



## Agenda Report for Decision

**Meeting Date: 1 February 2024**

<b>Item Name</b>	Code Amendment Initiation Advice to the Minister for Planning – Proposal to Initiate the Freeling West Code Amendment	
<b>Presenter</b>	Nadia Gencarelli	
<b>Purpose of Report</b>	Decision	
<b>Item Number</b>	4.1	
<b>Strategic Plan Reference</b>	4. Discharging Statutory Obligations	
<b>Work Plan Reference</b>	4.2 Advise the Minister on Code Amendments	
<b>Confidentiality</b>	Not Confidential (Release Delayed). To be released following final decision by the Minister for Planning on initiation of the Code Amendment. Anticipated by March 2024.	
<b>Related Decisions</b>		
<b>Conflicts Declared</b>	<i>This Agenda Report refers to the Freeling Code Amendment which John Stimson has declared a conflict.</i>	
<b>Is the Report author aware of any potential undeclared conflict?</b>		NO

### 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 final decision by the Minister for Planning (the Minister) on initiation of the Code Amendment.
2. Advise the Minister that it:
  - 2.1 Recommends initiation of the Freeling West Code Amendment under section 73(2)(vii) 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 engagement.

- 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) Prior to the adoption of the Code Amendment, the Designated Entity must demonstrate, to the satisfaction of the Minister for Planning, that all necessary agreements or deeds are fully executed as required to secure the funding and/or delivery of all infrastructure required to accommodate the development of the affected area, to the satisfaction of all relevant infrastructure providers.
- d) Explore the application of the Suburban Neighbourhood Zone or other similar zones from the Code as an alternative to the Established Neighbourhood Zone. The Established Neighbourhood Zone is generally applied where limited change is expected in established areas and has no Concept Plan functionality and fewer Deemed-to-Satisfy pathways available.

2.2 Recommends that Walton Rural Pty Ltd 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:
  - Department for Education
  - Affordable Housing Unit of the SA Housing Authority
  - Department for Environment and Water
  - Department for Infrastructure and Transport
  - Department of Primary Industries and Regions
  - Environment Protection Authority (EPA)
  - 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:
  - A comprehensive infrastructure analysis by an appropriately qualified expert (or experts) that identifies all future infrastructure works required to accommodate the development of the affected area as proposed by the Code Amendment and provides a strategy which offers a funding and delivery solution for all required infrastructure works (noting that Light Regional Council has stated that it expects that Infrastructure Deed/s will be required).
  - Stormwater investigations to ensure there is no run-off to the existing township nor the surrounding allotments.
  - Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify any identified 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(s) with conditions (**Attachment 2 and 3**).
6. Approve and authorise the Chair of the Commission to sign the advice to the Minister as provided in **Attachment 4**.
7. Authorise the Chair to finalise any minor amendments to the advice and attachments as required.

## Background

Section 73(2)(b)(vii) of the Act provides that a proposal to amend the Code may be initiated by a person who has an interest in the relevant land with the approval of the Minister, acting on the advice of the Commission, in relation to the following matters:

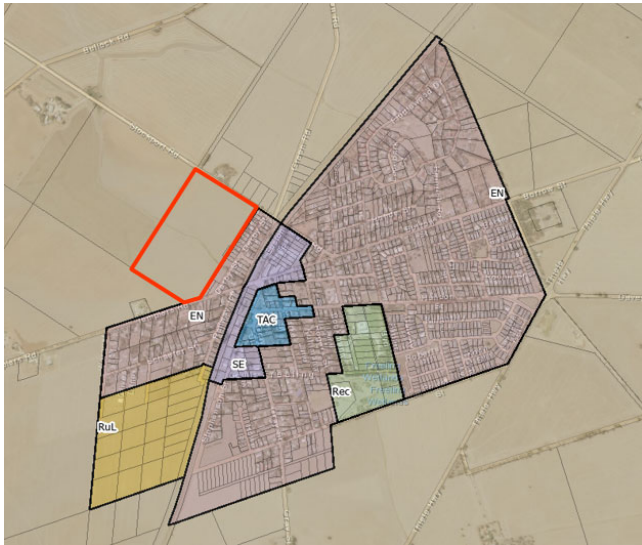
- Strategic assessment against the State Planning Policies and *The 30-Year Plan for Greater Adelaide: 2017 Update*.
- Any person or body that must be consulted by the Designated Entity, pursuant to section 73(6)(e) of the Act.
- Any investigations to be carried out or information to be obtained by the 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 Walton Rural Pty Ltd (**Attachment 1**).

## Discussion

### Scope of the Amendment

It is proposed to rezone approximately 20 hectares of land currently located within the Rural Zone to a neighbourhood type zone (zone choice still to be determined) to facilitate the expansion of low-density residential development to the west of the Freeling Township. It is anticipated that approximately 180 allotments could be delivered. The affected land is held in single ownership by Walton Rural Pty Ltd. The affected area and current zoning are shown in the figure below.



**Figure 1: Proposed Freeling West Code Amendment**  
- Affected Area and Current Zoning

#### Planning and Design Code Zoning

The affected area is located within the Rural Zone.

The following Overlays apply to the land:

- Hazards (Flooding)
- Hazards (Bushfire – General)
- Hazards (Flooding – General)
- Hazards (Flooding – Evidence Required)
- Native Vegetation
- Traffic Generating Development
- Urban Transport Routes
- Water Resources.

The following Technical and Numeric Variations (TNVs) apply in the Rural Zone:

- Minimum site area is 33 ha.

Land surrounding the affected area to the west and north is within the Rural Zone. Land to south and east is within the Established Neighbourhood Zone.

#### Historic Development Plan Amendments (not completed)

The area affected by this Code Amendment formed part of the previous developer funded Freeling (West) Development Plan Amendment (DPA) undertaken between 2009-2014 by the Light Regional Council.

The Freeling (West) DPA sought to rezone a significantly larger area on the western side of Freeling (within the then 'Planned urban lands to 2038' boundary) to Residential (Freeling) Zone.

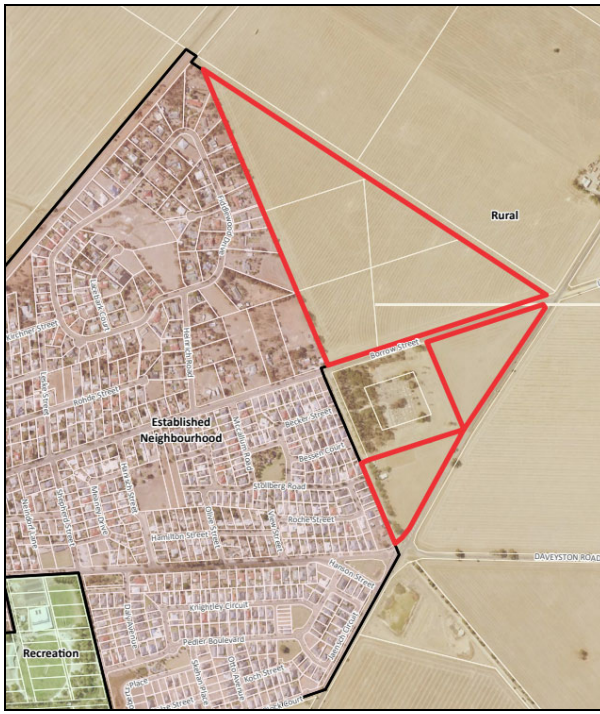
Following consultation in 2012, the Light Regional Council decided to not progress the DPA but rather focus on further investigations to explore the potential future growth of Freeling.

The area affected by this Code Amendment therefore represents a significant reduction in the amount of land included in the previous DPA and represents a more compact and orderly extension to Freeling.

#### Freeling Code Amendment (in progress)

The Freeling Code Amendment is currently being progressed by Windy Acres Pty Ltd and Terese Enterprises Pty Ltd as the Designated Entity and seeks to rezone 30 hectares of Rural zoned land on the eastern side of Freeling (**refer to figure below**) to Suburban Neighbourhood Zone to allow for up to 230 new residential allotments.





**Figure 2: Freeling Code Amendment - Affected Area and Current Zoning**

The Freeling Code Amendment recently completed engagement on 5 December 2023.

#### 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 4**).

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 proposed Code Amendment will support the provision of additional housing in the established township of Freeling (approximately 185 dwellings), with the affected area within the Planned Urban Boundary to 2045. The proposed expansion is considered to represent orderly development that would enable the cost-effective delivery of infrastructure, supporting projected growth whilst also maintaining the existing township boundary. The Proposal is also considered to be consistent with the strategic intent of relevant SPPs and *The 30-Year Plan for Greater Adelaide: 2017 Update*. In addition, the affected area is not within the Environment and Food Production Areas or Barossa Character Preservation District.

Together with the abovementioned Freeling Code Amendment, the two proposals could deliver in the order of 415 new residential allotments in the short term. This is considered appropriate given the areas affected are a logical extension to the existing urban form and will assist in the meeting Housing Accord targets in the Outer North Region.

Further strategic considerations and discussion are provided in the attached advice to the Minister (**Attachment 4**).

*Procedural considerations*

The Proposal meets all procedural requirements, as detailed in the attached advice to the Minister (**Attachment 4**).

*Conditions proposed and items specified*

Several 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 4**).

**Attachments:**

1. Proposal to Initiate the Freeling West Code Amendment (#20670271)
2. Draft approval letter addressed to Walton Rural Pty Ltd (#20808998)
3. Draft approval letter addressed to Light Regional Council (#20809664)
4. State Planning Commission Advice to the Minister (#20809063)

Prepared by: Andrew Mitchell

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Endorsed by: Brett Steiner

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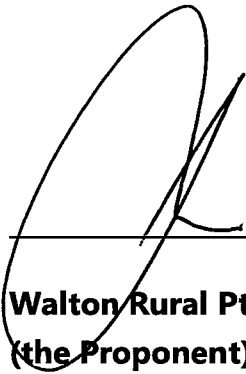
Date: 18 December 2023

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

**Freeling West Code Amendment**

**By Walton Rural Pty Ltd  
(the Proponent)**



**Walton Rural Pty Ltd  
(the Proponent)**

**(Signature Required)**

**Date:**

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*. By signing this Proposal to Initiate, the Proponent acknowledges and agrees that this Proposal to Initiate, and any supporting documents may be published on the PlanSA portal by the Department for Trade and Investment.

**(Signature Required)**

**MINISTER FOR PLANNING**

**Date:**

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- Attachment A:** Map of Area Affected.
- Attachment B:** Certificates of Title.
- Attachment C:** Correspondence from Light Regional Council 4 February 2022.
- Attachment D:** Correspondence from Light Regional Council 4 September 2023.
- Attachment E:** Timetable for Code Amendment by Proponent.

## 1.0 INTRODUCTION

The Proponent, Walton Rural Pty Ltd, is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to land located on the western side of Freeling township (hereafter referred to as the Area Affected).

The Area Affected is situated on the western side of Freeling township in the Rural Zone between Templers Road and Stockport Road, directly adjacent to the Established Neighbourhood Zone that exists along Derby Street and on the southern side of Templers Road. The Area Affected is approximately 20 hectares in area and is shown on the Area Affected Plan in **Attachment A**.

The purpose of this Proposal to Initiate is to seek approval of the Minister for Planning (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 Walton Rural Pty Ltd, the registered proprietor for the whole of the Area Affected.

The ownership details are specified in **Table 1** and copies of the Certificates of Title are in **Attachment B**.

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 Proponents acknowledge 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 Proponents will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- 1.1.1. The Proponent acknowledges that they will be responsible for undertaking the Code Amendment in accordance with the requirements Act.
- 1.1.2. The Proponent declares that they have not and do 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 Proponents contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:

David Lake, MasterPlan SA Pty Ltd

[davidl@masterplan.com.au](mailto:davidl@masterplan.com.au)

08 8193 5600



Alternative contact person is:

Julie Jansen, MasterPlan SA Pty Ltd

[juliej@masterplan.com.au](mailto:juliej@masterplan.com.au)

08 8193 5600

- 1.1.4. The Proponent intends to undertake the Code Amendment by engaging the services of MasterPlan SA Pty Ltd. Julie Jansen is a Fellow of the Planning Institute of Australia, is an Accredited Professional - Planning Level 1 and will be responsible for overseeing preparation of the Code Amendment. David Lake is a highly experienced town planner and will prepare the Code Amendment.

The Proponent acknowledges that the Minister may, under section 73(4)(b) of the Act, determine that the Chief Executive of the Department will be the Designated Entity responsible for undertaking the Code Amendment. In this case, the Proponent acknowledges and agrees that they will be required to pay the reasonable costs of the Chief Executive in undertaking the Code Amendment.

## 1.2. Rationale for the Code Amendment

The objective of the Code Amendment is to rezone the Area Affected to a residential zone to allow for the growth of Freeling, consistent with the directions of the 30-Year Plan for Greater Adelaide.

As shown in **Attachment A**, the Area Affected comprises land in two (2) allotments located on the western side of Freeling township. One of the allotments (Allotment 209 in Filed Plan 174110) makes up nearly all of the Area Affected. A 1,200 square metre portion of Allotment 208 in Filed Plan 174109 is also part of the Area Affected – this allotment extends into the adjoining Established Neighbourhood Zone and has frontage to Derby Street.

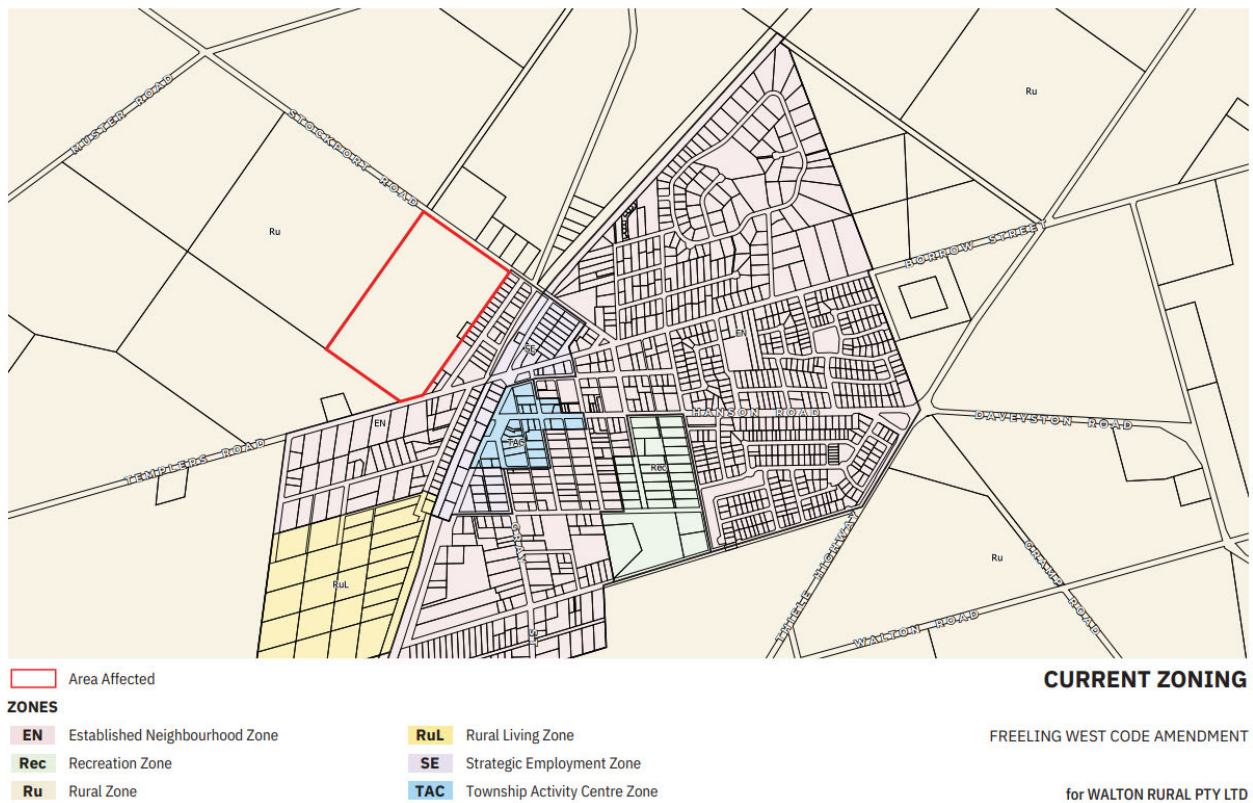
The Area Affected is situated in the Rural Zone between Templers Road and Stockport Road, directly adjacent to the Established Neighbourhood Zone that exists along Derby Street and on the southern side of Templers Road.

The Area Affected is approximately 20 hectares in area. The allotments are currently used for farming (livestock grazing and cereal production). The allotments are relatively flat and there is a shallow watercourse that passes through the land in a north-westerly direction. As the Area Affected has been cleared for farming there is no significant intact native vegetation present.

Land directly to the south-west, west and north-east (across Stockport Road) of the Area Affected is also used for farming purposes and is zoned Rural. There is one (1) dwelling on the northern side of Stockport Road opposite the Area Affected, and a small transport depot is located near the Area Affected to the south-west on Templers Road.

Whilst zoned Rural, the allotments are not located within the Environment and Food Production Area nor the Barossa Character Preservation District.

**Figure 1** shows the zoning that currently applies to the Area Affected and surrounding land.

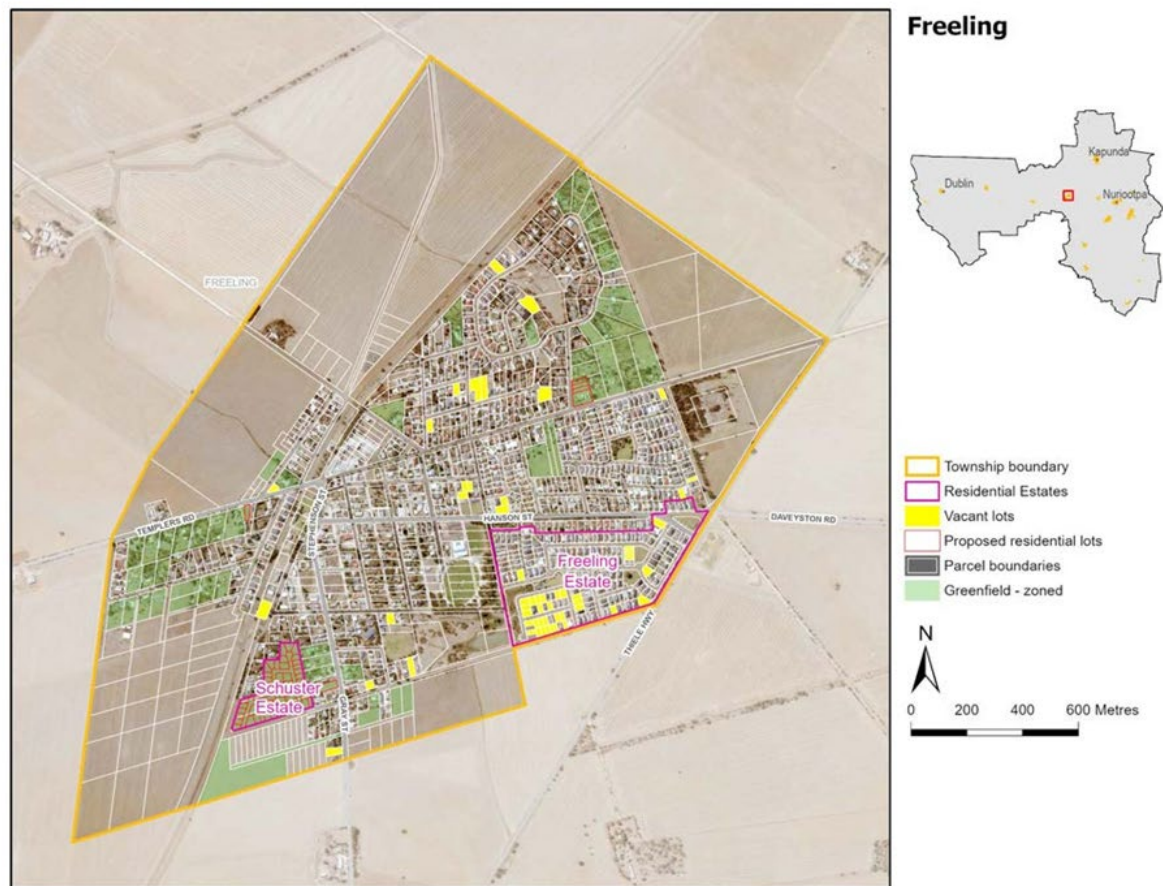


**Figure 1: Current Zoning.**

Since 2010 the *30-Year Plan for Greater Adelaide* has identified urban growth areas for Greater Adelaide, including urban boundaries for individual townships beyond the metropolitan area. The boundaries have been put in place to guide urban growth that ensures there is adequate supply of zoned urban land in the future while protecting valuable agricultural, tourism and environmental assets. The 30-Year Plan seeks to ensure “new urban fringe growth will occur only within designated urban areas and township boundaries and will make efficient use of existing infrastructure” (*2017 Update to the 30-Year Plan for Greater Adelaide*, page 15).

The designated urban growth boundary for Freeling is shown in **Figure 2** and includes a significant expansion of the township to the west as well as smaller expansions to the east and south. The Area Affected is located centrally within the designated urban growth boundary on the western side of Freeling.

**Figure 79: Freeling**



**Figure 2: Excerpt from the Land Supply Report for Greater Adelaide – Part 1: Greenfield showing the urban growth boundary for Freeling.**

A review of the supply and demand analysis described in the *Land Supply Report for Greater Adelaide – Part 1: Greenfield* (Plan SA, June 2021) indicates there is likely to be a shortfall in “development ready” allotments in Freeling beyond mid-2025. This is due to the current rate of dwelling construction (average of 30 dwellings per year) and the limited availability of development ready allotments in the short to medium term - see **Section 3.4.1** below for a more detailed discussion.

Consequently, it is timely for additional residential land to be made available within the designated urban growth boundary to support the growth of Freeling.

The Area Affected is the logical starting point when considering which land within the designated urban growth boundary should be made available for growth. The Area Affected is centrally located in close proximity to the existing town centre, represents a compact and orderly expansion of the town and could be serviced with an augmentation of the town’s infrastructure, including water, electricity and waste water.

This would in turn support subsequent provision of infrastructure to the other undeveloped portions within the urban growth boundary on the western side that are less centrally located.

The Code Amendment will seek to rezone the Area Affected to a 'neighbourhood' type zone that will allow the area to be developed with a range of housing types but with a built form and character that is sympathetic to the existing residential areas in the town.

The existing residential areas within Freeling are zoned Established Neighbourhood, including the land on the western side of town that is directly adjacent to the Area Affected.

Local variations in the Established Neighbourhood Zone are prescribed which specify a building height of one (1) level and a minimum site area of 800 square metres. The Historic Area Overlay applies to the central portion of the current residential area, as well as the town centre. Dwellings in the Established Neighbourhood Zone are assessed following the Performance Assessed pathway.

The Area Affected is approximately 20 hectares in area. Based on a density similar to that in the town's Established Neighbourhood Zone it is estimated the area will yield approximately 185 additional allotments, considering land required for public infrastructure (roads, open space, drainage etc). At current rates of construction (average of 30 dwellings per year) this will provide Freeling with an additional six (6) years land supply.

Development of the Area Affected with a housing density consistent with the existing Established Neighbourhood Zone will also assist when managing the interface with farming land and addressing bushfire risk, as opposed to a zone that requires a higher density of development.

The Area Affected formed part of a previous 'developer-funded' Development Plan Amendment (DPA) progressed between 2009 and early 2014 by Light Regional Council. The *Freeling (West) Residential DPA* sought to rezone a significantly larger area on the western side of Freeling (within the 'Planned urban lands to 2038' boundary) to Residential (Freeling) Zone – the area affected by the DPA is shown in **Figure 3**.



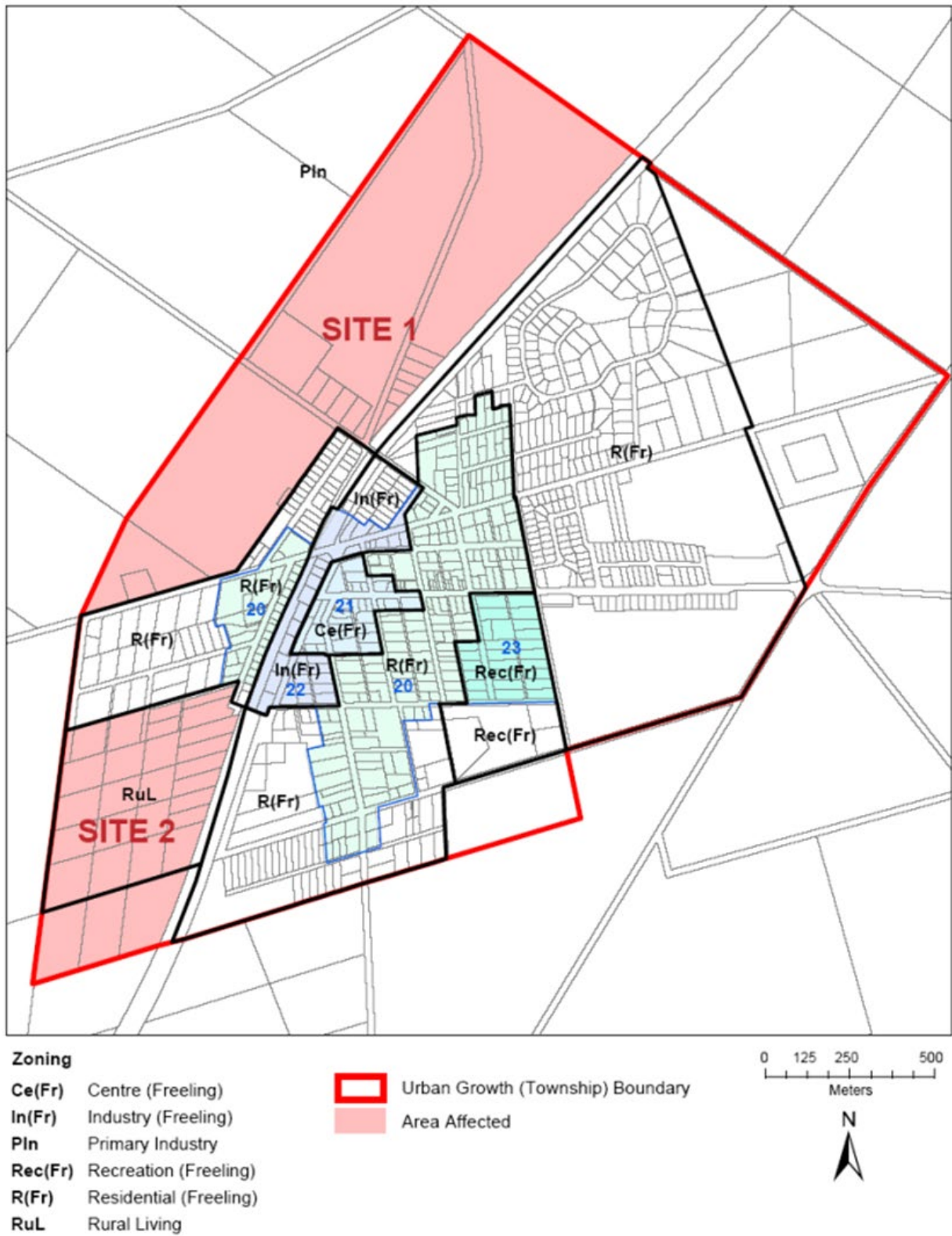


Figure 3: Excerpt from the Freeling (West) Residential DPA (not finalised) showing the area affected by the DPA.

The DPA was placed on public consultation in 2012 and attracted significant public interest, with concerns raised about loss of productive land, loss of 'rural views', management of the interface between the township and rural areas and concern about infrastructure provision.

In response to submissions the then Department for Planning, Transport and Infrastructure (DPTI) sought further clarification on several issues from Council. In response, Council sought to postpone the project to allow a separate 'Township Review' to be progressed, which was to explore further community needs and potential growth directions for Freeling. This approach was however not supported by the then Minister for Planning. In March 2014 Council formally resolved not to proceed with finalisation of the DPA.

The Area Affected is a significant reduction to the amount of land that was included in the previous DPA and represents a more compact, orderly and appropriate scale of growth for Freeling.

## 2.0 SCOPE OF THE CODE AMENDMENT

### 2.1. Area Affected

The proposal seeks to amend the Code for the Area Affected, as shown on **Attachment A**, being land described in **Table 1** below and the Certificates of Title contained in **Attachment B**.

The Area Affected is wholly contained within the Light Regional Council.

**Table 1: Area Affected**

ALLOTMENT & PLAN REF	CERTIFICATE OF TITLE	HUNDRED	OWNER
Allotment 209 in Filed Plan 174110	Volume 5797 Folio 515	Light	Walton Rural Pty Ltd
Portion of Allotment 208 in Filed Plan 174109	Volume 5782 Folio 949	Light	Walton Rural Pty Ltd

### 2.2. Scope of Proposed Code Amendment

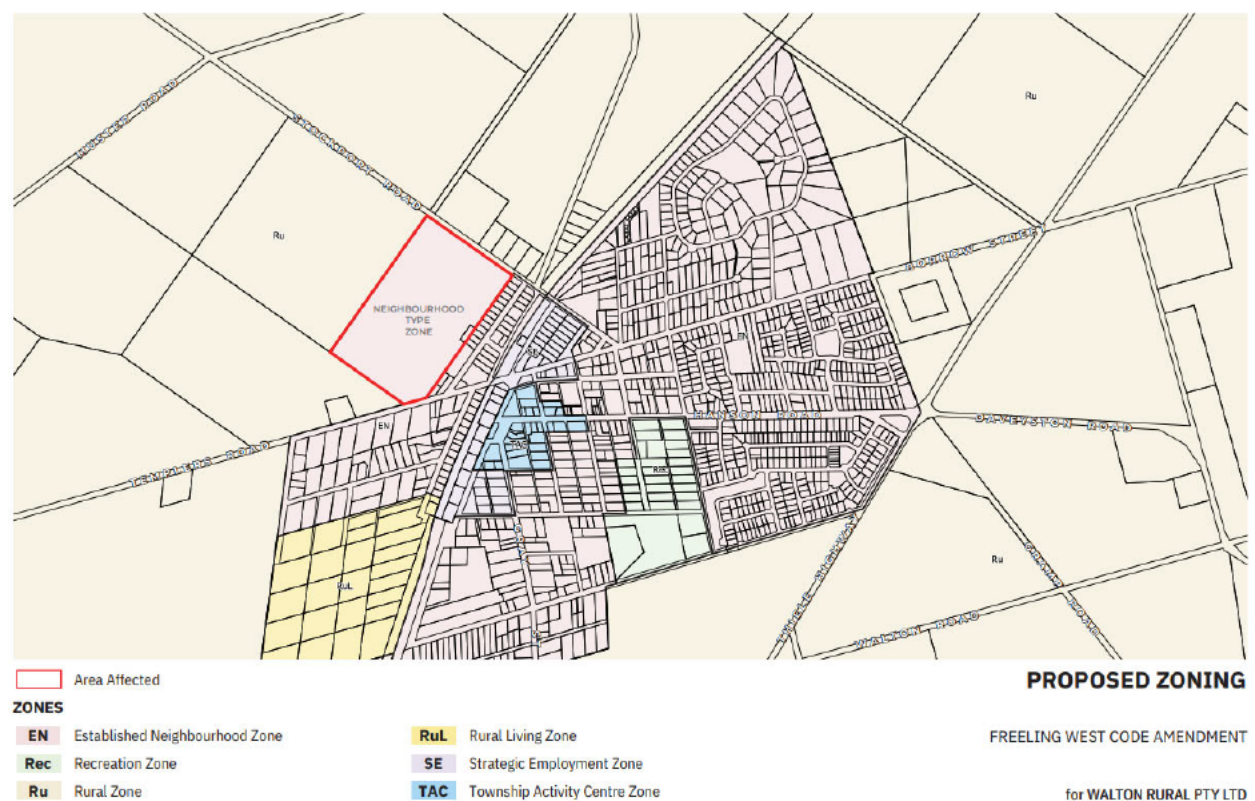
**Table 2** below describes the current policy, amendment outline and intended policy for the proposed Code Amendment. **Figure 4** below illustrates the scope of the proposed Code Amendment, and shows the Area Affected changed to a neighbourhood type zone.

**Table 2: Scope of Proposed Code Amendment**

SCOPE OF PROPOSED CODE AMENDMENT	
Current Policy	<b>Zone</b> Rural Zone
	<b>Subzone</b> Nil
	<b>Overlays</b> Hazards (Flooding) Hazards (Bushfire – General Risk) Hazards (Flooding – General) Hazards (Flooding – Evidence Required) Native Vegetation



SCOPE OF PROPOSED CODE AMENDMENT	
	Traffic Generating Development Urban Transport Routes Water Resources <b>Local Variation (TNV)</b> Minimum Site Area (33 ha)
<b>Amendment Outline</b>	The objective of the Code Amendment is to rezone the Area Affected to a neighbourhood type zone to allow for the growth of Freeling. This will implement the 2017 Update to the 30-Year Plan for Greater Adelaide as the Area Affected forms part of the land designated as 'Planned Urban Lands to 2038' at Freeling.
<b>Intended Policy</b>	<p>The Code Amendment seeks to change the Rural Zone that currently applies to the Area Affected to a neighbourhood type zone. The specific neighbourhood zone to be applied will allow the area to be developed with a range of housing types but with a built form and character that is sympathetic to the existing residential areas in the town.</p> <p>The overlays that currently apply to the Affected Area will be reviewed to ensure they will remain relevant. Application of the Affordable Housing Overlay will be considered to ensure consistency with the Established Neighbourhood Zone that applies in the existing residential areas of Freeling.</p> <p>TNVs in regard to maximum building height, minimum site area, minimum frontage and boundary setbacks will be considered with the intention of ensuring consistency with the Established Neighbourhood Zone that applies in the existing residential areas of Freeling.</p> <p>The need for a Concept Plan to guide staging of development and infrastructure provision will be considered.</p>



**Figure 4: Proposed Zoning.**

### 3.0 STRATEGIC PLANNING OUTCOMES

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

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

#### 3.1. Summary of Strategic Planning Outcomes

The key strategic planning considerations to be addressed by this Code Amendment include:

- Development of land designated as 'Planned urban lands to 2038' as shown in the 30-Year Plan for Greater Adelaide;
- Residential land supply and demand;
- Provision of infrastructure and services; and
- Interface between different land uses (residential and rural).

#### 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 (**Table 3**):

**Table 3: Alignment with State Planning Policies**

STATE PLANNING POLICY (SPP)	CODE AMENDMENT ALIGNMENT WITH SPPS
<b>SPP 1: Integrated Planning</b> <b>To apply the principles of integrated planning to shape cities and regions in a way that enhances our livability, economic prosperity and sustainable future.</b>	
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.	<p>The Area Affected forms part of the land designated at Freeling as 'Planned urban lands to 2038' in the current volume of the 30-Year Plan for Greater Adelaide.</p> <p>The Code Amendment proposes to ensure an adequate supply of land is available at Freeling suitable for residential development, which can be developed in an orderly manner in line with the directions of the 30-Year Plan.</p> <p>The Code Amendment will consider the need for appropriate infrastructure and services to ensure the Area Affected can be developed in an orderly and economic manner.</p>

STATE PLANNING POLICY (SPP)	CODE AMENDMENT ALIGNMENT WITH SPSS
1.2 Provide an orderly sequence of land development that enables the cost-effective and timely delivery of infrastructure investment with the rate of future population growth.	<p>The Area Affected is the logical starting point when considering which land within the designated urban growth boundary should be made available for growth at Freeling. The Area Affected is centrally located in close proximity to the existing town centre, represents a compact and orderly expansion of the town and could be serviced with an efficient augmentation of the town's infrastructure, including water, electricity and waste water treatment.</p> <p>This would in turn support subsequent provision of infrastructure to the other portions within the urban growth boundary on the western side that are less centrally located.</p> <p>The need for a Concept Plan to guide staging of development and infrastructure provision will be considered.</p>
1.4 Protect areas of rural, landscape character, environmental importance, mining or food production significance from the expansion of urban areas, towns and settlements.	The Environment and Food Production Area Overlay and the Character Preservation District Overlay have been applied in close proximity to Freeling. However, neither of these overlays apply to the Area Affected and the Code Amendment will not have a negative impact on the values that underpin these protected areas.
1.9 Plan neighbourhoods to support walking and cycling, particularly in Greater Adelaide and regional townships.	The Area Affected is centrally located within close proximity to the existing Freeling town centre. Future residents will be able to easily walk or cycle to access shops and services in the centre.
<p align="center"><b>SPP 2: Design Quality</b></p> <p align="center"><b>To elevate the design quality of South Australia's built environment and public realm.</b></p>	
2.9 Respect the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers existing and desired future context of a place.	The Code Amendment will seek to rezone the Area Affected to a 'neighbourhood' type zone that will allow the area to be developed with a range of housing types but with a built form and character that is sympathetic to the existing residential areas in the town.
<p align="center"><b>SPP 6: Housing Supply and Diversity</b></p> <p align="center"><b>To promote the development of a well-serviced and sustainable housing and land choices where and when required.</b></p>	
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.	<p>The Area Affected forms part of the land designated at Freeling as 'Planned urban lands to 2038' in the current volume of the 30-Year Plan for Greater Adelaide.</p> <p>The Code Amendment proposes to ensure an adequate supply of land is available at Freeling suitable for residential development, which can be developed in an orderly manner in line with the directions of the 30-Year Plan.</p> <p>The Code Amendment will consider the need for appropriate infrastructure and services to ensure the Area Affected can be developed in an orderly and economic manner.</p>

STATE PLANNING POLICY (SPP)	CODE AMENDMENT ALIGNMENT WITH SPPS
6.9 Ensure a minimum of 15% of new housing in all significant developments that meets the criteria for affordable housing.	Application of the Affordable Housing Overlay to the Area Affected will be considered to ensure consistency with the Established Neighbourhood Zone that applies in the existing residential areas at Freeling.
6.11 Residential development that does not fragment valuable primary production land, create land use conflicts or encroaches on sensitive environmental assets and places of high landscape value.	The Environment and Food Production Area Overlay and the Character Preservation District Overlay have been applied in close proximity to Freeling. However, neither of these overlays apply to the Area Affected and the Code Amendment will not have a negative impact on the values that underpin these protected areas.
<p align="center"><b>SPP 8: Primary Industry</b></p> <p align="center"><b>A diverse and dynamic primary industry sector making the best use of natural and human assets.</b></p>	
8.1 Identify and protect key primary production assets and secure strategic opportunities for future primary industry development.	As per 6.11 above.
8.4 Equitably manage the interface between primary production and other land use types, especially at the edge of urban areas.	<p>The interface between the Area Affected and the adjoining land zoned Rural will be considered as part of the investigations for the Code Amendment.</p> <p>Development of the Area Affected with a housing density consistent with the existing Established Neighbourhood Zone will assist when managing the interface with farming land and addressing bushfire risk, as opposed to a zone that requires a higher density of development.</p>
<p align="center"><b>SPP 15: Natural Hazards</b></p> <p align="center"><b>To build the resilience of communities, development and infrastructure from the adverse impacts of natural hazards.</b></p>	
15.1: Identify and minimise the risk to people, property and the environment from exposure to natural hazards including extreme heat events; bushfire; terrestrial and coastal flooding; soil erosion; drought; dune drift; acid sulfate soils; including taking into account the impacts of climate change.	<p>The Hazards (Bushfire – General) currently applies to the Area Affected. The Code Amendment will consider whether this overlay should continue to apply or whether it should be changed to the Hazards (Urban Interface) Overlay, consistent with the rest of rest of Freeling.</p> <p>The Hazard (Flooding) and Hazards (General Flooding) Overlays apply to a small part of the Area Affected, associated with the shallow watercourse that passes through the land in a north westerly direction. The Code Amendment will consider the impacts flooding may have on development in the Area Affected, including the potential to create a linear open space corridor along the watercourse that could provide an attractive area that could also serve to manage floodwater and stormwater.</p>



### 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 *2017 Update to the 30-Year Plan for Greater Adelaide* volume of the Planning Strategy is relevant for this Code Amendment. The relevant policies include:

**Table 4: Alignment with Regional Plans**

REGIONAL PLAN IDENTIFIED PRIORITIES OR TARGETS		CODE AMENDMENT ALIGNMENT WITH REGIONAL PLAN	
Transit Corridors, Growth Areas and Activity Centres			
P11 Ensure new urban fringe growth occurs only within designated urban areas and township boundaries outside the Environment and Food Production Areas.		The Area Affected forms part of the land designated at Freeling as 'Planned urban lands to 2038' in the current volume of the 30-Year Plan for Greater Adelaide.  None of the allotments within the Area Affected are within the Environment and Food Production Area nor the Barossa Character Preservation District.	
P12 Ensure, where possible, that new growth areas on the metropolitan Adelaide fringe and in townships are connected to, and make efficient use of, existing infrastructure, thereby discouraging "leapfrog" urban development.		The Area Affected is centrally located in close proximity to the existing town centre, represents a compact and orderly expansion of the town and could be serviced with an efficient augmentation of the town's infrastructure, including water, electricity and waste water treatment.  This would in turn support subsequent provision of infrastructure to the other portions within the urban growth boundary on the western side that are less centrally located.	
Housing Mix, Affordability and Competitiveness			
P46 Ensure an adequate land supply is available to accommodate housing and employment growth over the longer term (at least a 15 year supply).		The Area Affected forms part of the land designated at Freeling as 'Planned urban lands to 2038' in the current volume of the 30-Year Plan for Greater Adelaide.  The Code Amendment proposes to ensure an adequate supply of land is available at Freeling suitable for residential development, which can be developed in an orderly manner in line with the directions of the 30-Year Plan.	
The Economy and Jobs			
P62 Manage the interface between townships and adjacent primary production activities and areas of nature protection.		The interface between the Area Affected and the adjoining land zoned Rural will be considered as part of the investigations for the Code Amendment.  Development of the Area Affected with a housing density consistent with the existing Established Neighbourhood Zone will assist when managing the interface with farming land and addressing bushfire risk, as opposed to a zone that requires a higher density of development.	

REGIONAL PLAN IDENTIFIED PRIORITIES OR TARGETS	CODE AMENDMENT ALIGNMENT WITH REGIONAL PLAN
Infrastructure	
<p>P86 Ensure that new urban infill and fringe and township development are aligned with the provision of appropriate community and green infrastructure, including:</p> <ul style="list-style-type: none"> <li>- walking and cycling paths and facilities</li> <li>- local stormwater and flood management including water sensitive urban design</li> <li>- public open space</li> <li>- sport facilities</li> <li>- street trees</li> <li>- community facilities, such as child care centres, schools, community hubs and libraries.</li> </ul>	<p>The Code Amendment will consider the need for appropriate infrastructure and services to ensure the Area Affected can be developed in an orderly and economic manner. This includes provision of green infrastructure for public open space, stormwater and flood management and street trees.</p> <p>Freeling has a range of community facilities including the Freeling P-6 Primary School, Freeling Preschool, public library and various sporting clubs and recreational facilities. High schools are located in the locality, for example at Gawler and Kapunda.</p> <p>The availability of community and recreational facilities to service future residents living in the Area Affected will be considered as part of the Code Amendment.</p>

### 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 Area Affected) and therefore are identified for consideration in the preparation of the Code Amendment.

Three (3) documents are directly relevant to the Code Amendment:

1. *Land Supply Report for Greater Adelaide – Part 1: Greenfield* (Plan SA, June 2021);
2. *Freeling Urban Design Framework* (Light Regional Council, 2005); and
3. *Freeling Town Centre Activation Report* (Light Regional Council, 2022).

Each of these is discussed below.

#### 3.4.1 *Land Supply Report for Greater Adelaide – Part 1: Greenfield (Plan SA, June 2021)*

Land Supply Reports for Greater Adelaide are produced by Plan SA and provide data and information on land supply and demand for residential and employment purposes. The Reports are published in several volumes, relating to greenfield land supply, urban infill land supply and employment land supply.

The *Land Supply Report for Greater Adelaide – Part 1: Greenfield* is relevant to the proposed Code Amendment.

For the purposes of the Land Supply Report, Freeling is included in the Northern Plains and Barossa region. In region-wide terms the report estimates that there will be demand for an addition 1,900 dwellings within the region's townships under a high growth scenario to 2030, equating to approximately 190 dwellings per annum. There are around 25 townships in the region.



The report estimates that in June 2021 there were 1,200 “development ready” allotments available in the region’s townships, which means another 700 allotments will need to become ready for development by 2030 to meet the high growth scenario.

The report also estimates there are an additional 2,900 allotments that could be created on land already zoned residential across the townships. From a region-wide perspective this indicates there may be sufficient supply to meet demand under the high growth scenario, however there is no guarantee that this land will become “development ready” and hence available to market by 2030. This may impact land supply in some townships more than others.

A more detailed consideration of the Freeling township supports the case for rezoning and developing more land within the designated urban growth boundary for residential development.

The report states that over the last ten (10) years an average of 30 dwellings per year have been built in Freeling. The majority of recent development activity in Freeling has been focussed on Freeling Estate (now complete) and Schuster Estate (nearing completion).

The report estimates that in June 2021 there were 59 “development ready” allotments in Freeling, and sixty vacant allotments. At the current rate of dwelling construction this supply will be fully developed by mid-2025, assuming all the allotments are made available.

The report also estimates that there are 362 allotments that could be created on land already zoned residential within Freeling. These allotments are predominantly in three (3) areas located on the north-eastern, western and southern edges of the township. **Figure 2** shown previously is a copy of the land supply map for Freeling from the report, and shows the urban growth boundary, Freeling Estate and Schuster Estate, and the three (3) areas of land already zoned residential (in green) but not fully developed.

An initial review of the three (3) areas already zoned shows that the majority of the north-eastern and western areas are fragmented, in multiple ownership and already developed with dwellings built on larger allotments. The southern area is used for farming purposes, as part of a larger property holding. It is understood there has been little interest in re-development in the three (3) areas for many years.

It is considered unlikely that land in the three (3) areas will become sufficiently available (in part or fully) in the short to medium term to meet the demand for new dwellings within Freeling at current development rates, which is likely to lead to a shortfall in “development ready” allotments beyond mid-2025.

Consequently, it is our view that rezoning additional land within the designated township boundary is desirable and timely.

The Area Affected is approximately 20 hectares. As previously stated, based on a density similar to that in the town’s Established Neighbourhood Zone it is estimated the area will yield approximately 185 additional allotments, considering land required for public infrastructure (roads, open space, drainage etc). At current rates of construction (average of 30 dwellings per year) this will provide Freeling with an additional six (6) years land supply.

A further analysis of supply and demand for residential allotments will be undertaken as part of the Code Amendment, including consideration of new investigations (if available) being undertaken by PLUS as part of the review process for the *Greater Adelaide Regional Plan* (noting that the *Greater Adelaide Region Plan Discussion Paper* released for public consultation in August 2023 states that Freeling will be investigated for modest township growth within existing infrastructure capacity.

It is noted that another Code Amendment is being considered for land on the eastern side of town near the Freeling Cemetery. This land is also within the urban growth boundary and the Code Amendment proposes to change the zoning from Rural to Established Neighbourhood. Should the Code Amendment be approved it will result in an additional 192 residential allotments becoming available. When combined with the Freeling West Code Amendment, at the current rate of construction this will provide Freeling with a total additional 12 years supply of “development ready land” which is considered to be an appropriate level of supply of land generally for any township.

### **3.4.2 Freeling Urban Design Framework (Light Regional Council, 2005)**

Council’s 2005 *Freeling Urban Design Framework* (UDF) was prepared as a management tool to coordinate infrastructure projects, private investment and policy changes over a ten-plus year timeframe.

The UDF was more focused on the established areas of Freeling, however it was based on a broad structure plan showing the preferred direction for future growth. In regard to a growth boundary for the town the UDF states:

*Freeling represents a lop-sided town with a majority of development occurring to the east. A more balanced form of development would involve rezoning land to the west for residential purposes. This has the advantage of creating residential living within close proximity to the town centre, and preserving rural land to the west that serves as a visual buffer. The impact of servicing this land will need further investigation.*

The Structure Plan is shown in **Figure 5** below and clearly indicates development of the Area Affected as part of the longer-term growth strategy for the town.



**Figure 5: Broad Structure Plan, Freeling Urban Design Framework 2005.**

### **3.4.3 Freeling Town Centre Activation Report (Light Regional Council, 2022)**

Council commissioned the 2022 *Freeling Town Centre Activation Report* as it was recognised that the Freeling town centre has entered into a major state of renewal, including the replacement of the supermarket on Hanson Street, development of consulting rooms and recent activation of dormant shops, supported by residential development in Freeling Estate and Schuster Estate. The report is an addendum to the 2005 Freeling Urban Design Framework.

The activation report identifies new options and opportunities for the further development of the Freeling town centre, in the areas of:

- Amenity improvements;
- Tourism development; and
- Laneway activation and car parking.

Preparation of the report demonstrates Council and community desire to support the continued growth and development of the town centre. As stated previously the Area Affected is centrally located in close proximity to the town centre and future residents will be able to easily walk or cycle to access shops and services in the centre.

Recent population growth as a result of the development of Freeling Estate and Schuster Estate has supported the growth of the town centre, including redevelopment of the supermarket.

Rezoning and development of the Area Affected in such close proximity to the town centre will further create population growth that in turn will support the growth and development of the town centre, as envisaged by Council's 2022 report.

## 4.0 INVESTIGATIONS AND ENGAGEMENT

### 4.1. Investigations Already Undertaken

**Table 5** describes investigations that were undertaken in support of the Freeling (West) Residential DPA that was placed on consultation in 2012. Although they were prepared over ten years ago and apply to a larger area than the Area Affected, they provide valuable background for the current Code Amendment.

**Table 5: Summary of Investigations Undertaken**

INVESTIGATION UNDERTAKEN	SUMMARY OF SCOPE OF INVESTIGATIONS	SUMMARY OF OUTCOME OF RECOMMENDATIONS
Freeling (West) Residential DPA Investigations – Desktop Flora and Fauna Assessment April 2011 (SKM)	Summarises existing ecological values and provides advice on potential impacts associated with the previous DPA.	Native vegetation is limited to roadside vegetation and isolated patches of mature trees and/or shrubs. Given the limited extent, it is considered likely that any proposed works may feasibly avoid, or mitigate, impacts to native vegetation. Potential mitigation actions are outlined.  It is not expected that the DPA and associated works will result in significant fauna impacts.  Impacts to species listed under the EPBC Act and NPW Act are considered to be unlikely, given the small and degraded nature of the study area.  It is not expected that Declared Species will be significantly disturbed during site works.
Freeling (West) Residential DPA Investigations – Desktop Aboriginal Heritage Investigations April 2011 (SKM)	Provides advice on Aboriginal heritage sites or objects that may be located within the subject land of the previous DPA.	Based on desktop research and searches of relevant databases, it appears that there are no known Aboriginal sites or objects in the study area.

INVESTIGATION UNDERTAKEN	SUMMARY OF SCOPE OF INVESTIGATIONS	SUMMARY OF OUTCOME OF RECOMMENDATIONS
Freeling (West) Residential DPA Investigations – Stormwater, Wastewater and MAR Potential April 2011 (SKM)	Provides advice on current stormwater and wastewater networks within Freeling and the implications/key issues for these networks as a result of the proposed rezoning of the subject land for residential purposes in the previous DPA.	<p>Due to the contours of the site, stormwater generated in the proposed development areas will not flow towards the existing town. As such, the existing town stormwater network will not be affected by the development. It is expected that the urban stormwater design will be relatively straight forward.</p> <p>There is scope for inclusion of WSUD to reduce stormwater runoff from the proposed development areas and improve stormwater quality.</p> <p>The township's wastewater network will need to be extended to the proposed development areas. The increased population will require the treatment plant to be upgraded from its initial capacity. The wastewater treatment plant has the potential to be upgraded to support a township of 5200 people, which will be sufficient for the proposed development.</p> <p>Due to the expected low aquifer yield and high salinity, Managed Aquifer Recharge is not considered prospective for the Freeling area.</p>
Freeling (West) Residential DPA Investigations – Traffic Scoping Study – Revised Final Report July 2011 (SKM)	A high-level study which considered the scale of the potential development of the subject land of the previous DPA and its impacts on traffic in the area around Freeling.	<p>The existing engineering road capacity within Freeling is likely to be adequate for the assumed scale of development. The existing intersection capacities at key intersections within Freeling are likely to be adequate.</p> <p>Potential traffic issues that need to be addressed via a more detailed traffic impact assessment include adverse amenity impacts, adverse safety impacts at key intersections, adverse capacity impacts at key intersections on arterial road approaches to Freeling, connectivity and sustainability issues for potential residents.</p>

#### 4.2. Further Investigations Proposed

In addition to the investigations identified above, **Table 6** outlines what additional investigations that will be undertaken to support the Code Amendment.

**Table 6: Further Investigations Proposed**

FURTHER INVESTIGATIONS PROPOSED	EXPLANATION OF HOW THE FURTHER INVESTIGATIONS PROPOSE TO ADDRESS AN IDENTIFIED ISSUE OR QUESTION
<b>Supply and Demand for Residential Land</b>	To review the supply and demand for residential land at Freeling and wider region, including consideration of new investigations (if available) being undertaken by PLUS as part of the review process for the Greater Adelaide Regional Plan.
<b>Infrastructure and Services</b>	<p>To investigate the capacity of existing service infrastructure networks, and identify any required upgrades to facilitate development. Networks to be investigated will include:</p> <ul style="list-style-type: none"> <li>• water;</li> <li>• electricity;</li> <li>• gas;</li> <li>• communications; and</li> <li>• any other services as relevant.</li> </ul>



FURTHER INVESTIGATIONS PROPOSED	EXPLANATION OF HOW THE FURTHER INVESTIGATIONS PROPOSE TO ADDRESS AN IDENTIFIED ISSUE OR QUESTION
<b>Stormwater and Waste Water Management</b>	<p>A review and update of the SKM report prepared for the Freeling (West) Residential DPA, to confirm how stormwater and waste water will be managed.</p> <p>Council will be consulted given the need for an upgrade to Council's waste water treatment plant has already been identified.</p>
<b>Traffic and Transport Impacts</b>	<p>To identify impacts on the surrounding road networks and the scope and timing of road upgrades to support future development (if any).</p> <p>The SKM report prepared for the Freeling (West) Residential DPA will be used as background.</p>
<b>Site Contamination</b>	<p>Given the long history of farming, undertake a Preliminary Site Investigation (PSI) to determine any site contamination issues that may affect future development.</p>
<b>Flora and Fauna Assessment</b>	<p>A review and update of the SKM report prepared for the Freeling (West) Residential DPA, to confirm existing ecological attributes of the Area Affected, and review relevant databases and registers to identify if there are any threatened or endangered species likely to exist in the Area Affected.</p>
<b>Zoning</b>	<p>Selection of the most appropriate 'neighbourhood' type zone that will allow the Area Affected to be developed with a range of housing types but with a built form and character that is sympathetic to the existing residential areas in the town.</p>
<b>Loss of Agricultural Land</b>	<p>To consider the impact of a loss of land which has been used historically for farming.</p>
<b>Interface Assessment</b>	<p>To investigate management of the interface between the Area Affected and adjoining rural land, in particular the suitability of existing Code policy to successfully address this issue.</p>
<b>Bushfire Risk</b>	<p>Consultation with the Country Fire Service (CFS) to consider bushfire risk, including access arrangements and the interface with adjoining rural land. The most relevant Hazard Bushfire Overlay that should be applied will also be considered.</p> <p>Consultation with PLUS will also be undertaken regarding the current State-wide Bushfire Hazards Overlay Code Amendment.</p>
<b>Community and Recreational Services</b>	<p>Desktop review to identify services and facilities that will be available for the new residents.</p>

#### 4.3. Engagement Already Undertaken

In accordance with Practice Direction 2, the Light Regional Council has been consulted on this proposal.

Council was first consulted in September 2021 on a proposal for rezoning that included the Area Affected and also a second area south of Templers Road in the Rural Living Zone.



In summary, the following matters were raised by the Council in a letter dated 4 February 2022:

- Council considered the proposal at a meeting on 25 January 2022 and resolved to:
  - Acknowledge the Walton Rural P/L proposal to lodge a Code Amendment affecting nominated land to the west of Freeling; and
  - Provide relevant background information.

The background information Council provided addressed the following:

- Background and history on the previous Freeling (West) Residential DPA. Council separately provided copies of the consultation version of the DPA, the summary of submissions and the specialist reports that supported the investigations.
- A list of the issues DPTI sought further clarification on following consultation on the DPA, relating to demand for the rezoning, traffic investigations and road network design and upgrades, infrastructure provision and funding arrangements, a nearby potential aeroplane landing area on land to the west, and further detail on site contamination.
- Council noted that the Land Supply Report for Greater Adelaide will need to be considered when the State Planning Commission consider the Code Amendment.
- Council noted that Walton Rural P/L do not own all the land in the affected area, but acknowledged that other landowners will be engaged as part of the 'Proposal to Initiate'.

Council did not raise any objections to the proposal and the investigations that will be undertaken to inform the Code Amendment will address the issues provided in Council's comments. A copy of Council's correspondence is attached at **Attachment C**.

Council was consulted again in July 2023 given the passage of time and that the extent of the Area Affected has reduced to that shown in **Attachment A** with the second area south of Templers Road no longer included.

In a letter dated 4 September 2023 Council's CEO advised that Council considered the amended proposal at a meeting on 22 August 2023 and authorised the CEO to provide a response to Walton Rural Pty Ltd via MasterPlan SA Pty Ltd:

- Acknowledging the amended Walton Rural P/L proposal to lodge a Code Amendment affecting nominated land to the west of Freeling; and
- Providing further background information based upon the content of the agenda report.

The background information provided relates to a desktop review of the current infrastructure and services within the area that was undertaken by Council staff to provide more targeted advice for the area now nominated for rezoning. The advice provided relates to:

- Stormwater;
- Wastewater;

- Access;
- Fibre readiness;
- Interface with rural areas;
- Zone selection;
- Infrastructure deeds;
- Preparation of a Concept Plan; and
- Matters beyond Council – consultation with the Department of Infrastructure and Transport regarding access, consultation with SA Water regarding provision of potable water, and provision of power and telecommunications.

Again, Council did not raise any objections to the proposal and the investigations that will be undertaken to inform the Code Amendment will consider the advice provided in Council's comments. A copy of Council's latest correspondence is attached at **Attachment D**.

In addition, the following engagement has also occurred on the proposed Code Amendment:

- Discussions were undertaken in October 2022 with the owners of Allotment 41 in Deposited Plan 15869 (CT 5661/459) which adjoins the Area Affected directly to the south-west. The opportunity for their land to be included in the Code Amendment was discussed, given it adjoins the land owned by Walton Rural Pty Ltd and provides a wider frontage to Templers Road.

The owners of Allotment 41 expressed general support for the expansion of Freeling given the positive benefits that an increased population will bring to the town's community, including support for businesses and provision of community facilities/infrastructure.

In January 2023 a letter was sent to the owners of Allotment 41 formally inviting them to join Walton Rural Pty Ltd as a proponent for the Code Amendment. No response has been received and a second letter was sent in April 2023 withdrawing the invitation.

#### **4.4. Further Engagement Proposed**

In addition to the engagement already undertaken and identified above, Table 7 outlines what additional engagement will be undertaken to support the Code Amendment.

**Table 7: Additional Engagement Proposed**

FURTHER ENGAGEMENT PROPOSED	EXPLANATION OF HOW THE FURTHER ENGAGEMENT PROPOSES TO ADDRESS AN IDENTIFIED ISSUE OR QUESTION
Notification to owners and occupiers of adjoining land	To identify the potential impact of the proposed Code Amendment on the neighbouring land in the Rural and Established Neighbourhood Zones.

FURTHER ENGAGEMENT PROPOSED	EXPLANATION OF HOW THE FURTHER ENGAGEMENT PROPOSES TO ADDRESS AN IDENTIFIED ISSUE OR QUESTION
Notification to the wider community within Freeling and the Light Regional Council area	To identify the potential impact of the proposed Code Amendment on the community of Freeling and the broader Council area
Light Regional Council	To identify and resolve any planning matters of local significance to the Council and the local community.
Relevant Government Agencies and service providers, such as DTI, SA Water, SA Power Networks etc	To confirm the impact that the Code Amendment may have on surrounding infrastructure and services.
Relevant Government agencies (CFS, PIRSA) regarding specific issues – bushfire risk, interface with rural land, loss of agricultural land	To confirm potential impacts and the appropriateness of the changes proposed by the Code Amendment.
Ms Penny Pratt, State Member of Parliament for Frome within which the Code Amendment is proposed	To identify any potential concerns regarding the proposed Code Amendment.

## 5.0 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 to the Minister and also published on the PlanSA 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.

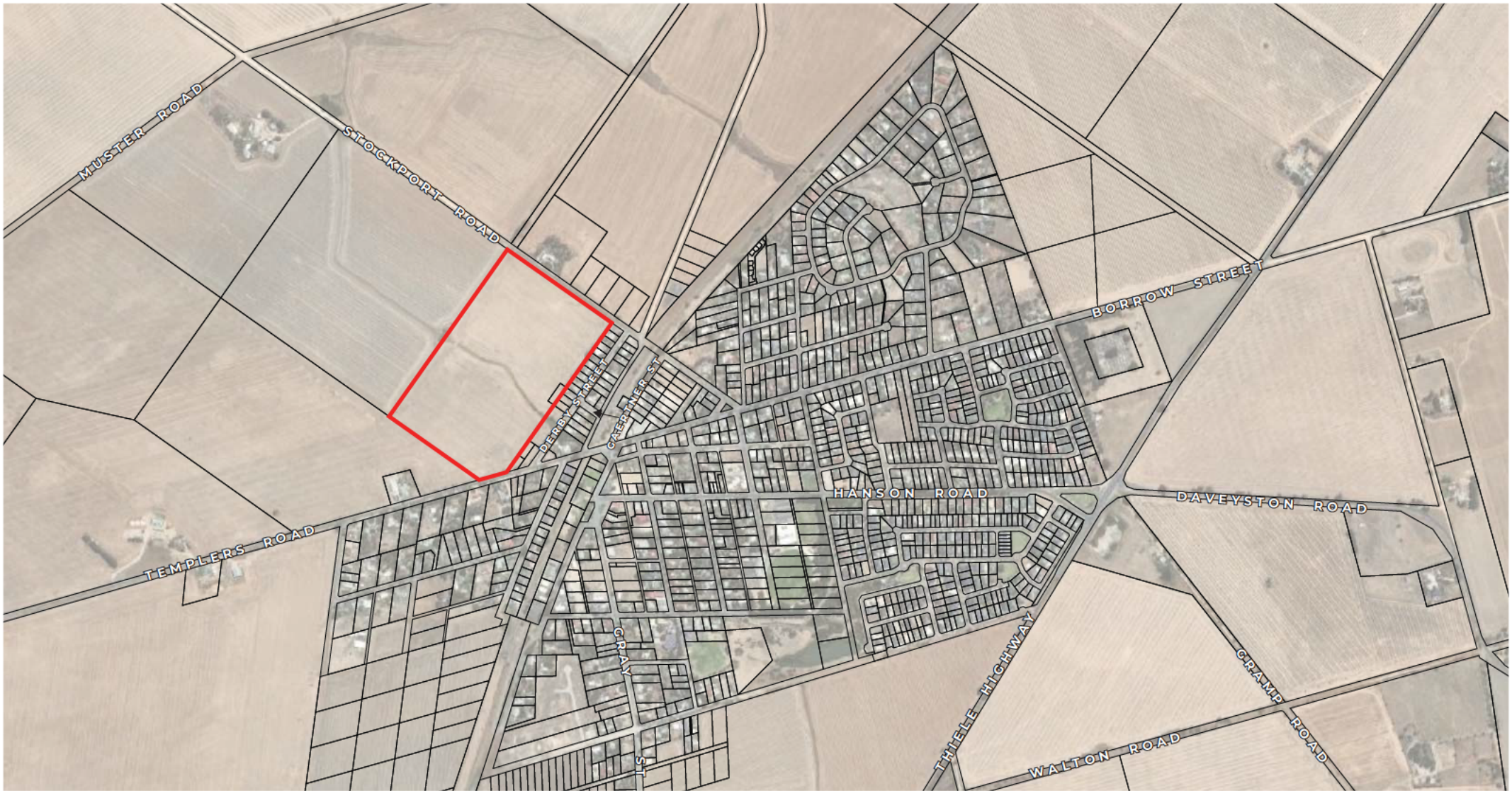
### **5.3. Code Amendment Timetable**

The Proponent (where it is also the Designated Entity) commits to undertaking the Code Amendment in line with the timeframe outlined **Attachment E**. 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 Area Affected**





#### Area Affected

- Allotment 203 in Filed Plan 174110 (CT:5797/515)
- Portion of Allotment 208 in Filed Plan 174109 (CT:5782/949)

#### AREA AFFECTED

FREELING WEST CODE AMENDMENT

for WALTON RURAL PTY LTD



1:15000 @ A4  
0 | 300

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# **ATTACHMENT B**

## **Certificates of Title**

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



## Certificate of Title - Volume 5797 Folio 515

**Parent Title(s)** CT 778/4  
**Creating Dealing(s)** CONVERTED TITLE  
**Title Issued** 11/08/2000 **Edition** 1 **Edition Issued** 11/08/2000

## Estate Type

FEE SIMPLE

## Registered Proprietor

WALTON RURAL PTY. LTD. (ACN: 007 545 128)  
OF GRAY STREET FREELING SA 5372

## Description of Land

ALLOTMENT 209 FILED PLAN 174110  
IN THE AREA NAMED FREELING  
HUNDRED OF LIGHT

## Easements

NIL

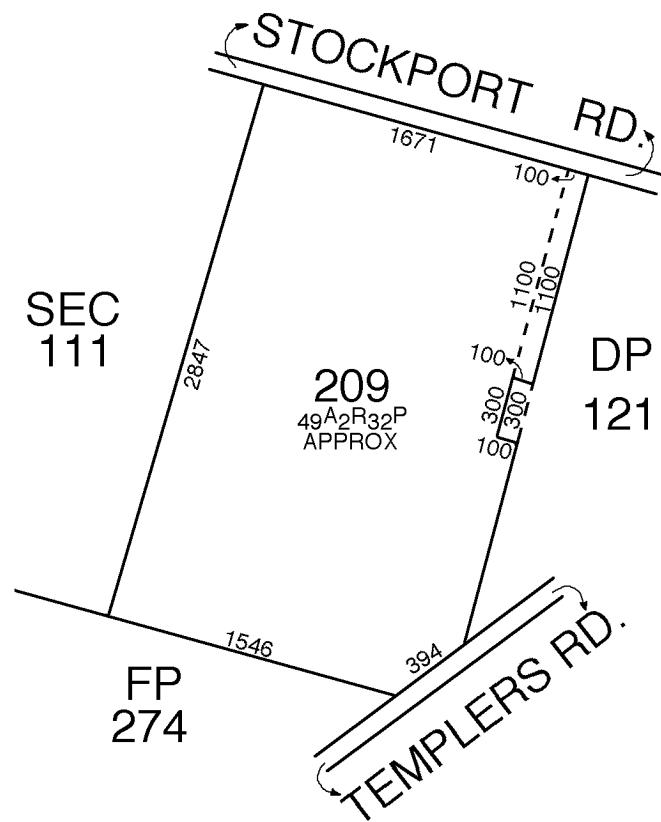
## Schedule of Dealings

NIL

## Notations

<b>Dealings Affecting Title</b>	NIL
<b>Priority Notices</b>	NIL
<b>Notations on Plan</b>	NIL
<b>Registrar-General's Notes</b>	NIL
<b>Administrative Interests</b>	NIL

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 778/4



10 5 0 10 CHAINS

**FOR METRIC CONVERSION**

1 LINK = 0.201168 METRES  
1 CHAIN = 100 LINKS  
1 ACRE = 0.404686 HECTARES  
1 ROOD = 1011.7 m<sup>2</sup>  
1 PERCH = 25.29 m<sup>2</sup>

**NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION**

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



## Certificate of Title - Volume 5782 Folio 949

**Parent Title(s)** CT 4068/497  
**Creating Dealing(s)** CONVERTED TITLE  
**Title Issued** 16/06/2000 **Edition** 1 **Edition Issued** 16/06/2000

## Estate Type

FEE SIMPLE

## Registered Proprietor

WALTON RURAL PTY. LTD. (ACN: 007 545 128)  
OF GRAY STREET FREELING SA 5372

## Description of Land

ALLOTMENT 208 FILED PLAN 174109  
IN THE AREA NAMED FREELING  
HUNDRED OF LIGHT

## Easements

NIL

## Schedule of Dealings

NIL

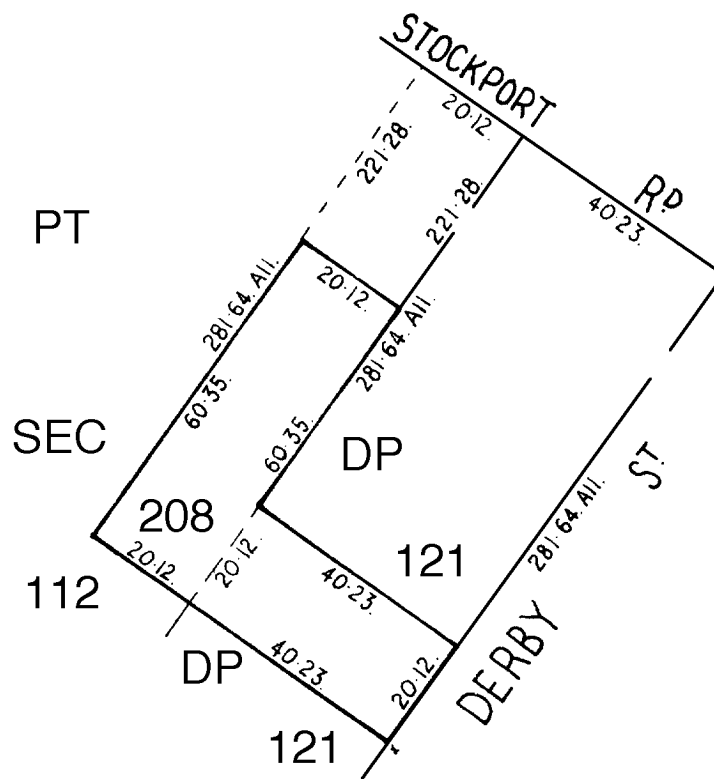
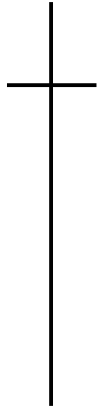
## Notations

<b>Dealings Affecting Title</b>	NIL
<b>Priority Notices</b>	NIL
<b>Notations on Plan</b>	NIL
<b>Registrar-General's Notes</b>	NIL
<b>Administrative Interests</b>	NIL



THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 4068/497

LAST PLAN REF: DP 121



0 12.5 25 37.5 50 Metres

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION

# **ATTACHMENT C**

**Correspondence from Light Regional Council**

**4 February 2022**

4 February 2022

Mr. Graham Burns  
MasterPlan SA Pty. Ltd.  
33 Carrington Street,  
ADELAIDE SA 5000

Per e-mail: [GrahamB@masterplan.com.au](mailto:GrahamB@masterplan.com.au)

Dear Graham,

**Planning and Design Code Amendment – Freeling West (Walton Rural P/L)**

Thank you for your letter dated 17 September 2021 and I refer to the e-mails exchanged in the meantime and related conversations with Council staff.

Council notes your client's (Walton Rural P/L) request that you commence a Code Amendment under Section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016* affecting nominated land parcels west of Freeling.

As you are aware, at its meeting held last Tuesday 25 January 2022 Council considered a report with respect to this matter and resolved to authorise the provision of a response to you:

- Acknowledging the Walton Rural P/L proposal to lodge a Code Amendment affecting nominated land to the west of Freeling; and
- Providing background information based upon the content of the agenda report.

This response is provided as envisaged under State Planning Commission [Practice Direction 2 - Preparation and Amendment of Designated Instruments \(plan.sa.gov.au\)](http://plan.sa.gov.au) at clause 7(2)(g).

**Background Information**

**Freeling (West) Residential Development Plan Amendment (DPA)**

Council has advised previously that a part of the land identified in your correspondence was the subject of a 'Developer-Funded' DPA progressed between 2009 and early 2014, which affected a larger area but was concluded without achieving a rezoning.

Email [light@light.sa.gov.au](mailto:light@light.sa.gov.au)  
Post PO Box 72, Kapunda SA 5373  
Phone 08 8525 3200  
Web [light.sa.gov.au](http://light.sa.gov.au)

**Principal Office**  
93 Main Street  
Kapunda SA 5373

**Kapunda Public Library  
and Visitor Information Centre**  
51–53 Main Street  
Kapunda SA 5373

**Freeling Public Library  
and Customer Service Centre**  
7 Hanson Street  
Freeling SA 5372

**Planning and  
Development Services**  
12 Hanson Street  
Freeling SA 5372

**Operations Centre**  
11 Stephenson Street  
Freeling SA 5372

I note with reference to e-mails from Council dated 29 November 2021 and 6 December 2021, that Council has separately provided you with copies of background DPA documents including:

- The Freeling (West) Residential Development Plan Amendment (August 2012) – released by Council for public consultation in August 2012;
- Freeling (West) Residential Development Plan Amendment Summary of Submissions (considered by Council in March 2013);
- Freeling West Residential Development Plan Amendment (DPA) Investigations (SKM Consultants) (April 2011)
  - *Desktop Flora and Fauna Assessment*
  - *Desktop Aboriginal Heritage Investigations*
  - *Stormwater, Wastewater and MAR Potential*
  - *Traffic Scoping Study – Revised Final Report*

The history of the Freeling (West) Development Plan Amendment informs the following preliminary background and advice with respect to your client's proposal:

- There was previously strong community concern expressed when the rezoning proposal for Freeling West (affecting a larger area) was placed on public consultation during 2012 (as noted in the 'Summary of Submissions' provided separately);
- In addition to the matters identified in your correspondence, in 2012, the Department of Planning:
  - asked Council to demonstrate demand for the rezoning of the affected area in the context of the overall current broadacre land supply (n.b. presently estimated to be 15 years by the State Planning Commission);
  - asked Council to provide further detailed traffic investigations to:
    - ensure that junctions can cater for increased traffic impact; and
    - identify any potential upgrades and future costs associated with any arterial road upgrades required as a direct result of the rezoning;
  - advised Council that the design of the road network and any upgrades required to cater for the rezoning should consider the rail line being reactivated in the future and needed to ensure that road upgrades would not negatively impact on the safety of the rail line.

In this, Council was advised that it would be responsible for upgrading any new local road crossings (including pedestrian and bicycle paths) if the line is reactivated.

If these requirements remain, your client will need to consider how they (and related costs) are factored into and funded in the infrastructure provision required in support of the rezoning;

- Required Council to provide an Infrastructure Planning Report to identify necessary costs associated with the provision and upgrade of water, electricity and wastewater services in support of the development, and the arrangements (secured by a Deed of Agreement) for the provision of the required infrastructure;
- Required a potential unregulated Aeroplane Landing Area on land to the west (understood to be Lot 92 in FP173993 – CT 5358/720) to be investigated further;
- Provide further detailed analysis of site contamination; and
- Add policy to limit vehicle access to Templers Road.

### Land Supply

At its Ordinary Meeting on 27 July 2021, Council considered correspondence from the State Planning Commission (4 June 2021) wherein the Commission advised of its determination, as a part of its review of the Environment and Food Production Areas, there is adequate provision of land in Greater Adelaide to support housing and employment growth over the next 15 years. The land supply at Roseworthy was also noted.

The Land Supply Report for Greater Adelaide (Greenfield) indicated 60 'vacant' lots, an estimated 59 'development ready' lots and the equivalent of another 362 'undeveloped zoned' allotments at Freeling. Realising much of this 'undeveloped' supply would require the subdivision of existing allotments.

Council notes that the consideration of further rezoning in the context of current land supply will be a matter for the Commission in its advice to the Minister.

### Practice Direction Matters

The SA Planning Portal (refer to [Who can initiate a Code Amendment? | PlanSA](#)) advises that:

- *For the 12 months following full implementation of the Code, it is intended that Code Amendments will be prepared and led by private proponents (landowners or developers) rather than by the Chief Executive of the Department.; and*
- *If a private proponent is proposing to undertake the Code Amendment itself, the private proponent will need to provide a declaration of their interest in the land when they complete the Proposal to Initiate. That proposal cannot include land that the private proponent doesn't have a legal or equitable interest in.*

Council staff have noted that not all of the properties within the area nominated are owned by Walton Rural P/L. However it is noted that you have acknowledged this and also advised that you and/ or your clients intend to engage with landowners not affiliated with Walton Rural P/L as part of the 'Proposal to Initiate.'



I trust that this preliminary advice is of assistance and if you wish to discuss these matters, please contact Council's General Manager, Strategy & Development Mr. Craig Doyle on 'phone 8525 3200.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Brian Carr', with a stylized, cursive script.

**Brian Carr**  
**Chief Executive Officer**

# **ATTACHMENT D**

**Correspondence from Light Regional Council**

**4 September 2023**

4 September 2023

Mr. David Lake  
MasterPlan SA Pty. Ltd.  
33 Carrington Street,  
ADELAIDE SA 5000

Per e-mail: [davidl@masterplan.com.au](mailto:davidl@masterplan.com.au)

Dear David,

**Planning and Design Code Amendment – Freeling West (Walton Rural P/L) - Amended**

Thank you for your letter dated 10 July 2023. Council notes your client's (Walton Rural P/L) request that you commence a Code Amendment under Section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016* affecting nominated land parcels west of Freeling, in an amended form to what was previously identified in September 2021.

As you are aware, at its meeting held on Tuesday 22 August 2023 Council considered a report with respect to this matter and resolved to authorise the provision of a response to you:

- Acknowledging the amended Walton Rural P/L proposal to lodge a Code Amendment affecting nominated land to the west of Freeling; and
- Providing further background information based upon the content of the agenda report.

This response is provided as envisaged under State Planning Commission [Practice Direction 2 - Preparation and Amendment of Designated Instruments](#) ([plan.sa.gov.au](http://plan.sa.gov.au)) at clause 7(2)(g).

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Freeling SA 5372

## **Background Information**

### Previous proposal to initiate a Code Amendment - Freeling West (Walton Rural P/L)

Council's Chief Executive Officer previously provided preliminary feedback to MasterPlan aligned with the commentary contained within the report considered by Council on 25 January 2022.

The feedback provided advice drawn from the earlier Freeling (West) Development Plan Amendment (DPA) that was not advanced to completion, as well as observations related to land supply and the applicable Practice Direction. A copy of that feedback (dated 4 February 2022) has been attached for your convenience.

### Desktop review of current infrastructure and services

The previous history of the Freeling (West) Development Plan Amendment and advice supplied regarding 'Land Supply' and 'Practice Direction Matters', continues to offer a basis for preliminary advice with respect to any code amendment located on the western side of the Freeling township.

With respect to the revised proposal, in addition to the general feedback provided previously, a desktop review of the current infrastructure and services within the area has been undertaken to provide more targeted advice for the area now nominated and is detailed below:

#### *Stormwater*

- The subject land is bisected by a drainage channel that provides an outlet for the Freeling township's north-eastern catchment. Engineering investigations for future development will need to confirm whether stormwater can be managed using this channel (on-line), or separately via an off-line arrangement, or a combination of these.
- Stormwater discharge from future development of the site should not have a flow rate that exceeds the pre-development conditions. The average annual volume, and frequency of discharge should also be limited to the pre-development conditions.
- Council will engage with the developer with respect to any stormwater channels and whether it is appropriate for these to be regarded as a form of linear reserve/s as well as with respect to treatment and management outcomes.
- The quality of water discharged from the site will be required to meet the current Environment Protection Authority stormwater quality standards.
- This channel and township catchment forms one of the highest points in the Templers Creek water catchment which traverses the region from the western side of Freeling, through Templers and Wasleys,

usually dissipating between Fischer and Lewiston. In extreme rainfall events, water from Templers Creek can end up making its way into Salt Creek which flows through Two Wells and discharges into the Gulf of St Vincent. It has been considered that limiting flow rate, volume and frequency to pre-development rates will suitably prevent the exacerbation of flooding to land downstream.

- The stormwater channel that traverses the land is modeled to spill during a 1 in 100-year critical storm event and inundate a large portion of the subject land. This will need to be considered in any rezoning investigations.

#### *Wastewater*

- The Freeling township currently has two existing wastewater networks in operation: a Community Wastewater Management System (CWMS), and a sewerage system.
- Pipework and a pumping station that form part of the CWMS are located within the Derby Street reserve adjacent to the site.
- If either CWMS or sewerage is nominated for wastewater management, it is expected that a review of existing pump stations configuration and capability, existing pipework size/ capacity and storage lagoon capacity will be required, with augmentation and/ or expansion of that infrastructure being required (e.g. new pump station, increase of capacity of existing pump station and/ or new lagoon construction).

#### *Access*

- Rezoning the land for residential use will require a Traffic Management Assessment to understand the any impacts of such rezoning on the local and arterial traffic network.
- The Department of Transport and Infrastructure (DIT) will provide comments with respect to upgrades required that affect its arterial road network and junctions.
- The site is likely to be located within either the Hazards (Bushfire – General Risk) Overlay or the Hazards (Bushfire- Urban Interface) Overlay, and therefore any future division of land will need to ensure that there are at least two separate and safe exit points to enable multiple avenues of evacuation in the event of a bushfire. A Concept Plan is recommended, particularly as it seems likely that internal thoroughfares will need to consider crossing stormwater channels/ infrastructure.
- A section of the land to the south-west of the site is located outside of the Environment and Food Production Area (EFPA) (refer below, EFPA is shown in green) and therefore it may also be considered for rezoning in the future. Accordingly, any development of the subject site should be designed to preserve future connectivity, such as the land to the south-west.





- Pedestrian linkages within the site should connect into the existing pedestrian infrastructure found within Derby Street, rather than funneling pedestrians from the site straight on to Templers Road. Council would be interested in having further discussions with the developer regarding the provision of pedestrian linkages back to connect to the town centre.

#### *Other*

- Fibre Readiness
  - Commonwealth legislation requires that new developments feature fibre-ready facilities.
- Interface with Rural Areas
  - As noted in the 'Proposal to Initiate,' if advanced the proposed Code Amendment should consider measures (e.g. public reserves) to assist with managing interface with abutting primary production activities and bushfire risk. A Concept Plan or similar ought to be considered in this respect.
- Zone Selection
  - Council notes that a type of zone has not been foreshadowed in the Proposal to Initiate, and Council would encourage the Proponent to select a zone that is commensurate with the character of the immediate locality to ensure a seamless integration with the existing township and its features.

- Deeds
  - Council recommends that rezoning should not occur until appropriate infrastructure Deeds are negotiated/drafted, executed and secured against the subject site via a Land Management Agreement, as has been the recent practice for managing infrastructure delivery such as for the Roseworthy Township Expansion.
- Concept Plan
  - A Concept Plan should also be considered to ensure that interface buffers, connectivity, stormwater channelling and bushfire safety treatments are captured to assist with future development assessment.

#### *Matters Beyond Council*

- Department of Infrastructure and Transport (DIT)
  - The portion of Templers Road adjacent to the proposed development is located within a 60km/h zone and the DIT will need to assess any proposed future connection points and related upgrade requirements.
  - The DIT is also the relevant authority with respect to level crossings of rail infrastructure and is expected to provide advice with respect to any requirements with respect to rail crossings that may result because of this proposal.
- SA Water
  - Council is aware that the potable water network needs to be augmented before any more allotments can be created and/ or released at Freeling. As this is fundamental requirement, any future developer of the land is advised to liaise with SA Water regarding the requirements for delivering additional capacity to the potable water system.
  - A 100mm water main exists within Templers Road as well as Derby Street between Gaertner Street and Stockport Road. A 150mm water main exists within Stockport Road.
- SA Power Networks
  - All future powerlines within the site are required to be located underground.
  - Derby Street and Templers Road both have 11kv overhead powerlines. Stockport Road has a 33kv and an 11kv overhead powerline.
- Telecommunications
  - Conduit and direct buried cable exists along Templers Road and Stockport Road. Some but not all of Derby Street is serviced by a telecommunications line.

I trust that this preliminary advice is of assistance and if you wish to discuss these matters, please contact Council's General Manager, Strategy & Development Mr. Craig Doyle on 8525 3200.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'RD' or 'Richard Dodson', written in a cursive style.

**Richard Dodson**  
**Chief Executive Officer**

# **ATTACHMENT E**

## **Timetable for Code Amendment by Proponent**

STEP	RESPONSIBILITY	TIMEFRAMES
<b>Approval of the Proposal to Initiate</b>		
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.	PLUS-DTI	2 weeks <i>(includes lodgement and allocation + referral to Government Agencies within the first week)</i>
Minister requests advice from the Commission.	Minister	2 weeks
Referral to Government Agencies for comment (where necessary).	PLUS-DTI, 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
<b>Preparation of the Code Amendment</b>		
Engagement Plan Prepared. Investigations conducted; Code Amendment Report prepared. The Drafting instructions and draft mapping provided to AGD.	Designated Entity	12–14 weeks
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes.	PLUS-DTI	1 week
Preparation of Materials for Consultation.	Designated Entity	2–3 weeks
<b>Engagement on the Code Amendment</b>		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan.	Designated Entity	8 weeks [noting may be subject to change pending finalisation of Engagement Plan]
<b>Consideration of Engagement and Finalisation of Amendments</b>		
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared and lodged with AGD.	Designated Entity	4 weeks
Assess the amendment and engagement. Prepare report to the Commission or delegate Timeframe will be put on hold if further information is required, or if there are unresolved issues.	PLUS-DTI	4 weeks
Consideration of Advice	Commission (Delegate)	2 weeks

STEP	RESPONSIBILITY	TIMEFRAMES
		<i>(includes 1 week to process through Minister's office)</i>
	Commission	+ 3 weeks
<b>Decision Process</b>		
Minister considers the Code Amendment Report and the Engagement Report and makes decision	Minister	3 weeks
<b>Implementing the Amendment (operation of the Code Amendment)</b>		
Go- Live- Publish on the PlanSA portal	PLUS-DTI	2-4 weeks
<b>Parliamentary Scrutiny</b>		
Referral of approved Code Amendment to ERDC	PLUS-DTI	8 weeks



2023/06949/01



By email: [REDACTED]

Dear [REDACTED]

I write to advise that under section 73(2)(b)(vii) 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 Freeling West 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, Walton Rural Pty Ltd 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 engagement.
- 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.
- Prior to adoption of the Code Amendment, the Designated Entity must demonstrate to the satisfaction of the Minister for Planning that all necessary agreements or deeds are fully executed as required to secure the funding and/or delivery of all infrastructure required to accommodate the development of the affected area, as proposed by the Code Amendment, to the satisfaction of all relevant infrastructure providers.
- Explore the application of the Suburban Neighbourhood Zone or other similar zone from the Code as an alternative to the Established Neighbourhood Zone, noting that the Established Neighbourhood Zone is generally applied to areas where limited change is expected (and not to greenfield sites), there is no Concept Plan functionality and fewer Deemed-to-Satisfy pathways available.

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

- Department for Education
- Affordable Housing Unit of the SA Housing Authority
- Department for Environment and Water
- Department for Infrastructure and Transport
- Department of Primary Industries and Regions
- Environment Protection Authority (EPA)
- 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 to accommodate the development of the affected area as proposed by the Code Amendment and provides a strategy which offers a funding and delivery solution for all required infrastructure works (noting that Light Regional Council has stated that it expects that Infrastructure Deed/s will be required).
- Stormwater investigations to ensure there is no run-off to the existing township nor the surrounding allotments (or such other arrangements as may be agreed to by Council, Designated Entity and the affected land owners).
- Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify any identified Aboriginal heritage cultural sites and objects.
- Ensure the Concept Plan outlines a layout that ensures future township growth is not constrained including consideration of connectivity to existing and potential future residential areas and pedestrian connectivity, possibly along the watercourse into the township.

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:

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

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: [plan.sa.gov.au/en/engagement-charter-toolkit](https://plan.sa.gov.au/en/engagement-charter-toolkit).

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 [REDACTED], Manager, Planning and Design Code, Planning and Land Use Services, on [REDACTED] or via email at: [REDACTED]

Yours sincerely

**Hon Nick Champion MP**  
Minister for Planning

/ / 2024

Encl: Signed Proposal to Initiate the Freeling West Code Amendment



2023/06949/01

[REDACTED]

By email: [REDACTED]

Dear [REDACTED]

I write to advise that under section 73(2)(b)(vii) 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 Freeling West Code Amendment. This Code Amendment seeks to affect land within your council area.

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, Walton Rural Pty Ltd 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 engagement.
- 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.
- Prior to adoption of the Code Amendment, the Designated Entity must demonstrate to the satisfaction of the Minister for Planning that all necessary agreements or deeds are fully executed as required to secure the funding and/or delivery of all infrastructure required to accommodate the development of the affected area, as proposed by the Code Amendment, to the satisfaction of all relevant infrastructure providers.
- Explore the application of the Suburban Neighbourhood Zone or other similar zone from the Code as an alternative to the Established Neighbourhood Zone, noting that the Established Neighbourhood Zone is generally applied to areas where limited change is expected (and not to greenfield sites), there is no Concept Plan functionality and fewer Deemed-to-Satisfy pathways available.

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

- Department for Education
- Affordable Housing Unit of the SA Housing Authority
- Department for Environment and Water
- Department for Infrastructure and Transport
- Department of Primary Industries and Regions
- Environment Protection Authority (EPA)
- 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 to accommodate the development of the affected area as proposed by the Code Amendment and provides a strategy which offers a funding and delivery solution for all required infrastructure works (noting that Light Regional Council has stated that it expects that Infrastructure Deed/s will be required).
- Stormwater investigations to ensure there is no run-off to the existing township nor the surrounding allotments (or such other arrangements as may be agreed to by Council, Designated Entity and the affected land owners).
- Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify any identified Aboriginal heritage cultural sites and objects.
- Ensure the Concept Plan outlines a layout that ensures future township growth is not constrained including consideration of connectivity to existing and potential future residential areas and pedestrian connectivity, possibly along the watercourse into the township.

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:

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

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: [plan.sa.gov.au/en/engagement-charter-toolkit](https://plan.sa.gov.au/en/engagement-charter-toolkit).

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 [REDACTED], Manager, Planning and Design Code, Planning and Land Use Services, on [REDACTED] or via email at: [REDACTED].

Yours sincerely

**Hon Nick Champion MP**  
Minister for Planning

/ / 2024

Encl: Signed Proposal to Initiate the Freeling West Code Amendment





**TO: MINISTER FOR PLANNING**

**RE: PROPOSAL TO INITIATE THE FREELING WEST CODE AMENDMENT BY  
WALTON RURAL PTY LTD – FOR INITIATION**

## **PURPOSE**

To recommend that you approve, with conditions, the Proposal to Initiate the Freeling West Code Amendment (the Proposal).

## **BACKGROUND**

Section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016* (the Act) provides that a proposal to amend a designated instrument may be initiated by a Proponent with your approval, acting on the advice of the State Planning Commission (the Commission).

Walton Rural Pty Ltd (care of MasterPlan) has lodged a Proposal to Initiate the Freeling West Code Amendment to amend the Planning and Design Code (the Code) as it relates to the affected area (**Attachment 1**).

The Commission considered the Proposal to Initiate (the Proposal) at its meeting of 1 February 2024 and resolved to support the Code Amendment, subject to conditions.

## **DISCUSSION**

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

### **Proposal**

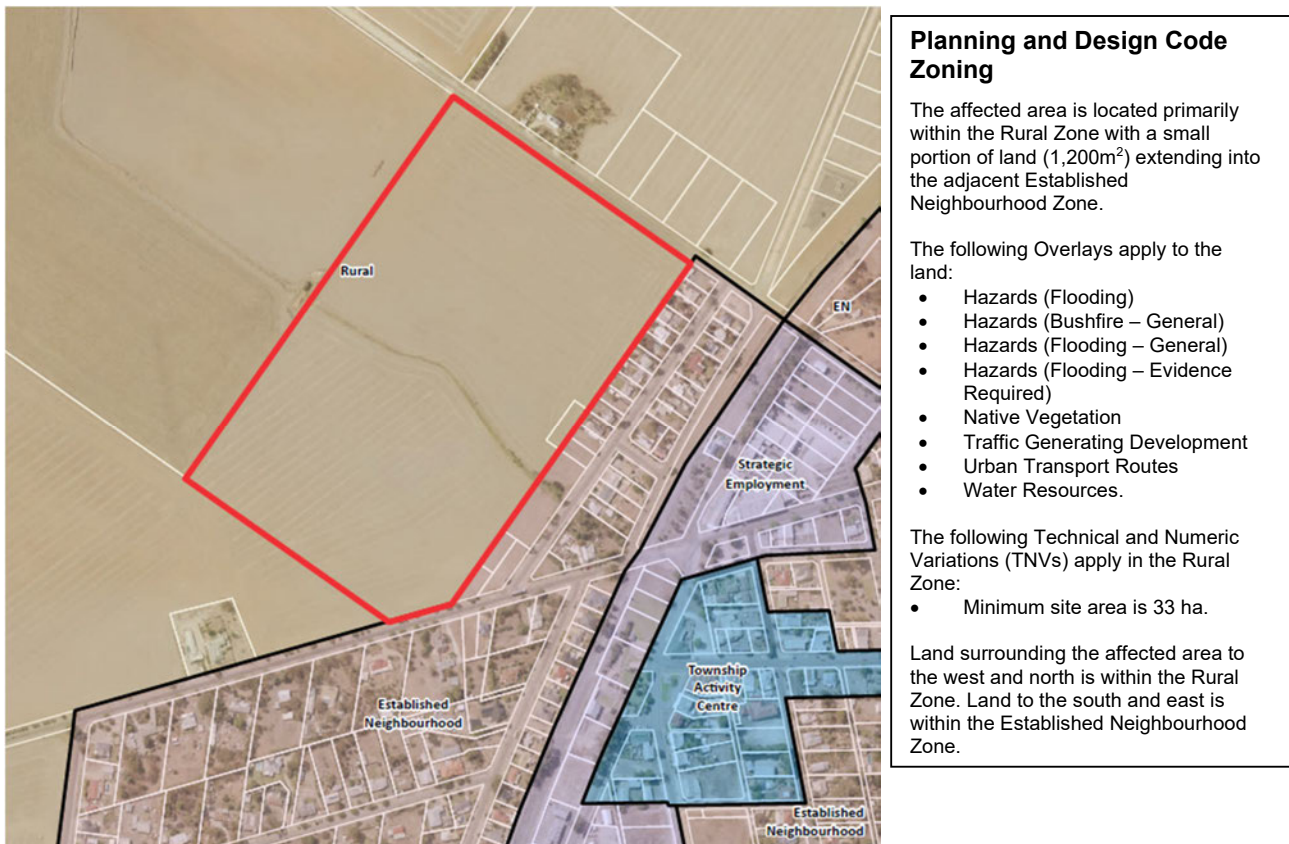
The Proposal seeks to rezone approximately 20 hectares of land at Freeling from the Rural Zone to a neighbourhood type zone (exact zone to be confirmed following investigations), to accommodate up to 185 allotments for residential development, providing Freeling with an additional six (6) years of land supply.

The affected area is located in the Light Regional Council (the Council) on Ngadjuri Country.

Introduction of a concept plan will be explored to ensure key aspects such as open space, land use interface management and appropriate infrastructure are included in the design for future development.

The land is located within the existing urban growth boundary for Freeling and is situated outside the Environment and Food Production Area (EFPA) and the Barossa Character Preservation District (BCPD).

The affected area and current zoning are shown in the figure below.



**Figure 1: Affected Area and Current Zoning**

### Strategic considerations

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

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

### Strategic advice

The proposed Code Amendment will support the provision of additional housing as an extension to the established township of Freeling, with the affected area located within the Planned Urban Boundary to 2045. The proposed expansion is considered to represent orderly development that would enable the cost-effective delivery of infrastructure, supporting projected growth whilst also maintaining the township boundary.

The affected area is not within the EFPA or the BCPD. Although the proposed rezoning will result in the loss of existing primary production land, it is generally considered to represent a logical extension to Freeling. The interface of the affected area with rural land to the south, west and north will, however, need to be considered as part of further investigations.

Given that there is a projected demand for additional residential land, the proposal is deemed appropriate. Further specific reasons are provided below:

- The area proposed for a neighbourhood type zone is adjacent to an existing Established Neighbourhood Zone in Freeling.
- The Proposal is considered to be consistent with the strategic intent of a number of the SPPs and *The 30-Year Plan for Greater Adelaide*, which has a focus on strategically planned township growth.
- The Proposal will complement another Code Amendment (the Freeling Code Amendment) which is currently being progressed by a separate landowner to rezone rural land on the eastern side of Freeling for future residential development.

#### Residential land supply

The affected area is located within the Northern Adelaide and Barossa region of the Greater Adelaide Planning Region (GAPR), with population projected to grow between 12,069 (medium) and 16,558 (high) over the next 20 years to 2041. The majority of this growth will be located in towns such as Freeling.

The current supply of 'development ready', residential zoned broadhectare land is approximately 450 allotments. Given the projected growth analysis for the region, it would be prudent to consider the rezoning of additional land for residential development to the west of Freeling, especially as the township has been averaging 20 dwelling completions per year since 2017 and there is currently less than 50 'development ready' allotments available for new housing in Freeling.

It should be noted that the separate Freeling Code Amendment is in progress to rezone rural zoned land to the east of Freeling (also located within the town's urban growth boundary) for future residential development purposes.

The Freeling Code Amendment seeks to rezone 29.8 hectares of land to Suburban Neighbourhood Zone to provide 230 new allotments for housing. This Code Amendment recently concluded engagement on 5 December 2023. This Proposal should consider applying the Suburban Neighbourhood Zone (or similar zone) to ensure consistency with the Freeling Code Amendment.

Together with the abovementioned Freeling Code Amendment, the two proposals could deliver in the order of 415 new residential allotments in the short term. This is considered appropriate given the areas affected are a logical extension to the existing urban form and will assist in the meeting Housing Accord targets in the Outer North Region.

#### Land use characteristics

The whole site (comprising 2 allotments) is currently used for farming (livestock grazing and cereal production) and is relatively flat with a shallow watercourse running through the land in a north westerly direction.

As the affected area has been cleared for farming there is no significant intact native vegetation present.

Land directly to the south-west, west and north-west (across Stockport Road) is used for farming purposes and is zoned Rural.

There is one (1) dwelling on the northern side of Stockport Road opposite the affected area, and a small transport depot is located to the south-west on Templers Road.

Whilst zoned Rural, the affected area is not located within the EFPA or the BCPD, and the proposed rezoning to a neighbourhood type zone will be directly adjacent the Established Neighbourhood Zone in Freeling, to the south and east.

#### Transport and access

The affected area is easily accessed by existing road infrastructure. The site is bound by main roads on two sides. Stockport Road lies to the north of the site and Templers Road to the south. Both Stockport Road and Templers Road are sealed, single carriageway roads.

Further proposed investigations include a traffic study to determine the impacts of the rezoning on surrounding road networks and the timing of road upgrades to support future development.

#### Services and infrastructure

The Proposal includes further investigations to identify the upgrades required to service the site. The Proponent must factor in stormwater investigations to ensure the pattern of proposed development does not result in runoff towards the existing township or the surrounding allotments.

#### Hazards – bushfire and flooding

The affected area and surrounding land are located within the Hazards (Bushfire – General) Overlay. No change to the existing Overlay is proposed and consultation will be undertaken with the Country Fire Service. The affected area is also located in the Hazards (Flooding), Hazards (Flooding – General) and Hazards (Flooding – Evidence Required) Overlays. No change to the spatial application of these Overlays is proposed.

#### Native vegetation

The affected area is located within the Native Vegetation Overlay and is largely cleared of vegetation, but there remain some isolated areas of vegetation scattered along the watercourse that runs through the property in a north-westerly direction. Any proposed clearance of native vegetation will trigger the provisions of the *Native Vegetation Act 1991*. An assessment of native vegetation is proposed as part of the supporting investigations and will identify if there are any threatened or endangered native species on the land.

#### Site contamination

The affected area is in the Rural Zone and may have been subject to pesticides and other chemicals during use. Further proposed investigations include a Preliminary Site Investigation (PSI) to determine any site contamination issues that may affect future development.

### Interface Management

The affected area is surrounded by several different land uses, some of which could be impacted by, or impact upon the affected area.

A review of how Code policy will facilitate the management of interface conflicts that may arise between sensitive land uses will be undertaken. Preparation of a concept plan will also be considered to assist with guiding development outcomes, as well as the positioning of stormwater infrastructure and other community facilities.

### Cultural and Aboriginal Heritage

Desktop investigations into Aboriginal heritage on the affected area were last undertaken in 2011. It is considered that further investigations into Aboriginal heritage should be undertaken to ensure that there are no items of Aboriginal heritage significance present.

### **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, several conditions are recommended by the Commission as set out below.

### Information requirements

In accordance with *Practice Direction 2 – Preparation of Amendment of Designated Instruments*, 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 30-Year Plan for Greater Adelaide: 2017 Update*.

This assessment is provided in **Appendix A**. A more detailed analysis is also located in the Proposal. In summary, the Proposal is consistent with the SPPs and Regional Plan.

### Designated Entity

As this proposal is by a private proponent, under section 73(4) of the Act, you may decide to enable the Proponent to be the Designated Entity and conduct the Code Amendment processes, or alternatively, you can give the Chief Executive of the Department for Trade and Investment the responsibility for undertaking the processes, in which case the Chief Executive can charge the person or entity reasonable costs associated with doing so (pursuant to section 73(4)(b)) of the Act. It is recommended that the Proponent undertake the Code Amendment.

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

#### Investigations to support the Amendment

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

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

- Undertaking a traffic investigation to identify the increase in vehicle volumes and / or necessary road augmentation.
- Identifying any required infrastructure and services upgrades including the provision of water, electricity, gas, telecommunications, stormwater, and wastewater for the proposed neighbourhood type zone.
- Selection of the most appropriate neighbourhood type zone that will allow the area affected to be developed with a range of housing types but with a built form and character sympathetic to the existing township.
- Consideration of any additional community and recreational facilities that will be required to accommodate a growing population.
- Conducting a Preliminary Site Investigation (PSI) to identify possible site contamination issues.
- Undertaking an assessment to quantify the productive value of the land for farming.
- Assessing the extent of native vegetation and fauna to identify the existence of any threatened or endangered native species in the affected area.
- Identifying any measures including the suitability of existing Code policy to manage the interface between the affected area and adjoining rural land.
- Consideration of bushfire risk including access arrangements and the interface with adjoining rural land.

The Commission has resolved that these investigations are suitable; however, has recommended that these be further supported by additional investigations under section 73(6)(f) of the Act, as detailed below:

- A comprehensive infrastructure analysis by an appropriately qualified expert (or experts) that identifies all future infrastructure works required to accommodate the development of the affected area as proposed by the Code Amendment and provides a strategy that offers a funding and delivery solution for all required infrastructure works (noting that Council has stated that it expects that Infrastructure Deed(s) will be required).
- Stormwater investigations to ensure there is no run-off to the existing township nor the surrounding allotments (or such other arrangements as may be agreed to by Council, Designated Entity and the affected land owners).
- Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify any relevant Aboriginal heritage considerations, including any identified cultural sites and objects.



- Ensure the Concept Plan outlines a layout that ensures future township growth is not constrained including consideration of connectivity to existing and potential future residential areas and pedestrian connectivity, possibly along the watercourse into the township.

#### Application of the Code

The Proposal seeks to rezone land from the Rural Zone to one of the neighbourhood type zones (zone selection to be investigated) to support additional residential development.

Consideration will also be given to applying the Affordable Housing Overlay consistent with the adjacent Established Neighbourhood Zone.

The selection of a neighbourhood type zone policy framework is consistent with the existing urban area of Freeling and, in principle, is considered appropriate. It is, however, recommended that the Proponent should investigate application of the Suburban Neighbourhood Zone or other similar zone, noting that the Established Neighbourhood Zone is generally applied to areas where the predominant streetscape character and prevailing development pattern should be maintained (and not to greenfield sites). There is further no Concept Plan functionality and fewer Deemed-to-Satisfy (DTS) pathways available within the Established Neighbourhood Zone.

Accordingly, it is proposed that a condition to this effect be imposed on the approval to initiate the Code Amendment.

#### Engagement

The Proponent has undertaken preliminary consultation with the Light Regional Council on two separate occasions – the first being September 2021 (for a broader area affected) and the second being July 2023 regarding the current proposal submitted, which contains a reduced area.

The Light Regional Council did not raise any objections to the Proposal, but did advise that the following investigations to support the Code Amendment are critical:

- Stormwater and wastewater management of the site to be appropriately addressed.
- Traffic Management Assessment to be undertaken to understand the impacts of any rezoning on the local and arterial road network.
- Pedestrian linkages within the site should connect with any existing pedestrian infrastructure found within Derby Street.
- The Code Amendment should consider measures (e.g., public reserves) to assist with managing interface with abutting primary production activities and bushfire risk.
- A zone commensurate with the character of the immediate locality should be selected to ensure a seamless integration with the existing township and features.
- Rezoning should not occur until appropriate infrastructure deeds are negotiated/ drafted, executed, and secured against the subject site via a Land Management Agreement (like recent practice for other areas including the Roseworthy Township expansion).

- A Concept Plan should be considered to ensure that interface buffers, connectivity, stormwater channelling and bushfire safety treatments are captured to assist with future development assessment.
- A range of other matters relating to existing and future infrastructure / service provision were identified.

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. Engagement is scheduled to commence in mid-2024.

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:

- Department for Education
- Affordable Housing Unit of the SA Housing Authority
- Department for Environment and Water
- Department for Infrastructure and Transport
- Department of Primary Industries and Regions
- Environment Protection Authority (EPA)
- 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, consultation must be undertaken with:

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

## RECOMMENDATIONS

It is recommended that you:

1. Note the advice of the State Planning Commission provided to you as required under section 73(2)(b) of the Act.
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:

NOTED / NOT NOTED

NOTED / NOT NOTED

- Department for Education
- Affordable Housing Unit of the SA Housing Authority
- Department for Environment and Water
- Department for Infrastructure and Transport
- Department of Primary Industries and Regions
- Environment Protection Authority 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.

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:

NOTED / NOT NOTED

- A comprehensive infrastructure analysis by an appropriately qualified expert (or experts) that identifies all future infrastructure works required to accommodate the development of the affected area as proposed by the Code Amendment and provides a strategy that offers a funding and delivery solution for all required infrastructure works (noting that Light Regional Council has stated that it expects that Infrastructure Deed(s) will be required).
- Stormwater investigations to ensure there is no run-off to the existing township nor the surrounding allotments (or such other arrangements as may be agreed to by Council, Designated Entity and the affected land owners).
- Conduct a search of the Register of Aboriginal Sites and Objects (Taa wika) to identify any relevant Aboriginal heritage considerations, including any identified cultural sites and objects.

- Ensure the Concept Plan outlines a layout that ensures future township growth is not constrained including consideration of connectivity to existing and potential future residential areas and pedestrian connectivity, possibly along the watercourse into the township.
4. Approve initiation under section 73(2)(b) of the Act, subject to the following conditions, under section 73(5) 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 on the date the Amendment is released for engagement.
  - 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) Prior to adoption of the Code Amendment, the Designated Entity must demonstrate to the satisfaction of the Minister for Planning that all necessary agreements or deeds are fully executed as required to secure the funding and/or delivery of all infrastructure required to accommodate the development of the affected area, as proposed by the Code Amendment, to the satisfaction of all relevant infrastructure providers.
  - d) Explore the application of the Suburban Neighbourhood Zone or other similar zone from the Code as an alternative to the Established Neighbourhood Zone, noting that the Established Neighbourhood Zone is generally applied to areas where limited change is expected (and not to greenfield sites), there is no Concept Plan functionality and fewer Deemed-to-Satisfy pathways available.

APPROVED / NOT APPROVED

5. Under section 73(4)(a) of the Act, approve the initiation of the Code Amendment on the basis that the Proponent will undertake the Code Amendment processes (as the Designated Entity) required under the Act.
6. Agree to sign the Proposal to Initiate the Freeling West Code Amendment (**Attachment 1**).
7. Agree to sign the attached letters to the Proponent (**Attachment 2**) and the Light Regional Council (**Attachment 3**) advising of your approval and conditions.

APPROVED / NOT APPROVED

AGREED / NOT AGREED

AGREED / NOT AGREED

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**NICK CHAMPION MP**

/ / 2024



**CRAIG HOLDEN**

Chair, State Planning Commission  
23 / 02 / 2024

**Attachments:**

1. Proposal to Initiate the Freeling West Code Amendment (#20670271)
2. Suggested letter to Walton Rural Pty Ltd (#20808998)
3. Suggested letter to the Light Regional Council (#20809664)

**Appendices:**

- A. Assessment against the State Planning Policies and Regional Plan (#20809756)

Contact:



Tel No:

