



Agenda Report for Decision

Meeting Date: 17 February 2022

Item Name	Code Amendment Initiation Advice to the Minister for Planning and Local Government – Proposal to Initiate the Point Turton & Port Victoria Urban Growth Code Amendment
Presenters	Brett Steiner, Jason Bailey and Nadia Gencarelli
Purpose of Report	Decision
Item Number	3.1
Strategic Plan Reference	5. Discharging Statutory Obligations
Work Plan Reference	5.2 Advise the Minister on Code Amendments
Confidentiality	Not Confidential (Release Delayed). To be released following final decision by the Minister for Planning and Local Government on initiation of the Code Amendment. Anticipated by May 2022
Related Decisions	N/A

Recommendation

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

1. Approve the designation of this item as Not Confidential (Release Delayed), with the meeting papers for the item to be released following the final decision by the Minister for Planning and Local Government (the Minister) on initiation of the Code Amendment. Anticipated by May 2022.
2. Advise the Minister that it:
 - 2.1 Recommends the approval of the Point Turton & Port Victoria Urban Growth Code Amendment Initiation under section 73(2)(iv) of the *Planning, Development and Infrastructure Act 2016* (the Act), subject to the following conditions applied under section 73(5)(b) of the Act:
 - a) The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays or technical and numerical variations provided for under the published Planning and Design Code (the Code) (on the date the Amendment is released for consultation).
 - b) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.
 - c) The Engagement Plan and Engagement Report is prepared by a person with at least five years full-time or equivalent experience in:

- Engagement design and planning
 - Engagement evaluation.
- d) Stakeholder and community engagement activities are undertaken by a person with at least five years full-time or equivalent experience and/or an IAP2 Certificate in Engagement.
- 2.2 Recommends that the Yorke Peninsula Council be the Designated Entity responsible for undertaking the Code Amendment process.
3. Specify that the Designated Entity consults with the following nominated individuals and entities, under section 73(6)(e) of the Act:
- Narungga/Adjahdura People
 - Environment Protection Authority
 - Department for Environment and Water
 - South Australian Country Fire Service
 - Utility providers including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
 - State Members of Parliament for the electorates in which the proposed Code Amendment applies.
4. Specify the following further investigations or information requirements under section 73(6)(f) of the Act in addition to those outlined in the Proposal to Initiate:
- Undertake a detailed analysis of residential land supply and demand, including demands and trends concerning land and housing products.
 - A comprehensive infrastructure analysis by an appropriately qualified expert (or experts) that identifies all future infrastructure works required in order to accommodate the development of the affected areas as proposed by the Code Amendment, and provide a strategy which offers a funding and delivery solution for all required infrastructure works.
 - Conduct a search of the Aboriginal Sites and Objects Register (Taa wika) to identify relevant Aboriginal heritage considerations, including any identified cultural sites and objects.
5. Recommend that the Minister approve the initiation of the Code Amendment by signing the Proposal to Initiate (**Attachment 1**) and approval letter with conditions (**Attachment 2**).
6. Approve and authorise the Chair of the Commission to sign the advice to the Minister as provided at **Attachment 3**.
7. Authorise the Chair to finalise any minor amendments to the advice and attachments as required.

Background

Section 73(2)(b)(iv) of the Act provides that a proposal to amend the Code may be initiated by a council with the approval of the Minister, acting on the advice of the Commission, in relation to the following matters:

- Strategic assessment against the State Planning Policies and the *Yorke Peninsula Regional Land Use Framework (December 2007)*.
- Any person or body that must be consulted by the Designated Entity, pursuant to section 73(6)(e) of the Act.
- Any investigations to be carried out or information to be obtained by the Designated Entity, in accordance with section 73(6)(f) of the Act.

The purpose of this report is therefore to provide the Commission with advice to be provided to the Minister in relation to the Proposal to Initiate submitted by the Yorke Peninsula Council (**Attachment 1**).

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

Discussion

Scope of the Amendment

The Proposal to Initiate seeks to rezone two areas of Deferred Urban zoned land, one in Point Turton, comprising of approximately 55.7 hectares, to the Rural Settlement Zone, and the other in Port Victoria, comprising of approximately 16.7 hectares, to the Neighbourhood Zone. Approximately 12 hectares of the affected area in Point Turton and two hectares in Port Victoria have already been developed into residential allotments. The proposed Code Amendment seeks to align the zoning with this current land use whilst making the remaining land available for future residential development.

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

Figure 1 – Affected Area and Zoning – Point Turton



Planning and Design Code Zoning

The affected area is located within the Deferred Urban Zone.

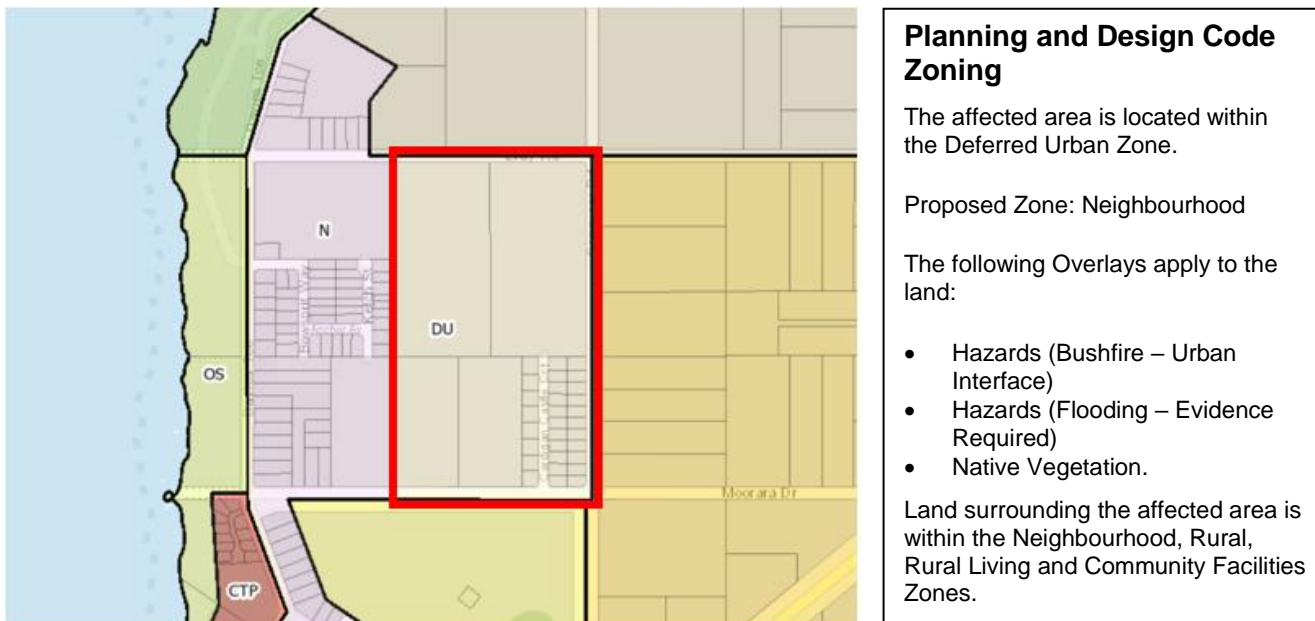
Proposed Zone: Rural Settlement

The following Overlays apply to the land:

- Hazards (Bushfire – Urban Interface)
- Hazards (Flooding – Evidence Required)
- Native Vegetation.

Land surrounding the affected area is within the Rural Settlement, Township Activity Centre and Rural Zones.

Figure 2 – Affected Area and Zoning – Port Victoria



Detailed discussion is provided in the advice to the Minister at **Attachment 3**.

Advice to the Minister

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

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

Strategic considerations

The Proposal to rezone the two Deferred Urban Zone sites in the Yorke Peninsula Council area to the Rural Settlement Zone (at Point Turton) and the Neighbourhood Zone (at Port Victoria) is for the purposes of facilitating an increase in residential land supply in an area of forecasted growth and which has experienced an increase in demand over the last 12-18 months. It is noted that land division is already occurring within the Deferred Urban Zone in both locations. It is therefore deemed appropriate.

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

Procedural considerations

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

Conditions proposed and items specified

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

Attachments:

1. Proposal to Initiate the Point Turton & Port Victoria Urban Growth Code Amendment (#18002866).
2. Draft approval letter to the Yorke Peninsula Council (#18024986).
3. State Planning Commission Advice to the Minister (#18009464).
4. Procedural matters for the State Planning Commission (#18003059).
5. Process Flowchart – Code Amendments Initiated by Proponents (#18003024).

Prepared by: Reena Gupta

Endorsed by: Brett Steiner

Date: 10 February 2022

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

**Point Turton & Port Victoria Urban Growth
Code Amendment**

By the Yorke Peninsula Council (*the Proponent*)



(Signature Required)

Yorke Peninsula Council (the Proponent)

Date: 10 November 2021

This Proposal to Initiate document together with conditions specified by the Minister forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*.

MINISTER FOR PLANNING AND LOCAL GOVERNMENT

Date: 10 November 2021

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1. INTRODUCTION

The Proponent is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to the Deferred Urban Zones located between Songvaar Road, Bray Road and Moorara Drive in Port Victoria and Bayview Road and Brutus Road in Point Turton. (the Affected Areas).

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

The Proponent is the Yorke Peninsula Council for the whole of the Affected Areas.

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

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

1.1. Designated Entity for Undertaking the Code Amendment

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

- 1.1.1. The Proponent acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements Act.
- 1.1.2. The Proponent declares that it has not and does not intend to enter into an agreement with a third party for the recovery of costs incurred in relation to the Code Amendment under section 73(9) of the Act. If the Proponent does enter into such an agreement, the Proponent will notify the Department prior to finalising the Engagement Report under section 73(7).
- 1.1.3. The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:
 - a) Jodie Terp – Manager – Development
 - b) admin@yorke.sa.gov.au
 - c) 8832 0000
- 1.1.4. The Proponent intends to undertake the Code Amendment by:
 - a) utilising professional expertise of employees of the Proponent including:
 - professional planning staff
 - communications staff

- and mapping and spatial data expert staff from the Attorney-General's Department

1.2. Rationale for the Code Amendment

The affected areas are currently in the Deferred Urban Zone of the Planning and Design Code which seeks to safeguard land for future urban growth. A portion of both of the affected land areas, approximately two hectares in the south east corner in Port Victoria and 12 hectares in the northern section of Point Turton, have already been developed into residential allotments.

The Code Amendment seeks to align the zoning with this current land use and to make the remaining areas available for future residential development. The subject area at Port Victoria was rezoned from Rural Living and General Farming (Port Victoria) to Residential (Deferred) in 2004 and then to Deferred Urban in 2012. The subject area at Point Turton was rezoned from General Farming to Holiday Settlement (Deferred) in 2004 and then to Deferred Urban in 2012.

The demand for residential land has increased on the Yorke Peninsula in the last 12-18 months with coastal allotments taking preference. The owners of substantial allotments at both affected areas have expressed interest in lodging new land division applications which would finalise the developments which have already commenced but still require completion of the stormwater management systems, roads and associated infrastructure.

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The proposal seeks to amend the Code for the Affected Areas, being the land bounded by Bray Road, Songvaar Road and Moorara Drive and includes Castle Cardigan Circuit within Port Victoria and the land bounded by Bayview Road and Brutus Road and including Mariner, Coral and Neptune Courts, Reef Crescent, Beachcomber Drive and part of Captain Hutchinson Drive within Point Turton in the Yorke Peninsula Council as shown on the maps in Attachment A.

2.2. Scope of Proposed Code Amendment

Site 1 – Deferred Urban Zone – Point Turton

Current Policy	<p><i>Zone:</i> Deferred Urban</p> <p><i>Overlays:</i> Hazards (Bushfire – Urban Interface) Hazards (Flooding – Evidence Required) Native Vegetation</p>
Amendment Outline	The proposal seeks to rezone to the current Rural Settlement Zone, Overlays and Technical and

	Numerical Variations that already apply to the areas to the north and east of the subject site.
Intended Policy	<p><i>Zone:</i> Rural Settlement</p> <p><i>Overlays:</i> Hazards (Bushfire - Urban Interface) Hazards (Flooding – Evidence Required) Native Vegetation</p> <p><i>Variations:</i> Minimum Site Area: 450 square metres</p>

Site 2 – Deferred Urban Zone – Port Victoria

Current Policy	<p><i>Zone:</i> Deferred Urban</p> <p><i>Overlays:</i> Hazards (Bushfire – Urban Interface) Hazards (Flooding – Evidence Required) Native Vegetation</p>
Amendment Outline	The proposal seeks to rezone to the current Neighbourhood Zone, Overlays and Technical and Numerical Variations that already apply to the area to the west of the subject site.
Intended Policy	<p><i>Zone:</i> Neighbourhood</p> <p><i>Overlays:</i> Affordable Housing Hazards (Bushfire - Urban Interface) Hazards (Flooding – Evidence Required) Native Vegetation</p> <p><i>Variations:</i> Minimum Finished Ground Level: 3.1 metres AHD Minimum Finished Floor Level: 3.35 metres AHD Maximum Building Height : 8 metres Minimum Frontage: 15 metres Minimum Site Area: 450 square metres</p>

3. STRATEGIC PLANNING OUTCOMES

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

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

3.1. Summary of Strategic Planning Outcomes

The proposal aligns with the following Strategic Planning Outcomes:

- State Planning Policy 1: Integrated Planning
 - SPP 1.1
 - SPP 1.2
 - SPP 1.4
- State Planning Policy 2: Design Quality
 - SPP 2.10
- State Planning Policy 4: Biodiversity
 - SPP 4.1
- State Planning Policy 5: Climate Change
 - SPP 5.5
- State Planning Policy 6: Housing Supply and Diversity
 - SPP 6.2
 - SPP 6.4
 - SPP 6.11
- State Planning Policy 13: Coastal Environment
 - SPP 13.2
 - SPP 13.10
- State Planning Policy 15: Natural Hazards
 - SPP 15.2
 - SPP 15.6

3.2. Alignment with State Planning Policies

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

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

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
State Planning Policy 1: Integrated Planning	
<i>1.1 An adequate supply of land (well serviced by infrastructure) is available that can accommodate housing and employment growth over the relevant forecast period.</i>	The code amendment will rezone existing deferred urban land to allow for residential development and provide for an increase in housing to satisfy demand for new dwellings, holiday and workers accommodation.
<i>1.2 Provide an orderly sequence of land development that enables the cost-effective and timely delivery of infrastructure investment commensurate with the rate of future population growth.</i>	The affected areas are both contiguous with existing residential areas. Infrastructure is already in place for both areas and will be able to upgrade to accommodate growth as needed.
<i>1.4 Protect areas of rural, landscape character, environmental importance, mining or food production significance from the expansion of urban areas, towns and settlements.</i>	The rezoning of the deferred urban zone which has already been identified for expansion of residential zones will increase the land supply without any encroachment in to valuable primary production and conservation areas.
State Planning Policy 4: Biodiversity	
<i>4.1 Minimise impacts of development on areas with recognised natural character and values, such as native vegetation and critical habitat so that critical life-supporting functions to our state be maintained.</i>	The rezoning of the deferred urban zone which has already been identified for expansion of residential zones will avoid any urban sprawl in to sensitive areas.
State Planning Policy 5: Climate Change	
<i>5.5 Avoid development in hazard-prone areas or, where unavoidable, ensure risks to people and property are mitigated to an acceptable or tolerable level through cost-effective measures.</i>	The rezoning of the deferred urban zone which has already been identified for expansion of residential zones will avoid any urban sprawl in to high risk and hazard prone areas.

State Planning Policy 6: Housing Supply and Diversity	
<i>6.2 The timely supply of land for housing that is integrated with, and connected to, the range of services, facilities, public transport and infrastructure needed to support liveable and walkable neighbourhoods.</i>	The land divisions that have been established in both of the affected areas are nearing completion so the opening up of the adjacent land will be a timely supply of land.
<i>6.4 The growth of regional centres and towns within the existing footprint or outside towns where there is demonstrated demand and the land is serviced with infrastructure.</i>	The proposed amendment will allow expansion of the townships populations without extending the towns boundaries and will utilise existing town infrastructure.
<i>6.11 Residential development that does not fragment valuable primary production land, create land use conflicts or encroaches on sensitive environmental assets and places or high landscape value.</i>	The rezoning of the deferred urban zone which has already been identified for expansion of residential zones will avoid any urban sprawl in to valuable farming land.
State Planning Policy 13: Coastal Environment	
<i>13.2 Development that is not at risk from current and future coastal hazards (including sea-level rise, coastal flooding, erosion, inundation, dune drift and acid sulfate soils) consistent with the hierarchy of 'avoid', 'accommodate' and 'adapt'.</i>	The rezoning of the deferred urban zone which has already been identified for expansion of residential zones will avoid any urban sprawl in to sensitive and potentially flood prone coastal areas.
State Planning Policy 15: Natural Hazards	
<i>15.6 Avoid development in high or extreme hazard risk areas (such as bushfire risk areas) that will necessitate the removal</i>	The rezoning of the deferred urban zone which has already been identified for expansion of residential zones will avoid any urban sprawl in to high bushfire risk areas.

3.3. Alignment with Regional Plans

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

The Yorke Peninsula Regional Plan dated December 2007 volume of the Planning Strategy is relevant for this Code Amendment.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<i>Objective 17: Reinforce the role, functionality and vibrancy of towns and settlements</i>	The rezoning of the affected areas is consistent with the desire to reinforce the role, functionality and vibrancy of towns like Port Victoria and settlements like Point Turton.
<i>Objective 18: Strategically plan and manage township growth, with master planning for coastal areas a priority</i>	The rezoning of the already identified deferred urban growth areas is aligned to strategic growth of the affected coastal townships.
<i>Objective 20: Provide residential land to enable a supply of diverse, affordable and sustainable housing to meet the needs of current and future residents and visitors</i>	The rezoning will provide residential land which will enable a supply of diverse, affordable and sustainable housing to meet the needs of current and future residents and visitors.

3.4. Alignment with Other Relevant Documents

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

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

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
<i>Yorke Peninsula Council 2021-2025 Strategic Management Plan</i>	The code amendment aligns with the goal of an economically prosperous peninsula which seeks to attract more residents and visitors and recognises success as the revitalisation of towns and retaining young, active and working future generations.

4. INVESTIGATIONS AND ENGAGEMENT

4.1. Investigations Already Undertaken

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

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
<i>Wastewater</i>	Initial analysis of the wastewater management systems to accommodate future development of the areas.	The affected areas both have community wastewater systems which service the existing residential developments and are able to be extended to increase capacity to service additional allotments as they are created.
<i>Potable Water</i>	Initial analysis of the availability of potable water to accommodate future development of the areas.	Potable water is available to each of the affected areas or sites may be able to accommodate onsite rainwater collection.
<i>Electricity</i>	Initial analysis of the existing electrical infrastructure available to accommodate future development of the areas.	The affected areas have access to electrical infrastructure and further investigations will be undertaken to ensure that there is adequate capacity for further residential development.
<i>Stormwater</i>	Initial analysis of the stormwater management systems to accommodate future development of the areas.	The affected areas both have existing stormwater catchment infrastructure which can be extended to accommodate additional allotments.
<i>Land Contamination</i>	Initial analysis of the potential of land contamination at the affected areas.	The affected areas have had initial investigations and shown no site contamination and this will be verified as part of further investigations.

<i>Land Supply</i>	Initial analysis of the demand for residential allotments in the affected areas.	The affected areas show demand for residential allotments with the uptake of residential allotments already created within the affected areas.
<i>Communications</i>	Initial analysis of the communications infrastructure available to accommodate future development of the areas.	The affected areas are able to be connected to the National Broadband Network via Fixed Wireless Technology.

4.2. Further Investigations Proposed

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

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Traffic Impact Statement	Identify the impact of the proposed Code Amendment on the surrounding road networks and the scope and timing of road upgrades required to support future development.
Civil Infrastructure Report	Identify the impact of the proposed Code Amendment on existing service infrastructure and identify how the areas will be serviced for power, stormwater and wastewater management.

4.3. Engagement Already Undertaken

The following engagement has occurred on the proposed Code Amendment:

- Council's Elected Members, Executive Management and Infrastructure and Asset Managers

A summary of outcomes or matters raised through engagement already undertaken is as follows:

- Infrastructure and road network upgrades may need be undertaken to accommodate future residential growth.

4.4. Further Engagement Proposed

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

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
Notification and meeting with Landowners	Identify the potential impact of the proposed Code Amendment on the landowners.
Notification and meeting with Neighbouring Landowners	Identify the potential impact of the proposed Code Amendment on the neighbouring landowners.
Notify State and Federal Members of Parliament	Notify Mr Fraser Ellis, State Member for Narungga and Mr Rowan Ramsey MP, Federal Member for Grey.
Notification and correspondence with Department for Infrastructure and Transport	Identify the potential impact of the proposed Code Amendment on the nearest state roads.
Notification and correspondence with utility providers	Identify the potential impact of the proposed Code Amendment on the utility infrastructure particularly electricity supply.

5. CODE AMENDMENT PROCESS

5.1. Engagement Plan

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

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

- the Local Government Association must be notified in writing of the proposed Code Amendment;
- if the Code Amendment has a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally), the Designated Entity must take reasonable steps to give a notice in accordance

with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:

- the owners or occupiers of the land; and
- owners or occupiers of each piece of adjacent land;
- consultation must also occur with any person or body specified by the State Planning Commission under section 73(6)(e) of the Act.

5.2. Engagement Report

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

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

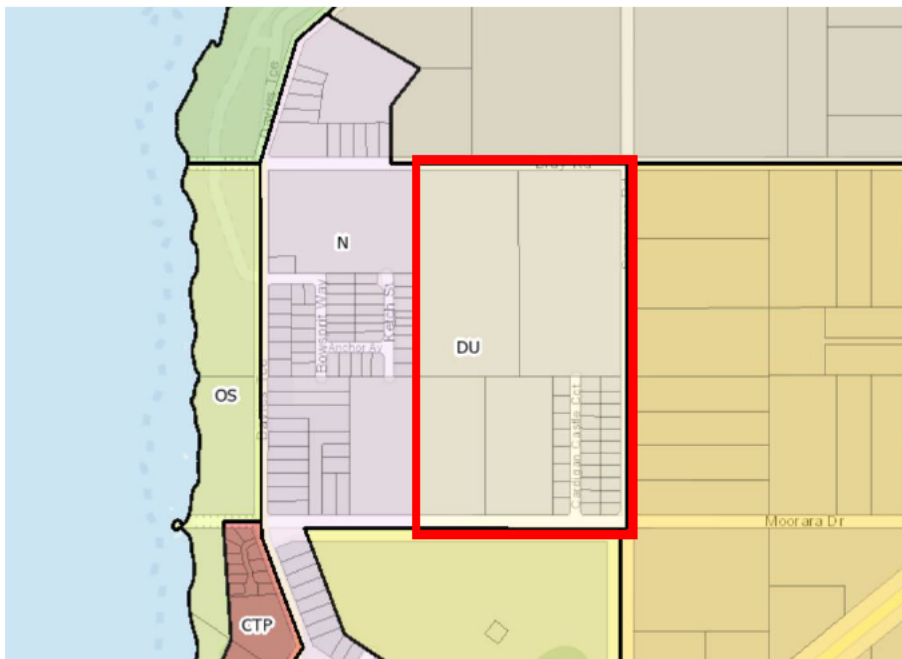
The Engagement Plan and the Engagement Report will also be considered by the State Planning Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under section 74(3) of the Act. The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

5.3. Code Amendment Timetable

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

ATTACHMENT A
Map of Affected Area

Port Victoria



Point Turton



Affected Area

ATTACHMENT B

Timetable for Code Amendment by Proponent

Step	Responsibility	Timeframe
Approval of the Proposal to Initiate		
Review of Proposal to Initiate to confirm all mandatory requirements are met (timeframe will be put on hold if further information is required). Referral to the Minister to request advice from the Commission	AGD	2 weeks (includes lodgement and allocation + referral to Government Agencies within the first week)
Minister requests advice from the Commission.	Minister	2 weeks
Referral to Government Agencies for comment (where necessary)	AGD, Relevant Government Agencies	+ 2 weeks
Consideration of Proposal to Initiate and advice to the Minister	Commission (Delegate)	3 weeks
	Commission	+ 3 weeks
Proposal to Initiate agreed to by the Minister	Minister	2 weeks
Preparation of the Code Amendment		
Engagement Plan Prepared. Investigations conducted; Code Amendment Report prepared The Drafting instructions and draft mapping provided to AGD	Designated Entity	4 weeks January 2022
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes	AGD	1 week
Preparation of Materials for Consultation	Designated Entity	2 weeks
Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan	Designated Entity	4 weeks February/March 2022
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared and lodged with AGD	Designated Entity	4 weeks March/April 2022
Assess the amendment and engagement. Prepare report to the Commission or delegate <i>Timeframe will be put on hold if further information is required, or if there are unresolved issues</i>	AGD	4 weeks
Consideration of Advice	Commission (Delegate)	2 weeks (includes 1 week to process through Minister's office)
	Commission	+ 3 weeks

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Step	Responsibility	Timeframe
Decision Process		
Minister considers the Code Amendment Report and the Engagement Report and makes decision	Minister	3 weeks
Implementing the Amendment (operation of the Code Amendment)		
Go- Live- Publish on the PlanSA Portal	AGD	2-4 weeks
Parliamentary Scrutiny		
Referral of approved Code Amendment to ERDC	AGD	8 weeks

2021/18138/01

Mr Andrew Cameron
Chief Executive Officer
Yorke Peninsula Council
PO Box 57
MAITLAND SA 5573
Email: [REDACTED]

Dear Mr Cameron

I write to advise that under section 73(2)(b)(iv) of the *Planning, Development and Infrastructure Act 2016* (the Act), I have considered the advice of the State Planning Commission (the Commission) and approved the Proposal to Initiate the Point Turton & Port Victoria Urban Growth Code Amendment.

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

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

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

- The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Planning and Design Code (the Code) on the date the Amendment is released for consultation.
- The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.
- The Engagement Plan and Engagement Report are prepared by a person with an IAP2 Certificate in Engagement and at least two years full-time documented experience in:
 - Engagement design and planning
 - Engagement evaluation.

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- Stakeholder and community engagement activities are undertaken by a person with at least two years full-time documented experience in Engagement and an IAP2 Certificate in Engagement.

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

- Narungga/Adjahdura People
- Environment Protection Authority
- Department for Environment and Water
- South Australian Country Fire Service
- Utility providers including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

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

- A comprehensive infrastructure analysis by an appropriately qualified expert (or experts), that identifies all future infrastructure works required in order to accommodate the development of the affected areas as proposed by the Code Amendment, and provide a strategy which offers a funding and delivery solution for all required infrastructure works.
- Conduct a search of the Aboriginal Sites and Objects Register (Taa wika) to identify relevant Aboriginal heritage considerations including any identified cultural sites and objects.
- Investigate and provide a concept plan for both areas to enable integrated road networks and land division planning, noting rural living would not be supported.

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

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

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

OFFICIAL

Engagement must be undertaken on the Code Amendment in accordance with the Community Engagement Charter. More information on the Community Engagement Charter is available in the Community Engagement Charter toolkit at:

https://plan.sa.gov.au/resources/learning_and_toolkits/community_engagement_charter_toolkit/overview.

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

For further information, please contact Ms Nadia Gencarelli from Planning and Land Use Services within the Attorney-General's Department on (08) [REDACTED] or via email at:

[REDACTED]

Yours sincerely

Hon Nick Champion MP
Minister for Trade and Investment
Minister for Housing and Urban Development
Minister for Planning

/ / 2022

Enc Signed Proposal to Initiate the Point Turton & Port Victoria Urban Growth Code Amendment
Copy to: Jodie Terp, Manager Development [REDACTED], admin@yorke.sa.gov.au



TO: MINISTER FOR PLANNING

RE: PROPOSAL TO INITIATE THE POINT TURTON & PORT VICTORIA CODE AMENDMENT BY THE YORKE PENINSULA COUNCIL

PURPOSE

To recommend that you approve, with conditions, the Proposal to Initiate the Point Turton & Port Victoria Urban Growth Code Amendment (the Proposal).

BACKGROUND

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

73 – Preparation and amendment

- (2) A proposal to amend a designated instrument may be initiated by—
- (b) *with the approval of the Minister, acting on the advice of the Commission—*
 - (iv) *a Council.*

The Yorke Peninsula Council (the Council) has lodged a Proposal to Initiate the Point Turton & Port Victoria Urban Growth Code Amendment to amend the Planning and Design Code (the Code) as it relates to the affected area (**Attachment 1**).

The State Planning Commission (the Commission) considered the Proposal to Initiate at its meeting of 17 February 2022 and resolved to support the Code Amendment, subject to conditions.

A summary of the roles and responsibilities for you and the Commission in regard to the Code Amendment is provided in **Appendix A**.

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

DISCUSSION

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

Proposal

The Proposal to Initiate seeks to rezone two areas of Deferred Urban zoned land, one in Point Turton, comprising approximately 55.7 hectares, to the Rural Settlement Zone, and the other in Port Victoria, comprising approximately 16.7 hectares, to the Neighbourhood Zone.

A portion of the affected areas, approximately 12 hectares in Point Turton and two hectares in Port Victoria, have already been developed into residential allotments. The proposed Code Amendment seeks to align the zoning with this current land use whilst making the remaining areas available for future residential development.

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

Figure 1 – Affected Area and Zoning – Point Turton



Planning and Design Code Zoning

The affected area is located within the Deferred Urban Zone.

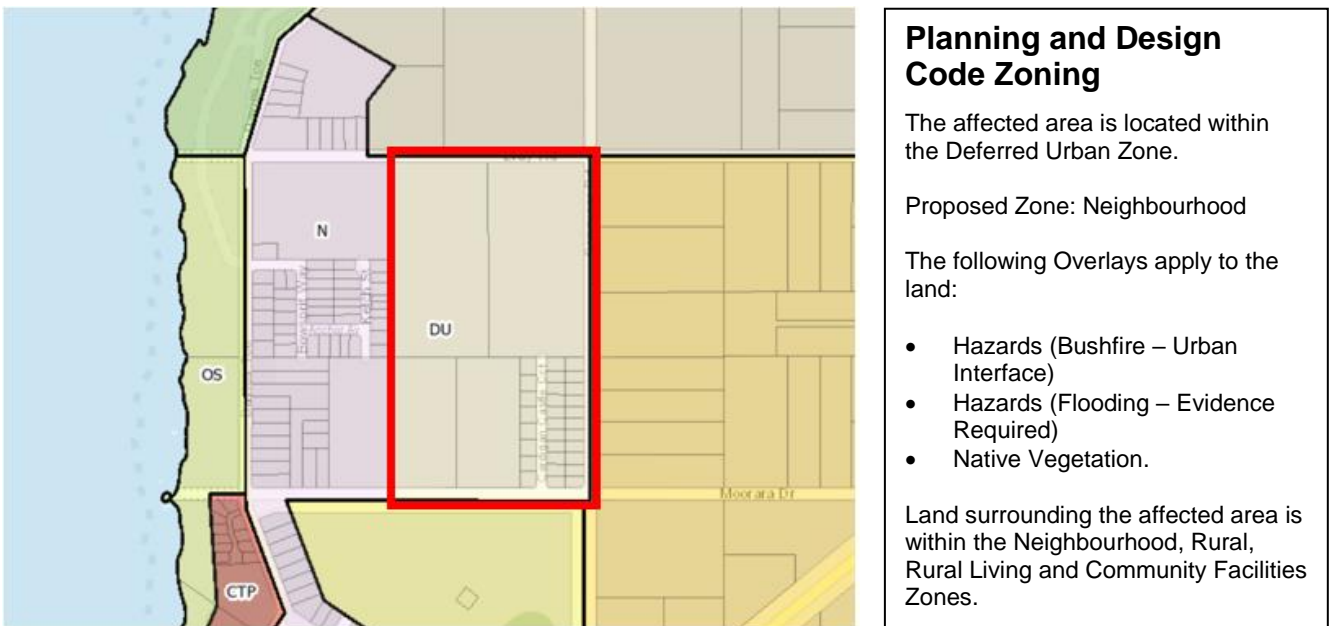
Proposed Zone: Rural Settlement

The following Overlays apply to the land:

- Hazards (Bushfire – Urban Interface)
- Hazards (Flooding – Evidence Required)
- Native Vegetation.

Land surrounding the affected area is within the Rural Settlement, Township Activity Centre and Rural Zones.

Figure 2 – Affected Area and Zoning – Port Victoria



Strategic considerations

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

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

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

Strategic advice

The Proposal involves rezoning land in the Deferred Urban Zone to the Rural Settlement Zone (at Point Turton) and the Neighbourhood Zone (at Port Victoria) for the purposes of facilitating an increase in residential land supply in an area of forecasted demand and growth.

The role of the Deferred Urban Zone is to safeguard land for future urban growth. While the Attorney-General Department’s land supply and population data currently indicates an adequate supply of land, the global pandemic has resulted in increased interest in regional and coastal properties. Furthermore, land divisions have been approved and development has commenced in both locations, demonstrating market demand. The Proposal is therefore deemed appropriate.

Residential land supply

Population projections for the Yorke Peninsula Region (this extends beyond the council boundaries) estimate growth of approximately 4,000 people over the 20 year projection period commencing in 2016. It should be noted that a great deal of the land located in both townships is used for holiday homes, and therefore does not present a permanent population.

Although now quite dated, the *Yorke Peninsula Regional Land Use Framework (December 2007)* states, in strategies 17.9 and 18.6, that township expansion should be limited to Point Turton and Port Victoria. In order to accommodate projected growth, residential land was set aside and rezoned Deferred Urban in both locations.

Analysis of the development trends and capacity at both Point Turton and Port Victoria reveal that the number of existing vacant lots at each site as at June 2021 is less than the number of dwellings built since 2010 (see table below), indicating a need to provision for more dwellings based on this growth in the medium-term.

	Dwellings Built since 2010	Dwellings Built since 2015	Vacant lots (June 2021)
Point Turton	91	33	85
Port Victoria	65	30	40

Supporting documentation indicates there has been substantial demand over the last 12-18 months for land. The owners of both parcels have expressed interest in lodging new land division applications which would finalise the developments which they have already commenced, noting infrastructure would still need to be resolved. The Council has also indicated that all of the vacant allotments are, in fact, sold and the developers are keen to progress the further subdivisions due to demand. What is unique to the region is that allotments tend to sell and the new owners retain the blocks as vacant land with a view to develop in retirement.

Land use characteristics

Both of the subject sites are generally flat and undeveloped with minimal vegetation along parts of the road side boundaries. Both sites benefit from coastal views (to the west at Port Victoria and to the north at Point Turton), aided by the sparsely developed land between the site itself and the coast.

Both of the sites form logical and orderly extensions to existing urban areas, providing ready connections to prevailing physical and social infrastructure. Initial investigations have not revealed site contamination.

Transport and access

Vehicular access to the subject sites is not discussed in the Proposal to Initiate, but could be facilitated from any safe point along the existing unsealed road boundaries (between Songvaar Road, Bray Road and Moorara Drive in Port Victoria, and Bayview Road and Brutus Road in Point Turton). Public transport to and from both sites is via a limited community bus service operating on a weekly basis to Port Victoria and on a monthly basis to Point Turton. This may need to be addressed to ensure the growing community has access to more frequently available public transport options; however, is not considered to be an impediment to the Proposal or future development.

Services and infrastructure

Both of the affected areas operate on community wastewater systems which service the existing residential developments. Capacity would need to be increased to service additional allotments as they are created. In Point Turton, the community wastewater treatment facility is located within the affected area and buffers would need to be provided which may limit the amount of land able to be developed for residential purposes, especially as the facility is required to be expanded to support additional growth.

Both sites have existing stormwater catchment infrastructure which would also need to be extended to accommodate any additional allotments. While it is likely that potable water, electrical infrastructure and internet connections can be made available to each site, infrastructure provision will need to be reviewed and resolved prior to progression. In particular, investigations into electricity infrastructure will need to ensure that there is adequate capacity for further residential development.

Procedural considerations

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

Information requirements

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

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

Consistent with the State Planning Policies and Regional Plan

The Code must be consistent with the principles of the SPPs and should be consistent with the directions of the relevant Regional Plan, which, in this instance, is the *Yorke Peninsula Regional Land Use Framework (December 2007)* (the Regional Plan). This assessment is provided in the appendices.

A more detailed analysis is also located in the Proposal to Initiate (**Attachment 1**).

In summary, the Proposal to Initiate is considered to be consistent with the SPPs and Regional Plan.

Designated Entity

As this proposal is by a council, under section 73(4) of the Act, you may decide to enable the council to be the Designated Entity and conduct the Code Amendment processes, or alternatively, you can give the Chief Executive of the Attorney-General's Department the responsibility for undertaking the processes.

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

To ensure that engagement is appropriately planned and considered in relation the Community Engagement Charter, it is also recommended that the Engagement Plan and Engagement Report be prepared by a suitably qualified person.

Recommendation(s)

That the Proponent (Council) be the Designated Entity responsible for undertaking the Code Amendment process.

- The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.
- The Engagement Plan and Engagement Report are prepared by a person with an IAP2 Certificate in Engagement and at least two years full-time documented experience in:
 - Engagement design and planning
 - Engagement evaluation.
- Stakeholder and community engagement activities are undertaken by a person with at least two years full-time documented experience in Engagement and an IAP2 Certificate in Engagement.

Investigations to support the Amendment

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

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

- conducting a traffic impact statement
- undertaking a civil infrastructure report.

Given the identified concerns relating to demand and infrastructure provision, it is recommended that further analysis of development demand is provided, along with assurance that the provision of infrastructure and services can be delivered efficiently.

In addition, given the significant land size, existing development and land owner patterns, it is recommended that concept plans be prepared for both locations to ensure a coordinated approach to the provision of roads and land division. It should be noted that given the land has been identified for future urban development outcomes, large allotment sizes that would result in Rural Living style development would not be supported by the Commission.

As the affected area is undeveloped, it is also recommended that a search of the Register of Aboriginal Sites and Objects (Taa wika) be conducted.

Recommendation(s)

That the following further investigations be undertaken by the Designated Entity, in addition to that outlined in the Proposal to Initiate, under section 73(6)(f) of the Act:

- A comprehensive infrastructure analysis by an appropriately qualified expert (or experts) that identifies all future infrastructure works required in order to accommodate the development of the affected areas as proposed by the Code Amendment, and provide a strategy which offers a funding and delivery solution for all required infrastructure works.
- Conduct a search of the Aboriginal Sites and Objects Register (Taa wika) to identify relevant Aboriginal heritage considerations including any identified cultural sites and objects.
- Investigate and provide a concept plan for both areas to enable integrated road networks and land division planning, noting rural living would not be supported.

Application of the Code

The proposal seeks to rezone land from the Deferred Urban Zone to the Rural Settlement Zone in Point Turton and the Neighbourhood Zone in Port Victoria to support residential development. The Affordable Housing Overlay is proposed to apply over the land in Port Victoria, in accordance with Code drafting principles. The following Technical and Numeric Variations (TNVs) are sought:

Point Turton

- Minimum Site Area TNV – 450 square metres.

Port Victoria

- Minimum Finished Ground Level – 3.1 metres Australian Height Datum (AHD)
- Minimum Finished Floor Level – 3.35 metres AHD
- Maximum Building Height – 8 metres
- Minimum Frontage – 15 metres
- Minimum Site Area – 450 square metres.

Recommendation(s)

That a condition be placed on the Proposal to Initiate that limits the scope of the proposed Code Amendment to exclude the creation of new planning rules, and to be limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Code (on the date the Amendment is released for consultation).

Consultation

The Proponent, being the Council, has undertaken preliminary consultation with Council's Elected Members, as well as Council's internal Executive Management and Infrastructure and Asset Managers, who have advised that infrastructure and road network upgrades may need to be undertaken to accommodate future residential growth.

In accordance with the Community Engagement Charter, the Designated Entity is required to prepare an Engagement Plan that will outline how, when and with whom it engages with regarding the proposed Code Amendment. Consultation may commence in May 2022.

The Commission has determined to specify the following further persons or bodies that the Designated Entity must consult with in relation to the proposed Code Amendment, as permitted under section 73(6)(e) of the Act:

- Narungga/Adjahdura People
- Environment Protection Authority
- Department for Environment and Water
- South Australian Country Fire Service
- Utility providers including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

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

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

Recommendation(s)

Advise the Designated Entity (Council) of the required consultation with the entities and bodies specified by the Commission.

RECOMMENDATIONS

It is recommended that you:

- | | |
|---|--------------------------|
| <p>1. Note the advice of the State Planning Commission provided to you as required under section 73(2)(b) of the Act.</p> | <p>NOTED / NOT NOTED</p> |
| <p>2. Note that the State Planning Commission has, under section 73(6)(e) of the Act, specified that the Designated Entity must consult with the following nominated individuals and entities, and advise the Designated Entity accordingly:</p> <ul style="list-style-type: none"> • Narungga/Adjahdura People • Environment Protection Authority • Department for Environment and Water • South Australian Country Fire Service • Utility providers including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers • State Members of Parliament for the electorates in which the proposed Code Amendment applies. | <p>NOTED / NOT NOTED</p> |
| <p>3. Note that the State Planning Commission has, under section 73(6)(f) of the Act, resolved to specify the following further investigations to that outlined in the Proposal to Initiate, and advise the Designated Entity accordingly:</p> <ul style="list-style-type: none"> • A comprehensive infrastructure analysis by an appropriately qualified expert (or experts) that identifies all future infrastructure works required in order to accommodate the development of the affected areas as proposed by the Code Amendment, and provide a strategy which offers a funding and delivery solution for all required infrastructure works. • Conduct a search of the Aboriginal Sites and Objects Register (Taa wika) to identify relevant Aboriginal heritage considerations including any identified cultural sites and objects. • Investigate and provide a concept plan for both areas to enable integrated road | <p>NOTED / NOT NOTED</p> |

networks and land division planning, noting rural living would not be supported.

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

APPROVED / NOT APPROVED

- a) The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Planning and Design Code (on the date the Amendment is released for consultation).
- b) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.
- c) The Engagement Plan and Engagement Report are prepared by a person with and IAP2 Certificate in Engagement and at least two years full-time documented experience in:
 - o Engagement design and planning
 - o Engagement evaluation.
- d) Stakeholder and community engagement activities are undertaken by a person with at least two years full-time documented experience in Engagement and an IAP2 Certificate in Engagement.

5. Under section 73(4)(a) of the Act, approve the initiation of the Code Amendment on the basis that the Council will undertake the Code Amendment processes (as the Designated Entity) required under the Act.

APPROVED / NOT APPROVED

6. Agree to sign the Proposal to Initiate the Point Turton & Port Victoria Urban Growth Code Amendment (**Attachment 1**).

AGREED / NOT AGREED

7. Agree to sign the attached letter to the Proponent (**Attachment 2**) advising of your approval and conditions.

AGREED / NOT AGREED

NICK CHAMPION MP
/ / 2022



Craig Holden
Chair, State Planning Commission
24 / 03 / 2022

Attachments:

1. Proposal to Initiate the Point Turton & Port Victoria Urban Growth Code Amendment (#18002866).
2. Suggested letter to the Yorke Peninsula Council (#18024986).

Appendices:

- A. Summary of Roles and Responsibilities in the Code Amendment Process (#18002995).
- B. Process Flowchart – Code Amendments Initiated by Proponents (#18003024).
- C. State Planning Commission’s Strategic Priorities (#18003036).
- D. Assessment against the State Planning Policies and Regional Plan (#18003041).
- E. Extract from *Practice Direction 2 – Preparation and Amendment of Designated Instruments* (#18003049).

Contact: Jason Bailey
Tel No: [REDACTED]

Procedural Matters for the State Planning Commission (the Commission)

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

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

The importance of the initiation process is two-fold:

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

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

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

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

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

Code Amendments Initiated by Proponents

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

