

28 February 2020

Mr Michael Lennon
Chairperson
State Planning Commission

By email: DPTI.planningreformsubmission@sa.gov.au

Dear Mr Lennon

**Submission Re: Draft Planning & Design Code – Phase 3
Re: Solitaire Automotive, Belair Road, Hawthorn**

MasterPlan has been engaged to provide this submission on behalf of the Solitaire Automotive Group regarding their properties at 26-28 Belair Road, 30 Belair Road, 32 Belair Road and 3-5 Hampton Street Hawthorn and 17 Belair Road, Kingswood.

The properties at 26-28 Belair Road, 30 Belair Road, 32 Belair Road and 3-5 Hampton Street, Hawthorn contain the existing Solitaire Automotive Car Dealerships located on the corner of Belair Road and Hampton Street, Hawthorn. The subject site has existing use rights as Service Trade Premises for a Motor Showroom and associated facilities for the existing Audi, Volkswagen, Jaguar, Land Rover and Aston Martin dealerships. The subject sites are currently located within the Mixed Use (Belair Road) Zone.

The property at 17 Belair Road, Kingswood is located on the corner of Balham Avenue across the road from the above-mentioned existing Solitaire dealerships.

The proposed transition in the Draft Planning and Design Code – Phase Three (Urban Areas) document dated October 2019, included the following:

- The subject sites at 26-28 Belair Road, 30 Belair Road, 32 Belair Road and 3-5 Hampton Street, Hawthorn are proposed to be transitioned from a Mixed Use Zone to a Suburban Business and Innovation Zone.
- The subject site at 17 Belair Road, Kingswood is proposed to be transitioned from a Local Centre Zone to a Suburban Activity Centre Zone.

Both of these proposals are considered to be reasonable and as such the proposed zone transition (currently on consultation) would be considered acceptable to our client in that the proposed new zones continue to acknowledge and allow for the development of Service Trade Premises in the form of Motor Showrooms.



However, in the meantime, the City of Mitcham have prepared the Growth Precincts Development Plan Amendment which was placed on public consultation prior to the end of 2019.

The draft Growth Precincts DPA has proposed to rezone both the Mixed Use (Belair Road) Zone and the Local Centre Zone that applies to both of the client's sites to the Urban Corridor Zone, Transit Living Policy Area. Our client is not supportive of the proposed rezoning sought by Council in that it fails to give due consideration to the significant capital investment by our client in the development of Service Trade Premises (Motor Showrooms) undertaken in accordance with the current Zoning of the land. The proposed Urban Corridor Zone, Transit Living Policy Area changes a Service Trade Premises from an envisaged land use in the Mixed Use Zone to a Non-complying land use in the Urban Corridor Zone, Transit Living Policy Area fundamentally undermining the established and significant capital investment along this portion of the road.

We are of the understanding that it is the recommendation of the City of Mitcham, that the proposed zoning of the subject sites identified in the Growth Precincts DPA as Urban Corridor Zone and Transit Living Policy Area be transitioned to an Urban Corridor (Living) Zone in the proposed Planning and Design Code.

It is submitted that the Urban Corridor (Living) Zone is not an appropriate transition of the Mixed Use (Belair Road) Zoning of the subject sites at 26-28 Belair Road, 30 Belair Road, 32 Belair Road and 3-5 Hampton Street, Hawthorn. Whilst allowing for a mix of land uses, the zone caters for a limited amount of non-residential uses and only offices and shops are listed in the land uses that are considered to fulfil the "Deemed to Satisfy" criteria. There is no reference or recognition to the number of existing service trade premises that exist within the Mixed Use (Belair Road) Zone, including the existing use of the subject site.

The Performance Outcome PO1.2 for the recommended Urban Corridor (Living) Zone within the existing Local Centre Zone , i.e. *"range of small to medium scale non-residential uses, services and facilities such as shops, offices and consulting rooms that meet the day to day needs for the local community"* may be a reasonable transition for the existing Local Centre Zone but not for the existing Mixed Use (Belair Road) Zone.

A more appropriate transition of the existing Mixed Use (Belair Road) Zone would be the Urban Corridor (Business) Zone. This has a similar Performance Outcome to the above (PO1.2) but includes a greater mix of non-residential land uses including Service Trade Premises which better reflects the state of existing development and significant capital investment by our client, while still maintaining the fundamental intent of the Council's Growth Precincts DPA to facilitated medium scale residential development along Belair Road.

Accordingly, our client **fundamentally opposes any rezoning of their land through the Planning and Design Code transition to Urban Corridor (Living) but would support any transition to Urban Corridor (Business) Zone.**



We have also reviewed the new Land Use Definitions in Part 7 in relation to the Land Use term referred to as Service Trade Premises.

Service Trade Premises means:

"premises used primarily for the sale, rental or display of:

(g) motor vehicles".

There is no fundamental change to the definition of Service Trade Premises in the Planning and Design Code except that it makes it clear that it includes a "motor vehicle showroom" and "used car yard" which applies to the Solitaire Automotive dealerships.

The development of the Planning and Design Code provides the opportune time, to review whether it is still relevant to include Motor Vehicle Showrooms within the definition of Service Trade Premises. Traditionally the inclusion of the sale, rental and display of motor vehicles within the definition of Service Trade Premises was relevant due to the inherent size/scale of yards and or showrooms for the display of vehicles.

There has however been a continuing change in the display and sale of motor vehicles to an extent that smaller new car showrooms, displaying fewer models with a greater reliance on digital display and interaction between the salesperson and the purchaser. New car deliveries follow a just-in-time model from an off-site pre-delivery preparation location. Test drives are often arranged where the vehicle can be delivered to the customers door.

All of these initiatives are leading to the opportunity for new car Motor Showrooms to have a significantly smaller display area facilitating the opportunity to be accommodated in shopping centres and on the ground floor and sometimes upper floors of multi-storey commercial buildings. Under these circumstances the scale of the Motor Showroom is now the defining planning implication rather than the nature of the product (motor vehicle) that is being sold.

On behalf of our clients, we request that:

- the subject sites at 26-28 Belair Road, 30 Belair Road, 32 Belair Road and 3-5 Hampton Street, Hawthorn and 17 Belair Road, Kingswood be transitioned to the Urban Corridor (Business) Zone rather than the Urban Corridor (Living) Zone to better reflect and provide suitable protection of the existing uses of both sites; and
- the land use definition of Service Trade Premises be reviewed, noting the changing nature new car sales and consideration be given to whether Motor Vehicle Showrooms (limited by scale), should be included within the definition of Shop noting that *"premises used primarily for the sale by retail, rental or display of goods"*, where the goods in this instance are a motor vehicle. For example; the floor space of the Motor Vehicle Showroom may dictate whether it is defined as a "shop" or "service trade premises".



Should you require any further information or clarification, please contact the undersigned.

Yours sincerely

Greg Vincent
MasterPlan SA Pty Ltd

cc: David Smoker, Solitaire Automotive.