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Hon Jay Weatherill MP
Minister for Environment & Conservation
GPO Box 1047
ADELAIDE SA 5001

Hon Paul Holloway MLC
Minister for Urban Development and Planning
GPO Box 2832
ADELAIDE SA 5001

Dear Jay and Paul,

I enclose a copy of a letter from a constituent, [REDACTED], who is expressing his bitter comments about the ramifications of the proposed Coastal Conservation Zone and the Perpetual Lease Accelerated Freeholding (PLAF) program for land owners.

I believe the freeholding process was one of the most inequitable processes undertaken by the Government. Lessees were placed in a no win situation if they did not take advantage of the PLAF program because lease hold property could not be sold unless it was freeholded and in the future freeholding costs were going to be substantially increased. Therefore if circumstances changed leasehold land owners would be subject to significant freeholding costs and processing delays before they could finalised the sale of their property. Hence the Government had them over a barrel.

Now the Government is proposing to introduce a Coastal Conservation Zone as part of their Development Policy of Better Development Plans (BDPs) and the State Government driven Coastal Management Strategy. Once again significant portions of Eyre Peninsula coastal land mapped as Coastal Conservation Zone are being annexed.

In response to a question in Parliament on Thursday 18 October 2007 Minister Gago blithely stated that the PLAF program had been very successful and that stretches of coastal and waterfront land had been acquired. She later advised, in response to the Question Without Notice, that no compulsory acquisitions of water front land had been undertaken as part of the PLAF program.

Minister Gago totally overlooked the fact that landowners had no say in what or how much land was commandeered and retained by the Government.

Of the course Minister Gago would state that the program has been extremely successful because it was done at very little cost to the Government. In contrast land owners lost large tracts of valuable coastal land and future income, paid hefty surveying and fencing costs, which in the majority of cases totalled many thousands of dollars. (See attached letter) Conservation projects of this nature should not be undertaken at the expense of a small number of individuals. Rather a state wide cost approach should have been taken. I have no doubt that the Government will argue that the people of State of South Australia are the beneficiaries of this project –therefore, they must help to pay for it. If land owners had received some form of compensation for the land they lost or their expenses had been offset, it might have been easier for the process to be accepted. The many land owners who contacted my office regarding this process, some who had been custodians of coastal land for generations, were left feeling alienated and cheated by the Government's lack of regard for their plight.

The Eyre Peninsula Coastal Development Strategy was developed by Planning SA and members of the Eyre Peninsula Local Government Association (EPLGA). I commended Councils for working in conjunction with Planning SA to develop a long term vision and policy. However I expressed grave concern that the Strategy appeared to be delivering a strong message of increased regulation and control which overruled any provision for economic development and growth.

The premise of the draft strategy that 'remote' areas are more fragile is questionable and would appear to be the means of ensuring this region stays undeveloped. Visitors to our 'a wild and pristine' coastline will want a certain amount of development to allow them to vacation in comfort. Why should 'remote' communities be further disadvantaged? These communities are custodians of their region – they love where they live and they don't want another "Glenelg" but closing all avenues for coastal development is neither fair nor responsible.

The wording of the draft strategy was very much a broad view with 'motherhood' statements and a very generalised perspective. I suggested in my 2006 Submission on the draft Eyre Peninsula Coastal Development Strategy that it would be subject to differing interpretations and could result in quite draconian regulations being introduced. It is no surprise to me that this is exactly what has happened. (My submission can be viewed at www.lizpenfold.com)

Councils on Eyre Peninsula have expressed concern about the actual changes that have been included in the Development Plan Development Plan Amendments (DPAs) they are being asked to sign off on. Some of the changes are subtle and some, such as the large Coastal Conservation Zone, will have a significant impact on their residents and ratepayers, such as [REDACTED]. Their concern has been so deep that the amount of effort by very small Councils to investigate and remap areas has been unprecedented and indicates the level of concern.

The BDP process and the merging of the Coastal Development Strategy has resulted in the State Government annexing large tracts of coastal freehold land. Traditionally there has been a 20 metre set back from high tide mark or cliff tops. During the perpetual freehold process this was increased to 50 then to 100 metres and beyond. I am aware of land 8 kms from the coast at Coorabie which has been included in the Coastal Conservation Zone. The zoning regulations result in the land holder still being the 'owner' of the land however the list of non-complying developments outlined in the PAR is comprehensive; including farming, land division, dwellings (with a few exceptions), marinas, motels, and tourist accommodation greater than 50 rooms, water tanks and dams, etc, etc will negate any possible alternate use of coastal land and severely limits future retirement or

farming options. As [REDACTED] states in his letter “It is quite clear that restrictions placed on land use which prevents you from living on that land is the closest thing to annexing the land.”

Once again this is supposedly for the benefit of many with no compensation or consideration given to individuals or the farming families who while they live in a beautiful area are struggling with a drought, long distances, fewer services and choices. I wonder how landowners such as the Premier in Norwood and Deputy Premier in Unley would feel if the government suddenly decided to take their backyard for state conservation purposes.

It is no wonder people like [REDACTED] are feeling bitter about the so called democratic process whereby they have seen their rights of ownership stripped away. I urge you to give serious consideration to John’s concerns that the Government’s current strategies are preventing regional areas from developing and removing people’s individual rights. Decisions made by city centric bureaucracy who have public transport, hospitals and schools in close proximity need to be re-examined to establish the social and economic impact on small rural communities. As I stated in my recent submission to the Parliamentary Environment Committee on this subject Magabi would be proud of you.

Yours sincerely,

A handwritten signature in black ink that reads "Liz Penfold". The signature is written in a cursive, flowing style.

Mrs. Liz Penfold MP
Member for Flinders

Cc Shadow Minister for Environment M Williams, Shadow Minister for Planning D Ridgeway, ERD Committee Members, EPLGA & EP Councils, Member for Grey R Ramsey MP