

12.2 REPORT TITLE: UPDATE ON IMPLEMENTATION OF THE MINISTERIAL DPA

DATE OF MEETING: 19 DECEMBER 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:

- A positive response has been received from the Department of Planning and Local Government;
- A subsequent constructive meeting has been held with senior officers of the Department of Planning and Local Government; and
- Council will be invited to provide a nominee for a Governance Committee on transport infrastructure.

Recommendation:

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

Background:

This item provides an update post the most recent council meeting agenda item considered on 5 December 2011.

Discussion:

1. A letter has been received from Mr John Hanlon, the Acting Chief Executive of the Department of Planning and Local Government (attachment 1).
2. The letter is a positive response to a series of communications from Council the most recent being an email from Mr Andrew Stuart, Chief Executive Officer to Mr Hanlon (attachment 2).
3. Mr Andrew Stuart, Chief Executive Officer and Mr Brian Clancey, General Manager, Infrastructure and Projects met with Mr Hanlon and Mr Andrew McKeegan, Director, Planning Governance and Reform on 12 December 2011.

4. The meeting was constructive with commitment from the State Government to apply a higher level of consideration to actions required to progress Mount Barker related initiatives and allocate some new resources to these tasks.
5. The letter includes an update on the status of a legally binding deed of agreement on transport infrastructure between the State Government and consortium developers.
6. In advance of receiving a copy of the deed once executed by the various parties, the State Government has indicated that a Governance Committee (with an advisory role) is to be established and is to include a nominee of council.
7. Following receipt of a copy of the deed a further agenda item will be prepared and council can progress decision making with the benefit of knowing the skills required of the council nominee.
8. The letter reflects positively on recent work by council on the preparation of the draft Structure Plan for Mount Barker, Littlehampton and Nairne.
9. This is the subject of feedback currently, prior to a revised draft being prepared and considered at a meeting of council's Strategic Planning and Development Policy Committee in early 2012.
10. Feedback is awaited on the latest draft of the Structure Plan on behalf of the developer consortium.
11. Feedback was received on the July draft via Connor Holmes (attachment 3). A number of the issues raised were consistent with feedback from the State Government. Much has changed since then. The letter indicated that "the consortium is pleased to continue to work with the Council" and this has certainly been the case, a recent example being the stormwater management project that two of the developers have partnered with council on, as supported at the council meeting held on 5 December 2011.
12. For the augmentation of the potable water supply, SA Water received five registrations of interest and has now short listed two to progress to a competitive Early Contractor Involvement procurement process.
13. For the provision of wastewater, SA Water received eight registrations of interest. Assessment of these has now commenced with a target for completion by around mid to late January 2012. Council will have the opportunity to have some input to this process. A minimum of two respondents will be selected to respond to a competitive Request for Proposal (RFP). Council will also have an opportunity to provide input to the preparation of the RFP.

14. Work has commenced on a new community communication strategy to achieve effective information provision.

15. This is timely given it is now around a year since the MDPA was authorised and information about on the ground initiatives is starting to emerge such as the stormwater management project proposal which includes three new wetlands.

Community Engagement:

Informing only	Refer above.
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Policy:

Not applicable to this item.

Budget:

An updated budget position for the first half of the financial year on the MDPA will be presented to a council meeting in early 2012.

Statutory/Legal:

Not applicable to this item.

Staff Resource Requirements:

Resource demands continue to be high.

Environmental:

Not applicable to this item.

Social:

Not applicable to this item.

Risk Assessment:

Not applicable to this item.

Asset Management:

Not applicable to this item.

Conclusion:

The letter from the Department of Planning and Local Government is both positive and timely and provides an opportunity to seek to advance a number of initiatives.

Key Contact

Brian Clancey, General Manager, Infrastructure & Projects

Sponsor of Project

Andrew Stuart

Attachments

1. Letter from Department of Planning and Local Government – 12 December 2011
2. Email from Andrew Stuart to John Hanlon – 6 December 2012
3. Letter from Connor Holmes – 23 August 2011

Attachment 1 to Item 12.2

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Mr Andrew Stuart
Chief Executive Officer
District Council of Mount Barker
P.O. Box 54
MOUNT BARKER SA 5251

Dear Andrew

I refer to our telephone conversation and your subsequent email on Tuesday 6 December 2011. I do not intend to address the claims that you indicated had been raised with you other than to reaffirm my concern and to reinforce that they were not well informed. However, I agree that the best way forward is to address the matters that require attention and not to focus on misinformation.

Firstly, I can confirm that I have allocated Andrew McKeegan, Director Planning Governance and Reform as your key contact within the Department of Planning and Local Government (and going forward the Department of Planning, Transport and Infrastructure as a result of the recent changes within Government.) Andrew's role will be to liaise with you and your staff and to ensure a coordinate State Government response where appropriate. I will organise a meeting this week to introduce you to Andrew so that this arrangement can proceed immediately.

In relation to Planning specific issues, I am informed that Council's consultant has discussed samples of two of the eight 'sectors' proposed for the draft Structure Plan (draft Plan) study area with officers of the Department on two occasions. Those discussions focussed on the form and terminology of the maps and descriptions that would inform the sector maps in the revised draft Plan.

The Department has recently received a copy of a more complete draft Plan that provides detail on each of the eight sectors. At this stage, any support that can be offered by the Department is provisional and confined to the form and approach rather than to the content of the draft Plan. However, in terms of the information provided to date:

- the form of the draft Plan appears to be more compatible with structure plans being prepared for other parts of the State, and should therefore provide a reasonable basis for State Government review and discussion
- the phrasing is more reflective of the strategic nature of the draft Structure Plan and its role in identifying matters which may require further investigation and/or assist in the setting of priorities and other relevant work.

Page 2 of 2

I understand that Departmental staff were further briefed by Council's contractor on 6 December 2011 and informed that the revised draft Structure Plan was considered by Council's Strategic Planning Development and Policy Committee on 5 December 2011 and tabled for further Council discussion. However, I understand that this draft is still under consideration by Council and remains a work in progress that will require detailed consideration by other State agencies when completed.

In the event that Council decides to request that the State Government consider endorsing the draft Structure Plan as part of the Planning Strategy, further discussion will need to occur as part of a State-led review process. To assist relevant State agencies in reviewing Council's draft Structure Plan once finalised, it would be beneficial to obtain any background or supporting information that might clarify the directions being taken and highlight possible implications emerging from the draft Plan.

In relation to the deed of agreement for transport infrastructure, currently being negotiated between the State Government and the developers represented by Botten Levinson, I can confirm that the deed is nearing completion and will be finalised by the end of this month. I would be happy to provide the Council with a copy of the deed as soon as it has been signed.

In relation to the provision of wastewater, any developments occurring prior to 2014 are likely to require private investment. There is also as you indicated the current SA Water EOI process and council's willingness to play a role in providing treatment plant capacity at least in the early years (subject to upgrading needs). These are matters that need to be discussed and worked through to determine the most appropriate solution(s).

I hope this letter is suitable for you to be able to provide an update to your Council and addresses the matters you have raised in previous correspondence. If you have any queries in relation to the above, please do not hesitate to contact Andrew McKeegan on 8204 8729.

Yours sincerely



John Hanlon
**ACTING CHIEF EXECUTIVE
DEPARTMENT OF PLANNING AND LOCAL GOVERNMENT**

12/12/2011

Sue Miller

From: Andrew Stuart (astuart@dcmtbarker.sa.gov.au) on behalf of Andrew Stuart (astuart@dcmtbarker.sa.gov.au) <astuart@dcmtbarker.sa.gov.au>
Sent: Tuesday, 6 December 2011 4:36 PM
To: Hanlon, John (DPLG) (John.Hanlon@sa.gov.au); Andrew Stuart (astuart@dcmtbarker.sa.gov.au)
Cc: Ann Ferguson (aferguson@dcmtbarker.sa.gov.au); Brian Clancey; Liz Sarris (elizabeth.sarris@sa.gov.au)
Subject: Growth in Mount Barker

Dear John

Thank you for your prompt response to my telephone call this morning.

At a recent meeting with Rod Hook, with yourself and Brian Clancey in attendance, I stressed the growing unrest within District Council of Mount Barker and the community as to a perceived lack of response to requests by Council to source a resource to assist with the building of the "new" Mount Barker – resource meaning a person to coordinate state effort and actions, possible land transfers (e.g. Dumas Street land adjacent TAFE), the future of the Flaxley Agricultural Research Centre, (apparently closed and future unknown) and the need to, in Coach Kennedy's words, "just do something" e.g. a Park n Ride.

The perceived inaction and perceived "snake-oil" has allowed the creation of many conspiratorial claims such as those related to you this morning.

Rather than argue the toss over the validity of those claims your intention to write to us to address issues and to update progress is most welcome and very constructive in the current community climate.

Specifically I suggest your letter of advice addresses:

1. The allocation of a resource as discussed in the Rod Hook meeting as per the above and as discussed with a number of State representatives and as requested in letters, the most recent being a follow up letter to Rod Hook dated 29 November 2011. John, you will know several promising responses have been offered but sensible requests have not yet met with any tangible outcome.
2. Council seeks a constructive and meaningful passage of supporting planning documents to assist in managing growth – the experience has been frustrating as it tries to deliver in reverse order a sensible planning platform. In recent months it appears some progress has been made.

Can you please make all aware that the planning exercise undertaken by Mt Barker has been undertaken at great cost to the community and in a sense imposed by the situation, but that its aim is not only to guide the development of Mt Barker in a planning sense, but also to serve as the vital nexus to implementing any separate rates that may be required to satisfy fairness amongst developers, as well as any needed shared infrastructure directly connected with the expansion. It is absolutely vital this very pragmatic objective be re-conveyed. Walker Corporation lodged a development application for Wistow Park quite some time ago and are seeking a decision in February 2012, whilst Fairmont and Lanser are not far behind with development applications likely reasonably soon. Other developers (outside of the consortium) are also at concept plan stage.

3. Please provide an update of the status of the transport deed agreement; please advise how or when Council will be made aware of the relevant contents of that deed.
4. An update on the status of the provision of wastewater if there is any information over and above the current SA Water EOI process and council's willingness to play a role in providing treatment plant capacity at least in the early years (subject to upgrading needs).

I look forward to receiving your letter in a timely fashion (and I respectfully suggest that means by next Monday, 12 December 2011.)

If it helps I have listed below the more recent council correspondence that is yet to be responded to:

29 November 2011 follow up letter to Rod Hook
14 November 2011 letter to Andrew Gear
28 October 2011 letter to Rod Hook
2 September 2011 letter to John Rau MP
19 August 2011 letter to John Rau MP
19 July 2011 letter to John Rau MP

Kind regards
Andrew

Sue Miller

Executive Assistant to CEO & Mayor

District Council of Mount Barker

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Attachment 3 to Item 12.2



REF NO: 2564-103

23 August 2011

Mr Andrew Stuart
Chief Executive Officer
District Council of Mount Barker
PO Box 54
MOUNT BARKER SA 5251

Dear Andrew

**DRAFT MOUNT BARKER, LITTLEHAMPTON AND NAIRNE STRUCTURE PLAN
(COUNCIL ENDORSED DRAFT JULY 2011)**

We act for the Mt Barker Consortium (comprising eight (8) developers within the Residential Neighbourhood Zone of the Township of Mt Barker) and have been instructed to respond to the Mt Barker Council and provide comment on the Draft Mount Barker, Littlehampton and Nairne Structure Plan (Council endorsed draft July 2011).

We have now had the opportunity to undertake a detailed review the Draft Mount Barker, Littlehampton and Nairne Structure Plan (Council Endorsed Draft, July 2011) and appreciate the opportunity to provide the following comments that we trust will be of interest to the Council.

These comments are made in the interests of maintaining the constructive working relationship that the Consortium has established with the Council in order to deliver the State's growth targets within the Mount Barker area. In particular, whilst many of the comments made by the Consortium are critical of the draft Structure Plan, there is an ongoing willingness to discuss and debate with Council all issues of relevance to the future development of the subject area.

In this context, the Consortium wishes to place on the record, the following:

- whilst draft copies of the Plan were provided for information, the Structure Plan has not been developed in association with the Mt Barker Consortium or its members;
- the Mt Barker Consortium does not support the development of this Structure Plan and notes that it duplicates and in instances conflicts with the existing 30 Year Plan for Greater Adelaide and the Mt Barker (DC) Development Plan;
- the Mt Barker Consortium questions the need for an additional layer and hierarchy of principles, policies and guidelines in the context of the strategic framework provided by the 30 Year Plan for Greater Adelaide and the existing policy framework provided by the Mt Barker (DC) Development Plan (adding complexity and processes to the planning system is considered to be at odds with the O'Brien / Westacott Review that suggested the Strategy be concise); and
- it is not a 'common theme', nor a 'priority' of the Mt Barker Consortium that this 'Structure Plan be incorporated into the State Planning Strategy' and the Consortium is disappointed that such an assertion has been made publicly by others as part of this Plan.



Notwithstanding, it is the Consortium's intention to continue to seek to negotiate positive solutions with the Council; however, it considers that this Plan does little to assist in this regard.

The Structure Plan appears to have four key components:

- Council's Priorities;
- Detailed Spatial Plans;
- Principles and Policies; and
- Policy Guidelines.

Our reading of the document is that much of the content is more appropriately expressed elsewhere.

Council's Priorities

It is suggested that the Priorities for the District Council of Mount Barker would be more appropriately expressed in the Council's Strategic Management Plan(s) prepared pursuant to Section 122 of the *Local Government Act 1999*. The Strategic Management Plan(s) provide the framework for the Council to identify key strategic issues and reconcile these with budgets and resources in accord with its long term framework.

Detailed Spatial Plans

The detailed Spatial Plans are not considered appropriate for inclusion into a State Planning Strategy as the level of detail is too high. These would be too detailed even for inclusion into the Development Plan, which already includes Structure Plans for these areas. These plans could provide discussion points with land owners and developers.

Principles and Policies

The Principles and Policy, as the name suggests are not really strategies but policies. For this reason they are not considered appropriate for inclusion in the State's Planning Strategy. The principle issues are already addressed at an appropriate level in the 30 Year Plan for Greater Adelaide and do not need replication or to have detail added. An assessment of these policies indicates that the vast majority of it is more akin to Development Plan policy. A comparison with the Council's Development Plan indicates that, by and large, most of the matters are already addressed in the Development Plan. A handful of the issues would be more appropriately addressed via Council's Strategic Management Plan(s).

Policy Guidelines

The Policy Guidelines are also not considered to be appropriate to a strategic plan. They are also considered to be too specific for inclusion into the Development Plan. It is considered that these guidelines would be more appropriate as standalone guidelines that outline the Council's preferred design solutions in relation to a range of specific matters.

It is noted that a consequence of this Draft Structure Plan being included in the 30 Year Plan for Greater Adelaide would be that a range of additional Council plans would also be referenced including: Council's Strategic Management Plan, Environment Plans, Social Plans, Integrated Water Management Plans, the Mount Barker Town Centre Strategy, Open Space Strategy, Trails Plans, and Transport Master Plan. The draft Structure Plan further suggests that other plans could be included; inferring that it is contemplating



plans not yet prepared. This will congest the State Government 'Planning Strategy' with subordinate local documents some of which are statutory and are governed by legislation other than the *Development Act 1993*.

For these general reasons the Plan is not supported and is certainly not supported for inclusion in the 30 year Plan for Greater Adelaide.

A detailed assessment and critique of the policies in the draft Structure Plan is provided in the attached matrix in Appendix A. In addition, the Consortium raises the following key matters for Council's further consideration:

Staging

The document has, as a major focus, a desire for staging and sequencing of development. This is considered to be inappropriate for a number of reasons including:

- it potentially restricts land supply – ie. one stage cannot commence ahead of a "previous" one;
- it impacts the cost of head works; and
- it impacts housing affordability, which is at odds with other key objectives and policies within the Plan.

Given that services are likely to approach the growth area in a variety of directions, this will provide for market self-regulation and this must be allowed to maximise land supply and housing affordability.

Infrastructure

It is appreciated that services and infrastructure to support development are important. However, unless or until a critical mass can be achieved, the early provision of some services and facilities may not be commercially feasible or appropriate.

Two Appendices are attached to the Structure Plan. Appendix A is a Social Infrastructure Provision Plan and Appendix B is a list of the traffic and transport upgrades proposed including the proposed cost sharing arrangements.

Appendix A indicates the requirements for social infrastructure when considered against "benchmarks". These benchmarks indicate an ideal level of social infrastructure provision and it is considered unlikely that many communities would have the entire identified range of social infrastructure at these levels. Indeed it is noted from this Appendix that based on the benchmarks adopted that there is already a shortfall in the provision of these services within this area. This is evidenced by the fact that in many instances it is suggested that at the time one additional allotment is created a particular facility is required. In practice the provision of such services and facilities are not so absolutely sensitive.

In any large scale development, services and infrastructure provision are the responsibility of a number of parties including the developer of the land, other private sector interests (eg: medical providers) and the non-government schools sector, service authorities and, State and Local Government.



Services will in large part be provided only as demand requires, eg roads and schools. Those with some leeway (ie. public transport, hospitals etc.) will be provided as a result of political decisions and/or budgetary decisions or both.

To this end it is considered that the following items require significant reconsideration.

- The provision of the new interchange to the freeway and an upgrade to the existing interchange in advance of the development of growth areas.
- It is considered both inappropriate and inequitable to expect that:
 - all infrastructure costs will be borne by the Development including augmentation and improvements to existing services; particularly when the Plan foreshadows deep sewer for the new Mount Barker areas and a reticulated gas supply, both of which will undoubtedly benefit other residents and will have a significant cost associated with provision; and
 - recreation and community facilities are to be provided by the new community but to also meet cumulative impacts of population growth for the area, ie. also service the existing population.

Open Space

Whilst the draft Structure Plan identifies that land used for stormwater drainage and creek lines etc. might form part of the recreational and open space network, the Plan does not enable these areas of open space to count towards the statutory 12.5% requirement.

Creek lines, land subject to inundation and stormwater management can and does in many developments contribute in a very positive way to recreation opportunities for residents. To preclude this land from contributing to statutory open space requirements is not appropriate.

The open space provision is made even more onerous in that the Plan seeks for every dwelling to be within walking distance of open space or a developed trail.

This approach to the provision of open space will seriously impact on the commerciality of development, leading to lower housing affordability. The additional land requirements for, in effect open space uses, will result in less land being available for residential development. This will increase the overall density of housing and may impact on the available housing product choice that is also sought by this Plan.

This approach to the provision of open space will also create a costly and onerous maintenance legacy for Council as it will ultimately manage the asset.

Finally, this approach conflicts with Objective 5 of the Residential Neighbourhood Zone introduced to the Development Plan in December 2010.

Biodiversity Conservation

Biodiversity Conservation is appreciated as being important and is addressed through Objective 5 and Objective 6 of the Residential Neighbourhood Zone. The draft Structure Plan suggests that any unavoidable compromise to this biodiversity should be offset using initiatives that protect and enhance biodiversity. This is in effect a compensation scheme and such should not be introduced in such a document applying to one area of the State.



Any scheme such as this should be the subject of a formal proposal and specific process that includes appropriate research and consultation. Head powers for the introduction of such a scheme would also be required to be identified.

Density

The draft Structure Plan seeks to exclude some areas of open space from the required statutory 12.5% open space contribution (eg. electricity transmission easements, and areas used for stormwater management etc). It also requires larger allotments around sloping land, established vegetation and significant trees and requires protection of townships to avoid conurbation. The draft Structure Plan also requires 18% of dwellings to be medium or high density, with this housing to be provided within 400m of a centre, or public transport route and to contribute to an overall target of 10% of housing being high or medium density. There is no corresponding net density figure.

This provision does not appear to necessarily accord with the provisions set out in the Development Plan for the Mt Barker growth area.

It is suggested that this density could be unduly ambitious and therefore restrictive, particularly in the early stages of development. For example, alternative forms of dwellings and small allotments that will be required to achieve the density requirement are likely to struggle in a commercial sense as the first forms of development in the area. This will affect commerciality and could severely undermine development feasibility.

The current Development Plan policy for the Mt Barker growth area is considered to cover this matter appropriately, in that it has been prepared having regard to market conditions and does not prescribe densities, but provides a flexible policy suite that will cater to changing market preferences over time.

The Connector Road

The Mt Barker and Littlehampton Structure Plan MAP Mt/B1 (Overlay 1) Enlargement A in the Mt Barker Development Plan clearly identifies the requirement for a proposed new major local connector road that links Hawthorn Road to Springs Road, through the new Mt Barker growth area. This 'indicative' route is required to improve connectivity and linkages within the new growth area including linkages to the proposed new Bald Hills Road interchange on the South Eastern Freeway.

The Mt Barker Consortium has undertaken extensive background research and analysis to identify a preferred Connector Road alignment and route that will perform the role and function of the proposed major local road as specified in the Mt Barker and Littlehampton Structure Plan MAP Mt/B1 (Overlay 1) Enlargement A. The alignment of the Connector Road has been identified by the Consortium taking into consideration local topography, road geometry and safety, construction cost and the impact to established vegetation and significant trees. The preferred Connector Road alignment of the Mt Barker Consortium is identified spatially in Appendix B.

The draft Structure Plan also nominates an indicative 'Connector Road' corridor and associated crossing points at key intersections with Hawthorn Road, Flaxley Road, Wellington Road, Paech Road, Sims Road, Springs Road and the Steam Ranger rail corridor. Whilst there is a high degree of alignment between the Connector Road corridor identified in the draft Structure Plan and the preferred Connector Road alignment identified by the Mt Barker Consortium, the Mt Barker Consortiums preferred road alignment varies between the Steam Ranger rail corridor and Sims Road. Whilst the exact location and alignment of the Connector Road requires validation and detailed engineering and design, it is a strong preference of the Mt Barker Consortium that the draft Structure Plan be amended to reflect the preferred Connector Road alignment identified by the Consortium.

**Conclusion**

In conclusion, the Mt Barker Consortium suggests that the matters raised in the Draft Mount Barker, Littlehampton and Nairne Structure Plan (Council Endorsed Draft July 2011) are not appropriate for inclusion in the State's Planning Strategy and does not support this course of action.

The Consortium is pleased to continue to work with the Council and all other relevant service providers, both public and private and commercial and not for profit, to ensure the timely delivery of the State's growth strategy with each party taking responsibility for those elements that fall within its jurisdiction.

We would be pleased to meet with representatives of the Council to further discuss the issues raised in this submission if that would be of use.

Yours sincerely

STEPHEN HOLMES

DIRECTOR

Encl

cc. The Minister
Ian Nightingale, DPLG
John Hanlon, DPLG
Consortium Members