



TATIARA DISTRICT COUNCIL

**DEVELOPMENT**

**GENERAL POLICIES**

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## DEVELOPMENT

### Planning Development & Infrastructure Act 2016

- (1) Council's Development Plans contain policies with objectives to indicate in general terms the measures to be taken to provide the most suitable development of the area. The Planning Development & Infrastructure Act 2016 requires that Council should not make a decision that is seriously at variance with the Plan's provisions.

### Development Assessment Procedure Policies

- (1) All actions, decisions and advice undertaken, made and given by Council and its Delegates in relation to matters associated with the Planning Development & Infrastructure Act 2016, as amended, shall be in accordance with the following Policies:

- (2) Amendments to Approved Development

- a) If a written application is received by Council from the holder of a development authorization issued pursuant to the Planning Development & Infrastructure Act 2016, as amended, to amend or vary some part or condition(s) of the development, the request shall be assessed and action taken in accordance with the following:

Other Amendments

- a) If the proposed amendment is assessed as being other than very minor, the applicant shall be advised that Council requires the applicant to lodge a new application for development authorization(s) which shall be processed in accordance with the relevant provisions of the Planning Development & Infrastructure Act 2016, as amended, and Regulations and Council Policies.

Very Minor Amendments

- b) If the proposed amendment is assessed as being so minor that it would be generally regarded as insignificant the amendment shall be approved in writing without the need for further authorization pursuant to the Planning Development & Infrastructure Act 2016, as amended.

- (3) Development Authorisations – Extension of

- a) Upon receipt of a written request, approval may be granted for extensions of time for development authorisation(s) pursuant to the Planning Development & Infrastructure Act 2016, as amended, provided that such extensions shall be limited to only one period of twelve months.
- b) If an authorised officer does not believe an extension of time is warranted a report shall be presented to the relevant authority for a decision.

- (4) Environment, Resources and Development Court

- a) Upon receipt of notification of an appeal to the Environment, Resources and Development Court against a decision of Council or one of its Delegates, Council's Solicitor(s) shall be engaged to prepare the necessary evidence to represent Council in the appeal.
- b) Council's Solicitor(s) shall be instructed as to the names of suitable persons to be called as expert witnesses before the Environment, Resources and Development Court.

- c) Where an appeal is referred to a conference to be held pursuant to the Environment, Resources and Development Court Act 1993, Council shall be represented at that conference by the Assessment Manager and or other persons deemed necessary.
- d) Council's representative(s) at a conference held pursuant to the Environment, Resources and Development Court Act 1993, shall be authorised to enter into binding agreements at the conference only in so far as they affect minor modifications to conditions of consent which will not in the representative's opinion significantly vary the intent of the control sought by the conditions of consent.

#### **Disabled Persons - Kerb Ramps**

- (1) All public facilities and buildings, where possible should be designed to provide accessibility for persons with disabilities.

#### **Extensions by Developers**

- (1) If land in, or adjacent to, a township in the district served by a CWMS Scheme is subdivided, the subdivider shall pay the cost of extending the CWMS Scheme to serve the allotments in the subdivision.
- (2) The Manager may arrange for the scheme to be designed and installed at the developer's cost. If installed by the developer the scheme must be designed and installed under Council supervision, or alternatively, administered by an independent technical expert.

#### **Extensions to Previously Subdivided Areas**

- (1) When Council considers it to be advisable, it will extend the CWMS Scheme provided the scheme is authorised by the SA Health. Council requires all costs involved to be met by the owners of properties served by the extension, and may at its discretion fund the works and seek recover payments on terms set by Council.
- (2) The normal CWMS Scheme rate applicable to the town will then be charged upon completion of the works.
- (3) In the event of any further development after a CWMS Scheme drainage scheme has been installed, the developer is required to finance any extension on the scheme and the normal rates applicable to that town be charged to the properties.

#### **Septic Tank Pump Out**

- (1) All owners of buildings connected to the CWMS Scheme are required to participate in a septic tank pump out scheme which is undertaken on a 5 year rotational basis. All other periodic maintenance including desludging shall be the land owner's responsibility.

#### **Fees for Farm Buildings**

Fees for farm buildings as defined in Ministers Specification SA H.3.2 shall all be charged as a Class 10 building rather than a Class 7 or 8.

### Fees Not for Profit Organisations

- (1) Council waive Development Fees for any Community Group or Sporting Body who are not for profit and have been successful in obtaining a grant for a new Development from the Commonwealth or State Government and/or Council.
- (2) Fees waived shall only include Lodgment, Development Plan and Building Rules Assessment with any other statutory charges being the responsibility of the applicant.

### Urinals in Council Buildings

- (1) Consideration shall be given to the installation of single vitreous china wall hung urinals in new Council Buildings or when replacing urinals in existing Council Buildings.

The potential for vandalism shall be considered when deciding on the type of urinal to be installed.

## PLANNING

### Development Control

- (1) Council's objective is to ensure that building work is of a high standard in accordance with legislation, engineering codes, building codes and Australian Standards, and that it is constructed and maintained as per approved plans, specifications and fire safety standards.

### Flood Prone Lots – Bordertown

- (1) Steps are to be taken to ensure that:-
  - (a) The Tatiara Creek is kept clean through Bordertown so that the flow of water is not restricted.
  - (b) Council's property register is updated so that all allotments that are affected by water have a notation recording that fact.
  - (c) Council's Technical Services Department is consulted prior to issuing consent to build on an allotment affected by water.
  - (d) Also refer to Kinhill Engineers Flood Plain Mapping Report, 100 year flood level produced in 1997.

### Genetically Modified Organisms (GMO's)

- (1) Council:
  - (a) Prefers that the Tatiara District Council area be GMO free.
  - (b) Does not support the commercial release of GM Canola. Before the commercial release is allowed in SA the following concerns need to be addressed:
    - Commercial impact on overseas markets for our product
    - Assurance that effective segregation will be available
    - A caveat requiring GM companies to make good economic loss incurred by farmers and businesses from unintended consequences of the release.
  - (c) Does not support trials of GMO plants in our area but if they are to occur then the Company carrying out the trial should:
    - Advise Council of the sites of those trials
    - Advise all neighbouring farmers with properties within 3km of those sites.
    - Advise apiarists with bees within 3km of the sites

- Ensure that harvesting and carriage of seed produced is controlled to prevent any escape of seed.

### Guarantees and Binding Arrangements for Public Infrastructure

- (1) When binding arrangements are requested from a land developer, Council requires that 95% of the bank guarantee be released upon practical completion of works and the remaining 5% of the guarantee be held for a twelve month maintenance period, unless alternative arrangements are entered into.

### Land Development Roadworks

- (1) Council's objectives are to ensure development of land is in accordance with the desired future character of an area and accepted principles and standards.
- (2) Roads in all new urban subdivisions should be sealed and kerbed.
- (3) In cases where a plan to subdivide is approved by the Council, but the requirements that roads are to be constructed are deferred so that such persons or body will construct the roads when required, the developer will be required to bond the subdivision works pursuant to the Planning Development & Infrastructure Act 2016.
- (4) The bond will be a written agreement signed by the developer accepting responsibility for the provision of road works and will be supported by:
  - (a) a cash deposit being a percentage, as determined by Council, of the estimated total costs of the roadworks, or
  - (b) an agreement signed by the developer's financial institution as guarantor, to pay the cost of the roadworks upon request by Council.

### Land Division

#### Storm Water Drainage

- (a) A detailed drainage design is required for all of the proposed development, and if necessary due to existing land form, includes areas outside the proposed development but within the drainage catchment affecting the development.
  - i. Design shall be in accordance with procedures in the current edition of "Australian Rainfall and Runoff (IEA)" or other edition as approved by the Manager Technical Services. As a general rule, the return period is to be 5 years, but engineering discretion should be used in areas where storm damage may be more significant (e.g. shopping areas, end of courts etc.).
  - ii. Drainage computations are required to be prepared by a qualified and experienced Engineer and submitted with the detailed Engineering Drawings for the proposal.
  - iii. All storm water runoff attributable to the proposal is to be adequately disposed of within the development area or as otherwise approved by the Manager Technical Services.
- (b) As a general rule, Side Entry Pits should be spaced at no greater than 100m and at closer spacing if required, depending on conditions.
- (c) If Drainage bores and associated settlement tanks are to be used they shall be constructed to meet the requirements of Council, Dep't Environment Heritage & Aboriginal Affairs and the Mines Department. Drainage capacity of any

bore is to exceed the calculated drainage for the designated stormwater system and the bore is to be proved to the satisfaction of the Manager Technical Services. Storage basins capable of holding the run-off of the designated rainfall storm shall be provided at suitable locations if drainage bores prove to be unacceptable.

- (d) All stormwater storage basins are to be provided with appropriate warning signs to the satisfaction of the Manager Technical Services.
  - i. Spoon drains, when required at junctions, shall be constructed to maintain the pavement width of the through street and to ensure continuity of flow of all stormwater. A spoon drain may not be constructed across a through street.

#### Down Stream Drainage Contribution Scheme

- (a) Council establish a Downstream Drainage Reserve to fund outfall and trunk drainage works needed for developments that do not meet the requirements of Council's Development Plan relating to the satisfactory disposal of stormwater. Contributions from developers are to be credited to the reserve and works performed by Council are to be debited to the account.
- (b) The Downstream Drainage Contribution rate to be set as per Council's Fees & Charges Policy for developments of 1 hectare and greater and for developments less than 1 hectare.
- (c) Development area is defined as the entire site subject to Provisional Development Plan Consent/Development Approval or the clearly defined drainage area under consideration within the Development Application.
- (d) Council review the Downstream Drainage Contribution rate annually and adjust as necessary to reflect the actual costs of fulfilling the objective of providing outfall and trunk drainage.
- (e) Where possible and practical, Council will endeavour to direct stormwater from a proposed new development to an existing stormwater drainage system deemed to have adequate capacity to accommodate flows and the formal Development Approval is to reflect this requirement.
- (f) If, in the opinion of the Manager Technical Services, no such Council drainage system of adequate capacity is located within a reasonable proximity, the development shall be refused unless the developer enters into a written agreement with Council to contribute to Council's Down Stream Drainage Contribution Scheme. Council will then construct the required downstream drain at its expense with timing dependent on Councils budget.
- (g) Where an existing stormwater drain has been constructed using funds from the Down Stream Drainage Reserve, stormwater from any future development shall not be permitted into that existing drain unless that developer pays the Downstream Drainage Contribution rate for his/her development.
- (h) Council encourages developers to liaise with adjoining landowners in instances where the drainage catchment crosses property boundaries, with a view to a joint private arrangement for the provision of drainage infrastructure within the catchment, based on an engineering design approved by the Manager Technical Services.
- (i) In the event of the developer being unable to satisfactorily negotiate an arrangement, Council proceed to implement the Downstream Drainage

Contribution charge with a view to the provision of a suitable drainage outfall for the development in accordance with the approved engineering drainage design.

### Natural Environment

- (1) Council, as part of Local Government recognises its responsibility in the management of the natural environment.
- (2) Council supports the concept of an Australia – wide network of national parks, recognising the intrinsic value of such resources, their role in preserving Australia's unique flora and fauna and their importance to the Australian tourism industry.

### Sale yard's – Council Owned

- (1) Cleaning
  - (a) Saleyard's shall be thoroughly cleaned immediately after each sale.
  - (b) Stock agents shall use the sealed portion of the yards where practical at the lowest point in an effort to keep stock at a greater distance from houses on Adamson Terrace and to make future cleaning easier.
  - (c) That the Stock agent is responsible for the disposal of dead stock.
- (2) Yard Fees
  - (a) Fees will be in accordance with Council's Fees & Charges Policy.
  - (b) Any calf of a greater height than one metre measured from the shoulder will be charged at the full cattle rate.
  - (c) Holding Fees shall be in accordance with Council's Fees & Charges Policy.

### Signs – Business Advertising Hoop Frames

- (1) Council will not grant permission to erect any additional hoop frames for advertising in Keith. There are currently 37 hoop signs.
- (2) If any hoop frame becomes vacant, Council may advertise the vacancy in the local paper or internet.
- (3) In the event that the frame is vacant for a period which exceeds three months, the frame furthest from the Town Centre may be removed subject to the approval of Council's Manager of Development & Inspectorial Services.

### Signs – Unauthorized Business Signs within Road Reserves

- (1) Council Officers are authorised to remove any signs placed along the roadsides for the purpose of advertising the business to approaching users of the road.
- (2) Such signs removed will be returned to the owner at the first occurrence and the reason for removal is explained to the owner (if applicable, the provision of a directional sign located at appropriate road intersections may be offered). The cost of directional signage shall be the responsibility of the business owner.
- (3) As a general rule, there shall be no more than 4 directional signs fixed to one signpost.



**RECORD OF AMENDMENTS**

<b>DATE</b>	<b>REVISION</b>	<b>REASON FOR AMENDMENT</b>
12 <sup>th</sup> September 2017	Rev: 00	Separate policies taken from "TDC Policy Manual" and divided into smaller sections e.g. Administration & Finance. Adopted at Council Meeting 12/9/17 Res# 315.
13 <sup>th</sup> March 2018	Rev: 01	Added the waiving of Development Fees for Not for Profit Organisations. Adopted at Council Meeting 13/3/18 Res# 538.