



## Agenda Report for Decision

**Meeting Date: 9 June 2022**

<b>Item Name</b>	Code Amendment Initiation Advice to the Minister for Planning – Proposal to Initiate the Old Sturt Highway Nuriootpa Code Amendment
<b>Presenters</b>	Jason Bailey and Nadia Gencarelli
<b>Purpose of Report</b>	Decision
<b>Item Number</b>	4.3
<b>Strategic Plan Reference</b>	5. Discharging Statutory Obligations
<b>Work Plan Reference</b>	5.2 Advise the Minister on Code Amendments
<b>Confidentiality</b>	Not Confidential (Release Delayed). To be released following final decision by the Minister for Planning on initiation of the Code Amendment. Anticipated by end of June 2022.
<b>Related Decisions</b>	N/A

### Recommendation

It is recommended that the State Planning Commission (the Commission) resolves to:

1. Approve the designation of this item as Not Confidential (Release Delayed), with the meeting papers for the item to be released following final decision by the Minister for Planning (the Minister) on initiation of the Code Amendment. Anticipated by the end of June 2022.
2. Advise the Minister that it:
  - 2.1 Recommends the approval of the Old Sturt Highway Nuriootpa Code Amendment under section 73(2)(vii) of the *Planning, Development and Infrastructure Act 2016* (the Act), subject to the following conditions applied under section 73(5)(b) of the Act:
    - a) The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays or technical and numerical variations provided for under the published Planning and Design Code (the Code) (on the date the Amendment is released for consultation).
    - b) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.
  - 2.2 Recommends that the Bluegum Borders Pty Ltd be the Designated Entity responsible for undertaking the Code Amendment process.

3. Specify that the Designated Entity consults with the following nominated individuals and entities, under section 73(6)(e) of the Act:
  - South Australian Country Fire Service
  - Department for Infrastructure and Transport
  - The Barossa Council
  - Utility providers including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
  - State Members of Parliament for the electorates in which the proposed Code Amendment applies.
4. Specify the following further investigations or information requirements under section 73(6)(f) of the Act in addition to those outlined in the Proposal to Initiate:
  - Removal of the Limited Land Division Overlay
  - Investigate general amenity impacts on adjacent residential development within the Neighbourhood Zone, including building design, hours of operation, servicing and vehicle movements.
5. Recommend that the Minister approve the initiation of the Code Amendment by signing the Proposal to Initiate (**Attachment 1**) and approval letters with conditions (**Attachment 2**).
6. Approve and authorise the Chair of the Commission to sign the advice to the Minister (**Attachment 3**).
7. Authorise the Chair to finalise any minor amendments to the advice and attachments as required.

## Background

Section 73(2)(b)(vii) of the Act provides that a proposal to amend the Code may be initiated by a person who has an interest in the relevant land with the approval of the Minister, acting on the advice of the Commission, in relation to the following matters:

- Strategic assessment against the State Planning Policies and *The 30-Year Plan for Greater Adelaide: 2017 Update*.
- Any person or body that must be consulted by the Designated Entity, pursuant to section 73(6)(e) of the Act.
- Any investigations to be carried out or information to be obtained by the Designated Entity, in accordance with section 73(6)(f) of the Act.

The purpose of this report is therefore to provide the Commission with advice to be provided to the Minister in relation to the Proposal to Initiate submitted by the Bluegum Borders Pty Ltd (**Attachment 1**).

Procedural matters regarding the Commission's role are provided in **Attachments 4** and **5**.

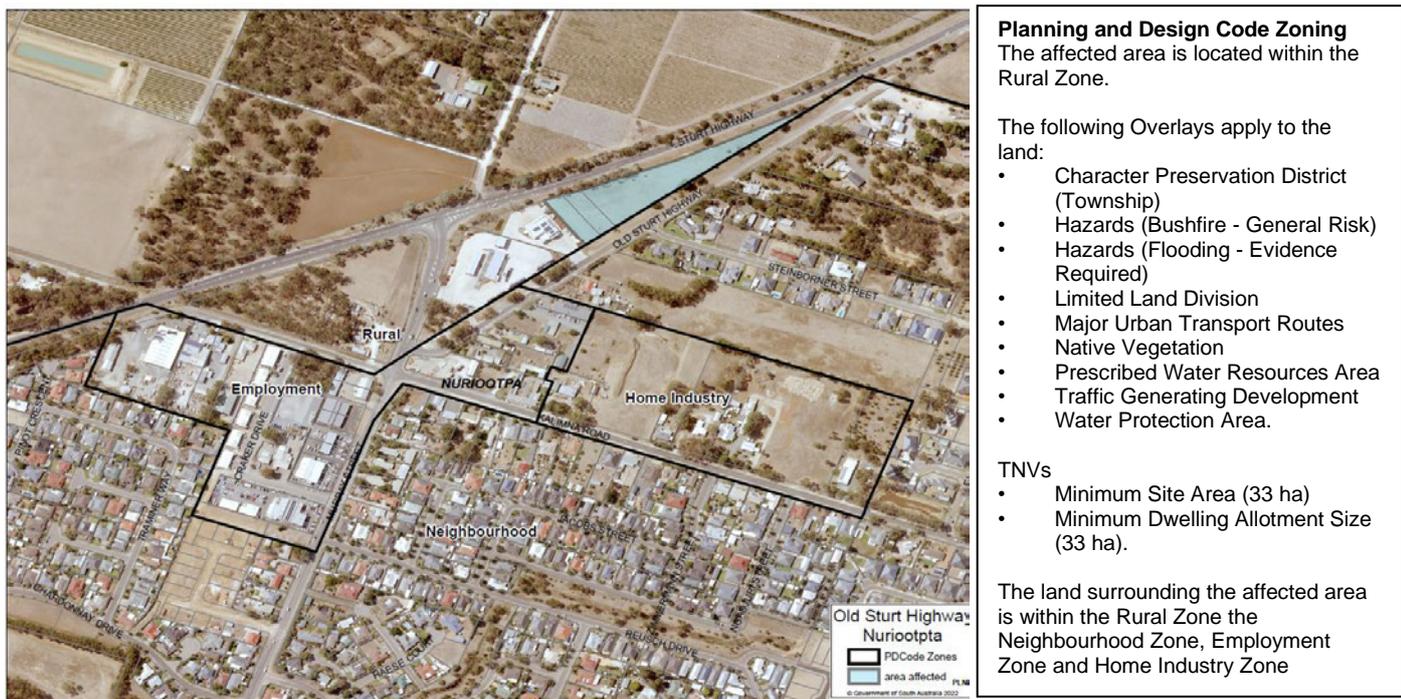
## Discussion

### Scope of the Amendment

The Proposal to Initiate seeks to rezone three vacant allotments comprising 1.184 hectares of land, between Old Sturt Highway and Sturt Highway, from the Rural Zone to the Employment Zone.

While located within the Rural Zone, the affected area is also located within the Character Preservation District (Township) Overlay, and is not therefore subject to policies that seek to preserve the long-term use of primary production and associated activities outside townships.

The affected area and current zoning are shown in the figure below.



Detailed discussion is provided in the advice to the Minister in **Attachment 3**.

### Advice to the Minister

The attached advice to the Minister sets out the statutory and procedural elements that must be considered as part of the initiation of a Code Amendment (**Attachment 3**).

The advice recommends that the Minister approve the initiation of the Code Amendment for the following reasons and subject to conditions (as set out below).

#### *Strategic considerations*

The Proposal to Initiate will facilitate the provision of additional employment land within the Northern Plains and Barossa region, enabling opportunities for employment activity on underutilised land. The Proposal to Initiate represents an orderly sequence of land development given the development approvals over the site, adjacency to existing employment activities and the location of zoned employment land to the immediate west.

Further strategic considerations and discussion are provided in **Attachment 3**.

*Procedural considerations*

The Proposal to Initiate meets all procedural requirements, as detailed in the attached advice to the Minister (**Attachment 3**).

*Conditions proposed and items specified*

A number of conditions have been recommended to be specified by the Minister, pursuant to sections 73(5)(b) of the Act. In addition, it has been recommended that the Commission specify persons or bodies to be consulted with by the Designated Entity under section 73(6)(e) of the Act, as outlined in the advice to the Minister (**Attachment 3**).

**Attachments:**

1. Proposal to Initiate the Old Sturt Highway Nuriootpa Code Amendment (#18616029).
2. Draft approval letters to:
  - a) Bluegum Borders Pty Ltd (#18648776)
  - b) Light Regional Council (#18648761).
3. State Planning Commission Advice to the Minister (#18638144).
4. Procedural matters for the State Planning Commission (#17170230).
5. Process Flowchart – Code Amendments Initiated by Proponents (#18648888).

Prepared by: Catherine Hollingsworth

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Endorsed by: Jason Bailey

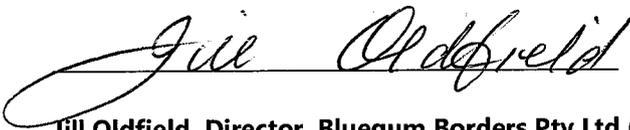
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Date: 13 May 2022

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**PROPOSAL TO INITIATE AN AMENDMENT TO THE PLANNING & DESIGN CODE**

**Old Sturt Highway Nuriootpa Code Amendment  
By Bluegum Borders Pty Ltd (the Proponent)**



**Jill Oldfield, Director, Bluegum Borders Pty Ltd (the Proponent)**

**Date:** 21. 4. 22 .

This Proposal to Initiate document, together with conditions specified by the Minister, forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*. By signing this Proposal to Initiate, the Proponent acknowledges and agrees that this Proposal to Initiate, and any supporting documents may be published on the PlanSA portal by the Attorney General's Department.

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**Minister for Planning and Local Government**

**Date:**

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## ATTACHMENTS

- Attachment A:** Map of Affected Area
- Attachment B:** Certificates of Title
- Attachment C:** Development Plan Consent for DA313/510/2016
- Attachment D:** Light Regional Council Correspondence
- Attachment E:** The Barossa Council Correspondence
- Attachment F:** Correspondence with Owners of Immediately Adjoining Allotments
- Attachment G:** Timetable for Code Amendment by Proponent



## 1.0 INTRODUCTION

The Proponent, Bluegum Borders Pty Ltd, is proposing to initiate an amendment to the Planning and Design Code (*“the Code Amendment”*) as it relates to a group of three (3) allotments, located generally to the east of Murray Street Nuriootpa, between Old Sturt Highway and Sturt Highway (hereafter referred to as the Affected Area). The allotments are situated in the Rural Zone and are illustrated on the Affected Area Plan in **Attachment A**.

The purpose of this Proposal to Initiate, is to seek approval of the Minister for Planning and Local Government (*“the Minister”*) to initiate the Code Amendment under Section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*.

The Proponent is Bluegum Borders Pty Ltd, the registered proprietor of Allotments 1003, 1006 and 1007 in the Affected Area.

Copies of the Certificates of Title are in **Attachment B**.

This Proposal to Initiate details the scope, relevant strategic and policy considerations, nature of investigations to be carried out and information to be collected for the Code Amendment. It also details the timeframes to be followed in undertaking the Code Amendment, should this Proposal to Initiate be approved by the Minister.

The Proponent acknowledges that on approving this Proposal to Initiate, the Minister may specify conditions under Section 73(5) of the Act. In the event of inconsistency between this Proposal to Initiate and any conditions specified by the Minister, the conditions will apply.

### 1.1 Designated Entity for Undertaking the Code Amendment

In accordance with Section 73(4)(a) of the Act, the Proponent will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- 1.1.1 The Proponent acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements of the Act.
- 1.1.2 The Proponent declares that it has not and does not intend to enter into an agreement with a third party for the recovery of costs incurred in relation to the Code Amendment under Section 73(9) of the Act. If the Proponent does enter into such an agreement, the Proponent will notify the Department prior to finalising the Engagement Report under Section 73(7).
- 1.1.3 The Proponent’s contact person responsible for managing the Code Amendment and receiving all official documents relating to the Code Amendment is:

Graham Burns - MasterPlan SA Pty Ltd

Address: 33 Carrington Street, Adelaide SA 5000

Email: [grahamb@masterplan.com.au](mailto:grahamb@masterplan.com.au)

Phone: 08 8193 5600



Alternate contact person is:

David Lake - MasterPlan SA Pty Ltd

Address: 33 Carrington Street, Adelaide SA 5000

Email: [davidl@masterplan.com.au](mailto:davidl@masterplan.com.au)

Phone: 08 8193 5600

- 1.1.4 The Proponent intends to prepare the Code Amendment by engaging the services of MasterPlan SA Pty Ltd. Graham Burns is a Fellow of the Planning Institute of Australia and will be responsible for preparation of the Code Amendment.

The Proponent acknowledges that the Minister may, under Section 73(4)(b) of the Act, determine that the Chief Executive of the Department will be the Designated Entity responsible for undertaking the Code Amendment. In this case, the Proponent acknowledges and agrees that it will be required to pay the reasonable costs of the Chief Executive in undertaking the Code Amendment.

## 1.2 Rationale for Code Amendment - Planning Context

The Affected Area comprises three (3) allotments that were created when the Sturt Highway was realigned. The realignment resulted in the creation of smaller allotments, previously associated with larger agricultural holdings on the northern side of the realigned Sturt Highway. The smaller, excised allotments to the south of the corridor were surplus to the Government's requirements following acquisition and construction of the Sturt Highway corridor.

The Affected Area covers 1.184 hectares. It is triangular shaped, wider at the western end and terminating as a point at the eastern end where Old Sturt Highway connects back onto Sturt Highway. All allotments in the Affected Area have frontage to Sturt Highway, which is a Type R Designated Road. Direct access to Sturt Highway is not permitted.

There are two (2) allotments closer to Murray Street that are immediately adjacent to the Affected Area and have been developed for commercial purposes. Allotment 289 with frontage to Murray Street and Old Sturt Highway is developed as a petrol filling station in accordance with an approval granted by Council dated 21 March 2016. Allotment 1005, immediately to the east of Allotment 289, has been developed as a service trade premises, in accordance with an approval granted by Council dated 16 March 2017.

Allotments 289 and 1005 are not included in the Affected Area as they are already developed and because the proponent does not have any legal interest in either of these properties.

The three allotments (allotments 1003, 1006 and 1007) that form the Affected Area are vacant. A speculative development application was approved by Light Regional Council to develop these allotments for service trade premises in accordance with an approval granted in 2017 to DA 313/510/2016.

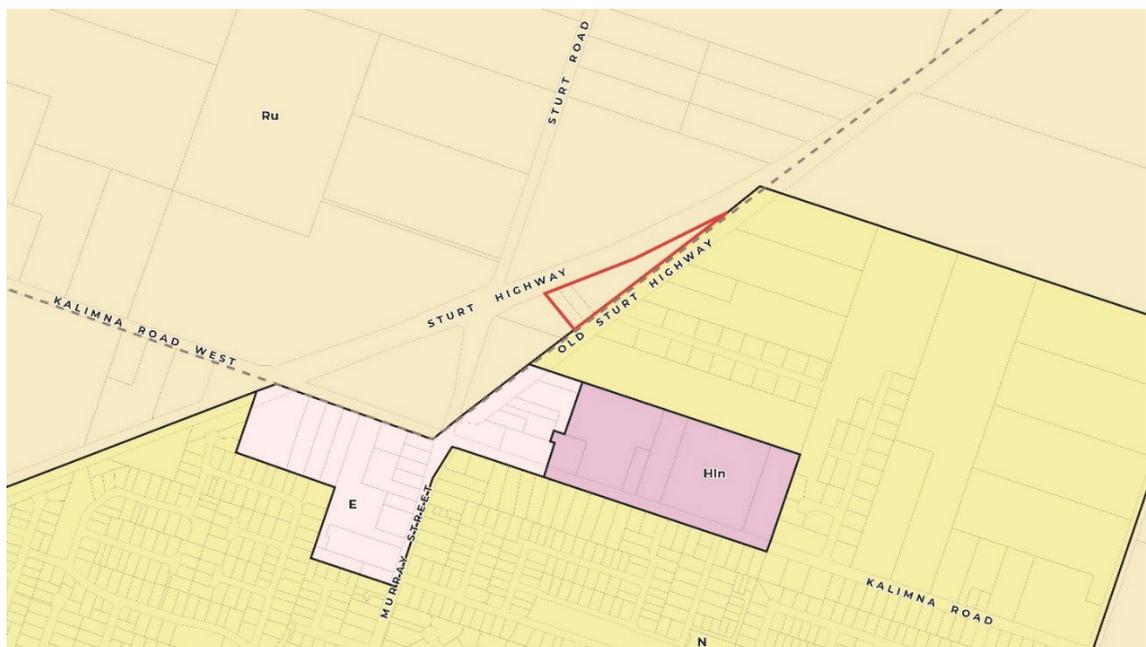


The 'life' of that consent has been extended by Council until March 2022, and a further request for an extension to March 2023 is pending. Despite some interest being shown by prospective purchasers, contracts of sale did not eventuate due to potential taxation limitations applying to the commercial development of these allotments because of their location in the Rural Zone.

The Affected Area is situated in the Light Regional Council. Old Sturt Highway is the local government area boundary between this Council and the Barossa Council.

Whilst the Affected Area is zoned Rural, the Character Preservation District (Township) Overlay applies which means proposed development within the Affected Area is not subject to Character Preservation policies that support the long-term use of land outside townships for primary production and associated value adding enterprises.

The Area Affected is part of an anomaly in-so-far as the current Rural Zone is concerned. The anomaly is particularly evident when reviewed in context with the zoning pattern shown on the Zones extract reproduced from SAPPA **below**.



**Figure 1: SAPPA Zones Extract of the site.**

The Code Amendment seeks to apply a more appropriate zone to the Affected Area, having regard to the non-suitability of the allotments for agricultural purposes given their isolation, the pattern of zoning to the south of Old Sturt Highway in The Barossa Council, the location of the Affected Area directly adjacent to the realigned Sturt Highway, and the approval granted by Light Regional Council to develop service trade premises on the allotments.



Desired Outcome DO1 for the Employment Zone, currently applying to allotments between Old Sturt Highway and Kalimna Road, encourages development in this zone to consist of:

*A diverse range of low-impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities.*

Against this background, the Proponent seeks to rezone the Affected Area from Rural Zone to Employment Zone.

## 2.0 SCOPE OF THE CODE AMENDMENT

### 2.1 Affected Area

The proposal seeks to amend the Code for the Affected Area, as shown on **Attachment A**, being the land described in **Table 1** below and the Certificates of Titles contained in **Attachment B**.

The Affected Area is wholly contained within the Light Regional Council. Old Sturt Highway is the local government area boundary between this Council and The Barossa Council.

**Table 1: Affected Land**

ADDRESS	ALLOTMENT & PLAN REF	CERTIFICATE OF TITLE	HUNDRED	OWNER
Lot 1006, Old Sturt Highway and Sturt Highway, Nuriootpa	Allotment 1006, DP 25439	Volume 5433, Folio 754	Belvidere	Bluegum Borders Pty Ltd (vacant)
Lot 1007, Old Sturt Highway and Sturt Highway, Nuriootpa	Allotment 1007, Filed Plan 162483	Volume 5433, Folio 755	Belvidere	Bluegum Borders Pty Ltd (vacant)
Lot 1003, Old Sturt Highway and Sturt Highway, Nuriootpa	Allotment 1003, DP 20768	Volume 5449, Folio 287	Belvidere	Bluegum Borders Pty Ltd (vacant)

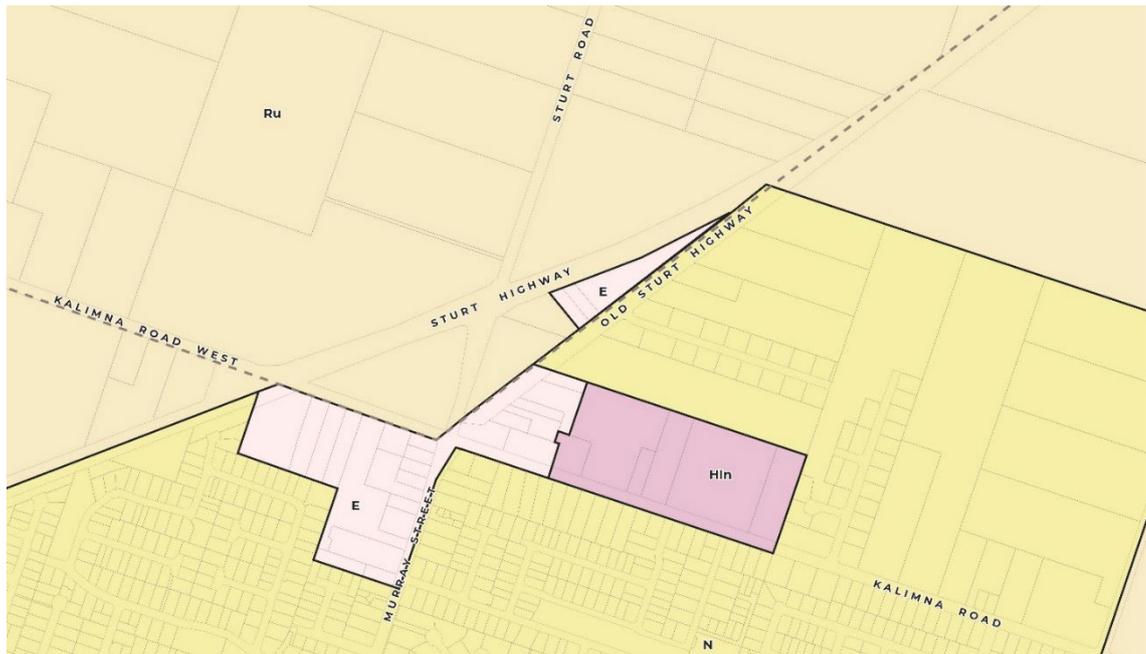
### 2.2 Scope of Proposed Code Amendment

**Table 2** below describes the current policy, amendment outline and intended policy for the proposed Code Amendment. **Figure 2** below illustrates the scope of the proposed Code Amendment, and shows the Affected Area changed to the Employment Zone.



**Table 2: Scope of Proposed Code Amendment**

SCOPE OF PROPOSED CODE AMENDMENT	
<b>Current Policy</b>	<p><u>Zone</u> Rural Zone</p> <hr/> <p><u>Subzone</u> Nil</p> <hr/> <p><u>Overlays</u></p> <ul style="list-style-type: none"> <li>• Character Preservation District (Township)</li> <li>• Hazards (Bushfire - General Risk)</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Limited Land Division</li> <li>• Major Urban Transport Routes</li> <li>• Native Vegetation</li> <li>• Prescribed Water Resources Area</li> <li>• Traffic Generating Development</li> <li>• Water Protection Area</li> </ul> <hr/> <p><u>Local Variation (TNV)</u></p> <ul style="list-style-type: none"> <li>• Minimum Site Area (33 ha)</li> <li>• Minimum Dwelling Allotment Size (33 ha)</li> </ul>
<b>Amendment Outline</b>	<p>The objective of the Code Amendment is to apply a more appropriate zone to three (3) small undeveloped allotments on the fringe of Nuriootpa that were isolated when the Sturt Highway was realigned. The allotments are currently zoned Rural as prior to the realignment they were associated with larger agricultural holdings on the northern side of the realigned highway.</p> <p>The Code Amendment seeks to apply the Employment Zone, having regard to the non-suitability of the allotments for agricultural purposes given their isolation, the pattern of zoning to the south of Old Sturt Highway, the location of the allotments directly adjacent to the realigned Highway, and an approval granted by Light Regional Council to develop service trade premises on the allotments.</p>
<b>Intended Policy</b>	<p>The Code Amendment seeks to change the Rural Zone applying to the Affected Area to the Employment Zone.</p> <p>The overlays that currently apply to the Affected Area will be reviewed to ensure they will remain relevant. It is envisaged that they will, except for a change from Hazards (Bushfire – General Risk) to Hazards (Bushfire – Urban Interface).</p> <p>It is envisaged that the current TNVs that apply will be removed and new TNVs will not be required, consistent with the Employment Zone in the immediate vicinity.</p>



**Figure 2: Proposed Amended Zone Arrangement.**

### **3.0 SUMMARY OF STRATEGIC PLANNING OUTCOMES**

Proposed Code Amendments are made within a state, regional and local strategic setting, including:

- State Planning Policies (SPPs);
- Regional Plans; and
- Other relevant strategic documents.

#### **3.1 Summary of Strategic Planning Outcomes**

The key strategic planning considerations to be addressed by this Code Amendment include:

- Applying a more appropriate zone to three (3) small undeveloped allotments on the fringe of Nuriootpa that were isolated when the Sturt Highway was realigned, to provide the owner with greater certainty regarding future potential development.

#### **3.2 Alignment with State Planning Policies**

The State Planning Policies (SPPs) set out the State's overarching goals and requirements for the planning system. Under Section 66(3)(f) of the Act, the Code must comply with any principle prescribed by a SPP.



The Code Amendment should be initiated because the strategic planning outcomes sought to be achieved through the Code Amendment align with or seeks to implement the following SPPs:

**Table 3: State Planning Policy to be Implemented**

STATE PLANNING POLICY (SPP)	CODE AMENDMENT ALIGNMENT WITH SPP'S
<b>SPP 1: Integrated Planning</b>	
<p><b>Purpose</b></p> <p>Integrated planning coordinates the strategic use of land with the necessary services and infrastructure. It can influence how a city or region grows and evolves, which if done well, creates liveable and sustainable places that contribute to our prosperity.</p>	<p>While the Affected Area is small, the underlying Rural Zone applying to the Affected Area is redundant and an anomaly. It serves no logical purpose following the acquisition and construction of the realigned Sturt Highway. The creation of an Employment Zone over the Affected Area aligns with recent decisions made by the relevant planning authority to approve commercial uses over these allotments. It will also better align with the development pattern which exists in the adjacent Employment Zone on the opposite side of Old Sturt Highway towards Murray Street.</p>
<p><b>Policy 1.1</b></p> <p>An adequate supply of land (well serviced by infrastructure) is available that can accommodate housing and employment growth over the relevant forecast period</p>	<p>The land in the Affected Area (Allotments 1006, 1007 and 1003) is undeveloped and has the potential to be further divided and used for a range of employment-generating commercial developments that would benefit from exposure to Sturt Highway. This will add to the supply of suitable serviced land in Nuriootpa and in turn generate employment growth.</p>
<b>SPP 2: Design Quality</b>	
<p><b>Purpose</b></p> <p>Good design improves the way our buildings, streets and places function, making them more sustainable, more accessible, safer, and healthier. The integration of design within the planning system encourages creative solutions to complex social, economic, and environmental challenges including those arising from our changing settlement patterns.</p>	<p>A high-quality built environment over the affected land can be created by application of policies in the Planning and Design Code. This will be especially important because the land has frontage and exposure to Sturt Highway, and interfaces with residential development in the Neighbourhood Zone on the opposite side of Old Sturt Highway.</p>
<b>SPP 9: Employment Lands</b>	
<p><b>Purpose</b></p> <p>Providing a suitable supply of land for employment use is critical to support job growth and the economic prosperity of communities. The planning system needs to support the diversification of our economy and remove barriers to innovation. It is critical that the right signals are sent to the market to attract interest, investment, and tourism opportunities across South Australia.</p>	<p>Nuriootpa has a limited and diminishing supply of suitably zoned land for industrial and commercial purposes. The Affected Area has the potential to deliver a small but valuable amount of land which can be offered to market for employment use.</p>



STATE PLANNING POLICY (SPP)	CODE AMENDMENT ALIGNMENT WITH SPP'S
<p><b>Policy 9.2</b> Enable opportunities for employment and encourage development of underutilised lands connected to, and integrated with, housing, infrastructure, transport, and essential services.</p>	<p>The Affected Area is connected to public roads and has direct exposure to the National Highway. It is also connected to infrastructure and other essential urban services in Nuriootpa.</p>
<p><b>Policy 9.4</b> Adaptable policies that allow commercial and industrial-focused employment lands to support local economies and evolve in response to changing business and community needs.</p>	<p>Nuriootpa is the largest town in the world-renowned Barossa Valley region. The Code Amendment will deliver much-needed land to support the local and regional economy.</p>

### 3.3 Alignment with Regional Plans

As with the SPPs, the directions set out in Regional Plans provide the long-term vision as well as setting the spatial patterns for future development in a region. This includes consideration of land use integration, transport infrastructure and the public realm.

The *2017 Update to the 30-Year Plan for Greater Adelaide* volume of the Planning Strategy is relevant for this Code Amendment.

**Table 4: Regional Plan Policy to be Implemented**

REGIONAL PLAN IDENTIFIED PRIORITIES OR TARGETS	CODE AMENDMENT ALIGNMENT WITH REGIONAL PLAN
<b>The Economy and Jobs</b>	
<p><b>P56</b> Ensure there are suitable land supplies for the retail, commercial and industrial sectors.</p>	<p>Nuriootpa has a limited and diminishing supply of suitably zoned land for industrial and commercial purposes. The Affected Area has the potential to deliver a small but valuable amount of land which can be offered to market for employment use.</p>
<b>Transport</b>	
<p><b>P74</b> Ensure development does not adversely impact the transport function of freight and/or major traffic routes and maintains access to markets.</p>	<p>The Affected Area directly adjoins the re-aligned Sturt highway and commercial developments on the land will benefit from the exposure that provides. Development will not impact negatively on Sturt Highway (a designated Major Urban Transport Route), particularly as access will be provided via the Old Sturt Highway.</p>

### 3.4 Alignment with Other Relevant Documents

Light Regional Council has prepared two (2) reports which are relevant to the Code Amendment. They are:

- Light Regional Council Strategic Plan 2021-2025; and
- Light Regional Council Economic Development Plan 2020-2030, [July 2020].



### 3.4.1 Light Regional Council Strategic Plan 2021-2025

**Table 5: Alignment with Light Regional Council Documents**

CSP GOALS		CODE AMENDMENT ALIGNMENT
<b>Goal 2.0 Environment</b>		
<b>Policy 2.1</b> Comprehensive environmental planning and program delivery with a focus on sustainability, hazard reduction, pressing biodiversity, waste reduction, management of resources and innovative adaptation solutions	The rezoning of the Affected Area to Employment Zone will ensure that development proposals are assessed against all relevant environmental policies in the Code, such as Desired Outcome DO2 which requires development to <i>"achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces"</i> . Future development will also be assessed against the Code's Interface General Development Policies including <i>"Air Quality, Light Spill, Solar Reflectivity/Glare, Interface with Rural Activities"</i> .	
<b>Goal 3.0 Investment</b>		
<b>Policy 3.4</b> Identity policy and program adjustments to support regional agri-business and opportunities to value-add.	The Performance Indicator against this objective seeks to advocate for and support <i>"suitable policy amendments as appropriate"</i> . This Code Amendment is an example where planning policy will be amended to support regional agri-business and value-adding enterprises.	

### 3.4.2 Light Regional Council Economic Development Plan 2020-2030

Lucid Economics were engaged by Council to prepare an Economic Development Plan (EDP). The EDP provides a guide to investment and resource management decisions in a local government context. Section 6.2.5 (Planning) of the Economic Development Plan observes that planning can have a significant impact on the area, which is why the planning process needs to be very clear and easy to understand. This comment is relevant to the Area Affected, where despite approval being granted to a commercial development application over vacant land, the market has been reluctant to develop in accordance with the approval due to the underlying Rural Zone restrictions that could impact future development or variations to the approved development.

## 4.0 INVESTIGATIONS AND ENGAGEMENT

### 4.1 Investigations Already Undertaken

A speculative development application was approved by Light Regional Council to develop the three (3) allotments for service trade premises in accordance with an approval granted in 2017 to DA 313/510/2016. The service trade premises have not proceeded given concerns with the rural zoning as described above.



The application was assessed against the (then) Primary Production Zone of the Light Regional Council Development Plan. The application was processed as 'non-complying' forms of development. The (then) Development Assessment Commission concurred with Council's decision to grant consent to the application.

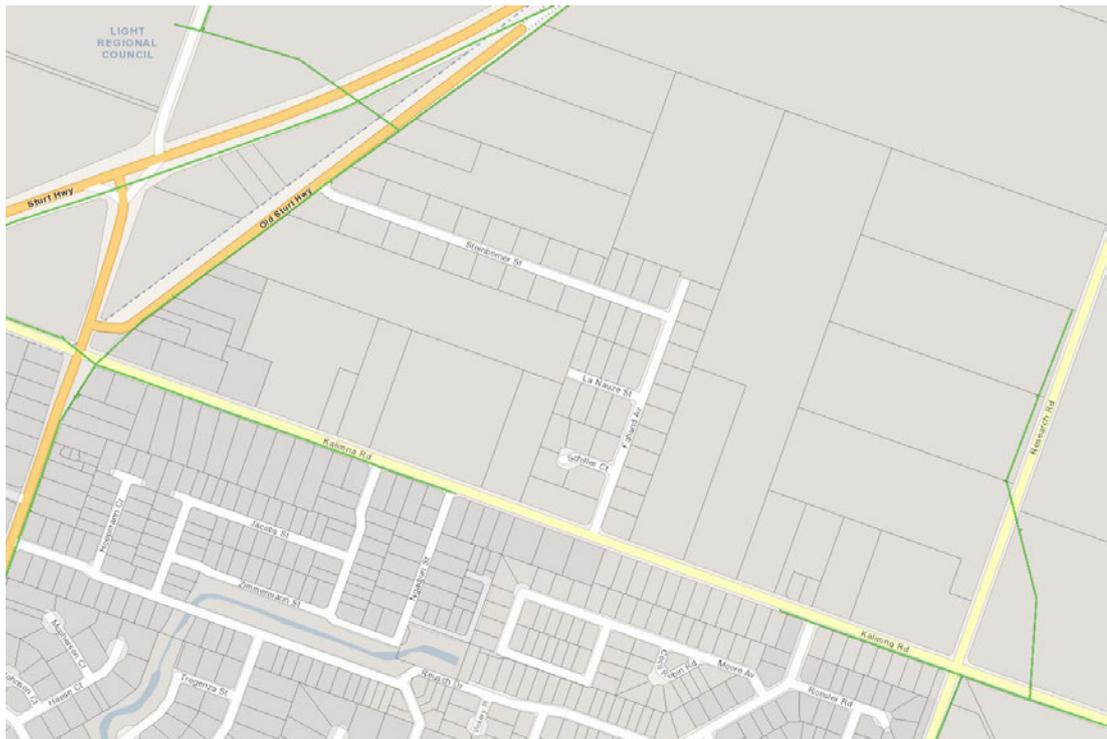
Council's assessment of the application did not identify any infrastructure capacity issues which would constrain the allotments' development for commercial purposes.

The table **below** identifies the investigations that were undertaken in support of the development application and are relevant to the proposed Code Amendment.

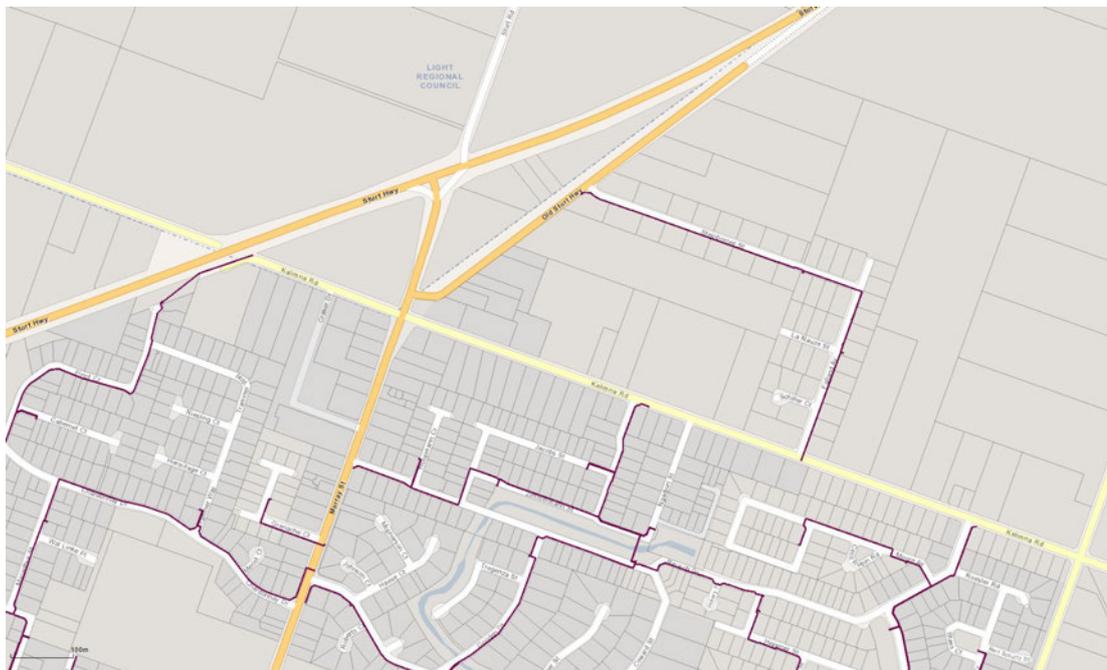
**Table 6: Summary of Investigations Undertaken**

INVESTIGATION UNDERTAKEN	SUMMARY OF SCOPE OF INVESTIGATIONS	SUMMARY OF OUTCOME OF RECOMMENDATIONS
Stormwater Management Plan (SMP) Nov 2016 (Ardill Payne)	The SMP outlines the proposed stormwater design in order to demonstrate compliance with the requirements of the Light Regional Council (LRC) document ' <i>Standards and Requirements for the Design, Construction and Development of Infrastructure Assets in the Light Regional Council</i> '.	<p>The SMP found that stormwater could be managed:</p> <ul style="list-style-type: none"> <li>• A combination underground pipe (minor storm flows) and overland flow (major storm flows) system to convey runoff to the proposed site discharge to the Old Sturt Highway roadside table drains;</li> <li>• To achieve reduction of post development peak flows to existing 20 year ARI levels provision of a detention basin within each lots site area, adjacent to the southern site Old Sturt Highway frontage and proposed site accesses.; and</li> <li>• The requirements of the EPA '<i>Stormwater Pollution Prevention</i>' code of practice are met primarily through the provision of a total of 20 square metres of bio retention area incorporated into the bases of the detention basins.</li> </ul>
DA 313/510/2016 Statement of Effect Nov 2016 (MasterPlan)	Provides an assessment of the proposed development against the relevant provisions of the Light Regional Council Development Plan.	<ul style="list-style-type: none"> <li>• The proposed land use (service trade premises) is considered appropriate in this location as it does not compromise the achievement of the Objectives of the Zone or Policy Area.</li> <li>• The proposed development is in accord with the relevant design and appearance provisions of the Light Regional Council Development Plan.</li> <li>• Proposed car parking complies with Table Lig/2 of the Light Regional Council Development Plan for Vehicle Parking.</li> <li>• The proposed measures to minimise the potential impacts at the interface of multiple land uses is sufficient when viewed in the context of the locality and assessed against the relevant provisions of the Development Plan.</li> <li>• The proposed landscaping meets the requirements of the Light Regional Council Development Plan.</li> </ul>





**Figure 8: Location of SAPN sub-transmission and high-voltage overhead lines. (Source – SAPPA)**



**Figure 9: Location of SAPN sub-transmission and high-voltage underground cable. (Source – SAPPA)**

## 4.2 Further Investigations Proposed

No further investigation into the adequacy of infrastructure to support commercial development on the Affected Area is considered necessary. Those investigations were conducted during assessment of the approved development applications. Power, water, stormwater, and sewerage infrastructure was found to be capable of servicing those developments.



Acoustic and traffic impact investigations will be conducted to ensure that:

- Old Sturt Highway is capable of servicing commercial vehicles expected to be generated; and
- Residential development in the adjacent Neighbourhood Zone is not disadvantaged or inconvenienced by noise associated with future commercial development on vacant Allotments 1006, 1007 and 1003.

### 4.3 Engagement Already Undertaken

In accordance with Practice Direction 2, Light Regional Council has been consulted on this proposal. Council has advised that the proponent's desire to rezone the Affected Area from Rural to Employment "would seem consistent with the outcomes from the assessment of certain Development Applications affecting these allotments over the past 6 years." [letter to MasterPlan dated 27 August 2021]. Council's letter of advice is contained in **Attachment D**.

The Affected Area adjoins The Barossa Council local government area (Old Sturt Highway is the Council boundary). Preliminary Consultation has been undertaken with the Director, Development and Environmental Services of The Barossa Council, who has advised that "Council Administration has no major concern for the proposed rezoning of the area identified, noting that the existing uses/approved uses are more suited to a commercial zoning." A copy of this advice is contained in **Attachment E**.

The owners and/or occupiers of surrounding land were notified when the development application was made for the service trade premises on the allotments in the Affected Area. As the applications was non-complying, the notification process under the former *Development Act 1993* required Council to notify every owner and/or occupier of allotments likely to be affected by the proposed development, together with a notice being published in a newspaper circulating locally throughout the Affected Area.

Two (2) representations were made. One (1) representation offered unconditional support for the application and the other argued against the proposal because of the zoning of the land, which at the time was designated as Primary Production.

The Council approved the application after receiving concurrence from the Development Assessment Commission. No appeals to the Environment Resources and Development Court were lodged by third parties in opposition to this approval.

Formal letters have been written to the owners of the two (2) immediately adjacent allotments (Allotment 289 and 1005). The owner of Allotment 289 supports the rezoning. The owner of Allotment 1005 has not responded formally but has indicated verbally he has no interest in the rezoning. Copies of the correspondence are included in **Attachment F**.



#### 4.4 Further Engagement Proposed

In addition to the engagement already undertaken and identified above, additional engagement will be undertaken to support the Code Amendment as outlined **below**. The nature and extent of engagement will be limited given the extent of earlier consultation associated with the approved application, and the small number of affected allotments.

**Table 7: Additional Engagement Proposed**

FURTHER ENGAGEMENT PROPOSED	EXPLANATION OF HOW FURTHER ENGAGEMENT PROPOSES TO ADDRESS AN IDENTIFIED ISSUE OR QUESTION
Notification to owners and occupiers of adjoining land	Identify the potential impact of the proposed Code Amendment on the neighbouring land in the Neighbourhood, Employment and Rural Zones.
Light Regional Council and The Barossa Council	To identify and resolve any planning matters of local significance to the Councils and their local community.
Relevant Government Agencies and service providers such as DTI, SA Water, SA Power Networks etc	To confirm any impact that the Code Amendment may have on surrounding infrastructure and services.

#### 5.0 CODE AMENDMENT PROCESS

##### 5.1 Engagement Plan

The Code Amendment process will occur in accordance with the Community Engagement Charter and Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument.

The Designated Entity will prepare an Engagement Plan prior to the commencement of engagement on the proposed Code Amendment. The Engagement Plan will include the following mandatory consultation requirements (which may be in addition to the engagement outlined in this Proposal to Initiate):

- the Local Government Association must be notified in writing of the proposed Code Amendment;
- if the Code Amendment has a specific impact on one (1) or more particular pieces of land in a particular zone or subzone (rather than more generally), the Designated Entity must take reasonable steps to give a notice in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:
  - the owners or occupiers of the land;
  - owners or occupiers of each piece of adjacent land; and
  - consultation must also occur with any person or body specified by the State Planning Commission under Section 73(6)(e) of the Act.



## 5.2 Engagement Report

Once engagement on the Code Amendment is complete, the Designated Entity will prepare an Engagement Report under Section 73(7) of the Act.

The Designated Entity must ensure that a copy of the Engagement Report is furnished on the Minister and also published on the SA Planning Portal. This will occur in accordance with Practice Direction 2.

The Engagement Plan and the Engagement Report will also be considered by the State Planning Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under Section 74(3) of the Act. The Commission's report will provide information about the reason for the Code Amendment, the consultation undertaken on the Code Amendment and any other information considered relevant by the Commission.

## 5.3 Code Amendment Timetable

The Proponent (where it is also the Designated Entity) commits to undertaking the Code Amendment in line with the timeframe outlined **Attachment G**. If a timeframe is exceeded (or expected to be exceeded) the Proponent agrees to provide an amended timetable to the Department with an explanation of the delay, for approval by the Minister of an extension of time for the Code Amendment.

# **ATTACHMENT A**

## **Map of Affected Area**



 Area Affected

## Area Affected Plan

OLD STURT HIGHWAY  
NURIOOTPA  
CODE AMENDMENT



1:5000 @ A4  
0 100m

MASTERPLAN.COM.AU  
SA | NT | QLD  
© APR 2022 LS:50937-A3-3B



# **ATTACHMENT B**

## **Certificates of Title**

STEPHEN PUNKE  
PO BOX 800  
BRIGHTON  
SA  
5048

LTO BOX 542

17 July 2017

## CONFIRMATION OF REGISTRATION NOTICE

The following dealings have been registered -

Dealing(s): TRANSFER 12747050

Title(s): CT 5433/754

CT 5433/755

CT 5449/287

Registration Date: 17/07/2017

Customer Reference:

Confirmations of registration are attached on the following page(s).



Brenton Pike

Registrar-General

Lands Titles Office



### Land Services

Ground Floor, 101 Grenfell St, Adelaide 5000  
GPO Box 1354, Adelaide SA 5001, DX 58195  
Metro 08 8226 3983, Country 1800 648 176

ABN 71 967 041 422  
[www.sa.gov.au/landservices](http://www.sa.gov.au/landservices)



Government  
of South Australia

Department of Planning,  
Transport and Infrastructure

# CONFIRMATION OF REGISTRATION

## Certificate of Title - Volume 5433 Folio 754

### Estate Type

FEE SIMPLE

### Registered Proprietor(s)

BLUEGUM BORDERS PTY. LTD. (ACN: 149 804 624)  
OF 17-19 OLD STURT HIGHWAY NURIOOTPA SA 5355

### Description of Land

ALLOTMENT 1006 DEPOSITED PLAN 25439  
IN THE AREA NAMED NURIOOTPA  
HUNDRED OF BELVIDERE

### Easements

NIL

### Schedule of Dealings

NIL

Registrar-General

Lands Titles Office



#### Land Services

Ground Floor, 101 Grenfell St, Adelaide 5000  
GPO Box 1354, Adelaide SA 5001, DX 58195  
Metro 08 8226 3983, Country 1800 648 176

ABN 71 967 041 422  
[www.sa.gov.au/landservices](http://www.sa.gov.au/landservices)



Government  
of South Australia  
Department of Planning,  
Transport and Infrastructure

# CONFIRMATION OF REGISTRATION

## Certificate of Title - Volume 5433 Folio 755

### Estate Type

FEE SIMPLE

### Registered Proprietor(s)

BLUEGUM BORDERS PTY. LTD. (ACN: 149 804 624)  
OF 17-19 OLD STURT HIGHWAY NURIOOTPA SA 5355

### Description of Land

ALLOTMENT 1007 DEPOSITED PLAN 25439  
IN THE AREA NAMED NURIOOTPA  
HUNDRED OF BELVIDERE

### Easements

NIL

### Schedule of Dealings

NIL

Registrar-General

Lands Titles Office



# CONFIRMATION OF REGISTRATION

## Certificate of Title - Volume 5449 Folio 287

### Estate Type

FEE SIMPLE

### Registered Proprietor(s)

BLUEGUM BORDERS PTY. LTD. (ACN: 149 804 624)  
OF 17-19 OLD STURT HIGHWAY NURIOOTPA SA 5355

### Description of Land

ALLOTMENT 1003 DEPOSITED PLAN 20768  
IN THE AREA NAMED NURIOOTPA  
HUNDRED OF BELVIDERE

### Easements

NIL

### Schedule of Dealings

NIL

Registrar-General

Lands Titles Office







# **ATTACHMENT C**

**Development Plan Consent for DA313/510/2016**

Parcel: 3854  
Assessment: 4134  
VG: 3141519002



14 March 2017

Freestar Group  
C/- 33 Carrington Street  
ADELAIDE SA 5000

Dear Sir/Madam,

**DEVELOPMENT PLAN CONSENT**

<b>DEVELOPMENT NUMBER</b>	313/510/2016
<b>APPLICANT</b>	Freestar Group
<b>OWNER</b>	J J Oldfield of Jill Oldfield Superannuation Trust Trustee & others
<b>NATURE OF DEVELOPMENT</b>	Construction of three (3) service trade premise buildings with associated landscaping, stormwater detention basin and car parking areas (non-complying)
<b>SUBJECT LAND</b>	25-31 Old Sturt Highway NURIOTPA, 23 Old Sturt Highway NURIOTPA, 21 Old Sturt Highway NURIOTPA, LOT: 1003 DP: 20768 CT: 5449/287, LOT: 1007 DP: 25439 CT: 5433/755, LOT: 1006 DP: 25439 CT: 5433/754

Please find enclosed a copy of the Decision Notification Form for Development Plan Consent pursuant to the Development Act 1993 for the above mentioned Development Application.

Conditions may be attached to the Decision Notification Form. These should be carefully read and understood to ensure that you are aware of the requirements, your rights and responsibilities and of any further action that you may need to take. Please ensure that all parties involved (including all contractors) in the construction of the development are aware of any conditions.

The granting of this consent does not absolve the applicant from obtaining all other consents which may be required pursuant to the provisions of any other legislation.

Should you have any questions in relation to your obligations or the conditions imposed, please do not hesitate to contact the Freeling Branch Office on 8525 3200.

Yours sincerely

*on behalf of the*  
**Development Assessment Team**  
LIGHT REGIONAL COUNCIL

cc J J Oldfield  
of Jill Oldfield Superannuation Trust Trustee & others  
43 - 47 Magill Road  
STEPNEY SA 5069

**DECISION NOTIFICATION FORM****Development Number 313/510/2016**

For Development Application

Dated :  
Registered On :07/10/2016  
14/10/2016TO: Freestar Group  
C/- 33 Carrington Street  
ADELAIDE SA 5000**LOCATION OF PROPOSED DEVELOPMENT:**

LOT: 1003 DP: 20768 CT: 5449/287, LOT: 1007 DP: 25439 CT: 5433/755, LOT: 1006 DP: 25439 CT: 5433/754 25-31 Old Sturt Highway NURIOOTPA, 23 Old Sturt Highway NURIOOTPA, 21 Old Sturt Highway NURIOOTPA.

**NATURE OF PROPOSED DEVELOPMENT:**

Construction of three (3) service trade premise buildings with associated landscaping, stormwater detention basin and car parking areas (non-complying)

From **Light Regional Council**

In respect of this proposed development you are informed that:

NATURE OF DECISION	CONSENT GRANTED	NO. OF CONDITIONS	CONSENT REFUSED	NOT APPLICABLE
Development Plan Consent	Granted	19		
Building Rules Consent	Still Required			
DEVELOPMENT APPROVAL	Still Required			

2 representations from third parties concerning your category 3 proposal were received. If there were third party representations, any consent/approval or consent/approval with conditions does not operate until the periods specified in the Act have expired. Reasons for this decision, any conditions imposed, and the reasons for imposing those conditions are set out on the attached sheet.

**YOU MUST NOT START ANY SITE WORKS OR BUILDING WORK OR CHANGE THE USE OF THE LAND UNTIL YOU HAVE ALSO RECEIVED NOTIFICATION OF A DEVELOPMENT APPROVAL.**

Date of Decision :

14 March 2017

Signed :

Date :

14 March 2017

- Development Assessment Commission or Delegate
- Council Chief Executive Officer or Delegate
- Private Certifier
- Sheets Attached

**DEVELOPMENT PLAN CONSENT**

The following condition(s) apply:

- (1) The development shall proceed in accordance with the details of Development Application No 313/510/2016 and the approved plans and correspondence submitted, except when varied by the following conditions of consent.
- (2) All stormwater from buildings, paving and from areas that immediately surround the perimeter of the building shall be disposed of in a manner that does not result in entry of water into the building, or affect the stability of the building, or create an unhealthy or dangerous condition, or run onto or over land of an adjoining owner.  

Storm water disposal systems must be completed by the completion of the construction of the building. During construction, adequate measures must be taken to ensure the temporary disposal of surface or roof water does not affect neighbouring properties.
- (3) The site shall be maintained and operated in a serviceable condition and in an orderly and tidy manner at all times to the reasonable satisfaction of the Council or its delegate.
- (4) All loading and unloading of vehicles shall be carried out entirely upon the subject land.
- (5) All vehicles shall enter and exit the land in a forward direction.
- (6) Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
- (7) All of the car parking spaces, driveway and vehicle manoeuvring areas shall be constructed of concrete with formalised kerbing and drained in accordance with recognised engineering practices prior to occupation of the premises.
- (8) All car parking spaces shall be linemarked or delineated in a distinctive fashion, with the marking maintained in a clear and visible condition at all times.
- (9) All car parking spaces, driveways, and vehicle manoeuvring areas shall be maintained in a good condition at all times to the reasonable satisfaction of the Council or its delegate.
- (10) The applicant/owner shall connect the approved development to the adjoining road by two (2) crossovers that shall be designed, located and constructed to Council requirements (see Standard Drawing SD260). The cost of construction is to be borne by the applicant/owner.
- (11) That during construction, the builder shall at all times for the duration of the construction period provide and maintain a waste receptacle to the reasonable satisfaction of the Council on the site in which all site waste, including builder's waste, shall be contained and which receptacle shall be emptied as required.
- (12) All plants existing and/or within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
- (13) All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council or its delegate.
- (14) All trade waste and other rubbish shall be stored in covered containers pending removal and shall be kept screened from public view to the reasonable satisfaction of the Council or its delegate.
- (15) All external lighting of the site, including car parking areas and buildings, shall be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site to the reasonable satisfaction of the Council or its delegate.
- (16) The largest size design vehicle approved to access the subject land is a heavy rigid vehicle class (12.5 metres in length). Therefore the approval does not extend to authorize the use of vehicles on the land of a size greater than this vehicle class.
- (17) All car parking areas will be configured and constructed in accordance with Australian Standard AS/NZS 2890.1:2004 and will also incorporate mobility access requirements in accordance with Australian Standard AS 1428.

**DECISION NOTIFICATION FORM****Development Number 313/510/2016**

- (18) That additional landscaping adjacent the north eastern corner (adjacent the Sturt Highway) of the allotment for a length of 40 metres commencing from the existing landscaping within the Council road verge shall incorporate a mix of trees and shrubs to the reasonable satisfaction of the Council or its delegate.
- (19) The development herein approved shall not commence until such time that the reciprocal rights of way providing for shared legal access are registered on the Certificates of Title for Lot 1006 (CT 5433/754) and 1007 (CT 5433/755) as identified on the swept path maneuvering plan (Drawing Number SK3 dated 18/01/2017).

**Note:** You are advised that the Development Plan Consent hereby granted will lapse within 12 months from the date of this Consent, unless Building Rules Consent is sought by the applicant within this period. Any request for an extension of time must be lodged with Council prior to the expiration of time periods specified above.

**BUILDING RULES CONSENT**

Still Required

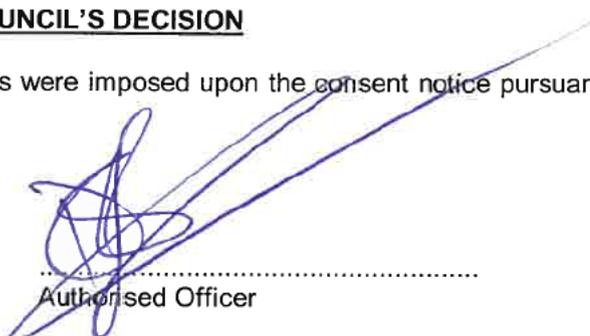
**FOOTNOTES**

- (1) The applicant/owner shall submit a wastewater control system application to Council and have this assessed and approved by Council's Environmental Health Officer, in accordance with the SA Public Health (Wastewater) Regulations 2013, prior to commencement of construction.
- (2) No signs shall be erected on the subject land without the further consent of Council.
- (3) The granting of this consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation. The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.
- (4) The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise." These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.
- (5) Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please telephone 1100 before excavating or erecting structures. If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and requires the nominal location of plant or assets on the relevant property via Dial Before You Dig "1100" number in advance of any construction activities.
- (6) The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause harm.
- (7) The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

**REASONS FOR COUNCIL'S DECISION**

The above conditions were imposed upon the consent notice pursuant to Section 42 of the Development Act, 1993 (as amended).

SIGNED:

  
.....  
Authorised Officer

DATE:

14 March 2017

## IMPORTANT INFORMATION – APPEAL RIGHTS AND TIME FRAMES

1. If your application was the subject of third party representations, any consent, or consent subject to conditions shall not operate until fifteen (15) business days from the date of the decision made on the application. If there is an appeal by a third party, any consent or consent subject to conditions shall not operate until determination of the appeal. Fifteen (15) business days from the date of the decision on your application, you are advised to contact the Environmental Resources and Development Court to find out if there has been an appeal lodged.
2. If this is a consent or consent with conditions:
  - the development must be substantially commenced within twelve (12) months of the date of this notification unless this period has been extended by the Council or Development Assessment Commission.

AND

- *Any act or work that has been substantially commenced within twelve months, must be completed within three (3) years of the date of the notification or a longer time as allowed by the Council or the Development Assessment Commission.*

If you fail to satisfy the above requirements, and you wish to proceed with the development, a new Development Approval will be required.

## ADDITIONAL INFORMATION

### Public Land

The applicant is advised to contact Council's Works and Technical Services Department prior to commencement of any work on Council property or public land.

### Other Legislation

The granting of this consent does not absolve the applicant from obtaining all other consents which may be required pursuant to the provisions of any other legislation.

### Allotment Boundaries

Allotment boundaries are not certified by Council staff. The onus of ensuring that buildings are sited in the approved position on the correct allotment is the responsibility of the owner.

### Environment Protection Act

The developer or building owner is to ensure compliance with the requirements of the **Environment Protection Act 1993** and associated policies. Applicants are reminded of their obligation to minimise the amount of soil and silt leaving the site. Council may issue an expiation in accordance with the provisions of the Act.

### Damage

Section 233 of the Local Government Act 1999 provides that where damage to Council roads, footpaths, kerbing or services occurs as a result of the development, the owner/applicant shall be responsible for the cost of repairs to the damage. Your co-operation is sought in ensuring that the street, road, kerb, gutter, and footway are protected from damage during delivery of any building materials to the site. Re-instatement costs can be recovered from the owner in addition to a penalty imposed by a court, if damage is caused.

### Landscaping & Driveways

Any changes to existing entranceways must be approved by Council. Ensure when landscaping that there are no tripping hazards are created on the verge (area of land between the front boundary and gutter/road edge). For example, do not construct kerbing or garden edging across the verge, plant bushes and trees or place letterboxes on the verge. Simple landscaping such as grass is suitable. Contact Council's Works and Technical Services department for further details.

*The Council appreciates feedback on all matters relating to customer service. Should you wish to provide comments please visit the Light Regional Council website at [www.light.sa.gov.au](http://www.light.sa.gov.au) to submit a compliment or complaint form accessed from the "Tell Us" tab on the home page or alternatively a Customer Feedback Form is available from either the Kapunda or Freeling offices of Council.*

## Darby Schultz

---

**Subject:** FW: DA 313/510/2016 - Freestar  
**Attachments:** DA Turn Movements-SK3.pdf

**From:** Chelsea Salagaras [mailto:ChelseaS@masterplan.com.au]  
**Sent:** Wednesday, 18 January 2017 4:37 PM  
**To:** Darby Schultz <DSchultz@light.sa.gov.au>  
**Cc:** Graham Burns <GrahamB@masterplan.com.au>; Doug Burgess <doug@freestar.net.au>; A Scott Roberts <scott@freestar.net.au>; A Michael Powell. <michael@freestar.net.au>  
**Subject:** RE: DA 313/510/2016 - Freestar

Hi Darby,

Thank you for your reasonable approach to resolving this, it is much appreciated.

We attach a copy of a site plan which details the areas designated for reciprocal rights of way for allotment 1006 and 1007. This plan can be formalised by a surveyor once a determination on the application has been made. We have no objection to your inclusion of the condition as worded in your previous email.

Please let me know if you require anything else or wish for the plan provided to be presented in a different manner.

Kind regards,

**Chelsea Salagaras**  
[chelseas@masterplan.com.au](mailto:chelseas@masterplan.com.au)

**MASTERPLAN**  
TOWN + COUNTRY PLANNERS

SA | NT | QLD

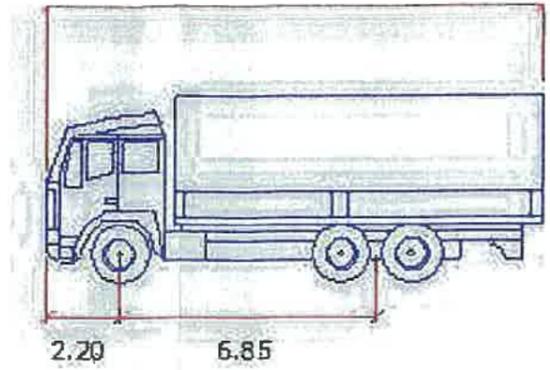


P 08 8193 5600

E [webinfo@masterplan.com.au](mailto:webinfo@masterplan.com.au)

[Website](#) | [Facebook](#) | [LinkedIn](#)



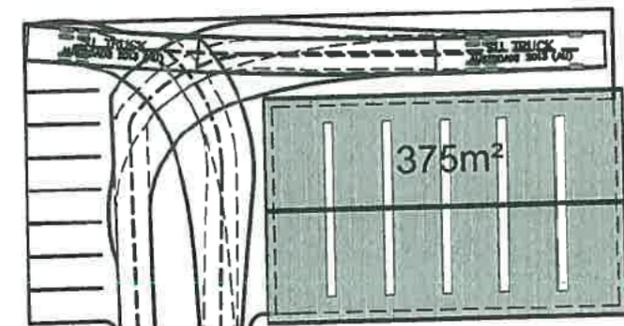
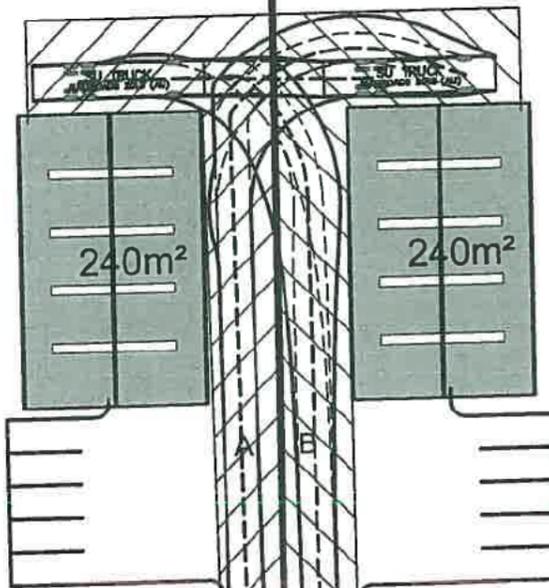


Library	Vehicle Name	Type	Region	Lock	# Parts	Length	Wheelbase
AUSTROADS 2013 (AU)	SU TRUCK	Heavy Truck CO2	Australia & Oceania	36.6	1	12.50	6.85

DP25439  
1006  
1684m<sup>2</sup>

DP25439  
1007  
1540m<sup>2</sup>

DP20768  
1003  
8670m<sup>2</sup>



Lot 1007 enjoys a Right of Way over the portion of lot 1006 marked 'A' for access.

Lot 1006 enjoys a Right of Way over the portion of Lot 1007 marked 'B' for access

**Light Regional Council**  
 Development Act 1993  
 14/3/17  
**DEVELOPMENT PLAN**  
**CONSENT GRANTED**  
 Subject to Conditions

This plan is NOT to be used for construction purposes unless it carries the approval stamp of the local authority.

Issue	Date	Description	App'd
A	26-7-16	Original Issue	SR

Client:  
**JJ Oldfield**

Project:  
**Lots 1003, 1006, 1007**  
Old Sturt Highway, Nuriootpa

Title:  
**Concept Site Access Plan**

Do not scale drawing. Use written dimensions only.  
This plan is copyright © All rights reserved.

**ARDILL PAYNE**  
 & PARTNERS  
 ENGINEERS PLANNERS SURVEYORS  
 ENVIRONMENTAL PROJECT MANAGEMENT  
 BALLINA 45 River Street Ph. 02 6686 3280  
 SOUTH BRISBANE 89 Grey Street Ph. 07 3123 9675  
 GUNNEDAH 285 Conolly Street Ph. 02 6742 9955  
 A.B.N. 51 808 558 977 e-mail: info@ardillpayne.com.au



Designed	AH	Scale	1:250 @ A1, 1:500 @ A3
Drawn	LH	0 2.5 5 7.5 10 12.5	
Checked	SR	File Name	DA Turn Movements.dwg
Approved		Date	18-01-2017
Job No.	4002	Dwg No.	SK3
Issue			A

10 November 2016

The Light Regional Council  
PO Box 72  
KAPUNDA SA 5373

Attention: Mr Darby Schultz

Dear Mr Schultz



Re: DA 313/510/2016  
Response to Request for Further Information  
Lot 1003, 1006 and 1007 Old Sturt Highway, Nuriootpa

We write in response to Council's letter dated 2 November in which additional information was sought regarding the above matter. In forming this response please find enclosed herein:

- our Statement of Effect;
- an amended Drawing Set;
- an amended Stormwater Management Plan.

The ensuing response follows the format of your letter.

**1. Statement of Effect**

Please refer to the Statement of Effect **enclosed** which has been prepared in accordance with Regulation 17(5) of the *Development Regulations*.

**2. Confirmation of Land Use**

The proposed development incorporates the development of three commercial buildings (one on each Allotment 1003, 1006 and 1007) for the purposes of service trade premises / warehousing together with ancillary car parking and landscaping.

**SOUTH AUSTRALIA**  
33 Carrington Street  
Adelaide, 5000  
P (08) 8193 5600

masterplan.com.au

**NORTHERN TERRITORY**  
Unit 33, 16 Charlton Court  
Woolner, 0820  
P (08) 8942 2600

ISO 9001:2008 Certified

**QUEENSLAND**  
104/139 Commercial Road  
Teneriffe, 4005  
P (07) 3852 2670

plan@masterplan.com.au

ABN 30 007 755 277  
15065LET06



The proposed development is speculative in that the end user of these proposed developments has not yet been secured, however it is likely that the buildings will be attractive to businesses which have minimal impact on adjacent land uses. However, it is not intended that the sites or buildings be used for industrial purposes.

The types of activities expected on these sites include:

- low impact workshop trades; or
- ancillary office and administration activities; or
- the display and sale of goods listed under the definition of 'service trade premises' in Schedule 1 of the *Development Regulations 2008*.

### **3. Vehicle Movements and Turning Paths – 'Concept Site Access Plan'**

- (i) On behalf of the applicant we propose that reciprocal rights of way be registered on the Certificates of Title to facilitate ongoing legal access for the traffic arrangements as currently proposed.
- (ii) Council's commentary regarding the vehicle turn paths is noted. We confirm that it is only the overhang of the truck which will occur, rather than the wheel path crossing the pavement edge line, and that all vehicles will leave in a southerly direction onto Old Sturt Highway.

### **4. Landscaping**

Please refer to the **enclosed** amended Landscaping Plan (Drawing Number A14). The plan details additional landscaping at the Old Sturt Highway frontage of the site as well as additional basin landscaping.

### **5. Outdoor Storage**

No outdoor storage is proposed as part of this development application.

### **6. Hardstand Material and Kerbing**

The commentary made by Council is noted and the applicant will incorporate kerbing details at the detailed design phase of this project. The applicant invites the imposition of a condition to this effect.



## **7. Location of Detention Basins**

The location of the detention basins remains the same as per the amended Drawing set. It was unclear in the information provided to Council as part of the development application that the site will be filled and as such, the location of the basins and the proposed storm-water flow and method are presented in the updated Stormwater Management Plan **enclosed**.

As per Appendix 3 of the Stormwater Management Plan:

*"Sturt Highway drainage runs along Barossa Valley Way to intersection of this road with Old Sturt Highway. The existing flow patterns have been added to Figure 2 in the current revision of the report. Therefore, drainage of the proposed development areas to Old Sturt Highway will not change the overall catchment outlet point.*

*The 'site' will be filled by approximately a metre and as such the detention basin bottom outlet (R.L. 276.45m) can be located above Old Sturt Highway table drain (R.L.276.3m)."*

## **8. Detention Basin Permeability**

No permeability for the detention basin has been considered in the revised Drains model. The detention basin details in section 5.1 of the Stormwater Management Plan have been updated accordingly.

## **9. Stormwater Run-off Between Lots 1006 and 1007**

The comments made by Council's Technical Services Department are noted and a crown is to be included in the Right of Way between the two Lots 1006 and 1007. This is reflected in Section 3 of the updated Stormwater Management Plan, and is depicted in the amended drawing presented in Attachment of the Plan.

## **10. Confirmation of Minor Storm Event Stormwater Management**

The water quality treatment method has been revised, with the site surface slopes now added to the Stormwater Management Plan.

## **11. Wastewater**

The Applicant acknowledges and accepts the waste water application and augmentation fees payable to the Barossa Council. A waste water application will be lodged with Council and the relevant fees paid once greater certainty regarding the outcome of this Development Application is determined.

In summary, we trust that the information provided is sufficient for you to progress this application to the public notification phase.



Please do not hesitate to contact Chelsea Salagaras or the undersigned on 8193 5600 should you require any further information.

Yours sincerely

**Graham Burns**  
MasterPlan SA Pty Ltd

enc: As Listed.  
cc: Mr Doug Burgess – Freestar Group.

## STATEMENT OF EFFECT

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### Warehouse / Service Trade Premises

AT: Lots 1003, 1006 and 1007 Old Sturt Highway, Nuriootpa

FOR: J J Oldfield of Jill Oldfield Superannuation Trust Trustee & others

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### 1.0 INTRODUCTION

MasterPlan SA Pty Ltd has been engaged on behalf of J J Oldfield to assist with the required documentation associated with development application DA 313/510/2016 for three warehouse / service trade premises together with ancillary office, landscaping and car parking at Lot 1003, 1006 and 1007 Old Sturt Highway, Nuriootpa.

By way of correspondence dated 2 November 2016, Council resolved to proceed with the full assessment of the application. Accordingly, we submit this Statement of Effect on the basis of Regulation 17(3)(b) of the *Development Regulations, 2008*. The Statement has been prepared in accordance with Regulation 17(5).

### 2.0 SUBJECT SITE AND LOCALITY

#### 2.1 Subject Land

The subject land referred to herein as 'the land' is formally described as:

- Allotment 1003 in Deposited Plan 20768 in the Area named Nuriootpa, Hundred of Belvidere, in Certificate of Title 5449/287;
- Allotment 1006 in Deposited Plan 25439 in the Area named Nuriootpa, Hundred of Belvidere, in Certificate of Title 5433/754; and
- Allotment 1007 in Deposited Plan 25439 in the Area named Nuriootpa, Hundred of Belvidere, in Certificate of Title 5433/755.

The land is currently vacant and comprises a relatively flat elongated triangular parcel with an overall site area of 11,894 square metres. It has a combined frontage to the Old Sturt Highway of 332.41 metres and a combined frontage to the Sturt Highway of 343.96 metres.

The land contains no easements or encumbrances. It is located in the Primary Production Zone, and is further defined by inclusion in Policy Area 2 Barossa Valley Region and Precinct 15 Nuriootpa Plains.



## 2.2 The Locality

The locality is characterised by the presence of a number of zones located at the interface of the Light Regional Council and Barossa Council local government areas. The following features are evident:

- primary production land uses predominate to the north of Sturt Highway;
- to the south of the Sturt Highway, in the direction of Nuriootpa (within the Light Regional Council), the land is zoned for Primary Production albeit that the land is not used for primary production purposes;
- the south-eastern boundary of the subject land forms the zone boundary between the Primary Production Zone of the Light Regional Council area and the Residential Zone of the Barossa Council;
- to the west of the subject land, Lot 289 has recently been developed to incorporate an integrated retail fuel outlet for Caltex Australia Petroleum Pty Ltd completed in July 2016. This Lot was previously used as a service trade premises, trading as 'Bridgestone Service Centre';
- Allotment 1005, adjacent the land to the west, is currently vacant and is generally clear of vegetation except for intermittent planting along its road frontages;
- the closest residential dwelling is located approximately 46.0 metres to the south of the subject land boundary;
- to the east of the subject land, on Steinborner Street, is a relatively new residential subdivision containing single storey dwellings at higher densities than in the remainder of the Residential Zone. These dwellings are orientated away and set back from Old Sturt Highway;
- 'Barossa Valley Hire' is located on the south-eastern side of Old Sturt Highway to the south-east of the subject land; and
- a Home Industry Zone and Commercial Zone are located in close proximity to the land in a southerly direction, surrounded by residential land uses all within the adjacent Barossa Council area.



### 3.0 THE PROPOSAL

#### 3.1 Nature of Land Use

The proposed development incorporates the development of three commercial buildings (one on each Allotment 1003, 1006 and 1007) for the purposes of service trade premises / warehousing together with ancillary car parking and landscaping.

The proposed development is speculative in that the end user of these proposed developments has not yet been secured, however it is likely that they will be attractive to businesses which have minimal impact on adjacent land uses. As such, it is not intended that the sites or buildings be used for industrial purposes.

The types of activities expected on these sites include:

- low impact workshop trades;
- warehouses;
- ancillary office and administration activities; and/or
- the display and sale of goods listed under the definition of "service trade premises" in Schedule 1 of the *Development Regulations 2008*.

#### 3.2 Built Form and Setbacks

Each of the proposed buildings will have an open plan area suitable for use for storage or low impact activities, together with a staff amenities area. The proposed buildings are configured as follows:

	BUILDING FLOOR AREA	DIMENSIONS	SETBACK FROM OLD STURT HIGHWAY
<b>Lot 1003</b>	375 square metres	25 x 15 metres	21 metres
<b>Lot 1006</b>	240 square metres	20 x 12 metres	31.42 metres
<b>Lot 1007</b>	240 square metres	20 x 12 metres	31.42 metres

The buildings will be steel portal frame construction, clad with tilt up precast concrete panels to 2.2 metres and corrugated Colorbond above that. The maximum wall heights of each building will be 5.2 metres and will be single storey.

Each building will have a different coloured feature panel at the Old Sturt Highway frontage to differentiate between and add interest to each of the buildings.



### **3.3 Vehicle Access and Movement**

It is proposed to create two new crossovers to the Old Sturt Highway. These access ways will comply with AS/NZS 2890.1:2004. One crossover will provide access to both Lot 1006 and 1007, and the other crossover to Lot 1003.

No access to the Sturt Highway is proposed. No semi-trailer access is proposed to Lots 1003, 1006 and 1007.

The sites can accommodate the turning path of the largest vehicle (a 12.5 metre rigid truck) which may use the site.

The anticipated number of vehicles entering and existing each of the sites per day is in the order of 1 rigid truck and 6 passenger vehicles. Please note that this is an estimate only.

The areas which will accommodate the loading and unloading of materials are the northern side of the sites, fronting the Old Sturt Highway.

All trafficked areas will be sealed with concrete.

### **3.4 Car Parking**

On each of the three allotments, designated on site car parking is proposed as per the following:

- Lot 1003 – 8 car parking spaces;
- Lot 1006 – 5 car parking spaces; and
- Lot 1007 – 5 car parking spaces.

The proposed parking spaces will be designed to appropriate Australian Standards.

### **3.5 Landscaping**

A Landscaping Plan has been prepared as detailed in Proposed Landscaping Plan Drawing Number A14. A selection of hardy, drought tolerant species have been proposed to provide a strip of vegetation on the Old Sturt Highway frontage adjacent to the access ways to the site. All species selected are locally indigenous to the area and are intended to create a landscaped buffer and visual screen to both road frontages, and to residential development on the opposite side of Old Sturt Highway.

Existing native vegetation on the site and along adjacent roadside verges that can be retained will be incorporated into the Landscape Plan. Additional landscaping is proposed along the Old Sturt Highway verge to create an integrated buffer at this frontage.



### 3.6 Stormwater Management

A stormwater management plan has been prepared for each of the three lots which is in accordance with the requirements of the Light Regional Council (LRC) document 'Standards and Requirements for the Design, Construction and Development of infrastructure Assets in the Light Regional Council'.

- a combination underground pipe (minor storm flows) and overland flow (major storm flows) system will be provided for the site to convey runoff to the proposed site discharge to the Old Sturt Highway roadside table drains;
- to achieve reduction of post development peak flows to existing 20 year ARI levels it is proposed to provide a detention basin within each lots site area, adjacent to the southern site Old Sturt Highway frontage and proposed site accesses. The basins will have primary discharges consisting of a 150mm diameter pipe outlet set 0.3m above the basin bases with a high level overflow discharge consisting of a 0.2m weir; and
- the requirements of the EPA 'Stormwater Pollution Prevention' code of practice are met primarily through the provision of a total of 20 square metres of bio retention area incorporated into the bases of the detention basins. Overall stormwater quality in the site runoff will be improved by a combination of this bio retention area. MUSIC modelling indicates the proposed measures will provide a high level of treatment of the stormwater runoff.

### 4.0 RELEVANT DEVELOPMENT PLAN PROVISIONS

The most relevant Development Plan provisions are considered to be:

- Primary Production Zone:
  - Objectives: 1, 2 and 4.
  - Principles of Development Control: 13.
- Barossa Valley Policy Area 2:
  - Objectives: 1 and 4.
  - Principles of Development Control: 17 and 18.
- General/Council-wide:
  - Design and Appearance:
    - o Objective: 1.
    - o PDC: 1, 3 and 16.



- Interface Between Land Uses:
  - o Objective: 1 and 2.
  - o PDC: 1, 2 and 17.
  
- Landscaping, fences and walls:
  - o Objective: 1.
  - o PDC: 2 and 3.

## 5.0 DEVELOPMENT PLAN ASSESSMENT

The relevant version of Council's Development Plan for procedural and assessment purposes was that which was consolidated 12 May 2016. The land under this version of Council's Development Plan is situated in the Primary Production Zone, Barossa Valley Region Policy Area 2 and Precinct 15 Nuriootpa Plains. As previously noted, no part of the site is subject to the 'Character Preservation' overlay.

The ensuing assessment, although not exhaustive, has particular regard to the principal planning issues, namely:

- the use of the land as a service trade premises in the context of the Primary Production Zone;
- the built form and character;
- traffic, access and car parking;
- the interface between the Residential Zone and the Primary Production Zone, and that of the two Council areas;
- landscaping; and
- stormwater.

### 5.1 Land Use

Objectives 1, 2 and 4 and the Desired Character Statement for the Zone, together with Objective 4 of the Policy Area describe the long term continuation and preservation of primary production on large properties and in "appropriate areas." These Objectives state;

#### **Primary Production Zone**

**Desired Character: "Preservation of rural and landscape character with farming on large properties, designated areas for horticulture, limited additional dwellings, minimal non-agricultural development and retention of natural vegetation..."**

**Objective 1      The long term continuation of primary production.**



**Objective 2 Economically productive, efficient and environmentally sustainable primary production.**

**Objective 4 Protection of primary production from encroachment by incompatible land uses and protection of scenic qualities of rural landscapes.**

**Barossa Valley Region Policy Area 2**

**Objective 4 Development located in appropriate areas which does not encroach on rural activities.**

There is a clear distinction between the primary production land to the north of Sturt Highway and the small pocket of land zoned Primary Production to the south of the Sturt Highway. The subject land is located to the south of the Sturt Highway on a site which is not currently used for primary production purposes, and indeed is incapable of being so used. The primary production zoning in this locality is considered to be an anomaly, as the land is separated from the remainder of Primary Production Zone to the north and the land is not suitable for primary production land uses due to its size and proximity to the Township of Nuriootpa. The land in fact came into existence as a consequence of the rerouting of the Sturt Highway some years ago.

The proposed service trade premises in this location does not compromise the achievement of the objectives of the zone because the subject land is not currently used for primary production purposes. There is no net loss of productive land arising because of this proposal. The proposed land use will not encroach further into the Primary Production Zone as it will be located wholly within the boundaries of the existing Allotments 1003, 1006 and 1007.

Further, these allotments are not considered to be appropriate for efficient use for primary production because the land is in close proximity to the adjoining Residential Zone, its shape, it is small in scale and is physically separated from other productive land by the Sturt Highway. If the land were to be used for primary production purposes the inclusion of buffer distances from the existing adjacent sensitive land uses would still render the land inefficient and inappropriate for use for primary production.

As such, we of the opinion that the land use is appropriate and acceptable in this location due to its siting adjacent to the Sturt Highway, the context of nearby development namely, the newly constructed Caltex retail fuel outlet and that it provides a land use which is typical to that of development found adjacent to a highway servicing the needs of highway users.

Accordingly, the proposed land use is therefore considered appropriate in this location as it does not compromise the achievement of the Objectives of the Zone or Policy Area.



## 5.2 Built Form and Character

The appearance of the built form takes cues from the existing industrial and rural architecture in the wider locality. Council-wide Objective 1 for Design and Appearance, and Principles of Development Control 1, 3 and 16 provide guidance on this aspect as per the following:

**Objective 1** Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.

**PDC 1** The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.

**PDC 3** Buildings should be designed to reduce their visual bulk and provide visual interest through design elements such as:

- (a) articulation
- (b) colour and detailing
- (c) small vertical and horizontal components
- (d) design and placing of windows
- (e) variations to facades.

**PDC 16** Development should be designed and sited so that outdoor storage, loading and service areas are screened from public view by an appropriate combination of built form, solid fencing and/or landscaping.

The proposed development is considered to adhere with the aforementioned provisions in that:

- the proposed development is of a high standard and will be constructed and clad with high quality materials inclusive of precast concrete panelling, Colorbond cladding creating an integrated built form with co-ordinated appearance (Objective 1);
- the proposed development contains contemporary forms which are consistent with the nearby non-residential land uses ("Barossa Valley Hire") and the Caltex integrated retail fuel outlet at Lot 289, both with frontages to the Old Sturt Highway. The materials-proposed have been selected because of their durability and non-reflectivity. The use of Colorbond cladding is also considered to be reminiscent of the rural style buildings in the wider locality (PDC 1);
- the visual bulk of the buildings are broken up by the use of different materials and colours, and the inclusion of roller door and aluminium windows and doors to create variation in the facades (PDC 3); and
- the proposed storage areas will be located internally within the building, screened from view and located to the rear of the building. The inclusion of landscaping at the Sturt Highway and Old Sturt Highway frontages provides additional screening to the site and softening of the built form as viewed from the Sturt Highway and from the adjacent Residential Zone (PDC 16).



We are therefore of the opinion that the proposed development is in accord with the relevant design and appearance provisions of the Light Regional Council Development Plan.

### 5.3 Car Parking

In terms of Car Parking, the proposal meets the requirements as listed in Table Lig/2 – Off Street Vehicle Parking Requirements of the Light Regional Council Development Plan which states:

FORM OF DEVELOPMENT	NUMBER OF CAR PARKS REQUIRED
<i>Service Trade Premises</i>	<i>1 space per 50 square metres of total floor or display area</i>
<i>Warehouse</i>	<i>1 per 150 square metres of total floor area or 1 per 3 employees (whichever provides the larger parking area).</i>

The requirement has been met as per the following:

	BUILDING FLOOR AREA	NUMBER OF CAR PARKS PROPOSED	DEVELOPMENT PLAN REQUIREMENT	COMPLIANCE
<b>Lot 1003</b>	375 square metres	8	8 (service trade premises) 3 (warehouse)	✓
<b>Lot 1006</b>	240 square metres	5	5 (service trade premises) 2 (warehouse)	✓
<b>Lot 1007</b>	240 square metres	5	5 (service trade premises) 2 (warehouse)	✓

Please note: in the absence of employee numbers, these calculations have been based on the floor area requirement.

The proposed car parking therefore complies with Table Lig/2 of the Light Regional Council Development Plan for Vehicle Parking.

### 5.4 Interface between Land Uses

The subject land is located at the interface between the Light Regional Council and the Barossa Council, and likewise at the interface of the Primary Production Zone and the Residential Zone.

Objectives 1 and 2 for the "Interface between Land Uses" together with Principles 1, 2 and 7, provide guidance on the interface between land uses. These provisions state;



## **Interface between Land Uses**

- Objective 1**      **Development located and designed to prevent adverse impact and conflict between land uses.**
- Objective 2**      **Protect community health and amenity from adverse impacts of development.**
- PDC 1**      **Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:**
- (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants**
  - (b) noise**
  - (c) vibration**
  - (d) electrical interference**
  - (e) light spill**
  - (f) glare**
  - (g) hours of operation**
  - (h) traffic impacts.**
- PDC 2**      **Development should be sited and designed to minimise negative impact on existing and potential future land uses considered appropriate in the locality.**
- PDC 7**      **Outdoor lighting should be designed and installed in accordance with Australian Standard AS 4282 Control of the obtrusive effects of outdoor lighting.**

The proposed development is designed to minimise the potential impacts between land uses by;

- orientating the built form away from and setting the building back from the residential interface;
- ensuring no building or site is used for industrial purposes;
- the inclusion of landscaping at the road frontages will provide a physical and visual buffer between the activities on the site and the Residential Zone;
- all activities associated with the warehouses / service trade premises will be limited entirely to the subject land and within the proposed buildings;
- all driveways and associated manoeuvring areas will be sealed with concrete prior to first occupation of the site to minimise the likelihood of dust nuisance;
- all hard surfaced areas will be kept clean by regular sweeping so that dust generation does not impact off-site and so that potential for off-site transfer of material is minimised;
- the proposed hours of operation are reasonable given the context of the locality including the 24-hour operation of the retail fuel outlet on the nearby Lot 289; and
- all stormwater is appropriately managed as per the stormwater management plan.



The above listed measures are intended to prevent adverse impact and conflict between land uses (Objective 1), and protect community health and amenity from adverse impacts of development (Objective 2). We are therefore of the opinion that the proposed measures to minimise the potential impacts at the interface of multiple land uses is sufficient when viewed in the context of the locality and assessed against the relevant provisions of the Development Plan.

## **5.5 Landscaping**

Zone Principle of Development Control 13, together with Policy Area Objective 1 and Principles 17 and 18 and Council-wide provisions for "Landscaping, Fences and Walls" Objective 1 and Principles 2 and 3 provide guidance on the provision of landscaping. These provisions state;

### **Primary Production Zone**

**PDC 13** Native vegetation, including the full range of tree, understorey and groundcover species, should be retained and managed so as to maintain and enhance its environmental values and functions, including conservation, biodiversity and habitat, and minimisation of dry land salinity.

### **Barossa Valley Policy Area 2**

**Objective 1** Preservation of rural land and landscape character by limiting additional dwellings, non-agricultural development and the loss of native vegetation.

**PDC 17** Development should include a landscaped buffer of at least 3 metres in width along the boundaries of the zone which abut residential areas.

**PDC 18** Landscaping, incorporating mounding, trees, shrubs and ground covers and fencing, which provides:

- (a) a buffer to adjacent dwellings, residential areas and tourist accommodation
- (b) a visual screen to improve amenity
- (c) a barrier for safety purposes; but which does not threaten the viability of horticultural activities.

### **Council-wide for "Landscaping, Fencing and Walls"**

**Objective 1** The amenity of land and development enhanced with appropriate planting and other landscaping works, using locally indigenous plant species where possible.

**PDC 2** Landscaping should:

- (a) include the planting of locally indigenous species where appropriate
- (b) be oriented towards the street frontage
- (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.

**PDC 3** Landscaping should not:

- (a) unreasonably restrict solar access to adjoining development



- (b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding**
- (c) introduce pest plants**
- (d) increase the risk of bushfire**
- (e) remove opportunities for passive surveillance**
- ...
- (g) increase the risk of weed invasion**
- (h) obscure driver sight lines**
- ...

We are satisfied that the proposed landscaping scheme meets the requirements as listed in the Development Plan because;

- the existing vegetation located on the northern frontage of the site to the Sturt Highway inclusive of the existing tall trees and understorey growth is proposed to be retained, with additional landscaping proposed to enhance the character of the site in this location (Zone PDC 13 and PDC 18);
- the site is currently not used for agricultural purposes and is relatively clear of established vegetation therefore no net loss of rural land is proposed (Objective 1);
- all boundaries of the site are proposed to be landscaped, as well as upon entry to the site from the Old Sturt Highway. This area will be landscaped with groundcovers and low shrubs so as to not obstruct sight lines of vehicles frequenting the site, providing a degree of buffering between the site and the adjacent residential properties (PDC 17);
- the plants selected are indigenous to South Australia (Objective 1) and these plants are orientated to the Murray Street frontage and are not of a height that is expected to obstruct existing power line infrastructure (PDC 2); and
- the proposed landscaping (PDC 3):
  - is low in scale and is not expected to restrict solar access to adjoining development (a) nor obstruct vehicle sight lines (h) nor remove opportunities for passive surveillance (e);
  - includes small to medium planting with shallow root systems not likely to cause any of the impacts listed in (b);
  - the proposed plants are not considered pest plants in South Australia (c); the landscaped beds will be maintained and monitored by a contract gardener in order to remove weeds as required (g); and
  - a number of the species selected are evergreen and as such do not create a large amount of leaf litter therefore will not increase the risk of bushfire (d).

We are therefore of the opinion that the proposed landscaping meets the requirements of the Light Regional Council Development Plan.



## **5.6 Stormwater**

A Stormwater Management Plan (SMP) has now been prepared for the site. The SMP outlines the proposed stormwater design in order to demonstrate compliance with the requirements of the Light Regional Council (LRC) document *'Standards and Requirements for the Design, Construction and Development of Infrastructure Assets in the Light Regional Council'*.

## **6.0 ASSESSMENT OF THE SOCIAL, ENVIRONMENTAL AND ECONOMIC EFFECTS OF THE PROPOSED DEVELOPMENT**

### **6.1 Social Effects**

The anticipated social effects arising as a result of this development include providing employment to the region in terms of both new jobs on the site in the new facilities and also during the construction phase.

### **6.2 Economic Effects**

The approval of these warehouse / service trade premises is anticipated to:

- provide additional employment to the region in terms of both current and future employment opportunities, and during the construction phase; and
- offer economic support to a number of business enterprises which could be accommodated in the proposed buildings.

### **6.3 Environmental Effects**

The environmental effects as a result of this development are considered minimal as all vehicle movements can be accommodated on the site and all stormwater will be retained on each site within the designated detention basins.

Additional landscaping on the site is considered to be a positive environmental effect as it will assist in providing a landscaped visual buffer to adjacent land, as well as providing a landscape corridor for fauna, with drought tolerant species selected to minimise irrigation requirements.

## **7.0 SUMMARY**

It is considered that the proposal to develop Lots 1003, 1006 and 1007 Old Sturt Highway, Nuriootpa as warehousing / service trade premises together with ancillary car parking and landscaping is an appropriate form of development.



Accordingly, we submit that there is sufficient planning merit demonstrated by the proposed development as illustrated by the assessment against the provisions of the Light Regional Council Development Plan to warrant the granting of Development Plan Consent, and the Development Assessment Commission's concurrence of that consent.

Please do not hesitate to contact the undersigned or Chelsea Salagaras on (08) 8193 5600 should you require any further information.

**Graham Burns** FPIA CPP  
B/A in Planning

10 November 2016

# ARDILL PAYNE

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## STORMWATER MANAGEMENT PLAN

Submission to Light Regional Council



Bridgestone Truck Centre  
Lots 1006 and 1007 on DP 25439  
& 1003 on DP 20768  
Old Sturt Highway,  
Barossa, SA

for:  
FREESTAR JV PARTNERS PTY LTD

November 2016

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**Document Control Sheet**

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## 1 Introduction

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Ardill Payne and Partners (APP) has been commissioned to develop a Stormwater Management Plan (SMP) for the proposed development at Old Sturt Highway, Barossa on Lots 1006 and 1007 on DP 25439 and Lot 1003 on DP 20768.

The SWMP outlines stormwater design in order to demonstrate compliance with the requirements of the Light Regional Council (LRC) document '*Standards and Requirements for the Design, Construction and Development of Infrastructure Assets in the Light Regional Council*'

The report focuses specifically on Item 5 of Council's request for information (RFI) dated 22nd July 2016 relating to the development.

The item 5 information relating to stormwater management information is reproduced below.

*A Stormwater Management Plan (SMP) should be provided that demonstrates the following:*

- a. Appropriate stormwater detention systems are implemented into the design of each site in order to ensure that peak flow discharge post-development does not exceed predevelopment for the critical storm;*
- b. Detention systems should manage post-development runoff up to and including the 100 year ARI event, limiting such runoff to the pre-development 20 year ARI event;*
- c. Runoff should be treated to achieve desired water quality levels consistent with the current best practice - EPA 'Stormwater Pollution Prevention' code of practice. Pollution control devices that provide removal of gross pollutants, silt, grease, oil and other harmful chemical pollutants should be adopted for each site.*

The objective of this SMP is to address all points in the item.

The current version of the report has been revised based on the Light Council's RFI dated 2 November 2016. Responses to Items 7 to 10 of this RFI related to the site SMP has been provided in Attachment 3 of the report.

The combined development lot areas have a total area of approximately 1.19 ha with the proposed development representing an area of approximately 4421m<sup>2</sup> within the lots. The balance lot areas are unaffected by this development and runoff from these areas will drain via existing drainage paths. *Consequently for the purposes of this report references to the 'site' refer to the*

4421m<sup>2</sup> development area only and exclude the areas unaffected by the proposed development. Proposed site plans are included in **Attachment 1**.

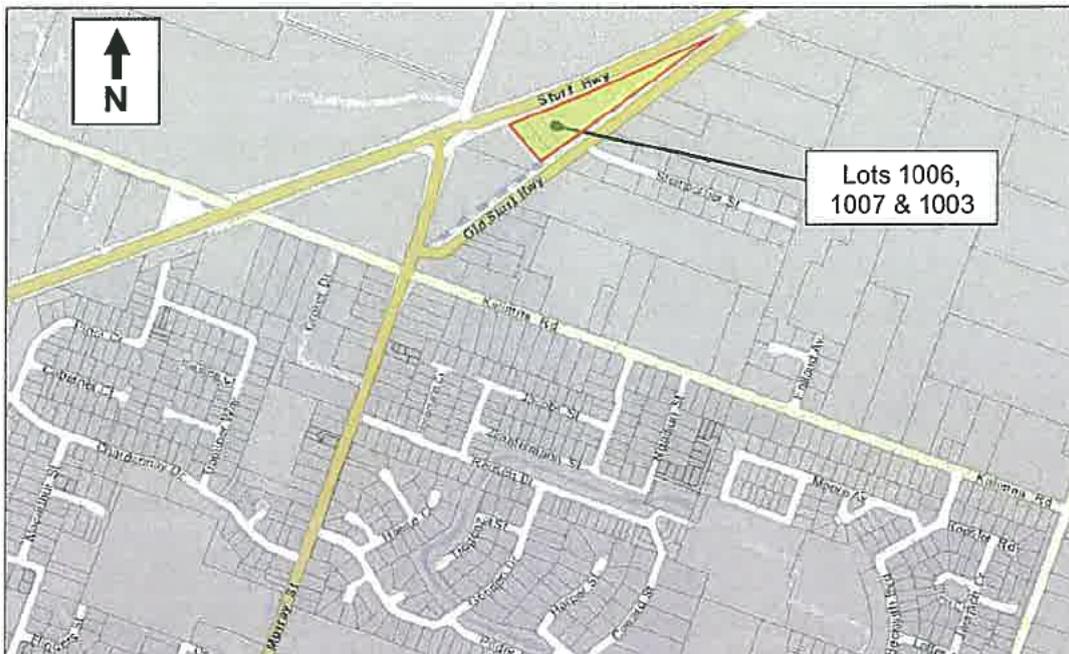
## 2 Existing Site Drainage

The subject study area locality and aerial photo can be seen below in **Figures 1 and 2** respectively.

The development lots are bounded by the Old Sturt Highway and the Sturt Highway on its south east and north west respectively and by industrial zone land to its north east and south west (undeveloped and developed respectively).

The site falls generally in a northern and western direction at grades estimated to be between 0.5 and 1.5%. Site runoff flows north and west as sheet flow to a roadside table drain associated with the Sturt Highway. This table drain then runs toward Old Sturt Highway along Barossa Valley Way. The existing flow patterns are presented in **Figure 2**.

The site is currently undeveloped and consists entirely of pervious surface. No formal drainage systems exist in the vicinity of the site. An informal roadside drain runs along the northern side of the Old Sturt Highway directing flow west.



**Figure 1 – Existing Site Locality**



Figure 2 – Aerial Photograph

The characteristics of the existing site catchments are summarised below in **Table 1**.

**Table 1 – Existing Site Catchment Characteristics**

Catchment	Area (m <sup>2</sup> )
Lot 1006	1684
Lot 1007	1541
Lot 1003	8667
<b>Total Combined Area</b>	<b>11892</b>

### 3 Proposed Stormwater Management

The proposed drainage concept is provided on drawing SKSW1 in **Attachment 2** and is summarised as follows:

- Site areas proposed for development on each lot to be filled and elevated by approximately a meter to similar levels of the neighboring developed Lot 1004 located to the west. These areas will be sloped towards Old Sturt Highway. The rest of the areas on each lot will be left untouched as they are in the existing condition.
- The site runoff to be directed as sheet flow to proposed swales located in the southern portion of the site for water quality treatment purposes.
- Each swale will discharge to a detention basin located on each of the three subject lot for flood attenuation and further water quality treatment.
- All three proposed basins will discharge to the Old Sturt Highway roadside table drain as shown on SKSW2. The table drain flows to the intersection of Old Sturt highway and Barossa Valley Way where is also the outlet point of the area in the existing condition.
- Each lot will have a separate flow quality and quantity management system. Encroachment of overland flows from one lot to other will be prevented by adding a crown on the shared boundaries.

Areas affected by the proposed development are shown in **Table 2**. The characteristics of the development area on each lot are summarised in **Table 3**.

**Table 2– Areas affected by the proposed development on each lot**

Catchment	Development Area (m <sup>2</sup> )
Lot 1006	1191
Lot 1007	1204
Lot 1003	2026
<b>Total Combined Development Area</b>	<b>4421</b>

**Table 3 – Developed Site Catchment Characteristics**

<b>Lot No.</b>	<b>Catchment</b>	<b>Development Area (ha<sup>2</sup>)</b>	<b>Percent Impervious (%)</b>	<b>Time of Concentration (mins)</b>
1006	Roof	0.029	100	5
	Ground level-non trafficked	0.034	0	5
	Roads and other hard surfaces	0.057	100	8
1007	Roof	0.029	100	5
	Ground level-non trafficked	0.035	0	5
	Roads and other hard surfaces	0.057	100	8
1003	Roof	0.043	100	5
	Ground level-non trafficked	0.107	0	5
	Roads and other hard surfaces	0.052	100	8

## 4 Catchment Flows

The DRAINS computer software program was used to model the Development catchments to determine the pre and post development peak flows generated. Results of the DRAINS analysis of the catchments are below in **Table 4**.

**Table 4 – DRAINS Catchment Analysis Results.**

ARI Event	Peak Flows (m <sup>3</sup> /s)		
	Existing Condition	Developed Condition	Difference
<b>Lot 1006</b>			
5 year	0.001	0.016	+0.015
20 year	0.013	0.026	+0.013
100 year	0.028	0.041	+0.013
<b>Lot 1007</b>			
5 year	0.001	0.016	+0.015
20 year	0.013	0.026	+0.013
100 year	0.029	0.041	+0.012
<b>Lot 1003</b>			
5 year	0.002	0.018	+0.016
20 year	0.022	0.036	+0.014
100 year	0.048	0.057	+0.09
<b>Total Combined</b>			
5 year	0.004	0.051	+0.047
20 year	0.048	0.088	+0.040
100 year	0.105	0.135	+0.030

Increases to peak flows are observed across all design storms. The 100 year ARI post development peak runoff is now significantly higher than the 20 year ARI pre development rate. Detention is therefore required to ensure the requirements of Council's RFI Item 5a & b are satisfied.

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## 5 On Site Detention

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The LRC *'Standards and Requirements for the Design, Construction and Development of Infrastructure Assets in the Light Regional Council'* requires that peak flow rates leaving the site in the 100 year ARI post development (Q100 Post) storm event, be limited to that of the 20 year ARI pre development (Q20 Pre) site. This requirement is reflected in points a. and b. of Council's RFI Item 5.

On-site detention is proposed to restrict the post development flows up to the 100 year ARI event to the necessary levels.

### 5.1 Detention Detail

Detention is to be provided to each lot in the form of an open detention basin located adjacent to the Old Sturt highway and the proposed site accesses as shown on SKSW2. Key basin elements can be summarised as follows:

- Primary basin outlet to consist of 100mm dia circular pipe discharge located with invert level of 276.45 for Lot 1003 and 276.4 for other two lots.
- High level discharge provided via 100mm deep overflow weir minimum, sized to discharge Q100 flow. Weir to be set 100mm above peak Q100 water level of 276.89 (for the critical 100 year ARI event).
- Agricultural 'pig' mesh cage surround with mesh opening no larger than one third of the outlet diameter (i.e. 50mm) to prevent blockage of the primary outlet.
- Basins discharge to Old Sturt Highway table drain with nominal invert level of 276.3.
- No infiltration has been considered for the detention basins.
- Concept basin geometry as per **Table 5**.

**Table 5 – detention basin concept geometric detail.**

Basin	1006 Site Basin	1007 Site Basin	1003 Site Basin
Base area	16.6 m <sup>2</sup>	16.6 m <sup>2</sup>	16.6 m <sup>2</sup>
Base RL	276.3	276.3	276.35
Top area	80 m <sup>2</sup>	80 m <sup>2</sup>	80 m <sup>2</sup>
Basin depth	0.8 m	0.8 m	0.8 m
Side slopes	1:3	1:3	1:3
Basin volume @ top level	35.6 m <sup>3</sup>	35.6 m <sup>3</sup>	35.6 m <sup>3</sup>
100mm dia primary outlet pipe IL	276.45	276.45	276.45

## 5.2 Calculations

Modelling of the proposed OSD facilities for the site was undertaken in DRAINS. DRAINS uses a time step analysis to establish inflow and outflow hydrographs of detention areas, which gives accurate results compared to triangular hydrograph and rational method analysis.

Results of the DRAINS modelling of the proposed site OSD can be seen below in **Table 6**.

Table 6 – DRAINS OSD Analysis Results.

ARI Event	Peak Flows (m <sup>3</sup> /s)		Peak water RL in detention basin (m)	Basin volume @ peak water level (m <sup>3</sup> )
	Existing Site	Proposed Site with OSD		
<b>Lot 1006 Site Area</b>				
5 year	0.001	0.006	276.66	7.9
20 year	0.013	0.008	276.78	11.6
100 year	0.028	0.010	276.93	14.9
<b>Lot 1007 Site Area</b>				
5 year	0.001	0.006	276.66	7.9
20 year	0.013	0.008	276.78	11.6
100 year	0.029	0.010	276.94	15
<b>Lot 1003 Site Area</b>				
5 year	0.002	0.007	276.69	8.8
20 year	0.022	0.01	276.89	15.3
100 year	0.048	0.013	277.11	30.8
<b>Total Combined Site Area<sup>1</sup></b>				
5 year	0.004	0.019	-	-
20 year	0.048	0.026		
100 year	0.105	0.033		

1. Note: Combined peak flows calculated within DRAINS may differ from the sum of the individual component peaks. This is due to DRAINS' use of full hydrograph and timestep modelling of catchments meaning component peaks may be occurring under different storm durations and/or at non coincident times.

The OSD proposed is effective at reducing post development site discharge from all storms up to the 100 year ARI event to below the existing 20 year site flowrate.

DRAINS model layout and results can be found in **Attachment 3**.

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## 6 Water Quality Management

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Points c. of Council's RFI Item 4 requires the following

- Runoff should be treated to achieve desired water quality levels consistent with the current best practice - EPA 'Stormwater Pollution Prevention' code of practice. Pollution control devices that provide removal of gross pollutants, silt, grease, oil and other harmful chemical pollutants should be adopted for each site.

These requirements are addressed in the following sections.

### 6.1 Proposed site stormwater treatment.

On-site water quality treatment measures has been proposed for the proposed development areas. Flows from the development areas will be treated based on the pollutant reduction objectives before discharge from the site to Old Sturt Highway.

The site runoff will be captured by swales located next to the site access roads on each lot. The swales are connected to the detention basins by inlet pits and 100mm pipes. Detention basins will participate in flow pollutant removal beside their flow alleviation function. Swale surcharges in major events will also enter the detention pond as overland flow.

### 6.2 EPA code of practice

The EPA code of practice consists of best practice management guidelines to facilitate removal of pollutants in site runoff and improve stormwater quality. Section 3.4 of the code contains guidance on managing the site runoff from operational activities. The relevant stormwater specific items for action for the site and proposed site implementation comments detailed below in **Table 7**. A copy of the code is provided in **Attachment 4** and reference is to be made to the code for management of stormwater relating to activities not specifically addressed in **Table 8**.

### 6.3 MUSIC modelling

To assess performance of the proposed treatment measures the site has been modelled using the MUSIC software package and the load based pollutant reduction (treatment train effectiveness) figures derived for comparison with the objectives. MUSIC is widely accepted as the industry standard for WSUD modelling and is an excellent tool for comparing treatment train effectiveness.

The site model layout can be seen below in **Figure 3**.

**Table 7 – EPA code of practice, action and implementation.**

Action	Site Implementation
<b><u>General</u></b>	
Do not allow non-stormwater discharges to the stormwater system	No connections for non-stormwater discharge will be made to the stormwater system.
Dispose of all spills and wastes to a licensed waste depot or to sewer	<p>Higher risk activity areas such as the workshop to be isolated from the stormwater system and all spills to be disposed of to licensed waste depot or sewer as appropriate.</p> <p>Low risk areas such as external circulation and parking areas to be serviced by bioretention area as shown on SKSW2. Affected bioretention area to be replaced as part of spill clean-up. Spilt material that could pollute stormwater to be immediately cleaned using dry absorbents and dry sweeping wherever possible.</p>
<b><u>Workshop</u></b>	
Isolate the floor drainage of covered work areas from the stormwater system by using surface grades, bunds and/or diversion drains.	Workshop floor area will be isolated from stormwater drainage system by site finished levels.
<b><u>Storage, Loading and Unloading Areas</u></b>	
Store and handle all materials in a manner that avoids contamination of stormwater.	No external stockpiles of material with stormwater polluting potential, banded compounds or liquid handling facilities proposed for the site. All materials with stormwater polluting potential to be stored within the building
Direct stormwater drainage around or away from all stockpiles that could potentially cause pollution of stormwater.	
Locate large quantities within a banded compound that is: <ul style="list-style-type: none"> <li>• impervious to infiltration</li> <li>• able to safely contain at least 120% of the volume of the largest container located within the bund</li> <li>• roofed to minimise the collection of rainwater inside the banded compound</li> </ul>	
Cover and bund liquid handling facilities to prevent possible stormwater	

contamination as well as to help control any spills	
<b><u>Vehicle, Plant and Equipment Cleaning Areas</u></b>	
Clean vehicles, plant and/or equipment in a covered area that discharges all wastewater and washdown water to sewer in an approved manner. Do not discharge to the stormwater system.	No cleaning of equipment to be undertaken on site.
<b><u>Parking Areas</u></b>	
Regularly dry sweep parking areas and paved open areas discharging to the stormwater system. Fit these areas with devices capable of preventing litter and sediment from entering the stormwater system. Where necessary, install grease and oil separators within the internal drainage system to remove the pollutants regularly washed off parking areas. Use any opportunities to direct runoff from parking areas on to vegetated filter strips before it discharges into the stormwater system.	Carparking runoff to discharge to bioretention treatment as shown on SKSW2 prior to discharge from system.

#### 6.4 Catchments

For the purposes of the MUSIC modelling, the site has been broken up into different catchments according to their proposed land use and drainage paths. The different land use categories used within the model are summarised as follows:

- Trafficable areas
- Roof areas
- Non trafficked Landscaping areas.

The catchment parameters modelled for these land uses have been derived from the *Water by Design MUSIC modelling guidelines V1.0, 2010*.

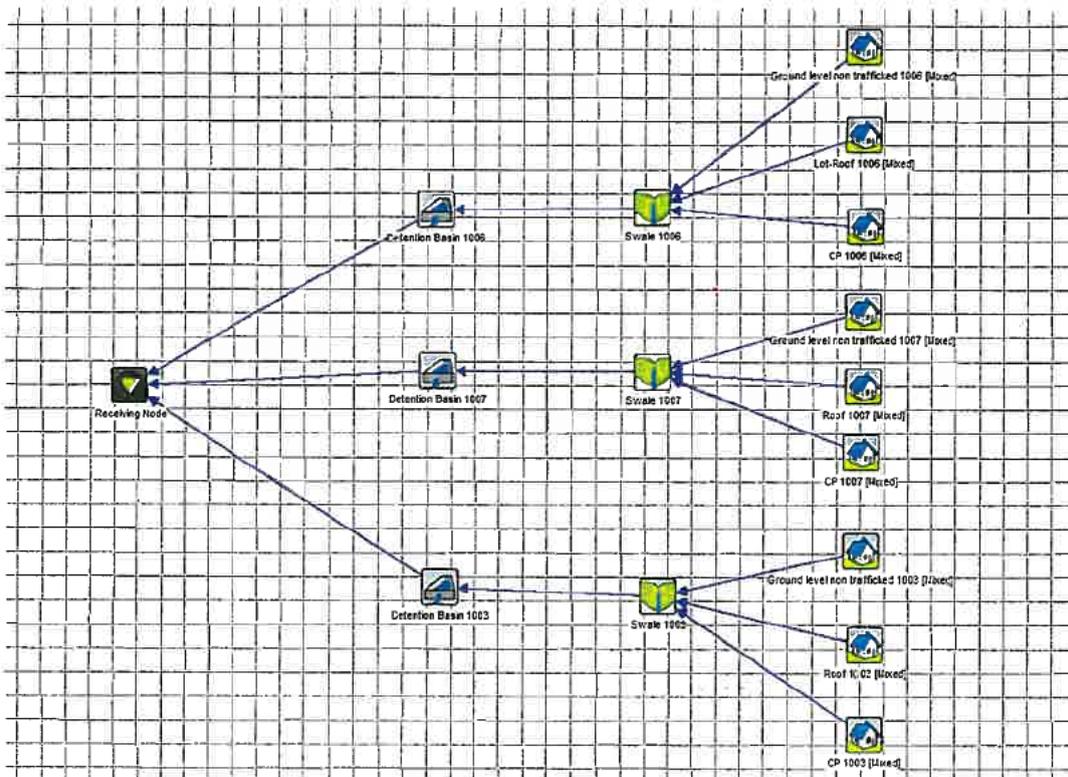


Figure 3 – MUSIC model layout

## 6.5 Results

The results of the MUSIC modelling are provided in **Table 8**.

**Table 8 – Site Pollutant Reductions**

	Post Developed	Post Developed with Mitigation	% Reduction
<b>Flow (ML/yr)</b>	0.901	0.244	72.9
<b>Total Suspended Solids (kg/yr)</b>	238	12.6	94.6
<b>Total Phosphorus (kg/yr)</b>	0.433	0.078	82
<b>Total Nitrogen (kg/yr)</b>	2.11	0.936	55.5
<b>Gross Pollutants (kg/yr)</b>	30.6	0	100

As can be seen the proposed treatment train achieves high percentage removal for all modelled pollutants.

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## 7 Conclusion

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The SWMP developed by Ardill Payne and Partners demonstrates compliance with Council's requirements as detailed in their RFI dated 22nd July 2016 and 2<sup>nd</sup> November 2016.

The proposed development areas will discharge to Old Sturt Highway roadside table drain. Undeveloped areas on each lot will discharge to Sturt Highway as per the existing condition.

To achieve reduction of post development peak flows to existing 20 year ARI levels it is proposed to provide a detention basin within each lot adjacent to the southern site Old Sturt Highway frontage and proposed site accesses. The basins will have primary discharges consisting of a 100mm dia pipe outlet set 0.1m above the basin bases with a high level overflow discharge consisting of a 0.1m weir.

The requirements of the EPA 'Stormwater Pollution Prevention' code of practice are met primarily through the provision of swales and taking advantage of water quality treatment of the detention basins. MUSIC modelling indicates the proposed measures will provide a high level of treatment of the stormwater runoff.

The stormwater concept presented in this report therefore complies with the requirements of Council's as per received RFIs.

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## 8 Scope of Engagement

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This report has been prepared by Ardill Payne & Partners (APP) at the request of Freestar JV Partners Pty. Ltd. for the purpose of stormwater management and is not to be used for any other purpose or by any other person or corporation.

This report has been prepared from the information provided to us and from other information obtained as a result of enquiries made by us. APP accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

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9 Attachments

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- Attachment 1 Proposed Stormwater Concept
- Attachment 2 DRAINS Summary
- Attachment 3 Response to Council RFI 02.11.16

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ATTACHMENT 1

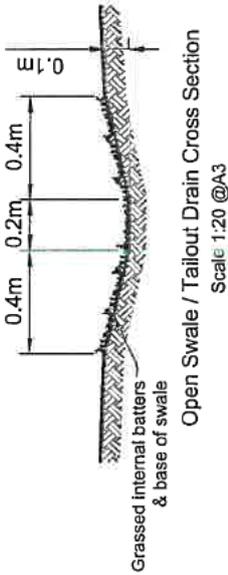
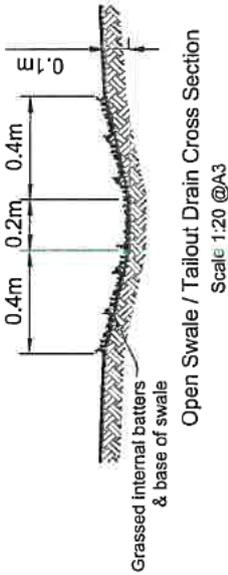
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**Attachment 1:** Proposed Stormwater  
Concept

**Legend**

- Swale
- Stormwater Pipe and pit
- Overland flow direction
- Development affected (filled) areas
- 80m<sup>2</sup> detention basin. Max depth 0.8m. Batter slope 1:3.



**Stormwater Notes**

1. All dimensions are in metres unless noted otherwise.
2. All swales to be connected to D/S detention basins by 100mm pipes.
3. Detention basins low level and surcharge outlets to be discharged to old sturt highway.
4. No alterations to be made to land outside of the shown boundary's.
5. All development affected filled areas to be sloped towards allocated swales.

Client: J. Wolfeld  
Title: Proposed Stormwater Management Plan

Project: Proposed Buildings  
Lots 1003, 1006 & 1007 Sturt Hwy, Nuriootpa SA

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19/3/17

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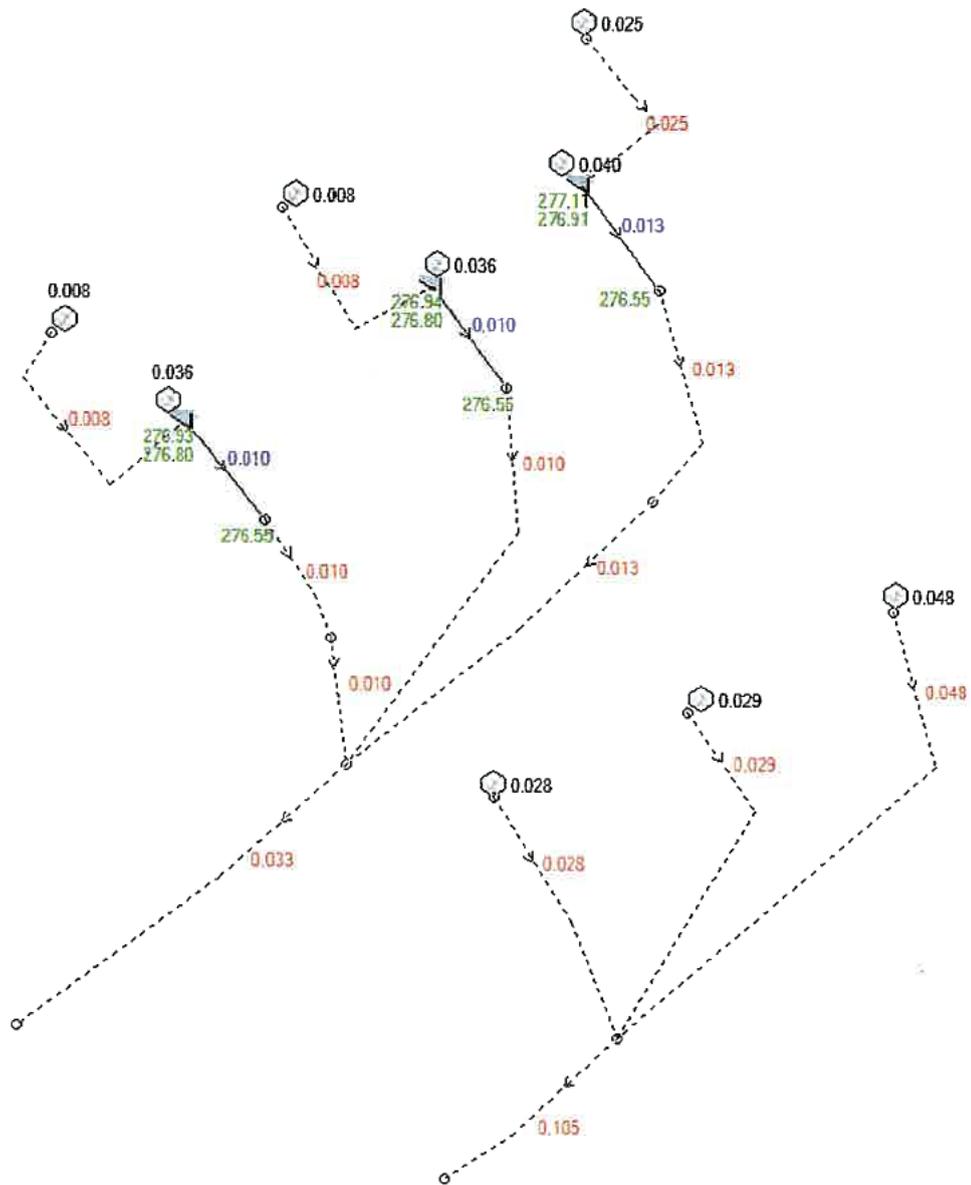
**ATTACHMENT 2**

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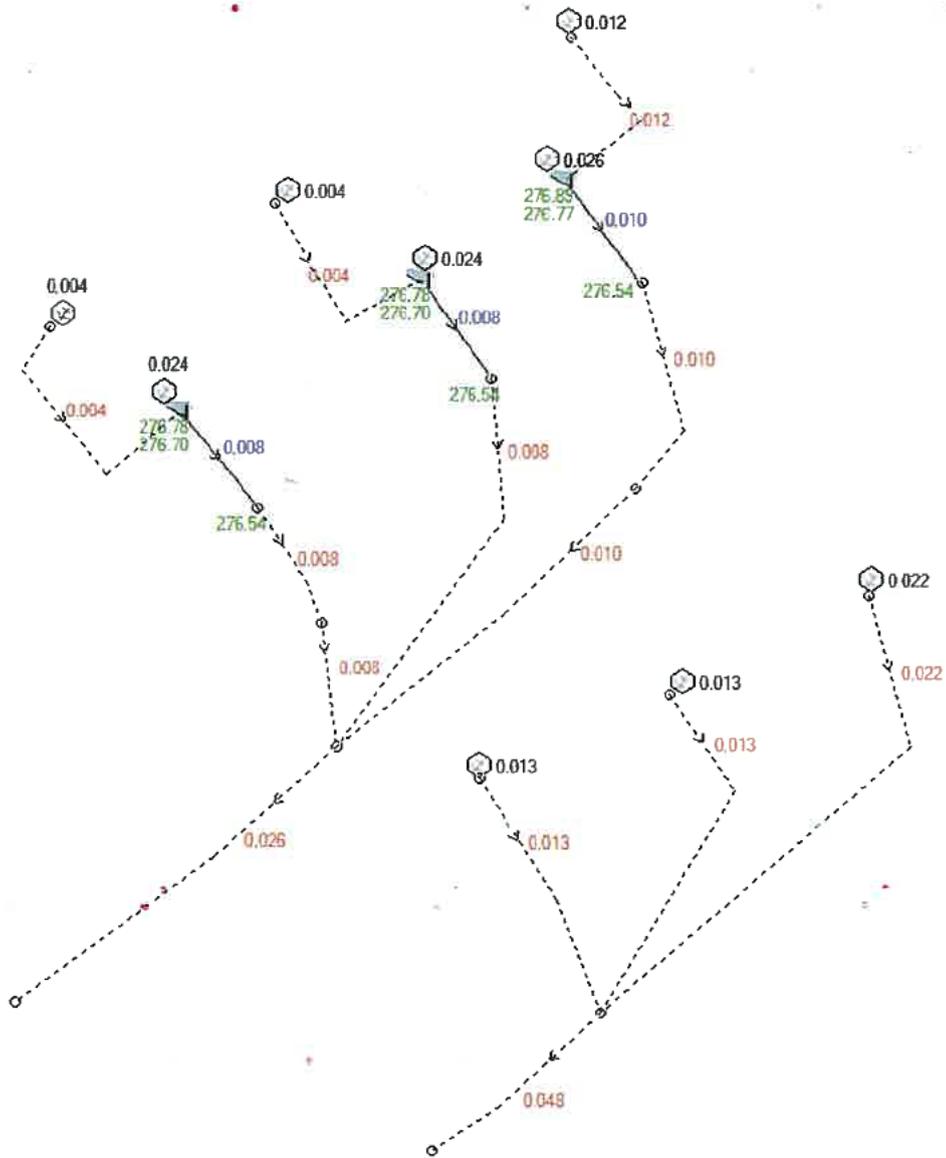
**Attachment 2: DRAINS Summary**





Results for 100 year ARI design Event

### Results for 100 year ARI design Event



### Results for 20 year ARI design Event



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ATTACHMENT 3

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**Attachment 3:** Response to Council  
RFI

**Response to Light Council RFI mjm1706/16 dated 2 November 2016-  
Items 7 to 10**

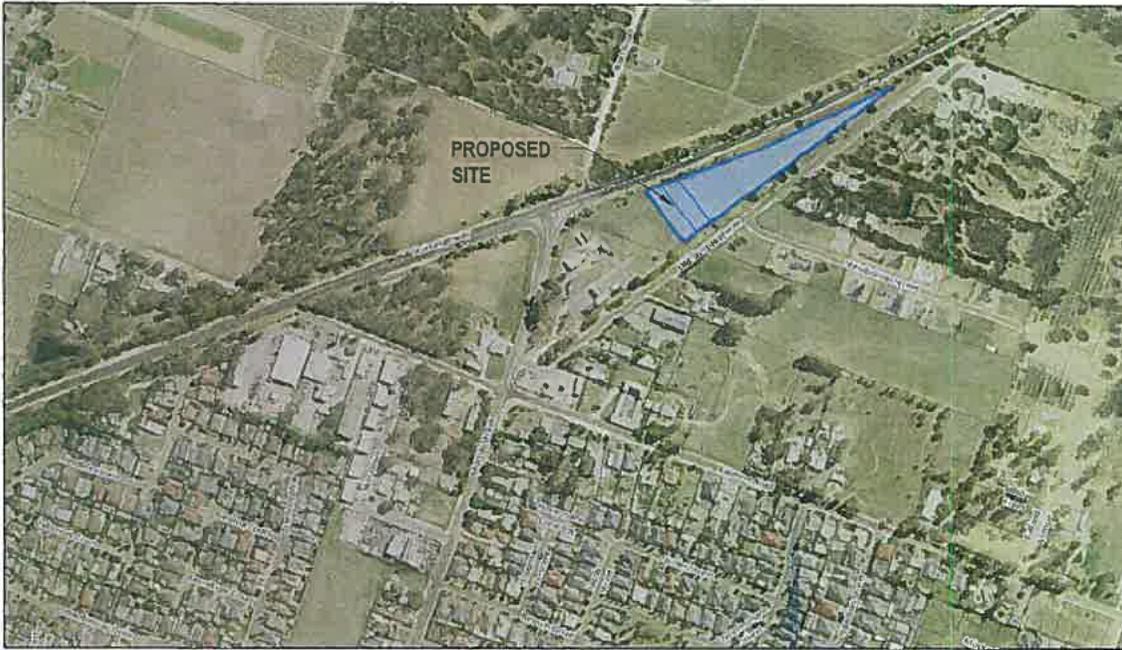
**Item7-** Sturt Highway drainage runs along Barossa Valley Way to intersection of this road with Old Sturt Highway. The existing flow patterns have been added to Figure 2 in the current revision of the report. Therefore, drainage of the proposed development areas to Old Sturt Highway will not change the overall catchment outlet point.

The 'site' will be filled by approximately a meter and as such the detention basin bottom outlet (R.L. 276.45m) can be located above Old Sturt Highway table drain (R.L. 276.3m).

**Item8-** No permeability for the detention basin has been considered in the revised drains model. The detention basin details in section 5.1 of the report has been updated accordingly.

**Item 9-** The requirement for installing a flow barrier on the site boundary has been noted in section 3 and shown in the site stormwater management plan drawing presented in Attachment 1.

**Item10-** The water quality treatment train has been revised. The site surface slopes are added to the stormwater management plan.



LOT 1006 & 1007 DP25439  
 & LOT 1003 DP20768  
 STURT HIGHWAY, NURIOOTPA, SA

FOR: JJ Oldfield

**LOCALITY PLAN**

SCALE NTS



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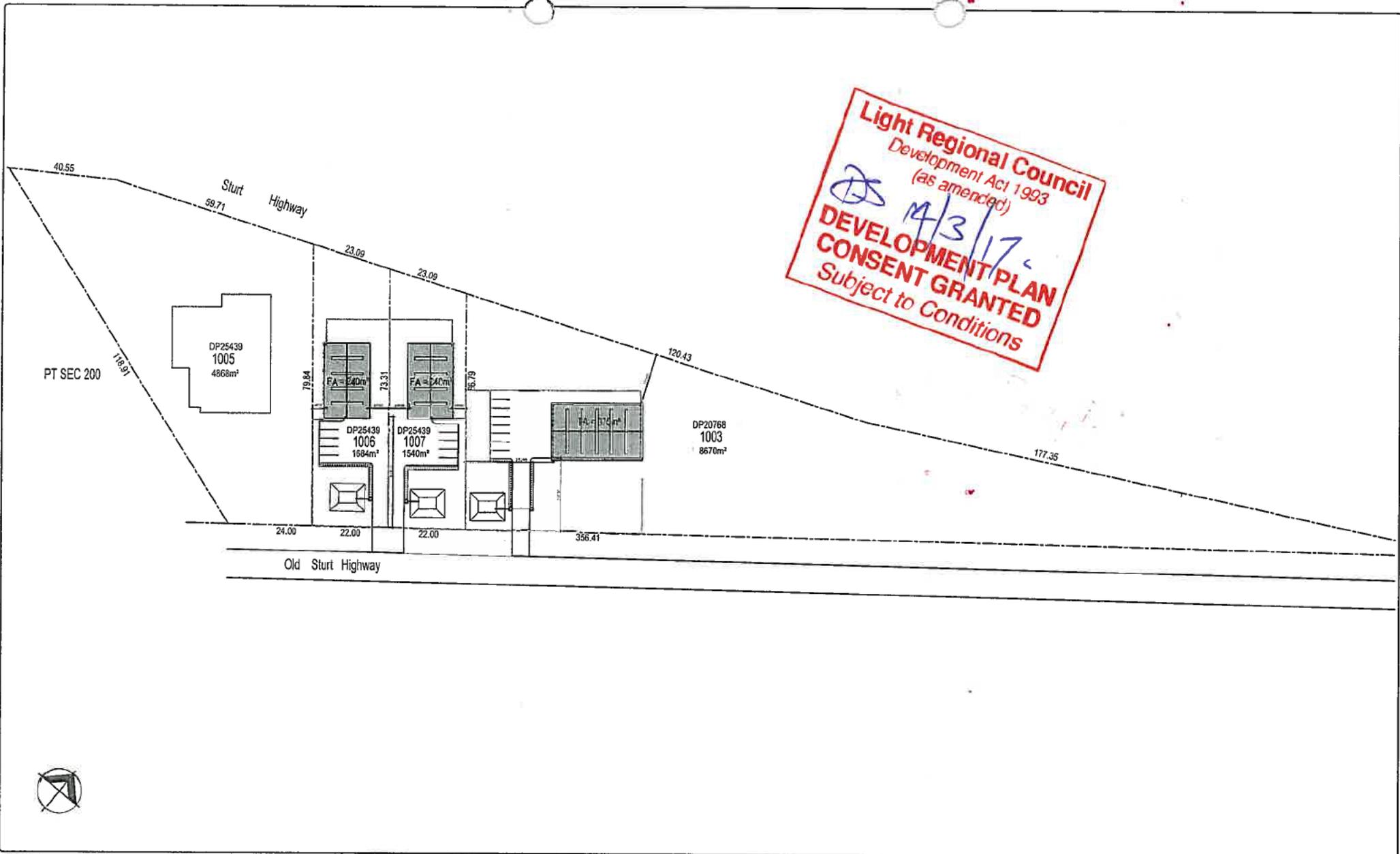
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**DRAWING LIST**

DWG NO.	DRAWING NAME
A00	DRAWING REGISTER
A01	PROPOSED SITE PLAN
A02	PROPOSED FLOOR PLAN LOT 1006
A03	PROPOSED ROOF PLAN LOT 1006
A04	PROPOSED ELEVATIONS LOT 1006
A05	PROPOSED ELEVATIONS LOT 1006
A06	PROPOSED FLOOR PLAN LOT 1007
A07	PROPOSED ROOF PLAN LOT 1007
A08	PROPOSED ELEVATIONS LOT 1007
A09	PROPOSED ELEVATIONS LOT 1007
A10	PROPOSED FLOOR PLAN LOT 1003
A11	PROPOSED ROOF PLAN LOT 1003
A12	PROPOSED ELEVATIONS LOT 1003
A13	PROPOSED ELEVATIONS LOT 1003
A14	PROPOSED LANDSCAPE PLAN



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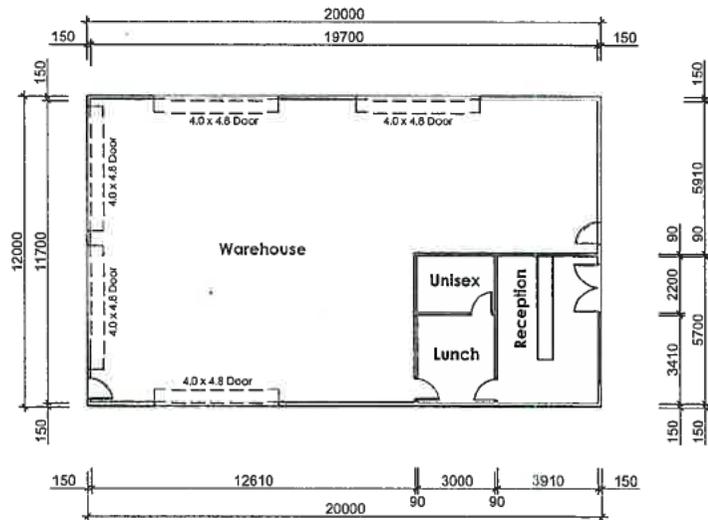
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 Title: **Proposed Site Plan**

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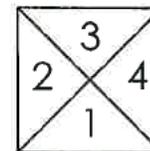
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**Floor Plan**

Scale 1:200

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Elevations Key

Project: **Proposed Buildings**  
 Lots 1003, 1006 & 1007 Sturt Hwy. Nuriootpa SA

Client: **JJ Oldfield**  
 Title: **Proposed Floor Plan**  
**Lot 1006**

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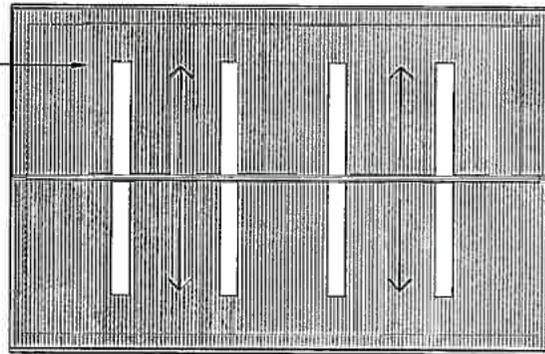
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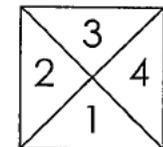
7.5° pitch roof  
with translucent  
panels



**Roof Plan**

Scale 1:200

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Development Act 1993  
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14/3/17  
**DEVELOPMENT PLAN  
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Lots 1003, 1006 & 1007 Sturt Hwy. Nuriootpa SA

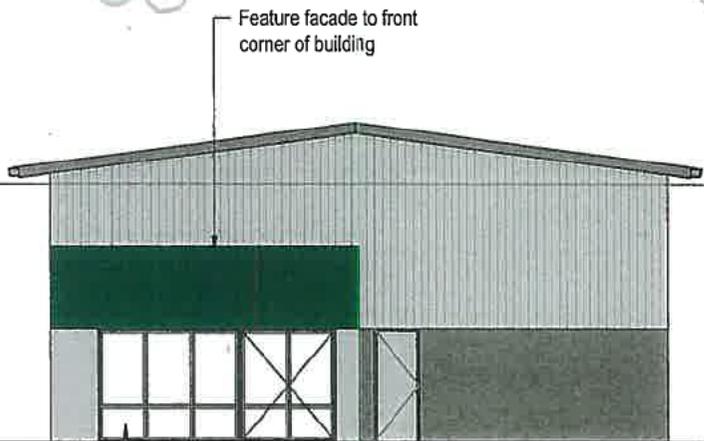
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Title: **Proposed Roof Plan  
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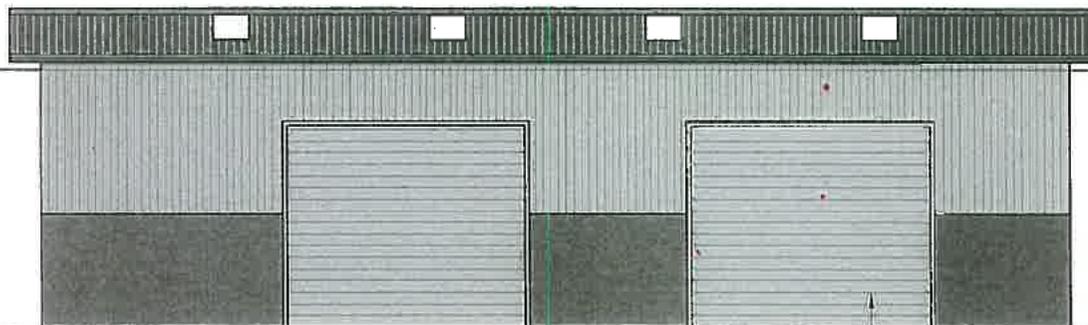
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2.2 metre high concrete panel  
Aluminium windows and doors

**Elevation 4 Old Sturt Highway**

Scale 1:100



Roller doors

**Elevation 3**

Scale 1:100



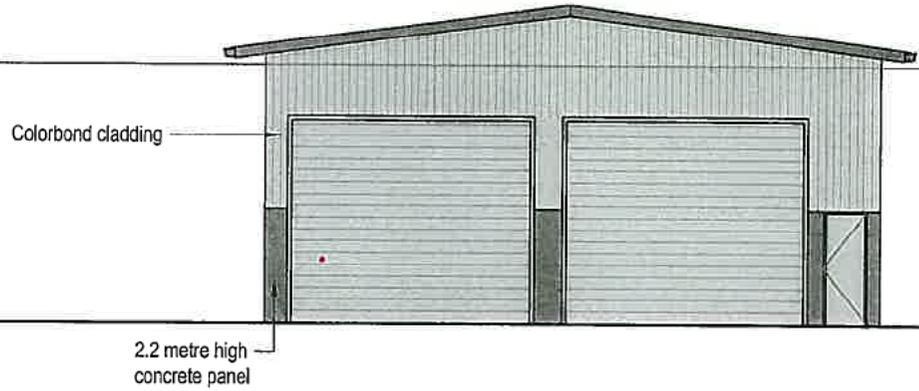
Project: Proposed Buildings  
Lots 1003, 1006 & 1007 Sturt Hwy. Nuriootpa SA

Client: JJ Oldfield  
Title: Proposed Elevations Lot 1006

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GUNNEDAH 285 Conadilly Street Ph. 02 6742 9855  
A.B.N. 51 808 558 977 e-mail: info@ardillpayne.com.au

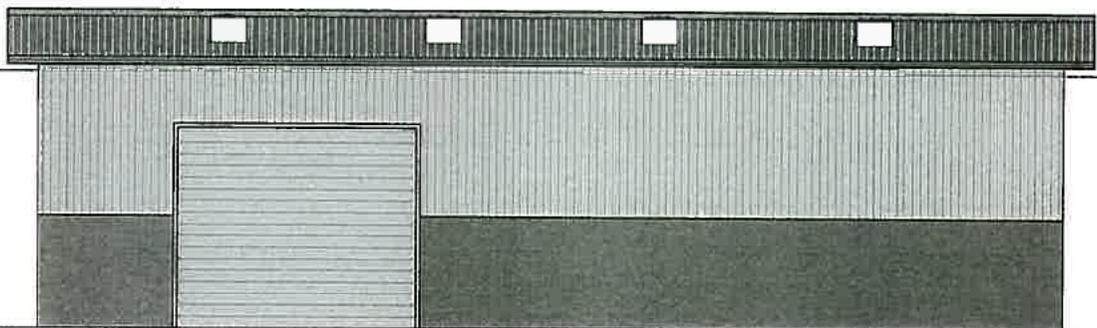
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Approved		Date	04/11/2016 Datum -
Job No.	4002	Dwg No.	A04
		Issue	

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**Elevation 2 Sturt Highway**  
Scale 1:100

Light Regional Council  
 Development Act 1993  
 (as amended)  
 14/3/17  
**DEVELOPMENT PLAN  
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 Subject to Conditions



**Elevation 1**  
Scale 1:100

**Project:**  
Proposed Buildings  
Lots 1003, 1006 & 1007 Sturt Hwy. Nuriootpa SA

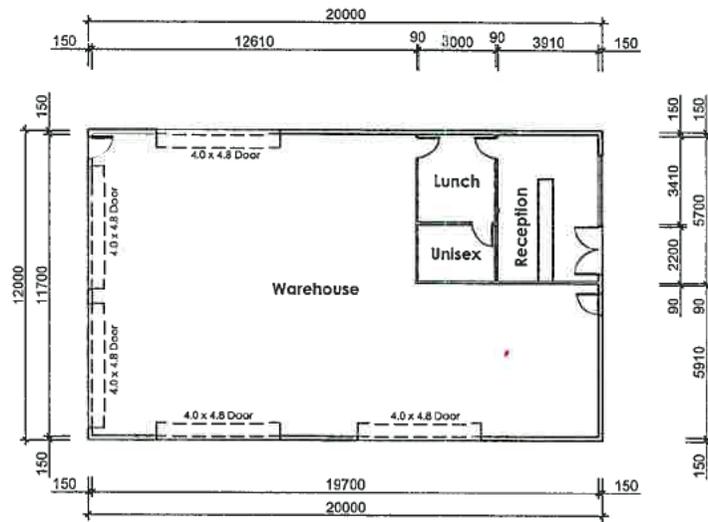
**Client:** JJ Oldfield  
**Title:** Proposed Elevations  
Lot 1006

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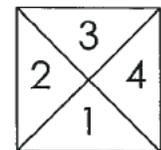


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Approved		Date	04/11/2016	Datum	-
Job No.	4002	Dwg No.	A05	Issue	

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**Floor Plan**  
Scale 1:200



Elevations Key

Project: Proposed Buildings  
Lots 1003, 1006 & 1007 Sturt Hwy. Nuriootpa SA

Client: JJ Oldfield  
Title: Proposed Floor Plan  
Lot 1007

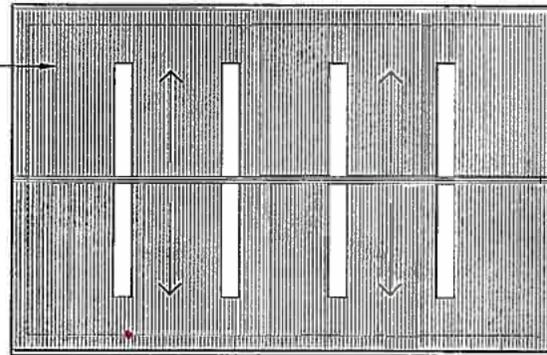
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& Partners  
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ENVIRONMENTAL PROJECT MANAGEMENT  
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Designed	SR	Scale	1:200 @ A3
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Approved		Date	04/11/2016
Job No.	4002	Dwg No.	A06
		Issue	

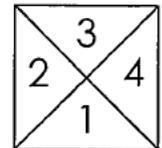
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7.5° pitch roof  
with translucent  
panels



**Roof Plan**

Scale 1:200



Elevations Key

Project: Proposed Buildings  
Lots 1003, 1006 & 1007 Sturt Hwy. Nuriootpa SA

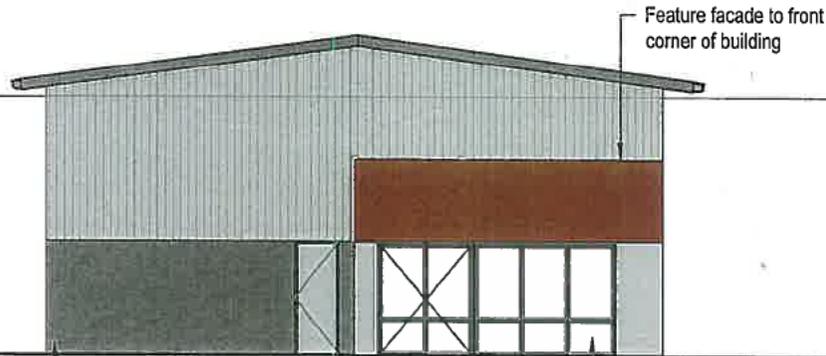
Client: JJ Oldfield  
Title: Proposed Roof Plan  
Lot 1007

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Approved		Date	04/11/2016	Datum
Job No.	4002	Dwg No.	A07	Issue

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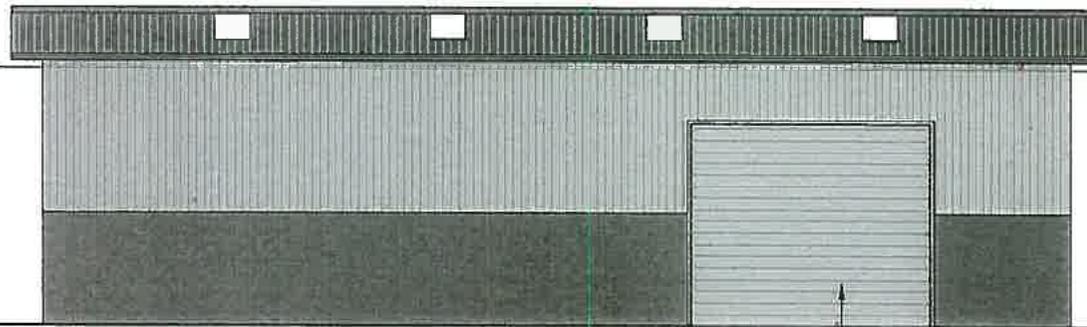
Feature facade to front corner of building

2.2 metre high concrete panel

Aluminium windows and doors

**Elevation 4 Old Sturt Highway**

Scale 1:100



Roller doors

**Elevation 3**

Scale 1:100



Project: **Proposed Buildings**  
Lots 1003, 1006 & 1007 Sturt Hwy. Nuriootpa SA

Client: **JJ Oldfield**  
Title: **Proposed Elevations Lot 1007**

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Approved		Date	04/11/2016	Datum	-
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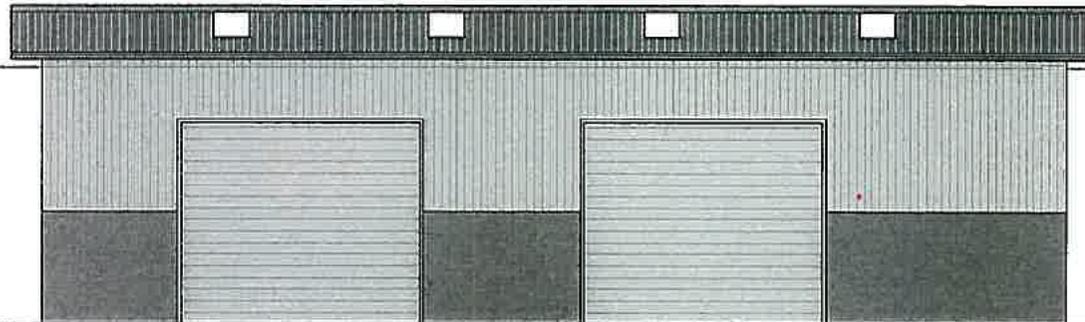
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Colorbond cladding

2.2 metre high  
concrete panel

### Elevation 2 Sturt Highway

Scale 1:100



### Elevation 1

Scale 1:100

Project: Proposed Buildings  
Lots 1003, 1006 & 1007 Sturt Hwy, Nuriootpa SA

Client: JJ Oldfield  
Title: Proposed Elevations  
Lot 1007

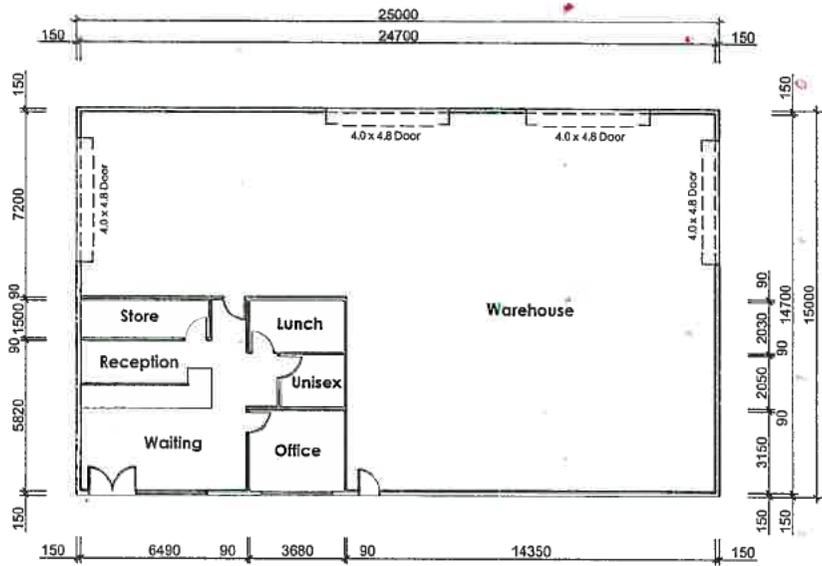
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Approved		Date	04/11/2016 Datum -
Job No.	4002	Dwg No.	A09 Issue

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Elevations Key

Project: **Proposed Buildings**  
 Lots 1003, 1006 & 1007 Sturt Hwy. Nuriootpa SA

Client: **JJ Oldfield**  
 Title: **Proposed Floor Plan Lot 1003**

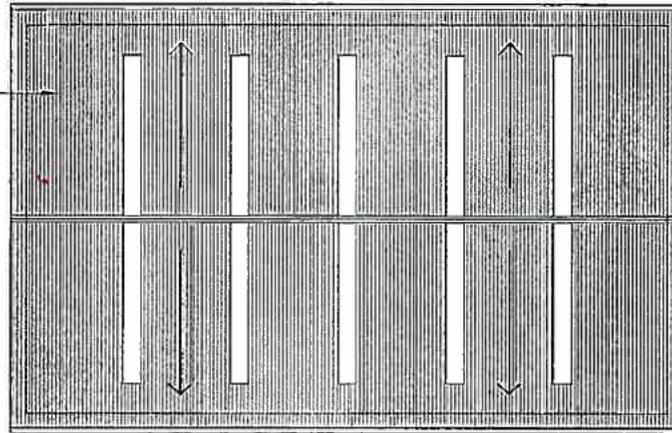
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Approved		Date	04/11/2016	Datum -
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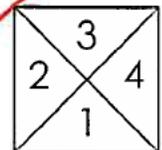
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7.5° pitch roof  
with translucent  
panels



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Development App 1998  
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4/3/17



Elevations Key

Project: **Proposed Buildings**  
Lots 1003, 1006 & 1007 Sturt Hwy. Nuriootpa SA

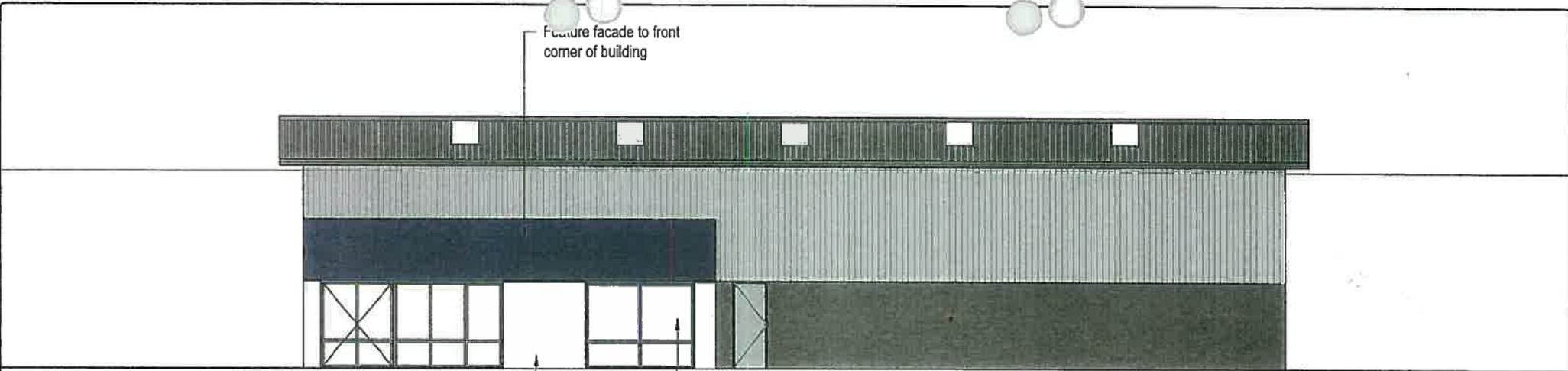
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Title: **Proposed Roof Plan  
Lot 1003**

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Approved		Date	04/11/2016	Datum -
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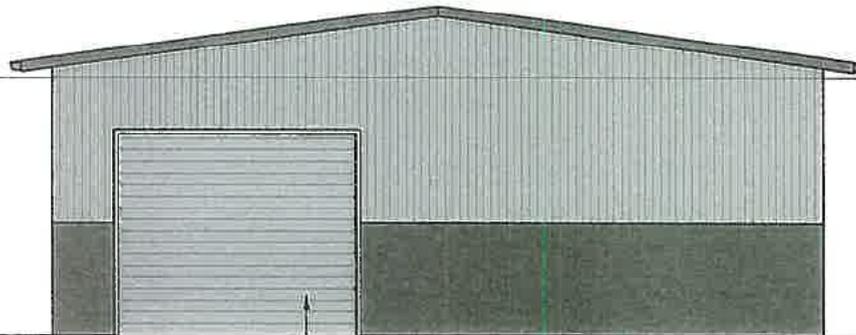
Feature facade to front corner of building

2.2 metre high concrete panel

Aluminium windows and doors

### Elevation 1 Old Sturt Highway

Scale 1:100



Roller doors

### Elevation 2

Scale 1:100



Project: **Proposed Buildings**  
Lots 1003, 1006 & 1007 Sturt Hwy. Nuriootpa SA

Client: **JJ Oldfield**  
Title: **Proposed Elevations Lot 1003**

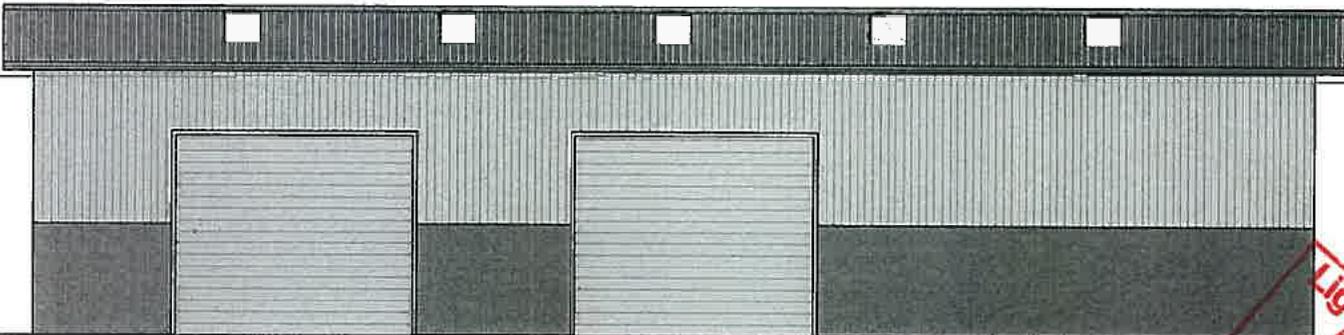
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Approved		Date	04/11/2016
Job No.	4002	Dwg No.	A12
			Issue

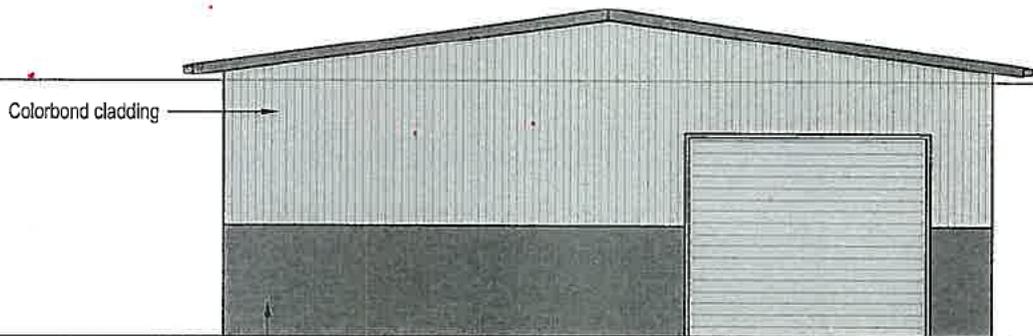
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**Elevation 3 Sturt Highway**

Scale 1:100

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Colorbond cladding

2.2 metre high  
concrete panel

**Elevation 4**

Scale 1:100

Project: **Proposed Buildings**  
 Lots 1003, 1006 & 1007 Sturt Hwy. Nuriootpa SA

Client: **JJ Oldfield**  
 Title: **Proposed Elevations  
 Lot 1003**

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Drawn	AW				
Checked	App	File Name	4002-Adjoining Site-Rev A.dwg		
Approved		Date	04/11/2016	Datum	-
Job No.	4002	Dwg No.	A13	Issue	

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## INDICATIVE PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME
--------	----------------	-------------

### BUFFER PLANTING

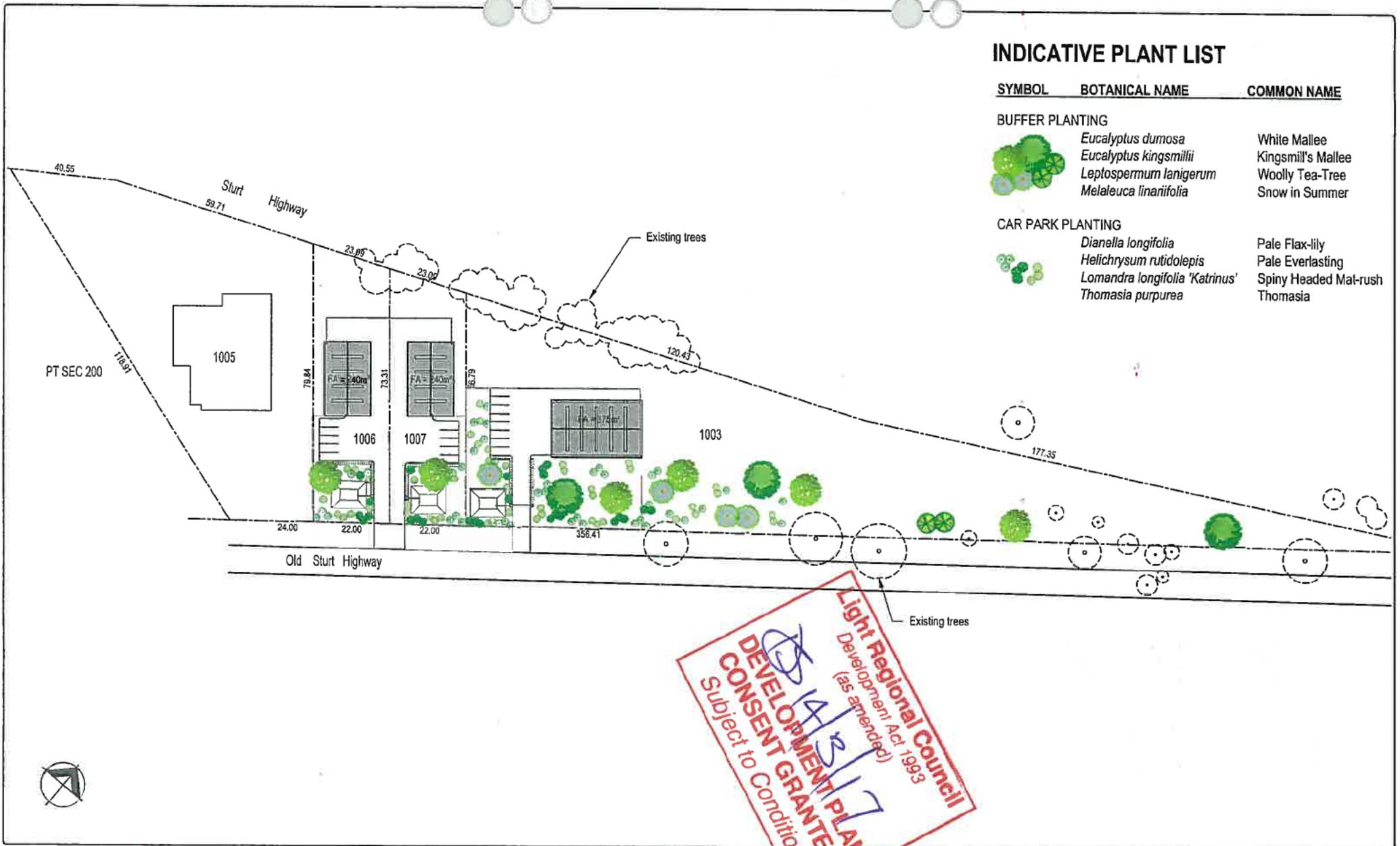


<i>Eucalyptus dumosa</i>	White Mallee
<i>Eucalyptus kingsmillii</i>	Kingsmill's Mallee
<i>Leptospermum lanigerum</i>	Woolly Tea-Tree
<i>Melaleuca linariifolia</i>	Snow in Summer

### CAR PARK PLANTING



<i>Dianella longifolia</i>	Pale Flax-lily
<i>Helichrysum rutidolepis</i>	Pale Everlasting
<i>Lomandra longifolia</i> 'Katrinus'	Spiny Headed Mat-rush
<i>Thomasia purpurea</i>	Thomasia



Project: Proposed Buildings  
Lots 1003, 1006 & 1007 Sturt Hwy. Nuriootpa SA

Client: JJ Oldfield  
Title: Proposed Landscape Plan

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Approved		Date	04/11/2016	Datum -
Job No.	4002	Dwg No.	A14	Issue

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- Subject Land
- Council Boundary
- Zone Boundary
- C Commercial
- HIn Home Industry
- PrPro Primary Production
- PrPro(BVR) Primary Production (Barossa Valley Region)
- R Residential

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 13 OCT 2016  
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**Locality Plan**  
ZONING

Lots 1005 - 1007 Old Sturt Highway  
NURIOTPA

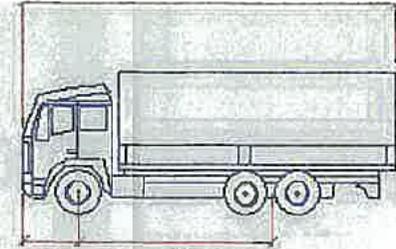
for Freestar Group



33 CARRINGTON STREET  
ADELAIDE SA 5000  
Tel: 08 8193 5600  
Fax: 08 8221 6000

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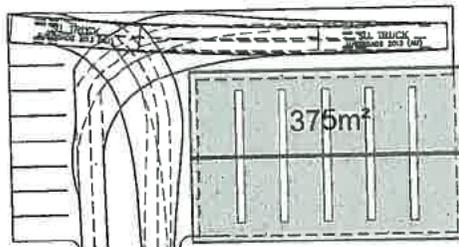
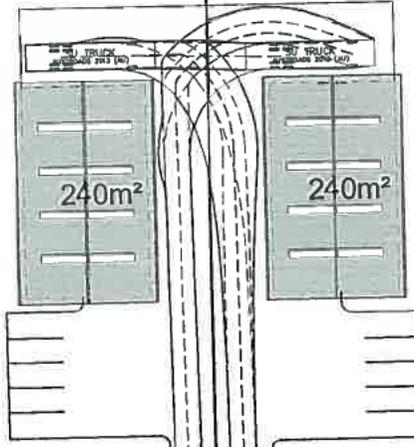
2.20 6.85

Library	Vehicle Name	Type	Region	Lock	# Parts	Length	Wheelbase
AUSTROADS 2013 (AU)	SU TRUCK	Heavy Truck CO2	Australia & Oceania	36.6	1	12.50	6.85

DP25439  
1006  
1684m<sup>2</sup>

DP25439  
1007  
1540m<sup>2</sup>

DP20768  
1003  
8670m<sup>2</sup>



**Light Regional Council**  
 Development Act 1993  
 (as amended)  
**14/3/17**  
**DEVELOPMENT PLAN**  
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 Subject to Conditions

Light Regional Council  
 13 OCT 2016  
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This plan is NOT to be used for construction purposes unless it carries the approval stamp of the local authority.

Issue	Date	Description	App'd
A	26-7-16	Original Issue	SR

Client:  
**JJ Oldfield**

Project:  
**Lots 1003, 1006, 1007  
Old Sturt Highway, Nuriootpa**

Title:  
**Concept Site Access Plan**

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 CLARENDON 268 Connolly Street Ph. 02 8712 8956  
 A.S.A. 51 806 558 877 email info@ardillpayne.com.au



Designed	AH	Scale	1:250 @ A1, 1:500 @ A3
Drawn	AH	Graphic Scale	0 2.5 5 7.5 10 12.5
Checked	SR	File Name	CA_Turn_Movements.dwg
Approved		Date	26-07-16
Job No.	4002	Dwg No.	SK3
Issue		Block	A

# **ATTACHMENT D**

**Light Regional Council Correspondence**

27 August 2021

Mr. Graham Burns  
Masterplan SA Pty. Ltd.  
33 Carrington Street  
ADELAIDE SA 5000

Per e-mail: [GrahamB@masterplan.com.au](mailto:GrahamB@masterplan.com.au)

Dear Mr. Burns,

#### **Planning and Design Code Amendment - Nuriootpa**

Thank you for your letter dated 12 July 2021 with respect to the abovementioned matter.

On behalf of Council, I acknowledge your client's (Bluegum Borders Pty. Ltd.) proposal to seek to have certain allotments you've identified rezoned from 'Rural' to 'Employment' Zone under the Planning and Design Code.

While Council has not undertaken a review of industrial/ employment land supply, it is noted that if successful, this policy outcome would seem consistent with the outcomes from the assessment of certain Development Applications affecting these allotments over the past 6 years. As you would be aware, these key examples included changes in land use to commercial activities, and while they were 'non-complying', they were nonetheless granted Development Plan Consent (as applied at the time).

The location of this land on the border of the Nuriootpa township suggests that interface with the adjacent areas in the Neighbourhood Zone would be a consideration. Also, if it hasn't already occurred, while not required under the Practice Direction, informal preliminary consultation with the Barossa Council may also be of assistance to inform the early stages and consideration of this proposed Code Amendment, particularly as regards interface matters and any required linkages to infrastructure within the Barossa area.

Email [light@light.sa.gov.au](mailto:light@light.sa.gov.au)  
Post PO Box 72, Kapunda SA 5373  
Phone 08 8525 3200  
Web [light.sa.gov.au](http://light.sa.gov.au)

**Principal Office**  
93 Main Street  
Kapunda SA 5373

**Kapunda Public Library  
and Visitor Information Centre**  
51-53 Main Street  
Kapunda SA 5373

**Freeling Public Library  
and Customer Service Centre**  
7 Hanson Street  
Freeling SA 5372

**Planning and  
Development Services**  
12 Hanson Street  
Freeling SA 5372

**Operations Centre**  
11 Stephenson Street  
Freeling SA 5372

Council looks forward to an opportunity to provide further feedback on this matter when more details are available, should the Minister for Planning approve a related 'Private Proponent' Code Amendment process conducted by the Chief Executive of the Department.

In the meantime, if you would like to discuss this matter further, please contact Mr. Craig Doyle, General Manager – Strategy & Development on 8525 3200 or via [cdoyle@light.sa.gov.au](mailto:cdoyle@light.sa.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Brian Carr', with a long, sweeping horizontal stroke extending to the right.

**Brian Carr**  
Chief Executive Officer

# **ATTACHMENT E**

## **The Barossa Council Correspondence**

**From:** [Gary Mavrinac](#)  
**To:** [Graham Burns](#)  
**Cc:** [Martin McCarthy](#)  
**Subject:** RE: Planning and Design Code Amendment - Nuriootpa  
**Date:** Thursday, 23 September 2021 11:52:20 AM  
**Attachments:** [image004.png](#)  
[image005.png](#)  
[image007.jpg](#)  
[image008.jpg](#)

---

Hi Graham

As discussed, Council Administration has no major concern for the proposed rezoning of the area identified, noting that the existing uses/approved uses are more suited to a commercial zoning.

It is noted that your client does not own all the properties within the area affected, and therefore would require the Planning Commission to initiate the code amendment process. Should this be entertained, it is considered that all parcels south of the Sturt Highway should be investigated as shown on the Site Context Plan supplied in your email.

In addition, the investigations will need to review the impact on Council's infrastructure such as traffic, stormwater and Community Wastewater Management systems.

Regards

Gary

---

**From:** Graham Burns <[GrahamB@masterplan.com.au](mailto:GrahamB@masterplan.com.au)>  
**Sent:** Tuesday, 7 September 2021 1:48 PM  
**To:** Martin McCarthy <[mmccarthy@barossa.sa.gov.au](mailto:mmccarthy@barossa.sa.gov.au)>  
**Cc:** Gary Mavrinac <[gmavrinac@barossa.sa.gov.au](mailto:gmavrinac@barossa.sa.gov.au)>  
**Subject:** [EXTERNAL] RE: Planning and Design Code Amendment - Nuriootpa

**CAUTION: This Message originated outside your organization. Treat all attachments and hyperlinks with suspicion.**

---

Thanks Martin.

We will continue with the Code Amendment but look forward to receiving a more detailed response when Gary returns.

Have a good break while you are on leave.

Regards,

## Graham Burns

0413 832 602

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33 Carrington Street  
Adelaide SA 5000

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**From:** Martin McCarthy <[mmccarthy@barossa.sa.gov.au](mailto:mmccarthy@barossa.sa.gov.au)>  
**Sent:** Tuesday, 7 September 2021 1:37 PM

**To:** Graham Burns <[GrahamB@masterplan.com.au](mailto:GrahamB@masterplan.com.au)>  
**Cc:** Gary Mavrinac <[gmavrinac@barossa.sa.gov.au](mailto:gmavrinac@barossa.sa.gov.au)>  
**Subject:** RE: Planning and Design Code Amendment - Nuriootpa

Dear Graham

I acknowledge receipt of the letter. I go on leave this week and Gary is on sick leave for at least a few more weeks and my Manager Development Services resigned.

I recall some commitments made on those sites last time we assessed the Caltex and Bridgestone matters. This is one of the main entrances to Nuriootpa and needs to be considered carefully and I am aware of some engagement with residents.

Based on current short term resourcing and Council meetings it is like no considered response will be able to be provided until early October.

Thanks Martin

---

**From:** Graham Burns <[GrahamB@masterplan.com.au](mailto:GrahamB@masterplan.com.au)>  
**Sent:** Tuesday, 7 September 2021 1:15 PM  
**To:** Martin McCarthy <[mmccarthy@barossa.sa.gov.au](mailto:mmccarthy@barossa.sa.gov.au)>  
**Cc:** Gary Mavrinac <[gmavrinac@barossa.sa.gov.au](mailto:gmavrinac@barossa.sa.gov.au)>  
**Subject:** [EXTERNAL] Planning and Design Code Amendment - Nuriootpa

**CAUTION: This Message originated outside your organization. Treat all attachments and hyperlinks with suspicion.**

---

Good afternoon Martin:

We act for Jill Oldfield of Bluegum Borders Pty Ltd. Bluegum Borders owns Allotments 1006, 1007 and 1003 between Old Sturt Highway and Sturt Highway, Nuriootpa. The allotments, together with Allotments 289 and 1005, were created as a consequence of a land acquisition procedure some years ago to realign the Sturt Highway.

The affected allotments are located in the Regional Council of Light. They are also located in the Rural Zone in the Planning and Design Code, but are excluded from the Barossa Character Preservation District.

Allotments 289 and 1005 have been developed for a petrol filling station and café, and a Bridgestone Tyre Centre, respectively. The remaining allotments, all owned by our client, have been approved for a service trade premises complex. That approval has not been acted upon because of the underlying Rural Zone.

We believe that the existing zoning of these allotments is an anomaly which should be corrected.

We are about to initiate a Code Amendment process on behalf of our client to rezone Allotments 289, 1005, 1006, 1007 and 1003 from Rural Zone to Employment Zone. We have initiated consultation with Mr Brian Carr, Chief Executive Officer of Light Regional Council in accordance with State Planning Commission Practice Direction 2 *Preparation and Amendment of Designated Instruments*. Mr Carr has responded as per his letter [attached](#). You will note the suggestion in the fourth paragraph of Mr Carr's letter "that interface with the adjacent areas in the Neighbourhood Zone would be a consideration" and that "informal preliminary consultation with the Barossa Council may also be of assistance to inform the early stages and consideration of this Code Amendment...."

We agree with the sentiments expressed by Mr Carr.

Our letter to Mr Carr of 12<sup>th</sup> July 2021 provides additional background material and is also [attached](#).

We would be grateful for your comments and suggestions on the proposal to initiate a Code Amendment to rezone Allotments 289, 1005, 1006, 1007 and 1003 from Rural to Employment.

Kind regards,

**Graham Burns**

0413 832 602

**MASTERPLAN**  
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33 Carrington Street  
Adelaide SA 5000

**P: 08 8193 5600**

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**Martin McCarthy**  
Chief Executive Officer  
T: 08 8563 8444



Image removed by sender.



The Barossa Council | 43-51 Tanunda Road | PO Box 867 NURIOOTPA SA 5355  
T: 08 8563 8444 | F: 08 8563 8461 | [www.barossa.sa.gov.au](http://www.barossa.sa.gov.au) | [Visit us on Facebook](#)

**Gary Mavrinac**  
Director, Development and Environmental Services  
T: 08 8563 8480



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# **ATTACHMENT F**

**Correspondence with Owners of Immediately Adjoining Allotments**

27 September 2021

Robert and Margaret Jarrett  
34 Cheltenham Crescent  
SALISBURY EAST SA 5109

Dear Mr and Mrs Jarrett

**Re: Planning and Design Code Amendment - Nuriootpa**

We act for Ms Jill Oldfield of Bluegum Borders Pty Ltd.

Bluegum Borders owns Allotments 1003, 1006 and 1007 Old Sturt Highway, Nuriootpa. Our client's allotments are in close proximity to your property at 174 Murray Street Nuriootpa, which is described as Allotment 289 in Certificate of Title 5756/871. The Certificate of Title lists both of you as the registered proprietors.

We are preparing an amendment to the Planning and Design Code to rezone our client's allotments, together with Allotments 289 and 1005 Old Sturt Highway, Nuriootpa, from Rural Zone to Employment Zone. The **attached** plan shows the allotments which we are proposing to rezone.

Our client agrees to bear the cost of preparing the Code Amendment.

The State Planning Commission is responsible for administering the Code Amendment on behalf of the Minister for Planning. Practice Direction 2, prepared by the Commission (Preparation and Amendment of Designated Instruments), requires details of the consultation that has already occurred with respect to the proposed amendment. In this regard, we have written to the Chief Executive Officer of Light Regional Council and The Barossa Council. Both Councils agree that the rezoning of these allotments would be consistent with the outcome for various applications made over your property, and all other affected allotments, in recent years. [We acted for Caltex Australia to secure planning approval to redevelop your property for a petrol filling station and café approximately four (4) years ago].

As part of the early consultation process, we now request your support for the Code Amendment to rezone your property from Rural Zone to Employment Zone.

We look forward to receiving your advice as soon as possible.





If you have any queries in relation to this matter, please feel free to contact me by email on [grahamb@masterplan.com.au](mailto:grahamb@masterplan.com.au), or telephone me on 8193 5600 or 0413 832 602

Yours sincerely

**Graham Burns**  
MasterPlan SA Pty Ltd

enc: Area Affected Plan.

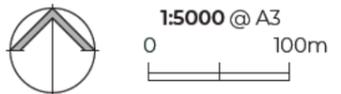


- Area Affected
- Local Government Boundary

### Area Affected Plan

MURRAY STREET, STURT HIGHWAY AND OLD STURT HIGHWAY  
NURIOOTPA

FOR MS JILL OLDFIELD



27 September 2021

Nubridge Investments Pty Ltd  
23 Rundle Street  
KENT TOWN SA 5067

Attention Chris Barnes

Dear Mr Barnes

**Re: Planning and Design Code Amendment - Nuriootpa**

We act for Ms Jill Oldfield of Bluegum Borders Pty Ltd.

Bluegum Borders owns Allotments 1003, 1006 and 1007 Old Sturt Highway, Nuriootpa. Our client's allotments are immediately to the east of Allotment 1005 Old Sturt Highway Nuriootpa. The relevant Certificate of Title (CT 5433/749) lists Nubridge Holdings Pty Ltd as the registered proprietor of Allotment 1005.

We are preparing an amendment to the Planning and Design Code to rezone our client's allotments, together with Allotments 289 and 1005 Old Sturt Highway, Nuriootpa, from Rural Zone to Employment Zone. The **attached** plan shows the allotments which we are proposing to rezone.

Our client agrees to bear the cost of preparing the Code Amendment.

The State Planning Commission is responsible for administering the Code Amendment on behalf of the Minister for Planning. Practice Direction 2, prepared by the Commission (Preparation and Amendment of Designated Instruments), requires details of the consultation that has already occurred with respect to the proposed amendment. In this regard, we have written to the Chief Executive Officer of Light Regional Council and the Barossa Council. Both Councils agree that the rezoning of these allotments would be consistent with the outcome for various applications made over your property, and other affected allotments, in recent years. [In this regard we acted for Bridgestone Australia to secure planning approval for the company's tyre and service workshop over Allotment 1005].

As part of the early consultation process, we now request your support for the Code Amendment to rezone your property from Rural Zone to Employment Zone.

We look forward to receiving your advice as soon as possible.





If you have any queries in relation to this matter, please feel free to contact me at [grahamb@masterplan.com.au](mailto:grahamb@masterplan.com.au), or telephone me on 8193 5600 or 0413 832 602

Yours sincerely

**Graham Burns**  
MasterPlan SA Pty Ltd

enc: Area Affected Plan.

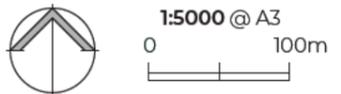


- Area Affected
- Local Government Boundary

### Area Affected Plan

MURRAY STREET, STURT HIGHWAY AND OLD STURT HIGHWAY  
NURIOOTPA

FOR MS JILL OLDFIELD



**From:** [Classic Jets Fighter Museum](#)  
**To:** [Graham Burns](#)  
**Subject:** RE: 174 Murray Street Nuriootpa  
**Date:** Wednesday, 17 November 2021 9:02:33 AM  
**Attachments:** [image001.png](#)

---

Dear Graham

I apologize that this email escaped my notice until now. Upon reading the attached letter I would like to advise that I support the code amendment to rezone my property from rural zone to employment zone providing there is no cost involved to me.

Yours sincerely

*Margaret Jarrett*

Trustee

---

***Jarrett Superannuation Fund***

*34, Cheltenham Crescent, Salisbury East, SA 5109*

*Tel: 08 8258 5176 Fax: 08 8258 5176*

*Mobile: 0424 699 123*

*Email: [cjfm@chariot.net.au](mailto:cjfm@chariot.net.au)*

*ABN: 44 696 165 749*

---

**From:** Graham Burns [<mailto:GrahamB@masterplan.com.au>]  
**Sent:** Monday, 27 September 2021 4:32 PM  
**To:** [cjfm@chariot.net.au](mailto:cjfm@chariot.net.au)  
**Subject:** 174 Murray Street Nuriootpa

**Attention: Margaret Jarrett**

We act for Jill Oldfield of Bluegum Borders Pty Ltd. Our client owns vacant land in close proximity to your property at 174 Murray Street Nuriootpa.

The purpose of writing to you is explained in the attached letter.

I look forward to receiving your reply.

If you would prefer to discuss the letter please do not hesitate to contact me.

Regards,

**Graham Burns**

0413 832 602

**MASTERPLAN**

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# **ATTACHMENT G**

## **Timetable for Code Amendment by Proponent**

STEP	RESPONSIBILITY	TIMEFRAME
<b>Approval of the Proposal to Initiate</b>		
Review of Proposal to Initiate to confirm all mandatory requirements are met (timeframe will be put on hold if further information is required). Referral to the Minister to request advice from the Commission.	AGD	1 week (includes lodgement and allocation + referral to Government Agencies within the first week).
Minister requests advice from the Commission.	Minister	2 weeks
Referral to Government Agencies for comment (where necessary).	AGD, Relevant Government Agencies	1 week
Consideration of Proposal to Initiate and advice to the Minister.	Commission (Delegate)	1 week
	Commission	1 week
Proposal to Initiate agreed to by the Minister.	Minister	1 week
<b>Preparation of the Code Amendment</b>		
Engagement Plan prepared.	Designated Entity	2-4 weeks
Investigations conducted; Code Amendment Report prepared.	Designated Entity	4-8 weeks undertaken concurrently
The Drafting instructions and draft mapping provided to AGD.	Designated Entity	1 week undertaken concurrently
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes.	AGD	3 weeks
Preparation of Materials for consultation.	Designated Entity	2 weeks
<b>Engagement on the Code Amendment</b>		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan.	Designated Entity	2-4 weeks

STEP	RESPONSIBILITY	TIMEFRAME
<b>Consideration of Engagement and Finalisation of Amendment</b>		
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared and lodged with AGD.	Designated Entity	2 weeks
Assess the amendment and engagement. Prepare report to the Commission or delegate. Timeframe will be put on hold if further information is required, or if there are unresolved issues.	AGD	2 weeks
Consideration of Advice.	Commission (Delegate)	1 week (includes 1 week to process through Minister's office)
	Commission	2 weeks
<b>Decision Process</b>		
Minister considers the Code Amendment Report and the Engagement Report and makes decision.	Minister	1 week
<b>Implementing the Amendment (operation of the Code Amendment)</b>		
Go- Live- Publish on the PlanSA Portal.	AGD	1 week
<b>Parliamentary Scrutiny</b>		
Referral of approved Code Amendment to ERDC.	AGD	8 weeks

2021/18603/01

Bluegum Borders Pty Ltd  
C/- Mr Graham Burns  
MasterPlan SA

By email: [GrahamB@masterplan.com.au](mailto:GrahamB@masterplan.com.au)

Dear Mr Burns

I write to advise that under section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016* (the Act), I have considered the advice of the State Planning Commission (the Commission) and approved the Proposal to Initiate the Old Sturt Highway Nuriootpa Code Amendment.

A copy of the signed Proposal to Initiate is enclosed for your reference.

The initiation approval is on the basis that under section 73(4)(a) of the Act, Bluegum Borders Pty Ltd will be the Designated Entity responsible for undertaking the Code Amendment process.

Pursuant to section 73(5) of the Act, the approval is also subject to the following conditions:

- The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Planning and Design Code (the Code) on the date the Amendment is released for consultation.
- The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.

In addition, the Commission has specified under section 73(6)(e) of the Act that the Designated Entity must consult with the following stakeholders:

- South Australian Country Fire Service
- Department for Infrastructure and Transport
- The Barossa Council
- Utility providers including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

Further, the Commission has, under section 73(6)(f) of the Act, resolved to specify the following further investigations or information requirements in addition to that outlined in the Proposal to Initiate:

- Removal of the Limited Land Division Overlay.
- General amenity impacts on adjacent residential development within the Neighbourhood Zone, including building design, hours of operation, servicing and vehicle movements.

In addition, it should be noted that further investigations may be required in response to feedback or advice received through the engagement process.

Pursuant to section 44(6) and 73(6)(d) of the Act, consultation in writing must be undertaken with:

- Light Regional Council
- Owners or occupiers of the land and adjacent land, in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Engagement must be undertaken on the Code Amendment in accordance with the Community Engagement Charter. More information on the Community Engagement Charter is available in the Community Engagement Charter toolkit at: [https://plan.sa.gov.au/resources/learning\\_and\\_toolkits/community\\_engagement\\_charter\\_toolkit/overview](https://plan.sa.gov.au/resources/learning_and_toolkits/community_engagement_charter_toolkit/overview).

I will make a determination on whether to approve the proposed amendments at the completion of the Code Amendment process.

For further information, please contact Ms Catherine Hollingsworth from Planning and Land Use Services on [REDACTED] or via email at: [REDACTED].

Yours sincerely

**Hon Nick Champion MP**  
Minister for Planning

/ / 2022

Encl: Signed Proposal to Initiate the Old Sturt Highway Nuriootpa Code Amendment

2021/18603/01

Mr Brian Carr  
Chief Executive Officer  
Light Regional Council

By email: bcarr@light.sa.gov.au

Dear Mr Carr

I write to advise that under section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016* (the Act), I have considered the advice of the State Planning Commission (the Commission) and approved the Proposal to Initiate the Old Sturt Highway Nuriootpa Code Amendment. This Code Amendment seeks to affect land within your council area.

A copy of the signed Proposal to Initiate is enclosed for your reference.

The initiation approval is on the basis that under section 73(4)(a) of the Act, Bluegum Borders Pty Ltd will be the Designated Entity responsible for undertaking the Code Amendment process.

Pursuant to section 73(5) of the Act, the approval is also subject to the following conditions:

- The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Planning and Design Code (the Code) on the date the Amendment is released for consultation.
- The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.

In addition, the Commission has specified under section 73(6)(e) of the Act that the Designated Entity must consult with the following stakeholders:

- South Australian Country Fire Service
- Department for Infrastructure and Transport
- The Barossa Council
- Utility providers including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

Further, the Commission has, under section 73(6)(f) of the Act, resolved to specify the following further investigations or information requirements in addition to that outlined in the Proposal to Initiate:

- Removal of the Limited Land Division Overlay.
- General amenity impacts on adjacent residential development within the Neighbourhood Zone, including building design, hours of operation, servicing and vehicle movements.

In addition, it should be noted that further investigations may be required in response to feedback or advice received through the engagement process.

Pursuant to section 44(6) and 73(6)(d) of the Act, consultation in writing must be undertaken with:

- Light Regional Council
- Owners or occupiers of the land and adjacent land, in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Engagement must be undertaken on the Code Amendment in accordance with the Community Engagement Charter. More information on the Community Engagement Charter is available in the Community Engagement Charter toolkit at: [https://plan.sa.gov.au/resources/learning\\_and\\_toolkits/community\\_engagement\\_charter\\_toolkit/overview](https://plan.sa.gov.au/resources/learning_and_toolkits/community_engagement_charter_toolkit/overview).

I will make a determination on whether to approve the proposed amendments at the completion of the Code Amendment process.

For further information, please contact Ms Catherine Hollingsworth from Planning and Land Use Services on [REDACTED] or via email at: [REDACTED].

Yours sincerely

**Hon Nick Champion MP**  
Minister for Planning

/ / 2022

Encl: Signed Proposal to Initiate the Old Sturt Highway Nuriootpa Code Amendment



**TO: MINISTER FOR PLANNING**

**RE: PROPOSAL TO INITIATE THE OLD STURT HIGHWAY NURIOOTPA CODE AMENDMENT BY BLUEGUM BORDERS PTY LTD**

## **PURPOSE**

To recommend that you approve, with conditions, the Proposal to Initiate the Old Sturt Highway Nuriootpa Code Amendment (the Proposal).

## **BACKGROUND**

Section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act) provides:

### **73 – Preparation and amendment**

(2) A proposal to amend a designated instrument may be initiated by—

(b) with the approval of the Minister, acting on the advice of the Commission—

(vii) in relation to the Planning and Design Code or a design standard— a person who has an interest in land and who is seeking to alter the way in which the Planning and Design Code or a design standard affects that land.

The Proponent has lodged a Proposal to Initiate the Old Sturt Highway Nuriootpa Code Amendment to amend the Planning and Design Code (the Code) as it relates to the affected area (**Attachment 1**).

The State Planning Commission (the Commission) considered the Proposal to Initiate at its meeting of 9 June 2022 and resolved to support the Code Amendment, subject to conditions.

A summary of the role and responsibilities for you in regard to the Code Amendment is provided in **Appendix A**.

A flowchart of the Code Amendment process is provided in **Appendix B**.

## **DISCUSSION**

The following sets out the strategic, policy and procedural considerations in relation to the Proposal to Initiate, including conditions that are recommended should you agree to initiate the Code Amendment.

## Proposal

The Proposal seeks to rezone three vacant allotments comprising 1.184 hectares of land, between Old Sturt Highway and Sturt Highway, from the Rural Zone to the Employment Zone.

The affected area and current zoning are shown in the figure below. While located within the Rural Zone, the affected area is also located within the Character Preservation District (Township) Overlay, and is not therefore subject to policies that seek to preserve the long-term use of primary production and associated activities outside townships.



### Planning and Design Code Zoning

The affected area is located within the Rural Zone.

The following **Overlays** apply to the land:

- Character Preservation District (Township)
- Hazards (Bushfire - General Risk)
- Hazards (Flooding - Evidence Required)
- Limited Land Division
- Major Urban Transport Routes
- Native Vegetation
- Prescribed Water Resources Area
- Traffic Generating Development
- Water Protection Area.

### TNVs

- Minimum Site Area (33 ha)
- Minimum Dwelling Allotment Size (33 ha).

The land surrounding the affected area is within the Rural Zone the Neighbourhood Zone, Employment Zone and Home Industry Zone.

The Proposal seeks to address appropriate development of the existing allotments which were created through the realignment of the Sturt Highway over agricultural land adjacent the Nuriootpa Township. The size and location of the allotments isolates them from suitable agricultural use. Two similar adjoining allotments (outside the affected area) have been developed as a petrol filling station and service trade premises.

The Proponent has advised that the Light Regional Council (the Council) approved development of the three allotments as service trade premises in 2017 with extension to March 2022, and a request for a further extension pending. The former Development Assessment Commission concurred with Council's decision to grant consent to the non-complying application (under the old planning system).

In summary, the Proposal seeks to investigate:

- Replacement of the existing Rural Zone with the Employment Zone.
- Review of Overlays, and in particular, a change from the Hazards (Bushfire – General Risk) to the Hazards (Bushfire – Urban Interface) Overlay.
- Removal of Technical and Numeric Variations (TNVs) associated with the Rural Zone (Minimum Site Area and Minimum Dwelling Allotment Size).

The Proponent has advised that the need for new TNVs is not anticipated, consistent with the existing Employment Zone to the west of the affected area.

It is recommended that the Proponent also consider removal of the Limited Land Division Overlay, given that this has not been applied to other allotments in the Employment Zone to the west, and that the Overlay seeks the protection of primary production land rather than to limit the subdivision of land for other purposes. An additional investigation has been recommended in this regard.

### **Strategic considerations**

The following sets out the strategic considerations relating to this proposal and rationale for the Commission recommending support for the Code Amendment.

More details of the Commission's strategic priorities are provided in **Appendix C**.

An assessment against the State Planning Policies (SPPs) and relevant Regional Plan are provided in **Appendix D**.

### Strategic advice

The Proposal seeks to apply a more appropriate zone to the affected area, having regard to the unsuitability of the allotments for agricultural purposes given their isolation, the pattern of zoning to the south of Old Sturt Highway in The Barossa Council, the location of the affected area directly adjacent the realigned Sturt Highway, and the approval granted by Council to develop service trade premises on the allotments.

### The 30-Year Plan for Greater Adelaide: 2017 Update

The Proposal is considered to be consistent with the strategic intent of *The 30-Year Plan for Greater Adelaide: 2017 Update*. In particular, Policy 56 identifies the need to ensure a suitable supply of land for industrial activities.

### Land Supply Reports for Greater Adelaide (released 2021)

The affected area is located within the Northern Plains and Barossa region of Greater Adelaide, as defined within the Land Supply Reports (LSRs):

- The LSRs indicates that the region had a total of 37 hectares of zoned vacant employment land remaining, with no land identified for future industrial/employment use.

The Proposal will facilitate the provision of additional employment land within the Northern Plains and Barossa region, enabling opportunities for employment activity on underutilised land. The Proposal represents an orderly sequence of land development given the development approvals over the site, adjacency to existing employment activities and the location of zoned employment land to the immediate west. The provision of additional employment land in this region is considered appropriate.

### Land use characteristics

Surrounding land use activities comprise residential, employment, and across the Sturt Highway, primary production.

The affected area is located within Light Regional Council, on the boundary of The Barossa Council. The allotments have frontage to Sturt Highway, a Type R Designated Road with no direct access to Sturt Highway permitted. Access to the affected area will be provided via the Old Sturt Highway and the allotments are connected to public roads.

### Investigations

The Proposal relies on previous investigations undertaken for the non-complying development application for service trade premises granted approval in 2017. These investigations included:

- A Stormwater Management Plan undertaken by Ardill Payne (November 2016) that determined that stormwater could be managed through the provision of detention basins.
- A Statement of Effect undertaken by MasterPlan (November 2016) with regard to the former Light Regional Council Development Plan policies that considered the proposed land use was appropriate.
- Investigation into power, water, stormwater, and sewerage infrastructure capacity which was found to be capable of servicing the development. The affected area is also located in proximity to existing services in Nutiootpa.

### Transport and access

Investigations are proposed into transport impacts including the capacity of Old Sturt Highway to service commercial vehicles. Previous investigations considered all vehicle movements could be accommodated onsite. It is also recommended that the Department for Infrastructure and Transport be consulted, and a condition has been recommended in relation to this.

### Interface with adjacent land use activities

The affected area is on the opposite side of Old Sturt Highway to the Neighbourhood Zone which provides for predominantly residential development with complementary non-residential uses. Investigation is proposed into the potential noise impact of future commercial development on the adjacent Neighbourhood Zone. It is recommended that interface management investigations also consider general amenity impacts including building design, hours of operation, servicing and vehicle movements. A condition has been recommended in relation to this.

## **Procedural considerations**

The following sets out the key procedural considerations that satisfy the legislative requirements. Pursuant to section 73(5) of the Act, approval for a Proposal to Initiate may be given on conditions prescribed by the regulations (there are none at this time) or as specified by you, as Minister for Planning. As such, a number of conditions are recommended by the Commission as set out below.

### Information requirements

*Practice Direction 2 – Preparation of Amendment of Designated Instruments* outlines the information requirements for a Proposal to Initiate and is provided in **Appendix E**.

The mandatory information requirements have been met and therefore the Proposal is of a suitable form to be considered by you.

### Consistent with the State Planning Policies and Regional Plan

The Code must be consistent with the principles of the SPPs and should be consistent with the directions of the relevant Regional Plan, which, in this instance, is *The 30-Year Plan for Greater Adelaide: 2017 Update*. This assessment is provided in **Appendix D**.

A more detailed analysis is also located in the Proposal to Initiate (**Attachment 1**).

In summary, the Proposal to Initiate is considered to be consistent with the SPPs and Regional Plan.

### Designated Entity

As this Proposal is by a private proponent, under section 73(4) of the Act, you may decide to enable the Proponent to be the Designated Entity and conduct the Code Amendment processes, or alternatively, you can give the Chief Executive of the Department the responsibility for undertaking the processes.

The documentation should, however, be prepared by a suitably qualified person to ensure statutory procedures and good planning outcomes are addressed.

#### *Recommendation(s)*

That Bluegum Borders Pty Ltd be the Designated Entity responsible for undertaking the Code Amendment process.

The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.

### Investigations to support the Amendment

The investigations undertaken to date are outlined in the Proposal (**Attachment 1**).

The Proponent has identified further investigations to support the Code Amendment, including:

- Traffic impact assessment
- Acoustic impact assessment.

It is recommended that conditions be placed on this Code Amendment under section 73(5) of the Act, to investigate removal of the Limited Land Division Overlay and residential interface.

#### *Recommendation(s)*

That the following further investigations be undertaken by the Designated Entity, in addition to that outlined in the Proposal to Initiate, under section 73(6)(f) of the Act:

- Removal of the Limited Land Division Overlay.
- General amenity impacts on adjacent residential development within the Neighbourhood Zone, including building design, hours of operation, servicing and vehicle movements.

### Application of the Code

The Proposal seeks to rezone land from the Rural Zone to the Employment Zone to support commercial development.

#### *Recommendation(s)*

That a condition be placed on the Proposal to Initiate that limits the scope of the proposed Code Amendment to exclude the creation of new planning rules, and to be limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Code (on the date the Amendment is released for consultation).

### Consultation

The Proponent has undertaken preliminary consultation with Council who have advised that, if successful, the policy outcome would seem consistent with the outcomes from the assessment of previous development applications affecting the allotments.

Preliminary consultation was also undertaken with The Barossa Council, as Old Sturt Highway forms The Barossa Council boundary. The Barossa Council has advised no major concern with the Proposal.

In accordance with the Community Engagement Charter, the Designated Entity is required to prepare an Engagement Plan that will outline how, when and with whom it engages with, regarding the proposed Code Amendment. Consultation is anticipated to commence in August 2022.

The Commission has determined to specify the following persons or bodies that the Designated Entity must consult with in relation to the proposed Code Amendment, as permitted under section 73(6)(e) of the Act)

- South Australian Country Fire Service
- Department for Infrastructure and Transport
- The Barossa Council
- Utility providers including SA Power Networks, ElectraNet Pty Ltd, APA Group, SA Water, EPIC Energy, NBN, and other telecommunications providers
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

In addition, in accordance with sections 44(6) and 73(6)(d) of the Act, the consultation must be undertaken with:

- Light Regional Council
- Owners or occupiers of the land and adjacent land in accordance with the *Planning Development and Infrastructure (General) Regulations 2017*.

*Recommendation(s)*

Advise the Designated Entity of the required consultation with the entities and bodies specified by the Commission.

## RECOMMENDATIONS

It is recommended that you:

1. Note the advice of the State Planning Commission provided to you as required under section 73(2)(b) of the Act. NOTED / NOT NOTED
  
2. Note that the State Planning Commission has, under section 73(6)(e) of the Act, specified that the Designated Entity must consult with the following nominated individuals and entities, and advise the Designated Entity accordingly: NOTED / NOT NOTED
  - South Australian Country Fire Service
  - Department for Infrastructure and Transport
  - The Barossa Council
  - Utility providers including SA Power Networks, ElectraNet Pty Ltd, APA Group, SA Water, EPIC Energy, NBN, and other telecommunications providers
  - State Members of Parliament for the electorates in which the proposed Code Amendment applies.
  
3. Note that the State Planning Commission has, under section 73(6)(f) of the Act, resolved to specify the following further investigations to that outlined in the Proposal to Initiate, and advise the Designated Entity accordingly: NOTED / NOT NOTED
  - Removal of the Limited Land Division Overlay.
  - General amenity impacts on adjacent residential development within the Neighbourhood Zone, including building design, hours of operation, servicing and vehicle movements.

4. Approve initiation under section 73(2)(b) of the Act, subject to the following conditions, under section 73(5) of the Act:

APPROVED / NOT APPROVED

a) The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Planning and Design Code (on the date the Amendment is released for consultation).

b) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.

5. Under section 73(4)(a) of the Act, approve the initiation of the Old Sturt Highway Nuriootpa Code Amendment on the basis that Bluegum Borders Pty Ltd will undertake the Code Amendment processes (as the Designated Entity) required under the Act.

APPROVED / NOT APPROVED

6. Agree to sign the Proposal to Initiate the Old Sturt Highway Nuriootpa Code Amendment (**Attachment 1**).

AGREED / NOT AGREED

7. Agree to sign the attached letters to Bluegum Borders Pty Ltd (**Attachment 2**) and the Light Regional Council (**Attachment 3**) advising of your approval and conditions.

AGREED / NOT AGREED



**CRAIG HOLDEN**  
Chair, State Planning Commission  
10 / 06 / 2022

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**NICK CHAMPION MP**  
/ / 2022

**Attachments:**

1. Proposal to Initiate the Old Sturt Highway Nuriootpa Code Amendment (#18616029).
2. Suggested letter to Bluegum Borders Pty Ltd (#18648776).
3. Suggested letter to the Light Regional Council (#18648761).

**Appendices:**

- A. Summary of Roles and Responsibilities in the Code Amendment Process (#18648812).
- B. Process Flowchart – Code Amendments Initiated by Proponents (#18648888).
- C. State Planning Commission’s Strategic Priorities (#18648951).
- D. Assessment against the State Planning Policies and Regional Plan (#18648735).
- E. Extract from *Practice Direction 2 – Preparation and Amendment of Designated Instruments* (#18649023).

Contact: Jason Bailey  
Tel No: [REDACTED]

Procedural Matters for the State Planning Commission (the Commission)

The Commission's role at Initiation, when the Commission is not the Proponent, is to:

- Provide advice to the Minister for her consideration in making a decision on initiation pursuant to section 73(2)(b) of the Act.
- Specify any person or body the Designated Entity must consult with under section 73(6)(e) of the Act, noting that the designated entity will also need to prepare an engagement plan in accordance with the Community Engagement Charter prior to consultation.
- Specify any investigations to be carried out and/or information to be obtained by the Designated Entity, in accordance with section 73(6)(f) of the Act.

The importance of the initiation process is two-fold:

- Firstly, it enables proposals considered to be significantly at odds with the State Planning Policies (SPPs) and relevant Regional Plan to be refused early in the process, minimising risk. This is because the decision to proceed is based on an assessment against these documents.

To that end, the Commission may also advise the Minister on how the proposal fits with its stated priorities, including:

- Technical amendments that enhance the operation of the Code.
- Bushfire policy in response to the Royal Commission and improved bushfire mapping data.
- Support land supply, including infill, master planned neighbourhoods and growth areas consistent with the Growth Management Programme.
- Support economic clusters such as agribusiness and value adding, defence industries, energy and resources, health and medical industries and knowledge and creative industries.
- Provide state-wide strategic benefit such as protection against environmental hazards.
- Secondly, the initiation process is the point at which the scope of the Code Amendment process, investigations and information requirements and the amendments are determined. This provides clarity and certainty for the proponents.

Approval of the Proposal to Initiate may be given on conditions prescribed by the regulations (there are none at this time) or as specified by the Minister. As such, conditions have been recommended by the Commission, to be made by the Minister.

The Commission has previously determined that (where possible) Code Amendments should be prepared and led by proponents themselves for the first 12 months following implementation of the Phase Three Code.

## Code Amendments Initiated by Proponents

Section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*

