



Department of Planning, Transport and Infrastructure
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By email: DPTI.PlanningReformSubmissions@sa.gov.au

RE: Response to draft Planning and Design Code Phase Three Submission

1.0 Introduction and background

Town Planning Advisors has been engaged by the landowner *'The Aretzis Group and Bantry Group of Companies'* to prepare a submission to the proposed changes resulting from the Planning and Design Code – Phase 3 relating to the subject land.

In preparing this submission, we have reviewed the Phase 3 Planning and Design Code polices compared with the current Port Adelaide Enfield Council Development Plan provisions as they relate to the land identified in section 2.0 within the submission.

The land is currently zoned Industry/Business (Gepps Cross Gateway) Zone (Discount Outlet Centre, Entertainment and Distribution Centre Policy Area 76).

The proposed changes to the zoning resulted from the Development Plan Amendment - Industry/Business (Gepps Cross Gateway) Review DPA which was Consolidated on 26 September 2017.

The Development Plan Amendment resulted in the change in zoning of the land from the Industry/Business (Gepps Cross Gateway) Zone to

Industry/Business (Gepps Cross Gateway) Zone - Discount Outlet Centre, Entertainment and Distribution Centre Policy Area 76.

A number of changes resulting from the Industry/Business (Gepps Cross Gateway) Review DPA allow development within the Policy Area to include

a range of business and commercial related activities, a road transport terminal, a supermarket, leisure activities, bulky goods outlets, a single large integrated retail facility comprising a range of shops (selling predominantly non-foodstuffs).

The current Desired Character of the Policy Area statement indicates

The policy area is intended to accommodate a mixture of uses including a discount outlet centre (selling predominantly non-foodstuffs), entertainment and leisure activities, bulky goods outlets, service trade premises, commercial uses and adult education and training facilities in addition to the existing road transport terminal. The discount outlet centre will offer an alternative retail model to that typically found in traditional centres by way of its larger individual shop floor areas and retail model.

It is envisaged that the policy area will include a single large integrated retail facility with a gross leasable floor area of up to 20 000 square metres, a single supermarket with a maximum gross leasable floor area of 3000 square metres or less, indoor recreation facilities with a total floor area of not more than 7000 square metres or less and bulky goods outlets.

The retail outlet component is envisaged to comprise a premium discount outlet centre offering leading brands such as but not limited to fashion, sports, cosmetics, electronics and homewares, with tenancies to exceed 150 square metres, thereby providing an alternative retail model to smaller tenancies found within other centres.

Land Use

Principle of Development Control 1

The following forms of development are envisaged in the policy area:

- *shops with a minimum total floor area of more than 150 square metres*
- *group of shops with a total combined gross leasable area in the order of 20 000 square metres*
- *road transport terminal*
- *indoor recreation centre*
- *bulky goods outlet*
- *service trade premises*
- *a supermarket with a gross leasable area of less than 3000 square metres.*

Further the non-complying table of the Industry/Business (Gepps Cross Gateway) Zone indicates that Shops are non-complying with the exception of the following

Except where one of the following applies:

(a) it is located in any part of the zone, and one or more of the following (i)-(ii) applies:

(i) it is in the form of a group of bulky goods outlets where both (A) and (B) applies:

(A) the total gross leasable floor area for all of the bulky goods outlets combined is 3000 square metres or more

(B) each bulky goods outlet has a minimum gross leasable floor area of 500 square metres or more

(ii) it is a restaurant and all of the following applies:

(A) it is ancillary to and in association with a bulky goods outlet

(B) it comprises no more than 7.5 per cent of the gross leasable floor area of the associated bulky goods outlet for which the restaurant is ancillary to

(b) it is located within the Discount Outlet Centre, Entertainment and Distribution Centre Policy Area 76, and one or more of the following applies:

(i) it is not in the form of a supermarket and it has a gross leasable floor area of 150 square metres or more

(ii) it is in the form of a freestanding kiosk and it has a gross leasable floor area of 150 square metres or less

- (iii) it is in the form of a supermarket and all of the following applies:
 - (A) it has a gross leasable floor area of 150 square metres or more
 - (B) it has a gross leasable floor area of 3000 square metres or less

1.1 Land Division

A Land Division has been approved by Council which allows for the creation of the distribution centre on the subject land in keeping with the existing / proposed land uses on the subject land



Figure 1 Current allotments affected by the proposed changes from the Planning and Design Code

2.0 Affected Area

The area affected by the proposed Planning and Design Code is shown below:



Figure 2 – Cadastral layout of the affected area (Source Port Adelaide Enfield Council Development Plan Consolidated 6 February 2018)

The Planning and Design Code Phase Three proposes to change the zoning of the land from Industry/Business (Gepps Cross Gateway) Zone (Discount Outlet Centre, Entertainment and Distribution Centre Policy Area 76) to the Employment Zone.

3.0 Proposed Changes resulting from Planning and Design Code

The Planning and Design Code Phase Three proposes to change the zoning of the land from Industry/Business (Gepps Cross Gateway) Zone (Discount Outlet Centre, Entertainment and Distribution Centre Policy Area 76) to Employment Zone as shown in the image below.



Figure 3 - Planning and Design Code Phase Three changes to Employment Zone

A Further Local Heritage Overlay has been proposed over the above parcels of land noting that the maps appear to have been overlaid on the incorrect allotment rather than the actual Local Heritage Place site at 714 Main North Rd as shown in the image below.



Figure 4 - Planning and Design Code Phase Three changes to Employment Zone – Local Heritage Overlay

The Employment Zone of the Planning and Design Code allows the following land uses

- bulky goods outlet,
- consulting rooms,
- general industry,
- light industry,
- motor repair station,
- offices,
- retail fuel outlets,
- service trade premises,
- shops (up to 1000m²),
- store,
- warehouses

The Employment Zone allows for shops within the zone except where the gross leasable floor area is more than 1000m² other than a bulky goods outlet or it is ancillary to an industry and lists development with an area greater than 1000m² as restricted development.

The proposed Employment Zone provisions do not reflect the current Discount Outlet Centre, Entertainment and Distribution Centre Policy Area 76 provisions of the Industry/Business (Gepps Cross Gateway) Zone of the Port Adelaide Enfield Council Development Plan Consolidated 6 February 2018.

Further, the Restricted Development table for the Employment Zone (page 404):

Class of Development The following Classes of Development are classified as Restricted subject to any 'Exclusions'	Exclusions
Industry	Special Industry
Shop	Where: (c) the gross leasable floor area is no more than 1000m ² ; or (d) it is a bulky goods outlet; or (e) it is ancillary to an industry on the same allotment.

As a result of the proposed changes resulting from the Planning and Design Code Phase Three changes to Employment Zone, a 20,000m² Direct Factory Outlet as well as shops over 1,000m² will become a Restricted Development on the site which is inconsistent with the current Policy Area provisions which allow for

a single large integrated retail facility with a gross leasable floor area of up to 20 000 square metres, a single supermarket with a maximum gross leasable floor area of 3000 square metres or less, indoor recreation facilities with a total floor area of not more than 7000 square metres or less and bulky goods outlets.

The proposed changes to the zoning of the land would undo the efforts including the retail analysis which resulted in the Development Plan Amendment - Industry/Business (Gepps Cross Gateway) Review DPA which was Consolidated on 26 September 2017.

It is our respectful submission that

- A subzone be provided for the current Policy Area which reflects the current provisions of the Industry/Business (Gepps Cross Gateway) Zone (Discount Outlet Centre, Entertainment and Distribution Centre Policy Area 76);
- The local heritage overlay be amended to reflect the local heritage site only;
- The restricted development classification be altered to allow for development to occur within the Discount Outlet Centre, Entertainment and Distribution Centre Policy Area 76 as per the current provisions.

Conclusion

Whilst generally we support the state wide proposed changes to Policy from the Planning and Design Code, as discussed in this submission, the detail contained within the proposed Policies of the Employment Zone under the PD Code does not reflect the current Policy Area provisions of the Industry/Business (Gepps Cross Gateway) Zone (Discount Outlet Centre, Entertainment and Distribution Centre Policy Area 76).

We seek that a sub zone be created to reflect the current zone provisions of the Discount Outlet Centre, Entertainment and Distribution Centre Policy Area 76 which allows for a single large integrated retail facility with a gross leasable floor area of up to 20 000 square metres, a single supermarket with a maximum gross leasable floor area of 3000 square metres or less, indoor recreation facilities with a total floor area of not more than 7000 square metres or less and bulky goods outlets .

We would welcome the opportunity to discuss this submission with the Department of Planning, Transport and Infrastructure and/or the State Planning Commission.

Please do not hesitate to contact the undersigned by phone on [REDACTED] or by email [REDACTED]

Yours faithfully,



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