

Agenda Report for Decision

Meeting Date: 19 January 2023

| | |
|---------------------------------|---|
| Item Name | Code Amendment Initiation Advice to the Minister for Planning – Proposal to Initiate the Sandy Lane Industrial Estate Code Amendment |
| Presenters | Paul Bennett, Jason Bailey and Nadia Gencarelli |
| Purpose of Report | Decision |
| Item Number | 4.1 |
| Strategic Plan Reference | 4. Discharging Statutory Obligations |
| Work Plan Reference | 4.2 Advise the Minister on Code Amendments |
| Confidentiality | Not Confidential (Release Delayed). To be released following final decision by the Minister for Planning on initiation of the Code Amendment. Anticipated by March 2022 |
| Related Decisions | N/A |

Recommendation

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

1. Approve the designation of this item as Not Confidential (Release Delayed), with the meeting papers for the item to be released following final decision by the Minister for Planning (the Minister) on initiation of the Code Amendment. Anticipated by March 2023.
2. Recommend that the Proposal to Initiate the Sandy Lane Industrial Estate Code Amendment (**Attachment 1**), under section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016* (the Act), not be supported on the grounds that it conflicts with the State Planning Policies and the *Limestone Coast Region Plan (2011)*. In particular, insufficient justification has been provided to justify the rezoning of land that is not contiguous to the existing urban area, nor to demonstrate that the proposal will not have detrimental impacts on ongoing agricultural activities, the adjacent Robe Airport, infrastructure and services, or environmental assets.
3. Authorise the Chair of the Commission to write to the Minister advising him of the Commission's decision not to support the Proposal to Initiate the Sandy Lane Industrial Estate Code Amendment on the grounds provided in resolution 2 (**Attachment 2**), enclosing draft refusal letters to the Designated Entity and District Council of Grant for the Minister to sign (**Attachment 3**).

Background

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

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

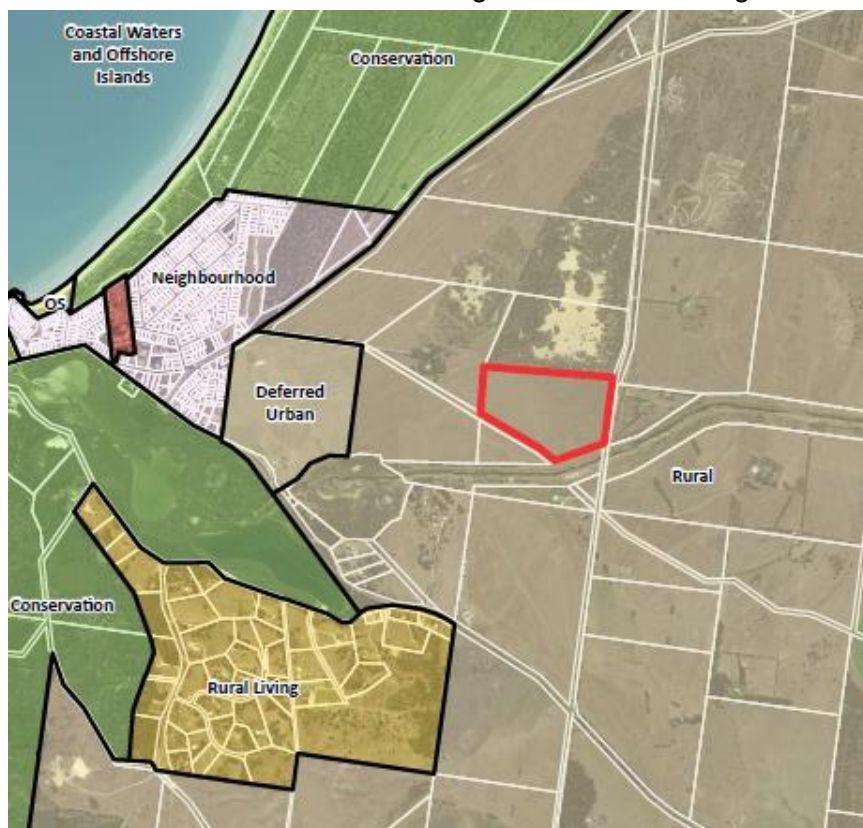
The purpose of this report is therefore to provide the Commission with advice to be provided to the Minister in relation to the Proposal to Initiate submitted by the Proponent, Geoff Hunt (care of Frank Brennan Consulting Services) (**Attachment 1**).

Discussion

Scope of the Amendment

The Proposal seeks to rezone approximately 17.66 hectares of a 45.13-hectare allotment from the Rural Zone to the Strategic Employment Zone to provide industrial-type land in Robe. The affected area is bound by Sandy Lane to the east. A watercourse runs through the allotment forming part of the southern boundary of the affected area. The Proposal seeks to facilitate up to 40 allotments with a minimum site area Technical Numeric Variations (TNV) of 3,000 square metres. The affected area is located in the District Council of Robe (the Council) on Buandig Country.

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



Planning and Design Code Zoning

The affected area is located within the Rural Zone.

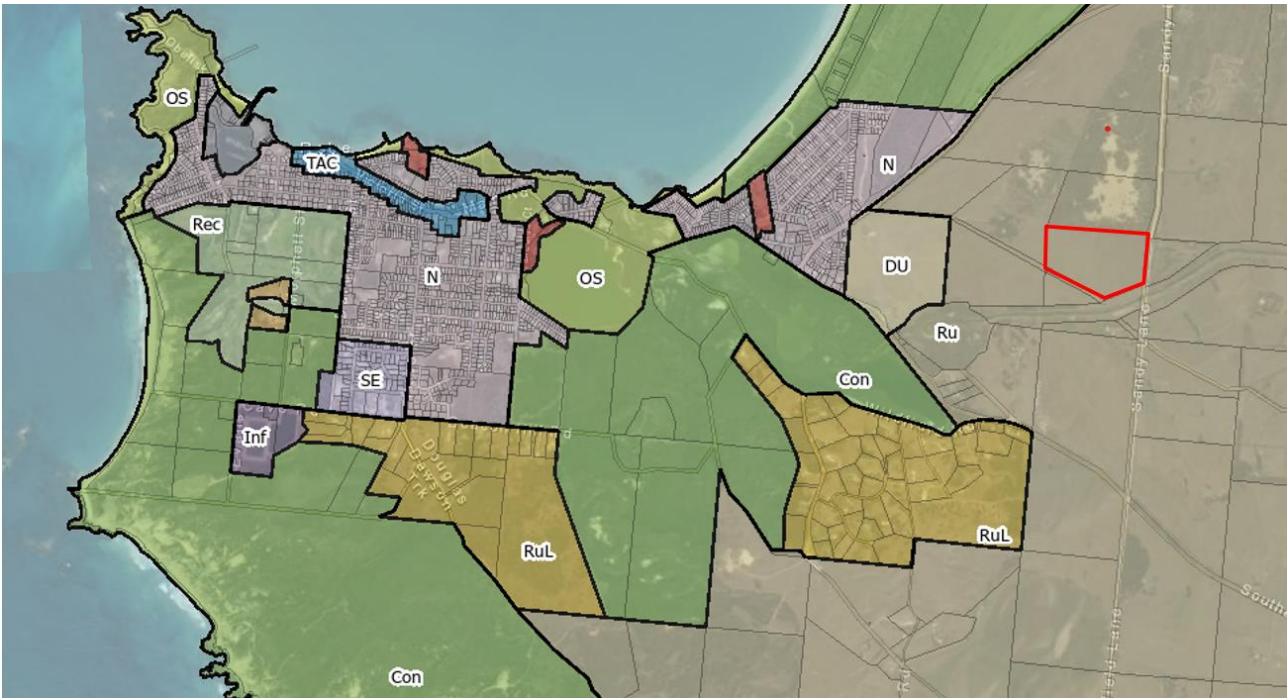
The following Overlays apply to the land:

- Hazards (Bushfire – Medium Risk)
- Hazards (Flooding – Evidence Required)
- Limited Dwelling
- Native Vegetation
- Prescribed Wells Area
- Water Protection Area
- Water Resources.

Technical and Numeric Variations

- Minimum Site Area (Minimum site area is 40ha).

Land surrounding the affected area is within the Rural Zone.



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

Advice to the Minister

The attached advice to the Minister sets out the statutory and procedural elements that must be considered as part of the initiation of a Code Amendment (**Attachment 2**).

The advice recommends that the Minister refuse the initiation of the Code Amendment for the following reasons.

Strategic considerations

The Proposal seeks to increase industrial land supply in an area that is physically separate from the township and existing industrial land. The amendment proposes a Strategic Employment Zone as an isolated instance of land surrounded by the Rural Zone.

Council has provided in-principle support for the Proposal, identifying the lack of available industrial land in the Robe township. Preliminary findings of Council's *Robe 2050 Survey* (the Survey) suggest that the community are aware of this shortfall and prefer new industrial activities to be located near the airport/along Sandy Lane. However, the Survey has yet to be finalised or incorporated into any form of strategic planning for Robe. Whilst the proposed location for additional employment land may be appropriate (given its separation from residential areas), insufficient investigations have been undertaken to justify the proposal in the broader context of orderly development patterns, infrastructure provision or environmental impacts. Although the Proposal could unlock more immediate industrial land opportunities, it is considered that a more strategic approach needs to be taken in relation to land supply and infrastructure in in Robe. It is therefore recommended that the appropriateness of this Proposal be considered as part of the Regional Planning Program currently underway, following which a Code Amendment could be explored, if required.

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

Attachments:

1. Proposal to Initiate the Sandy Lane Industrial Estate Code Amendment (#19405143).
2. State Planning Commission Advice to the Minister (#19405391).
3. Draft refusal letters to:
 - a) The Proponent (#19405519)
 - b) District Council of Robe (#19405529).

Prepared by: Monika Matej


Endorsed by: Paul Bennett

Date: 15 December 2022

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

Sandy Lane Industrial Estate Code Amendment

On behalf of Geoff Hunt



(Signature Required)

Geoff Hunt (*the Proponent*)

Date: 18 October 2022

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*.

_____ (Signature Required)
MINISTER FOR PLANNING

Date:

CONTENTS

| | |
|--|-----------|
| 1. INTRODUCTION | 3 |
| 1.1. Designated Entity for Undertaking the Code Amendment..... | 3 |
| 1.2. Rationale for the Code Amendment..... | 4 |
| 2. SCOPE OF THE CODE AMENDMENT | 5 |
| 2.1. Affected Area | 5 |
| 2.2. Scope of Proposed Code Amendment | 5 |
| 3. STRATEGIC PLANNING OUTCOMES | 6 |
| 3.1. Summary of Strategic Planning Outcomes | 6 |
| 3.2. Alignment with State Planning Policies | 6 |
| 3.3. Alignment with Regional Plans | 9 |
| 3.4. Alignment with Other Relevant Documents | 10 |
| 4. INVESTIGATIONS AND ENGAGEMENT | 11 |
| 4.1. Investigations Already Undertaken | 11 |
| 4.2. Further Investigations Proposed..... | 11 |
| 4.3. Engagement Already Undertaken..... | 12 |
| 4.4. Further Engagement Proposed | 12 |
| 5. CODE AMENDMENT PROCESS | 13 |
| 5.1. Engagement Plan..... | 13 |
| 5.2. Engagement Report | 13 |
| 5.3. Code Amendment Timetable..... | 13 |
| ATTACHMENTS | |
| A Maps of the Affected Area | 14 |
| B Timetable or Code Amendment by Proponent | 16 |
| C District Council of Robe’s letter of in-principle support..... | 17 |

1. INTRODUCTION

The Proponent is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to land located at Piece 113 in Deposited Plan 59369, 230 Sandy Lane, Robe (the Affected Area).

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

The Proponent is the owner of Piece 113 in Deposited Plan 59369, 230 Sandy Lane, Robe.

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

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

1.1. Designated Entity for Undertaking the Code Amendment

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

- 1.1.1. The Proponent acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements of the Act.
- 1.1.2. The Proponent declares that it has not and does not intend to enter into an agreement with a third party for the recovery of costs incurred in relation to the Code Amendment under section 73(9) of the Act.

If the Proponent does enter into such an agreement, the Proponent will notify the Department prior to finalising the Engagement Report under section 73(7).

- 1.1.3. The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:
 - a) Frank Brennan (Principal Consultant, Frank Brennan Consulting Services)
 - b) frank@fbcs.com.au
 - c) 0418 838 152
- 1.1.4. The Proponent intends to undertake the Code Amendment by engaging Frank Brennan (Frank Brennan Consulting Services) an Accredited Professional with significant experience in planning policy, land use planning and community engagement, having qualifications and experience equivalent to an Accredited Professional – Planning Level 1.
- 1.1.5. Specialised sub-consultants will be engaged where necessary and appropriate to assist in the Code Amendment process.
- 1.1.5. 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

The District Council of Robe area is located in the Limestone Coast region of South Australia and the Robe township is one of the premier holiday / tourist destinations in South Australia.

The permanent population of Robe is 1,424 (2021) residents, growing to up to 15,000 people during the summer holiday season as tourists and holiday homeowners.

The permanent population of the District Council of Robe has been projected to increase by 5.41% by 2036. (DPTI *“Local Area Population Projections for South Australia, 2016 to 2036”*).

Robe supports a significant rural / primary production sector comprising viticulture, lobster, commercial forestry and livestock enterprises and is undergoing significant development and growing demand for residential, rural living and industrial / commercial development.

The affected area represents 17.658 hectares of marginal rural land which is capable of being developed to accommodate industrial land uses to meet the growing demand for industrial allotments.

The proponent seeks to change the zoning of the affected area from Rural Zone to Strategic Employment Zone.

It is proposed that a minimum site area Technical Numeric Value (TNV) of 3,000 m² be implemented enabling the affected area to be subdivided to create up to 40 industrial allotments of varying sizes and is considered not to be detrimental to the locality surrounding the affected area and the Robe Township.

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The proposal seeks to amend the Code for the Affected Area, being the land in Certificates of Title Volume 5903 Folio 252.

All the land is located within the area of the District Council of Robe as shown in the map in Attachment A.

2.2. Scope of Proposed Code Amendment

Site 1 – All Land within the Affected Area

| | |
|---------------------------------|---|
| <p>Current Policy</p> | <p>Zone:</p> <ul style="list-style-type: none"> • Rural <p>Overlays:</p> <ul style="list-style-type: none"> • Hazards (Acid Sulfate Soils) • Hazards (Bushfire – General Risk) • Hazards (Bushfire – Medium Risk) • Hazards (Flooding – Evidence Required) • Native Vegetation • Prescribed Wells Area • Water Protection Area • Water Resources <p>Technical and Numeric Variations</p> <ul style="list-style-type: none"> • Minimum Site Area (Minimum site area is 40 ha) |
| <p>Amendment Outline</p> | <p>This proposal seeks to alter the current zoning.</p> <p>This proposal seeks a spatial alteration to the TNV for minimum site area which would result in a minimum site area of 3,000 m².</p> |
| <p>Intended Policy</p> | <p>Zone:</p> <ul style="list-style-type: none"> • Strategic Employment <p>Overlays:</p> <ul style="list-style-type: none"> • Hazards (Bushfire – General Risk) • Hazards (Flooding – Evidence Required) • Native Vegetation • Prescribed Wells Area • Water Protection Area • Water Resources <p>Technical and Numeric Variations:</p> <ul style="list-style-type: none"> • Minimum Site Area: 3,000 m² |

3. STRATEGIC PLANNING OUTCOMES

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

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

3.1. Summary of Strategic Planning Outcomes

The proposal aligns with the following Strategic Planning Outcomes:

- State Planning Policy 1: Integrated Planning
 - SPP 1.1
 - SPP 1.2
- State Planning Policy 5: Climate Change
 - SPP 5.5
- State Planning Policy 9: Employment Lands
 - SPP 9.2
 - SPP 9.4
 - SPP 9.12

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 an SPP.

| State Planning Policy (SPP) | Code Amendment Alignment with SPPs |
|---|--|
| State Planning Policy: Integrated Planning | |
| 1.1 <i>An adequate supply of land (well serviced by infrastructure) is available to accommodate housing and employment growth over the relevant forecast period.</i> | <p>The population of the District Council of Robe has been projected to increase by 5.41 % by 2036. (DPTI "Local Area Population Projections for South Australia, 2016 to 2036")</p> <p>The affected area represents 17.658 hectares of rural land which is capable of accommodating industrial development to support both the expected population growth and associated demand for industrial land.</p> <p>The current Strategic Employment Zone land located within the Robe Township area is fully developed and there is significant demand for industrial land to support the growing population and rural industries.</p> <p>The alteration of the zoning of the affected area from Rural Zone to Strategic Employment Zone, adjustment to the minimum site area TNV would enable up to 45 industrial allotments to be created ranging in site area from 3,000 m² to 1.2 hectares.</p> |

| | |
|--|--|
| | <p>The alteration of the affected area's minimum site area TNV to a minimum of 3,000 m² would not impact on the existing development in the immediate locality around the affected area.</p> |
| <p>1.2 <i>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>As stated within State Planning Policy 1.1, the District Council of Robe area is expected to experience increased growth up to 2036.</p> <p>The affected area is well positioned in respect to infrastructure to be developed for industrial / employment purposes.</p> <p>The road and electricity infrastructure are available to service the affected area and development for industrial purposes.</p> <p>The affected area is marginal rural land and is capable of supporting industrial land uses.</p> |
| State Planning Policy 5: Climate Change | |
| <p>5.5 <i>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>The affected area is located within a general bushfire risk area and is subject to Hazards (Bushfire – General Risk) Overlay and Hazards (Bushfire – Medium Risk) Overlay.</p> <p>The proposal to facilitate reduced site areas can be considered appropriate, as the Hazards (Bushfire – General Risk) Overlay seeks development, including land division, which responds to the general level of bushfire risk.</p> <p>The site is also located within a Hazards (Flooding – Evidence Required) Overlay which further seeks development to adopt a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.</p> <p>The affected area is not subject to flooding and the provision of stormwater reserves across the affected area will provide appropriate infrastructure to deal with localised inundation events.</p> <p>As these overlays are present, the reduction in site areas can be considered appropriate as any subsequent subdivision and development of the site from the proposed amendment would be required to appropriately address hazard mitigation.</p> |

| State Planning Policy 9: Employment Lands | |
|---|--|
| <p>9.2 <i>Enable opportunities for employment and encourage development of underutilised lands connected to, and integrated with, housing, infrastructure, transport and essential services.</i></p> | <p>The affected area is vacant land and is considered to be marginal primary production land and is capable of being developed for industrial land uses to meet the growing demand for industrial land in Robe.</p> <p>The site has all necessary infrastructure required to support industrial / employment development including roads and electricity.</p> |
| <p>9.4 <i>Adaptable policies that allow commercial and industrial-focused employment lands to support local economies and evolve in response to changing business and community needs.</i></p> | <p>The existing Strategic Employment Zone land located within the Robe Township area is fully developed and there is growing demand for industrial land.</p> <p>With the existing Strategic Employment Zone located immediately adjacent a Neighbourhood Zone and residential development there is a need to provide industrial land that does not give rise to interface issues – the affected area is ideally located to mitigated against interface issues from industrial land uses.</p> <p>There is significant demand for industrial land in Robe to support both the growing population and the extensive rural & primary production enterprises in the district and region generally.</p> |
| <p>9.12 <i>Plan for employment and industrial precincts in strategic locations that improve economic productivity; are protected from encroachment; connect to efficient supply chains; and are located to provide transport access and connectivity.</i></p> | <p>The affected area is located on Sandy Lane, Robe's unofficial by-pass road, that provides access to the Southern Ports Highway to the north and south thereby providing excellent connectivity to the region and its rural / primary production enterprises.</p> <p>The affected area is also located in close proximity to the Robe Airport that provides opportunities for future transport connectivity for freight services supporting industrial development.</p> <p>The development of the affected area for industrial land uses is considered to be an improvement in the economic productivity of the site and will support the economic growth of the Robe Township and rural hinterland.</p> <p>The affected area is located approximately 6 kilometres from the Robe Township and adjacent the primary transport route of the Southern Ports Highway and is considered to have limited interface issues with other existing land uses in this locality.</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 Limestone Coast Region Plan (August 2011) volume of the Planning Strategy is relevant for this Code Amendment. | |
|---|--|
| Regional Plan Identified Priorities or Targets | Code Amendment Alignment with Regional Plan |
| <p>Principle 5</p> <p><i>Protect and build on the region's strategic infrastructure</i></p> | <p>The affected area is serviced with road infrastructure & electricity and the proposed rezoning of the affected area to Strategic Employment Zone builds on this strategic infrastructure and is considered to be orderly and economic development through the expansion of the existing infrastructure.</p> |
| <p>Principle 6</p> <p><i>Retain and strengthen the economic potential of the region's primary production land</i></p> | <p>The affected area is considered to be marginal primary production land and its development for industrial land uses will not negatively impact on the region's primary production capacity.</p> <p>The proposed industrial land uses of the affected area will build on the industrial base of Robe and surrounding hinterland that will support and strengthen the region's primary production economic output.</p> |
| <p>Principle 9</p> <p><i>Provide and protect serviced and well-sited industrial land to meet projected demand.</i></p> | <p>The existing Strategic Employment Zone located in the Robe Township area is experiencing interface issues with the adjacent residential development and there is limited opportunity in the Zone for the expansion of existing industrial enterprises.</p> <p>The development of the affected area for industrial land uses will build on the industrial base of Robe and surrounding hinterland and enable the growing demand for industrial land to be met.</p> |

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 the proposed Code Amendment:

| Other Relevant Document | Code Amendment Alignment with Other Relevant Document |
|---|--|
| <p>District Council of Robe Community Plan 2019-2039</p> | <p>The District Council of Robe’s Community Plan 2019-2030 has been developed to provide the vision, goals and objectives for the future wellbeing of the community of the District and the Council itself.</p> <p>The Plan has three Community focused themes –</p> <ol style="list-style-type: none"> 1. Community – Vibrant, cohesive, diverse community providing a healthy, quality lifestyle. 2. Economic Development – A strong, diverse economy that is innovative and adaptable. 3. Natural & Built Environment – Our natural and built environments are protected and enhanced, resilient and adaptive. <p>The Plan’s Economic Development theme states – <i>“The future of the district’s economy will partly depend upon the ability to maintain and grow current businesses and industries with an emphasis on diversification of the economic base and the ability to continue to attract new industries and services to the District.”</i></p> <p>The rezoning of the affected area to Strategic Employment Zone is considered to be in accord with the Plan’s Economic Development theme as it will provide industrial land to support the continued growth of Robe’s industrial base and support a prosperous local economy.</p> |

4. INVESTIGATIONS AND ENGAGEMENT

4.1. Investigations Already Undertaken

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

| Investigation Undertaken | Summary of Scope of Investigations | Summary of Outcomes or Recommendations |
|---------------------------------|---|--|
| Water Supply | There is no reticulated water supply available along Sandy Lane to service the affected area. A preliminary desktop review shows that suitable groundwater is available in this locality and would provide water for non-potable uses. | An investigation into the ability for a minimum 50 metre separation between groundwater bores and wastewater disposal areas to be maintained across all allotments will need to be undertaken. |
| Electricity | There is electricity available to service the affected area. Preliminary discussions and investigations have been held with SA Power Networks regarding the viability of extending the electricity into the affected area. | The affected area is connected to SA Power Networks' existing electricity infrastructure capable of servicing an industrial style development. |

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 Impact Report | Identify the impact of the proposed Code Amendment on the road network. |
| Site Contamination Report | To ensure the affected area is suitable for a more sensitive land use in accordance with Practice Direction 14 – Site Contamination Assessment. |
| Wastewater | Identify the suitability of the affected area to be serviced with on-site wastewater systems. |
| Civil Servicing Report | Identify the impact of the proposed Code Amendment on existing service infrastructure and identify how the affected area will be serviced, along with stormwater management. |

4.3. Engagement Already Undertaken

In accordance with Practice Direction 2, the District Council of Robe has been consulted on this proposal. In summary, in-principle support was provided by Council at their meeting held on 12 October 2022 (refer to Council's letter in Attachment C) –

- Council provides in-principle support for a landowner-initiated Code Amendment over the parcel of land at 230 Sandy Lane (113 in Deposited Plan 59369);
- Acknowledges and confirms that the landowner will fully fund the Code Amendment process; and
- Council provides in-principle support for the rezoning of the land on Sandy Lane from Rural to Strategic Employment Zone.

In addition, Council in their aforementioned letter stated – *“Council acknowledged the lack of available “industrial land” and that this has created an issue with the growth of our economy. This matter was also identified in the Robe 2050 Survey and that it has been identified that the ‘industrial land’ (i.e., the Strategic Employment Zone), would be better located outside of the Robe Township. Although the Robe 2050 process is not complete, it was raised in the survey that a preferred location for any future ‘industrial land’ would be along Sandy Lane.”*

4.4. Further Engagement Proposed

In addition to the engagement already undertaken and identified above, the table below outlines what additional engagement 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 |
|---|---|
| Notification and meetings with Neighbouring Landowners | Identify the potential impact of the proposed Code Amendment on the neighbouring land. |
| Notification with State and Federal Members of Parliament | Notify Mr Nick McBride, State Member for Mackillop, and Mr Tony Pasin, Federal Member for Barker of the proposal. |
| Notification and meeting with the local Council | Discuss the proposed Code Amendment with the District Council of Robe. |
| Notification and meeting with the CFS | Identify the potential impact of bushfire on the proposed Code Amendment. |
| Notification and meeting with utility providers | Identify the potential impact of the proposed Code Amendment on utility infrastructure. |

5. CODE AMENDMENT PROCESS

5.1. Engagement Plan

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

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

- the Local Government Association must be notified in writing of the proposed Code Amendment.
- if the Code Amendment has a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally), the Designated Entity must take reasonable steps to give a notice in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:
 - the owners or occupiers of the land; 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) 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 in Attachment B.

If a timeframe is exceeded (or expected to be exceeded) the Proponent agrees to provide an amended timetable to the Department with an explanation of the delay, for approval by the Minister of an extension of time for the Code Amendment.

ATTACHMENT A

Maps of Affected Area

Figure 1 – Affected Area



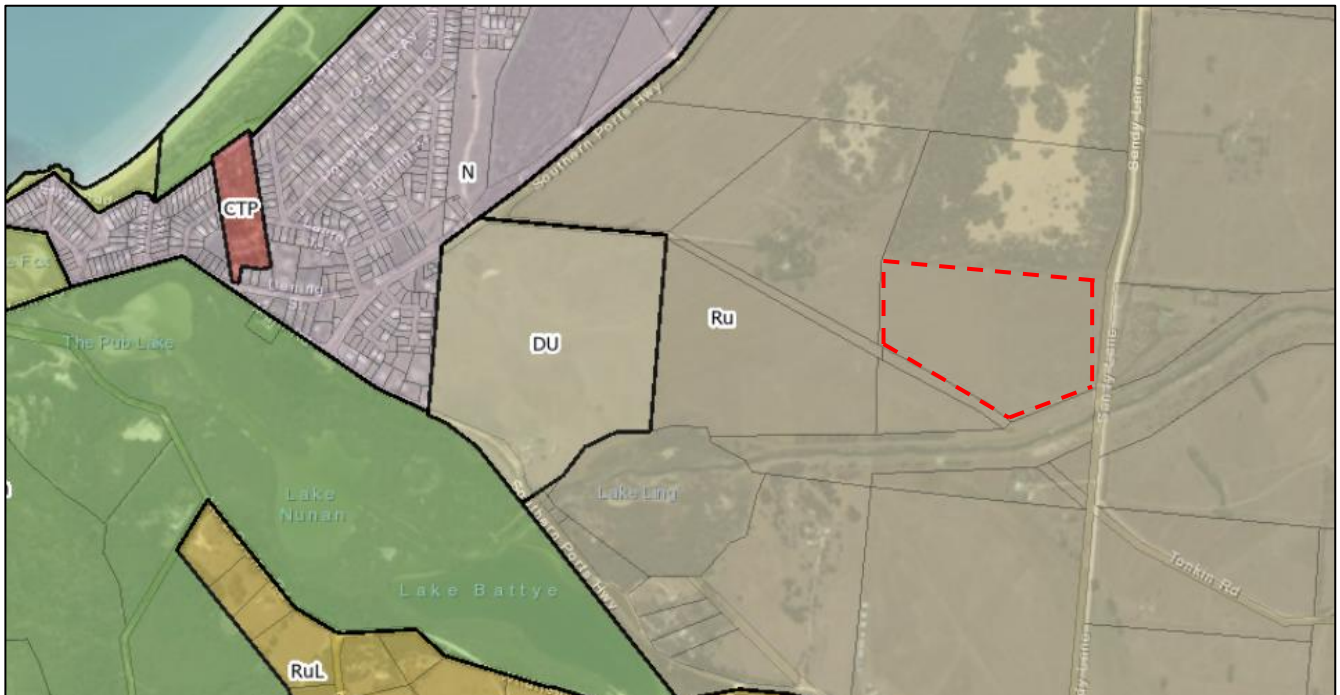
 Affected Area

Figure 2 – Affected Area



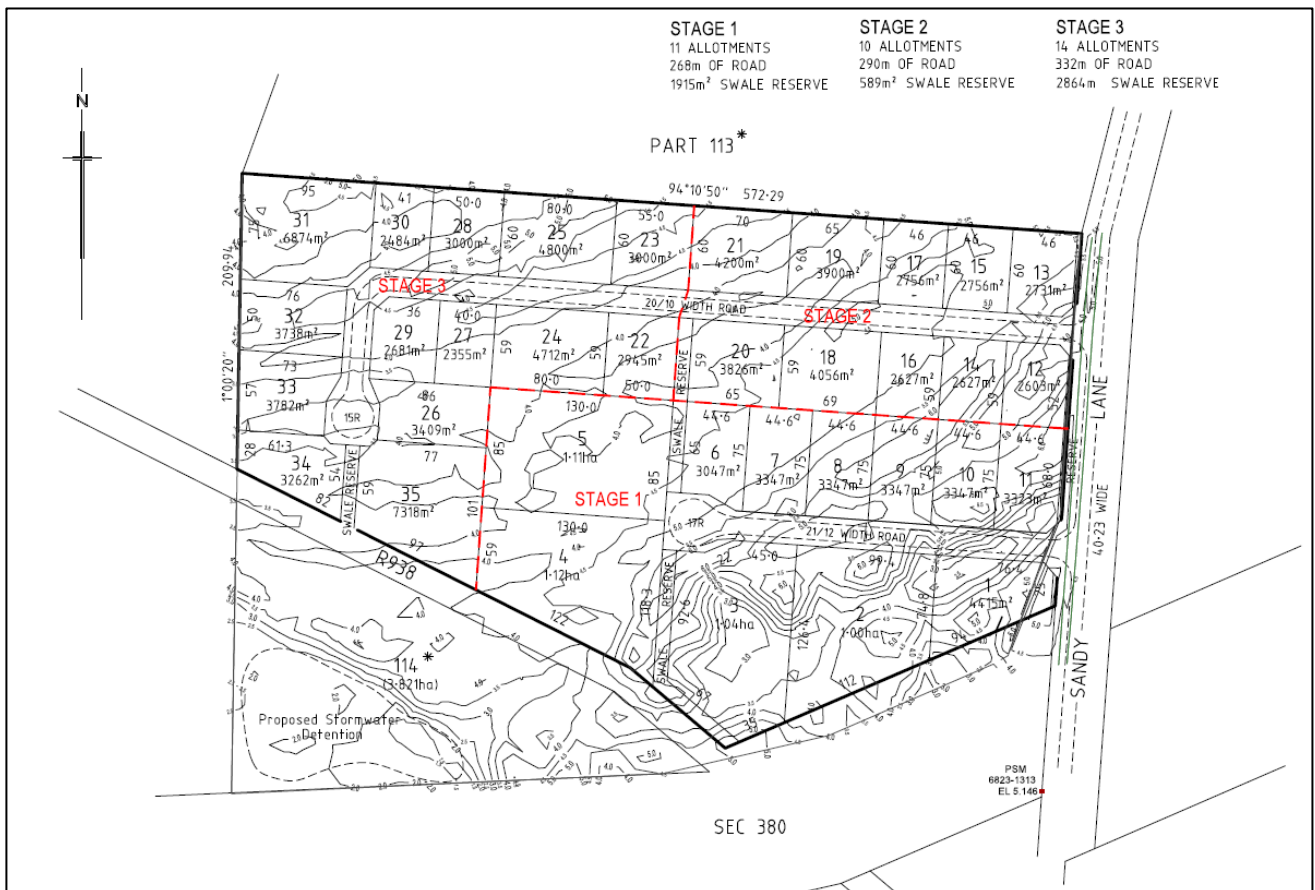
 Affected Area

Figure 3 – Current Zoning (Code Version 2022.14 – dated 4 August 2022)



 Affected Area

Figure 4 – Sandy Lane Industrial Estate Concept Land Division Plan



ATTACHMENT B
Timetable for Code Amendment by Proponent

| Step | Responsibility | Timeframe |
|---|--------------------------------------|---|
| Approval of the Proposal to Initiate | | |
| Review of Proposal to Initiate to confirm all mandatory requirements are met (timeframe will be put on hold if further information is required). Referral to the Minister to request advice from the Commission | AGD | 2 weeks (Includes lodgement and allocation + referral to Government Agencies within the first week) |
| Minister requests advice from the Commission. | Minister | 2 weeks |
| Referral to Government Agencies for comment (where necessary) | AGD and Relevant Government Agencies | + 2 weeks |
| Consideration of Proposal to Initiate and advice to the Minister | Commission (Delegate) | 3 weeks |
| | Commission | + 3 weeks |
| Proposal to Initiate agreed to by the Minister | Minister | 2 weeks |
| Preparation of the Code Amendment | | |
| Engagement Plan Prepared. Investigations conducted; Code Amendment Report prepared The Drafting instructions and draft mapping provided to AGD | Designated Entity | 4 weeks |
| 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 | 4 weeks |
| Consideration of Engagement and Finalisation of Amendments | | |
| Submissions summarised; Amended drafting instructions provided, Engagement Report prepared and lodged with AGD | Designated Entity | 2 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 | 2 weeks |
| Consideration of Advice | Commission (Delegate) | 3 weeks (Includes 1 week to process through Minister's office) |
| | Commission | + 3 weeks |
| Step | Responsibility | Timeframe |
| Decision Process | | |
| Minister considers the Code Amendment Report and the Engagement Report and makes decision | Minister | 3 weeks |
| Go- Live- Publish on the PlanSA Portal | AGD | 2-4 weeks |
| Referral of approved Code Amendment to ERDC | AGD | 8 weeks |

ATTACHMENT C
District Council of Robe's letter of in-principle support



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Council Offices
3 Royal Circus, Robe SA 5276

18 October 2022

Mr Frank Brennan
PO Box 96
Beachport SA 5280

Via email: frank@fbcs.com.au

Dear Frank

Re: Confidential – Planning and Design Code Amendment

I wish to confirm our phone call where I advised you that at the October 2022 Ordinary Meeting of Council approved unanimously to provide in-principal support to the Planning and Design Code Amendment for proposed industrial estate on Sandy Lane:

19.1 Proposed Sandy Lane Industrial Development

Discussion took place in respect to Item 19.1 'Proposed Sandy Lane Industrial Development'

*Moved Cr Boyd
Seconded Cr Laurie*

That the District Council of Robe having considered Report No 19.1 'Proposed Sandy Lane Industrial Development':

- 1. receives the letter from Frank Brennan Consulting Services on behalf of Mr Geoff Hunt;*
- 2. provides in-principal support for a landowner-initiated Code Amendment over the parcel of land at 230 Sandy Lane (113 in Deposited Plan 59369);*
- 3. acknowledges and confirms that the landowner will fully fund the Code Amendment process;*
- 4. provides in-principal support for the rezoning of the land on Sandy Lane from Rural to Strategic Employment Zone; and*
- 5. authorises the Chief Executive Officer to provide a letter covering the above decisions. (76/2023)*

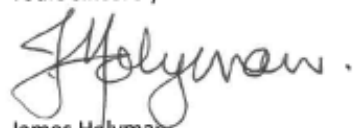
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Council acknowledged the lack of available "industrial land" and that this has created an issue with the growth of our economy. This matter was also identified in the Robe 2050 Survey and that it has been identified that the 'industrial land' (i.e., the Strategic Employment Zone), would be better located outside of the Robe Township. Although the Robe 2050 process is not complete, it was raised in the survey that a preferred location for any future 'industrial land' would be along Sandy Lane.

As Council has provided in-principal support, I would be happy to respond to any Departmental enquiries.

Yours sincerely

A handwritten signature in black ink, appearing to read "J. Holyman", with a period at the end.

James Holyman

Chief Executive Officer



19440519

25 January 2023

Level 10
83 Pirie Street
Adelaide SA 5000GPO Box 1815
Adelaide SA 50011800 752 664
saplanningcommission@sa.gov.au

Mr Geoff Hunt
C/- Mr Frank Brennan PSM MPIA
Director/Principal Consultant
Frank Brennan Consulting Services

By email: frank@fbcs.com.au

Dear Mr Brennan

Proposal to Initiate the Sandy Land Industrial Estate Code Amendment

I write to you in relation to your request to the Minister for Planning (the Minister) to initiate the Sandy Lane Industrial Estate Code Amendment. The State Planning Commission (the Commission) has considered the Proposal to Initiate with the intent to provide advice to the Minister pursuant to section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016*.

The Commission notes the existing shortfall of appropriately zoned industrial land within Robe and acknowledges that the preliminary findings of the *Robe 2050 Survey* (the Survey) by the District Council of Robe (the Council) suggest that the community are aware of this issue and seek industrial lands to be located near the airport/along Sandy Land. However, this Survey is yet to be finalised or incorporated into any form of strategic planning for Robe.

The affected area does not form a contiguous extension to the urban area and the Commission is of the view that the Proposal does not clearly demonstrate that the site is appropriate for the intended uses. In particular:

- Whilst the Proposal suggests that the distance from the existing urban area will mitigate interface impacts between industrial and more sensitive uses, there is no discussion regarding growth future of the township and whether residential development is anticipated to encroach on this location. Further analysis is therefore required from a strategic perspective to confirm the best use of this site. In considering the strategic value of the site, consideration should also be given to interface impacts associated with the airport, surrounding rural activities and future development of the nearby Deferred Urban Zone, and any environmental impacts on adjacent native vegetation and waterways.

- The Proposal does not provide sufficient details regarding potential infrastructure upgrade requirements or funding mechanisms, with much of this proposed for further investigation as part of the Code Amendment. It is noted, however, that the area is not connected to a reticulated water supply or a mains wastewater system, and that Sandy Lane is an unpaved road that intersects with the Southern Ports Highway in two locations. This being the case, it is anticipated that significant infrastructure investment will be required to support the Proposal. The Commission therefore requests further investigations be undertaken to identify the extent of infrastructure upgrades required, and a formal commitment made by the Proponent to enter into appropriate funding arrangements with Council and utility providers as necessary.

Recognising the existing shortfall of industrial/employment-type land in the region, it is strongly recommended that the Proponent work with Council to address these matters and provide the justification as requested. On receipt of this additional information, the Commission will reconsider the matter and will advise the Minister accordingly.

However, depending on the timing and outcomes of this work, the Commission would also be open to exploring the appropriateness of this Proposal as part of the Regional Planning Program currently underway. Officers from Planning and Land Use Services (PLUS) within the Department for Trade and Investment would be willing to assist in this regard.

For further information, please contact Ms Nadia Gencarelli, Team Leader – Code Amendments, PLUS, on 08 7133 2311 or via email at: Nadia.Gencarelli@sa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Craig Holden', with a long horizontal flourish extending to the right.

Craig Holden
Chair

19405529

25 January 2023

Level 10
83 Pirie Street
Adelaide SA 5000GPO Box 1815
Adelaide SA 50011800 752 664
saplanningcommission@sa.gov.au

Mr James Holyman
Chief Executive Officer
District Council of Robe

By email: james@robe.sa.gov.au

Dear Mr Holyman

Proposal to Initiate the Sandy Land Industrial Estate Code Amendment

I write to you in regarding a request from Mr Frank Brennan, on behalf of Mr Geoff Hunt (the Proponent), requesting the Minister for Planning (the Minister) to initiate the Sandy Lane Industrial Estate Code Amendment, which seeks to affect land within the District Council of Robe (the Council). The State Planning Commission (the Commission) has considered the Proposal to Initiate with the intent to provide advice to the Minister pursuant to section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016*.

The Commission notes the existing shortfall of appropriately zoned industrial land within Robe and acknowledges that the preliminary findings of the *Robe 2050 Survey* (the Survey) by the Council suggest that the community are aware of this issue and seek industrial lands to be located near the airport/along Sandy Land. However, this Survey is yet to be finalised or incorporated into any form of strategic planning for Robe.

The affected area does not form a contiguous extension to the urban area and the Commission is of the view that the Proposal does not clearly demonstrate that the site is appropriate for the intended uses. In particular:

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Craig Holden
Chair