STATE PLANNING COMMISSION

Agenda Report for Decision

Meeting Date: 14 October 2021

Item Name	Environment and Food Production Areas (EFPA) Review – Draft Outcomes Report for Approval
Presenters	Tom Victory
Purpose of Report	Decision
Item Number	4.1
Confidentiality	Not Confidential (Release Delayed) – to be released following final graphic design of document and furnishing of the Report to the Minister for Planning and Local Government
Related Decisions	Workshop Discussion on 30 September 2021

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) – to be released following final graphic design of documents and furnishing of final Review Report to the Minister for Planning and Local Government (the Minister).
2. Approve the variations to the Environment and Food Production Areas (EFPA) for four sites as noted in in green in the Assessment Spreadsheet, prepared by the Attorney-General's Department (the Department), for Review Sites in **Attachment 1**;
3. Approve the Technical Mapping Corrections to the EFPA for the 20 sites as shown and recommended in **Attachment 2**;
4. Approve the draft EFPA Review Outcomes Report (the Report) in **Attachment 3**, subject to amendments as required to finalise the Report, as authorised by the Commission;
5. Authorise the Ex Officio Member to approve the final graphic designed Report, including any formatting, editorial or structural changes which do not affect the substance of the Report;
6. Delegate to the Ex Officio Member the power to approve and authorise publication of a notice under section 7(8) of the *Planning, Development and Infrastructure Act 2016* (the Act) which varies the EFPA as approved by the Commission;
7. Authorise the Chair to sign the covering letter to the Minister in **Attachment 5**, enclosing the final Report; and
8. Authorise the Department to publish the final Report and notify relevant stakeholders who participated in the consultation process.

Background

Section 7(9)(b) of the Act sets out that the Commission may only vary an EFPA if it has conducted a review and furnished a report on the outcome of the review to the Minister.

The Department has prepared a draft Review Outcomes Report to address this section and is now seeking the Commission's approval so that it can be finalised and then furnished to the Minister. Once the above has occurred, this would then essentially mark the end of the EFPA Review process, and the Department will then (if authorised) publically release the Report and notify stakeholders who participated in the consultation process, along with other external communications.

Key Points from the Workshop

On 30 September 2021, the Commission participated in a workshop regarding the decisions and recommendations which were proposed to form the basis of the final Report. The Department's recommendations were largely endorsed with some exceptions, where matters were not settled. Those outstanding matters are addressed in this Agenda Report for the Commission's further consideration and final determination.

The Commission made the following key points as part of the discussions:

1. That the Review Outcomes Report should only focus on EFPA boundary variations. All other potential recommendations, suggestions or observations the Commission may have about the operation of the EFPA review process or the legislation should be addressed via separate correspondence to the Minister. This Agenda Report provides further analysis and recommendations with respect to that site, for the Commission's consideration.
2. That it is generally comfortable with the recommendations that were presented in relation to boundary variation requests, but that it wishes to consider the Goolwa Airport site further, following a paper being drafted for the meeting on 14 October 2021. This Agenda Report provides further analysis and recommendations from the Department regarding that site.
3. That it wishes to review the Department's spreadsheet and information provided to the Department's Code Control Group regarding assessment of each site against Test 3 and the Commission's guiding principles.

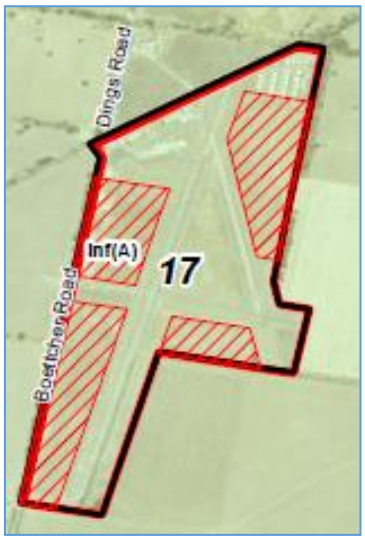
Discussion

The Department's Assessment Spreadsheet relating to all sites in the Review is provided in **Attachment 1**. This Spreadsheet provides recommendations on amendments to the EFPA for four sites. In addition, the Department's recommendations on technical mapping corrections to the EFPA for 20 sites are included in **Attachment 2**.

A draft Review Outcomes Report has been structured and finalised in accordance with the Commission's directions from the workshop and is provided in **Attachment 3**.

Assessment Sheets for each site considered as part of the Review and as presented to the Department's Code Control Group is also provided in **Attachment 4** for the Commission's information.

Goolwa Airport Site



Submission site

Portion to be removed from EFPA

Background

Prior to the EFPA Review, representations from the owner of Goolwa Airport to the Department sought that the EFPA be removed from the land. This will allow the land zoned for residential airpark development to be subdivided for development in line with the zoning framework, which was introduced via a Council Development Plan Amendment on 27 June 2013.

A land division was granted Development Approval on 14 July 2014 (prior to EFPA controls commencing in 2017), allowing for the development of 57 residential allotments to be completed over six stages. At this point in time, only Stages 1 and 2 have been issued Certificates of Clearance. The Development Approval has however recently lapsed, preventing further clearances of remaining stages.

Assessment

The subject land is in the Infrastructure (Airfield) Zone, and a unique subzone was created in the Planning and Design Code (the Code) for the site being the Residential Aviation Estate Subzone. The Residential Aviation Estate Subzone only applies to this site, and supports low density residential development (together with an aircraft hangar). It is applied over those parts of the Infrastructure (Airfield) Zone for which the land division had previously been approved.

A new development application would be required to gain Development Approval for the remaining stages; however, the EFPA controls would now preclude this being approved as it would involve 'the creation of additional allotments for residential development'.

The removal of the EFPA is therefore seen to be addressing a clear and problematic anomaly that exists between the intent of the Subzone and the intent of the EFPA legislation. The removal of EFPA would also be viewed as trivial given:

- The land has clearly been set aside for a residential land use (which is already part way through being developed). The original DPA and Code Transition were subject to consultation. Therefore, there is now a reasonable expectation that the land will be developed for this purpose.
- Whilst the area to be removed is some 32 hectares in area, it is considered trivial in the context of being around one-third of the area of the airport, and negligible in terms of the whole EFPA.

- It should not set a precedent for removal of the EFPA in other locations across Greater Adelaide, given the bespoke nature of the matter, with the Subzone not being located anywhere else in the State.

Additional information and assessment documentation can also be viewed in **Attachments 1** and **4**, by referring to Submission no. 17.

Recommendation

Vary the EFPA to remove it from the land where the Residential Aviation Estate Subzone applies.

Implementation of Boundary Variations in Outcomes Report

It is noted that in order for the Commission to implement any changes to the boundaries of the EFPA arising from the outcomes of the Review, section 7(8) and subsections 7(12) to 7(17) of the Act set out the statutory processes that needs to occur after the completion of the Review, should the Commission agree to vary the EFPA.

This involves publication of a notice in the *Government Gazette* and on the SA Planning Portal of the proposed boundary variations, followed by a Parliamentary review process. The Minister must table the notice (and the Commission's report with parliament within six sitting days of receipt. Either House of Parliament then has 14 sitting days to disallow the notice.

Due to the number of days available in the Parliament sitting program between 14 October 2021 and the end of 2021 (maximum of nine days sitting days remaining), the implementation of variation of the EFPA boundaries will likely not occur until early to mid-2022. However, it is noted that this timing generally corresponds to the five year anniversary of the inception of the EFPA—being, 1 April 2022.

The following table summarises the process involved to implement the EFPA boundary variations, following approval of variations to the EFPA by the Commission:

DATE	**EVENT**
14 October 2021	Commission approves draft Review Outcomes Report (the Report) (subject to graphic design finalisation by the Department and Ex Officio Member).
Late October/early November 2021	Completion of graphic design of the Report and furnishing of the Report and cover letter to Minister by the Commission.
Early November 2021	Department publically releases the Report on behalf of the Commission and notifies all relevant stakeholders. At this stage, the EFPA Review is complete.
Early-mid November 2021	The Department (acting under delegation from the Commission) publishes a notice in the *Government Gazette* and on the SA Planning Portal, which defines the proposed variations to EFPA boundaries (based on Review Outcomes Report). Notice states a later date to become operational following the Parliamentary Review process.

November 2021 to April 2022	Minister tables the notice and the Report in Parliament, within six sitting days after publication of the notice (either November 2021 or April 2022). 14 sitting day period commences on the day the Minister tables the notice and Report (commences either November 2021 or April 2022, depending on when notice and Report are tabled).
Mid 2022	Completion of 14 sitting day period (assuming no disallowance of notice). New EFPA boundaries become operational. Technical amendment to the Planning and Design Code EFPA Overlay to reflect new EFPA boundaries.

Attachments:

1. Attorney-General's Department Assessment Spreadsheet of Review Sites (#16317698).
2. Recommended Technical Corrections to EFPA Boundaries (#17630644).
3. Draft Environment and Food Production Areas Review Outcomes Report (#17564932).
4. Assessment Sheets for Code Control Group Assessment (#17545061).
5. Draft Letter to Minister enclosing Review Outcomes Report (#17833522).

Prepared by: Tom Victory

Endorsed by: Chelsea Lucas

Date: 8 October 2021

APPENDIX E

RECOMMENDED TECHNICAL CORRECTIONS TO EFPA BOUNDARIES

Trivial Recognised Anomalies as per Section 7 (3)(b) of PDI Act

1. EFPA ALIGNMENT TO LGA BOUNDARIES

The proposal seeks a technical mapping change from the LGA boundary (low water mark) to the high water mark instead. This is so as to align the EFPA boundary with the overall structure of land based planning zones within the Planning and Design Code (which align to the High Water Mark).

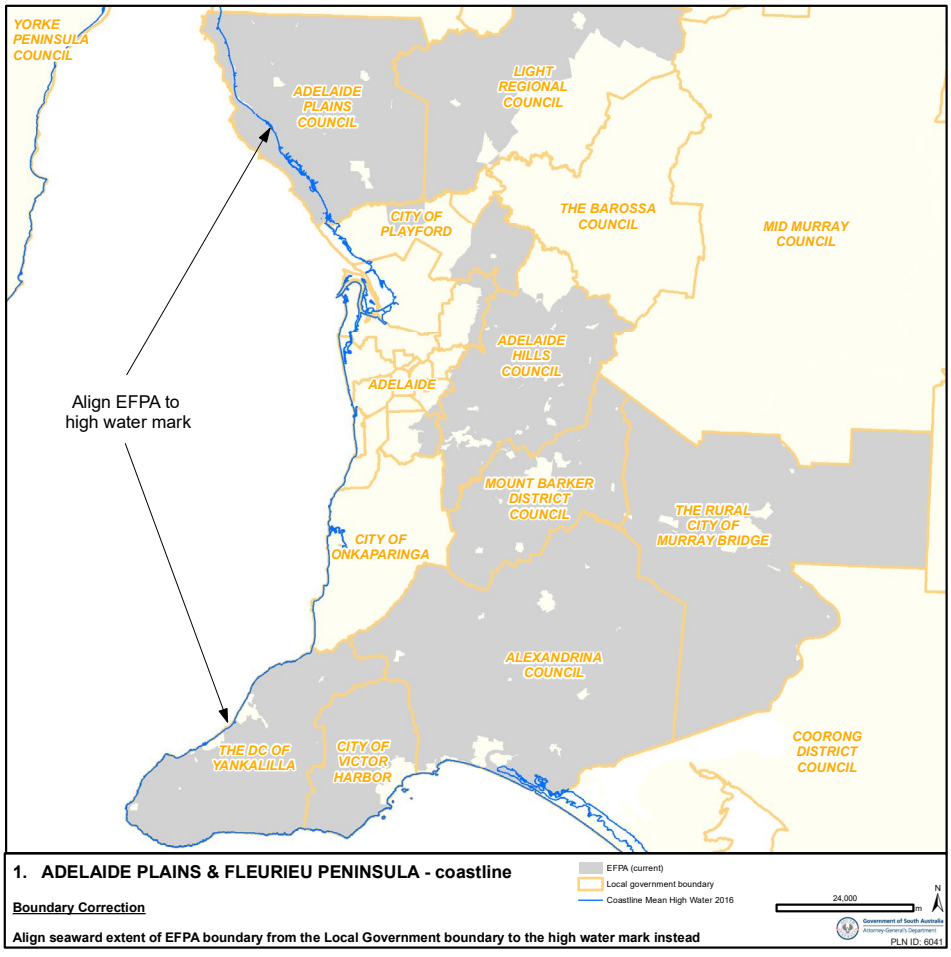
This maintains the intent of the original EFPA mapping (to align with boundary of land based zones).

Since the EFPA mapping was created, the Low Water Mark (which is also LGA boundaries) has more accurately been redefined significantly further seawards, resulting in the EFPA boundary inappropriately following this newly defined boundary.

The low water mark used to be simply 75m seawards of the high water mark.

Recommendation:

Amend the seaward extent of the EFPA from the LGA / low water mark to the high water mark / cadastre.



2. RURAL LIVING AREAS

The current GRO Map G17_2015 contains various orange areas demarcating “Rural living areas in the Environment and Food Production Areas that retain existing land division entitlements as at 1 December 2015 (for illustrative purposes only)”

At the time the EFPAs were introduced, landowners within certain rural living areas (defined by General Registry Office Map G17/2015) were advised that while subdivision for residential purposes is prevented within EFPAs, a transitional period would allow for the assessment of land division applications proposing the creation of one or more additional allotments.

This transitional period ended on 31 March 2019. Since 1 April 2019, land division applications to create one or more additional allotments within EFPAs are no longer permitted.

Recommendation:

The visual representation of these areas is now redundant and accordingly the GRO Map should now be amended to change all these areas from orange to green as per all other areas in the EFPA.

3. MURRAY BRIDGE

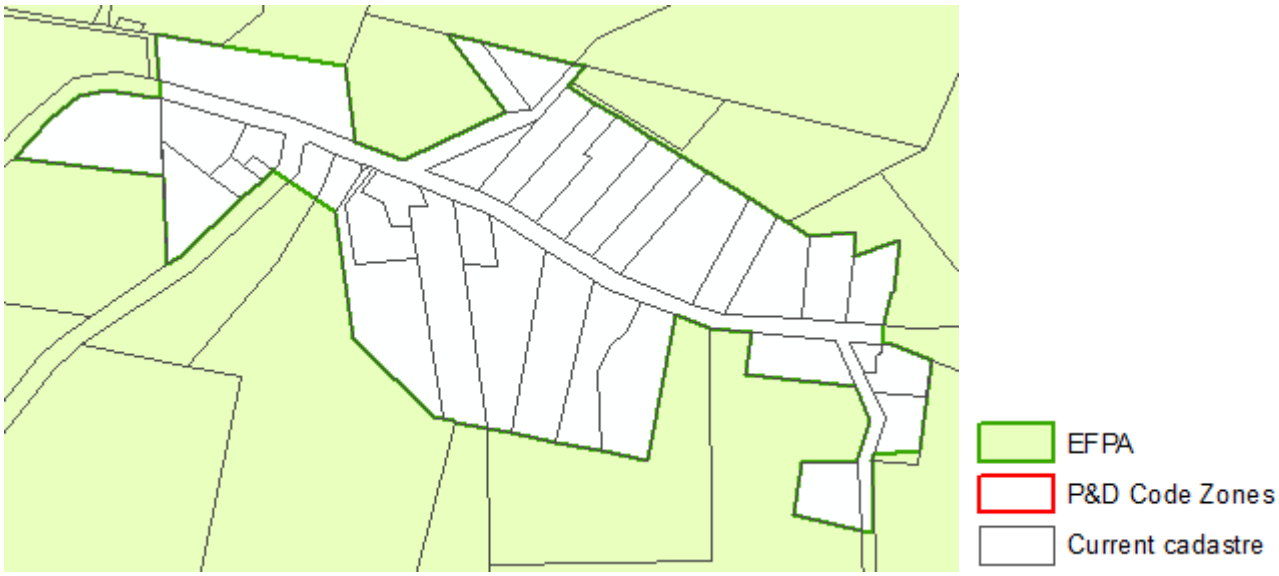
The EFPA has been erroneously applied to the Suburban Activity Centre Zone. It is to be removed from the EFPA as it addresses a trivial anomaly of the fundamentally urban type zoning being within the EFPA.

Land within Suburban Activity Centre Zone - Recommended for removal from EFPA

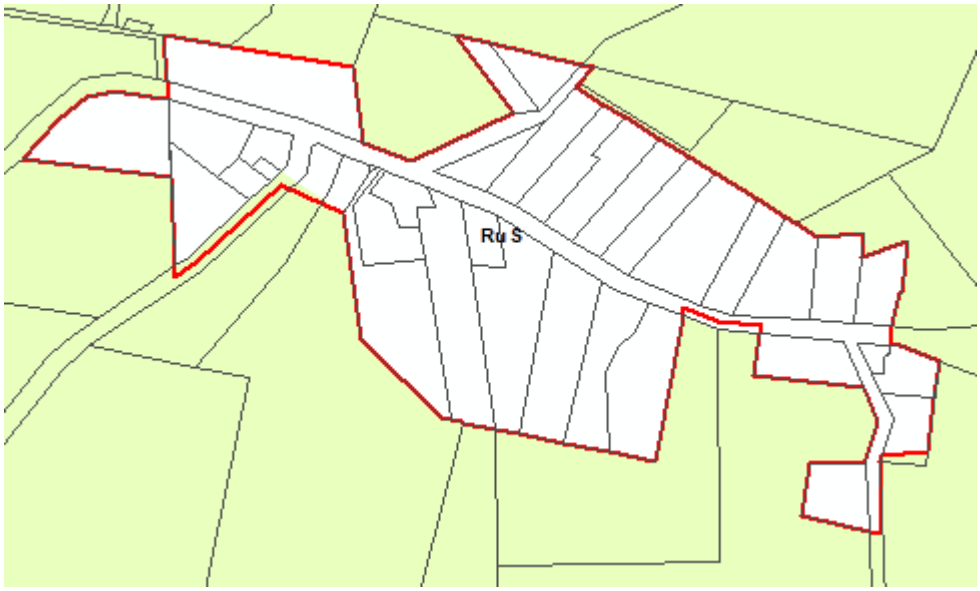
4. ADELAIDE HILLS – HOUGHTON

Issue	Cause	Proposed Correction
The EFPA boundaries at this location do not align with the zone boundaries.	The EFPA boundaries at this location were based upon draft zone boundaries in a Development Plan Amendment at that time. The zone boundaries were subsequently updated in the final version that was consolidated into the Development Plan.	Align the EFPA boundaries so that they match the zone boundaries.

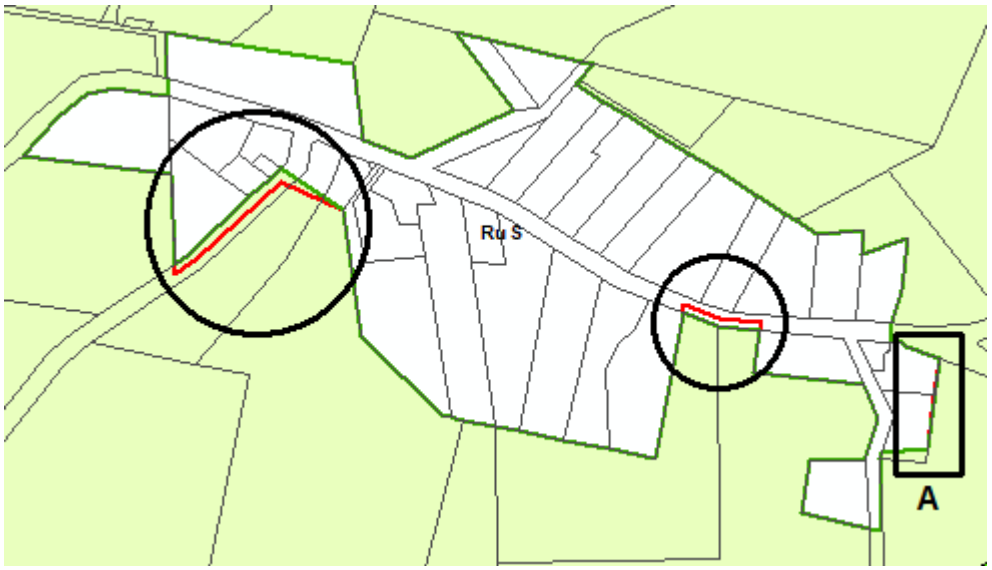
Current EFPA



Current Zones

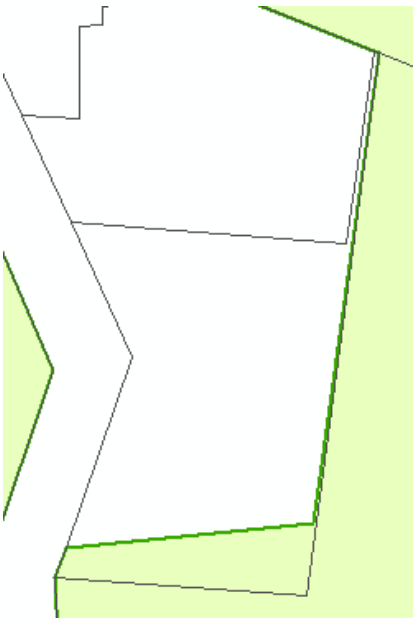


Align EFPA to existing Zone boundary

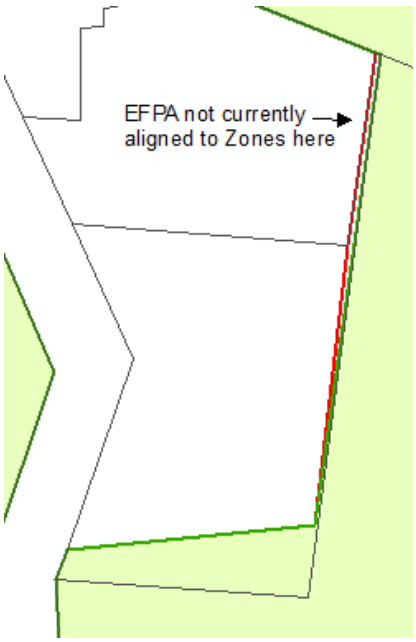


Area shown as ‘A’

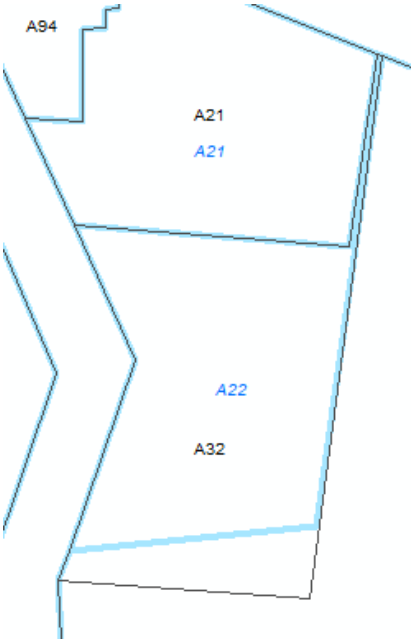
Current EFPA and Cadastre



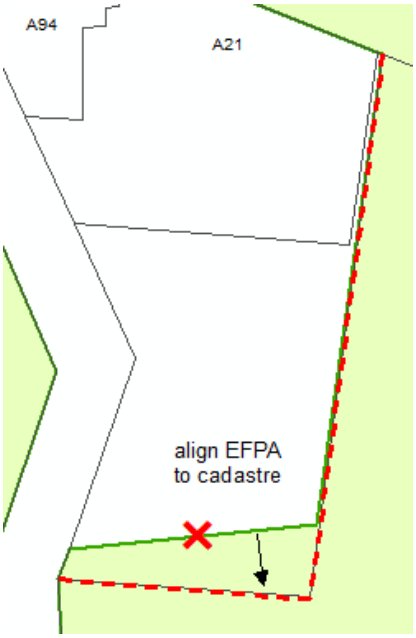
Current EFPA, Zones and Cadastre



Historic and current cadastre



Current Cadastre and aerial



Current cadastre

Historic cadastre

5. ADELAIDE HILLS – BIRDWOOD

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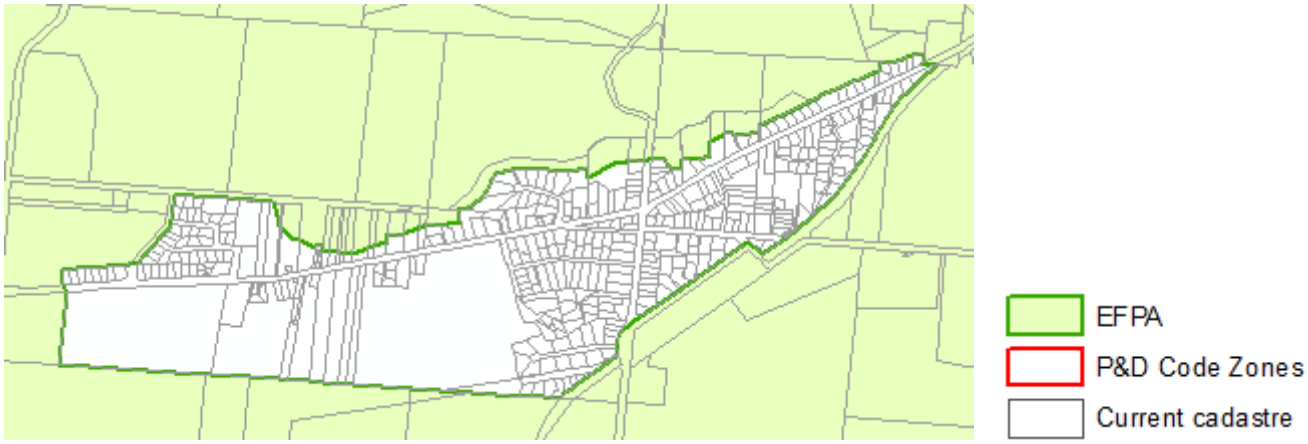
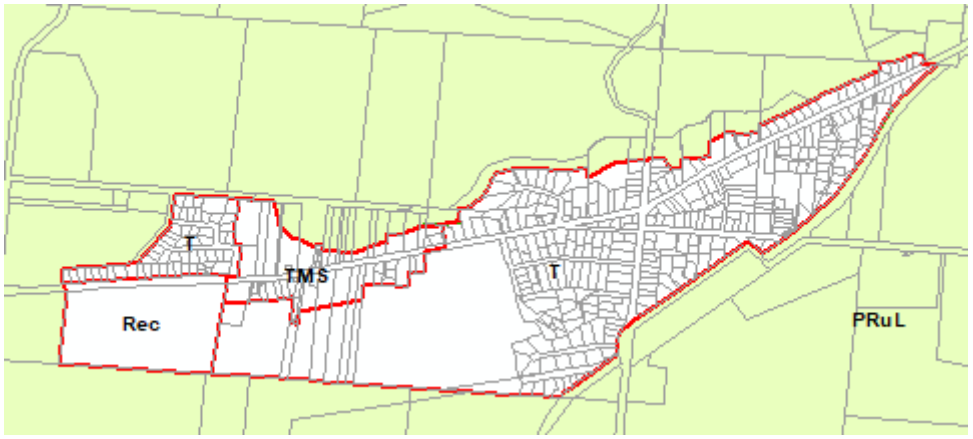
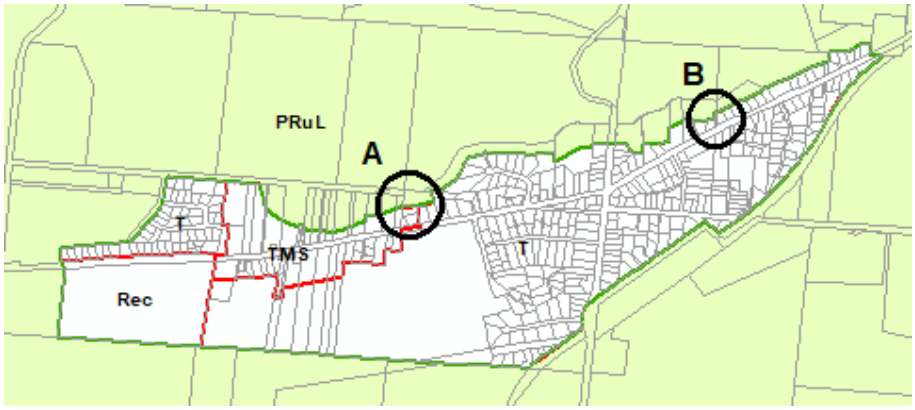
Current EFPA



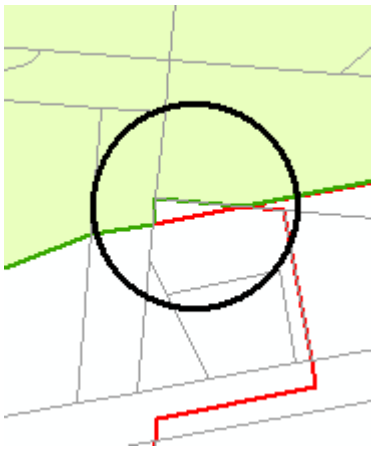
Current Zones

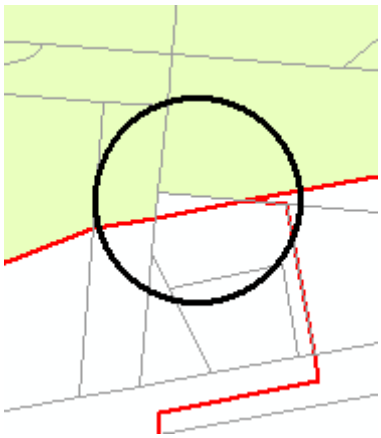


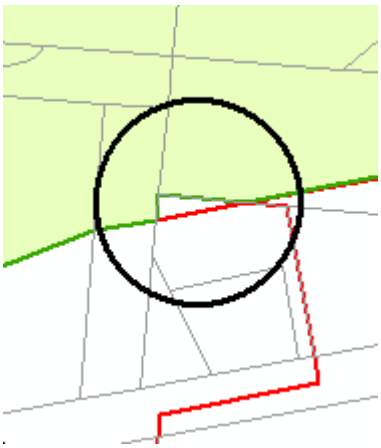
Align EFPA to existing Zone boundary



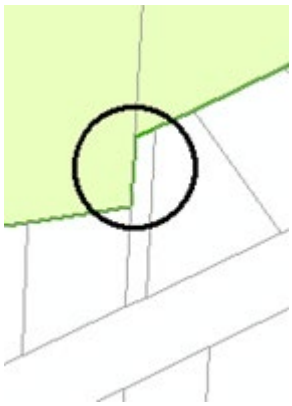
A – Originally aligned from draft zones

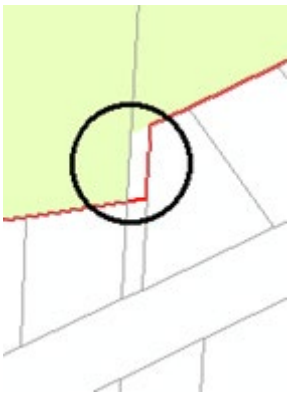


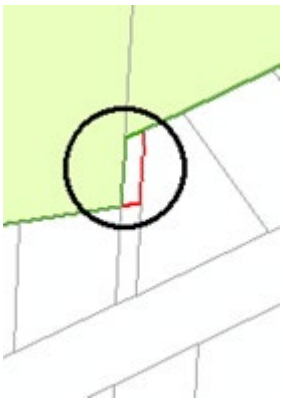




B - Originally aligned from draft zones







C – Align EFPA to Cadastre

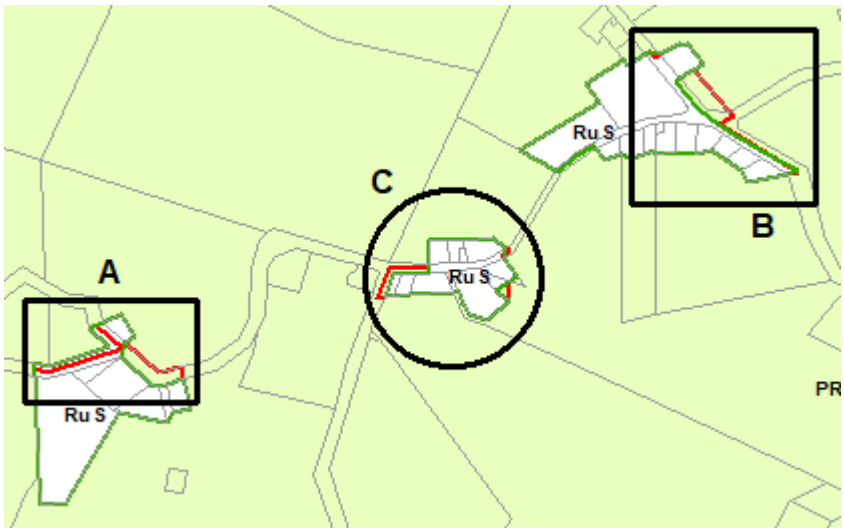
6. ADELAIDE HILLS – LENSWOOD

Issue	Cause	Proposed Correction
The EFPA boundaries at this location do not align with the zone boundaries.	The EFPA boundaries at this location were based upon draft zone boundaries in a Development Plan Amendment at that time. The zone boundaries were subsequently updated in the final version that was consolidated into the Development Plan.	Align the EFPA boundaries so that they match the zone boundaries.

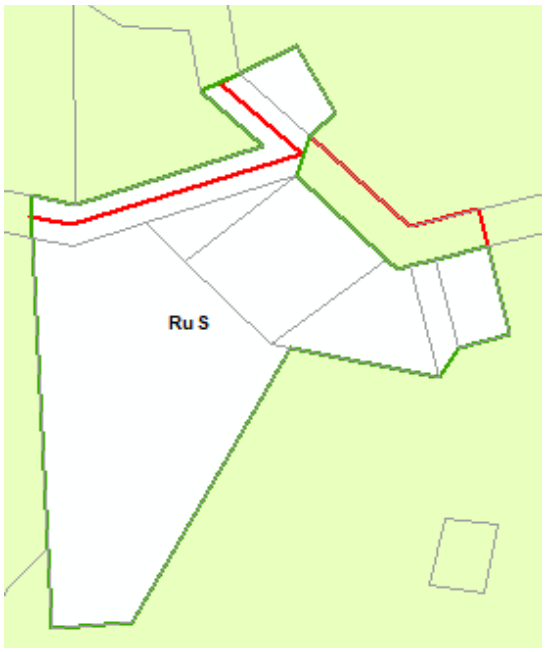
Current EFPA

Current Zones

Align EFPA to existing Zone boundary

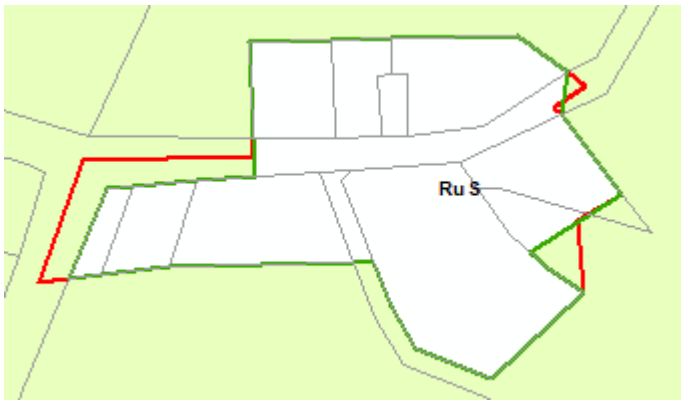


A - Align EFPA to existing Zone boundary



B - Align EFPA to existing Zone boundary

C - Align EFPA to existing Zone boundary



7. ADELAIDE HILLS – BALHANNAH

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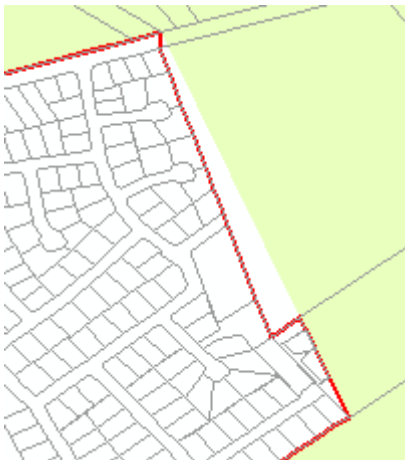
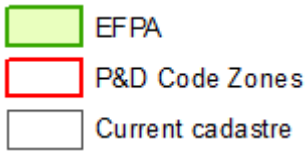
Current EFPA

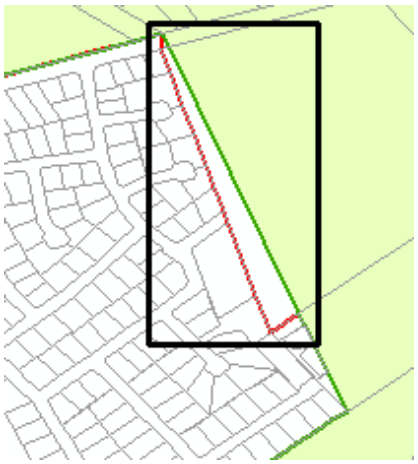
Current Zones





Current EFPA and Zones

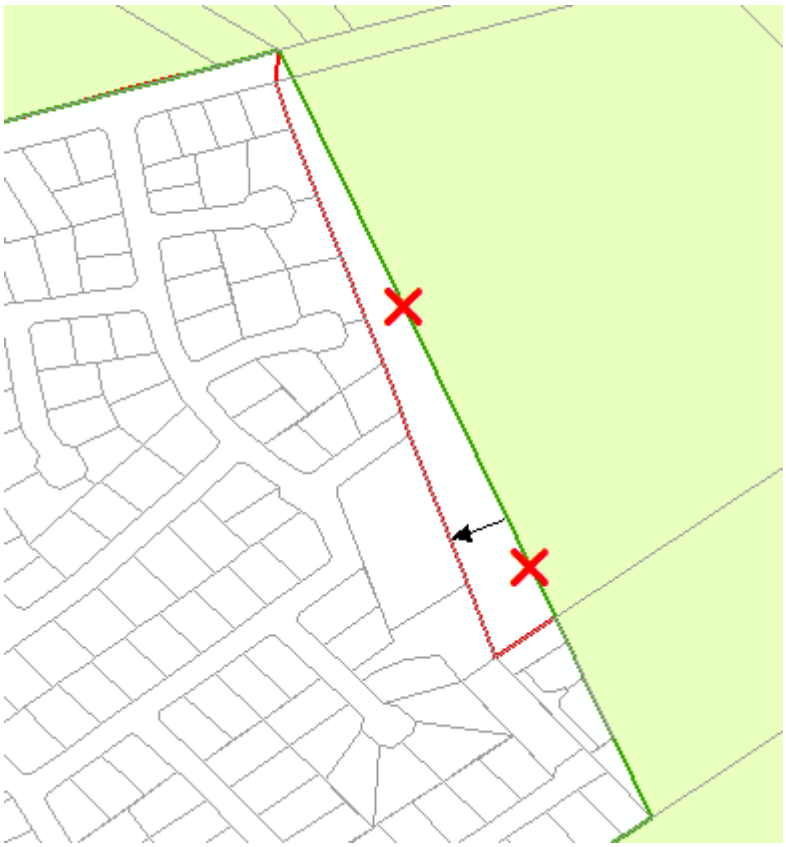
Misalignment between EFPA and Zones



Development Plan Zones from Township & Urban Areas DPA (Part 1) consolidated 9 April 2014

Development Plan Zones when EFPA captured consolidated 24 October 2017 – these zones transitioned to Planning and Design Code

Align EFPA to existing Zone boundary



8. ADELAIDE HILLS – VERDUN

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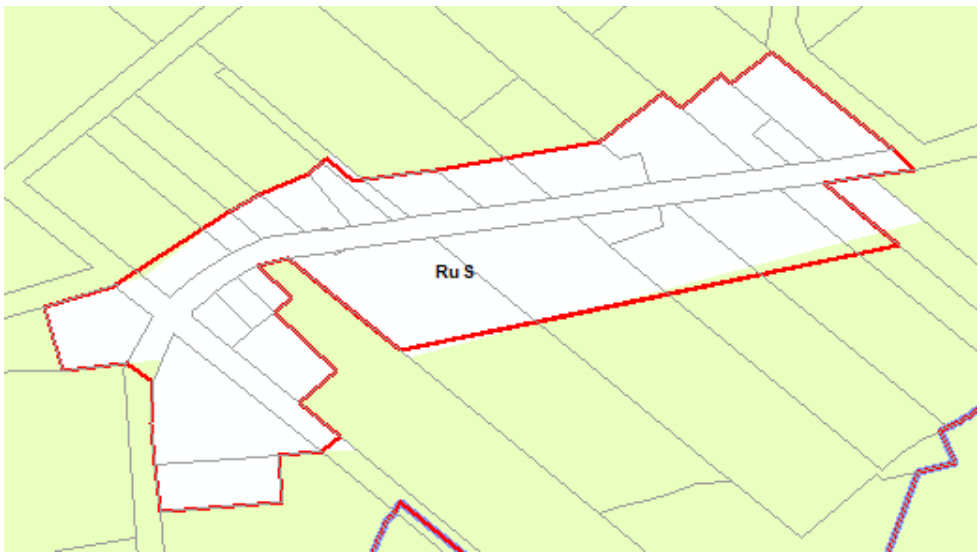
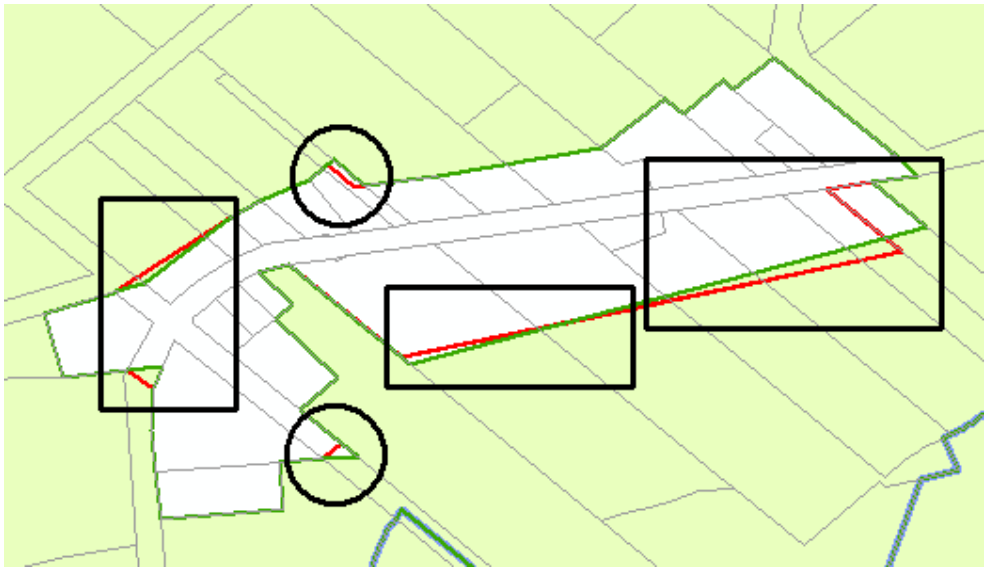
Current EFPA

Current EFPA and Zones



Align EFPA to existing Zone boundary

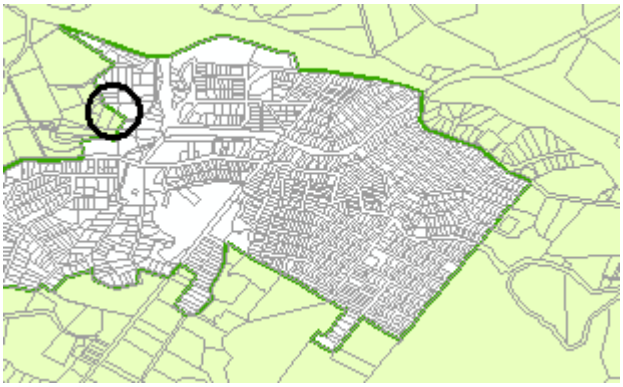


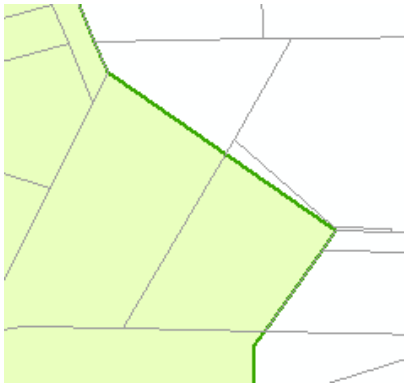
Note - No change is to be made to the portion of land outside of the EFPA on allotment 11 in F157246 (CT5714/892) as this would not be deemed ‘trivial’. Marked in blue below.

9. ADELAIDE HILLS – BRIDGEWATER

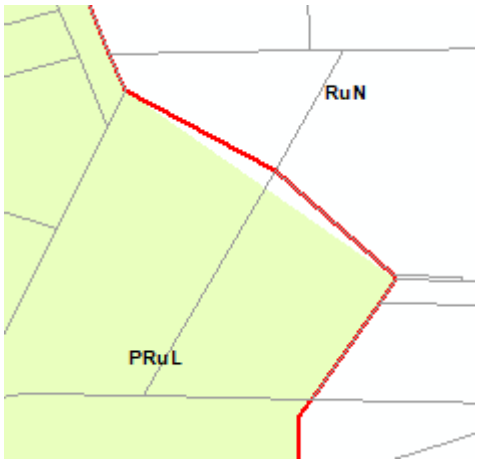
Issue	Cause	Proposed Correction
The EFPA boundaries at this location do not align with the zone boundaries.	The EFPA boundaries at this location were based on zone boundaries in the Development Plan at the time. The zone boundaries have since been updated to reflect updated cadastral boundaries.	Align the EFPA boundaries so that they match the zone boundaries.

Current EFPA

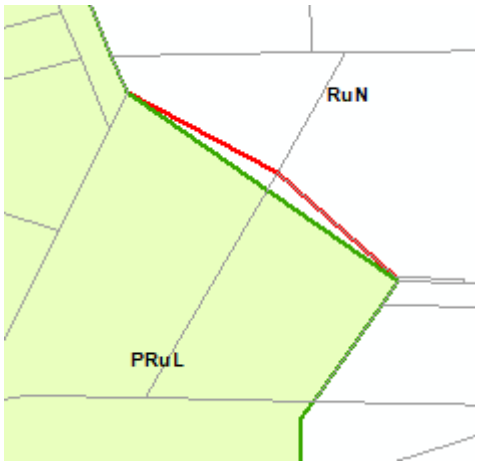


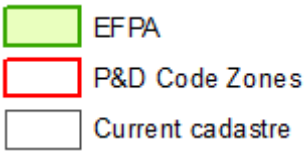


Current Zones

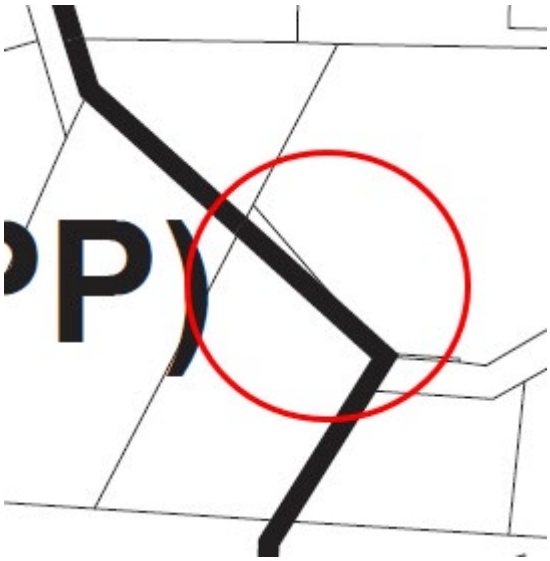


Current EFPA and Zones – misalignment





Final Development Plan consolidated 8 August 2019

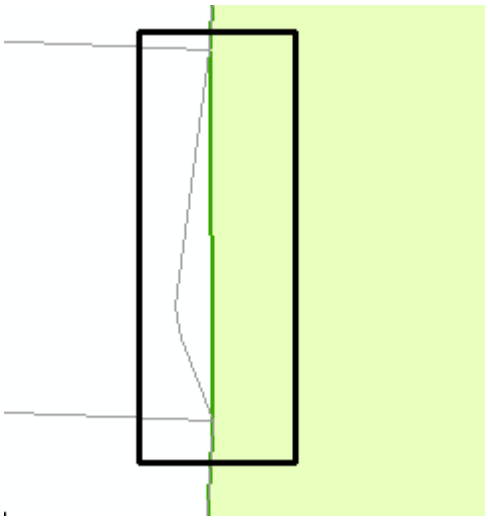


With the current zone alignment

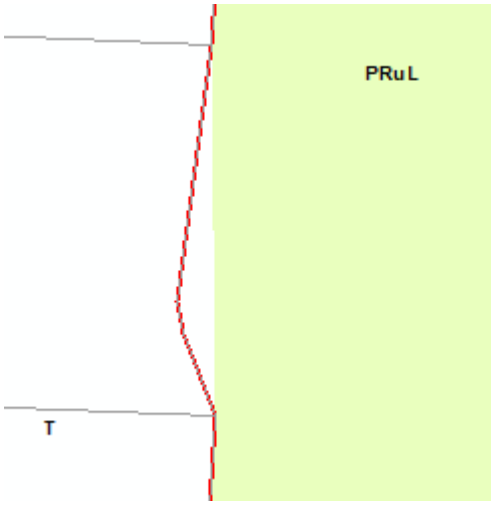
10. ADELAIDE HILLS – URAIDLA

Issue	Cause	Proposed Correction
The EFPA boundaries at this location do not align with the zone boundaries.	The EFPA boundaries at this location were based on zone boundaries in the Development Plan at the time. The zone boundaries have since been updated to reflect updated cadastral boundaries.	Align the EFPA boundaries so that they match the zone boundaries.

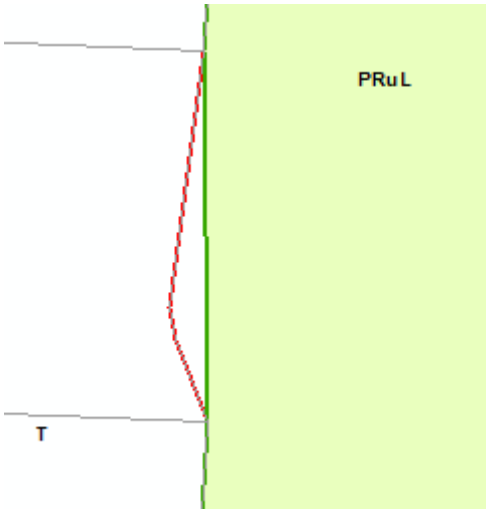
Current EFPA



Current Zones

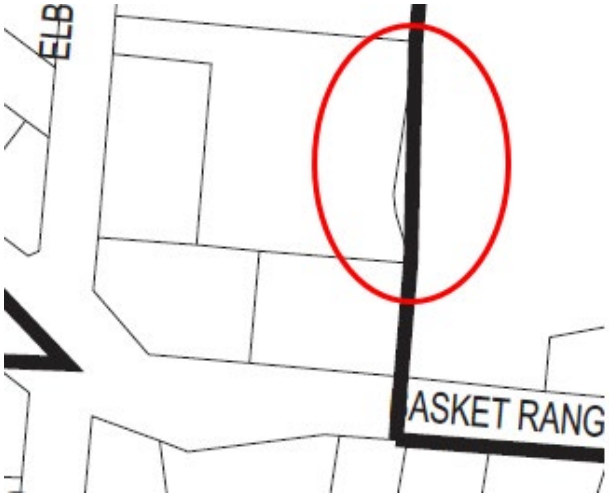


Current EFPA and Zones – misalignment

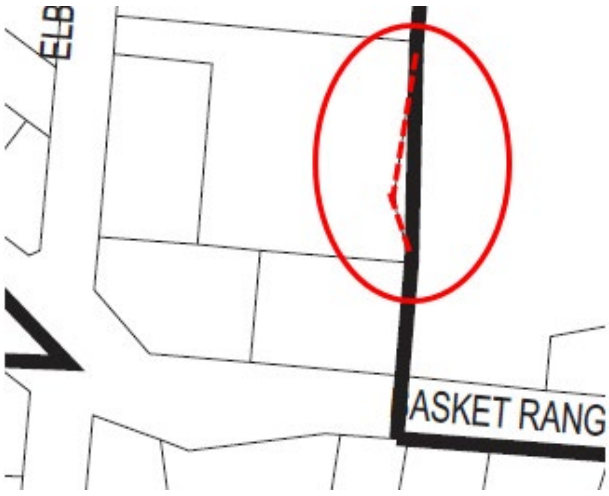


EFPA
P&D Code Zones
Current cadastre

Final Development Plan consolidated 8 August 2019



With the current zone alignment

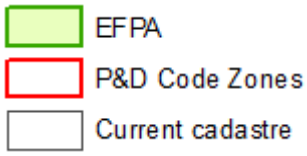


11. ADELAIDE HILLS – ALDGATE

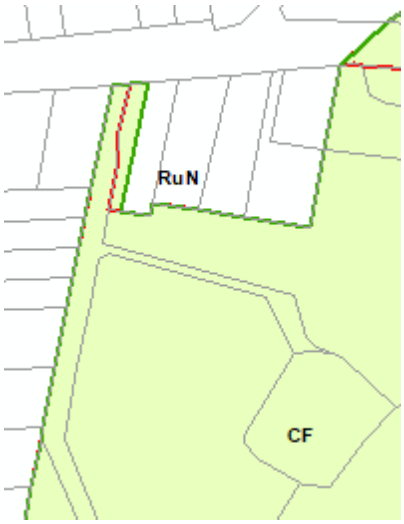
Issue	Cause	Proposed Correction
The EFPA boundaries at this location do not align with the zone boundaries.	The EFPA boundaries at this location were based upon draft zone boundaries in a Development Plan Amendment at that time. The zone boundaries were subsequently updated in the final version that was consolidated into the Development Plan.	Align the EFPA boundaries so that they match the zone boundaries.

Current EFPA

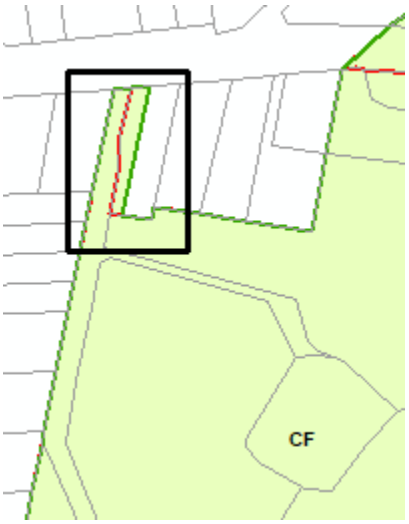
Current Zones



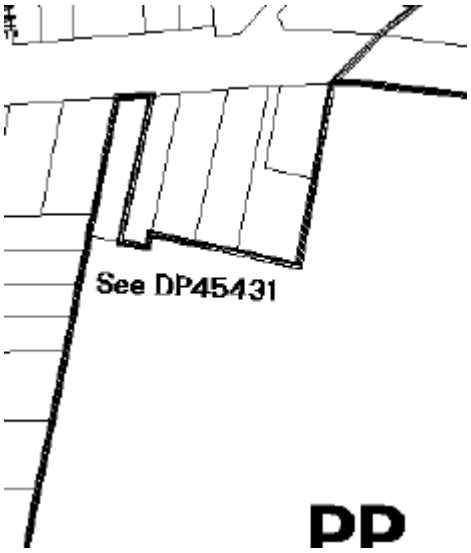
Current EFPA and Zones



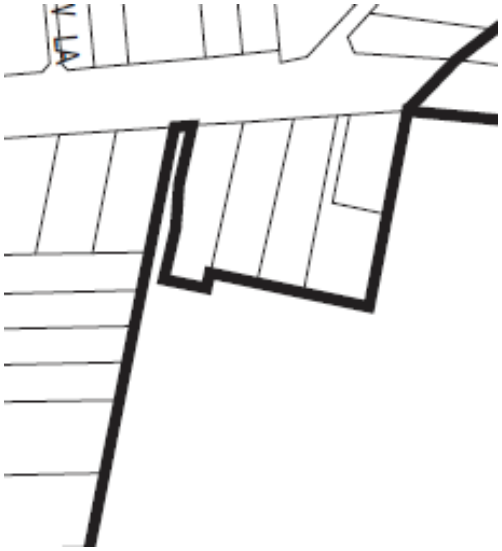
Misalignment between EFPA and Zones



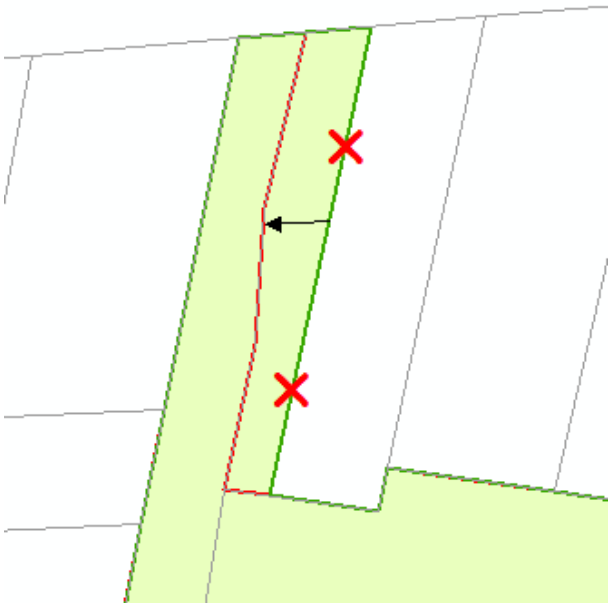
Development Plan Zones when EFPA captured consolidated 9 April 2014



Development Plan Zones from Township & Urban Areas DPA (Part 1) consolidated 24 October 2017 – these zones transitioned to Planning and Design Code



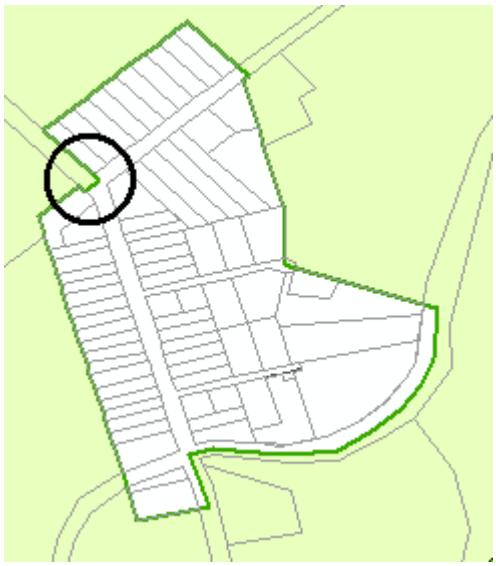
Align EFPA to existing Zone boundary

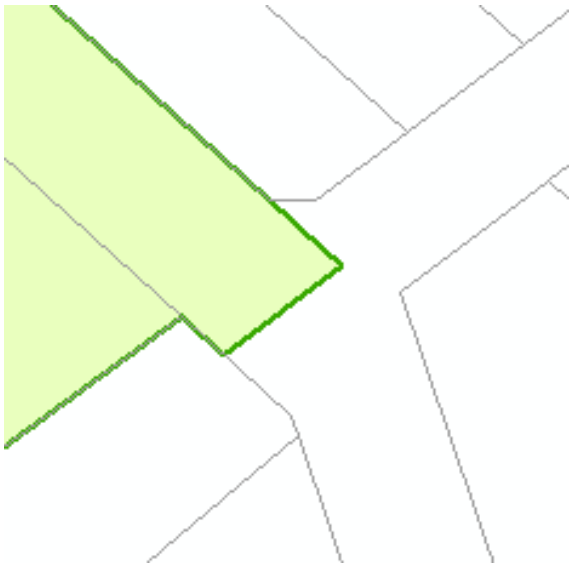


12. MOUNT BARKER – DAWSLEY

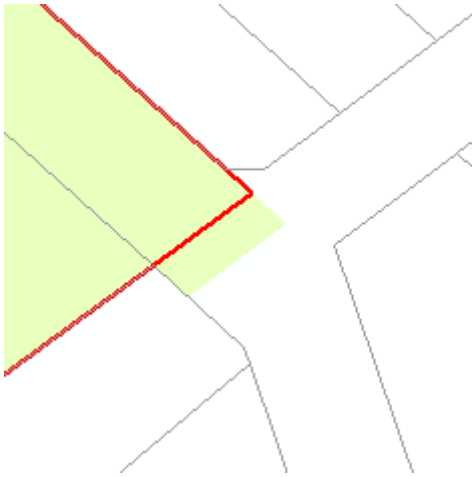
Issue	Cause	Proposed Correction
The EFPA boundaries at this location do not align with the zone boundaries.	The EFPA boundaries at this location were based on zone boundaries in the Development Plan at the time. The zone boundaries have since been updated to reflect updated cadastral boundaries.	Align the EFPA boundaries so that they match the zone boundaries.

Current EFPA

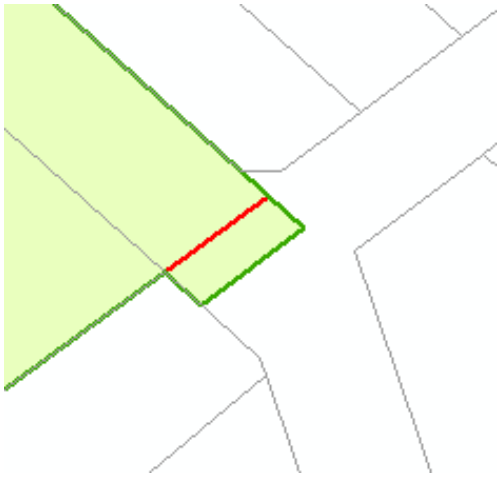


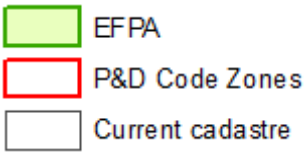


Current Zones

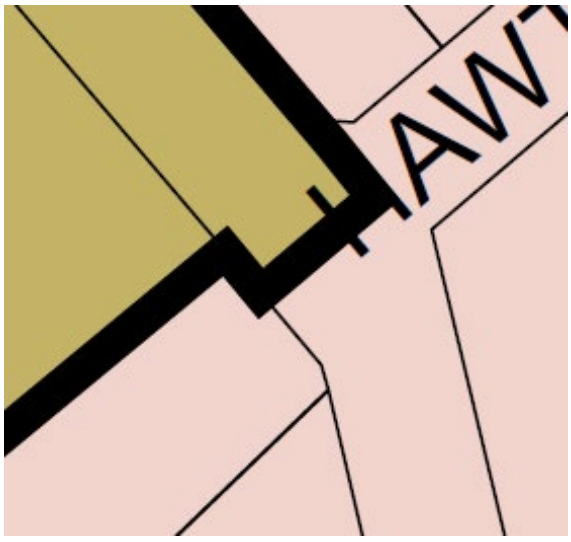


Current EFPA and Zones – misalignment

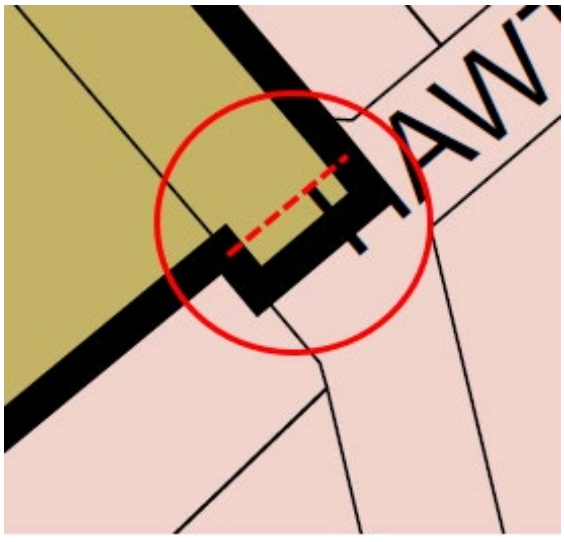




Final Development Plan consolidated 8 August 2019



With the current zone alignment

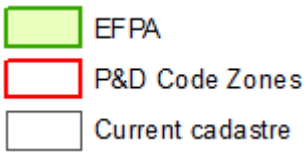


13. MURRAY BRIDGE – WOODLANE

Issue	Cause	Proposed Correction
Better alignment of EFPA and Zone boundary to cadastre	While the zone boundary alignment has not changed since the first Development Plan, it is appropriate to update the EFPA boundary to go around these residential land parcels from new plans of division since the first Development Plan.	Align the EFPA boundary to current cadastre.

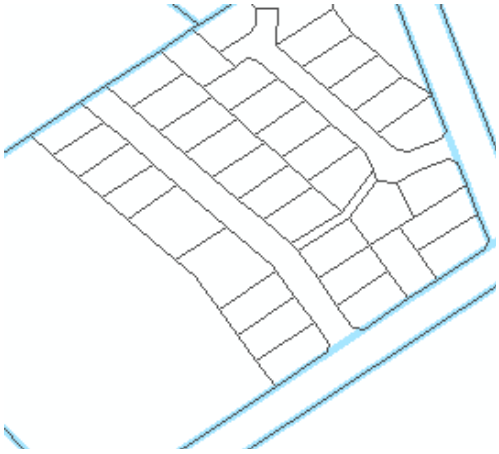
Current EFPA

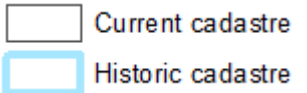
Current EFPA



Current EFPA and Zones

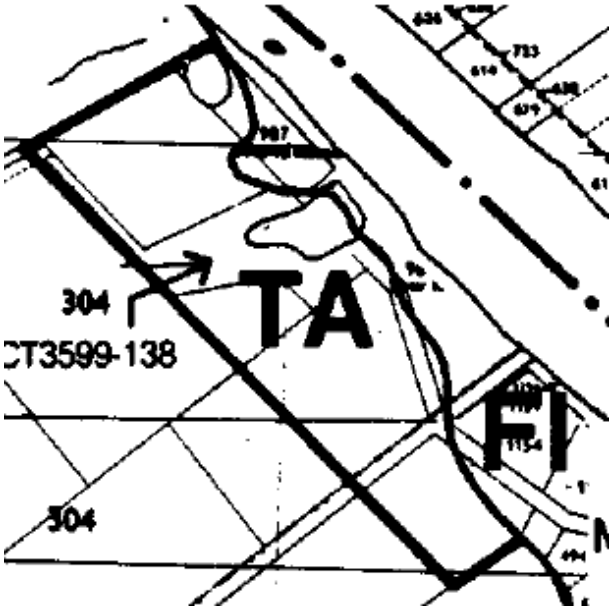
Current cadastre and cadastre used in first Development Plan



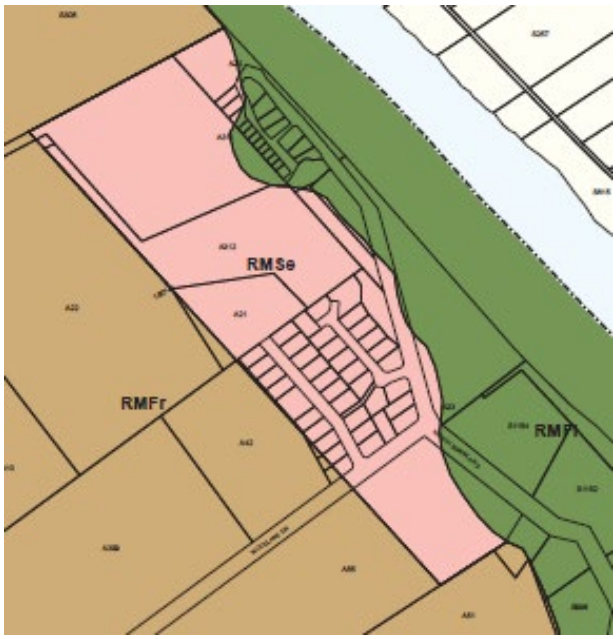


Align EFPA to parcels

Development Plan Zones in first Development Plan consolidated 24 April 1997



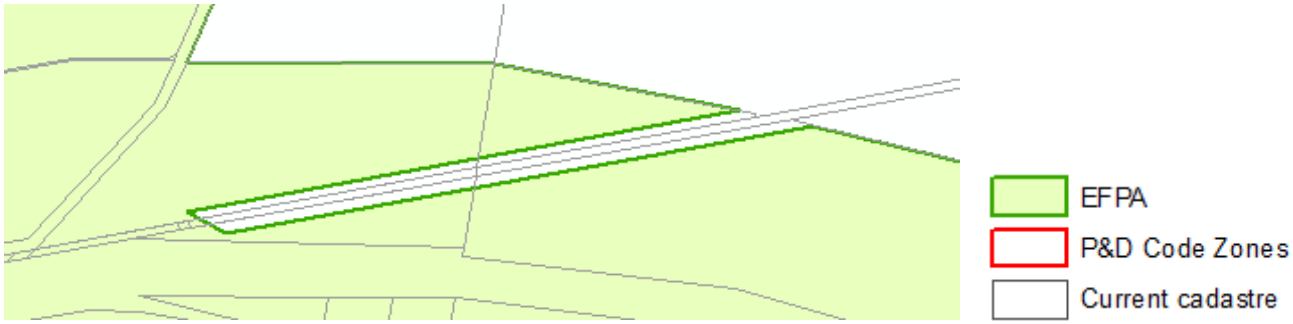
Development Plan Zones in last Development Plan consolidated 20 August 2020 - these transitioned to Planning and Design Code



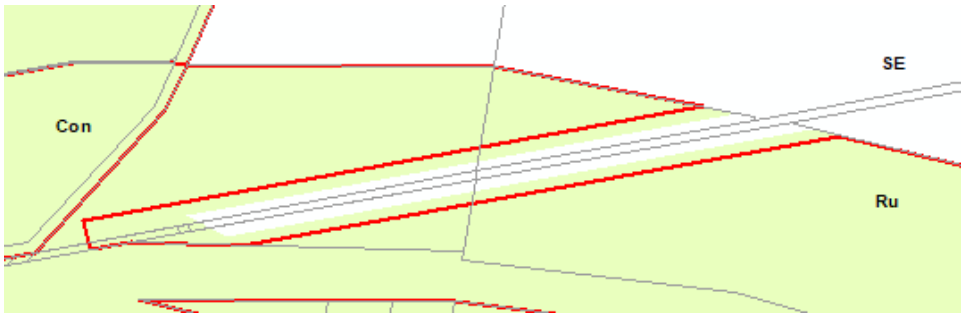
14. MURRAY BRIDGE – MONARTO SOUTH

Development	**Cause**	**Proposed Correction**
The EFPA boundaries at this location do not align with the zone boundaries.	The EFPA boundaries at this location were based upon draft zone boundaries in a Development Plan Amendment at that time. The zone boundaries were subsequently updated in the final version that was consolidated into the Development Plan.	Align the EFPA boundaries so that they match the zone boundaries.

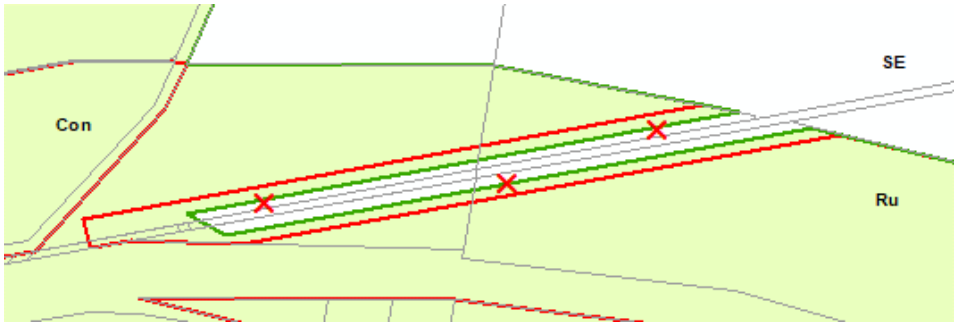
Current EFPA



Current Zones



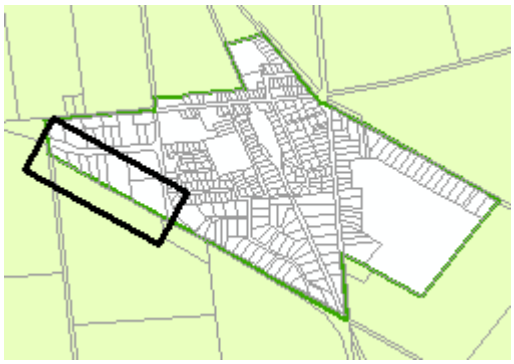
Align EFPA to existing Zone boundary

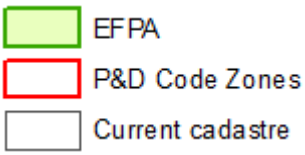


15. LIGHT – WASLEYS

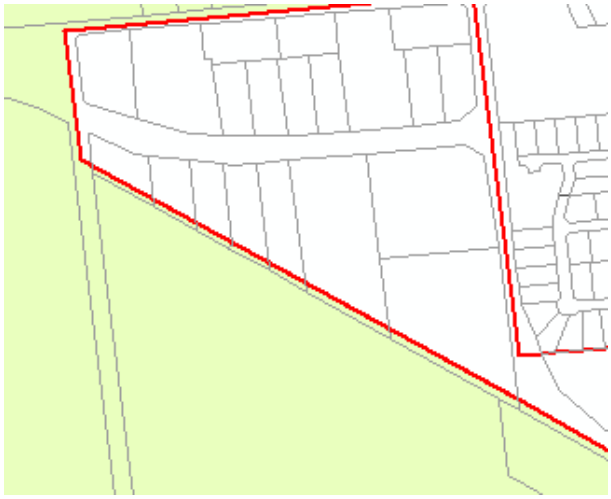
Issue	Cause	Proposed Correction
Better alignment of EFPA and Zone boundary to cadastre	While the zone boundary alignment has not changed since the first Development Plan, it is appropriate to update the EFPA boundary to go around these residential land parcels from new plans of division since the first Development Plan.	Align the EFPA boundary to current cadastre.

Current EFPA

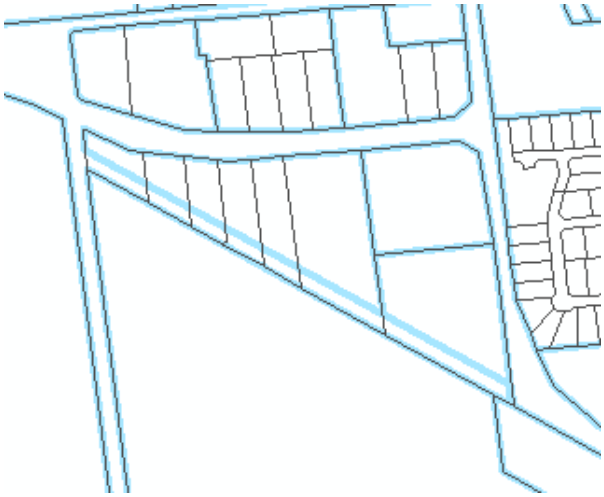


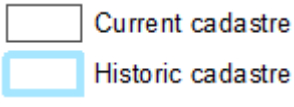


Current Zones

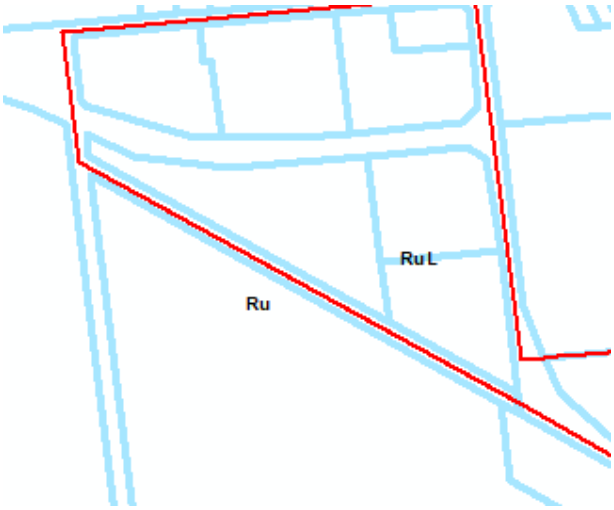


Current cadastre and cadastre used in first Development Plan

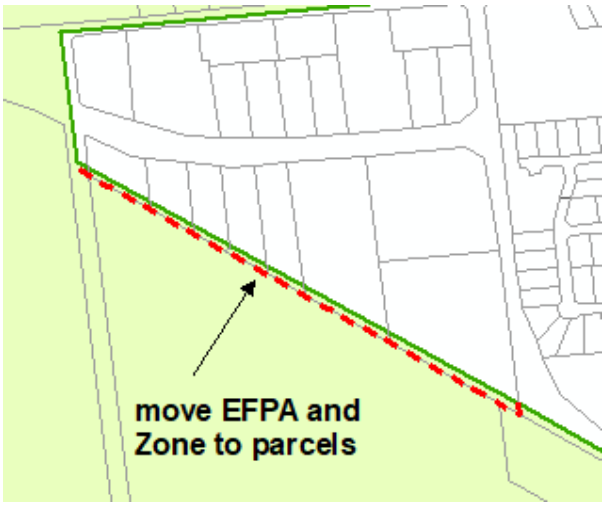


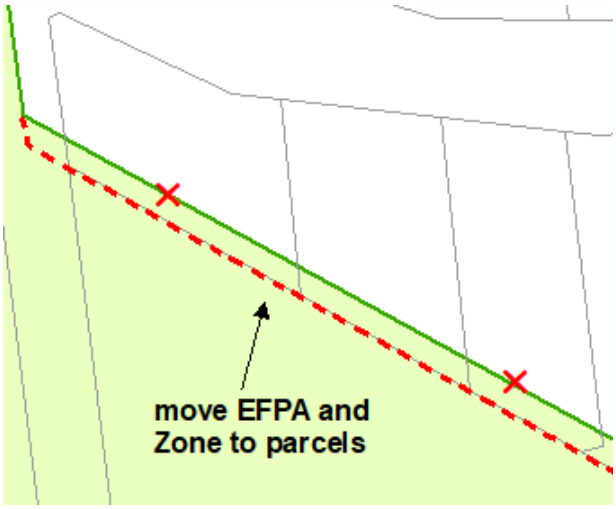


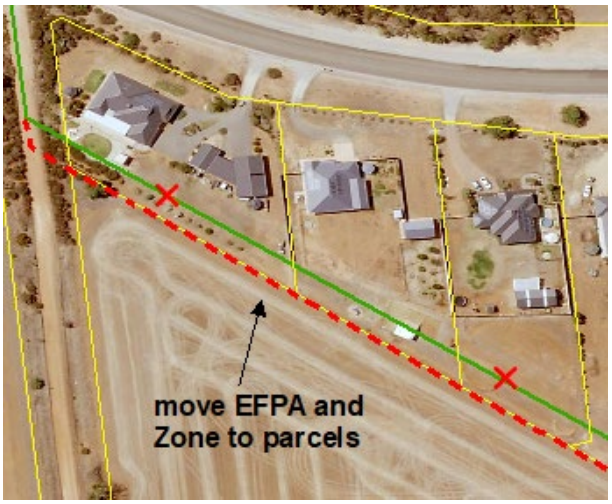
Current zoning and cadastre used in first Development Plan Note – zone boundaries unchanged since first Development Plan



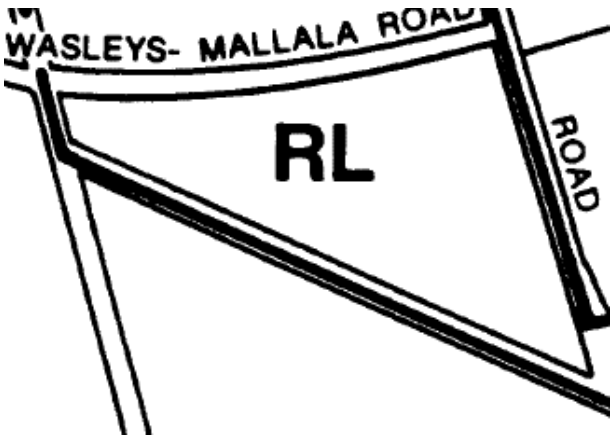
Align EFPA to parcels







Development Plan Zones in first Development Plan consolidated 24 April 1997

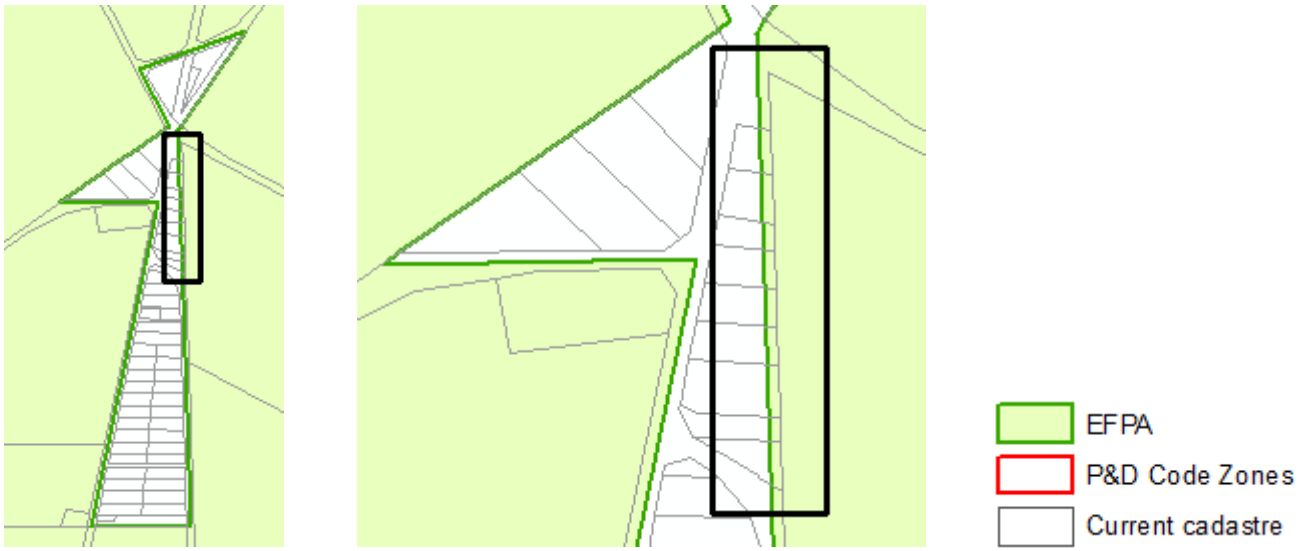


Development Plan Zones in last Development Plan consolidated 20 August 2020 - these transitioned to Planning and Design Code

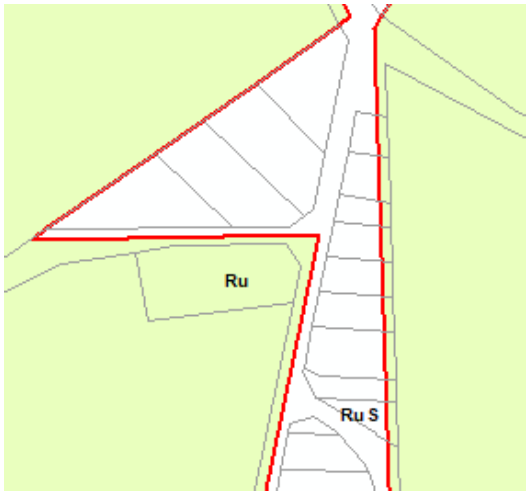
16. ADELAIDE PLAINS – REDBANKS

Issue	Cause	Proposed Correction
Better alignment of EFPA and Zone boundary to cadastre	While the zone boundary alignment has not changed since the first Development Plan, it is appropriate to update the EFPA boundary to go around these residential land parcels from new plans of division since the first Development Plan.	Align the EFPA boundary to current cadastre.

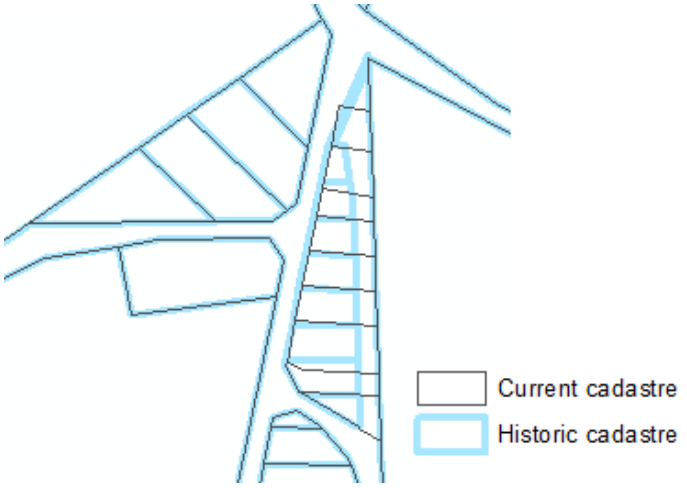
Current EFPA



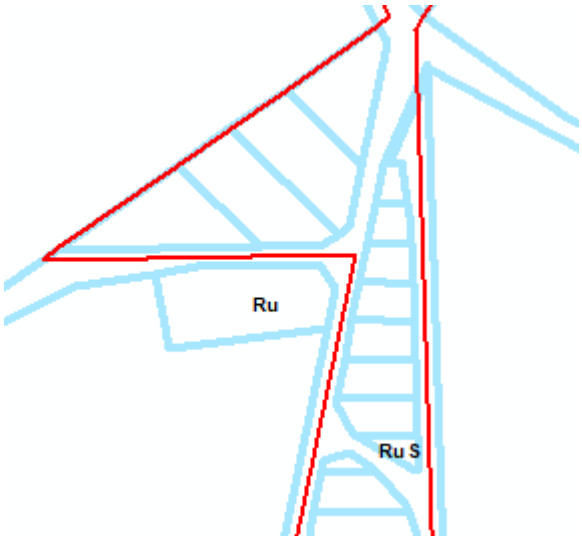
Current Zones



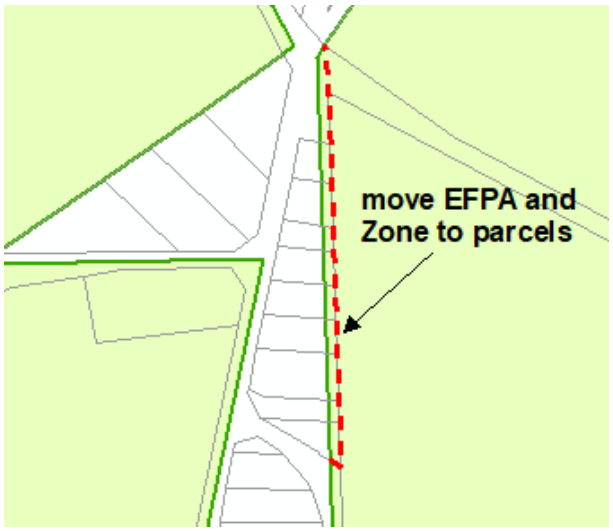
Current cadastre and cadastre used in first Development Plan

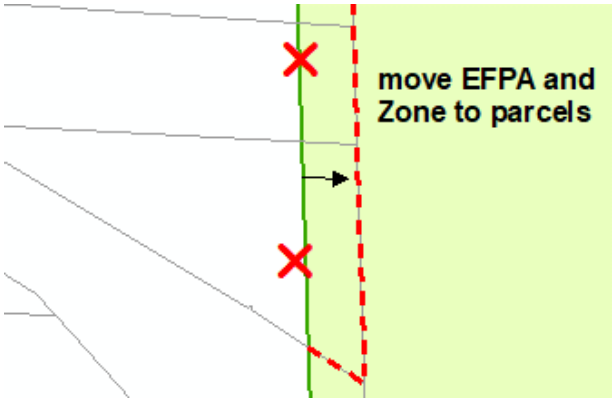


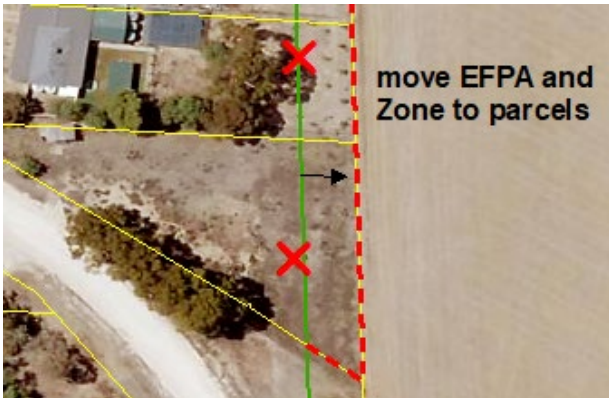
Current zoning and cadastre used in first Development Plan Note – zone boundaries unchanged since first Development Plan



Align EFPA to parcels

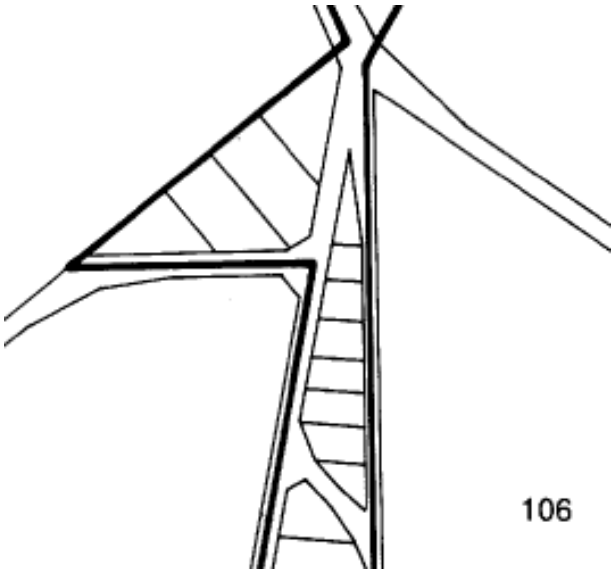


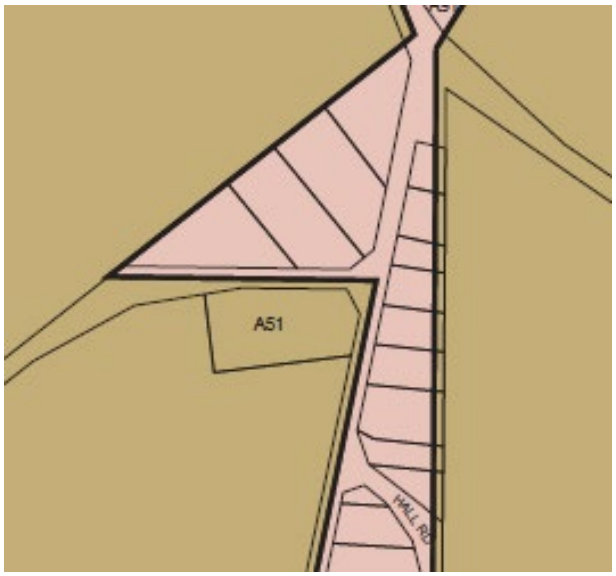




Development Plan Zones in first Development Plan consolidated 24 April 1997

Development Plan Zones in last Development Plan consolidated 20 August 2020 - these transitioned to Planning and Design Code

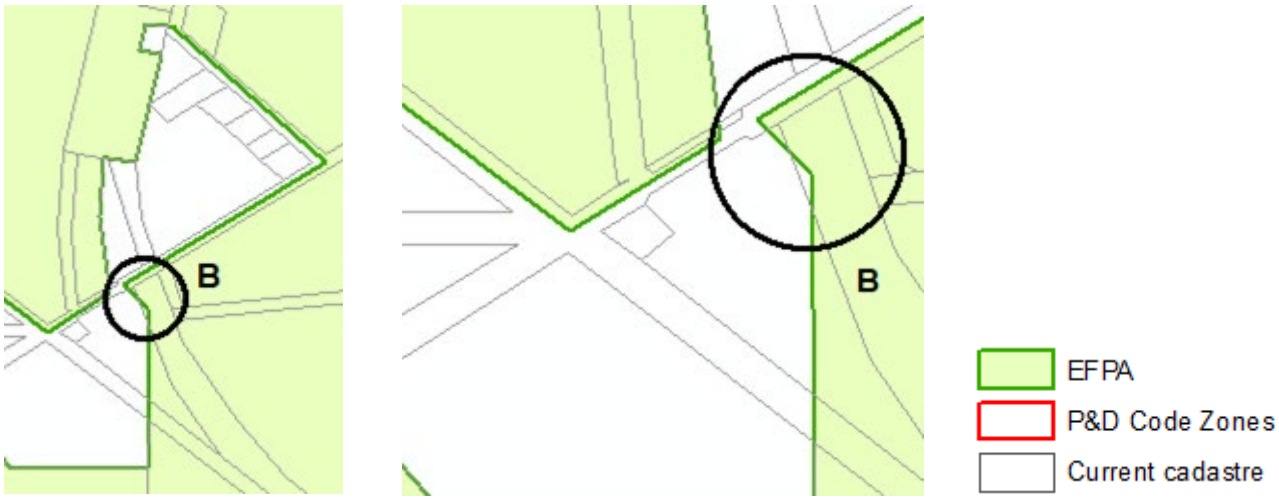




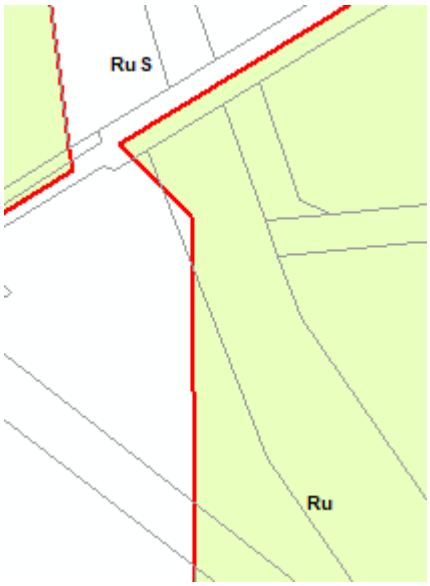
17. ADELAIDE PLAINS – LONG PLAINS

Issue	Cause	Proposed Correction
Better alignment of EFPA and Zone boundary to cadastre	While the zone boundary alignment has not changed since the first Development Plan, it is appropriate to update the EFPA boundary to go around these and parcels from new plans of division since the first Development Plan.	Align the EFPA boundary to current cadastre.

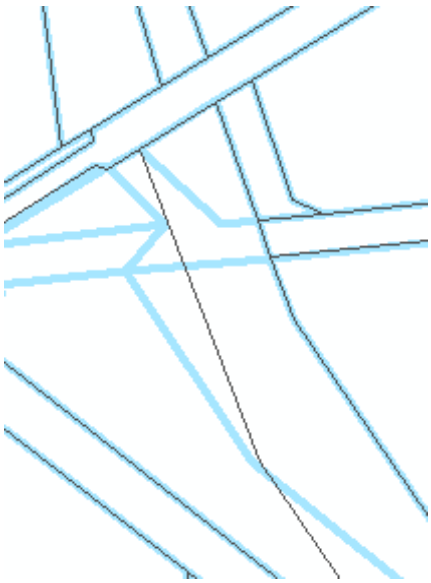
Current EFPA



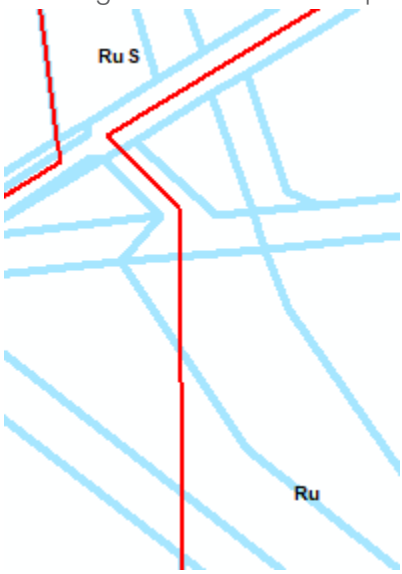
Current Zones



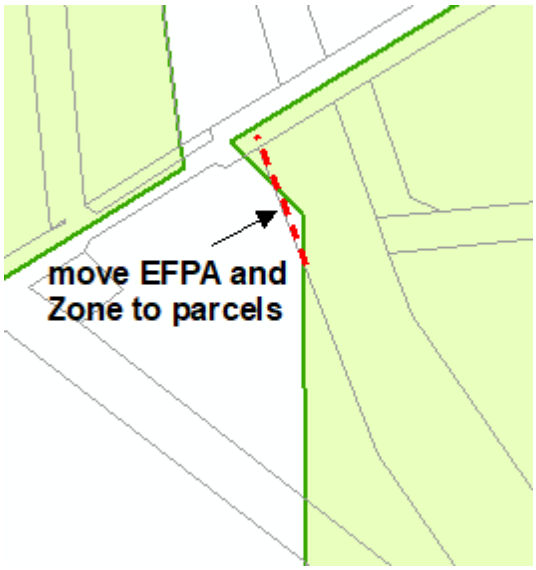
Current cadastre and cadastre used in first Development Plan

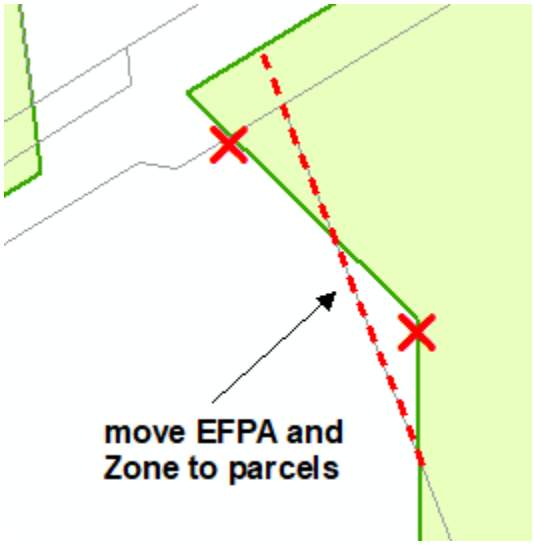


B - Current zoning and cadastre used in first Development Plan Note – zone boundaries unchanged since first Development Plan

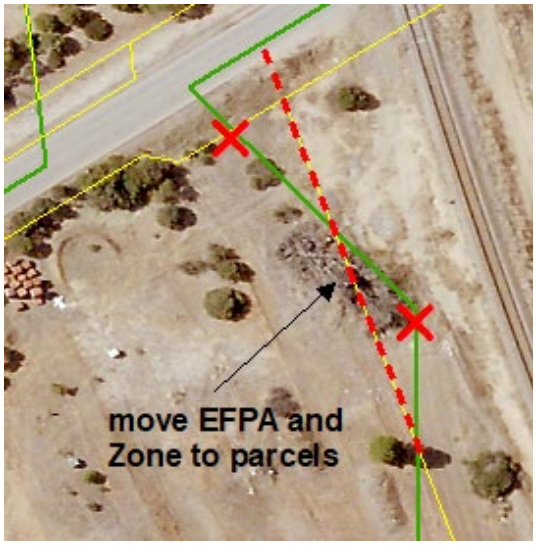


B - Align EFPA to parcels

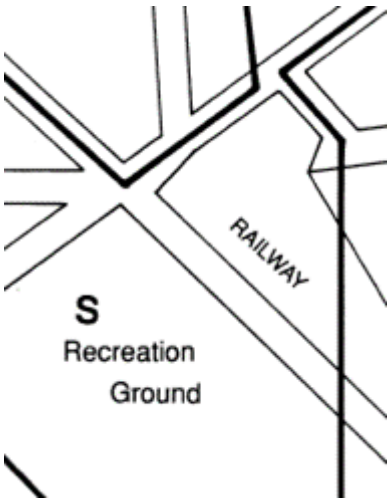


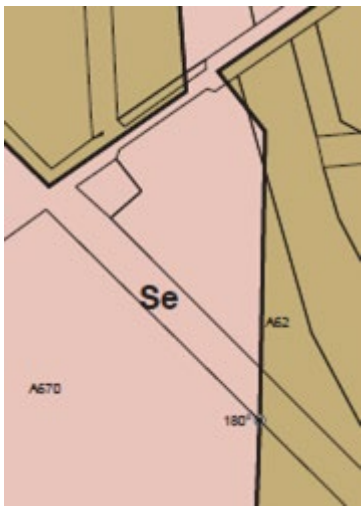


Development Plan Zones in first Development Plan consolidated 27 September April 1997



Development Plan Zones in last Development Plan consolidated 20 August 2020 - these transitioned to Planning and Design Code

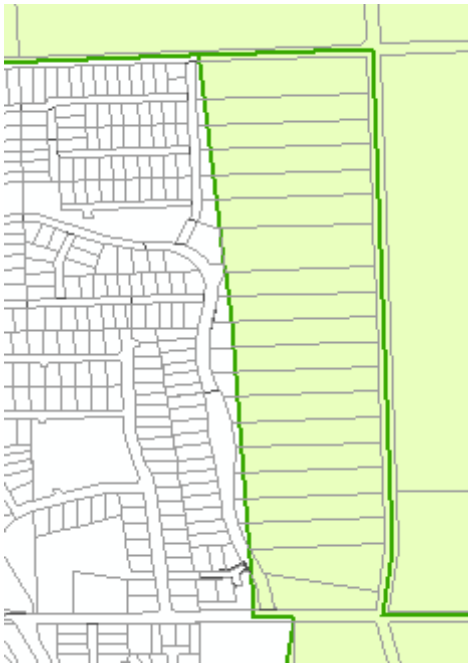




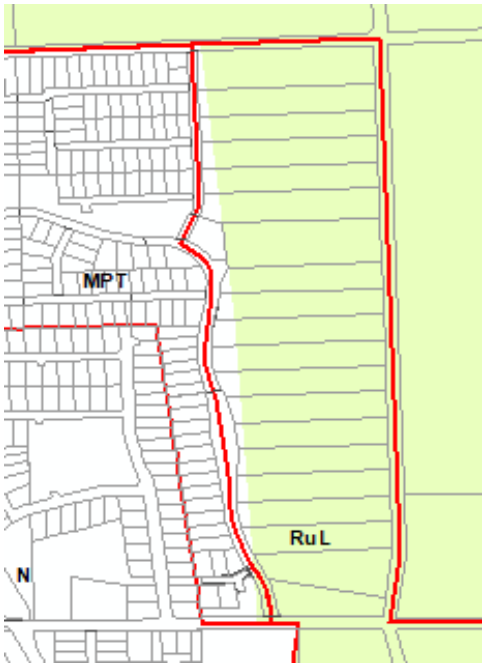
18. ADELAIDE PLAINS – TWO WELLS

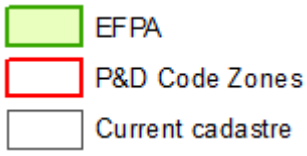
Issue	Cause	Proposed Correction
The EFPA boundaries at this location do not align with zone boundaries.	The EFPA boundaries were created from the zone boundaries in the Development Plan at the time. The zone boundaries were subsequently updated during the transition to the Planning and Design Code.	Align the EFPA boundaries so that they match the updated zone boundaries.

Current EFPA

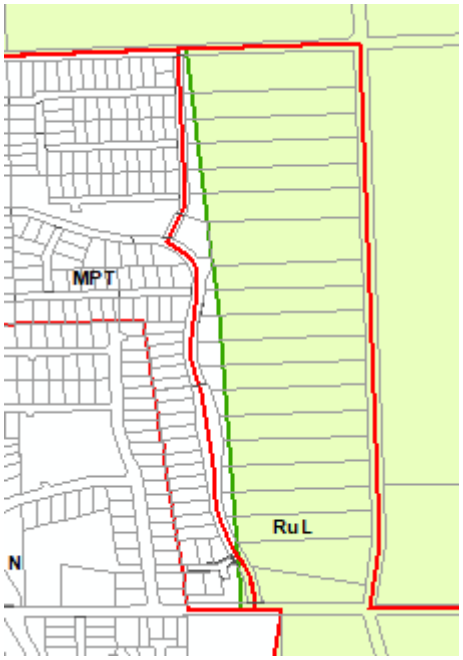


Current Zones

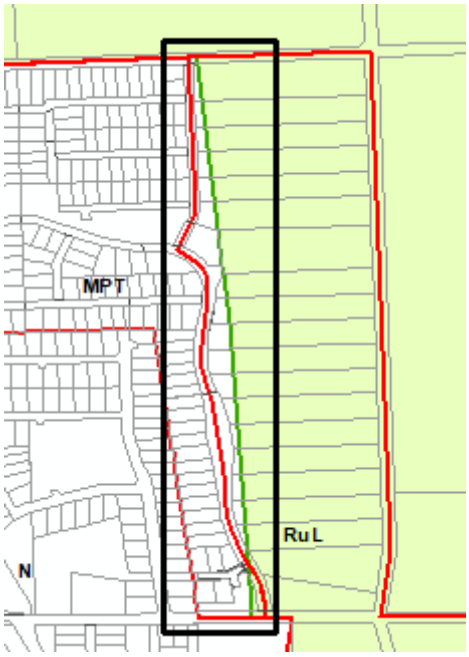




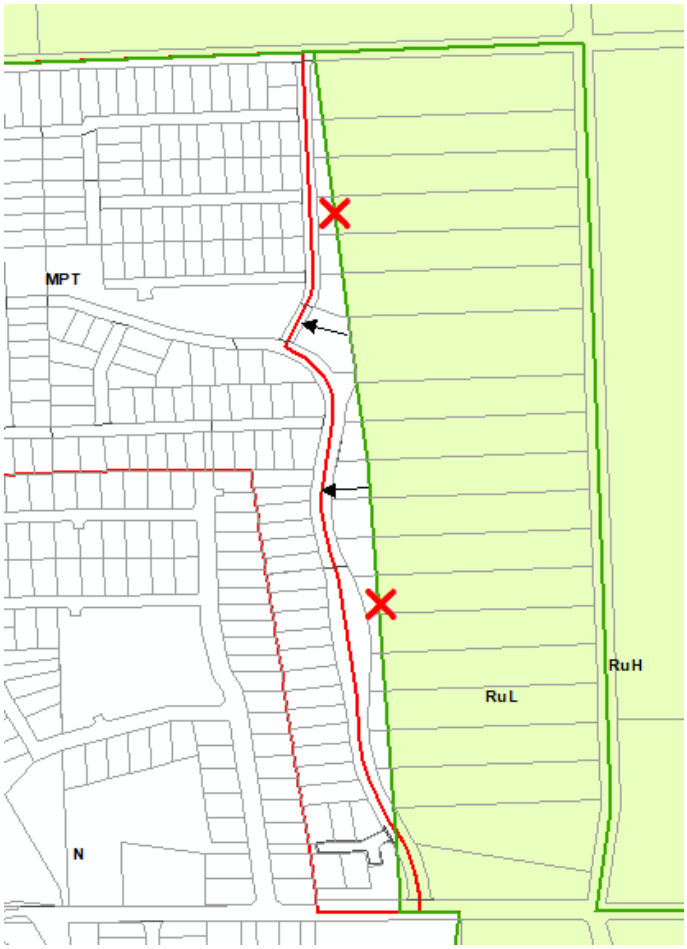
Current EFPA and Zones



Misalignment between EFPA and Zones



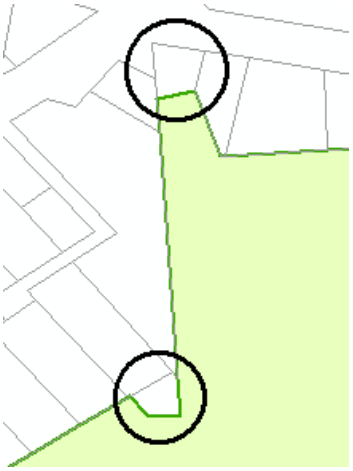
Current EFPA and Zones

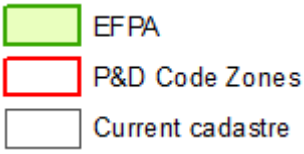


19. TEA TREE GULLY – VISTA

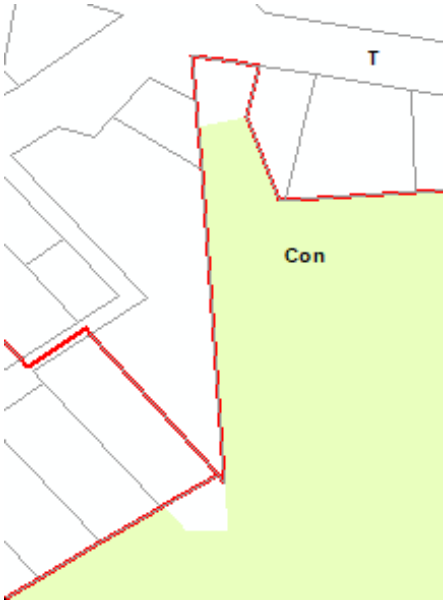
Issue	Cause	Proposed Correction
The EFPA boundaries at this location do not align with zone boundaries.	The EFPA boundaries were created from the zone boundaries in the Development Plan at the time. The zone boundaries were subsequently updated during the transition to the Planning and Design Code.	Align the EFPA boundaries so that they match the updated zone boundaries.

Current EFPA

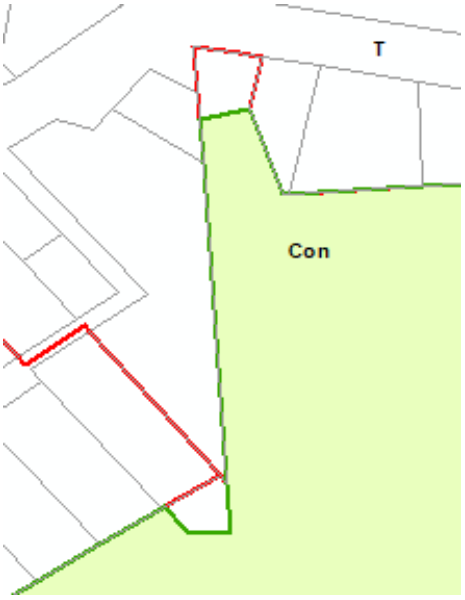




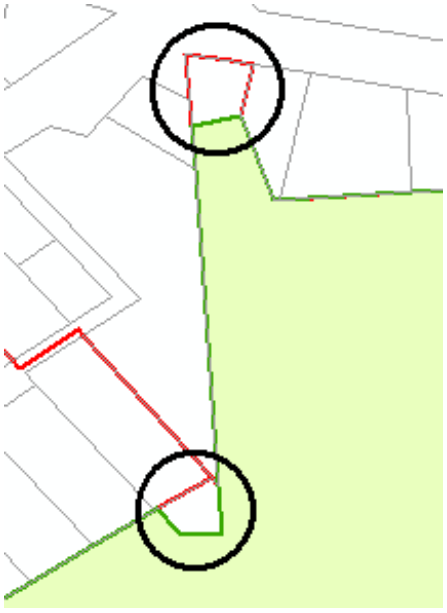
Current Zones



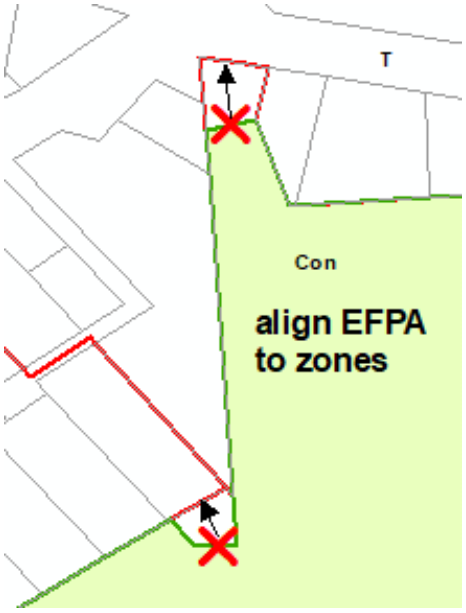
Current EFPA and Zones



Misalignment between EFPA and Zones



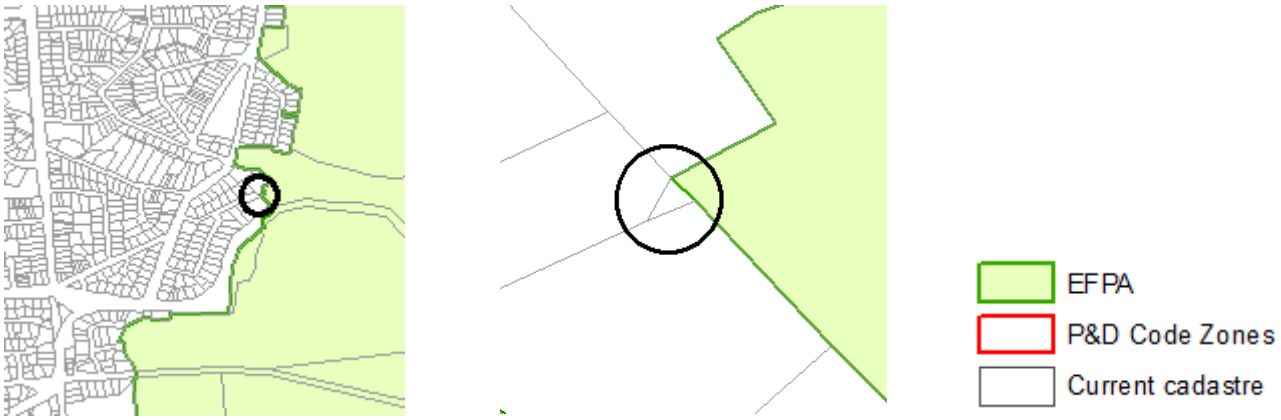
Align EFPA to existing Zone boundary



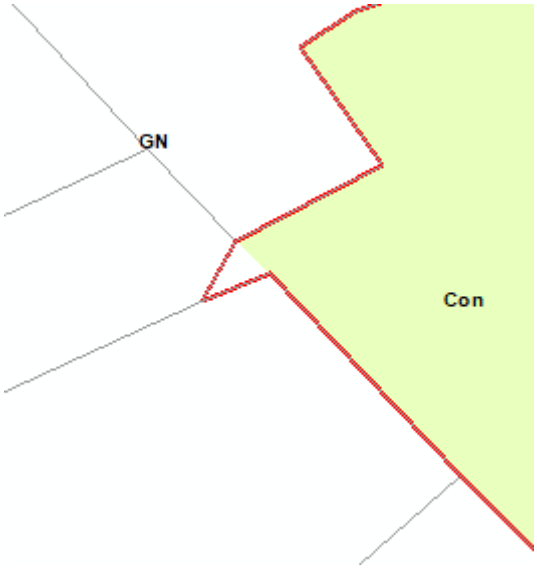
20. TEA TREE GULLY – VISTA

Issue	Cause	Proposed Correction
The EFPA boundaries at this location do not align with zone boundaries.	The EFPA boundaries were created from the zone boundaries in the Development Plan at the time. The zone boundaries were subsequently updated during the transition to the Planning and Design Code.	Align the EFPA boundaries so that they match the updated zone boundaries.

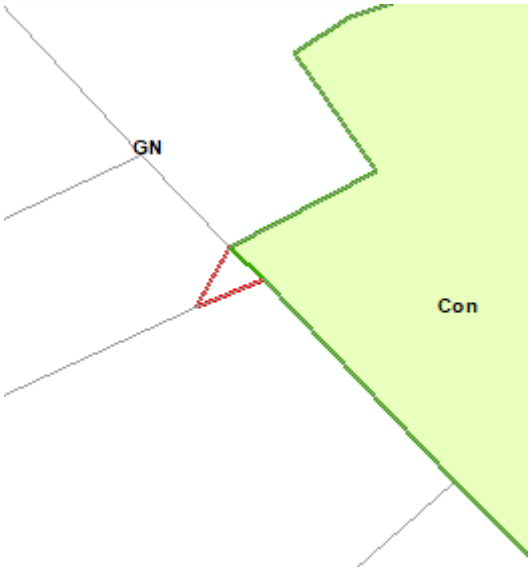
Current EFPA



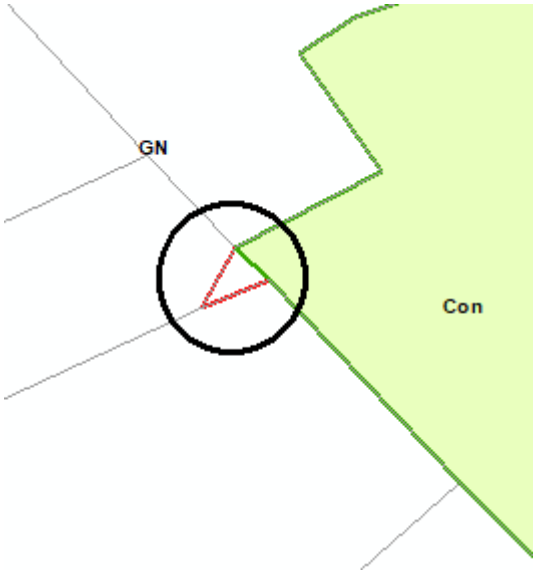
Current Zones



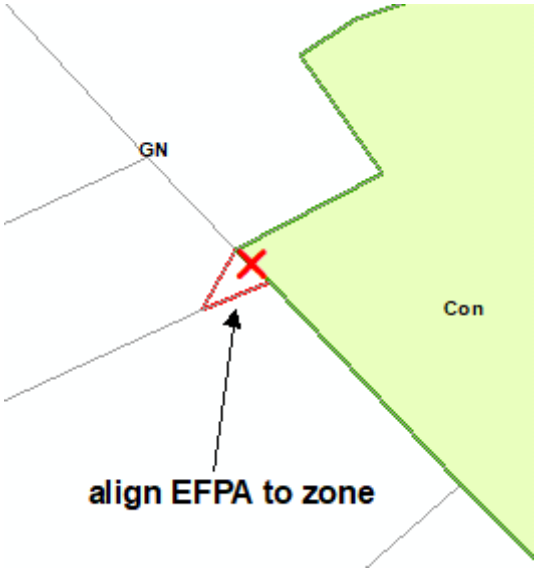
Current EFPA and Zones



Misalignment between EFPA and Zones



Align EFPA to existing Zone boundary



ENVIRONMENT AND FOOD PRODUCTION AREAS REVIEW 2021

Outcomes Report

STATE PLANNING COMMISSION

Pursuant to Section 7 of the *Planning, Development & Infrastructure Act 2016*

November 2021

Government of South Australia
Attorney-General's Department

CONTENTS

1. EXECUTIVE SUMMARY

On 30 March 2021, the State Planning Commission (Commission) announced the inaugural review of the Environment and Food Production Areas (EFPA). This Review is a statutory requirement every 5 years under Section 7 of the Planning, Development and Infrastructure Act 2016 (the Act).

Following a two-staged review process being complete (involving a land supply analysis and consultation process), this report now outlines the outcomes of the EFPA Review. The report must be furnished to the Minister for Planning and Local Government, prior to any variations being made to the boundaries of the EFPA.

The proposed boundary variations (which are outlined later in this report) are earmarked to be implemented in 2022, subject to the required legislative steps.

The next five year anniversary (and associated Review) is due in 2027.

2. BACKGROUND AND CONTEXT

2.1. Environment and Food Production Areas

The Environment and Food Production Areas (EFPA) were introduced in April 2017 to generally protect our valuable food producing and rural areas as well as conserving natural landscapes and environmental resources within certain areas in Greater Adelaide (as shown on in Figure 1 below).

The controls of the EFPA primarily precludes the division of land for the purpose of creating additional allotments for residential development. More information can be found at: www.plan.sa.gov.au/en/EFPA

Figure 1: South Australia's Environment and Food Production Areas and Character Preservation Districts

2.2. EFPA Review Scope

On 30 March 2021, the State Planning Commission (Commission) announced the inaugural review of the EFPA boundaries. This review is a statutory requirement every five years under Section 7(9)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act). As the EFPA provisions of the legislation was operational from April 2017, this means that the review is required to be completed by April 2022.

The Act sets out formal procedures for any variation to the EFPA and also that boundaries may only be varied by the Commission under certain circumstances. For ease of reference, these circumstances are referred to as the 'Three Point Test' and are set out under section 7(3) of the Act as follows:

If the Commission is satisfied, that:

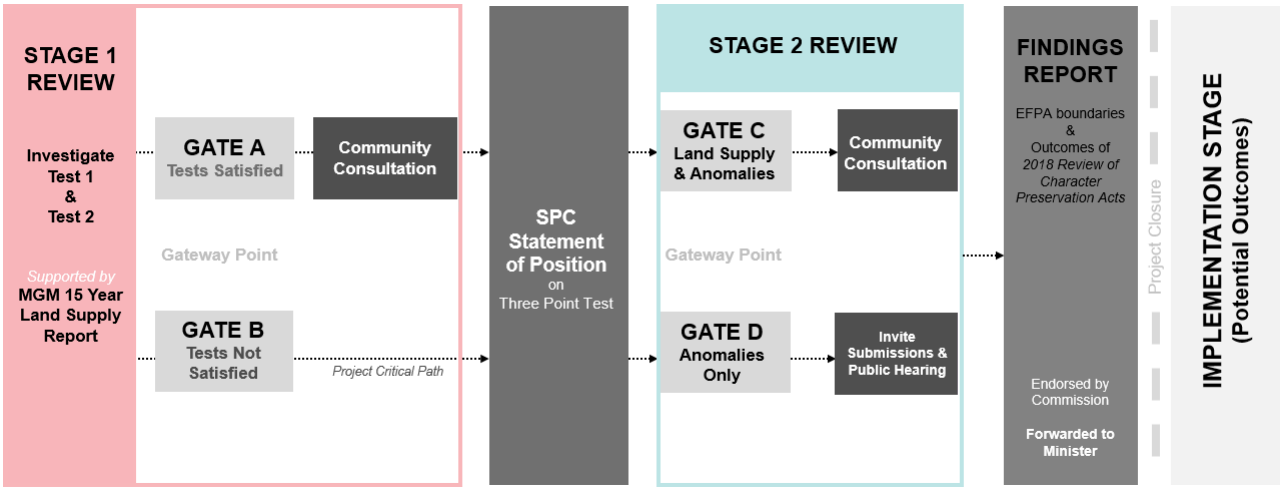
Test 1: an area or areas within Greater Adelaide outside environment and food production areas are unable to support the principle of urban renewal and consolidation of existing urban areas; **and**

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

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

2.3. EFPA Review Process

For the inaugural EFPA Review, the Commission adopted a staged program with defined project gateways to manage the scope of the Review, as outlined in the diagram below:



Stage 1 of the review involved an investigation by the Commission as to whether there is at least a 15-year supply of residential and employment land ('Tests 1 and 2'), requiring an analysis of Greater Adelaide's land supply and demand. This analysis is contained in the Environment and Food Production Areas (EFPA) Review Report and was based on data and information derived from the Land Supply Report discussed in the next section.

The outcome of the Stage 1 investigations led to project gateways – Gate A (Tests 1 & 2 satisfied) or Gate B (Tests 1 & 2 not satisfied). Gate B is chosen if there is an adequate supply of land for residential and employment purposes for at least the next 15 years; if not, Gate A is chosen.

If Gate A were to be chosen a full review of EFPA boundaries and its relationship with land supply as well as anomalies is considered to be in the scope of the review (Gate C). The Gate B pathway leads to the scope of the review being contained to trivial variations that are recognised anomalies (Gate D).

As explained more in following sections, **Gate B (in Stage 1) and Gate D (in Stage 2)** were applicable to this inaugural EFPA Review process.

2.4. Land Supply Report (LSR)

The LSR for Greater Adelaide provides data and information on land supply and demand. It is a component of the broader Growth Management Program.

The components of the Growth Management Program are outlined below.

Growth Management Program					
Land Supply Reports (LSR)	Population Projections	Regional Plans	Code Amendments	EFPA and CPD other policy reviews	On-line mapping & reporting tool (accessible information)

The monitoring of land supply and demand is a core activity of PLUS and includes analysis of:

- urban development trends
- population growth and projections
- employment trends
- land supply and demand
- housing construction activity.

The LSR was prepared with input from other key government agencies (Renewal SA, Housing SA, Department for Infrastructure and Transport).

The LSR provides a point in time analysis of residential and employment land development trends, and projected demand and land supply. This information is used as an evidence base to determine that the land use planning system has capacity to provide an adequate supply of appropriate land to meet projected demand.

The Land Supply Report (LSR) provides a detailed overview of residential and employment land supply, and demand within the Greater Adelaide Planning Region (GAPR) over a 15-year time period – information that is required in order to determine 'Tests 1 and 2' of the EFPA Review.

2.5. EFPA Review Report (Stage 1) and Commission's Statement of Position

The EFPA Review Report (Stage 1) provided a detailed overview of residential and employment land supply, and demand within the Greater Adelaide Planning Region (GAPR) over a 15-year time period, utilising information derived from the Land Supply Report.

This report can be viewed on the PlanSA Portal.

Based on the findings of the Stage 1 Review Report, the Commission released a 'Statement of Position', which concluded:

"*It is the Commission's position that there is an adequate provision of land in Greater Adelaide to accommodate housing and employment growth over the next 15 years.*

Therefore the review will follow the Gate B pathway which leads on to Gate D and sets the scope of the review as Test 3 only – the consideration of variations of the boundary that are trivial in nature and will address a recognised anomaly.

This position is based on the Commission's assessment of the requirements under the Act, outlined in the Three Point Test and the evidence base presented in the EFPA Review Report appended to this Position Statement."

2.6. Relationship between EFPA and Character Preservation Districts (CPD)

The two CPD are shown in purple in Figure 1.

The State Government's previous 2018 *Review of the Character Preservation (Barossa Valley) Act 2012* and *Character Preservation (McLaren Vale) Act 2012* (the CP Acts) recommended that the Commission investigate the merits of amendment of the CPD for eight identified locations, in the context of Greater Adelaide's growth.

Section 7(4) of the Act establishes a clear legal relationship between the EFPA and CPD in so far as any removal of land within a CPD will trigger the application of the EFPA over that land instead.

Given this legal connection, the scope of the Commission's review of the EFPA boundaries also included a concurrent assessment of the eight locations identified in the 2018 Review in the event that the relevant Acts are first amended by Parliament to vary or remove land from the Character Preservation Districts.

As the 2018 Review was a separate and completed process which included public consultation, the Commission did not invite further public submissions. Notwithstanding, it is however noted that 10 submissions regarding CPD sites or issues were received as part of the EFPA Review.

On 5 August 2021, the Commission finalised its recommendations to the Minister for Planning and Local Government that no changes be undertaken to the eight locations. This was on the basis of the findings of the Land Supply Report, which underpinned the EFPA review and confirmed that there is an adequate supply of land in the Greater Adelaide to accommodate urban growth for the next 15 years.

Further information regarding the 2018 CP Acts Review can be accessed via the PlanSA Portal.

2.7. Assessment Definitions for Boundary Variations

The wording of 'Test 3' of the Act requires that potential variations to the boundary of the EFPA must be trivial in nature and address a recognised anomaly. The Commission considers that such variations could involve either a reduction or an expansion of the extent of EFPA boundaries (subject to being within the scope of Test 3).

To aid in the assessment of variations against Test 3, the definitions of 'trivial' and 'recognised anomaly' were considered against the Macquarie Dictionary definitions being:

- *Trivial* – of little importance; trifling; insignificant
- *Recognised* – known to be specified, to identify from knowledge of appearance or character, to acknowledge formally as existing
- *Anomaly* – deviation from the common rule or analogy.

In terms of the practical assessment of variation requests being recognised as 'anomalies', the Commission (with administrative support provided from the Planning and Land Use Services division of the Attorney General's Department) considered the context of each site and locality as well as considering matters including zoning, land use, cadastre boundary or other relevant land characteristics, which may be inconsistent with the EFPA restrictions.

In terms of assessing requests as being trivial or not, the Commission considered practical matters such as the size of the land in question, the precedence that varying the boundaries could set on the integrity of the EFPA more broadly, the potential interface impacts of varying boundaries could have on other land, or existing / envisaged land uses sought in the Planning and Design Code.

3. PUBLIC CONSULTATION FOR STAGE 2 OF THE REVIEW

Stage 2 of the Review included a public consultation process inviting submissions from landowners or any other stakeholders in relation to identifying any potential anomalies in the EFPA boundaries, so as to inform the Commission on potential variations that could be considered to fit within the scope of 'Test 3'. The consultation period commenced 4 June 2021 and was to conclude on 30 July 2021; however, this was extended by a week to 6 August 2021 following a one week state-wide lockdown due to COVID-19.

Engagement included:

- Public Notices in the Advertiser and various regional newspapers
- Media releases
- Social Media – Facebook, LinkedIn and Twitter
- Letters to key State Agencies, Local Governments, key industry and community group stakeholders
- Letters to parties who had previously contacted Planning and Land Use Services in relation to requested variations to EFPA boundaries.

Details of the Review were also placed on the PlanSA portal (SA Planning Portal) together with an electronic submission form for interested parties to complete. A template of this submission form is provided in Appendix B.

Through June and early July 2021, six community information sessions were held in Council offices located at:

- Victor Harbor
- Murray Bridge
- Kapunda
- Strathalbyn
- Stirling
- Mallala

The purpose of the sessions was to assist people in understanding the scope and process of the Review, to discuss any potential variations to EFPA boundaries and how to participate via lodging a submission.

Attendees at the sessions were predominantly landowners (or consultants) who had an interest in excluding land from the EFPAs to enable further residential subdivision. Council staff were also in attendance at the sessions.

3.1. Submissions Received

A total of 90 written submissions were received by the Commission during the consultation period. A breakdown of the submissions received identifies that:

- the majority of submissions (53) were from landowners (or their representatives) seeking amendment to the EFPA in relation to their property or other matters
- 13 submissions were received from the following Councils:
    - Adelaide Hills
    - Adelaide Plains
    - Alexandrina
    - Town of Gawler
    - Light Regional Council
    - Rural City of Murray Bridge
    - City of Mitcham
    - Mount Barker Council
    - City of Onkaparinga
    - City of Playford
    - City of Tea Tree Gully
    - City of Victor Harbor
    - Yankalilla Council

- 6 submissions were received from a range of industry bodies or groups, being:
  - Crop Science Society of SA
  - Horse SA
  - Housing Industry Association
  - Local Government Association
  - Master Builders Association
  - Urban Development Institute of Australia
- 4 submissions were from State Government departments, being:
  - Attorney-General's Department (two submissions)
  - Environment Protection Authority
  - Murraylands and Riverland Landscape Board
- 3 submissions were received from Members of Parliament
- 11 submissions were received from other community members or groups in relation to Character Preservation District matters.

Copies of submissions received can be found in **Appendix C.**

In addition to the above, as part of this Review, the Commission has also assessed a further 17 sites arising from representations made to Government for EFPA boundary variation requests since the inception of the EFPA commenced in 2017.

These are in the form of letters to Planning and Land Use Services, State Planning Commission, the Minister for Planning and Local Government, and/or from submissions from other planning consultation processes (such as the recent Planning and Design Code consultation).

3.2. Review Hearing

The State Planning Commission hosted a hearing on Thursday, 2 September 2021 at Auchendarroch House at Mount Barker to hear verbal representations from landowners or other representatives in relation to their written submissions provided during consultation.

The hearing was held in a manner that met with COVID-19 safety requirements that were in place at the time of the hearing with 8 people choosing to attend remotely via video link. In total 30 submissions were the subject of verbal representations at the hearing. These are denoted as ** in the Submission Summary Table in **Appendix D**.

3.3. Key Issues Raised from Submissions

From the 90 submissions received there were some frequently raised common issues, which generally fell into five main categories:

1. Seeking an amendment to the EFPA boundary as it affects a property
2. Seeking amendments to EFPA legislation or policies
3. Queries or concerns about the EFPA review process, including the Land Supply Report (LSR)
4. Concerns regarding the EFPA boundaries applying to rural living or similar zones
5. Concerns regarding potential impacts on Character Preservation Districts

3.3.1. EFPA Boundary Variation Requests

The majority of submissions sought the removal or variation of EFPA boundary so as to enable residential subdivision to occur and/or to facilitate land being rezoned to enable residential subdivision in the future.

Some other issues raised to justify a request to vary EFPA boundaries included:

- enabling the creation of titles around existing multiple houses or shacks situated on a single title (e.g. multiple farm dwellings on rural allotments or leasehold shack areas on Hindmarsh Island or adjacent the River Murray)
- anomalies where EFPA boundaries do not currently align with roads or allotment boundaries
- land having low food production potential due to poor soils, low rainfall etc.
- expansion of EFPA to regional areas beyond Greater Adelaide which are of high primary production value
- the Hills Face Zone boundaries containing various anomalies, errors or out of date / irrelevant boundaries (and EFPA boundary sharing same issues)
- certain urban type settlements being inappropriately located in EFPA (e.g. Templers).

Commission's Response

The Commission acknowledges the justification and arguments put forth in relation to submissions to vary the EFPA boundaries. In preparation for this Report, the Commission considered every written submission received as well as the matters raised by speakers who presented at the Review Hearing.

Each site was assessed by the Commission against 'Test 3' of Section 7 (3)(b) of the Act and the relevant Dictionary Definitions applicable to that Clause.

Appendix C contains all submissions which were received and assessed by the Commission during the formal consultation period.

Appendix D provides a table summarising the nature of the variation request for each site (including historical variation requests received prior to the EFPA Review), as well as the decision of the Commission in relation to that variation request.

Appendix F displays an indicative map of the location of each variation request.

It is noted that, given the very limited scope for variations due to the precise wording of Section 7 (3)(b) of the Act, the vast majority of variation requests were declined by the Commission as they were one of the following:

- not deemed to be a recognised anomaly nor trivial in nature, **or**
- deemed to be a recognised anomaly but which was not trivial in nature, **or**
- deemed to be trivial in nature, but not deemed to be a recognised anomaly.

In relation to one submission requesting the EFPA be extended beyond Greater Adelaide to other productive rural areas of the State, the Commission notes this is outside of the scope of Section 7 of the Act (which confines EFPA to only apply within the Greater Adelaide Planning Region).

Commission Comment

The Commission notes that although the vast majority of submissions were declined in relation to 'Test 3' it has noted that some submissions appear to relate to certain proposals that the EFPA may not necessarily prevent.

This is based on the legislation only precluding land division creating one or more additional allotments for residential development. If a proposal does not propose an additional allotment, or if a relevant authority and the Commission is satisfied that an additional allotment to be created will not be used for 'residential development' then the EFPA does not preclude such a proposal (subject to the Commission taking into account the objective that areas of rural, landscape, environmental or food production significance within Greater Adelaide should be protected from urban encroachment).

Individual proposals should therefore be discussed with the appropriate relevant authorities where doubt may exist about an assessment against the EFPA controls.

3.3.2. Legislative or Policy Issues

Certain submissions raised concern regarding the existing EFPA legislative framework such as:

- Section 7 of the Act being a 'blunt tool' which does not have flexibility to enable a site by site assessment of land division on its merits.
- The relevant 'tests' in Section 7 to enable meaningful variations to EFPA boundaries, do not enable a sub-regional or township level analysis of land supply and demand (but rather inappropriately involve an aggregation of land supply and demand for the whole of Greater Adelaide).
- The five year increments between EFPA Reviews do not enable flexibility to adapt to changing circumstances
- There is a lack of clarity as to what constitutes 'residential development and/or what constitutes 'primary production' in terms of EFPA controls on land division.

Commission's Response

The Commission acknowledges the matters raised from submissions in relation to various concerns or queries regarding the current legislative framework and expression of this framework in the Planning and Design Code and associated Practice Direction #1.

This Outcomes Report however only seeks to address matters within scope of the Review (being the consideration of EFPA boundary variations).

3.3.3 Review Process or Land Supply Report Issues

A number of submissions raised issues or concerns with the process of the EFPA Review and/or with the methodology of the land supply and demand analysis that preceded the Commission's Statement of Position on 'Tests 1 and 2'.

The following outlines the key issues raised and the Commission's response.

Land Supply Report – Greater Adelaide Planning Region

A number of submissions noted that the LSR did not provide an adequate region by region analysis, the subsequent differences in population trends and impacts on housing supply and demand.

Commission's Response

Pursuant to the PDI Act, the LSR for the EFPA was only required to undertake an assessment of residential and employment land supply and demand over the next 15 years for the entire Greater Adelaide Planning region. The PDI Act does not require a sub-regional analysis of land supply and demand.

The land supply analysis that informs the EFPA review indicates that there is sufficient land supply (Greenfield, Infill & employment) in the Greater Adelaide Planning Region to meet projected demand over the next 15 years.

COVID-19 Related Impacts on Population Growth

A number of submissions noted concern that the LSR did not address the impacts of COVID-19 on population growth and trends, and the subsequent impacts on housing demand.

Commission's Response

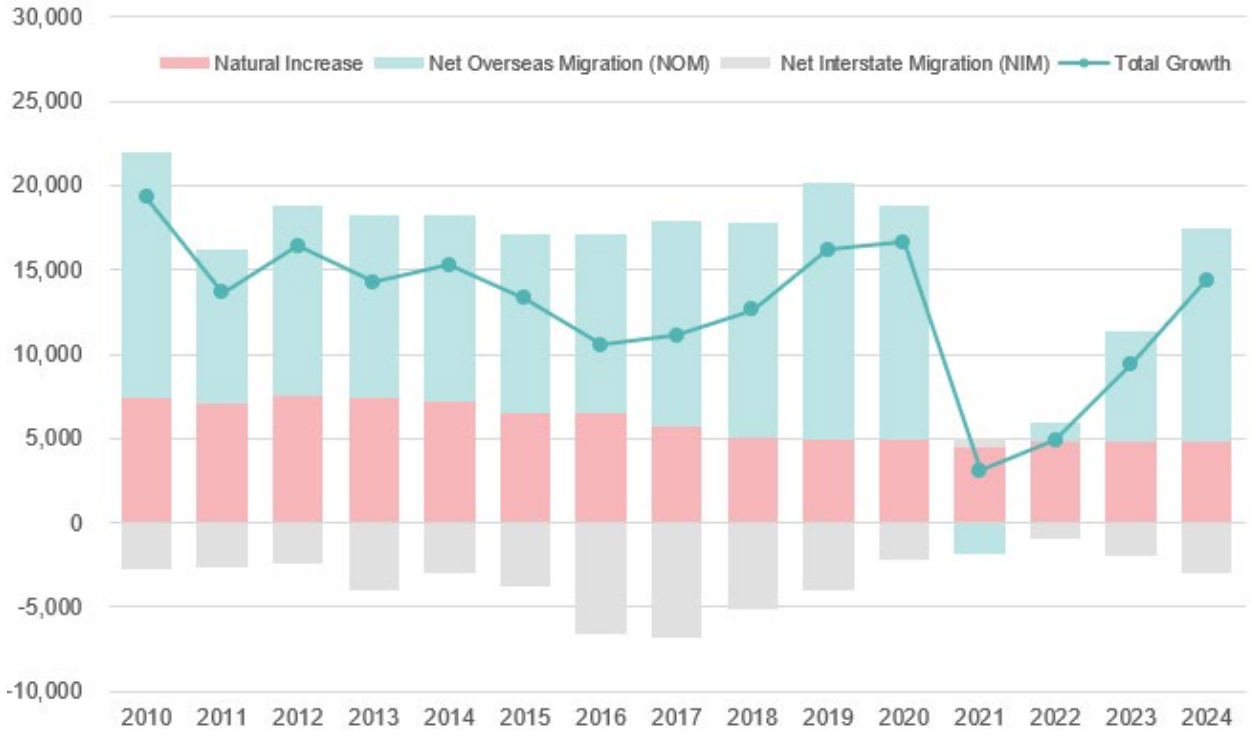
Since March 2020, Australia's international borders have been mostly closed due to the COVID-19 pandemic. This closure has halted the flow of overseas migrants to and from Australia and effectively eliminated population growth from this source.

Up until March 2020, Net Overseas Migration (NOM) has contributed around 240,000 (60%) to Australia's population growth each year. In the year to March 2021, there was a net NOM loss of 95,000 persons.

In South Australia, NOM is our most significant population growth component and over the past decade has averaged around 14,000 per annum (60-70%). It is expected that the COVID-19 related NOM impacts at the national level will flow through to all states and territories, and South Australia's share of the national NOM figure is likely to be significantly lower in the short-term. This has been confirmed by the latest data from the ABS which shows that NOM has shifted from a net gain of around 18,000 for the 12 months to March 2020, to a net annual loss of 3400 to March 2021.

On a positive note, the Covid-19 pandemic has seen South Australia reverse a long term trend of Net Interstate Migration (NIM) losses (approximately 4000 per annum) to record its first annual gain (960) in over 20 years. However the interstate migration gains do not counter the large overseas migration losses as shown in Figure 3 below.

Historical and projected population change – South Australia



Exactly how COVID-19 will impact on our population growth rate over the next 10 years is difficult to establish at this point in time. However it is highly likely that we will see below average population growth for the next few years for the following reasons:

- NOM is likely to remain extremely low for as long as our international borders are closed.
- NIM is likely to remain positive in the short-term to medium-term due to South Australia's relative success in managing the COVID pandemic. This has led to strong migration inflows and fewer people leaving for study, employment and family reasons.

Both NOM and NIM are assumed to start returning to pre-COVID levels from 2022/23.

Despite the COVID-19 related impacts on population growth in the short-term, the 2020 Land Supply Reports have continued to use the State government endorsed medium and high growth population projections to develop the demand scenarios used in the EFPA Review report. These scenarios present a more optimistic view of growth than if we had revised the projections downward to account for the short-term COVID related impacts on growth.

A revised set of projections based on the results of the 2021 census should be completed by December 2022.

Currency of data used to inform the Land Supply Report

Some submissions suggested that more contemporary population data should have been utilised in considering Tests 1 and 2.

Commission's Response

The Commission considers that the LSR has used population projections based on the results of the 2016 census. This was the best available information at the time of publication. Data for the 2021 census was collected on 10th August 2021; however, the first data will not become available until June 2022.

The land supply and dwelling construction data used in the LSR is from June 2020. Again, this was the best available information at the time and the Department is currently working on a June 2021 land supply and demand update.

Timing of the Inaugural EFPA Review

Some submissions suggested that the Commission has undertaken the inaugural EFPA Review prematurely.

Commission's Response

It is noted that Section 7(10) of the Act states "The Commission must conduct a review under subsection (9)(b) on a 5 yearly basis". There is no other reference in the section or broader Act to provide additional guidance on this. The Commission is satisfied that it has conducted the Review in accordance with Section 7 of the Act.

Homebuilder Stimulus Package impacts on Land Supply

A number of submissions noted that the Federal HomeBuilder Program has also contributed to the changed demand for housing land. This Program was established as an economic response to COVID-19 to assist the residential construction market by encouraging the commencement of new builds and renovations. It provides eligible owner-occupiers (including first home buyers) with a grant to help build a new home or substantially renovate an existing home. Applications for the grant closed on 14 April 2021.

Commission's Response

The HomeBuilder program has seen a significant increase in overall housing construction activity with a larger than usual share going to the Greenfield estates. While this is mostly driven by the HomeBuilder stimulus, there are also some early indications that the pandemic has seen more people buying detached houses away from the more densely settled areas of the city. This will need to be carefully monitored in the coming years to establish whether or not it is an emerging trend or just a COVID induced anomaly.

3.3.4. EFPA applying to Rural Living or similar zones

A number of submissions raised concerns or sought explanation as to why the EFPA currently applies over areas zoned as Rural Living or other 'non-rural' type zones. Other submissions raised concerns, more generally, with the perceived conflict between EFPA controls preventing subdivision for residential development within Rural Living Zones, which goes against the fundamental intent of these zones.

In addition, some submissions raised issues around the EFPA applying over various settlements (e.g. Templers and Middle Beach) which in essence operate as small 'townships' containing urban uses such as dwellings, shops and other services. The submissions assert the EFPA is inconsistent in that the EFPA has only been applied by virtue of these locations not previously being recognised by an urban type planning zoning.

Commission's Response

Whilst the Commission acknowledges the matters raised, it cannot amend boundaries through this current review where such changes could not reasonably be viewed as 'trivial' – a core requirement of Test 3.

3.3.5. Character Preservation Districts Issues

A number of submissions were received raising concerns that the EFPA Review may result in variations to boundaries of the Character Preservation District at McLaren Vale or the Barossa.

In particular, a number of submissions raised strong concerns that land south of McLaren Vale may be included within the defined township boundary via the EFPA Review process. These concerns were in relation to recommendations in the final report from the 2018 CP Acts Review, which outlined that the Commission should give further consideration (in the context of Greater Adelaide's growth) to eight locations (including south of McLaren Vale) that were the subject of submissions in the 2018 Review.

Commission's Response

These matters relate to a separate process outside of the EFPA Review and is discussed in further detail in Section 2.6 in this report.

4. ENDORSED BOUNDARY VARIATIONS

The following section documents the various requests to change the boundary of the EFPA in submissions received by the Commission during the public consultation period.

4.1. Commission's Approved Variations to EFPA boundaries

The Commission has approved variations to the EFPA boundary for each of the following three sites, which were received from public submissions prior to and during the EFPA Review public consultation period.

Each site is deemed to involve a variation that is trivial in nature and will address a recognised anomaly (being 'Test 3' as part of the Review process).

No.	Address	Council Area	Decision
22 & 44C	Jagger Road, Encounter Bay (intersection with Three Gullies Rd)	Victor Harbor	Amend EFPA to remove from it from the allotment and align to zone boundary
44B	1-10/124 Franklin Parade, Encounter Bay	Victor Harbor	Amend EFPA to remove it from the subject area
44D	384 Greenhills Road and 21 and 29 Panorama Drive, Hindmarsh Valley	Victor Harbor	Amend EFPA to remove it from the subject portions of the allotments

4.1.1. Jagger Road, Encounter Bay

Submission Number: 22 & 44C

Submitter: Landowner and City of Victor Harbor

Subject Land: Jagger Road, Encounter Bay (intersection with Three Gullies Road)

Council Area: City of Victor Harbor

Zoning: Hills Neighbourhood Zone

Subject Area Size: 7000m2

Summary:

Seeks the removal of the EFPA from a 7000m2 allotment which has been developed with a residence and is within a residential type Zone.

Map of Subject Site:

ENVIRONMENT & FOOD PRODUCTION REVIEW 2021

PLN ID: 6015

P&D Code Zones
HN - Hills Neighbourhood
Ru - Rural

70 m
Reference Scale: 1:2,500

N

EFPA Submission
Environment and Food Production Areas
P&D Code Zones
Parcel Cadastre

Submission No: 44C

Date: 8/10/2021

0.7 ha

132 JAGGER RD ENCOUNTER BAY SA 5211 LT 348 F165597
ENCOUNTER BAY
VICTOR HARBOR

Assessment:

The subject land is developed with a dwelling and is zoned Hills Neighbourhood, contiguous with the adjoining established residential area to the north.

The subject land is separated from the adjoining residential development by an undeveloped road reserve with Jagger Road being realigned in recent years to the south of the allotment instead.

The land was previously in the General Farming Zone in the Council's Development Plan at the time of the original EFPA maps being drafted, but was subsequently rezoned to a Residential Zone via the approval of a Development Plan Amendment in June 2017 (with the process commencing prior to the EFPA legally coming into operation in April 2017).

The DPA logically rezoned the land taking into account the realignment of Jagger Road to the south of the allotment, which had resulted in the allotment becoming contiguous with other residential zoned land to the north and isolated from broader rural land to the south.

The site represents a recognised anomaly between the planning zoning and the intent of the EFPA, which arose due to an overlapping of the timing of two separate planning processes in 2017. The removal from the EFPA is considered trivial as it only affects a single residential allotment immediately contiguous with other residential zoned land, which is isolated from rural land and unlikely to be used for primary production purposes or other meaningful ways that is consistent with the EFPA Objectives.

Commission's decision:

Remove EFPA from the subject allotment and align to zone boundary.

4.1.2. Franklin Parade, Encounter Bay

Submission Number: 44B

Submitter: City of Victor Harbor

Subject Land: 1-10/124 Franklin Parade, Encounter Bay

Council Area: City of Victor Harbor

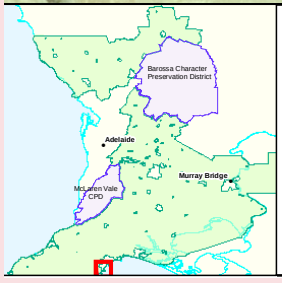
Zoning: Open Space Zone

Subject Area Size: 7000m2 approx.

Summary:

The land is fully developed with residential uses. As such the EFPA being applied over the site represents an anomaly.

Map of Subject Site:



ENVIRONMENT & FOOD PRODUCTION REVIEW 2021

P&D Code Zones
CWOI - Coastal Waters and Offshore Islands
OS - Open Space
Ru - Rural
TD - Tourism Development

EFPA Submission
Environment and Food Production Areas
P&D Code Zones
Parcel Cadastre
Coastline Mean High Water 2016

PLN ID: 6015

25 m

Reference Scale: 1:1,000

N

Submission No: 44B

Date: 8/10/2021

0.7 ha
Franklin Parade
ENCOUNTER BAY
VICTOR HARBOR

Assessment:

The subject land is zoned Open Space Zone but is fully developed with 10 residential units. The site is immediately adjacent to a tourist accommodation development in the Tourism Development Zone (to the west) and gains vehicular access through that land.

Removal of the EFPA would better reflect the existing situation on the ground of the land being fully developed with an entrenched urban use and associated infrastructure and as such has no potential for rural uses, food productivity or other objectives sought by the EFPA. On balance, although not critical that the EFPA be removed, the request to vary the EFPA is considered to be justified.

The size of the site is considered trivial in the context of the EFPA applied to the broader area and there is unlikely to be any impact upon activity on the ground as a result of the removal of EFPA, given the future development of the site is generally limited via the Open Space Zone.

Commission's decision:

Remove EFPA from the subject land.

4.1.3. Greenhills Road and Panorama Drive, Hindmarsh Valley

Submission Number: 44D

Submitter: City of Victor Harbor

Subject Land: 384 Greenhills Road, Hindmarsh Valley

21 and 29 Panorama Drive, Hindmarsh Valley

Council Area: City of Victor Harbor

Zoning: Rural Zone, Rural Living Zone

Subject Area Size: Portion of land for removal - approx. 700m2

Summary:

Council seeks the EFPA boundary be amended to follow cadastre boundary. These three allotments are split with the Zone boundary, with the EFPA erroneously dissecting the allotments rather than following the cadastre boundary.

Map of Subject Site:

ENVIRONMENT & FOOD PRODUCTION REVIEW 2021

P&D Code Zones
DU - Deferred Urban
Ru - Rural
RuL - Rural Living

EFPA Submission
Portion to be removed from EFPA
Environment and Food Production Areas
P&D Code Zones
Parcel Cadastre

PLN ID: 6015

110 m

Reference Scale: 1:4,000

N

Submission No: 44D

Date: 8/10/2021

6.9 ha
Panorama Dr
HINDMARSH VALLEY
VICTOR HARBOR

Assessment:

The subject land consists of three allotments developed for rural living purposes. The EFPA boundary follows the Rural and Rural Living Zone boundary, which dissects the three allotments and does not follow cadastre, resulting in an inconsistent policy framework for the properties.

Re-alignment of the EFPA to the rear boundary of the allotments would be the first step to also amending the zone boundary in the same manner via a potential future Code Amendment process to fully address the anomaly that exists in relation to the three allotments.

As the allotments are already developed with dwellings and unlikely to be re-subdivided, the removal of the EFPA from the rear portions of the allotments is viewed as trivial.

Commission's decision:

Amend so that the EFPA boundary follows the rear boundaries of the three subject allotments.

4.2. Approved Technical Mapping Corrections

Appendix E displays a series of minor technical and administrative corrections to the EFPA mapping that have been identified by Planning and Land Use Services since the inception of the EFPA in 2017.

These corrections typically relate to a slight misalignment of the EFPA boundary with cadastral and or zone boundaries. This current Review is the appropriate vehicle to correct these recognised anomalies, with each one being approved by the Commission in accordance with 'Test 3' (being trivial in nature).

The following table summarises the endorsed corrections:

Location	Council Area	Issue description	Decision
EFPA coastal boundary (entire extent)	Various	Alignment of coastal boundary of EFPA to LGA boundary now differs from the intent of the original GRO Map (due to the LGA boundary being more accurately re-defined seawards, during the Planning and Design Code transition). The EFPA coastal boundary is now at odds with the Zoning framework boundary in the Planning and Design Code mapping.	Amend the seaward extent of the EFPA from the low water mark (LGA boundary) to the high water mark, and the coastal cadastral boundary to align with Planning and Design Code mapping system to better maintain the original intent of the EFPA Coastal boundary in the GRO Map G17_2015.

All Rural Living Areas demarcated in orange on GRO Map G17_2015	Various	The current GRO Map contains various orange areas demarcating "Rural Living Areas. At the time the EFPAs were introduced, a transitional period allowed for the assessment of land division applications proposing the creation of one or more additional allotments. This transitional period ended on 31 March 2019.	The visual representation of these areas is now redundant and accordingly the GRO Map should now be amended to change all these areas from orange to green (as per all other areas in the EFPA).
South of Hume Reserve Road, Murray Bridge	Rural City of Murray Bridge	Suburban Activity Centre Zoned land identified as Environment and Food Production Area	EFPA to be removed from Suburban Activity Centre Zoned land as it addresses a trivial anomaly of the fundamentally urban type zoning being within the EFPA.
Houghton	Adelaide Hills Council	EFPA boundary not aligned to Planning and Design Code Zones	Align EFPA to current zone / cadastral boundaries
Birdwood	Adelaide Hills Council	EFPA boundary not aligned to Planning and Design Code Zones	Align EFPA to current zone / cadastral boundaries
Lenswood	Adelaide Hills Council	EFPA boundary not aligned to Planning and Design Code Zones	Align EFPA to current zone boundaries
Balhannah	Adelaide Hills Council	EFPA boundary not aligned to Planning and Design Code Zones	Align EFPA to current zone boundaries
Verdun	Adelaide Hills Council	EFPA boundary not aligned to Planning and Design Code Zones	Align EFPA to current zone / cadastral boundaries
Bridgewater	Adelaide Hills Council	EFPA boundary not aligned to Planning and Design Code Zones	Align EFPA to current zone boundaries
Uraidla	Adelaide Hills Council	EFPA boundary not aligned to Planning and Design Code Zones	Align EFPA to current zone boundaries
Aldgate	Adelaide Hills Council	EFPA boundary not aligned to Planning and Design Code Zones	Align EFPA to current zone boundaries
Dawesley	Mount Barker	EFPA boundary not aligned to Planning and Design Code Zones	Align EFPA to current zone boundaries

Woodlane	Murray Bridge	EFPA boundary not aligned to Planning and Design Code Zones	Align EFPA to current zone boundaries
Monarto South	Murray Bridge	EFPA boundary not aligned to Planning and Design Code Zones	Align EFPA to current zone boundaries
Wasleys	Light	Better alignment of EFPA and Zone boundary to cadastre	Align EFPA to current cadastral boundaries
Redbanks	Adelaide Plains	Better alignment of EFPA and Zone boundary to cadastre	Align EFPA to current cadastral boundaries
Long Plains	Adelaide Plains	Better alignment of EFPA and Zone boundary to cadastre	Align EFPA to current cadastral boundaries
Two Wells	Adelaide Plains	EFPA boundary not aligned to Planning and Design Code Zones	Align EFPA to current zone boundaries
Vista	Tea Tree Gully	EFPA boundary not aligned to Planning and Design Code Zones	Align EFPA to current zone boundaries

5. IMPLEMENTATION OF APPROVED BOUNDARY VARIATIONS

Section 7(8) of the Act sets out that the Commission must publish a notice in the Government Gazette and on the PlanSA portal (SA planning portal) if it seeks to vary the boundaries of the EFPA. However, the Commission can only publish such a notice upon completion of a Review and furnishing a report on the outcome of the review to the Minister for Planning and Local Government (Subsection 9(b)).

Following any notice of the Commission as per the above, Sections(12) through to (16) then set out a process of Parliamentary consideration of the Commission's notice as well as the EFPA Review Outcomes Report (which includes the potential for Parliament to disallow the notice to vary the EFPA).

This process involves a 14-day sitting period in Parliament.

In addition to the above, a subsequent amendment to the boundaries of the EFPA Overlay within the mapping of the Planning and Design Code will also be required to exactly reflect any variations made to the EFPA boundaries arising out of this Review.

Given the above required legal steps, any actual legal operation of variations to EFPA boundaries arising from this Outcome Report, will most likely not occur until early to mid-2022.

6. CONCLUSION AND NEXT STEPS

On 30 March 2021, the State Planning Commission (Commission) announced the inaugural review of the Environment and Food Production Areas (EFPA). This review is a statutory requirement every 5 years under Section 7 of the Planning, Development and Infrastructure Act 2016 (the Act).

Following a two-staged review process (involving a land supply analysis and consultation process), this report now outlines the outcomes of the review and signifies its completion. The report must now be furnished to the Minister for Planning and Local Government, prior to the Commission pursuing any actual variations to the boundaries of the EFPA.

These variations are summarised as:

- the removal or variation of the EFPA at three locations arising from public submissions, and
- a further 20 technical or administrative corrections to the mapping of the EFPA, mainly being alignment to cadastral boundaries and other minor updates.

The operation of these variations are earmarked to be implemented in early to mid-2022, including subsequent amendment to the EFPA Overlay in the mapping of the Planning and Design Code.

The next five year anniversary (and associated Review) is due in 2027. Should it become necessary before then, the Commission can conduct an inquiry into a variation/s to the EFPA boundaries.

PlanSA

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17833522

STATE PLANNING COMMISSION

29 November 2021

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saplanningcommission@sa.gov.au

Hon Josh Teague MP
Minister for Planning and Local Government

By email: AttorneyGeneral@sa.gov.au

Dear Minister

2021 EFPA Review: State Planning Commission Review Outcomes Report

The State Planning Commission (the Commission) has completed its review of the Environment and Food Production Areas (EFPA) as prescribed under section 7 of the *Planning, Development and Infrastructure Act 2016* (the Act).

Please find enclosed the Commission's Review Outcomes Report which the Commission now furnishes to you in accordance with section 7(9)(b) of the Act.

Background

The Commission issued a *Statement of Position* on 4 June 2021 for Stage 1 of the EFPA Review, concluding that Greater Adelaide land supply was sufficient to provide for housing and employment growth for at least the next 15 years, as required to be investigated under s7(3)(a) of the Act.

Accordingly, the Commission limited the scope of Stage 2 of the EFPA Review under section 7(3)(b) of the Act to the consideration of proposals which were trivial in nature and which addressed a recognised anomaly.

In undertaking Stage 2 of the EFPA Review, the Commission consulted with a wide range of stakeholders, receiving 90 public submissions in relation to 125 individual sites to be considered for potential boundary variations.

Outcomes of the Review

Using the test of trivial and anomalous, the Commission resolved to approve three variations to the EFPA boundaries which arose from public submissions during Stage 2. In addition, based on the same test, 20 technical boundary variations or mapping corrections identified by the Attorney-General's Department have also been approved by the Commission.

Next Steps Following the Review

Following the outcomes of the EFPA Review and the Commission's approval of the variations to the EFPA boundary as described above, the Commission will now:

1) Finalise and publish in the *Government Gazette* and on the PlanSA website a notice under section 7(8) of the Act which varies the EFPA boundary as approved by the Commission – this is anticipated to occur by early December 2021.

2) Publish the final Outcomes Report and notify relevant stakeholders who participated in the consultation process for Stage 2 – this is anticipated to occur in early December.

The Commission will provide further advice to you when the notice under section 7(8) of the Act is published, to assist you in meeting your statutory functions in this process. In particular, under section 7(12) of the Act, you are required to table the notice and the Commission's Outcomes Report in Parliament within six sitting days of the Commission's publication of the notice.

Significant Matters Raised in Submissions

This was the inaugural review of the EFPA boundary under the Act and the Commission noted the following significant matters raised:

- EFPA legislative controls are prescriptive and restrictive.
- Land supply and demand criteria for the EFPA review do not factor in localised (or sub-regional) circumstances.
- Whether the data used to inform the Land Supply Reports were sufficiently current.
- The interpretation and understanding of EFPA controls require improvement and clarification.

The Commission recognises and supports the underlying intention of the EFPA to prevent urban encroachment, to retain the productive capacity of land and protect areas of environmental significance. Any proposal to change the legislative provisions would need to be carefully considered to fully understand the consequences and impacts.

We appreciate the opportunity to provide you with this Review Outcomes Report. The Commission is available to provide you with further advice on this matter, if required.

Yours sincerely

Craig Holden
Chair

Enc State Planning Commission – EFPA Review Outcomes Report