NOTICE OF SPECIAL COUNCIL MEETING

TO: Mayor
    Karen Redman
    Deputy Mayor
    Ian Tooley
    Councillors:
    Kevin Fischer
    Beverley Gidman
    David Hughes
    Paul Koch
    Merilyn Nicolson
    Adrian Shackley
    Robin Symes
    Jim Vallelonga

NOTICE is hereby given pursuant to the provisions of Section 82 and Section 83 (2) of the Local Government Act 1999, that a **Special Meeting** of the **Council** for the **Town of Gawler** will be held in the Conference Room, Town of Gawler Administration Centre, 43 High Street, Gawler East, on **Tuesday 19 September 2017**, commencing at 7:00pm.

A copy of the Agenda for the above meeting is supplied as prescribed by Section 83 (3) of the said Act.

Henry Inat
Chief Executive Officer
14 September 2017
Special Meeting of the Council for the Town of Gawler to be held on Tuesday 19 September 2017 at 7:00pm in the Conference Room, Town of Gawler Administration Centre, 43 High Street, Gawler.

AGENDA

1. Statement of Acknowledgement

   Mayor: We would like to acknowledge this land that we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the greater Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

2. Attendance Record

   2.1 Roll Call
   2.2 Apologies
   2.3 Motions to grant Leave of Absence
   2.4 Leaves of Absence
   2.5 Non-attendance

3. Public Open Forum

   (Limited to a total time of up to 20 minutes)

4. Business

   4.1 Commercial and Rural Areas Development Plan Amendment
   4.2 Committee Appointment for Gawler East Structure Plan Development Plan Amendment Community Consultation

5. Questions without Notice

6. Motions without Notice

7. Confidential Reports

8. Close

9. Next Ordinary Meeting – 26 September 2017 at 7:00pm
REPORTS BY OFFICERS

<table>
<thead>
<tr>
<th>Item Number</th>
<th>4.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td>COMMERCIAL AND RURAL AREAS DEVELOPMENT PLAN AMENDMENT</td>
</tr>
<tr>
<td>Date</td>
<td>19 September 2017</td>
</tr>
</tbody>
</table>
| Author(s)   | Jane Strange, Senior Development and Strategic Policy Officer  
               David Petruzzella, Strategic Planner  
               Ryan Viney, Manager Development, Environment and Regulatory Services |
| Reference   | CC16/282; CR17/39521; CR17/46956; CR17/43881; CR17/46826; |
| Previous Motion | Council, 18/07/2017, Motion No. 2017:07:240  
                     IES, 4/07/2017 Motion No: 2017:07:34  
                     Council, 2/06/2017, Motion No. 2017:06:226  
                     Council, 13/12/2016, Motion No. 2016:12:517  
                     Council, 27/09/2016, Motion No. 2016:09:380  
                     Council, 3/03/2016, Motion No. 2016:03:58 |
| Attachment/s Under Separate Cover | 1. Correspondence received from the Minister  
                                           2. Draft Commercial and Rural Areas Development Plan Amendment  
                                           3. Correspondence received from the Peter Kittle Motor Car Company |

OFFICER’S RECOMMENDATION

Item 4.1 – Commercial and Rural Areas Development Plan Amendment (CC16/282)

That Council:-

1. Endorse the Draft Commercial and Rural Areas Development Plan Amendment for public and agency consultation in accordance with the agreed Statement of Intent.

2. Authorise the CEO to make amendments to the Commercial and Rural Areas Development Plan Amendment if requested by the Department of Planning Transport and Infrastructure and considered appropriate and of a minor nature prior to release for public and agency consultation.

3. Appoint the Infrastructure & Environmental Services Committee, pursuant to Section 25 (11)(c) of the Development Act 1993, to consider any public representations made in relation to the Commercial and Rural Areas Development Plan Amendment (DPA) given it will be released for public and agency consultation.

4. Following public consultation, and prior to presenting the Commercial and Rural Areas DPA to the Minister for Planning for authorisation, an Infrastructure Agreement be negotiated with the Peter Kittle Motor Company for the provision of any infrastructure required to support the intended use and that an associated Land Management Agreement (or such other legally
binding document) be entered into limiting the development of the land to a Car Dealership, Service Facility and Distribution Centre.

BACKGROUND

In September 2016, an update report outlining investigations associated with possible alternative sites for a proposed new car dealership and vehicle distribution centre was presented to Council for consideration. That report advised that there were no suitable alternative sites within Gawler Township and that if the new car dealership and vehicle distribution centre was to proceed, amendments to the Gawler (CT) Development Plan via a Development Plan Amendment would be required.

With respect to the preferred development site located at the corner of Main North Road and Gordon Avenue, the following Motion was adopted by Council:

Moved by Cr R Symes
Seconded by Cr I Tooley
Motion No: 2016:09:380

That Council:
1. Provides in-principle support for a Development Plan Amendment to be prepared to assist in facilitating the development of a new car dealership and vehicle distribution centre, on the former ‘Backyard Inspirations’ site on Main North Road, Kudla, in order to ensure this significant investment and job creation opportunity occurs within Gawler.
2. Staff work with the Peter Kittle Motor Company and State Coordinator General to progress a Development Plan Amendment involving the former Backyard Inspirations site, adjoining land at Main North Road and the review of the Rural Buffer Area policies. Key elements to be addressed will initially comprise a Heads of Agreement to articulate the intended policy outcomes to be achieved, timeframes, conditions, costs and responsibilities of all respective parties in this matter. This will also include whether the Development Plan Amendment is a Council, Ministerial or Proponent Funded amendment.
3. Request a further report on the outcome of these investigations to be presented back to a future Infrastructure and Environmental Services Committee meeting for consideration.

Relative to point 2 of the above motion, in late 2016 Council considered the Rural Land Use and Infrastructure Investigation Report 1, with Council adopting a vision and a set of guiding principles for the development of land use policies pertaining to the Rural Zone following public consultation. This was relevant to the subject DPA, as the site is currently located in the Rural Zone. It was also considered opportunistic to address wider policy changes in the Rural Zone, including Rural Living, as part of this particular DPA. This was due the State Government’s economic interest in this DPA, given the impending closure of Holdens.

As a result, Council resolved the following in relation to this matter at its November 2016 Council meeting:

Moved by Cr Hughes
Seconded by Cr Fischer
Motion No: 2016:11:471
That Council adopts the recommendation from the Infrastructure & Environmental Services Committee made at item 7.2 of the meeting of that Committee meeting held on 27 October 2016, being:

Motion No IES:2016:10:55
That the Infrastructure and Environmental Services Committee recommends to Council that:-

1. Council adopts the following Vision and Guiding Principles that will then inform and direct the development of draft policy which is to be formulated and presented to the Infrastructure and Environmental Services Committee for consideration.

Vision:
The Study area functions as a buffer between the urban areas of the Town of Gawler and the area of metropolitan Adelaide to the south and southeast. The predominantly open rural character buffer will be primarily achieved by maintaining open vistas and key views from the main transport corridors linking the Town of Gawler and the area of metropolitan Adelaide to the south and south-east. These views separate and distinguish the urban areas of Gawler from the character of the remainder of metropolitan Adelaide.

The area should maintain opportunities for a range of existing and future primary production activities, including further intensive productive land uses as well as compatible rural living land use in designated areas.

Guiding Principles:
   a) Land uses will maintain and improve views of an open rural character from key transport corridors (components of a rural character relating to land use, style, setbacks, design features etc. will be required to facilitate and achieve open rural character and views).
   b) Land uses will reinforce the transition between Gawler (a regional township in a rural setting) and the remainder of metropolitan Adelaide.
   c) Land uses managed to address interface issues between potentially incompatible land uses.
   d) Land uses will contribute to the economic health of the local and broader community.
   e) Land uses will contribute to the social health of the local and broader community.
   f) Land uses will contribute to the environmental health of the study area and region.

2. Draft policies will be developed to manage the future uses of the area of existing/historic industrial and commercial uses adjacent Main North Road, Hayles Road and Gayle Road.

3. Draft policies will be developed related to cost effective ways of implementing or sharing service infrastructure such as water reticulation.

4. Draft policies will be developed related to parking of trucks.

At its December 2016 meeting, a report was presented to Council and the motion below was adopted, authorising the CEO to finalise and execute the draft Deed of Agreement, and for staff to release the tender documentation to market via a select tender process.
Moved by Cr Deputy Mayor I Tooley  
Seconded by Cr A Shackley  
Motion No: 2016:12:517

That Council:
1. Authorises the Chief Executive Officer to finalise and sign off on the Draft Deed of Agreement presented to facilitate the acceptance of a financial contribution which will cover all costs associated with the undertaking of a future Development Plan Amendment.
2. Adopts that the scope of the pending Development Plan Amendment be widened to include the balance of the Rural Zone and that the vision and guiding principles, adopted by Council at the 22 November 2016 Council meeting, be utilised to assist in formulating policy.
3. Adopts the Commercial and Rural Areas Development Plan Amendment select tender documentation and it be released to market.
4. Receives a Statement of Intent to be drafted and presented to Council for consideration.

Following the December 2016 Council meeting, staff initiated a select tender process and ultimately engaged the professional services of Holmes Dyer Pty Ltd.

A special meeting of the Infrastructure and Environmental Services Committee on 25 May 2017 considered a confidential Report on the Commercial and Rural Areas Development Plan Amendment - Statement of Intent (SOI) prepared by Holmes Dyer. The SOI had been prepared in line with previous resolutions of Council and provided a process to rezone the property located at 3283 Main North Road, Kudla (CT6108/58) and a small portion of the adjoining allotment (CT6108/56) (from Rural to Commercial) in order to facilitate the development of a car dealership and distribution centre. The SOI also included scope to rezone the old Country Fire Service site (Lot 300) (CT5448/384) on the corner of Angle Vale Road and Jack Cooper Drive from Residential to Commercial.

The property at the corner of Angle Vale Road and Jack Cooper Drive was identified within Council’s Divestment Strategy Report. It has a site area of 8,932m2 and is currently zoned Residential - 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 (on the corner of two major roads – Angle Vale Road and Jack Cooper Drive) and issues of land contamination as a result of its previous use, the suitability of this land for residential proposes is questionable, and investigations have occurred about its potential use as a commercial site (potentially a petrol filling station).

It was initially intended that the scope of the Commercial and Rural Areas DPA would seek to incorporate policies pertaining to both Rural and Rural Living land uses (as detailed in the Vision and Guiding Principles adopted for the Rural Zone on 22 November 2016). However it was recommended by staff the Rural Living component be removed from the draft SOI, based on advice from senior officers at the Department of Planning Transport and Infrastructure (DPTI). This proposed variation was specifically highlighted in the relevant Council Report for the purpose of debate.

As a result, on 25 May 2017 the Infrastructure and Environmental Services Committee resolved to recommend to Council the following:
Moved by Mayor K Redman
Seconded by Cr D Hughes
Motion No. IES:2017:05:25

That the Infrastructure and Environmental Services Committee recommends to Council that Council:

1. Adopts the draft Commercial and Rural Areas Statement of Intent, noting its specific reference to the following:
   a. Addressing the Rural areas policies
   b. Proposed establishment of a Peter Kittle car dealership at the corner of Main North and Tiver Road
   c. Refinement of policy relating to a possible petrol station on land owned by Council located at the corner of Angle Vale Road and Jack Cooper Drive.

2. Authorises the Chief Executive Officer to make minor amendments to the Commercial and Rural Areas Statement of Intent at the request of the Department of Planning, Transport and Infrastructure.

3. Requests staff forward the Statement of Intent to the Minister of Planning seeking agreement on a preparation of a Development Plan Amendment.

4. Revokes confidentiality orders made within the following motions:
   b. 2016:12:518 (Council Meeting 13-12-2016) Item 15.1 Peter Kittle Motor Company Pty Ltd Information Update.

This matter was subsequently presented to Council at its meeting on 27 June 2017, at which time consideration of the above recommendation of the Infrastructure and Environmental Services Committee was deferred until after the Rural Areas Elected Member Tour held on 29 June 2017, as follows:

Moved by Deputy Mayor I Tooley
Seconded by Cr R Symes
Motion No: 2017:06:226

That Council defers consideration of the recommendation to Council from the Special Infrastructure and Environmental Services Committee held on 25 May 2017, Motion IES:2017:05:25, Item 7.1 - Commercial and Rural Areas Development Plan Amendment – Statement of Intent, to a Council meeting after the Rural Zone tour scheduled for 29 June 2017.

The intention of the Special IES meeting, which took place on 4 July 2017, was to further review and discuss the documents presented to date on this matter, as well as discuss any findings from the Rural Tour which took place on 29/06/2017, to assist in providing guidance to staff.

As a result, the following motion was adopted by the IES Committee at this meeting on 4 July 2017:

Moved by Mayor K Redman
Seconded by Cr D Hughes
Motion No: IES:2017:07:34

That the Infrastructure and Environmental Services Committee:-

1. Thanks Helen Dyer for attending and taking questions.
2. Notes that a Special Council meeting is scheduled to be held on Tuesday 18 July 2017 at which time Council may formalise its position relative to previous Infrastructure and Environmental Services Committee resolutions and/or alternative motions.

Due to the tight time frames around Development Plan Amendments at present, it was considered necessary to hold another Special Council meeting on 18 July, in order for Council to further deliberate the recommendation from the IES committee and provide staff with direction on the DPA. As a result of further debate, the following motions were adopted by Council at this Special Meeting on 18 July 2017.

Moved by Deputy Mayor I Tooley
Seconded by Cr R Symes
Motion No: 2017:07:240

That Council:
1. Adopts the amended draft Commercial and Rural Areas Statement of Intent as per 1a below and noting its specific reference to the following:
   a. Addressing the Rural areas policies only in so far as it relates to the Peter Kittle matter and that the Statement of Intent be adjusted accordingly.
   b. Proposed establishment of a Peter Kittle car dealership at the corner of Main North and Tiver Road.
   c. Refinement of policy relating to a possible petrol station on land owned by Council located at the corner of Angle Vale Road and Jack Cooper Drive.
2. Authorises the Chief Executive Officer to make minor amendments to the Commercial and Rural Areas amended Statement of Intent at the request of the Department of Planning, Transport and Infrastructure where such requests relate to 1b and 1c above.
3. Requests staff forward the amended Statement of Intent to the Minister of Planning seeking agreement on a preparation of a Development Plan Amendment.
4. Revokes confidentiality orders made within the following motions:
   b. 2016:12:518 (Council Meeting 13-12-2016) Item 15.1 Peter Kittle Motor Company Pty Ltd Information Update.

Moved by Deputy Mayor I Tooley
Seconded by Cr M Nicolson
Motion No: 2017:07:241

That the Rural Land Use and Investigation Reports 1 and 2 by Jensen come back before Council for consideration and that Council proceed with the development of a Rural Areas Statement Of Intent to the Minister of Planning seeking agreement on the preparation of a Development Plan Amendment for the Rural Zone.

In essence, the above resolutions confirmed that the Commercial and Rural Areas DPA will seek to rezone just the Peter Kittle Motor Company site and the old Country Fire Service site. Further refinements to the Rural Zone policies, including the possibility of Rural Living, would now be considered separately and as part of future Rural Areas Development Plan Amendment. However, further direction from Council is required on the policy recommendations contained in Jensen Planning and Design Report 2 prior to the preparation a Statement of Intent pertaining to this separate DPA.
In addition, at the August Council meeting, the following motion was adopted by the Council:

Moved by Cr B Gidman  
Seconded by Cr J Vallelonga  
Motion No: 2017:08:292  

That a report be presented to Council in relation to the Rural Land Use and Investigation Reports 1 and 2 by Jensen Planning and Design prior to November 2017.

As a result, the Rural Land Use and Infrastructure Reports 1 and 2 will be presented to Council in October 2017 for further consideration and direction.

However, the purpose of this report is consider if the policy framework contained in the Commercial and Rural Areas DPA is suitable to release for statutory public and agency consultation, noting that this is the opportunity for Council to amend the DPA as a result and following consultation, and prior to finalisation.

COMMENTS/DISCUSSION

In accordance with Motion: 2017:07:240, staff had the Statement of Intent amended prior to forwarding it to the Minister for Planning on 28 July 2017, effectively limiting the extent of any policy change in the Rural Zone to the Peter Kittle Motor Company site only.

Staff can now confirm that formal correspondence from the Minister has been received and that the Minister is in support of this DPA proceeding (Attachment1). Staff have reviewed the attached correspondence, and are of the opinion the areas identified for investigation have been adequately considered in the DPA.

However, if further investigations and/or clarification are required, the above recommendation provides the capacity for the CEO to amend the DPA prior to its release for public and agency consultation, based on advice from the Department of Planning Transport and Infrastructure (DPTI). Alternatively, DPTI can as part of the agency consultation, request further clarification prior to finalisation of the DPA. Refer to Attachment 2.

As previously reported to Council, Helen Dyer has recommended that the most appropriate method for rezoning the proposed land in order to support the intended future use of the two sites is to apply the existing Gawler Business Zone.

The purpose of the existing Business Zone is to accommodate a wide range of local services and goods retailing, bulky goods outlets, service trade premises, warehousing and service industry.

With the existing Business Zone having the following objectives:

- Objective 1: A zone accommodating a range of specified business activities;
- Objective 2: An attractively developed and landscaped zone;
- Objective 3: Uses that have low external impacts and do not detract from the amenity of nearby residential areas and educational uses;
- Objective 4: Orderly and economic division of land appropriate for business use;
- Objective 5: Minimising the production of wastes (solid and water).
In addition, the Business Zone should be developed as a well-contained precinct separated from adjoining uses by attractively landscaped areas. Landscaping will also perform the function of retaining and disposing of stormwater run-off and enhancing the arterial road frontage of the zone.

Building design and site development should be well-integrated within a uniform and specified framework of structural forms, building materials and colours, advertising styles and landscaping to ensure an attractive appearance along the main approach road to Gawler.

There should be a strong emphasis on minimizing impacts on residential uses where they adjoin the Zone. Whilst this will be achieved through a range of design techniques, a critical factor is the limited scale of the uses intended in the zone.

The design and layout of community access roads; car parking; entry points onto public roads; landscaping; and direction of traffic movements should be in accordance with the structure in Fig B/1.

Visual interest and amenity appeal will be achieved through a consistent layout and design of buildings and structures, with a particular emphasis on the following elements:

(a) an integrated vehicle movement system and shared car parking;
(b) building set-back from car parks and internal roads;
(c) consistency in the use of building materials, colours and decorative elements;
(d) use of roof forms;
(e) coordinated signage;
(f) uniform landscape treatments;
(g) consistency in fencing design, set-back and location of outdoor storage areas; and
(h) building or floor areas which are not excessive (ie less than 1500 square metres, apart from one which should not exceed 3000 square metres).

Land uses or activities that are suitable in the existing Business Zone, subject to design considerations, include:
- Bulky Goods Outlet
- Motor Showroom
- Motor Repair Station
- Petrol Filling Station
- Plant Nursery
- Restaurant (less than 300 square metres)
- Service Industry
- Service Trade Premises
- Veterinary Practice
- Warehousing

The following kinds of development, including expansion of an existing use, are non-complying in the existing Business Zone and are not encouraged:
- Agistment and Holding of Stock
- Builders Yard
- Buildings and structures with a floor area in excess of 3000 square metres
- Caravan Park
- Community Centre
- Consulting Room (other than veterinary consulting room)
- Drive-In Theatre
Dwelling
Educational Establishment
General Industry
Hotel
Intensive Animal Keeping
Landscape Supplies
Motel
Motor Racing Track
Non-residential Club
Office, other than an office ancillary to a desired use including any expansion, addition, alteration or the like, where the resultant floor area does not exceed 250 square metres
Place of Worship
Prescribed Mining Operations
Public Works Depot
Racecourse
Recreation or Entertainment Centre
Residential Club
Shop (excluding bulky goods outlet and restaurant under 300 square metres gross leasable floor space)
Special Industry
Stadium
Stock Sales Yard
Store
Waste Disposal Depot
The following advertising displays:
(i) flashing or animated signs;
(ii) roof mounted advertisements projecting above the roof line;
(iii) parapet mounted advertisements projecting above the top of the parapet;
(iv) advertising hoardings where third party advertisements or advertisements that display messages or advertise products that are not directly related to the activity on land on which the advertisement is being displayed.

All other land uses not specifically mentioned in the non-complying list are currently assessed on their planning merit, and in accordance with the Principles of Development Control contained in both the Council Wide and Business Zone sections of the Development Plan.

However, it was identified that the existing Business Zone polices would require some minor amendments in order to facilitate the proposed developments, while also ensuring that inappropriate development does not eventuate specific to these sites. A summary of the notable changes proposed to existing Business Zone via this draft DPA is provided below:
<table>
<thead>
<tr>
<th>Relevant Section of Development Plan</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Zone</td>
<td>Addition/Amendments to Principles of Development Control 22, 23, 24 and 25 concerning building sizes and setbacks. Addition of Principles of Development Control 31 and 32 concerning wall heights and roof pitch. Principles of Development Control 49 - Non-complying Development. Inclusion of and changes to the following developments:</td>
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<td></td>
<td>- Buildings and structures with a floor area in excess of 3000 square metres except on the site on the south-western corner of the Main North Road and Gordon/Tiver Road intersection</td>
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<td></td>
<td>- Fast Food Restaurant on the site on the south-western corner of the Main North Road and Gordon/Tiver Road intersection</td>
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<td>- Petrol Filling Station on the site on the south-western corner of the Main North Road and Gordon/Tiver Road intersection</td>
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<td></td>
<td>- Shop (excluding bulky goods outlet, restaurant under 300 square metres gross leasable floor space, showroom, or shop under 500 square metres gross leasable floor area on CT 5448/384)</td>
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<tr>
<td></td>
<td>- The following advertising displays: (iv) advertising hoardings where third party advertisements or advertisements that display messages or advertise products that are not directly related to the activity on land on which the advertisement is being displayed (except on CT 5448/384).</td>
</tr>
<tr>
<td>Public Notification</td>
<td>50. Categories of public notification are prescribed in Schedule 9 of the</td>
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Development Regulation 2008. Further, the following forms of development are designated:

Category 2
- Service Trade Premises
- Car Dealership
- Vehicle Distribution Centre
- Motor Repair Station
- Motor Showroom
- Petrol Filling Station (except on the south-western corner of the Main North Road and Gordon/Tiver Road intersection)

| Table Ga/4 | Inclusion of following text under pylon or freestanding sign: Petrol Filling Station or development on the site of the south-western corner of the Main North Road and Gordon/Tiver Road intersection: maximum height of one sign to 6.0m and any additional pylon or freestanding signs to be a maximum of 5.0m. Maximum sign face area 5.0m² |
| Map – Ga/1 | Property located at the corner of Angle Vale Road and Jack Cooper Drive highlighted as Business. |
| Map - Ga/8 | Proposed rezoning amended to reflect this DPA. |
| Map - Ga/16 | Realignment of policy area boundary to exclude the site at the corner of Angle Vale Road and Jack Cooper Drive from Residential policy Area 4. |

Further to the amendments proposed above, staff have further pursued the need to investigate the possibility of the Peter Kittle Motor Company selling its land at the corner of Main North Road and Tiver Road once rezoned, and some other form of commercial activity being proposed to be undertaken on that Land (e.g. fast food premise or a petrol filling station). While it is considered appropriate for the site to contain petrol storage and bowsers to be used in an ancillary nature to the proposed car dealership, service facility and distribution centre, a public petrol filling station with ancillary retail/food activities is not supported by staff.

While this is unlikely in the short to medium term, based on discussions with the Peter Kittle Motor Company, it is a relative consideration for the long term - particularly if the land was to change ownership.

To provide a level of comfort to Council in this regard, staff have discussed this matter with Helen Dyer and the following action has been undertaken:

1. Increase the non-complying list to explicitly include a fast food premise and
2. Commence investigations/discussions requiring the land owner to enter into a Land Management Agreement (or such other legally binding mechanism) to further limit the use of the land to Car Dealership, Service Facility and Vehicle Distribution Centre.

This is a particularly challenging issue to manage as the planning system is based on the principle of land use, with land uses of a similar or compatible nature grouped together and given common terms. This is then applied to land via Zones, which either encourages (envisaged) or prohibits (non-complying) these land uses. This could be challenged by a land owner through the lodgement of a Development Application, or legal proceedings.

Staff have contacted the Peter Kittle Motor Company and have commenced discussions in regards to entering into an Infrastructure Agreement and a Land Management Agreement (LMA) to secure required infrastructure to support the intended future land use. Council will require that the LMA be executed and registered on the subject sites titles prior to the DPA being submitted to the Minister for final authorisation. Refer to Attachment 3.

If adopted by Council for public and agency consultation, the DPA will be released for an 8 week statutory public and agency consultation period in accordance with the agreed Statement of Intent, which refers to process B2 under Section 25 of Development Act 1993 and Development Regulation 2008.

As a result, the DPA will be released for concurrent agency and public consultation over an 8 week period via a public notice in the Advertiser, the Bunyip and the Government Gazette. During this period, written submissions pertaining to the DPA can be directed to the Chief Executive Officer. In addition, and if formally requested in writing, a public hearing will be held at the end of this 8 week period in which members of the community can provide a deputation in relation to their submission.

It is not considered necessary, in respect to the public consultation, to do any other targeted notification to adjoining land owners. However, it is noted that under the current planning system, once a development application is lodged for either a Car Dealership/Service Facility/Distribution Centre or Petrol Filling Station on these sites, it would be subject to Public Notification. As a result, adjoining land owners at the development assessment stage would then be asked to comment on the specific development that may result.

It is recommended that Council appoint the Infrastructure & Environmental Services Committee, pursuant to Section 25 (11)(c) of the Development Act 1993, to consider any public representations made in relation to the Commercial and Rural Areas Development Plan Amendment (DPA).

COMMUNICATION (INTERNAL TO COUNCIL)

Chief Executive Officer
Manager Development, Environment and Regulatory Services
Manager Infrastructure and Engineering Services
Manager Finance and Corporate Services
Team Leader Property and Procurement
Team Leader Development Services
CONSULTATION (EXTERNAL TO COUNCIL)

It is proposed that statutory public and agency consultation will be undertaken in accordance with the agreed Commercial and Rural Areas DPA Statement of Intent and pursuant to both the Development Act 1993 and Development Regulation 2008.

As a result, the DPA will be released for concurrent agency and public consultation over an 8 week period via a public notice in local newspapers and the Government Gazette. During this period, written submissions pertaining to the DPA can be directed to the Chief Executive Officer. In addition, and if formally requested in writing, a public hearing will be held at this end of this 8 week period in which members of the community can provide a deputation in relation to their submission.

POLICY IMPLICATIONS

A Development Plan Amendment will alter development policies within the Gawler (CT) Development Plan. Through the Commercial and Rural Areas DPA, the zoning of the land located at the corner of Main North Road and Gordon Avenue will change from Rural to Business to permit the development of a car dealership and distribution centre and the land located on the corner of Angle Vale Road and Jack Cooper Drive will change from Residential to Business.

STATUTORY REQUIREMENTS

The Development Act 1993 and subsequent Development Regulations 2008 remain the primary statutory documentation for the assessment of Development Applications.

FINANCIAL/BUDGET IMPLICATIONS

The Commercial and Rural Areas DPA is a proponent funded DPA and as a result Council will not be responsible for any cost accrued. The budget allocated for this Development Plan Amendment is $50,000.

COMMUNITY PLAN

Objective 2.6: Local economic activity to create local job opportunities and generate increased local wealth
OFFICER’S RECOMMENDATION

Item 4.2 – Committee Appointment for Gawler East Structure Plan Development Plan Amendment Community Consultation (CC16/1403)

That:-
1. The Committee Appointment for Gawler East Structure Plan Development Plan Amendment Community Consultation report be noted.
2. Pursuant to Section 25 (11)(c) of the Development Act 1993, the Infrastructure and Environmental Services Committee be appointed as the committee to consider any public representations made in relation to the Gawler East Structure Plan Development Plan Amendment (DPA).

BACKGROUND

At a Special July Council meeting, a report was presented to Council requesting the endorsement of the Draft Gawler East Structure Plan Development Plan Amendment (DPA) and to forward it to the Minister for Planning for approval to release for community consultation. As a result the following motion was adopted:

Moved by Cr K Fischer
Seconded by Cr D Hughes
Motion No: 2017:07:242

That Council:-
1. Notes the revocation of the confidentiality order made within Motion No. 2016:12:522 for Item No. 15.2 Gawler East Structure Plan Development Plan Amendment Topic of the Council meeting held on 13 December 2016.
2. Seek authorisation from the Minister of Planning for the removal of Interim Operation from the Statement of Intent as part of the processing of the Gawler East Structure Plan Development Plan Amendment.
3. Authorise the CEO to make amendments to the Gawler East Structure Plan DPA based on submissions received, discussions had at this meeting, legal advice and or at the request of the Department of Planning Transport and Infrastructure.

4. Endorse the Draft Gawler East Structure Plan Development Plan Amendment for Community Consultation, following consideration of the matter by the Minister for Planning.

5. Thanks Mr Grazio Maiorano from URPS for his presentation.

6. Thanks Mr John Stimson representing Springwood Communities for his presentation.

COMMENTS/DISCUSSION

We are expecting to receive formal correspondence shortly from the Minister confirming that he has approved the Development Plan Amendment for release.

Pursuant to Section 25 (11)(c) of the Development Act 1993, Council is required to appoint a committee to consider all public representations made throughout this community consultation period.

It is recommended that the IES Committee be appointed as the committee to consider any public representations made and provide advice to the Council in relation to these potential representations.

The public hearing may be held on Thursday 30 November 2017 at 7:00pm in the Gawler Administration Centre, 42 High Street Gawler East, at which time interested persons may be heard in relation to the DPA and the submissions. The public hearing will not be held if no submissions are received or if no submission makes a request to be heard.

COMMUNICATION (INTERNAL TO COUNCIL)

Chief Executive Officer
Manager Development, Environment and Regulatory Services
Manager Engineering and Infrastructure Services
Planning, Development Assessment Team
Senior Development and Strategic Policy Officer
Strategic Planner

CONSULTATION (EXTERNAL TO COUNCIL)

Grazio Maiorano – URPS (Urban Regional Planning Solutions)

POLICY IMPLICATIONS

The eventual outcome of the proposed Statement of Intent and Development Plan Amendment will have an impact upon Council’s Gawler (CT) Development Plan and its policies pertaining to the development of the Gawler East area.

STATUTORY REQUIREMENTS

The statutory requirements relating to all DPA’s are outlined in Section 25 of the Development Act 1993.
FINANCIAL/BUDGET IMPLICATIONS

There are no financial implications for Council in relation to this report.

COMMUNITY PLAN

The proposed DPA is considered to be consistent with the following Community Plan provision:
Objective 2.1: Physical and social infrastructure to match population growth;
Objective 2.2: Growth to be respectful of cultural and built heritage;
Objective 4.1: Create and maintain a riverine environment that reflects the social, cultural and landscape values of the river corridor;
Objective 4.2: Support development that respects the environment and considers the impacts of climate change;