



The Barossa Council

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL DEVELOPMENT ASSESSMENT PANEL

Held on Tuesday, 3 September 2013 commencing at 5:00pm in
the Council Chambers, 43-51 Tanunda Road, Nuriootpa

WELCOME

Mr Bruce Ballantyne welcomed everyone and opened the meeting.

PRESENT

Mr Bruce Ballantyne (Presiding Member), Mr David Hughes, Mr Scotty Milne, Mr Kelvin Goldstone, Mrs Susie Roehr, Mr Richard Miller, and Mr Craig Grocke – Panel Members.

Mr Ian Baldwin (Director – Development & Environmental Services) Mr Louis Monteduro (Senior Manager, Planning Services), Mr Brian Irvine (Senior Planner), Ms Maxine Lovett (Planners) and Mrs Christine Kruger (Minute Secretary) – Council Staff.

APOLOGIES

Nil.

LEAVE OF ABSENCE

Nil.

MINUTES OF PREVIOUS MEETING

MOVED Mr Hughes that the Minutes of the Development Assessment Panel meeting held on Tuesday, 6 August 2013 as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Mr Milne

CARRIED

BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

DECLARATION OF INTEREST BY MEMBERS OF PANEL

Mrs Roehr declared an interest in relation to DA/DAP/R1 – M & R Jenke – (Mechanical Repair Workshop, Office, Rainwater Tanks, Onsite Parking Area and Fence) due to discussions held between the Applicants and Mrs Roehr's employer, and subsequent discussion involving Mrs Roehr.

Mr Hughes declared an interest in relation to DA/DAP/R2 – (Dwelling Addition). Mr Hughes is employed by the Department of Environment, Water and Natural Resources and assigned to the Adelaide and Mount Lofty Ranges Natural Resources Board, and has working associations with Mrs Rapp (Applicant).

APPLICATIONS FOR DECISION

DEBATE AGENDA

DA/DAP/R1 **D383/13 (107699)**
M & R JENKE – MECHANICAL REPAIR WORKSHOP, OFFICE, RAINWATER TANKS, ONSITE PARKING AREA AND FENCE – (NON-COMPLYING)

Mrs Roehr left the meeting at 5.01pm.

The Panel sought clarification from the Applicants, in relation to the landscaping plan provided and allotments held in ownership.

MOVED Mr Miller that the Development Assessment Panel having considered all relevant assessment matters and the officer's report prepared in relation to Development Application 960/383/2013, resolves as follows:

- (A) That the proposal is sufficiently at variance with the relevant provisions of The Barossa Council Development Plan consolidated 10 November 2011 as amended by Barossa Valley and McLaren Vale Protection Districts DPA – 11 April 2012, and Statewide Wind Farms DPA – 18 October 2012.
- (B) That Development Plan Consent be refused for the development comprised in Development Application 960/383/2013 for the following reasons:
- (1) The proposed development is at variance with Objective 3 of the Primary Production (Barossa Valley Region) Zone as it is a form of non-agricultural development.
 - (2) The proposed development is at variance with Principle of Development Control 2 of the Primary Production (Barossa Valley Region) Zone as it is a non-complying form of development.
 - (3) The proposed development is at variance with Principle of Development Control 9 of the Primary Production (Barossa Valley Region) Zone as it is not consistent with the desired character of the zone.

Seconded Mr Milne

CARRIED

DEVELOPMENT APPLICATION NO:	960/383/2013 (Prop ID 107699)
APPLICANT:	Mark & Rebecca Jenke
OWNER:	Mark & Rebecca Jenke

SUBJECT LAND:	Lot 8 Golflinks Road, Rowland Flat, CT 5707/869
PROPOSAL:	Mechanical Repair Workshop, Office, Rainwater Tanks, Onsite Parking Area and Fence
SIZE:	12.66ha
ZONE/POLICY AREA:	Primary Production (Barossa Valley Region)
PROCEDURE:	Non-Complying
REFERRALS:	Nil
PUBLIC NOTICE:	Category 3 – Non-Complying – 1 Representation
KEY ISSUES:	Non-Complying Form of Development in the Zone
DEVELOPMENT PLAN PROVISIONS: CONSOLIDATION DATE:	<u>Council Wide</u> Industrial Development Siting and Visibility <u>Primary Production (Barossa Valley Region) Zone</u> Consolidation Date: 10 November 2011 As amended by Barossa Valley and McLaren Vale Protection Districts DPA – 11 April 2012 and Statewide Wind Farms DPA – 18 October 2012
RECOMMENDATION:	Refusal
OFFICER:	Karen Mitrovic

BACKGROUND

At the 6 August 2013 meeting of the Development Assessment Panel, the panel elected to defer this application so that further details on the proposal could be supplied by the Applicant. Those details included the proposed operating hours of the business and additional landscaping information.

The main issues of concern are the visual intrusion of a building of this size on the existing rural landscape and the construction of an industrial building in a zone which does not support such a use.

The report prepared for the 6 August 2013 meeting was included with the Agenda.

DISCUSSION

The Applicant has provided the details requested by the Panel at the 6 August 2013 meeting. The proposed development will be leased/used by a local mechanic who currently also runs a mobile mechanic business. The hours of operation proposed by this tenant are as follows:

- Monday to Friday – 7.00am to 5.00pm
- Saturday – 7:30am to 12.00 midday

Normal operating hours will be Monday to Friday with Saturday morning operations being conducted during pre-harvest months (December and January). It has been indicated that the business will not operate on public holidays.

The Applicant has also noted that after-hours access may be required to collect the mobile service unit to attend emergency breakdown call outs. This is likely to be during vintage months, January, February and March.

A substantial amount of additional landscaping has also been proposed by the Applicant in response to the Panel's request. The Applicant has engaged the services of Gawler & Barossa Landscape Services to provide a detailed list of appropriate species for use as a screen for the proposed development. A diverse range of species have been selected to provide biodiversity to the screening.

The proposed landscaping will extend approximately 300 metres along the southern side of Golflinks Road and 420 metres along the northern side of Golflinks Road. Substantial landscaping will also be placed along an existing drain which flows through the Applicant's property on the southern side of Golflinks Road. The landscaping proposed on the southern side of Golflinks Road is intended to screen the development from Barossa Valley Highway.

In addition, the perimeter of the proposed development and eastern property boundary will also be landscaped to screen the development from neighbouring dwellings.

The additional details provided by the Applicant was distributed with the Agenda.

CONCLUSION

The inclusion of additional landscaping will assist in screening the proposed development from local tourist routes and neighbouring dwellings, including the dwelling which belongs to the representor. The inclusion of the proposed landscaping does not reduce the scale of the development and will take several years to be at a height and size which will screen the development.

The Development Plan seeks to retain land within the Primary Production (Barossa Valley Region) Zone largely for broadacre farming purposes and minimise the loss of productive farming land to non-agricultural developments.

Whilst the appearance of the proposed structure is of concern in the context of the area, the proposed land use is also an issue. The Primary Production (Barossa Valley Region) Zone is designated as an area with a unique and attractive landscape character, where the open nature of the land results in a landscape highly sensitive to development for non-broadacre farming or viticulture purposes. The desired character for the zone specifically states that large scale industrial developments are more appropriate within regional industrial areas established specifically for such purposes.

Although the Applicant has included a substantial amount of additional landscaping to the proposal, it is still considered that the proposed development does not satisfy key objectives and principles of development control of Council's Development Plan. It is therefore considered that the proposal does not warrant the granting of Development Plan Consent.

Mrs Roehr returned to the meeting at 5.30pm.

DA/DAP/R2

D620/13 (112565)

H RAPP – DWELLING ADDITION (MERIT)

Mr Hughes left the Meeting at 5.30pm.

MOVED Mr Milne that the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/620/2013 and resolves as follows:

- (A) The proposal is not seriously at variance with the relevant provisions of The Barossa Council Development Plan consolidated 21 February 2013.
- (B) Grant Development Plan Consent to Development Application 960/620/2013 subject to the following conditions:

- (1) The development shall be undertaken in accordance with the plans and documentation accompanying the application, unless varied by the following conditions.
- (2) The existing kitchen and laundry located in the existing dwelling shall be decommissioned prior to the occupancy of the dwelling addition.
- (3) The driveway surface shall be profiled to manage stormwater run-off, directed to natural watercourses and away from buildings.
- (4) The site shall be landscaped in accordance with the landscape plan dated August 2013 and plants maintained and replaced when required.
- (5) An independent storage of a minimum of 30,000 litres of water shall be available at all times for fire-fighting purposes that conforms with the following:
 - The fire-fighting water supply shall be fitted with a fuel driven pump or an equivalent system that operates independent of mains electricity and is capable of pressurising the water for fire-fighting purposes.
 - The pump and flexible connections to the water supply shall be protected from the impact of fire by a suitably ventilated, non-flammable cover (metal or masonry material).
 - The diameter of all fittings and flexible reinforced suction hose connecting the water supply to the fuel driven pump shall be no smaller than the diameter of the pump inlet valve.
 - The fire fighting pump shall be located:
 - at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire.

NB: An "operations instruction procedure" shall be located with the pump control panel.

- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a fire service 64mm male London round thread adaptor which shall be accessible to bushfire fighting vehicles at all times.
- All non-metal fire-fighting water supply pipes other than flexible connections to fire-fighting pumps shall be buried at least 300mm below finished ground level.
- A ground-based bushfire sprinkler system shall be above ground and installed to provide an unbroken band of wet vegetation surrounding the buildings.

- All above ground bushfire water supply pipes and sprinkler heads shall be metal.
 - 2 Hoses (minimum 19mm [3/4"] internal diameter) and metal, spray jet nozzles capable of withstanding the pressures of the supplied water and of sufficient length to reach all parts of the building should be readily available at all times.
 - The hoses and water connection points (taps) shall be located at or adjacent to the dwelling to ensure occupants safety when using the hoses during a bushfire.
- (6) Landscaping shall include Bushfire protection features that will prevent or inhibit the spread of bushfire and minimise the risk of life and/or damage to buildings and property.
- Trees and shrubs shall not be planted closer to the dwelling or powerlines than the distance equivalent to their mature height.
 - All trees within 15 metres of buildings shall be removed.
 - All trees within 20 metres of the building(s) shall be modified to provide a vertical bushfire break by removing branches within 2 metres of the ground surface.
 - All shrubs/understorey plants within 20 metres of the buildings(s) shall be removed. (Understorey is defined as plants and bushes up to 2m in height).
 - Grasses within 20 metres of the dwelling or to the property boundaries, whichever comes first, should be reduced to a height of 10cms during the Fire Danger Season.
 - The existing garden shall be maintained to be free of accumulated dead vegetation.
- (7) Private Roads and access tracks shall provide safe and convenient access/egress for bushfire fighting vehicles.
- The existing access is satisfactory, and shall be maintained to this standard at all times;
 - Solid crossings over waterways shall be provided to with stand the weight of large bushfire appliances (GVW 21 tonnes).
- (8) Bushfire prevention and safety requirements shall be completed prior to occupancy of the building.
- (9) The building shall incorporate the construction requirements for buildings in Bushfire Prone areas in accordance with the Building Code of Australia, South Australian Housing Code and Australian

Standard (AS3959) "Construction of Buildings in Bushfire Prone Areas".

- (10) Compliance with the bushfire protection conditions is not a guarantee that the dwelling will not burn, but their intent is to provide a 'measure of protection' from the approach, impact and passing of a bushfire.

NOTES

- (a) No work can commence on the land as a result of this consent. This consent relates solely to the planning assessment. An application for Building Rules Consent is required to be assessed and approved before Development Approval can be issued to enable work to commence.
- (b) Bushfire prevention and safety requirements shall be completed prior to occupancy of the building(s).
- (c) The buildings shall incorporate the construction requirements for buildings in Bushfire Prone areas in accordance with the Building Code of Australia and Australian Standard™3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".

Seconded Mr Goldstone

CARRIED

DEVELOPMENT APPLICATION NO:	960/620/2013 (Prop ID 112565)
APPLICANT:	Helen Rapp
OWNER:	Helen Rapp
SUBJECT LAND:	425 Woodlands Road, Barossa Goldfields, CT 5682/823
PROPOSAL:	Dwelling Addition
ZONE/POLICY AREA:	Rural Living Zone, Precinct 24 Goldfields
PROCEDURE:	Merit
REFERRALS:	SA Country Fire Service (CFS)
PUBLIC NOTICE:	Category 1
KEY ISSUES:	Two Storey Dwelling in the Rural Living Zone; Design, Siting and Visibility
DEVELOPMENT PLAN PROVISIONS: CONSOLIDATION DATE:	Rural Living Zone Objectives 1 & 2. Desired Character Statement: and Principles of Development Control 1, 6 & 8. Council Wide Siting and Visibility Objectives Principles of Development Control 1, 2, 3, 4, 5, 7 & 9. Sloping Land Objectives 1. Principles of Development Control 1, 2, 3, 4, 5 & 7. Consolidation Date: Barossa Development Plan 21 February 2013
RECOMMENDATION:	Grant Development Plan Consent

OFFICER:	Maxine Lovett
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SUBJECT LAND AND LOCALITY

The land is located in a densely vegetated pocket of the Barossa Goldfields and is situated between Woodlands Road and Goldfields Road. The six metre wide access via Woodlands Road forms the only frontage to Woodlands Road. The allotment is triangular in shape with the rear boundary extending 257metres along Goldfields Road. The allotment has an average depth of approximately 100 metres with an area totaling 2.4 hectares. The area where the existing and proposed structures are located has a gradient of 1 in 10 with the land sloping east to toward Goldfields Road. The native vegetation on the allotment located east of the dwelling is the subject of a Heritage Agreement.

The site contains a single storey detached dwelling, two outbuildings and rainwater tanks. The buildings are set down below the ridgeline and are partially obscured from view from Woodlands Road, the adjoining property to the south west. The dwelling is set back 125 metres from Woodlands Road.

The locality consists of large rural living allotments in the range of 5 – 10 hectares, containing detached dwellings and outbuildings. The north east of the locality is densely vegetated with remnant native vegetation. The existing dwelling is obscured from view from Goldfields Road as a result of the vegetation and slope of the land. Within the surrounding locality, there are four dwellings that are not limited to single storey structures.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal is to extend the existing dwelling. The existing dwelling is single storey and has a floor area of 115m² with a verandah and carport totaling 70m². The proposal links the existing dwelling to the proposed addition via a passageway, linking the exiting verandah with the proposed verandah. The dwelling addition includes one bedroom and will result in an overall capacity of three bedrooms. The kitchen and laundry of the existing dwelling will be removed and the space will form an open plan living area.

The living area of the addition consist of two levels, a covered verandah, a garage and an open decking area. Refer to Table 1 for floor area.

Table 1. Existing and Proposed Floor Areas

Floor area of existing dwelling	115m ²
Floor area of existing verandahs	30m ²
Proposed living area (ground level)	197m ²
Proposed living area (upper level)	90m ²
Proposed garage	48m ²
Proposed covered verandah	44m ²
TOTAL COVERED AREA	524m²
Total Footprint of Covered Area	434m ²
Proposed open deck area	63m ²
Rainwater tanks	25m ²

The proposed cladding consists of precast concrete panel for the external walling to the ground level addition, the panels will be tinted in a 'bark tone' that is similar to Colorbond 'Bushland'. The panels will be sand blasted to partially expose the aggregate to show a 'mottled' affect.



Figure 1: Sand blasted concrete

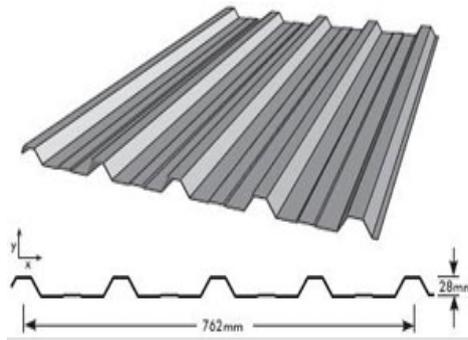


Figure 2: Trimdek Profile

The upper level will be clad in Bondor steel panels with a Trimdek profile in Colorbond 'Woodland Grey'. This material wraps around part of the upper level of the addition and also forms the roof. This material will also clad the proposed garage. The remaining walls of the upper addition will be clad in steel panels in Colorbond 'Dune' to complement the bark tone of the precast walls.

The ground level of the addition is cut into the natural ground up to 2.7 metres at the western elevation. There are no retaining walls proposed. Instead the dwelling will be sited beneath the ground level and the walling will be engineered to retain the cut.

An open deck is proposed for the upper level with the balustrade wall constructed of the precast concrete walling. The applicant has insisted on a solid balustrade for security measures.

At the eastern elevation, the total height is 8 metres from the natural ground. The land slopes down toward to the east so the eastern elevation reflects the highest point of the dwelling above natural ground level.

A landscaping plan shows the proposed landscaping along the southern boundary of the subject land to provide screening to the adjoining property. The dwelling on this adjoining land is located 282 metres from the proposed dwelling addition.

The site, elevation and landscape plans were provided with the Agenda.

REFERRALS

The subject site is located in a high bushfire area identified by the relevant Development Plan and pursuant to Schedule 8, Clause 2 has been referred to the South Australian Country Fire Service for direction.

The SA Country Fire Service has no objection to the proposed development providing the required bushfire protection and prevention conditions within this report are adhered to.

The Country Fire Service response was included with the Agenda.

PLANNING ASSESSMENT

Rural Living Zone Desired Character Statement

It is expected that buildings will be of such a form and design, including materials and colours, as to harmonise and blend with the natural and rural character of land located within the zone. Buildings will be limited to single storey in form and incorporate low-pitched roofs of non-reflective texture and natural earth colours.

Siting and Visibility

The Rural living Zone Objectives refer to single storey dwellings that consist of colours and materials that blend with the natural environment. The proposed addition has two levels and has at one elevation, a height of 8 metres from the natural ground to the top of the roof. Although the dwelling addition is considered large, it is designed to minimise the visual bulk by setting down the lower floor area into the natural ground. The dwelling will appear, from Woodlands Road as single storey and only the roofline and proposed garage will be visible.

When viewed from Goldfields Road it will be difficult to see the proposed addition. This elevation (eastern) of the dwelling is the highest and would potentially have the most visual impact, but will be obscured by the existing dense vegetation on the eastern part of the subject land. The colour of the upper level (Colorbond Dune walls and Woodland Grey roof)

The footprint of the proposal will have minimal consequence on the site. The buildings, existing and proposed are clustered together and located on the area of the site that is already cleared of vegetation. Some minor clearance of vegetation will be required to construct the proposed driveway, in accordance with bushfire protection requirements, whilst the existing driveway will be decommissioned to allow for the proposed landscaping.

Design and Materials

The proposed cladding of the ground level consists of mainly precast concrete and may be considered as a harsh material for a residential structure. The materials proposed include the mottled precast concrete, which has a dappling effect and is in keeping with the hues of a eucalypt forest.

The steel panels and the dark grey Trimdek roof work well together and provide interest to the structure. The Woodland Grey Trimdek roof is not pitched but has a flat profile and wraps around part of the upper level of the addition. The earthy tones result in a contemporary residential design that blends in with the landscape. The materials provide a high level of fire protection.

The proposed dwelling addition generally satisfies General Section Siting and Visibility Principle of Development Control 2, 3, 4 and 5.

2. *Development should be sited and designed to minimise its visual impact on:*
 - (a) *areas of high visual or scenic value, particularly rural areas.*
3. *Buildings should be sited in unobtrusive locations and, in particular, should:*
 - (b) *where possible be located in such a way as to be screened by existing vegetation when viewed from public roads.*
4. *Buildings outside of urban areas and in undulating landscapes should be sited in unobtrusive locations and in particular should be:*
 - (a) *sited below the ridgeline;*
 - (e) *be located in a setting where landscape features such as trees, vegetation and landforms provide an enclosing space, setting or screen.*
5. *The nature of the external surface materials of buildings should not detract from the visual character and amenity of the landscape.*

Bushfire Protection

The site is in a high bushfire risk area. The proposed development has been referred to the Country Fire Service for direction and in accordance with the provisions of the Minister's Code: *Undertaking Development in Bushfire Protection Areas*. The proposal provides an access and turning area which demonstrates that the proposal will satisfy the mandatory requirements along with standard Country Fire Service conditions attached to the planning consent.

CONCLUSION

The proposed addition is two storey in design, which is not envisaged as the desired character within the Rural Living Zone. The dwelling however, is set down into the natural ground to minimise the visual aspect, with the highest elevation screened from view by existing dense vegetation. The proposed materials are earthy tones that will harmonise with the surrounding landscape. It is considered that the visual aspect of the proposed addition will not be dominant within the locality.

Mr Hughes returned to the Meeting at 5.35pm.

OTHER BUSINESS

PROCEDURE FOR DECLARING AN INTEREST

Mr Ballantyne raised the matter of Members declaring a conflict of interest in relation to reports before the Panel. Discussion ensued in regard to the legislative provisions under the Development Act and implications, if any, under the Independent Commission Against Corruption Act.

Mr Baldwin was requested to seek legal opinion in relation to the matter for report to the October 2013 Panel Meeting.

LEAVE OF ABSENCE AND APOLOGY

Mr Milne advised that he has received a Leave of Absence for the October Panel Meeting.

Mr Miller also advised that he will be an apology for the October Panel Meeting.

NEXT MEETING

Tuesday, 1 October 2013 commencing at 5.00pm.

CLOSURE OF MEETING

Mr Ballantyne declared the meeting closed at 5.41pm.

Confirmed

Date: Chairman: