



The Barossa Council

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

Held on Tuesday, 20 November 2012, commencing at 11.28am in
the Council Chambers, 43-51 Tanunda Road, Nuriootpa

1 WELCOME

Mayor Hurn declared the meeting open at 11.28am.

2.1 PRESENT

Mayor Brian Hurn, Crs Richard Miller (Deputy Mayor), Michael Seager, Bridgette Kies, Margaret Harris, Scotty Milne, John Angas, Dave de Vries, Bob Sloane, Susie Reichstein and David Lykke.

Mr Martin McCarthy (Chief Executive Officer), Mr Ian Baldwin (Director – Development & Environmental Services), Mr Louis Monteduro (Senior Manager, Planning Services), Mr Paul Mickan (Principal Planner), and Mrs Heidi Helbig (Communications Officer).

2.2 APOLOGIES

Nil.

2.3 LEAVE OF ABSENCE

Nil.

3. MINUTES OF PREVIOUS MEETING

Not Applicable

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.

The Committee agreed to discuss item 12.1 prior to Item 9 on the agenda.

12 OTHER BUSINESS**12.1****STRATEGIC PLANNING AND DEVELOPMENT POLICY COMMITTEE TERMS OF REFERENCE AND MEETING PROCEDURES (B1577)****MOVED** Cr Miller

That the report be submitted for consideration and decision.

Seconded Cr Milne**CARRIED****MOVED** Cr Lykke

That the Strategic Planning and Development Policy Committee conducts at least four meetings per annum and that ordinary meetings be held on the third Tuesday in March, June, September and December commencing at 9.30am.

Seconded Cr Kies**CARRIED****INTRODUCTION**

This report notes that while the Terms of Reference for the Strategic Planning and Development Policy Committee set down various meeting procedures, direction is needed in respect to meeting times or suspension of proceedings in meetings.

COMMENT

The conduct of meetings of the new Committee is largely set down in the Terms of Reference adopted by Council on 21 August 2012 and the *Local Government (Procedures at Meetings) Regulations 2000*, but the aspects of meeting times and suspension of proceedings in meetings are not addressed.

Ordinary meetings are required to be held in March, June, September and December but the dates and times for these meetings need to be determined as soon as practicable. Relevant factors to consider include:

- Desirability to encourage appropriate community participation in the affairs of the committee ie., conduct of meetings during business or after hours
- Capacity of elected members to attend meetings
- Availability of 'free' days in elected member meeting schedules
- Advantages/disadvantages of holding meetings on same day as Council meetings

While the short-term suspension of proceedings would only be determined during a meeting, it would be beneficial for the Committee to initially discuss this and to set out parameters for future meetings – eg. that proceedings are suspended during debate on all matters requiring a decision.

Note: the outcomes of the above discussion and the conduct of future meetings may require subsequent modification to the Terms of Reference for recommendation to and adoption by Council.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

LEGISLATION

Development Act 1993

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2000

STRATEGIC PLAN

3.5 Planning & Building

4.2 Service

4.3 Systems

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

The operation of the Committee is supported within Council's 2012/13 budget.

It will be important to ensure that Committee operating procedures comply with provisions of the Local Government Act and Development Act to reduce associated risks.

COMMUNITY CONSULTATION

Nil.

9 ITEMS FOR DECISION

9.1

LYNDOCH RESIDENTIAL DEVELOPMENT PLAN AMENDMENT – ENDORSEMENT FOR PUBLIC CONSULTATION B1889

MOVED Cr De Vries

That:

- (1) The draft Lyndoch Residential Development Plan Amendment be endorsed for public consultation.
- (2) The Senior Manager, Planning Services be authorised to make any necessary minor amendments to the draft Development Plan Amendment prior to public consultation

Seconded Cr Kies

CARRIED

INTRODUCTION

This report recommends that the draft Lyndoch Residential DPA be endorsed for public consultation.

COMMENT

At its meeting on 17 May 2011 the Council resolved to proceed with the drafting of a developer funded DPA to rezone land off Gilbert Street and Gods Hill Road, Lyndoch (refer Confidential Agenda Item CO/DP/R1). The DPA is also subject to a Deed of Agreement which was endorsed by the Council at its meeting on 18 October 2011 (refer Confidential Agenda Item CO/DP/R1).

Connor Holmes consultants have now prepared a draft DPA document in consultation with Council staff and have co-ordinated various supporting investigations. The draft DPA document is considered to be suitable for public and agency consultation subject to minor formatting and insertion of consultation dates. It is recommended that the Strategic Planning and Development Policy Committee endorse the draft document and that the Senior Manager, Planning Services sign off on the final consultation documents.

A subsequent report on public submissions and any agency comments will be presented to a future Committee meeting.

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

Development Act 1993, Section 25
Development Regulations 2008, Part 3
The Barossa Council Development Plan

STRATEGIC PLAN

3.1 Character & Heritage
3.5 Planning & Building

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

The previously endorsed Deed of Agreement contains specific funding and financial security arrangements to ensure that all reasonable costs associated with the preparation and processing of the DPA are met by the proponent rather than Council. The Deed and various legislative provisions ensure that Council will control the DPA process including the right to decide not to proceed with the DPA at any stage.

COMMUNITY CONSULTATION

The normal consultation period is at least eight weeks but will be extended for two weeks due to the Christmas/New Year period. Consultation will also include direct mail to all land owners in the vicinity of the land together with a community information session.

9.2

**STRATEGIC DIRECTIONS REPORT AND CHARACTER PRESERVATION ACT
IMPLEMENTATION**
(B143 & B1864)

MOVED Cr Lykke

That:

- (1) The Committee receives the report and endorses the proposal to integrate tasks associated with implementing the Character Preservation Legislation with preparation of Council's Strategic Directions Report
- (2) The Minister for Planning be requested to extend the deadline for Council to submit its Strategic Directions Report to 31 October 2013

Seconded Cr Milne

CARRIED

INTRODUCTION

This report discusses the various tasks associated with implementing the character preservation legislation and the Strategic Directions Report process and recommends integrating the associated tasks.

COMMENT

Character Preservation Legislation Implementation

His Excellency the Governor has assented to the *Character Preservation (McLaren Vale) Act 2012* and *Character Preservation (Barossa Valley) Act 2012*. It is understood the Acts will commence operation in early 2013.

The following tasks arise from the new legislation:

- Alter the Planning Strategy (30 Year Plan) to reflect legislation objects and to incorporate provisions which address character values within six months of commencement of the Acts.
- Review the Development Plan within six months of the Planning Strategy alterations (DPR).
- Implement Development Plan Amendment to incorporate necessary policy changes.

The Minister for Planning is required to, in such manner as the Minister thinks fit, consult with, and consider any submissions of, relevant councils in relation to the above.

An important initial step is to define/determine the “special character” of the two character preservation districts in order to inform the Planning Strategy alterations. To progress this task in a timely manner the Senior Manager, Planning Services and Principal Planner recently met (at Council’s request) with the Department of Planning, Transport and Infrastructure (DPTI) representatives to discuss responsibilities, timing and resources associated with the above tasks. At this stage DPTI has not met with the other four affected councils.

An outcome of the meeting is that DPTI is expecting input from all affected councils to determine specific character areas for their affected area, along with appropriate supporting text. Such information will be used by DPTI to prepare an “Addendum” to the Planning Strategy which incorporates a ‘character map’ for each region, along with a page or so of supporting text. DPTI expects public consultation on the Planning Strategy alterations will likely be undertaken in April 2013, with the alterations being gazetted by June 2013.

Strategic Directions Report Obligations

As members would be aware, Council is also required to submit a Strategic Directions Report (SDR) to the Minister for Planning by 31 December 2012. While a variety of background research has been undertaken to inform the SDR, progress has been delayed as Council has had to commit significant resources to respond to the character preservation legislation and associated Ministerial DPAs. To date no community consultation on the SDR has taken place (two month period required). Accordingly, Council will be unable to submit its SDR by the end of the year.

Linking the SDR and Character Preservation Processes

The recent meeting with DPTI also explored the potential to link the SDR and legislation implementation tasks and in particular the review of Development Plan policies, with a view to producing a single document which identifies any potential amendments to development policies, and to avoid ‘over-consulting’ with the community. DPTI sees merit in this approach and is confident the Minister would also support it.

A flow chart diagram demonstrating how the two processes could link together with possible timing has been developed.

It is recommended that the Minister be requested to extend the deadline for Council to submit its SDR to 31 October 2013.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

LEGISLATION

Development Act 1993

The Barossa Council Development Plan

STRATEGIC PLAN

- 3.1 Character & Heritage
- 3.5 Planning & Building

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| FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS |
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The current budget includes provision for SDR-related consultancies; however assistance from DPTI will be necessary to accomplish tasks associated with the character preservation implementation such as mapping and reporting.

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| COMMUNITY CONSULTATION |
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Opportunities for community input will be provided at the following stages: defining the special character, SDR issues paper, draft Planning Strategy alterations, draft SDR/DPR and associated with any DPAs arising out of the SDR and DPR.

10 ITEMS FOR INFORMATION

Nil.

11 CONFIDENTIAL ITEMS

Nil.

12 OTHER BUSINESS

It was agreed to discuss item 12.1 prior to Item 9 on the agenda.

12.2

SELECT COMMITTEE WINDFARM

Mayor Hurn questioned if Council needs to make a submission in relation to the Parliamentary Select Committee regarding wind farm issues.

The committee decided not to make a submission.

13 NEXT MEETING

Tuesday 18 December 2012 commencing at 9.30am.

14 CLOSURE OF MEETING

Mayor Hurn closed the meeting at 12noon.

Confirmed

Date: Chairman: