



The Barossa Council

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

Held on Tuesday, 17 December 2013, commencing at 9.33am in
the Council Chambers, 43-51 Tanunda Road, Nuriootpa

1 WELCOME

Mayor Hurn declared the meeting open at 9.33am.

2.1 MEMBERS PRESENT

Mayor Brian Hurn, Crs John Angas, Susie Roehr, Dave De Vries, Bob Sloane, Richard Miller, Bridgette Kies, David Lykke, Michael Seager, Margaret Harris and Scotty Milne.

Mr Martin McCarthy (Chief Executive Officer), Mr Ian Baldwin (Director – Development & Environmental Services), Mr Peter Bice (Director – Works & Engineering), Ms Joanne Thomas (Director – Corporate & Community Services), Mr Paul Mickan (Principal Planner), and Mrs Marie Thom (Minute Secretary).

2.2 APOLOGIES

Nil.

2.3 LEAVE OF ABSENCE

Nil

3.1 MINUTES OF PREVIOUS MEETING

Circulated for information but not adopted at the meeting.

3.2 BUSINESS ARISING FROM MINUTES

Nil.

4 DECLARATION OF INTEREST

Nil.

Cr De Vries indicated for the record that he is on the Barossa Film Festival Board and the owner of the affected land Mr Charlie Scalzi has been a previous sponsor of the festival, however there has been no financial relationship over the three years in which Mr Scalzi has been a sponsor of the festival.

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 –
REPORT ON PUBLIC SUBMISSIONS AND AGENCY COMMENTS
RECEIVED (B1889)**

MOVED Cr Angas

That the Strategic Planning and Development Policy Committee reject the proposed recommendation for the draft Lyndoch Residential Development Plan Amendment at this stage.

Seconded Cr Sloane

LOST

MOVED Cr Lykke

That the Strategic Planning and Development Policy Committee:

- (1) Acknowledge the public submissions and agency comments received in relation to the draft Lyndoch Residential Development Plan Amendment (DPA).
- (2) Adopt the advice provided by staff in relation to responses to the public submissions and agency comments on the draft Lyndoch Residential DPA contained in this report.
- (3) Proceed with the Lyndoch Residential DPA, subject to it being amended as proposed in this report and submitted to the Minister for Planning for approval together with a *Summary of Consultations and Proposed Amendments* report to be prepared by staff under delegation; and
- (4) The Senior Manager, Planning Services be authorised to make any necessary minor amendments to the DPA prior to approval, as directed by Department of Planning, Transport and Infrastructure staff or the Minister for Planning.

Seconded Cr Miller

CARRIED

1. BACKGROUND

Public consultation on the draft Lyndoch Residential Development Plan Amendment (the DPA) was conducted from 13 December 2012 to 15 February 2013.

The draft DPA proposed to rezone land off Gilbert Street and Gods Hill Road, Lyndoch to provide for urban growth and was prepared at the request of CN Scalzi Investments Pty Ltd ("CNSI", the owner of the Affected Area).

The draft DPA proposed the following changes:

- extend the Township Zone to include the growth area as shown in the 30 Year Plans plus minor additional areas to the south to accommodate open space and to the east to accommodate a stormwater detention basin;
- extend the boundary of the Residential Policy Area 7 to apply to the rezoned area;
- retain the balance of the Affected Area in the Primary Production (Barossa Valley Region) Zone;
- introduce a concept plan to show indicative road locations, open space buffers and stormwater management locations;
- introduce additional desired character policy in Residential Policy Area 7 of the Township Zone in respect to the rezoned area;
- amend bushfire protection area mapping to reflect the adjusted township zone boundary – ie to show it as an "excluded area"

36 written public submissions and comments from 19 agencies were received during the consultation period. Copies of the public submissions and agency comments are included in Attachment A. A public meeting was held on 25 February 2013 where 21 submitters plus one additional person made verbal submissions. A record of the public meeting is included in Attachment B. The draft DPA is included in Attachment E. The accompanying investigation documents are available on request.

The Strategic Planning and Development Policy Committee which has been delegated by Council to deal with DPAs is now required to consider all submissions and agency comments and determine if it endorses the DPA with or without change, or to decline to proceed any further with the DPA.

2. DISCUSSION OF KEY ISSUES AND CONCERNS RAISED IN PUBLIC SUBMISSIONS AND AGENCY COMMENTS

2.1 Overview

The major themes identified in the public submissions and agency comments were:

- Extent of Affected Area
- Adequacy of investigations
- Consultation
- Community interest
- Developer funded nature of proposal
- Need for additional residential land
- Alternative sites for development
- Consistency with planning strategy (30 Year Plan for Greater Adelaide)
- Community and physical Infrastructure capacity (in particular water, stormwater and postal services)
- Traffic and access (including use of Gods Hill Road)
- Buffers and interface with nearby agricultural, viticultural and wine production activities
- Relationship with character preservation legislation
- Urban form and expansion of township footprint
- Scale and density of resulting residential development
- Impact of development on township character
- Flora and fauna
- Open space
- Bushfire protection
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Attachment C contains a summary, analysis and officer's recommended response to items identified in written and verbal public submissions and agency comments.

Mellor Olsson Lawyers on behalf of CNSI, and CNSI itself have also reviewed submissions presenting their own potential responses to submissions (refer to Attachment D).

The following discussion analyses several key issues in more depth, and is to be read in conjunction with the document in Attachment C.

2.2 Lyndoch Growth Area, Demand For Land And Area To Be Rezoned

Lyndoch Growth Area

Several submissions questioned the need to cater for additional residential development in Lyndoch, arguing that the DPA should not proceed as it extends the township 'footprint' and will change the character of the Gods Hill Road area. These concerns need to be assessed against fact that portion of the Affected Area has been designated as a growth area in the 30 Year Plan for Greater Adelaide (the planning strategy). Because Council is required to ensure its Development Plan is consistent with the planning strategy, it is therefore obliged to investigate the suitability of the land for development and to review the current zoning. In this context Council must also have regard to the *Housing and Employment Land Supply Program Report 2010* which nominated the end of 2012 for rezoning of the growth area. This status remains unchanged in the recently released *HELSP Greater Adelaide 2012 monitoring report*.

However while the planning strategy designates a growth area, it also notes that each new growth area and township expansion proposal will be subject to further intensive investigations and public consultation. The planning strategy envisages that following these investigations and consultation a

potential outcome is for final boundaries of areas rezoned to vary from the boundaries shown in the 30 Year Plan¹, and that not all land within a growth area will necessarily be rezoned for residential use and may alternatively be considered for employment, institutional or community use or as open space.²

Land Supply and Demand

Information within the DPA investigations about land supply and demand and building approvals has been updated and reviewed given that much of it was based on 2006 data. In May 2013 an internal analysis of dwelling approvals over the period 2003-2102 and a survey of existing vacant allotments and analysis of potential division of residential or township zoned land was undertaken across the Council area.

Key findings from the analysis and surveys relevant to Lyndoch are:

- Dwelling approvals averaged 15 per annum (135 pa across the Council area)
- Vacant lots: 44
- Proposed additional lots (approved but not yet created or currently under assessment): 66
- Potential lots in undeveloped areas in the Township Zone: approx. 31
- The 110 existing vacant and approved additional lots equates to approx. 7.3 years supply
- The total 141 vacant, approved additional, and potential lots equates to approx. 9.4 years supply, the lowest of all towns and settlements in the Council area
- Rezoning of the Gods Hill Road area with allotments of 800 square metres will increase the available and zoned land supply to approx. 14.3 years

The planning strategy seeks a 25-year rolling supply of land, of which 15 years is to be zoned for urban development³. A simple analysis suggests additional residential land is required in Lyndoch to meet this target. However the planning strategy does not mandate that the 15 year zoned supply has to be achieved in each town and arguably is a 'regional' target where for example one town may have 25 years zoned supply and a nearby town 5 years with a median of 15 years for those towns.

Within our Council area the median figure for existing Residential, Township or Settlement zoned land for all towns and settlements is approx. 26.8 years and for the main townships it is approx. 18.1 years. On this basis the rezoning would not be justified at this point.

An alternate perspective is that demand for vacant land varies across a large Council with prospective purchasers influenced by factors such as employment location and education facilities – for example a person living in the northern suburbs of Adelaide may narrow their search to the southern towns despite available lots in towns to the north. The median supply of zoned land within the Sandy Creek, Lyndoch and Williamstown 'sub-region' is approx. 10.4 years excluding the Gods Hill Road land and approx. 14.3 years including the land. On this basis progression with the rezoning is justified in order to provide a reliable land supply level within Lyndoch across this 'sub-region'.

Affected Area and Area to be Rezoned

The Affected Area and area proposed to be rezoned are not the same. The Affected Area comprises an entire allotment, whereas the area to be rezoned generally aligns with the boundary of the growth area shown in the planning strategy. This was deliberate to accommodate the scenario where the boundary of the growth area shown on Map D7 in the planning strategy needed to be 'tweaked' in response to site constraints and opportunities and local conditions. Accordingly, the area shown in the draft DPA to be rezoned included a small area in the north-east corner to align with an existing open space reserve in Finnis Court and to accommodate a potential stormwater detention basin adjacent to the eastern boundary. Inclusion of the entire allotment within the "Affected Area" does not and was not intended to indicate any future rezoning intent by the owner or Council; indeed, that would require a change to the Barossa Valley character preservation district boundary and planning strategy.

¹ 30 Year Plan for Greater Adelaide – p.82

² 30 Year Plan for Greater Adelaide – p.82

³ 30 Year Plan for Greater Adelaide – p.82

Subsequent to the draft DPA being prepared the character preservation legislation has commenced operation. An associated map designates the district including areas shown as “township” and “rural area”. The Barossa Valley and McLaren Vale – Revised – Protection Districts DPA has also been finalised since consultation on the Lyndoch Residential DPA took place with the character preservation district maps now incorporated into the Development Plan. Despite the planning strategy envisaging variations to the area to be rezoned, on further review it is considered problematic to extend the southern boundary of the growth area to accommodate the stormwater detention basin and to align with the open space off Finniss Court as the area to be rezoned would be inconsistent with the character preservation district boundary which can only be amended by both houses of Parliament.

2.3 Scale of Development

Many submitters were concerned about the potential ‘high density’ development of the land. These concerns were partly in response to the concept plan included within the investigations and partly in response to the 500 m² minimum lot size which would apply to the land.

The concept plan was prepared in order to undertake meaningful infrastructure investigations, showing a potential lot yield of approx. 80 lots. The land owner has subsequently confirmed that the intent is to create larger allotments which would invariably lower the overall lot yield (refer *Attachment D*). In respect to density it is noted that in the context of the planning strategy, 500 m² allotments are “low density”⁴, but nonetheless it is agreed that lots of this size would be out of character in the locality.

In response to concerns and based on the response from the owner, it is recommended that Council adopt a similar approach to that followed in Mount Pleasant whereby a special policy area is introduced which specifically seeks larger allotments together with other ‘site-specific’ policies regarding lot orientation, open space and buffers.

3. RECOMMENDED CHANGES

Council is entitled to alter the Amendment in response to issues identified in public submissions or by agencies, or in response to issues not addressed in the initial investigations. In this context it is recommended that changes be made in response to concerns about potential density, adjacent primary production areas, character preservation legislation and concerns about traffic. While it is not proposed to reduce the area to be rezoned from that shown in the planning strategy, less land would be available for residential development through increased buffers and open space provision, and the remaining would yield fewer lots than shown in the concept plan shown in the investigations.

The recommended policy changes are summarised as follows:

1. As an alternative to include the area to be rezoned in the “Residential Policy Area 7”, introduce a new “Residential Lyndoch Policy Area 12”, with the policy area containing the following key policy features:
 - (a) 800 m² minimum lot size
 - (b) 15 m lot width except for 18 m on Gilbert Street
 - (c) Single storey detached dwellings
 - (d) 9 m setback from Gilbert Street in lieu of normal 8 m
 - (e) No vehicle access to or from Gods Hill Road
 - (f) 5 m wide vegetated buffer adjacent to Gods Hill Road
 - (g) 30 m wide vegetated buffer adjacent to southern boundary
 - (h) Allotments adjacent to Gods Hill Road and southern boundary to be oriented so their primary frontage addresses the road and boundary respectively
 - (i) A road to be placed parallel to Gods Hill Road and the southern boundary in addition to the buffers referred to in (f) and (g) above)

⁴ 30 Year Plan for Greater Adelaide – p.95

2. Amend the Zoning and Policy Area maps to remove the variations on the southern boundary (the zone and policy area boundaries in this location will now accord with the growth area boundary shown in the planning strategy)
3. Amend the Concept Plan to:
 - (a) Remove the access arrow adjacent to Gods Hill Road
 - (b) Show the 5 m wide vegetated buffer adjacent to Gods Hill Road
 - (c) Show the 30 m wide vegetated buffer adjacent to southern boundary
 - (d) Refer to the desired road parallel to Gods Hill Road and the southern boundary
 - (e) Move the stormwater detention basin in the southern-west corner to within the areas to be rezoned
4. Amend the Bushfire Protection Area map so that the portion of land within the Primary Production (Barossa Valley Region) Zone adjacent to Gilbert Street and Gods Hill Road remains as Medium Bushfire Risk.

The above changes have been consolidated into an annotated version of the Amendment – refer Attachment E.

10 ITEMS FOR INFORMATION

Nil.

11 CONFIDENTIAL ITEMS

Nil.

12 OTHER BUSINESS

Nil.

13 NEXT MEETING

Tuesday 18 March 2014 commencing at 9.30am.

14 CLOSURE OF MEETING

Mayor Hurn closed the meeting at 9.56am.

Confirmed at Strategic Planning & Development Policy Committee 18 March 2014

Date: Chairman: