# **Development Plan Amendment**

# By the Council

# Yorke Peninsula Council

**Bluff Beach DPA** 

**Explanatory Statement and Analysis** 

For Consultation

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## **Have Your Say**

This Development Plan Amendment (DPA) will be available for inspection by the public on Council's website <a href="www.yorke.sa.gov.au">www.yorke.sa.gov.au</a> and at the front counter of Council offices at Maitland, Minlaton, Yorketown and Warooka from Thursday 17 April 2014 until Friday 20 June 2014.

During this time anyone may make a written submission about any of the changes the DPA is proposing.

Submissions should be sent to the:

Director Development Services Yorke Peninsula Council PO Box 88 MINLATON SA 5755

Or via email at admin@yorke.sa.gov.au

Submissions should indicate whether the author wishes to speak at a public meeting about the DPA. If no-one requests to be heard, no public meeting will be held.

If requested, a meeting will be held on Wednesday 2 July 2014 at 7pm at the Minlaton Town Hall, Main Street, Minlaton.

#### **Explanatory Statement**

#### Introduction

The *Development Act 1993* provides the legislative framework for undertaking amendments to a Development Plan. The *Development Act 1993* allows either the relevant council or, under prescribed circumstances, the Minister responsible for the administration of the *Development Act 1993* (the Minister), to amend a Development Plan.

Before amending a Development Plan, a council must first reach agreement with the Minister regarding the range of issues the amendment will address. This is called a Statement of Intent. Once the Statement of Intent is agreed to, a Development Plan Amendment (DPA) (this document) is written, which explains what policy changes are being proposed and why, and how the amendment process will be conducted.

#### A DPA may include:

- An Explanatory Statement (this section)
- Analysis, which may include:
  - Background information
    - Investigations
    - Recommended policy changes
    - Statement of statutory compliance
- References/Bibliography
- Certification by Council's Chief Executive Officer
- Appendices
- The Amendment.

#### **Need for the amendment**

The DPA is proposing to review a parcel of land to the immediate east of the existing Bluff Beach Settlement, for the purpose of accommodating an extension of the existing Settlement Zone.

The affected land is currently held within the Rural Living zone and Precinct 3 Limited Subdivision. The current policy was adopted as part of the recent Better Development Plan and General DPA, consolidated 22 November 2012. Land division is non-complying in the precinct.

A draft subdivision plan (Appendix B) has been produced which forms the basis of the new zone boundaries proposed as part of this DPA.

The above plan proposes an additional 24 Settlement zone allotments ranging in area from 797m²-1445m² located within the western portion of the affected allotment, immediately adjacent the existing settlement. As part of the zone boundary realignment it is also proposed to rezone some 3500m² of Rural Living land within the south west corner of the affected land to Coastal Conservation, as this land contains existing coastal vegetation.

The balance of the affected land is proposed to be divided to create five Rural Living allotments ranging from approximately 0.8 hectare to 1 hectare in area.

There has been strong demand for land within coastal settlements throughout the peninsula for the past decade which includes Bluff Beach. This is evidenced by the fact that the existing settlement has been substantially developed as only four vacant allotments exist.

One key attribute Bluff Beach has compared to other small coastal settlements is the existing allotments are connected to a Community Wastewater Management System (CWMS) which is located adjacent to the north of the subject land and this facility has the capacity to be expanded to accommodate the proposed expansion of the settlement.

Bluff Beach DPA Yorke Peninsula Council Explanatory Statement

It is noted that future residential development on the affected land would need to be setback a minimum of 100 metre from the existing CWMS in accordance with EPA separation requirements. As a result, the DPA will investigate introducing appropriate policy to ensure the required setback distances are achieved.

The DPA also seeks to investigate whether further subdivision is warranted within the balance of the allotment which is to remain within the Rural Living zone.

Precinct 3 (Limited Subdivision) applies to all the Rural Living land surrounding Bluff Beach. It is noted that prior to the BDP DPA land division creating 1 hectare allotments was a consent form of development on the Rural Living land adjoining Bluff Beach.

The existing allotments adjacent the township within the Rural Living zone are relatively large with respect to other rural living allotments within the council area, however, are generally too small for viable agricultural activities, therefore current policies result in the somewhat uneconomic use of the land.

A review of the land and associated policies were not undertaken as part of the BDP DAP as it was considered outside of the scope of the DPA. The Limited Subdivision Precinct has acted as an interim measure prior to a more comprehensive review occurring.

To allow an increase in allotment densities it is proposed that the portion of the affected land to remain within the Rural Living zone be removed from Precinct 3 and a new policy area be created over the land to allow allotments with a minimum area of 0.8 hectares (in accordance with the draft subdivision plan).

Council is aware of issues arising in the past where many of the land owners located in the coastal settlements own large boats or equipment. These land owners often seek to establish large sheds/structures to keep the boats and/or equipment in. The allotment sizes contained within the settlements are not suitable for this form of development, nor does the zone support larger forms of development, typically seeking simple design forms and structures. Establishing useable rural living areas with larger allotments than are provided within close proximity to the settlement will assist to address this issue.

Extending the Settlement zone in easterly direction away from the coast as proposed, allows for additional residential development without the immediate impact on the coastal environment. This pattern of development is preferred throughout the Yorke Peninsula as outlined in the Yorke Peninsula Land Use Framework.

The affected parcel is subject to a Land Management Agreement (LMA) which, in addition to the current zoning, largely restricts development on the land. The LMA is between Council and the land owner and it is acknowledged that the LMA may need to be amended or rescinded based on the final policy amendments, to ensure consistency between the Development Plan and LMA exists.

#### Statement of Intent

The Statement of Intent relating to this DPA was agreed to by the Minister on 29 January 2014.

The issues and investigations agreed to in the Statement of Intent have been undertaken or addressed.

#### **Affected area**

The area affected by the proposed DPA can be described as follows:

- Allotment 102 (DP 34305) Davit Drive contained within Certificate of Title Volume 5079 Folio 837.

The affected land is located to the immediate east of the existing Bluff Beach Settlement and is located within the Rural Living zone and Precinct 3 Limited Subdivision.

Lot 102 comprises and area of approximately 7.4 hectares and presents frontages of 415 metres to Davit Road to the north, 199 metres to Swincer Avenue to the west and 168 metres to an unmade road reserve to the east.

The land is gently undulating and cleared of vegetation as a consequence of the previous/current farming activities occurring on the site, save for small area of coastal vegetation located within the south western corner of the property.

The existing CWMS which services Bluff Beach is located on the adjacent parcel to the north (lot 21 Davit Road).

The affected land is more particularly identified on the maps below:

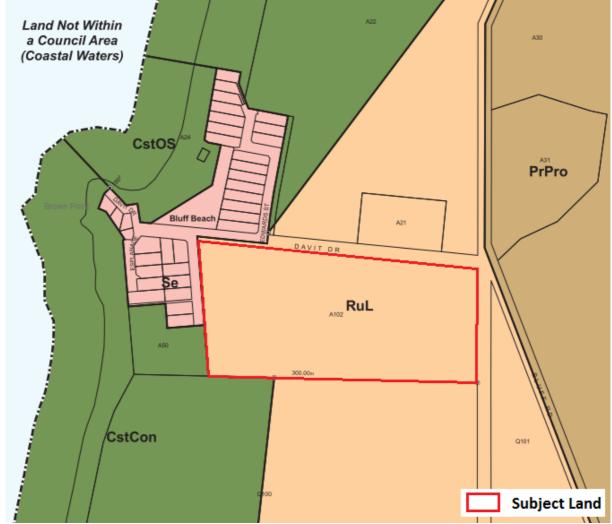


Figure 1: Bluff Beach Zoning

Source: Yorke Peninsula Council Development Plan, Consolidated 22 November 2012



**Figure 2:** Aerial Photo – Subject Land and Locality **Source:** Nature Maps (<u>www.naturemaps.com.au</u>)

## **Summary of proposed policy changes**

The DPA proposes the following changes:

- Rezone the western portion of the land from Rural Living to Settlement
- Remove the balance of the land from the Rural Living zone Precinct 3 Limited Subdivision
- Introduce a new policy area over the affected land applying to the Rural Living zone which allows division of allotments with a minimum area of 0.8 hectares.
- Rezone the south western portion of the land from Rural Living to Costal Conservation
- Introduce policy requiring residential development to be setback a minimum of 100 metres from the existing CWMS at Bluff Beach

## Legal requirements

Prior to the preparation of this DPA, council received advice from a person or persons holding prescribed qualifications pursuant to section 25(4) of the *Development Act 1993*.

The DPA has assessed the extent to which the proposed amendment:

- accords with the Planning Strategy
- accords with the Statement of Intent
- accords with other parts of council's Development Plan
- complements the policies in Development Plans for adjoining areas
- accords with relevant infrastructure planning
- satisfies the requirements prescribed by the Development Regulations 2008.

#### **Interim operation**

This DPA was not considered for interim operation.

#### Consultation

This DPA is now released for formal agency and public consultation. The following government agencies and organisations are to be formally consulted:

- Department of Planning, Transport and Infrastructure
- Environmental Protection Authority
- Department of Environment, Water and Natural Resources
- Department of Premier and Cabinet Aboriginal Affairs and Reconciliation Division
- Department for Health and Ageing
- SA Water
- SA Power Networks
- District Council of the Copper Coast
- District Council of Barunga West
- Wakefield Regional Council
- Regional Development Australia Yorke and Mid North
- Northern and Yorke NRM Board
- Mr. Steven Griffiths Member for Goyder
- Narrunga Nations Aboriginal Corporation

All written and verbal, agency and public submissions made during the consultation phase will be recorded, considered, summarised and responses provided. Subsequent changes to the DPA may occur as a result of this consultation process.

Important Note for Agencies: This DPA includes modules from the State Planning Policy Library.

As the policy library was subject to agency consultation during its development, agencies are requested to comment only on the range and application of the modules selected and not on the actual policy content, except where that policy has been included as a local addition. Agencies are invited to comment on any additional issues (if relevant).

#### The final stage

When the council has considered the comments received and made any appropriate changes, a report on this (the *Summary of consultations and proposed amendments* report) will be sent to the Minister.

The Minister will then either approve (with or without changes) or refuse the DPA.

#### **Analysis**

#### 1. Background

Bluff Beach is one of many coastal settlements that have experienced demand for development over the past 15 years. As a consequence, the settlement is nearing capacity.

Recent development proposals from the owners of the affected land have highlighted an opportunity to provide additional residential development at Bluff Beach and a review of the land is considered to be warranted given its strategic position immediately adjacent the existing settlement.

In addition, the ability of future residential development to be able to be connected to the existing CWMS results in Bluff Beach being more suitable for expansion compared to other small coastal settlements located within the Council area, where this type of infrastructure is largely unavailable.

#### 2. The strategic context and policy directions

#### 2.1 Consistency with South Australia's Strategic Plan

South Australia's Strategic Plan outlines a medium to long-term vision for the whole of South Australia. It has two important, complementary roles. Firstly, it provides a framework for the activities of the South Australian Government, business and the entire South Australian community. Secondly, it is a means for tracking progress state-wide, with the targets acting as points of reference that can be assessed periodically.

The DPA supports the following targets of South Australia's Strategic Plan:

South Australia's	Strategic Plan 2011
Strategic Plan Objective/Targets	Comment/Response
Target 35: Economic Growth Exceed the national economic growth rate over the period to 2020.	The proposed amendments will allow for additional residential development within the Bluff Beach Settlement which will support the economic growth of
Target 46: Regional Population Levels Increase regional populations outside of Greater Adelaide, by 20000 to 320000 or more by 2020.	the town and region and provides further job opportunities assisting to retain existing residents and attract new people, boosting the regional population and economy.

#### 2.2 Consistency with the Planning Strategy

The Planning Strategy presents current State Government planning policy for development in South Australia. In particular, it seeks to guide and coordinate State Government activity in the construction and provision of services and infrastructure that influence the development of South Australia. It also indicates directions for future development to the community, the private sector and local government.

The following volumes of the Planning Strategy are relevant to this DPA:

#### Yorke Peninsula Regional Land Use Framework

A detailed assessment of the DPA against the Planning Strategy is contained in **Appendices**.

#### 2.3 Consistency with other key strategic policy documents

This DPA accords with other key policy documents in the following manner:

#### 2.3.1 Council's Strategic Directions Report

This proposed DPA was not one of the recommendations contained within Council's most recent Strategic Direction Report.

However, the DPA has resulted from recent approaches from the landowner, largely as a consequence of the BDP DPA which occurred after the Council's most recent Strategic Directions Review This DPA provides an opportunity to review the zoning of the land, given the land owners intention to develop the property.

In addition, the DPA is consistent with Council's Strategic Plan 2012-2015 which identifies the need to continually review the Development Plan in order to provide an effective and sustainable Development Plan.

#### 2.3.2 Infrastructure planning

Where relevant, a DPA must take into account relevant infrastructure planning (both physical and social infrastructure) as identified by Council (usually through the Strategic Directions Report), the Minister and/or other government agencies.

There are no infrastructure projects or implications related to this DPA.

#### 2.3.3 Current Ministerial and Council DPAs

There are currently no Ministerial or Council DPA's affected by the proposed amendments

#### 2.3.4 Existing Ministerial Policy

This DPA is not proposing any changes to existing Ministerial policy.

#### 3. Investigations

#### 3.1 Investigations undertaken prior to the SOI

A concept plan in the form of a draft subdivision layout (Appendix B) has been prepared for the subject land. The plan proposes an additional 24 Settlement zone allotments ranging in area from 797m²-1445m² located within the western portion of the affected allotment immediately adjacent the existing settlement. A 3500m² portion of the land within the south west corner of the property is proposed to be included within the Coastal Conservation zone, as this land contains existing coastal vegetation.

The balance of the affected land is proposed to be divided to create five Rural Living allotments ranging from approximately 0.8 hectare to 1 hectare in area.

The plan also identifies a 100 metre buffer from the existing CWMS in accordance with EPA separation guidelines.

The above plan forms the basis for the proposed zone boundaries and policy amendments contemplated as part of this DPA.

#### 3.2 Investigations undertaken to inform this DPA

In accordance with the Statement of Intent for this DPA the following investigations have been undertaken to inform this DPA:

- Undertake a demographic analysis of the region to identify trends, including population growth
- Investigate residential/rural living land supply and demand within Bluff Beach.
- Provide scope for policy change and analyse the relative impact this would have on the functionality of existing zones and the surrounding council area;
- Investigate potential interface issues associated with land proposed to be rezoned, particularly in relation to the existing CWMS and if required, introduce policy to ensure that future development is sited to maintain appropriate setbacks to the existing CWMS.
- Undertake a desk top site history analysis to identify possible potentially contaminating activities on the land proposed for rezoning.
- Investigate the proximity, availability and capacity of existing physical infrastructure, such as water supply and Council's CWMS.
- Investigate the capacity of the existing road network to support projected demand from the future development of the land.
- Review the bushfire risk of the affected area and determine whether it is appropriate to accommodate an increase in residential development.
- Investigate stormwater management to ensure that appropriate infrastructure is available to manage stormwater resulting from any development on the affected land.
- Investigate water sensitive design techniques to improve stormwater quality outcomes and to reduce flows to predevelopment levels.
- Investigate the potential interface issues (including the type and size of buffer areas) with any future residential development to the existing sensitive coastal features that accommodate long term physical coastal processes and undertake direct consultation with DEWNR in this examination to inform the DPA.

#### 3.2.1 Demographic Analysis

#### Relevant Investigation

Undertake a demographic analysis of the region to identify trends, including population growth

Demographic data specifically applying to Bluff Beach is limited as a consequence of the settlement being incorporated with other townships as part of the Australian Bureau of Statistics (ABS) Census statistical areas.

In 2006 ABS data showed Bluff Beach had a population of 194 however, this figure also included the neighbouring settlement of Parson's Beach and surrounding area.

In 2011 the statistical area boundaries changed and Bluff Beach was incorporated within the Minlaton Statistical division, which encompassed the township of Minlaton and wider surrounding area. The changes to the statistical boundaries make it difficult to gauge any accurate comparisons between the Census data.

Council records indicate that population would have likely remained relatively static within Bluff Beach and immediate surrounds, particularly given the limited opportunity for additional development to occur within the settlement over the past ten years.

Population within the Council area as a whole, has remained steady over the past ten years, however some coastal settlements have experienced growth, particularly where residential land has been available for development.

Detached dwellings are the dominate housing type within the settlement which is consistent with the balance of the Council area.

#### 3.2.2 Residential Land Supply and Demand

#### Relevant Investigation

Investigate residential land supply and demand within Bluff Beach.

There are currently 34 allotments within the Bluff Beach settlement.

The most recent expansion of the settlement occurred in 2000 which comprised the creation of the 18 allotments north of Davit Drive. All of these have been sold and all but four have been developed. These four allotments represent all of the vacant land within the settlement.

It is noted that no allotments/properties are currently for sale within the Bluff Beach (February 2014) and a review of sales data over the last two years indicate that no property sales have occurred within the settlement, suggesting the properties are being held on to by their current owners.

With respect to the above, it appears that current demand may be attributable to the minimal amount of land available for development within settlement. The proposed rezoning will provided the opportunity for developable land to come onto the market.

#### 3.2.3 Policy Review

#### Relevant Investigation

 Provide scope for policy change and analyse the relative impact this would have on the functionality of existing zones and the surrounding council area;

#### **Rural Living Zone (Precinct 3 Limited Subdivision)**

The affected land is currently located within the Rural Living zone and Precinct 3 Limited Subdivision.

Detached dwellings on large allotments and associated small scale non-intensive rural activities are the primary forms of development envisaged in the zone.

Current policy pertinent to the zone list dwellings (other than detached) and land division creating additional allotments as non-complying forms of development within Precinct 3.

Land within the zone in the locality is largely undeveloped and is used for farming activities.

#### Settlement zone

The Settlement zone immediately adjoins the affected land to the west and north.

The principle forms of development envisaged in the zone are detached dwellings at low density with tourist accommodation and retail facilities to service the local community.

Dwellings are generally a consent form of development within the zone, however, dwellings greater than 4.5 metres in height on coastal fronted allotments are non-complying. Shops greater than 250m<sup>2</sup> are also non-complying in the zone.

The parcels within Bluff Beach are predominately developed with detached dwelling and associated outbuildings. The dwellings are a mixture of two and single storey with varying ages and designs.

#### **Proposed Policy**

It is proposed include portion of the affected land within the Settlement and Coastal Conservation zones and to removed the balance of the the land from Rural Living zone Precinct 3.

With the respect to the land to remain zoned Rural Living, it is proposed to insert a policy area to allow minimum allotments of 8000m<sup>2</sup>. This amendment will allow the creation of five additional allotments, consistent with the draft subdivision plan.

The land to be rezoned Coastal Conservation contains portion of a vegetated sand dune. Given its characteristics this area is considered to be inappropriate for development and better suited within the Costal Conservation zone.

The Settlement, Rural Living and Coastal Conservation zone and associated policies already exist within Council's Development Plan and apart from inserting policy in relation to setbacks to the CWMS within the Rural Living and Settlement zones (discussed below in 3.2.4), it is intended to make no changes to the existing policy.

With respect to the above and given the subject lands interface with the existing Settlement zone to the west, Coastal Conservation zone to the south west and Rural Living zone to the north, south and east, the proposed policy amendments are unlikely to have any impact on the functionally of the existing zones or surrounding Council Area.

#### Land Management Agreement

Allotment 102 is subject to a Land Management Agreement (LMA) which is registered on the Certificate of Title and is an agreement between the land owner and the Yorke Peninsula Council (then District Council of Minlaton).

The LMA was entered into as part of the land division approved in 1991and the intention of the LMA was to limit development to one dwelling on the affected allotment.

Given the proposed policy amendments are at odds with the requirements of LMA, prior to the development of the land the existing LMA will need to be amended or rescinded. This needs to be approved by Council as part of a process separate from the DPA.

#### 3.2.4 Potential Interface Issues

#### Relevant Investigation

- Investigate potential interface issues associated with land proposed to be rezoned, particularly in relation to the existing CWMS and if required, introduce policy to ensure that future development is sited to maintain appropriate setbacks to the existing CWMS.
- Investigate the potential interface issues (including the type and size of buffer areas) with any future residential development to the existing sensitive coastal features that accommodate long term physical coastal processes and undertake direct consultation with DEWNR in this examination to inform the DPA.

The subject land is adjoined by the Settlement zone to the west, the Coastal Conservation zone to the southwest and the Rural Living zone to the north, south and east.

The proposed rezoning is unlikely to give rise to potential land use conflicts given the existing zoning and development of the surrounding land.

It is noted that the Primary Production Zone is located a short distance from the subject land on the eastern side of Davit Drive Road. Interface issues can occur between residential and agricultural uses, however, conflicts are unlikely as the subject land is separated from the Primary Production land by the unmade road reserve and Davit Drive.

As per the current situation the land within eastern portion of affected land is to be zoned Rural Living.

Existing policy within the Rural Living zone requires dwellings to be setback a minimum of 40 metres from the Primary Production zone boundary and it is noted that the eastern boundary of the subject land is setback 40 metres from the closest allotment within the Primary Production Zone. In addition, dwellings in the Rural Living zone are required to be setback 10 metres from side boundaries. As a result of the existing setback requirements a dwelling located on the eastern most allotment within the affected land would be setback a minimum of 50 metres from land within the Primary Production zone. This separation distance is considered to be sufficient to minimise potential interface issues.

#### Community Waste Management System

As identified, Bluff Beach enjoys the provision of a CWMS which is located adjacent the subject land to the north, on the other side of Davit Drive.

With respect to the EPA guideline for separation distances, a CWMS servicing a population less than 1000 requires a separation distance of 100 metres from sensitive land uses.

The north eastern corner of the proposed settlement zone and approximately 50% of the Rural Living land is located within 100 metres buffer area, as illustrated on the draft subdivision plan.

It is proposed to introduce policy within the Settlement and Rural Living zones requiring residential development at Bluff Beach be setback a minimum of 100 metres from the existing CWMS.

Notwithstanding the buffer encroaches into the subject land, future development will not be unduly restricted by the proposed setback requirement as there is still sufficient land available for development to occur as envisaged by the relevant zone polices.

It is noted that the Department of Health generally require a minimum 30 metre separation distance between sensitive receptors and any area irrigated with recycled wastewater. Considering the irrigation area is adjacent to the CWMS plant, the proposed 100 metres setback will also address the 30 metre irrigation area setback requirement.

#### Coastal Environment

The south west corner of the subject land immediately adjoins coastal land in the form of vegetation dunes held within the Coastal Conservation zone.

It is acknowledged that additional residential development adjacent the coast has the potential to impact on the sensitive coastal environment.

The DPA proposes a small scale extension of the settlement (24 Settlement and 5 Rural Living allotments) away from the coast and as indicated on the draft subdivision plan no additional access is proposed to the coastal reserve. The land to be returned to the Coastal Conservation zone will likely form part of the open space contribution for the future land division and be provided to Council as reserve. This land will act as a buffer between the affected land and the sensitive costal environment, which is an improvement on the current situation.

It is noted that a well established path is located over adjoining lot 50. This path provides access to the beach via Swincer Avenue. To prevent the creation of additional access tracks through the dune area from the subject land in the future, it is likely that Council would require fencing of the reserve area as part of the land division proposal.

With regard to the above there is unlikely to be any adverse interface issues or impacts as a consequence of the proposed rezoning.

#### 3.2.5 Site Contamination

#### Relevant Investigation

 Undertake a desk top site history analysis to identify possible potentially contaminating activities on the land proposed for rezoning.

The affected land is primarily used for farming purposes. Contamination of rural land can occur due to the use of agricultural chemicals but is more likely to occur as result of concentrated activity such chemical storage, sheep dips and the like.

Council records and historic aerial photos indicate that the land has only ever been used for cropping and grazing and has not included any intensity activity that might have given rise to contamination. Further, no structures have been constructed on the property.

Nonetheless and in accordance with the requirements of the General 'Site Contamination' Principle 21 within Council's Development Plan, development will not occur unless the site has been assessed and remediated as necessary to ensure that it is suitable and safe for the proposed uses.

Given the previous low intensity use of the land, the abovementioned principle is considered to be adequate to address potential site contamination concerns at the development assessment stage, albeit any risk is considered to be low.

#### 3.2.6 Infrastructure Provision

#### Relevant Investigations

- Investigate the proximity, availability and capacity of existing physical infrastructure, such as water supply and Councils STED scheme and CWMS.
- Investigate stormwater management to ensure that appropriate infrastructure is available to manage stromwater resulting from any development on the affected land.
- Investigate water sensitive design techniques to improve stormwater quality outcomes and to reduce flows to predevelopment levels.

The redevelopment of the land as a result of the proposed amendments is likely to place greater demand on the provision of infrastructure and services within the locality. The following seeks to assess the level of impact the anticipated residential development will have on existing infrastructure and services.

#### **Water Supply**

The subject land does not have access to mains water. The nearest main terminates at the intersection of Davit Drive and Bluff Road.

The allotments within the settlement are considered as dry lots as dwellings are serviced by onsite water storage.

If Bluff Beach was to be connected to the mains system, it would require an extension of the main along Davit Drive of approximately 2.5km. The appropriateness of the extension would be based upon a cost/demand analysis.

The cost of the extension and the relatively low resident population levels are typically the issues that have extinguished any proposed extension in the past.

Whilst no figures have been obtained regarding the cost of extending the main, it is highly likely to be uneconomical to undertake the extension given the number of allotments to be created by the proposed rezoning and the number of properties the main would service.

The Yorke Peninsula Water Resources Study was conducted in 2001 by PPK Environment & Infrastructure Pty Ltd. This study was mainly related to specific issues at the time; however some conclusions are relevant to this DPA.

The report found that augmentations of the existing trunk network would not necessarily solve any supply issues to coastal towns, due to the restricted size of the systems that feed the towns. The report further concludes that connecting existing communities that are reliant on rainwater to the trunk system could further burden the system.

Given any extension to the mains system is unlikely, as per the current arrangements, future dwellings at Bluff Beach will be required to provide onsite water storage in accordance with existing Infrastructure Principles 6 and 9 included below.

- 6 In areas where no reticulated water supply is available, development should provide for an adequate and reliable on-site water storage system having a capacity of at least 45 000 litres which is connected to the development.
- 9 The on-site storage of stormwater and water run-off for water supply purposes to development should be adopted in preference to the extension and/or augmentation of an existing reticulated water supply system where:
  - (a) sufficient land is available to accommodate on-site water storage at the volumes required, namely 45 000 litres of storage where there is no reticulated water supply

#### **Waste Water Treatment and Disposal Infrastructure**

The settlement of Bluff Beach is connected to a CWMS, which is identified on figure 2 below.

The CWMS was established in 2000 by a free holding shack group. Originally, the system was quite small consisting of a gravity collection scheme, a single pump station, a wastewater treatment plant and associated disposal area. The scheme originally served 19 allotments in total.

Council overtook care and control of the system in 2004 and immediately upgraded the system to include an additional pressurised network to service an additional 15 properties.

The upgrade also included an expansion of the disposal area to 4990m<sup>2</sup>.

Both the gravity and pressurised sections are full sewer schemes and the treatment plant is approved for 22,400 litres a day.

It is noted that current average daily water flow through the scheme is approximately 2,300 litres.

Given the capacity of the system and current flows there is opportunity for future development to be connected to this system, subject to an approval from Council and the Department of Health.

Settlement zone Principle 18 identifies that land division creating allotments of 450m<sup>2</sup> is appropriate for areas that will be connected to a CWMS. The same provision further identifies that for allotments that are not connected to a CWMS, a minimum area of 1200m<sup>2</sup> is required.

Proposed policy will limit the rural living allotments to a minimum of 0.8 hectare. Whilst it is unknown at this stage whether the Rural Living allotments will be connected to the CWMS as well, it is noted that allotments of this area (0.8 hectare) would be sufficient to accommodate onsite disposal, subject to satisfying the relevant design and setback requirements.

Figure 2: Bluff Beach CWMS



Source: Nature Maps (www.naturemaps.sa.gov.au)

#### Stormwater

Formal stormwater infrastructure at Bluff Beach is limited; however, there are no significant stormwater issues within the settlement.

Soil conditions of the subject land are described as gently undulating carbonate rich sandy soils which are usually strongly water repellent. However, the proposed, relatively large allotments and the requirement to capture rainwater as a water source will assist reduce stormwater leaving individual sites, in relation to the future development of the land

Any development on the site will result in an increase to stormwater runoff generated on the land, however, the proposed rezoning provides the opportunity for sufficient stormwater management systems to be established which will be required as part of the Development Assessment process.

In addition, any future works will be the responsibility of the developer and not the wider community.

Council's Development Plan already includes Water Sensitive Urban Design (WSUD) principles within the General section. These principles will need to be considered with respect to the design of stormwater management at the land division stage.

The Development Plan contains policies that specifically seek to improve stormwater quality outcomes and to reduce flows to predevelopment levels, as outlined in Natural Resources Principle 8.

8 Water discharged from a development site should:

- (a) be of a physical, chemical and biological condition equivalent to or better than its pre-developed state
- (b) not exceed the rate of discharge from the site as it existed in pre-development conditions.

With regard to the above, current policy is considered to be sufficient to ensure appropriate WSUD techniques are incorporated into the future development of the land.

#### **Power**

Bluff Beach is provided with reticulated electricity by SA Power Networks, via an existing 19kV Single Wire Earth Return (SWER) line. This line traverses the western portion of the subject land and provides single phase electrical power to the area. The subject land also contains a stobie pole located a short distance east of Swincer Avenue.

The electricity to Bluff Beach is supplied via the Minlaton substation, where the SA Power Networks Development Plan indicates sufficient capacity remains.

It is unlikely that there will be any issues relating to electricity deliver and/or supply to the subject land. Any electricity augmentation required to service new development on the land will be at the cost of the developer, not the wider community.

It is noted that a relocation of the existing stobie pole and SWER line may be required as part of the future development of the land, depending on the final design of the subdivision. However, this issue will need to be addressed by the developer and SA Power Networks.

#### Services and Facilities

Bluff Beach is a small beachside settlement and provides no services or facilities other than dwellings and a boat ramp.

Minlaton which located approximately 11 kilometres away, serves as the primary destination for service related activities in the region, including Bluff Beach. Key services in Minlaton include:

- Minlaton Medical Centre;
- · A variety of commercial and retail services; and
- School.

Bluff Beach is similar to other small coastal settlements within the Council area which principally access one of the main inland towns for various services and facilities.

Given the scale of the expansion (29 dwellings) and the proximity of Minlaton, additional services are not likely to be required to be provided within Bluff Beach, as a consequence of the proposed rezoning.

#### 3.2.7 Traffic and Roads

#### Relevant Investigation

• Investigate the capacity of the existing road network to support projected demand from the future development of the land.

The roads abutting the affected land are all local roads in the care and control of Council.

Davit Drive which adjoins the site to the north, is a sealed road and provides the primary access to the Bluff Beach settlement from the wider region. The road comprises a 20 metre wide road reserve and a pavement width of approximately 9 metres

Bluff Beach DPA Yorke Peninsula Council Analysis

Swincer Avenue adjoining the western boundary of the affected land is sealed and provides access to existing properties located on the western side of the road within the Settlement zone. Swincer Avenue consists of a road reserve width of 16 metres and pavement width of 6 metres.

An unformed road reserve adjoins the eastern boundary of subject land.

No traffic counts are available for the adjoining roads; however, given the scale of development within the settlement the current volumes of traffic are likely to be low and well within the capacity of the road network.

The proposed rezoning would create approximately 29 allotments (24 Settlement & 5 Rural Living).

The "Guide to Traffic Generating Developments" produced by the NSW Government – Transport Roads and Maritime Services, provides daily and peak hour traffic generation rates for various forms of developments including residential development.

With respect to low density residential development within regional areas the guides applies the following figures:

- 7.4 daily trips per dwelling
- 0.71 trips per dwelling in morning peak hour; and
- 0.78 trips per dwelling in the evening peak hour.

With regard to the above the future development of the land would generate approximately 215 daily vehicle movements, with 21 movements occurring in the morning peak hour and 23 movements occurring in evening peak hour.

The fact that Bluff Beach is a popular holiday destination will likely limit peak periods to summer months. In addition, the total number of trips is likely to be less than the projected 215 due to limited services being provided in Bluff Beach.

Residents would likely access Minlaton and other townships for schools, shopping, employment etc and for convenience purposes people would likely undertaken numerous tasks per trip, rather than travelling multiple times between the towns each day.

Notwithstanding the above, the projected traffic volumes at peak times are not significant and are more than capable of being accommodated within the existing road network.

Access to the subject site is currently taken from the Davit Drive. It is noted that the draft subdivision plan seeks to create one new road off Davit Drive to service lots 10-24, while the balance of the allotments can be serviced by Swincer Avenue and Davit Drive.

It is noted, the final design of the proposed intersection will be assessed at the land division stage of the development to ensure it is appropriately sited with respect to minimising impacts on the existing road network.

#### 3.2.8 Bushfire Risk

#### Relevant Investigation

• Review the bushfire risk of the affected area and determine whether it is appropriate to accommodate an increase in residential development.

The affected land is located within a Medium Bushfire risk area as depicted on figure BPA Map YoP/46 within Council's Development Plan. The land is directly adjacent the Bluff Beach settlement, which is identified as being excluded from bushfire planning provisions

Coastal land to the south west is identified as being High Bushfire risk.

The current Development Plan provisions relating to bushfires recommend buildings and structures be located away from areas that poses an unacceptable bushfire risk as a result of one or more of the following:

- (a) vegetation cover comprising trees and/or shrubs
- (b) poor access
- (c) rugged terrain
- (d) inability to provide an adequate building protection zone
- (e) inability to provide an adequate supply of water for fire-fighting purposes.

It is unlikely that the affected land poses unacceptable bushfire risk as the land is mainly clear of significant areas of vegetation, is located adjacent the residential area with good access to the existing road network and the topography of the land is generally flat.

It is proposed that the bushfire risk designation of the land to be included within the Settlement zone be amended to exclude the subject land from the bushfire risk policy area, consistent with the existing zone. The land within the Rural Living is proposed to remain within the Medium Bushfire risk area. However, approval from the CFS will needed to be obtained prior to any changes to the risk level designation

Notwithstanding the above, as per current Development Plan provisions, residential development, tourist accommodation and habitable buildings within the Medium Bushfire Risk areas will require a dedicated water supply available at all times for fire fighting.

## 4. Recommended Policy Changes

Following is a list of recommended policy changes based on the investigations of this DPA:

- Rezone the western portion of the land from Rural Living to Settlement
- Remove the balance of the land from Precinct 3 Limited Subdivision
- Introduce a new policy area over the affected land applying to the Rural Living zone which allows division of allotments with a minimum area of 0.8 hectares.
- Rezone the south western portion of the land from Rural Living to Costal Conservation
- Introduce policy within the Settlement and Rural Living zones requiring residential development to be setback a minimum of 100 metres from the existing CWMS at Bluff Beach

## 5. Consistency with the Residential Code

The Residential Development Code was introduced in 2009 to make simpler, faster and cheaper planning and building approvals for home construction and renovation.

This DPA does not affect the existing Residential Development Code boundaries, nor does it propose any amendments to those policies.

## 6. Statement of statutory compliance

Section 25 of the *Development Act 1993* prescribes that the DPA must assess the extent to which the proposed amendment:

- accords with the Planning Strategy
- accords with the Statement of Intent
- accords with other parts of council's Development Plan
- complements the policies in Development Plans for adjoining areas
- accords with relevant infrastructure planning
- satisfies the requirements prescribed by the Development Regulations 2008.

#### **6.1 Accords with the Planning Strategy**

Relevant strategies from the Planning Strategy are summarised in the Appendices of this document. This DPA is consistent with the direction of the Planning Strategy.

#### **6.2 Accords with the Statement of Intent**

The DPA has been prepared in accordance with the Statement of Intent agreed to on 29 January. In particular, the proposed investigations outlined in the Statement of Intent have been have been addressed in section 3.2 of this document.

#### 6.3 Accords with other parts of the Development Plan

The policies proposed in this DPA are consistent with the format, content and structure of the Yorke Peninsula Council Development Plan.

For instance, the DPA only seeks to realign zone boundaries, no new zones are proposed to be introduced.

# **6.4 Complements the policies in the Development Plans for adjoining areas**

The policies proposed in this DPA will not affect and will complement the policies of Development Plans for adjoining areas.

#### 6.5 Accords with relevant infrastructure planning

This DPA complements current infrastructure planning for the Council area, as discussed in section 2.3.2 of this document.

#### 6.6 Satisfies the requirements prescribed by the Regulations

The requirements for public consultation (Regulation 11) and the public meeting (Regulation 12) associated with this DPA will be met.

## References/Bibliography

- Atlas SA (<u>www.atlas.sa.gov.au</u>)
- Department of Water, Land and Biodiversity Conservation, June 2007, Regional Land Resource information for Southern South Australia.
- Nature Maps (<u>www.naturemaps.sa.gov.au</u>)
- Transport Roads & Maritime Services, NSW Government, Guide to Traffic Generating Developments, Updated traffic surveys August 2013.
- SA Council Maps (<a href="http://ec2-184-73-199-110.compute-1.amazonaws.com/SACouncilmaps/">http://ec2-184-73-199-110.compute-1.amazonaws.com/SACouncilmaps/</a>)
- SARIG (www.sarig.pir.sa.gov.au)
- South Australian Environment Protection Authority. December 2007, Guideline for Separation Distances.

#### Schedule 4a Certificate

#### CERTIFICATION BY COUNCIL'S CHIEF EXECUTIVE OFFICER

#### **DEVELOPMENT REGULATIONS 2008**

#### **SCHEDULE 4A**

Development Act 1993 - Section 25 (10) - Certificate - Public Consultation

CERTIFICATE OF CHIEF EXECUTIVE OFFICER THAT A
DEVELOPMENT PLAN AMENDMENT (DPA) IS SUITABLE FOR THE PURPOSES OF PUBLIC
CONSULTATION

I Andrew Cameron, as Chief Executive Officer of Yorke Peninsula Council, certify that the Statement of Investigations, accompanying this DPA, sets out the extent to which the proposed amendment or amendments-

- (a) accord with the Statement of Intent (as agreed between the Yorke Peninsula Council and the Minister under section 25(1) of the Act) and, in particular, all of the items set out in Regulation 9 of the Development Regulations 2008; and
- (b) accord with the Planning Strategy, on the basis that each relevant provision of the Planning Strategy that related to the amendment or amendment has been specifically identified and addressed, including by an assessment of the impacts of each policy reflected in the amendment or amendments against the Planning Strategy, and on the basis that any policy which does not fully or in part accord with the Planning Strategy has been specifically identified and an explanation setting out the reason or reasons for the departure from the Planning Strategy has been included in the Statement of Investigation; and
- accord with the other parts of the Development Plan (being those parts not affected by the amendment or amendments); and
- (d) complement the policies in the Development Plans for adjoining areas; and
- (e) satisfy the other matters (if any) prescribed under section 25(10)(e) of the Development Act 1993.

The following person or persons have provided advice to the council for the purposes of section 25(4) of the Act:

Mr David Hutchison of Access Planning (SA) Pty Ltd

DATED this day of 2014

Chief Executive Officer

## **Appendices**

**Appendix A - Assessment of the Planning Strategy** 

Appendix B – Subdivision Concept Plan

### **Appendix A - Assessment of the Planning Strategy**

#### **Policy** How the policy will be implemented: Yorke Peninsula Regional Land Use Framework Objective 1: Recognise and Protect the The proposed zoning reflects the landforms of the area. This means that the coastal reserves will remain, which will **Region's Environmental Assets** protect the important landforms of the dunes, and the native **1.2-** Retain natural drainage patterns and design housing, roads and open space around vegetation that exists on the land. watercourses and natural contours, and make provision for buffers. The DPA also provides the opportunity to expand the 1.4- Establish Coastal Zones and manage Coastal Conservation zone, albeit it a small way. development to: Minimise the impact of development and land uses, including cumulative impacts, on natural processes and systems • Limit development in areas of natural coasts of high conservation or landscape value unless the proposal has a neutral or beneficial effect Prevent disturbance of natural coastal habitats and native vegetation · Provide buffer areas of sufficient width to separate new development from the foreshore and sensitive coastal features, accommodation long term coastal processes (i.e. that may result in the movement of the coastline). 1.6- locate and design development to prevent further loss, degradation and fragmentation of native vegetation, on public and private land, including within townships. 1.9- Preserve areas of high landscape and amenity value and areas forming an attractive background or entrance to towns or tourist developments, and along the coast. Objective 9: Retain and strengthen the Primary production is the basis of the economic activity in economic potential of high this part of the Yorke Peninsula region and the protection of quality agricultural land existing operations is paramount. 9.1 Prevent loss of productive agricultural land The DPA proposes to rezone existing Rural Living land to to other uses and through potential facilitate the extension of the Bluff Beach Settlement. It will not encroach on the surrounding, productive agricultural conflict with incompatible uses by: · focusing housing (including rural living) and land. industrial development within townships and industrial estates, unless directly related to primary industry · preventing fragmentation of agricultural land · managing interfaces with residential areas Objective 17: Reinforce the Role, The proposed review intends to maintain the small coastal **Functionality and Vibrancy of Towns and** settlement character of Bluff Beach **Settlements** The DPA is not seeking to expand the settlement beyond 17.9 Limit expansion of towns on western land currently zone for residential purposes albeit at different

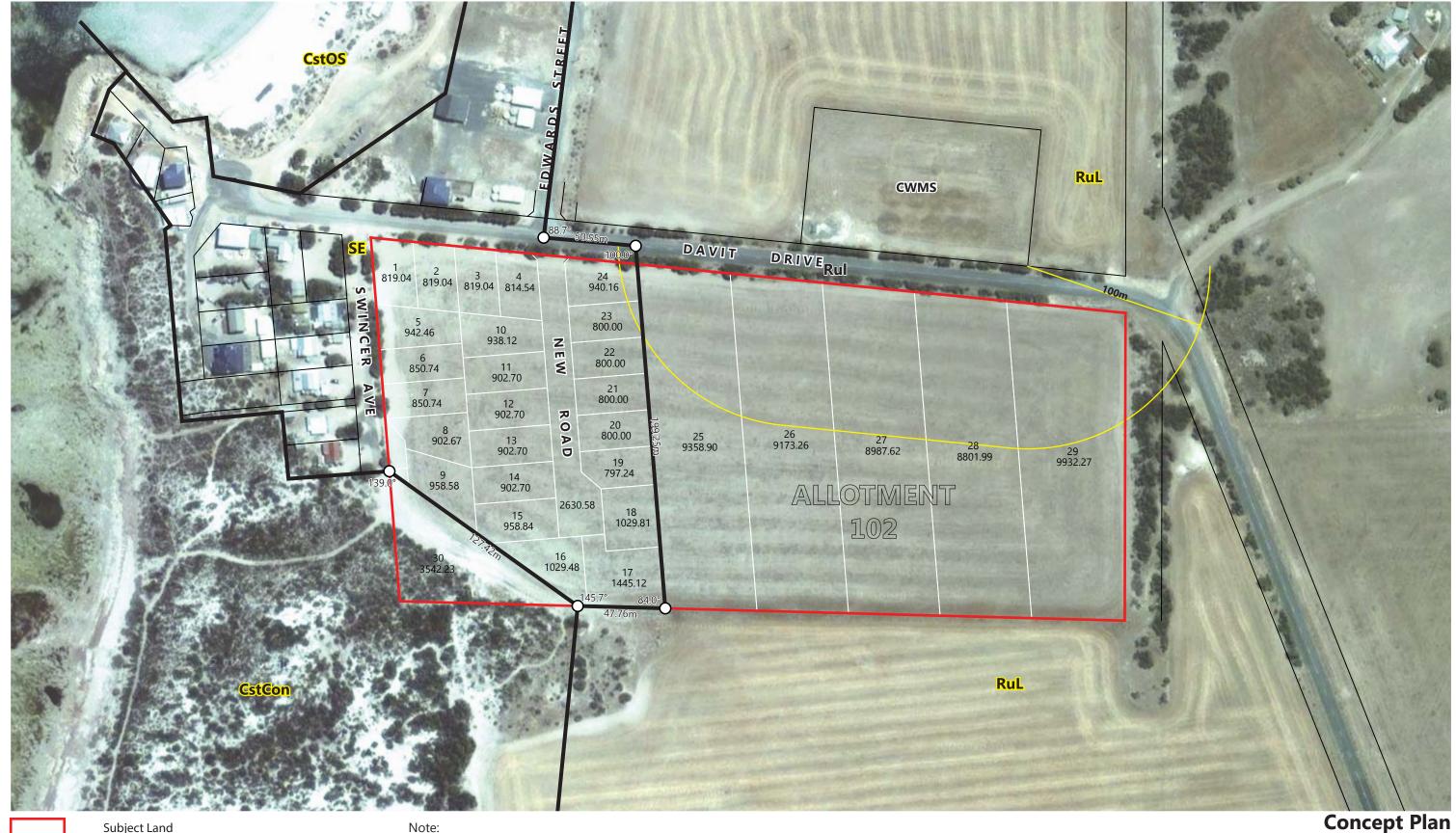
densities. Rather the review investigates the potential for

coast of Peninsula, south of Port Hughes,

Policy	How the policy will be implemented:
to provide housing and nature-based/low-key tourist experiences – focussing development in existing townships of Point Turton, Corny Point, Marion Bay, Balgowan, Port Victoria, Port Rickaby and Hardwicke Bay	greater density of development on one of the allotments adjoining the settlement  The DPA proposed the minor extension of the Bluff Beach Settlement Zone which is inconsistent with 17.9.  Notwithstanding the above, the rezoning will allow the logical extension of the township in a way that may otherwise be jeopardised if the land were to be divided into larger rural living allotments. In addition, the proposed expansion of the settlement is in-land rather than linear along the coast as preferred pattern of development throughout the Yorke Peninsula area.  In addition, the proposed extension is considered to be orderly as the Bluff Beach settlement has connection to a CWMS which is not provided within other small coastal settlement on the Peninsula and this existing system has the capacity for expansion.
Objective 18: Strategically plan and Manage Township Growth, with Master Planning for Coastal Areas a Priority 18.1- Focus development in existing towns and settlements based on role and function 18.2- Base expansions of towns on clear and structured master planning that:	The proposed zoning will allow for the expansion of the existing coastal settlement of Bluff Beach. The expansion is logical and located towards the rear of the existing settlement. Thus the expansion will not be located along the coast, further protecting it from linear development.  This will protect the coast from adverse development that would otherwise impact on the function and character of the area.
Objective 20: Provide residential land to	The proposed zoning will allow for a relatively minor

Policy	How the policy will be implemented:
enable a supply of diverse, affordable and sustainable housing to meets the needs or current and future residents and visitors 20.2- Locate land for rural living within townships in such a way that it retains opportunities for future township expansion	extension of the settlement, allowing for more development within the area to meet current/future demand.  The current Rural Living zone is quite extensive. Therefore, it is not envisaged that the zone will need to be expanded further than what is provided, rather the DPA will investigate the opportunity for a limited increase of allotment densities within the existing zone.

## Appendix B – Subdivision Concept Plan



Subject Land

Se Settlement Zone RuL Rural Living Zone Coastal Conservation Zone CstCon CstOS Coastal Open Space Zone

Community Waste Management System

Proposed Allotments 1 to 24 in Settlement Zone Proposed Allotments 25 to 29 in Rural Living Zone (minimum 5000m²) Proposed Allotment 30in Coastal Conservation Zone and dedicated as Reserve

Allotment 102 Davit Drive **BLUFF BEACH** 

for Sydney Leonard Chenoweth Estate Trust

**CMWS** 

MASTERPLAN

# Development Plan Amendment

# By the Council

## Yorke Peninsula Council

## **Bluff Beach DPA**

#### The Amendment

For Consultation

Declared by the Minister responsible for the administration of the *Development Act* 1993 to come into operation on an interim basis pursuant to Section 28, of the *Development Act* 1993.

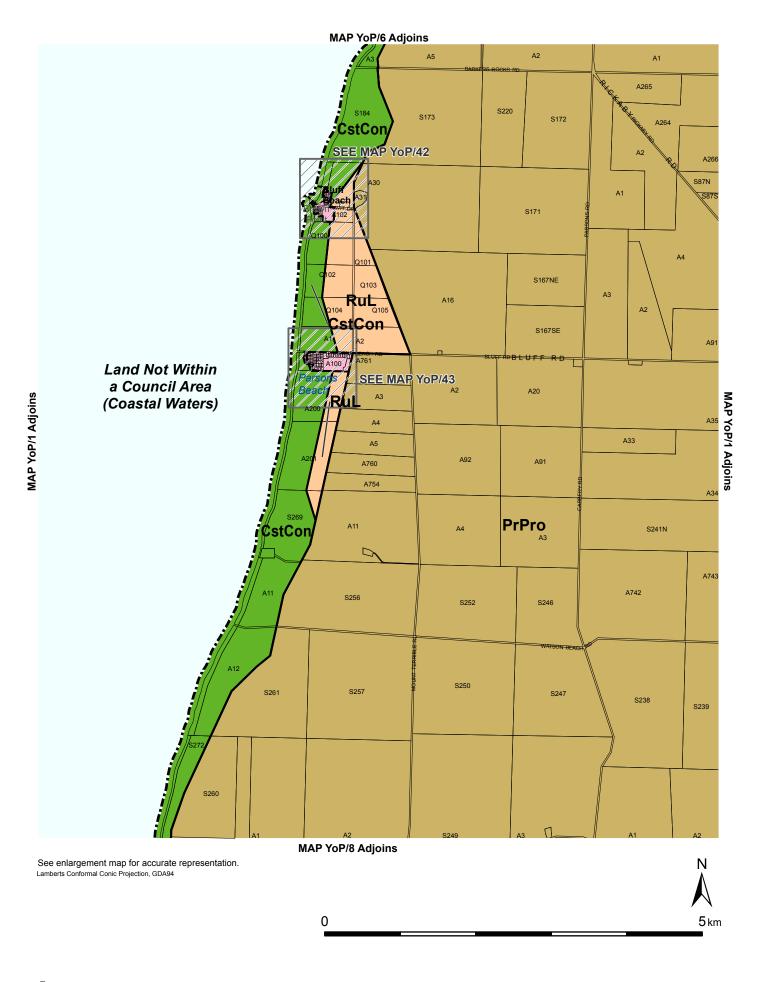
Signature	
Date	

		Amendment	Instructions Table	е	
Nan	ne of Local C	Sovernment Area: Yorke P	Peninsula Council		
Nam	e of Develo	pment Plan: Yorke Penins	ula Council Development P	lan	
Nam	ne of DPA: B	luff Beach DPA			
		endment instructions (at the a	time of drafting) relate to the C	Council De	velopment
cons	olidation date		have been authorised after the the following amendment insti		
Amendment Instruction Number	Method of Change • Replace • Delete • Insert	Detail what is to be replaced or deleted or detail where new policy is to be inserted.  • Objective (Obj)  • Principle of Development Control (PDC)  • Desired Character Statement (DCS)  • Map/Table No.  • Other (Specify)	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross references requiring update (Y/N) if yes please specify.
	NCIL WIDE /		OVISIONS (including figures	and illus	strations
Amer	ndments requir	ed (Yes/No): <b>No</b>			
Sect	tion				
		OLICY AREA AND/OR PR tained in the text)	ECINCT PROVISIONS (inclu	ıding figu	ires and
		ed (Yes/No): <b>Yes</b>			
	ement Zone			T	T
1.	Insert	PDC	Insert the following PDC after PDC 8:  Dwellings and other habitable buildings should be setback a minimum of100 metres from the Community Wastewater Management System plant at Bluff Beach.	Y	N
Rura	Living Zone			•	•
2.	Insert	PDC	Insert the following PDC after PDC 7:	Υ	N

Dwellings and other habitable buildings should be setback a minimum of 100 metres from the Community Wastewater Management System plant at

			Bluff Beach.		
3.	Insert	Precinct 7 Bluff Beach Rural Living after Precinct 6 Port Victoria Rural Living		N	N
4.	Insert	New PDC under the heading Precinct 7 Bluff Beach Rural Living	PDC 16 - Land division should not create an additional allotment with an area less than 0.8 hectares.		N
5.	Insert	Non-complying Development Table	Insert the following to the part (b) applying to land division:  (v) Precinct 7 Bluff Beach and all allotments resulting from the division are at least 0.8 hectares		N
	J EO				
ΤΑΕ	BLES				
		uired (Yes/No): <b>No</b>			
Ame	endments req	uired (Yes/No): <b>No</b>			
Ame <b>Tab</b>	endments req	uired (Yes/No): <b>No</b>			
Ame Tab 6. MA Map	endments requile PPING (Stru	ucture Plans, Overlays, Enla	rgements, Zone Maps, Po	licy Are	a & Precinct
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Ame Tab 6. Mar Mar Ame Mar 7.	endments required by the leading section is a section of the leading section of the leading section is a section of the leading section of the leading section is a section of the leading section of the leadi	uired (Yes/No): Yes  Table – Precinct Maps  Reference to Precinct 7 Bluff Beach Rural Living - Map YoP/7  Zone Map YoP/7	rgements, Zone Maps, Po  With map contained within Attachment A		
Ame MAI Mar Ame Mar 7.	PPING (Strups) endments required properties of the properties of t	uired (Yes/No): Yes  Table – Precinct Maps  Reference to Precinct 7 Bluff Beach Rural Living - Map YoP/7	With map contained within Attachment A With map contained within Attachment B	N	N
Ame Tab 6. Mar Mar Ame Mar 7.	PPING (Structs) endments required by Reference Insert  D(s) Replace	uired (Yes/No): Yes  Table – Precinct Maps  Reference to Precinct 7 Bluff Beach Rural Living - Map YoP/7  Zone Map YoP/7	With map contained within Attachment A With map contained within	N	N N

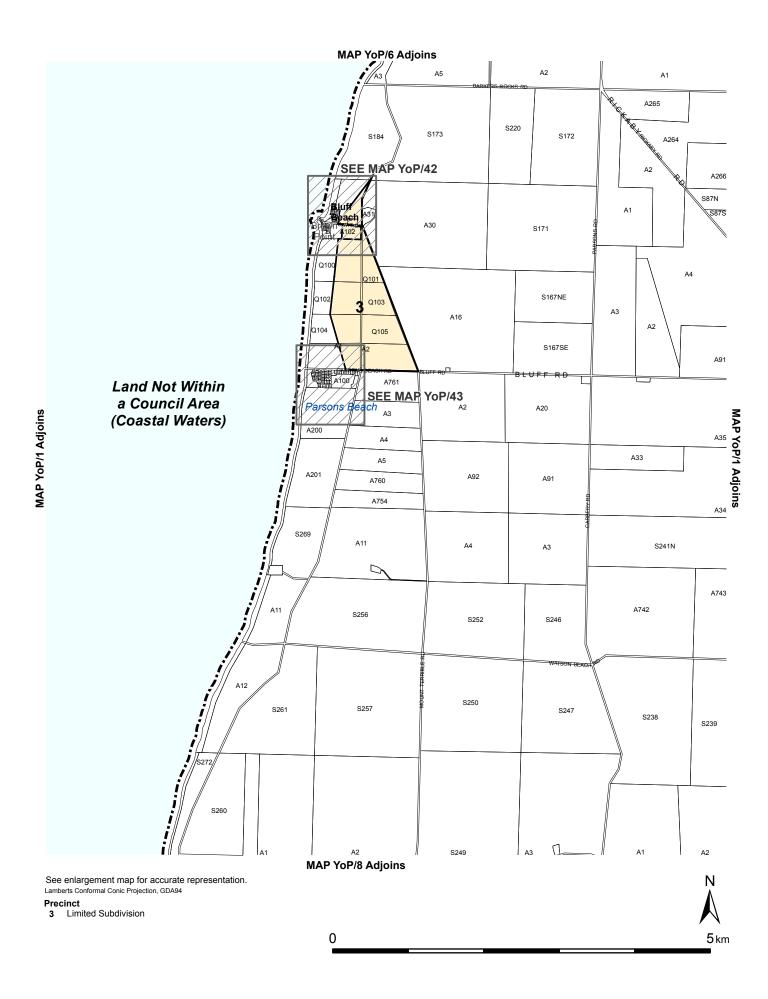
## Attachment A



# Zones CstCon Coastal Conservation PrPro Primary Production RuL Rural Living Zone Boundary Development Plan Boundary

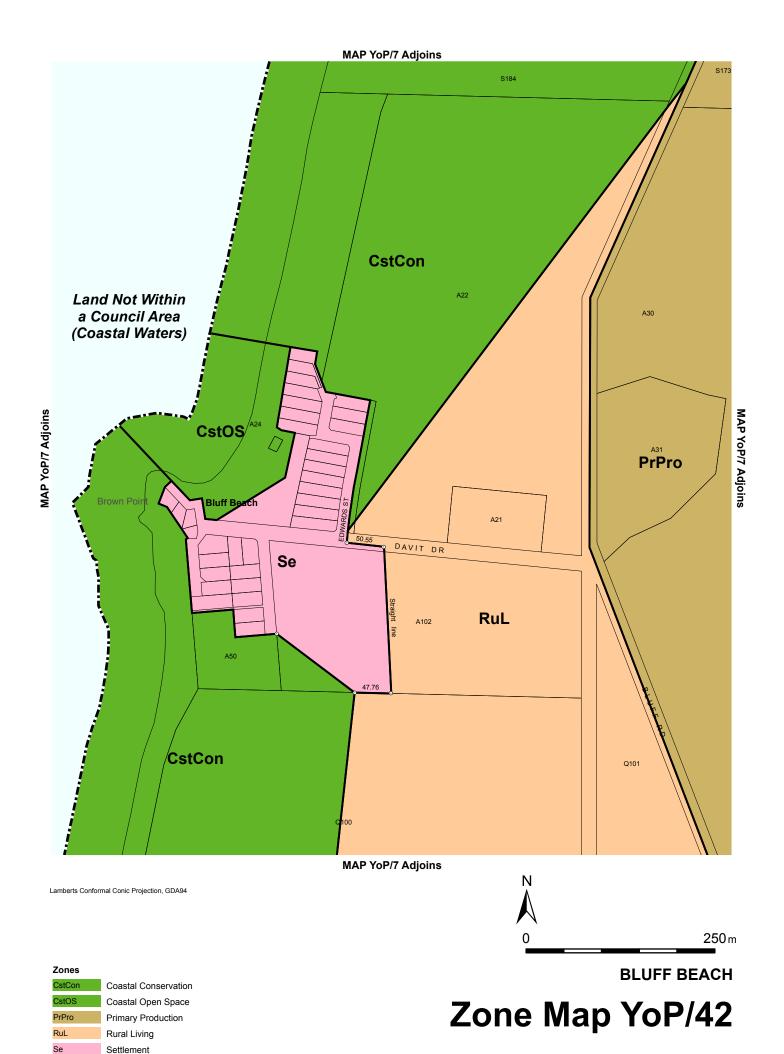
# **Zone Map YoP/7**

## Attachment B



# **Precinct Map YoP/7**

## **Attachment C**

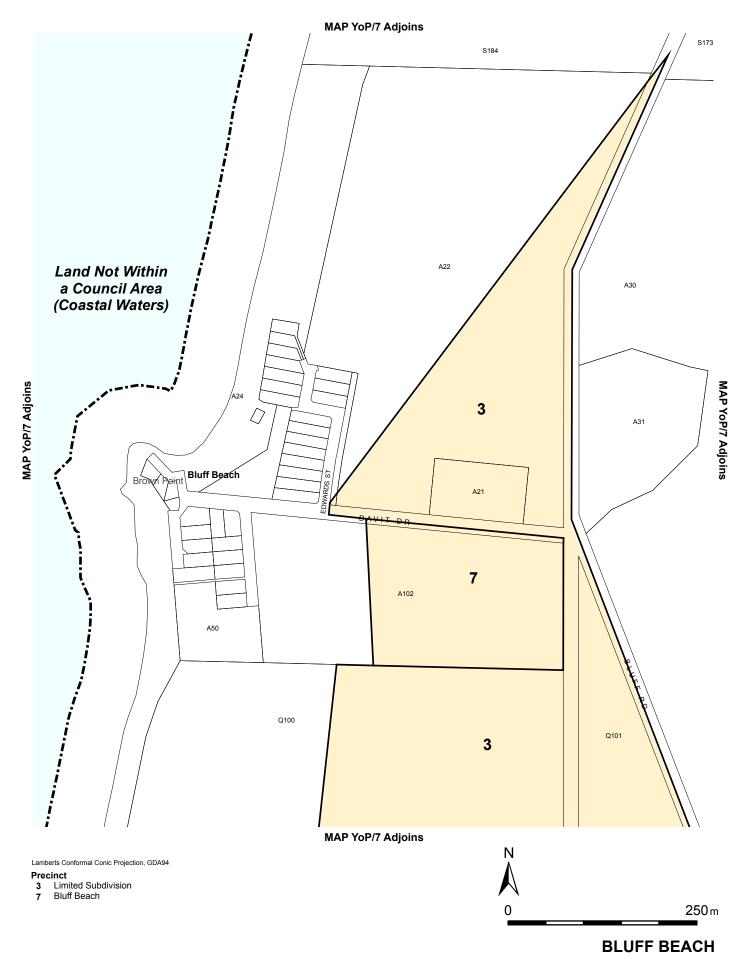


Zone Boundary

Development Plan Boundary

YORKE PENINSULA COUNCIL Version A, 040314

## Attachment D



# **Precinct Map YoP/42**