

**ADELAIDE HILLS COUNCIL
STRATEGIC PLANNING & POLICY COMMITTEE MEETING
Tuesday 24 September 2013
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 15.1

Originating Officer: Mike Flehr, Senior Strategic and Policy Planner

Responsible Director: Marc Salver, Director Strategy & Development

Subject: Status of Current Development Plan Amendments

File No: 03.71.7.1

SMP Goal: 1: A Healthy, Safe, Engaged & Connected Community

SMP Key Issue: 1.5: Quality of Life

1. Status of Current Development Plan Amendments – Exclusion of the Public

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Pursuant to Section 90(2) and (3)(m) of the Local Government Act 1999, an order be made that the public, with the exception of appropriate Council staff:

- CEO, Andrew Aitken**
- Director Engineering & Assets, Tim Hancock**
- Director Strategy & Development, Marc Salver**
- Director Corporate Services, Tim Piper**
- Director Community & Customer Service**
- Senior Strategic & Policy Planner, Mike Flehr**
- Minute Secretary, Leanne Llewellyn**

be excluded from attendance at the meeting in order to receive, discuss or consider in confidence any information or matter relating to Section 90(3):

- (m) information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Plan Amendment Report relating to the amendment is released for public consultation under that Act;**

2. Status of current Development Plan Amendments – Confidential Item

2.1 SUMMARY

This report provides an update on the progress of Council's current Development Plan Amendments, and the changed Government requirements for planned DPAs.

The current DPAs being undertaken are:

- Townships and Urban Areas DPA
- Local Heritage DPA
- Primary Production Lands DPA.

Advice from the Dept. of Planning, Transport and Infrastructure (DPTI) on preparing a Strategic Investigation prior to proceeding with future DPAs is detailed in this report.

2.2 GOVERNANCE

➤ Strategic Management Plan (SMP)

See Appendix 1 for list of strategies from the existing SMP which are relevant to current DPA program.

➤ Legislation

Development Act 1993, Sections 24 and 25.

➤ Sustainability

- Economic
- Social
- Environmental
- Governance

➤ Budget

Not Applicable

➤ Consultation

Each of the planned DPAs will undergo community consultation as detailed below.

2.3 BACKGROUND

Summary of Council DPAs

DPAs completed

- Onkaparinga Catchment PAR (now called a DPA) (December 2005)
- Miscellaneous Amendments PAR (April 2007)
- Categories of Notification PAR (May 2007)
- Jeffrey Street Woollen Mills Policy Area DPA (Feb 2009)
- Flood Management DPA (August 2009)
- Stirling District Centre DPA (August 2010)
- Public Purpose Zone Adjustments DPA (Feb 2010)
- Extractive Industries (Bradbury) DPA (Jan 2011)
- Environmental Covers DPA (Dec 2011)

DPAs currently underway

- Local Heritage DPA (staff working through DPTI comments and will then seek consultation approval)
- Townships & Urban Areas DPA (staff working through DPTI comments and will then seek consultation approval)
- Primary Production Lands DPA (Investigations stage)

DPAs planned

- Natural Environments DPA
- Rural Policy DPA
- Tourism Activities DPA
- Better Development Plan conversion DPA

Notes on future DPAs

- The Natural Environments, Rural Policy and Tourism Activities DPAs are listed in Council's 2012 Strategic Directions Report (a Review of Council's intentions regarding its Development Plan, required under s30 of the Development Act 1993).
- The Better Development Plan Conversion DPA involves DPTI staff undertaking a complete review of the Council's Development Plan and converting/replacing its policies into the preferred Better Development Plan format using the Planning Policy Library modules. This DPA will be undertaken at a time best suited to State Government workloads. The review of the Council Wide policies in the Townships and Urban Areas DPA anticipates this later conversion.

2.4 CURRENT DPA STATUS SUMMARY

Table 1, on the following page, shows the four major stages of the DPA process, and the individual steps within those stages:

- the first column shows the Major Stages of the DPA formulation process
- the second column shows who is responsible for involved for each step within those stages. SPDPC involvement is shown in green
- the third column briefly describes each of the individual steps of the DPA process, and
- the fourth column shows the step which each of Council's DPAs has reached as at September 2013.

| Table 1: Status of Council DPAs – September 2013 | | | |
|---|-------------------|---|--|
| Stages | Who | Steps of DPA process | Status of each DPA |
| Project Planning | Staff | Project Planning | Natural Environments DPA |
| | | | Rural Policy DPA |
| | | | Tourism Activities DPA |
| | Staff | Prepare Project Plan - Research Paper and Strategic Analysis | |
| | SPDPC | Consider and endorse initial Project Plan | Local Heritage DPA - Stage 2 |
| Statement of Intent | Staff | Prepare Statement of Intent [SOI] | |
| | SPDPC | Endorse SOI | |
| | DPTI | Minister assesses SOI | |
| | Staff | Integrate changes requested by Minister | |
| | SPDPC | Approve draft SOI | |
| | DPTI | Minister approves SOI | |
| DPA Preparation | Staff | Conduct investigations & research required by SOI | Primary Production Lands DPA |
| | Staff | Prepare planning policy and Draft DPA | |
| | SPDPC | Endorse Draft DPA | |
| | DPTI | Minister reviews draft DPA for public consultation | |
| | Staff | Integrate changes requested by Minister | Townships & Urban Areas DPA |
| | SPDPC | Approve Draft DPA for public consultation | Local Heritage DPA - Stage 1 |
| | DPTI | Minister approved Draft DPA for public consultation + Interim Operation | |
| Consultation & Approval | Staff | Agency consultation | |
| | | Public consultation | |
| | SPDPC | Information session(s) on DPA | |
| | SPDPC | Public Meeting | |
| | Staff | Compile submissions, prepare draft responses, integrate requested changes as appropriate, prepare Summary of Consultation & Proposed Amendments (SCPA) for Minister | |
| | SPDPC | Endorse amended Draft DPA as Summary of Consultation & Proposed Amendments [SCPA] | |
| | DPTI | Minister approves SCPA which includes the DPA itself | |
| | Parliament | Environment Resources & Development Committee (ERDC) endorses Amendment to the Development Plan | |

2.5 TOWNSHIPS & URBAN AREAS DPA

Summary of the intent of this DPA:

To provide a strategically focussed, consistent and relevant policy framework for townships & urban areas, which meets community expectations, and which addresses such issues as land division, diversity of housing types, home-based businesses, the aging population, changing development pressures, etc.

History:

2003 Project Started
2009 Directions Report released for public consultation:
2012 Submitted to DPTI for Ministerial approval to go to consultation
2013 Response received from DPTI

Current status:

In reviewing a DPA for the Minister's consideration, DPTI staff seek to identify governmental and process-related issues or problems that are not always obvious at the local government level. In this case, DPTI are aware of the potential issues that could arise during the public and agency consultation process regarding development in high bushfire risk areas, further development in a water catchment area, and some other concerns relating to infrastructure capacity.

Staff are responding to DPTI's requests for additional information and research (which included the need consult with the EPA & CFS) before the DPA can be considered by the Minister for approval to commence community and agency consultation. The requests included the following:

- how future infrastructure demand will be met in relation to electricity, road/traffic, sewerage and CWMS infrastructure
- further consultation was required with the CFS and EPA to address issues before commencing with community consultation
- potential impacts on the water catchment as a result of additional development in the Mt. Lofty Ranges Watershed
- provide some additional information in the Investigations Section to justify the proposed policies

Staff are well advanced in liaising with the various Government Departments involved in providing responses to DPTI's requests.

A draft DPA incorporating the responses to DPTI's requests for further information will be presented to the October SPDPC meeting for endorsement. Once endorsed by Council, the draft DPA will be again submitted for the Minister's approval to go to public and agency consultation.

2.6 LOCAL HERITAGE DPA

Intent Summary:

To identify and protect Local Heritage Places in the Onkaparinga and Torrens Valleys and incorporate these into Council's Development Plan.

The original intent of this DPA was to also review the heritage policies in the Development Plan, however, this is covered in the Townships and Urban Areas DPA where the Heritage Policy modules from the Planning Policy Library will be incorporated as part of that DPA.

History:

- 2008 Project Started
- 2011 Draft DPA submitted to DPTI for Ministerial approval to go to public & agency consultation in August 2011. However, DPTI requested additional information.
- 2012 Heritage consultant engaged to respond to DPTI's requests.

Current status:

Following submission of the DPA for Ministerial consent, it emerged that heritage officers in DPTI had recognised difficulties with the current heritage DPA process, and were changing it. In essence, DPTI was now analysing proposed heritage places at the start of the process, rather than leaving that analysis to the Minister's Local Heritage Advisory Committee (LHAC) which previously occurred at the end of the process. These changes meant that staff had to engage a heritage consultant to respond to DPTI's response to the DPA. This consultancy took 10 months to complete.

Due to these delays, staff wrote to DPTI in February 2013 seeking an extension of time beyond the 5 years for completion of the DPA. At a subsequent meeting with DPTI staff on 4 September 2013, they indicated that the current DPA timeframe could not be extended beyond the 5 year limit, despite it being ready to proceed to consultation. It was also indicated that the Minister is not currently progressing any Local Heritage DPAs, and that it would be wise to restart the process in early 2014.

Staff recommend that DPTI's advice be taken. A revised Statement of Intent will be submitted for the Committee's endorsement by no later than February 2014 in order to restart this process. The draft DPA in its current form can then be submitted for Ministerial approval to go to public consultation as soon as the Statement of Intent is approved by the Minister.

2.7 PRIMARY PRODUCTION LANDS DPA

Summary of the intent of this DPA:

To preserve and protect priority primary production lands for agricultural purposes, and to investigate land use policy solutions to improve farm viability.

To implement the land-capability-based Priority Primary Production Areas (PPPA) Study undertaken by PIRSA.

To investigate land use controls to mitigate potential negative impacts of rural and related activities on natural and rural landscapes, for example, a full range of primary production activities and on-farm value-adding activities.

History:

- 2010 Project Started
- 2011 Statement of Intent approved by the Minister (July 2011)

Current Activity:

Council's Rural Land Management Advisory Group (RLMAG) has been part of a pilot project run by PIRSA in assessing land capability mapping results and 'ground-truthing' the PIRSA data to select local additions comprising additional high quality farm land.

As the location of identified 'prime' farm land is likely to be controversial to land owners, staff are preparing a community engagement program, in consultation with the RLMAG, to introduce the PIRSA mapping data and the ways it can be used. The engagement program will be undertaken in two stages.

The first stage of the initial consultation process involves the following three steps:

1. workshops with CEOs & Executives of primary production industry bodies
2. workshops with local industry Chairs and Committees (if requested to do so), and
3. broader consultation with farmers and the general public. Invitations to these meetings will be via web and newspaper advertisements, and through the industry representative groups mentioned above.

The second stage is the agency and community consultation stage of the DPA process when the draft DPA is available for consultation. This stage will follow the legislative process and will involve notification of interested parties, web and newspaper advertisements, public information sessions, and a final public meeting where submitters may address the SPDPC. Note that this will be a 2 step process (in accord with Process A - S24(7) of the Development Act, 1993), meaning that agency consultation is to occur prior to community consultation.

The first stage of this process is intended to start in October. This process is explained more fully in the confidential SPDPC report titled "Priority Primary Production Areas – Community Consultation Process" in this Agenda.

Concurrently with this process, investigations and research into policy development for the draft DPA will be progressed. The major policy considerations relate to:

- a) land division not permitted, still
- b) a zone or policy area for farmland – where farming activities are encouraged, and rural housing is only allowed where it is part of an existing farming enterprise
- c) a zone or policy area where rural housing is allowed subject to rigorous conditions (like the current policy), in order to minimise land use conflicts
- d) facilitate consolidation of land titles within the priority farming areas and permitting excess titles to be shifted into 'non-priority' areas.

One of the more significant issues which may occur as a result of this DPA is that of the impact on the value of agricultural land. Most vacant rural lots within the district have a high land value because they have the potential to have a house built on them. As the potential to build a house on almost any allotment will be removed within the 'priority' farming areas, the value of land may decrease towards agricultural value. This is likely to be a contentious issue with retiring farmers wanting to maximise land prices while continuing farmers may wish to see farmland return to an agricultural value. On the other hand, vacant land in the 'non-priority' rural areas may increase, as will the value of surplus titles shifted from the 'priority' farming areas.

2.8 FUTURE DPAs

Council's 2012 Strategic Directions Report (SDR) proposes to start three further DPAs in the years to 2017. These are the:

- 'Natural Environments DPA' – Scope: Address environmental management issues relating to natural vegetation, resource and conservation areas, watercourses, flooding, landscape character, and watershed management issues.
- 'Rural Policy DPA' -- Scope: To address area-wide rural policy issues (housing, rural residential, stormwater, watershed, hazard, & general rural development), rural sustainability issues and general principles & building sustainability; and,
- 'Tourism Activities DPA' -- Scope: To address area-wide policy issues relating to tourist accommodation, attractions, facilities, services, ancillary tourism businesses, and the development of a sustainable tourism business base for the District.

In reviewing this SDR, the General Manager of DPTI's Strategic Planning Branch who manages the SDR process, has recommended that Council essentially delays the undertaking of these DPAs until the rural policy modules have been developed.

However, the General Manager advised that Council could in the interim undertake the *"strategic investigations on the policy issues of the natural environment, rural development and tourist activities in lieu of preparing three separate Development Plan Amendments. Your investigations should be undertaken in close consultation with DPTI and other government agencies. Also, your findings and ideas could inform the review of the Planning Policy Library, where appropriate."*

Such a review can be undertaken when the Primary Production Lands DPA reaches the public consultation stage and the proposed Economic Development Strategy work is well- developed. This would then be an opportune time to review Council's strategic interests and perhaps amend or fine-tune the intended DPA program.

2.9 RECOMMENDATION

That:

1. **The Strategic Planning and Development Policy Committee notes and receives the contents of this report.**
2. **A revised Statement of Intent for the Local Heritage DPA (Stage 1) be submitted to the Strategic Planning & Development Policy Committee by no later than February 2014 in order to restart this DPA.**

2.10 APPENDICES

- (1) AHC Strategic Management Plan – 2011/12 to 2020/21 – Strategies involving Development Plans

3. Status of current Development Plan Amendments – Period of Confidentiality

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That having considered this matter in confidence under section 90(2) and 90 (3)(m) of the Local Government Act 1999, the Council, pursuant to section 91(7) of the Local Government Act 1999, orders that the documents, reports and minutes pertaining to this matter, including discussions and considerations, be retained in confidence until public consultation on the DPA has commenced, but not longer than 12 months, pursuant to section 91(9).

That, pursuant to section 91(9)(c) of the Local Government Act 1999, the Chief Executive Officer be authorised to release documents at the conclusion of the period of confidentiality.

Appendix 1
*AHC STRATEGIC PLAN – 2011/12 TO 2020/21 –
STRATEGIES INVOLVING
DEVELOPMENT PLANS*

**AHC STRATEGIC PLAN – 2011/12 TO 2020/21 –
STRATEGIES INVOLVING DEVELOPMENT PLANS**

GOAL 1: A HEALTHY, SAFE, ENGAGED AND CONNECTED COMMUNITY

- 1.2 Community Planning** - *Community infrastructure will be in place to allow people to connect with each other*
- b) Consult with the community in Council planning processes
- 1.4 “Village” Amenity & Character** - *Provision of a range of development and living options with increased opportunities to access services and facilities and for social interaction*
- a) Maintain and enhance the identity, character and heritage values of the district's townships
- b) Through Council's Development Plan, encourage and support the different roles and functions of towns in the Adelaide Hills
- 1.5 Quality of Life** - *Council will seek to improve the well being of all community members*
- e) Facilitate the provision of a range of housing choice through appropriate development policy.
- 1.6 Community Safety** - *Council will adopt a proactive and collaborative approach to promoting community safety*
- b) Include relevant bushfire & flood management and prevention measures in development policies

GOAL 2: SUSTAINABLE NATURAL, BUILT & AGRARIAN ENVIRONMENTS

- 2.1 Natural Environment** - *Council practises and promotes environmental stewardship and is recognised for protecting and rehabilitating the natural environment*
- b) Identify and protect areas of high natural environmental value from encroachment by development.
- 2.2 Sensitive Development** - *Built and agrarian development should have a neutral or beneficial impact on the environment*
- a) Through Council's development plan seek to ensure that any new developments have a neutral or beneficial impact on the environment
- b) Incorporate Ecological Sustainable Development (ESD) principles in its plans, projects and development
- c) Through Council's Development Plan encourage agrarian development which uses best practice farming techniques to minimise negative impact on the natural environment, and where possible uses natural ecosystems to improve productivity
- d) In approving development minimise:
- clearance of native vegetation
 - impact on identified and potential wildlife corridors
 - negative impact on watercourses
- e) Apply the 'precautionary principle' to potential environmental impacts of public and private developments and projects.
- f) Aim to balance environmental, ecological and development needs when considering new development proposals

- 2.3 Agrarian Environment** - *Council will promote a mix of agricultural and associated value adding pursuits which maintains or enhances the productive capacity and scenic character of the area*
- a) Support primary production and associated value adding enterprises while protecting the quality and quantity of water resources and the aesthetic qualities of the rural landscape.
 - b) Preserve and protect high value agricultural land from urban development
 - c) Ensure that development does not:
 - fragment agricultural land unless it enhances primary production capacity
 - detract from the scenic character of rural localities
- 2.4 Water Quality** - *Council will ensure that water quality is considered and addressed in the development assessment process, water re-use is actively promoted and pollutants entering watercourses is minimised*
- a) Ensure that potential negative impacts on water quality are minimised in the development assessment process
- 2.5 Scenic Beauty** - *The Council area is recognised for its rural landscape, scenic beauty, and natural character*
- a) Aim to identify and protect areas of high landscape value and intrinsic natural character from inappropriate development
 - b) Ensure that development in areas of high natural value are sympathetic to the natural environment and sustainability principles
- 2.7 Built Environment** - *Council will protect and enhance the unique character of our villages, towns and urban areas*
- c) Ensure that new developments adjacent or in close proximity to heritage buildings or areas are sensitive to the heritage character of these areas

GOAL 3: A PROSPEROUS AND VIBRANT ECONOMY

- 3.2 Sustainable Agrarian Enterprises** - *Council aims to protect & enhance its primary production land & pursue World Heritage listing*
- a) Use the Development Plan to
 - encourage primary production activities and
 - prevent development activities from impairing current & potential primary production assets by the use of appropriate buffers and other practices
- 3.4 Economic Sustainability** - *Adelaide Hills will have a sustainable economy*
- b) Ensure development policies and physical infrastructure support and encourage economic activity in appropriate areas.
- 3.5 Economic Infrastructure** - *Infrastructure supports economic activity*
- a) Ensure timely planning and provision of economic infrastructure to support industries and businesses.

GOAL 5: OPEN, EFFECTIVE & EFFICIENT GOVERNANCE

- 5.2 Effective & Efficient Services & Infrastructure** - *Council's operations are effective, efficient and customer-focused*
- e) Have a contemporary and responsive Development Plan and a high quality Development Assessment service