



NOTICE

of

STRATEGIC PLANNING COMMITTEE MEETING

*Pursuant to the provisions of Section 84(1) of the
Local Government Act 1999*

TO BE HELD IN

**COUNCIL CHAMBERS
PLAYFORD CIVIC CENTRE
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

TUESDAY, 9 APRIL 2019 AT 7:00PM

A handwritten signature in blue ink, appearing to read "S. Green".

**SAM GREEN
ACTING CHIEF EXECUTIVE OFFICER**

Issue Date: Thursday, 4 April 2019

MEMBERSHIP

PRESIDING MEMBER - CR PETER RENTOULIS

Mayor Glenn Docherty	Cr Akram Arifi	Cr Marilyn Baker
Cr Stephen Coppins	Cr Andrew Craig	Cr Veronica Gossink
Cr Shirley Halls	Cr David Kerrison	Cr Clint Marsh
Cr Misty Norris	Cr Jane Onuzans	Cr Dennis Ryan
Cr Gay Smallwood-Smith	Cr Katrina Stroet	Cr Cathy-Jo Tame

CITY OF PLAYFORD STRATEGIC PLAN

1. Smart Service Delivery Program	
This program is about continuing to provide for the changing needs and expectations of our diverse community, delivering the services they require. It means making the most of our community's existing strengths, talents and diversity, and working smarter to connect our community with each other to contribute to overall wellbeing and the economic life of the City.	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> 1.1 High quality services and amenities 1.2 Improved service delivery 1.3 Working smarter with our community 1.4 Enhanced City presentation, community pride and reputation
2. Smart Living Program	
This program is about Council playing its part to make the City more liveable and connected. As our older suburbs age and our population and urban footprint expands, we will find innovative ways to renew and 'future proof' the liveability of our neighbourhoods. It also means ensuring our community has access to smart technologies.	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> 2.1 Smart development and urban renewal 2.2 Enhanced City presentation, community pride and reputation 2.3 Liveable neighbourhoods
3. Smart Jobs & Education Program	
This program is about Council leading by example and advocating to other organisations to support the diversification of our local economy and improve the employment prospects for our community. This includes providing the right environment for investment and business attraction and connecting our community up with the right skills and education for the transitioning economy.	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> 3.1 Growth and diversification of local jobs matched with relevant education and training 3.2 Commercial and industrial growth 3.3 Sustainable economic transformation 3.4 International market connections
4. Smart CBD Program	
This program relates to Council's long term strategy for the redevelopment and expansion of the Elizabeth Regional Centre. In the longer term Elizabeth can expect to be home to a number of facilities and services such as hospitals, a university, significant retail services, medium to high density commercial offices, peak business organisations and high density housing.	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> 4.1 Expanded range of local services 4.2 Growth and diversification of local jobs in the CBD 4.3 Greater housing choice 4.4 Increased social connections 4.5 Commercial growth
5. Smart Sport Program	
This program is about Council's long term vision to create the Playford City Sports Precinct providing local community, state and national level sporting facilities. It will create a focus on healthy communities and promote greater participation in sport and physical activity. It will also support the renewal of adjoining suburbs.	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> 5.1 Enhanced community pride and reputation 5.2 Healthy and socially connected community 5.3 Access to elite sporting facilities
6. Smart Health	
In the longer term the Playford will see expansion of the area around the Lyell McEwin Hospital into a key precinct with tertiary training, research, allied health facilities and residential accommodation. It will have potential links to advanced manufacturing in assistive devices in health, aged and disability. This program is about raising the profile and amenity of the precinct and facilitating new investment.	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> 6.1 Access to quality, local health services 6.2 Increased employment opportunities in health, disability and aged sectors



STRATEGIC PLANNING COMMITTEE CHARTER

1 Role

1.1 The Committee's role is to:

- 1.1.1 Act in an advisory capacity to the Council regarding all high level strategy.
- 1.1.2 Act as per the requirements legislated by the Development Act.
- 1.1.3 Monitor the performance of the Council.

2 Terms of Reference

2.1 The Committee's terms of reference are to consider all matters relating to Council's strategic planning and performance.

- 2.1.1 To provide advice to the Council in relation to the extent to which the Council's strategic planning and development policies accord with the Planning Strategy.
- 2.1.2 To assist the Council in undertaking strategic planning and monitoring directed at achieving the following as per section 101A2(b) of the Development Act:
 - a. orderly and efficient development within the area of the council; and
 - b. high levels of integration of transport and land-use planning; and
 - c. relevant targets set out in the Planning Strategy within the area of the Council; and
 - d. the implementation of affordable housing policies set out in the Planning Strategy within the area of the council.
- 2.1.3 To act as Council's delegate in all matters relating to -
 - a. Strategic Directions Report;
 - b. Council-initiated Development Plan Amendment; or
 - c. Ministerial initiated Development Plan Amendment.
- 2.1.4 To develop the Playford Plan, Annual Business Plan and Budget, Long Term Financial Plan and Asset Management Plans for Council consideration.
- 2.1.5 To consider on a regular basis reports on the performance of the Council.
- 2.1.6 Review and approve relevant policies where delegation permits.

3 Definitions

Act for the purpose of this policy means the *Local Government Act 1999*.

Chief Executive Officer (CEO) means the Chief Executive Officer of a council and includes a deputy or other person acting in the officer of Chief Executive Officer.

Committee includes Section 41 Committees, other Committees and Panels established by Council.

Elected Member means the principal member or a councillor of the Council.

Development Act 1993 is an Act to provide for planning and regulate development in the State; to regulate the use and management of land and buildings, and the design and construction of buildings; to make provision for the maintenance and conservation of land and buildings where appropriate; and for other purposes.

Executive Officer is a staff member appointed by the Chief Executive Officer to support a Section 41 Committee, other committee or advisory group.

Independent Members are members on a committee or panel who are not elected but have been appointed by the Council to undertake a similar role as Councillors on Council's Section 41 Committees or the Council Development Assessment Panel. They are external appointees.

Mayor is the person elected as the Principal Member of the Council to represent the local government area as a whole.

Staff includes Council staff, contractors, volunteers and all others who perform work on behalf of Council.

4 Delegations

4.1 The Committee has delegation for the following:

- 4.1.1 Approve Committee's Minutes as a true and accurate record of proceedings.
- 4.1.2 Develop and approve the Committee's Work Plan.
- 4.1.3 Appoint a Presiding Member from within the Committee
- 4.1.4 Committee has the power pursuant to Section 87 (1) of the Act to determine the months of the year that the Committee meets.
- 4.1.5 Consider and provide a response to LGA Circulars or other business of a strategic nature, in line with the Committee's role.
- 4.1.6 Determine all matters relating to Development Plan Amendments and Strategic Directions Reports as required by Section 25, 26 and 30 of the Development Act 1993.
- 4.1.7 Provide direction on Council responses to Ministerial correspondence in line with the Committee's Role, Terms of Reference and delegations as required.

- 4.1.8 Provide direction on Council submissions to the State Planning Commission in line with the Committee's Role, Terms of Reference and delegations as required
- 4.1.9 Determine the Playford Position on Notices of Motion for ALGA and LGA Meetings, in the case that timing of the release of the ALGA or LGA Agenda falls outside a Council Meeting.
- 4.1.10 Consider and approve relevant policies submitted to the Committee in line with the Committee's Role and Terms of Reference. Nothing in this clause prevents the Committee from referring the policy to Council for consideration.
- 4.1.11 Hold Public Hearings associated with Development Plan Amendments.
- 4.2 Any other business referred to the Committee in accordance with its Role and Terms of Reference, or where the Committee does not hold the delegated authority, this business may be debated with a recommendation referred to the next Ordinary Council Meeting for consideration.
- 4.3 The Executive Officer in consultation with the Presiding Member may approve a deputation request for business that falls in-line with the Committee's Role and Terms of Reference. The Committee may resolve to seek further information on the business of a deputation, although no further resolution may be passed for the business of a deputation at the meeting the deputation was provided.
- 4.4 Petitions are not delegated to the Committee and are only to be presented to Council.

5 Meetings

- 5.1 The Committee Meeting will be held on the 2nd Tuesday of the month, starting at 7:00pm, with the months of the year to be determined and reviewed by the Committee.
- 5.2 The Committee Meeting will be held in Council Chambers at the Playford Civic Centre, 10 Playford Boulevard, Elizabeth, unless otherwise determined by the Committee prior to the meeting.
- 5.3 Committee Meetings may be called, amended or cancelled by the Committee's Executive Officer of the Committee, in consultation with the Presiding Member.
- 5.4 The agenda will be prepared and distributed to all Committee Members on the Thursday prior to the meeting, with the preference being to distribute electronically.
- 5.5 Special Meetings of the Committee may be necessary from time to time and may be called in accordance with Section 82 of the Local Government Act 1999. Notice of a Special Committee Meeting may be at a minimum of four (4) hours notice, due to the urgency of the matters on the agenda.

6 Membership

- 6.1 The Committee shall comprise the Mayor and all Elected Members.
- 6.2 The Presiding Member will be determined by the Committee.

- 6.3** The term of the Presiding Member will be one (1) year, after which they may stand for re-election.
- 6.4** The term of the Council Committee Members' appointment will be for a period not exceeding the next General Election.

7 Role of the Presiding Member

- 7.1** Oversee the conduct of Committee Meetings in accordance with the Local Government Act 1999 and Code of Practice for Council, Special and Committee Meetings.
- 7.2** Ensure all Committee Members have the opportunity to participate in debate and discussions in an open and encouraging manner.
- 7.3** Where a matter has been debated significantly and no new information is being discussed the Presiding Member may call the meeting to order and ask for the debate to be finalised and a motion be put forward.

8 Role of Committee Members

- 8.1** Actively participate in debate and discussion in a professional manner at all times.
- 8.2** Ensure the Member is prepared and informed of Committee Meeting matters prior to the meeting.
- 8.3** Utilise the skills and experience of the Committee Members to effectively carry out the Committee's role.

9 Role of the Executive Officer and Administrative Support

- 9.1** The Executive Officer is appointed by the CEO to support the administration and operation of the Committee.
- 9.2** The Executive Officer and relevant staff may provide advice during the meeting in order to aid informed decision making.
- 9.3** The Committee is appointed a Minute Taker.

10 Reporting and Review

- 10.1** Council will assess the on-going role and effectiveness of the Committee as part of the Committee Review following a General Election or as required by Council.
- 10.2** As determined by the Committee, it may communicate with Council Members and staff on issues of importance to the Council. This communication may be delivered by the Presiding Member or Executive Officer in the form of a presentation to Council Members, a communiqué, a written memo or report to Council.

11 Supporting Documentation

- [Local Government Act 1999](#)
- [Code of Practice for Council and Committee Meetings](#)
- [Code of Practice for Public Access to Meetings and Associated Meeting Documents](#)
- [Code of Conduct for Council Members](#)
- [Development Act 1993](#)
- [State Planning Strategy](#)

12 Approval and Change History

Approval Date	Approval by	Change
27 Nov 2012	Council Resolution	Scheduled review.
25 Nov 2014	Council Resolution No. 1995	Alignment to Council Elections 2014, change to common format, meeting day changed to second Tuesday of month and other minor amendments; Presiding Member will no longer be Deputy Mayor and will be elected for a period of 12 months.
28 Jun 2016	Council Resolution No. 2604	Template & Committee Structure Review
18 Dec 2018	Council Resolution No. 3361	Alignment to Council Elections 2018, and review of clause 2.1.4 and 2.1.5 with the inclusion of clauses 4.1.4 and 4.1.8 Terminology changed – Council Member replaced with Elected Member Definition of Elected Member updated Committee now delegated to determine meeting schedule

**City of Playford
Strategic Planning Committee Meeting**

AGENDA

TUESDAY, 9 APRIL 2019 AT 7:00PM

1 ATTENDANCE RECORD

- 1.1 Present
- 1.2 Apologies
- 1.3 Not Present

2 CONFIRMATION OF MINUTES

RECOMMENDATION

The Minutes of the Strategic Planning Committee Meeting held 12 March 2019 be confirmed as a true and accurate record of proceedings.

3 DECLARATIONS OF INTEREST

4 DEPUTATION / REPRESENTATIONS

Nil

5 STAFF REPORTS

Matters to be considered by the Committee and referred to Council

Matters which have been delegated to staff but they have decided not to exercise their delegation.

- 5.1 Response to SA Government Your Say Engagement - Improving flood management: dams and levee banks (Attachments)12

Matters to be considered by the Committee Only

Matters delegated to the Committee.

- 5.2 2019 LGA OGM - Playford Position Paper (Attachment)50
- 5.3 Mitolo Virginia Site Development Plan Amendment (Attachments)63

6 INFORMAL DISCUSSION

- 6.1 Presentation to Council from Catholic Education SA regarding Vision for the North Proposal104

7 INFORMAL ACTIONS

8 COMMITTEE WORKPLAN

8.1	Strategic Planning Committee Work Plan (Attachment).....	106
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9 CONFIDENTIAL MATTERS

9.1	Former Munno Para Bowling Club Site - Allotment 479 Myall Avenue, Munno Para.....	110
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10 CLOSURE

STAFF REPORTS

MATTERS TO BE CONSIDERED BY THE COMMITTEE AND REFERRED TO COUNCIL

***Matters which have been
delegated to staff but they have
decided not to exercise their
delegation.***

5.1 RESPONSE TO SA GOVERNMENT YOUR SAY ENGAGEMENT - IMPROVING FLOOD MANAGEMENT: DAMS AND LEVEE BANKS

Responsible Executive Manager : Mr Greg Pattinson

Report Author : Mr Braden Austin

Delegated Authority : Matters which have been delegated to staff but they have decided not to exercise their delegation.

Attachments :

- 1 [↓](#). Draft Letter to Department for Environment and Water
- 2 [↓](#). Draft position paper on flood management
- 3 [↓](#). Draft position paper on levees
- 4 [↓](#). Draft position paper on dams

PURPOSE

This report and draft correspondence provides the opportunity for the Mayor and Councillors to have input into State Government consultation related to the management of flooding, levee banks and dams in South Australia.

STAFF RECOMMENDATION

That Strategic Planning Committee endorses the attached response to the Department for Environment and Water on the Draft Position Papers on Priorities for Improved Flood Management, Improving Levee Bank Management and Improving Dam Management.

EXECUTIVE SUMMARY

The three Draft Position Papers from the Department for Environment and Water on management of flooding, levee banks and dams in South Australia (attachments 2, 3 and 4) are well researched and prepared papers developed to address concerns arising from flooding and failure, or near failure, of assets during the spring of 2016.

The draft position papers propose a number of initiatives. Some initiatives may require legislative change, in kind community and stakeholder contributions or may increase costs to the community, landholders and stakeholders and it is therefore appropriate that Council provide comment.

The draft position papers are intended to enable discussion and input from a wide range of groups including local government. While generally supportive of the initiatives and matters raised in the paper, significant comment has been made on a range of matters with a particular focus on those issues that have a greater relevance for the City of Playford and also Gawler River Floodplain Management.

1. BACKGROUND

The Department for Environment and Water (DEW) is consulting on three draft position papers covering management of flooding, levee banks and dams in South Australia (Attachments 2, 3 and 4). The report attaches draft correspondence to DEW (Attachment 1), being the draft of a submission from Council. DEW has confirmed that a submission from Council by 1 May 2019 will be acceptable and considered, even though this is after their advertised deadline of 15 April 2019.

2. RELEVANCE TO STRATEGIC PLAN

2: Smart Living Program

Outcome 2.1 Smart development and urban renewal

Addressing flooding, levee and dam management issues, in an integrated and transparent manner, will enable optimal risk management for the overall benefit of the community.

3. PUBLIC CONSULTATION

This report and draft correspondence is in response to the Department for Environment and Water draft position papers. There is no requirement for Council to consult the community on the Papers. Some of the feedback proposed, if put into effect, would have benefits and costs for landowners and other stakeholders. The wider community has the opportunity to make comment on the Papers via DEW's YourSAy website.

4. DISCUSSION

- 4.1** The Papers describe the economic cost of flooding, with average annual damages across the State exceeding \$32 million. It is suspected that this represents a significant underestimate. In City of Playford alone, detailed studies of the Smith Creek (AWE 2015) and Adams Creek and GEP catchments (Tonkin 2016) show combined estimated average annual damages from flooding to be \$15.5 million. Flooding from the Gawler River is estimated (AWE 2016) to cause average annual damages estimated at \$7.4M across a number of Council areas, including a significant proportion of this within City Playford. Much of the damage could be avoided through improved flood, levee and dam management.
- 4.2** Flooding also leads to significant intangible losses. These include social and environmental costs such as injury and loss of life, loss of memorabilia, inconvenience and worry. Although difficult to quantify and not allowed for in the estimates mentioned in 4.1 above, literature suggests that allowing for intangible losses would increase the above costs by around 60% (AWE 2016).
- 4.3** Flooding and failure of levees and dams can have significant environmental impacts. Pollution events associated with flooding can be significant or even catastrophic. Cleanup of sediment and the removal and replacement of damaged structures and vegetation is often a significant task following a flood and these come at an environmental cost.
- 4.4** Appropriate and integrated management of flooding, dams and levees is needed to optimise community wellbeing and economic investment. The Papers provide a strong basis for this approach and the proposed feedback is intended to further bolster this.

5. OPTIONS

Recommendation

That Strategic Planning Committee endorses the attached response to the Department for Environment and Water on the Draft Position Papers on Priorities for Improved Flood Management, Improving Levee Bank Management and Improving Dam Management.

Option 2

That Strategic Planning Committee endorses the attached submission to the Department for Environment and Water on the Draft Position Papers on Priorities for Improved Flood Management, Improving Levee Bank Management and Improving Dam Management, subject to the following additions/amendments:

- _____
- _____

6. ANALYSIS OF OPTIONS**6.1 Recommendation Analysis**6.1.1 Analysis & Implications of the Recommendation

The recommendation will forward Council's response on Attachment 1 to the DEW. DEW will give consideration to what is likely to be a wide range of submissions from local government and numerous other organisations and individuals. Some of the comments are likely to be considered in the process of drafting revised policies for the management of flooding, levees and dams in South Australia, while other comments are relevant to broader system issues.

6.1.2 Financial Implications

There are no financial or resource implications.

CALL

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Davoren Park SA 5113**EMAIL**

playford@playford.sa.gov.au

VISITPlayford Civic Centre
10 Playford Boulevard
Elizabeth SA 5112Stretton Centre
307 Peachey Road
Munno Para SA 5115

March 2019

Ingrid Franssen – A/Manager, Flood Management
Fire and Flood Management, Regional Programs
Department for Environment and Water
SA Government
GPO BOX 1047
ADELAIDE SA 5001

Dear Ingrid

Improving Levee Banks, Flood and Dam Management

This letter relates to the consultation opportunity advertised on the Department for Environment and Water website on the above matters. Council has considered the following three draft position papers for consultation:

- Improving Levee Bank Management in South Australia
- Priorities for improved flood management in South Australia
- Improving Dam Management in South Australia

This letter, together with the attachment, is Council's submission.

The issues raised in these discussion papers are very pertinent to the community of the City of Playford. As highlighted in the papers, the Virginia horticultural district and township of Virginia are subject to the flooding of the Gawler River. Council, through the Gawler River Floodplain Management Authority has implemented flood mitigation infrastructure to protect the community and are progressing the Norther Floodway project to further protect the northern Adelaide community. A significant issue in progressing the project is funding from the State and Federal Governments.

Stormwater and flood management authorities need adequate resourcing to plan, establish and manage flood control assets. The gap between available resources and that required is significant and appears to be widening. Many of the benefits of flood management manifest at a State or even Commonwealth level, yet significant funding from these sources is rare. If the State and Federal Governments wish to properly influence flood management for the benefit of the wider community then additional funding will be required.

As agreed by email, this submission, although after the deadline advertised, has been submitted as soon as practical and prior to 1 May 2019.

Yours faithfully

Glenn Docherty

MAYOR

Telephone: (08) 8256 0188

Email: MayorDocherty@playford.sa.gov.au

DRAFT

Response to Discussion Paper 1: Improving Levee Bank Management in South Australia

The draft position paper for Improving Levee Bank Management in South Australia has been developed to address concerns about levee banks in South Australia and in response to the failure or near failure of levees during the spring of 2016.

The draft position paper proposes a number of initiatives to improve levee bank management in South Australia for discussion. Some initiatives may require legislative change, in kind community and stakeholder contributions or may increase costs to community and stakeholders.

Q1. *Who should have access to what parts of a levee bank database, and is there any other information which needs to be stored?*

Details relating to the position and condition of levee banks should be available to the Public. Personal details and contact details should not be provided.

Local and State Government should have access to the complete data base information (as per land property valuation data base details currently provided).

Formally established flood levees and details of their lifecycle management should be identified within the relevant Asset Management Plan of the entity responsible for levee operation and maintenance.

Q2. *Can you suggest any alternative approaches to the proposed planning process as an effective pathway to resolve levee bank management issues?*

A suitable and consistent Development Consent process (across local government boundaries) for applications for approval to undertake construction and maintenance of levee banks should be facilitated.

The planning process needs to include criteria for determining if a levee is "priority" or non-priority".

Q3. *Are there any other contributors not yet identified in table 3.*

Table 3 covers all of the key contributors.

Q4. *Is it reasonable to apply the beneficiary pays principle for ongoing operation and maintenance of levee banks?*

The beneficiary pays principle is generally considered a relevant approach where investment benefits specific stakeholders (as opposed to the general public use). A key matter for consideration will be the beneficiary payment mechanism to be utilised. For example, if maintenance and management of priority levee banks is undertaken by NRM/Landscape Boards then Local Government should not be required to contribute. NRM/Landscape "levies" are recovered via a land tax on landholders within the relevant area. Any additional Local Government contribution requirements would result in local government taxes being recovered from the same landholders being taxed by the NRM/landscape levies.

Q5. Do you see any alternatives to the acquisition of land or easements to ensure access to levees?

Options could include:

- Outright purchase and freehold tenure of the main water channel and land required for flood mitigation works ('subject land') with potential lease back options.
- Establishment of an easement over the subject land .
- Establishment of land management agreements over the subject land.
- A combination of the above.

Q6. How can landholders be made accountable for damage or unauthorised changes to levee banks?

An option might be to incorporate suitable enforcement mechanisms when establishing land access, as per Q5.

Suitable approval and enforcement mechanisms for levees and other flood control assets is needed – possibly by incorporating into the Planning Development and Infrastructure Act as it is further developed.

Enforcement authorities need appropriate resourcing in order to proactively inspect levees, water courses and dams, identify issues, educate landowners and enforce conditions.

Ultimately, suitable property rights are also important in giving the relevant authority the best ability to manage the assets and risks. Property rights are enforceable and the concepts generally well understood by the community.

Q7. Are there any other priority issues to be covered in the guidelines?

It would be preferable if suitable powers enabling flood mitigation development / maintenance and associated land access, by relevant authorities, on private land was expressly provided.

Q8. What currently works well and what does not in terms of the approval process for levee banks?

Recent discussion between the Gawler River Flood Management Authority and constituent councils indicates the current approval process is confusing and needs further work to provide a consistent and transparent process which the public can understand. e.g. The NRM Boards manage approval processes via Best Practice Operating Procedures (BPOP) or Current Recommended Practices (CRP) for levee construction. Councils manage applications via Development Consent processes. Each council appears to have a different application approval process.

NRM Boards can only approve walls to a height of 1m for retaining and 3m for dams and development approval (Councils) is required for the movement/excavation of more than 9 cubic metres of soil.

Requiring and/or approval of levees via the development application process works reasonably well at present.

Q9. Are there any other management arrangements needed for non-priority levee banks?

Management of levees needs to be undertaken in accordance with any relevant local government and/or private landowner Stormwater Management Plans.

Q10. Is there anything more you wish to add in regard to the draft policy for Levee Bank Management in South Australia?

No

Response to Discussion Paper 2: Priorities for improved flood management in South Australia

The draft position paper explores priorities for improved flood management in South Australia as well as opportunities for alignment with strategies and initiatives currently under development

Q1. *Who should be involved in developing improved South Australia wide approach to flood management?*

Department for Environment and Water (DEW), South Australia State Emergency Service (SASES), Department of Planning, Transport and Infrastructure (DPTI), local government, Industry representatives (Agriculture).

Q2. *What would be your top three outcomes to be delivered by the approach? GRFMA*

- Consider all aspects of flood management in an integrated manner and clarify roles and responsibilities, priorities and principles.
- Clarify the intersection with water resource management, emergency management, stormwater management and land use planning.
- Set a clear state-wide framework that enables everyone to effectively contribute to flood management as it is clear where their role fits

Q3. *What would be your top three priority issues to be addressed?*

- Avoiding or minimising risks through planning and building
- Flood mitigation infrastructure (levees, flood detention basins)
- Flood risk assessment,

Q4. *Is there anything more you wish to add in regard to the draft position paper for priorities for improved flood management in South Australia*

Stormwater and flood management authorities need adequate resourcing to plan, establish and manage flood control assets to meet the desired level of service. The gap between available resources and that required is significant and appears to be widening. Many of the benefits of flood management manifest at a State or even Commonwealth level, yet significant funding from these sources is rare. If the State wishes to properly influence flood management for the benefit of the wider community then funding more representative of the benefits and beneficiaries will be needed.

Key to establishing and maintaining credibility of the system, accountability and its enforceability will be the use of up to date and accurate Flood Zone mapping. The Planning Development and Infrastructure Act will need to clearly reference the best available information.

All flood management assets should be identified within the relevant Asset Management Plan of the entity responsible for flood management asset operation and maintenance. The assets should be managed accordingly to ensure the targeted level of service is achieved.

Response to Discussion Paper 3: Improving Dam Management in South Australia.

The draft position paper for improving dam management has been developed to address concerns about dam management in South Australia and in response to the failure or near failure of dams during the Spring of 2016.

Q1. *Do you support the proposed development of risk rating tools for dam failure based on reviewing and adapting the tool already developed in Victoria?*

The development of risk rating tools for failure of small dams up to 3 m tall, or 5 megalitres, is supported and we consider the Victorian model is at least a good starting point. The Australian National Committee on Large Dams (ANCOLD) Guidelines on Risk Assessment (2003) should be used for all dams taller than 10 metres. For dams between 3 and 10 metres tall, the ANCOLD guidelines should be used in absence of another appropriate tool being developed. The risk of the cascading of small dam failure scenarios also needs to be covered.

Q2. *How can we make sure landholders prepare an emergency action plan for their dam?*

A complete register of all dams (as proposed), including their risk rating and ownership, will need to be prepared by the relevant regulatory body. Regulations will need to be established that require mitigation of unacceptable dam risks, including a suitable emergency action plan, within an acceptable timeframe. Regulations will also need to provide reasonable enforcement powers.

Floodplain modelling and dam break analyses will likely be required in some circumstances. Ongoing stakeholder consultation, monitoring, testing of emergency action plans and publication of risk information will be required. In order to make good progress this work will likely need to be funded, up front at least, by the relevant body. A toolkit to assist dam owners should be developed to assist. Existing relevant, current and available assessments and plans, where they exist, may mean that a new assessment is not required.

Q3. *Who should have access to what parts of a dam register?*

Details relating to the position and condition of dams should be available to the Public. Personal details and contact details should not be provided. Local and State Government should have access to the complete data base information (as per land property valuation data base details currently provided). Formally established publicly owned dams and details of their lifecycle management should be identified within the relevant Asset Management Plan of the entity responsible for dam operation and maintenance.

Q4. *Is there any other information (other than location, size and flood risk rating) that needs to be stored?*

Additional information stored should include:

- Name of Dam
- Owner contact details (not to be publicly available),
- The current emergency action plan (not to be publicly available),
- Year of Original Construction
- Water course impounded

- Storage Capacity at full storage level
- Catchment Area
- Full Supply Level (Spillway Crest Level) mAHD
- Type of Dam (material)
- Embankment Height (max)

Q5. *Do you support a general duty to maintain dams and an enforceable requirement to rectify, repair or modify a dam that poses an unacceptable risk?*

The imposition of new regulations on the community needs to be balanced against the potential risks to the community. In general, landowners should have a general duty to ensure that the dams on their property do not place the broader community at risk. The form and nature of any regulations need careful consideration.

If additional regulations are imposed, then there should be no exceptions to the duty to properly construct and maintain dams and the enforceability of this. Specifically, Council disagrees with the suggestion in Table 1 of the Draft position paper that SA Water Reservoirs, Tailings Dams and Wastewater facilities be out of scope. Voluntary compliance with ANCOLD Guidelines could become voluntary non-compliance without anyone knowing and the SA Water Dams are likely to have amongst the greatest consequences of failure. Tailings dams being subject to the Mining Act does not necessarily make the risk to the community any less – in fact tailings dams potentially come with additional hazards as well as being subject to similar flood hazard issues. Some attention to drafting will be required to avoid duplication and conflict in legislative requirements for tailings dams.

What we seek is a complete and transparent arrangement that manages all dam risk to the community in a holistic and comprehensive manner.

Q6. *What competencies or qualifications should be required from practitioners for dams with a higher dam failure risk rating?*

The lead practitioner should be a professional engineer. Council suggests Melbourne Water's requirements are a suitable minimum in this regard:

... any engineer providing advice, design or engineering input on existing or future dam assets to satisfy the ANCOLD definition of a Dams Engineer (ANCOLD, 2003): A professional engineer who is suitably qualified and recognised by the engineering profession as experienced in the engineering of dams and its various subfields. The lead practitioner may well head a team that includes other professionals and technicians.

Q7. *Are there any other issues which should be covered in the proposed guidelines?*

An Emergency Action Plan template for South Australia could be based on the template found at:

https://www.water.vic.gov.au/data/assets/pdf_file/0024/54249/LGA-DESP-fianl_r.pdf

Q8. *Do you have a comment on which of the proposals (either including dam construction requirements in the Planning and Design Code, or in the Landscapes SA legislation) has more benefit?*

Council believes that dam construction requirements should be included in the Landscapes SA legislation. There are strong linkages between dams, water course management and environmental management and dams should generally be assessed from a regional viewpoint. If part of the planning system, the responsibility would likely be delegated to individual councils, most of whom will not be able to justify the expertise necessary to properly assess what will be rare applications for dam construction and who do not have a strong enough catchment management and environmental stewardship based mandate to properly manage the competing demands of dam construction applications.

Q9. *Is there anything more you wish to add in regard the Draft Policy for Dam Management in South Australia?*

No

Draft position paper for consultation

February 2019

Priorities for improved flood management in South Australia



1 Introduction

The following is a draft position paper for: **priorities for improved flood management in South Australia**. The paper has been developed in response to issues raised following the floods in 2016 highlighting a number of long-standing challenges for effective flood management in South Australia.

The draft position paper explores priorities for improved flood management in South Australia as well as opportunities for alignment with strategies and initiatives currently under development. Your feedback will assist in determining the scope and priorities of an improved approach to flood management.

It is one of three draft position papers which have been developed in parallel and are being released concurrently. The other two papers are:

- **Improving Dam Management in South Australia**
- **Improving Levee Bank Management in South Australia**

Feedback on this document can be provided by responding to the questions and provide any additional input and suggestions using the following Survey Monkey link: <https://www.surveymonkey.com/r/PJ78KWW>

Alternatively, you can respond via email to Ingrid Franssen, A/Manager, Flood Management, Department for Environment and Water: Ingrid.Franssen@sa.gov.au

Any response needs to be received by **15 April 2019**.

2 Background

Flooding is the most costly natural disaster in South Australia. The average annual damages from flooding in the State exceed \$32 million according to *the Independent Review of the Extreme Weather Event South Australia 28 September-5 October 2016* (Burns Review). Floods can impact on people's safety and wellbeing, the economy, the environment, communities and on public services. The 2016 flood caused an estimated \$51 million of damage to agriculture and greater than \$20 million damage to local government infrastructure. A changing climate and increased development on floodplains present ever increasing challenges to manage these risks.

Under the State Emergency Management Plan (SEMP), the Department for Environment and Water (DEW) is the designated hazard leader for flood. DEW therefore undertakes a leadership role for planning of emergency management activities pertaining to flood, and ensures that all activities across Prevention, Preparedness, Response and Recovery (PPRR) to do with that hazard are coordinated. The South Australian State Emergency Service (SASES) is the control agency for flood and will take charge of a flood or severe weather emergency and provide leadership to all other agencies responding to a flood.

The length of time between flood events and the fragmentation of responsibilities between local government, state government, the Commonwealth government and private land owners creates barriers to agreement on collective action to adapt to floods and the changing risk profile.

3 Priorities for improved flood management in South Australia

The Burns Review focussed on a number of specific flood management issues, but previous flood events and inquiries have highlighted the need for more holistic and effective flood management in South Australia through an improved state-wide approach. Better flood management can reduce the economic, social and environmental costs of floods, through actions such as avoidance or mitigation of flood risks, better understanding of flood risk, better preparedness and response planning and better flood warning.

An improved state-wide approach to flood management can deliver a number of outcomes:

- identify strengths, weaknesses, opportunities and threats for flood management in South Australia;
- describe current initiatives and how they contribute to flood management.
- identify key gaps and strategies to address these gaps.
- consider all aspects of flood management in an integrated manner and clarify roles and responsibilities, priorities and principles.
- clarify the intersection with water resource management, emergency management, stormwater management and land use planning.
- create a clear business case for targeted investment in flood management, ensuring that foundational gaps are addressed first.
- set a clear state-wide framework that enables everyone to effectively contribute to flood management as it is clear where their role fits.

Victoria developed a comprehensive floodplain management strategy in 2016, which provided much needed clarity and cohesion to flood management. Such a strategic approach to flood management in South Australia could be included in the Flood Hazard Plan that is required to be developed and reviewed biannually under the SEMP and would mean that the Flood Hazard Plan is developed in consultation with all key stakeholders.

There may be an opportunity to align the state-wide approach with the framework to be developed to manage and use Adelaide's urban water resources to 2050 and beyond. One of the outcomes proposed for this framework is that "our communities are flood aware and resilient". This may give the foundation of first principles for flood management but it needs to be acknowledged that flood management issues occur throughout the State, and strategies to address gaps may need to be tailored to other regions.

Another opportunity for alignment is the development of a coastal strategy for South Australia, being developed by DEW's Coast Protection Unit, which could address coastal flooding issues and provide common approaches to coastal and inland flood management. Other opportunities for alignment include stormwater management planning lead by the Stormwater Management Authority, the Northern Adelaide Plains Agribusiness Initiative for the Gawler and Light River areas led by the Department for Primary Industries and Regions (PIRSA), and the Constraints Management Strategy for the River Murray in South Australia, led by DEW.

DISCUSSION QUESTIONS

1. Who should be involved in developing improved South Australia wide approach to flood management?

Eg. Department for Environment and Water (DEW), South Australia State Emergency Service (SASES), industry groups, local government, landholders other organisations?

2. What would be your top three outcomes to be delivered by the approach?

The improved South Australia wide approach to flood management could cover:

- Flood risk assessment,
- Flood risk metrics and their application
- Evaluation of flood risks through flood studies
- Processes for evaluating mitigation options, applying nationally agreed approaches
- Collecting and maintaining flood information including flood data, flood maps and flood intelligence and the sharing of information
- Avoiding or minimising risks through planning and building
- Management of stormwater and urban flooding (including urban watercourses)
- Management of flooding in rural areas, including drainage
- Management of coastal flooding
- Flood warning systems
- Flood mitigation infrastructure (levees, flood detention basins)
- Strategies for critical infrastructure (such as roads, hospitals, schools, aged care facilities, power generators)
- Flood pollution management
- Flood emergency management
- Impacts of climate change

DISCUSSION QUESTION

3. *What would be your top three priority issues to be addressed?*

FINAL DISCUSSION QUESTION

4. *Is there anything more you wish to add in regard to the draft position paper for priorities for improved flood management in South Australia?*

Draft position paper for consultation

February 2019

Improving Levee Bank Management in South Australia



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1 Introduction

The draft position paper for **Improving Levee Bank Management in South Australia** has been developed to address concerns about levee banks in South Australia and in response to the failure or near failure of levees during the spring of 2016.

The draft position paper proposes a number of initiatives to improve levee bank management in South Australia for discussion. Some initiatives may require legislative change, in kind community and stakeholder contributions or may increase costs to community and stakeholders, and therefore will require your input to help refine them before they are finalised and implemented.

The draft position paper is one of three papers which are concurrently being released for feedback. The other two are:

- **Improving Dam Management in South Australia**
- **Priorities for Improved Flood Management in South Australia**

Feedback on this document can be provided by responding to the questions and provide any additional input and suggestions using the following Survey Monkey link: <https://www.surveymonkey.com/r/PJ78KWW>

Alternatively, you can respond via email to Ingrid Franssen, A/Manager, Flood Management, Department for Environment and Water: Ingrid.Franssen@sa.gov.au

Any response needs to be received by **15 April 2019**.

2 Background

Levee banks are one type of flood mitigation infrastructure and can be broadly described as artificially raised or constructed embankments or walls built or modified for the purpose of regulating water levels and reducing the likelihood of flooding.

In some council areas, levee banks are a major flood mitigation measure however there is no clarity on their maintenance status and performance during a flood, and therefore uncertainty whether they are 'fit for purpose' and can provide the flood risk mitigation for which they were originally constructed. Levee bank failure along the Gawler River in 2016 contributed to the significant economic costs of the floods in the horticultural area north of Adelaide. The management of levee banks is a long standing issue in South Australia.

The lack of clarity on roles and responsibilities for maintaining levee banks causes uncertainty about their performance during extreme events. This creates an unnecessary large flood response burden for the South Australian State Emergency Service (SASES) to manage levee banks that are failing or threatening to fail during flood events. Impacts of floods resulting from levee bank failure are inevitably high because communities are often not prepared for flood in those areas as they assumed the levee bank would protect them.

The benefits of well-managed flood mitigation infrastructure were demonstrated at Nuriootpa in the Barossa Valley, where a combination of permanent and temporary levees were used to effectively control potential flooding during the 2016 event.

Improving Levee Bank Management in South Australia - Draft Position Paper for consultation

2.1 Scope

The levee banks proposed to be in scope for this paper are outlined in table 1.

In Scope	Out of Scope
Levee bank construction and maintenance designed to protect multiple properties	Flood mitigation infrastructure other than levee banks, unless it has a levee bank component
Additional maintenance requirements for roads and other infrastructure that act as levee banks even though it is not the primary function	Maintenance of levee bank that protect individual properties
Maintenance of levee banks where failure could impact on multiple properties	Construction of coastal levee banks

Table 1: Scope of proposed levee bank management policy in South Australia

Flood mitigation infrastructure other than levee banks is out of scope for the purpose of this paper, unless it includes a levee bank component. The proposed elements concern levee banks that provide flood protection for multiple properties, where there is a need to manage the structure for a broader community benefit. The maintenance of a levee bank to protect an individual property or land parcel is out of scope for this paper.

There are other types of infrastructure that act as levee banks, such as roads and railway lines. In that case, the responsibility for management rests with the manager of the road/railway. There may be a need to ensure that the infrastructure is maintained to ensure it continues to fulfil its flood protection function, even though that is not its primary function. These requirements may go beyond the general maintenance requirements of the infrastructure and are within scope for this policy.

Construction of coastal levee banks are out of scope as they are managed under the *Coast Protection Act 1972* and the Coast Protection Board will consider proposals for coastal levee banks. However, arrangements for management of existing levee banks could equally apply to coastal levee banks.

2.2 Current regulation of construction

The construction of new levee banks is authorised under the *Natural Resources Management Act 2004* (NRM Act) with a water affecting activity permit, unless the levee bank is classified as development under the *Development Act 1993* (Development Act) (to be replaced by the *Planning Development and Infrastructure Act 2016*) and receives development approval¹.

The development application for such levee banks will also be assessed against the water affecting activity policies in the regional Natural Resources Management (NRM) Plan or water allocation plan through a referral of the development application to the authority issuing the permits.

¹ Activities classified as development include:

- construct a levee or mound with a height greater than 3 metres from the natural surface as per Schedule 2(4) of the *Development Regulations 2008*; or
- construct a levee or mound in a Watercourse Zone, Flood Zone or Flood Plain delineated by the relevant Development Plan, or in any other zone or area shown as being subject to flooding or inundation in the relevant Development Plan, as this activity is classified as development as per Schedule 2(3) of the *Development Regulations 2008*.
- construct a levee or mound that involves excavation and filling of greater than 9 cubic metres of material within a prescribed zone and use defined in Schedule 2(1) of the *Development Regulations 2008*.
- deposit a material in the River Murray Floodplain Area as per Schedule 2(7)(1)(b) of the *Development Regulations 2008*.

Improving Levee Bank Management in South Australia - Draft Position Paper for consultation

There is a need to consider both watercourse management and flood management when approving new levee banks. NRM Plan criteria for assessing applications for levee bank construction consider matters such as whether the levee bank could:

- cause or increase the risk of upstream or downstream flooding;
- impact the natural flow of a watercourse or lake including restricting or increasing the natural flow to a water dependent ecosystem;
- impact the natural flow between the floodplain and a watercourse;
- impact the migration of native fish or aquatic biota;
- cause significant erosion or increase the risk of erosion;
- risk public safety or damage property and infrastructure.

The South Australian Planning Policy Library provides guidance on levee banks including:

Development, including earthworks associated with development, should not do any of the following:

- *impede the flow of floodwaters through the land or other surrounding land*
- *increase the potential hazard risk to public safety of persons during a flood event*
- *aggravate the potential for erosion or siltation or lead to the destruction of vegetation during a flood*
- *cause any adverse effect on the floodway function*
- *increase the risk of flooding of other land*
- *obstruct a watercourse.*

Construction of new levee banks or upgrades of existing ones are sometimes considered as part of a stormwater management plan. As part of this process, consideration needs to be given to the flood risk to be mitigated, the potential consequences of flooding and whether a levee bank is the appropriate mechanism to manage the risk identified.

2.3 Current maintenance arrangements

There is a lack of clarity on roles and responsibilities for maintaining levee banks and this causes uncertainty about their performance during extreme events. There is limited documentation of the location, design or maintenance status of levee banks.

Levee banks can be situated on crown land, local government owned land and private land. The issue of access for the purpose of maintenance is very similar to that for urban watercourses.

Both the NRM Act (section 31) and the *Local Government Act 1999* (schedule 1A, section 21) provide identical powers to an NRM Board or a council respectively to enter onto private land for the purposes of undertaking stormwater management or flood mitigation works. The powers in section 21 of schedule 1A of the Local Government Act may only be exercised by councils where there is a Stormwater Management Plan approved by the Stormwater Management Authority and gazetted.

Permanent infrastructure construction or works can be carried out under an agreement with the property owner subject to that property owner's consent, and if the property owner agrees to undertake ongoing care, control and management of the works. Where the NRM Board or council retains ongoing responsibility for care, control and management of the permanent works, then the NRM Board or council must acquire an easement or other appropriate interest over the land (e.g. acquisition of land).

Roles and responsibilities for levee bank maintenance are sometimes set out in stormwater management plans. Levee banks along the Lower Murray River that are on Crown land are maintained by the Department for Environment and Water (DEW), because they support River Murray operations. Levee banks that form part of the South Eastern Drainage network are maintained by the South Eastern Water Conservation and Drainage Board. The responsibility of landholders for (portions of) levee banks on their properties is not specified.

2.4 Outcomes sought

The draft policy position outlines proposed elements of a levee bank management policy for discussion, to deliver improved levee bank management.

The following levee bank management outcomes are sought:

- Roles and responsibilities for levee bank management are clearly articulated, agreed and understood by all relevant parties and can be implemented (subject to funding).
- There is clarity on how levee banks can be factored into flood risks and flood response as there is confidence in their location, function and performance.
- There is a strategic approach to levee bank construction and management of existing levee banks which considers flood mitigation as well as water resource management outcomes.

3 Proposed elements of a levee bank management policy

The proposed elements of a levee bank management policy are based on the recommendations from the South Australian Levee Bank Management Issues Paper (DEWNR, 2015) and the approaches and experiences in managing levee banks interstate. In developing the proposed elements, alignment between levee bank management, stormwater management, coastal management and watercourse management has been sought, to streamline processes and reduce red tape.

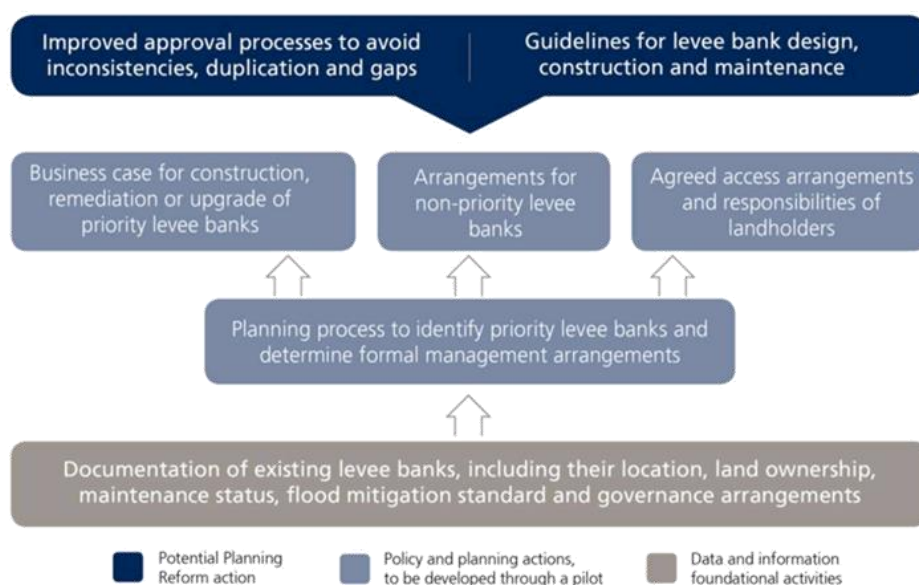
Resolving responsibilities for maintenance of levee banks that extend beyond individual properties has similarities to resolving responsibilities for watercourse management in South Australia. Resolving watercourse management is out of scope for this paper, however a number of principles apply to both situations:

- Relying on individual landholder responsibilities to maintain sections of levee banks (or watercourses) on their property, does not deliver effective maintenance, in particular where maintenance actions require specific skills, equipment or expertise;
- Effective maintenance requires assignment of responsibility to one entity, with access to the complete levee bank (or watercourse).

There are several conceptual elements for the proposed levee bank management framework. The proposed elements are listed below and illustrated in Figure 1:

1. Documentation of existing levee banks, including their location, land ownership, maintenance status, flood mitigation standard and governance arrangements.
2. A planning process to identify priority levee banks and determine formal management arrangements.
3. Development of a robust business case for construction, remediation or upgrade of priority levees.
4. Access arrangements for construction, remediation and maintenance of levee banks, including clarification of responsibilities of landowners in relation to levee banks on their land that are managed by a third party.
5. Guidelines relating to the siting, design, construction, modification and maintenance of levee banks that consider both water resource management impacts and flood risks and/or options to regulate these requirements.
6. Clarification and improvement of the approval process for siting, design, construction and modification of levee banks to avoid gaps, duplication or inconsistencies between land use planning and water resource management requirements.
7. Management arrangements for non-priority levee banks.

Improving Levee Bank Management in South Australia - Draft Position Paper for consultation

**Figure 1: Proposed levee bank management policy elements**

Each element is discussed in more detail below.

3.1 Documentation of existing levee banks, including their location, land ownership, maintenance status, flood mitigation standard and governance arrangements

This element aims to develop a state-wide authoritative spatial database that can be used for multiple purposes, including stormwater management, flood prevention and emergency response planning, business development and development planning. This project will require significant resourcing, and is a foundational element for other components of the proposed levee bank management policy.

The documentation process should include:

- an assessment of the location and condition of the infrastructure and its standard of protection, based on the best available information derived from flood studies
- an assessment of land ownership and presence of easements or management agreements in relation to access to the levee banks
- current roles and responsibilities for levee bank management
- development of a spatial dataset for this information

DISCUSSION QUESTION:

1. ***Who should have access to what parts of a levee bank database, and is there any other information which needs to be stored?***

Eg. Landholders: limited access, Local Councils: full access, Department for Environment and Water (DEW) full access, etc.

3.2 A planning process to identify priority levee banks and determine formal management arrangements

A planning process is proposed to determine priority new and existing levee banks and determine formal management arrangements. The following criteria and process elements are proposed, which will need to be tested using one or more pilots:

- Due process – Communities will be consulted so that their concerns, their local knowledge and their ideas about flood mitigation options can be considered
- Due diligence – Decision-making processes will set clear objectives, be evidence-based and will examine all reasonable options to mitigate flood risks.
- Risk based approach – the level of protection to be provided will be informed by an assessment of flood risk: the likely flooding frequencies, and the potential impacts on the environmental, social and economic values in the local area.
- Effectiveness and efficiency – The benefits in reduction in flood risk (likelihood and consequence) achieved by the levee bank are outlined and compared to the cost (including both capital and ongoing costs) as well as costs and benefits of alternative solutions.
- Community benefits – The levee bank should have primary community benefits in terms of the protection of:
 - human life and safety
 - community safety, by ensuring major evacuation routes are maintained
 - community welfare, by ensuring the continuity of social services, particularly those provided by public infrastructure
 - existing dwellings, where it is only feasible to protect them through collective action
 - other priority assets identified as having broader community value.
- Environmental impact – The effect on the environment, such as impeding the normal flow of the watercourse or the flow across the floodplain, will need to be considered as part of the process.

As a general principle, the construction of levee banks to facilitate new urban development on flood prone land is not a preferred approach and such levee banks will not be considered to meet the criteria for priority levee banks.

The planning process for existing levee banks should include:

- consideration of options to upgrade the infrastructure to contemporary design standards;
- identification, in consultation with the benefiting community, the most cost-effective option in keeping with the community's willingness and ability to pay for ongoing management and maintenance;
- the benefits, costs and establishment of ongoing management arrangements including access arrangements to enable restoring and maintaining the infrastructure to a reasonable standard of protection;
- the costs and benefits of alternative solutions.

These elements could be built into the guidelines for stormwater management plans or seen as part of NRM planning, regional/ local development or infrastructure planning or as a stand-alone planning process.

Improving Levee Bank Management in South Australia - Draft Position Paper for consultation

There are a number of options for leading, contributing and overseeing this planning process and the optimal arrangement may vary on a case-by-case basis as outlined in Table 2.

Leading development	Contribution	Oversight
local government ² NRM/Landscape Boards DEW	local government NRM/Landscape Boards SASES DEW Department for Planning, Transport and Infrastructure (DPTI) Coast Protection Board External experts Commonwealth government Regional Development Authorities Department for Primary Industries and Regions SA (PIRSA)	Stormwater Management Authority DEW External experts

Table 2: Options for leading, contributing and overseeing a levee bank planning process

Trials of this process could include a location with levee banks that have had recent investment and with recent information on their effectiveness (for example Nuriootpa) as well as old historical levee banks with no recent information on function and effectiveness (for example Wasleys). Another option may be to align a pilot with work being undertaken by the Gawler River Flood Management Authority for the Gawler River.

DISCUSSION QUESTION:

2. *Can you suggest any alternative approaches to the proposed planning process as an effective pathway to resolve levee bank management issues?*

² Including authorities set up under the Local Government Act, such as the Gawler River Flood Management Authority

3.3 Development of a robust business case for construction, remediation or upgrade of priority levees

The documentation and planning process will provide the information necessary to develop a business case for remediation/upgrade of existing priority levee banks or construction of new priority levee banks. It will outline the costs and benefits of the proposal compared to alternative solution, the risk mitigation to be achieved and community's/beneficiary's willingness to pay. It will identify the cost to ensure access arrangements for ongoing operation and maintenance.

As mentioned in Section 3.2, flood mitigation should be a last resort action, after avoidance and adaptation have been considered. This principle should be reflected in the assessment of any proposed new levee banks, and may also need to be considered when assessing plans for remediation or upgrades of existing levee banks.

There are a number of options for who would lead the process of construction, remediation or upgrades of levee banks, as outlined in Table 3. The costs of designing and constructing new priority levee banks or upgrading existing levee banks should be shared between State and local government. Access to Commonwealth government funding will need to be actively pursued where possible to reduce the cost burden for State and local government.

Different arrangements for cost-sharing design, construction or upgrades of levee banks may be negotiated on a case-by-case basis, for example contributions by third parties such as developers or major asset holders to the construction or upgrade of levee banks.

The maintenance and management of priority levee banks under formal arrangements should be funded by beneficiaries, with funds raised going to the entity responsible for ongoing operation and maintenance. There are a number of options for responsible entities for ongoing operation and maintenance as outlined in Table 3.

Construction, remediation, upgrade	Operation and maintenance
DPTI DEW local government ³ NRM/Landscape Boards Developers	DPTI DEW local government NRM/Landscape Boards

Table 3: Options for responsibility of levee bank management

DISCUSSION QUESTIONS:

3. *Are there any other contributors not yet identified in table 3.*
4. *Is it reasonable to apply the beneficiary pays principle for ongoing operation and maintenance of levee banks?*

³ Including authorities set up under the Local Government Act, such as the Gawler River Flood Management Authority

3.4 Access arrangements for construction, remediation and maintenance of levee banks, including clarification of responsibilities of landowners

Levee banks that protect multiple properties require one authority for ongoing management. That managing authority needs to have access to the entire levee bank, regardless of the current ownership of the land the levee bank was built on

The acquisition of land provides the highest level of certainty that the relevant authority has access to the levee bank for ongoing maintenance. The South Eastern Water Conservation and Drainage Board is responsible for managing the drains and associated embankments in the South East NRM region and has ownership for approximately 75-80% of the land on which that infrastructure is located and access for much of the upper south east network through easement.

Creation of an easement to cover the levee bank also provides certainty of access for the party responsible for ongoing operation and maintenance. As an easement is attached to the property title, it continues after a property has been transacted and is essentially perpetual unless revoked by agreement by both parties.

Easements can be procured by agreement or compulsory acquisition. Acquisition by agreement would be the preferred approach. The cost of acquiring easements or land will need to be factored into the business case for the levee bank.

It is also important that responsibilities of landholders are clear and can be enforced to ensure levee bank structures are not damaged or modified without the consent of the authority responsible for operation and maintenance.

DISCUSSION QUESTIONS:

5. *Do you see any alternatives to the acquisition of land or easements to ensure access to levees?*
6. *How can landholders be made accountable for damage or unauthorised changes to levee banks?*

3.5 Guidelines relating to the siting, design, construction, modification and maintenance of levee banks

Current regional NRM Plan and South Australian Planning Policy library assessment criteria already cover many aspects of levee bank siting and focus on third party impacts and watercourse management aspects.

Assessment criteria currently do not cover levee bank design from a hydrological or engineering perspective. Victoria's approach has been to provide guidelines for design, construction, management, upgrade, renewal and decommissioning. Adapting these guidelines for the South Australian context is recommended to provide more guidance on levee bank management.

The level of flood protection to be provided by levee banks should not only be guided by the likelihood of flood occurrence but should consider the consequence of flooding and what is considered an acceptable level of risk. Other factors such as access, isolation and evacuation, depth and velocity of water during a flood will all play a part in assessing the level of protection required.

Designing and building controlled flooding pathways in case the levee bank is overtopped is important as it will aid in emergency response and predictability of flooding patterns.

DISCUSSION QUESTION

7. *Are there any other priority issues to be covered in the guidelines?*

3.6 Clarification and improvement of the approval process for siting, design, construction and modification of levee banks

It is proposed to clarify and improve assessment processes for levee banks with regard to development approval and water affecting activity permits.

Clearer definitions and boundaries that determine when a levee bank is considered development are needed. The reference to watercourse zone, flood zone or floodplain delineated by the relevant Development Plan is unhelpful if these zones are not clearly defined in the relevant development plan. The generic 3 metre height limit also needs review, as this is considered too high in many cases.

The NRM Act simply refers to a levee bank being located on the floodplain of a watercourse, but again, the floodplain may not always be clearly defined. Therefore there is significant uncertainty about whether or not a levee bank requires development approval or a water affecting activity permit and under which circumstances.

This could be considered further as part of the input into Planning reform and development of the Landscapes SA legislation.

DISCUSSION QUESTION

- 8. *What currently works well and what does not in terms of the approval process for levee banks?***

3.7 Management arrangements for non-priority levee banks

Levee banks that are identified as non-priority may still be approved to be constructed or upgraded but will not receive state government funding. Approval of privately funded levee banks will be dependent on satisfying environmental and downstream impact considerations and arrangements for accountability for ongoing management, maintenance and assurance that are agreed and clearly documented. These arrangements should allow for measurable outcomes to be established, evaluated and reported.

Non-priority existing levee banks can be removed or modified to ensure "controlled failure", unless a third party takes responsibility for their maintenance. The option to leave existing non priority infrastructure unmanaged and unmaintained or only maintained to a low standard can be considered, but requires an assessment of risks, costs and benefits.

DISCUSSION QUESTION

- 9. *Are there any other management arrangements needed for non-priority levee banks?***

FINAL DISCUSSION QUESTION

- 10. *Is there anything more you wish to add in regard to the draft policy for Levee Bank Management in South Australia?***

Draft position paper for consultation

February 2019

Improving Dam Management in South Australia



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1 Introduction

The draft position paper for **Improving Dam Management in South Australia** has been developed to address concerns about dam management in South Australia and in response to the failure or near failure of dams during the spring of 2016.

The draft position paper proposes a number of initiatives to improve dam management in South Australia for discussion. Some initiatives are already underway as they are considered essential and broadly supported such as education and awareness about dam safety and management in emergencies, but others, in particular those requiring legislative change and/or increasing obligations for landholders, will require your input to help refine them before they are finalised and implemented.

The draft position paper is one of three papers which are concurrently being released for feedback. The other two are:

- **Improving Levee Bank Management in South Australia**
- **Priorities for Improved Flood Management in South Australia**

Feedback on this document can be provided by responding to the questions and provide any additional input and suggestions using the following Survey Monkey link: <https://www.surveymonkey.com/r/PJ78KWW>

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Any response needs to be received by **15 April 2019**.

2 Background

Management of dams in South Australia has been of concern for some time. In 2015, the University of South Australia was commissioned by the Flood Inquiries Task Force to develop an options paper on dam management. The paper identified the need for policy and explored policy options to provide for adequate dam management assurance to community (University of South Australia 2016).

In South Australia, there is no effective dam management regulation. According to the report by the University of South Australia, dam failure flood risks are significant and exist at both the individual and cumulative levels within catchments. Evidence shows that dam design and maintenance is often not adequate: many spillways (if they exist) have inadequate flood capability and there are often structural issues with dam walls.

A sudden uncontrolled dam release may endanger human life or downstream property, or damage the operation of the dam.

2.1 Scope

The dams proposed to be in scope for this paper are outlined in table 1.

In scope	Out of scope
Irrigation dams	SA Water Reservoirs
Stock and domestic dams	Tailings dams
Other storage dams requiring a permit under the <i>Natural Resources Management Act 2004</i>	Wastewater storage and evaporation lagoons regulated under the <i>Environment Protection Act 1993</i>
Detention and retention basins	
Wastewater dams not regulated under <i>Environment Protection Act 1993</i>	
Dams on public land that are not SA Water reservoirs	

Table 1: Scope of proposed dam management framework in South Australia

SA Water owns the majority of large dams and voluntarily complies with Australian National Committee on Large Dams (ANCOLD) guidelines. The SA Water reservoirs are therefore out of scope for this policy.

Wastewater storage, evaporation lagoons and tailings dam are also out of scope, as they are considered to be generally a low risk because filling occurs through pumping and the siting, construction and management of the dams are regulated by specific legislation:

- Wastewater storage and evaporation lagoons: *Environmental Protection Act 1993* (EP Act)
- Tailings dams: *Mining Act 1971*.

2.2 Current regulation of construction

The construction of dams is generally authorised under the *Natural Resources Management Act 2004* (NRM Act) with a water affecting activity permit, unless the dam is classified as development, and receives development approval under the *Development Act 1993* (Development Act) (to be replaced by the *Planning Development and Infrastructure Act 2016*). Dams with a volume greater than 5 megalitres (ML) or a dam wall height greater than 3 metres are classified as development under the Development Act. The development application for such dams will also be assessed against the water affecting activity policies in the regional Natural Resources Management (NRM) Plan or water allocation plan (prepared under the NRM Act) through a referral of the development application to the authority issuing the permits.

The water affecting activity policies focus on water resource management and watercourse management issues, but can also consider a number of flooding and erosion risks and design aspects (spillways, freeboard, and low flow devices).

There are no design standards in the building code or guidance in the South Australian Planning Policy Library that councils can refer to when assessing application for dams under the Development Act.

2.3 Current maintenance arrangements

Dam owners are considered responsible for the management of their dams and accountable for the damage these dams may cause if they fail. However, this responsibility is in the realm of public liability and there is limited awareness of this responsibility among landholders. There is no mechanism for state or local government to ensure owners of dams maintain their dams. Neither the Development Act nor the NRM Act currently provide an effective enforceable ongoing obligation to ensure all dams are properly maintained.

2.4 Outcomes sought

The draft policy position outlines proposed elements of a dam management policy for discussion, to deliver improved dam management.

The following dam management outcomes are sought:

- Roles and responsibilities for dam management are clearly articulated, agreed and understood by all relevant parties and are able to be implemented.
- Dam management risks for both existing and new dams are managed by landholders and do not significantly increase the potential impacts of floods in South Australia.

3 Proposed elements of a dam management policy

The proposed elements of a dam management policy consider the recommendations from the University of South Australia report and the approaches and experiences in managing dam management interstate. In developing the proposed elements, alignment between management of dams for water resource management and dam safety has been sought to streamline processes and reduce red tape. The proposed elements aim to create a fit for purpose approach tailored to the risk of a dam failing. The proposed elements aim to provide flexibility to increase the level of regulation over time if evidence shows that this is necessary.

There are several conceptual elements for the proposed dam management framework. The proposed elements are listed below and illustrated in Figure 1.

1. Education and awareness about dam management and maintenance.
2. A register of dams that is the authoritative source of information about the location, size, and dam failure risk rating.
3. A dam failure risk rating method and a requirement to ensure new dams do not exceed a specified risk rating.
4. Requirements for emergency action plans for existing high risk dams as determined from a dam failure risk rating.
5. A duty to maintain all existing and future dams and an ability to require rectification, reparation or modification of dams in the proposed Landscapes SA legislation.
6. Guidelines (or regulation) for the level of competency of practitioners providing advice on siting, design, construction, modification and maintenance of dams that consider both water resource management impacts and flood risks.
7. Guidelines (or regulation) relating to the siting, design, construction, modification and maintenance of dams that consider both water resource management impacts and flood risks.

Improving Dam Management in South Australia - Draft Position Paper for consultation

8. Include dam construction requirements within new Planning and Design Code being developed for South Australia or explore consolidation of all aspects of regulation of in scope dams under the Landscapes SA legislation.

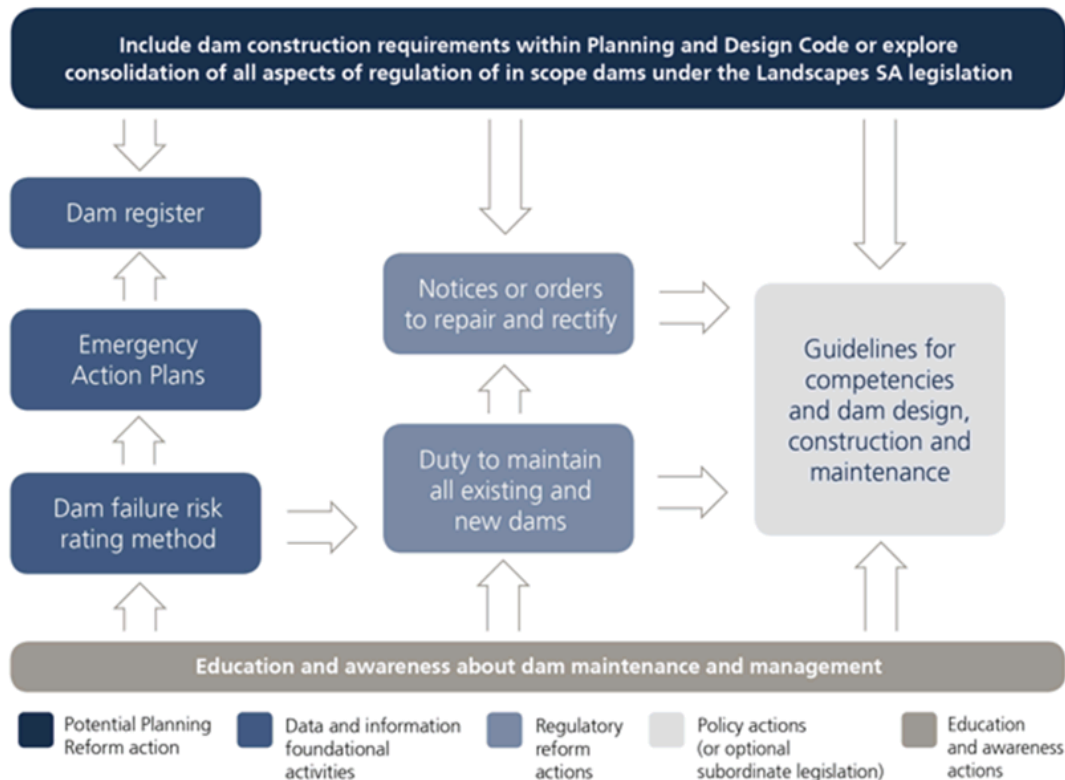


Figure 1. Proposed dam management policy elements

Each element is discussed in more detail below.

3.1 Education and awareness about dam management

Education and awareness about dams in South Australia has focused mainly on water resource management aspects of dams and the need to equitably share water. As part of this, information is provided on siting, design and construction of dams. This information can be complemented with information relating to dam management.

Landholders should be aware of their responsibilities and potential liability in case of dam failure. *Private Dam Maintenance and Management in Emergencies Guidelines* have been developed by the Department for Environment and Water (DEW) with input from the Flood Working Group. The guidelines inform landholders, the South Australian State Emergency Service (SASES) and others what needs to be done to respond to dams that are at risk of failing and what can be done to avoid this situation. These guidelines will form the basis of an annual awareness raising campaign about dam management and dam owner responsibility in South Australia, similar to campaigns to get properties ready for the bushfire season.

3.2 A dam failure risk rating method for dams

A method for assigning risk categories to dams will be scoped by DEW, and subject to funding, developed and applied to provide a basis for identifying dam management requirements for existing and proposed dams. It is proposed that a tool suitable for professional use be developed for to dams requiring development approval, which are those with a capacity greater than 5 megalitres (ML) or a dam wall height greater than 3 metres. Additionally a simpler self-assessment tool suitable for landowners could be developed for all other dams. Victoria has already developed such a tool and this can be reviewed and adapted for South Australia (see: [Victorian dam failure consequence screening tool](#)).

A dam failure risk rating method or tool will guide the requirements relating to siting, design, construction, modification and maintenance of dams ensuring effective dam management.

Risk ratings will need to be reviewed on a regular basis as changes in land use downstream of the dam may impact on the risk rating, for example if there has been a subdivision and additional dwellings have been constructed, or new dams have been constructed downstream of the current dam, creating a cumulative risk.

DISCUSSION QUESTION:

1. ***Do you support the proposed development of risk rating tools for dam failure based on reviewing and adapting the tool already developed in Victoria?***

3.3 Emergency Action Plans

Owners of dams with a higher dam failure risk rating should develop an emergency action plan that sets out actions in case a dam fails or threatens to fail. The *Private Dam Maintenance and Management in Emergencies guidelines* include a Rapid Risk Assessment and Emergency Action Plan template.

DISCUSSION QUESTION:

2. ***How can we make sure landholders prepare an emergency action plan for their dam?***

3.4 A register of dams that is the authoritative source of information about the location, size and flood risk rating of dams

A register of dams in South Australia linked to a spatial database is beneficial for both water resource management and emergency management purposes.

Such a register would build on existing work undertaken to develop the datasets, tools and arrangements to support implementation of water allocation plans and regional NRM Plans and demonstrate compliance with the Murray-Darling Basin Plan. Consolidation of these datasets is needed to deliver a state-wide dam register. The dam management elements can then be progressively built into this register.

DISCUSSION QUESTIONS:

3. ***Who should have access to what parts of a dam register?***
Eg. Landholders: limited access, local government: full access, Department for Environment and Water (DEW) full access, etc.
4. ***Is there any other information (other than location, size and flood risk rating) that needs to be stored?***

3.5 A duty to maintain all existing and future dams and an ability to require rectification, reparation or modification of dams

While it is recognised that dam owners have responsibilities and liabilities under common law in case of dam failure, more explicit requirements for dam maintenance from both a water resource management and dam management perspective are considered necessary to ensure roles and responsibilities are clear and that there are options beyond education and awareness raising to pro-actively manage dams at risk of failing during a flood.

To create alignment with other aspects of dam management, the proposed option is to introduce a general duty to maintain dams in the Landscapes SA legislation, similar to the duty to maintain a well. The actual maintenance requirements will be linked to the dam failure risk rating for dam management. Maintenance requirements may range from self-assessment to more complex reports by qualified engineers, depending on the rating of the dam.

Where existing dams are assessed to pose an unacceptable risk, rectification or modification of dams can then be required by the issue of a notice or order. A protection order can include the requirement that the dam owner appoints or engages a person with specified qualification to prepare a plan or report. A subsequent reparation order can then require the owner to undertake the actions recommended in that report. The SASES will be made aware of dams that are subject to a notice or order to repair or modify a dam.

DISCUSSION QUESTION:

5. *Do you support a general duty to maintain dams and an enforceable requirement to rectify, repair or modify a dam that poses an unacceptable risk?*

3.6 Provide guidelines for the level of competency of practitioners providing advice on siting, design, construction, modification and maintenance of dams

The level of competence and assurance required of practitioners providing advice on dam siting, design, construction, modification and maintenance is proposed to be set out in a guideline, with the option of defining requirements in regulation, if and when this is considered appropriate (for example for higher risk dams). Dams with a higher risk may require a certified report from a suitably qualified and experienced engineer for design, construction and maintenance status, while smaller, low risk dams may only require a self-assessment against a checklist or a report from the contractor on completion of the dam.

A checklist could be developed to assist landholders in the selection of a contractor or qualified engineer. It is not intended to assemble a list of preferred providers, but as part of the assessment of an application, evidence will be required of the qualifications and experience of practitioners, where relevant.

Care will need to be taken that the cost of meeting the requirements are in proportion to the benefit of the dam to the landholder and the potential impacts downstream and do not create unnecessary red tape.

Care will also need to be taken that any guidelines or regulations do not result in changes in liability for the relevant authority approving the siting, design, construction, modification and maintenance of a dam.

DISCUSSION QUESTIONS:

6. *What competencies or qualifications should be required from practitioners for dams with a higher dam failure risk rating?*

Eg. Civil Engineer, proven experience building dams, Certificate in Water Industry Operations etc.

3.7 Provide guidelines relating to the siting, design, construction, modification and maintenance of dams that consider both water resource management impacts and flood risks

There can be generic design requirements about siting, design and construction of dams but the specific requirements will depend on the dam failure risk rating of the proposed or existing dam. Certain requirements may warrant regulation, in other cases guidelines may be sufficient in combination with the competency requirements outlined above.

Assessment of applications for water resource management purposes will continue to be against criteria in the regional NRM Plan or the water allocation plan. Care will also need to be taken that any guidelines or regulations do not result in changes in liability for the relevant authority.

DISCUSSION QUESTION:

7. *Are there any other issues which should be covered in proposed guidelines?*

3.8 Include dam construction requirements within new Planning and Design Code or explore consolidation of all aspects of regulation of in scope dams under the Landscapes SA legislation

Dam **construction** requirements could be included in the planning system. Requirements under the Planning and Design Code would include dam management considerations for siting, design, construction, and modification of dams. The Landscapes SA legislation would continue to focus on dam management in terms of watercourse and water resource management and would regulate dam maintenance.

The alternative would be to remove dams from the planning system and include dam construction requirements in the Landscapes SA legislation, managing all aspects of dam construction and maintenance under one piece of legislation. This proposal would reduce complexity for landholders as all applications for dams would go to one place for assessment and authorisation.

DISCUSSION QUESTION:

8. *Do you have a comment on which of the proposals (either including dam construction requirements in the Planning and Design Code, or in the Landscapes SA legislation) has more benefit?*

FINAL DISCUSSION QUESTION

9. *Is there anything more you wish to add in regard the Draft Policy for Dam Management in South Australia?*

STAFF REPORTS

MATTERS TO BE CONSIDERED BY THE COMMITTEE ONLY

***Matters delegated to the
Committee.***

5.2 2019 LGA OGM - PLAYFORD POSITION PAPER

Responsible Executive Manager : Mr Greg Pattinson

Report Author : Ms Susie Reichstein

Delegated Authority : Matters delegated to the Committee.

Attachments : 1 [↓](#). LGA OGM 2019 - Playford Position Document

PURPOSE

For the Committee to consider a position regarding each Recommendation Report to be discussed at the 2019 Local Government Association (LGA) Ordinary General Meeting (OGM) on 12 April 2019.

STAFF RECOMMENDATION

The Committee endorses the LGA Ordinary General Meeting 2019 Playford Position Paper (Attachment 1).

EXECUTIVE SUMMARY

For the Committee's consideration, Council administration has prepared a Position Paper (Attachment 1) on all Recommendation Reports from the LGA Board of Directors, South Australian Region Organisation of Councils (SAROC) and Greater Adelaide Regional Organisation of Councils (GAROC) Committees that will be discussed at the 2019 LGA OGM.

Consideration has been given to each Report on its relevance and potential impacts to the City of Playford.

1. BACKGROUND

The LGA OGM provides an opportunity for the City of Playford delegates to network with other Local Government representatives, discuss issues of common interest to Local Government and assist with making recommendations to State and Federal policy makers.

The LGA OGM will be held on 12 April 2019 at the Adelaide Entertainment Centre in conjunction with the 2019 Council Best Practice Showcase to be held on 11 April 2019. Attachment 1 provides an overview of each Recommendation Report and the administration's position and recommendation for the Committee's consideration. The full agenda can be viewed online at the following address:

<http://www.lga.sa.gov.au/webdata/resources/minutesAgendas/2019%20LGA%20Ordinary%20General%20Meeting%20-%20Agenda%20&%20Papers%20-%2012%20April%202019.pdf>

As per the Council Resolution on 26 February 2019, Cr Coppins and Cr Kerrison were appointed as Council's representatives at the LGA Ordinary General Meeting for April 2019, with the Mayor being appointed as the Council Delegate for voting rights (Resolution 3416).

The City of Playford was provided the opportunity by the LGA to provide items for business to the LGA OGM. On 12 February 2019 the Strategic Planning Committee endorsed the

submission of an item for business titled 'Hardship Policy for council rates' to be included at the 2019 LGA OGM (Resolution 3399). This submission is included as Item 8.4 in the LGA OGM Agenda.

2. RELEVANCE TO STRATEGIC PLAN

1: Smart Service Delivery Program

Outcome 1.2 Improved service delivery

Although this report links to Council's Smart Service Delivery Program, this specific decision will have no significant impact on its progress.

3. PUBLIC CONSULTATION

There is no requirement to consult with the community on this matter.

4. DISCUSSION

- 4.1** The LGA OGM Agenda outlines a total of seventeen (17) Recommendation Reports received. These Reports have been provided by the LGA Board of Directors, SAROC and GAROC Committees.
- 4.2** Administration has considered each item on its relevance to the City of Playford and what impact they may have on the region (Attachment 1).
- 4.3** Administration has indicated support for all seventeen (17) Reports. An explanation for reasons to support each Report is provided in Attachment 1.
- 4.4** The Strategic Planning Committee's Charter provides the necessary delegation for the Committee to consider this matter.

5. OPTIONS

Recommendation

The Committee endorses the LGA Ordinary General Meeting 2019 Playford Position Paper (Attachment 1).

Option 2

The Committee endorse the LGA Ordinary General Meeting 2019 Playford Position Paper (Attachment 1), with amendments to the following items:

- Report No. X.X _____
- Report No. X.X _____
- Report No. X.X _____

6. ANALYSIS OF OPTIONS

6.1 Recommendation Analysis

6.1.1 Analysis & Implications of the Recommendation

Administration have reviewed the Reports and taken into consideration whether they are applicable to the City of Playford and how each particular Report could impact the region (Attachment 1).

If the Committee is in agreement with the positions outlined for each Report, the recommendation should be endorsed. These positions will then be taken to the LGA Ordinary General Meeting by Council's representatives and voting delegate.

6.1.2 Financial Implications

There are no financial or resource implications on Council forming a position on the proposed items.

6.2 Option 2 Analysis

6.2.1 Analysis & Implications of Option 2

The Committee may have a differing opinion on whether to support / not support a particular Report. This option allows the Council to make any amendments to Attachment 1 as they see fit.

6.2.2 Financial Implications

There are no financial or resource implications on Council forming a position on the proposed Reports.

LGA Ordinary General Meeting 12 April 2019 – Agenda Items – Playford Position

Agenda Item No.	Recommendation	Playford Position	Responsible Staff Member
LGA Business			
6.1	Local Government Reform <u>Recommendation:</u> That the Ordinary General Meeting: 1. notes the report; and 2. commits to working with the Parliament of South Australia to deliver sensible and effective reforms that will drive downward pressure on council rates, improve the financial sustainability of councils, and deliver lasting benefits to South Australian communities.	Support Explanation: Information Report	Rosemary Munslow
6.2	LGA Advocacy Update <u>Recommendation:</u> That the Ordinary General Meeting notes the report on the LGA's advocacy activities.	Support Explanation: Information Report	Rosemary Munslow
6.3	LGASA Commercial <u>Recommendation:</u> That the Ordinary General Meeting notes the report on LGASA Commercial activities.	Support Explanation: Information Report	Rosemary Munslow

LGA Ordinary General Meeting 12 April 2019 – Agenda Items – Playford Position

Agenda Item No.	Recommendation	Playford Position	Responsible Staff Member
LGA Business			
6.4	LGA Procurement Transformation Update <u>Recommendation:</u> That the Ordinary General Meeting notes the report on the transformation of LGA Procurement services to the sector.	Support Explanation: Information Report	Rosemary Munslow
6.5	LGASA Mutual Update <u>Recommendation:</u> That the Ordinary General Meeting notes the report.	Support Explanation: Information Report	Rosemary Munslow

Agenda Item No.	Recommendation	Playford Position	Responsible Staff Member
Recommendation Reports from the SAROC Committee			
7.1	State of Climate Change Emergency (Mount Barker) <u>Recommendation:</u> That the Ordinary General Meeting requests the LGA to investigate opportunities for giving a higher priority to lobbying state and federal governments on climate change, as well as facilitating appropriate responses from member councils, due to the escalating environmental, economic, social and risk related issues faced by the local government sector.	Support Explanation: Climate risk is on a path to increasing and Councils will need to work with other levels of government to mitigate their climate impacts and adapt to impacts that are likely to be faced by Councils and their communities.	Kaarina Sarac

LGA Ordinary General Meeting 12 April 2019 – Agenda Items – Playford Position

Agenda Item No.	Recommendation	Playford Position	Responsible Staff Member
Recommendation Reports from the SAROC Committee			
7.2	<p>Local Government Leadership in Climate Risk Management (Southern & Hills LGA)</p> <p><u>Recommendation:</u> That the Ordinary General Meeting agrees to enhance Local Government leadership in climate risk management, by:</p> <ol style="list-style-type: none"> 1. advocating that the South Australian Government (including the Department of Energy, Transport and Infrastructure and the Department for Environment and Water) establishes and manages a centrally coordinated climate hazard mapping framework to inform decision-making in collaboration with Councils; 2. advocating to ensure Local Government priorities on climate risk management are considered in the State Government's new cross-agency Climate Change Strategy; and 3. investigating opportunities for the LGASA to increase its support to councils to accurately assess the climate risk exposure of Council plans and projects. 	<p>Support</p> <p>Explanation: This motion effectively brings together a number of historic activities undertaken by the LGA and provides the mechanism to re-activate this area of work. It aligns with Council strategic intents to manage climate change risk.</p>	Kaarina Sarac

LGA Ordinary General Meeting 12 April 2019 – Agenda Items – Playford Position

Agenda Item No.	Recommendation	Playford Position	Responsible Staff Member
Recommendation Reports from the SAROC Committee			
7.3	Jetties (Tumby Bay) <u>Recommendation:</u> That the Ordinary General Meeting requests that the LGA immediately begin negotiations with the current State Government to draft a lease or other agreement with local government collectively to safeguard the future of jetties in South Australia without creating a financial burden on ratepayers, especially in rural and regional areas.	Support Explanation: This motion is about providing support for a group of Councils in managing a potential cost-shift from State government to local governments across SA. While jetties are not directly relevant to Playford, the issue of cost-shifting is.	Kaarina Sarac
7.4	Lack of Medical Services to Regional Areas (Eyre Peninsula LGA) <u>Recommendation:</u> That the Ordinary General Meeting requests the LGA to lobby the State and Commonwealth governments for the provision of improved health services in regional and rural Australia.	Support Explanation: This item, while not directly relevant to the City of Playford, it is about providing support to regional Councils in their advocacy to the State and Federal Governments.	Kaarina Sarac

LGA Ordinary General Meeting 12 April 2019 – Agenda Items – Playford Position

Agenda Item No.	Recommendation	Playford Position	Responsible Staff Member
Recommendation Reports from the SAROC Committee			
7.5	<p>Funding for Regional Road Safety (Alexandrina)</p> <p><u>Recommendation:</u> That the Ordinary General Meeting asks the LGA to call on State Government to:</p> <ol style="list-style-type: none"> actively advocate to Federal Government for the permanent reinstatement of South Australia's supplementary local roads funding; and allocate increased funds for the maintenance and upgrade of safe and high quality regional roads, in line with their pre-election commitment to establish a dedicated Regional Roads and Infrastructure Fund. 	<p>Support</p> <p>Explanation:</p> <ol style="list-style-type: none"> On the basis that all SA Councils have access and equal shares of funding to improve deteriorating local roads. Playford Council is not a regional Council therefore a dedicated Regional Roads and Infrastructure Fund does not apply. 	Dale Welsh
7.6	<p>Regional Economic Growth and Development (Wattle Range)</p> <p><u>Recommendation:</u> That the Ordinary General Meeting asks that the LGA continue to lobby the State Government to develop and implement initiatives that will assist with the growth and development of regional South Australia.</p>	<p>Support</p> <p>Explanation:</p> <p>This item, while not directly relevant to the City of Playford, it is about providing support to regional Councils in their advocacy to the State Government.</p>	Dale Welsh

LGA Ordinary General Meeting 12 April 2019 – Agenda Items – Playford Position

Agenda Item No.	Recommendation	Playford Position	Responsible Staff Member
Recommendation Reports from the SAROC Committee			
7.7	<p>Little Corella Management (Alexandrina)</p> <p><u>Recommendation:</u> That the Ordinary General Meeting asks the LGA to continue to advocate to State Government for:</p> <ol style="list-style-type: none"> 1. the urgent adoption (in consultation with the local government sector) of a statewide strategy for the management of Little Corellas; and 2. a commitment to fund implementation of the strategy, which must include financial assistance to local governments for: <ol style="list-style-type: none"> (a) the development of integrated local management plans; and (b) the implementation of medium and long term management options at a localscale. 	<p>Support</p> <p>Explanation:</p> <p>The City of Playford extends its full support for the implementation of a state-wide strategy into Corella management in South Australia.</p> <p>The overabundance of Corellas in this State is having a detrimental effect on the environment, community and infrastructure.</p> <p>Council has used significant resources in recent years to minimise the impacts of Little Corellas with limited success.</p> <p>Council is of the position that a State Government lead strategy is the only viable way forward.</p>	Derek Langman

LGA Ordinary General Meeting 12 April 2019 – Agenda Items – Playford Position

Agenda Item No.	Recommendation	Playford Position	Responsible Staff Member
Recommendation Reports from the GAROC Committee			
8.1	<p>Inclusion of Wine Bottles in the Container Deposit Legislation (Unley)</p> <p><u>Recommendation:</u> That the Ordinary General Meeting requests the LGA to investigate whether there is sufficient support across Local Government to request the State Government amend the Container Deposit Legislation (incorporated into the Environment Protection Act 1993) to include wine bottles, and to achieve consistency with the treatment of other glass bottles in the waste stream, an increase in the recycling of bottles, and a reduction in the contamination of other recycled waste caused by broken glass.</p>	<p>Support</p> <p>Explanation: An investigation into including wine bottles into the CDL scheme will be informative to Council interests in recycling through its subsidiary NAWMA as well as providing a means for good decision making on the future of this aspect of recycling.</p>	Kaarina Sarac
8.2	<p>Social Infrastructure that promotes liveable and healthy communities (Adelaide)</p> <p><u>Recommendation:</u> That the Ordinary General Meeting requests that the LGA:</p> <ol style="list-style-type: none"> 1. supports and encourages councils to improve planning for community, sporting and cultural facilities and services/programs (social infrastructure) including through research, innovation, collaboration, skills and capacity development; 2. liaises with the South Australian Government to ensure councils are engaged and informed regarding social infrastructure planning associated with urban development and planning processes, with reference to implementation of the Planning, Development and Infrastructure Act 2016 (SA) (PDI Act) and the 30-year Plan for Greater Adelaide, and 	<p>Support</p> <p>Explanation: The City of Playford has Social Infrastructure Deeds in place to help fund the provision of social infrastructure in the growth areas. Council also has a range of city-wide strategies (sportsgrounds, indoor recreation centres, community centres) to guide provision of facilities across the city. Each of these strategies is supported by design guidelines; however we</p>	Dale Welsh

LGA Ordinary General Meeting 12 April 2019 – Agenda Items – Playford Position

Agenda Item No.	Recommendation	Playford Position	Responsible Staff Member
Recommendation Reports from the GAROC Committee			
	3. requests that the South Australian government investigates opportunities to promote a more consistent and place-based approach to social infrastructure planning in the state, including development of a contemporary social infrastructure guideline/design standard for SA.	would welcome access to state guidelines/design standards. There is also a need for the earlier planning and funding of state government social infrastructure in the growth areas (schools, transport, medical etc.) to meet community demand.	
8.3	<p>Movement and Transport Planning (Adelaide)</p> <p><u>Recommendation:</u> That the Ordinary General Meeting requests that the Local Government Association:</p> <p>1. Establishes a Local Government Movement and Transport Planning Network with the intent to:</p> <ul style="list-style-type: none"> • keep informed of current and future trends in movement and transport strategies, with relevance to metropolitan Adelaide and regions across the state; • identify priority movement and transport projects, with a key focus on mobility sharing, cycling, walking and public transport; • identify strategic, capital and operational funding opportunities at all levels of government as well as seek partnerships to deliver strategies and projects; • ensure movement and transport strategies are aligned and cohesive across council areas; and • discuss opportunities to partner on projects, cross-promote and share information, ideas, and learnings. 	<p>Support</p> <p>Explanation: This networking opportunity will be advantageous for Council to learn and share experience/knowledge in relation to implementation of transport projects and understand traffic trends and impacts from adjoining Councils.</p> <p>This opportunity could also foster partnerships between Councils and other agencies to undertake trials / cross promote new-smart city transport focussed projects i.e. Driverless Bus Trial and</p>	Dale Welsh

LGA Ordinary General Meeting 12 April 2019 – Agenda Items – Playford Position

Agenda Item No.	Recommendation	Playford Position	Responsible Staff Member
Recommendation Reports from the GAROC Committee			
	<p>2. Membership could include all councils who elect to sign up to the group, the LGA, as well as representatives from the State Government (e.g. DPTI and ODASA).</p> <p>3. The scope could include discussion of a metropolitan Adelaide without boundaries, and assisting councils and other key stakeholders (e.g. RAA, Bike SA, BISA, AILA, Engineers Australia, Property Council etc.) to create, influence and implement:</p> <ul style="list-style-type: none"> • Major projects • Climate change adaptation • Green infrastructure provision • Customer centricity • Business cases and the process for Infrastructure Australia (IA) • Consistent approaches to design and infrastructure • Consistent approaches to transport mode integration 	Maven Car Sharing.	
8.4	<p>Hardship Policy for council rates (Playford)</p> <p><u>Recommendation:</u> That the Ordinary General Meeting requests the LGA work with its member councils to prepare guidelines to assist councils in developing Rates Hardship Policies.</p>	Submitted by City of Playford as per Strategic Planning Committee Resolution (No. 3399)	N/A

LGA Ordinary General Meeting 12 April 2019 – Agenda Items – Playford Position

Agenda Item No.	Recommendation	Playford Position	Responsible Staff Member
Recommendation Reports from the LGA Board of Directors			
9.1	<p>Engineering Principles for Development (Campbelltown)</p> <p><u>Recommendation:</u> That the Ordinary General Meeting requests the LGA to investigate whether there is sufficient evidence across Local Government to change the Standards used to determine space allocation for parking on site and on street, including turning circles, given the wider use of SUV vehicles that require more space than standard vehicles.</p>	<p>Support</p> <p>Explanation: The City of Playford supports the investigation into changing the standards to accommodate the larger Utility Vehicles that are becoming more predominant and falling into the B85 category of vehicles in Australia.</p> <p>With the intense levels of development within Playford, Council is of the opinion that investigation into the trend towards larger vehicles will lead to better urban design.</p>	Derek Langman

5.3 MITOLO VIRGINIA SITE DEVELOPMENT PLAN AMENDMENT

Responsible Executive Manager : Mr Greg Pattinson

Report Author : Mr Paul Johnson

Delegated Authority : Matters delegated to the Committee.

Attachments :

- 1 [↓](#). Non-government funded DPA policy
- 2 [↓](#). Statement of Justification
- 3 [↓](#). Statement of Intent

PURPOSE

A Statement of Intent is required to be considered by the Strategic Planning Committee when a Development Plan Amendment is proposed and a Statement of Justification is to be considered when the DPA is proposed to be funded by the proponent.

STAFF RECOMMENDATION

- 1) In accordance with Council's Non-Government funded DPA policy (attachment 1) and the Statement of Justification (attachment 2) submitted on behalf of the Mitolo Group, Council agrees to allow the proponent to fund the preparation of the DPA for the site at the corner of John Road and Angle Vale Road Virginia as identified in the Statement of Intent.
- 2) Council agrees to allow the consultants for Mitolo to prepare the DPA, and for Council to obtain appropriate independent advice as required to review the draft DPA, along with receiving recommendations from Council staff.
- 3) In accordance with Section 25(1) of the Development Act 1993, Council seeks the agreement of the Minister for Planning to prepare a Development Plan Amendment in accordance with the attached draft Statement of Intent (attachment 3) to include the following changes:
 - Additional investigations regarding flood potential and any necessary mitigation requirements.
 - Ensuring appropriate investigations regarding access and egress requirements for the site and adjoining roadways and intersection.
 - Additional consultation on the Development Plan Amendment to include information sessions with the community and direct notification of adjoining and nearby land owners.
- 4) That the CEO is authorised to establish a private funding agreement with the proponent in accordance with the Non-government funded DPA policy and relevant Council resolutions and to make such minor additions or alterations not affecting the general intent of the Statement of Intent as may be required to reach agreement with the Minister for Planning.

EXECUTIVE SUMMARY

The Mitolo Group has, through their consultants, sought Council's agreement to privately fund a Development Plan Amendment by submitting a Statement of Justification which supports the private funding and discusses the process with regard to Council's Non-

government funded DPA policy. The proponent seeks to formally commence the Development Plan Amendment process by submitting a Statement of Intent for Council consideration in accordance with the Development Act.

The proponent seeks to substantially expand an already substantial potato and onion processing facility at the corner of Angle Vale and John Road Virginia. To facilitate approval, policy changes are first required to Council's Development Plan as the proposal to expand the facility includes aspects which are inconsistent with current zoning policies.

The following report discusses both the Statement of Justification in regard to the private funding and the Statement of Intent which is similar to a project brief and outlines how the proposed DPA will meet the requirements of the legislation.

The report concludes that both the private funding and preparation of a DPA should be supported. Some additions are recommended to the proposed investigations in the Statement of Intent in regard to possible potential for flooding and access/egress to and from adjoining roads. Some additional consultation is proposed at the time the DPA is place on public consultation.

1. BACKGROUND

The Mitolo Group currently operates processing, packing and distribution facilities for horticultural products (potatoes and onions) on its site at the corner of Angle Vale Road/Johns Road at Virginia. The facility is very significant and discussed in more detail in the body of this report.

A major expansion is proposed to the existing facilities. While current Development Plan policies recognise the need to support primary production activities with related primary production commercial and industrial facilities, examination of the Development Plan reveals that policies do not readily allow for the approval of further expansion of a large business of this nature in this location within the Primary Production Zone.

The proponents seek Council endorsement through a Statement of Justification to fund the preparation of a Development Plan Amendment to amend policies in the Playford Development Plan (DPA). A Statement of Intent has also been submitted as the first formal stage in the DPA process.

2. RELEVANCE TO STRATEGIC PLAN

3: Smart Jobs & Education Program

Outcome 3.1 Growth and diversification of local jobs matched with relevant education and training

Outcome 3.2 Commercial and industrial growth

Outcome 3.3 Sustainable economic transformation

Outcome 3.4 International market connections

3. PUBLIC CONSULTATION

The Development Act includes minimum requirements regarding public consultation for Development Plan Amendments. The Statement of Intent also identifies which agencies will be consulted and any other consultation which will be undertaken. There are some relatively minor additions proposed by staff to the consultation requirements included in the Statement of Intent as discussed later in the report.

4. DISCUSSION

4.1 Council should consider whether:

- 4.1.1 It is appropriate to allow preparation of a privately (non-government) funded DPA in accordance with the Council policy on non-government funded DPAs; and
- 4.1.2 Whether it agrees that it is appropriate to seek the Minister for Planning's agreement to a Statement of Intent to prepare a draft DPA and make planning policy changes to Council's Development Plan to provide Mitolo Group with improved ability to apply for development approval to expand on its current site.

Non-Government Funded DPA Policy

- 4.2 Council's policy for privately funded DPAs indicates that private funding can be a legitimate approach to consider in meeting Council's obligations to keep the Development Plan up to date. The Development Act does not prevent the preparation of DPAs using private funds, but there are no specific provisions to guide such a process. The policy was developed to ensure that funding of this nature is undertaken with appropriate safeguards to assist in ensuring good policy outcomes and in a principled manner to ensure transparency about the private funding arrangements and manner of preparation.
- 4.3 The policy is attached (see attachment 1). It indicates a number of stages which are intended to be completed in conjunction with the DPA process. It is notable that the consultants for Mitolo Group have sought that the Statement of Intent and Statement of Justification are dealt with together in the one step rather than two separate stages as indicated by the policy, in order to ensure that the timing of the DPA can meet the requirements of DPTI in light of the transition to the Planning and Design Code. The consultants have also sought to prepare the DPA rather than have an independent consultant undertake the work as is the position in Council's policy. The consultants seek to justify this position by indicating their extensive experience in working with agri-businesses and advising on related policy matters. An additional matter which could also be considered is related to the additional timeframes involved with undertaking the appointment of an independent consultant. The consultants indicate that in their view a peer review process could be undertaken under Council's guidance if that is necessary, given that Council staff will already be providing oversight.
- 4.4 There are tight timeframes involved in finalising the Development Plan Amendment, if agreed by Council, in light of the upcoming transition to the Planning and Design Code. In these circumstances it is considered reasonable to agree to a more stream-lined process than suggested by Council's policy. The proponent is prepared to fund an independent consultant of Council's choosing to peer review the draft policy. This may only be necessary in regard to any issues that should arise in Council staff's review of work undertaken during drafting of the DPA or following the drafting of the DPA.
- 4.5 The Statement of Intent and Statement of Justification both outline what the proponent proposes to undertake on the site, which is the basis for the proposed changes to planning policies/zoning. It should be understood however, that once any changes have been made to planning policies the proponent is not limited to applying for this particular range of uses/activities and could decide to apply for something different (there is no suggestion that this is the intent, but clearly this is possible).

- 4.6 The attachments should be referred to for more detail on the proposals and the proponent's credentials as a very substantial, long standing South Australian / Playford based agri-business. The company supplies fresh potatoes and onions in Australia to supermarkets, market wholesalers and also to numerous export markets. The business undertakes growing, harvesting and packaging, and owns approximately 53,000 hectares of land across Australia.
- 4.7 The facility at Virginia currently includes two major processing lines which have a combined daily packing capacity of 500 tonnes (400 tonnes potatoes and 100 tonnes onions). Potatoes are dug, washed and shipped within 24 hours. The intention with redevelopment is to increase processing from 150,000 tonnes of potatoes annually to 200,000 tonnes, and 40,000 tonnes of onions to 55,000 tonnes annually.
- 4.8 The proponents indicate that the development is likely to result in doubling of floor space for production and storage; increased height of buildings to the rear of the site (to about 17 metres in height); reorganisation and improvement of truck movements and parking; and introduction of sustainable water and energy efficient technologies. These changes will be likely to cost in the order of \$50 million according to the proponents.
- 4.9 There are a number of policies in the current Development Plan which do not support the development, and it is likely that the proposed expansion of office floor space would be deemed as non-complying by the Development Plan. The current policies for the Primary Production Zone anticipate small scale processing facilities which handle local primary produce or products from the same site. The large (factory like) scale of the proposed development, the proposals to expand the office floor space. and the fact that it handles produce from beyond the local area are key factors in the proponents seeking changes to the Development Plan.
- 4.10 The applicants are concerned about their ability to gain approval through the non-complying development process and the potential for third-party representations from competitors which could end up in consideration by the ERD Court.

Statement of Justification

- 4.11 The Statement of Justification has addressed several criteria as required by Council's non-government funding DPA policy in detail. The following is a summary of these considerations:
- 4.11.1 **Consistency with State Government Planning Strategy and Housing and Employment land Supply Program.** There is considered to be general consistency with the Planning Strategy (30 Year Plan) which seeks promotion of certainty to undertake development, protecting key primary production assets and opportunities, facilitating local operating and investment conditions that support primary production and related agribusiness development. Notably the policies support allowing for appropriate value adding activities to increase investment opportunities. The Virginia horticulture district forms part of the Environment and Food Protection Area, which is particularly concerned about preventing incursion of residential development.
- 4.11.2 **Consistency with Council strategic documents (eg Strategic Directions Report, Playford Community Vision).** Council's strategic priorities place a significant weight on supporting the horticultural areas and on economic development and employment. The development will undoubtedly support the horticultural areas and economic development, employment matters are less clear in terms of the development, but

increased production is likely to support overall employment within the horticultural industry.

4.11.3 **The existing zoning is outdated and not in alignment with the other policy directions of the government or Council resulting in appropriate development being restricted.** As discussed elsewhere in this report the zoning policies do not support a development of this scale (the priority is placed on preserving good quality horticultural land for growing) and there is a dilemma with how to respond to industries of this nature which have gradually expanded from small scale dealing with local produce to large scale with a regional or wider focus for sourcing produce. Not supporting their continued development may lose the industry from the area or potentially the State and impose large additional costs on the industry in moving to an industry / employment zone for example. However, a new industry of this scale wishing to move into the area on to Primary Production zoned land should probably not be supported. On balance a range of policies probably need to be updated to acknowledge the need to allow existing horticultural value adding industries to expand on site. However, the Statement of Intent indicates that the DPA investigations should consider this matter further and should also consider how these policies could transition to the new Planning and Design Code.

4.11.4 **Whether the proposed development is supportable from social, environmental and economic perspective.** The expansion of this industry on site is likely to be of overall benefit. The favourable economics of the proposal for the region have been previously discussed. Socially, the expansion is likely to be of benefit in supporting employment opportunities in the region. New state of the art technology will be used in the production facility which will be likely to improve the environmental performance of the facility.

4.12 The preparation of a legal agreement is a requirement of the Non-government funded DPA policy and outlines the responsibilities of both parties in the process to ensure that potential for any misunderstandings is minimised and to protect and make clear Council's freedom and independence in decision making processes. In other words the final content of the DPA will be in the hands of Council and the Minister. The agreement can be prepared immediately after approval of the Statement of Intent by Council or alternatively after the Minister agrees if so desired by the proponent.

Statement of Intent

4.13 There is some overlap in the matters covered by the Statement of Justification discussed above and the Statement of Intent, this overlap includes the basis for supporting the preparation of a DPA which has already been discussed above. The Statement of Intent also identifies potential issues and matters that should be investigated as part of the DPA. Those identified in the Statement of Intent (see 4.1.2) include:

- Traffic and access management.
- Waste water management.
- Stormwater management.
- Infrastructure/services provision.
- Potential impact beyond the site.
- Acoustic management.

- Review of relevant policies.

- 4.14 The investigations should also include investigation of flood potential on the site and recommendations regarding appropriate remediation of any issues if required. It should be noted that John Road (Council Road) which provides access to the side boundary of the Mitolo site also carries significant traffic from the Zerella processing plant (located at the northern end of John Road) and that access is currently being sought for road train access by Zerella (B-triple vehicles). The application for access for these vehicles was refused by Council. The road and intersection with Angle Vale Road (DPTI Road) will require upgrade to carry such vehicles and relevant funding is being sought to assist from Federal Government sources. Council will also need to negotiate with the developer for a contribution to the upgrade of the roads; including the intersection and entry points. The Statement of Intent has appropriately identified traffic and access management, but it should be made clear that this relates to both internal circulation and the adjoining public roads and intersection.
- 4.15 The Statement of Intent includes discussion of the extent of consultation. There are certain minimum requirements under the Development Act for notices (Government gazette, Advertiser and local paper) and ordinarily there is consultation with a range of government agencies and service authorities. A public meeting is required to be held by Council if there are any written submissions. Council also usually holds one or more information sessions regarding the DPA enabling members of the public to have discussions with relevant Council staff. It is also suggested in this instance that there should be direct notification of adjoining land owners.
- 4.16 The DPA process proposed by the consultants which needs to be agreed by Council and the Minister is called Process B2. This process enables agencies and the public to be consulted in the one step and does not require a preliminary approval by the Minister before release of the DPA for consultation by Council. The process is considered to be appropriate. As part of this process, Council will be required to consider the draft DPA as a basis for consultation.
- 4.17 The Statement of Intent appropriately identifies that the Mitolo Group are intending to fund the DPA. The DPA document, which will be readily available to the public, will also need to include the same disclosure.

Next Steps

- 4.18 Should Council agree to the Statement of Intent and Statement of Justification as discussed in this report, the following steps are:
- Statement of Intent submitted to Minister for Planning for agreement.
 - On the basis of Statement of Intent being agreed by Minister, preparation of agreement between Mitolo and Council for signing.
 - Draft DPA prepared by consultants, reviewed by Council staff and independently reviewed as necessary.
 - Report to Council to seek Council approval for public consultation of the Development Plan Amendment.

5. OPTIONS

Recommendation

- 1) In accordance with Council's Non-Government funded DPA policy (attachment 1) and the Statement of Justification (attachment 2) submitted on behalf of the Mitolo Group, Council agrees to allow the proponent to fund the preparation of the DPA for the site at the corner of John Road and Angle Vale Road Virginia as identified in the Statement of Intent.
- 2) Council agrees to allow the consultants for Mitolo to prepare the DPA, and for Council to obtain appropriate independent advice as required to review the draft DPA, along with receiving recommendations from Council staff.
- 3) In accordance with Section 25(1) of the Development Act 1993, Council seeks the agreement of the Minister for Planning to prepare a Development Plan Amendment in accordance with the attached draft Statement of Intent (attachment 3) to include the following changes:
 - Additional investigations regarding flood potential and any necessary mitigation requirements.
 - Ensuring appropriate investigations regarding access and egress requirements for the site and adjoining roadways and intersection.
 - Additional consultation on the Development Plan Amendment to include information sessions with the community and direct notification of adjoining and nearby land owners.
- 4) That the CEO is authorised to establish a private funding agreement with the proponent in accordance with the Non-government funded DPA policy and relevant Council resolutions and to make such minor additions or alterations not affecting the general intent of the Statement of Intent as may be required to reach agreement with the Minister for Planning.

Option 2

- 1) In accordance with Council's Non-Government funded DPA policy (attachment 1) and the Statement of Justification (attachment 2) submitted on behalf of the Mitolo Group, Council agrees to allow the proponent to fund the preparation of the DPA for the site at the corner of John Road and Angle Vale Road Virginia as identified in the Statement of Intent subject to the following variations:
 - _____
 - _____
- 2) Council agrees to allow the consultants for Mitolo to prepare the DPA, and for Council to obtain appropriate independent advice as required to review the draft DPA, along with receiving recommendations from Council staff.
- 3) In accordance with Section 25(1) of the Development Act 1993, Council seeks the agreement of the Minister for Planning to prepare a Development Plan Amendment in accordance with the attached draft Statement of Intent (attachment 3) to include the following changes:
 - Additional investigations regarding flood potential and any necessary mitigation requirements.
 - Ensuring appropriate investigations regarding access and egress requirements for

the site and adjoining roadways and intersection.

- Additional consultation on the Development Plan Amendment to include information sessions with the community and direct notification of adjoining and nearby land owners; and subject to the following additional variations:

- _____
- _____

- 4) That the CEO is authorised to establish a private funding agreement with the proponent in accordance with the Non-government funded DPA policy and relevant Council resolutions and to make such minor additions or alterations not affecting the general intent of the Statement of Intent as may be required to reach agreement with the Minister for Planning.

6. ANALYSIS OF OPTIONS

6.1 Recommendation Analysis

6.1.1 Analysis & Implications of the Recommendation

The recommendation supports the proposal put forward on behalf of Mitolo Group to prepare a privately funded DPA in order to amend planning policies in the Primary Production Zone to help facilitate approval of a substantial expansion of the Mitolos potato and onion processing facility at the corner of Angle Vale Road and John Road Virginia.

The current planning policies do not readily support the expansion of the current facility, as smaller scale locally focussed value-adding facilities are favoured in this zone and the expansion of the office floor space is also not favoured by the policy. The facility is already quite substantial and factory like. It is considered to be generally in the community interest to allow this facility to remain and expand in this locality particularly in terms of economic development and from a social perspective. The facility will require increased production from growers which would also be likely to increase employment in the region.

While the proposed new facility will be larger than the old, the actual impacts beyond the boundaries of the site visually are expected to be moderate. Large, prominent structures such as modern greenhouses, can be of industrial scale in horticultural areas and are already anticipated. Upgrading of production facilities would be likely to improve the environmental performance of the facility.

The recommendation supports the Statement of Intent subject to some additional investigations to include consideration of any flooding issues, access and egress including the adjoining roads and intersection, and requirements to ensure reasonable levels of consultation when the DPA has been considered and approved by Council.

A funding agreement will also be required in accordance with Council policy. It is considered appropriate in the circumstances, particularly in relation to the required short time frames, to allow the proponent's consultants to prepare the DPA provided the opportunity is available for independent review by Council (as an alternative to the DPA being independently prepared).

6.1.2 Financial Implications

There are no significant financial or resource implications. The funding proposed to be provided by the proponent will assist substantially with the preparation of the DPA.

6.2 Option 2 Analysis

6.2.1 Analysis & Implications of Option 2

Option 2 allows for any changes/variations to either the conditions of private funding through the Statement of Justification or to the Statement of Intent. However, the recommendation is considered to adequately deal with both the private funding and the conditions/brief for drafting the DPA.

6.2.2 Financial Implications

As per recommendation.

Non-Government Funded DPA Policy



1. Policy Statement

Council supports use of non-government funding for preparation of Development Plan Amendments where they are undertaken in accordance with this policy, with transparency regarding the funding and prepared independently from the proponent.

2. Scope

This policy applies when a non-government organisation proposes to fund the work required to change the Development Plan in the City of Playford.

3. Definitions

The Development Plan is a document that contains the planning controls that guide what can and cannot be developed in a council area. Planning authorities use these planning controls to assess new development proposals.

A **Development Plan Amendment (DPA)** is a document that describes proposed changes to a Development Plan and includes a statutory process required to be undertaken when either the Council or the Minister for Planning seeks to amend land use zoning and/or the policies contained within the Development Plan.

Non-government funded refers to funding which is usually provided by a private or community organisation or individual and not where the funding is made available by a government organisation.

4. Legislation and References

Development Act, 1993, Section 24 and 25.
Development Regulations, 2008.

5. Policy

Purpose/Objective

The need to amend and update Council's Development Plan may arise for a number of reasons including:

- direction from the State Government Planning Strategy;

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	ECM Document Set No.:	2377014	Initial Date of Adoption:	23 Mar 2010
	Authorised by:	Council (Resolution 2433)	Date of Current Version:	15 Dec 2015
	Document Maintained by:	Strategy & Policy	Next Review Date:	Dec 2019

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- recommendations made through Council strategic reports and documents;
- recommendations made in a study that Council has undertaken;
- a suggestion or request from an Elected Member, Council, or the public;
- the need to address an issue or improve a policy that is identified by staff or the Council Development Assessment Panel as requiring review.

An up to date Development Plan is important to ensure that the Council area develops in an orderly, economically, socially and environmentally sustainable manner. Current and best practice planning policies also assist with ensuring that potential conflicts and impacts from development are minimised. High quality sustainable development improves the function and amenity of the City and the well-being and prosperity of its community.

Under Sections 24 and 25 of the Development Act 1993, only a Council or the Minister for Planning can prepare a DPA. There is however, no prohibition in the Act on the funding of a DPA by a third party.

Non-government funded DPAs offer an opportunity to complement Council and State Government funded DPAs by providing additional resources to ensure Council's Development Plan is kept up to date.

It is important to note that the DPA process is a statutory process involving the Minister for Planning, various State authorities and community consultation. It can be a lengthy process that can take 12 to 18 months and often more and there is no guarantee of Council or State Government support for the rezoning proposal. There is also no formal right of appeal. The purpose of this policy is to guide Council in the assessment and processing of proposals for non-government funded DPAs in a clear and transparent manner.

Principles

A non-government funded DPA offers a legitimate approach for Council to consider in meeting its responsibilities to keep the Development Plan up to date.

A non-government funded DPA may be used to expedite and resource the preparation of a DPA where Council considers that a proposal has planning merit and meets its assessment criteria (see points a) to d) below).

Council is under no obligation to agree to a non-government funded DPA and the statutory process under the *Development Act 1993* remains exactly the same as where the DPA is funded by Council. Council has the ability to decline to proceed at key stages of the process as it ordinarily would.

The preparation of a non-government funded DPA requires a transparent and well documented process which is clearly understood and agreed by both the Council and the proponent.

Process and criteria for consideration

Non-government funding of a Development Plan Amendment requires additional considerations which add to the process for consideration of a Development Plan Amendment. The additional steps are not part of the statutory process. The first step is called a Statement of Justification.

The Statement of Justification provides an opportunity for the proponent to provide initial justification for the use of the non-government funded Development Plan Amendment process, before preparing a full Statement of Intent (as required by the Development Act) and before any contractual arrangements are entered into. The Statement of Justification will need to address the following criteria:

- a) The proposed policy change is consistent with the State Government's Planning Strategy for Metropolitan Adelaide (30 Year Plan for Greater Adelaide) and the Housing and Employment Land Supply Program,
- b) The proposed policy change is consistent with Council Strategic Documents such as the Playford Community Vision 2043, Strategic Directions Report / Section 30 Development Plan Review and any other proposed or current Development Plan Amendments.
- c) The existing zoning is out-dated and not in alignment with the other policy directions of the Government or Council resulting in appropriate development being restricted on the land.
- d) Whether the proposed development or proposal is supportable from social, environmental and economic perspective (triple bottom line).

Council will also need to give consideration at this stage as to whether it has sufficient capacity, and wishes to give reasonable priority, to manage the administration of the DPA throughout the process. Although the funding is a very significant assistance, there are significant administrative resources required to ensure that the DPA is appropriately managed.

If Council agrees to the Statement of Justification for non-government funding of a DPA, the next step is to prepare **a legal instrument in the form of a contract / Deed of Agreement** between Council and any non-government funder. While the precise form of the agreement will be subject to legal advice, it is anticipated that the agreement will:

- state that non-government funding is to be undertaken in an open and transparent process which provides no guarantee that any Development Plan outcome sought by the non-government funder will be provided;
- outline the heads of agreement, including the roles of the parties, legal requirements and procedures, and project and financial management;
- define the nature of the DPA including the area to be covered, the purpose of the DPA and what the DPA investigations will encompass;
- acknowledge that Council maintains ultimate control of the DPA, in that key stages are presented to Council for consideration prior to being submitted to the Minister for agreement or endorsement. The key stages that are considered by Council include: Statement of Intent, draft investigations and policy for Public and Agency Consultation, hearing public submissions and Approval. The agreement will acknowledge that Council cannot be fettered in its ability under the Act to make decisions, including potentially to not proceed with a DPA.
- indicate that the proponent will be kept informed of progress at key stages and that consultation may occur between Council staff and the proponent if it is seen as potentially benefiting the quality of proposed policy;
- acknowledge that some parts of the DPA process cannot be outsourced and management, policy oversight and processing will be required to be undertaken by Council staff, therefore the DPA will be managed according to Council priorities and subsequent timeframes;
- acknowledge that while the Council may initiate a DPA, ultimately the decision on its approval is for the Minister for Planning, and not the Council, and that the Council has no control over this decision;
- detail what happens if the DPA is either not authorised by the Minister or authorised with amendments that do not suit the interest of the non-government funder (essentially it should be agreed that the non-government funder must accept that scenario and still be responsible for the cost of the DPAs preparation and that there will be no refund of any funds expended by the non-government funder);
- be prepared at the expense of the non-government funder and acknowledge that the non-government funder will fund any additional investigations that may be required by Council;

- include a payment schedule to cover the full cost of the consultant and an additional 20% to assist administrative costs;
- acknowledge that the non-government funder may be required to fund any legal costs associated with preparation of the DPA, including legal review, legal proceedings or judicial review proceedings in relation to the DPA process; and
- acknowledge that the Deed shall not in any way affect Council's standing as the relevant authority to assess applications for development approval in respect of land affected by a non-government funded DPA.

Following preparation and signing of the agreement, the formal Development Plan Amendment process can commence with the preparation of a Statement of Intent and will follow the procedures set out in the *Development Act 1993*. The Statement of Intent may be prepared by Council staff or can be outsourced in accordance with Council's procurement policies. Council will retain responsibility for the procurement process. Outsourcing will ordinarily be for the whole of the Development Plan Amendment process excluding those components which are required to be managed by Council (for example the public hearing and preparation of reports to Council).

Council will indicate within the Statement of Intent, at the time of public consultation, and as part of the explanatory statement and statement of investigations that it has received payment for preparation of the DPA but has sought independent advice.

Preparation of the DPA will not commence until such time as notice of agreement has been received from the Minister for Planning to the Statement of Intent.

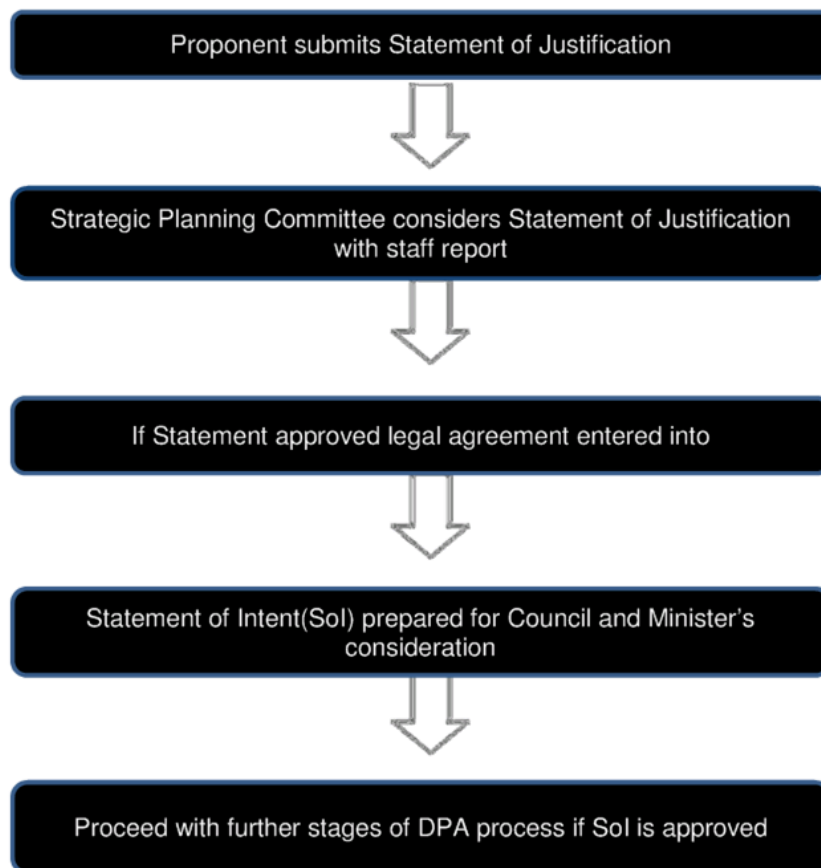
6. Responsibilities

The Strategy and Policy Team will be responsible for ensuring compliance with the policy and communicating the policy to proponents.

7. Relevance to Strategic Plan

The Council and State strategies will be strongly considered in determining whether a Development Plan Amendment should be progressed with the assistance of non-government funding.

Flow –chart: Non-government funded DPA policy



8. Approval and Change History

Version	Approval Date	Approval by	Change
1	23/03/2010	Council	New Policy
2	15/12/2015	Council	Entire policy reworked.

Ref: 18ADL- 0094

26 February 2019

Mr Sam Green
Acting Chief Executive Officer
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Dear Mr Green

Mitolo Group Virginia Site - Statement of Justification for a Value Adding DPA

Introduction

URPS is assisting the Mitolo Group in the proposed redevelopment of one of its sites adjacent to Angle Vale Road/Johns Road at Virginia.

The Group is proposing a major expansion (some \$50M) to its current processing, packing, distribution and administration facilities on the site. However, current Development Plan policies applying to the land are considered to require amendment/updating to better reflect proposed value adding opportunities.

In this circumstance, the Group is seeking Council's support to undertake a proponent funded DPA process.

Benefits of the proposed new facility include:

- Entrenching a facility with a national reach within the Virginia Region;
- Upgrading production to improve operational efficiencies and remain competitive;
- Incrementally increase the value of existing production;
- Introduce a range of sustainable water and energy efficient practices to the facility;
- Improve the existing heavy vehicle access arrangements to and from the site;
- Contribute to the local economy (direct and indirectly) with the proposed \$40 to \$50M build;
- Subject to favourable cost benefit analysis, increase land under potato / onion production north of the Gawler River in association with the Northern Adelaide Irrigation Scheme (NAIS).

Please accept this letter as the Statement of Justification required under Council's *Non-Government Funded DPA Policy* – it provides background information on the Group, the proposal itself and also responds positively to the criteria set out in Council's DPA policy.

The Area Affected

The area affected is located on the north-western corner of the intersection of Angle Vale Road and Johns Road at Virginia. It is approximately 3.5 kilometres east of Virginia and 3.8 kilometres west of Angle Vale.

The site comprises seven allotments with a combined area of approximately 11 hectares and consists of the following titles:

Description	Allotment Area (ha)
Lot 2 in FP 130912 : CT 6206/503	5.5
Lot 116 in FP 163084 : CT 5566/93	1.3
Lot 101 in DP 110750 : CT 6171/859	1.4
Lot 102 in DP 110750 : CT 6171/860	1.4
Lot 140 in FP 163108 : CT 5566/90	0.46
Lot 141 in FP 163109 : CT 5312/387	0.45
Lot 138 in FP 163106 : CT 5566/91	0.46

Background to the Mitolo Group

The Group is a family owned company based in South Australia and is the leading supplier of fresh potatoes and onions in Australia. It has over 35 years' experience of growing, harvesting and packing, with a focus on supplying the freshest produce to Australia's supermarkets, market wholesalers and numerous export markets.

The Group owns approximately 53,000 hectares across Australia and also purchases from suppliers that have another 3,000 to 5,000 hectares of land. These sites are located at:

- South Australia
 - > Virginia
 - > Riverland: Nildottie, Woolpunda, Pyap and Overland Corner
 - > Mallee: Pinnaroo, Peebinga, Parrakie, Karte and Yarrahville
- Victoria
 - > Thorpdale
- New South Wales
 - > Hillston
 - > Eastern Creek (Packing and Distribution Facility)
- Queensland
 - > Lockyer Valley
 - > Atherton.

As a result of its ability to provide a reliable, consistent high-quality year-round supply of produce, the Group's potatoes and onions are sold in most States and Territories. Large shipments of the Group's onions are currently exported between January and November to Canada, Fiji, France, Italy, Malaysia, Norway, The Netherlands, Germany, Japan, the Seychelles, Spain, Taiwan, Kuwait, United Arab Emirates and the United Kingdom.

Some 50 administration staff and 150 other workers are employed at the Virginia site per shift, with the Mitolo Group employing between 690 – 750 people Australia wide.

The Group was recently showcased on ABC Catalyst. Refer to iView (Feeding Australia (Part 1) Foods of Tomorrow).

Current Facilities at Virginia

The Group's potato facility at Virginia incorporates two major processing lines which have a combined daily packing capacity of 500 tonnes. Potatoes are dug, washed, packed and shipped within 24 hours. The Group's aim is to provide the freshest supply possible.

The onion processing line at Virginia has the capacity to pack around 100 tonnes of onions daily, with machinery used to remove outer husks and stems and then to size the onions.

Proposed Facilities

The current Virginia facility processes 150,000 tonnes of potatoes and 40,000 tonnes of onions annually. It is expected the redeveloped/upgraded facility will process 200,000 tonnes of potatoes and 55,000 tonnes of onions annually in the future.

While currently employing the use of sophisticated machinery in its operations, the latest cutting-edge technology is to be introduced to the facility to ensure the Group remains highly competitive in the fresh produce market in terms of both quality and cost.

The proposed development is likely to result in:

- Doubling of floor space for production and storage;
- Increased height of buildings located to the rear of the site (some 17 metres high);
- Significant reorganisation and improvement of truck movements and parking arrangements; and
- Introduction of sustainable water and energy efficient technologies.

This redevelopment is likely to require some \$50M investment.

Why the Need for the Rezoning?

Current Development Plan policies (see discussion below) will impose significant constraints and development risks on the development proposed. For instance, the development is likely to be deemed to be a non-complying development. 'Existing use rights' will not apply to the recently purchased adjoining allotment required for the development.

As you will appreciate, although approvals can be achieved via this process, they come with considerable risks including:

- Approval of the independent Council Assessment Panel and the concurrence of the State Commission Assessment Panel;
- No applicant appeal rights to the Environment, Resources and Development Court;
- Full third-party appeal rights to any person who may have an interest (potentially including competitors).

Current Development Plan Policies

The subject land is located within the Play/3 and 4 suite of Maps in the Playford Council Development Plan (consolidated 27 June 2017).

These maps show the land:

- Is within the Primary Production Zone – Precinct 17 Horticulture
- Fronts Angle Vale Road which is a designated Secondary Arterial Road
- Is within the Gawler River Floodplain, (noting it's located within the lowest risk category, where development is contemplated)

The following discussion reviews the consistency of the proposed development with the Development Plan and those policies which are considered problematic to its approval:

- Objective 3 for the Zone states:

A zone comprising primary production activities supported by primary production related industrial and commercial activities such as packing sheds, cold storage facilities and small-scale processing facilities. (underlining added).

While some support for the proposed facility is provided, given its size and scale it is unlikely to be considered as small-scale.

- PDC 4 for the Zone which states:

Industry and warehousing should only be developed if it supports primary production, processing, storage and distribution of local primary produce or products produced on the same site, (underlining added)

While dealing with some local primary produce, the proposed facility will also perform a state/national function.

- PDC 7 for the Zone which states:

Other than in Virginia Commercial Policy Area 1, buildings should primarily be limited to farm buildings, a detached dwelling associated with primary production on the allotment and residential outbuildings that are:

(a) grouped together on the allotment and setback from allotment boundaries to minimise the visual impact of buildings on the landscape as viewed from public roads

(b) screened from public roads and adjacent land by existing vegetation or landscaped buffers.

(underlining added)

The proposed development is of an industrial/commercial nature, of significant size and height and has public roads on three sides. Given the size of the site, the location of existing facilities and the size of the proposed development, there is little opportunity for mitigating visual impact through setbacks or landscaped buffers.

- PDC 12 for the Zone which states:

Development that is likely to generate vehicles exceeding 12 metres in length should be located on sites which provide direct access onto Penfield Road, Taylor Road or Womma Road. (underlining added)

Produce is to be brought to the facility and distributed from it by vehicles exceeding 12 metres in length. It is not located on any of the listed roads.
- PDC 14 for the Zone which states:

Buildings should not detract from the rural character of the locality in terms of built form elements and should:

(a) have a maximum building height of 6 metres
(b) be setback a minimum of 15 metres from a public road. (underlining added)

As indicated, parts of the proposed development are to have heights up to 17 metres, nearly 3 times the maximum building height. Some setbacks may also be difficult to achieve.
- Non-complying Development for the Zone which states:

An Office is non-complying within the Zone except in limited circumstances within Horticulture West Policy Area 4. The site is not located within Policy Area 4 and additional office space is proposed.
- PDC 3 for Design and Appearance in the General Section which states:

Buildings erected on sites situated within 100 metres of Port Wakefield Road, Angle Vale Road or Heaslip Road should be designed and landscaped to a high standard. (underlining added)

The site has a frontage to Angle Vale Road, with buildings to be of a large industrial/commercial nature where functionality has a higher importance than form.
- Objective 7 (and associated PDCs) for Hazards in the General Section which states:

Development in the Gawler River Flood Plain which is designed and sited to minimize the varying potential flood impacts that occur within 'Flood Hazard Zones 1, 2 or 3', as shown on the Gawler River Flood Hazard Map - GRO Map No. 238/1993.

The subject land is located within Flood Hazard Zone 1, the lowest risk category within the flood plain. Various PDCs (i.e. 4 – 11) seek to impose additional controls on development within the flood plain, with some potentially difficult to achieve.
- PDC 4 for Industrial Development in the General Section which states:

Industrial development abutting an arterial road, a non-industrial zone boundary, or significant open space should be developed in a manner that does not create adverse visual impacts on the locality. (underlining added)

The site has a frontage to Angle Vale Road, a Secondary Arterial Road, with buildings to be of a large industrial/commercial nature where functionality has high importance.

Proposed Action

Within this context, on 9 November 2018 a meeting was held with staff from the:

- Department for Trade, Tourism and Investment;

- Department for Planning, Transport and Infrastructure; and
- City of Playford

to discuss ways to assist the Group to progress its proposed investment in redeveloping its Virginia site for processing, packing, storage and distribution of fresh primary produce.

In summary, all parties¹ were supportive of using the Development Plan Amendment (DPA) process to amend the current planning policies applying to the site to provide greater certainty and better facilitate the proposed development by the Group.

The DPA amendments will seek to:

- Introduce policies that further encourage value adding activities, through the introduction of a specific Policy Area (with an agri-business focus) within either the Urban Employment Zone or the Primary Production Zone which currently applies over the Group's land and adjacent allotments;
- Ensure offices associated with the processing, packing and storage facilities will be able to be considered on-merit (currently such a land use is listed as non-complying in this portion of the Primary Production Zone);
- Introduce design policies supporting envisaged high-tech large buildings. Current policy restricts building heights to 6 metres, while the proposed development may involve a building/s having a height of 10 to 17 metres;
- Address any existing issues so they are resolved in the new development; and
- Confirm the proposed processing and packing plant should be considered as a Category 1 or 2 development for the purposes of public notification.

With the Group prepared to fund the necessary DPA investigations and policy amendments, Council's support is sought for the DPA to be prepared under its *Non-Government Funded DPA Policy*.

Preparation of the DPA

While noting that Council's *Non-Government Funded DPA Policy* seeks that such a DPA be "prepared independently from the proponent", the Group is seeking an exception to this and is keen for URPS to undertake the DPA. It considers that transparency is to still able to be provided under this alternative option.

In support of this request it should be noted that:

- URPS has already been engaged by the Group to advise on potential issues associated with the proposed redevelopment of the land, including seeking (as an associated matter) a Major Development declaration over the land by the Minister for Planning.
- URPS has extensive experience in working with several national and state-based agri-businesses and the preparation of associated Council, Ministerial and/or Private Sector Funded DPAs. Recent experiences include:
 - Preparation of the Northern Food Bowl Protection Areas DPA for the Adelaide Plains Council;
 - Preparation of the Primary Production (Central Policy Area 3) Value Adding DPA for the Murray Bridge Council (part funded by Inghams);
 - Provision of advice to Costa Mushrooms (WA) on a proposed rezoning affecting its major facility / land in Kwinana, Western Australia;

¹ Refer to supportive letter from City of Playford Administration.

- The DPA will deal with a localised matter, with little or no effect beyond immediately surrounding land;
- Other Councils use this proposed process, with some requiring independent peer review;
- The DPA will still be subject to transparency and scrutiny during the process - by Elected Members, Council staff, DPTI and other agencies, the community during the formal public consultation period, the Minister for Planning and ultimately the Environment, Resources and Development Committee of Parliament. Council (and the Minister) will still retain full control over the process;
- URPS can prepare the DPA as a high priority project as soon as the SOI is agreed by the Minister, with a likely delivery date to Council for consultation in mid-2019.

In this circumstance the Group requests that its advising consultants, URPS, be able to undertake the preparation of the DPA and advises of its commitment to fund an independent peer review of the URPS' work if required by Council.

Statement of Justification for the DPA

Under Section 24 of the *Development Act 1993*, only a Council or the Minister for Planning can prepare a DPA. There is, however, no prohibition in the Act on the funding of a DPA by a third party (commonly referred to as a "proponent funded DPA").

As recognised in Council's *Non-Government Funded DPA Policy*, proponent funded DPAs offer an opportunity to complement Council and State Government funded DPAs by providing additional resources to ensure Development Plans are kept up to date.

Regard has been given to the criteria set out in Council's policy as follows:

- Criteria A:** *The proposed policy change is consistent with the State Government's Planning Strategy for Metropolitan Adelaide (30 Year Plan for Greater Adelaide) and the Housing and Employment Land Supply Program.*
- Criteria B:** *The proposed policy change is consistent with Council Strategic Documents such as the Playford Community Vision 2043, Strategic Directions Report / Section 30 Development Plan Review and any other proposed or current Development Plan Amendments.*
- Criteria C:** *The existing zoning is out-dated and not in alignment with the other policy directions of the Government or Council resulting in appropriate development being restricted on the land.*
- Criteria D:** *Whether the proposed development or proposal is supportable from social, environmental and economic perspective (triple bottom line).*

Criteria A: *The proposed policy change is consistent with the State Government's Planning Strategy for Metropolitan Adelaide (30 Year Plan for Greater Adelaide) and the Housing and Employment Land Supply Program*

Regard has been given to both documents as follows:

The 30-Year Plan for Greater Adelaide – 2017 Update

Map 5 – Environment and Food Production Areas within the Plan indicates the subject land is located within an "Environment and Food Production Area" and also the "Virginia horticulture district".

Policies of relevance listed in Plan include:

The economy and jobs

- Policy 55: Promote certainty to undertake development while at the same time providing scope for innovation.
- Policy 57: Maintain and protect primary production and tourism assets in the Environment and Food Production Areas, while allowing for appropriate value-adding activities to increase investment opportunities.
- Policy 58: Ensure that the Environment and Food Production Areas, Character Preservation Districts and planning policies work in an integrated way to:
 - > protect key primary production assets and opportunities
 - > facilitate local operating and investment conditions that support primary production and related agri-business development.
- Policy 59: Enable major new primary production and agri-business development across the Northern Adelaide and Barossa regions and in the Mount Barker-Murray Bridge corridor and prevent ad hoc land use changes that may compromise those investments.
- Policy 60: Ensure land use planning in and around the Virginia horticulture district aligns with projects for industry growth and revitalisation anticipated by the Northern Economic Plan.

This section also contains discussion on the Northern Adelaide Irrigation Scheme (NAIS) and the Government's commitment to expand the Northern Adelaide Plains irrigated food production area. The redevelopment of the Mitolo site and its increase in processing capacity will support the further development of food production in the area, which in turn, increases the demand for recycled water for irrigation purposes from the NAIS. Subject to a favourable cost benefit analysis, the Group is considering directly supporting the NAIS.

Transport

The subject land has a frontage to Angle Vale Road. Map 7 – Major transport and public transport investments in Plan shows this portion of Angle Vale Road as a “Major Traffic and/or Freight Route”.

Policies of relevance in Plan include:

Policy 74: Ensure development does not adversely impact the transport function of freight and/or major traffic routes and maintains access to markets.

The location of the Group's site adjacent to Angle Vale Road provides convenient access to freight routes and markets. The development also provides a significant opportunity to improve an existing transport access issue, particularly affecting Johns Road, Virginia.

In summary, the proposal to redevelop the Group's site at Virginia is supported by a number of policies in the 30-Year Plan.

Housing and Employment Land Supply Program (HELSP)

Both the *Housing and Employment Land Supply Program Report 2010, Greater Adelaide* and the associated *Housing and Employment Land Supply Program 2012 monitoring report, Greater Adelaide* have been considered in relation to the proposal.

It is noted that the HELSP was designed to support achievement of the targets of 2010 *30-Year Plan* by:

- Ensuring the government could deliver a long-term supply of land required to support housing and jobs growth;
- Guiding rezoning by councils and the government;
- Supporting the transition to a new urban form through increased infill development; and
- Aligning land supply with infrastructure planning and investment.

The HELSP report locates the subject land within the Northern Adelaide region which has been identified as having the current/future largest available industrial land supply in the metropolitan area. Other than noting the southern portion of the land (some 5.5 hectares) as an existing "Industrial land use" on Map 3.4, the report neither supports or opposes the proposed expansion of the industrial activity onto the wider site (i.e. the northern portion of the land which comprises a further approximately 6.9 hectares).

Criteria B: The proposed policy change is consistent with Council Strategic Documents such as the Playford Community Vision 2043, Strategic Directions Report / Section 30 Development Plan Review and any other proposed or current Development Plan Amendments.

Regard has been given to the following documents and relevant themes/directions:

- Playford Community Vision 2043
Prosperity: Economic development: a thriving local economy.
- City of Playford Strategic Plan 2016-2020 Version 2
Diversification of our local economy to improve the employment prospects of our community.
Providing the right environment for investment and business attraction.
- Section 30 Development Plan Review
While not identifying the specific need for a DPA specific to this site, relevant feedback from the Review process included:
 - > there is a need for food security to create sustainable employment to benefit the local community, market gardens and retain the horticulture industry
 - > the area is recognised as the 'food bowl' of SA, with a huge potential to increase food production
 - > the area should provide a state of the art internationally recognised food industry
 - > there is a need to retain the (Virginia) horticulture triangle.
- Development Plan Amendments
There are no proposed or current DPAs relevant to this issue. The DPA will not conflict with any Council or State policies.

Criteria C: The existing zoning is out-dated and not in alignment with the other policy directions of the Government or Council resulting in appropriate development being restricted on the land.

Although current zone policies generally recognise the need to support primary production activities with primary production related industrial and commercial activities, more detailed examination (see Current Development Plan Policies discussion above) suggests some policies are out of date in not reflecting current economies of scale and unnecessarily impose constraints on these activities.

Amendment to the current planning policies applying to the site will provide greater certainty and better facilitation of the \$40 – 50M development proposed by the Group.

Furthermore, this process can add value to the investigations and drafting associated with the current Planning and Design Code for Primary Production Zones. URPS will work in collaboration with relevant DPTI staff members to ensure a consistent policy direction.

Criteria D: Whether the proposed development or proposal is supportable from social, environmental and economic perspective (triple bottom line).

The proposed development is considered supportable from social, environmental and economic perspectives.

The redevelopment of the site will:

- Result in a \$50M investment in the Northern Adelaide region, supporting the Group's competitiveness in the fresh produce arena;
- Further strengthen the Group's activities as a prominent industry within the State and nationally;
- Retain job opportunities in the Northern Adelaide region and elsewhere within the State;
- Support expansion of food production on the Northern Adelaide Plains, potentially leading to an increase in the use of reclaimed water for irrigation from NAIS; and
- Result in increased environmental responsibility through the use of cutting-edge technology in the processing facility.

Summary

The Mitolo Group is a family owned company based in South Australia and is the leading potato and onion packing company based in the State.

It is a major contributor to the fresh produce arena, with significant land holdings and facilities in South Australia and interstate. It also is a significant exporter of produce to overseas markets.

It is also a significant employer, employing some 200 persons at any one time at its Virginia site and between 690 – 750 people Australia wide.

The Group is proposing to invest \$50M to redevelop/expand one of its packing, processing and storage sites in the Virginia horticultural triangle in the Northern Adelaide region.

However, the Development Plan contains a number of policies which are considered to unnecessarily impose constraints on such activities, causing a level of uncertainty that is problematic to the proposed development.

The Group is therefore seeking to have current Development Plan policies applying to its land amended to better facilitate the proposed major expansion of facilities at the site.

As discussed in preceding sections, the proposed redevelopment meets a number of key strategic objectives at both the state and local level.

The use of a DPA process has the support of staff within the Department for Trade, Tourism and Investment, Department for Planning, Transport and Infrastructure and the City of Playford.

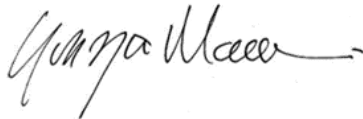
In this context, the Group is seeking Council's support for a proponent funded DPA process under its *Non-Government Funded DPA Policy*.

The assessment provided above is considered to demonstrate that the proposal meets the key criteria set in Council's Policy.

A draft Statement of Intent has been prepared to assist in Council's decision on this request and is attached for your consideration.

Should you require any further information or desire to meet with representatives of the Mitolo Group, please contact me in the first instance on 0400 005 885 or 08 8333 7999.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Grazio Maiorano', with a long horizontal flourish extending to the right.

Grazio Maiorano RPIA (Fellow)
Director

Statement of Intent

By the Council

Playford Council Development Plan

Value Adding (Virginia) DPA

by the

City of Playford

21 February 2019

Pursuant to section 25 (1) of the *Development Act 1993* this Statement of Intent forms the agreed basis for the preparation of the proposed Development Plan Amendment.

Sam Green
A/CHIEF EXECUTIVE OFFICER

Date:

Hon Stephan Knoll
MINISTER FOR PLANNING

Date:

Value Adding (Virginia) DPA
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Value Adding (Virginia) DPA
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Value Adding (Virginia) DPA
1. Introduction

1. Introduction

1.1 Statement of Intent

Pursuant to section 25(1) of the Development Act 1993 (the Act) the City of Playford (the Council) has reached agreement with the Minister on this Statement of Intent (SOI) prepared by the Council in accordance with the *Development Regulations 2008* (the Regulations).

The SOI details the scope, relevant strategic / policy considerations, nature of investigations to be carried out, the consultation process and timeframes to be followed in preparing the DPA.

1.2 Chief Executive Statement

The Chief Executive Officer of the Council confirms the following:

- The proposed DPA will assist in implementing the Planning Strategy.
- The proposed DPA has been endorsed by Council.
- All procedures, documentation and mapping will accord with relevant statutory requirements of the Act and Regulations.
- Sufficient Council resources will be devoted to completing the DPA within the agreed timeframe. Council acknowledges that the Minister can lapse the DPA if key timeframes are not met by Council pursuant to section 25(19) of the Act.
- Council may use the outcome of investigations and other information produced by external sources which will be reviewed by a qualified, independent professional advisor (pursuant to section 25(4) of the Act).

1.2.1 Council Contact Person

The key Council contact person who will be responsible for managing the DPA process and who will receive all official documents relating to the DPA is:

- Paul Johnson – Policy Planner Specialist
phjohnson@playford.sa.gov.au
Ph: 8256 0156

1.2.2 Developer Supported DPA

Council will contain full control over the DPA process and decision making responsibilities in accordance with the *Development Act 1993*.

The DPA process will be fully funded by:

- The Mitolo Group
1304 Angle Vale Road, Virginia SA 5120
Ph: 8282 9000

Value Adding (Virginia) DPA
2. Scope of the Proposed DPA

2. Scope of the Proposed DPA

2.1 Need for the Amendment

2.1.1 Rationale

The Mitolo Group currently operates processing, packing and distribution facilities for horticultural products (potatoes and onions) on its site at Angle Vale Road/Johns Road at Virginia. Associated administration facilities are also located on the site.

The Group is proposing a major expansion of some \$50M to its existing facilities. However, current Development Plan policies applying to the land are considered to require amendment/updating to better reflect proposed value adding opportunities.

While current Development Plan policies generally recognise the need to support primary production activities with related primary production industrial and commercial activities, more detailed examination suggests some policies, at both the General Section (Council wide) and Zone level, do not reflect current economies of scale required for some agri-businesses, do not recognise the industrial/commercial nature and appearance of agri-business buildings and, in some instances, appear to impose impractical constraints on these activities.

In order to provide more certainty for this significant agri-business proposal, it is considered necessary to amend policies in the Development Plan to provide greater recognition to larger-scale facilities and that they have an industrial/commercial nature and appearance. This could be achieved through the introduction of a specific Policy Area (with an agri-business focus) within either the Urban Employment Zone or the Primary Production Zone which currently applies over the land.

Benefits of the proposed new facility are considered to include:

- Entrenching a facility with a national reach within the Virginia Region
- Upgrading production to improve operational efficiencies and remain competitive
- Incrementally increasing the value of existing production
- Introducing a range of sustainable water and energy efficient practices to the facility
- Improving the existing heavy vehicle access arrangements to and from the site
- Contributing to the local economy (directly and indirectly) with the proposed \$50M build
- Subject to favourable cost benefit analysis, increasing land under potato/onion production north of the Gawler River in association with the Northern Adelaide Irrigation Scheme (NAIS).

2.1.2 Affected Area

The area affected by the proposed DPA is located approximately 3.5 kilometres east of Virginia and 3.8 kilometres west of Angle Vale. The subject land is shown on the following Plan.

Value Adding (Virginia) DPA
2. Scope of the Proposed DPA

2.1.3 Potential Issues

Potential issues associated with the subject land include:

- Traffic and access management
- Wastewater management
- Stormwater management
- Acoustic management
- Infrastructure/services consideration
- Potential for impacts beyond the site.

Affected Area Plan



Value Adding (Virginia) DPA

3. Strategic and Policy Considerations

3. Strategic and Policy Considerations**3.1 The Planning Strategy****3.1.1 Theme**

The DPA will support the relevant volume of the Planning Strategy by implementing the following theme(s):

Theme	How the theme will be implemented:
The 30-Year Plan for Greater Adelaide	
The economy and jobs	The proposed DPA will introduce policies that recognise the changing nature of agri-business investment and development. Policies will support larger-scale facilities with the increased processing, packing and distribution capabilities necessary to service increased production and to remain competitive in a state/national/international market. Environmental benefits will also accrue from use of the latest technology.
Greater Adelaide is South Australia's engine room, contributing more than 80% of Gross State Product. Patterns of production and employment are however changing, as the services, information and communications technology, and retail and commercial sectors replace manufacturing as key economic drivers...	
There is also enormous potential for our premium food and wine production to grow. To enable this, we need to create conditions that support primary production and related agri-business investment and development.	

3.1.2 Policies

The DPA will support the relevant volume of the Planning Strategy (or draft Strategy) by implementing the following policies:

Policy	How the policy will be implemented:
The 30-Year Plan for Greater Adelaide	
Map 5 – Environment and Food Production Areas within the Plan indicates the subject land is located within an "Environment and Food Production Area" and also the "Virginia horticulture district".	The proposed DPA will support activities in keeping with the land's designation within the "Environment and Food Production Area" and also the "Virginia horticulture district".
Policy 55: Promote certainty to undertake development while at the same time providing scope for innovation.	The proposed policy amendments will increase certainty in terms of the scale of agribusiness developments now considered necessary for increased production and competitiveness and will support the provision of functional developments of an industrial/commercial nature.
Policy 57: Maintain and protect primary production and tourism assets in the Environment and Food Production Areas, while allowing for appropriate value-adding activities to increase investment opportunities.	The DPA will support appropriate value-adding activities in an Environment and Food Production Area. In addition to increased investment in the agri-business facility itself, the facility will support increased investment in horticulture production in the locality and more widely.
Policy 58: Ensure that the Environment and Food Production Areas, Character Preservation	The DPA policies will be drafted to facilitate investment conditions that support agri-business development, which in

Value Adding (Virginia) DPA
3. Strategic and Policy Considerations

Policy	How the policy will be implemented:
<p>Districts and planning policies work in an integrated way to:</p> <ul style="list-style-type: none"> > protect key primary production assets and opportunities > facilitate local operating and investment conditions that support primary production and related agri-business development. 	<p>turn will lead to increased confidence and investment in primary production/horticulture in the locality and more widely regionally.</p>
<p>Policy 59: Enable major new primary production and agri-business development across the Northern Adelaide and Barossa regions and in the Mount Barker-Murray Bridge corridor and prevent ad hoc land use changes that may compromise those investments.</p>	<p>The DPA policies will support major new/upgraded agri-business development in the Northern Adelaide region. Current policies will be reviewed to ensure strong planning protection is afforded to these investments.</p>
<p>Policy 60: Ensure land use planning in and around the Virginia horticulture district aligns with projects for industry growth and revitalisation anticipated by the Northern Economic Plan.</p>	<p>The NEP supports growth in the agriculture, food and beverage sectors, noting that the state's horticulture sector has increased every year for the past 17 years. It identifies there are growing job opportunities in primary production, food processing, transport and other services.</p> <p>The DPA, which supports increased investment in horticulture product processing, packing and distribution is in strong accord with the aims of the NEP.</p>
<p>The subject land has a frontage to Angle Vale Road. Map 7 – Major transport and public transport investments in Plan shows this portion of Angle Vale Road as a "Major Traffic and/or Freight Route".</p>	<p>Ready access to a designated freight route is a key consideration when upgrading/expanding an agri-business facility.</p>
<p>Policy 74: Ensure development does not adversely impact the transport function of freight and/or major traffic routes and maintains access to markets.</p>	<p>The subject land has frontage to three public roads, including Angle Vale Road. A traffic impact assessment is proposed as part of the Investigations for the DPA to ensure further development on this site does not adversely impact on the road network.</p>

3.2 Council Policies

3.2.1 Council's Strategic Directions (Section 30) Report

The Strategic Directions Report (SDR) was endorsed by Council in February 2013. It has not been updated since, pending the introduction of the new planning system and in light of more recent corporate strategic documents.

Discussion in the SDR on the Virginia Horticulture District included:

- "Within South Australia it is a major focus for food processing and distribution, with several major investments in state-of-the-art facilities during the past few years."
- "The emergence of a distinctive horticulture and food industry cluster at Virginia has made individual horticultural business and the South Australian horticulture sector as a whole more competitive. It is important that this clustering is supported into the future."

The proposed DPA is considered to be in alignment with these directions.

Value Adding (Virginia) DPA**3. Strategic and Policy Considerations****3.2.2 Infrastructure Planning**

While Council's SDR discussed the need for infrastructure planning on a broad level, it did not identify any specific requirements in the vicinity of the subject land.

However, it is recognised there is a need to further consider infrastructure requirements as part of this DPA. The need to investigate infrastructure/servicing requirements to service the expansion/upgrading of development on the subject land has therefore been identified in Section 4.1.2 - Investigations Initiated to Inform this DPA.

3.2.3 Other Policies or Local Issues

As discussed earlier, while current Development Plan policies generally recognise the need to support primary production activities with related primary production industrial and commercial activities, more detailed examination suggests some policies, at both the General Section (Council wide) and Zone level, do not reflect current economies of scale required for some agri-businesses, do not recognise the industrial/commercial nature and appearance of agri-business buildings and, in some instances, appear to impose impractical constraints on these activities.

In order to provide more certainty for this significant agri-business proposal, it is considered necessary to amend policies in the Development Plan to provide greater recognition to larger-scale facilities and that they have an industrial/commercial nature and appearance. This could be achieved through the introduction of a specific Policy Area (with an agri-business focus) within either the Urban Employment Zone or the Primary Production Zone which currently applies over the land.

Furthermore, this process can add value to the investigations and drafting associated with the current Planning and Design Code, whether for the Urban Employment Zone or the Primary Production Zone. URPS will work in collaboration with Council and DPTI staff members to ensure a consistent policy direction is promoted.

3.3 Minister's Policies**3.3.1 Planning Policy Library**

In addition to a closer examination of the following General Section policies (which have an SAPPL basis):

- Design and Appearance
- Hazards – Flooding
- Industrial Development
- Interface between Land Uses

it is likely that the DPA will involve the introduction of local additions or variation to the Primary Production Zone policies from the SAPPL. Should the investigations identify that this form of policy amendment is necessary - justification will be provided in the DPA.

3.3.2 Existing Ministerial Policies (Section 25(5), 26 and Section 29)

While it is not expected that any Ministerial policies introduced through section 25(5), 26 or 29 of the Act will be amended by this DPA, if amendment is required it will be justified in the DPA and Council confirms that the policies will only be changed in a way that ensures consistency with the Planning Strategy.

Value Adding (Virginia) DPA
3. Strategic and Policy Considerations

3.3.3 Ministerial DPAs

As at 18 February 2019 there were no Ministerial DPAs listed as being On consultation, with the two DPAs listed as Post-consultation not being of relevance to this DPA.

Value Adding (Virginia) DPA
4. *Investigations and Consultation*

4. Investigations and Consultation

4.1 Investigations

4.1.1 Investigations Previously Undertaken

None.

4.1.2 Investigations Initiated to Inform this DPA

Investigations (including those arising from issues not addressed in the Planning Policy Modules) to inform this DPA will include the following:

- Traffic and access management
- Wastewater management
- Stormwater management
- Acoustic management
- Infrastructure/services consideration
- Potential for impacts beyond the site
- Review of appropriate policies.

4.2 Consultation

The following agencies, State Members of Parliament, interested parties, individuals and Councils will be consulted during the consultation stage of the DPA:

- Department for Planning, Transport and Infrastructure
- Department for Trade, Tourism and Investment
- Department of Primary Industries and Regions
- Department for Health and Wellbeing
- Environment Protection Authority
- SA Water
- SA Power Networks
- Adelaide Plains Council
- MP for Taylor.

Consultation with the public will be undertaken in accordance with the requirements of the Act and Regulations. This will include:

- A notice in the Government Gazette.
- A notice in the Advertiser Newspaper.
- A notice in the Messenger newspaper.
- The scheduling of a Public Meeting at which any interested person may appear to make representations on the proposed amendment.

5. Proposed DPA Process

5.1 DPA Process

Council intends to undertake the following DPA process:

Process B2 (consultation approval not required)

A copy of the DPA will be released for concurrent agency and public consultation (not more than 8 weeks for agency comment and not less than 8 weeks for public comment).

5.1.1 Rationale

Process B2 has been selected because the DPA is considered to be a relatively simple one with little impact beyond the immediate surrounding area.

5.2 Interim Operation

N/A

Value Adding (Virginia) DPA**6. Professional Advice and Document Production****6. Professional Advice and Document Production****6.1 Professional Advice**

The professional advice required will be provided by:

- Paul Johnson – Policy Planner Specialist at the City of Playford.

This person satisfies the professional advice requirements of the Act and Regulations and will provide advice to the council prior to the preparation of the DPA. This person is not considered to have a conflict of interest or perceived conflict of interest in the DPA.

6.2 Document Production

The DPA (including the structure, amendment instructions and mapping) will be prepared in accordance with the Technical Guide to Development Plan Amendments issued by the Department for Planning, Transport and Infrastructure (the Department) and any templates, except as mutually agreed.

To ensure certainty as to the correct version of the DPA, the DPA will contain a date in the footer (eg version 5 July 2007). The footer will be located on every page of the DPA, including the proposed amendments (including mapping).

The Chief Executive Officer of the council will ensure that the policies implement the Planning Strategy, all procedures have been completed within the statutory requirements, and that mapping is correct prior to issuing a certificate in accordance with the Act. If this is not the case, the council will take responsibility for the DPA until the matter has been resolved.

6.3 Mapping

Council will obtain electronic copies of all the affected maps and/or figures from the Department prior to the commencement of mapping amendments to ensure all mapping is amended based on current map bases.

Amendments to maps will be provided in the required format to the Planning Division of the Department. Mapping amendments for this DPA will be undertaken by:

- Graphica Mapping and Design.

Value Adding (Virginia) DPA
7. Proposed DPA Timetable

7. Proposed DPA Timetable

Process B2 (consultation approval not required) Timetable

The following timetable is proposed for this DPA based on the selected process. Council will take steps to update this timetable if it appears at any stage that Council will require an extension to complete a task.

Steps	Responsibility	Agreed Timeframe from Minister's Approval
Development Plan Amendment (DPA)		
Investigations conducted; DPA prepared	Council	10 weeks SOI agreement – DPA commences consultation
Agency and public consultation concludes	Council	8 weeks
Summary of Consultation and Proposed Amendment (SCPA)		
Public Meeting held; submissions summarised; DPA amended in accordance with Council's assessment of submissions; SCPA prepared and lodged with the Department	Council	8 weeks Public consultation closes – SCPA lodged with the Department
SCPA assessed and report on DPA prepared for Minister	Department	7 weeks
Minister considers report on DPA and makes decision	Minister	4 weeks
Approved amendment gazetted	Department	2 weeks

Following Ministerial approval of the proposed amendment, it is forwarded to the Environment, Resources and Development Committee of Parliament for review.

INFORMAL DISCUSSION

6.1 Presentation to Council from Catholic Education SA regarding Vision for the North Proposal

Presenter: Mr Greg Pattinson, Acting General Manager Strategy & Corporate
Dr Neil McGoran, Director Catholic Education SA
Mr Paul Ryan, Catholic Education SA

Purpose: To make a presentation to Council that outlines the Vision for the North proposal by Catholic Education SA.

Duration: 30 Minutes.

COMMITTEE WORKPLAN

8.1 Strategic Planning Committee Work Plan

Attachments : 1 [!\[\]\(e78f798d4ea5c530c9db49e7d26e6b95_img.jpg\).](#) Committee Work Plan

Presenter: Mr Greg Pattinson

Purpose: Committee to review the Strategic Planning Committee Work Plan.

Duration: 5 Minutes

City of Playford Strategic Planning Committee

WORK PLAN

Note: This Work Plan is subject to change.

Meeting Date	Topic	Report Type
14 May 2019	Rural Road Sealing Program	Decision Report
11 June 2019	Flying of Flags Under Council's Care & Control Policy	Decision Report
09 July 2019	Nil	

CONFIDENTIAL MATTERS

9.1 FORMER MUNNO PARA BOWLING CLUB SITE - ALLOTMENT 479 MYALL AVENUE, MUNNO PARA

Contact Person: Mr Thornton Harfield

Why is this matter before the Council or Committee?

Informal Discussion.

Purpose

For Council to make a determination on whether to deal with this matter in confidence.

A. COUNCIL/COMMITTEE TO MOVE MOTION TO GO INTO CONFIDENCE

STAFF RECOMMENDATION

Pursuant to Section 90 (2) of the Local Government Act 1999 an order is made that the public be excluded from attendance at the meeting, with the exception of:

- Acting Chief Executive Officer;
- Acting General Manager Strategy and Corporate;
- Acting General Manager City Services;
- Acting General Manager Strategic Projects and Assets;
- Senior Manager Finance;
- Senior Manager Assets & Projects;
- Senior Manager Corporate Services;
- Senior Content and Communications Advisor;
- Policy Planner Specialist;
- Acting Senior Manager Strategy and Policy; and
- Minute Taker;

in order to consider in confidence agenda item number 9.1 under Section 90 (3) (b) of the Local Government Act 1999 on the basis that:

- (b) i) information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
- ii) information the disclosure of which would, on balance, be contrary to the public interest.

This matter is Confidential because commercial in confidence contractual information that, if disclosed, may result in damage to a party's commercial interests, intellectual property or trade secrets.

On the basis of this information, the principle that meetings should be conducted in a place open to the public has been outweighed in this instance; Council/Committee consider it necessary to consider this matter in confidence.

Section B below to be discussed in the confidential section of the agenda once the meeting moves into confidence for each item.

B. THE MATTERS AS PER ITEM 9.1

C. COUNCIL/COMMITTEE TO DECIDE HOW LONG ITEM 9.1 IS TO BE KEPT IN CONFIDENCE**Purpose**

To resolve how long agenda item 9.1 is to be kept confidential.

STAFF RECOMMENDATION

Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the Council/Committee orders that the following aspects of Item 9.1 be kept confidential in accordance with Council's/Committee's reasons to deal with this item in confidence pursuant to Section 90 (3) (b) of the Local Government Act 1999:

- Presentation for Item 9.1

This order shall operate until the next scheduled annual review of confidential items by Council at which time this order will be reviewed and determined in accordance with Section 91(9)(a) of the Local Government Act 1999.