



DEVELOPMENT ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL DEVELOPMENT ASSESSMENT PANEL

Held on Tuesday, 5 September 2017 commencing at 5:00pm in
the Council Chambers, 43-51 Tanunda Road, Nuriootpa

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1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5:05pm.

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne (Presiding Member)

David Hughes

Grant Hewitt

Deirdre Reiman

Richard Miller

Scotty Milne

Council Staff

Gary Mavrinnac (Director – Development and Environmental Services)

Louis Monteduro (Senior Manager – Planning Services)

Paul Mickan (Principal Planner)

Karen Mitrovic (Planner)

Maxine Lovett (Planner)

Christine Kruger (Minute Secretary)

2.2 Apologies

Nil.

2.3 Absent

Tony Hurn.

3. CONFIRMATION OF MINUTES

Moved: D Reiman

Seconded: G Hewitt

That the minutes of the Council Development Assessment Panel meeting held on 1 August 2017 be received and confirmed.

CARRIED

4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

The following disclosures have been made in relation to:

Item	Panel Member
6.3 DA 960/262/2017	Richard Miller
Have ongoing professional relationship with the owner of the subject land.	

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/656/2016 (5-9 Tanunda Road Nuriootpa)

Ms C Thomas (Representor) did not appear in support of the application.

K Mitrovic introduced the application, providing clarification of zoning and subject land. An updated site elevation plan was also distributed, showing a reduced bulk of headframe.

Recommendation

The Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Development Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/656/2016 by Huawei Technologies Australia Pty Ltd to undertake a Telecommunications Tower at 5-9 Tanunda Road, Nuriootpa (CT 5404/783) subject to the following conditions and advisory notes:

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/656/2016 except where varied by any condition(s) listed below.

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.

- (2) All structures herein approved shall be finished in a muted colour and material to blend with the natural features of the landscape or nearby buildings, and shall not be reflective in nature.

Reason: To contribute to the amenity of the locality.

- (3) The site shall be maintained to the reasonable satisfaction of the Council at all times.

Reason: To contribute to the amenity of the locality.

Panel Decision

Moved: D Hughes

Seconded: S Milne

That the recommendation be adopted.

CARRIED

6.2 960/240/2017 (278 Menge Road Tanunda)

Julie Jensen (Masterplan on behalf of Lanzarac Country Estate Pty Ltd) and Justin Carter (owner) addressed the Panel at 5:12pm, and answered questions from the Panel.

Recommendation

The Panel, having considered the application, resolves that the development proposal does not meet the Objectives of the Zone and does not warrant further assessment, therefore resolves that the development proposal is REFUSED without proceeding to make an assessment of the application, pursuant to Section 39(4)(d) of the Development Act for the following reasons:

- (a) The proposal is not consistent with the desired character of the Primary Production (Barossa Valley Region) Zone.
- (b) The proposal results in two dwellings on one allotment.

Panel Decision

Moved: S Milne

Seconded: G Hewitt

The Panel resolved that the application should proceed to assessment.

CARRIED

6.3 960/262/2017 (103 Langmeil Road Tanunda)

R Miller left the meeting at 5:32pm due to a stated conflict of interest.

Recommendation

The Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Development Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.

- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/262/2017 by Rieslingfreak and Michael Hall Wines at 103 Langmeil Road, Tanunda (CT 5450/86) subject to the concurrence of the State Planning Commission, and subject to the following conditions and advisory notes:

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/262/2017 except where varied by any condition(s) listed below.

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.

- (2) The site shall be maintained to the reasonable satisfaction of the Council at all times.

Reason: To contribute the amenity of the locality.

Notes

- (1) Council is requested to inform the applicant of the following requirements of the *Heritage Places Act 1993*.
 - (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
 - (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department of Environment, Water and Natural Resources.

- (2) Council is requested to inform the applicant of the following requirements of the *Aboriginal Heritage Act 1988*.
 - (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

Panel Decision

Moved: D Hughes

Seconded: D Reiman

The Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Development Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/262/2017 by Rieslingfreak and Michael Hall Wines at 103 Langmeil Road, Tanunda (CT 5450/86) subject to the concurrence of the State Planning Commission, and subject to the following conditions and advisory notes:

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/262/2017 except where varied by any condition(s) listed below.

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.

- (2) The site shall be maintained to the reasonable satisfaction of the Council at all times.

Reason: To contribute the amenity of the locality.

- (3) There shall be no internal or external illumination of the approved signage.

Notes

- (1) Council is requested to inform the applicant of the following requirements of the *Heritage Places Act 1993*.
 - (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
 - (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department of Environment, Water and Natural Resources.

- (2) Council is requested to inform the applicant of the following requirements of the *Aboriginal Heritage Act 1988*.
 - (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

CARRIED

R Miller returned to the meeting at 5:35pm.

6.4 960/704/2016 (42 Hatch Street Nuriootpa)

B Ballantyne advised that a request had been received from the owners to defer consideration of the application. The application will now be considered at the October 2017 Assessment Panel Meeting.

6.5 960/378/2017 (996 Light Pass Road Vine Vale)

Recommendation

The Panel, having considered the application, resolves that the development proposal has sufficient merit to proceed to make an assessment of the application.

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Development Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) That the Panel resolves to proceed to assessment of a non-complying development proposal.

Panel Decision

Moved: R Miller

Seconded: S Milne

That the recommendation be adopted.

CARRIED

6.6 960/598/2016 (Lot 100 Penrice Road Angaston)

Mark Baade (SK Planning on behalf of Huawei Technologies) answered questions from the Panel.

Recommendation

The Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Development Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/598/2016 by Huawei Technologies Australia Pty Ltd to undertake a Telecommunications Tower at Lot 100 Penrice Road, Angaston (CT 5739/869) subject to the following conditions and advisory notes:

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/598/2016 except where varied by any condition(s) listed below.

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.

- (2) The site shall be maintained to the reasonable satisfaction of the Council at all times.

Reason: To contribute the amenity of the locality.

Panel Decision

Moved: S Milne

Seconded: D Hughes

That the recommendation be adopted.

CARRIED

7. REPORTS - PANEL UPDATES

7.1 DAC Concurrence Matter

Development Assessment Commission Concurrence Applications

Recommendation

That the report be received.

Panel Decision

Moved: D Hughes

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

7.2 ERD Court Appeals and Enforcement Matters

ERD Court Appeal – Development Application 960/428/2016 – Frost Protection Australia – Horticultural Buildings (Six Frost Fans)

Recommendation

That the verbal report be received.

Panel Decision

Moved: S Milne

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

8. REPORTS – UPDATE ON DEFERRED APPLICATIONS

Nil.

9. REPORTS – Other Business

9.1 Establishment of the Council Assessment Panel

Recommendation

That the Development Assessment Panel having considered *Item 9.1 Establishment of the Council Assessment Panel* resolves:

(A) To provide any feedback on the proposed Operating and Meeting Procedures to the Director, Development and Environmental Services by 14 September 2017.

(B) That the report be received.

Panel Decision

Moved: S Milne

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

NEW ASSESSMENT PANEL TO COMMENCE 1 OCTOBER 2017

Following the introduction of the new *Planning Development and Infrastructure Act 2016* (PDI Act), Council's Development Assessment Panel will be replaced with the Barossa Assessment Panel as from 1 October 2017. Elected Member representation will be determined at the Council Meeting to be held 19 September 2017.

S Milne advised that he will not be nominating for membership on the Assessment Panel, and wished the new Assessment Panel well.

B Ballantyne thanked S Milne for his valuable contribution to the Development Assessment Panel over the past 10 years, and also extended his thanks to retiring Members.

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

The first meeting of the new Assessment Panel will be held Tuesday 3 October 2017 commencing at 5.00pm.

12. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:04pm.

Confirmed

Date:

Chairman: