25 February 2020

SUBMISSION ON PHASE 3 (URBAN AREAS) DRAFT PLANNING AND DESIGN CODE

Via DPTI.PlanningReformSubmissions@sa.gov.au

Executive Summary – Requested Amendments to the Planning and Design Code

Concordia Land Management seeks the following amendments to the new Code:

- The removal of the ‘Local Heritage Place Overlays’ that apply to the Concordia Growth Area as the spatial application of the overlays appear excessive and well beyond the curtilage of each respective Local Heritage Place that is locate to the west and north-east of the Concordia growth area (refer to Section 6.2.1 below).
- Amendment to the procedural requirements imposed by the new Native Vegetation Overlay including:
  - The Relevant Authority should have ‘regard’ to a referral response from the Native Vegetation Council (NVC) rather than the NVC having the power of ‘direction’;
  - Remove the requirement for an applicant to determine if their application involves the clearance of native vegetation;
  - Remove the requirement of the applicant to provide a ‘Data Report’ in the event that an application requires the removal of native vegetation recognising that the NVC could request an applicant to provide a ‘Data Report’ if required to inform an assessment of the removal of native vegetation. (refer to Section 6.2.2 below)
- Remove the ‘Sloping Land Overlay’ from the Concordia Growth Area and replace with General Policy provisions in the Code for sloping land (refer to Section 6.2.3 below).
- Given the elongated configuration of Land Titles fronting the Barossa Valley Way, the spatial application of the ‘Urban Transport Route Overlay’ applies to a significant portion of the southern interface of the Concordia Growth Area with Barossa Valley Way. The spatial extent of the overlay is therefore excessive and should be retracted and possibly follow the proposed alignment of the corresponding ‘Traffic Generating Development Overlay’ (refer to Section 6.2.4 below).
- Amendment to the ‘Performance Outcome’ of the ‘Water Resources Overlay’ as follows: “Watercourses and their beds, banks, wetland and floodplains are not damaged or modified and are retained in their natural state except where modification is required for essential access, or maintenance purposes, or for an integrated stormwater solution and strategy in a master planned community”. (refer to Section 6.2.5 below)
1.0 INTRODUCTION

This submission has been prepared by Concordia Land Management in response to Phase Three (Urban Areas) of the draft Planning and Design Code ['The Code'] scheduled to become operational in September 2020.

The submission is in relation to the Concordia Growth Area which comprises approximately 935 hectares of land within the suburb of Concordia, in the Barossa Council within the Greater Adelaide Planning Region.

2.0 CONCORDIA LAND MANAGEMENT

Concordia Land Trust ['CLT'] is a legal entity which controls 614 hectares of land within the Concordia Growth Area, adjacent the township of Gawler. CLT is a wholesale, unregistered scheme that owns or controls the land via the Trustee of Wakefield Properties Pty Ltd. Concordia Land Management ['CLM'] is a management company that currently oversees the share farming of the Concordia landholding and is working closely with the local community and local and State Government to achieve its vision for Concordia as a future master planned community.

3.0 CONCORDIA GROWTH AREA

The Concordia Growth Area is approximately 935 hectares of land within the suburb of Concordia, in the Barossa Council within the Greater Adelaide Planning Region. The land is located approximately 40 km north-east of the Adelaide CBD, to the immediate north-east of the Township of Gawler. The land is currently within the ‘Concordia Policy Area’ of the ‘Primary Production Zone’ of the Barossa Council Development Plan however it is identified as a ‘Future Urban Growth Area’ within the ‘30 Year Plan for Greater Adelaide’.

The Concordia Growth Area is bound by the North Para River to the north-west, the Town of Gawler local Government Boundary to the south-west and the Barossa Valley Character Preservation District boundary to the north, east and south. At its closest point the land is only 790 metres from Murray Street (Main Street) within the Town of Gawler. Concordia forms a logical extension of Gawler in the north and is a natural and sequential extension of the township.

Figure 2.1 Concordia Growth Area
CLM has a vision to transform the Concordia Growth Area into a master planned community that will complement the existing Gawler township, to support its role as a true Regional Centre on the Gawler transit corridor, while helping preserve the primary production, wine, food and tourism character of the Barossa. The development of Concordia will contribute to the physical and social infrastructure of Gawler and Barossa, whilst providing a critical mass to support and underpin the economic strength and viability of local businesses, services and institutions.

When developed Concordia will be home to a community of around 23,000 residents and will provide approximately 9,350 dwellings along with retail, commercial and community infrastructure including schools, health and medical facilities, a new train station, train depot, park ‘n’ ride facilities, and new roads, including the ‘North East Link Road’ which is a key regional network connection that is identified in the State’s Integrated Land use and Transport Plan.
4.0 ECONOMIC BENEFITS OF CONCORDIA

The project has significant economic benefits that are unique to this form of urban development and will generate $9.4 billion in Gross State Product. It will also contribute $200 million to productivity enhancing road and rail links, a further $3.85 billion will be spent on dwelling construction and $1.03 billion will be spent on other construction including community infrastructure, retail, education, utilities and health facilities.

At its peak the project will support 1,370 jobs per annum.

5.0 CONCORDIA PRECINCT AUTHORITY

CLM have prepared and lodged a Business Case with the Minister for Planning to support the establishment of a new ‘Precinct Authority’ under the Urban Renewal Act 1995. In particular, the proposal is to establish the Authority as a corporation pursuant to Section 8(1)(a) of the Urban Renewal Act 1995. The Precinct area would include all of the Concordia Growth Area north of Barossa Valley Way comprising approximately 935 hectares.

Figure 4.1 Concordia Precinct Area

The Precinct Authority will be responsible for the preparation of a ‘Precinct Master Plan’ and ‘Precinct Implementation Plan’ for the Concordia Growth Area that will provide a framework for the implementation and delivery of the development and the community.

When declared, the purpose and objectives of the Precinct will be to:

- Facilitate the coordinated and efficient development of the Concordia Land in accord with the Planning Strategy and the Precinct Master Plan;
- Facilitate the timely delivery of infrastructure and a provision of a mechanism to fund that infrastructure;
- Ensure commitment to delivery by all key stakeholders;
- Facilitate economic development including jobs; and
- Facilitate the development of a sustainable community.
6.0 PHASE 3 DRAFT PLANNING AND DESIGN CODE

Whilst the new Planning and Design Code will have little impact or influence on the future development of the Concordia Growth area following a Precinct declaration under the Urban Renewal Act 1995, the new Code will introduce new planning policy ordinance which will apply to the Concordia Growth area prior to a Precinct Declaration and preparation of a subsequent ‘Precinct Master Plan’ and ‘Precinct Implementation Plan’. Further, the new Code instrument and policy framework is likely to significantly inform and influence the ultimate policy framework that would be introduced and adopted by the Precinct Authority to govern future development within the Precinct.

The following submission has therefore been produced to identify and address issues with the new planning policy framework that is proposed to be introduced and applied to the Concordia Growth Area including the relevant applicable Overlays that are proposed to apply to the land.

6.1 Rural Zone

The Concordia Growth Area is currently within the ‘Concordia Policy Area’ of the ‘Primary Production Zone’ of the Barossa Council Development Plan.

Under the Code, the site is proposed to be located within the ‘Rural Zone’. There is no proposed sub-zone.

A ‘Desired Outcome’ of the Rural Zone is to support the economic prosperity of South Australia primarily through the production, processing, storage and distribution of primary produce, forestry and the generation of energy from renewable resources. It is also a ‘Desired Outcome’ of the Zone to support diversification of existing business that promote value adding, such as industry, storage and warehousing activities, the sale and composition of primary produce, tourist development and accommodation.

There is a high degree of fidelity of the new ‘Rural Zone’ to the current ‘Primary Production Zone’ of the Barossa Council Development Plan and this Zone transition is therefore supported as a general ‘like for like’ conversion.

6.2 Overlays

The Concordia Growth Area is also captured within the following Overlays:

- Hazards (Bushfire – Medium Risk) Overlay;
- Local Heritage Place Overlay;
- Native Vegetation Overlay;
- Sloping Land Overlay;
- Traffic Generating Development Overlay;
- Urban Transport Routes Overlay; and
- Water Resources Overlay.

The Technical and Numeric Variations identify the land is located within an area with a minimum allotment size of 400,000 sqm (40 hectares).

Having reviewed the planning ordinance proposed to apply under the Code, we note the following concerns below.
6.2.1 Local Heritage Place Overlay

We note the Local Heritage Place Overlay applies to a small portion to the west of the growth area (adjacent Clonlea Reserve) and a small portion of the site to the north east of the Growth Area.

Figure 6.1 identifies the spatial location of the Local Heritage Place Overlay to the west of the Growth Area.

Figure 6.1 Local Heritage Place Overlay – West

The Local Heritage Place Overlay in the western corner of the growth area appears to reflect the location of a local heritage Place within ‘Clonlea’ Reserve with the extent of listing recognised as:

The river environment and indigenous vegetation and open space areas including the reconstructed limestone shed and National Trust plaque but not including the entrance gate, toilets, or recently provided recreation structures.

Importantly, the spatial location of the Local Heritage Place is identified on SAPPA and includes only the western portion of Clonlea Reserve (refer to Figure 6.2 below extracted from SAPPA). Accordingly, we are of the view that the extent of the overlay beyond this Local Heritage Place appears excessive and should be retracted to the immediate perimeter and curtilage around the Local Heritage Place and removed from the Concordia Growth Area.
Figure 6.2: Clonlea Local Heritage Place

Figure 6.3 identifies the spatial location of the Local Heritage Place Overlay to the north-east of the Concordia Growth Area.

Figure 6.3 Local Heritage Place Overlay – North-East
The Local Heritage Place Overlay in the north-eastern corner of the growth area appears to reflect the location of a Local Heritage Place recognised as ‘Concordia Cemetery’ located at 102 Teusner Road, Concordia.

Once again, the spatial extent of the overlay beyond this Local Heritage Place appears excessive and should be retracted to follow Cadastre boundaries and preferably Bergen Road (minimum) and removed from the Concordia Growth Area.

6.2.2 Native Vegetation Overlay

The Native Vegetation Overlay applies to the entire Concordia Growth Area as identified in Figure 6.4 below.

**Figure 6.4 Native Vegetation Overlay**

The ‘Desired Outcome’ of the Native Vegetation Overlay is to protect, retain and restore areas of native vegetation.

CLM has no concern with the adoption of the Native Vegetation Overlay over the Concordia Growth Area recognising that the Overlay captures all land where the *Native Vegetation Act 1991* applies.
Notwithstanding, CLM have concerns with the procedural arrangements introduced by the new Native Vegetation Overlay as follows:

- The Overlay requires the applicant to determine if their proposal involves the clearance of native vegetation and if no clearance is proposed, the applicant is required to provide a written declaration to that effect – which is to be provided at the lodgement of the development application. This requires the applicant to understand if the site has native vegetation including possible native grasses. Given identification of native vegetation species requires specialist expertise it is likely to involve a cost imposition on the applicant to obtain a report from a specialist Accredited Consultant before the application is even lodged or determined.

- In any event, if the applicant proposes any form of native vegetation clearance, an Accredited Consultant must then be engaged to prepare a ‘Data Report’, which is to be provided upon lodgement of the development application. Once again this represents an up-front cost to the applicant which does not currently exist under the current Development Act, 1993.

- The Data Report is used as part of the Native Vegetation assessment process under the Native Vegetation Act and includes details of the calculation of size and location of any proposed vegetation offset. The Data report will also assign a level of clearance to the proposal and whether or not a referral is required to the Native Vegetation Council (NVC). Notwithstanding, often the details of the location, size and health of native vegetation can be dependent on seasonal conditions (including drought) and may not be an accurate representation of the existing vegetation community. This could impact on the requirements to refer an application to the NVC and also on the subsequent approval required by the NVC to remove native vegetation.

- If an application is required to be referred to the NVC they can ‘direct’ the Relevant Authority to refuse the application or impose a condition of approval. The referral and power of ‘direction’ available to the NVC raises the importance of native vegetation above all other planning considerations resulting in a partisan, rather than objective or ‘balanced’ determination against all other relevant environmental, economic or social factors etc.

- Further, the exemptions for clearance of native vegetation under the Native Vegetation Regulations 2003 will not apply during the referral of the application to the NVC and the NVC can ‘direct’ the relevant authority to refuse an application effectively bypassing or circumventing the application of exemptions from clearance controls under the Act.

- Irrespective of all matters raised above, following the determination of the application, the applicant must then still apply to the NVC to remove native vegetation. This dual approval process provides no certainty to the applicant from the preceding referral process and provides the NVC with a second opportunity to determine the suitability of clearance and impose further conditions or requirements.

On this basis, CLM do not support the NVC having power of ‘direction’ as a referral agency. Further, CLM seek removal of the requirement in the Overlay that an applicant determine if their application involves the clearance of native vegetation. Finally, CLM seek removal of the requirement in the Overlay that the applicant provide a ‘Data Report’ in the event that an application requires the removal of native vegetation recognising that the NVC could request an applicant to provide a ‘Data Report’ if required to inform an assessment of the removal of native vegetation.
6.2.3 Sloping Land Overlay

The Sloping Land Overlay applies to portions of the Concordia Growth Area as indicated in Figure 6.5 below.

Figure 6.5: Sloping Land Overlay

We understand that this Overlay is proposed to be removed from the Code and replaced with General Policy provisions for sloping land greater than 1 in 8. We support this amendment and support the removal of the Overlay from the subject land.

6.2.4 Urban Transport Routes Overlay

The Urban Transport Routes Overlay applies to properties fronting the Barossa Valley Way as indicated in Figure 6.6 below.
Given the elongated configuration of Land Titles fronting the Barossa Valley Way, the spatial application of the ‘Urban Transport Routes Overlay’ applies to a significant portion of the southern interface of the Concordia Growth Area with Barossa Valley way. The spatial extent of the overlay appears excessive and should be retracted to possibly follow the proposed alignment of the corresponding ‘Traffic Generating Development Overlay’.

6.2.5 Water Resources Overlay

The Water Resources Overlay applies to portions of the Concordia Growth Area as indicated in Figure 6.7 below.
The ‘Desired Outcome’ of the ‘Water Resources Overlay’ is protection of the quality of surface waters.

A key ‘Performance Outcome’ of this overlay is that:

“Watercourses and their beds, banks, wetland and floodplains are not damaged or modified and are retained in their natural state except where modification is required for essential access or maintenance purposes”.

Within large master planned developments and communities existing watercourses are often modified and adapted to accommodate sustainable and integrated stormwater management strategies including opportunities to accommodate stormwater detention or retention (including opportunity for permanent water features such as Mawson Lakes etc).

On this basis, it is recommended that the ‘Performance Outcome’ of the Water Resources Overlay be amended as follows:

“Watercourses and their beds, banks, wetland and floodplains are not damaged or modified and are retained in their natural state except where modification is required for essential access, or maintenance purposes, or for an integrated stormwater solution and strategy in a master planned community”.

We thank you for the opportunity to provide this submission in response to the new Code and thank you in anticipation of your favourable consideration of our recommended amendments to the new Code.
Concordia Land.

Please do not hesitate to contact the undersigned on [redacted] should you require any further information, or should you require clarification of any of the matters raised and discussed in this submission.

Yours sincerely,

Anne Highet
Project Manager