

10 December 2020

Mr Michael Lennon
Chairperson
State Planning Commission

Via email: dit.planningreformsubmissions@sa.gov.au

Dear Mr Lennon

**Re: Phase 3 Amendment to the Planning and Design Code
Scentre Group – Westfield West Lakes Shopping Centre Site**

We refer to the Phase 3 Amendment to the Planning and Design Code (the Phase 3 Code) which is on public consultation from 4 November 2020 until 18 December 2020. This submission has been prepared by MasterPlan on behalf of the Scentre Group ('our client') in relation to the Westfield West Lakes Shopping Centre. The Westfield West Lakes Shopping Centre is located within the District Centre Zone and adjacent to the Urban Core Zone that was introduced into the Charles Sturt Development Plan as a result of the West Lakes (AAMI Stadium Precinct) DPA.

Within the new Planning and Design Code the area located within the District Centre Zone has been transitioned into an Urban Activity Centre Zone. It is noted that Concept Plan/4 relating to the shopping centre has been deleted but that Concept Plan relating to the adjacent Urban Neighbourhood Zone has been reinstated.

MasterPlan prepared a submission to the first Consultation of the Planning and Design Code – Phase 3, dated 28 February 2020, regarding the West Lakes Shopping Centre site.

On behalf of our client, we have reviewed the Phase 3 Amendment to the Planning and Design Code ('the Phase 3 Code') and provide the following comments regarding the West Lakes Shopping Centre.

As previously advised we consider that the proposed transition of the existing District Centre Zone, West Lakes Policy Area and Retail Core Precinct that applies to the existing West Lakes Shopping Centre to a single Urban Activity Centre Zone in the Planning and Design Code is an appropriate transition subject to some suggested changes as outlined as follows.





Residential Land Use

The Desired Outcomes DO 1 and DO 2 for the Urban Activity Centre Zone makes no mention of residential development, despite both Dwellings and Residential Flat Buildings being identified in Table 3 as specified land uses for Performance based assessment and which are currently listed in the District Centre Zone and Regional Centre Zone Objectives. To be consistent, the Desired Outcomes should list integrated residential development to link in with the Performance Outcomes PO1.3 and PO 1.4 that relate to residential development. There has been no change to this important Policy in the revised version.

There has also been no change to Performance Outcome PO1.1 where the range of land uses listed do not include reference to residential land uses. Performance Outcome PO1.1 should also include reference to residential land uses to be consistent with the existing SAPPL Library Policy for the District Centre Zone which includes reference to residential development in the Objectives and reference to dwellings/residential flat buildings in conjunction with non-residential development as envisaged land uses in the zone. Therefore, Performance Outcome PO 1.1 should include reference to residential along the lines of “together with residential development in conjunction with non-residential development” to be consistent with PO 4.

This would also be consistent with Deemed to Satisfy (DTS) 1.1 which has been amended in the revised version to include the following residential uses:

- dwelling;
- retirement facility;
- student accommodation; and
- supported accommodation.

Advertising Signs

There is no reference to advertising signs in the current Zone and there is no reference specifying a maximum height or a maximum display area in the current District Centre Zone or the General Council Policy. The first version specified a 10.0 metre height limit and 8.0 square metre display area for freestanding signs, significantly reducing the current development potential for signs in this Zone. Noting the size and scale of the shopping centre, such a restriction on signs was considered inappropriate when applied to an integrated shopping centre in an Urban Activity Centre Zone.

It is noted in the revised version that the Policy regarding advertisements have been reworded. PO 5.1 is more general rather than referring only to freestanding signs and DTS/DFP 5.2 removes height and size restrictions for freestanding signs, both of which are totally supported.



Adjoining Urban Neighbourhood Zone

Previously we reviewed the transition of the adjoining Urban Core Zone and Main Street Policy Area from the Charles Sturt Development Plan to the proposed Planning and Design Code. This is because the impact of development on this site on the future of the West Lakes Shopping Centre is a major consideration of the Scentre Group and it is important that the transition of the existing policy is appropriately covered.

It is noted that there is a Main Street Subzone within the Urban Neighbourhood Zone with a Desired Outcome exactly the same as Objective 1 of the existing Main Street Policy Area 24. It is also noted that there are similar Performance Outcomes proposed for this area.

However, in the first Phase 3 Consultation version the Main Street Subzone extended far beyond the extent of the existing Main Street Policy Area. This Policy Area currently has a depth of 75.0 metres with a frontage to the eastern side of Turner Drive. The mapping in the first Phase 3 Consultation Version showed the Main Street Subzone extending eastward to include much of the former AAMI Stadium and surrounding core area.

This represented a significant and fundamental change in zone boundaries which has significant policy ramification for the development of additional retail development outside of the Urban Activity Centre Zone and in direct contradiction of State Planning Policy 9: Employment Lands as it underpins the Principles of Retail Planning identified in Figure 5 page 51 of the State Planning Policies through the failure to “protect higher-order Centres that support a productive settlement pattern”.

The existing extent of the Main Street Policy Area already provides for the expansion of the designated centre at an edge-of-centre location. The expansion of the area allocated to this in the proposed Main Street Subzone extends well beyond the needs for edge-of centre expansion and compromises the existing West Lakes Shopping Centre as a higher-order centre.

In our submission to the first Consultation of the Planning and Design Code – Phase 3, dated 28 February 2020, it was strongly recommended that the transition of the Main Street Policy Area to a Main Street Subzone should only include the area currently located within the Main Street Policy Area and that this error be rectified.

We have reviewed this issue in the revised Phase 3 Code, and it is noted that the Main Street Subzone has reverted back to the original location of the current Main Street Policy Area. It is also noted that the Desired Outcomes and Performance Outcomes for the Main Street Subzone are unchanged from the original Phase 3 Code version with some minor variations to DTS/DPF 1.1, DTS/DPF 1.4 and DTS/DPF 2.4.



The above action would appear to alleviate our concerns; however, when reviewing the complete revised version of the Phase 3 Code we have discovered a new Urban Neighbourhood Retail Subzone has been included to cover the remaining area that has been removed from the Main Street Subzone, with the following Policy:

DESIRED OUTCOME	
DO 1	Additional neighbourhood scale shopping, business, entertainment and recreational facilities to provide a focus for business and community life and most daily and weekly shopping needs of the community
Performance Outcome	DTS/DPF
PO 1.1 Retail, office, entertainment and recreation related uses supplemented by other businesses providing a range of goods and services to the community, complement (sic) the function of the adjoining activity centre.	DTS/DPF 1.1 Shops not exceeding a maximum gross leasable floor area of 5500 square meters within the whole subzone area.

This new Urban Neighbourhood Retail Subzone replaces the previously proposed Main Street Subzone area with an additional neighbourhood scale shopping zone with the same performance outcomes as the Main Street subzone but with the addition of “complement (sic) the function of the adjoining activity centre” and a new DTS/DPF referring to “Shops not exceeding a maximum gross leasable floor area of 5500 square meters within the whole subzone area.” This DTS/DPF provides more flexibility for shops in the new Urban Neighbourhood Retail Subzone than the Main Street Subzone.

We consider that this has not addressed our concerns about the zoning of a large site adjoining the West Lakes Shopping Centre and indeed the latest changes has made the situation worse for our client.

The transition of this part of the existing Urban Core Zone outside of the Main Street Policy Area to an Urban Neighbourhood Retail Subzone should not be allowed and it is strongly recommended that this error resulting in a fundamental policy change beyond a straight transition of Zone Policy between the Development Plan and Planning and Design Code be corrected. There are no investigations to support such an increase in neighbourhood scale retail land beyond the Main Street Subzone and accordingly the Code should reflect a direct transition of Zone/Policy Area boundaries into the new policies.

Such an increase in land within the Urban Neighbourhood Retail Subzone has the potential to have a significant effect on the development of the adjoining Urban Activity Centre and undermines State Planning Policy 9 which seeks to protect higher order centres recognising centres as the primary place for commercial and retail activity. Expanding the land available for Retail beyond the Main Street Subzone, without any investigations or justification is in direct conflict with the principles for Retail Planning identified in State Planning Policy 9.



Concept Plan

It is noted that the existing Concept Plan ChSt/25 relating to the West Lakes Urban Core Zone was originally deleted in the first version of the Planning and Design Code; however, it has been reinstated in the revised version as Concept Plan 112 Urban Neighbourhood – West Lakes.

It is also noted that the Concept Plan 112 shows intersection treatments that protrude beyond the Urban Neighbourhood Zone and provides reference to "Access Egress to Centre Zone". This relates to the Urban Activity Centre Zone in which the West Lakes Shopping Centre is located. This is the same as the current Concept Plan which has already had a direct effect on traffic management issues in relation to Turner Drive. It is requested that reference to intersection treatment and access and egress beyond the subject area be deleted from Concept Plan 112.

Building Heights

It was reported last time that there was a discrepancy in building heights between the two (2) adjoining Zones. This has not been corrected in the revised version of the Planning and Design Code.

Within the proposed Urban Activity Centre Zone, there is no Technical and Numeric Variation Overlay relating to minimum or maximum building heights. DTS/DPF 3.1 has all the standard wording but is blank in relation to building height. The only reference to building heights is the Airport Building Heights (All Structures over 110 metres).

It is also noted however, that within the adjoining Urban Neighbourhood Zone the TNV's provide:

- a maximum building height of 32.5 metres;
- minimum building levels – 4; and
- maximum building levels – 8.

The maximum building height of 32.5 metres of the Urban Neighbourhood Zone in the Technical and Numeric Variation Overlay is a direct transition of existing policy from the Urban Core Zone.

We consider the density and height of development within the Urban Activity Centre Zone should be at the very least consistent with the density and height of development within the adjoining Urban Neighbourhood Zone. The density and height requirements in the Urban Activity Centre Zone should be at least the same if not higher than the adjoining Urban Neighbourhood Zone. Therefore, it is requested that Building height and level TNV's be included in the Urban Activity Centre Zone to at least be consistent with the adjoining Urban Neighbourhood Zone.



Summary

On behalf of our client, we request that the following amendments be made to the revised Phase 3 Code:

- inclusion of residential facilities in Desired Outcome 1 and 2 of the Urban Activity Centre Zone;
- inclusion of residential in the land uses listed in Performance Outcome 1;
- total deletion of the new Urban Neighbourhood Retail Subzone within the adjoining Urban Neighbourhood Zone which has been introduced with no investigations and is not an appropriate transition of current policy; and
- include building height criteria in the proposed Urban Activity Centre Zone to be consistent with the adjoining Urban Neighbourhood Zone.

Should you require any further details on this submission, please do not hesitate to contact the undersigned.

Yours sincerely

Greg Vincent
MasterPlan SA Pty Ltd

cc: Jane McPherson, Scentre Group.
Jim Gronthos, City of Charles Sturt.