

Agenda Report for Decision

Meeting Date: 22 July 2021

Item Name	Code Amendment Initiation Advice to the Minister – Mount Compass Golf Course Estate Code Amendment
Presenters	Anita Allen / Brett Steiner
Purpose of Report	Decision
Item Number	3.1
Confidentiality	Not Confidential (Release Delayed) – to be released following final decision by the Minister on initiation of the Code Amendment, anticipated by 6 August 2021
Related Decisions	15/04/2021: Item 2.1 Mount Compass Golf Course

Recommendation

It is recommended that the Commission resolves to:

1. Approve the designation of this item as follows:
 - a. Agenda report – Not Confidential (Release Delayed) – to be released following final decision by the Minister on initiation of the Code Amendment, anticipated by 6 August 2021
 - b. Attachment 1 (Proposal to initiate) – Not Confidential (Release Delayed) – to be released together with the Agenda report
 - c. Attachments 2 & 3 (Commission Advice to Minister, with draft approval letters to the golf course landowner and Council) – Not Confidential (Release Delayed) – to be released together with the Agenda report
 - d. Attachment 4 (Procedural Matters) – Not Confidential (Release Immediately)
 - e. Attachment 5 (Process Flowchart) – Not Confidential (Release Immediately).
2. Advise the Minister for Planning and Local Government (the Minister) that it:
 - a. Recommends the approval of the initiation of the Mount Compass Golf Course Estate Code Amendment under section 73(2)(b)(i) of the *Planning, Development and Infrastructure Act 2016* (the Act) with no conditions specified.
 - b. Recommends that the Chief Executive of the Attorney-General's Department 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 Infrastructure and Transport (DIT)
 - Utility providers including SA Power Networks, Electranet Pty Ltd, 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. Recommend that the Minister approve the initiation of the Code Amendment by signing the Proposal to Initiate (**Attachment 1**) and approval letters (**Attachment 2**);
 5. Approve the advice to the Minister as provided (**Attachment 3**); and
 6. Authorise the Chair to finalise any minor amendments to the advice and attachments.

Background

Section 73(2)(b)(i) of the Act provides that a proposal to amend the Code may be initiated may be initiated by the Chief Executive 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.

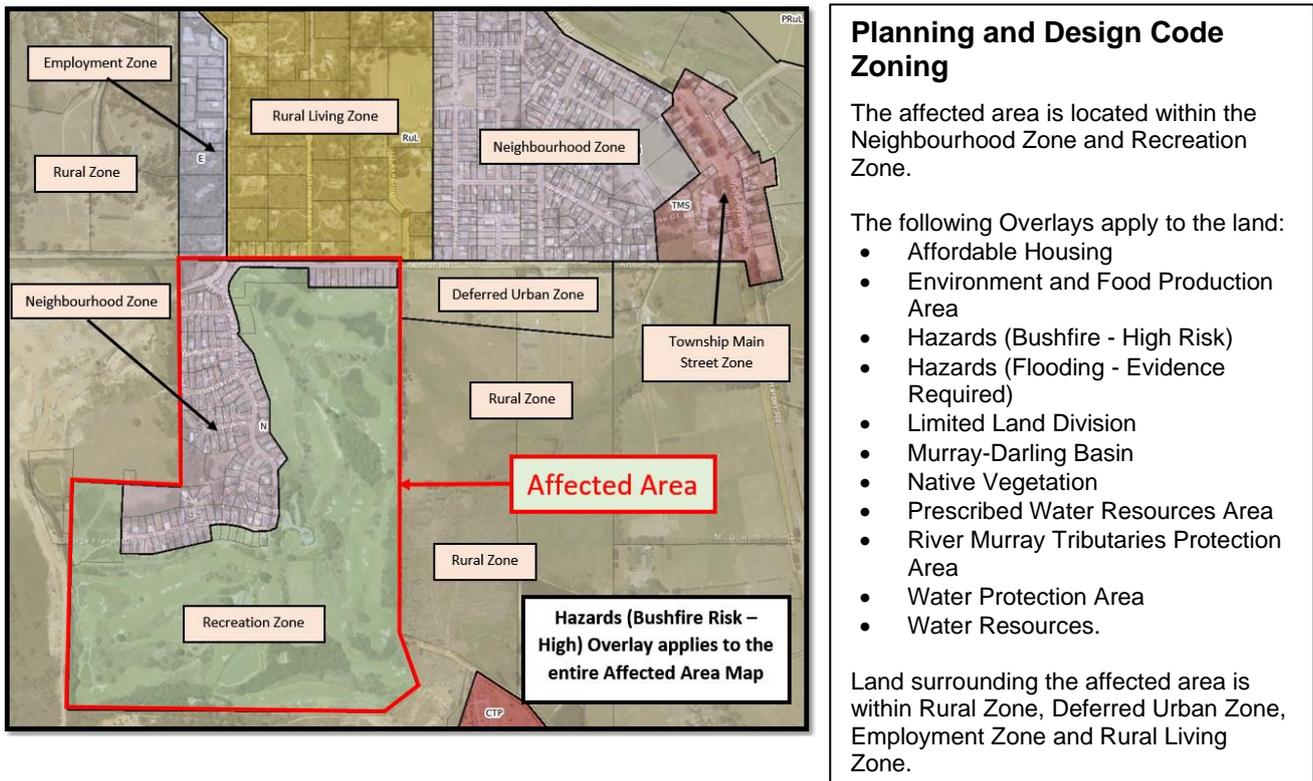
The purpose of this report therefore is to provide the Commission with advice to be provided to the Minister in relation to the initiation proposal submitted by the Chief Executive (**Attachment 1**). Procedural matters regarding the Commission's role is provided in **Attachments 4** and **5**.

Discussion

Scope of the Amendment

The affected area and current zoning are shown in Figure 1, below. Detailed discussion is provided in the advice to the Minister in **Attachment 3**.

Figure 1 – Affected Area and Zoning



Advice to the Minister for Planning and Local Government

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

The advice recommends that the Minister approve the initiation of the Code Amendment for the following reasons:

Strategic Considerations

The Golf Course Estate Zone was introduced into the Code to provide a policy framework that could be used to manage the assessment of development on sites, which contain a mix of residential development and a golf course. The policies within the zone allow for residential development, tourist accommodation and small scale retail development, such as shops and restaurants.

The subject land is located within the key tourism region of the Fleurieu Peninsula and is comprised of an established residential area and an existing golf course with associated clubrooms. The proposed Golf Course Estate Zone is considered appropriate for this land because it will allow for the modest expansion of residential development, while providing opportunities for complementary land uses and activities that will help preserve the long term viability of the golf course.

The inclusion of a Concept Plan, which indicates where a golf course is located/envisaged, will provide a stronger policy framework that can be used to clearly distinguish between existing golf course land and land that can potentially be used for residential and other land uses. This will help to maintain the golf course long term and prevent the large scale expansion of the Mount Compass Township without appropriate investigations.

Further strategic considerations and discussion are provided in the attached advice to the Minister (**Attachment 3**).

Procedural considerations

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

Attachments:

1. Proposal to Initiate – Mount Compass Golf Course Estate Code Amendment – Signed by CE 5 July 2021 (#17340089)
2. Draft Approval letters to the golf course landowner and Council (#17222410 and #17222478)
3. Commission advice to the Minister - Mount Compass Golf Course Estate Code Amendment (#17223314)
4. Procedural Matters for Commission (#17223774)
5. Process Flowchart (#17302131)

Prepared by: Jeffery Sewart

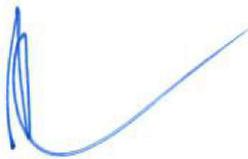
Endorsed by: Rhiannon Hardy and Anita Allen

Date: 12 July 2021

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

**Mount Compass Golf Course Estate Code
Amendment**

By the Chief Executive



_____ (Signature Required)

A/ CHIEF EXECUTIVE, ATTORNEY-GENERAL'S DEPARTMENT

Date: **5 JULY** 2021

This Proposal to Initiate document 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*.

_____ (Signature Required)

MINISTER FOR PLANNING AND LOCAL GOVERNMENT

Date: 2021

- 1. INTRODUCTION..... 3**
- 1.1. Designated Entity for Undertaking the Code Amendment..... 3
- 1.2. Rationale for the Code Amendment 3
- 2. SCOPE OF THE CODE AMENDMENT 6**
- 2.1. Affected Area 6
- 2.2. Scope of Proposed Code Amendment 6
- 3. STRATEGIC PLANNING OUTCOMES AND ALIGNMENT 7**
- 3.1. Summary of Strategic Planning Outcomes 7
- 3.2. Alignment with Regional Plans 10
- 3.3. Alignment with Regional Plans 10
- 3.4. Alignment with Other Relevant Documents 10
- 4. INVESTIGATIONS AND ENGAGEMENT 11**
- 4.1. Investigations Already Undertaken 11
- 4.2. Further Investigations Proposed..... 11
- 4.3. Engagement Already Undertaken..... 11
- 4.4. Further Engagement Proposed 12
- 5. CODE AMENDMENT PROCESS 12**
- 5.1. Engagement Plan..... 12
- 5.2. Engagement Report 13
- 5.3. Code Amendment Timetable 13

ATTACHMENTS

- A Area Affected Maps
- B Code Amendment Timetable

1. INTRODUCTION

The Chief Executive seeks to amend the Code pursuant to section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act). 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.

The Chief Executive is the 'designated entity' responsible for conducting this Code Amendment process and is required to undertake consultation in accordance with the Community Engagement Charter and make final recommendations to the Minister for Planning and Local Government (the Minister) prior to consideration whether to approve, amend or refuse the Code Amendment.

1.1. Designated Entity for Undertaking the Code Amendment

In accordance with section 73(2)(b) of the Act, the Chief Executive will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

1.1.1. The Chief Executive acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements of the Act.

1.1.2. The Chief Executive intends to undertake the Code Amendment by:

- a) Engaging with relevant State Government agencies and local governments, to provide the professional services required to undertake the Code Amendment; and
- b) utilising professional expertise of employees of the Department including:
 - professional planning staff
 - communications staff
 - mapping and spatial data expert staff
 - ePlanning staff responsible for the management and operation of the Planning and Design Code.

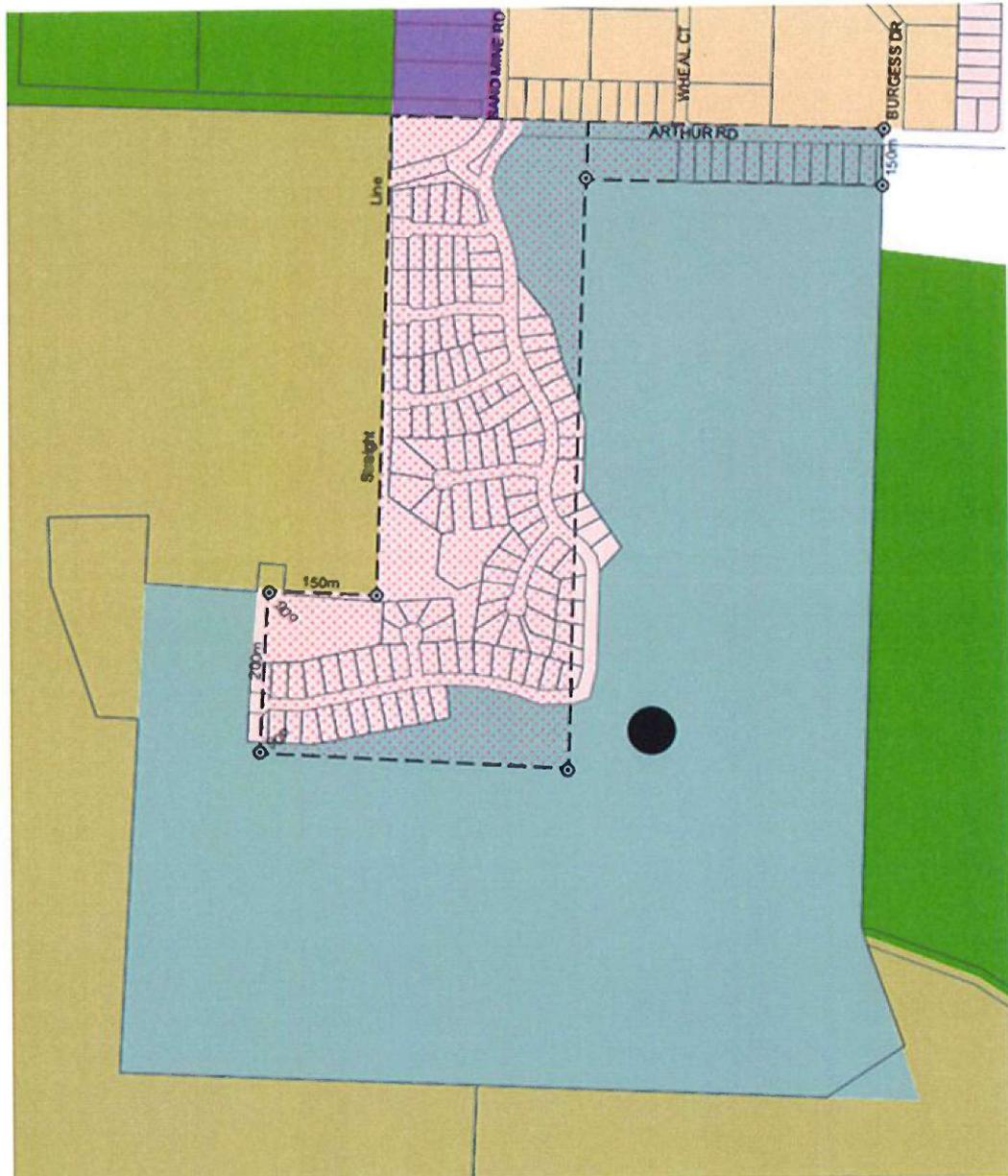
1.2. Rationale for the Code Amendment

The affected area is approximately 86 hectares and comprised primarily of an established residential area, with approximately 150 residential allotments/dwellings, and an existing 18-hole golf course and clubrooms. The land was rezoned from primary production/rural land to residential development and a private golf course in the 1990s.

Prior to the introduction of the Code, the entirety of the subject land was contained within the Residential Zone, and the 'Mount Compass Golf Course Policy Area 20' also applied to the golf course and clubrooms portion of the land. In addition to this, *Concept Plan Map Alex/13 – Golf Course Development* (See below) applied to the

entire site and was used to differentiate between residential and recreation areas. The Concept Plan defined an area (Area A), and for the purposes of assessment, land division that resulted in the creation of additional allotments was non-complying within Policy Area 20, except where it was located within Area A.

Diagram 1: Concept Plan Map Alex/13 – Alexandrina Council Development Plan



- Rural (Deferred Urban)
- Water Protection
- Light Industrial
- Primary Production
- Residential
- Rural Living
- Recreation/Golf Course

- Area A
- Clubroom Facilities and Associated Infrastructure (Indicative site)



MOUNT COMPASS

Concept Plan Map Alex/13

GOLF COURSE DEVELOPMENT

Consolidated ALEXANDRINA COUNCIL

The zone configuration approved in the Code resulted in the Neighbourhood Zone being applied to the established residential land and the Recreation Zone being applied to the golf course (See below). A concept plan map was not introduced into the Code for this area.

Diagram 1: Planning and Design Code – Zone Configuration



The Golf Course Estate Zone was intended to be applied to golf course estates that include a mix of residential and golf course related development. The Golf Course Estate Zone was introduced into the Code as part of the Phase Two and Phase Three Code Amendments and was applied to similar golf course estates in Berri Barmera, Port Hughes, Waikerie, Robe and McCracken.

It has been identified that the subject golf course and residential estate may be more appropriately zoned Golf Course Estate Zone.

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The affected area is located on the southern side of Arthur Road and approximately 1 kilometre south west of the existing township of Mount Compass. The subject land is approximately 86 hectares and currently comprised of an established residential area and an 18-hole golf course with associated clubrooms. The affected area is located entirely within the existing Neighbourhood Zone and Recreation Zone. The Affected Area is shown in **Attachment A**.

2.2. Scope of Proposed Code Amendment

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

The Golf Course Estate Zone provides a policy framework that anticipates a golf course and allows for additional residential development and opportunities for other land uses that will help to preserve the long term viability of the golf course.

The investigations will confirm whether the Golf Course Estate Zone is appropriate for the affected area, and whether a Concept Plan should apply to identify the extent of the golf course.

Site Specific Code Amendment

Current Policy	<p>ZONES</p> <ul style="list-style-type: none"> • Neighbourhood Zone • Recreation Zone <p>OVERLAYS</p> <ul style="list-style-type: none"> • Affordable Housing • Environment and Food Production Area • Hazards (Bushfire - High Risk) • Hazards (Flooding - Evidence Required) • Limited Land Division • Murray Darling Basin • Native Vegetation • Prescribed Water Resources Area • River Murray Tributaries Protection Area • Water Protection Area • Water Resources.
-----------------------	---

Amendment Outline	The amendment intends to rezone the land within the affected area to Golf Course Estate Zone.
Intended Policy	<p>Subject to investigations, the Code Amendment seeks to apply a more suitable Code Zone to the Affected Area. It is anticipated that the policies within the Golf Course Estate Zone will allow for modest residential expansion and provide greater opportunities for other non-residential forms of development associated with the operation of the golf course, such as tourism development and small scale retail development that will contribute to the long term viability of the Mount Compass Golf Course.</p> <p>A concept plan may assist in outlining the extent of the golf course to guide the location of associated land uses.</p>

3. STRATEGIC PLANNING OUTCOMES

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

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

The subject land is located on the western fringe of the Mount Compass township, which is located approximately 60km from Adelaide and 25km to the township of Victor Harbor. The land was rezoned from primary production/rural land to residential development and a private golf course in the 1990s. The residential portion of the land has been substantially developed with only a small number of vacant or undeveloped allotments.

The Australian Bureau of Statistics shows that the population of Mount Compass is approximately 1,450 people and in 2020 there was approximately 570 dwellings, an increase of only 15 dwellings since 2016.

The subject land is surrounded primarily by Rural Zone with a piece of Rural Living Zone and a smaller piece Employment Zone located immediately to the north. Victor Harbor Road connects the town to Adelaide via the Southern Expressway. The town is also connected to larger regional centres such as Victor Harbour (approx. 25km) and Noarlunga Centre (approx. 30km) which provide additional shopping, education and medical facilities.

3.1. Summary of Strategic Planning Outcomes

The Golf Course Estate Zone was applied to a number of similar sites throughout the state as part of the Phase Three Code Amendment, and was introduced to provide a policy framework to manage the assessment of development on sites, which contain a mix of residential development and a golf course. The policies within the zone allow

for residential development, tourist accommodation and small scale retail development, such as shops and restaurants.

The subject land is located within the key tourism region of the Fleurieu Peninsula and comprised of an established residential area and an existing golf course and associated clubrooms. If this land was rezoned to Golf Course Estate Zone it may allow for the modest expansion of the residential development and provide opportunities for complementary land uses and activities that would help preserve the long term viability of the golf course.

3.2. Alignment with State Planning Policies

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

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

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>SPP 1: Integrated Planning Objective <i>To apply principles of integrated planning to shape regions in a way that enhances our liveability, economic prosperity and sustainable future.</i></p> <p>SPP 1.6 <i>Plan for strategic infrastructure that helps to shape the pattern of settlement in a way that enhances quality of life and supports long-term sustainability.</i></p>	<p>The proposed amendment seeks to provide greater opportunities to support the long term viability of the golf course. The golf course provides recreational land, which improves the quality of life for people living in the township.</p>
<p>SPP 6: Housing Supply and Diversity Objective <i>To promote the development of a well-serviced and sustainable housing and land choices where and when required.</i></p> <p>SPP 6.3 <i>Develop healthy neighbourhoods that include diverse housing options; enable access to local shops, community facilities and infrastructure; promote active travel and public transport use; and provide quality open space, recreation and sporting facilities.</i></p>	<p>The Golf Course Estate Zone may provide the opportunity for the modest expansion of the existing established residential area as well opportunities for other forms of accommodation associated with the existing golf course.</p> <p>The preservation of the golf course will help to maintain a healthy neighbourhood with access to quality open space, recreation and sporting facilities.</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 30 Year Plan for Greater Adelaide (2017 Update) is the relevant volume of the Planning Strategy for this Code Amendment.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p>The proposed rezoning is largely consistent with the following key policies and targets of the Regional Plan, including open space, sport and recreation, health, wellbeing and inclusion, and tourism development:</p> <p>Policy 47: Plan future suburbs and regenerate and renew existing ones to be healthy neighbourhoods that include:</p> <ul style="list-style-type: none"> • sporting and recreation facilities <p>Policy 63: Provide for sustainable tourism development across Greater Adelaide by:</p> <ul style="list-style-type: none"> • protecting, enhancing and promoting the qualities that attract tourism and are of value to the whole community • providing appropriate support infrastructure for tourism • facilitating sustainably designed tourism accommodation in suitable locations • facilitating tourism-related developments such as restaurants, specialty retail accommodation and other value adding activities. <p>Policy 102: Strategically locate sports and recreational facilities to cater for community needs.</p>	<p>The proposal seeks to maintain a healthy neighbourhood and promote physical activity and participation in sports and clubs by helping to preserve the existing golf course and clubrooms.</p> <p>The existing golf course is located adjacent to an established residential development and approximately 1 kilometre from the Mount Compass township, it is therefore well positioned to cater to the needs of the local community and visitors to the region.</p> <p>The subject land is located within the key tourism region of the Fleurieu Peninsula and the Golf Course Estate Zone may provide greater opportunities for sustainable tourism development including tourism accommodation and tourism-related developments such as restaurants, specialty retail accommodation and other value adding activities.</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 Affected Area) and therefore are identified for consideration in the preparation of the Code Amendment.

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

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
<i>Nil</i>	<i>Nil</i>

4. INVESTIGATIONS AND ENGAGEMENT

4.1. Investigations Already Undertaken

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

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
<i>Nil</i>	<i>Nil</i>	<i>Nil</i>

4.2. Further Investigations Proposed

The table below outlines what additional investigations that will be undertaken to support the Code Amendment.

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Application of Golf Course Estate Zone	Review existing and proposed Code policies to determine the potential impacts of the proposed amendment. This review will consider but is not limited to a review of the development types currently envisaged in each of the zones and the development types envisaged in the Golf Course Estate Zone, to determine the suitability of those uses for this land.
Concept Plan	Consider the application of a Concept Plan to clearly define where residential development can occur within the proposed Golf Course Estate Zone.

4.3. Engagement Already Undertaken

To date, public engagement / consultation has not been undertaken in relation to this Proposal.

However, the proposed rezoning of this land was considered as part of the Phase Three Code Amendment, and the views of the Alexandrina Council were sought.

4.4. Further Engagement Proposed

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

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
Notify landowners within the affected area and neighbouring landowners	Identify the potential impact of the proposed Code Amendment on land within the affected areas, and on neighbouring land.
Notify Alexandrina Council	Seek the Council's views on the suitability of policy change and any local impacts.
Community consultation	Broader community consultation to provide an opportunity for any interested community members to comment on the proposed outcomes of the Code Amendment.
Consultation with any person or body specified by the Commission under section 73(6)(e) of the Act.	The Engagement Plan will outline the specific method and nature of consultation.

5. CODE AMENDMENT PROCESS

5.1. Engagement Plan

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

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

- Given the proposal is specifically relevant to a particular Council (where Council did not initiate the proposal), the Alexandrina Council must be consulted;
- Given the Code Amendment has a specific impact on one or more particular pieces of land in a particular zone or subzone (rather than more generally), the Designated Entity must take reasonable steps to give a notice in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:
 - the owners or occupiers of the land; and

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

5.2. Engagement Report

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

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

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

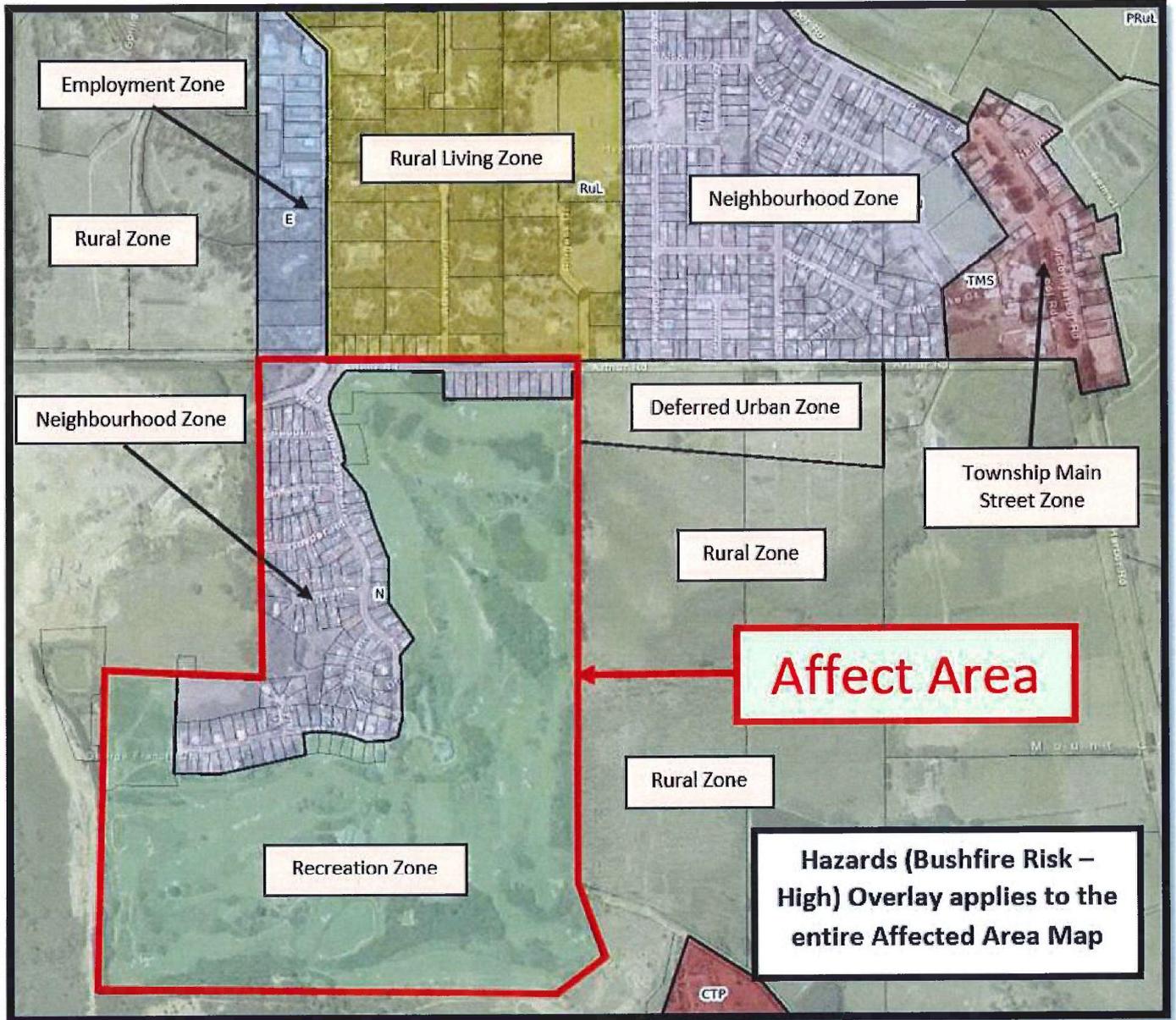
5.3. Code Amendment Timetable

The Code Amendment is intended to be undertaken in line with the timeframe outlined **Attachment B**.

ATTACHMENT A

Map of Affected Area

Affected Area Map - Mount Compass Golf Course Code Amendment
Current Zone Configuration



ATTACHMENT B

Timetable for Code Amendment by the Chief Executive

Step	Responsibility	Timeframe
Approval of the Proposal to Initiate		
Consideration of Proposal to Initiate and advice to the Minister	Commission	4 weeks
Proposal to Initiate agreed to by the Minister	Minister	2 weeks
Preparation of the Code Amendment		
Engagement Plan Prepared. Investigations conducted; Code Amendment Report prepared The Drafting instructions and draft mapping prepared	Chief Executive (as Designated Entity)	4-8 weeks (<i>estimate</i>)
Preparation of Materials for Consultation	Chief Executive (as Designated Entity)	Informed by the Engagement Plan
Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan	Chief Executive (as Designated Entity)	To be informed by Engagement Plan
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised; Code Amendment amended, Engagement Report prepared	Chief Executive (as Designated Entity)	Minimum 8 weeks (<i>depending on extent of mapping review work required and as above, amount of spatial data processing required</i>)
Prepare Report to the Commission	AGD	4 weeks
Consideration of Advice	Commission	5 weeks
Decision Process		
Minister considers the Code Amendment Report and the Engagement Report and makes decision	Minister	3 weeks
Implementing the Amendment (operation of the Code Amendment)		
Go- Live- Publish on the PlanSA Portal	AGD	2-4 weeks
Parliamentary Scrutiny		
Referral of approved Code Amendment to ERDC	AGD	8 weeks

INSTRUMENT OF DELEGATION

I, **Caroline Mealor**, being the officer holding the position of Chief Executive, Attorney-General's Department, pursuant to section 34(1) of the *Planning, Development and Infrastructure Act 2016*, hereby delegate the following powers and functions of the Chief Executive to the positions specified (whether on a permanent or acting basis):

1. Mount Compass Golf Course Estate Code Amendment
(Director, Planning & Development)

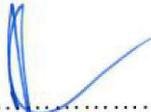
- (1) All powers and functions of the Chief Executive as a Designated Entity under section 73(6) as they relate to the Mount Compass Golf Course Estate Code Amendment.

Interpretation of this Instrument of Delegation

1. "Mount Compass Golf Course Estate Code Amendment" means the amendment to the Planning and Design Code initiated by the Chief Executive under section 73(2)(b)(i) with respect to land within the Neighbourhood Zone and Recreation Zone located approximately 1 kilometre southwest of the Mount Compass township.
2. Reference to a position title is in all cases to a position in the South Australian Attorney-General's Department and includes persons from time to time acting in that position.
3. Reference to section numbers is in all cases, a reference to sections within the *Planning, Development and Infrastructure Act 2016*.
4. Reference to a position title that no longer exists is a reference to the position whose occupant performs the functions previously performed by the occupant of the named position.

SIGNED THIS

5 DAY OF JULY 2021


.....
CAROLINE MEALOR ADAM KILVECT
Chief Executive
Attorney-General's Department

The Hon Vickie Chapman MP

#17222410

August 2021

Ms Caroline Mealor
Chief Executive
Attorney-General's Department
GPO Box 464
ADELAIDE SA 5001



**Government
of South Australia**

Deputy Premier

Attorney-General

Minister for Planning
and Local Government

GPO Exchange
10 Franklin Street
Adelaide SA 5000

GPO Box 464
Adelaide SA 5001
DX 336

Tel 08 8207 1723
Fax 08 8207 1736

Dear Ms Mealor

Initiation of the Mount Compass Golf Course Estate Code Amendment

I write to advise that, under section 73(2)(b)(i) 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 Mount Compass Golf Course Estate Code Amendment.

I note that the Code Amendment proposes to rezone the Mount Compass Golf Course and residential estate to a Golf Course Estate Zone, with a clear Concept Plan that identifies land to be set aside for a Golf Course. Introduction of a Concept Plan should seek to protect the existing 18 hole golf course in the long-term.

The initiation approval is on the basis that, in accordance with section 73(4)(a) of the Act, the Chief Executive of the Attorney-General's Department will be the Designated Entity responsible for undertaking the Code Amendment process.

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

- 1) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional – Planning Level 1 under the Act.

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

- Department for Infrastructure and Transport (DIT)
- Utility providers including SA Power Networks, Electranet Pty Ltd, 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.

The Commission has, under section 73(6)(f) of the Act, resolved not to specify further investigations or information requirements in addition to that outlined in the Proposal to Initiate. However, further investigations may be required in response to feedback or advice received through the engagement process.

Notes

1. In accordance with section 44(6) & 73(6)(d) of the Act, consultation in writing must be undertaken with:
 - Alexandrina Council
 - Owners or occupiers of the land and adjacent land in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*.
2. Engagement must meet the Community Engagement Charter as guided by the Community Engagement Charter toolkit at: https://plan.sa.gov.au/resources/learning_and_toolkits/community_engagement_charter_toolkit/overview.

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

For further information please contact Anita Allen, Director, Planning and Development, Planning and Land Use Services on 7109 7099 or anita.allen@sa.gov.au.

Yours sincerely

VICKIE CHAPMAN MP
DEPUTY PREMIER
MINISTER FOR PLANNING AND LOCAL GOVERNMENT

The Hon Vickie Chapman MP

#17222478

August 2021

Mr Keith Parkes
Mayor, Alexandrina Council
Via email: keith.parkes@alexandrina.sa.gov.au

Attention: Ms Sally Roberts – Manager, Strategic Development

Dear Mayor Parkes

Initiation of the Mount Compass Golf Course Estate Code Amendment

I write to advise that, under section 73(2)(b)(i) of the *Planning, Development and Infrastructure Act 2016* (the Act), I have considered the advice of the State Planning Commission (the Commission) and approved a Proposal to Initiate the Mount Compass Golf Course Estate Code Amendment.

This Code Amendment proposes to rezone the Mount Compass Golf Course and residential estate to a Golf Course Estate Zone, with a clear Concept Plan that identifies land to be set aside for a Golf Course. Introduction of a Concept Plan will seek to protect the existing 18 hole golf course in the long-term.

The initiation approval is on the basis that, in accordance with section 73(4)(a) of the Act, the Chief Executive of the Attorney-General's Department will be the Designated Entity responsible for undertaking the Code Amendment process.

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

- 1) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional – Planning Level 1 under the Act.

The Code Amendment will be required to be released for public consultation in accordance with the Community Engagement Charter, at which time Council will be formally invited to comment on the proposed zoning and policy changes.

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

- Department for Infrastructure and Transport (DIT)
- Utility providers including SA Power Networks, Electranet Pty Ltd, APA Group, SA Water, EPIC Energy, NBN and other telecommunications providers



**Government
of South Australia**

Deputy Premier

Attorney-General

Minister for Planning
and Local Government

GPO Exchange
10 Franklin Street
Adelaide SA 5000

GPO Box 464
Adelaide SA 5001
DX 336

Tel 08 8207 1723
Fax 08 8207 1736

- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

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

- Alexandrina 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 meet the Community Engagement Charter as guided by the Community Engagement Charter toolkit

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

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

For further information please contact Anita Allen, Director, Planning and Development, Planning and Land Use Services on 7109 7099 or anita.allen@sa.gov.au.

Yours sincerely

VICKIE CHAPMAN MP
DEPUTY PREMIER
MINISTER FOR PLANNING AND LOCAL GOVERNMENT



TO: MINISTER FOR PLANNING AND LOCAL GOVERNMENT

RE: PROPOSAL TO INITIATE A CODE AMENDMENT BY THE CHIEF EXECUTIVE OF THE ATTORNEY-GENERAL'S DEPARTMENT - MOUNT COMPASS GOLF COURSE ESTATE CODE AMENDMENT

PURPOSE

To recommend that you approve the Proposal to Initiate (the Proposal) the Mount Compass Golf Course Estate Code Amendment, subject to conditions.

BACKGROUND

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

73 – Preparation and amendment

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

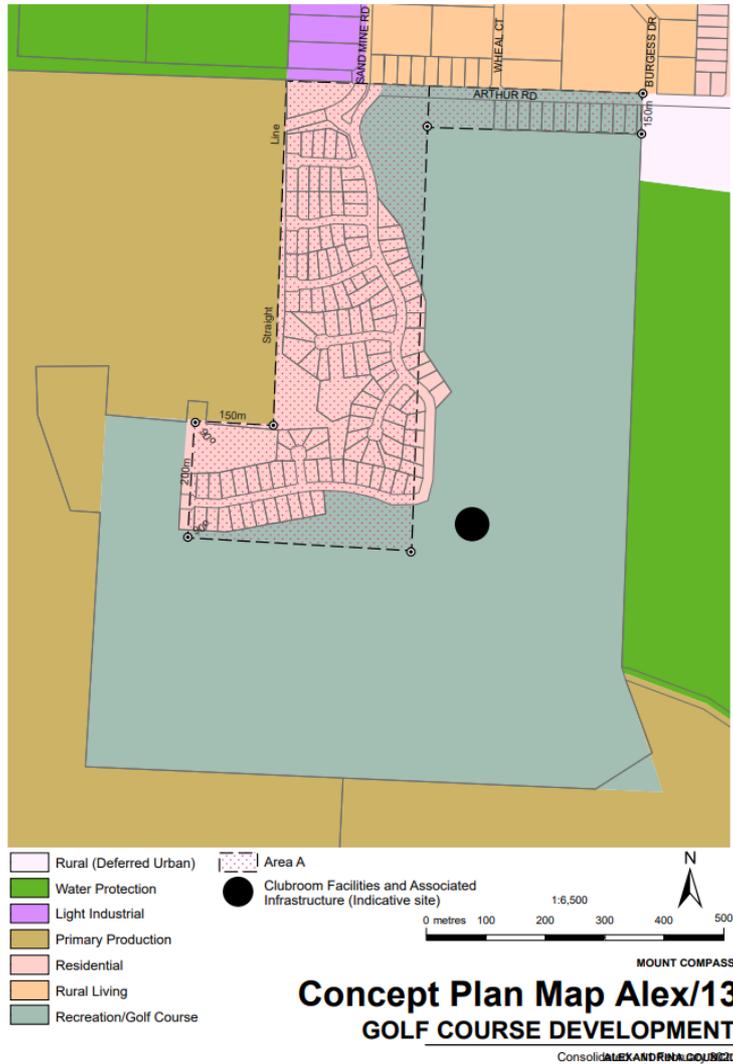
The Chief Executive of the Attorney-General's Department has lodged a Proposal to Initiate (**Attachment 1**) the Mount Compass Golf Course Estate Code Amendment to amend the Planning and Design Code (the Code) as it relates to the Affected Area.

The affected area is located on the southern side of Arthur Road on the western fringe of the Mount Compass Township and within the Alexandrina Council Area. The Mount Compass Township is located approximately 60km from Adelaide and 25km to the township of Victor Harbor situated within the key tourism region of the Fleurieu Peninsula.

The affected area is approximately 86 hectares and comprised primarily of an established residential area, with approximately 150 residential allotments/dwellings, and an existing 18-hole golf course and clubrooms. The land was rezoned from primary production/rural land to residential development and a private golf course in the 1990s.

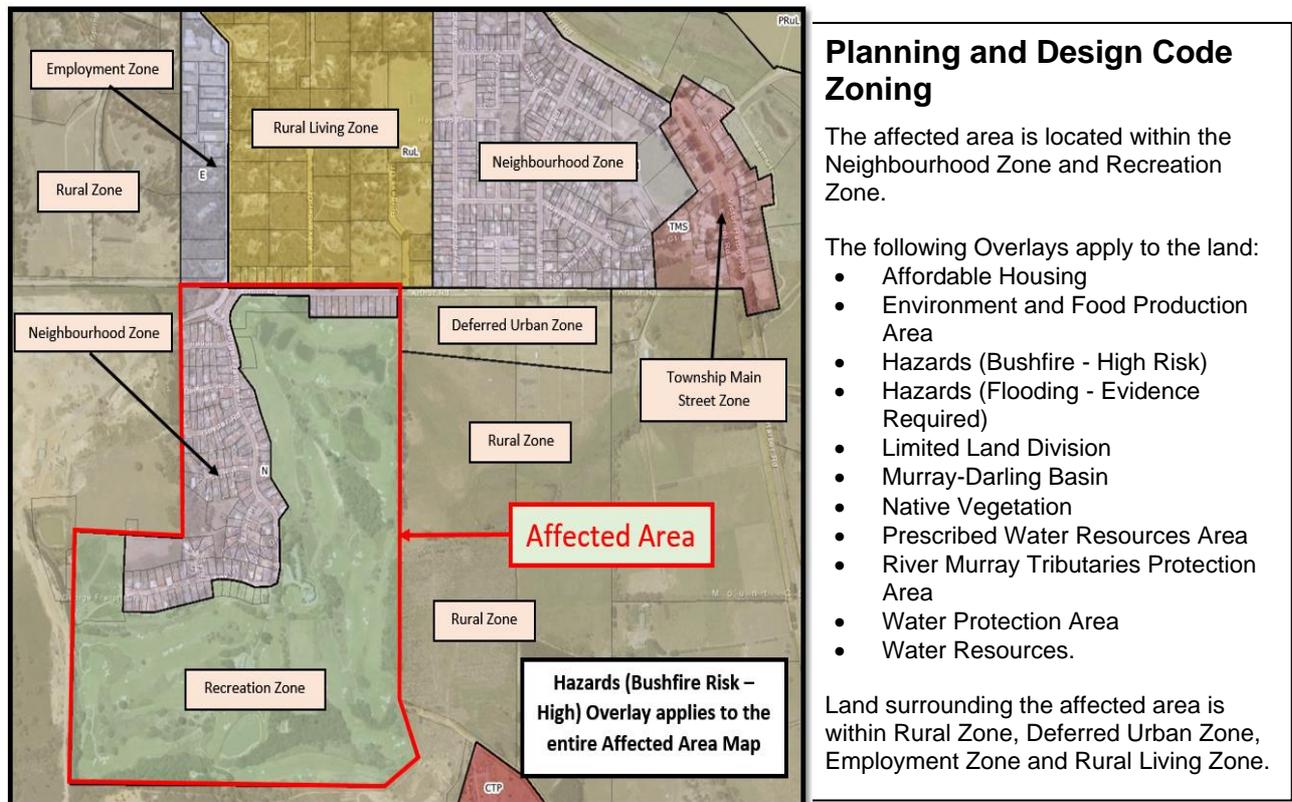
Prior to the introduction of the Code, the entirety of the subject land was contained within the Residential Zone, and the 'Mount Compass Golf Course Policy Area 20' also applied to the golf course and clubrooms portion of the land. In addition to this, *Concept Plan Map Alex/13 – Golf Course Development* (See Diagram 1 Below) applied to the entire site and was used to define the location of the residential and recreation areas. The Concept Plan also defined an area (Area A), and land division that resulted in the creation of additional allotments was non-complying within Policy Area 20, except where it was located within Area A.

Diagram 1: Concept Plan Map Alex/13 – Alexandrina Council Development Plan



The affected area is surrounded primarily by Rural Zone with a piece of Rural Living Zone and a smaller piece Employment Zone located immediately to the north. Victor Harbour Road connects the town to Adelaide via the Southern Expressway. The town is also connected to larger regional centres such as Victor Harbour (approx. 25km) and Noarlunga Centre (approx. 30km) which provide additional shopping, education and medical facilities.

The affected area and current zoning is shown in Figure 1 below.



It's noted the Code Amendment proposes to rezone the Mount Compass Golf Course and residential estate to a Golf Course Estate Zone, with a clear Concept Plan that identifies land to be set aside for a Golf Course.

The State Planning Commission (the Commission) considered the Proposal to Initiate at its meeting of 22 July 2021 and resolved to support the Code Amendment, provided that it introduces a Concept Plan, similar to the Concept Plan Map in the former Alexandrina Council Development, that protects the existing 18 hole golf course in the long-term.

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

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

DISCUSSION

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

Proposal

The proposal seeks to review the current Neighbourhood Zone and Recreation Zone and consider the suitability of rezoning the land within the affected area to Golf Course Estate Zone.

The Golf Course Estate Zone provides a policy framework that seeks a golf course and associated club facilities as well as housing and tourism development sensitively integrated with natural features such as topography, vegetation and watercourses. The zone allows for additional residential development and opportunities for other land uses that will help to preserve the long term viability of the golf course.

The investigations will confirm if the Golf Course Estate Zone is appropriate for the affected area.

The investigations will also consider the application of a Concept Plan to clearly define where residential development can occur within the proposed Golf Course Estate Zone, to protect the existing 18 hole golf course in the long-term.

Strategic Considerations

The following sets out the strategic considerations relating to this proposal and rationale for the Commission recommending support for the Code Amendment. More details of the Commission's strategic priorities are provided in **Appendix C**. An assessment against the State Planning Policies (SPPs) and relevant Regional Plan are provided in **Appendix D**.

Land use characteristics

The existing 18-hole golf course and clubrooms were rezoned from primary production/rural land to residential development and a private golf course in the 1990s, and subsequently included within the Recreation Zone as part of the Phase Three (Urban Areas) Code Amendment.

The existing recreation zone in the affected area is approximately 67 hectares and the entire zone is owned by the same landowner.

Transport and Access

The affected area has existing vehicle access onto local roads and is approximately 1 kilometre from Victor Harbor Road, which links directly to the Southern Expressway. The affected area is connected to larger regional centres such as Victor Harbor (approx. 25km) and Noarlunga Centre (approx. 30km) which provide additional shopping, education and medical facilities.

Strategic Advice

The Proposal seeks to rezone the Neighbourhood Zone and Recreation Zone within the affected area to Golf Course Estate Zone to allow for the modest expansion of residential development and provide greater opportunities for land uses and activities that complement the ongoing operation of the golf course.

The Golf Course Estate Zone was applied to similar sites throughout the state as part of the Phase Three (Urban Areas) Code Amendment. The policies within the zone allow for recreation, housing and complementary uses support tourism and residential living in a golf course setting.

The affected area is approximately 86 hectares. The residential portion of the land is comprised of approximately 150 residential allotments/dwellings, which have been substantially developed with only a small number of vacant or undeveloped allotments.

The Australian Bureau of Statistics shows that the population of Mount Compass is approximately 1,450 people and in 2020 there was approximately 570 dwellings, an increase of only 15 dwellings since 2016. Enabling residential development over the whole of the site would double the residential capacity of the town (excluding rural living areas). A change of this magnitude would warrant investigations on a range of issues such as available infrastructure, transport and access, social services, township character, local / regional residential land supply (noting Mount Compass township is surrounded by the Environment and Food Production Area) and hazards, amongst others.

The Proposal seeks to facilitate a modest increase in dwelling capacity and includes the introduction of a Concept Plan that specifically identifies land to be set aside for a golf course. This will provide additional certainty that residential development occurs in association with the golf course and does not result in a large scale expansion of the township without appropriate investigations being undertaken.

Further specific reasons for supporting the proposal are provided below:

- The proposal aligns with the priorities and targets in The 30 Year Plan for Greater Adelaide (2017 Update), which seek to maintain healthy neighbourhoods, promote physical activity and participation in sports and clubs, and ensure local sports and recreational facilities are strategically located to cater for community needs.
- The proposal aligns with the State Planning Policies by retaining the existing golf course as a source of recreational land that promotes physical activity and participation in sport and helps to improve the quality of life for people living in and around the township.
- The proposal aligns with the State Planning Policies by providing additional opportunities for sustainable tourism development by providing a policy framework that supports tourism accommodation and tourism-related developments such as restaurants and other value adding activities associated with the golf course.

- The proposal would help to maintain the existing golf course by providing opportunities for a range of complementary forms of development that can achieve the highest and best use of the land. This aligns with the State Planning policies, which seek to shape regions in a way that enhances our liveability and economic prosperity.

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.

Information Requirements

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

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

Consistent with 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)* (the Regional Plan). You have sought the Commission's advice in this regard.

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

Designated Entity

The Chief Executive of the Attorney General's Department is proposed to be the Designated Entity and conduct the Code Amendment processes, pursuant to section 73(2)(b)(i) of the Act.

The Commission supports the Chief Executive being the Designated Entity in this instance. The documentation should, however, be prepared by a suitably qualified person to ensure statutory procedures and good planning outcomes are addressed.

Recommendation(s)

That the Chief Executive of the Attorney-General's Department be the Designated Entity responsible for undertaking the Code Amendment process.

The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional Level 1 – Planning under the Act.

Investigations to support the Amendment

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

Application of the Code

The proposal seeks to rezone land from the Neighbourhood Zone and Recreation Zone to the Golf Course Estate Zone, and introduce a new Concept Plan. Subsequent amendment to overlays and technical and numeric variations may be also be required, subject to investigations. It is not anticipated that new policy or spatial layers will be required in associated with the Code Amendment.

Consultation

Through consultation on the Phase Three (Urban Areas) Code Amendment, and through subsequent parliamentary scrutiny process through the Environment, Resources and Development Committee, the Alexandrina Council have indicated their support for the Golf Course Estate Zone provided a Concept Plan defines the golf course area.

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.

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 Infrastructure and Transport (DIT)
- Utility providers including SA Power Networks, Electranet Pty Ltd, 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) & 73(6)(d) of the Act, consultation must be undertaken with:

- Alexandrina Council
- Owners or occupiers of the land and adjacent land.

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. NOTED / NOT NOTED

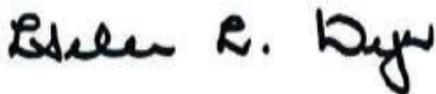
2. Note that the State Planning Commission has, under section 73(6)(e) of the Act, specified that the Designated Entity must consult with the following nominated individuals and entities (and advise the Designated Entity accordingly):
 - Department for Infrastructure and Transport (DIT)
 - Utility providers including SA Power Networks, Electranet Pty Ltd, 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.NOTED / NOT NOTED

3. Approve Initiation of the Mount Compass Golf Course Estate Code Amendment under section 73(2)(b)(i) of the Act, subject to the following condition (under section 73(5) of the Act):
 - a) 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.APPROVED / NOT APPROVED

4. Under section 73(4)(a) of the Act, approve the initiation of the Code Amendment on the basis that the Chief Executive of the Attorney-General's Department will undertake the Code Amendment processes (as the Designated Entity) required under the Act. APPROVED / NOT APPROVED

5. Sign the Proposal to Initiate the Code Amendment (**Attachment 1**). SIGNED / NOT SIGNED
6. Sign the attached letters advising of your approval to: SIGNED / NOT SIGNED
- a) The Chief Executive of the Attorney-General's Department (**Attachment 2**) and
- b) The Alexandrina Council (**Attachment 3**).

VICKIE CHAPMAN MP



Helen Dyer
CHAIR, STATE PLANNING COMMISSION
29/7/2021

Attachments:

1. Proposal to Initiate (#17223057)
2. Letter to the Chief Executive of the Attorney-General's Department (#17222410)
3. Letter to the Alexandrina Council (#17222478)

Appendices:

- A. Summary of Roles and Responsibilities in Code Amendment Process (#17224070)
- B. Code Amendment Flowchart – Chief-Executive-led Code Amendments (#17302131)
- C. State Planning Commission's Strategic Priorities (#17224715)
- D. Assessment against the State Planning Policies and Regional Plan (#17224831)
- E. Practice Direction extract (#17224888)

Contact: Anita Allen
Tel No: 0407 705 220

The Commission's Role

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

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

The importance of the initiation process is two-fold:

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

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

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

Approval of the Proposal to Initiate may be given on conditions prescribed by the regulations (there are none at this time) or as specified by the Minister.

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

Code Amendments Initiated by the Chief Executive

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

