

Agenda Report for Decision

Meeting Date: 18 August 2022

Item Name	Code Amendment Initiation Advice to the Minister for Planning – Edithburgh Rural Living Zone Code Amendment
Presenters	Paul Bennett, Jason Bailey and Nadia Gencarelli
Purpose of Report	Decision
Item Number	4.2
Strategic Plan Reference	4. Discharging Statutory Obligations
Work Plan Reference	4.2 Advise the Minister on Code Amendments
Confidentiality	Not Confidential (Release Delayed). To be released following final decision by the Minister for Planning on initiation of the Code Amendment. Anticipated by 16 September 2022.
Related Decisions	N/A

Recommendation

It is recommended that the State Planning Commission (the Commission) resolves to:

1. Approve the designation of this item as Not Confidential (Release Delayed), with the meeting papers for the item to be released following final decision by the Minister for Planning (the Minister) on initiation of the Code Amendment. Anticipated by late September 2022.
2. Advise the Minister that it:
 - 2.1 Recommends the approval of the Proposal to Initiate the Edithburgh Rural Living Zone Code Amendment under section 73(2)(iv) of the *Planning, Development and Infrastructure Act 2016* (the Act), subject to the following conditions applied under section 73(5)(b) of the Act:
 - a) The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays or technical and numerical variations provided for under the published Planning and Design Code (the Code) (on the date the Amendment is released for consultation).
 - b) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.
 - 2.2 Recommends that the Yorke Peninsula Council (the Council) be the Designated Entity responsible for undertaking the Code Amendment process.

3. Specify that the Designated Entity consults with the following nominated individuals and entities, under section 73(6)(e) of the Act:
 - Narungga/Adjahdura people
 - Department of Primary Industries and Regions SA
 - Environment Protection Authority
 - Department for Environment and Water
 - South Australian Country Fire Service
 - Utility providers, including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
 - State Members of Parliament for the electorates in which the proposed Code Amendment applies.
4. Not specify further investigations or information requirements pursuant to section 73(6)(f) of the Act in addition to that outlined in the Proposal to Initiate.
5. Recommend that the Minister approve the initiation of the Code Amendment by signing the Proposal to Initiate (**Attachment 1**) and approval letter with conditions (**Attachment 2**).
6. Approve and authorise the Chair of the Commission to sign the advice to the Minister as provided in **Attachment 3**.
7. Authorise the Chair to finalise any minor amendments to the advice and attachments as required.

Background

Section 73(2)(b)(iv) of the Act provides that a proposal to amend the Code may be initiated by a council with the approval of the Minister, acting on the advice of the Commission, in relation to the following matters:

- Strategic assessment against the State Planning Policies and *Yorke Peninsula Regional Land Use Framework (December 2007)*.
- Any person or body that must be consulted by the Designated Entity, pursuant to section 73(6)(e) of the Act.
- Any investigations to be carried out or information to be obtained by the Designated Entity, in accordance with section 73(6)(f) of the Act.

The purpose of this report is therefore to provide the Commission with advice to be provided to the Minister in relation to the Proposal to Initiate submitted by Council (**Attachment 1**).

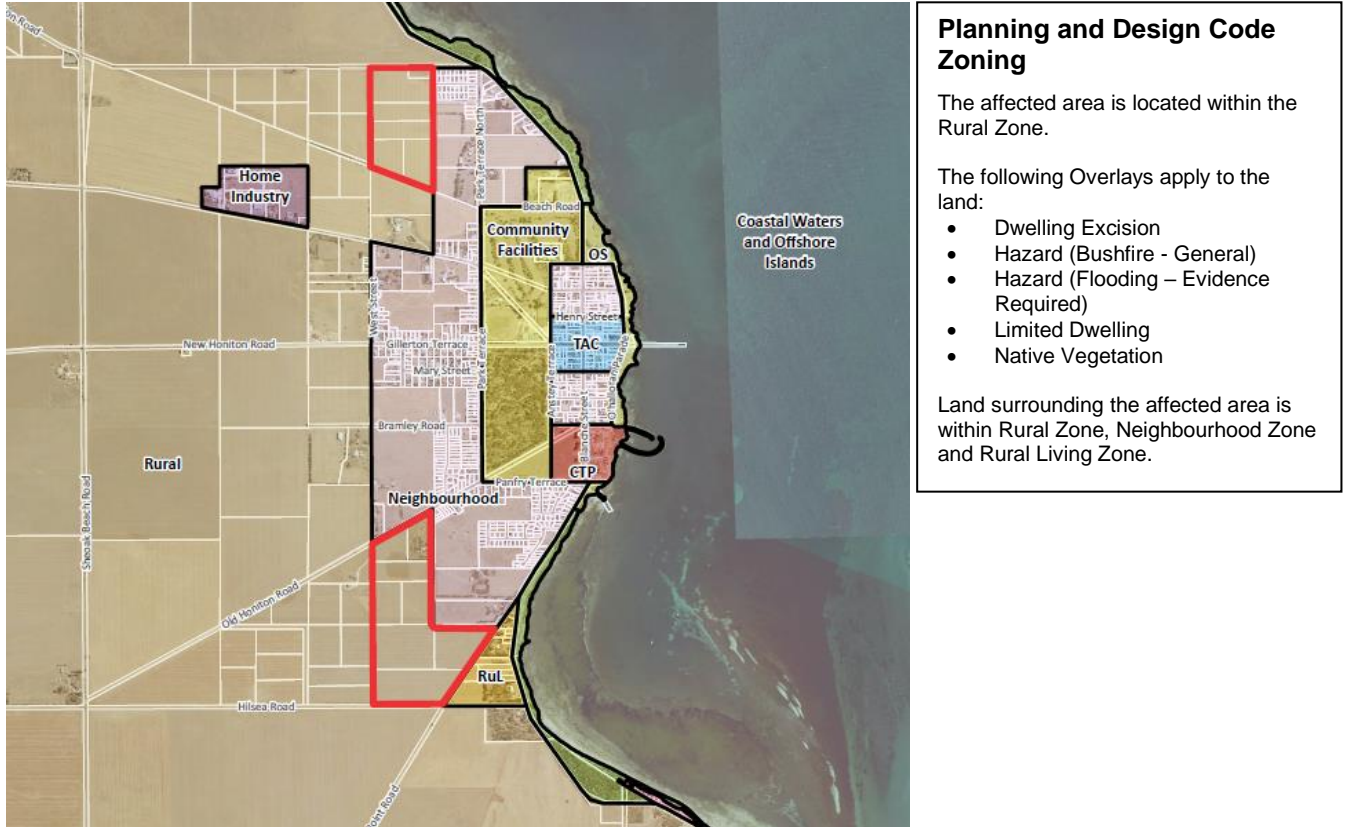
Procedural matters regarding the Commission's role is provided in **Attachments 4** and **5**.

Discussion

Scope of the Amendment

The Proposal seeks to rezone two areas (comprising 18 hectares and 32 hectares) within Edithburgh from the Rural Zone to the Rural Living Zone. Subject to further investigations, it has also been proposed to amend the minimum site area Technical and Numeric Variation (TNV) to 5,000 square metres (currently 40 hectare minimum).

The affected area and current zoning are shown in the figure below.



Planning and Design Code Zoning

The affected area is located within the Rural Zone.

The following Overlays apply to the land:

- Dwelling Excision
- Hazard (Bushfire - General)
- Hazard (Flooding – Evidence Required)
- Limited Dwelling
- Native Vegetation

Land surrounding the affected area is within Rural Zone, Neighbourhood Zone and Rural Living Zone.

Detailed discussion is provided in the advice to the Minister in **Attachment 3**.

Advice to the Minister

The attached advice to the Minister sets out the statutory and procedural elements that must be considered as part of the initiation of a Code Amendment (**Attachment 3**).

The advice recommends that the Minister approve the initiation of the Code Amendment for the following reasons and subject to conditions (as set out below).

Strategic considerations

The Proposal seeks to rezone approximately 50 hectares of land on the outskirts of Edithburgh for rural living purposes. Part of the land was previously zoned Rural Living but was 'back-zoned' in 2017 due to a lack of support for rural living by the State Government at the time. Notwithstanding, additional residential land is considered appropriate for the following reasons:

- Much of the residential land supply in Edithburgh is not appropriate for rural living activities and there is demand for rural living allotments.

- The affected area is already largely in fragmented ownership or of poor quality for primary production, and the rezoning will help to establish suitable buffers between the town and the more productive farming areas which surround the town.
- The affected areas are located on the edge of the township and would not constrain the expansion of Edithburgh for more dense forms of development in the future.

Further strategic considerations and discussion are provided in **Attachment 3**.

Procedural considerations

The Proposal to Initiate meets all procedural requirements, as detailed in the attached advice to the Minister (**Attachment 3**).

Conditions proposed and items specified

A number of conditions have been recommended to be specified by the Minister, pursuant to sections 73(5)(b) of the Act. In addition, it has been recommended that the Commission specify persons or bodies to be consulted with by the Designated Entity under section 73(6)(e) of the Act, as outlined in the advice to the Minister (**Attachment 3**).

Attachments:

1. Proposal to Initiate the Edithburgh Rural Living Zone Code Amendment (#18879429).
2. Draft approval letter to the Yorke Peninsula Council (#18879440)
3. State Planning Commission Advice to the Minister (#18879433).
4. Procedural matters for the State Planning Commission (#18879439).
5. Process Flowchart – Code Amendments Initiated by Proponents (#18879436).

Prepared by: Belinda Monier and Nadia Gencarelli

Endorsed by: Jason Bailey

Date: 12 August 2022

**PROPOSAL TO INITIATE AN AMENDMENT TO THE
PLANNING & DESIGN CODE**

Edithburgh Rural Living Zone Code Amendment

By Yorke Peninsula Council



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CHIEF EXECUTIVE OFFICER, YORKE PENINSULA COUNCIL

Date: 7th June 2022

This Proposal to Initiate document forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73 (2)(b) of the *Planning, Development and Infrastructure Act 2016*

MINISTER FOR PLANNING

Date:

1. INTRODUCTION

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- 1.2. Rationale for the Code Amendment

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- 4.4. Further Engagement Proposed

5. CODE AMENDMENT PROCESS

- 5.1. Engagement Plan
- 5.2. Engagement Report
- 5.3. Code Amendment Timetable

ATTACHMENTS

- A- Timetable for Code Amendment

1. INTRODUCTION

Pursuant to section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act), the Yorke Peninsula Council is proposing a Code Amendment in relation to land located at Edithburgh, Yorke Peninsula.

This *Proposal to Initiate* details the scope, relevant strategic and policy considerations, nature of investigations to be carried out and information collected to date for the Code Amendment, and the timeframes to be followed in preparing the Amendment, should this Proposal to Initiate be approved by the Minister.

The purpose of this proposal to initiate is to see the Minister for Planning (the Minister's) agreement to commence a Code Amendment. It is understood the Minister may also specify conditions, under section 73 (5) of the Act, on approving this initiation.

1.1 Designated Entity for Undertaking the Code Amendment

The Yorke Peninsula Council is the 'designated entity' responsible for conducting this Code Amendment process however the process will be funded by:

- Randy Badman (email: randy@aussiebroadband.com.au)

The key Council contact person who will be responsible for managing the Code Amendment process and who will receive all official documents relating to this Code Amendment is:

- Roger Brooks
Director Development Services
Yorke Peninsula Council
PO Box 57
Maitland SA 5573
Tel: 08 8832 0000
Email: roger.brooks@yorke.sa.gov.au

Council will be supported by professional advice provide by:

- David Hutchison of Access Planning (SA) Pty Ltd; and
- Adam Williams of Access Planning (SA) Pty Ltd

It is understood however, the Minister may decide that the Chief Executive of the Attorney General's Department prepare the Code Amendment.

1.2. Rationale for the Code Amendment

The Yorke Peninsula Council proposes to rezone approximately 50 hectares of land at Edithburgh from the Rural Zone to the Rural Living Zone.

Prior to the introduction of the Planning and Design Code, the policies in the Yorke Peninsula Council Development Plan relevant to the Edithburgh township were last formally amended on 31 October 2017 when the Edithburgh Town and Surrounds Development Plan Amendment (the "DPA") was consolidated with the Development Plan.

The DPA initially included the affected land being either retained as Rural Living Zone (south portion) or rezoned from Primary Production Zone to the Rural Living Zone (north portion) however and prior to the DPA being endorsed by the Minister, the rezoning of land was withdrawn from the DPA due to a lack of support by the State Government of the day. The

portion of land to the south-west of the Town which had previously been zoned Rural Living was also subsequently rezoned to Primary Production Zone.

Like the previous Statements of Intent documents provided to the Minister prior to the Development Plan being replaced by the Planning and Design Code, the Council has continued to support land to the north-west and south-west of the existing Edithburgh township being rezoned from a Rural (formerly Primary Production) Zone to a Rural Living Zone. It still considers it necessary to increase the provision of rural living land adjacent to the Town, to support lifestyle demands and to make better use of existing allotments on the fringe of the Town for rural living activities rather than being retained as Rural.

The supply of rural living land in proximity to Edithburgh was critically diminished because of the changes introduced to the now revoked Development Plan by the DPA. Although the Planning and Design Code has changed the Primary Production Zone to a Rural Zone, introduced Overlays, Technical and Numeric Variations, and General Development Polices, the conversation process applied a largely “policy neutral” philosophy, i.e., no significant policy change.

Council seeks to partly return land back to a rural living purpose while seeking once more to have land to the north-west of the town changed to a Rural Living Zone. The purpose of this change is to increase opportunities for allotments on the fringe of the Edithburgh township to facilitate alternative lifestyle choices rather than being retained as primary production. Further, it is intended the zone change will not prevent efficient and orderly future township expansion.

The affected land is mostly farming land (cropping) but for two dwellings with associated outbuildings. All the land is within the Rural Zone.

The Planning and Design Code provides the opportunity to rezone the land so the future expansion of the Edithburgh Township may incorporate greater residential allotment options without compromising the long-term continuation of economically productive, efficient and environmentally sustainable primary production. The following issues are to be addressed as part of this Code Amendment Process:

- Review demand for rural living development in and around the town and in particular, having regard to the fragmented pattern of land ownership within the adjoining Primary Production zone.
- Determine the appropriateness of the land for rural living development having regard to;
 - The proximity of land to the existing Neighbourhood Zone and its ability to provide a buffer between the urban area and the adjoining farming activities’
 - The value of the land as productive farmland;
 - Land tenure and property cadastre;
 - Ability of the land to be serviced;
 - Whether land should be serviced or can be supplied with power and water without need for connection to mains services;
 - Desktop site history review; and
 - Nature of adjoining land uses.
- Assign a minimum size for rural living allotments to ensure they are neither too big to be properly managed or too small to thwart future growth of the Town.
- Revisit the use of rural living areas as a buffer between the residential areas of Edithburgh and the surrounding Rural Zone while also creating the opportunity to

provide access to existing landlocked parcels within the affected area and more beneficial land use opportunities.

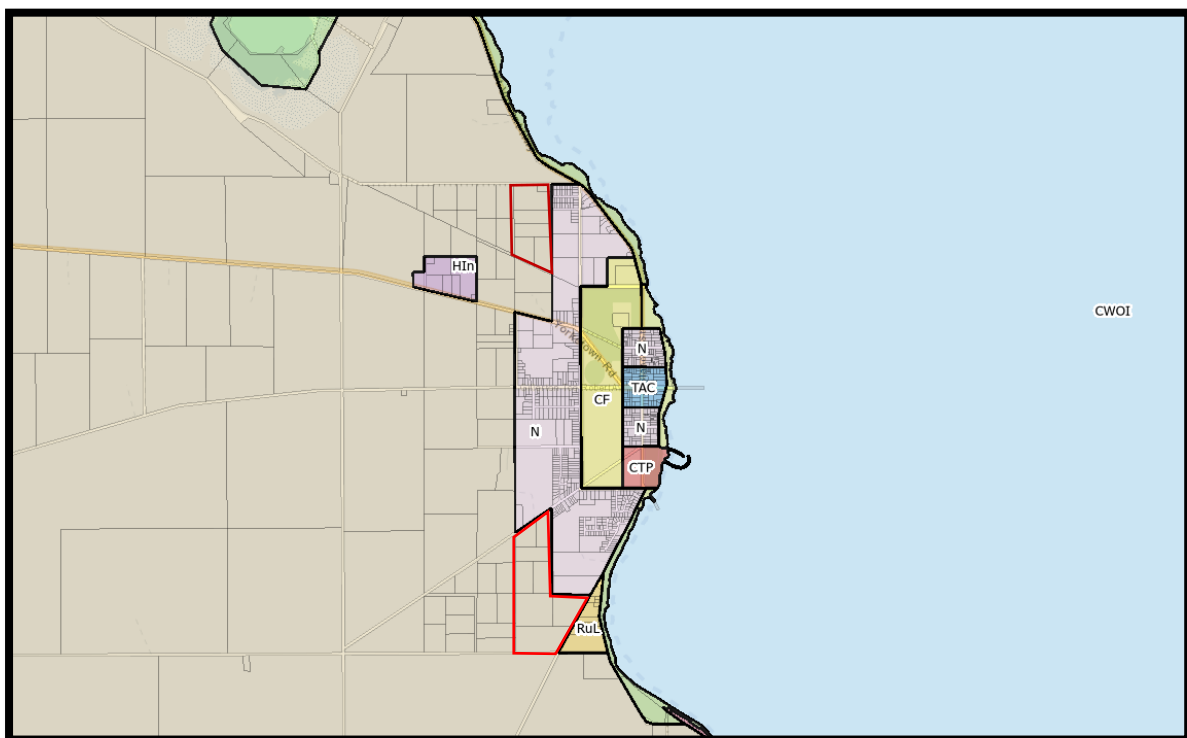
2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The proposal seeks to amend to the Code for the following properties:

- Allotment 333, Filed Plan 195755, Edithburgh, Hundred of Melville (CT 5708/687)
- Allotment 334, Filed Plan 195756, Edithburgh, Hundred of Melville (CT 5783/441)
- Sections 458, 459 & 460, H130900, Edithburgh, Hundred of Melville (CT 5703/201)
- Section 461, H130900, Edithburgh, Hundred of Melville (CT 5703/207)
- Section 436, H130900, Edithburgh, Hundred of Melville (CT 5182/531)
- Sections 432, 433, 434 & 435, H130900, Edithburgh, Hundred of Melville (CT 5182/532)
- Section 180 & 181, H130900, Edithburgh, Hundred of Melville (CT 5697/385)
- Section 182, H130900, Edithburgh, Hundred of Melville (CT 5697/386)

The properties affected by the Initiated Code Amendment are depicted by the red outlines below in Figure 1.




 Subject Land

Figure 1: Affected Land & Zoning

Source: SA Property & Planning Atlas

2.2. Scope of Proposed Code Amendment

The scope of the proposed amendments is summarised below.

<p>Planning & Design Code Policy</p>	<p>Zone</p> <ul style="list-style-type: none"> ▪ Rural <p>Overlay</p> <ul style="list-style-type: none"> ▪ Dwelling Excision ▪ Hazard (Bushfire - General Risk) ▪ Hazard (Flooding – Evidence Required) ▪ Limited Dwelling ▪ Native Vegetation <p>Technical and Numeric Variation (TNV)</p> <ul style="list-style-type: none"> ▪ Minimum Site Area (Minimum site area is 40 ha)
<p>Amendment Outline</p>	<p>This proposal seeks the following amendments to the affected area:</p> <ul style="list-style-type: none"> ▪ The entirety of the affected area to be rezoned Rural Living ▪ The TNV amended to: <ul style="list-style-type: none"> ▪ Minimum Site Area (Minimum site area is 5,000 sqm) ▪ The removal of the following overlays: <ul style="list-style-type: none"> ▪ Dwelling Excision ▪ Limited Dwelling ▪ The application of the following overlays <ul style="list-style-type: none"> ▪ Hazard (Bushfire – General Risk) ▪ Hazard (Flooding – Evidence Required) ▪ Native Vegetation
<p>Intended Policy</p>	<p>No new policy, zones or subzones are proposed to be introduced as part of this Code Amendment. The proposal will spatially amend the Code by applying policies of existing zones, overlays and TNV from the Code to the affected area.</p>

3. STRATEGIC PLANNING OUTCOMES

Proposed Code Amendments occur with a state, regional and local strategic setting which includes:

- State Planning Policies (SPPs)
- Regional Plans
- Other relevant strategic documents

3.1. Alignment with State Planning Policies

The State Planning Policies (SPPs) set out the State’s overarching goals and requirements for the planning system. Under section 66(3)(f) of the Act, the Code must comply with any principle prescribed by a SPP. The Code Amendment should be initiated because the strategic planning outcomes sought to be achieved through the Code Amendment align with or seeks to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>State Planning Policy: Integrated Planning</p>	
<p>To apply the principles of integrated planning to shape cities and regions in a way that enhances our liveability, economic prosperity and sustainable future</p>	
<p>1.1. An adequate supply of land (well serviced by infrastructure) is available to accommodate housing and employment growth over the relevant forecast period.</p>	<p>The affected area contains approximately 50 hectares of land, with some 32 hectares of the land previously being within a Rural Living Zone.</p> <p>There are currently only twelve (12) allotments zoned as Rural Living in Edithburgh. It is anticipated five (5), possibly six (6) of these properties could be readily developed with further rural living development in the short term.</p> <p>It is evident there is limited land available within the town which can provide a spacious and secluded residential lifestyle within semi-rural or semi-natural environments, so too the opportunity for a range of low-intensity rural activities and home-based business activities that complement that secluded residential lifestyle choice.</p> <p>Although a recent Development Plan Amendment increased the supply of residential land within the Edithburgh township to accommodate future housing demand, much of the land is not appropriate for rural living activities due its proximity to existing and future sensitive uses.</p> <p>The rezoning of the affected land to Rural Living will provide greater residential lifestyle choices to the Edithburgh township.</p>
<p>1.2 Provide an orderly sequence of land development that enables the cost-effective and timely delivery of infrastructure investment commensurate with the rate of future population growth.</p>	<p>The proposed re-zoning of the affected land is considered a logical development of Edithburgh.</p> <p>New roads can safely and effectively integrate with the existing local roads and there will be minimal need for upgrade works. The existing local road network can be easily</p>

	<p>modified to support future rural living traffic generation and movements.</p> <p>Although the affected land can be efficiently connected to water and power services, the anticipated demand for water and electricity can be offset by further nurturing a culture of water conservation involving rainwater tanks and re-use of stormwater and wastewater.</p> <p>Emerging technologies can also ensure no unwarranted stress is placed on existing available energy supply with new allotments being serviced by off-grid energy generation.</p> <p>The proposed rezoning is unlikely to result in the haphazard supply of infrastructure and services.</p>
<p>1.3 Plan growth in areas of the state that is connected to and integrated with existing and proposed public transport routes, infrastructure, services and employment lands.</p>	<p>The affected area is well positioned in respect to infrastructure, services and employment lands.</p> <p>As noted above, the affected land can efficiently and effectively connect to the existing local road network, and mains water and power supplies are available along Old Honiton Road and Park Terrace North which the affected land could access if required.</p> <p>Edithburgh is not serviced by public transport; however a frequent passenger bus service (Yorke Peninsula Passenger Service) connects Edithburgh with other centres on Yorke Peninsula and with Adelaide.</p> <p>Employment and access to retail and social services are provided within the Edithburgh Town Activity Centre Zone (approximately 1.5 kilometres from the affected area) and the Yorketown Town Activity Centre Zone and Strategic Employment Zones is approximately 15 kilometres north-west of Edithburgh.</p>
<p>1.4 Protect areas of rural, landscape character, environmental importance, mining or food production significance from the expansion of urban areas, towns and settlements.</p>	<p>The affected land is on the interface of the Edithburgh township and the broadacre farming activities which surround the township. The intent of the proposed rezoning is to utilise land already in fragmented ownership or of poor quality to establish suitable buffers between the town and the more productive farming areas which surround the town.</p>

	<p>Previous clearance activities have resulted in minimal retention of native vegetation in comparison to existing strands of high-quality vegetation.</p> <p>Wattle Point Wind Farm is located more than 1 kilometre south of the affected land. This will ensure future noise sensitive development associated with the rural living land uses will not unreasonably encroach upon the function of the wind farm.</p> <p>The affected land proposed for rezoning will not diminish farm land required for the production, processing, storage and distribution of primary produce, nor the generation of energy from renewable sources.</p>
<p>1.6 Plan for strategic infrastructure that helps to shape the pattern of settlement in a way that enhances quality of life and supports long term sustainability.</p>	<p>This proposal does not involve land known to be required for strategic infrastructure, and thus does not present any negative impact on the State’s strategic infrastructure.</p>
<p>State Planning Policy 5: Climate Change</p> <p>Provide for development that is climate ready so that our economy, communities and environment will be resilient to climate change impacts.</p>	
<p>5.5 Avoid development in hazard prone areas or, where unavoidable, ensure risks to people and property are mitigated to an acceptance or tolerable level through cost-effective measures.</p>	<p>The affected land is located within a Hazards (Bushfire – General Risk) Overlay and a Hazards (Flooding – Evidence Required) Overlay</p> <p>The Hazards (Bushfire – General Risk) Overlay contain policies to mitigate the general level of bushfire risk by providing siting and design guidelines to buildings and property taking into account the increased frequency and intensity of bushfires as a result of climate change.</p> <p>The site is also located within a Hazards (Flooding – Evidence Required) Overlay which provide guidelines to mitigate potential impacts on people, property, infrastructure, and the environment from potential flood risk through the appropriate siting and design of development.</p> <p>As both overlays are present, the rezoning of the affected land to Rural Living can be considered appropriate as any subsequent</p>

	subdivision and development of the land would be required to appropriately address hazard mitigation guidelines.
5.6 Facilitate green technologies and industries that reduce reliance on carbon-based energy supplies and directly or indirectly reduce our greenhouse gas emissions.	Emerging technologies can be incorporated into new Rural Living development to ensure no unwarranted stress is placed on existing available energy supply. New allotments can be serviced by off-grid energy generation which can reduce reliance on carbon-based energy supplies.
State Planning Policy 6: Housing Supply and Diversity	
To promote the development of a well-serviced and sustainable housing and land choices where and when required.	
6.2 The timely supply of land for housing that is integrated with, and connected to, the range of services, facilities, public transport and infrastructure needed to support liveable and walkable neighbourhoods.	<p>The affected area consists of relatively small, fragmented, dry land farming allotments, with two allotments each comprising detached dwellings.</p> <p>The affected area is in proximity to services provided within the Edithburgh township and is a short distance from Yorketown. The affected area is suitably located to provide a spacious and secluded residential lifestyle environment while being in proximity to support the managed growth of the township.</p>
6.4 The growth of regional centres and towns within the existing footprint or outside towns where there is demonstrated demand and the land is serviced with infrastructure.	<p>As mentioned above, much of the land affected by the proposed rezoning was previously zoned as rural living land.</p> <p>The affected area comprises comparatively small, fragmented allotments which provide minimal value for farming activities. The Rural Living use will provide greater lifestyle choices while also creating an appropriate township/rural interface</p>
6.6 A diverse range of housing types within residential areas that provide choice for different household types, life stages and lifestyle choices.	Unlike other similar sized townships of Yorke Peninsula (i.e., Yorketown, Port Victoria, Ardrossan and Minlaton), Edithburgh has only a small area of land which is zoned for Rural Living activities. The proposed rezoning will provide greater lifestyle choices for residents of the town in a manner similar to other townships.
6.10 Limit the establishment of rural living allotments in areas that impact on the future expansion of townships and	The proposed rezoning to rural living will incorporate minimum allotments sizes which do not detrimentally constrain the future expansion of the Edithburgh township

<p>result in the inefficient delivery of infrastructure and social services.</p>	
<p>6.11 Residential development that does not fragment valuable primary production land, create land use conflicts or encroaches on sensitive environmental assets and places of high landscape value.</p>	<p>The affected land comprises existing fragmented allotments held in separate ownership. These arrangements have resulted in restricted primary production.</p> <p>The rezoning will provide better interface guidelines between larger, more productive broad acre farmland and the fringe residential areas of the Edithburgh township</p> <p>The affected land does not contain, nor abut, sensitive environmental assets or places of high landscape value.</p>
<p>State Planning Policy 8: Primary Industry</p> <p>A diverse and dynamic primary industry sector making the best use of natural and human assets.</p>	
<p>8.4 Equitably manage the interface between primary production and other land use types, especially at the edge of urban areas.</p>	<p>As highlighted above, the proposed rezoning will provide better interface guidelines between the larger, more productive broad acre farmland and residential areas of Edithburgh</p>
<p>State Planning Policy 15: Natural Hazards</p> <p>To build the resilience of communities, development and infrastructure from the adverse impacts of natural hazards.</p>	
<p>15.1 Identify and minimise the risk to people, property and the environment from exposure to natural hazards including extreme heat events; bushfire; terrestrial and coastal flooding; soil erosion; drought; dune drift; acid sulfate soils; including taking into account the impacts of climate change.</p>	<p>As highlighted above, the affected land is located within a Hazards (Bushfire – General Risk) Overlay and a Hazards (Flooding – Evidence Required) Overlay.</p> <p>The rezoning of the affected land to Rural Living is considered appropriate as any subsequent subdivision and development would be required to appropriately address hazard mitigation.</p>

3.2. Alignment with Regional Plans

As with the SPPs, the directions set out in Regional Plans provide the long-term vision as well as setting the spatial patterns for future development in a region. This includes consideration of land use integration, transport infrastructure and the public realm. The Yorke Peninsula Regional Land Use Framework (2007) of the Planning Strategy is relevant for this Code Amendment.

The Code Amendment will support the Planning Strategy by implementing the following targets:

Policy	How the target will be implemented:
Yorke Peninsula Regional Land Use Framework (2007)	
<p>Objective 1: Recognise and Protect the Region’s Environmental Assets</p> <p>Strategies</p> <p>1.2 - Retain natural drainage patterns and design housing, roads and open space around watercourses and natural contours, and make provision for buffers</p> <p>1.6 - locate and design development to prevent further loss, degradation and fragmentation of native vegetation, on public and private land, including within townships.</p> <p>1.9 - Preserve areas of high landscape and amenity value and areas forming an attractive background or entrance to towns or tourist developments, and along the coast.</p>	<p>The Code Amendment will review the relationship between the town and adjoining Rural Zone with a view to retaining useable farmland, establishing suitable buffers to existing farms, promoting rural living as a buffer and restricting such development to those areas not required for township expansion and that land already in fragmented ownership or of poor quality.</p> <p>In addition, and as consequence of previous clearance activities, together with the land’s position between the township and broadacre farming land, any vegetation in the Affected Area will be in isolation and degraded, compared to existing stands of high quality vegetation found within other areas of the Council.</p> <p>The future rural living development on the land will maintain an extensive setback from the coast, similar to the existing development within the township. As a result, views from the coast will not be adversely impacted.</p>
<p>Objective 2: Ensure efficient use of water and energy</p> <p>Strategies</p> <p>2.2- Maximise the use of rainwater, treated wastewater and stormwater in industrial, commercial, residential and recreation developments</p> <p>2.3 -Reduce energy requirements of industrial and residential buildings and estates by:</p> <ul style="list-style-type: none"> • Requiring energy efficient design to ensure buildings are cooler in summer and warmer in winter • Actively supporting the use of renewable energy options in building designs and subdivisions 	<p>The Code Amendment will explore opportunities to reduce demand on local water resources by furthering nurturing a culture of water conservation involving rainwater tanks and re-use of stormwater and wastewater. The minimum size for the rural living allotments will be an important consideration to facilitating efficient collection and use of water</p> <p>The Code Amendment will explore opportunities to draw upon emerging technologies to ensure the rural living allotments place no unwarranted stress on existing available energy supply. Rural living development can be undertaken using resources generated on site including the re-use of waste water for irrigation of vegetated buffers, solar and wind generators and battery storage for power in lieu of mains connection and on-site water supply for self-sufficiency in this area.</p> <p>Investigating possible further rural living opportunities in the Edithburgh region is</p>

Policy	How the target will be implemented:
<ul style="list-style-type: none"> • Consolidating townships and strengthening the role and function of centres to reduce the need to travel, support regional passenger transport networks, and enable people to undertake a number of activities in one location 	<p>considered a logical and modest possible expansion of the existing township.</p> <p>The Code Amendment offers the opportunity to strengthen the social and economic fabric of the locality and provides a supply of land for rural living lifestyle development in a locality where few allotments are currently available on the market.</p>
<p>Objective 3: Protect people, property and the environment from exposure to hazards</p> <p>Strategies</p> <p>3.1 - Design and plan for development in accordance with the risk management hierarchy of:</p> <ul style="list-style-type: none"> • Avoidance: avoiding permanent development within and adjacent to areas at risk from hazards • Adaptation: designing buildings and infrastructure to minimise risk in the long term • Protection: the establishment of protection works to protect existing development or facilitate major development <p>3.2 - Plan development to prevent the creation of hazards - including through erosion, site contamination, air and noise pollution, disturbing or mobilising acid sulphate soils, diversion of water courses or impeding the flow of flood waters</p>	<p>The Code Amendment will explore the potential risks associated with re-establishing, and creating new, rural living areas between the township and primary production areas.</p> <p>In addition to the Code Overlays which seek to reduce the likely exposure and impact of natural hazards (i.e., flooding and bushfire) consideration will also be given to mitigation of environmental hazards (including air, noise pollution and site contamination).</p>
<p>Objective 4: Effectively manage waste, wastewater and stormwater</p> <p>Strategies</p> <p>4.3 - Plan for effective wastewater disposal through the mains sewer and Community Waste Management Systems and maximise re-use opportunities</p>	<p>A Community Waste-waste Management System (CWMS) currently services properties within the township. The Code Amendment will investigate the effectiveness of the system, and if augmentation works are possible to service the Affected Area in addition to existing properties.</p> <p>Alternatively, acceptable on-site management systems will be considered if augmentation works of the CWMS are not feasible at this point in time.</p>

Policy	How the target will be implemented:
<p>Objective 9: Retain and strengthen the economic potential of high-quality agricultural land</p> <p>Strategies</p> <p>9.1 - Prevent loss of productive agricultural land to other uses and through potential conflict with incompatible uses by:</p> <ul style="list-style-type: none"> • focusing housing (including rural living) and industrial development within townships and industrial estates, unless directly related to primary industry • preventing fragmentation of agricultural land • managing interfaces with residential areas 	<p>Primary production is the basis of the economic activity in this part of the Yorke Peninsula region and the protection of existing operations is paramount.</p> <p>The Code Amendment will recognise the importance of farming and productive land to the Yorke Peninsula, and the increased pressure from urban development on such land.</p> <p>The Code Amendment proposes to investigate the rezoning of land previously within the Rural Living Zone, but now Rural Zone (and formerly Primary Production Zone), back to its former zoning, and also the creation of a new Rural Living Zone to the north of the Township.</p> <p>The investigations will explore the impacts on productive agricultural land by reviewing the relationship between the town and adjoining Rural Zone with a view to retaining useable farmland, establishing suitable buffers to existing farms, promoting rural living as a buffer and restricting such development to those areas not required for Township expansion and that land already in fragmented ownership or of poor quality.</p> <p>This will ensure productive land is not jeopardised by inappropriate development and the further fragmentation of such land.</p>
<p>Objective 17: Reinforce the Role, Functionality and Vibrancy of Towns and Settlements</p> <p>Strategies</p> <p>17.7 - Retain the cultural/heritage tourist focus of Moonta, Port Wakefield, Ardrossan, Edithburgh, Wallaroo, Minlaton and Maitland by strengthening heritage and township character</p>	<p>The proposed investigations into the re-zoning of primary production zoned land will be done to provide a logical development of Edithburgh so clear links with established development and character are maintained.</p> <p>The Affected Area is not known to be areas of cultural, historic, environmental, scenic or of archaeological significance but this will be further investigated as part of the Code Amendment.</p>

Policy	How the target will be implemented:
<p>17.8 - Retain coastal living and holiday appeal of towns of Port Broughton, Wallaroo, Moonta Bay, Port Hughes, Port Wakefield, and townships between Ardrossan and Edithburgh</p>	
<p>Objective 18: Strategically plan and Manage Township Growth, with Master Planning for Coastal Areas a Priority</p> <p>Strategies</p> <p>18.1 - focus development in existing towns based on role and function</p> <p>18.2 - base expansions of towns on clear and structured master planning that:</p> <ul style="list-style-type: none"> • supports the role, function and desired character of the town; • ensures new areas are continuous with and form compact extensions of existing built up areas; • prevents linear development along the coast and arterial roads; • does not encroach upon areas of importance to economic development; • supports equitable access to health, community and education services and facilities, including future needs of the community taking into account projected demographic changes; • supports cost-effective provision of infrastructure and services (e.g. health, education), including avoidance of unnecessary expansion or duplication; • of existing regional infrastructure and services; • supports the provision of passenger/public transport within and between towns; 	<p>While Edithburgh is not earmarked for expansion in the Regional Framework policies, the intention of the Code Amendment is to provide greater living choice within the township which will support the role, function and character of the town.</p> <p>The Affected Areas include land which was previously zoned for rural living purposes and other areas which will form a valuable buffer between the town surrounding primary production activities. The areas to be investigated will not result in linear development along the coast or arterial roads.</p> <p>The proximity of the Affected Area to the existing township means the provision of infrastructure and access to existing services will remain relatively cost-effective where available.</p>

Policy	How the target will be implemented:
<ul style="list-style-type: none"> • in coastal settlements, retains public access to the coast, promotes strong linkages with the coast; • protects places of heritage and cultural value, minimises adverse environmental and aesthetic impacts, and prevents exposure of people and property to risk of hazards; • promotes development on existing vacant land and surplus government land prior to providing further broadacre/greenfield sites. <p>18.3 – Cluster activities along the coast in distinctive and compact coastal towns, and strongly discourage linear development</p> <p>18.8 – Provide for limited compact expansion of Ardrossan, Port Wakefield, Port Vincent and Stansbury. For all other townships along the eastern coast of the Peninsula focus future development within existing townships.</p>	
<p>Objective 20: Provide residential land to enable a supply of diverse, affordable and sustainable housing to meet the needs of current and future residents and visitors</p> <p>Strategies</p> <p>20.1 - Focus housing within townships, including 'rural living' (large residential allotments), to prevent encroachment on sensitive environments, agriculture, mining and industrial land, exposure to risks (e.g. flooding, bushfire, pollution) and to best utilise strategic infrastructure</p> <p>20.2 Locate land for rural living within townships in such a way that it retains opportunities for future township expansion</p>	<p>The recent amendments to the Development Plan (and now the Planning and Design Code) provided greater residential development opportunities within the Edithburgh township however rural living opportunities were passed over.</p> <p>The proposed re-zoning within the Code Amendment will investigate a mix of land areas to provide a range of lifestyle options within the Edithburgh township without compromising future expansion should it become necessary.</p>

3.3. Alignment with Other Relevant Documents

Additional documents may relate to the broader land use intent within the scope of this proposed Code Amendment (or directly to the Affected Area) and therefore are identified for consideration in the preparation of the Code Amendment. The following table identifies other documents relevant to the proposed Code Amendment:

Recommendations from Council's Strategic Directions (Section 30) Report supporting the proposed DPA are as follows:

- Continuing to advance the work previously contained in the Edithburgh Town and Surrounds DPA by re-visiting rural living opportunities.

Other relevant Documents	Code Amendment Alignment with Other Relevant Document
Draft Yorke Peninsula Council Strategic Management Plan 2021-2025	
Goal 1.2: Deliver strategic and responsible land use planning	The plan seeks to increase residential population and residential numbers. The proposed rezoning will support more diverse lifestyle choices than currently available in Edithburgh

4. INVESTIGATIONS

4.1. Investigations Already Undertaken

Investigations previously undertaken (prior to the preparation of this Proposal to initiate an amendment) include the following:

- As part of the recent Edithburgh Town and Surrounds DPA (which was consolidated with the Council Development Plan on the 31st October 2017), the Council undertook a review of rural living development in the area around Edithburgh. This included supply and demand within the township and with consideration to the pattern of land ownership in the Zone.
- Post public consultation in November 2014, the DPA went through a state of flux due to a significant shift in the then Minister for Planning's approach to dealing with Development Plan Amendments which included rural living development, despite initial approval for a Statement of Intent that clearly telegraphed the intention for Rural Living zoning to form part of the outcomes of the DPA.
- To obtain Minister approval for the Edithburgh Town and Surrounds DPA, areas of land initially proposed for a Rural Living Zone were either dropped from the DPA and retained as Primary Production Zone (now Rural Zone) or rezoned to Residential Zone (now Neighbourhood). Subsequently areas of land previously zoned Rural Living were rezoned to Primary Production, with the matter of new Rural Living Zone areas set aside to be dealt with as a separate DPA (now a Code Amendment) at a later date.

4.2. Further Investigations Proposed

The Code Amendment will draw on the previous review work done for the Edithburgh Town and Surrounds DPA in respect to demand for rural living development in and around the town with further investigations to inform the amendment:

- A general review of zoning within and surrounding the township of Edithburgh;
- Investigate rural living supply and demand within the Edithburgh township where the creation of new Rural Living Zones is proposed
- Review of the Aboriginal Heritage Register for any records of indigenous artefacts on the Affected Area
- Investigate the availability/capacity of infrastructure to support future rezoning of Affected Area to a Rural Living Zone including:
 - A Traffic Impact Study to determine the impact of the proposed Code Amendment on the surrounding transport network and to determine any infrastructure improvements that may be required,
 - Soil analysis and confirmation of On-site Wastewater Management System capacity in lieu of not being capable of connecting with the existing Edithburgh Community Wastewater Management System, and
 - Confirmation of the ability for the Affected Area to be serviced by utilities including power, potable water, or if potable water services are not available, alternative supply options, and telecommunication infrastructure and services, including NBN Access where appropriate
- Investigate returning Rural Zone land to the south-west of the town bound by Old Honiton, Hilsea, Wattle Bay and Lehman Road to rural living considering the fragmented ownership and strategic position of the land adjacent to the residential fringe of the Edithburgh township
- Investigate the creation of a new Rural Living Zone south of Fielding Street and to the west of Park Terrace North
- Investigate potential interface issues associated with the proposed rezoning and consider ways of avoiding potential noise and air quality problems by appropriately locating zone boundaries (by considering existing Zone and Overlay guidelines) and using planning policies to minimise such risks.
- Desktop investigations to identify possible sources of site contamination in the area(s) proposed for rezoning and where necessary incorporate appropriate general development guidelines to safeguard and to forewarn proponents of such risks.

5. CODE AMENDMENT PROCESS

5.1. Engagement Previously Undertaken

As noted earlier, the proposed rezoning was previously placed on public notification as part of the Edithburgh Town and Surrounds DPA process. This involved notification being provided to various agencies, members of Parliament, other Local Government bodies, Utility providers, the Regional Development Board, First Nation representatives, and the public.

5.2. Further Engagement Proposed

In addition to the engagement already undertaken and identified above, the Code Amendment process will occur in accordance with the Community Engagement Charter and

Practice Direction 2 – *Consultation on the Preparation or Amendment of a Designated Instrument.*

The Designated Entity will prepare an Engagement Plan prior to the commencement of engagement on the proposed Code Amendment. The Engagement Plan will include the following mandatory consultation requirements (which may be in addition to the engagement outlined in this Proposal to Initiate) with the following Stakeholder groups:

- The Local Government Association.
- A notice in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:
 - o the owners or occupiers of the land; and
 - o owners or occupiers of each piece of adjacent land and within proximity of the Affected Area;
- Consultation with any person or body specified by the State Planning Commission under section 73(6)(e) of the Act including (but not limited to):
 - State Member of Parliament
 - Department for Environment and Water and, Environmental Protection Authority
 - Utility Providers (i.e., SA Power Networks, SA Water)
 - Department of the Premier and Cabinet
 - Relevant State advisory committees and liaison groups
 - Relevant Referral Bodies
- Non-mandatory genuine engagement – key stakeholders/groups, community groups (i.e., relevant resident groups, environmental groups, local community actions groups) etc
- Local Media

5.3. Engagement Methods

The intent of the engagement process will be to:

- Alert attention to the draft Code Amendment, its scope and intent.
- Highlight any specific issues identified during the drafting process.
- Provide details on the Code Amendment process and opportunities for comment.
- Provide details on how to seek further information.

The above listed stakeholders will be provided with information via the following methods:

- A copy of the Code Amendment via the SA Planning Portal
- A media release provided to the Yorke Peninsula Country Times
- Information on the Council's website, with information on the Code Amendment and information on how to make comments
- A written notice to all property owners and occupiers within the Affected Area, adjacent property owners and occupiers, and other property owners and occupiers in proximity to the Affected Area inviting them to review and comment on the draft policy and to seek any additional information.
- Information brochure and display being provide in Council's Offices in Maitland, Minlaton and Yorketown outlining what the Code Amendment is about, the proposed policy amendments, and how interested persons can comment.
- Written or electronic notification of the draft Code Amendment to relevant State Government Departments / Agencies, Members of Parliament, adjacent Councils,

- Advice from relevant infrastructure providers and other interested stakeholders will be sought to determine and address the impact the Code Amendment may have on surrounding infrastructure and services.
- Copies of draft Code Amendment and information brochure to be made available at Council offices in Maitland, Minlaton and Yorketown and Yorketown Area School Library.
- The scheduling of a Public Meeting may be organised at the conclusion of the consultation process if any interested person has requested such an opportunity to discuss the proposed changes in a public forum.

5.4. Engagement Report

Once engagement on the Code Amendment is complete, the Designated Entity will prepare an Engagement Report under section 73(7) of the Act which will be provided to the Minister and published on the SA Planning Portal. This will occur in accordance with Practice Direction 2.

The Engagement Plan and the Engagement Report will also be considered by the State Planning Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under section 74(3) of the Act. The Commission's report will provide information about the reason for the Code Amendment, the consultation undertaken on the Code Amendment and any other information considered relevant by the Commission.

5.4. Code Amendment Timetable

The Designated Entity commits to undertaking the Code Amendment in line with the timeframe outlined Attachment A. If a timeframe is exceeded (or expected to be exceeded) the Designated Entity agrees to provide an amended timetable to the Department with an explanation of the delay, for approval by the Minister of an extension of time for the Code Amendment.

ATTACHMENT A

Timetable for Code Amendment

Step	Responsibility	Timeframe
Approval of the Proposal to Initiate		
Review of Proposal to Initiate to confirm all mandatory requirements are met <i>(timeframe will be put on hold if further information is required).</i> Referral to the Minister to request advice from the Commission	Attorney General's Department (AGD)	2 weeks (includes lodgement and allocation + referral to Government Agencies within the first week)
Minister requests advice from the Commission.	Minister	2 weeks
Referral to Government Agencies for comment (where necessary)	AGD, Relevant Government Agencies	+ 2 weeks
Consideration of Proposal to Initiate and advice to the Minister	Commission (Delegate)	3 weeks
	Commission	+ 3 weeks
Proposal to Initiate agreed to by the Minister	Minister	2 weeks
Preparation of the Code Amendment		
Engagement Plan Prepared. Investigations conducted; Code Amendment Report prepared The Drafting instructions and draft mapping provided to AGD	Designated Entity	6 Weeks
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purpose	AGD	1 week
Preparation of Materials for Consultation	Designated Entity	4 weeks
Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan	Designated Entity	4-6 weeks
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised; Amended drafting instructions provided, Engagement Report	Designated Entity	4 weeks (depending on extent of work required)

prepared and lodged with AGD		
Assess the amendment and engagement. Prepare report to the Commission or delegate <i>Timeframe will be put on hold if further information is required, or if there are unresolved issues</i>	AGD	4 weeks
Consideration of Advice	Commission (Delegate)	2 weeks (includes 1 week to process through Minister's office)
	Commission	+ 3 weeks
Decision Process		
Minister considers the Code Amendment Report and the Engagement Report and makes decision	Minister	3 weeks
Implementing the Amendment (operation of the Code Amendment)		
Go Live Publish on the PlanSA Portal	AGD	2-4 weeks
Parliamentary Scrutiny		
Referral of approved Code Amendment to ERDC	AGD	8 weeks



TO: MINISTER FOR PLANNING

RE: PROPOSAL TO INITIATE THE EDITHBURGH RURAL LIVING ZONE CODE AMENDMENT BY THE YORKE PENINSULA COUNCIL – FOR INITIATION

PURPOSE

To recommend that you approve, with conditions, the Proposal to Initiate the Edithburgh Rural Living Zone Code Amendment (the Proposal).

BACKGROUND

Section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act) provides:

73 – Preparation and amendment

(2) A proposal to amend a designated instrument may be initiated by—

(b) with the approval of the Minister, acting on the advice of the Commission—

(iv) a council.

The Yorke Peninsula Council (the Council) has lodged a Proposal to Initiate the Edithburgh Rural Living Zone Code Amendment to amend the Planning and Design Code (the Code) as it relates to the affected area (**Attachment 1**).

The State Planning Commission (the Commission) considered the Proposal to Initiate at its meeting of 18 August 2022 and resolved to support the Code Amendment, subject to conditions.

A summary of the roles and responsibilities for you and the Commission regarding the Code Amendment is provided in **Appendix A**.

A flowchart of the Code Amendment process is provided in **Appendix B**.

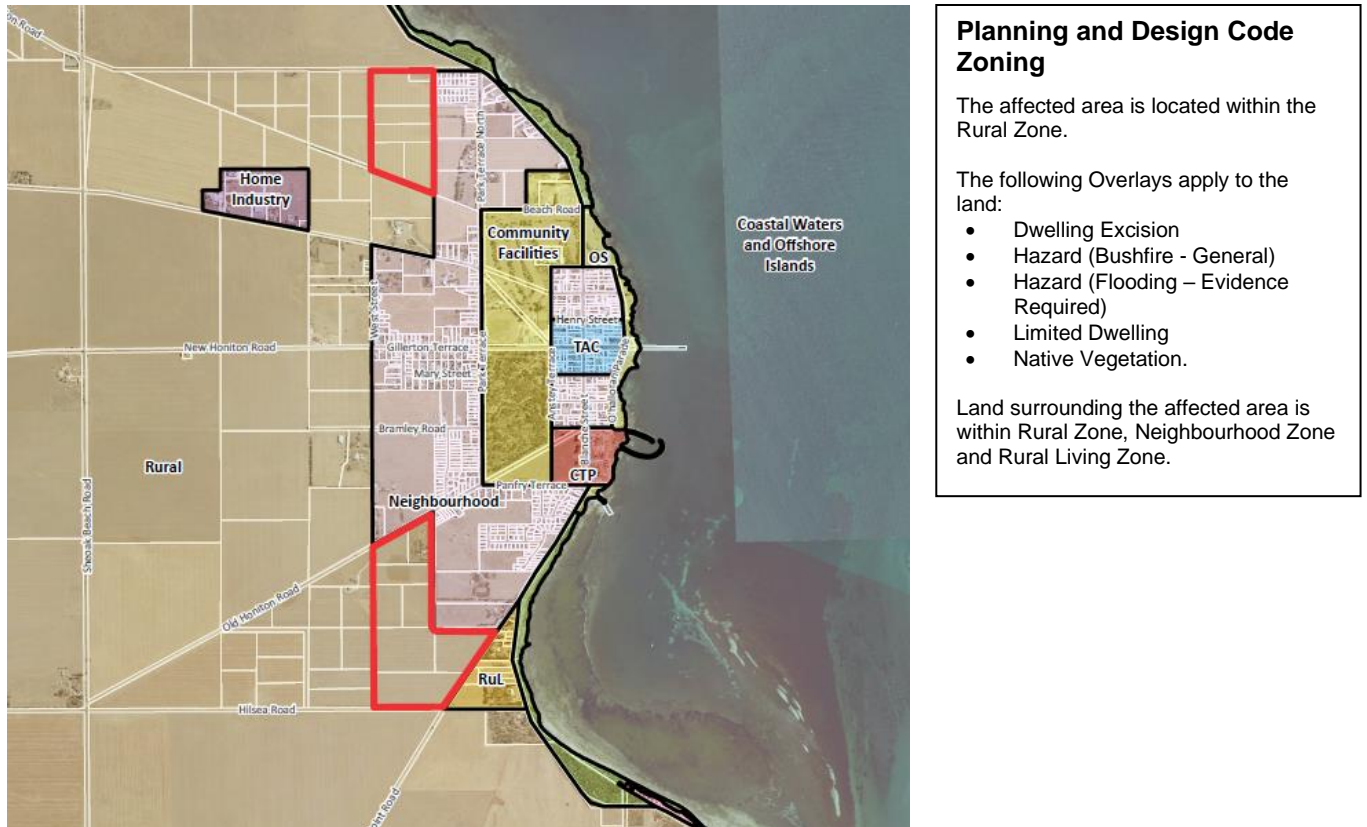
DISCUSSION

The following sets out the strategic, policy and procedural considerations in relation to the Proposal to Initiate, including conditions that are recommended should you agree to initiate the Code Amendment.

Proposal

The Proposal seeks to rezone two areas (comprising 18 hectares and 32 hectares) within Edithburgh from the Rural Zone to the Rural Living Zone. Subject to further investigations, it has also been proposed to amend the minimum site area Technical and Numeric Variation (TNV) to 5,000 square metres. The Code Amendment is being funded by a private developer.

The affected area and current zoning are shown in the figure below.



Strategic considerations

The following sets out the strategic considerations relating to this proposal and rationale for the Commission recommending support for the Code Amendment.

More details of the Commission’s strategic priorities are provided in **Appendix C**.

An assessment against the State Planning Policies (SPPs) and relevant Regional Plan are provided in **Appendix D**.

Strategic advice

The Proposal seeks to rezone approximately 50 hectares of land on the outskirts of Edithburgh for the purposes for rural living. Part of the land was previously zoned Rural Living but was 'back-zoned' in 2017 as part of the Edithburgh Town and Surrounds Development Plan Amendment (DPA) due to a lack of support by the State Government for rural living at the time.

The rezoning of land for rural living purposes is a complex planning issue. Rural living is a lifestyle preferred by many and, as a result, councils often support rural living rezonings as a strategy to increase population and economic activity in regional communities.

However, rural living development can have environmental, social and economic costs that are significantly higher than those of standard residential development. These areas can result in the inefficient delivery of services, removal or fragmentation of viable primary production land, and lead to conflict with more intense farming operations. Furthermore, rural living development can potentially constrain further densification and urban growth, impacting on the long-term sustainability of our land supply.

As a result, there has been opposition from previous State Governments (notably, the former Weatherill Government) in relation to such rezoning proposals.

However, rural living is a legitimate land use and housing choice, and it is possible that, as a result of the COVID-19 pandemic, we will see an increasing demand as people move away from our more urban areas (i.e. 'tree change'). The Commission is of the view that, subject to appropriate investigations being undertaken, there is a role for rural living development and has identified a number of principles to assist in assessing such rezoning proposals.

Based on this, the Commission considers this Proposal is appropriate as it:

- Is located in a way which will not impact the future expansion of the existing urban area.
- Can be connected to existing infrastructure and social services.
- Will not result in the fragmentation of valuable, productive land.
- Will create a buffer between existing, more intense urban development and primary production areas, reducing interface impacts.

Residential land supply

The proposed Code Amendment does not seek to rezone land to support higher density residential development, and instead, will act as a buffer between the existing rural land and adjacent neighbourhood land.

Population projections and land supply reports indicate the following:

- The subject land is located within the Yorke Peninsula – South Statistical Area 2. This area is projected to grow by 0.8 per cent to 2036 with the adjacent Yorke Peninsula – North Statistical Area 2 projected to grow by over seven per cent.
- While there is projected population growth in the region, the next round of projections and census data may indicate this growth has increased due to lifestyle changes resulting from the COVID-19 pandemic.

- Land supply analysis of the township indicates there is over 89 vacant lots, and a further 96 hectares of zoned broadhectare land; almost double the area of the proposed Code Amendment. However, this land is zoned for smaller scale residential sized allotments.
- Much of the residential land supply in Edithburgh is not appropriate for rural living activities and there is demand for rural living allotments.
- There are 12 zoned rural living allotments in the town and only half of these are able to be subdivided.

Land use characteristics

The affected area is already largely in fragmented ownership or of poor quality for primary production, and the rezoning will help to establish suitable buffers between the town and the more productive farming areas which surround the town.

The Wattle Point Wind Farm is located more than one kilometre south of the affected area and will not be impacted by the rezoning, nor will its presence impede future development.

The previous DPA investigated issues relating to gas from a closed landfill site and flooding within the town. These issues were present on land that does not form part of the affected area for this Code Amendment.

Transport and access

It is anticipated that the existing road network has capacity to support the traffic that may be generated as a result of development with minimal upgrade works required. Some new roads may be required as part of future land divisions.

While not serviced by public transport, a frequent passenger bus service (Yorke Peninsula Passenger Service) does operate in Edithburgh which connects with other centres on the Yorke Peninsula and with Adelaide.

Services and infrastructure

The affected area has access to water and electricity. It is also anticipated that new allotments may be serviced by off-grid energy generation which will reduce the reliance on the existing electricity network.

Procedural considerations

The following sets out the key procedural considerations that satisfy the legislative requirements. Pursuant to section 73(5) of the Act, approval for a Proposal to Initiate may be given on conditions prescribed by the regulations (there are none at this time) or as specified by you, as Minister for Planning. As such, a number of conditions are recommended by the Commission as set out below.

Information requirements

Practice Direction 2 – Preparation of Amendment of Designated Instruments outlines the information requirements for a Proposal to Initiate (**Appendix E**).

The mandatory information requirements have been met and therefore the Proposal to Initiate is of a suitable form to be considered by you.

Consistent with the State Planning Policies and Regional Plan

The Code must be consistent with the principles of the SPPs and should be consistent with the directions of the relevant Regional Plan, which, in this instance, is the *Yorke Peninsula Regional Land Use Framework (December 2007)*. This assessment is provided in the appendices.

A more detailed analysis is also located in the Proposal to Initiate (**Attachment 1**).

In summary, the Proposal to Initiate is considered to be consistent with the SPPs and Regional Plan.

Designated Entity

As this proposal is by a council, under section 73(4) of the Act, you may decide to enable the Proponent to be the Designated Entity and conduct the Code Amendment processes, or alternatively, you can give the Chief Executive of the Department for Trade and Investment the responsibility for undertaking the processes.

The documentation should, however, be prepared by a suitably qualified person to ensure statutory procedures and good planning outcomes are addressed.

Recommendation(s)

That the Yorke Peninsula Council be the Designated Entity responsible for undertaking the Code Amendment process.

The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.

Investigations to support the Amendment

The investigations undertaken to date are outlined in the Proposal (**Attachment 1**).

The Proponent has identified further investigations to support the Code Amendment, including:

- review zoning within Edithburgh
- supply and demand analysis
- search the Aboriginal Heritage Register
- traffic impact study
- soil analysis, including suitability for on-site wastewater management

- utilities
- interface issues
- site contamination.

As half the land was part of a previous DPA, a significant amount of investigations have already been undertaken. The Commission has resolved that these investigations are suitable and no other investigations are specified under section 73(6)(f) of the Act.

Application of the Code

The Proposal seeks to rezone land from the Rural Zone to the Rural Living Zone to support residential development. Consideration will also be given to amending the minimum site area TNV from 40 hectares to 5,000 square metres and removing the Dwelling Excision and Limited Dwelling Overlays.

Recommendation(s)

That a condition be placed on the Proposal to Initiate that limits the scope of the proposed Code Amendment to exclude the creation of new planning rules, and to be limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Code (on the date the Amendment is released for consultation).

Consultation

In accordance with the Community Engagement Charter, the Designated Entity is required to prepare an Engagement Plan that will outline how, when and with whom it engages with regarding the proposed Code Amendment. Consultation is scheduled to commence October 2022, subject to consideration regarding early commencement.

The Commission has determined to specify the following further persons or bodies that the Designated Entity must consult with in relation to the proposed Code Amendment, as permitted under section 73(6)(e) of the Act:

- Narungga/Adjahdura people
- Department of Primary Industries and Regions SA
- Environment Protection Authority
- Department for Environment and Water
- South Australian Country Fire Service
- Utility providers, including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

In addition, in accordance with sections 44(6) and 73(6)(d) of the Act, the consultation must be undertaken with:

- Owners or occupiers of the land and adjacent land in accordance with the *Planning, Development and Infrastructure (General) Regulations 2017*.

Recommendation(s)

Advise the Designated Entity of the required consultation with the entities and bodies specified by the Commission.

RECOMMENDATIONS

It is recommended that you:

- | | |
|---|-------------------|
| 1. Note the advice of the State Planning Commission provided to you as required under section 73(2)(b) of the <i>Planning, Development and Infrastructure Act 2016</i> . | NOTED / NOT NOTED |
| 2. Note that the State Planning Commission has, under section 73(6)(e) of the <i>Planning, Development and Infrastructure Act 2016</i> , specified that the Designated Entity must consult with the following nominated individuals and entities, and advise the Designated Entity accordingly: <ul style="list-style-type: none">• Narungga/Adjahdura people• Department of Primary Industries and Regions SA• Environment Protection Authority• Department for Environment and Water• South Australian Country Fire Service• Utility providers, including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers• State Members of Parliament for the electorates in which the proposed Code Amendment applies. | NOTED / NOT NOTED |

3. Note that the State Planning Commission has, under section 73(6)(f) of the *Planning, Development and Infrastructure Act 2016*, resolved not to specify the following further investigations or information requirements in addition to those outlined in the Proposal to Initiate, and advise the Designated Entity accordingly. NOTED / NOT NOTED
4. Approve initiation under section 73(2)(b) of the Act, subject to the following conditions, under section 73(5) of the *Planning, Development and Infrastructure Act 2016*: APPROVED / NOT APPROVED
- a) The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Planning and Design Code (on the date the Amendment is released for consultation).
 - b) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.
5. Under section 73(4)(a) of the *Planning, Development and Infrastructure Act 2016*, approve the initiation of the Code Amendment on the basis that the Yorke Peninsula Council will undertake the Code Amendment processes (as the Designated Entity) required under the *Planning, Development and Infrastructure Act 2016*. APPROVED / NOT APPROVED
6. Agree to sign the Proposal to Initiate the Edithburgh Rural Living Zone Code Amendment (**Attachment 1**). AGREED / NOT AGREED
7. Agree to sign the attached letter to the Yorke Peninsula Council (**Attachment 2**) advising of your approval and conditions. AGREED / NOT AGREED

NICK CHAMPION MP
/ / 2022



CRAIG HOLDEN

Chair, State Planning Commission

22 / 08 / 2022

Attachments:

1. Proposal to Initiate the Edithburgh Rural Living Zone Code Amendment (#18879429).
2. Suggested letter to the Yorke Peninsula Council (#18879440).

Appendices:

- A. Summary of Roles and Responsibilities in the Code Amendment Process (#18879435).
- B. Process Flowchart – Code Amendments Initiated by Proponents (#18879436).
- C. State Planning Commission’s Strategic Priorities (#18879437).
- D. Assessment against the State Planning Policies and Regional Plan (#18879438).
- E. Extract from *Practice Direction 2 – Preparation and Amendment of Designated Instruments* (#18879445).

Contact: Jason Bailey
Tel No: 08 7109 7161

Procedural Matters for the State Planning Commission (the Commission)

The Commission's role at Initiation, when the Commission is not the Proponent, is to:

- Provide advice to the Minister for his consideration in making a decision on initiation pursuant to section 73(2)(b) of the Act.
- Specify any person or body the Designated Entity must consult with under section 73(6)(e) of the Act, noting that the designated entity will also need to prepare an engagement plan in accordance with the Community Engagement Charter prior to consultation.
- Specify any investigations to be carried out and/or information to be obtained by the Designated Entity, in accordance with section 73(6)(f) of the Act.

The importance of the initiation process is two-fold:

- Firstly, it enables proposals considered to be significantly at odds with the State Planning Policies (SPPs) and relevant Regional Plan to be refused early in the process, minimising risk. This is because the decision to proceed is based on an assessment against these documents.

To that end, the Commission may also advise the Minister on how the proposal fits with its stated priorities, including:

- Technical amendments that enhance the operation of the Code.
- Bushfire policy in response to the Royal Commission and improved bushfire mapping data.
- Support land supply, including infill, master planned neighbourhoods and growth areas consistent with the Growth Management Programme.
- Support economic clusters such as agribusiness and value adding, defence industries, energy and resources, health and medical industries and knowledge and creative industries.
- Provide state-wide strategic benefit such as protection against environmental hazards.
- Secondly, the initiation process is the point at which the scope of the Code Amendment process, investigations and information requirements and the amendments are determined. This provides clarity and certainty for the proponents.

Approval of the Proposal to Initiate may be given on conditions prescribed by the regulations (there are none at this time) or as specified by the Minister. As such, conditions have been recommended by the Commission, to be made by the Minister.

The Commission has previously determined that (where possible) Code Amendments should be prepared and led by proponents themselves for the first 12 months following implementation of the Phase Three Code.

Code Amendments Initiated by Proponents

Section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*

