

Agenda Report for Decision

Meeting Date: 14 October 2021

Item Name	Code Amendment Initiation Advice to the Minister for Planning and Local Government – Sheoak Flat Code Amendment
Presenters	Brett Steiner and Nadia Gencarelli
Purpose of Report	Decision
Item Number	3.3
Confidentiality	Not Confidential (Release Delayed). To be released following final decision by the Minister on initiation of the Code Amendment. Anticipated in November 2021
Related Decisions	N/A

Recommendation

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

1. Approve the designation of the item as Not Confidential (Release Delayed), with the meeting papers for the item to be released following final decision by the Minister for Planning and Local Government (the Minister) on initiation of the Code Amendment.
2. Advise the Minister that it:
 - 2.1 Recommends that the Proposal to Initiate (**Attachment 1**) the Sheoak Flat Code Amendment under section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016* (the Act) not be supported on the grounds that the potential impacts on the biodiversity, along with other environmental impacts, have not been fully considered, and appear to be in conflict with State Planning Policies and the Yorke Peninsula Regional Land Use Framework.
 - 2.2 Recommends that, should the Proposal to Initiate be approved under section 73(2)(vii) of the Act:
 - 2.2.1 The following conditions are applied under section 73(5)(b) of the Act:
 - (a) The scope of the proposed Code Amendment excludes low lying areas (i.e. below 3.2 metres Australian Height Datum (AHD)).
 - (b) The scope of the proposed Code Amendment includes the application of a Minimum Finished Floor Level 4.25 metres AHD Technical and Numeric Variation.
 - (c) A minimum site area Technical and Numeric Variation of 1,200 square metres should be included if a common waste water disposal service is not proposed.

- (d) 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).
- (e) 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.

2.2.2 Recommends that Sheoak Developments Pty Ltd be the Designated Entity responsible for undertaking the Code Amendment process.

2.2.3 Specify that the Designated Entity consults with the following nominated individuals and entities, under section 73(6)(e) of the Act:

- Department for Environment and Water;
- Environment Protection Authority;
- Country Fire Service;
- Department for Infrastructure and Transport;
- Utility providers, including SA Power Networks, ElectraNet Pty Ltd, APA Group, SA Water, EPIC Energy, NBN, and other telecommunications providers; and
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

2.2.4 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:

- (a) Undertake a biodiversity survey of the site and its immediate surroundings to:
 - i. assess the coverage of remnant vegetation and biodiversity; and
 - ii. identify any national and state listed flora and fauna species, as well as other flora and fauna species of conservation value.

The survey should be used to identify areas appropriate for development and to develop an appropriate policy response aimed at flora and fauna retention.

- (b) Investigate application of the Caravan and Tourist Park Zone over the land proposed for this purpose.
- (c) Determine the nature and capacity of existing electricity infrastructure services available to the affected area and identify any augmentation/upgrade works which may be necessary to facilitate the proposal.

3. Approve the advice to the Minister (**Attachment 2**) and draft refusal letters (**Attachment 3**).
4. Authorise the Chair to finalise any minor amendments to the advice and attachments.

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 Yorke Peninsula Regional Land Use Framework;
- Any person or body that must be consulted by the Designated Entity pursuant to section 73(6)(e) of the Act; and
- 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 therefore is to provide the Commission with advice to be provided to the Minister in relation to the Proposal to Initiate submitted by Sheoak Flat Developments Pty Ltd (**Attachment 1**).

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

Discussion

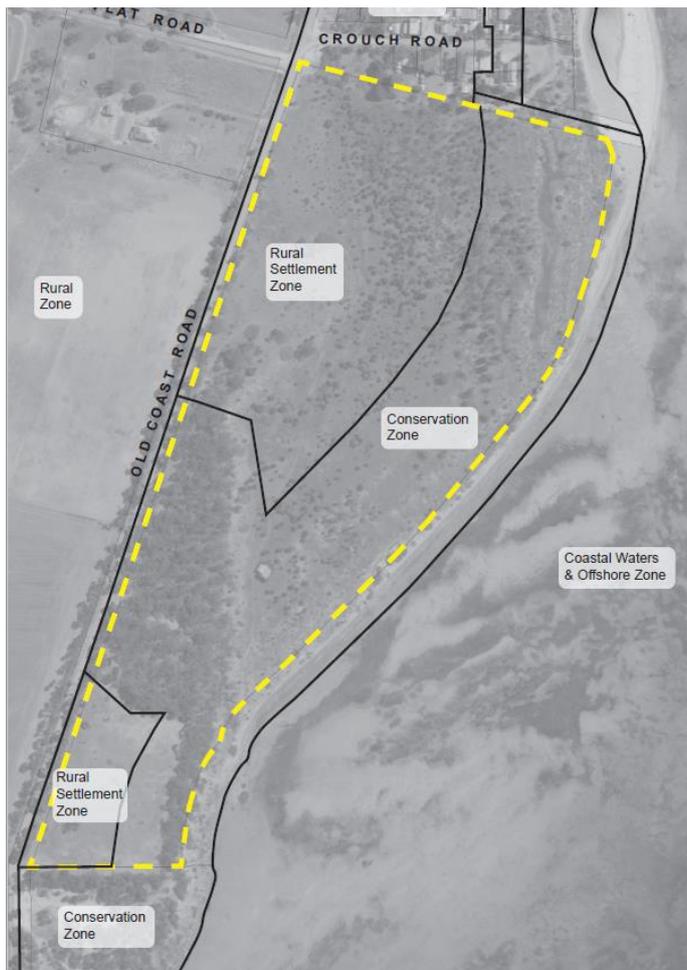
Scope of the Amendment

The Proposal to Initiate seeks to rezone two areas (comprising approximately 6.5 hectares and 1.7 hectares respectively) in Sheoak Flat from the Conservation Zone to the Rural Settlement Zone. The overall vision for the affected area is residential development of up to 50 allotments on the site closest to the existing Sheoak Flat settlement, and tourist accommodation in the form of a caravan park and/or cabins on the smaller site (1.7 hectares).

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

Detailed discussion is provided in the advice to the Minister in **Attachment 2**.

Figure 1 – Affected Area and Zoning



Planning and Design Code Zoning

The affected area is located within the Conservation Zone.

The following Overlays apply to the land:

- Coastal Areas Overlay;
- Hazards (Bushfire – Medium Risk) Overlay;
- Hazards (Flooding – Evidence Required) Overlay; and
- Native Vegetation Overlay.

Land surrounding the affected area is within Rural Zone, Conservation Zone, Rural Settlement Zone and Rural Shack Settlement Zone.

Advice to the Minister for Planning and Local Government

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 2**).

The advice recommends that the Minister refuse the initiation of the Code Amendment as land for future residential uses already exists within the region which, unlike this site, has ready access to infrastructure and would form an orderly expansion to existing urban areas. Further discussion is provided below.

Strategic Considerations

The Proposal seeks to rezone portions of a Conservation Zone, adjacent to an existing settlement for the purposes for residential development and small scale tourist accommodation (caravan park and/or cabins), while the remaining land would remain in the Conservation Zone. An engineering report has been obtained to investigate coastal processes and environmental issues; however, potential impacts on the biodiversity along with other environmental impacts have not been fully considered, and appear to conflict with relevant State Planning Policies and the Yorke Peninsula Regional Land Use Framework.

There is limited demonstrated need for additional residential land supply, with land already set aside to accommodate growth in locations such as Maitland and Port Victoria (i.e. that are rezoned Deferred Urban). These sites would form logical and orderly extensions to existing urban areas, providing development in locations that are better serviced by infrastructure and would have less environmental impact.

Further strategic considerations and discussion are provided in **Attachment 2**.

Procedural considerations

The Proposal to Initiate meets the procedural requirements, as detailed in the attached advice to the Minister (**Attachment 2**); however, there are some inconsistencies with the State Planning Policies and Regional Plan.

Attachments:

1. Proposal to Initiate the Sheoak Flat Code Amendment (#17595182).
2. State Planning Commission advice to the Minister (#17588361).
3. Draft refusal letters to:
 - a. The Proponent (#17811200); and
 - b. The Yorke Peninsula Council (#17811201).
4. Procedural Matters for State Planning Commission (#17770836).
5. Code Amendments Initiated by Proponents—Process Flowchart (#17770793).

Prepared by: Belinda Monier

Endorsed by: Brett Steiner

Date: 8 October 2021

PROPOSAL TO INITIATE AN AMENDMENT TO THE PLANNING AND DESIGN CODE

Sheoak Flat Code Amendment

By Sheoak Developments Pty Ltd (the Proponent)



Sheoak Developments Pty Ltd (the Proponent)

Date: 27 August 2021

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.

MINISTER FOR PLANNING AND LOCAL GOVERNMENT

DATE: 27 August 2021

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APPENDICES

<i>APPENDIX 1.</i>	<i>CERTIFICATE OF TITLE</i>
<i>APPENDIX 2.</i>	<i>CONCEPT PLAN</i>
<i>APPENDIX 3.</i>	<i>MAP OF AFFECTED AREA WITH CURRENT ZONE</i>
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<i>APPENDIX 5.</i>	<i>ENGINEERING INVESTIGATIONS (MAGRYN)</i>
<i>APPENDIX 6.</i>	<i>COUNCIL LETTER</i>
<i>APPENDIX 7.</i>	<i>ENGAGEMENT PLAN</i>

1. INTRODUCTION

Sheoak Developments Pty Ltd (“The Proponent”) is seeking to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to Allotment 298 Old Coast Road, Sheoak Flat, as contained in Certificate of Title Volume 5610 Folio 532, the (“Affected Area”).

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

The Proponent is the registered proprietor of the whole of the Affected Area, as confirmed in appended Certificate of Title (**Appendix 1**).

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:

- The Proponent acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements Act.
- The Proponent’s contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:
 - » Michael Osborn - Director
 - » michael@futureurban.com.au
 - » 0408808143

The Proponent intends to undertake the Code Amendment by utilising professional expertise of employees of Future Urban, consultants assisting the Proponent including:

- Michael Osborn who has a planning qualification (Graduate Diploma in Urban and Regional Planning – 1992) and significant experience (25 years) in the areas of planning policy preparation and land use investigations. In addition, this person has experience in engagement and the preparation of engagement plans and will ensure engagement accords with the Community Engagement Charter; and
- Kayla Gaskin from the Future Urban team who has IAP2 accreditation.

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

Sheoak Developments Pty Ltd has a vision to redevelop the overall site with low density residential allotments together with small-scale tourist accommodation as indicated by the Concept Plan included as **Appendix 2**. Given the spatial attributes of the Affected Area, an opportunity has been identified to undertake a modest expansion of the existing Sheoak Flat township, in balance with the environmental attributes and interface of the land. Key components of the vision and Concept Plan include:

- Creation of approximately 50 residential allotments ranging between 470 square metres and 1200 square metres in area in the north-west portion of the Affected Area;
- Provision for the establishment of tourist accommodation in the form of a caravan park and/or cabins in the southern portion of the Affected Area which is above the highest point of the escarpment;
- Potential provision of a large reserve that protects the dense native vegetation area adjoining Old Coast Road;
- Potential provision of a public reserve and a coastal vegetation reserve to the seaward boundary preventing development from occurring within the area;
- Defined beach access between the residential development and the coast to protect the coastal environment;
- Incorporation of a roadside vegetation buffer along the entire length of the Old Coast Road frontage;
- Access from Old Coast Road and potentially from the unnamed public road that exists adjacent to the northern boundary; and
- Potential integration of the Yorke Peninsula's *Walk the Yorke* walking trail through and around the site to improve the tourist trail.

The Area Affected offers significant potential to support the vision and for portion of the developable land to be included in the adjacent Rural Settlement Zone. The topography of the land captures attractive views of the surrounding coastal landscape. The proposal would represent an orderly and economic expansion of the existing township area to the north.

2. SCOPE OF CODE AMENDMENT

2.1 Affected Area

The proposal seeks to amend the Code for the Affected Area, as it relates to Allotment 298 Old Coast Road, Sheaoak Flat in Certificate of Title Volume 5610 Folio 532. The Affected Area is located within the Yorke Peninsula Council.

The subject site comprises an area of approximately 17 hectares located on the eastern side of Old Coast Road.

Refer to Figure 2.1 and **Appendix 3** for a location map, which includes the current zoning identified by the Planning and Design Code (V2021.12 – 26 August 2021). The subject land is located within the Conservation Zone.

2.2 Scope of Proposed Amendment

Current Policy	Conservation Zone <ul style="list-style-type: none">• Coastal Areas Overlay• Hazards (Bushfire – Medium Risk) Overlay• Hazards (Flooding – Evidence Required) Overlay• Native Vegetation Overlay
Amendment Outline	The overall intent of the Proposal to Initiate is to rezone portion of the Area Affected from Conservation Zone to Rural Settlement Zone. Such will facilitate low density residential development, tourism, recreation, and community facilities in a manner that contributes to and enhances the local context and development pattern.
Intended Policy	<ul style="list-style-type: none">• Rezone portion of the Area Affected from Conservation Zone to Rural Settlement Zone• Generally maintain existing Overlays – consider modifications needed reflective of the developable portion of the land being included in the Rural Settlement Zone.

The proposed PDC Zone map is shown within **Appendix 4**.

3. STRATEGIC PLANNING OUTCOMES

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

- Strategic Planning Policies (SPPs);
- Regional Plans; and
- Other relevant strategic documents.

3.1 Summary of Strategic Planning Outcomes

The key strategic planning considerations to support the Proposal to Initiate, relate to the following policy themes contained within the State Planning Policies.

- Integrated planning;
- Design quality;
- Biodiversity;
- Housing supply and diversity;
- Coastal environment;
- Natural hazards;
- Water Security and Quality.

Preliminary investigations undertaken to date are infrastructure focussed which respond to the themes of coastal environment, natural hazards and water quality.

An engineering report has been obtained to investigate coastal processes and environmental issues. Such has informed defining which portions of the Area Affected are considered suitable for development, and to also guide the form and nature of future development within those areas. In summary, the report has provided the following comments and recommendations:

- The minimum building floor level within the future development area would need to be 0.25m above future sea levels, or 4.25m AHD;
- Whilst some allotments shown in the concept plan are located below a level of 3.5m AHD, it is recommended that future buildings on these allotments could be built on stilts to achieve floor levels of minimum 4.25m AHD;
- The proposed future development area has a setback of at least 150m from the top of the dunes at the rear of the beach, which is typically at a level of 1.5 to 2.5m AHD. This is considered to be a very wide erosion buffer and easily capable of absorbing the coastal erosion threat for the next 100 years;
- The proposed caravan/cabin tourist park area is set back more than 50m behind the top of the cliff which is considered to be an adequate erosion buffer for at least 50 years;
- Options will exist to manage wastewater, with further investigations recommended in order to identify the preferred solution (ie individual or communal system);
- The cabin/caravan park could have a septic or other on-site treatment system adjacent to the amenities block, which pumps out or soaks to the top of the dense tree reserve downhill from the site, which is more than 100m from the tidal mean high water mark;

- As the existing township of Sheaoak Flat does not have a mains water reticulation system, water supply for the proposed development will be via roof collected storm water, and tank storage;
- Each property will require 5000 litres of dedicated firefighting water storage and a general use storage also to be roof collected from roof areas, and pumped from the tank for re-use;
- In the event that water supply runs low from overuse or extended periods of low rainfall, individual tanks would need to be replenished by a tanker;
- There is an electrical supply to the property, however, this is unlikely to be sufficient for up to 50 additional dwellings and the cabin/caravan park therefore some augmentation of the existing supply may be possible with the use of solar panels placed on any roofs, or small wind driven turbine generators located on site;
- Access to all residential allotments is from Old Coast Road, the unnamed road along the northern boundary, or from new internal service roads;
- Access to the cabin/caravan park is directly from Old Coast Road;
- All access roads could be rubble topped, like the Government Road, and be 15m wide (including reserves); and
- Runoff from internal access roads will be directed to adjacent swales for soakage.

Biodiversity and Coastal Environment

Consultation has been undertaken with DEW in formulating the project vision and Concept Plan which has informed the Proposal to Initiate.

Comments received from the Coastal Protection Board and Native Vegetation Council have been used to identify the potential future development area(s), together with areas of the natural and/or coastal environment that require protection. The project vision and Concept Plan reflects the comments received from DEW. In particular:

- Low lying development areas have mostly been avoided;
- Potential exists for a 50 metre wide public reserve to be established from the top of dunes for natural coastal public access and recreation, with such to be land retained in the Conservation Zone;
- Potential exists for a minimum 150 metre wide coastal vegetation reserve to be established to protect sensitive coastal areas, with such land to be retained in the Conservation Zone;
- There is a large area of existing dense native vegetation which could be incorporated into a public reserve, to ensure the preservation of the fauna and flora, with such land retained in the Conservation Zone.

3.2 Alignment with State Planning Policies

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

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

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>State Planning Policy 1 – Integrated Planning</p> <p><i>(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.</i></p> <p><i>(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.</i></p> <p><i>(1.4) Protect areas of rural, landscape character, environmental importance, mining or food production significance from the expansion of urban areas, towns and settlements.</i></p>	<p>The project vision seeks to increase residential land supply. There is very limited vacant land within Sheaoak Flat and hence market demand is likely to be strong.</p> <p>The scale of development reflected by the project vision will result in a moderate increase in land supply, with the initial engineering investigations confirming that infrastructure and environmental issues can be effectively managed.</p>
<p>State Planning Policy 2 – Design Quality</p> <p><i>(2.1) Promote best practice in the design of buildings, places and the public realm by applying the principles of Good Design.</i></p> <p><i>(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.</i></p>	<p>The rezoning of portion of the Area Affected to the Rural Settlement Zone would support this policy outcome.</p> <p>The Desired Outcome #2 of the Rural Settlement Zone envisages development that <i>‘contributes to and enhances the local context and development pattern comprising the settlement.’</i></p> <p>The project vision is consistent with the Desired Outcome and responds to the context of the existing township to the north, together with the various environmental constraints.</p>
<p>State Planning Policy 4 – Biodiversity</p> <p><i>(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.</i></p>	<p>The project vision provides for the potential establishment of significant dedicated reserve areas to protect the natural character of the Affected Area, particularly in respect to native and coastal vegetation and coastal processes. Sensitive areas are to be retained in the Conservation Zone.</p> <p>The Rural Settlement Zone envisages tourist facilities which could include accommodation.</p>

<p><i>(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</i></p> <p><i>(4.3) Encourage the re-introduction of biodiversity or its components in development areas to provide life-supporting functions at low cost.</i></p> <p><i>(4.5) Where impacts to biodiversity cannot be avoided, these impacts should be minimised and where possible, offset.</i></p> <p><i>(4.6) Encourage nature-based tourism and recreation that is compatible with, and at an appropriate scale for, conserving the natural values of that landscape.</i></p>	<p>The project vision, as demonstrated by the Concept Plan, provides the opportunity for such in a manner which responds to all environmental constraints, whilst also potentially incorporating the <i>Walk the Yorke</i> tourist trail.</p>
<p>State Planning Policy 5 – Climate Change</p> <p><i>(5.3) Facilitate climate-smart buildings to reduce our demand for water and energy.</i></p> <p><i>(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.</i></p>	<p>Investigations have identified that future dwellings will incorporate 50,000 litre water tanks to capture and reuse rainwater.</p> <p>Solar panels and/or small wind driven turbine generators will reduce demand for energy.</p> <p>The initial engineering investigations confirming that infrastructure and environmental issues can be effectively managed.</p>
<p>State Planning Policy 6 – Housing Supply and Diversity</p> <p><i>(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.</i></p> <p><i>(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.</i></p> <p><i>(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.</i></p>	<p>The project vision and Concept Plan seeks to increase residential land supply. There is very limited vacant land within Sheoak Flat and hence market demand is likely to be strong.</p> <p>The scale of development reflected by the Concept Plan will result in a moderate increase in land supply, with the initial engineering investigations confirming that infrastructure and environmental issues can be effectively managed.</p>

<p>(6.11) Residential development that does not fragment valuable primary production land, create land use conflicts or encroaches on sensitive environmental assets and places of high landscape value.</p> <p>(6.12) Regional Plans should include performance targets about increasing housing diversity.</p> <p>(6.13) Regional Plans should include performance targets related to land supply and demand.</p>	
<p>State Planning Policy 11 – Strategic Transport Infrastructure</p> <p>(11.5) Encourage development that supports the increased use of a wider variety of transport modes, including public transport, walking and cycling, to facilitate a reduced reliance on private vehicle travel and promote beneficial community health outcomes.</p>	<p>The project vision seeks to potentially accommodate the <i>Walk the Yorke</i> tourist trail.</p> <p>Whilst a tourism driven form of infrastructure, the provision of such will encourage walking and cycling and reduce the reliance on private vehicle travel for localized trips.</p>
<p>State Planning Policy 13 – Coastal Environment</p> <p>(13.1) Protect and enhance the natural coastal environment and its resilience to a changing climate, including environmentally important features, such as mangroves; wetlands; estuaries; marine-protected areas; sand dunes; cliff tops; beaches; native vegetation; living creatures; and other important habitats.</p> <p>(13.2) Development that is not at risk from current and future coastal hazards (including sea-level rise, coastal flooding, erosion, inundation, dune drift and acid sulfate soils) consistent with the hierarchy of ‘avoid’, ‘accommodate’ and ‘adapt’.</p> <p>(13.3) Balance social and economic development outcomes in coastal areas with the protection of the environment.</p> <p>(13.4) Locate development and infrastructure in areas that are not subject to coastal hazards unless the development requires a coastal location and appropriate hazard mitigation</p>	<p>The project vision, as demonstrated by the Concept Plan, has considered the requirements to mitigate hazards in relation to erosion, coastal flooding, and sea-level rise, through preliminary advice from the Department of Environment and Water (DEW), specifically the Coastal Protection Board and the Native Vegetation Council, as detailed under Section 3.1. The investigations have identified the portions of the Area Affected which could be developed and therefore rezoned.</p>

<p><i>strategies are in place, taking into account projected sea-level rise and coastal retreat.</i></p> <p><i>(13.5) Facilitate sustainable development that requires a coastal site, including eco-tourism, aquaculture, marinas and ports, in areas adjoining the foreshore where environmental impacts can be avoided or mitigated.</i></p> <p><i>(13.6) Maintain or enhance the scenic amenity of important natural coastal landscapes, views and vistas.</i></p> <p><i>(13.7) Development that enables and enhances public access to coastal areas with minimal impact on the environment and amenity.</i></p> <p><i>(13.8) Locate low intensity recreational uses where environmental impacts on the coast will be minimal and can be managed.</i></p>	
<p>State Planning Policy 15 – Natural Hazards</p> <p><i>(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.</i></p> <p><i>(15.5) Protect key coastal areas and critical infrastructure at risk from sea-level rise, coastal erosion and storm surges.</i></p>	<p>Refer summary in Section 3.1.</p>
<p>State Planning Policy 16 – Emissions and Hazardous Activities</p> <p><i>(16.2) Assess and manage risks posed by known or potential site contamination to enable the safe development and use of land</i></p>	<p>A shed exists within the Area Affected with such only used for domestic storage purposes. The land is otherwise vacant, containing native and exotic vegetation. On this basis, the risk for potential site contamination is low.</p>

3.3 Alignment with Regional Plans

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

The Yorke Peninsula Regional Land Use Framework is the volume of the Planning Strategy which is relevant for this Code Amendment.

The Planning Strategy for South Australia presents current Government of South Australia policy for development in South Australia and is based on key economic, social and environmental imperatives. In particular, it seeks to guide and coordinate the Government of South Australia activity in the construction and provision of services and infrastructure that influence the development of South Australia. It also indicates directions for future development to the community, the private sector and local government.

Relevant objectives and strategies include the following, noting that the State Planning Policies (SPP) referred to above prevail in the event of any conflict. Such is particularly pertinent in this instance given that the Regional Plan, prepared in 2007, pre-dates the most recently adopted SPP.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p>Environmental and Cultural Assets – a healthy and sustainable future</p> <p><i>Objective 1: Recognise and protect the Region’s environmental assets</i></p> <p><i>Strategies</i></p> <p><i>Water</i></p> <p><i>1.1 Prevent adverse impacts of land use and development on the quality and functioning of water eco-systems, including dryland salinity, erosion of riverbanks, overuse of resources and pollution</i></p> <p><i>1.2 Retain natural drainage patterns and design housing, roads and open space around watercourses and natural contours, and make provision for buffers</i></p>	<p>Refer State Planning Policy 13 – Coastal Environment, in particular Policies 13.1, 13.2, 13.3, 13.5, 13.6, 13.7 and 13.10.</p> <p>Refer State Planning Policy 4 – Biodiversity in particular Policies 4.1, 4.2, 4.6.</p> <p>Refer State Planning Policy 14 – Water Security and Quality, in particular Policy 14.5.</p>
<p>Coastal, estuarine and marine environments</p> <p><i>1.4 Establish Coastal Zones and manage development to:</i></p> <ul style="list-style-type: none"> <i>• Minimise the impact of development and land uses, including cumulative impacts, on natural processes and systems</i> <i>• Limit development in areas of natural coasts of high conservation or</i> 	<p>Refer State Planning Policy 13 – Coastal Environment, in particular Policies 13.1, 13.2, 13.3, 13.5, 13.6, 13.7 and 13.10.</p> <p>Refer State Planning Policy 4 – Biodiversity in particular Policies 4.1, 4.2, 4.6.</p>

landscape value unless the proposal has a neutral or beneficial effect

- *Prevent disturbance of natural coastal habitats and native vegetation*
- *Provide buffer areas of sufficient width to separate new development from the foreshore and sensitive coastal features, accommodating long term physical coastal processes (i.e. that may result in the movement of the coastline)*

1.5 *Developments such as marinas and port facilities should be considered as special cases which require specific and detailed studies, including environmental impact assessments*

Land Biodiversity

1.6 *Locate and design development to prevent further loss, degradation and fragmentation of native vegetation, on public and private land, including within townships*

1.7 *Provide buffers and create linkages between areas of biological significance*

1.8 *Undertake ecological investigations and impact assessment specific to areas proposed to be rezoned or developed, taking into account cumulative impacts*

Scenic Landscapes

1.9 *Preserve areas of high landscape and amenity value and areas forming an attractive background or entrance to towns or tourist developments, and along the coast*

1.10 *Prevent or design development to retain high quality landscapes that can be viewed from tourist routes, walking trails or the sea, including by addressing the location, height, material and colour of buildings*

<p>Environmental and Cultural Assets – a healthy and sustainable future</p> <p><i>Objective 2: Ensure efficient use of water and energy</i></p> <p><i>Strategies</i></p> <p><i>2.1 Incorporate efficient use of water into the design and planning of residential and industrial developments and clusters/subdivisions, including innovative water capture, treatment, storage and re-use practices</i></p> <p><i>2.2 Maximise the use of rainwater, treated wastewater and stormwater in industrial, commercial, residential and recreation developments</i></p> <p><i>2.3 Reduce energy requirements of industrial and residential buildings and estates by:</i></p> <ul style="list-style-type: none"> <i>• Requiring energy efficient design to ensure buildings are cooler in summer and warmer in winter</i> <i>• Actively supporting the use of renewable energy options in building designs and subdivisions</i> <i>• Providing for walking and cycling within townships through the provision of safe and convenient linkages and bicycle parking facilities</i> 	<p>Refer State Planning Policy 14 – Water Security and Quality, in particular Policy 14.3 and 14.5.</p> <p>Refer State Planning Policy 5 – Climate Change, in particular Policy 5.3.</p>
<p>Environmental and Cultural Assets – a healthy and sustainable future</p> <p><i>Objective 3: Protect people, property and the environment from exposure to hazards</i></p> <p><i>Strategies</i></p> <p><i>3.1 Design and plan for development in accordance with the risk management hierarchy of:</i></p> <ul style="list-style-type: none"> <i>• Avoidance: avoiding permanent development within and adjacent to areas at risk from hazards</i> <i>• Adaptation: designing buildings and infrastructure to minimise risk in the long term</i> 	<p>Refer State Planning Policy 13 – Coastal Environment, in particular Policies 13.1, 13.2, 13.5, 13.7 and 13.10.</p>

<ul style="list-style-type: none"> • <i>Protection: the establishment of protection works to protect existing development or facilitate major development</i> <p>3.2 <i>Plan development to prevent the creation of hazards - including through erosion, site contamination, air and noise pollution, disturbing or mobilising acid sulphate soils, diversion of water courses or impeding the flow of flood waters</i></p>	
<p>Environmental and Cultural Assets – a healthy and sustainable future</p> <p><i>Objective 4: Effectively manage waste, wastewater and stormwater</i></p> <p><i>Strategies</i></p> <p>4.1 <i>Manage waste in accordance with the principles of reducing, recovering and recycling, by ensuring settlements and developments incorporate appropriate space, facilities, access and construction methods</i></p> <p>4.2 <i>Manage stormwater to reduce risk of flood and pollution, improve water quality, and maximise opportunities for reuse</i></p> <p>4.3 <i>Plan for effective wastewater disposal through mains sewer and Community Wastewater Management Systems (CWMS), and maximise reuse opportunities</i></p>	<p>Refer State Planning Policy 13 – Coastal Environment, in particular Policies 13.1 and 13.10.</p> <p>Refer State Planning Policy 14 – Water Security and Quality, in particular Policy 14.5.</p>
<p>Economic Development – supporting the value chain</p> <p><i>Objective 13: Reinforce Yorke Peninsula as a preferred coastal and nature-based tourist destination</i></p> <p><i>Strategies</i></p> <p>13.1 <i>Protect, enhance and promote those qualities of the Region that attract tourists and are of value to the community, including:</i></p> <ul style="list-style-type: none"> • <i>coastal landscapes, marine environment, foreshore, jetties and boat ramps</i> 	<p>Refer State Planning Policy 13 – Coastal Environment, in particular Policies 13.1, 13.2, 13.3, 13.5, 13.6, 13.7 and 13.10.</p>

<ul style="list-style-type: none"> • <i>open space, trails networks, scenic tourist drives</i> • <i>natural and rural landscapes</i> • <i>heritage, cultural and/or built character of towns, including town approaches</i> • <i>seafront caravan parks and campsites, including provisions for motorhomes (e.g. large recreational vehicles)</i> <p>13.2 Reinforce the desired roles of various towns and locations in the Yorke Peninsula tourist experience:</p> <ul style="list-style-type: none"> • <i>Ardrossan as the visitor gateway to Yorke Peninsula, and Minlaton as the visitor gateway to southern Yorke Peninsula</i> 	
<p>Economic Development – supporting the value chain</p> <p><i>Objective 16: Foster sustainable alternative energy and water supply industries</i></p> <p><i>Strategies</i></p> <p>16.2 <i>Provide for the incorporation of sustainable energy generation and water supplies into the design of developments and subdivisions (e.g. stormwater re-use, co-generation)</i></p>	<p>Refer State Planning Policy 5 – Climate Change, in particular Policy 5.4.</p> <p>Refer State Planning Policy 14 – Water Security and Quality, in particular Policy 14.5.</p>
<p>Population and Settlements – Supporting communities</p> <p><i>Objective 17: Reinforce the role, functionality and vibrancy of towns and settlements</i></p> <p><i>Strategies</i></p> <p>17.4 <i>Build on Ardrossan’s role as a tourist gateway to the Yorke Peninsula</i></p> <p>17.8 <i>Retain coastal living and holiday appeal of towns of Port Broughton, Wallaroo, Moonta Bay, Port Hughes, Port Wakefield, and townships between Ardrossan and Edithburgh</i></p>	<p>Refer State Planning Policy 1 – Integrated Planning, in particular Policy 1.4.</p> <p>Refer State Planning Policy 2 – Design Quality, in particular Policy 2.9.</p>

Population and Settlements – Supporting communities

Objective 18: Strategically plan and manage township growth, with master planning for coastal areas a priority

Strategies

18.1 Focus development in existing towns and settlements based on role and function

18.2 Base expansions of towns on clear and structured master planning that:

- supports the role, function and desired character of the town*
- ensures new areas are continuous with and form compact extensions of existing built up areas*
- prevents linear development along the coast and arterial roads*
- does not encroach upon areas of importance to economic development*
- supports equitable access to health, community and education services and facilities, including future needs of the community taking into account projected demographic changes*
- supports cost-effective provision of infrastructure and services (e.g. health, education), including avoidance of unnecessary expansion or duplication of existing regional infrastructure and services*
- promotes strong linkages between all parts of the town, particularly between residential areas, town centres, sporting and recreational facilities, and open space*
- in coastal settlements, retains public access to the coast, promotes strong linkages with the coast, and better defines 'coastal zones' (refer Objective 1)*

Refer State Planning Policy 1 – Integrated Planning, in particular Policies 1.1-1.4.

Refer State Planning Policy 6 – Housing Supply and Diversity, in particular Policies 6.3.

<ul style="list-style-type: none"> • <i>protects places of heritage and cultural value, minimises adverse environmental and aesthetic impacts, and prevents exposure of people and property to risk of hazards (e.g. flooding, erosion)</i> • <i>promotes development on existing vacant land and surplus government land prior to providing further broadacre/greenfield sites</i> <p>18.3 <i>Cluster activities along the coast in distinctive and compact coastal towns, and strongly discourage linear development</i></p> <p>18.5 <i>Development in areas remote from infrastructure should be self sufficient in energy, water supplies, and wastewater management</i></p> <p>18.8 <i>Provide for limited compact expansion of Ardrossan, Port Wakefield, Port Vincent and Stansbury. For all other townships along the eastern coast of the Peninsula focus future development within existing townships</i></p>	
<p>Population and Settlements – Supporting communities</p> <p><i>Objective 19: Design towns to provide safe, healthy, accessible and appealing environments</i></p> <p><i>Strategies</i></p> <p>19.2 <i>Reinforce those elements (natural and built) that contribute to the unique character and identity of towns, including landscapes, building and streetscape design, and built heritage</i></p> <p>19.3 <i>Establish and retain distinct and attractive entrances to townships</i></p>	<p>Refer State Planning Policy 2 – Design Quality, in particular Policies 2.8 and 2.9.</p> <p>Refer State Planning Policy 6 – Housing Supply and Diversity, in particular Policies 6.3.</p>
<p>Population and Settlements – Supporting communities</p> <p><i>Objective 20: Provide residential land to enable a supply of diverse, affordable and sustainable housing to meet the needs of current and future residents and visitors</i></p>	<p>Refer State Planning Policy 1 – Integrated Planning, in particular Policies 1.1-1.4.</p> <p>Refer State Planning Policy 6 – Housing Supply and Diversity, in particular Policies 6.11-6.13.</p>

<p><i>Strategies</i></p> <p>20.1 <i>Focus housing within townships, including ‘rural living’ (large residential allotments), to prevent encroachment on sensitive environments, agriculture, mining and industrial land, exposure to risks (e.g. flooding, bushfire, pollution) and to best utilise strategic infrastructure</i></p>	
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3.4 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 this proposed Code Amendment.

Other Relevant Documents	Code Amendment Alignment with Other Relevant Documents
<p>Yorke Peninsula Strategic Management Plan 2021-2025</p>	<p>Specific Councils Goals relevant to the Code Amendment include:</p> <p>Goal 1 – Economically Prosperous Peninsula</p> <p><i>Create an environment that encourages and supports a strong, diverse economy that attracts more businesses, residents and visitors. Success will mean revitalisation of our towns and retaining young, active and working future generations.</i></p> <p>The project vision and Concept Plan aligns with Goal 1 by integrating both nature-based tourism and residential allotments to attract both visitors and residents.</p> <p>Goal 3 – Valued and Resorted Environment</p> <p><i>Be an investor, activator and custodian of our spectacular coastline and pristine environment. We will promote sustainable development and encourage the conservation of water, energy, the natural environment, and buildings of local heritage and minimise waste.</i></p> <p>The project vision and Concept Plan aligns with Goal 3 through the potential established of an extensive coastal vegetation reserve and native vegetation reserve to ensure the protection of the environment.</p>

	<p>Further, the project vision seeks to avoid development on potentially sensitive locations, with the portion of the Area Affected to be ultimately rezoned to be reflective of the constraints appurtenant to the land.</p>
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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/s Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
Sheaoak Flat Engineering Considerations (Magryn). Included within Appendix 5)	The report considered two Concept Plan options representative of the project vision and includes engineering investigations on the following matters: <ul style="list-style-type: none"> • Coastal erosion, inundation & sea level rise; • Waste Water; • Water Supply; • Electrical Supply; • Road Access; and • Storm Water Management & Erosion Control. 	Refer Section 3.1 for summary. Further investigations in respect to waste water management are required.

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
Traffic	To confirm potential road access design and potential implications on the external road network.
Native Vegetation	To determine the extent of exotic species which should be removed and to inform the preparation of an ongoing management plan.
Waste Water	Further examine potential for common effluent waste facility to service future development.

4.3 Engagement Already Undertaken

In accordance with Practice Direction 2, the Yorke Peninsula Council has been consulted on this proposal.

A meeting was convened with the Council staff on 31 May 2021, in which 'in principle' support was given to the proposal subject to the provision of further information in respect to engineering investigations and a formal concept plan. This information was supplied to the Council and their formal response is included within **Appendix 6**. Council has expressed in principle support for the proposed rezoning.

In addition, the following initial engagement has also occurred on the proposed Code Amendment:

- Department of Environment and Water (DEW) including, Coastal Management, Native Vegetation.

4.4 Further Engagement Proposed

In addition to the engagement already undertaken and identified above, a draft Engagement Plan has been prepared and is enclosed (**Appendix 7**). The table below provides a summary of the additional engagement which will be undertaken to support the Code Amendment.

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
Meetings with Council	Identify and resolve matters relating to stormwater, planning policy and formalisation of rights of access to land adjacent the eastern boundary of the site.
Direct communication with agencies, local government bodies and specific interest groups.	To ascertain interest in the Code Amendment and involve in process to ensure any issues are understood.
Direct communication with adjacent landowners	Identify the potential impact of the proposed Code Amendment on the neighbouring land.
Public notice	Inform the public to provide awareness and enable participation in process.

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 has prepared a draft Engagement Plan (**Appendix 7**) which will be finalised 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; and
 - 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 SA Planning Portal. This will occur in accordance with Practice Direction 2.

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

5.3 Code Amendment Timetable

The Proponent (where it is also the Designated Entity) commits to undertaking the Code Amendment in line with the timeframe outlined below. 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.

CODE AMENDMENTS TIMETABLE

Steps	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	<i>2 weeks (includes lodgment 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
	Full 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 the AGD.	Designated Entity	+ 6 weeks
The AGD prepares Amendment instructions and mapping and provides to Council for consultation purposes.	AGD	+ 1 week
Preparation of Materials for Consultation.	Designated Entity	+ 2 weeks

Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan .	Designated Entity	TBC
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised, amended drafting instructions provided, Engagement Report prepared and lodged with AGD.	Designated Entity	+ 3 weeks
Assess the Amendment and engagement. Prepare report to the Commission or delegate. <i>(Timeframe will be put on hold if further information is required, or if there are unresolved issues)</i>	AGD	+ 4 weeks
Consideration of Advice.	Commission (Delegate)	+ 2 weeks <i>(includes 1 week to process through Minister's office)</i>
	Full 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

APPENDIX 1. CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1886



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



Certificate of Title - Volume 5610 Folio 532

Parent Title(s) CT 3032/101
Creating Dealing(s) CONVERTED TITLE
Title Issued 04/01/1999 Edition 2 Edition Issued 03/02/2006

Estate Type

FEE SIMPLE

Registered Proprietor

SHEOAK DEVELOPMENTS PTY. LTD. (ACN: 117 357 187)
OF LEVEL 2/81 FLINDERS STREET ADELAIDE SA 5000

Description of Land

SECTION 298
HUNDRED OF CURRAMULKA
IN THE AREA NAMED SHEOAK FLAT

Easements

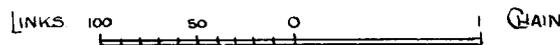
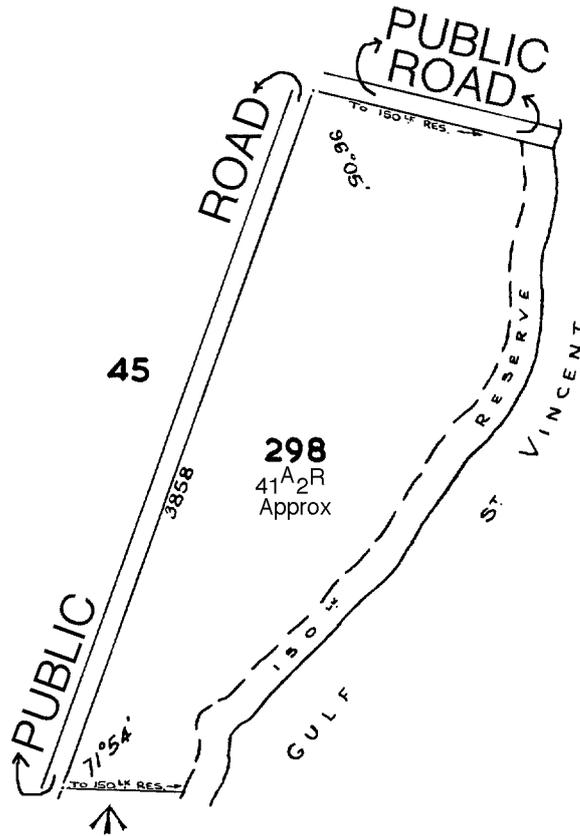
NIL

Schedule of Dealings

NIL

Notations

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



FOR METRIC CONVERSION	
1 LINK	= 0.201168 METRES
1 CHAIN	= 100 LINKS
1 ACRE	= 0.404686 HECTARES
1 ROOD	= 1011.7 m ²
1 PERCH	= 25.29 m ²

Certificate of Title

Title Reference: CT 5610/532
Status: CURRENT
Parent Title(s): CT 3032/101
Dealing(s) Creating Title: CONVERTED TITLE
Title Issued: 04/01/1999
Edition: 2

Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
13/01/2006	03/02/2006	10381187	TRANSFER	REGISTERED	SHEOAK DEVELOPMENTS PTY. LTD. (ACN: 117 357 187)
13/01/2006	03/02/2006	10381186	APPLICATION TO NOTE DEATH	REGISTERED	DOUGLAS GORDON BLIGHT (DECD), MARGARET DAWN BLIGHT
13/01/2006	03/02/2006	10381185	DISCHARGE OF MORTGAGE	REGISTERED	6203117
10/06/1986	23/06/1986	6203117	MORTGAGE	REGISTERED	

APPENDIX 2. CONCEPT PLAN

- Approximately 48-50 residential allotments with relevant internal road network;
- One large allotment to the southern portion designated for tourist accommodation purposes (i.e caravan/cabins);
- Significant native and coastal vegetation reserves;
- Proposed designated beach access;
- Relevant development setbacks to accommodate erosion and sea level rise;
- Connection with the Walk the Yorke initiative; and
- Landscape buffer to Old Coast Road.



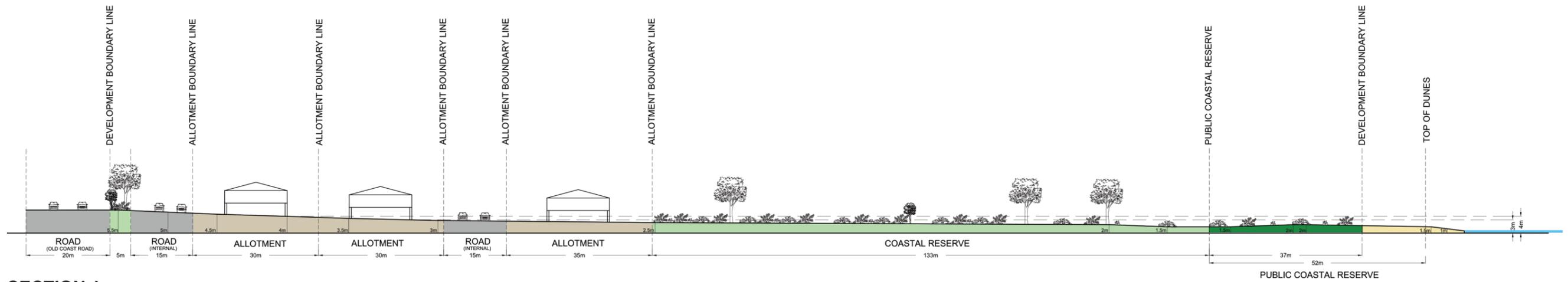
CONCEPT PLAN SHEAOAK FLAT

LEGEND

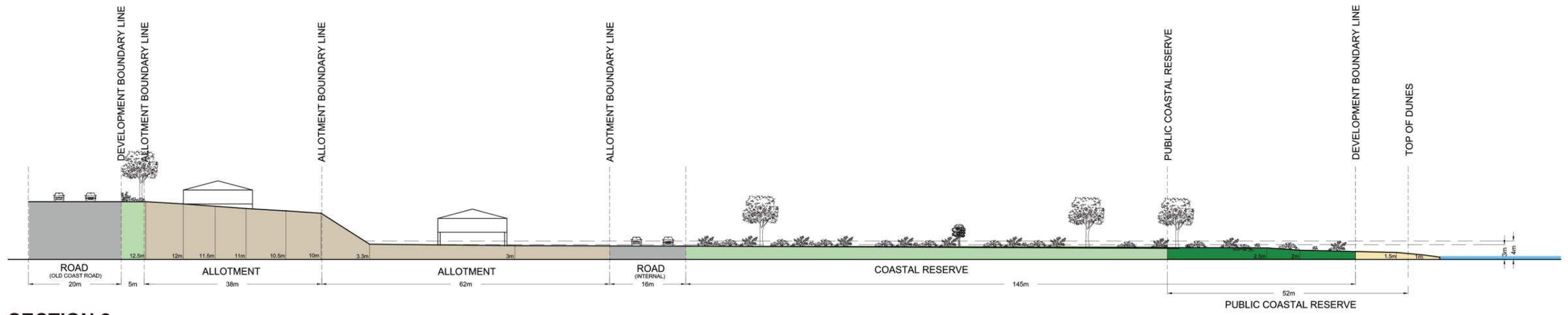
- Proposed walking trail (connection to Walk the Yorke)
- Indicative tree location
- Vegetation Reserves
- Allotments
- Stage boundary
- Public Coastal Reserve

June 2021
Revision B
1:2000 at A3

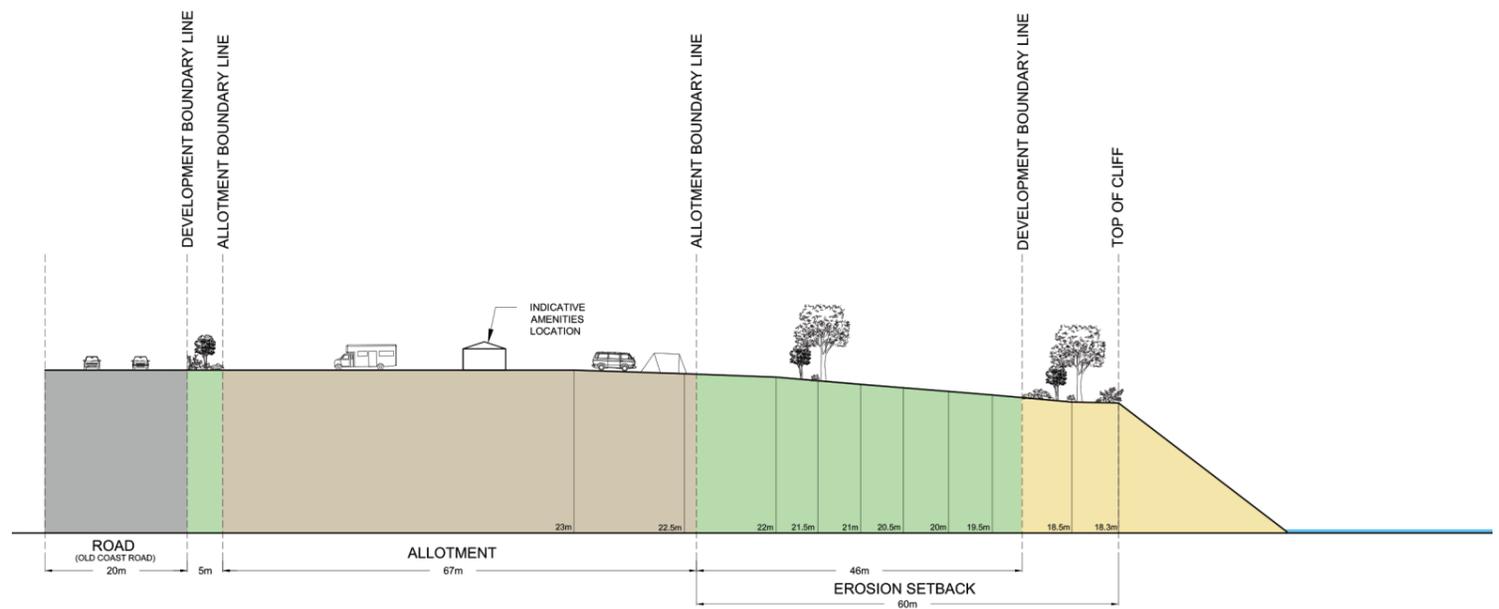




SECTION 1



SECTION 2



SECTION 3

LEGEND

- Vegetation Reserves
- Allotments
- Public Coastal Reserve
- Road
- Dunes/Cliff face (outside of subject land)

June 2021
Revision B
1:4000 at A3



APPENDIX 3. MAP OF AFFECTED AREA WITH CURRENT ZONE

FLAT ROAD

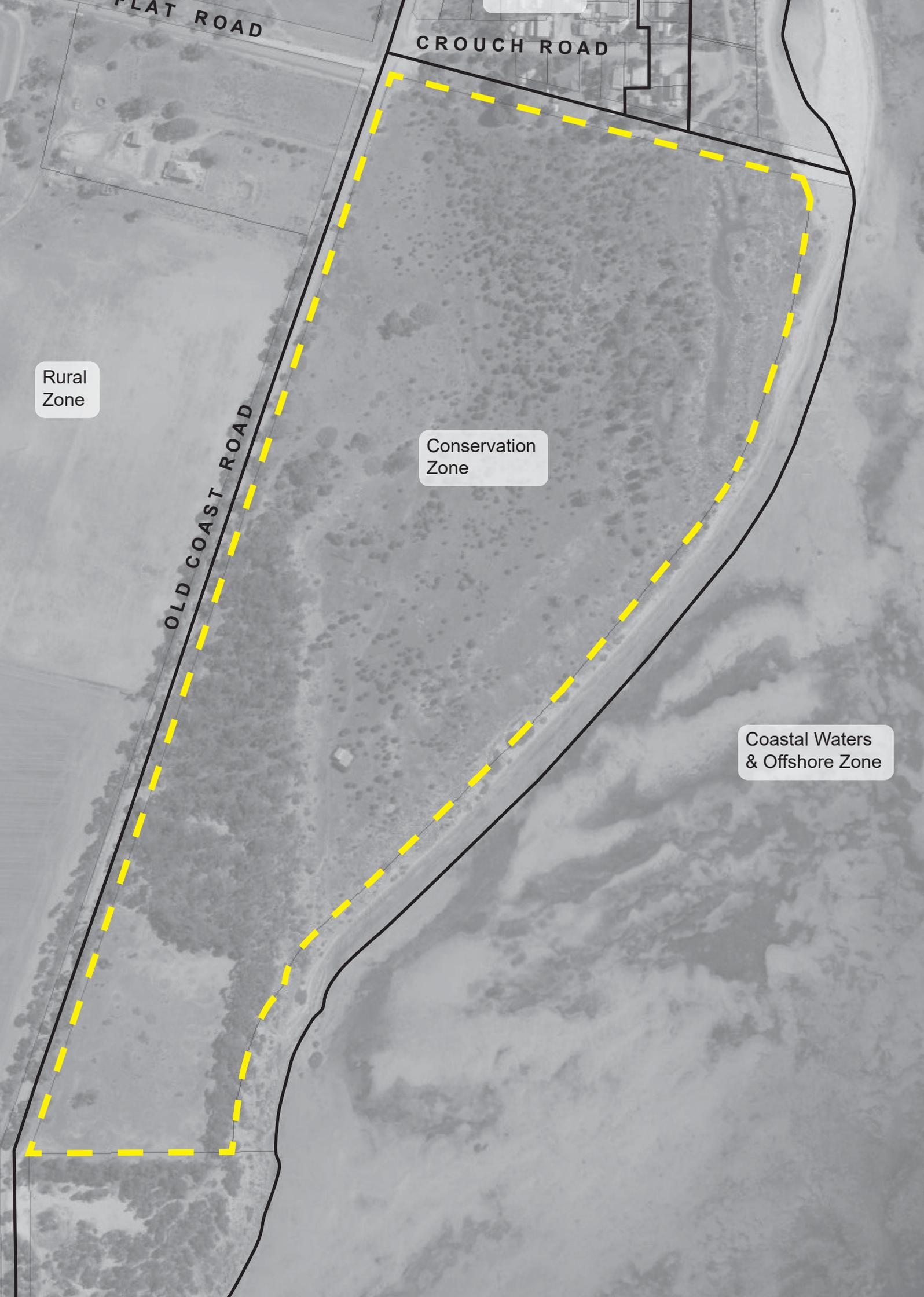
CROUCH ROAD

OLD COAST ROAD

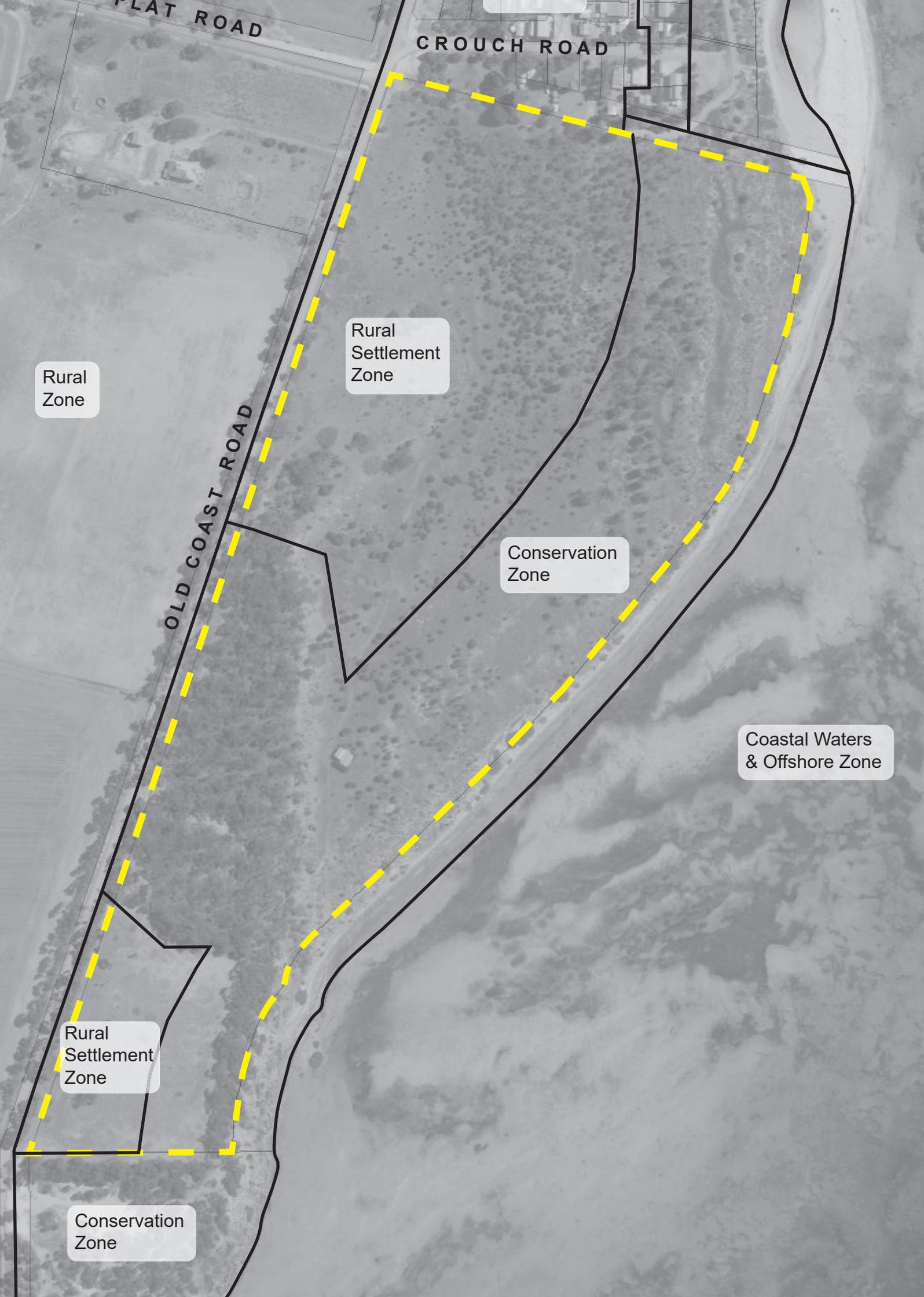
Rural Zone

Conservation Zone

Coastal Waters & Offshore Zone



APPENDIX 4. PROPOSED ZONE



FLAT ROAD

CROUCH ROAD

Rural Zone

Rural Settlement Zone

OLD COAST ROAD

Conservation Zone

Coastal Waters & Offshore Zone

Rural Settlement Zone

Conservation Zone

APPENDIX 5. ENGINEERING INVESTIGATIONS (MAGRYN)

**SHEAOAK FLAT DEVELOPMENT
ENGINEERING CONSIDERATIONS**

19 August, 2021

Project 21304

Prepared for:

**Future Urban
Level 1, 74 Pirie St
Adelaide, 5000**

Contents

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1	Introduction	3
2	Coastal Erosion, Inundation and Sea Level Rise	6
3	On Site Waste Water Treatment	8
4	Water Supply	10
5	Electrical Supply	10
6	Road Access	10
7	Storm Water Management and Erosion Control	11

1 INTRODUCTION

The site at Sheaoak Flats is a parcel of land approximately 300m wide x 780m (approximately 16 ha) long, located east of Old Coast Road, south of Crouch Street, at Sheaoak Flat. The land has two main areas, being:

- above the top of the cliff, varying 24m AHD at the south east corner to 11.4m AHD elevation, and grading down along a reducing cliff face towards the north.
- below the cliff, levels vary from 3m AHD at the base of the cliffs, to 1.3 to 2.0m AHD at the top of the dunes at the beach line.

The site includes an area of eroded water course gully, just east of Old Coast Road, at the higher level.

The allotment is directly south of the existing Sheaoak Flat township, which is a collection of shacks set adjacent the beachfront. This group of shacks has a levee around it on the eastern side, adjacent the beach, to prevent flooding from high water level events in the gulf.

There are two options proposed. These are:

Option 1

- 47 residential allotments of 470 to 1218m² each, located in the north west corner of the site, with access roadways. These allotments are to be constructed in three stages.
- a caravan/cabin tourist park at the southern end of the site, of 17308m².
- a reserve (existing vegetation) of 30655m² comprising existing dense trees.
- coastal vegetation and public reserve area along the eastern side of the site.

Option 2

- 50 residential allotments of 470 to 920m² each, located in the northwest corner of the site, with access roadways. These allotments are to be constructed in three stages.
- a caravan/cabin tourist park at the southern end of the site, of 17308m²
- a reserve (existing vegetation) of 30655m² comprising existing dense trees
- coastal vegetation and public reserve area along the eastern side of the site.

The access into the residential allotments is to be via entrances from Old Coast Rd and an un-named roadway (Crouches Hill Rd?) along the northern boundary. Access into the caravan/cabin park is to be from Old Coast Rd.

The residential allotments in both options are to have one house each. These allotments vary in level from 2.5m AHD to 13m AHD elevation. Access into some allotments is directly off Old Coast Rd.

There is also proposed to be a corridor of land across the coastal vegetation from the residential allotments to the beach, to allow public access.

This report considers the engineering aspects of the proposed development.



CONCEPT PLAN
 OPTION ONE
 SHEAOAK FLAT

July 2021
 Revision B
 1:2000





CONCEPT PLAN
OPTION TWO
SHEAOAK FLAT

July 2021
Revision B
1:2000



2 COASTAL EROSION, INUNDATION AND SEA LEVEL RISE

Coastal inundation from flooding from gulf waters is due to several different factors. These include:

- normal astronomical tides
- additional variation on top of this due to atmospheric effects. These include:
 - The effect of a low pressure weather system over the area, causing an increase in local water levels, up to 300mm.
 - The effect of a south westerly storm, which pushes water up toward the head of the gulf, increasing water levels at the site. The extent of water level increase from this depends on the wind direction, strength, duration and local topographic and bathymetric features.
 - Wave setup effects, which is an increase in the average water level between the wave break zone and the shoreline, due to the energy released by the breaking waves. The amount of water level increase is dependent on the breaker height, direction, and local bathymetric features.
 - Future sea level rise

All of these effects (except the future sea level rise) are summarized in a 1 in 100 year Average Return Interval (ARI) maximum water level. This is the highest water level predicted for a site in a 100 year period.

On top of this 1 in 100 year ARI is the predicted sea level rise of 0.3m in the period to 2050, and an additional 0.7m in the period 2050 to 2100. This gives a total of 1.0m sea level rise to 2100.

Taking all the above into consideration, gives a minimum site level requirement of 4.0m AHD for this site. This meets state government and council requirements.

The minimum building floor level is 0.25m above this, or 4.25m AHD.

Some blocks at the north eastern corner of the residential allotment area are below a level of 3.5m AHD. Buildings on these allotments are proposed to be built on stilts to achieve floor levels of minimum 4.25m AHD.

Coastal erosion is due to loss of sand by wave action and coastal processes, and the general retreat of the beach over a period of years. The erosion is generally expected to increase due to the effects of sea level rise, as the coast adjusts to the new higher water levels.

The proposed residential allotments have a buffer/set back of at least 150m from the top of the dunes at the rear of the beach, which is typically at a level of 1.5 to 2.5m AHD. This is a very wide erosion buffer and easily capable of absorbing the coastal erosion threat for the next 100 years.



CONCEPT PLAN
WITH CONTOURS
SHEAOK FLAT

June 2021
Revision A
1:2000



The caravan/cabin tourist park at the southern end presents a cliff face directly to the beach. The top of this cliff is up to 18m AHD, and is currently partially

vegetated. It is proposed to maintain and upgrade the vegetation, and to ensure the ongoing stability of the cliff. The proposed development in this area is set back more than 50m behind the top of the cliff. This is also considered to be an adequate set back and erosion buffer for at least 50 years.

3 ON SITE WASTE WATER TREATMENT

On-site waste water collection, treatment and disposal is currently being investigated, and will be reported on in the future.

4 WATER SUPPLY

The existing township of Sheaoak Flat, located just north of the proposed development, does not have a mains water reticulation system. Hence, water supply for the proposed development will be roof collected storm water, and tank storage. Each property will require 5000 litre of dedicated fire fighting water storage and a general use storage. This will be roof collected from the house and sheds, and pumped from the tank for re-use.

The amount of storage required for general use by each property will be dependent on

- The building roof area available to facilitate collection
- The number of occupants of the house
- The amount of time the property is occupied

Rainfall in the area has a yearly average of 400 to 500mm.

A storage volume in the range 20 kl to 100 kl would be anticipated as necessary for each dwelling for general use, dependent on the factors above.

If supply runs low from overuse or extended periods of low rainfall, the tanks would need to be replenished by tanker.

5 ELECTRICAL SUPPLY

There is current electrical supply to the property, and also the township of the Sheaoak Flat to the north, however, this is unlikely to be sufficient for 47 or 50 additional dwellings and a cabin/caravan park.

Some augmentation of the existing supply may be possible by use of solar panels placed on any roofs, or small wind driven turbine generators located on site. This green energy supply will enhance the viability of the project. Therefore, some upgrade of the existing power supply be required by the local power supply authority. This will need to be assessed by an electrical engineer or the power supply authority at the relevant time, but would proceed through normal channels.

6 ROAD ACCESS

Access to all residential allotments is from Old Coast Rd, the unnamed road along the northern boundary, or from new internal service roads.

Access to the cabin/caravan park is directly from Old Coast Rd.

It is proposed that all access roads will be rubble topped, similar to Government Road, and will be 6m wide. The driveway into each separate property will be a single lane rubble topped road.

7 STORMWATER AND EROSION CONTROL

Runoff from the roofs of buildings will be directed to on-site storage tank for re-use. Runoff from internal access roads will be directed to adjacent swales for soakage.

Existing runoff from Old Coast Road runs to a local low spot on the road, and then to the east into an eroded creek gully. The erosion in this gully is extending upstream over time, and now threatening to encroach on to Old Coast Road.

It is proposed that as part of the work for this proposed development, the following be undertaken:

- 1) The erosion of the gully, adjacent to Old Coast Road, be treated and stabilized.
- 2) If council wishes to install a pipe crossover under Old Coast Road at this location, taking water from the western side of Government Road also, that the outflow from this pipe also be incorporated into flow in the existing gully.
- 3) That water from the gully be collected at the base of the gully/cliff and piped around/through the adjacent allotments to discharge into a stilling basin/wetland area in the medium density scrub at around a level of 2.5m AHD, east of the south eastern internal access roadway.
- 4) The flow of the water down the cliff face area, from approximately 13.0m AHD to 3.2m AHD, be managed in such a way to prevent erosion of the escarpment.

The wetland system taking the water from the gully would remove sediments and nutrients prior to the water exiting onto the beach. It is highly likely that the majority of this water would soak into this area preventing erosion of the beach.

The issue of erosion of the front (eastern) side of the allotment by coastal processes will be dealt with by allowing the natural erosion to occur on the low dune fronted area. This area is very wide and the proposed area for building is set well back. The cabin/caravan park is protected by a cliff. Coastal erosion is not considered to be relevant for this proposed development.

For Magryn & Associates Pty Ltd



Terry Magryn
CPEng.



ENGINEERS
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APPENDIX 6. COUNCIL LETTER

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ALL CORRESPONDENCE TO:
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24 August 2021

Record No: 21/98478

Chris Vounasis
Future Urban
Level 1, 74 Pirie Street
Adelaide SA 5000

By Email: chris@futureurban.com.au

Dear Chris

Sheaoak Flat Code Amendment

Thank you for your correspondence dated 9 August 2021, seeking feedback in relation to the preliminary consultation for the proposed Sheaoak Flat Code Amendment.

Further to our meeting on 31 May 2021, with yourself and your client Bask Gili Meno regarding Lot 298 Old Coast Road, Sheaoak Flat, I can confirm my in principle support for the proposed rezoning.

The retention of the substantial area of Conservation Zoning is commended. The areas marked for Rural Settlement Zoning would need to have investigations undertaken to ensure the topography is suitable for residential development. Council look forward to making further comments if the amendment proceeds and when formal community engagement is undertaken.

Yours sincerely



Andrew Cameron
Chief Executive Officer

APPENDIX 7. ENGAGEMENT PLAN

ENGAGEMENT PLAN

SHEOAK FLAT CODE AMENDMENT

BY SHEOAK DEVELOPMENTS PTY LTD

Date:
27.08.2021

Contact Details
Michael Osborn
Director
michael@futureurban.com.au
0408 808 143

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Document Control

Revision	Description	Author	Date
V1	Draft	MO	11.08.2021
V2	Review	MO	
V3	Final		

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APPENDICES

- APPENDIX 1. STAKEHOLDER AND COMMUNITY MAPPING*
- APPENDIX 2. PLANNING YOUR ENGAGEMENT APPROACH*
- APPENDIX 3. MEASURING SUCCESS*
- APPENDIX 4. CLOSING THE LOOP & REPORTING BACK*

1. BACKGROUND INFORMATION

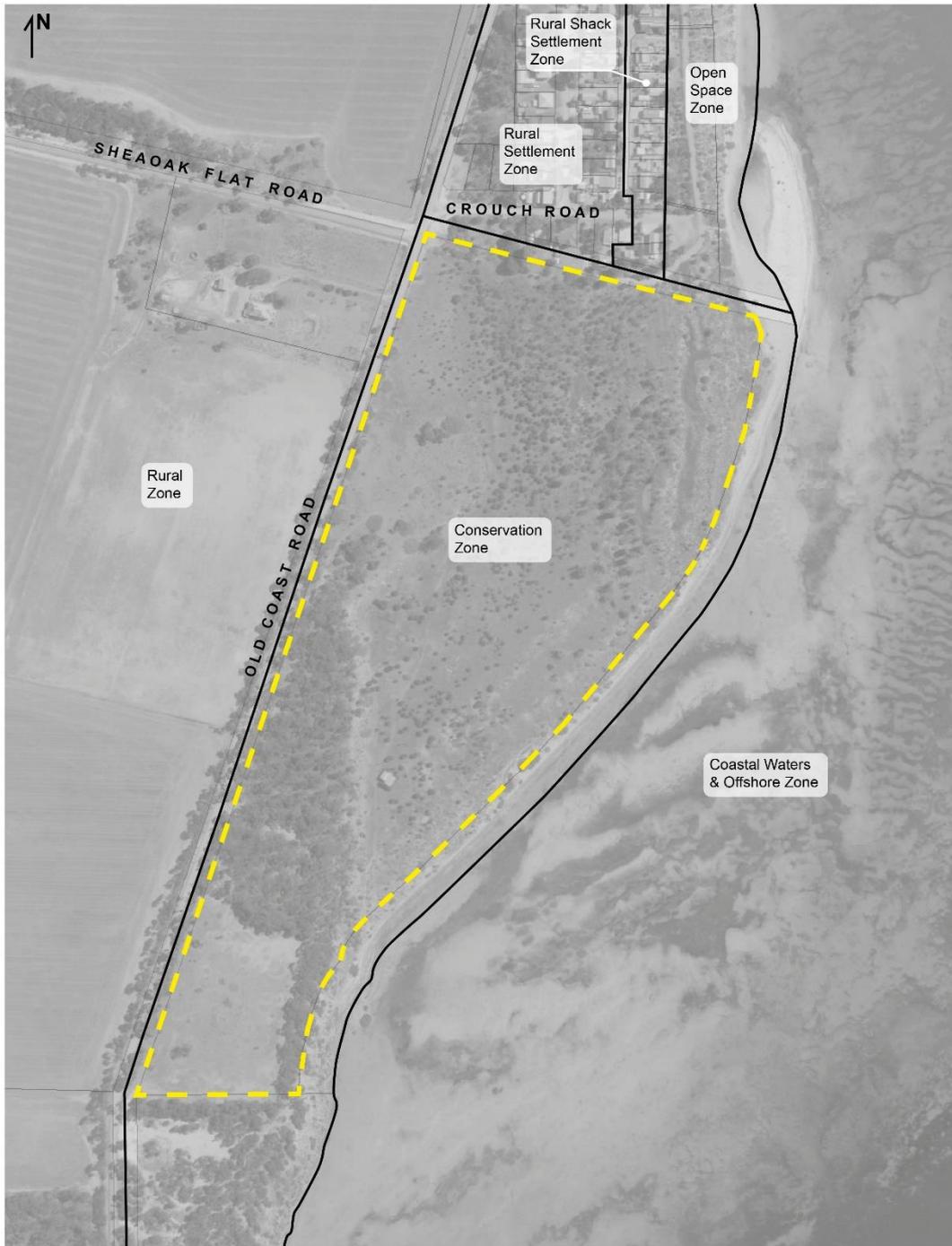
Sheoak Developments Pty Ltd is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to land located at Lot 298 Old Coast Road, Sheoak Flat (the Affected Area). The Affected Area is located directly to the south of the established Sheoak Flat township.

Sheoak Developments Pty Ltd has vision to develop the land in a balanced manner which is responsive to the environmental attributes and features of the land. In summary, this vision comprises:

- Establishment of approximately 50 residential allotments ranging between 450 square metres and 900 square metres in area in the north-west portion of the Affected Area;
- Provision for the establishment of tourist accommodation in the form of a caravan park and/or cabins in the southern portion of the Affected Area, which is above the highest point of the escarpment;
- Provision of a large reserve that protects the dense native vegetation area adjoining Old Coast Road;
- Provision of a public reserve and a coastal vegetation reserve to the seaward boundary preventing development from occurring within the area;
- Defined beach access between the residential development and the coast to protect the coastal environment;
- Incorporation of a roadside vegetation buffer along the entire length of the Old Coast Road frontage; and
- Integration of the Yorke Peninsula's *Walk the Yorke* walking trail through and around the site to improve the tourist trail.

The Affected Area and current Zoning are shown by **Figure 1.1** below. It is evident that the subject land is within the Conservation Zone. To facilitate the future development of the land in accordance with the project vision, it is necessary to rezone the land, with the Rural Settlement Zone considered the most appropriate.

Figure 1.1 Zoning and Affected Area



Affected Area & Current Zone

LEGEND

--- Subject land Boundary

— Zone Boundary

The proposed rezoning aligns with several State Planning Policies in relation to integrated planning, biodiversity, housing supply and diversity, coastal environment, and natural hazards. The proposed rezoning also aligns with many of policies within the Yorke Peninsula Regional Planning Strategy, as outlined within the Code Amendment Initiation document.

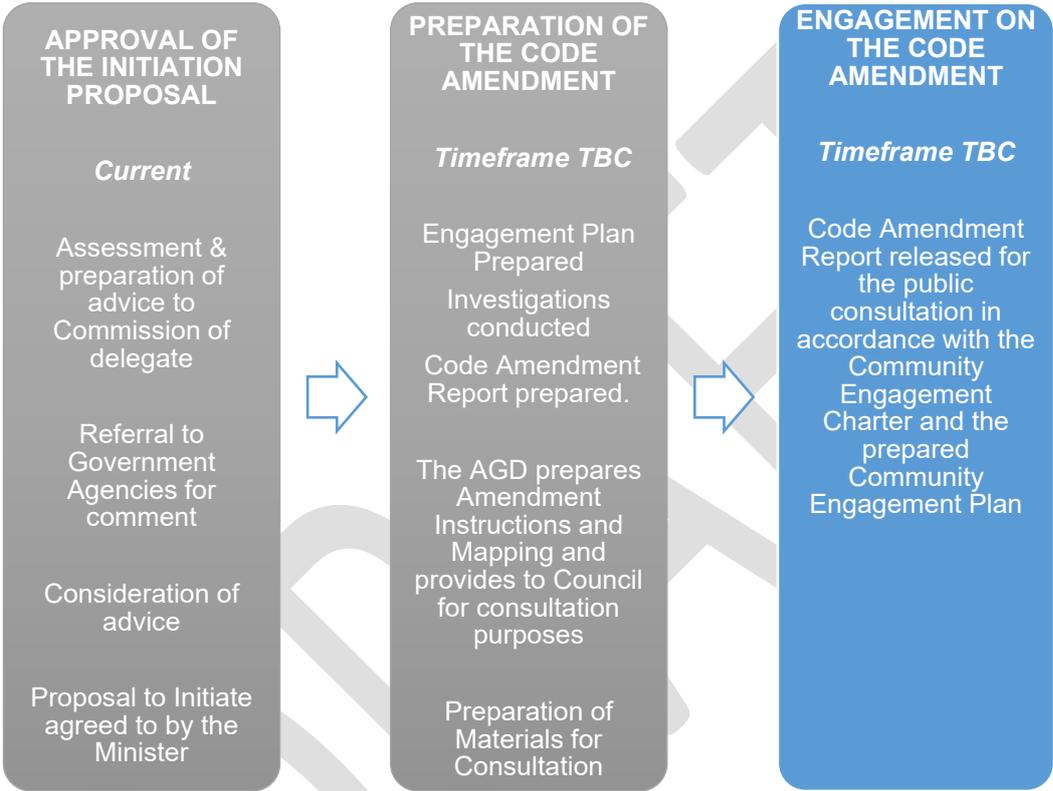
Investigations undertaken to date include an *Engineering Considerations* report prepared by Magryn (engineering consultants). This report can be found appended to the Code Amendment Initiation.

In accordance with section 73(4)(a) of the *Planning Development and Infrastructure Act 2016* (the 'PDI Act'), Sheoak Developments Pty Ltd will be the designated entity responsible for conducting the Code Amendment process.

Status of the Code Amendment

The Code Amendment process follows steps which require specific actions at each milestone. The timeframes for each step are outlined within **Figure 1.2**. Most of the engagement activities will occur after the preparation of the Code Amendment, shown in blue below.

Figure 1.2 Status of the Code Amendment



2. ENGAGEMENT PURPOSE

The purpose of the engagement is to inform the rezoning of the Allotment 298, Old Coast Road, Sheoak Flat to enable the future development of the land for residential and tourist accommodation purposes.

3. ENGAGEMENT OBJECTIVES

The key objectives of the engagement are to:

- Share information with the public about the Code Amendment;
- Create an understanding of the reasons for the Code Amendment;
- Understand the views of the stakeholders;
- Inform and improve the quality of the policy within the Code Amendment; and
- Comply with the Community Engagement Charter and the PDI Act).

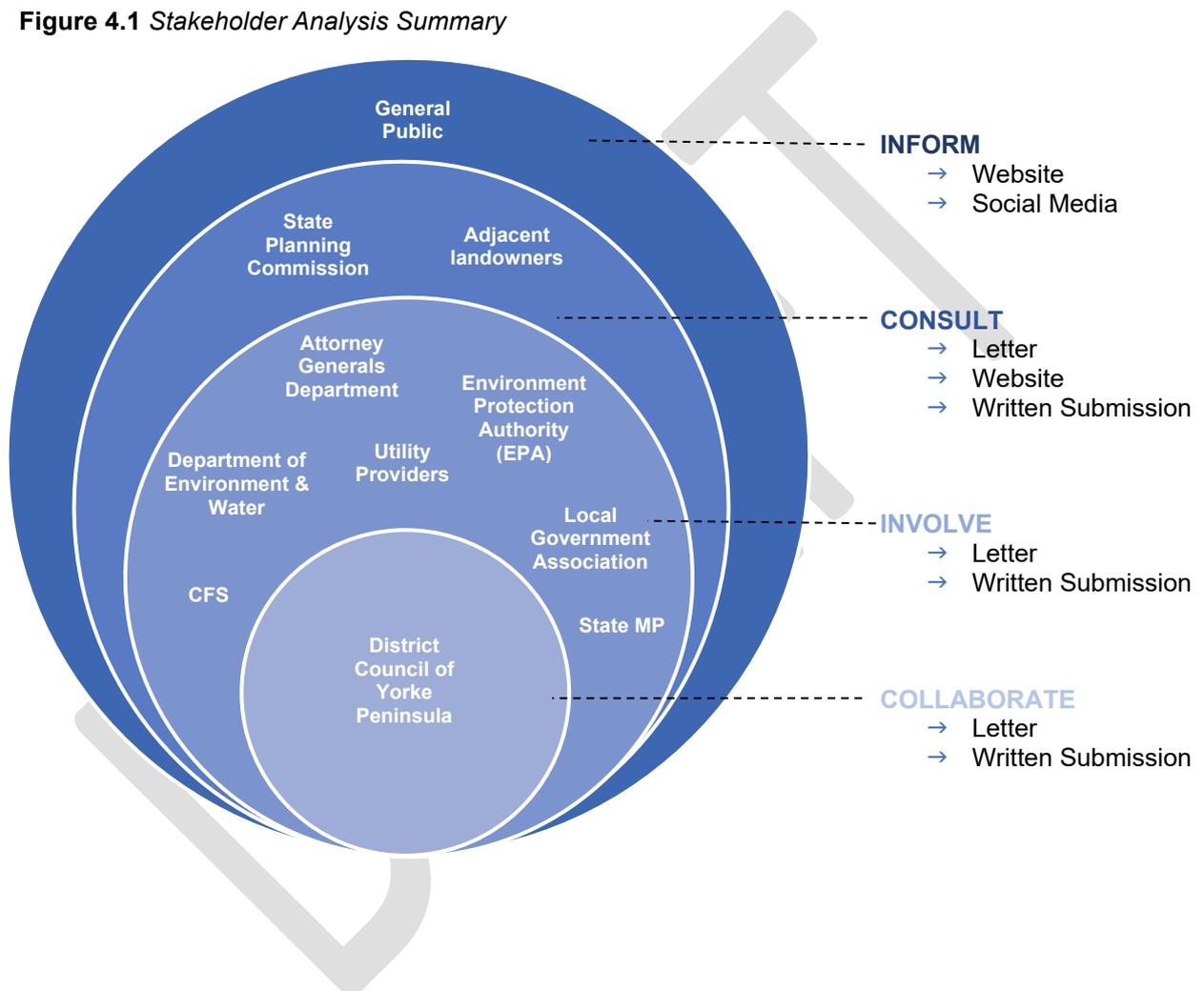
4. STAKEHOLDER IDENTIFICATION AND ANALYSIS

The primary audience for the engagement of this Code Amendment are the adjacent land owners and the Sheoak Flat community.

Overall, the aim of the community engagement is to provide a level of influence which seeks to work directly with the relevant stakeholders throughout the process to ensure that public concerns and aspirations are understood, considered and reflected in the Code Amendment.

A stakeholder identification and analysis has been undertaken and the outcomes of this are provided in **Appendix 1**, with a summary of this analysis provided in **Figure 4.1** below.

Figure 4.1 Stakeholder Analysis Summary



The stakeholders which have been identified are:

- adjacent landowners as identified by Figure 4.2;
- Yorke Peninsula Council;
- Local Government Association;
- Attorney Generals Department;
- Department for Environment and Water;
- Department for Infrastructure and Transport;
- State Planning Commission;
- State MP;
- EPA;
- CFS; and
- General Public.

The level of each stakeholders interest (low, medium and high), the nature of their interests and their needs and expectations of the engagement process have been identified. Having regard to the level of interest, the potential impact of the project on each of the stakeholders interests and the potential impact of each stakeholder on the Code Amendment, the level of engagement has been established. The outcomes of this analysis are included in **Appendix 1**.

The levels of engagement are informed by the IAP2 Spectrum of Public Participation and are summarised in Table 4.1.

Table 4.1 *IAP2 Spectrum of Public Participation*

	Inform	Consult	Involve	Collaborate	Empower
Participation Goal	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.



Figure 4.2 Map of Notified Properties

5. SCOPE OF INFLUENCE

Aspects of the project which stakeholders and the community can influence are:

- The spatial application of Overlays and TNV's

Aspects of the project which stakeholders and the community cannot influence are:

- The geographic extent of the amendment; and
- The commercial expectations of the proposed Zone.

6. IMPLEMENTATION PLAN

An implementation plan has been prepared which details the various engagement activities proposed for each engagement level and the timing of these activities. The implementation plan is attached as **Appendix 2**.

Engagement activities have been included to ensure that the method of engagement is appropriate for achieving the objectives and level of influence of the engagement.

The overall engagement will consist of three stages, which include:

- Preliminary Engagement, undertaken prior to the drafting of the Code Amendment Report;
- Early Engagement, undertaken after the initial draft of the Code Amendment Report is prepared, but allowing for early input and sharing of information before the Code Amendment is publicly available; and
- Code Amendment Engagement, undertaken after the draft of the Code Amendment Report is completed and includes the Report being made available to the public and all stakeholders for review and input.

Within each stage of the engagement, the engagement activities generally include the following three milestones:

- Commencement of engagement;
- Engagement concludes; and
- Report back to the relevant stakeholders and/or the public on the outcomes and next steps.

7. APPLYING THE CHARTER PRINCIPLES IN PRACTISE

The stakeholders have been considered in respect to their needs and requirements to ensure that the design of the engagement allows all stakeholders to contribute equally. **Table 7.1** outlines the characteristics of the stakeholders relevant to this engagement and the needs and / or techniques which have been implemented.

Table 7.1 *Applying the Charter Principles*

Stakeholder	Engagement need or technique
English as a second language	<ul style="list-style-type: none"> Information that is easily translatable; and Website accessibility for those who come from non-English speaking backgrounds.
The older population within the community	<ul style="list-style-type: none"> Offering different levels of communication via phone and website; and Website accessibility for those with impairments that affect vision, reading ability or physical movement.

The engagement activities have been identified and the relevant charter principles have been addressed which is outlined within **Figure 7.2** below.

Table 7.2 *Charter Principles in Practice*

Charter Principles	How does your engagement approach/activities reflect this principle in action?
Engagement is genuine	<ul style="list-style-type: none"> The engagement activities seek to provide clear and concise information that builds the community capacity to understand planning The engagement process provides opportunity for stakeholders and the community to identify their issues and solutions and for these issues to be analysed and considered before finalising the Code Amendment
Engagement is inclusive and respectful	<ul style="list-style-type: none"> Affected and interested people had the opportunity to participate via website, direct letters and social media and had the opportunity to be heard via written submission.
Engagement is fit for purpose	<ul style="list-style-type: none"> Clear and concise information will be publicly available to ensure people understand what is proposed and how to participate in the engagement.
Engagement is informed and transparent	<ul style="list-style-type: none"> Information (online and hard copy via letter-box drop) in basic language clearly articulates the proposal, potential impacts, engagement process and invites feedback/participation; The community engagement report will summarise the feedback received and how it has been, or will be, used to inform the Code Amendment.

Charter Principles	How does your engagement approach/activities reflect this principle in action?
Engagement is reviewed and improved	<ul style="list-style-type: none"> Measures of success are identified and measured at the conclusion of the engagement and reported on in the Engagement Report.

8. KEY MESSAGES

The following key messages will underpin the engagement regarding the Code Amendment:

- The Proponent is planning to re-zone the land located at Lot 298 Old Coast Road Sheoak Flat from the Conservation Zone to the Rural Settlement Zone to enable the development of that land for residential and small-scale tourist accommodation purposes
- The reason for this is that there is demand for residential and small-scale tourist accommodation, with the attributes of the Affected Area considered well suited for such uses when combined with the protection of the environmental sensitive areas of the land; and
- A Code Amendment is required to enable this re-zoning.

9. EVALUATION

As part of the engagement process, feedback from stakeholders regarding the engagement will be noted to ensure that the project team can:

- Address potential risks throughout the implementation;
- Alter the engagement process if needed to respond to feedback and/or mitigate risks to the project; and
- Maintain the quality of the engagement activities.

Appendix 3 includes a table which outlines a summary of measuring the success of the engagement process. Participants are invited to assess the success of the engagement against the criteria. The evaluation will be included in the statutory report required to be prepared by the Designated Entity under section 73(7) of PDI Act (the Engagement Report).

Following an evaluation of the success of the engagement, a summary of the engagement process will be provided to the participants. The methods for reporting back and closing the loop are outlined within **Appendix 4**.

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APPENDIX 1. STAKEHOLDER AND COMMUNITY MAPPING

Stakeholder and community mapping

Stakeholder	Level of interest in the project (i.e. high, medium or low)	Nature of interest in the project and/or the potential impact of the project	Stakeholder needs/expectations for engagement in the project	Level of engagement (i.e. inform, consult, involve, collaborate)
Adjacent landowners.	High.	<ul style="list-style-type: none"> • High interest in the Code Amendment proposal and impact as the Zone change is located within their locality; • How the Zone change will affect the value of their property; • How the Zone change will affect the street and general locality. 	That they will be kept informed, listened to, their concerns and aspirations acknowledged and feedback will be provided on how their input influenced the decision.	Consult.
Yorke Peninsula Council.	High.	<ul style="list-style-type: none"> • High interest in the Code Amendment proposal as the land proposed to be rezoned is within the Yorke Peninsula Council area. 	That we will seek their advice and innovation in formulating solutions and incorporate their advice and recommendations into the decisions to the maximum extent possible.	Collaborate.
Local Government Association.	Low.	<ul style="list-style-type: none"> • Low level of interest as the Code Amendment is relevant to the Yorke Peninsula Council; 	That we will work with them to ensure that their concerns and aspirations are reflected in the Code Amendment and feedback will be provided on how their input influenced the decision.	Involve.

		<ul style="list-style-type: none"> It is a mandatory requirement to notify the Local Government Association in writing and to be consulted, as per the <i>Planning Development and Infrastructure Act 2016</i>. 		
Attorney Generals Department.	Medium.	<ul style="list-style-type: none"> Medium level of interest; Identified as a required consultation. Department will be providing advice to the State Planning Commission. 	That we will work with them to ensure that their concerns and aspirations are reflected in the Code Amendment and feedback will be provided on how their input influenced the decision.	Involve.
State Member of Parliament.	High.	<ul style="list-style-type: none"> High level of interest. Any rezoning process is likely to engender interest within local communities. 	That we will work with them to ensure that their concerns and aspirations are reflected in the Code Amendment and feedback will be provided on how their input influenced the decision.	Involve.
State Planning Commission.	Medium.	<ul style="list-style-type: none"> Medium level of interest. State Planning Commission will be providing advice to the Minister on the Code Amendment. 	That they will be kept informed, listened to, their concerns and aspirations acknowledged and feedback will be provided on how their input influenced the decision.	Consult.
Utility Providers.	Medium.	<ul style="list-style-type: none"> Medium level of interest; The proposed rezoning may generate infrastructure demands which require assessment. 	That we will work with them to ensure that their concerns and aspirations are reflected in the Code Amendment and feedback will be provided on how their input influenced the decision.	Involve.

Department of Environment and Water.	High.	<ul style="list-style-type: none"> • High level of interest; • Native vegetation and proximity to coastline are site features which will be of interest to the agency. 	That we will work with them to ensure that their concerns and aspirations are reflected in the Code Amendment and feedback will be provided on how their input influenced the decision.	Involve.
Environment Protection Authority (EPA).	Medium.	<ul style="list-style-type: none"> • Medium level of interest. 	That we will work with them to ensure that their concerns and aspirations are reflected in the Code Amendment and feedback will be provided on how their input influenced the decision.	Involve.
Country Fire Service	Medium.	<ul style="list-style-type: none"> • Medium level of interest • Land is in a Hazards (Bushfire – Medium Risk) Overlay 	That we will work with them to ensure that their concerns and aspirations are reflected in the Code Amendment and feedback will be provided on how their input influenced the decision.	Involve.
General Public	Low.	<ul style="list-style-type: none"> • To keep informed in the overall process of the Code Amendment and Zone change; and • To provide feedback on the Code Amendment. 	To be provided with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	Inform.

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APPENDIX 2. IMPLEMENTATION PLAN

Planning your engagement approach

Stage	Objective	Stakeholders/ target audience	Engagement level	Engagement activity	Timing	Who's responsible? *	Resources required *	Risks and mitigation *
Preliminary Engagement	<ul style="list-style-type: none"> Create an understanding of the reasons for the Code Amendment Understand the views of the stakeholders 	<ul style="list-style-type: none"> Yorke Peninsula Council 	Collaborate.	<ul style="list-style-type: none"> Meeting 	<ul style="list-style-type: none"> Date: November 2021 (indicative) Meet with stakeholders at the collaborate engagement level 	<ul style="list-style-type: none"> Future Urban on behalf of the Proponent 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none">
Early Engagement	<ul style="list-style-type: none"> Create an understanding of the reasons for the Code Amendment Understand the views of the stakeholders Inform and improve the quality of the policy within the Code Amendment 	<ul style="list-style-type: none"> Department for Environment and Water 	Collaborate.	<ul style="list-style-type: none"> Meeting 	<ul style="list-style-type: none"> Date: November 2021 (indicative) Arrange for Elected Member briefing for City of Marion 	<ul style="list-style-type: none"> Future Urban on behalf of the Proponent 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none">

Stage	Objective	Stakeholders/ target audience	Engagement level	Engagement activity	Timing	Who's responsible? *	Resources required *	Risks and mitigation *
Code Amendment Engagement.	<ul style="list-style-type: none"> Share information with the public about the Code Amendment; Create an understanding of the reasons for the Code Amendment; Understand the views of the stakeholders; Inform and improve the quality of the policy within the Code Amendment; and Comply with the Community Engagement Charter and the Planning, Development and Infrastructure Act 2016 (PDI Act). 	<ul style="list-style-type: none"> Yorke Peninsula Council 	Collaborate.	<ul style="list-style-type: none"> Letter. Meeting. Written submission. Survey providing feedback on the engagement. 	<ul style="list-style-type: none"> Date: November 2021 (indicative) Send letters to relevant stakeholders. Date: November 2021 (indicative) 	<ul style="list-style-type: none"> Future Urban on behalf of the Proponent. Plan SA (website) 	<ul style="list-style-type: none"> Plan SA website – Have Your Say Council Website Council Social Media Pages Letters Brochure/ Information booklet 	<ul style="list-style-type: none"> Allow for a wider Stakeholder audience to ensure all feedback, comments and concerns are captured to inform the Code Amendment process.
		<ul style="list-style-type: none"> Local Government Association. Attorney Generals Department. Environment Protection Authority. Utility Providers. State MP CFS 	Involve.	<ul style="list-style-type: none"> Letter. Written submission. Survey providing feedback on the engagement. 	<ul style="list-style-type: none"> Information available on the website and social media. Date: November 2021 (indicative) 	<ul style="list-style-type: none"> All Stakeholders 		<ul style="list-style-type: none"> Allow for a wide range of engagement resources to accommodate different stakeholder groups.
		<ul style="list-style-type: none"> Adjacent landowners. State Planning Commission. 	Consult.	<ul style="list-style-type: none"> Letter. Information provided on website. Written submissions. 	<ul style="list-style-type: none"> Date: November 2021 (indicative) 	<ul style="list-style-type: none"> Future Urban on behalf of the Proponent. 		

Stage	Objective	Stakeholders/ target audience	Engagement level	Engagement activity	Timing	Who's responsible? *	Resources required *	Risks and mitigation *
				<ul style="list-style-type: none"> Survey providing feedback on the engagement. 	<ul style="list-style-type: none"> Date: December 2021 (indicative) Consultation end. 			
		<ul style="list-style-type: none"> General Public. 	Inform.	<ul style="list-style-type: none"> Information provided on website. Social Media. 	<ul style="list-style-type: none"> Date: January 2022 (indicative) Outcomes of engagement made available Date: January 2022 (indicative) Survey released to evaluate engagement Survey open for 2 weeks. Date: February 2022 (indicative) Close of survey 			

*this information does not need to be provided to the Minister

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APPENDIX 3. MEASURING SUCCESS

Measuring success

#	Charter criteria	Charter performance outcomes	Respondent	Indicator ²	Evaluation tool ³ Exit survey / follow-up survey	Measuring success of project engagement	What additional measure/s can help evaluate this principle?	What additional method will we use to collect information about this measure?	How do we integrate collection of this information with our planned engagement activities?
1	Principle 1: Engagement is genuine	People had faith and confidence in the engagement process.	Community	I feel the engagement genuinely sought my input to help shape the proposal	Likert scale - strongly disagree to strongly agree	Per cent from each response.	Nil additional measures proposed	Exit survey/ follow-up survey	Original letter to confirm that an exit survey will be available
2	Principle 2: Engagement is inclusive and respectful	Affected and interested people had the opportunity to participate and be heard.	Community	I am confident my views were heard during the engagement	Likert scale - strongly disagree to strongly agree	Per cent from each response.	Nil additional measures proposed	Exit survey/ follow-up survey	Original letter to confirm that an exit survey will be available
			Project Lead	The engagement reached those identified as community of interest.	Representatives from most community groups participated in the engagement Representatives from some community groups	Per cent from each response.	Nil additional measures proposed	Nil additional measures proposed	Original letter to confirm that an exit survey will be available

#	Charter criteria	Charter performance outcomes	Respondent	Indicator ²	Evaluation tool ³ Exit survey / follow-up survey	Measuring success of project engagement	What additional measure/s can help evaluate this principle?	What additional method will we use to collect information about this measure?	How do we integrate collection of this information with our planned engagement activities?
					participated in the engagement There was little representation of the community groups in engagement.				
3	Principle 3: Engagement is fit for purpose	People were effectively engaged and satisfied with the process.	Community	I was given sufficient information so that I could take an informed view.	Likert scale - strongly disagree to strongly agree	Per cent from each response.	Nil additional measures proposed	Exit survey/ follow-up survey	Original letter to confirm that an exit survey will be available
		People were clear about the proposed change and how it would affect them.		I was given an adequate opportunity to be heard	Likert scale - strongly disagree to strongly agree	Per cent from each response.	Nil additional measures proposed	Exit survey/ follow-up survey	Original letter to confirm that an exit survey will be available
4	Principle 4:	All relevant information was made	Community	I felt informed about why I	Likert scale - strongly	Per cent from each response.	Nil additional measures proposed	Exit survey/ follow-up survey	Original letter to confirm that an exit survey will be available

#	Charter criteria	Charter performance outcomes	Respondent	Indicator ²	Evaluation tool ³ Exit survey / follow-up survey	Measuring success of project engagement	What additional measure/s can help evaluate this principle?	What additional method will we use to collect information about this measure?	How do we integrate collection of this information with our planned engagement activities?
	Engagement is informed and transparent	available and people could access it. People understood how their views were considered, the reasons for the outcomes and the final decision that was made.		was being asked for my view, and the way it would be considered.	disagree to strongly agree				
5	Principle 5: Engagement processes are reviewed and improved	The engagement was reviewed and improvements recommended.	Project Lead	Engagement was reviewed throughout the process and improvements put in place, or recommended for future engagement	Reviewed and recommendations made Reviewed but no system for making recommendations Not reviewed	Per cent from each response.	Nil additional measures proposed	Nil additional measures proposed	Observation and review of provided responses

#	Charter criteria	Charter performance outcomes	Respondent	Indicator ²	Evaluation tool ³ Exit survey / follow-up survey	Measuring success of project engagement	What additional measure/s can help evaluate this principle?	What additional method will we use to collect information about this measure?	How do we integrate collection of this information with our planned engagement activities?
6	Engagement occurs early	Engagement occurred before or during the drafting of the planning policy, strategy or scheme when there was an opportunity for influence.	Project Lead	Engagement occurred early enough for feedback to genuinely influence the planning policy, strategy or scheme	Engaged when there was opportunity for input into scoping Engaged when there was opportunity for input into first draft Engaged when there was opportunity for minor edits to final draft Engaged when there was no real opportunity for input to be considered	Per cent from each response.	Nil additional measures proposed	Nil additional measures proposed	Observation and review of provided responses
7	Engagement feedback was considered in the development of planning	Engagement contributed to the substance of a plan or resulted in	Project Lead	Engagement contributed to the substance of the final plan	In a significant way In a moderate way In a minor way	Per cent from each response.	Nil additional measures proposed	Nil additional measures proposed	Observation and review of provided responses

#	Charter criteria	Charter performance outcomes	Respondent	Indicator ²	Evaluation tool ³ Exit survey / follow-up survey	Measuring success of project engagement	What additional measure/s can help evaluate this principle?	What additional method will we use to collect information about this measure?	How do we integrate collection of this information with our planned engagement activities?
	policy, strategy or scheme	changes to a draft.			Not at all				
8	Engagement includes 'closing the loop'	Engagement included activities that 'closed the loop' by providing feedback to participants / community about outcomes of engagement	Project Lead	Engagement provided feedback to community about outcomes of engagement	Formally (report or public forum) Informally (closing summaries) No feedback provided	Per cent from each response.	Nil additional measures proposed	Nil additional measures proposed	Observation and review of provided responses
9	Charter is valued and useful	Engagement is facilitated and valued by planners	Project Lead	Identify key strength of the Charter and Guide Identify key challenge of the charter and Guide			Nil additional measures proposed	Nil additional measures proposed	Observation and review of provided responses

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APPENDIX 4. CLOSING THE LOOP & REPORTING BACK

Closing the loop and reporting back

How will you respond to participants?	Who's responsible?	When will you report back?
The general public will be aware of the outcomes via information made available on the Plan SA Portal	Future Urban on behalf of the Proponent	6-8 weeks after consultation has ended
All other stakeholders will be directly notified in writing by letter and / or e-mail.	Future Urban on behalf of the Proponent	6-8 weeks after consultation has ended

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TO: MINISTER FOR PLANNING AND LOCAL GOVERNMENT

**RE: PROPOSAL TO INITIATE A CODE AMENDMENT BY SHEAOAK
DEVELOPMENT PTY LTD**

PURPOSE

To recommend that you do not support the Proposal to Initiate the Sheaoak Flat Code Amendment (the Proposal).

BACKGROUND

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

73 – Preparation and amendment

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

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

(vii) in relation to the Planning and Design Code or a design standard— a person who has an interest in land and who is seeking to alter the way in which the Planning and Design Code or a design standard affects that land.

The Proponent, Sheaoak Developments Pty Ltd, has lodged a Proposal to Initiate the Sheaoak Flat Code Amendment to amend the Planning and Design Code (the Code) as it relates to the affected area (**Attachment 1**).

The State Planning Commission (the Commission) considered the Proposal to Initiate at its meeting of 14 October 2021, and resolved to not support the Code Amendment.

A summary of the roles and responsibilities for you, as Minister for Planning and Local Government, and the Commission in regard to the Code Amendment is provided in **Appendix A**.

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

DISCUSSION

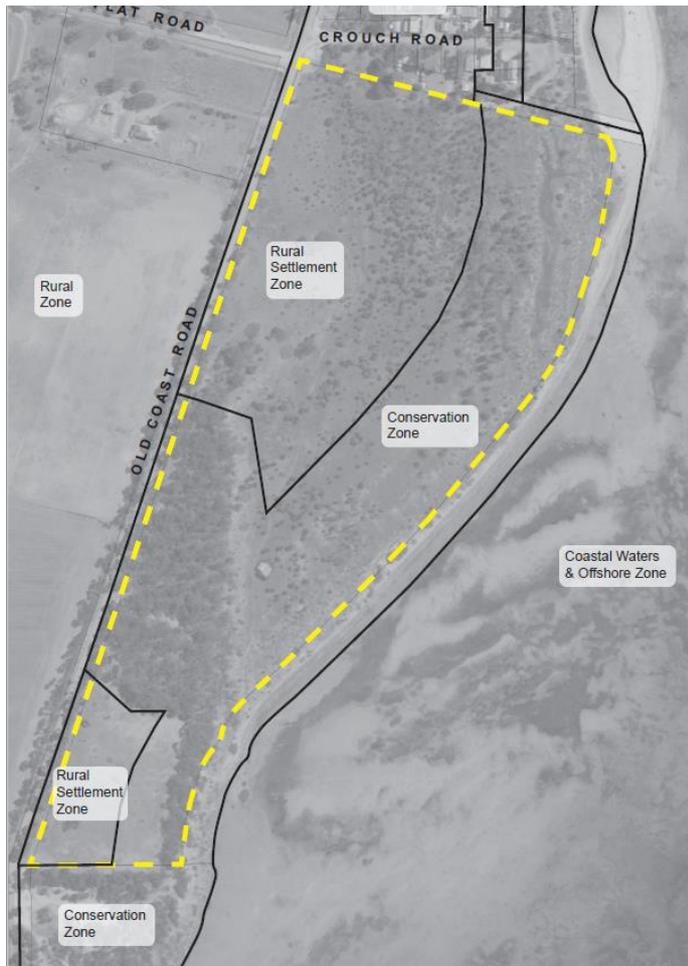
The following sets out the strategic, policy and procedural considerations in relation to the Proposal to Initiate, including conditions that are recommended should you agree to initiate the Code Amendment.

Proposal

The Proposal to Initiate seeks to rezone two areas (comprising approximately 6.5 hectares and 1.7 hectares respectively) in Sheaoak Flat from the Conservation Zone to

the Rural Settlement Zone. The overall vision for the affected area is residential development of up to 50 allotments on the site closest to the existing Sheoak Flat settlement, and tourist accommodation in the form of a caravan park and/or cabins on the smaller site (1.7 hectares).

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



Planning and Design Code Zoning

The affected area is located within the Conservation Zone.

The following Overlays apply to the land:

- Coastal Areas Overlay;
- Hazards (Bushfire – Medium Risk) Overlay;
- Hazards (Flooding – Evidence Required) Overlay; and
- Native Vegetation Overlay.

Land surrounding the affected area is within Rural Zone, Conservation Zone, Rural Settlement Zone and Rural Shack Settlement Zone.

Strategic Considerations

The following sets out the strategic considerations relating to this Proposal, and rationale for the Commission recommending that you do not support the Code Amendment.

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

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

Strategic Advice

The Proposal seeks to rezone portions of the Conservation Zone adjacent to an existing settlement for the purposes for residential development and small scale tourist accommodation (caravan park and/or cabins). Sections of the affected land parcel will remain in the Conservation Zone. An engineering report has been obtained to investigate coastal processes and environmental issues; however, potential impacts on the biodiversity and other environmental impacts have not been fully considered, and appear to conflict with relevant State Planning Policies and the Yorke Peninsula Regional Land Use Framework.

Further specific reasons are provided below:

- Preliminary consultation has occurred with the Coastal Protection Board and Native Vegetation Council which has informed the areas suitable for development, together with areas of the natural and/or coastal environment that require protection. The Department for Environment and Water have raised concerns relating to development in low-lying areas, along with the clearance of native vegetation.
- It is likely that the subject land contains native vegetation. A large reserve containing the most dense native vegetation area adjoining Old Coast Road is proposed to be left in the Conservation Zone; however, the impact to the remaining native vegetation and biodiversity has not been fully considered.

Residential Land Supply

Population projections released by the State Government in 2019 indicated the Yorke Peninsula Council area would likely grow by less than 1,000 people between 2016 and 2036.

There is limited demonstrated need for additional residential land supply, with land already set aside to accommodate growth in locations such as Maitland and Port Victoria (i.e. that are rezoned Deferred Urban). These sites would form logical and orderly extensions to existing urban areas, providing development in locations that are better serviced by infrastructure and would have less environmental impact.

Land use characteristics

The subject land has two main areas, being above the top of the cliff, grading down along a reducing cliff face towards the north, and below the cliff, which extends to the dunes at the beach line.

The site includes an area of eroded water course gully, just east of Old Coast Road, at the higher level.

The allotment is directly south of the existing Sheaoak Flat township, which is a collection of shacks set adjacent the beachfront. This group of shacks has a levee around it on the eastern side, adjacent the beach, to prevent flooding from high water level events in the gulf.

The subject land has a scattering of native shrubs and trees, with some densely vegetated areas. While the dense areas have mostly been avoided in proposed rezoning, a biodiversity survey has not been undertaken.

Transport and Access

Access to all residential allotments is proposed to be from Old Coast Road, the unnamed road along the northern boundary, or from new internal service roads that will be created as a result of the rezoning/development. Access to the caravan/cabin park is proposed to be directly from Old Coast Road.

All access roads are proposed to be rubble topped, like the Government Road, and will be 15 metres wide (including reserves).

The closest state-maintained road is St Vincent Highway, accessed via Sheoak Flat Road, which is approximately 2km from the Sheoak Flat settlement and affected area.

Bushfire

The subject land is covered by the Hazards (Bushfire – Medium Risk) Overlay. The Sheoak Flat township is covered by the Hazards (Bushfire – Urban Interface) Overlay, while the Rural zoned land to the west is covered by the Hazards (Bushfire – General) Overlay. It should be noted; however, that as part of the initiated State-wide Bushfire Hazards Overlay Code Amendment, draft mapping identifies potential changes to the Urban Interface and General bushfire hazard overlays in this locality to Medium Risk.

Services and Infrastructure

The existing township of Sheoak Flat does not have a mains water reticulation system; therefore, water supply for the proposed development will be via roof collected stormwater and tank storage. In addition, each property will require 5,000 litres of dedicated firefighting water storage and a general use storage also to be roof collected from roof areas, and pumped from the tank for reuse. In the event that water supply runs low from overuse or extended periods of low rainfall, individual tanks would need to be replenished by a tanker.

Options will exist to manage wastewater, with further investigations proposed in order to identify the preferred solution (i.e. individual or communal system). The engineering report suggests that the cabin/caravan park could have a septic or other onsite treatment system adjacent to the amenities block, which pumps out or soaks to the top of the dense tree reserve downhill from the site, which is more than 100 metres from the tidal mean high water mark. This is proposed to be examined further as part of the investigations.

There is an electrical supply to the site; however, this is unlikely to be sufficient for up to 50 additional dwellings and the caravan/cabin park. The engineering report suggests that some augmentation of the existing supply may be possible with the use of solar panels placed on any roofs, or small wind driven turbine generators located on site. This is

considered unacceptable, and further investigations would be required to determine the augmentation/upgrades works that may be necessary to facilitate the proposal.

In terms of stormwater, it is proposed that runoff from internal access roads will be directed to adjacent swales for soakage. There are works proposed to manage stormwater, including treating and stabilising the existing gully and a basin/wetland area in the medium density scrub. The environmental impacts of this have not been fully assessed.

Procedural Considerations

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

Information Requirements

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

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

Consistent with State Planning Policies and Regional Plan

The Code must be consistent with the principles of the SPPs and should be consistent with the directions of the relevant Regional Plan, which, in this instance, is the Yorke Peninsula Regional Land Use Framework. You have sought the Commission's advice in this regard. This assessment is provided in the appendices.

A more detailed analysis is also located in the Proposal to Initiate.

In summary, the Proposal to Initiate has some inconsistencies with the SPPs and Regional Plan.

Consultation

The Proponent has undertaken preliminary consultation with Yorke Peninsula Council, who have advised, in principle, support for the Proposal, subject to additional investigations being undertaken. However, given the inconsistencies with the SPPs and the Regional Plan, it is recommended that the Code Amendment not proceed at this time.

Additional Resolutions

The Commission recommends that you decline to approve the Proposal to Initiate. However, should you choose not to follow its advice, the Commission has further resolved to provide you with the advice in **Appendix F** that includes items you should consider.

RECOMMENDATIONS

It is recommended that you:

1. Agree to adopt the advice of the State Planning Commission, provided to you as required under section 73(2)(b) of the Act, recommending that the Proposal to Initiate not be supported. AGREED / NOT AGREED

2. Agree to sign the attached letter to the Proponent, advising them of your decision (**Attachment 2**). AGREED / NOT AGREED

3. Agree to sign the attached letter to the Yorke Peninsula Council, advising them of your decision (**Attachment 3**). AGREED / NOT AGREED

VICKIE CHAPMAN MP
/ /



Helen Dyer
CHAIR, STATE PLANNING COMMISSION
14 / 10 / 2021

Attachments:

1. Proposal to Initiate the Sheaoak Flat Code Amendment (#17595182).
2. Letter to the Proponent, Sheaoak Development Pty Ltd, C/- Mr Michael Osborn (#17811200).
3. Letter to Mr Andrew Cameron, Chief Executive Officer, Yorke Peninsula Council (#17811201).

Appendices:

- A. Summary of Roles and Responsibilities in Code Amendment Process (#17770992).
- B. Code Amendments Initiated by Proponents—Process Flowchart (#17770793).
- C. State Planning Commission’s Strategic Priorities (#17647216).
- D. Assessment against the State Planning Policies and Regional Plan (#17647111).
- E. Extract—*Practice Direction 2 – Preparation of Amendment of Designated Instruments* (#17771047).
- F. Additional Resolutions and Advice of the State Planning Commission (#17774213).

Contact: Anita Allen
Tel No: 0407 705 220

The Hon Vickie Chapman MP



**Government
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Deputy Premier

Attorney-General

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2021/14107/01

October 2021

Sheaoak Developments Pty Ltd
C/- Michael Osborn
Director
Future Urban

By email: michael@futureurban.com.au

Dear Mr Osborn

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) in relation to the Proposal to Initiate the Sheaoak Flat Code Amendment.

I acknowledge the amount of work and investigations that have been undertaken to submit the Proposal to Initiate. I also recognise the stakeholder engagement undertaken to date and the proposed preservation of conservation land. However, any proposal to rezone conservation land will only be considered through extenuating circumstances, to which I do not believe are evident in this case.

The Proposal has many inconsistencies with the State Planning Policies and the Regional Plan—in this case, the Yorke Peninsula Regional Land Use Framework. The potential impacts on the biodiversity, along with other environmental impacts, have not been fully considered, and the demand for further land supply in this location has not been demonstrated. I also have concerns regarding the provision of infrastructure. To that end, I advise that I am declining to approve the Proposal to Initiate.

Should you wish to discuss this further, please contact Ms Belinda Monier, Senior Planner, Planning & Land Use Services, Attorney-General's Department, on 08 8343 2719.

Yours sincerely

VICKIE CHAPMAN MP
DEPUTY PREMIER
MINISTER FOR PLANNING AND LOCAL GOVERNMENT

The Hon Vickie Chapman MP

2021/14107/01

October 2021

Mr Andrew Cameron
Chief Executive Officer
Yorke Peninsula Council

By email: andrew.cameron@yorke.sa.gov.au



**Government
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Deputy Premier

Attorney-General

**Minister for Planning
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Tel 08 8207 1723
Fax 08 8207 1736

Dear Mr Cameron

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 have declined to approve initiation of the Sheoak Flat Code Amendment (the Proposal), which affects land within your council area.

I acknowledge the amount of work and investigations that have been undertaken by the Proponent to submit the Proposal to Initiate. I also recognise the stakeholder engagement undertaken to date and the proposed preservation of conservation land. However, any proposal to rezone conservation land will only be considered through extenuating circumstances, to which I do not believe are evident in this case.

The Proposal has many inconsistencies with the State Planning Policies and the Regional Plan—in this case, the Yorke Peninsula Regional Land Use Framework. The potential impacts on the biodiversity, along with other environmental impacts, have not been fully considered, and the demand for further land supply in this location has not been demonstrated. I also have concerns regarding the provision of infrastructure. To that end, I have advised the Proponent that the Proposal is not supported.

Should you wish to discuss this further, please contact Ms Belinda Monier, Senior Planner, Planning & Land Use Services, Attorney-General's Department, on 08 8343 2719.

Yours sincerely

VICKIE CHAPMAN MP
DEPUTY PREMIER
MINISTER FOR PLANNING AND LOCAL GOVERNMENT

Procedural Matters for the State Planning Commission (the Commission)

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

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

The importance of the initiation process is two-fold:

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

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

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

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

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

Code Amendments Initiated by Proponents

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

