

17 December 2020

State Planning Commission  
GPO Box 1815  
ADELAIDE SA 5001

Via email: [DIT.PlanningReformSubmissions@sa.gov.au](mailto:DIT.PlanningReformSubmissions@sa.gov.au)

Attention: Mr Michael Lennon, Chair, State Planning Commission

Dear Mr Lennon

**Re: Phase 3 – Planning and Design Code – November 2020**

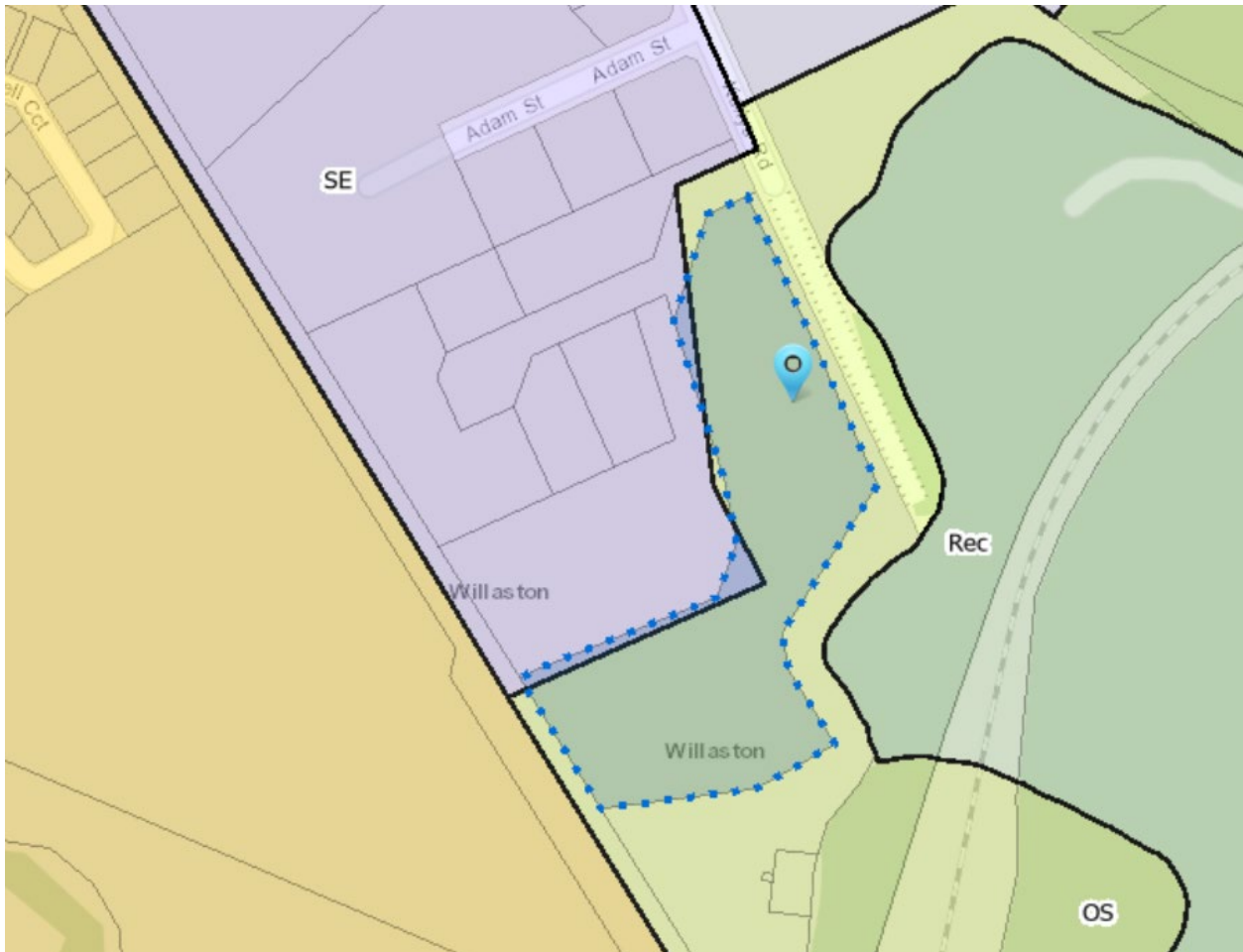
MasterPlan writes on behalf of Patabore Pty Ltd (trading as EcoWaste Solutions) owners of Allotment 101 and 102 Kellys Road, Willaston.

We have previously made a submission on the first consultation draft of the Phase 3 Code, as **attached**. It is apparent from the November 2020 draft of the Code that the transition of portion of the subject land to a Community Zone has been changed to Open Space Zone. There have been no alterations to the boundaries of the zone to follow cadastre as previously requested.

In our previous submission we highlighted that the zone boundaries currently within the Development Plan do not follow cadastre. The current zone boundaries have had implications on processing of development applications on the subject land over many years.

Both Allotment 101 and Allotment 102 are located across two zones. The proposed zoning in the Code is shown in the image **below**, with the cadastre of Allotment 102 shown with blue outline. As illustrated on this image, portion of Allotment 101 and Allotment 102 are located within two separate zones, namely the Strategic Employment Zone (SE) and Open Space Zone (OS) Zone.





**Figure 1: Extract from Phase 3 November Consultation Version of the Planning and Design Code.  
Source: SA Property and Planning Atlas.**

Inclusion of Allotment 102 within the Open Space Zone does not take account of the lawfully existing land use and private ownership of the land. More significantly this zoning does not take into account the fact that Allotment 102 is a former loam pit which has a lawful approval to be filled, which is an ongoing development. It continues to be our submission that the transition of Allotment 102 in the Planning and Design Code is ill-informed and inappropriate. There is no impediment for the Allotment 102 to be included in the proposed Strategic Employment Zone.

Should the State Planning Commission not agree with our submission for inclusion of Allotment 102 in the Strategic Employment Zone, we respectfully request that the zone boundaries be adjusted to follow cadastre.



Should you wish to discuss this matter further, please do not hesitate to contact the undersigned by phone on 8193 5600 or [REDACTED] or by email at [REDACTED] or Mr Mark Baker on [REDACTED].

Yours sincerely

**Julie Jansen**  
MasterPlan SA Pty Ltd

enc: Submission dated 24 February 2020.  
cc: Mark Baker, Patabore Pty Ltd.

24 February 2020

Department of Planning, Transport and Infrastructure  
GPO Box 1815  
ADELAIDE SA 5001

[DPTI.PlanningReformSubmissions@sa.gov.au](mailto:DPTI.PlanningReformSubmissions@sa.gov.au)

Dear Sir/Madam

**Re: Planning and Design Code – Phase 3**

MasterPlan writes on behalf of Patabore Pty Ltd (trading as EcoWaste Solutions) owners of Allotment 101 and 102 Kellys Road, Willaston.

On behalf of our client we seek a review and alteration to the zoning as applied during the transition of the Gawler (CT) Development Plan to the Planning and Design Code.

**Subject Land**

The subject land is shown on the below image and summarised in the following table:



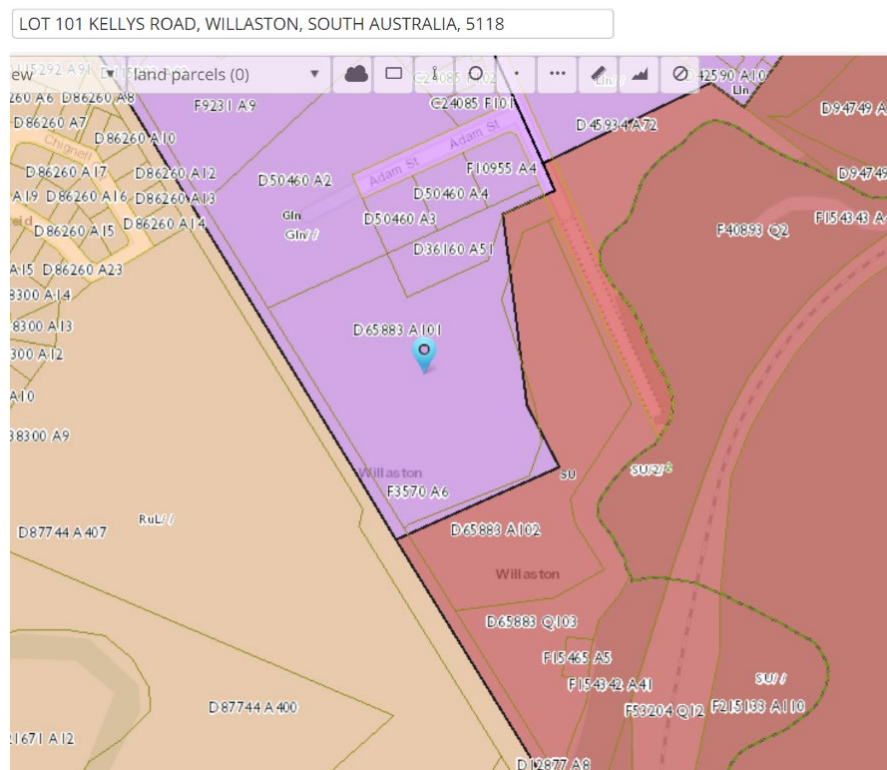
Source: Property Location Browser – [maps.sa.gov.au](https://maps.sa.gov.au)



Legal Description	Size	Zoning	Approved Land Use
<b>Allotment 101</b> Deposited Plan 65883, in the area named Willaston, Hundred of Mudla Wirra in Certificate of Title Volume 5935, Folio 577.	3.176 hectares	General Industry and portion of the Special Uses Zone	Currently the land comprises a range of industrial land uses including a waste recycling depot, bus depot, store and vacant land.
<b>Allotment 102</b> Deposited Plan 65883, in the area named Willaston, Hundred of Mudla Wirra in Certificate of Title Volume 5935 Folio 578.	2.4hectares	Special Uses Zone and portion of the General Industry Zone	Filling of former loam pit.

As illustrated on the below image, the zone boundaries currently within the Development Plan do not follow cadastre. Both Allotment 101 and Allotment 102 are located across two zones, namely the General Industry and Special Uses Zone.

The current zone boundaries have had implications on processing of development applications on the subject land over many years.



Source: Maps SA



It is understood that the alteration in cadastre resulted from the land division which created Allotment 102 and the now Council reserve Allotment 103 (Development Application 490/D008/04). This land division was deposited in approximately July 2004, and removed land from my clients property to provide Council with additional land/reserve adjacent to the North Para River.

Allotment 101 was the subject of a Community Title land division, development application 490/C003/14 was approved on 8 February 2016. Our client is currently awaiting the issuing of titles associated with the land division. This land division creates a number of industrial allotments around existing land uses on the site.

### **Subject Locality**

The subject land adjoins the North Para River (and Council reserve being Allotment Q103 and Q104 in Certificate of Title Volume 5935 Folio 579) as shown in the image above.

Currently the North Para River is located within the Special Uses Zone. This zoning also encompasses the reserves and recreational facilities to the south-east.

A disused railway corridor is located on the western boundary of the property. Further west of the railway corridor is a relatively small cluster of residential allotments located within a Rural Living Zone.

Within the General Industry Zone to the north of the subject land are a range of industrial activities of various form and scales. The character of the locality is typical of an industrial area that has developed over a number of years with a range of industrial land uses.

### **Current Zoning**

As previously stated, the subject land is located within the General Industry and Special Uses Zone of the Gawler (CT) Development Plan. The key policies for these zones are quoted below.

#### **General Industry Zone**

**Objective 1: A zone primarily accommodating general industrial development.**

#### **Desired Character**

**The zone is intended to accommodate a wide range of uses including service and manufacturing industry, wholesaling, warehousing and storage.**

**The zone's image will be improved with the infill of vacant and underutilised land with attractive and suitably scaled development, except on land within the high hazard flood risk area identified on Figures FI/1 to FI/8, where infill development should be avoided. Paxton Street and Kellys Road should be transformed by the development of attractive streetscapes with large street trees to form a more impressive entrance to this industrial precinct.**



**PDC 1 Development should not be undertaken within the zone unless it is consistent with the Desired Character and Desired Use of Land for the zone.**

**PDC 2 Development undertaken in the General Industry Zone should be, primarily, industrial development other than special or extractive industrial development.**

#### **Special Use Zone**

**Objective 1: A zone accommodating public and private development of an institutional or open character.**

#### **Desired Character**

**The zone comprises a range of identifiable land use precincts including cultural activities, passive recreation, active recreation, spectator sports, tourist uses, and natural or conservation areas, essentially along parts of the North and South Para Rivers.**

**The prime purpose of the zone is to provide for community use and business use is generally not envisaged.**

**In addition to accommodating community activities and uses, the zone has a significant amenity function by providing a distinctive setting for urban development and an opportunity for either tall mature trees, such as occurs along the urban river system, or long vistas over open and green spaces.**

**A large portion of the zone is located within the Gawler Rivers Floodplain Area, particularly the 'High' Hazard Flood Risk Area. Risk to life and property will be minimised through the avoidance of any new structures within these locations, and ensuring that evacuation routes to areas not subject to inundation of floodwaters are available for existing activities within these areas.**

There are currently no land uses on Allotment 101 or 102 that relate to community or recreation facilities and sought by the Special Uses Zone.

Any requirement for the land to be included in the Special Uses Zone due to its proximity to the river does not take account of the 2004 land division which created Council reserves along the North Para River (Q103) and the lawful approval to fill the former loam pit on Allotment 102.

It is our respectful opinion that the current Special Uses Zone is not appropriate for Allotment 102 or that portion of 101 which is located within the zone.

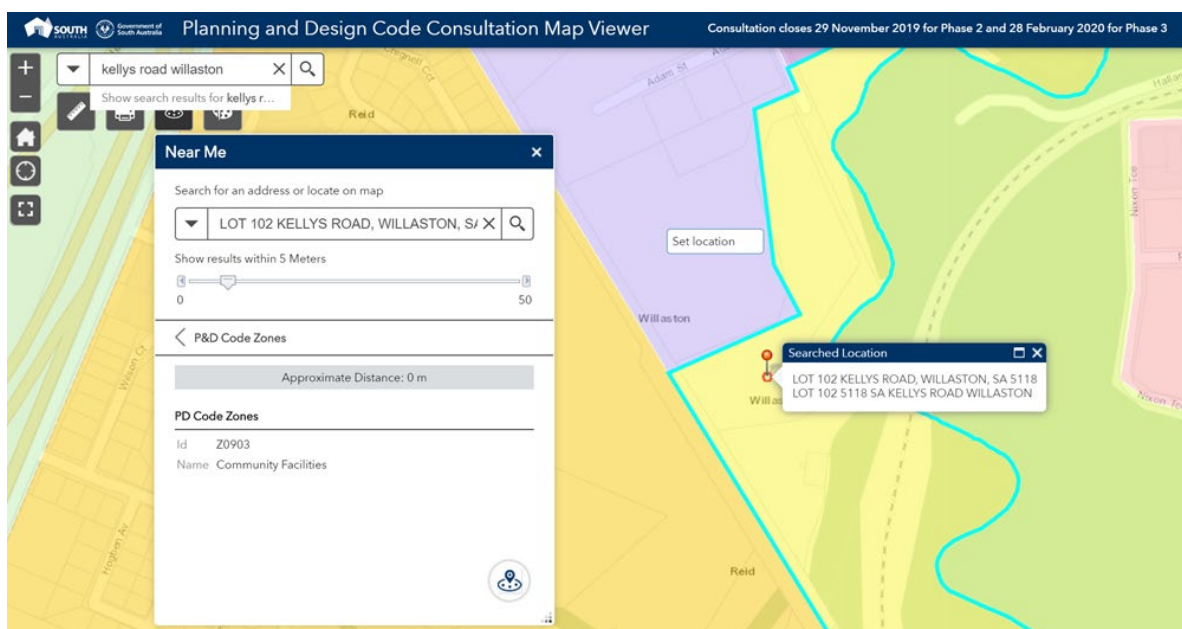
#### **Proposed Zoning – Planning and Design Code**

In transitioning the current Development Plan to the Planning and Design Code, the conversion has not taken account of error in zone boundaries, the lawful land uses on the subject land nor the purpose of the previous land division which created a reserve adjacent the North Para River which is in the care and control of Council.

Conversion of the General Industry Zone to the Employment Zone is considered appropriate. It is noted that errors in the classification of restricted development relating to industry have already been identified for correction in the final version of the Code.



Conversion of the subject land into a Community Facilities Zone is totally inappropriate. It is noted that the Special Uses Zone has been split into the Community Facilities Zone and the Open Space Zone.



The policy framework of the Community Facilities Zone, as quoted below does not take account of the surrounding lawfully existing land uses, the private ownership of the land or the fact that Allotment 102 is a former loam pit which has a lawful approval to be filled, which is an ongoing development.

The land uses anticipated in the Community Facilities Zone would result in "sensitive land uses" being developed adjacent industrial activities, including waste management facilities. Whilst the community, education, recreational and health care land uses are unlikely to be achieved, they would have a potential adverse impact on existing lawful industrial land uses in the locality and are therefore inappropriate.

#### **Desired Outcomes (DO)**

**DO 1: Provision of a range of public and private community, educational, recreational and health care facilities.**

**PO 1.1: Development is associated with or ancillary to the provision of community, educational, recreational and/or health care services.**

**DTS/DPF 1.1: Development comprises one or more of the following land uses:**

- **Consulting room**
- **Educational establishment**
- **Indoor recreation facility**
- **Office**
- **Place of worship**
- **Pre-school**
- **Recreation area**
- **Shop**





Extensive flooding and stormwater management investigations have been undertaken as part of various development applications on Allotment 101 and 102. These studies have addressed potential impact of flooding from the North Para River and stormwater disposal from the subject land. Given flooding and stormwater management have been addressed, there is no reason why this land should be retained in a community or open space zone.

### **Submission**

It is our respectful submission that the transition of the subject land in part to a Community Facilities Zone is ill-informed and inappropriate. There is no impediment for the Allotment 102 to be included in the proposed Employment Zone.

Should you wish to discuss this matter further, please do not hesitate to contact the undersigned by phone on 8193 5600 or 0413 832 616 or by email at [juliej@masterplan.com.au](mailto:juliej@masterplan.com.au) or Mr Mark Baker on 0408 842 949.

Yours sincerely

**Julie Jansen**

MasterPlan SA Pty Ltd

cc: Mark Baker, EcoWaste Solutions.  
Town of Gawler.