



Agenda Report for Decision

Meeting Date: 6 February 2025

Item Name	Code Amendment Initiation Advice to the Minister for Planning – Proposal to Initiate the 8573 Horrocks Highway Clare Code Amendment	
Presenters	Nadia Gencarelli	
Purpose of Report	Decision	
Item Number	4.1	
Strategic Plan Reference	N/A	
Work Plan Reference	N/A	
Confidentiality	Not Confidential (Release Delayed). To be released following final decision by the Minister for Planning on initiation of the Code Amendment. Anticipated by April 2025.	
Related Decisions	4 July 2024 – Item 4.1 – Code Amendment Initiation Advice to the Minister for Planning – Proposal to Initiate the 8573 Horrocks Highway Clare Code Amendment	
Conflicts Declared	Nil	
Is the Report author aware of any potential undeclared conflict?		NO

Recommendation

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

1. Approve the designation of this item as Not Confidential (Release Delayed), with the meeting papers for the item to be released following final decision by the Minister for Planning (the Minister) on initiation of the Code Amendment.
2. Advise the Minister that it:
 - 2.1 Recommends the initiation of the 8573 Horrocks Highway Clare Code Amendment under section 73(2)(vii) of the *Planning, Development and Infrastructure Act 2016* (the Act), subject to the following conditions applied under section 73(5)(b) of the Act:
 - a) Prior to approval of the Code Amendment, the Designated Entity must demonstrate to the satisfaction of the Minister that all necessary agreements or deeds are fully executed as required to secure the funding and/or delivery of all infrastructure required to accommodate the development of the affected area, as proposed by the Code Amendment to the satisfaction of all relevant infrastructure providers.

- b) The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays or technical and numerical variations provided for under the published Planning and Design Code (the Code) on the date the Amendment is released for engagement.
- c) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.

2.2 Recommends that Mr Malcolm Heinrich be the Designated Entity responsible for undertaking the Code Amendment process.

3. Specify that the Designated Entity consults with the following nominated individuals and entities, under section 73(6)(e) of the Act:
 - Department for Infrastructure and Transport
 - South Australian Country Fire Service
 - Department for Environment and Water
 - Native Vegetation Council
 - Utility providers including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
 - State Members of Parliament for the electorates in which the proposed Code Amendment applies.
4. Specify the following further investigations or information requirements under section 73(6)(f) of the Act in addition to those outlined in the Proposal to Initiate:
 - Investigate potential interface issues with the adjoining Rural Zoned land to understand whether the rezoning for development could incur detrimental impacts on the surrounding land, or if the day-to-day activities of the adjacent landholdings could impact the proposed development and its occupants such as from spray-drift, emissions, or noise.
 - Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify relevant Aboriginal heritage considerations, including any identified cultural sites and objects.
 - Consider the application of the Gateway Overlay to ensure the ongoing protection and management of the Horrocks Highway entrance into Clare.
 - Consider the use of a concept plan to identify access and linkages to the existing township, interface and landscaping buffers, open space / vegetation and the like.
 - Undertake detailed investigations to understand infrastructure capacity and upgrade needs.
5. Recommend that the Minister approve the initiation of the Code Amendment by signing the Proposal to Initiate (**Attachment 1**) and approval letter(s) with conditions (**Attachment 2**).
6. Approve and authorise the Chair of the Commission to sign the advice to the Minister as provided in **Attachment 3**.
7. Authorise the Chair to finalise any minor amendments to the advice and attachments as required.

Background

Section 73(2)(b)(vii) of the Act provides that a proposal to amend the Code may be initiated by a person who has an interest in the relevant land with the approval of the Minister, acting on the advice of the Commission, in relation to the following matters:

- Strategic assessment against the State Planning Policies and the *Mid North Regional Plan (2011)* (the Regional Plan).
- Any person or body that must be consulted by the Designated Entity, pursuant to section 73(6)(e) of the Act.
- Any investigations to be carried out or information to be obtained by the Designated Entity, in accordance with section 73(6)(f) of the Act.

The purpose of this report is to provide the Commission with advice to be provided to the Minister in relation to the Proposal to Initiate submitted by Mr Malcolm Heinrich (care of Fyfe) (**Attachment 1**).

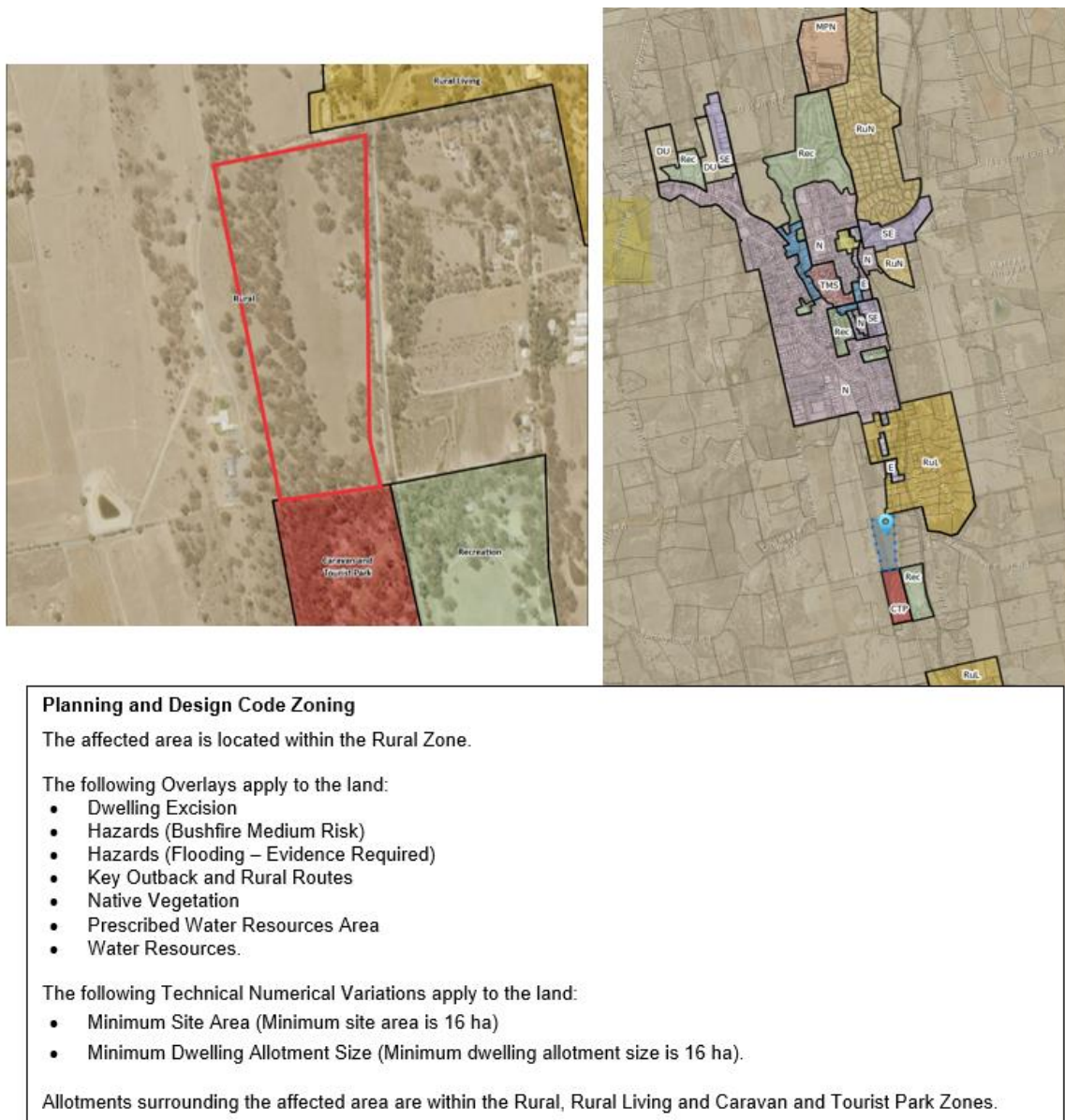
The Commission previously considered the Proposal on 4 July 2024 and resolved to defer making a decision and agreed to prepare an updated set of Rural Living Principles (the principles – **Appendix A**). The principles were subsequently sent to the Minister for Planning for endorsement. The Minister confirmed support for the principles on 18 November 2024 (**Appendix B**), therefore this Proposal is now provided for reconsideration by the Commission.

Discussion

Scope of the Amendment

The Proposal seeks to rezone one allotment of 11.8 hectares from the Rural Zone to the Rural Neighbourhood Zone, to create 11 allotments with a minimum site area of 8,000m². The affected area is located in the Clare and Gilbert Valleys Council (the Council) on Ngadjuri Country.

The affected area and current zoning are shown in Figure 1 below.



Advice to the Minister

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

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

Strategic considerations

The proposed Code Amendment will facilitate 11 large residential allotments within a rural setting.

The subject land adjoins southern tip of the Clare township and is not located within Character Preservation District, Environment and Food Production Areas (EFPA), scenic quality, significant landscape protection or state significant native vegetation overlay(s).

The subject land is limited in its ability to sustain primary production practices given its small size, steep topography and soil type and is therefore considered more appropriate for residential uses.

The affected area is located within the Mid North region which is projected to grow between 1,442 persons (medium) to 2,236 persons (high) by 2041. Council's 2021 Residential Land Supply Study identified a shortage of residential land supply across the region, with Clare accommodation just 7.6 years of supply based on 2021 consumption rates. Other key townships in the region have also been demonstrated to have less than 15 years' supply remaining.

Through the Regional Plan process and discussions with Planning and Land Use Services (PLUS), Council's administration has advised there is a significant housing supply shortage within the region. This has been exacerbated by the Neoen Goyder Wind Farm and Blyth Battery projects, with workers taking up both housing and tourist accommodation supply in Clare. This in turn has had impacts on tourism, and on local employers who have been unable to take on staff due to the lack of accommodation.

With regards infrastructure, the affected area will need to connect to SA Water potable water; an SA Water main runs adjacent to the affected area along Horrocks Highway. Council generally expects new development to connect to its CWMS system and it is anticipated this can be accommodated. However, should investigations identify constraints to this, the proposed minimum allotment size will enable the provision of onsite treatment solutions.

The Proposal is considered to meet the rural living principles as follows:

Rural living development to be limited to areas where it does not:

1. *Impact the future expansion of the urban area/township:*

- There is currently a critical shortage of housing within the Clare and Gilbert Valleys region, with high demand for lifestyle housing options from tradespeople and workers associated with large projects in the Northern and Yorke region.
- There are other opportunities for urban intensification within the Clare and Gilbert Valleys council area which are being explored through the regional planning process.
- Given the topography and adjacent land uses, the proposal would act as a transition to existing low density areas and would not impact on future growth fronts.

2. *Result in the inefficient delivery of infrastructure and social services*

- Given the topography and agricultural value of the land, low density activities are the highest and best use for the affected area. The proposed allotment size will enable onsite wastewater disposal if required, minimising pressure on existing systems.
- The affected area has existing access to services and community facilities and is on a major highway which can be serviced by existing waste collection services.
- The site can be independently serviced and will not create an isolated settlement.

3. *Result in fragmentation of valuable productive land*

- Investigations undertaken to date indicate that the site is no longer viable for primary production activities, particularly due to topography and allotment size. Additional investigations are proposed / recommended to interrogate this further.

4. *Create land use conflicts that affect the productivity of nearby lawfully operating land uses:*

- The affected area adjoins the Rural Living Zone to the north and the Caravan and Tourist Park Zone to the south. The Rural Zone applies to the east and west. Additional investigations are recommended to ensure interfaces with the remaining Rural Zone can be managed appropriately; it is not anticipated that interface issues will occur with the adjoining peri-urban areas.

5. *Result in inappropriate hazard risk, impact on amenity or the environment:*

- The affected area is sloping and as such a stormwater management plan will be required for the site. Appropriate investigations are proposed in relation to this. Investigations are also proposed to address bushfire risk, and the appropriate hazards overlay will be applied to the site.
- Investigations have also been undertaken into flora and fauna, with the Proponent indicating an intent to retain trees and vegetation on the site. A condition is recommended to ensure the use of a concept plan which identifies vegetation / landscaping for retention on the site.
- Due to the location of the allotment, the Proposal could be considered as contributing to 'ribbon' development. however, given the existing zoning and development patterns to the north and south of the site, the Proposal would result in a more contiguous urban form along Horrocks Highway. A condition is recommended to ensure the application of the Gateway Overlay, which will provide a policy framework to help manage amenity impacts on the approach to Clare.

Therefore, whilst the Proposal seeks to deliver only eleven new residential allotments, this is considered appropriate given the:

- Location of the land on the outskirts of Clare
- Significant stands of vegetation on site
- Topography
- Anecdotally, demand for larger 'lifestyle' allotments over small, higher density allotments.

The proposed Code Amendment:

- Seeks to provide additional Rural Neighbourhood land to accommodate growth in the area.
- Will provide a minimum site area of a size (8,000m²) that is compatible with adjacent Rural Living development, which will retain existing rural neighbourhood amenity.
- Be accessible to a key centre with a range of community facilities and services.
- Is not located within Character Preservation District, Environment and Food Production Areas (EFPA), scenic quality, significant landscape protection or state significant native vegetation overlay(s).

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

Procedural considerations

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

Conditions proposed and items specified

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

Attachments:

1. Proposal to Initiate the 8573 Horrocks Highway Clare Code Amendment (#21014076)
2. Draft approval letters to:
 - a) Mr Malcolm Heinrich (care of Fyfe) (#21407987)
 - b) Clare and Gilbert Valley Council (#21408005)
3. State Planning Commission Advice to the Minister (#21409625)

Appendices:

- A. Commission's Rural Living Principles (#22716842)
- B. Minister's response to Rural Living Principles (#22464458)

Prepared by: Nadia Gencarelli

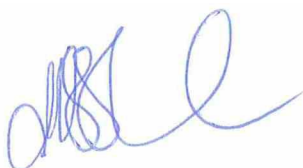
Endorsed by: Andy Humphries, Director Development

Date: 29 January 2025

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

**8573 Horrocks Highway, Clare Code
Amendment**

By the Mr Malcolm Heinrich (*the Proponent*)



_____ (Signature Required)

Mr Malcolm Heinrich

Date: 12/12/2023

This Proposal to Initiate document together with conditions specified by the Minister forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*. By signing this Proposal to Initiate, the Proponent acknowledges and agrees that this Proposal to Initiate, and any supporting documents may be published on the PlanSA portal by the Attorney General's Department.

_____ (Signature Required)

MINISTER FOR PLANNING

Date:

1.	INTRODUCTION	3
1.1.	Designated Entity for Undertaking the Code Amendment	3
1.2.	Rationale for the Code Amendment	4
2.	SCOPE OF THE CODE AMENDMENT	5
2.1.	Affected Area	5
2.2.	Scope of Proposed Code Amendment	5
3.	STRATEGIC PLANNING OUTCOMES	6
3.1.	Alignment with State Planning Policies	6
3.2.	Alignment with Regional Plans	10
3.3.	Alignment with Other Relevant Documents	15
4.	INVESTIGATIONS AND ENGAGEMENT	16
4.1.	Investigations Already Undertaken	16
4.2.	Further Investigations Proposed	17
4.3.	Engagement Already Undertaken	17
4.4.	Further Engagement Proposed	17
5.	CODE AMENDMENT PROCESS	18
5.1.	Engagement Plan	18
5.2.	Engagement Report	18
5.3.	Code Amendment Timetable	18
ATTACHMENT A		19
	Map of Affected Area	19
ATTACHMENT B		21
	Timetable for Code Amendment by Proponent	21

1. INTRODUCTION

The Proponent is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to land located at 8573 Horrocks Highway, Clare (the Affected Area).

The purpose of this Proposal to Initiate is to seek approval of the Minister for Planning (the Minister) to initiate the Code Amendment under section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act).

The Proponent, Mr Malcolm Heinrich is the registered proprietor for the whole of the Affected Area.

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

The Proponent acknowledges that the Minister may specify conditions on approving this Proposal to Initiate, under section 73(5) of the Act. In the event of inconsistency between this Proposal to Initiate and any conditions specified by the Minister, the conditions will apply.

1.1. Designated Entity for Undertaking the Code Amendment

In accordance with section 73(4)(a) of the Act, the Proponent will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- 1.1.1. The Proponent acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements Act.
- 1.1.2. The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:
 - (a) Mr Daniel Pluck, Planning Section Manager, Fyfe
 - (b) daniel.pluck@fyfe.com.au
 - (c) 0456 976 513
- 1.1.3. The Proponent intends to undertake the Code Amendment by:
 - (a) The Proponent intends to utilise the services of Fyfe Pty Ltd (Fyfe) to assist it in undertaking the Code Amendment. Fyfe is a multi-disciplinary firm specialising in town planning, environmental science, surveying and engineering. Fyfe has significant experience in the preparation of planning policy as well as the land use investigations and community engagement. The Code Amendment process will be undertaken by the planning team at Fyfe who have the relevant qualifications and experience to perform this task.
 - (b) Fyfe plan to conduct the relevant Community Engagement in accordance with 'Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument' and the Community Engagement Charter.

The Proponent acknowledges that the Minister may, under section 73(4)(b) of the Act, determine that the Chief Executive of the Department will be the Designated Entity responsible for undertaking the Code Amendment. In this case, the Proponent acknowledges and agrees that they will be required to pay the reasonable costs of the Chief Executive in undertaking the Code Amendment.

1.2. Rationale for the Code Amendment

Clare and Gilbert Valleys Council have undertaken a Residential Land Supply Study to identify and analyse the future opportunities within their Council Area. The release of this report presented at the 17 May 2023 Ordinary Council Meeting provides the basis for the progression of a residential Code Amendment proposed to be on large allotments (8,000m²) adjacent the Clare Township within the Clare and Gilbert Valleys Council. In the discussion it was stated that:

“The Clare & Gilbert Valleys Council is experiencing a chronic shortage of housing. This is across the spectrum of land, housing and rentals.”

This provides an initial statement for why rezoning of land on the fringes of Clare would provide a supply of much needed residential stock.

The report also identifies that the current suitably zoned, vacant land would not meet medium-long term demand for housing. In summary it was recommended the Council investigate rezoning opportunities to meet this expected medium-long term demand.

This Code Amendment seeks to provide 11 residential allotments on 8,000 square metre allotments. It is outlined that allotments of this size are in demand within regional areas. The provision of these allotments within easy reach to the town centre of Clare is seen to provide an attractive opportunity to Council to extend residential land supply to encourage township growth.

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The proposal seeks to amend the Code for the Affected Area, being the land in Allotment 139 in FP190701 (CT 5815/548) more commonly known as 8573 Horrocks Highway, Clare. The land is within the Clare and Gilbert Valleys Council as shown in Attachment A.

2.2. Scope of Proposed Code Amendment

Site 1 - Allotment 139 in FP190701 (CT 5815/548) 8573 Horrocks Highway, Clare

Current Policy	<p><u>Zone</u></p> <ul style="list-style-type: none"> • Rural Zone <p><u>Overlays</u></p> <ul style="list-style-type: none"> • Dwelling Excision • Hazards (Bushfire - Medium Risk) • Hazards (Flooding - Evidence Required) • Key Outback and Rural Routes • Native Vegetation • Prescribed Water Resources Area • Water Resources <p><u>TNV</u></p> <ul style="list-style-type: none"> • Minimum Site Area (Minimum site area is 16 ha) • Minimum Dwelling Allotment Size (Minimum dwelling allotment size is 16 ha)
Amendment Outline	<p>The overall objective for the Code Amendment is to rezone this parcel of land from the Rural Zone to the Rural Neighbourhood Zone.</p>
Intended Policy	<p><u>Zone</u></p> <ul style="list-style-type: none"> • Rural Neighbourhood Zone <p><u>Overlays</u></p> <ul style="list-style-type: none"> • Hazards (Bushfire - Medium Risk) • Hazards (Flooding - Evidence Required) • Key Outback and Rural Routes • Native Vegetation • Prescribed Water Resources Area • Water Resources <p><u>TNV</u></p> <ul style="list-style-type: none"> • Minimum Site Area (Minimum Site area is 8,000m2)

3. STRATEGIC PLANNING OUTCOMES

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

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

3.1. Alignment with State Planning Policies

The State Planning Policies (SPPs) set out the State's overarching goals and requirements for the planning system. Under section 66(3)(f) of the Act, the Code must comply with any principle prescribed by a SPP.

The Code Amendment should be initiated because the strategic planning outcomes sought to be achieved through the Code Amendment align with or seeks to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
SPP 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.	<p>The creation of additional residential allotments will support Council with its identified growth strategy and demand for additional residential housing.</p> <p>As the site is less than three kilometres from the main centre of Clare and associated employment growth.</p>
1.2 Provide an orderly sequence of land development that enables the cost-effective and timely delivery of infrastructure investment commensurate with the rate of future population growth.	<p>The Affected Area is abutted by an existing Rural Living zone to the north and another Rural Living zone approximately 1km to the south. The proposed Rural Neighbourhood zone will create a logical expansion of the township. The resulting additional residential dwellings and increased population density would maintain and reinforcing the rural character of the area with larger than normal 'lifestyle allotment' type blocks.</p>

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
SPP 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.	The proposed zoning integrates with the rural remnants of the locality whilst allowing for the expansion of residential supply. This balance of residential and rural respects the characteristics of the different existing neighbourhoods through retention of trees, respectful to the topography of the land and by maintaining the pleasant existing entrance to the township.
SPP 4 - Biodiversity	
4.1 Minimise impacts of development on areas with recognised natural character and values, such as native vegetation and critical habitat so that critical life-supporting functions to our state can be maintained.	The natural character of the site will be retained with the tree lined frontage and trees to the rear to be retained to add to the appeal of the proposed allowance of larger lifestyle type allotments. The topography of the land does not lend itself to farming and would be better utilised for a residential purpose.
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.	The layout and alignment of the allotments will be sympathetic to the topography of the land and the scale of development allows for the sensible retention of biodiversity factors such as existing mature vegetation.
SPP 5 – Climate Change	
5.7 Protect and enhance areas that provide biodiversity and ecological services and maximise opportunities for carbon storage.	The proposal and associated future land division plan will consider the overall environmental management of the area, its natural attributes and how to site new dwellings and infrastructure to maximise sensible vegetation retention. Future development will necessitate minimum allotment sizes which may prove to be of greater benefit in the support of biodiversity as opposed to regular farming methods.

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
SPP 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.	The proposed amendment will allow for the creation of appropriately sized lifestyle allotments which responds to a recognised demonstrated demand in the Clare and Gilbert Valleys Council.
6.2 The timely supply of land for housing that is integrated with, and connected to, the range of services, facilities, public transport and infrastructure needed to support liveable and walkable neighbourhoods.	As identified by Council strategic planning documents, there is a greater need for the supply of residential land to meet medium to long term demand. The Code Amendment will support the creation of allotments to support this objective.
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.	The Code Amendment will promote the organic growth of the township in respect to residential land supply. The Affected Area is considered appropriate in terms of connectivity to existing infrastructure.
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.	The desired zoning of the Code Amendment is the Rural Neighbourhood Zone and not Rural Living. The zone requires higher densities than a Rural Living Zone whilst also promoting an alignment to existing services. The expansion provides a neighbourhood style outcome, in close proximity to services and infrastructure.
6.11 Residential development that does not fragment valuable primary production land, create land use conflicts or encroaches on sensitive environmental	The Affected Area is considered to be of a low productive value due to the topography and small-scale nature of the parcel. In terms of its locality, located within the southern portion of Clare, 3km to services, this allotment is seen as a suitable outcome for land which is unlikely to be used for primary production.

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
SPP 8 – Primary Industry	
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.	The Affected Area will interface with Rural Zoned land which will continue to be used for primary production. As a rural township, Clare generally interfaces with existing primary industries. Throughout the assessment process for the resulting dwellings, attention to mitigating potential impacts will be progressed to ensure a level of suitability between the residential/rural interface.
8.4 Equitably manage the interface between primary production and other land use types, especially at the edge of urban areas.	The interface with the Rural Zone will be managed through the appropriate siting and size of allotments as well as through the application of relevant policies in the Code.
SPP 14 – Water Security and Quality	
14.5 Development should incorporate water sensitive urban design principles that contribute to the management of risks to water quality and other risks (including flooding) to help protect people, property and the environment and enhance urban amenity and liveability.	The topography of the land and proximity to water will be appropriately managed in the design of future allotments. as part of the future land division a Stormwater Management Plan will be required which will holistically manage flooding, and therefore enhance urban design principles relating to water security and quality.
14.6 Support development that does not adversely impact on water quality.	The Affected Area is within both the Prescribed Water Resources Area and Water Resources Overlays of the Code. Any future proposed development will be designed to meet with the requirements of these overlays in terms maintaining water quality.

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
SPP 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 sulphate soils; including taking into account the impacts of climate change	Specific assessment and mitigation measures will be implemented to ensure natural hazards are managed in line with the requirements of policy outlined in the relevant overlays in the Planning and Design Code.

3.2. Alignment with Regional Plans

As with the SPPs, the directions set out in Regional Plans provide the long term vision as well as setting the spatial patterns for future development in a region. This includes consideration of land use integration, transport infrastructure and the public realm.

The Mid North Region Plan volume of the Planning Strategy is relevant for this Code Amendment.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
Principle 1 – Recognise, protect and restore the region’s environmental assets	
1.2 Apply water-sensitive urban design principles and appropriate buffers to ensure development does not affect natural watercourses and drainage patterns.	The topography of the land and proximity to water will be appropriately managed in the design of future allotments.
1.4 Pursue water-use efficiency through the built form at both house and town level by using water-sensitive urban design techniques.	Appropriate design measures will be taken to ensure the appropriate level of water sensitivity over the Affected Area is achieved. Water Sensitive Urban Design principles will be investigated at the relevant stage.
1.12 Acknowledge, protect and manage areas of significant landscape and amenity value, including landscapes that form attractive backgrounds and entrances to towns and tourist developments.	The natural beauty of the site will be retained with the design to be sensitive to the topography and existing mature vegetation. The entrance to the township has been given careful consideration and the existing mature trees will be preserved and additional vegetation will be planted to create most ideal entrance to the township.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
Principle 2 – Protect people, property and the environment from exposure to hazards	
2.1 Design and plan development to prevent the creation of hazards and to avoid naturally occurring hazards.	<p>The Affected Area is within both the Hazards (Bushfire Medium Risk) and the Hazards (Flooding -Evidence Required) Overlays in the Code.</p> <p>Appropriate investigations will be undertaken throughout the Code Amendment to understand such hazards, their risk and mitigation measures for the Affected Area.</p>
Principle 4 – Create the conditions for the region to adapt and become resilient to the impacts of climate change	
4.5 Support the incorporation of sustainable energy and water supply, conservation and efficiencies in the design of residential, commercial and industrial developments and subdivisions (for example, stormwater re-use, wind and solar technologies, green buffers, WSUD, building orientation to maximise solar access and shaded areas).	Investigations to incorporate sustainable outcomes will be undertaken for the progression of future development. These may include stormwater re-use, solar technologies, green buffers, WSUD and building orientation.
4.6 Set building standards and design guidelines to create more thermally and energy efficient buildings.	The Building Code of Australia provides the relevant parameters to ensure a high standard of development with appropriate materials. In accordance with these requirements any dwellings will be designed to be thermally and energy efficient.
Principle 6 – Retain and strengthen the economic potential of primary production land	
<p>6.1 Prevent loss of productive agricultural land and potential conflict with incompatible land uses by:</p> <ul style="list-style-type: none"> — focusing housing (including rural living) and industrial development in towns and industrial estates, unless directly related to primary industry 	The Affected Area is not land of productive agricultural value due to the small scale and the steep topography. The proposed zoning and envisaged size of allotments will allow for appropriate interface issues to be managed whilst preventing the fragmentation of agricultural land.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<ul style="list-style-type: none"> — preventing fragmentation of agricultural land — managing interfaces with residential areas and other sensitive activities through the use of buffers — ensuring tourist-based developments are sited away from agricultural land where practical — designating areas of primary production significance (in particular, high value agricultural land) in Development Plans and introducing a standard set of planning controls to protect their use 	
Principle 10 – Strategically plan and manage town growth	
<p>10.1 Focus growth and development in existing towns and settlements based on their roles and functions, as described in Principle 10 and shown on Map D3.</p>	<p>The existing township will benefit from the proposed expansion of Clare. We note that the Affected Area also currently abuts an existing Rural Living Zone which has been mentioned in Council strategic planning documents may be, in future, updated to the Rural Neighbourhood Zone. This would allow a larger continuous parcel of land adjacent to Horrocks Highway to be zoned as one contiguous strip of Rural Neighbourhood land.</p>
<p>10.2 Expansion of towns should:</p> <ul style="list-style-type: none"> — ensure new areas are continuous with and form compact extensions of existing built-up areas — prevent linear development along the coast and arterial roads — not encroach on areas of importance to economic development — not encroach on environmentally sensitive areas 	<p>The proposed development of the Affected Area will promote a logical expansion of the existing and established township of Clare. This will mean that residents will benefit from close linkages with the township and further contribute to its vitality. Current transport links and corridors will be maintained as well as existing power and water connections. By allowing the existing linkages to be not only maintained but added to will mean that future expansion will be adequately catered for in the locality.</p> <p>In relation to the prevention of linear development along the coast and arterial roads we believe that linear development is inherent with the topography of the Clare</p>

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<ul style="list-style-type: none"> — support the cost-effective provision of infrastructure and services (for example, health and education), avoiding unnecessary expansion or duplication of existing regional infrastructure and services — promote strong links between all parts of the town, particularly between residential areas, town centres, sporting and recreational facilities, and open space — promote development on vacant land, surplus government land and infill sites, and renewal of existing developed areas (where it does not compromise town character or heritage), before developing broadacre or greenfield sites — locate land for rural living in towns in such a way that opportunities for future town expansion are retained — retain a functional and visual separation between towns. 	<p>Valley and location of Horrocks Highway and related policy (including Rural Zoning).</p>
<p>10.6 Restrict ad hoc construction of isolated rural dwellings and subdivision of rural lands through the planned expansion of towns, density increases within town boundaries, appropriate intensification of existing rural living zones, and designation of new rural living zones outside areas of primary production significance.</p>	<p>The proposed Code Amendment will restrict the construction of any ad hoc isolated rural dwellings by providing a continuous strip of Rural Neighbourhood zoned land. This will allow the remaining productive agricultural land to be retained in a cohesive layout.</p>
<p>10.8 Manage the interface between primary production activities and urban areas and towns through appropriate separation buffers such as screening vegetation and alignment of allotment boundaries.</p>	<p>The proposed larger rural neighbourhood allotments and the existing land use interface Code policies will ensure appropriate interface management.</p>

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
Principle 11 – Design towns to provide safe, healthy, accessible and appealing environments	
11.2 Establish and retain distinct and attractive entrances to towns.	The proposed development will reinforce the entrance to the township of Clare and provide a pleasant visual entrance to the region for visitors.
11.3 Retain town centres as the focus of retail, commercial, recreation, entertainment, community and civic activities in accordance with the role and function of the town.	The town centre of Clare will remain as the centre for the community and visitors to the region with the proposed CA to allow for additional residential dwellings in the community.
Principle 12 – Provide land for a supply of diverse, affordable and sustainable housing to meet the needs of current and future residents and visitors.	
12.1 Ensure a 15-year zoned supply of land for residential development in towns/centres identified for growth (refer Principle 10 and Map D3).	As per Council strategic documentation, allowing the land to be rezoned will mean that future residential supply can be created for additional housing.
12.2 Ensure that towns that are appropriately serviced have a range of housing types and densities to enable people to stay in their community as their housing needs change and to cater for the region's changing demographics.	The CA will support the development of additional dwellings in a rural/urban setting, ultimately offering a greater range of densities and housing types for the community and future population.

3.3. Alignment with Other Relevant Documents

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

The following table identifies other documents relevant to the proposed Code Amendment:

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
Clare & Gilbert Valleys Council Strategic Plan – 2023 - 2033	<p>The Clare & Gilbert Valleys Council Strategic Plan⁴ (the Plan) provides high level direction for the future investment and delivery of services by the Council. The Plan outlines that it was developed in consultation with the community.</p> <p>In this plan of most relevance is a particular focus area point three (3), which states:</p> <p><i>3. Support the local economy by developing a strategy to grow the housing stock in CGVC to help address the shortage of rental options.</i></p> <p>This specific focus on the progression of housing within the Council area provides a strong strategic alignment with this code amendment. The increase of housing stock in this locality promotes furthering this specific vision proposed in the Strategic Plan.</p>

4. INVESTIGATIONS AND ENGAGEMENT

4.1. Investigations Already Undertaken

The table below identifies what investigations have already been undertaken in support of the proposed Code Amendment.

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
Agronomist Report – Prepared by Pinion Advisory	This report analyses the current land uses envisaged at the site, and their viability based on the land features including the topography and the current vegetation found on the land.	<p>All but grazing livestock were seen to be achievable on the land. Whilst technically achievable it was concluded that grazing would not be economically viable due to ongoing costs for infrastructure and also the low quality of pasture meaning grazing value is poor.</p> <p>Overall, should this allotment remain as Rural Land, it is either or both technically and economically unlikely to accommodate any rural land uses moving forward. In addition, and given the direction of the Council to encourage township growth, a code amendment of this nature would provide an additional residential outcome desired within the region.</p>
Native Vegetation Report – Prepared by Terra Gana	Preliminary Native Vegetation Summary	In summary the potential clearance required for this amendment and following land division development has been assessed. It concludes that removal of Native Vegetation would be required in accordance with the Native Vegetation Act 1991, and that an SEB payment (to be formally confirmed) would be required to progress the development of this allotment.

4.2. Further Investigations Proposed

In addition to the investigations already undertaken and identified above, the table below outlines what additional investigations that will be undertaken to support the Code Amendment.

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Stormwater Management	Stormwater investigations to be undertaken by a qualified engineer. This will be to confirm there is a suitable outcome as a result of the future land division.
Native Vegetation	Further refinement would be undertaken to determine the nature of clearance required, and whether any significant flora and fauna are found on the site.
Traffic Management	Analysis from a qualified traffic engineer will be provided which assesses the expected impact upon the road network as a result of this code amendment
Infrastructure	A review of infrastructure services in and around the site will be undertaken to determine the suitability of the site to cater for the infrastructure demands.
Bushfire	Consultation with CFS and an appropriate bushfire expert will be progressed to ensure that this hazard can be appropriately mitigated.

4.3. Engagement Already Undertaken

In accordance with Practice Direction 2, the Clare and Gilbert Valleys Council has been consulted on this proposal. An information report of the Code Amendment was provided to the Elected Members on 15 November 2023.

In summary, council raised no objections to the initiation of the proposed Code Amendment.

4.4. Further Engagement Proposed

In addition to the engagement already undertaken and identified above, the Engagement Plan will outline what additional engagement will be undertaken to support the Code Amendment.

5. CODE AMENDMENT PROCESS

5.1. Engagement Plan

The Code Amendment process will occur in accordance with the Community Engagement Charter and Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument.

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

- the Local Government Association must be notified in writing of the proposed Code Amendment
- if the Code Amendment has a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally), the Designated Entity must take reasonable steps to give a notice in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:
 - the owners or occupiers of the land
 - owners or occupiers of each piece of adjacent land
- consultation must also occur with any person or body specified by the State Planning Commission under section 73(6)(e) of the Act.

5.2. Engagement Report

Once engagement on the Code Amendment is complete, the Designated Entity will prepare an Engagement Report under section 73(7) of the Act.

The Designated Entity must ensure that a copy of the Engagement Report is furnished on the Minister and also published on the PlanSA portal. This will occur in accordance with Practice Direction 2.

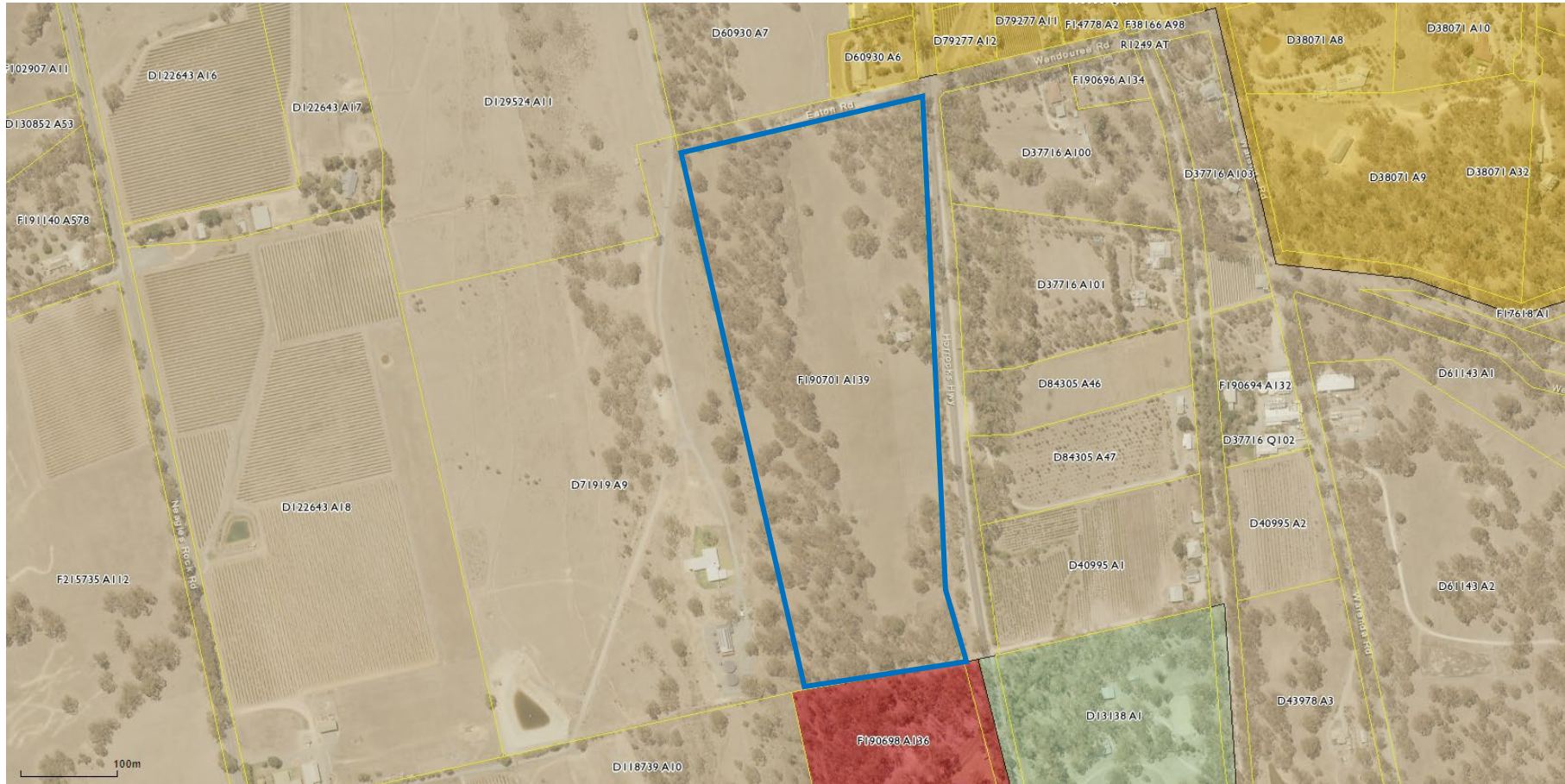
The Engagement Plan and the Engagement Report will also be considered by the State Planning Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under section 74(3) of the Act. The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

5.3. Code Amendment Timetable

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

ATTACHMENT A

Map of Affected Area



Legend

- Affected Area
- Rural Zone
- Recreation Zone
- Caravan and Tourist Park Zone
- Rural Living Zone

69692-2 Affected Area



AFFECTED AREA MAP

8573 Horrocks Highway, Clare



ATTACHMENT B

Timetable for Code Amendment by Proponent

Step	Responsibility	Timeframes
Approval of the Proposal to Initiate		
Review of Proposal to Initiate to confirm all mandatory requirements are met (timeframe will be put on hold if further information is required). Referral to the Minister to request advice from the Commission.	AGD	2 weeks <i>(includes lodgement and allocation + referral to Government Agencies within the first week)</i>
Minister requests advice from the Commission.	Minister	2 weeks
Referral to Government Agencies for comment (where necessary).	AGD, Relevant Government Agencies	+ 2 weeks
Consideration of Proposal to Initiate and advice to the Minister.	Commission (Delegate)	3 weeks
	Commission	+ 3 weeks
Proposal to Initiate agreed to by the Minister	Minister	2 weeks
Preparation of the Code Amendment		
Engagement Plan Prepared. Investigations conducted; Code Amendment Report prepared. The Drafting instructions and draft mapping provided to AGD.	Designated Entity	"Insert No. Weeks"
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes.	AGD	1 week
Preparation of Materials for Consultation.	Designated Entity	TBC – based on Engagement Plan
Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan .	Designated Entity	TBC – based on Engagement Plan

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

2023/09180/01

Mr Malcolm Heinrich
C/- Mr Daniel Pluck
Planning Section Manager
Fyfe

By email: daniel.pluck@fyfe.com.au

Dear Mr Heinrich

I write to advise that under section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016* (the Act), I have considered the advice of the State Planning Commission (the Commission) and approved the Proposal to Initiate the 8573 Horrocks Highway Code Amendment.

A copy of the signed Proposal to Initiate is enclosed for your reference.

The initiation approval is on the basis that under section 73(4)(a) of the Act, Mr Malcolm Heinrich will be the Designated Entity responsible for undertaking the Code Amendment process.

Pursuant to section 73(5) of the Act, the approval is also subject to the following conditions:

- Prior to the approval of the Code Amendment, the Designated Entity must demonstrate, to the satisfaction of the Minister for Planning, that all necessary agreements or deeds are fully executed as required to secure the funding and/or delivery of all infrastructure required to accommodate the development of the affected area, to the satisfaction of all relevant infrastructure providers.
- The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Planning and Design Code (the Code) on the date the Amendment is released for consultation.
- The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.

In addition, the Commission has specified under section 73(6)(e) of the Act that the Designated Entity must consult with the following stakeholders:

- Department for Infrastructure and Transport
- Department for Environment and Water
- Native Vegetation Council
- South Australian Country Fire Service
- Utility providers including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

Further, the Commission has, under section 73(6)(f) of the Act, resolved to specify the following further investigations or information requirements in addition to that outlined in the Proposal to Initiate:

- Investigate potential interface issues with the adjoining Rural Zoned to understand whether the rezoning for development could incur detrimental impacts on the surrounding land, or if the day-to-day activities of the adjacent landholdings could impact the proposed development and its occupants such as from spray-drift, emissions, or noise.
- Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify relevant Aboriginal heritage considerations, including any identified cultural sites and objects.
- Recognising the scenic value of the land, investigate options to ensure the enduring retention and protection of vegetation and avoidance of development in established vegetated areas, to inform the preparation of a concept plan.
- Consider the application of the Gateway Overlay to ensure the ongoing protection and management of the Horrocks Highway entrance into Clare.
- Consider the use of a concept plan to identify access and linkages to the existing township, interface and landscaping buffers, open space / vegetation and the like. Undertake detailed investigations to understand infrastructure capacity and upgrade needs.

In addition, it should be noted that further investigations may be required in response to feedback or advice received through the engagement process.

Noting the scenic and environmental values of this prominent location, development will need to be carefully sited and managed to protect vegetation and scenic amenity. As such, I strongly encourage the Designated Entity to work with Clare and Gilbert Valleys Council to explore options (such as policy, agreements, vesting land to the care and control of Council etc) to restrict development to the existing cleared areas and ensure the enduring retention, protection and enhancement of vegetation and scenic amenity.

Pursuant to section 44(6) and 73(6)(d) of the Act, consultation in writing must be undertaken with:

- Clare and Gilbert Valleys Council

OFFICIAL

- Owners or occupiers of the land and adjacent land, in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Engagement must be undertaken on the Code Amendment in accordance with the Community Engagement Charter. More information on the Community Engagement Charter is available in the Community Engagement Charter toolkit at: https://plan.sa.gov.au/resources/learning_and_toolkits/community_engagement_charter_toolkit/overview.

I will make a determination on whether to approve the proposed amendments at the completion of the Code Amendment process.

For further information, please contact Ms Nadia Gencarelli, Manager, Code Amendments, Planning and Land Use Services, on (08) 7133 2311 or via email at: Nadia.Gencarelli@sa.gov.au.

Yours sincerely

Hon Nick Champion MP
Minister for Planning

/ / 2025

Encl: Signed Proposal to Initiate the 8573 Horrocks Highway Clare Code Amendment

2023/09180/01

Mr Andrew Aitken
Interim Chief Executive Officer
Clare and Gilbert Valleys Council

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

Dear Mr Aitken

I write to advise that under section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016* (the Act), I have considered the advice of the State Planning Commission (the Commission) and approved the Proposal to Initiate the 8573 Horrocks Highway Code Amendment. This Code Amendment seeks to affect land within your council area.

A copy of the signed Proposal to Initiate is enclosed for your reference.

The initiation approval is on the basis that under section 73(4)(a) of the Act, Mr Malcolm Heinrich (care of Fyfe) will be the Designated Entity responsible for undertaking the Code Amendment process.

Pursuant to section 73(5) of the Act, the approval is also subject to the following conditions:

- Prior to the approval of the Code Amendment, the Designated Entity must demonstrate, to the satisfaction of the Minister for Planning, that all necessary agreements or deeds are fully executed as required to secure the funding and/or delivery of all infrastructure required to accommodate the development of the affected area, to the satisfaction of all relevant infrastructure providers.
- The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Planning and Design Code (the Code) on the date the Amendment is released for consultation.
- The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.

In addition, the Commission has specified under section 73(6)(e) of the Act that the Designated Entity must consult with the following stakeholders:

- Department for Infrastructure and Transport
- Department for Environment and Water
- Native Vegetation Council
- South Australian Country Fire Service
- Utility providers including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

Further, the Commission has, under section 73(6)(f) of the Act, resolved to specify the following further investigations or information requirements in addition to that outlined in the Proposal to Initiate:

- Investigate potential interface issues with the adjoining Rural Zoned to understand whether the rezoning for development could incur detrimental impacts on the surrounding land, or if the day-to-day activities of the adjacent landholdings could impact the proposed development and its occupants such as from spray-drift, emissions, or noise.
- Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify relevant Aboriginal heritage considerations, including any identified cultural sites and objects.
- Recognising the scenic value of the land, investigate options to ensure the enduring retention and protection of vegetation and avoidance of development in established vegetated areas, to inform the preparation of a concept plan.
- Consider the application of the Gateway Overlay to ensure the ongoing protection and management of the Horrocks Highway entrance into Clare.
- Consider the use of a concept plan to identify access and linkages to the existing township, interface and landscaping buffers, open space / vegetation and the like. Undertake detailed investigations to understand infrastructure capacity and upgrade needs.

In addition, it should be noted that further investigations may be required in response to feedback or advice received through the engagement process.

Noting the scenic and environmental values of this prominent location, development will need to be carefully sited and managed to protect vegetation and scenic amenity. As such, I strongly encourage the Designated Entity to work with Clare and Gilbert Valleys Council to explore options (such as policy, agreements, vesting land to the care and control of Council etc) to restrict development to the existing cleared areas and ensure the enduring retention, protection and enhancement of vegetation and scenic amenity.

Pursuant to section 44(6) and 73(6)(d) of the Act, consultation in writing must be undertaken with:

- Clare and Gilbert Valleys Council
- Owners or occupiers of the land and adjacent land, in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Engagement must be undertaken on the Code Amendment in accordance with the Community Engagement Charter. More information on the Community Engagement Charter is available in the Community Engagement Charter toolkit at: https://plan.sa.gov.au/resources/learning_and_toolkits/community_engagement_charter_toolkit/overview.

I will make a determination on whether to approve the proposed amendments at the completion of the Code Amendment process.

For further information, please contact Ms Nadia Gencarelli, Manager, Code Amendments, Planning and Land Use Services, on (08) 7133 2311 or via email at: Nadia.Gencarelli@sa.gov.au

Yours sincerely

Hon Nick Champion MP
Minister for Planning

/ / 2025

Encl: Signed Proposal to Initiate the 8573 Horrocks Highway Clare Code Amendment



TO: MINISTER FOR PLANNING

RE: PROPOSAL TO INITIATE THE 8573 HORROCKS HIGHWAY CLARE CODE AMENDMENT BY MR MALCOLM HEINRICH – FOR INITIATION

PURPOSE

To recommend that you approve, with conditions, the Proposal to Initiate the 8573 Horrocks Highway, Clare Code Amendment (the Proposal).

BACKGROUND

Section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016* (the Act) provides that a proposal to amend a designated instrument may be initiated by a Proponent with your approval, acting on the advice of the State Planning Commission (the Commission).

Mr Malcolm Heinrich (The Proponent) has lodged a Proposal to Initiate the 8573 Horrocks Highway, Clare Code Amendment to amend the Planning and Design Code (the Code) as it relates to the affected area (**Attachment 1**).

The Commission considered the Proposal at its meetings of 4 July 2024 and 6 February and, having consideration to the Commissions updated Rural Living Principles, resolved to support the Code Amendment, subject to conditions.

DISCUSSION

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

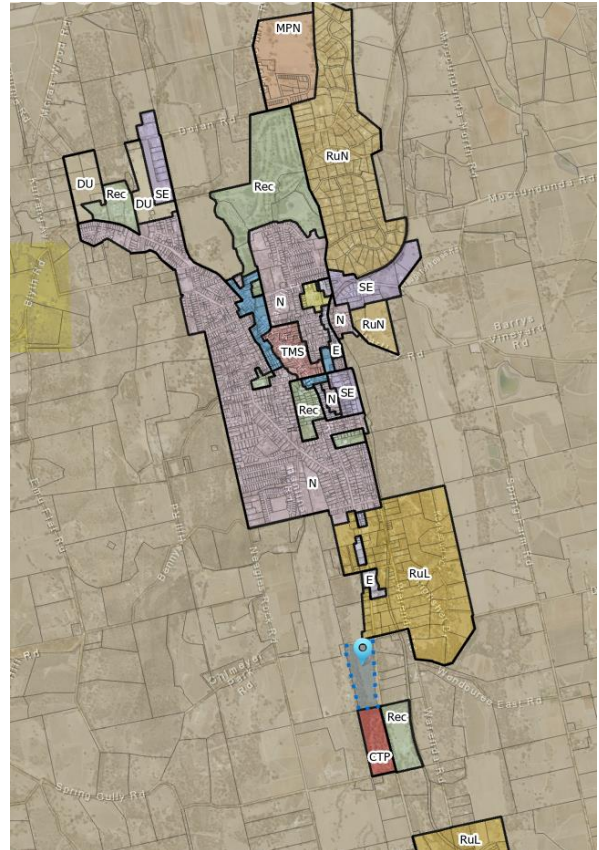
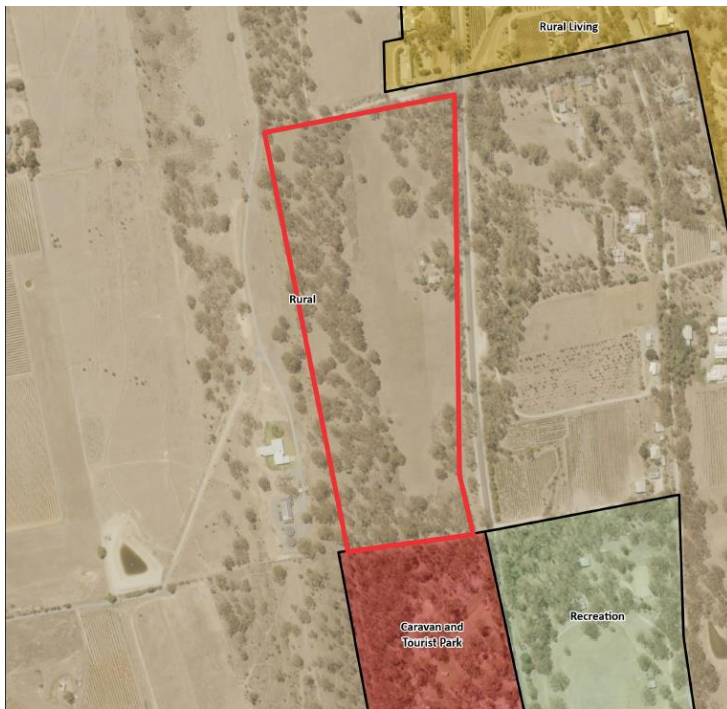
Proposal

The Proposal seeks to rezone land at 8573 Horrocks Highway, Clare (the Affected Area) which is owned by the Proponent. The Affected Area is located within the Rural Zone in the Clare and Gilbert Valleys Council (the Council) on Ngadjuri Country.

The Proponent seeks to rezone the Affected Area to Rural Neighbourhood Zone to facilitate the creation of eleven (11) residential allotments of 8000m².

The allotment is bound by Eaton Road to the north, Horrocks Highway to the east, a Caravan and Tourist Park to the south and a rural property to the west.

The Affected Area (red highlighted area) and current zoning are shown in the figure below (Figure 1).



Planning and Design Code Zoning

The affected area is located within the Rural Zone.

The following Overlays apply to the land:

- Dwelling Excision
- Hazards (Bushfire Medium Risk)
- Hazards (Flooding – Evidence Required)
- Key Outback and Rural Routes
- Native Vegetation
- Prescribed Water Resources Area
- Water Resources.

The following Technical Numerical Variations apply to the land:

- Minimum Site Area (Minimum site area is 16 ha)
- Minimum Dwelling Allotment Size (Minimum dwelling allotment size is 16 ha).

Allotments surrounding the affected area are within the Rural, Rural Living and Caravan and Tourist Park Zones.

Figure 1 – Zoning Map

Strategic considerations

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

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

Strategic advice and residential land supply

The proposed Code Amendment will facilitate large residential allotments within a rural setting with the intended rezoning from Rural Zone to Rural Neighbourhood Zone. The proposal also seeks to apply a minimum site area technical and numeric variation (TNV) from 16 hectares to 8,000m².

The subject land adjoins land which forms the current southern tip of the Clare township and is not located within Character Preservation District, Environment and Food Production Areas (EFPA), scenic quality, significant landscape protection or state significant native vegetation overlay(s).

The subject land is limited in its ability to sustain primary production practices given its small size, topography and soil type and is therefore considered to more appropriately suit housing.

The affected area is located within the Mid North region which is projected to grow between 1,442 persons (medium) to 2,236 persons (high) by 2041. Council's 2021 Residential Land Supply Study identified a shortage of residential land supply across the region, with Clare accommodation just 7.6 years of supply based on 2021 consumption rates. Other key townships in the region have also been demonstrated to have less than 15 years' supply remaining.

Through the Regional Plan process and discussions with Planning and Land Use Services (PLUS), Council's administration has advised there is a significant housing supply shortage within the region. This has been exacerbated by the Neoen Goyder Wind Farm and Blyth Battery projects, with workers taking up both housing and tourist accommodation supply in Clare. This in turn has had impacts on tourism, and on local employers who have been unable to take on staff due to the lack of accommodation.

The subject land has been identified within the growth investigations area undertaken for the regional plan and is anticipated to be suitable for the delivery of large lots. Further discussion about infrastructure and servicing is provided below.

PLUS undertook a site visit with Council staff in early 2024 and has advised the Commission that the site is sloped and contains significant stands of vegetation around the boundaries. These two factors will limit the ability to deliver higher densities on the site, particularly given the need to manage visual amenity at the gateway of the existing Clare township. The Rural Neighbourhood Zone seeks to facilitate the delivery of larger residential allotments without associated rural activities (as opposed to the Rural and Rural Living Zones), catering for demand within the region for lifestyle allotments. Council staff have expressed significant concerns regarding the lack of supply of larger lifestyle allotments, as evidence suggests viable agricultural / viticultural lots are being purchased and sterilised for residential purposes.

Further, the Proposal is considered to meet the rural living Principles (**Appendix B**) as follows:

Rural living development to be limited to areas where it does not:

1. Impact the future expansion of the urban area/township:

- There is currently a critical shortage of housing within the Clare and Gilbert Valleys region, with high demand for lifestyle housing options from tradespeople and workers associated with large projects in the Northern and Yorke region.
- There are other opportunities for urban intensification within the Clare and Gilbert Valleys council area which are being explored through the regional planning process.
- Given the topography and adjacent land uses, the proposal would act as a transition to existing low density areas and would not impact on future growth fronts.

2. Result in the inefficient delivery of infrastructure and social services

- Given the topography and agricultural value of the land, low density activities is considered to be the highest and best use for the affected area. The proposed allotment size will enable onsite wastewater disposal if required, minimising pressure on existing systems.
- The affected area has existing access to services and community facilities and is on a major highway which can be serviced by existing waste collection services.
- The site can be independently serviced and will not create an isolated settlement.

3. Result in fragmentation of valuable productive land

- Investigations undertaken to date indicate that the site is no longer viable for primary production activities, particularly due to topography and allotment size. Additional investigations are proposed / recommended to interrogate this further.

4. Create land use conflicts that affect the productivity of nearby lawfully operating land uses:

- The affected area adjoins the Rural Living Zone to the north and the Caravan and Tourist Park Zone to the south. The Rural Zone applies to the east and west. Additional investigations are recommended to ensure interfaces with the remaining Rural Zone can be managed appropriately; it is not anticipated that interface issues will occur with the adjoining peri-urban areas.

5. Result in inappropriate hazard risk, impact on amenity or the environment:

- The affected area is sloping and as such a stormwater management plan will be required for the site. Appropriate investigations are proposed in relation to this. Investigations are also proposed to address bushfire risk, and the appropriate hazards overlay will be applied to the site.

- Investigations have also been undertaken into flora and fauna, with the Proponent indicating an intent to retain trees and vegetation on the site. A condition is recommended to ensure the use of a concept plan which identifies vegetation / landscaping for retention on the site.
- Due to the location of the allotment, the Proposal could be considered as contributing to 'ribbon' development. However, given the existing zoning and development patterns to the north and south of the site, the Proposal would result in a more contiguous urban form along Horrocks Highway. A condition is recommended to ensure the application of the Gateway Overlay, which will provide a policy framework to help manage amenity impacts on the approach to Clare.

Therefore, whilst the Proposal seeks to deliver only eleven new residential allotments, this is considered appropriate given the:

- Location of the land on the outskirts of Clare
- Significant stands of vegetation on site
- Topography
- Anecdotally, demand for larger 'lifestyle' allotments over small, higher density allotments.

Land use characteristics

The Affected Area is bound by Eaton Road to the north, Horrocks Highway to the east, a Caravan and Tourist Park to the south and a rural property to the west. The land slopes down from west to east with the lower aspect along the Horrocks Highway boundary.

The Affected Area has been partly cleared of vegetation to facilitate primary production with mature vegetation located along the western and eastern boundary.

Transport and access

The Affected Area has a frontage to Horrocks Highway to the east.

The Proponent proposes to undertake investigations into the expected impact upon the road network as a result of the Code Amendment.

Services and infrastructure

The Proponent has advised that as part of their further investigations that existing infrastructure will be reviewed to ensure that suitable infrastructure can be appropriately managed. However, there are known constraints in SA Water potable water capacity across the area, and therefore, should investigations identify that capacity in the system would not be available to support intended densities, full augmentation costs may be required to be resolved prior to finalisation of the Code Amendment.

In regard to wastewater, Council owns and operates its own Community Wastewater Management Scheme (CWMS) and generally expects new developments to be connected to this service where possible. However, should investigations connection cannot be made, the proposed allotment sizes are large enough to accommodate onsite treatment options.

An SA Water form has been provided by the Proponent in accordance with the recently agreed Code Amendment triaging process.

The form (**Appendix C**) indicates that connection to the SA Water potable system will be required; a water main runs adjacent to the affected area along Horrocks Highway. The Commission is satisfied that the proposed investigations and recommended conditions will ensure any upgrade requirements will be appropriately understood and funded.

Land use interface

The Affected Area adjoins Rural zoned land to the west. It is recommended that investigations be undertaken to understand whether the rezoning for development could incur detrimental impacts on the surrounding land, or if the day-to-day activities of the adjacent landholdings could impact the proposed development and its occupants such as from spray-drift, emissions, or noise.

Flooding and stormwater

The Proponent has identified further investigations into stormwater.

Given the steep topography, it is recommended that these investigations include consideration of flooding risks and the incorporation of water sensitive design principles.

Bushfire

The Proponent proposes to consult with the SA Country Fire Service and undertake investigations into bushfire hazard reduction for the site.

Native vegetation

The affected area is located within the Native Vegetation Overlay which seeks to protect, retain and restore areas of native vegetation.

Preliminary native vegetation investigations have been completed, concluding that removal of Native Vegetation would be required in accordance with the *Native Vegetation Act 1991*, and that an SEB payment would be required to progress the development of this allotment.

The Proponent has proposed further investigations to determine the nature of clearance required, and whether any significant flora or fauna are found on the site. It is recommended important vegetation also be identified on a concept plan.

Procedural considerations

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

Information requirements

In accordance with *Practice Direction 2 – Preparation of Amendment of Designated Instruments*, the mandatory information requirements have been met, and therefore, the Proposal is of a suitable form to be considered by you.

Consistent with the State Planning Policies and Regional Plan

The Code must be consistent with the principles of the SPPs and should be consistent with the directions of the relevant Regional Plan, which, in this instance, is the *Mid North Regional Plan*.

This assessment is provided in **Appendix A**. A more detailed analysis is also located in the Proposal. In summary, the Proposal is consistent with the SPPs and Regional Plan.

Designated Entity

As this proposal is by a private proponent, under section 73(4) of the Act, you may decide to enable the Proponent to be the Designated Entity and conduct the Code Amendment processes, or alternatively, you can give the Chief Executive of the Department for Trade and Investment the responsibility for undertaking the processes, in which case the Chief Executive can charge the person or entity reasonable costs associated with doing so (pursuant to section 73(4)(b)) of the Act. In this instance it is recommended that the Proponent be the Designated Entity.

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

Investigations to support the Amendment

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

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

- Stormwater Management
- Native Vegetation
- Traffic Management
- Infrastructure
- Bushfire.

The Commission has resolved that these investigations are suitable, however, has recommended, under section 73(6)(f) of the Act, further investigations in addition to those outlined in the Proposal to Initiate, as provided in the recommendations. These seek to address:

- Interface impacts
- Aboriginal Heritage
- Use of Gateway policies
- Use of a concept plan to guide landscaping, buffers, access etc.
- Infrastructure capacity and upgrade needs.

Application of the Code

The Proposal seeks to rezone land from the Rural Zone to the Rural Neighbourhood Zone to support residential development. Conditions are recommended to explore application of additional policy to manage the amenity of the 'gateway' into Clare.

Engagement

The Proponent has undertaken preliminary consultation with Clare and Gilbert Valleys Council who have no objection to the proposed Code Amendment being initiated.

In accordance with the Community Engagement Charter, the Designated Entity is required to prepare an Engagement Plan that will outline how, when and with whom it engages with. The Commission has determined to specify the following further persons or bodies that the Designated Entity must consult with in relation to the proposed Code Amendment, as permitted under section 73(6)(e) of the Act and outlined in the recommendations below, regarding the proposed Code Amendment.

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

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

RECOMMENDATIONS

It is recommended that you:

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

3. Note that the State Planning Commission has, under section 73(6)(f) of the Act, resolved to specify the following further investigations to that outlined in the Proposal to Initiate, and advise the Designated Entity accordingly:

NOTED / NOT NOTED

- Investigate potential interface issues with the adjoining Rural Zoned to understand whether the rezoning for development could incur detrimental impacts on the surrounding land, or if the day-to-day activities of the adjacent landholdings could impact the proposed development and its occupants such as from spray-drift, emissions, or noise.
- Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify relevant Aboriginal heritage considerations, including any identified cultural sites and objects.
- Recognising the scenic value of the land, investigate options to ensure the enduring retention and protection of vegetation and avoidance of development in established vegetated areas, to inform the preparation of a concept plan.
- Consider the application of the Gateway Overlay to ensure the ongoing protection and management of the Horrocks Highway entrance into Clare.
- Consider the use of a concept plan to identify access and linkages to the existing township, interface and landscaping buffers, open space / vegetation and the like.
- Undertake detailed investigations to understand infrastructure capacity and upgrade needs.

4. Approve initiation under section 73(2)(b) of the Act, subject to the following conditions, under section 73(5) of the Act:

APPROVED / NOT APPROVED

- a) Prior to approval of the Code Amendment, the Designated Entity must demonstrate to the satisfaction of the Minister for Planning that all necessary agreements or deeds are fully executed as required to secure the funding and/or delivery of all infrastructure required to accommodate the development of the affected area, as

proposed by the Code Amendment to the satisfaction of all relevant infrastructure providers.

- b) The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Planning and Design Code on the date the Amendment is released for engagement.
- c) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.

- 5. Under section 73(4)(a) of the Act, approve the initiation of the Code Amendment on the basis that the Proponent will undertake the Code Amendment processes (as the Designated Entity) required under the Act.
- 6. Agree to sign the Proposal to Initiate the 8573 Horrocks Highway Clare Code Amendment (**Attachment 1**).
- 7. Agree to sign the attached letters to the Proponent (**Attachment 2**) and the Clare and Gilbert Valleys Council (**Attachment 3**) advising of your approval and conditions.

APPROVED / NOT APPROVED

AGREED / NOT AGREED

AGREED / NOT AGREED

NICK CHAMPION MP

/ / 2025



CRAIG HOLDEN

Chair, State Planning Commission

07 / 02 / 2025

Attachments:

1. Proposal to Initiate the 8573 Horrocks Highway Code Amendment (#21014076)
2. Suggested letter to Mr Malcolm Heinrich (care of Fyfe) (#21407987)
3. Suggested letter to Clare and Gilbert Valleys Council (#21408005)

Appendices:

- A. Assessment against the State Planning Policies and Regional Plan (#21242895)
- B. State Planning Commission's Rural Living Principles (#22716842)
- C. SA Water form (# 22731205)

Contact: Nadia Gencarelli

Tel No: 7133 2311



Assessment against the State Planning Policies and Regional Plans

The Code must be consistent with the principles of the State Planning Policies (SPPs) and should be consistent with the directions of the relevant Regional Plan, which in this instance is *The Mid North Region Plan (2011)* (the Regional Plan).

SPP Key Principles

The SPPs require that the Principles of Good Planning are considered in the preparation of any designated instrument. The following principles of good planning are considered most relevant to the Proposal:

- *Policy frameworks should be based around long- term priorities, be ecologically sound, and seek to promote equity between present and future generations.*
- *Development should be designed to reflect the local setting and context, to have a distinctive identity that responds to the existing character of its locality, and strike a balance between built form, infrastructure and the public realm.*
- *Built form should be durable, adaptive (including the reuse of buildings or parts of buildings) and compatible with the relevant public realm.*
- *Cities and towns should be planned, designed and developed to be sustainable.*
- *Particular effort should be focused on achieving energy efficient urban environments that address the implications of climate change.*
- *Policies and practices should promote sustainable resource use, reuse and renewal and minimise the impact of human activities on natural systems that support life and biodiversity.*
- *Planning, design and development should promote integrated transport connections and ensure equitable access to services and amenities.*

This Proposal to Initiate draws upon the existing Code Policy Library rather than creating new strategic policy settings.

The Proposal seeks to rezone land from the Rural Zone to the Rural Neighbourhood Zone to facilitate the development of large residential allotments south of the Clare township. The Proposal represents a logical expansion of the Clare township consistent with the rural character of the area. The Affected Area adjoins an established Rural Living Zone to the north, Horrocks Highway to the east, a Caravan and Tourist Park to the south and a rural property to the west.

There are 16 SPPs that include Objectives, Policies and Principles for Statutory Instruments. The attached Proposal sets out how the SPPs will be considered in this Amendment. The most critical SPPs in this context are:

Integrated Planning:

Objective: To shape cities and regions in a way that enhances our liveability, economic prosperity and sustainable future.

SPP 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.

SPP 1.2 Provide an orderly sequence of land development that enables the cost-effective and timely delivery of infrastructure investment commensurate with the rate of future population growth.

SPP 1.4 Protect areas of rural, landscape character, environmental importance, mining or food production significance from the expansion of urban areas, towns and settlements.

The Proposal is considered to promote 'integrated planning' by adopting the Rural Neighbourhood Zone that is used for residential land northeast of the Clare township.

The Affected Area is abutted by an existing Rural Living Zone to the north and another Rural Living Zone 1km to the south.

The Proposal is considered to support Council's identified growth strategy and provide additional housing options near the township.

Biodiversity:

Objective: To maintain and improve our state's biodiversity and its life supporting functions.

SPP 4.1 Minimise impacts of development on areas with recognised natural character and values, such as native vegetation and critical habitat so that critical life-supporting functions to our state can be maintained.

SPP 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.

SPP 4.4 Enhance the biodiversity of urban areas and townships through a connected and diverse network of green infrastructure systems along streetscapes, major watercourses, linear parks, open space, the coast and other strategic locations.

SPP 4.5 Where impacts to biodiversity cannot be avoided, these impacts should be minimised and where possible, offset.

Preliminary Native Vegetation investigations have been conducted and have concluded that the removal of Native Vegetation would be required. Further investigations are necessary to understand the impacts of the proposed rezoning and desired development on the nature of the clearance and whether significant flora and fauna are found on the site.

The investigations should include a plan to mitigate any detrimental impacts that could occur should the proposal to rezone be approved.

Climate Change:

- Objective:** Provide for development that is climate ready so that our economy, communities and environment will be resilient to climate change impacts.
- SPP 5.3** Facilitate climate-smart buildings to reduce our demand for water and energy.
- SPP 5.4** Mitigate the impacts of rising temperatures by encouraging water sensitive urban design, green infrastructure and other design responses.
- SPP 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.
- SPP 5.7** Protect and enhance areas that provide biodiversity and ecological services and maximise opportunities for carbon storage.
- SPP 5.9** Encourage development that does not increase our vulnerability to, or exacerbate the impacts of climate change and which makes the fullest possible contribution to mitigation.

The Proposal seeks to retain the Hazards (Bushfire – Medium Risk), Native Vegetation and Water Resources Overlays. The Proposal would facilitate the establishment of larger rural allotments which have the potential to maintain biodiversity and carbon storage through retention of existing vegetation.

Consultation must be undertaken with the SA Country Fire Service, Department for Environment and Water and Native Vegetation Council.

Housing Supply and Diversity:

- Objective:** To promote the development of well-serviced and sustainable housing and land choices where and when required.
- SPP 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.
- SPP 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.
- SPP 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.
- SPP 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.
- SPP 6.11** Residential development that does not fragment valuable primary production land, create land use conflicts or encroaches on sensitive environmental assets and places of high landscape value.

The Proposal seeks to provide additional housing options south of the Clare township.

The proposed Code Amendment will facilitate large residential allotments within a rural setting with the intended rezoning from the Rural Zone to Rural Neighbourhood Zone. It is considered that the Rural Neighbourhood Zone has a different intent than the Rural Living Zone within the Code.

The proposal highlights a residential land supply study commissioned by Council in 2021 which identified a shortage of housing in the region, however further investigations are required to sufficiently demonstrate land supply and demand in the region.

Primary Industry:

- Objective:** A diverse and dynamic primary industry sector making the best use of natural and human assets.
- SPP 8.1** Identify and protect key primary production assets and secure strategic opportunities for future primary industry development.
- SPP 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.
- SPP 8.3** Enable primary industry businesses to grow, adapt and evolve through technology adoption, intensification of production systems, business diversification, workforce attraction and restructuring.
- SPP 8.4** Equitably manage the interface between primary production and other land use types, especially at the edge of urban areas.

The Preliminary Agronomist report advised that the Affected Area is considered to be of a low productive value due to the topography and small size of the allotment, and is unlikely to accommodate any agricultural land uses in the future.

As the Affected Area adjoins Rural zoned land to the west, it will be necessary to investigate the potential interface issues. This is required to understand whether the rezoning for development could incur detrimental impacts on the surrounding land, or if the day-to-day activities of the adjacent landholdings could impact the proposed development and its occupants such as from spray-drift, emissions, or noise.

Water Security and Quality:

- Objective:** To ensure South Australia's water supply is able to support the needs of current and future generations.
- SPP 14.1** Protect the state's water supply to support a healthy environment, vibrant communities and a strong economy.
- SPP 14.2** Protect and recognise water supply catchments, including:
- Water Protection Areas under the *Environment Protection Act 1993* (including those located in the Mount Lofty Ranges, South East and River Murray)

- The River Murray Protection Areas under the *River Murray Act 2003*
- Prescribed water resources and wells under the *Natural Resources Management Act 2004*.

SPP 14.3 Safeguard our water supply and supporting infrastructure to meet the needs of a growing population and economy while maintaining a healthy environment and enabling safe access to alternative water sources for ‘fit-for-purpose’ use.

SPP 14.5 Development should incorporate water sensitive urban design principles that contribute to the management of risks to water quality and other risks (including flooding) to help protect people, property and the environment and enhance urban amenity and livability.

SPP 14.6 Support development that does not adversely impact on water quality.

SPP 14.7 Improve the alignment between urban water management and planning by adopting an integrated water management approach.

The Proposal will retain the Prescribed Water Resources and Water Resources Overlays which will facilitate best practice water sensitive urban design.

Natural Hazards:

Objective: To build the resilience of communities, development and infrastructure from the adverse impacts of natural hazards.

SPP 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.

SPP 15.2 Locate and design development in accordance with a risk hierarchy of ‘avoid’, ‘accommodate’ and ‘adapt’.

SPP 15.4 Mitigate the impact of extreme heat events by designing public spaces and developments to create cooler microclimates through the use of green infrastructure and water sensitive urban design.

SPP 15.6 Avoid development in high or extreme hazard risk areas (such as bushfire risk areas) that will necessitate the removal of native vegetation.

The land is subject to the Medium Bushfire Risk Overlay and this is not proposed to change. The South Australian Country Fire Service is to be consulted with to provide advice on this matter during the engagement process.

Emissions and Hazardous Activities:

Objective: To protect communities and the environment from risks associated with emissions, hazardous activities and site contamination, whilst industrial development remains viable.

- SPP 16.1** Protect communities and the environment from risks associated with industrial emissions and hazards (including radiation) while ensuring that industrial and infrastructure development remains strong through:
- a) supporting a compatible land use mix through appropriate zoning controls
 - b) appropriate separation distances between industrial sites that are incompatible with sensitive land uses
 - c) controlling or minimising emissions at the source, or where emissions or impacts are unavoidable, at the receiver.
- SPP 16.2** Assess and manage risks posed by known or potential site contamination to enable the safe development and use of land.

In accordance with Practice Direction 12, the Code Amendment will include the necessary environmental investigations to identify any potentially contaminating activities on the site and on land adjacent to the site. The final design will require sufficient buffers and other appropriate mechanisms to mitigate potential detrimental impacts that may arise due to the different land uses and activities.

The Regional Plan – Mid North Region Plan

In addition, the investigations undertaken to date and outlined in the Proposal to Initiate, will ensure that the proposed rezoning is largely consistent with the following key policies and targets of the Regional Plan:

Principle 1: Recognise, protect and restore the region's environmental assets –

- **Policy 1.1:** Protect the quality and function of water ecosystems by preventing the adverse impacts of land use and development such as the overuse of resources, erosion, land degradation and pollution.
- **Policy 1.2:** Apply water-sensitive urban design principles and appropriate buffers to ensure development does not affect natural watercourses and drainage patterns.
- **Policy 1.3:** Encourage water harvesting initiatives where ecologically appropriate.
- **Policy 1.4:** Pursue water-use efficiency through the built form at both house and town level by using water-sensitive urban design techniques.
- **Policy 1.9:** Recognise areas of high biodiversity value, and locate and design development to prevent the loss, degradation and fragmentation of native vegetation, and any loss of species and ecological communities.
- **Policy 1.12:** Acknowledge, protect and manage areas of significant landscape and amenity value, including landscapes that form attractive backgrounds and entrances to towns and tourist developments.
- **Policy 1.14:** Avoid adverse impacts of development on landscapes through site selection and design that reduces the height or bulk of structures.

Principle 2: Protect people, property and the environment from exposure to hazards –

- **Policy 2.1:** Design and plan development to prevent the creation of hazards and to avoid naturally occurring hazards.

Principle 3: Identify and protect places of heritage and cultural significance, and desired town character –

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

Principle 4: Create the conditions for the region to adapt and become resilient to the impacts of climate change –

- **Policy 4.1:** Promote carbon sequestration and greenhouse gas mitigation through land-use management practices (for example, reintroducing vegetation and restoring habitat), taking into account climate and soil suitability and species characteristics.
- **Policy 4.5:** Support the incorporation of sustainable energy and water supply, conservation and efficiencies in the design of residential, commercial and industrial developments and subdivisions (for example, stormwater re-use, wind and solar technologies, green buffers, WSUD, building orientation to maximise solar access and shaded areas).
- **Policy 4.7:** Plan for effective wastewater disposal through mains sewers and community wastewater management systems (CWMS), and maximise re-use opportunities.

Principle 6: Retain and strengthen the economic potential of primary production land –

- **Policy 6.1:** Prevent loss of productive agricultural land and potential conflict with incompatible land uses by:
 - focusing housing (including rural living) and industrial development in towns and industrial estates, unless directly related to primary industry
 - preventing fragmentation of agricultural land
 - managing interfaces with residential areas and other sensitive activities through the use of buffers
- **Policy 6.2:** Rehabilitate unproductive and degraded primary production land through revegetating with native species, increasing the vitality and integrity of remnant stands of native vegetation, and introducing perennial pastures.

Principle 7: Reinforce the region as a preferred tourism destination –

- **Policy 7.1:** Protect, enhance and promote the assets that attract tourists and are of value to the community, including:
 - open space, hiking and cycling trails and scenic tourist drives
 - natural landscapes, protected areas and parks and reserves
 - heritage, culture and the built character of towns, including town approaches
- **Policy 7.2:** Reinforce the desired tourism roles of towns and locations in the Mid North, including:
 - Clare, Auburn, Watervale, Mintaro, Seven Hills, Penwortham and Farrell Flat and their surrounding landscapes as the centre of the Clare Valley tourist experience, focused on good food and fine wine, culture and heritage

Principle 10: Strategically plan and manage town growth –

- **Policy 10.1:** Focus growth and development in existing towns and settlements.
- **Policy 10.2:** Expansion of towns should:

- ensure new areas are continuous with and form compact extensions of existing built-up areas
- not encroach on environmentally sensitive areas
- support the cost-effective provision of infrastructure and services (for example, health and education), avoiding unnecessary expansion or duplication of existing regional infrastructure and services
- promote strong links between all parts of the town, particularly between residential areas, town centres, sporting and recreational facilities, and open space
- locate land for rural living in towns in such a way that opportunities for future town expansion are retained
- retain a functional and visual separation between towns.
- **Policy 10.5:** Manage waste in accordance with the Zero Waste SA hierarchy of waste management practices (from the most preferred to least preferred: avoid, reduce, reuse, recycle, recover, treat, dispose) by ensuring that settlements and developments have appropriate space, facilities, access and construction methods.
- **Policy 10.6:** Restrict ad hoc construction of isolated rural dwellings and subdivision of rural lands through the planned expansion of towns, density increases within town boundaries, appropriate intensification of existing rural living zones, and designation of new rural living zones outside areas of primary production significance.
- **Policy 10.8:** Manage the interface between primary production activities and urban areas and towns through appropriate separation buffers such as screening vegetation and alignment of allotment boundaries.

Principle 11: Design towns to provide safe, healthy, accessible and appealing environments –

- **Policy 11.1:** Reinforce those elements (natural and built) that contribute to the unique character and identity of towns, including landscapes, building design, streetscape design and built heritage.
- **Policy 11.2:** Establish and retain distinct and attractive entrances to towns.
- **Policy 11.5:** Provide strong links between coastal town centres and the coast, and between other town centres and key sites of tourism interest.
- **Policy 11.9:** Design all developments in sympathy with cultural and landscape features and minimise their visual and physical intrusiveness.
- **Policy 11.10:** Apply WSUD principles in all new developments and public open spaces, and encourage their application in existing developments.

Principle 12: Provide land for a supply of diverse, affordable and sustainable housing to meet the needs of current and future residents and visitors –

- **Policy 12.1:** Ensure a 15-year zoned supply of land for residential development in towns/centres identified for growth
- **Policy 12.2:** Ensure that towns that are appropriately serviced have a range of housing types and densities to enable people to stay in their community as their housing needs change and to cater for the region's changing demographics.

The achievement of other SPPs and relevant policies and targets within the Regional Plan are further outlined in the Proposal to Initiate. As indicated above, the Proposal contributes to a number of Regional Plan policies, actions and targets.

Principles for Rural Living Development – July 2024

Preamble

The **Principles for Rural Living Development** (the Principles) have been developed by the State Planning Commission (the Commission) to assist Planning and Land Use Services (PLUS) in the application of State Planning Policies when drafting the regional plans. Specifically, the Commission and Minister have instructed that, except in very limited circumstances, future Rural Living areas will only be contemplated where they have been identified in a Regional Plan and the subsequent Code Amendment is undertaken by the relevant Council. The Principles constitute guidance from the Commission to PLUS in determining appropriate areas where future Rural Living may be contemplated.

Rural living development to be limited to areas where it does not:

1. Impact the future expansion of the urban area/township:

- a. The proposal should demonstrate the future 'need' for rural living in the context of the overall settlement pattern and growth objectives.
- b. Opportunities to increase rural living supply through intensification and/or development of existing rural living areas should be considered in the first instance.
- c. The proposed rural living area must not compromise future growth fronts. Consideration can be given to the proposed configuration of local roads, size and configuration of allotments that may facilitate future densification and urban expansion.
- d. There is a critical housing supply shortage in the region that will be materially addressed by the proposal.
- e. There are other opportunities within a township which are being progressed by Council to deliver diversity and density.

2. Result in the inefficient delivery of infrastructure and social services

- a. Rural living occurs where it will not impede 'highest and best use' opportunities associated with available and cost-effective infrastructure access.
- b. The proposal should be in proximity to existing roads, and accessible to key centres with a range of community facilities and services.
- c. The proposal should include a cost benefit analysis to determine the cost of the provision of services that community expects (e.g. rubbish collection) and infrastructure (e.g. roads and stormwater systems) against the benefit of a growing population.
- d. If the Code Amendment is proposed by a private entity, a letter from the relevant council agreeing to the required servicing.
- e. There are water connection constraints or requirements for onsite treatment that prevent closer division.
- f. Suitable road access is provided.
- g. There is access to community, education, health and recreation facilities.
- h. A comprehensive understanding of costs associated with maintenance into the future has been / can be provided.
- i. It can be independently serviced.
- j. It does not create an isolated settlement.

3. Result in fragmentation of valuable productive land

- a. Consider a range of factors relevant to sustainable primary industries development to determine land use capability and productivity level. Factors include site area, accessibility, soil quality, topography, vegetation, climate (current and anticipated), access to water, potential for erosion, past and surrounding land uses.
- b. Check PIRSA's Primary Production Priority Areas (PPPA) provisional mapping boundaries.

4. Create land use conflicts that affect the productivity of nearby lawfully operating land uses:

- a. Consider buffers and setback parameters at the interface with conflicting land uses to protect residential amenity and allow for adjoining uses and businesses to continue to operate and adapt.
- b. Consider the application of overlays to assist with the equitable management of interface issues (such as the Interface Management Overlay, Significant Interface Management Overlay).

5. Result in inappropriate hazard risk, impact on amenity or the environment:

- a. There are topography / vegetation or other environmental or amenity constraints to density.
- b. Flood / bushfire risks can be managed.
- c. It will not result in "ribbon development" along high-amenity routes or gateways.



Water and Waste Water Requirements Form

TO BE COMPLETED BY <u>PROPONENTS</u> AND SUBMITTED WITH A PROPOSAL TO INITIATE A CODE AMENDMENT <i>This information is to be used to assist in the processing of code amendments where SA Water services will be required to service the proposed land, the subject of the Code Amendment, including infrastructure agreements.</i>	
Code Amendment Title: 8573 Horrocks Highway, Clare Code Amendment	
Contact Person/Details: Daniel Pluck, Fyfe (E daniel.pluck@fyfe.com.au, M 0456 976 513)	
Date: 23/01/2025	
Water and Wastewater requirements	
Is an SA Water connection required to deliver potable water supply?	Yes – An existing trunk water main is adjacent the site on Horrocks Highway
Is an SA Water connection required for wastewater disposal?	NO Clare & Gilbert Valleys Council region is not on a sewer system with Clare having a Community Wastewater Management System (CWMS).
If SA Water services are required, have you received any preliminary advice from SA Water?	NO – Any further Investigations are pending awaiting outcome of Initiation
If SA Water services are not required as the subject land will be serviced by alternate means (i.e. a council system, private system, or on-site system), there is no need to fill out the remainder of the form.	Clare & Gilbert Valleys Council region is not on a sewer system with Clare having a Community Wastewater Management System (CWMS).
Residential requirements	
Number of allotments envisaged by the code amendment	11 allotments total (10 additional)
Dwelling yield (net and gross), including whether higher density housing is envisaged such as apartments by the code amendment	Based on topography of the land and the prevailing amenity of the areas, low density dwellings are proposed on allotments of ~8000sqm
Employment Land Requirements	
Number of employees anticipated by the code amendment	Allotments will be used for dwellings, therefore no employees.
Types of employment uses envisaged (e.g. offices, warehousing, manufacturing) and likely water and wastewater usage	Nil
Staging Requirements and Timing of proposed development	
Identify proposed staging or land release plans associated with the rezoning, including yield per stage, and likely timeframe. If staging is not proposed please also indicate this and likely commencement timeframe.	It is proposed to lodge one land division application to formalise the proposed 10 additional allotments. Commencement estimated Q4 2025 pending code amendment process.
Existing and Proposed Agreements	

OFFICIAL

Do any existing Land Management Agreements, Deeds or Infrastructure Schemes (under the <i>Planning, Development and Infrastructure Act 2016</i>) currently apply to the land?	<i>NO</i>
Further information	