



*The Barossa Council*

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

Held on Tuesday, 7 May 2013 commencing at 5:03pm 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, Mr Kelvin Goldstone, Mr Richard Miller, Mrs Susie Roehr and Mr Scotty Milne – Panel Members.

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

**APOLOGIES**

Nil.

**LEAVE OF ABSENCE**

Nil

**MINUTES OF PREVIOUS MEETING**

**MOVED** Mr Grocke that the Minutes of the Development Assessment Panel meeting held on Tuesday, 2 April 2013 as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

**Seconded** Mr Hughes

**CARRIED**

**BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil.

**DECLARATION OF INTEREST BY MEMBERS OF PANEL**

Mr Miller declared a conflict of interest in relation to DA/DAP/R2 due to a business and personal relationship with the applicant.

**APPLICATIONS FOR DECISION****DEBATE AGENDA****DA/DAP/R1****D463/13 (103526)****MF & RM FROST – DETACHED DWELLING (NON-COMPLYING)**

**MOVED** Mr Milne that Pursuant to Regulation 17(3)(b) of the Development Regulations 2008, The Barossa Council proceeds with an assessment of Development Number 960/463/13, and the applicant be advised that the Statement of Effect needs to address the standard information as outlined in Regulation 17(5) (a) to (d) of the Development Regulations, and in addition, provide support of the proposal from an agricultural specialist with regard to the impact of the proposed dwelling on existing agricultural uses on the land in the surrounding area.

**Seconded** Mr Miller**CARRIED**

<b>DEVELOPMENT APPLICATION NO:</b>	960/00463/13 (Prop ID 103526)
<b>APPLICANT:</b>	MF & RM Frost
<b>OWNER:</b>	MF & RM Frost
<b>SUBJECT LAND:</b>	Lot 215 Flaxmans Valley Road, Flaxman Valley
<b>PROPOSAL:</b>	Construction of a Detached Dwelling
<b>SIZE:</b>	13.24 ha
<b>ZONE/POLICY AREA:</b>	Primary Production Zone, Barossa Range Precinct
<b>REFERRALS:</b>	Nil
<b>PUBLIC NOTICE:</b>	Category 3 – Non-Complying
<b>KEY ISSUES:</b>	Non-Complying Form of Development in the Primary Production, Barossa Range Policy Area
<b>DEVELOPMENT PLAN PROVISIONS:</b>	<u>Character Preservation District Overlay</u>
<b>CONSOLIDATION DATE:</b> 21 February 2013	<u>Primary Production Zone</u>  Council Wide: Design and Appearance Energy Efficiency Interface Between Land Uses Residential Development Siting and Visibility
<b>RECOMMENDATION:</b>	Proceed with the Assessment of the Non-Complying Development Application
<b>OFFICER:</b>	Karen Mitrovic

**SUBJECT SITE AND LOCALITY**

The subject land is located within the Primary Production Zone, more specifically within the Barossa Range Precinct.

The site is irregular in shape with a frontage to Flaxmans Valley Road of approximately 402 metres and an overall size of 13.24 hectares.

The applicant currently allows share farming on the property for sheep grazing purposes. The subject land currently contains a farm building and lean-to which were approved in April 2008. The property also contains four existing dams.

The subject land is located within a Medium Bushfire Risk Area.

Surrounding properties range in size from approximately 1.5 hectares to approximately 25 hectares. Numerous allotments in the vicinity contain detached dwellings in association with some form of relatively small scale primary production, such as grazing or orchards. Remaining allotments in the area are used for primary production purposes, in the form of grazing, or viticulture.

**DESCRIPTION OF PROPOSAL**

The applicant seeks development plan consent for the construction of a new dwelling with carport under main roof, with a setback of approximately 220 metres from Flaxmans Valley Road and 32 metres from the western property boundary.

**REFERRALS**

No referrals are required under Schedule 8 of the Development Regulations, 2008.

**PUBLIC NOTIFICATION**

The proposed development is a non-complying, category 3 form of development. No public notification has been undertaken at this stage. If the Development Assessment Panel concur with the recommendation and the application continues through the assessment process, the development will go through the public notification process.

**PROVISIONS OF THE DEVELOPMENT PLAN**

The proposed development is located in the Primary Production Zone, Barossa Range Precinct. A dwelling is a non-complying form of development within the Barossa Range Precinct unless it can meet certain criteria. The proposed dwelling does not meet the criteria for a merit assessment, but appears to warrant further consideration.

**ASSESSMENT**

Prior to a full assessment of the application being undertaken it is necessary to determine whether the proposed development has sufficient merit to proceed to the next stage of the assessment process.

From a brief overview of the proposal against Council's Development Plan it would appear that the development satisfies the majority of objectives and principles which would relate to the subject land and type of development. It would therefore seem appropriate that the proposal proceed to a full assessment and undergo public notification.

Given that the proposed development is the first non-complying dwelling which Council has received following the termination of the Barossa Valley and McLaren Vale Protection Districts interim Ministerial Development Plan Amendment (DPA), and the introduction of the Barossa Valley and McLaren Vale – Revised – Protection Districts DPA (*Ministerial*), it is important for the Development Assessment Panel to determine if the application should continue to the next stage of assessment.

**CONCLUSION**

While the proposed dwelling is a non-complying form of development, it may not detract from or inhibit existing land uses considered appropriate within the Primary Production Zone, Barossa Range Precinct or detrimentally affect potential for future primary production uses. In addition if the remainder of the subject land continues to be utilised for the grazing of sheep it will remain consistent with the requirements of the zone.

Having regard to the provisions of the Primary Production 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 the more detailed assessment of the application against Council's Development Plan. This does not indicate support for the proposal, simply that it warrants further assessment. This allows the application to proceed to the next stage, where the Applicant must prepare and provide a Statement of Effect, after which public notification will be undertaken, followed by a detailed report on the proposal to the Development Assessment Panel.

**DA/DAP/R2****D463/13 (103526)**

**TRIX UNIT TRUST (TANUNDA MEDICAL CENTRE) – CHANGE OF USE FROM DWELLING TO OFFICES (NON-COMPLYING)**

Mr Miller left the meeting at 5.06pm.

**MOVED** Mrs Roehr that the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/450/2013 resolves as follows:

- (A) The proposal is not seriously at variance with the relevant provisions of The Barossa Council Development Plan consolidated 24 January 2013.
- (B) Grant Development Plan Consent to Development Application 960/450/3013 subject to the following conditions:
  - (1) The development shall be in accordance with the plans and details submitted to and approved by Council as part of the application, except as varied by any subsequent conditions.
  - (2) The site shall be landscaped in accordance with the approved plans and maintained to the reasonable satisfaction of the Council at all times.
  - (3) A right of way providing vehicle access to the rear car park at 26 Fiedler Street via 13 Mill Street shall be registered on the Certificate of Title prior to full development approval.
  - (4) Hours of operation for the subject site shall be between 8.00 am to 6.00pm business days.
- (C) Seeks concurrence of the Development Assessment Commission.

**Seconded** Mr Milne

**CARRIED**

<b>DEVELOPMENT APPLICATION NO:</b>	960/00450/13 (Prop ID 106256)
<b>APPLICANT:</b>	Trix Unit Trust (Tanunda Medical Centre)
<b>OWNER:</b>	Trix Unit Trust (Tanunda Medical Centre)
<b>SUBJECT LAND:</b>	26 Fiedler Street, Tanunda CT 5651/661
<b>PROPOSAL:</b>	Change of Use from Dwelling to Offices

<b>ZONE/POLICY AREA:</b>	Residential Zone. The site is not located in a Policy Area
<b>PROCEDURE:</b>	An office, where the floor area is greater than 50 square metres, is listed as non-complying in the Residential Zone.
<b>REFERRALS:</b>	Nil
<b>PUBLIC NOTICE:</b>	Category 3 Notification – No Representations
<b>KEY ISSUES:</b>	Non-Complying Development in a Residential Zone
<b>DEVELOPMENT PLAN PROVISIONS:</b>  <b>CONSOLIDATION DATE:</b> 24 January 2013	Council Wide - Interface between Land Uses Objectives 1 & 2. Principle of Development Controls 1 & 2. Landscaping Fences and Walls Objectives 1 & 2. Principle of Development Control 1, 2 & 3. Orderly and Sustainable Development Objectives 1, 2, 3, 4, & 6. Principle of Development Control 1, 4 & 6. Transportation and Access Objectives 1, 2 & 4. Principle of Development Control 1, 5, 8, 10, 11, 22, 23, 24, 30, 31, 32, 33, 34, 36, 37, 38 & 39. Residential Zone Objectives 1, 3 & 4.. Principle of Development Control 1, 2, 4, 5 & 6.
<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 subject land is located in the Residential Zone and has a frontage of 24.51 metres onto Fiedler Street with a depth of 33.6 metres, totaling an area of 823 square metres. The subject land is located opposite (and adjoins) the Commercial Zone.

The site contains a single storey detached dwelling, two outbuildings and a rainwater tank and has been previously used as a residence. The site has one crossover and currently has one undercover car parking space.

The locality consists of detached and semi-detached dwellings located on medium sized allotments with an average size of 800 square metres. The allotment north of the subject land (13 Mill Street) contains a building and associated car park, with an existing approval as a medical centre.

The Barossa District Hospital is located opposite the subject land and fronts onto Mill Street. The Hospital is located within the Commercial Zone.

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

The applicant seeks Development Plan Consent to change the use of the existing dwelling at 26 Fiedler Street Tanunda, to be used entirely for office accommodation for the administration staff associated with the adjoining Tanunda Medical Centre.

The proposed development requires minimal demolition and remedial works to the internal layout of the building. The existing internal floor area of the dwelling is 149.55 square metres with additional structures (verandah and carport) having a total area of 36.40 square metres. The proposal will result in a total floor area of 149.55 to be used for an administration office and will provide 6 car parking spaces including one disabled park to meet the car parking ratio required for offices as depicted in the Barossa Development Plan. Advertising signage is not proposed. The office intends to operate between the hours of 8.30am and 5.30pm Monday to Friday.

The proposal is a non-complying form of development in the Residential Zone as it results in office space over 50 square metres in the area.

The application detail, site plan and floor plan were included within the Agenda.

A statement supporting the proposed non-complying development has been provided was provided with the Agenda.

Council's administration has resolved to proceed with the application under delegation pursuant to Regulation 17(4) of the Development Regulations 2008.

A Statement of Effect has been provided and was included within the Agenda.

### **PUBLIC NOTIFICATION**

The application was 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. No representations were received.

### **PLANNING ASSESSMENT**

#### **RESIDENTIAL ZONE**

#### **OBJECTIVES**

*Objective 3: A zone accommodating educational uses and other compatible non-residential activities that are small in scale, negligible in external impact and serve the needs of the local community.*

*Objective 4: Development that contributes to the desired character of the zone.*

#### **Principles of Development Control**

1. *The following forms of development are envisaged in the zone:*
  - *small scale non-residential use that serves the local community...*
4. *Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:*
  - (a) *serves the local community*
  - (b) *is consistent with the character of the locality*
  - (c) *does not detrimentally impact on the amenity of nearby residents*
  - (d) *does not result in an extension of a centre zone or result in ribbon retail or commercial development.*
6. *Development should not be undertaken unless it is consistent with the desired character for the zone.*

#### **Suitability within the Locality**

The subject site is suited well to the proposed use as it is located opposite the Tanunda Memorial Hospital (located in the commercial zone) and adjoins the Tanunda Medical Centre, located in the Residential Zone. The proposed office will accommodate administration staff supporting the Tanunda Medical Centre. The consulting hours for the Medical Centre are 8.30am – 5.30pm Monday to Friday and 8.30am to 11.00am Saturday. The proposed use will not generate additional public traffic as the building is exclusively for office support use only.

The immediate locality is characterised by a mix of commercial and residential development and the proposed development is considered to be minor in comparison to the existing adjoining commercial uses. The proposed development will appear from the street as a dwelling and will provide car parking at the rear of the subject land that will be accessed via the adjoining Medical Centre vehicle entrance. The proposed commercial use of the subject site would not be obvious from the street.

The proposal is consistent with the Development Plan Residential Zone provisions relating to small scale non-residential use that serves the community and contributes to the desired character of the Zone.

#### Vehicle Access and Car Parking

A sealed car park at the rear of the allotment will provide six car parking spaces including one disabled park. The car park will be sealed and vehicle access is via the adjoining site at 13 Mill Street, Tanunda (Tanunda Medical Centre). If planning consent is granted, a right of way will be required and shall be registered on the Certificate of Title prior to issuing full development approval.

The proposed use as an office building, with a floor area of 150m<sup>2</sup>, requires a minimum number of six car parks of which has been achieved; the parking will be occupied by the administration staff only within the proposed office building. In addition there is also one car parking space under the main roof of the existing building.

#### **CONCLUSION**

The proposed development intends to convert an existing dwelling into an office to provide administration support to the adjoining Medical Centre. The proposal is located in the Residential Zone and considered to be of a minor commercial nature and unlikely to have a detrimental effect on the surrounding locality. The site is located adjacent and ancillary to other commercial uses that currently serve the community.

Mr Miller returned to the meeting at 5.10pm.

#### **OTHER BUSINESS**

#### **SUBMISSION RESPONSE IN RELATION TO APPLICATION FOR D & L PITT, MOTEL (HOSTED ACCOMMODATION) APPLICATION 960/560/2012**

Mr Baldwin advised that there had not been any further follow up to the letter forwarded by Mr and Mrs Pitt by either themselves, members of the public or Elected Members.

Panel Members agreed that the matter did not warrant further action or response at this point in time, other than to note disappointment in the nature of comments made by Mr and Mrs Pitt.

#### **COUNCIL'S DEVELOPMENT ASSESSMENT PANEL ANNUAL REPORT - 2012**

Mr Ballantyne provided a copy of the Draft Annual Report for consideration. Discussion ensued and additional comments provided by Panel Members will be incorporated into the final version of the document, which will be prepared by Mr Bruce Ballantyne (Presiding Member) with the assistance of Mr Louis Monteduro (Senior Manager, Planning Services) for a report to the June 2013 Panel Meeting. Following endorsement by the Panel, the Annual Report will be forwarded to Council for information.

#### **BAROSSA VALLEY HOCKEY CLUB – ARTIFICIAL PITCH AND ASSOCIATED LIGHTING**

Ms Lovett updated the Panel on the status of the development application that was presented to the Panel on 7 February 2012. The proposed development was assessed as Merit Category 3 and no responses were received following Public Notification. The application will now proceed to be assessed and considered for approval under delegation.

**LEAVE OF ABSENCE/APOLOGY**

Mr Milne confirmed that he will have a Leave of Absence for the June Panel Meeting, and Mr Grocke will also be an apology for the June Panel Meeting.

**NEXT MEETING**

Tuesday, 4 June 2013 commencing at 5.00pm.

**CLOSURE OF MEETING**

Mr Ballantyne declared the meeting closed at 5.41pm.

Confirmed

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