

From: [Andrew Christiansen](#)
To: ["Sandy Rix"](#)
Cc: [Claire Longbottom](#)
Subject: 118-11802 - 3.71.7.9.2 - FW: DPA submission.
Date: Friday, 21 September 2018 8:37:47 AM

From: maree quinn <quinn.maree@gmail.com>
Sent: Friday, 21 September 2018 7:39 AM
To: Andrew Christiansen <achristiansen@cgvc.sa.gov.au>
Subject: DPA submission.

----- Forwarded message -----

From: maree quinn <quinn.maree@gmail.com>
To: "achristiansen@cgvc.sa.gov.au" <achristiansen@cgvc.sa.gov.au>
Cc:
Bcc:
Date: Fri, 21 Sep 2018 08:05:04 +1000
Subject: DPA submission

The Chief Executive Officer, Clare and Gilbert Valleys Council,

Dr Helen MacDonald,

I would like to express my support for the proposed DPA.

Clare Valley has a lot of potential and it is good to see that the council is recognising this and planning accordingly to ensure an optimal outcome for all, in the future.

I write as a frequent tourist, who became a property owner with the intention of moving permanently to the region. Please accept this as a written submission only, I do not wish to be heard at the public meeting.

We choose Clare, because of where it sits in the landscape - in relationship to the city of Adelaide and surrounding villages and points north - the vineyards, the heritage, its visual appeal, the compactness and facilities of the township. The DPA, seems to encourage development that will ensure these things are not eroded over time, but rather enhanced.

In part ----- Message truncated -----



Date: 20 September 2018

Strategic Policy and Impact
Assessment | Economic
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Dr Helen Macdonald
The Chief Executive Officer
Clare and Gilbert Valleys Council
By Email

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www.environment.sa.gov.au

Dear Dr Macdonald

Thank you for providing the Department for Environment and Water with the opportunity to provide comment on the Clare and Gilbert Valleys Council Clare Township Development Plan Amendment (DPA).

Officers from across the Department have reviewed the DPA and we provide the following comments:

Heritage

The use of the term 'quality' in **Theme 1. Improve Attractiveness of Clare - Guiding Principles** (in section 3.1 Investigations undertaken prior to the SOI on page 14 of the DPA):

- Retain the character of the main street and its surrounds by using and upgrading quality heritage buildings.

is subjective DEW suggest that Council define what is meant by the word 'quality' in this context.

Water Sensitive Urban Design

The DPA suggests on page 9 that the South Australian Planning Policy Library includes policies in the Development Plan that address WSUD related objectives/policies. While DEW supports the existing WSUD policies we consider them general in nature. The state WSUD policy (*Water Sensitive Urban Design – Creating more liveable cities and towns in South Australia*) is more specific about what constitutes water sensitive development. This policy also establishes performance-based WSUD principles and targets which development should strive to include where practical and appropriate.

DEW suggests that Council consider how it could align Development Plan policies to better reflect the WSUD principles (and associated targets) of the WSUD policy. There are a number of examples where councils have successfully introduced additional planning policies in a way that supports the WSUD policy principles and targets, these include in Alexandrina, Goyder, Coorong, Mount Barker, Berri Barmera, Renmark Paringa, Mid Murray, Loxton Waikerie, and Murray Bridge Development Plans.

The WSUD policy can be accessed by clicking on 'learn more about water sensitive urban design' in <https://www.environment.sa.gov.au/topics/water/water-in-urban-environments>

Flooding

DEW notes that the DPA is seeking to:

- Mitigate flood risk associated with development within the township.
- Utilize water sensitive urban design techniques.
- Review and update policies to mitigate the risk of flood hazard.

DEW commends the Council for incorporating flood mapping and policies for the Clare Township into the DPA. These comments have been prepared with reference to the Clare Township Development Plan Amendment – Draft for Consultation, A Catchment Plan for Clare (Australian Water Environments, 2006) and its associated flood depth and flood hazard layers (20 year Average Return Interval (ARI), 50 year ARI, 100 year ARI, 500 year ARI and Probable Maximum Flood).

The Clare Township is subject to flooding from the Hutt River, and three primary tributaries within the township as identified in the Flood study. Although the Amendment focuses on a 1 in 100 year ARI it should be noted that the report identifies significant flood risk and estimated tangible and intangible damages to a variety of existing properties in the event of a 20 year ARI event. The intensification of impervious area likely with the planned zoning changes has the potential to increase both run off volume and flow rates in the local drainage systems, Hutt River, and its tributaries. An appropriate assessment of stormwater infrastructure to determine the capacity of increased runoff from the developed areas should be investigated.

Consideration should also be given to updating the existing flood study due to the 2016 major revision of the Australian Rainfall and Run-off which is the key reference text for flood estimation used in Australia. Revision of the existing flood study would also provide the opportunity to include an additional 12-13 years of streamflow data (nearly double the previous period) including the significant event on 29/09/2016, which recorded a derived peak flow of approximately 32 cumecs. This event is greater than high flow calibration events utilized in the existing flood study.

A revised flood study should have an increased extent to include all land parcels proposed for re-zoning and consider the effects of the proposed intensification of urban development in an area that is already identified as flood-prone.

Recommendation	Comment
3.2.1 District Town Centre Review The current residential zoned land parcel to which the skate park is currently located (with frontages to Main North Rd, Lennon St and Jonathan St). This land has the Hutt River running through it, is subject to flooding and is best used as part of the open space and trail along Hutt River, thereby included within the District Centre Zone where policy support and Concept Plan Map will be provided supporting this.	Support recommendation to rezone and use as open space – virtually the entire block would experience extreme hazard during a 100 year ARI event, due to the combination of depth and velocity of flood waters
3.2.2. Opportunities for increased housing densities and diversity to meet future needs Expansion of existing Helping Hand Carinya facility	Flood prone location – largely low hazard during 100 year ARI, in 500 year event eastern portion is high to extreme. Given the vulnerable community housed in this facility, expansion should only be supported if additional flood hazard controls are in place

<p><i>3.2.3 Function, purpose and spatial extent of Commercial and Industrial Zones Option 4</i></p> <p>Land on the south-eastern corner of Main North Road and Dolan Road. There is a need to provide for additional industrial zoned land, principally to cater for larger scale industrial development on sites in excess of 3,000m². Further investigations are required to confirm whether the flooding and earthworks required for the Option 4 land parcel identified by Property and Advisory can support industrial development in an economically feasible manner.</p>	<p>Agree that land is likely subject to inundation.</p> <p>Additional investigations to the flood overlays in the current Development Plan will be needed to establish the 1 in 100 year ARI inundation impacts as this property is not included in the extent of the existing flood study.</p>
<p><i>3.2.4 Management of flood risk and Water Sensitive Urban Design</i></p> <p>Introduction of Development Constraints maps covering Clare which show the Flood Hazard Levels across the Clare township, including specific policy references within the District Town Centre Zone and the East Terrace Policy Area 1</p>	<p>Supported.</p> <p>Suggest inclusion of 500 year ARI flood hazard data for information and if desired, as a development constraint for certain vulnerable land uses e.g. nursing homes, hospitals.</p>

If you have any questions with regard to these comments please contact me on telephone 8463 4824 or de-anne.smith@sa.gov.au.

Yours sincerely



De'Anne Smith
Principal Planning Officer

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The Chief Executive Officer
Clare and Gilbert Valleys Council
4 Gleeson Street
Clare SA 5453

Dear Helen

Submission to Clare Council on Clare Township Development Plan Amendment

I am formally lodging this submission for consideration by the council's planning department in regard to an additional change to the Development Plan Amendments currently tabled.

My family has owned land adjacent to the Caltex Service station, lots 96 and 153, for about 40 years and for all of this time the land has housed sheds and been used as a new and used farm machinery sales and display yard, motor mechanical work shop, storage facility, machinery assembly and pre-delivery site. You will see at the moment a lot of activity for hay season which is busy for a few weeks then the site is relatively quiet.

The amendment plan as tabled now includes these lots as District Centre and Commercial.

The purpose of this submission is to put to the planning department our request that the adjacent lot 109 also be included in the District Centre and Commercial.

We also own the adjacent lots 109 and 110 and are currently in the process of subdividing the two lots 109 and 110 and amalgamating lot 109 with lots 96 and 153 into one title with lot 110 being on a separate title.

See below more details:

- Lots 96 and 153 have been used for New and Used agricultural machinery sales and display for around 40 years. It also has two sheds at the rear of lot 153 which are used for machinery storage and assembly and pre-delivery services. The smaller of the sheds has been used variously as a motor mechanical workshop (rated separately as such by council), spray painting shop and storage.
- We are proposing to gain a separate title for Lot 110 and re-align the boundary of lots 96 and 153 to include lot 109 in one title.
- We are requesting that the existing use of lot 96 and 153 be applied to the expanded title.
- We then would seek approval to demolish the existing sheds and rebuild a larger shed at the rear of the expanded lot 96 and 153 running north south from the northern boundary and across into the current lot 109 which is in the process of being amalgamated into the same title as 96 and 153.
- The proposed use of the shed is for new and used machinery storage, some new machinery assembly and pre-delivery. There would be minimal noise and traffic for most of the year.
The assembly and pre-delivery activities are currently already taking place in the existing shed and on the hard stand on lot 96. We sell larger air seeders etc which cannot fit properly into our Main Street work shop area and are a hazard moving in and out of the Main Street. The site will not be a dedicated workshop but will act as an over flow assembly and storage area for large equipment as is currently the case for the site.

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- We request that the current commercial and light industrial uses of lots 96 and 153 be extended to the proposed expanded lot and that this use permit the construction of the proposed shedding.
- We would propose to landscape and vegetate the site such that the new larger shed would have very limited visibility from the main road.
- As with the existing shed, there would be a cut and fill process for the new shed and again, visibility from the Riesling trail would be minimal and with the appropriate colour construction it would blend even more favourably than the existing sheds.
- Attached is a photo of the lots and the proposed amalgamated lot we are requesting be re-zoned District Centre and Commercial

WSB Distributors is one of the largest full time employers in the town and we are in the process of purchasing another dealership which will lift our profile and also the need to employ more administration, marketing and IT staff in the Clare head office. The upgrade of the machinery lot as discussed above will be in keeping with the profile we will be developing.

The lots 109 and 110 have nothing but a derelict house and vacant land and this proposal will mean the entire area will be redeveloped. Lot 109 within the machinery business with the expanded shedding, sympathetic landscaping and revegetation and lot 110 will be redeveloped within the zoning constraints in the future. It will also mean the existing unsightly shedding will be demolished and the site will be completely remodelled to provide a much improved aspect from the Main North Road.

While council is reviewing the town zoning, this requested minor amendment makes sense when looking at the existing use and significantly improved amenity the above plans would bring if allowed with the changed zoning.

I am happy to meet on site with any of the council staff, planning committee members or councillors at a convenient time to view the current site and go through the plans we hope to be able to move forward on.

Kind Regards



Rob Stanway
Director – WSB Distributors
0417 836 599

From: [Lynda Salter](#)
To: [Claire Longbottom](#)
Subject: I18-11685 - 3.71.7.9.2 - FW: "Clare Township DPA Submission"
Date: Wednesday, 19 September 2018 12:03:51 PM

From: John O'Brien <johns.ipadmini@icloud.com>
Sent: Tuesday, 18 September 2018 10:10 PM
To: AdminGroup <admin@CGVC.sa.gov.au>
Subject: "Clare Township DPA Submission"

· Ref Piece 50 in DP62306, situated on Slaughterhouse Road Appendix C Industrial Land Study

It may appear as if there is no flood issue however.

That land marked for Industry has a watercourse that runs the entire roadside boundary.

The water course runs in from neighbouring properties in a Westerly direction downhill.

The key Issue

There is an on watercourse dam that is blocking the flow of two water courses that Sits approx 400m away from the site.

This makes the watercourse appear dry and of no issue yet.

To my knowledge the dam has no consent nor approval and probably no engineering or plans.

The dam holds between 2-5 megs with a wall of approx 4.8m above the natural ground level as surveyed for pending legal action.

The owner of the dam has filled the dam with mains water and let it flood in the past.

At time of the last flooding it was a pump failure apparently.

The dam has no mechanical way at present of being controlled as the pump was in fact wired into another parties electrical services. The use of the dam was in breach of water permit activity and at present has been abandoned.

The owner refuses to mitigate the immediate and potential problems and has ignored requests for action.

At some point the dam will fail and cause problems for all down stream properties.

Including piece 50

That alone should cause concern that the entire roadside edge of the land is in fact a water course.

When it topped out last time the water course became a meter deep and approx 2 meters wide and flowed for several weeks.

If that road is intended to be an access and egress for large vehicles it will need to be rectified.

John O'Brien MCom UQ GDIp UA

Our ref: TLC/218245

3 September 2018

The Chief Executive Officer
Clare and Gilbert Valleys Council
4 Gleeson Street
CLARE SA 5453

By email: admin@cgvc.sa.gov.au
Cc: achristiansen@cgvc.sa.gov.au

Dear Sir/Madam,

Clare Township DPA – written submissions – SC Heinrich & Co Pty Ltd

We act for SC Heinrich and Co Pty Ltd (**SCH**) and the Heinrich family in the above matter.

I refer to the Council's invitation for submissions about the draft "Clare Township Development Plan Amendment" (**DPA**). This letter comprises my client's submissions.

1. My client's land holdings

SCH and the Heinrich family own or control the following land relevant to these submissions and the DPA:

- (i) **Stanley Flat land** - as shown in yellow in Annexure A and including two allotments used by SCH (shown in orange) as a depot¹ (see **attached**), all presently in the Primary Production Zone and Horticulture Policy Area 2.
- (ii) **Farrell Flat Road Land** - as shown in Annexure B (see **attached**) and presently in the Residential Zone and the Industry Zone.
- (iii) **Beare Street Land** - 16 Beare Street, Clare² and presently in the Residential Zone (no Policy Area).

These submissions relate to the Stanley Flat land, the Farrell Flat Road land and the Beare Street land and are summarised immediately below.

2. Executive summary - my client's position

My client makes three principal requests for amendments and further investigations for the DPA relating to the three areas identified above. That is, my client respectfully seek:

¹ Allotment 5 and 530, Horrocks Highway, Stanley Flat comprised in CT 5262/640 and CT 6117/604.

² Comprised in Certificate of Title 5262/638.

(i) Stanley Flat Land

That **at least the Depot Land** but if feasible, the Stanley Flat Land be re-zoned to (in order of preference), an appropriate mixed use, commercial, or light industrial-type zone that is sympathetic to the establishment and continuation of depot uses carried on by my clients and others.

(ii) Beare Street land

That the Beare Street Land and its locality be incorporated into the proposed new Medium Density Policy Area, to permit the development of dwellings at higher densities than presently contemplated by the more general Residential Zone provisions.

(iii) Farrell Flat Road Land

That certain anomalies in the location of the Zone boundary between the existing Industry Zone and Residential Zone at Farrell Flat Road be corrected as shown in Annexure B.

I will detail the background to SCH the Depot Land, which is the principal focus of these submissions. I will then elaborate on my client's other requests for the DPA.

3. Background to SCH and the Heinrich family

SCH is a family-owned and operated earthmoving, quarrying and materials transport company that was founded by my client's father, Stanley Heinrich in 1954.

SCH commenced as primarily an earthmoving contractor, but has grown over time and now provides earthmoving, quarrying/landscape supply and haulage services mainly across the mid-north of South Australia.

SCH has been a longstanding source of employment for Clare and the mid-north. It has now been an important supplier of quarrying, earthmoving and haulage services to local and State government and the private sector for many decades.

SCH presently employs 22 staff, who work at various work sites across the mid-north of South Australia and the Depot Land itself. Its business relies heavily on the use and parking of light and heavy vehicles and equipment. Its fleet includes light utes, small medium and large trucks and a range of earthmoving quarrying equipment including, for example, excavators, dozers, scrapers and mobile crushing plant.

SCH has always required a secure and appropriately located depot facility for its business equipment. Accordingly, the Heinrich family purchased allotment 5 at the Depot Land in 1981 because they considered it suitable for their depot needs. SCH has continuously used allotment 5 as a business depot for some 37 years since then but more recently, it expanded to allotment 530.

In 2014, SCH lodged a development application to reconfigure and expand its depot and provide a covered vehicle parking building and associated works³ (**2014 DA**). The Council processed the 2014 DA as a Category 3 form of development and granted development plan consent to the 2014 DA on 7 April 2017 (**2017 Consent**).

³ DA 433/061/14.

However, as a result of the Category 3 categorisation due to the Primary Production Zoning (**PPZ**) of the land, my client was forced to defend proceedings by representors in the Environment, Resources and Development Court (**ERD Court**) challenging the 2017 Consent. The ERD Court appeal caused significant delay and cost to my client and culminated in consent orders quashing the 2017 Consent for procedural reasons.

Earlier in 2018, SCH lodged a fresh development application for its depot to regularise the use of the land and provide its desired covered vehicle parking building (**2018 DA**). However, again due to the current zoning, this application was also processed as a Category 3 form of development. It will soon be notified accordingly, with representors again being given appeal rights.

4. Background to the Stanley Flat Land generally

As shown in Annexure A, the Stanley Flat Land contains a range of allotment sizes ranging from less than 1 ha to approximately 30 ha of irregular shape and configuration. The Stanley Flat Land is bisected by the Hutt River and various unmade public road reserves. It contains various scattered native vegetation.

Despite the present zoning, many parts of the Stanley Flat Land are not used for productive primary production purposes. Rather, much of that land is presently owned or controlled by the Heinrich family and is used either as a depot (see above), residential purposes, vehicle parking (on Section 3029 at Lookout Road) or is vacant and unused.

Aside from my client's land, Mr David Willson owns land where shown in Annexure A (**Willson Land**)⁴. The Willson Land is used as a residence and for commercial activities associated with Clare Valley Tours, including the parking of tour bus(es).

I now turn to my client's specific submissions in relation to the Depot Land and more broadly, the Stanley Flat Land.

5.1 Re-zoning critical to SCH's ongoing commercial viability

It is beyond argument that SCH's depot and "home base" at the Depot Land in Annexure A is **critical** to the viability of SCH's business. As mentioned, the Depot Land is the family's central "home base" for all of the administration and parking/depot-type activities associated with its business.

It is equally critical to the ongoing viability of SCH's business that it operate an appropriate depot to park, clean and service its vehicles and equipment and to conduct its other business activities.

To function efficiently, SCH will continue to have a need to upgrade or reconfigure its depot to meet its dynamic and evolving business needs. SCH requires flexibility to efficiently make sensible upgrades of its depot as needs arise.

However, it is evident above that my client has already experienced serious problems with developing its depot. These have largely been caused by the terms of the current PPZ.

My client believes it is critical that the Council's Development Plan recognise its long-standing depot use and be more sympathetic to it, to ensure the continued viability of SCH's business at the Depot Land.

⁴ Sections 5 and 9 and allotment 4 in DP49598.

My client therefore submits that the DPA should be expanded to include the Stanley Flat Land but at least (and most importantly), the Depot Land and that this land be re-zoned to, in order of preference, a **mixed-use type zone, a commercial zone or light industry zone**.

5.2 Land already incompatible with productive primary production

In our submission, given the physical state of development on the Depot Land over many decades, the current PPZ policies are now of very limited relevance to much of the Depot Land.

For the same reasons, substantial portions of the Stanley Flat Land, but certainly the Depot Land is unlikely to be conducive to primary production or to ever be converted back to primary production. We make the following further submissions:

- (I) Allotment 5 has been approved for and been developed with office and administration areas, storage buildings and staff amenities associated with SCH's depot there.
- (II) Underground fuel tanks, a re-fuelling pump and associated pumping infrastructure already exist and have been actively used for decades on allotment 5 in association with my client's depot and previous agricultural land uses.
- (III) Significant areas on the Depot Land and other land and public roads have historically been used for the manoeuvring of heavy vehicles associated with the depot.
- (IV) The irregular shape, configuration and pattern of allotments is not conducive to wide-scale "viticulture and other agricultural production"⁵ or economically productive "cropping and grazing"⁶ activities contemplated by the current PPZ and Horticulture Policy Area 2.
- (V) The sporadically-configured allotments are interrupted by the Hutt River and tracts of native vegetation, which make the efficient use for primary production limited.
- (VI) Much of the Stanley Flat Land is already owned by either my clients or Mr Willson, neither of whom are farmers or wish to use the land for farming.

In our submission, the historical development of the Stanley Flat Land is now not conducive to productive primary production use and in the main, is unlikely to be converted back to primary production. This renders much of the PPZ policy irrelevant to this portion of the PPZ.

It follows that a more suitable and relevant suite of policies akin to a rural-type, sensitive mixed-use, commercial or light industrial zone should be seriously considered and investigated at least for the Depot Land (but also for the Stanley Flat Land).

5.3 Proposed re-zoning a good economic outcome for Clare

The Council engaged Property & Advisory to conduct a study entitled "Clare Industrial

⁵ See Development Plan, Horticulture Policy Area Objective 1.

⁶ See PPZ, Objective 1.

Land Study"⁷ (**P&A Study**) as part of its DPA investigations, given the lack of appropriately located industry zoned land in Clare.

The P&A Study recognised that there are economic benefits to Clare of securing future industrial type land supply:

*The clear benefit of securing a future industrial land supply is that it provides scope for Council to market to town new industries and investors, with flow-on effects such as increased local employment, improved rate revenue and improved expenditure on local construction and suppliers. Council cannot, of itself, furnish new industrial investment, but it can provide the conditions that make the town attractive to investors, and ensure that the town is at least on those investors "radar".*⁸

As mentioned, SCH is already an employer of some 22 persons in the Clare region. It indirectly employs many others. With further investigations and appropriate policy change, the Stanley Flat Land could become a meaningful contributor of employment-generating uses that would provide economic benefits for the Clare Township and the Council area generally.

In our submission, it makes eminent planning sense, for the Depot Land and its locality to be permissive of uses that contribute to the economic future of Clare and its surrounds, subject of course to the outcomes of further detailed investigations.

5.4 Re-zoning can address shortage of commercial/industrial land

The P&A Study also recognises that there are locational and other difficulties with the existing commercial and industrial land supply in Clare. The P&A Study notes as follows about the commercial and industrial land supply problem:

*Arising from the ongoing investigations and engagement has been a continuing theme regarding the lack of suitable industrial land within Clare for industrial and commercial businesses to locate and grow. This lack of both diversity and growth has, anecdotally, led to out-of-zone developments occurring and a range of interface problems with residential land uses.*⁹

My client agrees with the sentiments of others about the historical lack of suitably-zoned land at Clare for commercial business such as it to locate and grow.

Indeed, SCH's Stanley Flat depot is one excellent example of "out-of-zone" developments occurring (with all of the resultant procedural and planning problems), due to a historical lack or inappropriateness of appropriate commercial and industrial-type zones in and near Clare.

To address the problem, the P&A Study identifies the Stanley Flat Land as being one potentially-suitable option for alternative commercial or industry-type zones and was nominated as Option 6.¹⁰

My client respectfully does not agree that the Stanley Flat Land would have no economic advantages over other townships such as Saddleworth or Balaklava. Indeed, that land remains an excellent and economic location for my client's depot and administrative premises.

⁷ PA 1829,R0194 dated June 2018

⁸ See Property and Advisory report, page 22

⁹ See page 2.

¹⁰ See Table 5 and Figure 11, pp 25-26.

In my submission the natural planning advantages of its distance a short distance away from suburban Clare far outweighs the location of commercial and industry zones near to the township. The land use interface problems with the existing industry and commercial zone locations are well documented by P&A. Any economic disadvantages by infrastructure deficiency at Stanley Flat can be solved including by contributions from my client and others. I will address the specific planning advantages of Stanley Flat in further detail below.

However, my client strongly maintains that the Stanley Flat Land and at least the Depot Land therein, is an excellent potential location for a carefully-considered, environmentally sensitive mixed-use, commercial or light industrial-type zone that can address the current lack of such appropriately located land in Clare itself.

Stanley Flat Land a good planning outcome for re-zoning as proposed

Of course, detailed investigations would be required to ensure that the Stanley Flat Land is suitable for the kinds of uses envisaged in a mixed-use, commercial or industrial-type zone. Those considerations are identified in the P&A Study¹¹. Applying P&A's considerations, in my submission the Stanley Flat land:

- (i) **Traffic** - is accessible to heavy vehicles without causing undue problems for other traffic and has access to an (albeit partly unmade) local road to the north if required;
- (ii) **Amenity, impacts and character** - is sufficiently separated from the township and residences in the PPZ so as not to cause significant diminution of the amenity of any sensitive use;
- (iii) **Topography** - is generally flat and would require minimal earthworks for future development;
- (iv) **Flood hazard risk** - has not in my client's experience been significantly affected by flooding, nor was the site identified as a flood hazard risk during assessment by my client's stormwater engineers, Mace Engineering, or by the Council or the NRM Board during the assessment of the 2014 DA; and
- (v) **Infrastructure** - is capable of connecting to infrastructure and of being "self-sufficient" in terms of water and electricity. Infrastructure improvements could be made in the future including by co-operation with my clients, to service this land.
- (vi) **Southern gateway** - is not on the southern approach to Clare, which Property and Advisory advise is a gateway location and should not be developed for industrial-type uses.

With these factors in mind, my client strongly considers that the Depot Land (and the broader Stanley Flat land) sufficiently satisfies the criteria identified by P&A (and Jensen +) and merits re-zoning in accordance with policies that are sympathetic to the continuation of SCH's depot on the Depot Land, being the most critical factor for my client.

We acknowledge that the considerations identified in the P&A Study¹² are referenced only to industrial land. However, the same planning considerations arise in relation to

¹¹ See page 24.

¹² See page 24

commercial and mixed-use type uses that my client seeks for the Depot Land.

Whilst further investigations would clearly be required, in principle a re-zoning of the type proposed, if properly investigated and prepared, would be a sensible planning outcome for both the Clare Township and Stanley Flat and would have economic benefits to the Clare community generally. New zone provisions could be developed to ensure that the amenity of surrounding residences is maintained and that environmental considerations including watercourses such as the Hutt River are maintained.

The re-zoning would have the additional significant planning and economic benefits of allowing my client to continue its business operations efficiently, to ensure that SCH grows as a source of employment and as a vital service to the Clare township.

Specific amendments to current zoning

My client makes the following specific submissions concerning the possible future planning policies that could conceivably apply as part of a mixed use, commercial or light industrial zone at the Stanley Flat Land.

We submit that any new zoning for the Depot Land and the Stanley Flat land should take the following into account:

1. make activities associated with my client's business depot a **merit, Category 2 form of development at worst**;
2. contain a provision listing envisaged forms of development in the Zone to include a "depot", "vehicle parking", "re-fuelling facilities", "office", "warehouse", "store", "workshop", "road transport terminal".
3. incorporate appropriate Objectives and Principles of Development Control controlling the emission of noise and odour, to preserve the interface with the Primary Production Zone and to protect the amenity of residences in the locality;
4. incorporate appropriate policies concerning the generation of traffic, car parking and vehicle movement, particularly on to the Horrocks Highway¹³
5. incorporate policies to ensure the preservation and enhancement of natural resources and the natural environment, particular the Hutt River and its catchment;
6. incorporate appropriate water sensitive design and stormwater management policies to regulate operations in conjunction with existing Council Wide policies;
7. provide for landscaping buffers and visual screening the proposed range of uses from public roads and surrounding sensitive uses.

Procedural amendments

I have already outlined the cumbersome and difficult non-complying and Category 3 processes that now apply in the PPZ. My clients emphasise the need for change to

¹³ Noting that the Horrocks Highway is a primary arterial road identified in the Council's Development Plan.

the policies applying to the Depot Land and make the following further submissions.

The non-complying list in the PPZ picks up many activities including, for example, a store, road transport terminal and a motor repair station that are broadly similar to those associated with a typical depot use. Whilst my client does not accept that a depot use fairly answers those forms of development (and is a separate and distinct form of development in its own right), to avoid doubt my client suggests that they be removed from the non-complying list.

We emphasise the importance that the Procedural Matters provisions applying to the Depot Land be altered to make a “depot” at worst a merit, Category 2 development.

Farrell Flat Road Land

As shown in Annexure B, my clients own or control substantial land located in the Industry Zone and Residential Zone at Farrell Flat Road, Clare.

However, there are anomalies and inconsistencies between existing, approved land uses and the zone boundary in this location. My clients therefore respectfully submit that the Zone boundary should be corrected and relocated to ensure that their existing lawful residential uses are removed from the Industry Zone and relocated into the Residential Zone.

In particular, my client Malcolm Heinrich resides at allotment 50 in DP 85125 and owns the adjacent residential land at allotments 5 and 6 in DP2300, where shown in Annexure B. However, at present these residential allotments are either wholly or partly located in the Industry Zone. The zone boundary ought to be moved northward so that these three allotments are located wholly in the Residential Zone.

Beare Street Land

Finally, as noted above my client SCH operates an un-manned service trade premises involving the display and sale of various landscaping supplies from its Beare Street Land.

The Beare Street land was formerly used by SCH as its business depot prior to relocating that depot to allotment 5 on the depot land in approximately 1981.

Should approval be forthcoming to SCH’s development application to regularise the depot use at allotment 530, my client intends to cease its service trade premises operation at the Beare Street Land and instead wishes to develop the Beare Street Land with dwellings.

Given the opportunity afforded by the DPA, my client respectfully seeks that the DPA locate the Beare Street Land and its locality in the proposed Medium Density Policy Area. This would allow the Beare Street Land to be developed at slightly higher densities than is facilitated by the remainder of the Residential Zone.¹⁴

My client sees no particular planning or other reason why the Medium Density Policy Area cannot apply to an extended area that includes the Beare Street land.

My client respectfully submits that expanding the Medium Density Policy Area in this way will encourage further residential development in Clare, which will have resultant

¹⁴ For example, detached dwellings with sites down to 350 m² and row dwellings with site areas in the order of 250 m².

economic benefits for the township.

Summary

My client wishes to be heard in respect of these submissions at the public meeting on 25 September 2018.

Please confirm that my client will be given the opportunity to appear personally or by representative to make submissions at that public meeting.

Yours faithfully

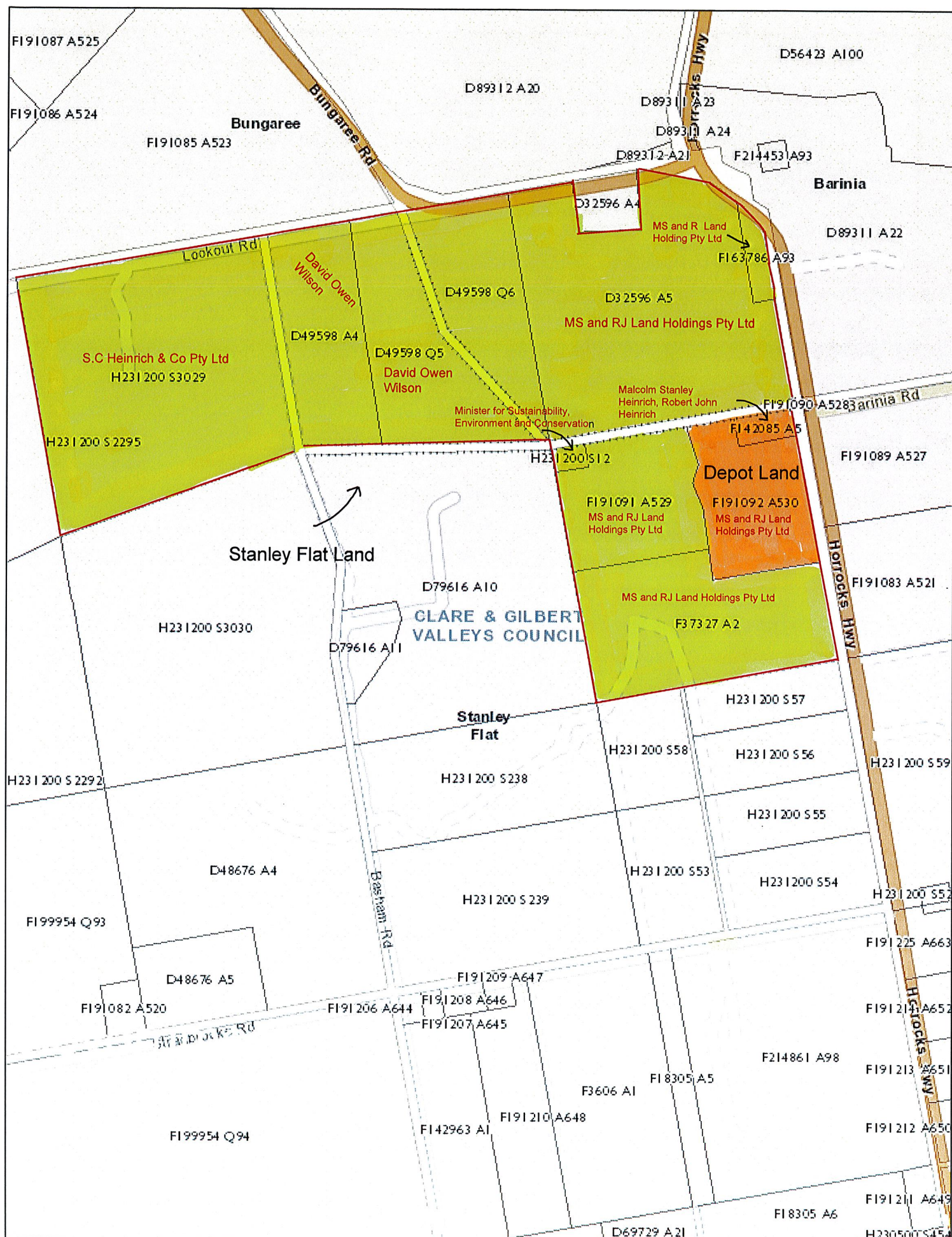


Tom Crompton
Senior Associate
BOTTEN LEVINSON
Email: tlc@bllawyers.com.au

ANNEXURE A

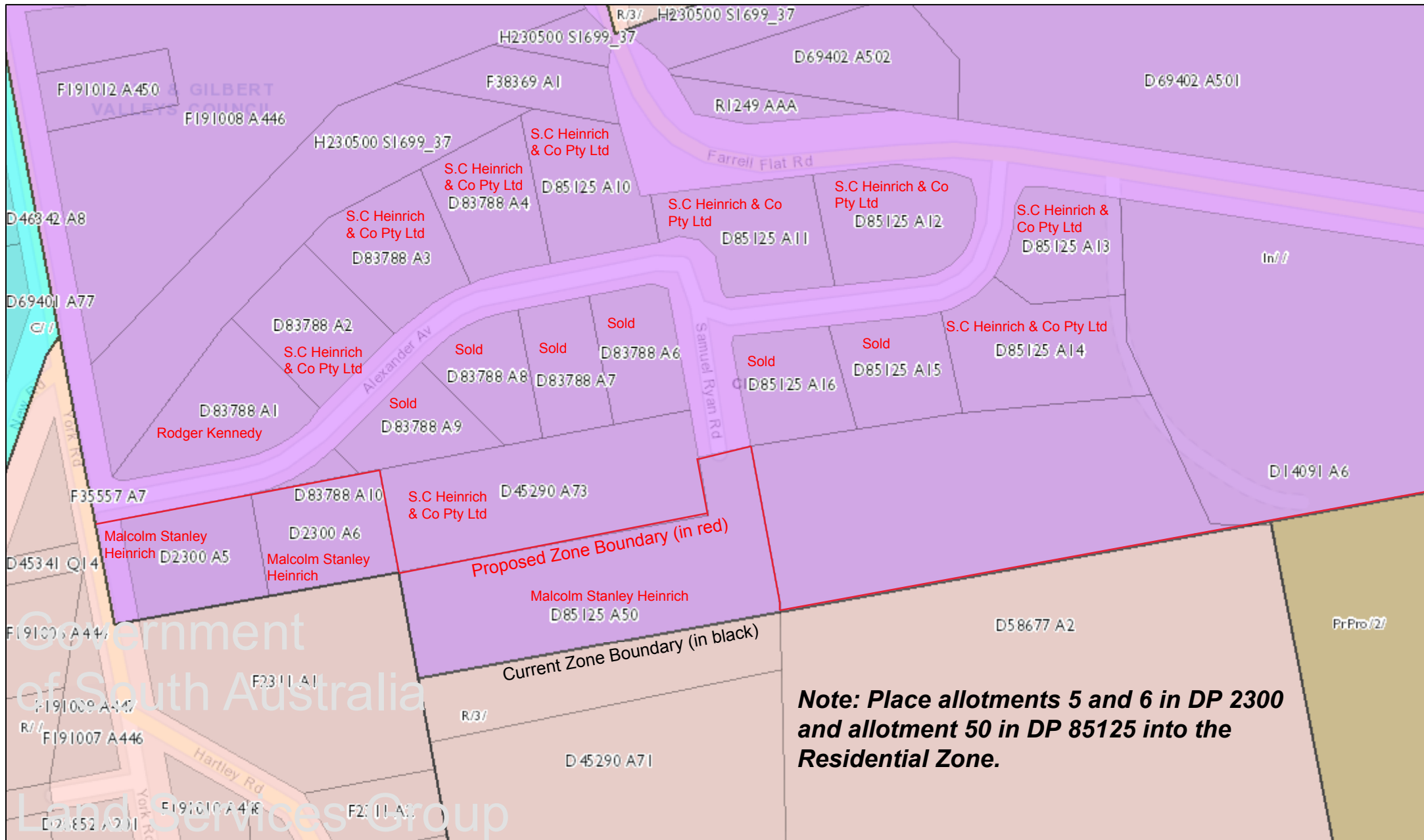
MAP OF STANLEY FLAT LAND AND DEPOT LAND

Annexure A



ANNEXURE B

PROPOSED RE-LOCATION OF ZONE BOUNDARY AT FARRELL FLAT ROAD





St Joseph's School

29 Victoria Road, CLARE SA 5453
Ph (08) 8842 3830 Fax (08) 8842 3410
Email peters@stjoclar.catholic.edu.au
www.stjoclar.catholic.edu.au

8 August, 2018

Mr A Christiansen
Manager - Development & Community
Clare & Gilbert Valleys Council
4 Gleeson St
CLARE SA 5453

Dear Andrew

St Joseph's School, Clare has recently undertaken a Master Planning process to look at how we can best utilise our current site to provide optimal educational outcomes for our students.

One of the key items considered as part of the process was improved play and fitness areas and how best to expand those and also accommodate necessary parking facilities and a kiss and drop zone for student safety at school drop-off and pick-up times.

Our current school site is zoned "Recreational". In recent years, we have purchased four properties adjacent to the school, and would like to develop these to achieve the outcomes detailed above.

- 3 King Street, Clare [Lot 11 D47942]
- 13 Temple Road, Clare [Lot 91 92 F209559]
- 25 Victoria Road, Clare [Lot 91 F203736]
- Lot 12 Gleeson Street, Clare [CT5466/517 – acquired 1/7/18]

As such, we request that Council rezone these four properties from "Residential" to "Recreational" as we understand "educational establishment" is an envisaged land use under Recreational zoning. I have attached a map detailing the properties we wish to be rezoned along with an architect's conceptual design of how the properties may be developed for improved play space, parking and learning areas.

In 2012, Clare & Gilbert Valley Council's Strategic Plan included a stated vision for the area to become an 'educational hub'. At the time, then Council CEO, Roy Blight, noted at a meeting with myself and representatives of Catholic Education SA that Council "would welcome any proposal or development which supports this outcome". Our purchase of the portion of Temple Rd between our current school site and the block at 13 Temple Rd was greatly encouraged by Council at the time to both improve safety of our students and reduce through traffic for local residents. In addition, the issue of parking around St Joseph's School has been a long-standing issue identified by the Council. We are of the opinion that rezoning the abovementioned properties further supports this desired outcome.

The recently released Clare Township Development Plan indicates that the properties surrounding our school are proposed for rezoning to encourage "Medium Density" housing. A concern for our school is the resultant increased traffic flow and impact on student safety re access to and from school which will undoubtedly result from more housing in the area. Our proposed development of the four properties detailed above includes landscaping and lawned areas, will ensure greater safety for students with a

designated kiss and drop zone and also vastly improve the visual impact of the current sites. It will provide an oasis of green amidst the higher density of housing proposed by Council.

We look forward to hearing from you regards this request. In the meantime, should you require any further detail, please do not hesitate to contact me.

Yours sincerely

Peter Shearer
Principal

Enc.



MAP CGV/23 Adjoins

- existing school site
- school-owned properties that we request be rezoned "Recreational"

2. Background Information



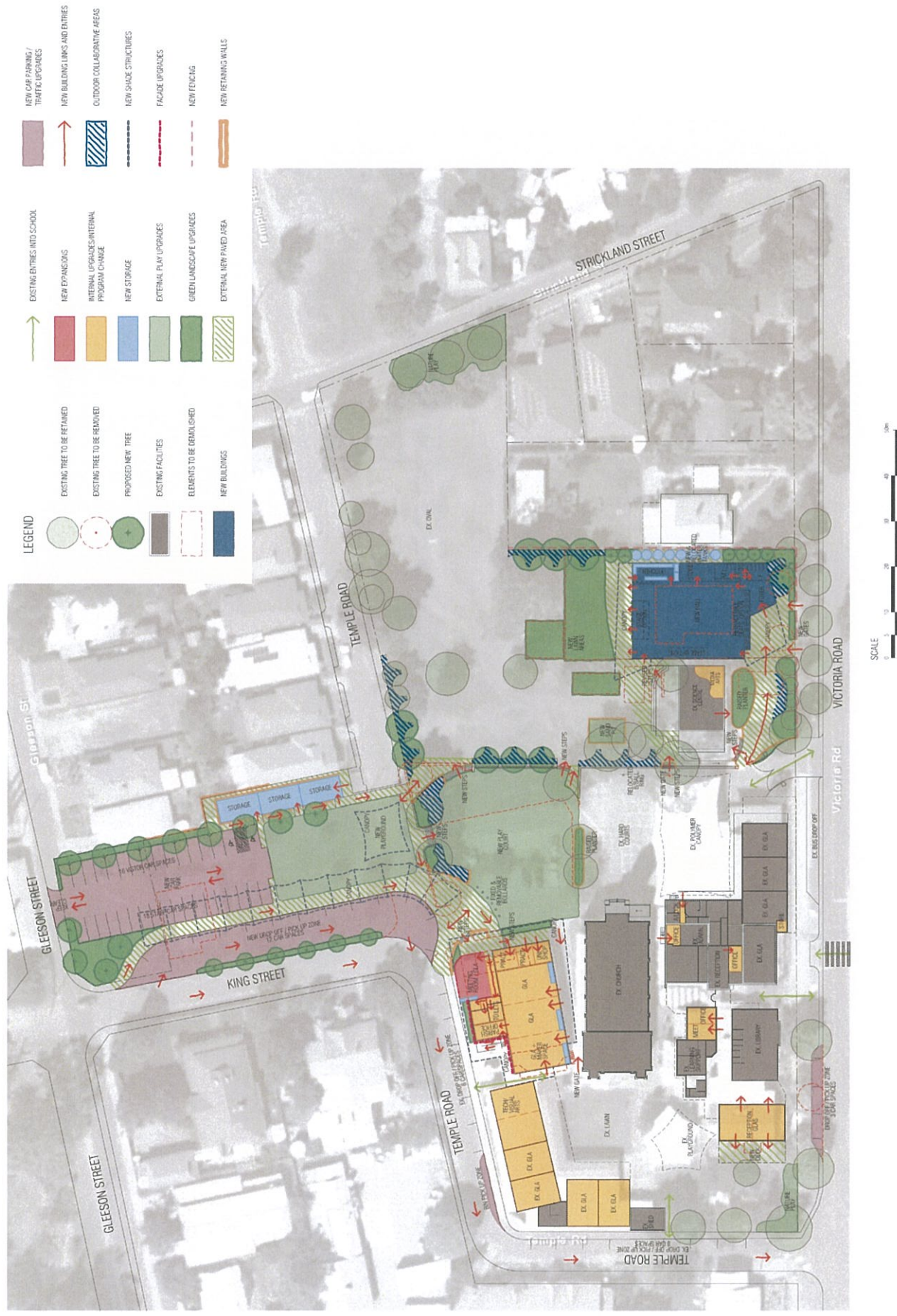
"... we know where we're going"

- Current enrolments for 2017
- 2017 Male Students
- 2017 Female Students
- Predicted enrolments, 5-10 years
- Current Staff (total numbers and FTE)
- Predicted Staff Nos.
- Site area of current School
- Area of adjoining owned sites
- Area of pending site acquisition (King & Gleeson St corner)

249
117
132
300 max - though with limited growth for the region.
21 Teaching (FTE at 15.5) & 7 Admin (FTE 3.72)
2 ESO staff next year and potentially 2 teaching staff.
approx. 1.22 Hectares
approx. 0.31 Hectares
approx. 0.05 Hectares



8.1 Proposed Master Plan



The Chief Executive Officer

Clare and Gilbert Valleys Council

I am writing with the following concerns relating to the proposed Clare Township DPA:-

Water- *The Plan states*

"Apply water sensitive urban design principles and appropriate buffers to ensure development does not affect natural watercourses and drainage patterns"

This is of particular concern as already there are drainage issues with storm water coming onto streets around Clare which are not constructed to have effective, directed water flows . The water flows through properties, over streets and eventually into natural water courses and then into the Hutt river system. To date there seems to be little awareness of what pollutants are in this water and where it comes from. Examples of this already are swimming pool water, Clare Car Wash water, homes and other industries. The council appears to have no bylaws to follow up issues and rely on the environment and protection department to take action. From my enquiries, the environment and protection department said that local councils are responsible for the monitoring of surface water.

How can the community trust that environmental issues will be guaranteed.?

"How to effectively mitigate the flood risk in the town centre without making it too costly to develop and without compromising the amenity of development"

Increasing residential land use results in pressures on biodiversity, water resources and ground water. There will be water issues with more high density development and this will come as a cost to rate payers.

This may also be a problem for the common effluents ability to cope with the increased demands of high density housing. Who pays when the system cannot cope and upgrades need to be made?

Other resources

Will the area have a reliable electricity supply , and quality water resources to cope with the demands of high density housing and increased tourism?

Rubbish

How does the council plan to address the increased demands for waste storage and collection with the increased demands of high density housing?

Footpaths

With increased foot traffic in the high density areas there will need to be footpaths which are accessible to all people. In the proposed high density housing area in some places there are no footpaths. If there is these are not safe to use by people with disabilities, mothers walking babies in prams, older people, students walking to schools and people of all ages exercising. There are limited footpath widths, narrow roads, stobie poles to negotiate, uneven surfaces and a wide variety of types of vehicles using roads. (semi trailers doubles, cement trucks, tractors, tractors with spray units, school buses and a high volume of traffic) and this is only Agnes Street!

Will the council improve any of this if the high density living was to take place in Agnes Street or any of the other streets in this situation?

"3.2 Identify the desired character for towns and parts of towns and ensure that the design of buildings and public places, such as streetscapes and entrances, supports the desired character."

In the council development approval process, the current Development Plan has been interpreted inconsistently. Responsibility to follow up any of the above, in our experience has varied according to interpretation by whoever is responsible at the time. If this happens with the new DPA, problems will occur. Neighbours or others affected by close development will have little or no rights to question development issues except by the legal process which is very expensive.

Parking

With high density housing there will probably be a demand for extra residential street and visitor parking. If there is an increase in residential parking and an increase in traffic, some of the streets around Clare will not cope as they are very narrow.

There will also be an increased number of driveways accessing these streets which have unsafe views of oncoming traffic in these narrow and undulating streets.

Increased number of driveways onto the streets combined with individuals who choose to go over 50kph creates dangerous situations.

Council has limited legal authority to ensure visibility on cross roads is safe. Gardens and stobie poles or fences obstruct safe views, particularly as there are slopes or hills adding to this problem.

Safety in streets with close density housing will be compromised. Already the residents have to put up with this or go through a process whereby it seems difficult to get help. The police have limited resources and the local council has no legal control except to monitor numbers of vehicles on a particular road and that is about it. I feel this problem will be a major one in the close density housing area suggested by the council.

Privacy

High density living has been approved by the state government.

Privacy issues mean nothing if it is a Category 1 development. The neighbours have limited chance to protest unless it is legally done at a great cost to the neighbour with no guarantees that anything will improve.

In other Medium Density Plans there are specific adjustments stated to allow for site gradients. Clare township has an undulating landscape which complicates privacy issues too and I do not think the new plan is specific enough in comparison to other South Australian Development documents that I have sited.

The council at present seems not to have the same building regulations regarding privacy as other councils, particularly interstate (e.g. privacy screens, height of buildings, overshadowing, window placement). If non-specific, citizens have limited or no rights to privacy as there is no basis on which to object. The council can state that there are no regulations to object to.

The dwellings that may be built in these close density areas may be also used for short term rentals with a different set of consequences for neighbours . The states are having difficulties dealing with these problems. Will our council have in place a way to protect citizens if there are issues?

Is the council going to ensure there are privacy regulations in place to protect people directly affected by these development approvals?

Good planning is more than fitting a house on a block. It is creating communities that can coexist . While neighbours are not consulted, their comments or opinions could highlight local issues such as privacy, shading, water runoff and parking and may enable simple changes to a plan. An open consultation would avoid long term frustrations and conflict with people who have to live in and alongside such developments.

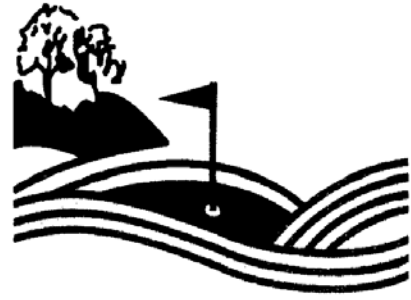
The urban infill is a worthy concept , but priority should not be given to the buildings, but to the people who live in them.

I do not wish to speak to a public meeting but would like to attend if one is held.

I would appreciate email conformation that my submission has been received.

Thanking you,

Jill Ottens Mobile- 04280662204 Email -ericcottens2@gmail.com



Clare Golf Club

ABN 62 248 708 238

PO Box 86, CLARE SA 5453

Phone: 0427203 039

secretary@claregolfclub.com.au

To Helen Macdonald CEO.

With reference to the 2018 Clare township development plan amendment
- Point #1 Recreation Zone

The Clare Golf Club Inc. support the recommendation for more tourist accommodation uses within the zone at the Clare Golf Course.

Including the placement of any new tourist accommodation buildings, giving greater exposure to the Clare Golf Club as a destination for tourists to visit the Clare and Gilbert Valley Council.

We would also appreciate the possibility of the council to consider an option to develop residential or timeshare accommodation on the Clare Golf Course.

We believe this will be of benefit to the Clare Golf Club, and also to the greater Clare and Gilbert Valley Region to improve the capacity of the township to accommodate more diverse and affordable housing that generates quality urban design outcomes.

Yours sincerely
Anthony Nitschke
Secretary
On behalf of the Clare Golf Club



Government of South Australia

Department of Planning,
Transport and Infrastructure

Development Division

Level 5
50 Flinders Street
Adelaide SA 5000

GPO Box 1815
Adelaide SA 5001

Telephone: 08 8303 0760
ABN 92 366 288 135

<http://www.dpti.sa.gov.au>

In reply please quote #13090452
Enquiries to Abi Coad
Telephone 7109 7039

Dr Helen Macdonald
Chief Executive Officer
Clare and Gilbert Valleys Council
4 Gleeson St
CLARE SA 5453

Attention: Andrew Christiansen, Manager, Development and Community Department

Dear Dr Macdonald

**CLARE AND GILBERT VALLEYS COUNCIL – CLARE TOWNSHIP
DEVELOPMENT PLAN AMENDMENT**

Thank you for providing the Department of Planning, Transport and Infrastructure (the Department) with an opportunity to comment on the Clare Township Development Plan Amendment (DPA).

The relevant sections within the Department have been consulted and our agency comments are provided in Attachment A – Agency Comments.

On the whole the Department supports the policies proposed in the DPA as they seek to provide greater guidance for economic development and housing diversity within the Clare township.

As the Council is aware, the Department is currently working with all Councils on a program of transitioning existing Development Plans to a new Planning and Design Code (the Code).

The Code is a central feature of South Australia's new planning system, becoming the State's single planning rulebook for assessing all development applications. It will transform complex, inconsistent planning rules found within the 72 Development Plans into a single, easy-to-access set of rules that can be applied consistently across the State. The Code will be in place by July 2020.

Whilst the new policies proposed in this DPA are generally supported, Council should be aware that when the Development Plan is transitioned to the Code the format of these (and all existing) policies will be updated to reflect the new planning system. In particular Council should be mindful that Desired Character Statements and other local variation policies will be reviewed as part of the transition.

It is requested that Council's response to the Department's submission be included in the summary of agency submissions. Should changes suggested by the Department not be incorporated into the DPA, Council is requested to contact Abi Coad.

Please note that there may be instances where discrepancies arise between the views of one government agency and another on certain issues. In such instances, please contact the Department so it can assist Council in resolving these issues (once all agency submissions have been received).

Following the consultation period, Council is required to consider submissions made and determine whether Council wishes to proceed with the DPA, and if so any changes that are proposed.

As noted in the Statement of Intent, government agencies must be provided with a summary of their submission and Council's response. In this regard, a copy of the relevant excerpt from the submission summary table would be appropriate. Further, if Council intends to make the agency's comments publicly available, Council should seek each agency's approval in writing, prior to release.

Approval Package

The approval package to the Minister should consist of the following documents:

- a covering letter
- the Amendment
- summary of Consultation and Proposed Amendments Report
- summary and response to agency submissions
- hard copy of all submissions
- a copy of the amendment instructions in track changes showing the changes made in response to consultation.

More information on the documents that are required to be submitted at the final approval stage can be found at the following web address:

http://www.saplanningportal.sa.gov.au/current_planning_system/planning_policy

The information can then be accessed by referring to the *Practitioners Guide to Preparing Development Plan Amendments* link and by accessing the *templates and guides* hyperlink.

Please also note that, prior to submitting the final approval package to the Minister, you should submit all maps in Adobe Illustrator format and a copy of the Amendment Instructions to the DPA Mapping Coordinator (email: DPTI.PDDPAMappingCoordinator@sa.gov.au). Authorised PDF maps will be returned to Council to submit as part of the approval package to the Minister.

Council is also required to ensure that the Local Member of Parliament has been consulted on the DPA. If the Local MP changes following consultation, a copy of the approval DPA should be forward to the current MP for comment, prior to lodging the final approval package.

Hand-over meeting

The Department encourages Council and/or Consultant to arrange a meeting with the relevant Planning Officer to discuss and hand over the approval package. This will ensure all documentation is included in the package and provides Council the opportunity to discuss the key issues arising out of the process.

If you have any questions on this matter, please contact Abi Coad by phone on 7109 7039 or email at abi.coad@sa.gov.au.

Yours sincerely



Andrew Humby
UNIT MANAGER, DEVELOPMENT PLANS
DEVELOPMENT DIVISION
DEPARTMENT OF PLANNING, TRANSPORT AND INFRASTRUCTURE

14 / 9 / 2018

Att. A – Agency Comments

Policy Issues

No.	Section Ref	Issue	Discussion	Action required
1.	Commercial Zone	PDC 1 – Land Uses	Given the extent of exceptions included in this list Council could give consideration to splitting this list into separate parts for easier understanding or including a leading sentence that clarifies that the land uses are envisaged unless specified otherwise in the Precinct or Policy Area (or similar).	Review and update as necessary
2.	Commercial Zone	Non complying	It is noted that bulky goods outlet is listed as a non-complying development in the zone, however under the exceptions to shops, bulky goods outlet outside the Commercial Approach Precinct and Southern Township Gateway Policy Area are on merit. This has the potential to create confusion and misunderstanding of the intent.	Review how bulky goods outlets are listed in the non-complying list to avoid confusion.
3.	Community Zone	Non complying	It is noted that a nursing home is listed as a non-complying use within the Community Zone. Given the health services nature of this zone the listing of this use as non-complying is considered unnecessary	Remove nursing home as a non-complying land use in the Community Zone.
4.	District Centre Zone & Residential Zone (including Medium Density Policy Area)	Desired Character Statements	Reference to minimising access to Main North Road in the Desired Character Statement for the District Centre Zone should be amended to refer to vehicle access. In addition, given that parts of the Residential Zone also front Main North Road consideration should be given to including a similar paragraph in this Zone's Desired Character Statement as well.	Review and amend as necessary
5.	District Centre Zone	Repetition of policy	Proposed PDC 13 includes policy guidance for shared and consolidated car parks. In light of this PDC, PDC 15 is not considered to be required.	Review and amend as required.
6.	Various	Desired Character Statements	It is noted that some of the Desired Character Statements are complex and repetitive. Council may wish to review the new Desired Character Statements and refine for clarity where necessary.	Review and amend as required.

Technical Issues

No.	Section Ref	Issue	Discussion	Action required
7.	Commercial Zone	Policy Area numbering	The proposed Southern Township Gateway Policy Area is referred to as Policy Area 9 in PDC1 and Policy Area 11 elsewhere.	Review and update
8.	Commercial Zone	Non Complying list	The non-complying list retains reference to East Terrace Policy Area 1 which has been renamed and relocated into the Industry Zone	Remove references to East Terrace Policy Area 1.

Mapping Issues

No.	Section Ref	Issue	Discussion	Action required
9.	See comments attached.			

MAPPING COMMENTS

SUBJECT:	MAPPING COMMENTS ON DPA – 07-08-18
COUNCIL:	CLARE AND GILBERT VALLEY COUNCIL
DPA:	CLARE TOWNSHIP
STAGE:	AGENCY CONSULTATION ABI COAD

COMMENTS:

Mapping is suitable for Consultation

Final versions of the mapping must be sent to DPTI prior to approval

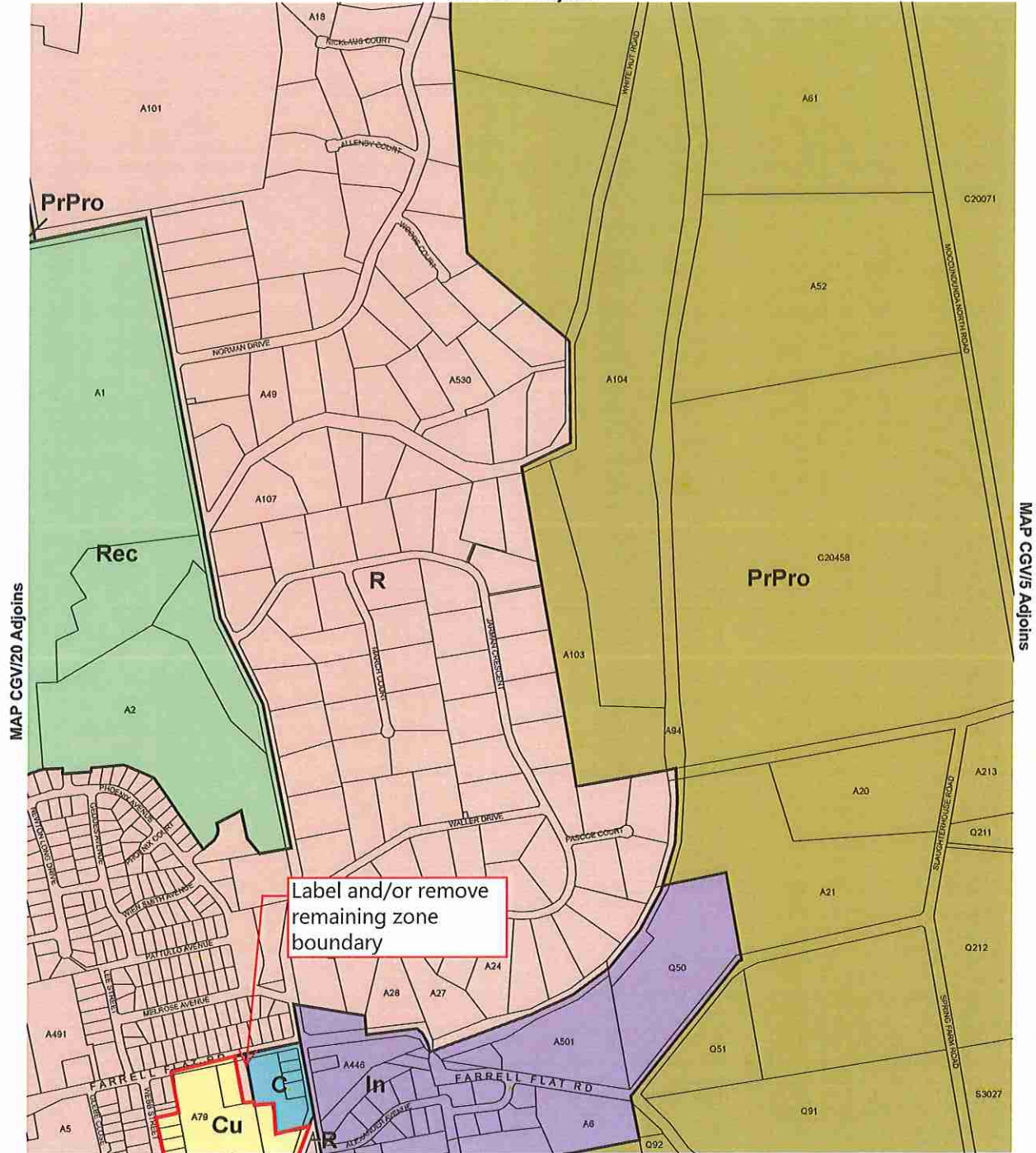
Please forward a copy of this minute to council/consultant.

Any problems please call Scott Johansen (phone: 8226 2564)

NB: These comments are also subject to the approval sequence of other DPA's currently in the system.

Scott Johansen
GIS Analyst Development Plan Mapping
Development Division
DPTI

MAP CGV/5 Adjoins



Lamberts Conformal Conic Projection, GDA94



Zones	
Cu	Community
C	Commercial
In	Industry
PrPro	Primary Production
Rec	Recreation
R	Residential
	Zone Boundary

Zone Map CGV/21

CLARE AND GILBERT VALLEYS COUNCIL

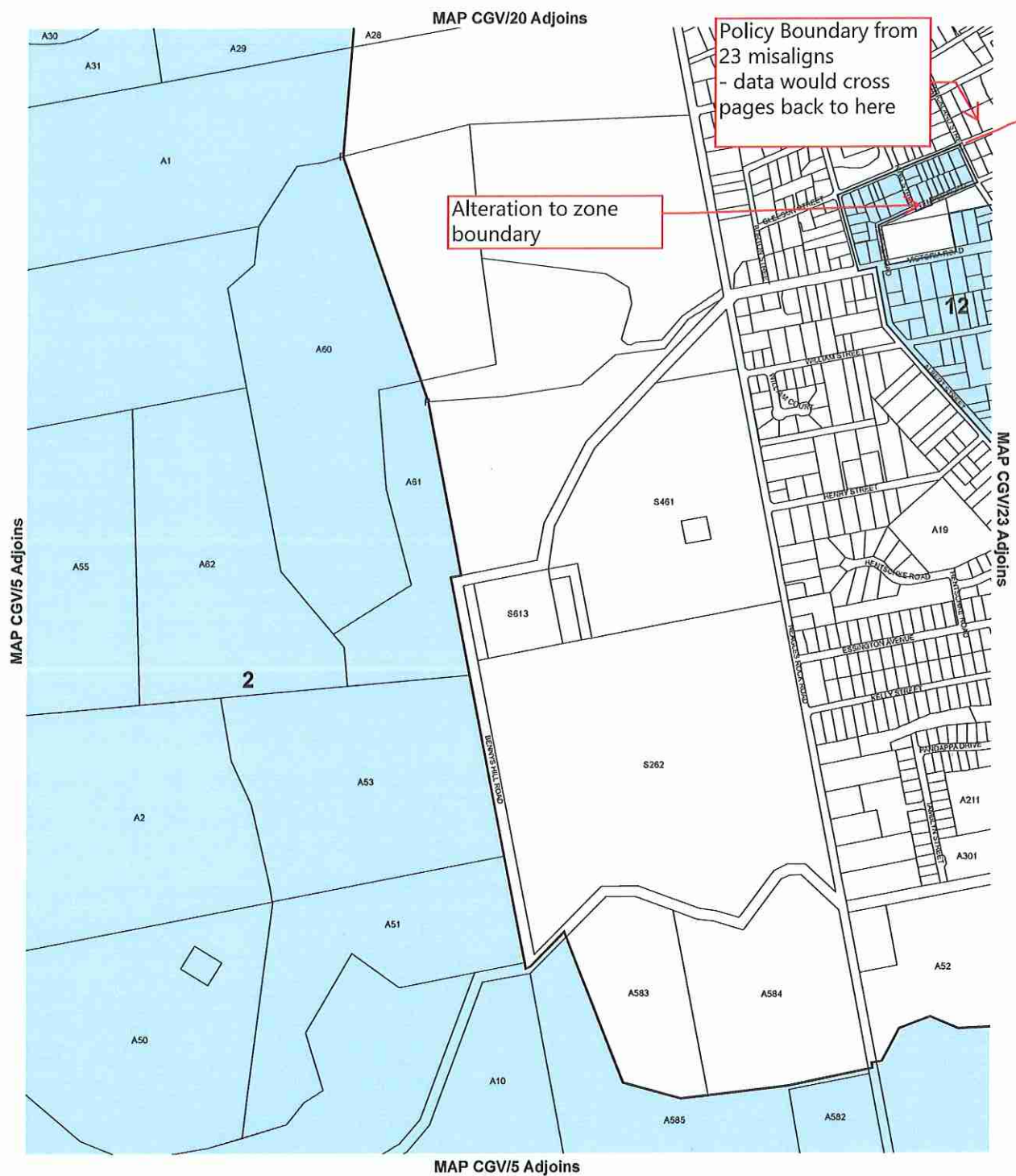
The map displays the City of Port Phillip with various land use zones. A large green area is labeled 'RuLP' (Residential Use Land). To the left, a yellow area is labeled 'PrPro' (Primary Production). To the right, a pink area is labeled 'R' (Residential). A small green area is labeled 'Rec' (Recreation). A red arrow points to a specific area within the 'R' zone, with a text box above it stating 'Alter for Policy Alignment'. The map also shows various streets, including Victoria Road, Albert Street, and Esplanade Avenue. Other labels include A1, A2, A3, A5, A6, A10, A19, A21, A23, A29, A30, A31, A50, A51, A52, A53, A54, A55, A58, A59, A60, A61, A62, A63, A64, A65, A66, A67, A68, A69, A70, A71, A72, A73, A74, A75, A76, A77, A78, A79, A80, A81, A82, A83, A84, A85, A86, A87, A88, A89, A90, A91, A92, A93, A94, A95, A96, A97, A98, A99, A100, A101, A102, A103, A104, A105, A106, A107, A108, A109, A110, A111, A112, A113, A114, A115, A116, A117, A118, A119, A120, A121, A122, A123, A124, A125, A126, A127, A128, A129, A130, A131, A132, A133, A134, A135, A136, A137, A138, A139, A140, A141, A142, A143, A144, A145, A146, A147, A148, A149, A150, A151, A152, A153, A154, A155, A156, A157, A158, A159, A160, A161, A162, A163, A164, A165, A166, A167, A168, A169, A170, A171, A172, A173, A174, A175, A176, A177, A178, A179, A180, A181, A182, A183, A184, A185, A186, A187, A188, A189, A190, A191, A192, A193, A194, A195, A196, A197, A198, A199, A200, A201, A202, A203, A204, A205, A206, A207, A208, A209, A210, A211, A212, A213, A214, A215, A216, A217, A218, A219, A220, A221, A222, A223, A224, A225, A226, A227, A228, A229, A230, A231, A232, A233, A234, A235, A236, A237, A238, A239, A240, A241, A242, A243, A244, A245, A246, A247, A248, A249, A250, A251, A252, A253, A254, A255, A256, A257, A258, A259, A260, A261, A262, A263, A264, A265, A266, A267, A268, A269, A270, A271, A272, A273, A274, A275, A276, A277, A278, A279, A280, A281, A282, A283, A284, A285, A286, A287, A288, A289, A290, A291, A292, A293, A294, A295, A296, A297, A298, A299, A300, A301, A302, A303, A304, A305, A306, A307, A308, A309, A310, A311, A312, A313, A314, A315, A316, A317, A318, A319, A320, A321, A322, A323, A324, A325, A326, A327, A328, A329, A330, A331, A332, A333, A334, A335, A336, A337, A338, A339, A340, A341, A342, A343, A344, A345, A346, A347, A348, A349, A350, A351, A352, A353, A354, A355, A356, A357, A358, A359, A360, A361, A362, A363, A364, A365, A366, A367, A368, A369, A370, A371, A372, A373, A374, A375, A376, A377, A378, A379, A380, A381, A382, A383, A384, A385, A386, A387, A388, A389, A390, A391, A392, A393, A394, A395, A396, A397, A398, A399, A400, A401, A402, A403, A404, A405, A406, A407, A408, A409, A410, A411, A412, A413, A414, A415, A416, A417, A418, A419, A420, A421, A422, A423, A424, A425, A426, A427, A428, A429, A430, A431, A432, A433, A434, A435, A436, A437, A438, A439, A440, A441, A442, A443, A444, A445, A446, A447, A448, A449, A450, A451, A452, A453, A454, A455, A456, A457, A458, A459, A460, A461, A462, A463, A464, A465, A466, A467, A468, A469, A470, A471, A472, A473, A474, A475, A476, A477, A478, A479, A480, A481, A482, A483, A484, A485, A486, A487, A488, A489, A490, A491, A492, A493, A494, A495, A496, A497, A498, A499, A500, A501, A502, A503, A504, A505, A506, A507, A508, A509, A510, A511, A512, A513, A514, A515, A516, A517, A518, A519, A520, A521, A522, A523, A524, A525, A526, A527, A528, A529, A530, A531, A532, A533, A534, A535, A536, A537, A538, A539, A540, A541, A542, A543, A544, A545, A546, A547, A548, A549, A550, A551, A552, A553, A554, A555, A556, A557, A558, A559, A560, A561, A562, A563, A564, A565, A566, A567, A568, A569, A570, A571, A572, A573, A574, A575, A576, A577, A578, A579, A580, A581, A582, A583, A584, A585, A586, A587, A588, A589, A590, A591, A592, A593, A594, A595, A596, A597, A598, A599, A600, A601, A602, A603, A604, A605, A606, A607, A608, A609, A610, A611, A612, A613, A614, A615, A616, A617, A618, A619, A620, A621, A622, A623, A624, A625, A626, A627, A628, A629, A630, A631, A632, A633, A634, A635, A636, A637, A638, A639, A640, A641, A642, A643, A644, A645, A646, A647, A648, A649, A650, A651, A652, A653, A654, A655, A656, A657, A658, A659, A660, A661, A662, A663, A664, A665, A666, A667, A668, A669, A670, A671, A672, A673, A674, A675, A676, A677, A678, A679, A680, A681, A682, A683, A684, A685, A686, A687, A688, A689, A690, A691, A692, A693, A694, A695, A696, A697, A698, A699, A700, A701, A702, A703, A704, A705, A706, A707, A708, A709, A710, A711, A712, A713, A714, A715, A716, A717, A718, A719, A720, A721, A722, A723, A724, A725, A726, A727, A728, A729, A730, A731, A732, A733, A734, A735, A736, A737, A738, A739, A740, A741, A742, A743, A744, A745, A746, A747, A748, A749, A750, A751, A752, A753, A754, A755, A756, A757, A758, A759, A760, A761, A762, A763, A764, A765, A766, A767, A768, A769, A770, A771, A772, A773, A774, A775, A776, A777, A778, A779, A780, A781, A782, A783, A784, A785, A786, A787, A788, A789, A790, A791, A792, A793, A794, A795, A796, A797, A798, A799, A800, A801, A802, A803, A804, A805, A806, A807, A808, A809, A810, A811, A812, A813, A814, A815, A816, A817, A818, A819, A820, A821, A822, A823, A824, A825, A826, A827, A828, A829, A830, A831, A832, A833, A834, A835, A836, A837, A838, A839, A840, A84

MAP CGV/23 Adjoins

Zone Map CGV/22

Zones

DTGc	District Town Centre
PrPro	Primary Production
Rec	Recreation
R	Residential
RuLP	Rural Landscape Protection
	Zone Boundary

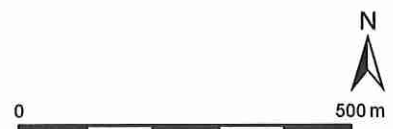


Lamberts Conformal Conic Projection, GDA94

Policy Area

2 Horticulture

12 Clare Medium Density

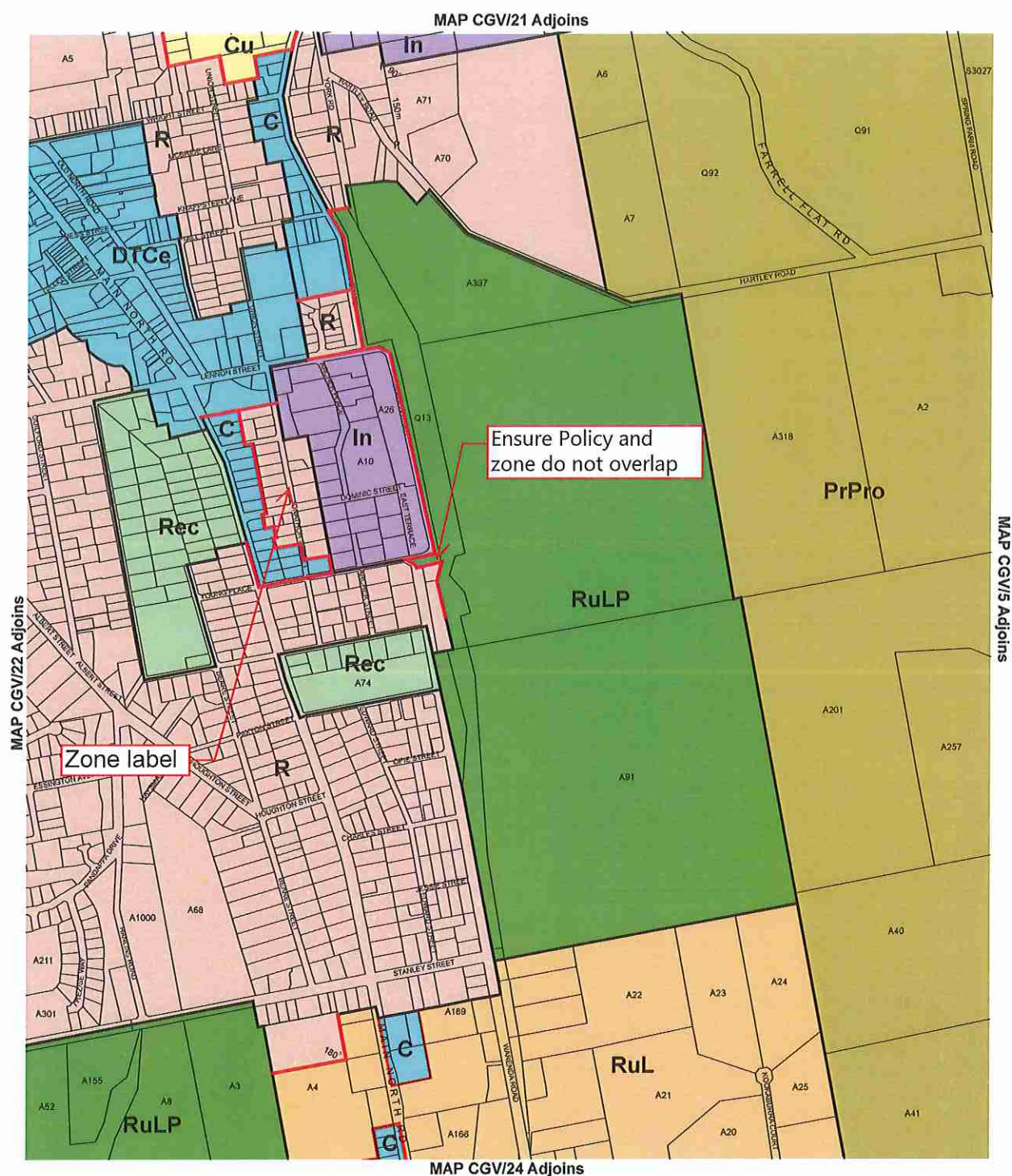


CLARE

Policy Area Map CGV/22

Policy Area Boundary

CLARE AND GILBERT VALLEYS COUNCIL



Lamberts Conformal Conic Projection, GDA94

Zones

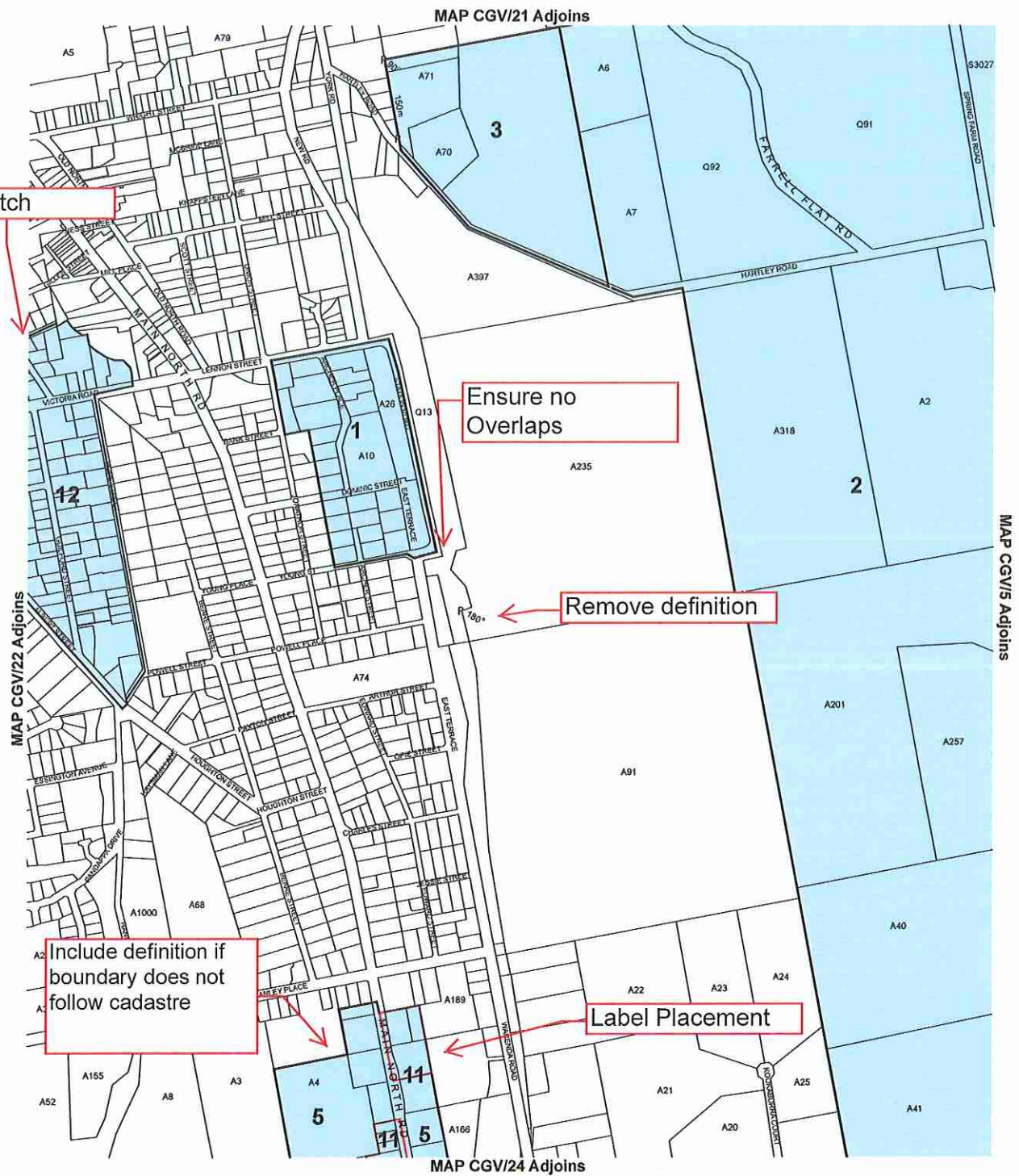
Cu	Community
C	Commercial
DTCe	District Town Centre
In	Industry
PrPro	Primary Production
Rec	Recreation
R	Residential
RuLP	Rural Landscape Protection
RuL	Rural Living
	Zone Boundary



CLARE

Zone Map CGV/23

CLARE AND GILBERT VALLEYS COUNCIL



Lamberts Conformal Conic Projection, GDA94

Policy Area

- 1 Archer Place
- 2 Horticulture
- 3 Clare Low Density Housing
- 5 Town Approach
- 11 Southern Township Gateway
- 12 Clare Medium Density

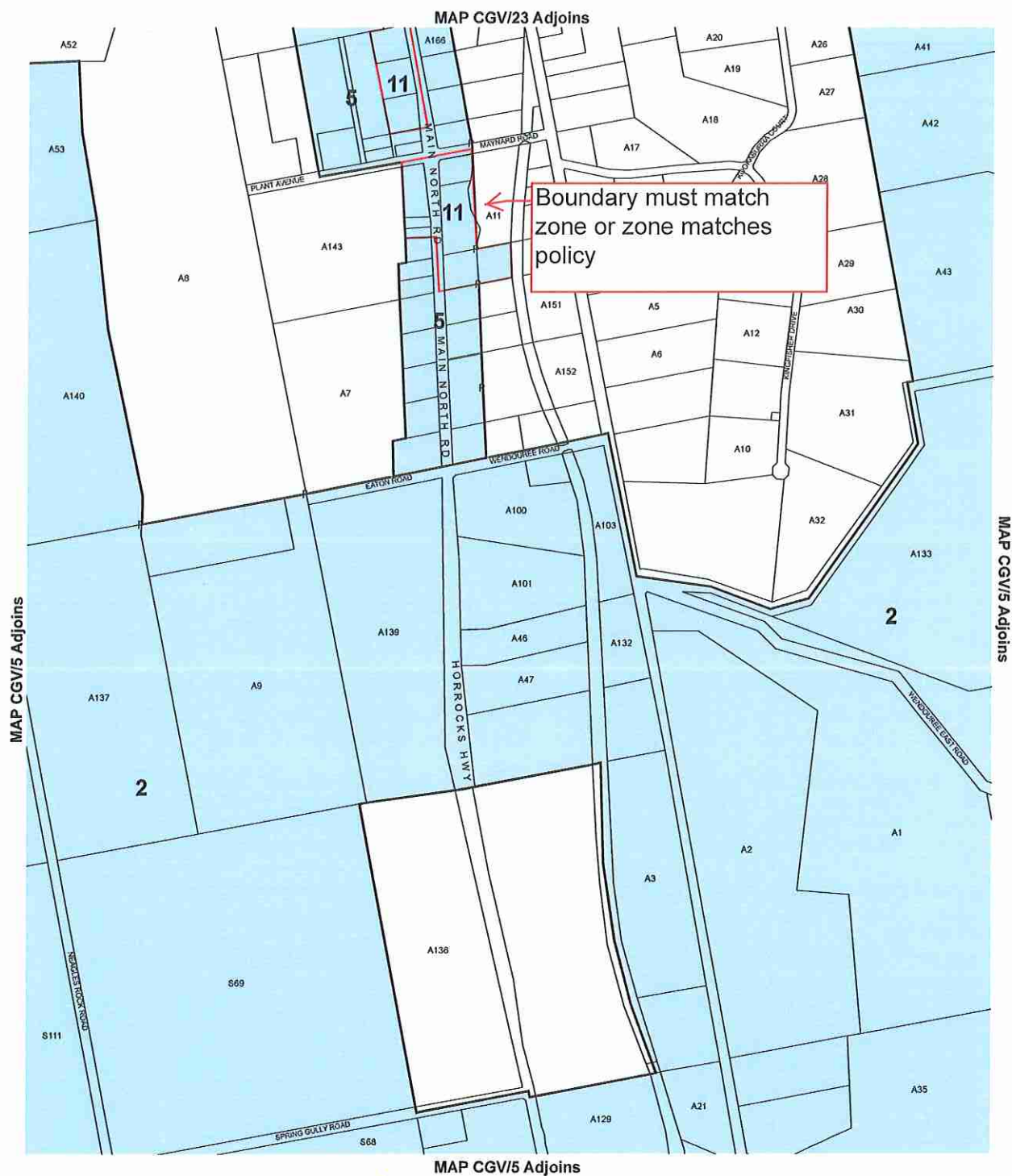


CLARE

Policy Area Map CGV/23

Policy Area Boundary

CLARE AND GILBERT VALLEYS COUNCIL



Lamberts Conformal Conic Projection, GDA94

Policy Area

- 2 Horticulture
- 5 Town Approach
- 11 Southern Township Gateway

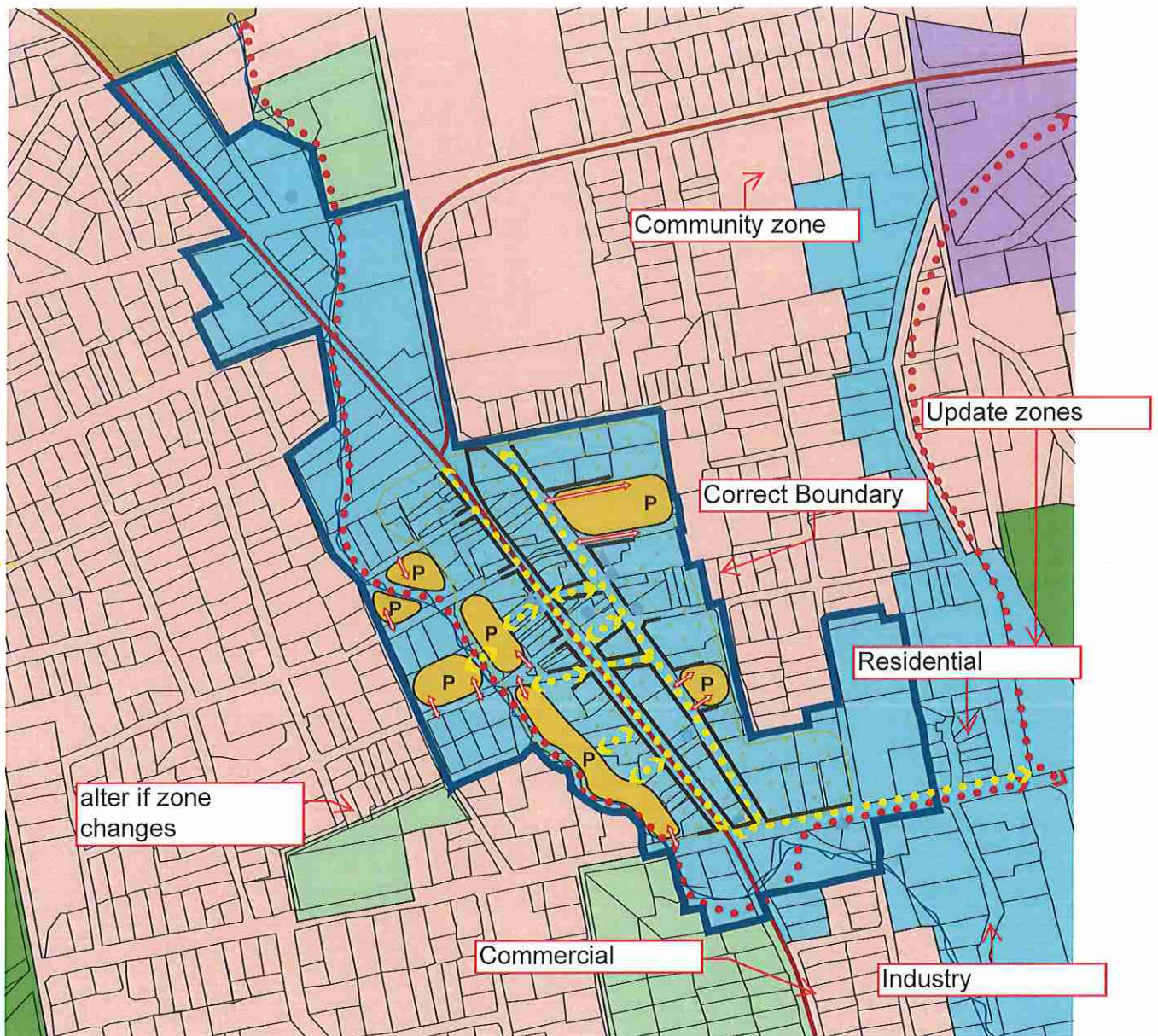


CLARE

Policy Area Map CGV/24

 Policy Area Boundary

CLARE AND GILBERT VALLEYS COUNCIL



- | | | | |
|--|---|--|----------------------------|
| | Core Retail Area | | Rural Landscape Protection |
| | State Heritage Place | | Industry |
| | Local Heritage Place | | District Town Centre |
| | Consolidated Car Parking | | Recreation |
| | Bicycle/Pedestrian Trail | | Residential |
| | Primary Pedestrian Route | | |
| | Continuous Built Form Edge and Activated Frontage | | |
| | Proposed Access | | |
| | Hutt River | | |
| | Secondary Arterial Road | | |
| | Concept Plan Boundary | | |



CLARE

Concept Plan Map CGV/9

DISTRICT TOWN CENTRE

CLARE AND GILBERT VALLEYS COUNCIL



Environment Protection Authority
GPO Box 2607 Adelaide SA 5001
211 Victoria Square Adelaide SA 5000
T (08) 8204 2000 F (08) 8204 2020
Country areas 1800 623 445

EPA 252-32

Dr Helen Macdonald
Chief Executive Officer
Clare and Gilbert Valleys Council
4 Gleeson Street
CLARE SA 5453

Dear Dr Macdonald

Clare Township Development Plan Amendment

Thank you for providing the Environment Protection Authority (EPA) with the opportunity to comment on the Clare Township Development Plan Amendment (DPA).

When reviewing documents such as this DPA, the key interest of the EPA is to ensure that all environmental issues within the scope of the objects of the *Environment Protection Act 1993* are identified and considered. The EPA is primarily interested in the potential environmental and human health impacts that would result from any development that may be proposed subsequent to this DPA. At the DPA stage, the EPA works to ensure that appropriate planning policy is included in the development plan to allow proper assessment at the development application stage.

The EPA has reviewed the DPA and understands its purpose is primarily to create a planning setting that will assist with improving the economic environment of Clare and its capacity to create diverse and affordable housing. The DPA also addresses flooding risks and addresses anomalies in zone and policy area provisions.

Commercial Zone

It is understood that the Commercial Zone is to be applied to areas in which commercial activities are undertaken but which are currently zoned for another land use such as rural living and residential.

Activities in a Commercial Zone are generally low risk in respect of interface issues but there is the potential for some of the envisaged land uses such as petrol filling stations, motor vehicle businesses, and shops (should they include retail food outlets) to have noise and air quality impacts on nearby sensitive land uses. It is noted that principle of development control (PDC) 7 addresses the potential for development adjoining residences to have a noise impact, but it is recommended that the potential for air emissions to have an impact also be addressed. Although the *Clare and Gilbert Valleys Council Development Plan* (consolidated 10 November 2016) contains the Interface between Land Uses module, which contains air quality PDCs, it would be of value to also include air quality in PDC 7 in the Commercial Zone.

Industry Zone – Interface between Land Uses

Part of the Commercial Zone on the southern side of Lennon Street is proposed to be rezoned to Industry Zone. A new policy area, Archer Place Policy Area 1, is also to be applied to that area. The EPA understands that this change is a reflection of the existing land uses, which include a winery licensed by the EPA in accordance with the *Environment Protection Act 1993*.

There are existing commercial and industrial activities within the area to be rezoned to Industry Zone, but the EPA has some concern that the rezoning could result in increased industrial development or changes in the types of industrial activities. This in turn could result in air and noise emissions that could affect those living in the adjacent Residential Zone.

The EPA notes that the Clare and Gilbert Valleys Council Development Plan contains policies on interface between land uses and that the Desired Character statement for the Industry Zone describes the need for development with little or no off-site impact to be located at the interface with the Residential Zone. Whilst this policy is supported it is recommended that additional policy be added to more strongly identify the need for noise and air quality issues to be addressed. This policy could be included within the Desired Character statement for the Industry Zone so that it covers all Industry Zones. It could also be included in Archer Place Policy Area 1.

Although appropriate policy may be in place, careful consideration needs to be given at the development application stage to the potential impact of industry on nearby sensitive land uses.

Industry Zone – Flood Risks

‘Overlay Map CGV/23 Development Constraints’ identifies areas that are subject to flood risk. Those areas include the area on the southern side of Lennon Street that is proposed to be rezoned to Industry Zone. Parts of that area may be subject to a high or extreme flood risk.

Flood risk is not identified within the Industry Zone, so it is recommended that policy be included particularly so in Archer Place Policy Area 1.

For further information on this matter, please contact Geoff Bradford on 8204 9821 or geoffrey.bradford@epa.sa.gov.au.

Yours sincerely

Kym Pryde

PRINCIPAL ADVISER, PLANNING POLICY AND PROJECTS

PLANNING AND IMPACT ASSESSMENT

ENVIRONMENT PROTECTION AUTHORITY

Date: 12 September 2018

Clare Township DPA

The Chief Executive Officer Clare and Gilbert Valleys Council 4 Gleeson Street Clare SA 5453

The council is to be congratulated for the medium density initiative in the proposed development plan amendment. It shows foresight and presents opportunities for Clare residents to relocate within the township and for the township to be a destination of choice for new residents.

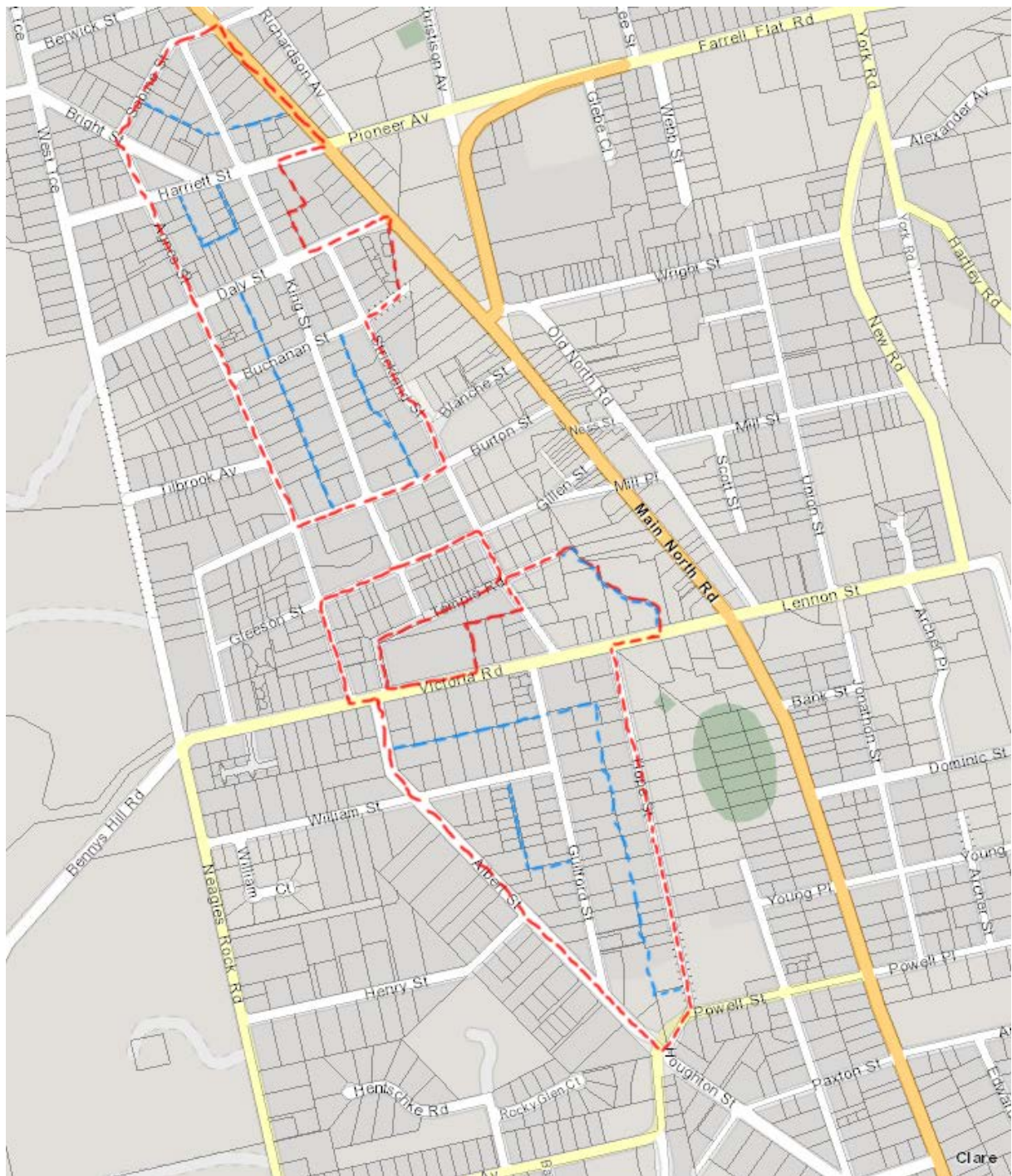
Ageing in Place

Ageing in place is about enabling older to remain within their community of choice. They live interdependently and when challenges of the existing dwelling and/or dwelling location exceed functional capacity and network support they relocate. If relocation is not an option or it requires a move outside of their community, they will struggle on with an impaired living standard or an application for service support will be presented. Thus, providing opportunities for to relocate enables both independence and service non-utilisation (Del Aguila, Cox & Lee, 2006). Most older adults never use support services or become a resident in a retirement facility, though necessary, building an age friendly community where older adults remain active is for their benefit and makes economic sense on many levels. Opportunities to relocate supports independence, retain expenditure in Clare, reduce service utilisation expenditures, and retains residential density to maintain infrastructure in the township.

Village

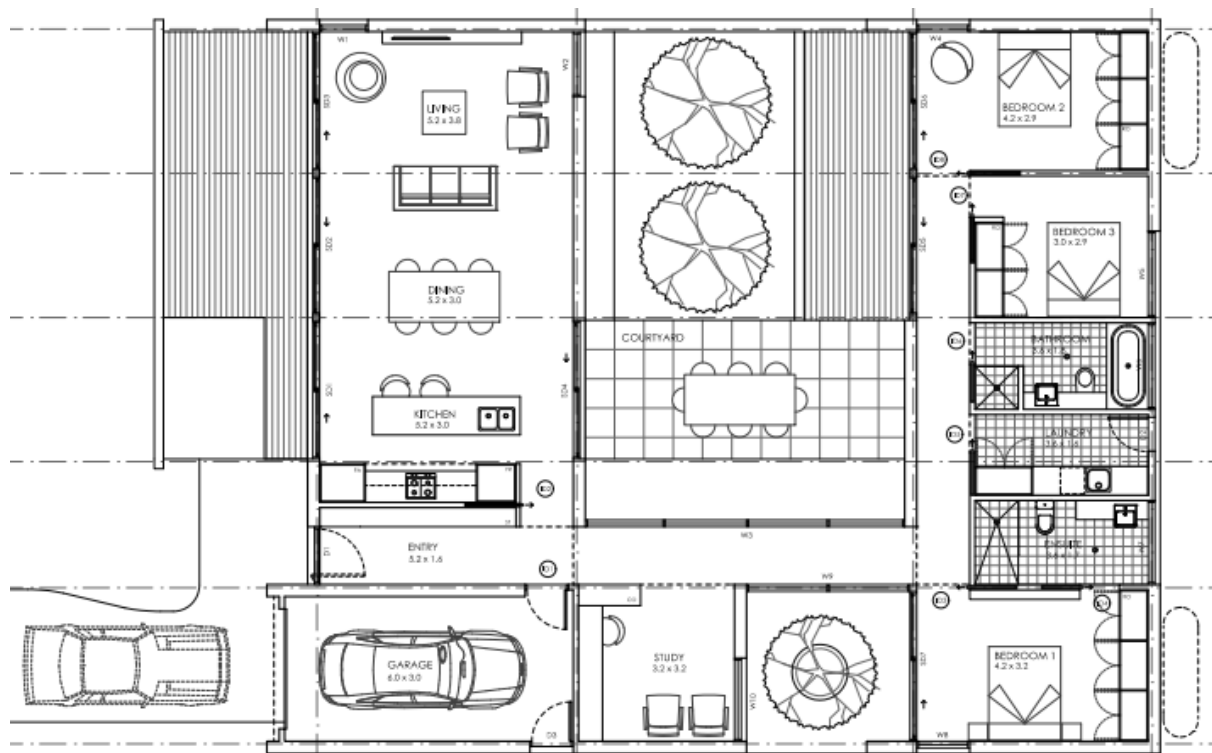
A village atmosphere presents a destination of choice for relocation and new residents. There is an opportunity here, but the DPA does not go far enough in two respects: sustainable housing, and laneways. Battle axe blocks and long driveways with residences removed from street frontage are already appearing. These designs isolate residents and thus have limited appeal for relocation and for Clare as a destination. Why move out of an existing home to be isolated behind other houses or why move to Clare when your cut-off from community life. The rateable value of land will also impact council finances.

The medium density area in the DPA presents an opportunity to develop a village with a network of smaller laneways approximately 7 metres wide. With traffic one way, there is enough space for pedestrian footpaths either side and limited permit parking for residents. These types of streets are common in the city centre of Adelaide and some inner-city suburbs. Have sketched out some possibilities, highlighted in blue on the following map. Laneways also present benefits for development, enabling housing direct access to a street frontage and more efficient use of space by removing the necessity for long driveways.



With housing setbacks 2 or 3 metres, a village of one and two storey dwellings could be accommodated on block sizes 200 to 300 square metres. Side and rear lots setbacks are not necessary for light, private open space or sustainable housing. Have attached one of the designs from Your Home, the federal government's sustainable housing website [<http://www.yourhome.gov.au/house-designs>]. In this design, the three-bedroom + study is a 189m² home (167m² ground floor + 22m² garage) designed around a central courtyard. With some minor

alterations, the side and rear spaces would not be required. Removal of the study would enable two cars to park off street.



3 bedroom + study: Courtyard Home [www.yourhome.gov.au/house-designs/plans-and-elevations]

Land is a valuable resource and efficient use is essential to sustainable development. Requirements of the National Construction Code can be met on a 200m² allotment without side and rear setbacks. With a second level, there would be more possibilities and further opportunities to use roof space as outdoor space.

I am available to answer questions raised by this submission in the public meeting if required.

Thank you for providing the opportunity to comment on the DPA.

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Burton Street, Clare
0449 996179
markdelaguila@gmail.com

Del Aguila M, Cox LM, Lee L. Functional Interdependence. The Australasian Journal on Ageing. 2006; 25: 134-139.