



Government of South Australia

Department of Planning
and Local Government

Adelaide Hills Council, Alexandrina Council, Berri Barmera Council, Burnside (City), Campbelltown (City), Clare & Gilbert Valleys Council, Elliston (DC), Gawler (CT), Grant (DC), Kangaroo Island Council, Kingston District Council, Light Regional Council, Lower Eyre Peninsula (DC), Mallala (DC), Mid Murray Council, Mitcham (City), Mount Barker (DC), Mount Gambier (City), Mount Remarkable (DC), Murray Bridge Council, Naracoorte Lucindale (DC), Northern Areas Council, Onkaparinga (City), Playford (City), Port Lincoln (City), Port Pirie (RC), Renmark Paringa (DC), Robe (DC), Salisbury (City), Streaky Bay (DC), Tatiara (DC), Tea Tree Gully (City), The Barossa Council, Tumby Bay Council, Victor Harbor (City), Wakefield Regional Council, Wattle Range Council, Yankalilla (DC), Yorke Peninsula (DC), Land Not Within A Council Area (Coastal Waters)

THE AMENDMENT

Bushfires (Miscellaneous Amendments) Approval Development Plan Amendment

By the Minister

Declared by the Minister for Urban Development and Planning
to be an approved amendment under Section 26 (8),

Development Act 1993


Signature

Date of Gazette

- 9 DEC 2010

Approval DPA

Background

The Bushfires (Miscellaneous Amendments) Development Plan Amendment (DPA) by the Minister amends the following Development Plan(s):

- Adelaide Hills Council
- Alexandrina Council
- Berri Barmera Council
- Burnside (City)
- Campbelltown (City)
- Clare & Gilbert Valleys Council
- Elliston (DC)
- Gawler (CT)
- Grant (DC)
- Kangaroo Island Council
- Kingston District Council
- Light Regional Council
- Lower Eyre Peninsula (DC)
- Mallala (DC)
- Mid Murray Council
- Mitcham (City)
- Mount Barker (DC)
- Mount Gambier (City)
- Mount Remarkable (DC)
- Murray Bridge Council
- Naracoorte Lucindale (DC)
- Northern Areas Council
- Onkaparinga (City)
- Playford (City)
- Port Lincoln (City)
- Port Pirie (RC)
- Renmark Paringa (DC)
- Robe (DC)
- Salisbury (City)
- Streaky Bay (DC)
- Tatiara (DC)
- Tea Tree Gully (City)
- The Barossa Council
- Tumby Bay Council
- Victor Harbor (City)
- Wakefield Regional Council
- Wattle Range Council
- Yankalilla (DC)
- Yorke Peninsula (DC)
- Land Not Within A Council Area (Coastal Waters)

This DPA was undertaken as a DPA process B , which included:

- An Initiation Document agreed on 16 October 2009.
- A DPA released for agency and public/council consultation from 10 December 2009 to 17 February 2010.
- Public Meetings scheduled for Port Lincoln, Clare, Mount Gambier and Adelaide at which verbal submissions on the DPA could be made to the State's independent Development Policy Advisory Committee (DPAC)

The DPA was brought in on Interim Operation at the same time it was released for public and council consultation (10 December 2009).

Consultation

A total of 6 public submissions, 13 council submissions and 8 agency submissions were received in relation to the DPA during the consultation period. No-one requested to be heard at any of the scheduled Public Meetings, which were subsequently cancelled.

Approval Stage

A review of all submissions and the recommendations of DPAC have been undertaken, however, no changes have been made to the Amendment.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: Adelaide Hills Council

Name of Development Plan: Adelaide Hills Council

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Adelaide Hills Council Development Plan consolidated on 26 August 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: Alexandrina Council

Name of Development Plan: Alexandrina Council

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Alexandrina Council Development Plan consolidated on 3 June 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: Berri Barmera Council

Name of Development Plan: Berri Barmera Council

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Berri Barmera Council Development Plan consolidated on 24 December 2009. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: City of Burnside

Name of Development Plan: Burnside (City)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Burnside (City) Development Plan consolidated on 8 July 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: City of Campbelltown

Name of Development Plan: Campbelltown (City)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Campbelltown (City) Development Plan consolidated on 14 January 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: Clare and Gilbert Valleys Council

Name of Development Plan: Clare and Gilbert Valleys Council

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Clare and Gilbert Valleys Council Development Plan consolidated on 23 September 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: District Council of Elliston

Name of Development Plan: Elliston (DC)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Elliston (DC) Development Plan consolidated on 14 January 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: Town of Gawler

Name of Development Plan: Gawler (CT)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Gawler (CT) Development Plan consolidated on 26 August 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: District Council of Grant

Name of Development Plan: Grant (DC)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Grant (DC) Development Plan consolidated on 26 August 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: Kangaroo Island Council

Name of Development Plan: Kangaroo Island Council

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Kangaroo Island Council Development Plan consolidated on 24 June 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: Kingston District Council

Name of Development Plan: Kingston District Council

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Kingston District Council Development Plan consolidated on 4 November 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: Light Regional Council

Name of Development Plan: Light Regional Council

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Light Regional Council Development Plan consolidated on 15 July 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: District Council of Lower Eyre Peninsula

Name of Development Plan: Lower Eyre Peninsula (DC)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Lower Eyre Peninsula (DC) Development Plan consolidated on 14 January 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: District Council of Mallala

Name of Development Plan: Mallala (DC)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Mallala (DC) Development Plan consolidated on 14 January 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: Mid Murray Council

Name of Development Plan: Mid Murray Council

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Mid Murray Council Development Plan consolidated on 29 April 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: City of Mitcham

Name of Development Plan: Mitcham (City)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Mitcham (City) Development Plan consolidated on 3 June 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: District Council of Mount Barker

Name of Development Plan: District Council of Mount Barker

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the District Council of Mount Barker Development Plan consolidated on 10 June 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: City of Mount Gambier

Name of Development Plan: Mount Gambier (City)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Mount Gambier (City) Development Plan consolidated on 7 October 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: District Council of Mount Remarkable

Name of Development Plan: Mount Remarkable (DC)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Mount Remarkable (DC) Development Plan consolidated on 4 February 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: Rural City of Murray Bridge

Name of Development Plan: Murray Bridge Council

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Murray Bridge Council Development Plan consolidated on 24 June 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: Naracoorte Lucindale Council

Name of Development Plan: Naracoorte Lucindale (DC)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Naracoorte Lucindale (DC) Development Plan consolidated on 22 July 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: Northern Areas Council

Name of Development Plan: Northern Areas Council

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Northern Areas Council Development Plan consolidated on 25 March 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: City of Onkaparinga

Name of Development Plan: Onkaparinga (City)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Onkaparinga (City) Development Plan consolidated on 4 November 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: City of Playford

Name of Development Plan: Playford (City)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Playford (City) Development Plan consolidated on 24 December 2009. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: City of Port Lincoln

Name of Development Plan: Port Lincoln (City)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Port Lincoln (City) Development Plan consolidated on 9 September 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: Port Pirie Regional Council

Name of Development Plan: Port Pirie (RC)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Port Pirie (RC) Development Plan consolidated on 7 October 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: District Council of Renmark Paringa

Name of Development Plan: Renmark Paringa (DC)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Renmark Paringa (DC) Development Plan consolidated on 21 October 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: District Council of Robe

Name of Development Plan: Robe (DC)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Robe (DC) Development Plan consolidated on 21 January 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: City of Salisbury

Name of Development Plan: Salisbury (City)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Salisbury (City) Development Plan consolidated on 15 July 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: District Council of Streaky Bay

Name of Development Plan: Streaky Bay (DC)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Streaky Bay (DC) Development Plan consolidated on 14 January 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: District Council of Tatiara

Name of Development Plan: Tatiara (DC)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Tatiara (DC) Development Plan consolidated on 4 February 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: City of Tea Tree Gully

Name of Development Plan: Tea Tree Gully (City)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Tea Tree Gully (City) Development Plan consolidated on 7 October 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: The Barossa Council

Name of Development Plan: The Barossa Council

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Barossa Council Development Plan consolidated on 14 October 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: District Council of Tumby Bay

Name of Development Plan: Tumby Bay Council

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Tumby Bay Council Development Plan consolidated on 25 February 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: City of Victor Harbor

Name of Development Plan: Victor Harbor (City)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Victor Harbor (City) Development Plan consolidated on 3 June 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: Wakefield Regional Council

Name of Development Plan: Wakefield Regional Council

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Wakefield Regional Council Development Plan consolidated on 7 October 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: Wattle Range Council

Name of Development Plan: Wattle Range Council

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Wattle Range Council Development Plan consolidated on 10 June 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: District Council of Yankalilla

Name of Development Plan: Yankalilla (DC)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to Yankalilla (DC) Development Plan consolidated on 7 January 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: District Council of Yorke Peninsula

Name of Development Plan: Yorke Peninsula (DC)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the York Peninsula (DC) Development Plan consolidated on 7 October 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.

Development Act 1993

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: Land Not Within A Council Area (Coastal Waters)

Name of Development Plan: Land Not Within A Council Area (Coastal Waters)

Name of DPA: Bushfires (Miscellaneous Amendments) DPA

The following amendment instructions (at the time of drafting) relate to the Land Not Within A Council Area (Coastal Waters) Development Plan consolidated on 11 March 2010. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment instructions

To give effect to the amendments authorised for Interim Operation on 10 December 2009. Note: there are no variations between the approved interim operation version of the Plan Amendment and this final approval version.



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Adelaide Hills Council, Alexandrina Council, Berri Barmera Council, Burnside (City), Campbelltown (City), Clare & Gilbert Valleys Council, Elliston (DC), Gawler (CT), Grant (DC), Kangaroo Island Council, Kingston District Council, Light Regional Council, Lower Eyre Peninsula (DC), Mallala (DC), Mid Murray Council, Mitcham (City), Mount Barker (DC), Mount Gambier (City), Mount Remarkable (DC), Murray Bridge Council, Naracoorte Lucindale (DC), Northern Areas Council, Onkaparinga (City), Playford (City), Port Lincoln (City), Port Pirie (RC), Renmark Paringa (DC), Robe (DC), Salisbury (City), Streaky Bay (DC), Tatiara (DC), Tea Tree Gully (City), The Barossa Council, Tumby Bay Council, Victor Harbor (City), Wakefield Regional Council, Wattle Range Council, Yankalilla (DC), Yorke Peninsula (DC), Land Not Within A Council Area (Coastal Waters)

Bushfires (Miscellaneous Amendments)

Approval Development Plan Amendment

By the Minister

**EXECUTIVE SUMMARY AND
ANALYSIS RELEASED FOR
CONSULTATION FROM 10
DECEMBER 2009 TO 17 FEBRUARY
2010.**

EXECUTIVE SUMMARY

INTRODUCTION

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

In this case, the Minister is undertaking the amendment because he is of the opinion that the matter is of significant social, economic or environmental importance (Section 24(1)(g) of the Act).

A Development Plan Amendment (DPA) (this document) explains what policy changes are being proposed and why, and how the amendment process will be conducted.

A DPA consists of:

- Executive Summary (this section)
- Analysis, including:
 - Background information
 - Review of strategic policy
 - Investigations
 - Conclusions and recommended policy changes
 - Statement of Statutory Compliance
- References/Bibliography
- The Amendment.

NEED FOR THE AMENDMENT

The purpose of this Development Plan Amendment (DPA) is to establish a better correlation between Development Plan policy and the *Minister's Code: Undertaking development in Bushfire Protection Areas* (the Bushfire Code).

In conjunction with the DPA, amendments have been made to the Development Regulations 2008 (the Regulations), giving the Bushfires Code stronger legislative grounding at the development assessment level.

AFFECTED DEVELOPMENT PLANS

The following Development Plans will be affected by this DPA:

Adelaide Hills Council	Mid Murray Council	Streaky Bay (DC)
Alexandrina Council	Mitcham (City)	Tatiara (DC)
Berri Barmera Council	Mount Barker (DC)	Tea Tree Gully (City)
Burnside (City)	Mount Gambier (City)	The Barossa Council
Campbelltown (City)	Mount Remarkable (DC)	Tumby Bay Council
Clare & Gilbert Valleys Council	Murray Bridge (RC)	Victor Harbor (City)
Elliston (DC)	Naracoorte Lucindale (DC)	Wakefield Regional Council
Gawler (CT)	Northern Areas Council	Wattle Range Council
Grant (DC)	Onkaparinga (City)	Yankalilla (DC)
Kangaroo Island Council	Playford (City)	Yorke Peninsula (DC)
Kingston District Council	Port Lincoln (City)	Land Not Within A Council Area (Coastal Waters)
Light Regional Council	Port Pirie (RC)	
Lower Eyre Peninsula (DC)	Renmark Paringa (DC)	
Mallala (DC)	Robe (DC)	
	Salisbury (City)	

PROPOSED POLICY CHANGE(S)

The DPA proposes the following change:

- the inclusion of a Principle of Development Control requiring development in Bushfire Protection Areas to be assessed against those provisions of Bushfire Code that are designated as mandatory for Development Plan Consent purposes.

LEGAL REQUIREMENTS

Prior to the preparation of this DPA, the Minister received advice from a person or persons holding prescribed qualifications pursuant to Section 101 of the *Development Act 1993*.

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

- accords with the Planning Strategy
- accords with other parts of the Development Plan(s)
- complements the policies in Development Plans for adjoining areas
- satisfies the requirements prescribed by the Regulations under the *Development Act 1993*.

INTERIM OPERATION

This DPA has been brought in on interim operation pursuant to section 28(1) of the *Development Act 1993*. The purpose of interim operation is to:

- release the amendments concurrently with the changes to the Regulations and the republishing of the Bushfire Code
- implement the recommended policy change prior to the 2009/2010 fire danger season.

CONSULTATION

This document is now released for concurrent agency, council and public consultation.

In accordance with the *Development Act 1993*, agency and council consultation (and consultation with other bodies) will be undertaken for a period of eight weeks. The period for public comment has been extended by two weeks to allow for the Christmas/New Year holiday period.

The organisations and agencies considered to have a direct interest are:

- Department of Premier and Cabinet
- Department of Transport, Energy and Infrastructure
 - transport services
 - land services group
- Department of Justice
 - Country Fire Service
 - Metropolitan Fire Service
- Department of Treasury and Finance
- Department of Trade and Economic Development
- SA Tourism Commission
- Department for Environment and Heritage
- Environment Protection Authority
- Department for Water, Land and Biodiversity Conservation.
- Department of Planning and Local Government
 - Planning Division
 - Assessment Division
 - Strategy and Sustainability Division
 - Office for State and Local Government Relations
 - Legislation and Government Division
- Primary Industries and Resources SA
- Department of Education and Children's Services
- Department for Families and Communities
- Department of Health
- Department of Further Education, Employment, Science and Technology
- Land Management Corporation

- SA Water
- ETSA Utilities
- Electranet Pty Ltd
- Origin Energy
- Local Government Association
- Housing Industry Association
- Master Builders Association
- Urban Development Institute of Australia

All affected councils and relevant local Members of Parliament (i.e. those with an electorate containing a Bushfire Protection Area(s)) will be formally consulted.

All written and verbal agency and public submissions made during the consultation phase will be recorded and considered by the Development Policy Advisory Committee (DPAC), which is an independent body responsible for conducting the consultation stage of Ministerial DPAs. Changes to the DPA may occur as a result of this consultation process.

THE FINAL STAGE

When DPAC has considered the comments received and heard all the public submissions, it will provide the Minister for Urban Development and Planning with a report on its findings.

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

Note: This Executive Summary is for information only and does not form part of the Amendment to the Development Plan.

ANALYSIS

1. BACKGROUND

1.1 Minister's Code: Undertaking development in Bushfire Protection Areas

In February 2009, the Minister for Urban Development and Planning introduced the *Minister's Code: Undertaking development in Bushfire Protection Areas* (the Bushfire Code) to assist applicants seeking to undertake development in High, Medium and General Bushfire Protection Areas.

Under the Bushfire Code, applicants and development assessment officers are required to consider (as part of the Development Plan consent) a number of additional bushfire protection measures, including:

- means of entry to and from an allotment as part of a land division proposal
- the provision of bushfire buffer zones in High Bushfire Protection Areas for land division proposals
- measures regarding the siting of buildings
- the location and design of private roads and driveways
- access to dedicated water supplies
- the location of buildings away from existing and proposed trees and vegetation.

The Bushfire Code also sets out the level and type of information which should be provided as part of an application and provides guidance about other additional bushfire protection matters that will need to be assessed as part of the Building Rules consent.

1.2 Recommendation 33 of the Bushfire Task Force

The Bushfire Code includes, for information purposes, a range of requirements imposed by the South Australian Housing Code and Australian Standard: AS 3959 Construction of Buildings in Bushfire-Prone Areas, 2009, which was recently amended following the 2009 Victorian bushfires.

In light of these amendments, it has been necessary to update and republish the Minister's Bushfire Code to reflect both the new standard and the South Australian situation as contained in the South Australian Housing Code.

This coincides with Recommendation 33, recently handed down by the Bushfire Task Force, which was set up by the government to analyse key issues arising from the Victorian Bushfires Royal Commission. Recommendation 33 requires the Department of Planning and Local Government (the Department) to:

Revise the Planning Minister's Code for Building in Bushfire Prone Areas [sic] (to take account of recent changes to the Australian Standard for Building in Bushfire Prone Areas AS 3959[sic]).

This task has been undertaken in conjunction with this DPA.

1.3 Changes to the Development Regulations

In support of the recommendations of the Bushfire Task Force, the State Government has implemented changes to the Development Regulations 2008 to give the Minister's Bushfire Code stronger legislative grounding at the development assessment level.

As part of these legislative changes, the Minister for Urban Development has sought to establish, through this DPA, a better correlation between current Development Plan policy and the Bushfire Code, which has been republished under the new Regulations.

The investigations of this DPA, as set out in section 3, identify how this correlation might be achieved.

2. THE STRATEGIC CONTEXT AND POLICY DIRECTIONS

2.1 Consistency with South Australia's Strategic Plan

South Australia's Strategic Plan is a commitment to making this state the best it can be. It is expressed through values, objectives and targets to reflect priorities.

The plan contains the following objectives:

- Objective 1: Growing Prosperity
- Objective 2: Improving Wellbeing
- Objective 3: Attaining Sustainability
- Objective 4: Fostering Creativity and Innovation
- Objective 5: Building Communities
- Objective 6: Expanding Opportunity

Objective 2 of the plan puts forward a vision for improving the wellbeing of South Australians through preventative health measures, creating a healthy life expectancy, improving psychological well being, addressing matters of public safety and achieving a work life balance. It contains the following extract, which is of particular relevance to this DPA.

Objective 2: Improving Wellbeing - Public Safety

South Australians are entitled to be safe and secure in their communities - at work, home and on the roads. Improving safety will avoid unnecessary injuries and loss of life, both of which create an emotional and economic burden on the community.

The DPA would support this notion through its implementation of a stronger policy regime for bushfire protection matters, with the primary goal of protecting property assets and improving public safety during a bushfire event.

2.2 Consistency with the Planning Strategy

The Planning Strategy presents current State Government policy for development in South Australia and is based on key economic, social and environmental imperatives. 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 most pertinent strategies and objectives, relevant to this DPA are:

Planning Strategy for Metropolitan Adelaide (December 2007)

3.12 Hazard Avoidance, Minimisation and Management

- 2. Ensure development policies include all relevant bushfire management and prevention policies.**

Planning Strategy for the Outer Metropolitan Adelaide Region (December 2007)

3.11 Hazards

2. Ensure development policies include all relevant bushfire management and prevention legislation and measures.

Planning Strategy for Regional SA (January 2003, as amended at December 2007)

Environment and Resources

- 17 Ensure land use planning and development takes into account bushfire management and prevention.

- a. Establish guidelines for bushfire prevention measures associated with development.
- b. Restrict development in bushfire prone areas.
- c. Ensure the nature and scale of development in areas of high conservation value allows appropriate bushfire measures to be achieved without detriment to the area.

Yorke Peninsula Regional Land Use Framework (December 2007)

Environmental and Cultural Assets – a healthy and sustainable future

Objective 3: Protect people, property and the environment from exposure to hazards

Strategies

- 3.1 Design and plan for development in accordance with the risk management hierarchy of:
 - Avoidance: avoiding permanent development within and adjacent to areas at risk from hazards
 - Adaptation: designing buildings and infrastructure to minimise risk in the long term
 - Protection: the establishment of protection works to protect existing development or facilitate major development

Population and Settlements – supporting communities Strategies

Strategies

- 20.1 Focus housing within townships, including 'rural living' (large residential allotments), to prevent encroachment on sensitive environments, agriculture, mining and industrial land, exposure to risks (e.g. flooding, bushfire, pollution) and to best utilise strategic infrastructure

The proposed DPA would support these strategies by establishing a better correlation between the bushfire prevention measures contained in the Minister's Bushfire Code and the related measures contained in the Development Plan

Both documents contain critical information and policy measures relating to the design and location of buildings in Bushfire Protection Areas.

Importantly, the new Regulations will allow for future modifications to the Bushfire Code to be made with immediate statutory effect, by republishing the revised code in the gazette. This will make the Bushfire Code a more responsive document (which is essential when

community safety is of concern), capable of keeping pace with new research and technological improvements regarding the siting and design of buildings.

Establishing a better link between the two documents will therefore ensure that planning policy keeps pace with emerging issues in respect to bushfire management.

In doing so, it will support the community safety provisions of the Planning Strategy for South Australia.

2.3 Draft Regional Land Use Frameworks

Three draft supplementary volumes of the Planning Strategy for South Australia have been prepared, one for Kangaroo Island, one for the Mid North and one for the Far North areas of the State. Once finalised, the supplementary volumes (or variations thereof) will guide future development across both of these regions.

This DPA does not affect any Development Plans within the Far North Region of the State.

The following draft strategies are therefore relevant:

Draft Mid North Regional Land Use Framework (October 2008)

Environmental and Cultural Assets

Objective 3: Protect people, property and the environment from exposure to hazards

Strategies

3.1 Design and plan for development in accordance with the risk management hierarchy of:

- Avoidance: avoiding permanent development within and adjacent to areas at risk from hazards
- Adaptation: designing buildings and infrastructure to minimise risk in the long term
- Protection: the establishment of protection works to protect existing development or facilitate major development

Population and Settlements

Strategies

17.1 Focus housing within townships, including 'rural living' (large residential allotments), to prevent encroachment on sensitive environments, agriculture, tourism features, mining and industrial land, to minimise exposure to risks (e.g. flooding, bushfire, pollution); and to best utilise strategic infrastructure

Draft Kangaroo Island Regional Land Use Framework (March 2009)

Environmental and Cultural Assets

Objective 3: Protect people, property and the environment from exposure to hazards

Strategies

3.1 Design and plan for development in accordance with the risk management hierarchy of:

- Avoidance: avoiding permanent development within and adjacent to areas at risk from hazards
- Adaptation: designing buildings and infrastructure to minimise risk in the long term
- Protection: the establishment of protection works to protect existing development or facilitate major development

Population and Settlements

Strategies

18.1 Focus housing within townships, including 'rural living' (large residential allotments) to prevent their encroachment on sensitive environments, agriculture, tourism features, mining and industrial land; reduce their exposure to risks (e.g. flooding, bushfire, pollution); and best utilise strategic infrastructure

Both frameworks identify the importance of minimising the exposure of people and property to danger from natural hazards, such as flooding, bushfire and potential land slides.

The strategies identified above are similar to those contained in the approved volumes of the Planning Strategy for South Australia. Consistency of the DPA with these strategies is discussed earlier in section 2.2.

2.4 Draft 30 Year Plan for Greater Adelaide (July 2009)

The Draft 30 Year Plan for Greater Adelaide was released for public comment in July 2009. The draft plan *'seeks to provide a set of practical and achievable policies and targets to manage the forecast changes that will confront Greater Adelaide during the next 30 years'*.

The following draft policy of the 30 Year Plan is of particular relevance to this DPA:

Climate Change Strategy 16

Develop other policies to minimise the impact of extreme bushfires in line with the findings of the Black Saturday Royal Commission of Inquiry [2009 Victorian Bushfires Royal Commission].

The DPA provides for a stronger policy framework which allows for the more efficient adoption of policy changes through the Bushfire Code. Any policy changes which arise out of the 2009 Victorian Bushfires Royal Commission could be implemented through the Bushfire Code, without significant delay.

2.5 Consistency with other key policy documents

The recommended policy changes set out in section 3.2 should not conflict with or affect the application of planning policies contained within the Development Plans of adjoining councils.

2.6 BDP Policy Library

Changes to the Better Development Plan Policy Library will need occur in order to reflect the amendments which arise out of this DPA. This review would occur separately to this DPA, most likely as part of a future release of the Policy Library.

3. INVESTIGATIONS

3.1 Investigations initiated to inform this DPA

In 2006 and 2007 a suite of bushfire protection planning provisions were inserted, through the Minister's Bushfire Protection PARs (Parts 1 to 3), into the Development Plans of 39 Council areas:

Land Division

PDC X Land division within an area identified as being 'Excluded Area from Bushfire Protection Planning Provisions' on Bushfire Protection Area Figures X to Y should be designed to make provision for:

- (a) emergency vehicle access through to the Bushfire Protection Area and other areas of open space connected to it;
- (b) a mainly continuous street pattern serving new allotments that eliminates the use of cul-de-sacs or dead end roads; and
- (c) a fire hazard separation zone isolating residential allotments from areas that pose an unacceptable bushfire risk by containing the allotments within a perimeter road or through other means that achieve an adequate separation.

Bushfire Protection

Objective X: Development should minimise the threat and impact of bushfires on life and property while protecting the natural and rural character.

Objective X: Buildings and the intensification of non-rural land uses directed away from areas of high bushfire risk.

PDC X Buildings and structures should be located away from areas that pose 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; or
- (e) inability to provide an adequate supply of water for fire-fighting purposes.

PDC X Residential, tourist accommodation and other habitable buildings should:

- (a) be sited on the flatter portion of allotments and avoid steep slopes, especially upper slopes, narrow ridge crests and the tops of narrow gullies, and slopes with a northerly or westerly aspect;
- (b) be sited in areas with low bushfire hazard vegetation and set back at least 20 metres from existing hazardous vegetation; and
- (c) have a dedicated water supply available at all times for fire fighting which:
 - (i) is located adjacent to the building or in another convenient location on the allotment accessible to fire-fighting vehicles;
 - (ii) comprises a minimum of 5000 litres in areas shown as General or Medium Bushfire Risk on Bushfire Protection Area figures; or
 - (iii) comprises a minimum of 22 000 litres in areas shown as High Bushfire Risk on Bushfire Protection Area figures.

PDC X Extensions to existing buildings, outbuildings and other ancillary structures should be located and constructed using materials to minimise the threat of fire spread to residential, tourist accommodation and other habitable buildings in the event of bushfire.

PDC X Buildings and structures should be designed and configured to reduce the impact of bushfire through using simple designs that reduce the potential for trapping burning debris against the building or structure, or between the ground and building floor level in the case of transportable buildings.

PDC X Land division for residential or tourist accommodation purposes within areas of high bushfire risk should be limited to those areas specifically set aside for these uses.

PDC X Where land division does occur it should be designed to:

- (a) minimise the danger to residents, other occupants of buildings and fire fighting personnel;
- (b) minimise the extent of damage to buildings and other property during a bushfire;
- (c) ensure each allotment contains a suitable building site that is located away from vegetation that would pose an unacceptable risk in the event of bushfire; and
- (d) ensure provision of a fire hazard separation zone isolating residential allotments from areas that pose an unacceptable bushfire risk by containing the allotments within a perimeter road or through other means that achieve an adequate separation.

PDC X Vehicle access and driveways to properties and public roads created by land division should be designed and constructed to:

- (a) facilitate safe and effective operational use for fire-fighting and other emergency vehicles and residents; and
- (b) provide for two-way vehicular access between areas of fire risk and the nearest public road.

Providing a link between these policies and the Bushfire Code could be achieved in a number of ways:

- by inserting a new Objective
- by inserting a new Principle of Development Control
- by including explanatory text which identifies the Bushfire Code as another document which needs to be considered in respect to the assessment of a development application in Bushfire Protection Areas
- making development non-complying if it doesn't meet the requirements of the Bushfire Code.

Each of these options is discussed below.

3.1.1 Inserting an Objective

An Objective expresses the development goals for a given area of land that can be achieved as a cumulative result of approved developments. They are generally discernible rather than measurable.

The Planning Guide: Producing Better Development Plans (July 2009) suggests that:

Objectives should focus on broad outcomes of development, rather than individual requirements for individual developments (these are better addressed in a principle of development control).

Given that the Bushfire Code contains measurable aspects, establishing a link with the Bushfire Code at the Objective level of the Development Plan is not recommended.

3.1.2 Inserting a Principle of Development Control.

As discussed in section 3.1.1, measurable matters should be placed at the Principle of Development Control level of the Development Plan.

The Producing Better Development Plans planning guide (July 2009) identifies that the role of a Principle of Development Control is to 'establish the means by which development is controlled eg the minimum setback of a building'.

The role of Development Plan principles ties in with the measurable aspects of the Bushfire Code, which establishes additional criteria which should be met when undertaking development in a Bushfire Protection Area, i.e. it establishes matters that should be considered for 'individual' developments.

Logically, a link to the Bushfire Code would be well placed as a Principle of Development Control.

How the principle is worded would determine what matters of the Bushfire Code should be considered or enforced as part of the assessment of a development application.

It could be worded broadly in the following manner:

PDC X Development in a Bushfire Protection Area should be undertaken in accordance with the *Minister's Code: Undertaking development in Bushfire Protection Areas*.

The Bushfire Code however, contains material that is intended for guidance only, such as the type of information which should be supplied when lodging a Development Application, or the building rules requirements, which are assessed separately to Development Plan consent.

Given the confusion that this might cause at the development assessment level, it is recommended that the Principle of Development Control focus on matters that are planning related and are of 'high' or 'mandatory' importance.

3.1.3 Using explanatory text

Some Development Plans contain explanatory text to provide more detail about the Objectives or Principles of Development Control, and how they should be applied.

Explanatory text could be used as a mechanism for linking the Bushfire Code to Development Plan policy; however, this is not a Better Development Plan supported approach.

3.1.4 Using the non-complying provisions

This approach is not recommended given that the application of Bushfire Code policy still requires a level of judgment at the assessment level. Ideally, non-complying policy should be measurable, particularly given that nature of the development ultimately determines how a development application is formally processed under the Development Act and Regulations.

Non-complying provisions will also affect the appeal rights of an applicant, in so far that a non-complying application is not afforded the opportunity of appeal to the Environment Resources and Development Court, in the event of a development refusal.

One of the guiding principles of Better Development Plan policy is that non-complying lists should 'concisely list those land uses that are not desirable in the most conceivable circumstances'.

This would be difficult to achieve in respect to the application of the Bushfire Code, and would be further muddied by the range of developments covered by the code i.e. land division, dwellings, tourist accommodation, other habitable buildings.

3.2 Recommended policy changes

On the basis of the above investigations, it is recommended that the following additional Principle of Development Control be inserted into the bushfire protection provisions of the affected Development Plans:

PDC X Development in a Bushfire Protection Area should be in accordance with those provisions of the *Minister's Code: Undertaking development in Bushfire Protection Areas* that are designated as mandatory for Development Plan Consent purposes.

4. STATEMENT OF STATUTORY COMPLIANCE

Section 26 of the *Development Act 1993* prescribes that the DPA must assess the extent to which the proposed amendment:

- a) accords with the Planning Strategy
- b) accords with other parts of the Development Plan
- c) complements the policies in the Development Plans for adjoining areas
- d) satisfies the requirements prescribed by the Regulations.

4.1 Accords with the Planning Strategy

Relevant strategies from the Planning Strategy are summarised in section 2.2 of this document. It is the intent of the DPA to support the achievement of the Planning Strategy policies.

4.2 Accords with other parts of the Development Plan

The policies proposed in this DPA are consistent with the format, content and structure of the affected Development Plans.

4.3 Complements the policies in the Development Plans for adjoining areas

The policies proposed in this DPA should not affect the Development Plans for adjoining areas.

4.4 Satisfies the requirements prescribed by the Regulations

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

REFERENCES/BIBLIOGRAPHY

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