

Agenda Report for Decision

Meeting Date: 3 March 2022

Item Name	Mount Compass Golf Course Estate Code Amendment – Report for the Environment, Resources and Development Committee of Parliament
Presenters	Brett Steiner, Jason Bailey and Rhiannon Hardy
Purpose of Report	Decision
Item Number	4.1
Strategic Plan Reference	5. Discharging Statutory Obligations
Work Plan Reference	5.2 Advise the Minister on the Code Amendment
Confidentiality	Not Confidential (Release Delayed). To be released following final decision of the Environment, Resources and Development Committee on the Code Amendment
Related Decisions	<ul style="list-style-type: none"> • 15 April 2021 – 2.1 Mount Compass Golf Course – Response to Minister’s request to initiate • 27 May 2021 - 3.1 Mount Compass Golf Course Estate – Further response to Minister’s request to initiate • 22 July 2021 – 3.1 Mount Compass Golf Course Estate Code Amendment – Advice to Minister on proposal to initiate

Recommendation

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

1. Approve the designation of this item and attachments as Not Confidential (Release Delayed). To be released following final decision of the Environment, Resources and Development Committee (the Committee) of Parliament on the Mount Compass Golf Course Estate Code Amendment (the Code Amendment).
2. Note that under section 74(2) of the *Planning, Development and Infrastructure Act 2016* (the Act) the Minister for Planning and Local Government (the Minister) must refer the Code Amendment to the Committee within 28 days of it coming into effect.
3. Note the Code Amendment referred to the Committee must be accompanied by a report prepared by the Commission that sets out the matters provided for in section 74(3) of the Act.
4. Approve and authorise the Chair of the Commission to make any minor editorial and technical amendments and to sign the report addressed to the Committee on the Code Amendment (**Attachment 4**).
5. Approve and authorise the Chair to sign the minute at **Attachment 5** providing the report on the Code Amendment to the Minister, who will subsequently refer the Commission’s report to the Committee under section 74(2) of the Act.

Background

On 8 December 2021, the delegate of the Chief Executive of the Attorney-General's Department (the Department) approved the Engagement Report for the Code Amendment (**Attachment 1**), and furnished a copy to the Minister pursuant to section 73(7) of the Act.

On 4 February 2022, the Minister adopted the Code Amendment (**Attachment 2**). At this time, the Minister requested that the Commission provide a report on the Amendment for review by the Committee of Parliament (**Attachment 3**).

The Code Amendment is scheduled to be given effect through publication on the SA Planning Portal (i.e. consolidated into the online Planning and Design Code) on 3 March 2022.

Under section 74(2) of the Act the Minister must, within 28 days of an amendment to a designated instrument taking effect, refer the amendment to the Committee for parliamentary scrutiny.

Discussion

Section 74(3) of the Act provides that referral of the Code Amendment to the Committee must be accompanied by a report prepared by the Commission that sets out:

- (a) the reason for the designated instrument; and
- (b) information about the consultation that was undertaken in the preparation of the designated instrument; and
- (c) any other material considered relevant by the Commission; and
- (d) any other information or material prescribed by the regulations.

It is noted that the various regulations under the Act do not currently prescribe a requirement that certain information or material form part of this report.

A report to satisfy section 74 of the Act has now been prepared for the Commission's consideration (**Attachment 3**).

A minute providing the Commission's report to the Minister for referral to the Committee has been prepared for approval and signing (**Attachment 4**).

Next steps

Upon receiving the Code Amendment, section 74(4) of the Act requires the Committee to:

- (a) resolve that it does not object to the designated instrument;
- (b) resolve to suggest amendments to the designated instrument; or
- (c) resolve to object to the designated instrument.

Section 74(7) of the Act specifies that where the Committee is due to consider an amendment in the period within which the House of Assembly is dissolved for the purposes of a general election and the day on which the Committee is reconstituted at the beginning of the first session of the new Parliament after that election, the period for the Committee to consider the amendment will be extended to expire 28 days from the day on which the Committee is reconstituted.

Section 74 of the Act prescribes steps to be taken in the event of the Committee resolving to suggest alterations to the amendment. In particular, the Committee must consult with any council to which a suggested alteration is relevant

Under section 74(10) of the Act, if the Minister wishes to proceed with an amendment suggested by the Committee, the Minister must consult with the Commission before making such amendment. If the Minister determines not to proceed with any amendments suggested by the Committee, the Committee may resolve to object to the Code Amendment, and in this case copies of the Code Amendment must be laid before both Houses of Parliament and may be subject to disallowance.

Following the referral, it is likely that representatives from the Department will be called upon to appear before the Committee to respond to members' questions.

Attachments:

1. Engagement Report – Mount Compass Golf Course Estate Code Amendment (#18309220).
2. Approved Mount Compass Golf Course Estate Code Amendment – 4 February 2022 (#18306052).
3. Letter from the Minister to the Commission – Request for a report on the Code Amendment for review by the Committee – 4 February 2022 (#18341320).
4. Report from the Commission to the Committee on the Code Amendment (#18000121).
5. Minute from the Commission to the Minister – Report to the Committee on the Code Amendment (#17998972).

Prepared by: Rhiannon Hardy _____

Endorsed by: Brett Steiner _____

Date: 19 January 2022 _____

ENGAGEMENT REPORT

Section 73(7) of the *Planning, Development and Infrastructure Act 2016*


Mount Compass Golf Course Estate Code Amendment

By the Chief Executive, Attorney-General's Department



Riverbank, Adelaide; Michael Waterhouse Photography

17999060

	Name / Title	Date	Signature
Approved by the Designated Entity	Anita Allen Director, Planning and Development Delegate of the Chief Executive, Attorney-General's Department	8/12/2021	

Contents

1	Executive summary	1
2	Purpose	2
3	Introduction	2
4	Engagement Approach	3
	4.1 Engagement Activities	3
	4.2 Mandatory Requirements	6
	4.3 Compliance with the engagement plan	7
5	Evaluation of Engagement	8
	5.1 Performance Indicators for Evaluation	8
	5.2 Evaluation against the Charter principles	8
6	Engagement Outcomes	12
	6.1 Concern rezoning the Recreation Zone will allow for more development	12
	6.2 Concern rezoning the Recreation Zone does not provide sufficient development opportunities	14
	6.3 Concern regarding rezoning the Neighbourhood Zone	15
	6.4 Environmental impact	16
	6.5 Provision of infrastructure and services	16
	6.6 Indigenous culture and heritage	17
7	Recommended changes	18
	Attachments	19
	Attachment 1 - Evaluation Results	20
	Attachment 2 – Map of Golf Courses in South Australia	23
	Attachment 3 – Copy of Submissions Received	26

1 Executive summary

The Mount Compass Golf Course Estate Code Amendment (the Code Amendment) seeks to guide the type and location of development envisaged for the local golf course and surrounding area.

The aim is to protect the long-term viability of the golf course but also ensure that development is in keeping with the character and amenity of the local area.

The affected area is approximately 86 ha, located south-west of the township of Mount Compass.

The Code Amendment seeks to change the zoning of the affected area to Golf Course Estate Zone. It is currently zoned both Neighbourhood Zone and Recreation Zone.

The Golf Course Estate Zone would allow greater opportunities for complementary land uses and activities, such as modest residential development, tourist accommodation and small-scale retail development.

A 'concept plan' would help illustrate the area that should be preserved for the golf course.

Public consultation on the draft Code Amendment was undertaken for a period of six weeks, from 10 September to 22 October 2021, giving South Australians, the local community and key stakeholders the opportunity to have their say.

There were 189 written submissions, and a range of issues were raised, with key themes being concerns about the potential for the rezoning to allow more development, not enough development, potential environmental impacts and the provision of infrastructure and services.

In response to feedback, changes have been recommended by the Chief Executive to the boundaries of the 18-hole golf course/open space shown on the concept plan.

2 Purpose

This report has been prepared by the Chief Executive of the Attorney-General's Department (the Designated Entity) for consideration by the Minister for Planning and Local Government (the Minister) in adopting the Mount Compass Golf Course Code Amendment (the Code Amendment).

The report details the engagement that has been undertaken and the outcomes of the engagement including a summary of the feedback made, the response to the feedback received and the proposed changes to the Code Amendment. In addition, the report evaluates the effectiveness of the engagement and whether the principles of the Community Engagement Charter have been achieved.

3 Introduction

The Chief Executive has, with the approval of the Minister for Planning and Local Government and on advice of the State Planning Commission, initiated the Code Amendment in accordance with section 73(2)(b) of the *Planning Development and Infrastructure Act 2016* (the Act).

The Code Amendment applies to the Mount Compass Golf Course and adjoining residential estate, which is located approximately one kilometre south-west of the existing township of Mount Compass. The land is located within the Alexandrina Council area and is a key tourism region of the Fleurieu Peninsula.

The Code Amendment seeks to rezone the current Neighbourhood Zone and the Recreation Zone within the affected area to the Golf Course Estate Zone, and to introduce a new concept plan that defines the extent of the golf course development to help to guide the location of associated land uses and activities.

The proposed Golf Course Estate Zone provides a policy framework that allows for the modest expansion of residential development and provides greater opportunities for complementary land uses and activities that will help to preserve the long term viability of the golf course, including residential development, tourist accommodation and small scale retail development, such as shops and restaurants.

The Golf Course Estate Zone seeks to provide opportunities for development to occur within a golf course setting and includes policies which require development to be sensitively integrated with the surrounding natural features such as topography, vegetation and watercourses.

The Golf Course Estate Zone was introduced into the Code as part of the initial implementation of the Planning and Design Code to South Australia. The Golf Course Estate Zone applies to similar golf course estates in Berri Baramba, Port Hughes, Waikerie, Robe and McCracken at Victor Harbor.

4 Engagement Approach

The process for amending a designated instrument (including the process to amend the Planning and Design Code) is set out in the *Planning, Development and Infrastructure Act 2016* (the Act). The Act requires public engagement to take place in accordance with the Community Engagement Charter.

The Designated Entity prepared an engagement plan (the Engagement Plan) to apply the principles of the Community Engagement Charter.

The purpose of this engagement was to:

- Ensure stakeholders and the community are aware that changes are proposed to the Planning and Design Code as it relates to the affected area
- Inform stakeholders and the community of the changes being proposed in the Code Amendment
- Obtain stakeholder and community input and feedback in relation to the proposal
- Inform participants in the engagement process of the outcome and final decision in relation to the proposal.

The engagement activities outlined below occurred as set out in the Engagement Plan and it was not necessary to alter the scope or level of consultation outlined in the Engagement Plan.

4.1 Engagement Activities

The following engagement initiatives were undertaken:

Engagement with Alexandrina Council

Engagement was undertaken with senior staff from Alexandrina Council regarding the reasons for the Code Amendment and planned consultation. Council staff were sent consultation material prior to formal consultation commencing.

Direct notification and written invitation to provide a submission

The following people and organisations were directly contacted in writing or via email and invited to provide a submission on the proposed Code Amendment:

- Owners and occupiers of the land and owners and occupiers of land within the affected area and adjacent to the affected area (within 60 metres)
- State and Federal Members of Parliament:
 - Mr Rowan Ramsey MP - Member for Grey (Federal)
 - Mr Edward Hughes MP - Member for Giles (State)
 - Hon Ms Rebekha Sharkie MP - Member for Mayo (Federal)
 - Hon David Basham MP - Member for Finnis (State)
- Key agencies within Government
- Mr Stephen Connor, Managing Director - Mount Compass Golf Course
- State Planning Commission
- State Commission Assessment Panel
- Utility providers:
 - SA Power Networks
 - Electranet
 - APA Group
 - SA Water

- EPIC Energy
- NBN
- Telstra

Email and telephone enquiries

The PlanSA contact details were provided throughout the consultation period and stakeholders were invited to make contact if they had enquires or wished to set up a meeting to discuss the proposal.

- Phone: 1800 752 664
- Email: plansa@sa.gov.au

Consultation website (PlanSA portal)

The proposed Code Amendment documentation and supporting information was publicly available online for the duration of the consultation period. The PlanSA portal was the primary location for information and submitting feedback.

A news article and web banner promoting the consultation were also published on the landing page of the PlanSA website, providing greater visibility.

Availability of consultation materials

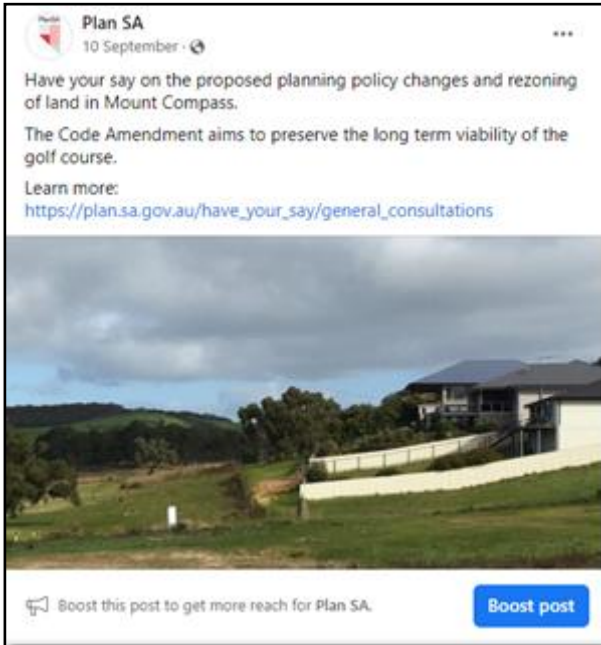
The Code Amendment, engagement plan, community information sheet and a frequently asked questions document were made available at the following places:

- Planning & Land Use Services, Level 5, 50 Flinders Street, Adelaide
- Alexandrina Council office, 11 Cadell Street, Goolwa
- Electronically on the PlanSA website: https://plan.sa.gov.au/en/code_amendments.

Social media

The following social media platforms were used to promote the engagement opportunity and encourage feedback throughout the consultation period:

- PlanSA Facebook
- AGD Twitter.



There were 8 social media posts published during the engagement period, with Twitter achieving the greatest reach, with 2758 impressions and 44 engagements across six posts. The Facebook posts achieved a reach of 277 with 3 direct likes/reactions across two posts.

Planning Ahead newsletter

Planning Ahead is a public digital newsletter prepared by the Planning and Land Use Services division of the Attorney-General's Department. It provides news about the planning system and has 1,845 subscribers (as of 7 October 2021).

An article promoting the engagement opportunity was included in the 9 September 2021 edition. The article generated 178 page views and the online submission form was viewed 145 times.

Newsletter 9 September 2021 Edition



Amendments to the Planning and Design Code (the Code) is an important legislative process to ensure policy within the Code is current, appropriate and is in the best interests of our State. It is essential that the Code continues to guide future development in alignment with state-wide economic growth, underpinned by enhanced liveability.

Here is a quick overview of Code Amendments initiated by the Attorney-General's Department that have commenced or are set to commence public consultation shortly:

- Port Bonython Code Amendment - 6 September 2021
- Mount Compass Golf Course Estate Code Amendment - 10 September 2021
- Riverbank Precinct Code Amendment - 15 September 2021

A number of proponent-led Code Amendments are also currently on consultation. All Code Amendments must go on public consultation before a decision is made as required by the Community Engagement Charter.

[View the full list of Code Amendments and learn how to have your say.](#)

Public information sessions

Public information sessions were held at the Mount Compass War Memorial Hall, 5 Peters Terrace Mount Compass, on 18 September 2021.

- The sessions were open from 3.00 - 5.00pm and 6.00 - 8.00pm to accommodate people who were unable to attend during standard business hours.
- Approximately 76 people attended the information sessions.
- Council staff were invited and attended both sessions.
- The venue was set up with a number of large information panels and additional supporting materials outlining the proposed Code Amendment, what the Code Amendment sought to achieve and how participants could obtain further information about the Code Amendment.
- The community sessions provided the opportunity for participants to speak with members of the Department or alternatively make arrangements to speak with someone from the Department at a later date.
- Participants were advised that formal submission on the Code Amendment could be made through the PlanSA website or via email at: plansasubmissions@sa.gov.au

4.2 Mandatory Requirements

The following mandatory engagement requirements have been met:

1. Notice and consultation with owners and occupiers of land which is specifically impacted and adjacent the affected area.

In accordance with section 73(6)(d) of the Act, the owners and occupiers of land within and adjacent to the affected area have been notified directly regarding the Code Amendment, how to inspect the relevant documents, the timing and location of the community meetings and how and where to make a formal submission in relation to the Code Amendment.

As specified by the State Planning Commission (the Commission) under section 73(6)(e) of the Act, the following stakeholders have been directly notified and provided with the opportunity to make a formal submission in relation to the Code Amendment:

1. Department for Infrastructure and Transport (DIT)
2. Utility providers including SA Power Networks, Electranet Pty Ltd, APA Group, SA Water, EPIC Energy, NBN and other telecommunications providers
3. State Members of Parliament for the electorates in which the proposed Code Amendment applies.

4.3 Compliance with the engagement plan

The above-described activities were undertaken in accordance with the engagement plan.

It is noted that post-consultation activities set out in the engagement plan to 'Inform of outcome' and 'Closing the loop and reporting back' are still in progress, pending final determination of the Code Amendment.

5 Evaluation of Engagement

To ensure the principles of the Community Engagement Charter (the Charter) are met, an evaluation of the engagement process for the Code Amendment has occurred.

5.1 Performance Indicators for Evaluation

Performance indicators have been used to evaluate engagement on the Code Amendment. These measures help to gauge how successful the engagement has been in meeting the Charter's principles for good engagement.

Evaluation of Engagement by Community Members

The minimum mandatory performance indicators required an evaluation of responses from members of the community on the engagement. This includes an evaluation of whether (or to what extent) community members felt:

1. That the engagement **genuinely sought** their input to help shape the proposed Code Amendment.
2. **Confident their views were heard** during the engagement.
3. They were given an adequate **opportunity to be heard**.
4. They were given **sufficient information** so that they could take an informed view.
5. **Informed** about why they were being asked for their view, and the way it would be considered.

This evaluation was undertaken through an online survey provided by email to those that lodged a submission. A survey response rate of approximately 15% was achieved with a total of 29 survey responses from the 189 respondents emailed.

Evaluation of Engagement by the Designated Entity

A further evaluation of the engagement process is required to be undertaken by (or on behalf of) the Designated Entity. The minimum performance indicators require an evaluation by the Designated Entity of whether (or to what extent) the engagement:

1. **Occurred early enough** for feedback to genuinely influence the planning policy, strategy or scheme.
2. **Contributed to the substance** of the final draft Code Amendment.
3. **Reached those identified** as communities or stakeholders of interest.
4. **Provided feedback to community** about outcomes of engagement.
5. Was **reviewed throughout** the process and **improvements put in place**, or recommended for future engagement.

The evaluation of the engagement was undertaken by the Strategic Communications Division of the Attorney-General's Department on behalf of the Designated Entity. The results of the evaluation are contained in **Attachment 1** to this Engagement Report.

5.2 Evaluation against the Charter principles

The following is a summary of the evaluation of the engagement against the five principles of the Charter. The full results of the evaluation can be found in **Attachment 1** to this Engagement Report.

(1) Engagement is genuine

People had faith and confidence in the engagement process

All parties were genuine and honest in their participation. The Department sought to be better informed by engaging with all of the people directly affected by the Code Amendment as well as the broader community.

This included writing directly to the owners and occupiers of land within and adjacent to the affected area. The Department genuinely listened to the range of views and perspectives put forward and participants understood that their views may not prevail.

The evaluation survey results indicate that approximately 45% of respondents either agreed or strongly agreed that the engagement process genuinely sought their input to shape the proposal. Conversely however, approximately 31% of respondents either disagreed or strongly disagreed. Some of the feedback indicated that the community would have preferred the information sessions to include a presentation rather than just provide the opportunity to discuss the Code Amendment with Department staff. This feedback could be considered in future engagement planning.

Evaluation statement	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
I feel the engagement genuinely sought my input to help shape the proposal (Principle 1)	10.3%	20.7%	24.1%	31.0%	13.8%

(2) Engagement is inclusive and respectful

Affected and interested people had the opportunity to participate and be heard

The evaluation survey results indicate that approximately 31% of respondents either agreed or strongly agreed that their views were heard during the engagement however, approximately 21% of respondents either disagreed or strongly disagreed.

All affected and interested people were provided with an opportunity to participate in the consultation process, regardless of background or status. People were invited/encouraged to participate at the start of the consultation the process, so that their feedback was able to influence the outcome of the Amendment.

The Department held two community sessions, at Mount Compass, to provide the opportunity for the local community to speak directly with staff from the Department, ask questions or discuss issues that they may have with the Code Amendment. The second session was held from 6.00 to 8.00pm to provide the opportunity for participants to attend outside of normal business hours.

All of the views received during consultation were acknowledged and considered.

Evaluation statement	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
I am confident my views were heard during the engagement	3.5%	17.2%	48.3%	20.7%	10.3%

(3) Engagement is fit for purpose

People were effectively engaged and satisfied with the process

People were clear about the proposed change and how it would affect them

The survey results indicated that approximately 41% of respondents agreed or strongly agreed that they were given sufficient information to make an informed view of the Code Amendment compared to approximately 28% of respondents who either disagreed or strongly disagreed. In addition to this approximately 43% of respondents agreed or strongly agreed that they were given adequate opportunity to be heard compared to approximately 14% of respondents who either disagreed or strongly disagreed.

The proposed Code Amendment is site-specific and does not seek to change Code policy. Therefore, rather than consult more broadly, it was determined that a targeted consultation process was suitable for this Code Amendment. On this basis the owners and occupiers of land within and adjacent to the affected area were notified directly and advised on how to participate in the consultation process. Key stakeholders were directly notified including key infrastructure and utility providers, State Government agencies and Members of Parliament. In addition to this, an article about the Code Amendment, the consultation process and the public information session was included the Department’s e-newsletter, *Planning Ahead*.

The engagement process provided the opportunity for participants to speak directly with staff from the Department, ask questions or discuss issues that they may have with the proposed amendment. The necessary information was provided to the community and made available on the SA Planning Portal. Some members of the community found the information difficult to interpret and expressed a desire for the information to be more definitive in regard to what can and can't be developed. However, the Code Amendment relates to planning policies, not specific development outcomes, and therefore cannot provide guarantees related to future hypothetical development applications, which will follow separate assessment procedures. This view is likely to have influenced the survey outcomes.

Evaluation statement	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
I was given sufficient information so that I could take an informed view	6.9%	20.7%	31.0%	27.6%	13.8%
I was given an adequate opportunity to be heard	3.6%	10.7%	42.9%	32.1%	10.7%

(4) Engagement is informed and transparent

All relevant information was made available and people could access it

People understood how their views were considered, the reasons for the outcomes and the final decision that was made

The evaluation survey results indicate that approximately 38% of respondents either agreed or strongly agreed that they had been informed about why they were being asked for their views and the way their views would be considered during the engagement process. Approximately 31% of respondents either disagreed or strongly disagreed with this statement. The reason for this result is unclear given the high attendance at the community information sessions.

All the relevant information required to participate fully in the consultation process was published on the Planning Portal for people to access. The Planning Portal included an overview of what was being proposed, why the Code Amendment was being undertaken and how to participate in the consultation process. The information available on the Planning Portal included the Code Amendment, the Engagement Plan and other supporting documents, such as the location map, current and proposed zone map, draft concept plan, community information fact sheet and the frequently asked questions document.

A copy of the Engagement Report, prepared in accordance with section 73(7) of the Act, will be published on the PlanSA Portal. This Engagement Report includes a summary of the feedback received during consultation and outlines changes that were made to the Code Amendment after consultation. Given this report cannot be provided until the Code Amendment is determined, it is acknowledged that people could not respond to questions about how their views were considered and the reasons for the outcomes and final decision.

Evaluation statement	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
-----------------------------	--------------------------	-----------------	----------------	--------------	-----------------------

I felt informed about why I was being asked for my view, and the way it would be considered.	6.9%	24.1%	31.0%	24.1%	13.8%
--	------	-------	-------	-------	-------

(5) Engagement processes are reviewed and improved

The engagement was reviewed and improvements recommended

The engagement processes have been reviewed to see whether the principles have been met and what can be done to improve the process next time. The Engagement Plan was adhered to and no unforeseen changes occurred.

The evaluation of the engagement process confirmed that the community was engaged and was able to access the information related to the Code Amendment. 187 community responses were received, approximately 76 people attended the community information sessions and a further 633 people signed petitions relating to the Code Amendment. Thus, there was broad reach.

The survey responses showed that the majority people felt that they were provided with sufficient information to make an informed view, their views were being heard and that their input would be considered when preparing the Code amendment for approval.

The timing of the engagement process was appropriate and provided the opportunity for the community to access and consider the information provided, and for the feedback received to be considered when determining whether changes to the Code Amendment were required.

6 Engagement Outcomes

189 submissions were received regarding the Amendment including 187 from members of the public, a submission from Alexandrina Council and a further submission from the Federal Member for Mayo, Rebekha Sharkie MP. Three of the submissions also included signed petitions, the first of which was signed by 393 people, the second by 125 people and the third by 115 people.

Nearly all of the submissions received during consultation were focused on the existing Recreation Zone and whether the Golf Course Estate Zone was suitable for this land.

The submissions received varied with some raising concerns that the proposed policies and Concept Plan would further limit development opportunities on the golf course land, with others raising concerns that the Amendment would allow for additional development to occur on the golf course land and the possible impacts associated with this outcome.

The responses included concerns about the long-term viability of the golf course and that the proposed policies would reduce development opportunities.

Alternatively, other submissions were opposed to further development on the golf course land and raised concerns about the potential impacts associated with this outcome, including a reduction in the value of existing properties, negative impacts on the environment and ecosystem, potential for loss of views, amenity and character, impact on existing infrastructure and services, and inadequate infrastructure and services to support additional development.

A summary of key issues raised and responses are outlined below.

6.1 Concern rezoning the Recreation Zone will allow for more development

A majority of the submissions received were primarily focused on the proposal to rezone the existing Recreation Zone to the proposed Golf Course Estate Zone. The following comments were made:

- The golf course is a valued part of the town's open space and brings a significant amount of spending into the township.
- Further development of the golf course land would reduce the amount of green space in the locality.
- Additional development on the golf course land will result in loss of existing views, privacy and amenity, and reduce the value of homes and businesses in the area and the wider township
- The golf course should be preserved and protected and the policies should ensure that residential and non-residential development is prevented.
- The Code policies are not strong enough to constrain the scale or location of development or protect the existing environment and locality from development.
- The policies will not preserve the character of the area, protect the golf course nor achieve the desired character sought in the previous Policy Area 20, which sought to provide low density residential development in Area A and the retention of the golf course and open space in the remainder.
- The proposed policies should be consistent with the former Development Plan policies, which only supported residential development on the basis of the golf course and only where it was to be located within Area A.
- The residential portion of the golf course estate has been largely developed, and therefore, if the intent of the Amendment is to support and not undermine the retention of the golf course and open space, it should seek to retain the existing Recreation Zone rather than a zone that allows for further residential development.
- The Limited Land Division Overlay be applied to the golf course area.
- Residential development should only occur around the perimeter of the golf course, and not be sited between the existing houses and the golf course or located within low-lying areas to protect the water protection area.

- Oppose maximum building heights of 9 metres; reduce maximum building heights to single storey.

Response:

The Golf Course Estate Zone was created with implementation of the Code to South Australia, providing a policy framework to manage development on golf course estates that contain a mix of residential development and a golf course. The Golf Course Estate Zone therefore includes residential policies and is proposed to apply to both the residential portion of the estate and the golf course/recreation land. The zone has been used in many areas of South Australia (as illustrated in the maps in **Attachment 2**) including:

- Links Lady Bay (Yankalilla)
- New Terry Hotel & Golf Resort (Wirrina Cove)
- McCracken Golf Club (Victor Harbor)
- Barmera Golf Club (Barmera)
- Berri Golf Club (Berri)
- Renmark Golf Club (Renmark)
- Loxton Golf Club (Loxton)
- Kingston SE Golf Club (Kingston SE)
- Robe Golf Club (Robe)
- Attamura Golf Club (Mount Gambier)
- The Copperclub at The Dunes (Port Hughes).

The Golf Course Estate Zone is considered a suitable fit with the outcomes sought by the former Development Plan policies, particularly when combined with the proposed Concept Plan which illustrates the area that should be preserved for the golf course.

The Golf Course Estate Zone will provide additional opportunities for residential and complementary non-residential land uses and activities, which would help preserve the long term viability of the golf course. The policies seek to retain the 18-hole golf course and provide a policy framework that can be used to achieve development outcomes that are consistent with the character and amenity that exist in the area.

In order to address concerns regarding the opportunity for further development near existing residential allotments, it is proposed to amend the Concept Plan to extend the area identified as “as 'Open Space (18 hole golf course)' to reflect the current extent of the Recreation Zone and the current golf course.

The planning rules under the Act typically do not deal with matters such as protection of views from individual properties nor impact on property values. They also cannot have regard to agreements that have been made outside of the development approval process.

That being said, there are policies in the Code that seek to address the protection of privacy and the preservation of character and amenity, and these policies can be used to determine whether a proposed development is appropriate within its proposed location.

The proposed policies of the Golf Course Estate Zone do not include a numerical minimum allotment size because the relevant performance outcome in the zone can be used to ensure allotment sizes are consistent with the prevailing pattern of development in the locality and suitable for their intended use.

It's noted the former Alexandrina Council Development Plan assigned a minimum allotment size of 800 square metres to new allotments within certain parts of the area covered by the current Recreation Zone (i.e. the golf course). It is considered inappropriate to assign a minimum allotment size to the golf course through this Code Amendment given the need for a performance assessment of any future allotments to ensure they are compatible with an 18 hole golf course, amongst other considerations. Assigning a numeric standard could be deemed to satisfy the performance outcome without considering the context of the locality.

The following overlays apply to the land and are not proposed to be altered through this Code Amendment:

- Affordable Housing
- Hazards (Bushfire - High Risk)

- Hazards (Flooding - Evidence Required)
- Murray Darling Basin
- Native Vegetation
- Prescribed Water Resources Area
- River Murray Tributaries Protection Area
- Water Protection Area
- Water Resources.

These overlays bring in additional policies relevant to the particular location, and require certain forms of development to be referred to State Government agencies for specialist advice as part of the development assessment process.

A maximum building height of 2 building levels and 8 metres currently applies to the existing Neighbourhood Zone. The Golf Course Estate Zone however includes a standard policy that seeks building heights of no greater than 2 building levels and 9 metres (see policy extract below). This zone policy cannot be varied by a technical or numeric variation (TNV) and therefore any variation is beyond the scope of this Code Amendment. However, the proposed heights are considered appropriate for the location, and provides a consistent policy framework across all instances of the Golf Course Estate Zone throughout the state.

<u>Building Height</u>	
PO 3.1 Buildings of a height that complements the open natural character of the golf course.	DTS/DPF 3.1 <u>Building height</u> (excluding garages, carports and outbuildings) are no greater than 2 building levels and 9m and <u>wall height</u> is no greater than 7m except in the case of gable end.

Recommendation:

- 1. Expand the area identified as 'Open Space (18 hole golf course)' on the proposed Concept Plan to the extent of the existing Recreation Zone boundary, but excluding residential allotments which have already been approved.**

6.2 Concern rezoning the Recreation Zone does not provide sufficient development opportunities

Contrary to the sentiments expressed in the above section, other submissions sought to further increase development opportunities on the golf course land (current Recreation Zone). Specific comments included:

- The golf course land should be included in the Neighbourhood Zone and, if not, then the Golf Course Estate Zone without the Concept Plan or any other overlays that further restrict or limit development opportunities.
- The Concept Plan is not supported, noting that concept plans have not been applied to other instances of the Golf Course Estate Zone.
- The implementation of the Code and the Recreation Zone has already reduced the development potential for this land, which was not the intent of the planning reforms.
- The Amendment should not seek to enforce the long term retention of the golf course or limit opportunities for alternative forms of development should the golf course become unviable.

- The land was downzoned to Recreation Zone when the Code was introduced and should have been transitioned to the Neighbourhood Zone, on the basis of like for like. This has resulted in very different assessment pathways being applied to this land compared to the Neighbourhood Zone.
- The policies should provide opportunities for the development of alternative forms of accommodation to occur on the golf course land, similar to other golf courses in the region.
- Development should be allowed on the golf course land where it is sensitive to the environment and the community and it does not impact on existing residential allotments.
- Residential allotments were appropriate in the former Development Plan. Non-complying land divisions have previously been approved outside of Area A and within some of the areas identified as open space on the Concept Plan. Furthermore, residential development in the form of supported accommodation, nursing homes, residential lifestyle villages, retirement villages or residential flat buildings were not non-complying outside of Area A, if they could be constructed on a single title without the need to create additional allotments.

Response:

The policies in the Golf Course Estate Zone reflect the development outcomes envisaged by the former Mount Compass Golf Course Policy Area 20, which sought to retain the golf course and assigned land division as non-complying (except where it resulted in no additional allotments outside of Area A within Concept Plan Map Alex/13 - Golf Course Development (Mount Compass)).

The Golf Course Estate Zone does not exclude residential development on the golf course land, however the proposed Concept Plan seeks to retain an 18-hole golf course. The policies speak to development that is within a golf course setting and complementary to a golf course. It seeks to balance community aspirations that the golf course be retained with the desire for some flexibility to enable development that provides ongoing viability.

The inclusion of a Concept Plan that identifies the location of the golf course land is considered to provide greater clarity and certainty when determining the appropriateness of development within this part of the Golf Course Estate Zone.

It's noted that applying the Neighbourhood Zone to this land would be beyond the scope of this Code Amendment as set out in the Proposal to Initiate, which sought to consider the application of the Golf Course Estate Zone and the inclusion of a Concept Plan that identifies the area to be set aside for a golf course.

6.3 Concern regarding rezoning the Neighbourhood Zone

The proposal to rezone the existing Neighbourhood Zone to Golf Course Estate Zone was opposed in most of the submissions and was not supported in any of the submissions. Specific comments included:

- The adjacent Deferred Urban Zone should be used for future expansion.
- The existing estate is different to other golf course estates given the residential portion of the estate is already established and its proximity to Adelaide.
- Council recommended that this land remain in the Neighbourhood Zone and that the existing Neighbourhood Zone boundary be amended to include the residential allotments that had recently been approved within the Recreation Zone.

Response:

The existing Neighbourhood Zone is comprised primarily of an established residential area which was developed as part of an integrated golf course estate.

The Golf Course Estate Zone does not provide for significantly different development opportunities to the existing Neighbourhood Zone, but it also guides residential development specific to a golf course setting. Accordingly, the policies within the zone will support development outcomes that are more appropriate considering the context of the area.

The proposed Concept Plan will help to further clarify the parts of the zone that are currently used for an 18-hole golf course (open space). The Golf Course Estate Zone recognises that residential development can occur where consistent with the Concept Plan.

6.4 Environmental impact

Feedback was received regarding potential environmental impacts arising from the Code Amendment. Specific comments included:

- The existing Recreation Zone should be rezoned to Water Protection Zone [sic: there is no such zone in the Code]
- The golf course land forms part of the water catchment for the Tookayerta / Nangkita Creek System, which supplies groundwater to the adjacent Hesperilla Conservation Park and includes an aquifer that provides the towns only potable water supply.
- Mount Compass and its wetlands are part of a critically endangered ecosystem including the Fleurieu Swamps, which are listed as a critically endangered threatened ecological community under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)
- The existing ecosystem includes native endangered flora and fauna, such as the Southern Emu Wren, Crested Shrike Tit, Short-Beaked Echidna, Yellow-Tailed Black Cockatoo, a diverse range of frog species and the Kangaroos that live on the site.
- The Code should include additional policies that protect native flora and fauna and avoid development that would be contrary to the conservation of the water quality in the creek system.

Response:

The Code Amendment seeks to apply the most suitable Code zone for this land and does not seek to substantially increase development potential.

The Code includes a range of policies that can be used to assess the impact of a proposed development on the natural environment including policies that address water resources, prescribed water resources, water protection and native vegetation.

The Water Protection Area Overlay applies to the entire affected area and provides the policies that are necessary to protect regionally and locally significant surface and underground water resources.

Any future development applications would need to be assessed against the Code and there are policies within the Code to determine if the proposed development is suitable for the proposed site. The level of environmental impact can vary significantly based on the scale, location and intended use of a proposed development and the impact can only be determined as part of the development assessment process.

It's noted this Code Amendment does not trigger referral under the EPBC Act.

6.5 Provision of infrastructure and services

Concerns raised regarding the potential impact on infrastructure and services included:

- Existing businesses and community facilities within the township, including the local school, are not equipped to cater for the extent of housing that was proposed recently.
- Concern that additional development would increase the cost of water.

- The submissions included concerns about the water source constraints that currently exist within Mount Compass and whether the existing water source is capable of servicing new developments, including concerns about the potential impacts on existing easements, separation distances and/or buffer zones to the community wastewater management system (CWMS). SA Water do not currently provide water or sewer to the area.
- The community raised concerns that existing emergency services (police, ambulance, CFS) would not be capable of servicing additional residential development.
- Additional development may result in stormwater and flooding issues and residential development should not be located within low-lying areas.
- Concerns that increased traffic would have a negative impact on the existing road network and further compromise the safety of residence in an emergency, such as, a flood event or a bush fire.

Response:

The proposed application of the Golf Course Estate Zone is not anticipated to increase the capacity for development in such a manner that would impact on existing services beyond which could be assessed on a case-by-case basis in future development applications (the Code includes the necessary policies to assess any impact on infrastructure and services as part of any future development application).

The rezoning allows for certain recreation, residential and tourism land uses which complement the existing golf course. Given the spatial extent of the zone and what is already development in the area, the capacity for additional development is limited.

It is not the role of the Code to address the ongoing costs associated with the supply of water.

6.6 Indigenous culture and heritage

It was observed that the area surrounding Mount Compass was originally a meeting place for three aboriginal nations. The Mount Compass and Fleurieu Wetlands are significant to indigenous culture and caring for country and are embedded in Indigenous spiritual beliefs. Indigenous Elders and scientists share knowledge of the Fleurieu Swamps on Ngarrindjeri country. The heritage of the Ramindjeri and Warki clans of the Ngarrindjeri nation in South Australia include the Fleurieu Peninsula swamps and waterways. The area to the east and south of the golf course is of indigenous cultural significance, being the convergence of the Kaurna, Peramangk and Ngarrindjeri lands.

Response:

Comments regarding the cultural significance of the surrounding area are acknowledged.

The Code Amendment does not impact land to the east or south of the golf course.

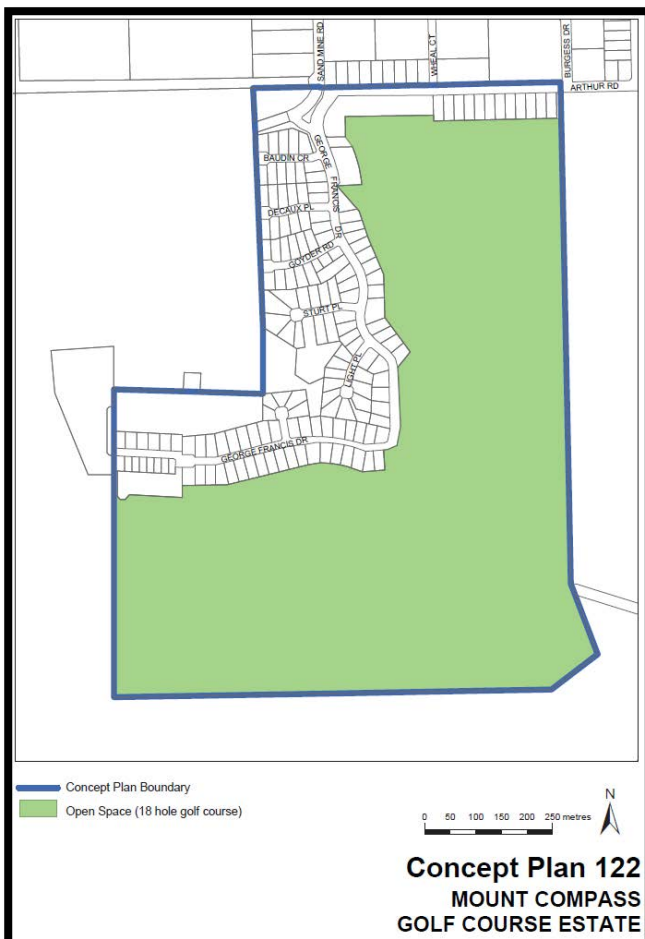
A copy of the submissions received during consultation is contained in **Attachment 3** to this Engagement Report.

7 Recommended changes

As a result of the engagement, the following changes are proposed to the Code Amendment (when compared with the proposal that was engaged on):

Proposed change	Reason
<p>1. Expand the area identified as 'Open Space (18 hole golf course)' on the proposed Concept Plan to the extent of the existing Recreation Zone boundary, but excluding residential allotments which have already been approved.</p>	<p>To address concerns expressed at the community information session and raised in the submissions that the extent of the open space (18-hole golf course) marked on the Concept Plan would give the impression that the white areas at the edge had been included to show where future development was to occur.</p> <p>The concept plan intends to show the area that should generally be preserved for the golf course.</p> <p>Council also expressed a desire for the open space area marked on the Concept Plan to be extended to the boundary of the existing Recreation Zone to more closely reflect the extent of the existing open space. Council did, however, suggest that the residential allotments, which have already been approved, not be included within the area marked as open space.</p>

Proposed Concept Plan



Attachments

Attachment 1 - Evaluation Results

Results of the community minimum mandatory evaluation indicators

	Evaluation statement	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
1	I feel the engagement genuinely sought my input to help shape the proposal (Principle 1)	10.34%	20.69%	24.14%	31.03%	13.79%
	Comments: The evaluation survey showed that people generally had faith and confidence in the engagement process and that their input was being considered					
2	I am confident my views were heard during the engagement (Principle 2)	3.45%	17.24%	48.28%	20.69%	10.34%
	Comments: The evaluation survey showed that people affected by the Amendment had the opportunity to participate and that their views were being heard					
3	I was given sufficient information so that I could take an informed view. (Principle 3)	6.90%	20.69%	31.03%	27.59%	13.79%
	Comments: The evaluation survey showed that the engagement was successful and people were provided with sufficient information to make an informed view of the changes being proposed and how they will be affected					
4	I was given an adequate opportunity to be heard (Principle 3)	3.57%	10.71%	42.86%	32.14%	10.71%
	Comments: The evaluation survey showed that the engagement was successful and more people than not were satisfied that they had been engaged as part of the process					
5	I felt informed about why I was being asked for my view, and the way it would be considered. (Principle 4)	6.90%	24.14%	31.03%	24.14%	13.79%
	Comments: The evaluation survey showed that people were able to access the relevant information and understood how their views were considered. It is not possible to provide the community with a summary of the outcomes until a final decision on the amendment has been made.					
6	Please share any other comments you have below:					
	<p>Additional comments regarding the evaluation process were received, raising the following matters:</p> <ul style="list-style-type: none"> • Concern the Code Amendment outcomes had already been decided. • A formal question and answer forum would have been useful instead of information session to hear the shared thoughts of residents. • The community needed face to face input from the State Government representatives that were voted in, rather than public servants. • A phone call or an online meeting would have been appropriate • Confusing and conflicting answers at the information session. • The only opportunity to be heard was the invitation to write a submission. • Cannot fill out survey at this stage as we don't know the outcome of our submissions and at this point do not know where we all stand. 					

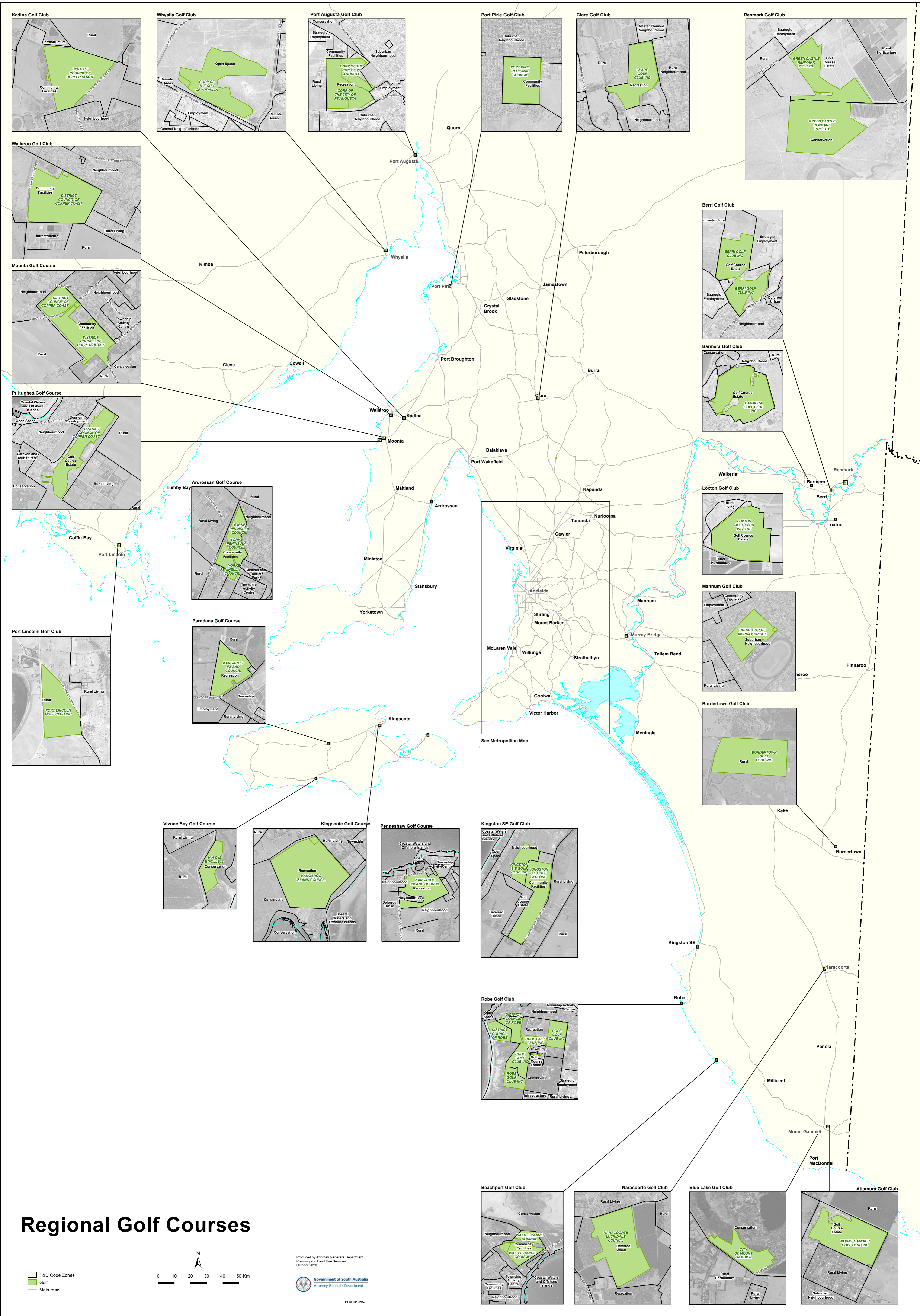
Results and Evaluation of Designated Entity’s engagement

The engagement was evaluated by Strategic Communications Division of the Attorney General’s Department.

	Evaluation statement	Response options (Select answer)
1	Engagement occurred early enough for feedback to genuinely influence the planning policy, strategy or scheme (Principle 1)	<ul style="list-style-type: none"> ▪ Engaged when there was opportunity for input into first draft <p><i>People were invited/encouraged to participate at the beginning of the consultation process, so that their feedback was able to influence the outcome of the Amendment. The Golf Course Estate Zone is a standard Code zone and the scope of the Amendment did not allow for changes to the policies within the Code Zone or other Code policies.</i></p>
2	Engagement contributed to the substance of the Code Amendment (Principle 1)	<ul style="list-style-type: none"> ▪ In a moderate way <p><i>The consultation process provided significant feedback regarding the concerns of the community and the issues that need to be considered when determining the suitability of the proposed zone and concept plan.</i></p> <p><i>Acknowledging this feedback, it has been recommended that the Golf Course Estate Zone is still the most appropriate Code zone for this land, but that the area marked 'Open Space (18-hole golf course)' on the proposed Concept Plan be extended to respond to concerns about the lack of clarity where future development could occur.</i></p>
3	The engagement reached those identified as the community of interest (Principle 2)	<ul style="list-style-type: none"> ▪ Representatives from most community groups participated in the engagement <p><i>The engagement was effective in reaching those people affected by the Amendment. All affected and interested people were provided with an opportunity to participate in the consultation process, regardless of background or status. A total of 189 submissions were received, approximately 76 people attended the community information sessions, and a further 633 people signed petitions related to the Amendment.</i></p>
4	Engagement included the provision of feedback to community about outcomes of their participation	<ul style="list-style-type: none"> ▪ To be confirmed <p><i>The response to community feedback is included in this engagement report, which will be published on the PlanSA Portal. A letter will also be sent directly to all stakeholders when a decision is made on the Code Amendment.</i></p>
5	Engagement was reviewed throughout the process and improvements put in place, or recommended for future engagement (Principle 5)	<ul style="list-style-type: none"> ▪ Reviewed and recommendations made <p><i>Regular team meetings and project meetings provided the opportunity to continually assess and evaluate the process. Given this is a new system,</i></p>

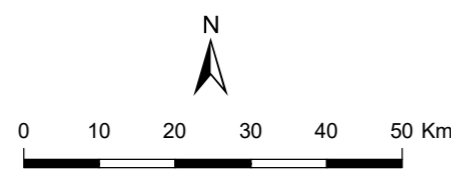
		<i>there is opportunity for continuous improvement and ongoing review to ensure the process is being undertaken in the most genuine and effective way possible.</i>
	Identify key strength of the Charter and Guide	<i>The flexibility of the Charter provided the opportunity to engage directly with those people directly affected by the Amendment. The Amendment is site specific and therefore the consultation was able to be targeted to those people who would be most impacted by the proposal. It also provided the opportunity to undertake information sessions within the affected community. The effectiveness of the engagement process can be reflected in the high number of submissions received and the number of people who attended the community information sessions.</i>
	Identify key challenge of the charter and Guide	<i>The community are not advised if changes have been made to the draft Amendment in response to the consultation process until a decision has been made on the Amendment. It is therefore difficult for the community to advise whether they feel their feedback has been heard and was appropriately considered in the post-consultation survey. This question would be better answered after the Amendment has been determined.</i>

Attachment 2 – Map of Golf Courses in South Australia



Regional Golf Courses

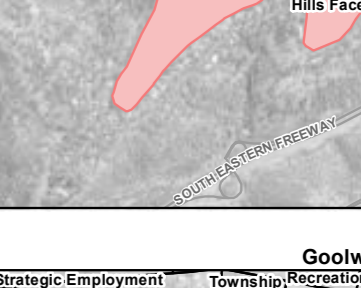
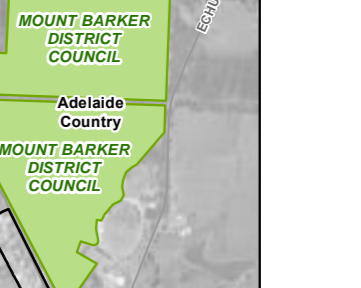
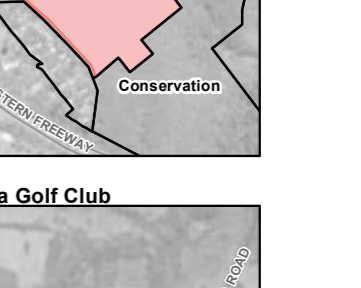
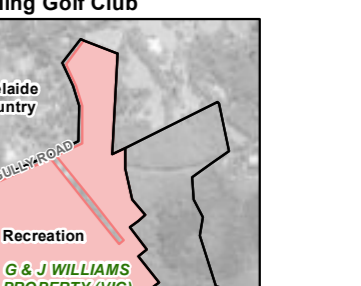
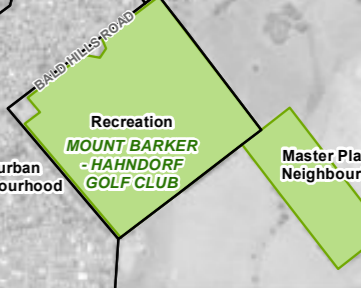
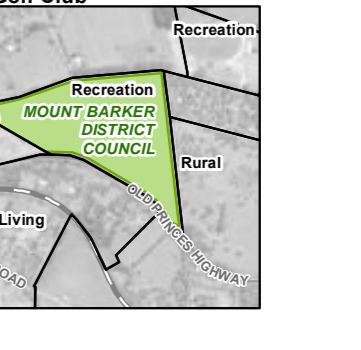
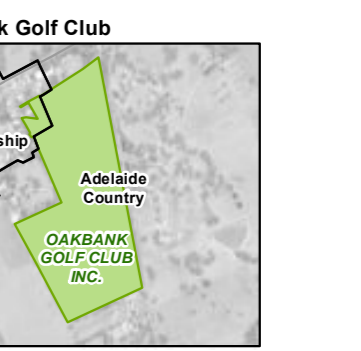
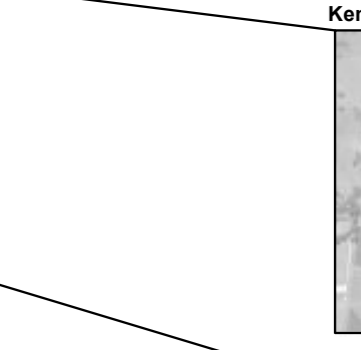
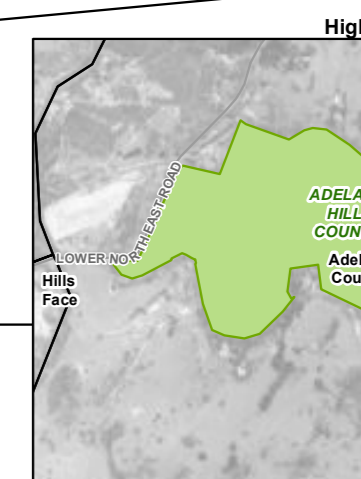
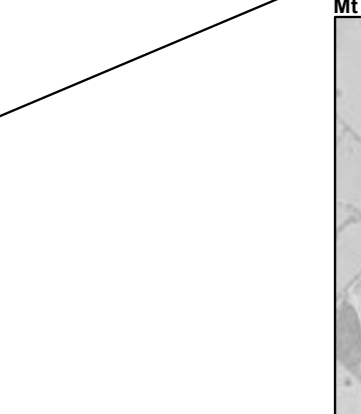
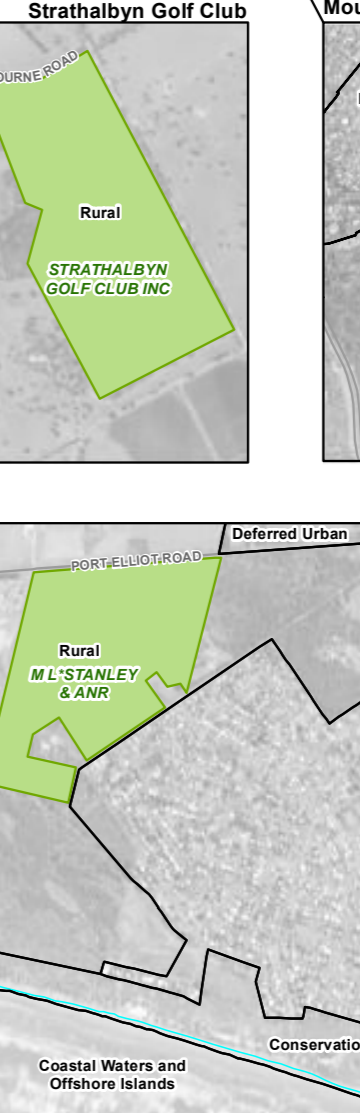
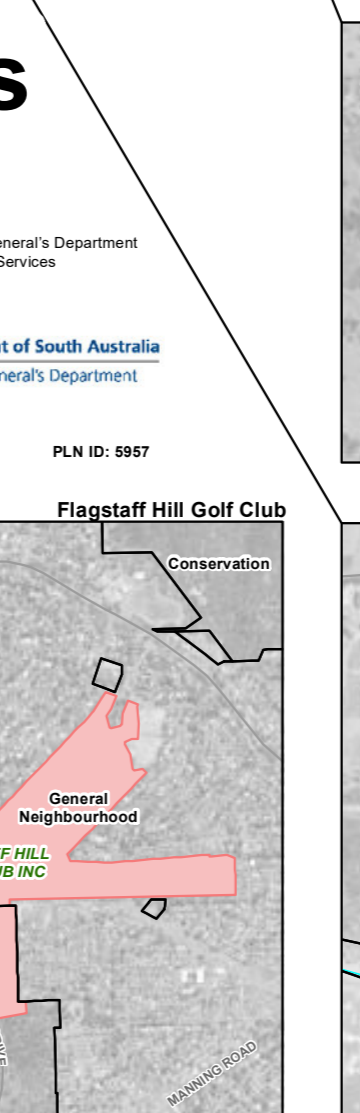
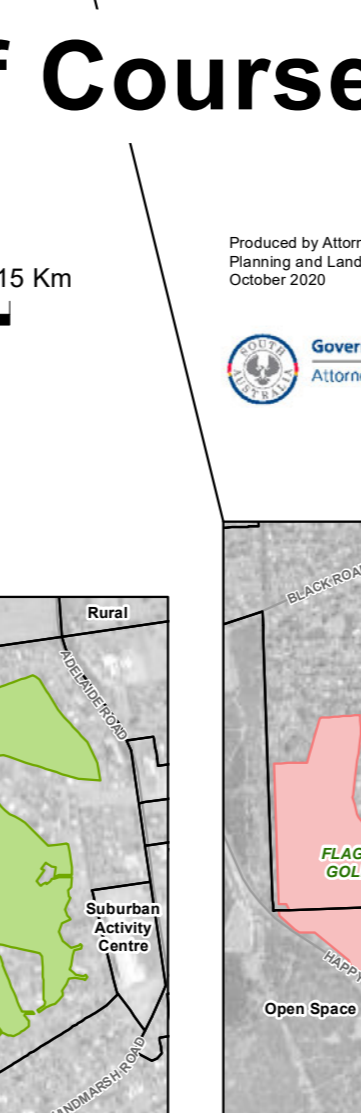
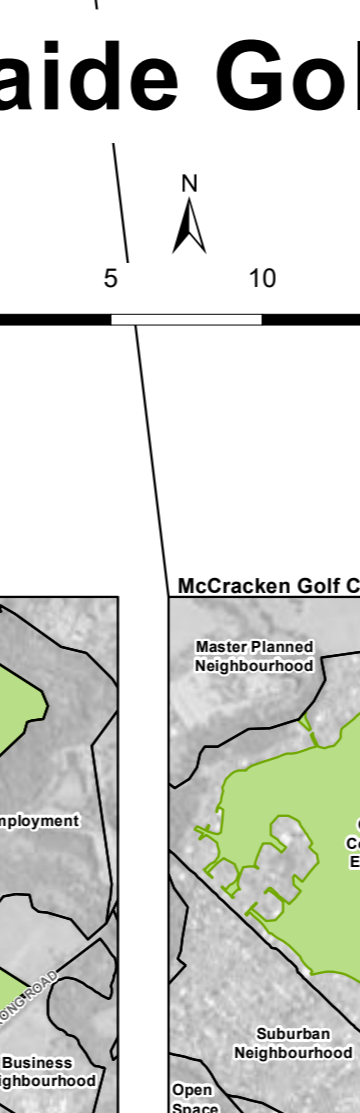
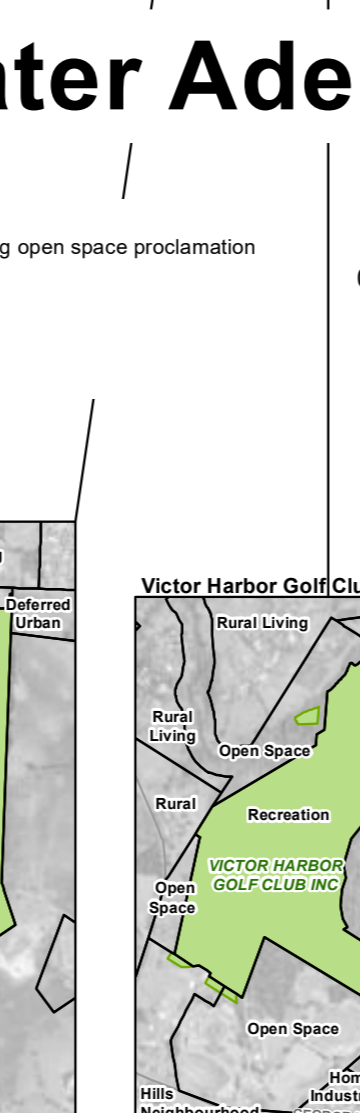
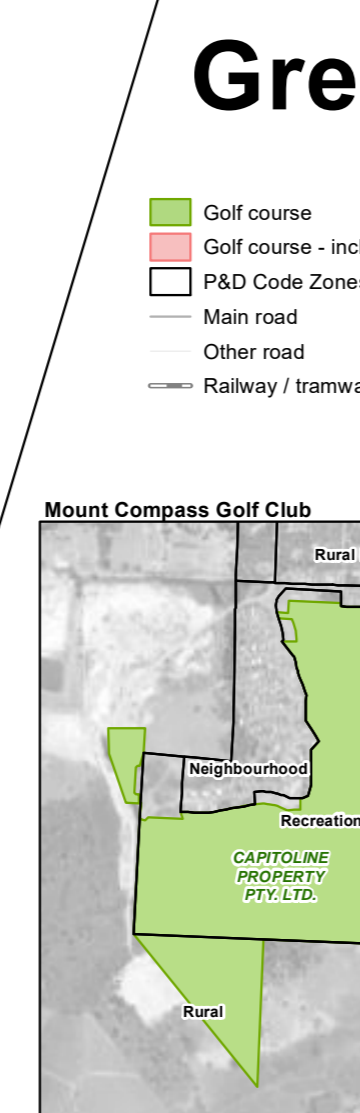
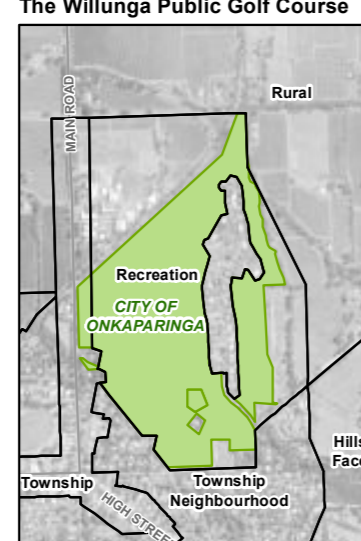
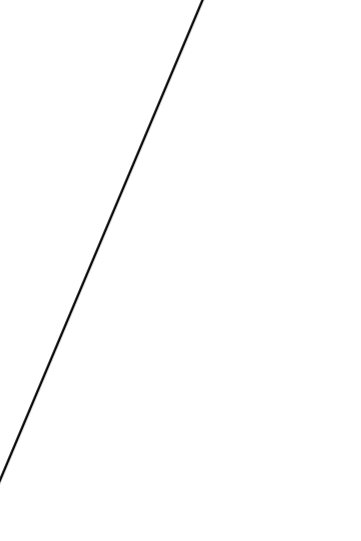
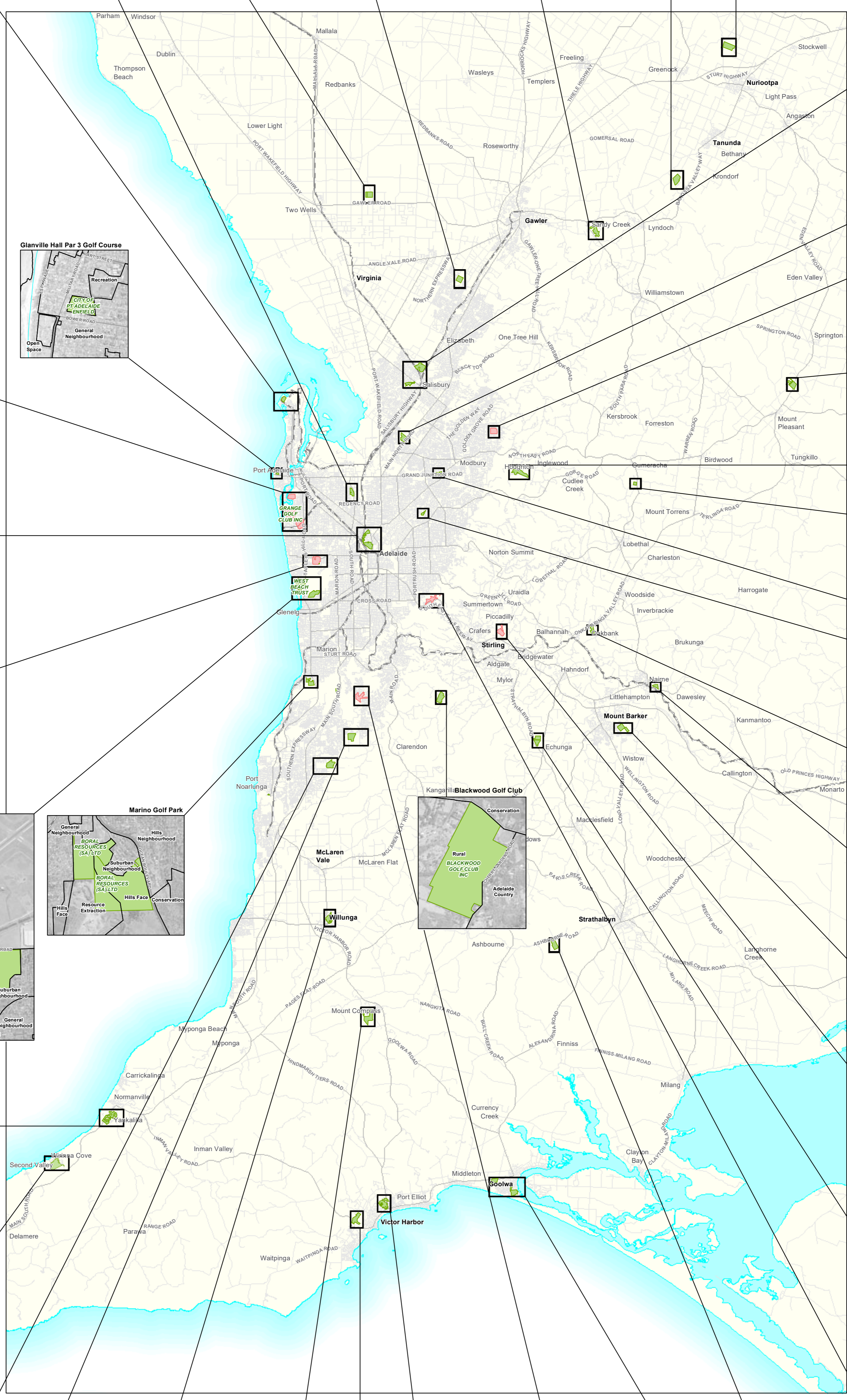
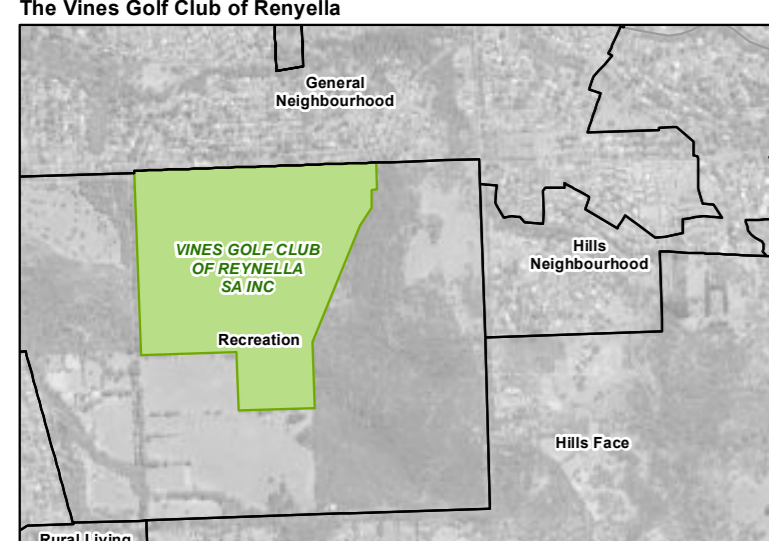
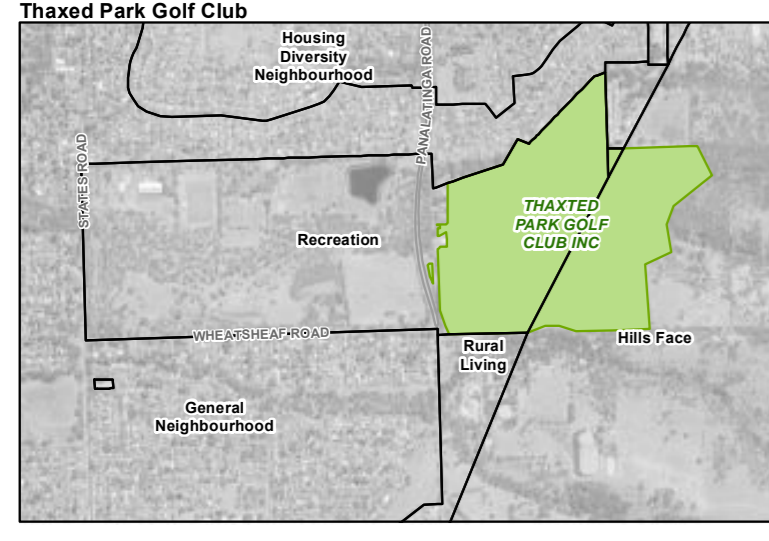
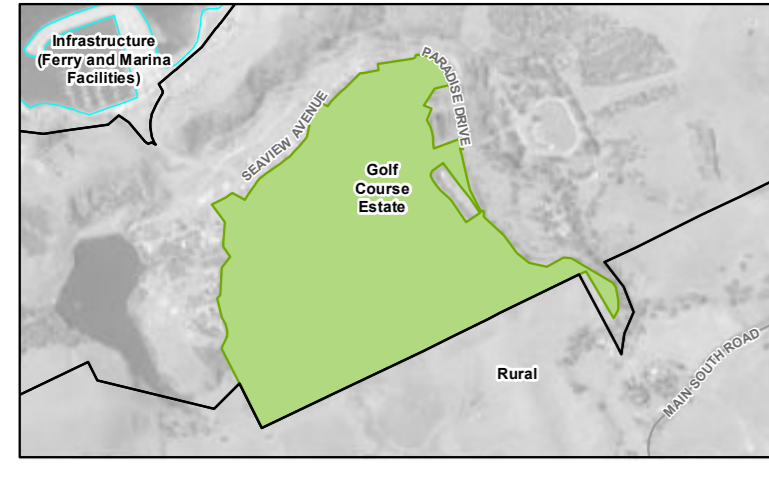
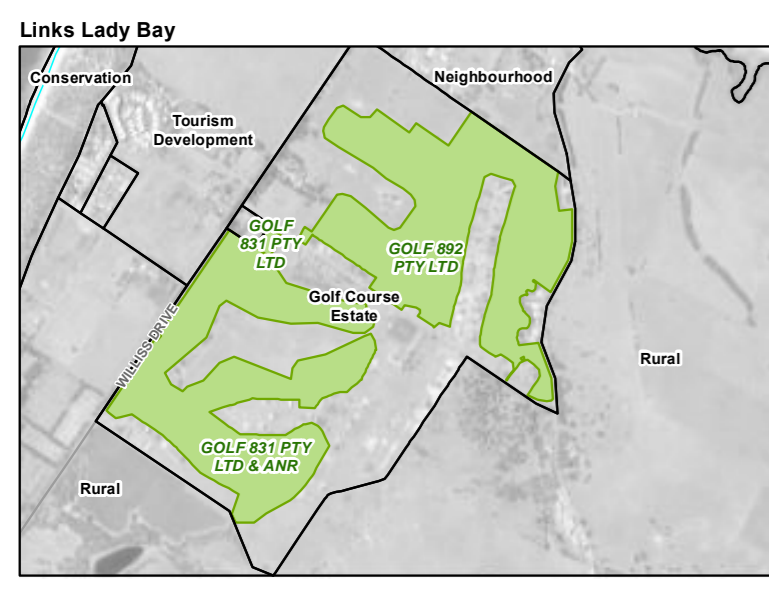
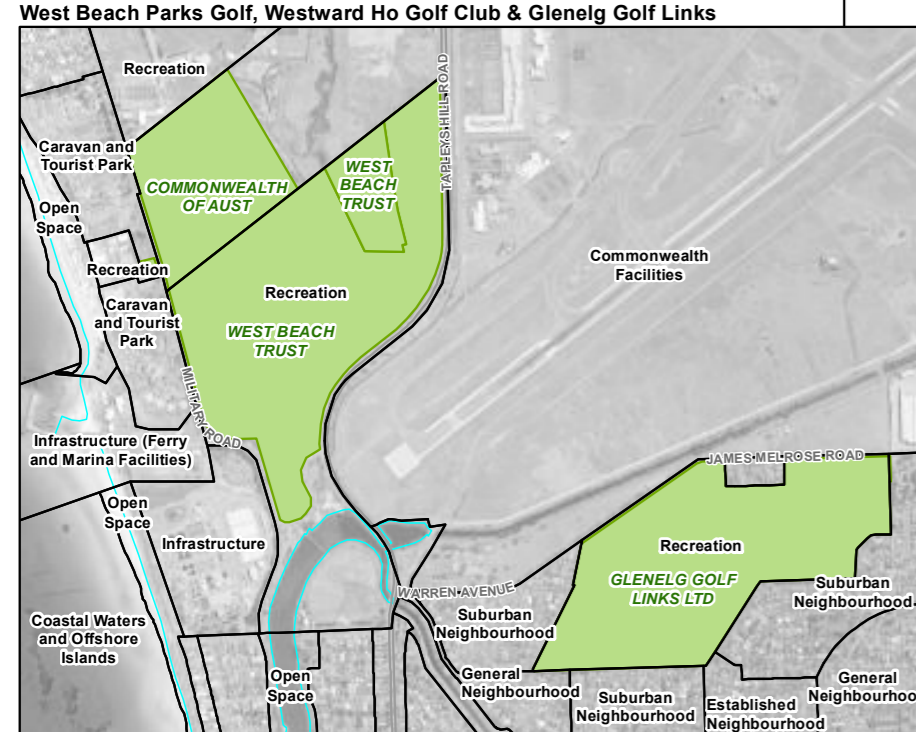
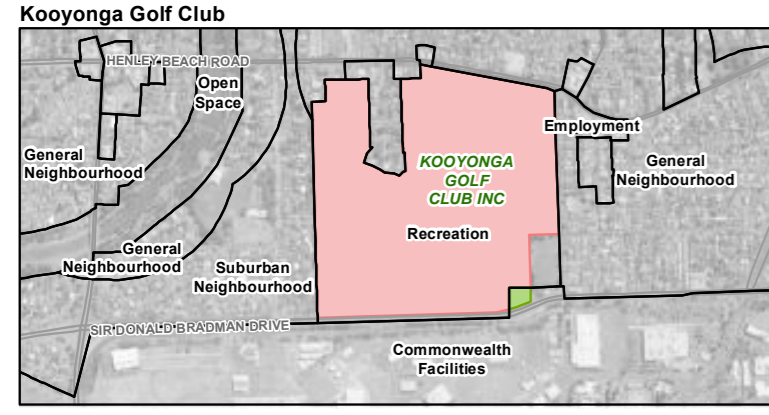
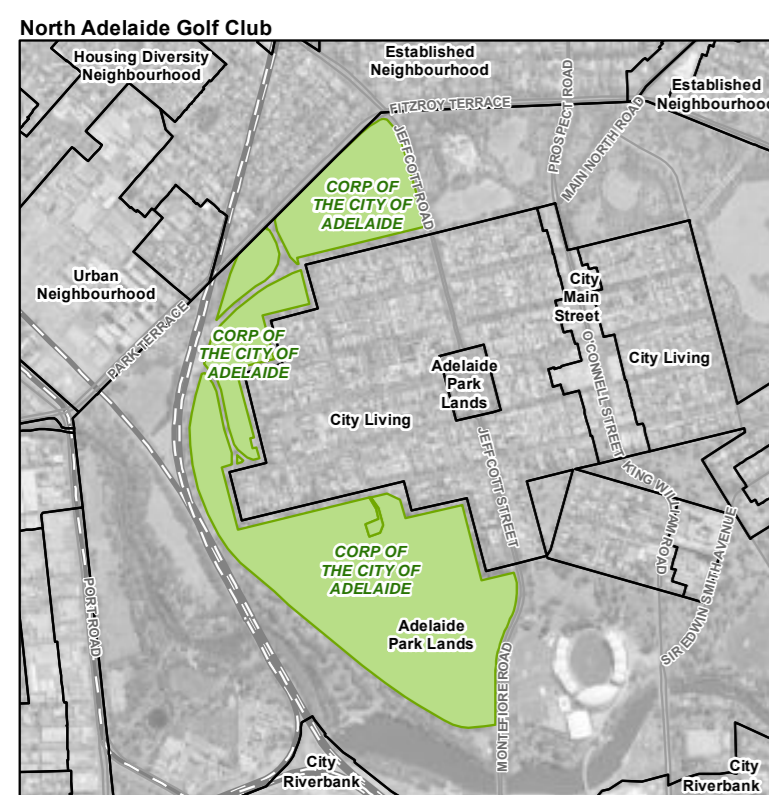
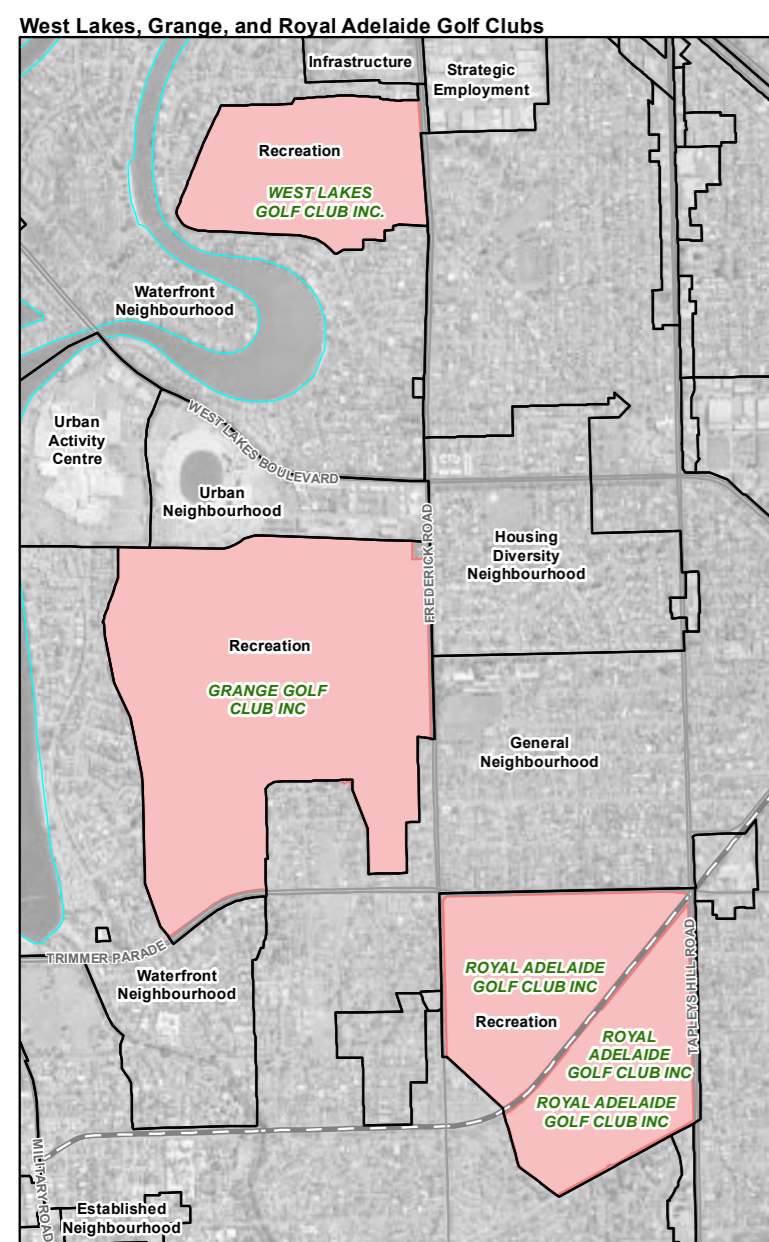
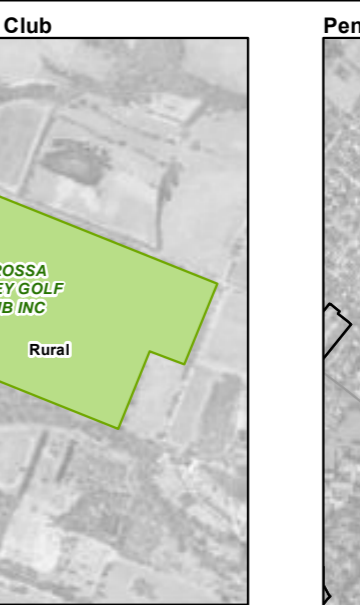
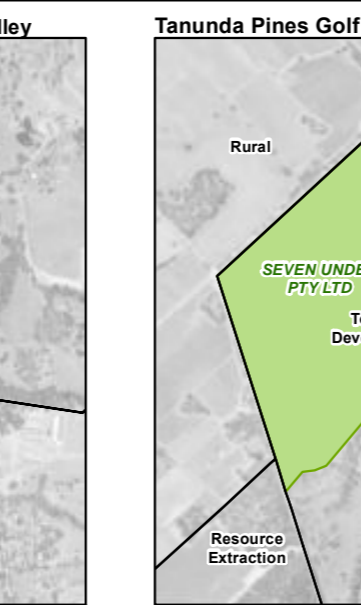
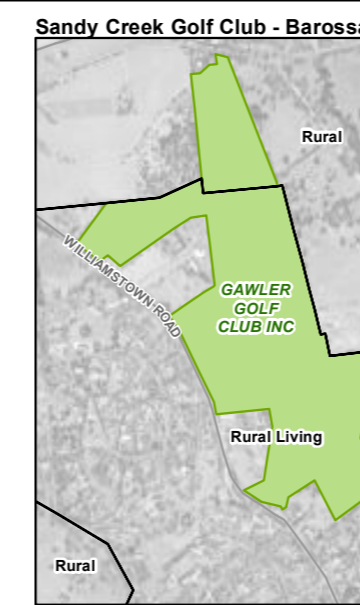
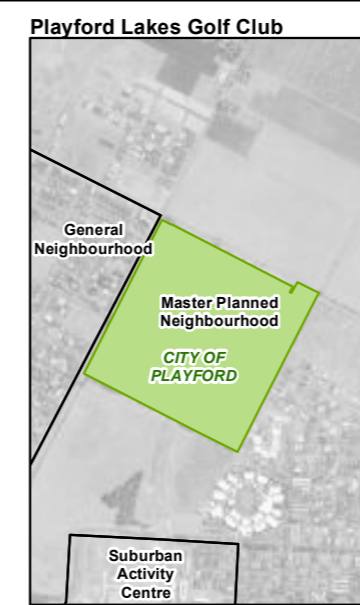
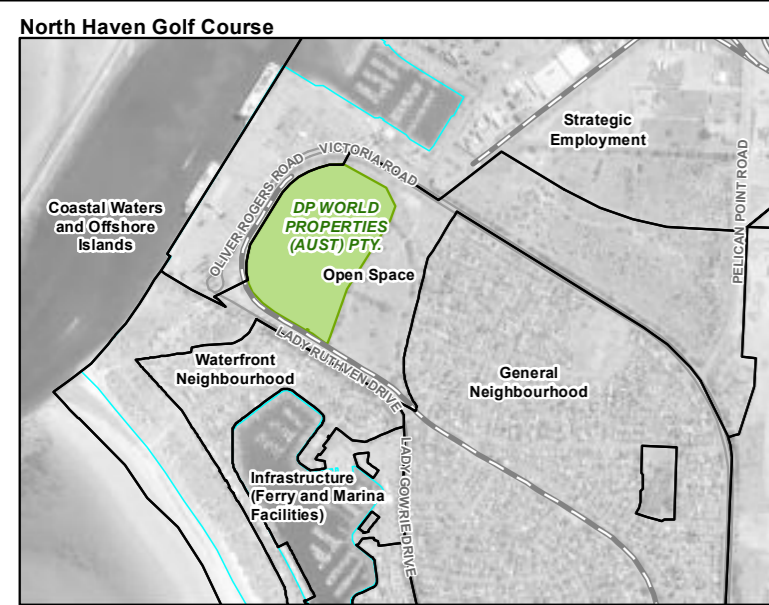
P&D Code Zones
 Golf
 Main road



Produced by Attorney General's Department
 Planning and Land Use Services
 October 2020

 Government of South Australia
 Attorney-General's Department

PLN ID: 9957



Greater Adelaide Golf Courses

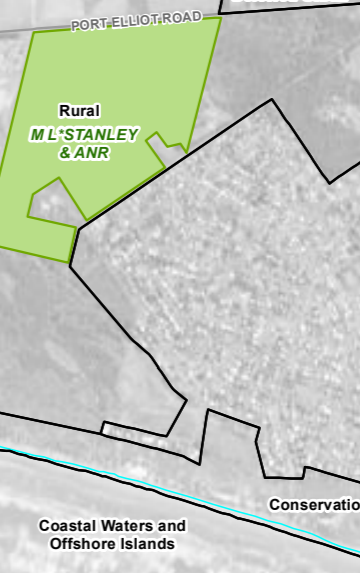
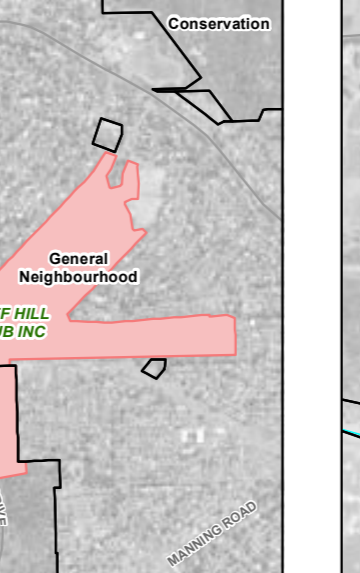
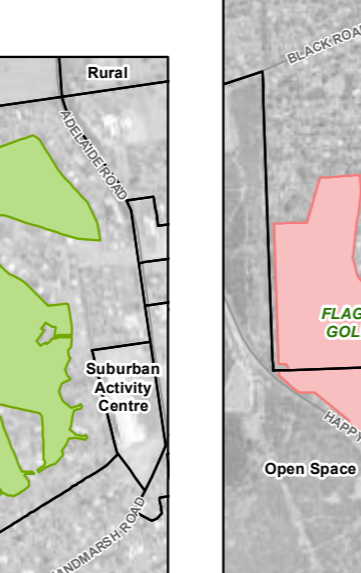
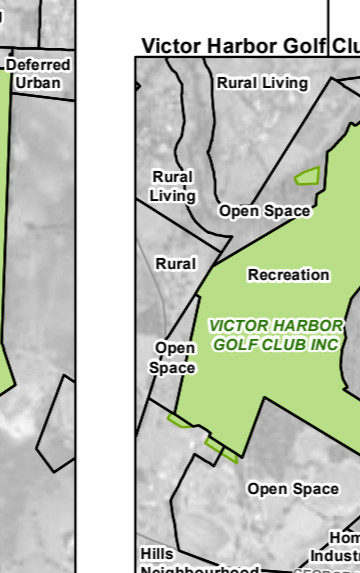
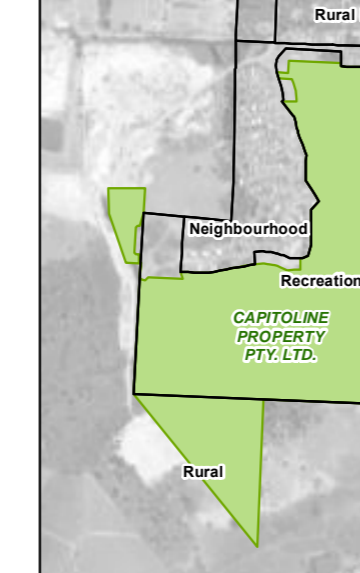
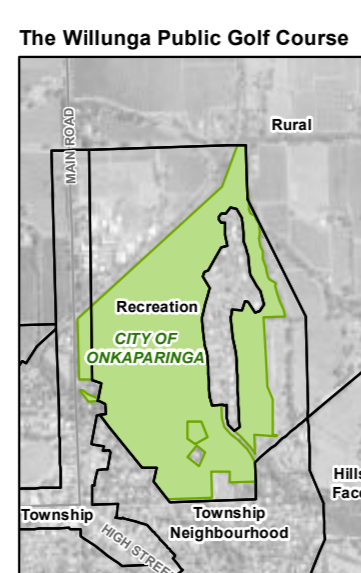
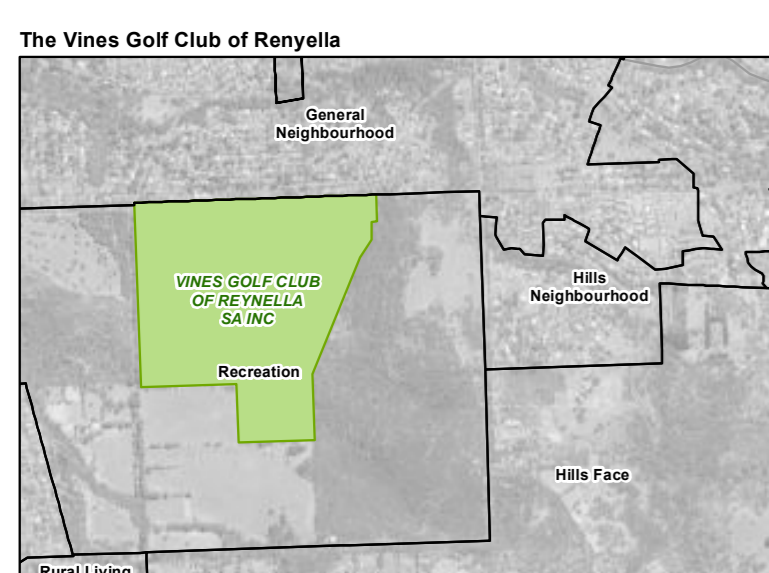
- Golf course
- Golf course - including open space proclamation
- P&D Code Zones
- Main road
- Other road
- Railway / tramway



Produced by Attorney General's Department
Planning and Land Use Services
October 2020

Government of South Australia
Attorney-General's Department

PLN ID: 9957



Section 73(10) of the *Planning, Development and Infrastructure Act 2016*

Mount Compass Golf Course Estate Code Amendment

By the Chief Executive, Attorney-General's Department

THE AMENDMENT

Adopted by:



.....
Hon Josh Teague

Minister for Planning and Local
Government

4/2/22
.....

Mount Compass Golf Course Estate Code Amendment

Preamble

The amendment instructions below reflect the proposed changes to the Planning and Design Code as outlined in the Draft Code Amendment released for public consultation and as amended following public consultation (as outlined in the Engagement Report furnished to the Minister for Planning and Local Government by the Designated Entity under section 73(7) of the *Planning, Development and Infrastructure Act 2016*).

Amendment Instructions

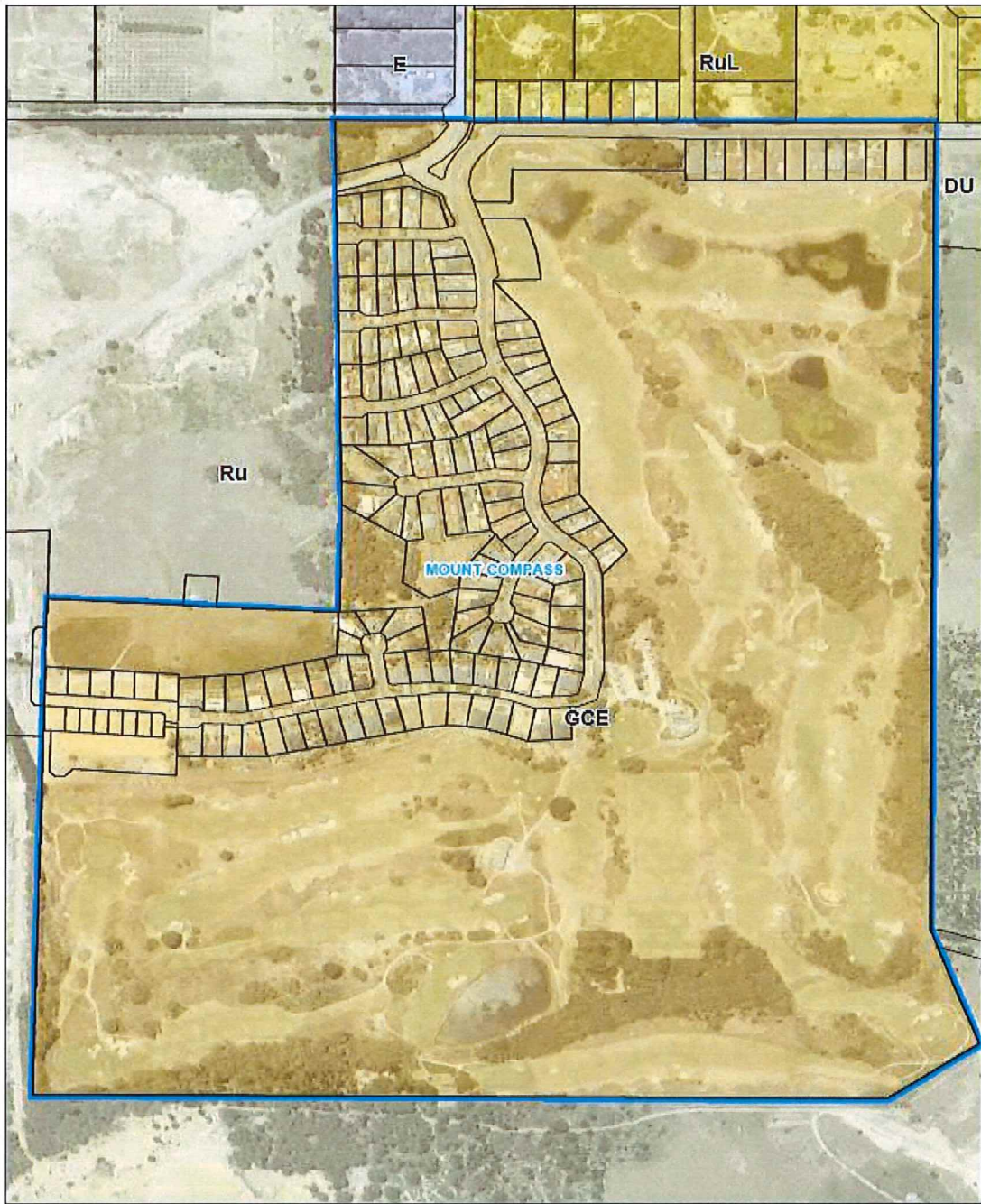
The following amendment instructions (at the time of drafting) relate to the Planning and Design Code, version 2021.16 published on 4 November 2021. Where amendments to the Planning and Design Code have been published after this date, consequences changes to the following amendment instructions will be made as necessary to give effect to this Code Amendment.

Instructions

Amend the Code as follows:

1. *Spatially apply the Golf Course Estate Zone (in place of the Neighbourhood Zone and Recreation Zone) to the affected area bounded by the blue line in **Attachment 1 - Amended Zones**.*
2. *In Part 12 – Concept Plans, under the section relating to Alexandrina, insert immediately after ‘Concept Plan 113 Strathalbyn North’, new ‘Concept Plan 122 – Mount Compass Golf Course Estate’ contained in **Attachment 2 - New Concept Plan**. Spatially apply Concept Plan 122 – Mount Compass Golf Course Estate accordingly within the Concept Plan – Technical & Numeric Variations Layer of the SA Property and Planning Atlas.*
3. *Spatially remove the following Technical & Numeric Variations from the affected area:*
 - a. *Maximum Building Height (Metres) – 8 Metres*
 - b. *Maximum Building Height (Levels) – 2 Levels.*

ATTACHMENT 1: Amended Zones



**Mount Compass
Amended Zoning**

© Government of South Australia 2021
PLN ID: 6042



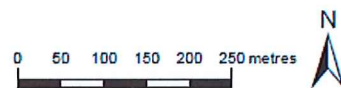
- Affected Area
- DU - Deferred Urban
- E - Employment
- GCE - Golf Course Estate
- Ru - Rural
- RuL - Rural Living

Note: The above map is a printed representation of amendments that are proposed to the spatial layers of SA planning database if the Mount Compass Golf Course Estate Code Amendment is adopted by the Minister under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act). The spatial amendments have been certified by the Surveyor-General as accurate and satisfy the State Planning Commission's Spatial Information Standard, pursuant to section 51 of the Act.

ATTACHMENT 2: New Concept Plan



- Concept Plan Boundary
- Open Space (18 hole golf course)



Concept Plan 122 MOUNT COMPASS GOLF COURSE ESTATE

Note: The above map is a printed representation of amendments that are proposed to the spatial layers of SA planning database if the Mount Compass Golf Course Estate Code Amendment is adopted by the Minister under section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act). The spatial amendments have been certified by the Surveyor-General as accurate and satisfy the State Planning Commission's Spatial Information Standard, pursuant to section 51 of the Act.

The Hon Josh Teague MP

2021/06534/01



**Government
of South Australia**

**Minister for Planning
and Local Government**

GPO Exchange
10 Franklin Street
Adelaide SA 5000

GPO Box 464
Adelaide SA 5001
DX 336

Tel 08 8207 1723
Fax 08 8207 1736

Mr Craig Holden
Chairperson
State Planning Commission

By email: saplanningcommission@sa.gov.au

Dear Mr Holden *Craig,*

I refer to the Mount Compass Golf Course Estate Code Amendment (the Code Amendment) by the Chief Executive of the Attorney-General's Department.

I write to advise that, under section 73(10)(c) of the *Planning, Development and Infrastructure Act 2016* (the Act), I have considered the issues raised during the consultation period and have now adopted the Code Amendment.

The Code Amendment will come into effect when consolidated into the online Planning and Design Code and published on the PlanSA Portal:

https://code.plan.sa.gov.au/home/browse_the_planning_and_design_code?code=browse, which is anticipated to occur around January 2022.

A copy of the Engagement Report is available to view on the PlanSA Portal at:

https://plan.sa.gov.au/have_your_say/general_consultations.

The Engagement Report details the outcome of the engagement, including a summary of the written submissions and feedback received, proposed changes to the proposal and the reasons for those changes.

Accordingly, I now request that the State Planning Commission provide me with a report on the Code Amendment for review by the Environment Resources and Development Committee of Parliament (Committee), in accordance with section 74 of the Act. I am required to provide this to the Committee within 28 days of the amendment taking effect.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Josh'.

Hon Josh Teague MP
Minister for Planning and Local Government

4 / 2 / 2022

3 March 2022

Level 5, 50 Flinders Street
Adelaide SA 5000GPO Box 1815
Adelaide SA 500108 7109 7466
saplanningcommission@sa.gov.au

Mr Nick McBride
Presiding Member
Environment, Resources and Development Committee
Parliament of South Australia

By email: ERDC.Assembly@parliament.sa.gov.au

Dear Presiding Member

State Planning Commission Report on the Mount Compass Golf Course Estate Code Amendment by the Chief Executive of the Attorney-General's Department

1. INTRODUCTION

The Mount Compass Golf Course Estate Code Amendment (the Code Amendment) sought to introduce a more appropriate strategic policy framework to guide future development within the existing golf course estate by applying the most suitable Planning and Design Code zone (the Golf Course Estate Zone) to the existing Neighbourhood Zone and Recreation Zone, and introducing a concept plan that identifies the location of the open space area and 18-hole golf course.

This report has been prepared following the adoption of the Code Amendment (**Attachment 1**), and in accordance with section 74(3) of the *Planning, Development and Infrastructure Act 2016* (the Act). This report sets out the reason for the Code Amendment and information about the consultation undertaken in the preparation of the Code Amendment.

2. BACKGROUND

The Act enables Code Amendments to be initiated and led by a wide range of entities. In this instance, the Code Amendment was initiated on 30 July 2021 pursuant to section 73(2)(b)(i) of the Act, with the Chief Executive of the Attorney-General's Department (the Department) acting as the Designated Entity responsible for undertaking the Code Amendment.

3. DISCUSSION

3.1 Reason for the Designated Instrument

The Planning and Design Code (the Code) is a statutory instrument established under section 65 of the Act for the purposes of providing the planning 'rules' for development assessment and related matters within South Australia. Changes to the Code can be undertaken via a Code Amendment pursuant to section 73 of the Act.

The Code Amendment sought to review the existing zone configuration and consider the suitability of rezoning the land within the affected area from Neighbourhood Zone/Recreation Zone to Golf Course Estate Zone.

The policies within the Golf Course Estate Zone were observed to help to support the long-term viability of the 18-hole golf course by providing greater opportunities for complementary land uses and activities to occur within the existing golf course setting, where it supports recreation and tourism in the region and is in keeping with the character and amenity of the local area.

The Code Amendment sought to achieve the following:

- Rezone the Neighbourhood Zone and the Recreation Zone within the affected area to Golf Course Estate Zone, to allow for the modest expansion of residential development and provide greater opportunities for land uses and activities that complement the ongoing operation of the golf course.
- Consider the introduction of a new Concept Plan that illustrates the location of the 18-hole golf course and open space area.

The approved Code Amendment has been implemented into the Code as follows:

- The Golf Course Estate Zone has been spatially applied (in place of the Neighbourhood Zone and Recreation Zone) to the affected area bounded by the blue line contained in 'Attachment 1 - Amended Zones' of the Code Amendment (**Attachment 1**).
- 'Concept Plan 122 – Mount Compass Golf Course Estate' contained in 'Attachment 2 - New Concept Plan' of the Code Amendment (**Attachment 1**) has been spatially applied within the 'Concept Plan – Technical & Numeric Variations Layer' of the South Australian Property and Planning Atlas (SAPPA).
- 'Concept Plan 122 – Mount Compass Golf Course Estate' has been inserted under the section relating to Alexandrina in 'Part 12 – Concept Plans', immediately after 'Concept Plan 113 Strathalbyn North'.
- The following Technical and Numeric Variations (TNVs) have been spatially removed from the affected area:
 - Maximum Building Height (Metres) – eight metres
 - Maximum Building Height (Levels) – two levels.

The relevant changes to the Code are provided in **Attachment 1** for your reference.

3.2 Consultation

3.2.1 Information about consultation undertaken

The following details the key information about the consultation that was undertaken in the preparation of the Code Amendment:

Public consultation dates:	Friday 10 September 2021 until Friday 22 October 2021 (six weeks).
Consultation events:	<p>Two public information sessions were held at the Mount Compass War Memorial Hall, 5 Peters Terrace, Mount Compass, on 18 September 2021, as detailed below:</p> <ul style="list-style-type: none"> • The sessions were open from 3.00pm-5.00pm and 6.00pm-8.00pm to accommodate people who were unable to attend during standard business hours. • Approximately 76 people attended the information sessions. • Alexandrina Council staff were invited and attended both sessions. • The venue was set up with a number of large information panels and additional supporting materials outlining the proposed Code Amendment, what the Code Amendment sought to achieve and how participants could obtain further information about the Code Amendment. • The community sessions provided the opportunity for participants to speak with members of the Department, or alternatively make arrangements to speak with someone from the Department at a later date. • Participants were advised that formal submission on the Code Amendment could be made through the PlanSA website or via email at: plansasubmissions@sa.gov.au.
Methods of notification:	<p>The following people and organisations were contacted in writing and invited to provide a submission on the proposed Code Amendment:</p> <ul style="list-style-type: none"> • Letter/email sent directly to owners and occupiers of land within the affected area and adjacent to the affected area (approximately 190 letters) within 60 metres. • Letters were sent to the following individuals/groups: • Federal Member for Mayo (Ms Rebekha Sharkie MP) • State Member for Finniss (Hon David Basham MP) • Former Minister for Planning and Local Government (Hon Vickie Chapman MP) • Key agencies within Government (various)

	<ul style="list-style-type: none"> • Mr Stephen Connor, Managing Director, Mount Compass Golf Course • State Planning Commission • State Commission Assessment Panel • Utility providers: <ul style="list-style-type: none"> ○ SA Power Networks ○ ElectraNet ○ APA Group ○ SA Water ○ EPIC Energy ○ NBN ○ Telstra.
<p>Other engagement methods:</p>	<ul style="list-style-type: none"> • Code Amendment documentation and supporting information was publicly available online for the duration of the consultation period. The PlanSA portal and YourSAy consultation website were the primary locations for information and submitting feedback. • A news article and a web banner promoting the consultation were published on the landing page of the PlanSA website. • The PlanSA Facebook and the Department’s Twitter social media platforms used to promote the engagement opportunity and encourage feedback throughout the consultation period. • An article promoting the engagement opportunity included in the 9 September 2021 edition of the <i>Planning Ahead</i> Newsletter. • The Code Amendment (including supporting investigations), brochure, engagement plan, frequently asked questions document and mapping showing the proposed zone changes were made available at the following places: <ul style="list-style-type: none"> ○ Planning and Land Use Services, Attorney-General’s Department, Level 5, 50 Flinders Street, Adelaide ○ Alexandrina Council office at 11 Cadell Street, Goolwa ○ Public information sessions held during the engagement ○ Electronically on the PlanSA website: https://plan.sa.gov.au/en/code_amendments. • The PlanSA Service Desk contact details were provided throughout the consultation period and the public and stakeholders were invited to make contact if they had enquires or wished to set up a meeting to discuss the proposal.

<p>Number of submissions received:</p>	<p>A total of 189 written submissions were received in response to formal consultation on the draft Amendment from a range of stakeholders.</p> <p>Three of these submissions included signed petitions, the first of which was signed by 393 people; the second by 125 people; and the third by 115 people.</p>
<p>Key feedback themes:</p>	<ul style="list-style-type: none"> • Concern rezoning the Recreation Zone will allow for more development. • Concern rezoning the Recreation Zone does not provide sufficient development opportunities. • Concern regarding rezoning the Neighbourhood Zone. • Concerns about the potential environmental impact from further development. • Concern about the lack of infrastructure and services and the additional impact that may occur. • Concerns about the impact that future development may have on Indigenous culture and heritage.
<p>Changes in response to engagement:</p>	<p>To clearly define the area that should generally be preserved for the golf course, the area identified as 'Open Space (18-hole golf course)' on the proposed Concept Plan was extended to include all of the land within the existing Recreation Zone, except for the residential allotments that had already been granted approval.</p>

A copy of the Engagement Plan is provided at **Attachment 2**. Further details about the consultation undertaken are set out the Designated Entity’s Engagement Report (**Attachment 3**).

3.2.2 Local Members

The following Members of Parliament were consulted on the Code Amendment:

- Ms Rebekha Sharkie MP – Member for Mayo (Federal)
- Hon David Basham – Member for Finniss (State).

The Federal Member for Mayo provided a written submission.

3.3 Other Considerations

The Minister for Planning and Local Government (the Minister) resolved to not seek advice on the Code Amendment from the State Planning Commission (the Commission) under section 73(10)(a) of the Act as the matter was not considered to be significant.

4. SUMMARY

On 4 February 2022, the Minister approved the Code Amendment as proposed by the Chief Executive's Engagement Report.

The Code Amendment came into effect after its publication into the Code on the SA Planning Portal on 3 March 2022.

The Commission now provides this report to the Environment, Resources and Development Committee for consideration, in accordance with section 74(3) of the Act.

Should you have any questions in relation to the Code Amendment, please do not hesitate to contact Ms Kate Southcott, Senior Governance Officer, Planning and Land Use Services, Attorney-General's Department, on [REDACTED] or via email at: [REDACTED]

Yours sincerely



Craig Holden
Chair

Att 1. Mount Compass Golf Course Estate Code Amendment (#18306052)
2. Engagement Plan – Mount Compass Golf Course Estate Code Amendment (#18345346)
3. Engagement Report – Mount Compass Gold Course Estate Code Amendment (#18309220)



TO: MINISTER FOR PLANNING AND LOCAL GOVERNMENT

**RE: REPORT TO THE ENVIRONMENT, RESOURCES AND DEVELOPMENT
COMMITTEE OF PARLIAMENT OF SOUTH AUSTRALIA – MOUNT COMPASS
GOLF COURSE ESTATE CODE AMENDMENT**

PURPOSE

To provide a report by the State Planning Commission (the Commission) for you to forward to the Environment, Resources and Development Committee (the Committee) of Parliament regarding the Mount Compass Golf Course Estate Code Amendment (the Code Amendment) by the Chief Executive of the Attorney-General's Department (the Designated Entity).

BACKGROUND

On 4 February 2022, you resolved to adopt the Code Amendment pursuant to section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

The Code Amendment came into effect pursuant to section 73(12)(b) of the Act upon its publication on the SA Planning Portal on 3 March 2022.

As Minister for Planning and Local Government, you are now required to refer the Amendment to the Committee. Such referral must be accompanied by a report prepared by the Commission on the Code Amendment, in accordance with section 74 of the Act:

74—Parliamentary scrutiny

- (2) *The Minister must, within 28 days after a designated instrument takes effect, refer the designated instrument to the ERD Committee.*
- (3) *A designated instrument referred under this section must be accompanied by a report prepared by the Commission that sets out—*
 - (a) *the reason for the designated instrument; and*
 - (b) *information about the consultation that was undertaken in the preparation of the designated instrument; and*
 - (c) *any other material considered relevant by the Commission; and*
 - (d) *any other information or material prescribed by the regulations.*

Section 74(5) specifies that if the ERD Committee has not made a resolution in relation to a Code Amendment referred to it within 28 days, it will be presumed that it does not object or suggest amendments.

It is noted that section 74(7) of the Act specifies that where a Committee is due to consider an amendment in the period within which the House of Assembly is dissolved for the purposes of a general election, the period for the Committee to consider the amendment will be extended to expire 28 days from the day on which the Committee is reconstituted.

DISCUSSION

Please find attached the report which outlines the reasons for the Code Amendment and information about the consultation that was undertaken in its preparation (**Attachment 1**). A cover letter to accompany this report is provided at **Attachment 2**.

A copy of the Code Amendment is provided in **Attachment 3**.

Given the Code Amendment was given effect on 3 March 2022, you are required to forward the report to the Committee by **31 March 2022**.

RECOMMENDATIONS

1. Note the report of the State Planning Commission provided to you regarding the Mount Compass Golf Course Estate Code Amendment, pursuant to section 74(2) of the *Planning, Development and Infrastructure Act 2016* (**Attachment 1**).
NOTED / NOT NOTED
2. Agree to sign the letter provided at **Attachment 2** and forward it to the Environment, Resources and Development Committee with the State Planning Commission's report (**Attachment 1**) and the Mount Compass Golf Course Estate Code Amendment (**Attachment 3**) by 31 March 2022, pursuant to section 74 of the *Planning, Development and Infrastructure Act 2016*.
AGREED / NOT AGREED



Craig Holden
Chair, State Planning Commission

3 March 2022

Attachments:

1. Commission's report on the Mount Compass Golf Course Estate Code Amendment (#18000121).
2. Suggested cover letter to the Committee on the Mount Compass Golf Course Estate Code Amendment (#18187505).
3. Mount Compass Golf Course Estate Code Amendment, signed by the Minister 4 February 2022 (#18306052).

Contact: Jason Bailey
Tel No: [REDACTED]

JOSH TEAGUE MP
/ / 2022