



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

Held on Tuesday, 15 September 2015, commencing at 9.32am in
the Council Chambers, 43-51 Tanunda Road, Nuriootpa

1 WELCOME

Mayor Sloane declared the meeting open at 9.35am.

2.1 MEMBERS PRESENT

Mayor Bob Sloane, Crs Dave de Vries (Deputy Mayor), John Angas, Christopher Harms, Leonie Boothby, Richard Miller, Mark Grossman, Margaret Harris, Michael (Bim) Lange, Michael Seager and Tony Hurn.

Mr Martin McCarthy (Chief Executive Officer), Mr Gary Mavrinac (Director – Development & Environmental Services), Mr Louis Monteduro (Senior Manager, Planning Services), Mr Paul Mickan (Principal Planner) and Mrs Marie Thom (Minute Secretary).

2.2 APOLOGIES

Nil.

2.3 LEAVE OF ABSENCE

Cr Scotty Milne

3.1 MINUTES OF PREVIOUS MEETING**MOVED** Cr Boothby

That the Minutes of the Strategic Planning and Development Policy Committee held on Tuesday 17 March 2015 as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr de Vries**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

LYNDOCH RESIDENTIAL DEVELOPMENT PLAN AMENDMENT – ADVICE OF APPROVAL (B1899)**MOVED** Cr Miller

That the report be noted and received

Seconded Cr de Vries**CARRIED****INTRODUCTION**

This report advises that the Lyndoch Residential Development Plan Amendment (DPA) has been approved, with changes made by the Minister for Planning.

COMMENT

The Minister for Planning has approved the Development Plan Amendment with it taking effect on Thursday 13 August 2015, approximately 18 months after it was lodged for approval.

Elected Members will recall that subsequent to the Development Plan Amendment being lodged for approval, the Minister had advised Council on two occasions that while he supported the rezoning, he did propose various changes relating to site contamination, dwelling types, dwelling height and allotment sizes and widths.

Council subsequently advised the Minister that while it supported the changes relating to site contamination, it did not support his changes relating to dwellings and allotments. In addition, in June 2015, Council presented a compromise solution to the Minister which would see a 'graduating' interface which commences with the vegetated buffer along Gods Hill Road and the southern boundary, and extend across to the peripheral road with single storey detached dwellings on larger lots on one side facing the rural area, with smaller lots with single storey dwellings towards the centre of the development area. This compromise was reported to the Council Meeting on 16 June 2015 (refer Agenda Item 4.2.1.2).

The Minister has approved the Development Plan Amendment with all the changes he previously presented to Council including:

- Amended Desired Character statement to include specific reference to the fact that potentially contaminating activities have occurred on the subject land.
- Amended policies in the Lyndoch Residential Policy Area 12 to allow for two storey residential development and semi-detached dwellings to occur.
- Amended policies in the Lyndoch Residential Policy Area 12 to allow for allotments which are at least 500sqm and have frontage to a public road of at least 12 metres.

Copies of the Minister's letter of approval and the approved policies and concept plan for the Lyndoch Residential Policy Area 12 are contained in [Attachment 1](#).

The Minister did not respond to Council's suggested alternative approach, with his only compromise being that he has now decided to not declare the rezoned area as a "full Code" area for the purpose of the Residential Development Code (ResCode). This means all future dwellings will be a merit form of development for which Council will have the discretion to approve or refuse, instead of complying development which must be approved. In addition the Minister has asked Council to review the application of ResCode within all townships located within the Barossa Valley character preservation district as part of our proposed Townships Development Plan Amendment.

The Mayor and Chief Executive Officer decided to not make a submission to the Environment, Resources and Development Committee of Parliament which undertakes a 'final check and balance' of the Development Plan Amendment.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN**LEGISLATION**

Development Act 1993

Development Regulations 2008

The Barossa Council Development Plan

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

Character Preservation (Barossa Valley) Act 2012

STRATEGIC PLAN

3.1 Character & Heritage

3.5 Planning & Building

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

Nil.

COMMUNITY CONSULTATION

Each person who made submission on the draft Development Plan Amendment has been advised that the Development Plan Amendment has been approved and supplied with a copy of the policies and concept plan for the rezoned area.

Mayor Bob Sloane and Mr Martin McCarthy, Chief Executive Officer retired from the meeting at 9.45am.

MOVED Cr Miller

That the Mayor and Chief Executive Officer be excused from the meeting to attend a confidential government briefing in Tanunda with an estimated return at 10.35am.

Seconded Cr Lange

CARRIED

Deputy Mayor Dave de Vries took the Chair.

9.2

KALBEEBA INFILL INVESTIGATIONS STUDY – PROGRESS REPORT (B2522)

MOVED Cr Hurn

That the report be noted and received.

Seconded Cr Lange

CARRIED

INTRODUCTION

This report provides a progress report on the Kalbeeba Infill Investigations study.

COMMENT

In November 2014 work commenced on the “Kalbeeba Infill Investigations” study, a project coming out of the Strategic Directions Report. All land owners in the study area were advised by letter or email of the study in early November 2014 and invited to contact a Council officer for an individual discussion. Discussions were held with the owners of 13 properties, primarily of properties located on Calton Road, in December 2014. One person from outside the study area also contacted Council for a discussion.

A summary of information received from those discussions and related observations made by Council staff was documented and circulated to all property owners in the study area in March 2015, with an invitation to comment further. This further consultation was undertaken to check the interpretation of information received and to enable any input from those people not involved in earlier consultations.

Various options for the study area were discussed at a Council workshop on 1 July 2015, and based on the feedback received from Elected Members, an Options Paper has been prepared and sent to owners and other identified stakeholders for comment. A copy of the Options Paper forms [Attachment 1](#).

Council will use feedback received to determine a specific option, and whether changes to existing policies are to be pursued via a Development Plan Amendment process. At this stage it is proposed to present a further report to the December meeting of the Committee.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

LEGISLATION

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

STRATEGIC PLAN

3.1 Character & Heritage

3.5 Planning & Building

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

Infrastructure planning and budgeting is taking place at various steps through the process; however detailed consideration will depend on which option is adopted.

COMMUNITY CONSULTATION

The community is being provided with various opportunities to be involved throughout the study process and will have a formal opportunity to comment during any Development Plan Amendment process.

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

MOVED Cr Lange

That the report be received.

Seconded Cr Seager

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.

Good progress has been made on several key projects over the past 18 months, 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 associated with the Planning Reforms. Accordingly it will be necessary to 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.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN**LEGISLATION**

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FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

The intent is to 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 Development Plan Amendment project.

9.4

RURAL AREAS AND CHARACTER DEVELOPMENT PLAN AMENDMENT – STATEMENT OF INTENT AND PROJECT UPDATE REPORT (B3283)**MOVED** Cr Miller

That the report be received.

Seconded Cr Boothby**CARRIED****INTRODUCTION**

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

COMMENT

At a special meeting on 10 September 2014 Council endorsed various recommended options and directions arising from the Rural Areas and Character Review together with an associated Statement of Intent (SOI) for the subsequent Rural Areas and Character Development Plan Amendment. Council also authorised the Senior Manager, Planning Services to make any necessary minor amendments to the Statement of Intent as directed by the Department of Planning, Transport and Infrastructure staff or the Minister for Planning. A copy of the Rural Areas and Character Review Executive Summary is contained in [Attachment 1](#).

The Statement of Intent was submitted to the Minister on 25 September 2014. In January 2015 DPTI staff raised a number of concerns with the Statement of Intent in particular:

- The relationship between the proposed Development Plan Amendment investigations and the character preservation legislation, subsequent Planning Strategy Addendum and the five character values identified in the legislation was not strongly demonstrated
- The Development Plan Amendment needs to ensure key areas of primary production (identified and mapped in PIRSA's Priority Primary Production Areas project) are appropriately protected with a suitable suite of development policies
- The Statement of Intent contained significant policy positions that are not appropriate for inclusion as they are predetermining the outcome of the Development Plan Amendment prior to the investigations being undertaken
- In light of ongoing discussions between the Department, other Councils and government agencies on rural policy issues, a request that Council amend the Statement of Intent to reflect that the Development Plan Amendment will follow Process B1 (consultation approval required). This was to ensure that the Development Plan Amendment for consultation is consistent with the other Development Plan Amendments being undertaken and in line with the investigations being undertaken across the region.

Following various negotiations with DPTI a formal response to the above issues was provided to the Minister on 25 May 2015, together with an amended Statement of Intent. A copy of the response is contained in [Attachment 2](#).

On 28 July 2015 the Minister agreed that the Statement of Intent forms an appropriate basis for the preparation of the Development Plan Amendment. A copy of the agreed Statement of Intent and the Minister's accompanying letter are contained in [Attachment 3](#).

A work program has been prepared to reflect the timeframe within the Statement of Intent. As indicated in the work program contained in [Attachment 4](#), a draft Development Plan Amendment is to be submitted to the Minister by 17 November 2015 which coincides with a normal Council meeting. In the meantime a special Elected Member workshop will be held to 'inform and refresh' Elected Members of the rationale behind the endorsed policy directions. This workshop will also provide an opportunity to discuss any policy directions which may require review – eg proposed directions for interface and buffer management in light of work currently being undertaken by PIRSA, DPTI and the LGA.

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3.1 Character & Heritage

3.5 Planning & Building

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

The intent is to 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 Development Plan Amendment will take place in accordance with statutory requirements supplemented by non-statutory information sessions and communications.

10 ITEMS FOR INFORMATION

Nil.

11 CONFIDENTIAL ITEMS

Nil.

12 OTHER BUSINESS

Nil.

13 NEXT MEETING

Tuesday, 15 December commencing at 9.30am.

14 CLOSURE OF MEETING

Deputy Mayor Dave de Vries closed the meeting at 9.53am.

Confirmed at Strategic Planning & Development Policy Committee -
15 December 2015

Date: Chairman: