement forms of accommodation without imposing additional regulatory measures for affordable housing.

As a consequence, the only amendment considered to have merit in relation to this matter is an amendment to the Suburban Neighbourhood Zone that supports the integration of affordable housing into residential and mixed use development projects. This is consistent with the policies of the Affordable Housing Overlay in the South Australian Planning Policy Library.

RECOMMENDED AMENDMENTS FOLLOWING CONSULTATION

Based on a review of all the submissions, the Development Policy Advisory Committee recommends the following:

1. The Victor Harbor Centres and Residential Development Plan Amendment be amended as indicated in the Summary of Submissions tables, including the following:
 - (a) The building height limit in PDC7 of the Neighbourhood Centres Zones be increased from 9 metres to 12 metres
 - (b) Introduce policy into the Neighbourhood Centre Zone to provide for a maximum of one freestanding advertisement per site / complex incorporating the name or nature of each business or activity within the site or complex, to a maximum height of 8 metres
 - (c) Amend the non-complying development criteria in the Neighbourhood Centre Zone to clarify where standalone residential development on the McCracken site is to be considered as consent development
 - (d) In the Suburban Neighbourhood Zone:
 - ensure affordable housing is integrated into residential and mixed use development to be consistent with the SAPPL Affordable Housing Overlay policy
 - reinforce through the Desired Character that the basis for low density residential development is a culmination of elevation and slope
 - (e) Adjust concept plans to:
 - clearly acknowledge that any new access/egress points to the affected sites are potential locations (to be verified as part of the detail design and development processes)
 - ensure consistent use of the term 'activity centre'.



Bryan Moulds
PRESIDING MEMBER
DEVELOPMENT POLICY ADVISORY COMMITTEE

Date: 6 April 2016