



*The Barossa Council*

**MINUTES OF THE MEETING OF THE BAROSSA COUNCIL  
DEVELOPMENT ASSESSMENT PANEL**

Held on Tuesday, 5 February 2013 commencing at 5:01pm 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 Craig Grocke, Ms Susie Reichstein, Mr Kelvin Goldstone, and Mr Scotty Milne – Panel Members.

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

**APOLOGIES**

Mr Richard Miller for absence and Ms Reichstein for lateness (5.03pm).

**LEAVE OF ABSENCE**

Nil.

**MINUTES OF PREVIOUS MEETING**

**MOVED** Mr Goldstone that the Minutes of the Development Assessment Panel meeting held on Tuesday, 4 December 2012 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**

Nil.

**APPLICATIONS FOR DECISION****DEBATE AGENDA**

DA/DAP/R1

D159/13 (118032)

**S & M MAHONEY – DETACHED DWELLING AND RAIN WATER TANK (NON-COMPLYING)**

Mr Gregory Mashford (Representor) addressed the Panel at 5.04pm relative to DA/DAP/R1

Mr Stephen Mahoney (Applicant and Property Owner) addressed the Panel at 5.09pm.

**MOVED** Mr Milne that the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/159/2013 and resolves as follows:

- (A) The proposal is not seriously at variance with the relevant provisions of The Barossa Council Development Plan consolidated 10 November 2011 and the Barossa Valley and McLaren Vale – Revised – Protection Districts Development Plan Amendment introduced with interim effect on 11 April 2012.
- (B) Grant Development Plan Consent to Development Application 960/159/2013 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) Stormwater management for the site shall be in accordance with the site plan dated August 2012 for the proposal herein.
  - (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 site plan dated August 2012 with plants maintained and replaced when required.
  - (5) An independent storage of a minimum of 22,000 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 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.

- 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.
  - 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).
  - A hose and nozzle 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.
  - 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 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 water supply is easily identifiable and accessible to fire fighting appliances at all times.
  - The fire 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.
- (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.
  - 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.
- (7) Safe and convenient access/egress shall be provided to the dwelling for fire-fighting vehicles as follows:
- Access to the building shall be of all weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire fighting vehicles.
  - All weather road is to be constructed such that it is protected from water erosion of the traffic surface. The road surface shall be profiled to manage storm water run off to appropriate drains, at one or both sides of the traffic surface.
  - all dead end roads or tracks shall be constructed to allow large fire fighting vehicles to turn around with safety by use of either:
    - (a) a turnaround area with a minimum formed road surface diameter of 25 metres; or

- (b) a "T" or "Y" shaped turnaround area with minimum formed road surface leg lengths of 7.5 metres and minimum inside road radii of 8.5 metres.
  - All road curves shall have a minimum inside road radii of 8.5 metres.
  - Solid crossings over waterways shall be provided to withstand the weight of large bushfire appliances (GVW 21 tonnes).
  - Vegetation overhanging the access road shall be pruned to achieve a minimum vertical height clearance of 4 metres.
  - The accumulated volumes of water shall be directed via:
    - (a) open drains;
    - (b) culverts and pipes under the traffic surface, and/ or away from same, without causing further soil erosion, silting of adjacent areas or water courses or instability of any embankment or cutting.
- (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) The building shall be connected to the waste water disposal system installed in accordance with approval issued by SA Health (2012-04860) prior to occupation of the dwelling.
- (11) 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.

#### NOTES ONLY

- 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.
- Bushfire prevention and safety requirements shall be completed prior to occupancy of the building(s).
- 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".

- Compliance with the bushfire protection conditions is not a guarantee that the dwelling will not burn, but their intent is to provide a 'refuge' from the approach, impact and passing of a bushfire.
- 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 environmental harm.
- Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed on the following web site: <http://www.epa.sa.gov.au>

(C) Seeks the concurrence of the Development Assessment Commission.

**Seconded** Mr Grocke

**CARRIED**

<b>DEVELOPMENT APPLICATION NO:</b>	960/00159/13 (Prop ID 118032)
<b>APPLICANT:</b>	Stephen & Margaret Mahoney
<b>OWNER:</b>	Stephen & Margaret Mahoney
<b>SUBJECT LAND:</b>	Lot 9 Springton Road, Mount Crawford CT 5522 Folio 936
<b>PROPOSAL:</b>	Detached Dwelling and Rain Water Tank
<b>ZONE/POLICY AREA:</b>	Watershed Protection (Mount Lofty Ranges)
<b>PROCEDURE:</b>	Non-Complying
<b>REFERRALS:</b>	SA Country Fire Service (CFS), Environment Protection Authority (EPA)
<b>PUBLIC NOTICE:</b>	Category 3 – 1 Representation
<b>KEY ISSUES:</b>	Non-Complying Dwelling in the Watershed Protection Zone (Mount Lofty Ranges)
<b>DEVELOPMENT PLAN PROVISIONS: CONSOLIDATION DATE:</b>	Watershed Protection Zone (Mount Lofty Ranges) Objectives 1, 2, 3, 5 & 8. Principles of Development Control 1, 2, 10, 12 & 13.  Consolidation Date: 10 November 2011 but amended due to termination of <i>Barossa Valley and McLaren Vale Protection Districts DPA</i> on 5 April 2012 and introduction of the <i>Barossa Valley and McLaren Vale – Revised – Protection Districts DPA</i> on 5 April 2012.
<b>RECOMMENDATION:</b>	Grant Development Plan Consent and seek concurrence of the Development Assessment Commission
<b>OFFICER:</b>	Maxine Lovett

**SUBJECT LAND AND LOCALITY**

The land is regular in shape and has a primary frontage of 528 metres to Springton Road and a secondary frontage of 408 metres to Tungali Road with an area totalling 30.14 hectares. The land is fenced into two paddocks; the southern paddock containing the majority of the remnant vegetation located on the site.

The property is characterised by undulating land with a small proportion of wooded ridgelines surrounded by sloping and low-lying ground, much of which is subject to inundation following rainfall events. The property has a long history of grazing and cropping, and it has been advised that stock have been absent from the southern paddock since 2009.

The land is vacant of any structures and contains a small dam and some significant pockets of remnant native vegetation. The land has a gradual slope toward the north with a ridgeline located at the southern end of the property. The closest dwelling is located approximately 186 metres from the south west boundary of the subject land.

The immediate locality consists of allotments in the range of 30 – 80 hectares with a mix of productive grazing containing a scattering of mature trees and dense pockets of remnant vegetation. Many allotments contain detached dwellings and farm buildings. The scenic landscape comprises undulating pastoral allotments with dwellings and farm buildings distantly set back from the road frontage and obscured by mature native vegetation. A water course traverses the adjoining property west of the subject land. The water course is located approximately one kilometre from the proposed dwelling location.

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The proposal is to construct a single storey detached dwelling and rainwater tank. The proposed dwelling has an internal floor area of 298 square metres and a verandah and alfresco of 228 square metres, totaling 526 square metres. The wall height is 2.7 metres with the roof pitched at 20 degrees. The external colours consist of an iron roof in 'Colorbond Ironstone' and external rendered wall finished in 'Colorbond Sandbank'.

The rainwater tank is 2.180 metres in height and has an area of 68.78 m<sup>2</sup>. The tank is finished in 'Colorbond Woodland Grey'.

The dwelling is set back approximately 386 metres from the primary access off of Springton Road and 111 metres from the closest (western) boundary. The proposed dwelling is sited on a gradual rise toward the ridgeline with a gradient of 1 in 10. The dwelling footprint spans across a rise of 2 metres with a maximum cut of 800mm at the southern end of the dwelling and maximum fill of 600mm at the northern end.

The application detail including site and elevations plans were included with the Agenda.

The statement of support was included with the Agenda.

An application to install a worm farm waste system to treat sewerage and waste water on site has been approved by the South Australian Department of Health. A copy of the approval forms was included with the Agenda. A separate application has been lodged and development approval granted for a farm building as depicted on the site plan (proposed farm shed).

**PROVISIONS OF THE DEVELOPMENT PLAN**

The subject land lies within the Watershed Protection Zone (Mount Lofty Ranges) of the authorised Development Plan, consolidated 10 November 2011 and the Ministerial Development Plan Amendment (revised) effective from the 5 April 2012, relating to the Protection District Legislation.

The proposed development is for a detached dwelling deemed as non-complying in the Watershed Protection Zone (Mount Lofty Ranges).

The Planning Officer has resolved to proceed with the application under delegation pursuant to Regulation 17(4) of the Development Regulations 2008 on the basis that the proposal has merit. A Statement of Effect has been provided and was included with the Agenda.

**PUBLIC NOTIFICATION**

The application has been determined to be a Category 3 form of development pursuant to Schedule 9, Part 2, 19 of the Development Regulations, is classified as a non-complying development under the relevant Development Plan.

The application has been advertised pursuant to Section 38 of the Development Act 1993, as a Category 3 application:

- Sending notices to the owners and occupiers of nearby land and those that may be affected by the proposal;
- Notice in the Herald Newspaper.

One representation has been received and the concerns of the representor are summarised below:

- The proposed dwelling will be visible from all aspects of the neighbours property;
- The dwelling should be situated on the western side of the ridgeline.

A copy of the representation was included with the Agenda.

The applicant's response was included 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.

A copy of the CFS response was included with the Agenda.

The subject site is located in the Watershed Protection (Mount Lofty Ranges) Zone and requires referral to the Environment Protection Authority (EPA) pursuant to Schedule 8, Item 10 (a) of the Development Regulations 2008.

The proposal meets the EPA guidelines with regard to domestic waste water. The proposed dwelling would have minimal potential impact upon the local environment.

A copy of the EPA response was included with the Agenda.

The applicant has engaged an Environmental Consultant to undertake a detailed native vegetation assessment of the site prior to lodging an application with the Native Vegetation Council to remove some of the vegetation.

The approval issued by the Native Vegetation Council was included with the Agenda.

**PLANNING ASSESSMENT**

The proposed development is determined to be a non-complying form of development in accordance with the Ministerial Barossa Valley and McLaren Vale Protection Districts Development Plan Amendment (DPA).

***The Watershed Protection (Mount Lofty Ranges) Zone***

*The main Objectives of the Watershed Protection Zone is to protect the land from inappropriate development that may compromise the quality of the water runoff into reservoirs; and that development will be unobtrusive and blend in with the surrounding landscape through careful siting and design. Native vegetation should be preserved to safeguard the catchment and recharge characteristics of the water resource.*

2      *Development should not adversely affect the quality or quantity of water courses.*

- 10 *Development listed as non-complying is generally inappropriate and not acceptable unless it can be demonstrated that it does not undermine the objectives and principles of the Development Plan.*
- 13 *Development should include revegetation with locally indigenous species to increase the native vegetation cover located within the zone.*

#### Siting and Visibility

The applicants have invested a considerable amount of time into the appropriate siting of the proposed dwelling. They have sought advice from an Environmental Consultant (vegetation survey), The Native Vegetation Council and Country Fire Service to determine a suitable location for the dwelling that will minimise the environmental impact.

The dwelling will be located adjacent existing native vegetation with the requirement to remove two trees to accommodate the dwelling. This has been approved by the Native Vegetation Council as this location is considered to have the least impact on the existing native vegetation. The pocket of native vegetation north of the proposed dwelling will provide screening from the road. The proposed dwelling is located just below the ridgeline. The site has a gentle rise and is not considered to be steep along the ridgeline. Given the density and location of the vegetation, the dwelling will not be highly visible from Springton Road.

The representor has stated that the proposed dwelling would be visible from all vantage points of their property. The representor's dwelling is located approximately 340 metres from the site of the subject dwelling and the visual impact would be minimal. It is unlikely that there would be any location on the subject site that would result in the dwelling being completely obscured from adjoining neighbours. The proposal includes a dense screen of hedged plantings consisting of tall native shrubs to be located between the subject dwelling and the representors property.

The dwelling will be adequately screened once the hedged plantings are established, in addition to the dense vegetation located around the neighbours dwelling.

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

- 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.*

#### Removal of Native Vegetation

The existing native vegetation consists of mature stands of Eucalypts but there is minimal understorey plants due to a history of grazing. The proposal requires the removal of two patches of vegetation to establish a dwelling and associated structures.

The approval to remove the vegetation and the Regulation Advice Plan shows the individual trees marked for removal whilst the remainder of the vegetation will provide some screening of the dwelling from the road. Further clearing of vegetation around buildings may also occur to comply with Bushfire Protection requirements. This clearance is exempt under Regulation 5(1)(k) of the Native Vegetation Regulations to allow for the 20 metre clearance around dwellings to comply with the Bushfire Protection Requirements.



Bushfire Protection

The site is in a high bushfire risk area. The proposed development has been referred to the CFS 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 CFS conditions attached to a planning consent.

**CONCLUSION**

The Ministerial Development Plan Amendment has determined the proposal to be a non-complying form of development in the Watershed Protection Zone, however the proposed development does not offend any of the Objectives and Principles of the Development Plan, Council Wide or within the Zone. The proposal meets the waste control, EPA and bushfire requirements, and the SA Country Fire Service has no objections to the proposed development.

Having regard to the provisions of the Watershed Protection Zone in the relevant Development Plan, the proposal is not seriously at variance with the relevant provisions and maintains sufficient merit to warrant planning consent and that concurrence be sought from the Development Assessment Commission.

**DA/DAP/R2****D150/12 (110305)****C PAYNE – CHANGE OF USE OF LAND AND EXISTING BUILDINGS TO A SHOP (LOCAL PRODUCE SALES) AND ASSOCIATED CAR PARKING (NON-COMPLYING)**

Ms Karen Mitrovic (Planner) introduced the application, and advised the Panel that reference made within the Report to Principle of Development Control 10 of the Council Wide – Centres and Retail Development section of the Development Plan, should read Principle of Development Control 9 of the Council wide – Centres and Retail Development section of the Development Plan.

**MOVED** Mr Goldstone that the Development Assessment Panel:

- (A) Grant Development Plan Consent to Development Application 960/150/2012 subject to the following conditions:
- (1) The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application, unless varied by the following conditions.
  - (2) Prior to commencing the development, approval for the installation of a waste water control system pursuant to the Public and Environmental Health Act shall be obtained.
  - (3) 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.
  - (4) All loading and unloading of vehicles shall be carried out entirely upon the subject land.

- (5) The proposed crossover shall be sealed, be a minimum of 6.0m wide and have sufficient tapers to allow simultaneous ingress/egress movement to Melrose Street.
- (6) All car parking shall be at least 6.0m clear of the access driveway to the proposed car park.
- (7) Any adjacent vegetation shall be trimmed to ensure driver sightlines area maximised to/from Melrose Street.
- (8) The parking areas shall conform to AS/NZS2890.1:2004 and AS2890.6:2009.
- (9) All vehicles shall enter and exit the site in a forward direction (including delivery vehicles).
- (10) All signage associated with the site visible from Melrose Street not contain any element that flashed, scrolls, moves or changes.
- (11) No element of LED or LCD display shall be included in the design of the signs visible from the road network.
- (12) Non illuminated signage associated with the development shall be finished in a material of low reflectivity to minimise the risk of sun and headlamp glare for motorists.
- (13) The utilisation of Trailer Mounted Variable Displays for advertising purposes shall not be permitted on or adjacent to the subject land.
- (14) No stormwater from this development is permitted to discharge on-surface to Melrose Street. In addition, any existing drainage of the road shall be accommodated by the development and that any alterations to road drainage infrastructure as a result of this development shall be at the expense of the developer.

**NOTES ONLY**

- Please note that 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) Seeks the concurrence of the Development Assessment Commission.

**Seconded** Ms Reichstein

**CARRIED**

<b>DEVELOPMENT APPLICATION NO:</b>	960/150/2012 (Prop ID 110305)
<b>APPLICANT:</b>	Chris Payne
<b>OWNER:</b>	Chris Payne
<b>SUBJECT LAND:</b>	Lot 675, 67 Melrose Street, Mount Pleasant CT 5331/881
<b>PROPOSAL:</b>	Change of Use of Land and Existing Buildings to a Shop (Local Produce Sales) and Associated Car Parking
<b>ZONE/POLICY AREA:</b>	Watershed Protection (Mount Lofty Ranges)
<b>PROCEDURE:</b>	Non-Complying
<b>REFERRALS:</b>	Department of Planning, Transport and Infrastructure
<b>PUBLIC NOTICE:</b>	Category 3 – 1 Representation
<b>KEY ISSUES:</b>	Non-Complying form of Development in Watershed Protection (Mount Lofty Ranges) Zone
<b>DEVELOPMENT PLAN PROVISIONS: CONSOLIDATION DATE:</b>	Watershed Protection (Mount Lofty Ranges) Zone Objectives 5, 6 and 7. Principle of Development Controls 2, 6, 9 and 11. Council Wide Heritage Places Objectives 1, 2 and 3. Principle of Development Controls 2 and 3. Landscaping, Fences & Walls Objective 1. Principle of Development Controls 1, 2 and 3. Transportation & Access Objective 2. Principle of Development Controls 8, 13, 22, 23, 28, 29 and 33.
<b>RECOMMENDATION:</b>	Grant Development Plan Consent and seek concurrence of the Development Assessment Commission
<b>OFFICER:</b>	Karen Mitrovic

### **SUBJECT SITE AND LOCALITY**

The subject land is located within the Watershed Protection (Mount Lofty Ranges) Zone.

The site is regular in shape measuring with the exception of a portion of land directly opposite the Totness Hotel which was previously excised from the subject land to provide car parking for the hotel. This section however remains in the ownership of the Applicant. The subject land has a frontage to Melrose Street and a secondary frontage to Johns Road at the rear of the property. The total area of the site is 33.66 hectares.

A dwelling and associated outbuilding currently exist on the site with the greater area of the property used for the grazing of cattle. The Torrens Creek also runs through the subject land.

In addition, stone outbuildings exist on the site which were previously used as a motor garage with horse stabling from 1917 to the 1990's. These stone outbuildings are listed as a Local Heritage Place within Council's Development Plan.

The property is surrounded by primary production style allotments to the north and west of the allotment with smaller residential or rural living style allotments located to the south and east of the subject land. An existing motor repair station, RSL Hall and a petrol station are located opposite the proposed development within the Township Zone of Council's Development Plan.

The subject land and the greater area of Mount Pleasant is located within a Medium Bushfire Risk Area in accordance with Council's Development Plan.

Details of the application were included with the Agenda.

### **DESCRIPTION OF PROPOSAL**

The applicant seeks development plan consent for the construction of a new shop for the sale of local produce, and associated car parking. The proposed development incorporates the restoration of an existing Local Heritage Place to be used as shop areas.

The existing walls of the stone buildings will be restored using rubble and stone reclaimed from the original two storey section of the building. Traditional lime mortar will be used in the restoration work.

Six areas within the building complex will be made available as shops for use by local producers, totaling 289.2 square metres. Toilet facilities will be provided on site for use by staff and visitors to the site.

On site car parking for up to 20 vehicles is proposed as part of the development. The car park will be constructed of compacted rubble and will delineate parks with timber wheel-stops. It is envisaged that the proposed shop will be open up to 6 days per week between the hours of 8.00 am and 5.00 pm.

### **PROCEDURAL MATTERS**

A shop located within the Watershed Protection (Mount Lofty Ranges) Zone is a non-complying form of development. There are certain exclusions within the zone which may make a development application for a shop a merit form of development, however the proposal does not meet these criteria. As such the development application was subject to assessment as a non-complying application and subject to the Category 3 Public Notification process.

### **CONSULTATION**

The proposed development is located on a secondary arterial road according to Overlay Map Baro/1 within Council's Development Plan.

As such, the application was referred to the Commissioner of Highways for comment.

The Commissioner of Highways did not have any objection to the proposed development, however did make recommendations with regards to the proposal and included conditions which should be placed on any approval for the proposal. A copy of the advice was included with the Agenda.

The Applicant has reviewed the comments made by the Commissioner of Highways and has revised the plans to suit the requirements.

### **PUBLIC NOTIFICATION**

The application is a Category 3 Non-Complying form of development and therefore required public notification. Adjacent land owners and directly affected persons were notified in writing, and an advertisement was also placed in the local newspaper. One representation was received and their concerns are summarised below:

- Dust emissions caused by vehicle movement to and from the site
- Parking along Melrose Street (overflow parking)
- Impact upon the amenity of the area

A copy of the representation was included with the Agenda.

The applicant's response to the representations is summarised below:

- The proposed car park will be surfaced with compacted gravel in accordance with Council's specifications to prevent dust emissions.
- It is considered that adequate parking areas are provided on site so that overflow parking will not occur
- Landscaping will be planted in accordance with the landscaping plan provided to Council

Details of the applicant's response were included with the Agenda.

**PROVISIONS OF THE DEVELOPMENT PLAN**

The location of the proposed development is within the Watershed Protection (Mount Lofty Ranges) Zone of the authorised Development Plan, consolidated 18 August 2011. All forms of development are non-complying within this zone with the exception of the developments listed. A shop is listed as an exception when it satisfies certain requirements and criteria. The proposed shop for the sale of local produce does not satisfy this criteria and the application was therefore considered as a non-complying form of development. A decision was made under delegation to proceed with an assessment of the application.

The relevant Zone and Council Wide Objectives and Principles of Development Control are listed below.

**WATERSHED PROTECTION (MOUNT LOFTY RANGES) ZONE**

*Objectives 6: The extension of the economic base of the Mount Lofty Ranges Region in an environmentally sensitive and sustainable manner.*

*Objective 7: Development that contributes to the desired character of the zone.*

**COUNCIL WIDE – CENTRES AND RETAIL DEVELOPMENT****Principles of Development Control**

10 *A shop or group of shops with a gross leaseable area of less than 250 square metres should not be located on arterial roads unless within a centre zone.*

11 *A shop or group of shops located outside of zones that allow for retail development should:*

- (a) be of a size and type that will not hinder the development, function or viability of any centre zone*
- (b) not demonstrably lead to the physical deterioration of any designated centre*
- (c) be developed taking into consideration its effect on adjacent development.*

**COUNCIL WIDE – HERITAGE PLACES**

*Objective 1: The conservation of State and local heritage places.*

*Objective 2: The continued use, or adaptive re-use of State and local heritage places that supports the conservation of their cultural significance.*

**Principle of Development Controls**

2 *Development of a State or local heritage place should retain those elements contributing to its heritage value, which may include (but not be limited to):*

- (a) principal elevations*
- (b) important vistas and views to and from the place*
- (c) setting and setbacks*
- (d) building materials*
- (e) outbuildings and walls*
- (f) trees and other landscaping elements*
- (g) access conditions (driveway form/width/material)*
- (h) architectural treatments*
- (i) the use of the place.*

**COUNCIL WIDE – LANDSCAPING, FENCES 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.*

**COUNCIL WIDE – TRANSPORTATION & ACCESS**

Objective 2 : *Development that:*

- (a) *provides safe and efficient movement for all motorised and non-motorised transport modes*
- (b) *ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles*
- (c) *provides off street parking*
- (d) *is appropriately located so that it supports and makes best use of existing transport facilities and networks.*

**Principles of Development Control**

22 *Development should have direct access from an all weather public road.*

23 *Development should be provided with safe and convenient access which:*

- (a) *avoids unreasonable interference with the flow of traffic on adjoining roads.*
- (b) *accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision.*
- (c) *is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.*

28 *Development with access from arterial roads or roads as shown on Overlay Maps - Transport should be sited to avoid the need for vehicles to reverse on to the road.*

**ASSESSMENT**

The proposed development is non-complying however it is considered that the proposal has substantial merit within the chosen location. Objective 6 of the Watershed Protection (Mount Lofty Ranges) Zone supports the extension of the economic base of the Mount Lofty Ranges Region in an environmentally sensitive and sustainable manner. The proposed local produce shop will provide support for the local economy whilst also restoring a dilapidated Local Heritage Place.

The Watershed Protection (Mount Lofty Ranges) Zone encourages development that contributes to the desired character of the zone, including the encouragement of small scale tourist and heritage activities. The redevelopment of the site will ensure that a Local Heritage Place, which is currently in a state of disrepair, will be restored as a destination for both tourists and locals.

The proposed redevelopment of the existing Local Heritage Place on the site will assist in the retention of an important building within the Mount Pleasant area.

Principle of Development Control 10 of the Council Wide – Centres and Retail Development section of the Development Plan notes that a shop or group of shops, with a gross leasable area of less than 250 square metres, should not be located on arterial roads unless within a centre zone. The proposed development will create a group of shops with a gross leasable area of 289.2 square metres which will be located on a Secondary Arterial road. Despite not being located in the Centre zone of Mount Pleasant, the proposed development is located in an area which is currently occupied by other commercial and retail uses. The Totness Hotel, a motor repair station and the local RSL Hall are located opposite the subject land. Given the location of the proposed development within an existing semi commercial area, it is not expected that the introduction of a shop which exceeds the desirable maximum size by approximately 40 square metres will have any detrimental impact upon the amenity of the area.

The requirements of the Council Wide – Landscaping, Fences and Walls section of the Development Plan have been met, given that the Applicant has provided details of proposed landscaping locations. The Applicant also intends to retain the large eucalypt trees on the site to preserve the rural setting of the land.

The proposed development provides on site car parking for up to 20 vehicles. Table Baro/1 - *Off Street Vehicle Parking Requirements*, requires the provision of 5.5 spaces per 100 square metres of area for a shop. In order to meet this requirement a total of 16 car parks are required to be provided on the site due to the leasable floor area of 289.2 square metres. Despite the proposal including car parks for more than the number required by the Development Plan, it is also considered that the land holding is sufficient in size to provide additional on site car parks in the future should the need arise.

Given that the proposed development is located on Overlay Maps - Transport should be sited to avoid the need for vehicles to reverse on to the road, the applicant has provided sufficient area on site to ensure that vehicles will be able to enter and exit the site in a forward motion. This is consistent with Principle of Development Control 28 of the Council Wide – Transportation and Access section of Council's Development Plan.

### **CONCLUSION**

While the proposed shop is a non-complying form of development, it will not detract from or inhibit existing land uses considered appropriate to the Watershed Protection (Mount Lofty Ranges) Zone or detrimentally affect potential for future primary production uses. The majority of the subject land will continue to be utilised for the grazing of cattle which is consistent with the requirements of the zone.

Having regard to the provisions of the Watershed Protection (Mount Lofty Ranges) Zone and Council Wide requirements in The Barossa Council Development Plan, the proposal is not seriously at variance with the provisions of the Development Plan and displays sufficient merit to warrant Development Plan Consent. The concurrence of the Development Assessment Commission will also be required should the Development Assessment Panel concur with the recommendation.

**DA/DAP/R3**

**D560/12 (104280)**

**D & L PITT – MOTEL (HOSTED ACCOMMODATION), INCLUDING ASSOCIATED CAR PARK, SWIMMING POOL AND TENNIS COURT**

Ms Reichstein declared a conflict of interest in relation to DA/DAP/R3 due to the fact that Ms Reichstein's husband is a builder who has visited the site in relation to potential works to be carried out. Ms Reichstein left the meeting at 5.26pm.

Mr Roy Baier (Representor) addressed the Panel at 5.27pm.

Mr Greg Kretschmer (Representor) addressed the Panel at 5.30pm.

Mr James Schwarz (Representor) addressed the Panel at 5.36pm.

Mr David Pitt and Mrs Lindy Pitt (Applicants and Property Owners) addressed the Panel at 5.38pm, and clarified details and answered questions from Panel Members.

**MOVED** Mr Milne that the Development Assessment Panel, having considered all relevant matters and the provisions of the Development Plan in relation to development application 960/560/2012, resolves as follows:

- (A) The proposal is at variance with the relevant provisions of the Development Plan consolidated 10 November 2011, and
- (b) That the Development Application be refused Development Plan Consent for the following reasons:

- The development does not have direct access to an all weather public road
- Access is not safe and convenient
- The development is located in a high bushfire risk area
- Native vegetation will be removed
- The character and amenity of the locality will be adversely affected by vegetation removal, and increased traffic.

Seconded Mr Hughes

CARRIED

<b>DEVELOPMENT APPLICATION NO:</b>	960/560/2012 (Prop ID 104280)
<b>APPLICANT:</b>	D & L Pitt
<b>OWNER:</b>	D & L Pitt
<b>SUBJECT LAND:</b>	Lot 29, 30, 31, 32 & 33, 109D Gravel Pit Road, Angaston, DP 55 in Hundred of Moorooroo
<b>PROPOSAL:</b>	Motel (Hosted Accommodation), including associated Car Park, Swimming Pool and Tennis Court
<b>ZONE/POLICY AREA:</b>	Primary Production Zone (Zone Map Baro/24) Precinct 7 Paper Town (Precinct Map Baro/24) High Bushfire Risk (BPA Map Baro/9)
<b>PROCEDURE:</b>	Non-Complying
<b>REFERRALS:</b>	SA Country Fire Service
<b>PUBLIC NOTICE:</b>	Category 3 – 11 Representations
<b>KEY ISSUES:</b>	Land use, character, vehicle access, traffic, fire safety and native vegetation clearance
<b>DEVELOPMENT PLAN :</b>	Consolidated version: 10 November 2011
<b>RECOMMENDATION:</b>	Refusal
<b>OFFICER:</b>	Brian Irvine

### **SUBJECT LAND AND LOCALITY**

The subject land comprises five allotments that are legally described in Certificate of Title Volume 5168 Folio 23 as Allotments 29 to 33 Deposited Plan 55 in the Hundred of Moorooroo. There are no easements, rights of way or encumbrances affecting the land.

The subject land is situated approximately 300 metres south of Gravel Pit Road, which is an unsealed Council road. The land is accessed from Gravel Pit Road via a 'private' road that is the primary means of access for four rural living properties. This private road has a single lane carriageway, and from observations, the road surface is affected by the weather and is in need of maintenance.

The site is regular in shape, except for the south-eastern corner which has a triangular boundary configuration, and is approximately 10.9 hectares in total area. The topography of the land is naturally undulating, with a fall across the site from east to west, and areas of relatively flat land surrounding the existing dwelling. The site is densely vegetated and is occupied by a single storey dwelling and a small shed that are located toward the south-eastern corner. An access track extends from the private road to the dwelling.



The locality comprises rural land with two distinctly different characteristics. Land to the east and south is used primarily for grazing and cropping, with the land parcels being typically large and devoid of vegetation. In contrast, the land to the north and west is well vegetated with native vegetation. The land has been subdivided into relatively small lots, but most are held in larger land holdings. Some are occupied as rural living lots, while others are vacant. The most prominent feature of the locality is the pleasant landscape character of the land adjacent to Gravel Pit Road, that is derived from the dense stands of natural vegetation and undulating terrain. These natural features provide a unique rural living environment for a small number of residents.

### **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The application seeks to construct a motel (hosted accommodation) in the form of an addition to an existing dwelling. A small car park, swimming pool and tennis court are also proposed in association with the facility.

The motel accommodation comprises four separate rooms, each with a bed/living space and ensuite bathroom, as well as common lounge, dining and kitchen areas. The new building is located to the rear of the existing dwelling and is designed with a roof form and material finishes to match the dwelling.

The existing driveway is proposed to be upgraded to accommodate additional traffic movements and to be suitable for CFS vehicles. The driveway will be extended to provide access to a new gravel car parking area with the capacity for six vehicles.

The proposed plans and documentation were included with the Agenda.

### **NATURE OF DEVELOPMENT**

The subject land is situated wholly within the Primary Production Zone of The Barossa Council Development Plan (Consolidated – 10 November 2011). The following kind of development is listed as non-complying within the Primary Production Zone:

*“Motel, except a motel that lawfully existed as at 18 September 1990 and where the additional or expansion does not exceed 100 per cent of the total floor area or the total number of accommodation units of the building as at 18 September 1990.”*

Schedule 1 of the Development Regulations 2008 defines a motel as *“a building or group of buildings providing temporary accommodation for more than 5 travellers, and includes an associated restaurant facility, but does not include a hotel or residential flat building.”*

As the proposed development would provide temporary accommodation for more than five travellers and includes dining facilities for the consumption of food, the proposal is described as a ‘motel’ for the purposes of a planning assessment. The proposal therefore relates to a kind of development that is non-complying. Further more, in a matter between The Strath Hub P/L and Alexandrina Council (ERD 80/06) the Court held that the proposal was a motel notwithstanding the fact that it did not include a restaurant.

### **AGENCY CONSULTATION**

The application has been referred to the SA Country Fire Service (CFS) pursuant to Section 37 of the Development Act 1993, as the proposal involves new habitable building (tourist accommodation) within a High Bushfire Risk Area.

The CFS has no objection to the proposal provided certain bushfire protection and prevention requirements are met. A copy of the CFS response was included with the Agenda.

### **PUBLIC NOTIFICATION**

The application has been publicly notified as a Category 3 Development pursuant to Section 38 of the Development Act 1993.

A total of 11 representations were received during the notification period. A copy of the representations and response from the applicant were provided with the Agenda.

**PROVISIONS OF THE DEVELOPMENT PLAN**

The subject land is situated in the Primary Production Zone of The Barossa Council Development Plan, consolidated 10 November 2011. This incorporates the Ministerial Barossa Valley and McLaren Vale Protection Districts Development Plan Amendment (DPA) effective from the 28 September 2011.

The relevant Zone and Council Wide provisions of the Development Plan were included with the Agenda.

**PLANNING ASSESSMENT****Land Use/Form of Development**

The subject land is situated within the Primary Production Zone which comprises a range of farm and horticultural uses and rural landscapes. Objectives 1 and 3 of the zone seek to ensure that primary production and areas of scenic quality are protected from incompatible land uses. The subject land is not used for primary production, and although located adjacent to grazing land, the proposed development is unlikely to have any detrimental impact upon the land used for primary production.

While the subject land is not used for primary production, it is situated in an area of native vegetation with a highly regarded level of landscape character.

The proposed motel is a form of tourist accommodation as it provides temporary accommodation for travellers. Principle of Development Control 1 of the Primary Production Zone lists tourist accommodation as an envisaged form of development within the zone. Although tourist accommodation is supported in principle, this does not necessarily mean that all forms of tourist accommodation are appropriate in all parts of the zone.

Principle of Development Control 1 and The Desired Character Statement provides further guidance as to the preferred type of accommodation, particularly in areas with scenic qualities. Home-based tourist activities are desirable provided the activities are compatible with the surrounding area. This suggests that tourist accommodation should be of small-scale, such as bed and breakfast type accommodation, (ie 5 guests or less) rather than larger forms of accommodation such as those that meet the definition of motel.

While the land provides a unique setting that would provide visitors with a pleasurable experience, the scale and intensity of the development is such that it would not sufficiently protect the natural qualities of the land and its surrounds. In this regard, the proposed accommodation has a total floor area of approximately 628m<sup>2</sup>, together with a tennis court and swimming pool, which is considerable in the context of the existing dwelling and the surrounding environment. A significant amount of vegetation will be removed for the development, fire protection and roadway improvements. The accommodation will also have a potential occupancy rate that will noticeably increase traffic movements from the site and along the private road.

Whilst the building will be removed from public view, the proposal will nevertheless adversely impact on natural values of the land, and thus, is considered an incompatible form of development within the locality. Accordingly, the proposal is at variance to Objective 5 and Principle of Development Control 11 of the Primary Production Zone and Objectives 3 and 4 and Principle of Development Control 3 of the General Section (Tourism Development).

**Built Form/Siting/Earthworks**

Principle of Development Control 12 of the Primary Production Zone seeks to ensure that new development does not detract from the natural character of the zone. Similarly, the General Section (Tourism Development) provisions require tourism development to be of appropriate size, scale and form to minimise potential impacts. To achieve this, buildings should be carefully designed and located unobtrusively.

The proposed development is designed to form an extension to the existing dwelling. It is sited to the rear of the dwelling and has a pitched roof with Dutch gables, a floor to ceiling height and external materials and finishes to match the existing dwelling. Although visible from adjoining farm land to the east, south and south-east, the proposed development will not significantly detract from the natural form and visual character of the land due to the single storey scale and relatively low profile of the building.

### Access/Traffic/Car Parking

The subject land relies upon a 'private road' between Gravel Pit Road (a public road) and the private driveway on the subject land for access. The 'private road' has a single carriageway, and from observations, has a road surface that is affected by the weather and is in need of on-going maintenance. This 'private road' is also the primary means of access for four rural living properties.

The private ownership of this access roadway is somewhat unusual and problematic in terms of providing safe, convenient and legal access for the development, particularly given that the owners of the land are now deceased. It brings into question the legal rights of the applicant to use the road and the matter of its on-going maintenance and suitability.

Principle of Development Control 22 of the General Section (Transportation and Access) requires new development to have direct access from an all weather public road. The proposal does not satisfy this requirement and the applicant has not provided any alternative arrangements or justification with respect to their legal right to use the road for access to the proposed development. It can be argued that the situation is existing and is unchanged by the current proposal. However, the fact that the current house (and 3 neighbours) do not have any certainty over their access arrangements does not justify allowing a further substantial development to rely upon access over private land without a registered right of way.

In addition, Principle of Development Control 23 requires access to be safe and convenient. The single carriageway and lack of all-weather protection for the road, with no maintenance agreement in place, are factors that significantly affect the safety and convenience of vehicle access. The applicant has offered to improve and maintain the 'private road' but there is no legal right to do so. Therefore, the existing access arrangements are not considered safe or convenient for visitors to the site, including emergency service vehicles, and occupants of neighbouring properties.

In terms of traffic generation, it is anticipated that the proposed development will result in up to four additional (client) vehicles accessing the site when the accommodation is fully occupied. Given that some vehicles may undertake more than one trip to and from the site on a daily basis, the anticipated increase in movements will be noticeable to neighbours and is likely to impact upon the condition of the 'private road'. While many rural roads could accommodate the anticipated increase in traffic, the constrained nature of the private road and its unique natural setting means the additional traffic volumes would be significant enough to cause inconvenience and disturbance to surrounding residents.

The existing driveway on the subject land is proposed to be upgraded to accommodate additional traffic movements and CFS vehicles. The driveway will be extended to provide access to a new gravel car parking area with the capacity for six vehicles in accordance with Table Baro/1 – Off Street Vehicle Parking Requirements. The proposed car parking provision will sufficiently meet the anticipated demand generated by the development during peak periods.

Overall, the proposed development is not provided with safe and convenient access and would lead to conditions that are detrimental to the character and amenity of the locality.

### Fire Safety & Native Vegetation

The subject land is situated within a 'High Bushfire Risk' area. The applicant sought advice from the SA Country Fire Service (CFS) and the CFS have provided an agency consultation report in accordance with Section 37 of the Development Act. The CFS has no objection to the development provided certain conditions relating to access, vegetation and water supply are imposed in the event that approval is granted. Whilst the CFS are experts in bushfire prevention and control, its report is not an assessment against the provisions of the Development Plan.

The site is in a hazardous fire risk area (BAL level 40), with a large area of scrub to the north and west, and with the only access and escape path through that scrub. The CFS report finishes with a statement that "compliance with the fire protection requirements is not a guarantee the dwelling (*sic*) will not burn, but its intent is to provide a 'refuge' from the approach, impact and passing of a bushfire." Therefore, the development does not conform to Hazards Objective 2 that states that development should be located away from areas that are vulnerable to, and cannot be adequately and effectively protected from the risk of natural hazards. Similarly, the location of the building in the native vegetation does not minimise the threat and impact of bushfires on life and property (Hazards Objective 5). Hazards Principle of Development Control 9 and 10 give further guidance

on the location of buildings and tourist accommodation with statements that they should be located away from areas with vegetation cover, poor access (Principle of Development Control 9(a) and 9(b)) and be sited in areas with low bushfire hazard vegetation.

The proposed conditions of consent will partially address the concerns by removing some of the vegetation. However this then conflicts with the Natural Resources provisions of the Development Plan.

The application did not require a referral to the Native Vegetation Council. However the proposal does require consent of the Native Vegetation Council to clear native vegetation pursuant to the Native Vegetation Act. The applicant has provided a copy of permit obtained from the Native Vegetation Council together with related correspondence. Whilst the Native Vegetation Council have granted consent, their assessment is related to the Native Vegetation Act and is not an assessment against the provisions of the Development Plan.

The applicant proposes replanting other parts of the property and the Native Vegetation Council will require setting aside a large part remainder of the property for protection of the native vegetation which satisfies Natural Resources Principle of Development Control 26 (in part) and 33. However this does not negate the fact that the location of the development and the subsequent clearance is contrary to Natural Resources Objectives 1 and 8 and Principle of Development Control 26 and 27.

Taking the Hazards and Natural Resources provision collectively, it is concluded that the location of the development is inappropriate.

#### **CONCLUSION**

The building may not be visible from public spaces and therefore will not aesthetically affect the character of the locality or adversely impact on neighbouring farming uses. Increasing tourist accommodation is also supported by several provisions of the Development Plan. The applicant proposes to plant additional native vegetation to off-set the proposed clearance.

However, these aspects need to be weighed against the inadequate access, an inappropriate location that exposes the development to a bushfire hazard, native vegetation removal, and non-visual impacts on the amenity of the locality.

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal is sufficiently at variance with the relevant provisions of the Development Plan to warrant refusal.

Ms Reichstein returned to the Meeting at 5.59pm.

**DA/DAP/R4**

**D729/12 (105556)**

#### **S SIMPKIN – LAND DIVISION BY COMMUNITY PLAN TO CREATE 2 ALLOTMENTS (MERIT)**

**MOVED** Mr Hughes that the Development Assessment Panel, having considered all relevant matters and the provisions of the Development Plan in relation to development application 960/729/2012 (960/C018/12), resolves:

- (A) That the proposal is at variance with the relevant provisions of the Development Plan, and
- (B) Refuse Development Plan Consent for the following reasons:
  - Allotment 20 and the common driveway has insufficient frontage to the public road.

- The creation of an additional allotment and the common driveway will have an adverse impact upon the character and amenity of the locality.
- Access provided by the common driveway is not safe and convenient
- The proposal does not develop underutilised land in a coordinated manner

Seconded Mr Grocke

CARRIED

<b>DEVELOPMENT APPLICATION NO:</b>	960/729/2012 (Prop ID 105556)
<b>APPLICANT:</b>	S Simpkin
<b>OWNER:</b>	S Simpkin
<b>SUBJECT LAND:</b>	Lot 800 in FP 172251, 5 Angas Street, Tanunda
<b>PROPOSAL:</b>	Land Division by Community Plan to Create 2 Allotments
<b>ZONE/POLICY AREA:</b>	Residential Zone (Zone Map Baro/16)
<b>PROCEDURE:</b>	Merit
<b>REFERRALS:</b>	SA Water, Development Assessment Commission
<b>PUBLIC NOTICE:</b>	Category 1
<b>KEY ISSUES:</b>	Frontage of lots, character, safe and convenient access, orderly development
<b>DEVELOPMENT PLAN:</b>	Consolidated version: 10 November 2011
<b>RECOMMENDATION:</b>	Refusal
<b>OFFICER:</b>	Brian Irvine

### **SUBJECT LAND AND LOCALITY**

The subject land comprises a single allotment described in Certificate of Title Volume 5709 Folio 546 as Allotment 800 in Filed Plan 172251. There are no easements, rights of way or encumbrances affecting the land.

The subject land is situated on the northern side of Angas Street approximately 83 metres from Murray Street. The allotment is rectangular in shape, 66.75m deep and 21.95m wide, with a total area of 1464m<sup>2</sup>. The allotment is near flat with a fall of approximately 300mm from back to front. A detached dwelling (estimated to have been built in the late 1950s or early 1960s) with brick walls and tiled roof is situated at the front of the allotment. The driveway is located on the right hand side (ie eastern side) of the house.

Angas Street displays the typical attributes of 1960's residential street with relatively large allotments, detached dwellings with spacious setbacks from side boundaries, wide road pavement, mature street trees and gravel footpaths. This has been modified in recent years with some nearby allotments being subdivided and modern dwellings built. Nevertheless, while the modern intrusions are obvious, the original 1960's character is still evident.

### **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The application seeks to divide the existing allotment into two allotments by strata plan. A vacant allotment will be created behind what will become the front allotment with the existing house. A common property driveway will be located on the right hand side of the front allotment to provide access to the rear allotment. The existing carport and garage are proposed to be removed to enable the common property driveway to be created. The plan indicates a proposed new carport

for the existing house on the left hand side (western side) of the house. The carport is assumed to be indicative only and will be the subject of a separate application. Although lot 20 (the house lot) will have the right to use the common property driveway to access the rear yard, a new driveway entrance for lot 20 should be expected.

Although the proposal is a division by strata plan, it has characteristics similar to the creation of a hammerhead or battleaxe allotment except that the 'axe handle' will be shared or common property (similar to a right of way.)

The proposal plans and documentation was provided with the Agenda.

### **AGENCY CONSULTATION**

The Development Assessment Commission and SA Water have provided agency reports and were provided with the Agenda.

### **PUBLIC NOTIFICATION**

The proposed development meets the criteria set out in Schedule 9 of the Development Regulations for a category 1 form of development.

### **PROVISIONS OF THE DEVELOPMENT PLAN**

The subject land lies within the Residential Zone of the Development Plan, amended by the Ministerial Barossa Valley and McLaren Vale – Revised - Protection Districts Development Plan Amendment (DPA) effective from the 11 April 2012.

The proposal is deemed to be a *merit* form of development in the zone.

The Council Wide, and Zone provisions relative to the proposal were included with the Agenda.

### **PLANNING ASSESSMENT**

#### Lot Sizes and Amenity

Guidance for lot sizes and frontages is provided by zone Principle of Development Control 9, having regard to the future use of the allotment. The existing use for the proposed lot 20 is residential in the form of a detached dwelling. It is reasonable to assume that the intended future use of the proposed lot 21 will also be residential. A detached dwelling requires a minimum area of 500m<sup>2</sup> and a minimum frontage of 15m. The proposed lot 20 meets these requirements.

However, a future dwelling on lot 21 will not fit the definition of any of the dwelling types listed in zone Principle of Development Control 9. The two most likely contenders are "detached dwelling" and "group dwelling". The definition of a detached dwelling requires, among other things, the site to be held exclusively with the dwelling and for the site to have frontage to a public road. The use of a common property driveway causes failure on both counts. A group dwelling "means 1 of a group of 2 or more detached buildings, each of which is used as a dwelling and 1 or more of which has a site without frontage to a public road...." A future application for a dwelling on lot 21 will not be 1 of a group of 2 or more detached buildings and therefore it will not be a group dwelling.

A similar situation occurred in a case between Leimal P/L and the Adelaide City Council before the Supreme Court. In that case two dwellings did not fall into any of the dwelling types defined in the Development Regulations. The Court held that it is necessary to apply the definitions in a practical and common sense manner by applying the definition that most approximated the circumstances.

In this instance, it is suggested that the most appropriate dwelling type to be applied to the proposed lot 21 is that of a "detached dwelling". Whilst lot 21 will not have frontage to a public road it will have the same functionality and visual appearance of a battleaxe shaped allotment as the allotment next door on the western side, which, in all probability will have a detached dwelling. Lot 21 will be the dominant user of the common property, and the common property will visually appear to be part of lot 21. It only has a frontage of 6 metres (narrowing to 4 metres) which is a substantial variation from the minimum of 15 metres referred to in zone Principle of Development Control 9.

The alternative is to consider a future dwelling on lot 21 to be a group dwelling, with the house on lot 20 being the other 'de facto' group dwelling. Zone Principle of Development Control 9 refers to a minimum frontage of 25 metres for the site of the group of dwellings. The overall frontage of the site for group dwellings will be 21.95 metres. The proposal also does not meet this requirement.

Some historical context is required to understand the rationale for minimum frontages. Minimum frontages were introduced into the Development Plan in the consolidation dated 18th August 2011 in response to a significant number of applications creating battleaxe shaped allotments (and their community plan equivalents) in what were considered to be inappropriate circumstances. Battleaxe shaped allotments can have a significant impact upon the amenity of an area, particularly when several are created in close proximity to each other. The feeling of spaciousness in a locality is created not only by the allotment size, but also by the side setbacks applied to dwellings, ie how far they are from side fences. Localities with spaces down the sides of houses have a more spacious feel to them, whereas localities with houses with little or no space between the house and fence have a more cramped or concentrated character. The introduction of a number of battleaxe shaped lots into a locality also introduces additional side fences and reduces the space between existing dwellings and those fences, and therefore changes the character and amenity of an area. The more allotments of this type that are created, the greater the impact upon the amenity of a locality. The purpose of introducing minimum frontages was to ensure that creation of new lots did not create the 'cramped' character contrary to the character of the established residential areas.

There are already a number of battleaxe shaped lots, and rather than using those allotments as a precedent, it is considered that any further battleaxe lots or similar lots will have an adverse impact upon the character of the locality and be inconsistent with the desired character of the zone.

#### Services

The provision of services to each allotment can generally be addressed with conditions of consent. Water, electricity and stormwater drains to service lot 21 should be placed in the common driveway, which should also be graded, sealed and drained.

The sewer drain from the existing septic tank to the CWMS connection point at the rear of lot 21 will need to be relaid around the edge of lot 21. It currently runs through the middle of lot 21 and if left in place will be protected by the statutory easement provisions in the Community Titles Act, which will make lot 21 unusable for its intended purpose.

#### Safe and Convenient Access

The removal of the garage and other structures over the common driveway could be addressed with a condition of consent.

The carport shown on the western side of the house on lot 20 is indicative only and does not form part of this application. The probability of it occurring is high (subject to a future application) and therefore a new crossover and driveway could be attached as a condition to any consent. However, lot 20 will also have the right to use the common driveway for either its primary means of access to a garage and/or a carport at the rear of the dwelling, or as a secondary access. The common driveway should be suitable to access the rear yard of lot 20. It should therefore be a minimum of 6 metres wide to enable a vehicle to safely back out into the common driveway. (6 metres is the common aisle width in a shopping centre car park to enable vehicles to manoeuvre into and out of parking spaces safely and conveniently).

Lot 21 and the common driveway form a de facto battle axe shaped lot. Land division Principle of Development Control 7 requires the driveway handle of such allotments to be a minimum of 6 metres wide. This width is required to enable two way movement of vehicles as well as manoeuvring space into and out of private driveways.

Having regard to these matters, access is not considered to be safe and convenient.

#### Orderly Development

Orderly and Sustainable Development Objective 9 and Principle of Development Control 8, and Residential Zone Principle of Development Control 3 refer to developing underutilised land in a coordinated manner. There have been 2 other land divisions to the west of this land where the rear yards have been divided off to create battleaxe shaped lots. Not only does this piecemeal and ad hoc approach have an adverse cumulative impact on the character of the locality, it does not represent a coordinated approach to the development of what the owners obviously regard as under utilised land. It is more appropriate to develop this land with other nearby land in a more coordinated manner.

**CONCLUSION**

The allotments can be adequately serviced and both have an adequate area. However, the allotments do not meet minimum width requirements, which has an adverse impact upon the amenity and character of the area. The common driveway is too narrow and is not considered to provide safe and convenient access. The proposal also represents another piecemeal and uncoordinated approach to developing underutilised land.

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal is sufficiently at variance with the relevant provisions of the Development Plan to warrant refusal.

**DA/DAP/R5****D746/12 (103044)****BONACCI GROUP – 500 TONNE WINERY INCLUDING ANCILLARY CELLAR DOOR, SALES OFFICES, FRUIT RECEIVAL AREA, GALLERY, WASTE WATER TREATMENT PLANT AND CARPARK - MERIT**

**MOVED** Mr Milne that the Development Assessment Panel has considered all relevant assessment matters and the officer's report prepared in relation to Development Application 960/746/2012 and resolves as follows:

- (A) That pursuant to Section 35(2) of the Development Act, the proposal is not seriously at variance with the relevant provisions of The Barossa Council Development Plan.
- (B) That pursuant to Section 33(1)(a) of the Development Act, development application number 960/746/2012 be granted Development Plan Consent subject to the following conditions:
- (1) The development shall be undertaken in accordance with the plans and documentation accompanying the application (as amended), unless varied by the following conditions.
  - (2) The hours of operation shall be restricted to:
    - for the cellar door sales and gallery, to between 10.00am to 5.00pm seven days a week
    - for the winery and office (including truck movements associated with the winery), to between 8.00am to 5.00pm seven days a week except during vintage when the hours of operation may be extended to between 6.00am to 10.00pm seven days a week.
  - (3) Any fixed plant and equipment external to the building shall be placed on the northern side of the building.
  - (4) Any external lighting shall be designed, located, and if necessary shielded to prevent light spill into neighbouring properties.
  - (5) The strip of screening trees and vegetation shall be planted within 12 months of the date of issue of the Development Approval, and shall be maintained during the life of the winery, during which any dead plants shall be replaced.



- (6) A minimum of 2 additional 275kl rainwater tanks (or tanks of an equivalent volume shall be installed prior to the commencement of winery operations to provide water to the winery.
- (7) Any metal clad tanks shall either have a 'Colorbond' type of external finish or be painted in a colour to blend with the natural features of the landscape within 6 months of being installed.
- (8) Prior to commencing the development, approval for the installation of a waste water control system pursuant to the Public and Environmental Health Act shall be obtained.
- (9) The total quantity of grapes processed must not exceed 500 tonnes in any one year.
- (10) Bottling of wine must not occur at the site.
- (11) All winery work (crushing, barrel washing, storage of wine, etc) must be carried out on an impervious area that drains to the wastewater management system.
- (12) The marc bay/composting area must be constructed with a low permeability base (e.g. compacted clay) to minimise the potential for leachate to contaminate soil or water resources.
- (13) Any organic waste not intended for composting and re-use at the site must be removed from the site as necessary by a licensed waste contractor so that excessive odour is not generated.
- (14) Handling, loading and any outside storage of materials must be carried out in a controlled area where spills can be contained and stormwater run-off can be protected from contamination.
- (15) Any material likely to degrade water must be stored within a bunded compound/area suitable for preventing the escape of material into surface or underground water resources.
- (16) Prior to operation, bunding in all processing and storage areas (including wastewater storage tanks) must be designed and built to contain at least 120% of the net capacity of the largest container.

**NOTES ONLY**

- Please be advised that where a Private Certifier is appointed to undertake the building assessment, Council does not provide a service of advising the Private Certifier of site conditions or any matters relevant to the building assessment. It is recommended that a Private Certifier undertakes his or her own investigations and inspection of the site to become acquainted with site conditions and any other relevant matter.
- Please note that 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.

- Any works associated with the development, such as tree removal or construction of new vehicle entrances proposed to be undertaken within the road reserve (ie the carriageway, verge or footpath area) requires an independent approval from Council pursuant to the Local Government Act. Further enquiries should be directed to the Council's Works and Engineering Section.
- The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practicable 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 environmental harm.
- The *EPA Guidelines for Bunding and Spill Management* (June 2007) would assist with information on the appropriate design and management of bunded areas:  
[http://www.epa.sa.gov.au/xstd\\_files/Waste/Guideline/guide\\_bunding.pdf](http://www.epa.sa.gov.au/xstd_files/Waste/Guideline/guide_bunding.pdf).
- Composted organic materials should only be spread over the site when conditions are conducive to minimising potential odour and dust impacts on nearby sensitive receivers (i.e. dwellings).
- All steps to reduce noise levels at noise sensitive receivers should be taken, including but not limited to keeping doors closed to contain noise within the winery building and facing compressors for chillers away from the nearest noise sensitive receivers.
- Construction activities should be carried out so that it complies with the mandatory construction noise provisions of Part 6, Division 1 of the *Environment Protection (Noise) Policy 2007*.
- Due care should be taken to prevent or minimise adverse impacts on neighbours and to appropriately manage stormwater runoff during construction. Further guidance can be found in the EPA's *Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry* (March 1999) and the EPA's *Handbook for Pollution Avoidance on Commercial and Residential Building Sites* (June 2004).
- Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed on the following web site: <http://www.epa.sa.gov.au>

**Seconded** Ms Reichstein

**CARRIED**

<b>DEVELOPMENT APPLICATION NO:</b>	960/746/2012 (Prop ID 103044)
<b>APPLICANT:</b>	Bonacci Group (SA) Pty Ltd
<b>OWNER:</b>	JL & PL Lambert
<b>SUBJECT LAND:</b>	Lot 111, in FP 173202, 55 Long Gully Road, Angaston, CT 5794/795
<b>PROPOSAL:</b>	500 Tonne Winery including Ancillary Cellar Door, Sales Offices, Fruit Receival Area, Gallery, Waste Water Treatment Plant and Carpark
<b>ZONE/POLICY AREA:</b>	Primary Production Zone, Zone Map Baro/14 Character Preservation District, Overlay Map Baro/14 Precinct 4 – Barossa Range
<b>PROCEDURE:</b>	Merit
<b>REFERRALS:</b>	Environment Protection Authority
<b>PUBLIC NOTICE:</b>	Category 3 – 1 Representation
<b>KEY ISSUES:</b>	Removal of trees, proximity of a neighbour and separation distance access point,
<b>DEVELOPMENT PLAN:</b>	The Barossa Council Development Plan, amended by the Ministerial Barossa Valley and McLaren Vale – Revised - Protection Districts Development Plan Amendment (DPA) effective from the 11th April 2012
<b>RECOMMENDATION:</b>	Grant Development Plan Consent
<b>OFFICER:</b>	Brian Irvine

### **BACKGROUND**

This application was presented to the December meeting of the Panel. The Panel resolved to defer consideration of the application to enable the applicant to provide further details regarding landscaping and off-set plantings, road entrance, and Environment Protection Authority South Australian guidelines.

The applicant has submitted a detailed plan of landscaping screen and a revised site plan showing a rearrangement of the internal tracks to utilise the existing entrance. The applicant has also provided a letter addressing the set back from the neighbouring house.

The following report is modeled on the previous report presented to the 4 December 2012 meeting, but modified to have regard to the additional information. The attachments have also been updated.

### **SUBJECT LAND AND LOCALITY**

The subject land has a frontage of approximately 730 metres to Long Gully Road and an area of approximately 25 hectares. Long Gully Road is sealed and is part of the heavy vehicle bypass around Angaston.

The property has been developed predominantly as a vineyard and has a dwelling and shedding for vineyard equipment. The site for the winery is near the southern boundary, approximately midway between the front and rear boundaries, set amongst a stand of gum trees. Additional water and waste water tanks will be built at on the highest point in the south eastern corner.

The land to the south and east is within the rural living zone. The property to the south is also used as a vineyard, whereas the land immediately to the east (in different ownership) is used for grazing

and hobby farming. The land to the north and west is also in the Primary Production Zone and used for a variety of rural uses.

The character of the locality is typically rural.

### **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The proposed development involves:

- An 'L' shaped building to house the winery, fruit receival area, offices, cellar door sales area and gallery. The building measures 84m by 60m and is 8.5m high, with a skillion roof. The front portion is divided into 2 levels with the wine making related activities on the lower level and offices, cellar door and gallery on the higher level. The fruit receival area is at the rear of the building under a covered area. The building will be clad in colorbond metal (Jasper). The front of the building will have a verandah/balcony and feature masonry chimneys. The building will be set back approximately 300m from Long gully road and 30m from the southern boundary.
- Car park and new entrance driveway connected to the existing entrance on Long Gully Road. Both are proposed to be constructed from compacted rubble and gravel.
- Waste water treatment plant.  
The treatment plant will be contained within a masonry and colorbond building measuring 7.55m x 8.3m located downhill and to the north of the winery building
- Rainwater tanks and waste water storage tanks.  
Two additional bunded waste water storage tanks (275kl each) are proposed at the top of the hill. The Statement of Environmental Effect (dated May 2012) also states that 2 x 275kl tanks will be provided for rainwater supply (ie 2 tanks for rainwater and 2 tanks for effluent storage), but the site plan only shows 2 x 275kl tanks). There are 2 existing tanks (260kl and 108kl) and the Statement of Environmental Effect states that the 260kl tank) will be used for mixing treated effluent with bore water prior to irrigation.

A screen of dense plantings is proposed along part of the southern boundary adjacent to the winery and car park.

The Statement of Effect states that the longest or maximum operating hours will be for 6.00am to 6.00pm seven days a week during vintage, but the acoustic report suggests operations up to 10.00pm.

The application detail including plans and the Statement of Effect was provided with the Agenda.

### **PROVISIONS OF THE DEVELOPMENT PLAN**

The subject land lies within the Primary Production Zone of the Development Plan, amended by the Ministerial Barossa Valley and McLaren Vale – Revised - Protection Districts Development Plan Amendment (DPA) effective from the 11th April 2012.

The proposal is deemed to be a merit form of development in the zone.

The Council Wide, and Zone provisions relative to the proposal was included with the Agenda.

### **CONSULTATION**

The application was referred to the Environment Protection Authority for consideration. Their report examines the issues of air quality, noise, waste management, water quality and separation distances. With the possible exception of separation distances, the Environment Protection Authority appears to be satisfied with the proposal and have recommended 9 conditions of consent and a number of notes.

A copy of the consultation report was included with the Agenda.

### **PUBLIC NOTIFICATION**

The proposal does not meet any of the criteria set out in Schedule 9 of the Development Regulations or the Development Plan for Category 1 or 2 forms of public notification. The public notification category therefore defaults to Category 3.

The application has been publically notified and one representation has been received raising native vegetation clearance and water usage issues.

A copy of the representation and response was provided with the Agenda.

### **PLANNING ASSESSMENT**

The winery and cellar door sales are the dominant land uses in the application. The office, carpark and waste water treatment plant and tanks are ancillary to either the winery or cellar door sales uses. Both the winery and cellar door satisfy the non-complying exemption criteria and therefore can be processed as 'merit' land uses. The gallery will not operate as a function centre or restaurant, but rather as an unlicensed adjunct to the cellar door sales area.

The aesthetic design of the building generally conforms with the relevant provisions of the Development Plan relate to building design. The building is set well back from the road, partially located in an excavated area and will not be dominant in the landscape when view from public spaces. While the building is essentially industrial in nature, it has introduced a number of design elements (balcony, verandah masonry chimney features etc) to improve its attractiveness.

The siting of the building appears to be the 'best compromise' location available on the allotment. The location is:

- set well back from the road to assist with character and amenity requirements
- on a moderate slope to assist with winery operations
- set amongst some trees to enhance the setting for the building
- devoid of vines to minimise the loss of productive land

However the location of the winery building:

- is only 70m from a neighbouring dwelling (contrary to Industrial Development principle 13(c) which states a minimum of 300m),
- will require the removal of some trees (Natural Resources objectives and principles)
- will be highly visible to the neighbouring house (Design and Appearance principle 5), until the proposed strip of screening vegetation is established.

Whilst the winery is significantly closer to a dwelling than the stated minimum, efforts have been made to minimise the potential for adverse effects on the neighbour. The winery is limited to a maximum crush of 500 tonne, has limited operating hours, and the waste water treatment plant is further from the dwelling. Noise and odour issues appear to have been satisfactorily addressed. Dust may be created from the car park and there is little information on external lighting. There is no information on the location of compressors, air conditioning plant, and the noise from these sources are unlikely to have been considered in the acoustic report. Lighting and noise from ancillary equipment can be addressed with conditions of consent.

Some trees will need to be removed but overall, the design and siting has been undertaken to minimise the loss of trees and to take advantage of setting the building among the remaining trees.

The winery building will be highly visible and prominent from the neighbouring house. This is undesirable but it is arguable that it does not unreasonably restrict existing views because significant views remain looking down the valley. However, a strip of screening trees are proposed along portion of the southern boundary to address any adverse visual impact of the building and car park. There was previously some concern that the screening trees, rather than the built form of the building, may unreasonably restrict existing views. The extent of the screening trees has been minimised to only create a visual barrier to the winery building. An additional diagram is contained in the application detail showing the planting pattern and species.

The new driveway has been amended and now proposes to utilise, in part, the headlands between several areas of vines, as well as removing several rows of vines to enable the new driveway to connect to the existing entrance. This is considered to be satisfactory and addresses the previous concern that a tree in the road reserve may have required removal.

The representation made reference to native vegetation removal. Which trees require removal is evident on the site plan. There is an option of retaining further trees in the car park by reducing the number of parking spaces. This will have no effect beyond the boundaries of the site. Typically parking areas only approach full capacity on a small number of occasions. Therefore if the trees

were retained in the car park it would have no effect most of the time and on the few occasions that extra spaces are required there is ample opportunity for informal parking elsewhere. A stormwater detention basin is also shown in a treed area. It is unclear whether the trees are proposed to be removed to do earthworks. Given that a substantial portion of the roof water will be captured for use and the car park is unsealed, there is opportunity to disperse run-off through the vineyards without ill effect.

The representation also questioned the availability of water use. The applicant responded with advice that rainwater will be used and has demonstrated that the roof area will generate an excess of water. Somewhere between 0.5 and 1.5 megalitres will be required and the roof area will 1.45 megalitres. However, a more detailed analysis is provided in the Statement of Environmental Effect. 760kl (ie 0.76 megalitre) of waste water will be generated (using rainwater as a source). Two 275kl rainwater tanks are proposed in the statement but they have not been shown in the revised site plan. This can be addressed with a condition.

### **CONCLUSION**

The establishment of a winery is generally supported by the provisions of the Development Plan. The winery is related to the primary production of the land (and the region) without affecting the rural use of land. It is generally consistent with the desired character for the zone and assists to broaden the economic base of the area. Similarly the cellar door sales is also satisfactory. However, the site is closer than desirable to a neighbouring dwelling and will affect their outlook. It is unlikely that any further expansion of the winery will be suitable because of the proximity of neighbours and the method of effluent treatment and storage. Nevertheless, having regard to the provisions of the Primary Production Zone in the relevant Development Plan, the proposal is not seriously at variance with the provisions of the Development Plan and in my opinion, on balance, displays sufficient merit to warrant Development Plan Consent.

## **DEVELOPMENT ASSESSMENT COMMISSION CONCURRENCE APPLICATIONS**

**MOVED** Mr Milne that the report be received.

**Seconded** Ms Reichstein

**CARRIED**

The Development Assessment Panel requested details of responses received from the Development Assessment Commission, relating to applications referred for concurrence.

To date the following non-complying applications, in which the Panel were the decision authority, have been received from the Commission as follows:

<b>DA NUMBER</b>	<b>APPLICANT</b>	<b>ADDRESS</b>	<b>NATURE OF DEVELOPMENT</b>	<b>DAC DECISION</b>
960/636/12	J & N Cooper	Lot 102 Torrens Valley Road, Mount Pleasant	Detached Dwelling	Concurrence Granted 28/11/2012 (13/11/12 panel meeting)
960/629/12	PB & SE Guy Builders	Lot 308 Rosedale Road, Rosedale	Detached Dwelling	Concurrence Granted 28/11/2012 (13/11/12 panel meeting)
960/503/12	SK Planning Pty Ltd	Lot 1 Cowell Road, Flaxman Valley	Two Storey Detached Dwelling (with Garage under Main Roof) and Three Rainwater Tanks	Concurrence Granted 29/11/2012 (7/8/12 panel meeting)

960/008/13	Homestead Homes	Lot 20 W Dewells Road, Springton	Detached Dwelling with Garage under Main Roof and two Verandahs	Concurrence Granted 29/11/2012 (13/11/12 panel meeting)
960/546/12	A Dandrea & Associates	Lot 742 Barossa Valley Way, Lyndoch	Extensions to Existing Motel	Concurrence Granted 3/1/2013 (4/12/12 panel meeting)
960/087/13	Scott Salisbury Homes	Lot 2 Woodlands Road, Cockatoo Valley	Detached Dwelling with Garage under Main Roof	Concurrence Granted 3/1/2013 (4/12/12 panel meeting)

**PROPOSED SITE VIEWING BY PANEL MEMBERS**

Mr Irvine advised the Panel that a report is currently being prepared, to be presented to a future Development Assessment Panel Meeting, which would necessitate a site viewing by Panel Members. It is envisaged that a site viewing will be incorporated into the next meeting date, and further information will be confirmed in due course.

**NEXT MEETING**

Tuesday 5 March 2013 commencing at 5.00pm.

**CLOSURE OF MEETING**

Mr Ballantyne declared the meeting closed at 6.17pm

Confirmed

Date: ..... Chairman: .....