



The Barossa Council

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL DEVELOPMENT ASSESSMENT PANEL

Held on Tuesday, 1 July 2014 commencing at 5:01pm in
the Council Chambers, 43-51 Tanunda Road, Nuriootpa

WELCOME

Bruce Ballantyne welcomed everyone when opening the meeting and introduced Bob Sloane, newly appointed Elected Member representative, following the resignation of Susie Roehr.

PRESENT

Bruce Ballantyne (Presiding Member), David Hughes, Richard Miller, Bob Sloane, and Susan Shannon – Panel Members.

Ian Baldwin (Director – Development & Environmental Services) Louis Monteduro (Senior Manager – Planning Services), Brian Irvine (Senior Planner), Karen Mitrovic (Planner), Steve Kaesler (Manager, Engineering Services) and Christine Kruger (Minute Secretary) – Council Staff.

APOLOGIES

S Milne and K Goldstone

LEAVE OF ABSENCE

Nil.

MINUTES OF PREVIOUS MEETING

MOVED R Miller that the Minutes of the Development Assessment Panel meeting held on Tuesday, 3 June 2014 as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded D Hughes

CARRIED

BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

DECLARATION OF INTEREST BY MEMBERS OF PANEL

R Miller declared an interest in DA/DAP/R3 (Maverick Wines) due to having previously undertaken work for the Applicant, in the capacity of Registered Conveyancer. However, since the work undertaken was not in relation to the property identified within the report, no conflict was identified by R Miller.

APPLICATIONS FOR DECISION**DEBATE AGENDA****DA/DAP/R1****D940/2013 (112432)****BGI BUILDING GROUP – WAREHOUSE (STORAGE BUILDING AND OFFICE)
(NON-COMPLYING)**

MOVED S Shannon that Item DA/DAP/R1 be deferred to the August Panel Meeting for assessment to enable the Applicant to provide the Panel with photographic overviews indicating the size of the proposed development on the site indicated within the report, and alternative sites on the property, with the aim to minimise visual impact.

Seconded R Miller**CARRIED**

DEVELOPMENT APPLICATION NO:	960/940/2013 (Prop ID 112432)
APPLICANT:	BGI Building Group
OWNER:	Yu-Chih Liu
SUBJECT LAND:	Lot 101 Tanunda Road, Nuriootpa
PROPOSAL:	Warehouse (Storage Building and Office)
ZONE/POLICY AREA:	Primary Production (Barossa Valley Region)
PROCEDURE:	Non-Complying
REFERRALS:	Nil
PUBLIC NOTICE:	Category 3 – 1 Representation
KEY ISSUES:	Non-Complying form of development in Primary Production (Barossa Valley Region)
DEVELOPMENT PLAN PROVISIONS:	Primary Production (Barossa Valley Region) Zone Objectives 1, 3, 4, 5 and 6. Principle of Development Controls 1, 2, 3, 4, 8, 14, 15, 16, 17 & 18.
CONSOLIDATION DATE: 21 February 2013	Council Wide: Design and Appearance Objective 1. Principle of Development Controls 1, 2, 3, 4, 5, 7, 9, 11, 12, 14, 15, 17 & 18. Industrial Development Objectives 1 & 2. Principles of Development Controls 2, 4, 5 & 7. Interface Between Land Uses Objectives 1 & 2. Principles of Development Controls 1, 2, 6 & 10. Siting and Visibility Objectives: 1 & 2. Principles of Development Controls 1, 2, 4, 5, 6, 7, 8 & 9. Transportation and Access Objectives 1, 2, 4 & 5. Principles of Development Controls 1, 8, 11, 13, 22, 23, 24, 25, 29, 31, 32 & 33. Character Preservation District Overlay Objectives 1 and Principle of Development Control 1
RECOMMENDATION:	Grant Development Plan Consent and Seek Concurrence of the Development Assessment Commission
OFFICER:	Karen Mitrovic

SUBJECT LAND AND LOCALITY

The subject land is located within the Primary Production (Barossa Valley Region) Zone.

The site is regular in shape with a frontage to Barossa Valley Way of approximately 33.77 metres, a secondary frontage of 163.72 metres to Nuraip Road and an overall size of 6456 square metres. The subject land currently contains an existing dwelling, swimming pool, several sheds and a small established vineyard.

The predominant land use in the locality is for viticultural purposes, with almost all appropriately sized allotments in the area containing vines. However, there are multiple dwellings in the locality, in addition to a number of commercial type activities including Barossa Garden Centre, Kaesler Cellar Door and Bed and Breakfast accommodation to name a few.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks Development Approval to construct a warehouse building with an incorporated office and storage area. The proposed building is to be 24 metres long, 15 metres wide and have wall heights of 4 metres on the northern side and 5.312 metres on the southern side. A small verandah is also to be established along the office portion of the southern elevation.

The roof, walls and doors will be of a Colorbond Dune finish, with the horizontal feature panel, gutters, downpipes and barge flashing will be of a Colorbond Woodland Grey finish.

Traffic visiting the site will access the proposed development via a proposed one-way crossover, with vehicles exiting the site in a forward motion via an existing crossover point. Both crossovers have direct access to the bitumised section of Nuraip Road.

Approval is sought for the proposed development so that the owner can have better control over their existing wine distribution operation. The owners currently source wine from throughout the state which is then bottled and labeled at Barossa Bottling in Nuriootpa and stored at Stockwell Storage. The wine is then distributed throughout Asia. No wine is currently stored on the subject land, however all administration for the business is undertaken on the subject land within the existing dwelling, as a Home Activity.

Should the proposed development receive approval, wine will continue to be sourced throughout South Australia and bottled at Barossa Bottling, however labelling and wine storage will be undertaken within the proposed building. Bulk wine and finished product will be stored within the building on the subject land, with approximately 6000 cases being kept on the premises at any time. It is anticipated that one semi-trailer per week will visit the site to deliver or collect the product. Two staff will be employed in the store and a further two staff within the office, with the proposed hours of operation being between 8.00am and 5.00pm, Monday to Friday.

REFERRALS

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

PROCEDURAL MATTERS

All forms of development are non-complying within the Primary Production (Barossa Valley Region) Zone with only certain forms of development listed as exemptions to the non-complying process. The proposed development does not meet the criteria for any of the listed exemptions and is therefore non-complying.

The decision to proceed to a full assessment of the application was made under delegation in accordance with Regulation 17, 3(b) of the Development Regulations 2008. This decision was made following a brief assessment of the application against the requirements of the Development Plan which found that the proposal was not significantly at variance with the requirements of the Plan and warranted further assessment.

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 comments are summarised below:

- Detrimental impact through increased noise and traffic and loss of security
- Loss of privacy

- Safety concerns in relation to increased traffic and damage to unsealed road

The representor does not wish to be heard by the Panel.

A copy of the representation was provided with the Agenda.

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

- The delivery and collection to and from the site will be via semi-trailer on average once per week.
- Any activities associated with the proposed development will be undertaken within the proposed structure.
- Entry to the site will be via Barossa Valley Way and the sealed section of Nuraip Road.
- No public access to the site will be encouraged and no cellar door sales are proposed from the site.
- Hours of operation are proposed to be 8am to 5pm on weekdays.

Details of the applicant's response was included within the Agenda.

PLANNING ASSESSMENT

The relevant Zone and Council Wide Objectives and Principles of Development Control (PDCs) are discussed below.

Character Preservation Overlay

The proposed development is also located within the Character Preservation District. Objective 1 of the Character Preservation Overlay indicates that this is a district where:

- scenic and rural landscapes are highly valued, retained and protected.*
- development near entrances to towns and settlements does not diminish the rural setting, character and heritage values associated with those towns and settlements.*
- the long term use of land for primary production and associated value adding enterprises is assured and promoted.*
- activities positively contribute to tourism.*
- the heritage attributes of the district are preserved.*
- buildings and structures complement the landscape.*

It is considered that the proposed development is consistent with the character preservation district overlay. The proposal will not adversely impact upon the scenic or rural landscape character of the land or the locality, nor will it reduce the ability of land to be used for primary production purposes.

Design and Appearance

The proposed development is consistent with Principles of Development Control 1 and 3, as the design is sympathetic to the scale of development in the locality. The bulk and scale of the proposal has been minimised through the use of a skillion roof, rather than traditional gable pitched roof, and articulation has been added to the structure through the addition of a verandah to the office portion of the building.

The proposed building has been designed to have minimal impact upon the subject land and adjoining properties. The design is similar to other buildings located in the area and will not detract from the amenity of the area. The setback from public roads, location of existing vegetation, and proposed colour schedule should result in the proposed building not being prominently visible from Primary or Secondary Roadways, or from a tourist route as identified within Council's Development Plan.

Industrial Development

The proposed development is intended to provide a facility which will support the viticultural uses within the region. The proposal is consistent with Objective 2 as it will create a small scale winery type development in a rural area, rather than within a designated Industrial Zone.

The proposal is consistent with Principle of Development Control 7, as it will not adversely impact upon adjoining land uses or occupiers through the emission of effluent, odours, smoke, fumes, dust

or other airborne pollutants, noise, vibration, electrical interference, light spill or glare and will not adversely impact upon traffic, nor will the proposed operating hours be excessive.

Interface Between Land Uses

As discussed above the proposal will not detrimentally affect the amenity of the locality or cause unreasonable interference through the emission of effluent, odours, smoke, fumes, dust or other airborne pollutants, noise, vibration, electrical interference, light spill, glare or traffic impacts, and as such is consistent with Principle of Development Control 1.

The proposal has been sited and designed to minimise negative impact on the existing vineyard to the east and any potential future adjoining land uses which may be appropriate within the zone by locating the structure 3 metres off the nearest property boundary, and as such is consistent with Principle of Development Control 2.

Several dwellings are located in the area, and Council received one representation from the occupiers of each of the two dwellings located on the southern side of Nuraip Road. The representors main concerns related to issues of increased noise and traffic impacts upon the roadway. Given the information submitted in support of the application, it is considered that the use of the proposed structure will not result in a loss of amenity in the area due to increased noise emissions, nor will the frequency of traffic movements to and from the site cause significant degradation to the existing bitumen surface of Nuraip Road. Council's Works and Engineering Department have advised that semi-trailer access to the site via Barossa Valley Way, a designated freight route, and Nuraip Road is suitable.

Siting and Visibility

The proposed structure has been sited and designed to minimise its visual impact upon the natural character of the area and views from tourist routes and walking trails, thereby meeting the requirements of Principles of Development Control 1 and 4. The proposed development has been designed with variations in roof heights, to a maximum of 5.312 metres, and has incorporated a verandah to provide articulation which reduces appearance to the scale and mass of the building. The materials selected and the location of the proposed structure clustered with existing development and amongst existing vegetation, will ensure that the above Principles of Development Controls are complied with.

Primary Production (Barossa Valley Region) Zone

Objectives 1 and 4 of the zone seek to encourage economically productive, efficient and environmentally sustainable primary production and the long term continuation of farming, horticulture, viticulture and associated winery activities. Whilst the subject land is not sufficient in size to be a viable farming entity, the use of the proposed structure will support the ongoing primary production uses of land in the region through the sourcing of local products.

Objective 5 encourages development to contribute to the desired character of the zone which states:

'opportunities for non-agricultural development will be limited to preserve the natural appearance and scenic qualities of rural areas, as well as retain land for maximum horticultural and viticultural productivity'.

The subject land is insufficient in size to accommodate agricultural forms of development and as such it is considered appropriate for a building such as this to be constructed on the site. Whilst not being directly related to the agricultural use of the land, the proposal will support the agricultural use of land in the region and will not inhibit the continued use of land in the locality for primary production purposes.

The proposed development is consistent with Principle of Development Control 3 which indicates that industry and warehousing types of development should be developed where it supports primary production, processing, storage and distribution of local primary produce. The proposed use will support the local primary production land uses, and will largely incorporate the storage and distribution of locally produced wine.

CONCLUSION

While the proposal is a non-complying form of development, it will not detract from or inhibit existing land uses considered appropriate within the Primary Production (Barossa Valley Region) Zone, or detrimentally affect potential for future appropriate land uses.

Having regard to the provisions of the Primary Production (Barossa Valley Region) Zone and the Council Wide Section in the relevant 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 be required before issuing the consent.

DA/DAP/R2

D232/2014 (113537)

OTR 155 PTY LTD – VARIATION TO APPLICATION 960/772/2004 – VARIATION TO APPROVED TAKEAWAY FOOD OUTLET (MERIT)

MOVED R Miller that the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/232/2014 and resolves as follows:

- (A) The proposal is not seriously at variance with the relevant provisions of The Barossa Council Development Plan consolidated 21 February 2013.
- (B) Grant Development Plan Consent and Development Approval to Development Application 960/232/2014 subject to the following conditions:
 - (1) Except where varied by this approval, all other conditions, plans and details relating to Development Application Number 960/772/2004 continue to apply to this amended application as follows.
 - (1) The development shall be in accordance with the amended plans and details received on 22 October 2002, submitted to and approved by Council as part of the application marked Exhibit A, except as varied by any subsequent conditions imposed herein.
 - (2) The premises shall be kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council, at all times.
 - (3) The premises shall not be used for the purposes now approved until all work has been completed in accordance with the plan approved and the conditions of consent have been complied with.
 - (4) No building work shall commence on the site until an approval for a waste control system is issued by Council.
 - (5) Adequate provision be made for the disposal of stormwater to the reasonable satisfaction of Council. Where possible, stormwater should be retained on site by the use of natural drainage methods. (Alternatively, a stormwater design will need to be submitted to Council for approval and may involve the provisions of infrastructure at the developer's cost).

- (6) All of the car parking, driveway, and vehicle manoeuvring areas shall be constructed and finished in bitumen, brick paving, or concrete, and appropriately drained in accordance with the sound engineering practice prior to the occupation or use of the development herein approved.
- (7) Each car parking space or area abutting a walkway, footpath, landscaped area, fence or shop frontage shall be provided with a vehicle wheel stop or 900mm high bollard prior to the occupation or use of the development herein approved.
- (8) The parking areas shall be illuminated by lighting bollards to the reasonable satisfaction of Council during the hours of darkness and when they are in use or likely to be used by patrons. Any such lighting shall not exceed 1.088 metres in height and be directed and shaded in such a manner as to cause no light spill nuisance to any person or adjoining land in the vicinity or nearby vehicular traffic.
- (9) All mechanical services, including kitchens, flues, exhaust fans, air conditioning equipment be of such a design and operation so as not to cause unreasonable inconvenience with regards to noise and smell to adjoining occupiers.
- (10) The use and any associated processes or activities carried out shall not detrimentally affect the amenity of the locality by reason of noise, smell, vibration, fumes, smoke, soot, ash, dust or grit.
- (11) A garbage receptacle to sufficient capacity to accommodate all wastes produced by the proposed development shall be installed on-site and the receptacle shall be screened from public view to the reasonable satisfaction of Council.
- (12) Landscaping on the subject site shall be established in accordance with the Landscaping Layout Plan dated May 2003 (Sheet 3 of 3). Exhibit B and the details contained in the letter prepared by Semmlers Landscaping Service dated 30 April 2003, Exhibit C.
- (13) The landscaping referred to in condition 12 above shall be maintained in good heart and condition at all times to the reasonable satisfaction of Council.
- (14) Entry to the subject site by vehicular and pedestrian traffic shall be via Barossa Valley Way only.
- (15) ** DELETED BY DA 960/00232/2014 **
- (16) A litter check will be carried out by the operator of the proposed development on a daily basis covering public areas and roadways within 50 metres of the subject site and any litter

that has emanated from the subject site and identified as such during the said litter check shall be collected and placed in the garbage receptacle on the subject site by the operator of the subject site.

Seconded B Sloane

CARRIED

DEVELOPMENT APPLICATION NO:	960/232/2014 (Prop ID 113537)
APPLICANT:	OTR 155 Pty Ltd
OWNER:	OTR 155 Pty Ltd
SUBJECT LAND:	11 Tanunda Road, Nuriootpa
PROPOSAL:	Variation to Application 960/772/2004 – Variation to Approved Take Away Food Outlet
ZONE/POLICY AREA:	Commercial
PROCEDURE:	Merit
REFERRALS:	Nil
PUBLIC NOTICE:	Category 3 – 93 Representations (in support)
KEY ISSUES:	24 Hour Operation of Business
DEVELOPMENT PLAN PROVISIONS:	Commercial Zone Objectives 1, 2 and 3. Principle of Development Control 5.
CONSOLIDATION DATE: 21 February 2013	Council Wide: Interface between Land Uses Objective 1. Principle of Development Controls 1, 6, and 7.
RECOMMENDATION:	Grant Development Plan Consent and Development Approval
OFFICER:	Karen Mitrovic

SUBJECT LAND AND LOCALITY

The subject land is located within the Commercial Zone, of The Barossa Council Development Plan consolidated 21 February 2013.

The subject land has a size of approximately 1565 square metres, and has frontage to Tanunda Road of 28.63 metres. The subject land has existing use rights as a take away food outlet. The site was previously occupied by Red Rooster. An existing restaurant building, outdoor seating area, drive through facility and associated car parking is currently located on the site.

The main shopping district of Nuriootpa is located approximately 500 metres to the north of the subject land. The locality consists of a range of commercial activities to the north and south, with residential development to the east and a recreation reserve situated to the west.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks Development Plan Consent to operate outside of the previously approved hours of operation.

A condition of approval placed on Development Application 960/772/2004 allowed for the following hours of operation:

- Monday to Thursday 10.00am – 11.00pm

- Friday to Sunday 10.00am - 12midnight
- Public Holidays 10.00am - 12midnight

The applicant now seeks approval to operate 24 hours, 7 days per week.

REFERRALS

No referrals are required under Schedule 8 of the Development Regulations, 2008. However, a non-mandatory referral to the Environment Protection Authority was undertaken to seek comment and advice regarding the proposal. In response, the Environment Protection Authority provided general advice in relation to air and noise nuisance and web links to EPA guidelines.

PROCEDURAL MATTERS

The alteration to the operating hours of an existing facility is not listed within Council's Development Plan or the Development Regulations as either a Category 1 or 2 form of development. As such, the proposal becomes a form of development which requires Category 3 public notification.

PUBLIC NOTIFICATION

The application is a Category 3, merit 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. Ninety-three representations were received in support of the proposal and their comments are summarised below:

- Proposal will provide job opportunities for people in the area.
- Late night/early morning dining options.

A copy of the representations were provided with the Agenda.

One of the representors wishes to be heard by the Panel.

- Brett Rohrlach

PLANNING ASSESSMENT

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

Interface between Land Uses

Objective 1 states that development should be located and designed to prevent adverse impact and conflict between land uses. The subject land has been used as a take away since the approval of development application 960/772/2004 in August 2004, and has operated in accordance with the conditioned hours of operation, as described above, without complaint to Council from surrounding property owners or occupiers.

Category 3 public notification was undertaken in relation to the proposal, which included all surrounding property owners being notified in writing of the proposed development. Council received no representations against the proposed development within the public notification period, however 93 representations in support of the proposal were received.

Located directly to the north of the subject land is a service station, including an automatic car wash, which currently operates 24 hours a day. The operation of this facility has also occurred without complaint to Council. It is considered that the proposed extension of operating hours for the take away food outlet will not create an interface issue between the existing commercial, residential or other uses in the area and, as such, will adhere to Objective 1.

The proposed extension of trading hours has taken into account the proximity of the site to existing residential development. An environmental noise assessment report, prepared by Sonus Pty Ltd, has been provided amongst the support documentation with the application. Principle of Development Controls 1 and 7 promote development which does not detrimentally affect the amenity of the locality or cause unreasonable interference through noise, and which is consistent with the Environment Protection (Noise) Policy. The report confirms that alterations made to the existing take away food outlet in refitting for use as a Hungry Jacks will result in the requirements of the Environment Protection (Noise) Policy being met. As such the proposed development is consistent with Principles of Development Control 1 and 7.

Commercial Zone

Objective 2 promotes 'Development that minimises any adverse impacts upon the amenity of the locality located within the zone and adjacent Residential Zone', while Objective 3 promotes development that contributes to the desired character of the zone, which encourages 'a variety of commercial uses', and that 'development have regard to adjoining residential development'.

The proposed development will provide a new type of commercial use in the form of late night/early morning dining options. As discussed earlier, the proposal has considered the potential impacts on neighbouring residential development and found that the measures taken to reduce the impacts of noise from the existing land use are suitable to allow extended trading hours to occur, without negatively impacting upon adjoining residences. It is therefore considered that the proposal is consistent with Objectives 2 and 3 of the zone.

CONCLUSION

The proposed development is a merit form of development within the zone and is considered to be a reasonable variation to the existing use of the land.

The proposed extension of trading hours will not detract from or inhibit existing land uses considered appropriate within their respective zone, nor will it detrimentally affect the amenity of the area.

Having regard to the provisions of the Commercial Zone and the Council Wide Section in the relevant 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.

DA/DAP/R3 **D574/2013 (1165868)**
MAVERICK WINES PTY LTD – ADDITIONS TO EXISTING WINERY INCLUDING CONSTRUCTION OF A NEW BARREL STORAGE, FINISHED GOODS STORAGE AND CELLAR DOOR SALES BUILDING, 2 X RAINWATER TANKS AND ASSOCIATED CAR PARKING (MERIT)

MOVED S Shannon that Item DA/DAP/R3 be deferred for assessment to enable the Applicant to provide the Panel with photographic overviews indicating the size of the proposed development on the site indicated within the report, and alternative sites on the property, with the aim to minimise visual impact.

Seconded D Hughes

CARRIED

DEVELOPMENT APPLICATION NO:	960/574/2013 (Prop ID 1165868)
APPLICANT:	Maverick Wines Pty Ltd
OWNER:	Maverick Wines Pty Ltd
SUBJECT LAND:	Pieces 200 & 201 Light Pass Road, Vine Vale
PROPOSAL:	Additions to Existing Winery Including Construction of a New Barrel Storage, Finished Goods Storage and Cellar Door Sales Building, 2 x Rainwater Tanks and Associated Car Parking
ZONE/POLICY AREA:	Primary Production (Barossa Valley Region)
PROCEDURE:	Merit
REFERRALS:	Environment Protection Authority
PUBLIC NOTICE:	Category 2 – 2 Representations
KEY ISSUES:	Representations received during public notification period

DEVELOPMENT PLAN PROVISIONS: CONSOLIDATION DATE:	Primary Production (Barossa Valley Region) Zone Objectives: 1, 3, 4, 5 and 6.. Principles of Development Controls 1, 4, 5, 10, 15, 16, 17, 18 & 24. Council Wide: Design and Appearance Objectives 1. Principles of Development Controls 1, 2, 3, 11, 12, 14, 15, 17 & 18. Industrial Development Objectives 1, 2 & 8. Principles of Development Controls 4, 5 & 7. Interface between Land Uses Objectives 1. Principles of Development Controls 1, 2, 6, 7 & 9. Orderly and Sustainable Development Objective 1 and 7. Principle of Development Controls 1 and 9. Siting and Visibility Objectives 1 and 2. Principles of Development Controls 1, 2, 3, 4 & 9. Character Preservation District Overlay Objectives 1 and Principle of Development Control 1
RECOMMENDATION:	Grant Development Plan Consent
OFFICER:	Karen Mitrovic

SUBJECT LAND AND LOCALITY

The subject land is located within the Primary Production (Barossa Valley Region) Zone.

The site is comprised of two pieces, separated by Light Pass Road. Piece 200 on the eastern side of Light Pass Road has an area of 3.972 hectares and has been developed with approximately 3.64 hectares of vines and a 200 tonne crush capacity winery. Piece 201 on the western side of Light Pass Road contains an established vineyard and several farm buildings.

The predominant land use in the locality is for viticultural purposes, with almost all appropriately sized allotments in the area containing vines. However, there are multiple dwellings in the locality in addition to a winery building directly to the north of the subject land.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

A winery was first approved on the subject land in 1986, with a maximum crush capacity of 50 tonnes. In 2006 and 2007 an extension to the winery was approved including an increase in the crush capacity to 200 tonnes, and a barrel storage shed.

In October 2008, the Development Assessment Panel granted development plan consent to a development similar to the current proposal. The applicant's business has since expanded and the approved structure is not sufficient in size to accommodate the expected production on the site.

The applicant now seeks approval for a finished goods storage area, wine barrel store, loading/work canopy, cellar door sales area and associated facilities. In addition, two 260,923 litre rainwater tanks and associated carparking areas are also proposed.

The proposed structure has an overall footprint of 30 metres x 50 metres with the height of the building ranging from 2.4 metres for the verandah to a 5.45 metre wall height for the storage area.

The proposed structure will be of a Colorbond Woodland Grey finish, and will maintain the existing approved operating hours, namely 7.00am to 7.00pm, seven days per week during vintage and 7.00am to 5.00pm five days per week at other times. The cellar door sales portion of the proposal will operate up to four days per week between 10.00am and 6:30pm or by appointment for international visitors/buyers.

Traffic visiting the site will access the proposed development via an existing crossover, south of the existing structures on the site, which will be upgraded to accommodate expected traffic movements, and exit via an existing crossover on the northern side of the subject land.

REFERRALS

The proposed development was referred to the Environment Protection Authority (EPA) in accordance with Schedule 8 – 10(b) of the Development Regulations 2008.

The Environment Protection Authority have advised that the proposed development is in accordance with EPAQ guidelines and warrants approval subject to conditions. A copy of this advice was provided with the Agenda.

PROCEDURAL MATTERS

A winery, including associated activities, which does not involve an increase in processing capacity, is listed as a Category 2 form of development within the Primary Production (Barossa Valley Region) Zone.

PUBLIC NOTIFICATION

The application is a Category 2, merit form of development and therefore required public notification. Adjacent land owners and directly affected persons were notified in writing. Two representations were received and their comments are summarised below:

- Stormwater disposal
- Screening of large building through the use of landscaping
- No increase in crush capacity or hours of operation
- Building height
- Impact on amenity

The representors do not wish to be heard by the Panel.

A copy of the representations was included within the Agenda.

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

- Stormwater management details have been provided by a qualified engineer and been assessed by Council's engineering section.
- No increase to hours of operation.
- Additional screening/landscaping will be put in place.
- Amenity has been impacted upon by adjoining winery buildings so the addition of the proposed structure will not significantly detract from the current amenity of the area.

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

PLANNING ASSESSMENT

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

Character Preservation Overlay

The proposed development is also located within the Character Preservation District. Objective 1 of the Character Preservation Overlay indicates that this is a district where:

- (a) *scenic and rural landscapes are highly valued, retained and protected*
- (b) *development near entrances to towns and settlements does not diminish the rural setting, character and heritage values associated with those towns and settlements*
- (c) *the long term use of land for primary production and associated value adding enterprises is assured and promoted*
- (d) *activities positively contribute to tourism*
- (e) *the heritage attributes of the district are preserved*
- (f) *buildings and structures complement the landscape.*

It is considered that the proposed development is consistent with the character preservation district overlay. The proposal will not adversely impact upon the scenic or rural landscape character of the land or the locality, nor will it reduce the ability of the land to be used for primary production purposes.

Design and Appearance

The proposed development is consistent with Principles of Development Control 1 and 3, as the design is sympathetic to the scale of development in the locality. An existing large winery building is located directly to the north of the subject land. In addition, the bulk and scale of the proposal has been minimised through the use of articulation, varying wall heights and the selection of an external colour which will not be in stark contrast to the surrounding environment.

The proposed building has been designed in an attempt to have minimal impact upon the subject land and adjoining properties. The size of the proposed structure is similar to the existing winery building on the adjoining site, however the proposed building will better blend with the environment due to the proposed colours schedule and the articulation incorporated into the design. Where the proposed structure will be visible from adjoining properties, it is proposed that landscaping be put in place to screen the structure.

The setback from public roads, location of existing vegetation, and proposed colour schedule should result in the proposed building not being prominently visible from Primary or Secondary Roadways, or from a tourist route as identified within Council's Development Plan.

Industrial Development

The proposed development is intended to provide a facility which will support the viticultural uses within the region. The proposal is consistent with Objective 2 as it will allow for the site's continuing use as a small scale winery type development in a rural area.

The proposal is consistent with Principle of Development Control 7 as it will not adversely impact upon adjoining land uses or occupiers through the emission of effluent, odours, smoke, fumes, dust or other airborne pollutants, noise, vibration, electrical interference, light spill or glare and will not adversely impact upon traffic, nor will the proposed operating hours be excessive. The main use of the proposed structure is for storage purposes, rather than operational aspects of the winery, as such a significant increase in noise from the site is not expected.

The site will be accessed via an existing crossover and, as part of the proposed development, the applicant will provide a compacted rubble all-weather surface to all driveways. The compacted rubble will be topped with a grey metal to help minimise the potential visual impact of the roadways and reduce the potential impact of dust. Sufficient car parking facilities have also been provided on site to ensure that visitors to the site are not required to park on the public roadway.

Interface Between Land Uses

As discussed above the proposal will not detrimentally affect the amenity of the locality or cause unreasonable interference through the emission of effluent, odours, smoke, fumes, dust or other airborne pollutants, noise, vibration, electrical interference, light spill, glare or traffic impacts, and as such is consistent with Principle of Development Control 1.

Several dwellings are located in the area, and Council received a representation from the occupiers of the dwelling located directly to the south of the subject land. The representor's main concerns related to appropriate screening of the structure and stormwater management.

The proposed structure is located approximately 90 metres from the nearest dwelling which is situated to the north west of the subject land, and 130 metres from the adjoining dwelling to the south. Given the location of existing screening and structures on the site, the proposal is likely to have the greatest impact upon the neighbour to the south of the subject land. In order to reduce the visual impact on this dwelling, the applicant has indicated a willingness to incorporate landscaping to the south of the structure, predominantly along the proposed access driveway.

A detailed stormwater management design has been completed by a qualified engineer and deemed to be appropriate by Council's engineering section. The impact of additional stormwater collection on the site should therefore not have a negative impact upon adjoining land owners.

Council also received a representation from the adjoining neighbour to the north of the subject land, who was concerned that a large winery building would detract from the visual amenity of the landscape. The location of a substantial winery building on the adjoining site to the north, and existing established landscaping will largely screen the proposed structure from Light Pass Road and sites to the north. The design and colour schedule of the proposed structure have been selected in an attempt to minimise the impact of the proposal on the landscape and it is therefore

considered that the proposal will have a minimal impact on the adjoining winery to the north and the amenity of the landscape overall.

Siting and Visibility

The proposed structure has been sited and designed to minimise its visual impact upon the natural character of the area and views from tourist routes and walking trails, thereby meeting the requirements of Principles of Development Control 1 and 4.

The location of the proposed development at the rear of existing structures on the site and established landscaping along Light Pass Road, will result in the winery addition being largely screened from the roadway.

The proposed structure will however be visible from the neighbouring properties to the north and south. In order to minimise the visual impact of the proposed development on these properties the applicant will be required to submit to Council a landscaping plan, incorporating a variety of species, to screen the proposed structure.

The proposed development has been designed with variations in roof heights, to a maximum of 5.4 metres wall height, with an 18° roof pitch, and has incorporated a verandah and canopy to provide articulation. The materials selected and the location of the proposed structure clustered with existing development and amongst existing vegetation will ensure that the above Principle of Development Controls are complied with.

Primary Production (Barossa Valley Region) Zone

Objectives 1 and 4 of the zone seek to encourage economically productive, efficient and environmentally sustainable primary production and the long term continuation of farming, horticulture, viticulture and associated winery activities. The proposed development will provide additional facilities for an existing winery to accommodate on site storage of their product and promote the effective use of the vineyard on the site. The proposal is therefore consistent with Objectives 1 and 4.

The proposal is also consistent with Principles of Development Control 1, 4 and 5, which encourage the development of wineries within the zone, particularly where they are associated with at least 4 hectares of vines, grape crushing, fermentation of grape product and wine maturation. The expansion of the existing winery on the site will improve access to the site and result in the establishment of additional landscaping to improve the amenity of the site.

The proposed development is consistent with Principle of Development Control 3, which indicates that industry and warehousing type developments should be developed where it supports primary production, processing, storage and distribution of local primary produce. The proposed use will support the viticultural use of the subject land, and will largely incorporate the storage and distribution of locally produced wine.

The proposal is also consistent with Principle of Development Control 10, as all proposed activities relating to the production and storage of wine on the site will be undertaken within existing and proposed buildings on the subject land.

CONCLUSION

The proposed development is a merit form of development within the zone and is considered to be a reasonable addition to the winery use of the land.

The proposed addition to the existing winery will not detract from or inhibit existing land uses considered appropriate to the Primary Production (Barossa Valley Region) Zone nor will it detrimentally affect potential for future primary production uses and other appropriate uses within the zone.

Having regard to the provisions of the Primary Production (Barossa Valley Region) Zone and the Council Wide Section in the relevant 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.

OTHER BUSINESS**9.1** **960/476/2008 (Prop ID 107776)**
RELINQUISHING RESERVE LAND ADJACENT TO LOTS 46 AND 47
JOLLYTOWN ROAD – LYNDOCH – CR LINDNER NOMINEES PTY LTD

I Baldwin distributed a copy of a letter received from CR Lindner Nominees for information.

MOVED S Shannon that the Development Assessment Panel does not support the relinquishment of reserve land adjacent to lots 46 and 47 Jollytown Road to enable additional driveway entrances because:

- (a) it is unnecessary to create additional vehicular entrances to the allotment (ie each allotment has an existing suitable access point to a public road),
- and
- (b) it will result in the removal of additional roadside vegetation.

Seconded D Hughes

CARRIED

The Panel approved a land division of 63 lots between the bend in Rushall Road and Jollytown Road, Lyndoch in May 2008. This land division was completed in stages, with the last stage completed in February 2012.

A condition of consent required a thin reserve (0.1 metre deep) to be created across the road frontages of what became lots 46 and 47. Provision was made for an access point at the western end of lot 47 as well as to enable access to services in the road. The reserves were created in the last stage of subdivision and vested in the name of the Council.

The developer now wishes to re-acquire portions of the reserve to create additional vehicular access points to Jollytown Road. The Council, in its capacity as the land owner, has given 'in principal' support to the proposal and has now forwarded the matter to the Panel to make a decision based upon planning grounds.

The principle purpose of the reserve was to control vehicular access to the allotments for road safety purposes. The 2 allotments are on the western side of a crest in the road that restricts sight distances. The break in the reserve at the western end of lot 47, to provide for a driveway entrance, was judged at the time to be far enough away from the crest to be safe.

Secondary reasons for the reserve were:

- To minimise the removal of roadside vegetation for driveway purposes, and
- To ensure that the house on lot 46 would address Wright Court.

The developer wishes to re-acquire specific portions of the reserve for driveway purposes and has obtained a traffic consultant's report that demonstrates there is adequate sight distances available for the proposed driveways. Council has considered and accepted the report, which in turn led to the in-principle support being given.

Relinquishing the 2 portions of the reserve for driveway entrances will result in further roadside vegetation being removed. A dwelling has been approved on lot 47 with 2 garages. One garage is under the main roof and the other is a shed on the opposite side of the house. Two driveway entrances were originally proposed, but the application was amended before approval to only one entrance to match the existing break in the reserve. Roadside trees have been removed to enable the approved driveway to be created. The restriction to only one entrance requires an internal

driveway to be built across the front of the house to the other garage. A second driveway entrance will enable the removal of the internal driveway across the front of the dwelling and will obviously be more convenient, but will involve the removal of a second stand of roadside vegetation.

With respect to lot 46, the proposed break in the reserve does not line up with a break in the roadside vegetation, and a proposed driveway will result in further removal of roadside vegetation. There is a space available which commences approximately 7 metres from the southern boundary of FP 171730 (instead of the 11 metres proposed) but moving the position of the driveway will require a reassessment of the sight distance available.

Which road a future house will address will be strongly influenced by which road it uses for its primary access. It is reasonable to assume that relinquishing the reserve in front of lot 46 will enable a driveway access to Jollytown Road, resulting in the dwelling addressing Jollytown Road. A preference for a future house on lot 46 to address Wright Court for aesthetic reasons was originally thought to be desirable, but it is now not considered to be critical. Facing a future house to Wright Court as originally intended is likely to result in a solid fence being erected along the Jollytown Road frontage. This will not be aesthetically displeasing because it will be partially hidden by the roadside vegetation. If the house were to face Jollytown Road, a solid rear fence across the Wright Court boundary can be expected. This may not be as aesthetically displeasing as first thought, because in time a similar solid fence can also be expected across the road frontage of the neighbouring property in FP171730.

In summary it is accepted that the primary reason for requiring the reserve (ie road safety) is no longer relevant. Similarly, which road the future dwelling on lot 46 addresses will not have a significant planning impact. However, relinquishing the 2 portions of reserve will result in further roadside vegetation being removed when driveways are built. If the proposed entrance for lot 46 was moved to reduce the risk of vegetation removal, the available sight distance will need to be reassessed. Given that both allotments have been provided with adequate access and that the developer has not provided adequate justifying reasons for the removal of additional roadside vegetation that will result from relinquishing portions of the reserve, the proposal is not supported, notwithstanding that it was not the primary reason for the reserve in the first instance.

There are a number of objectives and principles of development control in the Development Plan to justify such a stand, particularly in the Natural Resources section. However, it is equally relevant that the requirement for this type of reserve has not been used in the past to control access points to allotments, or to protect roadside vegetation. Such matters are usually left to be controlled by provisions of the Local Government Act.

Alternative options to refusing the request include:

- support the proposal for relinquishing both portions of reserve.
- support one driveway entrance but not the other.
- With respect to lot 46, support an entrance to Jollytown Road if the entrance is moved to line up with a gap in the roadside vegetation.

A locality plan, submission by the developer and the site plan for the house approved on lot 47 were included with the Agenda.

REQUEST FOR RURAL PROPERTY ADDRESS DETAILS

B Ballantyne requested that Officers include the Rural Property Address details within Development Assessment Panel reports, to facilitate easy property identification when conducting site visits.

APOLOGY FOR AUGUST DEVELOPMENT ASSESSMENT PANEL MEETING

R Miller advised that he will tender an apology for the 5 August 2014 Panel Meeting.

NEXT MEETING

Tuesday 5 August 2014 commencing at 5.00pm.

CLOSURE OF MEETING

Mr Ballantyne declared the meeting closed at 5.58pm.

Confirmed

Date: Chairman: