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Chair – State Planning Commission  
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Dear Michael

**RE: Revised P&D Code - Submission – 412 Inman Valley Road, Lower Inman Valley**

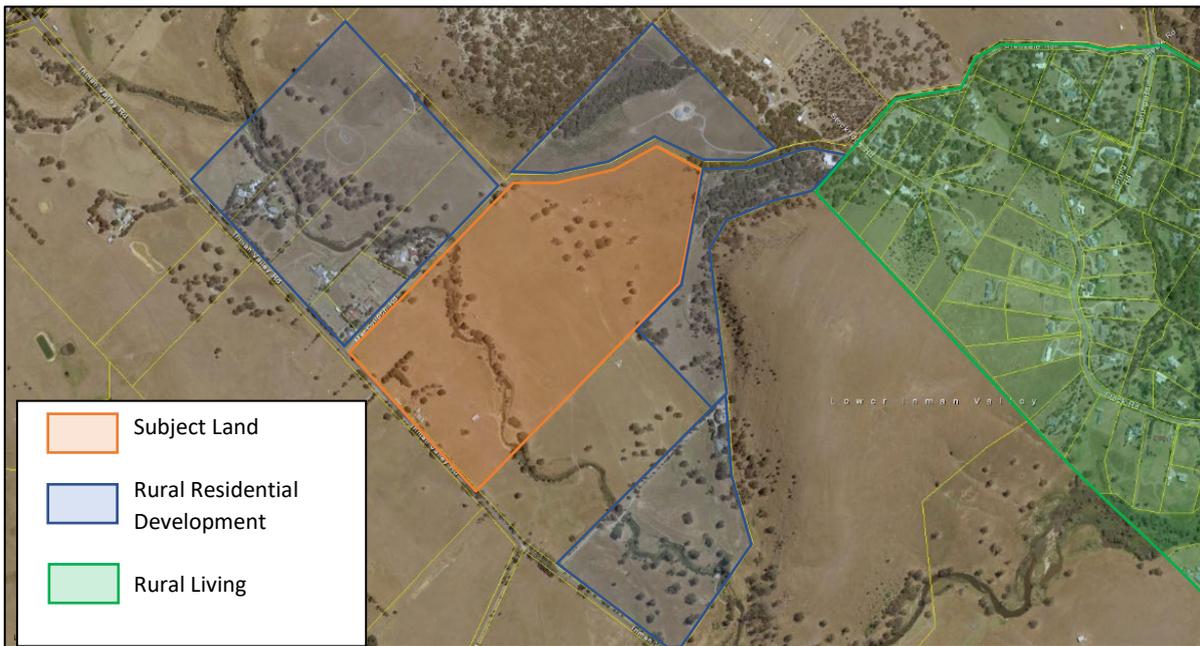
URPS has been engaged by Davton (SA) Pty Ltd, owners of 412 Inman Valley Road, Lower Inman Valley (Lot 143 in F166202, CT:5688/337) to:

- provide submission to the revised Planning and Design Code (P&D Code); and
- advocate for the advancement of a review of the Environment and Food Production Area (EFPA) boundary per Section 7(9)(b) and (10) of the *Planning, Development and Infrastructure Act 2016 (SA)* (the Act) and subsequent refinement of the EFPA boundaries.

**Particulars of the Land**

The land is a rural holding of some 40 hectares to the north-west of Victor Harbor and comprises a detached dwelling and associated ancillary structures. The Inman River is a major geographic feature of the site and divides the allotment into 2 distinct areas. It is adjoined by allotments to the north-west and north-east utilised for rural residential purposes. **Figure 1** below identifies the allotment along with the dominance of rural residential and rural living activities occurring within the immediate locality.

**Figure 1 – Subject Land**



## Revised Planning and Design Code

### Proposed Code Structure

The revised P&D Code proposes the following policy structure for the subject land:

Revised P&D Code	
<b>Zone</b>	Rural
<b>Overlays</b>	Environment and Food Production Area
	Hazards (Bushfire – High Risk)
	Hazards (Flooding – General)
	Limited Land Division
	Native Vegetation
	Prescribed Water Resources Area
	Traffic Generating Development
	Water Resources

### Requested Code Amendments

In unison with the review of the EFPA boundaries as noted below, there is a need to reconsider the zoning of the subject land and locality and the accompanying provisions of the Code to ensure that development potential can be realised.

In the case of the subject land, we request the following amendments be made to the Code:

- **Rezone** the subject land and immediate locality from Rural Zone to **Rural Living Zone**. This amendment would both recognise the extent of residential activity occurring on adjoining allotments and the immediate locality, and provide greater development certainty to our client
- **Remove** the limited land division overlay as this would be unnecessary with the associated EFPA amendments.
- **Consider** the insertion of a Minimum Site Area Technical and Numeric Variation to control the division of land in a manner which is consistent with the surrounding locality.

The requested amendments to the Code are considered reasonable and would not lead to develop of the site in a manner which is incongruous with that of the surrounding land uses. As shown in Figure 1 above, the dominant land use occurring to the north-east side of Inman Valley Road is rural residential with small-scale hobby farm type activities occurring in partnership with the residential activities.

It is noted that the use of the subject site is already constrained by the presence of these land uses, which limit the types of primary production that can occur on the land, irrespective of the content contained in the Interface between Land Uses module. Further, the lands capability and capacity are also constrained by the realities of the modern farming system, which demands larger and contiguous land holdings to retain viability. These contributing factors have led to the lands use for low scale primary production activities which do not provide financial sustainability for our clients.

## Environment and Food Production Areas

### *Environment and Food Production Area – Amendments*

It is recognised that the Act facilitates consideration by the State Planning Commission (Commission) of amendments to the area identified as EFPA, and more specifically requires the Commission to undertake a review of the EFPA every 5 years (Section 7(10)) of the Act.

Given the timing which has lapsed since its inception, it is now considered important to undertake a review of the EFPA boundaries. It is imperative that the review be undertaken in manner which facilitates greater levels of community engagement and:

- be undertaken at a fine-grain level, taking greater account for the land use and allotment patterns to ensure that allotments such as the subject land are not inadvertently identified; and
- take greater account of the activities occurring on allotments and the realistic prospects of undertaking primary production. In the case of the subject land, land to the north-west and north-east are used for rural residential purposes and the likelihood supporting intensive primary production is low, nor would the accommodation of an additional detached dwelling detract from the landscape significance of the locality.

The above approach to the SPC's review would provide for greater landowner input than was afforded upon EFPA inception and allow for the protection of areas which truly reflect the intent of the Act to protect areas from urban encroachment. It is anticipated that there are many landowners in a similar position to that of our client which have seen what is interpreted as the unreasonable and inconsistent introduction of controls which go as far as prohibiting development which is otherwise consistent with the local land use pattern.

## Conclusion

It is clear from a land use and development pattern review that the locality is not utilised for primary production purposes, rather being characterised by rural residential and rural living development. The presence of these land uses further re-enforces the value in reconsidering the zoning applicable to our clients' land. Rezoning for the purpose of facilitating rural living would not be detrimental to the land use activities occurring locally, nor would it lead to the loss of productive primary production land or a significant proliferation of detached dwellings with appropriate supporting Technical and Numeric Variations nominated.

With respect to the EFPA, we recognise and value this instrument as a means of limiting intrusion of incompatible land uses within primary production areas. There is however now a need to undertake a review of the EFPA boundaries, in step with the revised P&D Code and in a nuanced manner, which more accurately accounts for land use and allotment pattern, rather than unilateral application.

URPS would be happy to work with the Commission and Attorney General's Department to realise the requested amendments. Should you have any questions please don't hesitate to contact me on [REDACTED] or email [REDACTED].

Yours sincerely



**Andrew Chown**  
**Senior Associate**