

**12. REPORTS****12.1 REPORT TITLE: UPDATE ON THE IMPLEMENTATION OF THE MINISTERIAL DPA****DATE OF MEETING: 5 SEPTEMBER 2011****FILE NUMBER: 48/030/064****Strategic Plan Ref:**

Goal Area 4 Human Settlements and Transport

**Purpose:**

To provide an update on the implementation of the Ministerial DPA.

**Summary – Key Issues:**

- The Acting Mayor and senior officers had a constructive meeting with Minister Rau on Wednesday 31 August.
- SA Water is shortly proposing to invite Expressions of Interest (EOI) in relation to the provision of wastewater infrastructure including collection, treatment, storage and re-use.
- Council is proposing to work in collaboration with developers in the preparation of a Master Plan for the Ministerial DPA land in Mount Barker.

**Recommendation:**

That Council note the update on the implementation of the Ministerial DPA.

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**Background:**

1. This agenda item follows on from numerous previous items, the most recent having been considered at the council meeting on 15 August 2011.

**Discussion:****Minister Rau/Draft Structure Plan**

2. The draft Structure Plan prepared by council (in liaison with the State Government) for Mount Barker, Littlehampton and Nairne was forwarded to the State Government in mid July 2011.

3. The Mayor wrote to Ministers Rau and Conlon in mid July seeking to meet with each of them to discuss the content and implications of the draft Structure Plan.
4. The Mayor recently wrote a further letter to Minister Rau following his recent public statements (which were widely reported in various media) regarding the process shortcomings in relation to the State Government rezoning of land in Mount Barker.
5. The Mayor's letter sought State Government support, not just in relation to infrastructure provision but also through other means such as making some land available in Mount Barker for community/social needs.
6. The Acting Mayor Cr Roger Irvine, Andrew Stuart and Brian Clancey met with Minister Rau and senior officers from the Department for Planning and Local Government (DPLG) on Wednesday 31 August 2011.
7. The meeting was very constructive. Council representatives outlined a number of potential opportunities for the State Government to provide demonstrable support to ensure the best outcome possible from the implementation of the Ministerial DPA.
8. These opportunities included matters like:
  - Acceleration of some transport infrastructure provision such as bringing forward the provision of the first of the proposed new Park N Rides;
  - Provision of grant funding from existing State Government programs to assist council to achieve recreational and other community outcomes which may include land acquisition;
  - Access to State Government land to achieve community outcomes such as enhanced educational and employment provision in Mount Barker;
  - Support for council grant funding applications to the Federal Government for collaborative projects (with developers) such as stormwater management to achieve harvesting, re-use, wetlands etc.
9. The Minister indicated a genuine desire to work with council and invited council to provide a formal advice to define the opportunities it seeks to pursue. This is now being prepared. In the interim the Minister advised that he will initiate some actions within State Government to explore some of the opportunities already identified by council.

10. The Minister has provided council with a copy of the speech that he gave at the recent Urban Development Institute of Australia (UDIA) lunch (refer attachment 1).
11. The Minister reiterated that there will be no 'winding back' of the Ministerial DPA. The Minister indicated that with the benefit of hindsight there are however some lessons to be learnt from the process.
12. At the most recent meeting of the Southern and Hills LGA on 19 August 2011 it was resolved that the LGA write to Minister Rau to convey a resolution of the meeting. A draft letter from the LGA to Minister Rau is included as attachment 2. The resolution and drafting of the letter occurred pre the meeting between council and Minister Rau that occurred on 31 August being arranged.
13. Council has provided feedback to the LGA on the draft letter including that:
  - acknowledgement of the meeting with council on 31 August 2011 be included;
  - the subject be "Implementation of the Ministerial DPA" not restricted to the Structure Plan; and
  - the list of agencies suggested to be included in a high level working group have DPLG added.
14. Initial draft feedback on the content of the draft Structure Plan has recently been received from DPLG post an initial meeting held on 15 August 2011. A follow up meeting occurred on 31 August 2011 to discuss the DPLG feedback and the implications thereof in respect of process, timing and resources.
15. Council will now proceed to refine the draft Structure Plan and this will occur in liaison with DPLG. This process will include the removal of some material not deemed appropriate for inclusion in a Structure Plan and presentation of information in the manner now sought including language, descriptors and formatting.
16. The timing of the progression of the draft Structure Plan to ultimately become part of the State Planning Strategy remains unclear. There are statutory process requirements to be observed by the Minister including public consultation.
17. Feedback on the draft Structure Plan has also been received from the developers who are part of the consortium. Not surprisingly this feedback has raised some concerns in respect of the area of land rezoned, such as duplication with the Development Plan.

18. In the meantime developers are understandably seeking to progress with the division of land and some development applications have been lodged.
19. To maximise the value of the draft Structure Plan as it relates to the area of the Ministerial DPA during this interim period of time, council is continuing to liaise with developers in seeking to realise the council's objective of achieving the best possible community outcome.

#### Master Plan for the Ministerial DPA Area

20. An important initiative is the recent commencement of the preparation of a Master Plan for the Ministerial DPA land in Mount Barker only. Unlike the draft Structure Plan, the Master Plan will not be for the entire townships of Mount Barker, Littlehampton and Nairne.
21. The Master Plan is to provide clarity as to desired spatial outcomes such as the preferred locations for significant stormwater and recreational facilities. In practice this could mean a shared stormwater facility that serves multiple development sites and may include a wetlands. It would be a strategic planning document that guides works programs.
22. Council is proposing to work in collaboration with developers in the preparation of the Master Plan. The intended approach is to ensure the efficient use of resources and the sharing of information.
23. The Master Plan would not have statutory backing but would be of considerable assistance, particularly in the pre lodgement of development applications phase. It would also provide council with a better basis to make application for significant grant funding, an early opportunity being a Federal Government program regarding stormwater management. Grant funds would enhance council's ability to achieve shared outcomes with developers.
24. In the first instance the highest priority is being given to the MDPA land that is in closest proximity to the Golf Course/Council land (ex Stephenson) then sweeping around to, and over, Wellington Road up to the railway line.
25. This priority is due to a number of factors including the location of areas where developers have indicated a desire to proceed with land division in the near future and council's desire to progress the preparation of a conceptual development plan and funding strategy for the council owned land on Bald Hills Road (ex Stephenson land).
26. Further information will be provided as work on the Master Plan progresses.

### Transport Infrastructure

27. The Heads of Agreement document executed between the State Government and several developers provides for a maximum contribution from developers to transport infrastructure of \$50,000 per hectare (indexed), payable to the State Government.
28. DPLG has recently advised that the legally binding agreements intended to be executed by the State Government and several developers are progressing.
29. Similarly DPLG has advised that work on proposed governance arrangements in relation to the delivery of the required transport infrastructure is progressing but council is still yet to see this although DPLG has verbally indicated that council will have an involvement in the governance arrangement.
30. Current initiatives regarding transport infrastructure are summarised below:
  - Assessment of two location options for the proposed connector road to intersect with Wellington Road, Mount Barker (commenced);
  - Traffic impact assessment of the development of rezoned land in the vicinity of Saleyard Road, Nairne (commenced);
  - High level assessment of options to cater for increased traffic from Flaxley Road to Adelaide Road including Bollen Road, Hawthorn Road and Dumas Street, Mount Barker (draft brief prepared);
  - Improve traffic safety on Sims Rd at the junctions with both Paech Road and Hartman Road, Mount Barker (draft brief prepared); and
  - Preliminary discussions with the Department for Transport, Energy and Infrastructure regarding additional Park N Ride capacity (both interim and beyond).
31. These initiatives are being progressed in liaison with the various key stakeholders, including the Department for Transport, Energy and Infrastructure, land owners and developers. The resultant report findings and recommendations will not be binding on any party but will provide important information to assist in decision making by council and others.
32. Further information will be provided for council consideration as the various processes progress.

### Wastewater and Water Infrastructure

33. Council's Chief Executive Officer and General Manager, Infrastructure and Projects recently met with SA Water's Chief Executive Officer and the Project Director for Mount Barker.
34. The meeting was constructive. Key points in relation to the provision of potable water and wastewater infrastructure are as follows.
35. SA Water (SAW) is proposing to augment the existing capacity to supply potable water to cater for the anticipated demand of the Ministerial DPA land.
36. This is still in the early stages of planning. Liaison is occurring with council on options for the route of a new pipeline that will be required.
37. Current expectations are that SAW is aiming to complete this upgrading in 2014 subject to funding and the necessary approvals.
38. There is no expectation that council will make any contribution to the cost of this infrastructure augmentation.
39. To help inform decision making SAW is continuing with the preparation of information on wastewater infrastructure through the preparation of a number of reports from various consultants.
40. SAW is shortly proposing to invite Expressions of Interest (EOI) in relation to the provision of wastewater infrastructure including collection, treatment, storage and re-use.
41. The EOI process is likely to include some options, all with an emphasis on desired best practice environmental outcomes as well as financial imperatives.
42. It is currently anticipated that sewer not septic tanks will be applicable.
43. It is not currently anticipated that a dual reticulation (purple pipe) supply of treated wastewater to individual dwellings would be proposed. Instead other uses of treated wastewater such as to irrigate public open space are considered more likely.
44. Following the completion of the EOI process it is currently anticipated that a Request For Proposal (RFP) process would be undertaken by SAW with an opportunity for council involvement. The RFP process would be similar to the practice often used by council of calling a select tender with a small number of companies to be selected from the EOI process.

45. SAW has invited council to document a list of council needs and wants in the way of desired outcomes. Consideration of these matters has commenced and will include environmental objectives e.g. essential preservation of the Laratinga Wetlands.
46. Further information will be provided on a regular basis as the above outlined process progresses.

#### Community, Recreation and Sport Facilities

##### Social Infrastructure

47. Council is continuing to pursue appropriate planning and timely provision of community facilities and services for the Ministerial DPA lands, and the resultant population growth.
48. The absence of planning for social infrastructure augmentation was a key point of concern that Council raised with the State Government regarding the impact of the 30 Year Plan for Greater Adelaide in this District.
49. Population growth will create significant increased demand for social infrastructure and human services such as sport and recreation facilities, health services, education facilities, community library, meeting rooms, youth facilities and so on.
50. Council has already documented that the District has deficiencies in some aspects of social infrastructure and community facilities (e.g. recreation facilities, youth facilities, arts and cultural facilities and community spaces), and that others are at, or nearing, capacity (e.g. library, schools).
51. Council requested information about the planning processes for social infrastructure and human services from the Department for Planning and Local Government and the Government Planning and Coordination Committee during 2010. No response has been received to date.
52. It is unknown to Council what if any proposals/decisions have been made by the State Government regarding approaches to the augmentation of these services and facilities.
53. Council has indicated to developers that opportunities to develop such facilities should be approached strategically and further discussions will need to occur in this respect.
54. This is becoming an issue of increasing concern, as applicants for major residential land divisions will need to demonstrate how the social needs of the new residents can be met, as per the requirements of the Development Plan.

### Housing

55. During August, the CEO and General Manager for Council Services met with the CEO of Housing SA to discuss the draft Structure Plan. A particular focus of the meeting was the requirement for 15% affordable housing in the growth areas.
56. Council stressed the importance of effective communication and collaboration between Housing SA and Council to ensure affordable housing is appropriately designed and located. A follow up workshop between staff is being planned.

### Education

57. General Manager for Council Services met with senior staff of DECS during August as well.
58. The purpose of the meeting was to discuss the draft Structure Plan, gain an understanding of DECS planning processes, and raise matters regarding capacity within existing schools to accommodate growth.
59. DECS will be appointing a demographer in the near future. This will provide an opportunity for a more detailed analysis of demand for education services and facilities in our District.

### Sport and Recreation facilities

60. Council has engaged Sue Suter, a highly regarded recreation planning consultant, to undertake a needs analysis for recreation facilities in the District. This will be used to develop an updated Recreation and Sport Strategy for the District.
61. Preliminary findings from the needs analysis informed the draft Structure Plan in regard to likely requirements for sporting and recreation facilities.
62. Further detail on the recreation analysis is expected to be presented to Council during October/November.

### Community Plan

63. A separate information report on the Community Plan will be included in the Agenda for 19 September Council meeting.

### Aboriginal Heritage

64. Work needed to better understand Aboriginal heritage issues within the MDPA area is being considered. This may include a survey of heritage items and sites and developing appropriate protocols to ensure heritage issues are appropriately addressed prior to, and during, development.



**Community Engagement:**

Informing only	Significant information is available via the council website
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**Policy:**

Not applicable to this item.

**Budget:**

Below is a summary of council expenditure to date directly relating to the Ministerial DPA process (pre and post the DPA being authorised) including 2010/11 and current year expenditure;

- Infrastructure, transport, stormwater and wastewater \$72,505
- Planning, environmental, urban design, research \$110,828
- Legal fees \$45,438
- Communication/Public Relations \$28,569
- Information Forums \$23,694
- Total \$281,034

Operating budget provision for 2011/12 for matters related to the implementation of the Ministerial DPA is \$180,000, current expenditure of \$3,000 is included in the total above.

The above excludes:

- council officer time;
- related work like the floodplain mapping which was undertaken for the entire township of Mount Barker including the Ministerial DPA land; and
- costs incurred in the preparation of a submission on the State Government 30 Year plan

**Statutory/Legal:**

Not applicable to this item.

**Staff Resource Requirements:**

Very significant resource implications continue.

**Environmental:**

A range of environmental objectives are being pursued by council.

**Social:**

A range of social objectives are being pursued by council.

**Risk Assessment:**

A number of risks to council have been identified together with consequences and strategies to mitigate/manage the risks.

**Asset Management:**

Gifted assets from developers and new capital expenditure will see a major increase in council assets over time, leading to a significant increase in annual depreciation, maintenance and operating expenditure.

**Conclusion:**

To realise council's stated objective of achieving the best possible community outcome from the Ministerial DPA process, council will need to continue to play a leadership role and work with key stakeholders such as the State Government, land owners and developers.

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**Key Contact**

Brian Clancey, General Manager Infrastructure and Projects  
Greg Parker, General Manager Council Services

**Sponsor of Project**

Andrew Stuart, Chief Executive Officer

**Attachments**

1. Extract from Minister Rau's speech to the UDIA Lunch
2. Draft LGA letter to Minister Rau

## Attachment 1 to Item 12.1

*Extract from Minister John Rau's recent speech to the UDIA.*

(Structure planning)

- For me, structure planning, for example – where will services and infrastructure go – is a critical part of planning and delivering a well designed Greater Adelaide - structure planning will provide a framework for growth areas identified in *The 30-Year Plan*.
- Structure planning also provides a platform for subsequent rezoning and helps us to define how Adelaide can grow **with** services and infrastructure.
- This planning **must** be done in **partnership** with councils and industry and I want to make sure we are working together on structure plans.
- One point I need to make very clear is this - I am **not** in favour of decoupling rezoning from infrastructure planning. With the benefit of hindsight, this was a problem in the Mount Barker rezoning - there will be no more Mount Barker's on my watch. The lesson has been learned.
- I will not allow rezoning to run-off without infrastructure planning being bedded down. We cannot deliver communities without infrastructure – it makes no sense to let developers build houses without the Government and local councils being able to support that community with infrastructure.
- I will not allow developers to push me into rezoning when infrastructure needs are not known, not planned for and not funded.

Attachment 2 to Item 12.1
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**Office of the President**

Our Reference: 71377 /AM: AP: CA

30 August 2011

Hon John Rau  
Minister for Planning  
GPO Box 464  
ADELAIDE SA 5001  
DX336 ADELAIDE

Dear Minister

**Mount Barker Structure Plan**

At a recent meeting of the Southern & Hills Local Government Association, held on 19 August 2011, the meeting resolved a motion in the following terms.

The S&HLGA calls on the LGA:

- (a) to clarify with Minister Rau what support would be provided to Mount Barker to ensure that the orderly and timely provision of infrastructure and services would be 'fine';
- (b) as a matter of urgency work with the District Council of Mount Barker to secure the necessary and required support from government, perhaps through a high level working group, to put in place the processes and resources to provide the necessary infrastructure and services that development associated with the Ministerial Mount Barker DPA will require; and
- (c) to clarify the State's priorities for planning overhaul and reform in an environment where Councils are being requested to prioritise requests for DPAs and Statements of Intent, adopting the government's already established 38 planning zones through its Better Development Program, which will now appear to be reduced to 27 and providing strategic directions reports (for Greater Adelaide Plan Councils) by December 2011.

In relation to point (c), my letter of 23 August 2011 in respect to the evolution of the South Australian Planning System sought clarification on a number of matters. I suspect that a response from you to this correspondence will satisfy this element of their resolution.

It is clear from the adoption of point (b) that the Council, supported by the Region, are not comfortable with current processes between them and the State Government to plan for and determine the infrastructure and service needs of the Council as it moves towards achievement of the 30 Year Plan objectives.

I am keen to better understand what is occurring from your perspective with the Council and to discuss the proposal put forward by the Region to support the Council.

I think there may be value in a meeting being established between the Mayor and CEO of Mount Barker, myself and the LGA's Chief Executive Officer, yourself and key staff from your Department. This would provide me with an opportunity to be briefed on what is occurring from your Government's perspective and for us to explore together the value of the establishment of a high level group as suggested by this motion.

If this group was supported I would anticipate that it would comprise representatives from DTEI, DECS, Departments of Health, Justice and Treasury, SA Water and Council.

I seek your support in meeting with me and the Council as a matter of urgency so we can explore an approach that will provide more confidence to the Council and the Region that appropriate mechanisms are in place between State and Local Government for this important development.

I will have my Personal Assistant, Jacqui Kelleher, contact your office in due course to arrange a mutually convenient time to meet.

Kind Regards,

Mayor Kym McHugh  
**President**

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