



MINISTER FOR URBAN DEVELOPMENT AND PLANNING

PUBLIC CONSULTATION REPORT OF THE DEVELOPMENT POLICY ADVISORY COMMITTEE (DPAC) - LAND NOT WITHIN A COUNCIL AREA CONSOLIDATION AND BETTER DEVELOPMENT PLAN (BDP) CONVERSION DEVELOPMENT PLAN AMENDMENT

1. INTRODUCTION

The draft Land Not Within A Council Area Consolidation and Better Development Plan Conversion Development Plan Amendment Report (PAR), was placed on public exhibition from Tuesday 14 August 2007 to Monday 15 October 2007. The draft PAR came into immediate effect pursuant to Section 28 of the *Development Act 1993* when it was released for public consultation.

A Public Hearing was convened at the Tuckerbox Restaurant, Andamooka, on Tuesday 6 November 2007, by a Public Hearing Panel comprising Ms Jane Moore (Acting Presiding Member), Mr John Dagas and Mr Demetrius Poupoulas.

The DPAC considered the written submissions on the draft PAR and the matters raised at the Public Hearing, at its meeting held on Wednesday 12 December 2007.

This Public Consultation Report is submitted to you in accordance with section 26(7) of the *Development Act 1993*, being the advice of the DPAC on matters raised as a result of public consultation and on any proposed alterations to the draft PAR.

2. DISCUSSION

2.1 Policy Changes

The DPAC notes that this draft PAR was prepared to consolidate four (4) Land Not Within a Council Area Development Plans (Eyre, Far North, Riverland and Whyalla) into one document and to adopt the best practice of mapping, policy and format of the Better Development Plan initiative.

The draft PAR also seeks to introduce new policy in order to:

- address waste water treatment issues associated with dwellings in the region, including in Andamooka; and
- adopt coastal conservation policies to protect the sensitive coastal areas which are not situated within council boundaries along the Eyre Peninsula coastline.

The DPAC notes that the draft PAR was given immediate effect in accordance with Section 28 of the *Development Act 1993*, on the same day it was released for public consultation.

2.2 Submissions

A total of twelve (12) public submissions and nine (9) Government Agency submissions were received in relation to the PAR. A summary of public and Government Agency submissions are attached for your information (Attachment 1). The attached also details the DPAC's response to the issues which have been raised and whether amendments to the draft PAR are considered appropriate.

2.2.1 Public Submissions

Some of the key issues raised in the public submissions include:

- A number of submissions raised concerns with the proposed minimum allotment size of 1200m² for dwellings in Andamooka. Most submissions suggest that the changes are excessive, given the low water consumption of Andamooka, the low rainfall and high evaporation rates experienced in the area, and the need to accommodate an increasing population.
- A number of submissions suggest that Andamooka should be zoned, similar to other townships within Land Not Within a Council Area. This would recognise the significance of the town.
- Various submissions suggest that the Outback Community Development Trust, be granted Local Government powers in order to take on the role of managing the maintenance and operation of off-site methods of wastewater disposal. Some submissions also suggested that DPAC encourage appropriate authorities to provide sufficient, sustainable water to Andamooka.
- General comments from the owners of the Andamooka Opal Hotel Motel, that the PAR provisions do not make reference to the current structure of Andamooka and that the commercial precinct needs to take into consideration future commercial uses such as a hotel, motel and village accommodation expansion. The submission suggests that the policies for service activities will not meet the anticipated demand for short and medium accommodation or the type of social and recreation facilities that are likely to be sought.
- The Roxby Downs Council has raised a number of concerns with respect to the location of accommodation facilities, in particular camps and villages associated with mining developments near Roxby Downs. Council suggests that a reasonable separation distance of 50km would be appropriate.
- The Mid Murray Council has raised a number of concerns in respect to the draft PAR. These include:

- consistency with the policy of the Remote Areas Zone with the policy of adjoining zones within their Development Plan;
 - difficulties that they are experiencing in the River Murray Flood Zone with respect to 'existing use rights' for dwellings;
 - general discussion about terminology used in the PAR and problems that they are experiencing at the assessment level; and
 - that there appears to be no minimum allotment sizes for a dwelling in the Fringe and Flood zones.
- The submission from BHP Billiton suggests that the draft PAR represents an opportunity to further support the growth of the mining sector. Amendments similar to those made in August 2003, to encourage petroleum exploration, are recommended for the mining industry.
 - The City of Whyalla has requested that the Minister consider rezoning land to the south of Whyalla as Open Space, to recognise the current use of this land as a sewerage outfall, a stormwater disposal system and its use by various gun clubs.
 - Rural Solutions SA expressed disappointment that the draft PAR does not include off-shore islands, some of which are privately owned and are being developed with housing.

2.2.2 Government Agency Submissions

Some of the key issues raised in the agency submissions include:

Department of Health

- Is supportive of the minimum site area requirement of 1200m² in unsewered areas.

South Australian Tourism Commission

- Supports the intent of the draft PAR to introduce BDP Modules, in particular the Tourism Development Module.
- Recommends that an Objective for tourism be included in the Remote Areas Zone.

Department of Water Land and Biodiversity Conservation

- Is supportive of the draft PAR as it allows for sustainable development and is also supportive of the minimum site area requirement for dwellings at Andamooka.
- General comments in respect to the importance of stormwater reuse, improving water quality, water sensitive design, coastal management, weed and domestic pest management.

- Suggests that key biodiversity locations be identified and protected.
- Notes that the Pastoral Board needs to approve any land use changes on leasehold land and that this should be referenced in the Plan.

Department of Premier and Cabinet

- Recommends that the policies should guide primary infrastructure (roads, water, wastewater and electricity).
- Provides general comments on the policies contained in the draft PAR and suggests various amendments regarding Aboriginal heritage.
- Suggests obtaining information from Aboriginal Affairs and Reconciliation in respect to the location of Aboriginal sites in coastal zones.
- Notes that the Central Archive Register has multiple entries for Aboriginal heritage sites within the LNWCA.

Environment Protection Authority

- Recommends that the BDP modules be updated to reflect their recent comments to the BDP Policy Team.
- Suggests that a new policy be inserted into the Land Division module which supports the minimum site area requirement of 1200sqm as currently set out in the Residential Development module.
- Various technical policy amendments have been suggested in respect to aquaculture development.

Department of Trade and Economic Development

- Broadly supports the draft PAR and is encouraged by the policies relating to economic activities.
- Is concerned about policies relating to dwellings, in particular at Andamooka. Suggests that development which satisfies wastewater treatment requirements should be *complying* and become merit if they do not meet the minimum allotment size.

Department for Environment and Heritage

- Supports the adoption of the BDP format and the consolidation of the four (4) LNWCA Development Plans.
- Suggests that the overlay map, which identifies Indigenous Land Use Agreements, may not be appropriate.
- Notes the location of three (3) items which have been Provisionally Entered on the State Heritage Register.
- Provides comments in respect to coastal protection, sustainability, the conservation significance of the Riverland area, and a number of zones contained in the draft PAR. Various policy amendments are suggested.

- DEH encourages the use of more specific zoning over the area proposed to be covered by the Remote Areas Zone. In particular, DEH suggests the use of the BDP Conservation Zone over National Park and Wildlife Act reserves.
- DEH suggests that the exclusion of tourist accommodation from the non-complying list of the Coastal Conservation Zone should have an upper limit of 25 rooms not 40 rooms.

The Hon Karlene Maywald, Minister for the River Murray

- Comments that the draft PAR should allow development in the Far North to be regulated and sustainable.
- Provides comments on a range of issues including the proposed wastewater requirements for dwellings, the requirements of the Pastoral Land Management and Conservation Act 1989 and the role of the Pastoral Board.
- Has requested follow-up consultation from the Minister for Urban Development and Planning on any changes made to the draft PAR prior to it being approved.

2.3 Public Hearing

Approximately forty (40) persons attended the Public Hearing held at the Tuckerbox Restaurant, Andamooka. A total of thirteen (13) verbal representations were made at the hearing. A summary of the verbal comments is provided in the 'Addendum to Public Submissions' table at Attachment 2.

2.4 Response to Consultation

A summary of the key issues raised in relation to the draft PAR is set out below.

2.4.1 Public submissions

- Coastal Zoning

Issue: The City of Whyalla has requested that the Minister rezone a portion of the land to the south of Whyalla as Open Space to recognise the current use of the land.

Response: The Coastal Management Branch, Department for Environment and Heritage have provided additional advice to Planning SA, indicating that the open space zoning would not be supported. The vast majority of the land is identified as being subject to storm surge and coastal acid sulfate soils. Those hazards are coincident with the saltmarsh and mangrove areas. In addition, the land appears to be used for stormwater discharge from the channel which runs parallel to the road. With appropriate treatment and control of discharge such

saltmarsh areas provide a good opportunity for naturally treating stormwater prior to discharge to the sea.

The uses currently taking place on the land have existing use rights under the *Development Act 1993* and therefore are able to continue under the Coastal Conservation Zoning. Accordingly, the DPAC does not support the rezoning of this land to Open Space.

- Waste Water Disposal

Issue: A number of public submissions opposed the introduction of minimum site area controls for dwellings, which were introduced based on Health Commission advice. They were concerned that 1200m² was excessive and did not reflect local conditions in Andamooka. In particular, low rainfall, high evaporation and low water consumption rates.

Response: Following additional consultation with the Department of Health regarding the minimum site area requirements, the DPAC recommends that:

- list dwellings as non-complying except where they are sited on allotments greater than 1200m², or are connected to an approved community wastewater management scheme or approved onsite waste control system; and
- list land division as non-complying except where the resulting allotments are greater than 1200m² or the land is connected to an approved community wastewater management scheme or approved onsite waste control system.

- Settlements Outside of Townships

Issue: Roxby Downs Council representative identified concerns about the future development of settlements outside of townships and the tension between the need for a short term transient work force versus the desire to have a more permanent feel to Roxby Downs.

Response: This matter is outside of the scope of this draft PAR and therefore no action is recommended. However, this is something that could be considered in further reviews of the LNWCA Development Plan.

Issue: BHP Billiton have requested that supportive policy be introduced into the Remote Areas Zone for mining settlements.

Response: It is recommended that a new Principle of Development Control be inserted into the Remote Areas Zone that envisages mining settlements that are associated with an existing or proposed mine.

2.4.2 Agency submissions

- Tourism

Issue: The SATC have requested additional policies be introduced into Remote Areas Zone that allow for tourism activities.

Response: It is recommended that an additional objective be inserted into the zone to recognise the potential for tourism activities.

- Coastal Conservation Zone

Issue: The Coastal Protection Branch of DEH has requested additional land be included in the Coastal Conservation Zone.

Response: This land is subject to several mining leases, but is also subject to a range of coastal hazards. The DPAC understands that consultation has been undertaken with PIRSA - Minerals who originally supported its inclusion in the Coastal Conservation Zone. However, PIRSA - Minerals has subsequently advised that it no longer supports the inclusion. The DPAC understands that this is a matter for the relevant Minister to consider and resolve.

- Waste Water Disposal

Issue: DTED is concerned about the policies relating to dwellings, in particular, policies contained in the Andamooka Policy Area 1. DTED believes that dwellings which satisfy compliance criteria for wastewater treatment and disposal should be listed as complying development and become merit if they do not satisfy the minimum allotment size.

Response: This land may be subject to flooding and the siting of dwellings cannot be quantified sufficiently for the purpose of complying development in order to ensure access is appropriate to and from allotments. In addition, separation distances for waste water disposal in relation to adjoining allotments are not standardised, hence non-complying consideration (unless criteria are satisfied – then 'on merit'), is appropriate.

3. RECOMMENDATIONS

1. Given the current position of PIRSA – Minerals on the issue of the additional land identified by the Coastal Protection Branch of the DEH, to be included in the Coastal Conservation Zone, the DPAC refers this issue to the Minister for resolution.

2. The DPAC recommends that, subject to the draft PAR being amended as outlined above, the draft Land Not Within A Council Area Consolidation and BDP Conversion Plan Amendment Report (PAR) be APPROVED, pursuant to Section 26(8) of the *Development Act 1993*.



Mario Barone FPIA
PRESIDING MEMBER
DEVELOPMENT POLICY ADVISORY COMMITTEE

Date: 20.12.2007.

Attachments: 1. Summary of Public Submissions & Summary of Government Agency Submissions