



*The***Barossa***Council*

## **STRATEGIC PLANNING AND DEVELOPMENT POLICY COMMITTEE**

**Notice of The Barossa Council Strategic Planning and Development Policy  
Committee meeting to be held at the Council Offices, 43-51 Tanunda Road,  
Nuriootpa on**

**Tuesday, 21 March 2017, commencing at 9.30am**

Martin McCarthy  
CHIEF EXECUTIVE OFFICER  
THE BAROSSA COUNCIL

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## **A G E N D A**

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- 1. WELCOME**
  
- 2. ATTENDANCE RECORD**
  - 2.1 Present
  - 2.2 Apologies
  - 2.3 Not Present/Leave of Absence

**3. MINUTES**

3.1 Confirmation of Minutes from the 20 September 2016 meeting. 4

3.2 Business Arising from Minutes

**4. DECLARATION OF INTEREST**

**5. MATTERS LYING ON THE TABLE/DEFERRED**

Nil.

**6. QUESTIONS ON NOTICE**

**7. MOTIONS ON NOTICE**

Nil.

**8. DEPUTATIONS AND VISITORS TO THE MEETING**

Nil.

**9. ITEMS FOR DECISION**

9.1 Rural Areas and Character Development Plan Amendment 19  
- Potential Collaboration with Department of Planning,  
Transport and Infrastructure

**10. ITEMS FOR INFORMATION**

Nil.

**11. CONFIDENTIAL ITEMS**

Nil.

**12. OTHER BUSINESS**

Nil.

**13. NEXT MEETING**

Tuesday, 20 June 2017 commencing at 9.30pm.

**14. CLOSE OF MEETING**



## MINUTES OF THE MEETING OF THE BAROSSA COUNCIL STRATEGIC PLANNING AND DEVELOPMENT POLICY COMMITTEE

Held on Tuesday, 20 September 2016, commencing at 9.32am in  
the Council Chambers, 43-51 Tanunda Road, Nuriootpa

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### 1. WELCOME

Mayor Sloane declared the meeting open at 9.32am.

### 2.1 MEMBERS PRESENT

Mayor Bob Sloane, Crs Dave de Vries, John Angas, Michael Seager, Richard Miller, Margaret Harris, Tony Hurn, Mark Grossman and Michael Lange.

Mr Martin McCarthy (Chief Executive Officer), Mr Gary Mavrincac (Director – Development & Environmental Services), Mrs Joanne Thomas (Director – Corporate & Community Services), Mr Matt Elding (Director – Works & Engineering), Mr Paul Mickan (Principal Planner) and Mrs Marie Thom (Minute Secretary).

### 2.2 APOLOGIES

Crs Leonie Boothby and Christopher Harms

### 2.3 LEAVE OF ABSENCE

Cr Scotty Milne

**MOVED** Cr Grossman

That the apologies from Cr Boothby and Cr Harms and leave of absence from Cr Milne be received.

**Seconded** Cr Miller

**CARRIED**

### **3.1 MINUTES OF PREVIOUS MEETING**

**MOVED** Cr Harris

That the Minutes of the Strategic Planning and Development Policy Committee held on Tuesday 15 December 2015 as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

**Seconded** Cr Hurn

**CARRIED**

### **3.2 BUSINESS ARISING FROM MINUTES**

Nil.

### **4 DECLARATION OF INTEREST**

Nil.

### **5 MATTERS LYING ON THE TABLE/DEFERRED**

Nil.

### **6 QUESTIONS ON NOTICE**

Nil.

### **7 MOTIONS ON NOTICE**

Nil.

### **8 DEPUTATIONS AND VISITORS TO THE MEETING**

Nil.

## **9 ITEMS FOR DECISION**

### **9.1**

#### **KALBEEBA INFILL INVESTIGATIONS STUDY – DRAINAGE REPORT AND NEXT STEPS (B2522)**

**MOVED** Cr de Vries

That:

- (1) The Committee receive the report.
- (2) A Development Plan Amendment be initiated in relation to the Rural Living Zone: Precinct 26 Kalbeeba West to reduce the desired lot size from 0.5 ha to 2000sqm; to remove land division in the precinct from the non-complying table, and to insert design standards to guide future land division, dwelling siting, and onsite stormwater management in the precinct.
- (3) The design standards contained in this report be incorporated into a guideline for future community title land division, Torrens title land division and dwellings in the Rural Living Zone: Precinct 26 Kalbeeba West.
- (4) The Committee recommend to Council that it implements, in conjunction with Springwood Communities and affected landowners, a comprehensive drainage solution for downstream of Calton Road incorporating where relevant the advice and recommendations of the hydrological consultant, and that if necessary a scheme be introduced to recover the cost of Council's investment in any implemented drainage solutions.

**Seconded** Cr Harris

**CARRIED**

#### **INTRODUCTION**

This report provides results from further drainage investigations relating to options for the Kalbeeba Infill Investigations study area with recommendations on the next steps.

#### **COMMENT**

##### Background

At its meeting on 15 December 2015 the Strategic Planning and Development Policy Committee received the *Kalbeeba Infill Investigations Study Options Paper – Consultation outcomes and further investigations* document, following consultation on various options for infill development. The document clarified several aspects and provided broad direction relating to the options, but also noted that additional investigations relating to drainage were required. Accordingly, the Committee resolved:

- “1. That further investigations be undertaken to explore the potential and associated costs to supplement or redesign the proposed drainage works to accommodate development potential within the Rural Living precinct under the existing minimum lot size and increased development potential under the 2000sqm option, in addition to addressing existing issues, and that a report be presented to a future meeting of the Strategic Planning and Development Policy Committee.
2. That guidelines be prepared for future adoption by Council regarding the standards to apply to any future community title land division within the study area and desired standards for Torrens title land division and dwellings.”

In addition the Committee requested that the 1500sqm option also be investigated.

#### Additional drainage investigations

Bob Williams, an experienced hydrological consultant, was engaged to undertake the additional drainage investigations. The consultant has recommended or advised as follows:

- *“On site stormwater management is current best practice and has already been applied to the upstream (Gawler East/Springwood Development) catchment which contributes to the Kalbeeba drainage system. The outfall downstream of Calton Road into Kalbeeba from Gawler East has been designed to current best practice objectives, however at this time the system, in particular the base flow pipe, an essential component of the scheme, has not been constructed between Calton Road and Hameister Court. The outfall is not yet operating as designed.*
- *With the proposed controlled on-site stormwater runoff management of every future lot, regardless of lot size, the impact on Council's existing and currently proposed stormwater systems would be minimal.*
- *The fundamental basics (ie pipe sizes and layout) of the current proposals (Gawler East and Council) which are intended to address existing problems as designed can accommodate anticipated future development under existing policies, under the 2000sqm option and the 1500sqm option, without redesign or upsizing on the proviso that onsite measures are mandated.*
- *Opportunity exists to relocate and modify the proposed base flow pipe (by Gawler East-Lend Lease) to install connection points which address existing issues with stormwater from the adjacent community title development. This may incur minor additional cost (about \$10,000) which Council may have to bear. Subject to formal agreement of the landowner and easements, this base flow pipe could be implemented immediately.*
- *Developers should provide stormwater collection points for all lots and roadways and discharge to the outfalls as noted on the master plan.*
- *All future dwellings and roof areas should be required to discharge to a rainwater retention/detention tank, the options for which are discussed in the following section of this report.*
- *Developers may be required in some cases to provide an outfall drain to connect to Council's drainage system. In some cases the developer may be required to negotiate easements to accommodate outfalls.*
- *Whist guidelines for on-site runoff management are provided as a recommendation, each developer could have the option of presenting an engineered alternative to achieve the same outcome.”*

#### Discussion

Based on the additional hydrological investigations and recommended approach towards on-site stormwater management the area can accommodate additional development provided appropriate policies are in place regarding the nature and scale of development including on-site stormwater management.

As noted in the study documents, rural living areas are generally characterised by rural standard roads, larger allotments, larger set-back distances, larger spaces between houses, open style fences, and a greater range of ancillary activities such as low impact livestock keeping, and larger sheds.

The 2000sqm option, which would see approximately 39 additional lots created either fronting a road or 'internal' lots created via battle-axe or community title divisions, would still maintain the existing semi-rural character subject to appropriate standards relating to lot widths and setbacks being applied, and provision being made for the appropriate drainage of any buildings and of any additional lots created. Creation of allotments below 2000sqm and associated buildings and structures would likely undermine the existing character and should not be encouraged. Onsite wastewater treatment and disposal on such lots can also be problematic.

#### Drainage matters

The Strategic Planning and Development Policy Committee has no authority to decide on drainage infrastructure matters but it can provide advice and recommendations to Council. In this regard the Committee should recommend to Council that it implements, in conjunction with Springwood Communities and affected landowners, a comprehensive drainage solution for downstream of Calton Road incorporating where relevant the advice and recommendations of the hydrological consultant, and that if necessary a scheme be introduced to recover the cost of Council's investment in any implemented drainage solutions.

#### Guidelines and standards

Existing Development Plan policies provide little guidance in respect to the desired form or standard of development – eg allotment standards or building setbacks. The following principles should be adopted and reflected into the Development Plan and in the interim adopted as guidelines:

- Lot frontage:
  - Minimum 30m frontage (other than battle-axe lots)
- Dwelling setbacks:
  - 15m from front boundary
  - 5m from side boundary
  - 20m from rear boundary
- Public roads not to be located adjacent to existing dwellings in separate ownership
- Standards for community land divisions:
  - Community property containing driveway not to be located adjacent to existing dwellings in separate ownership
  - Common property standards:
    - Minimum width of 12m
    - Minimum driveway width of 6m
    - Designed to enable two-way traffic flow and to accommodate service and emergency vehicles
    - Construction standards (e.g. paved or asphalt, formal drainage and lighting)
    - Landscaping either side of driveway
  - Same lot configuration and building setbacks that apply to Torrens title allotments
- Battle-axe lots are envisaged within Precinct 24 Kalbeeba West in accordance with the following provisions:
  - exclude the area of the 'handle' of the allotment when calculating the allotment area
  - provide for an access onto a public road, with the driveway 'handle' being not less than 6 metres in width nor more than 50 metres in length
  - contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction
  - avoid where they would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape
  - encourage only where it is not out of character, for example in streets where this form of development already exists
- Each allotment to be developed with on-site stormwater management facilities to restrict the runoff to close to pre-development peak flows. One 'deemed-to-

comply' approach is for dwellings and outbuildings to be connected to a 10,000 litre minimum tank and plumbed to the dwelling for re-use, with an overflow at the top, connected to a rear of allotment drain connection point. Re-charge by mains water should be maintained to the 2,000 litre level. All roof water is to discharge direct to the tank top. *Note: Relevant conditions would be imposed at the land division and/or dwelling and outbuilding construction stages.*

#### Staging of potential policy changes

The Kalbeeba infill investigations project was included in Council's Strategic Directions Report (SDR). When the Minister for Planning agreed on our proposed SDR implementation work program, he indicated that while the investigations could be staged ahead of Concordia structure planning, he did not see any policy changes as a priority and advised they should not proceed in advance of Concordia structure planning.

As the Committee will be aware no significant progress has been made with Concordia structure planning at this point in time; however it is considered that the anticipated high level nature of the proposed structure planning will not influence, nor be impacted by, any policy changes for the Kalbeeba West rural living area. Accordingly it is recommended that the infill investigation project proceed to the next step as detailed below.

#### Recommended actions

1. Initiate a DPA to:
  - a. reduce the desired lot size from 0.5 ha to 2000sqm
  - b. remove land division in Precinct 24 Kalbeeba West from the non-complying table (ie all future division will be on-merit)
  - c. Insert design standards for Precinct 24 Kalbeeba West to guide future land division (community and Torrens title), dwelling siting, and onsite stormwater management
2. In the interim adopt the design standards referred to the report to assist with assessment under existing policies.

#### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Nil attachments.

#### **COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

##### Community Plan



Natural Environment and Built Heritage



Infrastructure

##### Corporate Plan

Natural Environment and Built Heritage

- 1.7 Maintain clearly defined townships and manage residential and commercial development that is sensitive to the natural environment and areas of historical significance.

Infrastructure

- 3.1 Develop and implement sound asset management which delivers sustainable services.
- 3.2 Collaborate with private and public utilities providers to ensure infrastructure is adequate to support the community both now and into the future.

##### Legislative Requirements

Development Act 1993

Development Regulations 2008

The Barossa Council Development Plan

#### FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

Further infrastructure planning is required, together with consideration of mechanisms for cost recovery from land owners when development is undertaken.

#### COMMUNITY CONSULTATION

The community has been provided with various opportunities to be involved throughout the study process and will have a further formal opportunity to comment during the DPA process.

### 9.2

#### LOCAL HERITAGE DISCUSSION PAPER (B3624)

##### **MOVED** Cr de Vries

That the Senior Manager, Planning Services be authorised to prepare a submission on the "*Heritage reform - an exploration of the opportunities: Local Heritage Discussion Paper*" on the basis of issues raised in this report and further analysis by staff.

**Seconded** Cr Lange

**CARRIED**

#### INTRODUCTION

This report relates to a discussion paper relating to local heritage and contains recommended comments to provide to the Minister for Planning.

#### COMMENT

##### Background

The State Government has released a *Heritage reform - an exploration of the opportunities: Local Heritage Discussion Paper* for public consultation. The discussion paper and a question and answer document are contained in Attachment 1. The discussion paper is a component of the ongoing reform of South Australia's planning system and identifies opportunities for reform around processes to identify and manage local heritage.

The discussion paper is in response to the Expert Panel on Planning Reform's *The Planning System We Want* report which made various recommendations relating to heritage (refer Attachment 2), and the State Government's response to the recommendations (refer Attachment 3) which proposed a two-step approach to heritage reform:

1. Heritage reforms in the planning system - The Government agreed with the Expert Panel that State and local heritage listings should be brought under one umbrella, proposing to merge State and local heritage listing processes into a single framework.
2. Wider heritage reforms - rethinking what we mean by 'heritage' - the proposal was to proceed with a wider discussion paper in the second half of 2015 that "canvasses ways in which heritage can be repositioned more broadly".

To guide discussion the LGA has prepared a *Local Heritage and Character Draft Position Paper* (refer Attachment 4).

### Wider reforms?

There appears to be a disconnect between the Expert Panels' recommendations, the State Government's response to the Expert Panel's recommendation and the directions proposed in the discussion paper. For example the discussion paper doesn't address the proposed wider reform as it only focusses on local heritage matters, nor does it explain how the government intends to "substitute contributory items and historic conservation zones and areas with new mechanisms" as indicated in its response to the Expert Panel's recommendations. It appears those aspects are to be the subject of a further discussion paper.

### Merits of separate legislation

The discussion paper and question and answer document suggest new legislation is proposed notwithstanding that the new *Planning, Development and Infrastructure Act 2016* provides a framework for the Planning and Design Code to list State and Local heritage places and for the Code to indicate development categories and procedures. No indication has been given as to the intended role of separate legislation nor the intended interaction between it and the new planning legislation and forthcoming Code. In the absence of the broader discussion about heritage reform – that is, beyond local heritage – it appears premature to commit to separate legislation.

### Local heritage listing

Experience shows that 'surprise' listing of local heritage places generates opposition and distrust, and while early consultation with owners is to be encouraged, this has to be weighed against the potential risk of damage to properties during the formal listing process. This risk is exacerbated by demolition of non-heritage listed properties now only requiring building rules consent only (ie no longer requiring development plan consent).

### Listing criteria

The discussion paper suggests that the description of local heritage places needs to be expanded and routinely updated but it fails to acknowledge the significant resource impacts on local government if this was introduced.

### Development assessment

The suggestion about reviewing what requires development approval and simplifying the application process has merit but the potential for accredited professionals to grant approval needs to be treated with caution, unless the Planning and Design Code provides clear performance measures and there is some dispute resolution process where a local council could intervene if it considers planning or building aspects have not be adequately addressed. An option is for accredited professionals to only deal with minor matters which normally would be complying development, as opposed to significant proposals including a change of use of a heritage place.

### Categorisation of demolition

The discussion paper raises the potential for demolition of local heritage places to be assessed on merit in future. Currently demolition of local or State heritage places is non-complying in many Development Plans where the Development Assessment Commission must grant concurrence. In these cases the State government makes the final decision. The new planning legislation doesn't provide for non-complying developments and we can realistically expect that the new Planning and Design Code will categorise most existing non-complying

developments as “performance assessed development” with a minor number falling into the “restricted development” category. It is expected that decisions on performance assessed development will remain at the local level, with no concurrence required, whereas restricted development will be determined by the new State Planning Commission with no concurrence of local councils required. A potential approach is for the Planning and Design Code to provide that proposals to demolish heritage places is to be determined at a development assessment panel level as opposed to an accredited professional or assessment manager.

#### Heritage versus character

There may be some merit in distinguishing between heritage and character but this also needs to be discussed as part of a broader reform and not in isolation – eg where does the Barossa Valley and McLaren Vale character preservation legislation fit in to a possible bigger picture?

### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: *Heritage reform - an exploration of the opportunities: Local Heritage Discussion Paper*

Attachment 2: Extract from *The Planning System We Want* report

Attachment 3: Extract from the State Government’s response to the Expert Panel on Planning Reform’s recommendations

Attachment 4: *LGA Local Heritage and Character Draft Position Paper*

### **COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

#### Community Plan



Natural Environment and Built Heritage

#### Corporate Plan

Natural Environment and Built Heritage

1.7 Maintain clearly defined townships and manage residential and commercial development that is sensitive to the natural environment and areas of historical significance.

#### Legislative Requirements

Character Preservation (Barossa Valley) Act 2012

Development Act 1993

Development Regulations 2008

The Barossa Council Development Plan

South Australian Planning Strategy: 30-year Plan for Greater Adelaide chapter

### **FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS**

Several potential reforms would impose additional obligations on local government with associated unknown financial impacts. No risk management issues have been identified.

### **COMMUNITY CONSULTATION**

The State government is undertaking public consultation on the discussion paper with comments due 7 October 2016.

### 9.3

## **RURAL AREAS AND CHARACTER DEVELOPMENT PLAN AMENDMENT – PROJECT UPDATE AND REPORT (B2383)**

**MOVED** Cr Miller

That the report be received.

**Seconded** Cr Lange

**CARRIED**

### **INTRODUCTION**

This report provides an update on the *Rural Areas and Character Development Plan Amendment (DPA)*.

### **COMMENT**

#### Background

At its meeting on 15 September 2015 the Strategic Planning and Development Policy Committee was advised that the Minister for Planning had agreed that the Statement of Intent (SOI) formed an appropriate basis for the preparation of the *Rural Areas and Character Development Plan Amendment (DPA)*. A work program prepared at the time indicated that a draft DPA was to be submitted to the Minister for Planning by mid-November 2015.

Unfortunately progress on the DPA has been delayed for various reasons including the unknown scope and content of the new Planning and Design Code proposed under the new planning legislation, and exploration of possible collaboration with Light Regional Council on various rural policy changes. These matters are discussed in more detail below. In addition Department of Planning, Transport and Infrastructure (DPTI) officers have asked Council to consider other rural related DPAs including Mount Barker District Council policy changes during the DPA preparations.

#### State government suggestion to defer 'non-strategic' policy changes

During discussions with DPTI staff about the DPA in late 2015 it was indicated that in the interim the Minister for Planning would only give priority attention to policy changes which promote job creation and investment, and would not support policy changes which restrict or constrain development.

Coupled with the above Ministerial position, there was and remains, uncertainty as to the format and content of the Planning and Design Code proposed under the new planning legislation. This new Code which will replace Development Plans is intended to provide state wide policies and discussions with DPTI also suggested that we should delay investing in any changes to Development Plan policies regarding built form such as siting and design of farm buildings. This approach was suggested partly because the Code may provide suitable policies, but again unless we could demonstrate a direct job creation/investment opportunity link, the Minister would be unlikely to see them as a priority.

In the above context DPTI suggested that Council 'split' the DPA into two, with the first part addressing 'priority' issues only with the balance of issues to be addressed in a second part DPA or through the new Code. Consequently, Council staff informally reviewed the policy directions arising from the *Rural Areas and Character Review* to understand if they could be readily categorised as 'priority' and 'non-priority' changes. While it is possible to split the directions as sought by DPTI this approach appears at odds with the character preservation legislation and subsequent Planning Strategy addendum and their collective focus on design, character and economic prosperity. To focus on investment while relying on existing deficient development policies could undermine the State government's own intent to preserve character – eg a new business enterprise being approved but which is

contained within a poorly sited and designed building which accords with existing Development Plan policies.

On this basis investigations are continuing towards a comprehensive suite of policy changes which will remove barriers to primary production diversification, value-adding and small scale tourism development, but also introduce new siting and design policies relating to farm and horticultural buildings. An intent of these new policies would be to give proponents more certainty as to the appropriate nature and scale of development, with the potential for certain developments to be complying.

#### Potential collaboration with Light Regional Council

DPTI also suggested in early 2016 that we meet with Light Regional Council to discuss the potential for a joint approach to rural policy changes, in particular as they relate to the character preservation district and policies which apply to the "Barossa Valley Region". There is no intent for a joint DPA but instead a desire that any policy changes achieve consistent outcomes.

Both councils have provided material to DPTI showing the level of consistency across existing policies, but also flagged potential differing approaches by both councils in respect to zone structure. Due to resourcing issues DPTI has not formally responded to this information creating uncertainty for each council. Efforts to receive direction from DPTI are continuing but in the meantime staff will continue discussions with Light Regional Council.

#### Next steps

The intention is to produce a draft DPA by the end of 2016 for internal discussion with Elected Members in early 2017.

### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Nil attachments.

### **COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

#### Community Plan



Natural Environment and Built Heritage

#### Corporate Plan

Natural Environment and Built Heritage

- 1.1 Facilitate planned and appropriate development of our townships and district to maintain the character of townships and rural landscapes and to preserve properties and sites which have historic significance.
- 1.7 Maintain clearly defined townships and manage residential and commercial development that is sensitive to the natural environment and areas of historical significance.
- 1.10 Ensure development policies are responsive to current trends through an active development policy review/amendment program.

#### Business and Employment

- 5.7 Contribute to the ongoing development of a coordinated local economic development strategy and ensure that Council's land use policy and practices enable and support the strategy's implementation.

#### Legislative Requirements

*Character Preservation (Barossa Valley) Act 2012*

*Development Act 1993*

*Development Regulations 2008*

The Barossa Council Development Plan

South Australian Planning Strategy, 30-Year Plan for Greater Adelaide Chapter

## FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

The intent is use in-house resources as much as possible; however it will be necessary to engage consultants using budgeted resources at various stages where the skill and experience is not available in-house – eg mapping.

## COMMUNITY CONSULTATION

Formal community consultation on the draft DPA will take place in accordance with statutory requirements supplemented by non-statutory information sessions and communications.

### 9.4

## STRATEGIC DIRECTIONS REPORT IMPLEMENTATION AND OTHER PROJECTS – UPDATE REPORT (B2141)

**MOVED** Cr de Vries

That the report be received and the revised timeframe be noted.

**Seconded** Cr Harris

**CARRIED**

## INTRODUCTION

This report provides an update on the work program arising from the Strategic Directions Report and other projects.

## COMMENT

At its meeting on 6 March 2014 the Committee received an update report on the Strategic Directions Report (SDR) and a proposed implementation schedule for the various preliminary strategic investigations, Development Plan Amendments, and other projects and actions arising from the SDR. A further update report was provided to the Committee at its 15 September 2015 meeting.

Further progress has been made on several key projects over the past year however some delays have resulted due to the need to respond to external demands such as the 30-Year Plan Update, Concordia development concepts, and consultations and submissions associated with the Planning Reforms, in particular the *Planning, Development and Infrastructure Act 2016*, and officer involvement in various State Government working groups. Accordingly it will be necessary to again adjust a number of timeframes for a number of SDR projects and other projects and actions. The current status of each project with recommended revised targets are listed for discussion in the update contained in *Attachment 1*.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

1. Detailed project list.

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

### Community Plan



Natural Environment and Built Heritage

### Corporate Plan

Natural Environment and Built Heritage

- 1.7 Maintain clearly defined townships and manage residential and commercial development that is sensitive to the natural environment and areas of historical significance.

### Legislative Requirements

Character Preservation (Barossa Valley) Act 2012

Development Act 1993

Development Regulations 2008

The Barossa Council Development Plan

South Australian Planning Strategy: 30-year Plan for Greater Adelaide chapter

## **FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS**

The intent is use in-house resources as much as possible; however it may be necessary to engage consultants using budgeted resources at various stages where the skill and experience is not available in-house.

## **COMMUNITY CONSULTATION**

Formal and informal community and stakeholder consultation will take place at various stages during each strategic investigation and DPA project.

## **10 ITEMS FOR INFORMATION**

### **10.1**

#### **SECTION 29 AMENDMENT AND EDITORIAL CHANGES TO DEVELOPMENT PLAN**

**(B1687)**

**MOVED** Cr de Vries

That the report be received.

**Seconded** Cr Miller

**CARRIED**

## **INTRODUCTION**

This report provides information on recent changes made to The Barossa Council Development Plan to correct various anomalies and errors and to incorporate various editorial changes.

## **REPORT**

Council's *Strategic Directions Report 2013* identified a project to correct a number of errors and anomalies in the Development Plan and to introduce rural property addresses where relevant<sup>1</sup>. Subsequent to the SDR a number of additional matters were identified through day to day administration. This project has now been completed in three steps as detailed below:

### *Step 1: Changes through the consolidation process – 12 May 2016*

- A new version of a Development Plan is published when an approved DPA is incorporated.
- On 12 May 2016 a new consolidation version was published to incorporate the Ministerial *Existing Activity Centres Policy Review DPA*.
- This version corrected various grammatical and typographic errors identified by Council.

### *Step 2: Changes through a Section 29 amendment process*

- This process enables the Minister for Planning to amend the Development Plan without public consultation to address or remove irrelevant material or inconsistency or to correct an error.
- On 11 August 2016 the Minister amended the Development Plan under Sections 29(2) and (3) of the Development Act 1993 as detailed in [Attachment 1](#) and summarised below:
  - Primary Production Zone: Land division is non-complying in the Primary Production Zone with three exceptions. The previous wording implied each

<sup>1</sup> Section 4.10 Administrative, page 33

exception must be met however that was unachievable. The amended policy now requires a proposal to satisfy at least one, not all, of the three components.

- o Rural Living Zone: The non-complying development table in the Rural Living Zone lists "Land division" with the various exceptions. The previous wording implied each exception must be met however that was unachievable. The amended policy now requires a proposal to satisfy at least one, not all, of the three components.
- o Rural Living Zone: The non-complying development table in the Rural Living Zone previously required allotments to be greater in area than the stated minimum for each precinct, contrary to the old Development Plan where allotments in the previous Rural Living (1) Zone were required to be at least or above the stated minimum allotment size were non-complying. The previous policy intent has been reinstated.
- o Rural Living Zone: The new format Development Plan introduced in August 2011 inadvertently listed the minimum lot size for a land division in Precinct 25 Kalbeeba East, the effect being that a land division of 0.5 hectare up to 1.0 hectare was merit whereas it was previously non-complying. The previous policy intent has been reinstated.
- o Settlement Zone: The Non-complying Development table in the Settlement Zone lists "Dwelling" with two exceptions (a habitable dwelling does not already exist on the allotment, and it involves the conversion of an existing State or local heritage place building)." The previous wording implied each exception is to be met in order for a detached dwelling proposal to be on merit. While it is possible to satisfy both criteria, the opportunities would be extremely limited and this was not the intent of the zone. The amended policies requires a dwelling to satisfy one criteria only.
- o Two items that have been demolished were removed from Table Baro/4 – Contributory Items (14 Newcastle Street, Angaston and a house in Newcastle Street, Angaston, both of which form part of the primary school property).
- o The Nuriootpa Railway Station was removed from Table Baro/5 – Local Heritage Places as it has been demolished.

#### Step 3: Changes through the consolidation process – 11 August 2016

- On 11 August 2016 a new consolidation version was published to incorporate the Section 29 amendment referred to above.
- In addition to the above Section 29 amendment changes, Rural Property Addresses were inserted as 'editorial changes' into Tables Baro/3 (Infill Dwelling Sites), Baro/4 (Contributory Items), Baro/5 (Local Heritage Places) and Baro/6 (State Heritage Places)

Full details of the above changes are available on request from the Principal Planner.

#### ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Government Gazette notice

#### COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

##### Community Plan



Natural Environment and Built Heritage



How We Work – Good Governance

##### Corporate Plan

Natural Environment and Built Heritage

- 1.10 Ensure development policies are responsive to current trends through an active development policy review/amendment program.

Legislative Requirements  
Development Act 1993  
The Barossa Council Development Plan

**FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS**

No identified risks.

**COMMUNITY CONSULTATION**

No community consultation was required as the amendments to the Development Plan contained no adverse policy changes.

**11 CONFIDENTIAL ITEMS**

Nil.

**12 OTHER BUSINESS**

Nil.

**13 NEXT MEETING**

Tuesday, 20 December 2016 commencing at 9.30am.

**14 CLOSURE OF MEETING**

Mayor Bob Sloane closed the meeting at 9.48am.

Confirmed at Strategic Planning & Development Policy Committee -  
20 December 2016

Date: ..... Chairman: .....

**THE BAROSSA COUNCIL**

**STRATEGIC PLANNING AND DEVELOPMENT POLICY COMMITTEE**

**21 MARCH 2017**

**9. ITEMS FOR DECISION**

**9.1 RURAL AREAS AND CHARACTER DEVELOPMENT PLAN AMENDMENT – POTENTIAL COLLABORATION WITH DEPARTMENT OF PLANNING, TRANSPORT AND INFRASTRUCTURE (B2383)**

**INTRODUCTION**

This report provides an update on the *Rural Areas and Character Development Plan Amendment (DPA)*.

**RECOMMENDATION**

That:

- (1) The report be received.
- (2) The Committee recommend to Council that it agree to collaborate with the Department of Planning, Transport and Infrastructure to achieve appropriate Rural Area and Character Review outcomes through the rural/primary production component of the Planning and Design Code and special legislative component of the State Policies.
- (3) The Rural Areas and Character DPA be put on hold but not withdrawn thereby maintaining the ability to proceed with the DPA in the event the collaboration with DPTI does not achieve Council's desired policy outcomes.
- (4) Regular project updates be provided to the Committee or Council.

**COMMENT**

Background

At its meeting on 20 September 2016 the Strategic Planning and Development Policy Committee received an update report on the *Rural Areas and Character Development Plan Amendment (DPA)* project.

The report advised that investigations were continuing towards a comprehensive suite of policy changes to remove barriers to primary production diversification, value-adding and small scale tourism development, and to also introduce new siting and design policies relating to farm and horticultural buildings.

Unfortunately progress on the DPA has continued to be delayed for various reasons and to date no meaningful progress has been made regarding possible collaboration with Light Regional Council on various rural policy changes. In the meantime implementation of the new planning and development system is accelerating including work on the Planning and Design Code. As a consequence

there is increasing potential for Barossa's policy changes to either not progress beyond a draft stage or to be short-lived, with associated wasted resources and effort by Council. The Department of Planning, Transport and Infrastructure (DPTI) has also acknowledged that it may not have the appropriate resources available to prepare rural and character preservation policies for the Code and State Policies in a timely and effective manner.

Potential revised approach to creating contemporary rural policies

In the above context the Director Development and Environmental Services and Principal Planner recently met with DPTI staff to discuss the future of the *Rural Areas and Character DPA* and the potential for Barossa's policy work to inform the rural policies in the new Planning and Design Code and character preservation component within the new State Planning Policies.

A letter from DPTI has now been received to formally progress this approach – refer Attachment 1.

In brief, an opportunity exists for The Barossa Council to lead a project to prepare rural/primary production policies for inclusion in the Planning and Design Code and character preservation policies for inclusion in special legislative scheme component within the State Planning Policies. This work would help achieve Council's desired outcomes, would help DPTI to build key components of the new planning system, but would also assist the other character preservation district councils in meeting their obligations to update their respective policies. This would require Council to 'park' its current DPA, but this approach is not envisaged to delay introduction of new policies to facilitate and maintain a sustainable primary production sector, and to also ensure character preservation.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: Letter from Department of Planning, Transport & Infrastructure

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

Community Plan



Natural Environment and Built Heritage

Corporate Plan

Natural Environment and Built Heritage

1.1 Facilitate planned and appropriate development of our townships and district to maintain the character of townships and rural landscapes and to preserve properties and sites which have historic significance

1.7 Maintain clearly defined townships and manage residential and commercial development that is sensitive to the natural environment and areas of historical significance.

1.10 Ensure development policies are responsive to current trends through an active development policy review/amendment program.

## Business and Employment

5.7 Contribute to the ongoing development of a coordinated local economic development strategy and ensure that Council's land use policy and practices enable and support the strategy's implementation

### Legislative Requirements

*Character Preservation (Barossa Valley) Act 2012*

*Development Act 1993*

*Development Regulations 2008*

*Planning, Development and Infrastructure Act 2016*

The Barossa Council Development Plan

South Australian Planning Strategy, 30-Year Plan for Greater Adelaide Chapter

### **FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS**

A collaborative approach will potentially reduce council's costs as it will be able to draw on DPTI and other councils' skills and expertise, including use of DPTI's mapping resources. It is envisaged that Council's Principal Planner will work closely with a case manager from DPTI to prepare the relevant policies and would also co-ordinate workshops with Light Regional Council relating to the Barossa Valley Region policies and with other Councils in the Barossa Valley and McLaren Vale character preservation districts as required.

Timing will need to be determined early in the process to ensure effective delivery.

Potential risks of a collaborative approach:

- If Council withdraws its DPA, the potential for a State government to defer or not proceed with the Code and a consequential need to re-commence the process

Potential risks of proceeding in isolation:

- Minister may refuse to approve DPA for consultation
- DPA may not proceed beyond draft stage
- Even if implemented, policy changes to existing Development Plan might be superseded by the Code and/or State Planning Policies
- Inconsistent policies between Barossa and Light Regional Council's policies in respect to land use within the Barossa Valley Region area - eg wineries, cellar doors and tourism, and between character preservation policies across the relevant councils
- Final policies in the Code and State Planning Policies not achieving Council's objectives

### **COMMUNITY CONSULTATION**

Formal community consultation on the draft DPA will take place in accordance with statutory requirements supplemented by non-statutory information sessions and communications.



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Mr Gary Mavrinac  
Director, Development and Environmental Services  
The Barossa Council  
43/51 Tanunda Road  
**NURIOOTPA SA 5355**

Dear Gary

**WORKING IN PARTNERSHIP TO BUILD OUR NEW PLANNING SYSTEM**

Further to our discussion about Council's ambition to consider a range of policy changes and how this can be accommodated through our new system, I would like to confirm our support for working collaboratively with you on the new Planning and Design Code.

The Government is committed to working in collaboration with councils to build the best planning system in Australia that attracts investment, supports jobs growth and creates more liveable neighbourhoods for our community.

The Planning and Design Code ('the Code') is one of the key instruments of the new planning system which will ultimately replace Council Development Plans. Transitioning to the new Code will be a significant task requiring substantial government resources to develop, implement and service, and engagement with councils and other key stakeholders.

To this end, we are keen for Council to work jointly with the Department on the Code, with particular focus on developing policies relating to rural planning and the character preservation district Overlay. We would be pleased to meet with you to jointly scope up the work that is required. I have nominated Ms Connie Parisi from our team to work with you in framing up this project.

This will have the benefit of targeting Council and the Department resources into building the new system, which will have significant long-term benefits.

Please do not hesitate to contact Connie Parisi, Senior Planning Officer on 7109 7027 or by email [connie.parisi@sa.gov.au](mailto:connie.parisi@sa.gov.au) to discuss the programme for developing the Code.

Yours sincerely,

Sally Smith  
GENERAL MANAGER, PLANNING AND DEVELOPMENT  
DEVELOPMENT DIVISION

2 March 2017