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Mr. Philip Frensham
Secretary
Environment Resources & Development Committee
Parliament House
North Terrace
ADELAIDE 5000

Dear Philip,

Thankyou for the opportunity to comment on the Development Plan titled;

Land Not Within A Council Area (Eyre, Far North, Riverland and Whyalla)
Development Plan-

Land Not Within A Council Area Consolidation and Better Development Plan (BDP)
Conversion Development Plan Amendment (DPA) (Part 2)- Development Plan
Amendment

Plan Amendment by the Minister.

Firstly the provision of 6 working days from the day I received this very large document to the 5th September is in my view a totally inadequate time period for me or my staff to reasonably peruse the document and try to understand and digest the long term ramifications for the region I represent. I therefore ask that an extension of time, at least to the 16th October 2008 be given so I have more time to investigate issues that may become apparent on closer inspection of this large document

Secondly, was I given the opportunity to comment on the DPA (part 1) of this document before it was granted approval on the 3rd July 2008? I can not find any letter indicating that I was. Were any other Members invited to comment on DPA

(part 1) and if so did they? Where can I find the copies of submissions if there are any?

I also ask if owners of land that are affected by the DPA (part 1) were individually notified by registered mail and if they weren't, that they are? An advertisement in a newspaper is not good enough, most people living in an "Out of Council" area never see a newspaper!

Because the areas being considered under these plans are not within a Council boundary, private land owners do not have the protection of a Local Council. Local councils have employees who are aware of the affects that decisions being made by the city centric departments and boards might have on a special area or region and they keep an eye out for advertisements and gazettal notices that might affect them. Councils are able to alert owners and provide arguments to them, and the departments involved, about issues that could effect decisions that may have long term repercussions for any of the parties. Council staff help to provide the local knowledge that is needed, and provide a conduit for owners, that is missing in what appears to me to be a very one sided process with long term consequences for people who may not even be aware it is happening.

Of particular concern to me is the fact that there is a precedent being set, whereby the government is able to impose a change of use to freeholded land, without compensation to the owner who has been financially disadvantaged by the government and department's actions.

I therefore make *initial* comments regarding [REDACTED] land at [REDACTED], [REDACTED], which is the whole of the separate DPA (part2) but request an extension of time to enable me to properly investigate all issues..

Development Plan Amendment (part 2)

Comments on the response from DEH to Planning SA staff as summarised under the heading 'Discussion' in the Executive Summary.

"The subject land was included in the Coastal Conservation Zone due to the coastal hazard risk (flooding and potential coastal acid sulphate soils), sensitive coastal features (stranded coastal wetland) and coastal vegetation identified."

I suspect this land, that is between 2.5 to 8 kilometres inland from the coast, is included in the Coastal Conservation Zone for none of the above reasons. Instead by rendering it useless for any other purpose, other than a defacto privately owned conservation park (not the wish of the owners), the Department will be able to acquire it at a very reduced price from that expected for freehold land with fabulous views. The bonus for the department then is a neatly squared off boundary of their

surrounding Conservation Park. They can then feel virtuous and self righteous at absolutely no cost to themselves or their loved ones but leave the owners with unexpected costs from what they thought in many cases might be their superannuation in their retirement or their children's inheritance.

If this is a genuine reason for acquiring the land then we can expect that hundreds of thousands of square kilometres more coastal land will be given similar treatment and nibbled off bit by bit by the department from defenceless owners, unaware in many cases that it is even happening, let alone what their rights are. Zimbabwe's President Mugabe would be proud of such a significant land grab and we are allowing it to happen in South Australia without comment. This newest land grab comes on top of the coastal free holding, where land was compulsory acquired without compensation not to mention the additional cost of surveying and fencing going to owners, who thought by free holding, they were protecting themselves from further land theft.

“A site inspection undertaken by the Coast Protection Board (CPB) in December 2007 confirmed the area to be low-lying, with areas of the site inundated, and an area in section 5 (north of section 4) being too boggy to cross by vehicle.”

I am unaware of a visit by the Coast Protection Board (CPB) to the area in December or any other time and would appreciate details of which officers or Members visited and where they went. Were they accompanied by the owner, and if not, did they gain his permission to enter upon his land?

I would appreciate knowing what criteria is used to provide the definition of 'low lying', when much of the area, I understand, is 30 metres above sea level. Does it include the effects of global warming and the melting of ice caps, in which case a good percentage of Adelaide including Unley and Goodwood where my daughter now lives, are also likely to be considered low lying and at future risk?

In reality, I understand that each of the [REDACTED]'s proposed allotments had significant areas that could not be considered as low lying, where a house could be safely built.

An area in section 5 that was 'too boggy to cross by vehicle'. There are areas in my garden that are too boggy to be crossed by vehicle particularly where there is clay and it has been raining. Perhaps the officers can clarify why the area was boggy, had it been raining or was it sea water inundation, and why were they wanting to drive across the area when there are public roads available?

‘The site appeared to be relatively well vegetated with samphire vegetation, with some areas of apparently natural, unvegetated saltflats, and a small area of mallee vegetation on the higher ground on the southern boundary of the property. The

state and nationally threatened species, Tecticornia flabelliformis was found nearby.”

Firstly precisely how close is ‘nearby’? West of Ceduna, 100 kilometres is still considered nearby!

I would also like the committee to be aware that no one can possibly really know if Tecticornia flabelliformis is ‘a state and nationally threatened species’ as stated, as it only came into existence last year as part of a subdivided genera Halosarcia. Born at the same time were Tecticornia cupuliformis, tecticornia fontinalis, Tecticornia halonemoides (which also has subspecies halocnemoides, longispicata, tenuis), Tecticornia indica (with subspecies indica bidens, leiostrachya), Tecticornia lepidosperma, Tecticornia lylei, Tecticornia itiada along with a host of other sisters and brothers in the genera Scerostegia. These genera are found along, hundreds indeed probably thousands, of kilometres of Australia’s mostly unexplored coastline and will probably be subdivided further yet by biologists interested in the minute variation of plants that occur naturally over time.

Should such scare mongering be used to stop development? How legitimate are the claims of “nearby”?

“Further analysis identified the area as largely covered by stranded coastal wetland that is low-lying and would have been flooded by the sea in the past.”

If the Committee can actually physically visit the area of the far western and Nullarbor Plain’s region rather than rely upon maps and satellite photos they would see that the whole area, hundreds of thousands of square kilometres of it, has been ‘flooded by the sea in the past’ not just this section of land. All along the length of the Great Australian Bight there are ‘stranded coastal wet lands’ for 100’s of kilometres inland!

My father used to say that ‘bulls**t baffles brains’, and that is what I believe that this Department is trying to do to the committee, the Ministers and the ordinary Australian public. The ‘bulls**t’ produced by very well educated city people will rob the owners of this land by hoodwinking members of parliament and the above statement is a perfect example.

“The limited contour data for this area shows that the 0 metre Australian Height Datum contour runs through this area (approximately mean sea level), indicating that if this area was currently connected to the coast it would be subjected to coastal flooding now. In the absence of detailed elevation information, landforms are used to identify coastal land and coastal hazards. The landforms support the contour data, and indicate that this area is low-lying and therefore vulnerable to

sea level rise. A dune barrier, which is quite narrow in places, currently protects the area from ocean flooding. However, a rise in sea level is likely to result in the sea breaching these dunes with consequent coastal flooding.”

At least the departmental officers admit that there is ‘limited’ contour data so it follows that all the decisions that have been made based on this data may well be wrong.

They go on to state that ‘in the absence of detailed elevation information landforms have been used to identify coastal land and coastal hazards’ and ‘indicate that this area is low-lying and therefore vulnerable to sea level rise’. As previously pointed out, so too is much of Adelaide and many other coastal towns that have been built adjacent to the sea. Are we going to stop development there as well and confiscate the land or would that be too provocative to significant numbers of voters?

Then amazingly ‘a rise in sea level is likely to result in the sea breaching these dunes with consequent coastal flooding’ as will happen everywhere with sea level rise. At least with these blocks, the houses will be on the high land unlike many in other areas of the state, the nation, indeed the world, New Orleans being a classic example.

The sand hills to the north east of Fowlers Bay have been increasing and moving inland. In recent times, as recently as the 1960’s and 70’s, the road into Fowlers Bay from Ceduna was shifted inland as it was continually inundated by sand. Because of this problem, in the late 1970’s the road was shifted some distance inland to cross the clay pans. Current maps of the area still show the road easement following along close to the beach and then easements further inland as the sand has been advancing. In addition sand hills to the west of Fowlers Bay have also dramatically increased. A whole suburb of Fowlers Bay called Kent Town is buried under these. See www.fowlersbay.com for details of Kent Town.

It would appear to be more likely therefore that further sand will be deposited, and naturally stabilised with plants, making the area safer in the same way as the rest of the region has come into existence, rather than the opposite scenario. The argument has been designed to fit the desired outcome for the Department.

“Due to the low-lying nature of the land, this area may contain coastal acid sulphate soils as have been found in a similar area on the other side of Fowlers Bay.”

Yes maybe it ‘may contain acid sulphate soils’, but has it?! And if it does have these soils, so do many other built up areas and they seem to have survived development. These soils would not be unique to this section of land. Will the presence of, (or possibility of the presence of), as is the case here, stop other projects where there are more voters affected or big developers? It is essential to keep in mind that the

proposed developments are blocks of 113 hectares each with a designated area for a dwelling taking up a minute section of that block.

“The area contains sensitive coastal features (stranded coastal wetland and coastal vegetation). The CPB does not support development in wetlands.”

Development is not proposed in the ‘stranded wetlands’. Wetlands occur within Adelaide suburbia, however this is just a sneaky grab to take the whole of an area using wetlands as an excuse, where the confiscation of them is likely to be undisputed (or can be snuck through quietly) so very few people know until years later when they want to do something with the land. The current Board and government are likely to be well and gone and the situation a fait accompli for the unfortunate land owner.

“In keeping with CPB policy and in the strategy adopted across the State to ensure sensitive coastal features including hazards are in coastal zones, reducing the size of the Coastal Zone in this area is not supported by the CPB due to the identified coastal hazard and coastal vegetation present in this area.

Accordingly, the DPA (Part 2) is in a form suitable for approval. The approval DPA contains the Development Plan Introduction Section, General Section provisions and Coastal Conservation Zone which apply to the subject land, being the same as those contained in the Land Not Within a Council Area Consolidation and Better Development Plan (BDP) Conversion Development Plan Amendment (DPA) approved on 3 July 2008. Maps relating to the subject land are not included as they are the same as those introduced on interim operation on 14 August 2007.”

I am appalled that Part 1 was able to be snuck through without anyone noticing it. I and I believe Minister Holloway also, were given the understanding that part 2 had been separated out to allow more time for the investigation of the development planning assessment. Instead it appears that it was a distraction while the main part went through without scrutiny or opposition! Supposedly then, all that has to happen now, is to tidy up the [REDACTED] subdivision that alerted the department to the need for quick action on part 1.

It is no surprise therefore that the DPA was put in place a few days after the application for subdivision was lodged by the [REDACTED], nor that it was put into effect immediately. I suspect that someone will be dismayed that it was not able to be applied retrospectively!

However can the department state that that due process has been adhered to? They advised that meetings would be held in Penong, Yunta and Andamooka for anyone who wanted to speak to their submission but it is highly unlikely that anyone knew

what was really happening. No submissions... meant no meetings. And as queried previously were local Members alerted or asked for their input? With no Councils as a cross check, and only an advertisement in the back pages of the Advertiser how open and accountable has this process been?

I would appreciate that my concerns are noted by the committee and reassurance given to me that land owners affected by the implementation of Part 1 will have access to appeal. In addition that the [REDACTED] be allowed to subdivide their freehold land the subject of part 2, which will allow for some of the much needed growth of the township of Fowlers Bay.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Liz Penfold". The signature is written in a cursive, flowing style.

Mrs. Liz Penfold MP
Member for Flinders

Cc Hon Graham Gunn MP
Mr A Pederick MP
D Ridgway MLC