

APPENDIX C

I. CONTACT DETAILS AND DESCRIPTION OF SUBJECT LAND

a) Your Name and Contact Details

Please provide contact details for the person requesting the variation. This information will be used if further information is required and for notification purposes following a decision.

Name: Deborah Boxall

Postal Address:



Phone Number:



Mobile Number:

Email:



b) Subject Land Details

Please provide details regarding the subject land for which the proposed variation to the EFPA boundaries relates to.

Street Address (or rural property address if relevant):

*If multiple street addresses are involved, please include each address

Hawthorne Park,
Burnside Road
Strathalbyn SA 5255

Allotment ID:

* Include the Certificate of Title Reference, Valuation Number or other legal identifier of the subject land if known. If multiple allotments of land are involved, please state relevant details for each allotment.

please see
attached paperwork.
Allotment ID 100D48440.

Owner/s:

* If the subject land has multiple owners, please include the full name of each owner

Deborah Ann Boxall 50%
Grant Steven Frencham (son 25%)
Fiona Meagan McClean (25%
(nee Frencham) daughter

2. DETAILS OF REQUESTED VARIATION TO EFPA BOUNDARY

a) Details of requested variation

Please outline the details regarding your requested variation to the EFPA boundary. You may also include how the requested variation meets the requirements of Test 3 (in that the variation is considered trivial in nature and will address a recognised anomaly). You may also attach relevant maps and/or diagrams in Step 3.

The previous 2 owners before myself did agistment and training of horses also.
Cannot make a living as primary producer on 22 acres.
Please read attached paperwork.

b) Additional supporting information

Please provide any supporting information below. For example, is your proposal supported by your local council, neighbour or other relevant background discussions? You may attach any relevant maps or diagrams to this submission in Step 3.

The land zoning at purchase of property was Primary Production - Land Use - horse.
This has been in operation as agistment facility for many years.
Owners come and go to attend their horses daily.
Removal of this portion of land from the EFPA does in no way alter the land use, landscape or impact environmental resources, creek zone or impact water quality (mainss) and does not alter traffic that currently occurs at this site.

Part 1 (a)

Details of requested variation
Situoted on Northern side of Burnside Road.

The portion of allotment 100 fronting Burnside Road (northern side) was sectioned into agistment & training paddocks. The previous 2 owners used these for the same purpose.

I purchased the property in 1997, and have continued to use land for the same purpose.

My council rates have always stated,
PRIMARY PRODUCTION - Land use - HORSES.

Allotment across from me on Burnside Road, are between 1 and 2 hectares.

Burnside Road forms the current NORTH edge of Strathalbyn township for rural living allotments. Council did advise me of this many years ago.

I would like EXCLUDE from the FPA a portion of my land being a width of 200 metres paralalled to Burnside Road. the remainder is for grazing and not to be considered for removal from FPA.

The adjustment is in accord with "TEST 3" land use is long standing and consistent with Primary Production - Land Zoning. Is also consistent with land use - rural living on Southern side. It is minor in extent and confined to the area of land specific to horse agistment and training.

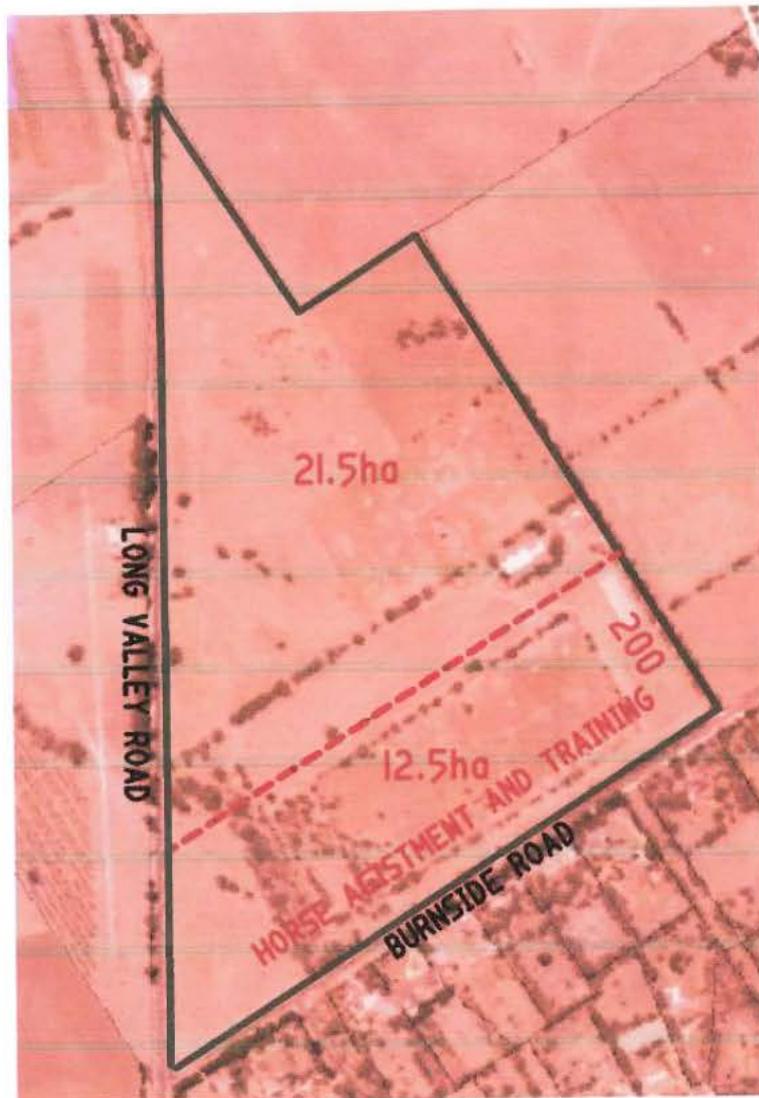


3a. MAP OR DIAGRAM TO SUPPORT SUBMISSION

To help explain and support your submission, you may attach a diagram or a map of the subject land, preferably showing where the boundary of the EFPA lies in relation to the subject land and where you are seeking the EFPA boundaries to be varied, moved, removed, etc.

See attached please

PLAN ALLOTMENT 100 D48440
BURNSDIE ROAD
STRATHALBYN



SAPPA Report

SA Property and Planning Atlas is available on the Plan SA website: <https://sappa.plan.sa.gov.au>

Date created:
July 22, 2021



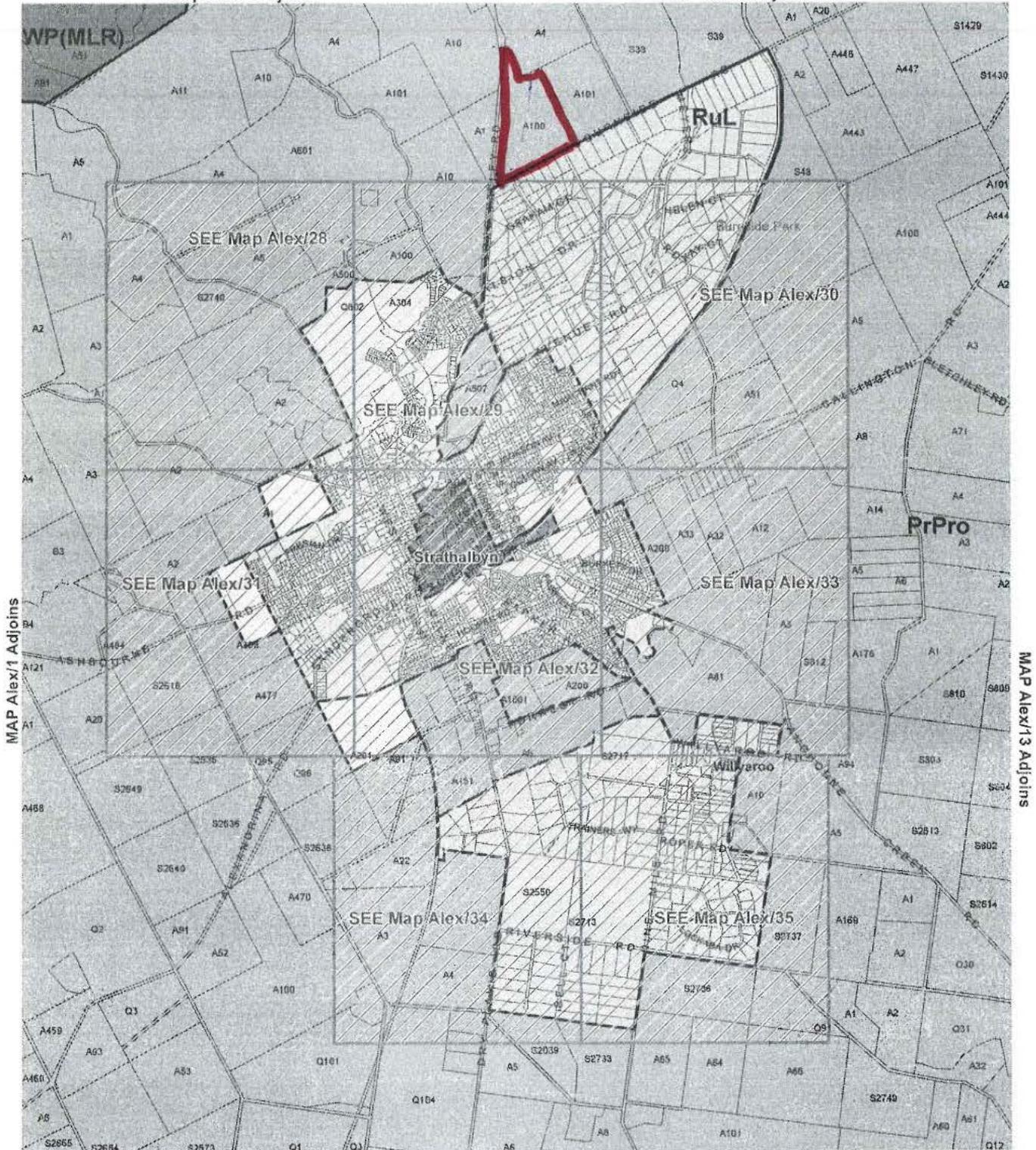
The information provided above is not represented to be accurate, current or complete at the time of printing this report. The Government of South Australia accepts no liability.

3b. ADDITIONAL MAP OR DIAGRAM TO SUPPORT SUBMISSION

Please see attached.

Map Alex/2 Adjoins

MAP Alex/1 Adjoins



MAP Alex/1 Adjoins

MAP Alex/13 Adjoins

See enlargement map for accurate representation.
Lamberts Conformal Conic Projection, GDA94



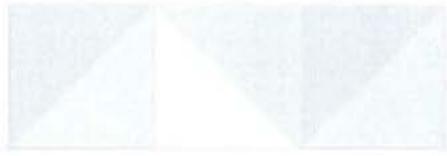
Zones

- PrPro Primary Production
- RuL Rural Living
- WP(MLR) Watershed Protection (Mount Lofty Ranges)
- Zone Boundary

Zone Map Alex/5

ALEXANDRINA COUNCIL

Consolidated - 24 November 2016



4. APPEARANCE AT PUBLIC HEARING

a) Do you wish to appear in person to discuss your submission with the State Planning Commission following the close of the submissions period?

Yes No

b) If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone Number:

Mobile Number:

Email:

Land Services Group

Date created:
July 26, 2018

The Property Location Browser is available on the Land Services Group Website: www.sa.gov.au/landservices



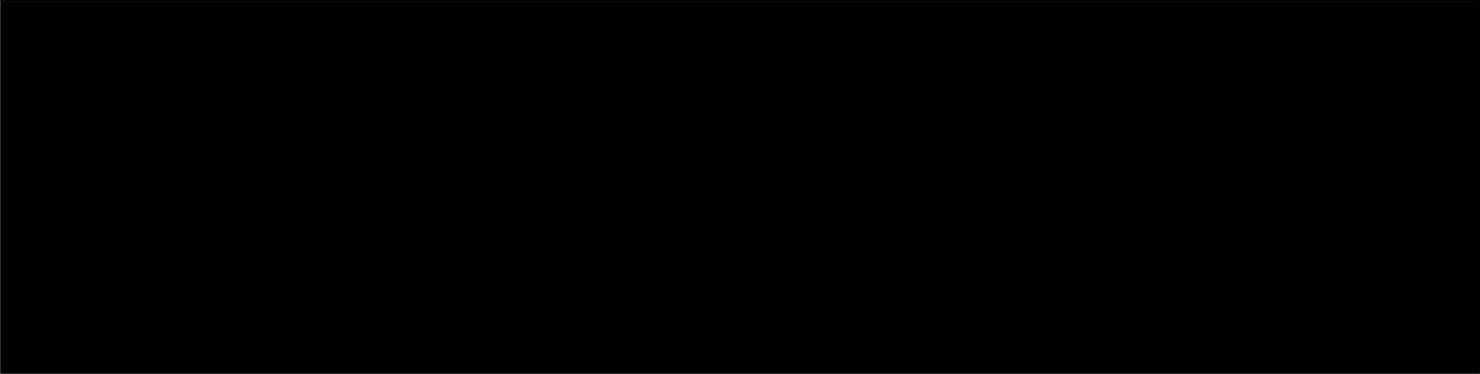
Government of South Australia
Department of Planning,
Transport and Infrastructure



Government
of South Australia

Land Services Group

Disclaimer: The information provided above, is not represented to be accurate, current or complete at the time of printing this report. The Government of South Australia accepts no liability for the use of this data, or any reliance placed on it.



Hello Tom

Debra Boxall I understand has lodged a request for review of the FPA over portion of her land at Burnside Road Strathalbyn (Allotment 100 D48440)

Debra has asked I forward two sketches to accompany her application

I have attached

a Plan showing the location of the site on Boxall Road within the FPA and

a sketch of her land showing the southern portion of the land (200metres width from Burnside Road) that she is requesting to be reviewed.

Could you include these with her application please

Debra was going to post or drop in directly details to you last week

Please let me know if you havn't received her documents

Thanks and regards

Greg Burgess

Access SDM

Surveyors - Civil Designers - Development Managers

PO Box 1700, Mt Barker, 5251

(08) 8391 3000



Strathalbyn

PLAN ALLOTMENT 100 D48440
BURNSDIE ROAD
STRATHALBYN



From: Malcolm Herrmann [REDACTED]
Sent: Tuesday, 20 July 2021 12:33 PM
To: Victory, Tom (AGD) [REDACTED]
Cc: Mal Herrmann [REDACTED]; Malcolm Herrmann [REDACTED]
Subject: Re: EFPA Review- rescheduled Stirling community session

Tom, here are my views:

The EFPA includes an area just north of Gumeracha on the Forreston Road at the junction of Beavis Court.

The land in question, zoned WPP, is a reserve owned by the council and is vacant except for a local heritage listed house - Randell Cottages.

Three or four years ago, Council received an approach from a local person who operates an existing B&B, to upgrade the old building as a B&B. Advice received was that this was not possible (although I understood that there was a provision in the Act for the Minister to exercise some discretion.) The Council resolved to explore opportunities.

Is there any way to fast track something like this? Clearly the land is council owned, a reserve, and will never be used for food production. In addition, the old building is in urgent need of repair (council only just maintains it). The proposal was to subdivide the old building from the reserve and sell it to the applicant who would, in turn, upgrade and use it. The balance of the land would remain as reserve. It is recognised that there are other processes for this to occur.

All seems perfectly logical.

6 August 2021

REF No.: 00824-001

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

Attention: Ms Helen Dyer

Dear Ms Dyer,

RE: SUBMISSION ON THE ENVIRONMENT & FOOD PRODUCTION AREA (EFPA) REVIEW – DUBLIN

We act for 'Leinad Land Developments (Dublin) Pty Ltd.' ['Leinad'] who own and control land within the 'Environment and Food Production Areas' (EFPA) at Dublin on the Northern Plains of Adelaide, South Australia.

The following submission, prepared on behalf of Leinad, is provided in response to the State Planning Commission (SPC) review of the EFPA pursuant to section 7 of the *Planning Development and Infrastructure Act, 2016* (The Act) and seeks the inclusion of this land within the township of Dublin by removing the land from the EFPA (as defined by the plan in the General Registry Office at Adelaide numbered G17/2105).

The EFPA boundaries may be varied only under certain circumstances in accordance with the Act. These circumstances are referred to as the 'Three Point Test' and are set out under section 7(3) of the Act.

This submission clearly demonstrates that the proposed realignment of the EFPA around the township of Dublin meets and satisfies Test 3 of the 'Three Point Test' as *'the variation is trivial in nature and will address a recognised anomaly'*. The reasons for the anomaly and further commentary around the subject land and the role and function of Dublin township are discussed below.

1 Subject Land

1.1 Land Description / Identification

The 'subject land' that is proposed to be included within the township boundary of Dublin (and removed from the EFPA) is located along Ruskin Road and Clonan Road, along the southern edge of the current Dublin township. It comprises twelve (12) Certificates of Title as follows:

- Land under Control of Leinad:
 - » Certificate of Title Volume 5625 Folio 69 (S165 in H140400);
 - » Certificate of Title Volume 5684 Folio 958 (S127 in H140400);
 - » Certificate of Title Volume 5593 Folio 258 (S128 in H140400);
 - » Certificate of Title Volume 5278 Folio 495 (S243 in H140400);

Def: E-KIS-TICS [noun] : The Science of Human Settlements ...

- » Certificate of Title Volume 5278 Folio 402 (S242 in H140400);
- Land not under the control of Leinad:
 - » Certificate of Title Volume 5438 Folio 475 (S241 in H140400)
 - » Certificate of Title Volume 5452 Folio 644 (S236 in H140400)
 - » Certificate of Title Volume 5438 Folio 536 (S239 in H140400)
 - » Certificate of Title Volume 5962 Folio 690 (A100 in D68199)
 - » Certificate of Title Volume 5962 Folio 691 (A101 in D68199)
 - » Certificate of Title Volume 5438 Folio 590 (S240 in H140400)

Figure 1.1 below identifies the subject land that is proposed to be removed from the EFPA. The parcel recognised as Certificate of Title Volume 5625 Folio 69 (S165 in HH140400) is proposed to be partially removed from the EFPA, whilst the other eleven (11) allotments are proposed to be wholly removed from the EFPA.

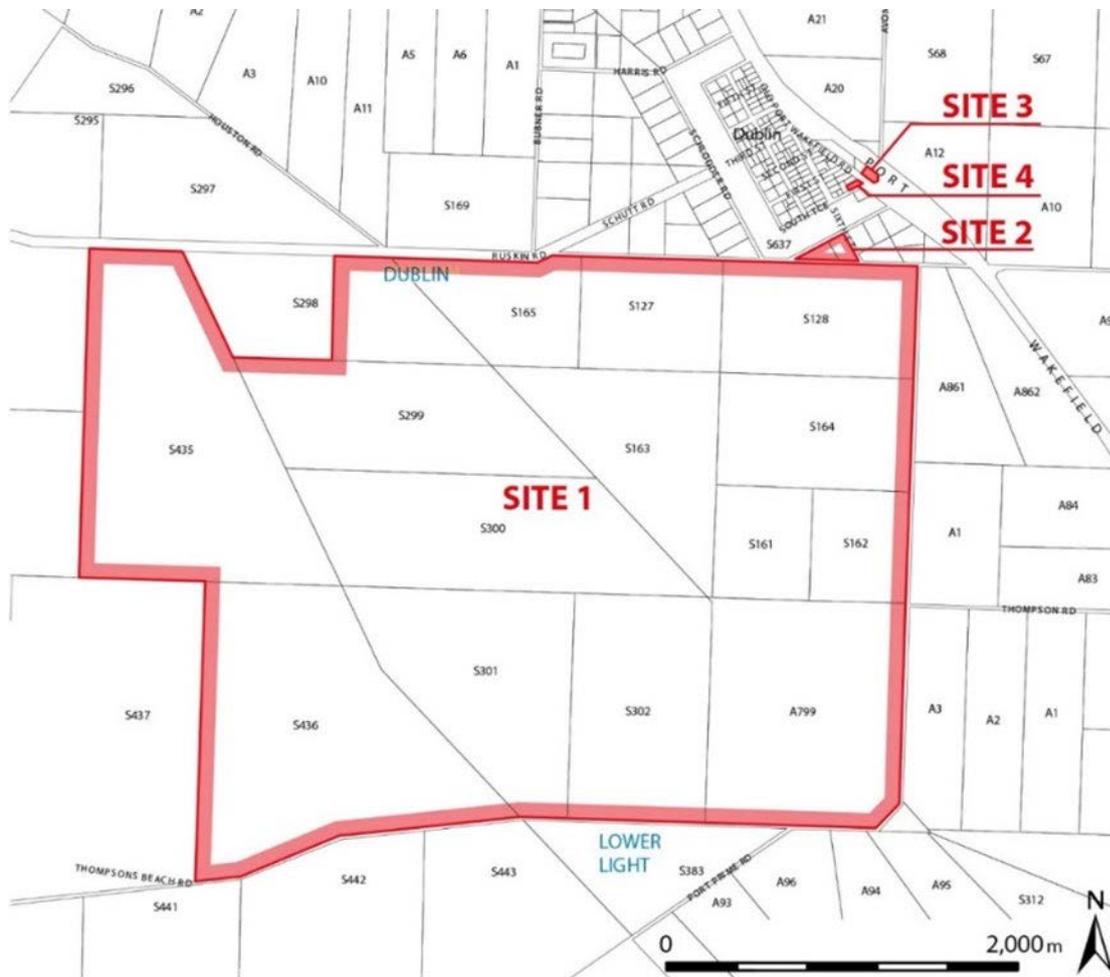
The subject land measures approximately 143 hectares and is currently utilised for both residential and primary production (broadacre cropping and grazing) purposes.

Figure 1.1 Land Proposed to be excluded from the EFPA



The full extent of the landholding under control and ownership of Leinad is far more extensive, and extends south of the subject land, together with some additional parcels within the Dublin township itself. The land holding identified as 'Site 1' in **Figure 1.2** below covers a total area of approximately 1,450 hectares. The proposed land to be excluded from the EFPA therefore represents approximately 10% of the total landholding under control and ownership of Leinad.

Figure 1.2 Full extent of Leinad Landholding (outlined in Red)



2 Existing Zone & Policy Framework

The subject land is currently located entirely within the ‘Rural Zone’ of the Planning and Design Code (Version 2021.10 – 29 July 2021). The Land is also subject to a number of ‘Overlays’, including the ‘Environment and Food Production Area’ Overlay and ‘Native Vegetation’ Overlay.

Land to the north of Harris Road and west of Schlodder’ Road is currently located within the ‘Rural Living’ Zone, whilst land to the east of Schlodder Road is within the ‘Township Zone’.

Figure 1.1 above identifies the current Zoning that applies to the subject site and surrounding properties.

3 Existing Land Supply & Demand

3.1 The Northern Plains & Barossa Region

The 'Land Supply Report for Greater Adelaide – Part 1: Greenfield' published June 2021 to inform the EFPA review, identifies that within the Northern Plains & Barossa there are:

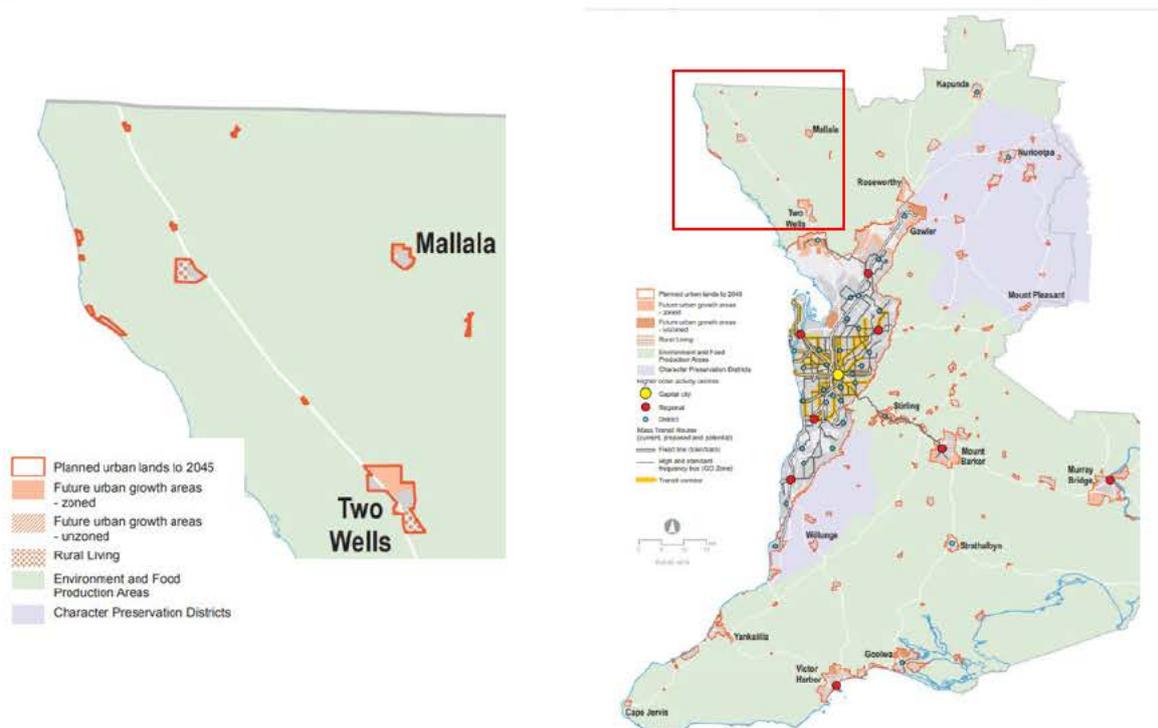
- 1,200 Development Ready allotments.
- Capacity to accommodate an additional 3,500 allotments on Undeveloped Zoned Land
- Capacity to accommodate an additional 400 allotments on identified Future Urban growth areas
- There are a range of key infrastructure upgrades in roads and education support future development.
- In addition to the above, as of June 2020 there were 1,000 vacant allotments. These have not been included in the analysis of available Township land supply.

Importantly, the report also states that:

Under a medium growth scenario, it is estimated that identified townships will need to accommodate an additional 115 dwellings a year. It is projected the high growth scenario will require an additional 1,900 dwellings within identified townships by 2030.

The existing township of Dublin is also identified within the 30 Year Plan for Greater Adelaide – 2017 update, as 'Planned Urban Lands to 2045' with land west of Schlodder Road designated as 'Rural Living' (refer to Figure 3.1)

Figure 3.1 30 Year Plan for Greater Adelaide 2017 Update – Designate Urban Areas and Township Boundaries



3.2 Council Strategic Directions Report (2013)

The former District Council of Mallala (now Adelaide Plains Council) Strategic Directions Report prepared in 2013 identified issues within the Council area and how planning policy can be updated to respond to these issues. Primarily the report was prepared following a substantial level of growth within the district, as promoted by the State Government’s ‘30 Year Plan for Great Adelaide’.

The report identifies the major urban towns of the district are Two Wells, Mallala and Dublin, each with their own distinctive country township character. Notably, the report outlines that these three towns play an important role as ‘commuter settlements’ for residents who are employed in Adelaide, with the Adelaide CBD being located just 61km away from Dublin itself.

Further, Dublin was identified as suitable for urban expansion as follows:

“There may be demand and opportunities for urban expansion around Dublin. This will be investigated in the future, once the township expansions of Mallala and Two Well have progressed. Dublin may be suitable for urban growth to accommodate some of the population growth anticipated for the Barossa region in the longer term.”

Recognising that the township expansion of Two Wells (through the Hickinbotham / Eden Living development) and Mallala expansion (through the Gracewood development), are now well advanced, as well as the recent completion of the ‘Northern Connector’ project and future ‘Joy Baluch AM Bridge Duplication’ project, Dublin is well placed from a geographical and strategic position to support urban expansion.

Figure 3.1 below outlines the structure plan for Dublin, as provided within the Strategic Directions Report.

Figure 3.1 Dublin Township Structure Plan
(Source: Strategic Directions Report: Development Plan Review February 2013)



3.3 Council Support to Amend EFPA Boundary Around Dublin

The potential expansion of the Dublin township and the removal of the subject land from the EFPA has been strongly supported by Adelaide Plains Council on several occasions.

On 22 July 2019, at its Ordinary Council Meeting, a 'Motion on Notice' led to the following resolution of the Adelaide Plains Council:

"that the Chief Executive Officer formally write to the Department of Planning, Transport and Infrastructure and the Minister for Planning to give advanced notice of Adelaide Plains Council's desire to have strategic holdings reviewed throughout the Council area as part of the imminent Environment Food Production Areas review process." [Our Emphasis].

Following the resolution in July 2019, Council subsequently wrote to the then Minister for Transport, Infrastructure and Local Government, to implement the above resolution.

Following formal requests by Leinad and the Hicks Group (regarding a potential development at Two Wells), Council at its Ordinary Meeting on 23 September 2019, unanimously carried the following resolution:

"that Council, having considered Item 21.5 - Environment and Food Production Areas, dated 23 September 2019, receives and notes the report and in doing so authorises the Chief Executive Officer to:-

1) progress the review of relevant strategic holdings that are currently impacted by the Environment and Food Production Areas legislation with the Department of Planning, Transport and Infrastructure and the State Planning Commission as part of the 5 yearly review of the Planning, Development and Infrastructure Act 2016 (Section 7).

2) provide in principle letters of support to Leinad Land Developments (Dublin) Pty Ltd and the Hicks Group to enable both parties to advocate for boundary changes to the Environment and Food Production Areas and allow the future progression of long term rezoning objectives as outlined in Attachments 1 and 2 to this Report."

On 24 October 2019, the Chief Executive of the Adelaide Plains Council subsequently wrote to Leinad and confirmed that:

"As per Council resolutions 2019/323 and 2019/412 above, Adelaide Plains Council is pleased to provide in-principle support to Leinad Land Developments to advocate for boundary changes to the EFPA to allow for the future progression of long term rezoning objectives for the expansion of the Dublin township." [our emphasis].

A copy of this correspondence from Council is provided within **Appendix 1**.

On this basis, it is clear that the **Adelaide Plains Council unanimously supports the removal of the EFPA from the subject land and the inclusion of this land within the township of Dublin** in accordance with Council's Strategic Directions Report.

4 The Township of Dublin

Dublin is appropriately located to support urban expansion and is well connected given its frontage to Port Wakefield Road; direct linkages to local centres such as Mallala and Two Wells; and its location within 30 minutes driving time of most of the major employment precincts north of Grand Junction Road.

Dublin represents a township that is consistent with other planned regional communities across South Australia, such as Jamestown (see **Figure 4.1** below), Hawker (see **Figure 4.2** below), and of course most evident in the 1836 parklands plan of Adelaide by Colonel Light.

‘With Conscious Purpose – A History of Town Planning in South Australia’ (Hutchings, AW & Bunker, R, 1986) provides prominent literature on this subject and identifies the basic structure to planned townships within South Australia from foundation of settlement to turn of the century in 1899. That is, Dublin and other planned regional townships are founded on a *‘model of central town lots, usually with a grid of roads and surrounding belt of parkland. Beyond the latter a belt of suburban lots usually developed’*.

This is evident within the Dublin township, which includes a clearly defined parkland ring, enclosing a central township core containing residential and commercial development. Within Dublin, allowance has been made to introduce ‘suburban lots’ within the ‘Rural Living’ Zone to the north and east of the township, creating and defining an outer ‘edge’ to the parklands. The ‘Rural Living’ Zone is not the exemplar zone to ultimately create ‘suburban lots’, given the larger lot sizes it encourages. Accordingly, a zone that supports smaller lot sizes in this outer ring would be preferred, to realise the original vision for the planned township of Dublin.

The ‘parklands’ within Dublin have not been clearly defined to the south of the existing township, with the ‘Rural Zone’ historically limiting any outcome reminiscent of ‘suburban lots’, that were traditionally envisaged and laid out in a ‘Frontier Town Plan’. In fact, the parklands ring in Dublin appears to have been eroded over time by informal tracks (now Clonan Road), with a portion of the parklands now removed in the southern most corner. The correction of the township anomaly now has a unique opportunity to reinstate the original rectilinear configuration of the parklands to the south of the township.

Port Wakefield Road has continuously acted as a significant barrier for the township to expand further east. Under the current planning controls and zones, the township expansion can only occur in an eastern direction (with some minor growth to the north). Over time this will eventually lead to an elongated township, pushing new urban development away from the town centre. This ultimately reduces walkability for new residents, a key attribute in rural townships. A new growth front to the south will reinforce the original concentric township, built around the township core and parklands ring.

Figure 4.1 Township of Jamestown Historic plan vs Township today



Figure 10. Town of Jamestown: Hundred of Belalie.

Source: Left image 'With Conscious Purpose – A History of Town Planning in South Australia' (Hutchings, AW & Bunker, R, 1986) – Right image – Google Earth, 2021

Figure 4.2 Township of Hawker – Historic plan vs Township today

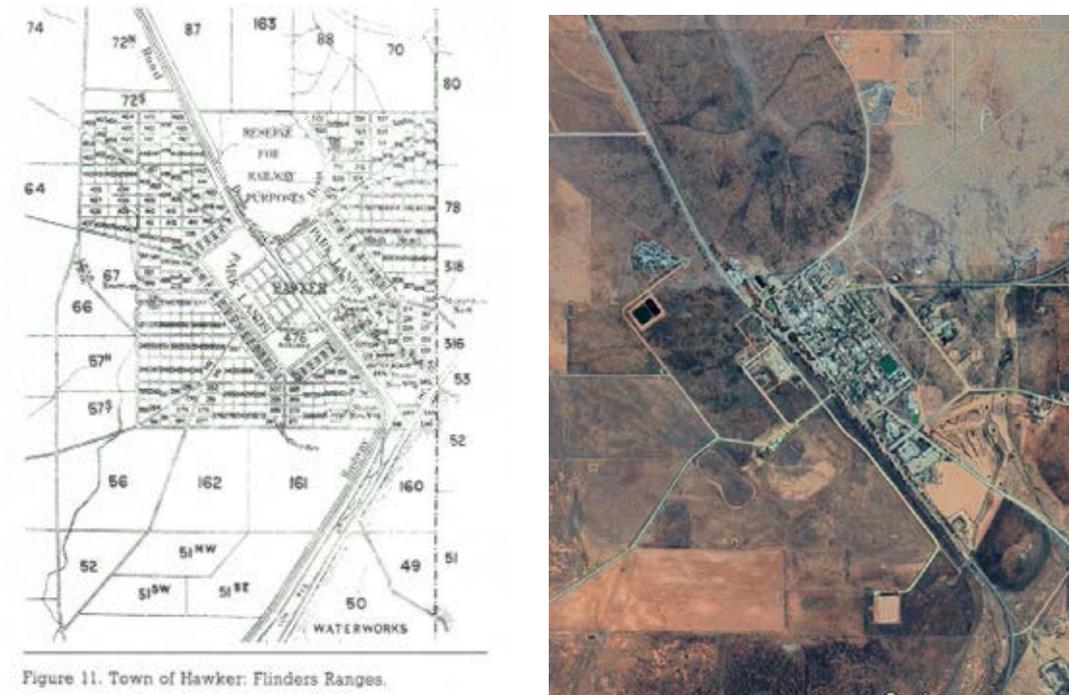


Figure 11. Town of Hawker: Flinders Ranges.

Source: Left image 'With Conscious Purpose – A History of Town Planning in South Australia' (Hutchings, AW & Bunker, R, 1986) – Right image – Google Earth, 2021

5 Legislative Framework

5.1 The Three Point Test

The EFPA boundaries may be varied only under certain circumstances in accordance with the Act.

These circumstances are referred to as the 'Three Point Test' and are set out under section 7(3) of the Act as follows:

If the Commission is satisfied, that:

Test 1: an area or areas within Greater Adelaide outside environment and food production areas are unable to support the principle of urban renewal and consolidation of existing urban areas; and

Test 2: adequate provision cannot be made within Greater Adelaide outside environment and food production areas to accommodate housing and employment growth over the longer term (being at least a 15-year period); or

Test 3: that the variation is trivial in nature and will address a recognised anomaly. [our emphasis]

As stated earlier, this submission demonstrates satisfaction of Test 3 and seeks variation to the EFPA boundary on the subject land around the township of Dublin.

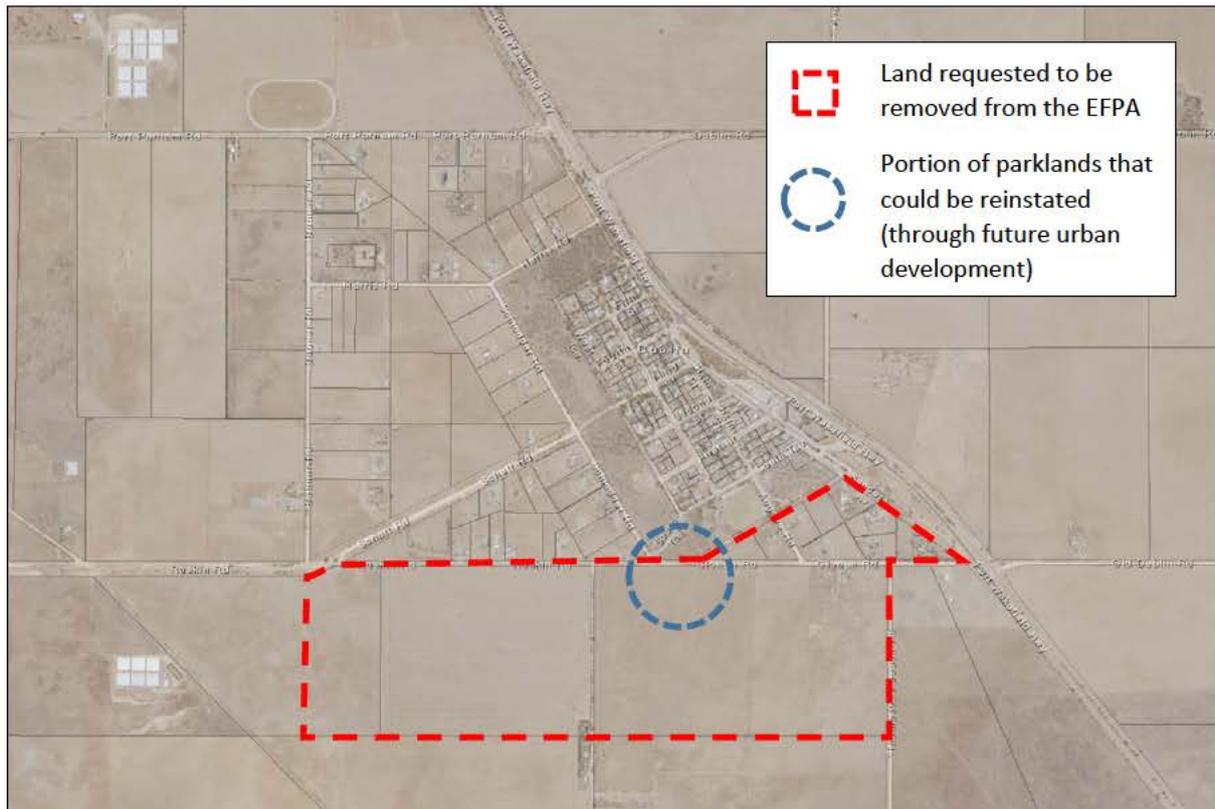
In our opinion, the inclusion of the subject land within the Township of Dublin (removed from the EFPA) is 'trivial' in nature given:

- The limited spatial extent of land proposed to be removed from the EFPA (i.e. 143 hectares) and the very modest potential contribution of the area towards future land supply across Greater Adelaide;
- The amendment is proposed to the township boundary of a very small regional township within the northern plains of Greater Adelaide and does not seek an amendment to the EFPA boundary of Metropolitan Adelaide;
- Whilst currently within the EFPA the subject land is not considered to have significant value for environmental or primary production purposes;
- The adjustment of the EFPA (township) boundary would generally reflect the outcomes envisaged for the township by the Adelaide Plains Council; and
- The EFPA does not inherently rezone land from its current 'Rural Zone' to a neighbourhood (residential) Zone, but simply allows for Leinad to pursue a possible future rezoning through a Code Amendment process, that will require further investigations and strategic justification.

In our opinion the inclusion of the subject land within the Township of Dublin (removed from the EFPA) will also rectify an 'anomaly' by enable the future establishment and completion of a 'suburban' ring (lots) around the 'parklands' of Dublin in accordance with the original planned structure and intent for Dublin as an early Government 'Frontier Town' in South Australia.

In addition, the outer ring of ‘parkland’ in Dublin is currently not defined in accordance with original planned Government frontier towns of South Australia (as evident in Jamestown, Hawker and other townships) with a rectilinear boundary (i.e. straight sides and right angles). The future redevelopment of land immediately south of the parklands ring (on the subject land) would create a unique opportunity to reinstate the original envisaged rectilinear parkland configuration envisaged for a frontier town of this nature (refer to *Figure 5.1* below).

Figure 5.1 Opportunity to reinstate the original rectilinear configuration of the Dublin parklands



6 A Logical Township Expansion

The subject land is located within the Rural Zone, measures approximately 143 hectares in area and is currently occupied by nine (9) detached dwellings, with the balance of land utilised for primary production (broadacre cropping and grazing). The subject land is directly adjacent land to the north that is located within the existing township boundary of Dublin, within the ‘Rural Living Zone’ and ‘Township Zone’.

The inclusion of the subject land within the township of Dublin (removed from the EFPA) represents a logical expansion of the existing township given:

1. It will correct and rectify an historical anomaly by facilitating a potential future rezoning of the subject land to enable the future establishment and completion of a ‘suburban’ ring (lots) around the

‘parklands’ of Dublin in accordance with the original planned structure and intent for Dublin as an early Government ‘Frontier Town’ in South Australia;

2. It will strengthen and define the township centre and ‘Parkland’ ring around the township, as well as the concentric original planning of Dublin, through an encompassing ring of ‘suburban lots’ to the north, west and south of the township, providing a transition to rural land uses;
3. The removal of the subject land from the EFPA will facilitate a unique opportunity to reinstate the original rectilinear configuration of the parklands to the south of the township (refer to **Figure 5.1** above);
4. Dublin is a township offering an alternate country lifestyle whilst being only 60 km from the Adelaide CBD and 45 km from Gawler (as the nearest regional centre). It is likely to attract growth into the future, particularly in the short term, especially considering current trends of people relocating to regional areas. There is an opportunity for Dublin to capture this growth, and continue to strengthen its role as a ‘commuter settlement’, as identified within Council’s *Strategic Directions Report*, as well as continuing its role as the ‘gateway’ to coastal townships (such as Webb Beach, Parham and Thompsons Beach), providing services and supplies to both residents and holiday makers;
5. Future residential growth will improve the economic feasibility of the township by providing additional services and retail offerings to Dublin, (particularly on land under the ownership of Leinad along Port Wakefield Road adjacent the BP service station), and be a catalyst for more employment and economic development within the township;
6. The subject land is currently located within the ‘Rural Zone’ and encompasses parcels that are degraded with low production potential and not considered to have significant value for agricultural use. This is supported by a study (and report) undertaken in 2012 by EBS Ecology, on behalf of Leinad, to review the suitability of the entire landholding for agricultural and horticultural use. In the context of the subject land (that falls within in Site 1 of **Figure 1.2**), it was concluded that the land *‘has been used mostly for grazing, with the land scattered with patches of low shrubland in generally poor condition. The condition of the land is described as ‘degraded’ and is considered to have low production potential..... The land is not considered to have significant value for agricultural use.’*;
7. The subject land has minimal site constraints that would limit future residential development noting that the land is not affected by flooding, comprises vegetation that is of generally low habitat value (given its historic use for broadacre cropping and grazing), is unlikely to have soil and/or groundwater contamination that would preclude the use of the site for residential purposes and is of a sufficient size to provide adequate buffers and separation to surrounding intensive land uses of the Rural Zone (within the EFPA);
8. Removal of the EFPA across the subject land will facilitate commencement of the rezoning process, and allow for comprehensive investigations and consultation on the future planning and expansion of the township; and

9. The land holdings within the subject land are consolidated and under the control of Leinad, who are willing and cooperative landowners.

On this basis, it is our opinion that the proposed realignment of the EFPA and the inclusion of the subject land within the township of Dublin clearly satisfies Test 3 of the 'Three Point Test' as *'the variation is trivial in nature and will address a recognised anomaly'*.

Accordingly, we request on behalf of Leinad that pursuant to section 7(8), section 7 (9) and section 7(10) of the Act, the Commission publish a notice in the Gazette and in the SA Planning Portal to include the subject land within the township of Dublin by removing the land from the EFPA (as defined by the plan in the General Registry Office at Adelaide numbered G17/2105).

Please don't hesitate to contact the undersigned on 08 7231 0286 should you require any additional information in support of this submission and request.

Yours Sincerely



Richard Dwyer
Managing Director

Appendix 1. Letter from Adelaide Plains Council
(Support for change to EFPA Boundary at Dublin)

D19/50832

24 October 2019

Mr Daniel Palumbo
Leinad Land Developments (Dublin) Pty Ltd
55 Stanbel Road
SALISBURY PLAINS SA 5109

Dear Mr Palumbo,

Dublin Township Expansion – Leinad Land Developments

As you are aware, *Environment and Food Production Areas (EFPAs)* were introduced through the *Planning, Development and Infrastructure (PDI) Act 2016* to prohibit the further subdivision of land for housing to protect vital food and agricultural lands. The majority of the Adelaide Plains Council area is located within an EFPA and the effect of this legislation is to restrict land divisions for residential development to Council's main townships (Two Wells, Mallala and Dublin) and a number of other existing settlements only.

The potential expansion of the Dublin township was previously supported by Council back in 2014, when Leinad Land Developments proposed a developer-led Development Plan Amendment (DPA) to rezone land to the south of Dublin for residential purposes. Council endorsed the DPA together with a Funding Deed to finance the DPA. However, the DPA Statement of Intent (SOI) was rejected by the then Minister for Planning, the Hon. John Rau, on 20 February 2015 as the proposals were not considered to be in accordance with the State Planning Strategy at that time.

The DPA was intrinsically linked to a proposal for the construction of a local shopping centre at Dublin comprising 1700 square metres of gross floor area, including a small supermarket and five speciality shops. Development Plan Consent was granted for the shopping centre on 12 November 2015 and the operative period of this Development Plan Consent remains 'live' until 4 August 2020.

Since the granting of the Development Plan Consent and the rejection of the DPA, the introduction of the EFPA legislation through the 2016 PDI Act has prevented any further progress on the development proposals from occurring.

Following a presentation by planning consultant Richard Dwyer of Ekistics to Council Members on behalf of Leinad Land Development on 8 July 2019, a Motion on Notice was made at the Ordinary Council Meeting on 22 July 2019, which resulted in the following resolution:-

Environment Food Production Areas

Moved Councillor Keen

Seconded Councillor Lush

2019/323

“that the Chief Executive Officer formally write to the Department of Planning, Transport and Infrastructure and the Minister for Planning to give advanced notice of Adelaide Plains Council’s desire to have strategic holdings reviewed throughout the Council area as part of the imminent Environment Food Production Areas review process.”

CARRIED

As per the above resolution, I wrote to the Hon. Stephen Knoll MP, Minister for Transport, Infrastructure and Local Government on 23 July 2019. To date, no reply has been received.

Following formal requests by both Leinad Land Developments, as well as the Hicks Group regarding a potential development at Two Wells, Council at its Ordinary Meeting on 23 September 2019, resolved as follows:-

Item 21.5: Environment and Food Production Areas

Moved

Councillor Maiolo

Seconded

Councillor Lush

2019/412

“that Council, having considered Item 21.5 – Environment and Food Production Areas, dated 23 September 2019, receives and notes the report and in doing so authorises the Chief Executive Officer to:-

- 1) progress the review of relevant strategic holdings that are currently impacted by the Environment and Food Production Areas legislation with the Department of Planning, Transport and Infrastructure and the State Planning Commission as part of the 5 yearly review of the Planning, Development and Infrastructure Act 2016 (Section 7).*
- 2) provide in-principle letters of support to Leinad Land Developments (Dublin) Pty Ltd and the Hicks Group to enable both parties to advocate for boundary changes to the Environment and Food Production Areas and allow the future progression of long term rezoning objectives as outlined in Attachments 1 and 2 to this Report.”*

CARRIED UNANIMOUSLY

As per Council Resolutions 2019/323 and 2019/412 above, Adelaide Plains Council is pleased to provide in-principle support to Leinad Land Developments to advocate for boundary changes to the EFPA to allow for the future progression of long term rezoning objectives for the expansion of the Dublin township.

If you require any further information, please contact Rob Veitch, General Manager Development and Community on (08) 8527 0200 or [REDACTED]

Yours sincerely

A handwritten signature in blue ink, appearing to be 'James Miller', written in a cursive style.

James Miller
Chief Executive Officer

29 July 2021

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

**Re: Submission to the Review of the EFPA
Lot 209 Yorktown Road, One Tree Hill**

We act on behalf of Dr Khera, our client and the land owner of Lot 209 Yorktown Road, One Tree Hill.

The following package is submitted on behalf of Dr Khera for the State Planning Commission's review of the Environmental Food Protection Areas.

We reserve the right to present our submission in person, and to discuss the content of our submission with relevant State Planning Commission before the review is finalised.

We respectfully request that our client's land is assessed in accordance with the findings, reports and letters **enclosed** herein. Should any clarification be needed please do not hesitate to contact the writer.

Yours sincerely



Daniel McKenna
MasterPlan SA Pty Ltd

enc: As listed.



I. CONTACT DETAILS AND DESCRIPTION OF SUBJECT LAND

a) Your Name and Contact Details

Please provide contact details for the person requesting the variation. This information will be used if further information is required and for notification purposes following a decision.

Name:	Dr Swaran Khera
Postal Address:	C/- MasterPlan, 33 Carrington Street, Adelaide SA 5000
Phone Number:	(08) 8193 5600
Mobile Number:	[REDACTED]
Email:	[REDACTED]

b) Subject Land Details

Please provide details regarding the subject land for which the proposed variation to the EFPA boundaries relates to.

Street Address (or rural property address if relevant): <i>*If multiple street addresses are involved, please include each address</i>	Lot 209 Yorktown Road, Craigmore SA 5114
Allotment ID: <i>* Include the Certificate of Title Reference, Valuation Number or other legal identifier of the subject land if known. If multiple allotments of land are involved, please state relevant details for each allotment.</i>	Certificate of Title Volume 5965 Folio 613
Owner/s: <i>* If the subject land has multiple owners, please include the full name of each owner</i>	Dr Swaran Khera



2. DETAILS OF REQUESTED VARIATION TO EFPA BOUNDARY

a) Details of requested variation

Please outline the details regarding your requested variation to the EFPA boundary. You may also include how the requested variation meets the requirements of Test 3 (in that the variation is considered trivial in nature and will address a recognised anomaly). You may also attach relevant maps and/or diagrams in Step 3.

Please see submission attached titled '50134LET12'.

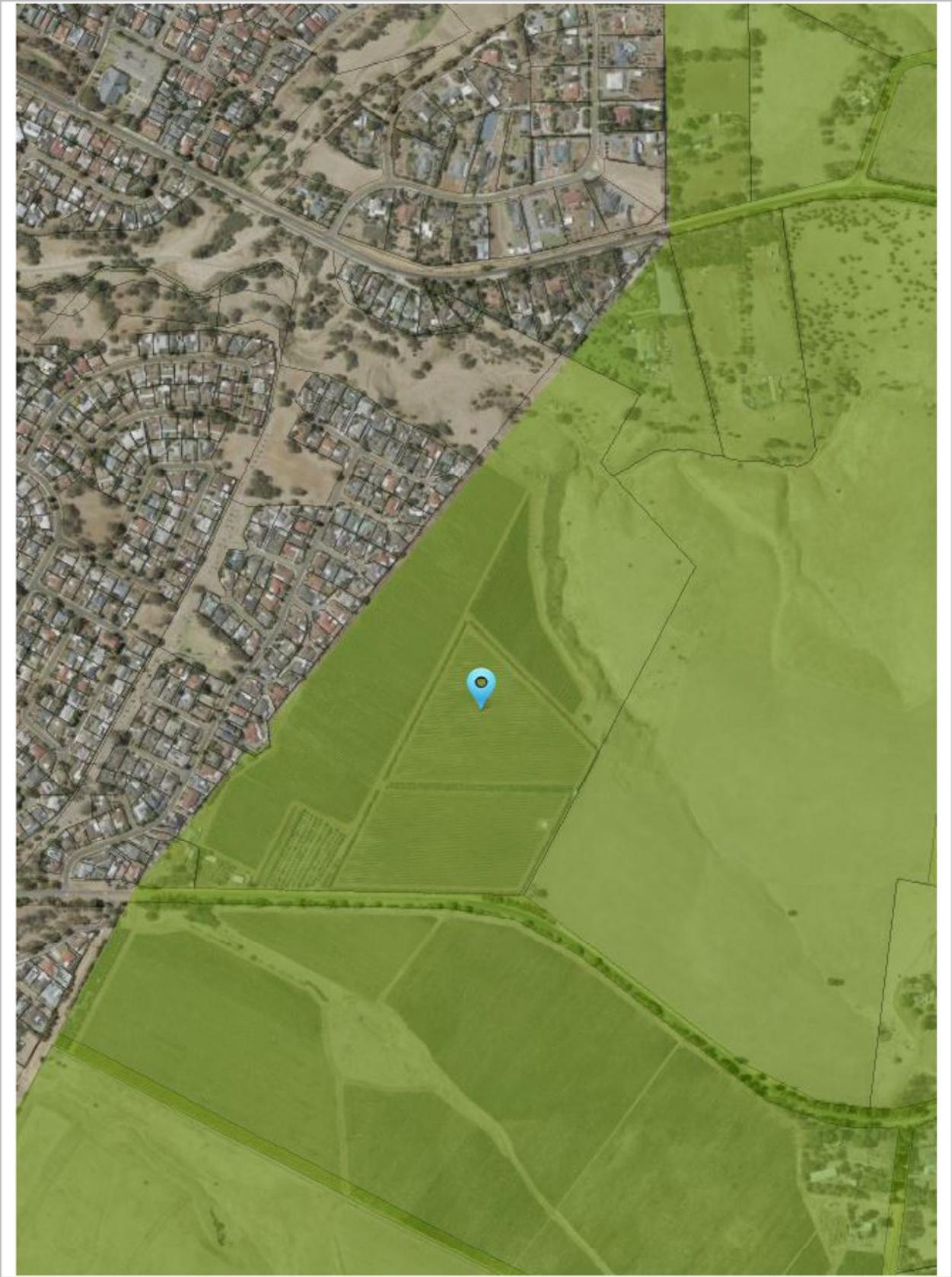
b) Additional supporting information

Please provide any supporting information below. For example, is your proposal supported by your local council, neighbour or other relevant background discussions? You may attach any relevant maps or diagrams to this submission in Step 3.

Please see submission attached titled '50134LET12'.

3a. MAP OR DIAGRAM TO SUPPORT SUBMISSION

To help explain and support your submission, you may attach a diagram or a map of the subject land, preferably showing where the boundary of the EFPA lies in relation to the subject land and where you are seeking the EFPA boundaries to be varied, moved, removed, etc.





3b. ADDITIONAL MAP OR DIAGRAM TO SUPPORT SUBMISSION

4. APPEARANCE AT PUBLIC HEARING

a) Do you wish to appear in person to discuss your submission with the State Planning Commission following the close of the submissions period?

Yes No

b) If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name: Daniel McKenna

Address: 33 Carrington Street, Adelaide SA 5000

Phone Number: (08) 8193 5600

Mobile Number: [REDACTED]

Email: [REDACTED]

28 July 2021

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

**Re: Submission to the Review of the EFPA
Lot 209 Yorktown Road, One Tree Hill**

We act on behalf of Dr Khera, our client, owner of Lot 209 Yorktown Road, One Tree Hill.

The land is described in Certificate of Title Volume 5965 Folio 613. Refer to **Attachment 1**.

More particularly:

- the land has frontage to Yorketown Road;
- the land is gradually sloping and abuts existing residential development to the west;
- the land has a modest site area of 26.6 hectares;
- the soils are skeletal and PIRSA has determined the land excluded from primary production suitability;
- the land is used as a hobby farm;
- elevated land to the north east comprises a water course;
- in the south-western corner is a group of buildings and a service area used to assist in the management and maintenance of the property; and
- there is an easement generally along the western boundary of the subject land that is on the higher ground immediately east of the abutting residential allotments.

Our client has spent his recent years pursuing a development in the form of a land division to facilitate residential development. Current planning legislation and policy has prevented this happening. Namely, our client's land falls within the defined Environmental Food Production Areas (EFPA) the purpose of which is to protect areas suited to food production and environments.

The land is located on the western boundary of the EFPA located in Craigmore (Playford Council).

A review of the EFPAs is being undertaken pursuant to section 7 of the *Planning, Development and Infrastructure Act, 2016*. The State Planning Commission (SPC) recently released a *Request To Vary Environmental And Food Protection Area Boundaries*. In doing so it provided a guide and form to complete. This document accompanies that form.





This recent release states:

The Act sets out that when considering any proposed variances to the EFPA, the Commission must be satisfied with the following tests:

Test 1: area/s within Greater Adelaide outside the EFPA are unable to support the principle of urban renewal and consolidation of existing urban areas, and

Test 2: adequate provision cannot be made within Greater Adelaide outside the EFPA to accommodate housing and employment growth over a minimum 15-year period; or

Test 3: variation is trivial in nature and will address a recognised anomaly.

In April this year, the Commission commenced its first review of the EFPA boundaries. A report detailing the outcomes of the first stage of the review, the EFPA Review Report (Stage 1) along with a Statement of Position from the Commission, was released on 4 June 2021, and is available on the PlanSA portal (plan.sa.gov.au).

As a result of detailed analysis, the report and statement outlines that the Commission is satisfied there is a sufficient supply of land across Greater Adelaide to support housing and employment growth over the next 15 years.

It subsequently states that Tests 1 and 2 (outlined in Section 7 of the Act) are not met and accordingly, the remaining stage of the review (Stage 2) is therefore confined only to consideration of variations to the boundaries in accordance with Test 3 (being those which are trivial in nature and will address a recognised anomaly).

Written submissions outlining potential variations that could reasonably fit within Test 3 are now invited from property owners or other interested persons.

We note firstly that the land supply analysis was an holistic review of the State and did not include a fine grain analysis of specific regions, particularly in those areas which have historically been limited in land supply.

This letter outlines evidence and investigations procured in recent years that the land characteristics are an anomaly in terms of categorisation as an EFPA and therefore meet the criteria for Test 3.

As detailed in the Oxford Dictionary, the word anomaly is defined as follows:

Something that deviates from what is standard, normal, or expected.

The following comprises our desktop investigation undertaken with use of publicly available data through NatureMaps. This research has assisted in forming our position that the Site does not possess the natural or environmentally important attributes worth protecting under the EFPA. In light of this research, our findings suggest that the protection of our clients land under the EFPA is not expected based on the land



features that characterise our client's land, and therefore demonstrate an anomaly. Key findings sourced from Nature Maps to support our position are outlined **below**.

Our client's land is located within the Green Adelaide Landscape Management Region, which captures a majority of greater Adelaide. In review of the Draft Green Adelaide Regional Landscape Plan 2021-26, we have formed the view that if our client's land were removed from the EFPA then this would not compromise the prescribed goals or strategies as currently drafted. **Figure 1** captures the priorities detailed in the Draft Green Adelaide Regional Landscape Plan 2021-26.

Priority	Examples of five-yearly outcome indicators
 Coastal management	<ul style="list-style-type: none"> • Reef condition • Seagrass extent and condition • Coastal habitat condition of significant sites • Populations of species of conservation concern
 Water Resources and wetlands	<ul style="list-style-type: none"> • Aquatic ecosystem condition • Native fish abundance and diversity • Surface water (flow and quality)
 Biodiversity and water sensitive urban design	<ul style="list-style-type: none"> • Uptake of WSUD and BSUD in new development • Uptake of WSUD and BSUD in council projects
 Green streets and flourishing parklands	<ul style="list-style-type: none"> • Tree canopy and green cover • Reduction of localised heat islands
 Fauna, flora and ecosystem health in the urban environment	<ul style="list-style-type: none"> • Terrestrial habitat condition for specific sites • Populations of species of conservation concern
 Controlling pest plants and animals	<ul style="list-style-type: none"> • Number of emerging weeds (populations/sites) • Number of pest incursions identified and eradicated
 Nature education	<ul style="list-style-type: none"> • Community environmental values, knowledge and behaviours • Community knowledge, recognition and attitudes towards Kaurna culture

Figure 1: Draft Green Adelaide Regional Landscape Plan 2021-26 – Goals and Strategies Summary.
Source: Draft Green Adelaide Regional Landscape Plan 2021-26.

The environmental characteristics of the Site are limited in that:

- the land abuts an urbanised township to the west, and is not located in proximity to the SA coast line;
- the elevated portion of the land and water course located at the north-east portions of the Site can easily be preserved now and in the future from any undesirable activities;
- the water course and elevated areas to the north-east would be preserved as open space and would sit above any potential future activities that may occur on the balance of the land;



- given the Site area of the land, appropriate buffers can be accommodated between any future activities and the existing water course and elevated lands to the north-east;
- the Site comprises few trees, and the opportunity exists for additional planting;
- the Site comprises a hobby farm, and as a consequence the land has been severely modified such that no ecologically significance habitats exist, and this was further confirmed in our desktop study (further detail can be found **below**); and
- no cultural or historically significant areas of importance were identified in our desktop study.

Given the **above**, we do not consider the initiatives proposed within the Draft Green Adelaide Regional Landscape Plan 2021-26 would be compromised if our client's land were withdrawn from the EFPA. Rather, any future development of the land would provide opportunities to vegetated and better protect the higher ground and the water course area to the betterment of the land and the environmental amenity of the wider locality.

NatureMaps provides a data set of flora and fauna records, and we note that our clients land comprises just one (1) flora sighting from 1997 being Salvation Jane.

NatureMaps confirms that the site **is not** located within:

- a biological study boundary;
- area of weeds of National Significance and Buffel grass;
- areas of fauna colonies or rated species;
- site significantly impacted by historical fires;
- land subject to any National, State or Local Heritage status;
- any culturally sensitive protection areas, reserves or sanctuaries;
- soil land use potential areas suited for field crops, perennial horticultural crops, annual horticultural crops, irrigated pastures, dryland pastures, native fodder or alternative crop types;
- soil drainage and irrigation attributes areas suited for deep drainage potential or rootzone depth potential;
- soil erosion areas prone to gully erosion, mass movement, scalding, water erosion potential or wind erosion potential;
- soil surface attributes areas;



- areas of native vegetation;
- significant environment benefit areas or subject to a heritage agreement;
- roadside significant sites;
- a prescribed water resources area, EMLR or WMLR groundwaters management zones; or
- Mount Lofty Ranges Climate Zone, River Murray Flood Plain or Mount Lofty Ranges Water protection Area with Priority Areas.

Given the data sourced from NatureMaps, we do not consider the Site comprises environmental characteristics that align with the intent of the EFPA.

Further, we note that the EFPA initiatives originated from recommendations proposed in the original 30 Year Plan for Greater Adelaide published in 2010 with broad objectives focussing on:

“the protection of primary production lands through land-use policies which protect the integrity of high-value primary production lands and minimise the encroachment of incompatible uses”.

The original Plan emphasised the need to protect vital primary production lands by preventing urban sprawl and locating *“the bulk of new housing in the established areas of Greater Adelaide”*.

On page 107, the original Plan outlines several policies relating to primary production. Policy 13 of the original Plan stated the following:

“Designate areas of primary production significance (see Map D11) in Development Plans and introduce a standard set of planning controls to protect the areas’ use.”

The intent of this Policy was to ensure that areas of primary production significance are protected under planning controls. Map D11 identifies existing areas of important primary production land as well as *“potential”* areas of primary production significance.

Figure 2 highlights the approximate location of our client’s land on Map D11. This is only an approximate as the map is too broad to refine down to single land parcels.

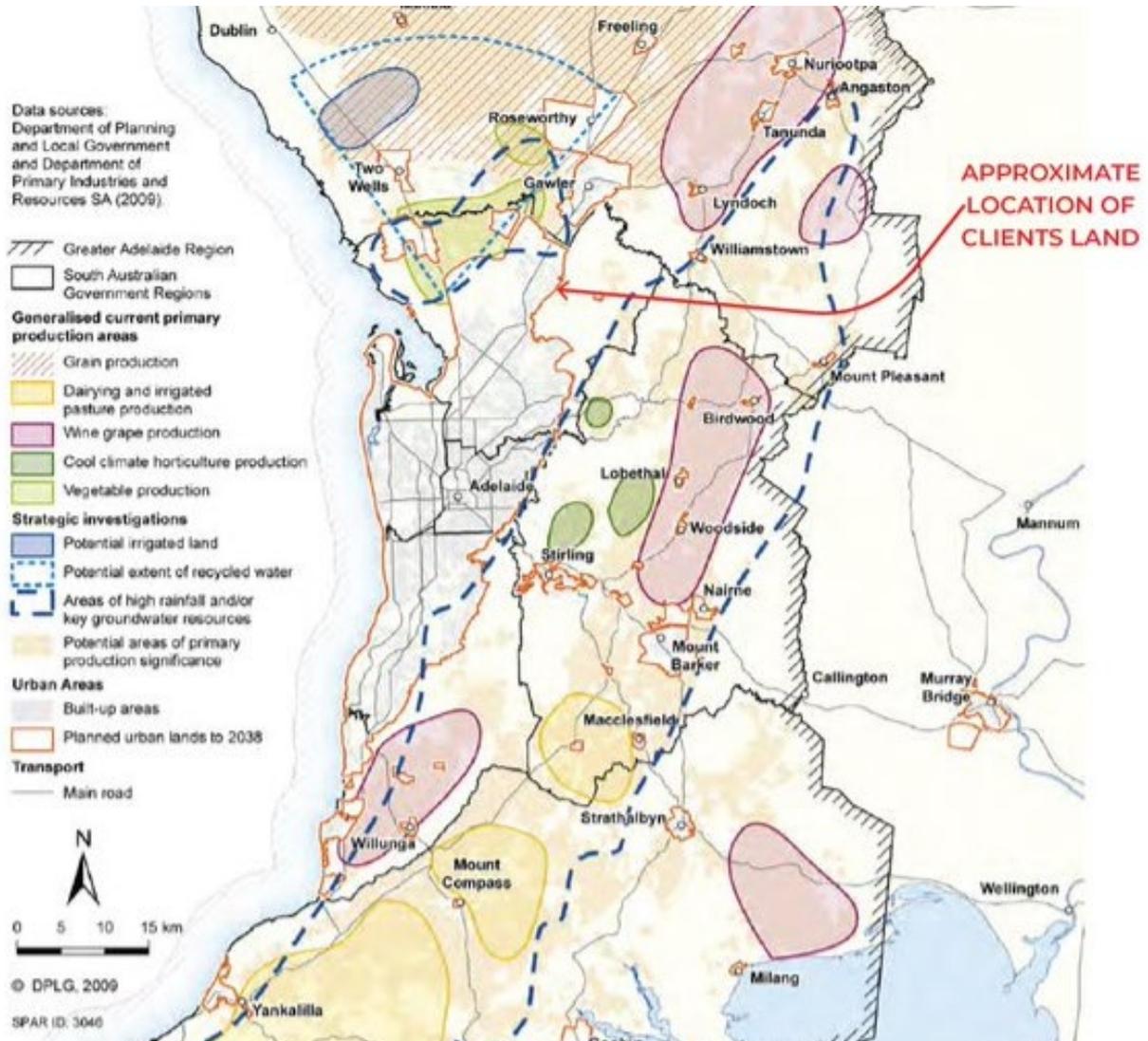


Figure 2: Location of Site on Map D11.

Source: The 30-Years Plan for Greater Adelaide – A Volume of the South Australian Planning Strategy (2010).

As depicted in Map D11, our client's land is outside a "potential" area of primary production significance.

In response to the policies recommended in the original 30 Year Plan, Primary Industry Resources of South Australia (PIRSA) undertook investigations to identify primary production priority areas. These findings were then layered into Location SA Map Viewer and categorised into land parcels under three (3) headings, being Primary Production Priority Area (PPPA), Non-Primary Production Area and Excluded Area.



In review of the metadata associated with PIRSA's findings (<https://data.sa.gov.au/data/dataset/primary-production-priority-areas>) the primary production priority areas were identified using a broad set of criteria. The criteria used, as stated in the metadata, is as follows:

"Provisional PPPA boundaries have been identified by PIRSA on the basis of a range of factors relevant to sustainable primary industries development, including land capability, industry investment and land use, access to water, climatic considerations (including anticipated climate change) and any local conditions that give rural land special significance for primary production. Note that the concept does not include measures of landscape quality and is not intended for that purpose."

"Created to identify 'areas of primary production significance' (Government of South Australia, 2010, p.106) and enable subsequent strategic planning and land use policy development by local councils and state government agencies. Its intended use is as an information product to aid identification of 'areas of primary production significance' in a consistent manner that is agreed by stakeholders. The data set is not a statement of policy of either PIRSA or the Government of South Australia. The data comes with a warning to users, the data is subjective, multiple inputs all of varying accuracies, and subject to change."

"Several Land use datasets were integrated with Soil Landscapes spatial data and various other data sets. This data was analysed, reclassified, filtered and generalised. Polygon areas < 100 Ha were eliminated. Final step was matched to cadastral parcels layer dated 11/04/2011. Further information about the data and mapping method used can be found in the unpublished PIRSA document 'Primary Production Priority Areas: Project Design and Method, June 2011'; and in companion reports for each of the twelve local government areas in the Greater Adelaide region with rural land. Information about adoption of PPPA mapping should be sought from those Local Councils."

"Mapping is 100% complete for the following Local Government Areas (Adelaide Hills, Onkaparinga, Yankalila, Mallala, Light, Salisbury, Gawler, Victor Harbour, Mount Barker, Barossa, Playford, and Alexandrina)."

As described **above**, the 'Primary Production Priority Areas: Project Design and Method, June 2011' was not published and nor is it available online.

Figure 3 highlights the approximate location of our client's land in relation to the PPPA map.

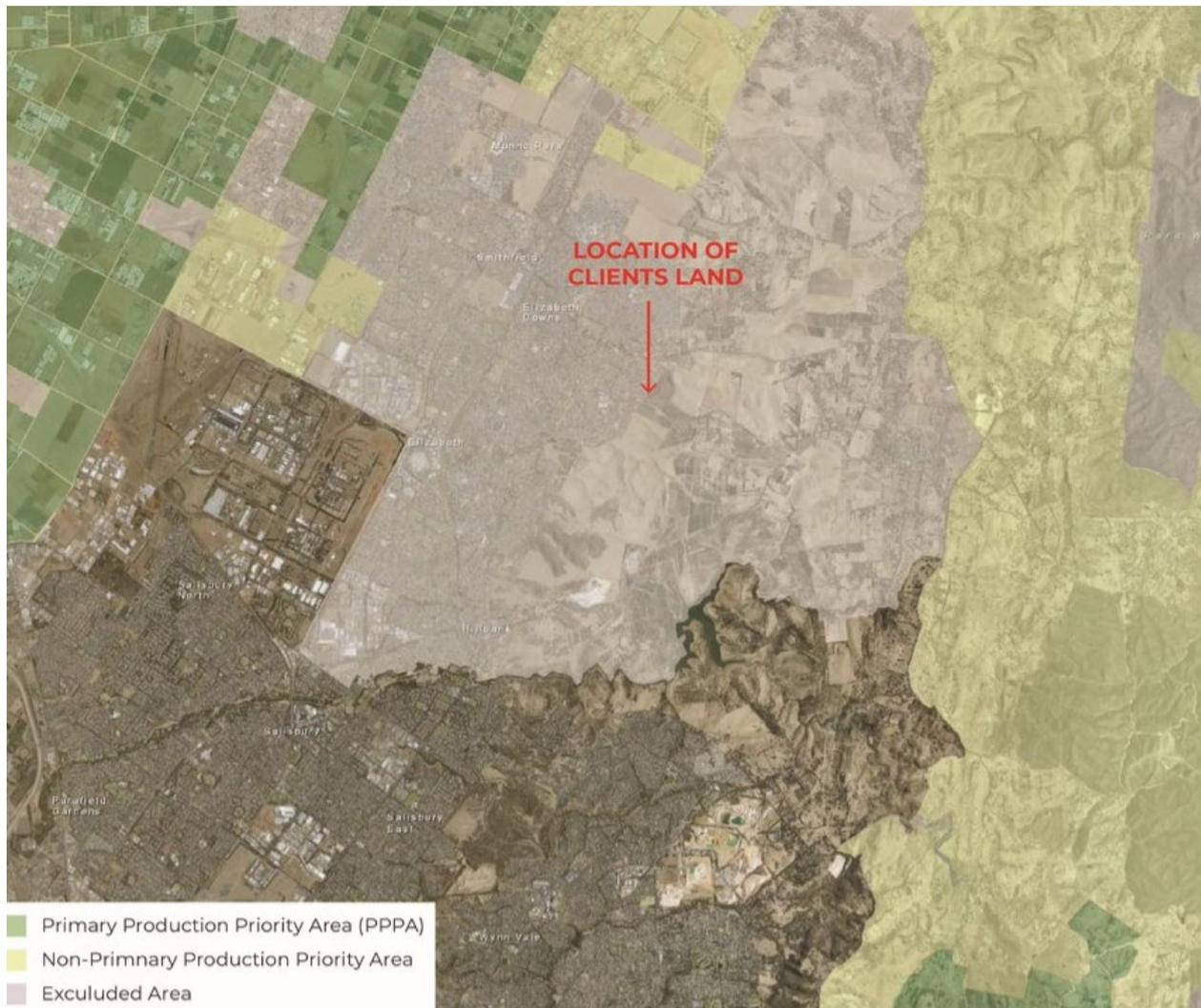


Figure 3: Location of Site on Location SA Map Viewer.
Source: Location SA Map Viewer.

As depicted **above**, our client's land is in an excluded area. On this basis, our client's land was not and still is not considered a PPPA. In broad terms this means our client's land did not meet the criteria used by PIRSA to identify primary priority areas, including land capability, industry investment, land use, access to water, climatic considerations, local conditions that give rural land special significance for primary production, soil landscape data sets, site areas below 100 hectares. In the absence of the 'Primary Production Priority Areas: Project Design and Method, June 2011' report and companion reports specific to the Playford Council, we can only conclude that PIRSA did not at that time, and do not today consider the land to be a PPPA.

Enquiries about the investigations available that provided the rationale for the definition of the EFPA revealed that no such investigation was undertaken. We are also reliably informed that this work was not directly used in any investigations to identify and establish the EFPA.



It is important to note the nearest allotment categorised by PIRSA as a PPPA is located approximately 6.5 kilometres west of our client's land.

In recent years, our client has procured the services of numerous consultants and received professional advice concluding that the best use of his land would be for residential development and not primary production. All previous reports, investigations and findings regarding our client's land are **attached**.

These documents provide evidence that concludes our client's land is better suited to residential development and not primary production and for the purposes of this submission should not be within the EFPA. The reports conclude that it is not economically viable for primary production. The land is also located in an area defined as Hills Face Zone for which there are key criteria or characteristics. It is evident that this land does not meet those criteria.

Reports provided in **Attachment 2** conclude the following:

- Planning Chambers Pty Ltd on 27 January 2016:

'This Statement outlines characteristics of the land that confirm it is more suited to residential development than it is to agricultural activity. One characteristic relates to the degree of visibility of the land from the plains. Another relates to its capacity to be provided with engineering services infrastructure in the form of schools, shops and social services.'

- Planning Chambers Pty Ltd to the Honourable Mr. John Rau on 27 January 2016:

'I am interested in your proposal to establish an Urban Growth Boundary (UGB). It is an initiative I applaud, and one that should be progressed, but I urge the Government to execute considerable caution in so doing'.....'At the fringe of the zone, where it abuts the plains, there are many places with gradients that are suitable to accommodate low density residential development and which have capacity to be provided with a full complement of urban services infrastructure. These areas already have access to social services infrastructure in the form of schools, shops and other facilities'.....'at the fringe where is abuts urban areas, there is little agricultural or farming activity of such significance that it can be considered to be an areas of food production that warrants protection to the extent sought by the UGB proposals'.



- Planning Chambers Pty Ltd to the Honourable Mr. John Rau on 27 January 2016:
'Dogged implementation of a planning philosophy that runs counter to sound economic considerations and the Governments own philosophy of avoiding waste, demands serious review at this time'.....'This is a case where the Government can review the Hills Face Zone boundary and secure a desirable, economic and planned outcome for the benefit of the entire community'.
- Intrax Consulting Engineers on 25 July 2016:
'Our investigations have concluded that the land can be provided with an adequate compliment of urban services infrastructure'.
- Brett Potter of Mattsson & Martyn Surveyors on 29 August 2016:
'I believe that the site may have been categorised as Hills Face in error and is certainly suitable for residential development from a surveyors perspective'.
- Bleaze Neale & Associates Pty Ltd on 14 October 2016:
'Development of the site would allow re-establishment of native vegetation in Open Space, Reserve and Private area and thus creating a buffer to the Hills Face Zone to the East'.
- MasterPlan (Simon Tonkin) on 18 November 2016:
'I have formed the opinion that on the basis of this assessment, the land fails to satisfy the key criteria. It does not provide or form a backdrop to the Adelaide Plains that is elementary to the communities' expectations as the land is not visible from the plains. Further it does not possess a natural character that the policy seeks to preserve. If these criteria, as embodied in the government's Development Plan were applied in a binding and absolute sense when determining whether land should be included in the Hills Face Zone, the land would not meet these qualifications'.
- Hilditch Lawyers on 15 December 2016:
'There is speculation that the land may have simply been originally included in the HFZ due to a lack of ready access to utilities (eg water) at the relevant time and for no other reason. Both planners conclude that such a concern no longer arises as there is now ready access to all required utilities and services for residential development to proceed on the Land.



- Griffiths Lawyers on 20 February 2017:

'It does not provide nor form a backdrop to the Adelaide Plains that is elementary to the communities expectations as the land is not visible from the plains. Further, it does not possess a natural character that the policy seeks to preserve. If these criteria, as embodied in the Development Plan were applied in a binding and absolute sense when determining whether land should be included in the Hills Face Zone, the land would not meet these qualifications'.....Therefore in my opinion the subject land does not meet the test and should be afforded Hills Face Zone status'.

- Johnston Withers Lawyers on 23 February 2017:

'It is clear from the findings of the experts expressed in their reports that the notwithstanding the zoning, the One Tree Hill Land does not have features that would meet the Hills Face objectives justifying its inclusion as Hills Face. On this basis they also confirm that the current zoning is inappropriate and point to the appropriateness of this land for residential development'.

- Brett Potter of Mattsson & Martyn Surveyors on 14 March 2017:

'It seems that the use of this land for residential development would be a suitable, sensible approach to creation of additional housing in the northern suburbs. Unfortunately, the sites topography is not conducive to primary production, however, it would not be dissimilar to a number of housing development at similar elevation and proximity from existing built-up areas'.

- Gary Brinkworth (Manager Planning Services Playford Council) on 31 August 2017:

'We have received numerous reports and supporting information from Dr Khera and based on the information that we have reviewed and the site inspections undertaken it would be my opinion that:

1. *The above Lot of land does not satisfy the criteria for the Hills Face as per Objective 1(a) and Objective 2(b) enshrined in the Government Gazette document of the Hills Face Zone.*
2. *The land is not suited for agricultural production, as highlighted in the reports, prepared by Mr Brett Potter, Mattsson and Martyn, dated 14 March 2017.*

As such, Council have supported the previous discussions relating to the investigations for the use of the land for residential purposes.'

- Historical letters prepared by Dr Khera regarding the matters at hand.



As we understand, the findings in these reports and assessments align with the work of PIRSA outlined **above**. This is particularly evident as the work of PIRSA was a direct response to the recommendations and polices stipulated in the original 30 Year Plan for Greater Adelaide.

Moving forward several years, the (former) Minister for Planning John Rau released in 2016 the draft update of the 30 Year Plan for Greater Adelaide. As we understand, the update underwent consultation with various stakeholders and resulted in the release of the 30 Year Plan for Greater Adelaide 2017 update.

As part of the update, the Environmental and Food Protection Areas (EFPA) was introduced. GRO Map G17/2015 is publicly available on the Department of Planning, Transport and Infrastructure website and depicts the areas across Greater Adelaide categorised as an EFPA, including our client's land.

Map **Figure 4** depicts the approximate location of our client's Site in relation to land categorised as an EFPA in the Playford area.



Figure 4: Location of Site on Location SA Map Viewer.
Source: Location SA Map Viewer.



Our client is aggrieved with the categorisation of his land as an EFPA. With the exception of PIRSA's work, we are yet to source information, data or findings that justifies the allocation of our client's land (and land in close proximity) as an EFPA. In essence, there is no substance, argument or investigation that supports the incorporation of our client's land and indeed other land in the area in the EFPA.

We note that our client's land sits on the boundary of the Hills Face Zone and the Hills Neighbourhood Zone of an established urbanised area. We note that the EFPA were identified when the former Development Plans were operational, at which time the Site was located in the Hills Face Zone and adjacent land west was in the Residential Hills Zone. In review of the former zone maps in the Playford Development Plan, it is clear that the location of the Hills Face Zone aligns with the location of the EFPAs.

Council also, some 10 years ago, advised Dr Khera that a review was being undertaken for this area and One Tree Hill and that rezoning was a distinct possibility given the circumstances of the Site.

Figure 5 depicts the approximate location of our client's Site in relation to the Hills Face Zone and former Residential Hills Zone.



Figure 5: Land Zoning on Property Browser.



We note that the alignment of the residential boundary may be part of the reasoning behind the allocation of the EFPA's boundary.

In regard to our investigations and findings, we contend that our client's land should not fall within the ambit of an EFPA. There is no evidence to support such a designation. In addition, inclusion of the land within a EFPA will only cause detriment to the locality as the land is not sustainable as a primary production unit and it will deteriorate over time without an income. The lack of development in the area is causing decline in social and other services that need the support of local economic growth that will not prejudice the true principles for the protection of valuable Hills Face and food production areas.

We contend that the subject Site should not be included within the EFPA as the land characteristics, size, topography and conditions, are such that it is incapable of viable primary production. This is evidenced in the PIRSA investigations.

The 30 Year Plan for Greater Adelaide 2017 Update states the following:

"Introduced in the Planning, Development and Infrastructure Act 2016, the Environment and Food Production Areas will:

- *protect rural, landscape and environmental areas from urban encroachment*
- *encourage consolidation within the existing urban footprint and renewal of existing urban areas*
- *ensure that any expansion of the urban footprint is made transparently and based on agreed evidence*
- *help prevent ad hoc land use changes that may compromise investments that rely on the maintenance of those rural landscape and environmental areas."*

In response to the 30 Year Plan's Objectives (listed **above**), we reiterate the key findings in the reports and investigations prepared by a range of professional consultants with a vast level of experience and knowledge in the fields of planning, design, economics, survey, engineering and law.

Based on the investigations, reports and findings **enclosed**, we respectfully request that the area affected in the precinct of our client's land by the EFPA be reconsidered as a matter of priority.



Given the level of assessment and reports, it has been clearly demonstrated that:

- (a) the subject land is able to support urban renewal and consolidation, in turn supporting social infrastructure, facilities and commercial business in the locality to encourage economic growth for the betterment of the community;
- (b) the subject land is able to meet long term growth, being located in an area that calls for additional residential development to support economic, employment and social facilities in the locality and throughout the wider community; and
- (c) the reports and findings provided by numerous consultants in the fields of urban planning, law, engineering, infrastructure and economics clearly evidence an anomaly in the zoning and mapping of the subject land as an EFPA.

In light of this recognised anomaly, we contend that this submission satisfies the criteria of test 3 as detailed in the *Planning, Development and Infrastructure Act, 2016*. It satisfies the third criteria as an amendment to the EFPA in this area would be trivial and would address that anomaly.

We respectfully request that our client's land is assessed in accordance with the findings and data enclosed herein. Should any clarification be needed please do not hesitate to contact the writer.

Yours sincerely

Daniel McKenna
MasterPlan SA Pty Ltd

enc: As listed.

ATTACHMENT 1

Certificate of Title

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5965 Folio 613

Parent Title(s) CT 5865/263
Creating Dealing(s) RTU 10423011
Title Issued 08/06/2006 **Edition** 3 **Edition Issued** 29/09/2008

Estate Type

FEE SIMPLE

Registered Proprietor

J.K PROJECTS PTY. LTD. (ACN: 126 777 562)
OF 24 GORDON TERRACE ROSSLYN PARK SA 5072

Description of Land

ALLOTMENT 209 DEPOSITED PLAN 70089
IN THE AREAS NAMED CRAIGMORE AND ONE TREE HILL
HUNDRED OF MUNNO PARA

Easements

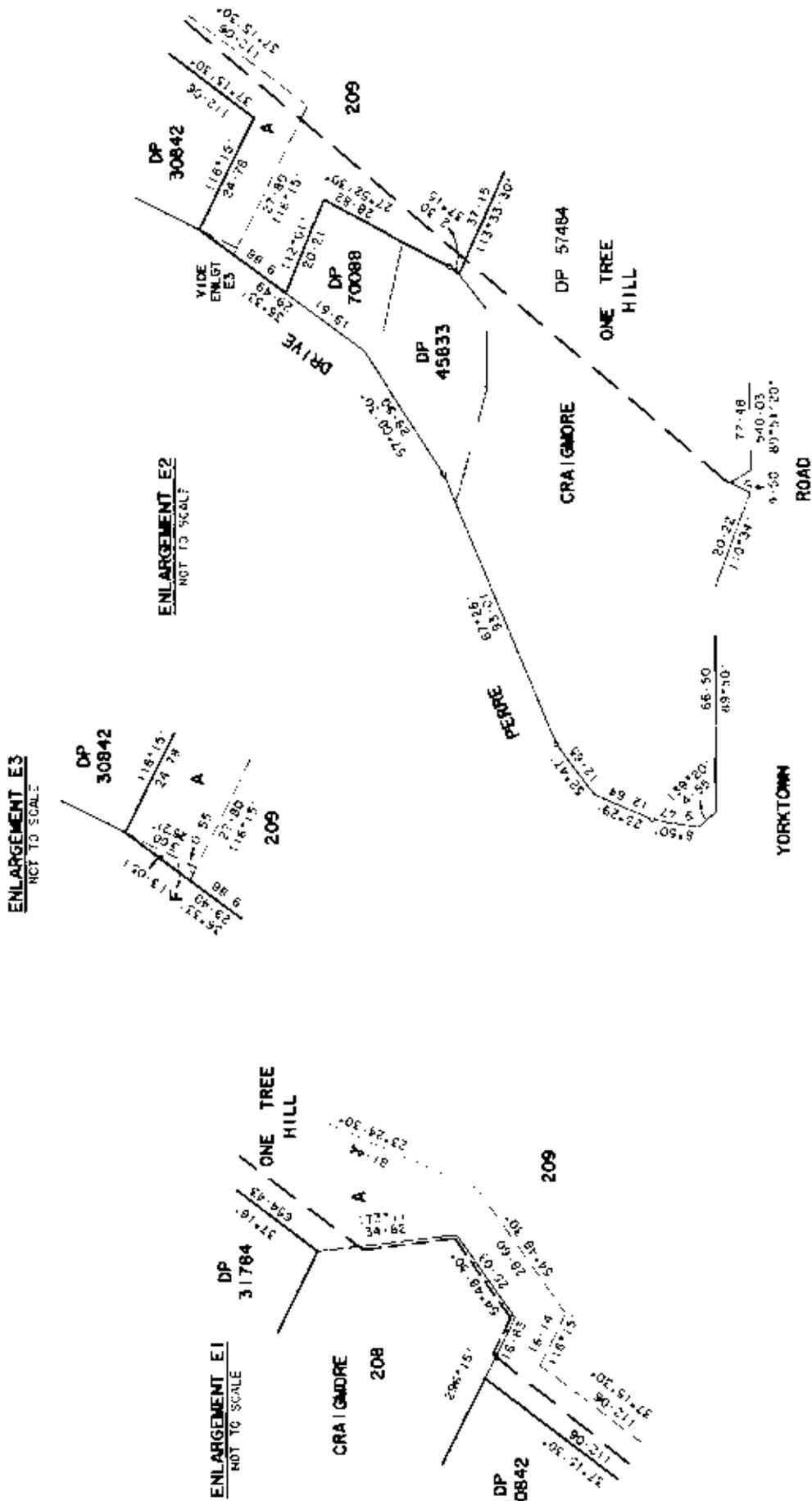
SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED A AND F FOR DRAINAGE PURPOSES TO THE COUNCIL FOR THE AREA (223LG RPA)

Schedule of Dealings

Dealing Number	Description
11036660	MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

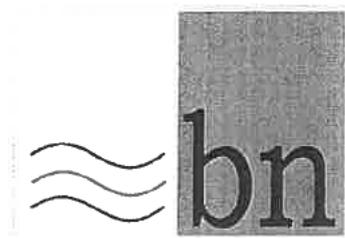
Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



ATTACHMENT 2

Consultant Reports



Bleeze Neale & Associates Pty Ltd

Surveying Consultants

GAWLER
27 Nineteenth Street
GAWLER SA 5118
(08) 8522 6700

MORPHETT VALE
10/230 Main South Road
MORPHETT VALE SA 5162
(08) 8384 7344
ABN 99836406022

admin@bleezenealesurveyors.com
www.bleezenealesurveyors.com

Our ref: G3121

14 October 2016

The Honourable John Rau

Minister for Planning

GPO Box 464

ADELAIDE SA 5001

Dear Minister,

**HILLS FACE ZONE , ALLOTMENT 209 , YORKETOWN ROAD , ONE TREE HILL
& CRAIGMORE**

With much emphasis of planning discussion on the North South expansion of the urban area, now is an appropriate time to also re-address Hills Face Zone boundaries to the East of metropolitan Adelaide while also maintaining the Objectives of the Hills Face Zone.

J.K.Projects Pty Ltd , the registered proprietor of Allot 209 , Yorketown Rd , Craigmores/One Tree Hill have asked us to comment with regard to the zoning of the subject land as Hills Face Zone in the Playford Council Development Plan

The Objectives of Hills Face Zone and relevance to the subject land can be summarized as,

1. The land does not provide a natural backdrop to the Adelaide Plains and is not clearly seen from the plains.

The gently sloping land on its Western boundary (HFZ boundary), which adjoins existing residential development, has a lower height value of approx. 130m Australian Height Datum (AHD) and on the Eastern boundary an upper height of approx. 170m AHD ie a 40m height rise over the subject land. A creek and gully on the northern aspect of the land has lower height values.

Adjoining Hills Face Zone land to the East continues to rise to a height of 260m AHD adjacent Yorketown Rd ie an additional height rise of 90 m beyond the subject land thus creating a backdrop to the subject land.

These heights can be compared to the low level of the HFZ boundary in other locations eg

Anstey Hill Rec Park , low level of HFZ boundary approx. 230m AHD

Black Hill Conservation Pk low level 190m AHD

Coach Rd , Skye low level 250m AHD

From these comparisons it can be seen that the subject land covers a low portion of the landscape and has a minor backdrop effect

Photography in the Report by Planning Chambers p/l (January 2016) emphasizes how minimal the subject land appears in the hills elevation. The predominant feature of the view is the vegetation. The photography is taken from an elevated position and photography taken from the same ground level position would show less of the subject land.

The subject land is obscured at closer distances to the site by vegetation and buildings-the subject land not being steep enough to rise above the obstructions.

2. Development infrastructure services are available to be extended from the adjoining residential development . Normal developer contributions will pay for the service extensions hence no Public contributions are required.

Social Infrastructure (shopping, medical, schools, public transport) are located within 1Km of the site thus any development would utilize existing facilities.

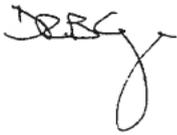
3. The site does not contain any significant native vegetation. Development of the site would allow re-establishment of native vegetation in Open Space ,

Reserve and Private areas and thus creating a buffer to the Hills Face Zone to the East.

4. The provision of Reserves in any development would allow the creation of passive recreation areas as desired in Hills Face Zoning

Please consider these comments in conjunction with the Consultant Reports in an evaluation of the Hills Face Zone boundary in the Yorketown Rd precinct.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D.Bleeze', with a large loop at the end of the signature.

DENIS BLEEZE
Licensed Surveyor



G R I F F I N S
L A W Y E R S

Our Ref: 85796JNM

20 February 2017

JK Projects Pty Ltd
C/- Dr Swaran S. Khera
24 Gordon Terrace
ROSSLYN PARK SA 5072

By Post & By Email: [REDACTED]

Dear Swaran

Hills Face Zone – Lot 209 Yorketown Road, Craigmore

I refer to our discussions herein.

JK Projects Pty Ltd is the registered proprietor of the property at the above address ("the subject land") which is located within the City of Playford and contained within Certificate of Title Volume 5965 Folio 613.

The subject land is currently used for minor horticultural uses i.e. olives and vineyards.

You seek my advice on the potential division of the subject land for residential use as it abuts existing residential development within the urban suburb known as Craigmore and the recent approval obtained by Boral for nine new residential allotments in the Hills Face Zone.

I advise as follows:

1. Zoning of the land

- 1.1 The subject land is located within the Hills Face Zone ("HFZ") and Watershed Policy Area 2 in the City of Playford Development Plan.

Land division is a non-complying form of development in the HFZ/Policy Area 2.

- 1.2 Notwithstanding the zoning, the subject land does not, in the opinion of 2 expert planners (Master Plan and Planning Chambers Pty Ltd) you have consulted, satisfy the criteria for its inclusion within the HFZ.

You have also received a report from an engineer and 2 surveying firms advising the inappropriateness of the current zoning and confirming the preferred use of the subject land for residential purposes.

In addition the HFZ Boundary as depicted in the maps including in the Development Plan may be historically inaccurately plotted and does not utilise more modern accurate mapping methods available.

- 1.3 On purchasing the land you were advised by Council that it was reviewing the HFZ boundary. You relied on this and would have made a submission to change the HFZ boundary but unfortunately no review was carried out.

2. Relevant provision of the Development Plan

- 2.1 The Hills Face Zone Section of the Development Plan has a range of Objectives, a Desired Character and Principles of Development Control. The key criteria that are relevant to the understanding of the intent and purpose of the Hills Face Zone are set out below and with reference to and using the Master Plan Report and conclusions test these against the subject land to determine whether it satisfies those criteria for inclusion or exclusion of the subject land in the Hills Face Zone.

- 2.2 The key provisions are:

Objective 1 A zone in which the natural character is preserved and enhanced or re-established in order to:

- (a) provide a natural backdrop to the Adelaide Plain and a contrast to the urban area**

The land has been cleared of any natural vegetation and has been used for grape and olive growing, so there is no element to the land that provides any natural visual form. The predisposition of natural features and characteristics are essential for this part of the objective to be satisfied. Further however and more importantly, the requirement for the land to form a 'backdrop' cannot be satisfied in the theatrical sense of backdrop, the land does not create a backdrop as it is not visible from the plains. It does not form a setting that is visible behind or beyond the development on the plains which this adjoins. There is land behind this land however that is visible from the plains as it rises and crests to the east of the land. Accordingly, the view from the plains in the wildest sense will not be altered as the backdrop that exists will remain.

- (b) Preserve biodiversity and restore locally indigenous vegetation and fauna habitats close to metropolitan Adelaide**

The land cannot preserve biodiversity as it has been removed some time ago. If the vineyards and orchard were cleared there is the potential that vegetation could be re-established indigenous to the locality. However, there is no real likelihood to undertake such a program given economic circumstances.

- (c) provide for passive recreation in an area of natural character close to the metropolitan area**

The land is in private ownership, does not possess any natural character and is never likely to provide recreation opportunities unless purchase for that purpose by others.

- (d) provide a part of the buffer area between metropolitan districts and prevent the urban area extending into the western slopes of the Mouny Lofty Ranges**

This land does not separate metropolitan districts nor does it possess natural character.

- (e) ensure that the community is not required to bear the cost of providing services to and within the zone.**

The land is adjacent to and connected to all relevant infrastructure necessary for a logical extension of the existing residential development that adjoins immediately to the west. Any development of the land would require the developer to both extend and augment utility services.

Objective 2 A zone accommodating low intensity agricultural activities and public/private open space and one where structures are sited and designed in such a way as to:

- (a) Preserve and enhance the natural character or assist in the re-establishment of a natural character in the zone**

As highlighted above, there is no natural character on the land as it has been used for vineyard and orchard purposes for many years. Neither will the land afford any assistance to re-establish the natural character whilst it is in private ownership. Only if other parties purchase and develop the land in this manner could re-establishment occur.

- (b) limit the visual intrusion of development in the zone, particularly when viewed from roads within the zone or from the Adelaide Plain**

As the site is not visible from the plains it will not prejudice the character as there will be no visual intrusion were the land to be developed. Development would only be visible from the immediately abutting section of Yorktown Road, however such visibility is identical to the existing development to the west. It is acknowledged that those in the immediately adjacent residential development will have visibility of the site and this will alter their outlook and the character for the immediate locality.

- (c) not create, either in themselves, or in association with other developments, a potential demand for the provision of services at a cost to the community**

There is no demand on services that would be a cost to the community. Service infrastructure exists such that any development of the land would be at the expense of the developer. Further, there are social services in the area including a school that suffers from low enrolments as do some of the commercial tenancies in the area. The further development of land that is

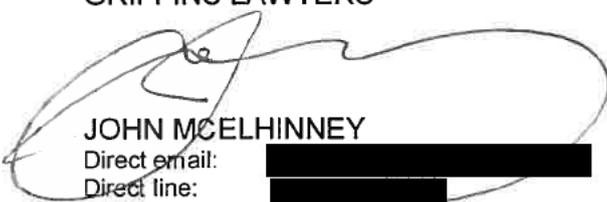
readily services and does not affect the natural beauty of the hills will support this underutilised infrastructure.

(All of the above from Master Plan Report)

3. On the basis of the above Master Plan assessment, the land fails to satisfy the key criteria. It does not provide nor form a backdrop to the Adelaide Plains that is elementary to the communities' expectations as the land is not visible from the plains. Further, it does not possess a natural character that the policy seeks to preserve. If these criteria, as embodied in the Development Plan were applied in a binding and absolute sense when determining whether land should be included in the Hills Face Zone, the land would not meet these qualifications.
4. Therefore in my opinion the subject land does not meet the test and should not be afforded Hills Face Zone status.
5. Historically, the definition of the Hills Face Zone boundary was largely derived from the lands serviceability by the water utilities. This has now been superseded by the communities' vision for the natural landscape behind the city. Of significant importance to the community, the Hills Face is a visual backdrop of the metropolitan area of Adelaide that deserves to be protected.

If you have any queries, please do not hesitate to contact me.

Yours faithfully
GRIFFINS LAWYERS


JOHN MCELHINNEY

Direct email: [REDACTED]

Direct line: [REDACTED]

Mobile: [REDACTED]



HILDITCH LAWYERS

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15 December 2016

Dr S Khera
24 Gordon Terrace
Rosslyn Park SA 5072

Dear Dr Khera

Allotment 209 Yorktown Road, Craigmore

I refer to our recent communications in relation to the above land ("**the Land**").

I note that the Land is located in the Hills Face Zone in the City of Playford's Development Plan consolidated on 21 April 2016.

You have sought advice from two highly experienced, qualified planning consultants (Mr Jeff Smith of Planning Chambers and Mr Simon Tonkin of Masterplan) in relation to the current Zoning of the Land and in particular whether its inclusion in the "Hills Face Zone" appears to be practical. Neither Mr Smith nor Mr Tonkin support the continued zoning of the Land as "Hills Face" for a variety of reasons.

You have provided me with a copy of:

1. A letter from Mr Smith addressed to the Honourable John Rau dated 29 July 2016; and
2. A letter from Mr Simon Tonkin of Masterplan (SA) Pty Ltd to you dated 18 November 2016.

I confirm you have now sought my general advice in relation to the above circumstances with reference to the current zoning of your land. You have instructed me that you are concerned that it remains zoned as "Hills Face" having regard to the expert planning advice you have received.

The planning advice you have received is to the effect that the Land is only "marginally higher in elevation than land on the plains" and is "barely visible from the plains". Much of the Land also apparently sits at a lower level than other land which has been excluded from the HFZ.

Liability limited by a scheme approved under Professional Standards Legislation.

Hilditch Lawyers Pty Ltd ACN 145 516 276

G

The planners also conclude that the Land has ready access to all utilities and services which might be required to develop the land in accordance with the provisions for the adjoining Residential Hills Zone.

Both planners have dissected the planning policies relevant to the HFZ to determine whether or not the Land could ever be conducive to the Objectives and Desired Character of the HFZ. Both planners effectively conclude it would be an exercise in futility to expect the Land to contribute to the achievement of any of the outcomes sought by the relevant HFZ provisions. The planners appear to conclude that the Land simply does not appear to comprise any of the assets or characteristics which land in the HFZ would require from the outset in order to potentially achieve the relevant objectives for the zone.

There is speculation that the Land may have simply been originally included in the HFZ due to a lack of ready access to utilities (eg water) at the relevant time and for no other reason. Both planners conclude that such a concern no longer arises as there is now ready access to all required utilities and services for residential development to proceed on the Land.

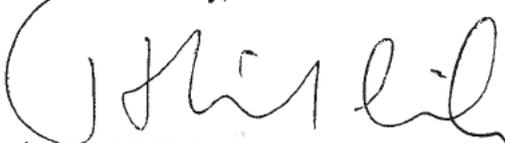
It seems to me that if the Land had in fact been included in the HFZ for reasons which can no longer apply (eg lack of access to utilities or services which are now readily available) then the continued zoning of the land as HFZ would be unproductive. Furthermore if it is in fact the case that the Land simply does not possess the requisite qualities which HFZ land requires as a starting point for the achievement of relevant objectives then once again the continued application of unachievable policies would be unproductive.

Furthermore I would make the observation that planning policy can only be weakened and undermined in circumstances in which it is simply impractical and unachievable. This can only lead to a waste of resources and opportunity and the failure of planning policy to deliver good and practical outcomes.

The Development Act, 1993 contains provisions which facilitate the amendment of Development Plans. The above circumstances appear to present an example of a situation in which those provisions might be exercised to achieve a more appropriate zoning outcome for the Land. This ultimately will be a matter of planning judgment to be exercised in the context of a formal statutory process under the Act.

Please contact me if you have any queries or wish to discuss.

Yours Faithfully,



James Hilditch



25 July 2016

Engineering Report to Planning Chambers
Planning Chambers
PO Box 6196 Halifax Street
Adelaide, SA, 5000
Attention: Mr. J. Smith

Dear Mr. Smith

Re: Perre Drive/Yorktown Road, Craigmore.

I refer to your request for the provision of information regarding the location and accessibility of engineering services infrastructure for the land described as 16 Perre Drive Craigmore and allotment 200 in Deposited Plan 70089, Yorktown Road, One Tree Hill.

The land is owned by J. K. Projects Pty Ltd. They have enquired whether the land can be provided with services infrastructure to a standard suitable for residential land division.

In accordance with your instructions, I have inspected the land and made enquires of the Services Authorities and Council. I have prepared the plans attached to this correspondence and provide comments in relation to my preliminary investigations under the following headings.

1.1 Roads

The subject land has an extensive 458 metre frontage to Yorktown Road (southern boundary). Yorktown Road is a two lane single carriageway road, providing a link from Elizabeth Drive to One Tree Hill.

The speed limits for Yorktown Road vary between 60km/h near the residential area to the west and 80km/h for a majority of the road length abutting the subject land.

The Department of Planning, Transport and Infrastructure (DPTI) mapping of Annual Average Daily Traffic Estimates for 24 hour two-way flows, shows a count of 6,700 vehicles per day (vpd) immediately west of the intersection between Yorktown Road and Perre Road and a count of 2,500 vpd on Yorktown Road approximately 1 kilometre east of the subject land.

The allotment also has a frontage to Perre Drive.

Perre Drive is a two way, single carriageway of about 6.5 metres width (kerb to kerb) that services the residential development to the west of the land, comprising approximately 150 allotments.

The road carries approximately 1,500 vpd but has a design capacity of about 3,000 vpd.

1.2 Water

Mapping obtained from SA Water confirms that water mains are located along both Yorktown Road and Perre Drive. Both offer the potential to connect to the land. Intrax Engineers have undertaken a preliminary assessment of the water supply network and ascertained that the land can currently be provided with a reticulated supply up to a level of 150 metres Australian Height Datum (AHD). More than 50% of the land suitable for development, can already be serviced.

Although further detailed investigation will be required to confirm whether land above the level of 150 metres AHD, can be serviced, it is expected that a service will be able to be designed to achieve a satisfactory level of supply to residential development on the land.

It is noted that the vineyard on the land is currently supplied with a reticulated supply from a tank on the land.

1.3 Sewerage

Mapping obtained from SA Water shows that sewer mains are located in Perre Drive in a position near where the land abuts Perre Drive. There is no sewer main located along Yorktown Road.

Investigations undertaken by Intrax Engineers indicates there is a limitation on the capacity of the existing connection to the site, but provision of a 300 metre length of new sewer main external to the land will be required, to connect into the existing effluent disposal network.

This main extension can be designed to accommodate effluent drainage from the entire land parcel.

1.4 Telecommunications

The area surrounding the subject land is serviced by telecommunications infrastructure which is expected to be able to be extended to the subject land.

Mobile telephone coverage for Optus, Telstra and Vodafone is available at Craigmore.

No detailed investigations have been undertaken in relation to specific design requirements. Given the current levels of service it is considered unnecessary to undertake further detailed investigations at this stage.

Further investigations will be completed should the project proceed beyond the initial phase. There is no reason to expect service cannot be provided.

1.5 Gas

Dwellings in Perre Drive are connected to natural gas services. It is expected the services can be extended to service subdivision/development on the subject land. The availability of a gas service is not critical to this assessment nor the future use of the land for residential purposes.

1.6 Stormwater

For a small portion of the land, stormwater drainage is accommodated by overland flow directed to a stormwater drain located in Perre Drive.

Infrastructure works in the form of headwalls and drainage flow control devices will be necessary to protect the natural character of Smith Creek.

Stormwater discharge from the remainder of the land will be serviced by new infrastructure with flows to be directed to a discharge point in Smith Creek.

1.7 Electricity Supply

An underground electricity supply is available to the land. It is expected this supply will require augmentation, or the supply network may require the installation of additional distribution mains, together with installation of additional transformers.

The reticulation network will require detailed design and costing once a subdivision layout and yield has been determined.

1.8 Services Costs

It is normal for the cost of all services installation and upgrading to be borne by the developer. Detailed infrastructure upgrade costing can be requested from the service authorities once the extent of subdivision development is determined.

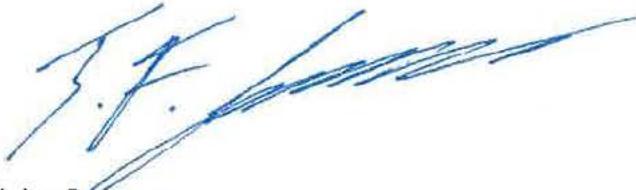
Conclusion

Our investigations have concluded that the land can be provided with an adequate complement of urban services infrastructure. The extent to which the land can be serviced will be dependent upon the particular requirements of the services authorities.

The control of most significance will be that of SA Water, for the reticulated town water supply. Their detailed design criteria will determine whether all the land can be serviced, or whether the 150 metre AHD contour will constitute the extent of service.

Should you require any further details or clarification please contact the undersigned.

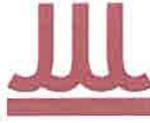
Yours sincerely



John Guerrero

Per

Intrax Consulting Engineers



JOHNSTON WITHERS
LAWYERS

Our ref: KB:HP:170195

23 February 2017

J. K. Projects Pty Ltd
24 Gordon Terrace
ROSSLYN PARK SA 5072

Attention: Dr Khera Swaran

Dear Dr Khera

**Lot 209, Yorktown Road, One Tree Hill
CT Volume 5965 Folio 613 ("the One Tree Hill Land")**

We confirm your instructions to review the following documents and provide our advice as to whether the One Tree Hill Land should be considered as Hills Face land.

In this regard we have considered the following:

1. The current development plan for the Playford City Council consolidated 21 April 2016 and from that plan, the Hills Face zone provisions.
2. The statement of justification non-government funded development plan amendment prepared by Jeff Smith of Planning Chambers Pty Ltd dated 27 January 2016.
3. Planning opinion on the relationship of HFZ policy to land at Lot 209, Yorktown Road, One Tree Hill prepared by Simon Tonkin of Masterplan SA Pty Ltd dated 18 November 2016.
4. Letter to the Minister for Planning from Bleeze Neale & Associates Pty Ltd dated 14 October 2016.
5. Letter from Planning Chambers Pty Ltd to the Minister for Planning dated 29 July 2016.
6. Engineering Report by Intrax dated 25 July 2016.

We understand from your instructions that Hills Face zoning was first formulated in the 1970s partly due to public concern over the appearance of a stone quarry that was situate on the face of the Adelaide hills providing an unattractive backdrop to the Adelaide Plains and that at this time housing was not the main concern.

The objectives of Hills Face zoning are as set out in the Development Plan referred to above. Objectives 1(a) and 2(b) are particularly relevant in determining whether land is Hills Face.

We confirm that the One Tree Hill land is currently classified as Hills Face notwithstanding that it is not visible from the Adelaide Plains and therefore does not provide or form a backdrop to the Adelaide Plains.

17 Sturt St Adelaide South Australia 5000 P (08) 8231 1110 F (08) 8231 1230 mail@johnstonwithers.com.au johnstonwithers.com.au

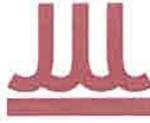
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PORT AUGUSTA

WHYALLA

ROXBY DOWNS



JOHNSTON WITHERS
LAWYERS

Our ref: KB:HP:170195

23 February 2017

J. K. Projects Pty Ltd
24 Gordon Terrace
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ADELAIDE

CLARE

PORT AUGUSTA

WHYALLA

ROXBY DOWNS

We note that two distinguished and respected expert planners being Jeff Smith of Planning Chambers Pty Ltd and Simon Tonkin of Master Plans SA Pty Ltd have concluded that this land is not in fact properly characterised as Hills Face.

It is clear from the findings of the experts expressed in their reports that notwithstanding the zoning, the One Tree Hill Land does not have features that would meet the Hills Face objectives justifying its inclusion as Hills Face. On this basis they also confirm that the current zoning is inappropriate and point to the appropriateness of this land for residential development.

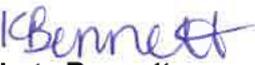
Based on the above reports and your instructions it can be concluded that:

1. In accordance with the Hills Face zone objectives 1(a) and 2(b) the One Tree Hill Land should not be characterised as Hills Face land; and
2. The land is suitable for residential development.

In light of the above any development concerning this land should be considered by the council as merit based.

Please let us know if you require anything further.

Yours sincerely
JOHNSTON WITHERS


Kirsty Bennett

Lawyer

Direct Line: [REDACTED]

Email: [REDACTED]



MATTSSON & MARTYN

Surveying & Planning Consultants

Telephone: (08) 8336 9955 — Facsimile: (08) 8336 9966

27th April 2018

Our ref: P8633/06/10

The Minister for Planning

Dear Minister,

RE: 16 Perre Drive, Craigmore and Allotment 209 Yorktown Road, One Tree Hill

Further to previous comment offered 29th August 2016 and 14th March 2017, I would like to add that we have undertaken a brief investigation and cannot find evidence of any stretch of western facing land on the hills face, between Flinders University, through Craigmore, and north to Gawler that has been previously or currently used for substantial agricultural food crop purposes.

In summary, we believe the subject land has been incorrectly categorised as Hills Face and Agricultural fruit growing, and should be considered suitable for residential development.

Should any additional information be required please contact me on 8336 9955.

Brett Potter
Mattsson & Martyn Surveyors

380 Payneham Road Payneham SA 5070
Postal Address: PO Box 248 Marden SA 5070
Email: mmmsurvey@esc.net.au

To the Minister of Planning and Development.
REF: Land at Land--209, Yorktown Road, Craigmore/ One Tree Hill.

27/04/2018

We Pasquale and Pasqualina Perre and family bought the land in 1980 and owned it
For approx. 26 years.

The original owner used it for wheat farming many years ago. After spending a lot of money to set up irrigation we started growing cabbages, cauliflowers and lettuce, but found it was unsuitable for agriculture, the soil was too heavy when cultivating and the soil was also very sticky when wet, it stained the vegetables when we harvest it. Also the top of the land was full of small to medium size rocks which destroyed any machinery when cultivating. So in 1999 we planted it all vines which was much more suitable as we didn't have to cultivate the soil as much and the grapes are harvested by machines.

Growing grapes was better than other things but very difficult to make a good living, the wineries do not look after the growers as they should do. We also had problems with birds which destroyed a lot of the fruit. We tried scare guns and shot guns but were stopped by the council as we were affecting the neighbours with the noise, also at grape harvest time we also had the problems that the winery wanted the harvesting to be at night, which we did, and again had issues with the neighbours of the loud noises most of the night. The biggest concern was we could not spray any chemicals to protect the grapes in case of an outbreak of disease or insects that could affect the crop, again the neighbours would complain about the smells of the spray.

This property has a lot of issues for trying to make a living as it is too close to the residential area and has a lot of restrictions. In my opinion that particular property and all other adjoining properties should be zoned residential as it has no purpose for any agricultural future.

To finalize I think that the government that zoned that belt to "Hills face" and "Agricultural Food Producing" made a great mistake and injustice to this area, The current Government should do justice and immediately change this to free up good quality residential land'

Thank you
Kind Regards
Frank Perre





MATTSSON & MARTYN

Surveying & Planning Consultants

Telephone: (08) 8336 9955 - Facsimile: (08) 8336 9966

29 August 2016

Our ref: P8633/06/10

The Honourable John Rau
GPO Box 464
Adelaide SA 5001

Dear Deputy Premier,

RE: 16 Perre Drive, Craigmore and Allotment 209 Yorktown Road, One Tree Hill

I have been asked by our client, Dr. Swaran Khera, to prepare a brief statement regarding the suitability of this site for the purpose of residential development. I am of the opinion that the site is currently at variance with the objectives listed for the Hills Face Zone in Playford City Councils Development Plan, by their own definition.

Objective 1 (a) states that land in this zone should 'provide a natural backdrop to the Adelaide Plains and a contrast to the urban area.' In addition, Objective 2 (b) states that land should 'limit the visual intrusion of development in the zone, particularly when viewed from roads within the zone or from Adelaide Plains.' However, during a site inspection undertaken 26th August 2016, I have noted that due to a combination of both the sites gentle elevation and also as a result of the height of existing vegetation, the site is not clearly visible from the plains. In fact, the majority of the site is below 150m AHD. Well below the elevation of a lot of regions zoned as Hills Face.

After inspecting the site, I returned to Main North Road and drove north towards Gawler. Again, I noted that the subject land is not visible. In comparison, only a short distance further, there are a number of residential developments clearly visible from the road.

Visits to Wakefield Road and other side roads did not reveal visibility of the land in question. The land does not 'provide natural backdrop to the Adelaide Plains and a contrast to the Urban area.'

Furthermore, Objective 1 (b) states that native vegetation and fauna habitats should be preserved. The site is predominantly covered in vine rows with small pockets of olive groves. There is no native vegetation to be preserved. In saying this, I don't believe vineyards such as this would be classified as agricultural food processing land, and as a result, should not be protected from release as residential land.

During the site inspection, I have also noted that all necessary services are available nearby and extension of the infrastructure should be logistically straightforward.

380 Payneham Road, Payneham SA 5070
Postal Address: PO Box 248 Marden SA 5070
Email: mmsurvey@esc.net.au

Additionally, the site is within very close proximity to both Hope Christian College and the Craigmore Shopping Centre. Both of which are less than 1km along Yorktown Road.

Conclusion

In summary, I believe that the site may have been categorized as Hills Face in error and is certainly suitable for residential development from a surveying perspective. With the exception of Objectives 1(a) and 2(b) which do not apply to the site, all objectives for development are met. Any such application for residential development should not be of a non-complying nature.

Should any additional information be required please contact me on 8336 9955.

A handwritten signature in blue ink, appearing to read "Brett Potter", with a long horizontal stroke extending to the right.

Brett Potter
Mattsson & Martyn Surveyors



Planning Chambers Pty Ltd

Office
219 Sturt Street Adelaide SA 5000

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Email admin@planningchambers.com.au
Fax 08 8212 5979

ABN 54 093 576 900

27 January 2016
13-054let01

The Honourable Mr. John Rau
Minister for Planning
GPO Box 464
Adelaide, SA, 5001

COPY

Dear Minister,

Re: Urban Growth Boundary – Hills Face Zone

As a director of a Town Planning Consultancy and a practitioner with in excess of 35 years experience in the profession, I am interested in your proposal to establish an Urban Growth Boundary (UGB). It is an initiative I applaud, and one that should be progressed, but I urge the Government to execute considerable caution in so doing. The reasons I make this recommendation are set out in the following paragraphs.

The Hills Face Zone has a policy structure that severely restricts the development of land in the zone. For a considerable distance along its western edge the Zone boundary abuts developed residential areas. There are abutments to farming and horticulture for a short distance between Blakeview and Evanston, and extensively to the south of Old Noarlunga.

You will no doubt be conscious of the political sensitivity associated with proposals to subdivide land in the Hills Face Zone. Although considered with great reverence by many in the community, most do not understand the manner in which the zone boundary was established, nor the administrative difficulties that are evolving as mapped landmarks used to establish the boundary are being eliminated by subdivision development on either side of the Zone boundary.

Opponents of the UGB have argued a fixed boundary will increase land prices. That is a flawed argument. Either directly or indirectly, changes in planning policy (including the fixing of zone boundaries), impacts land value. It is for this very reason that impact upon land value is excluded from planning policy and assessment processes. Land value impacts cannot be accurately determined or quantified. Planning policy is formulated by governments at all levels for the greater good, to achieve development that is in the broadest sense both orderly and economic.

It was in this context the Hills Face Zone boundary was established. The Metropolitan Development Plan Hills Face Zone Planning Regulation, 1971 (1971 HFZ Regulations) defined the zone boundary on the best available most comprehensive mapping available at that time.

There was very little defining cadastre at the time, and much of the zone boundary was defined by joining points often in excess of 1.6km apart. Between these plot points the terrain is often highly variable. Where plot points were defined by dimension, the data in the mapping to the 1971 HFZ Regulations is often illegible or unable to be accurately tied to development on the ground.



On the 19th of November 1981, The Hills Face Regulations, made under the Planning and Development Act 1966-1981 were promulgated. These regulations made changes to the boundary of the Hills Face Zone. Mapping produced at the time is more legible than the original mapping, but it suffers from similar problems.

It is of the utmost importance that planners are able, with reasonable accuracy, to identify a zone boundary in the field, without the need to engage a surveyor to track historic boundary markers.

That requires mapping in the Development Plan to be reasonably accurate. Unfortunately the mapping is progressively becoming more and more inaccurate.

In attachment #1 to this correspondence I include a copy of Map TTG/8 from the Development Plan for the City of Tea Tree Gully, an extract from Plan HF9 of the 1971 HFZ Regulations that attempt to define the zone boundary and an extract from Plan 14c from the Hills Face Zone Regulations 1981 that defined the boundary with greater legibility.

You will note from this example that latest mapping in the Development Plan relies on the 1971 mapping rather than the 1981 mapping. It does so notwithstanding the 1981 mapping provides the latest data. The current Development Plan provides no data with which to locate the boundary of the Hills Face Zone. This is not an isolated instance of the mapping issue.

There are plans attached to some Council Development Plans where the Hills Face Zone boundary has been amended either deliberately or inadvertently, yet carries conflicting references to existing cadastre and the 1971 HFZ Regulations. In this respect I also refer you to the plans included in Attachment #2 extracted from the 1971 and 1981 Regulations (Map 9, 1971 and Map 14a, 1981) and the current version of the Development Plan

Many of the changes to the zone boundary appear to have been made in accordance with legislative procedures but without reasoned debate or justification supporting the amendments. I am aware these inconsistencies appear throughout the metropolitan area as a consequence of my activities as a planning consultant.

In these circumstances it is impractical to utilise the existing Hills Face Zone boundary as a definitive boundary for urban growth.

Much of the Hills Face Zone is devoted to Rural Living development, where agricultural activity is secondary to the use of land for residential purposes. At the fringe of the zone, where it abuts the plains, there are many places with gradients that are suitable to accommodate low density residential development and which have capacity to be provided with a full complement of urban services infrastructure. These areas already have access to social services infrastructure in the form of schools, shops and other facilities.

At the fringe where it abuts urban areas, there is little agricultural or farming activity of such significance that it can be considered to be an area of food production that warrants protection to the extent sought by the UGB proposals.

Conclusions

If it is your desire to pursue the UGB initiative I would urge you to do so following a critical analysis of mapping and policy, applicable to the Hills Face/Urban Fringe.



I am available to meet with you to provide further examples of inconsistencies in mapping, and to discuss strategies whereby the UGB policy can be refined to make it a politically acceptable planning strategy.

Incidentally I can also refer you to numerous instances in Mapping for the 1956 Flood Zone which also demonstrates similar inconsistencies, but that perhaps should be a matter for another day!

I remain yours faithfully,

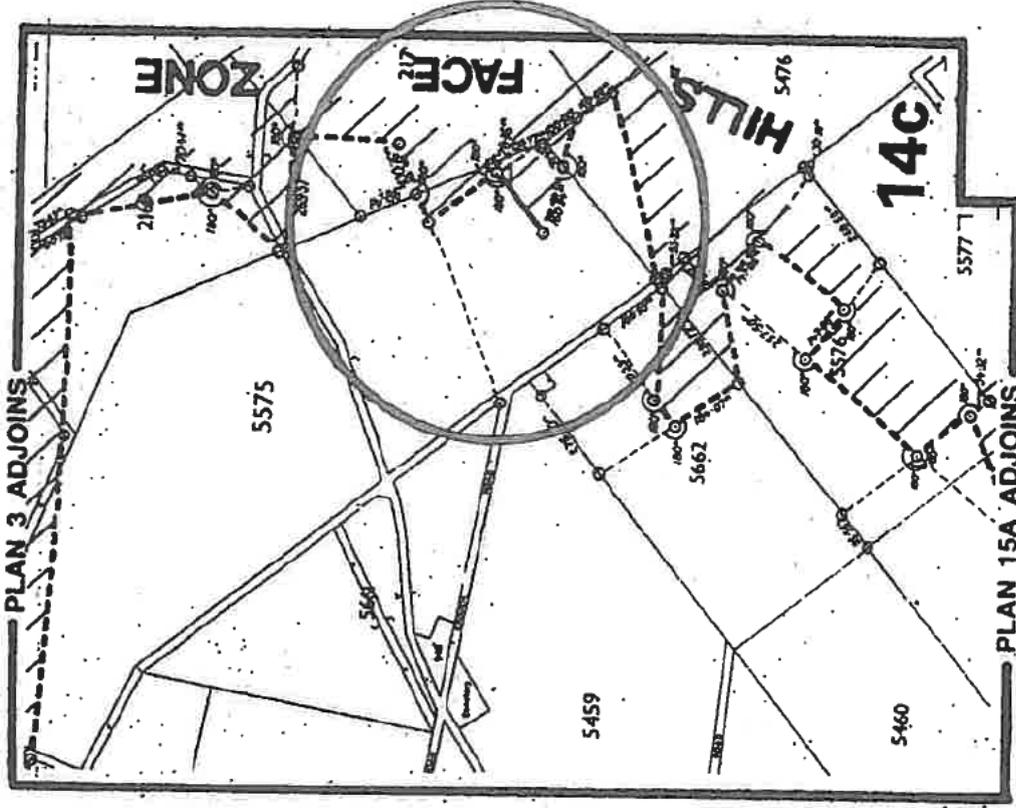
Jeff Smith
Director
Planning Chambers Pty Ltd

Enc:

- *Attachments #1 and #2*

ATTACHMENT #1

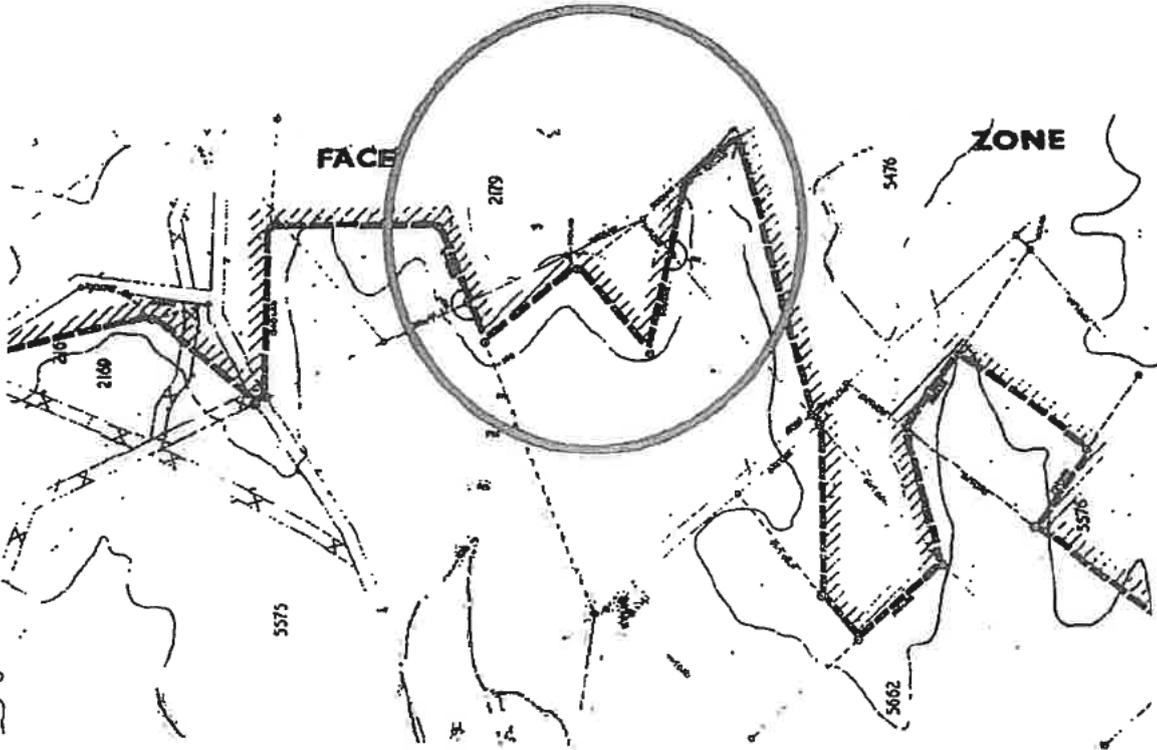
TEA TREE GULLY



Extracts from the Hills Face Zone Regulations 1981,
 under the Planning and Development Act 1966-1981

PLAN EXTRACTS
 MINISTERIAL SUBMISSION -
 URBAN GROWTH BOUNDARY

JANUARY 2016



Planning & Development Act 1966-1971
 METROPOLITAN DEVELOPMENT PLAN
HILLS FACE ZONE
 Planning Regulations 1971
 FIRST SCHEDULE

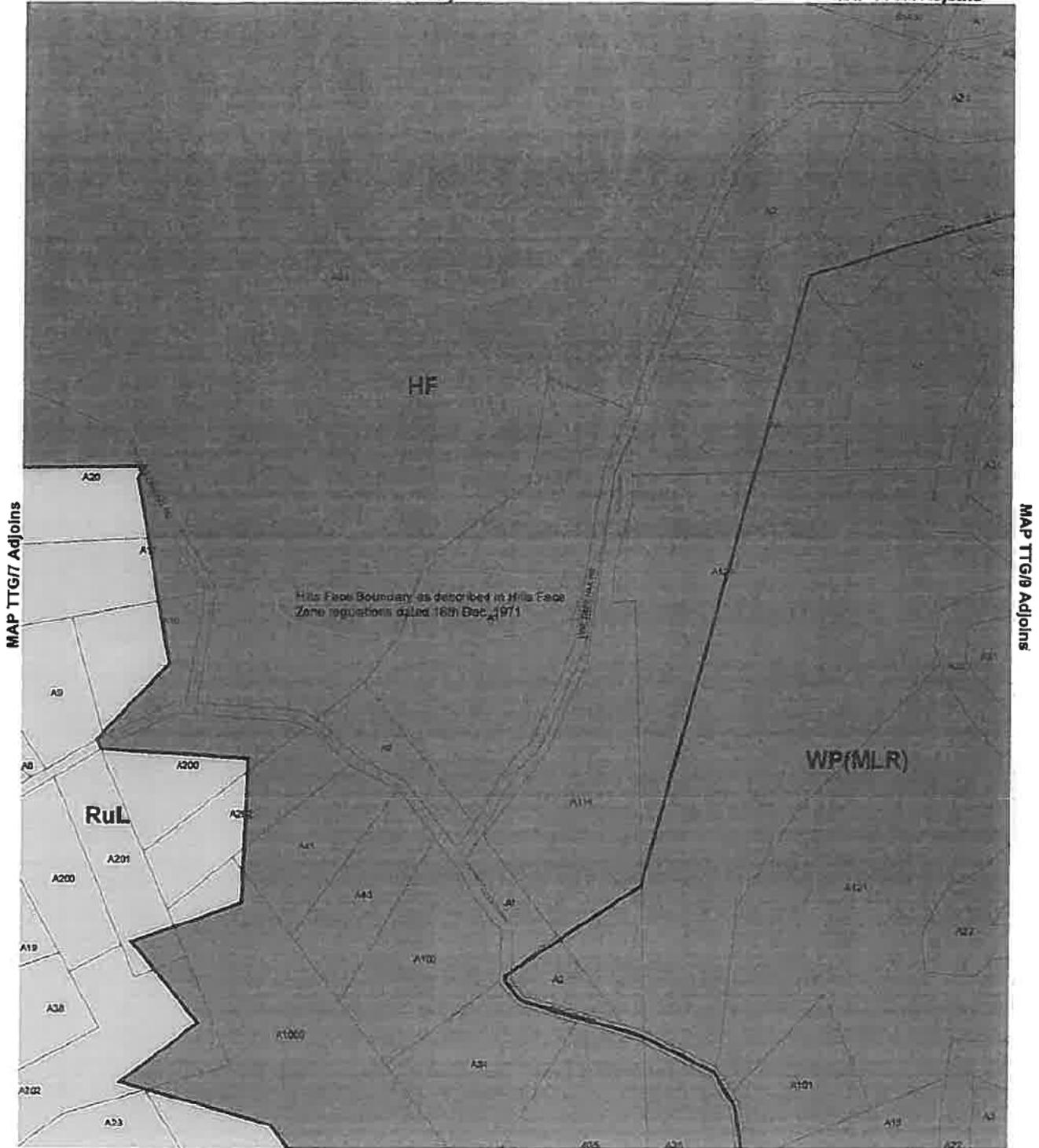
Zone boundary defined by Section or
 subdivision boundaries
 Zone boundary delimited by joining
 defined points
 Broken ruling lines are productions of
 zone boundaries.



Plan No
HF 9

MAP TTG/3 Adjoins

MAP TTG/4 Adjoins



Lamberts Conformal Conic Projection, GDA94

Extract from Tea Tree Gully Council Development Plan



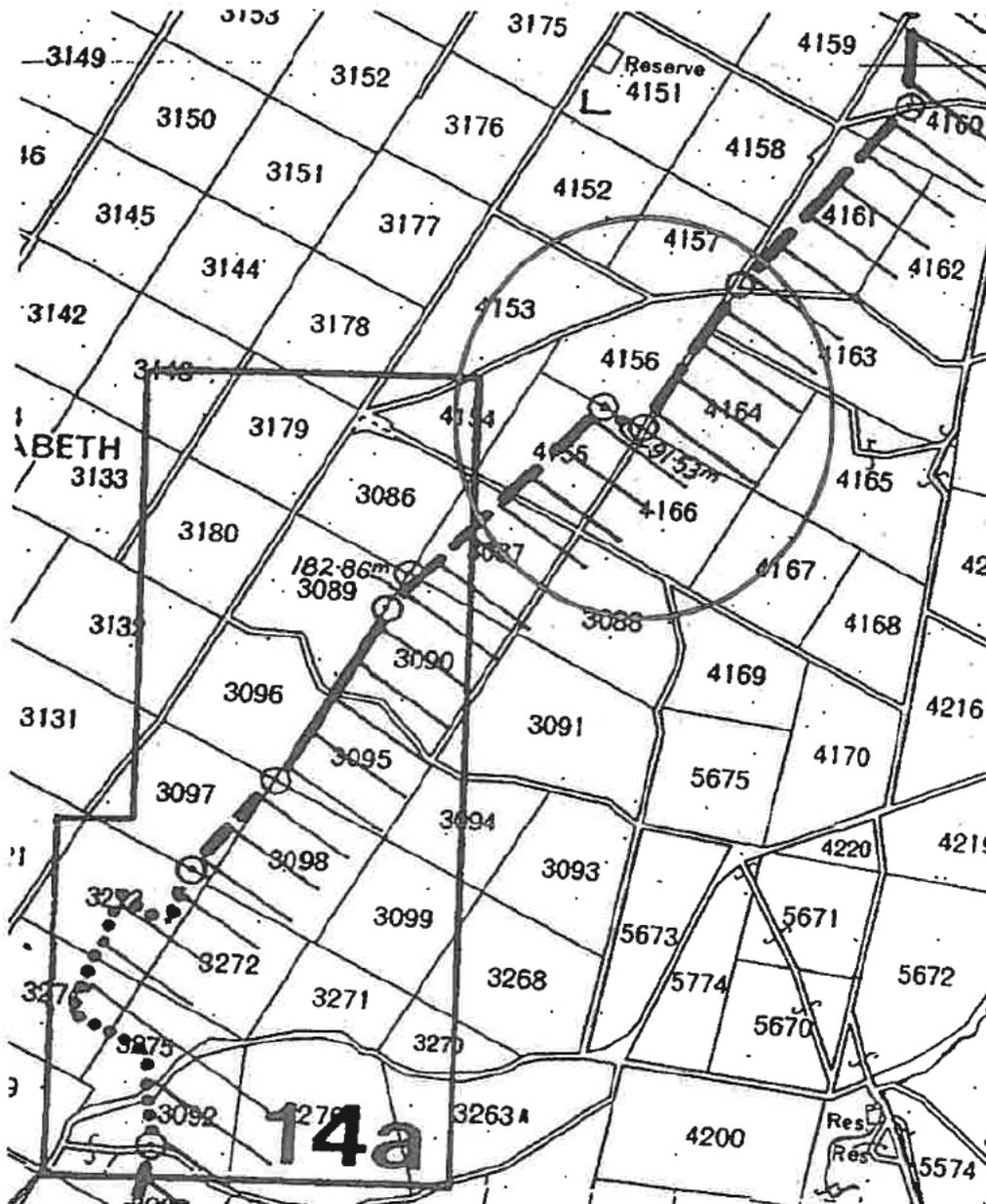
Zones	
	Hills Face
	Rural Living
	Watershed Protection (Mount Lofty Ranges)
	Zone Boundary

Zone Map TTG/8

TEA TREE GULLY COUNCIL
Consolidated - 29 October 2015

ATTACHMENT #2

CRAIGMORE LOCALITY



Extracts from the Hills Face Zone Regulations 1981,
 under the Planning and Development Act 1966-1981

- LEGEND
- Zone boundary defined by section or subdivision boundaries
 - Zone boundary delimited by joining defined points
 - Approximate position of Zone boundary defined on larger scale plans
 - Area covered by larger scale plans

Planning and Development Act, 1966-1981
HILLS FACE ZONE REGULATIONS 1981

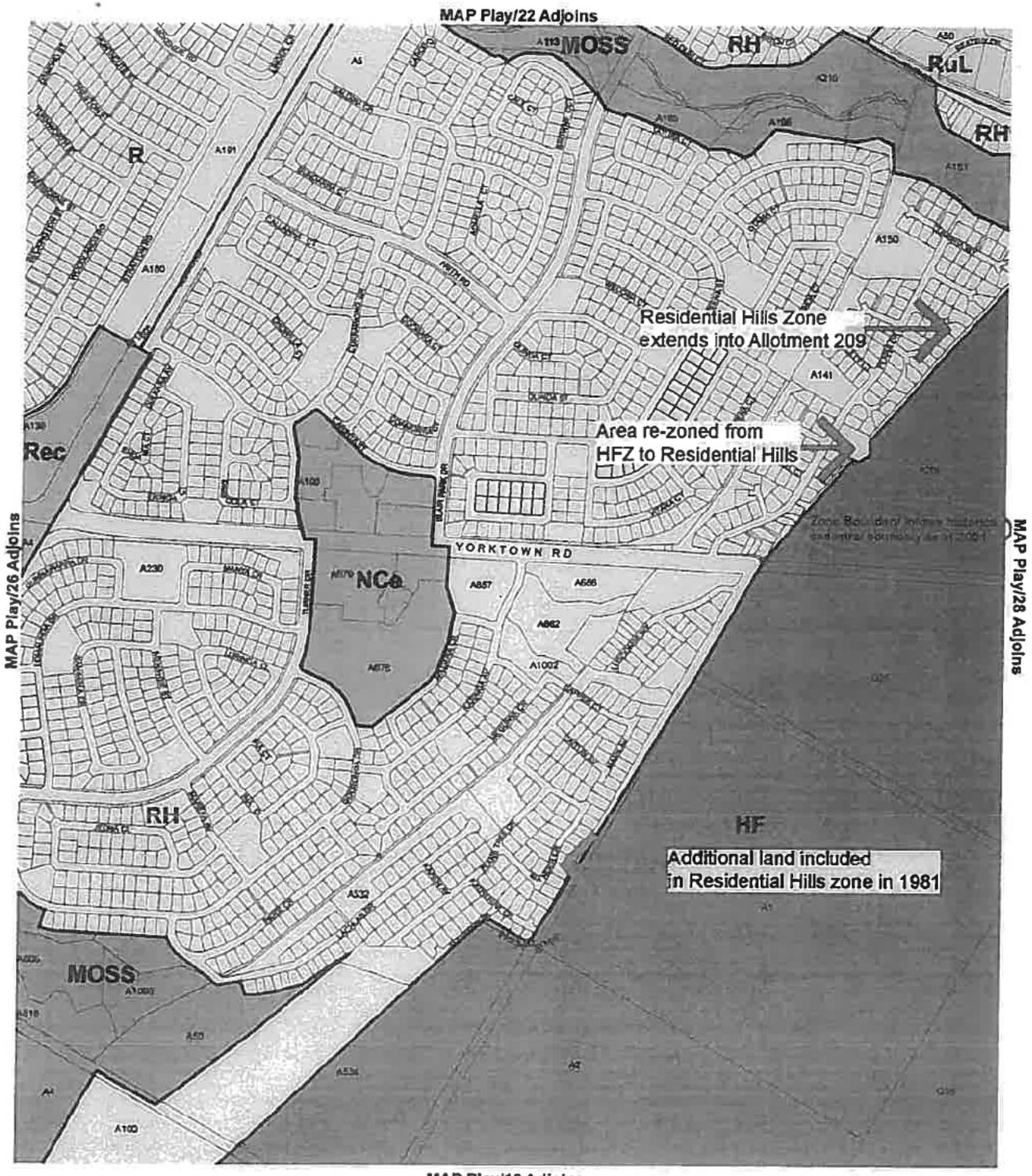
Plan

2

PLAN EXTRACTS

MINISTERIAL SUBMISSION -
 URBAN GROWTH BOUNDARY

JANUARY 2016



Lamberts Conformal Conic Projection, GDA94

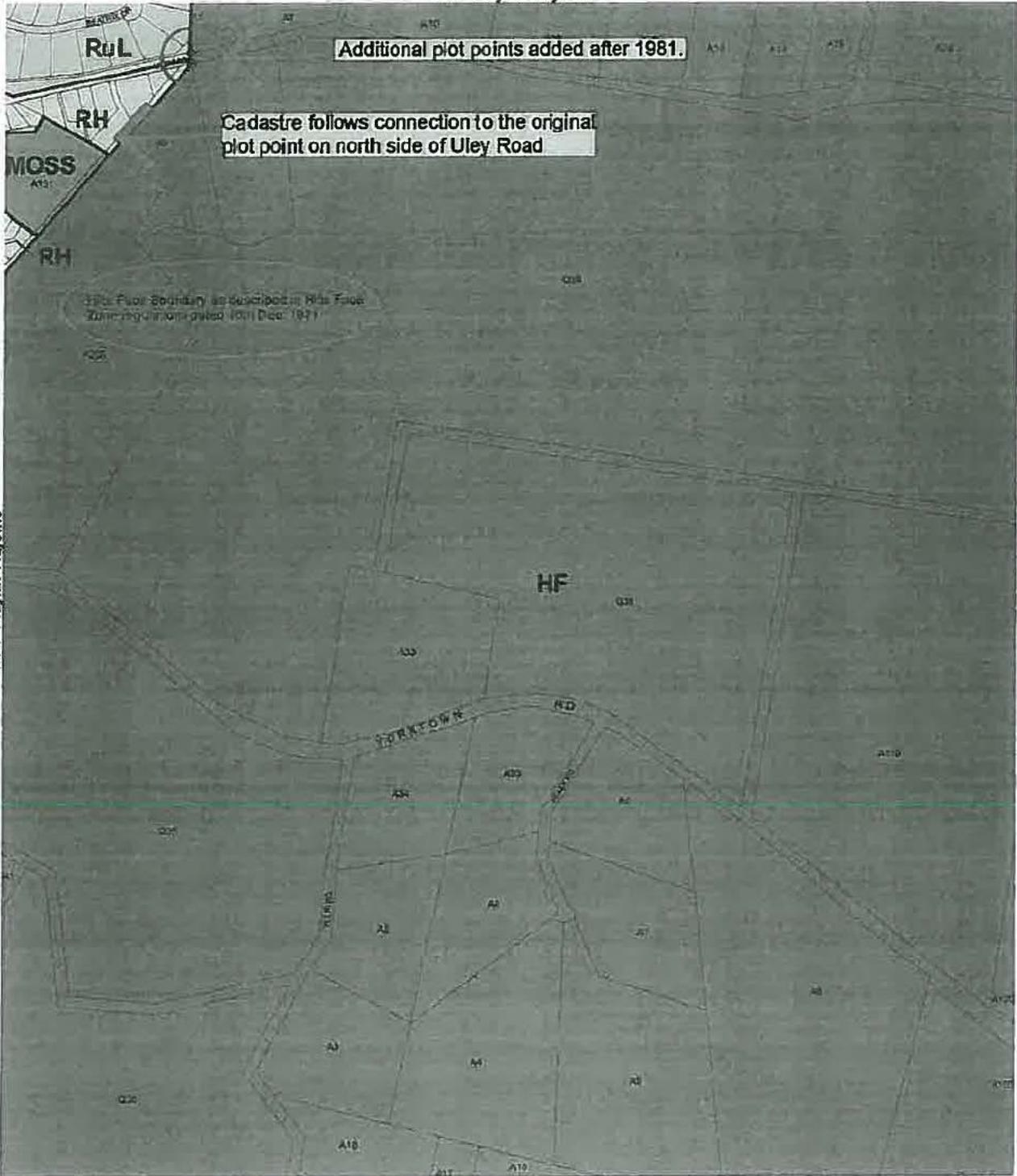
Extract from Playford Council Development Plan

- Zones**
- HF Hills Face
 - MOSS Metropolitan Open Space System
 - NCe Neighbourhood Centre
 - Rec Recreation
 - R Residential
 - RH Residential Hills
 - RuL Rural Living
 - Zone Boundary



Zone Map Play/27

MAP Play/23 Adjoins



1981 Plot Boundary as described in Hills Face Zone regulations dated 10th Dec. 1971

Additional plot points added after 1981.

Cadastre follows connection to the original plot point on north side of Uley Road

MAP Play/27 Adjoins

MAP Play/10 Adjoins

MAP Play/10 Adjoins

Lamberts Conformal Conic Projection, GDA94

Extract from Playford Council Development Plan



- Zones**
- HF Hills Face
 - MOSS Metropolitan Open Space System
 - RH Residential Hills
 - RuL Rural Living
 - Zone Boundary

Zone Map Play/28

MAP Play/26 Adjoins



MAP Play/30 Adjoins

MAP Play/10 Adjoins

MAP Play/34 Adjoins

Lamberts Conformal Conic Projection, GDA94

Extract from Playford Council Development Plan



Zones	
HF	Hills Face
LCe	Local Centre
MOSS	Metropolitan Open Space System
Rec	Recreation
R	Residential
RH	Residential Hills
	Zone Boundary

Zone Map Play/31

PLAYFORD COUNCIL

Consolidated - 10 December 2015



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ABN 54 093 576 900

29 July 2016

13-054let02

The Honourable John Rau
GPO Box 464
Adelaide SA 5001

Dear Deputy Premier

**Re: 16 Perre Drive, Craigmore and
adjacent land at Lot 209 in Deposited Plan 70089
Yorktown Road, One Tree Hill**

I enclose a submission I have prepared for my client Dr Swaran Khera seeking your support to rezone the abovementioned land.

The land is situated partly in the Residential Hills Zone at Craigmore, but predominantly in the Hills Face Zone at One Tree Hill.

My client has instructed, the land was planted with vines some years ago but the small land area devoted to this crop is proving to be insufficient for the property to be a viable primary production unit. He has confirmed the economic value of the crop is rapidly diminishing having regard to the characteristics of the wine market and the need to irrigate the vines with town water supply. It is his view the land cannot be given over to grazing because the stocking rate will be so low as to render the use unviable.

My client has asked me to prepare an advice for your consideration addressing the key elements of the Objectives for the Hills Face Zone. Those elements have been the subject of detailed commentary in the 'Statement of Justification for Preparation of a Non Government Funded, Development Plan Amendment', but my client wishes to supplement the assessment contained in the Statement in a less formal, but nonetheless, technically correct and relatively succinct form. I provide the following by reference to elements of the Objectives.

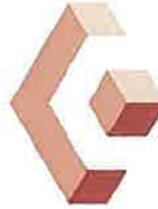
Natural Character

Objective 1 for the zone refers to it as being an area where the natural character is preserved and enhanced or re-established.

The Supreme Court has said that the natural character comprises vegetation and land form. This is reinforced in the Desired Character Statement for the Zone.

The land form in the area of Craigmore, close to existing residential areas does not demonstrate a natural hills land form. It is relatively low gently undulating land only marginally higher in elevation than land on the plains. It is not heavily vegetated. It does not show the land form characteristics of the top of the ranges.

In fact the land is barely visible from the plains because vegetation associated with gardens on the plains obscures a view of the hills.



Land nearby at Uley Road, Blakeview is developed to a level of about 150 metres above the Australian Height Datum. Much of my client's land lies below this level. Land at Salisbury Heights is currently being considered for rezoning. This land has a level about the same as the land at Yorktown Road. It is also obscured from view by vegetation planted on the plains.

For reasons that are not readily explained in the 1962 Plan for Metropolitan Adelaide, the Salisbury Heights land was never included in the Hills Face Zone. The Hills Face Zone is mostly restricted to more elevated land east of Greenwith, Golden Grove, Fairview Park and Banksia Park.

This inconsistency underpins my client's inability to comprehend the rationale behind the Hills Face Zoning of his land.

Native Vegetation

The Objectives refer to the natural character of the zone being enhanced. In lay terms this means the land should be planted with native vegetation.

There is no incentive for my client to do this.

Natural Backdrop to the Plains

For the land to be a backdrop, it must be visible from the plains.

This land is not visible from the plains so it cannot be a backdrop.

The land is planted with vines. The vines are not natural vegetation. The Supreme Court has refused an application to plant vines on land at Mitcham, which is also situated in the Hills Face Zone.

Prevent the Urban Area Extending into the Hills

This may be an appropriate strategy in some parts of the hills but at Craigmores there is a full complement of services and facilities near the Hills Face Zone.

If the Government is serious about preventing urban sprawl into the hills, now is the time to look closely at the distribution of services and facilities. Underutilisation of services and facilities is wasteful and costly for the Government.

Setting aside land that has ready access to all the required services and facilities for a use such as passive recreation cannot be justified in this instance.

There is adequate land in the residential areas of Craigmores and Elizabeth Downs for passive recreation. In fact Objective 2 for the Zone has a comment about avoiding the creation of demand for services and facilities. Having services available and not using them, is very wasteful. Retaining the land as open space buffer is counter to the Objective.

Buffer Area to Prevent Expansion into the Hills

The Hills Face extends from Willunga to Gawler. In steep areas where services cannot be provided economically, there is some justification for having a buffer.

At Craigmores the land is gently undulating and close to services. The buffer to prevent expansion is unnecessary, because services are readily available.



Conclusion

Minister, if you are serious about ensuring public money is not wasted by your Government making bad planning decisions, I implore you to consider this submission.

Dogged implementation of a planning philosophy that runs counter to sound economic considerations and the Government's own philosophy of avoiding waste, demands serious review at this time.

This is a case where the Government can review the Hills Face Zone boundary and secure a desirable, economic and planned outcome for the benefit of the entire community.

I look forward to your earnest consideration of this proposal.

Yours sincerely

Planning Chambers Pty Ltd

Jeff Smith

Director

Enquiries: Mr G Brinkworth
Telephone: [REDACTED]
Facsimile: 8256 0374
E-mail: [REDACTED]



City of Playford
Civic Centre
10 Playford Boulevard
ELIZABETH
Mailing Address :
12 Bishopstone Road
DAVOREN PARK SA 5113

31 August 2017

Master Plan SA
33 Carrington Street
ADELAIDE SA 5000

Dear Simon Tonkin

Lot 209 Yorktown Road, One Tree Hill

Thank you for your letter dated 29 August, 2017, relating to the above land located within the Hills Face Zone.

We have received numerous reports and supporting information from Dr Khera and based on the information that we have reviewed and the site inspections undertaken it would be my opinion that:

1. The above Lot of land does not satisfy the criteria for the Hills Face as per Objective 1(a) and Objective 2(b) enshrined in the Government Gazette document of the Hills Face Zone.
2. The land is not suited for agricultural production, as highlighted in the reports, prepared by Mr Brett Potter, Mattsson and Martyn, dated 14 March 2017.

As such, Council have supported the previous discussions relating to the investigations for the use of the land for residential purposes.

If you have any queries in relation to this matter please do not hesitate to contact me.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Gary Brinkworth".

Gary Brinkworth
Manager Planning Services

CONCLUSION:

Re: Lot. 209, Yorktown Road, Craigmore/ One Tree Hill.

Taking into consideration all the facts presented in the reports from experts on land zoning matters, legal advice, and very specially the declaration from the PLAYFORD COUNCIL dated 31 August 2017:

1. The above lot of land is not HILLS FACE as per The Objectives 1(a) and 2(b) enshrined in the Government Gazette document of The HILLS FACE ZONE.

2. The above lot of land is also not suitable for AFPFA, and therefore, it does not comply to be under or in the ACT G17/2015. The act itself is defective or incomplete having not defined as to what exact features or characteristics etc. constitute such a land and not just lines. See letter from Dr. Khera dated 19 June 2018, contained in the previous submission. It cannot be effective as it is.

CONCLUSION:

Re: Lot. 209, Yorktown Road, Craigmore/ One Tree Hill.

Taking into consideration all the facts presented in the reports from experts on land zoning matters, legal advice, and very specially the declaration from the PLAYFORD COUNCIL dated 31 August 2017:

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- 2. The above lot of land is also not suitable for AFPA, and therefore, it does not comply to be under or in the ACT G17/2015. The act itself is defective or incomplete having not defined as to what exact features or characteristics etc. constitute such a land and not just lines. See letter from Dr. Khera dated 19 June 2018, contained in the previous submission. It cannot be effective as it is.**

AGRICULTURAL LAND

19th JUNE 18

Part 1.
Section 7.

Environment and Food Production Areas-Greater Adelaide. Plan Deposited in the General Registry Office at Adelaide and numbered G 17/2017.

There is no written description or clarification as to what Agricultural Food Production area is in these documents.

According to farmers the characteristics or requirements for such a land are:

1. The land has to be low lying, fairly flat, fertile with the soil has a deep layer to absorb and retain rain water to significant extent to last or sustain the plants during the growth period.
Or have availability of significant water source such as a large river or lake adjacent to the land for irrigation.
2. The land should not be hillside slanting area with shallow earth layer over rocky undersurface as is prevalent on the Adelaide Hills' surfaces. The rain water simply runs or flows into valleys or gullies and thereby not of use to the farmers.
3. Small lots of land used as hobby farming as vineyards on the Adelaide hillsides are dependant on mains water with drip systems are not sustainable with such water being costly. These cannot be considered as Food Producing.
4. The Adelaide Hills Face land facing west extending from the Flinders University in the south extending northwards towards Gawler and on the west side of Black Top Road etc. have never been used for agricultural food production being not suitable.

Re: Lot 209, Yorktown Road, Craigmore/ One Tree Hill.

This lot of land:

1. Is not Agricultural Food Producing as per all the above. Refer to all the reports provided and the above explanations.
2. Is not Hills Face. Again refer to all the reports provided.

The delineation line, as per G17/2015, is erroneous for both above categories of land usage and makes no sense.

All the attached reports from prominent experts in this field, such as the Planners Surveyors and in particular from The Senior Development Assessment Planner of the Playford Council, as well as the previous longstanding owner, should be respected and accepted.
Application for development of this land should be positively viewed and referred to the Council as a normal application for processing.

Preservation of useful, well defined, Agricultural Land should be lauded.

Swaran S. Khera FRCS (C) FRACS
NEUROSURGEON



JOHNSTON WITHERS
LAWYERS

Our ref: KB: KSM: 170195

2 September 2021

The Chair
State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

By email: plansasubmissions@sa.gov.au

Dear Sir,

Lot 209, Yorktown Road, One Tree Hill (CT Vol 5965 Folio 613) (the land)

We act on behalf of J.K. Projects Pty Ltd, the owner of the above property.

We refer to previous correspondence and, in particular, the recent submission prepared by Master Plan dated 29 July 2021 on behalf of our client.

Our client has been working on its proposal to subdivide the One Tree Hill land to facilitate residential development for over 12 years, a process that has been frustrated by the inclusion of the land in the Environmental Food Protection Areas (EFPA).

Our client's position in respect to the inclusion of its land in the EFPA is well documented. The purpose of the EFPA is to protect areas suited to food production and environments. As stated in MasterPlan's report, our client's land is not capable of sustainable food production and does not possess the required environmental characteristics to justify its inclusion in the EFPA.

We understand our client's land was initially included in the EFPA without a proper examination or analysis of its characteristics due to the time constraints around the introduction of the legislation. Unfortunately, this has resulted in land being included in the EFPA contrary to the primary objectives of the legislation. In this regard, our client welcomes the review process as an opportunity to correct this anomaly as provided for under Test 3 set out in your Request to Vary Environmental and Food Protection Area Boundaries (and section 7 of the Planning, Development and Infrastructure Act, 2016).

In these circumstances we would ask you to reconsider our client's land in the review process and exclude it from the EFPA accordingly.

17 Sturt St Adelaide SA 5000 **P** (08) 8231 1110 **F** (08) 8231 1230 **W** johnstonwithers.com.au

ADELAIDE

CLARE

PORT AUGUSTA

WHYALLA

ROXBY DOWNS

MURRAY BRIDGE

JOHNSTON WITHERS & ASSOC PTY LTD ABN 97 008 106 643 A GOLD ALLIANCE FIRM AND
MEMBER OF MSI GLOBAL ALLIANCE – A WORLDWIDE ALLIANCE OF INDEPENDENT LEGAL AND ACCOUNTING FIRMS
kb_ca_jkpl001_170195_016.doc

2.

If you require any further information, please contact us.

Yours sincerely

JOHNSTON WITHERS



Kirsty Bennett

Senior Lawyer

Direct Line: [REDACTED]

Email: [REDACTED]

EFPA submission Anomaly

ANOMALY

The land which is owned is not viable for agriculture – refer PIRSA report dated November 2010 and subsequently affirmed by them in November 2015 and reviewed by Arris in December 2019 (see details below).

This land should not have been included in the EFPA in the first place and therefore should now be taken out of the EFPA.

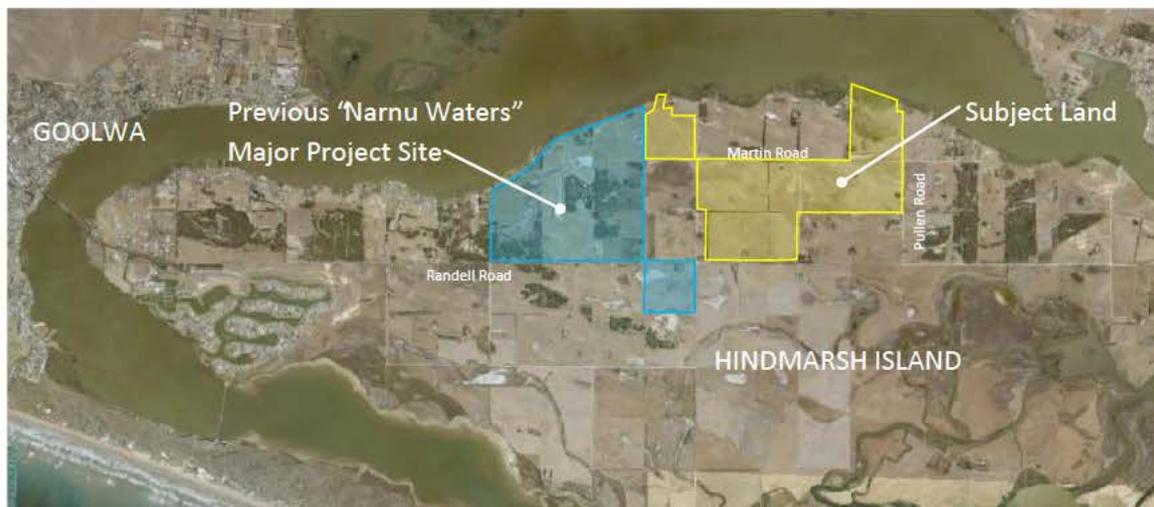
A major project proposal which is of economic significance and replacing the previous major project Narnu Waters cannot proceed until the EFPA is changed.

A submission was made to the Minister in February 2020 and advice received that a change needs to be made to the EFPA first (see extract below).

It is an anomaly that Narnu Waters could have proceeded but that that land (and land which is adjacent) is now subject to EFPA restrictions.

This is trivial in relation to the total area of the EFPA and anomalous as it is inconsistent.

Aerial : Location of the subject land



The fact that part of the land is in a Ramsar area does not mean that development cannot occur, but that development should be sensitive to the issues – per discussion with Josh Teague MHR.

PIRSA – Rural Solutions Report

The subject land does not constitute an economically viable agricultural unit. Shallow and poor soil conditions; a lack of plentiful and permanent water supply; and poor climatic conditions are all contributing factors.

In November 2010 Rural Solutions SA conducted a desk top study of the productivity and agricultural viability of the subject land (as part of a larger parcel of approximately 630 hectares). It concluded (in part) that the subject site was “fragile” for agriculture due to the sandy soil and the high wind risk; and a viable farming unit would have to comprise 1,000 or more hectares (refer 3 Background, pages 7 and 8). The opinions of Rural Solutions SA were affirmed in November 2015.

A review of the previous study by Rural Solutions SA was undertaken by Arris Pty Ltd in December 2019. This review found that:

- the subject land has poor soils and generally has poor agricultural production potential;
- there are significant land use limitations that prevent economic agricultural production;
- the subject land is not high value and/or high quality agricultural land;
- the opinions and findings of Rural Solutions SA in 2010 are still valid and appropriate;
- the subject land is far too small in area to constitute an independent, economically viable agricultural unit;
- there is limited opportunity to change the use of the subject land to a higher value activity (e.g. irrigated agriculture); and
- the most likely/appropriate use of the subject land is low density grazing, although this does not constitute an economically viable land use option.

Extract from letter dated 12 June 2020 from the Minister for Planning

As part of setting the context for any strategic review, it is noted that the land identified in this proposal is currently in the Environment and Food Production Area (EFPA). Subdivision of land for residential purposes cannot be undertaken within the EFPA boundaries.

The boundaries of the EFPA can, however, be changed if the independent State Planning Commission (Commission) and both houses of Parliament are satisfied there is a need for additional land to accommodate housing and employment growth over the longer term. The Commission is required to undertake a 5 yearly review of the EFPA boundaries. I am advised the timeline for the next review will be late this year or early next year.

Please note further detail on the nature and timing of the review will be made publicly available on the SA Planning Portal www.saplanningportal.sa.gov.au once a decision has been made by the Commission.

I have requested the Commission make contact with you directly at this juncture.

EFPA submission Regional Supply

REGIONAL SUPPLY

Section 5 (1) of the Planning, Development and Infrastructure Act 2016 (PDIA) provides for

The Governor may, by proclamation made on the recommendation of the Minister –

(a) divide the State into planning regions for the purposes of this Act (PDIA).

Subsequent sections deal with details thereof – e.g.

(4) The Minister must, in formulating a recommendation for the purposes of subsection (1) or (3)—

(a) seek to reflect communities of interest at a regional level; and

(b) take into account—

(i) the boundaries of the areas of councils and other relevant administrative boundaries that apply within the State; and

(ii) relevant economic, social and cultural factors; and

(iii) relevant environmental factors (including water catchment areas and biogeographical regions); and

(c) give attention to the need to achieve effective planning consistent with the objects of this Act, and the delivery of infrastructure, government services and other relevant services, at the regional level.

(5) The Minister must, before a proclamation is made under this section—

(a) seek the advice of the Commission; and

(b) give any council that will be directly affected notice of the proposed proclamation and give consideration to any submission made by such a council within a period (being at least 28 days) specified in the notice, and the Minister may consult in relation to a proposed proclamation with any other person or body as the Minister thinks fit.

It is submitted that the Minister should make a recommendation to the Governor to enable changes to be made so that the EFPA can be reviewed by region.

Regions exhibit significantly different characteristics and the availability of land varies greatly between region as does the demand by region.

There has been a significant change in internal migration in Australia to the regions – refer to the Adelaide Advertiser article of 3 July 2021 (*copy attached*).

The Fleurieu region has had the largest impact – refer Regional Australia fact sheet (*copy attached*).

In the last 18 months – as a result of Covid and its restrictions / concerns / improved working from home abilities / acceptance - there has been a significant increase in demand for rural living and decentralised living from the city of Adelaide – this has placed particular pressure on demand in coastal towns including Goolwa – Hindmarsh Island such that there is now a shortage of supply of rural living allotments – refer to (*copies attached*).

- Massive Increase in Buyers from Interstate - Real Estate Institute – media release
- Unprecedented Demand on South Coast - comments from local real estate agent
- Advertiser article of 26 June 2021

Thus a review should be by Regional Area not by the Greater Adelaide area subsuming individual regional needs within those of the Greater Adelaide area – to do so leads to flawed planning outcomes.

This review should use up to date figures as there have been significant changes in the last 18 months and the Fleurieu has been impacted significantly.

Alexandria Council wants further development but not at North Goolwa – taking that out there is and will be an increasing shortage of available supply in the Goolwa - Hindmarsh Island area

The Alexandrina Council passed the following motion on 19 July 2021.

That Council not proceed with the proposed plan for the future development of land at Goolwa North for residential purposes as promoted by the North Goolwa Growth DPA. It is also required that a comprehensive Master Plan for the future development of the Goolwa area, with special attention to ensuring the preservation of the character of the area, be prepared. This Master Plan to be approved by Council on completion.

Interpretation of the Act (Planning, Development and Infrastructure Act 2016 – PDIA)

Or does the act need to be changed?

The act states

7. 3

(3)

In making any decision under this section (following the establishment of the initial environment and food production areas under subsection (1)), the Commission must ensure that areas of rural, landscape, environmental or food production significance within Greater Adelaide are protected from urban encroachment and the Commission may only vary an environment and food production area if the Commission is satisfied—

that—

(a)

- (i) an area or areas within Greater Adelaide outside environment and food production areas are unable to support the principle of urban renewal and consolidation of existing urban areas; and
- (ii) adequate provision cannot be made within Greater Adelaide outside environment and food production areas to accommodate housing and employment growth over the longer term (being at least a 15 year period).

This has been interpreted to mean that both some (i) **AND** (ii) 2 need to be satisfied and if there is say a surplus of supply in the northern part of the Greater Adelaide area but a deficit of supply in the southern part that they can be balanced out and if the net result is determined to be in balance or in surplus there is no need for any change.

It is submitted that this

- **is against what was intended**
- **will lead to poor planning outcomes**

Either the act needs to be interpreted differently or, if bound by legislative interpretation, that the wording of the act itself needs to be changed.

The background to the PDIA was to improve planning and the background documentation refers to regions and it makes no planning sense to aggregate demand and supply over vastly different areas in terms of sociodemographic characteristics, topography, land supply and demand by type – e.g. urban and rural living.

Alternatively to make use of Section 5 of the PDIA and to divide the state into planning regions for the purpose of the PDIA. If that were done then either that needs to be done retrospectively to enable this review to be done by region or for another review to be done immediately thereafter the change taking into account the particular characteristics of the individual regions.

EFPA submissions Land holdings

Current holdings aggregate approximately 268 ha (approx. 660 acres). They are as follows:

Parcel	Plan Reference	Certificate of Title	Owner	Area (ha)
Lot 1 Grundy Road	D115179	6194/373*	Noble Investments P/L	34.5
Section 71	H150800	5249/428	Noble Investments P/L.	32.6
Section 80	H150800	5249/429	Noble Investments P/L.	32.7
Allotment 2	F2103	5178/333	Noble Investments P/L.	58.4
Section 87	H150800	5446/184	Noble Investments P/L.	32.4
Section 95	H150800	5445/661	Noble Investments P/L.	32.2
Section 96	H150800	5522/633**	T Lebbon	45.3

*Now known as 6219/124 ** since split into 2

EFPA - letter in support of submission by Mr Tim Lebbon

State Planning Commission

21 July 2021

Dear Sirs

EFPA review

I write to support the submissions made to the EFPA review that state:

1. a review and determination should be made on a regional – and preferably council area – basis
 - regions exhibit significantly different characteristics and the availability of land varies greatly between region as does the demand by region.
2. another review should be made with updated data as soon as reasonably possible, taking into account population changes and housing demand
 - in the last 18 months – as a result of Covid and its restrictions / concerns / improved working from home abilities / acceptance - there has been a significant increase in demand for rural living and decentralised living from the city of Adelaide – this has placed particular pressure on demand in coastal towns including Goolwa – Hindmarsh Island such that there is now a shortage of supply of rural living allotments.
3. the northern part of Hindmarsh Island should be removed from the EFPA as an anomaly
 - the land is not viable for agriculture
 - it is an anomaly that Narnu Waters would have been able to proceed but other projects using that same land cannot until the EFPA is changed.

Yours faithfully

Bill Coomans JP

Alexandrina Councillor

mobile: [REDACTED]

Please note that the views expressed here are not on behalf of or are necessarily those of Alexandrina Council

MASSIVE INCREASE IN BUYERS FROM INTERSTATE

8 June 2021

REISA CEO Barry Money says that REISA's statistics reveal a sizeable lift in the number of residential properties purchased by buyers whose primary address is outside of South Australia.

"We compared the numbers in our own unique data set from January through April, with those from the same first four months of 2020, and the results showed strong growth," said Mr Money.

"With recent ABS figures revealing that SA experienced three consecutive quarters of positive net migration to close out 2020, we expected the number of interstate purchasers to increase too. Our figures show they did.

"The number of residents domiciled elsewhere in Australia buying residential properties here in SA increased by a whopping 313 per cent in total.

"Buyers with a primary address in New South Wales led the charge, registering a 579 per cent increase.

"Victorians followed by posting a 336 per cent increase.

"The number of buyers from the other states, as well as the ACT and NT were up too, though from much smaller 2020 bases.

"We believe that a good number of these buyers are investors, attracted by the excellent returns that are available here. However, we consider the majority of purchases are a result of the net positive migration, with professionals and returning South Australians attracted not only by the value, but by the lifestyle and confidence in the positive change of direction in SA's economic thrust.

"The figures represent returns from our member agents only and thus do not include all transactions. But comparing apples with apples, we see very positive growth," Mr Money said.

Media comment – REISA Chief Executive Officer, Barry Money – [REDACTED]

1270 Unprecedented Demand on South Coast

Comments by Mark Forde, Harcourts 16 June 2021

- *In the last 12 months we have never been so busy*
- *land sales on Hindmarsh Island are "running out the door"*
- *builders are struggling to keep up*
- *have sold more lots at Coorong Quays in the last 12 months than we normally would have*
- *the Jennings stage I subdivision at North Goolwa which has 30 lots would normally take three years to sell but that has just been about sold out in the last six months*
- *the average days on market has dropped from 80 days to approximately 14 days*

Mark Forde is the Principal of Harcourts South Coast since 2010 and leads the highly experienced Harcourts South Coast team with the benefit of more than 30 years in South Australian real estate. Harcourts handle more land sales in the Goolwa - Hindmarsh Island - Middleton area than any other single agent.

A word from Mark ..."Victor Harbor and the Fleurieu Peninsula have been identified as being among Australia's hottest real estate markets and strongest population growth centres between now and 2050 so it's a very exciting time for the region. The National Sea Change Task Force suggests our local population will swell from 40,000 currently to about 150,000 by 2050 and projects worth more than half a billion dollars are currently proposed to support that growth. I am very excited by the potential of the region, the real estate market across the Fleurieu Peninsula and the team we have at Harcourts South Coast. Together, we look forward to sharing this exciting future with our clients and the wider community."

THE BIG MOVERS FACTSHEET

A closer look at the flow of people around regional Australia, based on 2011 & 2016 Census data



2011-2016
REGIONAL AUS NET INFLOW
+65,204

2011-2016
MOVED TO & AROUND REGIONAL AUS **1.2M**



AUS POPULATION IS HIGHLY MOBILE

We move around **more often than 80%** of other OECD countries

39% of Australians change their address **every 5 years**

[the international average is **21%**]

2011-2016
FROM CAPITALS TO REGIONS NET LOSSES/GAINS

BRISBANE	+15,597
PERTH	+4,298
HOBART	+1,663
CANBERRA	+160
DARWIN	+484
ADELAIDE	-1,041
MELBOURNE	-21,609
SYDNEY	-64,756



Some regions that showed little net population change had a **very high population turnover** during 2011-2016.

A SURVEY FOUND
OF THOSE LIVING IN REGIONAL AUS & CONSIDERING MOVING, 80% INTENDED TO STAY IN REGIONAL AUS



AUSTRALIANS ARE VOTING WITH THEIR FEET

MILLENNIALS 20-35 YEARS OLD



WHY MILLENNIALS CHOOSE REGIONS

- HOUSING AFFORDABILITY
- RAPID CAREER ADVANCEMENT
- LIFESTYLE CHOICES



2011-2016
CITY MILLENNIALS WERE ATTRACTED TO MINING AREAS

2011-2016
REGIONAL MILLENNIALS

178,961
MOVED TO CAPITAL CITIES

207,510
MOVED BETWEEN REGIONS

1 IN 3 ARE "RETURNERS"
WHO MOVE TO METRO BUT RETURN TO REGIONAL AUS

2011-2016
MILLENNIAL HOTSPOTS TOP 3 PLACES MILLENNIALS MOVED TO

GOLD COAST QLD	24,714
NEWCASTLE NSW	13,619
SUNSHINE COAST QLD	13,359



Regional Australia is everywhere outside 5 capital city areas and Canberra

■ NOT REGIONAL AUSTRALIA
■ REGIONAL AUSTRALIA

2011–2016

TOP 5 REGIONAL AREAS PER STATE & NT NEW RESIDENTS TO REGIONAL LGAs

LOCAL GOVERNMENT AREA (LGA)	NO. NEW RESIDENTS	INFLOW AS PROPORTION OF 2016 POPULATION
-----------------------------	-------------------	---

NSW

Murray River	2,636	22.6%
Uralla	1,218	20.1%
Port Stephens	13,665	19.6%
Yass Valley	3,168	19.6%
Maitland	15,137	19.6%



NT

Unincorporated NT	2,338	33.8%
Katherine	2,320	23.9%
Alice Springs	4,211	17.0%
Barkly	891	13.4%
MacDonnell	635	10.5%



QLD

Isaac	5,447	26.0%
Noosa	11,300	21.7%
Livingstone	7,635	21.1%
Douglas	2,297	19.6%
Central Highlands	5,482	19.6%



SA

Yankalilla	1,276	24.7%
Victor Harbor	3,338	22.8%
Light	3,316	22.5%
Alexandrina	5,624	21.7%
Lower Eyre Pen.	1,151	20.9%



LOCAL GOVERNMENT AREA (LGA)	NO. NEW RESIDENTS	INFLOW AS PROPORTION OF 2016 POPULATION
-----------------------------	-------------------	---

TAS

Latrobe	2,319	21.7%
West Tamar	4,476	19.7%
Kentish	1,200	19.6%
Huon Valley	2,924	18.1%
Meander Valley	3,449	17.9%



VIC

Golden Plains	5,103	23.5%
Mitchell	8,645	21.1%
Surf Coast	6,207	21.1%
Bass Coast	6,815	20.8%
Wodonga	8,013	20.4%



WA

Ashburton	5,648	43.4%
East Pilbara	3,455	32.6%
Chittering	1,641	30.0%
Karratha	6,379	29.7%
Port Hedland	4,227	29.2%



Data source: ABS Census of Population and Housing, 2011 and 2016, Place of Usual Residence, by Local Government Area and Greater Capital City Statistical Areas

Buy quick, the coast is dear

TOM BOWDEN

SOUTH Australia's regional locations are enjoying a pandemic-induced boom with new data revealing prices along the state's coastline have increased strongly in the past year.

Realestate.com.au data to the end of May reveals solid growth in SA's outlying areas.

According to the data of suburbs or towns with a minimum 30 sales for the year, Streaky Bay, on the Eyre Peninsula, experienced the greatest value growth for houses. Prices were up 39.34 per cent to a \$317,000 median.

Risdon Park, in Port Pirie, came in second with values up 37.92 per cent to a \$165,500 median.

The Fleurieu Peninsula was also well represented.

Goolwa Beach (which ranked third), Middleton, McCracken, Goolwa North, Encounter Bay, Port Elliot, Hayborough, Victor Harbor and Goolwa South all made the top 20 list and experienced value growth of more than 11 per cent.

LJ Hooker Victor Harbor saleswoman Carolyn Shaw said interest had increased significantly along the Fleurieu Peninsula in the past year,



Stuart and Jude Roberts at their Encounter Bay home. Picture: Matt Turner

and prices had risen as a result. "In the elevated part of Encounter Bay, two years ago you wouldn't have seen too many properties listed in the high \$600,000, \$700,000, and \$800,000s," she said.

"Now they're all in that bracket. People always said it's 'God's waiting room', which is a load of rubbish because our schools are bursting.

"We're selling a lot of houses to Victorians - some of

them sight unseen because they just want to get out of there.

"There are a lot of people that live down here and commute to Adelaide for work."

REA Group economic re-

Top regional growth suburbs

Suburb	Median price	Sales	12-month median price growth
Streaky Bay	\$317,000	36	39.34%
Risdon Park	\$165,500	86	37.92%
Goolwa Beach	\$392,300	78	32.98%
Robe	\$425,000	43	31.07%
Peterborough	\$90,000	51	30.43%
Middleton	\$650,000	70	23.81%
Berri	\$229,000	90	22.46%
Balaklava	\$216,500	46	20.24%
McCracken	\$439,000	65	18.65%
Goolwa North	\$430,000	41	18.62%

SA are still affordable, especially if compared to Victoria, NSW and Queensland," he said.

The data also revealed the suburbs that had the greatest increase in online views.

Middleton, Coffin Bay, Carrickalinga, Port Hughes and Penola took out the top five.

Stuart and Jude Roberts are selling their home at 55 Stone Hut Circuit, Encounter Bay, after 18 years and said demand for local real estate had noticeably increased.

"Most houses down here, when they hit the market they're gone within a couple of weeks," Mr Roberts said.

"I've seen a lot of change in recent years."



Aussies making a change for good

Australians have discovered the opportunities a move to the regions can bring – and are leaving the capital cities in droves, writes **Kirsten Craze**

Australians are discovering more than ever before that beyond the big city lights, our island home offers a smorgasbord of opportunities.

The regions are home to a multitude of great holiday destinations – but they also have all right the ingredients for a more permanent change of scene.

Affordable housing, wide open spaces and a chance to connect with nature are high on the wish list for most sea and tree changers, according to a national study by the Regional Australia Institute.

Regional Australia has experienced its largest net inflow of people since the Australian Bureau of Statistics began tracking internal migration in 2001. A net total of 43,000 Australians moved to the regions from capital cities in 2020 – more than double the movement in 2019.

While the global pandemic might have pushed an increasing number of city slickers to seek out these lifestyle benefits, the RAI research revealed Covid-19 isn't a driving force behind the ongoing shift.

Of those surveyed, 51 per cent said they were already thinking about leaving their city prior to the pandemic.

RAI chief executive Liz Ritchie, pictured right, said the events of the past year and a half had pulled back the curtain on regional towns, and given Australians a new perspective on life outside the capitals.

"The world changed, and it changed quickly. But with that change came opportunities for regional Australia, and that's what we've seen emerging," she said.

"We're now witnessing a regional renaissance off the back of what has been a fast-tracking of the future of work. The opportunities that

Australians are now demanding in terms of how they live and work – and more importantly, where they choose to live and work – has really led to a perfect storm in many ways."

One in five of the study's city-based respondents said they were considering a move to the regions, and more than two-thirds of those would like relocate within the

next 12 months. There is, however, one major roadblock for these keen movers; the perception good jobs are hard to find.

"That is by far and away the biggest myth that we come up against, that the jobs just aren't there," Ms Ritchie said, noting the latest ABS figures showed more than 67,500 available in regional Australia across a wide range of industries and pay scales.

"Then there is the another common myth that in country towns, you can't get a good cup of coffee, find a nice restaurant or have the kind of cultural offerings found in the cities. Australians are now discovering there are plenty of places right across the regions that in many ways offer far superior cultural and culinary experiences."

And Australians' new found love of the regions is spreading far and wide.

"Although movement to coastal areas has traditionally far outweighed rural regions, our survey reflected that there was an equal interest in small inland communities and cities, as for some of our smaller coastal towns," Ms Ritchie said.

"It's this shift that is closing the gap, and it's a good thing, because regional Australia will thrive with this greater population movement."



Aitken, Deb (DIT)

From: PlanSA Submissions <noreply@plan.sa.gov.au>
Sent: Friday, 23 July 2021 5:50 PM
To: DIT:PlanSA Submissions
Subject: EFPA request to vary boundaries submitted
Attachments: 21.07.21_R_V3_EFPA_Submission_Fairview_Park.pdf

Form Information

Site Name PlanSA
 Site Id 578867
 Page Request to vary Environment and Food Production Area boundaries
 Standard Name
 Page 823328
 Standard Id
 Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries
 Submission Id 875028
 Submission Time 23 Jul 2021 5:49 pm
 Submission IP Address [REDACTED]

Contact and land details**Your Name and contact details**

Name: Grazio Maiorano
 Postal Address: URPS, Suite 12 / 154 Fullarton Road, Rose Park
 Phone Number: 0400005885
 Mobile Number:
 Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): Lot 5 Lamuli Street, Fairview Park
 Allotment ID: Certificate of Title Volume 5581 Folio 924.
 Owners: Salvatore (Sam) Mercorella

Requested variation details

Details of requested variation: Refer to attached URPS Submission.
 Additional supporting information:
 Supporting document: 21.07.21_R_V3_EFPA_Submission_Fairview_Park.pdf, type application/pdf, 3.4 MB

Map of requested variation

Map or diagram to support submission: No file uploaded

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission? Yes

Commission at a public hearing following the close of the submission period?:

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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Sam Mercorella
2009ADL-0929
23 July 2021

EFPA Review Submission

Lot 5 Lamuli Street, Fairview Park.

Confidential Submission

EFPA Review Submission

23 July 2021

Lead consultant URPS
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Prepared for Mr Sam Mercorella

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URPS Ref 2009ADL-0929

Document history and status

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V1	20/7/21	GM	SM	Draft for client review
V2	22/7/21	GM	SM/AC	Response to client review
V3	23/7/21	GM	AC	Final Submission

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Appendix A: Certificate of Title

Appendix B: WAX Design Visual Impact Statement

Appendix C: Potential Criteria to Review HFZ Boundary

Appendix D: GIS Analysis – HFZ Anomalies

Executive Summary

This report forms a submission to the State Planning Commission's Review of the Environment and Food Production Areas (EFPA).

URPS is acting on behalf Mr Salvatore (Sam) Mercorella, the registered owner of Lot 5, Lamuli Street, Fairview Park. The land is identified within File Plan 146364 and Certificate of Title Volume 5581 Folio 924. The lot has an area of 10.11 hectares. The land has frontages to three public roads, Lamuli Street, Mannara Road and Yatala Vale Road. The land is located within the City of Tea Tree Gully.

The land is zoned Hills Face. Adjoining land to the north-east, east and south-east is also zoned Hills Face Zone. Land to the northwest is zoned General Neighbourhood and Rural Living, while adjoining land to the west and southwest is contained within the General Neighbourhood Zone.

The EFPA boundary mirrors the Hills Face Zone. The Rural Living Zone is not included within the EFPA.

Our client has been advocating for the review of the Hills Face Zone for several years. Given the EFPA mirrors the boundary of the Hills Face Zone, it is now appropriate to also address the anomalies associated with the EFPA boundary. The retention of the EFPA should not reinforce the existing Hills Face Zone anomaly.

In 2003 the Department of Transport and Urban Planning, released the Hills Face Zone Review: Implementation Strategy. The strategy noted "...the consultation process has raised some issues about the location of the boundary in view of the extension of services and utilities since the 1960s and the apparent irregularity of the zoning for some land, given location, visibility or characteristics of the land. it has recommended investigations into minor anomalies" Unfortunately, no formal / public review of these minor Hills Face Zone boundary anomalies has been undertaken. Such a review is overdue.

For the following reasons discussed in this submission, we contend that the land (or at the very least, part of the land) should never have been included in the Hills Face Zone and therefore, should be removed from the EFPA (and later rezoned for non-Hills Face Zone purposes):

- Given the residential encroachment, the land is no longer suitable for agricultural production.
- Ground water resources are too saline to sustain productive agriculture.
- A significant portion of the land is not visible from the Adelaide Plains (refer to WAX visual assessment report).
- The land can be readily serviced by physical and social infrastructure.
- Unlocking the EFPA / zoning can motivate landowner negotiations to implement a range of enforceable biodiversity strategies that results in greater community benefit.
- Addressing a lack of residential development opportunities within the City of Tea Tree Gully that require limited (if any) infrastructure investment from State or Local Governments.

In terms of natural justice and fairness, having regard to neighbouring land-uses, lack of visibility of a portion of his land and access to services and infrastructure, our client contends that the State Government has imposed unfair restrictions on the use of his land. In that, he cannot practically farm the land which is its historic land use, because urban development has been encouraged to surround a significant part of his land. Having regard to the proximity of existing residences, any active farming of the land would result in complaints about typical farming practices relating to noise, dust and spraying activities.

I desire the opportunity to address the Commission in support of this submission.

1. Introduction

1.1 Review of the EFPA

This report forms a submission to the State Planning Commission's (Commission) Review of the Environment and Food Production Areas (EFPA). Public submissions are required to be lodged by 30 July 2021.

We note the Commission's position that:

- There is an adequate provision of land in Greater Adelaide to support housing and employment growth over the next 15 years; and
- It will consider variations to the EFPA boundaries that are recognised as anomalies and/or trivial (minor) in nature.

We understand that the Commission intends to hold a public hearing where interested persons can address the Commission about their submissions.

1.2 The Subject Land

URPS is acting on behalf Mr Salvatore (Sam) Mercorella, the registered owner of Lot 5, Lamuli Street, Fairview Park. The land is identified within File Plan 146364 and Certificate of Title Volume 5581 Folio 924 (refer to Appendix A). The lot has an area of 10.11 hectares. The land has frontages to three public roads, Lamuli Street, Mannara Road and Yatala Vale Road.

Image 1 illustrates the location of the land and surrounding land uses, image 2 provides a topographic plan that illustrates site contours, while images 3, 4 and 5 provide elevations from the three public road frontages.



Image 1: Aerial image, blue shaded area illustrates the land. (Source: <https://sappa.plan.sa.gov.au/>)

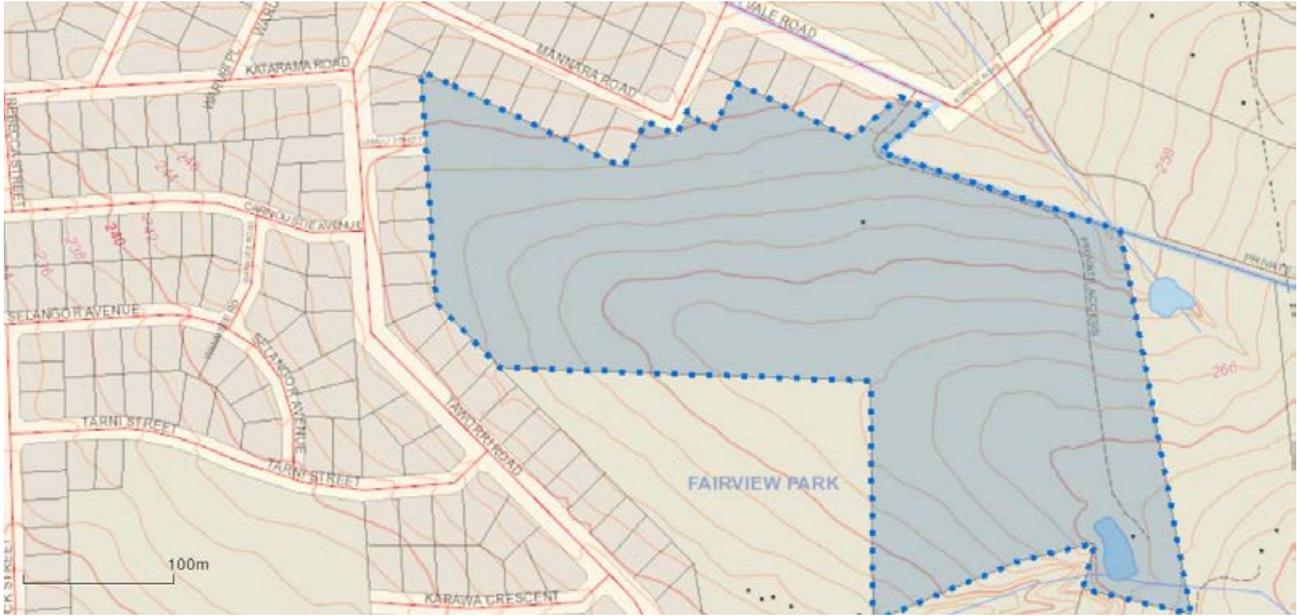


Image 2: Topographic map, blue shaded area illustrates the land. (Source: <https://sappa.plan.sa.gov.au/>)



Image 3: Street view from the intersection of Lamuli Street and Taworri Road facing the land – behind colorbond fence. (Source: Google image capture map 2013).



Image 4: Street view from Mannara Road. The land is located behind colorbond fence. (Source: Google image capture map 2013).



Image 5: Street view from the Yatala Vale Road. The land is located behind the colorbond fence. (Source: Google image capture map 2013).

2. Hills Face Zone and EFPA Boundary

Image 6 illustrates the subject land located within the Planning and Design Code's, Hills Face Zone. Adjoining land to the north-east, east and south-east is also zoned Hills Face Zone. Land to the north-west is zoned General Neighbourhood and Rural Living, while adjoining land to the west and south-west is contained within the General Neighbourhood Zone.

The EFPA boundary mirrors the Hills Face Zone. The Rural Living Zone is not included within the EFPA (refer to image 7).

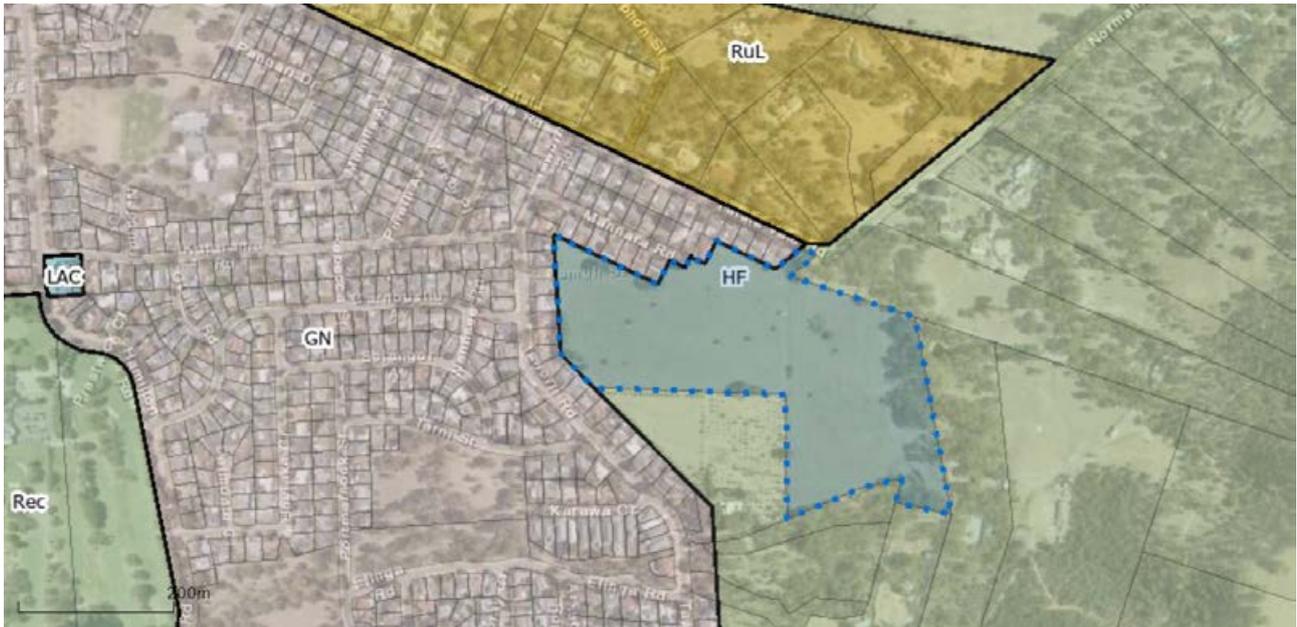


Image 6: Planning and Design Code Zones. GN-General Neighbourhood Zone. RuL- Rural Living Zone. HF-Hills Face Zone. Subject land illustrated in blue shading. (Source: <https://sappa.plan.sa.gov.au/>)



Image 7: Green shading represents the extent of EFPA boundary. Blue shading represents subject land. (Source: <https://sappa.plan.sa.gov.au/>)

3. Background

3.1 Previous representations

For the reasons discussed in this submission, our client has been advocating for the review of the Hills Face Zone for several years. Given the EFPA mirrors the boundary of the Hills Face Zone, it is now appropriate to also address the anomaly associated with the EFPA boundary.

The rezoning anomaly matter has been pursued by our client since 2006. Below is a summary of discussions and correspondence that have occurred during this time:

- Meetings with the former City of Tea Tree Gully CEO and Mayor in 2006. Council acknowledged the issues facing our client but believed it was the responsibility of the State to address them.
- Letter to former Minister Paul Holloway and Bronwyn Holliday (Planning SA) dated 16 October 2006, requesting the Minister's consideration to address the zoning anomaly.
- Letter to Minister Paul Holloway dated 12 July 2007.
- Submission to the State's Urban Growth Boundary proposal dated 24 August 2007.
- Visual Impact Assessment Report (refer to Appendix B) prepared by WAX Design highlighting that a significant portion of the site is not visible from the Adelaide Plains and that it does not fit well with many objectives of the Hills Face Zone.
- Letter to former Minister Paul Holloway dated 11 July 2008. Minister Paul Holloway visited the site in 2010, at which time he was sympathetic to the opinions expressed by the Wax report. It was our understanding that the Minister was keen to promote a transparent and collaborative process that would seek to address the zone boundary anomaly.

It is understood that these representations, including the Minister's site visit, resulted in the Minister's office commissioning an independent assessment of this matter by an external consultant. We understand that a report was forwarded to the Minister's office in about 2010 or 2011. We believe that this independent assessment acknowledged several zone anomalies along the Hills Face Zone and recommended a Ministerial Development Plan Amendment Report. We will be pleased to provide you details of the consultant and look forward to the Commission sourcing the report.

- Letter to former Minister John Rau, Minister for Urban Development, Planning and the City of Adelaide (2012), requesting the Minister's consideration to address the zoning anomaly.
- Submission to the State Planning Commission associated with Phase 3 of the Planning and Design Code (2020), requesting the Minister's consideration to address the zoning anomaly.

To the best of our knowledge, no consulted party has indicated to us that they disagree with our position that a zone boundary anomaly exists for all or part of the land.

3.2 Hills Face Zone Review

In 2003 The Parliamentary Steering Committee for the Hills Face Zone Review provided recommendations regarding the Hills Face Zone. Concurrently, the Department of Transport and Urban Planning, released the Hills Face Zone Review: Implementation Strategy.

The implementation strategy stated that *"the Review has not specifically examined issues associated with the appropriateness or otherwise of the boundary of the Zone, other to identify development abutting the western edge of the Zone that conflicts with the Zone's objectives. However, the consultation process has*

raised some issues about the location of the boundary in view of the extension of services and utilities since the 1960s and the apparent irregularity of the zoning for some land, given location, visibility or characteristics of the land. While the Review concludes that any review of the boundaries is likely to be problematic given the strong views of the community about the Zone and the potential for subdivision of rezoned hills, it has recommended investigations into minor anomalies and potential for the extension of the boundary to include additional strategic landscapes.”

Unfortunately, no formal / public review of these Hills Face Zone boundary anomalies has been undertaken. Such a review is overdue.

3.3 Preliminary Criteria for Review and GIS Analysis

In 2010 URPS was requested to submit draft criteria / guiding principles that the State could consider in a potential review of the Hills Face Zone. A preliminary set of submitted criteria is contained in Appendix C.

In addition, URPS undertook a preliminary GIS analysis of Hills Face Zone land in 2013. The objective of this exercise was to illustrate that there are several anomalies within the Hills Face Zone and such anomalies warrant further investigations by the State.

Several GIS data sets were analysed to filter out Hills Face Zoned allotments based on the following criteria:

- Allotments that have more than 30% of their perimeter (boundary) that adjoins a residential zoned allotment;
- Allotments that have a land area between 1 to 20 hectares;
- Allotments that don't contain any significant native vegetation;
- Allotments that have their highest point less than 280 metres above Australian Height Datum (AHD).

Subject to ground truthing and other supporting investigations, these criteria provide a useful filtering process to determine potential Hills Face Zone anomalies.

The details and findings of these 2013 investigations are contained in Appendix D.

In summary, there were 25 Hills Face Zone allotments that were located adjoining residential zones (including associated infrastructure services and facilities), that do not contain any significant native vegetation (based on GIS dataset Native Vegetation Cover – Statewide available online from the Department of Environment, Water and Natural Resources), and have landforms that may not be highly visible from the Adelaide Plains (e.g. above the 280 metres AHD). URPS concluded that the identified Hills Face Zoning sites should be investigated to determine their potential (partly or fully) for residential (or similar) land use.

Image 8 illustrates allotments in the Hills Face Zone with limited no native vegetation present, no area above 280 metres AHD, having an area between 1 and 20 hectares and more than 30% of the perimeter adjoining land zone residential.

Again, no formal / public review of these Hills Face Zone boundary anomalies has been undertaken. Such a review is overdue.

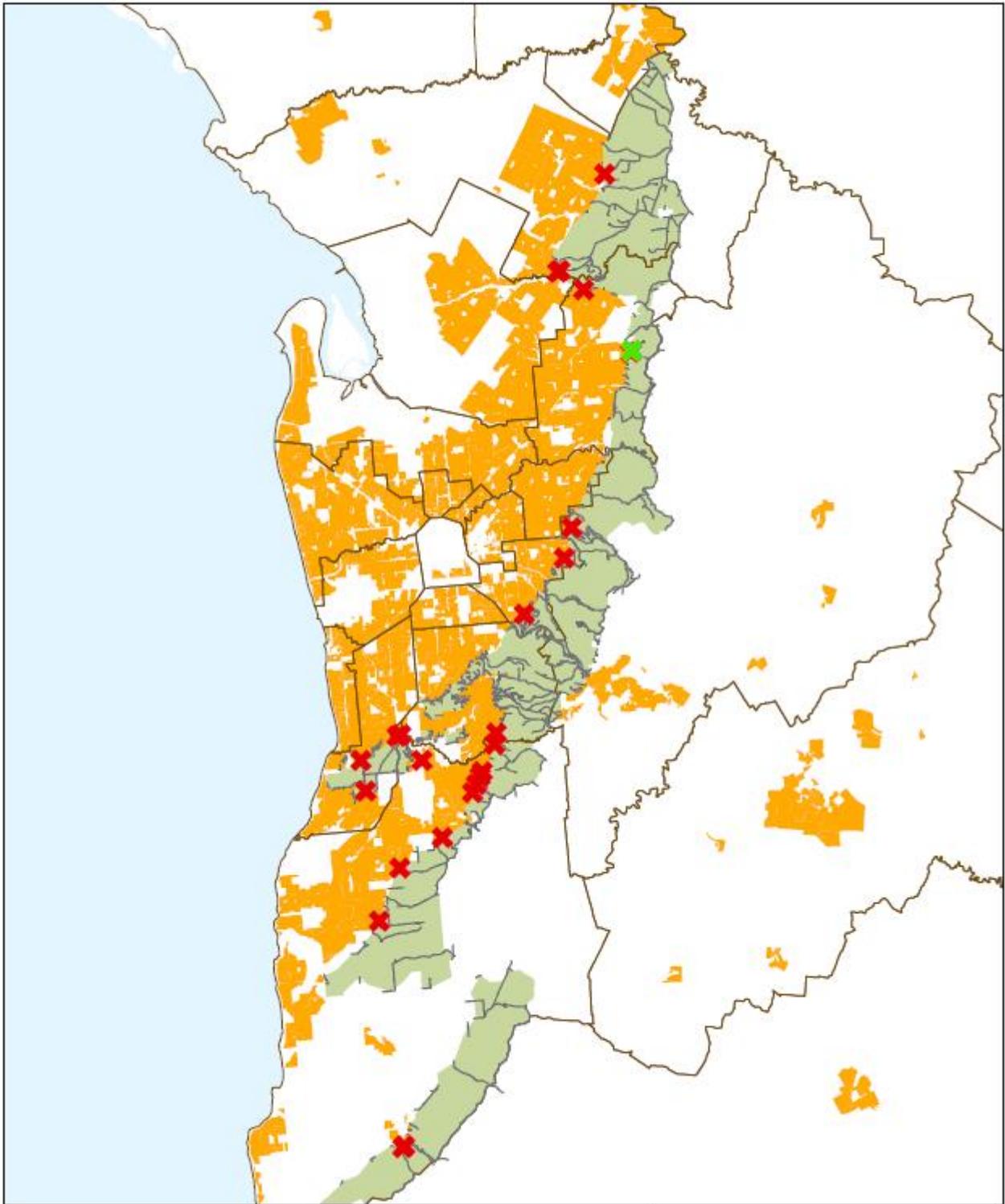


Image 8: Prepared by URPS (2013). Recommended Hills Face Zone sites for review. Green cross represents subject land.

4. The EFPA & Hills Face Zone Anomaly

For the following reasons, we contend that the land (or at the very least part of the land) should be removed from the EFPA and later rezoned for non-Hills Face Zone purposes:

- Given the residential encroachment, the land is no longer suitable for productive agricultural production.
- Ground water resources are too saline to sustain productive agriculture.
- A significant portion of the land is not visible from the Adelaide Plains.
- The land can be readily serviced by physical and social infrastructure.
- Unlocking the EFPA / zoning can motivate landowner negotiations to implement a range of enforceable biodiversity strategies that results in greater community benefit.
- Addressing a lack of residential development opportunities within the City of Tea Tree Gully that require limited (if any) infrastructure investment from State or Local Governments.

4.1 Encroachment of residential development on productive agricultural production.

Our client has owned the land since 1969 and previously developed the land as a market garden, which included constructing a dam and other infrastructure. At that time, there were no residential developments in the surrounding area.

In 1979 as a direct response to the encroachment of residential development to the site's immediate northern and western boundaries, our client was forced to cease his market gardening operations and thereby avoided interface problems with the adjoining residential area.

The proximity of residences meant that the land could not be farmed in a viable manner, without causing significant and unacceptable impacts on adjacent residents. That is, use of the land for agricultural purposes would result in unacceptable interface issues as a result of chemical spray drift, dust, noise and access issues associated with harvesting equipment.

4.2 Ground water resource is too saline to sustain productive agriculture

The landowner has over 50 years' experience in the growing, distribution and marketing of horticulture produce. Ground water investigations undertaken by the landowner have confirmed that the water resource is too saline to maintain sustain productive agricultural production.

4.3 Visual impact assessment -incongruous planning boundary

A Visual Impact Assessment and Landscape Statement (2007) was prepared by Mr Warwick Keates of WAX Design. Mr Keates is a recognised expert in the field of visual impact assessment and provides regular evidence in the Environment, Resources and Development Court.

This report has been used as a basis for analysing the subject land against the qualities usually used to describe land within the Hills Face Zone. The report concludes that the "planning designation (Hills Face) appears incongruous with the planning zone projecting into a defined residential edge" and that the subject land is "highly modified with no areas of remnant vegetation, little topographic variation."

It is our contention that the inclusion of the subject land in the Hills Face Zone represents a long-standing zoning anomaly given that it does not (and indeed did not) exhibit the traditional characteristics of Hills Face Zone land.

Further, the relatively flat nature of a portion of the subject land means that it is not highly visible above the adjacent housing and the subject land is contiguous with and surrounded on three sides by the existing urban area, with rural living allotments abutting the fourth boundary

A copy of the WAX report is contained in Appendix B.

4.4 Appropriate access to infrastructure

Given the information contained in the previous sections of this report, the land has access to three public roads. The land can be appropriately serviced by required physical and social infrastructure.

As illustrated in images 3 and 4 the Lamuli Street and Mannara Road residential developments / street designs provides an indication of the intention that residential land division was anticipated to continue through the subject land. There appears no other logical reason why a fully constructed public road with no cul-de-sac conclusion, would be established without the potential for the roads to continue through the land.

In respect to social infrastructure, the locality is reasonably well serviced by existing retail, educational and open space provisions (including a nearby golf course).

The previous perceived lack of infrastructure is no longer a reason to preclude urban development on the land.

4.5 Environmental benefits

Removing the land from the EFPA and rezoning the land will foster a range of benefits for the locality, including formalising open space linkages and promoting biodiversity strategies.

Given the existing anomaly and restrictions, there are no current incentive for the landowner to provide any community / environment benefit given the restrictions associated with the land.

4.6 Lack of residential development opportunities within the City of Tea Tree Gully.

We appreciate the Commission's position that there is an adequate supply of residential land within Greater Adelaide to support housing and employment growth over the next 15 years. However, that position is likely to have been based on a range of residential zoned land parcels that are on the fringes of the Adelaide urban area. These areas are likely to require significant expenditure by developers, infrastructure providers and State and Local Governments to ensure they are serviced by an appropriate level of social and physical infrastructure.

Unlike these fringe areas, the subject land is ideally located to capture and leverage existing infrastructure investment will minimal (if any) expenditure by State and Local Governments.

Appendix A: Certificate of Title



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5581 Folio 924

Parent Title(s) CT 3626/19
Creating Dealing(s) CONVERTED TITLE
Title Issued 30/09/1998 Edition 2 Edition Issued 08/09/2003

Estate Type

FEE SIMPLE

Registered Proprietor

SALVATORE MERCORELLA
OF 171 GORGE ROAD CAMPBELLTOWN SA 5074

Description of Land

ALLOTMENT 5 FILED PLAN 146364
IN THE AREA NAMED FAIRVIEW PARK
HUNDRED OF YATALA

Easements

SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED A

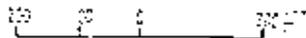
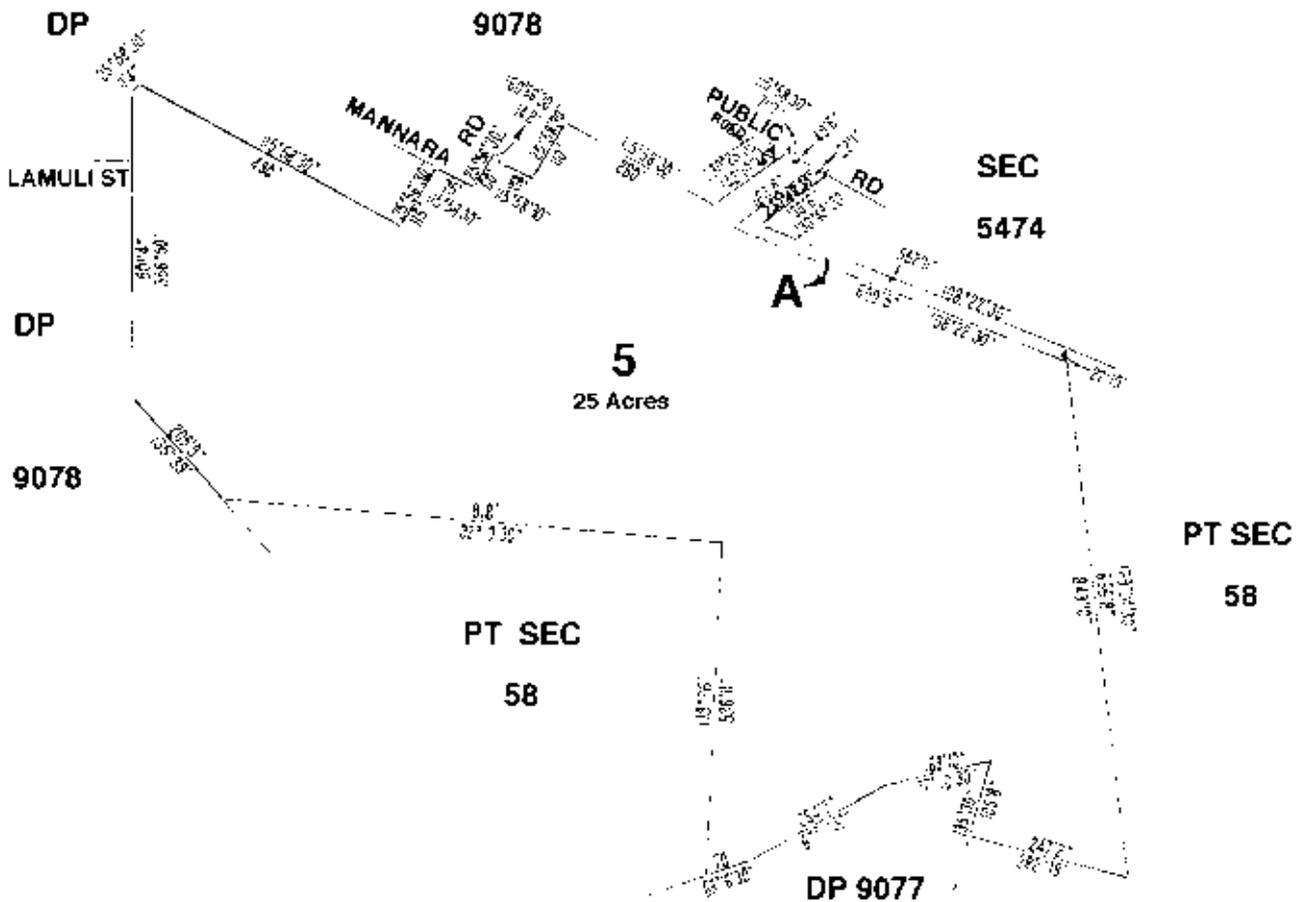
Schedule of Dealings

NIL

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 3626/19
SEE TITLE TEXT FOR EASEMENT DETAILS



FOR METRIC CONVERSION	
1 FOOT	= 0.3048 METRES
1 INCH	= 0.0254 METRES
1 ACRE	= 0.404686 HECTARES
1 ROOD	= 1011.7m ²
1 PERCH	= 25.29 m ²

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION

Certificate of Title

Title Reference: CT 5581/924
Status: CURRENT
Parent Title(s): CT 3626/19
Dealing(s) Creating Title: CONVERTED TITLE
Title Issued: 30/09/1998
Edition: 2

Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
04/09/2003	08/09/2003	9674017	DISCHARGE OF MORTGAGE	REGISTERED	7014948
19/11/1990	21/12/1990	7014948	MORTGAGE	REGISTERED	

Appendix B: WAX Design Visual Impact Statement



Urban & •	U
Regional •	R
Planning •	P
Solutions •	S

Fairview Park Residential Development Visual Impact Assessment and Landscape Statement

Contents

Previous Experience and Methodolgy

Introduction

Landscape Analysis

Visual Assessment

Planning Designations

Master Plan

Previous Experience

This report has been prepared by Warwick Keates, Director of WAX Design. Previously, he was a Senior Associate with HASSELL for five years, and has over 19 years experience in Landscape Architecture practising in South Australia, Australia, Middle East and the United Kingdom. During this period of time, Warwick has prepared numerous visual impact and landscape assessments for Planning Appeals, Expert Witness Statements and Environmental Impact Assessments.

Warwick has provided evidence for a variety of developments, including major road corridors, telecommunication towers, residential developments, significant trees, wind farms and mine expansions. During the course of his employment, Warwick has appeared as an expert witness before the Environment, Resources and Development Court, and appeared before the Development Assessment Commission on numerous occasions. He has also made presentations at Parliamentary Hearings, both in Australia and the United Kingdom.

Qualifications

Graduate Diploma in Landscape Architecture 1990

Bachelor of Landscape Architecture (Honours) 1988

Affiliations

Associate Member of the Australian Institute of Landscape Architects (Past President of the South Australian Chapter)

Member of the Landscape Institute (United Kingdom)

Professional History

2006-Current WAX Design, Director

2000-2006 HASSELL, Senior Associate

1997-2000 Floyd Matcham Limited (United Kingdom),
Associate

1993-1997 Anthony Walker and Partners
(United Kingdom and UAE), Associate

1990-1993 Landscape Design Associates
(United Kingdom),
Landscape Architect

Methodolgy

The visual assessment has been undertaken using best practice techniques to ensure that the highest levels of accuracy are achieved. The methodology consists of locating the site using a Global Positioning System (GPS) with a WAAS (Wide Area Augmentation System) that provides positional accuracy to within 3 metres. Using the GPS, the extent of the Subject Land was plotted in the landscape as 'waypoints', using longitude and latitude, elevation and distances to provide geo-referenced data. The surrounding area was then surveyed and the GPS was used to calculate the bearing and distance between the viewpoint and the subject area. This methodology was used to assess where the development is in the landscape and whether it is visible. Other references are used, such as buildings, trees and landmarks to confirm the location of the Subject Land in the landscape.

Introduction

The purpose of the assessment is to demonstrate whether the site will be visible within the wider landscape should development be considered in the future. The visual impact assessment needs to consider the potential effect on both the local and regional landscape, particularly the visual amenity of the Adelaide Hills Face Zone. Through the careful consideration of the potential visual effects, landscape context and residential design a development proposal can be accommodated discreetly within the Subject Land with little or no visual impact. The following report aims to demonstrate the potential of the site in terms of limiting the visual impact and landscape capacity (masterplanning).



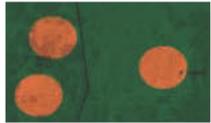




Native woodland with sporadic open areas set on steep topography



Grazed paddocks with limited native vegetation



Buildings and dwellings within native woodland areas (rural living)



Views and vistas to and from the subject land



Residential Edge (built form)



Residential development



Landscape Analysis



The subject land is a grazed paddock located east of an existing residential edge. To the south and east is the dominant topographical feature of the Adelaide Hills Face escarpment.

The site is formed by a gently undulating promontory that extends from the escarpment of the hills face. The ridge runs through the centre of the site east/west creating a level change of 12 to 18 m across the site. The residential edge is set below this ridgeline on an alignment that follows the topography of the adjacent creeklines to the north and south.

To the north west is the existing residential edge of Fairview Park. This forms a distinct landscape character of dwellings punctuated by areas of vegetation with distant views to the City, Port Adelaide and north to Elizabeth.

There is no significant vegetation cover on site except for one large multi-stemmed Eucalypt which appears to be remnant to the original landscape. The rest of the vegetation is a mixture of feral Olives, shrubs and a Cherry tree orchard to the south.

The vegetated edge to the north and east comprises of a dense screen of remnant and regenerated Eucalypts with a height of 10 to 15 metres. This vegetation reinforces the sense of enclosure with limited views further east. The rising topography of the Hills Face escarpment forms the visual envelope and a distinct backdrop to the area.

The site represents the edge of the residential area of Fairview Park. The open space created by the subject land

appears to incise the residential edge and is surrounded by buildings and rear garden boundaries that remove the Hills Face character and landscape value of the area.

The location of an existing transmission line provides a reference to human activity and reduces the natural character of the Hills Face.

The grazed ridgeline to the north further encloses the visual character of the area and reinforces the rural context of the surrounding landscape.

North east of the site is an existing dwelling with a number of agricultural buildings, as well as, an electricity substation and surrounding infrastructure. This provides a strong reference to development within the local area and Hills Face escarpment.

The surrounding landscape character consists of residential developments along Yatala Vale Road with large areas of vegetation cover providing a mixed visual character of built form and trees. This is typical of the Fairview Park area and the residential interface with the Hills Face Zone.

The Hills Face landscape character is defined by the eastern edge of the site. The grazed paddocks of the subject land represent a modified landscape that is not typical of the Hills Face escarpment and surrounding areas. This is reinforced by the extensively level topography and the impact of the residential development to the north, west and south.



Subject Land



Extent to which subject land is visible in the local area



Location from which the subject land is visible in the wider area



Areas where the subject land is not visible



Major views and vistas between residential areas and subject land



Photographic survey locations



Visual Assessment

The continuous residential development to the edge of the site removed any views to local or adjacent areas. The sloping topography of the area reinforces this visual context with the site only being seen from more distant viewpoints over 10 to 12 km.

From the end of Norman Road the site would be seen as a glimpsed element from views west towards the city. The extensive vegetation cover means that the visual effect created by the development of the subject land would be minor.

At Lamuli Street there would be more significant views of the proposed development. However, these will be viewed within the context of the adjacent built form along Taworri Road.

At the southern end of Taworri Road the residential properties are set five to six metres above the road. This prevents any views into the development site.

Along Grenfell Road the subject land will be seen

glimpsed between the existing vegetation from more elevated locations (289m) over a distance of 500m. The development would form a small part of the view which is dominated by the distant ridgelines of Golden Grove and surrounding areas. The proposed development would be seen as a continuation of the existing visual and landscape character.

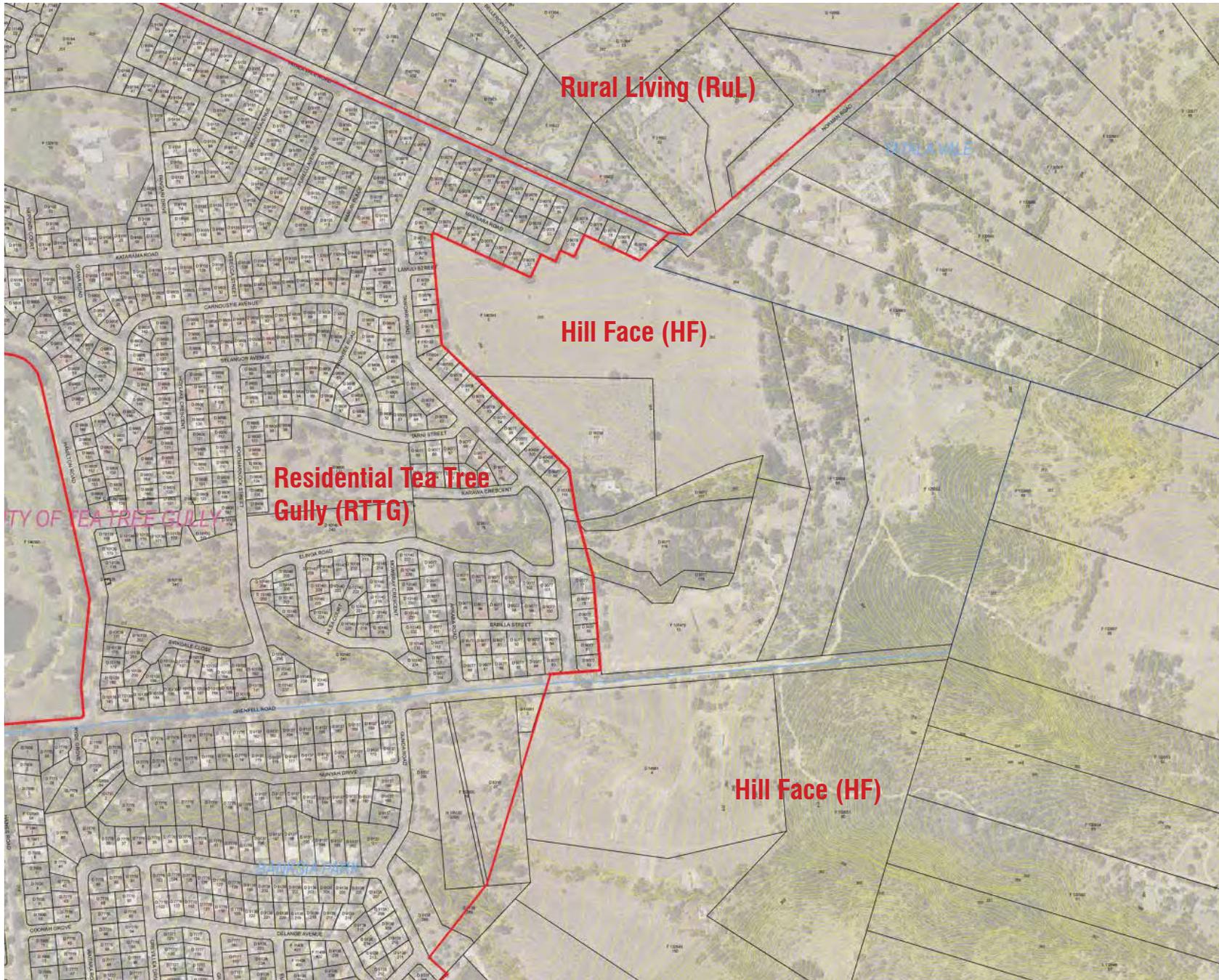
From distant viewpoints around Golden Grove the subject land is seen as part of the wider landscape and is not discernable as a distinct visual element.

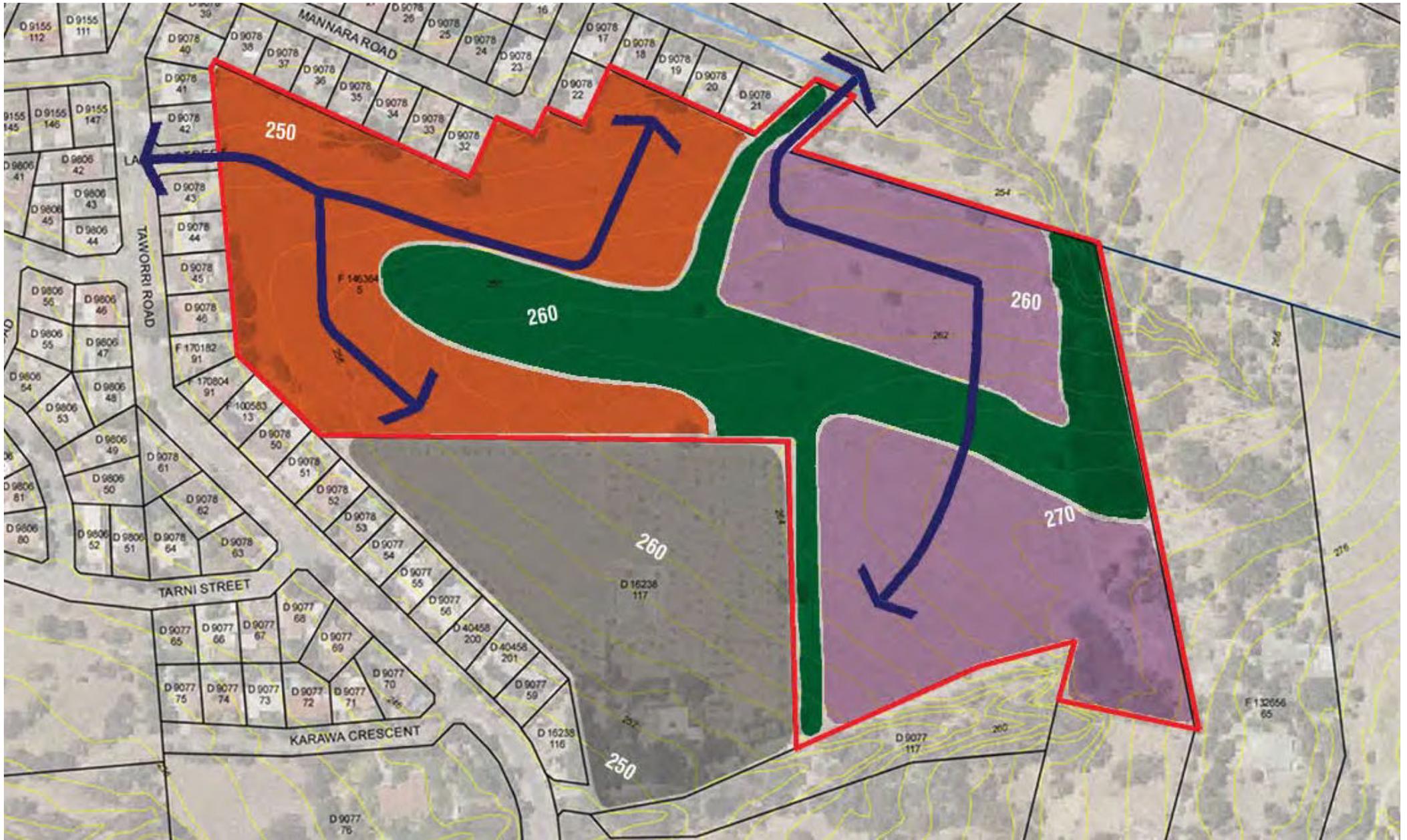


Existing Planning Designations

The existing planning designation does not strongly respond to the landscape character and land use of the area. The site is currently zoned Hills Face and is enclosed by residential zoning to the north, south and west. The planning designation (Hills face) appears incongruous with the planning zone projecting into a defined residential edge. This contrast is further reinforced by the surrounding land use and landscape character. Other areas designated as Hills Face contain significant tracts of native vegetation or are topographically varied as a result of creeklines or an escarpment landform.

The Subject Land is highly modified with no areas of remnant vegetation, little topographic variation and is described as rural or agricultural in land use. The proposed masterplan aims to create a synergy with the site, providing a transition between the residential edge of Tea Tree Gully to the west, the existing Rural Living Zone to the north (including the rural allotments within the Hills Face Zone along Norman Road) and the natural wooded escarpment of the Adelaide Hills Face Zone.





Landscape Masterplan



Subject Land Boundary



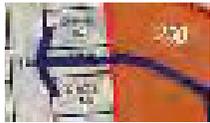
Proposed Open Space (including links to adjacent creek and native woodland)



Residential Development (single and double story)



Low Density (larger single story allotments)



Road Connections



Future Development

The development of the subject land should consider the relationship of residential form and topography. The master plan proposes larger allotments with single storey dwellings to the higher elevations (275m) with medium density one and two storey developments to the residential edge (265m).

By protecting the central ridgeline, significant screening can be achieved of the potential residential areas. These development areas will be seen as two distinct parcels on either side of the ridgeline. The development of open space to the ridgeline encloses the site and creates a landscape buffer between the proposed residential areas and the escarpment of the Hills Face.

Taworri Reserve provides a significant piece of native open space. Opportunities need to be considered to link and reinforce the proposed open space with the reserve.

The masterplan considers a “rounding off” of the Tea Tree Gully residential edge and the development of a transitional low density residential character as an interface (buffer) to the natural landscape of the Hills Face.

Appendix C: Potential Criteria to Review HFZ Boundary



TRANSMITTAL

To Ian Nightingale
From Grazio Maiorano
Form of Delivery Post Courier Email Hand
Date 15 November 2010
Project Number 2009-0929
Regarding Peri-Urban Issues

Ian,

Further to our previous conversation, I have taken the opportunity to further develop the potential criteria for a review of the discussed issues. I trust these criteria may be of assistance to progress this matter.

Fairness/Hardship

1. Having regard to surrounding land uses and issues of fairness, can the site be used for an alternative land uses? (In our case we would state that the Government has permitted urban development to surround a significant portion of the land, rendering any active farming as impractical given likely noise, dust and spraying activities affecting abutting residents).

Changed Circumstances from Original Zoning

2. Has the locality of the subject site (including physical and social infrastructure) significantly changed from when the Hills Face Zone was introduced?

Public Interest

3. Does a proposed urban (or similar) rezoning of the site (or part of) assist in attaining various policies and targets of the Planning Strategy, such as meeting population targets, the provision of affordable housing, communities and social inclusion ideals and biodiversity objectives?
4. Would a proposed urban (or similar) rezoning of the site (or part of) improve fire management objectives?
5. Would a proposed urban (or similar) rezoning of the site (or part of) improve local safety/security objectives?

Suite 12 / 154 Fullarton Rd
(cnr Alexandra Avenue)
Rose Park
South Australia 5067

Telephone:
(08) 8333 7999

Facsimile:
(08) 8331 0017

mail@urps.com.au
www.urps.com.au

6. Would a proposed urban (or similar) rezoning of the site (or part of) result in a greater number of social services and facilities that will benefit existing communities (eg attraction of GPs in an existing centre)?
7. Would a proposed urban (or similar) rezoning of the site (or part of) create significant opportunities / benefits to the environment and/or community within the locality. For example, would it provide the:
 - opportunity to better manage an existing interface issue (row of uncoordinated rear fences);
 - opportunity to improve potentially inappropriate land uses (eg spraying, dust and nighttime harvesting associated with horticulture land uses)
 - opportunity to develop an innovative urban form that sits in harmony with the area and provides for environmental gains through such techniques as the use of Water Sensitive Urban Design techniques, energy efficient layout and built form ,etc.

Hills Face Zone Criteria

Regional Context

8. Whether the site is highly visible from the Adelaide Plains. A visual impact assessment undertaken by an experienced and qualified professional may be required as part of any proposal. Assessment criteria might include such matters as the topography (slope, elevation) of the site, its location and size and whether there are any ameliorating effects provided by existing vegetation or development. In particular any proposal should not result in highly visible development on the western slopes of the Mount Lofty Ranges.

Physical and Social Infrastructure

9. Whether there are any significant impediments to the provision of infrastructure to the site. Any requirements beyond that normally provided by service providers, or where upgrading or augmentation is required, could be at the expense of the developer.

Local Visual Elements

10. Whether there are significant visual elements on the site that make it particularly unique and/or highly attractive, and development of the site would fundamentally destroy the context of these elements.

Connections to the Adjacent Urban Area

11. Whether the site has easily identifiable connections to the adjacent urban area, such as a frontage to the urban area (i.e. it backs onto that area) or convenient connectivity through the road pattern or potential open space links.
12. Whether the site enables a form of urban design that is appropriate to the surrounding area, not only contextually and visually but that can also accommodate water and energy efficient development.

Contamination

13. Whether there are any likely land or water contamination issues that would preclude urban development on the site.

Natural Resources Management

14. Whether the site has been modified from its original natural state (eg it has been cleared for use for cropping, agistment or some other purpose).
15. Whether there is a risk that development on the site might result in the pollution of any watercourses or ground water.
16. Whether the site contains significant flora and/or fauna attributes that should be retained.

Land Use

17. Whether the site is being actively used for a significant activity that should be retained as it is of economic significance.
18. Whether the site is adjacent to another economic land use that is of significance and that may be adversely impacted by the development of the site.

Cultural Heritage

19. Whether the site is of Aboriginal or other heritage significance.

Hazards

20. Whether the site can be developed and managed to minimize the potential for adverse impacts from hazards, such as bushfires, flooding, land slip, etc.

If you would like to discuss this matter further, please do not hesitate to contact me on 8333 7999 or 0400 005 885.

Kind regards
Grazio Maiorano

Appendix D: GIS Analysis – HFZ Anomalies



Ref: 2009-0929

1 October 2013

Mr Sam Mercorella
584 The Parade
AULDANA SA 5072

Suite 12/154 Fullarton
(cnr Alexandra Ave)
Rose Park SA 5067

Telephone
(08) 8333 7999

mail@urps.com.au
www.urps.com.au

Dear Mr Mercorella,

Re: Review of Hills Face Zone Anomalies

Engagement

URPS was engaged Mr Salvatore (Sam) Mercorella the owner of allotment 5, contained within Certificate of Title Volume 5581 Folio 924, within the suburb of Fairview Park in the City of Tea Tree Gully.

URPS was engaged to undertake a geographic information system (GIS) analysis of allotments within the Hills Face Zone that potentially illustrate zoning anomalies.

Background

For some time, Mr Mercorella has made several representations to government explaining why the subject site should not be contained within the Hills Face Zone. These representations have been supported by a Visual Impact Assessment and Landscape Statement produced by WAX and URPS.

With the objective to illustrate to government that there are a number of anomalies within the Hills Face Zone, Mr Mercorella has requested URPS to identify such anomalies that would warrant further investigations and potential rezoning.

Approach

Selected GIS Criteria

Several GIS data sets were analysed to filter out Hills Face Zoned allotments based on the following criteria:

- allotments that have more than 30% of their perimeter (boundary) that adjoin a residential zoned allotment;
- allotments that have a land area between 1 to 20 hectares;
- allotments that don't contain any native vegetation;
- allotments that have their highest point less than 280 metres above Australian Height Datum (AHD).

Subject to ground truthing and other supporting investigations, these criteria provide a useful filtering process to determine potential Hills Face Zone anomalies.

Data Sources

GIS allotment (cadastral) data was purchased from the Department of Environment, Water and Natural Resources in August 2013. This dataset contained the extent of allotments within the Hills Face Zone. Detailed land use classifications are provided for each allotment.

Land zoned residential was identified from the Department of Planning, Transport and Infrastructure (DPTI) GIS data set *Land Development Zones*, downloaded as 'current' on May 14, 2013. This dataset consists of Planning Zones, Policy Areas and Precincts that are derived from legal planning boundaries, identified in Development Plans.

Native vegetation presence was identified using the GIS dataset *Native Vegetation Cover – Statewide* available online from the Department of Environment, Water and Natural Resources. This dataset provides coverage of the native vegetation cover based on a floristic vegetation mapping undertaken as part of the Biological Survey of SA program. The last update date on this dataset is 21 February, 2011.

Contour data was assessed using the GIS dataset *Topography - Contours 2,500*. This data layer includes 2 metre contours and has an estimated attribute accuracy of 98%.

Findings

The following maps illustrate the findings of the GIS analysis against the mentioned criteria:

- Map 1 illustrates the location of Hills Face Zone allotments that adjoin residential zoned allotments.
- Map 2 illustrates allotments in the Hills Face Zone that adjoin residential zoned allotments with no native vegetation and no land area above 280 metres AHD.
- Map 3 illustrates allotments in the Hills Face Zone adjoining land zoned residential, with no native vegetation present, no area above 280 metres AHD, having an area between 1 and 20 hectares and more than 30% of the perimeter adjoining land zone residential.
- Map 4 is essentially the same map as map 3, but more clearly identifies the final selected allotments. Mr Mercorella's site is identified with a green cross.

With reference to Map 4, the analysis concludes that there are 25 allotments that have similar characteristics to that of the subject land that should be considered for rezoning via a Development Plan Amendment process.

These 25 sites are identified in the following table.

DCDB Reference	Allotment Number	Title Description	Volume Number	Folio Number	Local Government Area
F8504 A6	6	CT	5398	231	Onkaparinga
F7241 A27	27	CT	5139	262	Onkaparinga
F31548 A100	100	CT	5183	965	Onkaparinga

DCDB Reference	Allotment Number	Title Description	Volume Number	Folio Number	Local Government Area
F212265 Q91	91	CT	5553	55	Onkaparinga
F17420 A112	112	CT	5477	464	Burnside
F162530 A181	181	CT	5358	735	Playford
F153036 A50	50	CT	5541	702	Onkaparinga
F152194 A18	18	CT	5467	794	Onkaparinga
F151061 A6	6	CT	5779	643	Onkaparinga
F148124 A88	88	CT	5770	951	Marion
<i>F146364 A5</i>	<i>5</i>	<i>CT</i>	<i>5581</i>	<i>924</i>	<i>Tea Tree Gully</i>
F130935 A1	1	CT	5246	456	Adelaide Hills
F100338 A16	16	CT	5109	62	Tea Tree Gully
D81520 A100	100	CT	6055	753	Onkaparinga
D80279 A604	604	CT	6032	179	Mitcham
D78308 A105	105	CT	6082	203	Onkaparinga
D67027 A502	502	CT	5937	289	Onkaparinga
D4896 A92	92	CT	5173	373	Burnside
D48512 A23	23	CT	5491	618	Marion
D42357 A102	102	CT	5274	818	Onkaparinga
D37830 A31	31	CT	5152	816	Onkaparinga
D34280 A3	3	CT	5082	895	Playford
D32295 A94	94	CT	5083	392	Onkaparinga
D16238 A117	117	CT	5293	361	Tea Tree Gully
D12844 A101	101	CT	5717	496	Playford

During the analysis, it was also identified that there are many examples of zone boundaries not following allotment (cadastral) boundaries. This means that allotments appear to occur across two or more Development Plan zones. Although there may be justification for this outcome, as a general rule it is considered to be good practice to ensure Development Plan Zone boundaries follow allotment boundaries. Just over 600 allotments were identified that lie within more than one zone. An example of this situation is within the suburb of Rostrevor – refer to Map 5.

Conclusion

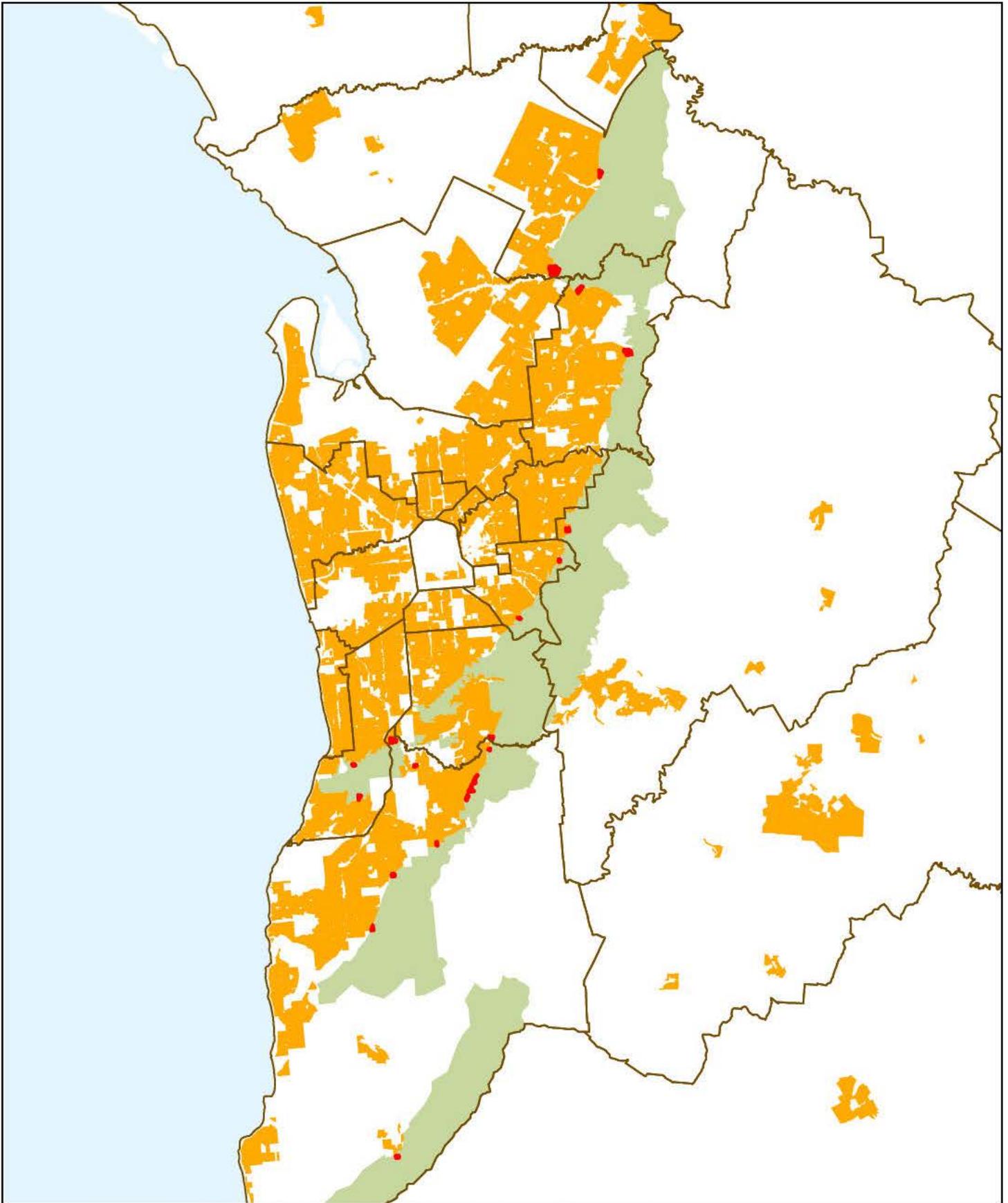
As illustrated in Map 4, there are 25 Hills Face Zone allotments that are located adjoining residential zones (including associated infrastructure services and facilities), do not contain any significant native vegetation and have land forms that may not be highly visible from the Adelaide Plains.

These Hills Face Zoning sites should be reviewed within the context that they should be investigated to determine their potential for residential (or similar) land use via a Development Plan Amendment process.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Grazio Maiorano". The signature is written in a cursive style with a prominent flourish at the end.

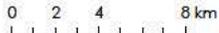
Grazio Maiorano FPIA
Director



Allotments in the HFZ adjoining land zoned residential, with no native vegetation present, no area above 280m AHD, area between 1ha and 20ha and more than 30% of the perimeter adjoining land zone residential.

-  LGA boundary
-  Identified allotments
-  Hills Face Zone
-  Development Category - Residential

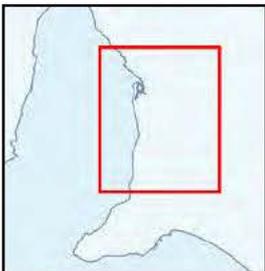
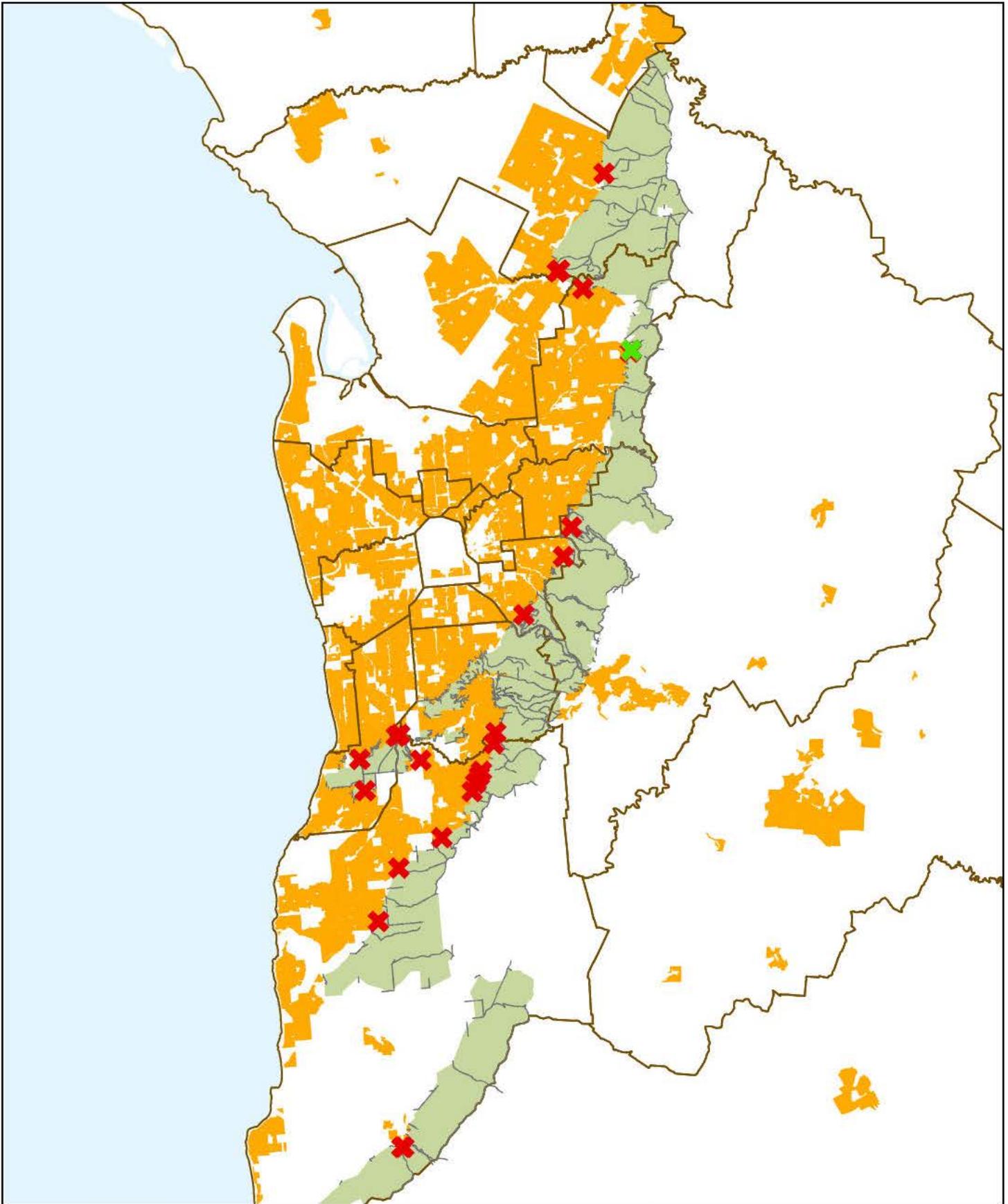
Hills Face Zone Allotment Analysis (3)

Scale: 1:350 000 (A4)  

Job Ref: 2009-0929 Prepared By: AP
Date: 11-09-2013 Revision: 1

Data Source: Department of Environment Water and
Natural Resources - allotments native vegetation
Department of Planning Transport and Infrastructure -
roads zones





Allotments in the HFZ adjoining land zoned residential, with no native vegetation present, no area above 280m AHD, area between 1ha and 20ha and more than 30% of the perimeter adjoining land zone residential.

✗ Identified allotments (Mercorella site green)

- LGA boundary
- Hills Face Zone
- Development Category - Residential

Hillsface Zone Allotment Analysis (4)

Scale: 1:354 731 (A4)



Job Ref: 2009-0929
Date: 11-09-2013

Prepared By: AP
Revision: 1

Data Source: Department of Environment Water and Natural Resources - allotments native vegetation
Department of Planning Transport and Infrastructure - roads zones



SHAPING
GREAT
COMMUNITIES



Aitken, Deb (DIT)

From: PlanSA Submissions <noreply@plan.sa.gov.au>
Sent: Friday, 16 July 2021 9:16 AM
To: DIT:PlanSA Submissions
Subject: EFPA request to vary boundaries submitted
Attachments: EFPA_Review_-_June_2021_-_letter.pdf; EFPA_Review_-_June_2021_-_letter2.pdf

Form Information

Site Name PlanSA
Site Id 578867
Page Request to vary Environment and Food Production Area boundaries
Standard Name
Page 823328
Standard Id
Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries
Submission Id 859300
Submission Time 16 Jul 2021 9:16 am
Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: Mark Reu
Postal Address: [REDACTED]
Phone Number: [REDACTED]
Mobile Number: [REDACTED]
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): Hume Reserve Road, Murray Bridge - see my letter to the Chairperson, State Planning Commission, dated 8 June 2021, for details.
Allotment ID: See my letter to the Chairperson, State Planning Commission, dated 8 June 2021, for details.
Owners: See my letter to the Chairperson, State Planning Commission, dated 8 June 2021, for details.

Requested variation details

Details of requested variation: See my letter to the Chairperson, State Planning Commission, dated 8 June 2021, for details.
Additional supporting information: See my letter to the Chairperson, State Planning Commission, dated 8 June 2021, for details.
Supporting document: EFPA_Review_-_June_2021_-_letter.pdf, type application/pdf, 706.1 KB

Map of requested variation

Map or diagram to support submission:

EFPA_Review_-_June_2021_-_letter2.pdf, type application/pdf, 706.1 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period? Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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Helen Dyer
Chairperson
State Planning Commission
PO Box 1815
ADELAIDE 5000

Mark Reu

8 June 2021

Dear Helen

Review of SA's Environment and Food Production Areas (EFPA)

I wish to make submission on the State Planning Commission's Review of the Environment and Food Production Areas (EFPA).

The submission relates to land I own in Murray Bridge – the land is township land, it is not farmland – it has no real relevance to the aims or objectives of the EFPA – its inclusion in the current EFPA is an anomaly and it should be excluded from the EFPA boundary.

As illustrated below, the land is lot 51-53 Hume Reserve Road, as shaded green, but noting I only wish to have the area marked in red excluded from the EFPA – lot 50 is owned by another landowner.

The land is strategically located next to the Murray Bridge railway/urban waterfront precinct overlooking the River Murray

A truly unique parcel of land bound to appeal to creative developers and investors.

Lot 51, 52 & 53 Hume Reserve Road Murray Bridge

- Approximately 7.26 Ha.
- Creek to Murray River runs along Northern boundary.
- Very close to town centre (5 minute walk).
- Adjacent to Railway Precinct which has been identified by Council for future tourist development and is also currently available to developers.
- Many exciting development possibilities (STCC, waterfront housing, medium density housing, marina, tourist accommodation, wetlands etc.).
- Waterfront land only 1 hour from Adelaide CBD.
- Gentle slope to North.
- Beautiful and expansive rural view to North (possible future wetlands/woodlands).
- 6 ML water license.
- Power and water connected.
- 3 phase pump and concrete tank.
- Unique architectural 4 bedroom house maximising views.
- 9m x 7m architectural garage.
- Currently Fringe Zone under investigation by Council to be identified as an area of future growth in the Murray Bridge Structure Plan. It is intended that the Structure Plan be completed by end 2011. This will open opportunity for possible Development Plan Amendment changing zone to Residential or Urban Waterfront by end 2012.

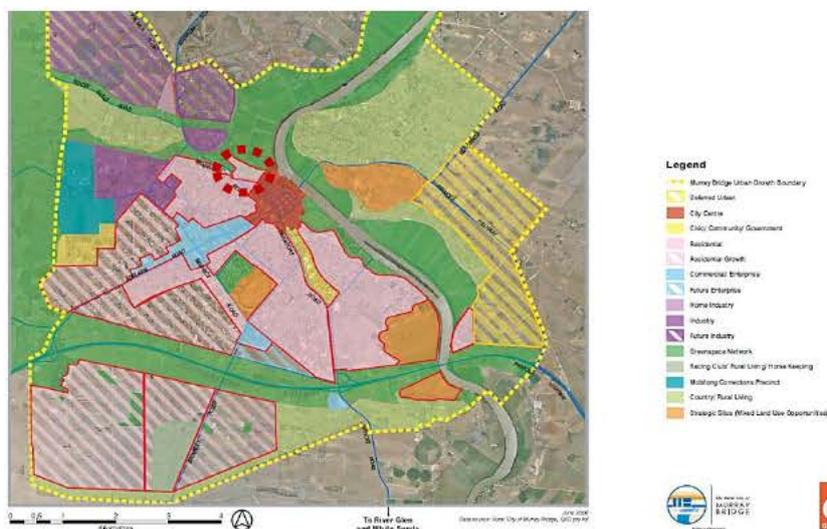
My request is supported by a range of Council planning studies, as summarised below.

Urban Growth Plan, 2007

The land was identified in the Council's Urban Growth Plan, 2007, Figure 10, for 'residential'.

Specifically, the Plan stated in part: -

'....The Land Use Plan proposes a mix of residential infill, residential expansion within existing residentially zoned land, and the staged release of a further 1,400 hectares (approximately) of land for greenfields residential development. The Land Use Plan allows for approximately 11,000 new dwellings.....Key residential development opportunities include - Infill development within existing residential areas, particularly within close proximity to the town centre and/or community services and facilities, and subject to appropriate access to services and disposal of stormwater.....'



The Structure Plan, 2013

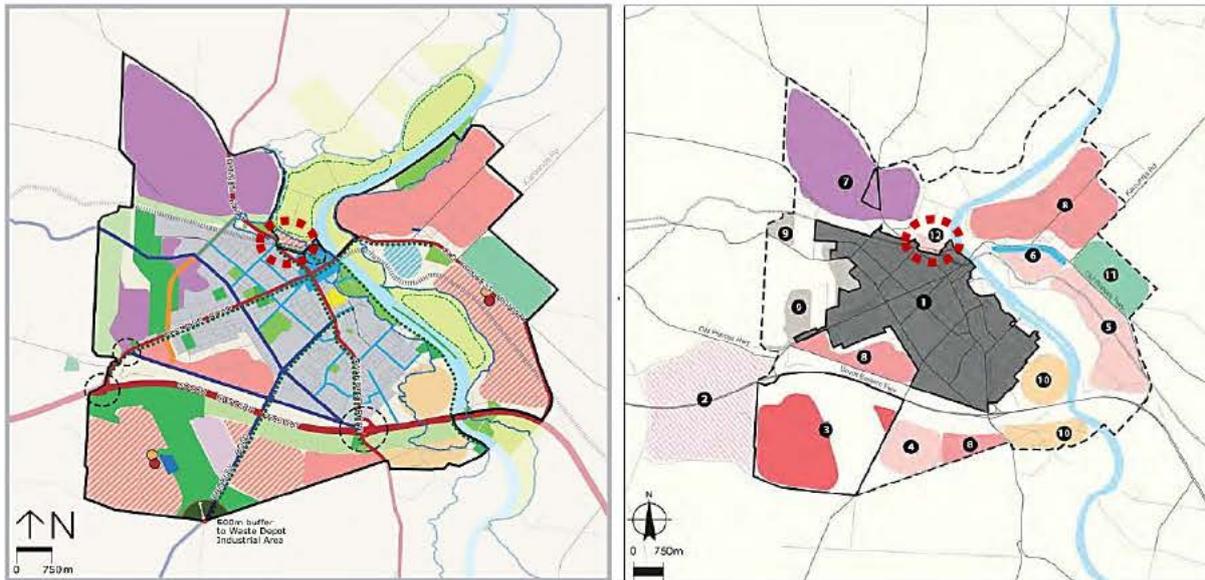
The Murray Bridge Structure Plan was developed by Council, following the review of the State Planning Strategy (30 Year Plan for Greater Adelaide and the Murray and Mallee Region Plan) and as a key pillar emanating from the Imagine Your Rural City 2020.

The Structure Plan was adopted by Council in 2013, following considerable research and consultation over several years.

My land is shown as future 'residential' in Figure 15.8 and as 'Future Residential Growth Area' within various figures in the Structure Plan – more specifically the land is earmarked as Precinct 12 Growth Area with scope for a lot yield of 30 dwellings for high quality residential waterfront development and tourist accommodation. The Structure Plan highlights the strategic location/benefits of the land with its panoramic views, scope for a unique, sustainable housing enclave and strategic location adjacent to the Regional Town Centre and Rail/Riverfront precinct.

MURRAY BRIDGE STRUCTURE PLAN

Figure 10.0: Structure Plan



Strategic Directions Report and Priority Action Plan 2013

My land was also identified for a high priority DPA in the Council's Strategic Directions Report and Priority Action Plan 2013, Years 1-3 through the Urban Waterfront DPA.

Residential Growth Study - Jensen Report 2014

The Council commissioned a further Residential Growth Study in 2014 – it also identified the land for future urban growth options and made clear recommendations regarding urban design elements, density and the like.

I look forward to your support and that you please let me know the outcome of my submission.

Yours faithfully

Mark Reu

[Redacted signature block]

CC – Geoff Parsons, Rural City of Murray Bridge

From: PlanSA Submissions <noreply@plan.sa.gov.au>
Sent: Friday, 30 July 2021 3:41 PM
To: Victory, Tom (AGD)
Subject: EFPA request to vary boundaries submitted
Attachments: Traeger_submission_1.pdf

Form Information

Site Name PlanSA
Site Id 578867
Page Request to vary Environment and Food Production Area boundaries
Standard Name
Page 823328
Standard Id
Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound
Submission 878615
Id
Submission 30 Jul 2021 3:40 pm
Time
Submission [14.2.120.156](https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound)
IP Address

Contact and land details

Your Name and contact details

Name: Craig Rowe of C L Rowe and Associates Pty Ltd
Postal Address: [REDACTED]
Phone Number: [REDACTED]
Mobile Number: [REDACTED]
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): 1118A and 1118B Port Elliot Road, Middleton
Allotment ID: Certificate of Title Volume 5380 Folios 691 and 692
Owners: Beverley, Alwin and Glen Traeger

Requested variation details

Details of requested variation:

It is requested that the subject land be removed from the EFPA. The subject land was zoned "Rural Fringe" for over 30 years, the provisions of which spoke in favour of the land being developed for future urban purposes. Inexplicably, the Alexandrina Council rezoned the land to "Primary Production" in 2014. Council subsequently realised that this was an error and attempted to rectify the anomaly in 2015 by way of a DPA. This was unsuccessful because the proposed use of the land (rural living) was at odds with the Greater Adelaide Plan and the then newly introduced EFPA provisions. The current inquiry is the first opportunity that Alexandrina Council and the landowners have had to address the anomaly. Alexandrina Council supports the removal of the subject land from the EFPA so that a Code Amendment can be initiated to rectify its

previous mistake. The subject land comprises 10 hectares of environmentally significant wetland, as well as a sand mine (two current mining leases) and an earthmovers/transport depot. In addition, it should be noted that, due to poor (sandy) soil conditions, the subject land is not utilised for any productive agricultural purpose. Information supporting this proposal is attached; and has also been emailed to PlanSA@sa.gov.au.

Additional supporting information:

Supporting document: Traeger_submission_1.pdf, type application/pdf, 4.7 MB

Map of requested variation

Map or diagram to support submission: No file uploaded

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?: Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

Information contained in this email message may be confidential and may also be the subject of legal professional privilege or public interest in community. Access to this email by anyone else is unauthorised. If you are not the intended recipient, any use, disclosure or copying of this document is unauthorised and may be unlawful.

28 July 2021

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

Dear Sir/Madam

Re: Environment and Food Production Area Inquiry

I write on behalf of Beverley, Alwin and Glen Traeger, the owners of the land comprising allotments 3 and 4, numbers 1118A and 1118B Port Elliot Road, Middleton.

Please note, this is an addendum to my initial submission dated 10 January 2020.

It is acknowledged that the provisions of Section 7 (3) of the Planning Development and Infrastructure Act 2016 establish circumstances under which the State Planning Commission (the Commission) can vary an Environment and Food Production Area (EFPA). My interpretation of these legislative provisions is that any proposed variation needs to either address a lack of land supply within the Greater Adelaide area (as determined by the Commission) or be "trivial in nature and address a "recognized anomaly".

The following additional information addresses the aforementioned criteria. For the sake of clarity and ease of presentation, the additional information, comments and opinions have been provided under key issue headings.

1. Recognized Anomaly

1.1 For at least 33 years (i.e. 1981 to May 2014) the subject land was zoned "Rural Fringe", the provisions of which specifically anticipated the future urban development of all of the land within the zone; and opposed the conduct of any form of land use which would jeopardise the achievement of the anticipated future urban development.

1.2 In May 2014 the zoning of the subject land was changed to Primary Production as part of Alexandrina Council's BDP Development Plan Amendment. On review, Council considered the primary production zoning to be inappropriate and inconsistent with the physical capabilities of the land. Council acknowledged this error and sought (albeit unsuccessfully) to remedy the situation in 2015 via the "Middleton Rural Living & Conservation Zones Development Plan Amendment Statement of Intent".

- 1.3 In August 2019 Alexandrina Council reaffirmed its *“support in having the Environment and Food Production Area located over 1118A and 1118B Port Elliot Road, Middleton reviewed with the view to removing this land from the Environment and Food production Area and included within an area specifically designated for future rural living development”*. A copy of correspondence from Council to this effect has been provided with the submission documentation. It is also understood that Alexandrina Council’s support for the proposed removal of the subject land from the EFPA forms part of the Council’s submission in respect to the Inquiry.
- 1.4 The stated purpose of the EFPA is to protect vital agricultural lands surrounding metropolitan Adelaide from urban encroachment. The subject land comprises approximately 11.0 hectares of wetland which is of environmental significance and is worthy of preservation. This can be achieved via a Native Vegetation Heritage Agreement. The remaining 20 hectares exhibits poor (sandy) soil characteristics and, as such, is not considered to be of “primary production significance”. This has been the finding of Primary Industries and Resources SA on two separate occasions (2004 and 2011); and is an assessment seemingly supported by the original 30 Year Plan for Greater Adelaide. The fact that the subject land has long accommodated a sand mine (“Middleton Sand”) and a depot (“Traegers Earthmoving and Transport”) seemingly indicates the true agricultural value and/or land use capabilities thereof. It is also noted that the existing mining leases afford renewal rights. Given these circumstances, the subject land is not, and cannot be, utilized for viable/productive agricultural purposes. This situation is unlikely to change if the land remains in the EFPA. Accordingly, the removal of the subject land from the EFPA should have no impact upon the current overall agricultural productivity of the EFPA.

2. Trivial Variation

- 2.1 The term “trivial in nature” has not been defined by the Commission. I have taken it to mean unexceptional and/or of little importance.
- 2.2 The subject land comprises only approximately 31.0 hectares of land. This area of land is miniscule when compared to the 800,000 or more hectares (total) of land which lay within a designated EFPA.
- 2.3 The potential ramifications of removing the subject land from the EFPA would likely be negligible but positive. No productive agricultural land would be lost; the existing wetland which is located upon portion of the subject land would be preserved and protected; and, if able to be developed in the future, the subject land could potentially accommodate 40 – 80 additional rural living allotments which may offset (in part) the loss of a significant number of previously anticipated allotments at North Goolwa (refer 3.5).

- 2.5 The subject land is located at the periphery of the township of Goolwa, adjacent existing residential development and several non-residential land uses (i.e. a small golf course and a waste transfer station). The removal of the subject land from the EFPA would likely result in little, if any, impact upon the physical appearance and/or character of the immediate locality.
- 2.6 Small areas of exclusion are not uncommon within the EFPA, especially in relation to areas adjacent to and/or including townships.

3. Land Supply

- 3.1 The Commission's Statement of Position concludes that there is sufficient land supply in Greater Adelaide to support housing and employment growth over the next 15 years. This may be the case but there is doubt about the accuracy and applicability of some of the data utilized.
- 3.2 The "Land Supply Report for Greater Adelaide" (the Report), as prepared by PlanSA and published on the 2nd June 2021, is based on old Census data and unsound future growth assumptions and, as such, is considered to be unreliable.
- 3.3 In 2016 the online Census website experienced a series of attacks and was unavailable for a long period. The actual impact on data quality is uncertain, but there is a perception that the Census quality was significantly affected. Regardless, the data is now five (5) years old. Furthermore, it appears that the Report has not taken into account circumstances (including population growth; decentralized living trends; the general impact of Covid 19; increased housing demands; and changed working arrangements) of the past five years which have resulted in increased demands for land and dwellings in the regional and coastal areas. Accordingly, it is suggested that a more detailed and accurate review of the land supply within the regions across Greater Adelaide needs to be undertaken, and another Inquiry initiated once the results of this review are known.
- 3.4 The Report (Part 1: Greenfield) refers to six (6) regions, yet the overall conclusion that there is ample land stock relates to the whole of the Greater Adelaide area. It is considered that land supply should be determined on a regional basis, taking into account the different characteristics; demographic trends; availability of land; and housing/land demand within the individual regions. Economic growth and employment opportunities within regional areas can be affected by the vibrancy of the local building industry. This being the case, it would be prudent that each region contain at least its quota of the required 15 year land reserve, so as to ensure equitable opportunity between the regions to meet market demand. Such arrangements could be reviewed on a regular basis and amended in accordance with the prevailing trends.

3.5 The Report (Part 1: Greenfield, 5. Township Land Supply – Fleurieu Peninsula) contains several references to *“a rezoning proposal currently under consideration which seeks to rezone Future Urban growth area land in Goolwa to residential”* (i.e. the Goolwa North Growth Area DPA). The Report anticipates 7,666 additional allotments on Future Urban growth area land within and about the township of Goolwa, included in which is the land affected by the aforementioned DPA. At its meeting on Monday 19th July 2021, Alexandrina Council resolved *“That Council not proceed with the proposed plan for the future development of land at Goolwa North for residential purposes as promoted by the North Goolwa Growth DPA”*. This decision of Council has significant implications in regard to the potential future residential land stock in and about the township of Goolwa, and in the Fleurieu Region in general. Indeed, it is suggested that the Report should be reviewed in light of this decision.

For the reasons espoused herein, the Commission is requested to review the inclusion of the subject land within an EFPA. It is considered that such an amendment would be trivial in nature and address a planning anomaly which has long been recognized by Alexandrina Council.

I look forward to the Commission’s assistance and support in regard to this matter; and seek the opportunity to address the Commission in support of this submission.

Should you require any additional information or wish to discuss the subject matter, please do not hesitate to contact the undersigned on telephone [REDACTED]

Yours faithfully



Craig Rowe MPA

C L ROWE AND ASSOCIATES PTY LTD

ALEXANDRINA COUNCIL
OFFICE OF THE MAYOR



File: 3.71.042
Doc:
MvdP:MD

23 August 2019

Mr A & Mrs B Traeger



Dear Mr & Mrs Traeger

**ENVIRONMENT & FOOD PRODUCTION AREA – 1118A & 1118B PORT ELLIOT ROAD,
MIDDLETON**

Please accept this letter as Council's support in having the Environment and Food Production Area located over 1118A and 1118B Port Elliott Road, Middleton reviewed with the view to removing this land from the Environment and Food Production Area and included within an area specifically designated for future rural living development.

At the Council meeting held on 19 August 2019, the following resolution was carried unanimously (ACM19240).

Moved by Cr Carter Seconded by Cr Rebbeck

That Council resolves to:

- (a) *Reaffirm its support for the future rezoning of the land at 1118A and 11188B Port Elliot Road, Middleton to enable the future use for rural living development (the form and scale of which is to be determined by Council at an appropriate future time);*
- (b) *Reaffirm its support to rezone the environmentally sensitive land which is located in and about the subject land, to Coastal Conservation or a similar appropriate conservation zoning.*
- (c) *Support the endeavours of A, B and G Traeger, the owners of the subject land, in the preparation and lodgement of a formal submission to the State Planning Commission seeking a review of the existing boundary of the Environment and Food Production Area (EFPA) with the view to removing the subject land from a designated EFPA and having it included within an area specifically designated for the future rural living development, and*

- (d) *Prepare and urgently forward correspondence outlining Council's support, as per (c) above, to A, B and G Traeger.*

Council acknowledges your recognition of the Tokuremoar Reserve as some of the last and least disturbed indigenous cultural sites and remaining foreshore dune habitat of its type on the Fleurieu Peninsula, in addition to the benefits achieved through the cessation of the sand mine and road transport/landscaping/earthmoving uses currently operating on the land.

If you require any further assistance in the preparation and lodgement of a formal submission to the State Planning Commission, please do not hesitate to contact Mark van der Pennen, General Manager Growth, at Council on 8555 7000.

Yours sincerely



Keith Parkes
Mayor

LOCALITY
(Proximity to existing residential development)



PROPOSAL FEATURES



1. Demolish cottage

2. Remove and rehabilitate transport depot

3. Preserve and protect wetlands

4. Relinquish mining leases

5. Close and rehabilitate mine

6. Retain and protect lake

10 January 2020



Urban & Regional Planners
Local Government Consultants

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

PO Box 573
Goolwa SA 5214

t: 0430 348 377
e: clowe@internode.on.net

Dear Sir/Madam

We write on behalf of Beverly, Alwin and Glenn Traeger, the owners of the properties at 1118A and 1118B Port Elliot Road, Middleton (the subject land). This is the land to which Certificates of Title Volume 5380 Folios 691 and 692 refer.

The subject land is located within the prescribed Environment and Food Production Area, the stated objective of which is to protect vital agricultural lands surrounding metropolitan Adelaide from urban encroachment.

We are aware that Sections 7 (8) and (9) of the Planning, Development and Infrastructure Act 2016 afford the State Planning Commission (the Commission) the opportunity to vary an environmental and food production area, subject to the conduct of an inquiry and the presentation of a report on the outcome of the inquiry to the Minister. We are also aware from consultation with DPTI staff (i.e. Alex Mackenzie, Manager, Planning Reform Implementation, Planning and Land Use Services; and Greg Slattery, Principal Planner) that there is a possibility that the Commission may initiate an inquiry into possible changes to environment and food production area boundaries later this year.

The purpose of this correspondence is to request that the Commission, as a part of any future "inquiry", review the circumstances pertaining to the subject land with the view to removing it from the environment and food production area. The following information is provided to support the request for review.

1. At its meeting on the 19th August 2019, Alexandrina Council resolved to:
 - (a) reaffirm its support for the rezoning of the subject land to enable the future use for rural living development (the form and scale to be determined by Council at an appropriate future time);
 - (b) reaffirm its support to rezone the environmentally sensitive land which is located in and about the subject land to Coastal Conservation or a similar appropriate conservation zoning; and
 - (c) support the preparation and lodgement of a formal submission to the State Planning Commission seeking a review of the existing boundary of the Environment and Food Production Area (EFPA) with the view to removing the subject land from a designated EFPA and having it included within an area specifically designated for future rural living development.

A copy of correspondence from Alexandrina Council is provided in Attachment 1.

2. For at least 33 years (i.e. 1981 to May 2014) the subject land was zoned "Rural Fringe", the provisions of which specifically anticipated the future urban development of all of the land within the zone; and opposed the conduct of any form of land use which would jeopardise the achievement of the anticipated future urban development.

In May 2014 the zoning of the subject land was changed to Primary Production as part of Alexandrina Council's BDP Development Plan Amendment. On review, Council considered the primary production zoning to be inappropriate and inconsistent with the physical capabilities of the land. Council acknowledged this error and sought (albeit unsuccessfully) to remedy the situation in 2015 via the "Middleton Rural Living & Conservation Zones Development Plan Amendment Statement of Intent".

3. The subject land comprises approximately 20.0 hectares of unproductive open land and approximately 11.0 hectares of wetland.
4. The areas of remnant native vegetation and wetlands located upon the subject land are considered to be of environmental significance. In 2014 the then Department of Environment, Water and Natural Resources advised that *"the indigenous sites, the foreshore dune and Paper-bark swamp habitats present in the wetland as a whole are amongst the most significant on the Fleurieu Peninsula. The adjacent downstream swampland, called Tokuremoar Reserve, is one of the last undeveloped coastal sites between Goolwa and Victor Harbor and provides a special opportunity to experience the natural value of the coastline."*

Alexandrina Council's environmental staff concur with the aforementioned assessment, having formed the opinion that the wetlands has sufficient conservation and heritage value to warrant preservation and restoration, given that the wetland contains some of the least disturbed indigenous cultural heritage sites and some of the last remaining foreshore dune habitats of its type on the Fleurieu Peninsula.

Aerial photograph 1 indicates the location and extent of the wetland; whilst Photographs 1 – 4 provide examples of the natural landscape.

It is intended that:

- the wetland located upon the subject land will be protected by a Native Vegetation Heritage Agreement under the provisions of the Native Vegetation Act 1991; and
- ownership of the wetland located upon the subject land will, at the agreement of the Ngarrindjeri Aboriginal Corporation, be transferred (at no expense) to the Ngarrindjeri nation.

Aerial photograph 1: Subject land (location and extent of wetlands)



Photographs 1 – 4: Existing wetland



5. Approximately 20 hectares of subject land is undulating rural land which exhibits a long established (40 or more years), fully operational sand mine ("Middleton Sand"); and a depot ("Traegers Earthmoving and Transport"). Both of the land uses are lawful and active; and the sand mine (Extractive Minerals Lease numbers 4658 and 6135) covers most of the aforementioned 20 hectares (refer Aerial photograph 2). The existing leases afford renewal rights.

Aerial photograph 2: Extent of existing mining leases.



Photographs 5 - 8 indicate the scale of the mining operation; and Image 1 is an electronically generated impression of the ultimate extent/scale of the mining operation, taking into account the boundaries of the current lease arrangements.

Photographs 5 - 8: Existing sand mine



Image 1: Potential extent/impact of the mining leases.



6. According to the report "*Agricultural Significance Assessment for Selected Inner Region Townships*", as prepared by Primary Industries and Resources SA, Development and Planning Policy Unit, in March 2004, the subject land was assessed as having a very low retention priority from an agricultural basis. The immediate locality was classified as dunes, calcrete rises and back swamps with low agricultural potential apart from rough grazing. Relevant extracts from the cited report have been provided in Attachment 2.
7. The subject land does not lay within any primary production priority area, as identified by Primary Industries and Resources SA (for Alexandrina Council) in 2011, primarily because it was excluded from consideration on the basis of the objectives and intent of the then existing Rural Fringe Zone (i.e. future urban development) and physical considerations (i.e. the existing sand mine, depot, wetlands and remnant native vegetation).
8. None of the subject land was identified as an area of "primary production significance" according to Map E8 in the initial version of the 30 Year Plan for Greater Adelaide (refer Attachment 3).
9. The subject land does not constitute an independent, economically viable agricultural unit due to its physical and size constraints. It is also considered unlikely that the owners of any of the neighbouring properties would be interested in purchasing the subject land to enhance their property holdings, given the likely purchase cost; the limited agricultural production potential of the subject land; the physical impact and impediment on the subject land by the existing sand mining operation; and the small size and nature of use of the neighbouring allotments (i.e. primarily open rural allotments ranging in area from 4,000m² to over 25 hectares).
10. Site contamination assessment of the subject land, as undertaken by Arris Pty Ltd (agricultural and environmental consultants) in 2015 revealed no problematic hydrocarbon or metallic contamination; no landfill gas risk; and/or no acid sulphate soil concerns. These findings suggest that the subject land is suitable for future urban development, as an alternative to the current, high impact mining and depot land uses, and/or any form of agricultural land use which will likely be both unproductive and unviable. A copy of this report can be provided upon request.

In summary, the stated purpose of the EFPA is to protect vital agricultural lands surrounding metropolitan Adelaide from urban encroachment. It is our contention that the subject land does not constitute vital agricultural land; and that there are compelling reasons why the land should not be included within an EFPA.

It is acknowledged and accepted that portion of the subject land (i.e. the wetland) is of environmental significance and is worthy of preservation. This can be achieved via a Native Vegetation Heritage Agreement rather than protection under Section 7 of the Planning, Development and Infrastructure Act 2016.

The remainder of the subject land exhibits poor (sandy) soil characteristics and, as such, is not considered to be of "primary production significance". This has been the finding of Primary Industries and Resources SA on two separate occasions (2004 and 2011); and is an assessment seemingly supported by the original 30 Year Plan for Greater Adelaide.

Further, the fact that the subject land has long accommodated non-agricultural land uses (i.e. a sand mine and an earth moving/transport depot) seemingly indicates the true agricultural value and/or land use capabilities thereof.

Finally, during the period 1981 – 2014 the subject land was zoned to accommodate future urban growth. The previous longstanding Rural Fringe zoning may have, in part, reflected the assessment of the rural capabilities of the subject land by the local planning authority (Alexandrina Council). This zoning was changed to Primary Production in 2014, however, in 2015 Alexandrina Council acknowledged that the rezoning was an error and attempted to rectify the anomaly, albeit unsuccessfully, by way of a Development Plan Amendment which sought to rezone the subject land to appropriate conservation and rural living zonings.

The position of Alexandrina Council has not altered, and was reaffirmed by way of a formal resolution made in August 2019 which supported the rezoning of the subject land to enable the future use thereof for rural living purposes; the rezoning of the environmentally sensitive wetland which is located in and about the subject land to an appropriate conservation zoning; and a formal submission to the State Planning Commission seeking to remove the subject land from a designated EFPA. If successful, the latter will afford the opportunity for Alexandrina Council to pursue the introduction of more appropriate zoning provisions, including greater protection for the environmentally sensitive wetlands.

For the reasons espoused herein, the Commission is requested to review the inclusion of the subject land within an EFPA at the earliest opportunity.

We look forward to the Commission's assistance and support in regards to this matter, and seek the opportunity to meet with the Commission to discuss the subject matter.

Should you require any additional information or wish to discuss the subject matter, please do not hesitate to contact the undersigned on telephone [REDACTED]

Yours faithfully



Craig Rowe MPA

C L ROWE AND ASSOCIATES PTY LTD

ATTACHMENT 1

ALEXANDRINA COUNCIL LETTER OF SUPPORT

ALEXANDRINA COUNCIL
OFFICE OF THE MAYOR



File: 3.71.042
Doc:
MvdP.MD

23 August 2019

Mr G Traeger
[REDACTED]

Dear Mr Traeger

**ENVIRONMENT & FOOD PRODUCTION AREA – 1118A & 1118B PORT ELLIOT ROAD,
MIDDLETON**

Please accept this letter as Council's support in having the Environment and Food Production Area located over 1118A and 1118B Port Elliott Road, Middleton reviewed with the view to removing this land from the Environment and Food Production Area and included within an area specifically designated for future rural living development.

At the Council meeting held on 19 August 2019, the below resolution was carried unanimously (ACM19240).

Moved by Cr Carter Seconded by Cr Rebbeck

That Council resolves to:

- (a) *Reaffirm its support for the future rezoning of the land at 1118A and 1118B Port Elliot Road, Middleton to enable the future use for rural living development (the form and scale of which is to be determined by Council at an appropriate future time);*
- (b) *Reaffirm its support to rezone the environmentally sensitive land which is located in and about the subject land, to Coastal Conservation or a similar appropriate conservation zoning.*
- (c) *Support the endeavours of A, B and G Traeger, the owners of the subject land, in the preparation and lodgement of a formal submission to the State Planning Commission seeking a review of the existing boundary of the Environment and*

11 Cadell Street (PO Box 21) Goolwa SA 5214
www.alexandrina.sa.gov.au

T 08 8555 7000 F 08 8555 3603 E alex@alexandrina.sa.gov.au

ABN 20 785 405 351

Food Production Area (EFPA) with the view to removing the subject land from a designated EFPA and having it included within an area specifically designated for the future rural living development, and

- (d) *Prepare and urgently forward correspondence outlining Council's support, as per (c) above, to A, B and G Traeger.*

Council acknowledge your recognition of the Tokuremoar Reserve as some of the last and least disturbed indigenous cultural sites and remaining foreshore dune habitat of its type on the Fleurieu Peninsula, in addition to the benefits achieved through the cessation of the sand mine and road transport/landscaping/earthmoving uses currently operating on the land.

If you require any further assistance in the preparation and lodgement of a formal submission to the State Planning Commission, please do not hesitate to contact Mark van der Pennen, General Manager Growth on 8555 7000.

Yours sincerely

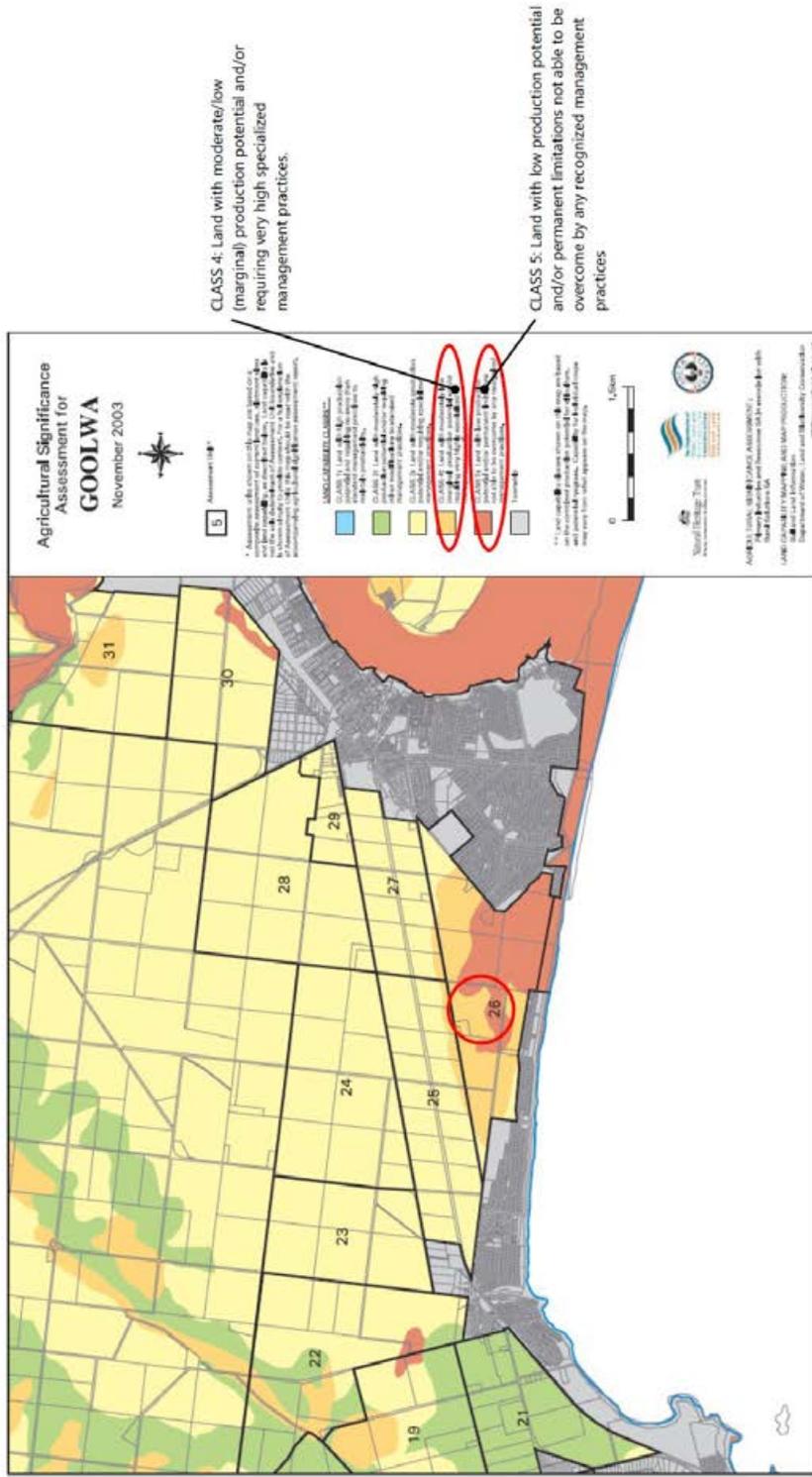


Keith Parkes
Mayor

ATTACHMENT 2

**EXTRACT FROM "AGRICULTURAL SIGNIFICANCE ASSESSMENT OF
SELECTED INNER REGION TOWNSHIPS, MARCH 2004"**

"AGRICULTURAL SIGNIFICANCE ASSESSMENT OF SELECTED INNER REGION TOWNSHIPS, MARCH 2004"



GOOLWA — Agricultural Significance Assessment, November 2003.

General Comments: Goolwa is surrounded by dunes and gently sloping land, which has historically been used for dryland cropping and hay, with some areas of irrigated pasture using water from Currency Creek and the Lakes. While the land north of Goolwa is not considered particularly suitable for horticulture, it is well suited to dryland cropping. Major horticultural development adjacent to Goolwa is unlikely because of better soil and water options elsewhere in the district.

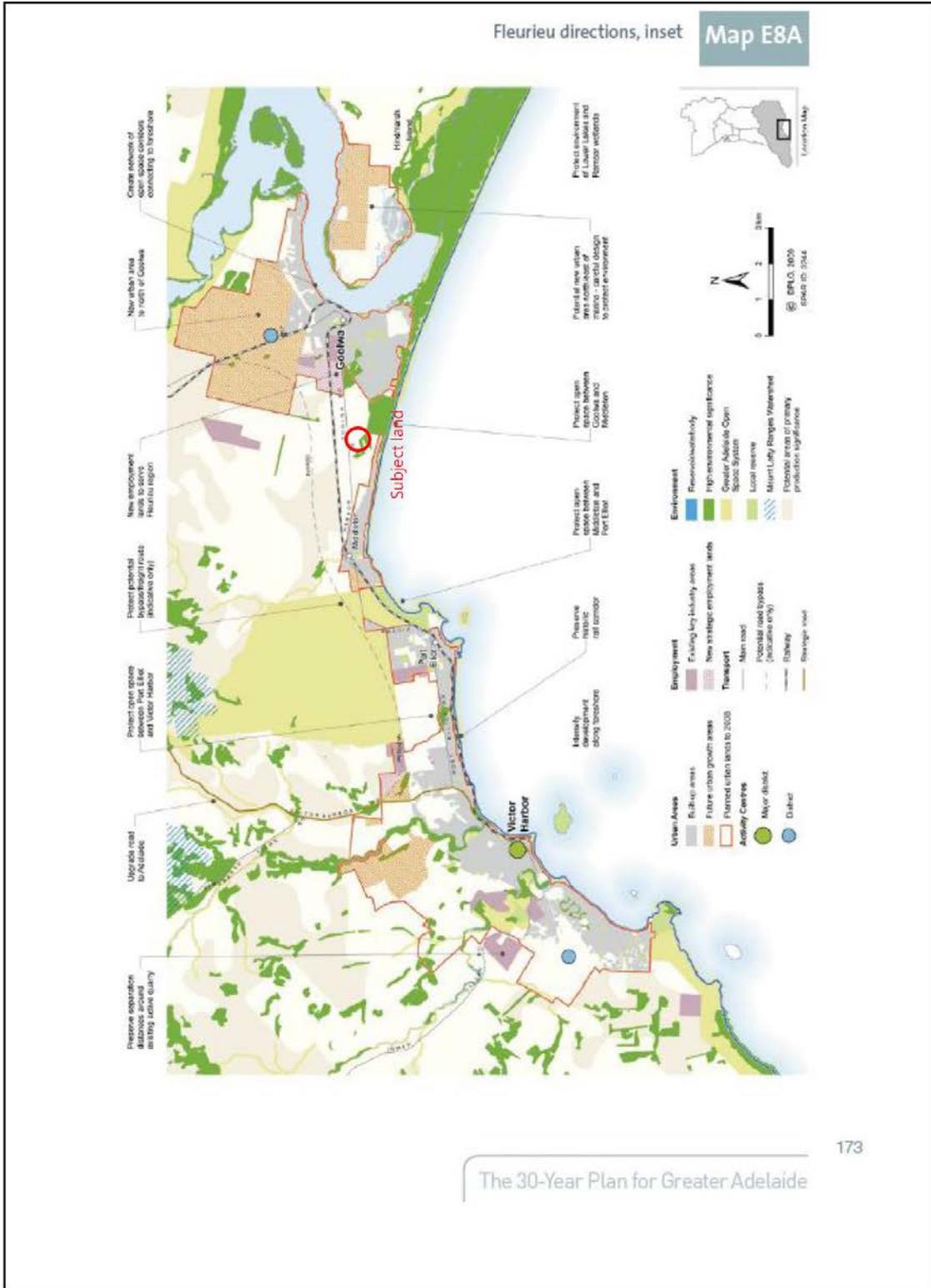
Unit No.	Zoning**	Features/Comments	Agricultural Assessment	Priority for Retention
21*	LI(PEG) and RuF Alex/54	Gentler slopes under the escarpment. Used for grazing, cropping and hay-cutting. Some large rural living blocks and vines.	II b	moderate
22*	GF(PEG) Alex/53, 55	Low hills, slopes and valleys. Used for grazing, cropping and hay-cutting. Large allotments.	II-V b	moderate-high
23	GF(PEG) Alex/53, 55	Piedmont slopes and gentle slopes used for cropping, grazing and hay-cutting with some horses. Large allotments.	III-II b	moderate-high
24	GF(PEG) Alex/53, 55	Piedmont slopes and gentle slopes used for cropping, grazing and hay-cutting. Some horses. Large allotments.	III-II b	moderate-high
25	GF(PEG) and RuF Alex/55	Gentle slopes, flats and back-swamps used for grazing, some cropping and hay-cutting. Some horses and rural living. Smaller allotments.	III-IV b/c	low
26	RuF Alex/55	Dunes, calccrete rises and back-swamps adjacent to urban area on fore-dune. Low agricultural potential apart from rough grazing.	IV-V c	very low
27	GF(PEG) and RuF Alex/55, 56	Gentle slopes, flat and back-swamps used for grazing, some cropping and hay-cutting. Some horses and rural living. Smaller allotments.	III-IV c/c (some II b)	low
28	GF(PEG) and RuF Alex/55, 56, 62	Gently undulating plain and gentle slopes used for cropping, grazing and hay-cutting. Some horses. Large allotments.	III-II b	moderate-high
29	GF(PEG) and RuF Alex/55, 56, 62	Gently undulating plain and gentle slopes used predominantly for rural living and grazing. Effluent pond.	III c	very low
30	GF(PEG) Alex/56, 62	Gently undulating plain and gentle slopes used for cropping, grazing and hay-cutting. Historically used for dairying, including some irrigated pastures. Large allotments.	III-II b	moderate
31	GF(PEG) and Con Alex/51, 56, 62	Gently undulating plain and gentle slopes used for cropping, grazing and hay-cutting. Historically used for dairying, including irrigated pastures. Frontage to Currency creek. Some potential for horticulture.	III-II b/a	moderate-high

*See Port Elliot map for assessment units 21-22.

** Zoning for assessment units surrounding Goolwa appears on maps in the Alexandria Council (Alex...) Development Plan. Relevant zoning codes on those maps are as follows: LI(PEG) = Landscape (Port Elliot Goolwa District); RuF = Rural Fringe; GF(PEG) = General Farming (Port Elliot Goolwa District); Con = Conservation

ATTACHMENT 3

MAP E8 - INITIAL VERSION OF THE 30 YEAR PLAN FOR GREATER ADELAIDE



ALEXANDRINA COUNCIL
OFFICE OF THE MAYOR



File: 3.71.042
Doc:
MvdP:MD

23 August 2019

Mr G Traeger
[REDACTED]

Dear Mr Traeger

**ENVIRONMENT & FOOD PRODUCTION AREA – 1118A & 1118B PORT ELLIOT ROAD,
MIDDLETON**

Please accept this letter as Council's support in having the Environment and Food Production Area located over 1118A and 1118B Port Elliott Road, Middleton reviewed with the view to removing this land from the Environment and Food Production Area and included within an area specifically designated for future rural living development.

At the Council meeting held on 19 August 2019, the below resolution was carried unanimously (ACM19240).

Moved by Cr Carter Seconded by Cr Rebbeck

That Council resolves to:

- (a) *Reaffirm its support for the future rezoning of the land at 1118A and 1118B Port Elliot Road, Middleton to enable the future use for rural living development (the form and scale of which is to be determined by Council at an appropriate future time);*
- (b) *Reaffirm its support to rezone the environmentally sensitive land which is located in and about the subject land, to Coastal Conservation or a similar appropriate conservation zoning.*
- (c) *Support the endeavours of A, B and G Traeger, the owners of the subject land, in the preparation and lodgement of a formal submission to the State Planning Commission seeking a review of the existing boundary of the Environment and*

Food Production Area (EFPA) with the view to removing the subject land from a designated EFPA and having it included within an area specifically designated for the future rural living development, and

- (d) *Prepare and urgently forward correspondence outlining Council's support, as per (c) above, to A, B and G Traeger.*

Council acknowledge your recognition of the Tokuremoar Reserve as some of the last and least disturbed indigenous cultural sites and remaining foreshore dune habitat of its type on the Fleurieu Peninsula, in addition to the benefits achieved through the cessation of the sand mine and road transport/landscaping/earthmoving uses currently operating on the land.

If you require any further assistance in the preparation and lodgement of a formal submission to the State Planning Commission, please do not hesitate to contact Mark van der Pennen, General Manager Growth on 8555 7000.

Yours sincerely



Keith Parkes
Mayor

EXTENT OF EXISTING MINING LEASES



From: PlanSA Submissions <noreply@plan.sa.gov.au>
Sent: Friday, 23 July 2021 3:46 PM
To: DIT:PlanSA Submissions
Subject: EFPA request to vary boundaries submitted
Attachments: 210723_v2_Submisison_to_EFPA_Review_49_Cricklewood_Road_Aldgate.pdf;
Map_for_EFPA_lodgement.pdf

Form Information

Site Name PlanSA
Site Id 578867
Page Request to vary Environment and Food Production Area boundaries
Standard Name
Page 823328
Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound

Submission Id 874963

Submission Time 23 Jul 2021 3:46 pm

Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: Marcus Rolfe obo Dr S and Ms J Brumby
Postal Address: [REDACTED]
Phone Number: [REDACTED]
Mobile Number:
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): 49 Cricklewood Road, Aldgate

Allotment ID: Lot 1 in F13704 CT:5952/823 Valuation Number: 3301501064
Owners: Dr S and Ms J Brumby

Requested variation details

Details of requested variation: See Attached Submission

Additional supporting information: See Attached Submission

Supporting document: 210723_v2_Submisison_to_EFPA_Review_49_Cricklewood_Road_Aldgate.pdf, type application/pdf, 720.8 KB

Map of requested variation

Map or diagram to support submission: Map_for_EFPA_lodgement.pdf, type application/pdf, 226.0 KB

Public hearing

Do you wish to appear
in person to discuss
your submission with
the State Planning
Commission at a
public hearing
following the close of
the submission
period?:

Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name: Marcus Rolfe Director URPS
Address: Suite 12/154 Fullarton Road, Fullarton Road, Rose Park SA 5067
Phone number: 8333 7999
Mobile number:
Email: mrolfe@urps.com.au

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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23 July 2021

Helen Dyer
Chair
State Planning Commission
GPO Box 1815
Adelaide SA 5001

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12/154 Fullarton Rd
Rose Park, SA 5067
08 8333 7999

Melbourne
29-31 Rathdowne St
Carlton, VIC 3053

03 8593 9650

urps.com.au

Dear Helen

EFPA Review Submission – 49 Cricklewood Road, Aldgate

Introduction

Thank you for the opportunity to provide a submission to the State Planning Commission's (SPC) first review of the Environment and Food Production Areas (EFPA) established in 2017.

URPS acts on behalf of Dr Scott and Ms Jodi Brumby who own and reside at 49 Cricklewood Road, Aldgate. Dr and Mrs Brumby have sought our assistance to prepare this written submission to the EFPA review.

Dr and Ms Brumby were intending to lodge a Development Application to subdivide their property into two allotments in 2016. Despite gaining in-principal support from the planners at both Adelaide Hills Council and the State Government, the application of the EFPA prohibited progression of this proposal.

There is clear evidence that the application of the EFPA in this location is an "anomaly" and the variation of the EFPA GRO Plan or the PDI Act in this location would be "trivial" in nature.

Subject Land

The land is described as Lot 1 in F13704 (CT:5952/823) and has an area of 2.5ha. This title is located within an area south-west of the Aldgate town centre in a locality characterised solely as rural living.

The land is currently zoned Productive Rural Landscape under the Planning & Design Code (Code) and subject to various Overlays.

Figure 1 below identifies the subject land and characteristics of allotments in the locality. Figure 2 identifies the subject lands relationship with the EFPA boundary.

Figure 1 Subject Land

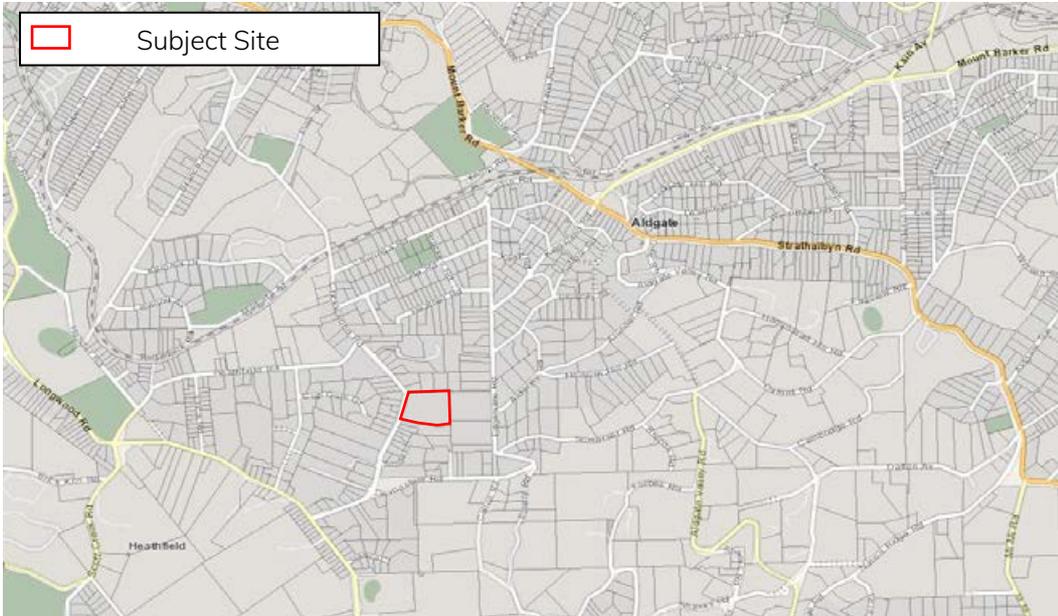
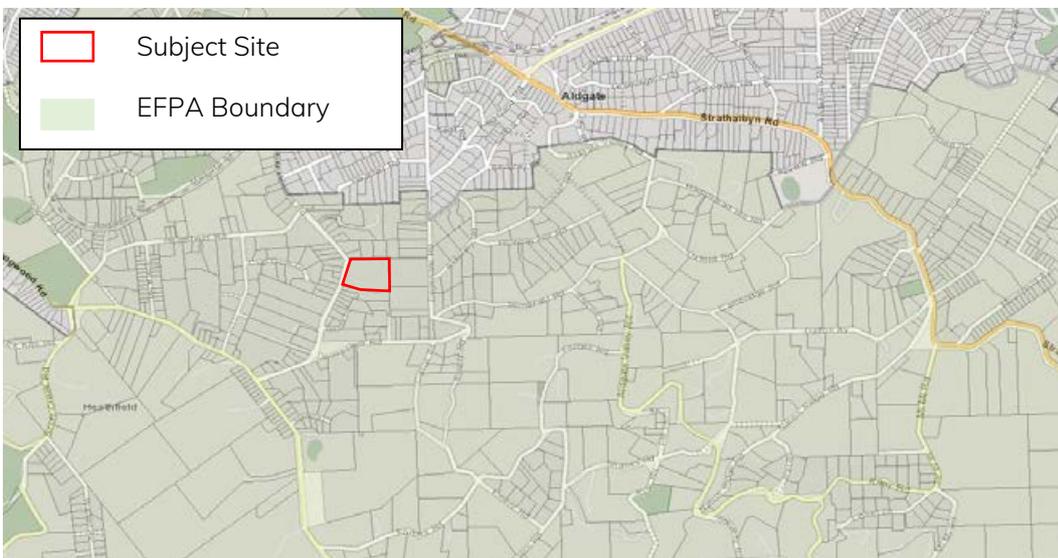


Figure 2 EFPA Boundary



Background

Prior to the implementation of the Code, the land was located within the Watershed (Primary Production) Zone of the Adelaide Hills Development Plan. Importantly, it was also located within Policy Area 4 – Rural Living.

Land division for rural living purposes was contemplated within this Policy Area. Objective 1 of this Policy Area sought:

Objective 1 A Policy Area primarily accommodating farming, rural and rural residential development. (underlining added)

This was one of the few Policy Areas of the Watershed (Primary Production) Zone which expressly contemplates any kind of residential development.

Policy Area Objective 1 was supported by Principles of Development Control which guided future built form and land division including the following provision:

Principle 4 The minimum width of frontage to a public road should be 50 metres.

At the same time, land division creating new allotments was listed as non-complying within the Zone.

The Brumby's intended to divide the existing 2.5ha allotment into 2 allotments, one of approximately 1.5ha and the other of approximately 1ha. The smaller allotment could then be developed for a detached dwelling. Both proposed allotments would have frontage to Cricklewood Road of 50m or more.

Preliminary on-site meetings were conducted with planners from the (then) Department of Planning, Transport & Infrastructure (DPTI) and Adelaide Hills Council (AHC). There was general agreement that the proposed division of the site into two allotments had planning merit and the Brumby's were encouraged to lodge a Development Application.

The subsequent introduction of the EFPA resulted in the prohibition of land division where new allotments for residential purposes are proposed. This meant that Brumby's proposed land division became prohibited.

The sunset clause in the Act that permitted division of land within designated "Rural Living Areas" was not applied to this area, despite the existing Rural Living Policy Area.

The site and locality now sit within the Productive Rural Landscape Zone under the Planning & Design Code (no Subzone applies).

The Aldgate Anomaly

The remit of the State Planning Commission's (Commission) current review is focused on identified "anomalies" where rectification of these issues is "trivial". The situation which has presented in this circumstance is a clear example of an anomaly where rectification would be trivial for the reasons detailed below.

Land Division and the Previous Rural Living Policy Area

As indicated previously, the subject site and surrounds sat within the Watershed (Primary Production) Zone and Policy Area 4 - Rural Living under the Adelaide Hills Development Plan prior to activation of the EFPA.

Schedule 7 of the Development Act 1993 stated:

1—Rural living areas

- (1) The following provisions will apply in relation to a rural living area in place within an environment and food production area defined by the plan referred to in section 7(1):
- (a) section 7(5)(d) and (e) will not apply in relation to the rural living area;
 - (b) if—
 - (i) after the commencement of this clause, an application for development authorisation is made that involves a division of land within the rural living area that would create 1 or more additional allotments to be used for residential development; and
 - (ii) the relevant policies or conditions relating to the minimum size of allotments or the division of land generally that were in force on 1 December 2015 (the prescribed land division provisions) provide for a larger minimum allotment size or involve more restrictive conditions on the division of land than the provisions that would otherwise apply in relation to the proposed development,

the prescribed land division provisions will apply in relation to the proposed development (despite any other relevant instrument and despite the other provisions of this Act).
(underlining added)

In this clause, “rural living area” include the following:

- (a) an area that is defined as a rural living zone by a Development Plan under the Development Act 1993 on 1 December 2015; or
- (b) an area that is defined as an animal husbandry zone by the Development Plan for The District Council of Mallala under the Development Act 1993 on 1 December 2015; or
- (c) any of the following areas or zones defined by the Development Plan for Alexandrina Council under the Development Act 1993 on 1 December 2015:
 - (i) Residential Airpark Policy Area 2 in an airport zone;
 - (ii) Precinct 11 Hindmarsh Island North in a primary production zone;
 - (iii) a coastal settlement zone. (underlining added)

Significantly, Policy Area 4 – Rural Living was the only rural living policy area in the EFPA. It is contended that its omission from the definition of “rural living area” was an “anomaly” as referred to in Section 7(3)(b) of the Act.

Achieving the Intent of the EFPA

Section 7 of the *Planning, Development and Infrastructure Act 2016* (Act) states:

7(3) ...the Commission must ensure that areas of rural, landscape, environmental or food production significance within Greater Adelaide are protected from urban encroachment.. (underlining added)

Given the largely rural living land uses in this locality, there is no food production of significance occurring, nor can it be considered as rural land of significance.

The subject land and locality sit within the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay under the Planning & Design Code. As stated previously, however, the land is serviced by sewerage infrastructure. Therefore, it is contended that the impact of any additional rural living development on the environmental qualities of the subject land/locality is negligible.

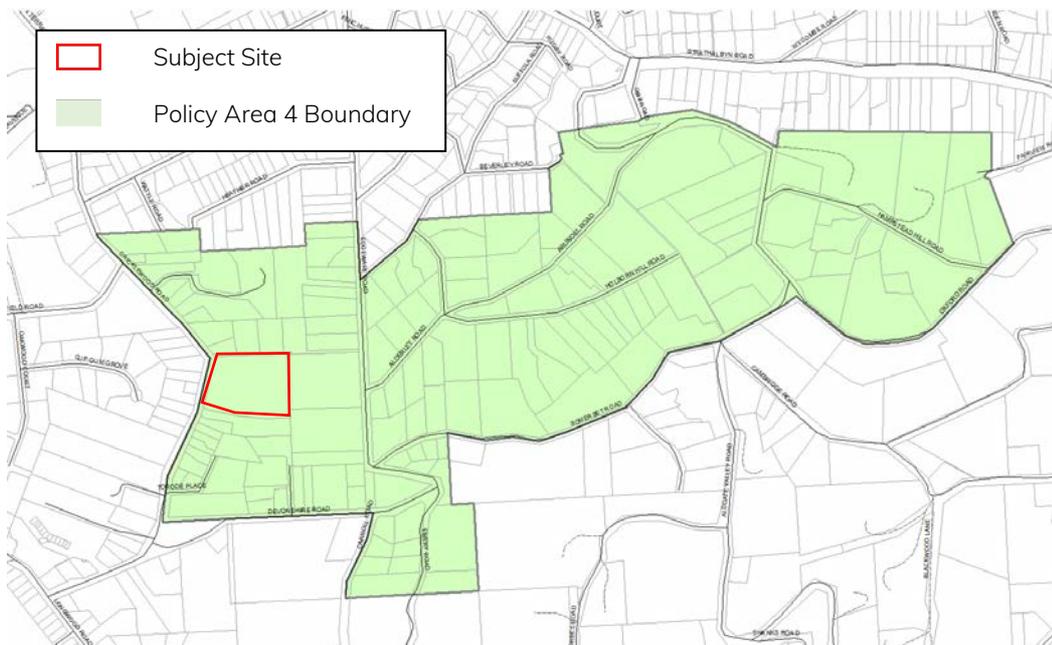
It may be thought that this locality is of landscape significance within Greater Adelaide. It is contended that landscape significance is defined by rural living development with a mix of native and introduced vegetation on undulating land. Again, the impact of any additional rural living development on the rural living landscape character of the subject land/locality is negligible.

Put simply, the potential division of the subject land for rural living aligns with the fundamental intent of Section 7 of the Act and the EFPA.

Allotment Sizes in this Locality

The former Policy Area 4 sits across two geographically separated locations. The subject site sits with the western portion of this policy area as shown below.

Figure 3 Rural Living Policy Area 4



An interrogation of allotment sizes within the portion of the former Policy Area identified above using GIS reveals:

- Of the 143 allotments, 116 allotments (81%) are less than 1ha in size.
- Of the balance of 27 allotments, only 7 are larger than 2ha in size (including the subject site).

As the title of former Policy Area 4 – Rural Living suggests, this locality is rural living/low-density residential area.

Urban Infrastructure in this Locality

There is considerable urban infrastructure in this locality including:

- SA Water sewer infrastructure
- SA Water potable water infrastructure
- High voltage overhead powerlines
- Adelaide Metro bus routes and stops, including one immediately in-front of the subject land.

The presence of this infrastructure reinforces the function of this locality as a rural living/low-density residential area.

Importantly, the sewerage infrastructure means that any risk of pollutants in the water catchment is appropriately managed.

Summary

The inclusion of the subject site in the EFPA is an anomaly because:

- It sat within Policy Area 4 – Rural Living under the former Adelaide Hills Development Plan which should have been included in the definition of “rural living area” in Section 7(3)(b) of the Development Act 1993.
- The site is not rural land and is not used for food production. Its division for rural living would be in-keeping with the landscape character of the locality and not threaten water quality in the watershed.
- More than 80% of allotments in the locality are less than 1ha in area and contain dwellings – it is clearly a rural living area where the 2.5ha size of the subject site makes it a-typical.
- The site and locality are well serviced by urban infrastructure including sewer, water, electricity and public transport.

Options to Address this Anomaly

We suggest that there are three options to address this recognised anomaly. These options take a site specific, locality wide or structural approach.

Option 1: Site Specific Solutions

Amend the EFPA GRO Plan to remove the subject site

For the reasons detailed above, we contend that the removal of the subject site from the EFPA is warranted in its own right.

Amend the EFPA GRO Plan as it applies to sites with common characteristics

The Commission could undertake a detailed interrogation of sites within the former Policy Area 4 – Rural Living that display similar characteristics with the view of removing those allotments that have common characteristics. These could include:

- Minimum current site area (e.g. 2ha which a view to subdivision into two allotments of 1ha each).
- Capability of connection to existing utility services, notably SA Water sewer with only minor augmentation.

Amendment of the GRO Plan for this purpose would not result in a substantial increase in the number of new rural living allotments i.e. perhaps 4-5 allotments.

Option 2: Locality Wide Solutions

Remove the EFPA GRO Plan as it applies to the former Policy Area 4 – Rural Living

Some former Rural Living Zones are located in the EFPA, some are not. This indicates that not all rural living areas are appropriate for the EFPA.

We have previously explained why much of Policy Area 4 – Rural Living under the Adelaide Hills Development Plan need not be included in the EFPA because it is not food producing, it is not rural, the impact on the watershed is managed via sewer connections and the landscaped quality is defined by rural living.

On this basis, the removal of Policy Area 4 – Rural Living from the EFPA is an appropriate option.

Option 3: Structural Solution

Amend Section 7 of the Act

Amendments to Section 7(5)(d) and (e) could be made more nuanced to provide greater opportunity land division on sites such as this in previously designated rural living areas such as this.

Conclusion

Section 7(3) and (8) of the Act enable the Commission to vary the EFPA where such variation is trivial in nature and will address a recognised anomaly.

The inclusion of the subject site in the EFPA is an anomaly because:

- It previously sat within Policy Area 4 – Rural Living which should have been included in the definition of “rural living area” in Section 7(3)(b) of the Development Act 1993.
- The site is not rural land and is not used for food production. Its division for rural living would be in-keeping with the landscape character of the locality and not threaten water quality in the watershed because of the established sewer.
- Most allotments in the locality are less than 1ha in area and contain dwellings – it is clearly a rural living area where the 2.5ha size of the subject site makes it atypical.
- The site and locality are well serviced by urban infrastructure including sewer, water, electricity and public transport.

On this basis, we request the Commission undertake a trivial amendment to the associated GRO Plan to remove this site from the EFPA. If this is not possible, other options that provide for the rural living development of the site have been recommended.

Please contact us at [REDACTED] or [REDACTED] or via [REDACTED] if you have any questions.

We look forward to the opportunity to present to the Commission in support of this written submission.

Yours sincerely

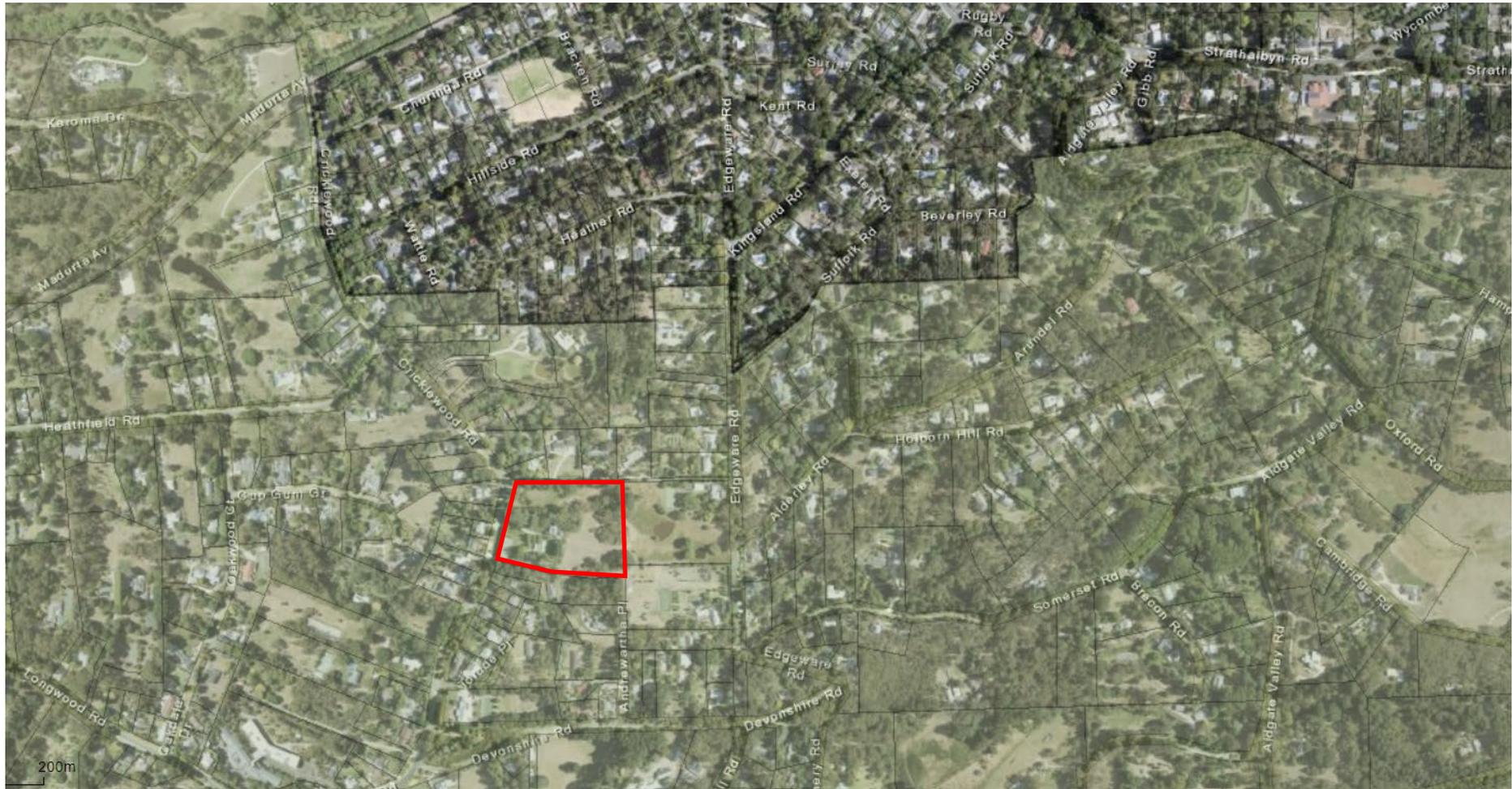


Marcus Rolfe
Director



Andrew Chown
Principal Consultant

49 Cricklewood Road, Aldgate



From: PlanSA Submissions <noreply@plan.sa.gov.au>
Sent: Friday, 30 July 2021 9:28 AM
To: Victory, Tom (AGD)
Subject: EFPA request to vary boundaries submitted
Attachments: Denver_submission.pdf

Form Information

Site Name PlanSA
 Site Id 578867
 Page Request to vary Environment and Food Production Area boundaries
 Standard Name
 Page 823328
 Standard Id
 Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound
 Submission 878296
 Id
 Submission 30 Jul 2021 9:27 am
 Time
 Submission [REDACTED]
 IP Address

Contact and land details

Your Name and contact details

Name: Craig Rowe of C L Rowe and Associates Pty Ltd
 Postal Address: [REDACTED]
 Phone Number: [REDACTED]
 Mobile Number: [REDACTED]
 Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): Pieces 1, 2 and 3 (FP 40191) Mundoo Channel Drive and Sugars Avenue, Hindmarsh Island.
 Allotment ID: Certificate of Title Volume 6131 Folio 139
 Owners: Kym Denver

Requested variation details

Details of requested variation:

The subject land comprises 55 lease allotments (shack sites) which have been in existence since 1963. The existing lease arrangements have a further 41 years to run; and have renewal rights. The subject land is located within the Rural Shack Settlement and Conservation Zones. No part of the subject land has, or can be, utilised for any productive agricultural purposes. The inclusion of the subject land in the EFPA is an obvious anomaly as it has long been developed and used for residential purposes. It is proposed the the subject land be removed from the EFPA so as to rectify the existing anomaly; and afford the opportunity for the landowner to pursue the issue of Tottens Titles over the existing allotments so as to provide greater security of tenure for the existing leaseholders. Refer attached submission.

Additional supporting information:

Supporting document: Denver_submission.pdf, type application/pdf, 397.1 KB

Map of requested variation

Map or diagram to support submission: No file uploaded

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period? Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name: Kym Denver

Address:

Phone number:

Mobile number:

Email:



We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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ENVIRONMENT AND FOOD PRODUCTION AREA INQUIRY

1. PROPONENT

Kym Denver

2. SUBJECT LAND

The subject land incorporates pieces 1, 2 and 3 (Filed Plan 40191), Mundoo Channel Drive and Sugars Avenue, Hindmarsh Island, this being the land to which Certificate of Title Volume 6131 Folio 139 refers. It is approximately 5.191 hectares in area; and comprises 55 long-existing lease sites (circa 1963), 35 of which accommodate existing shacks and 20 are currently vacant. The lease arrangements are for a 99 year term and have renewal rights.

Piece 1 (refer Aerial photograph 1) is located adjacent the Mundoo Channel, immediately to the south-east of the Mundoo Road/Mundoo Channel Drive intersection. It is approximately 1.2775 hectares in area; has a frontage of approximately 228.9 metres to the eastern alignment of Mundoo Channel Drive; and is relatively level (slight gradient from west to east). This area of land comprises 13 long existing (approximately 58 years) lease allotments (numbers 37 – 49 inclusive), 9 of which are currently vacant (with a cover of low native shrubs which, according to the Department of Environment and Water, is of low environmental significance), whilst the remaining 4 allotments exhibit 2 established dwellings/shacks with associated outbuildings and a timber jetty.

Aerial photograph 1: Subject land - Piece 1



Piece 2 (refer Aerial photograph 2) is located adjacent the Mundoo Channel, approximately halfway down Mundoo Channel Drive and immediately south of the existing public car park and boat ramp facility. It is approximately 2.575 hectares in area; has a frontage of approximately 542.88 metres to the eastern alignment of Mundoo Channel Drive; comprises 29 long existing lease allotments (numbers 50 – 78 inclusive) which are approximately 715m² - 1,280m² in area; contains 24 lease existing dwellings/shacks and associated outbuildings and timber jetties; and exhibits 5 vacant lease allotments (including 2 allotments which are leased by the Coastal Protection Board). This portion of the subject land is relatively level and, because of past development, is generally devoid of any significant vegetation.

Aerial photograph 2: Subject land - Piece 2



Piece 3 (refer Aerial photograph 3) is located on the southern shoreline of Hindmarsh Island adjacent the Goolwa Channel, opposite the mouth of the River Murray; is approximately 1.3386 hectares in area; and has a frontage of approximately 241.2 metres to the southern alignment of Sugars Avenue. It comprises 13 long established lease allotments (numbers 108 – 120 inclusive), 7 of which exhibit dwellings/shacks with associated outbuildings (including a property and premises leased by the Indigenous Land Corporation). The remaining 6 allotments (including 2 allotments which are currently leased by the Coastal Protection Board) are vacant and generally devoid of any significant vegetation.

Aerial photograph 3: Subject land - Piece 3.



Aerial photograph 4: Subject land - Location.



3. PROPOSAL

The subject land be removed from the Environment and Food Production Area (EFPA) to enable the conversion of the formal ownership arrangement from leasehold to Torrens Title.

4. PROPOSAL RATIONALE

It is noted that the Commission has concluded that there is sufficient land supply in Greater Adelaide to support housing and employment growth over the next 15 years; and that it requires that any proposed variation to the EFPA at this time needs to be "trivial in nature and address a recognized anomaly".

It is considered that the following demonstrates that the proposed variation addresses an existing anomaly which can be easily rectified, as per the Commission's specified criteria.

- 4.1 The stated purpose of the EFPA is to protect vital agricultural lands surrounding metropolitan Adelaide from urban encroachment. The subject land comprises approximately 5.191 hectares of land which has been developed for residential purposes (55 individual shack sites) since 1963. As such, the individual lease allotments are only large enough to accommodate a detached dwelling and associated outbuildings. This being the case, no part of the subject land has or can be utilised for any productive agricultural purpose; and the subject land certainly cannot be considered to constitute "vital agricultural land".
- 4.2 The subject land lies within the Rural Shack Settlement and Conservation Zones, wherein the primary objectives (respectively) seek low-density residential development (with complementary non-residential uses compatible with a low density residential character and natural environment) and small-scale, low-impact land uses that provide for the conservation and protection of the area. These existing zonings demonstrate that it is not envisaged that the subject land is (or can be) utilised for any productive agricultural purposes. As such, the inclusion of the subject land in the EFPA is irrational.
- 4.3 The subject lease allotments have existed for 58 years; and the existing leases have a further 41 years to run. In addition, renewal rights exist. It is intended to convert the existing allotments from lease to Torrens Title, so as to provide greater security of tenure for the current lease holders. However, this process will require a land division application to create the Torrens Titled allotments, which technically is at odds with the provisions of Section 7 of the *Planning, Development and Infrastructure Act 2016* (the Act), even though the allotments have existed for many years and no additional allotments will be proposed and/or created.

The removal of the subject land from the EFPA will facilitate the process to convert of the existing individual allotments to Torrens Title, without any impact upon any existing land use; the number of allotments; the physical landscape; the natural environment; and/or the existing character of the locality.

- 4.4 The 20 existing vacant allotments will continue to provide opportunities for the development of additional dwellings. It is assumed that these vacant allotments have been taken into account within the "Land Supply Report for Greater Adelaide" (the Report); and were incorporated within the 279 existing vacant allotments identified on Hindmarsh Island (refer Part 1: Greenfield, 5. Township Land Supply – Fleurieu Peninsula). As such, the removal of the subject land from the EFPA can have no direct impact upon the findings of the Report.
- 4.5 The provisions of the *Planning and Design Code* provide ample protection for the natural environment from future use and/or development of the subject land and/or any of the existing lease allotments. As such, the provisions of Section 7 of the *Planning, Development and Infrastructure Act 2016* which specifically oppose the division of land should not apply to the subject land, given the fact that the land has effectively been divided into individual allotments for 58 years. It is accepted that legislative provisions cannot address all circumstances, and it is considered that this is the case with the subject land. Put simply, whilst the intended conversion of the existing lease allotments to the Torrens Title system will "create additional allotments to be used for residential development", extraordinary circumstances prevail whereby the allotments have physically existed for many decades and, in the main, have long been developed for residential (not agricultural) purposes.

From: PlanSA Submissions <noreply@plan.sa.gov.au>
Sent: Monday, 21 June 2021, 17:00
To: Victory, Tom (AGD)
Subject: EFPA request to vary boundaries submitted

Form Information

Site Name PlanSA
Site Id 578867
Page Request to vary Environment and Food Production Area boundaries
Standard Name
Page 823328
Standard Id
Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries
Submission 846215
Id
Submission 21 Jun 2021 4:57 pm
Time
Submission [REDACTED]
IP Address

Contact and land details

Your Name and contact details

Name: Mike Hill
Postal Address: [REDACTED]
Phone Number: [REDACTED]
Mobile Number: [REDACTED]
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): 132 Jagger Road, Encounter Bay, SA 5211

Allotment ID: CT 5597/694 Plan Parcel: F165597 A348 Valuation No: 4508246149

Owners: David Patrick Murphy

Requested variation details

Details of requested variation: It would appear that when the original EFPA boundary was established it was extended to an unmade Council road which was I believe was the old Jagger Road alignment. Since that time and when Jagger Road was developed and formalised the alignment was changed to a new alignment which now exists. This action created a triangular allotment of approximately 8000sqm on the existing township side of the current alignment of Jagger Road and the original unmade road alignment. The land was subsequently included in the residential zone of the Victor Harbor Council. I would suggest given the background information the EFPA boundary was inadvertently taken to the unmade road when it probably should have stopped at the existing formed/bituminised Jagger Road as an isolated 8000sqm lot adjacent existing residential would have no positive impact on the EFPA. While provision was made for Rural Living allotment appeals etc during the original process when determining the EFPA boundaries I could not find any similar provision relating to Residential Zoned Land. The above information and the fact it is such a small piece of land would suggest the submission does meet the requirements of Test 3 being that the inclusion of this piece of land in the current EFPA is an anomaly and is trivial in nature and should be corrected in the EFPA review. We would ask that the review take note of the reasons in this submission and make the minor adjustment and re-align the EFPA boundary to the existing formed and bituminized Jagger Road.

Additional supporting information: I have additional information in the form of emails from David Read, The strategic Planning Officer for the Victor Harbor Council to the previous owner supporting the case for removal of the EFPA zone as the inclusion of residentially zoned land into the EFPA area was most likely an error. Also Alex McKenzie from DIPTI indicated through email to the previous owner that the inclusion of the Residentially Zoned 132 Jagger Road within the EFPA boundary "warranted further investigation" through the review process.

Supporting document: No file uploaded

Map of requested variation

Map or diagram to support submission: Proposed_EFPA_boundary_Change.pdf, type application/pdf, 1.5 MB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?: Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

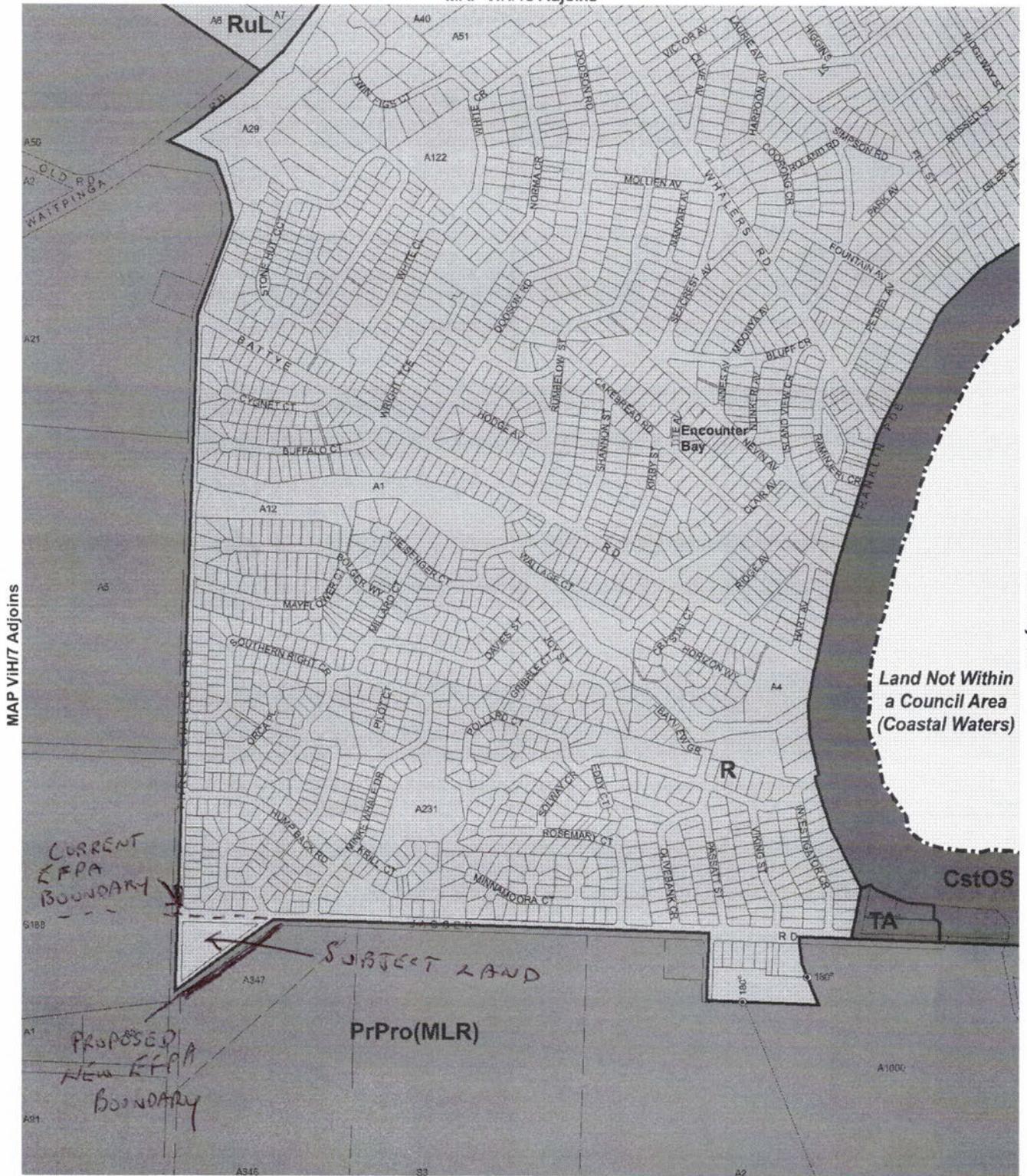
Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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MAP ViH/18 Adjoins



MAP ViH/7 Adjoins

Lamberts Conformal Conic Projection, GDA94



Zones

-  Coastal Open Space
-  Primary Production (Mount Lofty Ranges)
-  Residential
-  Rural Living
-  Tourist Accommodation
-  Zone Boundary
-  Development Plan Boundary

Zone Map ViH/21

From: PlanSA Submissions <noreply@plan.sa.gov.au>
Sent: Friday, 30 July 2021 9:56 AM
To: Victory, Tom (AGD)
Subject: EFPA request to vary boundaries submitted
Attachments: EFPA_submission_plan.pdf

Form Information

Site Name PlanSA
Site Id 578867
Page Request to vary Environment and Food Production Area boundaries
Standard Name
Page 823328
Standard Id
Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries
Submission Id 878330
Submission Time 30 Jul 2021 9:56 am
Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: Bill Barton
Postal Address: [REDACTED]
Phone Number: [REDACTED]
Mobile Number: [REDACTED]
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): [REDACTED]
Allotment ID: 6214/885
Owners: Vaudan Investments Pty Ltd aft GF Barton family trust

Requested variation details

Details of requested variation: Removal of the northern side of Hindmarsh Island from the EFPA as there is ample documentation confirming that the land is not viable farming land. The land would be more suited to small scale country living allotments which would result in an increase in planting of native vegetation buffers, better weed control and improved economic viability of the area. My family have been farming on Hindmarsh Island since February 1966. We have had off farm incomes to sustain the property over the years as well as selling off titles that we had. Some years ago there was the ability in the development plan to cut off the family home so that longstanding families are able to stay in their family home and create a title to sell off the balance of the property. I consider that this would be a trivial variation as it would not create large numbers of extra

titles but would allow families like mine to maintain the family home and not have to sell up totally and move somewhere else. I do not want to be forced to sell my home of 56 years and would be happy to discuss this one on one.

Additional supporting information:

Supporting document: No file uploaded

Map of requested variation

Map or diagram to support submission: EFPA_submission_plan.pdf, type application/pdf, 86.1 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?: No

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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D110004

SHEET 3 OF 3

21887_pland_1_V02_Version_4

BEARING DATUM: ZONE 54 MGA 94
DERIVATION: PSM 6626/3598 - 6626/3588

TOTAL AREA:

ENLARGEMENT

NOT TO SCALE

(181.02)
1°06'
416 APPROX

51

(224.87)
1°06'
452 APPROX

50

(223.50)
450 APPROX

D41915

10.43

9.53

10.2

410.04

GRUNDY ROAD

359°07'

PIECES SCHEDULE	TOTAL AREA
ONE ALLOTMENT COMPRISES 53* & 54*	74.0ha APPROX

* Asterisk denotes PIECE identifier only

MURRAY SEC 484

WATER MARK

53*

51

50

D41915

410.04

GRUNDY ROAD

359°07'

MURRAY SEC 484

WATER MARK

53*

51

50

D41915

410.04

GRUNDY ROAD

359°07'

BARTON

D72289

181°07.40"

98.91

121°10.50"

114°31.30"

137°35'

138.96

294°31.30"

249.63

40.23

54*

(3.33ha APPROX)

354°34.50"

267.89

91°54.10"

56.29

354°34.50"

11:07

179°07.10"

564.1

ROAD

1:2

14 X 14

60 X 60

53*

(70.7ha APPROX)

1135.9

269°07.10"

PUBLIC ROAD

SCALE

0 100 200 300 400 500

METRES

REFERENCE MARKS

CNR	BRG	FROM	DIST	PM NO.
1	353°09'	PSM FD	17.85	6626/3588
2	35°40'	PSM FD	30.66	6626/3598
3	166°35'	MP FD	0.83	
4	261°13'	MP FD	1.76	
5	183°20'	MP	9.81	
6	204°10'	MP	11.21	
7	272°10'	MP	4.62	
8	270°50'	MP	10.48	

WEBER FRANKIW AND ASSOCIATES PTY.LTD.

Surveying Consultants

Reference: 4803/04 Cad Ref: 480304bdyJcd

178 Main Road McLaren Vale South Australia 5171

Telephone (08) 8323 8991 Facsimile (08) 8323 9886

Email: survey@weberfrankiw.com.au

ACN: 008 173 937

Aitken, Deb (DIT)

From: PlanSA Submissions <noreply@plan.sa.gov.au>
Sent: Friday, 30 July 2021 3:14 PM
To: Victory, Tom (AGD)
Subject: EFPA request to vary boundaries submitted
Attachments: 210730_v3_Submission_to_EFPA_Two_Wells.pdf

Form Information

Site Name PlanSA
Site Id 578867
Page Request to vary Environment and Food Production Area boundaries
Standard Name
Page 823328
Standard Id
Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries
Submission Id 878591
Submission Time 30 Jul 2021 3:13 pm
Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: Grazio Maiorano obo Hicks Group
Postal Address: 12/154 Fullarton Road, Rose Park SA 5067
Phone Number: 8333 7999
Mobile Number:
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): Sharpe Road, Two Wells Temby Road, Two Wells Mallala Road, Two Wells

Allotment ID: - Sharpe Road (Lot 22 in D92605, CT:6127/803) - Sharpe Road(Lot 3 in F4223, CT:5273/673) - Mallala Road (Lot 14 in F14989, CT:5273/674) - Secomb Road (S465 in H140800, CT:5522/886) - Temby Road (Lot 1 in F4223, CT:5119/312) - Sharpe Road (Lot 21 in D92605, CT:6127/802)

Owners: BH and SA HICKS PTY LTD R and A Guidolin A Schoonhoven SAPN

Requested variation details

Details of requested variation: Please see written submission

Additional supporting information: Please see written submission

Supporting document: 210730_v3_Submission_to_EFPA_Two_Wells.pdf, type application/pdf, 6.1 MB

Map of requested variation

Map or diagram to support submission: No file uploaded

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?: No

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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URPS

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30 July 2021

Helen Dyer
Chair
State Planning Commission
GPO Box 1815
Adelaide SA 5001

saplanningcommission@sa.gov.au

Dear Helen

EFPA Review Submission – Two Wells

Thank you for the opportunity to provide a submission to the State Planning Commission's (Commission's) first review of the Environment and Food Production Areas (EFPA) established in 2017.

I have been engaged by the Hicks Group to prepare a submission in response to the Environment and Food Production Areas (EFPA) review for land located to the immediate north-east of the Two Wells Township.

I appreciate that this submission is unlikely to be considered as an anomaly. However, the Hicks Group is informing the Commission of its medium-term intentions of working collaboratively with Adelaide Plains Council and the State to proactively manage growth within Two Wells and financially contribute to a range of community facilities.

- Coordinated and timely development of the land will bring the following benefits:
- Increase catchment / viability for planned school.
- Increase catchment for retail development and community services in the township's main street.
- Support the revitalisation of the main street as per the Two Wells Main Street Design Guidelines.
- Potential road upgrades of Sharpe, Temby and Secomb roads.
- Provide opportunity for greater open space networks
- Advocate for potential upgrade of rail line crossing at Temby Road and Gawler Road.
- Provide a uniform edge to the Two Wells township boundary.

As the Commission will be aware there is a considerable time lag in identifying land for urban growth, rezoning the land, gaining land division approval and bring the land to market.

Subject Land

There are six allotments in total as follows:

- Sharpe Road, Two Wells (Lot 22 in D92605, CT:6127/803) – Hicks Group
- Sharpe Road, Two Wells (Lot 3 in F4223, CT:5273/673) – Hicks Group
- Mallala Road, Two Wells (Lot 14 in F14989, CT:5273/674) – Hicks Group
- Secomb Road, Two Wells (S465 in H140800, CT:5522/886)
- Temby Road, Two Wells (Lot 1 in F4223, CT:5119/312)
- Sharpe Road, Two Wells (Lot 21 in D92605, CT:6127/802).

Figure 1 below identifies the subject land and current zoning. Collectively the allotments have an area of some 133ha located to immediately to the north and east of the existing Two Wells township areas.

It is noted that the Hicks Group retain ownership of 3 allotments as shown in Figure 2. Whilst not representing the balance of landowners, we hold the view that there is merit in considering this land holistically. As such, it is the preference of the Hicks Group to seek removal of all land from the EFPA GRO Plan.

Figure 3 shows the EFPA boundary within the locality and its relationship to the subject land.

Figure 1: Subject Land (www.sappa.sa.gov.au)

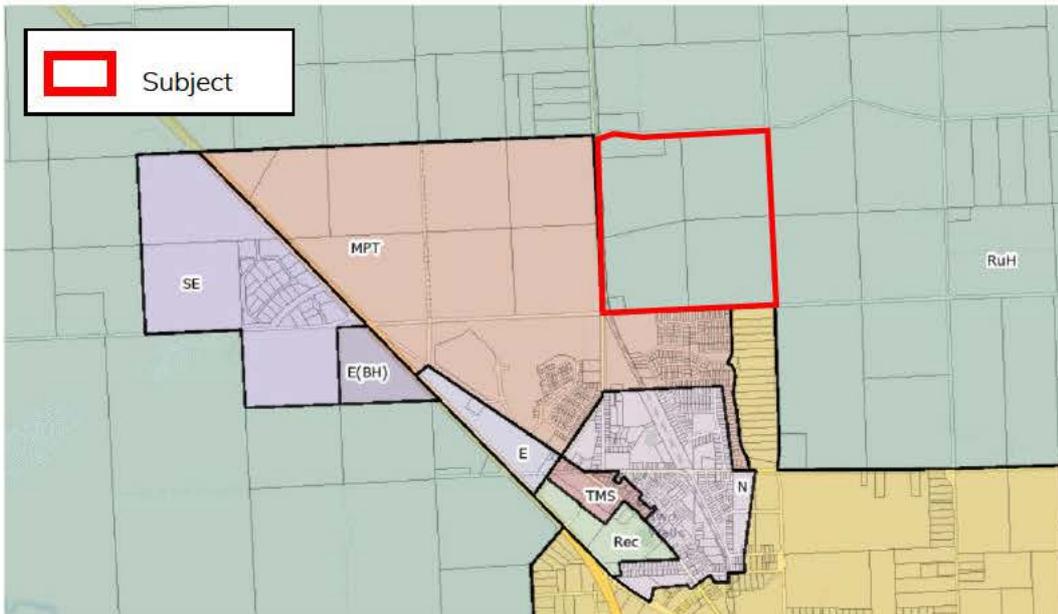


Figure 2: Land Ownership Details (www.sappa.sa.gov.au)



Figure 3: EFPA Boundary (www.sappa.sa.gov.au)



Background

In December 2018, the Hicks Group commissioned URPS to prepare the *North East Two Wells Expansion – Draft Scoping Report*. This report (included as Appendix A) considered the medium-long term opportunities to rezone the subject land to support the development of some 850 homes. The intention of such rezoning was to support the continued development of Two Wells as a key peri-urban centre. It is recognised that the current main-street retail and community infrastructure offerings are limited, and there is a question around the viability of establishing additional services, despite the existing growth.

At its meeting held 23 September 2019, the Adelaide Plains Council (APC) resolved to provide in-principle Council support to the proposal by the Hicks Group to advocate for boundary changes to the EFPA. This support was on the basis that the subject land provided a suitable area for the progression of long-term rezoning objectives.

It is important to recognise the importance of the above in-principle support from Council. The APC has and continues to experience considerable growth pressures particularly around Two Wells. The subject land would provide for the logical and consolidated growth of Two Wells.

A copy of the letter of in-principle support is included as Appendix B.

Land Supply Data and Assumptions

Two Wells is located within the Outer North area as designated in the Commission's *Land Supply Report for Greater Adelaide - Part 1: Greenfield* (the Greenfield Land Supply Report).

Whilst appreciating that the Land Supply Report suite must be prepared based on available information at the time of preparation and forecasts, it is noted that the data used to assign assumptions throughout the report suite reflects a period well over 12-months ago (June 2020). There has been considerable growth in land take up within this period. Within this context, we request that the land analysis data be updated, with a particular focus on the Adelaide Plains Council area.

Land Supply and Demand in Two Wells

Figure 9 and Table 4 of the Greenfield Land Supply Report present a stocktake of the land supply data in the Outer North. This data is presented as:

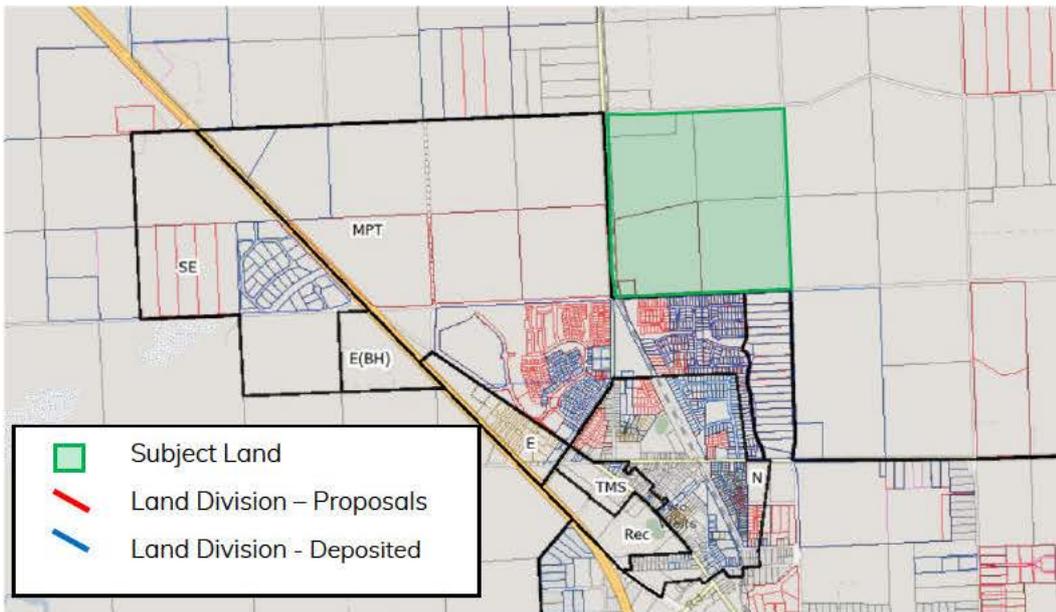
- Development ready land
- Undeveloped zoned land
- Future urban growth areas.

The snap-shot review provided for the Outer North region reveals that it is anticipated that Two Wells will support some 2,586 future allotments. It is noted that there is no land designated in Table 4 to support Future Urban Growth. This is considered an oversight as it fails to recognise the current and on-going strong demand for land at Two Wells.

Separately, specific information presented for Two Wells, including Figure 23, fails to recognise the substantial increase in the rate of development which has occurred since June 2020. Whilst the Federal Government's HomeBuilder stimulus package has been recognised by the Commission as an important driver of this demand, discussions with Council and developers confirms that the trend in new home builds is not significantly slowing.

Figure 4 below shows the land division applications currently registered on SAPPA in relation to the current zone boundaries. As can be seen, there is considerable growth occurring at Two Wells.

Figure 4: Land Division Applications (www.sappa.sa.gov.au)



Supporting the Growth of Two Wells

Managed Growth

The unprecedented residential growth occurring at Two Wells has been brought about by the previous rezoning of land to the immediate west of the subject land and growth to the immediate south. The growth being experienced is well above expectations with existing estates such as 'Eden' all but sold out.

Notwithstanding the benefits of this growth to the town, it is my understanding that Council's attention is now turning to the formulation of a Growth Plan to identify and adequately manage how the growing community will be supported both by retail/commercial offerings and community infrastructure.

Support and Growth Main Street Businesses

As recognised in the *North-East Two Wells Expansion – Draft Scoping Report* there is a strong desire and need to retain the viability and focus of the main street as the retail/commercial hub, whilst supporting community infrastructure in strategic locations.

Tool to Provide Financial Input into Additional Community Facilities

Although the current development has made a positive contribution, including the introduction of a school, we contend that the existing arrangements to capture financial

contributions for social / recreation facilities can be improved. The Hicks Group is keen to collaborate with Council regarding the contribution of additional social / recreational infrastructure and support Council's role as provider and advocate for the above types of services.

Amendment of the EFPA GRO Plan to support the development of the subject land will provide a new opportunity to put into place tools and schemes targeting these vital township services.

Support Industrial Zone Activities

Separately, there is a considerable amount of underutilised Employment zoned land within the Two Wells township. Increasing residential development will contribute to both demand for local industrial services and the provision of a local industrial labour supply.

Conclusion

Section 7(3) and (8) of the Act enable the Commission to vary the EFPA where such variation is trivial in nature and will address a recognised anomaly.

I appreciate that this submission does not focus on a trivial or recognised anomaly. However, the Hicks Group are informing the Commission of its medium-term intentions of working collaboratively with Adelaide Plains Council and the State to proactively manage growth within Two Wells and financially contribute to a range of community facilities.

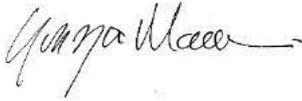
The subject land is located to the immediate north and east of the existing built-up area of Two Wells. The land is strategically positioned in relation to the existing township, is not subject to considerable constraint from hazards and in proximity of existing infrastructure presents a key opportunity to plan for the logical future growth of Two Wells.

It is considered imperative that adequate attention be given to allocating land for future urban growth at Two Wells. This is based on the demand experienced in the last 12-months and the identified need to secure a viable future catchment for retail/commercial offerings and provide adequate community infrastructure that communities have come to expect.

On behalf of the Hicks Group, I respectfully request the Commission reconsider this matter.

Should you have any questions regarding the above, please do not hesitate to contact me on [REDACTED] or 8333 7999.

Yours sincerely



Grazio Maiorano

Director

Appendix A: North-East Two Wells Expansion – Draft Scoping Paper

Appendix B: Letter of Support – Adelaide Plains Council



URPS

confidential

North East Two Wells Expansion

Draft Scoping Report



URPS

Prepared by

URPS
Suite 12/154 Fullarton Road
Rose Park, SA 5067
Tel: (08) 8333 7999

December, 2018
URPS FILE 18ADL-0178

Prepared for
Hicks Group

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Appendix A

1 Purpose

URPS has been engaged by the Hicks Group to prepare a preliminary scoping study to determine the medium to long term opportunities for some 138 hectares of land adjoining the Two Wells Township.

A potential urban rezoning of the land will:

-  Facilitate approximately 850 dwellings and some 2,500 people and the associated economic and social benefits.
-  Increase the catchment of the Lutheran-based school planned in the nearby existing Suburban Neighbourhood Zone, thereby facilitating a more expeditious development of the educational facility.
-  Increase the catchment for retail development opportunities in the Two Wells main street to support the realization of the "Two Wells – South Australia Main Street Design Guidelines".
-  Provide opportunities to have nearby infrastructure, such as Sharpe, Temby and Secomb Roads, upgraded.
-  Provide significant recreational/open space activities, including a dog park.
-  Increase the population catchment and thereby, participation in local sporting clubs.
-  Result in more efficient utilisation (and potential upgrading) of the existing rail-line crossing at Temby Road and Gawler Road.
-  Promote greater connectivity with existing urban development/communities.
-  Provide a uniform edge to the Two Wells township boundary.

The Hick's Group appreciates that such a proposal will require support from a range of stakeholders, including Adelaide Plains Council, the Minister for Planning and the local community. Sufficient time will be allocated to this proposal to ensure a collaborative approach is implemented and maintained over the life of the project.



View of subject land looking east from Mallala Road



View of subject land looking west from Secomb Road



View of subject land looking south from Temby Road

2 The Land

The Two Wells township is located approximately 45kms from the Adelaide CBD, within Adelaide Plains Council.

The subject land is located north of Sharpe Road, east of Mallala Road/rail-line, south of Temby Road and west of Secomb Road, Two Wells (refer to Figure 1, over page).

As illustrated in Table 1, the land has an area of approximately 138 hectares and incorporates six allotments of varying areas.

The vast majority for the land is used for cropping

purposes, with the exception of a SAPN substation on the north-east corner of Sharpe Road and the rail-line and 1 – 2 dwelling/s and associated buildings on the south-east corner of Temby Road and the rail-line.

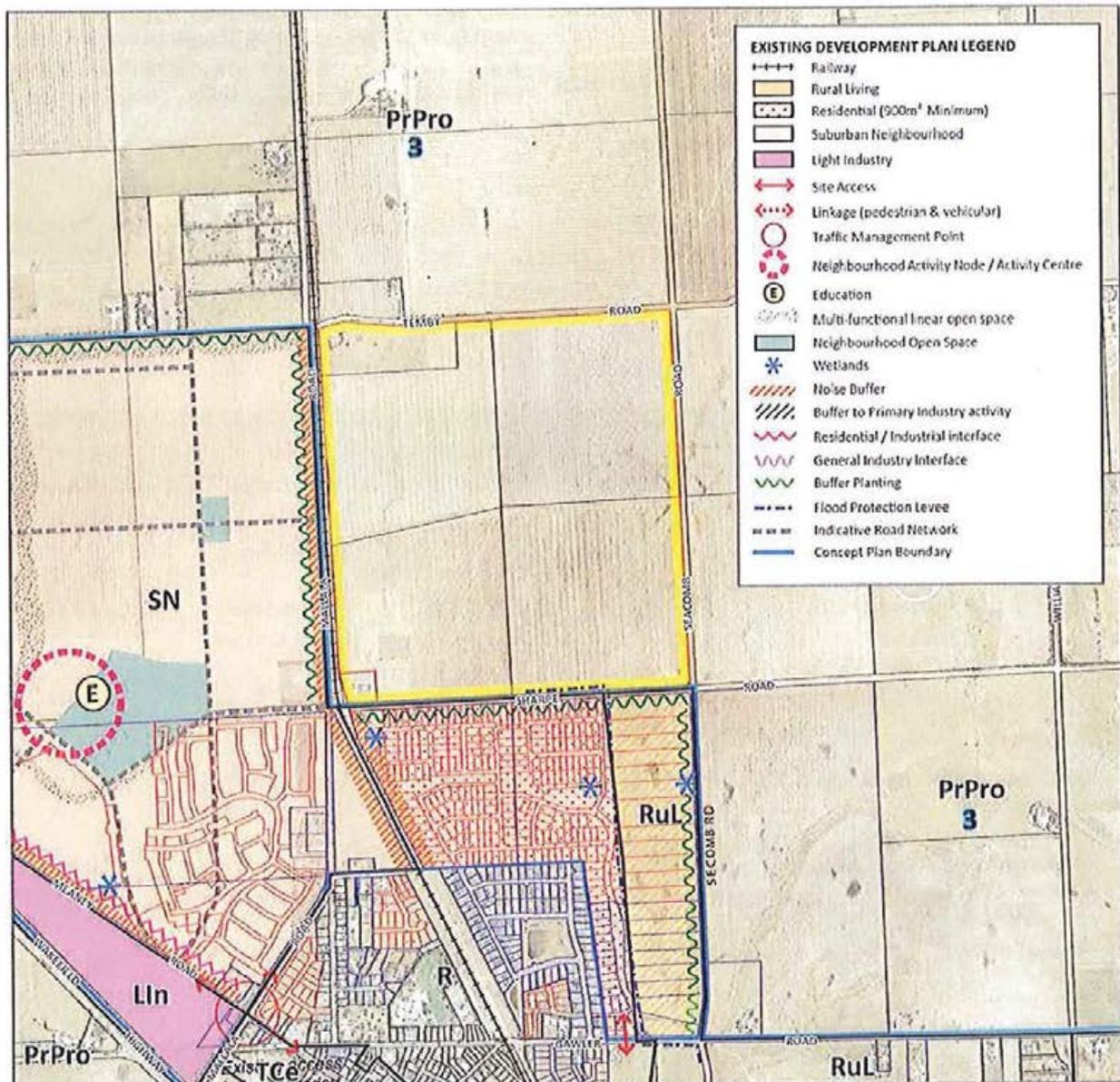
Copies of the relevant Certificate of Titles are contained in Appendix A.

Table 1: Land Ownership Details

Registered Owner	Plan Parcel	Certificate of Title	Street Frontages	Approx Land Area
B.H. & S.A. Hicks Pty Ltd.	DP 92605 A22	5127/803	Mallala Road & Sharpe Road	33.99 ha
B.H. & S.A. Hicks Pty Ltd.	FP 4223	5273/673	Sharpe Road & Secomb Road	34.08 ha
B.H. & S.A. Hicks Pty Ltd.	FP 4223 A3	5273/674	Sharpe Road & Secomb Road	30.01 ha
Rino and Antonietta Guidolin	H140800 S465	5522/886	Temby Road & Secomb Road	33.99 ha
Anita Stella van Schoonhoven	FP 4223 A1	5119/312	Temby Road & Mallala Road	4.86 ha
Crown (SAPN)	D92605 A21	CT6127/802	Sharpe Road (SAPN Sub-Station)	1 ha
			TOTAL	137.93 ha

Copies of the relevant Certificates of Title are contained in **Appendix A**.

Figure 1: Subject Land and Locality



DATA SOURCE
Property Location Browser, Mallala DP, Map MAI/7



LEGEND

- Yellow box Site boundary
- White box Cadastre
- Black line Zone Boundary
- Blue line Policy Area Boundary
- Red box Development Proposals
- Blue box Development Deposits
- +---+ Rail Line

ADELAIDE PLAINS DEVELOPMENT PLAN

ZONES

- AH Animal Husbandry
- LIn Light Industry
- PrPro Primary Production
- R Residential
- RuL Rural Living
- SN Suburban Neighbourhood
- Tce Town centre

Subject land is included in the State's
"Environment and Food Production Areas"

3 Strategic Directions

3.1 30 Year Plan for Greater Adelaide

3.1.1 Aims and Objectives

The 30 Year Plan for Greater Adelaide is one of the documents that makes up the South Australian Planning Strategy. The overarching aim of the 30 Year Plan is to balance growth of both the population and economy, at the same time as preserving the overall culture and environment of the Greater Adelaide region.

The 30 Year Plan is split into multiple sections, which relate to a number of different regions and focus areas. Overall, there are 14 guiding principles to the 30 Year Plan for Greater Adelaide, but there are 9 that are most relevant to the Two Wells area and its expansion into the future:

- A compact and carbon efficient city.
- Housing diversity and choice.
- Accessibility.
- World class design and vibrancy.
- Social inclusion and fairness.
- Heritage and character protection and enhancement.
- Healthy, safe and connected communities.
- Affordable living.
- Climate change and resilience.

3.1.2 Targets and Policies

The 30 Year Plan provides a number of population prediction statistics, which identify the predicted growth of the Greater Adelaide population and aspects such as housing and demand on existing infrastructure networks.

In order to meet and accommodate the demands of an increasing population and the additional impact on household needs, the 30 Year Plan aims to achieve the following, amongst other aspects:

- The location of new housing and jobs within areas considered to be transport corridors.
- Increased emphasis on the creation of unique precincts through conscious design.
- The creation of mixed use buildings and increasing the mix of building types.
- Adopting a new approach to greenfield developments to encourage larger mixes and densities of housing types.
- Retaining existing characteristics of rural towns.
- Achieving dwelling diversity in order to cater for the ever-changing population dynamic and increase (i.e. aged living).
- Improving water and energy efficiency.
- Creating greenways and open space networks through open spaces being co-located with major activity centres and transit corridors.

3.1.3 Implications for the Town of Two Wells

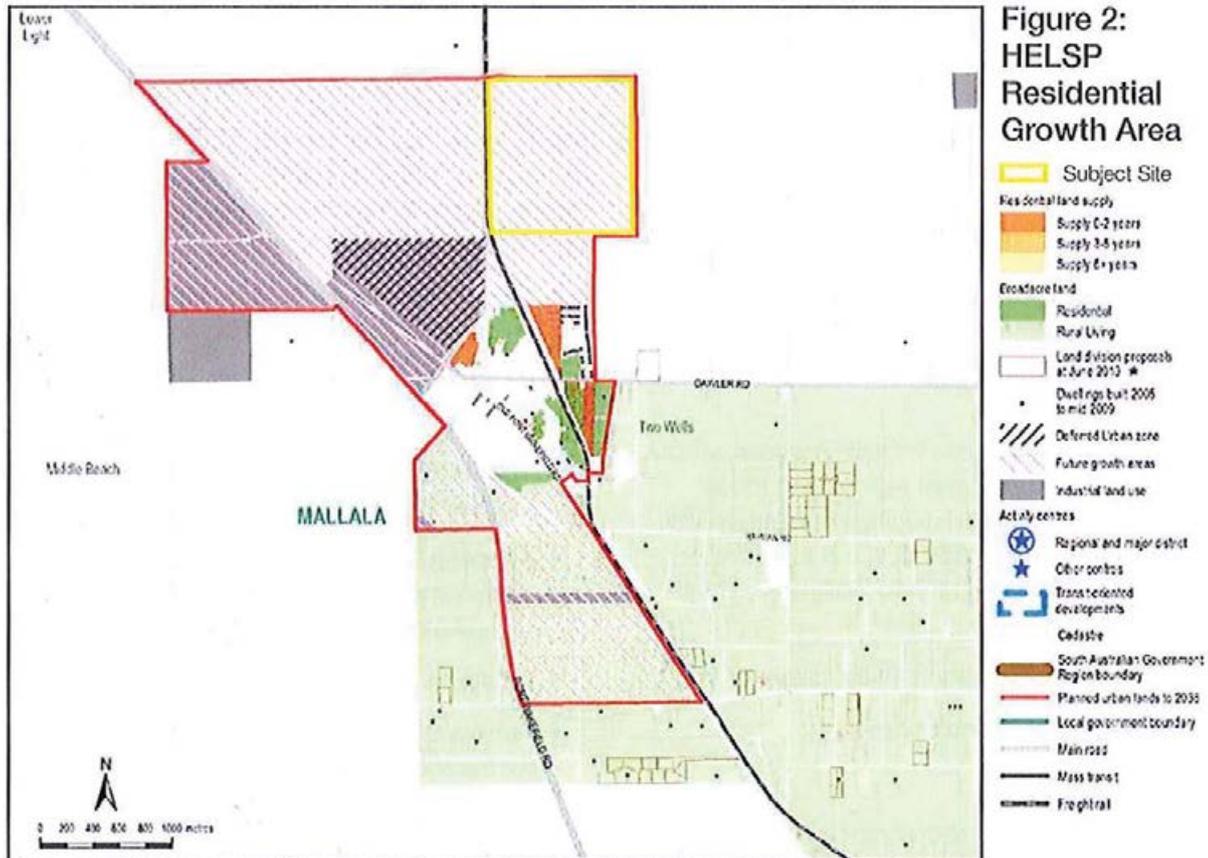
The 30 Year Plan estimated that the Two Wells township has the potential capacity for growth of approximately 214 residential dwellings over the next 30 years.

The residential expansion of Two Wells area will contribute to the required expansion of land and housing opportunities for the northern Greater Adelaide region. With specific reference to the Two Wells area, the 30 Year Plan expects that there will be an increase in population, and as a result there will be a growth in employment as a need to service the population. However, the 30 Year Plan anticipates that locations other than Two Wells, such as Roseworthy, would be better placed to accommodate more of the employment opportunities.

3.2 Housing and Employment Land Supply Program (HELSP)

The State Government's Housing and Employment Land Supply Program (HELSP) identified Two Wells

(including the subject land) as a significant residential growth area (refer to below figure). The HELSP programs 108 hectares of land at Two Wells for rezoning in 2012.



3.3 Environment and Food Production Areas (Greater Adelaide)

3.3.1 Overview

The new *Planning, Development and Infrastructure Act 2016* (proposed to replace the *Development Act 1993*) introduced the Environment and Food Production Areas (Greater Adelaide) Map on 1 December 2015. The objective of the Area/Map is to ensure that areas of rural, landscape, environmental or food production significance within Greater Adelaide are protected from urban encroachment.

The State Planning Commission can only recommend that the boundaries are amended (refer to Section 7 of the *Planning, Development and Infrastructure Act*), if it is satisfied that:

- An area within Greater Adelaide outside environment and food production areas are

unable to support the principle of urban renewal and consolidation of existing urban areas; and

- Adequate provision cannot be made within Greater Adelaide outside environment and food production areas to accommodate housing and employment growth over the longer term (being at least a 15 year period); or
- That the variation is trivial in nature and will address a recognised anomaly.

For the boundary of this area to be amended, in summary the following steps must be undertaken:

- The State Planning Commission conducts an inquiry into the matter and furnishes a report on the outcome of the inquiry to the Planning Minister.
- The Planning Minister must inform both Houses of Parliament of the proposed changes to the Area (assuming changes are proposed).
- Both Houses of Parliament must agree to the change.

3.3.2 Implications for the Town of Two Wells

Amending the Environment and Food Production Areas over the subject land is a more onerous process than a rezoning (e.g. Development Plan Amendment) exercise. This is principally because the final decision rests with both Houses of Parliament, not simply the Planning Minister (it is acknowledged that the Environment, Resources and Development Committee of Parliament has the ability to review DPAs and potentially trigger the matter being presented to Parliament).

Any strategy to rezone the land for urban uses must also address the implications and processes associated with Section 7 of the *Planning, Development and Infrastructure Act* (Environment and Food Production Areas).

3.4 Northern Adelaide Irrigation Scheme (NAIS)

3.4.1 Overview

A priority of the Northern Adelaide Plains Agribusiness Initiative is to achieve growth in agricultural industries through increased access to water resources. Through the Northern Adelaide Irrigation Scheme (NAIS), the government will be able to help secure large volumes of recycled water for the northern Adelaide region.

The State Government states that NAIS will transform the region into the national leader in intensive, high-tech food production, support existing industry to expand and become more competitive, as well as drive employment growth and attract new skills and talent into South Australia.

An additional 12 gigalitres (GL) per year of recycled water suitable for irrigation is proposed to be sourced from the Bolivar Waste Water Treatment Plant, increasing the reuse of treated water from this site by 60 per cent.

The NAIS project involves:

- Upgrading infrastructure at the Bolivar Waste Water Treatment Plant to produce an additional 12 GL per year of recycled water suitable for irrigation.
- Building core recycled water distribution infrastructure to the area north of the Gawler River.

- Enabling a major new irrigation area to be constructed, including modern, high-value intensive food production.

In August 2018, SA Water lodged a development application seeking planning approval to construct two, 200ML lined above-ground earth bank storages, a reticulation pump station and minor associated infrastructure, a back-up diesel generator, an access road and perimeter safety fencing as part of the NAIS. The proposed development is situated at lot 115 Church Road, Korunye, approximately 5km north-west of Two Wells at the corner of Hart and Porter Roads, and approximately 400m east of Port Wakefield Road. The land is wholly contained within Allotment 118, FP 216939 (CT 5662/19).

Discussions with SA Water representatives in August 2018 indicated that:

- The proposed 200ML lined above-ground earth bank storages and associated structures are planned to be constructed in October 2018.
- The reticulated mains will start to be constructed in January to March 2019.
- The first group of clients/users will be connected in late 2019.
- Users are likely to consist of a range of new or existing horticulture businesses and will increase the amount of land under horticulture production.

3.4.2 Implications for the Town of Two Wells

The proposed increase in horticultural activity along the water supply lines, is likely to lead to increased horticulture related employment opportunities. In turn, increased employment opportunities are likely to result in increased demand for dwellings and associated services and facilities.

Planning policies need to consider interface issues (eg. spray drift / night harvesting) associated with horticulture activities located near township boundaries and other sensitive agricultural crops/activities.

3.5 Adelaide Plains Strategic Plan

3.5.1 Overview

The Adelaide Plains Strategic Plan was implemented with the vision to create a 'proud, prosperous, resilient and cohesive community supported by quality townships, rural places and services'. The Strategic Plan was implemented to influence the growth of the Council area from 2017 through to 2020.

The priorities of the Strategic Plan are:

- Advocating for new retail, commercial and allied industrial development.
- Delivering the Northern Food Bowl Protection Areas Development Plan Amendment.
- Increasing collaboration and funding through public private partnerships.
- Increasing South Australian and Australian Government funding and collaboration.
- Sound management of community assets (Community Wastewater Management Systems, Built Infrastructure, Roads, Open Space, Stormwater and Flood Management).
- Increasing community partnerships and volunteering as a means of delivering services to our region.

In order to deliver the vision and priorities of the Strategic Plan, Adelaide Plains Council determined five areas of strategic focus that required action:

- Resilient environment and community.
- Accountable and sustainable governance.
- Growing economy.
- Great places and infrastructure.
- Vibrant community.

3.5.2 Targets and Policies

Each of the focus areas in the Strategic Plan has a number of strategies that the Council aims to achieve throughout the duration of the Strategic Plan.

Under the Vibrant Community focus of the Strategic Plan, the strategies outlined surround the attraction of more people to the Council area to live, and then provide adequate programs and facilities to create a sense of community. This strategy also includes increased focus on advocating for more facilities and services in health, education, aged and youth care, welfare and emergency, in order to further support the existing and future population.

In order to achieve a Growing Economy for the region, the strategies under this focus on supporting primary producers and creating relationships with allied industries, as well as increasing support given to small and medium businesses. Encouraging the establishment and support of quality retailers in attractive main street areas will help to grow tourism in the area. Finally, appropriate ICT infrastructure will also help to support and attract businesses to the area.

To create Great Places and Infrastructure for the Council area, it is recognised that there is a need to advocate to the SA Government for an improved regional and public transport network and also take responsibility to provide a safe and fit for purpose local road network with attractive streetscapes, public places and open spaces. It is also a priority that built heritage and rural character is protected and celebrated whilst planning and building for future growth.

The Adelaide Plains Council values its natural environment, and understands that it is important to protect the biodiversity and restore natural environments where able, whilst preparing and responding to climate change. Council have put a large focus on mitigating the impacts of flooding on all aspects of the community, on to encouraging the use of alternative energy supplies and also reducing the amount of waste that is put to landfill.

In order to create Accountable and Sustainable Governance, the Adelaide Plains Council aims to actively seek partnerships and streamline processes. Accountability and community involvement are also crucial, as is the service provided by staff to the community and maintaining the community focus. Creating a positive culture for both staff and residents is important in achieving this focus as well.

3.5.3 Implications for Two Wells

The area of Two Wells is specifically highlighted throughout the Strategic Plan, both in the Mayor and CEO's message at the beginning of the Plan and also in the areas of Strategic Focus.

It is acknowledged that as Adelaide Plains Council is considered to be peri-urban, that population growth is imminent for the region. For Two Wells in particular, the population has the potential to double in the next 20 years. In response to this, a reception to year 9 (1st stage) private school is earmarked for the area to accommodate this increase.

Throughout the targets and policies of the Strategic Plan, Two Wells is mentioned specifically a number of times, under the following headings:

- Vibrant Community:
 - | To support opportunities for Two Wells and the broader district as a result of both the Eden and Liberty developments.
 - | Establish a skate park in Two Wells with the assistance of the community groups within the area.
- Growing Economy:
 - | Exploring the potential for retail opportunities in townships, particularly the Two Wells main street.
- Great Places and Infrastructure:
 - | Heritage conservation of the Two Wells Library and the Chambers.
 - | Investigation and planning to upgrade the Two Wells main street including the accommodation of community groups.
 - | Promote the integration of the Eden and Liberty developments with the Two Wells Main Street and facilities.

4 Infrastructure and Flood Management

A high level strategic assessment of infrastructure and flooding issues has been considered. Figure 3 summarises pertinent infrastructure.

- Road – Temby, Secomb and Sharpe Roads are currently unsealed. Mallala Road (accessible over the rail-line at Temby and Gawler Roads) is sealed. Mallala and Gawler Roads accommodate an average of 2,200 vehicles per day.
- Water – Mallala Road reserve accommodates a SA Water 100mm water main, while the Temby Road reserve accommodates a 150mm water main.
- Electricity – a SAPN 11kV overhead line runs along Mallala Road, while a SAPN 19kV overhead line runs through a point between Temby Road in a northern direction. A SAPN substation is under construction on the corner of the rail-line and Sharpe Road. SAPN have incorporated a landscaping buffer within its allotment and therefore there is unlikely to be any particular additional buffer area requirements.
- Waste Management – it is understood that Alano Water is constructing a private waste water management facility on the south-east corner of Temby Road and Port Wakefield Highway to service the existing Suburban Neighbourhood Zone area. It is understood that this facility could potentially be expanded to accommodate the subject land.
- Stormwater Management – a portion of the site has been identified as potentially being affected by flood waters (1 in 100 ARI event). However, this issue can be sensitively managed and is not considered to be a significant impediment to development.

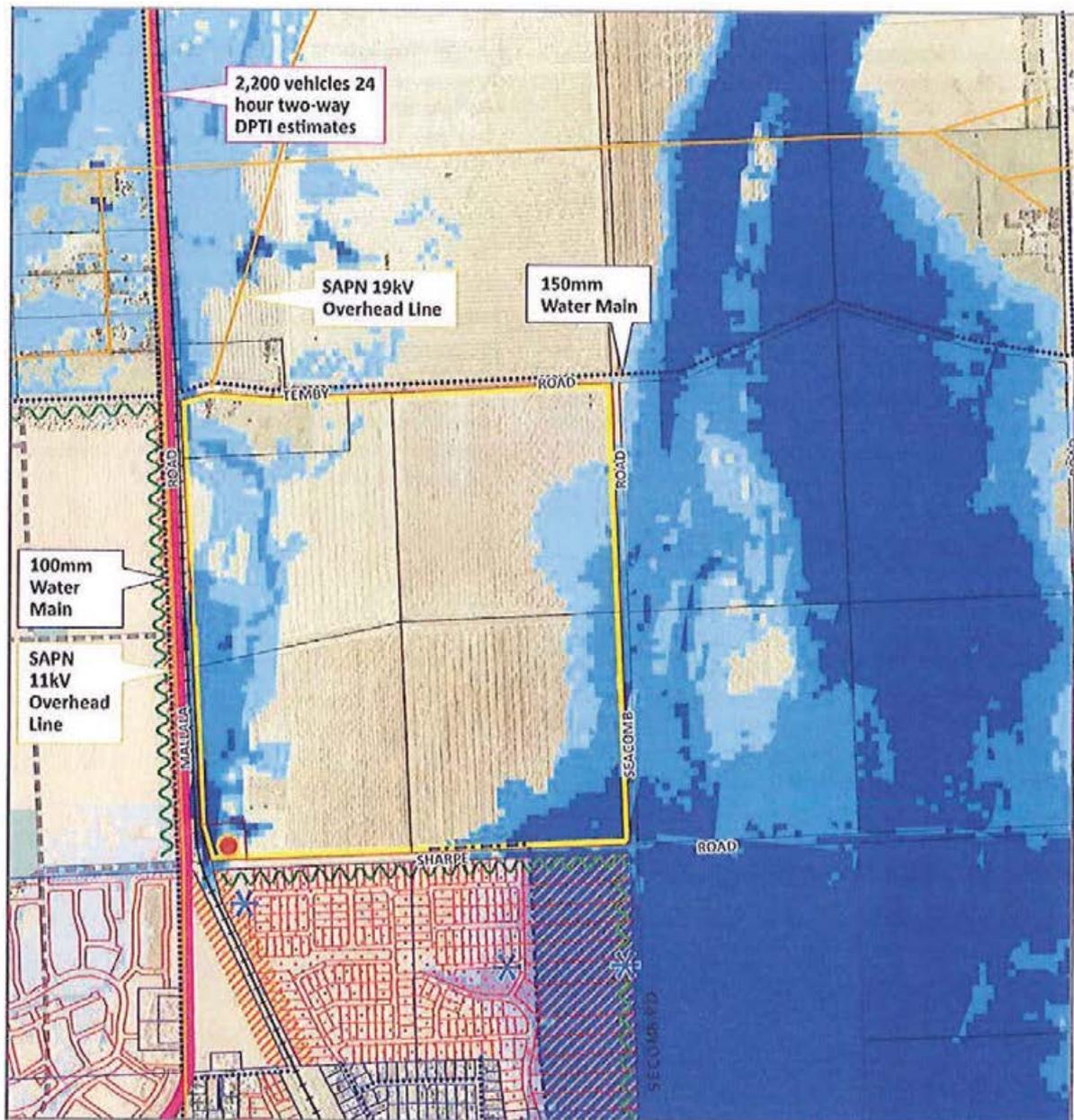
The Adelaide Plains Council commissioned Australian Water Environments to prepare a “Stormwater Management Plan (SMP) for Two Wells”. The Plan was published in 2017. The Plan was required, in part, to ensure compliance with the requirements of the Stormwater Management Authority and the Adelaide and Mount Lofty Ranges Natural Resources Management Board. Compliance with these bodies is particularly

relevant when seeking their funding.

The SMP did not specifically review potential urban development on the land that is the subject of this Scoping Paper. However, some of the following SMP recommendations may be relevant (subject to refinement) for the subject land:

- I Consider implications of the proposed Temby Road landscaped swale drain system (north and west of the Hickinbotham proposed development area).
- I Consider implications of the proposed fill and levee bank running north-south located west of Secomb Road.
- I Consider wetland water treatment and water reuse.
- I Review Development Plan policy to manage infill development and to incorporate water reuse and water treatment management objectives.
- I Promote the effective use of rainwater tanks in the existing township as well as in the 30 Year Growth Areas.
- I Include specific water quality and reuse objectives and targets in Council’s Development Plan consistent with the State Government’s targets and the NRM Board’s resource condition targets.
- I Incorporate Water Sensitive Urban Design (WSUD) systems within council infrastructure works (eg road upgrades) and streetscape upgrades.
- I Develop a Total Flood Warning System for Two Wells. This would involve implementing a Flood Preparedness Program including community education and awareness raising, and installing flow monitoring gauging stations, on the Gilbert River and/or downstream of the junction with Light River, along with rain gauges further upstream.

Figure 3: Infrastructure and Flooding Overview (Pre-development)



DATA SOURCE: Property Location Browser, Mallala DP, Map M3/7

LEGEND

- | | |
|---|---|
|  Site boundary |  SAPN substation |
|  Cadastre |  Main Road |
|  Zone Boundary | |
|  Policy Area Boundary | Flood Hazard Risk Areas
(1 in 100 year ARI flood event) |
|  Development Proposals |  High |
|  Development Deposits |  Medium |
|  Rail Line |  Low |
|  Water Main | |
|  Powerlines | <i>Subject land is included in the State's "Environment and Food Production Areas"</i> |

5 Interface

Interface issues associated with an increased urban area can relate to:

- Noise, chemical spray drift, odour, dust, or smoke from primary production activities.
- Noise from the Adelaide to Darwin/Perth freight rail line.
- Noise from the SAPN Sub-station.
- Noise, chemical spray drift, odour, dust, or smoke from EPA Licenced activities.

Primary Production - An expansion of the township will not increase urban – primary production interface issues. An expansion is more likely to shift the interface outwards. As evident by existing Development Plan policies, development can proceed subject to ensuring sufficient buffer areas and management practices are maintained.

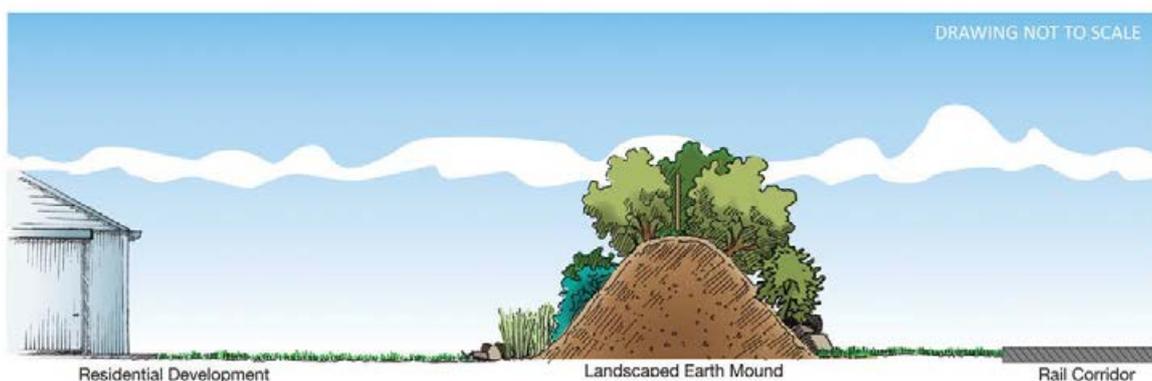
Rail – As currently existing in Development Plan policy, residential development in close proximity to the Adelaide to Darwin/Perth freight rail line will require appropriate measures to avoid unacceptable impact on residents in terms of noise and vibration. This may include buffers and a combination of techniques to comply with the relevant Minister's specifications.

Electricity Substation Interface - Any development of land abutting or in the vicinity of a possible new substation site could be impacted by noise associated with the operation of transformers and circuit breakers. Appropriate separation and/or attenuation may need to be considered. However, preliminary discussions with SAPN have indicated that their 1 hectare site has been designed to incorporate appropriate buffer areas within the land holding.

EPA Licenced Activities - At this preliminary stage of investigations, there are no EPA Licenced activities identified within 1km of the subject land.

In summary, there doesn't appear to be any significant interface issues that would be considered as a significant development constraint.

Figure 4: Potential Noise Barrier



6 Opportunities

Based on a general assumption of 1,000sqm residential lots, the land is likely to yield approximately 850 dwellings.¹

The anticipated benefits of the proposed development includes (refer to Figure 5):

-  Increasing the catchment of the Lutheran-based school planned in the nearby existing Suburban Neighbourhood Zone, thereby facilitating a more expeditious development of this educational facility.
-  Increasing the catchment for retail development opportunities in the Two Wells main street to support the realization of the "Two Wells – South Australia Main Street Design Guidelines".
-  Providing opportunities to have nearby infrastructure, such as Sharpe, Temby and Secomb Roads upgraded that will benefit the broader community.
-  Providing significant recreational/open space activities, including a dog park.
-  Increasing the population catchment and thereby, participation in local sporting clubs.
-  More efficient utilisation (and potential upgrading) of existing rail-line crossing at Temby Road and Gawler Road.
-  Promoting greater connectivity with existing urban development/communities.
-  Providing a uniform edge to the Two Wells township boundary.

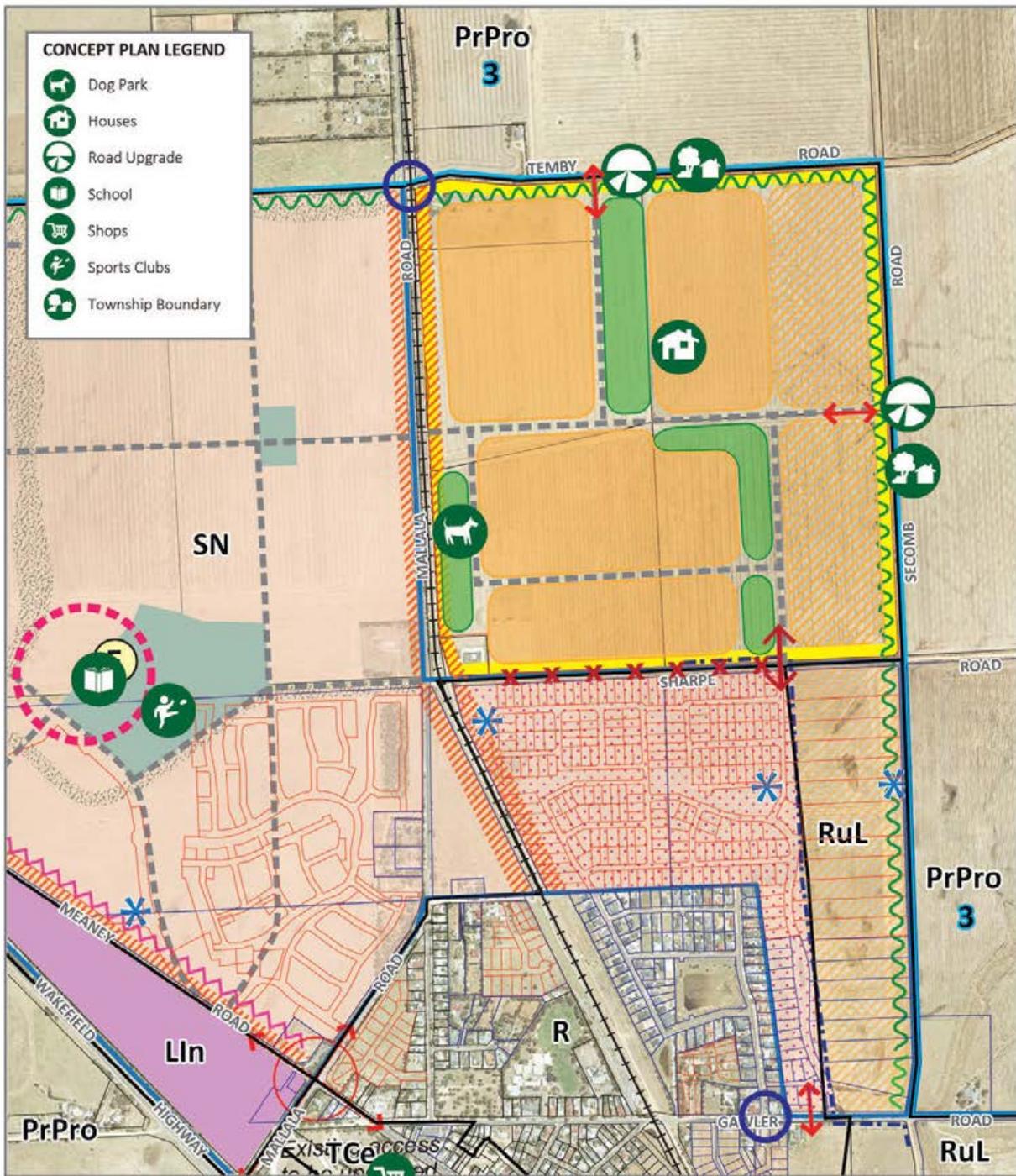
7 Potential Next Steps

Within a collaborative framework, the next steps to progress this project should include:

- Presenting to Elected Members of the Adelaide Plains Council to appreciate their positions and request their support for this medium to long-term policy initiative.
- Refining this Scoping Paper.
- Subject to feedback from Council's Elected Members, discussing the proposal with Department for Planning, Transport and Infrastructure / Minister for Planning.
- Commencing investigations to justify and support the rezoning of the land.
- Striving to ensure the land is identified for future urban coordinated growth in the 30 Year Plan for Greater Adelaide (including updates to the 'Environment and Food Production Areas') and Council's Strategic Plans.

¹ Based on gross density of 6.2 dwellings per hectare. Includes 20% for roads and 12.5% for open space.

Figure 5: Preliminary Concept Plan





Appendix A

Certificates of Title

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5119 Folio 312

Parent Title(s) CT 4149/691
Creating Dealing(s) CONVERTED TITLE
Title Issued 29/04/1993 **Edition** 3 **Edition Issued** 16/07/1997

Estate Type

FEE SIMPLE

Registered Proprietor

ANITA STELLA VAN SCHOONHOVEN
OF LOT 1 TEMBY ROAD TWO WELLS SA 5501

Description of Land

ALLOTMENT 1 FILED PLAN 4223
IN THE AREA NAMED TWO WELLS
HUNDRED OF PORT GAWLER

Easements

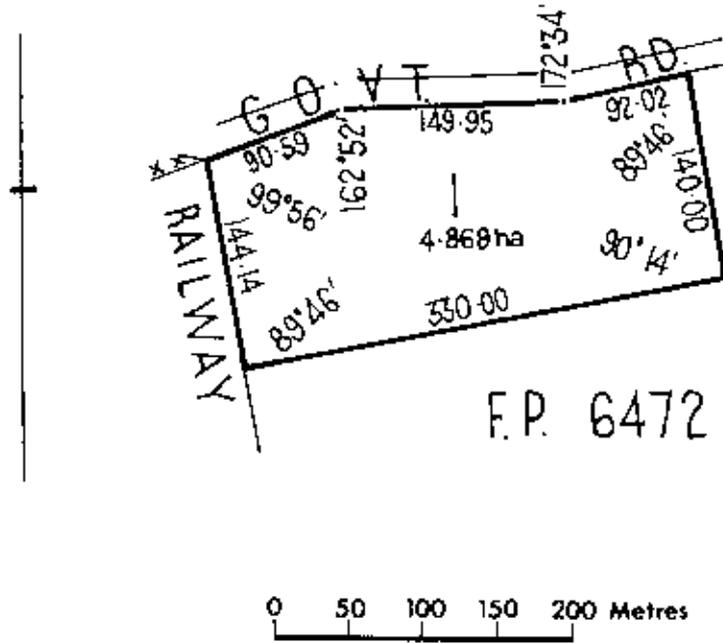
NIL

Schedule of Dealings

Dealing Number	Description
7510580	MORTGAGE TO STATE BANK OF SOUTH AUSTRALIA

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



REAL PROPERTY ACT, 1986



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5273 Folio 673

Parent Title(s) CT 4149/692
Creating Dealing(s) CONVERTED TITLE
Title Issued 20/06/1995 **Edition** 7 **Edition Issued** 09/08/2010

Estate Type

FEE SIMPLE

Registered Proprietor

B. H. & S. A. HICKS PTY. LTD. (ACN: 007 876 806)
OF PMB 6 JOCKWAR STATION TAILERN BEND SA 5260

Description of Land

ALLOTMENT 3 FILED PLAN 4223
IN THE AREA NAMED TWO WELLS
HUNDRED OF PORT GAWLER

Easements

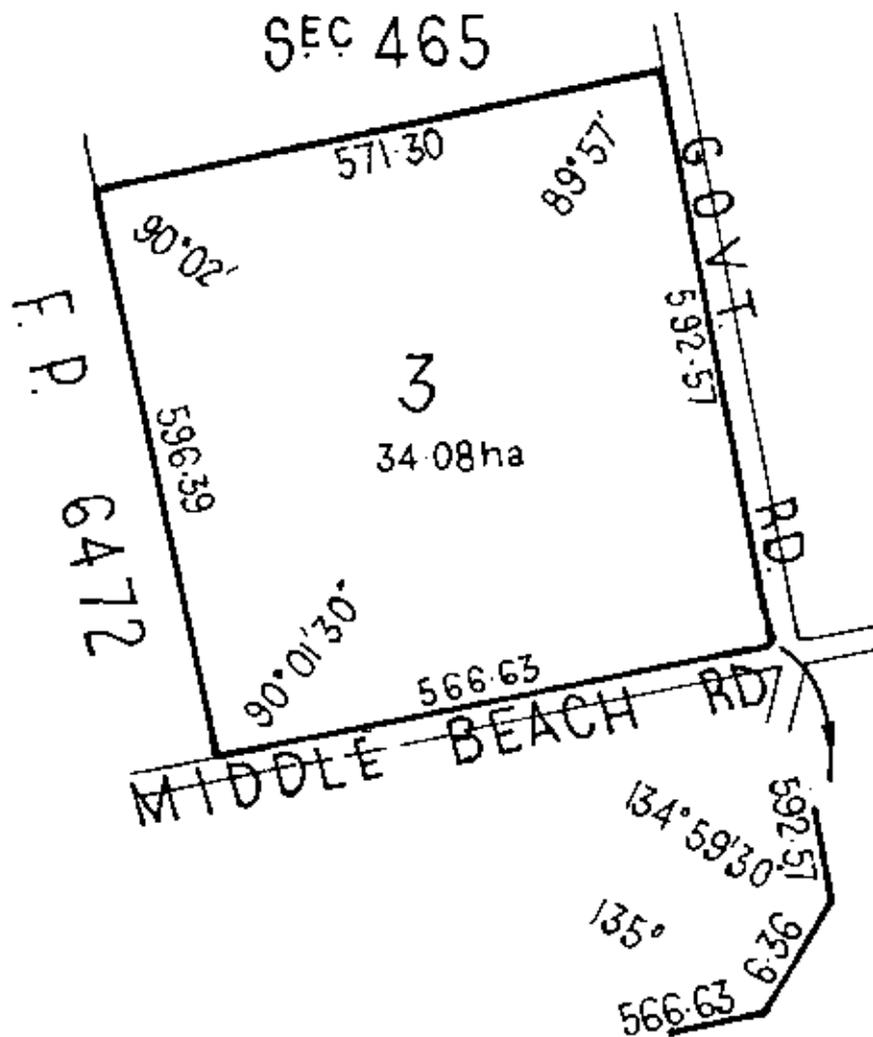
NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL
Priority Notices NIL
Notations on Plan NIL
Registrar-General's Notes NIL
Administrative Interests NIL



REAL PROPERTY ACT, 1986



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5273 Folio 674

Parent Title(s) CT 4198/335
Creating Dealing(s) CONVERTED TITLE
Title Issued 20/06/1995 **Edition** 7 **Edition Issued** 09/08/2010

Estate Type

FEE SIMPLE

Registered Proprietor

B. H. & S. A. HICKS PTY. LTD. (ACN: 007 876 806)
OF PMB 6 JOCKWAR STATION TAILERN BEND SA 5260

Description of Land

ALLOTMENT 14 FILED PLAN 14989
IN THE AREA NAMED TWO WELLS
HUNDRED OF PORT GAWLER

Easements

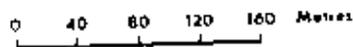
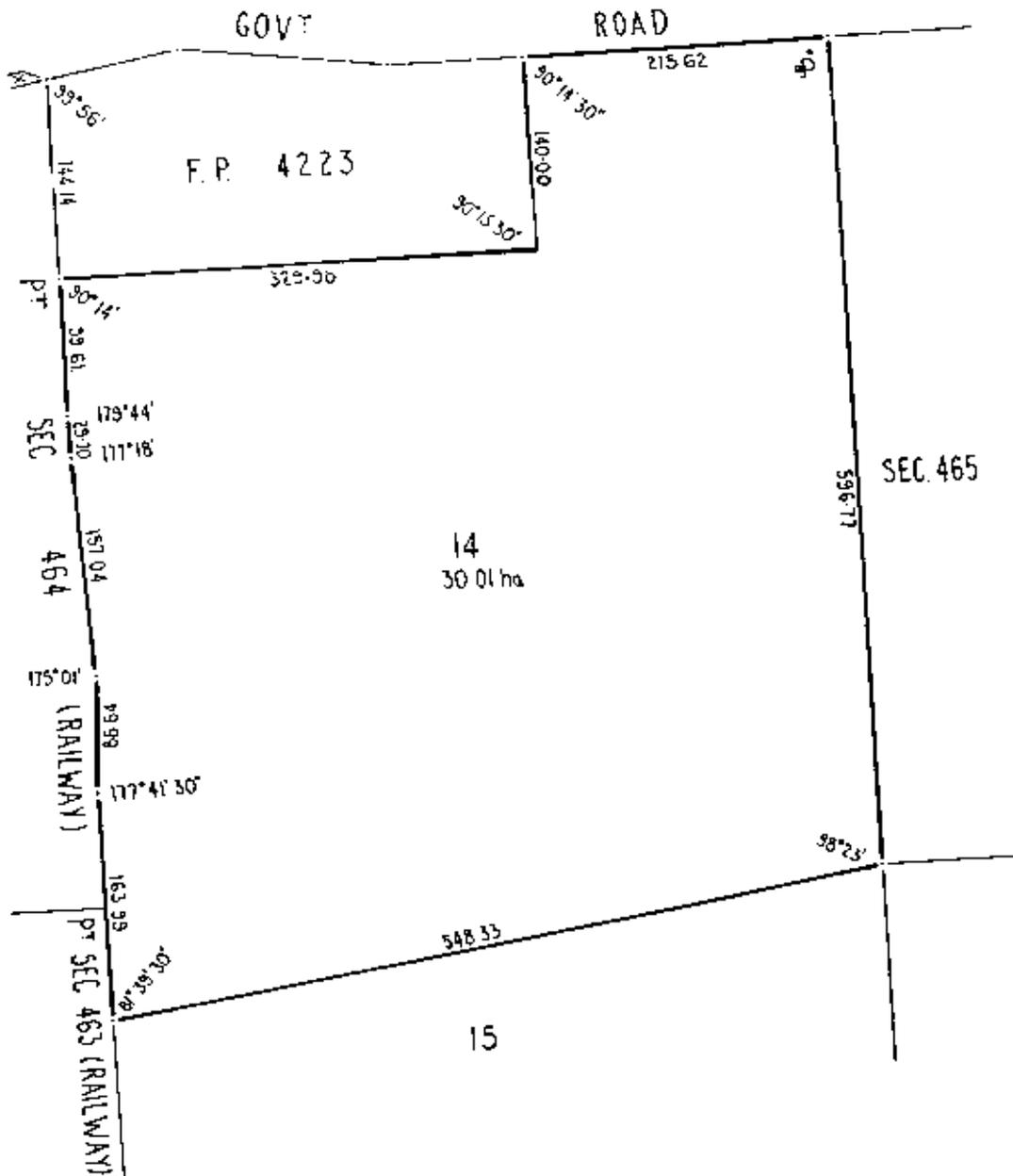
NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



REAL PROPERTY ACT, 1986



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5522 Folio 886

Parent Title(s) CT 4087/527

Creating Dealing(s) CONVERTED TITLE

Title Issued 09/04/1998 **Edition** 1 **Edition Issued** 09/04/1998

Estate Type

FEE SIMPLE

Registered Proprietor

RINO GUIDOLIN
ANTONIETTA GUIDOLIN
OF SYMES ROAD WATERLOO CORNER VIA SALISBURY SA 5110
AS JOINT TENANTS

Description of Land

SECTION 465
HUNDRED OF PORT GAWLER
IN THE AREA NAMED TWO WELLS

Easements

NIL

Schedule of Dealings

NIL

Notations

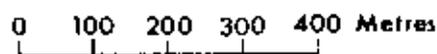
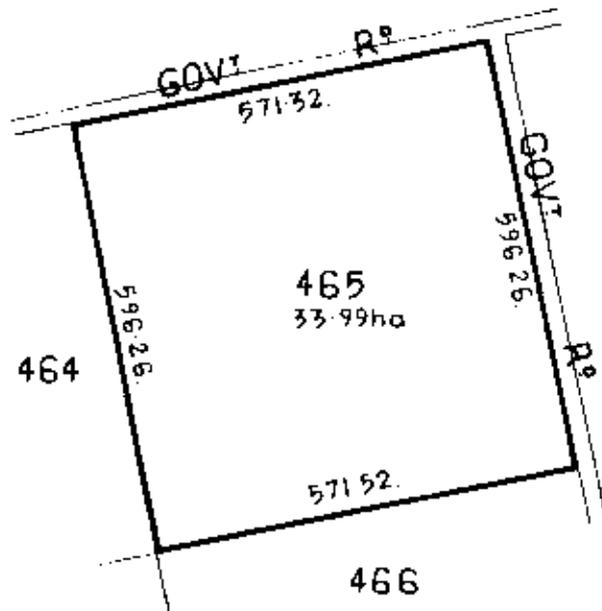
Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes NIL

Administrative Interests NIL



REAL PROPERTY ACT, 1986



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6127 Folio 803

Parent Title(s) CT 5273/672
Creating Dealing(s) RTC 12049392
Title Issued 23/12/2013 **Edition** 1 **Edition Issued** 23/12/2013

Estate Type

FEE SIMPLE

Registered Proprietor

B.H. & S.A. HICKS PTY. LTD. (ACN: 007 876 806)
OF PRIVATE BAG 6 JOCKWAR STATION TAILLEM BEND SA 5260

Description of Land

ALLOTMENT 22 DEPOSITED PLAN 92605
IN THE AREA NAMED TWO WELLS
HUNDRED OF PORT GAWLER

Easements

NIL

Schedule of Dealings

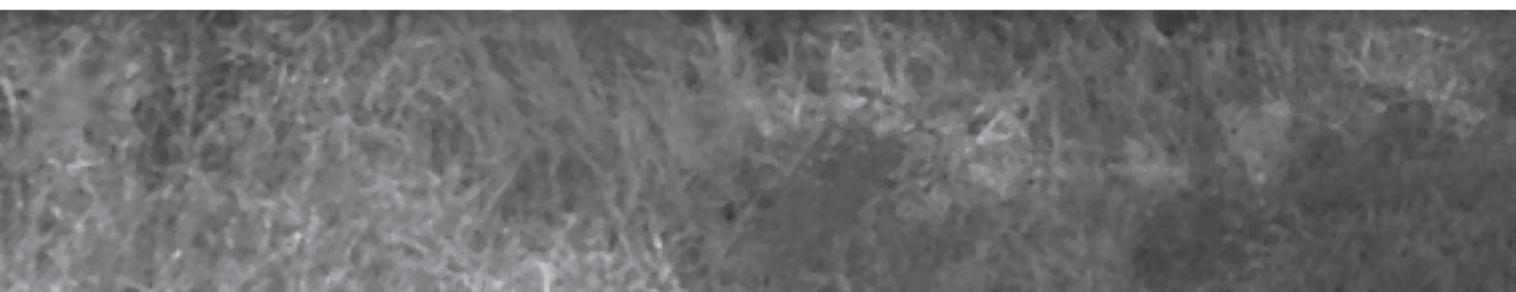
NIL

Notations

Dealings Affecting Title NIL
Priority Notices NIL
Notations on Plan NIL
Registrar-General's Notes NIL
Administrative Interests NIL



Two Wells
Township Expansion



Environment and Food Production Areas and allow the future progression of long term rezoning objectives as outlined in Attachments 1 and 2 to this Report."

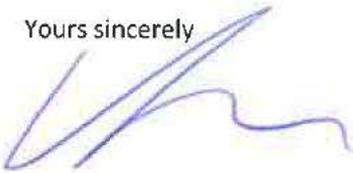
CARRIED UNANIMOUSLY

As per Council Resolution 2019/412 above, Adelaide Plains Council is pleased to provide in-principle support to the Hicks Group to advocate for boundary changes to the EFPA to allow for the future progression of long term rezoning objectives for the North East Two Wells expansion.

Subject to availability, Council staff will be keen to attend meetings with Grazio Maiorano of URPS and the Department of Planning, Transport and Infrastructure to progress this matter.

If you require any further information, please contact Rob Veitch, General Manager Development and Community on (08) 8527 0200 or [REDACTED]

Yours sincerely



James Miller
Chief Executive Officer

Form Information

Site Name PlanSA

Site Id 578867

Page Request to vary Environment and Food Production Area boundaries
Standard
Name

Page 823328
Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries

Submission Id 872277

Id

Submission Time 20 Jul 2021 1:49 pm

Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: Andrew Chown URPS obo the Craven Group
Postal Address: [REDACTED]
Phone Number: [REDACTED]
Mobile Number:
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): Old Bull Creek Road, Strathalbyn
Allotment ID: CT:6064/636 Lota in D58580 Valuation Number: 7707904208
Owners: Nevarc Land Pty Ltd

Requested variation details

Details of requested variation: See Attached Submission
Additional supporting information:
Supporting document: 210720_v1_Submission_to_EFPA_Old_Bull_Creek_Road,_Strathalbyn.pdf, type application/pdf, 10.0 MB

Map of requested variation

Map or diagram to support submission: Old_Bull_Creek_Road_-_Mapping.pdf, type application/pdf, 179.9 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?: Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:
Address:
Phone number:
Mobile number:
Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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20 July 2021

Helen Dyer
Chair
State Planning Commission
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Rose Park, SA 5067

08 8333 7999

Melbourne
29-31 Rathdowne St
Carlton, VIC 3053

03 8593 9650

urps.com.au

Dear Helen

EFPA Review Submission – Old Bull Creek Road, Strathalbyn

Thank you for the opportunity to provide a submission to the State Planning Commission's (Commission's) first review of the Environment and Food Production Areas (EFPA) established in 2017.

I have been engaged by the Craven Group (Oakford Homes) to prepare a detailed submission in response to the Environment and Food Production Areas (EFPA) review for land located at Old Bull Creek Road, Strathalbyn. It is evident that the application of the EFPA in this instance is an anomaly and variation of the boundary to remove the allotment from the GRO Plan is trivial for the reasons described below.

Subject Land

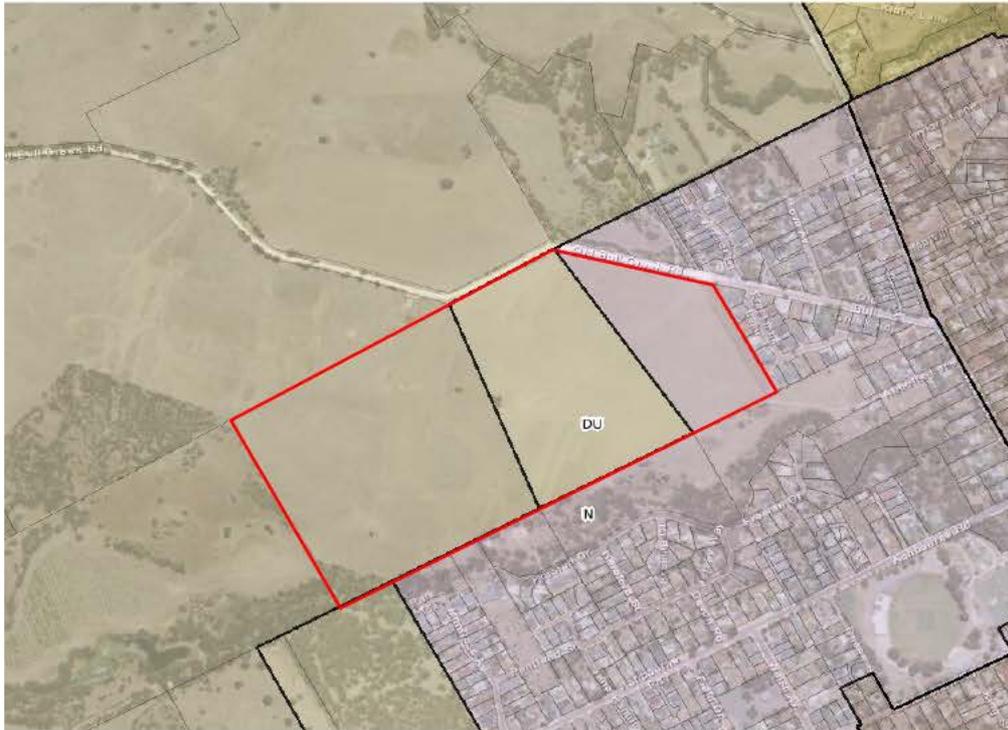
The land is more accurately described as Lot 1 in D58580 (CT:6064/636). This title is located to the immediate north-west of the Strathalbyn Township and is partially within the Planned Urban Lands to 2045 area. As a result, the current zoning of this land is split between Neighbourhood, Deferred Urban and Rural.

Figure 1 below identifies the subject land, whilst figure 2 shows the zone split across the allotment.

Figure 1: Subject Land



Figure 2: Current Zone Split



Zoning History

The subject land formed part of the recently approved *Strathalbyn Deferred Urban Development Plan Amendment (DPA)*.

In 2014, Alexandrina Council worked with its community to update the Strathalbyn Town Plan. In response to this plan a land supply analysis was undertaken which identified:

- actual residential growth occurring between 2011 and 2016 was almost double the growth expected in the Township Plan.
- based on uptake rates, land supporting residential growth equated to 12.5 – 14.3 years of supply.

The consequence of these findings was the advancement of the above DPA. In its original form, this DPA sought to rezone the entire Deferred Urban zone as it applied to this land for residential purposes. However, in finalising the DPA this was reduced to the current zone boundaries and resulted in the balance remaining within either the Deferred Urban Zone or Rural Zone.

Notwithstanding, at conventional uptake rates, current supply does not facilitate a 15-year rolling supply of development ready or undeveloped zoned land.

Strathalbyn Anomaly

It is understood that the scope of the Commission's review is focused on considering variations of the EFPA boundary that are trivial in nature and will address a recognised anomaly. I contend that the situation presented herein is an example of such an anomaly and warrants review.

Zone Split and EFPA Application

The subject land has a total area of some 33.33 hectares with an approximate 50/50 split between land zoned Neighbourhood and Deferred Urban and land zoned Rural and subject to the EFPA controls.

The application of the EFPA in a manner that does not follow cadastre boundaries is considered illogical. As demonstrated below, this split has resulted in an allotment which is neither capable of supporting primary production or supporting orderly residential development.

Figure 3 shows the current EFPA boundary and its relationship to the subject land.

Figure 3 Current EFPA Boundary



Agricultural Viability

In support of this submission an agricultural consultant was engaged to provide professional advice on the viability of a farming operation occurring on the balance land which remains within the Rural Zone and subsequently in the EFPA.

In preparing this report (enclosed) a site walk-over was conducted and the local characteristics were considered to determine land class and suitability. The report found:

- of the 16.7ha that remained within the EFPA, only 5.8ha was classified as Class 2 land and subject to only minor constraint.
- the balance 10.9ha displayed a moderate or high degree of constraint and farming practices would be limited to grazing at stocking rates well below the stocking rate required to remain viable. In this instance, the land would be capable of supporting some 150 – 180 dry sheep equivalents, with a local minimum viable stocking rate of 500 dry sheep equivalents.
- Based on this assessment, the land is **not viable in its own right**.

The lands viability is an important element. Section 3 of the *Planning, Development and Infrastructure Act 2016* (the Act) states that:

'...the Commission must ensure that areas of rural, landscape, environmental or food production significance within Greater Adelaide are protected...' (my emphasis)

Whilst acknowledging the intent and importance of protecting strategic agricultural land that supports the production of food and fibre, there are circumstances where the EFPA boundary is illogical, and amendments are warranted. In this instance, the land is demonstrably constrained and not viable in its own right. As such, it cannot be considered as land of 'significance'.

This is further demonstrated when one turns to the additional policy contained within the Code that would limit the lands use for farming practices. Namely, despite the land comprising an area which is technically capable of being cropped, this area shares the common zone boundary with the Deferred Urban Zone. This in turn would restrict the functional operation and management of any farming practice on this portion of the land and in-deed the balance. The above constraints are more readily

The above demonstrates the lands inclusion and retention in the EFPA as an anomaly.

Strategic Land Value

The subject land is a strategic site located to the immediate north-west of the Strathalbyn town centre. Its location and capability of being readily serviced by existing infrastructure represents a logical location for consolidation of the township over the next 15-year period to satisfy demonstrated demand.

Conclusion

Section 7(3) and (8) of the Act enable the Commission to vary the EFPA where such variation is trivial in nature and will address a recognised anomaly.

The current boundary of the EFPA splits the land into 2 separate sections with corresponding zoning differences. This consequential outcome of this split is the retention of a portion of the land in the EFPA which is not viable for primary production purposes.

As demonstrated above, the application of the EFPA is an anomaly and does not reflect the EFPA's intent to ensure *areas of rural, landscape, environmental or food production significance within Greater Adelaide are protected from urban encroachment*. As such, I request the Commission recognise this anomaly and undertake the subsequent trivial amendment to the associated GRO Plan.

Should you have any questions regarding the above, please do not hesitate to contact me on [REDACTED] or [REDACTED]

Yours sincerely



Andrew Chown
Principal Consultant

Enc: Agricultural Report

20th July 2021

Nevarc Land Pty Ltd
Attention: Graeme Gibson
Property Development Manager
PO Box 296
Marden 5070

Re Land capability for agricultural land use. Allotment 1 in D58580 Hd Kondoparinga. Area 16.7 ha

Dear Graeme,

On July 12th I walked over and inspected all the above parcel of land near Old Bull Creek Road on the north-western outskirts of Strathalbyn. This parcel of land is adjacent to an existing residential development to the south, a deferred urban development to the east and rural land to the west and north.

This land is currently zoned Rural and is used for grazing and cropping.

Topography is undulating.

Climate. Average annual rainfall is 490mm (Strathalbyn Bureau of Meteorology station located one km south-east) which mainly falls between April and October.

Soils are mostly of a loamy texture, with a weathered sandstone subsoil and occasional quartz and sandstone outcrops. Depth of soil varies from 2-4 cm to more than 20 cm.

Pastures. Annual grasses and sub clover.

Features. Refer to the attached map (Appendix A) for site locations and also the attached photographs (Appendix B)

- Site A. At least 20cm dark brown loamy soil over weathered sandstone with a soil pH = 6.0. A few rocky outcrops
- Site B. Similar to A, except weathered sandstone at 10cm depth
- Site C. Similar to A, except weathered sandstone at 2-4 cm, with quartz outcrops
- Site D. Slightly sandier soil with about 30cm depth to stone with numerous rocky outcrops.
- Site E. About 30cm lighter brown sandy loam soil over sandstone and quartz

Land classes. Refer to the attached map (Appendix A) for approximate land class boundaries and Appendix C for the Land Class classification system

- Approximately 5.8 ha is Class 2. This land has only minor physical limitations and can be cropped.
- Approximately 6.0 ha is Class 3. This land has moderate physical limitations significantly affecting productive land use and is not arable (able to be sown to a crop) but can grow a perennial grass-based pasture such as phalaris.

- Approximately 4.9 ha is Class 4. This land has a high degree of physical limitation not easily overcome by standard development techniques and could not be cropped or sown to a perennial grass-based pasture due to shallow soil and rocky outcrops.

Adjoining land use.

Adjoining rural land to the north and west appears to be largely Class 4, whilst land to the south is already zoned residential and land to the east is zoned deferred urban.

Summary.

Allotment 1 in D58580 Hd Kondoparinga is a generally high-quality agricultural land. The existing agricultural land parcels to the north and west were not examined, but this allotment appears to be a better land class compared to most of the agricultural land to the immediate north and west.

Although high quality agricultural land, I consider this allotment will only be suited for extensive broadacre grazing purposes, and not suited to horticultural activities, either intensive or non-intensive, due to closeness of rock and lack of ground water as well as the presence of existing adjacent residential development. For the same reason broadacre cereal cropping on this allotment will be difficult due to potential issues with off target agricultural chemicals and dust.

Once sown to an improved perennial grass-based pasture 11.8 ha of this allotment (classes 2 and 3) will be capable of carrying between 10 and 12 dse/ha, whilst 4.9 ha of class 4 land will be capable of carrying between 7 and 8 dse/ha. This is a total of 150 to 180 dse which is way under a viable agricultural unit of a minimum 500 dse (dry sheep equivalents).

Therefore, this allotment is not an economically viable parcel in its own right.

Yours sincerely



Tim Prance

Consultant, Pastures and Grazing Systems

T Prance Rural Consulting, [REDACTED]
[REDACTED]
[REDACTED]

Appendices

A. Appendix A

Map showing the main features – *attached as a separate file*

- Sites A, B, C, D and E
- Approximate land class boundaries

B. Appendix B

- Photographs – *attached as a separate file*

C. Appendix C

- Land class classification system

Class 1: very few physical limitations which are easily overcome; risk of land degradation is negligible.

Class 2: minor physical limitations affecting either productive land use or risk of degradation; limitations can be overcome by careful planning.

Class 3: moderate physical limitations significantly affecting productive land use or risk of degradation; careful planning and conservation measures are required.

Class 4: high degree of physical limitation not easily overcome by standard development techniques or resulting in high risk of degradation; extensive conservation measures and careful ongoing management are required.

Class 5: severe limitations; use is usually prohibitive in terms of development costs or the associated risk of degradation.



Site A. Close up



Site A. Looking south east



Site A. Looking north east along northern boundary



Site B. 10 cm to stone



Site C. 2-4 cm to stone. Looking south east



Site D. Looking south



Site E. Looking east

Old Bull Creek Road, Strathalbyn



From: PlanSA [mailto:noreply@plan.sa.gov.au]
Sent: Friday, 4 June 2021 3:56 PM
To: DIT:Plan SA <PlanSA@sa.gov.au>
Subject: Danielle Leckie Query re review of EFPA

User

Full Name: Danielle Leckie
Phone Number: [REDACTED]
Email: [REDACTED]
Organization Name:
Development
Application Number:
Address of
development:
Type of User: Community Member

Request

Nature of Enquiry: Query re review of EFPA

Description of Enquiry: Hi, I have a few questions about the EFPA review document, as per below: -FAQs states: The EFPAs do not affect you unless you're proposing a new land division for residential purposes. This is incorrect. Real Estate are confirming that this is driving up prices of land of a larger size within Strathalbyn because of the limitations on

available land due to the EFPA. There isn't a mention in the report on what affect the EFPA has had on local prices for consideration. We want to keep the feel of town but with the restrictions we are driving up prices and also forcing smaller blocks to fir growth into the boundary created. -Page 24 of the Statement of Position has an * on some of the figures but I can't find what that is linked to, apologies I may be blind! -Page 18 of the Statement of Position quotes growth predictions from 2019 by DPTI. This is pre covid. There is zero mention of the affect on townships due to covid. It is well documented that there has been a move by city residents (from SA AND interstate) to regional areas because of covid yet your statement relies on growth predictions pre covid and makes no mention of the affect of covid to populations in regional areas. What affect has covid had on growth and are these assumptions still correct in the statement? To not address this in the statement doesn't seem to provide an accurate view that all is ok. - Will the engagement events be available via video or similar? You have scheduled the sessions for 4pm and I have a 2yo until my husband gets home at 5pm so attending a meeting is problematic. Any options you can suggest or will there be alternative times later in the day?

For technical issues:
What steps have you followed?:

Attachments: No file uploaded

Form Information

Site Name PlanSA
Site Id 578867
Page Request to vary Environment and Food Production Area boundaries
Standard Name
Page 823328
Standard Id
Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound
Submission 844319
Id
Submission 16 Jun 2021 10:11 pm
Time
Submission [REDACTED]
IP Address

Contact and land details

Your Name and contact details

Name: Martin Wells
Postal Address: [REDACTED]
Phone Number: [REDACTED]
Mobile Number:
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): 5-7 Nilpena Rd., Northern Heights SA 5253
Allotment ID: Section 292, Hundred of Mobilong.
Owners: Martin and Angela Wells

Requested variation details

Details of requested variation: The land bounded by Nilpena Rd, Mannum Rd., Doyle Rd and Toora rd is all occupied by homes on small acreage used for a country style lifestyle. It is not used for Farming or food production. The allotment sizes vary from under 1000m2 to over 10,000m2. Thomas Foods International meat abattior on Nilpena rd. / Lagoon rd. corner was previously a restriction on any development within 1km of the site. It is now being relocated to a new site 15kms out of town so should allow this country style living in this area to be free from restrictions. We suggest this should be reclassified from Rural to allow for Rural Living or Rural Neighbourhood sized allotments. Therefore we propose the EFPA boundary should be pushed back from Nilpena Rd to Doyle Rd.

Additional supporting information: Unable to add a copy of google maps sorry

Supporting document: No file uploaded

Map of requested variation

Map or diagram to support submission: No file uploaded

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?: No

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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Form Information

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Site Id 578867

Page Request to vary Environment and Food Production Area boundaries

Standard
Name

Page 823328

Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries

Submission Id 841266

Id

Submission Time 10 Jun 2021 1:21 pm

Time

Submission IP Address

IP Address

Contact and land details**Your Name and contact details**

Name: Fraser Ellis MP

Postal Address:

Phone Number:

Mobile Number:

Email:

Subject land details

Street Address (or rural property address, if relevant): N/A

Allotment ID: N/A

Owners: N/A

Requested variation details

Details of requested variation:

My understanding of the EFPAs is that they were introduced to protect our "valuable food producing and rural areas". The Greater Adelaide region, where the boundaries currently operate, is a very small slice of our food production industry in South Australia (see below for details). I understand the regions were not originally included in the boundaries because the EFPAs are intended to protect land from urban encroachment, but having said that, I submit that they should now be expanded to cover our regional areas. If this valuable land is worth protecting from one use, it is worth protecting from others.

Additional supporting information:

According to the Australian Bureau of Statistics, the total value of South Australian crops in 2019-20 was \$4,033,640,559. The total value of crops in Adelaide and the Mount Lofty Ranges, where the EFPAs

operate, was \$455,948,494, accounting for 11.3% of South Australia's crop production. In comparison, the Northern Yorke district accounted for 27% of crop production in South Australia. This trend becomes even more apparent in livestock production, and clearly demonstrates the need for EFPA boundaries to be extended to cover vital food production areas in our regions.

Supporting document: No file uploaded

Map of requested variation

Map or diagram to support submission: No file uploaded

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?: Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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Site Id 578867

Page Request to vary Environment and Food Production Area boundaries
Standard Name

Page 823328

Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound

Submission 849849

Id

Submission 28 Jun 2021 8:13 pm

Time

Submission 

IP Address

Contact and land details

Your Name and contact details

Name: Maria Yfantidis

Postal Address: 

Phone Number: [REDACTED]
Mobile Number: [REDACTED]
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): 1387 Angle Vale Rd Virginia SA 5120

Allotment ID: Property Description 1387 Angle. sle Rd Virginia SA 5120. Section/Lot Lot 11 section 3010 DP 6133 Hd of Munno Para Ward 1

Owners: Nick Tsimikilid. Paul Yfantidis

Requested variation details

Details of requested variation: We purchased our property over 30years ago and we do not intend to go any where we love farming and would like to grow our production not confident in investing in green houses for production due to one title two owners. when we initialy purchased our farm we were able to subdivide then the council changed the rules the rules which i understand i am an advocat for food security for the aconamy thasts why i wznt to kerp groeing fresh amasing produce. We are in a delema and have been for over 25yeesrs we dont want to build houses only glashouses to grow our production. just want to secure what we invest in on our farm iso it is ours and no leagl action can take it away from us just want security. Please i hope you can help. Im not great with writing a 5,000 wird document for thus request just want to get on with what we love to do. Yours sencerly Maria Yfantidis on behalf of my husbsnd Paul Yfantidis

Additional supporting information: Hope you can help

Supporting document: SAPPA_with_EFPA_overlay.pdf, type application/pdf, 245.3 KB

Map of requested variation

Map or diagram to support submission: No file uploaded

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?:

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name: Paul Yfantidis
Address: [REDACTED]
Phone number: [REDACTED]
Mobile number: [REDACTED]
Email: [REDACTED]

traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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Page Request to vary Environment and Food Production Area boundaries

Standard

Name

Page 823328

Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound

Submission 877957

Id

Submission 29 Jul 2021 2:38 pm

Time

Submission 

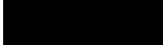
IP Address

Contact and land details

Your Name and contact details

Name: Maria Yfantidis

Postal Address: 

Phone Number: 

Mobile Number:

Email: 

Subject land details

Street Address (or rural property address, if relevant): 

Allotment ID: Lot 11 Section 3010 DP 6133 Hd of Munno Para

Owners: Paul Yfantidis, Nick Tsimiklis

Requested variation details

Details of requested variation: Property has two owners and one title and needs to be subdivided to allow for two titles. The property has had the same owners for 47 years. Each of the owners have three children each. When the time comes to hand the property down to the next generation, there will be great difficulty between all six children if the property still sits under one title despite having two owners. Subdividing into two titles will ease this transition.

Additional supporting information: Council has advised changing the EFPA boundary is the only option to allow for subdivision. Both title owners would like to see subdivision go ahead.

Supporting document: No file uploaded

Map of requested variation

Map or diagram to support submission: EFPA_boundary_change_application_29072021_lot11.pdf, type application/pdf, 160.9 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?:

Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

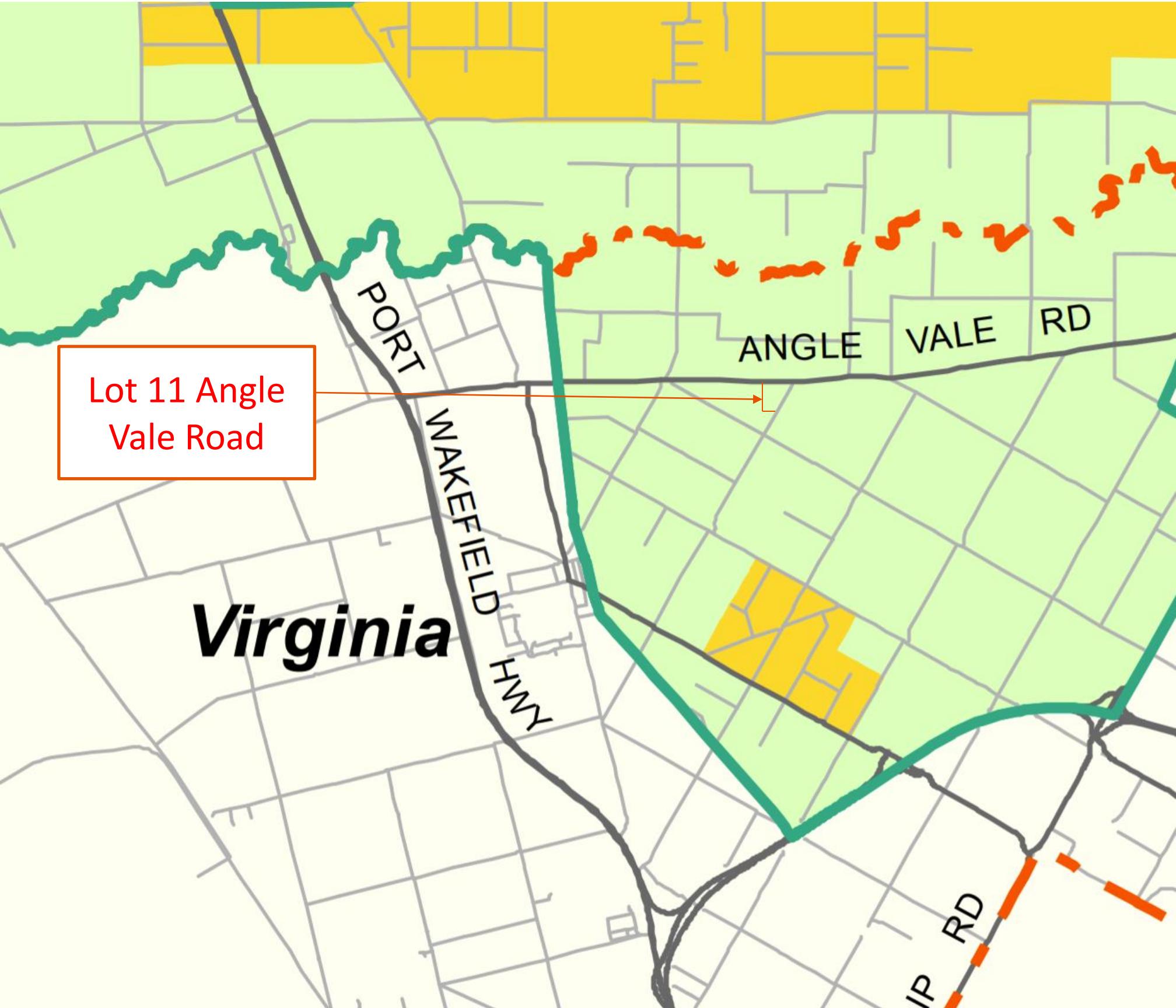
Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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Lot 11 Angle
Vale Road

Virginia

PORT
WAKEFIELD
HWY

ANGLE VALE RD

IP RD

Submission requesting a variation to the Environment and Food Production Area boundaries

Name and contact details

Name

David Hutchison
Director, Access Planning

Postal Address

[REDACTED]
[REDACTED] [REDACTED] [REDACTED]

Phone Number

[REDACTED]

Email

[REDACTED]

Subject land details

Street Address

Queen Louisa Drive / Long Flat Road
Long Flat

Allotment ID

Piece 196 in DP 126978 Hd Burdett
(proposed lot 81 in Dev. No. 415/D045/08 contained in CT 6241/9)

Owner(s)

Long Flat Developments Pty Ltd

Details of requested variation

The subject land is contained within a Rural Living Zone which has been in existence since December 2009, a zoning structure that was converted from the then Murray Bridge Council Development Plan into the new Planning and Design Code (Code) in March 2021, which transitioned the zone over as a Rural Living Zone. The land has therefore been in a rural living-based zone for some considerable time and well before the introduction of the EFPA system of controls in April 2017.

Long Flat Developments Pty Ltd wishes to subdivide the subject land into four residential blocks but is unable to at present due to the EFPA's curb on housing development, even within a Rural Living Zone.

The EFPA was originally enacted by the Planning, Development and Infrastructure Act 2016 with the primary aim of protecting vital food and agricultural lands surrounding metropolitan Adelaide from urban encroachment. Significantly, the legislation restricted proposals for land division that sought to create additional allotments for new housing.

An unfortunate consequence of the initial definition of the areas affected by the EFPA boundaries is that it captured all of the existing Rural Living Zones within its legislative constraints.

By their very nature, Rural Living Zones could never be said to be vital food production areas that require protection from residential infill; this is the precise purpose of a Rural Living Zone. The key is in the title of the zone, namely an intent to support a *'living'* role, not a 'vital food production' function. It is submitted that in a logical and reasonable sense, this was an evident flaw in the way the EFPA was rolled out by the then Government. It prevents, apart from an earlier temporary moratorium which has long ceased, rural living zoned land being used for a purpose consistent with the past and now current zoning, as reiterated in the Code.

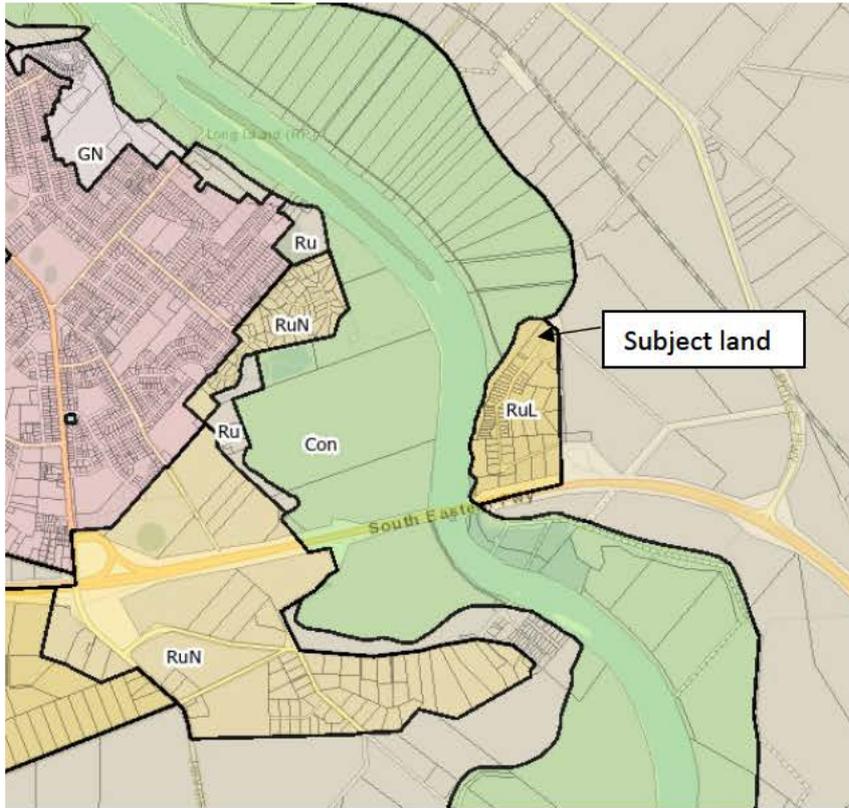
In this regard, it is believed that a clear anomaly exists in the way the EFPA is being applied to Rural Living Zones. The code zoning provisions are not being reflected in a meaningful or sensible way by the impact of the EFPA unlike, for example, the situation with the Rural Zone where the EFPA reinforces the intent of that zone. On the contrary, the EFPA 'artificially' eliminates the scope for using rural living zoned land for a legitimate purpose that is unmistakably supported by the zone's Desired Outcome (*A spacious and secluded residential lifestyle within semi-rural or semi-natural environments, providing opportunities for a range of low-intensity rural activities and home-based business activities that complement that lifestyle choice* – our underlining) and by the Performance Outcomes. In fact, a detached dwelling can be a DTS development within the zone. The commercial growing and production of food is not in any way a prime objective of this zone and also has no tangible policy reference at all that encourages this form of land use.

It is puzzling, then, that Rural Living Zones were incorporated into the EFPA in the first place. Most plausible or rational thinking would suggest that there is a distinct difference between an area long identified as being suitable for rural residential purposes and areas self-evidently used for primary production.

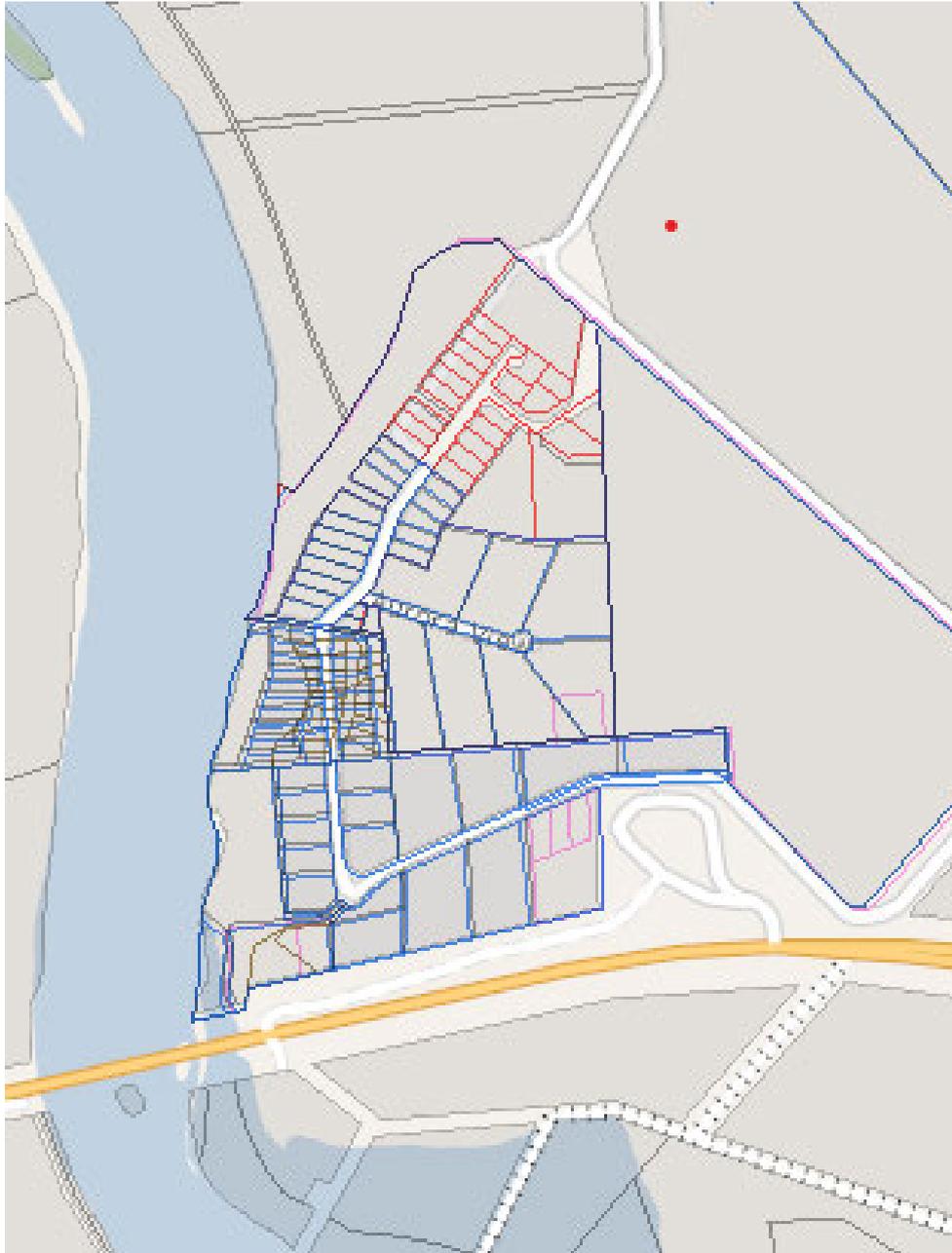
This land use dichotomy is not sound planning and the restriction on housing in any event does little to facilitate or promote food production in the Rural Living Zones; nor does it reflect the permissible development expectations cultivated by such zoning.

Accordingly, by removing the application of the EFPA boundary from the Rural Living Zone, a recognized anomaly can be addressed. The removal of the constraint on housing will allow land to be used for a purpose consistent with the Code zoning. It is also argued that this change is trivial in nature since it will not undermine the strategic thrust of the EFPA provisions as these will continue to influence potential dwelling formation across the balance of the EFPA, ie over the Rural Zone which encompasses the area designated in the overall zone structure as fundamentally supporting food production.

This action will enable Long Flat Developments Pty Ltd to proceed with its intended land division so that the four newly created blocks in the Rural Living Zone can be used for residential purposes.



Zoning structure





CROP SCIENCE SOCIETY OF SA INCORPORATED

C/- Waite Campus
PMB No 1, Glen Osmond, South Australia 5064
ABN 68 746 893 290

Mrs Helen Dyer
Commissioner for Planning
State Planning Commission
GPO Box 1815 ADELAIDE SA 5001

7th July 2021

Re: State Planning Commission review of Environment and Food Production Areas (EFPA)

To Mrs Dyer,

Since 1975 the Crop Science Society of South Australia Incorporated (CSSSA) has advocated for the use of sound science to provide improvements in agricultural crop production for South Australian producers. CSSSA is an active organisation of farmers, farming consultants and agricultural research scientists.

Currently, the society has approximately 300 members from rural and metropolitan SA, as well as a small interstate membership. Meetings are held on the third or fourth Wednesday of the month at the University of Adelaide's Roseworthy campus.

Whilst our members have been able to participate in recent information sessions in strategic locations affected by the EFPA's, it was deemed pertinent to offer the SPC an opportunity to meet with representatives from CSSSA to discuss challenges resulting within the EFPA & Character Preservation Acts.

Below are a number of examples of issues raised by members, including;

Incompatible land uses (eg tourism developments) where noise, odour, dust, smoke are not acceptable emissions from land practices are being approved adjacent broadacre grain production areas.

The requirement for existing grain production businesses to adjust their farm practices to suit new incompatible developments.

Buffer zones applied on broadacre growers being unworkable when multiple sides of land are adjacent to sensitive crop types (viticulture/horticulture) or incompatible land uses (urban).

An inability of councils to assist in landholders to resolve weed control issues within broadacre land adjacent vineyard/horticulture developments, including declared weeds.

Broadacre growers being forced to use sub-standard and often more costly weed control measures to limit risk of damage to adjacent/nearby sensitive species & incompatible land uses.

Broadacre growers are regularly forced to risk legal consequences by intentionally applying chemicals against label directions (eg. "DO NOT", "AVOID") or are applying during high risk periods to reduce risk of detection by sensitive neighbours.

Should you seek further opinion on, or clarification of these matters, I am very happy to discuss these with you and provide fuller feedback for your consideration.

Representatives of the CSSSA look forward to meeting you in person, where possible, to progress the actions from previous SPC meetings.

Yours sincerely

A handwritten signature in cursive script that reads "Craig Davis".

Craig Davis.



16 July 2021

Helen Dyer
Chair
State Planning Commission
GPO Box 1815
Adelaide SA 5001

saplanningcommission@sa.gov.au

Adelaide
12/154 Fullarton Rd
Rose Park, SA 5067

08 8333 7999

Melbourne
29-31 Rathdowne St
Carlton, VIC 3053

03 8593 9650

urps.com.au

Dear Helen

EFPA Review Submission – 479 Dean Jaensch Road, Toora

Thank you for the opportunity to provide a submission to the first review of the Environment and Food Production Areas (EFPA) established in 2017.

URPS has been engaged by Matthew Jaensch and Chris and Jan Rowney to prepare a submission in response to the Environment and Food Production Areas (EFPA) review for land located at 479 Dean Jaensch Road, Toora.

It is evident that the retention of the whole of this allotment within the EFPA is an anomaly and variation of the boundary is trivial for the reasons described below.

Subject Land

The subject land is described as Allotment 33 in Deposited Plan 116143 and contained in Certificate of Title 6196/963.

The land is situated approximately 6-7 kilometres north of Murray Bridge in an area known as Toora - Toora is an irrigation district along the River Murray, well known for dairying, horticulture and farming.

The land is located within both the Conservation and Rural Zones.

Figures 1 and 2 below identify the subject land and applicable Zoning

Figure 1 Subject Land

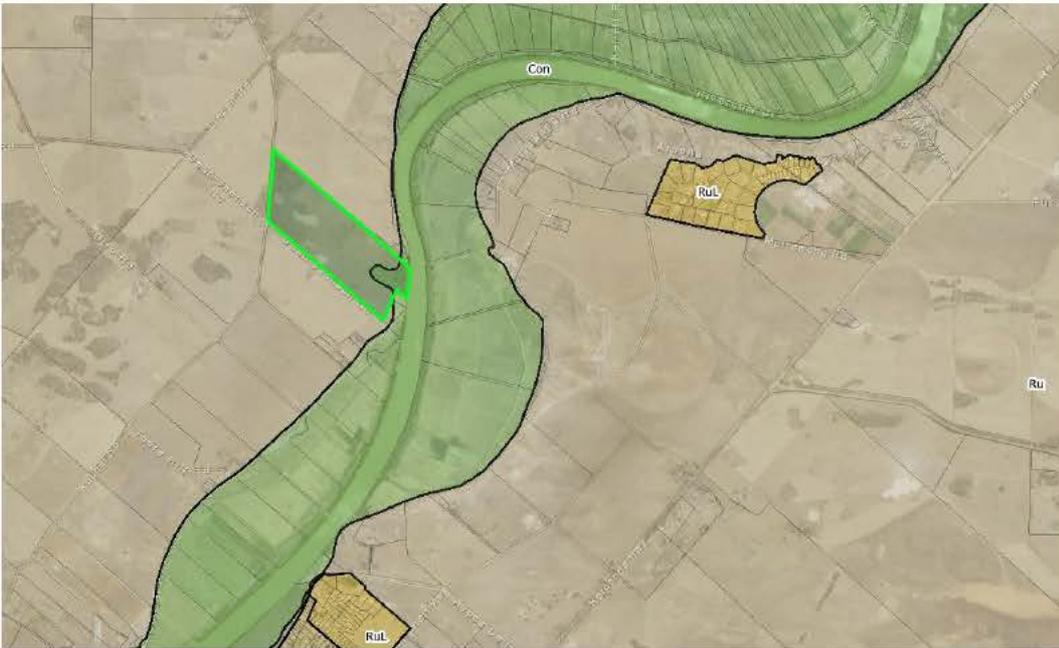
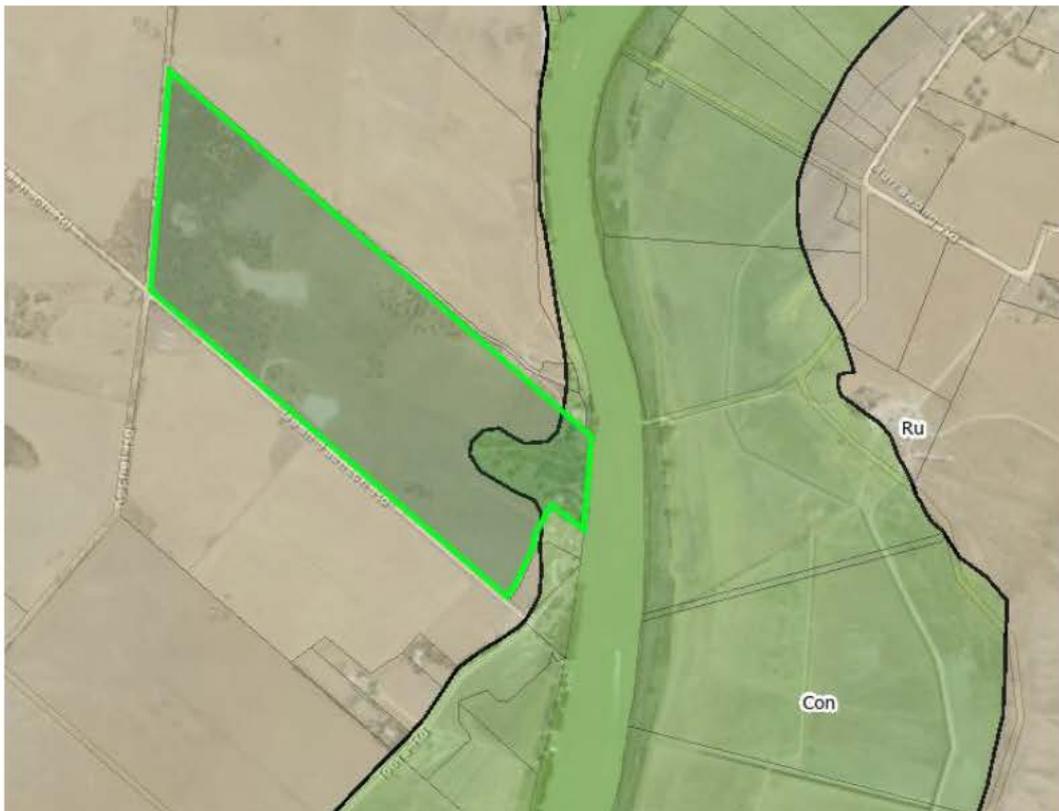


Figure 2 Current Zoning



Site History

There are currently six dwellings on the property, all located in close proximity to the water's edge. All dwellings on the property have been inspected and Council is satisfied that the habitable use of these buildings has not been abandoned. One of the six dwellings has been recently replaced by the Rowney's with a new dwelling.

Mr Jaensch currently has an application being considered by the Rural City of Murray Bridge for the replacement of the remaining five dwellings, with the old buildings to be demolished.

The replacement dwellings are located on part of the site unsuitable for farming but provided with a greater setback from the waterfront. There is no net increase of dwellings on the allotment.

The development will result in:

- the improvement of the appearance of land and buildings;
- a greater overall building setback from the waterfront than currently exists;
- the protection and preservation of the existing wetlands;
- maintenance of the existing shared access from Dean Jaensch Road;
- all dwellings being located at levels above the 1956 flood level;
- no increase in the number of existing dwellings on the subject land; and
- an improvement in the management of onsite wastewater disposal.

Importantly, the proposed development will result in the retention of the existing rural character of the Zone.

As a result of the EFPA, each of the existing dwellings (and the proposed replacement dwellings) can only be occupied via a right to occupy that part of the allotment under a lease or licence, or an agreement for a lease or licence, the term of which does not exceed six years. Under such terms, this does not constitute the division of an allotment.

Whilst this provides a limited ability for the Jaensch and Rowney families to have the dwellings occupied in the short term, it provides limited flexibility for ongoing occupation or for the divestment of the dwellings which would not impact the ongoing rural use of the balance of the land. Greater flexibility of tenure will result in better maintenance of the dwellings and their supporting infrastructure.

Figure 3 Proposed site configuration for five replacement dwellings



EFPA Test

As emphasised above, the land is strategically located, readily serviced by existing infrastructure and represents a logical recognition of a longstanding settlement in a manner which preserves existing vegetated areas without impacting rural activities on the balance of the site.

The importance of protecting strategic agricultural land to produce food is unquestionable. However, there are circumstances where the EFPA boundary is illogical, and amendments are warranted.

In this instance the EFPA effectively prevents either the division or long-term lease opportunity for existing dwellings. The removal of the EFPA over part of this site that contains the dwellings will result in no change to the existing development on the site or the development opportunity on the land. The land will remain in the Rural and Conservation Zones. The removal of the EPFA will simply afford greater flexibility in land tenure to ensure long term occupation and maintenance of existing or replacement dwellings with no loss of productive land or native vegetation.

It is my contention that this is such an example and a variation to the EFPA boundary in this location is trivial and will address a recognised anomaly. The excision of the proposed settlement area of this site from the EFPA will not impact on either the rural

or ecological values of the site and will allow for improved land tenure arrangements for either the existing or proposed dwellings.

Based on the above analysis and for the reasons identified, the inclusion of the subject land within the EFPA is a demonstrated anomaly and the variation of the boundary would be trivial.

Should you have any questions regarding the above, please do not hesitate to contact me on [REDACTED] or [REDACTED].

Yours sincerely



David Bills

Associate Director

Form Information

Site Name PlanSA

Site Id 578867

Page Request to vary Environment and Food Production Area boundaries
Standard
Name

Page 823328

Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries

Submission 860130

Id

Submission 16 Jul 2021 6:23 pm

Time

Submission [REDACTED]

IP Address

Contact and land details

Your Name and contact details

Name: Ann Shepperd

Postal Address: [REDACTED]

Phone Number:

Mobile Number: [REDACTED]
 Email: [REDACTED]
Subject land details
 Street Address (or rural property address, if relevant): [REDACTED] Fischer SA [REDACTED] Fischer SA [REDACTED]
 [REDACTED] Fischer SA
 Allotment ID: [REDACTED] Fischer - Council Ref. number 3104345007 [REDACTED]
 [REDACTED] Fischer - Council Ref. number 310434600 [REDACTED]
 [REDACTED] Fischer - Council Ref. number 3104347002
 Owners: Barbara and Michael Loades own [REDACTED]
 Ann and Ian Shepperd own [REDACTED]

Requested variation details

whilst we are currently geographically zoned in the Environmental and food production boundries being part of the Adelaide Plains Council area in the suburb of Fischer. We live in a very small pocket of residential properties consisting of 20 acres or less, which consists in a triangle from Boundary Road, Dog Leg Road and Bache Road. These properties are not sustainable for the commercial level of agriculture and food production in which they are zoned. Therefore we believe that residents of this area should have the option to sub-divide down to 1ha allotments and we should be rezoned from rural food production to semi rural or residential. It is very unclear in the written policy that the minimum site area can be 1ha and that we comply with the general development policies of the land division for property zoning, so there is no reason as to why we can not sub divide down to 1ha allotments and build a dwelling for living on these properties. There are already several blocks on dog leg road, Fischer that have already subdivided and are now building dwellings for living on them. So all properties should be treated the same. It is very unclear when speaking with the Adelaide Council Planning department as to what we can and can not do this needs to be rectified. An example is when speaking with one member in the planning department of the council we were told yes we can sub-divide and when speaking to a different member only a few weeks later the answer in no we can't. The policies need to be made a lot clearer either way. Please take into account our request when changing these policies.

Additional supporting information: We have the full support of the Adelaide Plains Council who have assured us that they are placing a similar submission to also apply for many changes. All neighbours on Boundary, Dog leg and Bache Road are also in compliance and will be making their own submissions.

Supporting document: No file uploaded

Map of requested variation
 Map or diagram to support submission: No file uploaded

Public hearing
 Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?: No

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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I. CONTACT DETAILS AND DESCRIPTION OF SUBJECT LAND

a) Your Name and Contact Details

Please provide contact details for the person requesting the variation. This information will be used if further information is required and for notification purposes following a decision.

Name: Chris Marciano

Postal Address:

Phone Number:

Mobile Number:

Email:

b) Subject Land Details

Please provide details regarding the subject land for which the proposed variation to the EFPA boundaries relates to.

Street Address (or rural property address if relevant):

**If multiple street addresses are involved, please include each address*

3 Wittwer Court, Hahndorf

Allotment ID:

** Include the Certificate of Title Reference, Valuation Number or other legal identifier of the subject land if known. If multiple allotments of land are involved, please state relevant details for each allotment.*

Allotment 61 in DP 8231
CT Volume 6048 Folio 187

Owner/s:

** If the subject land has multiple owners, please include the full name of each owner*

C & L Marciano Properties Pty Ltd



2. DETAILS OF REQUESTED VARIATION TO EFPA BOUNDARY

a) Details of requested variation

Please outline the details regarding your requested variation to the EFPA boundary. You may also include how the requested variation meets the requirements of Test 3 (in that the variation is considered trivial in nature and will address a recognised anomaly). You may also attach relevant maps and/or diagrams in Step 3.

Please refer to attached letter by PBA dated 19 July 2021

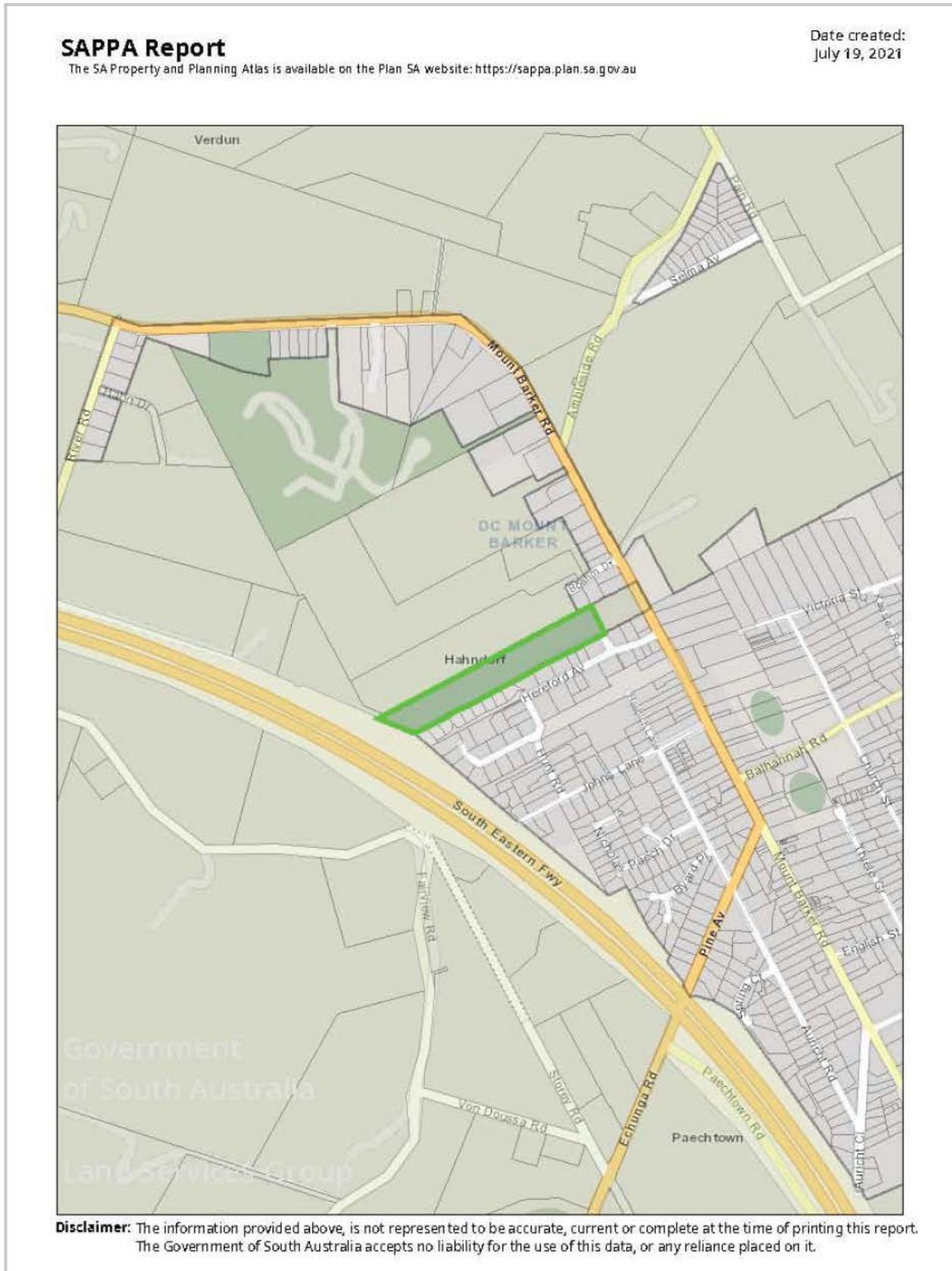
b) Additional supporting information

Please provide any supporting information below. For example, is your proposal supported by your local council, neighbour or other relevant background discussions? You may attach any relevant maps or diagrams to this submission in Step 3.

Please refer to attached letter by PBA dated 19 July 2021

3a. MAP OR DIAGRAM TO SUPPORT SUBMISSION

To help explain and support your submission, you may attach a diagram or a map of the subject land, preferably showing where the boundary of the EFPA lies in relation to the subject land and where you are seeking the EFPA boundaries to be varied, moved, removed, etc.



3b. ADDITIONAL MAP OR DIAGRAM TO SUPPORT SUBMISSION

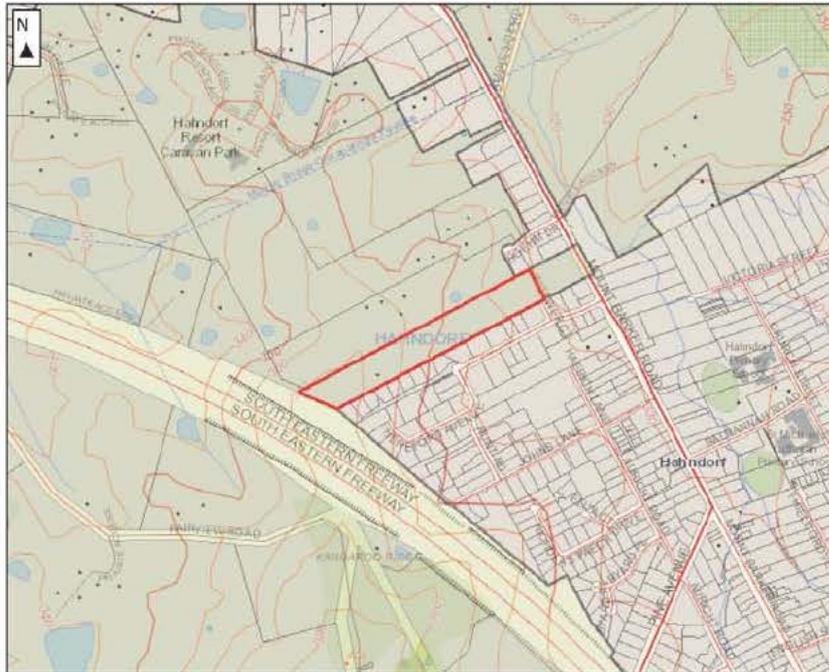
19/07/2021

Parcel Report

SAPPA Parcel Report

Date Created: July 19, 2021

The South Australian Property and Planning Atlas is available at the Plan SA website <https://sappa.plan.sa.gov.au/>



Address Details

Unit Number:
Street Number: 3
Street Name: WITTER
Street Type: CT
Suburb: HAHNDORF
Postcode: 5245

Scale: 1:9028 (on A4 page)

250 metres

The information provided, is not represented to be accurate, current or complete at the time of printing this report.

Property Details:

Council: MOUNT BARKER DISTRICT COUNCIL
State Electorate: HEYSEN (2014), KAVEL (2018)
Federal Electorate: MAYO (2013), MAYO (2016), MAYO (2019)
Hundred: KUITPO
Valuation Number: 5817257508
Title Reference: CT6048/187
Plan No. Parcel No.: D82312A61
Zoning details next page

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Government of South Australia
 Attorney-General's Department

Zone Details

Zones

Productive Rural Landscape (Z4802) - PRuL

Overlays

Environment and Food Production Area (O1502)

The Environment and Food Production Area Overlay is an area of rural, landscape, environmental or food production significance within Greater Adelaide that is protected from urban encroachment.



4. APPEARANCE AT PUBLIC HEARING

a) Do you wish to appear in person to discuss your submission with the State Planning Commission following the close of the submissions period?

Yes No

b) If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name: Phillip Brunning

Address: [REDACTED]

Phone Number: [REDACTED]

Mobile Number: [REDACTED]

Email: [REDACTED]

Hahndorf 2021 001

19 July 2021

Ms Helen Dyer
Chair
State Planning Commission
GPO Box 1815
ADELAIDE SA 5001



Town Planning
Development Advice
Strategic Management

Dear Helen,

Environment & Food Production Area Review 2021

I make the following submission in relation to the Environment and Food Protection Area Review on behalf of my Client, Mr Chris Marciano of C & L Marciano Properties Pty Ltd being the owner of the land located at 3 Wittwer Court, Hahndorf.



The land is more particularly described as Allotment 61 in Deposited Plan 8231 located within the Hundred of Kuitpo as recorded in Certificate of Title Volume 6048 Folio 187, having an area of some 3.1 hectares.

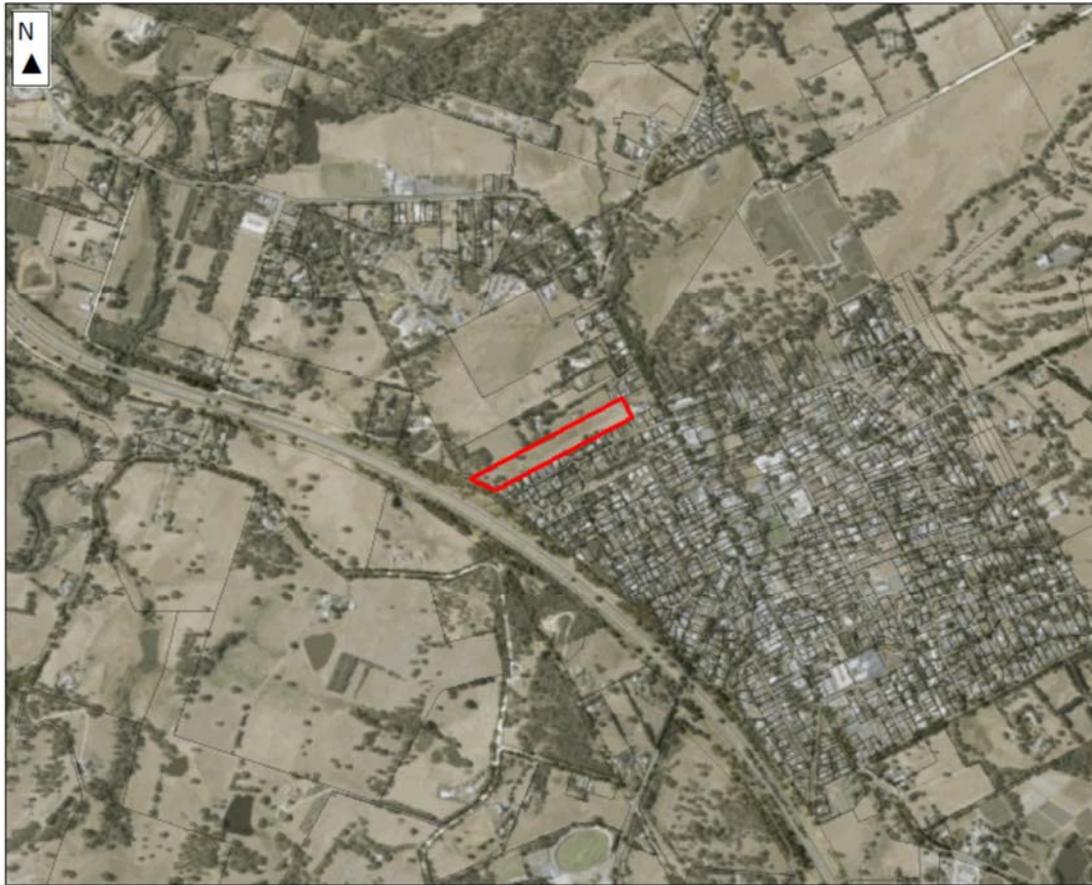
Phillip Brunning & Associates

ABN 40 118 903 021

26 Wakeham Street
Adelaide SA 5000
0407 019 748

phil@phillipbrunning.com

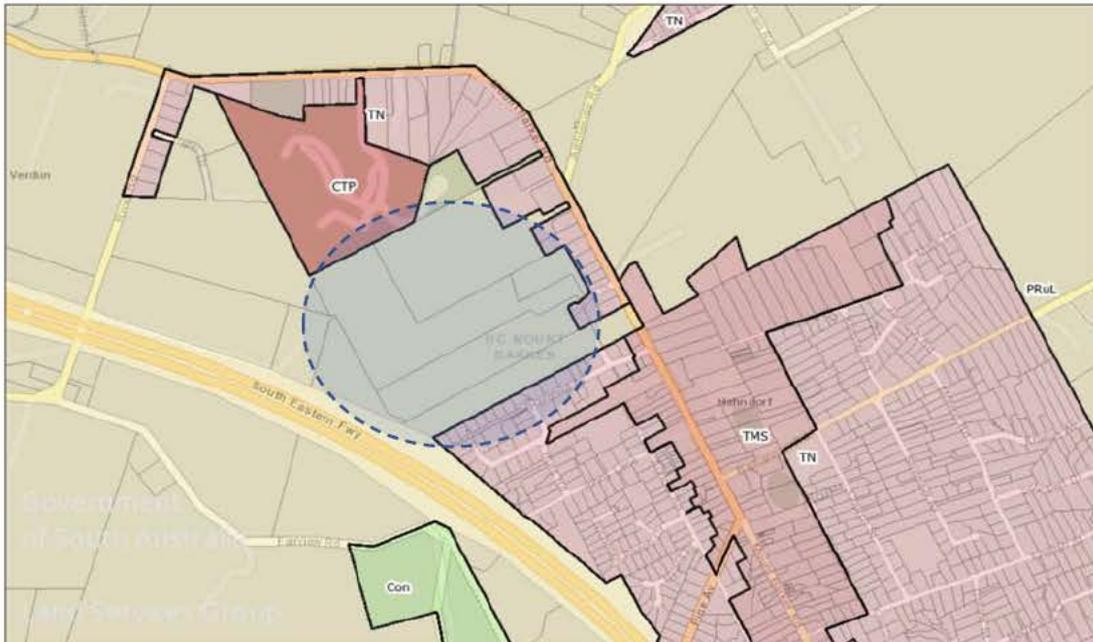
For reasons discussed below, I am of the view that this land should be excluded from the Environment and Food Protection Area and pursued as a candidate for rezoning to so as to enable residential subdivision.



This land displays the following characteristics:

- is of a size that does not support economically viable agricultural;
- is not suited to an intensive horticultural activity;
- with little opportunity to provide a buffer at the interface with residential dwellings;
- is one of a number of properties where rural land has been fragmented; and
- the prospect of aggregation of these properties into single ownership is remote.
- the land is contiguous with existing residential development in the township;
- enjoys access to an existing residential street that may be extended
- has a north eastern orientation which is desirable for housing in the hills;
- is substantively cleared of native vegetation; and
- is not prominent when viewed from the South Eastern Freeway.

As can be seen from the image below, the land forms 1 of 7 properties that are surrounded by township development (housing and a tourist accommodation facility) such that together present as a meaningful housing opportunity.



Subject to the preparation of an overall master plan, the development of this land for residential purposes may be staged in a logical and efficient manner commencing with my Client's property and extending northwards.



In making this submission, I have had regard to the following documents:

- Environment and Food Protection Areas Review 2021 – Statement of Position
- Growth Management Program - Land Supply Report for Greater Adelaide – Background & Context, 2021; and
- Request to Vary Environment and Food Production Area Boundaries – Guide and Submission Form.

In considering this request, I ask that you reflect on the following matters:

- while there may be adequate land across Greater Adelaide to accommodate housing growth over the next 15 years, this supply is not equitably distributed across communities, in particular within hills towns;
- as a consequence, certain communities will be at a distinct disadvantage in terms of providing for sustainable growth of their townships so as to cater for the needs and preference of existing and future residents;
- this is particularly the case in townships such as Hahndorf that have very limited supply of land appropriately zoned for new housing to meet natural growth and provide for housing choice;
- there continues to be a strong preference for stand alone housing in townships such as Hahndorf that may accommodate the changing needs of existing residents and those aspiring to live within these communities;
- there ought not be a situation whereby existing township residents (and their adult children) are required to relocate to locations contrary to their desire and strong preference to remain their existing community;
- appreciative and supportive of the strategic objective to conserve productive farmlands and maintain the township character, such should not act as an impediment to the reasonable and expected growth of townships;
- there is a strong case for allowing hills towns to achieve their social and economic potential rather than artificially constraining them along ideological, if not political lines;
- with the on set of COVID, and its likely presence for many years to come, there will be a case for a more decentralised and dispersed pattern of development rather than focusing and concentrating on Mount Barker alone;
- providing for natural growth within Hahndorf is considered to be a sustainable and responsible approach, ensuring that its economy is not disproportionately dependent on or derived from external sources such as tourism;
- the land in question is not, on any objective measure, suitable for an agricultural pursuit and even if aggregated into larger parcel would be contained on three sides by sensitive residential and tourism land uses;
- the contribution that this land makes to the landscape character value is limited being screened from view by mature trees from the South Eastern Freeway and not prominent from Mount Barker Road; and

- if opportunities for modest township growth are not provided for, this will place greater pressure for more intensive development within the current conferences such that has the potential to erode desired character and amenity.

As provided for, I seek the opportunity to appear before the state Planning Commission at the public hearing to be conducted in order to make short presentation further to this submission and respond to any questions arising. Can you please confirm the date, time and venue for this public meeting?

Yours faithfully

PHILLIP BRUNNING & ASSOCIATES PTY LTD



PHILLIP BRUNNING RPIA

Registered Planner

Accredited Professional – Planning Level 1, 2 & 3

Form Information

Site Name PlanSA

Site Id 578867

Page Request to vary Environment and Food Production Area boundaries

Standard
Name

Page 823328

Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries

Submission 860099

Id

Submission 16 Jul 2021 5:12 pm

Time

Submission 

IP Address

Contact and land details

Your Name and contact details

Name: Katherine Ellen Gration

Postal Address: 43 Wallman Street Yankalilla SA 5203

Phone Number: [REDACTED]

Mobile Number:

Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): 43 Wallman Street Yankalilla SA 5203

Allotment ID: Certificate of Title: Volume: 5523 Folio: 983 Allotment 551 Filed Plan 165270

Owners: Katherine Ellen Gratton

Requested variation details

Details of requested variation: I believe that the EFPA Overlay is an anomaly for the following reasons:
1. My land is relatively small (in primary production terms), it has no agricultural potential: a. given its small size. b. the presence of a creek cutting across the middle of it. c. the steepness of the northern portion. 2. My land is effectively surrounded on three sides by the Township Main Street zoning.

Additional supporting information:

Supporting document: 43_Wallman_Street_Yankalilla_-_Mapping_.pdf, type application/pdf, 408.2 KB

Map of requested variation

Map or diagram to support submission: 43_Wallman_Street_Yankalilla_-_Mapping_2.pdf, type application/pdf, 408.2 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?: Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

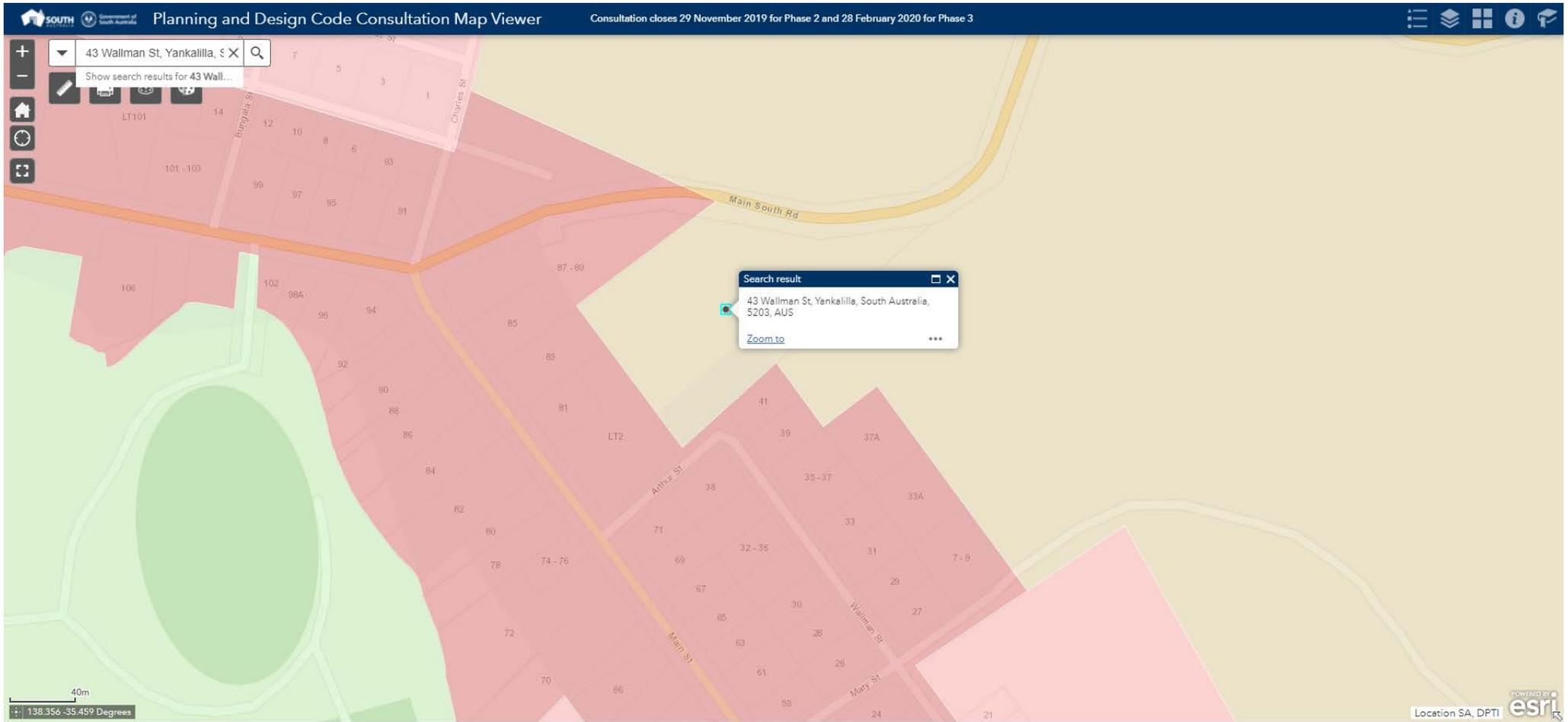
Phone number:

Mobile number:

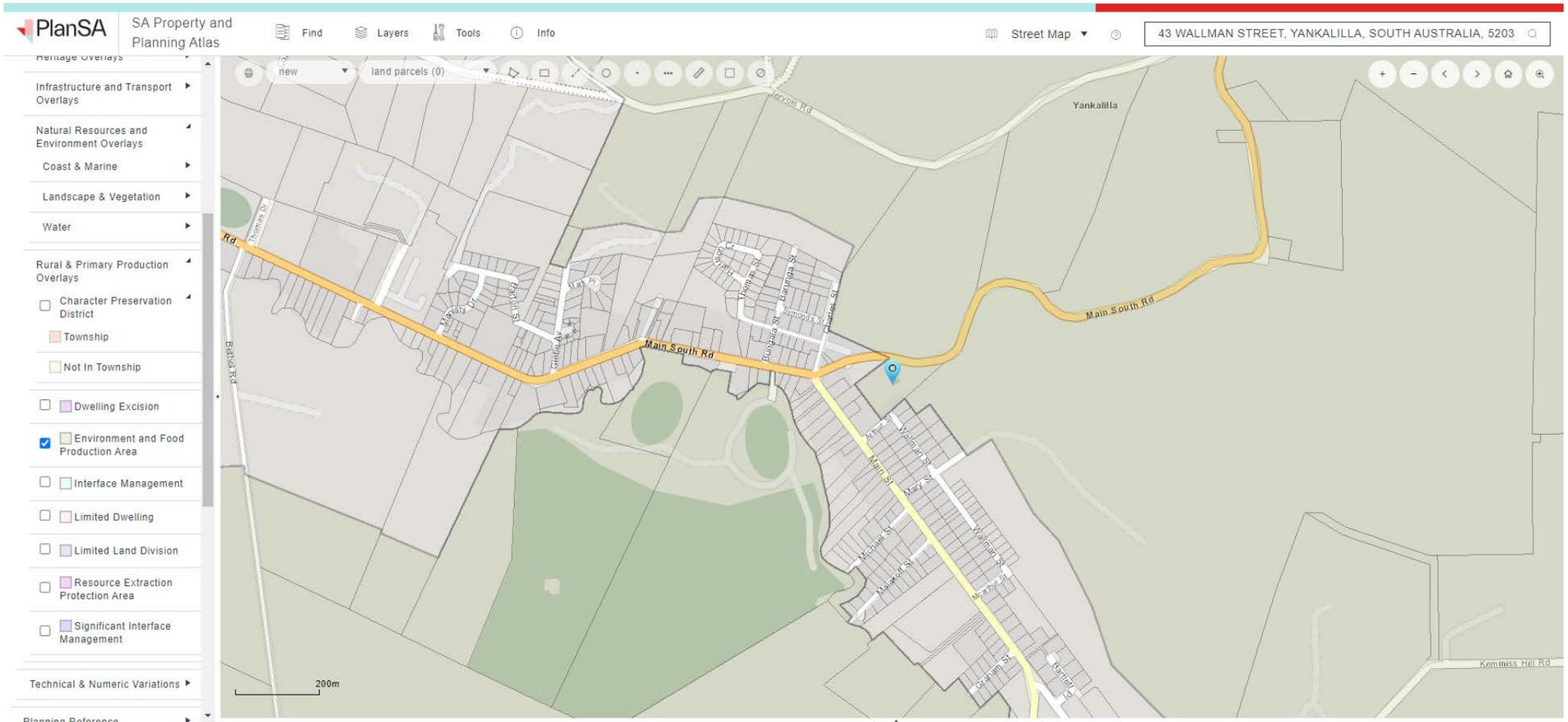
Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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1. The area in the darker shade of Red is Township Main Street zoning.
2. The Location of 43 Wallman St is highlighted by the blue square. Shows it property surrounded on 3 sides by the Township Main Street Zone.



1. The light green section shows the Environment and Food Protection Area.
2. My land has no agricultural potential given its small size, the presence of a creek cutting across it, and the steepness of the northern portion.
3. I would like the EFPA removed as I believe it to be an anomaly.

From: andrew@[REDACTED]
Sent: Wednesday, 21 July 2021 5:00 PM
To: DIT:Plan SA <PlanSA@sa.gov.au>
Cc: [REDACTED]
Subject: Submission relating to review of EFPA Area Boundary - my ref 3604-1514

Good afternoon Plan SA,
In attempting to lodge the relevant from I was unsure if it actually was accepted.
Consequently, I ask if you will take this information as my formal "Request to vary EFPA boundaries" and send a confirming email reply?

Kind Regards,
Andrew Davidson
Managing Director

 **Andrew Davidson**
PROPERTY DEVELOPMENT CONSULTANTS
PO BOX 654, GLENSIDE SA 5065

T 08 8390 0099

M [REDACTED]

E [REDACTED]

W [REDACTED]

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My name & contact details...

Andrew Davidson, [REDACTED], ph 08 8390 0099, [REDACTED]

Email – [REDACTED]

Subject land...

#1 = 43 Wallman St Yankalilla SA 5203

#2 = Manor Farm Yankalilla SA 5203

Allotment ID...

#1 = CT5523/983 F165270AL551

#2 = CT6198/950 D116668AL301

Owners...

#1 = Katherine Ellen Gratton

#2 = Ian Willcocks, Peter Willcocks

Copy of information provided in Form requesting variation to EFPA 21-07-21

Details...

#1 - the whole of the land in the title is sought to be removed from the EFPA; being only 1.356ha, bisected by an existing creek, at the entry to the township, being directly across the road from the Council and immediately adjoining Township Zone.

#2 - partial removal of title is sought to be removed from the EFPA - immediately adjoining the property #1; being at the end of Mary St will eventually enable rezoning to residential or Township Zone to terminate residential development and amenity of the creek line

The removal of this land from the EFPA will have no impact upon the primary production capabilities of the remaining land. It is considered trivial in nature and will address the anomaly of Primary Production land immediately adjoining the "town centre" of Yankalilla

Additional supporting information...

A request to Council for Rezoning dating from 20-04-2019 specifically indicating the areas to be zoned and indicative future residential design/creek upgrade to pedestrian & cycle path to link with the future residential land immediately S-E.

Quoting from my email request to Yankalilla Council as follows:-

the attachments hereto are as per our meeting with Sally Roberts on 07-03-19, insofar as Kate's land (CT5523/983 F165270AL551) and the corner of Willcocks land (CT6198/950 D116668AL301), both presently zoned Primary Industry, yet being in such close proximity to the Town Centre and the main entry into Yankalilla, warrant serious consideration to being rezoned.

The extension of Mary Street similarly requires rezoning from Primary Industry to Residential in order to accommodate the further extension of/connection to the residential area within the Willcocks land.

Kate has asked that her (estate of Steve Faul) land be rezoned to Residential, rather than Town Centre.

Willcocks similarly seek the rezoning of the corner of their land but consider that it could be Residential or Town Centre Zoning.

Supporting document...

3604-1514 rezoning sketch – 3pgs 21-07-21.pdf

Land Services Group

The Property Location Browser is available on the Land Services Group Website: www.sa.gov.au/landservices

Yankakilla

Scale 1:5000

③ Sugthorpe! - My REF 3608
x Direct Top

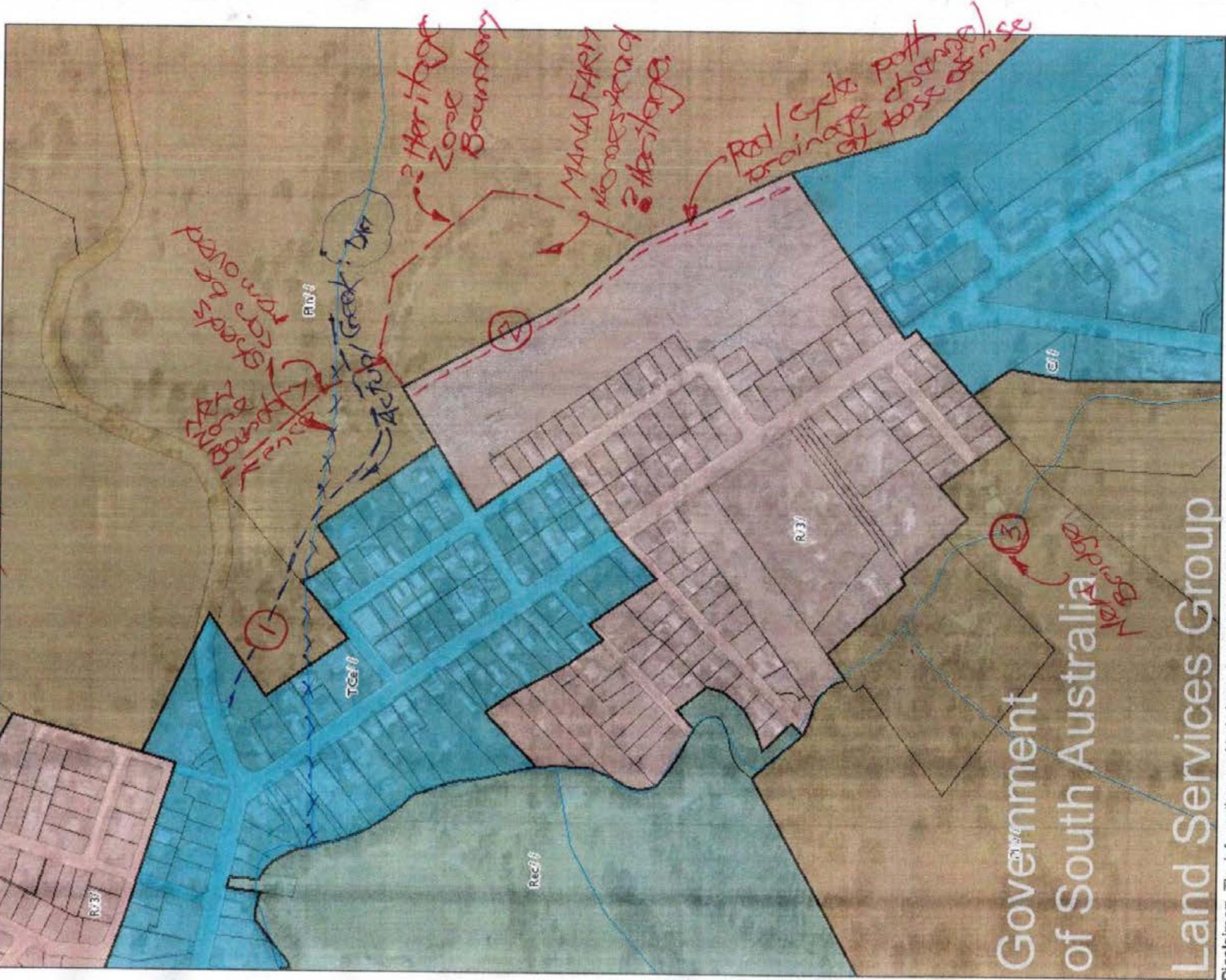
① Kate Graham - My REF 3604

② Willcocks - My REF: 1514

Date created:
April 3, 2019



Government of South Australia
Department of Planning,
Transport and Infrastructure



Government
of South Australia
Land Services Group

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Land Services Group

The Property Location Browser is available on the Land Services Group Website: www.sa.gov.au/landservices

Date created:

April 3, 2019



Government of South Australia

Department of Planning,
Transport and Infrastructure

Yankakilla

Scale 1:1500



Government
of South Australia
Land Services Group

Disclaimer: The information provided above, is not represented to be accurate, current or complete at the time of printing this report. The Government of South Australia accepts no liability for the use of this data, or any reliance placed on it.

Aitken, Deb (DIT)

From: andrew
Sent: Thursday, 22 July 2021 12:35 PM
To: DIT:Plan SA
Cc: [REDACTED]
Subject: RE: Submission relating to review of EFPA Area Boundary - my ref 3604-1514

Hi Vu,
Thanks for your reply and verification that my submission is now registered.
I do wish to be heard at the public hearing please?
I will be representing the owners...
#1 Kate Gratton
#2 Ian & Peter Willcocks
Kind Regards,
Andrew Davidson
Managing Director



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From: DIT:Plan SA <PlanSA@sa.gov.au>
Sent: Thursday, 22 July 2021 10:00 AM
To: andrew [REDACTED]
Subject: RE: Submission relating to review of EFPA Area Boundary - my ref 3604-1514

OFFICIAL

Hi Andrew,

The team managing the project advised that they had not received your online submission, however they are happy to register on your behalf with the information from your initial email.

To best assist with completing the registration, if you could please answer the below:

1. Do you wish to be heard at the public hearing after the consultation period closes, in support of your submission?
2. If you do wish to be heard but someone else will speak on your behalf, please provide that person's name and contact details (phone number, postal address and email)

If you have any questions please let us know.

Reference Number: 22654

Kind Regards,

Vu | Customer Support Officer
Planning & Land Use Services | Attorney-General's Department
E PlanSA@sa.gov.au | www.agd.sa.gov.au
P 1800 752 664



From: DIT:Plan SA
Sent: Thursday, 22 July 2021 9:02 AM
To: [REDACTED]
Subject: RE: Submission relating to review of EFPA Area Boundary - my ref 3604-1514

OFFICIAL

Hi Andrew,

Thank you for your email.

I have forwarded this on to the team managing this project, and we will double check your submission has been received.

If you have any questions please let us know.

Reference Number: 22654

Kind Regards,

Vu | Customer Support Officer
Planning & Land Use Services | Attorney-General's Department
E PlanSA@sa.gov.au | www.agd.sa.gov.au
P 1800 752 664



From: [REDACTED]
Sent: Wednesday, 21 July 2021 5:00 PM
To: DIT:Plan SA <PlanSA@sa.gov.au>
Cc: [REDACTED]
Subject: Submission relating to review of EFPA Area Boundary - my ref 3604-1514

Good afternoon Plan SA,
In attempting to lodge the relevant form I was unsure if it actually was accepted.
Consequently, I ask if you will take this information as my formal "Request to vary EFPA boundaries" and send a confirming email reply?

Kind Regards,
Andrew Davidson
Managing Director



Andrew Davidson
PROPERTY DEVELOPMENT CONSULTANTS
PO BOX 654, GLENSIDE SA 5065

T 08 8390 0099

M [REDACTED]

E [REDACTED]

W www.andrewdavidson.com.au

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Submission on the Environment and Food Production Area (EFPA) review by the City of Victor Harbor.

At its meeting held on 26 July 2021, the City of Victor Harbor resolved to lodge the following submission on the Environment and Food Production Area (EFPA) review.

Some of the following comments are considered to be minor anomalies, where the Planning and Design Code's zoning boundaries (or intent for the site) do not align with the EFPA boundary, whereby an exclusion of the EFPA boundary area overlay is requested for clarity. Other comments are of a more strategic nature.

Code Zone Anomalies with the EFPA Boundary

The identification of the following locations is provided within this submission on pages 3-5:

- 1-10/124 Franklin Parade, Encounter Bay. Day – CT5026/771. Hyde - CT5026/772. Siebert - CT5026/773. Walker - CT5026/774. Gwinnett - CT5026/775. Hearne - CT5026/776. Shute - CT5026/777. Jamieson - CT5026/778. Medindie Management Services Pty Ltd. - CT5026/779. Gwinnett - CT5026/780.
- 132 Jagger Road, Encounter Bay. Murphy - CT 5597/694
- 384 Greenhills Road, Hindmarsh Valley. Causby - CT 5109/618
- 21 Panorama Drive, Hindmarsh Valley. Allott - CT5229/544
- 29 Panorama Drive, Hindmarsh Valley. Brittain - CT 5423/323
- Lot 1 Granite Island (Granite Island), Victor Harbor. Minister for Environment and Water
- Lot 40 Waterport Road, Hindmarsh Valley. Jamieson - CT 6236/274
- 15 Lincoln Park Drive, Hindmarsh Valley. Jamieson - CT6054/974
- 13 Lincoln Road, Hindmarsh Valley. Bell; CT - 5974/761

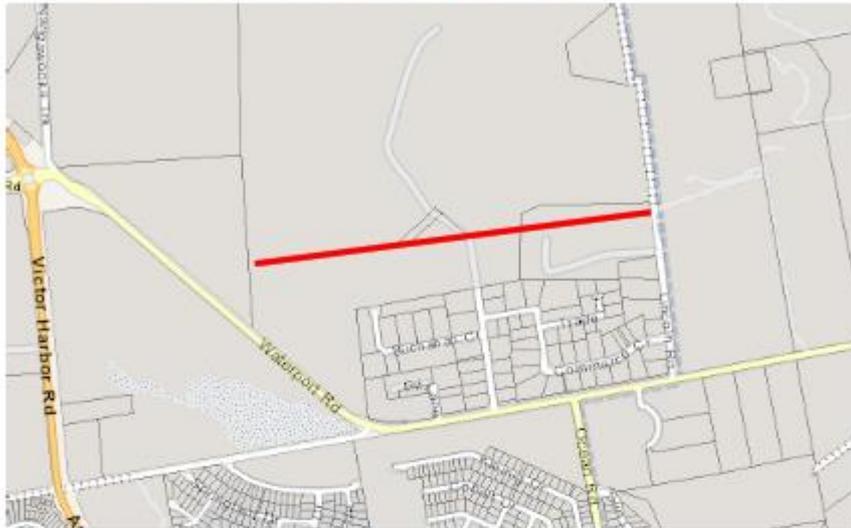
Strategic Nature

- At what point in the time and/or a future review process will the Commission and EFPA review take into account a Council's strategic planning initiatives, not just anomalies and/or changes of a trivial/minor nature?
- Victor Harbor is part of the Greater Adelaide Planning Region and hence is included in its statistical collation in relation to urban growth, land demand/supply etc. The basis of the EFPA review becomes quite Metropolitan centric and does not take into account individual growth patterns and trends for either regional or specific Local Government Areas (LGAs), making reasonable EFPA boundary changes near impossible when assessed against the EFPA's current criteria
- The Commission is requested to conduct a further general review to ensure the Council's new Planning Code's 'urban' zone boundaries align with the EFPA boundary overlay
- The Commission is requested to conduct a general review of the EFPA overlay and exclude small land parcels on the urban fringe where the EFPA has no application

and/or further work to do and, the Planning and Design Code's assessment process alone, is considered adequate

- The EFPA boundary needs to be slightly reduced and re-aligned with approximately the 40 metre AHD contour - involving Lot 40 Waterport Road, 15 Lincoln Park Drive and 13 Lincoln Road to reflect Council's potential strategic future objectives to expand the adjoining Employment Zone (refer to the first site identification map on following page 3).

Lot 40 Waterport Road, 15 Lincoln Park Drive, 13 Lincoln Road



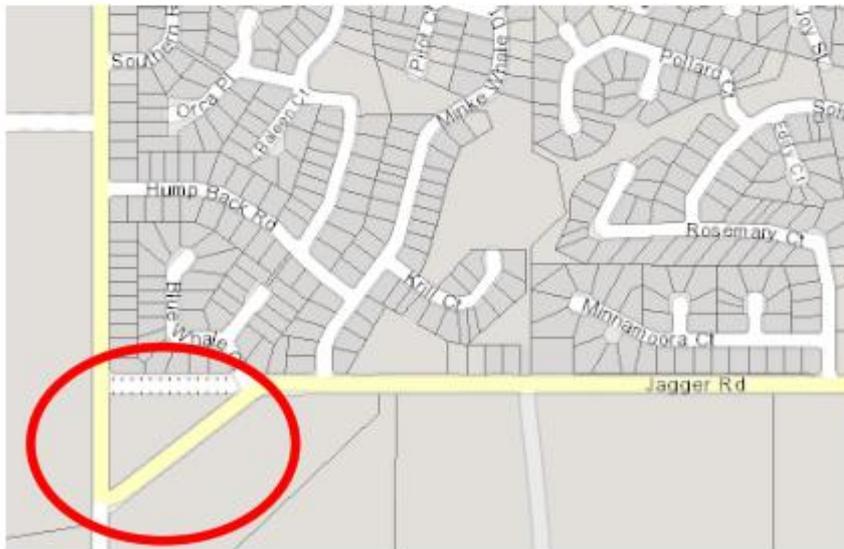
Granite Island (Lot 1)



1-10/124 Franklin Parade



132 Jagger Road



384 Geenhills Road, 21 & 29 Panorama Drive



Aitken, Deb (DIT)

From: PlanSA Submissions <noreply@plan.sa.gov.au>
Sent: Saturday, 24 July 2021 5:10 PM
To: DIT:PlanSA Submissions
Subject: EFPA request to vary boundaries submitted

Form Information

Site Name PlanSA
Site Id 578867
Page Request to vary Environment and Food Production Area boundaries
Standard Name
Page 823328
Standard Id
Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries
Submission Id 875255
Submission Time 24 Jul 2021 5:09 pm
Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: Geoffrey Roland Rohrsheim
Postal Address: [REDACTED]
Phone Number: [REDACTED]
Mobile Number: [REDACTED]
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): 115 Pullen Road, Hindmarsh Island SA 5214
Allotment ID: CT 6139/649 Allotment 30 in Deposited Plan 93727 Hundred of Nangkita CT 6139/650 Allotment 31 in Deposited Plan 93727 Hundred of Nangkita
Owners: GR Rohrsheim Nominees PTY LTD I, Geoff Rohrsheim, am sole director

Requested variation details

Details of requested variation: My submission requests that the EFPA boundary on Hindmarsh Island NOT be varied. I submit that the land at the eastern end of Hindmarsh Island should remain an environmental and food production area and that it NOT be designated for residential development. Any requests to change this boundary should be declined. My property is used to produce hay in the winter to assist in feeding cattle that graze the property in the summer. These cattle are sold to the markets for food production. The properties surrounding me are used for similar purposes. These properties should remain as food producing also,

which will allow for farm consolidation if need be (for economies of scale) in future years. All of the properties, with their managed Murray River frontages, offer significant environmental value to the state.

Additional supporting information:

Supporting document: No file uploaded

Map of requested variation

Map or diagram to support submission: No file uploaded

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?: No

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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Site Name PlanSA

Site Id 578867

Page Request to vary Environment and Food Production Area boundaries

Standard
Name

Page 823328

Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound

Submission 876294

Id

Submission 27 Jul 2021 10:22 am

Time

Submission [REDACTED]

IP Address

Contact and land details

Your Name and contact details

Name: Stephen Smith

Postal

Address: [REDACTED]

Phone

Number: [REDACTED]

Mobile

Number:

Email: [REDACTED]

Subject land details

Street

Address (or

rural

property

address, if

relevant):

Allotment

ID:

Owners: N/A

Requested variation details

Details of requested variation: Refer to submission

Additional supporting information: Refer to submission

Supporting document: Environment_and_Food_Production_Areas_Review_and_30_Year_Plan_for_Greater_Adelaide_1.pdf type application/pdf, 185.6 KB

Map of requested variation

Map or diagram to support submission: No file uploaded

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?:

No

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

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In reply please quote our reference: ECM 763601 SPS/MD

26 July 2021

Helen Dyer
Chair, State Planning Commission
GPOP Box 1815
ADELAIDE SA 5001
Emailed: saplanningcommission@sa.gov.au

Dear Ms Dyer

Submission: Environment and Food Production Areas (EFPA) Review and Review of the Thirty-Year Plan for Greater Adelaide

The Greater Adelaide Regional Organisation of Councils (GAROC) is a committee of the Local Government Association (LGA), which provides representation and support to metropolitan councils.

At its meeting on 5 July GAROC considered a report prepared by the LGA Secretariat on the Environment and Food Production Area Review conducted by the Commission and the supporting Land Supply Reports.

GAROC's observation of the Commission's decision not to substantially alter the EFPA boundaries is that the decision is based on the information provided in the land supply reports. These reports suggest that there is sufficient land within the Greater Adelaide region to accommodate housing and employment growth over the next fifteen years.

It is GAROC's view that when considering housing and employment needs for the Greater Adelaide Region, the Commission's investigations and consideration should not be restricted to land supply and availability only. GAROC would suggest that the Commission should also consider:

- local government infrastructure requirements, particularly stormwater drainage capacity, local road, parking and traffic management infrastructure, and park and recreation infrastructure including increased demand for formalised playing surfaces;
- state government infrastructure requirements, such as water supply and sewerage capacity;
- urban tree canopy cover and urban greening, noting that the 30 Year Plan for Greater Adelaide has established a target of increasing the urban green cover by 20% across metropolitan Adelaide by 2045. Further land division and the resultant infill development to establish the 265,000 additional allotments is likely to result in a further loss of the urban greening and the urban tree canopy cover, notwithstanding the recently introduced infill policy and urban tree requirement, required by the Commission. GAROC also noted the Conservation Councils recent report; *'A Call to Action'*, this report suggests that 75,000 trees annually are being lost in the Greater Adelaide region, and
- the reduction in areas of private open space as a result of infill development placing further pressure on access to scarce existing open space, unless new open space is provided.

These matters should be taken into consideration as they are necessary for the liveability of metropolitan Adelaide particularly in an increasingly warmer climate and in the current COVID 19 environment.

GAROC would welcome the Commission's explanation as to how these matters have been taken into account when deliberating on the available capacity of the Greater Adelaide to accommodate the level of growth in housing and employment the Commission is expecting over the next 15 years.

As discussed at the most recent Minister's Liaison Group meeting, these issues should also be key considerations when the Commission commences the review and update of the 30 Year Plan for Greater Adelaide which we understand will commence in 2022.

GAROC looks forward to being kept informed as to when the review will commence and the timelines of the review and how councils will be engaged with during the review and consultation process.

I would like to invite you or a member of the Commission to provide an insight into the Commission's depth of analysis on the capacity for growth within the Greater Adelaide, and to provide a presentation on the upcoming review process for the 30 Year Plan for Greater Adelaide and how we may be of assistance at a future meeting of GAROC.

To arrange your attendance please contact Stephen Smith, Planning Reform Partner at the LGA at [REDACTED].

Yours sincerely



Mayer David O'Loughlin

Chairperson - Greater Adelaide Regional Organisation of Councils (GAROC)

Email: lgasa@lga.sa.gov.au

Form Information

Site Name PlanSA
Site Id 578867
Page Request to vary Environment and Food Production Area boundaries
Standard Name
Page 823328
Standard Id
Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound
Submission Id 876335
Submission Time 27 Jul 2021 11:23 am
Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name:
Postal Address:
Phone Number:
Mobile Number:
Email:

Subject land details

Street Address (or rural property address, if relevant):
Allotment ID:
Owners:

Requested variation details

Details of requested variation: Please see attached
Additional supporting information: Please see attached
Supporting document: 20210726_EFPA_Letter.pdf, type application/pdf, 44.1 KB

Map of requested variation

Map or diagram to support submission: No file uploaded

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?: No

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

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Horse SA
c/o Adelaide Hills Business Centre
82 Onkaparinga Valley Road
Woodside SA 5244
Mob: 0402 488 306
E: horsesa@horsesa.asn.au
www.horsesa.asn.au

26 July 2021

Dear State Planning Commissioner

Horse SA notes that The State Planning Commission is undertaking the first, five year review of the Environment and Food Production Area (EFPA). Horse SA provides advocacy, communication and education to the South Australian recreational Horse industry.

Some of the matters of interest to members is access to horse keeping and riding facilities. Horse SA notes that an online state planning system has been implemented that has a goal of simplifying private or investment purchase decisions by providing indications of approvals required. However, a lack of policy alignment with the EFPA and zoning rules is not helpful in providing clarity to investment for animal keeping purposes, in particular horse keeping.

Additionally, communication with Adelaide Plains Council and based on advice they have received confirms the tensions in the policy misalignment which could cause significant adverse outcomes and potentially incorrect expensive investment decisions for horse property investment. A reasonable person would expect a likely outcome that animals can be kept in an Animal Husbandry Zone, it is not reasonable or just result that the EFPA misalignment can subvert this outcome.

Of particular concern is

- The lack of EFPA rules being explicitly communicated in the Planning and Design Code means, for example, the Code indicates Rural Living Zoned and can be subdivided for housing but the EFPA says it cannot. This misalignment should be corrected.
- Adelaide Plains advice received that the EFPA allows subdivision for housing with 'primary production' but that it does not include dog or horse keeping. This should be corrected as the lack of clarity will reduce confidence and create confusion for development in Rural Living Zones and the Animal Husbandry Subzone.

Recommendation

Policy alignment is required to ensure clarity and fair and reasonable outcomes to investors in Rural Living Zones and Animal Husbandry Subzones.

Background

Horse keeping property purchase decisions are by their nature challenging due to the lack of clarity and the time frames required to gain clarity on

- A) Whether horses can or will be able to be kept on the property
- B) How many horses can or will be able to be kept on the property

Where a purchaser wishes to keep horses on a property they generally would have NO interest in the particular property if horses are unable to be kept there.

We receive feedback from members and those looking to move from interstate that there is a lack of clear and consistent understanding on purchasing a horse property with confidence that horse

keeping with in fact be allowed and not negated by some little known policy and / or neighbourhood dispute. That these decisions change across different council areas and depends very much on 'who' you speak to rather than some clearly articulated policy or guideline creates a lack of confidence and inhibits investment. The lack of alignment between zoning and EPPA policy could be seen as exactly one of those inhibitors.

With thanks,
Kym Mya

Executive Officer, Horse SA

Aitken, Deb (DIT)

From: PlanSA Submissions <noreply@plan.sa.gov.au>
Sent: Wednesday, 28 July 2021 2:40 PM
To: Victory, Tom (AGD)
Subject: EFPA request to vary boundaries submitted

Form Information

Site Name PlanSA
 Site Id 578867
 Page Request to vary Environment and Food Production Area boundaries
 Standard Name
 Page 823328
 Standard Id
 Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound
 Submission Id 876963
 Submission Time 28 Jul 2021 2:40 pm
 Submission IP Address [REDACTED]

Contact and land details**Your Name and contact details**

Name: Jeff Smith
 Postal Address: [REDACTED]
 Phone Number: [REDACTED]
 Mobile Number:
 Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): Too many anomalies to list and identify. Will take time to find relevant plans and the many mapping errors/deficiencies
 Allotment ID: See above
 Owners: see above

Requested variation details

Details of requested variation:

There are too many to include here. Basically a critical review of the HFZ boundary is required. Individually the errors are minor. Collectively the Commission may view the errors and omissions, as major. Unless a start is made to review the boundary, the many errors will remain. The base mapping originally used to define the HFZ was inadequate to accurately define the boundary, but the definition at that stage was infinitely better than it is today, yet we have the benefit of more accurate mapping, IT systems and cadastral details. The HFZ has been considered too political an issue to address. It is about time planners had the intestinal fortitude to drive a better planning system with accurate zone boundary identification.

Additional supporting information:

An accumulated dossier of issues will be provided in due course. I reserve the right to furnish the dossier at a later time. It is also worth noting, that if the cartographers who document these things understood what the impact of the lines on a poorly scaled GRO plan has on an unsuspecting public. Every time a client purchases land on the edge of the HFZ, there are boundary issues that have considerable cost implications for my clients I would welcome a discussion on this/these topic/s

Supporting document:

No file uploaded

Map of requested variation

Map or diagram to support submission:

No file uploaded

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?: Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name: Jeff Smith
Address: [Redacted]
Phone number: [Redacted]
Mobile number:
Email: [Redacted]

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EFPA Explanatory Letter

The Chairperson

State Planning Authority

GPO Box 1815

Adelaide

Dear Ms Dyer

Re Environment and Food Production Area-Boundary review

On 2nd September I made a verbal submission to the State Planning Commission (SPC). At the time I provided a series of slides in file format, that I addressed and explained. Unfortunately, I did not complete my presentation within the allocated time. I did leave a complete set of unexplained slides for the SPC to consider.

The nature of my submission requires the slides to be explained, in order that they be properly understood. I have taken this opportunity to provide the explanation to all my presentation slides

Before doing so I was taken aback by the comment made near closing of my submission, that the review was about the EFPA boundary, and not the boundary of the Hills Face Zone.

It is my understanding that the western boundary of the Hills Face Zone is the western boundary of the EFPA. That being so, any anomaly in the position, mapping and detail of the Hills Face Zone boundary is a legitimate consideration for this review. I urge the Commission to adopt that view and to give full and earnest consideration to this submission.

My initial submission referenced numerous discrepancies in the boundary of the Hills Face Zone. Subsequently, prior to the hearing I provided a copy of correspondence I had forwarded to the then Minister for Planning regarding proposals to establish an Urban Growth Boundary. That boundary subsequently became the western boundary of the EFPA. On the day of the public hearing, I provided the Authority with files that I was to address during the making of my verbal submission.

Before the detail of my submission is outlined it is worth noting that the establishment of the western boundary of the Hills Face was determined in the manner described at page 284 of the Report on the Metropolitan Area of Adelaide, published in 1962. That document precipitated the legislation that subsequently become the Hills Face Zone Regulations 1971

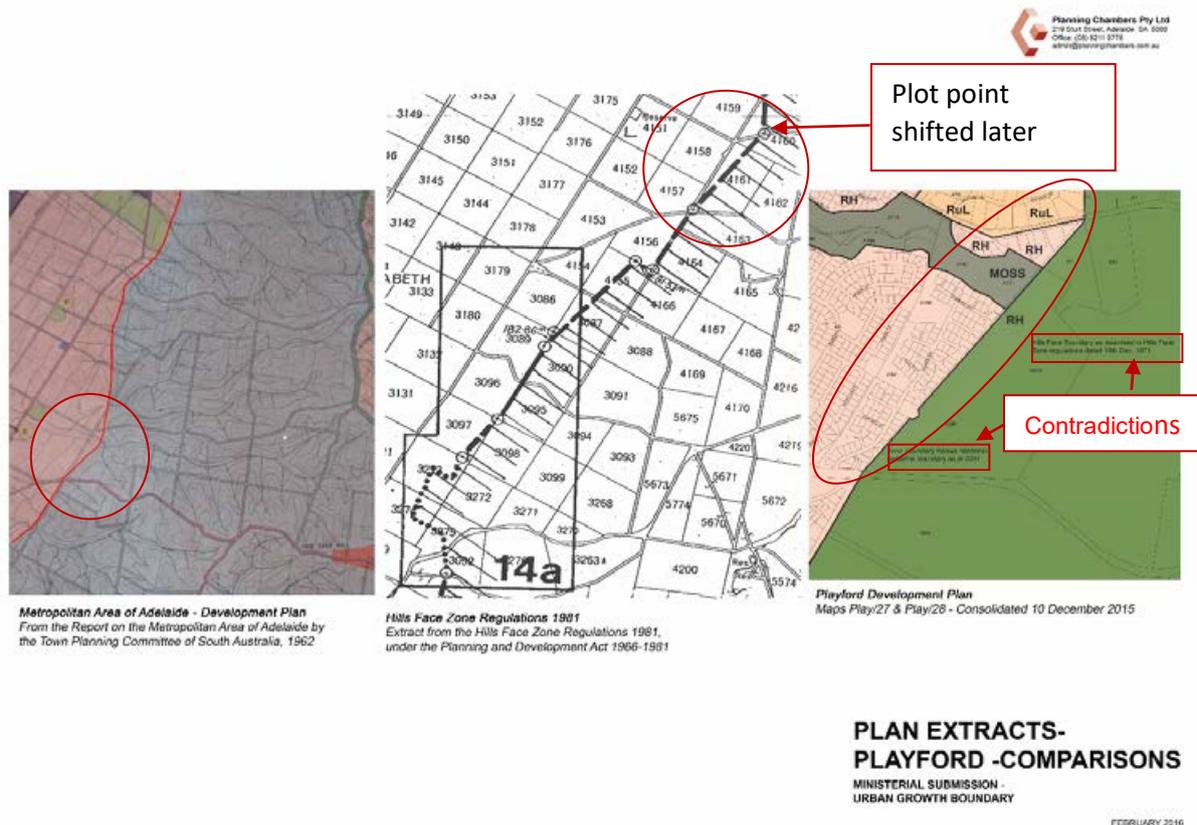
The description given for the Hills' Face Zone in the 1962 Report is as follows

*"The Hills' Face Zone includes the land on the face of the Mount Lofty Ranges overlooking the metropolitan area. Its western boundary along the foothills **is the contour level above which water and sewerage services cannot be supplied economically.** The eastern boundary is the top of the ridge of the Ranges visible from the plains."* (my emphasis)

As can be seen in the following outline, the boundary subsequently became legislatively defined by straight lines rather than by contour level. The purpose of the Hills Face Zone has over time, morphed into a zone of natural character forming a backdrop to the plains, rather than as the easterly extent of the developed metropolitan area.

The following explanation outlines my submission and provides details of the files included on the USB Stick retained by the Commission at the conclusion of my verbal submission.

Playford



It is a little difficult to interpret from this example, but the boundary of the Hill Face shown on the left, generally follows a contour of about 140 metres above the Australian Height Datum (AHD) That level selected by the authors of the report was the level, above which a reticulated water supply, could not be provided.

To the north of Yorktown Road the Hills Face Zone shows as a gently curved line between Yorktown Road and Uley Road.

The extract from the 1981 Hills Face Regulations reproduced on the central plan in the vicinity of Section 4161, shows the Hills Face boundary as a straight line.

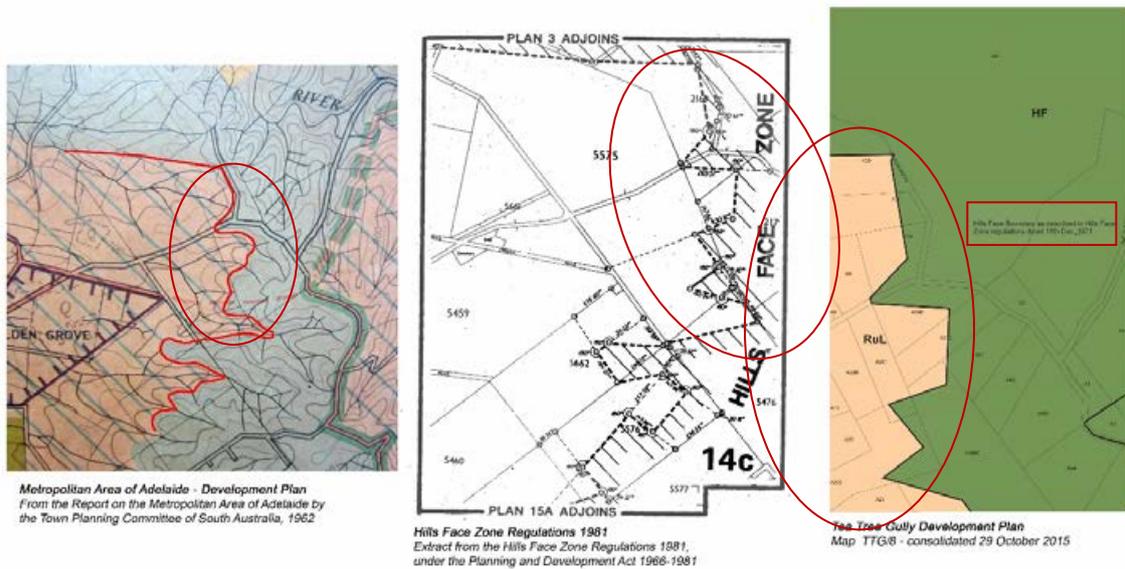
On the right hand side the Hills Face Zone boundary is shown as a straight line that deviates around an allotment just north of Yorktown Road. Notwithstanding this variation to the Zone boundary, the notation adjacent to it incorrectly references the boundary as shown on the December 1971 version of the Regulations.

Examination of the Planning and Design Code mapping shows the plot points at each end of this line segment as having been shifted, from one side of the road, to the other.

Essentially it is my submission that the Hill Face Boundary, and now as the boundary of the Environment and Food Production Area (EFPA), has been in a constant state of flux since the concept of a Hills Face was originally conceived. More critically cartographers and GIS

wizards seem to treat the boundary with equal disdain irrespective of the legislated status and importance of the boundary.

Tea Tree Gully



PLAN EXTRACTS- TTG COMPARISONS

MINISTERIAL SUBMISSION -
URBAN GROWTH BOUNDARY

FEBRUARY 2016

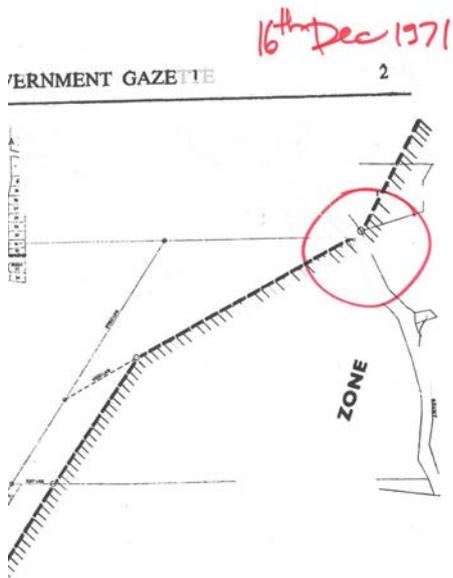
This example is clearer than the previous one in so far as the differences between the initial concept of the Hills Face Boundary following a mapped contour, was converted to straight lines with identified plot points, then in the third map extract, to unidentified points shown on mapping in the Development Plan. Essentially the location of the plot points that determine the boundary, can only be identified by reference to the data shown on the Hills Face Zone Regulations 1981. Curiously the notation to the right of the HFZ boundary incorrectly references the 1971 version of the Hills Face Zone Regulations, even though the 1981 version is the most recent.

I have examined the current position of the zone boundary on current GIS mapping incorporated on the SA Planning Portal. The mapping is useful but indeterminate when attempting to locate specific plot points to identify the boundary.

The constant state of flux in the position of the Hills Face Zone boundary does nothing to reinforce the sanctity of the EFPA as a permanent preventative boundary to expansion of residential areas beyond the metropolitan area.

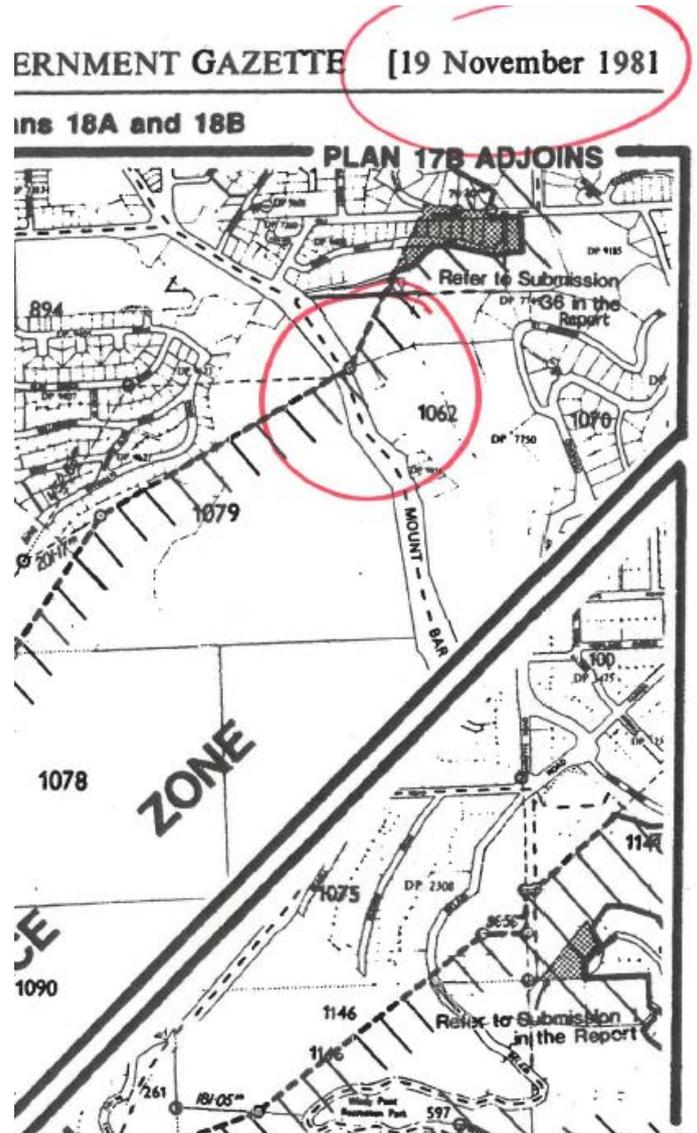
There are too many anomalies in the location of the boundary of the Hills Face that enable a strong planning argument to be made for an adjustment to align an allotment boundary with the boundary of the Hills Face Zone. Most importantly the alignment of the zone boundary cannot be readily ascertained from mapping that lacks basic locational identification. This deficiency is of critical importance if the boundary is to have substantive legislative force.

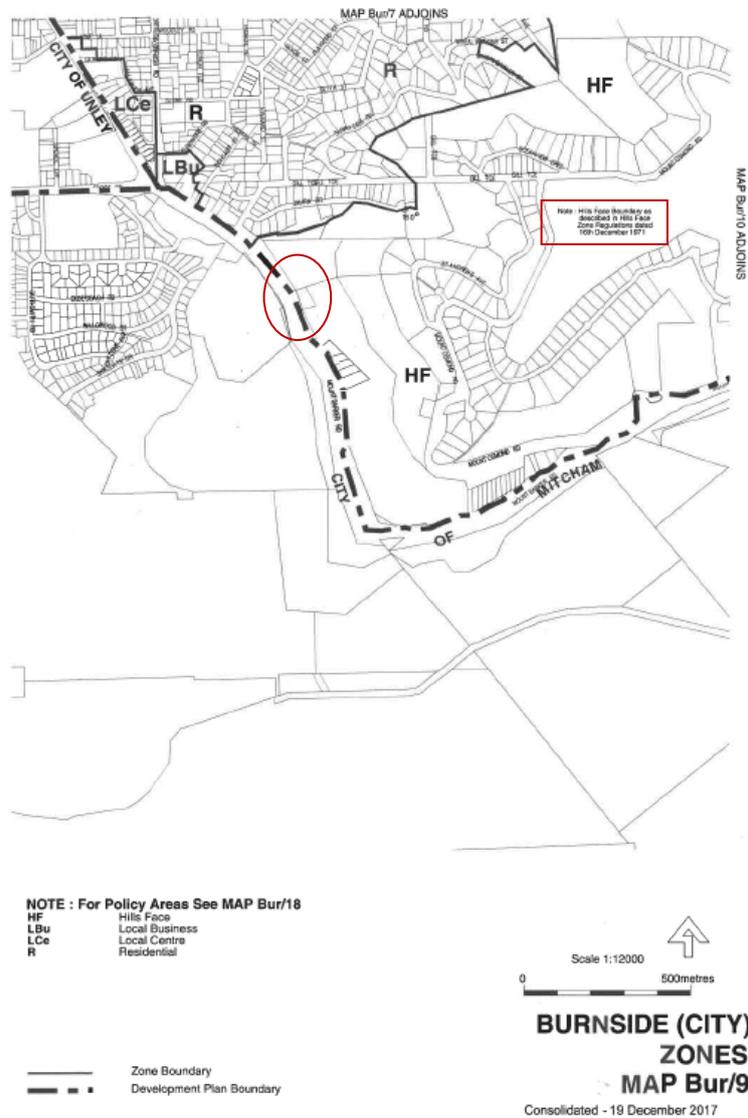
Burnside/ Mitcham examples



This enlargement, extracted from the Government Gazette when the Hills Face Regulations were first gazette in 1971, shows the plot point for the Hills Face Boundary at Glen Osmond Road, just to the east of the Toll Gate. The plot point is at the intersection of cadastral boundaries.

When the Hills Face Zone Regulations were gazetted in 1981 the plot point for the boundary remained in the same position at the junction of two cadastral boundaries, even though the boundary of an adjacent allotment appears to have been altered.





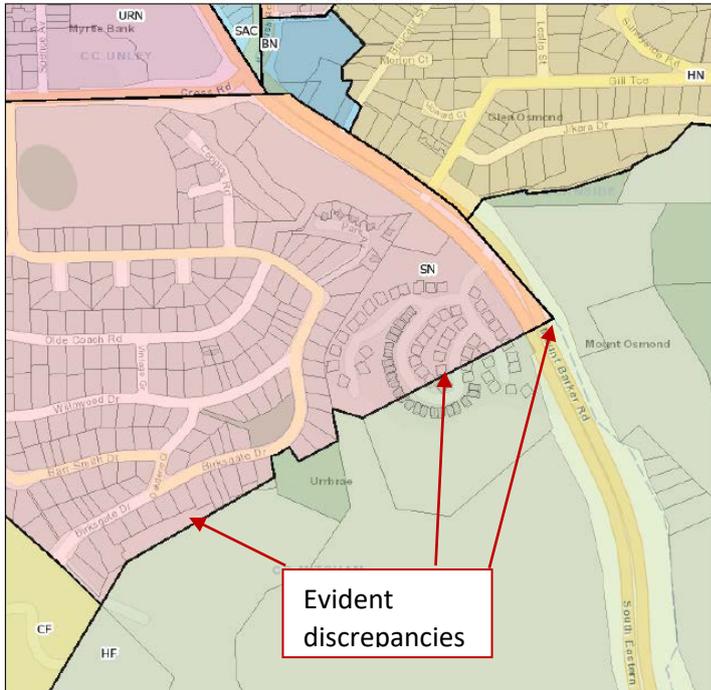
This image from the December 2017 version of the Development Plan shows the boundary of the Hills Face in the vicinity of that shown on previous images. The position of the boundary is undefined in the area east of the Toll Gate. It is assumed to be the Council Boundary. In the vicinity of the cadastral boundaries the Council Boundary is somewhat imprecise.

Interestingly the mapping references the 1971 boundary of the Hills Face notwithstanding the boundary location was amended in November 1981, then subsequently by a Council initiated Development Plan Amendment (DPA)

SAPPA Report

The SA Property and Planning Atlas is available on the Plan SA website: <https://sappa.plan.sa.gov.au>

Date created:
August 30, 2021



This is an extract from the SA Planning Portal. It shows the boundary of the Hills Face, in the Burnside Council area in a somewhat random position on what may be a bikeway that traverses alongside the eastern side of Glen Osmond Road/SE Freeway. Either the zone boundary aligns with the council boundary, or it does not. The traditional method of zone boundaries being aligned with the centreline of roads, appears to have been ignored in this instance.

On the left hand side of the freeway the boundary passes through the gated Mira Monte community. The plan shows the Hills Face boundary, passing through several dwellings. Further toward the south west the boundary aligns with cadastre in some parts and disregards it in others.

To eliminate these anomalies only requires the Hills Face and EFPA boundaries to be aligned with the nearest cadastre. It would be a comparatively small change that would simplify administration of development control for the affected properties.

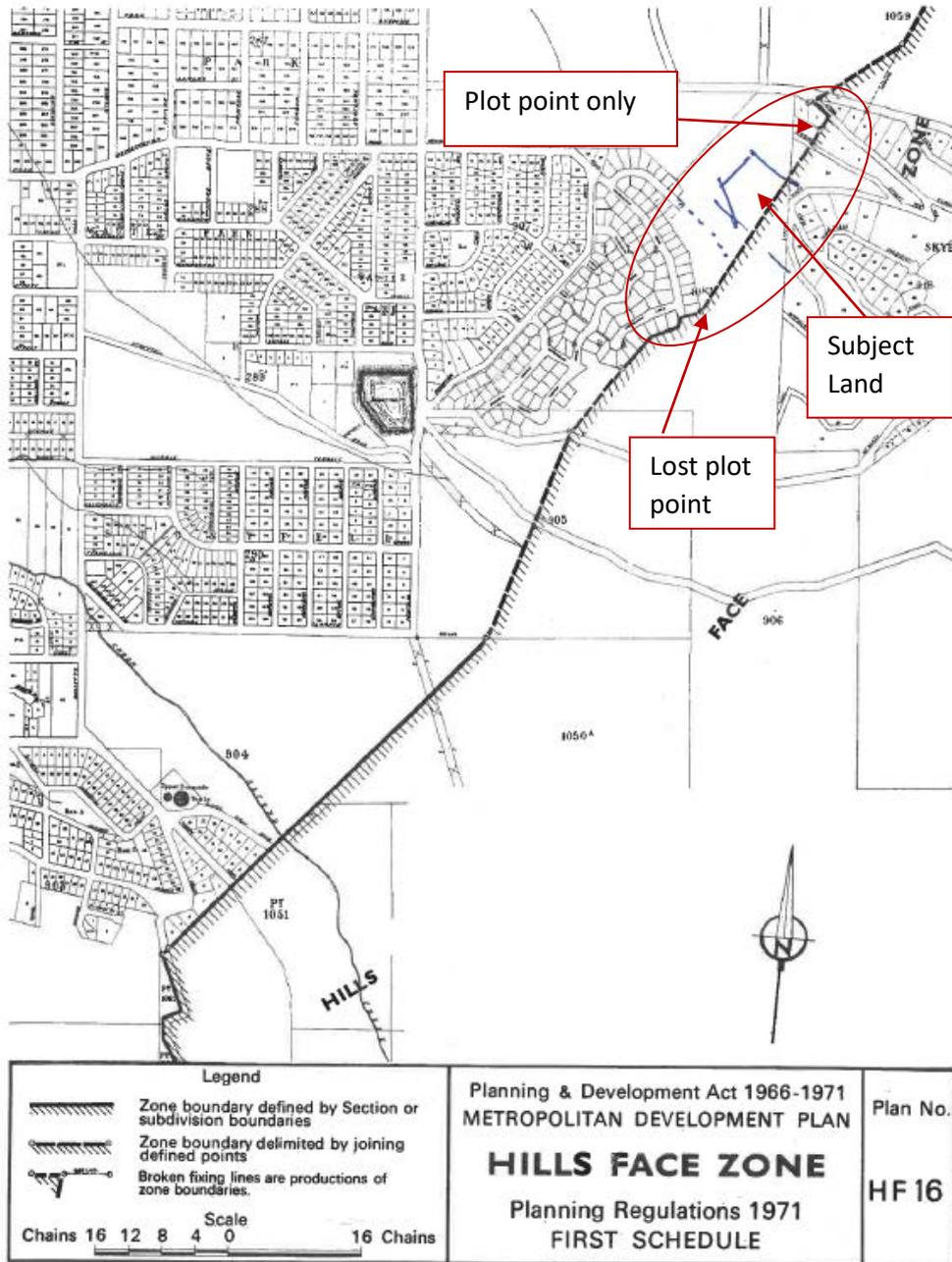
It is my submission that changes of this nature are within the ambit of this review.

Burnside-Wattle Park

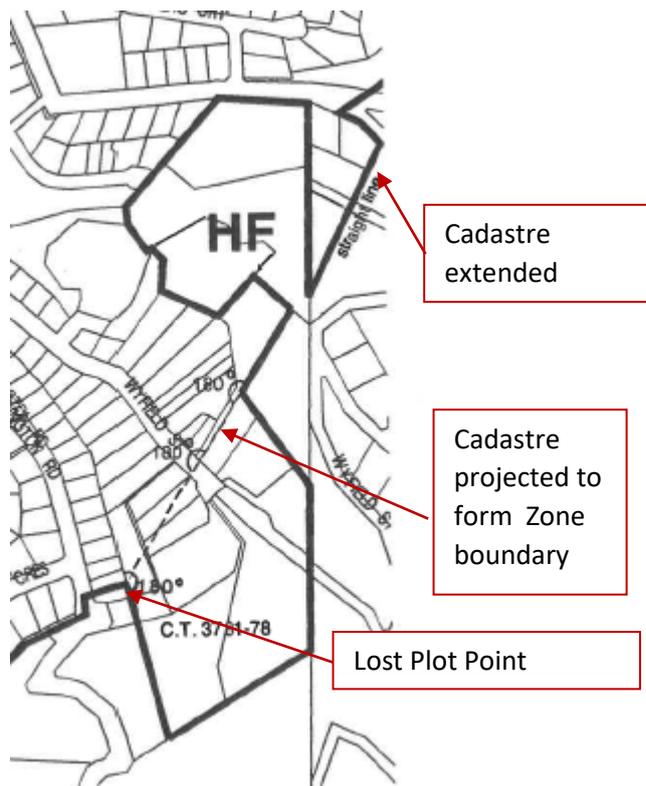
December 16, 1971]

THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

2541



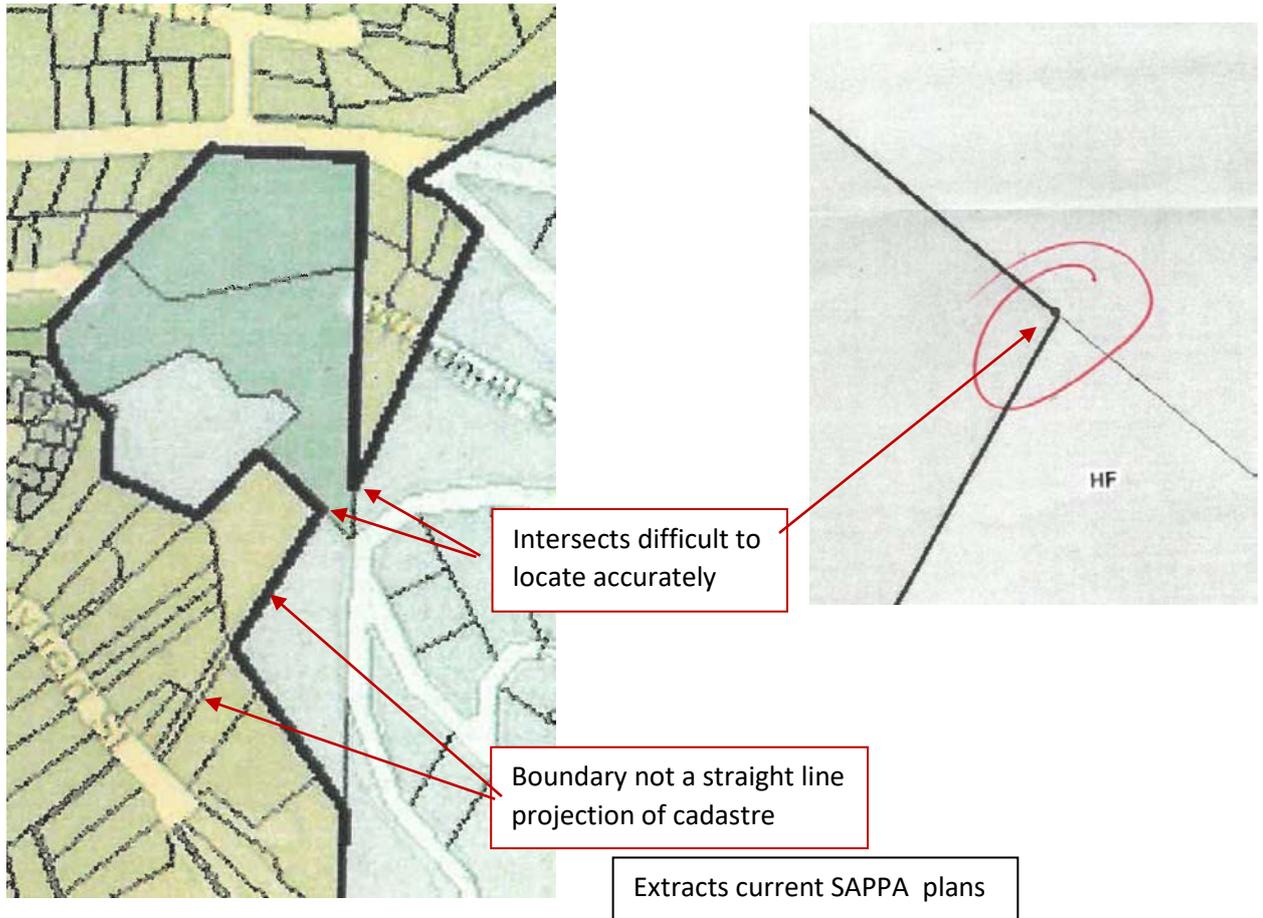
This extract of the original version of the Hills Face Zone Regulations connects the corners of allotments over a considerable distance as a straight line. Subsequently there has been land division undertaken in the vicinity of the zone boundary. That division attempted to align cadastre with the hills face boundary.



The Council undertook a rezoning of this part of the foothills area to include the Council Reserve into the Hills Face Zone. In doing so it varied the position of the original Hills Face Zone. The council did so following the legislated Development Plan Amendment procedures.

At the northern end the Hills Face Zone Boundary is nominated as being a straight line. It can only be assumed that the line is a projection of an allotment boundary.

At the southern end the plot point nominated on the plan, no longer existed because the allotment had been increased in area through the acquisition of a portion of an adjacent allotment. At the mid point where the former boundary crossed Wyfield Road there is notation implying the the zone boundary as it crossed the allotment at 55 Wyfield Road, was a straight line projection of that part of the allotment boundary extending to Wyfield Road.



As an exercise using the pointer and co-ordinate data available on SAPPA to locate the 3 plot points on this boundary projection the alleged straight line, could not be proved. The Council asserted the line to be straight, based either on the old data or the assumptions council staff made as to the position of the line, but the GIS data available on the Portal disputed that assumption.

It is my understanding there are limits of accuracy attributable to the identification of specific points at the intersects of two straight lines. Whether that be because of the capability of the mouse to locate over the intersecting point or the 'pixel' limitations as to accuracy, is uncertain, but the line is not straight. In this case knowing the position of the boundary was critical if there is a need to site a building in the Hills Neighbourhood Zone, rather than in the Hills Face Zone.

Having the zone boundary passing midway across an allotment is undesirable, when the Council in amending the position of the zone boundary could easily have adopted a cadastral boundary instead of leaving the boundary position as an indeterminate line.

Conclusion

This submission identifies examples of anomalies in the position of the Hills Face Zone. It is this boundary that is now the boundary of the EFPA.

The examples provided here are minor in nature. It is within the ambit of the Commission to address these examples. Beyond that, it is my submission that the Commission should make recommendations to the Minister and Parliament, that the Hills Face Zone/EFPA boundary is reviewed in detail to ensure the boundary position is unequivocal and that its legal status, is preserved.

Should the Commission require further explanation of the content of this submission, I would be pleased to assist.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Jeff Smith', with a stylized flourish at the end.

Jeff Smith MPIA

Killurin Consulting

PO Box 6196 Halifax Street

Adelaide SA 5000

Site Name PlanSA
 Site Id 578867
 Page Request to vary Environment and Food Production Area boundaries
 Standard Name
 Page 823328
 Standard Id
 Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries
 Submission Id 877196
 Submission Time 28 Jul 2021 7:48 pm
 Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: CHRIS AND CARLA HUMMEL
 Postal Address: [REDACTED]
 Phone Number: [REDACTED]
 Mobile Number:
 Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): 1121 HORROCKS HIGHWAY TEMPLERS SA 5371 THE PROPERTY WAS PREVIOUSLY LISTED AS LOT 12 AND 13 MAIN NORTH ROAD TEMPLERS SA 5371
 Allotment ID: Certificate of Title Volume 5121 Folio 816
 Owners: Carla Marie Hummel Christen Jason Hummel

Requested variation details

Details of requested variation: WE BELIEVE OUR APPLICATION VARIATION IS TRIVIAL IN NATURE AND WILL ADDRESS A RECOGNISED ANOMALY THAT HAS EXISTED FOR OVER ONE HUNDRED YEARS. WE SEEK A BOUNDARY RELIGAMENT AND THE ISSUE OF TWO NEW TITLES FOR TWO PIECES OF LAND. CURRENTLY PIECE THIRTEEN IS LAND LOCKED AND ONLY ACCESSIBLE VIA PIECE TWELVE. DEVELOPMENTS ON ADJOINING PROPERTIES HAS EFFECTIVELY CLOSED PRIVATE ROAD ACCESS. WE SEEK A VARIATION INTO TWO NEW TITLES AND REALIGNMENT THAT GIVE ACCESS TO BOTH PIECES OF LAND. THE NEW TITLES AND REALIGNMENT

WILL ALLOW FOR THE DEVELOPMENT OF A DETACHED LOW RISE RESIDENCE AND POSSIBLY ONE DETACHED OUTBUILDING WHERE THE SITE AREA DESIGN SITTING AND APPEARANCE TAKES ACCOUNT OF THE AREA SUCH THAT ANY DEVELOPMENT HAS MINIMAL VISUAL AND NO ENVIRONMENTAL IMPACT. WE ARE NOT SEEKING FOR THE REMOVAL OF OUR PROPERTY FROM THE EFPA JUST A BOUNDARY CORRECTION THAT HAS CAUSED LANDOWNERS AND LIGHT REGIONAL COUNCIL ISSUES FOR OVER ONE HUNDRED YEARS

WE HAD STRONG SUPPORT FROM LIGHT REGIONAL COUNCIL LISA SAPPJO AND IN FEBRUARY 2017 HAD PREPARED A NONCOMPLYING APPLICATION FOR THE VARIATION MENTIONED ABOVE ONLY FOR OUR CONVEYANCER TO FAIL TO LODGE THE APPLICATION BY APRIL 2017. FURTHERMORE THE CURRENT ZONING OF THE PROPERTY IS CONFLICTING WITH THE INTENT OF THE ZONE, AS DESCRIBED IN THE DEVELOPMENT PLAN DUE TO THE LANDS SIZE OF APPROXIMATELY 10 ACRES. THE AREA IS CURRENTLY ZONED PRIMARY PRODUCTION. WE HAVE APPROACHED THE SURROUNDING FARMERS TO CULTIVATE AND CROP THE LAND AREA WHICH WE ARE SEEKING TO REALIGNED THE BOUNDARIES, AT THE REAR OF OUR PROPERTY, BUT THEY HAVE ADVISED US THAT IT IS TOO SMALL TO BE ECONOMICALLY VIABLE AND THEY HAVE HAD DIFFICULTY IN OPERATING THEIR MACHINERY AND IMPLEMENTS IN A SMALL, CONFINED PADDOCK. THE LAST TIME ANY CROP WAS PRODUCED FROM THIS LAND AREA WAS SOME 21 YEARS AGO. GIVEN THE SMALL SIZE OF THE PIECE OF LAND IT IS NOT VIABLE OR SUSTAINABLE WITH RESPECT TO LAND MANAGEMENT OR LIVESTOCK CARE TO RAISE ANY NUMBER OF LIVESTOCK. GIVEN THAT THE PADDOCK AT THE REAR OF OUR PROPERTY IS IN THE MIDDLE OF WHAT IS ESSENTIALLY A LARGE NEIGHBOURHOOD OF APPROXIMATELY 20 RESIDENCES SURROUNDING IT WE BELIEVE MANY IF NOT ALL OUR NEIGHBOURS WOULD BE SEVERELY AND ADVERSELY AFFECTED IN THEIR ENJOYMENT OF THEIR PROPERTIES IF WE WERE TO DO SO. PRECEDENT HAS BEEN SET AS OUR DIRECTLY ADJOINING NEIGHBOURS ON OUR NORTHERN SIDE WITH AN IDENTICAL SHAPED PROPERTY WERE ALLOWED TO SUBDIVIDE INTO THREE DIFFERENT ALLOTMENTS IN APPROXIMATELY 2003. THE LIGHT REGIONAL COUNCIL WAS WILLING TO CONSIDER AND APPROVE THAT DEVELOPMENT AS IT WAS CONSIDERED IT APPROPRIATE AND ACCEPTABLE TO THE APPEARANCE AND SCOPE OF THE AREA WE REQUEST THAT YOU CONSIDER OUR PROPOSAL WITHOUT PREJUDICE AS OUR PROPOSAL IS OF A MUCH LESSER IMPACTFUL NATURE. IN FACT, OUR PROPOSAL WOULD IN NO WAY ALTER THE APPEARANCE AND CONFIGURATION OF THE SCENIC LANDSCAPE AND WOULD IN FACT KEEP THE STATUSQUO AS WE HAVE CONFIRMED EYEWITNESS REPORTS FROM MULTIPLE PREVIOUS OWNERS OF OUR PROPERTY THAT THE PROPERTY HAS BEEN LAID OUT IN THE CURRENT CONFIGURATION OF TWO BLOCKS FOR AT LEAST THE LAST 50 YEARS. WE BELIEVE THAT KEEPING THE CURRENT CONFIGURATION WOULD KEEP THE AESTHETIC LAYOUT OF THE NEIGHBOURHOOD, AS THE REAR BOUNDARY OF THE FRONT

Additional supporting information:

BLOCK IS NEARLY DIRECTLY IN CONTIGUOUS LINE WITH THE REAR BOUNDARIES OF THE FRONT LAYER OF ADJOINING PROPERTIES.

Supporting document: Doc1.docx, type application/vnd.openxmlformats-officedocument.wordprocessingml.document, 1.2 MB

Map of requested variation

Map or diagram to support submission: Doc3.docx, type application/vnd.openxmlformats-officedocument.wordprocessingml.document, 193.7 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period? Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name: Carla Hummel
Address: [REDACTED]
Phone number: [REDACTED]
Mobile number: [REDACTED]
Email: [REDACTED]

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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Mr Tony Piccolo
Member for Light

To Tony,

I am seeking your assistants in a matter regarding the subdivision of my property located at Templers.

History

My wife, kids and myself have been living at our property located at Templers for the last 15 years. Since that time I have approached the Light council on many occasions in an attempt to get my property subdivided. Admittedly there have been issues surrounding this attempt, which I have worked through with council. They were:

- Templers area is zoned primary producing, which prevents properties being subdivided under 80 acres. My application would be non-complying thus not supported by council.
- Several 'private' roads exist on the boundaries of most of the Templers properties.

Of recent my wife and I meet with Lisa Sapio, in early November 2016. After a complete review by the council, they could see the merit of our proposal and willing to support our application for the property to be subdivided, despite the fact it would be non-complying. In fact the council gave us a plan and indicated if we pursue their recommendation we would have their complete support for the development. This is the first step. Lisa Sapio then set us on a course for developing a plan to lodge an application. We then contacted Denis Bleaze (conveyor) and Joshua Skinner (planner) regarding their role in this development. This was done on the 25th of November 2016.

In order for Joshua Skinner to lodge an application, Denis Bleaze needed to a statement/proposal to support the application by Joshua Skinner. This dragged on over Christmas and several weeks into January 2017 due to Denis Bleaze taking holidays. Upon his return I did try to contact Denis Bleaze and again it took several weeks before he responded. Again he needed to refresh his memory regarding our application which took several weeks. We then discussed the next move. My instructions to him were to produce the required report. He instructed me he would look into us taking 'adverse' possession' of the private roads. I told him not to worry as I have encountered too many road blocks to this process, just focus on getting the report done. This takes us to the end of January.

My next contact with him he enquired as to what difficulties I had experienced on my attempts to gain 'adverse possession'. I again told him that is not my instructions, forget adverse possession and just do the report. Part of this report was to visit my property to get the necessary information to facilitate the sub-division. Over the next month he planned to attend my property several times and never turned up. I had to pressure him many times for this to happen. Finally he did attend and despite several efforts by myself and the Planner, that report has still not being produced. Thus on Monday the 24th of April I am informed by my planner that we could no longer proceed due to a law

change on the 1st April 2017. This is a devastating email and basically ended any opportunity I have at sub-dividing.

I am seeking your help to see what we could do in this situation. I have spent a significant amount of money and time on this project only to be completely let down by an underperforming conveyor. If it wasn't for him I would have already completed this process.

Tony, I am not a massive land developer, just a simple family man trying to sub-divide my property of approximately 9 acres into to allotments of about 4.5 acres.

I can provide you with more detail, but I would like the chance to discuss this matter with you.

Regards

Chris Hummel

See below for more information

Preliminary Assessment - Non Complying Development

Re: Boundary re-alignment of 2 Pieces of Land

We believe our proposed development has substantial merit, notwithstanding that it is listed non-complying.

The current zoning of the property is conflicting with the intent of the zone, as described in the Development Plan, due to the lands size (approximately 10 acres). The area is currently zoned Primary Production.

PRIMARY PRODUCTION ZONE DESCRIPTION AND LAND USE

- Economically productive, efficient and environmentally sustainable primary production.
- Allotments of a size and configuration that promote the efficient use of land for primary production.
- Protection of primary production from encroachment by incompatible land use and protection of scenic qualities of rural landscape

Note 1. *We have approached the surrounding farmers to cultivate and crop the land area which we are seeking to re-aligned the boundaries, at the rear of our property, but they have advised us that it is too small to be economically viable and they have had difficulty in operating their machinery and implements in a small confined paddock. The last time any crop was produced from this land area was some 14 years ago (2002).*

Primary production means land where the dominant use is:

- Maintaining animals for the purpose of selling them, their natural increase or bodily produce.
- Cultivating crops for the purpose of selling the produce.
- Keeping bees for the purpose of selling produce, honey.

- Growing flowers, orchids or mushrooms for the purpose of sale.
- Commercial fishing and other commercial farming of fish and other seafood for the purpose of sale.
- Commercial plant nursery.

Note 2. *Given the small size of the allotment it is not viable or sustainable with respect to land management or livestock care, to raise any amount of livestock. Given that the paddock at the rear of our property is in the middle of what is essentially a 'large lot neighbourhood' (approximately 20 residences) setting surrounding it, we believe many if not all of our neighbours would be severely and adversely affected in their enjoyment of their properties, if we were to do so. The keeping of bees would be detrimentally affected by the allotment being too small to allow space and separation necessary that the bees might not be affected by any use of pesticides /insecticides used in the gardens of neighbouring properties.*

Therefore, it would seem inappropriate for the property to have the current zoning restrictions, as it is not economically sustainable and can't meet its intended use.

Thus, we believe that despite the development being non-complying for the Primary Producing Zone, there is substantial merit for consideration of our application to realign the boundaries of the 2 pieces of land with their own separate titles.

Additional factors for your consideration:

- In Primary Producing Zones allotments are required to be a minimum size of 33 hectares = 81.54 acres, **note** - the entire tract of land containing multiple properties and allotments that comprise our neighbourhood does not even meet that size. In fact it contains properties as small as 40 X 50 metres.
-
- The current zoning offers no protection to land owners from persons conducting activities that are having significant health and safety concerns. For example, our adjoining neighbours on our southern side are constructing a significant motocross racing track in what is essentially a large-lot neighbourhood. Police and council are currently powerless to enforce any sort of restrictions. Concerningly much of this motocross track is constructed along the boundary of their property resulting in ourselves and other directly adjoining neighbours (one party of whom has filed written complaint to council) to be subjected to frequent several hour long bouts of extreme noise, dust and disturbance to our houses, households, washing and animals. At any one time up to five people are regularly using the track simultaneously riding extremely loud 2 stroke motorbikes and other vehicles being driven around the track. My teenage daughter has an Eventing competition horse which lives in and she rides on in the paddock adjoining them. We are extremely concerned about

the noise stress, dust stress and disturbance this places on our domestic animals. And most concerned that an accident by a rider jumping one of the jumps next to our fence line could result in their crashing into our property and injuring or worse our children or animals. Of most concern is the regular shooting of rifles putting us and our animals in extreme danger on our own property. On one occasion my son was home alone and very distressed by a gathering of men shooting on their property right alongside our house.

- Precedent has been set - Our directly adjoining neighbours on our northern side with an identical shaped property were allowed to sub-divide into three different allotments, approximately 2003. As the council was willing to consider and approve that development, apparently considering it appropriate and acceptable to the appearance and scope of the area, we request that you consider our proposal without prejudice as our proposal is of a much lesser impactful nature. In fact our proposal would in no way alter the appearance and configuration of the scenic landscape and would in fact keep the status-quo as we have confirmed eye witness reports from multiple previous owners of our property that the property has been laid out in the current configuration of two blocks for at least the last 50 years. We believe that keeping the current configuration would keep the aesthetic layout of the neighbourhood, as the rear boundary of the front block is nearly directly in contiguous line with the rear boundaries of the front layer of adjoining properties. And that reinstating fencing and boundaries to the “two pieces” as shown on plans would drastically alter the current and historical appearance of the scenic landscape of the neighbourhood.
-

- Lisa Sappio physically viewed the property and its current layout in 2013 and upon discussion of the layout stated that she could see the merit of keeping the current shape for those and other reasons, such as some time prior to the last 50 years, stables and horse yards were built directly over the private road access to the rear “piece” of land.
- We wish to construct a development comprising a detached low rise residence and possibly one detached outbuilding, where the site area, design, sitting and appearance takes account of the area such that any development has minimal visual and no environmental impact. In fact it is our desire to significantly improve the scenic aspect through the use of carefully considered plantings of vegetation buffer strips to the boundary of the property and tasteful landscape planting to the centre of property. We are more than willing to locate the proposed residence in line with the residence on adjoining property, and in the style of said property also style of residence of neighbour residence once removed who has just completed construction of a new residence, so as to keep a harmonious style to the neighbourhood aspect.
- In relation to the concern of a development adjoining Primary Production land used for cropping and any encroachment issues, we would like to point out that the adjoining farmers own father has a property around the corner from ours that abuts exactly the same cropped field. Their residence was unfortunately destroyed during the Pinery fire, but is currently being rebuilt in the same location. We would like to state that the residence is significantly closer to the farmer’s field than our proposed residence would be. Since council seemed to have no objection in regards to the closeness of a new dwelling in relation to the

same farmed land abutting ours, we request that the council not be prejudiced on those same grounds relating to our proposal.

- We would if the proposal was approved, lay in a buffer strip of plantings (of which we are more than happy to consult with the affected farmer as we have a personal and agreeable relationship with him) along the relatively small strip of shared boundary to be affected, 145m in length, to construct a bare earth or shell gritted horse yard for a width of approximately 30m, so as not to undertake any action on that area which might be deemed incompatible to the land use of his property. Additionally after experiencing last year's Pinery fire which came through our property, we are concerned that given the size and of the paddock at rear means an inability to maintain with farm implements, its current size and zoning makes it extremely difficult to maintain in its current use to a fire resistant state. Which we could remedy if the proposal was approved and we could develop the property and keep it maintained to a high level.
- Additionally, given that we believe in the last two decades that council has allowed infill style developments of up to 12 new residences, apparently considering such infill acceptable to the appearance and scope of the area that council not be prejudiced in assessing our proposal of the same type infill nature, which has even less impact than previously approved developments.
- Another matter we consider relevant to your consideration of the proposal is the fact that our allotment contains two "pieces" on the same title. The rear piece was to be serviced by a private road (we have two on our property) the council are well aware of the ongoing issues relating to these, in fact I have copy of minutes from council from 30 years ago.....even at that point calling it a "long running saga". Our property is one of many in this group of properties that contain private roads of the same owner. The council have for some time been looking at clearing the private roads up with their being closed as private roads, opened as Public roads, then closed as roads to allow sale to adjoining landowners, clearing up all right of way issues in the process. As the private roads though separate physically, are contained in the same title, that of Mr T. Chesson (dec) the clearing of ALL these private roads would need to be a ALL IN approach, not piecemeal to facilitate that action. While we would be very happy to assist council in clearing these problematic pieces of land, as displayed by the fact that several times over the last few years we have sought council assistance in doing so, but have given up due to no action or progress at any point, of which we have record, deletion of said private roads would leave one of our "pieces" landlocked. I have minutes from council with notation stating that the roads had been subdivided and laid in by Mr T. Chesson over 100 years ago for the purpose of the roads to provide future infill subdivision and development of the pieces of land that they service.
- As we believe that council has been agreeable to previous use of some of these private roads to facilitate infill of new residences we ask that council not be prejudiced regarding same issue on our proposal. In fact our proposal seeks to mitigate the problem of the rear "piece" being landlocked, while at the same time keeping the status-quo of the layout and appearance as previously outlined. We would hope that we might be able therefore to

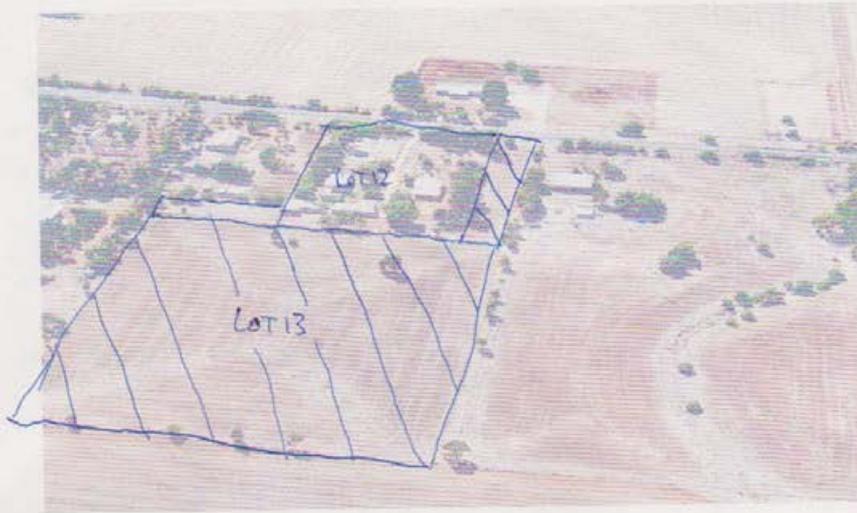
compromise with council in that respect, so that the needs of both parties are met agreeably as possible.

- We wonder if after having done some research that it would seem possible for council to allow a “boundary re- alignment” of the historical configuration of the two pieces into the current (at least last 50 years) configuration. We believe the impact to be minimal as the blocks are approximately same size as the “two pieces” just of different shape. Both pieces would then have adequate access as the property already has a gated driveway into existing residence on one “block” and has a separate dedicated gated driveway into the second “hammerhead” style “block”, which has apparently been in place for decades. The already existing driveway into the rear block is approximately 21 meters wide until its point entering the open block section.

And noting that council was somehow able to facilitate the sale of several (5?) private roads over the last few years despite their being “pieces” of land under a same title, which would have required we believe a necessary process of assigning them their own title to facilitate their disposal, would it not therefore be possible for council to compromise and enable us to assign the two “pieces” their own title.....as it would seem possible when desired. Therefore we ask given the council’s previous assistance and facilitation of such nature that council not be prejudiced in their assessment of this option with our property

- We have a copy of correspondence (email) between Brett Potter and ourselves dated 16/9/2013 stating that “Lisa had suggested that Council will, in the near future, look at amending their Development to re-zone this site allowing for the possibility of division taking place but this may be a few years away”. While we have waited patiently for several years for this to occur, it does not seem to be being undertaken. Clearly the council then acknowledges the unsuitability of the zoning of this section of properties. We submit that this option of separation of the “pieces” may be preferred by council to address our previously stated concern in relation use of our land being in serious conflict to the Development Plans stated use and nature of size of such zoned allotments. We believe that this option could allow the property to maintain its current zoning therefore requiring no significant change unwelcome to council or the Development Plan, but the approval of our proposal and development would allow us to take actions to significantly mitigate many of our concerns. Such as being able to maintain the property to reduced fire hazard without the need of inaccessible farm implements, being able to develop the rear section of the property in relation to infrastructure and water services so as to be able to implement a substantial vegetative buffer strip along the boundary of property with motor-cross track to mitigate the visual disturbance, noise and dust pollution which at current time we are unable given the nature of the property.

The following aerial photograph indicates the proposed subdivision.



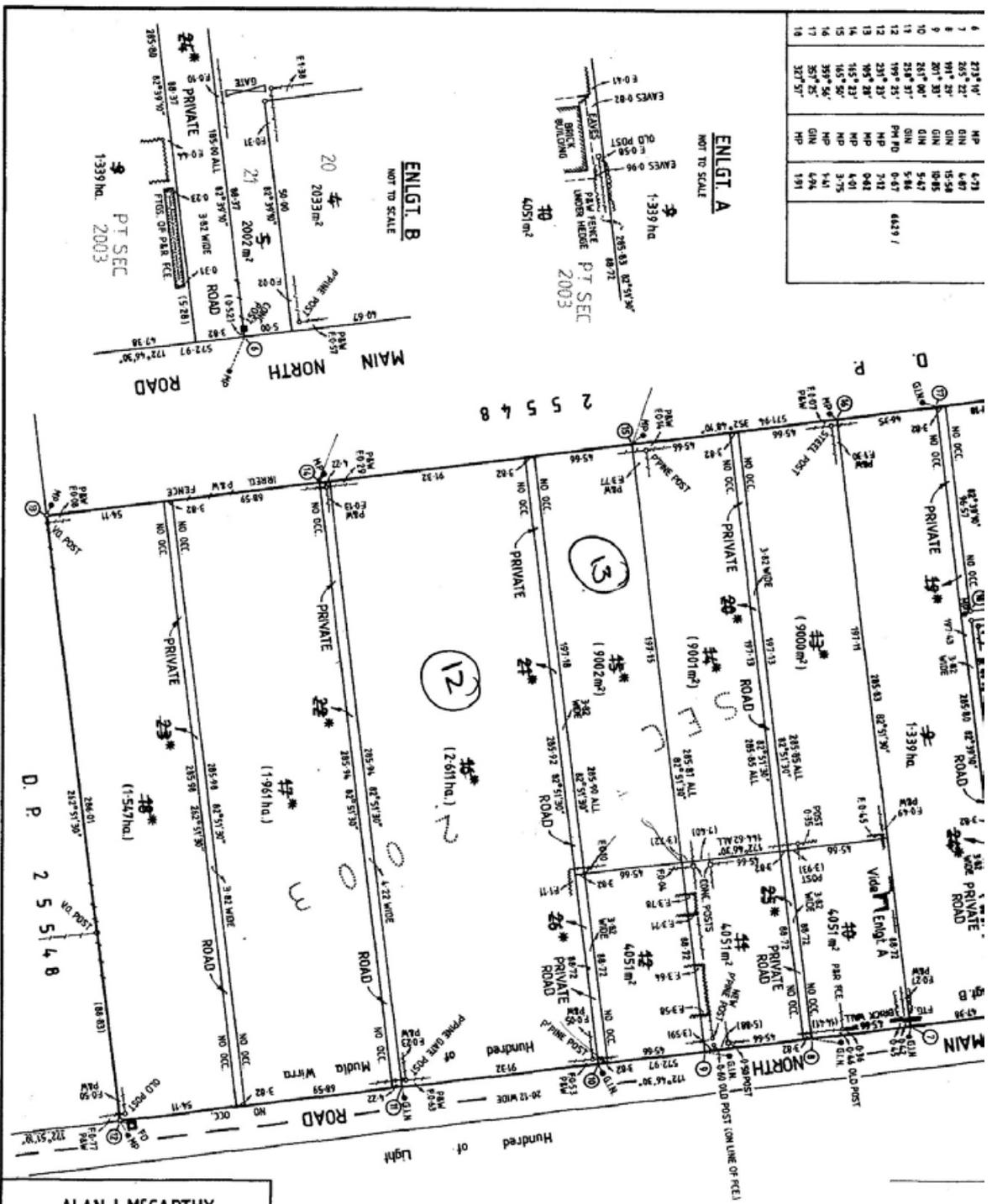
We believe this application has substantial merit for consideration by the Development panel. Listed below are points to support our application.

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4	273°10'	MP	6.47	4429 /
7	265°22'	GIN	6.87	
8	191°29'	GIN	15.54	
9	201°30'	GIN	10.85	
10	241°06'	GIN	5.47	
11	238°37'	GIN	5.84	
12	199°23'	MP	0.67	
13	201°23'	MP	2.12	
14	145°23'	MP	0.42	
15	145°23'	MP	4.01	
16	387°24'	MP	3.75	
17	387°24'	MP	1.41	
18	327°37'	MP	4.24	
		MP	1.91	



ALAN J. MCCARTHY
 RESEARCH ROAD TANUNDA 5352
 PHONE (085) 633677

ENGLT. A
 NOT TO SCALE
 1-339 ha
 PT SEC 2003
 4051 m²

ENGLT. B
 NOT TO SCALE
 2033 m²
 2002 m²
 1339 ha
 PT SEC 2003

The following aerial photograph indicates the proposed subdivision.



We believe this application has substantial merit for consideration by the Development panel. Listed below are points to support our application.

-

-

-

Site Name PlanSA
Site Id 578867
Page Request to vary Environment and Food Production Area boundaries
Standard Name
Page 823328
Standard Id
Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries
Submission Id 877452
Submission Time 29 Jul 2021 9:52 am
Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: Jim Allen Regional Planning Directions
Postal Address: [REDACTED]
Phone Number: [REDACTED]
Mobile Number: [REDACTED]
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): Lot 21, 43 Bache Road, Fischer
Allotment ID: 5190/593
Owners: Janet Allan

Requested variation details

Details of requested variation: Proposed exclusion of Rural Living Zone at Fischer in Adelaide Plains Council area based on Test 3 - see attached submission including maps.
Additional supporting information: See attached submission.
Supporting document: EFPA_Submission_Fischer_draft_290721.pdf, type application/pdf, 9.4 MB

Map of requested variation

Map or diagram to support submission: No file uploaded

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period? Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name: Jim Allen
Address: [REDACTED]
Phone number: [REDACTED]
Mobile number:
Email: [REDACTED]

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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**Regional Planning
Directions**

planning • policies • projects

29 July 2020

Ms Helen Dyer
Chairman
State Planning Commission

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henri@regionalplanningdirections.com.au
www.regionalplanningdirections.com.au
ABN 80 152 935 852

Dear Helen,

SUBMISSION ON REVIEW OF ENVIRONMENT & FOOD PROTECTION AREA

This submission has been prepared by Regional Planning Directions on behalf of Janet Allan of Lot 21, 43 Bache Road, Fischer, a rural living zoned property of 3.3 ha in the Adelaide Plains Council area ('subject land').

Background

The Fischer rural living settlement is one of a number of long-standing rural living zones now forming part of the Environment and Food Production Area (EFPA) established under the Planning, Development and Infrastructure Act 2016 to protect primary production from residential development if land is divided.

The Planning and Design Code, in operation from 19 March 2021, has reinforced the intent of rural living in the Fischer rural living settlement area (see map in Appendix 1). It also introduced a minimum allotment size of 1 hectares in part of the Rural Living Zone, including at Fischer.

The State Planning Commission announced on 8 April 2021 that it would be undertaking a statutory review into the EFPA in two stages:

- An inquiry into the suitability and adequacy of supply of land to support urban renewal and consolidation within Greater Adelaide, involving an internal analysis of Greater Adelaide's 15-year land supply (now completed).
- Stage 2, a review of boundaries, providing opportunities for external stakeholder and community engagement, including written submissions and a public hearing.

Scope of submission

The State Planning Commission position statement of 4 June 2021 describes three tests of whether variations to EFPA are warranted.

Primarily, this submission applies Test 3, to establish whether a variation to EFPA boundaries to remove the area of the Rural Living Zone at Fischer would be trivial in nature and address a recognised anomaly.

The area in question is the defined rural living settlement of Fischer near the eastern boundary of the Adelaide Plains Council area (see Appendix 1), and contains the subject land (see Appendix 5).

It is preferable to address whether the whole of the Rural Living Zone at Fischer is anomalous, rather than addressing the subject land in isolation of the nearby properties with the same zoning.

It is noted that:

- The Phase 1 report prepared for the Commission has addressed Tests 1 and 2 relating to whether there is at least a 15-year supply of residential and employment land in Greater Adelaide.
- The Commission's position is that there is currently an adequate 15-year supply.

Subject Land and Locality

The subject land contains 3.3 hectares, a single-storey detached dwelling and ancillary keeping of animals including horses.



Figure 1: Dwelling on Subject Land

The Fischer rural living settlement, an area of 93 ha divided into 23 allotments, is located on the Northern Adelaide Plain approximately 4.5 SW of Wasleys, 10.5 km W of Roseworthy and 11 km SE of Mallala.

The settlement area is characterised by large rural living allotments with associated dwellings and ancillary outbuildings. It is surrounded on all sides by land used for cropping

and sheep grazing. Boundary Road forms the eastern boundary and Dog Leg Road is the southern boundary.

The topography is relatively flat with no apparent drainage lines. Vegetation is predominantly amenity plantings and pasture with only limited, fragmented native vegetation, the latter mainly on road verges. The rural living owners have established hundreds of trees increasing the amenity of the locality and attracted birdlife.

Boundary Road and Bache Road, an internal cul-de-sac, offer all-weather access, as does Dog Leg Road, except for a short section near the intersection with Boundary Road.

The settlement presently contains 22 detached dwellings. Many of the allotments are used for horse keeping. Some have limited areas for crops used to feed horses. There is no commercial primary production in contrast to the surrounding broad-acre farming area.

Allotment sizes in the rural living area vary from nearly 8 ha on the northern side of Bache Road to less than 1.7 ha off Dog Leg Road.

There is mains water supply along Bache Road. Other services include Council waste pickup, including recycling and hard waste pickup, and a school bus service.

A primary school is located in Mallala as are shops, the Council office and community facilities. High schools are located in Balaclava and Gawler.

The effect of the Planning and Design Code on subdivision potential

The land is zoned Rural Living in the Planning and Design Code, as it was in the Adelaide Plains Development Plan in operation before 19 March 2021.

The introduction of the Planning and Design Code reinforced the intent of rural living, introducing a nominal one-hectare minimum allotment policy in relation to areas of the Zone including Fischer.

The Desired Outcome for the Rural Living Zone is:

A spacious and secluded residential lifestyle within semi-rural or semi-natural environments, providing opportunities for a range of low-intensity rural activities and home-based business activities that complement that lifestyle choice.

The following Rural Living Zone assessment provisions also support residential development in a secluded semi-rural or semi-natural context:

PO 1.1

Residential development with complementary ancillary non-residential uses that do not place additional demands on services and infrastructure, and compatible with a secluded semi-rural or semi-natural residential character.

DTS/DPF 1.1

Development comprises one or more of the following: (a) Agricultural Buildings (b) Animal Keeping (c) Carport (d) Consulting room (e) Detached dwelling (f) Dwelling addition (g) Farming (h) Horse keeping (i) Kennel (j) Light industry (k) Office (l) Outbuilding (m) Shelter/Stable (n) Shop (o) Verandah.

PO 3.1

Allotments/sites created for semi-rural residential purposes are consistent with the density expressed in any relevant Minimum Site Area Technical and Numeric Variation or are of suitable size and dimension to contribute to the existing semi-rural pattern of development consistent to the locality and suitable for their intended use.

DTS/DPF 3.1

Development will not result in more than 1 dwelling on an existing allotment

Allotments/sites have...[in Fischer] an area not less than 1 ha

(b) a frontage to a public road not less than 50m or, in the case of a battle-axe allotment, a frontage to a public road not less than 6m and a maximum driveway 'handle' length of no more than 40m...

The Environment and Food Production Area, Hazards (Bushfire - General Risk) and Native Vegetation Overlays also apply.

The EFPA Overlay provides that any land division must be in accordance with Section 7 of the Planning, Development and Infrastructure Act 2016 (see below).

The effect of Section 7 of the PDI Act on subdivision potential

The implications of Section 7 of the Planning, Development and Infrastructure Act 2016 are as follows:

1. An application for land division must be refused if it will create additional allotments to be used for residential development. [section 7(5)(d)]
2. The State Planning Commission has limited powers to vary the area to which this restriction applies.
3. The State Planning Commission must ensure that areas of rural, landscape, environmental or food production significance within Greater Adelaide are protected from urban encroachment. [section 7(3)]
4. The State Planning Commission may vary an environment and food production area if an area or areas within Greater Adelaide outside environment and food production areas are unable to support the principle of urban renewal and consolidation of existing urban areas; and adequate provision cannot be made within Greater Adelaide outside environment and food production areas to accommodate housing and employment growth over the longer term (being at least a 15 year period). [section 7(3)(a)]
5. Alternatively, the State Planning Commission may vary an environment and food production area if the Commission is satisfied that the variation is trivial in nature and will address a recognised anomaly. [section 7(3)(b)]

(Section 7 of the PDI Act also requires the Commission's concurrence for any land divisions that create 1 or more additional allotments that will not create additional allotments for residential purposes, or Council concurrence if the relevant authority is the Commission or the Minister.)

Any land division approved will be subject to the condition that the additional allotments will not be used for residential development purposes.

(It is noted that there is potential to divide land for the creation of a caretaker residence where applicants have been able to provide evidence of an existing primary production use that will remain the primary use of the subject land. This is as a result of the following definition:

“residential development means development primarily for residential purposes but does not include-

(a) the use of land for the purpose of a hotel or motel or to provide any other form of temporary residential accommodation for valuable consideration; or

(b) a dwelling for residential purposes on land used primarily for primary production purposes.” [section 7(18)]

The Rural Living Zone in Fischer, including the subject land, is not being used primarily for primary production. Any demand for new allotments is likely to involve an expectation that the land can be used for residential development in a semi-rural setting (similar to the existing use).

The prohibition of residential development on any new allotment by virtue of Section 7 of the Act contradicts the intent of the Rural Living Zone in that the latter is permissive of more allotments for semi-rural residential purposes consistent with PO 3.1.

Interpreting ‘trivial in nature’

While the Commission’s publications do not explain how Test 3 is to be applied, dictionaries assist in interpretation of two key terms used – trivial and anomaly.

Trivial is defined in the Concise Macquarie Dictionary as:

1. of little importance; trifling; insignificant. 2. commonplace, ordinary.

In the Compact Oxford Dictionary, trivial is defined as:

1. not very important or serious.

It is submitted that the first part of Test 3 that a variation to EDPA is ‘trivial in nature’ will be met if a variation to the EFPA is not very important or serious in terms of any effect on the intent of the relevant legal and policy framework.

Key elements of the relevant legal and policy framework are the Planning, Development and Infrastructure Act 2016, and three planning instruments under Act: State Planning Policies, Regional Strategies and the Planning and Design Code. (The fourth planning instrument, Design Guidelines, is less relevant to a matter like residential development on a rural living lot.)

These form a scheme governing policy-based decision-making. It is considered that whether a variation is ‘trivial in nature’ or not should be judged solely based on consequences for attainment of the policy intent relating to the decision-making areas of relevance.

In terms of the EFPA and Test 3, these are:

- food production values

- environmental values
- landscape values
- urban encroachment
- benefits of urban containment
- more generally, the objects of the Act.

The primary object is as follows:

12 (1) The primary object of this Act is to support and enhance the State's liveability and prosperity in ways that are ecologically sustainable and meet the needs and expectations, and reflect the diversity, of the State's communities by creating an effective, efficient and enabling planning system, linked with other laws, that—

(a) promotes and facilitates development, and the integrated delivery and management of infrastructure and public spaces and facilities, consistent with planning principles and policies; and

(b) provides a scheme for community participation in relation to the initiation and development of planning policies and strategies.

Some of the relevant policy intent is encapsulated in the Desired Outcome for the EFPA Overlay in the Planning and Design Code:

"Protection of valuable rural, landscape, environmental and food production areas from urban encroachment."

Interpreting 'anomaly'

Test 3 also refers to an anomaly. In this case, whether an anomaly exists in the context of Test 3 should be judged based on the expressed objects and intent of the relevant legal and policy framework (the Act and three planning instruments under Act).

The term, anomaly, is defined in the Concise Macquarie Dictionary as:

1. deviation from the common rule or analogy. 2. something anomalous.

Anomalous is defined as:

deviating from the common rule, type, or form; abnormal; irregular.

In the Compact Oxford Dictionary, anomaly is defined as:

1. something that differs from what is standard or normal.

Will a variation be trivial in respect to food or primary production values?

The EFPA covers primarily peri-urban areas in primary production use, ie. the dominant use involves one or more of the following:

- cultivation for the purpose of selling the produce obtained;
- maintenance of animals for the purpose of selling them or produce obtained;
- aquaculture;
- the keeping of bees, for the purpose of selling their honey;

- a commercial plant nursery, but not a nursery at which the principal cultivation is the maintenance of plants pending their sale to the general public;
- the propagation for sale of mushrooms, orchids or flowers.

In the Fischer rural living zone, the dominant use of land is residential or, in one instance, vacant (but able to be developed for a dwelling).

Horse keeping for a purpose other than primary production is a significant secondary use. There is some limited cultivation to produce feed for horses kept on the land. It is ancillary to horse keeping associated with rural living, not a primary production use.

Much of the rural land in the Adelaide Plains Council area to the east of Port Wakefield Road, and in the neighbouring Light Regional Council, corresponds with “grain production areas” and “potential significant primary production areas” defined in the 2017 Update of the Greater Adelaide Plan (refer map on p.157).

These areas generally are logically included within the EFPA overlay. They are significant agricultural resources requiring protection.

The exception is where rural living has been established lawfully on smaller holdings as the ‘highest and best use’ and can be regarded for practical purposes as a long-term dominant use, to the exclusion of either extensive broad-acre farming or more intense primary production use, as is the case at Fischer.

While smaller lots per se may be capable of supporting intensive horticulture, Fischer is too remote from existing horticultural areas and infrastructure and too close to established rural living dwellings to be an attractive proposition. Intensive agriculture within the Rural Living Zone also may well lower the liveability of the zone, due to externalities such as odour, chemical spray drift, noise, traffic and aesthetic impacts, and hence be in conflict with the planning intent of a rural living area.

In 2015, the Mallala Council undertook a detailed study to assist in identifying the potential boundary between broadacre farming and irrigated horticulture to facilitate the creation of a well-planned food bowl (Mallala Broadacre Agricultural Study, Planning Aspects, 2015).

This study employed Multi Criteria Assessment including natural resources, economic value, environmental integrity and community values.

It identified approximately 16,350 hectares of land that could be made available and dedicated to irrigated horticulture activity with the provision of adequate water supply. The area in question generally aligns with that nominated for the Northern Adelaide Irrigation Scheme (NAIS) and is geographically located to the southern portion of the Council in and around Lewiston, Two Wells and the Gawler River.

As mentioned in the study:

“Irrigated horticulture has a significant demand for electricity and gas associated with irrigation, heating, pumping and lighting which vary seasonally. Broadacre farming does not have this same demand for electricity and gas that would materially impact on profitability.”

and

“Irrigated horticulture has greater reliance on good quality roads for the supply of produce to markets than broadacre markets.”

The rural Fischer rural living zone occupies 93 hectares and is not in an area identified as likely to support a planned expansion of horticulture.

Not including rural living areas and taking into account a range of other planning constraints, the Adelaide Plains Council area has a primary production area of 69,500 hectares (identified and subject to multi-criteria analysis as primary production land in the Mallala Broadacre Agricultural Study).

The total area of primary production land in the entire EFPA in the Greater Adelaide region is a far higher figure.

The withdrawal of 93 hectares at Fischer, an area alienated from primary production uses, from EFPA is clearly a variation that is ‘trivial in nature’ in terms of retaining land for primary production.

The exclusion of such areas to inform the above planning study is independent recognition of constraint imposed by rural living or like zoning (recently reinforced by the Planning and Design Code) on primary production.

Will a variation be trivial in respect to environmental values?

Fischer is not within a nature protection or complementary developed area defined in the Planning Strategy for Greater Adelaide, based on environmental and character values (refer Map 10: Biodiversity, p101, 2017 Update).

Like the rest of the EFPA in the Adelaide Plains Council area, it is well outside the Mount Lofty Ranges Watershed areas that require environmental protection measures to ensure drinking water quality.

It is remote from significant areas of natural habitat or any conservation area.

The fragmented remnant native vegetation, mainly on road reserves, at Fischer arguably is less rather than more prone to degradation as a result of earlier designation as a rural living area.

A variation to remove the Rural Living Zone at Fischer from EFPA is ‘trivial in nature’ in terms of any effect on environmental values identified for specific protection by the Planning Strategy, relevant State Planning Policies and the Planning and Design Code.

There is negligible if any potential for impairment of environmental values.

Will a variation be trivial in respect to landscape values?

Fischer is not in an area defined in the planning instruments - Planning Strategy for Greater Adelaide, relevant State Planning Policies or the Planning and Design Code - as possessing landscape or scenic qualities warranting special attention or protection.

Though the visual amenity is moderately high, an area of flat topography is not normally associated with high landscape or scenic quality.

Landscaping (some mature trees) associated with existing rural living enhances the visual character and it means that further dwellings and rural living use could be absorbed with little adverse effect on landscape value.



Figure 2: Broad-acre farmland on south side of Dog Leg Road adjoining Rural Living Zone



Figure 3: Developed rural living site on north side of Dog Leg Road (Rural Living Zone)



Figure 4: Developed rural living site on western boundary (view north from Dog Leg Road)



Figure 5: Dwelling and domestic outbuildings near southern boundary of Rural Living Zone



Figure 6: Property entrance in Bache Road, Rural Living Zone

There is negligible if any potential for impairment of landscape values of regional significance.

Will a variation be trivial in respect to a policy of avoiding urban encroachment on primary production or land for primary production?

Achieving certainty for primary producers can be difficult if primary production land is subject to a range of development pressures, including:

- land divisions which fragment primary production land;
- urban encroachment which raises land values and creates a disincentive to invest;
- interface issues between primary industry and urban land uses.

‘Urban encroachment’ is an undefined term used in relevant policies. Relevant literature often makes a distinction between urban land – in towns and cities – and rural living settlements of considerably lower residential density.

However, encroachment of rural living certainly is potentially impactful for primary production in the ways described above.

In terms of a variation to exclude the Fischer Rural Living Zone, while more lots could be created for rural living inside the Zone, it will not result fragmentation of the primary production area by land division, because the primary production area is external to the Zone not within it.

At present, broad-acre farming (cropping and grazing) around the perimeter of the Rural Living Zone co-exists with dwellings and associated rural living activity close to the Zone boundaries.

Figures 3 and 4 above show two examples of existing dwellings close to a Zone boundary.

Any appreciation of the value of land (if the proposed variation is approved) is logically contained to the Rural Living Zone. It will be associated with a higher value per square metre obtained for smaller than present rural living allotments. These do not exist in the broad-acre farming context surrounding the Zone. The retention of the balance of the area in the EFPA would put a lid on speculation about potential extensions to the area potentially available for rural living and zoned accordingly.

A variation to remove the Rural Living Zone at Fischer from EFPA would not have an undesirable impact on primary production or primary production land due to urban encroachment.

An assessment of the proposed variation against relevant State Planning Policies and the Planning Strategy for Greater Adelaide is included as Appendix 5.

Will the proposed variation address a “recognised anomaly”?

The EFPA legal and policy framework contains a number of features that meet the definition of an anomaly (something that differs from what is standard or normal).

Section 7 of the Act contains a prohibition in that a development of a new allotment in the EFPA must not be a residential development (as defined).

Yet, the Act contains no other land use constraints relating to any other land or any other use other than prohibiting a residential development on certain EFPA allotments. The normal practice is for such policy to be set out in the planning instruments under the Act not the Act itself.

Further, prohibition is not one of the normal tracks for development assessment involving assessment of impacts and/or against the provisions of the Planning and Design Code. Nor was there a similar prohibition in the relevant Development Plans that were the repository of all development policies under the repealed Development Act 1993.

It can be argued that this is an undesirable anomaly, which may be at odds with the Objects of the Act in-so-far-as facilitation of development and the liveability of rural living areas may be unduly limited, plus there has been no opportunity for community expectations to be considered as a result of a community feedback process in the formulation of development policy.

(This latter point reflects the challenges ordinary members of public face in seeking to understand a Bill before Parliament when there has been no prior public consultation on a White Paper or detailed explanation of the proposed provisions prior to the Parliamentary process.)

However, it is not one that the Commission can directly address as it has responsibility for EFPA boundaries, not the drafting or re-drafting of legislation.

The other anomaly is that the EFPA boundaries have been drawn to include a Rural Living Zone in a manner at odds with the purposes of the EFPA and the Rural Living Zone.

No purpose of the legislation, or the Planning Strategy for Greater Adelaide or other planning instruments is served by retaining the Rural Living Zone at Fischer in the EFPA – refer Appendix 5 for a more detailed assessment against the relevant State Planning Policies and Regional Plan.

A variation to remove the Rural Living Zone at Fischer from the EFPA would remedy an anomaly, a departure from the normal application of the EFPA more generally to primary production areas and/or areas of high environmental or landscape value. It is a departure also from good policy practice using coercive power only where it has a clear purpose and justification.

Removal of the Rural Living Zone at Fischer from the EFPA will be not materially impact protection of valuable agricultural land zoned Rural in the Adelaide Plains Council area or elsewhere in the region.

Further, the Rural Living Zone at Fischer is small in extent. Indeed, it is extremely small relative to the size of the EFPA as a whole.

The status quo is at odds with the Planning and Design Code zoning intent including for new allotments to be created for rural living purposes in the Rural Living Zone – more particularly, for semi-rural residential purposes consistent with the density expressed through the Local Variation of a minimum allotment size of 1 hectare (notwithstanding conflict with the EFPA overlay).

The Planning and Design Code has reinforced and amplified an anomaly carried over from the legislation and policy in operation prior to 19 March 2021.

Use of an overlay to disable the zoning intent for land use and density is an anomaly because it is inconsistent with the general and logical structuring of policy content and elements in a planning instrument like the Planning and Design Code. Land use and density are normally determined by reference to zone provisions. To do so by reference to a Section of the Act has the potential to obscure key information from people unfamiliar with the legislation but are accustomed to zoning as an indicator of development and subdivision potential.

Is there an anomaly in terms of attainment of the Objects of the Act?

Arguably, yes, though this implies that the Act itself is anomalous in prohibiting the residential development and subdivision of EFPA rural living zones, but no other kinds of development.

Section 7(5)(d), in providing that an application for land division must be refused if it will create additional allotments to be used for residential development, is anomalous in superimposing an outright prohibition over the development pathways defined in the relevant planning instrument (Planning and Design Code), and conflicts with the notion of enabling, integration and promotion and facilitation of development in the Objects (Section 12(1)).

Other Matters

In addition to the above, the following points add weight to our submission that the status quo unreasonably impedes facilitation and promotion of the rural living intent of the Rural Living Zone at Fischer, and arguably the Objects of the Act.

The introduction of a minimum allotment size of 1 hectares in part of the Rural Living Zone, including at Fischer, combined with retention of a prohibition on residential development on additional allotments, creates uncertainty and confusion.

The prohibition is unduly onerous in terms of its social and financial effects on landowners in the Rural Living Zone.

It imposes an effective freeze on creation of further rural living allotments in a zone established to support rural living opportunities.

Finally, the Stage 1 land supply and demand analysis undertaken for the Commission appears to overlook the distinctive role of rural living areas within EFPA in catering for rural retreat aspirations that are not catered for in an urban (or township) context.

Further division for rural living in the limited Rural Living Zone areas established within the EFPA is simply not comparable with proposals for new suburbs or settlement in urban residential type zones, whether in terms of potential alienation of productive agricultural land or the public cost of extending urban services.

Regional Planning Directions believes that it is important to match the physical development characteristics of a place within the appropriate typology for that place, as determined by local preferences taken in context with broader urban patterns and planning.

At Fischer, residents have opted for a rural living typology that is very distinct from and unlike more suburban or urban typologies. It is submitted that this expression of demand for rural living is trivial in terms of ability to influence the urban land market; thus there is no apparent nexus between further minor rural living settlement within the defined zone at Fischer and objectives like a more compact urban area (or areas) in Greater Adelaide (see Appendix 4 for further discussion of strategic planning outcomes).

CONCLUSIONS

The prohibition of residential development on any new allotment by virtue of Section 7 of the Act stymies the intent of the Rural Living Zone.

The land use intent of the zone must be given primacy, both to support a logical and rational land use pattern, and avoid confusion and potential costly mishaps due to overly opaque and complex construction of land use and associated land division policy in the zone system, overlays and Section 7 of the Act.

The EFPA Overlay covering Rural Living Zones sends the wrong message that it is protecting the food bowl within these zones. The little section of Fischer zoned rural living has no primary production left to protect. It is unlikely that any new and viable primary production in the form of intensive animal keeping or horticulture would be approved given potential for creating interface issues in these low-density living areas.

The terms 'trivial in nature' and 'recognised anomaly' should be interpreted by reference to the EFPA's objectives and intent in the relevant legislation and policy framework, and social, environmental and economic contexts, regional and local.

The Fischer Rural Living Zone land is not fulfilling the intent of the EPPA, nor is it capable of fulfilling the intent of the EPPA, given no landscape or environmental features of value and because its entrenched rural living use precludes substantive primary production use.

Retention of the area in the EFPA is not required to prevent impactful urban encroachment on primary production land.

A variation to remove this area from the EFPA therefore would be trivial in nature and will also address a recognised anomaly, fulfilling the legislative test referred to by the Commission as 'Test 3'.

If you have any questions in relation to the above please do not hesitate to contact me on [REDACTED] or via email: [REDACTED].

Yours faithfully



Jim Allen

CONSULTANT PLANNER – REGIONAL PLANNING DIRECTIONS

References:

Planning Aspects, 2015, Mallala Broadacre Farming Study

State Planning Commission, June 2021, EFPA Review 2021 – Statement of Position

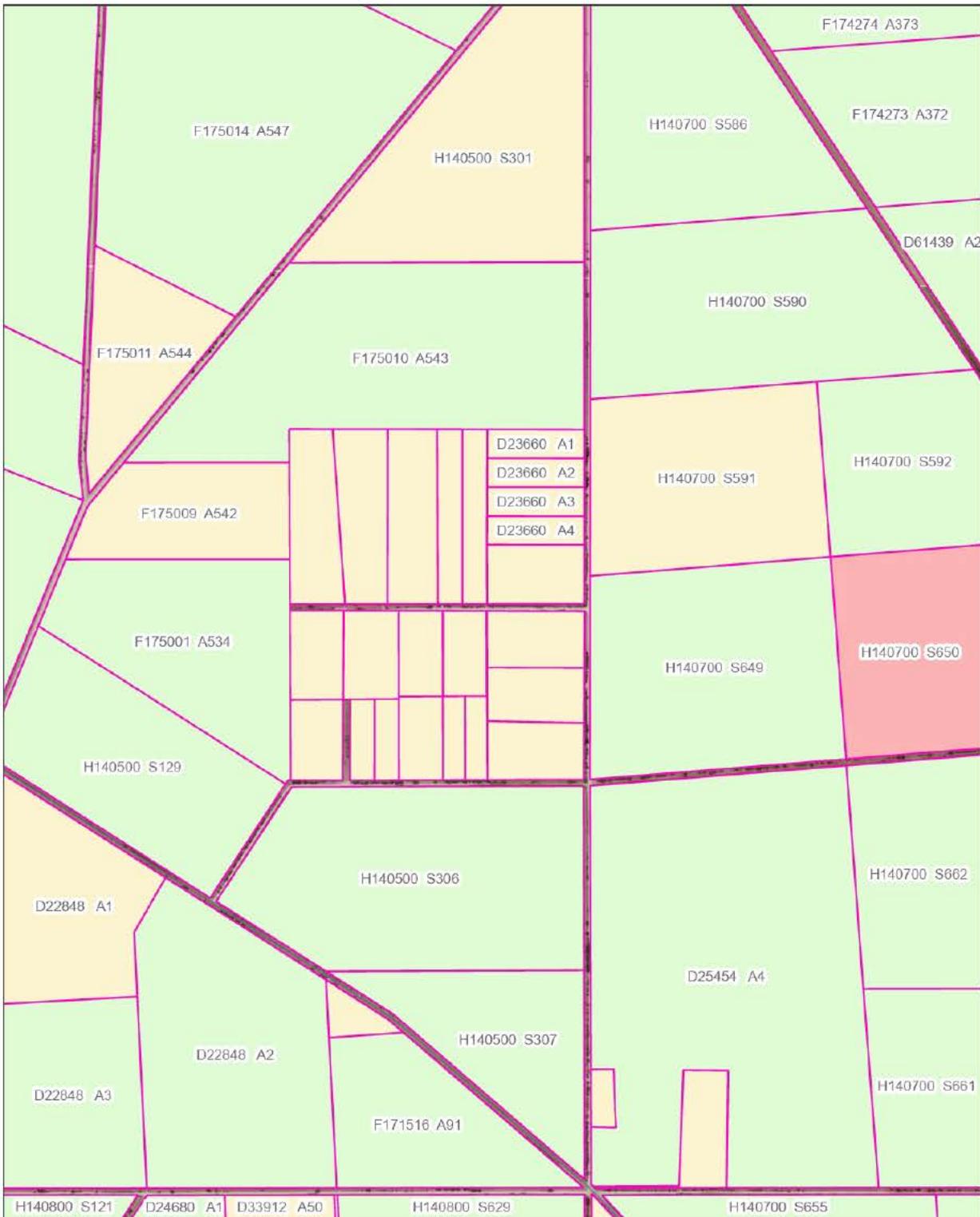
[https://plan.sa.gov.au/data/assets/pdf_file/0007/831814/Environment and Food Production Areas Review 2021 - Statement of Position.pdf](https://plan.sa.gov.au/data/assets/pdf_file/0007/831814/Environment_and_Food_Production_Areas_Review_2021_-_Statement_of_Position.pdf)

Appendices:

1. Map of Fischer
2. Former Development Plan Zones
3. Legislated Environment and Food Production Areas
4. State Planning Policies and Planning Strategy for Greater Adelaide
5. Certificate of Title

APPENDIX 1: Maps of Fischer showing dwellings and general land use





Map data is compiled from a variety of sources and hence its accuracy is variable.

Compiled: 21-Jul-2021
 Generated at: www.naturemaps.sa.gov.au
 Datum: Geocentric Datum of Australia, 1984
 Projection: Web Mercator (Auxiliary Sphere)

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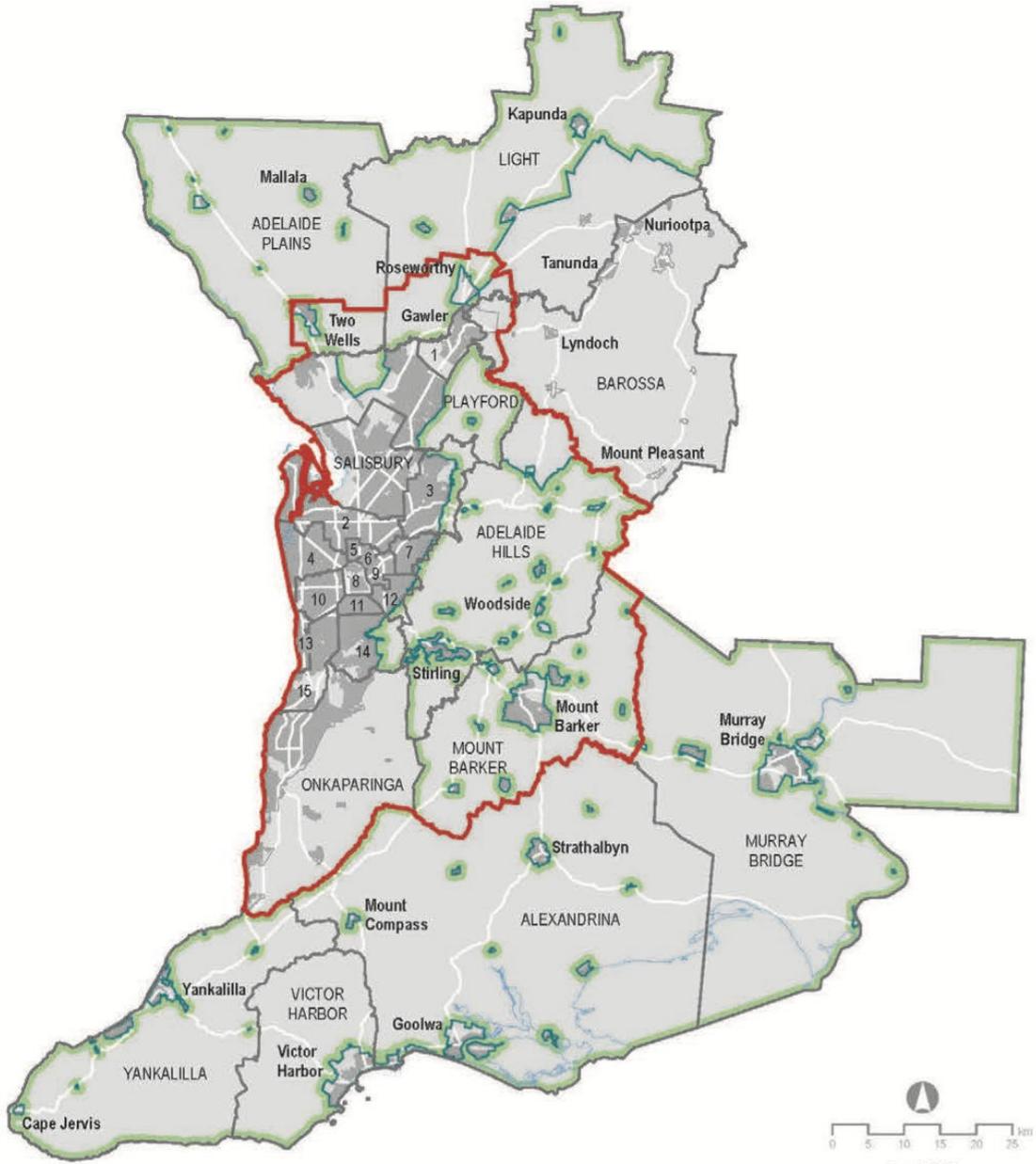


Legend

	Cadastral Bnd
Generalised Land Use 2019	
	Residential
	Non private residential
	Vacant urban land
	Commercial
	Retail commercial
	Utilities / Industry
	Food industry
	Public institution
	Education
	Recreation / Reserves; Recreation / Reserves; Recreation / Reserves
	Rural residential
	Vacant
	Horticulture
	Forestry
	Agriculture
	Livestock
	Mining / Quarrying

Source: EnviroData SA, DEW

APPENDIX 3: Legislated Environment & Food Production Areas



- | | | | |
|--|---|---|--|
| <ul style="list-style-type: none"> Greater Adelaide Planning Region Greater Adelaide Capital City Statistical Area - ABS (Metropolitan Adelaide) Environment and Food Production Areas | <p>Local government areas constituting the Greater Adelaide Planning Region</p> <table border="0"> <tr> <td> <ul style="list-style-type: none"> Local government boundary 1 Gawler 2 Port Adelaide Enfield 3 Tea Tree Gully 4 Charles Sturt 5 Prospect 6 Walkerville 7 Campbelltown 8 Adelaide </td> <td> <ul style="list-style-type: none"> 9 Norwood Payneham and St Peters 10 West Torrens 11 Unley 12 Burnside 13 Holdfast Bay 14 Mitcham 15 Marion </td> </tr> </table> | <ul style="list-style-type: none"> Local government boundary 1 Gawler 2 Port Adelaide Enfield 3 Tea Tree Gully 4 Charles Sturt 5 Prospect 6 Walkerville 7 Campbelltown 8 Adelaide | <ul style="list-style-type: none"> 9 Norwood Payneham and St Peters 10 West Torrens 11 Unley 12 Burnside 13 Holdfast Bay 14 Mitcham 15 Marion |
| <ul style="list-style-type: none"> Local government boundary 1 Gawler 2 Port Adelaide Enfield 3 Tea Tree Gully 4 Charles Sturt 5 Prospect 6 Walkerville 7 Campbelltown 8 Adelaide | <ul style="list-style-type: none"> 9 Norwood Payneham and St Peters 10 West Torrens 11 Unley 12 Burnside 13 Holdfast Bay 14 Mitcham 15 Marion | | |

APPENDIX 4: State Planning Policies & Regional Plan (Greater Adelaide)

1. State Planning Policies

1. Integrated Planning

1.1 An adequate supply of land (well serviced by infrastructure) is available that can accommodate housing and employment growth over the relevant forecast period.

Outcome: The proposed variation supports additional rural living in keeping with projected growth making use of underutilised land accessible to services and employment.

1.4 Protect areas of rural, landscape character, environmental importance, mining or food production significance from the expansion of urban areas, towns and settlements.

Outcome: The proposed variation will reinforce the role and potential development of an existing Rural Living Zone in a manner consistent with protection of primary production assets and opportunities. The Rural Living Zone at Fischer does not offer substantial opportunities for primary production. Further rural living use within existing zone boundaries would not compromise primary production activities that exist or are likely to occur in the surrounding area.

2. Design Quality

2.9 Respect the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers existing and desired future context of a place.

Outcome: The proposed variation will reinforce the role and identity of an existing Rural Living Zone in a context-sensitive manner.

4. Biodiversity

4.2 Recognise the value of modified landscapes and allow appropriately scaled development that can co-exist with and safeguard biodiversity values and critical functions.

Outcome: The proposed variation is consistent with a scale and intensity of semi-rural development supportive of the retention and potentially some restoration of biodiversity, including roadside vegetation. The rural living residents and owners have planted hundreds of trees in an area where past agricultural development removed the vast majority of the native vegetation.

5. Climate

5.5 Avoid development in hazard-prone areas or, where unavoidable, ensure risks to people and property are mitigated to an acceptable or tolerable level through cost-effective measures.

Outcome: The proposal variation is considered to be able to suitably minimise risk to people, property and the environment in accord with Hazard Overlay provisions in the Planning and Design Code.

6. Housing Supply and Diversity

6.1 A well-designed, diverse and affordable housing supply that responds to population growth and projections and the evolving demographic, social, cultural and lifestyle needs of our current and future communities.

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 livable and walkable neighbourhoods.

6.3 Develop healthy neighbourhoods that include diverse housing options; enable access to local shops, community facilities and infrastructure; promote active travel and public transport use; and provide quality open space, recreation and sporting facilities.

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.

6.6 A diverse range of housing types within residential areas that provide choice for different household types, life stages and lifestyle choices.

6.10 Limit the establishment of rural living allotments in areas that impact on the future expansion of townships and result in the inefficient delivery of infrastructure and social services.

Outcome: The proposed variation will promote lifestyle choice for those seeking a more secluded semi-rural setting and hence greater diversity of living opportunities, particularly for people who wish to keep horses or undertake other ancillary semi-rural activities in the Mallala – Wasleys area. Such opportunities are unlikely to be offered in compact extensions to townships in residential type zones. The variation will cater for a distinct market segment in a context-sensitive, incremental and limited manner unlikely to impinge on township or urban growth.

8. Primary Industry

8.1 Identify and protect key primary production assets and secure strategic opportunities for future primary industry development.

8.2 Create local conditions that support new and continuing investment in primary industry while seeking to promote co-existence with adjoining primary industries and avoid land use conflicts.

8.4 Equitably manage the interface between primary production and other land use types, especially at the edge of urban areas.

Outcome: The proposed variation will reinforce the role of an existing Rural Living Zone in a manner consistent with protection of primary production assets and opportunities. The Rural Living Zone at Fischer lacks substantial opportunities for primary production. Further rural living use within existing zone boundaries would not compromise primary production activities that exist or are likely to occur in the surrounding area.

15. Natural Hazards

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.

Outcome: The proposal variation is considered to be able to suitably minimise risk to people, property and the environment in accord with Hazard Overlay provisions in the Planning and Design Code. The rural living residents and owners have planted hundreds of trees in an area where past agricultural development removed the vast majority of the native vegetation.

2. The Regional Plan

The 30-Year Plan for Greater Adelaide (2017 Update) volume of the Planning Strategy is relevant for this proposed amendment. The proposal is largely consistent with the key policies and targets of the Regional Plan as described below.

Design Quality

P29

Encourage development that positively contributes to the public realm by ensuring compatibility with its surrounding context and provides active interfaces with streets and public open space.

Outcome: The variation will reinforce and support the role of an established rural living area in catering for demand for rural living in a manner compatible with the semi-rural context.

Transit corridors, growth areas and activity centres

Policy 1 Deliver a more compact urban form by locating the majority of Greater Adelaide's urban growth within existing built-up areas by increasing density at strategic locations close to public transport.

Outcome: The variation does not detract from delivery of a more compact urban form in catering for a demand for living in a secluded semi-rural area remote from urban growth or urban renewal areas as distinct from typical demand for living in the latter urban areas or residential type zones in townships.

Housing mix, affordability and competitiveness

P46

Ensure an adequate land supply is available to accommodate housing and employment growth over longer term (at least a 15- year supply).

Outcome: The variation supports additional rural living in keeping with projected growth making use of underutilised land accessible to services and employment.

The Economy and Jobs

P55.

Promote certainty to undertake development while at the same time providing scope for innovation.

Primary Production

P57.

Maintain and protect primary production and tourism assets in the Environment and Food Production Areas, while allowing for appropriate value-adding activities to increase investment opportunities.

P58.

Ensure that the Environment and Food Production Areas, Character Preservation Districts and planning policies work in an integrated way to:

- protect key primary production assets and opportunities*
- facilitate local operating and investment conditions that support primary production and related agri-business development*
- enable timely business adjustment and climate change adaptation by primary producers.*

P59.

Enable major new primary production and agri-business development across the Northern Adelaide and Barossa regions and in the Mount Barker-Murray Bridge corridor and prevent ad hoc land use changes that may compromise those investments.

Outcome: The proposed variation will reinforce the role of an existing Rural Living Zone in a manner consistent with protection of primary production assets

and opportunities. The Rural Living Zone at Fischer lacks substantial opportunities for primary production. Further rural living use within existing zone boundaries would not compromise primary production activities that exist or are likely to occur in the surrounding area.

Biodiversity

P90.

Delineate and maintain areas with significant environmental values to protect landscape health; conserve biodiversity; and improve development certainty and transparency (represented in Map 10). This includes:

- *Nature Protection Areas:*

These are largely undeveloped areas that retain significant environmental values recognised through existing legislation. This includes protected public lands (such as conservation and marine parks), private protected lands (such as Heritage Agreements), and areas of native vegetation and listed wetlands. These areas should be protected from development unless specific exemptions apply.

- *Complementary Developed Landscapes:*

These are substantially modified farming landscapes where existing land uses and significant environmental values, different from those in Nature Protection Areas, co-exist in a way that provides mutual benefits. The generally open and undeveloped nature of these landscapes should be maintained through appropriate zoning to support continuation of the primary production systems that create environmental niches for target species.

Outcome: The proposed variation does not impinge on Nature Protection Areas or Complementary Developed Landscapes identified on the Biodiversity Map 10. The rural living residents and owners have planted hundreds of trees in an area where past agricultural development removed the vast majority of the native vegetation.

Water

P116.

Protect and secure water resources in the region (refer to Map 12), including:

- *the Mount Lofty Ranges Watershed*
- *prescribed water resources*
- *recycled wastewater networks*
- *stormwater harvesting*

Outcome: The proposed variation does not impinge on areas requiring specific protection due to water resources.

Emergency management and hazard avoidance

P118

Minimise risk to people, property and the environment from exposure to hazards (including bushfire, terrestrial and coastal flooding, erosion, dune drift and acid sulphate) by designing and planning for development in accordance with a risk hierarchy of:

- Avoidance • Adaptation • Protection*

Outcome: The proposal variation is considered to be able to suitably minimise risk to people, property and the environment in accord with Hazard Overlay provisions in the Planning and Design Code.

APPENDIX 5: Certificate of Title

[insert]

Form Information

Site Name PlanSA

Site Id 578867

Page Request to vary Environment and Food Production Area boundaries

Standard

Name

Page 823328

Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound

Submission 877499

Id

Submission 29 Jul 2021 10:02 am

Time

Submission [REDACTED]

IP Address

Contact and land details

Your Name and contact details

Name: Chris Lioulios

Postal Address: [REDACTED]

Phone Number: [REDACTED]

Mobile Number:

Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): 68 Mayes Road VIRGINIA SA 5120

Allotment ID: Lot 438 Sec 3031 FP 162787 Hd of Munno Para

Owners: Mrs Evagelia Lioulios

Requested variation details

Details of requested variation: Would like to build another dwelling on the property as my mother lives there alone with medical conditions and will need care and support in the coming years. This property has not been used for farming for approximatley 18 years.

Additional supporting information: Our local council has advised us that moving the EFPA boundary is our only option to build two dwellings on this property.

Supporting document: No file uploaded

Map of requested variation

Map or diagram to support submission: EFPA_boundary_change_application_29072021.pdf, type application/pdf, 163.7 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period? Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

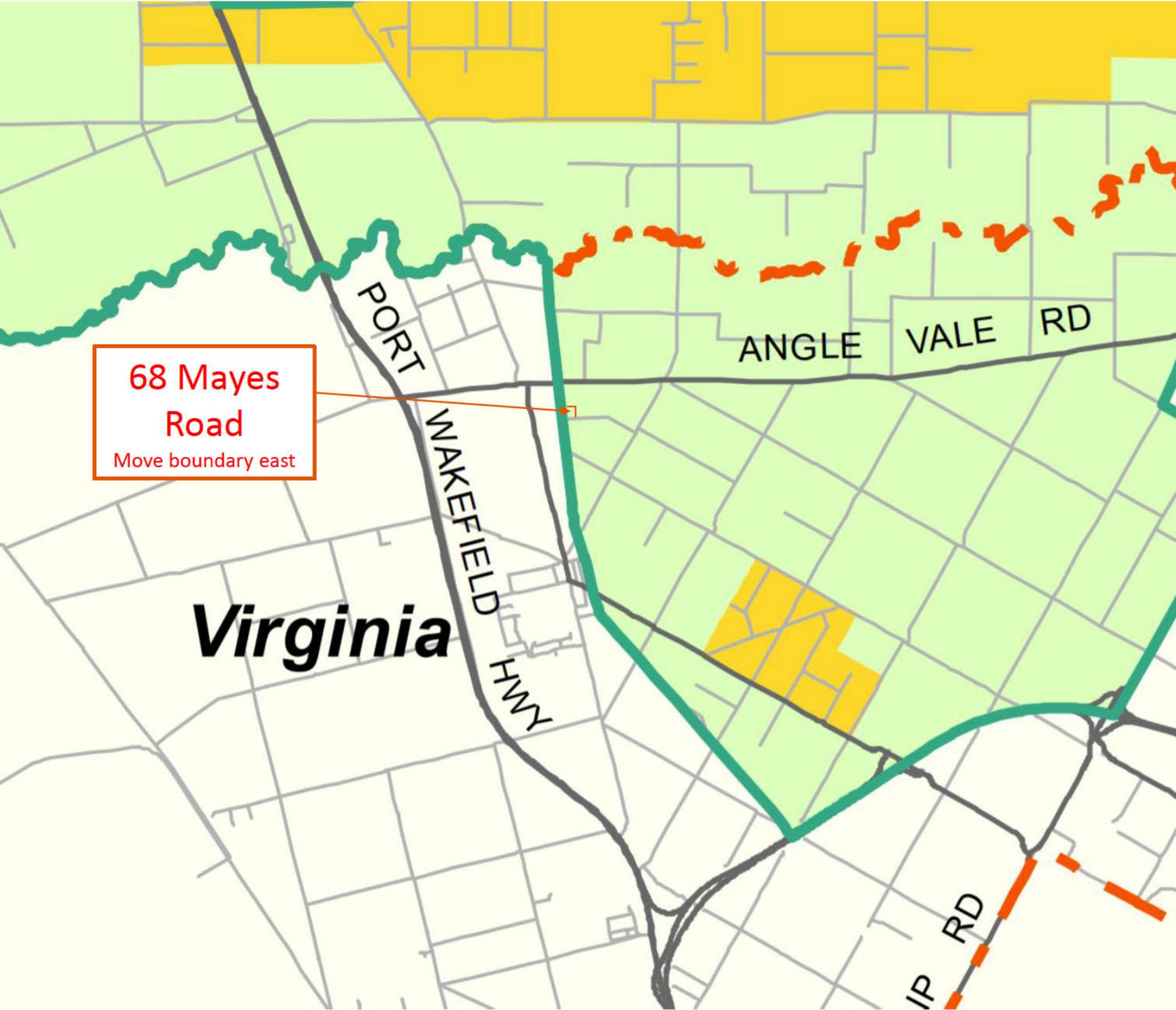
Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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68 Mayes
Road
Move boundary east

Form Information

Site Name PlanSA

Site Id 578867

Page Request to vary Environment and Food Production Area boundaries

Standard

Name

Page 823328

Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound

Submission 877509

Id

Submission 29 Jul 2021 10:08 am

Time

Submission 

IP Address

Contact and land details

Your Name and contact details

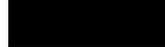
Name:

Craig Rowe of C L Rowe and Associates Pty Ltd

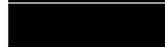
Postal Address:



Phone Number:



Mobile Number:



Email:



Subject land details

Street Address (or rural property address, if relevant):

99 Boettcher Road, Middleton

Allotment ID:

Certificate of Title Volume 6203 Folio 563

Owners:

Kathryn and Danny Smith

Requested variation details

Details of requested variation:

The zoning of the subject land was erroneously amended by Alexandrina Council from Rural Fringe to Primary Production in 2014. This effectively lead to the land being included in the EFPA. See attached submission.

Additional supporting information:

Supporting document:

Smith_submission.pdf, type application/pdf, 188.9 KB

Map of requested variation

Map or diagram to support submission:

Smith_Subject_Land.pdf, type application/pdf, 315.2 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State

Yes

Planning Commission at a public hearing following the close of the submission period?:

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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ENVIRONMENT AND FOOD PRODUCTION AREA INQUIRY

1. PROPONENT

Kathryn and Danny Smith

2. SUBJECT LAND

Allotment 201 (D117194), number 99 Boettcher Road, Middleton (Certificate of Title Volume 6203 Folio 563).

3. PROPOSAL

The subject land be removed from the Environment and Food Production Area (EFPA) so as to afford the opportunity for a Code Amendment to address a previous erroneous zone amendment by Alexandrina Council.

4. PROPOSAL RATIONALE

It is acknowledged that the Commission's Statement of Position concluded that there is sufficient land supply in Greater Adelaide to support housing and employment growth over the next 15 years; and that any proposed variation to the EFPA needs to be "trivial in nature and address a recognized anomaly".

The following information is presented to demonstrate that the subject proposal will address a recognised and/or existing anomaly.

- The subject land comprises only approximately 14.5 hectares; and lies directly adjacent the established residential development of "Middleton Shores".
- According to the report *"Agricultural Significance Assessment for Selected Inner Region Townships"*, as prepared by Primary Industries and Resources SA, Development and Planning Policy Unit, in March 2004, the subject land was assessed as having *"moderate/low (marginal) production potential and/or requiring very high specialized management practices"*.
- For three or more decades (circa 1980 - 2014) the subject land was zoned "Rural Fringe", the provisions of which set the land aside for future urban development; and opposed any form of land use which would jeopardise the achievement of this objective.
- Presumably the previous "Rural Fringe" Zone was in place to facilitate (in part) the future planned extension of the township of Goolwa (when required).
- In May 2014 the zoning of the subject land and several neighbouring properties were inexplicably changed to "Primary Production" as part of Alexandrina Council's BDP Development Plan Amendment. As a consequence the subject land is now zoned "Rural" Zone. The rezoning in 2014 was considered to be an error as the provisions of the then "Primary Production" Zone did not reflect the true land use capabilities of the subject land.

Furthermore, three other "Rural Fringe" zones which existed within the council area at that time were logically converted to "Deferred Urban", the provisions and objectives of which were basically identical to the provisions of the previous "Rural Fringe" Zone. The rezoning undertaken in 2014 was erroneous and illogical.

- Alexandrina Council has acknowledged that the zone amendment which was effected in 2014 was inappropriate.
- The subject land needs to be removed from the EFPA to facilitate the passage of a Code Amendment which is required to remedy the existing anomaly which was created by the previous erroneous zone amendment.
- The proposal to exclude the subject land from the EFPA is considered to be trivial, given the size and physical condition of the subject land; the proximity of the subject land to long-established adjacent residential development and the EFPA boundary; the minor variation required to the existing EFPA boundary; and the likely positive land use outcomes.

As for the Commission's finding that there is ample supply of land to meet the anticipated growth over the next 15 years, it is suggested that this should be reviewed in light of the following.

- The "Land Supply Report for Greater Adelaide" (the Report) is based on old and unreliable census data; and flawed assumptions regarding the future growth of the township of Goolwa.
- A recent change in attitude by Alexandrina Council has resulted in the previous proposal to accommodate urban growth at North Goolwa being terminated. As a consequence, thousands of additional allotments/dwellings earmarked for the "Future Urban" growth area adjacent the township of Goolwa, as anticipated in the Report, will not be developed. This change in circumstances should be addressed immediately, given the likely direct impact upon land availability in the Fleurieu Peninsula over the next 15 years. Furthermore, the review of land stock should be undertaken on a regional basis, taking into account the different characteristics; demographic trends; availability of land; housing/land demand; and local circumstances within the individual regions.
- The removal of the subject land from the EFPA, as requested, may potentially result in the availability of a small alternative site to accommodate some future residential or rural living development near the township of Goolwa. This would compensate (to a small degree) the loss of the aforementioned future urban growth opportunity at North Goolwa.



**Urban & Regional Planners
Local Government Consultants**

PO Box 573
Goolwa SA 5214
t: 0430 348 377

e: clrowe@internode.on.net

SUBJECT LAND – 99 BOETTCHER ROAD, MIDDLETON



LOCALITY PLAN



Ms Helen Dyer
Chair
State Planning Commission
Level 5, 50 Flinders Street
ADELAIDE SA 5000

28 July 2021
Our ref: D21/53479

Via email: saplanningcommission@sa.gov.au

Dear Helen,

Environment and Food Production Areas Review – Consultation Submission

Thank you for the opportunity to provide feedback on the Environment and Food Production Areas (EFPA) review, released for public consultation until 30 July 2021.

As advised in its letter to Council dated 4 June 2021, Council acknowledges that the State Planning Commission's review of the EFPA boundaries will be limited to the considerations of variations that are recognised as anomalies and/or trivial (minor) in nature.

At its meeting on 27 July 2021, Council endorsed the following comments as its formal response to the invitation to participate in stakeholder consultation on the EFPA review:

- a) Council provides general support and acknowledgment of the importance of Environment and Food Productions Areas (EFPAs).
- b) Council does not consider there to be any EFPA boundary anomalies in the City of Tea Tree Gully that:
 - i. Unintentionally restrict residential land division on properties covered by the EFPA, or
 - ii. Unintentionally expose any areas of rural, landscape, environmental or food production significance to urban encroachment, or
 - iii. Would require a trivial variation to the EFPA boundary to rectify.
- c) In determining whether a request for a variation to an EFPA boundary is trivial and rectifies a recognised anomaly, Council recommends that the State Planning Commission consider the following:
 - i. The reason for the request
 - ii. The zoning of the land to be exposed

- iii. The potential follow on and cumulative effects of varying the boundary shared with the Hills Face Zone.

Council will continue to follow the progress of the Commission's review, and looks forward to hearing the outcome. Should you have any questions about the content of this letter, please contact Cherie Gill, Senior Strategy Planner, on [REDACTED] or [REDACTED].

Yours sincerely



John Moyle
Chief Executive Officer

ENVIRONMENT AND FOOD PRODUCTION AREAS REVIEW



- **Submission to State Planning Commission**

July 2021

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Council acknowledges that we are on the traditional country of the Kurna people of the Adelaide Plains and pays respect to elders past, present and emerging. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

Adopted by Council 26 July 2021

SCOPE OF REVIEW



The vast majority of land in Adelaide Plains is impacted by the EFPA

Adelaide Plains Council (Council) acknowledges the opportunity to provide input to the Commission with respect to the Environment and Food Production Areas (EFPA) Review.

The Commission is satisfied there is sufficient supply of land across Greater Adelaide to support housing and employment growth over the next 15 years. Therefore, the Commission's review is confined only to consideration of variations to the boundary which are trivial in nature and will address a recognised anomaly¹.

Comment to Commission:

The matters raised in Council's submission fit within the EFPA review scope of being a recognised anomaly or trivial in nature.

¹ The Planning, Development and Infrastructure Act 2016 sets out that when considering any proposed variances to the EFPA, the Commission must be satisfied with the following tests:

- Test 1: area/s within Greater Adelaide outside the EFPA are unable to support the principle of urban renewal and consolidation of existing urban areas, and
- Test 2: adequate provision cannot be made within Greater Adelaide outside the EFPA to accommodate housing and employment growth over a minimum 15-year period; or
- Test 3: variation is trivial in nature and will address a recognised anomaly.

ABOUT THE EFPA

The EFPA² has been introduced to achieve the following goals:

- Protect our valuable food producing and rural areas as well as conserving our prized natural landscapes, and tourism and environmental resources
- Support our sustainable growth and encourage the building of new homes in our existing urban footprint where supporting infrastructure already exists
- Provide more certainty to food and wine producers as well as developers on the direction of future development in metropolitan Adelaide.

These goals are given legal effect through the *Planning, Development and Infrastructure Act 2016* having a direct role in the ability to subdivide land for residential purposes within the EFPA. This is summarised below.

SUMMARY OF PDI ACT REQUIREMENTS FOR PROPOSED LAND DIVISION FOR RESIDENTIAL PURPOSES WITHIN THE EFPA	
Summary of Act	Implications
If the proposed development creates lots for residential development , the relevant authority must refuse development authorisation	Development proposing lots for residential purposes MUST be refused.
<p>If the proposed development creates 1 or more lots, a planning authority (such as CAP or staff under delegation), must not grant development authorisation unless the Commission concurs.</p> <p>If the Commission is the relevant authority, the Commission must not grant development authorisation unless the council concurs</p> <p>No appeal lies against a refusal to grant development authorisation</p> <p>Development authorisation is subject to the condition that the lots created will not be used for residential development.</p>	A planning authority's proposed decision to approve lots for non-residential purposes MUST be concurred with by the Commission and any approval IS SUBJECT to the condition that the lots not be used for residential purposes.
<p>Development proposing lots for the following purposes may be consented:</p> <ul style="list-style-type: none"> • dwelling for residential purposes on land used primarily for primary production. • hotel 	Dwelling with primary production, motel, hotel or other temporary residential accommodation can be considered regarding the Planning and Design Code.

2

plan.sa.gov.au/our_planning_system/instruments/planning_instruments/environment_and_food_production_areas#have_your_say_on_the_efpa_review

<ul style="list-style-type: none"> • motel • any other form of temporary residential accommodation for valuable consideration 	<p>Primary production may not include horticulture, or animal husbandry depending on the specific nature of the activity</p>
<p>Land division for residential purposes able to be assessed during a transitional period that expired 31 March 2019</p>	<p>The two year period enabled divisions for residential purposes to be lodged. Such development applications are no longer possible.</p>

Frequently asked questions about the EFPA are available via [plan.sa.gov.au/_data/assets/pdf_file/0011/282935/FAQ - Environment and Food Production Areas.pdf](http://plan.sa.gov.au/_data/assets/pdf_file/0011/282935/FAQ_-_Environment_and_Food_Production_Areas.pdf)

OBSERVATIONS

Discussions with planning assessment staff and their experience of assisting customers understand how they can develop their land has informed Council's views about the EFPA.

EFPA Generally Aligns with Strategic Goals of Adelaide Plains

Council's Strategic Plan 2020 – 2024 identifies a vision for the Council area. How the EFPA relates to that vision is commented on below:

Vision	How EFPA aligns?
Adelaide Plains is:	
<p>Productive: A leading supplier of primary produce to local, national and international markets.</p> <p>Proximity to markets and natural growing conditions provide competitive advantages for primary producers on the Adelaide Plains that has seen our economy emerge as a key contributor to the region's prosperity.</p>	EFPA aligns well with the primary production role of agricultural areas.
<p>Diverse: A more diverse community with access to a greater mix of local opportunities.</p> <p>Increased employment, services and education attracts and retains a diverse community that chooses to live, learn and work in the region.</p>	EFPA aligns well with the primary production role of agricultural areas, undergirding the suitability of these areas for related investment
<p>Location: A lifestyle location connected to the Barossa, Coast and Adelaide.</p> <p>Adelaide Plains is a quiet community that offers residents time and space with convenient access to the benefits of Greater Adelaide, the coast and the Barossa region.</p>	No clear alignment
<p>Welcoming: A proud, spirited and generous community.</p> <p>This is a place that everyone belongs, where community connection and care is strong and someone is always available to help when a neighbour is in need.</p>	No clear alignment
<p>Ambition: Advancing infrastructure and technology to foster a competitive local economy.</p> <p>Modern practice, research and innovation, and efficient access to export centres and local markets builds an economic environment and reputation that rivals the State's major primary productions regions. With employment opportunities diversifying and new housing products in abundance, Adelaide Plains will become the place of choice for the Northern Adelaide Plains.</p>	EFPA aligns well with the primary production role of agricultural areas, undergirding the suitability of these areas for related investment, including infrastructure and technology

Vision	How EFPA aligns?
<p>Leadership: A decisive and proactive Council. Our Elected Members share a vision of prosperity founded on courage, robust deliberation, transparency and forward thinking and investing</p>	<p>Council has the opportunity every five years to deliberate about the EFPA and its alignment with the vision of the Council area</p>
<p>Attractive: A Place of choice for businesses, residents and visitors. Our townships are inviting, well cared for, filled with character and provide a range of services, facilities and accommodation that caters for all people and our landscapes, events and infrastructure provide memorable experiences.</p>	<p>EFPA aligns well with the suitability of townships for residential development, undergirding their role in providing services.</p> <p>This submission identifies observations about the EFPA that warrant review in order to ensure maximum alignment with Council’s vision.</p>

Comment to Commission:

The EFPA generally aligns with Council’s vision for Adelaide Plains as identified in the Strategic Plan 2020 - 2024, noting various matters require review and amendment.

EFPA Not Allowing Housing with Horse Keeping or Dog Kennelling Needs Review

The PDI Act allows subdivision for housing³ in the EFPA where it is directly associated with ‘primary production’.

Advice received is that ‘primary production’ does not include horse keeping or dog kennels as these uses, while agricultural in nature, do not result in the ‘production’ of a naturally occurring food or consumable item.

This means, for example, subdivision for a dwelling with horse keeping or dog kennelling triggers the EFPA whereas the same division for dwelling with primary production would not.

This presents a fundamental problem for the development of land in Zones where the Code envisages subdivision for dwellings with horse keeping or dog kennelling, such as the Rural Living Zone and Animal Husbandry Sub-Zone.

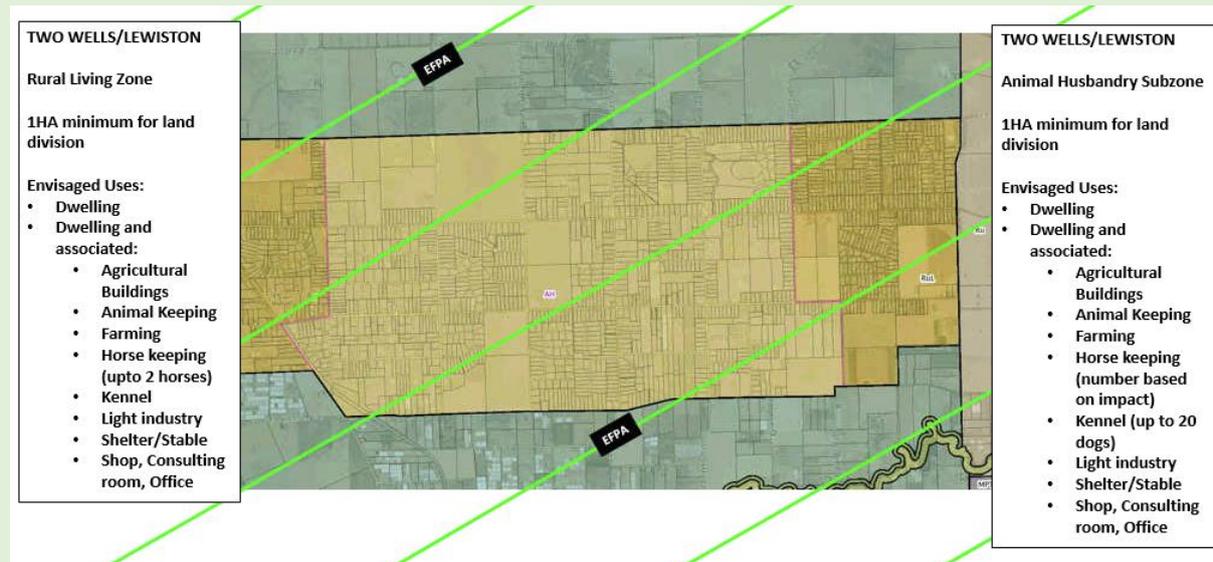
ZONES WHICH ENVISAGE SUBDIVISION FOR A DWELLING WITH HORSE KEEPING OR DOG KENNELING		
Zone	Dwelling with Horse Keeping	Dwelling with Dog Keeping
Animal Husbandry Sub Zone	Yes	Yes
Rural Living	Yes	Yes
Rural Horticulture	Yes	Less certain
Rural	Yes	Less certain

This is a particular problem with the Animal Husbandry Subzone. The prime purpose of the Zone is ‘Large-scale horse keeping and dog kennelling in association with detached dwellings on large allotments’⁴. This zone/sub-zone has been in place in the Mallala Development Plan and now Planning and Design Code for many years, and the character of the area is largely influenced by the many dog kennels, dog breeding and horse keeping land uses.

³ Section 7(18) of the *Planning Development and Infrastructure Act 2016* nominates that for the purposes of the EFPA, “‘residential development’ means development primarily for residential purposes but does not include— (a) the use of land for the purposes of a hotel or motel or to provide any other form of temporary residential accommodation for valuable consideration; or (b) a dwelling for residential purposes on land used primarily for primary production purposes.”

⁴ Planning and Design Code 2021

About the Two Wells Lewiston Animal Husbandry SubZone



The Animal Husbandry Subzone can be developed with large-scale horse keeping and dog kennelling in association with dwellings. The prime difference from Rural Living is the Animal Husbandry Zone explicitly provides for up to 20 dogs/lot (as Deemed to Satisfy) and unlike the Rural Living Zone, does not limit horses to two/lot.

This area of Two Wells/Lewiston has been planned – including through the SA planning system – for more than 30 years for animal husbandry and associated residential development.

Comment to Commission:

The Environment and Food Production Area not allowing subdivision for housing associated with horse keeping or dog kennelling, where it is consistent with zoning policy, requires immediate review and clarification.

The current statutory arrangements are limiting investment for envisaged development within the Animal Husbandry Subzone, Rural Living Zone, Rural Horticulture Zone and Rural Zone and causing confusion within the community.

EFPA Rules Not being reflected in the Planning and Design Code is Discordant and Needs Immediate Change

A land owner can read the Planning and Design Code and conclude Rural Living Zoned land can be subdivided for housing. However, nowhere does the Code say the land can-not be subdivided due to the EFPA.

This challenge can be called discordant and a policy misalignment. It also leads to poor outcomes for customers of the planning system who are trying to make informed investment decisions.

Council planning officers undertake innumerable conversations with people seeking to acquire property having to explain that whilst the Code says one thing, the EFPA says the opposite. This occurs for instance, in all Rural Living Zones, but is a particular issue in Two Wells/Lewiston Rural Living Zone, Animal Husbandry Subzone due to the large size of the area. This is not an ideal planning system.

The Planning and Design Code is emerging as a customer friendly and easily navigable digital statutory planning instrument. The Code is being used by landowners, investors, land agents, businesses, residents, developers and planners.

The Commission and PLUS's ongoing work fine-tuning the Planning and Design Code is supported.

Given the user value of the Planning and Design Code for certainty, the lack of the EFPA 'rules' being reflected directly in the Code needs change.

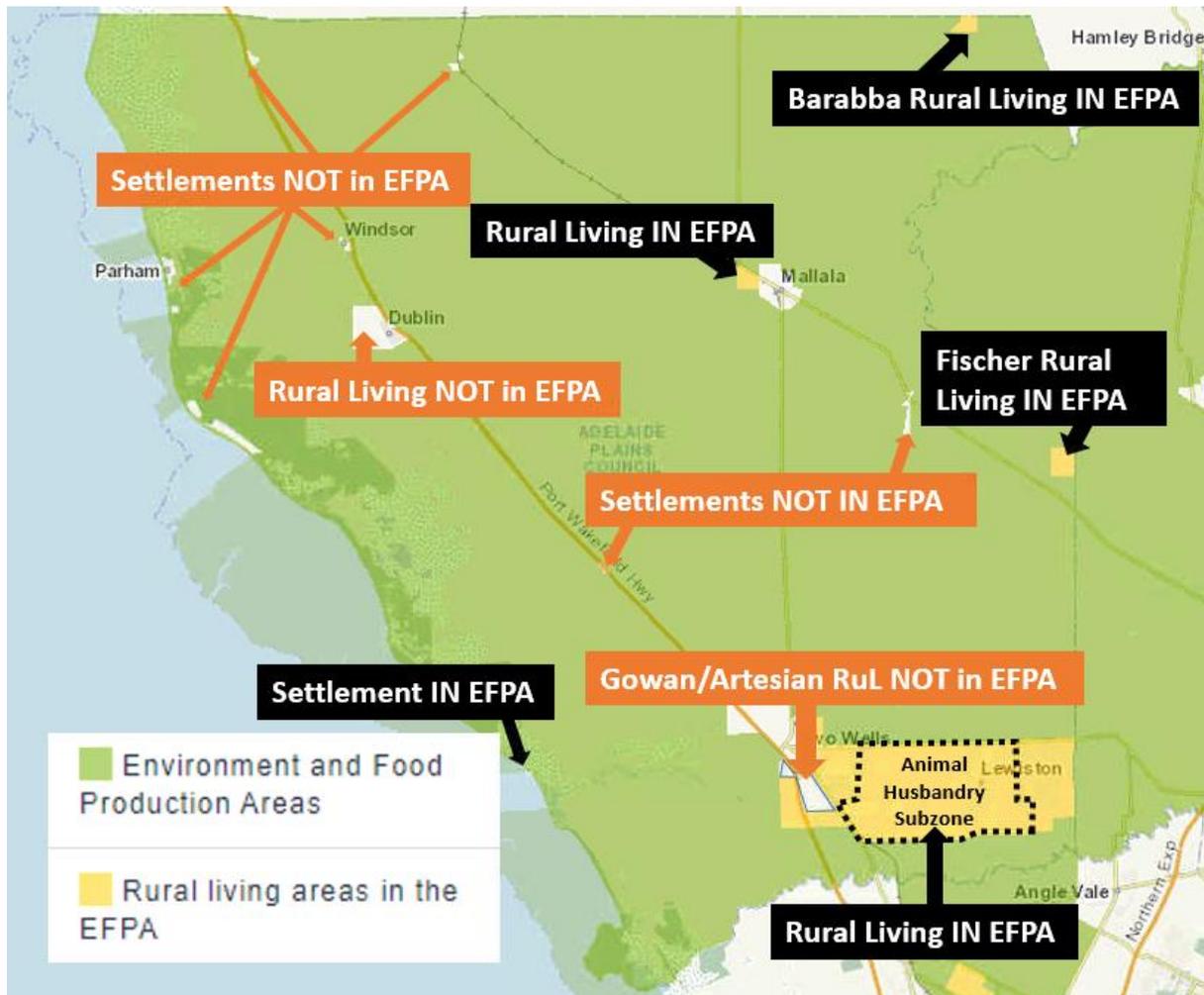
Comment to Commission:

The Environment and Food Production Area provisions should be explicitly communicated directly in the Planning and Design Code.

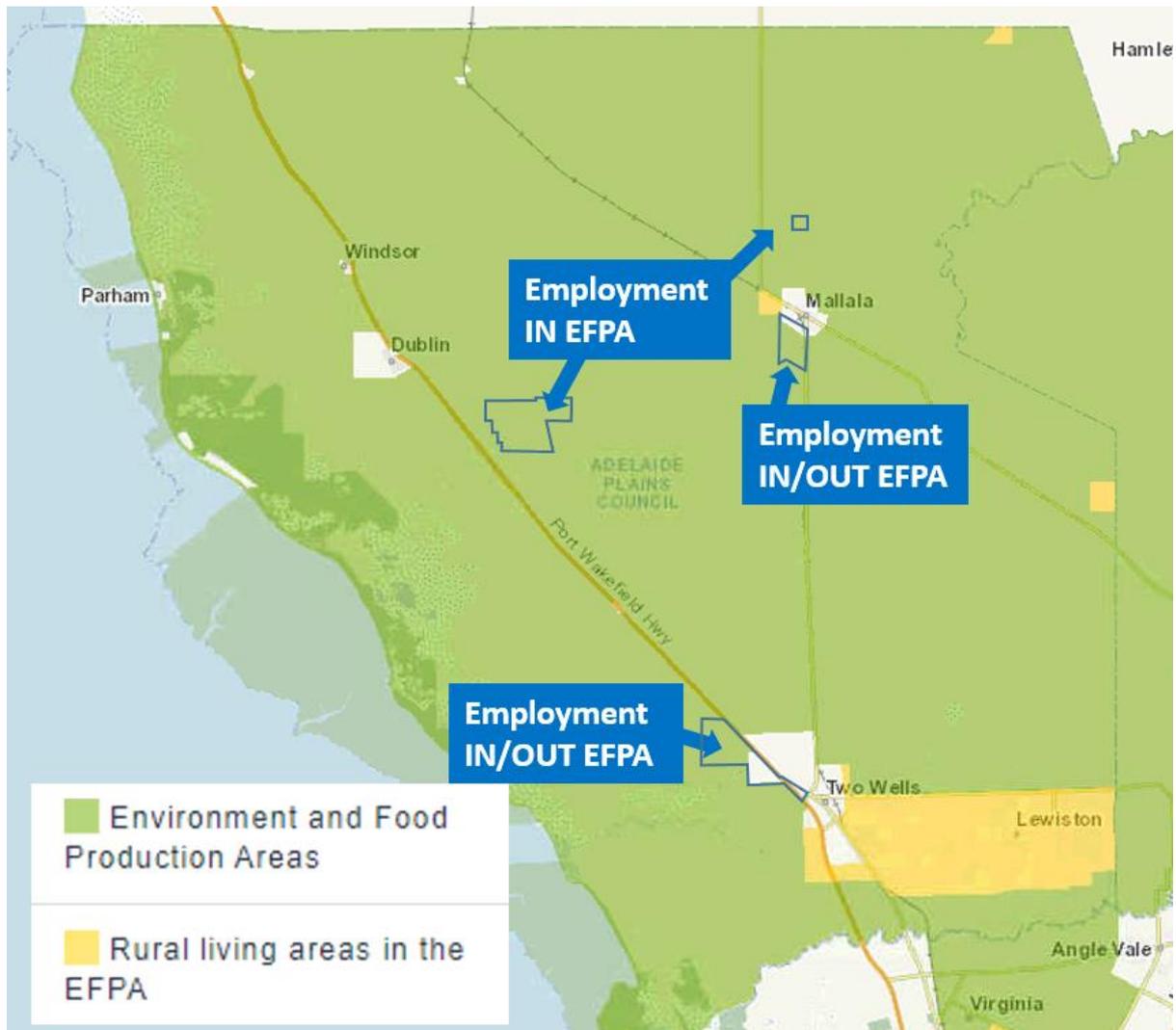
The current system providing for the Code to express one thing about land and the Environment and Food Production Area to express the opposite needs amendment.

The current arrangements are confusing and a handbrake on investment.

EFPA Rural Living Settlement Employment Needs Review



Zoning	IN the EFPA	NOT In the EFPA
Rural Living	Barabba, Mallala, Fischer, Two Wells, Lewiston	Dublin and Gower/Artesian
Settlements	Middle Beach	Wild Horse Plains, Long Plains, Windsor, Light, Redbanks, Parham, Webb Beach and Thompsons Beach
Employment Land	Part South West Mallala Part West of Two Wells Carslake Road Adjacent Mallala Raceway	Part South West Mallala Part West of Two Wells

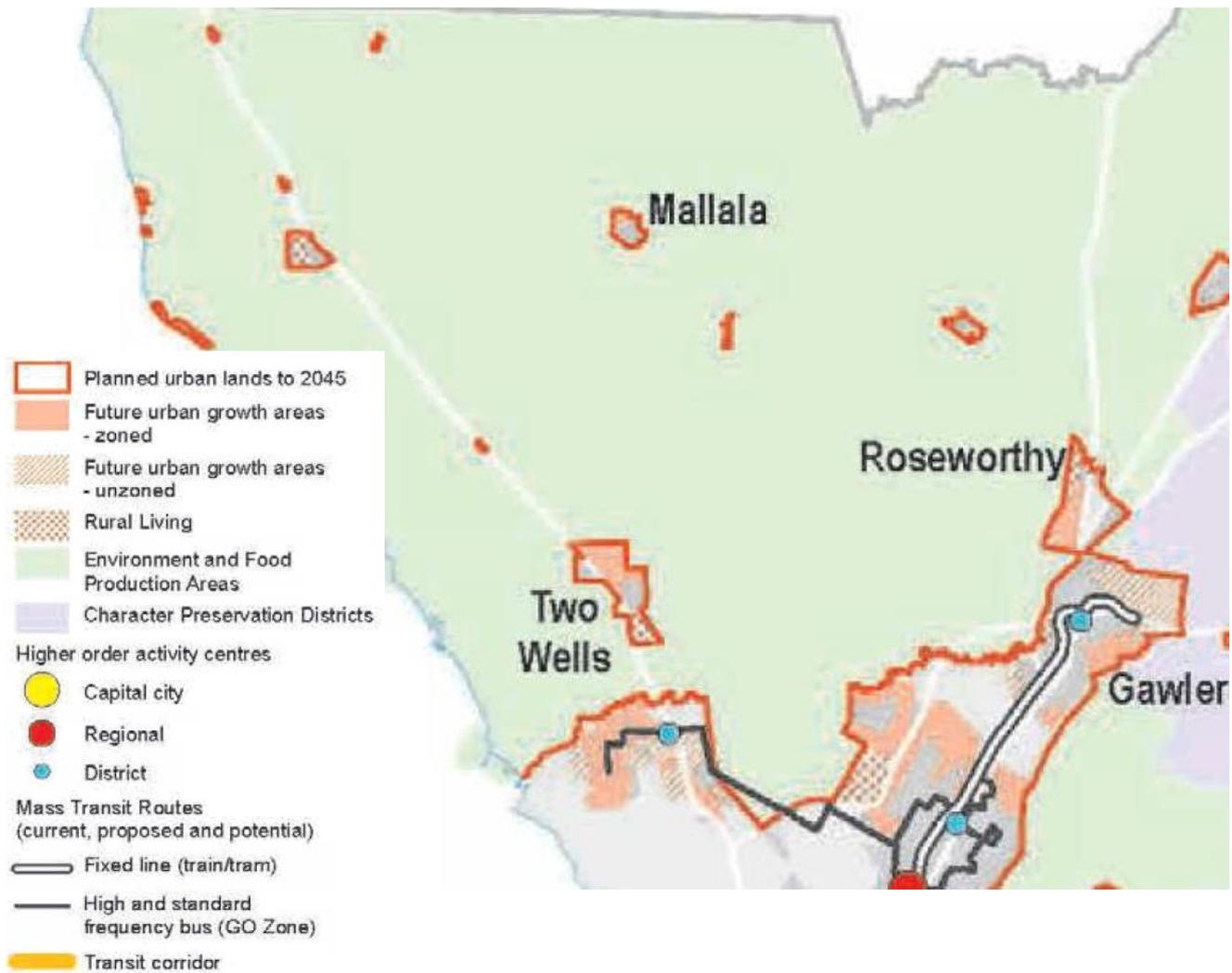


Rural Living Areas NOT included within the EFPA (being Dublin and Gowan/Artesian) seem to correlate with being planned as 'urban lands' in the 30 Year Plan for Greater Adelaide. Conversely, Rural Living Areas WITHIN the EFPA (e.g Mallala, Two Wells and Lewiston) seem to correlate with not being planned as 'urban lands' in the 30 Year Plan for Greater Adelaide.

Whilst the Rural Living Zone itself provides certainty that subdivision into 1HA lots for residential purposes is appropriate, the EFPA mandates that land division for residential purposes must NOT be approved.

Therefore Rural Living Zoned land within the EFPA is not able to be subdivided for housing alone, despite the intent of the zone in the Planning and Design Code. Existing lots can be developed for housing, or for other uses envisaged in the Rural Living Zone, but no further lots for residential/rural living purposes alone can be created. Further lots can be created for housing and primary production, or housing and some form of non-residential use. The current arrangement creates unnecessary conflict for applicants and authorities when it comes to attempting to divide parcels of land consistent with the intent of the zone.

Within the settlements, subject to the Planning and Design Code, subdivision for residential can obtain consent. Middle Beach is recognised as at greater inundation risk and various investigations have informed the risk management measures in place.



Map of the EFPA and Planned Urban Lands to 2045 - Map 3 30 Year Plan for Greater Adelaide

Comment to Commission:

The Environment and Food Production Area precluding the ability to build a dwelling on Rural Living zoned land has the potential to place pressure for urban development (housing) on primary production and horticulture zoned land. Council questions the rationale for the Environment and Food Production Area applying to Rural Living zoned land.

The below table provides background and analysis about each Rural Living Area

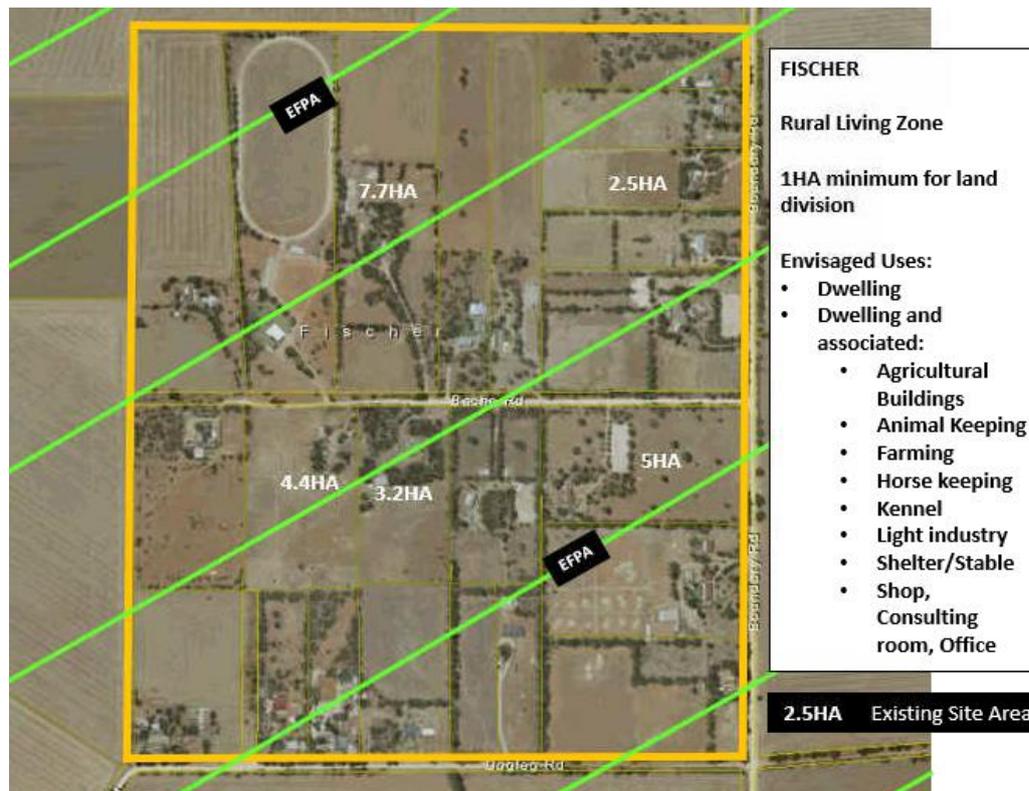
Rural Living - Employment – Settlement Zones EFPA Background

BARABBA



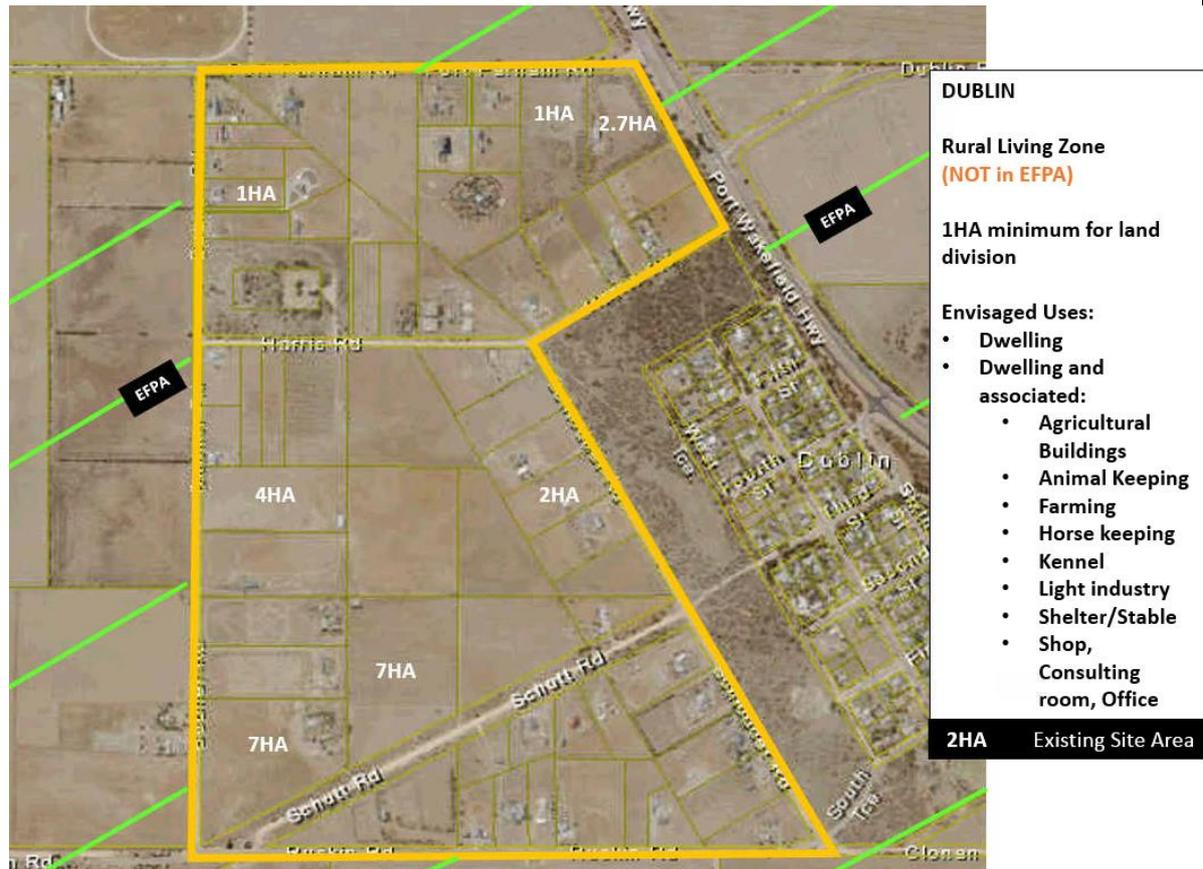
The EFPA limits potential residential subdivision into 1HA lots of the nine lots greater than 2HA

FISCHER



The EFPA limits potential residential subdivision into 1HA lots of approximately 18 lots greater than 2HA.

DUBLIN



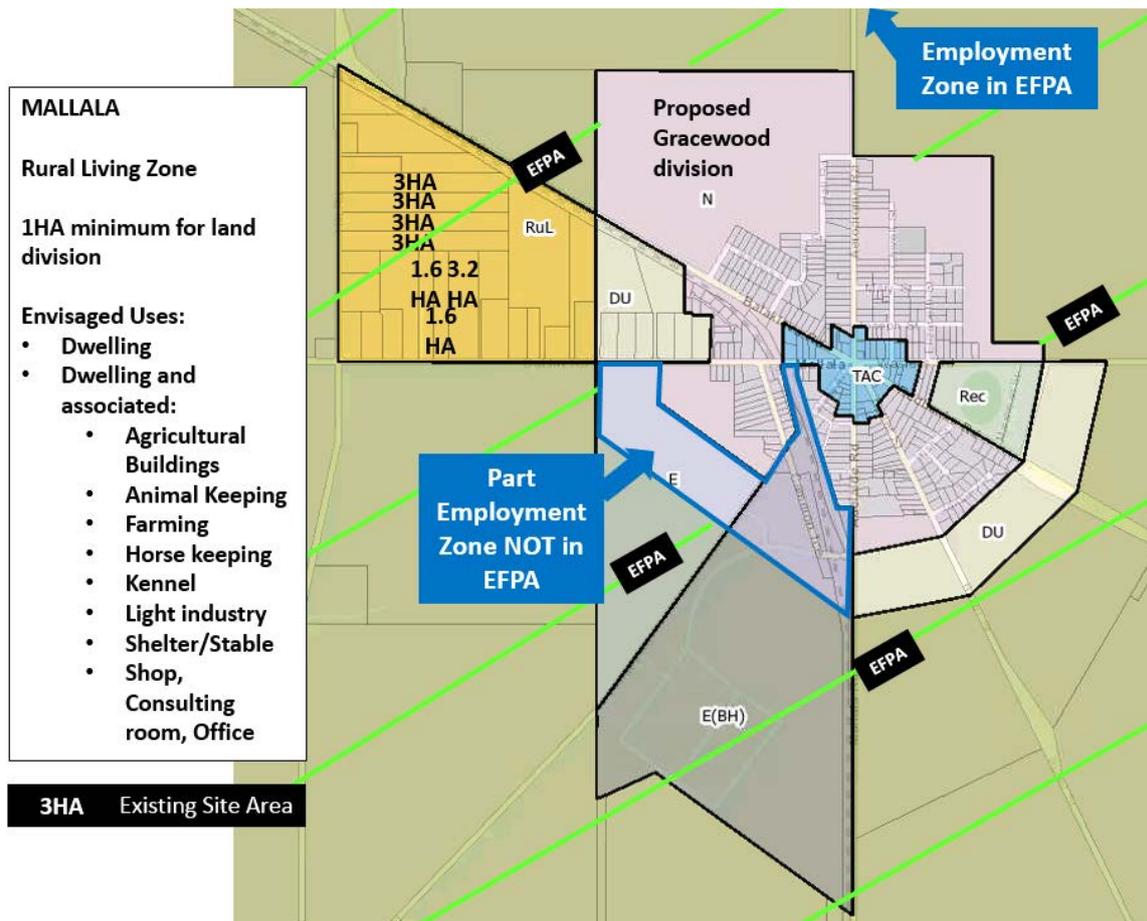
At Dublin, the EFPA does NOT apply. Some 20 lots are greater than 2HA and with potential for subdivision into 1HA lots for rural living (without an associated non-residential use) subject to assessment regarding the Planning and Design Code

Council provided an in-principle letter of support to Leinad Land Developments (Dublin) Pty Ltd (Attachment A) to advocate for boundary change to the EFPA. This letter arose from a Council decision of 23 September 2019:

“that Council, having considered Item 21.5 – *Environment and Food Production Areas*, dated 23 September 2019, receives and notes the report and in doing so authorises the Chief Executive Officer to:-

- 1) progress the review of relevant strategic holdings that are currently impacted by the *Environment and Food Production Areas* legislation with the *Department of Planning, Transport and Infrastructure* and the *State Planning Commission* as part of the 5 yearly review of the *Planning, Development and Infrastructure Act 2016 (Section 7)*.
- 2) provide in-principle letters of support to **Leinad Land Developments (Dublin) Pty Ltd** and the Hicks Group to enable both parties to advocate for boundary changes to the Environment and Food Production Areas and allow the future progression of long term rezoning objectives as outlined in Attachments 1 and 2 to this Report.”

MALLALA



In Mallala’s Rural Living Zone, the EFPA limits potential residential subdivision into 1HA lots of approximately 12 lots greater than 2HA.

The Rural Living area is west of land zoned as Deferred Urban. The Deferred Urban Zoning holds the land for future urban development to be released through a future rezoning. The Deferred Urban zone was applied around 2015 to land formerly zoned Rural Living. This is also the case for Deferred Urban Land to the south east. The 2015 rezoning created a suitable zoning framework for the Gracewood development. Noting discussions are ongoing, Gracewood is yet to obtain a formal planning consent.

The employment zoned land to the south west is part in/part not the EFPA. Noting the EFPA precludes subdivision for housing, and noting other land available for this purpose, the EFPA poses no barrier. This is also the case for the land adjacent the Raceway

Comment to Commission:

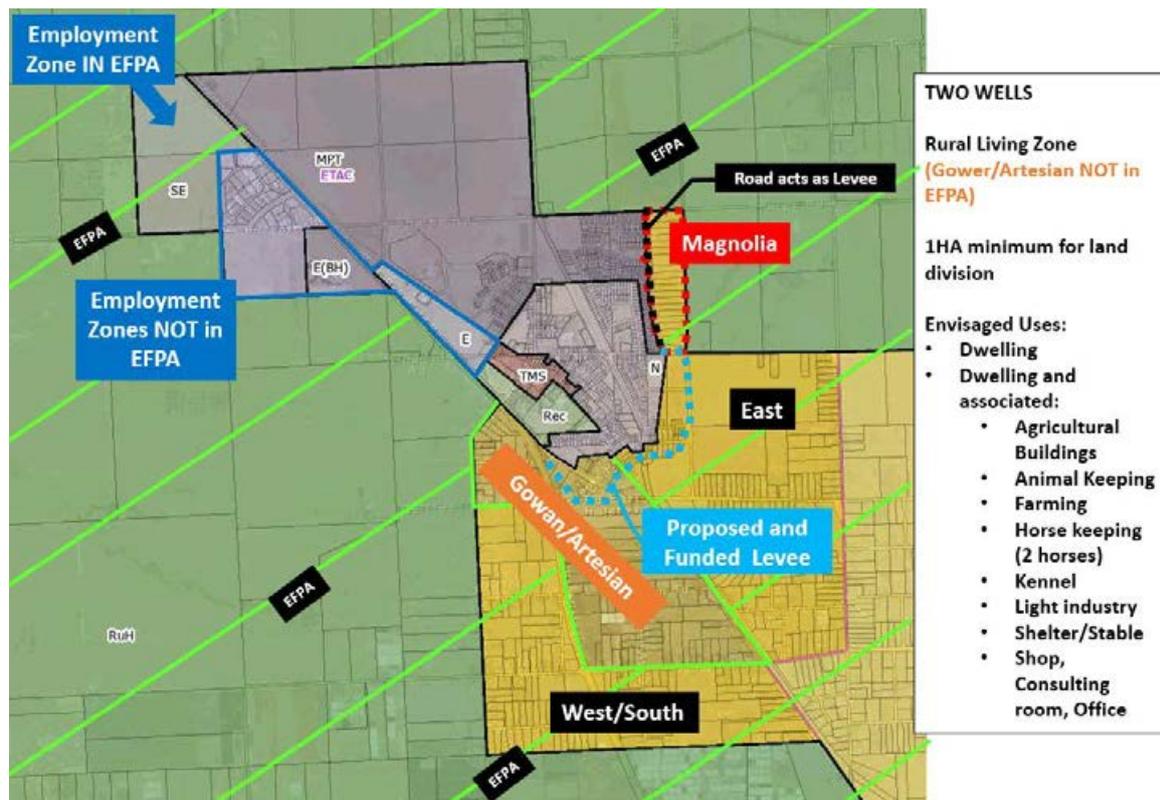
Council requests the EFPA be lifted from the Rural Living land

The rationale for not allowing subdivision for rural living is not clear.

Mallala’s Rural Living Area has a similar siting to Dublin’s Rural Living Area.

If the EFPA is lifted, it would allow subdivision for Rural Living, this being a different housing offer to other Zones in Mallala, and the anticipated housing forms in the Gracewood development.

TWO WELLS TOWNSHIP



The EFPA does NOT apply to the Gowan/Artesian part of the Rural Living Zone immediately south of Two Wells. This means subdivision for rural living (without an associated non-residential use) of numerous larger lots is possible subject to assessment regarding the Planning and Design Code.

A levee is proposed and funded east and south of Two Wells, and to be constructed over the next two years. The levee alignment is based on a key creek catchment flow. Outside the Gowan/Artesian area, and within the levee area, the EFPA limits potential residential subdivision of several larger lots and numerous lots around 1000sqm and greater. The EFPA should be lifted from within the Levee area as should also the Rural Living Zoning.

North of Gawler Road are Rural Living lots east of Magnolia Boulevard in the Eden development and being developed for housing. A stormwater easement is over part of the lots. Lots are 1 – 1.3HA aside from the Lot fronting Sharpe Road which is larger than 2HA. It's unclear what purpose the EFPA serves by applying and this should be reviewed.

The employment zoned land either side of Port Wakefield Road has the EFPA apply inconsistently. Given the EFPA's limit on residential subdivision, the rationale for this inconsistent approach is not apparent.

Council provided an in-principle letter of support to the Hicks Group (Attachment A) to advocate for boundary change to the EFPA. This letter arose from a Council decision of 23 September 2019:

“that Council, having considered Item 21.5 – *Environment and Food Production Areas*, dated 23 September 2019, receives and notes the report and in doing so authorises the Chief Executive Officer to:-

- 1) progress the review of relevant strategic holdings that are currently impacted by the *Environment and Food Production Areas* legislation with the *Department of Planning, Transport and Infrastructure* and the *State Planning Commission* as part of the 5 yearly review of the *Planning, Development and Infrastructure Act 2016 (Section 7)*.
- 2) provide in-principle letters of support to Leinad Land Developments (Dublin) Pty Ltd and the Hicks Group to enable both parties to advocate for boundary changes to the Environment and Food Production Areas and allow the future progression of long term rezoning objectives as outlined in Attachments 1 and 2 to this Report.”

Comment to Commission:

Rural Living Zoned Land

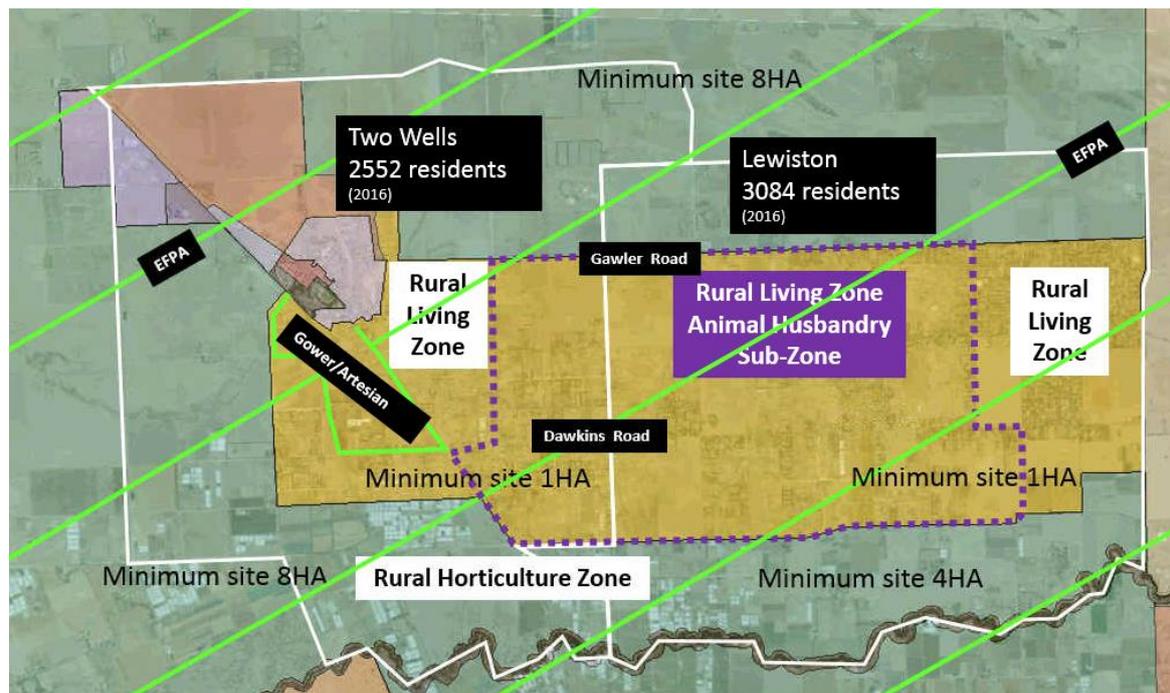
The EFPA applying within the area of the funded levee should be lifted. Council expresses interest in investigations commencing with respect to the Rural Living Zoning within this area.

Likewise, noting Magnolia Boulevard serves as a levee, the EFPA serves no purpose applying to land zoned Rural Living and being developed in that manner on the east side of Magnolia Boulevard. Council requests the EFPA be lifted from this area.

Employment Land

The application of the EFPA inconsistently to employment land either side of Port Wakefield Road should be reviewed. Noting the EFPA’s function to preclude subdivision for housing, and the envisaged significant residential growth of Two Wells, the potential need for this land for housing is not apparent whereas employment land for town based commercial, non-town centre uses is anticipated. On this basis, The Environment and Food Production Area should apply consistently to employment land on both sides of Port Wakefield Road at Two Wells.

TWO WELLS/LEWISTON RURAL LIVING AND ANIMAL HUSBANDRY



The EPPA limits potential subdivision for rural purposes (without an associated non-residential use) of lots larger than 2HA throughout Two Wells and Lewiston.

The Code envisages both the Animal Husbandry Sub Zone and Rural Living being able to be subdivided and developed for housing along with horse keeping, dog kennelling, horticulture, shop, consulting, offices and light industry. The Animal Husbandry Subzone can be developed with large-scale horse keeping and dog kennelling in association with dwellings.

Both the Rural Living Zone and Animal Husbandry sub-zone anticipate subdivision for residential development in its own right meaning applicants don't necessarily have to breed dogs or keep horses. Development can be purely for a rural residential lifestyle.

The prime difference from Rural Living is the Animal Husbandry Zone explicitly provides for up to 20 dogs/lot as Deemed to Satisfy and unlike the Rural Living Zone, does not limit horses to two/lot.

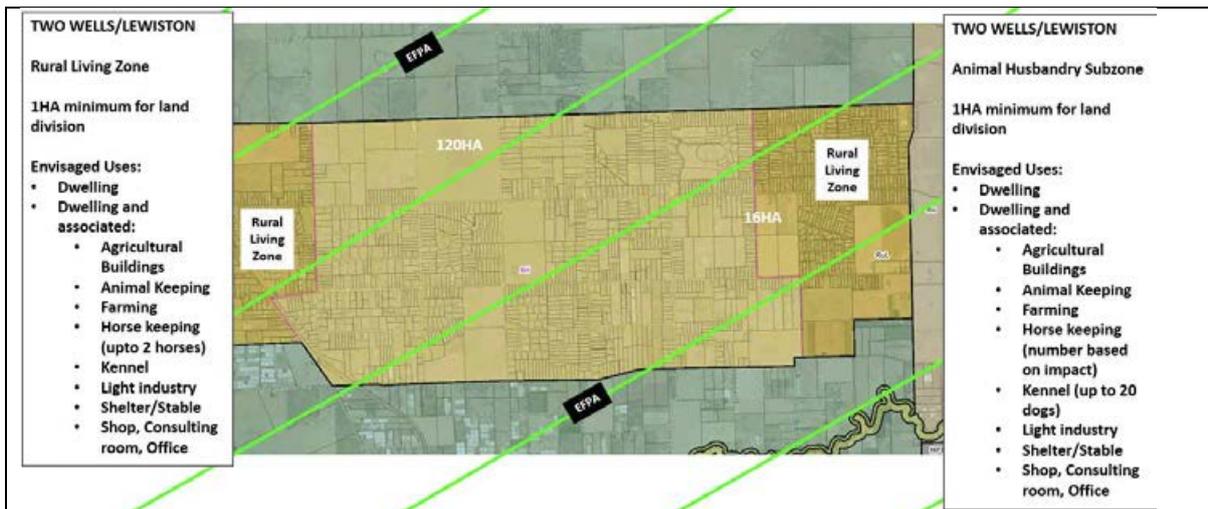
This area of Two Wells/Lewiston has been planned – including through the SA planning system – for more than 30 years for animal husbandry.



The Animal Husbandry Subzone envisages sites developed for housing with horse keeping or dog breeding businesses. Standalone Residential Living is also envisaged. Photo near Hams Park, Lewiston, May 2021



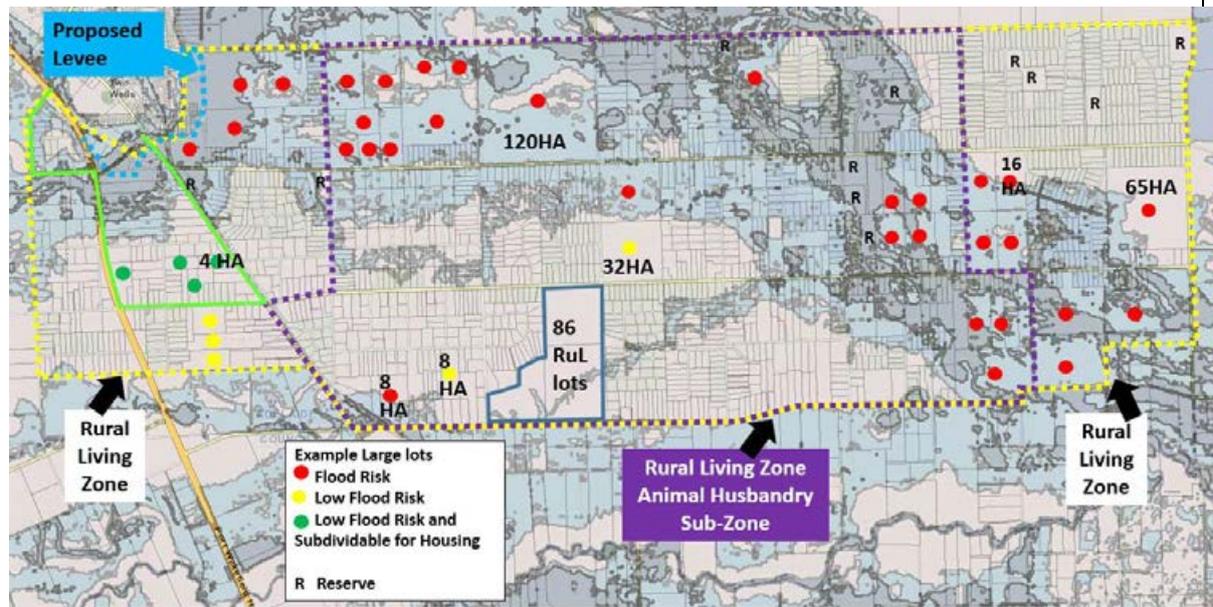
Rural Living Lots form Dunlop Boulevard, Lewiston, having been developed since 2015



Council made submissions in 2019 and 2020 to consultation on the draft Planning and Design Code (Code). With the operation of the Code from March 2021, this submission takes the opportunity to inform the Commission about the Council’s experience of the EFPA and the Code with respect to the Two Wells/Lewiston Rural Living and Animal Husbandry area.

Note 1: the barrier raised earlier about the EFPA limiting subdivision for low intensity residential living where associated with horse or dog keeping is assumed as being corrected.

Note 2: the lack of the EFPA being explicitly communicated directly in the Rural Living Zone and Animal Husbandry Subzone is assumed as being corrected.



Two Wells Lewiston Larger Lots and Flood Risk

The Two Wells Lewiston Larger Lots and Flood Risk map shows:

- Flood risk impacts about half the area
- The red dots are 32 example large lots (typically larger than 8HA) impacted by flood risk
- The yellow dots are 2 example large lots with low flood risk
- Rural living lots are typically 20 times larger than the average suburban block.
- Remnant larger land holdings are mostly surrounded by 1 hectare land holdings.

- 86 rural living residential lots are being developed. These were lodged prior the EFPA limiting residential subdivision becoming operational in March 2019.
- There are several large lots able to be subdivided for residential rural living in the Gowan/Artesian area
- Excluding the Gowan/Artesian area, Rural Living (including Animal Husbandry) comprises 34 square kilometres.

Whilst the Planning and Design Code envisages the Rural Living and Animal Husbandry as being able to be subdivided to 1HA for housing, since March 2019, that is precluded by the EFPA.

Along with inquiries about subdivision for rural living in Two Wells/Lewiston's Rural Living Zone, Council's planners also receive numerous inquiries about building a house on 8HA lots in the Rural Horticulture Zone. Inquirers outline that land is hard to find in Lewiston. The extent that this is a risk for land in the Rural Horticulture Zone should be investigated. An inability to build a dwelling on Rural Living zoned land has the potential to place pressure on primary production and horticulture zoned land.

The EFPA's limit was introduced in 2019 after a period enabling residential subdivisions to be lodged, and subdivisions – including the 86 lot proposal - are yet to be brought to market.

The Gowan/Artesian Area is able to be subdivided for rural living housing, this presenting potential supply with several larger lots that could be subdivided over the next five years. Siting adjacent to Two Wells acts to reinforce the township.

Comment to Commission:

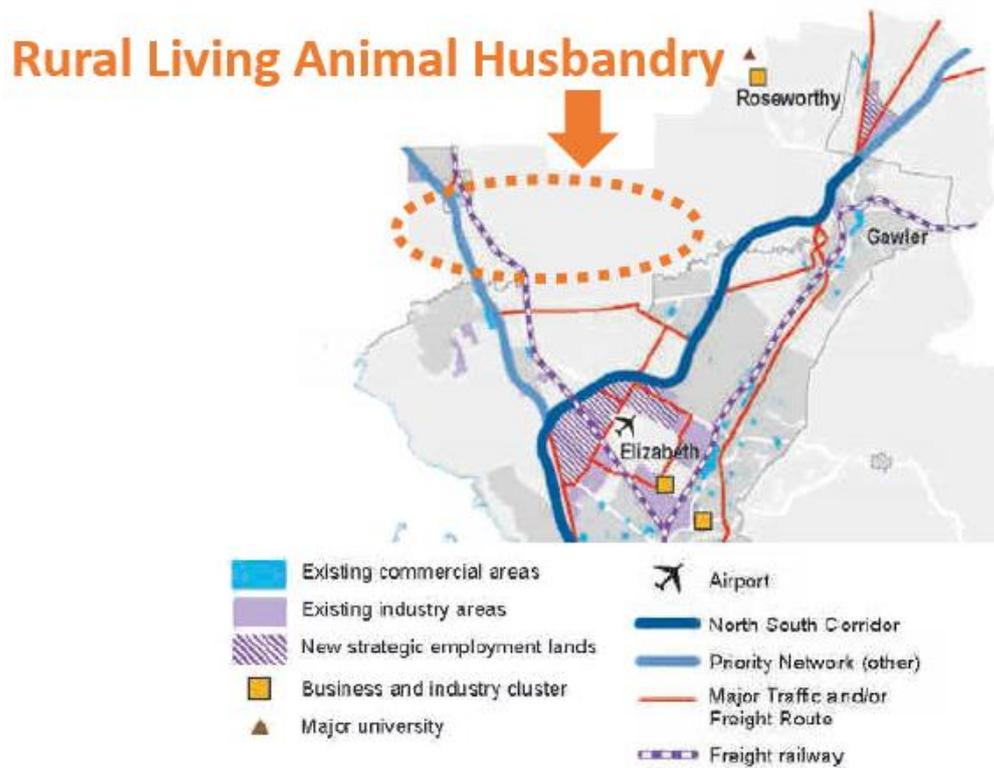
Council is open to the Environment and Food Production Area continuing in place over Two Wells / Lewiston Rural Living Zone and Animal Husbandry Subzone until, noting further detailed investigations on the impact of the EFPA restrictions over time to be undertaken, subject to:

- The barrier of the Environment and Food Production Area limiting subdivision for low intensity residential living where associated with horse or dog keeping being corrected.**
- The lack of the Environment and Food Production Area being explicitly communicated directly in the Rural Living Zone and Animal Husbandry Subzone of the Planning and Design Code (perhaps as an Overlay) being corrected.**

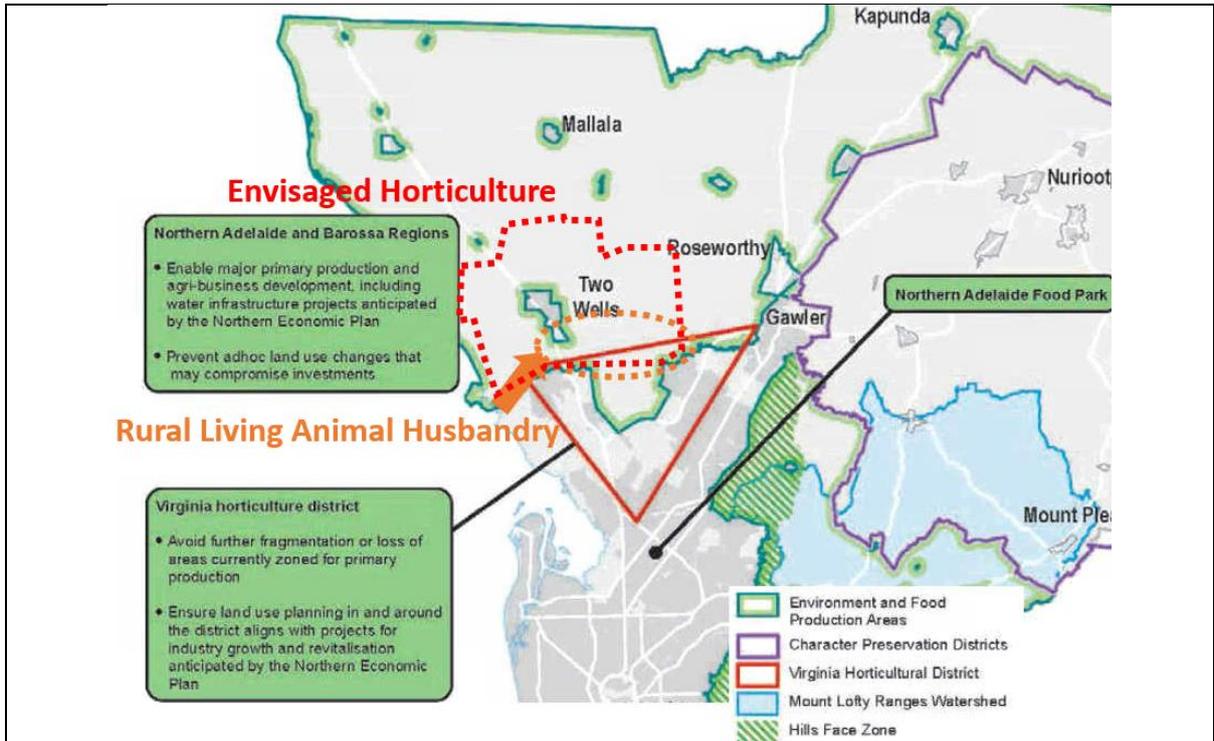
30 YEAR PLAN FOR GREATER ADELAIDE

The 30 Year Plan for Greater Adelaide includes the Rural Living Animal Husbandry Area within the EFPA. The 30 Year Plan is however silent about the areas business future and also the wider areas envisaged horticultural future.

Map 4 — Business and industry clusters



The 30 Year Plan is silent about the Animal Husbandry area as a form of business cluster



The 30 Year Plan is silent about the envisaged development of horticulture in the southern third of Adelaide Plains. This area is within a Rural Horticulture Zone

Comment to Commission:

The 30 Year Plan for Greater Adelaide should better reflect the Animal Husbandry Zone as a business cluster and the envisaged development of horticulture in the southern third of Adelaide Plains.

Two Wells Planned Urban Growth Challenges and Opportunities

A portion of Adelaide Plains including Two Wells is sited within the 'Outer North' of Greater Adelaide. Analysis of housing and employment land supply is contained within the Land Supply Reports⁵ for Greater Adelaide released by the Commission (see [Relevant Extracts for APC from the Land Supply Reports](#))

For Adelaide Plains, the land supply reports provide updated numbers associated with Two Wells housing estates. The commentary affirms the impact of the northern connector in terms of reduced vehicle travel times to Greater Adelaide underpinning demand for land for housing and employment purposes.

Building applications have increased from around 60/annum to above 100, with 2020/21 having 294 to the end of May. This is a significant rate of building activity.

Recognising the EFPA supports planned urban growth, it is suggested the following comments be provided to the Commission about planned urban growth

Comment to Commission:

Recognising the Environment and Food Production Area surrounds Two Wells' planned urban growth, Council intend to continue investigating, planning, delivering and advocating for the necessary economic and social infrastructure to support liveable growth at Two Wells. Council welcomes further dialogue with the Commission about this.

5

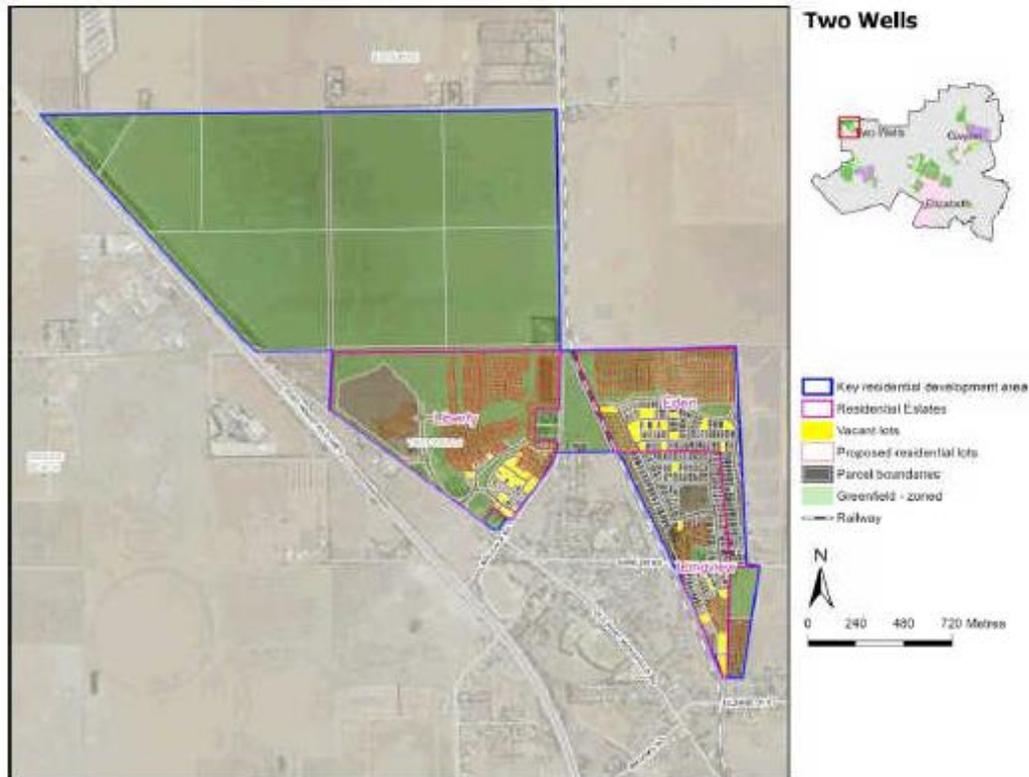
plan.sa.gov.au/our_planning_system/instruments/planning_instruments/environment_and_food_production_areas#have_your_say_on_the_efpa_review

Relevant Extracts for APC from the Land Supply Reports

Table 4: Greenfield land supply by sub-region and key development front - Outer North, June 2020

STATUS	DEVELOPMENT READY		UNDEVELOPED ZONED		FUTURE URBAN GROWTH AREA	
	Area (ha)	Lots	Area (ha)	Estimated Lots	Area (ha)	Estimated Lots
GAWLER						
Gawler East	180	1,521	3	29	-	-
Gawler South	18	151	58	490	-	-
Evanston Gardens	41	391	40	388	43	410
Evanston South	4	75	57	973	-	-
Roseworthy	102	871	237	2,030	29	248
Concordia	-	-	-	-	949	10,000
TOTAL	345	3,009	396	3,910	1,021	10,658
PLAYFORD						
Playford Alive	10	221	101	2,278	-	-
Playford North Extension	96	1,402	409	5,996	7	107
Munno Para	16	295	89	1,615	-	-
Munno Para West	13	205	15	234	-	-
Blakeview	7	123	289	5,360	-	-
Angle Vale	198	2,431	314	3,848	3	36
Eyre	10	165	82	1,305	-	-
TOTAL	350	4,842	1,299	20,635	10	143
VIRGINIA/TWO WELLS						
Virginia	59	723	103	1,250	301	3,663
Buckland Park	315	3,344	560	5,953	526	5,587
Two Wells	62	478	273	2,108	-	-
TOTAL	436	4,545	936	9,312	827	9,250
OUTER NORTH TOTAL	1,131	12,396	2,631	33,857	1,858	20,051

Figure 23: Two Wells



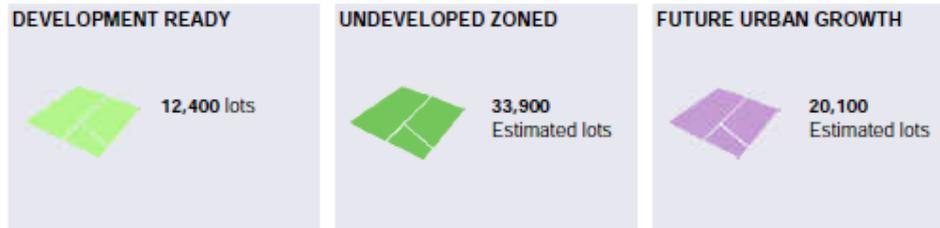
KEY MEASURES

Year Commenced	Pre-2010
Estimated dwelling capacity	2,875
Dwellings built since 2010	203
Average dwellings built per annum	19
Remaining Potential Capacity	2,672
Vacant lots	75
Development Ready (proposed lots)	478
Undeveloped Zoned	2,108

ANALYSIS

- 3 estates currently under development.
- Since 2018 the rate of development has markedly increased, with over 70 dwelling completions recorded in 2018.
- There are current infrastructure deed arrangements in place. The availability of financial contributions to fund infrastructure is dependent on the rate of development. This needs to be continually monitored to ensure infrastructure bottle necks do not occur.
- Two Wells is not connected to a SA Water trunk sewer main and currently relies on a community waste water scheme to service dwellings.
- SA Water’s potable water infrastructure is currently being upgraded in the area, including 4,500m of new pipework to improve water pressure and support projected growth.

2.4 Greenfield land supply to 2030

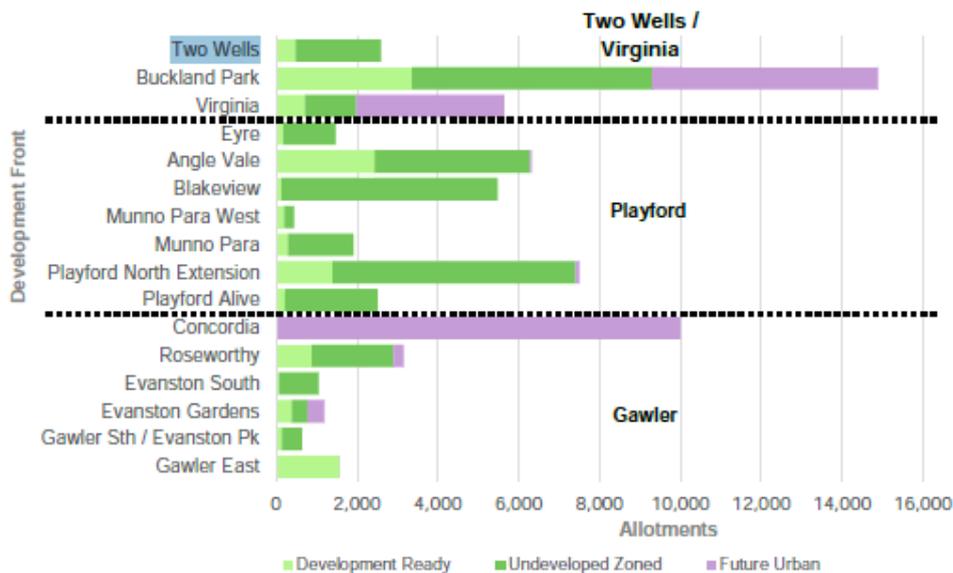


Over the last decade Greenfield development has accounted for 80% of all dwellings built in the region. This trend is assumed to continue into the next decade as additional land comes to the market and major infrastructure projects make land more accessible and desirable to a larger portion of the market.

A stocktake of Greenfield land supply within the region is illustrated in Figure 9 and Table 4, and shows the following:

- 19% of land supply is Development Ready.
- Over 5,400 Development Ready allotments are located within the Playford sub-region, with just under half these allotments located within the Angle Vale precinct.
- Over 50% of estimated allotment potential is located within Undeveloped Zoned land.
- It is estimated that undeveloped zoned land within the Playford sub-region could yield in excess of 20,000 allotments. The Playford North Extension will account for approximately 6,000 of these allotments.
- Future Urban Growth area land is estimated to yield 30% of total allotment potential for the region with land at Concordia estimated to have a total potential to create 10,000 allotments.

Figure 9: Greenfield land supply by development front, June 2020



2. EMPLOYMENT LAND SUPPLY – OUTER NORTH

2.1 Overview

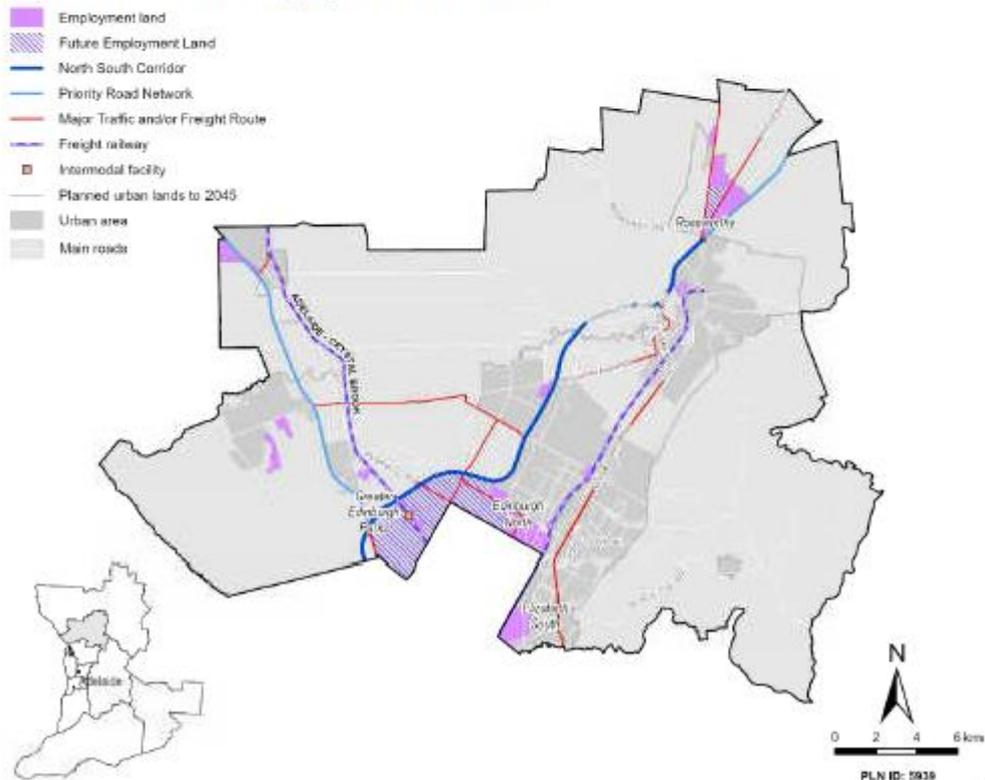


The Outer North region, as illustrated in Figure 11, accommodates an estimated 11% of total zoned employment land within Greater Adelaide and over 95% of all identified future employment land.

In 2020 it was estimated the regions zoned employment lands supported an estimated 5,500 jobs. Over 55% of these jobs were aligned with traditional employment activities, with manufacturing a significant contributor. Its share is projected to grow over the next ten years to 2030 as more land becomes available, and recently completed infrastructure makes land more accessible to key distribution networks and trade gateways.

Projected population growth in Two Wells, Gawler and Roseworthy will provide opportunities to facilitate growth of the regions employment lands driving demand for more population serving activities. This, along with further investigations into the future development of the Greater Edinburgh Parks, present the greatest opportunities for the region to over the next 10 years.

Figure 11: Outer North employment land overview



Attachment A Council Decision 23 Sept 2019 Hicks and Leinad Land



**Adelaide
Plains
Council**

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Mallala SA 5502
PO Box 18
Mallala SA 5502

Tel – 08 8527 0200
Fax – 08 8527 2242
info@apc.sa.gov.au
apc.sa.gov.au

ABN – 58 384 968 672

D19/50876

24 October 2019

BH and SA Hicks Pty Ltd
Mallala Road
TWO WELLS SA 5501

Dear Mr Hicks

In-Principle Council Support for North East Two Wells Expansion – Hicks Group

As you are aware, *Environment and Food Production Areas (EFPAs)* were introduced through the *Planning, Development and Infrastructure (PDI) Act 2016* to prohibit the further subdivision of land for housing to protect vital food and agricultural lands. The majority of the Adelaide Plains Council area is located within an EFPA and the effect of this legislation is to restrict land divisions for residential development to Council's main townships (Two Wells, Mallala and Dublin) and a number of other existing settlements only.

At an Informal Gathering on 25 March 2019, planning consultant Grazio Maiorano of URPS presented to Council Members on behalf of the Hicks Group in relation to the potential urban rezoning of land adjoining the Two Wells township in the medium to long term. The urban rezoning could facilitate approximately 850 new dwellings together with an appropriate level of recreation, open space and community facilities.

As you are aware, an amendment to the EFPA boundaries will be necessary before a potential rezoning and future development application can be progressed for this development proposal.

Following a formal request by the Hicks Group, as well as a separate request from Leinad Land Developments (Dublin) Pty Ltd, regarding a potential expansion of the Dublin township, Council at its Ordinary Meeting on 23 September 2019, resolved as follows:-

Item 21.5: Environment and Food Production Areas

Moved Councillor Maiolo Seconded Councillor Lush 2019/412

“that Council, having considered Item 21.5 – Environment and Food Production Areas, dated 23 September 2019, receives and notes the report and in doing so authorises the Chief Executive Officer to:-

- 1) progress the review of relevant strategic holdings that are currently impacted by the Environment and Food Production Areas legislation with the Department of Planning, Transport and Infrastructure and the State Planning Commission as part of the 5 yearly review of the Planning, Development and Infrastructure Act 2016 (Section 7).*
- 2) provide in-principle letters of support to Leinad Land Developments (Dublin) Pty Ltd and the Hicks Group to enable both parties to advocate for boundary changes to the*

Environment and Food Production Areas and allow the future progression of long term rezoning objectives as outlined in Attachments 1 and 2 to this Report.”

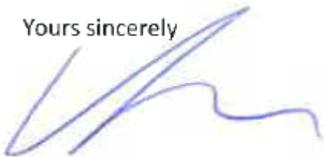
CARRIED UNANIMOUSLY

As per Council Resolution 2019/412 above, Adelaide Plains Council is pleased to provide in-principle support to the Hicks Group to advocate for boundary changes to the EFPA to allow for the future progression of long term rezoning objectives for the North East Two Wells expansion.

Subject to availability, Council staff will be keen to attend meetings with Grazio Maiorano of URPS and the Department of Planning, Transport and Infrastructure to progress this matter.

If you require any further information, please contact Rob Veitch, General Manager Development and Community on [REDACTED] or [REDACTED]

Yours sincerely



James Miller
Chief Executive Officer

D19/50832

24 October 2019

Mr Daniel Palumbo
Leinad Land Developments (Dublin) Pty Ltd
55 Stanbel Road
SALISBURY PLAINS SA 5109

Dear Mr Palumbo,

Dublin Township Expansion – Leinad Land Developments

As you are aware, *Environment and Food Production Areas (EFPAs)* were introduced through the *Planning, Development and Infrastructure (PDI) Act 2016* to prohibit the further subdivision of land for housing to protect vital food and agricultural lands. The majority of the Adelaide Plains Council area is located within an EPA and the effect of this legislation is to restrict land divisions for residential development to Council's main townships (Two Wells, Mallala and Dublin) and a number of other existing settlements only.

The potential expansion of the Dublin township was previously supported by Council back in 2014, when Leinad Land Developments proposed a developer-led Development Plan Amendment (DPA) to rezone land to the south of Dublin for residential purposes. Council endorsed the DPA together with a Funding Deed to finance the DPA. However, the DPA Statement of Intent (SOI) was rejected by the then Minister for Planning, the Hon. John Rau, on 20 February 2015 as the proposals were not considered to be in accordance with the State Planning Strategy at that time.

The DPA was intrinsically linked to a proposal for the construction of a local shopping centre at Dublin comprising 1700 square metres of gross floor area, including a small supermarket and five speciality shops. Development Plan Consent was granted for the shopping centre on 12 November 2015 and the operative period of this Development Plan Consent remains 'live' until 4 August 2020.

Since the granting of the Development Plan Consent and the rejection of the DPA, the introduction of the EPA legislation through the 2016 PDI Act has prevented any further progress on the development proposals from occurring.

As per Council Resolutions 2019/323 and 2019/412 above, Adelaide Plains Council is pleased to provide in-principle support to Leinad Land Developments to advocate for boundary changes to the EFPA to allow for the future progression of long term rezoning objectives for the expansion of the Dublin township.

If you require any further information, please contact Rob Veitch, General Manager Development and Community on [REDACTED] or [REDACTED]

Yours sincerely



James Miller
Chief Executive Officer

Form Information

Site Name PlanSA

Site Id 578867

Page Request to vary Environment and Food Production Area boundaries
Standard Name

Page 823328

Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries

Submission Id 877969

Id

Submission Time 29 Jul 2021 2:44 pm

Submission IP Address

Contact and land details

Your Name and contact details

Name: Meri Tsimiklis

Postal Address:

Phone Number:

Mobile Number:

Email:

Subject land details

Street Address (or rural property address, if relevant): Lot 1387 Angle Vale Road, VIRGINIA SA 5120

Allotment ID: Lot 11 Sec 3010 DP 6133 Hd of Munno Para

Owners: Nick Tsimiklis, Paul Yfantidis

Requested variation details

Details of requested variation: Property has two owners and one title and needs to be subdivided to allow for two titles. The property has had the same owners for 47 years. Each of the owners have three children each. When the time comes to hand the property down to the next generation, there will be great difficulty between all six children if the property still sits under one title despite having two owners. Subdividing into two titles will ease this transition.

Additional supporting information: Council has advised changing the EFPA boundary is the only option to allow for subdivision. Both title owners would like to see subdivision go ahead.

Supporting document: No file uploaded

Map of requested variation

Map or diagram to support submission: EFPA_boundary_change_application_29072021_lot12.pdf, type application/pdf, 164.7 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period? Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

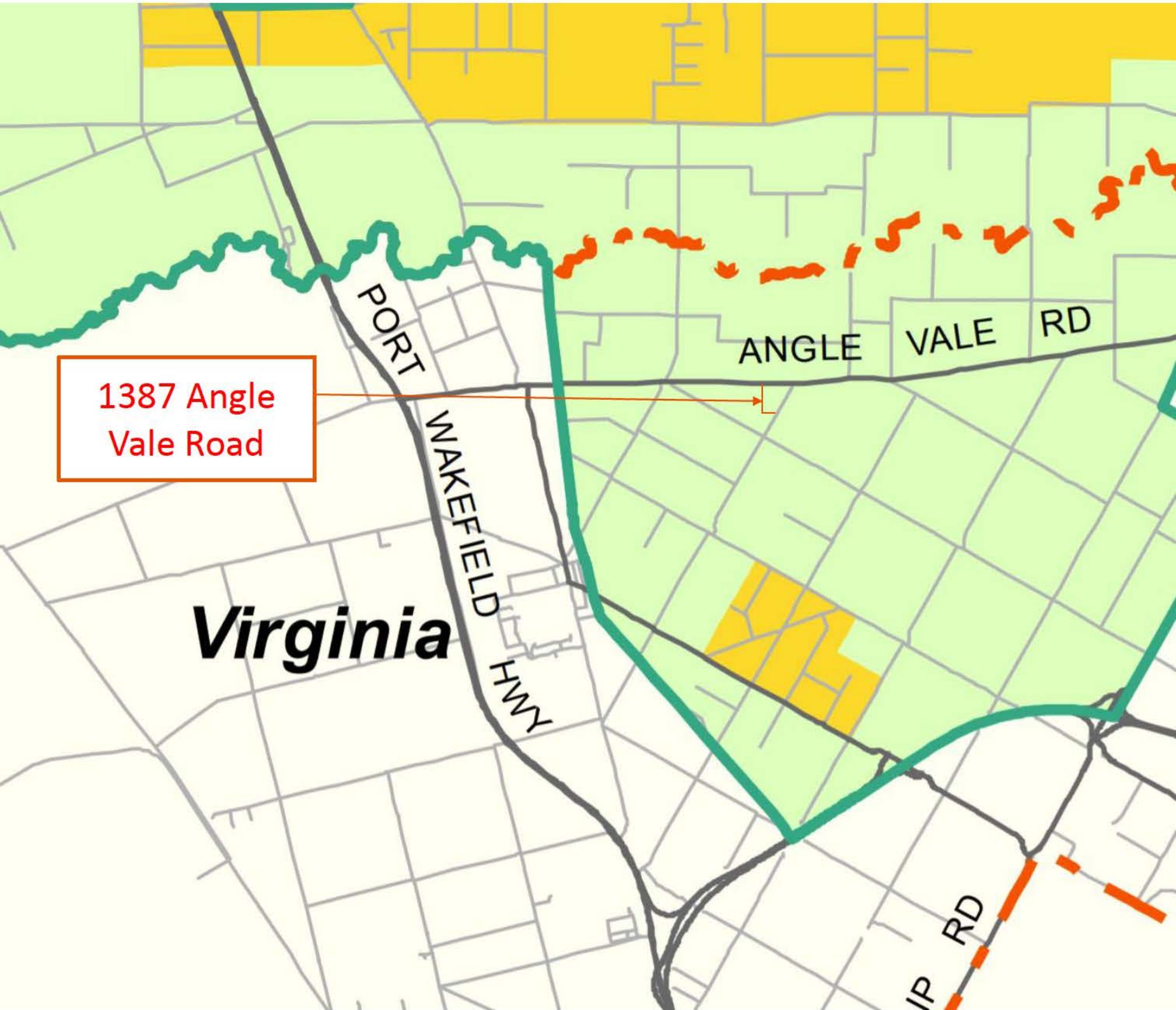
Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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1387 Angle
Vale Road

Virginia

PORT
WAKEFIELD
HWY

ANGLE VALE RD

IP
RD

Form Information

Site Name PlanSA

Site Id 578867

Page Request to vary Environment and Food Production Area boundaries

Standard

Name

Page 823328

Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound

Submission 878158

Id

Submission 29 Jul 2021 7:53 pm

Time

Submission 

IP Address

Contact and land details

Your Name and contact details

Name:

Craig Rowe of C L Rowe and Associates Pty Ltd

Postal Address:



Phone Number:



Mobile Number:



Email:



Subject land details

Street Address (or rural property address, if relevant):

7 Miami Boulevard, Middleton

Allotment ID:

Certificate of Title Volume 5408 Folio 365

Owners:

Grant Broadbridge

Requested variation details

Details of requested variation:

The zoning of the subject land was erroneously amended by Alexandrina Council (from Rural Fringe to Primary Productio) in 2014. This effectively led to the land being included in the EFPA. Refer attached submission.

Additional supporting information:

Supporting document:

Broadbridge_submission.pdf, type application/pdf, 326.1 KB

Map of requested variation

Map or diagram to support submission:

No file uploaded

Public hearing

Do you wish to appear in person to discuss your submission with the State

Yes

Planning Commission at a public hearing following the close of the submission period?:

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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ENVIRONMENT AND FOOD PRODUCTION AREA INQUIRY

1. PROPONENT

Grant Broadbridge

2. SUBJECT LAND

Allotment 134 (F166508), number 7 Miami Boulevard, Middleton (Certificate of Title Volume 5408 Folio 365).

Aerial photograph 1: Subject land



Aerial photograph 2: Subject land, locality and EFPA boundary



3. PROPOSAL

The subject land be removed from the Environment and Food Production Area (EFPA) so as to afford the opportunity for a Code Amendment to address a previous erroneous zone amendment by Alexandrina Council.

4. PROPOSAL RATIONALE

It is acknowledged that the Commission's Statement of Position concluded that there is sufficient land supply in Greater Adelaide to support housing and employment growth over the next 15 years; and that any proposed variation to the EFPA needs to be "trivial in nature and address a recognized anomaly".

The following information is presented to demonstrate that the subject proposal will address a recognised and/or existing anomaly.

- The subject land comprises only approximately 17.5 hectares; and lies directly adjacent the established residential development in Newell Avenue and Boettcher Road at Middleton.
- According to the report *"Agricultural Significance Assessment for Selected Inner Region Townships"*, as prepared by Primary Industries and Resources SA, Development and Planning Policy Unit, in March 2004, the subject land was assessed as having *"moderate/low (marginal) production potential and/or requiring very high specialized management practices"*.
- For three or more decades (circa 1980 - 2014) the subject land was zoned "Rural Fringe", the provisions of which set the land aside for future urban development; and opposed any form of land use which would jeopardise the achievement of this objective.
- Presumably the previous "Rural Fringe" Zone was in place to facilitate the future planned extension of the township of Goolwa. This is evident given the three (3) road connections between the subject land and Newell Avenue (i.e. Ian Avenue, Gawler Avenue and Miami Boulevard).
- In May 2014 the zoning of the subject land and several neighbouring properties were inexplicably changed to "Primary Production" as part of Alexandrina Council's BDP Development Plan Amendment. As a consequence the subject land is now zoned "Rural" Zone. The rezoning in 2014 was considered to be an error as the provisions of the then "Primary Production" Zone did not reflect the true land use capabilities of the subject land.

Furthermore, three other "Rural Fringe" zones which existed within the council area at that time were converted to "Deferred Urban", the provisions and objectives of which were basically identical to the provisions of the previous "Rural Fringe" Zone. The rezoning undertaken in 2014 was erroneous and illogical.

- Alexandrina Council has acknowledged that the zone amendment which was effected in 2014 was inappropriate.
- The subject land needs to be removed from the EFPA to facilitate the passage of a Code Amendment which is required to remedy the existing anomaly which was created by the previous erroneous zone amendment.

- The proposal to exclude the subject land from the EFPA is considered to be trivial, given the size and physical condition of the subject land; the proximity of the subject land to long-established adjacent residential development and the EFPA boundary; the minor variation required to the existing EFPA boundary; and the likely positive land use outcomes.

As for the Commission's finding that there is ample supply of land to meet the anticipated growth over the next 15 years, it is suggested that this should be reviewed in light of the following.

- The "Land Supply Report for Greater Adelaide" (the Report) is based on old and unreliable census data; and flawed assumptions regarding the future growth of the township of Goolwa.
- A recent change in attitude by Alexandrina Council has resulted in the previous proposal to accommodate urban growth at North Goolwa being terminated. As a consequence, thousands of additional allotments/dwellings earmarked for the "Future Urban" growth area adjacent the township of Goolwa, as anticipated in the Report, will not be developed. This change in circumstances should be addressed immediately, given the likely direct impact upon land availability in the Fleurieu Peninsula over the next 15 years. Furthermore, the review of land stock should be undertaken on a regional basis, taking into account the different characteristics; demographic trends; availability of land; housing/land demand; and local circumstances within the individual regions.
- The removal of the subject land from the EFPA, as requested, may potentially result in the availability of a small alternative site to accommodate some future residential or rural living development near the township of Goolwa. This would compensate (to a small degree) the loss of the aforementioned future urban growth opportunity at North Goolwa.

Form Information

Site Name PlanSA

Site Id 578867

Page Request to vary Environment and Food Production Area boundaries
Standard Name

Page 823328
Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries

Submission Id 858748

Submission Time 15 Jul 2021 2:45 pm

Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: Graham Burns

Postal Address:

Phone Number:

Mobile Number:

Email:

Subject land details

Street Address (or rural property address, if relevant):

N/A. See Allotment ID.

Allotment ID:

CR 5725 760. CR 5812 37. CT 5113 23. CT 5199 163. CT 5216 398. CT 5216 399. CT 5379 671. CT 5380 691. CT 5380 692. CT 5408 365. CT 5413 929. CT 5527 651. CT 5588 178. CT 5956 239. CT 6203 515. CT 6203 563.

Owners:

Alexandrina Council. Allan Langham. Allworth Pty Ltd. Alwin Traeger. Ann-Marie Bailetti. Beverley Traeger. Daniel Smith. Glen Traeger. Ian Broadbridge. Kallan Dennis. Kathryn Smith. Meridi Stanley. Paul Barry. South Australian Water Corporation. Tanya Traeger. Teresa Langham. The Crown.

Requested variation details

Details of requested variation:

The EFPA boundary variation applies to land located south of the Goolwa to Port Elliot Road. These parcels are located between Goolwa and Middleton, and are centred on Tokuremoar Reserve. They include the Fleurieu Regional Waste Authority waste and recycling depot at 1226 Port Elliot Road Goolwa operated by Alexandrina Council, and a commercial and quarrying enterprise owned and operated by Traeger's Earthmoving and Transport at 1118A Port Elliot Road Middleton. The EFPA boundary applying to this land is clearly an anomaly because none of the land is used for agricultural purposes. It is furthermore not suitable for agricultural purposes, according to a recent report prepared by T Prance Rural Consulting for Allworth Pty Ltd, the owner of Allotments 11 and 12 with frontage to the Goolwa to Port Elliot Road and Boettcher Road Middleton. T Prance Rural Consulting's land capability analysis is attached. Amending the EFPA boundary to follow the Goolwa to Port Elliot Road would unlock the potential to enlarge, protect and conserve the entire wetlands and associated native vegetation communities surrounding Tokuremoar Reserve. This entire reserve would be in public ownership, and opened up to the community with associated trails, boardwalks and interpretive signs. It would be comparable to Basham Beach (Ratalang) Reserve between Middleton and Port Elliot. A plan comparing the enlarged Tokuremoar Reserve with Basham Beach (Ratalang) is provided in Step 3 of this submission. A vision for the development of a regional conservation park with sustainable living has been prepared by MasterPlan SA Pty Ltd in association with Ian Robertson Design and is provided in Step 3 of this submission. The vision anticipates larger, rural living type allotments adjacent to Goolwa – Port Elliot Road, with a dense band of landscaping to screen development from the road. Beyond these rural living allotments would be large lot, coastal housing allotments developed to standards achieved at "Beyond" at nearby Hayborough. Like Beyond, all housing would be low density and low impact, with a sensitive interface created between housing and open space reserves, including low open fencing to allow for an outlook to the wetlands and

shared pedestrian and cycle paths, all in a landscaped setting. Further development of this land will require the preparation of a Code Amendment. This process has commenced with a formal approach to the Chief Executive Officer of Alexandrina Council to undertake preliminary consultation in accordance with State Planning Commission Practice Direction 2 - Preparation and Amendment of Designated Instruments.

Additional supporting information:

N/A.

Supporting document:

No file uploaded

Map of requested variation

Map or diagram to support submission:

Area_Affected_Plan.pdf, type application/pdf, 1.3 MB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?: Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name: Brendan Le Poidevin

Address: [REDACTED]

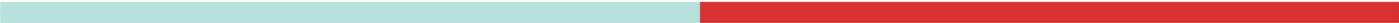
Phone number: [REDACTED]

Mobile number: [REDACTED]

Email: [REDACTED]

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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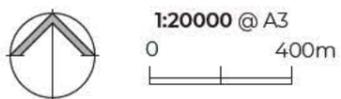




 Area Affected
 Environment and Food Production Area

Area Affected Plan
EFPA REVIEW

MIDDLETON



Cc: Graham Burns [REDACTED]
Subject: EFPA Review Submission (ID 858748)

Good afternoon,

I am contacting you on behalf of Graham Burns.

Graham and I sent through a submission for the EFPA Review this afternoon. Submission ID 858748.

Could the following documentation please be incorporated into the submission?

 [Concept Plans.pdf](#)

 [Land Capability Report.pdf](#)

The documentation supports our submission, and includes Concept Plans and an Agricultural Assessment of the area affected.

Thank you.

Kind regards,
Brendan Le Poidevin
8193 5600

MASTERPLAN
TOWN + COUNTRY PLANNERS SINCE 1977

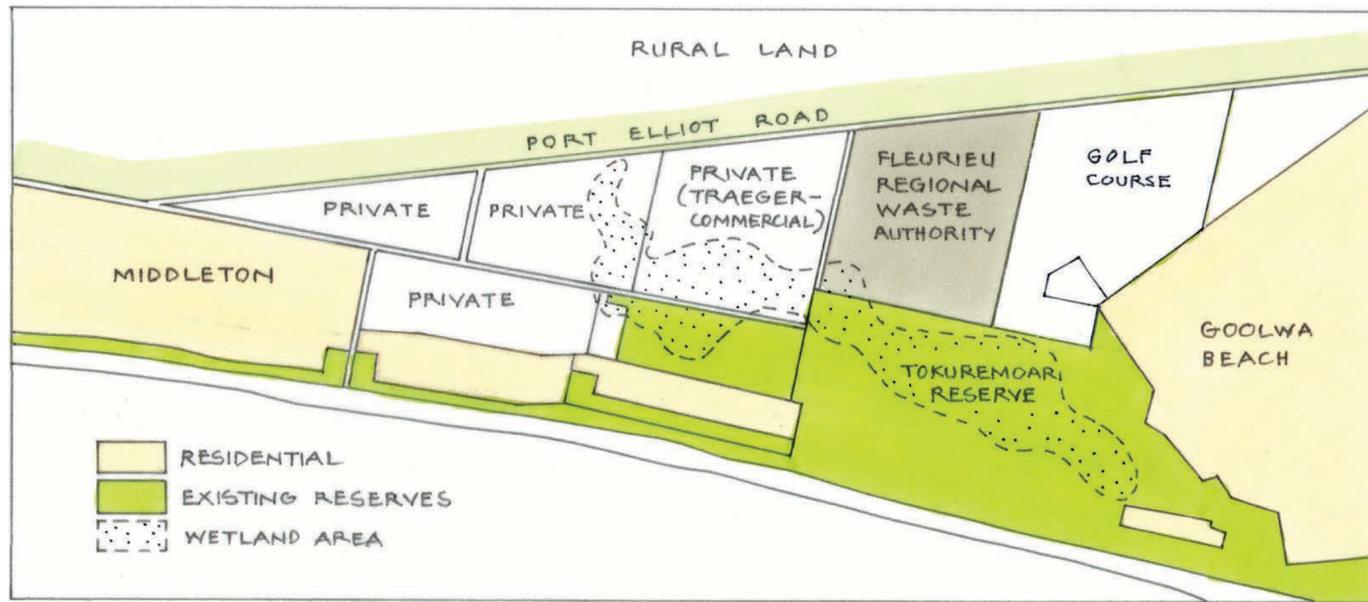
SA | NT | QLD
33 Carrington Street
Adelaide SA 5000

P: 08 8193 5600

[Website](#) | [Facebook](#) | [LinkedIn](#)



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EXISTING LAND USE CONDITIONS

- Vacant land parcels south of Port Elliot Road have unresolved future use potential.
- Low value land for agricultural use.
- Scrub and wetland areas in private ownership have no public access.
- Traeger land has commercial development and a quarry with poor visual amenity from Port Elliot Road



HOUSING CHARACTER AND LANDSCAPE TREATMENTS

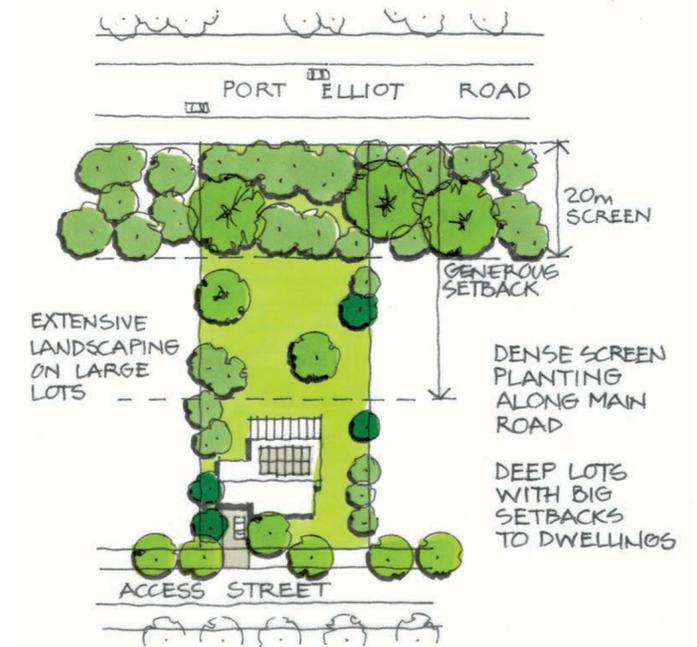
- Inspired by the award winning "Beyond" development at Chiton, new housing will be low impact and sustainable with a contemporary coastal character.
- Port Elliot Road will maintain its existing rural character with continuous dense roadside planting: a 20 metre wide buffer will screen new development.
- Rural living lots (2000/3000m²) behind the Port Elliot Road planting buffer will have big set-backs to houses as a transition between rural and residential. No access to the main road.
- All dwellings to be of sustainable, energy efficient design on large allotments with scope for extensive landscaping.
- Like "Beyond", a sensitive interface between housing and park areas with low open fencing will provide an outlook to wetlands and shared pedestrian/cycle paths in a landscaped setting.



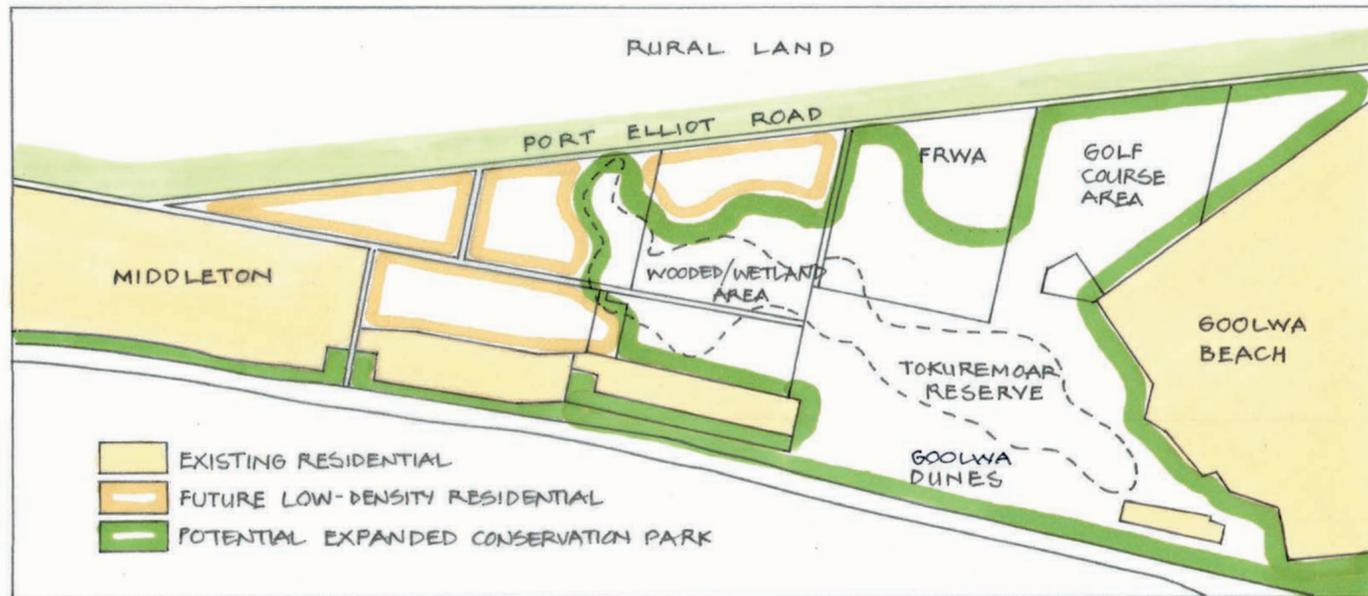
Dense planting along Port Elliot Road acts as a screen for development to the south.



View of the "Beyond" wetlands from the public pedestrian/cycle path.



Rural living lots along Port Elliot Road provide a transition between rural and residential uses.



A VISION FOR FUTURE LAND USE

- Regional Conservation Park with coastal scrub and wetlands, walking-trails, boardwalks, bird hides and educational interpretive signage. (The Aldinga Scrub and St Kilda Mangroves are examples of what can be achieved).
- Potential for the removal of the Traeger commercial buildings and remediation of quarry.
- Large areas if vacant private land would be given over to public space with the preservation of existing wetland and wooded areas, greatly increasing the conservation park area.
- Low density, low impact housing in keeping with the coastal landscape.



Examples of sustainable housing at "Beyond" with a coastal architectural character.



CONCEPT FOR A REGIONAL CONSERVATION PARK WITH SUSTAINABLE LIVING AT MIDDLETON EAST



CONCEPT FOR A REGIONAL CONSERVATION PARK WITH SUSTAINABLE LIVING AT MIDDLETON EAST

ALLWORTH PTY LTD

29th June 2021

Allworth Pty Ltd

Attention: Graeme Gibson
Property Development Manager
PO Box 296
Marden 5070

Re Land capability for agricultural land use. Allotments 11 and 12, put section 2255. Hd Goolwa. Area 16.4 ha

Dear Graeme,

On June 29th I walked over and inspected all the above parcel of land, on the corner of Boettcher Road and the Port Elliot Road.

This parcel of land is currently used for horse grazing.

Topography is flat to undulating.

Climate. Average annual rainfall 460mm (Goolwa Council depot 3km NE) which mostly falls from May to October. Located 500m north of Goolwa/Middleton Beach and therefore subject to salt laden winds coming from the SE to SW direction.

Soils are mostly of a sandy texture, with a limestone sub soil and occasional limestone outcrops. Depth of soil varies from 2-3 cm to 8-10 cm. Some of the sands are non-wetting.

Pastures. Kikuyu, annual grasses, medic and some perennial weedy plants.

Features

- 4 ha significant saline wetland (marked 6A and 6B on the map) growing tea tree, sea barley grass and ruby salt bush
- Small area (1 ha) of a black clay loamy soil. marked 9 on the map.
- House and yards 0.6 ha marked 11 on the map
- a rehabilitated quarry area of 0.5 ha which is quite sandy with rather steep sides (marked 8 on the map)
- a degraded old yard area of 0.3 ha with sandy soil and marked 4 on the map
- 1 ha horse training/exercise arena 1 ha (marked 2 on the map) which is partially gravelled

There appears to be no ground water.

Summary

Allotments 11 and 12 are a small land parcel with only 10 ha of useable land if the saline wetland, house and yards and horse training area are excluded.

This 10 ha would be considered class 4 land capability (refer Appendix A), except for a small 1 ha patch of class 2 land capability (refer area 9 on the map).

I consider the land will only be suited for extensive broadacre grazing purposes. It will not be suited to dryland broadacre agricultural cropping due to sandy nature of the soil, limestone outcrops and undulating topography.

The land will also not be suited to horticultural activities, either intensive or non-intensive, due to sandy shallow soil, closeness to saline winds from the ocean and lack of ground water.

The usable land will be capable of carrying between 6 and 8 dse/ha or a total of 60-80 dse which is way under a viable agricultural unit of a minimum 500 dse (dry sheep equivalents)

In addition, the land cannot be easily added to an existing commercial land parcel due to main Victor Harbor to Goolwa Road (Port Elliot road) running along the northern boundary, and the presence of houses to the west and south and the Fleurieu Waste Management Authority to the east.

Yours sincerely



Tim Prance

Consultant, Pastures and Grazing Systems
T Prance Rural Consulting, Box 1439, Victor Harbor 5211
ph 0427 812655
t.prance@prance.net.au

Appendices

Appendix A Map showing the main features – *attached as a separate file*

- 1, 3, 5, 7 and 10. Brown sandy soils over limestone
2. Horse training and exercise area
4. Old yards
- 6A and 6B. Saline wet land
8. Rehabilitated quarry
9. Black clay loam (class 2 land or class 3 if moderately saline)
11. House and yards



Appendix B photographs



Photo 1 Point 5 on map
Landscape looking east from centre of
allotment



Photo 2
Close up at point 5



Photo 3
Close up at point 3 on map



Photo 4
Old quarry area point 8 on map



Photo 5
Saline wet area at point 6A on
the map

Appendix C

Land class classification system

Class 1: very few physical limitations which are easily overcome; risk of land degradation is negligible.

Class 2: minor physical limitations affecting either productive land use or risk of degradation; limitations can be overcome by careful planning.

Class 3: moderate physical limitations significantly affecting productive land use or risk of degradation; careful planning and conservation measures are required.

Class 4: high degree of physical limitation not easily overcome by standard development techniques or resulting in high risk of degradation; extensive conservation measures and careful ongoing management are required.

Class 5: severe limitations; use is usually prohibitive in terms of development costs or the associated risk of degradation.

Form Information

Site Name PlanSA
Site Id 578867
Page Request to vary Environment and Food Production Area boundaries
Standard Name
Page 823328
Standard Id
Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries
Submission Id 878379
Submission Time 30 Jul 2021 10:41 am
Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: Michelle Westley
Postal Address: [REDACTED]
Phone Number: [REDACTED]
Mobile Number: [REDACTED]
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): 13 Willyaroo Road Willyaroo SA 5255
Allotment ID: Volume 5118 Folio 818 Allotment 5 of Filed Plan 102057 Hundred of Bremer
Owners: Jamie John Westley and Michelle Louise Westley

Requested variation details

Details of requested variation: We would like to have our property rezoned to Rural.

Additional supporting information:

Supporting document: No file uploaded

Map of requested variation

Map or diagram to support submission: Map_of_our_property_2.PNG, type image/png, 75.5 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period? Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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Wilyaroo Rd

Langhorne Creek Rd

Hillside Rd

Hillside Rd

Lines Rd

Lines Rd

Lines Rd

Lines Rd

Lines Rd

B45

h

alth

July 30, 2021

Ms Helen Dyer
Chairperson
State Planning Commission
Via Plan SA Portal (Have Your Say)

Dear Helen,

REQUEST TO VARY ENVIRONMENT & FOOD PROTECTION AREA BOUNDARY IN MOUNT COMPASS

We act for Mount Compass Sand and Loam ("MCSL").

MCSL have engaged us to review the Environment and Food Production Areas Review ("EFPA Review") in the context of their existing operation and the township of Mount Compass.

Context

MCSL mines, mixes and supplies sand and loam to the building, landscape and local government sectors.

MCSL is located at 95 Sand Mine Road, Mount Compass as identified in figure 1 below.

Figure 1 *Mount Compass Sand and Loam*



A number of mining activities occur on the land including two tenements (EML 5521 and 5199) that are noted as 'Strategic extractive quarries in the Greater Adelaide region' in Table 1 of the July 2015 Department of State Development ("DSD") document entitled '*Identification of strategic mineral resource areas in South Australia*'. This is part of the DSD and Department of Planning, Transport and Infrastructure's Resource Area Management and Planning ("RAMP") project aiming to maintain access to long-life valuable extractive resources and minimise potential conflicts between incompatible land uses.

EFPA Tests

The EFPA boundaries may be varied only under certain circumstances. These circumstances are referred to as the Three Point Test and are set out under section 7(3) of the Act as follows:

If the Commission is satisfied, that:

Test 1: an area or areas within Greater Adelaide outside environment and food production areas are unable to support the principle of urban renewal and consolidation of existing urban areas; and

Test 2: adequate provision cannot be made within Greater Adelaide outside environment and food production areas to accommodate housing and employment growth over the longer term (being at least a 15-year period); or

Test 3: that the variation is trivial in nature and will address a recognised anomaly.

In our opinion, MCSL clearly isn't a valuable food production activity nor a prized natural landscapes, tourism or environmental resource and is therefore an anomaly. Accordingly, it should be excluded from the EFPA.

Land Supply

We acknowledge that as a result of this Review, Tests 1 and 2 in Section 7(3)(a) of the PDI Act have been deemed by the State Planning Commission to not be satisfied on the basis there is sufficient supply of land within the whole of Greater Adelaide.

In our opinion, the test of land supply should not be confined to Greater Adelaide as a whole, with analysis of individual areas with Greater Adelaide a valid and relevant test.

In this context we observe that the Mount Compass Golf Course land has been the only significant supply of allotments over the last 15 years where allotments were effectively created to sustain the economic viability of the golf course operation.

In our opinion, supply and lifestyle choice is driving demand in Mount Compass where the 80 lots approved between 2015-2019 (i.e. 5 years) are likely to be taken up by the end of 2022. Affordability relevant to other locations in either the south or the Fleurieu is also likely to be a key driver and an implication of constrained land supply in some markets.

In effect, Mount Compass really only has a 5 year supply of development ready land. The future urban growth area (zoned 'Deferred Urban') could provide a further 5 years of supply however only if the current land owner is willing to rezone, create and offer allotments to the market.

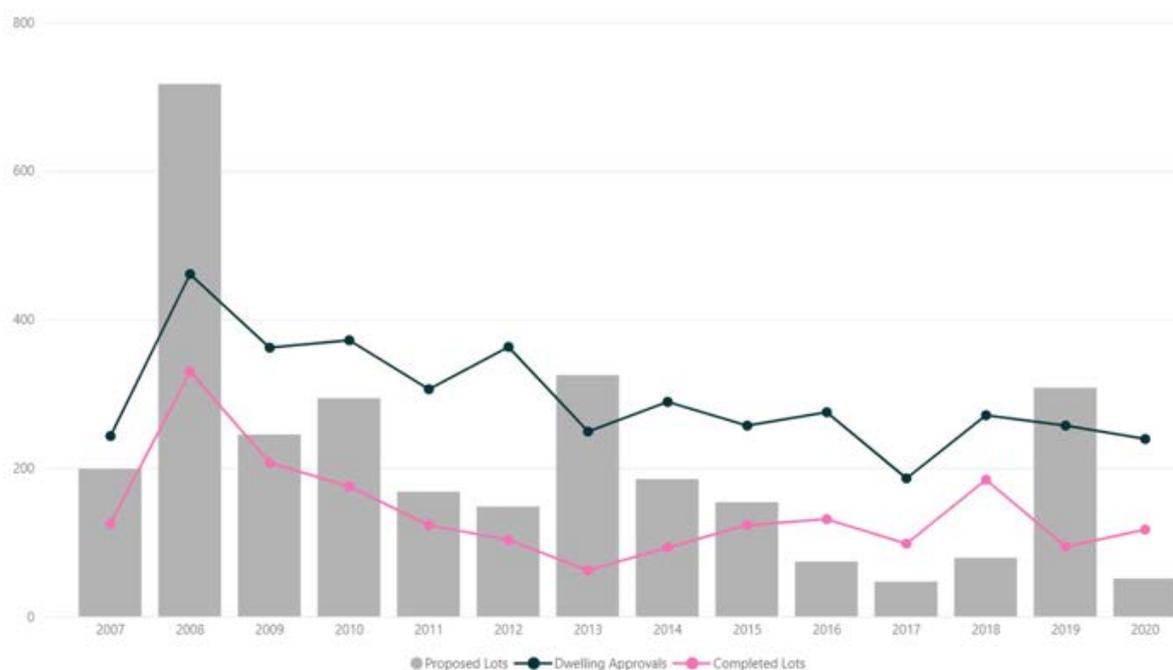
Such a process could take at least 3 years further constraining supply.

In our opinion, there is insufficient supply of land to support housing in the township for the next 15 years. The current zoning reflected in the Planning and Design Code constrains future residential development opportunities hence there is a need for additional land to be rezoned for residential purposes. In addition, as pointed out in the Land Supply Report *“Future expansion of the township is currently constrained by the EFPA”*.

We note that the land supply indicators aren’t readily available for Mount Compass however are for Alexandrina Council as a whole.

The data for Alexandrina Council (below), shows that for at least the last 13 years, there has been more dwellings approved than allotments created. This indicates that supply is not keeping up with consumption and in turn, is depleting the amount of available supply. This also supports the position that demand in Mount Compass is being constrained by supply.

Figure 2 *Land supply pipeline indicators for Alexandrina Council*



Summary

In consideration of all the above, it is clear that the EFPA boundary must be varied to:

- Assist in the provision of adequate land to accommodate housing growth over the longer term where MCSL is a logical opportunity that will also improve existing residential interfaces;
- Address a recognised anomaly where MCSL clearly isn’t a valuable food production activity nor a prized natural landscapes, tourism or environmental resource.



In addition, the land is not located within the Character Preservation District.

Yours sincerely,

A handwritten signature in black ink that reads "Chris Vounasis".

Chris Vounasis
Managing Director

Site Name PlanSA
Site Id 578867
Page Request to vary Environment and Food Production Area boundaries
Standard Name
Page 823328
Standard Id
Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries
Submission Id 878555
Submission Time 30 Jul 2021 2:23 pm
Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: Craig Rowe of C L Rowe and Associates Pty Ltd
Postal Address: [REDACTED]
Phone Number: [REDACTED]
Mobile Number: [REDACTED]
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): Allotment 2 (D86018) 358 Mount Magnificent Road, Mount Magnificent
Allotment ID: CT Volume 6088 Folio 365
Owners: John Lewis

Requested variation details

Details of requested variation: Mr Lewis has lived his whole life (68 years) on the subject land but is now too ill to continue farming. He needs to sell the farm to paydown debt. The farm is under one title. Mr Lewis would like to retain his home of 68 years so that he can avoid the trauma of having to purchase another dwelling and move from his life-long home/property. To remain on the subject land he would have to divide off the farm house and create a "farm" allotment which could not accommodate another dwelling. This would adversely affect the value of his property; and there is little interest in the market for a farm property which could not accommodate a dwelling. In addition, the existing neighbours have no interest in expanding their holdings. It is requested that the Commission give consideration to reviewing the current provisions of Section 7 of the Planning, Development and Infrastructure Act 2016, to determine whether "special circumstance" provisions can be introduced which will specifically afford long-term farmers the opportunity to retain their home by way of a land division to create an additional allotment (say 1 hectare in area) around the long-existing farm dwelling. I appreciate that this request may be outside of the scope of the current inquiry.

Additional supporting information:

Supporting document: No file uploaded

Map of requested variation

Map or diagram to support: No file uploaded

submission:

Public hearing

Do you wish
to appear in
person to
discuss your
submission
with the
State
Planning

No

Commission
at a public
hearing
following the
close of the
submission
period?:

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

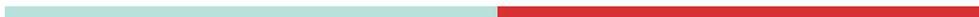
Phone
number:

Mobile
number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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Site Name PlanSA

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Page Request to vary Environment and Food Production Area boundaries
Standard Name

Page 823328

Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound

Submission 878427

Id

Submission 30 Jul 2021 11:27 am
Time

Submission [REDACTED]

IP Address

Contact and land details

Your Name and contact details

Name: Glenn Searle

Postal Address: [REDACTED]

Phone Number: [REDACTED]

Mobile Number:

Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): Mount Barker District Council

Allotment ID: N/A

Owners: N/A

Requested variation details

Details of requested variation: Council supports the EFPA review being restricted to those areas meet Test 3. Council's main concern is the use of 2016 Census data which does not reflect current, on ground realities as experienced by Council. Council invites the Commission to work with Council to provide current land division, dwelling approval and vacant employment land supply data.

Additional supporting information:

Supporting document: Signed_letter_-_EFPA_review_-_July_2021.pdf, type application/pdf, 66.1 KB

Map of requested variation

Map or diagram to support submission: No file uploaded

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?: Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name: Glenn Searle
Address: Mount Barker District Council, 6 Dutton Road Mount Barker
Phone number: [REDACTED]
Mobile number:
Email: [REDACTED]

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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MOUNT BARKER
DISTRICT COUNCIL

Reference: DOC/21/123130

30 July 2021

Helen Dyer
Chair, State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

Dear Ms. Dyer

RE: Environment and Food Production Areas Review

Thank you for the opportunity to provide feedback on the Environment and Food Production Areas (EFPA) review. Council supports the purpose of the EFPA, which protects our valuable agricultural land from urban development. As you would be aware, the Mount Barker District Council has in excess of 30 years of greenfields residential land supply. On this basis, we are pleased to see that the inaugural review of the EFPA has recommended that the boundaries are not shifted.

However, Council has concerns that the information contained in the land supply reports (both the Greenfields Land Supply and the Employment Land Supply), is derived from the 2016 Census and does not reflect the current on ground reality.

In terms of greenfields land supply, in the last 5 years, Council has noted a marked increase in the uptake of residential land, peaking with the introduction of the homebuilder grant. Council's dwelling approval stats along with modelling from Profile ID, shows that the Council is trending above the high growth scenario outlined in the Greenfield Land Supply Report. Council is concerned that if this current data is not used then the planning and timing for vital infrastructure will not be prioritised.

In regards to the Employment Land Supply Report Council is disappointed that the Adelaide Hills region, and more importantly the Mount Barker District, is not covered in detail. Furthermore, the figures quoted for the Adelaide Hills District do not reflect the current supply of vacant employment land which we know to be far higher.

Council is happy to work with the Commission to provide dwelling and land division approval data as well as modelling to ensure that these reports have current information available. Should you wish to discuss this matter further contact Glenn Searle, Senior Strategic Planner on 83917291.

Yours Sincerely,

Marc Voortman

General Manager, Planning and Development



Urban & Regional Planners
Local Government Consultants

PO Box 573
Goolwa SA 5214

t: 0430 348 377
e: clowe@internode.on.net

27 July 2021

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

Dear Sir/Madam

Re: Environment and Food Production Area Inquiry

I act on behalf of a number of persons who own various parcels of land at Mentone Road, Waterport Road and Brickyard Road, Chiton.

It is noted that the State Planning Commission has concluded that there is sufficient land supply in Greater Adelaide to support housing and employment growth over the next 15 years; and that it requires that any proposed variation to the EFPA needs to be "trivial in nature and address a recognized anomaly".

It is considered that the inclusion of the subject land within the Environment and Food Production Area (EFPA) is an anomaly which should be addressed and rectified.

The following information is provided in support of the above assertion.

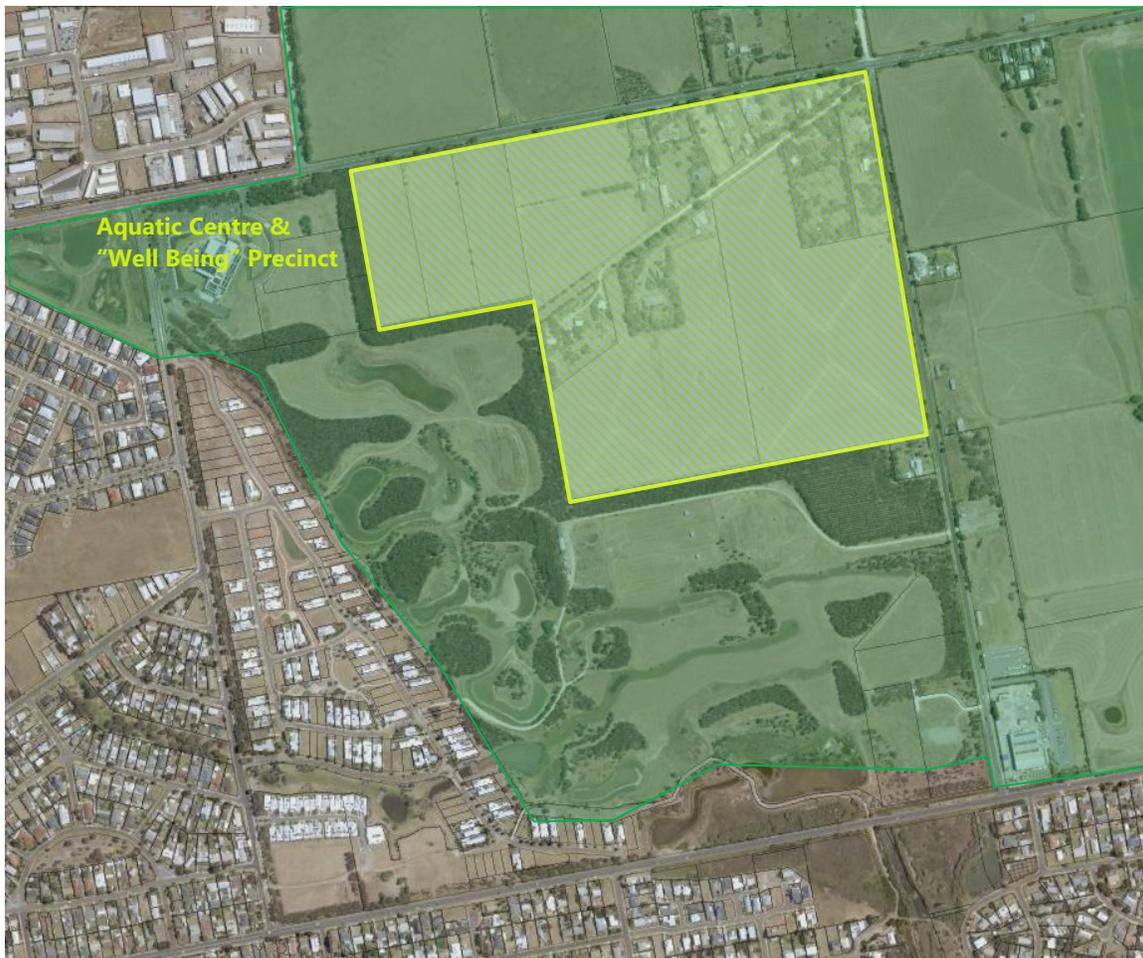
1. Subject land

The subject land is approximately 38.7 hectares in area and comprises the following.

- Allotment 10 Waterport Road, Chiton (CT Volume 5931 Folio 456).
- Allotment 11 Waterport Road, Chiton (CT Volume 5911 Folio 43).
- Allotment 12 Waterport Road, Chiton (CT Volume 5911 Folio 44).
- Numbers 247 – 253 Waterport Road, Chiton (CT Volume 5481 Folio 307).
- Numbers 259 – 261 Waterport Road, Chiton (CT Volume 5393 Folio 519).
- Numbers 263 – 267 Waterport Road, Chiton (CT Volume 5071 Folio 799).
- Numbers 269 – 289 Waterport Road, Chiton (CT Volume 5986 Folio 20).
- Number 9 Mentone Road, Chiton (CT Volume 5133 Folio 494).

- Number 10 Mentone Road, Chiton (CT Volume 5571 Folio 680).
- Number 24 Mentone Road, Chiton (CT Volume 5549 Folio 119).
- Number 41 Mentone Road, Chiton (CT Volume 5913 Folio 37).
- Number 53 Mentone Road, Chiton (CT Volume 5986 Folio 18).
- Number 105 Brickyard Road, Chiton (CT Volume 5399 Folio 37).
- Allotment 860 Brickyard Road, Chiton (CT Volume 5547 Folio 453).

Aerial Photograph 1: Subject land and EFPA



2. Background

The subject land is currently zoned Rural Living (previously Primary Production Zone - Port Elliot West Rural Policy Area 10), wherein the minimum allotment size is 7.0 hectares.

In August 2014 Alexandrina Council considered the rezoning of the "Mentone Road East Precinct" (which included the subject land) and indicated "*support for rural residential allotments in the order of 0.4 – 1.0 hectare*". On the 16th November 2015 the Strategic Planning and Development Policy Committee of Alexandrina Council resolved to support the preparation of a developer funded Development Plan Amendment and Statement of Intent (SOI).

Further, at a meeting on the 1st February 2016, the Strategic Planning and Development Policy Committee resolved to receive and endorse the Statement of Intent for the "Mentone Road East, Hayborough, Rural Living Development Plan Amendment"; and forward the document to the Minister for Planning for consideration. This decision was supported (unanimously) by Council on the 15th February 2016.

In brief, the previous rezoning proposal sought to:

- facilitate the planned development of approximately 44 rural living allotments of a variety of sizes (minimum 4,000m²);
- maintain the open character of the locality;
- provide greater housing/living choices and a diversity of dwelling densities;
- establish an alternative to conventional residential allotments/estates;
- create a high standard rural living precinct with a distinctive character;
- provide walking and cycling paths/linkages with wetlands, open space areas and the regional aquatic centre;
- set aside open space areas (approximately 30% of the subject land), including wetlands and vegetation corridors;
- provide landscaping buffers/screen along Waterport and Brickyard Roads so as to provide a buffer between the proposed land use and the primary production use of the land to the north and east of the subject land;
- rezone land which was not identified as a "Potential area of primary production significance" within the initial version of the 30 Year Plan for Greater Adelaide (refer Map D11); and
- rezone land which had not been identified as a primary production priority area, as determined by Primary Industries and Resources SA (for Alexandrina Council) in 2011, given the existing impacts of neighbouring residential and rural living land uses.

In correspondence dated 17th August 2016 the then Minister for Planning (John Rau) rejected the SOI because it was considered to be inconsistent with the 30 Year Plan for Greater Adelaide and the provisions and restrictions of the PDI Act, as they related to the then newly introduced EFPA.

In October 2016 Alexandrina Council made a submission to the then Department of Planning Transport and Infrastructure regarding the review of the 30 Year Plan for Greater Adelaide. Council advised *"There are a number of inaccuracies in the Environment and Food Production Area map G17/2005..... Also the area surrounding the Fleurieu Aquatic Centre precinct should be included within the 'Planned Urban Lands' given the envisaged uses and existing zoning."*

3. Proposal

The subject land be removed from the EFPA so as to afford the opportunity for a future Code Amendment to reduce the specified minimum allotment size within the Rural Living Zone.

It is understood that the Alexandrina Council will be expressing its support for the subject proposal (and the proposed reduction in minimum allotment size) in its formal inquiry submission.

4. Proposal Rationale

4.1 Recognised Anomaly

The stated purpose of the EFPA is to protect vital agricultural lands surrounding metropolitan Adelaide from urban encroachment.

Alexandrina Council has previously supported amendments to the zoning of the subject land so as to enable a more intensive rural living land use. It is assumed that the primary reasons for this support included:

- the increasing impact that urban development (i.e. the "Beyond Today" estate, the regional aquatic centre; the Chiton Retirement Village, the proposed future "well being" precinct; the developing residential precincts to the west and south; and the Mitre 10 development to the east) has had upon the subject land and the character of the locality over recent years;
- the strategic location of the subject land, being close to the coast and the townships of Victor Harbor and Port Elliot, and at the interface with existing urban development;
- the realization that 7.0 hectare rural living allotments (as required by the current zone provisions) are no longer an appropriate or compatible use of land within the locality;

- the acceptance that the stock of rural living allotments within the southern part of the council area is low; and
- the acknowledgement that smaller rural living allotments, as proposed, are more in keeping with the rural living allotment sizes required elsewhere throughout the council area, and present (in planning terms) a more appropriate and acceptable transitional land use between the established urban and rural land uses within the locality.

The subject land comprises approximately 38.7 hectares of land which is divided into 14 independent rural living allotments of varying sizes and configurations. Given these circumstances and the changing character of the locality, the subject land is not considered to be vital and/or viable/productive agricultural land. This situation is unlikely to change if the subject land remains in the EFPA. Accordingly, the removal of the subject land from the EFPA should have no impact upon the current overall agricultural productivity of the EFPA.

In addition, the alignment of the EFPA boundary (in part) with Waterport and Brickyard Roads would provide a clearly defined physical boundary, as opposed to the existing situation which has the EFPA boundary aligned with obscure, ill-defined property boundaries which traverse wetland and/or areas of open natural landscape.

As for the neighbouring 64 hectares of wetland and native re-vegetation areas which adjoin the subject land to the west and south, it is suggested that this land could either remain in, or be removed from, the EFPA, whichever the Commission deems to be appropriate. Undoubtedly, the land in question is environmentally and ecologically sensitive and, as such, should be preserved and protected as an environmental and visual buffer. However, such protection is already afforded by the existing provisions of the Rural Living Zone. As there is no suggestion that the current zoning be changed, the opportunity exists to review the need to include this land in the EFPA.

4.2. Trivial Variation

As the Commission has not defined the term “trivial in nature”, it has been taken to mean unexceptional and/or of little importance.

It is noted that the subject land lies within a Rural Living Zone (not a Rural Zone) and incorporates 14 allotments which range in area from approximately 3,100m² to approximately 10.1 hectares (average of 2.76 hectares). The objective of the Rural Living Zone speaks in favour of residential development that does not place additional demands on services and infrastructure; and is compatible with a secluded semi-rural or semi-natural residential character.

The subject land is certainly not secluded, being located adjacent the boundary between Alexandrina Council and the City of Victor Harbor, in close proximity to established and developing urban land uses.

In addition, the existing zone provisions speak in favour of a residential type land use, rather than any productive agricultural land uses. This is seemingly at odds with the objective of the EFPA which seeks to protect vital agricultural land.

Given the aforementioned, the removal of the subject land from the EFPA, as proposed, will not likely have any extraordinary land use outcomes.

Further, the subject land comprises only approximately 38.7 hectares of land, this equating to less than 0.0005% of the land which lies within the whole EFPA (which is estimated to be 800,000 or more hectares in area). Given this fact, the removal of the subject land from the EFPA will not be noticeable, nor will it likely have any detrimental impact in regard to the agricultural productivity potential of the EFPA (either on a local or regional basis). On the contrary, the potential ramifications of removing the subject land from the EFPA will likely be negligible and positive. No productive agricultural land will be lost; the existing neighbouring wetland will continue to be protected against incompatible development; and, if able to be developed in the future, the subject land could potentially accommodate another 30 - 40 additional rural living allotments. If realized, the latter will complement the form and scale of land use within the locality; and may serve to offset, in part, the loss of a significant number of previously anticipated allotments at North Goolwa (refer 3.3 Land Supply).

In view of the aforementioned, it is considered that the proposed variation is generally trivial in nature.

4.3 Land Supply

The Commission's Statement of Position concludes that there is sufficient land supply in Greater Adelaide to support housing and employment growth over the next 15 years. This may be the case but there is doubt about the accuracy and applicability of some of the data utilized.

The recent "Land Supply Report for Greater Adelaide" (the Report), as prepared by PlanSA, is based on old Census data and unsubstantiated future growth assumptions and, as such, is considered to be unreliable.

The 2016 Census was compromised and, as a consequence, the data quality thereof is uncertain. Further, the data is now 5 years old; and it appears that the Report has not taken into account the changing circumstances since 2016 (e.g. population growth; decentralized living trends; the general, economic and social impacts of the Covid virus; increased housing demands; and changed working arrangements), all of which may have contributed to the increased demands for land and dwellings in the regional and coastal areas.

Accordingly, it is suggested that a more detailed and accurate investigation into land supply within the individual regions within "Greater Adelaide" needs to be undertaken, taking into account the 2021 Census data (when available).

Further, the report should determine whether the land supply in the various regions is sufficient to meet the anticipated demands in the region. Whilst the Report indicates that 50% of current available land is located in the "Outer North" region, it is unknown as to whether 50% of the existing/future prospective land purchasers want to reside the northern outskirts of Adelaide. A more prudent approach may be to ensure that each region has sufficient land available to meet the anticipated demand in the region for the next 15 years, rather than adopt an overarching approach for the whole of Greater Adelaide area.

Finally, the Report refers to, and takes into account, significant future residential growth in North Goolwa. The Report anticipates 7,666 additional allotments on "Future Urban" growth area land within and about the township of Goolwa, included in which is the land affected by the Goolwa North Growth Area DPA. It is understood that the Alexandrina Council is not proceeding with the zone amendment proposal. This decision of Council has significant implications in regard to the anticipated future residential land stock in and about the township of Goolwa, and in the Fleurieu Region in general. The findings of the Report need to be reviewed in light of this changing circumstance.

For the reasons espoused herein, the Commission is requested to review the inclusion of the subject land within an EFPA. It is considered that such an amendment would be trivial in nature and address a planning anomaly which has been recognized by Alexandrina Council for some years.

I look forward to the Commission's assistance and support in regard to this matter; and seek the opportunity to address the Commission in support of this submission.

Should you require any additional information or wish to discuss the subject matter, please do not hesitate to contact the undersigned on telephone [REDACTED]

Yours faithfully



Craig Rowe MPA

C L ROWE AND ASSOCIATES PTY LTD

Form Information

Site Name PlanSA

Site Id 578867

Page Request to vary Environment and Food Production Area boundaries

Standard

Name

Page 823328

Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound

Submission 878565

Id

Submission 30 Jul 2021 2:34 pm

Time

Submission [REDACTED]

IP Address

Contact and land details**Your Name and contact details**

Name: Andrew

Postal Address: [REDACTED]

Phone Number: [REDACTED]

Mobile Number:

Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): Lincoln Park Farm 15 Lincoln Park Drive Hindmarsh Valley 5211 SA

Allotment ID: Volume - 6054 Folio - 974 Allotment Comprising Pieces - 405 and 406
Plan - D Number - 72316 Hundred - Goolwa

Owners: Andrew Jamieson and Kelly Jamieson

Requested variation details

The requested variation is for the EFPA area to be re-aligned over Area A through a EFPA boundary re-alignment on the title; with the substitution of existing EFPA land area (Area A) for the same land area not in the existing EFPA land zone (Area B). [Please refer to Diagram Proposed Land Swap Areas] Trivial in Nature: This scenario supports the change to be trivial in nature, as there would be no change to the EFPA land area. Recognised Anomaly: The Anomaly's identified include: 1) In the last 18 months historical Lot 40 (whose boundary has been re-aligned to create Lot 50) has been purchased by the Owners of the land. This has resulted in both EFPA zoned land and non-EFPA zoned land now being present on the Title (for Pieces 405 and 406). The Owner's of this Title would

like to change the EFPA Boundary to better reflect future land uses for the property, in that: A) There is no desire to see future development in Area B, as this would negatively affect the amenity of the farm, and B) It would make better planning sense for the future expansion of employment land (Lincoln Park Industrial Estate) to happen to the North of its existing location (in to Area A), rather than the possibility of expansion into Area B. 2) Area B has a significant drainage channel (winter creek) running through its centre, whereas Area A does not. This channel is an important watershed point from the hills behind. 3) The agricultural land of Area B is considered by the owner to be of better quality than Area A.

There have been confidential discussions with Council regarding the future expansion of the Industrial Estate into Area A. This Area has been identified in historical Victor Harbor Council Planning documents as the logical expansion area of the Lincoln Park Employment Lands (LPEL). It could be reasonably argued based on the sale rate of blocks of land in the LPEL, that supply will be exhausted within three years. Area A makes the most sense for the expansion of the LPEL due to the existing road and other infrastructure at its boundary and its relative proximity to the the roundabout at the intersection of Welch Road, Waterport Road and the Adelaide-Victor Harbor Road, which is seen as a key distribution hub for the City Of Victor Harbor.

Additional supporting information:

Supporting document:

Proposed_Land_Swap_Areas.pdf, type application/pdf, 420.9 KB

Map of requested variation

Map or diagram to support submission:

Proposed_EFPA_Area.pdf, type application/pdf, 472.7 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission Yes at a public hearing following the close of the submission period?:

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name: Andrew
Address: 15 Lincoln Park Drive
Phone number: 0428888687
Mobile number:
Email: andrew@greenthumbgifts.com.au

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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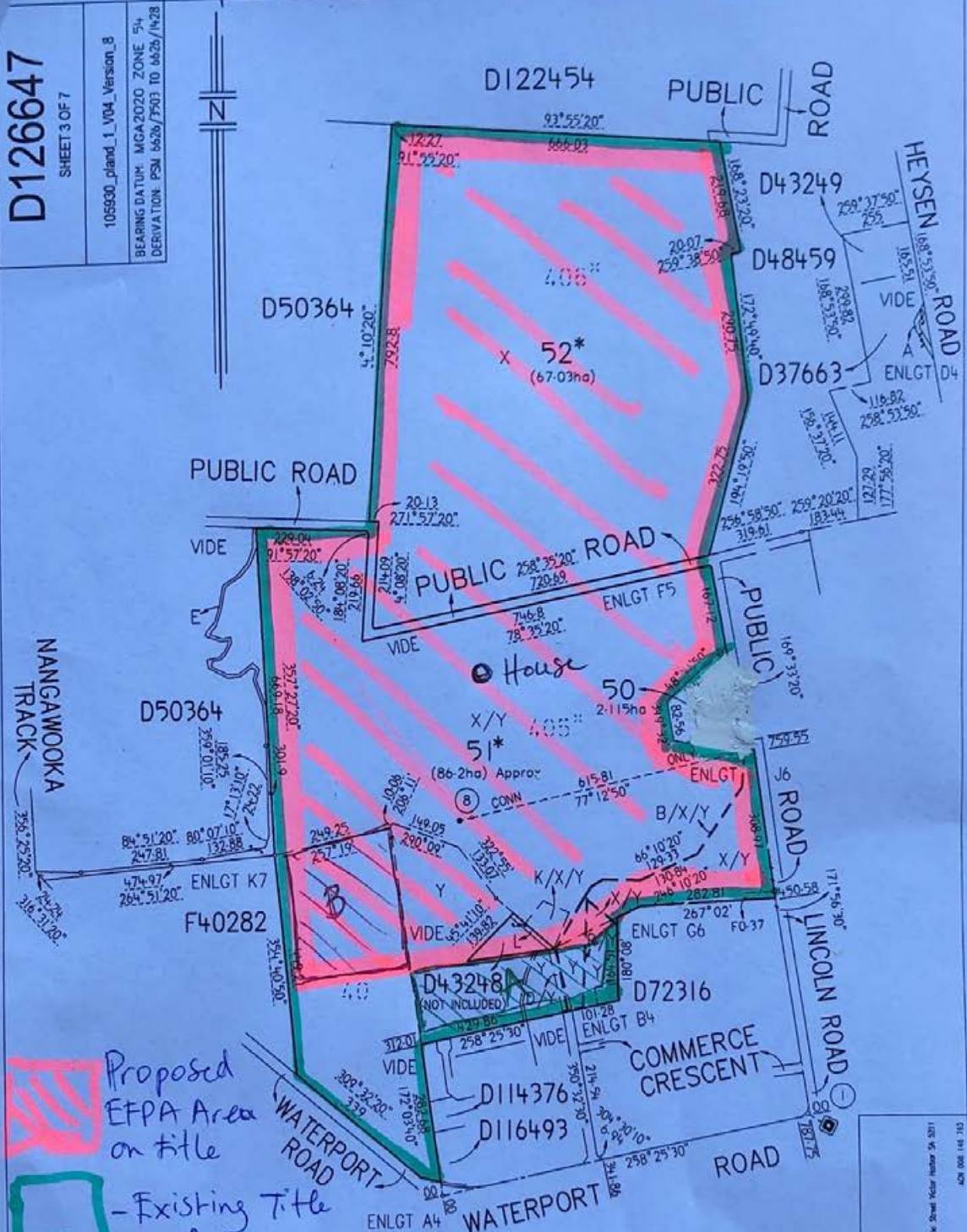
Proposed EFPA Area.

D126647

SHEET 3 OF 7

105930_pland_1_V04_Version_8

BEARING DATUM: MGA2020 ZONE 54
DERIVATION: PSM 5626/7503 TO 5626/7428



Proposed EFPA Area on title
- Existing Title Area.

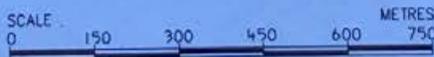
PIECES SCHEDULE

ONE ALLOTMENT COMPRISES	TOTAL AREA
51* and 52*	153ha Approx

* Asterisk denotes PIECE identifier only.

REFERENCE MARKS

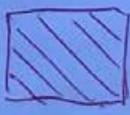
CNR	BEARING	FROM	DIST	PM NO
1	301° 55'	PM FD	27.92	6626/3903
8	77° 13'	MP FD	0.76	



ANDREW & ASSOCIATES
SURVEYORS & DEVELOPMENT CONSULTANTS
311 Arden Street Adelaide SA 5000
Telephone: 8222 1864
E-mail: andrew@andrewandassociates.com.au
Licence No: 122038-25-3
ADN 008 148 743



A  Proposed Area Removed from EFPA area

B.  Proposed Area Included in EFPA area

Our ref: THG/216018

30 July 2021

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

By email: plansa@sa.gov.au

Dear Sir/Madam

Submission – Environment and Food Production Areas Review 2021 – Mundoo Channel Drive and Sugars Avenue, Hindmarsh Island

This firm acts for Mr Nick Bullock, lessee of Shack 60, Mundoo Channel Drive.

Our client represents the interests of the lessees of a number of shack sites located along Mundoo Channel Drive and Sugars Avenue on Hindmarsh Island (as contained in **Annexure A**).

Our client's submissions on the Environment and Food Production Areas Review 2021 are set out below. These submissions are made in respect of both sites at Mundoo Channel Drive and Sugars Avenue (as depicted in **Annexure B**).

In summary, our client respectfully requests that both sites be wholly excluded from the Environment and Food Production Area (**EFPA**).

Background

Situated along Mundoo Channel Drive and Sugars Avenue on Hindmarsh Island is portion of an allotment comprising Pieces 2 and 3 in Filed Plan 40191 (**the Land**). A copy of the Certificate of Title to the Land is contained at **Annexure C**. The Land is held in fee simple, however is subject to 40 long term leases which have been in effect for close to 60 years. These leases are not due to expire for another 39 years, and enjoy rights of renewal beyond that time.

Located on many of these 'lease allotments' are long standing dwellings which have been, and continue to be used for residential purposes. Each dwelling is individually serviced by on-site waste control systems, and accesses a potable water supply from its own discrete rainwater tank. They are also separately rated and charged by the Alexandrina Council under the *Local Government Act 1999*, and by the State Government for the purposes of land tax and the emergency services levy. Despite their tenure, each of these 40 lease allotments are, for all intents and purposes, treated as freeholds. The lessees wish to have the boundaries of the EFPA amended to ensure that it does not present a legal impediment to a division of the Land to regularise what has already been subdivided in practice.

Mundoo Channel Drive (Rural Shack Settlement Zone) - Submissions

1. Under section 7(3)(b) of the *Planning, Development and Infrastructure Act 2016 (PDI Act)*, the Commission may vary the EFPA if the 'variation is trivial in nature and will address a recognised anomaly'. It is our respectful submission that it is appropriate to apply this provision in the present circumstances.

Although the present boundaries of the EFPA were drawn in 2015, the EFPA did not become operational until 2017 – some 54 years after the establishment of these residential lease allotments. Clearly, they predate the conception of the EFPA to a considerable degree, and should be recognised as an anomaly overlooked when the boundaries of the EFPA were first drafted. The amendment our client now seeks, being the exclusion of a single allotment, is plainly trivial in nature given the wider extent of the EFPA and the long-standing use of the Land.

2. The object of the EFPA, as enshrined in section 7 of the PDI Act, is to ensure that areas of rural, landscape, environmental or food production significance within Greater Adelaide are protected from **future** urban encroachment, **not** the continuation of an existing use. This is achieved through a blunt prohibition on the division of land within the EFPA to create additional allotments to be used for residential development.

The ability to freehold these long-standing shack sites will have no impact on the object of the EFPA, as they will, regardless of the outcome of this review, continue to be used for residential purposes, at the very least for another 39 years. Regularising their division will have no impact on the physical characteristics of the Land or its use. The only change effected will be the mode of tenure.

Enabling freehold tenure will however facilitate investment in the existing shack sites, through certainty of tenure and the ability to obtain finance. Many present shack owners are reluctant, or unable, to invest in their properties while they only hold a leasehold interest.

A freeholding would also likely lead to improvements to waste disposal, and the area would generally benefit from it.

3. Section 7(5) of the PDI Act seeks to prevent proposed, that is, future development involving the division of land, rather than existing development. To form a contrary view would, in our opinion, be contrary to the general legal presumption that legislation does not have retrospective operation. Put differently, we are of the view that section 7 of the PDI Act acts prospectively; and the above view is entirely consistent with the objects of the EFPA being to prevent future urban sprawl.

Section 3 of the PDI Act defines 'division of an allotment' as—

*the conferral or exercise of a present right to occupy part only of an allotment under a lease or licence, or an agreement for a lease or licence, **the term of which exceeds 6 years** or such longer term as may be prescribed ...*

Plainly, the Land has already been divided by operation of each long-term lease. We are therefore of the opinion that the EFPA, as it currently applies to the Land, does not prevent the creation of individual allotments to reflect the existing shack sites as they have already been 'divided' as defined by the PDI Act. Nevertheless,

it is pertinent for this to be reflected in the planning policies and statutory scheme applicable to the Land.

4. The site located along Mundoo Channel Drive is contained in the Rural Shack Settlement Zone under the Planning and Design Code (as depicted in **Annexure D**). In the Zone, Table 4 provides –

The following table identifies Classes of Development that are classified as Restricted subject to any 'Exclusions'.

Class of Development	Exclusions
...	...
Land Division	Any of the following: <ul style="list-style-type: none">(a) land division that creates an allotment to accommodate an existing dwelling(b) land division for the purpose of creating a public road or a public reserve(c) land division that is a minor boundary realignment for the purpose of removing an anomaly in the current boundaries with respect to the location of existing buildings or structures and where no additional allotments are created partly or wholly in the zone.

Accordingly, land division which creates an allotment to accommodate an existing dwelling is not restricted in the Zone and constitutes a performance assessed development to be assessed on its merits against the Code. Land division for the purpose of *new* residential development, however, *is* restricted and as such is subject to a more rigorous assessment process. Therefore, regardless of the protections afforded by the EFPA, the zoning of the site ensures that land division, beyond the kind of regularisation our client seeks, will not be prevalent in the Zone.

5. When the EFPA came into operation on 1 April 2017, it was accompanied by an exception contained in Schedule 7 of the PDI Act, which allowed the division of land in parts of the EFPA identified as 'Rural Living Areas'. This transitional provision expired 2 years after the day it came into operation, being 1 April 2019.

As depicted in G17/2015, the Land was located in a Rural Living Area and accordingly the owner of the Land, Kym Denver, lodged a land division application with the Alexandrina Council by DA 455/D08/19. This application was lodged on 28 March 2019, prior to the expiration of Schedule 7 and as such was required to

be assessed without reference to the EFPA. The purpose of this application was to regularize the 'lease allotments' located on the Land, however it is currently still under assessment, some 2 years after the day on which it was lodged.

We are of the view that the exception contained in Schedule 7 is still applicable in the assessment of this application, as it is required to be assessed against the law in force at the time it was lodged. Given the right to divide the Land is preserved in this application, and to avoid uncertainty on the issue, it would be appropriate for the boundaries of the EFPA to reflect it.

Sugars Avenue (Conservation Zone) – Submissions

6. Much of the submissions in respect of the shacks located along Mundoo Channel Drive apply in relation to those located along Sugars Avenue.
7. The lease allotments at this site are long standing, and their freeholding is potentially constrained by the provisions of the EFPA.
8. This site forms part of the land division application contained in DA 455/D08/19. However, this application appears to only provide for the division of the site into two parcels which are not reflective of the boundaries of the lease allotments. As such, its approval will not achieve the desired outcome of freeholding the long-standing shack sites.
9. This site is located in the Conservation Zone and the Visitor Experience Subzone under the Planning and Design Code (as depicted in **Annexure C**). In the Zone, Table 4 provides –

The following table identifies Classes of Development that are classified as Restricted subject to any 'Exclusions'.

Class of Development	Exclusions
...	...
Land division	Any of the following: (a) land division that meets Conservation Zone DTS / DPF 2.1 (b) land division in the Visitor Experience Subzone to create an allotment with an area of 5ha or more for existing tourist accommodation (c) land division in the Small Scale Settlement Subzone.

Conservation Zone DTS/ DPF 2.1 provides –

Land division satisfies (a) and (b):

(a) does not create any additional allotments

(b) for a boundary realignment that does not result in any additional allotments with frontage or direct access to the coast and will satisfy one of the following:

...

(our emphasis)

Accordingly, any land division which seeks to regularize the lease allotments at this site will be a Restricted form of development requiring the consent of the Commission. Therefore, regardless of the provisions of the EFPA, land division at this site will remain under the strict control of the Commission.

Lifting the EFPA restriction over this area is important to ensure that the merits of a freeholding of these shack sites can be properly explored.

Summary

The proposed minor amendment to the boundaries of the EFPA will simply reflect a long-standing existing state of affairs for this shack settlement.

It will not in any way undermine the objectives of the EFPA.

We strongly encourage the Commission to support the proposed amendment.

If for some reason the Commission supports the amendment of one site but not the other, we request that the Commission proceed with that amendment.

Please don't hesitate to contact me if you have any further queries or wish to discuss our client's submissions.

Yours faithfully



Tom Game
BOTTEN LEVINSON

Mob: [REDACTED]
Email: [REDACTED]

ANNEXURE A

Mundoo Channel Drive Site

Address

Lessee

51 Mundoo Channel Drive	Carolyn and Tony Speer
52 Mundoo Channel Drive	Michael Veenstra - Belluna Pty Ltd
56 Mundoo Channel Drive	John & Maxine Furness
57 Mundoo Channel Drive	John & Maxine Furness
59 Mundoo Channel Drive	Luke & Sara Shute
60 Mundoo Channel Drive	Trisha & Nick Bullock
61 Mundoo Channel Drive	Leonie Eileen Jackson
64 Mundoo Channel Drive	Sally Francis
71 Mundoo Channel Drive	Mark Spartalis
72 Mundoo Channel Drive	Mark Spartalis
73 Mundoo Channel Drive	Cameron & Susie Jackson

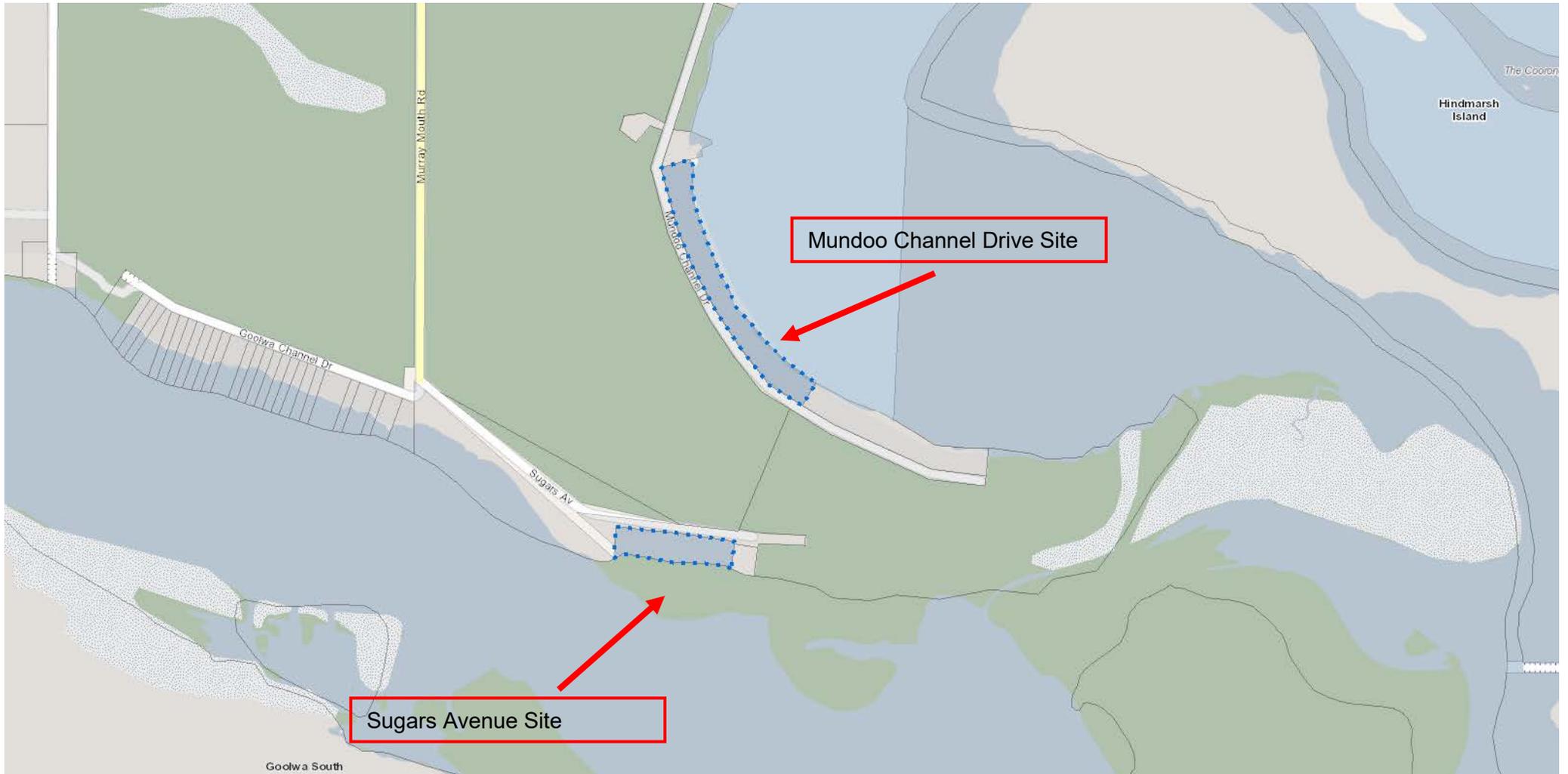
Sugars Avenue Site

Address

Lessee

110 Sugars Avenue	Kathy and Don Ruggiero
112 Sugars Avenue	Wally Tonkin
113 Sugars Avenue	Clare & William Denny
114 Sugars Avenue	Derek Walker (MENINGIE NGARRINDJERI LAND COUNCIL)
115 Sugars Avenue	Derek Walker (MENINGIE NGARRINDJERI LAND COUNCIL)
116 Sugars Avenue	John and Margaret Stokes
117 Sugars Avenue	Rae & John Winchester

ANNEXURE B



ANNEXURE C



Product Register Search (CT 6131/139)
Date/Time 19/07/2021 01:04PM
Customer Reference
Order ID 20210719005812



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6131 Folio 139

Parent Title(s) CT 5128/489
Creating Dealing(s) DDA 12078374
Title Issued 14/02/2014 Edition 21 Edition Issued 15/07/2021

Estate Type

FEE SIMPLE

Registered Proprietor

KYM DERAMORE DENVER
OF 46 WATTLEBURY ROAD LOWER MITCHAM SA 5062
11 / 24 SHARE

BRIAN DERAMORE DENVER
OF 12 BAY STREET INVERLOCH VIC 3996
11 / 24 SHARE

HELEN GRAY
OF 165 FISHER STREET MALVERN SA 5061
2 / 24 SHARE

Description of Land

ALLOTMENT COMPRISING PIECES 1, 2 AND 3 FILED PLAN 40191
IN THE AREA NAMED HINDMARSH ISLAND
HUNDRED OF NANGKITA

Easements

TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED A

Schedule of Dealings

Dealing Number	Description
2376872	LEASE TO DEREK CECIL WALKER AND PAULINE ROSE WALKER COMMENCING ON 17/08/1962 AND EXPIRING ON 31/12/2060 OF PORTION (PIECES MARKED 114 AND 115 IN PLAN ATTACHED THERETO) AS JOINT TENANTS
2379315	LEASE TO SALLY JANE FRANCIS COMMENCING ON 27/08/1962 AND EXPIRING ON 31/12/2060 OF PORTION OF PORTION (PIECE MARKED 64 IN PLAN ATTACHED THERETO)
2420912	LEASE TO OLIVER DEAN SIERP AND AMY JUSTINE SIERP COMMENCING ON 03/01/1963 AND EXPIRING ON 31/12/2060 OF PORTION (PIECE MARKED 68 IN PLAN ATTACHED THERETO) AS JOINT TENANTS
2432686	LEASE TO CAMERON ROSS JACKSON AND SUSAN JANE JACKSON COMMENCING ON 1/5/1963 AND EXPIRING ON 31/12/2060 OF PORTION (PIECE MARKED 73 IN PLAN ATTACHED THERETO) AS JOINT TENANTS
2432687	LEASE TO KELVIN NORMAN HUPPATZ COMMENCING ON 01/05/1963 AND EXPIRING ON 31/12/2060 OF PORTION (PIECE MARKED 62 IN PLAN ATTACHED THERETO) AS JOINT TENANTS
2432688	LEASE TO CYRIL JOHN JACKSON AND LEONIE EILEEN JACKSON COMMENCING ON 1/5/1963 AND EXPIRING ON 31/12/2060 OF PORTION (PIECE MARKED 61 IN PLAN



Product Register Search (CT 6131/139)
Date/Time 19/07/2021 01:04PM
Customer Reference
Order ID 20210719005812

	ATTACHED THERETO) AS JOINT TENANTS
2441248	LEASE TO WILLIAM GLEN CHARLICK COMMENCING ON 15/05/1963 AND EXPIRING ON 31/12/2060 OF PORTION (PIECE MARKED 67 IN PLAN ATTACHED THERETO)
2441249	LEASE TO ANGUS RODERICK MORRIS COMMENCING ON 10/05/1963 AND EXPIRING ON 31/12/2060 OF PORTION (PIECE MARKED 77 IN PLAN ATTACHED THERETO)
2443720	LEASE TO MARK SIMON SPARTALIS AND EVAN PETER SPARTALIS COMMENCING ON 3/6/1963 AND EXPIRING ON 31/12/2060 FOR THEIR JOINT LIVES AND FOR THE LIFE OF THE SURVIVOR OF THEM AND TO WILLIAM STACY SPARTALIS OF THE RESIDUE OF THE YEARS OF THE SAID LEASE THEN NOT EXPIRED OF PORTION (PIECES MARKED 71 AND 72 IN PLAN ATTACHED THERETO)
2452203	LEASE TO BRIAN KENNETH HOBBS AND ELIZABETH GLEN HOBBS COMMENCING ON 17/6/1963 AND EXPIRING ON 31/12/2060 OF PORTION (PIECE MARKED 63 IN PLAN ATTACHED THERETO) AS JOINT TENANTS
2457961	LEASE TO GWYNNE TANSELL COMMENCING ON 15/7/1963 AND EXPIRING ON 31/12/2060 OF PORTION (PIECES MARKED 59 AND 60 IN PLAN ATTACHED THERETO)
2463709	LEASE TO VICTORIA LOUISA CRAWFORD COMMENCING ON 27/08/1963 AND EXPIRING ON 31/12/2060 OF PORTION (PIECE MARKED 65 IN PLAN ATTACHED THERETO)
2477140	LEASE TO JENNIFER GAYE SMITH AND HEATHER KAYE WAYE COMMENCING ON 18/10/1963 AND EXPIRING ON 31/12/2060 OF PORTION (PIECE MARKED 58 IN PLAN ATTACHED THERETO) AS JOINT TENANTS
2477141	LEASE TO COAST PROTECTION BOARD COMMENCING ON 18/10/1963 AND EXPIRING ON 31/12/2060 OF PORTION (PIECE MARKED 53 IN PLAN ATTACHED THERETO)
2477144	LEASE TO COLIN JAMES LEANE-SILVA, GAVIN WAYNE LEANE-SILVA AND DARREN CRAIG LEANE-SILVA COMMENCING ON 18/10/1963 AND EXPIRING ON 31/12/2060 AS TO THE SHARES SPECIFIED THEREIN OF PORTION (PIECE MARKED 78 IN PLAN ATTACHED THERETO)
2504017	LEASE TO RAE CORALYN WINCHESTER COMMENCING ON 20/1/1964 AND EXPIRING ON 31/12/2060 OF PORTION (PIECE MARKED 117 IN PLAN ATTACHED THERETO)
2504018	LEASE TO DONATO RUGGIERO AND KATHRYN GRACE RUGGIERO COMMENCING ON 5/2/1964 AND EXPIRING ON 31/12/2060 OF PORTION (PIECE MARKED 110 IN PLAN ATTACHED THERETO) AS JOINT TENANTS
2515803	LEASE TO JONATHON HENRY STOKES AND MARGARET ANNE STOKES COMMENCING ON 26/2/1964 AND EXPIRING ON 31/12/2060 OF PORTION (PIECE MARKED 116 IN PLAN ATTACHED THERETO) AS JOINT TENANTS
2564059	LEASE TO MENINGIE NGARRINDJERI LAND COUNCIL COMMENCING ON 13/7/1964 AND EXPIRING ON 31/12/2060 OF PORTION (PIECE MARKED 108 IN PLAN ATTACHED THERETO)
2594773	LEASE TO TAANYA CLAIRE LEWIS COMMENCING ON 06/01/1965 AND EXPIRING ON 31/12/2060 OF PORTION (PIECE MARKED 75 IN PLAN ATTACHED THERETO) AS JOINT TENANTS
2602818	LEASE TO TREVOR JOHN GOLDSMITH COMMENCING ON 5/2/1965 AND EXPIRING ON 31/12/2060 OF PORTION (LOT 66 IN PLAN ATTACHED THERETO)
2602820	LEASE TO COAST PROTECTION BOARD COMMENCING ON 5/2/1965 AND EXPIRING ON 31/12/2060 OF PORTION (LOT 76 IN PLAN ATTACHED THERETO)
2612982	LEASE TO JOHN LYNTON FURNESS COMMENCING ON 23/3/1965 AND EXPIRING ON 31/12/2060 OF PORTION (LOT 57 IN PLAN ATTACHED THERETO)
2621435	LEASE TO ANTONY PETER SPEER AND CAROLYN MICHELLE SPEER COMMENCING ON 26/3/1965 AND EXPIRING ON 31/12/2060 OF PORTION (LOT 51 IN PLAN ATTACHED THERETO) AS TO THE SHARES SPECIFIED THEREIN
2646651	LEASE TO NIGEL MARK ATKIN AND HELEN RUTH ATKIN COMMENCING ON 20/07/1965 AND EXPIRING ON 31/12/2060 OF PORTION (LOT 54 IN PLAN ATTACHED THERETO) AS



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Order ID 20210719005812

	JOINT TENANTS
2646652	LEASE TO BELLUNA PTY. LTD. COMMENCING ON 20/7/1965 AND EXPIRING ON 31/12/2060 OF PORTION (LOT 52 IN PLAN ATTACHED THERETO)
2646655	LEASE TO JOHN LYNTON FURNESS COMMENCING ON 20/7/1965 AND EXPIRING ON 31/12/2060 OF PORTION (LOT 56 IN PLAN ATTACHED THERETO)
2695124	LEASE TO COAST PROTECTION BOARD COMMENCING ON 16/12/1965 AND EXPIRING ON 31/12/2060 OF PORTION (LOT 109 IN PLAN ATTACHED THERETO)
2704142	LEASE TO JOHN LEWIS THREDGOLD, VIRGINIA THREDGOLD, CHRISTOPHER JOHN THREDGOLD AND ANDREE NICOLE THREDGOLD COMMENCING ON 24/2/1966 AND EXPIRING ON 31/12/2060 OF PORTION (LOT 55 IN PLAN ATTACHED THERETO) AS TO THE SHARES SPECIFIED THEREIN
2704146	LEASE TO MICHAEL RICHARD TOLLEY COMMENCING ON 24/2/1966 AND EXPIRING ON 31/12/2060 OF PORTION (LOT 74 IN PLAN ATTACHED THERETO)
2731330	UNDERLEASE OF PORTION OF LAND IN LEASE 2457961 TO LUKE FRANCIS SHUTE AND SARA MARIA SHUTE COMMENCING ON 03/05/1966 AND EXPIRING ON 30/12/2060 AS TO THE SHARES SPECIFIED THEREIN
2744817	LEASE TO BRUCE WILLIAM TURNER COMMENCING ON 15/7/1966 AND EXPIRING ON 31/12/2060 OF PORTION (LOT 38 IN PLAN ATTACHED THERETO)
2744818	LEASE TO GREGORY PETER OLIVER AND WESLEY PHILIP OLIVER COMMENCING ON 15/07/1966 AND EXPIRING ON 31/12/2060 AS TO THE SHARES SPECIFIED THEREIN OF PORTION (LOT 37 IN PLAN ATTACHED THERETO)
2797118	LEASE TO WILLIAM THOMAS DENNY COMMENCING ON 9/2/1967 AND EXPIRING ON 31/12/2060 OF PORTION (LOT 113 IN PLAN ATTACHED THERETO)
2797119	LEASE TO BARRYMORE HOLDINGS PTY. LTD. COMMENCING ON 9/2/1967 AND EXPIRING ON 31/12/2060 OF PORTION (LOT 112 IN PLAN ATTACHED THERETO)
2816617	LEASE TO PETER RONALD LOVELL AND LYNDA CATHERINE LOVELL COMMENCING ON 3/4/1967 AND EXPIRING ON 31/12/2060 OF PORTION (LOT 50 IN PLAN ATTACHED THERETO) AS JOINT TENANTS
2816618	LEASE TO COAST PROTECTION BOARD COMMENCING ON 3/4/1967 AND EXPIRING ON 31/12/2060 OF PORTION (LOT 111 IN PLAN ATTACHED THERETO)
2834399	LEASE TO ANTHONY NOEL BROOME COMMENCING ON 30/6/1967 AND EXPIRING ON 31/12/2060 OF PORTION (LOT 47 IN PLAN ATTACHED THERETO)
3961026	UNDERLEASE OF PORTION OF LAND IN LEASE 2602820 TO ROSEMARY CARDONE COMMENCING ON 05/10/1976 AND EXPIRING ON 30/12/2060 (LOT 76 IN PLAN ATTACHED THERETO)
4292754	UNDERLEASE OF PORTION OF LAND IN LEASE 2457961 TO NICHOLAS DAVID ROYDEN BULLOCK AND TRISHA ANN BULLOCK COMMENCING ON 01/09/1975 AND EXPIRING ON 30/12/2060 AS TO THE SHARES SPECIFIED THEREIN
7945698	MORTGAGE OF LEASE 2463709 TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD. (LESSEES COPY LOST)
9125992	CAVEAT BY JOYCE EILEEN SPARTALIS OVER LEASE 2443720
9168856	CAVEAT BY INDIGENOUS LAND CORPORATION OVER LEASE 2564059
9407607	MORTGAGE OF LEASE 2504017 TO WESTPAC BANKING CORPORATION
10213473	MORTGAGE OF LEASE 2646652 TO NATIONAL AUSTRALIA BANK LTD.
10764949	MORTGAGE OF LEASE 2504018 TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.
11307264	MORTGAGE OF LEASE 2797118 TO COMMONWEALTH BANK OF AUSTRALIA
11831506	MORTGAGE OF LEASE 2816617 TO BENDIGO & ADELAIDE BANK LTD.



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11906134	MORTGAGE OF LEASE 2621435 TO NATIONAL AUSTRALIA BANK LTD.
11919230	MORTGAGE OF LEASE 2612982 TO NATIONAL AUSTRALIA BANK LTD.
11919230A	MORTGAGE OF LEASE 2646655 TO NATIONAL AUSTRALIA BANK LTD.
12494202	MORTGAGE OF UNDER LEASE 4292754 TO WESTPAC BANKING CORPORATION (ACN: 007 457 141)
12574036	MORTGAGE OF LEASE 2594773 TO WESTPAC BANKING CORPORATION (ACN: 007 457 141)
12780369	MORTGAGE OF LEASE 2816617 TO WESTPAC BANKING CORPORATION (ACN: 007 457 141)
13485065	MORTGAGE OF UNDER LEASE 2731330 TO WESTPAC BANKING CORPORATION (ACN: 007 457 141)

Notations

Dealings Affecting Title

Lodgement Date	Dealing Number	Description	Status
16/07/2021	13572507	TRANSFER OF LEASE	UNREGISTERED
16/07/2021	13572508	MORTGAGE OF LEASE	UNREGISTERED

Priority Notices NIL

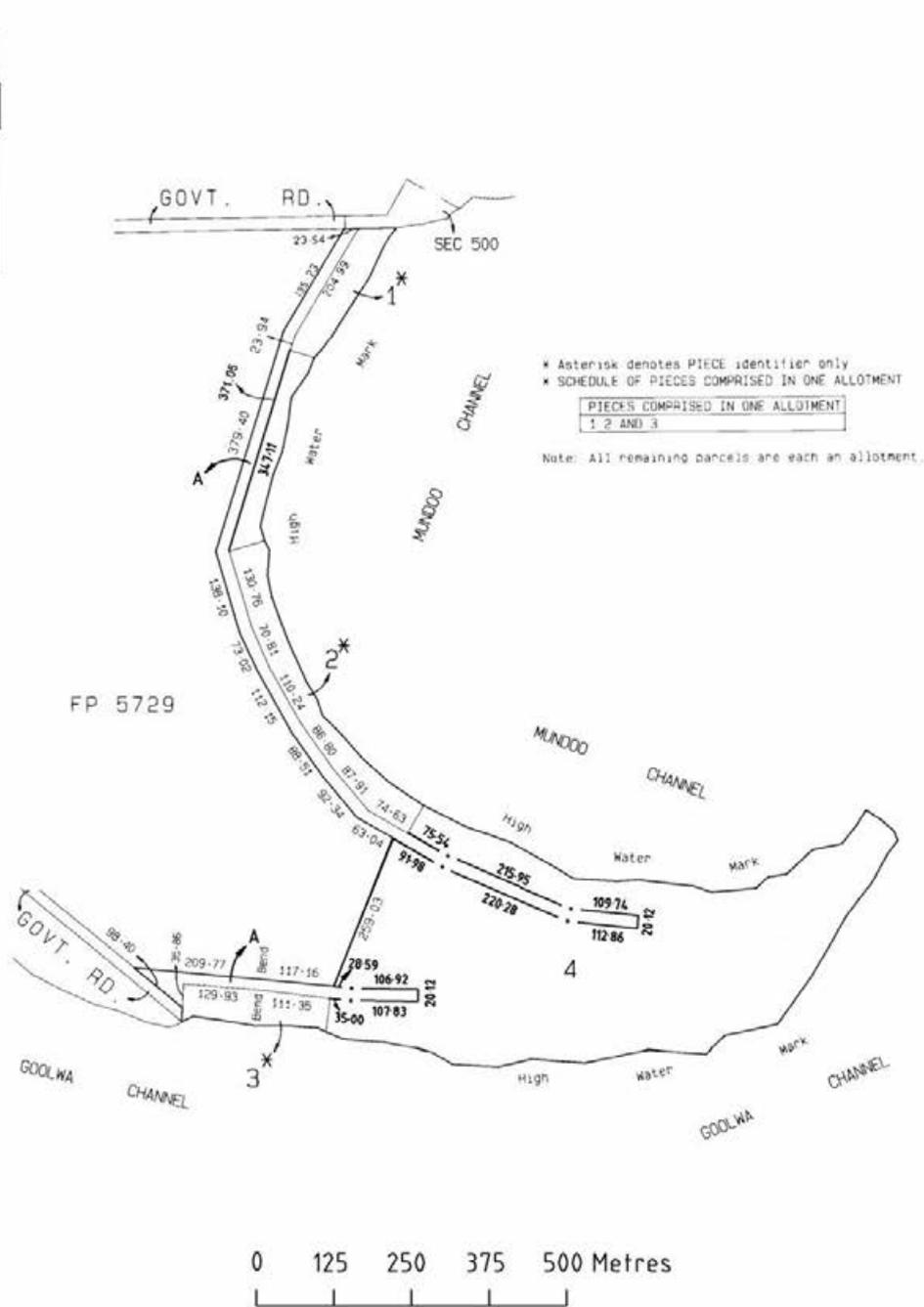
Notations on Plan NIL

Registrar-General's Notes NIL

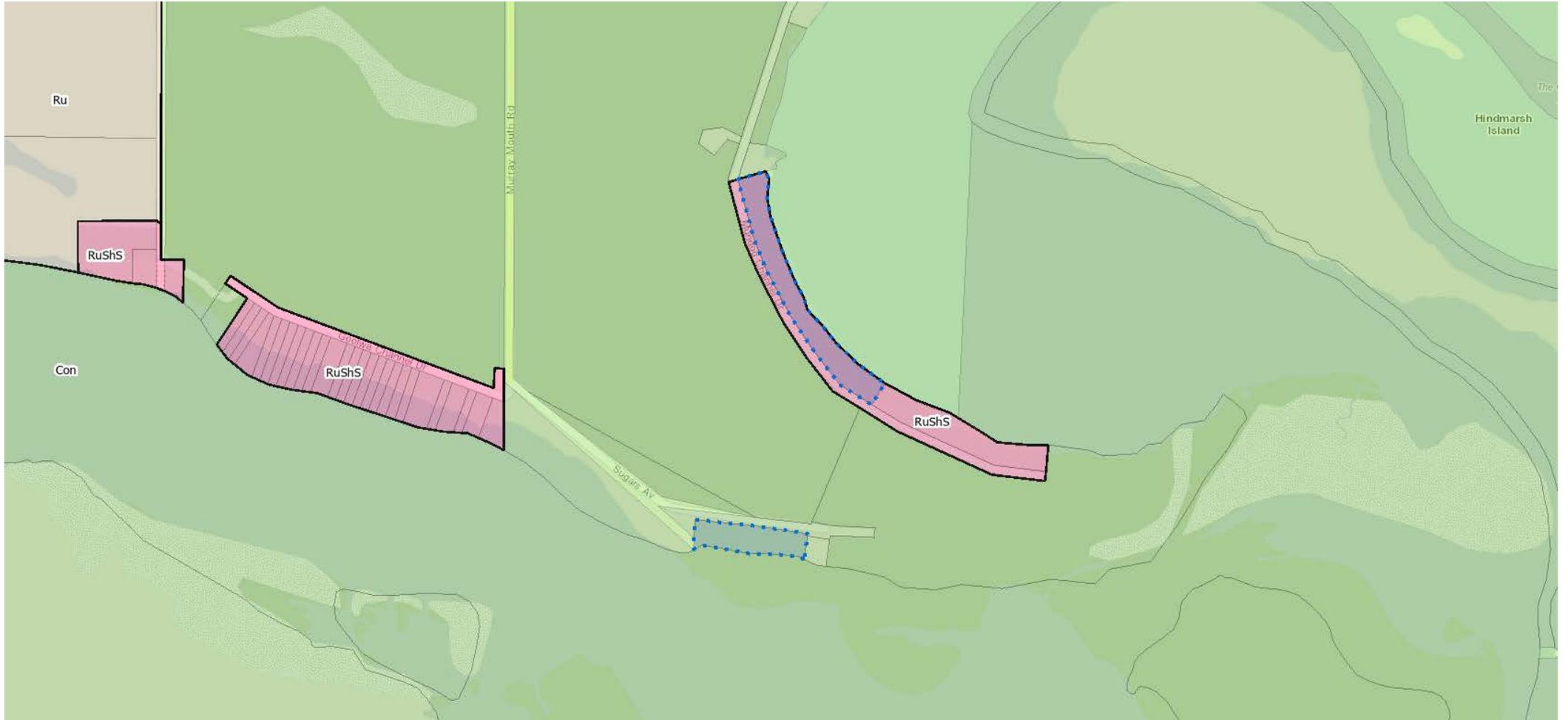
Administrative Interests NIL



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Customer Reference
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ANNEXURE D



Form Information

Site Name PlanSA
 Site Id 578867
 Page Request to vary Environment and Food Production Area boundaries
 Standard Name
 Page 823328
 Standard Id
 Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries
 Submission Id 878619
 Submission Time 30 Jul 2021 3:43 pm
 Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: Jim Allen Regional Planning Directions
 Postal Address: [REDACTED]
 Phone Number: [REDACTED]
 Mobile Number:
 Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): Lot 487, 196 Hayman Road, Lewiston
 Allotment ID: 5404/832
 Owners: Joel Parsons

Requested variation details

Details of requested variation: Exclusion of Animal Husbandry Subzone of the Rural Living Zone in the Adelaide Plains Council area
 Additional supporting information: See attached submission
 Supporting document: FINAL_SUBMISSION_EFPA_Review_300721.pdf, type application/pdf, 6.5 MB

Map of requested variation

Map or diagram to support submission: APPENDIX_1.pdf, type application/pdf, 286.6 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission? Yes

Commission at a public hearing following the close of the submission period?:

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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**Regional Planning
Directions**

planning • policies • projects

30 July 2020

Ms Helen Dyer
Chairman
State Planning Commission

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ABN 80 152 935 852

Dear Helen,

SUBMISSION ON REVIEW OF ENVIRONMENT & FOOD PROTECTION AREA

This submission has been prepared by Regional Planning Directions on behalf of Joel Parsons of Lot 487, 196 Hayman Road, Lewiston, a rural living zoned property of 4 ha in the Adelaide Plains Council area ('subject land').

The subject land is part of the Rural Living Zone and more specifically, the Animal Husbandry Subzone in the Two Wells – Lewiston area.

Background

The Rural Living Zone / Animal Husbandry Subzone is a long-standing rural living area now forming part of the Environment and Food Production Area (EFPA) established under the Planning, Development and Infrastructure Act 2016 to protect primary production from residential development if land is divided.

The Planning and Design Code, in operation from 19 March 2021, reinforced the land use intent of the zone / subzone, while applying a minimum allotment size of 1 hectares.

The Animal Husbandry Subzone plays an important role in supporting small-business animal husbandry enterprises in association with a dwelling as well as general rural living. When introduced, it was a unique feature of the palette of zones in SA's planning system. It has been retained despite major rationalization of zones as part of the recent planning reforms, which is significant and indicative of its distinctive role.

The State Planning Commission announced on 8 April 2021 that it would be undertaking a statutory review into the EFPA in two stages:

- An inquiry into the suitability and adequacy of supply of land to support urban renewal and consolidation within Greater Adelaide, involving an internal analysis of Greater Adelaide's 15-year land supply (now completed).
- Stage 2, a review of boundaries, providing opportunities for external stakeholder and community engagement, including written submissions and a public hearing.

Scope of submission

The State Planning Commission position statement of 4 June 2021 describes three tests of whether variations to EFPA are warranted.

Primarily, this submission applies Test 3, to establish whether a variation to EFPA boundaries to remove the subject land would be trivial in nature and address a recognised anomaly.

It is noted that:

- The Phase 1 report prepared for the Commission has addressed Tests 1 and 2 relating to whether there is at least a 15-year supply of residential and employment land in Greater Adelaide.
- The Commission's position is that there is currently an adequate 15-year supply.

Subject Land and Locality

The subject land is 196 (Lot 487) Hayman Road, Lewiston in CT 5404/832. It has 143.5m frontage to Hayman Road, and a depth of approximately 284m.

There is an existing dwelling near the centre of the property and a recently completed second dwelling towards the western side. The balance of the land is olive orchard.

The subject land is the Animal Husbandry Subzone, part of a larger Rural Living Zone and low-density settlement north of the Gawler River including areas of Two Wells and Lewiston. This is a well-established rural living area, with a few remnant larger land holdings surrounded by smaller rural living properties down to 1 hectare in size.

The character of the immediate locality of the subject land, and the rest of the Subzone, is dominated by rural living allotments with associated dwellings and ancillary outbuilding with a flat topography. The area is part of the Gawler River floodplain. Vegetation is predominantly amenity plantings, limited horticulture (eg. olives, vineyards) and pasture. There is a general lack of primary production at commercial scale in contrast to broad-acre farming and horticulture areas in the Rural and Rural Horticulture Zones, and an absence of the enclosed horticulture (greenhouses etc) typical of the Virginia area.

The area enjoys reasonable proximity to services in Gawler and Two Wells as well as a sealed road network. Specifically, the subject land has access to Hayman Road, a sealed road connecting via Pederick Road to the Two Wells to Gawler Road to the north providing connectivity to Two Wells in the west and Gawler in the east.

There are collection services for normal household plus green waste, and recyclables.

The locality, including the subject land, is in the Gawler River 100 Year Flood Plain. However, rural living has and can be supported with provision of raised driveways and build up for any new dwelling to ensure adequate flood risk mitigation, based on hydrological advice. A Council drain is situated on the eastern side of Pederick Road, which drains the area from south to north following a flood.

Existing rural living properties in the locality of the subject land (see Figure 1) are generally 1ha in area and most contain detached dwellings.

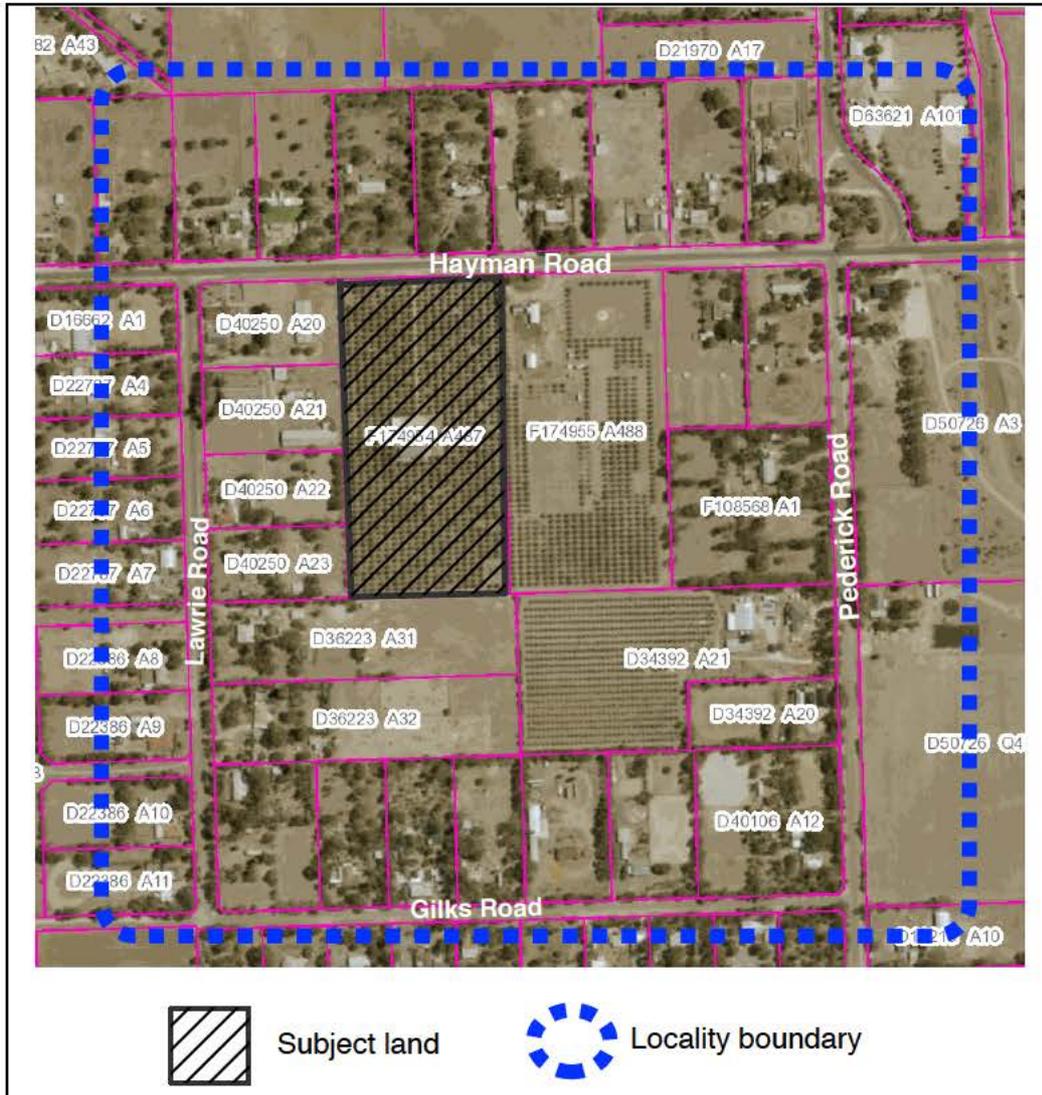


Figure 1: Locality Plan

The effect of the Planning and Design Code on subdivision potential

As mentioned above, the land is the Animal Husbandry Subzone of the Rural Living Zone in the Planning and Design Code.

The introduction of the Planning and Design Code in 2021 reinforced the intent of rural living and animal husbandry, also applying a nominal one-hectare minimum allotment policy.

The Desired Outcome for the Rural Living Zone is:

A spacious and secluded residential lifestyle within semi-rural or semi-natural environments, providing opportunities for a range of low-intensity rural activities and home-based business activities that complement that lifestyle choice.

The following Rural Living Zone assessment provisions also support residential development in a secluded semi-rural or semi-natural context:

PO 1.1

Residential development with complementary ancillary non-residential uses that do not place additional demands on services and infrastructure, and compatible with a secluded semi-rural or semi-natural residential character.

DTS/DPF 1.1

Development comprises one or more of the following: (a) Agricultural Buildings (b) Animal Keeping (c) Carport (d) Consulting room (e) Detached dwelling (f) Dwelling addition (g) Farming (h) Horse keeping (i) Kennel (j) Light industry (k) Office (l) Outbuilding (m) Shelter/Stable (n) Shop (o) Verandah.

PO 3.1

Allotments/sites created for semi-rural residential purposes are consistent with the density expressed in any relevant Minimum Site Area Technical and Numeric Variation or are of suitable size and dimension to contribute to the existing semi-rural pattern of development consistent to the locality and suitable for their intended use.

DTS/DPF 3.1

Development will not result in more than 1 dwelling on an existing allotment

Allotments/sites have...[in Fischer] an area not less than 1 ha

(b) a frontage to a public road not less than 50m or, in the case of a battle-axe allotment, a frontage to a public road not less than 6m and a maximum driveway 'handle' length of no more than 40m...

The Desired Outcome for the Animal Husbandry Zone is:

Large-scale horse keeping and dog kennelling in association with detached dwellings on large allotments.

The assessment provisions support horse keeping and dog kennelling as the predominant land use activity conducted in association with a residential use of the land (PO 1.1), and “keeping of animals...where a dwelling is located on the same allotment” (DTS/DPF 1.1).

As noted by the Adelaide Plains Council in its EFPA review submission:

“Both the Rural Living Zone and Animal Husbandry sub-zone anticipate subdivision for residential development in its own right meaning applicants don’t necessarily have to breed dogs or keep horses. Development can be purely for a rural residential lifestyle.”

The Environment and Food Production Area, Hazards (Bushfire - General Risk) and Native Vegetation Overlays also apply.

The EFPA Overlay provides that any land division must be in accordance with Section 7 of the Planning, Development and Infrastructure Act 2016 (see below).

The effect of Section 7 of the PDI Act on subdivision potential

The implications of Section 7 of the Planning, Development and Infrastructure Act 2016 are as follows:

1. An application for land division must be refused if it will create additional allotments to be used for residential development. [section 7(5)(d)]
2. The State Planning Commission has limited powers to vary the area to which this restriction applies.
3. The State Planning Commission must ensure that areas of rural, landscape, environmental or food production significance within Greater Adelaide are protected from urban encroachment. [section 7(3)]
4. The State Planning Commission may vary an environment and food production area if an area or areas within Greater Adelaide outside environment and food production areas are unable to support the principle of urban renewal and consolidation of existing urban areas; and adequate provision cannot be made within Greater Adelaide outside environment and food production areas to accommodate housing and employment growth over the longer term (being at least a 15 year period). [section 7(3)(a)]
5. Alternatively, the State Planning Commission may vary an environment and food production area if the Commission is satisfied that the variation is trivial in nature and will address a recognised anomaly. [section 7(3)(b)]

(Section 7 of the PDI Act also requires the Commission's concurrence for any land divisions that create 1 or more additional allotments that will not create additional allotments for residential purposes, or Council concurrence if the relevant authority is the Commission or the Minister.)

Any land division approved will be subject to the condition that the additional allotments will not be used for residential development purposes.

Residential development is defined as follows:

“residential development means development primarily for residential purposes but does not include-

(a) the use of land for the purpose of a hotel or motel or to provide any other form of temporary residential accommodation for valuable consideration; or

(b) a dwelling for residential purposes on land used primarily for primary production purposes.” [section 7(18)]

While there is potential to divide land for the creation of a caretaker residence where applicants have provided evidence of an existing primary production use that will remain the primary use of the subject land, the interpretation by planning authorities has been that animal husbandry as envisaged in Animal Husbandry Subzone is not primary production.

For example, the EFPA review submission by the Adelaide Plains Council states:

“Advice received is that ‘primary production’ does not include horse keeping or dog kennels as these uses, while agricultural in nature, do not result in the ‘production’ of a naturally occurring food or consumable item.

This means, for example, subdivision for a dwelling with horse keeping or dog kennelling triggers the EFPA whereas the same division for dwelling with primary production would not.

This presents a fundamental problem for the development of land in Zones where the Code envisages subdivision for dwellings with horse keeping or dog kennelling, such as the Rural Living Zone and Animal Husbandry Sub-Zone.”

The prohibition of residential development on any new allotment by virtue of Section 7 of the Act therefore stymies the intent of zoning, including that the Animal Husbandry Subzone be primarily used for animal husbandry in association with a dwelling.

Interpreting ‘trivial in nature’

While the Commission’s publications do not explain how Test 3 is to be applied, dictionaries assist in interpretation of two key terms used – trivial and anomaly.

Trivial is defined in the Concise Macquarie Dictionary as:

1. of little importance; trifling; insignificant. 2. commonplace, ordinary.

In the Compact Oxford Dictionary, trivial is defined as:

1. not very important or serious.

It is submitted that the first part of Test 3 that a variation to EDPA is ‘trivial in nature’ will be met if a variation to the EFPA is not very important or serious in terms of any effect on the intent of the relevant legal and policy framework.

Key elements of the relevant legal and policy framework are the Planning, Development and Infrastructure Act 2016, and three planning instruments under Act: State Planning Policies, Regional Strategies and the Planning and Design Code. (The fourth planning instrument, Design Guidelines, is less relevant to a matter like residential development on a rural living lot.)

These form a scheme governing policy-based decision-making. It is considered that whether a variation is ‘trivial in nature’ or not should be judged solely based on consequences for attainment of the policy intent relating to the decision-making areas of relevance.

In terms of the EFPA and Test 3, these are:

- food production values
- environmental values
- landscape values
- urban encroachment
- benefits of urban containment
- more generally, the objects of the Act.

The primary object is as follows:

12 (1) The primary object of this Act is to support and enhance the State's liveability and prosperity in ways that are ecologically sustainable and meet the needs and expectations, and reflect the diversity, of the State's communities by creating an effective, efficient and enabling planning system, linked with other laws, that—

(a) promotes and facilitates development, and the integrated delivery and management of infrastructure and public spaces and facilities, consistent with planning principles and policies; and

(b) provides a scheme for community participation in relation to the initiation and development of planning policies and strategies.

Some of the relevant policy intent is encapsulated in the Desired Outcome for the EFPA Overlay in the Planning and Design Code:

"Protection of valuable rural, landscape, environmental and food production areas from urban encroachment."

Interpreting 'anomaly'

Test 3 also refers to an anomaly. In this case, whether an anomaly exists in the context of Test 3 should be judged based on the expressed objects and intent of the relevant legal and policy framework (the Act and three planning instruments under Act).

The term, anomaly, is defined in the Concise Macquarie Dictionary as:

1. deviation from the common rule or analogy. 2. something anomalous.

Anomalous is defined as:

deviating from the common rule, type, or form; abnormal; irregular.

In the Compact Oxford Dictionary, anomaly is defined as:

1. something that differs from what is standard or normal.

Will a variation be trivial in respect to food or primary production values?

The EFPA covers primarily peri-urban areas in primary production use, ie. the dominant use involves one or more of the following:

- cultivation for the purpose of selling the produce obtained;
- maintenance of animals for the purpose of selling them or produce obtained;
- aquaculture;
- the keeping of bees, for the purpose of selling their honey;
- a commercial plant nursery, but not a nursery at which the principal cultivation is the maintenance of plants pending their sale to the general public;
- the propagation for sale of mushrooms, orchids or flowers.

In the Animal Husbandry Zone at Lewiston, the dominant use of land is rural residential with animal husbandry and limited open horticulture (eg. olives) on small lots.

Much of the rural land in the Adelaide Plains Council area to the east of Port Wakefield Road corresponds with “grain production areas” defined in the 2017 Update of the Greater Adelaide Plan (refer map on p.157).

These areas and land capable of commercial horticulture are logically included within the EFPA overlay. They are significant agricultural resources requiring protection.

The exception is where rural living, including in association with animal husbandry, has been established lawfully on smaller holdings and can be regarded for practical purposes as the long-term dominant use, to the exclusion of broad-acre farming and more intense primary production use, as is the case in the Animal Husbandry Subzone.

While smaller lots per se may be capable of supporting some forms of horticulture, extensive land holdings for horticulture with adequate separation from established rural living dwellings exist only outside the Rural Living Zone.

Intensive agriculture within the Rural Living Zone also may well lower the liveability of the zone, due to externalities such as odour, chemical spray drift, noise, traffic and aesthetic impacts, and hence be in conflict with the planning intent of a rural living area.

In 2015, the Mallala Council undertook a detailed study to assist in identifying the potential boundary between broadacre farming and irrigated horticulture to facilitate the creation of a well-planned food bowl (Mallala Broadacre Agricultural Study, Planning Aspects, 2015).

This study employed Multi Criteria Assessment including natural resources, economic value, environmental integrity and community values.

It identified approximately 16,350 hectares of land that could be made available and dedicated to irrigated horticulture activity with the provision of adequate water supply. The area in question generally aligns with that nominated for the Northern Adelaide Irrigation Scheme (NAIS) and is geographically located to the southern portion of the Council in and around Lewiston, Two Wells and the Gawler River.

Not including rural living areas and taking into account a range of other planning constraints, the Adelaide Plains Council area has a primary production area of 69,500 hectares (identified and subject to multi-criteria analysis as primary production land in the Mallala Broadacre Agricultural Study).

The total area of primary production land in the entire EFPA in the Greater Adelaide region is a far higher figure.

The withdrawal of the Animal Husbandry Subzone in the Adelaide Plains Council, a relatively small area already alienated from primary production uses, from the EFPA would be ‘trivial in nature’ in terms of any impacts on retention of land for primary production.

The exclusion of such areas to inform the above planning study is independent recognition of constraint imposed by rural living or like zoning (recently reinforced by the Planning and Design Code) on primary production.

Will a variation be trivial in respect to environmental values?

Lewiston is not within a nature protection or complementary developed area defined in the Planning Strategy for Greater Adelaide, based on environmental and character values (refer Map 10: Biodiversity, p101, 2017 Update).

Like the rest of the EFPA in the Adelaide Plains Council area, it is well outside the Mount Lofty Ranges Watershed areas that require environmental protection measures to ensure drinking water quality.

It is remote from significant areas of natural habitat or any conservation area.

A variation to remove the Animal Husbandry Sub-zone from EFPA is 'trivial in nature' in terms of any effect on environmental values identified for specific protection by the Planning Strategy, relevant State Planning Policies and the Planning and Design Code.

There is negligible if any potential for impairment of environmental values.

Will a variation be trivial in respect to landscape values?

Lewiston is not in an area defined in the planning instruments - Planning Strategy for Greater Adelaide, relevant State Planning Policies or the Planning and Design Code - as possessing landscape or scenic qualities warranting special attention or protection.

An area of flat topography is not normally associated with high landscape or scenic quality. The Two Wells – Lewiston Rural Living Zone generally and the Animal Husbandry Subzone cannot be considered exceptions to that rule.

There is negligible if any potential for impairment of landscape values of significance.

Will a variation be trivial in respect to a policy of avoiding urban encroachment on primary production or land for primary production?

Achieving certainty for primary producers can be difficult if primary production land is subject to a range of development pressures, including:

- land divisions which fragment primary production land;
- urban encroachment which raises land values and creates a disincentive to invest;
- interface issues between primary industry and urban land uses.

'Urban encroachment' is an undefined term used in relevant policies. Relevant literature often makes a distinction between urban land – in towns and cities – and rural living settlements of considerably lower residential density.

However, encroachment of rural living certainly is potentially impactful for primary production in the ways described above.

In terms of a variation to exclude the Animal Husbandry Subzone, any resultant subdivision potential for rural living will not result fragmentation of the primary production area, because the primary production area is external to the Subzone not within it.

The variation would not have an undesirable impact on primary production or primary production land due to urban encroachment.

The Adelaide Plains Council in its submission on the 2021 EFPA review (considered and endorsed by Council on 26 July 2021) notes that its staff have received numerous inquiries by people interested in building dwellings on land in the Rural Horticulture Zone:

“Along with inquiries about subdivision for rural living in Two Wells/Lewiston’s Rural Living Zone, Council’s planners also receive numerous inquiries about building a house on 8HA lots in the Rural Horticulture Zone. Inquirers outline that land is hard to find in Lewiston. The extent that this is a risk for land in the Rural Horticulture Zone should be investigated. An inability to build a dwelling on Rural Living zoned land has the potential to place pressure on primary production and horticulture zoned land.”

It also alludes to an increased number of applications for dwellings generally in the Council area and the impact of the Northern Expressway in stimulating demand for living.

Styming rural living development in the Rural Living Zones in the EFPA therefore could be having a perverse effect if spillover demand for rural living inflates land values, thereby creating disincentive to invest further in primary production in rural zones.

An assessment of the proposed variation against relevant State Planning Policies and the Planning Strategy for Greater Adelaide is included as Appendix 4.

Will the proposed variation address a “recognised anomaly”?

The EFPA legal and policy framework contains a number of features that meet the definition of an anomaly (something that differs from what is standard or normal).

Section 7 of the Act contains a prohibition in that a development of a new allotment in the EFPA must not be a residential development (as defined).

Yet, the Act contains no other land use constraints relating to any other land or any other use other than prohibiting a residential development on certain EFPA allotments. The normal practice is for such policy to be set out in the planning instruments under the Act not the Act itself.

Further, prohibition is not one of the normal tracks for development assessment involving assessment of impacts and/or against the provisions of the Planning and Design Code. Nor was there a similar prohibition in the relevant Development Plans that were the repository of all development policies under the repealed Development Act 1993.

It can be argued that this is an undesirable anomaly, which may be at odds with the Objects of the Act in-so-far-as facilitation of development and the liveability of rural living areas may be unduly limited.

No purpose of the legislation, or the Planning Strategy for Greater Adelaide or other planning instruments is served by retaining the Animal Husbandry Subzone in the EFPA – refer Appendix 4 for a more detailed assessment against the relevant State Planning Policies and Regional Plan.

The proposed variation would remedy an anomaly, a departure from the normal application of the EFPA more generally to primary production areas and/or areas of high environmental or landscape value. It is a departure also from good policy practice using coercive power only where it has a clear purpose and justification.

Removal of the subject land from the EFPA will be not materially impact protection of valuable agricultural land in the Adelaide Plains Council area or elsewhere in the region.

The status quo is at odds with the zoning intent to enable new allotments to be created for rural living purposes in a Rural Living Zone and support animal husbandry in association with a dwelling - consistent with the density expressed through the Local Variation of a minimum allotment size of 1 hectare (notwithstanding conflict with the EFPA overlay).

The Planning and Design Code has reinforced and amplified an anomaly carried over from the legislation and policy in operation prior to 19 March 2021.

Use of an overlay to disable the zoning intent for land use and density is an anomaly because it is inconsistent with the general and logical structuring of policy content and elements in a planning instrument like the Planning and Design Code. Land use and density are normally determined by reference to zone provisions. To do so by reference to a Section of the Act has the potential to obscure key information from people unfamiliar with the legislation, but accustomed to zoning as an indicator of development and subdivision potential.

Is there an anomaly in terms of attainment of the Objects of the Act?

Arguably, yes, though this implies that the Act itself is anomalous in prohibiting the residential development and subdivision of EFPA rural living zones, but no other kinds of development.

Section 7(5)(d), in providing that an application for land division must be refused if it will create additional allotments to be used for residential development, is anomalous in superimposing an outright prohibition over the development pathways defined in the relevant planning instrument (Planning and Design Code), and conflicts with the notion of enabling, integration and promotion and facilitation of development in the Objects (Section 12(1)).

Other Matters

In addition to the above, the following points add weight to our submission that the status quo unreasonably impedes facilitation and promotion of the rural living intent of the Rural Living Zone and Animal Husbandry Subzone, and arguably the Objects of the Act.

The coincidence of a minimum allotment size of 1 hectares in part of the Rural Living Zone, including at Lewiston, combined with retention of a prohibition on residential development on additional allotments, creates uncertainty and confusion.

The prohibition is unduly onerous in terms of its social and financial effects on affected landowners. It imposes an effective freeze on creation of further rural living allotments in a zone and subzone established for rural living.

Finally, the Stage 1 land supply and demand analysis undertaken for the Commission appears to overlook the distinctive role of rural living areas within EFPA in catering for rural retreat aspirations that are not catered for in an urban (or township) context.

Further division for rural living in the limited Rural Living Zone areas established within the EFPA is simply not comparable with proposals for new suburbs or settlement in urban residential type zones, whether in terms of potential alienation of productive agricultural land or the public cost of extending urban services.

Regional Planning Directions believes that it is important to match the physical development characteristics of a place within the appropriate typology for that place, as determined by local preferences taken in context with broader urban patterns and planning.

In rural living zones like that at Lewiston, residents have opted for a rural living typology that is very distinct from and unlike more suburban or urban typologies. It is submitted that this expression of demand for rural living is trivial in terms of ability to influence the urban land market; thus there is no apparent nexus between further rural living settlement within and objectives like a more compact urban area (or areas) in Greater Adelaide (see Appendix 4 for further discussion of strategic planning outcomes).

Notwithstanding the above, it is open to the Commission to only partly exclude the Animal Husbandry Subzone from EFPA, excluding the majority of the subzone but with selected larger parcels to be retained in the EFPA so that they can be re-examined in terms of their potential contribution to EFPA in the second 5-yearly review by the Commission in 2026.

However, this ignores the land use direction established in the planning system, reflected in the dominant pattern of development and reinforced by existing zoning. It also is a messy, piecemeal approach compared with excluding the whole of the area designated for animal husbandry from the EFPA.

CONCLUSIONS

The prohibition of residential development on any new allotment by virtue of Section 7 of the Act stymies the intent of the zoning and sub-zone, including that the Animal Husbandry Subzone be primarily used for animal husbandry in association with a dwelling.

This is contrary to notions of orderly development and support for small-business animal husbandry enterprises that rely on an ability to obtain approval for an associated dwelling.

The land use intent of the zone/subzone must be given primacy, both to support a logical and rational land use pattern supporting economic development, and avoid confusion and potential costly mishaps due to the opaque and complex construction of land use and associated land division policy in the zone system, overlays and Section 7 of the Act.

The EFPA Overlay covering Rural Living Zones sends the wrong message that it is protecting the food bowl within these zones. The established rural living use and policies (reflected in the Code) effectively preclude primary production in these zones of a scale and intensity likely to impinge significantly on residential amenity.

The terms 'trivial in nature' and 'recognised anomaly' should be interpreted by reference to the EFPA's objectives and intent in the relevant legislation and policy framework, and the social, environmental and economic contexts, regional and local.

The Animal Husbandry Subzone of the Rural Living Zone is not fulfilling the intent of the EPPA, nor is it capable of fulfilling the intent of the EPPA, given no landscape or environmental features of value and because its existing and intended animal husbandry use in association with dwellings precludes substantive primary production use.

Retention of the area in the EFPA is not a necessary safeguard against any undesirable impact of 'urban encroachment' on primary production land.

A variation to remove this area from the EFPA therefore would be trivial in nature and will also address a recognised anomaly, fulfilling the legislative test referred to by the Commission as 'Test 3'.

If you have any questions in relation to the above please do not hesitate to contact me on [REDACTED] or via email: [REDACTED].

Yours faithfully



Jim Allen

CONSULTANT PLANNER – REGIONAL PLANNING DIRECTIONS

References:

Planning Aspects, 2015, Mallala Broadacre Farming Study

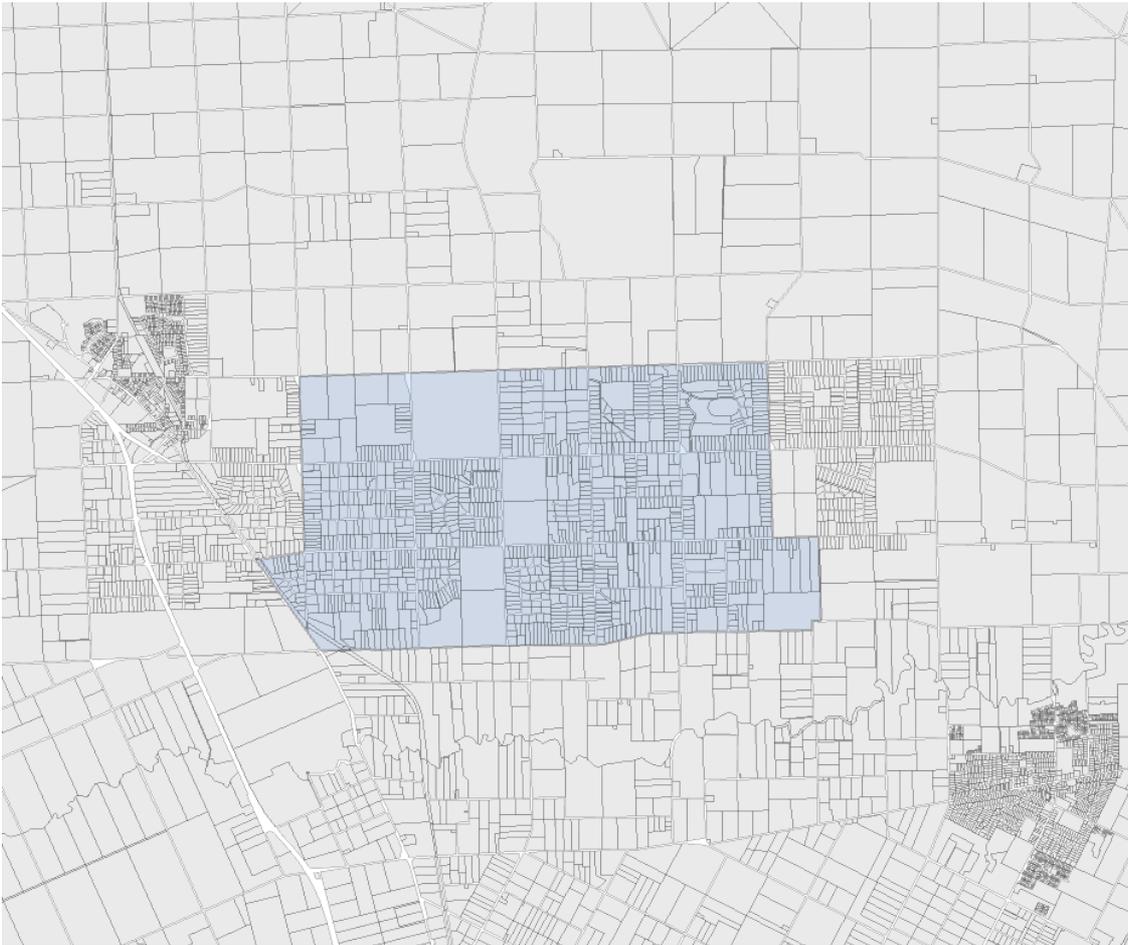
State Planning Commission, June 2021, EFPA Review 2021 – Statement of Position

[https://plan.sa.gov.au/data/assets/pdf_file/0007/831814/Environment and Food Production Areas Review 2021 - Statement of Position.pdf](https://plan.sa.gov.au/data/assets/pdf_file/0007/831814/Environment_and_Food_Production_Areas_Review_2021_-_Statement_of_Position.pdf)

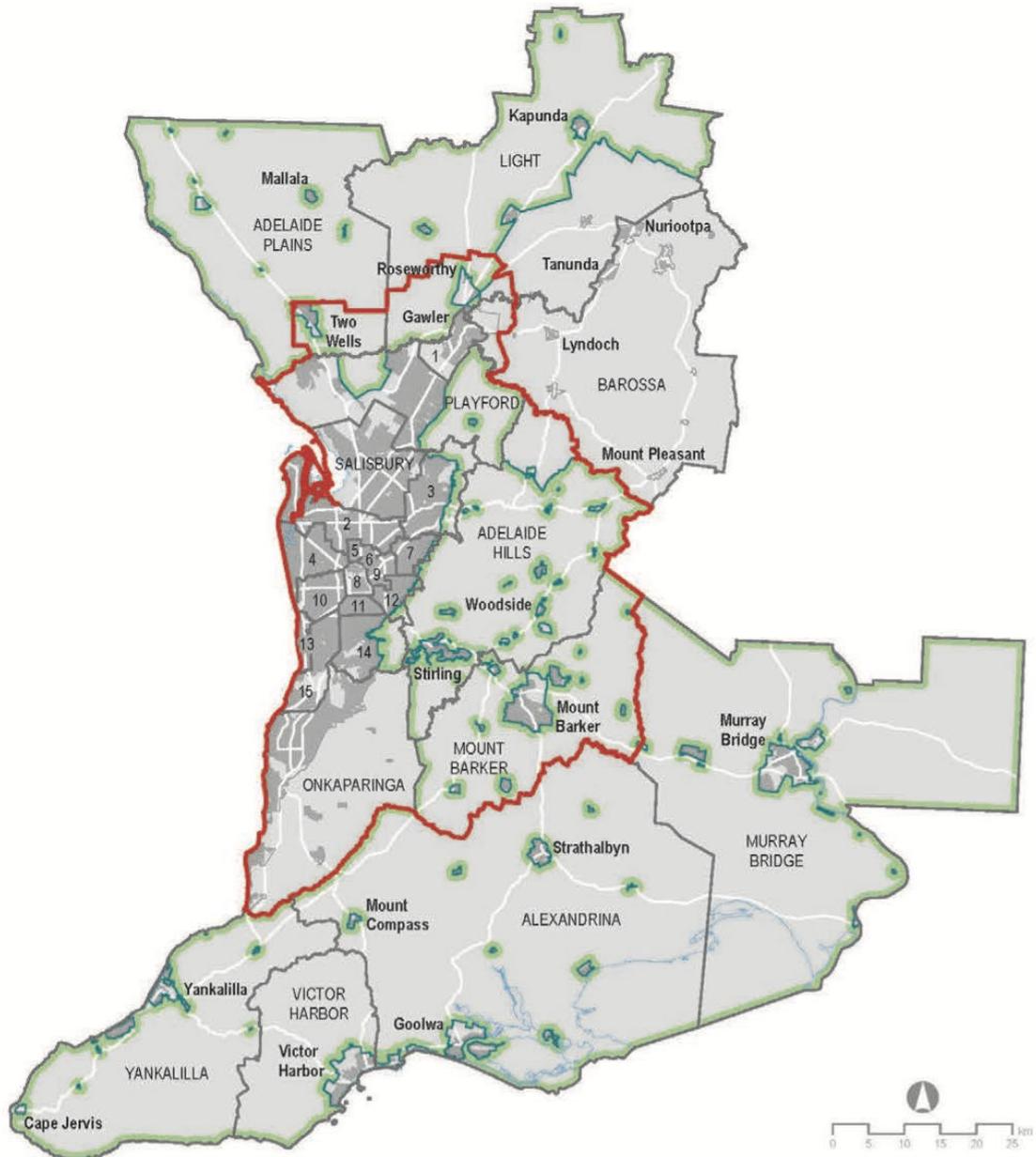
Appendices:

1. Map of Animal Husbandry Zone
2. Former Development Plan Zones
3. Legislated Environment and Food Production Areas
4. State Planning Policies and Planning Strategy for Greater Adelaide
5. Certificate of Title

APPENDIX 1: Map of Animal Husbandry Subzone



APPENDIX 3: Legislated Environment & Food Production Areas



- Greater Adelaide Planning Region
 - Greater Adelaide Capital City Statistical Area - ABS (Metropolitan Adelaide)
 - Environment and Food Production Areas
 - Local government areas constituting the Greater Adelaide Planning Region
 - Local government boundary
- | | |
|-------------------------|---------------------------|
| 1 Gawler | 9 Norwood |
| 2 Port Adelaide Enfield | 10 Payneham and St Peters |
| 3 Tea Tree Gully | 11 West Torrens |
| 4 Charles Sturt | 12 Unley |
| 5 Prospect | 13 Burnside |
| 6 Walkerville | 14 Holdfast Bay |
| 7 Campbelltown | 15 Mitcham |
| 8 Adelaide | |

PLN ID: 5223

APPENDIX 4: State Planning Policies & Regional Plan (Greater Adelaide)

1. State Planning Policies

1. Integrated Planning

1.1 An adequate supply of land (well serviced by infrastructure) is available that can accommodate housing and employment growth over the relevant forecast period.

Outcome: The proposed variation supports additional rural living and animal husbandry in keeping with projected growth making use of underutilised land accessible to services and employment.

1.4 Protect areas of rural, landscape character, environmental importance, mining or food production significance from the expansion of urban areas, towns and settlements.

Outcome: The proposed variation will reinforce the role and potential development of an existing Rural Living Zone and Animal Husbandry Subzone in a manner consistent with protection of primary production assets and opportunities. The Subzone does not offer substantial opportunities for primary production. Further rural living use within existing subzone boundaries would not compromise primary production activities that exist or are likely to occur in the surrounding area.

2. Design Quality

2.9 Respect the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers existing and desired future context of a place.

Outcome: The proposed variation will reinforce the role and identity of an existing Rural Living Zone and the Animal Husbandry Subzone in a context-sensitive manner.

4. Biodiversity

4.2 Recognise the value of modified landscapes and allow appropriately scaled development that can co-exist with and safeguard biodiversity values and critical functions.

Outcome: The proposed variation is consistent with a scale and intensity of semi-rural development that may contribute to some restoration of biodiversity lost as a result of past broad-acre agricultural development removing the vast majority of the area's native vegetation.

5. Climate

5.5 Avoid development in hazard-prone areas or, where unavoidable, ensure risks to people and property are mitigated to an acceptable or tolerable level through cost-effective measures.

Outcome: The proposal variation is considered to be able to suitably minimise risk to people, property and the environment in accord with Hazard Overlay provisions in the Planning and Design Code.

6. Housing Supply and Diversity

6.1 A well-designed, diverse and affordable housing supply that responds to population growth and projections and the evolving demographic, social, cultural and lifestyle needs of our current and future communities.

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 livable and walkable neighbourhoods.

6.3 Develop healthy neighbourhoods that include diverse housing options; enable access to local shops, community facilities and infrastructure; promote active travel and public transport use; and provide quality open space, recreation and sporting facilities.

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.

6.6 A diverse range of housing types within residential areas that provide choice for different household types, life stages and lifestyle choices.

6.10 Limit the establishment of rural living allotments in areas that impact on the future expansion of townships and result in the inefficient delivery of infrastructure and social services.

Outcome: The proposed variation will promote lifestyle choice for those seeking a more secluded semi-rural setting and hence greater diversity of living opportunities, particularly for people who wish to keep horses or dogs or undertake other ancillary semi-rural activities in the Lewiston area. Such opportunities are unlikely to be offered in compact extensions to townships in residential type zones. The variation will cater for a distinct market segment in a context-sensitive, incremental and limited manner unlikely to impinge on township or urban growth.

8. Primary Industry

8.1 Identify and protect key primary production assets and secure strategic opportunities for future primary industry development.

8.2 Create local conditions that support new and continuing investment in primary industry while seeking to promote co-existence with adjoining primary industries and avoid land use conflicts.

8.4 Equitably manage the interface between primary production and other land use types, especially at the edge of urban areas.

Outcome: The proposed variation will reinforce the role of an existing Rural Living Zone and the Animal Husbandry Subzone in a manner consistent with protection of primary production assets and opportunities. The area in question lacks substantial opportunities for primary production. Further rural living use within existing subzone boundaries would not compromise primary production activities that exist or are likely to occur in the surrounding area.

15. Natural Hazards

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.

Outcome: The proposal variation is considered to be able to suitably minimise risk to people, property and the environment in accord with Hazard Overlay provisions in the Planning and Design Code. The rural living residents and owners have planted hundreds of trees in an area where past agricultural development removed the vast majority of the native vegetation.

2. The Regional Plan

The 30-Year Plan for Greater Adelaide (2017 Update) volume of the Planning Strategy is relevant for this proposed amendment. The proposal is largely consistent with the key policies and targets of the Regional Plan as described below.

Design Quality

P29

Encourage development that positively contributes to the public realm by ensuring compatibility with its surrounding context and provides active interfaces with streets and public open space.

Outcome: The variation will reinforce and support the role of an established rural living area in catering for demand for rural living in a manner compatible with the semi-rural context.

Transit corridors, growth areas and activity centres

Policy 1 Deliver a more compact urban form by locating the majority of Greater Adelaide's urban growth within existing built-up areas by increasing density at strategic locations close to public transport.

Outcome: The variation does not detract from delivery of a more compact urban form in catering for a demand for living in a secluded semi-rural area remote from urban growth or urban renewal areas as distinct from typical demand for living in the latter urban areas or residential type zones in townships.

Housing mix, affordability and competitiveness

P46

Ensure an adequate land supply is available to accommodate housing and employment growth over longer term (at least a 15- year supply).

Outcome: The variation supports additional rural living in keeping with projected growth making use of underutilised land accessible to services and employment.

The Economy and Jobs

P55.

Promote certainty to undertake development while at the same time providing scope for innovation.

Primary Production

P57.

Maintain and protect primary production and tourism assets in the Environment and Food Production Areas, while allowing for appropriate value-adding activities to increase investment opportunities.

P58.

Ensure that the Environment and Food Production Areas, Character Preservation Districts and planning policies work in an integrated way to:

- protect key primary production assets and opportunities*
- facilitate local operating and investment conditions that support primary production and related agri-business development*
- enable timely business adjustment and climate change adaptation by primary producers.*

P59.

Enable major new primary production and agri-business development across the Northern Adelaide and Barossa regions and in the Mount Barker-Murray Bridge corridor and prevent ad hoc land use changes that may compromise those investments.

Outcome: The proposed variation will reinforce the role of an existing Rural Living Zone and the Animal Husbandry Subzone in a manner consistent with

protection of primary production assets and opportunities. The area in question lacks substantial opportunities for primary production. Further rural living use within existing zone boundaries would not compromise primary production activities that exist or are likely to occur in the surrounding area.

Biodiversity

P90.

Delineate and maintain areas with significant environmental values to protect landscape health; conserve biodiversity; and improve development certainty and transparency (represented in Map 10). This includes:

- *Nature Protection Areas:*

These are largely undeveloped areas that retain significant environmental values recognised through existing legislation. This includes protected public lands (such as conservation and marine parks), private protected lands (such as Heritage Agreements), and areas of native vegetation and listed wetlands. These areas should be protected from development unless specific exemptions apply.

- *Complementary Developed Landscapes:*

These are substantially modified farming landscapes where existing land uses and significant environmental values, different from those in Nature Protection Areas, co-exist in a way that provides mutual benefits. The generally open and undeveloped nature of these landscapes should be maintained through appropriate zoning to support continuation of the primary production systems that create environmental niches for target species.

Outcome: The proposed variation does not impinge on Nature Protection Areas or Complementary Developed Landscapes identified on the Biodiversity Map 10.

Water

P116.

Protect and secure water resources in the region (refer to Map 12), including:

- *the Mount Lofty Ranges Watershed*
- *prescribed water resources*
- *recycled wastewater networks*
- *stormwater harvesting*

Outcome: The proposed variation does not impinge on areas requiring specific protection due to water resources.

Emergency management and hazard avoidance

P118

Minimise risk to people, property and the environment from exposure to hazards (including bushfire, terrestrial and coastal flooding, erosion, dune drift and acid sulphate) by designing and planning for development in accordance with a risk hierarchy of:

- Avoidance • Adaptation • Protection*

Outcome: The proposal variation is considered to be able to suitably minimise risk to people, property and the environment in accord with Hazard Overlay provisions in the Planning and Design Code.

APPENDIX 5: Certificate of Title



Product Register Search (CT 5404/832)
 Date/Time 18/01/2021 03 20PM
 Customer Reference
 Order ID 20210118008056



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5404 Folio 832

Parent Title(s) CT 3092/43
 Creating Dealing(s) CONVERTED TITLE
 Title Issued 17/03/1997 Edition 7 Edition Issued 05/11/2013

Estate Type

FEE SIMPLE

Registered Proprietor

JOEL CALLAN PARSONS
 WENDY ANNE PARSONS
 OF 196 HAYMAN ROAD LEWISTON SA 5501
 AS JOINT TENANTS

Description of Land

ALLOTMENT 487 FILED PLAN 174954
 IN THE AREA NAMED LEWISTON
 HUNDRED OF PORT GAWLER

Easements

NIL

Schedule of Dealings

Dealing Number	Description
12020614	MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

Notations

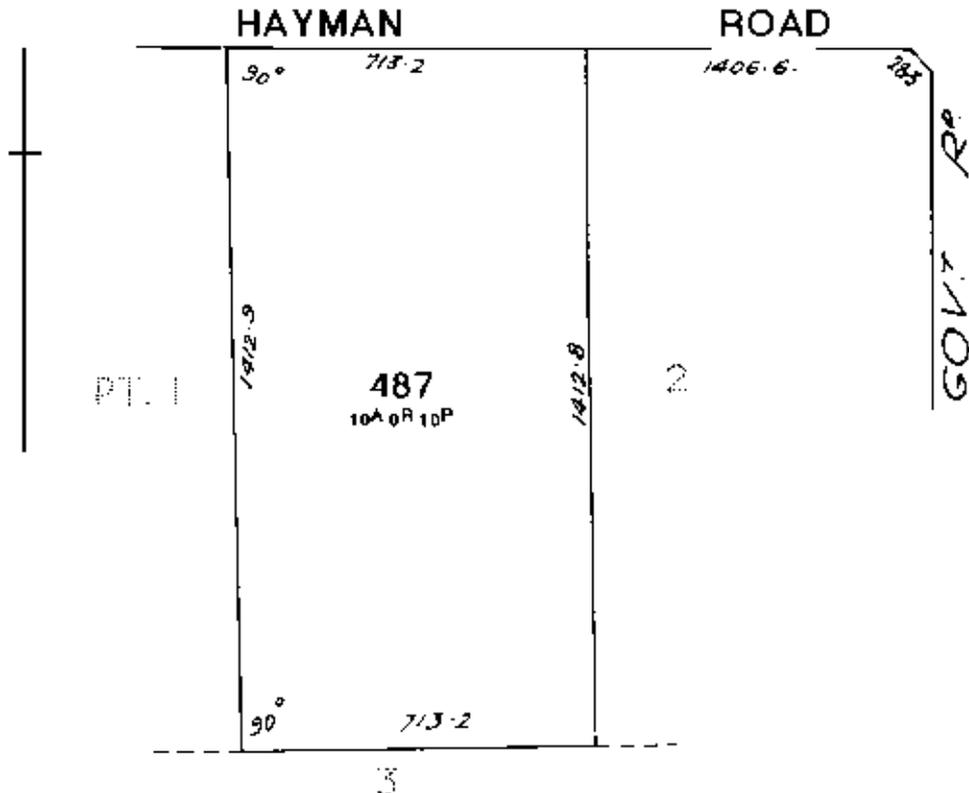
Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



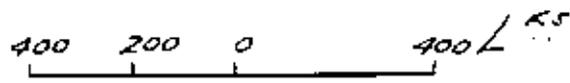
Product Register Search (CT 5404/832)
Date/Time 18/01/2021 03 20PM
Customer Reference
Order ID 20210118008056

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 3092/43

LAST PLAN REF: D.P. 8007



D.P. 8007

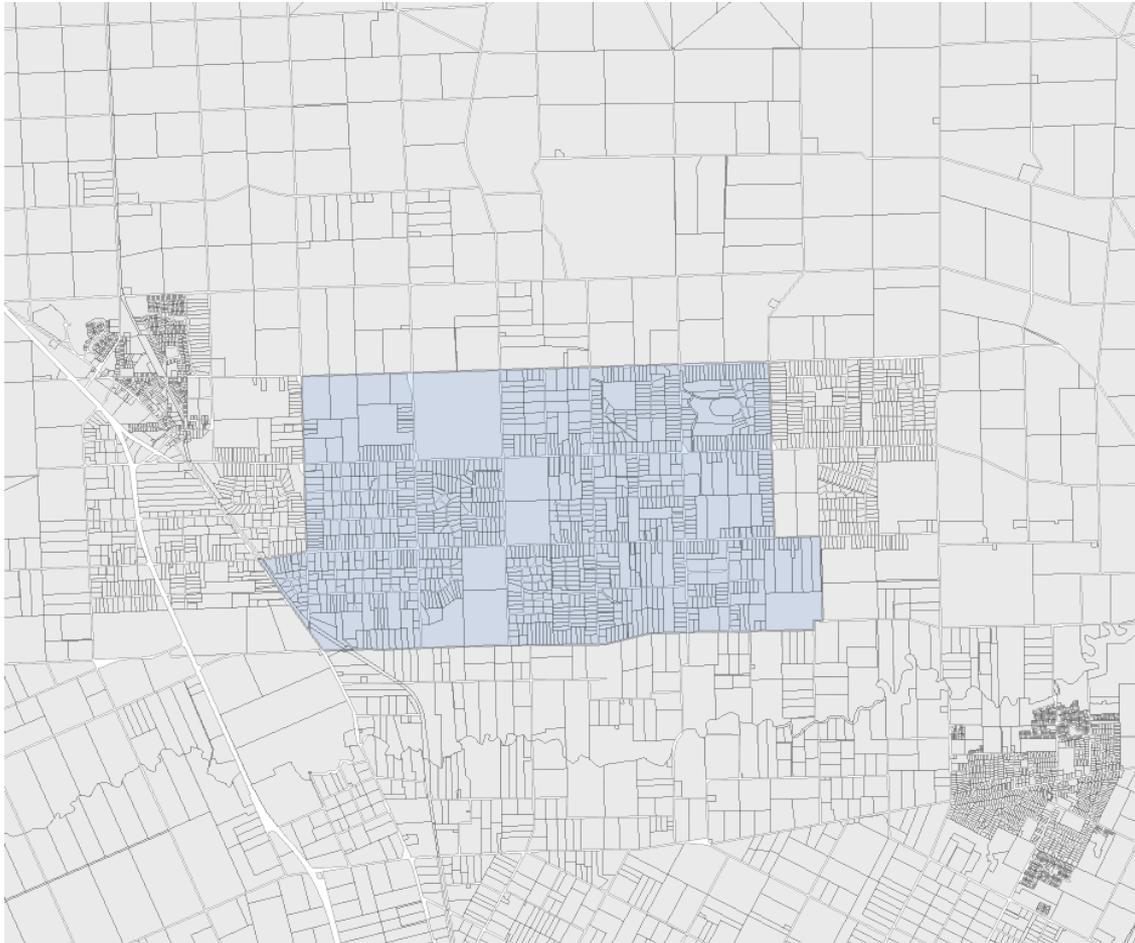


FOR METRIC CONVERSIONS
 1 LINK = 0.201168 METRES
 1 CHAIN = 100 LINKS
 1 ACRE = 0.404688 HECTARES
 1 ROD = 1011.7 m²
 1 PERCH = 25.29 m²

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION

APPENDIX 1: Map of Animal Husbandry Subzone

BLUE = Animal Husbandry Subzone proposed to be excluded from EFPA



Our ref: THG/211163

30 July 2021

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

By email: sapanningcommission@sa.gov.au

Dear Sir/Madam

Submission – Environment and Food Production Areas Review 2021 – Second Valley township

This firm acts for W. Lee Nominees Pty Ltd, the owner of land at Catlow Road, Second Valley.

Our client's submissions on the Environment and Food Production Areas Review 2021 are set out below.

Our client respectfully requests that the boundaries of the Environment and Food Production Area (**EFPA**) be varied as shown in the annexure to exclude an area of approximately 650 square metres to enable that land to be merged with adjoining residential properties.

The land

Our client's land is a single allotment contained in Certificate of Title Volume 5265 Folio 225, being Allotment 2 in Filed Plan 146423 (**the land**). The land is also known as Lot 2 Riverside Drive.

It has an area of approximately 23.7 hectares.

The land represents the boundary between the EFPA and the township of Second Valley.

The land is located in a Conservation Zone. It abuts the Rural Settlement Zone to the west and the Rural Living and Rural Zone to the south.

A small area in the south western corner of the land "juts in" to the Rural Settlement Zone. That area, being approximately 650 square metres in size is surrounded to the north, south and west by land within the Rural Settlement Zone. To the east, it is separated from the balance of the land by the Paranancooka River.

It is proposed that this section of the land (**the realignment land**) be excluded from the EFPA so that it can ultimately form part of the Rural Settlement Zone.

Level 1 Darling Building
28 Franklin Street, Adelaide
GPO Box 1042, Adelaide SA 5001
t. 08 8212 9777
e. info@bllawyers.com.au
www.bllawyers.com.au

The realignment land and the location of the EFPA and Zone boundaries are shown in the annexed images.

Proposed amendment to EFPA boundary

Under section 7(3)(b) of the *Planning, Development and Infrastructure Act 2016 (PDI Act)*, the Commission may vary the EFPA if the 'variation is trivial in nature and will address a recognised anomaly'. It is our respectful submission that it is appropriate to apply this provision in the present circumstances.

The proposed amendment is trivial in nature given its size. It addresses an anomaly in that the realignment land:

1. Is otherwise surrounded by land in the Rural Settlement Zone;
2. Is already informally used as a quasi-backyard area by adjoining properties;
3. Is not farmed or put to any meaningful use;
4. Has no inherent or particular environmental value. It is a small, flat area of land surrounded by houses on three sides; and
5. Is of no particular utility to the broader property, being separated from the balance of the land by the Parananacooka River.

Our client would like to be able to undertake a boundary realignment to merge the realignment land with the adjoining residential properties to in effect give them larger back yards. It will not result in the creation of additional allotments or the construction of additional dwellings.

The operation of section 7 of the PDI Act is yet to be tested and it is not clear whether section 7 would act to prohibit a realignment of allotment boundaries in this situation.

To avoid any argument that the proposed realignment of allotments amounts to the creation of an additional allotment for residential development within the EFPA (and is therefore prohibited) our client seeks that the EFPA boundary be adjusted to exclude the realignment land.

The realignment land of course presently lies within the Conservation Zone, such that any realignment would still be required to undergo a rigorous assessment, likely as a Restricted Development.

However, without the EFPA boundary being adjusted, the realignment land may be left largely sterilised indefinitely.

In our submission, a realignment of allotment boundaries as proposed warrants the ability to be properly assessed on its merits, and the EFPA boundary should be amended to allow this to happen.

Summary

The proposed minor amendment to the boundaries of the EFPA is trivial in nature and will address an anomaly in the existing boundaries. It will not in any way undermine the objectives of the EFPA.

We strongly encourage the Commission to support the proposed amendment.

Please don't hesitate to contact me if you have any further queries or wish to discuss our client's submissions.

Yours faithfully



Tom Game
BOTTEN LEVINSON

Mob: [REDACTED]

Email: [REDACTED]

ANNEXURE – IMAGES OF LAND AND PROPOSED EFPA BOUNDARY CHANGE



Figure 1 – area to be excluded from EFPA (cadastral)



Figure 2 - area to be excluded from EFPA (aerial)



Figure 3 – Planning and Design Code zoning



Figure 4 – indicative boundary realignment



Figure 5 – indicative boundary realignment with EFPA boundary shown

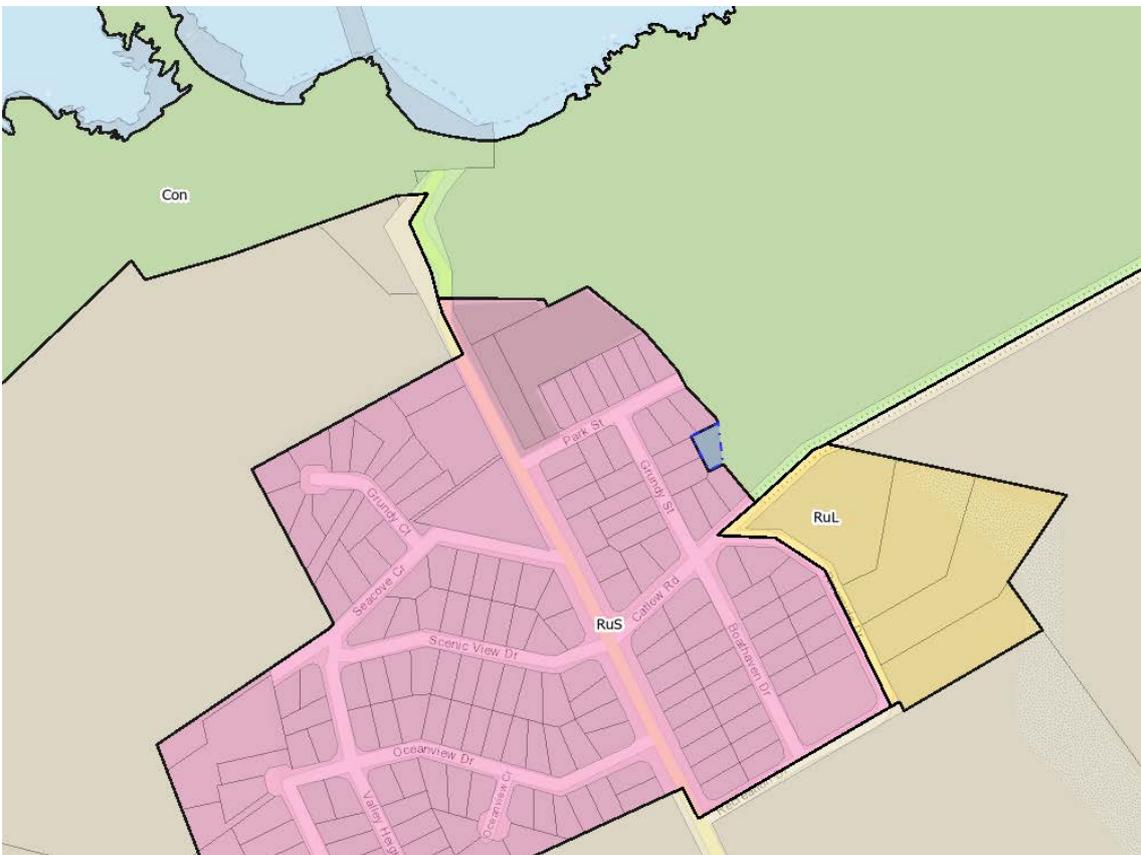


Figure 6 – locality overview (with zoning)

Form Information

Site Name PlanSA
Site Id 578867
Page Request to vary Environment and Food Production Area boundaries
Standard Name
Page 823328
Standard Id
Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound
Submission Id 878629
Submission Time 30 Jul 2021 4:17 pm
Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: David Bamford
Postal Address: [REDACTED]
Phone Number: [REDACTED]
Mobile Number:
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): 1066 Greenhill Rd, Summertown 5141
Allotment ID: CT 5604/635
Owners: Cennednyss Community Inc

Requested variation details

Details of requested variation: Cennednyss Community Inc seeks a trivial adjustment of the EFPA Zone boundary on this property to address an anomaly. The basis of the application and supporting documents are provided in the supporting letter by Felicity Niemann, Wallmans Lawyers.
Additional supporting information: Following informal discussions with Adelaide Hills Council, we do not anticipate any opposition to the proposal.
Supporting document: EFPA_Review_F_Niemann_Cennednyss.pdf, type application/pdf, 2.0 MB

Map of requested variation

Map or diagram to support submission:

Appendix_6.PDF, type application/pdf, 510.9 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission Yes at a public hearing following the close of the submission period?:

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name: Felicity Niemann
Address: Wallmans Lawyers
Phone number: [REDACTED]
Mobile number:
Email: [REDACTED]

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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WALLMANS
LAWYERS

Expert advice,
human approach.

Our Ref: FJN:CMW:21-2749

Your Ref:

29 July 2021

State Planning Commission
c/o Ms Helen Dyer
Chair – State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

L5, 400 King William St
Adelaide SA 5000

GPO Box 1018
Adelaide SA 5001

Tel (08) 8235 3000
Fax (08) 8232 0926

general@wallmans.com.au
www.wallmans.com.au

ABN 98 802 494 422

BY EMAIL: saplanningcommission@sa.gov.au

Dear Ms Dyer,

RE: EFPA SUBMISSION - 1066 GREENHILL RD, SUMMERTOWN 5141

This firm acts for Cennednyss Community Inc. (**Cennednyss**).

We have been instructed to prepare this letter to be included with the submission by Cennednyss in response to the review of the Environment and Food Production Area Boundary (**EFPA**).

We are aware that on Friday 4 June, the State Planning Commission (**Commission**) issued a media release stating that the EFPA Review will only focus on addressing variations to the EFPA boundaries that are identified as “*anomalies and/or are trivial in nature*”.

The purpose of this submission is to request a re-alignment of the EFPA boundary in order to remedy an anomaly where there are two existing dwellings on one allotment.

To this end, Cennednyss seek to make a variation to the EFPA boundary that is “*trivial in nature and will address a recognised anomaly*” pursuant to section 7(3)(b) of the *Planning Development and Infrastructure Act 2016 (Act)*.

SUBJECT LAND & LOCALITY

Cennednyss Community Inc is the owner of the land located at 1066 Greenhill Rd, Summertown, which is land comprised in Certificate of Title Volume 5604 Folio 635 (**Land**) (**Appendix 1**).

The Land is a battle-axe allotment with a 13.4metre frontage to Greenhill Road. The access handle is 67.7 metres in length. The balance of the Land is irregular in shape and is approximately 4.6 hectares in size.

The Land straddles two zones and is located within both the ‘*Productive Rural Landscape Zone (PRuL)*’ and the *Township (T) Zones* (**Appendix 2**).

The Land also straddles the EFPA boundary and portion of the Land is located within the Environment and Food Production Area Boundary (**Appendix 3**).

Located on the Land are two long standing existing dwellings, outbuildings, water tanks, garden beds, small scale fruit and vegetable plots and crops and two dams.

The dwellings were constructed prior to 1949 and 1989 respectively and are occupied and rated separately. The Valuer General has split the allotments into 1066A and 1066 Greenhill road by virtue of valuation number 0312867500 (**Appendix 4**) and valuation number 0312867113 (**Appendix 5**)

The two dwellings are shown in the yellow circles as shown on the aerial image in **Appendix 6**. The proposed re-alignment of the EFPA boundary is shown by the dashed line in Appendix 6.

Dwelling 1 is located to the north of the Land and the occupant of that dwelling currently gains access to their dwelling via Greenhill Road.

Dwelling 2 is located to the south of the Land and access to it is from Greenhill Road with a secondary access via a private road known as 'Sitters Lane'. The informal access from Sitters Lane is across another allotment, also owned by Cennednyss.

The purpose of the EFPA boundary re-alignment is so that Cennednyss may apply for development authorisation to divide the Land so that each dwelling could be wholly situated within their own respective allotments.

BACKGROUND TO CENNEDNYSS

In 1977 Cennednyss bought the Land to provide accommodation for the newly formed community. The community was a collection of family groups and individuals (27 in all) wishing to live in a more co-operative and environmentally sustainable way.

The existing use of the Land was primarily for residential purposes and very little had been used for primary production. Part of the Land was overgrown with blackberry bushes and when the blackberry was cleared, revealed abandoned cars and even a shed. The current condition of the Land can be seen in the photographs below.

Since 1977, Cennednyss has bought the surrounding allotments as they came on to the market and now own 4 properties with 5 dwellings for use by its community.

Photograph of the Land taken circa 1977



Photographs of the Land taken in 2021





Since 1977 the use of the Land has been for residential purposes and to grow food to supply to the Cennednyss members.

Cennednyss have a small hobby orchard with mainly heritage varieties of apples and vegetable gardens. The most significant activity on the Land has been revegetation with native species.

Over the years, Cennednyss have also maintained a small holding of animals including sheep, alpacas, milking goats and a milk cow for domestic consumption.

RESTRUCTURE OF CENNEDNYSS

It was always assumed by Cennednyss that new members would join the community so that they would remain financially viable. However, with the aging of the existing members, there have been no new members. With diminishing incomes, Cennednyss need to restructure to put in place protections for the ongoing members.

Transferring the properties to the members will significantly reduce the operating costs, resolve legal uncertainties, and provide members with the financial benefits of owning their principal place of residence.

The current ownership structure of Cennednyss needs to change. Without it, Cennednyss are concerned that members will be leaving unnecessary legal and practical complications for their children as their existing members continue to age.

For example, if the occupant of one of the dwellings on the Land had to enter aged care, the whole of the property would need to be sold to repay that member's loan to the Community.

Without the EFPA boundary change, land division is not possible. This could mean that Cennednyss would need to sell both houses and the occupant of the other dwelling would lose their home.

ORDERLY AND ECONOMIC

The boundary change Cennednyss are proposing is trivial. It is a minor shift in the boundary and the change will provide more regular and orderly alignment with the adjacent allotment boundaries that are within the Township Zone.

The majority of the Land will remain in the EFPA and *Productive Rural Landscape Zone* and will have no effect on the ongoing use of the balance of the Land for primary production purposes.

The proposed change to the EFPA boundary is not only trivial in nature, but the current arrangement is an anomaly which results in a poor planning outcome.

Currently the Land has two dwellings on an allotment which are separately occupied. The Valuer General has also informally split the land into two, being 1066A and 1066 Greenhill road.

The current configuration of the Land is not orderly and efficient and the realignment of the EFPA boundary will remedy many of the concerns raised by Cennednyss.

We respectfully request that the Commission look favourably on this submission so that the EFPA boundary is relocated to reflect the new boundary proposed in Appendix 6.

Yours sincerely
WALLMANS LAWYERS



FELICITY NIEMANN

Partner

Direct Line: [REDACTED]

Email: [REDACTED]

ENC: Appendices 1-6

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5604 Folio 635

Parent Title(s) CT 3833/6, CT 5479/531

Creating Dealing(s) RTC 8548304

Title Issued 08/12/1998 Edition 1 Edition Issued 08/12/1998

Estate Type

FEE SIMPLE

Registered Proprietor

CENNEDNYSS COMMUNITY INC.
OF MAIN ROAD SUMMERTOWN SA 5141

Description of Land

ALLOTMENT 1 DEPOSITED PLAN 50388
IN THE AREA NAMED SUMMERTOWN
HUNDRED OF ONKAPARINGA

Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED A TO THE ETSA CORPORATION (T 1843701)

Schedule of Dealings

NIL

Notations

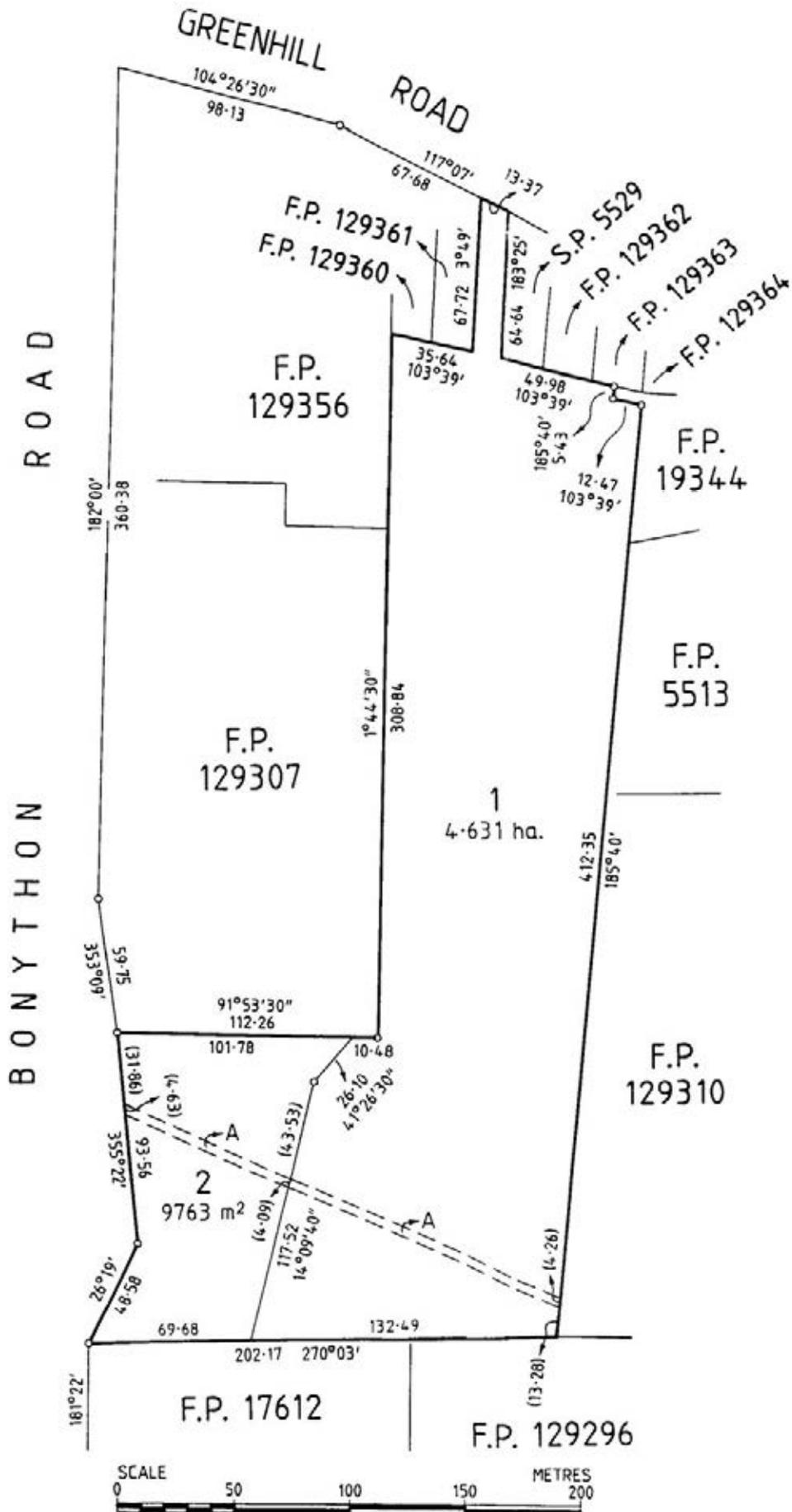
Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes NIL

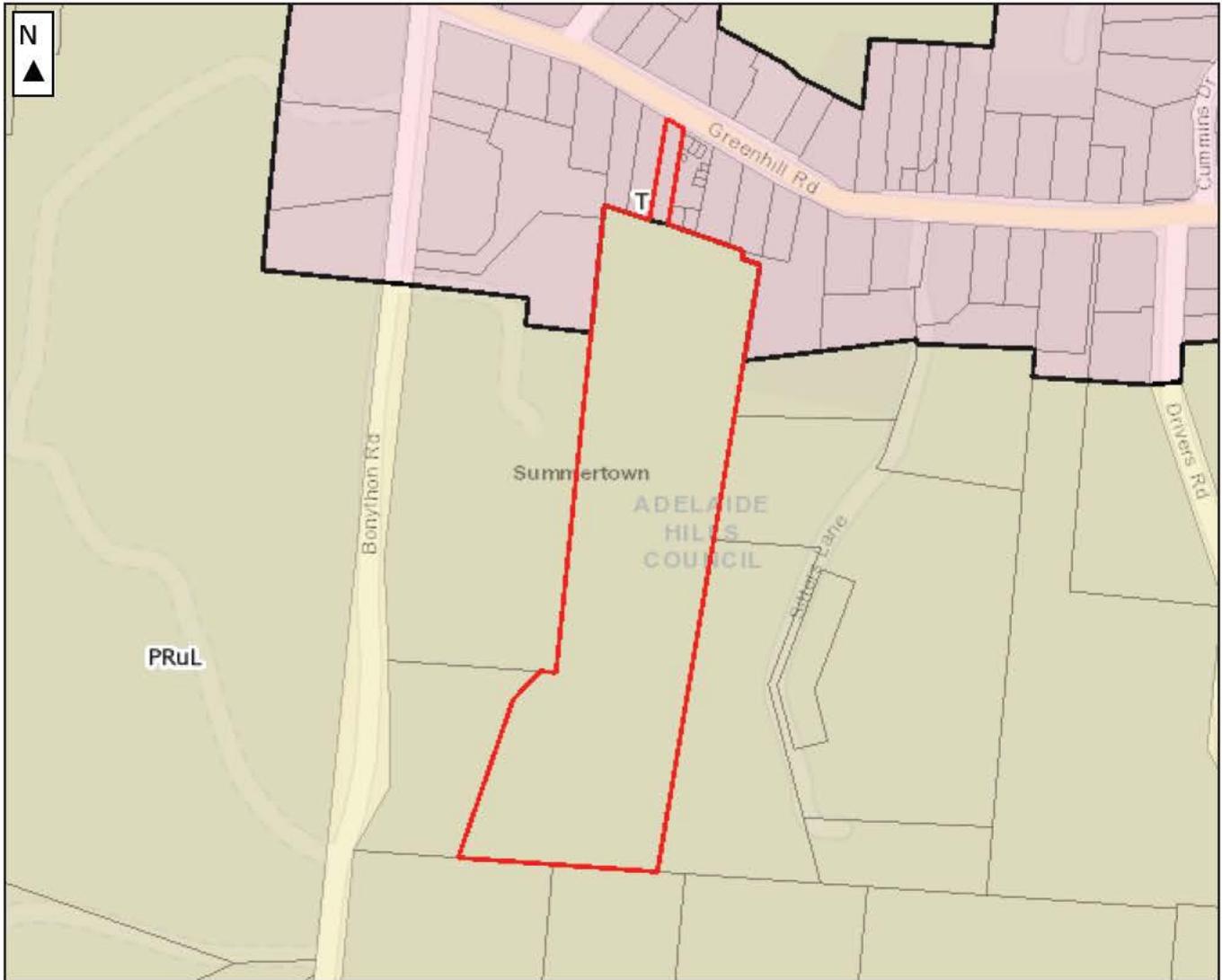
Administrative Interests NIL



SAPPA Parcel Report

Date Created: July 28, 2021

The South Australian Property and Planning Atlas is available at the Plan SA website <https://sappa.plan.sa.gov.au/>



Address Details

Unit Number:
Street Number: 1066
Street Name: GREENHILL
Street Type: RD
Suburb: SUMMERTOWN
Postcode: 5141

Scale ≈ 1:4514 (on A4 page)

200 metres≈

The information provided, is not represented to be accurate, current or complete at the time of printing this report.

Property Details:

Council: ADELAIDE HILLS COUNCIL
State Electorate: BRAGG (2014), MORIALTA (2018)
Federal Electorate: MAYO (2013), MAYO (2016), MAYO (2019)
Hundred: ONKAPARINGA
Valuation Number: 0312867500
Title Reference: CT5604/635
Plan No. Parcel No.: D50388A1

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Zoning details next page



Government of South Australia
 Attorney-General's Department

Zone Details

Zones

Productive Rural Landscape (Z4802) - PRuL

Township (Z6001) - T

Overlays

Environment and Food Production Area (O1502)

The Environment and Food Production Area Overlay is an area of rural, landscape, environmental or food production significance within Greater Adelaide that is protected from urban encroachment

Hazards (Bushfire - High Risk) (O2408) - High

The Hazards (Bushfire - High Risk) Overlay seeks to ensure development responds to the high level of bushfire risk by siting and designing buildings to mitigate threat and impact of bushfires on life and property, facilitating access for emergency service vehicles and situating activities that increase the number of people living and working in the area away from areas of unacceptable bushfire risk.

Hazards (Bushfire - Medium Risk) (O2408) - Medium

The Hazards (Bushfire - Medium Risk) Overlay seeks to ensure development responds to the medium level of bushfire risk by siting and designing buildings to mitigate threat and impact of bushfires on life and property and facilitating access for emergency service vehicles.

Hazards (Flooding - Evidence Required) (O2416)

The Hazards (Flooding - Evidence Required) Overlay adopts a precautionary approach to mitigate potential impacts of potential flood risk through appropriate siting and design of development.

Limited Land Division (O3605)

The Limited Land Division Overlay seeks to limit fragmentation of land to avoid undermining primary production.

Mount Lofty Ranges Water Supply Catchment (Area 1) (O3903)

The Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay is to protect Adelaide's drinking water supply by limiting development to that which has a beneficial impact on the quality of water harvested from the Mount Lofty Ranges Watershed

Mount Lofty Ranges Water Supply Catchment (Area 2) (O3905)

The Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay is to protect Adelaide's drinking water supply by limiting development to that which has a beneficial impact on the quality of water harvested from the Mount Lofty Ranges Watershed

Native Vegetation (O4202)

The Native Vegetation Overlay seeks to protect, retain and restore areas of native vegetation.

Prescribed Water Resources Area (O4802)

The Prescribed Water Resources Area Overlay seeks to ensure the sustainable use of water in prescribed water resource areas.

Regulated and Significant Tree (O5404)

The Regulated and Significant Tree Overlay seeks to mitigate the loss of regulated trees through appropriate development and redevelopment.

Traffic Generating Development (O6001)

The Traffic Generating Development Overlay aims to ensure safe and efficient vehicle movement and access along urban transport routes and major urban transport routes.

Urban Transport Routes (O6301)

The Urban Transport Routes Overlay seeks to ensure safe and efficient vehicle movement and access along urban transport routes.

Water Resources (O6902)

The Water Resources Overlay seeks to protect the quality of surface waters in South Australia.

Variations

Minimum Site Area (V0005) - 4000_____

Minimum site area is 4,000 sqm

SAPPA Parcel Report

Date Created: July 28, 2021

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Address Details

Unit Number:
Street Number: 1066A
Street Name: GREENHILL
Street Type: RD
Suburb: SUMMERTOWN
Postcode: 5141

Scale ≈ 1:9028 (on A4 page)

250 metres ≈

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Property Details:

Council: ADELAIDE HILLS COUNCIL
State Electorate: BRAGG (2014), MORIALTA (2018)
Federal Electorate: MAYO (2013), MAYO (2016), MAYO (2019)
Hundred: ONKAPARINGA
Valuation Number: 0312867113
Title Reference: CT5604/635
Plan No. Parcel No.: D50388A1
Zoning details next page

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Government of South Australia
 Attorney-General's Department

Zone Details

Zones

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Township (Z6001) - T

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Variations

Minimum Site Area (V0005) - 4000_____

Minimum site area is 4,000 sqm

Valuation Record

Valuation Number	0312867500
Type	Site & Capital Value
Date of Valuation	01/01/2021
Status	CURRENT
Operative From	01/07/2005
Property Location	1066 GREENHILL ROAD, SUMMERTOWN, SA 5141
Local Government	ADELAIDE HILLS
Title References	CT 5604/635
Owner Names	CENNEDNYSS COMMUNITY INC.
Owner Number	80137794
Address for Notices	1060 GREENHILL RD SUMMERTOWN 5141
Zone / Subzone	PRuL - Productive Rural Landscape\
Water Available	No
Sewer Available	No
Land Use	1992 - House And Livestock (Non-Viable)
Description	9H DCP SHS
Local Government Description	Primary Production

Parcels

Plan/Parcel	Title Reference(s)
D50388 ALLOTMENT 1	CT 5604/635

Values

Financial Year	Site Value	Capital Value	Notional Site Value	Notional Capital Value	Notional Type
Current	\$255,000	\$410,000			
Previous	\$250,000	\$385,000			

Note – this information is not guaranteed by the Government of South Australia

Valuation Record

Valuation Number	0312867113
Type	Site & Capital Value
Date of Valuation	01/01/2021
Status	CURRENT
Operative From	01/07/2005
Property Location	1066A GREENHILL ROAD, SUMMERTOWN, SA 5141
Local Government	ADELAIDE HILLS
Title References	CT 5604/635
Owner Names	CENNEDNYSS COMMUNITY INC.
Owner Number	80137794
Address for Notices	1060 GREENHILL RD SUMMERTOWN 5141
Zone / Subzone	PRuL - Productive Rural Landscape\
Water Available	No
Sewer Available	No
Land Use	1992 - House And Livestock (Non-Viable)
Description	5H
Local Government Description	Primary Production

Parcels

Plan/Parcel	Title Reference(s)
D50388 ALLOTMENT 1	CT 5604/635

Values

Financial Year	Site Value	Capital Value	Notional Site Value	Notional Capital Value	Notional Type
Current	\$240,000	\$335,000			
Previous	\$250,000	\$320,000			

Note – this information is not guaranteed by the Government of South Australia

SAPPA Parcel Report

Date Created: July 28, 2021

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Street Name: GREENHILL
Street Type: RD
Suburb: SUMMERTOWN
Postcode: 5141

Scale ≈ 1:4514 (on A4 page)

200 metres ≈

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State Electorate: BRAGG (2014), MORIALTA (2018)
Federal Electorate: MAYO (2013), MAYO (2016), MAYO (2019)
Hundred: ONKAPARINGA
Valuation Number: 0312867113
Title Reference: CT5604/635
Plan No. Parcel No.: D50388A1

Zoning details next page

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 Attorney-General's Department

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Address Details

Unit Number:

Scale ≈ 1:4514 (on A4 page)

Street Number: 1066A

200 metres ≈

Street Name: GREENHILL

Street Type: RD

Suburb: SUMMERTOWN

Postcode: 5141

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State Electorate: BRAGG (2014), MORIALTA (2018)

Federal Electorate: MAYO (2013), MAYO (2016), MAYO (2019)

Hundred: ONKAPARINGA

Valuation Number: 0312867113

Title Reference: CT5604/635

Plan No. Parcel No.: D50388A1

Zoning details next page

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Government of South Australia
Attorney-General's Department



3 August 2021

Ms Helen Dyer
Chair
State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

Dear Ms Dyer,

Submission to Environment and Food Protection Areas Review

We write in regard to the Environment and Food Protection Areas (EFPA) Review currently being undertaken by the State Planning Commission. While we agree with the Commissions' position that an amendment to the EFPA boundaries is not required to address land supply for Metropolitan Area at this time, we do wish to raise a number of issues in regard to the Land Supply Report (LSR) which has been produced to support the Review.

We note that the LSR prepared by PLUS-AGD, "will be used as an evidence base to determine the capacity of the land use planning system to provide an adequate supply of appropriate land to meet market demand. The LSR is an evidence based report to assist in strategic decision making. It will be considered along with other important inputs such as: environmental outcomes, accessibility, cost of servicing, protection of valued agricultural land and other strategic priorities, when considering land supply for residential and employment purposes. Market trends and demand preferences will be constantly monitored so that the LSR can be reviewed and updated regularly".

Given its status as a strategic document of State Government, we believe the following issues require further consideration by Government before it is adopted as an evidence base used to guide the assessment of Planning Code Amendments.

Data assumptions

- Section 2.5 of the Land Supply Report for Greater Adelaide – Greenfield Land Supply provides an analysis of each development front/project including an average dwellings built per annum figure for the project. This figure appears to be averaged over the life of the project and as such is misleading. In the past financial year there was 162 land allotment sales and in the year prior it was 100. This will lead into substantial growth in the number of homes built this year and moving forward reflecting the maturing of the project. We are concerned that the figures in the report are suggesting a lower demand than actually exists, certainly for Springwood and no doubt for other projects.
- In the 2020 financial year Covid-19 had only a limited negative impact on sales with settlements remaining largely on track. Sales remained strong during the 2021 financial year and while the Home Builder stimulus had a modest positive impact in sales, there was only a small window to use Home Builder and developers needed blocks already serviced which many didn't have on hand. As such it should not be assumed that strong sales figures for this period are an aberration. Building approvals are the highest they have been for three decades.

Demand

- We are of the strong belief that demand has fundamentally changed. Low rates and the Home Builder stimulus hasn't just brought forward future demand but has taken a generation for whom travel and interstate moves are no longer an option and made them into home owners where they had previously become renters or left the state. This will keep demand for new housing high, as will the forecast extremely low interest rates which are going to be here for some time.
- Sale activity in peri-urban areas has increased significantly in response to the pandemic. This is driven by a desire for more space and larger homes, access to open space and the increased ability and acceptability of working from home. Rather than a short term reaction to the pandemic, we believe Covid-19 has changed the real estate market forever. Early predictions of unprecedented house price crashes and a glut of rental properties as a result of the pandemic have proven to be wholly incorrect.
- It will be important to monitor the impact of these market changes over the coming months as the trends are not being fully reflected in the data as yet. Our recent experience has certainly been that there is a move away from medium and high density to larger housing products. It would appear that this trend is starting to emerge in other states as demonstrated in the article by Bernard Salt published in The Australian on 29 July 2021 (refer attachment).
- The advantage of greenfield development over higher density infill, is that it can respond quickly to market demand, slowing down or bringing on supply and providing a broad range of housing product choice as market trends change.

Supply Assumptions

- The LSR places significant reliance on future land supply coming from small scale infill and brownfield sites, particularly in the Inner Northern region, as supply dries up in the Inner Western region. However, the introduction of the Planning Code and associated Technical and Numerical Variations (TNV's) has reduced the ability to deliver higher density development in some locations. We understand that Councils who had previously approved small lot development are now reverting to a conservative approach of enforcing TNV's of much larger lot areas.
- This in addition to new requirements for the protection and provision of trees will reduce yields in inner metro areas. Furthermore good brownfield sites are limited.
- It is highly likely that this tightening on development potential will result in greater demand in greenfield locations.
- As expats return home to Australia from overseas and interstate residents look for better lifestyle choices compared to the east coast, South Australia must maintain a competitive advantage of less expensive housing. This is a fundamental principle of the State Government's policy to grow the state's population. Lack of supply, in an industry and market which has long leads times, will inevitably put upward pressure on pricing and undermine this advantage if careful planning for land release is not undertaken.

Sub-regional analysis

- The terms of reference for the EFPA review require a sub-regional analysis of the land supply situation in order to support decision making regarding EFPA boundaries. While on paper there is a 15+ years supply of land available in Greater Adelaide, a more detailed and nuanced analysis is required to understand rezoning requirements to support market demand. The market is not homogenous. It requires different product types, different geographic locations and different price points to satisfy a cross-section of purchasers.
- In particular, we note that the Greenfield Land Supply report states that the Barossa region is very constrained in terms of land supply due to the Character Protection Area (CPA) and EPFA. Concordia is located within the Barossa Council area and the development area

resides in the Geographical Indicator of the Barossa. As highlighted by The Barossa Council, this development is at the southern area of the world-renowned Barossa, and is strongly connected to the history, heritage and culture of the Barossa. Grouping the land supply to come from the Concordia Growth Area in with the Other North land supply analysis, provides a somewhat false impression that this region is well supplied, when in fact the market for Concordia is more logically aligned with the Northern Plains & Barossa region.

- Concordia offers a distinctly different offering to that of the Outer North, that is, a comprehensive master planned community on rolling terrain with a diversity of housing but including a higher priced premium product currently unavailable in the north.

Infrastructure analysis

- Infrastructure constraints affecting development in the Outer North including stormwater management, water and sewer augmentation and access to public transport are documented in the LSR. However, some locations including Concordia are well serviced. In fact, greenfield opportunities provide more flexibility for delivery of infrastructure than brownfield with their existing constraints, and particularly given the economies of scale associated with urban fringe projects.
- The difficulty for in-fill and brownfield sites is the ability to retro-fit infrastructure, particularly road capacity. Furthermore, because land is already zoned for development, the ability to negotiate appropriate contributions to the cost of infrastructure is very limited.
- Areas like Concordia on the other hand can build on the existing strengths of the Barossa/Gawler region, including the significant investment in road and rail infrastructure made by the State in recent years. Infrastructure deeds such as have been put in place in Gawler East and Mt. Barker can ensure the timely provision of infrastructure to support growth.

In making this submission, and reflecting on the comprehensive market analysis information previously provided to PLUS-AGD in relation to the Concordia Precinct Authority Business Case, we wish to highlight that the issue of land supply is not a simple one of numbers of allotments, planning approvals and sales data. Determination of what land supply is appropriate or necessary requires the assessment of a number of interrelated factors not all of which are easy to measure. For example, the ability to co-ordinate and deliver infrastructure in an affordable manner. The nature of the land uses and locations must offer real choice to the end consumer and be responsive to local and regional demands, avoiding concentrations of similar offerings in the one location. The broader economic benefits of well-coordinated and funded development and its associated infrastructure investment can offer significant advantages to communities and reduce the burden on Government finances.

We trust the Commission will give due consideration to the matters raised above.

Yours sincerely,



Warwick Mittiga
Leyton Funds



29 JUL, 2021

COVID LEGACY BREAKS THE MOULD

Fuller

The Australian, Australia

Page 1 of 5

COVID LEGACY BREAKS THE MOULD

A new dynamic could be in play as millennials scurry for the suburbs



Bernard Salt

For the better part of 30 years the Australian housing market and the shape of Australian cities have been underpinned by drivers that are now being disrupted by the pandemic.

The ideal of buying a separate house on a separate block of land and commuting to the city centre underpinned the property market and operation of Australian cities.

However, coming out of the 1990s recession a new ideal, supported by a new generation of Xers (1965-1982) questioned, if not outright rejected, suburbia and instead embraced a new narrative based on living in a rented apartment in the inner city.

Members of this new generation increasingly spent a large part of their 20s studying or training, travelling, and trialling jobs as well as relationships, all of which required rented accommodation owned by investors.

These new behaviours impacted the property market: baby-boomer houses expanded a-la Packed to the Rafters (2008-2013), and Gen-Xers quickly snapped up (or more likely rented) apartments in Southbank, south Sydney and Fortitude Valley.

The McMansion, too, surfaced later in the long boom (1991-2020) and served the needs of those with few ties to the CBD.

Hype this up with seemingly endless studentification and skilled immigration programs, toss in a colonial penchant for incessant overseas travel, let all this simmer – unstirred – for a decade or two, and you have all the ingredients for a rising property market.

That is until the coming of the coronavirus.

The coronavirus has wrought the greatest social, cultural and lifestyle impact on the Australian people since World War II. It is global; it has critical mass; it will shape consumer behaviour directly for 2-3 years and then leave a legacy.

The pandemic poses strategic questions for boards and senior management teams (SMTs) in the property industry (and elsewhere) whose careers have been formed during a rising market. Indeed there are few people still in business today who were in a management position during the last recession.

The first question to be addressed involves response options to a serious further deterioration in relations with China. If your board and/or SMT hasn't discussed this issue – and how various scenarios might affect the business – then raise it today.

The second question is also uncomfortable largely because it challenges an entrenched way of thinking. This is the idea that the housing market – and the shape of our cities – is shifting from medium- and high-density apartments in the inner city to low-density living on the edges of our capital cities.

There are other shifts such as the move to the regions but in this column the focus is the biggest residential markets impacting most Australians.

Property chief executives in their 40s and boards in their 50s and 60s have careers and reputations on the



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COVID LEGACY BREAKS THE MOULD

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line when changing strategic direction.

Plus, the idea of adding yet more housing to the urban fringe will most likely raise the ire of the town-planning community.

The problem is that data confirming a directional shift is sketchy.

Net overseas migration to Australia stopped in March 2020, cutting off access to skilled and seasonal workers, backpackers, students and visitors. And it looks like it will be another year before these flows begin to recover.

This factor alone removes, say, 450,000 net additional homebuyers and/or apartment renters from the property market over the two years to June 2022.

And yet the property market is booming. Why?

Research group CoreLogic shows median house price growth of 19 per cent for Sydney and for Hobart for the year to June 2021. Median house prices in the public sector-dominated cities of Darwin and Canberra jumped 21 per cent over this period according to the same data source.

The median value of apartments jumped by 5 per cent for Sydney and 8 per cent for Canberra during this year.

Why are house prices going gangbusters and especially when access to skilled workers and foreign students has stopped?

The answer, my friends, isn't so much blowing in the wind as it is Australia's shifting demographic base.

A bucketload of baby-boomer children (aka the millennials 1983-2000) pushing from their mid-to-late-30s into their early-40s during the early 2020s lifts demand for a separate house on a separate block of land.

The millennial generation postponed commitment to home purchase throughout their 20s and 30s but now, in their late 30s, with a couple of kids in tow and the opportunity to work from home – plus access to crazy low interest rates – they have had a housing revelation.

The long boom underpinned by an

expanding population base, making for comfortable decision-making by property's senior management teams and boards, is over.

Market demand is now being driven by expat Aussies coming home, by baby boomers downshifting and/or buying lifestyle property in sea-change and tree-change locations, and by millennials changing their

mind on the issue of home ownership.

The property market is a bit like a car switching to its reserve fuel tank of millennials. The best-case outlook is that today's home-buying surge, soaking up pent-up demand by yesterday's renting millennials, will bridge the closed-border gap until students and skilled immigrants return during FY2023. Consider the trajectory of housing preferences in Melbourne over 20 years. (This exercise can be repeated for any Australian city or region.)

There is a question in the Census that tracks the number of Australians living in residential accommodation by property tenure. For example, in 2006 some 70 per cent of Melbourne's 3.6 million residents (includes kids) were living in a property (house or apartment) that was either owned outright or with a mortgage (see graphic).

Five years later this proportion had fallen to 68 per cent but it applied to a bigger base of 4.1 million residents.

In 2016, this proportion had dropped further to 64 per cent but the city's population had expanded to 4.5 million. The big shift away from home ownership and towards renting was disguised by Melbourne's population growth.

We are now less than two weeks out from the 2021 Census where I think the on-trend proportion of Melbourne who live in an owned property would under normal circumstances fall to 61 per cent.

This is what I mean by a straight-line management regime: everything

has been heading in the same direction for two or more decades.

The strategic question for the property industry right now is where these trends are headed in a post-Covid world.

Covid is a bit like a meteorite that has collided with Planet Melbourne's housing preferences and is pushing it further towards suburbia. And if this theory is correct it will show up in the 2021 Census results.

Melbourne today has 5.2 million residents; by 2026 I think it will settle at 5.5 million.

If I am correct about this 'big shift' then by 2026 about 63 per cent of Melbourne's population of 5.5 million (or 3.5 million) will live, or will want to live, in their own owned or mortgaged home.

If Covid is indeed just a blip and things return to normal, then perhaps just 58 per cent of the city's population will be living in their own home. This would equate to 2.8 million residents.

The difference between these two trajectories is a population of 700,000 that shuffles from apartmentia to suburbia over the next five years.

And while the big shift towards suburbia is also expected in other capitals, it is Melbourne that is leading the trend.

The proportion living in an owned/mortgaged property in Melbourne dropped six percentage points between 2006 and 2016 which compares with lesser drops in other cities including Sydney down three percentage points, Brisbane down five, Adelaide down four and Perth down two. Melbourne was careening towards apartmentia faster than other capitals.

And then Covid hit.

It would be ideal to have data to



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COVID LEGACY BREAKS THE MOULD

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confirm this theory now. But that's kind of the job of chief executives and boards: to make strategic decisions with imperfect data.

This big-shift theory has town planning implications. More housing on the city edge is not the kind of thinking that would be well received by planners trying to contain urban growth, or with developers wedded to the idea of apartmentia forever.

So, the strategic question for boards and for senior management teams is twofold.

Do nothing and wait for confirmation about this big shift theory until Census results are published in November 2022.

Or buy into the argument that Covid combined with ageing millennials, low interest rates, and the option of working from home, have changed the market for housing which would require new business models and a change in city planning.

Either way I suspect this is going to be a hard call for many in the property industry to make, but ultimately the data will tell whether indeed Covid has caused a big shift in Australian housing preferences.

Bernard Salt is executive director of The Demographics Group; research and graphics by data scientist Hari Hara Priya Kannan



The long boom underpinned by an expanding population base ... is over



Covid is a bit like a meteorite that has collided with Planet Melbourne's housing preferences



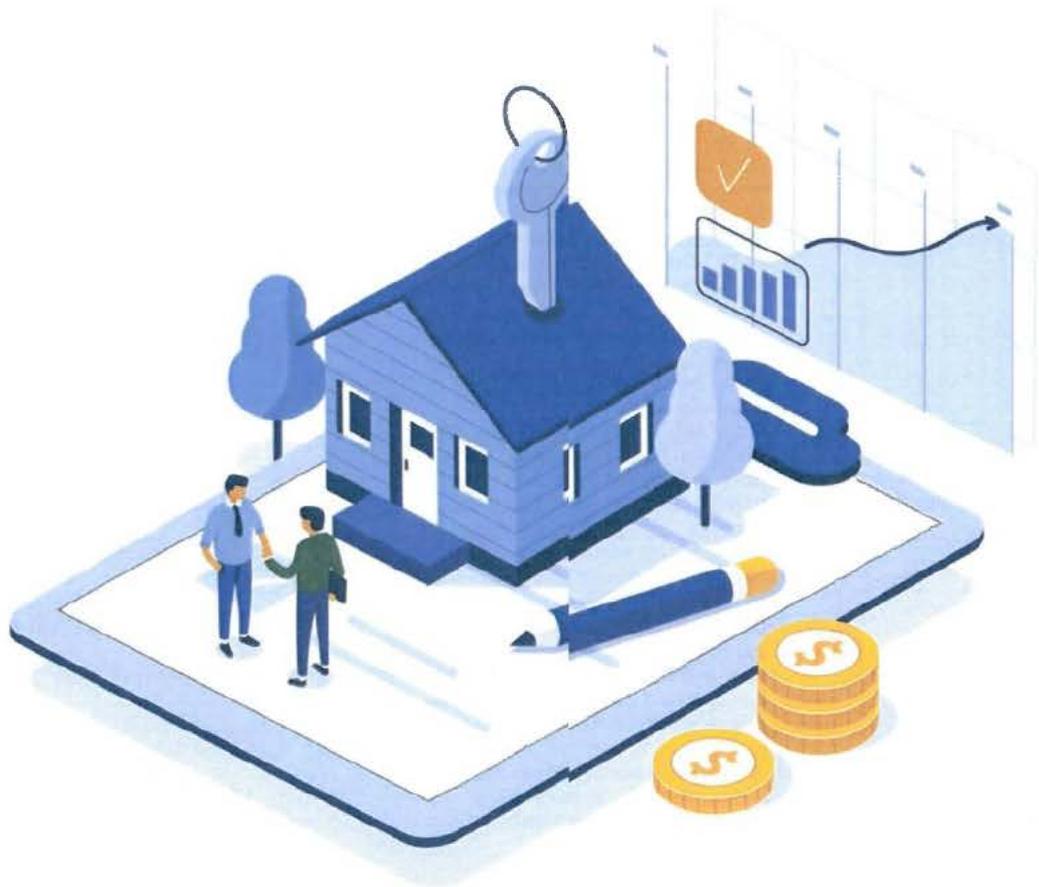
29 JUL, 2021

COVID LEGACY BREAKS THE MOULD

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Page 4 of 5





29 JUL, 2021

COVID LEGACY BREAKS THE MOULD

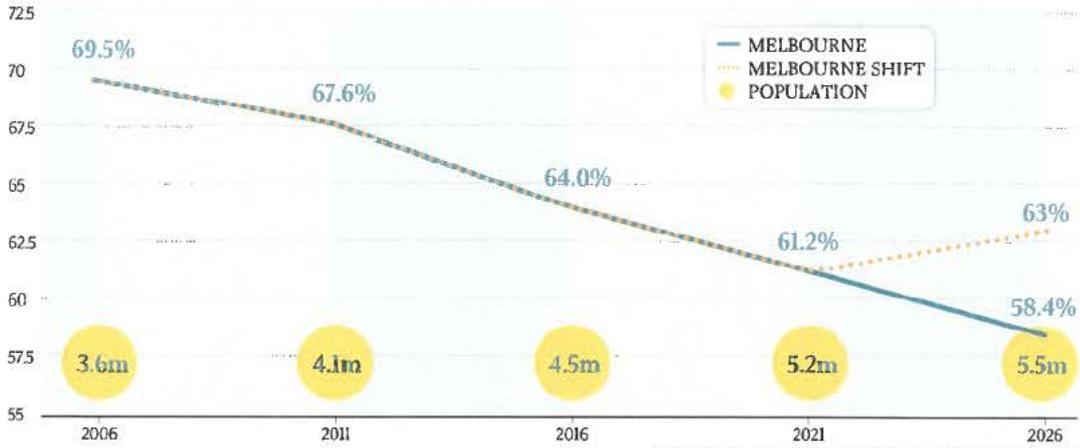
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Page 5 of 5

The big (housing) shift

(%) Proportion of Melbourne population in housing owned outright or with a mortgage (census and forecast 2006-2026)



Source: Australian Bureau of Statistics, The Demographics Group



Covid is a bit like a meteorite that has collided with Planet Melbourne's housing preferences

Form Information

Site Name PlanSA

Site Id 578867

Page Request to vary Environment and Food Production Area boundaries
Standard Name

Page 823328

Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound

Submission 878634

Id

Submission 30 Jul 2021 4:30 pm
Time

Submission [REDACTED]

IP Address

Contact and land details

Your Name and contact details

Name: Light Regional Council

Postal Address: PO Box 72, Kapunda, SA 5373

Phone Number: 85253200

Mobile Number:

Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): Various

Allotment ID: Various

Owners: Various

Requested variation details

Details of requested variation: Please refer to attached correspondence

Additional supporting information: Please refer to attached correspondence

Supporting document: LRC_State_Planning_Commission_EFPA_Submission_20210729.pdf, type application/pdf, 656.8 KB

Map of requested variation

Map or diagram to support submission: No file uploaded

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period? No

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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29 July 2021

Ms. Helen Dyer
Chair
State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

Email light@light.sa.gov.au
Post PO Box 72, Kapunda SA 5373
Phone 08 8525 3200
Web light.sa.gov.au

Principal Office
93 Main Street
Kapunda SA 5373

**Kapunda Public Library
and Visitor Information Centre**
51–53 Main Street
Kapunda SA 5373

**Freeling Public Library
and Customer Service Centre**
7 Hanson Street
Freeling SA 5372

**Planning and
Development Services**
12 Hanson Street
Freeling SA 5372

Operations Centre
11 Stephenson Street
Freeling SA 5372

Dear Ms. Dyer,

Environment and Food Production Areas (EFPA) Review – Public Consultation

Thank you for your correspondence dated 4 June 2021 with respect to the EFPA Review and for the opportunity to provide a submission.

The State Planning Commission's (the Commission) position that there is an adequate provision of land in Greater Adelaide to support housing and employment growth over the next 15 years is acknowledged.

Council also notes that the Commission has highlighted the link that the *Planning, Development and Infrastructure Act, 2016* establishes between the EFPA and the Character Preservation Districts (CPD) (established under the separate Character Preservation legislation) and that due to this the Commission is investigating the merits of amending the CPD with respect to matters previously identified.

Council notes that this refers to the *Review of the Character Preservation (Barossa Valley) Act 2012 and Character Preservation (McLaren Vale) Act 2012 Review Outcomes Report (June 2018)*.

Council is aware that the Commission is not able to amend the CPD boundaries and rather is looking at making recommendations which would be subject to separate processes including amendments to related legislation by Parliament.

Council considered this matter at its meeting held on Tuesday, 27 July 2021 and resolved that a submission be provided to the Commission with respect to the EFPA Review. In this, Council sought to highlight the following:

1. Council's continuing support for a review of Nuriootpa West, as noted in the *Review of the Character Preservation (Barossa Valley) Act 2012 and Character Preservation (McLaren Vale) Act 2012 Review Outcomes Report (June 2018)*.

This aligns with Council's submission to the (then) Department of Planning, Transport and Infrastructure (now Attorney Generals Department) (the Department) with respect to the Character Preservation legislation review dated 29 November 2017.

Council first raised matters concerning the alignment of the Barossa CPD boundary in western Nuriootpa with the Department in July 2011.

Council is encouraged by the related reference in the Review Report, wherein the Department has identified the western boundary of Nuriootpa as a boundary amendment proposal showing 'particular merit'. Accordingly, Council supports favourable consideration by the Commission of the merits of recommending an amendment to the western Nuriootpa CPD boundary alignment and further encourages consideration of a pathway enabling the identified area to be rezoned and included in the Nuriootpa township.

2. While noting the Commission's position regarding land supply, Council would nonetheless like to identify areas within its district that it considers warrant a review, including:

- a. Buchfelde

Council considered a report in July 2015 regarding the future use of land within an area located within the EFPA at Buchfelde (generally south of the Northern Expressway – 'NExy'), west of the Gawler Bypass and north of the Gawler River), as shown below:



Map 1 - Buchfelde

At that time, a landowner consortium, the 'Gawler River Landowner Group', represented by Gerard Coutts & Associates, provided Council with the 'Two Wells Road Development, Buchfelde' (Scoping Report) prepared by URPS (URPS Report).

The identified area features a mix of predominantly primary production (horticulture) activities with horse keeping, training and agistment prevalent in the eastern section, occurring on a range of allotment sizes and configurations.

This area was intersected and has been subsequently constrained by the construction of the NExy, which was completed in September 2010. Council has been advised that the alignment of the NExy fragmented the (originally) larger land parcels, altering their usability for primary production and complicating their management, as for instance, moving machinery from a southern land parcel to (what is now) its balance on the northern side of the NExy is problematic.

The URPS Report recommended a proposal for the area including:

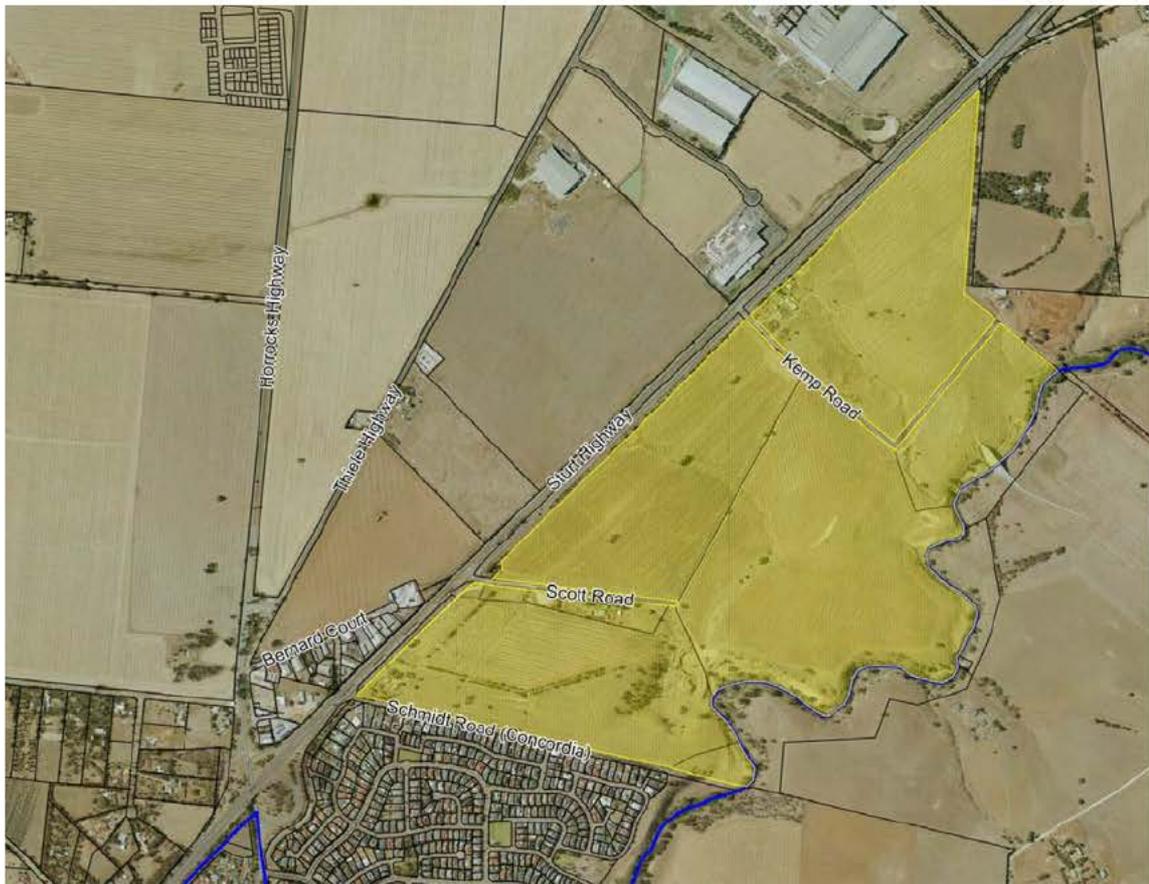
- Environmentally sustainable mixed-use development to the western portion with a potential focus on residential-type land uses;
- Transfer of currently privately held land along the banks of the Gawler River to public open space;
- Continuation and intensification of horse agistment activities within the eastern portion which capitalises on the opportunities presented by the Gawler Harness Racing Club; and
- Commercial development of some nature within proximity of the Gawler Bypass/Sturt Highway.

Council identified this area accordingly, both in an earlier Strategic Directions Report prepared under the *Development Act, 1993* and also in a submission to the State Government's review of the Planning Strategy (*30 Year Plan for Greater Adelaide*) dated 20 October 2016.

Council recommends consideration be given to reviewing this area with a view towards removing it from the EFPA.

b. Kingsford East

In December 2013, Council indicated it would welcome a place-making proposal for land identified as 'Kingsford East'. This area is located directly north of and adjacent to Hewett (on the opposite side of Schmidt Road) and between the Sturt Highway and the North Para River. It was excluded from the CPD in 2012, but was then included in the EFPA in 2016, and is shown overleaf:



Map 2 – 'Kingsford East'

Council has been advised by a landowner that the duplication (widening) of the Sturt Highway between Gawler and Nuriootpa (completed in 2010) resulted in access restrictions for farm machinery, making the ongoing use of land for primary production very difficult.

Council previously indicated it would welcome a place-making exercise featuring extensive consultation, to determine the appropriateness of the identified land parcels to support sensitive residential-type growth providing a contiguous urban form whilst assisting to resolve known stormwater issues and limitations within the adjacent Kingsford Regional Industrial Estate (located on the opposite side of the Sturt Highway), which were not addressed as part of the original State-led rezoning of that area in 2001.

Council identified Kingsford East accordingly both in an earlier Strategic Directions Report prepared under the *Development Act, 1993* and also in a submission to the State Government's review of the Planning Strategy (*30 Year Plan for Greater Adelaide*) dated 20 October 2016.

Council recommends consideration be given to reviewing this area with a view towards removing it from the EFPA, noting the issues reported with farm management and recognising that this would restore the position that was adopted before the Character Preservation legislation was introduced. Further, this would also be consistent with the management of 'Rural' zoned land adjacent to the Roseworthy Township expansion (east of the railway corridor and between Horrocks and Thiele Highways respectively).

c. Templers

Over time, landowners have contacted Council's Planning staff seeking an opportunity to subdivide land at Templers.

Templers is an historic settlement; but was not identified as such previously through Development Plan zoning (such as Hamilton was for instance). It was zoned 'Primary Production' under Council's Development Plan and is now in the 'Rural Zone' under the 'Planning and Design Code'. Templers is also within the EFPA and is shown below:



Map 3 - Templers

Council staff understand that some landowners may provide their own submission with respect to this matter to the EFPA review.

Council is aware that the Hon. Tony Piccolo MP sought advice from the Department with respect to this land on behalf of the landowners in late 2017.

Council notes consideration ought to be given to whether this locality (and any similar settlements such as Daveyston, which is another displaying similar circumstances) can be removed from the EFPA.

Other Observations

For broader observations of a more general nature, Council noted:

- The EFPA review does not include a comparison between the costs of the respective greenfield and infill housing strategies. For instance, general infill dwelling development (listed as 37% of supply on p.21 of the LSR - 'Background & Context') contributes to the need for infrastructure upgrades, as the capacities of ageing water, sewer and stormwater and other metropolitan infrastructure are

increasingly challenged. The practice over time of replacing individual houses on single allotments with multiple new dwellings on the same land area has had a cumulative effect on infrastructure capability. The 'systems challenges' section of the 'LSR - Background & Context' highlights some of these at pages 29 and 30.

- Anecdotal reports suggest that developer contributions towards offsetting these costs have not necessarily been captured in the same way that greenfield development costs now tend to be;
- In this, comparative housing affordability does not appear to be a consideration in the analysis, or market preferences with respect to dwelling types/ size, allotment area, features and/ or lifestyle preferences; and
- Housing affordability (and indeed affordable/social housing supply) does not appear to be a feature of the analysis.

Thank you for the opportunity to provide a submission to the EFPA Review. If you have any questions with respect to this matter, please contact the undersigned at [REDACTED] or by ph. 8525 3200.

Yours sincerely,



Craig Doyle
General Manager – Strategy & Development





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Woodside SA 5244
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Fax: 08 8389 7440
mail@ahc.sa.gov.au
www.ahc.sa.gov.au

Direct line: 8408 0580
File Ref: IC21/10327
OC21/6917
03.64 2-02

4 August 2021

Ms Helen Dyer
Chair
State Planning Commission
GPO Box 1815
Adelaide SA 5001

E-mail: saplanningcommission@sa.gov.au

Dear Ms Dyer

Adelaide Hills Council Submission on the Environment and Food Production Area Statutory Review

The Adelaide Hills Council appreciates the opportunity to engage with the Commission on the Environment and Food Production Area (EFPA or Overlay) statutory review, released for public consultation on 4 June 2021. Having reviewed the Commission's Statement of Position Paper and Review Report we provide the following feedback for your consideration.

AHC Context

The Adelaide Hills has a rich and diverse agricultural history. Primary production in the Adelaide Hills consists of a mix of horticulture, grazing and viticulture generating a combined farm gate value of approximately \$145 million annually.

Approximately 60% of South Australian horticulture is undertaken in the Adelaide Hills, supplying 83% of the State's apple and pear crops annually. The Adelaide Hills (Wine Region) also has a reputation for cooler climate wines, producing for local and overseas markets, with 7.9 million litres of wine exported annually. There is also a burgeoning distillery and cidery scene.

As a region we understand that our economic sustainability is intrinsically tied to the success of these industries and that the EFPA legislation provides long term certainty and security for such land uses. However, an economy cannot raise productivity without change – whether through doing new things or doing old things better. Facilitating innovation and enabling investment is therefore critical to supporting a competitive and productive economy. Indeed, international studies attribute one-fifth to one-half of economic growth to changes in industry composition (PC, 2012).



Evidence Based Policy

Planning policy and regulations have a significant impact on the enablers of productivity and competitiveness. A well-designed planning system can enhance the operation of markets but, if poorly designed, can impede the efficient functioning of markets and restrict the scope and benefit of competition. Planning can create excessive barriers to entry, diversification or expansion, including limiting the number, size, operating model and mix of businesses.

For example, with a finite land supply for development, enhanced competition in land is about the ease with which land can be moved between different activities in response to market conditions. In 2015, the recommendation of the Harper National Competition Review found that planning and zoning legislation should not restrict competition unless it can be demonstrated that the benefits of the restriction to the community as a whole outweigh the costs, and the objectives of the legislation can only be achieved by restricting competition.

Regulations can often fail to meet their objectives because they are not sufficiently adaptable or targeted. In many cases, these problems could be addressed by ensuring that regulation is “fit for purpose” and adopting outcomes-based regulation. Regulation is excessive when it does not accomplish its objective, or when the cost of accomplishing the objective through regulation is excessive or when there is an alternative to regulation that is less costly. It is disappointing that the current review process does not include this type of assessment or consideration. As part of perhaps the largest piece of regulation, as per Treasurer’s Instructions 17, it would be comforting to know that best practice evidence based policy making principles were being consistently and continually applied.

Priority Primary Production Areas

The entire extent of the EFPA, excluding the eastern area surrounding Murray Bridge, has been mapped as part of the [Priority Primary Production Areas](#) (PPPA) mapping project. The PPPA mapping, developed by PIRSA in 2010, provides a starting point to understand what sort of primary production land we are protecting via the EFPA. As the PPPA analysis demonstrates not all agrarian land is the same and although a large area of land is considered to be worthy of priority protection – based on a complex methodology – there is equally a large amount of land that has a lower productive capacity. This is particularly true on the fringes of our townships and rural living areas.

Although somewhat dated now, the level of detail provided by the PPPA provides an opportunity to consider the cost and benefit of the strict EFPA requirements particularly on the fringe of the smaller peri-urban and rural area townships. Examples of the impact of this are provided below for consideration.

Section 7 of the PDI Act

The Section of the Planning, Development and Infrastructure Act, 2016 (the Act) that informs the application and administration of the EFPA contains limitations and opportunities for improvement.



A major consideration is whether there is scope for the architecture of the EFPA and its subsequent boundary application to be re-examined. In particular, whether the EFPA could be applied in a more robust and flexible way. We have alluded to this above when discussing what the PPPA mapping reveals about the composition of productive land within the EFPA, and further analysis also reveals that there is distinctive character traits at the interface of certain boundaries within the EFPA. By way of example the 'hard' interface between major urban/township and peri-urban/primary production areas – where speculation from large scale urban residential expansion threatens the long term viability of the adjoining primary production operations – appears very different to the 'soft' interface between smaller townships and settlements and adjoining primary production areas. We consider that this highlights potential opportunities to test the effectiveness and efficiency of the EFPA and its associated legislative framework.

One such consideration citing the above, is whether minor amendments to the boundary in areas with a soft boundary interface could be considered outside of the restrictive five yearly review cycle.

In addition, a minor amendment to Section 7 of the Act is proposed relating to the exclusion afforded to tourist development and temporary accommodation via Section 7(7)(18a). It is considered that the wording of this clause is outdated, particularly where it refers to 'motels' and it would benefit from alignment to the land use terminology adopted in the Planning and Design Code such as Tourism Accommodation.

Land Supply Report Methodology

It is understood that the Land Supply Report is based on a regional and sub-regional approach where Adelaide Hills Council is grouped with Mount Barker District Council for the purposes of analysing land supply. However, we note that the opportunity to supply affordable and accessible land for housing within each Council could not be more contrasting. This is also in the context of the impacts of COVID and the subsequent trend of migration of people from cities to our peri-urban and rural areas. As a Council we have certainly witnessed over the last 18 months increased demand for land and housing in our Council area. The longevity of this recent trend is not fully understood, however in our view it certainly warrants further consideration as part of any EFPA review. In this context, reviewing land supply across the region needs to take into account the most up to date data regarding localised supply and demand trends to help better inform more robust and responsive peri-urban and rural township planning and development.

It is recognised that this is a broader discussion that should form a key piece of upcoming Regional Planning deliberations. Notwithstanding, it is logical that the EFPA Review and its associated analysis should provide a level of analysis that can illuminate and inform future discussions and considerations on peri-urban and rural development within the Greater Adelaide Planning Region.

Character Preservation Districts

With respect to the review of the eight identified items relating to the 2018 Character Preservation Act review, in particular the extent of the Barossa Preservation District into AHC, Council notes that with the introduction of the Planning and Design Code, the underlying policy criteria relating to limiting township encroachment into primary production land and protection of rural character is sufficiently supported. As such the previously held position that the area of



Adelaide Hills Council which has been included in the Barossa Valley Preservation District (BVPD) is not obviously related to the character of the Barossa Valley, or intrinsic to its fabric, is still relevant. In addition, it is noted that the BVPD does not align with the Barossa Valley Wine Region Geographical Index.

It is understood that this may not be the view of all producers – particularly those in the wine industry – that are located within the AHC and the BVPD. In this regard Council would express a desire to further explore this with these producers to better understand the issue from their perspective, particularly if they are concerned with the prospect of the BVPD's removal from the Adelaide Hills Council.

Boundary Amendment Review Requests

It is within the context of the above discussion that Council has identified the following two sites as worthy of review based on the criteria outlined in Test 3:

- Randell's Cottages – 1 Beavis Court, Gumeracha
- Wairoa Site – 142 Mount Barker Road, Aldgate

Randell's Cottages

The site is located within a reserve abutting the northern tip of the Gumeracha Township Zone. At Council's March 2019 meeting a resolution was adopted to seek a minor review of the EFPA Boundary in relation to the site. This was pursued through the Reform process, but was deferred on advice from Senior Staff at PLUS on account of the upcoming EFPA review.

The aforementioned reserve and Cottages are listed as Local Heritage and are owned by Council. The location of the site within the EFPA boundary is affecting a proposed lease arrangement and potential upgrade. The cottages are run down and Council is requesting that the site be excised from the EFPA in order to unlock the potential for investment and adaptive reuse of the local Heritage listed buildings.

The spatial context has been provided (refer Attachment 1) to depict the site's location adjacent the Gumeracha Township Zone, and pertinently its designation as a 'non-Primary Production Priority Area' site in accordance with the PPPA mapping. Council is of the opinion that given the lower order productive capacity of the land, its location adjacent the Gumeracha Township and the opportunities for adaptive reuse that removal of this site from the EFPA would have a negligible impact and not undermine the intent of the Overlay.

Wairoa

The site is located in a Community Facilities Zone (refer Attachment 2) between the Stirling and Aldgate townships. The site is an anomaly from a Zoning perspective, largely due to policy legacy issues and how the existing land uses have evolved. Council sought to address this via the planning reform process, namely the Phase 3 Code amendment, however this was inhibited by the site's inclusion within the EFPA upon its establishment.



This is a site held in private ownership and so Council has limited interest other than it demonstrates a broader issue about how the application of the EFPA boundary creates tension on sites or localities where the dominant existing land use is neither primary production nor environmental conservation/open space.

In addition to the above, given the advancements in satellite and mapping technology it appears to be an opportune time to address boundary inconsistencies, most notably along the Hills Face and urban interface. It is here that evidence suggests boundary inconsistencies cause agitation and additional costs and time delays for applicants.

Summary

Adelaide Hills Council is excited about the future opportunities that may result from continued review and refinement of the planning legislation including the EFPA, as the region has missed opportunities for investment and industry development due to its restrictive and demanding planning regulations.

Following the close of the submission period we would welcome the opportunity to discuss any of the above with the State Planning Commission.

If you have any queries regarding the above comments then please do not hesitate to contact Melissa Bright, Acting Director Development and Regulatory Services on [REDACTED].

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Andrew Aitken', is placed over a light grey rectangular background.

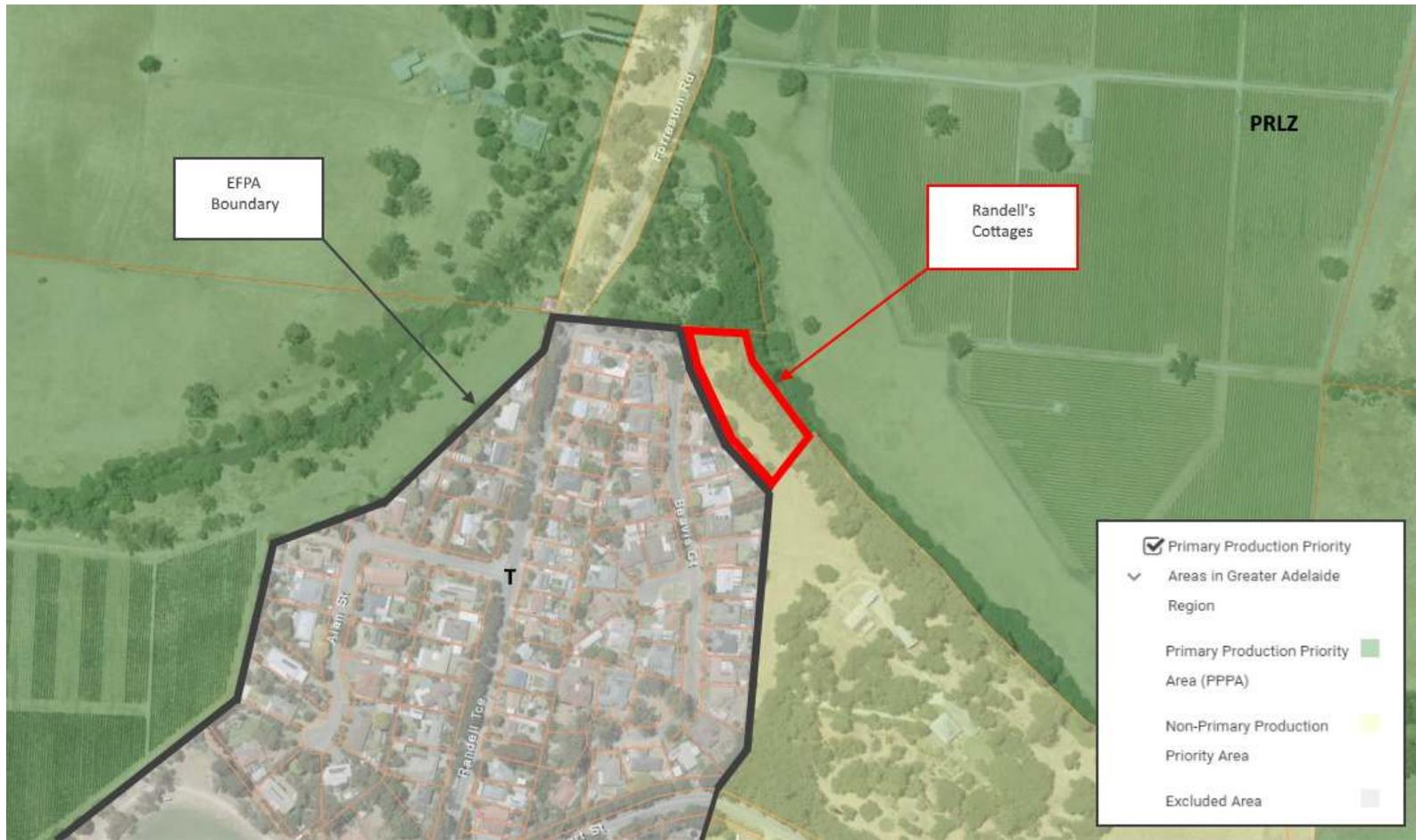
Andrew Aitken
Chief Executive Officer

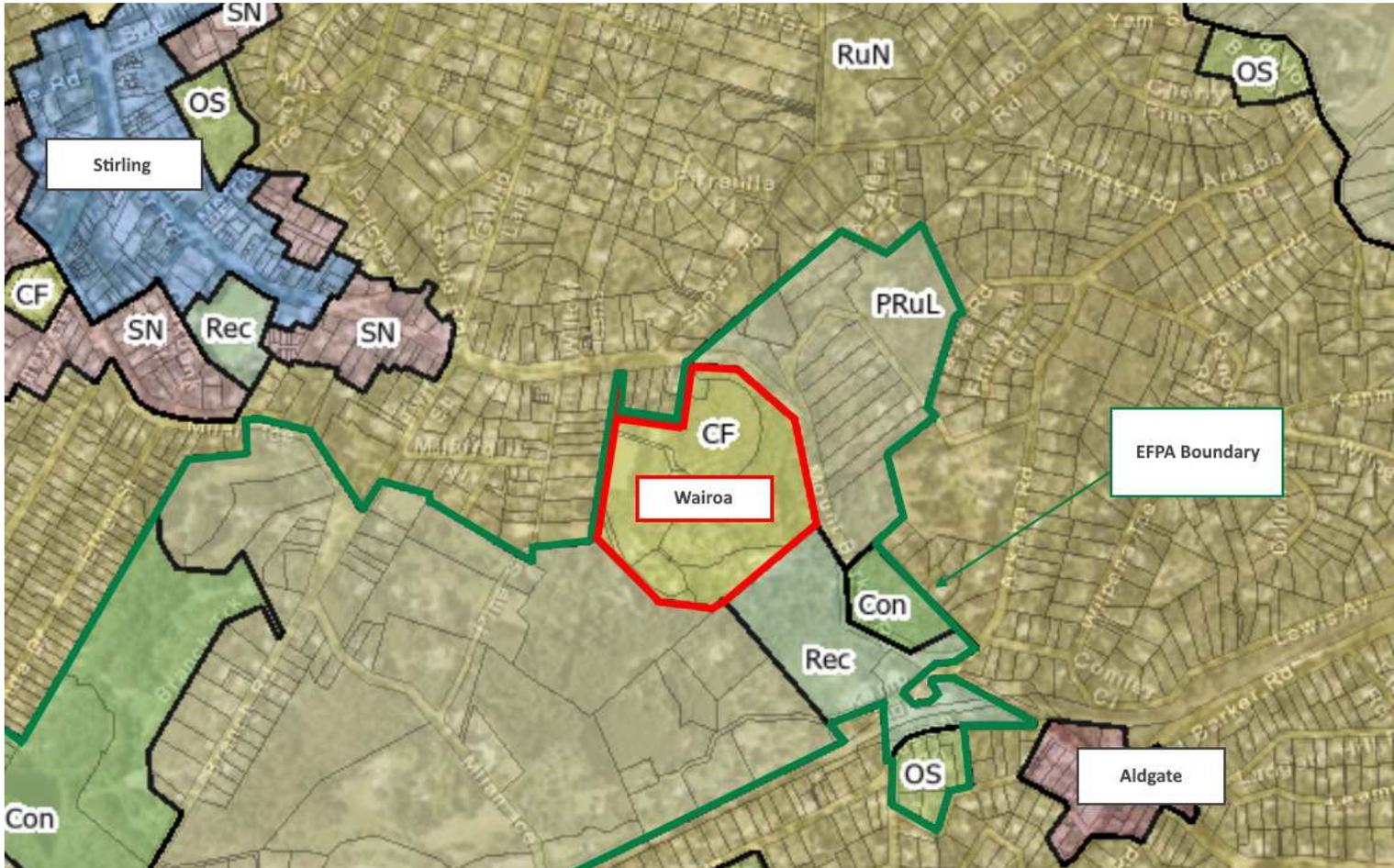
cc: PlanSASubmissions@sa.gov.au

Attachments:

1. Randell's Cottages Site
2. Wairoa Site

Attachment 1 – Randell’s Cottages Site





Form Information

Site Name PlanSA
Site Id 578867
Page Request to vary Environment and Food Production Area boundaries
Standard Name
Page 823328
Standard Id
Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound
Submission Id 880367
Submission Time 04 Aug 2021 11:10 am
Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: Judith Urquhart
Postal Address: PO Box 21, Goolwa, SA 5214
Phone Number: 8555 7000
Mobile Number:
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): 956 Forktree Road, Carrickalinga Lot 516 Carrickalinga Road, Normanville
Allotment ID: 956 Forktree Road, Carrickalinga - CT Ref 5871/709 Lot 516 Carrickalinga Road, Normanville - CT Ref 5747/459
Owners: 956 Forktree Road, Carrickalinga - McDermott Lot 516 Carrickalinga Road, Normanville - Tschernkow

Requested variation details

Details of requested variation: Seeking clarification as the EFPA boundary does not follow cadastral boundaries in both cases, although it does follow 30 Year Plan growth boundaries Refer report in Step 3

Additional supporting information:

Supporting document: No file uploaded

Map of requested variation

Map or diagram to support submission: Submission.docx, type application/vnd.openxmlformats-officedocument.wordprocessingml.document, 164.2 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period? No

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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ENVIRONMENT AND FOOD PRODUCTION AREA REVIEW SUBMISSION

Having reviewed the boundaries of the Environment and Food Production Areas (EFPAs) throughout the Yankalilla Council Area, two specific locations have been identified as possible anomalies, requiring clarification – Items 1 and 2.

In addition, a broader issue has been identified as worthy of attention and further consideration by the State Planning Commission – Item 3

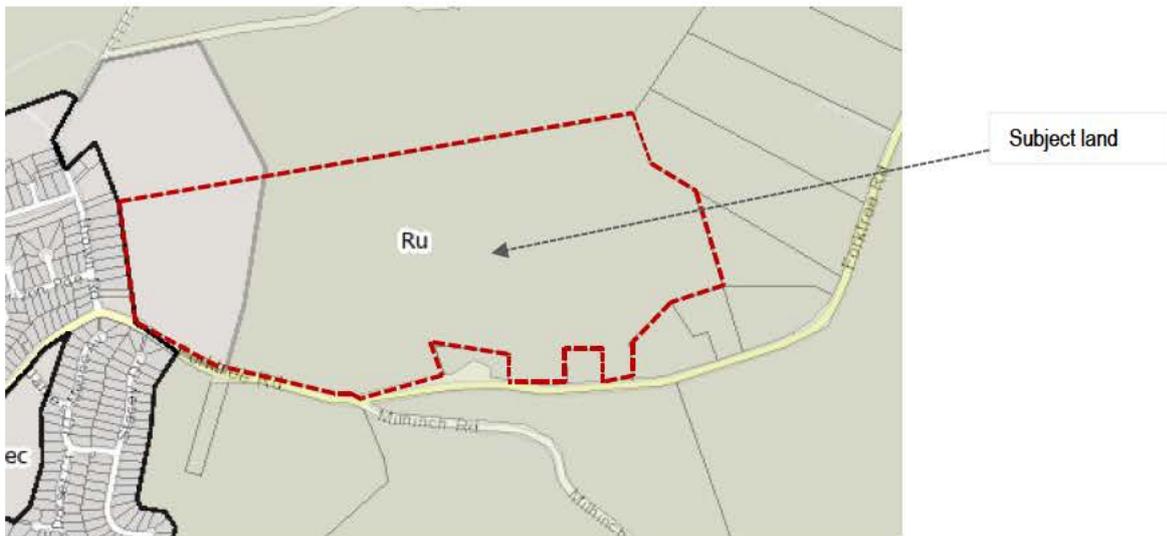
Item 1

Subject land	956 Forktree Road, Carrickalinga
Certificate of Title	5871/709
Ownership	McDermott

Details of possible anomaly

The land is zoned *Rural*, with most of the property within the EFPA Overlay, The western end of the land lies outside the Overlay but this land is within the *30 Year Planned urban lands to 2038*.

Clarification is sought as to whether or not this constitutes an anomaly, with EFPA boundaries diverging from cadastral boundaries.



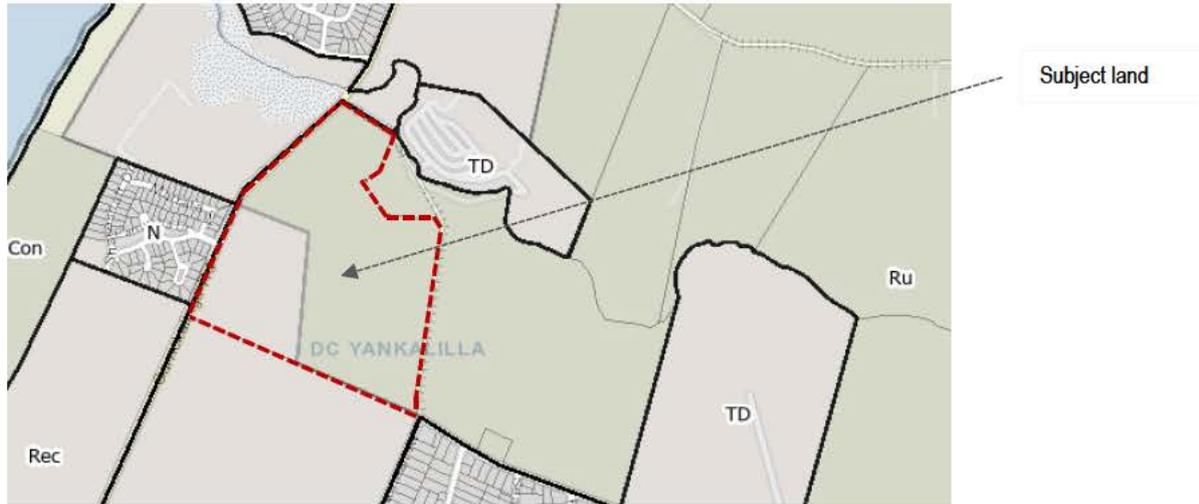
Item 2

Subject land	Lot 516 Carrickalinga Road, Normanville
Certificate of Title	5747/459
Ownership	Tschernkow

Details of possible anomaly

The land is zoned *Rural*, with most of the property within the EFPA Overlay, The south-western corner of the land lies outside the Overlay but this land is within the *30 Year Planned urban lands to 2038*.

Clarification is sought as to whether or not this constitutes an anomaly, with EFPA boundaries diverging from cadastral boundaries.



Item 3

The other matter for the Commission's consideration is in relation to the application of the land supply analysis data being across the whole of the Greater Adelaide region. It is understood that the legislation has dictated this approach however in reviewing the data collected this does not necessarily ensure that the land availability is located where the shortfall of land or the demand for land is. A review of the legislation is therefore being requested so that there is an ability to consider growth areas at a subregional level in order to ensure that growth is apportioned to where the demand is.

Form Information

Site Name PlanSA
 Site Id 578867
 Page Request to vary Environment and Food Production Area boundaries
 Standard Name
 Page 823328
 Standard Id
 Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries
 Submission Id 880357
 Submission Time 04 Aug 2021 10:59 am
 Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: Judith Urquhart
 Postal Address: PO Box 21, Goolwa, SA 5214
 Phone Number: 8555 7000
 Mobile Number:
 Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): Numerous addresses in Chiton, Hindmarsh Island, Strathalbyn and Middleton Numerous addresses in Alexandrina's Rural Living Zones Refer report in Step 3
 Allotment ID: Numerous CT References Refer report in Step 3
 Owners: Numerous owners Refer report in Step 3

Requested variation details

Details of requested variation: Numerous allotments identified - request that the EFPA be removed as it is no longer relevant as the zone has changed, or in the case of Hindmarsh Island only some allotments in the same zone have the overlay, or queries about the broadr application of the Rural Living Zone. Reger report in Step 3.

Additional supporting information:

Supporting document: No file uploaded

Map of requested variation

Map or diagram to support submission:

EFPA_submission.docx, type application/vnd.openxmlformats-officedocument.wordprocessingml.document, 548.9 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?:

No

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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ALEXANDRINA COUNCIL SUBMISSION

ENVIRONMENT AND FOOD PRODUCTION AREA REVIEW



Having reviewed the boundaries of the Environment and Food Production Areas (EFPAs) throughout the Alexandrina Council Area, three specific locations have been identified as apparent anomalies – Items 1 to 3. Items 4 and 5 seek further consideration of two previous landowner requests. In addition, two broader issues have been identified as worthy of attention and further consideration by the State Planning Commission – Items 6 & 7.

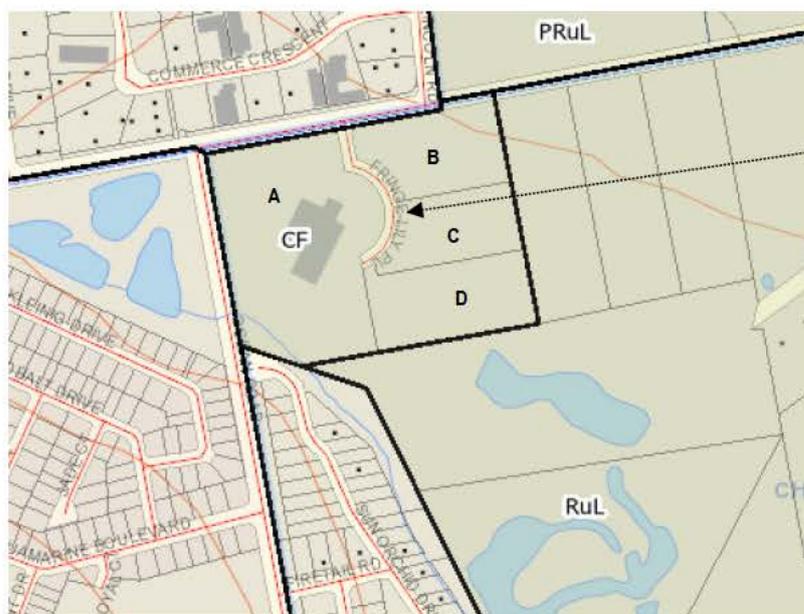
ITEM 1

Subject land 4 Ocean Road & 1, 3 & 5 Fringe-Lily Place, Chiton
Zoned Community Facilities

	Subject land	Certificate of Title	Ownership
A	4 Ocean Road, Chiton	6175/318	Fleurieu Regional Aquatic Centre Authority
B	1, Fringe-Lily Place, Chiton	6181/105	M & SR Wright
C	3, Fringe-Lily Place, Chiton	6175/320	Beyond Medical Properties Pty Ltd
D	5, Fringe-Lily Place, Chiton	6175/321	Grove One Pty Ltd

Details of requested variation

Prior to the introduction of the Planning and Design Code (the Code) this land was zoned *Primary Production*, and so the EFPA was applied. With the commencement of the Code, the land was rezoned *Community Facilities* as in the interim the Fleurieu Aquatic Centre had been built. Given the new zoning and associated land-uses it is considered that the Overlay no longer has a role to play.



Proposed to remove the EFPA Overlay from the entire *Community Facilities* Zone

ITEM 2

Subject land Five titles on Barker and Randell Roads, Hindmarsh Island (refer map and table below).
Zoned Rural Living

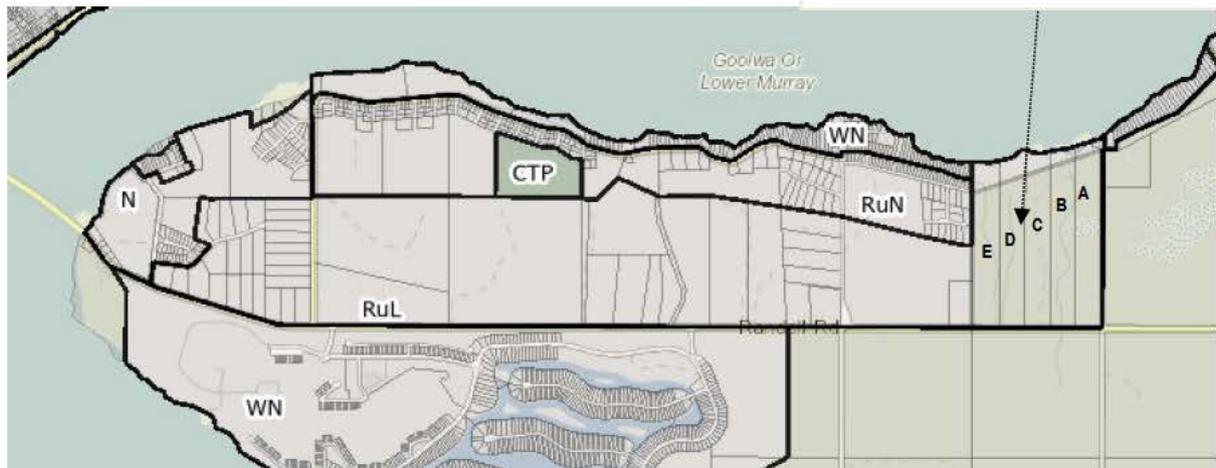
	Subject land	Certificate of Title	Ownership
A	No.8 Barker Road	5796/334	Barker Hindmarsh Pty Ltd
B	No.465 Randell Road	5279/513	R Weeks
C	No.455 Randell Road	5399/867	TC & JA Neill
D	No.439 Randell Road	5796/606	PM Crowhurst
E	No.435 Randell Road	5775/447	PW Altman

Details of requested variation

The eastern end of the *Rural Living Zone* on Hindmarsh Island was included within the EFPA when it was first introduced in 2017 whilst the balance of the zone was not. There appears to be no logical reason for this. In addition, the EFPA boundary cuts across the northern end of these allotments, again with no apparent reason.

This situation is considered to be an anomaly as it is at odds with the balance of the zone to the west which does not have the EFPA Overlay. It is proposed that the Overlay be removed from the five easterly allotments.

Proposed to remove the EFPA Overlay from the five easterly allotments



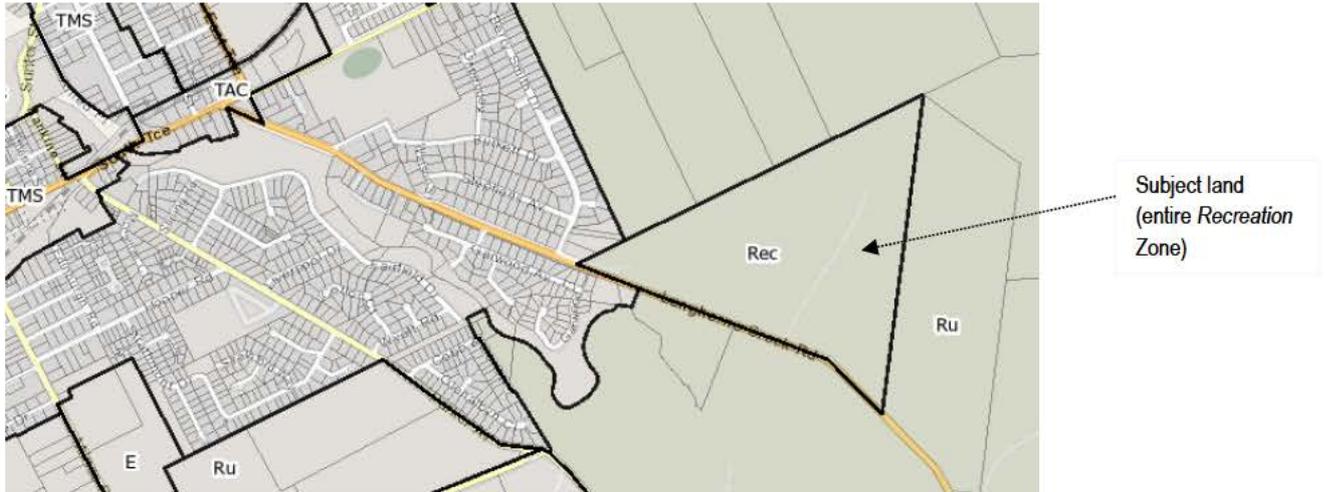
ITEM 3

Subject land Lot 10 Langhorne Creek Road, Strathalbyn
Certificate of Title 5802/870
Ownership Alexandrina Council

Details of requested variation

This land was in the *Primary Production Zone* when the EFPA was introduced and so the EFPA was applied. In September 2018 the Strathalbyn and Environs DPA was approved and included the rezoning of this land to *Recreation*.

Given the current zoning and its envisaged uses it is proposed that the EFPA is no longer required to prevent residential subdivision, and should be removed.



ITEM 4

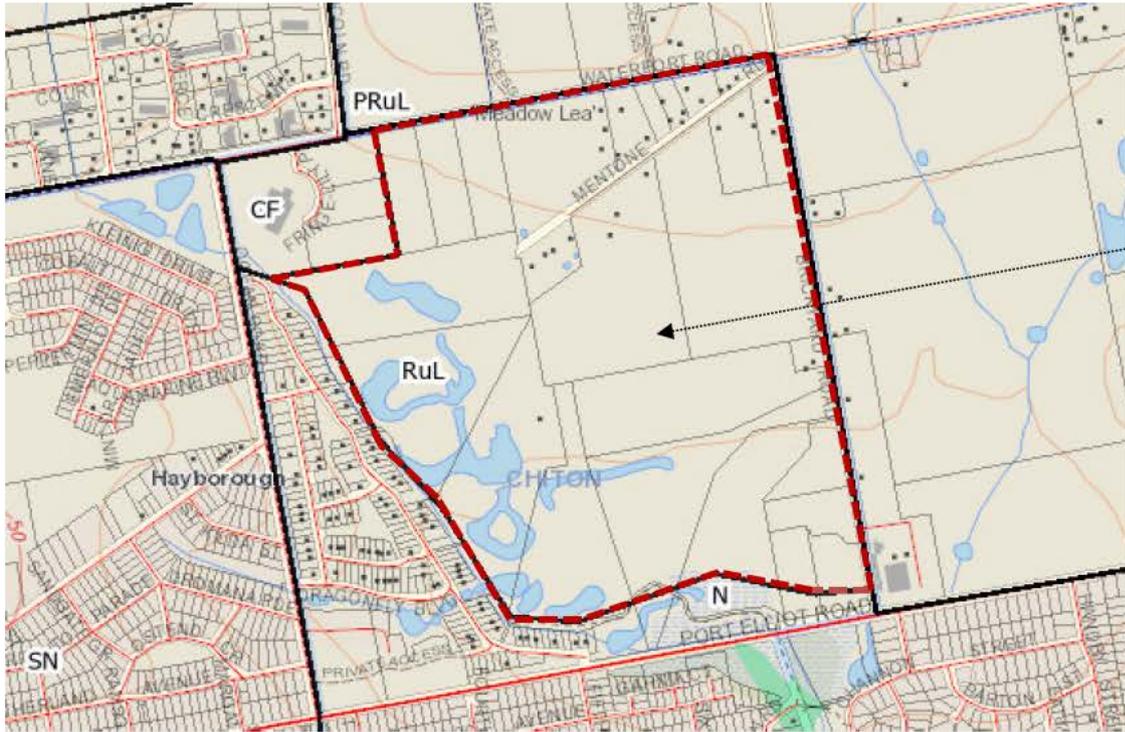
Subject land **26 titles at Waterport Road, Mentone Road East and Brickyard Road, Chiton**
 Certificate of Title Various
 Ownership Various
 Zoned *Rural Living*

Details of requested variation

This land was the subject of a Statement of Intent (SOI) instigated by Alexandrina Council in 2016. At the time the land was zoned *Primary Production*, with the *Port Elliot West Policy Area 10* imposing a 7ha, minimum allotment size. The SOI sought to reduce the minimum allotment size to allow for rural-living style allotments, but this was rejected by the then Minister for Planning as it did not reflect the intent of the 30 Year Plan.

With the introduction of the Planning and Design Code this land has been zoned *Rural Living* and has maintained the minimum 7ha. lot size. Land parcels vary in size from 3137m² to 10.1ha. with several around the 2ha, mark. Allotments on the western side are wetlands, several smaller allotments support horse-keeping and the two larger allotments support occasional cropping for hay. The balance of the smaller allotments are essentially rural residential. Overall there is little agricultural potential, and the land acts as somewhat of a buffer between residential areas to the south and west and primary production lands to the north and east.

Considering the nature of the land, the additional discussion below (Item 6), and the previous Council resolution, it is requested that the Commission reviews the continuation of the EFPA over this land with a view to removing it.



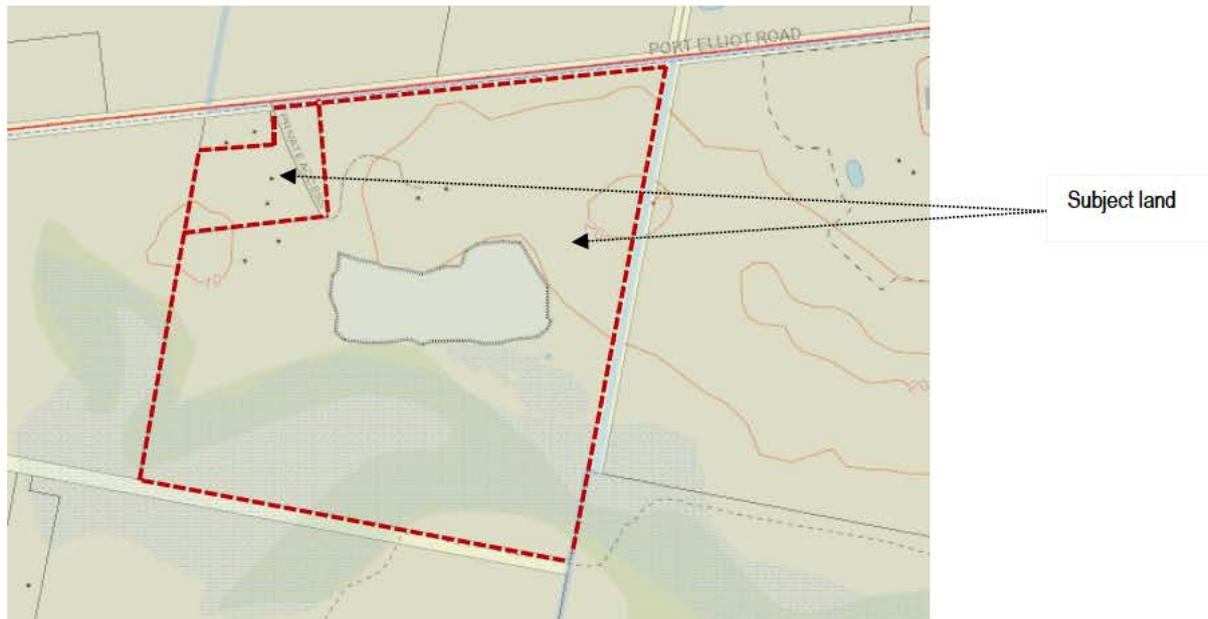
Subject land (entire Rural Living Zone)

ITEM 5

Subject land No.118A & 118B (Lots 3 & 4) Port Elliot Road, Middleton
Certificate of Title 5380/691 & 5380/692
Ownership GA & TM Traeger and AH & BA Traeger
Zoned Rural

Details of requested variation

In August 2019 Council reaffirmed its support for the re-zoning of these two parcels of land, and the removal of the EFPA from both. The proposed re-zoning was part of the land to rural living style allotments, and the environmentally sensitive southern part of the land to a conservation-type zone. Historically the central portion of the larger parcel has been used for quarrying. Council considers it timely that the Commission reviews the application of the EFPA to this land given previous Council support for re-zoning.



ITEM 6 Rural Living Zones

There are a number of *Rural Living Zones* in the Alexandrina Council Area, some of which have an EFPA Overlay, and others which do not. Whilst those which are excluded from the overlay generally have minimum allotment sizes of 1ha. or less, there are *Rural Living Zones* within the overlay with similar minimum allotment sizes. The question is whether any overlays should apply. It appears that no *Rural Living Zones* in the neighbouring Councils of Victor Harbor, Mount Barker or Yankalilla have EFPA Overlays.

Whilst it might be argued that the *Rural Living Zones* at Highland Valley and Finniss have environmental values worthy of protection, all other *Rural Living Zones* with the Overlay have little or no agricultural potential, and are highly modified in landscape and environmental terms.

Minimum allotment sizes in the *Rural Living Zones* with the EFPA Overlay are 5000m² (Willyaroo North), 1ha., 2ha., 4ha., 7ha. and 7500m² (if the eastern end of the Hindmarsh Island zone is included). These smaller allotment sizes are generally inadequate for agricultural pursuits and there are significant interface issues in what is essentially a high quality, low-density/rural residential environment.

Given the factors outlined above, Council requests that the State Planning Commission reviews the applicability of the EFPA Overlay to *Rural Living Zones* in the Alexandrina Council area.

ITEM 7 Sub-regional statistical analysis

It is noted that the current legislation requires that land demand and supply analysis be undertaken within Greater Adelaide. This large region stretches from north of Mallala and Kapunda, down through the hills into the southern Fleurieu Peninsula and to the east of Murray Bridge. Within the region is great diversity, but these differences are not reflected in the analysis. Whilst there might be demand for housing or employment in the north, this may not be the case on the south coast; the analysis is a rather blunt instrument which does not accommodate differences in a very disparate region.

It is recommended that the Commission consider amending the legislation so that analysis can be undertaken and conclusions reached at the sub-regional level and so better reflect local supply and demand. It is noted that the Department's Growth Management Program already bases its analysis on regions within Greater Adelaide, one of which is the Fleurieu Peninsula.

Form Information

Site Name PlanSA
Site Id 578867
Page Request to vary Environment and Food Production Area boundaries
Standard Name
Page 823328
Standard Id
Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries
Submission Id 881848
Submission Time 06 Aug 2021 1:04 pm
Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: Kayla Gaskin Harvey
Postal Address: Level 1, 74 Pirie Street, Adelaide SA 5000
Phone Number: [REDACTED]
Mobile Number:
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): 51 Falkenburg Road, Golden Grove (CT 5998/401), 33 Falkenburg Road, Golden Grove (CT 5776/344), 3 Falkenburg Road, Golden Grove (CT 5442/886), 195 One Tree Hill Road, Golden Grove (CT 5159/888), 202 One Tree Hill Road, Golden Grove (CT 5943/949), 192 One Tree Hill Road, Golden Grove (CT 5242/348), 143 Crouch Road, Golden Grove (CT 5114/222), 161 Crouch Road, Golden Grove (CT 5255/545)
Allotment ID: See attachment
Owners: YAS Property and Development and Villawood Properties

Requested variation details

Details of requested variation: See attachment
Additional supporting information:

Supporting document: EFPA_Submission_FINAL_collated_reduced.pdf, type application/pdf, 2.9 MB

Map of requested variation

Map or diagram to support submission: EFPA_Submission_FINAL_collated_reduced2.pdf, type application/pdf, 2.9 MB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period? Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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July 30, 2021

Ms Helen Dyer
Chairperson
State Planning Commission
Via Plan SA Portal (Have Your Say)

Dear Helen,

RE: REQUEST TO VARY ENVIRONMENT AND FOOD PRODUCTION AREA BOUNDARIES IN GOLDEN GROVE

We write on behalf of YAS Property & Development and Villawood Properties (the 'Proponents') in response to the State Planning Commission's (the 'Commission') invitation for submissions that identify anomalies which warrant a variation to the Environment and Food Production Area (EFPA) boundary.

YAS Property & Development and Villawood Properties combined have secured an interest in the land shown in Figure 1 overleaf (referred to herein as 'the land') and this land is partially affected by the EFPA. The Proponents have a vision to develop the land for residential purposes and are in the process in seeking to initiate a Code Amendment to facilitate such an outcome. The City of Tea Tree Gully, at its meeting of 27 July 2021, expressed its support in principle to commence a developer funded Code Amendment process and undertake investigations to rezone the Rural Living Zone to Master Planned Neighbourhood zoning to enable the construction of 1500 homes.

In this context, we have undertaken a review of the EFPA boundary as it relates to the land to identify any anomalies that warrant varying the boundary. This review has identified several anomalies which, in our opinion, warrant a variation to the boundary. These anomalies are shown in Attachment A and the proposed EFPA boundary is shown in Attachments B and C.

To aid the Commission's review of these anomalies, this submission includes the following:

- 1) The context for our review of the EFPA boundary in this location;
- 2) A description of the anomalies shown in Attachment A; and
- 3) An assessment of the anomalies which demonstrates the following in accordance with section 7(3) of the *Planning Development and Infrastructure Act 2016* (the 'PDI Act'):
 - a. The variation ensures that of areas of rural, landscape, environmental or food production significance are protected from urban encroachment; and
 - b. The variation is trivial in nature and will address a recognised anomaly.

CONTEXT

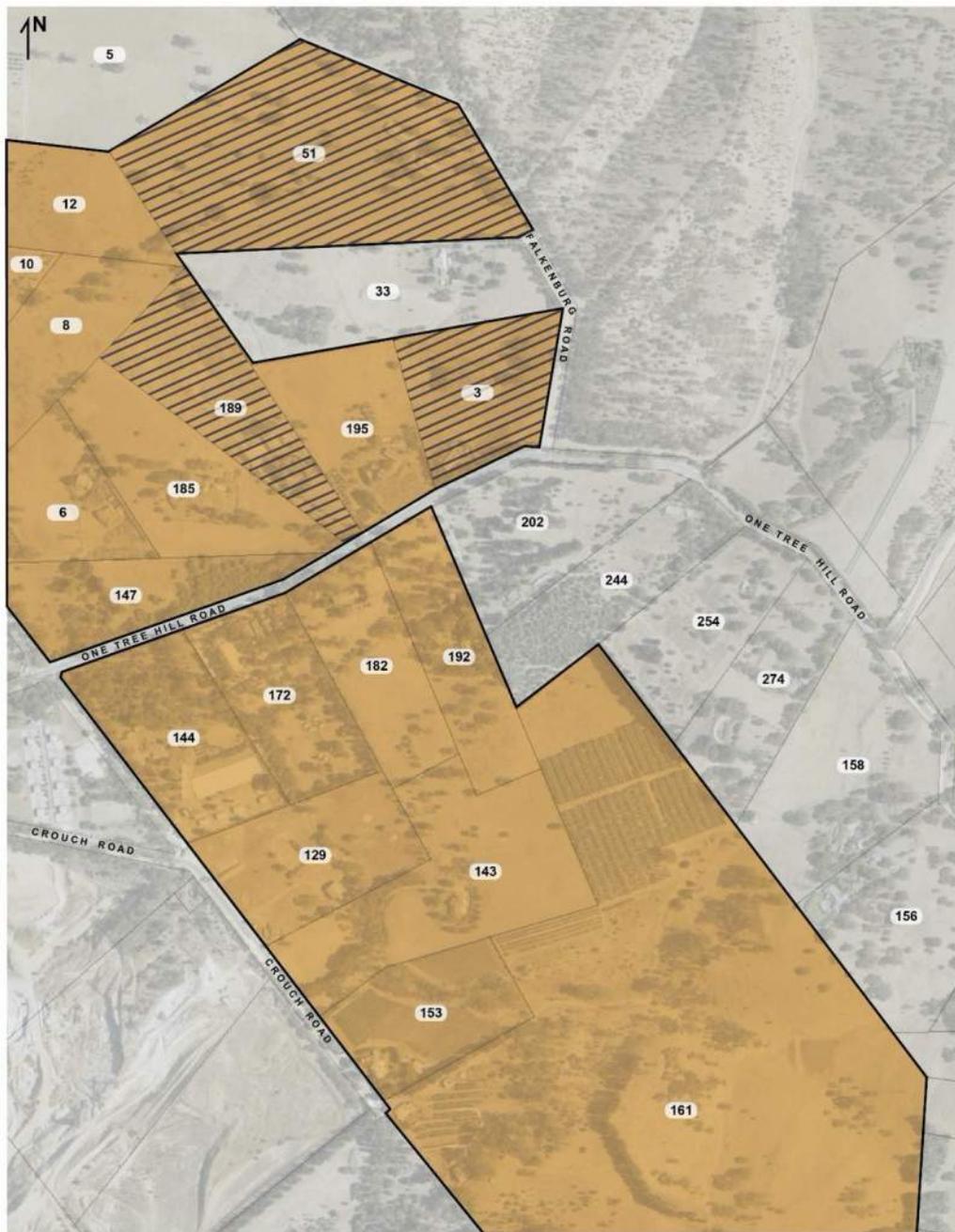
The land is predominately situated within the Rural Living Zone (the 'RL Zone'), with part of the land within the Hills Face Zone (the 'HF Zone'), as shown in Attachment A.

The Proponents are seeking to initiate a Code Amendment for the land, which will rezone the part of the land within the RL Zone to the Master Planned Neighbourhood Zone (the 'MPN Zone').

In addition to rezoning the RL Zone, it is anticipated that the amendment will investigate the potential to rezone the part of the land within the HF Zone to ensure that the development within the proposed MPN Zone occur in an orderly and economic manner.

For example, the HF Zone boundary currently dissects a number of the allotments, and *all* land division is a restricted class of development within the HF Zone. This includes the creation of an allotment for public open space or a realignment of boundaries that creates a road reserve, unreasonably restricting the development of land within the proposed MPN Zone.

Figure 1 *Subject Land*



Subject Land Boundary

LEGEND

 Land acquired by YAS Property & Development

 Land acquired by Villawood Properties

 Street number

Based on the above, to support a Proposal to Initiate the Code Amendment, preliminary investigations will occur which consider the potential of rezoning the part of the land within the HF Zone and identify a suitable alternative Zone and/or Overlay. The possible alternative Zone and/or Overlay will maintain the characteristics of the western slopes of the South Mount Lofty Ranges, without prejudicing the orderly and economic development of the adjacent Zone.

This is relevant to the EFPA boundary, and the current invitation for submissions, for the following reasons:

- The EFPA boundary follows the HF Zone boundary, does not follow the existing cadastral boundaries and therefore dissects allotments; and
- The EFPA could unreasonably restrict the orderly and economic development of the proposed MPN Zone if the creation of a road reserve and/or public open space is considered to be 'primarily for residential purposes', noting that such land divisions *must* be refused by the relevant authority pursuant to section 7 of the PDI Act.

We note that the City of Tree Gully considered whether there were any EFPA boundary anomalies within their Council area at their ordinary meeting on 27 July 2021. They did not identify the anomalies we have raised. Notwithstanding, we agree with the Council's assessment of the difference between the HF Zone and the EFPA, highlighting that the EFPA only controls land division for residential development and does not control the form and design of development. Such controls are provided by the HF Zone. Consequently, varying the EFPA boundary, whilst the HF Zone boundary remains, will have *no material impact* on the ability to develop the land.

It is important to note that the EFPA boundary is not required to follow the HF Zone boundary and there is no need to await a decision on the Proposal to Initiate the Code Amendment or the Code Amendment itself before the EFPA boundary can be moved. The opportunity to review the EFPA boundary only occurs every five years and the next opportunity to review the EFPA boundary will be in 2026-2027, well after the likely completion of a Code Amendment and the commencement of the development of the land. Once the relevant tests prescribed by section 7 of the PDI Act are considered to be satisfied, there is no legislative barrier to the Commission varying the EFPA boundary prior to the Code Amendment being initiated and/or approved by the Minister. This submission provides an assessment against the relevant tests, after describing the anomalies below.

EFPA BOUNDARY ANOMALIES

The current EFPA boundary and identified anomalies are outlined within Attachment A and the proposed EFPA boundary to address these anomalies is identified in Attachments B and C. Please note that two of the anomalies affect adjacent land, however have been included to allow for a contiguous and logical EFPA boundary.

In total, the variations to the EFPA boundary will result in a total of 11.99 hectares being removed from the EFPA and ensure that the existing ridgeline is retained within the EFPA.

A summary of the anomalies is provided in Table 1 overleaf from north to south.

Table 1 Summary of Environment and Food Production Areas Boundary Anomalies

Affected Land	Description of Identified Anomaly	Change to Boundary
51 Falkenburg Road, Golden Grove (Allotment 20 in DP 67885, CT 5998/401)	<ul style="list-style-type: none"> » Anomaly comprises two triangular pieces of land, with max. depth of approx. 161 metres » Combined area of 5.44 hectares in size » Existing boundary does not follow any particular feature on the land (such as a ridgeline, contour or vegetation) and includes land with elevations between 218m AHD and 250m AHD » The existing dwelling is situated within the EFPA/HF Zone » A ridgeline with an elevation of up to 249m AHD exists to the north of the land and extends along Falkenburg Road 	<ul style="list-style-type: none"> » Move to northern and eastern allotment boundary
33 Falkenburg Road, Golden Grove ¹ (Allotment 11 in DP 17477, CT 5776/344)	<ul style="list-style-type: none"> » Anomaly is a strip of land along the eastern/front allotment boundary up to 86 metres in depth » 0.74 hectares in size » Existing boundary generally follows contour line at 244 metres AHD and includes land with an elevation up to 256m AHD 	<ul style="list-style-type: none"> » Move to centreline of Falkenburg Road (i.e. move the boundary east)
3 Falkenburg Road, Golden Grove (Allotment 10 in DP 17477, CT 5442/886)	<ul style="list-style-type: none"> » Anomaly is a strip of land along both road frontages up to 86 metres in depth » 1.53 hectares in size » Boundary adjacent One Tree Hill Road generally follows a 250m AHD contour line » Boundary adjacent Falkenburg Road generally follows a 244m AHD line » Boundary includes all land with an elevation up to 258m AHD 	<ul style="list-style-type: none"> » Move boundary east and south to the centre lines of Falkenburg Road and One Tree Hill Road respectively
195 One Tree Hill Road, Golden Grove (Allotment 9 in DP 17477, CT 5159/888)	<ul style="list-style-type: none"> » Anomaly is an insignificant triangle that is 45 square metres in size, with all land below 250m AHD 	<ul style="list-style-type: none"> » Move boundary south to One Tree Hill Road
202 One Tree Hill Road, Golden Grove ¹ (Allotment 200 in DP 66203, CT 5943/949)	<ul style="list-style-type: none"> » Anomaly a triangular piece of land adjacent the One Tree Hill Road frontage » 1.10 hectares in size » Existing boundary generally follows the 250m AHD contour line and area includes part of the ridgeline which is above 266m AHD 	<ul style="list-style-type: none"> » Move boundary north to One Tree Hill Road

¹ This site is adjacent land and not optioned by Villawood Properties or YAS Property & Development. However, it has been included to enable the proposed EFPA boundary variation to follow a logical and contiguous line.

Affected Land	Description of Identified Anomaly	Change to Boundary
192 One Tree Hill Road, Golden Grove (Allotment 201 in FP 19262, CT 5242/348)	<ul style="list-style-type: none"> » Anomaly is the rear corner of the land, with depth up to 60 metres » 0.42 hectares in size » Boundary generally follows contour line (248m AHD) and includes land with an elevation of up to 256m AHD 	<ul style="list-style-type: none"> » Move boundary south-east to rear and side allotment boundaries
143 Crouch Road, Golden Grove (Allotment 202 on FP19262, CT 5114/222)	<ul style="list-style-type: none"> » Anomaly is along the rear boundary of the land and has a depth up to 198 metres » 1.73 hectares in size » Boundary generally follows the 248-250m AHD contour lines and includes land with an elevation up to 266m AHD (noting that a ridgeline with an elevation of up to 300m AHD sits beyond the land) 	<ul style="list-style-type: none"> » Move boundary east to rear allotment boundary
161 Crouch Road, Golden Grove (Allotment 1000 in DP 41608, CT 5255/545)	<ul style="list-style-type: none"> » Anomaly is a triangular area adjacent 143 Crouch Road » 1.03 hectares in size » The existing boundary does not follow the contour line and captures all parts of the land with an elevation greater than 250m AHD and some parts of the land with an elevation greater than 240m AHD » The anomaly does not include any vegetation, but does include an existing orchard 	<ul style="list-style-type: none"> » Move boundary east to be an extension of the rear boundary of 143 Crouch Road

ASSESSMENT OF VARIATION AGAINST PDI ACT

Section 7 of the PDI Act outlines that:

- The Commission can vary the EFPA;
- The Commission can only vary the EFPA if they have:
 - a) Conducted an inquiry into the variation and furnished a report on the outcome of the inquiry to the Minister;
 - or
 - b) Conducted a 5 yearly review which considers the amount of land supply available outside of the EFPA and furnished a report on the outcome of the review to the Minister.
- The Commission must be satisfied that the following subsection is met, before making a decision to vary the EFPA:
 - (3) *In making any decision under this section (following the establishment of the initial environment and food production areas under subsection (1)), the Commission must ensure that areas of rural, landscape, environmental or food production significance within Greater Adelaide are protected from urban encroachment and the Commission may only vary an environment and food production area if the Commission is satisfied—*

- (a) *that—*
- (i) *an area or areas within Greater Adelaide outside environment and food production areas are unable to support the principle of urban renewal and consolidation of existing urban areas; and*
 - (ii) *adequate provision cannot be made within Greater Adelaide outside environment and food production areas to accommodate housing and employment growth over the longer term (being at least a 15 year period);*
- or*
- (b) *that the variation is trivial in nature and will address a recognised anomaly.*

Accordingly, this submission demonstrates that:

- a. The variation ensures that of areas of rural, landscape, environmental or food production significance are protected from urban encroachment; and
- b. The variation is trivial in nature and will address a recognised anomaly.

This assessment is provided under the relevant subheadings below:

Impact on Areas of Rural or Food Production Significance

In our opinion, the proposed variation to the EFPA will not impact the protection of areas of rural or food production significance for the following reasons:

- The land within each of the anomalies is not of rural or food production significance, noting that:
 - a) The EFPA traverses existing allotments which are primarily within the Rural Living Zone and are primarily used for residential purposes;
 - b) The existing allotments generally range from 4 to 8 hectares in size, are compromised by their proximity to the General Neighbourhood Zone to the east and their slope, and therefore, are not suitable for efficient, sustainable and viable food production; and
 - c) The identified anomalies range from 0.0045 to 5.44 hectares and are too small and trivial in size to be of rural or food production significance.
- The land is not adjacent to an area of rural or food production significance, noting that:
 - a) The adjacent land south of One Tree Hill Road comprises allotments that generally range from 3.5 to 6.3 hectares in size and are primarily used for residential purposes and not food production;
 - b) The adjacent land north of One Tree Hill Road is owned by SA Water and contains the Little Para Reservoir and is not used for food production; and
 - c) The land to the north-west of the subject land (identified as 5 Para Valley Road, Golden Grove) is not considered to be of food production significance as it is compromised by the following factors:
 - It is only 53 hectares in size;
 - Two tributaries traverse the land;
 - An existing interface to the General Neighbourhood Zone to the south-west and the RL Zone to the south; and
 - An existing interface to the Mount Lofty Ranges Water Supply Catchment and the Little Para Reservoir to the north.

As a result of the above, the variation to the boundary will not encroach on areas of rural or food production significance.

Impact on Areas of Landscape Significance

The anomalies are currently situated within the HF Zone and it is acknowledged that land within the HF Zone is generally regarded as an area of landscape significance, particularly due to its primary intent to protect the western slopes of the Mount Lofty Ranges (i.e. the 'Hills Face').

Notwithstanding this, in our opinion, the proposed variation to the EFPA will not result in urban encroachment on areas of landscape significance for the following reasons:

- Varying the EFPA boundary, whilst the HF Zone boundary remains, will have *no material impact* on the ability to develop the land, noting that the HF Zone imposes more controls on the development of land than the EFPA;
- The land is at the base of the Mount Lofty Ranges and includes elevations up to 266m AHD, well below the substantial elevations experienced within the ranges of 400m+ AHD and the main face of the western slopes of the ranges, as shown in Figure 1 of Attachment D;
- A review of the elevation profile between the land and the 'Adelaide Plains' (in this instance, areas with an elevation below 80m AHD) confirms that the views of the land are obscured by other low-lying ridgelines to the north, west and the south-west as shown in Figures 2, 3 and 4 of Attachment D;
- A site inspection of the land and the nearby residential areas to the east has been undertaken to ascertain if there are local views of the land. The locations visited, elevation profiles along the sightlines and the site inspection photos are provided in Figures 5 to 14 of Attachment D. The inspection confirmed that:
 - a) Views of the land are largely obscured by frequent and well-established street trees and vegetation, even when positioned in elevated locations (such as Ruben Richardson Road);
 - b) Due to the gentle slope and the distance of the sightlines to the ridgeline, the location of the EFPA boundary is not readily identifiable by a clear topographical feature, such as a visible change in the topography, vegetation or similar; and
 - c) The area is gently undulating and as a result, medium to long range views of low-density residential development is a common and visually appealing feature of the locality (for example, as seen in Figure 7 of Attachment D).

Therefore, in our opinion, this variation to EFPA the boundary will not encroach on areas of landscape significance.

Impact on Areas of Environmental Significance

In our opinion, the proposed variation to the EFPA will not impact the protection of area areas of environmental significance from urban encroachment for the following reasons:

- The land within each of the anomalies is not of environmental significance, noting that no Overlays affect the land that seek to protect an area of environment significance (such as the State Significant Native Vegetation Overlay);
- The land is adjacent to an area of environmental significance (the Mount Lofty Ranges Water Supply Catchment), but will not encroach on this area noting that the ridgeline exists to the east of the land and the catchment is on the eastern side of the ridgeline (as evidenced by the Mount Lofty Ranges Supply Catchment Overlay boundary).

As a result of the above, the variation to the boundary will not encroach on areas of environmental significance.

Nature of Variation

In our opinion, this variation is trivial in nature and will address a recognised anomaly noting that:

- The EFPA itself only controls land division for residential development and this variation will not create new opportunities for residential development, noting that the HF Zone will continue to apply to the land which contains similarly restrictive controls in relation to residential development. Therefore, realigning the boundary of the EFPA will have no impact of the form of development that can occur on the land;
- The negligible size of the variation (a combined size of 11.99 hectares) which represents less than 0.0016% of the EFPA and is trivial in the context of the EFPA which affects more than 760,000 hectares of Greater Adelaide;
- The ad-hoc nature of the current EFPA boundary, which traverses the existing allotments, and does not align with the existing cadastre or any significant topographical features; and
- The fact that varying the boundary to address the identified anomalies will not encroach on areas of rural, landscape, environmental or food production significance.

Therefore, in our opinion, the variation is trivial in nature and will address recognised anomalies.

CONCLUSION

The EFPA boundary is not required to follow the HF Zone boundary, particularly noting that the land within the identified anomalies is not considered to be of landscape significance. In addition, we consider that there is no need to await a decision on the Proposal to Initiate the Code Amendment or the Code Amendment itself before it is determined that the EFPA boundary can be moved.

The anomalies identified within Attachment A are considered to be trivial in nature and will not result in urban encroachment into areas of rural, landscape, food production or environmental significance. Accordingly, the Commission can vary the EFPA, as shown in Attachment A, in accordance with section 7 of the PDI Act.

Given the relevant tests prescribed by section 7 of the PDI Act are considered to be satisfied, there is no legislative barrier to the Commission varying the EFPA boundary, as outlined within Attachment A, prior to the Code Amendment being initiated and/or approved by the Minister.

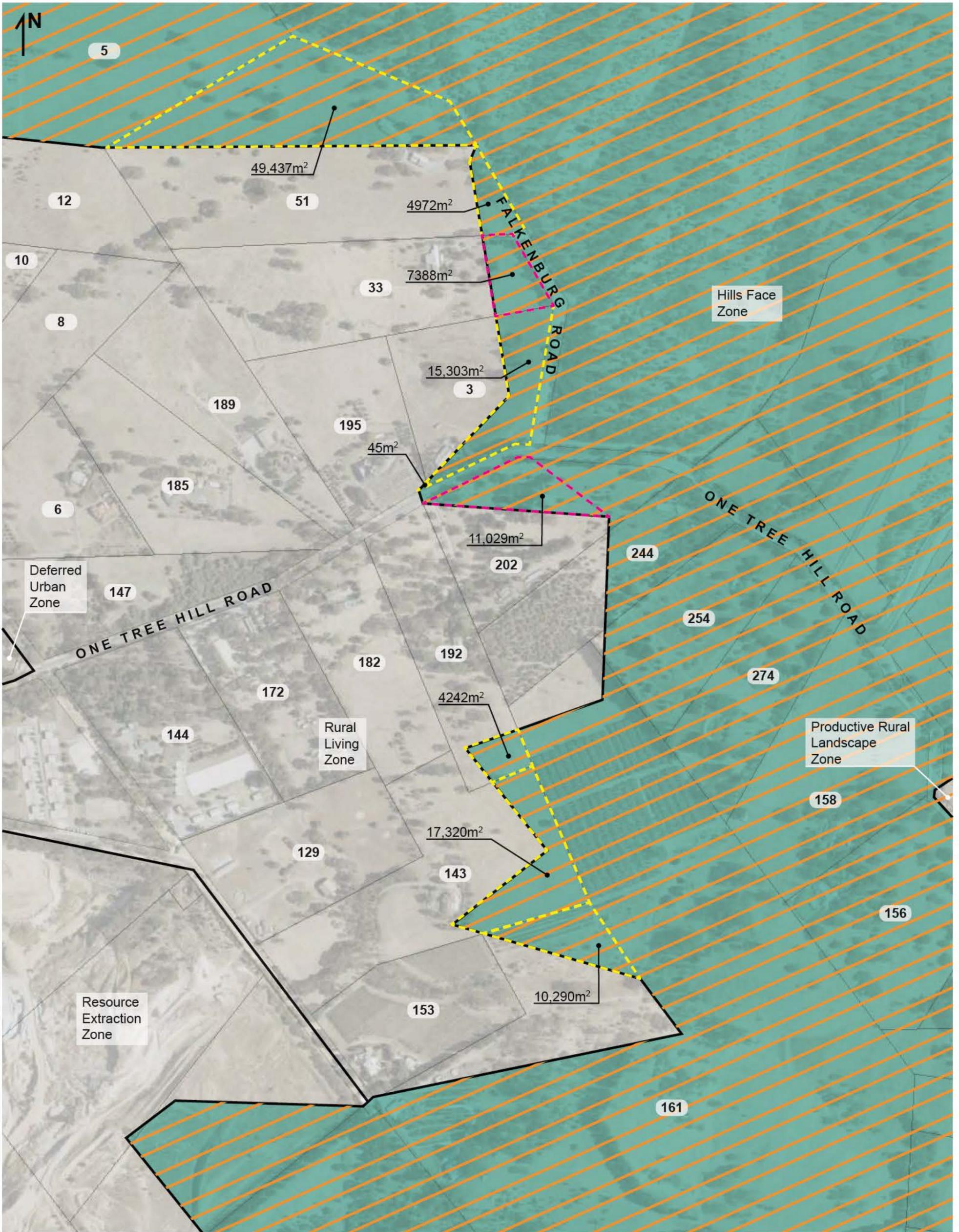
Yours sincerely,

A handwritten signature in black ink, appearing to read 'M Osborn', written in a cursive style.

Michael Osborn
Director

Enclosed:

- *Attachment A – Environment and Food Production Area, Zone Boundary and Anomalies Map*
- *Attachment B – Proposed Environment and Food Production Area Boundary Map (Aerial Image Base)*
- *Attachment C – Proposed Environment and Food Production Area Boundary Map (Topography Base)*
- *Attachment D – Elevation Profiles and Site Photos*



ATTACHMENT A

Environment & Food Protection Area (EFPA) & Zone Boundary Map

LEGEND

-  Environment & Food Protection Area
-  Hills Face Zone
-  Zone Boundary
-  EFPA boundary anomalies affecting subject land
-  EFPA boundary anomalies affecting adjacent land
-  # Street number

July 2021

Revision A

1:5000





ATTACHMENT B

Proposed Environment & Food Protection Area (EFPA) Boundary Map

LEGEND

 Proposed Environment & Food Protection Area

 Boundary of current Environment & Food Protection Area

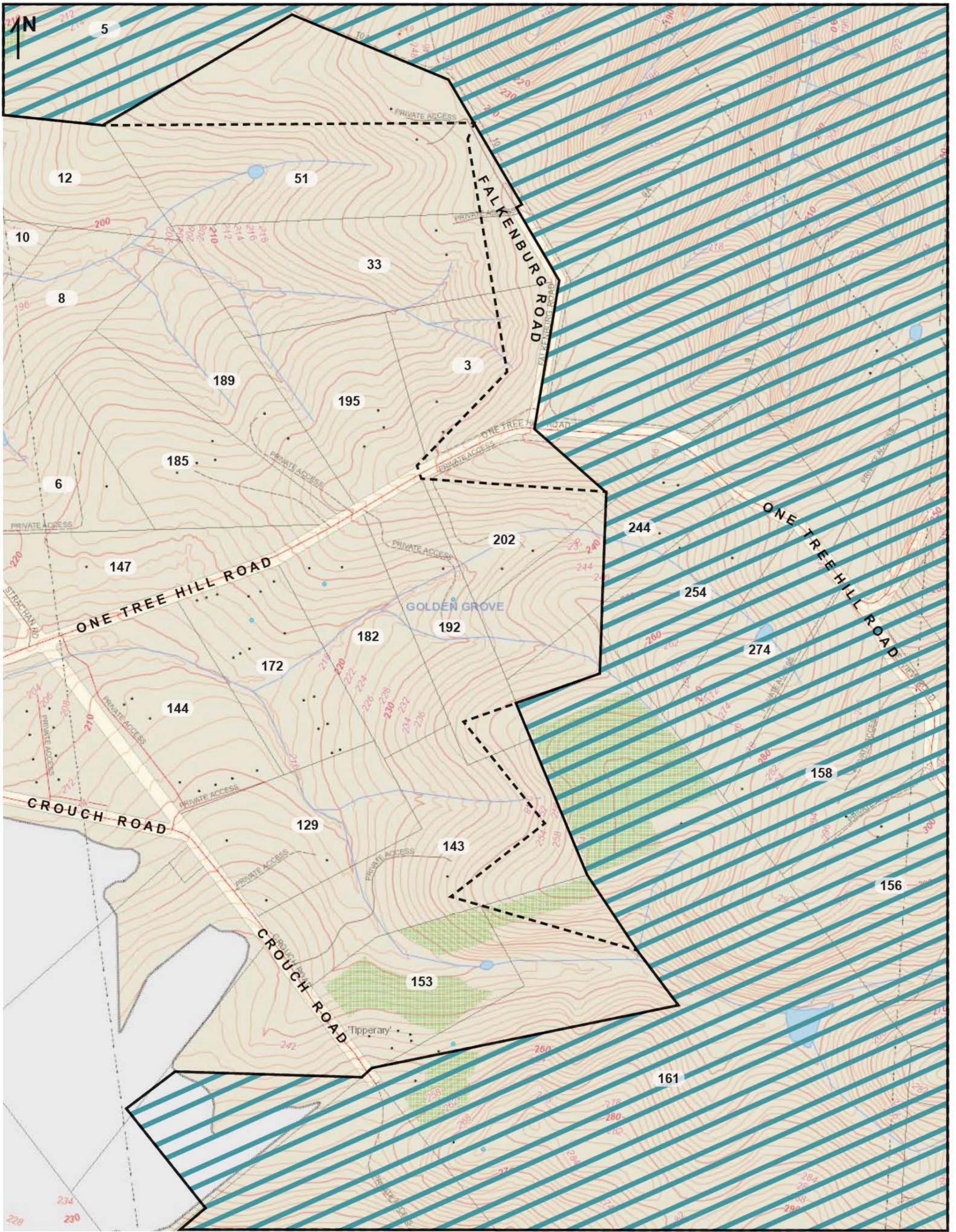
 Street number

July 2021

Revision A

1:5000

 FUTURE URBAN



ATTACHMENT C

Proposed Environment & Food Protection Area (EFPA) Boundary Map (with contour base)

LEGEND

 Proposed Environment & Food Protection Area

 Boundary of current Environment & Food Protection Area

 Street number

July 2021

Revision A

1:5000



ATTACHMENT D

Elevation Profiles and Site Photos

Figure	Page
Figure 1 Topographical Context	1
Figure 2 Elevation Profile from the land to the 'Adelaide Plains' to the north	2
Figure 3 Elevation Profile from the land to the 'Adelaide Plains' to the west	3
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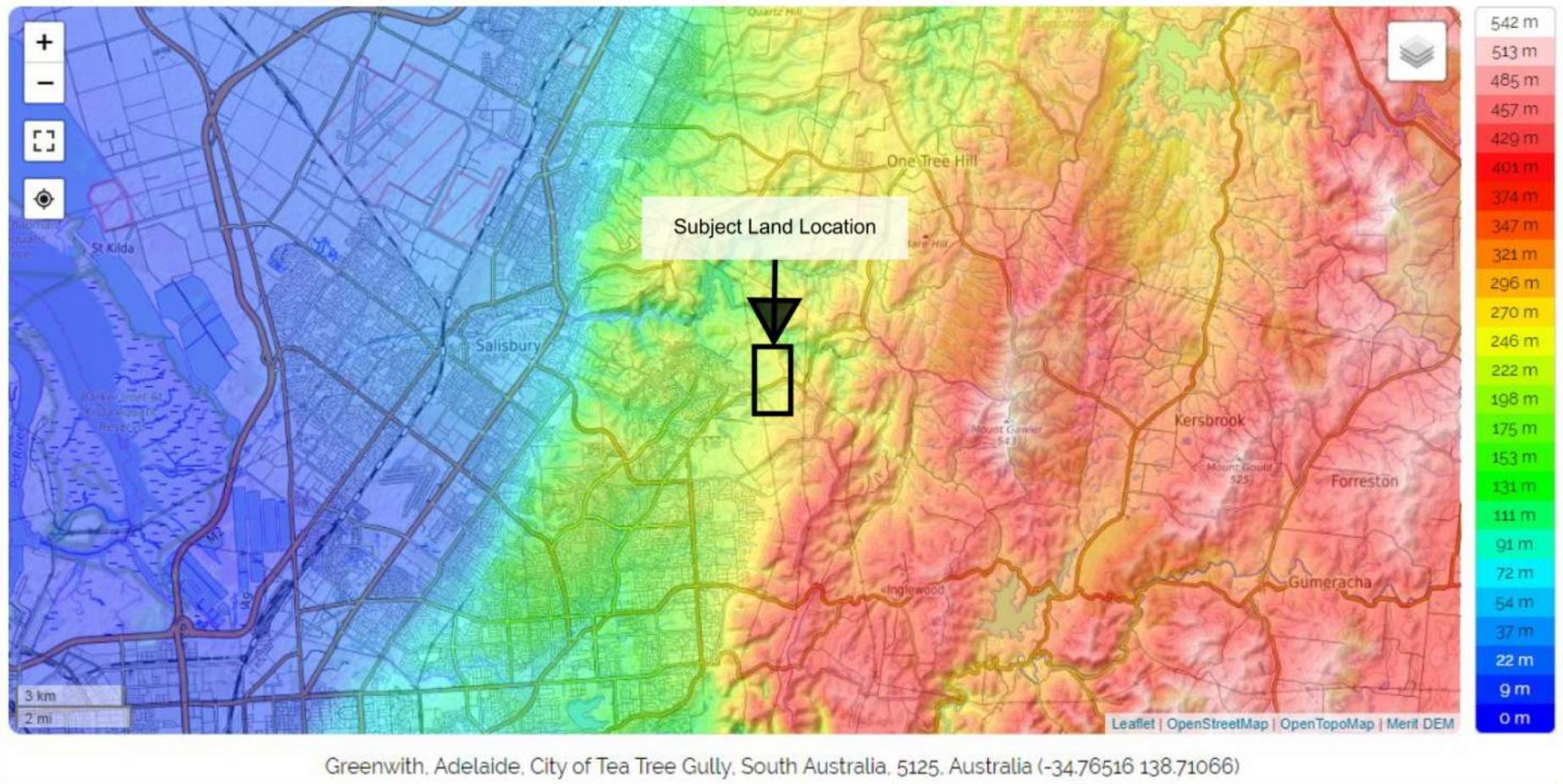


Figure 1 Topographical Context (source: <https://en-au.topographic-map.com/>)

ATTACHMENT D

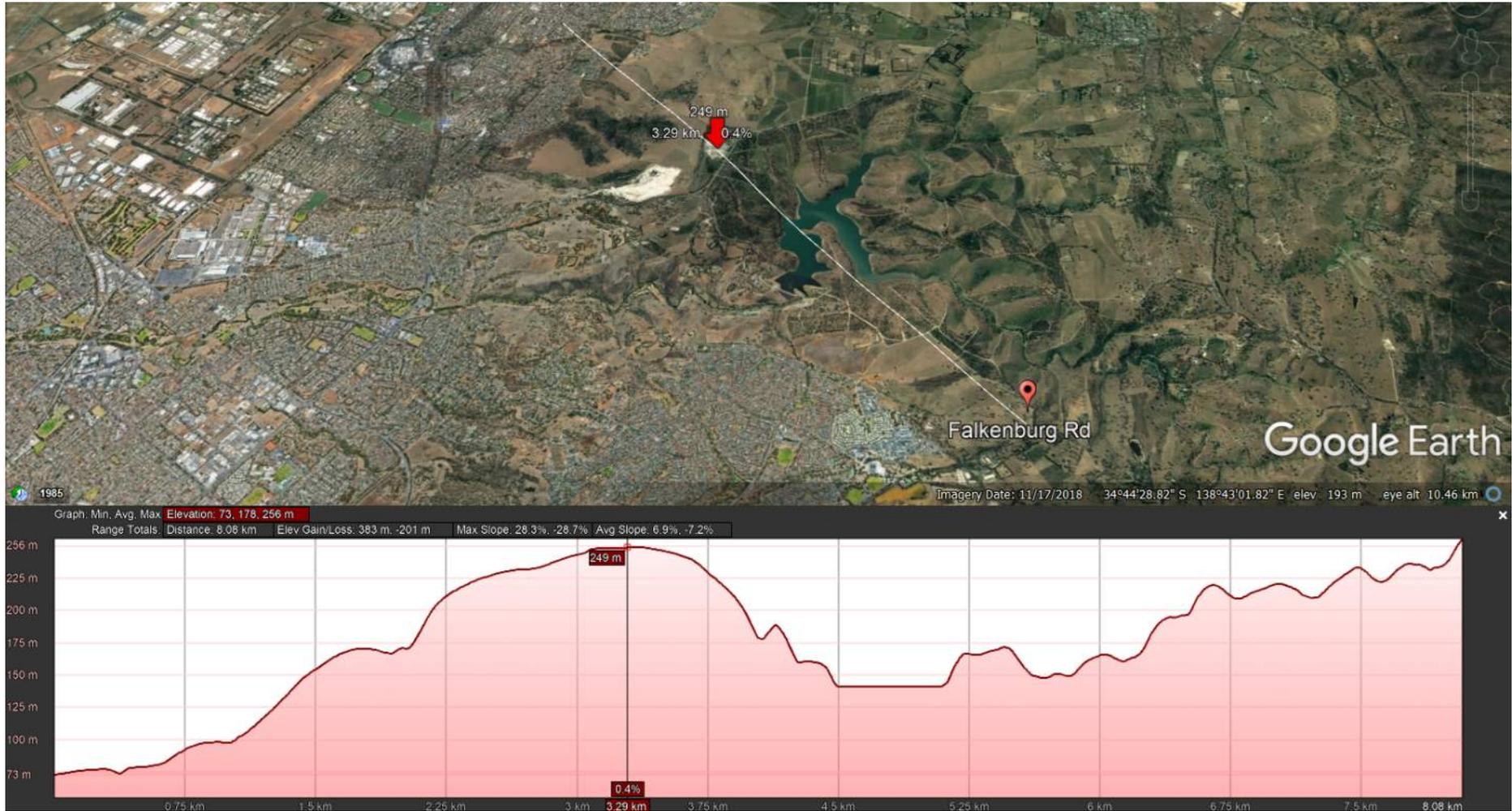


Figure 2 Elevation Profile from the land to the 'Adelaide Plains' to the north

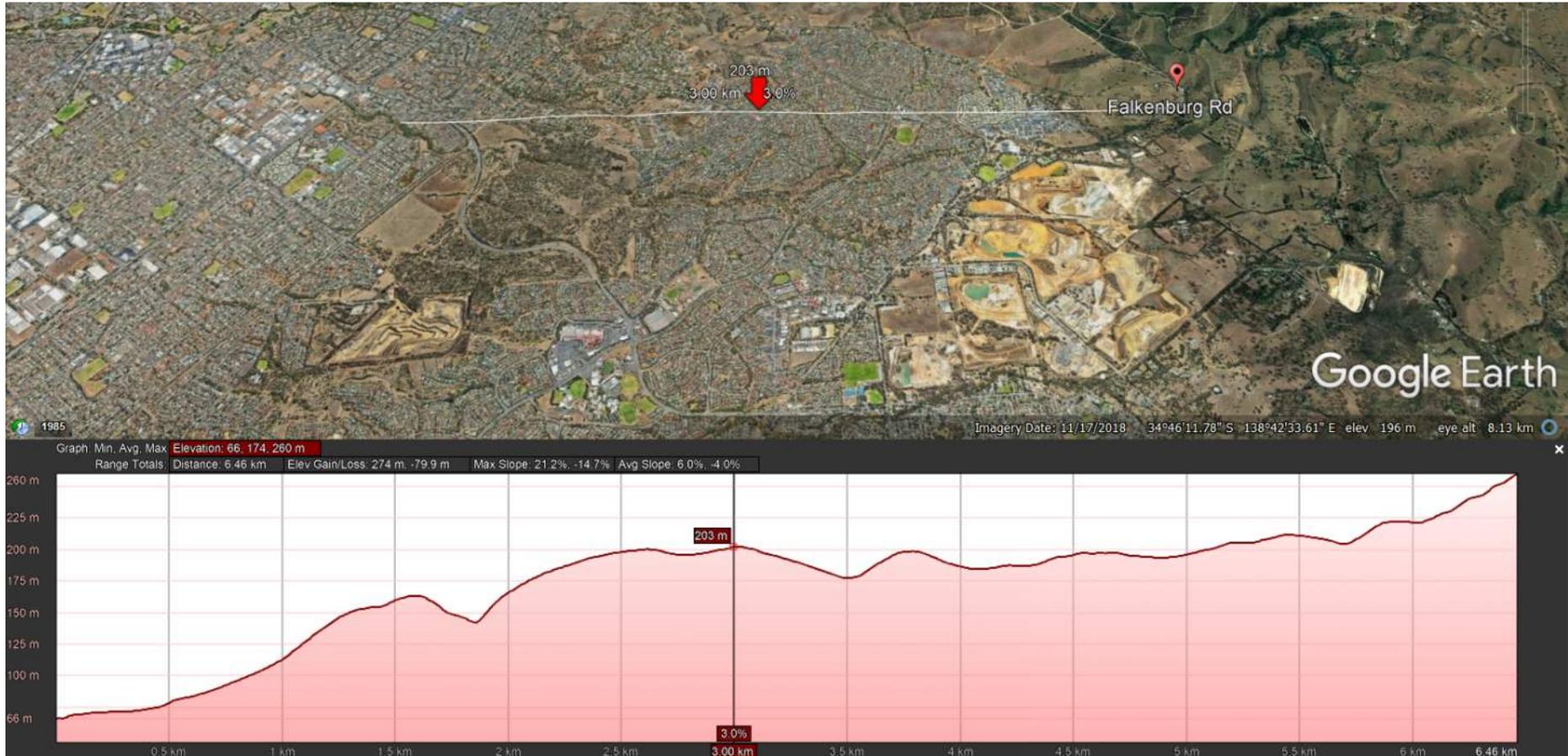


Figure 3 Elevation Profile from the land to the 'Adelaide Plains' to the west

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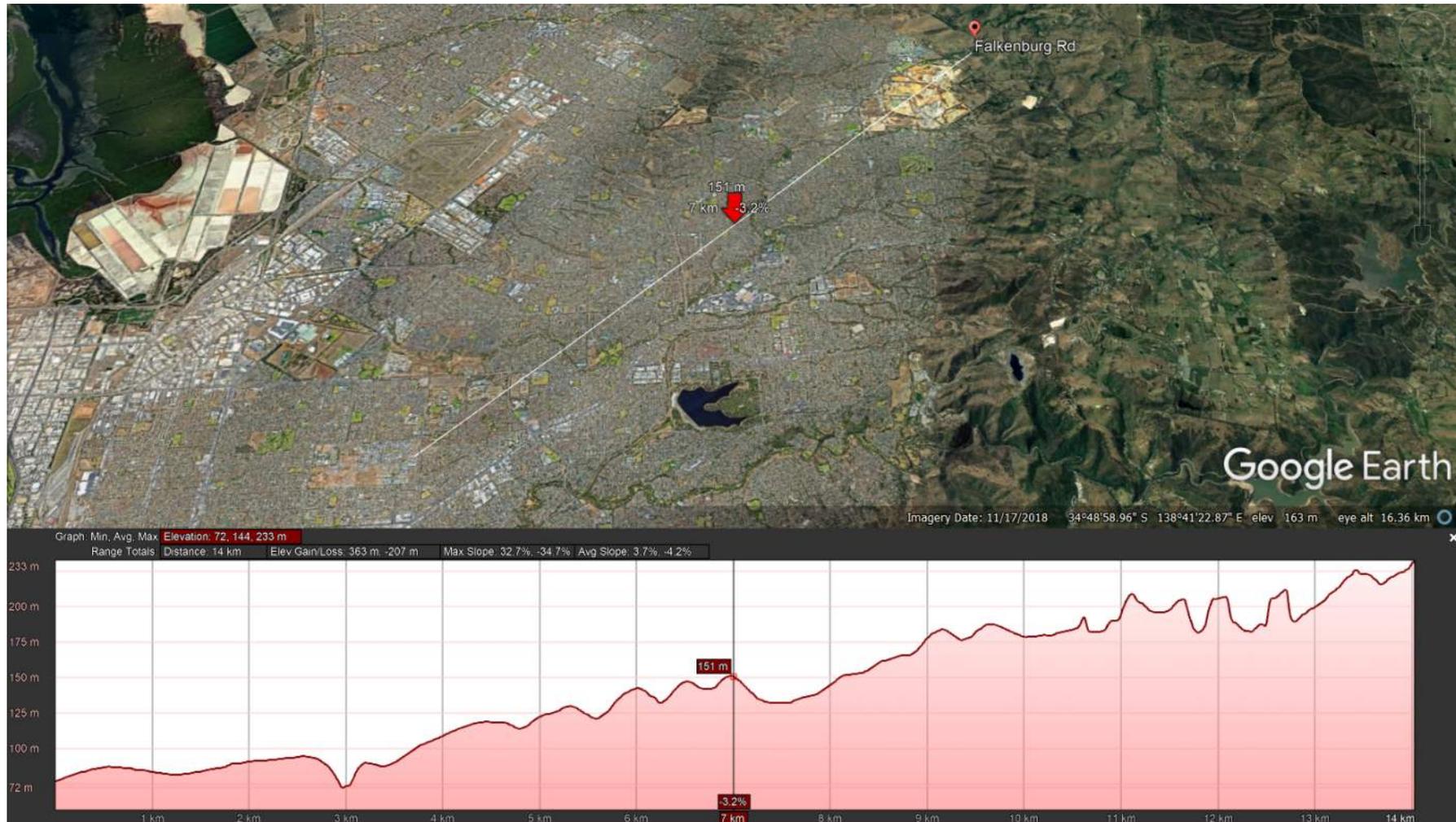


Figure 4 Elevation Profile from the land to the 'Adelaide Plains' to the south-west

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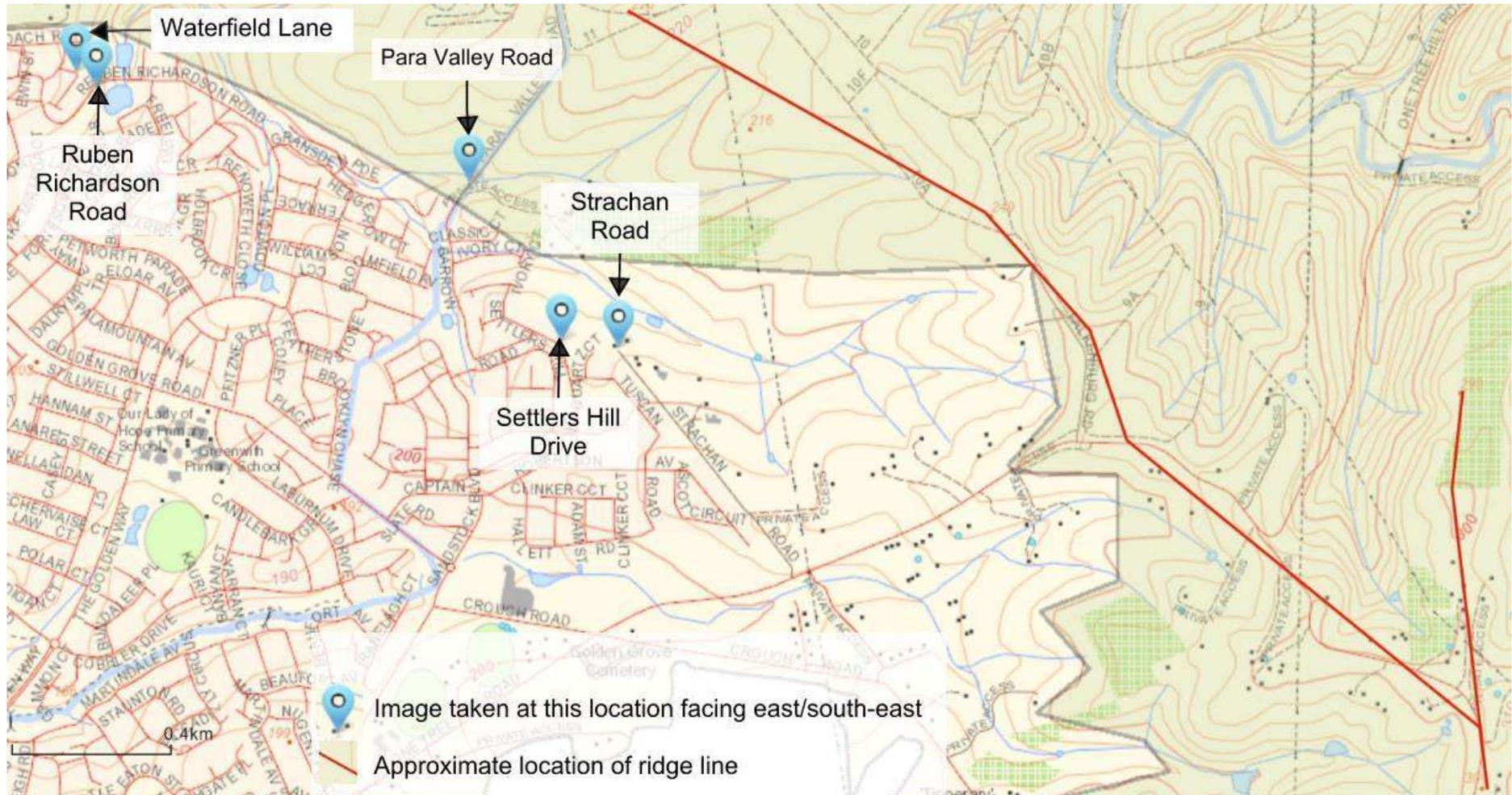


Figure 5 Image Locations

ATTACHMENT D



Figure 6 Waterfield Lane Elevation Profile

ATTACHMENT D



Figure 7 *Image Taken from Waterfield Lane Viewing East Along Elevation Profile Shown In Figure 6 (17 July 2021)*

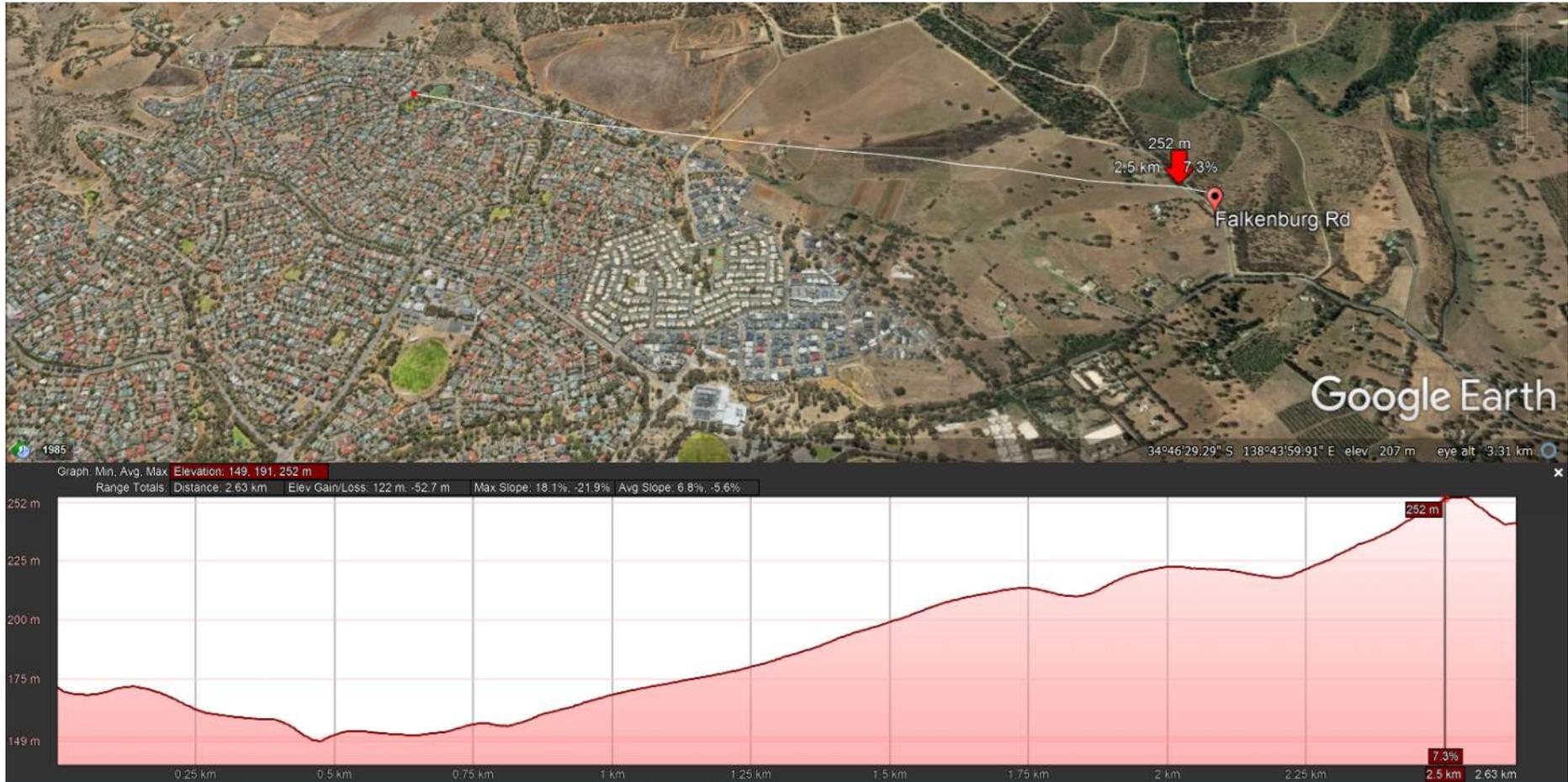


Figure 8 Ruben Richardson Road Elevation Profile

ATTACHMENT D



Figure 9 *Image Taken from Ruben Richardson Road Viewing East Along Elevation Profile Shown in Figure 8 (17 July 2021)*

ATTACHMENT D



Figure 10 Para Valley Road Elevation Profile

ATTACHMENT D



Figure 11 Image Taken from Para Valley Road Viewing North East Along Elevation Profile Shown in Figure 10 (17 July 2021)

ATTACHMENT D

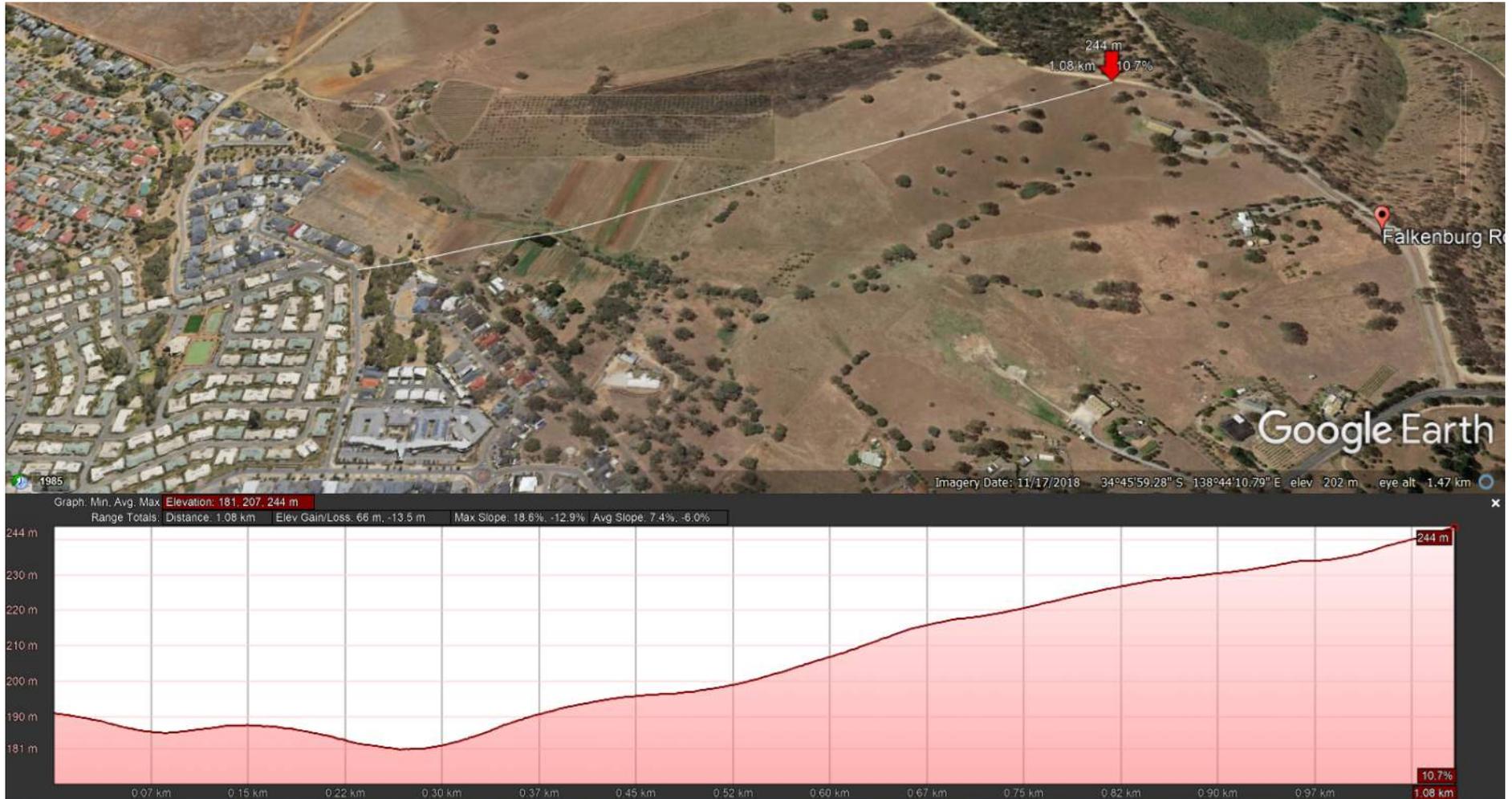


Figure 12 Settlers Hill Drive Elevation Profile

ATTACHMENT D



Figure 13 *Image Taken from Para Valley Road Viewing North East Along Elevation Profile Shown in Figure 12 (17 July 2021)*

ATTACHMENT D

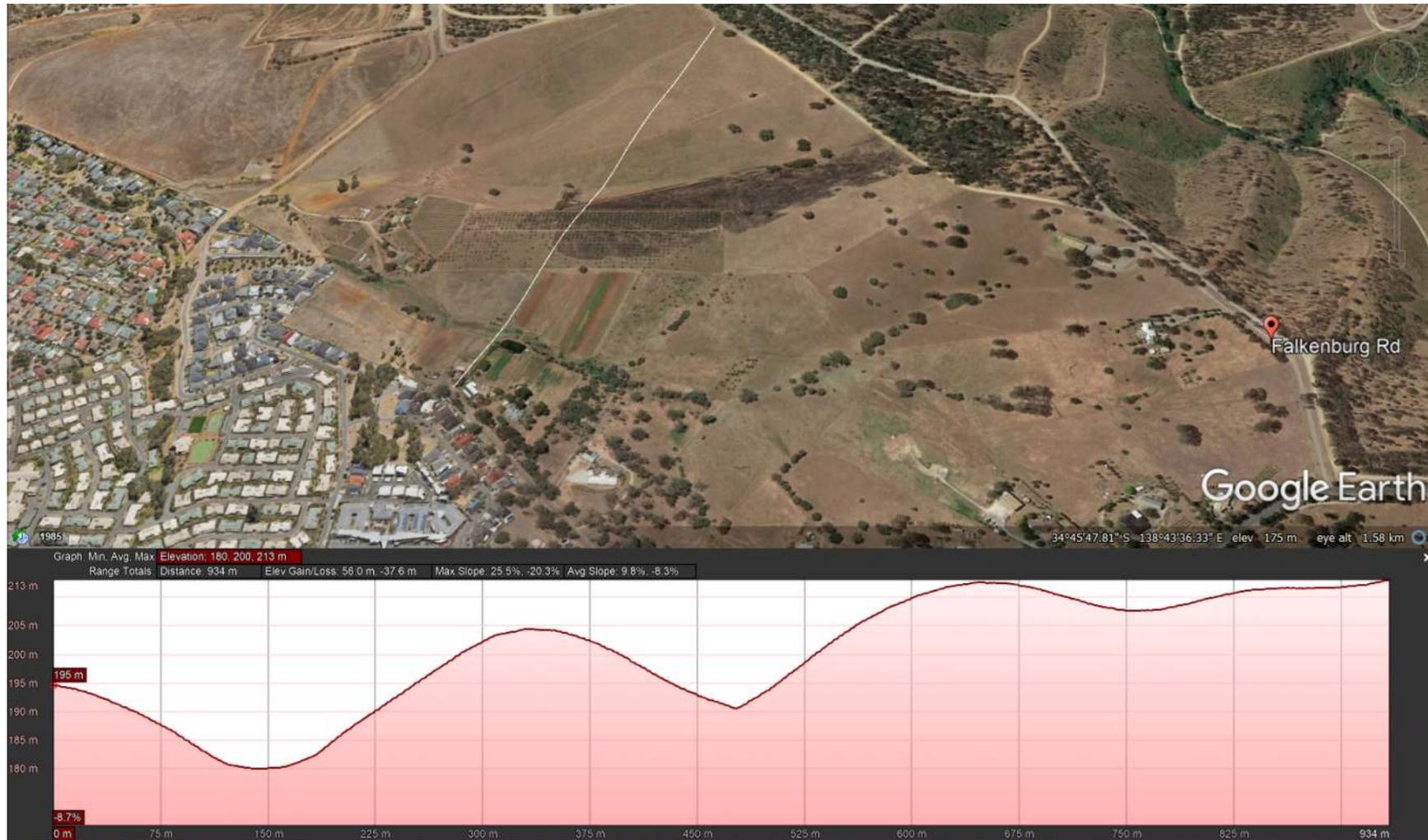


Figure 14 Strachan Road Elevation Profile Viewing North East

ATTACHMENT D



Figure 15 *Image Taken from Para Valley Road Viewing North Along Elevation Profile Shown in Figure 14 (17 July 2021)*

Form Information

Site Name PlanSA

Site Id 578867

Page Request to vary Environment and Food Production Area boundaries
Standard Name

Page 823328

Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound

Submission 881996

Id

Submission 06 Aug 2021 3:49 pm

Time

Submission [REDACTED]

IP Address

Contact and land details

Your Name and contact details

Name: Housing Industry Association

Postal Address: Crn Port Road and Station place HINDMARSH

Phone Number: [REDACTED]

Mobile Number:

Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): South Australia

Allotment ID: South Australia

Owners: South Australia

Requested variation details

Details of requested variation: ref to PDF submission

Additional supporting information: ref to PDF submission

Supporting document: Environment_and_Food_Protection_Area_land_supply_Review_Submission_6_August_2021.pdf, type application/pdf, 1.4 MB

Map of requested variation

Map or diagram to support submission: No file uploaded

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?:

No

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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5 August 2021

Plan SA
GPO Box 1815
ADELAIDE SA 5001

Dear Sir/Madam,

Environment and Food Production Area Review 2021 (herein referred to as the Statement of Position)

The Housing Industry Association (HIA) appreciates the opportunity to provide the following comments regarding the above mentioned discussion paper. HIA acknowledges the extensive work undertaken by the South Australian State Planning Commission (the Commission) in reviewing the Environment and Food Production Area. We agree government strategies should be long term to create certainty for land supply and that such strategies are reviewed every five years.

The Commission may be aware, as stated in HIA Policy *Managing Urban Land Supplies* (see attached), that HIA is opposed to urban growth boundaries of which the Environment and Food Production Area is equivalent. HIA's opposition to urban growth boundaries is on the basis it restricts the management of urban land supplies. Nevertheless, the purpose of our submission is to provide constructive feedback that assists the state in making an informed decision. Further articulation of HIA's views regarding residential subdivision are also contained in HIA Policy *Improving the Subdivision Process for Residential Land* (see attached).

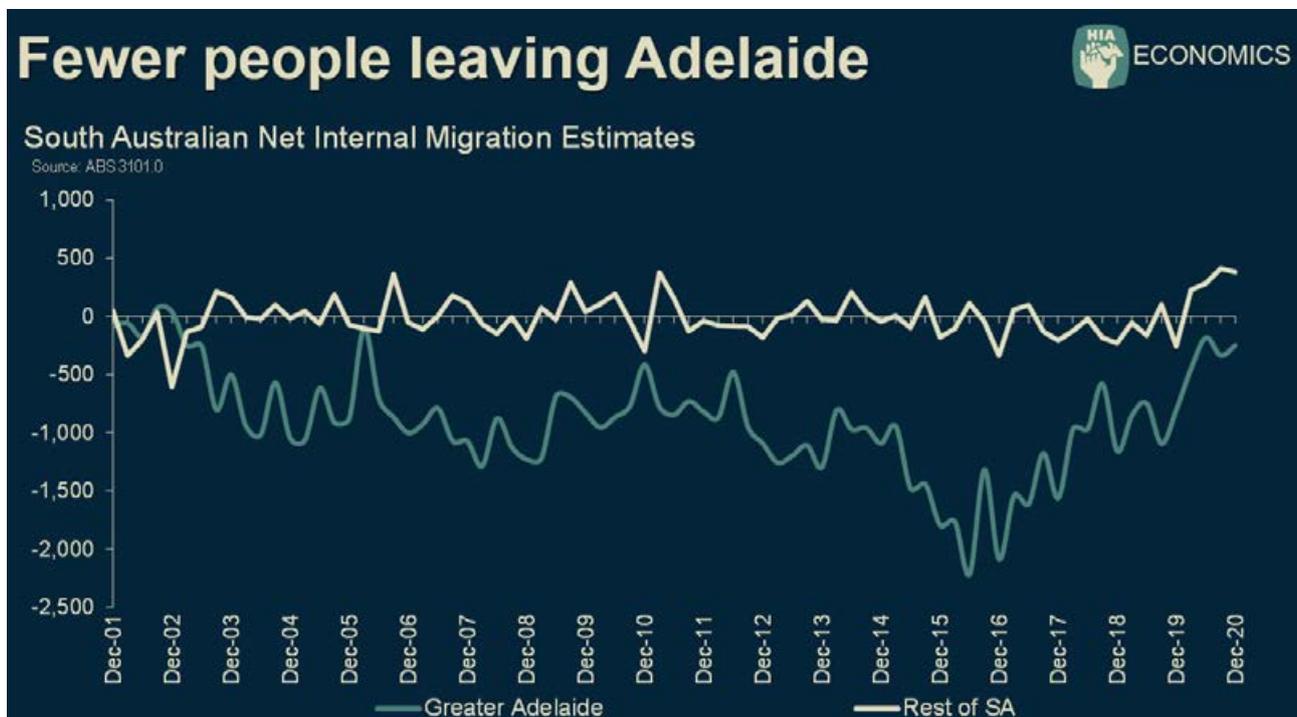
The Statement of Position provides the following conclusion

“there is deemed to be sufficient supply of land to support housing and employment growth for at least the projected 15-year timeframe.”

Conclusions have been reached with reference to residential development trends. While the data appears extensive, it must be understood the information has been collated between 2010 and 2020. What the data lacks is consideration to unprecedented worldwide events which started mid-2020 and continue to this day. We would like to highlight some important developments during this time.

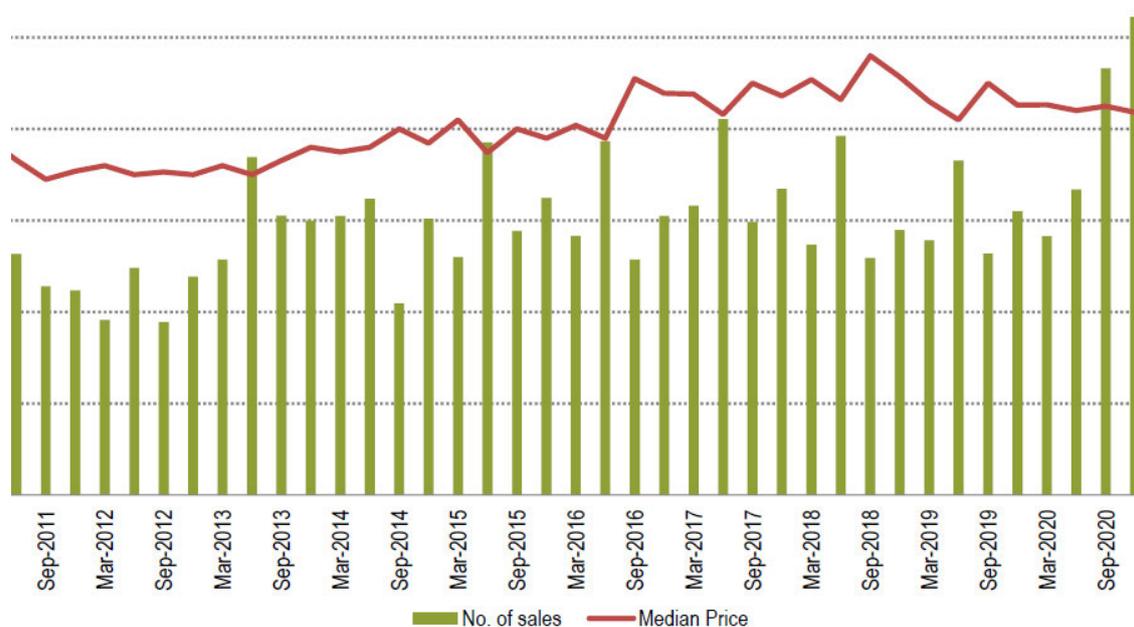
1. COVID 19 has changed the way people and businesses operate.
2. The Federal Government initiated the HomeBuilder scheme, developed for the purpose of building stimulus, which created a huge public demand for residential development.
3. South Australia has had an increase in the number of people migrating to this state since the epidemic began.
4. Land supply has significantly reduced over the last 12 months.

Methods used to determine population growth in this state are now outdated, losses common to South Australia are being off-set by immigration, most likely through expats moving back. From our figures, net immigration has reached levels not seen for 15 years. Please observe the graph below justifying our thoughts.



In conjunction with growth, land supply has been stripped. HIA have compiled the following information on land sale and median lot values within greater Adelaide.

RESIDENTIAL LAND SALES & MEDIAN LOT VALUE - GREATER ADELAIDE



It is recognised the surge in demand for residential land was due in most part to the HomeBuilder stimulus. Although not evident yet, the long term consequence of land shortage is an increase to medium land prices which threatens housing affordability. Should these trends continue (especially for net immigration), urgent work will be required to ensure consumer demand meets land supply. Releasing land is a simple and logical response that should not be inhibited by growth boundaries created in a pre-COVID time. We believe the conclusions stipulated within the review are not accurate nor reflect current data and strongly urge the State Planning Commission to re-establish their position. To further assist in HIA's provision of constructive feedback, Appendix A commentary is provided in relation to elements of the Growth Management Plan: Land Supply Report for Greater Adelaide, Part 1 Greenfield (published June 2021).

Thank you once again for the opportunity to provide feedback on the above mentioned review. Please do not hesitate to contact myself on 8340 5900 or alternatively [REDACTED] should you require anything further.

Yours sincerely
HOUSING INDUSTRY ASSOCIATION LIMITED

Stephen Knight
HIA Executive Director
South Australia

**APPENDIX A:
HIA comments on the Growth Management Plan (herein referred to as the Plan)**

Identified within the Plan are three stages to address land supply through Greenfield development, these being; *Development Ready*, *Undeveloped Zoned* and *Future Urban Growth*. HIA notes all three stages are recognised by the State as solutions to provide relief for supply and demand of new allotments. We believe the government should provide further information so that the general public is better informed to make comment:

HIA recommends the state

- stipulate reasonable timeframes with regard to the length of each stage, and
- the time considered reasonable to move from one stage to the next.

Whilst it is acknowledged these timeframes will be dependent on many factors including the state of the market, government guidance and commentary is considered critical as part of industry engagement and consultation. Such engagement will assist the state in determining the correct measures required to enable efficient and effective land supply/release for South Australia.

Adequate land supply is best provided when government's strike a strategic balance between greenfield and infill development. The limits of an over reliance on infill settings is well understood by the government; One only needs to examine the two documents used by the state as reference tools for the planning reform, *Cost and Benefits of Stormwater Management Options* and *Cost and Benefits of Urban Tree Canopy Options*.

“There is evidence minor infill has contributed to a significant increase in peak flows, the frequency and volume of runoff, and exported pollutant load. This is because infill development increases density and can create up to 90 per cent impervious surfaces, which is considered 2.5 times higher than most existing drainage systems were designed for”

(Costs and Benefits of Stormwater Management Options for Minor Infill Development in Planning and Design Code 2020, p. iii)

“There is evidence minor infill has contributed to a significant reduction in green cover in many neighbourhoods. This is because infill development generally increases site coverage and driveway crossovers, and reduces space for gardens and tree planting, creating up to 90 per cent impervious surfaces.”

(Costs and Benefits of Urban Tree Canopy Options for Minor Infill Development in the Planning and Design Code 2020, p. iii)

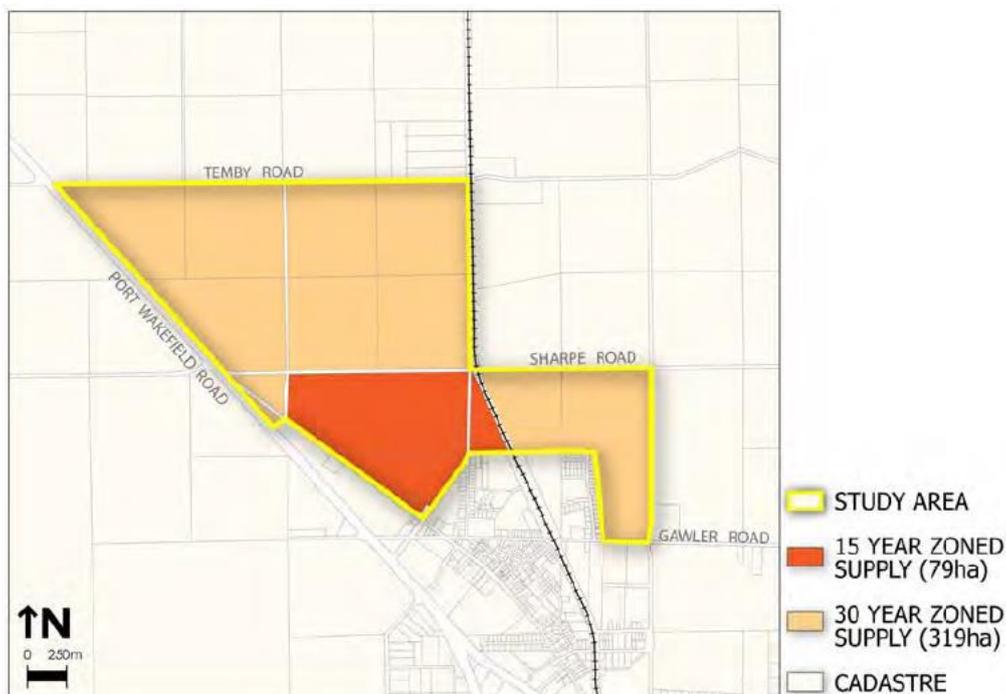
To ensure pressures exerted onto existing infrastructure do not go over critical mass, a strategic balance between greenfield and infill (as mentioned above) is required to facilitate sustainable growth. Infill (by itself) cannot be seen as the primary response to land release but rather part of an equal equation that includes undeveloped zones and future urban growth areas.

HIA is of the view that extensions to the metropolitan boundary must be allowed to facilitate growth when the need can be adequately demonstrated. It is unfortunate that the Statement of Position is reticent to openly and robustly discuss planning matters that include time management on large allotment releases, land holding costs and real effects on housing affordability.

CASE STUDY

HIA has selected Two Wells, a township north of Adelaide, as a Case Study showing the complexity of a major subdivision and the time needed to facilitate development on a large scale.

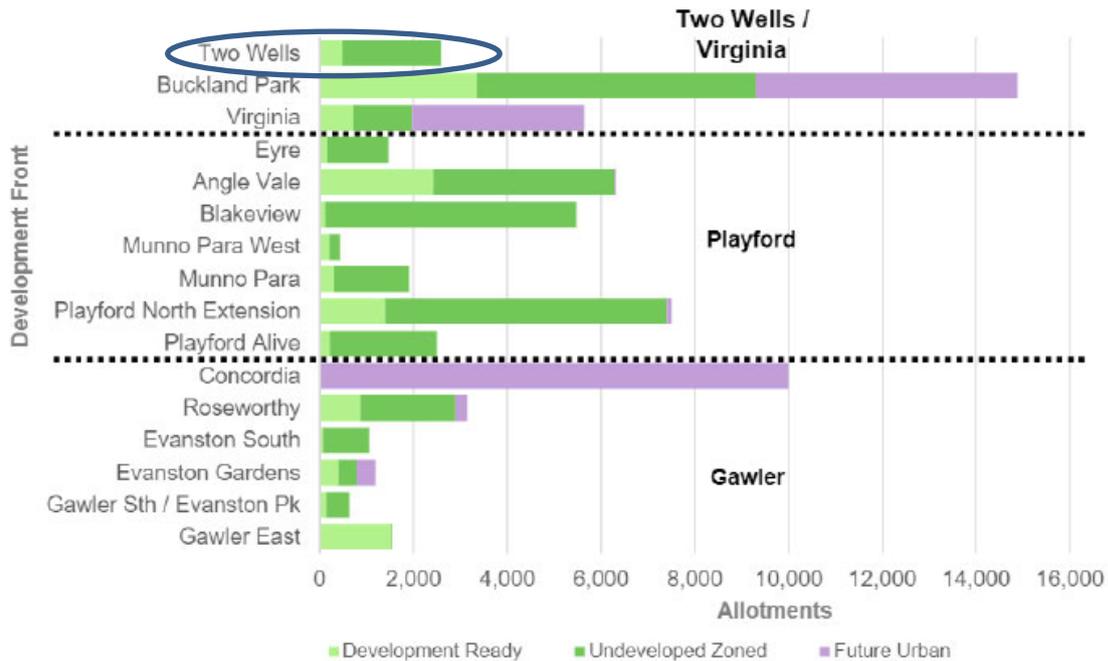
In 2009, conversations were held between the state, developer and local government discussing a proposed extension to the township boundary lines. In 2011, a report produced by Connor Holmes highlighted a 15 year demand for housing allotments



(Connor Holmes 2011, *two wells township expansion*, p. 7)

Three years later, work commence for site preparation to achieve the required bench levels. It took a further two years before development started. Below is a graph within the growth management plan comparing development ready and undeveloped zones in other areas.

Figure 9: Greenfield land supply by development front, June 2020



The following observations are made using this example

- Land designated for development under this proposal falls within the states 30 year strategic plan and is not located within the Environment and Food Production Area (refer to Figure 1 below, extracted from the Statement of Position).
- A substantial part of the 15 year proposal is yet to be developed. Thirteen years on, development capacity (from the initial proposal) is far from reached.
- The slow progression can be attributed to a lack of public infrastructure, not a lack of demand.
- Comparable with other fronts, Two Wells has a relatively small amount of land zoned for development.
- The state cannot rely on local governments alone to deliver on land supply within undeveloped areas.
- The state will not meet land supply estimates indicated within the Statement of Position.
- A balance of infill development and greenfield development cannot be achieved.

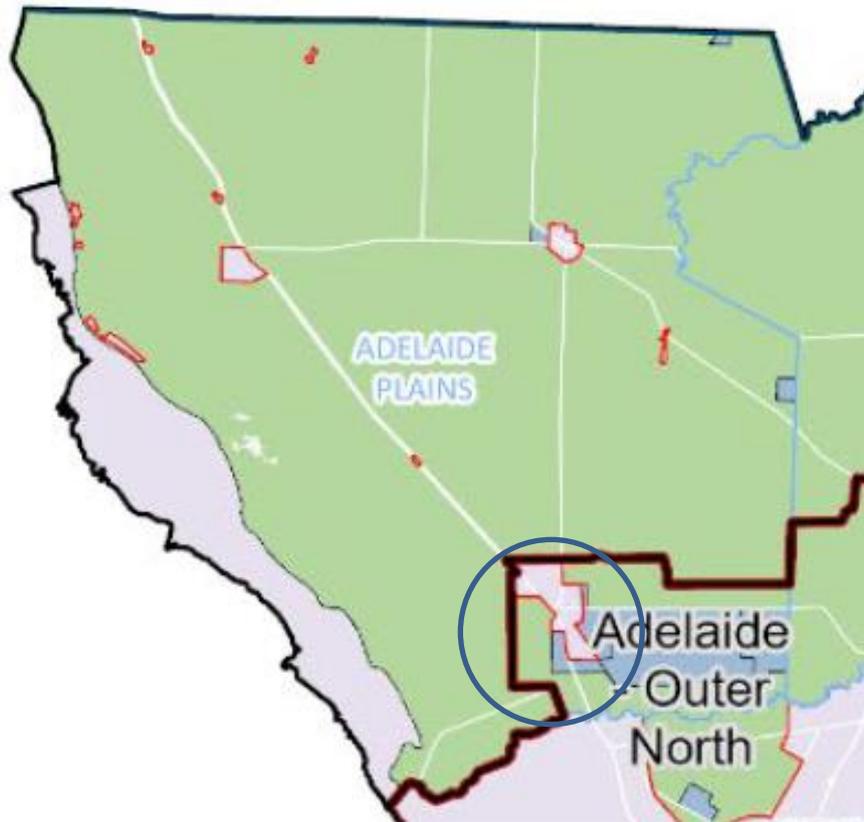


Figure 1 – Two Wells is shown as circled

In conclusion, HIA submits the state must have adequate contingency plans to deal with the increased demand for land and the apparent inefficiencies of shovel ready allotments within undeveloped zones. HIA recommends such contingencies must cater for strategic releases of land within the Environment and Food Production Area (shown as green within Figure 1) were suited.



Managing Urban Land Supplies

Policy Background

- It is vital that Governments maintain an adequate supply of land for housing in both Australia's major cities and regional centres.
- This is because demand pressure for housing that is affordable from all demographic sectors will continue.
- The continued growth of our major cities is therefore inevitable and governments must reasonably plan for this.
- In many areas state governments have introduced policies designed to curb urban sprawl which has seen an increase in medium density dwellings and apartments.
- But adequate long term land supplies for infill and greenfield housing should be an essential element of every state government policy.

Policy Issues

- Metropolitan Strategies have attempted to manage urban growth but generally they have supported and encouraged consolidation within existing urban areas, actively limiting urban growth.
- Urban Growth Boundaries (UGBs) are also a key strategy employed by state governments to manage urban growth.
- As a result increasingly of UGBs, landowners and governments either withhold or control the supply of land to the private development market.
- Over time, average lot sizes have decreased, whilst average lot prices have continued to rise.

Median Lot Price and Lot Size

Source: HIA Economics



Policy endorsed by HIA National Policy Congress: May 2007; Re-endorsed 2013; Re-endorsed with amtds 2018

HIA's Policy Position on Managing Urban Land Supplies

1. The primary function of Government in planning for future housing supply should be:
 - a. to streamlining the planning process;
 - b. to provide key infrastructure to facilitate well planned residential growth; and
 - c. to ensuring adequate land supply to meet growing demands for new housing.
2. The development and implementation by government of metropolitan strategies in consultation with industry is supported to manage growth and provide certainty of land supply.
3. Government strategies should be long term to create certainty of land supply and seek to create an appropriate mix of allotments in good locations at an affordable cost.
4. Metropolitan strategies must identify a rolling minimum of 15-25 year forward land supply (to be reviewed every 5 years) to meet long term demand.
5. Within this long term strategy land supply, government should work with industry to ensure adequate land with development approval to meet short term demand (e.g. 5 year supply).
6. State and Territory Governments should regularly report on the number of allotments available at key stages of the subdivision process being:
 - a. Zoned for urban development (prior to subdivision planning approval)
 - b. Subdivision (Planning) Approval
 - c. Subdivision Works (Operational) Approval
 - d. Subdivision Completion Approval
7. HIA opposes urban growth boundaries (UGB) as a means of managing urban land supplies.
8. Where UGBs are in place, there should be a transparent and regular review process that does not rely on legislative change or Parliamentary consideration and involves consultation with the community and the housing industry.
9. Governments should ensure metropolitan strategies have a focus on implementation and communication with communities so there is a clear expectation of the type of residential development that may be allowed in an area.
10. Governments should identify, promote and actively support the identification of infill land available for residential development.
11. The State Government's role in developing land should be limited to supplying housing which is affordable or which meets the needs of disadvantaged within the community or requires the state to act in a facilitation role to deliver complex redevelopment projects.



Improving the Subdivision Process for Residential Land

Policy Background

Most states have suffered from a housing supply shortage due to not enough land being available or 'build ready' for those wishing to purchase a new home and build in a new area.

In the last 20 years much of the focus on planning reforms have related to housing approvals and speeding these up with state codes, private building approvals and the like. However, the blockage that now continues to slow down housing supply is access to 'shovel ready' land.

Reform in this area has proven more difficult and the process, when combined with rezoning, remains a decade long exercise. In the current regulatory framework it is simply impossible to bring land to market quickly.

This is generally due to the two-step process to ensure land is suitable for residential construction to occur (rezoning) and then the statutory processes to design and approve new allotments and physically construct them with the required utilities and services (subdivision).

Land is firstly designated for urban development. Secondly land is rezoned for a particular density of residential development. Finally, owners and developers who are subdividing their land are required to obtain a number of approvals for the subdivision design, construction and registration of the newly created residential lots.

This process can take anywhere between 2-10 years and underpins the delivery of "shovel ready" land to market. Delays in this process slow down the supply of land for new housing. As land supplies become scarce, housing affordability is negatively affected.

In the context of house prices, land continues to be the greater component of the sale price and is also subject to federal, state and local taxes which further inflate the price.

As land simply cannot be brought to market quickly and affordably based on the existing approval processes, more must be done to allow better and more efficient subdivision processes to be implemented and lots to be brought to market in a more timely manner and reduce holding costs for residential developers.

Relevant Stages of Subdivision

In most states and territories there are 4 stages in the land supply pipeline that relate to the subdivision process:

1. Subdivision Planning Approval
2. Subdivision Works Approval
3. Subdivision Completion Approval
4. Registration of Title

Both Stage 2 and 3 present opportunities for efficiencies to be created, due to the significant technical elements involved in their assessment and the significant level of costs associated with duplication of reports and studies following the rezoning stages.

These decisions are much more straightforward and could be considered for improving the timeliness of the subdivision process.

Policy Issues

- The price of land is a key component of the price of new homes.
- Poor approval processes and inconsistent processes for subdivision of land directly adds to the time and costs associated with the delivery of new 'shovel ready' land to the market place.
- The subdivision process is not nationally consistent and is generally implemented by local government based on state legislation.
- In NSW subdivision works approvals are permitted to be privately certified by accredited engineering and land surveying professionals.
- In Queensland, some councils are permitting subdivision works approvals to be certified by registered engineers.
- In Western Australia, the state government has responsibility for the subdivision planning approval, whilst councils are responsible for the other stages of approval.
- There is no consistent monitoring or public reporting by state or local governments of all stages in the land supply pipeline.

HIA's Policy Position on Improving the Subdivision Process of Residential Land

1. The timely supply of land for new housing is a fundamental element in supporting housing affordability objectives. All Governments should commit to reforms that provide:
 - a. Greater availability of land zoned for residential development;
 - b. A timely subdivision process following the zoning of land for residential development; and
 - c. Efficient administrative and decision making processes around proposals for the design and construction of residential subdivisions.
2. To improve the subdivision processes HIA supports:
 - a. All governments supplying appropriate infrastructure to support land subdivision and the delivery of new housing in both greenfield and infill locations;
 - b. Federal Government funding for state and local governments for urban growth projects (such as major rail and road projects) being tied to improving residential land supplies, including regular reporting of the key stages of the land supply pipeline;
 - c. State and Territory Governments:
 - i. Monitoring and regularly reporting on the number of allotments available at each stage of the subdivision process being:
 - o Zoned land residential (prior to subdivision planning approval);
 - o Subdivision (Planning) Approval;
 - o Subdivision Works (Operational) Approval;
 - o Subdivision Completion Approval;
 - o Registration of Title.
 - ii. Liaising with local governments and industry to ensure the reported allotments are actually being delivered at each stage of the process.
3. HIA also supports:
 - a. Consistent and efficient rezoning of land for residential purposes. If land is zoned for urban growth and is being further zoned to allow for residential subdivision, the process should be straightforward.
 - b. The timely preparation of sub-regional, district and local structure plans, where required, so that new subdivision applications can easily and quickly be assessed against these overarching plans.
 - c. Implementation of separate streams for subdivision applications – weighting the assessment of larger subdivisions with greater resources as they contribute to the growth of our cities.
 - d. Decisions on applications for every stage of the subdivision process being made within statutory timeframes as set out in relevant regulatory frameworks. Statutory timeframes should be

- enforceable for all parties to an application process and have appropriate repercussions for non-compliance.
- e. Consideration of public submissions and referral comments only for responses received during the statutory timeframes. Where comments have not been provided to the assessment body within the required statutory timeframes for the subdivision application, the assessment body should proceed to determine the application without that advice.
 - f. Any relevant studies, reports and decisions made during the rezoning of land should be relied upon during the subdivision application stage with no requirement for further studies or updated studies in relation to matters that have already been assessed and zoning granted.
 - g. Making decisions under delegation once the land has been rezoned for residential development. Subdivision approvals should be dealt with as a technical assessment.
 - h. Ensuring flexibility in the subdivision design process so that housing lots can be easily altered to be delivered in line with market expectations.
4. HIA supports governments implementing private certification processes in subdivision for:
- a. Certifying technical compliance of subdivision design plans, particularly where there are clear technical or objective rules on a matter.
 - b. Overseeing and advising on construction compliance against approved design plans and relevant conditions e.g. engineering drawings and gathering of relevant state government agency referrals and approvals by infrastructure providers.
5. HIA also supports implementing processes to support private certification of subdivision. This includes:
- a. Establishing an appropriate framework for management of engineering, planning and environmental professionals that require accreditation to undertake work via a relevant state body and an appropriate appeal mechanism so that any consultant not acceptable to a council could appeal that decision to either the State Planning Minister or the relevant Planning Appeals Tribunal.

Form Information

Site Name PlanSA

Site Id 578867

Page Request to vary Environment and Food Production Area boundaries
Standard Name

Page 823328

Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries

Submission Id 882056

Id

Submission Time 06 Aug 2021 5:00 pm

Submission IP Address [REDACTED]

Contact and land details**Your Name and contact details**

Name: Estha van der Linden

Postal Address: 41 South Terrace

Phone Number: 82117466

Mobile Number: [REDACTED]

Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): N/A

Allotment ID: N/A

Owners: N/A

Requested variation details

Details of requested variation: See attached

Additional supporting information: See attached

Supporting document: MBASA_Final.pdf, type application/pdf, 756.1 KB

Map of requested variation

Map or diagram to support submission: 2021_MBA_SA_EFPA_Review_Final.pdf, type application/pdf, 657.1 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?: Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name: Estha van der Linden
Address: 41 South Terrace
Phone number: [REDACTED]
Mobile number: [REDACTED]
Email: [REDACTED]

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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Submission

August 6, 2021

**Submission to Review of Environment and
Food Production Area Boundaries**



MASTER BUILDERS
SOUTH AUSTRALIA

WHO WE ARE

Master Builders Association of South Australia Inc ("Master Builders SA") was established in 1884 as the peak body representing South Australia's building and construction industry.

Master Builders SA is an apolitical organisation committed to building a productive industry and a prosperous South Australian community and economy. The Association works with governments at all levels and is represented on many statutory committees and working parties.

The South Australian building and construction industry directly employs more than 75,000 South Australians across all sectors, including residential, commercial, civil engineering, land development and building and completion services. Indirectly, the industry supports tens of thousands more South Australian jobs. The building and construction industry undertakes about \$12 billion of work every year, contributing more than \$1 for every \$7 of economic activity within the State. Indirectly, more than one-quarter of South Australia's wealth is produced by the building and construction industry.

Master Builders SA is proud of the industry it represents, the jobs it creates, the 10,000 homes members built and extended for South Australians last year, the outstanding health, education and sporting facilities they have constructed, and the offices they have built for South Australian businesses.

As part of this submission, Master Builders SA has engaged to services of Bernard Salt AM. Mr Salt is the executive director of The Demographics Group and regarded as one of Australia's foremost demographic analysts. Mr Salt has analysed ABS data at a State and National level, using this data to determine the likely future land needs in South Australia. A copy of his report is attached to our submission as Appendix A.

ABOUT THIS REVIEW

The Master Builders SA has fundamental concerns regarding the Environment Food Production Areas review 2021.

Firstly, the review has been based on data collected between 2010 and 2020. While on the surface a ten year period would appear to be sufficient, the review relies on data collected entirely before one of the most significant disruptive phenomena of our era – COVID-19.

There is the potential that COVID-19 has caused a statistically significant number of people to reconsider where they live, as well as the type of houses they choose. The number of people Working From Home (WFH) has increased and although a number will go back to the office for work, there are a number of people who will either chose to permanently work from home, or a hybrid working system. This WFH surge will lead to home owners looking for larger blocks and houses. If this is the case, then continuing to base the decision to maintain the current EFPAs on pre-pandemic data is flawed.

Secondly, Master Builders SA is concerned about the lack of consultation on such an important issue. The Commission has stated in the review process that it will only receive submission on Test 3 i.e. to rectify known anomalies, by individual parcel reference. There has been no public consultation regarding the Land Supply Report, the basis of which was relied on to satisfy Tests 1&2. In accordance with Section 44 of the *Planning, Development and Infrastructure Act 2016 (The Act)*, the Community Engagement Charter sets out the due process for consultation and should be used as a guide to public participation in the preparation and amendment of designated policies, strategies and schemes.



Submission

The Charter should:

“Define a more flexible, effective and meaningful framework for engagement that will:

- foster better planning outcomes that take account of the views and aspirations of communities*
- establish trust in the planning process, and*
- improve the understanding by communities of the planning system.”¹*

The five core principles of the Charter include:

- Engagement is genuine
- Engagement is inclusive and respectful
- Engagement is fit for purpose
- Engagement is informed and transparent
- Engagement is reviewed and improved”

Master Builders SA does not believe the proper process has been followed or the Charter's objectives met as Test 1 and Test 2 are stated as not being part of the Review of a designated instrument and that by leaving out these test from community consultation, this has eroded trust in the planning process and there has not been genuine engagement. Master Builders SA questions whether the principles of the Community Engagement Charter have been followed.

The review of the Environmental and Food Production Area Boundaries (EFPA review) has been made pursuant to section 7 of the *Planning, Development and Infrastructure Act 2016*, which sets out the requirement to review the Act on a 5 yearly basis.² Master Builders SA is not recommending an immediate review of the EFPA. Later this month the Australian government is conducting the 2021 census, the data of which will be released in 2022. It is Master Builders SA's view the government should not wait 5 years for the next review, instead a review should commence in early 2023, based on the up-to-date data from the 2021 census. This data will take into consideration the effect of the pandemic and how it has changed how and where we want to live.

LAND SUPPLY ASSUMPTION

It is Master Builders SA's view that the assumption that there is enough land supply for 15 years is flawed and at the very best has not been reviewed by the parties most affected by this decision. The review of land supply has been based on data from 2010-2020. This means the review of the “broader Adelaide” region neglects to acknowledge one of the most dramatic shake-ups of the pattern of living choice for people in recent history, the effect of a global pandemic.

Adelaide Hills townships and some Regional towns and communities have experienced demand for property that has not been seen for decades. In some areas there is deficiency of land supply in the areas where people want to live, further constrained by an Environment Food Production Area Overlay.

The dynamic with regards to infill has changed. Pre-pandemic patterns showed significant preference for living closer to the city and within established suburbs, and the housing typologies trending towards unit-type development, townhouses and courtyard homes on subdivided allotments. According the Mr Salt, people are now seeking more space and detached houses that can accommodate working from home. People do not necessarily need to live close to a workplace due to substantial improvements to remote working capability for many sectors. This leads to the concept of the 20 minute city, where people can live, work, play and access services such as schools within their local area.

¹ https://plan.sa.gov.au/_data/assets/pdf_file/0009/449496/Community_Engagement_Charter_-_April_2018.pdf page 3

² s7 (10)

The AGD [Land Supply Report \(LSR\)](#) for Greater Adelaide acknowledges that:

Market trends and demand preferences will be constantly monitored so that the LSR can be reviewed and updated regularly. (page 1)

...

Regular monitoring of the trends and movements in these components is critical for both understanding the current drivers of population change but also for projecting future population growth, and subsequent dwelling demand. (page 7)

Master Builders SA does not believe the monitoring has been regular enough to properly inform the current EFPA review, and market trends and preferences that have emanated out of the global pandemic in the last 12 months are absent from the LSR for Greater Adelaide.

Quite simply, data showing net migration loss of over 2000 people to interstate should not form the basis of the current assumptions on land supply, nor should an assumption that only 15% of housing supply will occur in Greenfield developments and 2% in peri-urban form and 9% in townships (based on 2010-2020 data, p. 20 of Land Supply Report).

As discussed in Para. 8 and 9 of Mr Salt's report, any assumption that population trends and lifestyle choices of the Pre-Covid era (after 2016 Census) upon which the LSR are based, will "return to trend" are flawed. Mr Salt highlights the mounting body of evidence that lifestyle and housing preferences across capital city Australia, including Adelaide, have changed in response to the pandemic.

The trend has completely shifted since early June 2020, the time the Report was published, when it was looking like a recession of 1929 scale was on the cards. The State is now faced with a significant property boom that is riding on the back of the construction industry, along with a shift in many people's housing and locational preferences.

Since that time we have seen unprecedented levels of construction activity and net positive migration from the more highly COVID-19 affected eastern states, in particular Victoria. Once more normal levels of overseas net migration return, which may be sooner than predicted as vaccination programmes roll out internationally, this could compound the land supply issue.

The [30 Year Plan for Metropolitan Adelaide](#), amended 2017 (the '30 Year Plan'), within the pre-Covid era, anticipated 85% of Adelaide's new housing stock being built in established urban areas by 2045. The EFPAs are largely derived from this Plan, together with land supply assumptions. Much of the EFPA areas, however are within the "Outer Metropolitan" Adelaide (depicted in Map 14) of the 30 Year Plan, in which this growth is still anticipated. Target 1.2 envisages 90% of new housing within "Outer Greater" Adelaide, to occur within defined townships. This is an area that encompasses the Fleurieu Peninsula, all of Murray Bridge Council region as far east as 17km from Murray Bridge, to areas north of Kapuna (Light Regional Council) and Mallala (Adelaide Plains Council).

It is our considered opinion, based on the population trends and housing choices that Mr Salt identifies in his report (attached) that potential redefinition of EFPA boundaries within the "Outer Metropolitan" Adelaide area would not be contradictory to the goals of the 30 Year Plan. However, restriction of 90% of new housing to within defined townships over the next 23 years in "Outer Greater" Adelaide is something that needs to be reviewed in the next update of the 30 Year Plan, and this may well coincide with reconsideration of the boundaries of the Barossa and McLaren Vale Character Preservation Districts.

Mr Salt's report is further backed up by the Property Council of Australia's Office Market report, which shows 11.9 per cent of office space in Australia is vacant, levels which have not been seen since the 1990s recession. Adelaide has 82% more vacant office space which indicates that a significant number of workers are not travelling to the CBD and most likely continuing to work from home, despite the minimum number of



COVID-19 cases in the State.³

LAND SUPPLY CHAIN BY LOCATION

There is concern that changing the EFPA zones will lead to immediate development in these areas. This simply not true. Lifting the EFPA in certain areas would naturally be the first critical step in the land supply chain, however there also needs to be a rezoning process via a Code Amendment and the approval process through to eventually rolling out infrastructure and getting allotments 'shovel ready'. This a process that can take up to 10 years in some cases, as has been seen with urban development at Two Wells. By working on the flawed theory that SA has enough land for the next 15 years, we are significantly reducing the ability to cater for the next generation of home buyers, potentially pushing up prices even further.

It is for this reason that the review needs to be broader. While land supply may be deemed sufficient for the next 15 years (which is itself questionable), land supply should be reviewed by locality rather than the broad statement that there is 15 years of supply in greater Adelaide. A review must analyse where there is potential for increased land supply, for example if the percentage of that land is 80% to the north of Adelaide, but 50-60% of people want to live South of the CBD or in the Hills? Providing the supply in the north would clearly not address the land shortage in the Southern areas.

HILLS AND REGIONAL COMMUNITIES

The land supply issue needs to be interrogated well beyond the "greater Adelaide" region, given the "tree change" and "sea change" movements afoot which have been acknowledged in the Land Supply report at page 15:

While population growth in the peri-urban and regional towns surrounding our capital cities has been steady in recent years. During the COVID-19 pandemic, the growth in many periurban and well connected regional towns has accelerated.

There is now capability for much of the workforce to work remotely, and this is driving growth into parts of SA's regional communities, especially those closer to Adelaide. The growth is not limited to the areas within the "greater Adelaide" belt reviewed in the Land Supply report. The southern part of Mid Murray Council is just outside of the target area to the east and has experienced a recent population growth of around 5% in and around Mannum. Parts of the Council area close to the Barossa are also targeted for future growth because of demand and land supply in the Barossa itself having flow on effects to nearby townships just outside this area, such as Keyneton, 10km from Angaston, which is currently within the Barossa Valley Character Preservation District (albeit acknowledging the Barossa Character Preservation District is not part of the current review). Keyneton was identified by Council as an area for minor future growth to accommodate lifestyle allotments in a rural living context at its [Strategic Planning, Policy & Development Committee meeting 17 August 2020](#).

Master Builders believes that a review of the Barossa and McLaren Vale Character Preservation District boundaries should also be forthcoming upon receipt of 2021 census data, to consider areas such as Keyneton and other smaller towns in a similar situation that are currently enveloped by the CPD and not able to grow in a co-ordinated and strategic manner, coinciding with the next review of the 30 Year Plan. Within the Hills there has been demand in townships along major routes that connect to the Freeway, such as within close proximity to Hahndorf and Woodside and smaller towns such as Nairne, close to Mt Barker

that still retain a more hills and rural character. A review of the boundaries of the EFPAs in places such as Charleston (near Woodside) to follow natural topographical features would appear sensible to accommodate small extensions of such townships. East from Onkaparinga Valley Road on Newman Road a recent land division has occurred and most allotments have now been developed. The adjacent land

³ "Vacancy rates hit 25-year peaks" The Advertiser, 5/8/2021, p 14.



directly east of that contains an old farm dwelling and surrounding land, is constrained by current restrictions of the EFPA, but bound naturally by a creek. Moving the boundary of the EFPA to follow the creek line appears to be logical. These are just a few examples of the practical approach that can be taken to the land supply review.

RURAL LIVING TYPE ZONES

The very essence of having protections that limit any land division over Environment Food Production Areas is to protect greater Adelaide's food bowl. The fact there are Rural Living (RL) type zones within the EFPAs containing properties which do not produce a significant amount of Adelaide's food supply, nor are they generally capable of doing so due to prevailing allotment sizes, misses the mark in terms of reasoning to have areas like these included in the first place.

This includes areas such as Lewiston to Two Wells in Adelaide's north, south of Gawler Road, and Goolwa to the south. The demand for "lifestyle" allotments has surged during the pandemic and subject to appropriately dealing with environmental constraints (such as flooding) there would appear to be justification to increase supply for this type of land in such areas, and the first step in that process is lifting EFPAs. In noting that, as previously mentioned, this does not open these areas for "open slather" urban development. These RL Zones typically have minimum allotment sizes between 4000m² and 4Ha so the scale of development would still be compatible with the "environmental" qualities of particular rural living type areas where preservation of such a character is warranted.

Rural living is a lifestyle choice that is particularly popular for the 50-70 year age cohort – an "active" generally semi-retired to retired middle to higher income group. There is desire to be close enough to services and shops while having the space, privacy and separation from the "hustle and bustle" of more built up areas. However, with remote working now able to occur at scale, and with high-speed broadband reaching regional communities it is not only retired and semi-retired empty nesters seeking the benefits of this lifestyle.

Real estate agents and planners in regional Councils are noting a surge in demand for 'lifestyle allotments' in many of the regional areas within a 90 minute commute to Adelaide. However, supply is being outpaced by the demand and the EFPA together with Barossa and McLaren Vale Character Preservation Districts have a role to play not only in protection of the environmental qualities that people are attracted to, but being periodically reviewed to allow appropriate provision for such development, where this has a buffering role between defined townships and defined agriculture or horticulture areas.

In looking closer at Woodside as an example, there is land (No. 11 Ridge Road) within the Productive Rural Landscape Zone at the eastern edge of town that abuts higher density built-up areas to the west. This land is too close to residential development and is too small for productive primary production (at 6Ha) and has a natural ridge in the background, along Ridge Road, which means there is a physical barrier between this parcel and the productive viticultural and horticultural land east of the ridge. Surely such land could be removed from the EFPA to allow this to be a "buffer" rural living type area in future.

CONCLUSION AND RECOMMENDATIONS

The timing of the review of the EFPAs is out of kilter with the national Census, as has been highlighted by Mr Salt in the attached report.

The assumptions on land supply are based on outdated data from a time prior to the cataclysmic events of a global pandemic. The pandemic is argued by Mr Salt as the single greatest “*demographic, social and cultural event to have impacted Australia since WWII*” **As such** Master Builders SA's recommends the Commission not wait 5 years for the next review, and instead conduct a review in early 2023, based on the up-to-date data from the 2021 census. This data will take into consideration the effect of the pandemic and how this has change how and where we want to live in South Australia. It is imperative that any future review of the EFPA and land supply generally includes adequate and proper consultation with the relevant stakeholders.



THE
DEMOGRAPHICS
GROUP

Environmental Food Production Areas Zone Review South Australia

Submission to the State Planning Commission

Bernard Salt AM
Executive Director
The Demographics Group
On behalf of MBA SA (South Australia)

5 August 2021

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Foreword

The big suburban shift

BERNARD SALT AM



There is big shift afoot across Australia's capital cities. The children of the baby-boom generation known as the Millennials (1983-2000) appear to be forsaking their inner-city life of chic minimalist apartments in favour of a separate house on a separate block of land in the suburbs.

Some are even fleeing the city altogether in search of their very own seachange or treechange Bonnie-Doon escape. I have tagged this lot the VESPAs or Virus Escapees Seeking Provincial Australia.

But why would such a shift be occurring now, and will this so-called big shift continue into the future to the extent that planning adjustments must be made to accommodate the market's latest wishes?

Covid is part of the story: young professional couples in particular, so-called knowledge workers, need more space if they are to continue to pursue their lifestyle choice of working from home.

But there is more to this story than the pursuit of outer suburban and regional houses replete with Zoom Rooms.

Over the five years to 2026 the fastest growing single-year-of-age in Australia will be those aged 43, up 60,000 on the number in 2021. And the reason is that 43-year-olds in 2026, and the 38-year-olds in 2021, comprise the first wave of the Millennial generation.

It could be argued that the push for inner-city density over the last 20 years has been driven by an echo of the baby boom demanding convenient workplace access without the burden of a mortgage.

And the result?

A plethora of investor-driven apartment product and a surge in the proportion of Australians, including Adelaideans, preferring to rent rather than to buy.

The fact is that life has a habit of dragging people forward, like on a conveyor belt, past the carefree 20s, beyond the period of high lifestyle spending (ie pre-kids) right up to the mid- and late-30s.

By the age of 40, or say 43, most Australians are partnered, have a few kids; many are like to have had some success in the workplace; they need to upgrade, and they know they have 20 years in the workforce to repay a mortgage.

The early 2020s was always going to be the time when Millennials stopped renting and bought a house. The arrival of Covid and the WFH movement, a drop in interest rates, and the advent of various housing schemes all conspired to create a home-purchasing boom. And which is leading to a surge in house prices in Adelaide.

The proportion of Adelaide's population living in an owned home (either owned outright or with a mortgage) at the 2006 Census was 69 per cent. And which meant of course that 31 per cent were living in rented accommodation.

Five years later in 2011 this proportion had dropped to 67 per cent. By 2016 the proportion of Adelaideans living in an owned home had fallen to 65 per cent.

In August 2021 a new census is being conducted. The on-trend proportion of Adelaideans living in their own home would be roughly 63 per cent because, well, this proportion seems to be falling by two percentage points per year.

And if this long-term trend were to continue to 2026 then it could be 62 per cent or even lower.

For those planning Adelaide's growth this is an important trend. The steady preference shift for more rental and less owned accommodation generally supports a regime of high-density living.

But what if, because of the Covid-inspired WFH movement requiring a home office, plus low interest rates, plus first home buyer schemes, plus the coincidental ageing of Millennials into their late 30s and early 40s, there is a big shift in the way many Adelaideans want to live?

It would mean that more South Australians might want to live in a 3-bedroom, 2-bathroom home with a front-&-rear garden on a separate block of land with scope for a Zoom Room.

And this is precisely what I think is happening. But with so many people prompted so-quickly to buy precisely this type of product not surprisingly there is a shortage of supply. Not of overall developable residential land (including redevelopment sites) but house and land packages of the type (and the price point) that this baby-boom echo, the Millennials, so desperately want.

And if this were the case then there would be a price surge, surely? Property researcher CoreLogic report that house prices in Adelaide and in Sydney (and also in hipster Hobart) all

surged by 19 per cent over the year to June 2021.

Now I understand that some might be sceptical about big-picture theories of how the housing market is changing. So, the best way to confirm that this trend is on, that it is universal across Australia, and that it is being led by Millennials, is to compare 2021 Census results with previous census results.

If the proportion of the Adelaide population living in their own home in 2021 pushes upwards off a base of the expected 63 per cent, to say 65 per cent, then this will confirm both the trend and the adage that Australians for generations have wanted to own a place of their own.

It's just that the Millennials took 20 years to get there!

So, what happens to Adelaide, and indeed to other cities if there's a rising demand for more separate houses on the urban fringe. Well, in the brave new post-covid world of working from home, even in a hybrid arrangement, there is less need for intracity commuting.

Indeed the big housing shift theory supports a notion that planners have been banging on about for 20 years: the idea of the 20-minute city—live, work, play, access services all within your local area.

Now is the time to nudge Adelaide in the direction of the 20-minute city and in the process respond to evolving market demand.

Could I also suggest that a five-yearly review of the possible housing needs of Adelaide in food production areas (located just beyond the urban fringe) should be aligned with census release dates so that the latest data, and modelling, can be incorporated into the review process.

The 2021 Census data will be released November 2022 which means that while submissions for the current review are due 30

July 2021, the next review could be 30 June 2023 allowing analysts seven months access to the latest data to inform submissions.

The following review would therefore have a cut-off date for submissions 30 June 2028 some seven months after publication of the 2026 Census results.

There is a very real cost to the Adelaide community of not responding to changed market preferences.

The unlocking of residential development sites across the urban fabric responded, over the last 20 years, to the market preference (at the time) for proximity to the inner city.

However if market preferences are turning, as I suspect they are, and which can be proven by 2021 Census data released in November

2022, then there is a corresponding need to provide residential land for that market.

And in the process deliver an Adelaide version of the 20-minute city which would reduce commuting and associated carbon emissions, improve mental health (not having to commute) and build stronger communities by encouraging a greater dwell time in the home and in the local community.

- **Bernard Salt AM is executive director of The Demographics Group. He was retained by the Master Builders Association of South Australia to make a submission to the EFPA review**

1. This submission to the five-yearly EFPA review under the auspices of the State Planning Commission has been completed by Bernard Salt AM executive director of The Demographics Group. It was commissioned by the Master Builders Association of South Australia. This report comprises a narrative of numbered paragraphs as well as a series of attached tables and graphics.
2. This review argues that there is a trajectory shift underway caused by the Covid-19 pandemic and the working arrangements that have been put in place in order to manage risk. This specifically refers to the proportion of the workforce that is working from home both now and into the future.
3. The proportion of the workforce that works from home has been tracked by the Australian censuses at least since 1996. This proportion for Greater Adelaide, as indeed for other capital cities, and generally for the states, has not altered off 4-5 per cent despite the introduction of the internet and 4-5G Telstra network (see graphic 1). The reason being that there was a cultural blockage which prevented workers and employers from deviating from the established norm of living in suburbia and commuting to a workplace.
4. During the 2021 financial year several corporates and industry organisations conducted staff surveys to establish the proportion of workers working from home. This proportion varied across industries and cities, but a fair assessment is that up to 50 per cent of the capital city workforce was working from home in late 2020 and early 2021.
5. The issue for corporate Australia, and for city planning authorities, is whether the work from home movement will revert to long-term behavioural patterns over the period 2021 to 2026 which is the planning period for the EFPA. If this proportion reverts to 5 per cent, then there is no reason to suppose a fundamental shift in the demand for housing across Greater Adelaide.

6. The work from home movement specifically and the pandemic generally have altered the demand for housing, stymied the inflow of foreign students, stopped access to skilled and seasonal workers including backpackers, and attracted “back home” expat Aussies from overseas. It has also reduced the net outflow of South Australians to other parts of Australia, as well as to destinations overseas (see graphic 2).
7. I argue that the pandemic is the greatest single demographic, social and cultural event to have impacted Australia since WWII. This is evident in net migration flows (see graphic 3). It has also changed the demand profile for housing which in turn shapes demand for the future supply of housing across the Greater Adelaide region.
8. Current population projections produced by the Australian Bureau of Statistics (ABS) and Planning SA were prepared and published, based on the results of the 2016 census, in the immediate pre-covid era of late 2018 and calendar 2019. To accept these projections at the state and local government area level is to assume that the net effect of the pandemic over the next five years with return to trend in due course.
9. I argue that this is a flawed assumption because it does not consider a mounting body of evidence that lifestyle and housing preferences across capital city Australia, including Greater Adelaide, have changed in response to the pandemic.
10. Adelaide workers will want the same working and lifestyle options on offer to their counterparts in other Australian capital cities. This means that although the impact of the virus was less virulent in South Australia than in other states, the social and cultural changes so effected will be absorbed and adopted by the residents of Greater Adelaide.
11. The WFH (work from home) movement is akin to a global social experiment where, across two years, workers and employers have learnt how to work remotely and at scale. Workers have learnt new technology (eg Zoom calls), developed in-home workspaces, enjoyed a better quality

of life by not commuting and/or by commuting less frequently. Consequently, more workers will choose to work from home perhaps in a hybrid arrangement during the 2021-2026 period than was the case prior to the pandemic.

12. This expected “big-shift” in the proportion of workers working from home, up from a 2016 base of 5 per cent, will be captured at the 2021 Census which is being conducted Wednesday 11 August or 12 days following the close of submissions to the 5-yearly EFPA review on 30 July. The results of the 2021 Census, in my view proving that there has been a significant shift in the location of work, amongst other things, will be published by the ABS in November 2022. (Earlier data releases from June 2020 will not offer the detail necessary to track this WFH shift.)
13. While there is a statutory requirement for the EFPA to conduct its review at 5-yearly intervals, I argue that the (global) social and housing shifts triggered by the pandemic are of such consequence that a best-practice approach would be to extend the previous arrangements to 30 June 2023 (or 23 months into the future) in order to re-confirm the scale of the shift in housing that will be required across Greater Adelaide. This submission date (30 June 2023) allows analysts sufficient time to access 2021 Census results and model intercensal trends ie between 2016 and 2021.
14. A planning body charged with the responsibility of shaping future residential land provisioning at 5-yearly intervals should structure those intervals to fall within six months of the publication of census results. It is unfortunate that the modelling of future demand for housing in South Australia requires submissions no later than 2 weeks prior to completion of a national census. This timing requires data modelling, projecting housing demand for the period 2021-2026, to be based on the available 2011-2016 census interval. A better arrangement is to have 5-yearly outlook intervals 2023-2028 and 2028-2033 based on access to the most recent 2021 Census and to the 2026 Census. This change to align EFPA reviews with national census release times could be put into effect at this review.

15. The WFH movement has enabled capital city residents to consider living in the regions or in areas just beyond the urban fringe. The arrangement during the 2020s for many workers will involve a hybrid arrangement where workers work from home Monday and Friday and commute Tuesday, Wednesday and Thursday. This enables workers with families to make different housing choices which would likely preference larger homes located on the city's edge and/or just beyond the urban fringe.
16. Based on the assumption (provable at the 2021 Census) that the medium-term, say 2022-2026, outlook is for the proportion of workers working from home will settle to, say, 15 per cent, this would represent a 10-percentage-point uplift in the proportion of workers working from home. Every single percentage point above the 5-per-cent base effected by the post-pandemic embrace of WFH takes 130,000 commuters off the roads/public transport system (being one per cent of a workforce of 13 million).
17. WFH reduces carbon emissions, is kinder to collective mental health, diverts spending from 'wasteful' transport to other uses (eg investment in social capital), builds local communities (more dwell time in the local area), and creates demand for stronger regional centres which aligns with the broader town planning principle of 20-minute cities (see graphic 4 & 9).
18. The kind of housing required by say a 10-percentage-point uplift in the proportion of workers working from home is more likely to comprise a separate house on a separate block of land with a front garden and a back yard. The household of the future may well have two adults working from home as well as kids which means that apartment and even some townhouse developments may not suit this expanding component of the market. Under this scenario the demand for infill apartment and townhouse development knitted into the urban fabric of Adelaide will be reduced in the post-covid era because more households will require more space on the edge, or beyond the edge, of major cities.
19. There is another factor that is driving what I argue is a trajectory-shift in the demand for housing in Australia over the next five years. And that

relates to a cohort-transition of the Millennial (1983-2000) generation (the children of baby boomers 1946-1964) from the mid-30s to the early-40s (see graphic 5). This ABS projection shows a surge in the South Australian population aged 38-46 over the period 2021-2026. This cohort is effectively an echo of the baby-boom generation and which until the pandemic had preferred inner-city apartments over outer-suburban garden-block housing.

20. The transitioning of the Millennials from mid- to late-30s and beyond will be accompanied by a shift in housing demand to include a preference for more separate houses on a separate block of land. In other words, the trajectory-shift in housing demand from apartmentia to suburbia is being driven by a tectonic shift in demographics, by the pandemic-inspired work from home movement, by the advent of first-home buyer support packages and by the promise of an era of low interest rates.
21. In this post-Covid world the demand for residential property across Greater Adelaide shifts from a mix of urban-infill and city-edge development to a far greater weighting towards city-edge development. There are a series of proof points to confirm this narrative of a trajectory shift in housing and which requires a change in the emphases within existing plans.
22. The proportion of the Greater Adelaide population living within an owner-occupied dwelling (ie owned outright or with a mortgage) dropped from 69 per cent at the 2006 Census to 67 per cent at the 2011 Census to 65 per cent at the 2016 Census. This trend underpins demand for apartment and townhouse product within the urban fabric. A trend expectation would be for this proportion to drop to 63 per cent in 2021 and to 62 per cent in 2026. If this is the case, then a “no change” approach to the existing strategy is appropriate for the EFPA review (see graphic 6).
23. However, if the 2021 Census reveals a significant uplift in the proportion of the Greater Adelaide population living in owner-occupied accommodation, caused by WFH and the ageing of Millennials, the strategy should be amended to provide for more developable residential

land on the urban fringe. The issue is that this uplift is likely to be confirmed with census results in November 2022. And if there is no change to the existing strategy then a gap will open-up between the proportion of the population expected on trend to be living in owner-occupied accommodation (62 per cent) and the proportion otherwise expected because of the pandemic-inspired trajectory shift (65 per cent). On these figures there is a three-percentage-point gap opening between the projected and the provision-for housing market which in Greater Adelaide terms equates to about 50,000 residents.

24. Data released by the ABS in June 2021 tracking the number of new loans offered to owner-occupiers by state show the extent of demand and especially for South Australia. Between May 2019 and May 2020, the number of loans offered to owner-occupiers in South Australia increased from 13,853 to 25,278 which is an increase of 83 per cent. This was the highest percentage increase of any Australian state over this period. Indeed, the increase in New South Wales was 70 per cent while in Victoria it was 36 per cent. The national average increase was 52 per cent. South Australians have proportionally embraced home ownership at a faster rate than any other state over this period (see graphic 7).
25. Property research group CoreLogic show that median dwelling prices across Greater Adelaide jumped 13.9 per cent over the year to June 2021. This price growth for Adelaide was only one percentage point less than the price growth for Sydney and Brisbane (14-15 per cent) (see graphic 8). The point being that the house price movement across Adelaide is similar to that for Sydney and Brisbane and exceeds that for Melbourne (7.7 per cent) and Perth (9.8 per cent). Something is driving a surge in the price of dwellings in Adelaide that is inconsistent with the price-growth drivers in the past. This submission argues that one factor contributing to this outcome is insufficient depth in the kind of housing stock that is in demand due to the WFH movement and underlying demographic trends.

26. This submission makes three recommendations:

First recommendation is that the current review apply to the period June 2021-June 2023 and thereafter at 5-yearly intervals 2023-2028, 2028-2033 and so on. This timing ties-in a submission date that falls 8 months after the release of census results ensuring that the review process considers the latest data upon which to make plans for future land releases.

Second recommendation is that the current review should consider the fact that the pandemic has triggered social and behavioural shifts in the demand for housing which is reversing a long-term trend towards infill apartments in preference for more separate houses on separate blocks of land.

Third recommendation is that the review process monitors 2021 Census output for Greater Adelaide to confirm that the trends and the narrative outlined in this submission are in fact underway. That review process can be completed as early as November 2022.

- **Words: 2851**

Graphics

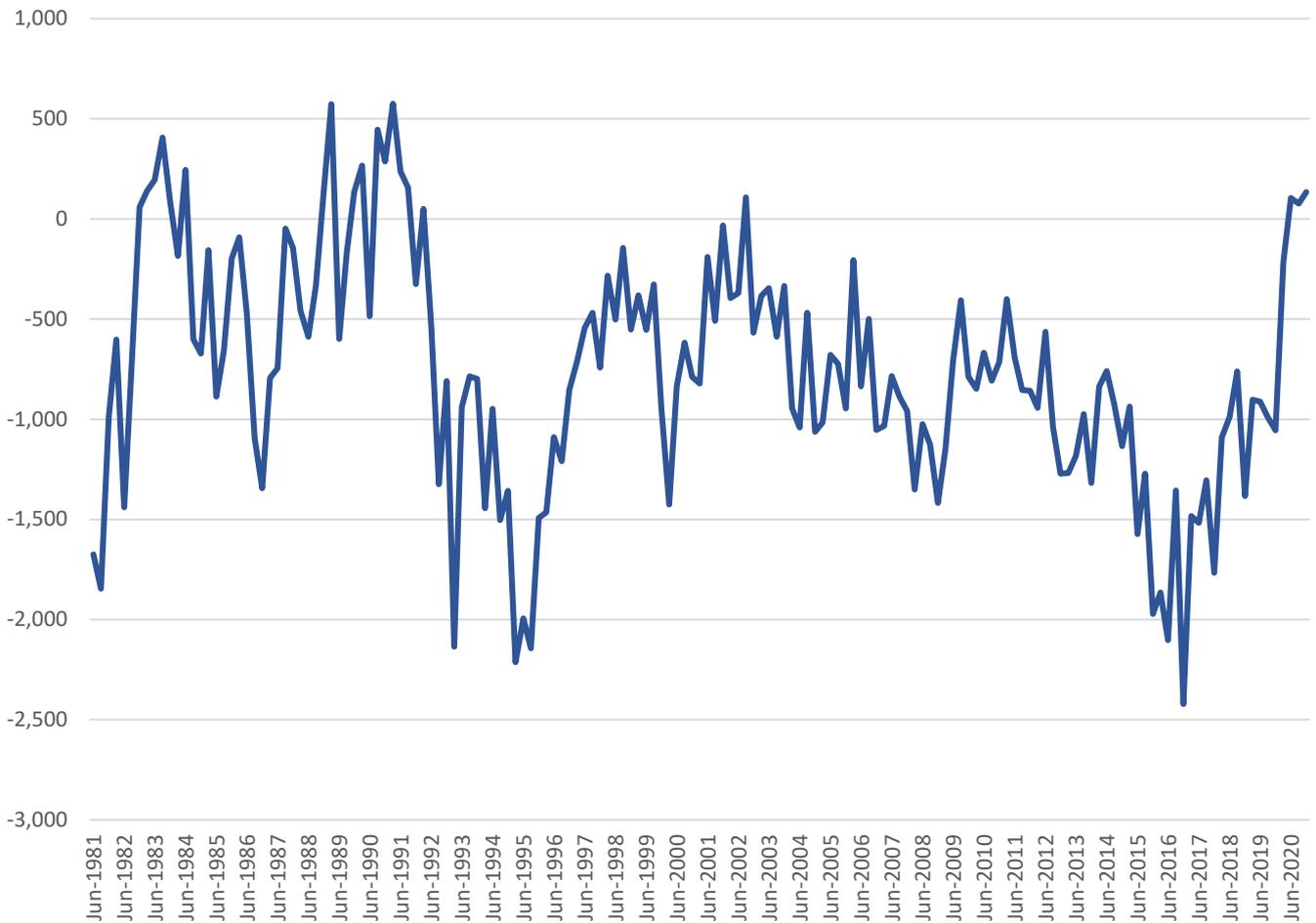
Graphic 1: Proportion of workforce working at home

Source: ABS Census 1996-2016

Year	Australia			South Australia		
	Worked from Home		Total workforce	Worked from Home		Total workforce
	no.	%		no.	%	
1996	423,930	5.6%	7,636,319	34,323	5.8%	592,507
2001	438,515	5.3%	8,298,606	34,140	5.4%	635,325
2006	426,524	4.7%	9,104,187	30,320	4.6%	658,660
2011	443,941	4.2%	10,658,456	30,839	4.2%	739,359
2016	503,583	4.4%	11,471,295	32,678	4.4%	746,105

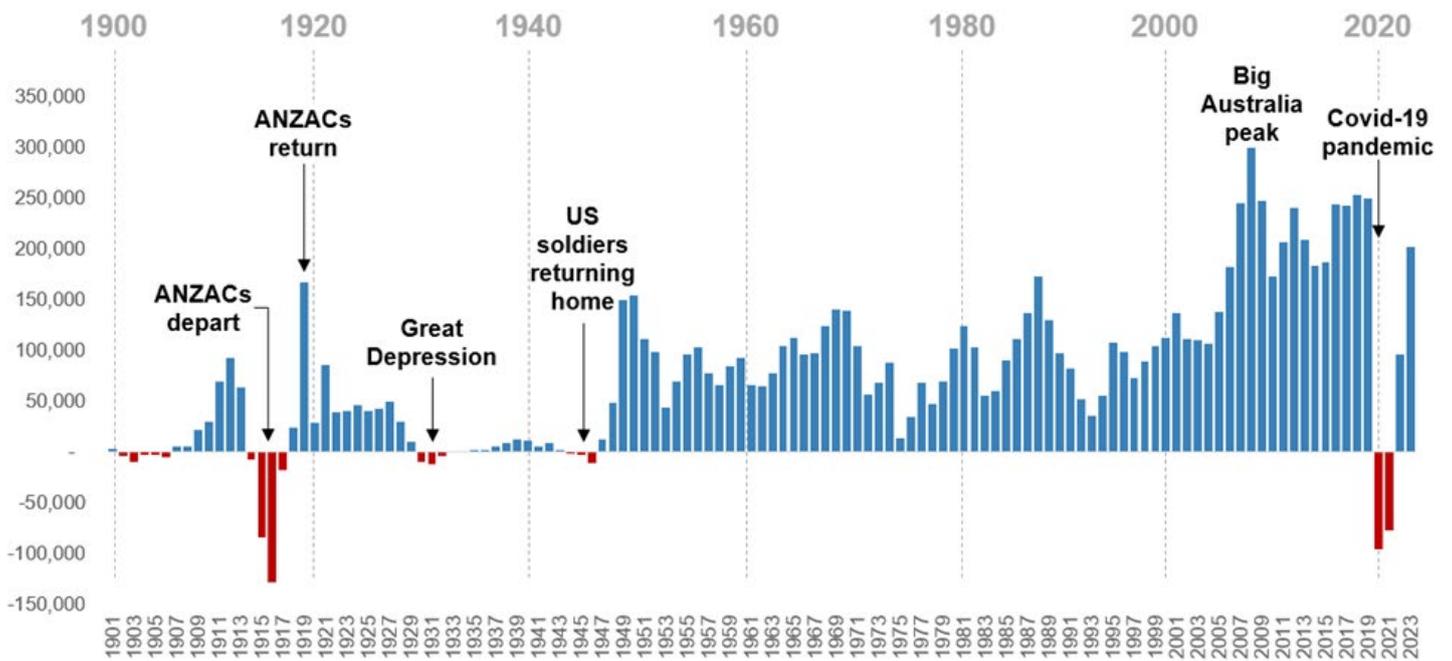
Graphic 2: Net interstate migration for SA

Source: Australian Bureau of Statistics



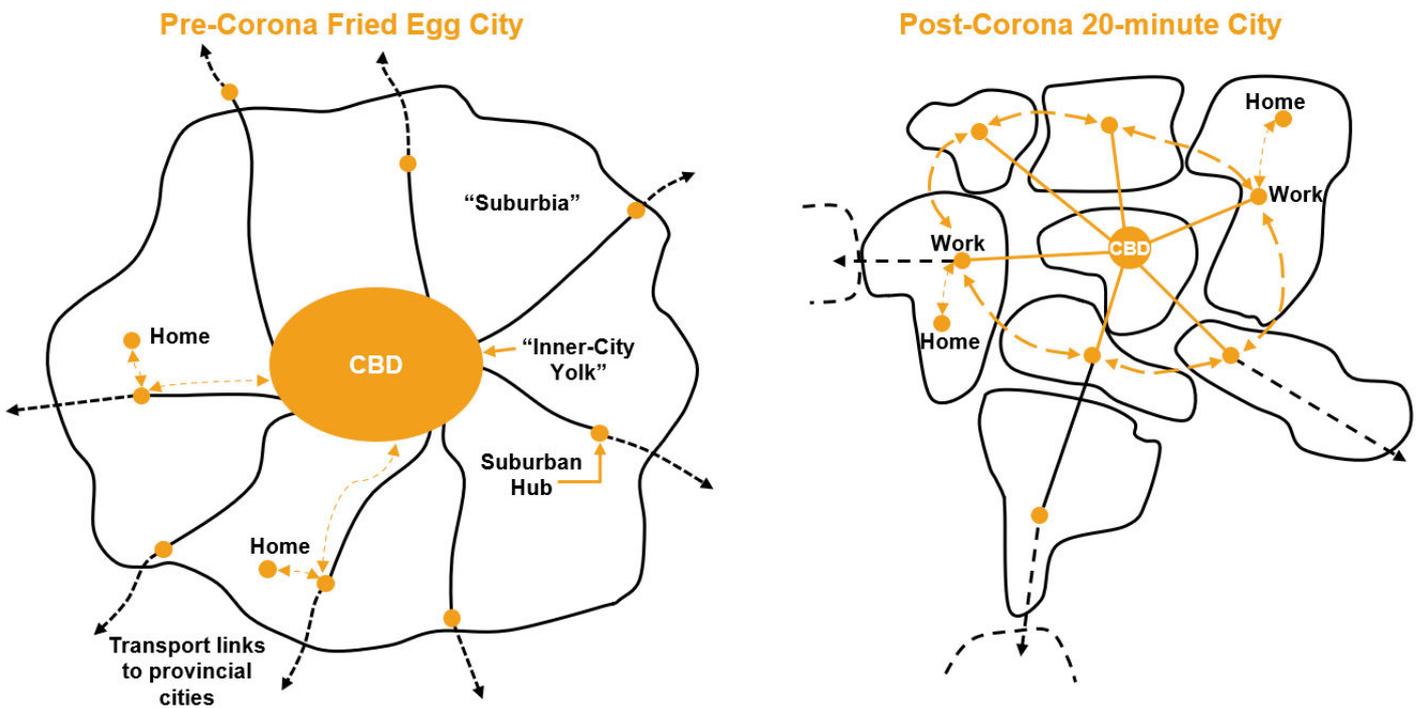
Graphic 3: Historical net overseas migration

Source: Australian Bureau of Statistics



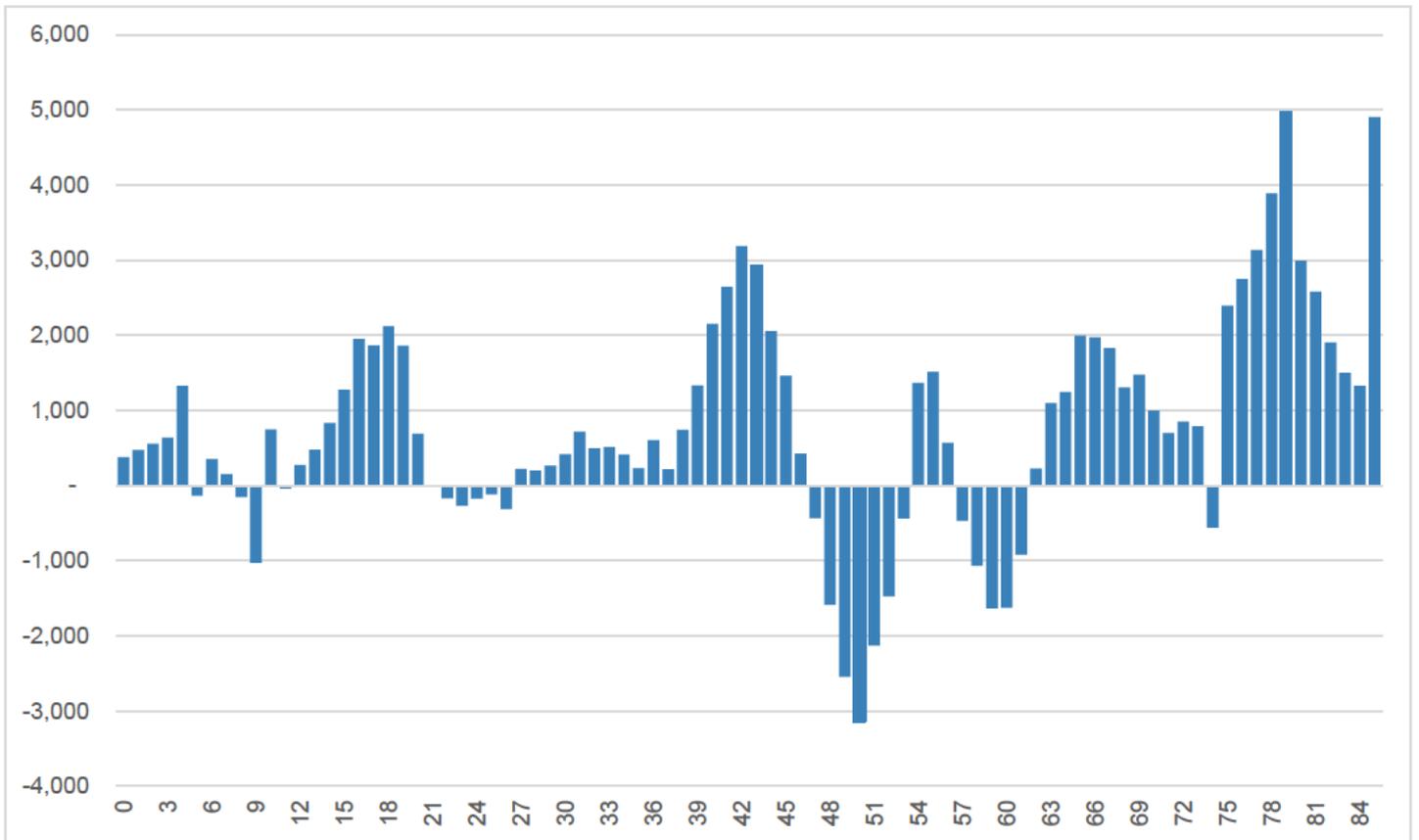
Graphic 4: The 20 minute city

Source: The Demographics Group



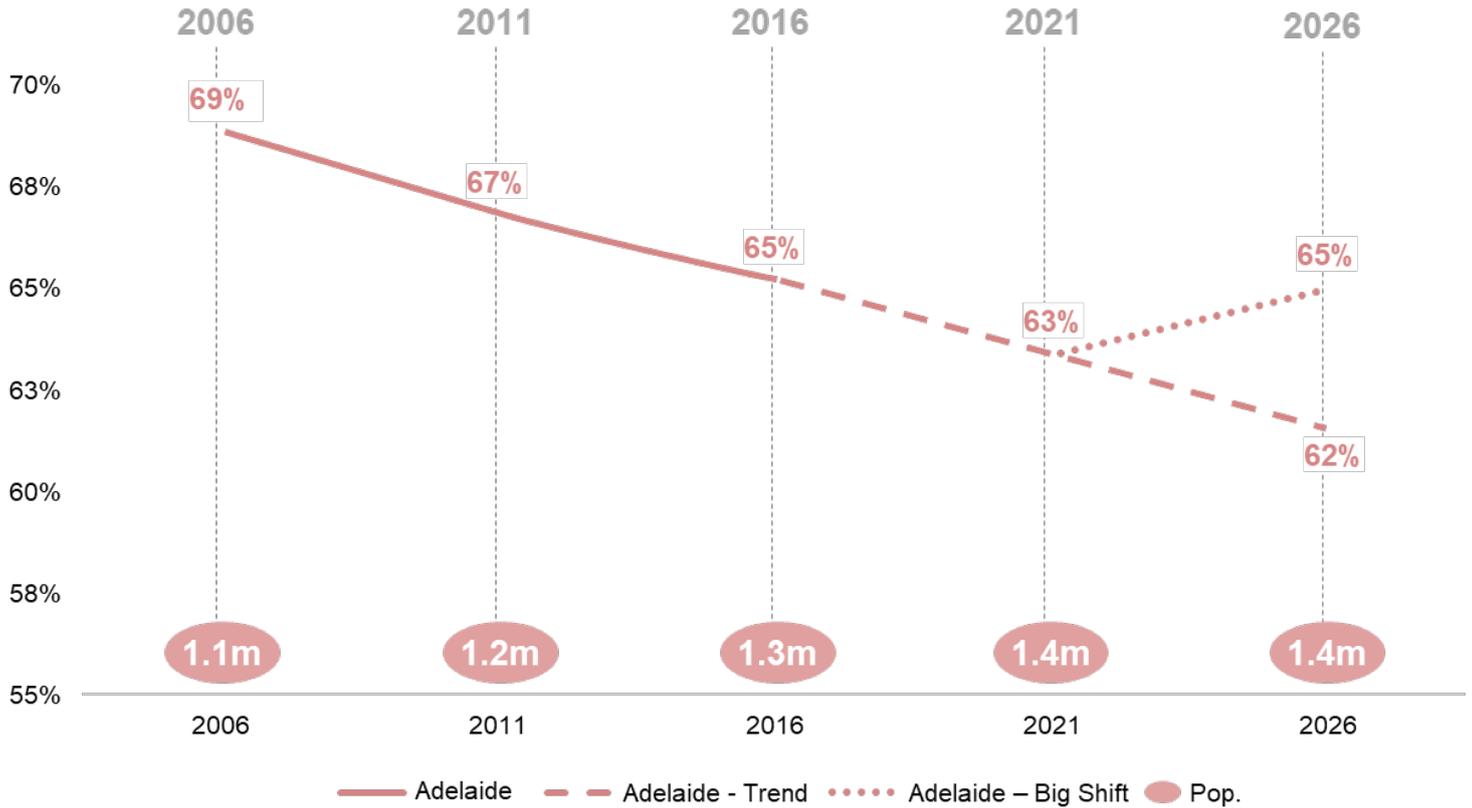
Graphic 5: Change in population by single year of age 2021-26, South Australia

Source: Australian Bureau of Statistics



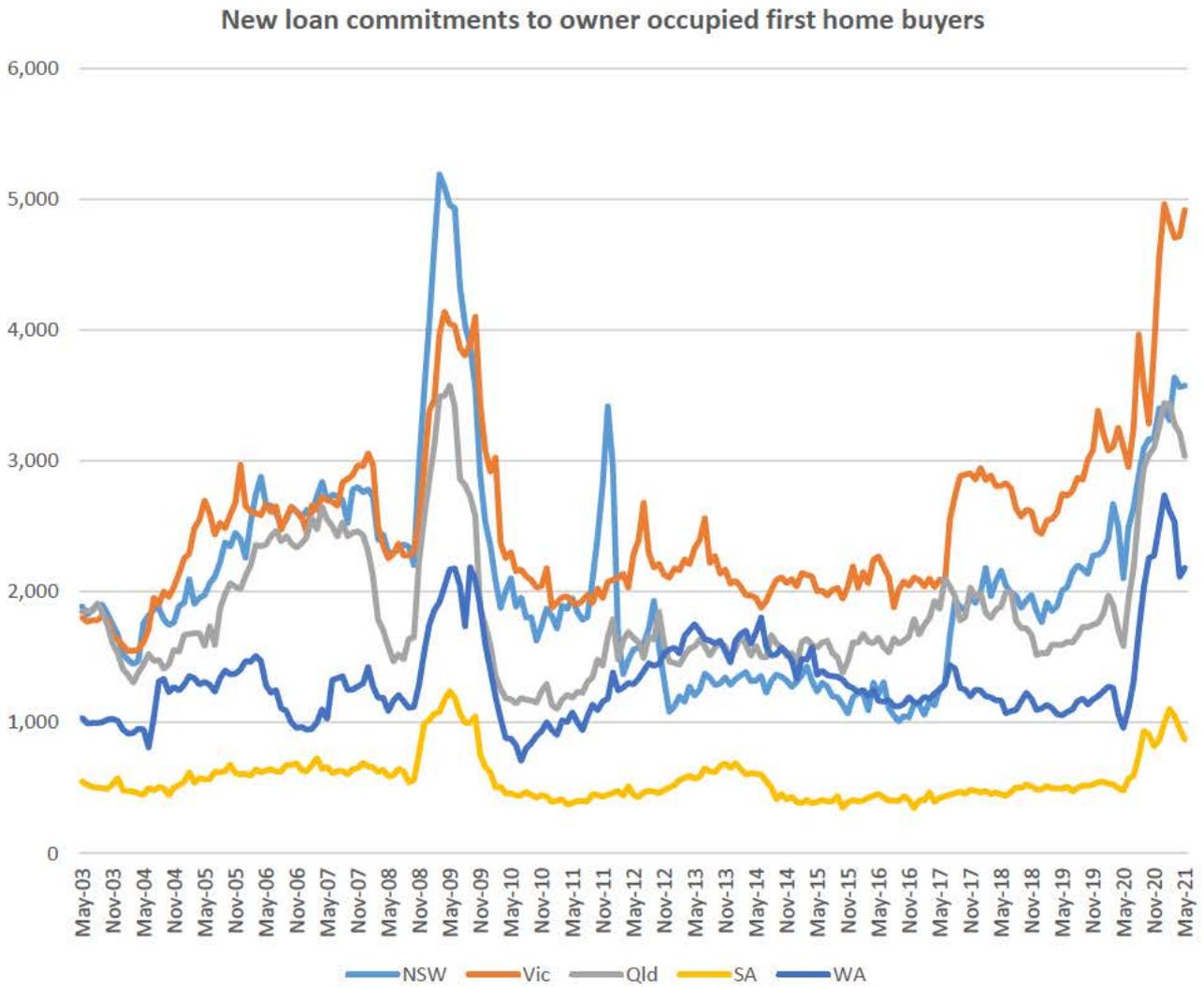
Graphic 6: Home ownership – Adelaide

Source: Australian Bureau of Statistics



Graphic 7: New Home loan commitments

Source: Australian Bureau of Statistics



Graphic 8: CoreLogic median house prices

Source: CoreLogic.com.au

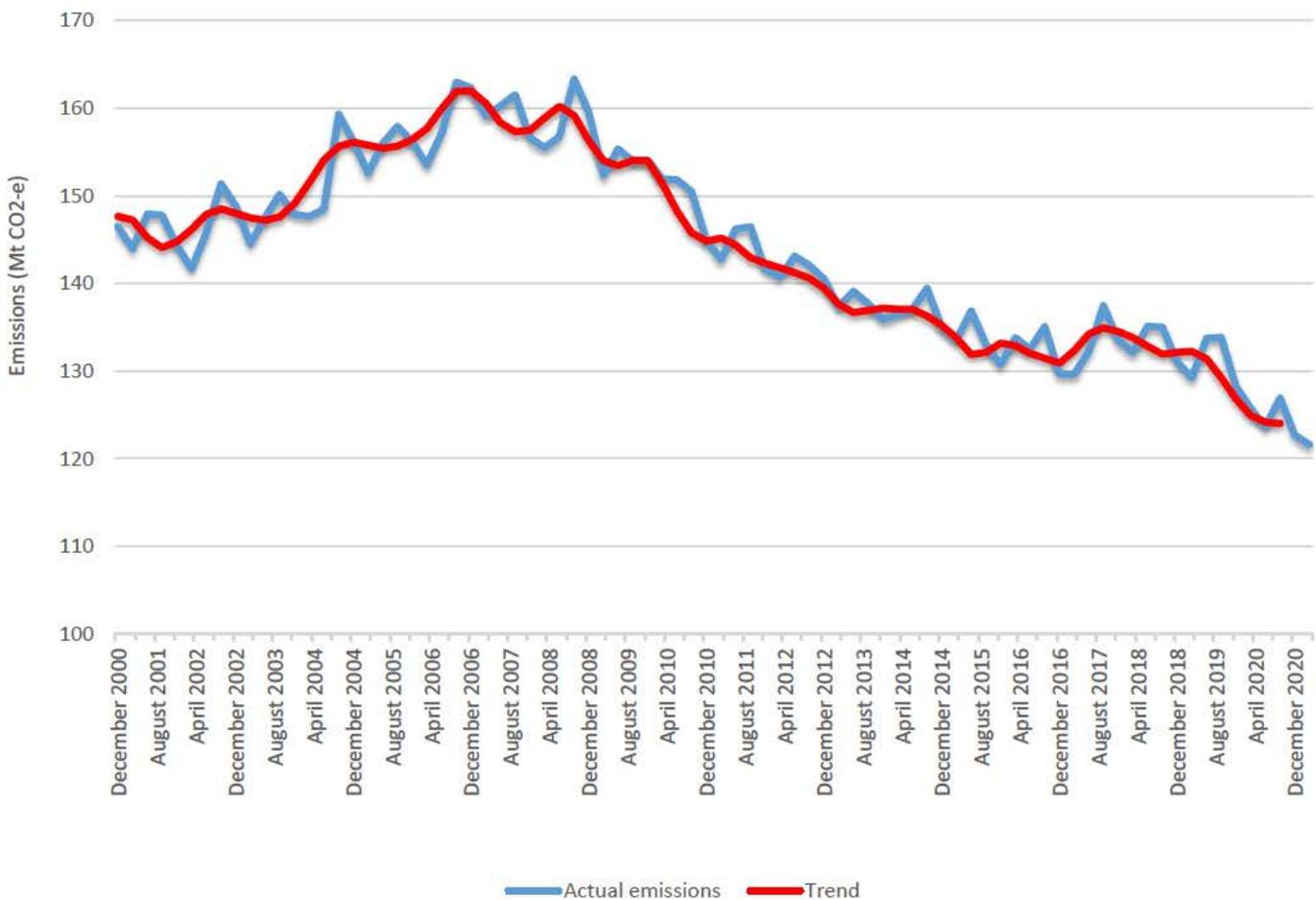
CoreLogic RP Data Daily Home Value Index: Monthly Values - 30 June 2021

City	All dwellings			Houses			Units		
	Month End Value	% Change Year on Year	% Change Month on Month	Month End Value	% Change Year on Year	% Change Month on Month	Month End Value	% Change Year on Year	% Change Month on Month
Sydney	197.57	14.97▲	2.58▲	209.11	19.33▲	2.95▲	171.98	5.12▲	1.64▲
Melbourne	166.20	7.73▲	1.47▲	177.28	8.89▲	1.82▲	144.67	4.73▲	0.67▲
Brisbane (inc Gold Coast)	127.35	14.73▲	1.98▲	135.99	16.13▲	2.18▲	102.91	9.69▲	1.23▲
Adelaide	134.75	13.89▲	1.64▲	136.05	15.23▲	1.80▲	126.65	5.64▲	0.66▲
Perth	93.79	9.81▲	0.16▲	96.27	10.05▲	0.11▲	82.89	8.04▲	0.62▲
5 capital city aggregate	160.68	12.14▲	1.92▲	166.29	14.60▲	2.16▲	145.86	5.20▲	1.18▲
Brisbane	124.54	13.18▲	1.93▲	132.66	14.78▲	2.17▲	94.09	5.66▲	0.67▲
Darwin	90.74	20.95▲	0.83▲	103.67	21.38▲	0.61▲	71.70	19.80▲	1.27▲
Canberra	150.54	18.11▲	2.35▲	165.06	20.73▲	2.70▲	108.59	8.68▲	0.91▲
Hobart	170.50	19.62▲	3.01▲	172.52	19.19▲	2.78▲	162.79	21.30▲	3.97▲

Note: 5 capital city aggregate includes Sydney, Melbourne, Brisbane (inc. Gold Coast), Adelaide and Perth.
Month and Year Changes are updated monthly and calculated as at the end of each calendar month respectively.

Graphic 9 : CO2 Emissions, by quarter, December-2000 to December-2020, Australia

Source: Australian Government Department of Industry, Science and Energy Resources, National Greenhouse Inventory Quarterly update December 2020



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6 August 2021

REF No.: 001119-001

State Planning Commission
 GPO Box 1815
 ADELAIDE SA 5001

Attention: Ms Helen Dyer

Dear Ms Dyer,

RE: SUBMISSION ON THE ENVIRONMENT & FOOD PRODUCTION AREA (EFPA) REVIEW – MIDDLETON

We act for Justin Pty Ltd (**Justin**) which owns and controls land within the ‘Environment and Food Production Areas’ (EFPA) within the township of Middleton on the Fleurieu Peninsular of South Australia.

The following submission, prepared on behalf of Justin, is provided in response to the State Planning Commission (SPC) review of the EFPA pursuant to Section 7 of the *Planning Development and Infrastructure Act, 2016* (The Act) and seeks the inclusion of this land within the township boundary of Middleton by removing the land from the EFPA (as defined by the plan in the General Registry Office at Adelaide numbered G17/2105).

1. Subject Land

1.1 Land Description / Identification

The land that is proposed to be included within the township boundary of Middleton (and removed from the EFPA) is located on the corner of Ocean Road, Lines Road and Glenford Gully Road, Middleton.

It comprises four (4) Certificates of Title as follows:

Certificate of Title	Allotment / Plan	Area (hectares)	Under the control and ownership of:
Volume 5773 Folio 648	(Allotment 1 Deposited Plan 18865)	20.77	Justin Pty Ltd
Volume 5835 Folio 196	(Allotment 171 Filed Plan 165420)		
Volume 5773 Folio 649	(Allotment 2 Deposited Plan 18865)	1.17	Others
Volume 5793 Folio 476	(Allotment 172 Filed Plan 165421)		

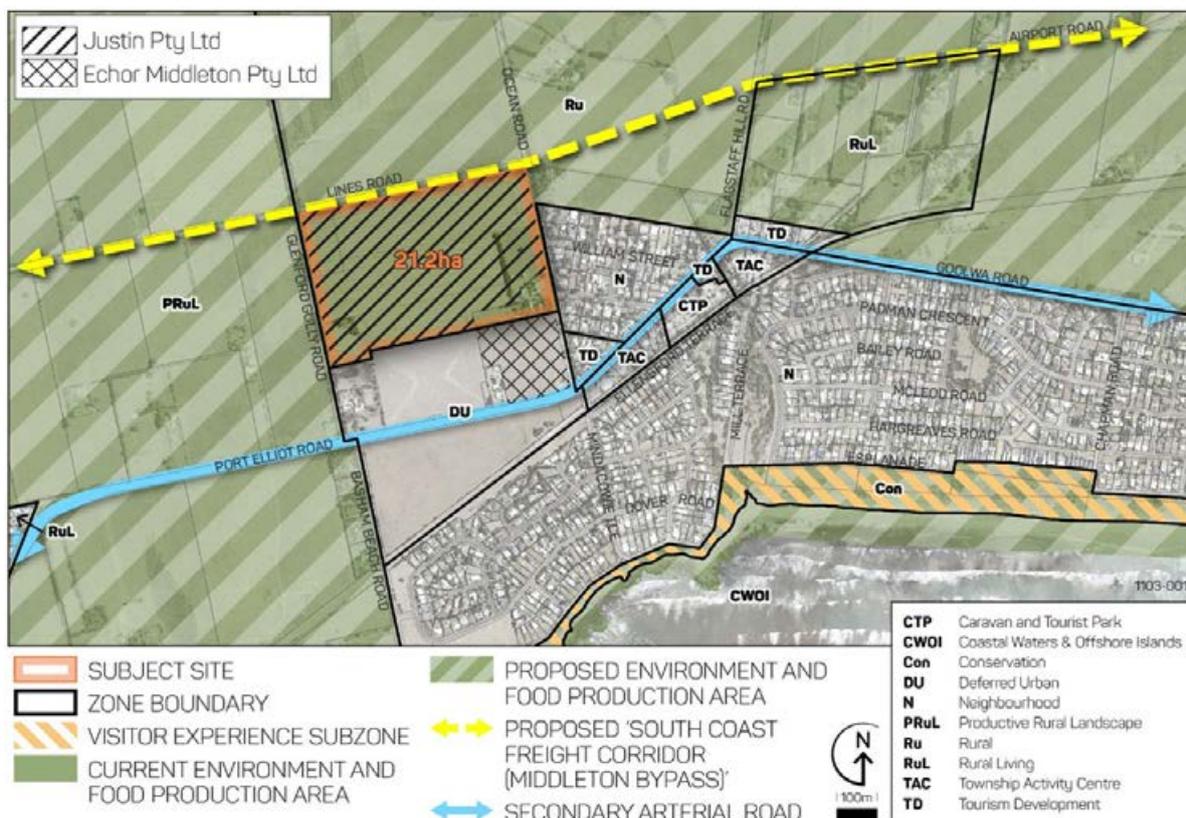
Def: E-KIS-TICS [noun] : The Science of Human Settlements ...

The total area of subject land (all allotments combined) is approximately 22 hectares.

Importantly, a related corporate entity (Echor Middleton Pty. Ltd.) also owns and controls land to the immediate south of subject land on the corner of Port Elliot Road and Ocean Road. This land (recognised as Certificate of Title Volume 5490 Folio 811) measures 3.64 hectares, is located within the ‘Deferred Urban Zone’, is not located within the EFPA and therefore does not form part of the subject land for purposes of this submission.

Figure 1.1 below identifies the land under the control of Justin and its related corporate entity, Echor Middleton Pty Ltd, as well as the location and configuration of the ‘subject land’ that is proposed to be removed from the EFPA.

Figure 1.1 Subject Land



Images of the subject land and surrounds are provided in **Figure 1.2** and **1.3** below.

Figure 1.2 Subject Land looking South West from the Corner of Ocean Road and Lines Road



Figure 1.3 Existing Dwellings (owned by others) on the subject land



1.2 Existing Zone & Policy Framework

The subject land is currently located within the ‘**Rural Zone**’ of the Planning and Design Code (Version 2021.10 – 29 July 2021). The subject land is affected by a number of ‘Overlays’, including the ‘Environment and Food Production Area’ Overlay and ‘Limited Land Division’ Overlay.

Land to the immediate south of the subject land is located within the ‘Deferred Urban’ Zone whilst the land to the east of the site, over Ocean Road, is located within both the ‘Neighbourhood Zone’ and ‘Rural Zone’. Land to the immediate west of the site, over Glenford Gully Road, is located within the ‘Productive Rural Landscape Zone’.

Figure 1.1 above identifies the current Zoning that applies to the subject site and surrounding properties.

2. Existing Land Supply & Demand

2.1 The Fleurieu Region

The ‘*Land Supply Report for Greater Adelaide – Part 1: Greenfield*’ published June 2021 to inform the EFPA review, identifies that within the Fleurieu Peninsular there are:

- *2,100 Development Ready allotments.*
- *Capacity to accommodate an additional 5,400 allotments on Undeveloped Zoned Land.*
- *Capacity to accommodate an additional 13,800 allotments on identified Future Urban Growth areas.*
- *There are a range of key infrastructure upgrades in roads and education that will continue to support future development.*
- *In addition to the above, as of June 2020 there were 2,400 vacant allotments. These have not been included in the analysis of available Township land supply.*

Importantly, the report also states that:

There is an estimated potential for 7,666 allotments on Future Urban growth area land within the Township of Goolwa, 200ha of which is currently subject to a DPA which would support further residential development. [our emphasis]

Whilst Goolwa is described as a significant ‘Future Urban’ growth area within the region (as identified within the *30 Year Plan for Greater Adelaide – 2017 update*) it is noted that the Alexandrina Council recently determined to not proceed with the ‘*North Goolwa Growth Development Plan Amendment*’ on Monday 19th July 2021. The following resolution was passed at this meeting:

That Council not proceed with the proposed plan for the future development of land at Goolwa North for residential purposes as promoted by the North Goolwa Growth DPA. It is also required that a comprehensive Master Plan for the future development of the Goolwa area, with special attention to ensuring the preservation of the character of the area, be prepared. This Master Plan to be approved by Council on completion. [our emphasis]

The immediate contribution of this potential ‘Future Urban’ growth area to land supply within the Fleurieu Peninsular region is therefore limited and possibly critically diminished, pending the outcome of a future master plan for the area that ensures the ‘preservation of the character of the area’. This growth area accounted for a conservative dwelling yield of approximately 1,600 allotments within the region (at a rate of 8 lots per hectare).

The Greenfield Land Supply Report also identifies that the majority of greenfield land within the Fleurieu Peninsular region is located within the larger townships of Goolwa, Victor Harbor and Strathalbyn. This supply does not correlate with the high demand experienced in the smaller coastal townships of Port Elliot and Middleton where there are no ‘Development Ready’ allotments. Port Elliot also has no ‘Undeveloped Zoned’ allotments whilst Middleton has only 3 ‘Undeveloped Zoned’ allotments (based on the applied methodology in the Greenfield Land Supply Report).

On this basis, the current land supply and demand relationship on the south coast of the Fleurieu Peninsular region is not balanced, offers limited choice to the consumer, is not responsive to local and regional demands and fails to avoid concentrations of similar offerings in the larger townships.

2.2 The Township of Middleton

The Greenfield Land Supply Report identifies a remaining capacity of only 240 allotments within the township of Middleton comprising:

- 92 vacant allotments;
- 0 Development ready lots (proposed lots);
- 3 Undeveloped Zoned allotments; and
- 145 lots in ‘Future Urban’ Growth Areas.

The report confirms that *‘Future expansion of the township is currently constrained by the EFPA’*.

2.2.1 The Middleton Deferred Urban DPA

A Statement of Intent for the ‘Middleton Deferred Urban Development Plan Amendment’ (DPA) was prepared by Alexandrina Council in August 2019 and sought to rezone the current ‘Deferred Urban’ Zone to the north-west of the township (immediately south of the subject land) to a Residential Zone.

The Council was approached to rezone the land by a consortium of land-owners that collectively owned 98% of the land within the Deferred Urban Zone (inclusive of Echor Middleton Pty Ltd).

The consortium of land-owners prepared a Statement of Justification (SOJ) to support the DPA.

To assist in informing this DPA and as part of the SOJ, Ethos Urban were engaged to undertake a land supply analysis of available residential land within the Middleton township. This analysis dated May 2019 is attached in **Appendix 1** and informed the conclusions expressed within the ‘Statement of Intent’ of the Middleton Deferred Urban DPA:

- *Conservative population forecasts for Alexandrina Council predict a population increase of 10,370 persons between 2016 and 2041, with an increase of 390 persons predicted within the Middleton area (.id consulting Pty Ltd);*
- *The number of house sales in Middleton have remained consistent over the past 10 years or so, ranging from a low of 35 sales in 2011 to a high of 62 sales in 2017. Between 2009 and 2018, an average of 50 house sales have occurred each year in Middleton;*
- *The number of vacant land sales in Middleton has averaged 21 sales a year between 2009 and 2018; however the number of sales have declined in recent years along with the diminishing availability of vacant lots*
- *Between 2011 and 2017 an average of 23 new dwelling building approvals were granted each year within the Middleton area;*
- *Vacant residential land in Middleton available for development is largely exhausted. At present 78 vacant residential lots exist (according to an aerial assessment).*
- *The limited supply of vacant lots has a significant impact on the price of vacant lots, with the median vacant lot price increasing by 16.8% per annum between 2013 and 2018;*
- *Assuming a supply of land is available, it is reasonable to expect residential land sales and development to be in the order of 20-30 lots a year.*

The Statement of Justification (and the resultant Statement of Intent) concluded that only a three to four year supply of residentially zoned land was available within Middleton.

3. Legislative Framework

3.1 The Three Point Test

The EFPA boundaries may be varied only under certain circumstances in accordance with the Act.

These circumstances are referred to as the ‘Three Point Test’ and are set out under section 7(3) of the Act as follows:

If the Commission is satisfied, that:

Test 1: an area or areas within Greater Adelaide outside Environment and Food Production Areas are unable to support the principle of urban renewal and consolidation of existing urban areas; and

Test 2: adequate provision cannot be made within Greater Adelaide outside Environment and Food Production Areas to accommodate housing and employment growth over the longer term (being at least a 15-year period); or

Test 3: that the variation is trivial in nature and will address a recognised anomaly.

As demonstrated in **Section 2.2** above, Test 1 is satisfied given an ‘area’ within Greater Adelaide (the township of Middleton within the Fleurieu Peninsular region) that is outside the Environment and Food Production Areas is unable to support the principle of urban renewal and consolidation of existing urban areas recognising that

there is an acute shortage of land for future residential purposes within the township, limited opportunity for renewal and consolidation and recognised unmet market demand.

In our opinion Test 2 is also satisfied given adequate provision cannot be made within Greater Adelaide outside the Environment and Food Production Areas (i.e. within the 'area' identified in Test 1) to accommodate housing growth over the longer term (being at least a 15-year period).

In our considered opinion, the test established by section 7 of the Act is satisfied and in our view the Commission can review and recommend an amendment to the EFPA as it relates to the township of Middleton.

Importantly, the residential housing market is not homogenous and requires different product types, different geographic locations and different price points to satisfy a cross-section of purchasers. Put simply, an acute shortage of land for residential purposes within the coastal township of Middletown cannot be addressed by the provision of surplus zoned residential land within the northern Adelaide plains.

4. Suitability of Subject Land for Urban Development

4.1 South Coast Freight Route

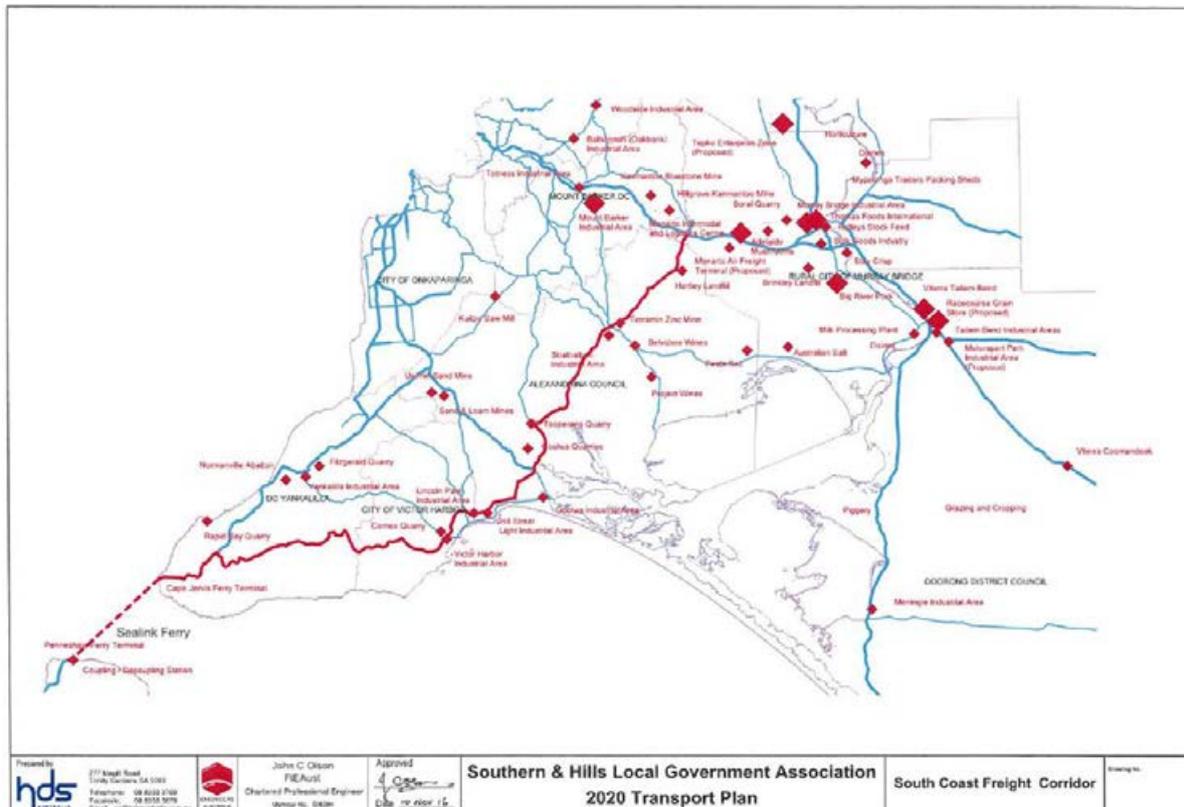
The Southern & Hills Local Government Association's 2020 Transport Plan seeks consideration of a 'South Coast Freight Route' including B-Double vehicle access through the main street of Middleton.

On 20 May 2019 Council resolved to not support B-Double vehicles passing through the main street of Middleton. On 15 April 2019 Council further sought to advocate for a bypass around Middleton from the intersection of Airport Road and Flagstaff Hill Road to Waterport Road.

The proposed future 'South Coast Freight Corridor' is identified in **Figure 4.1** with Councils preferred alignment around the township of Middleton identified in **Figure 1.1** above.

Councils preferred alignment of the proposed new freight corridor runs along Lines Road and defines the northern boundary of the subject land. This major freight corridor will provide a clearer physical and logical barrier, as well as an administrative boundary, to define the outer edge of the township and further reinforces a defined interface and buffer between primary production activities and future urban development.

Figure 4.1 South Coast Freight Corridor (Southern & Hills Local Government Association, 2020 Transport Plan - 2015 Update)



4.2 Market Attraction and Demand

As demonstrated in the Ethos Urban report attached in **Appendix 1** there is a deemed demand for land for housing within the Middleton Township.

The limited supply of vacant lots in Middleton and demand for housing is also reflected in the price of vacant lots in Middleton in recent years. Ethos Urban have identified that the median vacant lot price increased by 16.8% per annum between 2013 and 2018. This compares to a decline in Port Elliot of -2.3% per annum over the same period, a decline of 5.6% per annum in Goolwa and a slight increase of 0.7% per annum throughout Alexandrina.

4.3 Subject Land Potential (Capacity)

Assuming a conservative yield of approximately 8 dwellings per hectare, the subject land could yield in the order of 170 dwellings.

When combined with the existing Deferred Urban land within the existing Middleton township boundary, this equates to approximately 320 additional dwellings. This housing supply will support housing demand within the township.

There is a likelihood that the forecasted growth potential is quite conservative, particularly with the recent shift in more people moving to regional areas and flexibility in working arrangements across the country, especially during the covid pandemic. In the context of South Australia, the Australian Bureau of Statistics (ABS) figures released in May 2021 indicated South Australia had a net migration gain for the first time in 30 years in 2020, with the regions responsible for this gain (capital cities still had a net loss in 2020).

4.4 Transport and Connectivity

Investigations undertaken by Circa in support of the 'Middleton Deferred Urban DPA' confirmed that the locality is well serviced by existing transport infrastructure inclusive of Port Elliot Road which is a secondary arterial Road.

The future development of the proposed 'South Coast Freight Road' to the immediate north of the site (along Lines Road) would also improve vehicle access arrangements to the subject land and ensure limited impact on the existing road network in association of any minor increase in traffic movements from future development of the subject land.

4.5 Service Infrastructure

Investigations undertaken by WGA in support of the 'Middleton Deferred Urban DPA' confirmed that the locality is well serviced by existing infrastructure to support future urban development.

4.6 Social and Economic Infrastructure

Middleton serves the role as a small-town centre, providing basic convenience retail and services to the immediate residential population and visitors.

The recently redeveloped 'Middleton General Store' has improved the retail offer within the township. Notwithstanding, Middleton residents and visitors travel to nearby towns (i.e. Goolwa and Victor Harbour located within a 10-minute drive) to undertake the majority of their shopping and access other services and amenities, within larger town centres.

The subject land is in close proximity to the coastal linear reserve, as established tourist and recreation offerings, surf beaches, Basham's Beach and the Cockle Train Railway.

There is adequate social and economic infrastructure within the existing township and the region to support the future growth and development of the town by approximately 320 dwellings (assuming the combined development of the subject land and existing Deferred Urban land).

4.7 Viability for Primary Production

Utilisation of the subject land for future urban development will not impact on the existing agricultural farm business or operations.

4.8 Propensity for Development

Justin has the capacity, capability and experience to develop this land for urban purposes.

5. Conclusion

This submission is provided in response to the State Planning Commission (SPC) review of the EFPA and seeks the inclusion of land on the corner of Ocean Road, Lines Road and Glenford Gully Road within the township of Middleton by removing the land from the EFPA (as defined by the plan in the General Registry Office at Adelaide numbered G17/2105).

The Greenfield Land Supply report identifies a remaining capacity of only 240 allotments within the township of Middleton comprising 92 vacant allotments and 145 lots in 'Future Urban' Growth Areas. There are no development ready lots (proposed lots) and only three (3) Undeveloped Zoned allotments. The report confirms that the future expansion of the Middleton township is currently constrained by the EFPA.

Independent analysis undertaken by Ethos Urban in May 2019 also identified that there is an acute shortage of land for future residential purposes within the township and that there is a recognised corresponding latent demand for residential allotments.

Test 1 and 2 of the 'Three Point Test' set out under section 7(3) of the Act are therefore satisfied and in our opinion the Commission can review and initiate an amendment to the EFPA as it relates to the township of Middleton.

The subject land is well suited for future urban development and the amendment to the EFPA boundary to accommodate township expansion is appropriate given:

- The subject land forms a natural, logical and contiguous expansion of the existing Middletown Township;
- The subject land is defined by Ocean Road, Lines Road and Glenford Gully Road, which creates an enduring township boundary, and act as a buffer between rural land and future urban development;
- The preferred alignment of the proposed new 'South Coast Freight Corridor' runs along Lines Road, further defining the northern boundary of the subject land, creating a physical and logical edge to the township, and therefore protecting viable primary production activities from future urban encroachment;
- There is a demonstrated demand for land for housing within the Middleton Township;
- The subject land could yield in the order of 170 dwellings which will assist to fulfil existing demonstrated housing demand for the township;
- The subject land and locality is well serviced by existing transport infrastructure and the future development of the proposed 'South Coast Freight Road' immediately north of the site (along Lines Road) will improve access arrangements to the subject land, limit impacts on the existing road network and ensure future transport demands can be accommodated;
- The locality is well serviced by existing infrastructure and can be readily serviced by all essential utilities, including wastewater, mains water, electricity and communications;

- There is adequate social and economic infrastructure within the existing township and the region to support the future growth and development of the Subject Land; and
- The majority of the land is under the control of one of the States leading developers that is well placed to develop this land for urban purposes.

It is requested that that pursuant to section 7(8), section 7 (9) and section 7(10) of the Act, the Commission publish a notice in the Gazette and in the SA Planning Portal to include the subject land within the township of Middleton by removing the land from the EFPA.

Please don't hesitate to contact the undersigned on 08 7231 0286 should you require any additional information in support of this submission and request.

Yours Sincerely



Richard Dwyer
Managing Director

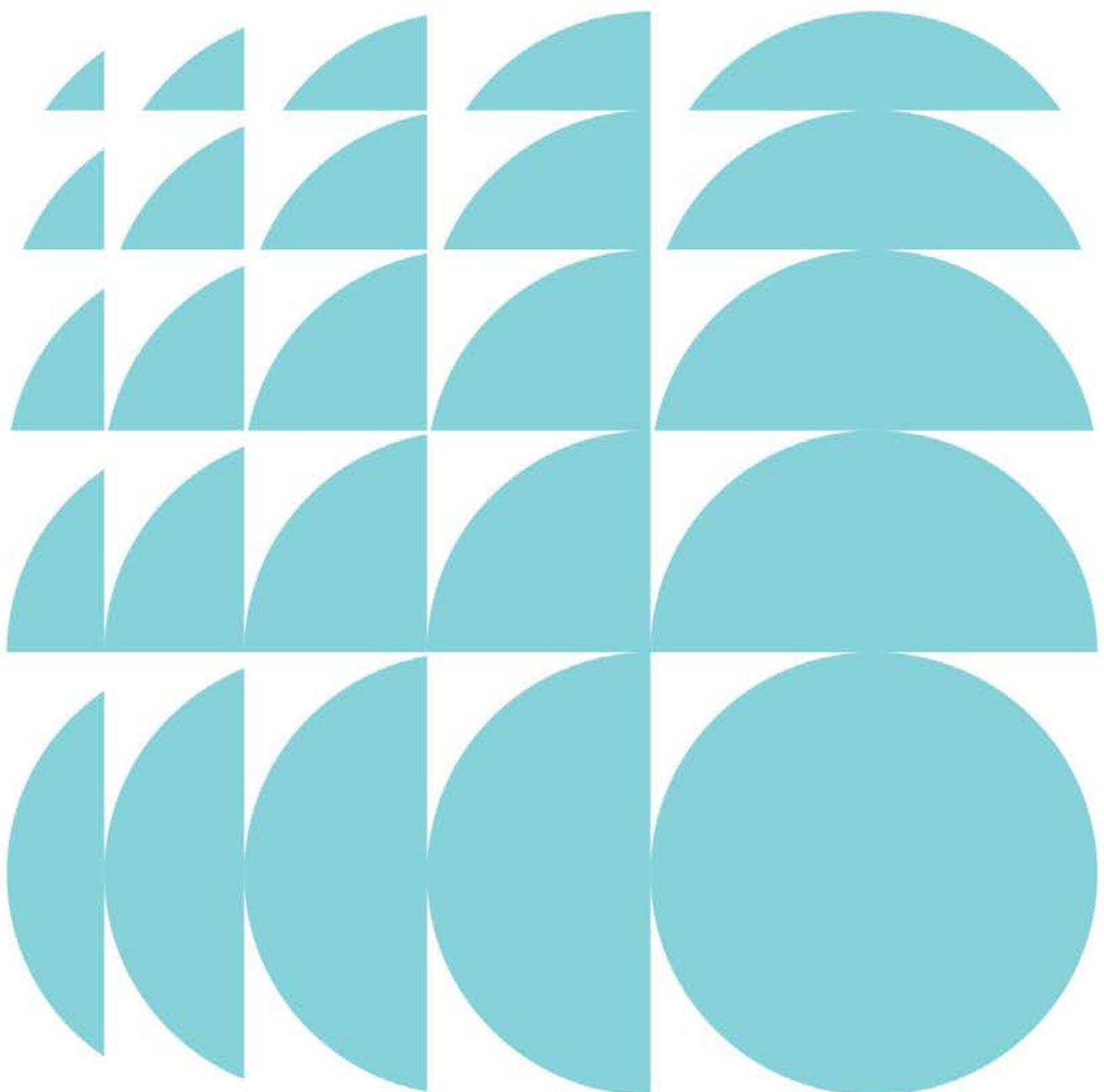
Appendix 1. Ethos Urban Pty Ltd
(Residential and Retail Opportunities Assessment, May 2019)

**ETHOS
URBAN**

**Middleton Economic
Assessment**

*Residential and Retail Opportunities
Assessment*

May 2019



Authorship

Report stage	Author	Date	Review	Date
Draft report	Nick Brisbane	11 April 2019	Chris McNeill Ekistics/ADC	11 April 2019 6 May 2019
Final report	Nick Brisbane	8 May 2019		

Disclaimer

Every effort has been made to ensure the accuracy of the material and the integrity of the analysis presented in this report. However, Ethos Urban Pty Ltd accepts no liability for any actions taken on the basis of report contents.

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Introduction

A consortium of four land owners own approximately 20ha of land (subject land) in Middleton, located in the Alexandrina Council on the Fleurieu Peninsula approximately a one-hour-fifteen-minute drive south of the Adelaide CBD.

The subject land is currently in the 'Deferred Urban' zone in the Alexandrina Council Development Plan. Located on the north-western periphery of the Middleton township, the land owners are seeking to rezone the land to accommodate residential development, and potentially commercial development should a market exist for such development in the future. The consortium and is seeking a land use zone that would allow residential development and provide flexibility in regard to future non-residential uses, noting the likely long-term nature of development at the site.

This report provides an independent assessment of the future demand and need for additional residential land at the subject land to inform the future planning of the site. Furthermore, this report also provides a review of the potential for the subject land to accommodate retail or commercial uses taking into consideration the existing extent of retail in Middleton and the communities it serves (i.e. permanent residents, semi-permanent residents, holiday makers, etc), the role of retailing in Middleton, and the role and extent of retail in the surrounding areas (e.g. Goolwa, Port Elliot and Victor Harbour).

This report provides the following information;

- Chapter 1: Context Analysis
- Chapter 2: Regional Economic Context
- Chapter 3: Residential Assessment
- Chapter 4: Retail and Commercial Considerations
- Chapter 5: Implications for the Subject Land.

1. Context Analysis

This Chapter provides an overview of the context with which the subject land is situated, including a description of the subject site, the township of Middleton and its regional location.

1.1. Subject Land

The subject land comprises approximately 20ha of land zoned 'Deferred Urban' on the north-western periphery of the Middleton township. The purpose of the 'Deferred Urban' zone is to "*accommodate farming development until such a time as it is required to accommodate the future growth of the townships*" (Alexandrina Council Development Plan – Deferred Urban Zone).

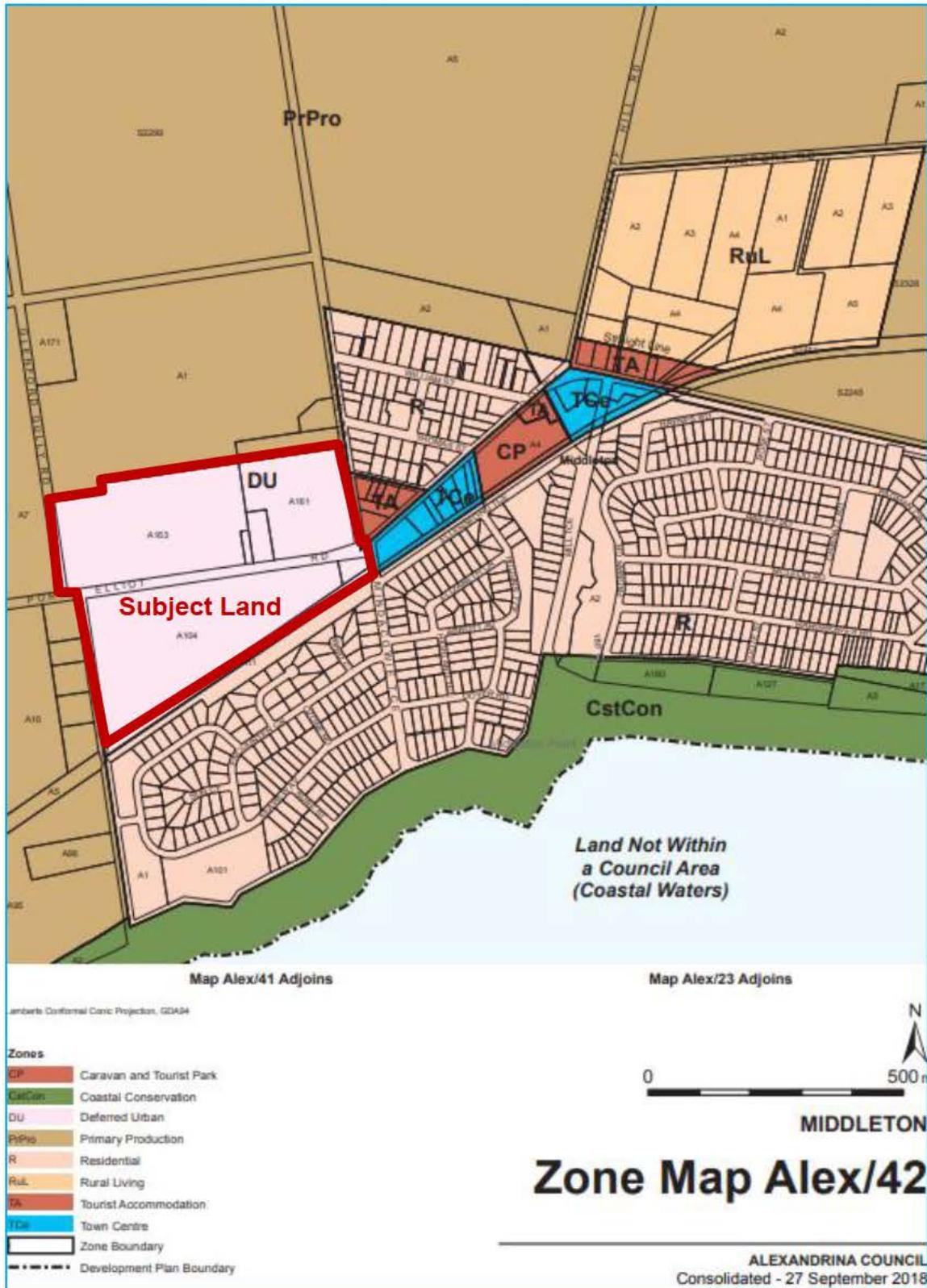
The land is currently used for grazing and cropping purposes and adjoins the urban areas of the Middleton township to the east and south. Key features of the land with respect to its future development for residential and urban purposes include:

- Site size of 20ha will enable planned and staged future development of the Middleton township, ensuring development of the sites meets the needs of the market at the time of development.
- Consolidated owners with five land owners, four of whom are part of the consortium seeking the rezoning, will provide for a well-planned urban development outcome.
- Proximity and views over Basham Beach, with the south boundary of the subject land only 320m from Basham Beach and Basham Beach Reserve.
- The Cockle Train Tourist Railway line borders the southern boundary of the subject land, including the Middleton station.
- Port Elliot Road dissects the subject land. Port Elliot Road is the main east-west connection through Middleton, to Goolwa to the east and Port Elliot and Victor Harbour to the west, providing access to the services and facilities in these townships.
- Middleton Tavern is located to the immediate east of the subject land.
- An existing building is located to the north-west of the Port Elliot Road and Ocean Road intersection which may present opportunities for commercial re-use.
- Primary Production zones land adjoins the site to the north and west.

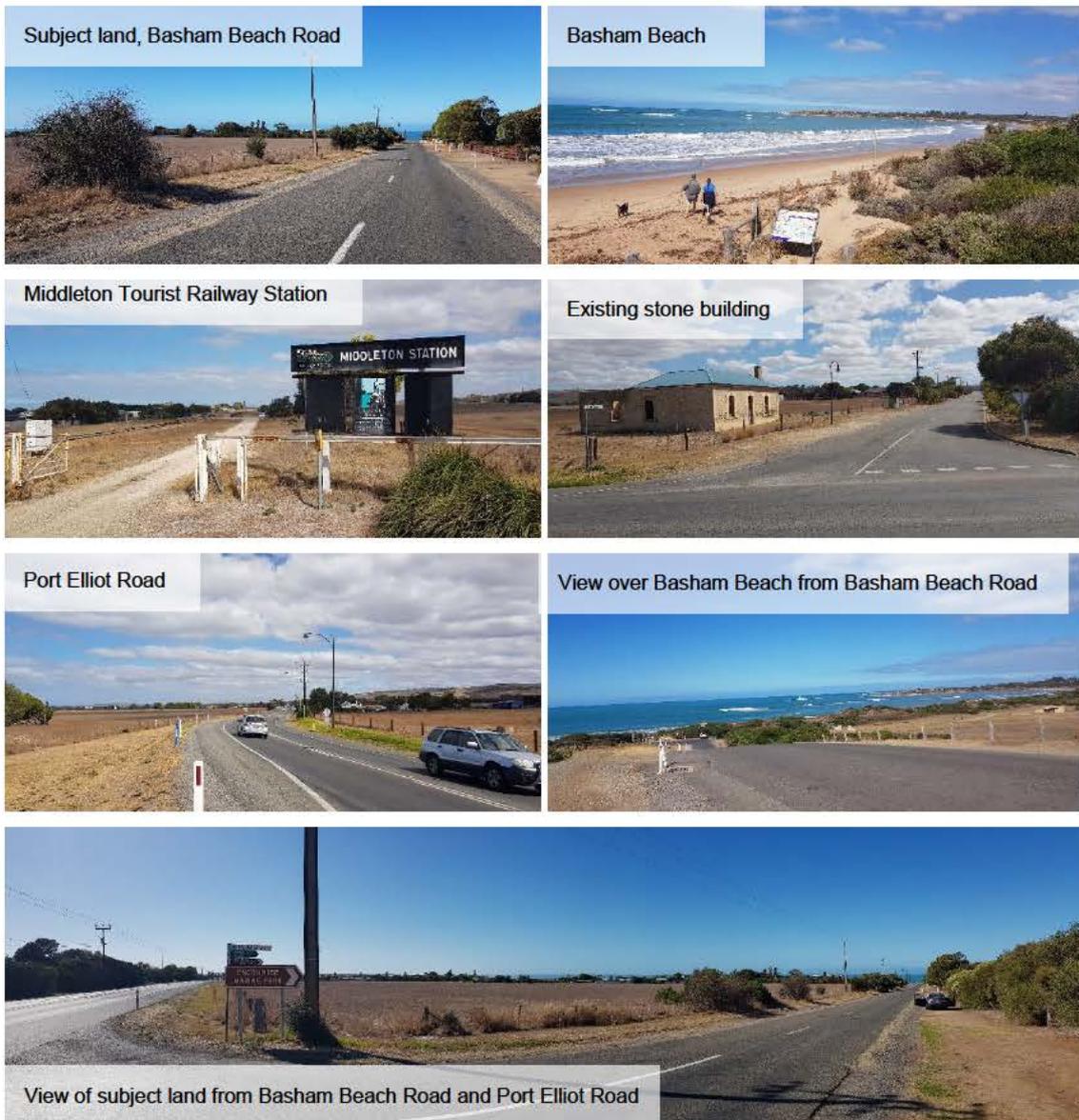
Figure 1.1 on the following page shows the subject land and the land use zoning context.

While it is difficult to provide an accurate development yield for the subject land, preliminary analysis taking into account the relatively low-density form of development in Middleton, indicates potential for approximately 150-250 dwellings, noting the development at the site will respond to future market trends.

Figure 1.1: Subject Land and Land Use Zones



Source: Alexandrina Council Development Plan



1.2. Regional Location

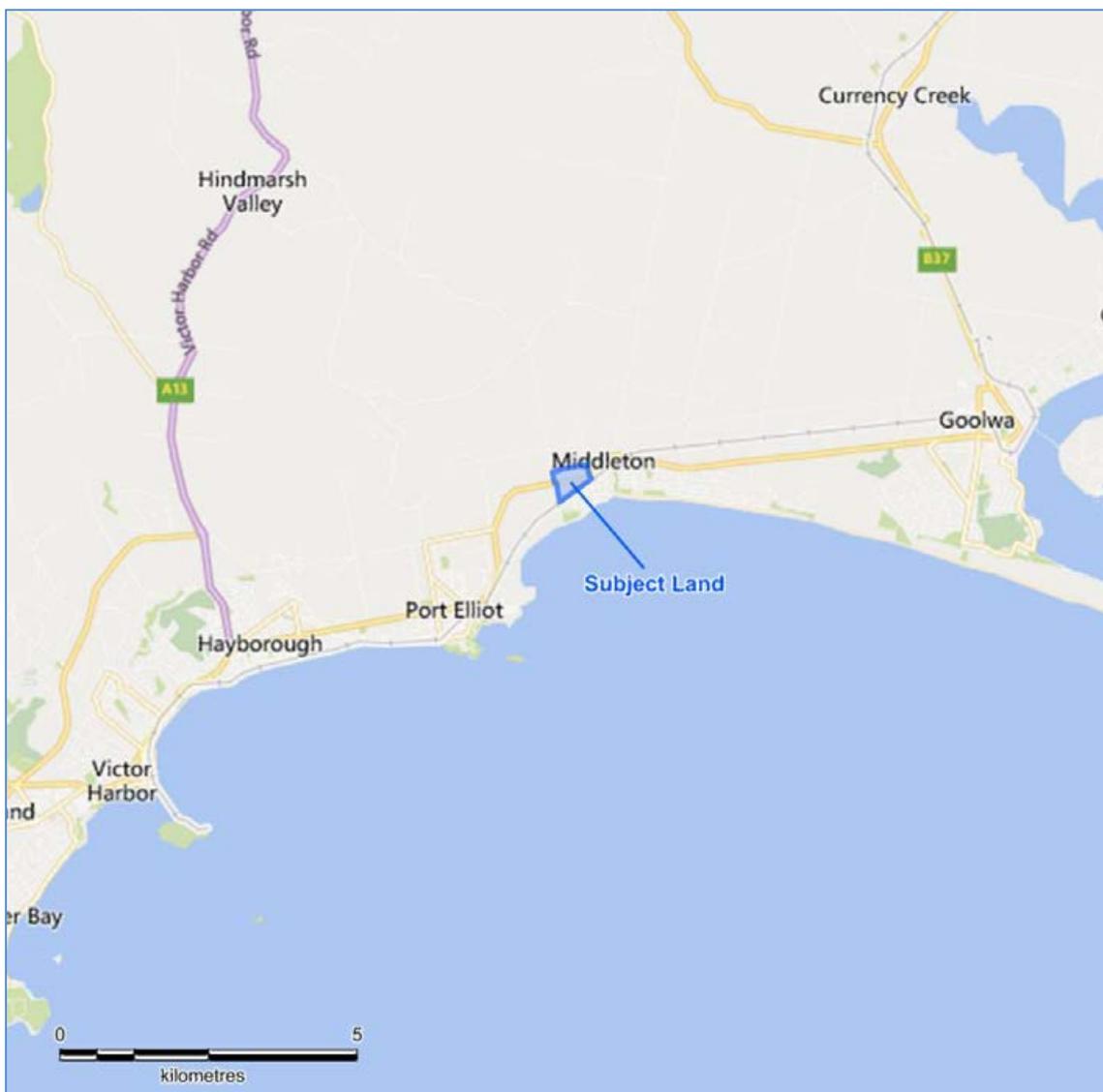
Middleton is situated in Alexandrina Council and is one of numerous coastal townships along the popular tourism region of the Fleurieu Peninsula, approximately a one-hour-fifteen-minute-drive south of Adelaide. The Fleurieu Peninsula attracted 730,000 overnight visitors and 2.6 million day-visitors a year in 2016-17 (Tourism Research Australia). Relevant townships providing facilities and services for residents and visitors to Middleton include the following:

- Goolwa, approximately a seven-minute drive to the east. Goolwa is the major township in Alexandrina Council providing a range of retail (including supermarkets), dining, tourism and civic facilities.
- Port Elliot, approximately a three-minute drive to the west, provides local convenience retailing, cafés and restaurants, and is a popular tourism location.

- Hayborough, approximately an eight-minute drive to the west is the location of a new Coles supermarket and Bunning Warehouse development serving the Fleurieu Peninsula. An ALDI supermarket is also located in Hayborough.
- Victor Harbour, approximately an eleven-minute drive to the west. Victor Harbour is the regional town serving much of the Fleurieu Peninsula and provides a range of retail, entertainment, health, education, civic and tourism facilities.

Figure 1.2 summarises the regional location of Middleton.

Figure1.2: Regional Location



Produced by Ethos Urban using MapInfo and Bing Maps

1.3. Overview of Middleton

Middleton is a small coastal township containing an estimated permanent resident population of approximately 960 persons within the urban area, and a further 240 persons in the rural areas to the immediate north. Only limited population growth has occurred in Middleton in recent years, largely due to limited opportunities for residential development.

Renowned for its 'relaxed' nature and surf beaches, Middleton is a popular tourism location, for both day and overnight visitors. Overnight visitors stay in the popular Middleton Caravan Park which is centrally located in the township, their own holiday homes or holiday home rental. The popularity of holiday homes and holiday rentals is emphasised by a low dwelling occupancy rate of only 34.8% in the urban area of Middleton at the time of the 2016 ABS Census of Population and Housing.

Only limited convenience retail and commercial facilities are provided in Middleton. In total, approximately 920m² of retail floorspace is provided and includes the following:

- Blues restaurant
- Antiques
- Middleton Chocolates
- Big Surf Australia
- Pip Café
- Middleton Pharmacy
- Pure Elegance Beauty
- Arts and Crafts / Pop-up Gallery
- Beach Cuts Hairdresser
- Home Grain Bakery

The Middleton General Store is currently being redeveloped and will include a revamped general store, café, and petrol station. In addition, a medical centre, real estate agent, denture clinic, learn to surf operation, and the Middleton Tavern are also located in the township. In March 2019, only one vacant retail/commercial tenancy existed in Middleton.

One of the key characteristics of retail and commercial areas in Middleton is that they are spread along Port Elliot Road over a distance of approximately 700m. Consequently, Middleton has no clearly identifiable retail centre or core. Chapter 4 of this report provides comment on whether the subject land will provide an opportunity for a consolidated retail or commercial centre for Middleton.

Figure 1.3 shows the subject land in the context of key land uses in Middleton.



Figure 1.3: Locational Overview of Middleton



Produced by Ethos Urban using MapInfo and Bing Maps

2. Regional Economic Context

This Chapter provides an overview of the regional and local economic context in which Middleton is situated including analysis of population trends and forecasts, demographics, tourism trends, identification of key industries, and an overview of regional planning and development considerations.

2.1. Population Trends

Alexandrina Council currently contains a population of approximately 27,040 person and has experienced relatively strong population growth in recent years, having increased by approximately 370 persons a year over the 2013 to 2018 period.

Only limited population growth has occurred in the urban areas of Middleton, which currently has an estimated resident population of approximately 970 persons, having increased from 940 persons in 2013. While a moderate level of residential development has occurred, these new homes include both permanent residential dwellings and holiday homes.

Table 2.1: Population Trends

Category	Middleton (Urban Area)	Balance of Alexandrina Council	Alexandrina Council
2008	820	21,650	22,470
2013	940	24,260	25,200
2018	970	26,070	27,040
Average Annual Growth (No.)			
2008-2013	24	522	546
2013-2018	6	362	368
Average Annual Growth (%)			
2008-2013	2.8%	2.3%	2.3%
2013-2018	0.6%	1.4%	1.4%

Source: ABS

2.2. Population Forecasts

id Consulting have prepared population forecasts for Alexandrina Council which shows the Alexandrina's population increasing by approximately +10,370 persons between 2016 and 2041. Areas within Alexandrina forecast to experience the largest share of population growth over this period include Strathalbyn (+2,450 persons), Goolwa growth area (+2,450 persons), Hindmarsh Island (+1,700 persons) and Strathalbyn District (+1,590 persons).

Middleton and District (which includes the rural hinterland to the north) is forecast to experience only limited population growth of approximately +390 persons between 2016 and 2041, increasing to approximately 1,800 persons by 2041. These forecasts can be considered conservative and assume the development of only 30 dwellings per annum over the 2023 to 2032 period.

In a regional context, Middleton is not expected to be a major residential growth area. Rather is it likely to continue to provide a niche residential offering to both permanent residents and holiday home owners.

Table 2.2: Population Forecasts, 2016-2041

Area	2016	2021	2026	2031	2036	2041	Total change
Alexandrina Council	26,535	28,012	29,980	32,168	34,542	36,907	+10,371
Strathalbyn Town	5,910	6,331	6,927	7,548	8,122	8,356	+2,446
Goolwa Growth Area	21	25	321	859	1,614	2,466	+2,445
Hindmarsh Island - Mundoo Island	1,439	1,806	2,277	2,691	2,942	3,138	+1,700
Strathalbyn District	5,333	5,489	5,666	5,845	6,239	6,920	+1,587
Goolwa - Goolwa Beach	6,864	7,181	7,358	7,520	7,664	7,793	+929
Port Elliot and District	2,612	2,764	2,948	3,095	3,203	3,317	+705
Middleton and District	1,410	1,523	1,587	1,653	1,724	1,804	+394
Mount Compass - Kuitpo and District	2,946	2,893	2,894	2,958	3,033	3,112	+166

Source: Forecast.id

2.3. Demographic Characteristics

The demographic characteristics of permanent residents in Middleton are consistent with coastal areas popular with relatively affluent retirees. For instance, 23.6% of the population are aged 65 years or over (compared to 21.9% for regional South Australia). Residents have median individual incomes 13.1% above the median for regional South Australia. The median age in Middleton was 48.7 years compared to 45.3 years in regional South Australia.

The majority of houses (98.4%) are separate houses and housing costs are relatively high, with the median mortgage repayment 23.7% above the median for regional South Australia. The prominence of holiday homes is evident in the low occupancy rate, with only 34.8% of dwellings permanently occupied at the time of the 2016 ABS Census; the average for regional South Australia was 76.6%.

Table 2.3 summarises selected demographic characteristics of Middleton and Alexandrina Council residents based on ABS, Census of Population and Housing data for 2016.

Table 2.3: Demographic Characteristics, 2016

Category	Middleton - Urban Area	Alexandrina Council	Rest of SA
<u>Income</u>			
Median individual income (annual)	\$32,440	\$27,190	\$28,690
Variation from Rest of SA median	13.1%	-5.2%	na
% of persons (15 years or older) earning \$1,000pw or more	25.8%	21.8%	24.5%
<u>Age Structure</u>			
0-4 years	5.1%	4.4%	5.5%
5-19 years	16.3%	16.3%	17.7%
20-34 years	11.4%	11.6%	15.2%
35-64 years	43.7%	39.0%	39.7%
65-84 years	22.3%	25.5%	19.2%
85 years and over	1.3%	3.2%	2.7%
Median Age (years)	48.7	50.2	45.3
<u>Country of Birth</u>			
Australia	86.0%	82.5%	89.1%
Other Major English Speaking Countries	10.4%	13.1%	6.6%
Other Overseas Born	3.6%	4.4%	4.2%
<u>Household Composition</u>			
<i>Couple family with no children</i>	35.6%	37.0%	32.3%
<i>Couple family with children</i>	24.1%	23.6%	24.8%
Couple family - Total	59.7%	60.7%	57.1%
One parent family	9.2%	8.9%	9.8%
Other families	0.0%	0.6%	0.6%
Family Households - Total	69.0%	70.2%	67.5%
Lone person household	28.2%	27.8%	30.3%
Group Household	2.8%	2.1%	2.2%
<u>Dwelling Structure (Occupied Private Dwellings)</u>			
Separate house	98.4%	94.6%	88.7%
Semi-detached, row or terrace house, townhouse etc.	1.6%	2.6%	7.8%
Flat, unit or apartment	0.0%	1.6%	2.5%
Other dwelling	0.0%	1.2%	1.0%
<i>Occupancy rate</i>	34.8%	69.3%	76.6%
Average household size	2.2	2.3	2.3
<u>Tenure Type (Occupied Private Dwellings)</u>			
Owned outright	42.9%	41.7%	38.4%
Owned with a mortgage	32.3%	34.9%	32.4%
Rented	24.8%	21.2%	27.9%
Other tenure type	0.0%	2.1%	1.2%
<u>Housing Costs</u>			
Median monthly mortgage repayment	\$1,460	\$1,200	\$1,180
Variation from Rest of SA median	23.7%	1.7%	0.0%
<u>Occupation</u>			
Managers	14.0%	14.8%	17.0%
Professionals	19.3%	14.8%	12.7%
Technicians and trades workers	15.8%	16.0%	14.2%
Community and personal service workers	16.0%	13.2%	11.2%
Clerical and administrative workers	10.8%	11.7%	10.4%
Sales workers	7.8%	9.0%	8.9%
Machinery operators and drivers	4.3%	6.5%	8.4%
Labourers	11.0%	12.6%	15.7%
Inadequately described or not stated	1.0%	1.4%	1.4%

Source: ABS, Census of Population and Housing, 2016

2.4. Tourism Trends and Context

Middleton is situated on the Fleurieu Peninsula and tourism in this area serves as an integral part of the local and regional economy. The extent to which the population swells over the summer months is testament to the popularity of the region as a beach-side holiday destination.

Over the 2016-17 period, the Fleurieu Peninsula attracted a total of 730,000 overnight visitors and 2,613,000 day trips to the region. This visitation is accounted for in part by the regions' relative proximity to Adelaide. Domestic overnight visitors accounted for 707,000 visitors while international visitors accounted for only 23,000 overnight visits. In total, expenditure in Alexandrina generated from tourism was approximately \$437m.

Tourism South Australia estimated that in 2016-17 tourism directly contributed to 7.3% of the Fleurieu Peninsula's Gross Regional Product (GRP). Accordingly, tourism activities are a major contributor to the overall strength of the Fleurieu Peninsula economy, and specifically Middleton. Employment as a result of tourism accounts for 3,100 direct and 1,100 indirect jobs in the Fleurieu Peninsula

A total of 48% of domestic visitor nights and 58% of international visitor nights are either spent with friends or relatives or in hotels and similar accommodation in the region. Caravan and camping are also a popular option with 20% of domestic visitors and 21% of international visitors preferring this option. The high number of visitors choosing to stay with relatives and friends, or camping, reflects a supply gap in quality accommodation in the region.

Data from AirDNA illustrates the popularity of holiday home rentals in Middleton, with 179 homes listed for holiday rentals as of April 2019.

2.5. Key Employing Industries

Health care and social assistance is the largest employing industry in Alexandrina, accounting for 15% of jobs based on ABS Census data for 2016. Demand for these services is increasing in the region due to an ageing population. While health care and social assistance is the largest employing industry, it is also considered an emerging one with the number of employed people working in this industry considerably increasing each year.

Agriculture, forestry and fishing is another major employing industry accounting for 14% of jobs in 2016. Alexandrina Council is also renowned for its local wine industry and its high-quality primary produce.

The major employing industries in Alexandrina are:

- Health Care and Social Assistance: 940 jobs (or 15% of all jobs in Alexandrina Council)
- Agriculture, Forestry and Fishing: 900 jobs (14%)
- Retail Trade: 660 jobs (11%)
- Accommodation and Food Services: 590 jobs (9%)
- Education and Training: 530 jobs (8%)
- Manufacturing: 530 jobs (8%)
- Construction: 520 jobs (8%).

3. Residential Assessment

This Chapter presents a residential assessment and includes an overview of the Middleton residential market including sales and new dwelling building approvals, and a supply and demand assessment.

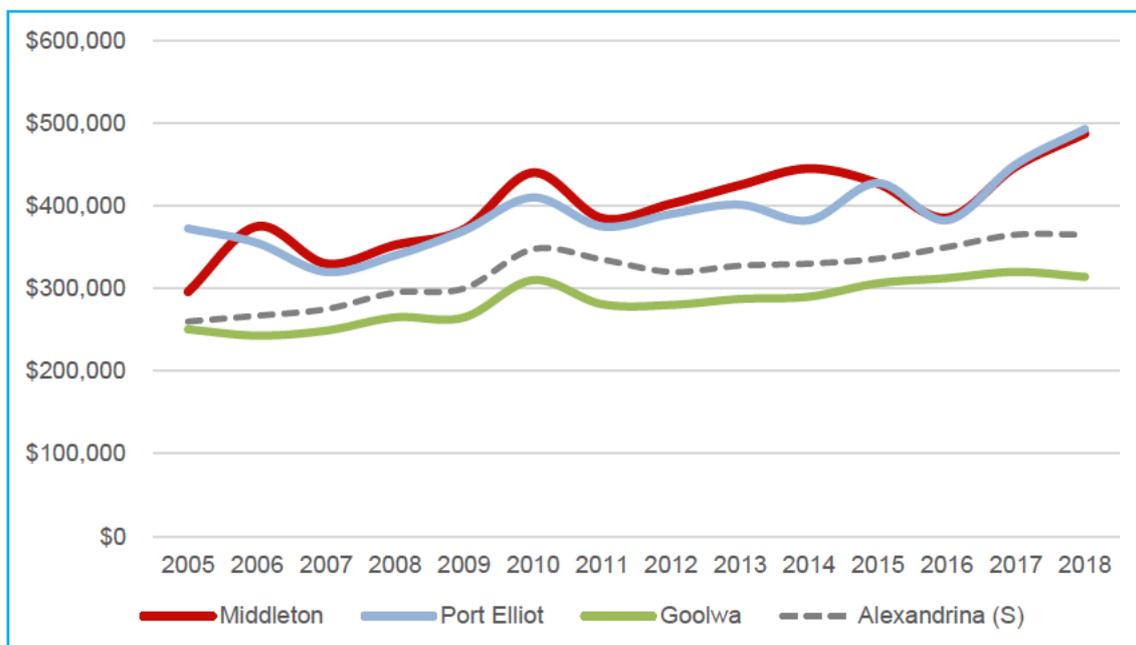
3.1. Middleton Residential Market Overview

Middleton is considered a niche residential market, with people attracted to the township due to its proximity to quality surf beaches and a small-town lifestyle but which is also within a 10-minute drive of the facilities and services provided in Victor Harbour and Goolwa.

The majority of the urban area in Middleton is developed, with the most recent sub-division, known as 'Middleton Shores', almost fully developed. Middleton Shores was originally released in the early 2000's and has consistently developed since.

The proximity to quality beaches and the town's growing popularity for both permanent and holiday homes in recent years has led to strong growth in median property prices. The 2018 median house price in Middleton was \$487,250, approximately 33% above the median house price in Alexandrina Council of \$365,000. Middleton and nearby Port Elliot are considered to be premium residential markets in the context of Alexandrina Council.

Figure 3.1: Median House Price, 2005-2018



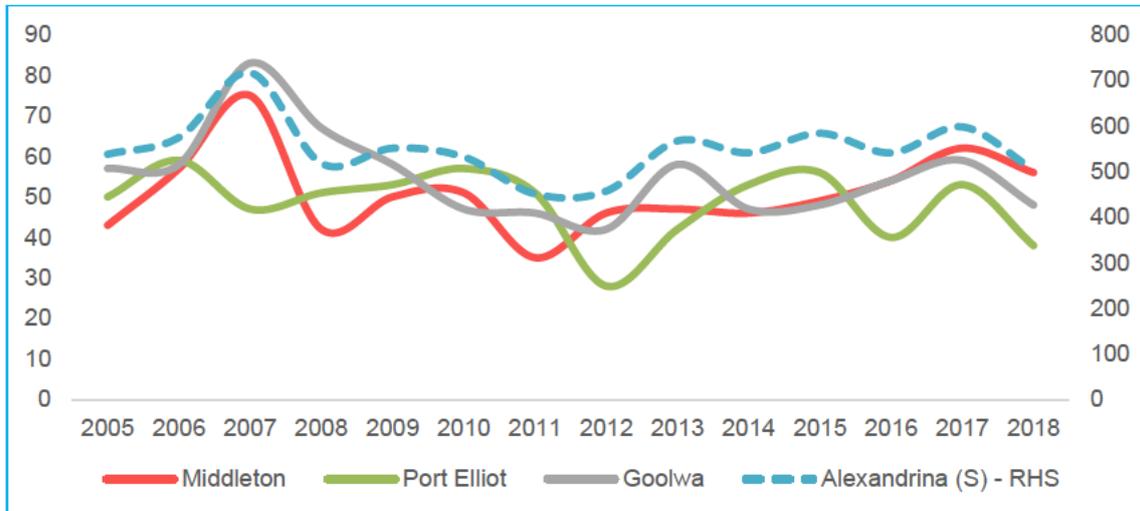
Source: PriceFinder

3.2. Residential Sales and Price Trends

House Sales Trends

The number of house sales in Middleton have remained consistent over the past decade or so, ranging from a low of 35 sales in 2011 to a high of 62 sales in 2017. Between 2009 and 2018, an average of 50 residential house sales have occurred in Middleton. This level of sales is similar to Port Elliot (47 sales a year between 2009 and 2018) and Goolwa (51 sales).

Figure 3.2: Number of House Sales, 2005-2018



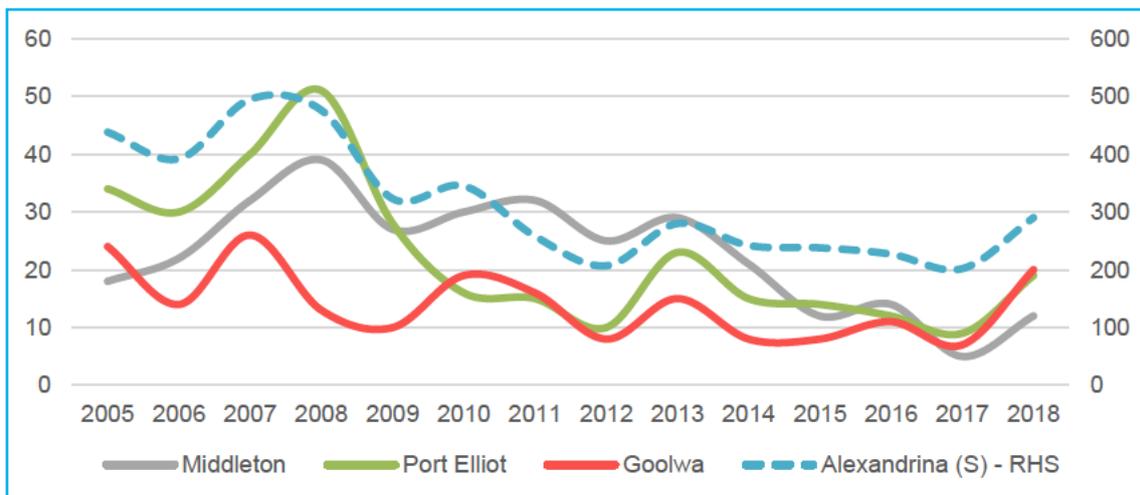
Source: PriceFinder

As shown in Figure 3.1, the median house price in the coastal towns of Middleton and Port Elliot have increased significantly in recent years compared to Goolwa and the broader Alexandrina Council. Between 2016 and 2018, the median house price in Middleton increased by 12.4% per annum, slightly below the 13.5% per annum in Port Elliot. In comparison, the median house price in Goolwa increased by 0.2% per annum, illustrating the different markets that exist between the coastal areas of Middleton/Port Elliot and the more urban areas of Goolwa. The median house price in Alexandrina increased by 2.1% per annum between 2016 and 2018.

Vacant Land Sales

The number of vacant land sales in Middleton averaged 21 sales between 2009 and 2018; however, the number of sales has declined in recent years and the availability of vacant lots has diminished. For instance, between 2009 and 2013, the number of vacant land sales averaged 29 a year, with this figure declining to 13 sales a year between 2014 and 2018.

Figure 3.3: Number of Vacant Land Sales, 2005-2018



Source: PriceFinder

The limited supply of vacant lots in Middleton has had a significant impact on the price of vacant lots in recent years, with the median vacant lot price increasing by 16.8% per annum between 2013 and

2018. This compares to a decline in Port Elliot of -2.3% per annum over the same period, a decline of 5.6% per annum in Goolwa and a slight increase of 0.7% per annum throughout Alexandrina.

Table 3.1: Median Vacant Land Price, 2009-2018

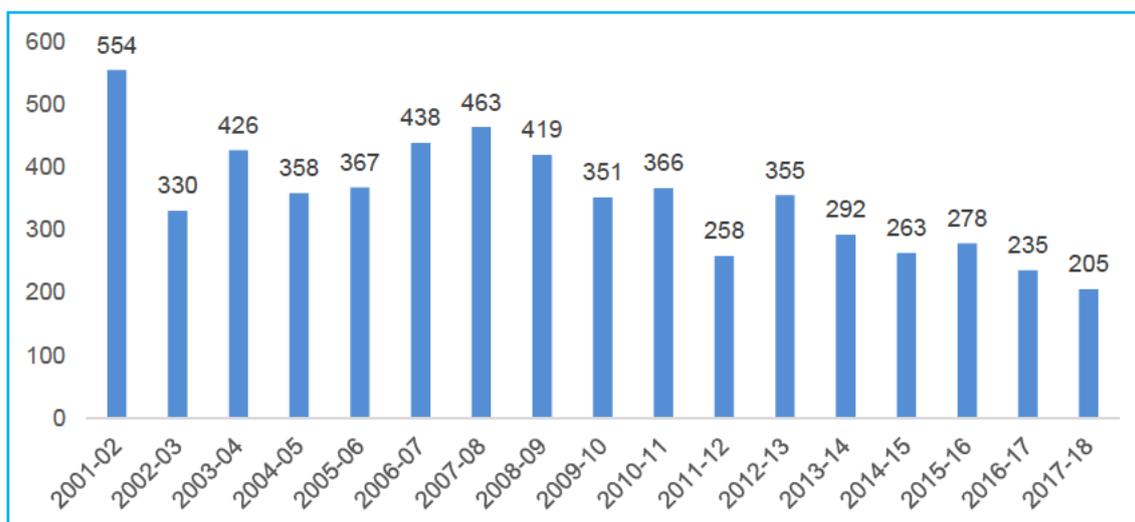
Year	Middleton	Port Elliot	Goolwa	Alexandrina Council
<u>2009</u>	\$157,000	\$182,500	\$145,000	\$131,500
<u>2010</u>	\$195,000	\$202,000	\$155,000	\$149,000
<u>2011</u>	\$173,750	\$270,000	\$150,000	\$155,000
<u>2012</u>	\$157,500	\$325,000	\$140,000	\$150,000
<u>2013</u>	\$155,000	\$230,000	\$215,000	\$145,000
<u>2014</u>	\$240,000	\$265,000	\$195,000	\$149,975
<u>2015</u>	\$261,250	\$305,500	\$190,000	\$147,500
<u>2016</u>	\$283,500	\$168,500	\$180,000	\$149,000
<u>2017</u>	\$320,000	\$175,000	\$260,000	\$154,000
<u>2018</u>	\$337,500	\$205,000	\$160,950	\$150,000
Av Annual Growth, 2009-18	8.9%	1.3%	1.2%	1.5%
Av Annual Growth, 2013-18	16.8%	-2.3%	-5.6%	0.7%
Variation from Alexandrina median	125%	37%	7%	0%

Source: PriceFinder

3.3. New Dwelling Building Approvals Trends

The number of new dwelling approvals in Alexandrina has declined consistently in recent years, from a high of 463 in 2007/8 to 205 in 2017/18, as shown in Figure 3.4.

Figure 3.4: New Dwelling Building Approvals, Alexandrina Council, 2001-02 to 2017-18



Source: ABS Building Approvals

At the local level, ABS building approvals data shows that between 2011/12 and 2016/17, new dwelling building approvals in the urban area of Middleton averaged 23 new dwellings a year, as shown below:

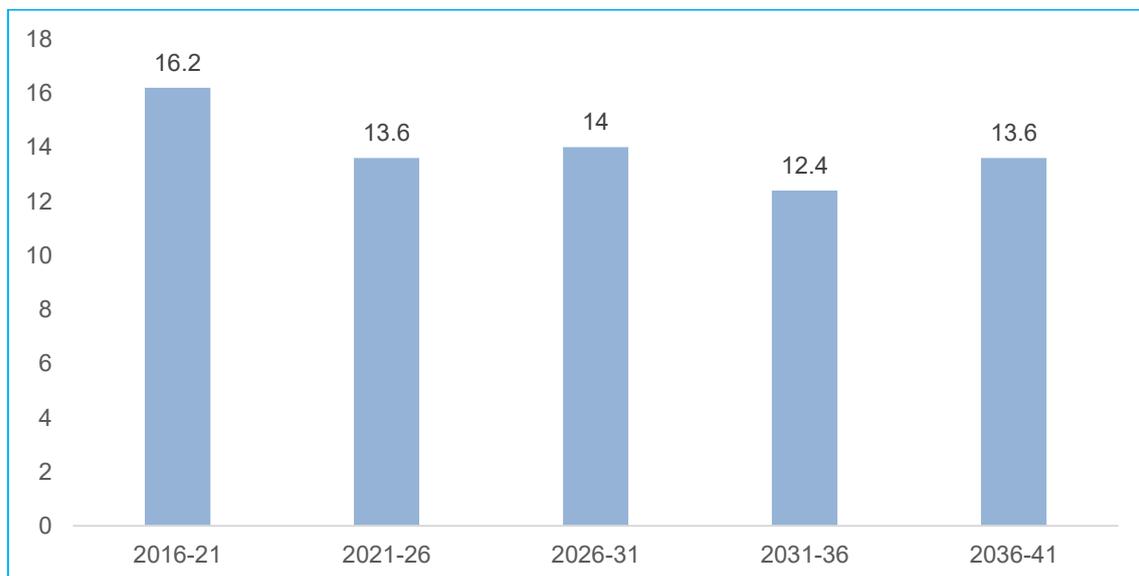
- 2011/12: 22 new dwelling approvals
- 2012/13: 23 new dwelling approvals
- 2013/14: 22 new dwelling approvals
- 2014/15: 23 new dwelling approvals
- 2015/16: 26 new dwelling approvals
- 2016/17: 21 new dwelling approvals.

3.4. Forecast Demand for Housing in Middleton

Forecasts prepared by id Consulting for Alexandrina Council indicate demand for new dwellings ranging from 12 to 16 dwellings a year over the 25-year period from 2016 to 2041, as shown in Figure 3.5. Over the 2016 to 2041 period, id Consulting forecast annual demand for 14 dwellings a year in Middleton and District.

These forecasts, however, do not account for the potential release of 150-250 lots at the subject land.

Figure 3.5: Forecast New Dwellings in Middleton and District, 2016-2041



Source: id Consulting

3.5. Supply of Residential Land in Middleton

Middleton is considered a relatively niche residential market, somewhat distinct from the residential offer provided in the larger townships of Goolwa and Victor Harbour. The key features of the Middleton residential market are its proximity to quality surf beaches, and a small-town atmosphere that is also within 10-minutes of facilities and services provided in larger towns and relatively large residential lots. In addition, due to the linear form of urban development along the coastline in Middleton, practically all houses are within walking distance of the beach. This situation is not necessarily the case in other towns on the Fleurieu Peninsula.

In this context, the supply of vacant lots on Middleton is a key consideration as Middleton performs an important role in providing a range of housing choice in the local and regional housing market.

Based on a review of the latest aerial photography (Nearmap, November 2018), a total of 78 vacant residential lots currently exist in the urban area of Middleton. However, not all of these lots are available to the market for development, with the likelihood of these lots being developed in the near future also unknown. For instance, some lots may be used as an extended yard for neighbouring lots, may be held for investment purposes, or may simply be part of the family-based long-term plans.

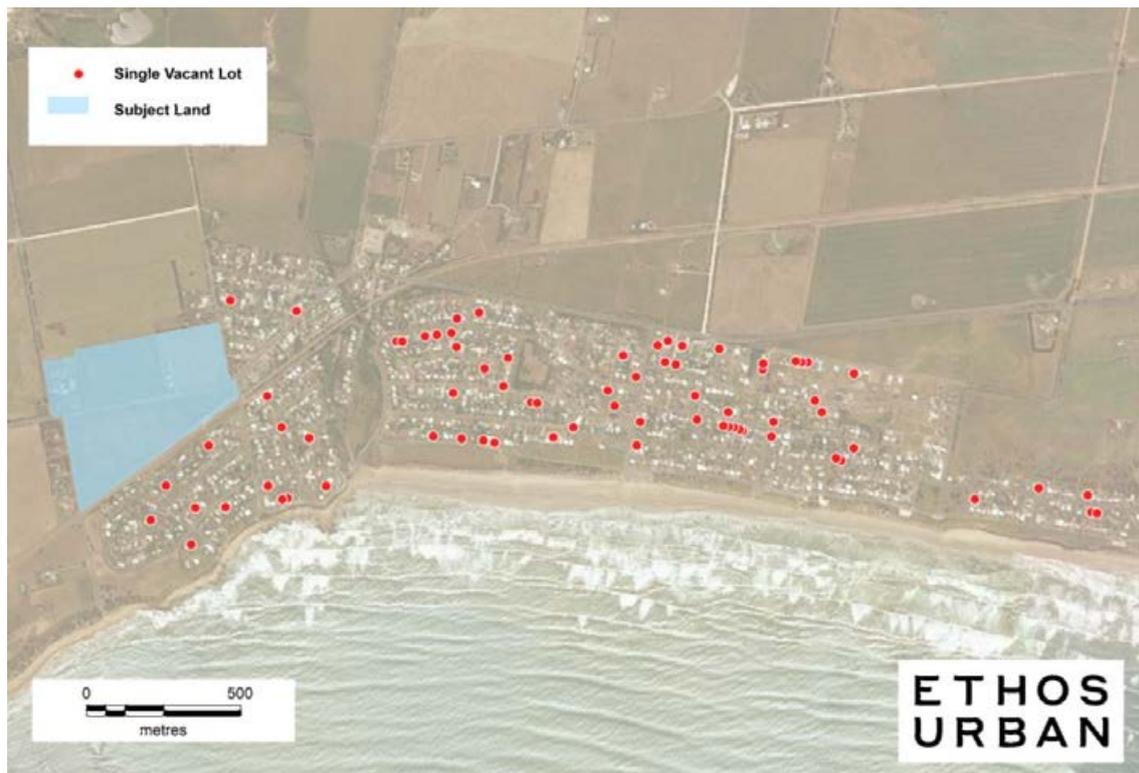
A review of www.realestate.com.au (10 April 2019) shows that only six vacant residential lots are currently for sale, providing limited opportunity for people seeking to live and invest in Middleton.

In addition to single vacant lots, vacant residential zoned land exists located to the east of Basham Beach Road. It is understood this land forms part of the Basham Beach Conservation Reserve and is unlikely to be developed for residential purposes in the future. Consequently, this land has not been included in this supply analysis.

Therefore, 78 vacant residential lots currently exist in Middleton, of which only 6 are for currently for sale and available for development.

Figure 3.6 shows the location of vacant residential lots in Middleton.

Figure 3.6: Middleton Residential Land Supply



Produced by Ethos Urban using MapInfo and Bing Maps

3.6. Future Residential Land Requirements

It is reasonable to assume demand for new residential dwellings in Middleton to be in the order of 20 to 30 dwellings a year, having regard for the following:

- An average of 29 vacant land sales between 2009 and 2013, when Middleton Shores was providing a supply of residential lots to the market.
- An average of 23 new dwelling building approvals a year between 2011/12 and 2016/17.

Forecasts prepared by id Consulting for Alexandrina Council indicate demand for new dwellings ranging from 12 to 16 dwellings a year over the next 25-years; however, these are considered conservative and do not take into consideration the potential release of new supply to the market (including, for example, the subject land). The forecasts prepared by id Consulting assumes the development of only 30 lots on the subject land.

Having regard for the supply of 78 vacant lots, the existing 'theoretical' supply of residential land in Middleton is sufficient to accommodate approximately three to four years of demand (figures rounded). The reality is, however, that the supply of vacant lots actually available to the market is unclear, with only six vacant lots currently for sale. At present, very limited opportunities exist in Middleton if someone was seeking to move to or construct a new dwelling.

Therefore, the subject land presents an opportunity to provide a supply of residential land to the market for those seeking the relaxed, coastal lifestyle that has become synonymous Middleton. Furthermore, the rezoning of the subject land to allow for 150 to 250 residential lots provides the opportunity to for more affordable housing in Middleton, noting the relatively high median house values in Middleton compared to the median for Alexandrina Council.

4. Retail and Commercial Considerations

This Chapter provides a high-level overview of the future opportunities for retail development at the subject land, and more broadly, in Middleton. The retail assessment takes into consideration the existing hierarchy of centres serving Middleton residents and visitors, the existing role and performance of retailing in Middleton, the residential catchment it serves, and the existing and future population growth within this catchment.

4.1. Middleton Retail and Town Centre Context

Middleton serves the role as a **small-town centre**, providing basic convenience retail and services to the immediate residential population and visitors.

As noted in Section 1.3, Middleton contains only 920m² of retail floorspace, which is largely convenience-based retailing such as a pharmacy, café, restaurant, bakery and hairdresser; along with an element of tourism-based retailing in the form of a chocolate shop, surf shop, art gallery and antiques. In addition, a medical centre, real estate agent, denture clinic, learn to surf operation, and the Middleton Tavern are also located in the township.

The retail and commercial operators in Middleton appear to be serving their roles as a small-town centre serving local residents and visitors, as evidenced by only one vacant tenancy. However, it is reasonable to state that Middleton lacks a traditional commercial 'heart' with retail and commercial operators dispersed along Port Elliot Road for a distance of 700m.

4.2. Town Centre Hierarchy in the Surrounding Region

Middleton residents and visitors travel to nearby towns to undertake the majority of their shopping and other town centre related activities. The most relevant town centres for Middleton residents and visitors are as follows:

- **Victor Harbour / Hayborough**: Victor Harbour is the regional centre serving the Fleurieu Peninsula with a range of retail, entertainment, health, education, civic and tourism facilities. Key retailers in Victor Harbour include Coles, Woolworths and Target. In addition, the development of a new Coles supermarket and Bunnings warehouse in Hayborough has contributed to the range of retailing provided in the region. Victor Harbour is an 11-minute drive from Middleton, while Hayborough is an 8-minute drive. ALDI is also located in Hayborough.
- **Goolwa**, is approximately a 7-minute drive from Middleton and provides a range of retail, dining, entertainment, civic and tourism facilities. In a retail sense, the Goolwa Shopping Centres includes a large Woolworths supermarket and a Foodland, while Cadell Street provides a range of speciality retailing.
- **Port Elliot**, is only a 3-minute drive to the west of Middleton and provides local convenience retailing, cafés and restaurants, and is a popular tourism location. A limited range IGA is located in Port Elliot.

Although only limited convenience retailing is provided in Middleton, residents and visitors have a relatively high level of access to other larger centres in the region, with both Goolwa and Victor Harbour located within (approximately) a 10-minute drive. This level of accessibility, along with the relatively limited population within Middleton will limit the extent of any future retail development in Middleton.

4.3. Middleton Retail Catchment

Having regard for the location of nearby centres and the lack of a key retail tenant, the retail catchment for Middleton is limited to the urban area of Middleton and the immediate surrounding catchment.

In this regard, the area identified by id Consulting as 'Middleton and District' represents a reasonable approximation of the retail catchment for retailers in Middleton, noting that the majority of the population in this area are located in the urban areas of Middleton. On the basis of population forecasts prepared by id Consulting, the resident population in Middleton will increase from approximately 1,500 persons in 2019 to 1,800 persons in 2041 (refer Table 2.2).

The id forecasts do not account for any significant development at the subject land. Preliminary analysis indicates potential for 150 to 250 lots at the subject land. For the purpose of this assessment, it assumed the development of 200 dwellings will occur (i.e. the midpoint between 150 and 250 dwellings). Assuming a (relatively high) occupancy rate of 50% at the subject land and an average household size of 2.2 persons, an additional 220 persons would be added to the retail catchment. Therefore, by 2041, potential exists for the retail catchment to increase to approximately 2,020 persons.

Figure 4.1: Middleton Retail Catchment



Source: id Consulting; Ethos Urban

4.4. Future Retail Opportunities in Middleton

The limited permanent residential catchment population, limited forecast residential growth (even allowing for 200 lots at the subject site), and the high level of access to nearby centres will limit the future retail opportunities at the subject and in Middleton more broadly.

The retail catchment population is not sufficient to support a major retail tenant that would typically anchor a significant retail development in the township. For instance, a full-line national-brand supermarket typically requires a catchment population in the order of 10,000 persons (dependent on site location, competition, etc); the forecast population of 2,020 person in 2041 is significantly below this benchmark. Consequently, the role of retailing in Middleton is likely to continue to be that of a small-town centre providing convenience retail to residents and visitors.

Throughout Australia each person supports approximately 2.2m² of retail floorspace per person. Therefore, the 1,500 persons currently living in the catchment support approximately 3,300m² of retail floorspace. The majority of the demand is provided in other centres such as Goolwa and Victor Harbour. Approximately 920m² of retail floorspace currently exists in Middleton which accounts for 28% of total demand.

Having regard for the forecast catchment population of 2,020 persons in 2041, these residents would support approximately 4,440m² of retail floorspace. Assuming Middleton continues to account for 28% of total retail demand, this equates to demand for approximately 1,140m² of retail floorspace locally, or an addition of +320m². The majority of this will be accounted for in the redevelopment of the Middleton General Store which will include a petrol station and café, or the within the existing commercial zone through the conversion of non-commercial uses.

Table 4.1 summarises the above analysis.

Table 4.1: Indicative Demand for Retail Floorspace in Middleton

Category	2019	2041	Change
Catchment population (persons)	1,500	2,020	+520
Supportable retail floorspace @ 2.2m ² per persons (m ²)	3,300	4,440	+1,140
Supported retail floorspace (m ²)	920	1,240	+320
Share of floorspace retained locally (%)	28%	28%	-

Source: Ethos Urban

As indicated above, growth in the permanent resident population in Middleton is unlikely to generate significant demand for new retail development. However, opportunities for retail and commercial development may eventuate through improving the tourism appeal of the town. Nearby Port Elliot is an example of tourism-led development within a small town.

Given the relatively limited demand for retail and commercial development in Middleton, there is unlikely to be a strong impetus for the development of a retail or commercial 'heart'. Instead, the opportunity may lie in incremental expansion of existing retail/commercial areas. Despite the issue of limited demand, the identification of a dedicated retail and commercial hub at the subject land may further fragment retail and commercial areas in Middleton.

4.5. Implications for the Subject Land

As indicated in Chapter 3, demand for residential development exists in Middleton and permitting residential development at the subject land will contribute to the housing choice in the region.

While the analysis would indicate limited opportunities may exist for retail and commercial development in Middleton, it may be prudent to allow some flexibility in the future zoning of the land should demand for such development eventuate in the future.

Should demand eventuate for retail or commercial development, it is likely to be tourism-focused. Apart from the natural attraction of the beaches, the Encounter Bikeway trail and limited tourism-related retail/commercial businesses, Middleton contains limited tourism-infrastructure. This is despite the township containing a popular caravan park and at least 179 homes listed for holiday rentals as of April 2019.

The Middleton railway station, on the Cockle Train tourist railway line, is located adjacent to the subject land and potential exists to leverage this asset for the purpose of some form of tourism development that would raise the profile of tourism in Middleton.

Furthermore, the lack of high-quality commercial accommodation is identified as an issue (and potential opportunity) in the *Alexandrina Economic Development Strategy, 2016-2022* and the subject land may present an opportunity for such development.

The stone building on the corner of Port Elliot Road and Ocean Road may present opportunities for tourism-related uses. The building is considered a 'gateway' site to Middleton and benefits from exposure to traffic passing along Port Elliot Road. In addition, it is in close proximity to the Middleton Station on the Cockle Train railway line. Potential for a range of tourism-related uses exists and these may include a café, restaurant or food-related tourism enterprise such as a brewery, distillery, provedore selling local produce, surfing museum, etc. The success of any business at the site will depend on the quality of the operator and their ability to capture the tourism market, as indicated above, the local catchment is not sufficient to sustain viable businesses in isolation.

Further to the above, the costs of redeveloping the building to meet the standards of a successful businesses and the potential rent that could be achieved need to also be considered. Both of these factors would need further investigation including identifying the preferred use and potentially the businesses that may operate from the site.

Having regard for the above and the likely long-term development timeframe associated with the subject land, it would be prudent to allow a level of flexibility in the future land use zone that would permit residential development along with retail, commercial and tourism-related development should demand eventuate in the future.

5. Implications for the Subject Land

The key implications regarding the future use and development of the subject land arising from the research, analysis and discussion presented in this report are as follows:

- 1 Vacant residential land in Middleton available for development is largely exhausted. At present, 78 vacant residential lots exist, with only 6 lots currently listed for sale.
- 2 Assuming a supply of land is available, it is reasonable to expect residential land sales and development to be in the order of 20-30 lots a year. Based on this rate of development, only a three to four year 'theoretical' supply currently exists. In reality, only six lots are currently available for anyone seeking to move to or construct a dwelling in Middleton.
- 3 Allowing for the development of 150 to 250 residential lots at the subject site would provide an additional 5 to 12.5-year supply of residential and in Middleton.
- 4 Allowing for residential development to occur at the subject land will add to the housing choice in the region, provide an opportunity for the future growth of Middleton and potentially contribute to housing affordability in Middleton - noting the comparatively high median house prices compared to other locations.
- 5 A limited retail catchment population and limited opportunities for population growth mean retail and commercial uses in Middleton are likely to continue to reflect that of a small-town centre.
- 6 Any future retail or commercial development is likely to be driven by an increased tourism profile in Middleton.
- 7 Potential may exist for the subject land to accommodate limited tourism-related retail or commercial uses and these may be focussed around the Middleton Station on the Cockle Train railway line, or through the re-use of the stone building located at the intersection of Port Elliot Road and Ocean Road (subject to costs associated with the redevelopment of the building and finding an appropriate use and operators). However, it should be noted that retail/commercial development at the subject land has the potential to further fragment commercial uses in Middleton.
- 8 Having regard for the above, it would be prudent for the future zone of the land to allow for residential development. Furthermore, the zone should allow for a level of flexibility noting that the development of the land is likely to be a longer-term proposition and potential may eventuate for tourism-related retail or commercial development.

Form Information

Site Name PlanSA

Site Id 578867

Page Request to vary Environment and Food Production Area boundaries

Standard

Name

Page 823328

Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries

Submission 882051

Id

Submission 06 Aug 2021 4:55 pm

Time

Submission [REDACTED]

IP Address

Contact and land details

Your Name and contact details

Name: Andrew Cronin

Postal Address: 194 Daws Rd, Daw Park

Phone Number: [REDACTED]

Mobile Number: [REDACTED]

Email: [REDACTED]

Subject land details

Street

Address (or

rural

property address, if

relevant):

Allotment

ID: See attached

Owners: The Executors of the estate of E Humzy

Requested variation details

Details of requested variation: Known anomaly - existing site is not productive land. It is subject to a current application for land division broadly supported by Council and under assessment. The land is surrounded by hobby farm lots and the EFPA from the subject site is logical.

Additional supporting information: See attached

Supporting document: 312.102.19_PLANNING_STATEMENT_Revised_4.2.2021_Lot_100_Gawler_Road_LEWISTON.pdf application/pdf, 2.3 MB

Map of requested variation

Map or diagram to support submission: 312.102.19_Unique_ID_62630_Lt_100_Gawler_Road_LEWISTON_Page_2_Rev_J_12_Lot_Option_type application/pdf, 562.3 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period?: Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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PLANNING STATEMENT

February 4, 2021

Development Application reference: 312/102/19

SCAP reference: 312/D024/19

Relevant Council area: Adelaide Plains Council (formerly Mallala)

Date Lodged: 21/3/19

Attention: George Jacks
Planning Officer
Adelaide Plains Council
PO Box 18
MALLALA SA 5502

NATURE OF DEVELOPMENT: Division of land creating 11 Torrens Titled allotments and vesting land in Council for road reserve, open space with detention swales with associated excavation and fill within a floodplain greater than 9 cubic metres, creating allotments less than 40 hectares in size within a medium/high flood risk area

SUBJECT SITE OF DEVELOPMENT

Street Address Lot 100 Gawler Road LEWISTON
5501

Legal Description Lot 100 FP 142504 CT Volume
5579 Folio 847

Applicant The executors of the estate of S
Humzy

Zone Animal Husbandry Zone

Policy Area Not Applicable

INTRODUCTION, SITE & LOCALITY

This Statement is provided in relation to an application to create eleven (11) allotments from one existing allotment and vest land in Council for road reserve and open space with stormwater detention basins on vacant land at Lot 100 Gawler Road, Lewiston.

The subject land currently comprises a single Torrens titled allotment and contains no existing built form or notable vegetation. It is located entirely within the Animal Husbandry Zone of the Mallala Development Plan consolidated 13 December 2018, which still retains the name of the former Council name. The relevant maps for the purposes of Location, Zone, Policy Area, Transport and Development Constraints attributes of the site and locality are contained in Maps Mal/11.

The subject site is legally described as Allotment 100 in Deposited Plan 24982 contained in Certificate of Title Register Book Volume 5242 Folio 92. There are no easements or encumbrances on the subject parcel of land. The land is a Torrens Titled, somewhat irregular parcel of land of approximately 152000 square metres (m²) in total area (or 15.2

hectares (ha)) and has only narrow frontages of marginally greater than 25 metres (m) to Gawler Road (north), 15m to Bethesda Road (west) and likewise around 15m at the culmination of Jane Crescent (south).

The balance of the site is a large, almost rectangular piece of land but for a corner removed from the south-west, with approximate dimensions of 375m north to south, and 428m east to west.

The site is surrounded by much smaller, hobby farm type allotments of around 1 hectare or smaller, generally accommodating low density residential development, shedding, aviaries, shade- and glasshouses, kennels and some 'low-impact' animal keeping, and horse keeping. Most of the immediately adjacent allotments were created in the late 1980s by the same family that own the subject site, and the subject site was to be the last stage of a comprehensive land division at the time, which was thwarted by a change in planning policy that occurred following a major flood event at the time.

A more comprehensive description of the subject site and locality, together with history of the site, is contained in the Statement of Support, previously submitted dated 2 November 2020, as amended. However, a selection of site and locality photographs are provided as follows.



Gawler Road / Bethesda Road intersection (view west)



Gawler Road frontage to site & adjacent allotment



Gawler Road approach to Bethesda Rd intersection (view west)



Gawler Road frontage to site



Jane Crescent – southern end of site (view south)



End of Jane Crescent – southern end of site (view east)



Internal dirt road within subject site



Western boundary of the site – properties facing Bethesda Rd on LHS of picture



South-western boundary of the site – properties facing Bethesda Rd on LHS of picture

PROCEDURAL MATTERS / ASSESSMENT PATHWAY

Within the Procedural Matters of the Animal Husbandry Zone of the Council Development Plan at the time of lodgement the following is listed as non-complying development:

Form of development	Exceptions
Filling and/or excavation of land within the High Flood Hazard Risk Area , as shown on <i>Overlay Maps – Development Constraints</i>	Except where it is a direct consequence of and is necessary for building work or where it facilitates the provision of public infrastructure for flood mitigation or flood management purposes.
Land Division	Except where (a) or (b) is satisfied: (a) the land division is required for facilitating the provision of public infrastructure for flood mitigation or flood management purposes (b) the land division results in: (i) the creation of an allotment or allotments of 40 hectares or more in size <u>wholly</u> located within the Medium or High Flood Hazard Risk Areas , as shown on <i>Overlay Maps – Development Constraints</i> (ii) in all other cases, results in the creation of an allotment or allotments of 1 hectare or more

While the land is currently partly within the Medium and High Risk flood hazard risk areas as identified, the allotments being created are all over 1 hectare in total area, and there are no longer any allotments that are wholly within the medium/high risk areas, in the revised land division version as proposed 2 November 2020.

The revised Land Division plan depicts Allotment 58 and 59 *almost* entirely within areas that are subject to the above **Medium or High Flood Hazard Risk Areas** but critically, for procedural purposes, not wholly, noting however that Council mapping is not entirely lining up with the cadastral boundaries of the allotment so the land division plan was overlaid to the most consistent northern and eastern boundaries as shown in the Council flood mapping.

The far top, north-eastern corner of Allotment 59 on the southern side of the proposed road is within the Low Flood Risk Area, and the bottom south-eastern corner of Allotment 58. Similarly, Allotments 55 and 57 are mostly within the Medium flood risk area but have a small part within the “low” risk area as delineated on Mal/11 Hazards Map, which has been overlaid in the Land Division Plan through scaling the map to the drawing. The zoomed in element of the land division plan is shown as follows, with the light blue areas representing the “low” risk flood affected areas:



Extract: Mal/11 – Development Constraints overlaid on Land Division Plan

Turning to the other point regarding excavation and fill listed in the Procedural Matters, the land division requires, by its very nature a degree of excavation and filling within the designated “High” flood risk areas. The building pads nominated by the consulting engineer are considered to be a direct consequence and necessary for building work, despite the fact the future dwellings will be subject to separate applications. The fill for building pads is outside of the High flood risk areas.

However, it is the “cut” within the High flood risk areas that has the potential to assign a non-complying assessment pathway. In this case however, the areas required for excavation are designated for flood mitigation and/or public infrastructure. This includes stormwater detention basins and other cut within the reserve area for pipes and generally to allow for greater detention volume in this area during a major event to protect downstream properties from increased risk of inundation from present levels. The other element is the roadway, which will include mostly cut but potentially minor fill also within the High flood risk area. As this is public infrastructure, being vested in Council, again the earthworks themselves would not be a “non-complying” trigger.

The excavation and filling of land greater than 9 cubic metres in or in “any zone or area shown as being subject to flooding or inundation in the relevant Development Plan or similar” is development in its own right pursuant to Schedule 2, Part (1) Clause 3 of the *Development Regulations 2008* (hereafter ‘the Regulations’) and is therefore reflected in the description of the nature of development and some discussion is therefore allocated to this element in the body of this Statement.

The exact amount of cut and fill required is difficult to determine until a detailed contour survey is undertaken but nonetheless, is proposed as part of the development as the allotments are intended to be made “shovel-ready” for potential purchasers to ensure that they present as an attractive option to the market.

As the exact amount of cut and fill is not able to be determined without a significant amount of investigation and a further, more detailed site-works and drainage design for the site it is respectfully requested that this element be reserved for further assessment pursuant to Section 33(3) of the Development Act 1993, (hereafter ‘the Act’), with the balance of the application being assessed and determined.

This will save the applicant having to invest the time and provide a significant financial commitment in undertaking this work when there is no certainty on a favourable decision on the land division. The proponents have no reservation in engaging the appropriate expertise and committing to the works at a future time when (if) the merits of the land division have been determined favourably, and furthermore it is anticipated that the detailed programme of siteworks would also be reflected in the Council Statement of Requirements, thus providing Council with surety in two ways.

Given the aforementioned explanations regarding the nature of the land division and earthworks, we submit respectfully that the application is now to be assessed on planning merit against the Development plan provisions in accordance with Section 33(1) of the Act, rather than as a non-complying form of development.

Furthermore, Council has already acknowledged that:

“Fundamentally, the proposal is in keeping with the provisions of the development plan. ...”

Given the above, in other words, the development could be said to be of a kind that could comprise:

The division of land (including for the construction of a road or thoroughfare) where the land is to be used for a purpose which is, in the opinion of the relevant authority, consistent with the objective of the zone or area under the relevant Development Plan, other than where the division will, in the opinion of the relevant authority, change the nature or function of an existing road.

(emphasis added)

it is respectfully submitted the allotments proposed will be for a purpose consistent with the objectives of the Animal Husbandry Zone, and therefore that the development is for a land division that is a Category 1 form of development in accordance with Schedule 9, Part 1, (5) of the *Development Regulations 2008*. It is noted that the above clause in the Regulations applies to land divisions irrespective of whether they are assigned a non-complying assessment pathway. Jane Crescent will probably experience and increase in traffic of around 40 vehicle movements per day but the road is more than capable of accommodating such a minor increase. The land division does not serve to create a thoroughfare for non-local traffic so it is considered that the proposal does not change the function of the road as a local street to, for example, a distributor. It will remain as a local street used by local traffic.

APPLICATION HISTORY

- 21/3/19 - The application was lodged on EDALA prior to the moratorium on prohibiting new residential allotments within Designated Environmental, Food Protection Areas came into effect (which occurred 1/4/2019).
- 1/4/2019 – the Environment Food Protection Areas (EFPA) came into effect prohibiting further land division for residential purposes in designated areas affected by the EFPA. The application had been lodged prior to this and therefore is to be considered in a normal “merits based” assessment against the Development Plan, whether or not the application is non-complying.
- The application was lodged initially as a 14 lot Torrens titled sub-division with roadway to be vested in Council, with a number of allotments proposed entirely in the Medium and High flood risk areas, and below 40 Ha in size, which assigned a non-complying assessment pathway.
- 15 November 2019 - the applicant received a Council request for information and amended plan of division to address a number of issues.
- November 2019-July 2020 – numerous different land division options were tested and modelled for flood impact and by June, and approximately the 7th amended plan through internal investigations, an option that seemed to provide appropriate outcomes for flood risk had been developed
- 10 August 2020 – Discussion with new Asset Engineer followed by email requesting comments prior to formal resubmission on a draft amended scheme
- 18 August 2020 – Email from new Planning Officer assigned the application advising that he was now assessing the file but wanted to know where the application was up to as he was unaware that the applicant had contacted Council's Asset Engineer directly.

- 9 September 2020 – The applicant received email correspondence from Council's Asset Engineer stating:

Thanks for time in discussion the other day. I confirm that the existing lot layout and road configuration is generally acceptable to I&E, but I would make the following comments:-

- Council would prefer the land shown as reserve to form part of the allotments with easements as required for drainage channels and detention basin/s.
- The access road off Bethesda Rd will need to accommodate a crossing (either pipes or culverts, with headwalls) of the deep swale on the eastern side of Bethesda Rd. The size of the corner cut-offs should be sufficient to accommodate this infrastructure, together with the roadway and sight distances, but this will need to be verified.
- The sag in the new road is preferred over a raised road with pipes or culverts and headwalls.
- A stormwater allowance should be made for the last 40-50 m of the existing portion of Jane Cr, as this area currently discharges stormwater into the subject site.
- Council's recently adopted standard details require that the new portion of Jane Cr will need to be min 7.5m wide asphalt carriageway with kerbs either side (edge beams in the sag).
- Street lighting may be required throughout the development, but at a minimum lighting will be required at the entrance off Bethesda Rd, the 90-deg bend and the junction within the development.
- Street trees and verge treatments can be confirmed later, but at least one street tree per allotment and a native grass hydroseeding is the general requirement.

Hopefully this gives you enough confidence in the layout to proceed with the stormwater and floodplain modelling.

- September - November 2020 – Application amendments undertaken to address the technical requirements of the Council Infrastructure and Assets Section, including reduced area of open space to be vested in Council (approximately halved), and roadway adjusted to create a "sag" in the continuation of Jane Crescent as required *(nominated indicatively on the LD Plan). The amended plan was further modelled for flood assessment as well as stormwater management and a report was prepared by Water Technology Consulting Engineers on this basis.

- 2 November 2020 – Application amendments submitted including Amended Plan of Division, Planning Statement of Support as well as Flood Management and Preliminary Stormwater Management Assessment by Water Technology (using modelling based on rainfall data, tanks meeting APC technical design requirements, Minister's Code for development in Bushfire Prone Environments, and roof cover of 250m² directed entirely to retention tanks with overflow)
- 21 December 2020 – Council Planning Officer advised of formal resolution to proceed with the assessment of the application pursuant to Regulation 17(4) of the Regulations (noting that the applicant at the time had not become aware that the changes to the plans had potentially altered the assessment pathway).
- 5 February 2021 – Resubmission with further amendments and details herein.

RELEVANT PROVISIONS OF THE DEVELOPMENT PLAN

The following provisions and maps from the Mallala Council Development Plan at the time of lodgement are considered to be most relevant for the assessment of the proposed development.

General Section

Hazards

Objectives: 1,5,6

Principles: 2, 3, 4, 5, 6, 7, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24

Infrastructure

Objectives: 1, 3

Principles: 1, 2, 3, 4, 5, 8, 10

Interface between Land Uses

Objectives: 1, 3

Principles: 1, 5

Land Division

Objectives: 1, 2, 3, 4, 5

Principles: 1, 2, 5, 6, 7, 13, 14, 16, 18, 19

Orderly and Sustainable Development

Objectives: 1, 3, 4

Principles: 1,2,3

Open Space and Recreation

Objectives: 1, 2, 3, 4

Principles: 1, 2, 3, 7, 8

Transportation and Access

Objectives: 2

Principles: 25, 26, 27, 28, 32

Waste

Objectives: 2

Principles: 1, 2, 4, 8

Animal Husbandry Zone

Objectives: 1, 2, 3

Principles: 1, 2, 4, 6, 16

Procedural Matters

Maps Mal/11, BPA Map Mal/1, Mal/14

ASSESSMENT AGAINST THE DEVELOPMENT PLAN

An assessment of the proposed development against the relevant provisions of the Development Plan has been undertaken and is summarized under the headings below.

2.1 Land Use & Desired Character

Objective 1 A zone for rural living including small-scale farming, horse keeping and dog kennelling, but excluding other forms of intensive animal keeping.

Objective 2 Minimisation of risks to safety and property of flooding from the Gawler River.

Objective 3 Development that contributes to the desired character of the zone.

PDC 1 The following forms of development are envisaged in the zone:

- *detached dwelling*
- *detached dwelling addition*
- *domestic outbuilding in association with a dwelling*
- *domestic structure*
- *horse keeping*

- intensive animal keeping in the form of dog kennels
- outbuilding

PDC 2 Development should not be undertaken unless it is consistent with the desired character for the policy area.

PDC 6 Dwellings should be designed within the following parameters:

Parameter	Value
Minimum setback from primary road frontage	15 metres plus one additional metre for every additional 500 millimetres above the 3 metres wall height measured from natural ground level
Minimum setback from secondary road frontage	8 metres plus one additional metre for every additional 500 millimetres above the 3 metres wall height measured from natural ground level
Minimum setback from side boundaries	5 metres plus one additional metre for every additional 500 millimetres above the 3 metres wall height measured from natural ground level
Minimum setback from rear boundary	20 metres
Maximum building height (from natural ground level)	2 storeys

The Animal Husbandry Zone (Zone) Desired Character Statement envisages:

"...detached dwellings on large allotments and intensive animal husbandry pursuits, including horse keeping and dog kennelling. Small scale, low impact home based business activities associated with a dwelling on the land will operate in a manner that does not detract from the lowkey rural character or adversely impact on the residential amenity."

...

The zone will be developed in a way that minimises potential amenity impacts on sensitive land uses through the use of appropriate buffers. Development will be low density, with

buildings and other structures clustered on each allotment, generously setback from all boundaries. The open rural character of the area will be maintained, with open informal street treatments and predominantly post wire fencing along allotment boundaries. Development within the Gawler River Flood Plain as shown on the relevant Overlay Maps - Development Constraints will be designed to minimise the effects of flooding on the property and surrounding area."

Generally, the provisions seek to ensure that allotments are sufficiently sized and proportioned to provide for future low-density dwellings sited in a manner that is consistent with the setbacks espoused, with associated sheds and other structures that may be used for various types of lower intensity animal keeping. This is supported by provisions seeking protection from encroachment of incompatible land uses and the acknowledgement that some uses in the Animal Husbandry Zone are not conducive to the typical level of residential amenity potentially enjoyed in a more specific "rural living" area.

Accordingly, land division is limited to creating allotments that are of a size and dimension that allows for dwellings to be appropriately setback from boundaries, able to be screened with vegetation and land being of sufficient size to accommodate the animal husbandry pursuits desired in the Zone, with the appropriate enclosures.

Principle of Development Control (PDC) 16 states:

- 16** Land division should create allotments with:
- (a) an area of not less than 1 hectare (10 000 square metres)
 - (b) a minimum frontage to a public road of not less than 50 metres.

The provisions of Zone are additional to those within the Gawler River floodplain, with specific provisions in the General, Hazards to cater specifically for development affected by the floodplain. This is discussed later in the report.

As the Procedural Matters of the Zone assign any development comprises the division of land creating allotments wholly within the medium and high risk flood areas (as delineated on Maps Mal/11 – Development Constraints) such land division is "generally inappropriate" in accordance with PDC 2 of the Zone.

As outlined earlier, the land division as revised creates 11 allotments for residential low-density purposes, none of which are located entirely in the medium and high-level flood risk areas.

Furthermore, the amount of excavation in the lower parts of the site for flood mitigation purposes and provision of elevated "pads" to build houses on that will be elevated above the flood level in a AEP1% event means that the true flood risk associated with the new allotments is reduced due to compensatory earthworks, which form part of the

development.

Each of the allotments are 1Ha or above in area and each has a frontage of not less than 50 metres to a public road as proposed, meeting the terms of PDC 16 of the Zone. Furthermore, allotments are provided with an appropriate alignment and dimension together with areas that post-development will, at the least, be in a truly “low” flood risk scenario.

2.2 Land Division

- Objective 1* **Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.**
- Objective 2* **Land division that creates allotments appropriate for the intended use. ‘**
- Objective 3* **Land division layout that is optimal for energy efficient building orientation.**
- Objective 4* **Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.**
- Objective 5* **Land division restricted in rural areas to ensure the efficient use of rural land for primary production and avoidance of uneconomic infrastructure provision.**
- PDC 5* **The design of a land division should incorporate:**
- (a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities**
 - (b) new road and allotment access points providing appropriate separation distances from existing road junctions or level crossings**
 - (c) safe and convenient access from each allotment to an existing or proposed road or thoroughfare**
 - (d) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones**
 - (e) suitable land set aside for useable local open space**
 - (f) public utility services within road reserves and where necessary within dedicated easements**
 - (g) the preservation of significant natural, cultural or landscape features including State and local heritage places**
 - (h) protection for existing vegetation and drainage lines**
 - (i) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development**

- (j) the preservation of significant trees**
- PDC 6** **Land division should result in allotments of a size suitable for their intended use.**
- PDC 10** **Allotments should have an orientation, size and configuration to encourage development that:**
- (a) minimises the need for earthworks and retaining walls**
 - (b) maintains natural drainage systems**
 - (c) faces abutting streets and open spaces**
 - (d) does not require the removal of native vegetation to facilitate that development**
 - (e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.**
- PDC 13** **The layout of a land division should keep flood-prone land free from**

The General Section of the Development Plan provides "Land Division" provisions that provide the broader planning policy direction in respect of the desired forms of land division and outcomes sought in a general sense. More specific provisions are at Zone and Policy Area level where applicable.

In the Animal Husbandry Zone, a minimum allotment size of 1Ha and frontage of 50m is envisaged by PDC 16. Furthermore, each of the allotments are proposed in a manner that enables future dwellings to be constructed in a manner that meets or exceeds the minimum setbacks sought by the Zone-specific policy in PDC 6. This is self-evident when reviewing the position of the indicative buildings and elevated "building pad" areas in relation to future allotment boundaries.

All 11 allotments proposed are more or less entirely north-south aligned ensuring that there are energy efficient building options available for each of the proposed allotments.

As desired by PDC 5 of the Land Division provisions, there is provision for new roads to facilitate direct access to each allotment and, as discussed under *Development Constraints*, the road access to each site is able to be provided in a manner that does not create allotments that are isolated in the event of a major flood.

Emergency access and egress is provided to Bethesda Road from all of the proposed allotments and a secondary point of access is available from the continuation of Jane Crescent at the southern end of the land division. The sag in the continuation of Jane Crescent performs an important function in ensuring the flood path of water in a major 1%AEP event are not unduly impeded and do not create a "damming" situation that then creates greater risk to adjacent property once breached.

The new access points to the site are not in conflict with major roads or level crossings

and the fact that the existing access to Gawler Road is to be discontinued ensures that the land division does not create unsafe access arrangements to a high-speed Class B road.

The Land Division provisions envisage that suitable local open space is provided (PDC 5(e)), and the proposed development provides for around 1.7Ha of public open space that links to other areas of open space near the site.

The land division is able to occur in a manner with minimal to nil disturbance of remnant native vegetation and the alignment of the proposed road and the provision of utilities of each allotment will provide for orderly and efficient use of each of the future allotments, in a manner that accords with the Desired Character of the Zone.

2.3 Vehicular Access and Parking

Objective 2 **Development that:**

- (a) provides safe and efficient movement for all motorised and non-motorised transport modes**
- (b) ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles**
- (c) provides off street parking**
- (d) is appropriately located so that it supports and makes best use of existing transport facilities and networks.**

PDC 25 *Development should have direct access from an all weather public road.*

PDC 26 **Development should be provided with safe and convenient access which:**

- (a) avoids unreasonable interference with the flow of traffic on adjoining roads**
- (b) provides appropriate separation distances from existing roads or level crossings**
- (c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision**
- (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.**

PDC 27 **Development should not restrict access to publicly owned land such as recreation areas.**

The proposed development comprises 11 allotments for “hobby farm” type tenure with access to each allotment available by an all-weather sealed road that importantly is able to provide safe and convenient access for the largest anticipated mode of transport to each allotment and not in a manner that is restricted in a 1 in 100Yr ARI event, generally achieving the outcomes sought by Objective 2 of Transportation and

Access. This includes the radii of corners on the proposed road being in a manner that will allow heavy vehicle access including that of a fire appliance when necessary.

The road reserve width proposed of over 15 metres allows for sufficient space for the necessary lane widths for a dual carriageway road, with sealed shoulder and drainage infrastructure that will be able to meet the Council Asset Services requirements. The detailed design of the roadway will come later in the process through the Statement of Requirements, and will be undertaken in a manner that adheres strictly to Council technical standards.

Allotments are laid out in a manner that ensures that dwellings and building pads are located in the low flood risk areas generally and where any future dwelling is located in the medium risk area at present the level of the building pads will be elevated outside of this level *(by increase in the level on which future habitable buildings are built approximately 600mm or slightly more) and the use of compensatory cut within lower areas of the site will ensure that the rise of these building pads does not create undue downstream risk to adjoining or nearby property.

The layout of the land division provides for a narrow public access from the end of Jane Crescent to wider reserve areas proposed in the land division, that are also connected to the existing reserve area north-west of the subject site. These linkages, rather than restrict access to public reserve, promote and serve to enhance the use of existing and proposed public reserve, through a network of linked areas of open space, making walking in the locality attractive for recreational purposes.

While the current allotment 100 has access to Gawler Rd, a 100km/h speed limited Class B road, the proposed land division provides for all access via new public road and connected to existing access points to local roads instead, therefore limiting the potentially unsafe traffic movements from or to the site from Gawler Road.

2.4 Development Constraints

Objective 2 **Development located away from areas that are vulnerable to, and cannot be adequately and effectively protected from the risk of natural hazards.**

Objective 4 **Development located and designed to minimise the risks to safety and property from flooding.**

Objective 5 **Protection of life and property from the effects of flooding by:**
(a) the prevention of development which could cause a potential hazard in the event of a major flood
(b) development within any of the Flood Hazard Risk Areas, as shown on Overlay Maps – Development Constraints which minimises impedance to the flow of floodwaters.

- Objective 6** *Development located to minimise the threat and impact of bushfires on life and property.*
- PDC 1** *Development should be excluded from areas that are vulnerable to, and cannot be adequately and effectively protected from, the risk of hazards.*
- PDC 2** *Development located on land subject to hazards as shown on the Overlay Maps - Development Constraints should not occur unless it is sited, designed and undertaken with appropriate precautions being taken against the relevant hazards.*
- PDC 3** *There should not be any significant interference with natural processes in order to reduce the exposure of development to the risk of natural hazards.*
- PDC 6** *Within the Flood Hazard Risk Areas, as shown on the Overlay Maps – Development Constraints:*
- (a) the finished floor level for dwellings, buildings for the keeping of animals, and gully traps should be a minimum of 300 millimetres above the height of a 1-in-100 year average return interval flood event of the Gawler River or Light River or natural surface level, whichever is greater*
 - (b) the finished floor level for outbuildings should be a minimum of 150 millimetres above the height of a 1-in-100 year average return interval flood event of the Gawler River or Light River or natural surface level, whichever is greater*
 - (c) allotments should contain sufficient area to accommodate the uses for which the land is intended*
 - (d) filling for purposes ancillary to or associated with an approved use of land should be to a maximum of 100 millimetres above natural ground level*
 - (e) filling required to raise the finished floor level of a building should not extend more than 10 metres beyond the external walls of that building*
 - (f) driveways should be:*
 - (i) filled to a maximum of 100 millimetres above natural ground level*
 - (ii) no more than 5 metres wide.*
- PDC 7** *Development, including earthworks associated with development, should not do any of the following:*
- (a) impede the flow of floodwaters through the land or other surrounding land*
 - (b) increase the potential hazard risk to public safety of persons during a flood event*
 - (c) aggravate the potential for erosion or siltation or lead to the destruction of vegetation during a flood*
 - (d) cause any adverse effect on the floodway function*
 - (e) increase the risk of flooding of other land*
 - (f) obstruct a watercourse.*

- PDC 18** **Land division should:**
- (a) not result in additional allotments created wholly within the Medium and High Flood Hazard Risk Areas**
 - (b) provide public access to the banks of the river in the form of a reserve or easement necessary for public utility services or to facilitate the construction of flood protection works associated with a regional flood mitigation scheme.**

- PDC 28** **Where land division does occur it should be designed to:**
- (a) minimise the danger to residents, other occupants of buildings and fire fighting personnel**
 - (b) minimise the extent of damage to buildings and other property during a bushfire**
 - (c) ensure each allotment contains a suitable building site that is located away from vegetation that would pose an unacceptable risk in the event of bushfire**
 - (d) ensure provision of a fire hazard separation zone isolating residential allotments from areas that pose an unacceptable bushfire risk by containing the allotments within a perimeter road or through other means that achieve an adequate separation.**

The site has sat dormant for a long period of time. It has not been used for animal husbandry or productive agricultural use. It is mostly devoid of substantial areas of vegetation, with the exception of a pocket of vegetation towards the southern end, and vegetated areas within the narrow strips of land that were earmarked for future access.

The site can be seen on the Mal/11 Hazards Map and it is affected by the Gawler River floodplain, and deemed to be partially within the high flood risk area, and mostly within the medium flood risk area. The most affected part of the site is on the southern and western side and this reflects the contour of the site, which has a natural fall that is predominantly north-east to south west. The overlay of the site within the Hazards map can be seen on the following page.

The land division consists of creating 11 Torrens Titled allotments with frontage to what would be an extension of Jane Crescent, which is proposed as a 15m wide road reserve traversing the site and culminating in the north-western corner where the existing 'battle-axe' handle of land extends to Bethesda Road, some 150m south of the junction with Gawler Road. The road proposed would be a public road, with the land to be vested in Council.

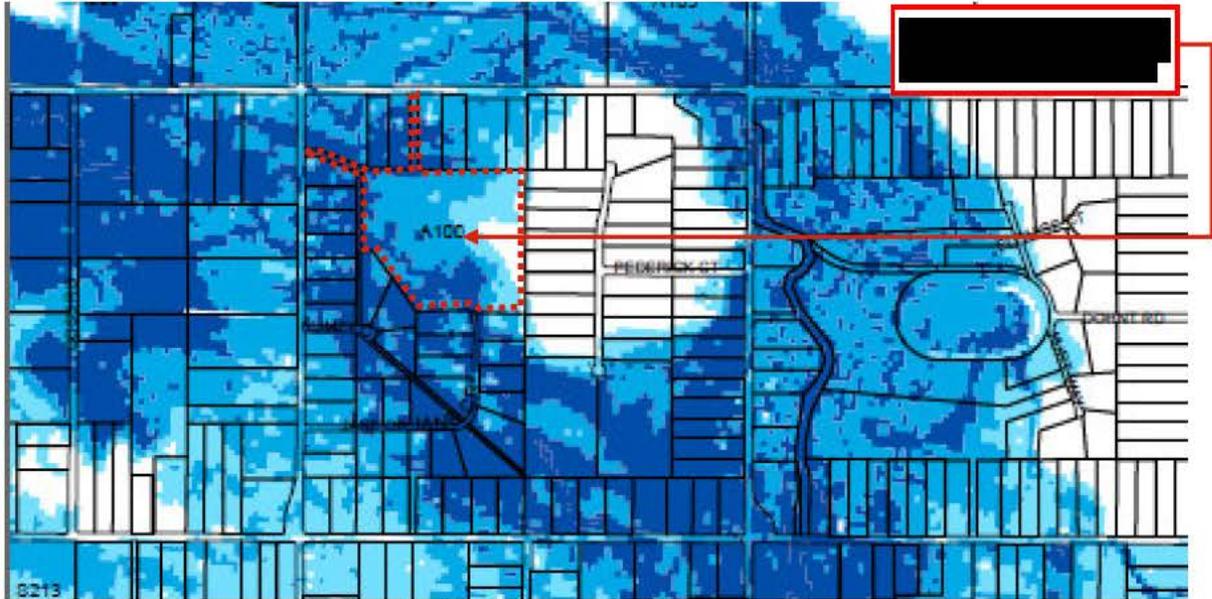


Figure 2: Development Plan Map Mal/11 Development Constraints – extract

The Mallala Development Plan shows the site to be subject to inundation in a major event, however there has been recent flood mitigation work undertaken in the Gawler River catchment. It is believed that the mitigation works alleviate the potential for the locality to be flooded events up to 1 in 20 Year (5% AEP), and that would substantially improve the flood risk for the site for flood events up to and including this size, but for any larger, less frequent flood event, including 1 in 100Yr (1% AEP) events, the flood control dam in the works undertaken will spill over and therefore mitigation works do not provide a great deal of benefit in alleviating flood risk downstream in these major events. None of the allotments proposed are to be located wholly in the medium or high risk inundation areas in a 1 in 100Yr event thereby minimising any potential flood risk for future occupants.

Water Technology, who have previously undertaken work in the area including catchment studies, have been engaged for the project and through the last 8 months various iterations of the plan have been modelled for flood assessment purposes. Through this design process, there has been remodelling of various options and the design and layout is now at a point that, firstly on site flood impacts have been deemed acceptable insofar as future building pads being able to be located above the 1% AEP flood level, while there is also safe access and egress from the sites in such an event, and furthermore the results of the latest flood modelling depict minimal downstream impacts from the development, within the acceptable limits.

Due to the flood modelling, the number of allotments has been reduced from 14 in the initial version of the plan, to 11 allotments, each over the minimum 1Ha allotment size as required for allotments partly in a “low” flood risk area for the relevant Zone.

The flood modelling has determined that where building pads are nominated, and the alignment and position of access to each allotment, and as discussed, is such that each of the future dwellings would be located in a manner to be outside of the inundation area in a major 100yr ARI event. As part of the design requirements, there will be compensatory earthworks that provide excavation in certain areas of the site for a retention basin and swales. With these works there would be no greater risk of flooding resulting from the proposed development, on existing properties to the west or south of the subject site in the direction of flood paths.

The proposed development will achieve the outcomes sought by PDC 7 under General, Hazards (flooding) insofar as earthworks not impeding the flow of floodwaters through the land or surrounding land other than in a manner that provides safe detention in purpose-built basins to alleviate downstream impacts, and rather than increase the risk of public safety during a flood event the proposal will have a net positive impact on reducing existing flood exposure to some of the adjacent land. According to engineering advice the proposed land division and earthworks have no negative impact on the floodway function, nor do they impede any watercourse.

The site is within the General Bushfire Protection Area as delineated in Figure 4. The General Bushfire Protection Area generally requires that where dwellings are connected to mains water that a dedicated fire-fighting water supply of 2000L is available in a fire proof retention tank separate to any requirements for the dwelling. Also, access for a fire appliance must comply with the Minister Code for Undertaking Development in Bushfire Prone Environments if the dwelling is further than 30m from the nearest road access.

In this case the dwelling “pads” indicated are all less than 30m from the adjacent road to ensure that there are not the required turnaround areas on site for a fire appliance.

In each case the building pads are not located close to any vegetation that would be considered an unacceptable risk in the case of a bushfire. The property can be seen in relation to Medium Bushfire risk areas is shown in the Development Plan Map BPA Mal/14, with allotments along the Gawler Road frontage north of the site and two allotments to the west of the site facing Bethesda Road being within the medium bushfire risk area.

The subdivision is proposed to have access to Bethesda Road as well as at the southern end of the site to Jane Crescent. The latter access is designed to be inundated in a major flood but nonetheless offers a safe escape route in the event of bushfire occurring on the most likely area north-west of the site.

The occurrence of flooding and bushfire simultaneously is by the very nature of each event highly unlikely, so it is considered near impossible that the access to Jane Crescent would ever be cut off during a bushfire due to flood waters.



Figure 4: Development Plan Map BPA Mal/14 (extract) Bushfire Risk Mapping

2.5 Orderly and Sustainable Development

Objective 3 *Development that does not jeopardise the continuance of adjoining authorised land uses.*

Objective 4 *Development that does not prejudice the achievement of the provisions of the Development Plan.*

PDC 1 *Development should not prejudice the development of a zone for its intended purpose*

PDC 8 *Vacant or underutilised land should be developed in an efficient and co-ordinated manner to not prejudice the orderly development of adjacent land.*

Orderly and Sustainable Development planning principles envisage that new development does not jeopardise the continuance of authorised or envisaged land uses on adjoining or nearby land or prejudice the overall provisions of the Development Plan. Additionally, the provisions call for development that does not jeopardise the development of a zone for its intended or desired uses.

With respect to the subject site and locality, the proposed land division will have a minimal impact on the semi-rural character of the Animal Husbandry Zone and in particular the subject locality has undergone a substantial change in character to more "hobby farm" living arrangements with numerous allotments adjacent and nearby equal to or less than 1 Ha in total area.

The Primary Production Zone to the northern side of the site is sufficiently separated from the balance of the site with separation provided by allotments facing Gawler Road. This provides a buffer between potential noise, dust and spray drift sources in the Primary Production Zone and the subject site.

The proposal will not require additional services and will not interfere with any potential future horticultural use on the adjacent properties where this is envisaged.

2.6 Infrastructure & Services

Objective 3 The efficient and cost-effective use of existing infrastructure.

PDC 2 *Development should incorporate any relevant and appropriate social infrastructure, community services and facilities.*

PDC 3 *Development should only occur where it provides, or has access to, relevant easements for the supply of infrastructure.*

PDC 4 *Development should incorporate provision for the supply of infrastructure services to be located within common service trenches where practicable.*

PDC 5 *Development should not occur until adequate and coordinated drainage of the land is provided.*

PDC 6 *Development in urban areas should not occur without provision of an adequate reticulated domestic quality mains water supply and an appropriate waste treatment system.*

PDC 7 *In areas where no reticulated water supply is available, buildings whose usage is reliant on a water supply should be equipped with an adequate and reliable on-site water storage system.*

PDC 8 *Urban development should have a direct water supply.*

The Development Plan provisions relating to infrastructure are directed at ensuring adequate water, stormwater, power and waste management services are provided for all development where such services are reasonably demanded and to ensure those demands can be met in an orderly and cost-effective manner.

The land division will be connected to mains power and water as required while each

of the allotments will be able to be provided with on-site waste water control and disposal of treated effluent over land in an environmentally sustainable manner.

There is no intention to provide a Common Wastewater Management Scheme for the development as the costs would be prohibitive. A standard 6-person septic system with pump chamber (such as the Ri-Scape 3300L with 900L pump chamber for example) and on-site irrigation area will easily be accommodated on each of the relevant allotments in a manner that does not have risk to pollute the environment or cause harm to human health, meeting the requirements of the *Public Health Act 2011*. Future owners will be required to submit a waste control permit to Council's Environmental Health Team for their future dwellings but the land is more than capable and of sufficient size and dimension to allow for such systems and necessary irrigations area.

The proposed development includes the provision for an all-weather road to provide access to all of the proposed allotments and public open space that benefits not only future occupants of the site but existing land owners adjacent to the site.

As discussed, each allotment will be provided with water and electricity supply, with readily available connection points nearby to enable the efficient extension of existing services to the subject site.

It is expected that final augmentation requirements for water and other services will be subject to Statement of Requirements within the land division process, together with provision for, or funding of, appropriate stormwater management including detention basins, roads, culverts, street lighting and other infrastructure requirements of Council and other statutory authorities or service providers.

CONCLUSION

The proposed land division generally facilitates the envisages forms of development espoused by the Desired Character of the Animal Husbandry Zone. The size and configuration of allotments ensure that each allotment is able to accommodate a future dwelling that meets or exceeds the desired setback outcomes of the Zone, provides sufficient space for visual and acoustic separation, generally by including vegetation buffers and with each allotment being accessed from an all weather road that is a reliable and safe point of access and egress during a major flood event, or in a bushfire. With two access points into the subdivision as well as emergency rear access for a number of the allotment through public reserve, there are multiple options for escape where an emergency situation arose, noting the nearby dense native vegetation at the north-west of the site having the potential to close off the Bethesda Road access if there was a bushfire. As such, the land division does not create a situation for future occupants where their safety is jeopardised.

As already acknowledged by Council, the development is fundamentally in keeping with the Development Plan provisions. It is respectfully submitted the allotments proposed will be for a purpose consistent with the objectives of the Animal Husbandry Zone, and therefore that the development is for a land division that is a Category 1 form of development in accordance with Schedule 9, Part 1, (5) of the *Development Regulations 2008*.

A thorough assessment of the proposal against the Development Plan and in the context of the site and locality reveals that the proposed development:

- Does not create disposition for land use conflicts or undesirable interface with adjoining uses;
- Does not jeopardise the strategic intent or desired uses within the Zone to continue function accordingly and cater for the needs of established uses in the locality of the site;
- Provides for future dwellings that are able to be constructed in a manner that achieves the relevant Development Plan provisions for siting, flood protection and bushfire safety, access and egress, without requiring removal of any existing remnant native vegetation;
- Ensure that there is safe and convenient access to allotments proposed in all situations; &
- Includes provision for future stormwater infrastructure (with supporting calculations) to ensure the development site responds to flooding and provides for suitable stormwater management from each allotment, without creating undue risk for increased flooding on properties downstream.

Overall, the development is consistent with the majority of Development Plan provisions and supports the economical use of existing services with appropriate development.

It is considered that the proposed development in its revised form is strongly aligned with the relevant Development Plan provisions, and comprises a kind of land division that is a Category 1, "merit" form of development. It is noted that State agencies will also be referred the application in its revised form via EDALA.

With respect to more precise cut and fill required for the development, the applicant expects there will be matters reserved for further assessment pursuant to Section 33(3) of the Act if the balance of the development is able to be assessed favourably.

Should you have any questions in relation to this correspondence, or the application generally, please contact me on 0416-839-459 or via email.

Yours sincerely,



ANDREW CRONIN MPlA
Director, AcroPLAN[SA] Pty Ltd

Urban & Regional Planner, Designer

M. Urban & Regional Planning, B. (Arch) Design Studies

Attachments:

1. Flood and Stormwater Assessment by Water Technology Consulting Engineers
2. Amended Plan of Division
3. Ri-Scape 3300 septic specification (indicative) for each allotment

APPLICATION DETAILS

Council D/A 312/102/19
 SCAP Ref 312/D024/19
 Unique ID 64620

ALLOTMENT DETAILS

Allotment 100
 Deposited Plan 24982

Certificate of Title
 Volume 5242 Folio 92

Allotment Area 15.2Ha

COUNCIL

Adelaide Plains Council

NOTES REGARDING LAND TO BE VESTED IN COUNCIL & STAGING

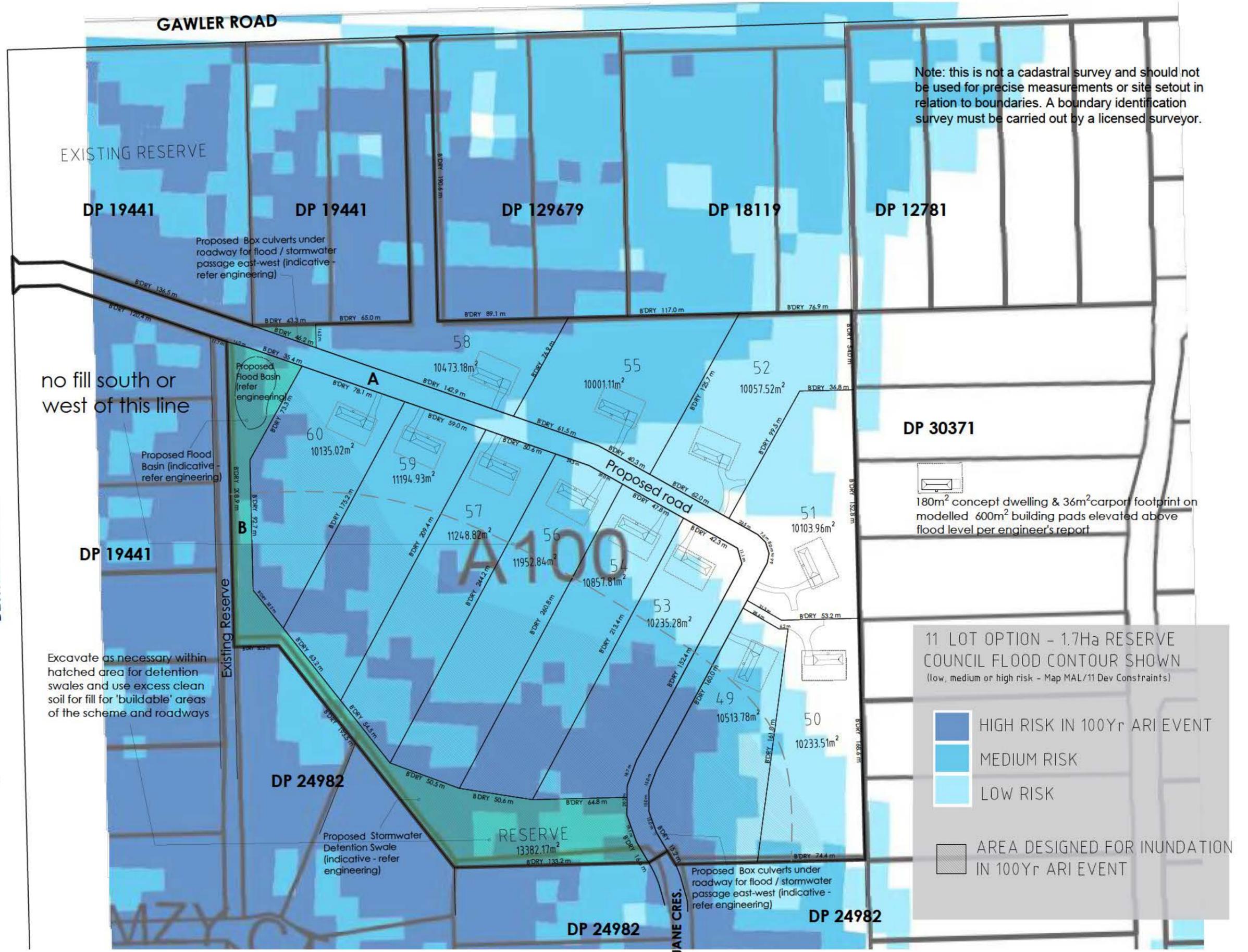
Land Marked "A" shall be vested in Adelaide Plains Council for road reserve

Land Marked "B" shall be vested in Adelaide Plains Council for public reserve and stormwater / flood infrastructure

STAGE 1 shall comprise 8 allotments, reserve allocation and road reserve up to and including Allotment 53.

STAGE 2 shall comprise 3 allotments and the balance of the road reserve up to the current northern end of Jane Crescent.

Note: Existing Council maps are not accurate when overlaid to true cadastral boundaries



Note: this is not a cadastral survey and should not be used for precise measurements or site setout in relation to boundaries. A boundary identification survey must be carried out by a licensed surveyor.

no fill south or west of this line

BETHESDA ROAD

DP 30371

180m² concept dwelling & 36m²carport footprint on modelled 600m² building pads elevated above flood level per engineer's report

11 LOT OPTION - 1.7Ha RESERVE
 COUNCIL FLOOD CONTOUR SHOWN
 (low, medium or high risk - Map MAL/11 Dev Constraints)

- HIGH RISK IN 100Yr ARI EVENT
- MEDIUM RISK
- LOW RISK
- AREA DESIGNED FOR INUNDATION IN 100Yr ARI EVENT

6 August 2021

REF No.: 001119-002

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

Attention: Ms Helen Dyer

Dear Ms Dyer,

RE: MOANA - SUBMISSION ON THE GREENFIELD LAND SUPPLY REPORT FOR GREATER ADELAIDE

We act for Moana Sand Pty. Ltd. who own and control a 17.91 hectare parcel of land fronting Nashwauk Crescent and Commercial Road, Moana within the City of Onkaparinga within the 'Outer South Region' of Greater Adelaide.

This submission is provided in response to the State Planning Commission review of the 'Environment and Food Production Areas' (EFPA) pursuant to Section 7 of the *Planning Development and Infrastructure Act, 2016* (The Act). This submission seeks amendment to the '*Land Supply Report for Greater Adelaide, Part 1: Greenfield, published June 2021*' (Greenfield Land Supply Report), which has been used and relied upon to inform the Commissions position with respect to the provision of land in Greater Adelaide to accommodate housing and employment growth over the next 15 years.

In particular, this submission seeks an amendment to the Greenfield Land Supply Report to correctly identify the subject land on the corner of Nashwauk Crescent and Commercial Road, Moana as a 'future Urban Growth Area' within the 'Outer South' of Greater Adelaide.

1. Subject Land

1.1 Land Description / Identification

The subject land is located on the corner of Nashwauk Crescent and Commercial Road, Moana and comprises a single Certificate of Title which is described as Certificate of Title Volume 5878 Folio 31 (Allotment 10 Deposited Plan 57508). A copy of the Certificate of Title is attached in **Appendix 1**.

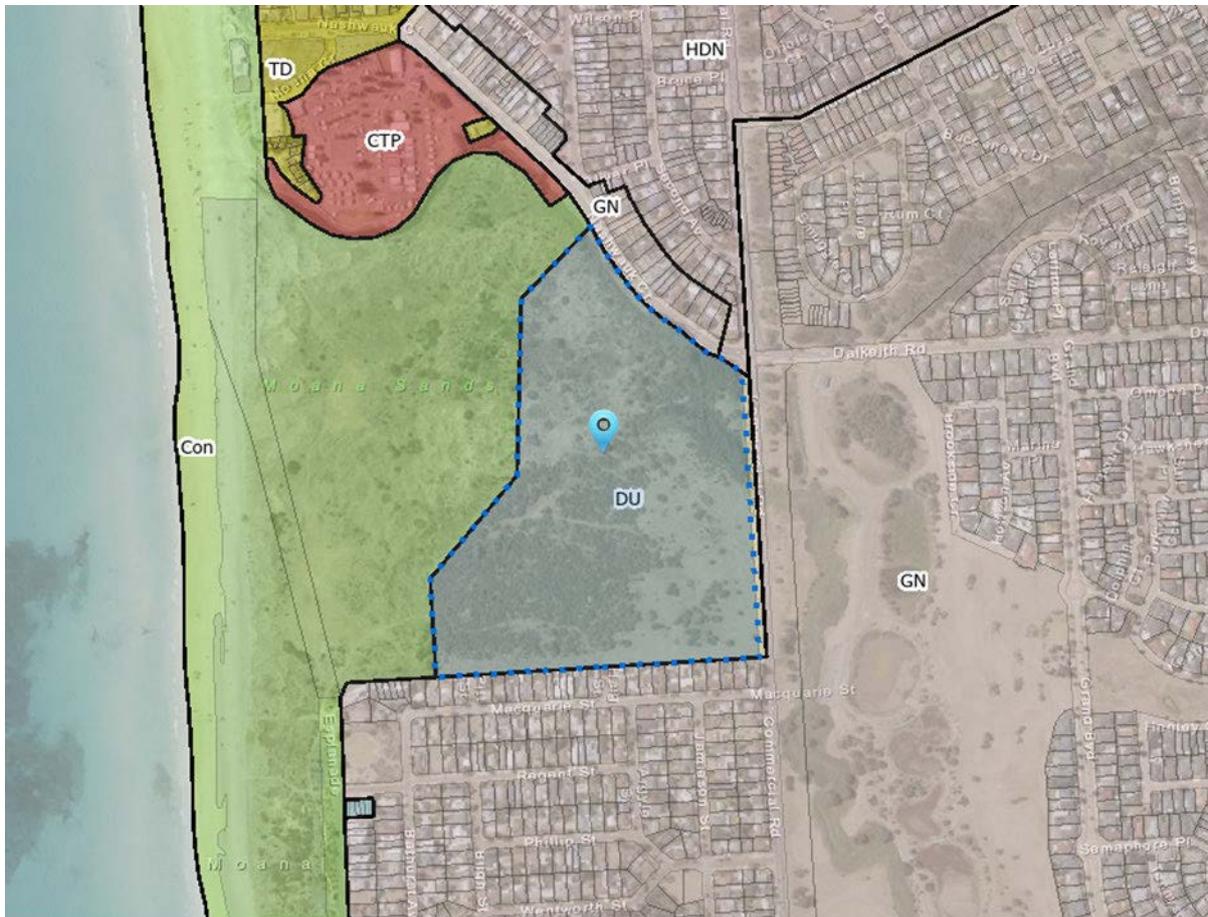
The subject land measures 17.91 hectares and has a frontage to Nashwauk Crescent of 291.5 metres and frontage to Commercial Road of 591.42 metres.

The land is currently vacant and slightly undulating with disbursed vegetation. Pedlars Creek runs through portion of the north-east corner of the site and parallel to the alignment Nashwauk Crescent.

A plan showing the location of the subject land is provided in **Figure 1.1** below.

Def: E-KIS-TICS [noun] : The Science of Human Settlements ...

Figure 1.1 Subject Land – Moana



1.2 Existing Zone & Policy Framework

The subject land is currently located within the ‘Deferred Urban Zone’ of the Planning and Design Code (Version 2021.9 – 15 July 2021).

The Desired Outcome (DO) of the Deferred Urban Zone is *‘To safeguard land for future urban growth’*.

Importantly, the subject land is not located within the ‘Environment and Food Production Areas’ (as defined by the plan in the General Registry Office at Adelaide numbered G17/2105) nor is the land located within the ‘Environment and Food Production Area’ Overlay.

Land to the immediate west of the site is located within the Moana Sands Conservation Park within the Conservation Zone.

Land to the north (over Nashwauk Crescent), east (over Commercial Road) and south is located within the ‘General Neighbourhood Zone’ (with the exception of a single allotment located within the ‘Housing Diversity Neighbourhood Zone’ to the north of the site on the corner of Commercial Road and Nashwauk Crescent).

Figure 1.1 above identifies the current Zoning that applies to the subject site and surrounding properties.

2. Strategic & Historic Context

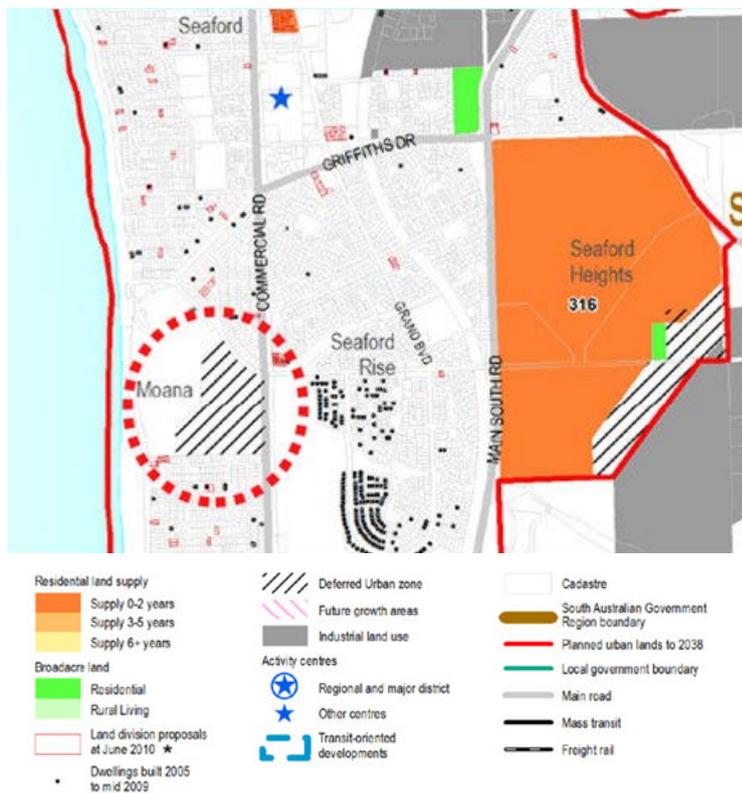
The subject land at Moana has a long-standing history as a recognised future urban growth area within the ‘Outer South’ Region of Greater Adelaide. The subject land has been identified as a future urban growth area within the historic (HELSP) as well as the Onkaparinga Development Plan (now repealed).

2.1 The Housing and Employment Land Supply Report (HELSP)

The ‘*Housing and Land Supply Report 2010, Greater Adelaide*’ (HELSP) clearly identified the subject land as ‘Deferred Urban’ Zoned Land (refer to **Figure 2.1** below) and stated that:

‘The remaining broadacre land in Southern Adelaide – about 500 ha that is currently in a deferred urban zone or earmarked for development – should be rezoned as a high priority.’

Figure 2.1 Housing and Employment Land Supply Report 2010

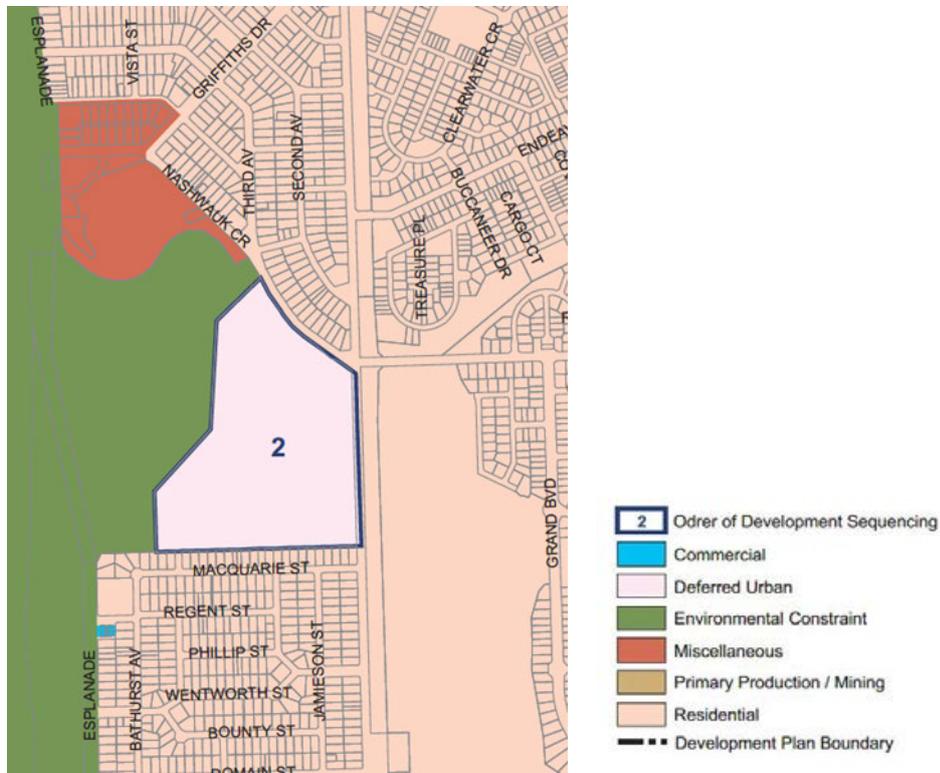


2.2 The Onkaparinga Development Plan

The Onkaparinga Council Development Plan has now been repealed following the introduction of Phase 3 of the Planning and Design Code on 19 March 2021.

‘*Concept Plan Map Onka/7 – Development Sequencing (Moana)*’ identified the subject land as ‘Deferred Urban’ and identified the land as Priority 2 in the ‘*Order of Development Sequencing*’ in the region (refer to **Figure 2.2** below).

Figure 2.2 Concept Plan Map Onka/7 – Development Sequencing (Moana) – Onkaparinga Development Plan (Consolidated 2 July 2020)

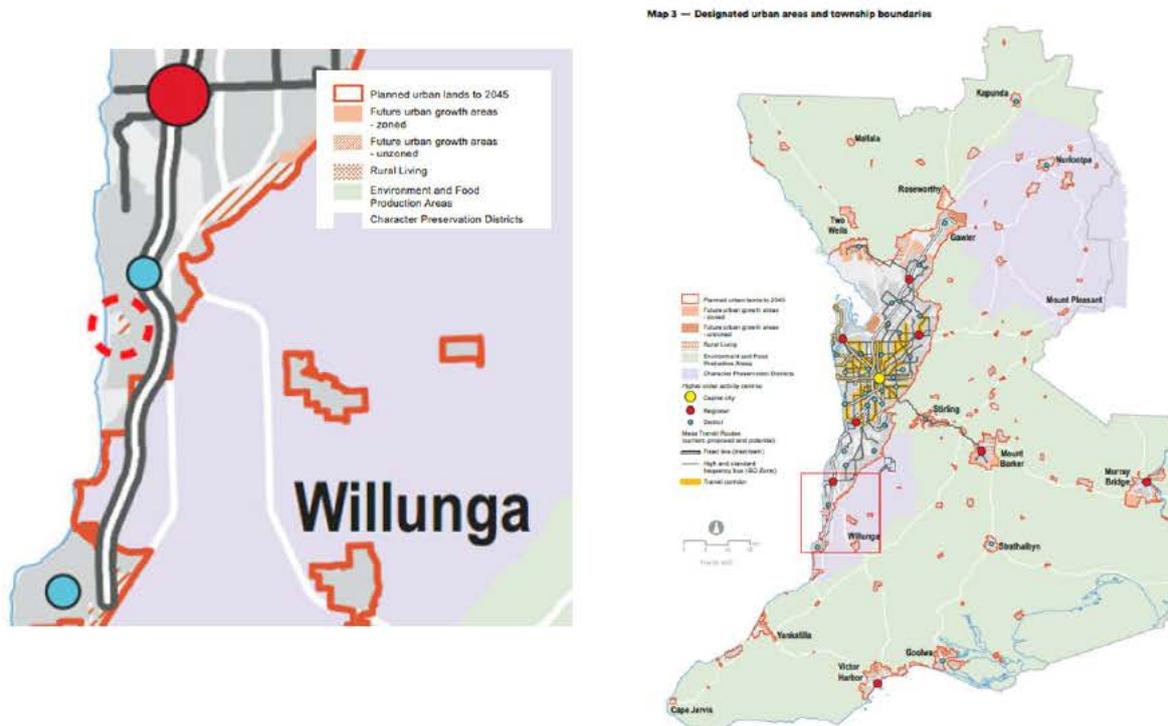


3. 30 Year Plan for Greater Adelaide

Map 3 (Designated Urban Areas and Township Boundaries) of *'The 30 Year Plan for Greater Adelaide - 2017 Update'* identifies the subject land at Moana as a *'Future Urban Growth Area – Unzoned'*.

This map is reproduced in **Figure 3.1** below with the 'high resolution' version of the map clearly identifying the subject land as a *'Future Urban Growth Area – Unzoned'*.

Figure 3.1 Map 3 - Designated Urban Areas and Township Boundaries, The 30 Year Plan for Greater Adelaide - 2017 Update



4. Greenfield Land Supply Report

The subject land in Moana, which is located within the ‘Deferred Urban Zone’ of the Planning and Design Code, represents a clear future urban growth area contributing to future land supply for the ‘Outer South Region’ of Greater Adelaide.

‘Table 2: Greenfield Land Definitions’ in the Greenfield Land Supply Report included the following definition for a ‘Future Urban Growth Area’:

Development Status	Zoning	Definition
Future Urban Growth Area	Deferred Urban Rural	Land not currently zoned but identified for future urban growth in <i>The 30 Year Plan for Greater Adelaide - 2017 Update</i> as Growth Area.

Importantly, the subject land at Moana meets the above definition of a ‘Future Urban Growth Area’ given:

- The land is Zoned ‘Deferred Urban’ under the Planning and Design Code (Refer to *Figure 1.1*); and
- The land is identified as a future urban growth area within *The 30 Year Plan for Greater Adelaide - 2017 Update* (refer to *Figure 3.1*).

Accordingly, using the applied methodology adopted within the Greenfield Land Supply Report, the subject land at Moana should be correctly and accurately identified as a 'future Urban Growth Area' within the 'Outer South' of Greater Adelaide.

The failure to identify the subject land at Moana as a 'Future Urban Growth Areas' therefore represents a clear omission that should be corrected in the final release and version of the Greenfield land supply report.

5. Moana's Contribution to Future Land Supply

The Greenfield Land Supply Report identifies that the 'Outer South' of Greater Adelaide has an estimated potential supply from 'Future Urban growth Area Land' of approximately 4,900 lots (Aldinga, Hackham and Sellicks Beach).

This analysis should be amended to include the subject land at Moana which is anticipated to achieve a yield in the order of 230 allotments assuming a net density in the order of 12.5 dwellings per hectare. This would adjust the potential supply from 'Future Urban growth area land' within the 'Outer South' of Greater Adelaide to approximately **5,125 allotments**.

This is particularly important in the context of the findings of the Greenfield Land Supply report that:

- The Outer South is the region that faces the greatest constraint in terms of Greenfield land supply; and
- There is limited allotment potential relative to projected demand in the Outer South.

6. Conclusion

This submission is provided in response to the State Planning Commission review of the 'Environment and Food Production Areas' (EFPA) and responds to the '*Land Supply Report for Greater Adelaide, Part 1: Greenfield, published June 2021*' which has informed the Commissions position with respect to the provision of land in Greater Adelaide to accommodate housing and employment growth over the next 15 years.

In particular, this submission seeks an amendment to the Greenfield Land Supply Report to correctly and accurately identify the subject land on the corner of Nashwauk Crescent and Commercial Road, Moana as a 'future Urban Growth Area' within the 'Outer South' of Greater Adelaide.

This amendment should occur as it reflects the existing and long-standing strategic context of this land as an important Future Urban growth area in the 'Outer South' region of Greater Adelaide. Further, the land clearly meets the definition of a 'Future Urban Growth Area' within the Greenfield Land Supply Report on the basis that:

- The land is Zoned 'Deferred Urban' (refer to **Figure 1.1**); and
- The land is clearly identified as a future urban growth area within *The 30 Year Plan for Greater Adelaide - 2017 Update* (refer to **Figure 3.1**).

In our view Allotment 10 at Moana is clearly identified within the '*30 Year Plan for Greater Adelaide – Update 2017*' as part of the 'Future Urban Growth Areas' and respectfully needs to be included in the final release and version of the Greenfield Land Supply report.

Please don't hesitate to contact the undersigned on 08 7231 0286 should you require any additional information in support of this submission and request.

Yours Sincerely



Richard Dwyer
Managing Director

Appendix 1. Certificate Of Title



Title Register Search

LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5878 FOLIO 31 *

COST : \$25.75 (GST exempt)	PARENT TITLE : CT 5714/745
REGION : EMAIL	AUTHORITY : RTD 9119948
AGENT : PUSH BOX NO : 000	DATE OF ISSUE : 20/08/2002
SEARCHED ON : 10/12/2013 AT : 14:59:48	EDITION : 1
CLIENT REF 1041	

REGISTERED PROPRIETOR IN FEE SIMPLE

MOANA SAND PTY. LTD. OF 83 PIRIE STREET ADELAIDE SA 5000

DESCRIPTION OF LAND

ALLOTMENT 10 DEPOSITED PLAN 57508
IN THE AREA NAMED MOANA
HUNDRED OF WILLUNGA

EASEMENTS

SUBJECT TO THE EASEMENT OVER THE LAND MARKED A FOR SEWERAGE PURPOSES TO
THE SOUTH AUSTRALIAN WATER CORPORATION (TG 8750332)

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

REGISTRAR-GENERAL'S NOTES

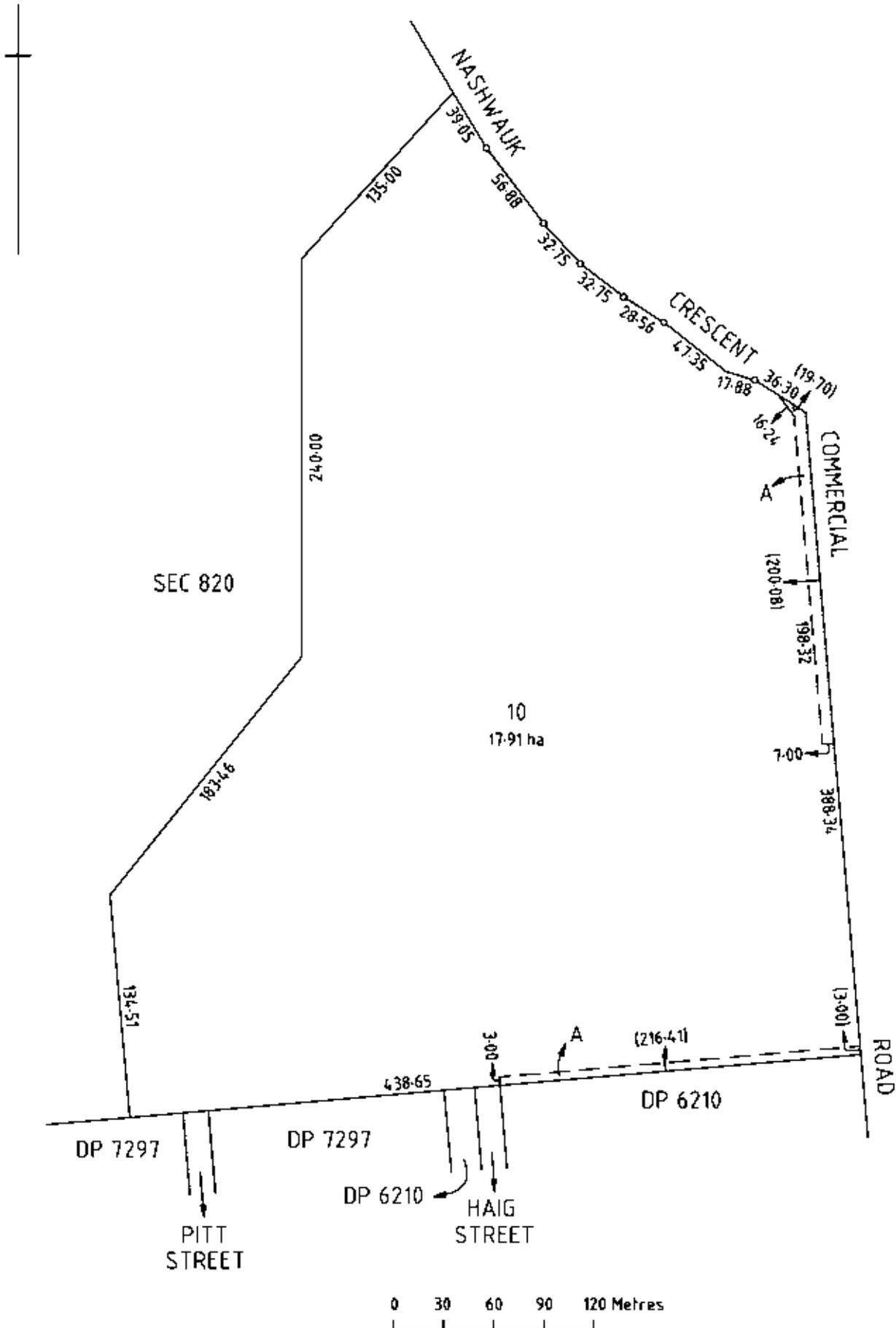
NIL

END OF TEXT.

LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA

DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5878 FOLIO 31

SEARCH DATE : 10/12/2013 TIME: 14:59:48



Form Information

Site Name PlanSA

Site Id 578867

Page Request to vary Environment and Food Production Area boundaries
Standard Name

Page 823328

Standard Id

Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries

Submission Id 882043

Id

Submission Time 06 Aug 2021 4:49 pm

Submission [REDACTED]

IP Address

Contact and land details**Your Name and contact details**

Name: Matt Falconer

Postal Address: PO Box 336 FULLARTON 5063

Phone Number: [REDACTED]

Mobile Number:

Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): 123 Newman Road CHARLSETON SA 5244

Allotment ID: Allotment 15 Filed Plan 155730 CT Volume 5774 Folio 469

Owners: Robert Newman

Requested variation details

Details of requested variation: See attached - the amendment would potentially allow for a future Code Amendment that would represent a minor extension to an existing built up area. The overall area is 6.5Ha and not viable for primary production, and is separated by a natural topographical feature (a creek) from the more agricultural uses north and east of the land.

Additional supporting information: See attached

Supporting document: EFPA_Review_Allotment_15_and_20_Newman_Rd_CHARLESTON_-_Urban_Planning_and_Design_6.8.21.pdf, type application/pdf, 1.4 MB

Map of requested variation

Map or diagram support submission: A15_and_A20_Newman_Rd_CHARLESTON_-_Maps.pdf, type application/pdf, 121.8 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a public hearing following the close of the submission period? Yes

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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|| August 6, 2021

ENVIRONMENT FOOD PRODUCTION AREAS (EFPA) REVIEW
Relevant Council area: Adelaide Hills Council

Attention: Helen Dyer,
Chairperson, State Planning Commission
GPO Box 1815 ADELAIDE SA 5001

Dear Ms Dyer

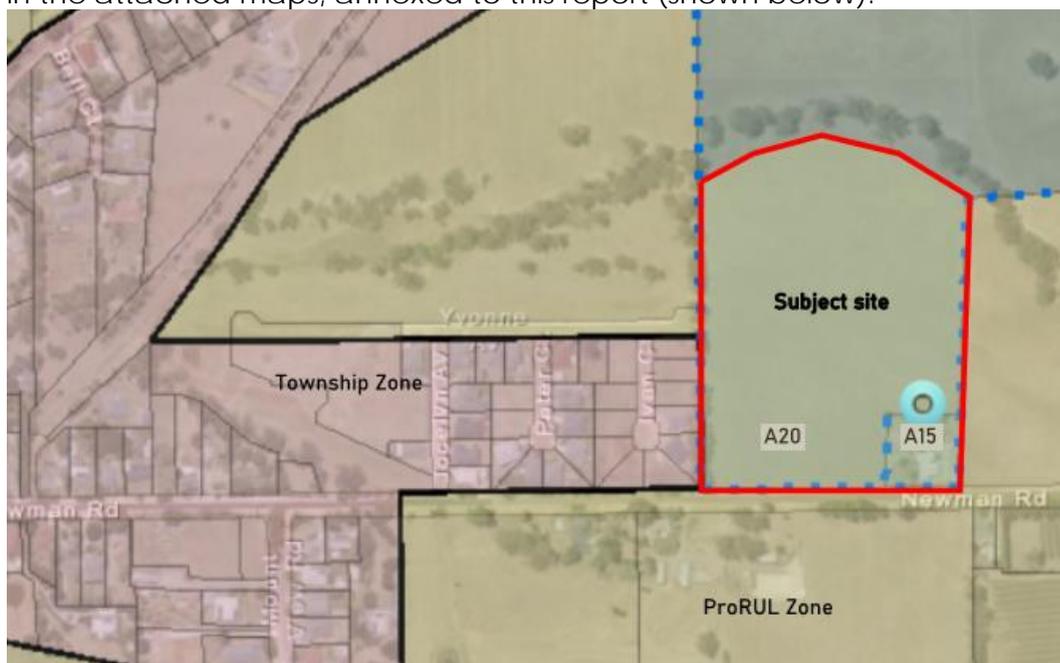
RE: EFPA REVIEW - Allotment 15 and Allotment 20 (part) Newman Road CHARLESTON

INTRODUCTION

Thankyou for the opportunity to provide comment on the proposed amendment to the boundaries of the Environment and Food Production Areas (EFPA) overlay boundaries.

I have been asked to provide comment on the current review of the EFPA Overlay boundaries on behalf of Robert Newman, owner of Allotment 20, Newman Road Charleston. Allotment 15 is also included in the request for review as this contains a dwelling and is a much smaller parcel of land bounded by Allotment 20 on the north and west sides. It was excised from the balance of that land many years ago.

The owner requests for the EFPA boundaries to be changed to exclude the areas shown in the attached maps, annexed to this report (shown below):



SITE AND LOCALITY

The subject site comprises a 6.5 hectare (Ha) area of land at the eastern edge of the existing Charleston township. Charleston is a small Adelaide Hills town, 4km north-east of Woodside and traversed by Onkaparinga Valley Road, which connects to the South Eastern Freeway via Verdun and Hahndorf.

Charleston is a small town in the Adelaide Hills of South Australia. It is situated on the Onkaparinga Valley Road between Woodside and Mount Torrens, on the main route from the Adelaide Hills to the Barossa Valley, and 3 km south-east of Lobethal. Charleston is very close to the source of the River Onkaparinga.

It is a small town that is well serviced, being close to Woodside, which has schools, shops, medical facilities, service stations and an established and growing employment base. Woodside and surrounding areas are popular tourist destinations and as well as being pleasant for day tripping for Adelaide locals to sample the treasured Adelaide Hills produce. They are also highly sought after for people to live, away from the more suburban character of Mt Barker and metropolitan Adelaide.

The subject site as proposed for review is bounded by a natural topographical feature, a creek on the northern and eastern side, separating the balance of the site to the north and in the process creating a natural buffer between a more traditionally rural landscape and allowing for any potential future expansion of the edge of the township for residential purposes to be confined within a naturally defined area separated from farming activity by a creek and associated vegetation buffer.

As can be seen to the west of the site for review, there is a recent subdivision that has emanated from a Development Plan Amendment in recent years, creating 29 allotments for residential purposes, including a "superlot" that will probably be further divided at the western end of the subdivision. The take-up of allotments in that development has been very successful and most of the allotments are sold and developed with new dwellings.

The type of agricultural uses to the north and east of the subject site are principally broadacre cropping and grazing. Intensive horticulture and viticulture uses are not located in the immediate locality. There are likewise no piggeries, intensive animal husbandry, feedlots, frost fans, agricultural industries or wastewater treatment plants or lagoons in the locality.

SCOPE OF EFPA REVIEW

It is acknowledged in the Commission's Report that the only aspect being consulted in the EFPA review is 'Step 3', i.e. to rectify known anomalies. I consider that the timing of the Review would be best suited to past Census 2021, which happens later this month. This would give an insight into current market trends and demands for property and lifestyle choices.

The presumption that there is a sufficient land supply for the next 15 years based on pre-pandemic population trends appears to be flawed. The review of the "broader Adelaide" region neglects to acknowledge one of the most dramatic changes to occur to patterns of living choice for people in recent history, the effect of a global pandemic, which will be revealed post-census. There is a known 'working from home' (WFH) revolution that has been forced by the pandemic and driving housing preferences away from infill. Significant office vacancy rates in the Adelaide CBD, despite Covid-19 being managed very well in

SA, suggest the significant WFH increase is here to stay for the longer term.

Adelaide Hills townships and some regional towns and communities have experienced demand for property that has not been seen for decades and in some areas, there is deficiency with land supply in the areas where people want to live, further constrained by an Environment Food Production Area Overlay. Larger "lifestyle" allotments on the edge of hills and rural towns within an hour to 90-minute commute of Adelaide are in short supply due to significant demand for these types of properties.

The dynamic with regards to infill has changed. Pre-pandemic patterns showed significant preference for living closer to the city and within established suburbs, and the housing typologies trending towards unit-type development, townhouses and courtyard homes on subdivided allotments.

The Land Support Report, prepared by AGD in early June 2020 was largely shaped by the patterns of development and demands for land in the period between 2010 and early 2020, before the full impact of the Covid-19 global pandemic had been realised.

The AGD [Land Supply Report \(LSR\)](#) for Greater Adelaide *acknowledges* that:

Market trends and demand preferences will be constantly monitored so that the LSR can be reviewed and updated regularly. (page 1)

...

Regular monitoring of the trends and movements in these components is critical for both understanding the current drivers of population change but also for projecting future population growth, and subsequent dwelling demand. (page 7)

Given the Greater Adelaide LSR is based on data collected between 2010 and early 2020 it cannot be relied on as a "source of truth" in shaping the EFPA review. It is my opinion that monitoring of the property, working and lifestyle trends of the last 12 months must be considered in a review of the EFPA boundaries, and this data is not reflected in the LSR.

Clearly the review of the LSR has not been regular enough to properly inform the current EFPA review, as market trends and preferences that have emanated out of the global pandemic in the last 12 months are absent from the LSR for Greater Adelaide.

With the recent inward trend of migration in SA from the more Covid-affected eastern states, it is clear that data showing net migration loss of over 2000 people to interstate should not form the basis of the current assumptions on land supply, nor should an assumption that only 15% of housing supply will occur in Greenfield developments and 2% in peri-urban form and 9% in townships (based on 2010-2020 data, p. 20 of Land Supply Report).

Any assumption that population trends and lifestyle choices of the Pre-Covid era (after 2016 Census) upon which the LSR are based, will "return to trend" are flawed. There is a mounting body of evidence that lifestyle and housing preferences across capital city Australia, including Adelaide, have changed in response to the pandemic.

The trend has completely shifted since early June 2020, the time the Report was published, when it was looking like a recession of 1929 scale was potentially on the cards. The State is now faced with a significant property boom that is riding on the back of the construction

industry, along with a shift in many people's housing and locational preferences.

Since that time we have seen unprecedented levels of construction activity and net positive migration from the more highly COVID-19 affected eastern states, in particular Victoria. Once more normal levels of overseas net migration return, which may be sooner than predicted as vaccination programmes roll out internationally, this could compound the land supply issue.

THE RELATIONSHIP BETWEEN THE EFPA REVIEW AND 30 YEAR PLAN

The [30 Year Plan for Metropolitan Adelaide](#), amended 2017 (the '30 Year Plan'), within the pre-Covid era, anticipated 85% of Adelaide's new housing stock being built in established urban areas by 2045. The EFPAs are largely derived from this Plan, together with land supply assumptions. Much of the EFPA areas, however are within the "Outer Metropolitan" Adelaide (depicted in Map 14) of the 30 Year Plan, in which this growth is still anticipated.

It is my considered opinion, based on the population trends and housing choices that potential redefinition of EFPA boundaries within the "Outer Metropolitan" Adelaide area would not be contradictory to the goals of the 30 Year Plan. Areas where there are natural topographic features that separate the more agricultural land to be preserved for food production and maintaining the desirable landscape character of regions and appropriately scaled down built up areas at the edges of hills and regional towns within the 90 minute commuter distance of Adelaide would provide for buffering between more intensive agricultural uses and the more compact forms of residential development centrally within those towns.

THE CASE FOR THE SUBJECT SITE

It is respectfully submitted that the subject site is appropriate for review of the current EFPA Overlay that prevents any further extension of Charleston in the easterly direction, for the following reasons:

- There is significant demand for "lifestyle" type allotments on the edge of hills and regional towns;
- A surge in demand for the above type allotments has been caused by a global pandemic, the effects of which are likely to be long-term, if not permanent in terms of changes to lifestyle choice;
- SA is (and has become) a destination for interstate travellers and there is potential opportunities to enhance tourism development with more people residing close to the tourism drawcards, together with increasing accommodation options;
- Rural living type areas provide for appropriate buffering between more intensive agriculture and built up areas centrally within hills and regional towns;
- Nearby Woodside has limited land supply and geographical features that prevent further growth of this nature at present;
- The area is only 6.5 Ha, which is not appropriate for intensive agriculture and furthermore is adjacent to a recent residential land division.
- A natural buffer is preserved and there is an absence of native vegetation in the affected area; &
- There are no apparent interface issues that would emanate from lifting the EFPA on the land as proposed, due to the absence of intensive agriculture or industrial and/or waste treatment or disposal in the locality.

I trust that the afore-mentioned reasoning satisfies the Commission that the land is appropriate for review in terms of the lifting of a restrictive EFPA Overlay.

Noting that the land is in the Productive Rural Landscape Zone, there is no immediate consequential impact with regard to subdivision potential. A full analysis would be required as part of a Code Amendment. The lifting of the EFPA is just the first part of the process to enable consideration of a future amendment.

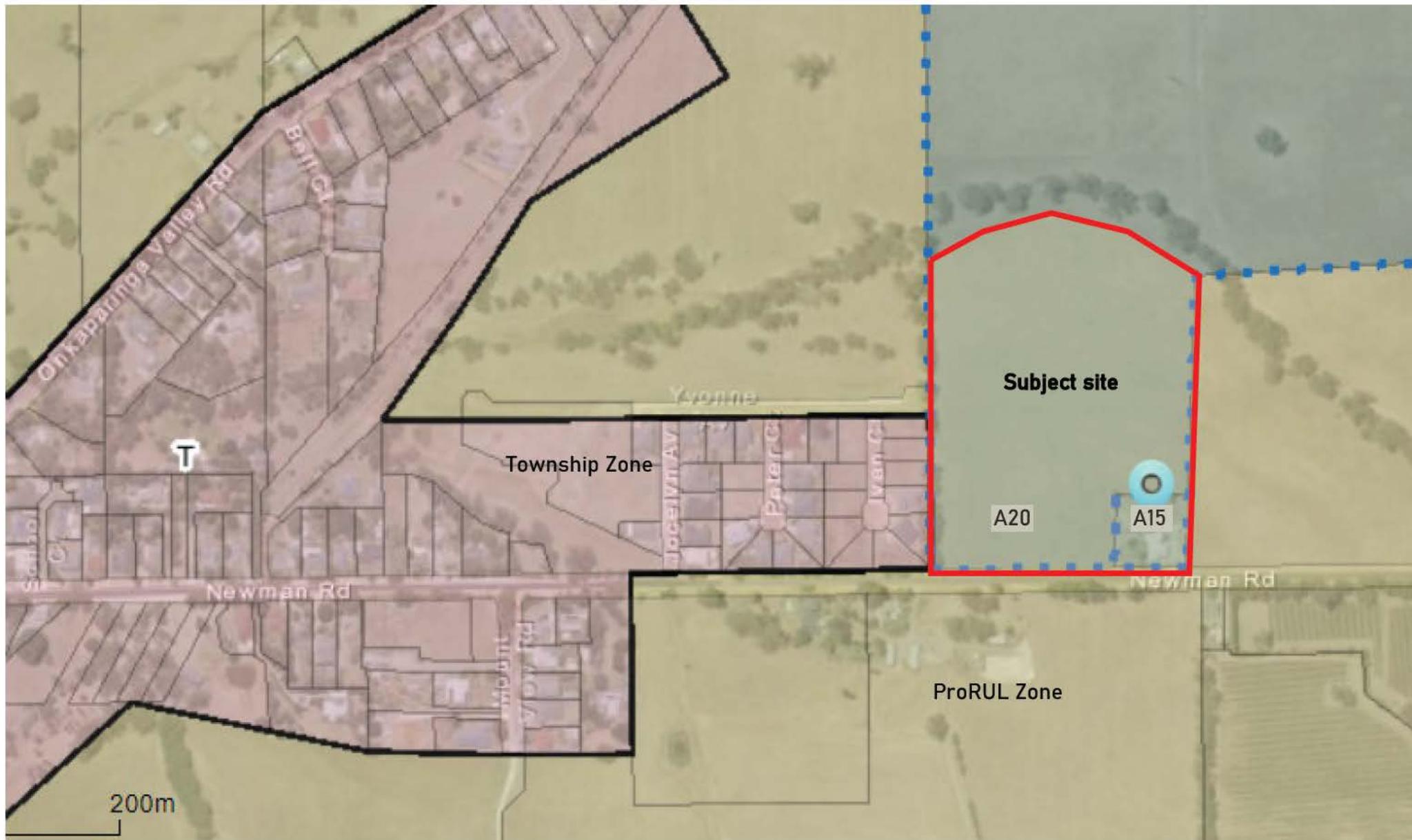
Yours faithfully,

A handwritten signature in black ink, appearing to read 'M. Falconer', written in a cursive style.

Matthew Falconer MPIA
Director, Urban Planning and Design Pty Ltd
B. Urban & Regional Planning

Attachments:

Maps



Township Zone



Productive Rural Landscape Zone



[Remove](#)
[Zoom to](#)
[Print](#)
 Export table to:
 [CSV](#)
[HTML](#)
[Excel](#)
[SAILIS Link](#)
[P&D Code](#)

Property Data Zoning - PDI Act

Plan Parcel	Title	Crown Ref.	Property Unit	Property St No.	Property St Name	Property St Type	Property Subu
F155735A...	CT5774/468			LOT20	NEWMAN	RD	CHARLESTON
F155730A...	CT5774/469			123	NEWMAN	RD	CHARLESTON



[Remove](#)
[Zoom to](#)
[Print](#)
 Export table to:
 [CSV](#)
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F155730A...	CT5774/469			123	NEWMAN	RD	CHARLESTON



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Urban Development Institute of Australia
(South Australia) Inc.
Level 1, 26 Flinders Street
Adelaide SA 5000

6th August 2021

Ms Helen Dyer
Chair
State Planning Commission
Level 5, 50 Flinders Street,
Adelaide SA 5000

Dear Ms Dyer

RE: Environment and Food Protection Areas (EFPA) Review 2021 Statement of Position released by the South Australian State Planning Commission (SPC)

Please find attached the Urban Development Institute of Australia (UDIA) submission in relation to the recently released Environment and Food Protection Areas (EFPA) Review 2021 Statement of Position released by the South Australian State Planning Commission (SPC).

In terms of the legislated requirements for review, it is of concern to the UDIA that the SPC has wrongly narrowed the scope of the EFPA review under section 7(10) of the Act and is undertaking the review too far in advance of the legislated review date (at some time after 1 April 2022). The attached legal advice from Botten Levinson Lawyers details the problems with the review as it is presently framed.

Notwithstanding the SPC is able to conduct a review from time to time under section 7(8) of the Act, the UDIA believes the SPC should undertake the five yearly review in accordance with the requirements of the Act and not foreclose any consideration of the relevant issues. We maintain that this will require the review to be undertaken in 2022 having regards to all of the matters relevant to section 7(3)(a) of the Act. This will require proper consultation on the land supply matters (at or close to April 2022) that the present review wrongly states are not open for discussion.

In addition to the above, we are concerned about the use of the associated Land Supply Reports. Rather than shaping Adelaide in the most appropriate way to take account of new trends in living patterns or addressing affordability to maintain Adelaide's liveability, it appears they will be utilised as references to either approve (or not) future developments based on the historical patterns of development that have been extrapolated into future forecasts.

We are also concerned about the assumptions underpinning the reports (see attachment). It is the incorrect assertions about excess land supply that have too often been used as a reason for restricting development because of the government's reluctance to invest in infrastructure, which unfortunately is at the expense of the primary driver in maintaining housing affordability, namely competitive market tension.

Despite our repeated offers, the release of such important supporting documents with no formal consultation is disappointing. Without addressing these concerns, we fear for the State's overall liveability and affordability and the significant and unnecessary risk to the State's economy.

The UDIA will continue to offer its support to work with the Department to take advantage of important industry insights, and we look forward to discussing this submission with you in more detail.

Regards

Pat Gerace
CHIEF EXECUTIVE

Attachment 1: Environment and Food Production Areas Review 2021 Submission (UDIA)
Attachment 2: Legal Advice - Botten Levinson

CC- Deputy Premier, Attorney-General, Hon Vickie Chapman MP

Attachment 1: Environment and Food Production Areas Review 2021 Submission (UDIA)

This submission contains commentary on:

1. EFPA review process to date and associated legislation
2. Status and use of Land Supply Reports as planning policy
3. Land Supply and EFPA Report – Assumptions and Scenario Analysis
4. Land Supply Report for Greater Adelaide – Greenfield
5. Land Supply Report for Greater Adelaide – Urban Infill
6. Land Supply Report for Greater Adelaide – Employment
7. Environment and Food Production Areas Review 2021 – Statement of Position
8. Recommendations

EFPA review process and associated legislation

While the review of the EFPA did not ask for commentary on the Planning Development and Infrastructure Act (PDI), unfortunately the consequences of the Bill passed are now evident.

The UDIA was very clear at the time of the implementation and during the debate of the PDI Bill that it did not support the inclusion of the Environment and Food Protection Areas within the legislation as drafted for several reasons.

We said at the time the framework was flawed and designed so that there would never be any changes. We are now faced with a situation where the supply of land and affordability of housing in certain areas is at a very significant risk as a result.

At the time the UDIA stated:

By requiring Parliament to legislate to amend the boundary presents a great risk for South Australia in its capacity to quickly respond to future challenges and is likely to lead to it only reacting in a time of crisis. Through the current policy and zoning regimes an effective boundary is already in place. A legislated urban growth boundary may only cause future speculation and adversely impact home affordability and choice.

The UDIA believes the objective evidence and existing policy landscape was more than sufficient to ensure that Adelaide's growth could continue to occur in an orderly and sustainable way.

The implementation of the boundary as part of the Act included no meaningful consultation on the location of the boundaries and was only provided days before being laid on the table in Parliament.

The Government at the time provided no modelling or objective analysis about the conclusions that it had come to with respect to these boundaries and was an example of bad public policy which ultimately succumbed to parliamentary fatigue.

Despite our warnings, included in the Bill was the requirement that future reviews of the boundary on a five yearly basis would be required by the SPC, but parliamentary scrutiny and oversight would be required for that to take effect. The UDIA stated at the time that things can change rapidly and the need for addressing the location of the boundaries must be more flexible. The significant hurdles, namely parliamentary approval was flawed from the outset because it would be next to impossible to amend despite the touted objectivity. We believe that this level of detailed planning policy should not be subject to the full parliamentary process.

Policy decisions around the definition of available supply within the Act also fail to recognise the many nuances of planning for Greater Adelaide. This composition of dwelling types, requisite infrastructure, supply in various submarkets, the difference in prices and product types all factor into the liveability of Adelaide.

Following the passing of the Bill on the 12th of April 2016 the UDIA wrote to the then Minister and expressed our concern at the very broad criteria specified in the Act that the Commission has to consider. We said at the time:

The criteria refers to fifteen years supply and we urge you to ensure that this applies in all identifiable locations. For example this should apply to townships surrounded by the Environment and Food Production Areas as well as each council area (particularly metro). Any measure of supply should not be satisfied by pointing to one or two growth areas only.

and

Finally, underpinning all the above is housing affordability. This needs to be a key criteria to ensure that house and land prices per square metre are significantly lower than all other mainland capitals.

Following raising these matters, the UDIA has consistently requested information from the Government about what it called its Metropolitan Growth Management Plan, and what we understood to be the basis for how the Department would inform the SPC as part of its statutory obligations under the Act.

We expressed concern about the Department's pilot project in the City of Onkaparinga, met with the former chair of the Planning Commission about this, and also expressed on numerous occasions to the former Minister the need for work to commence with meaningful consultation to inform any conclusions. Unfortunately, with the release of the Statement of Position and recent Land Supply Reports the UDIA concerns have now been realised.

We are seeing for only the first time the type of analysis that the Department has been doing to conclude that the legislative thresholds for boundary adjustments are met or not. It also appears the Department has still not defined exactly how it would be applying the legislative test that relates to "the principle of urban renewal and consolidation of existing urban areas" and "adequate provision cannot be made within Greater Adelaide outside environment and food production areas to accommodate housing and employment growth over the longer term".

As mentioned in our cover letter, in addition the UDIA has sought legal advice which also disputes the interpretation in the SPC's Statement of Position that these questions are not required to be addressed (attached).

Status and use of Land Supply Reports

Included in the *Land Supply Report for Greater Adelaide Background and Context* paper in section 1.4 *How it will be used?* it states:

"This information will be used as an evidence base to determine the capacity of the land use planning system to provide an adequate supply of appropriate land to meet this demand"

and

"In particular, the report will provide base line data to help inform deliberations on the rezoning of land for residential and employment activities."

In addition to the previous comments raised above together with the detailed commentary on the reports further on, the UDIA is concerned that instead of these land supply reports being used to inform future policy frameworks, they are being used instead as assessment tools.

We believe that development approvals based primarily on supply alone ignore the nuances of differing products and the role of private sector competition. We are concerned future code amendments and development will be at risk because assessment will be framed in the context of the inaccurate available supply that these reports conclude.

One of the other concerns is the conclusion related to general infill. The UDIA strongly supports strategic infill within metropolitan Adelaide, and we commend the Department for the first time categorising the types of infill, we are however concerned about the level of supply predicted from general infill.

It is general infill that has caused considerable community angst and the SPC itself spent considerable time working on developing infill guidelines because of the backlash around the impacts of this unplanned development.

General infill development does not make a contribution to the enhancement or upgrading of existing infrastructure networks and it is particularly concerning the reliance on this as a key part of supply considering the Department's own *Background and Context* reports itself contains submissions by utilities who explicitly state that "*trunk infrastructure in more established urban areas is aged and was not designed to accommodate the increased demands currently being generated by urban infill*".

The UDIA has long been aware of these issues, and in fact it was the UDIA who convened a roundtable with Minister Knoll, the SPC and major utilities in March 2019 to raise these very issues.

In contrast, greenfield development and strategic infill are required to make sure much of the infrastructure is properly planned and provisioned for with contributions made by developers. General infill only contributes to the Planning and Development Fund upon the creation of allotments with none of those proceeds addressing any of the local issues created.

Land Supply and EFPA Report – General Commentary

The Land Supply reports will be used as an input to the upcoming review of the 30 Year Plan. As such getting the data and analysis correct is of considerable significance. Whilst the reports have considered medium and high growth scenarios the report has not undertaken appropriate scenario analyses. These reports should be seen as a resource for other work not as an outcome in themselves. The process these reports are involved in should be about seeking growth opportunities in infill and greenfield locations. Maintaining or enhancing housing affordability is considered to be a key principle in the analysis of data and scenarios as well as the determination of policy responses.

The Land Supply reports are largely based upon June 2020 data. Since that time COVID19 and the Federal and State Government's responses have led to typical urban development patterns being changed somewhat. Whether these changes are short term or longer term in nature are unknown at this stage. As a result, the range of potential forecasts that need to be considered are wider than is typically the case.

The demand for the future creation of allotments and dwellings has relied upon the Centre for Population forecasts. Their Population Statement was issued in December 2020 which means much of the work would have been undertaken in the preceding months relying upon data that is probably close to 12 months old and not being aware of how the Federal and State Governments have subsequently dealt with COVID19 and in particular actual Net Overseas Migration (NOM) and Net Interstate Migration (NIM) in the past year. The assumed rapid rebound to having NOM being at around 100,000 pa in 2023 and 200,000 pa in 2024 might be somewhat ambitious given the recent four step plan announced by the Federal Government. If a delay in achieving those NOM numbers occurs then it is likely that there will be a reduction in demand in the mid 2020s from what has been stated.

We are also concerned about the reliance on dwelling commencements and completions as a measure of supply. The implications of this are that accurate data can be eighteen months to two years behind what the true supply levels are due to the time from signing a contract to building time due to civil construction etc.

Australia's response to COVID19 could well mean a greater demand from other countries' peoples seeking to immigrate to our country. As such depending on Federal Government policy with regard to allowing more migrants into Australia in a few years' time the NOM could easily be higher than stated.

The Population Statement has the NIM being negative for SA from 2022 onwards. The SA NIM had been slowly heading towards a 0 figure prior to COVID19 and has been a small positive number (98¹) in the last 12 months. "The State Government is attempting to attract more interstate migrants and bring ex-South Australians home by selling the lifestyle benefits, lower house prices and availability of high-tech jobs in the space, defence and hydrogen industries. It is using a rebadged \$200-million Jobs and Economic Growth Fund to target industries such as space, hydrogen, plant-based foods and defence with business development funding."² To assume the SA NIM will head back to around -3000 pa means the Growth State³ strategies the State Government has been putting in place to reverse that loss won't work.

With Adelaide being ranked the 3rd most liveable city⁴ in the world and the 3rd most honest city⁵ out of 75 world cities, the attractiveness of Adelaide has the potential to increase the demand from local and overseas sources beyond what has been considered in the reports. Housing affordability relative to other capital cities in Australia is a positive factor and is something that we can't afford to lose.

The High Growth scenario in Table 2 for 2020 – 2030 has a lesser growth than the previous decade. The UDIA is concerned that the High Growth Scenario is not as high as it plausibly could be. If demand is higher than forecasted then affordability issues will arise, and quickly. Enabling more land to be developed, whether that be for greenfield or infill, is a lengthy process. On average the time it takes for a greenfield development to go from a piece of rural land through the strategic planning process, then rezoning, then gaining development approvals to building the first dwelling is 13 years. This is largely due to the infrequent nature of strategic planning processes. If you get the strategic planning slightly wrong then adverse outcomes can easily arise.

¹ ABS – media release 4 May 2021

² The Urban Developer – 15 July 2021

³ www.growthstate.sa.gov.au

⁴ Economic Intelligence Unit Global Liveability Index 2021

⁵ [TWINNER-20210304_Honest-Cities-Index_EN.pdf](#)

Whilst the report has a section on trends that are likely to influence urban development and the growth in peri-urban and regional towns near Adelaide is mentioned there is no mention of the work from home shift in the past year. The historical longer term 'works mostly from home' percentage has been around 5% of employees, with it being lower for males and higher for females as seen in the table below⁶.

Figure 10: Working from home, employed persons, 1989–2018



Note: Employed persons working at least 50% of their usual weekly work hours at home were classified as working mainly from home.
Source: ABS Working from home survey (1989, 1992 and 1995) and HILDA 2001 to 2018
Credit: Australian Institute of Family Studies 2020 (aifs.gov.au/copyright)

In February 2021 around 41%⁷ of employed people in Australia worked from home at least one day a week which is considerably higher than the approximately 20% in 2018. Should a minor but sizeable chunk of the workforce either mostly work from home (say 10 – 15%) or at least a day or two per week (possibly another 15 - 20%) there are considerable impacts on urban development and management of our urban areas that will arise. The report has not considered such a scenario and its impacts on expected demand in the 10 areas.

The household ratios used in Table 3 (p.22) range between 2.08 in the Inner Metro area to 2.28 in the Outer South. These appear to be averages across the areas as opposed to what actually occurs in new development in those areas, whether that be greenfield or infill. It is common for greenfield estates to have household ratios of around 3.0. Even the strategic infill development of Lightsview, which is a medium density infill project, has a household ratio considerably higher than 2.08.

With the Homebuilder grant boosting dwelling approvals and commencements substantially in the last 9 months the report should discuss what the impact of this will be on demand in the remainder of the 2020 – 2030 period.

It appears that the forecast lot/dwelling numbers have not considered the Planning and Design Code policy that was introduced on 19 March 2021. This is discussed further in the Infill section below.

⁶ [Australian Families Then & Now: How we worked \(aifs.gov.au\)](https://aifs.gov.au)

⁷ ABS – media release 17 March 2021

Section 3 – Infrastructure, is considered to be, at best, a cursory glance at the issues associated with infrastructure. There is no analysis of the few issues mentioned in terms of the potential impacts on achieving greenfield and infill estimates of new lots/dwellings in the 10 areas that make up Greater Adelaide. For example, in Section 3.3 (Water Network) the issue of understanding infill hotspots and the consequential impact on required upgrades is mentioned but there is no analysis of what this means either at a whole area basis or a local government area basis or a suburb or part of suburb basis.

In Section 3.5 Electricity Network it states SAPN has a \$1.6B infrastructure cap until 2025. There is no information in the report about where that spend is to be located and what areas it might assist in improving the ability to deliver infill and/or greenfield development.

Section 3.6 Transport Network does not provide any useful information about what is to be provided where and whether that is going to assist with achieving estimated lot/dwelling numbers in the 10 areas.

The issue of funding models is complex. With the corporatisation and privatisation of infrastructure agencies in the past few decades the frameworks that SA Water and SAPN, in particular, have to operate within are subject to national rules as well as SA Acts which have other players, such as ESCOSA, involved. The individual frameworks are somewhat clunky when you try to bring together all the infrastructure providers to plan and deliver potential solutions.

It is considered critical to the making of policy and infrastructure investment decisions that capacity analysis at a small scale is essential in order to work out where the challenging areas are and what needs to be done to fix them. There is no point implementing planning policy changes that allows greater development potential (ie increased density) if the infrastructure can't cope.

Land Supply Report for Greater Adelaide – Greenfield

The categories in Table 1 are a good start however the Undeveloped Zoned category needs further refinement. Some land that is zoned is unable to be developed viably due to a lack of infrastructure capacity or the scope of the upgrade is so large it overwhelms the scale of the development making it not possible. Splitting it into two subcategories is worthy of consideration –

- . Undeveloped Zoned – infrastructure available
- . Undeveloped Zoned – Infrastructure unavailable/unviable

The vacant lots column in Table 2 is June 2020 data. Since that time virtually all vacant lots have been sold due to the Homebuilder grant, so more recent data is essential.

The High Growth Scenario dwelling demand on 38,300 lots to 2030 needs all the Development Ready and 25% of the Undeveloped Zone land to be developed. It is highly likely the demand won't be spatially distributed as per the supply in Figure 1. If anyone were asked in 2010 what the demand for lots would be in Mt Barker they might have said 100 lots pa. Over 600 lots pa are now being developed in Mt Barker in 2021. The market can change considerably over 10 years.

In the Outer North under the High Growth Scenario the report states there will be demand for 16,400 dwellings with 13,000 coming from greenfield estates. This leaves 3,400 to come

from other sources, presumably infill. If the infill numbers are not able to be achieved then more will come from greenfield sources. Notwithstanding the greenfield land available, some do face infrastructure issues.

Table 4 has substantial amounts of supply controlled by a limited number of estates which are expected to take beyond 2030 to be fully developed. The table gives the impression that all lots will be developed by 2030 in these estates.

We are unable to determine if the 43ha of land at Karbeethan was included in the land available for development as it is zoned Future Urban, however it has been allocated for district open space.

We are also unsure if the potential dwelling numbers in Virginia considered the impact of flood affected land.

The remaining approximately 290ha of land at Blakeview has been assumed to deliver 5655 dwellings at just under 20 dwellings per hectare in gross terms. This is considered to be a high estimate given the need for drainage networks, open space, a school and activity centres.

In the Outer South rezonings will need to occur as the High Growth Scenario demand is 4100 dwellings and supply is 4174 dwellings in the Development Ready and Undeveloped Zoned categories. At present supply beyond 2030 is dependent on development occurring at Aldinga, Hackham and Sellicks Beach. (Despite community groups trying to stop development at Sellicks Beach) Additional long term supply (eg: Bowering Hill) should be considered which will inevitably involve land in the McLaren Vale Character Preservation area.

In the Adelaide Hills area the demand between 2020 and 2030 is estimated at 300pa. Given Mt Barker is delivering 600 dwellings pa at present and there are other townships that are growing it is considered the demand levels are more likely to be in the order of 5 – 7000 in total. There is little land available in many of the townships at the northern end of the area (eg: Kersbrook, Gumeracha, Birdwood). No analysis of potential infill for any towns in the entire area has been undertaken. If the ongoing response to COVID19 is that peri urban areas are in greater demand then there will be a considerable supply problem in many towns.

There has been no analysis made as to the appropriateness of the Hills Face Zone boundary which traverses Outer North, Inner North, Inner Metro, Inner South, Outer South and Adelaide Hills areas.

The Fleurieu area is expected to run out of supply in some towns before 2030 without rezonings occurring as demand will not pan out as per supply availability.

In the Northern Plains and Barossa area the figures are incorrect for Freeling. A sizeable part of the town (not impacted by EFPA) is still zoned Rural yet is counted in as Undeveloped Zoned. This should be categorised as Future Urban Growth.

Land Supply Report for Greater Adelaide – Urban Infill

Having the split between strategic infill and general infill is a useful planning tool. The 2010 – 2020 decade provided 22,600 dwellings classified as strategic infill and general infill provided 49,600 dwellings.

It is the UDIA's position that the outcomes achieved through strategic infill sites is far superior to the vast majority of general infill sites. The concerns about infill development raised by the community⁸ have largely come from general infill (one into two dwellings). As such, finding more strategic infill sites should be a priority so that well planned, well designed and carefully implemented redevelopment projects are delivered. These could take the form of areas under multiple ownership.

The Land Supply report is heavily reliant on one into two developments so the factors that impact the ability to deliver such development are crucial.

The calculation of General Infill land supply by PLUS is summarised on p21 of Part 2 – Urban Infill. This set of assumptions are considered to be reasonably robust, however there are some nuances that might have been applied in those calculations that are not obvious. For example, how have the relevant zones been applied to assess redevelopment yields? Much of the Inner Metro area is subject to the Established Neighbourhood Zone and Suburban Neighbourhood Zone. The ability to increase density in these zones is very limited. It does not appear an analysis of minimum lot sizes and frontages against the zone policies as well as taking into account heritage area overlays, regulated and significant trees, tree planting requirements, on street parking, etc, was undertaken to see whether redevelopment is realistic.

The recently implemented Planning and Design Code policy relating to infill development has limited development potential, with a series of Missing Middle development typologies not being allowed in the vast majority of infill areas.

Even with the Planning and Design Code's General Neighbourhood Zone which covers large areas between Regency Rd and Grand Junction Rd and then around through the western suburbs (Inner North and Adelaide West areas) the zoning policy typically only allows one into two developments due to existing allotment sizes.

The limited Planning and Design Code policy regarding infill development on consolidated sites is unlikely to achieve much due to the policy metrics.

Anecdotally our members are already experiencing Councils using Deemed To Satisfy policy as the minimum policy when assessing Performance Assessed proposals.

In assuming 40% of sites with a Capital Value / Site Value Ratio (CVSVR) of 1.3 or less will be developed in the next 10 years, has consideration been given to the impact of existing lot sizes (e.g. removing lots below a certain threshold from redevelopment), proximity to noxious or licenced premises (e.g. Incetec Pivot in the past in Port Adelaide, OI Glass in Kilkenny etc.) and the exclusion of all strata title and community title lots (which are almost impossible to amalgamate and redevelop)? The requirement for infrastructure upgrades to enable infill development to occur is not dealt with by using the CVSVR tool.

If suitable allowance has been made for these types of factors, then the issue comes down to whether a 40% redevelopment over a 10 year period across all geographic areas is realistic. Table 4, p13 suggests that the top general infill suburbs have typically operated well below this level in the past decade. It is considered that the 40% figure for CVSVR of 1.3 or less (and 20% for CVSVR of 1.3 - 1.8) is far too high.

⁸ State Planning Commission – Raising the bar on Residential Infill in the Planning and Design Code September 2020

Furthermore, the calculation represents an average across all sites meeting the CVSVR threshold, regardless of geographic location. This means that the Inner North, in particular, needs to deliver a very large number of general infill dwellings (28,285 compared with 11,100 for Adelaide West). This region will rely upon extensive redevelopment in areas such as Ridgehaven, Redwood Park, Banksia Park, Surrey Downs and Fairview Park, 15 – 20km from the City. Much of these suburbs are on sloping ground which will make it more challenging to deliver infill housing.

The progressive development of preferred locations may impact upon the take up of remaining opportunities for infill. Adelaide West has been a focus of redevelopment, but will provide fewer opportunities in the future (as reflected in PLUS projections). Will developers and more importantly purchasers readily shift to less prime infill locations?

The report has no analysis of infill capacity in the Adelaide Hills, Northern Plains and Barossa, Fleurieu, and Murray Bridge areas. Many towns in these areas have dwellings that are 80 + years old and are likely to have a CVSVR of <1.3. This potential supply needs to be taken into account.

The above issues relating to infill development are considered to mean that achieving the targets for general infill development stated in the reports are highly ambitious.

The strategic infill supply as shown in Figure 21 is heavily reliant upon three elements – Cheetham, CBD and the Corridor Zones. It is considered to be highly unlikely that a single developer estate such as Cheetham will deliver more than 300 lots per annum once the project actually commences. If the site is rezoned in 2022 and civil construction works begin in 2023 the project might deliver 1800 lots over the decade. Will the Adelaide CBD deliver 10,000 additional dwellings when at least the first third of the 2021 - 2030 decade is going to have much lesser numbers of overseas students. There are very few apartment projects being proposed at present, and given they typically have a 3 year development period it is likely that only 2 – 3000 dwellings might get developed. Other than Churchill Rd the corridors have been delivering about one hundred dwellings per annum. There are many businesses and residents along the corridors that are not ready to sell to a developer and this will continue to be the case. It is considered that 3 – 4000 dwellings might get developed along corridors in the 2021 – 2030 decade.

Whilst the Cheetham site has been identified as a future strategic infill site, why have other sites not be included? The Blair Athol / Kilburn renewal being undertaken by the South Australian Housing Authority is not mentioned. Other examples include the 15ha SA Water site on Frederick Rd West Lakes and the Metcash site at Kidman Park are known sites for future residential development even though they require a Code Amendment. We believe there are other sites that should also be considered. The report also does not mention how strategic sites were selected.

The remaining strategic infill sites in Table 9 total just over 12,000 dwellings/lots. Section 5 states the realistic short term dwelling potential from general infill is 68,200. However if the 40% assumption for the CVSVR of <1.3 is incorrect and is more like 20%, and the 20% assumption for the CVSVR lots between 1.3 – 1.8 is more like 10% then the general infill supply drops from 68,222 to 34,111.

With demand for infill in the High Growth Scenario (Table 6) across the Greater Adelaide Capital City area being 58,550 this essentially just meets the supply (under the scenario described above). If this scenario were to eventuate then there maybe price pressures arising which will make the delivery of affordable housing more difficult.

Land Supply Report for Greater Adelaide – Employment

There is a lack of analysis of how much land is needed for the population serving uses that typically locate on the periphery of centres, along arterial roads and in commercial and light industrial areas when population increases in areas (both infill and greenfield). These types of jobs are the largest number and are expected to remain so to 2030 according to Figure 10.

Commercial and Mixed Use Zones should be included in the analysis as they accommodate many jobs. Some areas in Inner Metro and Adelaide West and some in Inner South are no longer suitable for industrial and warehousing uses due to poor heavy vehicle access and the potential replacement jobs in knowledge intensive industries often don't see these locations as being suitable. There is no analysis for the Adelaide Hills, Northern Plains and Barossa, and Fleurieu areas. The section on Employment Trends is thin.

Environment and Food Production Areas Review 2021 – Statement of Position

Further to the earlier comments and attached legal advice, there are certain areas within Greater Adelaide that are expected to have supply challenges to a point that affordability issues will continue to arise. It is already almost impossible to develop three-bedroom housing within 10-15kms of the CBD that meet the affordable housing price point without external or internal subsidies. The lack of analysis of areas in terms infrastructure capacity is of serious concern.

The table below has used information from various tables in the Land Supply Reports and it shows that demand to 2036 is going to cause serious affordability issues unless land is rezoned to enable more development to occur in the Inner South and Fleurieu areas.

Area	High Scenario Dwelling Demand to 2036	Greenfield Development Ready/ Undeveloped Zoned lots	Realistic General Infill lots	Strategic Infill lots	Total lots
Outer North	25,300	46,300	4,434	0	50,734
Outer South	11,900	4,200	9,563	2,100	15,863
Inner North	20,600	0	28,285	12,400	42,685
Inner South	10,500	0	5,683	4,700	10,383
Adelaide West	24,500	0	11,100	20,000	31,100
Inner Metro	22,000	0	8,798	28,200	36,998
Adelaide Hills	6,200	13,000	359	300	13,659
Fleurieu	7,800	7,500	?	?	7,500+
Northern Plains / Barossa	3,500	4,700	?	?	4,700+
Murray Bridge	2,600	6,300	?	?	6,300+

If our analysis of a more realistic expectation of infill being able to provide supply is close to being correct then supply issues will occur in Inner South, Outer South, Fleurieu and Adelaide West, as well as the northern part of the Adelaide Hills.

There are a number of places where the EFPA boundary dissects cadastral boundaries (eg: One Tree Hill, Inglewood, Lobethal, Summertown, Mount Barker and Ashborne). The EFPA should not arbitrarily dissect cadastral boundaries as this can lead to confusion as to the process for any land division application.

Recommended Actions

The key objective for the State Government should be to have a better approach to having a quality land supply process that leads to having the capacity to deliver affordable housing in all areas. This will require better and more timely data analysis which should be much simpler to achieve now the e-planning system is in place. Updated data and analysis for the Land Supply reports is needed in the next year. We cannot wait another five years for this to occur.

The following actions are considered necessary:

- Revise the EFPA report once the Land Supply Reports are updated so that analysis of the supply / demand for each of the ten areas is undertaken
- The Outer South needs more than 1000 lots rezoned in the very near future to minimise the affordability issue due to a lack of supply.
- Long term supply (beyond 2030) needs to be considered in the Outer South beyond Hackham, Aldinga and Sellicks Beach.
- A review of the peri-urban township boundaries is required.
- A more refined analysis of urban infill potential is required.
- More strategic infill sites need to be identified and rezoned.
- Infill potential in peri-urban areas such as townships in the Adelaide Hills area is required to be investigated.
- Alternatives to the one into two infill developments are needed which should include masterplanning infill areas under multiple ownerships where individual development attends to the upgraded infrastructure requirements.
- The zoning policies across large areas of Adelaide West, Inner Metro, the southern half of Inner North, Inner South needs amending if demand for infill is to be achieved.
- Better capacity analysis of infrastructure is required in both infill and greenfield locations
- PLUS to devise and implement a housing demand and supply monitoring program using live data and reporting publicly on a quarterly basis in conjunction with the UDIA



30 July 2021

Ms Helen Dyer
Chair
State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

Via Email: PlanSAsubmissions@sa.gov.au

Cc:

Hon Vickie Chapman MP
Deputy Premier and Attorney-General
GPO Box 464
ADELAIDE SA 5001

Via Email: attorneygeneral@sa.gov.au

Dear Ms Dyer

Re: Environment and Food Production Areas (EFPA) Review – South Australian Wine Industry

Background and introduction

The South Australian Wine Industry Association (SAWIA) is the peak body for the wine industry in South Australia, representing the interests of wine grape growers and wine producers throughout the state of South Australia. SAWIA (as it is known today) was established in 1840 as the Society for the Introduction of Vines.

SAWIA is a not-for-profit incorporated association, funded by voluntary member subscriptions, grants and fee for service activities, whose mission is to provide leadership, advice and support to South Australian grape and wine businesses assisting them to prosper within a dynamic, diverse industry.

SAWIA membership represents approximately 96% of the grapes crushed in South Australia and about 36% of the land under viticulture. Each major wine region within South Australia is represented on the board governing our activities.

SAWIA has a strong track record as an industry leader and innovator in many areas. SAWIA proactively represents members and the greater wine industry with government and related agencies in all aspects of business in the wine sector.

What SAWIA does for members is covered in four key areas:

- Representation and Leadership;
- Advice and Information;
- Products and Services; and
- Promotion and Opportunities.

About the South Australian wine industry

South Australia is internationally recognised as a premium wine region, with 75% of Australia's premium wines produced in South Australia

South Australia is by far the single largest wine producing State or Territory, crushing 52% of the total national grape crush. In addition, 55% of the total area of wine grape plantings is located in South Australia. Measured in value, South Australian wine represents more than 70% of Australian wine exports.

South Australia has 711¹ wine producers, more than doubling since the year 2000. There are close to 3,000 grape growers in South Australia, managing 75,500 hectares of wine grapes.

At the last Census (2016) around 8,400 people stated that their primary industry of employment was either grape growing or in wine manufacturing in South Australia².

EFPA review

SAWIA appreciates the opportunity to make a submission to the State Planning Commission's (the Commission) Environment and Food Production Areas (EFPA) Review.

In order to ensure the prosperity and long-term growth of the South Australian wine industry, it is essential that the planning regime provide for statutory protection of viticulture land from inappropriate urban development (such as residential development within primary production areas).

The EFPAs provide an important mechanism to safeguard viticultural land in the Greater Adelaide Planning Region, particularly in relation to those wine regions that are not afforded stronger protection via the Character Preservation Laws.

This includes the Langhorne Creek wine region, Currency Creek wine region, Southern Fleurieu wine region, Adelaide Hills wine region (noting that a small portion of Adelaide Hills wine region are included in the Barossa Character Preservation District) and the Adelaide Plains wine region.

SAWIA welcomes the Commission's position that there is an adequate provision of land in Greater Adelaide to accommodate housing and employment growth over the next 15 years. Accordingly, variations to the EFPA boundaries will be limited to those that are trivial in nature and will address a recognised anomaly.

SAWIA does not propose any changes to the EFPA boundaries, but support the retention of existing boundaries.

Interaction with Character Preservation Districts

The interaction with the Character Preservation Districts, established under the Character Preservation Laws – *Character Preservation (Barossa Valley) Act 2012* and the *Character Preservation (McLaren Vale) Act 2012* is set out in the Commission's Statement of Position paper.

In short, the EFPAs do not apply to land within the Character Preservation Districts and the EFPA would only be triggered where land was removed from Character Preservation District via change to the Character Preservation boundary.

SAWIA strongly supports the Character Preservation Laws. They have been instrumental in protecting the agricultural land for wine production and containing the ever-present threat of urban encroachment within the boundaries of the preservation areas.

SAWIA made a submission to the review of the Character Preservation Laws in 2018, emphasising the laws were effective and that there was no evidence to suggest that changes to the laws or to the boundaries of the Character Preservation districts were required.

¹ WineTitles Media 2021, The Australian and New Zealand Wine Industry Directory 2021

² This excludes casual workers such as grape pickers and other seasonal workers not working in those industries in the week prior to the Census. It also excludes people who worked in the wine and grape production industry as a second job.

SAWIA notes that the Review Outcomes Report³ made the following recommendations:

“1. Retain the legislation for the protection for the character preservation districts.

2. The State Planning Commission investigate the merit of the proposed amendments to the character preservation districts in the context of Greater Adelaide’s growth.

3. Introduce a statutory review process that provides for amendments to the boundaries of the character preservation districts.

4. Provide for greater consistency and clarity of policy within the character preservation districts in preparing the Planning and Design Code”.

[Emphasis added]

SAWIA also notes the following reference in the Commission’s Statement of Position paper:⁴

“The State Government’s previous 2018 CP Acts Review recommended that the Commission investigate the merits of amendment of the CPD for eight identified locations, in the context of Greater Adelaide’s growth.

The scope of the Commission’s review of the EFPA boundaries will therefore also include an assessment of those eight locations. In line with the recommendations from the 2018 CP Acts Review, the Commission is not inviting further submissions regarding boundaries or other matters relating to CPD through this current EFPA boundary review process.”

[Emphasis added]

On the basis of the Commission’s statement above, it is clear that the Character Preservation Districts will be considered by the Commission and that the Commission may recommend changes to the Character Preservation Districts. However, it is also clear that this will not involve any stakeholder consultation. In SAWIA’s view that is a major weakness of this process.

While the Review Outcomes Report released in June 2018 identified eight proposals, some of whom were classified as warranting further investigation by the Commission, there has been no formal mechanism for stakeholders to engage with or respond to any of these proposals.

The fact that the Commission seeks to make decisions on these eight proposals, which may include recommending removal of land from the Character Preservation Districts, without giving stakeholders an opportunity to comment on these eight proposals in SAWIA’s view is problematic.

The question is how the Commission is supposed to make an informed decision in relation to these eight proposals, if only the proponents’ arguments are considered?

Unsurprisingly, there are concerns about the Commission proposing changes to the Character Preservation Districts. Rather than recognising these concerns by stakeholders and enabling stakeholders to comment on these eight proposals, the undated Statement by the Commission posted on the website adds further confusion.

In the Statement the Commission, makes the following remark:

“Following on from the report’s findings, the Commission has released a Statement of Position which concludes it is not necessary to remove any land from the Character Preservation Districts.”

This seems to suggest that no changes to the Character Preservation Districts will be considered by the Commission.

³ Department of Planning, Transport and Infrastructure, Government of South Australia, June 2018, Review Outcomes Report – Review of the Character Preservation (Barossa Valley) Act 2012 and Character Preservation (McLaren Vale) Act 2012, p. 28

⁴ State Planning Commission 2021, Environment And Food Production Areas Review 2021 Statement of Position, Pursuant to Section 7 of the Planning, Development & Infrastructure Act 2016, Published 4 June 2021, p. 3

SAWIA does not see how this can be the case, given that the Commission's Statement of Position at the same time make it clear that "*The scope of the Commission's review of the EFPA boundaries will therefore also include an assessment of those eight locations*". SAWIA does not see how they both can be true and accurate.

Discussion on Character Preservation Districts

The Character Preservation Districts and existing boundaries continue to enjoy strong support from the wine industry and are essential to ensure there is adequate protection against urban sprawl into viticulture land.

Apart from the proposal for Yaroona to be defined as a township within the McLaren Vale Character Preservation District, SAWIA does not support changes to the Character Preservation Boundaries.

SAWIA notes that the proposal in relation to Yaroona was identified as an anomaly in the Review Outcomes Report and understands that this change also is not opposed by the McLaren Vale Grape Wine & Tourism Association. On that basis, SAWIA does not oppose this proposed change.

SAWIA is aware of substantial changes being sought to the Barossa Character Preservation District during the review of the Character Preservation Laws, including removing land from the district that fall into the Adelaide Hills Council area. SAWIA strongly opposes this. There are vineyards and character values, including heritage attributes and scenic and tourism attributes within this area that are worthy of ongoing protection via the Character Preservation Laws.

The fact that the EFPAs have protection of a similar nature is no argument to vary the Character Preservation District boundaries. Unlike the EFPAs, the Character Preservation Laws also seek to protect the special character of each district, including in townships, "over and above restrictions on land divisions⁵".

Conclusion

SAWIA is pleased that the Commission has determined that there is adequate provision of land in Greater Adelaide to accommodate housing and employment growth over the next 15 year and that any variations to the EFPA boundaries will be limited to those that are trivial in nature and will address a recognised anomaly.

The EFPAs, outside of Barossa and McLaren Vale, are an important mechanism to protect valuable food producing areas, including viticulture, and rural areas and to provide certainty to wine producers.

In relation to the interaction of this review with the Commission's assessment of proposals for change to the Character Preservation Districts, SAWIA strongly supports the retention of the Character Preservation Districts in their current form and on current boundaries. The exception is the minor change to correct an anomaly in relation to the Yaroona township within the McLaren Vale Character Preservation District, which is not opposed.

Major changes to Barossa Character Preservation District boundary as sought by some proponents during the 2018 review of the Character Preservation Laws are not warranted and cannot be justified without further detailed examination. The character values, including heritage attributes, viticultural industry and scenic and tourism attributes, the Character Preservation Laws sought to protect by their introduction in 2012, are as relevant today.

The EPFA regime, whilst important, has a narrower focus, and does not afford the same level of protection as under the Character Preservation Laws.

Yours sincerely



BRIAN SMEDLEY
Chief Executive

⁵ Department of Planning, Transport and Infrastructure, Government of South Australia, October 2017, Review of the Character Preservation (Barossa Valley) Act 2012 and Character Preservation (McLaren Vale) Act 2012, Discussion paper, p.7

Dear Ms Dyer

Please find attached a submission on behalf of Mr and Mrs Stacey of Myponga Beach, as follows:

Submission Contact Details

Garth Heynen
Suite 15 198 Greenhill Road EASTWOOD SA 5063

Street Address Affected by Boundary Variation Request

451 (Lot 13 DP 125051) Myponga Beach Road, Myponga Beach
S240 H150700 and Q17 DP125051 Myponga Beach

Allotment ID

CT 6247/639
CR 5756/413

Owners

Mr Jim Stacey and Mrs Linda Stacey

Details of Requested Variation

The boundary variation so as to follow the edge of Lot 13 and exclude S240 and Q17 will facilitate a “switch” of anticipated township development from the southern fringe of the current township to the eastern fringe of the current township.

In doing so, no net increase in land available to support housing and employment growth over the next 15 years occurs, rather this request will provide for anticipated development in a more appropriate area, and in a more environmentally sensitive manner.

Additional Supporting Information

The proposed boundary variation is supported by numerous DC Yankalilla resolutions including:
6.3.1 Planning Reforms – DPA Updates, Date of Meeting: 16 June 2015:
Resolved that Council, having considered Report No. 6.3.1 Planning Reforms – DPA Updates dated 16 June 2015, merge the Country Townships DPA for Second Valley and Myponga Beach into a Township/Fringe DPA that also includes the identified Development Plan updates for the townships of Yankalilla, Normanville, Myponga, Inman Valley and Cape Jervis.

Attached Supporting Information

Written submission
Image illustrating the variation request.

I confirm that I **wish to appear** in person to discuss this submission with the State Planning Commission.

Regards

Garth Heynen

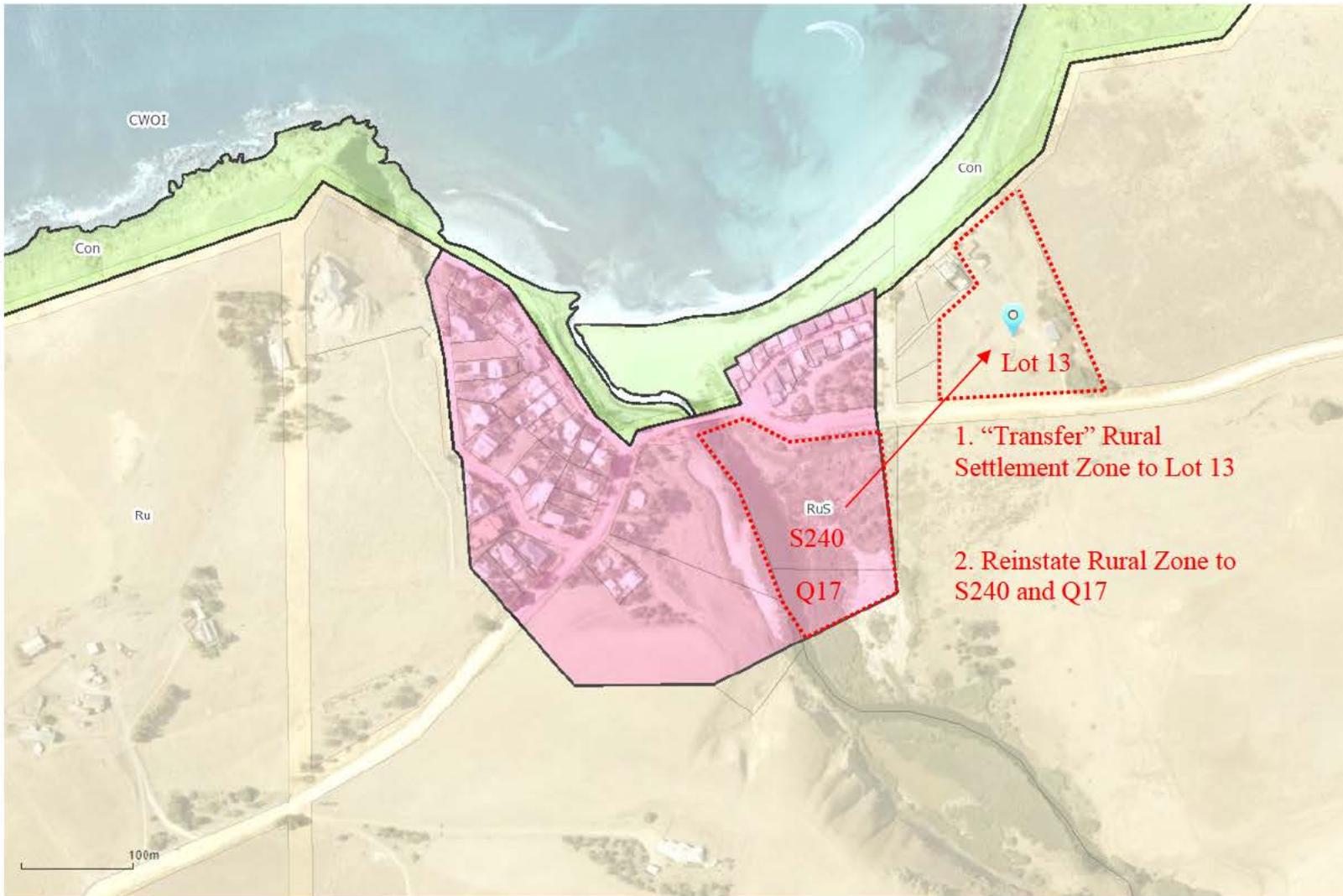
Heynen Planning Consultants

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EFPA Boundary Variation – Transfer Rural Settlement Zone From Lot 13 DP 125051 and S240 H150700 and Q17 DP125051 and realign EFPA accordingly



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EFPA Boundary Variation – Transfer Rural Settlement Zone to Lot 13 DP 125051 from S240 H150700 and Q17 DP125051 and realign EFPA accordingly
(note: all land involved is owned by Mr & Mrs Stacey)



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29 July 2021

State Planning Commission
ATT: Ms Helen Dyer

By Upload

Dear Ms Dyer

REQUEST TO VARY ENVIRONMENT AND FOOD PRODUCTION AREA BOUNDARIES 451 (LOT 13 DP 125051) MYPONGA BEACH ROAD, MYPONGA BEACH S240 H150700 AND Q17 DP125051 MYPONGA BEACH

I confirm that I have been engaged by Mr Jim and Mrs Linda Stacey to request a variation to the Environment and Food Production Area (EFPA) boundary as it relates to their land at Lot 13 DP 125051 Myponga Beach Road, Myponga Beach and Section 240 H150700 and Q17 DP125051, Myponga Beach. More specifically Lot 13 is illustrated per Figure 1.



Figure 1: 451 (Lot13) Myponga Beach Road, Myponga Beach

By way of summary, Mr and Mrs Stacey consider themselves as custodians of the land in and around Myponga Beach and are multi-generational farmers, with further generations to follow.

I confirm that this request is made following substantial ongoing enquiry from my client into the strategic planning associated with land per Figure 1 (and other surrounding land), including:

- Verbal submission to DC Yankalilla on the PAR, community forum 23 January 1995;
- Verbal and written submissions to DC Yankalilla throughout 2002, 2003 and 2007;

- Attendance at the DC Yankalilla community forum, 27 March 2010
- Written submission with respect the DC Yankalilla Townships PAR;
- Submissions to the DC Yankalilla with respect to the BPD DPA (as resolved by Council on 16 December 2010);
- Submission to DC Yankalilla on 30 Year Plan (Stage 2), 14 January 2011 (see Appendix 1);
- Submission to DC Yankalilla on the DPA, 5 October 2012 (see Appendix 2); and
- Submission to DC Yankalilla on the Strategic Directions Issues Paper 2013; on 22 November 2013 (see Appendix 3).

Please note, the above chronology is not exhaustive.

Prior to and during the above interest and effort in proper spatial planning of their land, Mr and Mrs Stacey created and released 12 allotments within the then Country Township Zone via the construction of Stacey Court (1998-2000). These allotments are within the Planning & Design Code Rural Settlement Zone, as currently in place.

Recently, circa 2018-2020, Mr and Mrs Stacey created 4 allotments at (Lots 11, 12, 14 and 15) which are located on the northern and western periphery of Lot 13 illustrated on Figure 1. At the time that these allotments were granted Development Approval, with concurrence from the State Commission Assessment Panel, they were located in the Primary Industry Zone.

The Primary Industry Zone, has been replaced by the Rural Zone per the Planning & Design Code.

On review of the above, and in short, the zoning in and around Myponga Beach has not changed demonstrably since its inception in 1984, and the subsequent consolidation of the Development Plan in 2002 and beyond.

On review of the Planning & Design Code, the policy approach has again simply “carried over” the general intent of the Primary Industry Zone. As a consequence however, the planning policies have continuously exposed an estuarine area to potential township development, while land which has no primary production value remains idle. With the further construction of 4 dwellings on the recently created allotments adjoining Lot 13 the lack of productive value will be maintained.

Relevantly, the DC Yankalilla resolved at its meeting of 2 June 2015 as follows:

6.3.1 Planning Reforms – DPA Updates
Date of Meeting: 16 June 2015

Resolved that Council, having considered Report No. 6.3.1 Planning Reforms – DPA Updates dated 16 June 2015, merge the Country Townships DPA for Second Valley and Myponga Beach into a Township/Fringe DPA that also includes the identified Development Plan updates for the townships of Yankalilla, Normanville, Myponga, Inman Valley and Cape Jervis.

The decision of Council was precipitated by the report of 2 June 2015 (Appendix 4) presented to the Councils Strategic Directions Committee. Within the report (pages 4 and 5), the Strategy and Policy Planner specifically states:

1. Country Townships DPA – Myponga Beach, Second Valley

In October 2014, Council endorsed the broad terms of a draft Statement of Intent to undertake a DPA for the Second Valley and Myponga Beach Townships and in December 2014 further resolved that the Statement of Intent be lodged with the Department by April 2015.

These two townships were previously the subject of planning investigations into the potential to accommodate modest growth as part of the Townships DPA that was lapsed in 2010. These previous investigations will form the basis of work for the Country Townships DPA.

Both Townships are representative of small (predominantly) holiday home settlements within high amenity coastal locations and are zoned Country Township within the Yankalilla Development Plan. The Country Township zone boundaries have remained unchanged since the 1990's and each township has only a few undeveloped allotments left.

The overall intention of this DPA is to identify future directions for these townships and prepare Structure Plans that investigate:

- Opportunities to improve environmental management within and adjacent to each township.
- Opportunities/demand for growth of these townships.
- Associated infrastructure issues (access and services).
- Water Sensitive Urban Design requirements (stormwater disposal to wetlands systems etc.)
- Any potential land contamination issues for land being considered for re-zoning.
- Identifying the primary production significance of the rural land adjacent to the townships and any need for Township/Fringe protection.
- Potential environmental and community benefits that may be achieved in association with any future development that may result from the update.

I understand that the Council resolution remains the current view DC Yankalilla.

Put simply, the EFPA boundary variation sought by Mr and Mrs Stacey (Figure 2 overleaf) carries considerable legitimacy and fundamentally seeks to:

- (a) reduce the impact of township development on the Myponga River Estuary given that much of this area is currently zoned Country Township;
- (b) achieve sustainable expansion of the current township area given that the Country Township Zone boundary has not changed ostensibly since 1984; and
- (c) introduce guiding principles to achieve built forms sensitive to the township character.

In my opinion, the boundary variation will assist in facilitating a “switch” of the anticipated township development from the southern fringe of the current township to the eastern fringe of the current township.

In doing so, no net increase in land available to support housing and employment growth over the next 15 years occurs, rather this request will provide for anticipated development in a more appropriate area, and in a more environmentally sensitive manner.

Should you have any queries please contact me at your convenience, otherwise I look forward to speaking at the Public Hearing on this request.

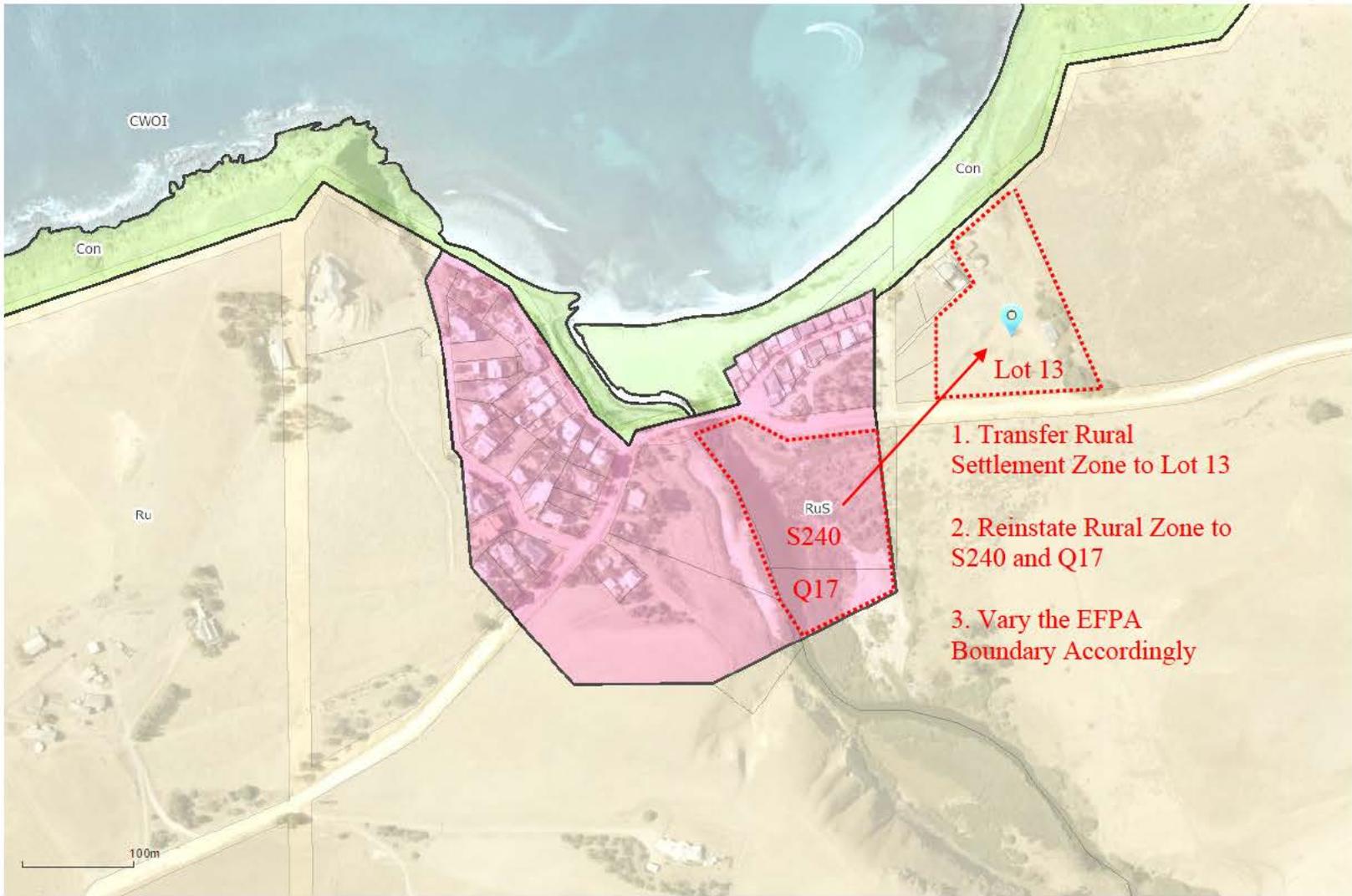
Yours faithfully,



Garth Heynen, MPlA

BA Planning, Grad Dip Regional & Urban Planning, Grad Dip Property

cc. Mr and Mrs Stacey, by email



APPENDIX 1 – Submission to DC Yankalilla 14 January 2011



HEYNEN
PLANNING CONSULTANTS

M 0417 848 061
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F 08 8331 1617
E gheyne@bigpond.net.au
PO BOX 523
KENSINGTON PARK SA 5068

14 January 2011

District Council of Yankalilla
ATT: Roger Sweetman – Chief Executive Officer
PO Box 9
YANKALILLA SA 5203

By Email: consultation@yankalilla.sa.gov.au

Dear Roger

RE: YANKALILLA DISTRICT – 30 YEAR PLAN STAGE 2 - SUBMISSION

I confirm that I have been engaged by Mr Jim and Mrs Linda Stacey to review the District Council of Yankalilla 30 Year Plan (Stage 2) and provide a submission on their behalf.

By way of clarification Mr and Mrs Stacey are owners of land variously in and around Myponga Beach characterised by way of the following descriptors (not exhaustive):

- o Vol. 5522 Fol. 476
- o Vol. 5819 Fol. 664
- o Vol. 5819 Fol. 662
- o Vol. 5819 Fol. 663
- o Vol. 5852 Fol. 787
- o Vol. 5522 Fol. 475
- o Vol. 5546 Fol. 102
- o Vol. 5852 Fol. 786
- o Vol. 5522 Fol. 482
- o Vol. 5522 Fol. 480
- o Vol. 5522 Fol. 478
- o Vol. 5829 Fol. 617
- o Vol. 5522 Fol. 477
- o Vol. 5546 Fol. 104
- o Vol. 4081 Fol. 640
- o Vol. 5674 Fol. 601
- o Vol. 5698 Fol. 612
- o Vol. 5962 Fol. 429

Given these significant landholdings their interest in and comments associated with the 30 Year Plan should be afforded substantial weight.

BACKGROUND

Mr and Mrs Stacey, accompanied by me, attended the community forum (27 March 2010) pertaining to Myponga Beach and noted the comments raised during the workshop. As a consequence a summary of our understanding of the issues (as they pertained to planning policy matters) raised at the forum was emailed to Mr Matt Robertson on 9 April 2010.

I also confirm that Mr and Mrs Stacey have been in constant contact with Council regarding the progress of the Townships PAR and will continue to be involved with the BDP DPA (as resolved by Council on 16 December 2010).

Accordingly, this submission on the 30 Year Plan – Issues Paper is made with considerable legitimacy.

30 YEAR PLAN – STAGE 2 “THE DISTRICT WIDE STRATEGIC RESPONSE”

The District Council of Yankalilla 30 Year Plan Stage 2 (the Plan) seeks to achieve the following key outcome:

It is expected that not all of our District’s future population growth will be accommodated within the three townships that were the subject of the Stage 1 report. Stage 2 of the Plan focuses on the issues and strategic directions over the next 30 years for Myponga, Myponga Beach, Inman Valley... and the rural areas around them.¹

We concur that the role played by Myponga Beach (amongst other townships) in managing population growth is critical and expansion of township boundaries to cater for additional demand is required.

The Plan includes the following policy suggestions:

(A) Within Primary Industry and Watershed Zones

- Relocation of existing allotments so as to correspond with less or non-productive land and enable rural living or “lifestyle” allotments; and
- Locating allotments in clusters (to minimise infrastructure construction and improve bushfire protection measures) to facilitate the creation of rural living or lifestyle allotments.

I confirm that the above items are supported by Mr and Mrs Stacey, while I am also of the opinion that merit exists for the above policy directions.

From my notes of the Myponga Beach forum, and consistent with the opinions of Mr and Mrs Stacey, I also recorded insofar as they relate to lifestyle and rural living allotments that (i) covenants and encroachments may assist in the better management of these allotments, (ii) the size of the landholding does not guarantee better land management; and (iii) that the size of allotments should be linked to land use capability (i.e. small pockets of allotments could be created without reducing productive capacity).

COMMENT 1: We request therefore that items (i), (ii) and (iii) above be included in Councils investigations and policy deliberations.

(B) Residential and Township Development

- Regard to character as part of the expansion of township areas; and
- Regard to bushfire protection measures.

Mr and Mrs Stacey are supportive of the above points, however they also stress that the consideration of character and bushfire protection should be “reasonable” and be based upon accurate, current and practical knowledge. This is particularly the case for bushfire protection given the locational and topographical circumstances experienced at Myponga Beach which inherently reduce risk levels.

COMMENT 2: We request therefore that the character assessments and bushfire risk be informed by comprehensive and correct information.

¹ Page 3 of the Plan

30 YEAR PLAN – STAGE 2 “LOCALITY ISSUES”

Specifically with regard to Myponga Beach the Plan suggests the following:

- *Identifying opportunities to reduce the impacts of the township on the Myponga River Estuary;*
- *Identifying a sustainable future for the settlement, including minor township expansion;*
- *Introducing planning principles into the Development Plan to be more sensitive to the township character and provide greater guidance to avoid adverse impacts from new development; and*
- *Investigating possible need for Rural Living areas.*

Mr and Mrs Stacey and I are in agreement that the above concepts are supportable. However, this support is prefaced by the following comments.

COMMENT 3: The current impact of the township on the estuary should be clearly quantified before seeking to address policy issues.

COMMENT 4: The expansion of the township should take the form illustrated in Figure 1.

COMMENT 5: Concepts such as a “township character” and “adverse impacts” need to be clearly articulated.

From my notes of the forum of 27 March 2010 the following points were also recognised as key aspects affecting the form of township growth:

- (iv) Two different types of residents (permanents and weekenders) with different demands exist within the township;
- (v) Growth should recognise that weekenders’ homes may be used as permanent residences in the future and *vice versa*;
- (vi) Demands on infrastructure will change if permanent residents become the main-stay due to frequency of use, even if housing numbers do not increase; and
- (vii) Infrastructure upgrades should be planned for in advance.

COMMENT 6: We request therefore that items (iv) to (vii) inclusive above be included in Councils investigations and policy deliberations.

SUMMARY

Generally, Mr and Mrs Stacey are supportive of the Plan. This support is subject to serious consideration being given to Comments 1 to 6 as outlined above. In this regard, the Plan states the following of relevance:

Two of the key reasons for undertaking Stage 2 of the District – 30 Year Plan are to:

- *Seek local community input and establish what strategic issues are important to those communities;*

- *Identify planning policy issues that require further investigation and prioritise future actions to amend Council's planning policies and implement desired changes to the Yankalilla Development Plan...*²

I confirm that Mr and Mrs Stacey view the above undertaking as critical to the achievement of the policy objectives contained within the Plan and look forward to receiving Councils feedback on their comments.

At this time, I also seek to inform Council that the above comments from Mr and Mrs Stacey do not derogate from their belief that Figure 1 and other relevant comments they have raised could be addressed in the BDP DPA.

I trust that Council will find the comments in relation to the Plan as helpful in bringing about the achievement of the 30 year vision.

Your confirmation of receipt of this submission is requested.

Should you have any queries please contact me at your convenience.

Yours faithfully



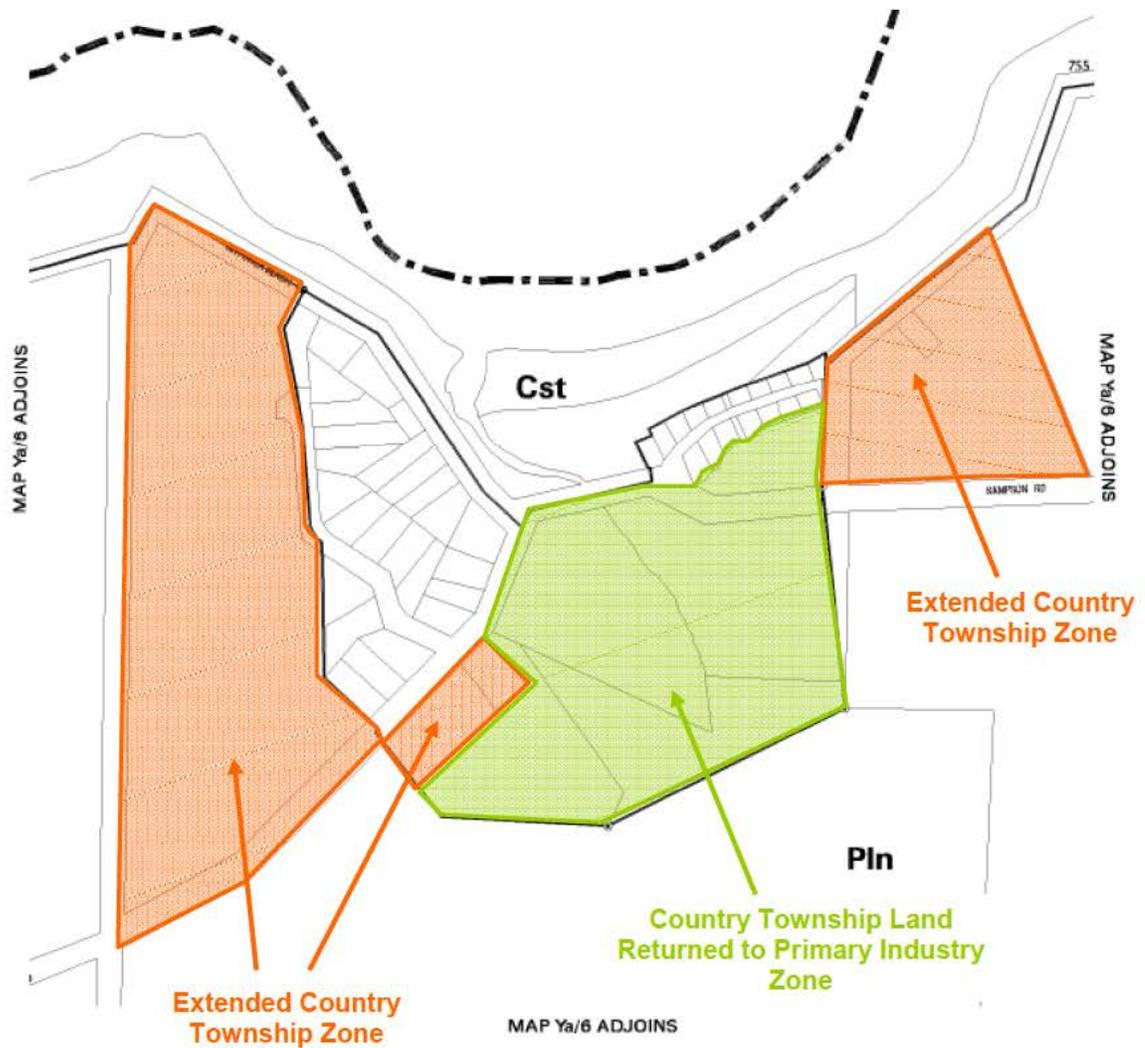
Garth Heynen
BA Planning, Grad Dip Regional & Urban Planning, Grad Dip Property

cc. Mr and Mrs Stacey, by email

² Page 4 of the Plan

Figure 1 – Preferred Rezoning

(to Accommodate Township Growth and Remove Estuary from the Existing Country Township Zone)



MYPONGA BEACH
CT Country Township
Cst Coastal
Pln Primary Industry



**YANKALILLA (D.C.)
ZONES**

APPENDIX 2 – Submission to DC Yankalilla 3 October 2012



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PO BOX 523
KENSINGTON PARK SA 5068

CONFIDENTIAL

3 October 2012

District Council of Yankalilla
ATT: Chief Executive Officer
PO Box 9
YANKALILLA SA 5203

Dear Mr Skull

RE: YANKALILLA DEVELOPMENT PLAN AMENDMENT – MYPONGA BEACH

I confirm that I have been engaged by Mr Jim and Mrs Linda Stacey to provide you with background and information pertaining to strategic planning issues associated with Myponga Beach and the Councils Development Plan Amendment process more generally.

By way of clarification Mr and Mrs Stacey are owners of land variously in and around Myponga Beach characterised by way of the following descriptors (not exhaustive):

- | | | |
|----------------------|----------------------|----------------------|
| o Vol. 5522 Fol. 476 | o Vol. 5546 Fol. 102 | o Vol. 5522 Fol. 477 |
| o Vol. 5819 Fol. 664 | o Vol. 5852 Fol. 786 | o Vol. 5546 Fol. 104 |
| o Vol. 5819 Fol. 662 | o Vol. 5522 Fol. 482 | o Vol. 4081 Fol. 640 |
| o Vol. 5819 Fol. 663 | o Vol. 5522 Fol. 480 | o Vol. 5674 Fol. 601 |
| o Vol. 5852 Fol. 787 | o Vol. 5522 Fol. 478 | o Vol. 5698 Fol. 612 |
| o Vol. 5522 Fol. 475 | o Vol. 5829 Fol. 617 | o Vol. 5962 Fol. 429 |

In terms of land ownership, this effectively means that Mr and Mrs Stacey own the land that bounds the current Myponga Beach township (both within the current Country Township Zone and the Primary Industry Zone (see Figure 1 overleaf)).

Background

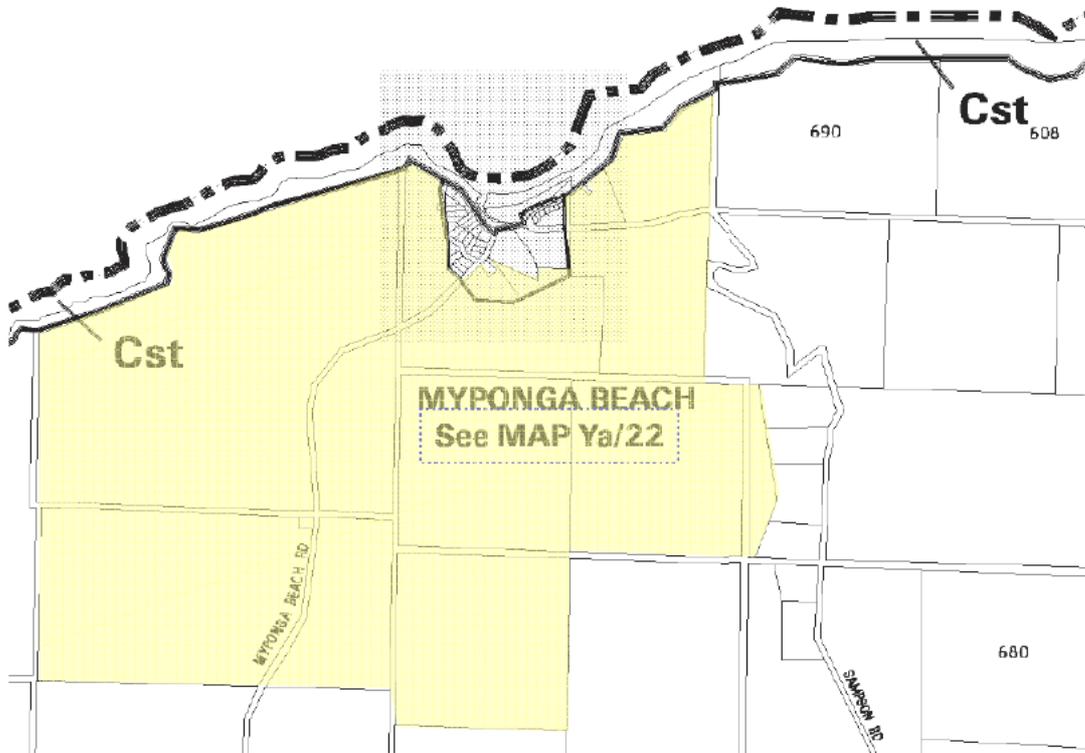
Historically, I confirm also that the creation and release of 12 allotments (by Mr and Mrs Stacey) within the Country Township Zone land via the creation of Stacey Court in 1998-2000 has been the only significant change to the Myponga Beach township since its settlement.

Given these significant landholdings their interest in the strategic planning process, in my opinion, should be afforded substantial weight.

In this regard, most recently on 14 January 2011 I prepared a written submission on behalf of Mr and Mrs Stacey pertaining to the 30 Year Plan Stage 2 public consultation process. Prior to that attendance at the community forum of 27 March 2011 occurred.

I also confirm that Mr and Mrs Stacey have been in constant contact with Council regarding the BDP DPA (as resolved by Council on 16 December 2010) and prior to that the Townships Plan Amendment Report (PAR)).

Figure 1 – Stacey Landholding (not exhaustive)



I have not provided copies of written submissions (letters and emails) as these would be on the property records of Council. Suffice to say that your records you will confirm that Mr and Mrs Stacey first made comments on the Council PAR process on 23 January 1995 at a community meeting held at the Myponga Sporting Clubrooms. At that community meeting it was noted that the zones affecting Myponga Beach had not been changed for over 35 years and that the Council was embarking on developing a Vision Statement for the area.

Further comments were made to Council in 2002, including provision of a master plan for Myponga Beach. Discussions in 2003 regarding a minor realignment of the Country Township Zone associated for 4 new allotments via a minor PAR gained support from Council officers, however by 2007 no progress had occurred and a land division application was lodged and subsequently approved.

With regard to the Townships PAR, Mr and Mrs Stacey were advised that the document would go on public consultation in July 2008. On 16 October 2010, the document was lapsed and since then Council has sought to merge Yankalilla, Normanville and Carrickalinga into the BDP DPA.

For your information Appendices 1 and 2 illustrate the original 1984 zoning and the 2002 zoning for Myponga Beach. Save for the General Farming and Rural Coastal Zones being relabeled as Primary Industry Zone (which consistently have not allowed land division or more than dwelling on one allotment) the planning policies have not altered. The 2012 zoning is the same as Appendix 2.

With the focus of the BDP DPA on the three main townships Mr and Mrs Stacey are keen to avoid further delays and ensure that strategic planning for Myponga Beach (and other secondary townships) is not delayed for a further 28 years.

Myponga Beach and the other secondary townships (in addition to the three main townships) will play a critical role in:

- (a) managing population growth (and generating substantial rate revenue for Council);
- (b) defining infrastructure demands and maintenance; and
- (c) supplying community services (for both permanent and transient residents).

More up to date Development Plan policies for Myponga Beach will provide a strategic decision making framework for, amongst other matters:

- o the abovementioned issues associated with population growth;
- o character preservation; and
- o improved environmental management (the estuary is zoned Country Township).

To facilitate the discussion regarding the potential for the sustainable and appropriate growth of Myponga Beach, Mr and Mrs Stacey have prepared a concept allotment layout and staging plan (see Appendix 3) for your consideration.

Summary

Mr and Mrs Stacey seek that Council:

- (a) proceed with haste to progress the BDP DPA as per Stage 1 of the District - 30 Year Plan;
- (b) proceed with a Stage 2 DPA for the remaining townships including Myponga Beach concurrently with the Stage 1 BDP DPA;
- (c) incorporate the rezoning of the Country Township Zone and Primary Industry Zone consistent with the DPA Concept Overview (Appendix 3) in the Stage 2 DPA.

Mr and Mrs Stacey would appreciate a meeting with you to discuss their vision for Myponga Beach.

I look forward to discussing this matter with you in due course.

Yours faithfully

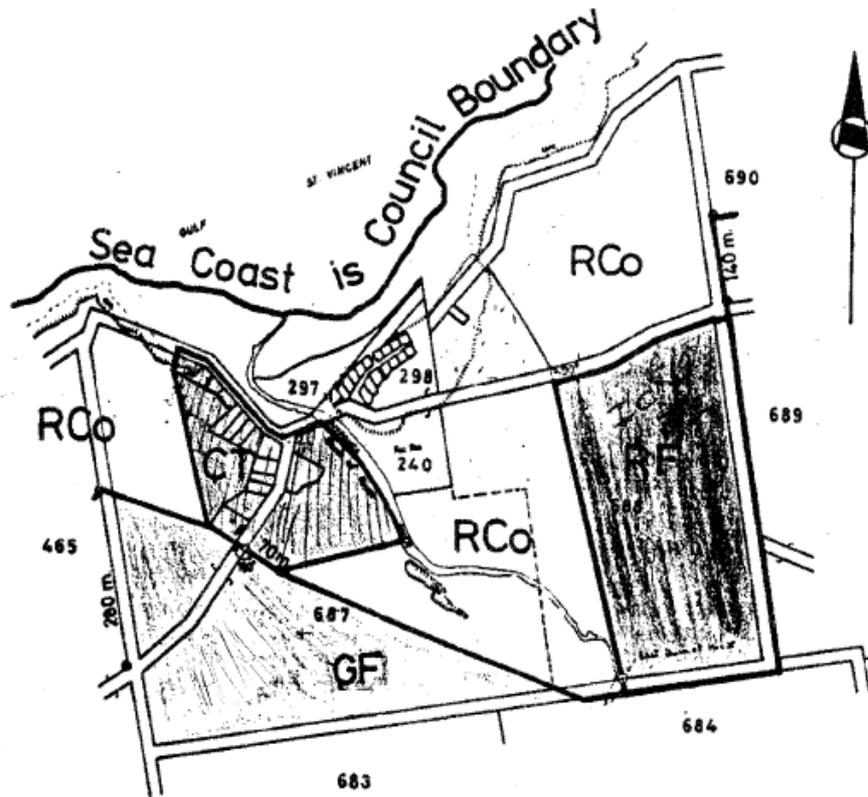


Garth Heynen

BA Planning, Grad Dip Regional & Urban Planning, Grad Dip Property

cc. Mr and Mrs Stacey, by post
Mr Trevor Starr, StarrSolutions Management & Consulting, by post

Appendix 1 – 1984 Zone Map



MYPONGA BEACH

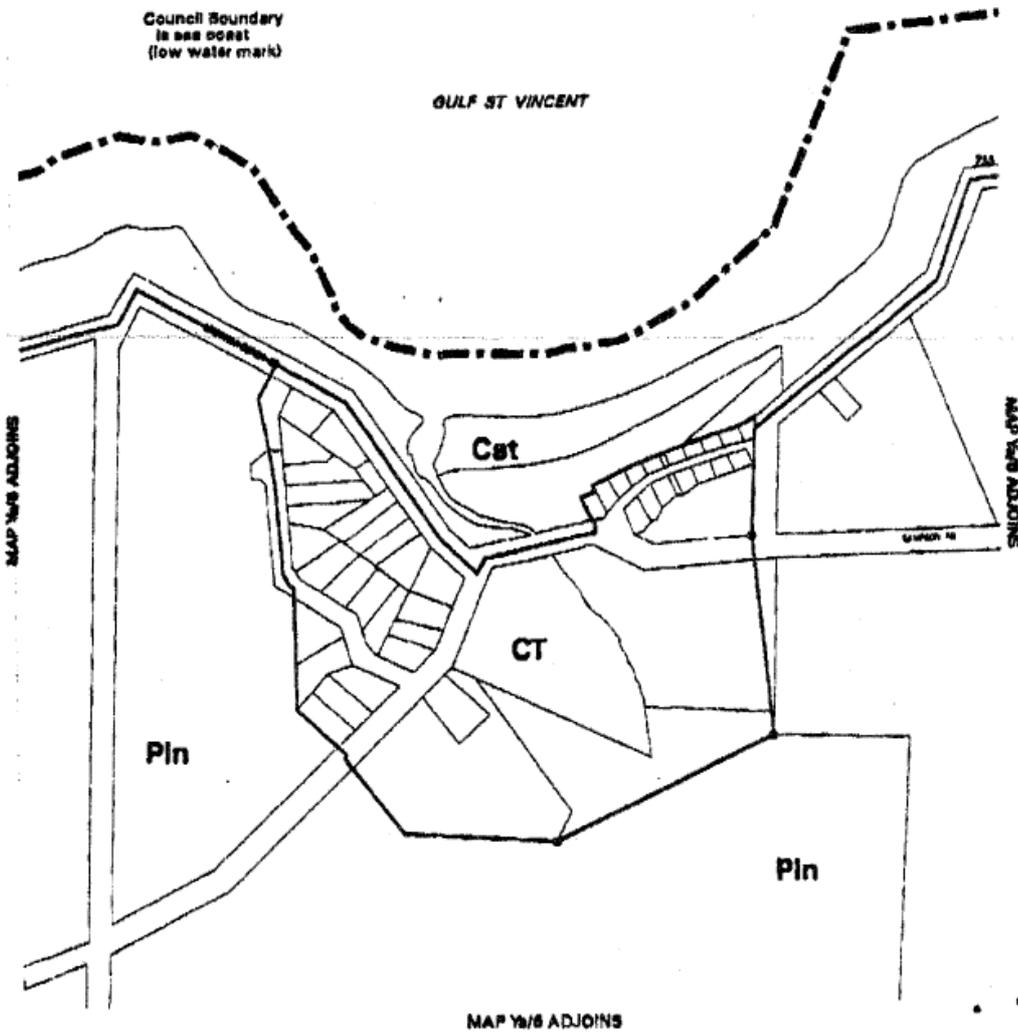


LEGEND			
Business Zone	B	Special Uses Zone	SU
Commercial Zone	C	Waterfront Zone	WF
Conservation Zone	Cons	General Farming Zone	GF
Landscape Zone	L	Country Living Zone	CL
Residential Zone	R	Country Township Zone	CT
Rural Fringe Zone	RF	Extractive Industry Zone	EI
Rural Living Zone	RL	Urban Coastal Zone	UCo
Rural Coastal Zone	RCo	Extractive Industry (deferred) Zone	EId
		Tourist Accommodation Zone	TA
		Watershed Protection 1 Zone	WS1
		Watershed Protection 2 Zone	WS2

DISTRICT COUNCIL OF
YANKALILLA
ZONES

MAP Ya/33
14 June 1984

Appendix 2 – 2002 Zone Map



MYPONGA BEACH
 CT Country Township
 Cat Coastal
 Pin Primary Industry

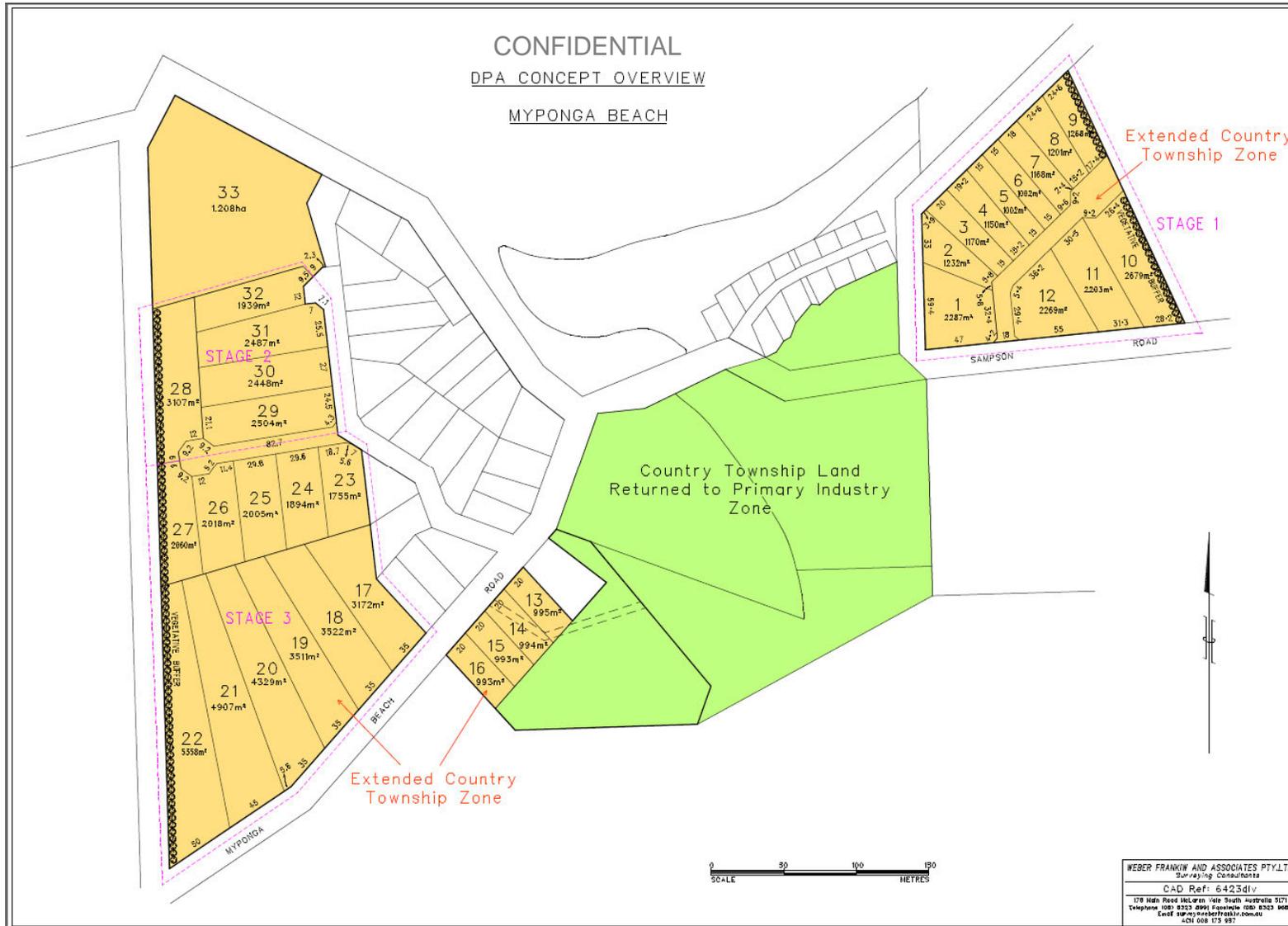
— Zone Boundary
 - - - - - Development Plan Boundary



**YANKALILLA (D.C.)
 ZONES
 MAP Ya/22**

Consolidated - 28 November 2002

Appendix 3 – DPA Concept Overview (2012)



APPENDIX 3 – Submission to DC Yankalilla 22 November 2013



HEYNEN
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PO BOX 523
KENSINGTON PARK SA 5068

22 November 2013

District Council of Yankalilla
ATT: Adrian Skull – Chief Executive Officer
PO Box 9
YANKALILLA SA 5203

By Email: consultation@yankalilla.sa.gov.au

Dear Adrian

RE: YANKALILLA – STRATEGIC DIRECTIONS ISSUES PAPER 2013 - SUBMISSION

I confirm that I have been engaged by Mr Jim and Mrs Linda Stacey to review the District Council of Yankalilla Strategic Directions Issues Paper 2013 (the Issues Paper) and provide a submission on their behalf. As you would be aware, Mr and Mrs Stacey are owners of substantial land holdings variously in and around Myponga Beach:

I also advise that Mr and Mrs Stacey have been a regular and consistent contributor to discussions regarding the strategic planning of the Myponga Beach township since 1995; having attended public community consultation in 1995 (preparation of a Vision Statement), providing comment on a township master plan (circa 2002), and monitoring the progress of the Townships PAR (circa 2007) and the subsequent BDP DPA (as resolved by Council on 16 December 2010).

Accordingly, this submission on the Issues Paper is made with considerable legitimacy.

Having reviewed the Issues Paper I confirm that Mr and Mrs Stacey are supportive of the following aspects of the document (as contained on page 20):

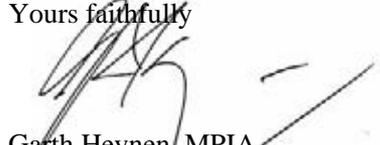
- (a) reducing the impact of township development on the Myponga River Estuary given that much of this area is currently zoned Country Township;
- (b) achieving sustainable expansion of the current township area given that the Country Township Zone boundary has not changed ostensibly since 1984;
- (c) introducing guiding principles to achieve built forms sensitive to the township character given that the current Development Plan provisions typically include conventional residential guidelines; and
- (d) investigating possible rural living areas given that these types of land division and development can resolve the need to preserve primary production areas and balance the desire for clustered smaller landholdings.

With respect to the policy priorities listed on page 24 of the Issues Paper, I also confirm that Mr and Mrs Stacey are supportive of the Short Term Township and Fringe DPA, subject to the Myponga Beach Township area being included in this policy document.

Should the opportunity arise to speak in support of the Issues Paper, I confirm that Mr and Mrs Stacey would welcome the opportunity.

Otherwise, in the meantime, should you have any queries please contact me at your convenience.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Garth Heynen', is written over a light grey rectangular background.

Garth Heynen, MPIA

BA Planning, Grad Dip Regional & Urban Planning, Grad Dip Property

cc. Mr and Mrs Stacey, by email

APPENDIX 4 – Report to DC Yankalilla Strategic Directions Committee 2 June 2015



NOTICE OF MEETING

STRATEGIC DIRECTIONS COMMITTEE

(Constituted under Section 41 of the Local Government Act 1999)

Notice is hereby given that the next meeting of the Strategic Directions Committee of the District Council of Yankalilla will be held in the Council Chambers, 1 Charles Street Yankalilla on Tuesday 2 June 2015 commencing at 4.00pm

To all Members of Strategic Directions Committee

Cr. Janet Jones (Deputy Mayor)	Field
Cr. Simon Rothwell	Field
Cr. Peter O'Neil	Field
Cr. David Olsson	Field
Cr. Glen Rowlands (Mayor)	Light
Cr. Rachel Preston	Light
Cr. Bruce Spilsbury	Light
Cr. Rick Williams	Light

A handwritten signature in black ink, appearing to read "Tania Baldock".

Tania Baldock
Acting Chief Executive

28 May 2015

We would like to begin by acknowledging the Kaurna people, the traditional custodians of this land and pay our respects to their elders past and present.



1. ATTENDANCE
2. APOLOGIES

AGENDA

Link to Council's Strategic Plan

Theme	Item	Strategic Focus this meeting
Community	Community Services	
Economic Development	Economic Development	
Natural and Built Environment	Planning and Building	
	Regulatory Services	
	Infrastructure Services	
	Land Use Planning	√
Governance & Finance	Finance	
	Property	
	Corporate Management	
	Corporate Governance	

Purpose: To discuss items of strategic importance to the District and our residents

3. CONFIRMATION OF MINUTES

Recommendation

That the minutes of the Strategic Directions Committee held on 5 May 2015 as circulated to Councillors be confirmed as an accurate record of the proceedings of that meeting.

4. STRATEGIC CONVERSATION

*Designed for discussion on Council's strategic priorities, including an opportunity to bring in staff from across the organisation to present an update on projects / services in their area of speciality.
Topics today:*

- 4.1 Planning Reforms – DPA Updates
- 4.2 Warrina Water – Public Meeting Feedback
- 4.3 Annual Business Plan – Burnside Public Meeting Feedback
- 4.4 FRWA Report – Verbal

5. CONFIDENTIAL BUSINESS

Nil

6. CLOSURE



4.1 Planning Reforms – DPA Updates

Date of Meeting: 2 June 2015
File Ref: 3/076/107
Responsible Officer: Matt Robertson, Strategy and Policy Planner

Purpose

To update Members on progress with priority DPA work and seek consideration to revising the Township/Fringe DPA to include additional township areas.

Strategic Plan Ref

Natural and Built Environment - Maintain and enhance our natural environment complimented by sympathetic buildings, facilities and activities.

Outcome: Strategic Planning and Development Control that meets the community's needs

Strategy:

- Complete and implement both stages of the District - 30 Year Plan.
- Collaborate with State Government to ensure that local planning and development aspirations are met.
- Develop planning policy and update Council's Development Plan to provide "best practice" guidelines for development within the District.

Proposal Impacts

Asset Management		Legislation/Statutory/Policies	√
Budget/Annual Business Plan		Long Term Financial Management Plan	
Community Engagement	√	Risk Assessment	
Economic Growth	√	Service Standards	
Environment	√	Social	√
Legal Advice		Staff Resources	√
References	Development Act 1994		
Confidential Attachment	Country Townships DPA Statement of Intent		

Recommendation

That the Strategic Directions Committee, having considered Report No. 4.1 Planning Reforms – DPA Updates, dated 2 June 2015, recommend to Council that:

1. A report be brought to the July Council meeting to merge the Country Townships DPA for Second Valley and Myponga Beach into a Township/Fringe DPA that also includes the identified Development Plan updates for the townships of Yankalilla, Normanville, Myponga, Inman Valley and Cape Jervis.



Summary

- The final Strategic Directions Report with Council's adopted DPA priorities was forwarded to the Minister for Planning in December 2014. No response has been forthcoming from the Minister at this point in time.
- Council has given consideration to a number of the short term DPA and project priorities and work is underway.
- There is a need to coordinate the various DPA priorities to avoid confusion and duplication in the formal processes.

Discussion

Council wishes to pursue the short term Planning Strategy Priorities to update the Yankalilla Development Plan during 2015/16 and beyond and has also expressed a desire to accelerate the Development Plan update process.

Staff held discussions with the Policy section of the Department of Planning, Transport and Infrastructure (DPTI) and have received advice in relation to pursuing Council's DPA priorities.

Brown Road (Residential) DPA (re-zoning a small portion of Growth Area 12 at Carrickalinga from Primary Industry to Residential zoning – a privately funded DPA process)

Council resolved to adopt the DPA together with a series of amendments in March 2015 and the amended DPA was forwarded to the Minister for Planning in April 2015 to seek its authorisation into the Yankalilla Development Plan.

The DPA is currently being reviewed by DPTI Policy staff over the next 2 months. Further updates will be provided once advice has been received.

Better Development Plan DPA (ongoing work to convert the Development Plan to the required format and update local planning policies to the State Policy format)

Council adopted the draft Statement of Intent in May 2015 and this will be forwarded to the Department in June 2015 to seek the Minister for Planning's approval to continue with the preparation of the DPA content.

Short Term Township/Fringe DPA(s) (responding to matters considered by Council during the process of formulating the Strategic Directions Report in 2014)

- a. Normanville, Yankalilla, Carrickalinga Fringe/Residential Areas
- b. Myponga Beach Township
- c. Inman Valley Township
- d. Cape Jervis Township
- e. Second Valley Township
- f. Myponga Township

In September 2014, Council considered a report outlining a number of immediate priorities that could be commenced during 2014/15. The following DPAs have been the subject of preliminary consideration by Council:

1. Country Townships DPA – Myponga Beach, Second Valley

In October 2014, Council endorsed the broad terms of a draft Statement of Intent to undertake a DPA for the Second Valley and Myponga Beach Townships and in December 2014 further resolved that the Statement of Intent be lodged with the Department by April 2015.



These two townships were previously the subject of planning investigations into the potential to accommodate modest growth as part of the Townships DPA that was lapsed in 2010. These previous investigations will form the basis of work for the Country Townships DPA.

Both Townships are representative of small (predominantly) holiday home settlements within high amenity coastal locations and are zoned Country Township within the Yankalilla Development Plan. The Country Township zone boundaries have remained unchanged since the 1990's and each township has only a few undeveloped allotments left.

The overall intention of this DPA is to identify future directions for these townships and prepare Structure Plans that investigate:

- Opportunities to improve environmental management within and adjacent to each township.
- Opportunities/demand for growth of these townships.
- Associated infrastructure issues (access and services).
- Water Sensitive Urban Design requirements (stormwater disposal to wetlands systems etc.)
- Any potential land contamination issues for land being considered for re-zoning.
- Identifying the primary production significance of the rural land adjacent to the townships and any need for Township/Fringe protection.
- Potential environmental and community benefits that may be achieved in association with any future development that may result from the update.

2. Township/Fringe DPA (

In April 2015, Council resolved to advise the Department of the intention to lodge a DPA in September 2015, involving:

- Investigations into the short term residential development opportunities within and on the fringes of Yankalilla and Normanville. (These short term initiatives would be the first step toward accommodating a growing population and avoid the need to immediately commence DPA investigations into the re-zoning of land for larger Growth Areas).
- Myponga Township – review Country Township Zone & boundary – relocate undeveloped land within the zone to a more appropriate location (further away from reservoir) – also take the opportunity to plan for business opportunities.
- Inman Valley Township – review Country Township Zone – create a Township/Fringe residential area and Public Open Space.
- Cape Jervis Township – review Residential, Commercial and Rural Living Zones – identify areas for Tourism Facilities, Marine/Fishery Services and Public Open Space.

Staff held discussions with DPTI Policy staff to progress these two DPAs. Advice from the DPTI Policy Section has recommended that all six of these townships should be handled within the one DPA process due to the similarity of planning issues faced by the townships and the excessive administration time needed to administer two parallel DPA processes.



Councillors have also expressed a desire to accelerate these updates to the Development Plan.

To meet Council's desire to accelerate work on updating the Development Plan, the two DPAs (above) should be merged into a single Township/Fringe DPA to include planning investigations for all affected townships mentioned above.

Remaining Planning Reform Priorities:

Local Heritage project (this is a 3 stage process eventually leading to the creation of a Local Heritage list within Council's Development Plan)

For budgetary reasons Council adopted a three stage approach that works toward the formal recognition and identification of Local Heritage Places within the Yankalilla Development Plan.

As a first step, Council has identified the need to inform and encourage debate on the value of local heritage within the community. This will help to improve the recognition of locally significant places within this district and give an opportunity for the community to provide information that will help with the more formal task of identifying the places of Local Heritage significance.

1. Review of existing heritage survey and records in state and local libraries, Council, and publications. – *to be completed in June 2015*
2. Identify local heritage places – mapping and photographs field visits of sites to check status and condition. – *to be completed in August 2015*
3. Contact Community groups, local history association and residents to contribute and define what is important to them. Encourage information from the public including photos, family histories, private records. At this stage it would be a good idea to identify people in the community who could be a core group of local heroes. - *August 2015*
4. Consult with state bodies such as DPTI, Environment and Conservation, State Library, Oral History Association regarding resources and relevant DPTI modules for formulating local heritage policies and listings amending the Yankalilla DPA (throughout the above tasks – early meeting with DPTI) – *August 2015*
5. Prepare a list of places and spaces that contribute to the Yankalilla way of life and sense of place. – *October 2015*
6. Consult with residents, history, community and business groups - *November/December 2015*

Submissions and ideas will be reviewed and 3 progress reports prepared to inform Council with recommendations for

- a. Completion of draft Local Heritage Places list. – *scheduled for 2016/17*
- b. Preparation of Local Heritage Development Plan Amendment report – *scheduled for 2017/18*
- c. Celebrations of cultural heritage as an economic and social process involving tourism and promotion of the district.
- d. Economic and cultural incentives to promote heritage and local pride.

(c) and (d) will be incorporated into the community discussions and research period.

Rural Living Zone Investigations (acknowledged as a short term priority within the Strategic Directions report - responding to Council's resolution dated July 2013)



Council has resolved that these investigations be carried out and that the review include direct consultation with the affected landholders.

Given the priority of the above DPA matters, it is proposed that a report proposing a methodology and content be brought forward to the committee for consideration in July 2015 and that these investigations be commenced toward the end of 2015.

Further information and reports will be brought forward for Council's consideration and decision in relation to the following DPA priorities from 2016 onwards:

- **Rural Areas DPA** - will provide important direction to promote innovation and reduce red tape in the development application process for the future of our rural areas.
- **Urban Growth DPA** - will enable suitably staged zoning of additional land for township growth in designated locations within the Township Boundaries for Yankalilla, Normanville and Carrickalinga. (as identified within the Structure Plan)
- **Local Heritage DPA** – undertaking the final 2 steps identified as follows:
 - o Step 2 - updating the 1985 Heritage Survey (assessing places against current local heritage criteria) and
 - o Step 3 - commence a Local Heritage Development Plan Amendment.

Communications Plan - Timetable

Council is seeking a Communications Plan to establish a timetable and ensure a coordinated approach to the community engagement process associated with each of the DPA and project initiatives outlined within this report. This will be presented to the June meeting of Council.



4.2 Worrina Water Public Meeting Feedback

Councillors Rothwell, Williams and Jones attended a public meeting at Worrina on 20/05/2015 and submit the following report for discussion at the June Strategic Directions meeting.

The meeting was called by the Worrina Cove Ratepayers/Residents to hear an alternative option for the supply of their water and the sewerage system management. Mark Wilson, from SA Water, presented an indicative proposal for consideration as an alternative to receiving their water and sewerage system management from Yankalilla District Council.

Assuming control and ownership of YDC property and plant SA Water would have \$2,000,000 expenditure in upgrading the plant and administration costs prior to becoming the retailer providing a water supply and sewerage system to all properties at Worrina. This expenditure would be recouped from the residents in a one-off payment to SA Water of \$10,000/ housing allotment and \$5,000/ unit, or instalments paid quarterly over two years. The annual supply charge to each connection would be an annual fee of \$282.80 (paid in quarterly instalments of \$70.70), plus Save the Murray Levy of \$10/quarter. Usage charge calculated from \$2.32 up to \$3.59 depending on amount used. This compares with \$536.00 annual fee and \$3.25 usage fee charge by YDC. SA Water estimate they would spend \$90,000/annually on water quality testing. An accurate dam capacity measurement would be undertaken to assure sufficient water volume for the present and future housing use. SA Water has agreed to trial the suitability of leaving the dam perimeter unfenced.

SA Water sewerage charges are calculated on property value, i.e. a property to the value of \$206,580 would pay the minimum rate of \$351.40/annually, and rates are adjusted upward to a \$450,000 property paying \$765.44/annually for a sewerage connection. This compares with YDC charge of \$800/annually. The CWMS plant will require an upgrade to cope with future occupancy.

Other options discussed; a small desal plant (cost \$5,000,000) and an SA Water pipeline from Normanville (cost \$10,000,000) were cost prohibitive to the residents.

The Worrina property owners indicated support for a SA Water owned service of water and sewerage. They will receive and Expression of Interest form from SA Water to complete and return by June 30th 2015. To proceed further the Board of SA Water requires a majority indication from the property owners. When this occurs, negotiation will commence with YDC possibly in July 2015.

Mark Wilson reported that their proposal included freely acquiring all property and infrastructure from Yankalilla Council.

The meeting was well attended by property owners and the indicative proposition was thorough in its presentation by Mark Wilson from SA Water.

3.

COMMENCEMENT

We would like to begin by acknowledging the Kaurna people, the traditional custodians of this land and pay our respects to their elders past and present.

Meeting Commenced: 4.00pm

1 ATTENDANCE

Cr. Janet Jones (Deputy Mayor)	Field
Cr. Simon Rothwell	Field
Cr. David Olsson	Field
Cr. Glen Rowlands (Mayor)	Light
Cr. Rachel Preston	Light
Cr. Rick Williams	Light

Adrian Skull	Chief Executive
Mark Heinrich	Manager Finance & Community Services
Matt Robertson	Strategic Planner
Tania Baldock	T/L Governance & Wellbeing

2 APOLOGIES

Cr. Peter O'Neil
Cr. Bruce Spilsbury

3 CONFIRMATION OF MINUTES

Moved Cr. Jones
Seconded Cr. Preston

That the minutes of the Strategic Directions Committee held on 7 April 2015 as circulated to Councillors be confirmed as an accurate record of the proceedings of that meeting.

CARRIED

4. STRATEGIC CONVERSATION

Designed for discussion on Council's strategic priorities, including an opportunity to bring in staff from across the organisation to present an update on projects / services in their area of speciality. Topics today:

4.1 Progress on Local Heritage Project and Better Development Plan DPA

Date of Meeting: 5 May 2015
File Ref: 3/076/107
Responsible Officer: Strategy and Policy Planner

Moved Cr. Olsson
Seconded Cr. Rothwell

Resolved that the Strategic Directions Committee, having considered Report No 4.1 Progress on Local Heritage Project and Better Development Plan DPA, dated 5 May 2015, request that a Communications Plan be brought to Council in June 2015.

CARRIED

4.2 Little Gorge Shacks

Moved Cr. Olsson
Seconded Cr. Rothwell

Resolved that the Strategic Directions Committee recommend to Council to carry out an Environmental Impact study, subject to potential costs, and in tandem prepare a draft lease for the Little Gorge Shacks.

CARRIED

5. CONFIDENTIAL BUSINESS

Nil

6. CLOSURE

The meeting closed at 5.25pm.

Confirmed as an accurate record on 2 June 2015.

.....
Chairperson

OFFICE OF THE MAYOR



Contact: Ryan Viney

Ref: KR:jl
CC21/779

28 July 2021

Town of Gawler Administration Centre
43 High Street
PO Box 130
Gawler East SA 5118
Phone: (08) 8522 9211
Fax: (08) 8522 9212
council@gawler.sa.gov.au
gawler.sa.gov.au

Ms. Helen Dyer
Chair State Planning Commission
GPO BOX 1815
Adelaide SA 5001

Via email: PlanSAsubmissions@sa.gov.au

Dear Ms. Dyer

Re: Environment and Food Production Areas Review – Town of Gawler Submission

The Town of Gawler wishes to thank the State Planning Commission for the opportunity to provide feedback on its review of the Environment and Food Productions Areas.

Having reviewed the findings of the Statement of Position and Review Report as well as the Land Supply Report for Greater Adelaide, the Town of Gawler concurs with the position of the Commission to only consider variations to EFPA boundaries that are identified as anomalies and/or are trivial (minor) in nature.

The Town of Gawler do not request any variations to the existing EFPA boundaries.

Council acknowledges the work that has been undertaken by the Commission to date, and the opportunity to comment on matters relating to the EFPAs is appreciated.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Karen Redman".

**Karen Redman
Mayor**

Direct line: [REDACTED]

Email: [REDACTED]



The Rural City of
**MURRAY
BRIDGE**

Local Government Centre
2 Seventh Street (PO Box 421)
Murray Bridge SA 5253

T 08 8539 1100
F 08 8532 2766

council@murraybridge.sa.gov.au
www.murraybridge.sa.gov.au

ABN 90 501 266 817

In response please quote ref: doc 1260279 EFPA

29 July 2021

Ms Helen Dyer
Chair
State Planning Commission
GPO Box 1815
Adelaide SA 5001

Dear Helen,

RE: ENVIRONMENT AND FOOD PRODUCTION AREA (EFPA) BOUNDARY REVIEW

Thank you for providing the Rural City of Murray Bridge with the opportunity to provide a submission on the Environment and Food Production Area Boundary Review.

Council considered this matter at its Meeting on 12 July 2021 and resolved that a submission from the Rural City of Murray Bridge be provided to the State Planning Commission suggesting amendments to the EFPA Boundary as per the attached recommendations report.

The Rural City of Murray Bridge has long been of the opinion that there are a number of anomaly inclusions in the EFPA area and welcomes this periodic review to bring these to the attention of the Commission and to recommend that they be excluded from the EFPA.

Council considers the EFPA has been a simple tool applied over a range of very complex issues and has had a significant impact on the Rural City of Murray Bridge. The EFPA was brought in with limited consultation and applied as a blanket over the entirety of the Rural City of Murray Bridge area that was then zoned Primary Production, with land zoned Rural Living given a two year grace period before the EFPA came into effect. The only exemptions being identified are townships or areas where the zoning was not concerned with primary production.

These exemptions are the basis of the Rural City's submission as it appears that the EFPA has been introduced over areas where the zoning was not concerned with primary production. However, Council is also of the belief that there is a significant area of land that should be excluded from the EFPA due to location, productivity and other protective measures being in place through existing zoning.

Council fully supports the EFPA being applied over a number of locations within the governed area. The EFPA provides additional protection for a number of key industries and activities. This includes a number of chicken and pork producing activities and a number of other food producers and food product manufacturers which require separation of distance between their activities and more sensitive land uses. The application of the EFPA over Monarto Safari Park is also supported as it reduces the bio-hazard risks that may arise due to increased development in its area.

Lerwin Nursing Home
67 Joyce Street
Murray Bridge
T 08 8539 1185

Murray Bridge Public Library
Cnr South and East Terrace
Murray Bridge
T 08 8539 1175

Regional Gallery and Town Hall
27 Sixth Street
Murray Bridge
T 08 8539 1420

Visitor Information Centre
3 South Terrace
Murray Bridge
T 08 8539 1142

The Station
3 - 5 Railway Terrace
Murray Bridge
T 08 8539 1157

A recommendations report is attached as part of the Rural City of Murray Bridge's submission on the Environment and Food Production Area boundary review.

Council staff would welcome the opportunity to work with representatives of the Commission to expand on any points in the recommendations contained in the attached documents.

Additionally Council would consider the opportunity to present its position on its recommendations at any public hearing that may be scheduled.

Should your office require further information or detail, please do not hesitate to contact Council's Economic Development Planner, Michael Shillabeer on [REDACTED] or [REDACTED].

Yours sincerely

A handwritten signature in blue ink that reads "M. F. Sedgman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Michael Sedgman
CHIEF EXECUTIVE OFFICER

Environment and Food Production Area Boundary Review

Recommendations

The Rural City of Murray Bridge proposes that a number of amendments to the Environment and Food Production Area (EFPA) Boundary would be of economic, physical and social benefit to this region by acknowledging the following anomalies and excluding them from the Environment and Food Production Area.

The accompanying document provides a visual representation of the areas discussed hereunder.

Recommendation 1: Sturt Reserve (Conservation Zone)

Sturt Reserve is a prime area for recreation for the City and is within the defined city area. Sturt Reserve Masterplan forecasts a number of developments that will make this a regional destination. The land has not been used for primary production purposes for some decades. Currently its uses include transport (River Murray water-based tourism experiences); active and passive recreation; short term riverboat accommodation; and historical interpretation.

This area should be removed from the EFPA.

Recommendation 2: Shack areas, Murray Bridge (Conservation Zone)

There are multiple shack sites located along the banks of the River Murray within the defined area of Murray Bridge. Through zoning, they have been included in the EFPA, however are residential in nature. There is no potential for primary production uses to be carried out in this location.

This area should be removed from the EFPA.

Recommendation 3. Murray Bridge Marina & Caravan Park (Conservation Zone)

This marina and caravan park are located along the banks of the River Murray within the defined area of Murray Bridge. Through zoning, they have been included in the EFPA, however are primarily tourism and marine based in nature. There is no potential for primary production uses to be carried out in this location.

This area should be removed from the EFPA.

Recommendation 4. Long Flat Residential Development (Rural Living Zone)

This is a residential development located in a Rural Living Zone characterised by residences on a variety of sized blocks ranging from around 1000m² and up. Given the nature of the development, there is no potential for primary production uses to be carried out in this location.

This area should be removed from the EFPA.

Recommendation 5. Monteith Residential Development (Conservation Zone)

There are a number of shack sites located along the banks of the River Murray within Monteith. Through zoning, they have been included in the EFPA, however are residential in nature. There is no potential for primary production uses to be carried out in this portion of the Zone.

This area should be removed from the EFPA.

Recommendation 6. White Sands Residential Development (Conservation Zone)

There are a number of shack sites located along the banks of the River Murray within White Sands. Through zoning, they have been included in the EFPA, however are residential in nature. There is no potential for primary production uses to be carried out in this portion of the Zone.

This area should be removed from the EFPA.

Recommendation 7. Greenbanks Residential Development (Rural Zone)

There are a number of shack sites located along the banks of the River Murray within Greenbanks. Through zoning, they have been included in the EFPA, however are residential in nature. There is no potential for primary production uses to be carried out in this portion of the Zone.

This area should be removed from the EFPA.

Recommendation 8. Sunnyside Residential Development (Rural Zone; Conservation Zone)

There are a number of shack sites located along the banks of the River Murray within Sunnyside. Through zoning, they have been included in the EFPA, however are residential in nature. There is no potential for primary production uses to be carried out in this portion of the Zone.

This area should be removed from the EFPA.

Recommendation 9. Murrawong Residential Development (Rural Zone; Conservation Zone)

There are a number of shack sites located along the banks of the River Murray within Murrawong. Through zoning, they have been included in the EFPA, however are residential in nature. There is no potential for primary production uses to be carried out in this portion of the Zone.

This area should be removed from the EFPA.

Recommendation 10. Willowbanks Residential Development (Rural Zone; Conservation Zone)

There are a number of shack sites located along the banks of the River Murray within Willowbanks. Through zoning, they have been included in the EFPA, however are residential in nature. There is no potential for primary production uses to be carried out in this portion of the Zone.

This area should be removed from the EFPA.

Recommendation 11. Woodlane Residential Development (Conservation Zone)

There are a number of shack sites located along the banks of the River Murray within Woodlane. Through zoning, they have been included in the EFPA, however are residential in nature. There is no potential for primary production uses to be carried out in this portion of the Zone.

This area should be removed from the EFPA.

Recommendation 12. South Bokara Road, Jaensch Beach Shack settlement (Rural Zone)

There are a number of shack sites located along the banks of the River Murray within Jaensch Beach. Through zoning, they have been included in the EFPA, however are residential in nature. There is no potential for primary production uses to be carried out in this portion of the Zone.

This area should be removed from the EFPA.

Recommendation 13. Toora shack area – (Conservation Zone)

There are a number of shack sites located along the banks of the River Murray within the locality of Toora. Through zoning, they have been included in the EFPA, however are residential in nature. There is no potential for primary production uses to be carried out in this portion of the Zone.

This area should be removed from the EFPA.

Recommendation 14. Northern Heights low density development (Rural Zone)

The area of Northern Heights, while zoned Rural and adjacent to an area Zoned Suburban Neighbourhood, is developed as low density rural living in nature. This area is bounded by Nilpena Road, Toora Road, Doyle Road and Mannum Road.

A further area bounded by Mannum Road, Cypress Terrace, Rocky Gully Road, Bigmore Road and Netley Road and unmade extension of Guerin Road

There is no potential for primary production uses to be carried out in this portion of the Zone.

This area should be removed from the EFPA.

Recommendation 15. Murray Bridge North low density development (Rural Zone)

An area bounded by Mannum Road, Cypress Terrace, McKay Road, Bigmore Road and Netley Road and unmade extension of Guerin Road

There is no potential for primary production uses to be carried out in this portion of the Zone.

This area should be removed from the EFPA.

Recommendation 16. Hume Reserve Road (Rural Zone)

This area of land is designated Rural Zone and is bounded by Community Facilities; Suburban Neighbourhood; Conservation; Suburban Activity; and Employment Zones. It is a relatively small area of land under multiple titles and is constrained for primary production uses by the surrounding uses and the size of the allotments.

It is not viable to conduct primary production activities upon it, nor does its position protect the continued operation of primary production activities.

This area should be removed from the EFPA.

Recommendation 17. Jervois extended township (Rural Zone)

The area surrounding the township of Jervois is located in a Rural Zone and characterised by relatively small Rural Living style allotments separated from land previously utilised for dairy production.

While the dairy industry has had a long history in this part of the River Murray, prior to the millennium drought there was indication that industry viability was declining. However, the drought and associated water shortages accelerated the decline of the industry.

Dairy in this part of the Lower Murray River is now generally unviable due to factors arising out of the drought, together with a number of factors including, but not limited to:

- Return on dairy products – low prices not meeting costs of production;
- Scale of operations not large enough to be viable;
- Suitability of land for other purposes; and
- Sale of water allocations to upstream and other producers due to the inadequate return on dairy production. It is not viable to return the water allocations due to the cost of the resource and the return on investment required.

It is not viable to conduct primary production activities within this area.

This area should be removed from the EFPA.

Recommendation 18. Callington extended township (Rural Zone)

An area to the North East of Callington township, bounded by the Bremer River and Old Princes Highway and extending east of East Terrace along the Old Princes Highway, together with an area south of the Callington township bounded by the Bremer River and East Terrace until the South Eastern Freeway. The land is zoned Rural, but is characterised by smaller Rural Living style allotments.

There is no potential for sustainable primary production uses to be carried out in this portion of the Rural Zone.

This area should be removed from the EFPA.

Recommendation 19: Wellington extended township (Rural Zone)

There are a number of land parcels within the extended Wellington township that are within the Rural Zone and the EFPA that are of a rural living nature and have no viability for primary production.

There is no potential for sustainable primary production uses to be carried out in this portion of the Rural Zone.

This area should be removed from the EFPA.

Recommendation 20: Monarto Rural Living Zone

The area of Monarto, contained within the Rural Living Zone, consists of a number of Rural Living allotments that are not viable for primary production and are developed for low density residential development. Given the nature of development that has occurred, the inclusion of this land within the EFPA appears to be an anomaly.

This area should be removed from the EFPA.

Recommendation 21: Mypolonga Residential Development (Conservation Zone)

The area of Mypolonga, contained within the Conservation Zone and adjoining the Mypolonga township, which is zoned Township, consists of a number of Rural Living allotments that are not viable for primary production and are developed for low density residential development. Given the nature of development that has occurred, the inclusion of this land within the EFPA appears to be an anomaly.

This area should be removed from the EFPA.

Recommendation 22: Sunnyside Rural Living Zone

The area of Sunnyside, contained within the Rural Living Zone, consists of a number of Rural Living allotments that are not viable for primary production and are developed for low density residential development. Given the nature of development that has occurred, the inclusion of this land within the EFPA appears to be an anomaly.

This area should be removed from the EFPA.

Recommendation 23: Murray Bridge East – Recreation Zone

This area of Murray Bridge East, contained within the Recreation Zone, consists of a number of land uses that are recreation and community based activities. This includes motorsports, greyhound racing and the Murray Bridge showgrounds. The land is not suited for or viable for primary production. The land in this Zone should not have a restriction on it that would impact on its potential of carrying out anticipated or complimentary activities related to the Zoning.

The inclusion of this land within the EFPA appears to be an anomaly.

This area should be removed from the EFPA.

Recommendation 24: Murray Bridge East – Employment Zone

This area of Murray Bridge East, contained within the Employment Zone, consists of a number of land uses that are related to employment, including lighter industry type activity including food processing and storage. The land is not suited for or viable for primary production. The land in this Zone should not have a restriction on it that would impact on its potential of carrying out anticipated or complimentary activities related to the Zoning.

The inclusion of this land within the EFPA appears to be an anomaly.

This area should be removed from the EFPA.

Recommendation 25: Chapman Bore; Kepa; & Ettrick

There is considerable land to the east of Murray Bridge that is Zoned Rural, specifically land east of Boundary Road in the locations of Chapmans Bore; Kepa; and Ettrick that are of marginal primary production value and are also unlikely to be desirable attractants for higher density living, impacting on the current primary production activities, which are generally based around broad-acre farming activities.

The location of this area of the Rural City of Murray Bridge, while a substantial geographic area, due to the quality and location of the land, will not impact on the long term land supply of metropolitan Adelaide, nor are they high value primary production lands.

The existence of the EFPA over this area does act to protect other impacting primary production activities such as broiler farms, which are unlikely to establish in these localities due to infrastructure, such as necessary power and transport access.

The land in this area is of similar quality to land in the adjoining Mid Murray Council area. The inclusion of this land within the EFPA appears to be an anomaly.

This area should be removed from the EFPA.

Indicative mapping of identified EFPA anomalies with Rural City of Murray Bridge



Recommendations 1, 2 and 3 Sturt Reserve, Shack Recommendations and Marina and Caravan Park (Conservation Zone)



Recommendation 4 Long Flat Residential Development Rural Living Zone (shaded in yellow)



Recommendation 5. Monteith Residential Development (Conservation Zone).



Recommendation 6. White Sands Residential Development (Conservation Zone)



Recommendation 7, 8, 9 and 10 Greenbanks, Willowbanks, Sunnyside and Murrawong (Rural and Conservation Zones)



Recommendation 11 Woodlane Residential Development (Conservation Zone)



Recommendation 12 South Bokara , Jaensch Beach Shack settlement (rural zone)



Recommendation 13 Toora shack Recommendation (Conservation Zone0



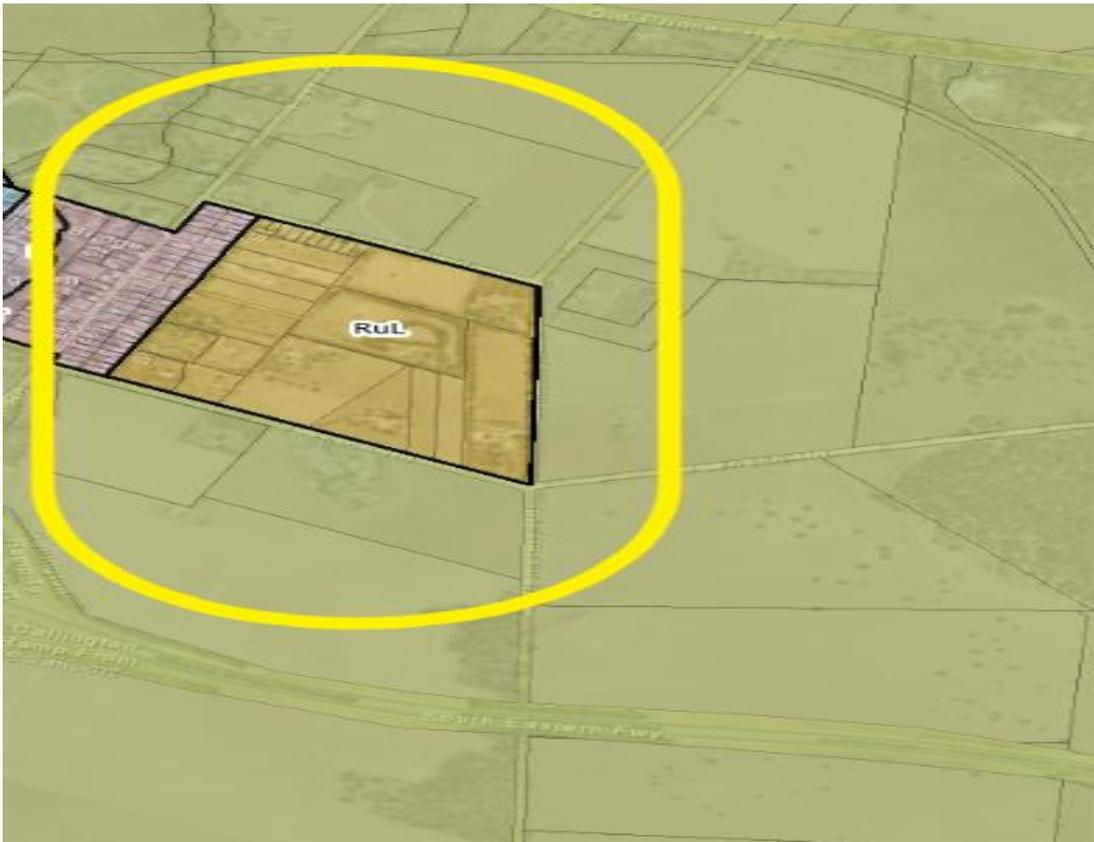
Recommendation 14 and 15 Rural zoned land in the Recommendation known as Northern Heights (Rural Heights)



Recommendation 16 Hume Reserve Road (Rural Zone)



Recommendation 17 Jervois extended township (Rural Zone)



Recommendation 18 Callington extended township (Rural Zone)



Recommendation 19 Wellington extended township (Rural Zone)



Recommendation 20 Monarto Rural Living Zone



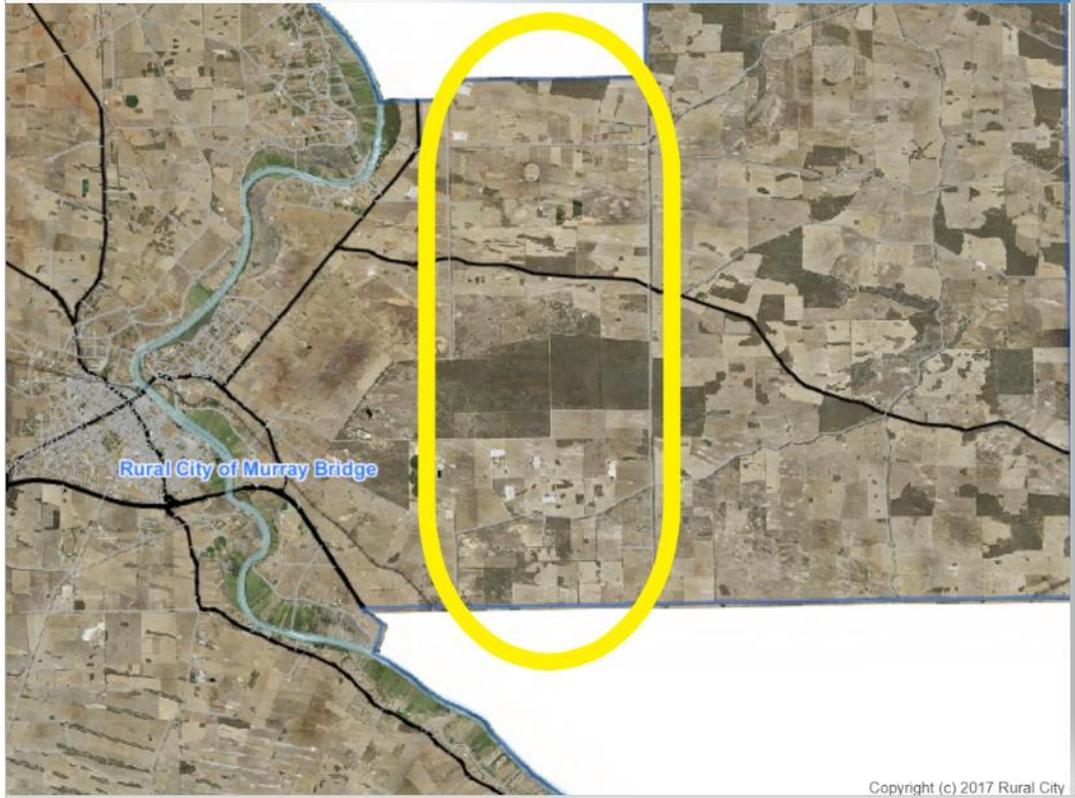
Recommendation 21 Mypolonga Residential Development (Conservation Zone)



Recommendation 22 Sunnyside Rural Living Zone



Recommendation 23 and 24 Murray Bridge East Recreation Zone and Employment Zone



Recommendation 25 Chapman Bore, Kepa and Etrick

26 July 2021

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

To whom it may concern

Re: Submission to the Review of the EFPA for various land parcels in Carrickalinga

We act on behalf of the owner of Lot 4 Davey Road Carrickalinga.

The following package is submitted on behalf of the land owner for the State Planning Commission's review of the Environmental Food Protection Areas.

We reserve the right to present our submission in person, and to discuss the content of our submission with relevant State Planning Commission before the review is finalised.

We respectfully request that our client's land is assessed in accordance with the findings **enclosed** herein.

Should any clarification be needed please do not hesitate to contact the writer.

Yours sincerely



Simon Tonkin
MasterPlan SA Pty Ltd

enc: As listed.



REQUEST TO VARY ENVIRONMENT AND FOOD PRODUCTION AREA BOUNDARIES

Guide and Submission Form

PlanSA



Government of South Australia
Attorney-General's Department

BACKGROUND

The Environment and Food Production Areas (EFPA) were introduced through the South Australian planning system on 1 April 2017 to protect vital food and agricultural lands surrounding metropolitan Adelaide from urban encroachment.

In addition, the EFPA were introduced to help:

- maintain natural rural landscapes
- conserve tourism and environmental resources
- provide certainty to food and wine producers
- encourage development in our existing urban footprint with existing supporting infrastructure
- set the direction for future growth in metropolitan Adelaide.

The EFPA (shown in green in Figure 1) cover rural lands predominantly within the Council areas of Adelaide Hills, Adelaide Plains, Alexandrina, Burnside, Light, Mitcham, Mount Barker, Murray Bridge, Playford, Tea Tree Gully, Victor Harbor and Yankalilla. There are also some smaller portions affecting the Campbelltown and Salisbury Council areas.

The EFPA do not overlap with the Character Preservation Districts (CPD) within the Barossa or McLaren Vale Character Preservation Acts 2012 (or 'CP Acts' - shown in purple in Figure 1).

The EFPA restrict proposals for land divisions seeking to create additional allotments for new housing. They do not affect development proposals on existing allotments for new buildings, or land division for other purposes (e.g. for rural, commercial or industrial purposes). Such proposals are subject to assessment by the local Council via standard processes.

REVIEW OF EFPA

Pursuant to section 7 of the Planning, Development and Infrastructure Act 2016 (the Act), the State Planning Commission (the Commission) is required to review the EFPA every five (5) years – including any variances to where these areas have been established.



Figure 1: EFPA boundaries (green)



PROCESS FOR VARYING THE BOUNDARIES OF THE EFPA

The Act sets out that when considering any proposed variances to the EFPA, the Commission must be satisfied with the following tests:

- Test 1: area/s within Greater Adelaide outside the EFPA are unable to support the principle of urban renewal and consolidation of existing urban areas, and
- Test 2: adequate provision cannot be made within Greater Adelaide outside the EFPA to accommodate housing and employment growth over a minimum 15-year period; or
- Test 3: variation is trivial in nature and will address a recognised anomaly.

In April this year, the Commission commenced its first review of the EFPA boundaries. A report detailing the outcomes of the first stage of the review, the EFPA Review Report (Stage 1) along with a Statement of Position from the Commission, was released on 4 June 2021, and is available on the PlanSA portal (plan.sa.gov.au).

As a result of detailed analysis, the report and statement outlines that the Commission is satisfied there is a sufficient supply of land across Greater Adelaide to support housing and employment growth over the next 15 years.

It subsequently states that Tests 1 and 2 (outlined in Section 7 of the Act) are not met and accordingly, the remaining stage of the review (Stage 2) is therefore confined only to consideration of variations to the boundaries in accordance with Test 3 (being those which are trivial in nature and will address a recognised anomaly).

Written submissions outlining potential variations that could reasonably fit within Test 3 are now invited from property owners or other interested persons.

RELATIONSHIP WITH CPD

The Act establishes a clear legal relationship between the EFPA and the CPD, being that any removal of land within a CPD will trigger the application of the EFPA over that land instead.

It is important to note that the CPD are not currently within the EFPA. This means that any recommendations from the Commission's assessment of CPD will only become relevant to any future changes to the EFPA, in the event that the CP Acts are first amended by Parliament to vary or remove land from CPD.

The previous 2018 CP Acts Review recommended that the Commission investigate the merits of amendment of the CPD for eight identified locations, in the context of Greater Adelaide's growth. The scope of the Commission's review of the EFPA boundaries will therefore also include an assessment of those eight locations.

In line with the recommendations from the 2018 CP Acts Review, the Commission is not inviting further submissions regarding boundaries or other matters relating to CPD through this current EFPA boundary review process.

Further information regarding the previous [2018 CP Acts Review](#) can be viewed on the PlanSA portal.



HOW TO COMPLETE YOUR EFPA SUBMISSION

A template has been developed to help provide the Commission with the necessary information it will require to consider a proposed variation to the EFPA boundaries.

Some guiding text has been provided to assist you with the information required in each field.

It is important you provide as much detail as possible when completing your submission, including all the fields within the template that are relevant to your proposal, and any additional documentation or information you think may be relevant.

Providing a clear diagram or map identifying the subject land and its relationship to the boundary of the relevant EFPA will assist in clarifying your submission.

For those requiring assistance with their submission, EFPA information sessions will be held in selected locations during the submissions period. For details and to register your attendance visit the PlanSA events calendar.

For those interested in speaking directly to the Commission about your submission, a public hearing may also be scheduled shortly after the close of the submissions period. Please ensure you clearly identify your preference in the section provided in the template.

LODGING YOUR SUBMISSION

Your submission should be made using the EFPA online submission form which can be found on the PlanSA portal (plan.sa.gov.au/en/EFPA) or by completing the attached template and emailing it to: PlanSAsubmissions@sa.gov.au

**Submissions will close at 5pm on
30 July 2021**

NEXT STEPS

Once received, each submission will be published on the PlanSA Portal and considered by the Commission against the relevant criteria. The Commission will then make its determination on the proposed variance to the boundaries of the EFPA.

Pursuant to section 7(9)(b) of the Act, the Commission will prepare a report for the Minister for Planning outlining the outcomes of its review which will be made available on the PlanSA portal later this year.

Any subsequent variances to the EFPA will not come into effect until the date determined by a notice published in the South Australian Government Gazette and on the PlanSA Portal.

I. CONTACT DETAILS AND DESCRIPTION OF SUBJECT LAND

a) Your Name and Contact Details

Please provide contact details for the person requesting the variation. This information will be used if further information is required and for notification purposes following a decision.

Name:	James Currie and Olga Kostic
Postal Address:	C/- MasterPlan, 33 Carrington Street, Adelaide SA 5000
Phone Number:	(08) 8193 5600
Mobile Number:	[REDACTED]
Email:	[REDACTED]

b) Subject Land Details

Please provide details regarding the subject land for which the proposed variation to the EFPA boundaries relates to.

Street Address (or rural property address if relevant): <i>*If multiple street addresses are involved, please include each address</i>	84 Davey Road, Carrickalinga SA 5204
Allotment ID: <i>* Include the Certificate of Title Reference, Valuation Number or other legal identifier of the subject land if known. If multiple allotments of land are involved, please state relevant details for each allotment.</i>	Certificate of Title Volume 5123 and Folio 837
Owner/s: <i>* If the subject land has multiple owners, please include the full name of each owner</i>	James Currie and Olga Kostic



2. DETAILS OF REQUESTED VARIATION TO EFPA BOUNDARY

a) Details of requested variation

Please outline the details regarding your requested variation to the EFPA boundary. You may also include how the requested variation meets the requirements of Test 3 (in that the variation is considered trivial in nature and will address a recognised anomaly). You may also attach relevant maps and/or diagrams in Step 3.

Please see submission attached titled '13169LET06'.

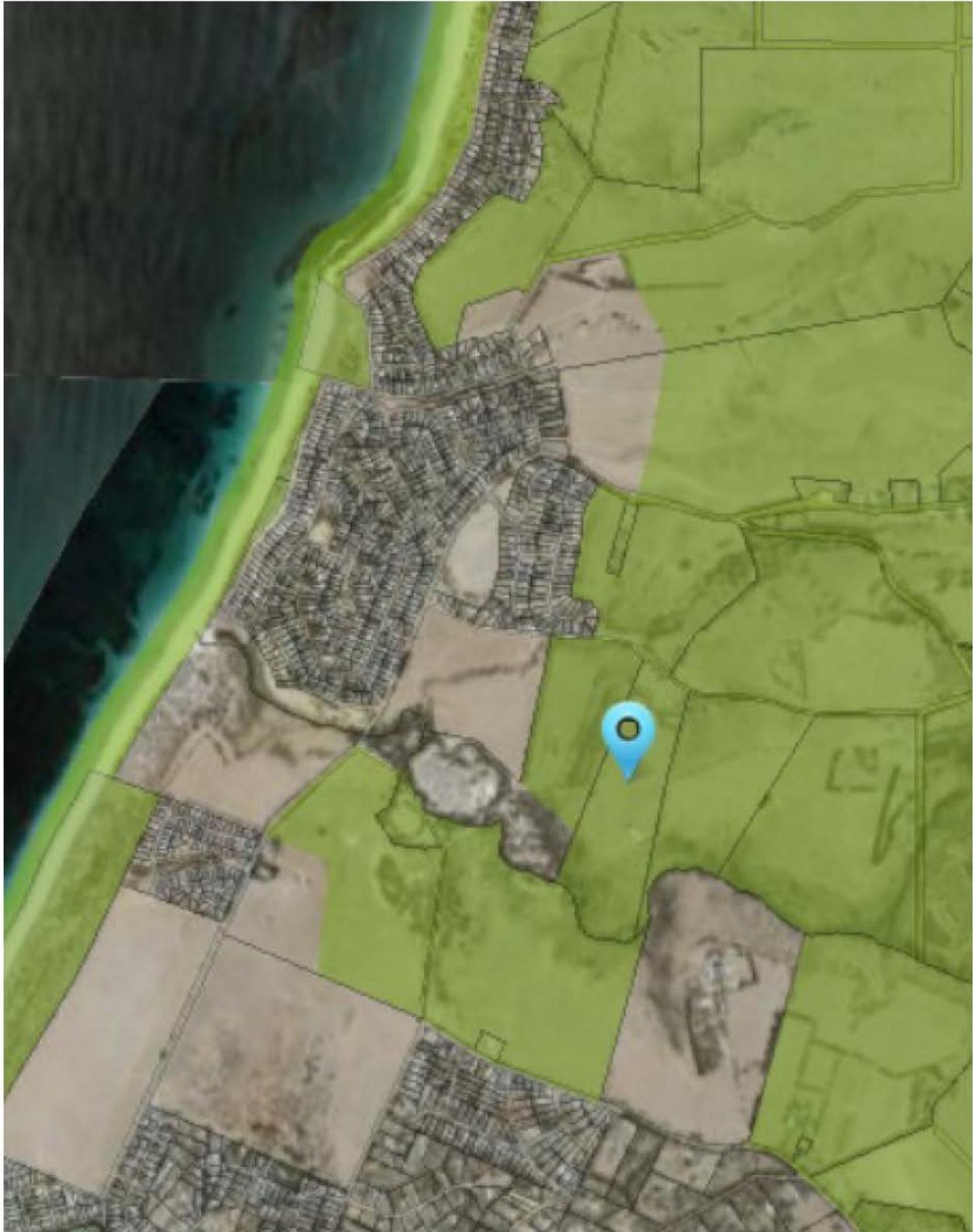
b) Additional supporting information

Please provide any supporting information below. For example, is your proposal supported by your local council, neighbour or other relevant background discussions? You may attach any relevant maps or diagrams to this submission in Step 3.

Please see submission attached titled '13169LET06'.

3a. MAP OR DIAGRAM TO SUPPORT SUBMISSION

To help explain and support your submission, you may attach a diagram or a map of the subject land, preferably showing where the boundary of the EFPA lies in relation to the subject land and where you are seeking the EFPA boundaries to be varied, moved, removed, etc.





3b. ADDITIONAL MAP OR DIAGRAM TO SUPPORT SUBMISSION

4. APPEARANCE AT PUBLIC HEARING

a) Do you wish to appear in person to discuss your submission with the State Planning Commission following the close of the submissions period?

Yes No

b) If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone Number:

Mobile Number:

Email:



plan.sa.gov.au
PlanSA@sa.gov.au
PlanSA Service Desk on **1800 752 664**

21 July 2021

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

To whom it may concern

Re: Submission to the Review of the EFPA for various land parcels in Carrickalinga

We act on behalf of the owner of 84, (previously Lot 4) Davey Road Carrickalinga, our client. It is noteworthy, however, that there appears to be significant areas in this locality that are incorrectly designated within the Environment Food Production Area (EFPA) notwithstanding the failure of the land to meet the aims and objectives or the criteria established for the EFPA.

Our clients land is wholly within Certificates of Title:

- Volume 5123 & Folio 837.

The land is identified with red linework in **Attachment 1**.

Our client has, since the inception of the EFPA, held the view that their land parcel forms part of an area which is not characterised with elements of environmental significance, nor does the immediate area provide for viable productive agricultural land as:

- the land and surrounding land are divided into allotments of dimensions that cannot individually support primary production in any viable manner;
- there is insufficient and uncertain rainfall for primary production;
- the land includes rocky outcrops;
- there is no suitable site for a dam to collect runoff;
- the land is exposed and largely denuded of vegetation; and
- PIRSA stock records (PIC SA478936) demonstrates stock reductions (cattle tried in 2001 – 2003 and sheep in subsequent years until 2017 and only the minimum number to keep paddock grass down to prevent bushfire fuel loads) due to the nature of the environment, avoidance of overgrazing and erosion.





Our client is interested in the future development of the land in their locality as it could perform an important function as an area for rural living options for the Carrickalinga locality. This would create a formal transition between the truly productive land to the east and the urbanised area to the west.

Current planning legislation and policy has prevented this happening. Namely, our client and surrounding land falls within the defined EFPA the purpose of which is to protect areas suited to food production and environments.

Our client advises that the land has not been used for productive pursuits at any time during their ownership nor the previous owners.

Figure 1 displays the extent of the EFPA boundary in the Carrakalinga locality.

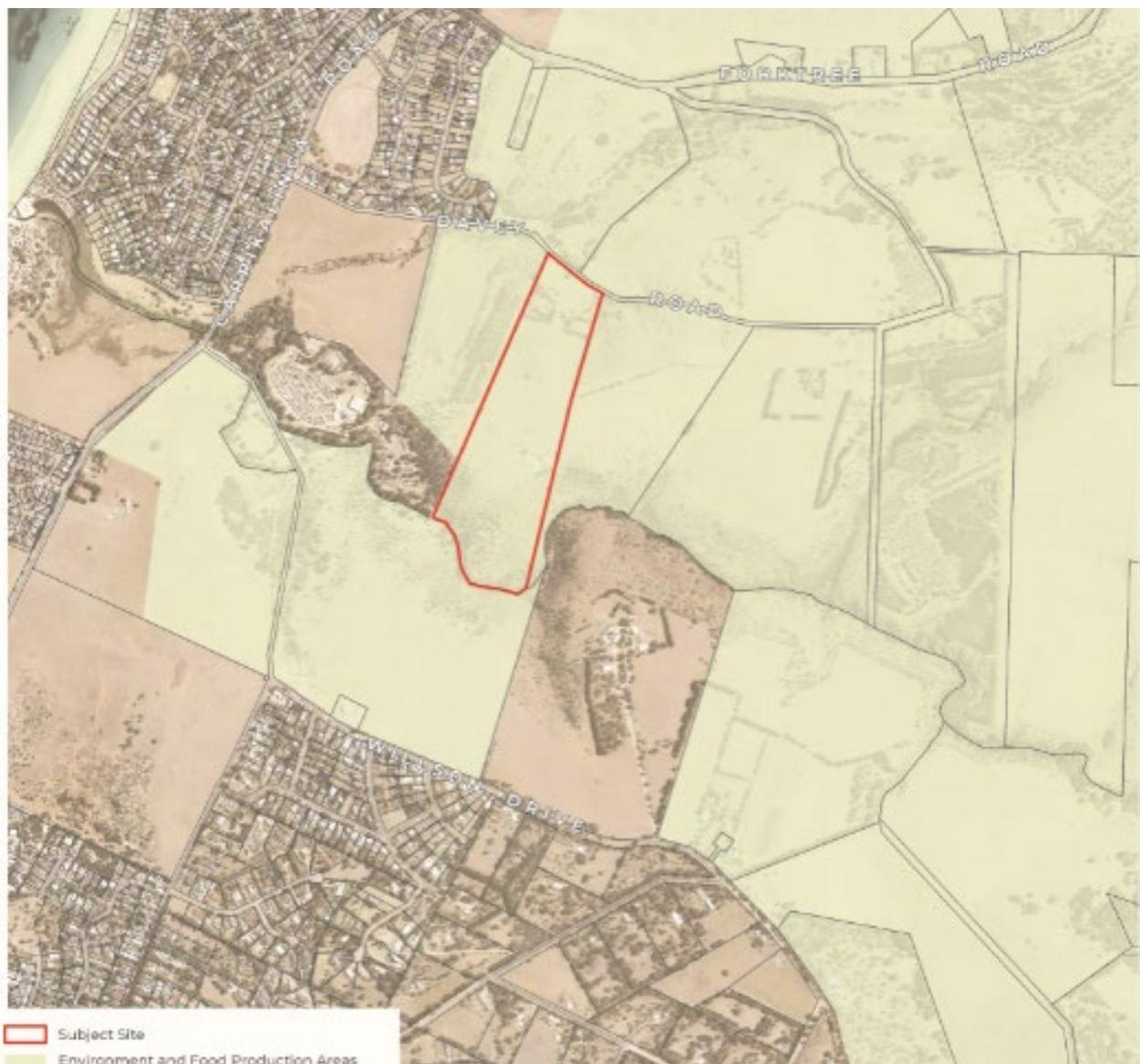


Figure 1: EFPA Boundary.
Source: SAPPA.



Our client's land and surrounding parcels is located on the boundary of the EFPA in the District Council of Yankalilla.

A review of the EFPA is being undertaken pursuant to **Section 7** of the *Planning, Development and Infrastructure Act, 2016*. The State Planning Commission (SPC) recently released a *Request To Vary Environmental And Food Protection Area Boundaries*. In doing so it provided a guide and form to complete. This document accompanies that form.

This recent release states:

The Act sets out that when considering any proposed variances to the EFPA, the Commission must be satisfied with the following tests:

Test 1: area/s within Greater Adelaide outside the EFPA are unable to support the principle of urban renewal and consolidation of existing urban areas, and

Test 2: adequate provision cannot be made within Greater Adelaide outside the EFPA to accommodate housing and employment growth over a minimum 15-year period; or

Test 3: variation is trivial in nature and will address a recognised anomaly.

In April this year, the Commission commenced its first review of the EFPA boundaries. A report detailing the outcomes of the first stage of the review, the EFPA Review Report (Stage 1) along with a Statement of Position from the Commission, was released on 4 June 2021, and is available on the PlanSA portal (plan.sa.gov.au).

As a result of detailed analysis, the report and statement outlines that the Commission is satisfied there is a sufficient supply of land across Greater Adelaide to support housing and employment growth over the next 15 years.

It subsequently states that Tests 1 and 2 (outlined in Section 7 of the Act) are not met and accordingly, the remaining stage of the review (Stage 2) is therefore confined only to consideration of variations to the boundaries in accordance with Test 3 (being those which are trivial in nature and will address a recognised anomaly).

Written submissions outlining potential variations that could reasonably fit within Test 3 are now invited from property owners or other interested persons.

We note firstly that the land supply analysis was a holistic review of the State and did not include a fine grain analysis of specific regions, particularly in the southern areas of South Australia which have historically been limited with respect to land supply.

This submission provides the findings of investigations that the land characteristics are an anomaly in terms of categorisation as an EFPA and therefore meet the criteria for **Test 3** as set out above.

As detailed in the Oxford Dictionary, the word anomaly is defined as follows:

Something that deviates from what is standard, normal, or expected.



The following provides a summary of the desktop investigation undertaken. Much of the resources are publicly available data through NatureMaps. This research has assisted in forming our view that the land identified for this submission does not possess the natural or environmentally important attributes worthy of protection under the EFPA. In light of this research, our findings suggest that the protection of our client's land under the EFPA is not expected based on the land features that characterise that land, and therefore demonstrate an anomaly. Key findings sourced from NatureMaps to support our view are outlined **below**.

Our client's land is located within the Hills and Fleurieu Landscape Management Region. In review of the Draft Hills and Fleurieu Regional Landscape Plan 2021-26, we have formed the view that if our client's land was removed from the EFPA then this would not compromise the prescribed goals or strategies as currently drafted. **Figure 2-6** captures the five (5) priorities detailed in the Draft Hills and Fleurieu Regional Landscape Plan 2021-26.

Focus Areas	Strategies 2021-26
L1. Reduce the impact and spread of weeds	<ul style="list-style-type: none"> a. Support landholders to adopt best practice management of declared and emerging weeds. b. Develop a Hills and Fleurieu Pest Management Strategy to prioritise management and compliance efforts. c. Locally eradicate priority weed species and prevent establishment of emerging weeds through coordinated control. d. Coordination of roadside weed and vegetation management.
L2. Reduce the impact of pest animals and impact-causing native animals	<ul style="list-style-type: none"> a. Support landholders to adopt best practice management of rabbits, foxes, cats and emerging pests. b. Reduce the grazing impacts of goats, deer and kangaroos through coordinated control across public and private lands. c. Collaborate to manage impact-causing native species, including kangaroos and little corellas.
L3. Support the uptake of regenerative agriculture and land management	<ul style="list-style-type: none"> a. Build capacity in regenerative land management to increase benefits for productivity and biodiversity. b. Increase understanding of localised soil issues and how to improve soil health. c. Support landholders to understand and undertake their land management responsibilities.
L4. Future-proof our agriculture	<ul style="list-style-type: none"> a. Ensure agricultural interests are represented in land-use planning decisions. b. Explore and support carbon reduction initiatives, including uptake of carbon farming (see C1). c. Build systems and consumer demand that support local provenance foods and regenerative, climate-ready land management practices (see C3).

Figure 2: Priority - Land.
Source: Draft Hills and Fleurieu Regional Landscape Plan 2021-26.



Our client’s vision to accommodate rural living would not compromise the land priority strategies as:

- rural living development would assist in reducing the spread of weeds and/or pest animals; and
- the land forming part of this submission has proven to be historically incapable for economically viable primary production pursuits (as discussed **below**).

Focus Areas	Strategies 2021-26
W1. Deliver water resource planning to meet ecological, economic, cultural and social needs	a. Ensure Water Allocation Plans are evidence-based, effective and climate-ready. b. Support industries to undertake water security planning where there are concerns about future availability (see C3). c. Build community trust and involvement in the science and policies underpinning water resource planning.
W2. Improve on-ground management of our water resources	a. Promote efficient water use across the region, with a focus on optimising productive use. b. Encourage reuse of stormwater and wastewater in urban centres and towns. c. Support landholders to restore flows that help sustain water-dependent ecosystems (see N1). d. Improve management of activities that cause erosion, sedimentation and pollution, and impact on water resource health.
W3. Build understanding of our water resources	a. Undertake monitoring and improve scientific knowledge of water resources. b. Increase community understanding of water resources as a vital, shared and limited resource.

Figure 3: Priority – Water.
Source: Draft Hills and Fleurieu Regional Landscape Plan 2021-26.

Our client’s vision to accommodate rural living would not comprise the water priority strategies as:

- any future development would be subject to a range of environmental limitations and associated policy, thereby ensuring no potential future development jeopardises existing water resources in the area; and
- any development would include necessary infrastructure to prevent any undue impacts on the natural environment.



Focus Areas	Strategies 2021-26
N1. Protect and restore our native vegetation and freshwater ecosystems	<ul style="list-style-type: none">a. Support landholders to protect and restore native vegetation and freshwater ecosystems through weed control, fencing and reducing grazing impacts.b. Expand high-value habitat through targeted revegetation of grassy, healthy, swampy and riparian ecosystems.c. Support landholders to restore flows to sustain water-dependent ecosystems (see W2).
N2. Conserve and rehabilitate our coastal, estuarine and marine ecosystems	<ul style="list-style-type: none">a. Revegetate and control weeds and pests in coastal areas and offshore islands.b. Restore seagrass and reefs to support fish nurseries and marine biodiversity.c. Support the long-term health of the Coorong and Lakes Alexandrina and Albert Ramsar wetland of international significance.
N3. Recover our threatened species and ecological communities	<ul style="list-style-type: none">a. Implement recovery interventions and monitoring for threatened flora, fauna, and ecological communities.b. Undertake controlled burns to improve the health of fire-dependent ecosystems.

Figure 4: Priority – Nature.

Source: Draft Hills and Fleurieu Regional Landscape Plan 2021-26.

Our client’s vision to accommodate rural living would not compromise the nature priority strategies as:

- the land is mostly denuded of vegetation; however, any future development would assist in providing additional landscaping of a species and type best suited for the land and environment;
- the land is not in close proximity to the coast line, unlike the western area of Carrakalinga; and
- desktop studies based on a review of NatureMaps (detailed **below**) evidence that the land subject to this submission provides limited environment benefit for fauna and flora species.



Focus Areas	Strategies 2021-26
C1. Transition to net zero carbon emissions	<ol style="list-style-type: none">Understand where the region's land-related carbon footprint is greatest.Explore and support carbon reduction activities, including uptake of carbon farming (see L4).Transition Hills and Fleurieu Landscape Board operations to net zero carbon emissions.
C2. Build climate resilience of our nature	<ol style="list-style-type: none">Support targeted action to build the resilience of vulnerable species and ecosystems.Ensure water resource planning is climate-ready (see W1).
C3. Build climate resilience of our communities and agriculture	<ol style="list-style-type: none">Support primary producers to understand regional climate impacts and adaptation options.Encourage primary producers and consumers to adopt circular economy practices.Build systems and consumer demand that support local provenance foods and regenerative, climate-ready land management practices (see L4).Support the community to prepare landscapes for, and recover from, fire and extreme weather events.

Figure 5: Priority – Climate.
Source: Draft Hills and Fleurieu Regional Landscape Plan 2021-26.

Our client's vision to accommodate rural living would not compromise the climate priority strategies as:

- any future development would incorporate all the necessary climate protection measures necessary for the Site and locality, including water sensitive design;
- the area is not located in a high bushfire risk area; and
- the land forming part of this submission has proven to be historically incapable of economically viable primary production pursuits (as discussed **below**).



Focus Areas	Strategies 2021-26
P1. Foster a regional culture of landscape stewardship	a. Inspire and support young people to care for land, water and nature. b. Improve people’s connection to nature. c. Foster a shared responsibility for the health of our landscapes and align local restoration efforts with landscape-scale priorities. d. Promote caring for landscapes and sustainability as central to our region’s identity.
P2. Walk alongside First Nations in looking after Yarta / Ruwi (Country)	a. Strengthen collaboration with First Nations to embed their knowledge and approaches in looking after Country. b. Protect and raise awareness of First Nations cultural and heritage assets. c. Support the interests of Aboriginal people in accessing and caring for Country. d. Involve Aboriginal businesses and organisations in landscape restoration.
P3. Strengthen shared understanding of landscape management challenges	a. Facilitate regional dialogues on contentious landscape management issues to develop agreed solutions. b. Build community trust in the science and policies underpinning landscape management.
P4. Increase community capacity to manage our landscapes	a. Support volunteers and land managers to protect and restore land, water and nature. b. Increase investment and partnership opportunities to restore our landscapes. c. Support peer-to-peer learning and knowledge sharing in managing landscapes.

Figure 6: Priority – Community.
 Source: Draft Hills and Fleurieu Regional Landscape Plan 2021-26.

Our client’s vision to accommodate rural living would not compromise the community priority strategies as:

- any future development would preserve any culturally or significant sites identified, however, our desktop review indicates none are applicable to the land included in this submission; and
- the land is denuded of vegetation; however, any future development would assist in providing additional landscaping of a species and type best suited for the land and environment.

Given the **above**, we do not consider the initiatives proposed within the Draft Hills and Fleurieu Regional Landscape Plan 2021-26 would be compromised if our client’s land were withdrawn from the EFPA. Rather, any future development of the land would provide opportunities to vegetate and better protect the natural resources and amenity of the wider locality. Mechanisms can be readily employed to ensure practical replanting and enhancement of the area. Our client has had ongoing consultation and cooperation with Landscape SA (Jaqui Best, in an endeavour to determine and advance the best management of this land.



NatureMaps provides a data set of flora and fauna records, and we note that the land parcels comprise flora sighting of the Rock Wattle (in 1976), Rough-fruit Amaranth (in 2000), Almond (1981) and Knotty-butt Pasalidium (in 2006), and no fauna sightings.

NatureMaps confirms that the Site is **not** located within:

- important coastal or marine environments;
- a biological study boundary;
- area of weeds of National Significance and Buffel grass;
- areas of fauna colonies or rated species;
- site significantly impacted by historical fires;
- land subject to any Commonwealth, World, State or Local Heritage status;
 - noting the land is within the Mount Lofty Ranges (National Heritage Place); however, so too is the majority of land south, east and north east of the Metro Adelaide Area (up to as far north as Minarto);
- any culturally sensitive protection areas, reserves or sanctuaries (or native title claim areas);
- soil land use potential areas suited for field crops, perennial horticultural crops, annual horticultural crops, irrigated pastures, dryland pastures, native fodder or alternative crop types;
- soil drainage and irrigation attributes areas suited for deep drainage potential or rootzone depth potential;
- soil erosion areas prone to gully erosion, mass movement, scalding, water erosion potential or wind erosion potential;
- soil surface attributes areas;
- significant environment benefit areas or subject to a heritage agreement;
- roadside significant sites;
- EMLR Ground Water Management Zone;
 - but is located in a prescribed water resources area WMLR groundwaters management zones and Mount Lofty Ranges Climate Zone, as is the greater areas beyond metro Adelaide to the south and east;



- River Murray Flood Plain or Mount Lofty Ranges Water protection Area with Priority Areas; or
- an area comprising wetlands or water bodies for the small exception of land centrally located along the east boundary of the land parcels subject to this submission.
 - A single watercourse, Carrickalinga Creek, touches on the property and forms part of the southern boundary. This runs intermittently only during winter. Conversations, discussions and on-site meetings with Landscape SA continue to identify ways to enhance the creek.

Given the data sourced from NatureMaps, we conclude that the land the subject of this submission does not comprise environmental characteristics that align with the intent of the EFPA.

Further, we note that the EFPA initiatives originated from recommendations proposed in the original 30 Year Plan for Greater Adelaide published in 2010 with broad objectives focussing on:

"the protection of primary production lands through land-use policies which protect the integrity of high-value primary production lands and minimise the encroachment of incompatible uses".

The original Plan emphasised the need to protect vital primary production lands by preventing urban sprawl and locating *"the bulk of new housing in the established areas of Greater Adelaide"*.

On Page 107, the original Plan outlines several policies relating to primary production. Policy 13 of the original Plan stated the following:

"Designate areas of primary production significance (see Map D11) in Development Plans and introduce a standard set of planning controls to protect the areas' use."

The intent of this Policy was to ensure that areas of primary production significance are protected under planning controls. Map D11 identifies existing areas of important primary production land as well as *"potential"* areas of primary production significance.

Figure 7 highlights the approximate location of our client's land on Map D11. This is only an approximate, as the map is too broad to refine down to single land parcels.

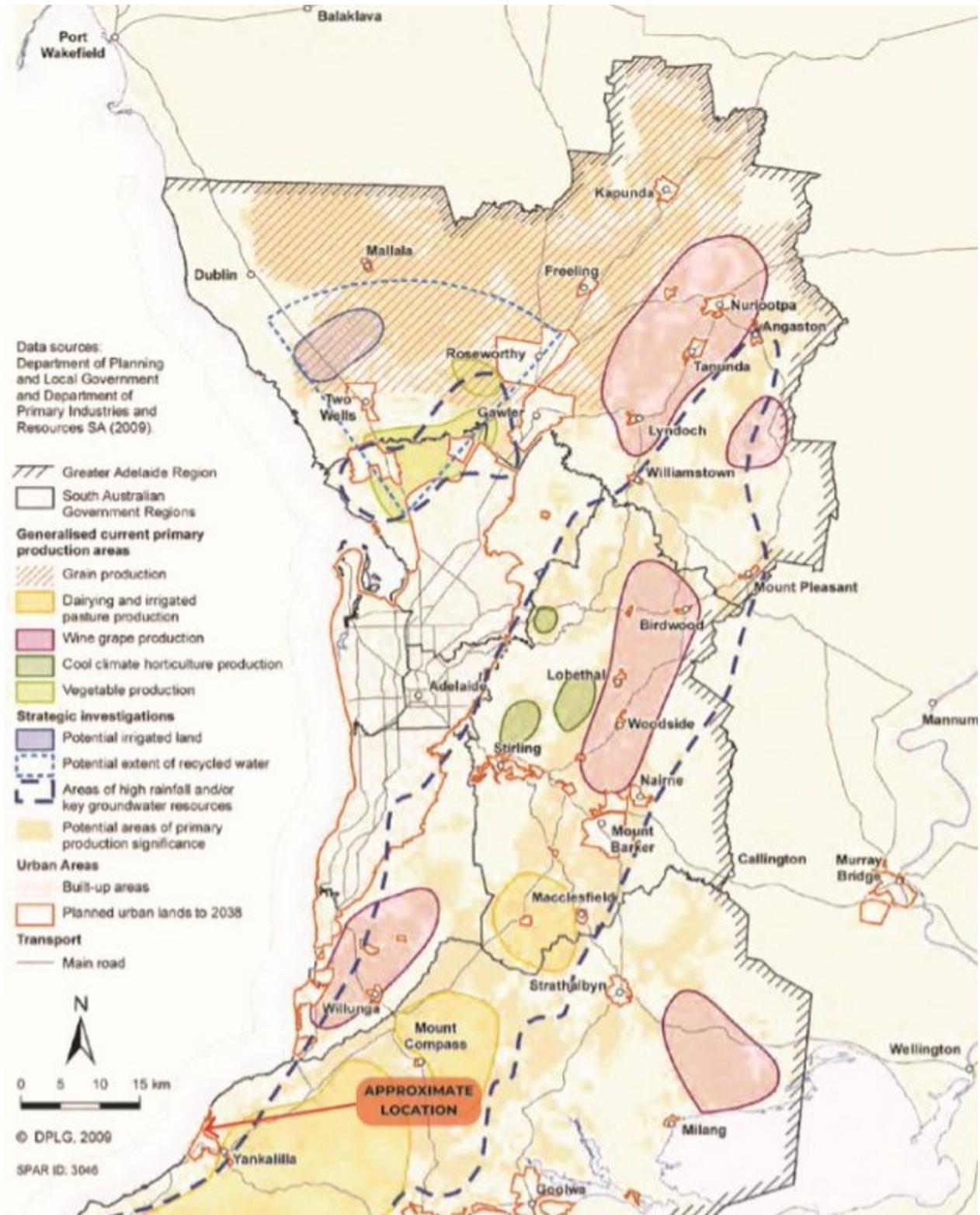


Figure 7: Location of Site on Map D11.

Source: The 30-Years Plan for Greater Adelaide – A Volume of the South Australian Planning Strategy (2010).

As depicted in Map D11, our client's land is outside a "potential" area of primary production significance.



In response to the policies recommended in the original 30 Year Plan, Primary Industry Resources of South Australia (PIRSA) undertook investigations to identify primary production priority areas. These findings were then layered into Location SA Map Viewer and categorised into land parcels under three (3) headings, being Primary Production Priority Area (PPPA), Non-Primary Production Area and Excluded Area.

Following review of the metadata associated with PIRSA's findings (<https://data.sa.gov.au/data/dataset/primary-production-priority-areas>) the primary production priority areas were identified using a broad set of criteria. The criteria used, as stated in the metadata, is as follows:

"Provisional PPPA boundaries have been identified by PIRSA on the basis of a range of factors relevant to sustainable primary industries development, including land capability, industry investment and land use, access to water, climatic considerations (including anticipated climate change) and any local conditions that give rural land special significance for primary production. Note that the concept does not include measures of landscape quality and is not intended for that purpose."

"Created to identify 'areas of primary production significance' (Government of South Australia, 2010, p.106) and enable subsequent strategic planning and land use policy development by local councils and state government agencies. Its intended use is as an information product to aid identification of 'areas of primary production significance' in a consistent manner that is agreed by stakeholders. The data set is not a statement of policy of either PIRSA or the Government of South Australia. The data comes with a warning to users, the data is subjective, multiple inputs all of varying accuracies, and subject to change."

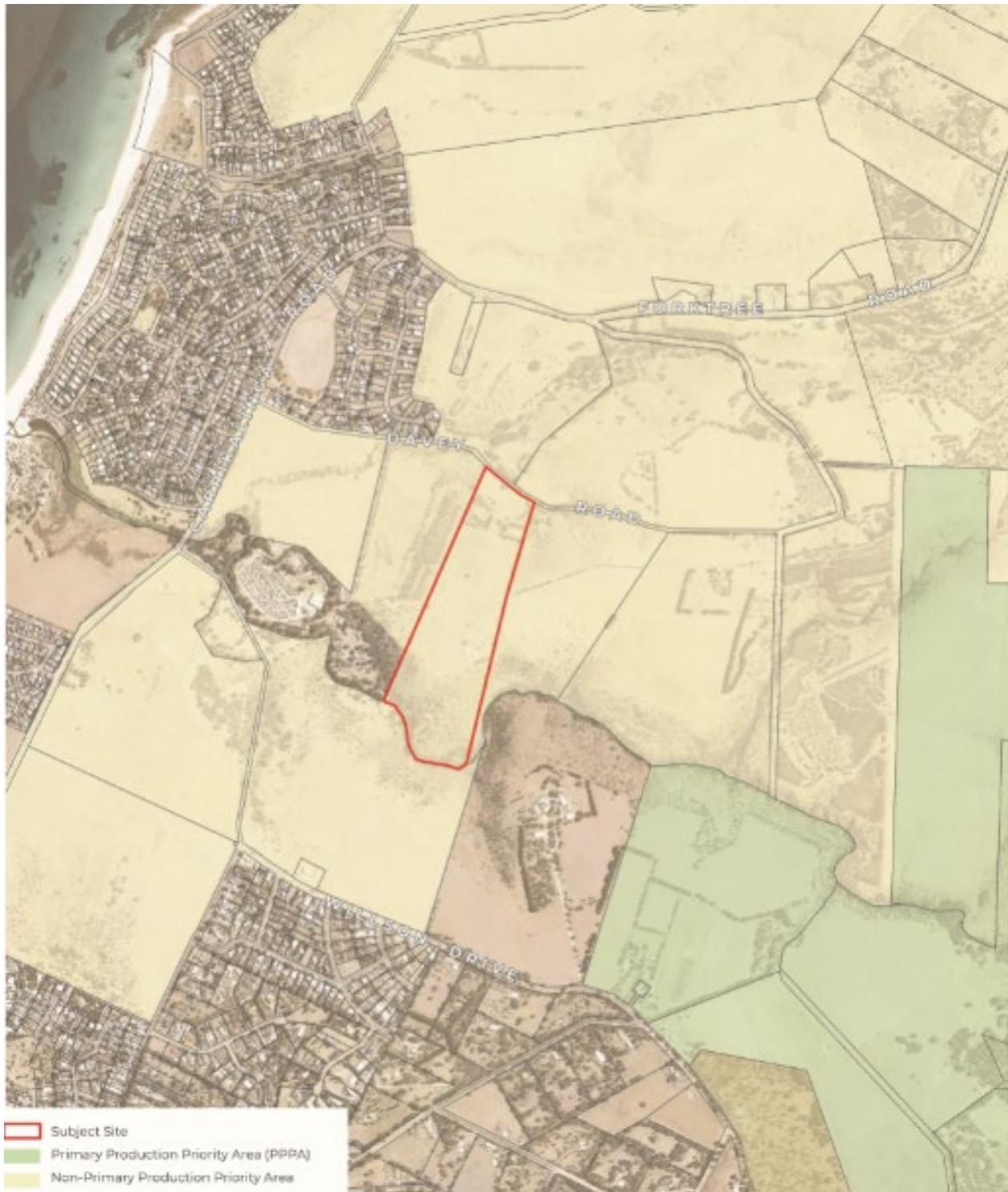
"Several Land use datasets were integrated with Soil Landscapes spatial data and various other data sets. This data was analysed, reclassified, filtered and generalised. Polygon areas < 100 Ha were eliminated. Final step was matched to cadastral parcels layer dated 11/04/2011. Further information about the data and mapping method used can be found in the unpublished PIRSA document 'Primary Production Priority Areas: Project Design and Method, June 2011'; and in companion reports for each of the twelve local government areas in the Greater Adelaide region with rural land. Information about adoption of PPPA mapping should be sought from those Local Councils."

"Mapping is 100% complete for the following Local Government Areas (Adelaide Hills, Onkaparinga, Yankalila, Mallala, Light, Salisbury, Gawler, Victor Harbour, Mount Barker, Barossa, Playford, and Alexandrina)."

As described **above**, the 'Primary Production Priority Areas: Project Design and Method, June 2011' was not published and nor is it available online (to our knowledge).



Figure 8 highlights the approximate location of our client's land in relation to the PPPA map.



**Figure 8: Location of Site on Location SA Map Viewer.
Source: Location SA Map Viewer.**



As depicted **above**, the land subject to this submission is wholly located in a Non-Primary Production Area. On this basis, the land in question was not and is still is not considered a PPPA. In broad terms we conclude that our client's land did not meet the criteria used by PIRSA to identify primary priority areas, including land capability, industry investment, land use, access to water, climatic considerations, local conditions that give rural land special significance for primary production, soil landscape data sets, and site areas below 100 hectares. Accordingly, we can only conclude that PIRSA did not at that time, and do not today consider the land to be a PPPA.

Enquiries about the investigations available that provided the rationale for the definition of the EFPA revealed that no such investigation was undertaken or alternatively not available.

It is important to note the nearest allotment categorised by PIRSA as a PPPA is located approximately one (1) kilometre east.

In addition to the land characteristics identified on **pages two (2) and three (3)** of this submission, our client has further advised that:

- over the last 10 years they have attempted to utilize the 16 hectares under the present Primary Industry Zoning for the following:
 - Raising cattle for several years - maximum 10 head.
 - Raising sheep - maximum 20 head.
 - A trial cultivation of 80 olive trees.

None of these have proven successful and are clearly not viable primary production propositions.

They have concluded that:

- the cattle, sheep and a trial olive tree plantation were expensive failures on many levels:
 - A combination of cattle and sheep over time on a coastal hillside resulted in degradation of the soil structure. The end result being an unacceptable level of soil erosion and as a consequence, an alarming exposure of the rock beneath. The hard footed sheep and cattle assisted in the loss in some areas of the thin layer of topsoil and subsequent exposure of the substrata rock.
 - The trial planting of 80 olive trees was unsuccessful as only 23 survived. The attrition was in part due to natural causes like the excessive wind and kangaroos but most importantly it was later discovered, after consultation with soil expert, Brian McLeod CEO of PRO AG Consulting specialising in soil, plant and animal nutrition, that the calcareous base on our hillside is not conducive to olive plantings.
 - There is insufficient area for cropping of hay and the undulating terrain and rocky outcrops are not suitable for mechanisation.
 - Land management obligations have been met by employing costly aerial spraying for Salvation Jane and Cape Tulip control.



- Ongoing engagement at field days, events and seminars to gain knowledge on eradication practices and procedures relevant to Cape Tulip and other weed species as well as soil health and management practices.
- Insufficient and uncertain rainfall places an extra burden on the water supply for reliable production activities. The land dries out from early October until May/June rainfalls. Carrickalinga is a unique micro climate as it appears to be in rain shadow as the best rain always falls in the Myponga farming district which is an area with a reputation for prime cattle and agricultural pursuits.
- It is suggested that if global warming precepts are correct, this uncertainty of rainfall will at best remain the same.
- Consultation with the relevant experts regarding dam construction concluded that there was not a suitable site for a dam on the property.

Based on the land's historical activities, the land's characteristics result in it being incapable of primary production pursuits. As such, Rural Living development is considered the most appropriate form of development on this land and in the immediate locality. Low density Rural Living development in this location can be designed to retain and indeed enhance the rural landscape which could then present a more attractive backdrop to the Carrickalinga development whilst accommodating future population growth.

The above aligns with the work of PIRSA outlined **above** that the land is not suitable for productive pursuits. The work of PIRSA was a direct response to the recommendations and policies stipulated in the original 30 Year Plan for Greater Adelaide and provide substance to the argument that the land is not suitable and should not be categorised as such as part of the EFPA.

Several years after the initial 30 Year Plan, the (former) Minister for Planning John Rau released in 2016 the draft update of the 30 Year Plan for Greater Adelaide. The update underwent consultation with various stakeholders and resulted in the release of the 30 Year Plan for Greater Adelaide 2017 Update.

As part of the update, the Environmental and Food Protection Areas (EFPA) was introduced. GRO Map G17/2015 is publicly available on the Department of Planning, Transport and Infrastructure website and depicts the areas across Greater Adelaide categorised as an EFPA, including the land subject to this submission.

Map **Figure 1** depicts the approximate location of our land in relation to land categorised as an EFPA in the District Council Yankalilla.

Our client is aggrieved with the categorisation of his land as an EFPA.

With the exception of PIRSA's work and the data from NatureMaps, we are yet to source information, data or findings that justifies the allocation of our client's land (and land in close proximity) as fitting the purpose and criteria of the EFPA. In essence, there is no substance, argument or investigation that supports the incorporation of our client's land and indeed other land in the locality in the area of the EFPA.



In addition, inclusion of the land within a EFPA will only cause detriment to the locality as the land is not sustainable as a primary production unit and it will deteriorate over time without an income.

The land should not be included within the EFPA as the land characteristics, size, topography and conditions, is incapable of viable primary production. This is evidenced in the PIRSA investigations.

The 30 Year Plan for Greater Adelaide 2017 Update states the following:

“Introduced in the Planning, Development and Infrastructure Act 2016, the Environment and Food Production Areas will:

- *protect rural, landscape and environmental areas from urban encroachment*
- *encourage consolidation within the existing urban footprint and renewal of existing urban areas*
- *ensure that any expansion of the urban footprint is made transparently and based on agreed evidence*
- *help prevent ad hoc land use changes that may compromise investments that rely on the maintenance of those rural landscape and environmental areas.”*

In response to the 30 Year Plan’s Objectives (listed **above**), we reiterate our findings and respectfully request that the land forming part of this submission which is currently located in an EFPA be reconsidered as a matter of priority.

Given the above, it has been demonstrated that:

- (a) the subject land is able to support some form of rural living development and in turn help to support social infrastructure, facilities and commercial business in the locality to encourage economic growth for the betterment of the community;
- (b) the subject land is able to satisfy some demand in the form of additional rural living development which in turn would create economic, employment and social facilities in the locality and throughout the wider community whilst also enabling the revegetation and betterment of the land; and
- (c) the historical activities undertaken on the land and subsequent attempts to establish primary production uses confirm that the land is not economically viable or suited to primary production activities.

In light of this recognised anomaly, we contend that this submission satisfies the Criteria of Test 3 as detailed in the *Planning, Development and Infrastructure Act, 2016*. It satisfies the third criteria, as an amendment to the EFPA in this area, would be trivial and would address that anomaly.



We respectfully request that our client's land is assessed in accordance with the findings and data enclosed herein. Should any clarification be needed please do not hesitate to contact the writer.

Yours sincerely

Simon Tonkin
MasterPlan SA Pty Ltd

enc: As listed.



 Subject Site

Locality Plan

84 DAVEY ROAD
CARRICKALINGA

FOR OLGA KOSTIC



1:10000 @ A3
0 200m

29 July 2021

Ms H Dyer
Chair
State Planning Commission
via e-mail: PlanSAsubmissions@sa.gov.au



Dear Ms Dyer

EFPA Review – Consultation Response

Thank you for the opportunity to comment in relation to the State Planning Commission's review of the Environment and Food Production Areas (EFPA). Council recognises the intent and benefit of the EFPA in the ongoing protection of valuable productive land and natural landscapes and is supportive of its application over appropriate areas of the City of Mitcham.

The EFPA within the City of Mitcham typically follows the Hills Face Zone boundary which, in the main, is considered appropriate. There is also a small area, comprising eight properties, in the south-eastern corner of the council area which is zoned Rural Living, and which is affected by the EFPA.

When undertaking a review of the areas affected by the EFPA, it was noted there are several properties that are only partially affected by the Overlay. This is typically a result of the EFPA following the existing Hills Face Zone ("HFZ") boundary. It is understood that the HFZ boundary was originally based on the topography of the land and that there has been limited amendment made to the boundary since. Being based on topography, rather than property boundary or centre-of-road (as is more common outside of the HFZ), has resulted in some properties being located in both Hills Face Zone and another Neighbourhood-type zone.

In these cases, the EFPA applies to the whole of the property. This may have unintended consequences, particularly where a property is predominantly located in a neighbourhood-type zone where residential land uses are appropriate and land division is contemplated. It is suggested that the EFPA should not apply over land which is residential in nature and which is located within a Neighbourhood type Zone. Suggested boundary adjustments are predicated on protecting residential property development rights under the Planning and Design Code, that the EFPA would otherwise extinguish.

The anomalies identified and the suggested minor adjustments are detailed in the table overleaf.

It is noted that consultation on the EFPA review has predominantly been via State Government social media and web platforms and information sessions, with support from Councils in disseminating information to the local community. It is understood that individual affected property owners have not been directly engaged during the review. As such, it is strongly recommended that, should the review result in adjustments to the EFPA boundary, PlanSA and SPC engage with and work closely with affected property owners and Councils to ensure that meaningful consultation is undertaken.

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MITCHAM

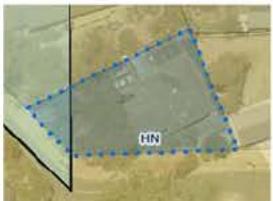
We are supportive of the EFPA and its ambition to protect valuable productive land and natural landscapes, however, believe there are opportunities to make minor adjustments to the EFPA boundary to avoid unintended impacts on property owners. Please note that these comments are by the Administration and have not been endorsed by the Council.

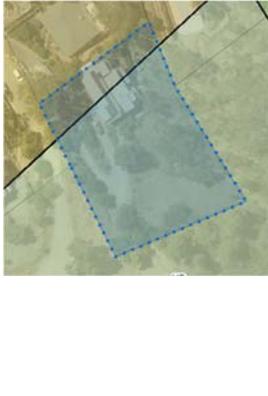
Should you have any queries relating to this matter, please do not hesitate to contact me on [REDACTED] or by email on [REDACTED].

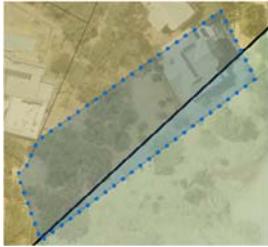
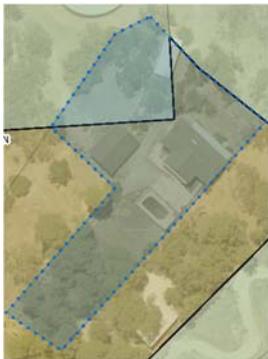
Yours Sincerely



Alex Mackenzie
MANAGER DEVELOPMENT SERVICES

Address	Legal Description	Aerial Map	Anomaly	Minor Adjustment suggested
2A Centre Way Belair	CT 5918/56 D64117 AL201		<ul style="list-style-type: none"> Property comprising residential dwelling is located in two zones – Hills Neighbourhood Zone (south-eastern portion) and Hills Face Zone (north-western portion). The EFPA follows the HFZ boundary and therefore dissects the property. 	<ul style="list-style-type: none"> Adjust the EFPA boundary to follow the property boundary, rather than the zone boundary. The land use in nature is residential in nature is not used for productive purposes – although the rear of the property is heavily vegetated. Suggest that the EFPA boundary should follow the property boundary rather than the zone boundary to avoid any unintended consequences.
2C Centre Way Belair	CT 5678/176 D52057 A705		<ul style="list-style-type: none"> Property comprising residential dwelling is located in two zones – mostly Hills Neighbourhood Zone (eastern portion) and a small portion in Hills Face Zone (north-western portion). The EFPA follows the HFZ boundary and therefore dissects the property. 	<ul style="list-style-type: none"> Adjust the EFPA boundary to follow the property boundary, rather than the zone boundary. The land use in nature is residential in nature is not used for productive purposes. Suggest that the EFPA boundary should follow the property boundary rather than the zone boundary to avoid any unintended consequences.

<p>3 Hamilton Lane Belair</p>	<p>CT 6046/365 D81306 A12</p>		<ul style="list-style-type: none"> • Property comprising residential dwelling is located in two zones – Hills Face Zone (northern portion) and Hills Neighbourhood Zone (southern portion). • The EFPA follows the HFZ boundary and therefore dissects the property. 	<ul style="list-style-type: none"> • Adjust the EFPA boundary to follow the property boundary, rather than the zone boundary. • The land use is residential in nature is not used for productive purposes. • Suggest that the EFPA boundary should follow the property boundary rather than the zone boundary to avoid any unintended consequences.
<p>24 Northbrook Ave Mitcham</p>	<p>CT 5072/644 D33924AL1</p>		<ul style="list-style-type: none"> • Property comprising residential dwelling is located in two zones – Hills Neighbourhood Zone (north-western portion) and Hills Face Zone (south-eastern portion). • The EFPA follows the HFZ boundary and therefore dissects the property. 	<ul style="list-style-type: none"> • Adjust the EFPA boundary to follow the property boundary, rather than the zone boundary, • The land use is residential in nature is not used for productive purposes. • Suggest that the EFPA boundary should follow the property boundary rather than the zone boundary to avoid any unintended consequences
<p>25 Lisburne Ave Mitcham</p>	<p>CT 6225/344 D119426A58</p>		<ul style="list-style-type: none"> • Property comprising residential dwelling is located in two zones – Hills Neighbourhood Zone (north-western portion) and Hills Face Zone (south-eastern portion). • The EFPA follows the HFZ boundary and therefore 	<ul style="list-style-type: none"> • Adjust the EFPA boundary to follow the property boundary, rather than the zone boundary. • The land use is residential in nature is not used for productive purposes. • Suggest that the EFPA boundary

			dissects the property.	should follow the property boundary rather than the zone boundary to avoid any unintended consequences.
38 Lisburne Ave Mitcham	CT 5072/649 D33924AL6		<ul style="list-style-type: none"> Property comprising residential dwelling is located in two zones – Hills Neighbourhood Zone (north-western portion) and Hills Face Zone (south-eastern portion). The EFPA follows the HFZ boundary and therefore dissects the property. 	<ul style="list-style-type: none"> Adjust the EFPA boundary to follow the property boundary, rather than the zone boundary. The land use is residential in nature is not used for productive purposes. Suggest that the EFPA boundary should follow the property boundary rather than the zone boundary to avoid any unintended consequences.
13-15 Weemala Dr Mitcham	CT 5353/934 D7502 A7		<ul style="list-style-type: none"> Property comprising residential dwelling is located in two zones – Hills Neighbourhood Zone (north-western portion) and Hills Face Zone (south-eastern portion). The EFPA follows the HFZ boundary and therefore dissects the property. 	<ul style="list-style-type: none"> Adjust the EFPA boundary to follow the property boundary, rather than the zone boundary. The land use is residential in nature is not used for productive purposes. Suggest that the EFPA boundary should follow the property boundary rather than the zone boundary to avoid any unintended consequences.

<p>Mira Monte 5 Mt Barker Rd Urrbrae</p>	<p>CT 5396/514 S7816 UCP</p>		<ul style="list-style-type: none"> • Property comprising some 70 dwellings is located in two zones – Suburban Neighbourhood Zone (northern portion) and Hills Face Zone (southern portion). • The EFPA follows the HFZ boundary and therefore dissects the property. 	<ul style="list-style-type: none"> • Adjust the EFPA boundary to follow the property boundary, rather than the zone boundary, • The land use is residential in nature is not used for productive purposes. • Suggest that the EFPA boundary should follow the property boundary rather than the zone boundary to avoid any unintended consequences.
<p>57 Birksgate Dr Urrbrae</p>	<p>CT 5464/230 FP16162 A239</p>		<ul style="list-style-type: none"> • Property comprising residential dwelling is located in two zones – Suburban Neighbourhood Zone (northern portion) and Hills Face Zone (southern portion). • The EFPA follows the HFZ boundary and therefore dissects the property. 	<ul style="list-style-type: none"> • Adjust the EFPA boundary to follow the property boundary, rather than the zone boundary, • The land use is residential in nature is not used for productive purposes. • Suggest that the EFPA boundary should follow the property boundary rather than the zone boundary to avoid any unintended consequences

CALL

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POST

12 Bishopstone Road
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EMAIL

playford@playford.sa.gov.au

VISIT

Playford Civic Centre
10 Playford Boulevard
Elizabeth SA 5112

Stretton Centre
307 Peachey Road
Munno Para SA 5115



28 July 2021

Ms Helen Dyer
Chair
State Planning Commission
GPO Box 1815
Adelaide SA 5001

Dear Ms Dyer

City of Playford Response - Environment and Food Production Areas (EFPA) Review Public Consultation

Thank you for the opportunity to respond to public consultation on the EFPA Review.

The City of Playford notes that following detailed analysis of residential and employment land supply in Greater Adelaide, that the Review is limited to consideration of variations to the EFPA boundaries that are recognized as anomalies and/or trivial (minor) in nature.

Playford is unaware of any anomalies/amendments of a trivial (minor) nature that are required. On this basis Playford has no further comment in regard to the EFPA Review at this stage but would appreciate being informed of any proposals which arise from the consultation that have implications for the City of Playford.

Please contact Paul Johnson, Policy Planner Specialist [REDACTED]
[REDACTED] if you wish to discuss the matter further.

Yours sincerely

A handwritten signature in black ink, appearing to read "Sara Hobbs".

Sara Hobbs
ACTING SENIOR MANAGER, CITY AND CORPORATE PLANNING

**Submission to the Review of the
Environment and Food Production
Areas, July 2021.**

In Summary, the Barossa Partnership of organisations submits:

- that Greater Adelaide (outside EFPA) able to support the principle of urban renewal and consolidation, but that this capacity will grow with the decline in traditional manufacturing, particularly, large-format manufacturing close to the city and the trend towards adaptive urban spaces;
- that there is adequate housing supply within designated areas both in metropolitan Adelaide and within the townships of the EFPA across the Barossa Light and Lower North region for future population growth;
- that the productivity of regional industries and the South Australian value chains supporting and benefiting from those industries will be enhanced by retaining the EFPA boundaries for the certainty of investment and business operations;
- and that the region's competitive advantage (and that of South Australia) is enhanced by highly productive agricultural and food production lands supported by protected environments and the logistical advantages of this region, including proximity to port and airport and the northern suburbs workforce.

The signatories to this submission are all charged with supporting the growth of economic activity and regional competitive advantage in the Barossa and Light Region. We have a commitment to activation of the EFPA to support the existing economic strengths, value creation, and additional diversified industry that strengthens regional competitive advantage. One of the pillars of that Regional Competitive Advantage is the brand salience in the word "Barossa" and the opportunity to leverage that beyond wine alone and into tourism, hospitality, food production and agri-tourism. Underpinning that brand salience is a rural production area and visitor-worthy landscapes.

Quite apart from the encroachment on and reduction of land available for production which occurs without such protections as EFPA, the incompatibility of encroaching development with farm, vineyard and tourism operations has a high cost to the economy (*Cecchini et al., 2018*). The EFPA has contained these negative impacts and should be maintained.

The Barossa Australia partnership of organisations recognises the need for affordable housing for workers in the region and points to extensive housing areas recently opened up and still available for activation within the region. The 30 Year Plan for Greater Adelaide in 2008 provided for an additional 150,000 people by 2038 (subsequently reduced to 100,000), and whilst growth in the region has been strong, the increase is not on par with the maximum provided for in this scenario. Schemes to encourage buy-to-rent are required

more than urban expansion. The exception to this might be the gradual growth of Roseworthy township as demand expands. Roseworthy has significant industrial land provision, and incremental growth may be required to accommodate workers into the future. This can be revisited in future reviews.

We endorse a scheme within towns to accommodate some medium-density options such as townhouses or group dwellings that provide a range and choice of accommodation, particularly for the young and the elderly. With clever design, towns can accommodate a growing population within boundaries where infrastructure and services are accessible, even walking and cycling. Given the absence of public transport, walkable communities are essential for connection and access to services.

As a partnership, we are committed to the economic activation of the EFPA, and this activation is facilitated by the certainty that is provided by the EFPA boundary remaining consistent. Above all, investors in agriculture, production, value-adding, services and supplies, and tourism, accommodation, and food require long-term assurances of the stability of the business environment that is provided by the EFPA framework. It is also important to us that the landscapes that support the globally recognised industries of wine, food and tourism, and associated cultural activities, are not undermined, encroached upon or destroyed by inappropriate development. We support development that supports our industries and community. In this region, that development depends upon the continuing productivity and amenity of our environment and agricultural lands. All high-value rural lands in the world have strong visual amenity. *(Ives & Kendal 2013)* The Barossa itself is covered by the Character Preservation Area, which shares many features of the EFPA. Since the introduction of the Character Preservation Area, there has been a marked increase in high-value investment in tourism and hospitality; the value of vineyards has also increased. Not only should this be supported, but it can be leveraged for the EFPA. The agricultural plains constitute the Barossa's Food Bowl and current initiatives aimed at elevating that connection and driving more premium production and pricing are currently in train.

Accordingly, we:

1. Support EFPA and the economic activation within the framework, particularly for agricultural value-adding and agri-tourism .
2. Request recognition that the considerable brand equity in "Barossa" is an asset worth feeding with a conducive brand-enhancing and emotionally connecting agrarian environment.
3. Acknowledge that areas adjacent to the Barossa are both part of the Barossa's context and important to its tourism offer with many attractions and experiences lying beyond the GI boundary.
4. Note that adjacent agricultural areas have also embarked upon brand building for tourism, and this needs to be likewise supported by retaining the agrarian landscapes, trails and tourism opportunities.
5. Point out that the basis of the EFPA in this region is its fertile soils, moderate rainfall, access to sustainable water, access to the port, airport and national freight routes and labour. The advantages of profitable and productive agriculture, enhanced by

- value-adding through branding and direct access to high-value markets, is essential to the state growth agenda
6. Concur that containing urban sprawl reflects best practice in planning for sustainable, liveable communities
 7. Suggest that tourism is no longer passive – active tourism seeks knowledge and experiences, and a vibrant agricultural and value-adding landscape offers reasons to stay longer.
 8. Point out that active tourism assets in the region support this, with cyclists generally high-value tourists appreciate the agricultural landscape for recreational cycling.
 9. Have identified that COVID has accelerated wellness tourism, wine tourism and recreational/cycling/active tourism, which are outstripping average growth trajectories. The festivals market is also gaining traction. An agrarian landscape supports these sectors and, with appropriate facilities, the development provides the economic boost to complement agricultural production for various jobs and incomes.
 10. Propose that whilst supporting industry is welcomed, co-locating services are best served in designated industry parks. There is a substantial provision in the existing planning regime.
 11. Note that the policy of “A Productive Economy for South Australia” supports retention of the EFPA
 12. Agree with the Commission’s position that there is an adequate provision of land in Greater Adelaide to accommodate housing and employment growth over the next 15 years. We support the EFPA and the economic sustainability of these lands by engaging the design review panel framework for sympathetic agri-tourism development.

James March, Chief Executive, Barossa Grape & Wine Association Inc.

Contact: [REDACTED]

Jon Durdin, Chair, Tourism Barossa Inc.

Contact: [REDACTED]

Anne Moroney, Chief Executive, Regional Development
Barossa Gawler Light Adelaide Plains Inc.

Contact: [REDACTED]

-----Original Message-----

From: Arthur Mangos [REDACTED]
Sent: Monday, 12 July 2021 1:09 PM
To: mawson@parliament.sa.gov.au
Cc: SA Planning Commission <saplanningcommission@sa.gov.au>
Subject: South Road

A while ago the SAG announced the widening of South Rd from Aldinga to the Victory Hotel or close by Can you please give myself and other residents of Sellicks an idea which year this will begin mid2025 or later???? Also what deicits occurring on the Eastern side of South road from Silver Sands detour to before Perth street acres of farmland are being destroyed . Is this area reserve for produce and farming? I am amazed the way each Government Changes qthe goal posts to suit developers. We don't require more houses in this area we need our rich agricultural land. As my " wishes" will eventually be ignored there are process in place to increase the capacity of the Noarlunga hospital and other emergency services for residents. I don't wish to see the area turn into another Mt Barker catastrophe with road networks and poor planning I have ccd Helen Dyer and that the following applies to her Dept. Stop please altering the McLaren Vale area if not Helen stop drinking and eating the produce. This area should have greater value fir agriculture not houses. This is my formal objection No more houses please.

Arthur Mangos
[REDACTED]

20 July 2021

State Planning Commission
GPO Box 1815
Adelaide SA 5001

Email: saplanningcommission@sa.gov.au

Dear Sir/Madam

Environment and Food Production Areas (EFPA) Boundaries Review

While South Australia's Environment and Food Production Areas (EFPA) does not apply to the Barossa Valley, Council welcomes the opportunity to provide a Submission on the inaugural review.

Council acknowledges that the Statement of Position states that there is sufficient land supply in Greater Adelaide to support housing and employment growth over the next 15 years, thereby ensuring the protection of productive agricultural land.

It is noted that the Commission has factored the 2018 review of the Character Preservation Act, given the legislative link between the Character Preservation District (CPD) and the EFPA.

Council has been generally supportive of the CPD, and provided a Submission on the 2018 Review of the Character Preservation Act.

Our submission (copy attached) noted a number of boundary anomalies. Of these, the Neil Avenue residential enclave at Nuriootpa was the key anomaly that was acknowledged in detail by the Review Outcome Report (June 2018). The others were equally referred to the Commission for further consideration.

It is disappointing that "the Commission is not inviting further Submissions regarding boundaries or other matters relating to CPD through this current EFPA boundary review process."

Despite this, Council is pleased to see that the Commission states that it will "include applying Test 3 to eight locations identified in the review of Character Preservation Districts conducted in 2018" but this is only in the event that "the relevant Acts are first amended by Parliament to vary or remove land from the Character Preservation Districts."



Council would have hoped that the Commission could have taken it upon itself to review the adjacent boundaries of the EFPA and CPD at the identified anomalies to determine their merits, and subsequently make a recommendation to the Houses of Parliament.

Should the opportunity arise, Council would encourage the Commission to reconsider its position as to when it will consider these anomalies.

Should you have any questions regarding our Submission, please do not hesitate to contact Gary Mavrinac Director Development and Environmental Services.

Yours sincerely



Martin McCarthy

Chief Executive Officer

REVIEW OF THE CHARACTER PRESERVATION (BAROSSA VALLEY) ACT 2012 AND CHARACTER PRESERVATION (MCLAREN VALE) ACT 2012

THE BAROSSA COUNCIL ANALYSIS AND COMMENTS ON DISCUSSION PAPER

The Barossa Council appreciates the opportunity to contribute to the review of the character preservation legislation. The analysis and commentary is based on the questions contained at the end of the discussion paper below. These comments were considered and endorsed by elected members at the Ordinary Council Meeting held on 21 November 2017.

The Character Preservation Acts aim to protect the character values of the districts. Do you think these values are being adequately protected?

The Barossa Council comments

To an extent there is partial protection. Any failure to adequately protect these values however, is not necessarily the fault of the Acts, but potentially related more to ongoing gaps, inconsistencies, and inadequacies in Development Plan policies. These include the lack of appropriate design criteria and the presence of restrictive policies relating to flexible primary production and value-adding.

As discussed later, there is no evidence that the objects of the Acts are actively given regard or taken into account by decision makers other than Councils, contrary to the requirements of section 6(2) of each Act. This apparent failure potentially leads to future decisions being made that don't further the objects of the Acts.

Do you think the land division controls restricting the creation of additional allotments are adequate to ensure character within the districts is maintained?

The Barossa Council comments

In the majority of instances land division to create additional allotments for any purpose were non-complying prior to the introduction of the legislation and generally not supported. Such proposals continue to be non-complying however the Acts introduced the obligation to refuse applications which create additional lots for "residential development", a phrase which it is noted is yet to be tested in case law. To date Council has only received one non-complying land division application within the character preservation district, and as it did not create an additional allotment for residential development, Council was not obliged to refuse the proposal.

While the legislation prevents creation of additional allotments for "residential development" it is silent in respect to proposals which realign existing allotments and which result in allotments more suited for residential development than previous - e.g. realignment of 2 x 32 ha lots into 1 x 63 ha and 1 x 1 ha lots. It is also silent in respect to the development of existing allotments as 'hobby' farms or to build a 'lifestyle' dwelling with minimal associated primary production. Development policies relating to these situations currently vary across the Council area, however

they do not specially speak against realignment and in a number of zones require a minimum lot size for construction of a dwelling.

Council believes no change is necessary to the legislation in this regard and that proposals to realign existing allotments continue to be assessed against existing local development policies. However, as discussed later, changes to development policies are required to ensure character is maintained as a result of the built form on existing allotments in terms of siting, design and construction materials.

Have changes to the SA Planning Strategy and relevant Council Development Plans in response to these Acts helped to implement them?

The Barossa Council comments

The discussion paper incorrectly notes on page 6 that the Development Plans of all affected councils have been amended with local rules aligning with the Acts and the Planning Strategy. Although the Planning Strategy Addendum (the Addendum) provided more understanding of the special character of the respective districts there have been no subsequent changes to Development Plan policies solely as a result of the Planning Strategy Addendum (the Addendum). The changes introduced to the various Development Plans via the Ministerial DPA in 2013 were high level only with a simple insertion of the Character Preservation Overlay and high level objectives. No detailed policies were introduced at the time and there remains significant policy gaps between the Addendum and Development Plan policies. Accordingly, existing Development Plan policies don't always support the objects of the Acts.

The Barossa Council was the first council to initiate a review of Development Plan policies following the Addendum (via its *Rural Areas and Character Review*) initiating a subsequent *Rural Areas and Character DPA* which has been placed on hold pending the current planning reforms and collaboration between Council and DPTI on the forthcoming Planning and Design Code. In addition to closing the policy gaps, Council's DPA also proposed to relax restrictions on diversification and value adding.

What do you consider are the family, social, economic and environmental impacts of the Act/s?

The Barossa Council comments

It is not possible to draw any conclusions in terms of the impact of the Acts and changes in development approvals. Although the discussion paper attempts to demonstrate the 'before and after' through various charts, it is difficult to measure given that no agreed 'success' criteria or baseline measures were put in place when the legislation was introduced. For example, in relation to dwelling approvals and land division a variety of factors would have influenced the change in the number of approvals including demand, availability of allotments, and the availability of land for division in rural living areas.

Demand remains constant for dwellings in rural areas and there has been a perceived increase in tourist accommodation in the form of small bed and breakfast as well as several proposals for larger scale motel and hotel accommodation within

townships and the rural areas. Anecdotally we have seen more small scale wineries and cellar doors, however it is not clear on what conclusions can be drawn from this in terms of correlation with the Acts, or whether it is simply the result of market forces and trends generally.

It is unlikely that the Acts have had any impact on land supply and demand given that land division for residential development was non-complying in the rural areas prior to introduction of the Acts. In other words the Acts have not redirected demand to townships.

A positive outcome from the Barossa Valley legislation was the inclusion of rural living areas adjacent to Tanunda, Lyndoch, Eden Valley and Williamstown within the township boundary. This action has subsequently been incorporated into *The 30-Year Plan for Greater Adelaide 2017 Update*. This provides scope for those areas to accommodate future higher density residential development to meet any demand. Sufficient zoned supply currently exists within the townships however that supply is not evenly distributed, with Williamstown and Tanunda likely to reach capacity sooner than other towns. However, at some point, when the supply of vacant allotments within townships is exhausted the council and the community will need to consider how to best accommodate future growth – e.g. no more broad-hectare residential development; higher density within townships; or expand township boundaries which would require change to the township boundaries as prescribed by the Act (see further below section regarding changes needed).

No evidence exists of any specific family or social impacts of the legislation. The broader community perhaps still questions the purpose and intent of the character preservation but it essentially has had no discernible impact on the nature of individual ratepayer applications for development.

Anecdotal evidence suggests some primary producers and allied business operators perceive the Act to be restrictive and an impediment to routine farming activities. Those perceptions could be manifesting themselves in different ways – e.g.:

- a farmer not investing in new infrastructure on the basis that the Act does not support future primary production
- a farmer revising their succession planning involving sale of multiple allotments on the basis that dwellings are not possible on those allotments
- a business not investing in new equipment or adopting new practices on the basis that the Act foreshadows potential regulations to prohibit or further restrict the undertaking of a specified activity.

These perceptions can result in lack of business confidence and possible decline in community wellbeing (with associated personal family, social and mental health impacts).

Have these Acts resulted in any positive or negative impacts on farming operations or farm business?

The Barossa Council comments

The Acts themselves have not had any direct impact on farming operations, but as indicated above there appears to be perceptions that the Acts have imposed new restrictions on traditional practices. Instead impediments to farming operations and farm business are generally the result of inflexible and restrictive development policies, State and Federal legislative obligations, market trends, commodity prices, inflation and the like.

Do you believe any changes are needed in the Act/s?

The Barossa Council comments

Council assumes that "the Acts" comprise the written legislative provisions together with the associated plans deposited in the General Registry Office at Adelaide (i.e. plans numbered GP 3 of 2012 (McLaren Vale) and GP 4 of 2012 (Barossa Valley)), and that both components should be under review. It is therefore disappointing that the discussion paper does not address boundary aspects. Council is also concerned that the discussion paper does not address the requirement for decision makers to have regard to the Acts. These aspects are discussed below together with other aspects.

Section 6(2) consideration

It is understood the intent was for section 6(2) (requiring consideration of the Act when making decisions) to apply broadly across all government departments and agencies and was to be included in their strategy and policy formulation, decision making, in addition to assessment and development considerations.

Prior to deciding on any application for Development Plan Consent Council's decision maker (i.e. either a delegated officer or the Council Assessment Panel) must resolve pursuant to section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, that the officer or panel has had regard to the objects of the Act and, in determining the application, seeks to further the objects of the Act. To date, there have been no applications that have been determined that do not further the objects

Unfortunately there appears to be a perception that section 6(2), and the associated powers to require information in section 9, only apply to the affected councils and their decision making relating to development applications. There is no evidence that government departments, including respective Ministers are determining compliance with the objectives of the legislation. This appears to potentially disregard the status of the Act, particularly where referrals of applications are made to government agencies, and the potential interrelationship with other Acts and regulatory frameworks.

Council does not suggest this provision requires change, but suggests an urgent need exists for general awareness training for all government agencies including respective Ministers, together with recommended templates and methodology.

This is consistent with the requirement to consider the Objects and Objectives under the *River Murray Act 2003* and the *Adelaide Dolphin Sanctuary Act 2005* when considering related operational Acts, including the Development Act. However, in this instance the Character Preservation Acts do not identify 'related operational

Acts' and is dependent on whether an Act requires an approval, consent, licence, permit or other authorisation granted or required under an Act.

Requested map changes

- Review inclusion of parts of the Adelaide Hills Council within the Barossa Valley district (i.e. Cromer, Forreston, Humbug Scrub, Kersbrook and Mount Crawford).
- Exclude industrial land on Stockwell Road, Angaston (within the Industry (Barossa Valley Region) Zone) from the 'rural area' and either introduce a special 'designated area' as was done for certain rural living areas or include this area in a 'township'.
- Include the identified area west of Nuriootpa within the Nuriootpa township. This area is within Light Regional Council and comprises the Neil Avenue residential enclave and the land between that street and Moppa Road to the east. Neil Avenue properties are connected to The Barossa Council's Community Wastewater Management System and is an area that has been identified by Light Regional Council for potential future residential development; a concept which The Barossa Council would not oppose.

Potential legislative changes

- Remove requirement for State Planning Commission concurrence for land divisions which create additional lots within existing Rural Living Zones. This requirement adds an extra decision point despite those areas being in the Rural Living Zone which specifically envisages additional rural living allotments. This appears to be counter intuitive. To date concurrence has been granted on all requests suggesting that the additional administrative obligation has simply added an additional layer of assessment which elongates due process with no particular benefit. Consequently there is a need to review this requirement.
- The *prescribed allotment provisions* in the Barossa Valley legislation are confusing and require review.
- Preventing controlled intensification of rural living areas is also questioned – i.e. creating smaller lots in some areas potentially results in more opportunities within existing rural living areas and reduced demand for rural dwellings elsewhere.
- There is a need to review inclusion of the entirety of townships in the preservation district – e.g. new residential estates in Nuriootpa. While the interface of the township with the rural area requires careful management, other township areas (internal development areas) are well separated from the interface of the rural areas and are therefore suitably buffered. These areas are also visually separated from the rural areas and therefore 'screened' from view and unlikely to impact on the special character of the districts.
- Section 8(8) indicates that certain development authorisations for land divisions will be taken to be subject to the condition that additional lots created will not be used for residential development. Council is concerned that such an 'implied' condition, or an actual condition on the authorisation would not be carried forward to the actual new title(s) and therefore future owners would be unaware of the condition and its limitation. This imposes an obligation on the relevant council to set up and maintain some kind of notation or alert on the respective properties in order to include this ongoing condition on property search certificates issued under the *Land and Business (Sale and Conveyancing) Act 1994*. Council considers an alternative approach would

be for the 'condition' to be included on the new title – in brief, the development authorisation would contain a condition relating to the use of the land, but also a condition requiring an associated notation on the associated title(s) which reflects the other condition.

Other changes

Council also requests a review of how the districts are shown in Development Plans as the terminology used within the Development Plan differs from Act – i.e.;

- “district” within Act comprises the entire area shown on GRO Plan GP 4 of 2012 including areas marked “rural area”, “rural living area” and “township”, whereas Character Preservation District overlay maps in Development Plan show each “township” as “Area Excluded from District”. Presumably this exclusion is only for the purpose of the “Character Preservation District Overlay” as the Development Plan can't override or vary the Act
- “rural area” within Act is shown as “Character Preservation District” on Heritage and Character Preservation District overlay maps
- “rural living area” within Act is shown as “Designated Area” on Heritage and Character Preservation District overlay maps
- “Designated Area” on maps is not referred to in written policies.

The outcome of this approach is that it creates the wrong impression that townships are excluded from the district.

Potential removal or adjustment of existing provisions

The review should also consider if the following provisions could be removed or adjusted:

- Remove or adjust the requirement to review the planning strategy. The Addendum has been prepared and therefore this provision has been fulfilled and arguably is redundant. Alternatively it could be adjusted to require regular review or updating of the Addendum.
- Remove or adjust the requirement to review Development Plan policies. This is because the six months has been and gone.
- Remove the consequential amendment provisions from the McLaren Vale legislation as the Development Act and other Acts have been amended and therefore the provisions are redundant.
- The Acts only require a single review which is currently being undertaken. Consideration should be given to requiring regular five yearly reviews.

SA's new planning system is currently being developed. Are there any changes you would suggest for implementing character preservation in the new system?

The Barossa Council comments

General

The State Planning Policy should be based on/incorporate the policies contained in the Planning Strategy Addendum.

Regional Plans simply need to reflect the SPP (i.e. Addendum) – e.g. not provide for residential development outside designated townships.

In respect to the Planning and Design Code the Overlay approach will be the most appropriate way to identify the districts as it is easily applicable across multiple zones. Some discussion exists about the introduction of a special zone for primary production land within the CPD – e.g. Primary Production (Character Preservation) Zone; however this implies a special zone would be also required for all other zones within a protection district which would result in a complicated suite of zones.

Major project status

The *Character Preservation (McLaren Vale) Act 2012* amended section 46 of the Development Act to provide that the Minister could not declare a major project for a development within a character preservation rural area. It is noted that this provision has not been transferred across to the *Planning, Development and Infrastructure Act 2016* which is concerning and arguably is contrary to the intent of the character preservation legislation. This omission needs to be addressed through an amendment to the new legislation.

Environment and Food Production Areas

The character preservation districts have a distinctive point of difference to the Environment and Food Production Areas which needs to be maintained. Whereas both tools are de-facto urban growth boundaries, the character protection legislation additionally recognises and seeks to protect and enhance each districts' special character.

The Addendum subsequently expanded on the various character values, and in the case of preserving and enhancing the viticultural, agricultural and associated industries the Addendum seeks to ensure there are positive development policies relating to value adding and flexible farming practices. This point of difference must not be lost through the planning reforms but could potentially be applied to other areas.

Further questions

If clarification or additional information is required please contact either Paul Mickan, Principal Planner [REDACTED] or Louis Monteduro, Senior Manager Planning Services [REDACTED].

Form Information

Site Name PlanSA
Site Id 578867
Page Request to vary Environment and Food Production Area boundaries
Standard Name
Page 823328
Standard Id
Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound
Submission Id 855683
Submission Time 08 Jul 2021 9:25 pm
Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: Brian OMalley
Postal Address: [REDACTED]
Phone Number: [REDACTED]
Mobile Number: [REDACTED]
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): potential expansion in Mc Laren vale of township boundaries the alotments adjacent to Johnston rd and Aldersey rd
Allotment ID: i dont have the Alotment numbers except Johnston rd and Aldersey rd Mc Larevale
Owners: sorry i dont know who the owners are

Requested variation details

Details of requested variation: we dont want any variation
Additional supporting information:
Supporting document: No file uploaded

Map of requested variation

Map or diagram to support submission: No file uploaded

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a Yes

public hearing following the close of the submission period?:

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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From: Farm [REDACTED]
Sent: Friday, 30 July 2021 3:24 PM
To: DIT:Plan SA <PlanSA@sa.gov.au>
Subject: Food Production Protection Review submission

Attention Helen Dyer ,
Chair of State Planning Commission

Thank you for the offer to submit to the review.

I read in the introduction to the review how virtually important these ‘protected’ areas are to the states agricultural production are , I would estimate that the whole of Concordia’s grain production would be about 0.05 of one percent of the state .

Livestock production would be lower as a percentage as grain growing is the predominant land use.

Pig production is 0 as intensive pig production is prohibited.

Poultry production is 0 as intensive production is prohibited.

Horticulture is 0 as it also has been prohibited.

There is some viticulture on the Rosedale / Sandy Creek fringe of Concordia but this has made traditional farming very challenging.

So on what basis and by whom has the statement been made that this area is so significantly important ?

Or is it that sectors of the wine and tourism industries want their sectors protected at someone else's expense ?

Or maybe even land developers wanting a hard line around their interests to make theirs potentially more valuable (preventing any ongoing competition) whilst having a green belt around it , that they do not have to maintain and not care about any further future problems primary production issues all at someone ELSE'S expense .

The Food Production Area in Concordia coincides with the Barossa Valley Protection Act as I understand it .

Initially Concordia was to be excluded from the BVPA (the western boundary was to be Rosedale Rd in this area) until everybody who did not live here (Concordia) was listened to and local landowners ignored (read submissions regarding BVPA all those years ago) !!

I am even more convinced now than then that these severely compromised farming areas be removed from all present encumbrances associated with these Acts and all other associated underlying codes .

Over many years we have spoken to many people from PIRSA , DPTI (as it was) , Local Govt planners and Councillors and State Politicians. Many , including the previous Planning Commissioner MR Michael Lennon , have had meetings at our house .

Nobody has been able to say what we are saying is incorrect or irrelevant.

Most go away agreeing that issues should be addressed. They never have been , there seems to be a brick wall that most don't try to challenge, maybe some for their own careers sake.

I would like to refer to Hansard 5 May 2021 (attached) regarding the Member for Light's 2nd reading of a Bill to include someone with specific expertise and knowledge of farming related issues to the Planning Commission.

It is clear that ,whilst I think all would agree farming land needs to be protected , there has been no provision in these Acts to deal with land no longer economically and sustainably suited for which it is zoned .

The need to mention a Gin Distillery maybe 150 kms away is hardly proof of planning excellency at Concordia.

Or perhaps (however I think that Local Government Planning prevents) we set up our own local abattoir and get involved with the tourist industry.

I am saddened that a politician mentions , ' a guy' and then , as I see it , attacks him morally and financially just to try to cover his own shortcomings to fix problems in his own electoral backyard .

This is the same politician that whilst in opposition was critical of the Labor Government's performance and personally promised to address these issues if given the opportunity in Government.

Since been given the opportunity the Member has been unavailable either as a local Member or Minister . Perhaps a solution is to import Canadian Gin and market it as Concordia's Finest Gin .

I have read Peter Grocke's submission and fully support it and would like to annex it to mine.

As a farmer in one area , as I believe , to be in one of the areas identified needing a review I request a meeting with all members of the Planning Commission to discuss these issues and find a real solution . As some have suggested in the past , the likes of a Gin distillery is not a solution and just shows how out of touch some decision makers are !

Feel free to bring along anyone that believes that farming in Concordia is not handicapped severely by its location and that the Food Production Zone enhances its viability in any way .

Thank you again for the opportunity and look forward to hearing from you

Yours sincerely
Charles Teusner



House of Assembly (2021-05-26)**Classification: Bills****PLANNING, DEVELOPMENT AND INFRASTRUCTURE (CONSTITUTION OF COMMISSION) AMENDMENT BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 5 May 2021.)

Mr KNOLL (Schubert) (10:53): I rise to speak to this bill put forward by the member for Light. I think maybe he thinks he is still the shadow minister for planning, but, alas, he is not.

The Hon. V.A. Chapman: He was too busy. He had to go back and work in his electorate, remember?

Mr KNOLL: He did, he had to go back and concentrate on his marginal seat. This measure, which has been advocated for by the member for Light, is not a new proposition. For the awareness of the house, what this seeks to do is put in a positive obligation that somebody has to have skills or knowledge in agriculture or land—to have that background—to sit on the State Planning Commission.

It seems to me to be a bit odd that this is the specific and single criterion the member for Light thinks is lacking in the current commission. There are only four members of the commission, and by virtue of that they need to have a broad set of understanding of land use planning issues and different sectors of our economy and built form, but for some reason this is the one issue that the member for Light thinks needs to be tackled. Interestingly, I do not think the member for Light has made the case for what would be different or what would be improved with the passage of this bill or indeed what the deficit is with the current members of the board and the decisions they have made with regard to regional land use planning.

As such, I do not think this is worthy of support, for two reasons: first off, because this government's record through the code reform process of improving the productivity and variety of land uses for primary production land in regional South Australia is one of the great successes of the planning reform process. In fact, opening up primary production land to be able to be used for small-scale retail and small-scale production associated with primary production activities is a massive step forward.

I know for my community, whether you are growing sheep or whether you are growing fruit to be dried, the ability to process in a small-scale way on your property and then sell that product on your property is a great step forward. It is something that was made more difficult before and is something that through the code reform process we have been able to make easier.

The second thing that I think is a massive step forward is helping farmers diversify through better engagement with the tourism industry. Again, what has happened through the code is an increased ability for small-scale tourism facilities to be built on primary production land. I will give one really good example that the member for Narungga took me to when I was minister. It was a small distillery on Yorke Peninsula that essentially made spirits from the grain that was grown on the property—a fantastic step forward.

The comment at the time from the guy running the joint was, 'If I was just a broadacre farmer, I wouldn't be here, but the fact that we're able to value-add our produce, to diversify our business, to capture more of the value chain means that we can keep doing what we're doing on farm and we can have a better life and a better income.' That is a massive step forward.

Again, I think we have done a whole lot to try to codify and better understand rural living. I think we have done a whole lot to improve buffer zone issues where we see interface between primary production land and more intensive land uses. All of these things show that this government's record and this commission's record of improving the productivity of primary production land means that there is no issue.

I think I do know, potentially, where this has come from. I saw it because I think recently the member for Light met a constituent in my electorate, a gentleman who would be known to many in this chamber, a guy by the name of Peter Grocke. Peter has long been an advocate for change—more radical change—to land use on his primary production property. Certainly, I do not think I am misrepresenting Peter in saying that he does not think that the current planning system compensates him properly for what he believes has happened with encroachments on his land and his ability to

produce on his farm free from interference. Essentially, he is trying to progress an idea that we need to better enshrine a right to farm.

That said, the 2012 Barossa preservation act and the mirror legislation down in McLaren Vale have enshrined in law that primary production land is sacrosanct and should be kept for primary production or associated purposes. But, unfortunately, some advocates and some landowners who have a degree of proximity to urban environments—not necessarily directly adjacent; in fact, the number I have spoken to over my time as minister were not necessarily adjacent but were adjacent to the ones who were adjacent—essentially wanted to have their land rezoned for some sort of housing or rural living developments so that that land could be subdivided and sold at a reasonable profit. It is a valid argument for a landowner to make but not one that I think can be supported or should be supported in an isolated context.

I took a very disciplined approach, and it is something this government has also taken a disciplined approach on. In trying to identify the most appropriate and best use for a piece of land, what should be taken into consideration is that, in the broader context of land use planning in South Australia, we need to do what is right for that land as distinct from using the planning system as a way to be able to up-zone land to provide financial windfalls for individuals.

Let's say, for instance, company X are going broke but, if they could just get their land rezoned from a shed to housing, they would be able to subdivide that land, make some money and it would make everything okay. Taking into account that financial consideration, in my view, is not what planning should be about. Planning should be about finding the highest and best use for that land, and I think that is the principle by which this current system operates and the one which it should continue to operate under.

The case has not been made for why this very surgical and specific amendment needs to be passed. There is no case that has been made. On that basis, narrowing what should otherwise be a broad remit and a broad range of skills and experience that individual commission members bring to their position would be a negative step, and that is why I do not think this bill should be supported.

While I am on my feet, I want to thank the current commission members for their work. They have been through a pretty tough, difficult time trying to navigate bringing in a nation-leading planning code. I want to put on the record my thanks to the former chair Michael Lennon. He has been through reform processes in planning for the past 30 years, and his depth of experience really did help to give context and showed that a lot of the discussions we are having are the same discussions we have been having for 30 or 40 years.

I want to thank the current commission and the new chair, Helen Dyer. She is a woman with a wealth of experience and is certainly a very worthy appointment to that cause. Again, as someone who has been around for a long time, she provides that context. The other commission members, Craig Holden and Alan Holmes—again, people with a wealth of experience across a variety of sectors—all do a brilliant job.

With that, the member for Light may have more that he wishes to contribute to make the case for why this bill needs to be passed but, as it stands, that has not been made. I think that the way the system is operating is as this parliament intended and that it is actually providing beneficial outcomes for regional South Australians.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (11:03): I rise to indicate that the government will be opposing the bill presented by the member for Light, namely, the Planning and Development Infrastructure (Constitution of Commission) Amendment Bill 2021. As has been indicated, there has been a failure to put any persuasive case to add the experience of a state planning commissioner, namely, in rural land use or agriculture. Furthermore, I would suggest it is inconsistent with the current terms of requisite knowledge or representation in the act.

Let me start with the first, the merit of adding in rural land use and agriculture as a single additional area of expertise for at least one of the commission members. The current act provides for members of the commission to share expertise across a broad range of disciplines that span the planning sector to ensure that they have knowledge and representation to make informed decisions. These areas are required as set out in section 18(2) of the PDI Act and are as follows:

- (a) economics, commerce or finance;
- (b) planning, urban design or architecture;
- (c) development or building construction;
- (d) the provision of or management of infrastructure or transport systems;
- (e) social or environmental policy or science;
- (f) local government, public administration or law.

This is part of legislation under the Planning, Development and Infrastructure Act 2016 driven and introduced by the former planning minister, Minister Rau. The Labor government of the day presented this alternative framework for planning and it was very substantially amended during the debates that we had.

I do not recall the areas of expertise for qualification for appointment to the commission being challenged. They may have been. My recollection is that the member for Narungga at the time, Mr Steven Griffiths, was the shadow minister, and I know that he spent many months dealing with hundreds of amendments that were presented during the debate on this bill, but I do not recall that being an area of concern. There seemed to be general acceptance that there would be an independent state planning commission and that it would comprise members who had this level of expertise.

What is curious about this amendment within the envelope is it is the only suggested area of land use that is to be incorporated. If one were to say, 'We want to recognise people in all different pursuits of land use,' then you would think that would be the basis upon which this amendment would be presented.

Secondly, just within the rural land use or agriculture that is presented here, I have no idea—and I have reread the presentation by the member for Light—as to the basis for this being defined in this way, and not other areas of land use, especially viticulture. He purports to be the duty member for Schubert in his presentation; he tells us that. It is an area that is dominated by viticulture, which even he acknowledges is at times in tension with agriculture. Why is he then specifying agriculture and not horticulture or viticulture or fishing, or any other rural land pursuit or ocean pursuit, within this definition?

To me, it is a scrambled together throw-in to try to make it look like he has some area of sympathy for those who are working or living or recreating in a rural area. For the life of me, if he wants to represent the area that he is in, he has sadly missed an opportunity to consider very substantial industries within that northern region for that purpose. For all those reasons, I would say this reference to an increase in area of expertise on the State Planning Commission is without merit.

I also indicate that the first phase of the Planning, Development and Infrastructure Act occurred as of 19 March this year. The Development Act of 1991 is dead, and we now have a new regime. The member for Schubert has acknowledged the work of the commission in the role they played in not only the transition to the PDI Act but also the implementation of planning reforms for ePlanning. It has been massive. It has certainly been the most advanced in Australia as to the accessibility of material in relation to this new medium by which planning transactions are employed, and we thank the commission for their role in that regard.

They have been established as the state's independent principal planning body that provides advice and makes recommendations in relation to the administration of the act. They do not represent particular vested interests in relation to land use, and I think for good reason. That is why the areas of expertise are presented in the act already. The assistance that they currently provide to both state government and local government, together with an extensive period of advice to the community and business organisations in respect of planning, development and infrastructure, is already well known.

The members currently comprise Helen Dyer as the commissioner, Craig Holden, Allan Holmes and Sally Smith, who sits as the head of the Planning and Land Use Services division in that commission. They are currently undertaking another area of important work. Having completed the implementation of all the machinery operations for the new PDI Act, they must address a number of other issues.

I just remind members that section 18 of the act requires that commission members must collectively have the relevant skills and experience listed, and I have referred to them. It may not be considered reasonable or practical to seek a member with specific rural land use or agriculture experience, as that person's experience will have less relevance to the significant number of the commission's functions or those that do not involve rural land use or agriculture.

I also remind members that section 19 of the Planning, Development and Infrastructure Act allows the commission to appoint one or two persons to act as additional members of the commission for the purpose of dealing with any matter arising under this act, so it falls within their capacity to call upon other areas of expertise. It may be considered practical in the future to appoint a member with experience in relation to rural land use, agriculture or any other area of expertise for the purposes of planning.

The important work that they are now doing, which I bring to the house's attention, deals with two initiatives that have direct relevance to rural and agricultural areas, which is dealing with the state's regional plans. I have to say that it was very disappointing coming in as the new minister to find that all of these state rural plans are dated 2011 and 2013—they are way out of date. It is 2021, and these should have been updated by the previous government. While we have been dealing with the immediate issue of planning reforms, I have asked them to now get on with that aspect because it clearly needs to be done.

There is also the environment and food production areas review, and that work is being undertaken. Thirdly, there were some reviews that were done to deal with some anomalies that have been identified in respect of the character

preservation zones. The member for Schubert has mentioned that one is in the Barossa and one is in McLaren Vale, and that is a matter that also has their attention.

In relation to dealing with our metropolitan growth, which relates particularly to the environment and food production areas and to the regional plans, I expect that we will have some reports for consideration of the industries generally, and of course the public will take an interest in this. Aspects such as land supply are critical for both the development of the state and for those who are going to be invested in undertaking those developments. So it is a critical area that we need to get on with, and our government is doing precisely that. So I indicate that we oppose the bill.

Time expired.

Mr PEDERICK (Hammond) (11:13): I rise to speak to the Planning and Development Infrastructure (Constitution of Commission) Amendment Bill, moved by the member for Light, and support all the comments made by the Deputy Premier and the member for Schubert. Planning can be fraught and, at the ground level, different planners can have different views.

Recently, in Murray Bridge there was a decision on a proposal and on all the evidence the council supported this proposal. Two planners on the panel said yes, two said no and then it was left to the councillor on the panel to either approve that project or not. Despite the councillor having full authority from the council to approve the project, they did not. That has since been remedied with another application and I wish the proponents of that project all the best. They have worked for many years—they know who they are—and I applaud them for sticking at it.

These issues around the interface of agriculture and urban development, whether it is the often-had conversation around agriculture or mining, the biggest encroachment we have on agricultural land for all time in this state is urban encroachment. There is absolutely no doubt and we need to have robust planning laws and robust planning legislation and we also need to have sensible legislation.

I have said this in this place before that my father knew every acre—because they were acres back then—between Gepps Cross and Gawler as paddocks. Look at it now. Urban sprawl happens, as does regional sprawl. Look at the disaster of Mount Barker's early years, when the developers took control and it went berserk and infrastructure did not keep up with the development.

I note that the Attorney mentioned the environment and food production areas. Part of the legislation was debated on the birthday—I call it the birthday because it was a big birthday—of the planning act in 2016. I, too, note the extraordinary work by the shadow minister at the time, the former member for Goyder, Steven Griffiths, in bringing multiple papers to our party room on different amendments coming forward. I have mentioned in this place before that the former member for Enfield, former Minister Rau, brought in 300 amendments to his own bill.

An honourable member: Shocking.

Mr PEDERICK: It was outrageous. It was being made up as it went along and this was the full birth date of the planning act, so we were second-guessing on the floor. I cannot imagine how many grey hairs the former member for Goyder got because of this. I know he put countless hours into deciphering what was coming up next from the government of the day—and then it got worse.

There were 50 clauses in committee, which I have mentioned in this place before. Once we debated the bill and it had gone through, at about clause 50 the former member for Enfield threw in the environment and food protection areas. It took multiple questions from me and others as to what that meant. In the end, the former member for Enfield had to admit that it was essentially a replication of the Barossa protected area and the McLaren Vale protected area, and this area went from somewhere around Kapunda right down to Goolwa in the south.

Some people may think that is a great thing, but you end up with all sorts of absurd things that happen around the legislation, where horticulturalists cannot have a second property on their property. I know through the Environment, Resources and Development Committee we remedied that, I think in the Wakefield council, or a council in the northern area. It does create a whole lot of issues. As the member for Schubert rightfully said, 'Where's the opportunity for value-add businesses?' whether it is places like a gin distillery on a barley farm on Yorke Peninsula; opportunities for vignerons, for example, and what they can do on their property; or whether, as I have already said, it is dryland farmers and options they can utilise on their land.

We have this ridiculous situation in my electorate where on one side of the river, if you are in the Rural City of Murray Bridge, the environment and food protection area rules are in play, but if you go over the other side to Coorong District Council, where I reside, they do not come into play. It promotes all sorts of different investment opportunities, and not just investment opportunities but opportunities for the landholder, the person practising agriculture. I am very pleased to see

that the review is coming up for the environment and food protection areas. I think it had a five-year sunset clause or a review clause in it, and we will be debating it soon.

We have to be realistic. Yes, we do have to produce food, but we also need to house people during a boom that is happening in regional areas through this time. I am certain that COVID-19 has impacted on the growth of regional areas, whether it is Mount Barker, which is booming away as the fastest growing regional centre in South Australia, or Murray Bridge in my electorate of Hammond, which is the second fastest growing regional centre in South Australia. Mount Gambier would be having the same growing pains in the member for Mount Gambier's electorate. It is a great problem to have, that essentially there is barely a house available. However, when you have a billion dollars worth of development going on, as is happening in my electorate, we have to find houses.

I am having these conversations with relevant bodies and relevant people, but we have a meatworks that is working on the beef project as we speak. The earth is being moved out at Thomas Foods out on Mannum Road, and they will need somewhere around 450 workers when that opens. At the end of the day, they will need 2,000 workers, with another 4½ thousand affiliated jobs revolving around that meatworks, which will be the most modern meatworks in the world.

Apart from that, we have growth in a whole range of areas. Big River Pork has expanded as well. Whether it is Ingham's chickens or Costa mushrooms, the growth is just amazing. That is apart from all the small, medium and larger manufacturers of various industrial goods around the electorate and the service companies that go with all those needs of an electorate.

Another area we need to be concentrating on is rezoning. I certainly know that there is plenty of room inside the town boundaries of Murray Bridge at the moment, bar Gifford Hill, for potentially 3½ thousand housing blocks that can be rezoned. If they are not already in a rezoned area, they need to be rezoned pronto by the local council. Gifford Hill, thankfully, because it was already in place before the legislation of 2016, stayed out of the environment and food protection area—that is where the racetrack is just outside of Murray Bridge—and will have another 3½ thousand opportunities for housing into the future.

Certainly, I concur with what has been said today and I acknowledge the Attorney's comments that people can be essentially subbed on to the commission at any particular point in time. In regard to this bill, if someone with particular agriculture expertise needs to be appointed for certain items, they can be subbed on. I do agree with our position in opposing this bill.

Debate adjourned on motion of Mr Brown.

Helen Dyer
Chair, State Planning Commission

Correspondence by email c/o Jayne DiSotto | Executive Assistant to Chair, State Planning Commission saplanning@sa.gov.au

10 July 2021

Dear Helen

I hope you can help clarify two conflicting position statements coming from the State Planning Commission.

To quote the State Planning Commission statement published 4 June 2021 at this link: [https://plan.sa.gov.au/_data/assets/pdf_file/0007/831814/Environment and Food Production Areas Review 2021 - Statement of Position.pdf](https://plan.sa.gov.au/_data/assets/pdf_file/0007/831814/Environment_and_Food_Production_Areas_Review_2021_-_Statement_of_Position.pdf)

The state government's previous 2018 CP Acts review recommended that the Commission investigate the merits of amendment of the CPD for eight identified locations, in the context of Greater Adelaide's growth. The scope of the Commission's review of the EFPA boundaries will therefore also include an assessment of those eight locations.

This statement appears to be in direct contrast with this week's published statement at this link, which references the above statement: [https://plan.sa.gov.au/_data/assets/pdf_file/0006/854709/SPC Clarification Statement on CPD.pdf](https://plan.sa.gov.au/_data/assets/pdf_file/0006/854709/SPC_Clarification_Statement_on_CPD.pdf)

Following from the report's findings, the Commission has released a statement of position which concludes it is not necessary to remove any land from the Character Preservation District.

Further adding to the confusion is the summary table on page 32 of the CP Acts 2018 review document: [https://plan.sa.gov.au/_data/assets/pdf_file/0005/481919/Character_Preservation Acts Review - Review Outcomes Report.PDF](https://plan.sa.gov.au/_data/assets/pdf_file/0005/481919/Character_Preservation_Acts_Review_-_Review_Outcomes_Report.PDF)

8	Griffins Lawyers on behalf of registered proprietor	Requested expansion of the McLaren Vale township to allow for aged care and retirement living.	This will be considered during the Commission's review. The land would require a rezoning.
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I put it to you that it is the Plan SA and State Planning Commission's conflicting statements that are causing confusion in the local community, and this week's new position statement has done nothing to clarify the matter despite the positive commentary in the media.

In my view the only way to resolve this transparently is for:

(i) the State Planning Commission to formally complete its investigation into the merits of amendment of the CPD for the eight identified locations as a separate exercise to the EFPA review process, and for the Government to implement any recommended boundary amendments, and in that process to provide clear and finite responses to all eight boundary amendment requests that were tabled as unresolved in the CP Acts 2018 review.

(ii) It is the position of the Friends of Port Willunga and others in the district that once that amendment process is completed, and in the spirit of the intent of the legislation providing certainty for agricultural production into the future, the CP District boundaries should no

longer be subject to review nor impacted by ongoing land supply tests, and we will be putting this position to the Commission, the State Government and the City of Onkaparinga.

Yours sincerely



Stephanie Johnston

Stephanie Johnston B Arch St MURP MPIA M.ICOMOS
Chair, Friends of Port Willunga
ABN 11 682 813 329





Helen Dyer
Chair, State Planning Commission
GPO Box 1815
Adelaide 5001
(saplanningcommission@sa.gov.au)

July 28th 2021

Dear Ms Dyer

EFPA & Character Preservation (McLaren Vale) Act 2012 Reviews

Friends of Willunga Basin (FOWB), a community organisation with over 30 years of involvement in planning was actively involved in the original development of the Character Preservation (McLaren Vale) Act 2012 (CP Act). We make the following representations to the EFPA review.

FOWB is strongly supportive of the EFPA and the CP Act in preserving agriculture and preventing urban sprawl from engulfing the agricultural lands surrounding Adelaide. We believe that apart from adjusting the boundaries due to genuine anomalies, such as Yaroona (adjacent to Kangarilla), there should be no other adjustment.

When the CP Act was introduced, it had and still has the very strong backing of FOWB, the wine industry, the community, other rural producers and the City of Onkaparinga. The principal reason for this support was and is to prevent land subdivision and speculation, such speculation leading to non-agricultural land value and land use outcomes and corroding existing investment in rural enterprises. The CP Act enhances McLaren Vale's reputation as a prime wine and tourism area in a similar way to that of the Napa Valley in California. It was the clear intention that the boundaries were confirmed by legislation to create permanence and that changes could occur only by amending the legislation, not via ongoing review (apart from one legislated review to deal with anomalies).

Paragraph 6 (1) (c), the Objects of the CP Act states: *to ensure that future development does not detract from the special character of the district*. A key part of the special character is the limited size of the townships, allowing the existence of separate villages set amongst the agricultural land.

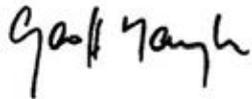
FOWB strongly rejects the proposition that the two so called anomalies identified in the submissions to the 2018 CP Act review by Griffins Lawyers and by Botten Levinson, which seek to extend the boundary of McLaren Vale township, have any merit. We believe allowing incremental creep of the boundary is completely at odds with the intention of the Act and would set a precedent likely to create pressure for further adjustments over time and to greatly diminish the character of the area. It would precipitate the development of an impermanence syndrome that the Act has sought to prevent.

The massive demonstrations of support for the CP Act and its existing boundaries at McLaren Vale, both at the time of the CP Act's review and at subsequent public meetings, is clear evidence of the views of our local community – which is that there should be no adjustment to the boundaries of McLaren Vale, especially where, as in the current instance, the proposed adjustments are so clearly motivated by the commercial interests of the individual landholders concerned. The rural outlook from a regional hospitality landmark like the adjacent Salopian Inn should never be compromised in this way.

Lastly, FOWB believes that it is now time to draw the 2018 review of the CP Act to a close. Beyond one genuine anomaly, there is no warrant for any change to any aspect of the Act. Any future changes to either the Act or the CP boundary will then be a matter for the Parliament, as originally intended, rather than any other person or process.

We look forward to news of the Planning Commission's recommendations to this effect.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Geoff Hayter". The signature is written in a cursive, slightly slanted style.

Geoff Hayter
Chair FOWB



G R I F F I N S
L A W Y E R S

Our Ref: 81500GMG

30 July 2021

The Chair
State Planning Commission
Level 5
50 Flinders Street
ADELAIDE SA 5000

By Hand Delivery

Dear Ms Dyer

**Environment and Food Production Areas (EFPA)
Review – Public Consultation**

We act for the Karidis Corporation Ltd and refer to your **enclosed** letter dated 4 June 2021.

Our client is the owner of the following properties:

1. Allotment 805 in FP 164628 (CT 5782/721), Aldersley Street, McLaren Vale;
and
2. Allotment 502 in DP 64133 (CT 5917/989, 66 Johnston Road, McLaren Vale.

Our client wishes to lodge a submission herein and we **enclose**:

1. Report dated July 2021 and prepared by MasterPlan.
2. Opinion dated 29 July 2021 of Brian Hayes QC in support of its submission.

Our client wishes to be heard at the proposed public hearing.

Would you please advise the place, date and time of that hearing.

ADELAIDE

SYDNEY

MELBOURNE

49 Flinders Street Adelaide SA 5000 GPO Box 2077 Adelaide SA 5001 telephone + 61 8 8410 2020 facsimile + 61 8 8410 1920 email@griffins.com.au

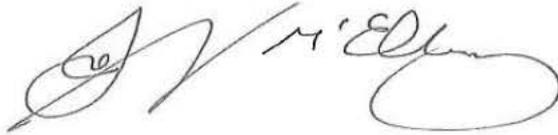
GMG Legal Services Pty Ltd an Incorporated Legal Practice ABN 19 074 972 231

www.griffins.com.au

jnm:njh:p81500_027.docx

If you have any queries with regard to our client's submission please contact the writer.

Yours faithfully
GRIFFINS LAWYERS



JOHN MCELHINNEY

Direct email: [REDACTED]
Direct line: [REDACTED]

Encl: As above

cc. By Email
Mr G. Karidis
Mr P. Karidis
Mr B. Hayes QC
Mr G. Vincent



EFPA Review

Outer South Land Supply

on behalf of Karidis Corporation Ltd



Prepared by
MasterPlan SA Pty Ltd
ABN 30 007 755 277, ISO 9001:2015 Certified
33 Carrington Street, Adelaide SA 5000
Telephone: 8193 5600, masterplan.com.au

July 2021



1.0 INTRODUCTION

MasterPlan has been engaged by Karidis Corporation Ltd to provide an analysis on the EFPA land supply review which impacts our clients land located on Johnston Road and Aldersey Street in McLaren Vale.

Our client's land parcels are represented by the allotments identified and shown on the map **below**, specifically:

- Allotment 805 in FP 164628 (CT 5782/721), Aldersey Street, McLaren Vale; and
- Allotment 502 in DP 64133 (CT 5917/989), 66 Johnston Road, McLaren Vale.

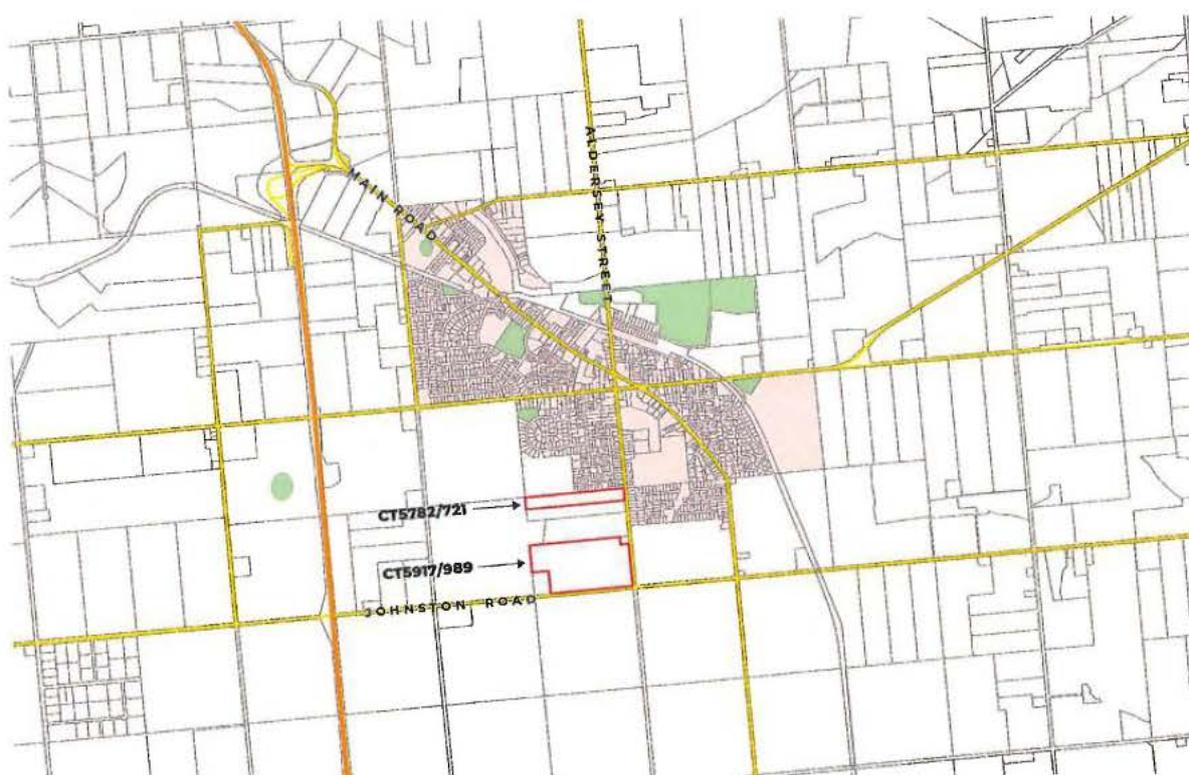


Figure 1: Land Parcel Identification.

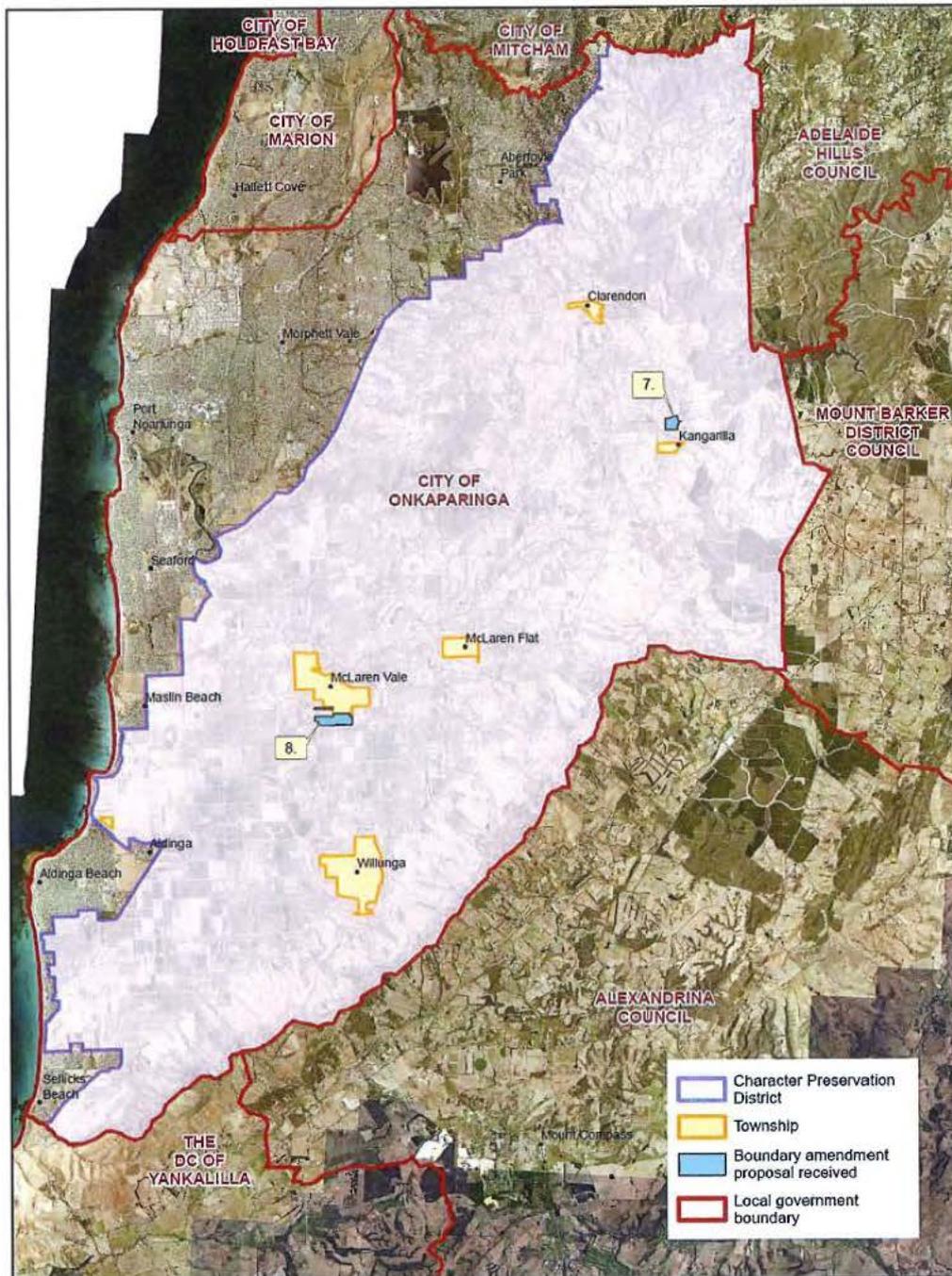
In preparing this submission we have reviewed:

- Character Preservation District Review Outcomes Report, June 2018;
- Land Supply Reports for Greater Adelaide, June 2021; and
- Statement of Position and Review Report by the State Planning Commission, 4 June 2021.

Our client made a submission on the Character Preservation District (CPD) review in 2018 to investigate the potential for rezoning their land for residential uses. After the review was released, it identified that our client's land warranted further investigations but unfortunately no action has been undertaken to date.

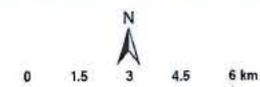


Our clients land is located within Area 8 depicted on the map shown in **Figure 2**:



Character Preservation Districts - McLaren Vale

Boundary amendment proposals received



Produced by DPTI - Development Division
© Government of South Australia 2018

Figure 2: Source: Page 34

https://plan.sa.gov.au/data/assets/pdf_file/0005/481919/Character_Preservation_Acts_Review_-_Review_Outcomes_Report.PDF



It is understood that any removal of land within a CPD will trigger the application of the EFPA over that land instead. The previous 2018 CP Acts Review Outcomes Report recommended that the Commission investigate the merits of amendment of the CPD for eight (8) identified locations, in the context of Greater Adelaide's growth. The scope of the Commission's review of the EFPA boundaries should therefore also include an assessment of those eight locations. In line with the recommendations from the 2018 CP Acts Review Outcomes Report.

As per the *Planning, Development and Infrastructure Act, 2016* (the Act) the State Planning Commission is undertaking a five (5) yearly review of the Environment and Food Production Areas. As legislation was introduced in 2017 this means that the review is to be completed by 2022.

Whilst it is the Commission's position that there is an adequate provision of land in Greater Adelaide to accommodate housing and employment growth over the next 15 years, MasterPlan consider that there is a fundamental flaw in the consideration of land supply only at the Greater Adelaide Region rather than a consideration of land supply by specific geographical area. It is MasterPlan's view that the EFPA review should consider the provision of land supply on an area-by-area basis, acknowledging areas which require the most urgent action to address Greenfield land supply.

It is our respectful submission that having regard to the relevant land supply reports and purpose of the EFPA boundaries that our client's land warrants removal from the Character Preservation District of McLaren Vale and jointly removal from the Environment and Food Protection Areas as part of this review.

A period of public consultation is being undertaken, closing 30 July 2021.

The details of our submission on behalf of our client, in response to the public consultation on Environment and Food Production Areas Review 2021, are expressed **below**.

1.1 An Outline of the Legislation

Section 7(8) of the Act outlines that the State Planning Commission (Commission) may, from time to time, by notice published in the Gazette and on the SA planning portal, vary an environment and food production area (including an environment and food production area established (or taken to be established)). The Commission may only act if either:

- the Commission has conducted an inquiry into the matter and furnished a report on the outcome of the inquiry to the Minister; or
- the Commission has conducted a review on a five (5) yearly basis and furnished a report on the outcome of the review to the Minister.



It should be noted that the purpose of the five (5) yearly review is to assess areas of rural, landscape, environmental or food production significance within Greater Adelaide are protected from urban encroachment and the Commission may only vary an environment and food production area if the Commission is satisfied that:

- an area or areas within Greater Adelaide outside environment and food production areas are unable to support the principle of urban renewal and consolidation of existing urban areas; and
- adequate provision cannot be made within Greater Adelaide outside environment and food production areas to accommodate housing and employment growth over the longer term (being at least a 15-year period).

In addition, this process can be undertaken to make a variation that is trivial in nature and will address a recognised anomaly.

2.0 OVERVIEW OF DOCUMENTATION

The Environment and Food Production Areas Review 2021 Statement of Position outlines a three (3) point test for a variation to the EFPA boundaries which are:

If the Commission is satisfied, that:

- **Test 1:** An area or areas within Greater Adelaide outside environment and food production areas are unable to support the principle of urban renewal and consolidation of existing urban areas; and
- **Test 2:** Adequate provision cannot be made within Greater Adelaide outside environment and food production areas to accommodate housing and employment growth over the longer term (being at least a 15-year period); or
- **Test 3:** That the variation is trivial in nature and will address a recognised anomaly.

The Commission has undertaken investigations as to whether there is at least a 15-year supply of residential and employment land (Tests 1 and 2).

Test 1 and 2 requires analysis of Greater Adelaide's 15-year housing and employment land supply. It is important to note that the Commission has formed the view that Test 2 does not allow consideration of:

- land supply analysis at a sub-regional level; or
- specific forms of residential land supply (i.e., greenfield, township or urban infill); or
- specific forms of employment land supply (i.e., for heavy, light or special industry).

In summary, it is the Commission's position that there is an adequate provision of land in Greater Adelaide to accommodate housing and employment growth over the next 15 years.



The Commission has concluded without consultation on the Land Supply Reports to limit the scope of the EFPA Boundary Review (Stage 2) to the consideration of proposals that satisfy the two (2) relevant components of Test 3, which are:

1. Trivial in nature; and
2. Will address a recognised anomaly.

This will also include applying Test 3 to eight (8) locations identified in the review of CPD conducted in 2018, in the event that the relevant Acts are first amended by Parliament to vary or remove land from the CPDs.

Based on our analysis of the relevant reports, it is evident that the McLaren Vale District comprising McLaren Vale, McLaren Flat, Kangarilla and Willunga are experiencing significant land supply pressures. Suitable land for the supply of land in this area should be released for future residential development to cater for the local demand and minimise the impact currently being experienced in respect to affordability of housing in this region.

Our clients land is well positioned to provide appropriate supply of affordable housing in the region, noting that the land does not make a significant contribution to the rural, landscape, environmental or food production resources expressed under the EFPA legislation.

3.0 ANALYSIS OF CONSUTATION IN THE REVIEW PROCESS

We are of the opinion that the consultation process forming part of this review fails to provide the opportunity to provide appropriate community comment on the findings of the Land Supply Reports. The purpose of the statutory review of the EFPA is to assess the matters in subsection 3(a).

The invitation to the public does not provide the community the opportunity to provide comment on the findings of the Land Supply Reports which form the basis of the matters in that subsection.

It would appear that the Position Statement of the State Planning Commission has pre-empted that right in relation to the substance of that section.

4.0 ANALYSIS OF LAND SUPPLY IN THE OUTER SOUTH

In forming our views expressed herein, we have reviewed the relevant Land Supply reports and note that the analysis for the Outer South concludes that:

“This is the region that requires the most urgent action to address greenfield land supply”

Whilst clearly demonstrated that there is significant greenfield land north of Adelaide for Greenfield residential development, the Outer South does not share anywhere near the same extent of supply. As



shown in **Figure 3** below and based on both Medium and High Growth scenarios, there is a lack of supply of development ready Greenfield land. It should also be noted that privately owned land may not adhere to any specific timeframes for development.

Figure 4: Estimated Greenfield allotment potential and projected dwelling requirement, 2020 -2030

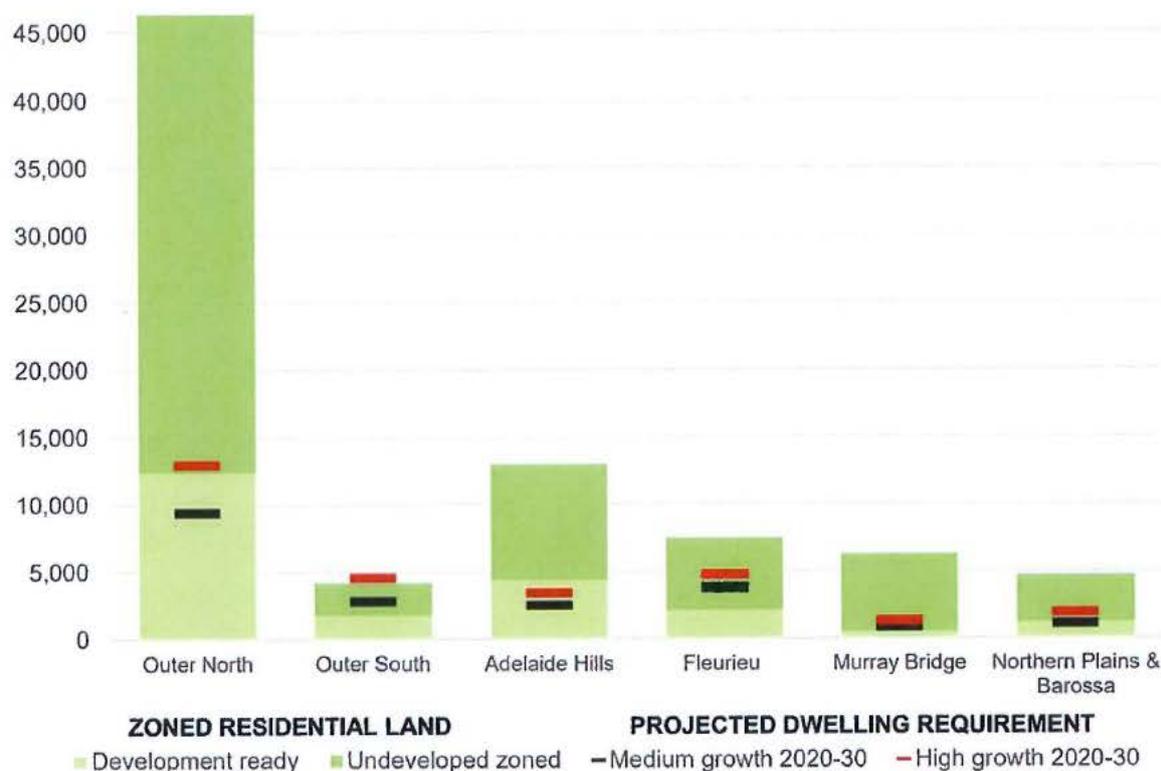


Figure 3: Source: Page 12

[Land Supply Report for Greater Adelaide - Greenfield \(plan.sa.gov.au\)](http://plan.sa.gov.au)

Given the holistic view of the land supply study it could be considered that the outcome is not fine grained enough to respond to individual demand and supply pressures within specific geographical areas. To use the Greater Adelaide Planning Region 'as a whole' to assess land supply is a blunt tool that does not target the specific pressures experienced in each geographical area.

The EFPA approach therefore dictates that if a growing family in the outer south wish to build a new dwelling for their growing family, or if a young home buyer who has grown up in the outer south and looking to stay within their geographical area and now seeking to purchase their first home, then they need to relocate the north of Adelaide or Mount Barker to fulfill this requirement.



This shift of a family unit or separation of an individual from their activity zone brings along many other economic, social and environmental concerns such as splintering of family units, increased travel times, increased use of fossil fuels, additional pressure on transport networks, reduction in the engagement of regional centres in these areas, loss of social and recreational connections, reduced population and reduced employment opportunities.

Housing affordability is, however, the largest concern and will continue to significantly impact these areas. As has been the case, that post COVID-19 demand for housing has significantly outstripped supply (both for potential homeowners and those looking for rental accommodation) in certain areas including the Outer South. This, in turn, creates an increased level of disadvantage for not only low-income earners, but also to the middle-class earners who not so long ago may have been able to afford a house of their own. Not providing a steady flow of residential land in geographic areas where significant demand exists results in significant increases in housing prices becoming largely unaffordable for the majority of population who require it in these areas.

The broad-brush approach to the analysis of land supply is contrary to good planning outcomes.

It is recommended that further refinement of the land supply process is undertaken. In particular the Outer South, in which further analysis on the expansion of townships and suburbs should be undertaken, in balance with protecting those areas of greatest contribution to the rural, landscape, environmental or food production significance, to guarantee land supply where clear demand and need exists.

4.1 Age Structure

In addition, other modes of housing, aged care and retirement living developments are in continual demand.

Plan SA has provided population projections for LGAs within South Australia¹. These projections forecast that the age structure has shifted significantly in the Onkaparinga Council LGA. In Onkaparinga Council Post Retirement aged persons percentage in 1991 was 10.4 per cent. In 2016 it was 23.1 per cent, and in 15 years to 2036 is projected to be 29.0 per cent. The provision of land for aged care and retirement facilities is a significant pressure for diminishing land supply in the Outer South. It is recommended a further review is undertaken to ensure there is also land supply for aged care for the present and in the future as this demand rises.

A lack of analysis of the age profile of each area has severely limited the types and forms of housing needed for the whole community.

¹ <https://data.sa.gov.au/data/dataset/b667a56a-8959-41bc-a7cc-68e5bc858841/resource/12c6e9db-b82e-431b-a389-6288ce506120/download/population-projections-for-south-australian-local-government-areas -2016..xlsx>



5.0 MCLAREN VALE

McLaren Vale contains an identified site in which investigations are to be undertaken for the removal of the CPD. The 2018 CPD outcomes report referenced in the Statement of Position document outlines that since the CPD has been enacted that there has been a 28.0 per cent decrease in the number of dwellings built outside of townships.

Dwellings built	Barossa Valley District		McLaren Vale District
	Rural Living Areas	Outside Townships & Rural Living Areas	Outside Townships
Total 2007-11	42	84	94
Total 2012-16*	24	74	68
Difference pre/post Act	-43%	-12%	-28%

*January to June 2016 only – Data source: DPTI

Figure 4: Source: Page 10

[Review of the Character Preservation \(Barossa Valley\) Act 2012 and Character Preservation \(McLaren Vale\) Act 2012 - Review Outcomes Report \(plan.sa.gov.au\)](#)

However, the report then proceeds to outline that providing sufficient land supply is important in driving the economy and maintaining housing prices. The DPTI estimates (in 2018), now three (3) years old showed there was in the order of 635 hectares of zoned broad hectare land supply in the Southern Adelaide region and approximately 5,000 hectares in the Northern Adelaide region.

5.1 Vacant Allotments within McLaren Vale

Upon review of vacant allotments shown in the Greenfield Land Supply Report for McLaren Vale it is clear many of the allotments shown in yellow labelled Vacant Lots have been divided and developed. The following examples are provided (note not an exhaustive list):

- 54 Valley View Drive, McLaren Vale.
- 24-34 Penfold Way, McLaren Vale.
- 11 Park Street, McLaren Vale.
- 20A Hewitt Drive, McLaren Vale.
- 5A South Park Way, McLaren Vale.

These are all counted as a vacant lot, when aerial photography provided by Plan SA's SAPPA mapping website shows the construction of a dwelling or dwellings have at least commenced if not completed on the Site. This is seen as an error in the review of vacant lots in the township of McLaren Vale.



Further review of the actual number of truly vacant, with no application for land division or dwelling applications should be undertaken to gauge the actual numbers of truly vacant allotments. It is anticipated that at the conclusion of a proper review the amount of truly vacant allotments would be significantly less. This analysis should be conducted across all townships to ensure the accuracy of data presented. In turn, this impacts on the assessment of land supply in these areas.

In McLaren Vale significant demand for housing is present. Vacant allotments are being developed quickly as the township experiences a final push for infill of the last vacant allotments. Post development of these very few allotments, further release of residential land will need to be investigated.

6.0 CONCLUSION

In summary, the approach taken by the State Planning Commission for the review of the EFPA boundaries is a broad-brush overview of the land supply in Greater Adelaide. It fails to recognise local conditions and expects those persons wishing to build a new home with their existing activity zone in the outer southern geographical area relocate to the north of Adelaide or Mt Barker to access the available supply of vacant land. It is recommended that if there are significant constraints on the supply of greenfield land within a particular geographical area where demonstrated demand exists, that further analysis is undertaken to fully understand the opportunities to release additional land in balance with protecting those areas of greatest contribution to the rural, landscape, environmental or food production significance.

We note that our clients land:

- is contiguous with the existing township;
- can be readily connected to service infrastructure;
- is of a size that is not significant for food production;
- does not represent land of high environmental significance; and
- is physically separated from land of higher rural and landscape value by Johnston Road.

Accordingly, we submit that our clients land should be removed from the McLaren Vale Character Preservation District and excluded from the Environment and Food Production Overlay.

Yours sincerely

Daniel Pluck MPIA
Bachelor of Urban and Regional Planning (Hons.)

30 July 2021

MURRAY CHAMBERS

12 Coglin Street
Adelaide 5000
South Australia

Telephone 61+8+8110 9100

Fax 61+8+8231 5439

Email: hayes@murraychambers.com.au

29 July 2021

Griffins Lawyers
49 Flinders Street
ADELAIDE SA 5000

Attention: John McElhinney

Dear Sir

McLaren Vale

I have been asked to advise the Karidis Corporation in relation to its planning submission by Mr Greg Vincent of Masterplan to an inquiry being undertaken by the South Australian Planning Commission pursuant to Section 7 of the Planning, Development and Infrastructure Act 2016.

The Commission has published a Statement of Position on the 4 June 2021 as part of its Review and has invited public comments thereon.

The Statement of Position states that the Commission has determined that the Review is limited to considering only whether any variation to the boundaries of the environment and food production area are trivial in nature and will address a recognised anomaly.

The reasoning for this is dealt with in detail in the accompanying planning submission.

The basis for the Commission's view is that the Land Supply report relied on by the Commission concludes that there is adequate provision of land in the Greater Adelaide Region to support housing and employment growth over the next 15 years.

The Commission has expressly disavowed considering the adequacy of land supply on a subregional basis within the greater Adelaide region.

In my opinion, the approach of the Commissioner is legally flawed.

The purpose of the statutory review is to assess the matters in subsection 3(a). The invitation to the public to have input into the review includes input into all of the matters in that subsection. The Position Statement of the Commission has pre-empted that right in relation to the substance of the section. That approach is inconsistent with the legislation and particularly with the objects of the Act in Section 12.

The Position Statement determines land adequacy by having regard to the whole of the Greater Adelaide Region, rather than to areas within that region.

Section 7(3)(a)(i) refers to an area or areas within the Greater Adelaide Region to determine urban renewal and consolidation and despite the reference in (ii) to Greater Adelaide, it makes little sense, as outlined in the planning submission, to ignore areas for the purposes of the section. To do so, results in the anomalies identified in the planning report.

It is for the reasons set out above, that I am of the opinion that the Commissioner's approach to this Review is flawed.

Yours sincerely,



Brian Hayes QC

#17088772



STATE
PLANNING
COMMISSION

4 June 2021

Level 5, 50 Flinders Street
Adelaide SA 5000

GPO Box 1815
Adelaide SA 5001

08 7109 7466
saplanningcommission@sa.gov.au

Dear Sir / Madam,

ENVIRONMENT AND FOOD PRODUCTION AREAS (EFPA) REVIEW – PUBLIC CONSULTATION

I am pleased to advise that as part of the Environment and Food Production Areas (EFPA) Review, the State Planning Commission has released its Statement of Position and EFPA Review Report and commenced eight weeks of public consultation from Friday 4 June to Friday 30 July 2021.

As part of the EFPA Review Report, which involved a detailed analysis of residential and employment land supply and demand within the Greater Adelaide Planning Region, it is the Commission's position that there is adequate provision of land in Greater Adelaide to support housing and employment growth over the next 15 years.

As we proceed into stage two of the review process, the Commission will now consider variations of the EFPA boundaries that are recognised as anomalies and/or trivial (minor) in nature. In addition, the Commission notes that Section 7(4) of the PDI Act establishes a clear legal relationship between the EFPA and Character Preservation Districts (CPD), which are governed under the *Character Preservation (Barossa Valley) Act 2012* and *Character Preservation (McLaren Vale) Act 2012* (the CP Acts).

Following the State Government's 2018 CP Acts Review, the Commission will also investigate the merits of amending the CPD for eight previously identified anomalies received via public submissions in context to Greater Adelaide's growth. As such, the scope of the Commission's review of the EFPA boundaries, will also include an assessment of those eight CPD locations.

It should also be noted that the Commission is not able to alter the CPD boundaries. This means that any recommendations regarding the CPD will only affect future changes to the EFPA in the event the CP Acts are first amended by the Parliament.

To support the consultation process, a guide and online submission form is now available on the PlanSA portal to step you through the process of making a submission, should you wish to vary the EFPA boundary for your respective area/land.

In addition, community information sessions will be held in ten EFPA locations, where you can learn more about the EFPA review and how it is relevant to you.

The Commission also intends to hold a public hearing following the close of consultation, where you can speak to us directly about your EFPA submission. We strongly urge you to indicate your preference to do so in the online submission form.

The Commission welcomes and looks forward to your valuable input, which will be integral to how we continue to protect South Australia's valued food and wine regions and sustainably plan for the future development and growth across our state.

Should you require any further information regarding the EFPA Review, please visit plan.sa.gov.au/en/EFPA or email PlanSA@sa.gov.au.

Yours sincerely,

Helen Dyer
Chair, State Planning Commission





Leon Bignell MP

State Member for MAWSON

Working hard for our area



PO Box 726, McLaren Vale SA 5171

Telephone 8556 5722

Email mawson@parliament.sa.gov.au

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

Submission to the State Planning Commission's review of South Australia's Environment and Food Production Areas.

I write my submission specifically about the concerns our local community in the McLaren Vale region has about a review of eight "anomalies" in the Character Preservation Acts that protect the Barossa Valley and McLaren Vale regions.

As one of the authors of these Acts and as someone who worked hard with our local community to design these strict laws, I will always be vigilant and fight hard against any threat to them.

At the outset I will declare that I own my family home inside the town boundary of McLaren Vale. I bought my home two years after the legislation went through parliament so had no possible conflict at the time I was championing this legislation through parliament.

I think transparency is very important and, unfortunately, we have not seen that from the Planning Commission during this process.

What we have seen is conflicting statements and the commission failing to respond to a series of serious questions about its behaviour in this matter.

There has also been the issue of the Planning Commission trying to hide the review of the Character Preservation "anomalies" under the cover of a very separate review into environment and food production lands.

When this was exposed, the Planning Commission claimed misinformation had been spread about the process.

All the information I have communicated has come from information I have received from the Planning Commission and the chair of the Planning Commission.

Outrageously, when people lodged a submission to this review, they are sent a response about "misinformation" without the Planning Commission stating what that misinformation was nor owning the fact any alleged misinformation had come from the commission.

This behaviour is a serious concern.

The State Planning Commission has a very important role to play in South Australia and must always be open, transparent and beyond reproach.

There are widespread concerns around McLaren Vale that the Planning Commission is not being totally transparent in its dealings with the public it is meant to serve.

I have attached a series of letters between me and the State Planning Commission which clearly state inconsistencies. I have highlighted these key points in yellow.

The website about the review has also carried conflicting messages and information.

Many locals hold the view that this has been deliberately done to confuse the issues between the Character Preservation Acts and the Environment and Food Areas legislation.

The worst thing that could happen is that members of parliament could be told next year (after the 2022 State election) that changes to two “anomalies” were needed to allow for more subdivision in the McLaren Vale area and that a review was conducted in 2021 during which no one raised any objections.

It would have been hard for people to raise objections if a review had proceeded without the knowledge of the general public.

That appears to be what the intent of this process was.

The Character Preservation Act 2012 clearly and carefully looked at all the town boundaries in the McLaren Vale region, including adjacent to the two parcels of land which the Planning Commissioner referred to as “anomalies” in her letter to me on June 4. She then changed her position in a June 30 letter to me in which she stated the Planning Commission hadn’t decided if they were anomalies.

I draw readers’ attention to my attached letter to the Planning Commissioner on July 8. The many important questions raised in that letter have yet to be answered. In fact, the letter was not acknowledged until July 26 which is an extraordinarily long delay when the usual timeframe for acknowledgment is one to two days.

This is a serious concern given the commission has had more than three weeks to provide answers which should have been provided well before today’s deadline to make submissions.

Conversely, just one day after I advertised a public meeting about the review I received a very quick response from the Planning Commission. So we know that the commission has the capacity to write a quick letter and to publish a quick statement about “misinformation” but when it comes to answering genuine public concerns the commission is tardy or chooses to remain silent.

As part of my submission I have included a two-page statement outlining the history of the Character Preservation Act and the considerable efforts our community has made over several decades to protect the land in our area.

Since the 1960’s urban sprawl has consumed much of the agricultural land in the greater metropolitan Adelaide area. We don’t want that to happen in McLaren Vale. We started work on legislation in 2009. It became an Act of Parliament in 2012.

In the Character Preservation Act there was a provision for one review of the legislation that was to be undertaken within five years.

It was intended to check that no unintentional mistakes were made in drafting the legislation.

That review was done and was tabled in parliament in 2018.

There was deliberately no scope in the Act for further ongoing reviews. Our community was quite certain that certainty was the best thing for our food and wine producers and the people who live in the McLaren Vale region.

Since the introduction of the legislation we have seen record visitation numbers, huge investment in food, wine and tourism infrastructure and an increase in the value of residential and agricultural land.

We all know that people don't visit suburbs for their holidays.

We also know that we need land to protect premium agricultural land to produce food and wine for our own population and for people interstate and overseas.

Thousands of jobs and hundreds of small businesses are supported by the \$850m McLaren Vale food, wine and tourism sector.

Changes to the legislation and the protections would put all that in danger.

I therefore call for the Planning Commission to make no recommendation for changes to the Character Preservation Act (McLaren Vale) and to give an undertaking that it will never do any further reviews.

To the thousands of people I represent, it would be like the government periodically looking at subdividing Adelaide's Parklands.

That proposition would offend most South Australians just as the prospect of a review of the Character Preservation Act upsets the people of the McLaren Vale region and all those people around the world who see the value in preserving what we have rather than covering it in gutter to gutter houses.

Yours sincerely



Hon Leon Bignell MP
MEMBER FOR MAWSON

July 30th 2021

Our Ref: MAW335

Encl: Annexure A through to E



Leon Bignell MP

State Member for MAWSON

Working hard for our area



PO Box 726, McLaren Vale SA 5171

Telephone 8556 5722

Email mawson@parliament.sa.gov.au

Ms Helen Dyer
Chair
State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

Dear Ms Dyer

It has been brought to my attention by members of the community the State Planning Commission is conducting a review of Environment and Food Production Area and Character Preservation Boundaries.

As one of the original architects of the legislation who developed these protections with the local community, I would like to know why I was not contacted and advised of this?

I hope it is not because this is an attempt to weaken the protections which cover important agricultural areas within our region.

The very concept of this legislation is to protect the tourism, agriculture, food producers, wine makers, grape growers and many other businesses which make our region renowned around the world. I sincerely hope the State Planning Commission conducts its review with this in mind and in no way weakens the protection.

I would appreciate your response clarifying why I was not notified and the intention of these reviews.

Yours sincerely

Hon Leon Bignell MP
MEMBER FOR MAWSON

April 23 2021

Our Ref: MAW296

4 June 2021

The Hon Leon Bignell MP
Member of Mawson
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KINGSCOTE SA 5223

Level 5, 50 Flinders Street
Adelaide SA 5000

GPO Box 1815
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Dear Mr Bignell

ENVIRONMENT AND FOOD PRODUCTION AREAS (EFPA) REVIEW – PUBLIC CONSULTATION

I am pleased to advise that as part of the Environment and Food Production Areas (EFPA) Review, the State Planning Commission has released its [Statement of Position and EFPA Review Report](#) and commenced eight weeks of public consultation from Friday, 4 June to Friday, 30 July 2021.

Our inaugural statutory review involved a detailed analysis of residential and employment land supply and demand within the Greater Adelaide Planning Region. Based on this evidence, it is the Commission's position that there is an adequate provision of land in Greater Adelaide to support housing and employment growth over the next 15 years.

As we proceed into stage two of the review process, the Commission will now consider variations of the EFPA boundaries that are recognised as anomalies and/or trivial (minor) in nature. The Commission notes that Section 7(4) of the PDI Act establishes a clear legal relationship between the EFPA and Character Preservation Districts (CPD), which are governed under the *Character Preservation (Barossa Valley) Act 2012* and *Character Preservation (McLaren Vale) Act 2012* (the CP Acts).

Following the State Government's 2018 CP Acts Review, the Commission will also investigate the merits of amending the CPD for eight previously identified anomalies received via public submissions in context to Greater Adelaide's growth. As such, the scope of the Commission's review of the EFPA boundaries, will also include an assessment of those eight CPD locations.

It should also be noted that the Commission is not able to alter the CPD boundaries. This means that any recommendations regarding the CPD will only affect future changes to the EFPA in the event the CP Acts are first amended by the Parliament.

To support the consultation process, a guide and online submission form with easy to follow instructions is now available on the PlanSA portal to step through the process of making a submission, requesting to vary the EFPA boundaries.

In addition, community information sessions will be held in EFPA locations, where people can attend to learn more about the EFPA review and how it is relevant to them.

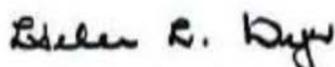
Following the close of consultation, the Commission also intends to hold a public hearing where interested persons can speak to us directly about their submission. We strongly urge those who wish to attend to indicate their preference in the online submission form.

To assist us with the public consultation, we have enclosed a digital stakeholder toolkit to help inform your constituents and the broader community about the EFPA Review and how they can have a say.

I encourage you to participate in the consultation process and look forward to receiving your valuable input which is integral to how we continue to protect South Australia's valued food and wine regions and sustainably plan for the future development and growth across our state.

Should you require any further information regarding the EFPA Review, please visit www.plan.sa.gov.au/en/EFPA or email PlanSA@sa.gov.au.

Yours sincerely,



Helen Dyer
Chair, State Planning Commission

#17298421

30 June 2021

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The Hon Leon Bignell MP
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Dear Mr Bignell

It has come to the attention of the State Planning Commission (the Commission) that you have concerns about land at McLaren Vale potentially being removed from Character Preservation Districts (CPD), which are governed under the *Character Preservation (Barossa Valley) Act 2012* and *Character Preservation (McLaren Vale) Act 2012* (the CP Acts).

We wish to confirm that the Commission is not able to alter the CPD boundaries for the Barossa nor McLaren Vale. The CPD can only be altered via a Bill through both houses of Parliament to amend the relevant CP Acts.

In 2018 the former Department of Planning, Transport and Infrastructure completed a [review of the two CP Acts](#). As part of this review, eight locations were identified by submissions to amend boundaries at certain locations in the Barossa and McLaren Vale CPD. The review recommended that *"The State Planning Commission investigate the merit of the proposed amendments to the CPD in the context of Greater Adelaide's growth"*. It is for this reason, and in this context, that the matter is currently with the Commission.

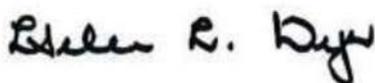
The Commission has recently commenced its first [review of the Environment and Food Production Areas](#) (EFPA), that it is required to undertake pursuant to the *Planning, Development and Infrastructure Act 2016*. In parallel with this process, the Commission will consider the submissions for the eight identified locations in context to Greater Adelaide's growth.

To date the Commission has released its Statement of Position in respect of land supply and has opened the process for input. The Commission has not yet formed any view on the merits or otherwise, of the eight locations nor has it specifically identified these as anomalies.

We note your publicly expressed concerns and would invite you to make a formal submission to the Commission's process.

The Commission's Findings Report on the EFPA Review (including the eight CPD sites) is expected to be completed later this year.

Yours sincerely



Helen Dyer
Chair



Leon Bignell MP

State Member for MAWSON

Working hard for our area



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Ms Helen Dyer
Chair
State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

Dear Ms Dyer

Last night I hosted a community meeting in McLaren Vale of around 400 concerned locals regarding the State Planning Commission's review of Environment and Food Production Areas and the impact on the Character Preservation Act (CPA) legislation which protects our region.

From the comments made last night, it was clear the people in this area do not want any more reviews because it creates uncertainty for everyone in the region.

Given the five year review under the CPA legislation has already been completed, I want to know if this new review the commission has undertaken is indeed lawful.

Parliament decided there would be one review only and that would be within five years of the Character Preservation Act commencing.

That review was tabled in parliament in 2018 and now another review is being undertaken to look at eight parcels of land within the Character Preservation Districts.

I also note the State Planning Commission issued a statement this morning, 8th July 2021, "*correcting misinformation*".

Can you please advise which bits of the Planning Commission's information was "*misinformation*"?

All information I have relied on has come from your letters and your websites. In your letter of June 4 to me you referred to two large parcels of agricultural land seeking to be moved into the town boundaries of McLaren Vale as "anomalies".

In a follow up letter to me from you on June 30 after I had told the community about the land being considered anomalies, you stated that you hadn't decided whether they were anomalies or not.

Has the Commission decided whether they are anomalies or not?

If they are judged by the Planning Commission to be anomalies, do they then escape the need to rely upon having to argue insufficient housing or employment land supply?

Because in the Planning Commission's statement about misinformation you said that these areas would not be reviewed because there was adequate land supply in metropolitan Adelaide.

But what our community wants clarity about is whether the review can go ahead anyway because of number 3 in the review process which I have copied here:

2.0 EFPA REVIEW PROCESS

The Commission is required to review the EFPA every 5 years and operationally this means a review is due for completion in 2022. Under the Act, the EFPA boundaries may be varied only under certain circumstances. These circumstances are referred to as the Three Point Test¹, which reads as follows:

- 1. An area or areas within Greater Adelaide outside environment and food production areas are unable to support the principle of urban renewal and consolidation of existing urban areas; and*
- 2. adequate provision cannot be made within Greater Adelaide outside environment and food production areas to accommodate housing and employment growth over the longer term (being at least a 15-year period); or*
- 3. that the variation is trivial in nature and will address a recognised anomaly.*

Test 1 and 2 requires analysis of Greater Adelaide's 15-year housing and employment land supply, which will be informed by this report.

Test 3, does not rely upon having to argue insufficient housing or employment land supply. Instead, any request assessed under this test must demonstrate the proposed variation is both, not either or, trivial in nature and will address a recognised anomaly.

My questions are:

Has the Commission decided whether the land parcels are anomalies?

Is it correct they can be reviewed if they are anomalies?

Will you amend your statement to reflect that any misinformation in the community was as a result of information in letters from you and statements on the Planning Commission's websites?

Has the Planning Commission or any of its officers been directed from ministerial, or executive government level to engage in political activity rather than being an a-political body?

The fact that only both houses of parliament can sign off on changes to the Character Preservation legislation is well known to all of us in McLaren Vale.

We drafted the intent of the legislation as a community and that safeguard was one of the key components.

What worries us now is the process. It appears a review, not required under the legislation is being carried out under the guise of another review.

As we have pointed out there has been minimal engagement with the people of our area from the Planning Commission. The Commission did not schedule any of your public meetings in McLaren Vale.

Please forgive us for being suspicious but we have been duped by the Marshall Government before. Like that time they said council areas could apply to remain GM-free districts.

Submissions were received from many councils. All were knocked back including the one from Onkaparinga Council which covers McLaren Vale.

The estimated loss to our local wine region is around \$20 million a year.

What our area is wary of is a Bill that comes to parliament next year that says the legislation needs to be changed because of some anomalies that no one complained about when we did a review.

If people like me hadn't advertised the fact there was a review, I doubt anyone would have known about it the McLaren Vale region.

As I said in my letter to you in April, our community fought hard for this legislation. We don't want it reviewed or changed.

I look forward to seeing an amended statement about the "*misinformation*" and answers to all of my questions.

Yours sincerely

A handwritten signature in blue ink that reads "Leon Bignell". The signature is fluid and cursive, with the first name "Leon" being larger and more prominent than the last name "Bignell".

Hon Leon Bignell MP
MEMBER FOR MAWSON

July 8th 2021

Our Ref: MAW325



Leon Bignell MP

State Member for MAWSON

Working hard for our area



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The desire to preserve McLaren Vale stretches back to the 1970's when Greg Trott of Wirra Wirra fame and other local vignerons and winemakers like d'Arry Osborn and Alex Johnston were ringing the alarm bells.

By 2009 the slow southern march of urban sprawl had become a sprint and the Vale's food, wine and tourism region was under real threat.

I went to a meeting in September 2009 with what I thought was happy news for the large crowd who had squeezed into the Aldinga Institute Hall.

I told them I'd convinced the government not to allow the government-owned land at Bowering Hill - near Port Willunga and the Aldinga township - to be sold for housing as had been intended so that it could be covered with 8000 houses.

Having saved the day after a lengthy and robust battle within the Labor Caucus I was expecting something a bit more than the lukewarm response from the crowd

And of course the big question from the floor was: "what's going to happen when Labor aren't in government or you're not the local MP?"

That's when the McLaren Vale Grape Wine and Tourism Association, Friends of Willunga Basin and the Southern Coalition and others came together so we as a community could work out what we wanted for the future of our area.

After meetings at Serafino and workshops at Penny's Hill Winery, where we sat around with butchers paper and markers, it was the winemakers, the residents, the winery owners, the farmers, the tourism operators, the environmentalists and the business owners who practically drafted this legislation.

The draft legislation was aimed at stopping urban sprawl but significantly, it was also designed to give certainty to all of those groups as well as developers who may have had aspirations to have planning boundaries changed so they could subdivide our agricultural and tourism lands.

We wanted it to be like the parkland's legislation Colonel Light put in place. We wanted the decision on any proposed changes to the preservation boundaries or the town boundaries or Willunga, McLaren Vale and McLaren Flat to come before both Houses of Parliament.

I fought to get the Bill through our caucus and then Planning Minister, John Rau, took it through parliament. Liberal amendments to take the power from the parliament and give it to the local council were unsuccessful.

That was 2012. In 2017 a review of the Character Preservation Act was conducted in accordance with the legislation that said there had to be a review by the five year mark of the new rules. It was tabled in Parliament in 2018.

No changes were made to the legislation but there was a recommendation for further examination of two requests to move the town boundary of McLaren Vale to take in three parcels of a combined approximately 40 hectares of agricultural land on the southern border of McLaren Vale. That land is either side of Aldersey St and stretches from the existing town boundary down to Johnston Rd.

So five years after the legislation that was meant to bring certainty to our region we suddenly had subdivisions around our area back on the table. A separate recommendation was to “introduce a statutory review process that provides for amendments to the boundaries of the character preservation districts.”

A meeting of 500 locals which I organised in McLaren Vale in October 2018 made our concerns abundantly clear to the Marshall Government. Premier Marshall told me he’d seen the big turnout via the media and our area would get what we wanted. That is no more reviews and no watering down of the law.

Letters from the then Planning Minister fell short of adhering to the Premier’s promise.

And here we are, in 2021, with another review looking at what have been referred to by the government as “anomalies”.

They are not anomalies. They are vast tracts of fertile land that were deliberately put into the character preservation map that is part of the legislation.

This review has again raised the prospect that what we fought so hard for a decade ago could be lost and our area could be at threat of subdivision.

This legislation can only be changed with the agreement of both houses of Parliament.

The current review by the State Planning Commission is being tucked away in a review into a different act the Environment and Food Production Areas which was another piece of legislation we put through parliament to protect agricultural land outside the Character Preservation areas of McLaren Vale and Barossa Valley.

The Planning Commission hasn’t publicised the possible changes they are reviewing and they haven’t scheduled one of their many regional meetings in McLaren Vale.

It could just be that the government wanted to present a bill to the house next year and say they’re making minor amendments to the character legislation to fix up some “anomalies” and that there was no negative community feedback.

We are here tonight to make sure that every politician in the two houses of the SA Parliament know that we don’t want the boundaries changed and, as we said in 2018, we don’t want the government to do any more reviews.

What we sought in 2009 was protection and certainty. In 2021 we still want protection and certainty. It is what we will always fight for.



**In the interest of transparency, I advise you I own my family home on the McLaren Vale town boundary so I have a personal interest as well as a community interest in this matter.*

James & Evelyn Craik, 12 Genders Grove, McLaren Vale, South Australia 5171

Email: [REDACTED]

Mobile: [REDACTED]

12 July 2021

Ms Helen Dyer
Chair
State Planning Commission
GPO Box 1815
Adelaide SA 5001

Re: Review of the Character Preservation (Barossa Valley) Act 2012 and Character Preservation (McLaren Vale) Act 2012

Reviews of the Environment and Food Production Preservation Act every 5 years which is enshrined in legislation should not be used to create amendments to the Character Preservation (McLaren Vale) Act 2012.

Dear Ms Dyer,

Helen, we are writing to argue the case that there are no anomalies or errors in the Character Preservation (McLaren Vale) Act 2012; and there is no need for the land to be re-zoned from the Reviews of the Environment and Food Production Preservation Act.

We have lived at our address since February 1992. We are now retired and volunteer in our local community.

Our house and garden is a normal family house block. The area of land behind our house, to the south (Lot 805), and in particular the vineyards on either side of Aldersey Street McLaren Vale is zoned Rural land. We have no financial gain to be achieved in writing to you. However our house will diminish in value if the iconic views to the south of it are lost if the land is rezoned. My wife and I will lose the joy of the views.

There are sufficient opportunities already existing within the township for "infill" and there is no need for expansion of the township boundaries. Some old properties within the township have already been subdivided to allow for the construction of up to eight domestic dwellings. Examples include the main street of McLaren Vale and Kangarilla Road near the main road to Willunga. These are compatible with the township amenities.

Lot 805 Aldersey Street, McLaren Vale, behind us, was a vineyard in 1992. It abuts the perimeter of the McLaren Vale town boundary.

Prior to purchase by the Karidis Corporation in February 2005, there were vineyards from Lot 805 southwards to Johnson Road; it is clearly fertile, productive, agricultural land. The vineyards at Lot 805 Aldersey Street and more land area of

vineyard adjacent to Johnson Road were bought by the Karidis Corporation at prices greater than the median price for vineyard land use.

The sale price for Lot 805 in 2005 (south of Town Boundary) was \$560,000. The site value was \$105,000. The Capital value was \$195,000.

Mr Brian Hayes QC on behalf of the Karidis Corporation implies the land is poor and vines uneconomic. The question must be asked: Why would an astute businessman, applauded by politicians for his financial savvy pay twice the price for land, other than to quadruple its value by building house on it.

The Karidis Corporation want the land rezoned arguing that there are anomalies in the Character Preservation Act McLaren Vale 2012 and errors were made in setting the town boundaries. **The Act got it right; there are no errors.**

The submission made to the Review of the Character Preservation (Barossa Valley) Act 2012 and Character Preservation (McLaren Vale) Act 2012 in 2018, by Brian Hayes QC (the legal expert advising the planning Commission for the Review in 2012) on behalf of the Karidis Corporation, at page 3, clause 6.2 states that the land is not an integral part of the rural landscape and has no heritage value. The Leconfield winery nearby will disagree. They hold international concerts (Day on The Green) with the surrounding scenery as an additional drawcard. Marla Farm on Johnson Road has been there since the late 1800's.

The land in question is an integral part of the landscape and has been for 100 years and underlines why its agrarian focus, with scattered structures located in agricultural settings should be retained as much as possible so as not to spoil the general look of the countryside The scenery and 'greenery' are part of the amenity and character of the landscape.

The Karidis Corporation have let the land fall into disrepair which I suggest is a deliberate choice to manifest the illusion being put forward by Mr Hayes QC.

Our argument is that no errors were made and there are no anomalies; and the findings in 2012 and at Review in 2018 were correct.

Section 10 of the Character Preservation (McLaren Vale) Act 2012 states a Review must be conducted after 5 (five) years. This was carried out. A review is to make sure things are going well (which they are), beyond that, it should not be seen as an opportunity to change the Act.

The State Planning Commission is currently conducting a Review of the Environment and Food Production Area and Character Preservation Boundaries. I am apprehensive that the Karidis Corporation will use it as a back door argument to change the Character Preservation (McLaren Vale) Act 2012 and township boundaries.

Preserving high-value agricultural/viticulture land should be a key objective of future growth planning associated with a strengthening of the rural services sector.

Tomorrow, other forms of agriculture may provide the economic and landscape values prevalent in the McLaren Vale district. We need to seize the opportunity to preserve these agricultural and tourist employment lands both in their essential

character and in their flexibility to accommodate the appropriate ongoing change in the agricultural and human landscapes.

It is useful to remember too that apart from wine production the McLaren Vale district currently supports commercial production of; dairy products, barley, oats, table grapes, apples, pears, quinces, apricots, peaches, cherries, plums, citrus, figs, avocados, almonds, pistachios, olives, strawberries, a huge variety of vegetables, herbs, roses, native plants, cut flowers, meat production (venison, lamb, beef), honey, and poultry for meat and for eggs, surely a list that underlines the productivity and versatility of the area's agrarian production. All of these activities also support employment at their source, or through their points of sale so that the McLaren Vale district can properly be seen as a rural employment zone of some importance.

The gradual onset of climate change, which appears likely to make areas north of Adelaide ever warmer and drier, should also be looked at in relation to the future of the McLaren Vale district. It, too, will get warmer and drier, but will still remain slightly cooler than areas even 60 kilometres to the north, something that will have a bearing on long term food production. Likewise, the tourism potential of its scenic beauty, its marvellous beaches, the iconic sweep of the Willunga escarpment and natural vistas in every direction, are all of exceptional importance.

It is clear that consideration needs to be given to post Covid opportunities for tourism in the region both from within Australia and from overseas.

Chester Osbourne, the world recognised winemaker and creator of **'The Cube'** has stated publicly that we need to be aware that in the not too distant future there will not be any vineyards within an hour's drive of a Capital city.

Adelaide and McLaren Vale being the exception.

There is a need to preserve the rural character and scenic surrounds to McLaren Vale Township, for the enjoyment of residents, visitors, and wine region tourists. Any future development of McLaren Vale should not detract from the natural and rural landscape character of the region and should enhance tourist activities and spending. Protection of iconic vistas is imperative.

Further housing development will not provide sustainable employment and will detract from the attraction of the natural beauty of landscape for residents and visitors.

Should any expansion be allowed at this time it would create a strong expectation that the boundaries are flexible in the future, and certainty of planning would therefore be diminished. Expectations of, or imagined flexibility creates uncertainty and insecurity. It creates uncertainty for those living in the townships, for those who own land around the townships, and, for the local authority the City of Onkaparinga.

James Craik

Evelyn Craik

SA PLANNING COMMISSION,
EFPA REVIEW PUBLIC Consultation,

Peter Grocke,

[REDACTED]

[REDACTED]

28/7/21

Att. Helen Dyer & committee,

Dear consultative committee re Environment and Food Production Area Review June/ July 2021,

I am writing with serious concern not only on this specific Act but also the interaction and overlays with the Character & Heritage Act with complex overlays enmeshed and interacting with the overlays of local govt. and the new e-planning code released March 2021.

As these issues and effects concern Agriculture existing business enterprises and their past, present and future investments and threaten not only clarity on present farming systems but cloud future security, viability, sustainability and normal succession for family farms.

I have for a very long period over decades been involved with agricultural planning and govt. at local, state and federal govt. levels with numerous meetings at all levels including ministerial level. Discussing concerns for Rural policy including the interface zones and warning of long-term damage if wrong signals and direction is given from poorly worded policy.

I have had correspondence from the planning commission over the last years. This has failed to clarify or dispel my concern for broad acre farm interaction with other competing land uses and especially change of adjoining land use without consideration for pre-existing broad acre utilizing best Australian Farm Management practice.

I have had a lot of support from extremely major stakeholder groups in Grains (GPSA), Livestock SA & SA Crop Science Society to also write and communicate their attitudes of damage to profitability and continued viability for individual land parcels and potentially whole farms.

I have questions which I would like answered which relate to meetings which were held with the Planning Commission and some DIT(DPTI) planning staff with the immediate past president of SA Crop Science Society Mr Craig Davis with then Chair Michael Lennon attended. Many rural problems were identified by Craig and I believe that there was an understanding that these were to be itemised and listed for immediate actions and timelines for responses. The subsequent meetings for early this year were not held and these matters have seemed to have disappeared from public view.

Some of these included problems with wording of the new planning code and examples were given of wording discrepancy between tourism and agricultural interface. Bufferage between new building for tourism accommodation having mandatory 40 metres to buffer issues such as dust, light, odours and noise but refurbished old structures including old sheds needing no buffer of any distance in the code!

This anomaly was described and even the Minister was warned of this in February but no action was taken to correct this either oversight or other failure to address potential long term implication and damage between conflicting land uses without measures to reduce complaints or litigation.

Interesting that a document 'A proposal for better informed decision making in primary industries landscapes' was written

There are issues regarding maintaining rural chemicals regimes inside the 'FOOD PRODUCTION AREA' and considering sharing Mandatory downwind no spray obligations which may sound good but the practicality is that these are federal mandatory label legal requirements where no negotiation is at all possible and legal litigation is extremely serious. Litigation from drift has in recent years shown that multi-million dollar lawsuits are real.

Submission for EFPA Act 2021 review

The reality is that weeds and chemicals with climate are continuously evolving and limited bufferage now or in the past years may not suit essential chemicals for crop/pasture hygiene in the future which become essential for any viable food production with the variation for markets and cost of production combined with warming temperatures and variable rainfall with intensity and reliability questionable. So the real concern is that the past performance of the planning system in treating these issues with the care, investigation and alteration to policy to facilitate adjustment when required to ensure sustainability for all stakeholder groups involved in food production has clearly failed.

The concern I have even with this current review is the limitations of the charter for this investigation and the complexity of overlay with the Second Act Character & Heritage.

I have reservations if the true dynamics of the broad acre farm systems both in management, viability and sustainability with protection for sound financial investment to individual farms will be understood by your Planning Commission Board structure at present of defining the conflicts between differing agricultural land uses, buffers and consideration for Australian farm best practice.

There has been a need for an agricultural expert to be appointed to your board with full voting rights as described by Liberal David Ridgway 10th December 2017 Stock Journal - due to the employment and finance created by the agricultural sector.

This need not only for expert advice when required but on a permanent basis has been identified by multiple major stakeholders who are represented in the Food & Production Zones including Grains, Livestock and SA Crop Science Society.

So a question on notice becomes 'Will your body/ board or minister appoint an expert who is grass root, industry and govt. respected to complete this review to have a truly accountable and transparent outcome?'

When the concept of the protection legislation of the two Acts which overlay in the Barossa region there was potentially a false premise made that all soils and land parcels were class 1 or 2- prime agricultural soils.

Many in this region know this is not correct and it does not correlate with CSIRO soil mapping and when Minister John Rau opened the landscape planning forum some years ago – I had the opportunity to inform the attendees from the front of the wine centre venue that the realities did not match some of the presentations.

This brings to the matter of anomalies and questions relating to this topic.

What becomes of land parcels which are either not class 1 or 2 soils so are not prime agricultural soils or land parcels which have been marginalised in management, profitability, sustainability, have become litigation risk adverse for normal farm practice due to lack of working buffers and most importantly for farm families complexify farm succession and all short, medium and long-term risk to business. (Especially from planning failure to address fundamental matters relating to primary production systems)? What is their secondary use (eg. rural living?).

This question is one on notice I believe with PIRSA from a parliamentary committee and one has to ask why there has not been better communication between PIRSA & DIT (formerly DPTI).

The matter of cases which already have been identified are clear in this matter and I have confidential emails I can provide in confidence to the Board to show a clear history over the last decades but especially the last 10 years that problems were known at high levels of state and local govt. and by multiple ministries /departments.

2014 SA Valuer General formulated a special policy for Spray Drift and devaluation of farmland where pre-existing broad acre farmland is encroached by sensitive land use change adjoining without adequate buffers.

The valuer's team assessed 8 properties Barossa region from my understanding that had been seriously damaged over the period from planning procedure and should be acknowledged as damaged farms.

Submission for EFPA Act 2021 review

Three of these properties were from Light Regional Council area and on official council agenda documents from 10th December 2019. The three agricultural businesses were named with history given to show the involvement of the landowners and their individual problems and issues of major importance over time some going back to 2001.

Later the Chair of the Planning Commission Michael Lennon had also described the 'Unintended consequences' of the two Acts of Parliament which would include the Food and environment Act involved with the legacy of local govt. overlays. This was also in formal correspondence from the Planning Commission.

There had been in between these times a planning 'buffer working group' investigating sensitive land use change and impact on farm business. I on the 21st sept. 2016 had chaired a meeting in Barossa Council chambers with local govt. (Barossa and Light Planning persons), EPA, PIRSA Planning, PIRSA Chemical plus Planning SA AND GPSA attending with other farm families and a rural real estate/businessperson from the Barossa Ranges.

The poor charter for this group was such that economic impact was excluded from their terms of reference and were given no timeline for outcomes nor given permission to look at retrospective repair or compensation or alternative solutions to give any better outcomes from these matters. Refer to page 23 from LRC council AGENDA 10th Dec 2019. No solutions were found as a result!

So the situation still remains today that land parcels can be seriously damaged in broad acre management and profitability especially if multiple boundary's on any individual land parcel are surrounded by sensitive land use change without adequate buffers. The system still dreams that weed status & hygiene for crops or hay either sent interstate or overseas can be maintained to the demanding standards where failure to comply may mean loss of contract or litigation and mandatory vendor declarations for chemical residue in products have no issues.

This is not only bizarre but immoral and unethical to jeopardise pre-existing business to this extent.

The naive belief that a farmer can just wait to spray a field till the wind changes 180 degrees or spray the same paddock on 4 differing days is simply rubbish and non-viable and threatens the crop/pasture health & yield. These measures are definitely anti-competitive even on a local basis let alone state or national level and non-functional.

The matter of time lag for having even small adjustments to policy has not only been stressful but damaging to investment strategy for these broad acre farm business's and is indefensible.

The fact that individuals have spent many tens of thousands of dollars on needing planning solicitors or consultants and spending countless hours trying to get the planning system to make needed amendments/alterations is bad.

So even if the minister gets recommendations from the planning commission there is no belief that change will be made -shows something is seriously wrong with the mechanisms for rectifying faults or failures and sensible timely adjustments.

There should be no Act in Parliament that is basically so difficult that needed changes will not occur.

The anomaly to build farm housing for farm children wanting to be part of the farm business exists but complications such as area needed to build a house vary in both Light Regional council and the Barossa. Some localities need 100 ha other need 60 ha others may have no requirements for any size.

If there is an Environment and food production Act supporting Agriculture -one would assume that the most basic need is for fair and ease of farm succession through the generations.

My understanding from both Mayors in the Barossa is that if put to a vote the elected members would encourage family farm succession and the ability for these children to be able to build on that farmland without hinderance or costly complication which could threaten intergeneration transfer of farms due to cost and time delay including potential devaluation of land by needing to annex titles and losing a title to complete this task.

Submission for EFPA Act 2021 review

I refer to a letter dated 20th May 2020 from the SA Crop Science society to the planning commission where it clearly details questions of Inappropriate Planning Issues with special reference to rural interface in these areas within the EFPA with detrimental impacts .

My understanding is there are no satisfactory answers or actions to these basic questions- if wrong please advise. Some reference was made in Parliament this May by an MP to the Barossa EFPA & issues of improving the productivity of land and buffers have been addressed. From what I and others I liaise with have experienced- it is actually the reverse and damage is ongoing so there is an ever-increasing number of unintended consequences on individual land parcels and farms. So for myself to state that my situation needs our land to be removed from the Environment and food production zone is not possible for the following reasons.

1/I absolutely have no clarity if I get out of one Act (EFPA) then fall back into the second Act Character & Heritage overlay then it could take years to prove that I need exemption to be removed from that as well. Then to eventually be governed by Light Regional Council overlay- I have really gained little.

2/The Light Regional Council development plan has not understood or has been not supporting Broad acre farms and their investments in the western Barossa for many years.

3/Their interpretation of rural policy from local and state planning is biased towards investment and wine & tourism at times at the cost to pre-existing broad acre farm business management and sustainability. To have structures such as a hay shed differently defined than a wine storage shed and assessed or to have council planners and the CAP committees not clearly understand the need for fundamental protection of broad acre farm systems from any sensitive land use change with adequate buffer separation leaves me with some concern for the future.

4/I have over time received correspondence from various ministers of govt. and in recent years have been surprised at either the misinformation of advice or misunderstanding of our position.

It was never my aspiration to have a city or suburb built over this area I farm but if the system totally failed to understand basic economic need for profitability and financial sustainability. Damage to our farm in management and profitability has increased from planning and the 2 Acts in this Region EFPA & C&H has only complexified the matters. There always was the need to understand that our land is not only my work but my life and my superannuation *BUT IS ALSO MY LEGACY FOR OUR FAMILY AND CHILDREN TO CONSIDER.*

5/ The system must at some stage accept that these properties affected and clearly identified need special consideration.

My family is in the next years in transition to the next generation and for that to happen there needs to be a lot of financial issues sorted and clarity for even my children if they wish to take on the business in some form.

I will not accept that the bodies which have failed to act and address the real blatant problems for many years such as Barossa RDA or local or state govt. bodies who in their submissions have failed till now to identify the real on ground basic agricultural issues which have been clarified by the most significant stakeholders in this state in Broad acre agriculture.

Our family need to be involved in what ever is proposed and designed as solutions which till now for many have been too difficult to discuss let alone deal with in a respectful manner.

Extra Concerns regarding policy if expansion ever considered to other regions. The matter that the areas that the State, local and Regional Development Boards may wish to expand these concepts (EFPA) such as the Northern Adelaide Plains or other as a Food production Area would need to be carefully assessed to ensure problems now existing in current areas are not just multiplied to other regions.

Submission for EFPA Act 2021 review

This is especially relevant where proposals for expansion of horticulture, viticulture and other sensitive land use change with expansion of reuse water projects are being studied.

The impacts of poor policy wording can be short, medium but more long term or permanent damage to individual groups or stakeholders is the real possible outcome.

So as an after comment there are real agricultural businesses with many diverse land uses but can be grouped into major categories such as livestock, grain, milk, horticulture, viticulture, piggeries and other as forestry in the environment & food production areas . These are mostly on freehold land with many having debt structures of significance to service to banking/lending structures so long-term clarity for their business is essential.

The community may think it owns the landscape view but as it is not a communal land ownership system there needs to be absolute respect to those that actually own the freehold land parcels and their real business needs as many have debt servicing to realize.

For any policy that assumes to think that land parcels will be willingly kept in agriculture just to appease the dreams of the community at an economic loss are dreaming .

Farm business's should never be placed in a very real litigious risk scenario from performing normal accepted best Australian Farm Practice by poor planning!

YOURS SINCERELY Peter Grocke [REDACTED]



HON. JOHN DARLEY MLC
MEMBER OF THE LEGISLATIVE COUNCIL
Parliament House
ADELAIDE SA 5000

PH: (08) 8237 9114
FAX: (08) 8231 0525

E-MAIL: [REDACTED]

State Planning Commission

VIA EMAIL: PlanSA@sa.gov.au

RE: Environment and Food Production Area Review

Dear State Planning Commission,

I write in support of Mr Peter Grocke's submission to the review of South Australia's Environment and Food Production Areas (EFPA).

In my position as a Member of the Legislative Council of the South Australian Parliament, it was my vote that secured the *'line in the sand'* which defined the EFPA in the *Planning, Development and Infrastructure Act 2016 (SA)*. At the time, I had lengthy discussions with the then Minister for Planning, the Hon. John Rau MP detailing that the EFPA would create unintended consequences for dryland farming properties and some others. I was advised that any unintended consequences would be identified and any issues would be rectified in an expedient manner. Unfortunately, many owners, like Mr Peter Grocke are still waiting for serious issues to be addressed.

As the Planning Commission would be aware, some broadacre farming properties within the EFPA, particularly those adjacent to urban centres such as the Barossa and McLaren Vale areas and other major country towns, face a number of challenges that have affected the viability of their operations and has greatly diminished the value of their land. These issues include the land area being too small to enable viable farming operations, access restrictions to land, limited access to irrigation water, and restrictions on the operation of some farming practices for properties adjacent to housing or sensitive crops. To elaborate further, there are very limited roads that have the capacity to carry machinery like harvesters and seeders that need to be transported between properties. Similarly, there are few access roads that allow for B Double transport vehicle access. There are very few options available to these owners as their land cannot be subdivided for residential purposes. I have asked numerous questions in Parliament about this issue, however I am yet to receive an adequate response that addresses how these properties are to be zoned if they are unviable.

The current constitution of the Commission comprises of at least four members and up to six members, with an additional provision allowing the Commission to appoint one or two members to deal with any matter that they see fit. Unfortunately, there has been no appetite to appoint an additional member to consider applications for development that is directly adjacent to a grazing or cropping property to assess any adverse impact the proposed development would have on the viability of these dryland farming properties. Further, I understand that planning degrees at universities do not include rural land use planning courses. This may impact the ability of planners and other professional members of the Commission to make informed decisions in matters that could affect dryland farms.

On a number of occasions, I met with former chair, Mr Michael Lennon, who agreed that Mr Grocke's land was an 'unintended consequence' of the EFPA which required attention. I encourage the Commission to take this into consideration during the review of the EFPA with the view of formulating recommendations to assist Mr Peter Grocke and other owners in similar circumstances.

I am available to elaborate on any of these matters at your convenience if required.

Sincerely,



JOHN DARLEY

Member of the Legislative Council
Former Valuer-General
Former CEO of Lands Department
Former CEO of State Services Department
Former Chairman of State Government's Land Resource Management Standing Committee

Form Information

Site Name PlanSA
Site Id 578867
Page Request to vary Environment and Food Production Area boundaries
Standard Name
Page 823328
Standard Id
Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_bound
Submission Id 878110
Submission Time 29 Jul 2021 5:37 pm
Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: Graham Burns
Postal Address: [REDACTED]
Phone Number: [REDACTED]
Mobile Number: [REDACTED]
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): 138 Moppa Road South, Nuriootpa
Allotment ID: Allotment 12, in Deposited Plan 1931, under CT
6248 159 Valuation Number: 3150181007
Owners: LVS ADMIN PTY. LTD.

Requested variation details

Details of requested variation: See attached letter.
Additional supporting information:
Supporting document: 14634LET03.pdf, type application/pdf, 417.8 KB

Map of requested variation

Map or diagram to support submission: Map_of_Allotment.pdf, type application/pdf, 606.0 KB

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission at a Yes

public hearing following the close of the submission period?:

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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29 July 2021

Ms Helen Dyer
State Planning Commission
GPO Box 1875
ADELAIDE SA 5001

Dear Ms Dyer

Re: Review of Environment as Food Production Areas

We act for Mr Neville Linke of LVS Admin Pty Ltd. Our client is the Registered Proprietor of Allotment 12 at the corner of Moppa Road South and Sir Condor Laucke Way, Nuriootpa. Allotment 12 has an area of 10.3 hectares. Our client's property is located in the Regional Council of Light.

In 2018, the (then) Department of Planning, Transport and Infrastructure conducted a review of the Character Preservation (Barossa Valley) Act¹. Section 8 of the Review Outcomes Report listed four (4) recommendations including a recommendation that the State Planning Commission investigate the merit of proposed amendments to the character preservation districts in the context of Greater Adelaide's growth. We made a submission in that review. We also note that Light Regional Council and the Barossa Council made submissions in support of the rezoning of our client's land (see item B, Appendix B - *Summary of all boundary amendment requests and initial assessment*).

The comment in the last column of the table at Appendix B found that the proposal:

"warrants further investigation. Will need to be rezoned so zoning matches its inclusion in the township"

¹ Character Preservation (McLaren Vale) Act 2012 Review Outcomes Report





The Review Outcomes Report references on pages 25 and 26 are particularly relevant and are repeated below:

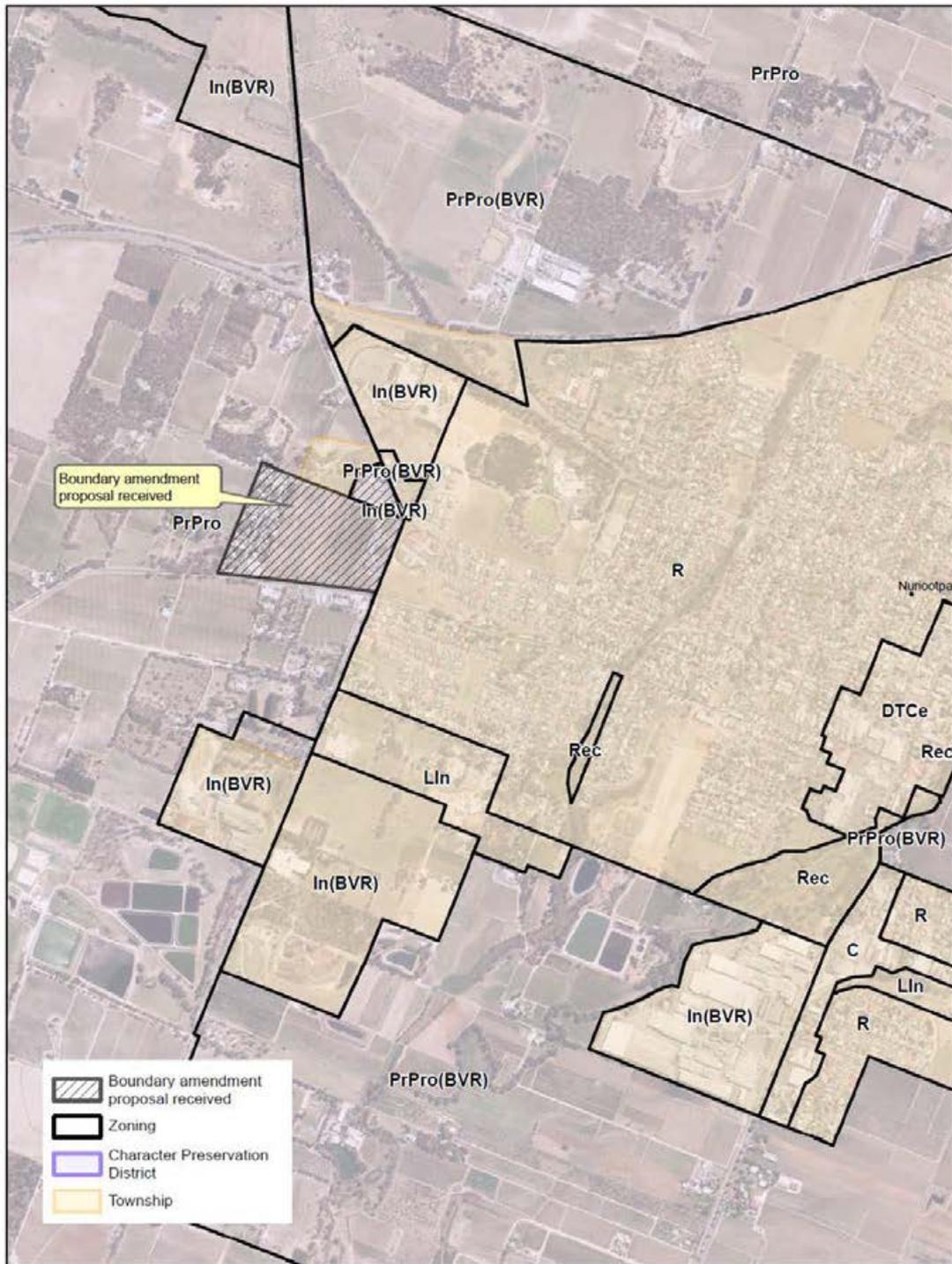
"Nuriootpa

A boundary amendment proposal was received for western Nuriootpa which demonstrates particular merit, based on the information provided. This area is within Light Regional Council and comprises the Neil Avenue residential enclave and the land between that street and Moppa Road South to the east (see Figure 5). Moppa Road South forms the local government boundary between Light Regional Council and The Barossa Council.

Neil Avenue properties are connected to The Barossa Council's Community Wastewater Management System and this area is an area that has been identified by Light Regional Council for potential future residential development. This concept is also supported by The Barossa Council and the registered proponent of the land.

The Neil Avenue properties are not within the township boundary and effectively land locks the primary production land in between residential development. Consequently, the current arrangements do not facilitate effective use of the land for primary industry purposes with day-to-day activities (such as spraying and harvesting) largely constrained by both the residential uses to the west and commercial uses to the south.

This non-inclusion of the Neil Avenue properties and adjacent land in the township boundary appears to have been overlooked in the original township mapping, due to the boundaries being based largely on zoning and the Neil Avenue properties being zoned Primary Production (see Figure 5). An opportunity exists to correct this, provided the proposal is properly investigated and the land is concurrently rezoned."



Character Preservation District boundary amendment proposal received - Nuriootpa

Figure 5: Boundary amendment proposal received, Nuriootpa



Against this background, we are concerned that the Commission has released a statement headlined:

"Correcting misinformation in recent statements made in relation to land in the Character Preservation Districts".

While this statement was issued in relation to rural land in the McLaren Vale Character Preservation District; and goes on to advise that the above-mentioned Review Outcomes Report recommended that the Commission investigate the requests, the statement appears to now be walking away from the commitments made to review the areas listed in Appendix B of the Review Outcomes Report. We have come to this conclusion by reference to what is described in the Statement as a "detailed land supply analysis...which concluded that there is sufficient land supply in Greater Adelaide to support housing and employment growth over the next 15 years". The statement goes on to advise:

"Following on from the report's findings, the Commission has released a statement of position which concludes it is not necessary to remove any land from the Character Preservation Districts"

The statement of position issued by the Commission and published on 4th June 2021, sets out a process involving a series of "Gateways that will be adopted. Gateway B appears to be the chosen gateway for our client's property, but only if it "leads to the scope of the review being contained to minor variations that are recognised as anomalies (Gate D)."

We seek your assurance that our client's property will be addressed via the Gate B pathway on the basis that the Character Preservation District boundary as it applies to our client's land is in need of amending "to address a recognised anomaly".

If this assurance is not provided, and actions take to correct what has been identified as an anomaly, our client takes great exception to the Commission's decision to disregard the findings of the Review Outcomes Report, on the pretext that it is now not necessary based on the findings of a land supply analysis. Our client will take whatever action is necessary,... legal action, to ensure that the conclusion reaches our commitments made though the.. Review Outcomes Report are honoured and acted upon.

Yours sincerely

Graham Burns
MasterPlan SA Pty Ltd



1 LVS Admin Pty Ltd - Allotment 12
(130 - 138 Moppa Road South, NURIOOTPA)

SITE PLAN

NURIOOTPA WEST

for LVS Admin Pty Ltd



1:5000 @ A4
0 100m

MASTERPLAN.COM.AU
SA | NT | QLD
© DEC 2017 DS:14634_1.0



Ms Helen Dyer
State Planning Commission
GPO Box 1815
ADELAIDE SA 5001



29 July 2021

Dear Ms Dyer,

RE: ENVIRONMENT AND FOOD PRODUCTION AREAS REVIEW – REGIONAL POSITION OF MCLAREN VALE

I write to you on behalf of the McLaren Vale Grape Wine & Tourism Association (MVGWTA) – the peak body representing more than 550 businesses and over AU\$500m in gross regional value – encompassing grape-growers, winemakers and tourism providers in one of Australia’s most valuable wine tourism regions – McLaren Vale, South Australia.

MVGWTA’s primary purpose is to grow value and equity in ‘brand McLaren Vale’ thereby ensuring long-term sustainability of our grape, wine and tourism industries in the McLaren Vale region. We achieve this through domestic and international marketing and promotion, industry development and training, as well as through advocacy and consultation where appropriate.

Thank you for the opportunity to review and provide feedback regarding the Environment and Food Production Areas Review 2021.

The tourism, agriculture and food production sectors are all major employers of our region which contribute billions of dollars to our State’s economy. Our State’s regions hold particular significance in these sectors and are recognised worldwide as iconic South Australian destinations.

In 2012, the regional distinctiveness and contribution of both the McLaren Vale and Barossa districts to our State was formally recognised and protected through the introduction of the *Character Preservation (McLaren Vale) Act 2012* and *Character Preservation (Barossa) Act 2012*.

The *Character Preservation (McLaren Vale) Act 2012* provides reassurance to our community – both business and residential – that the unique attributes of McLaren Vale are also acknowledged and highly valued by our State, and that the protection of these attributes is paramount to the long-term vision for building our State’s economy and global reputation for premium food and wine, and tourism experiences from a sustainable environment.

In June 2017, MVGWTA joined the Wine Origins Alliance – a group of 23 leading world wine regions dedicated to protecting place names including Napa Valley, Bordeaux and Champagne. The Joint Declaration to Protect Wine Place & Origin is a set of principles aimed at educating wine public and policy decision-makers regarding the importance of location to winemaking, and the protection of place. The *Character Preservation (McLaren Vale) Act 2012* further strengthens MVGWTA’s position within the Wine Origins Alliance, and as an international recognised, high-value wine tourism region.

Reviewing the Environment and Food Production Areas Review 2021 – Statement of Position (June 2021), and, the Review of the Character Preservation (Barossa Valley) Act 2012 and



Character Preservation (McLaren Vale) Act 2012 – Review Outcomes Report (June 2018),
MVGWTA provides the following feedback;

- (1) MVGWTA strongly supports the current Character Preservation boundaries as determined by Parliament;
- (2) MVGWTA does not support a review of the Township boundaries, with exception to Yaroona;
- (3) MVGWTA does not think such a review of all other Character Preservation boundaries would be trivial in nature, and
- (4) MVGWTA does not believe the current boundary or the exclusion of either of the two private interest locations is an anomaly.

McLaren Vale, like all regions, has a unique sense of place which cannot be duplicated anywhere else in the world. The value and protection of place through our State's Character Preservation Act is fundamental to the prosperity of future generations and industry in regional communities.

I welcome the opportunity to discuss this further and thank you for your consideration of MVGWTA's feedback.

Sincerely,



Jennifer Lynch
General Manager, MVGWTA





Your Ref:

Our Ref:

22 July 2021

Helen Dyer
Chair, State Planning Commission
Email: PlanSASubmissions@sa.gov.au

Dear Ms Dyer

Environment and Food Production Areas Review – Public Consultation

Thank you for your letter dated 4 June 2021 regarding the EFPA Review public consultation.

At its meeting held on [20 July 2021](#), the Council made the following resolution:

That Council requests the State Planning Commission to undertake direct consultation with land owners and residents of the Yaroona township regarding the proposal to amend from 'rural' to 'township', and does not support any expansion of the McLaren Vale township boundary, in reference to the McLaren Vale Character Preservation District.

Accordingly, we request that the Commission engage directly with the Yaroona community to ensure they are aware of the potential changes and can provide informed feedback. We can assist with the relevant contact details for the Yaroona community.

The Commission would know the McLaren Vale Character Preservation District covers some 73 percent of the City of Onkaparinga. Furthermore, it would be aware it is home to the internationally renowned McLaren Vale Wine Region (6209 ha total vineyard area) and contains historic villages combined with an impressive food culture emanating from the first farmers market in South Australia (Willunga Farmers Market), with restaurants and cafes presenting paddock to plate inspired menus. Tourism to the McLaren Vale Wine Region has also become an important sector of Onkaparinga's economy, attracting over 1.2 million visitors annually.

Our City's wine, food and tourism attractions, experiences and townships are important contributors in establishing a prosperous, diverse and competitive economy, and play an active role in Onkaparinga being an attractive place to live, do business as well as visit. Given the social and economic importance of the region for the City of Onkaparinga and to ensure continued investment from the community and the wine, food and tourism industries, they have made it clear they do not want any changes but want certainty for their local area.



City of Onkaparinga
○ Box 1
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South Australia 5168
www.onkaparingacity.com

Noarlunga office
Ramsay Place
Noarlunga Centre
Telephone (08) 8384 0666
Facsimile (08) 8382 8744

Aberfoyle Park office
The Hub
Aberfoyle Park
Telephone (08) 8384 0666
Facsimile (08) 8382 8744

Willunga office
St Peters Terrace
Willunga
Telephone (08) 8384 0666
Facsimile (08) 8382 8744

Woodcroft office
175 Bains Road
Morphett Vale
Telephone (08) 8384 0666
Facsimile (08) 8382 8744

We strongly encourage the Commission to not put forward any recommendation to alter or expand the McLaren Vale township boundary, nor the CPD boundary, now or in the future, and to directly engage with the community of Yaroona regarding the proposal to amend from 'rural' to 'township' in the CPD Overlay.

Please contact Ben Victory, Manager Planning via [REDACTED] or [REDACTED] if there are any questions.

Yours sincerely



Scott Ashby
Chief Executive Officer

Form Information

Site Name PlanSA
Site Id 578867
Page Request to vary Environment and Food Production Area boundaries
Standard Name
Page 823328
Standard Id
Url https://plan.sa.gov.au/have_your_say/request_to_vary_environment_and_food_production_area_boundaries
Submission Id 855689
Submission Time 08 Jul 2021 9:48 pm
Submission IP Address [REDACTED]

Contact and land details

Your Name and contact details

Name: Pamela Gurner Hall
Postal Address: [REDACTED]
Phone Number: [REDACTED]
Mobile Number:
Email: [REDACTED]

Subject land details

Street Address (or rural property address, if relevant): mclaren vale boundaries
Allotment ID: all land extending beyond current and existing town land boundaries
Owners: multiple

Requested variation details

Details of requested variation: requesting no extension of town boundaries for mclaren vale
Additional supporting information: please do not dxtrend development of the township and surrounds of McLaren Vale. existing vineyards and fatmlaa A nd must be kept no subdivision
Supporting document: No file uploaded

Map of requested variation

Map or diagram to support submission: No file uploaded

Public hearing

Do you wish to appear in person to discuss your submission with the State Planning Commission Yes

at a public hearing following the close of the submission period?:

If you wish to nominate a person other than yourself to appear in person on your behalf at a public hearing, please provide their contact details:

Name:

Address:

Phone number:

Mobile number:

Email:

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

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