



The Barossa Council

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

Held on Tuesday, 13 May 2014 commencing at 5:07pm in
the Council Chambers, 43-51 Tanunda Road, Nuriootpa

WELCOME

Bruce Ballantyne welcomed everyone and opened the meeting.

PRESENT

Bruce Ballantyne (Presiding Member), David Hughes, Richard Miller, Kelvin Goldstone and Scotty Milne – Panel Members.

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

APOLOGIES

S Shannon and S Roehr.

LEAVE OF ABSENCE

Nil.

MINUTES OF PREVIOUS MEETING

MOVED R Miller that the Minutes of the Development Assessment Panel meeting held on Tuesday, 1 April 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 a conflict of interest in relation to DA/DAP/R3 (Barossa Land Developments), due to a professional relationship with the applicant, the Directors of the applicant and family members of the Directors.

APPLICATIONS FOR DECISION**DEBATE AGENDA****DA/DAP/R1 D649/2013 (106467)
STEINY'S TRADITIONAL METTWURST – RETAIL SHOP AND OFFICE (MERIT)**

B Ballantyne confirmed that DA/DAP/R1 – Steiny's Traditional Mettwurst (Retail Shop and Office) has been withdrawn from the Agenda, at the request of the Applicant, to enable issues raised by the Representor to be addressed. It is envisaged that the Application will be submitted to the Development Assessment Panel at a future meeting.

**DA/DAP/R2 D1027/2013 (100513)
PROPERTY DEVELOPMENTS PTY LTD/ELICAB PTY LTD – THREE ROW DWELLINGS (NON-COMPLYING)**

Mr Craig Cowan (Representor) addressed the Panel at 5.10pm relative to DA/DAP/R2.

Mr John Harris (Representor) addressed the Panel at 5.11pm relative to DA/DAP/R2.

Mr C Reuter (Representor) addressed the Panel at 5.20pm relative to DA/DAP/R2.

Mr Lange (on behalf of Representor – St Petri Lutheran Church), addressed the Panel at 5.22pm, relative to DA/DAP/R2.

MOVED S Milne that the Pursuant to subsections 56A(12)(a)(viii) and 56A(12)(a)(ix) of the Development Act 1993, the Development Assessment Panel meet in confidence to consider legal advice distributed prior to the commencement of the meeting.

The motion lapsed for the want of a seconder.

MOVED D Hughes that the Development Assessment Panel has considered all relevant assessment matters and the officer's report prepared in relation to Development Application No. 960/1027/13 and resolves as follows:

(A) That the proposal is sufficiently at variance with the relevant provisions of The Barossa Council Development Plan consolidated 21 February 2013 to warrant refusal to grant Development Plan Consent for the following reasons:

- (1) Sufficient car parking has not been provided.
- (2) The dwellings are not in conjunction with a non-residential development contrary to the objective of the Zone.

Seconded S Milne

CARRIED

DEVELOPMENT APPLICATION NO:	960/1027/2013 (Prop ID 100513)
APPLICANT:	Property Developments Pty Ltd /Ellicab Pty Ltd
OWNER:	Ellicab Pty Ltd
SUBJECT LAND:	Lot 738 in FP 17299, 2 First Street, Nuriootpa
PROPOSAL:	Three Row Dwellings
ZONE/POLICY AREA:	District Town Centre Zone, Map Baro/6
PROCEDURE:	Non-Complying
REFERRALS:	Nil
PUBLIC NOTICE:	Category 3 – 15 Representations (10 in Support & 5 Objections)
KEY ISSUES:	Walls on Boundaries, Drainage, Car Parking, Compatibility with Surrounding Land Uses, Dwellings in the District Town Centre Zone
DEVELOPMENT PLAN PROVISIONS:	Refer <i>Attachment 3</i> for extracts from:
CONSOLIDATION DATE: 21 February 2013	<ul style="list-style-type: none"> • Centres and Retail Development • Design and Appearance • Heritage Places • Interface between Land Uses • Landscaping, Fences and Walls • Orderly and sustainable Development • Residential Development • District Town Centre Zone
RECOMMENDATION:	Refusal
OFFICER:	Brian Irvine

BACKGROUND

A warehouse has previously been approved on this site, and although the consent remains current, the proposal has not proceeded. That proposal also included improvements to the car parking area between the proposed warehouse and the rear of the business premises fronting 45 Murray Street, and a coordinated community plan land division over 45 Murray Street and 2 First Street. The warehouse and 4 carparking spaces covered the area of the sites of the 3 proposed row dwellings and associated yards and carports.

The applicants have submitted an alternative proposal for three row dwellings. At the time of writing, a related land division application had not been submitted. The three row dwellings were deemed to be a non-complying form of development because they were not considered to be “in conjunction with a non-residential development.”

An appeal has been lodged against the decision to determine the proposal to be non-complying, but that appeal has been adjourned pending the outcome of this application.

SUBJECT LAND AND LOCALITY

The subject land comprises a rectangular shaped allotment at 2 First Street and a small portion of the rear of 45 Murray Street (which is located on the corner of First Street).

The site has a width of 20 metres and encroaches 1.71 metres into the rear of 45 Murray Street. The site has a depth of 22.25 metres and an area of 445m². The land is near flat.

Number 2 First Street is occupied by a disused, older style dwelling which is intended to be demolished. The rear of 45 Murray Street is used as an unsealed car park.

The surrounding locality is dominated by business type uses and the neighbouring church. The land to the east of the site (ie right hand side) is number 45 Murray Street and is occupied by a shop and office facing Murray Street, a Laundromat at the rear of the building, a residence over the shop and a car park behind the building with access from First Street. The land to the west (ie left hand side) is occupied by a church and related car park and other buildings related to the social services that the church provide. The church tower is on the local heritage list. A row of trees are planted along the edge of the car park close to the boundary of the site of the row dwellings. The land at the rear of the site is owned by the church and used for a shop and office fronting Murray Street and church related services at the rear of the property. One of the buildings fronting Murray Street is on the State Heritage list. The land on the opposite side of First Street is used for business purposes including a refrigeration business, locksmith and mechanical repair workshop.

First Street is relative narrow. Two way traffic movements are allowable in front of the site (to enable access to the car park from both directions) but traffic is prevented from exiting onto Murray Street. Parking is prohibited on the opposite side of the street and a bike lane is designated across the front of the church and the site. Footpaths are also relatively narrow.

The locality is defined as the area of properties fronting First Street between Murray Street and Second Street, and the other property with a common boundary with the site. The locality has a semi industrial/commercial character derived from the style and use of the buildings, zero or reduced setbacks, and the general lack of landscaping.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal involves the construction of three two storey, three bedroom, row dwellings with single car carports and front fences. The external walls of the dwellings will comprise precast concrete tilt up wall panels with a textured paint finish in Ivory Beige. The building will be setback 6 metres from the front boundary, and 5.55 metres from the rear boundary exclusive of verandahs and porches. Each dwelling will be 10.7 metres deep and 6.4 metres wide. The building will have external walls 6.3metres high, with skillion roofs.

A single car carport will be located in front of each dwelling, with zero setback. A powder coated roller door will be located on the front boundary. The remainder of the frontage of each dwelling will have a powder coated metal fence of the same colour, with the exception of the recessed entrance feature.

Each dwelling will have a 148m² of site area, and an area of 35.5m² of private open space at the rear (24%).

No waste system application has been lodged but the plans indicate separate septic tanks for each dwelling in the carport. This can be addressed with a condition of consent if approved.

No related land division application has been lodged at the time of writing. However a proposed community plan of division has been provided, that does give a reliable indication of how the land is intended to be divided.

The status of the car parking area as part of the application is unclear. There are references to the car parking plan forming part of the previous warehouse application. There appears to be an intent to proceed with the car park (and related drainage) modified to suit the row dwelling application but the information has not been 'copied' into the current application with appropriate modifications.

The application detail including plans and the Statement of Effect were provided within the Agenda.

PROVISIONS OF THE DEVELOPMENT PLAN

The subject land lies within the District Town Centre Zone of the Development Plan, consolidated 21 February 2013.

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

CONSULTATION

No statutory consultation with government agencies was required.

PUBLIC NOTIFICATION

The application is a Category 3 form of development for public notification purposes as determined by Schedule 9 of the Development Regulations. Representations and the applicant's response were included within the Agenda.

PLANNING ASSESSMENT

Dwellings are listed as being non-complying "except where in conjunction with a non-residential development". Conjunction is taken to mean to be 'joined with' and not merely associated with or ancillary to other development. The intent is to build 3 row dwellings, physically separated from surrounding non-residential development, and subsequently subdivide the land to create a separate title for each dwelling. The only relationship to non-residential development is proposed to be a single car-park located in a common car park which will not be legally tied to any of the dwellings. The fact that the applicant proposes to create community titles instead of torrens titles for the dwellings does not join the dwellings to non-residential development. The decision was therefore taken that the proposal was for a non-complying form of development.

However, there are a number of zone provisions that clearly envisage some housing within the District Town Centre, and therefore a decision was made to proceed with the assessment of the proposal.

The front view of the development is regarded as being compatible with the general amenity of the locality. The principal view will be the fence and roller doors on the road boundary with the top of the building visible behind. Given the variety of ages and styles of buildings nearby and the number of walls on the road boundary, this is not out of character. However, the side walls present a bland featureless view to the public through the car parks on either side. Such walls are not uncommon in business areas but are generally less prominent because of the close proximity of other nearby buildings. The exposed walls will draw attention to the bulk of the building which would ordinarily be less obvious if other buildings were located nearby. While a coloured surface is proposed as suggested by Design and Appearance Principle 3, the location of the walls on the boundary prevent articulation and other design features to add interest to the walls and reduce its starkness. Although this is not consistent with Design and Appearance principles 2, 3 and 4, this is not regarded as being fatal to the proposal. The Design and Appearance objectives and principle, in relation to dwellings, are usually interpreted or utilised to ensure that new dwellings are not out of character with the residential area, whereas in this instance they should be interpreted having in mind that the development is located in locality with a district town centre character. The extent of walling on the boundary is also substantially less than the previously approved warehouse proposal.

The applicant's letter of the 24 February proposes that the drainage of the car park will be in accordance with the design presented for the warehouse, and the drainage for the dwellings will be in accordance with the written description provided in the letter. The warehouse drainage scheme involved three separate drainage areas. The buildings on 45 Murray Street drained to the kerb through a detention tank. The car parking area drained to the kerb through an un-detained sump. The warehouse drained to the kerb through a single detention tank. The small parking area in front of the warehouse drained to the road as surface drainage. It is unclear from the description given whether the drainage from the rear of the dwellings will be directed into the parking area drainage system. It is also unclear where the detention for the dwellings will be, how it will function and how many outlets there will be. Further detail is required but the existence of a previously accepted drainage proposal does provide a high level of confidence that the matter can be addressed as a Reserved Matter if the proposal is approved.

Several representations raised concerns about the car parking arrangements, and that inadequate parking would lead to the residents relying upon nearby parking areas provided by the church for its purposes, or by other businesses for their customers. The car parking assessment for the previous warehouse application also included the car parking requirements of the businesses and dwelling on 45 Murray Street because the car park was intended to be a shared parking area. The warehouse application proposed 18 parking spaces including a disabled space and 4 spaces in front of the warehouse. Those 4 spaces will not be available in the current proposal, which proposes 15 spaces in the common parking area. Car park number 15 adjacent to the road will be difficult to manoeuvre into and therefore only 14 spaces can be assured. For the warehouse

application, 3 spaces were required for the warehouse, meaning that the remaining 15 spaces in the common parking area were required to service the existing development at 45 Murray Street. This means that the 15 common parking spaces proposed for the row dwelling application (or 14 as suggested above) are fully committed to the existing development with no spare capacity for the proposed dwellings. A single carport is proposed in front of each of the 3 dwellings for the exclusive use of each dwelling. Table Baro/1 states that 3 parking spaces should be provided for a 3 bedroom house, with at least 1 under cover. Given that 2 car households are common, the common car park is fully committed and no kerbside parking is permissible in that part of First Street it is recommended that no concession be made on parking requirements.

For the common car parking area to be laid out in the manner proposed, the entrance needs to be adjusted and a stobie pole moved. That work was included as part of the warehouse application and related community division, but it is unclear whether the car park is part of the site and forms part of the row dwelling application. This can be addressed with a condition of consent if the proposal is approved.

The potential incompatibility of the dwellings with the surrounding land uses has been raised in several representations and is addressed by the provisions of the Development Plan in the "Interface between Land Uses" and "Orderly and Sustainable Development" sections. The principle concern is that noise and late night activities may be annoying to the occupants of the dwellings and lead to restrictions on the activities of nearby land uses. The dwellings, if established also have the potential to restrict future changes of land use. Whilst the concerns are valid and the possibility of annoyance to the occupants of the dwellings will be higher than elsewhere, the level of tolerance is also expected to be higher. This concern also needs to be weighed against the fact that there are other dwellings nearby in Second Street which, although a little further away, do not seem to be affected by the existing business uses. Consideration also needs to be given to Zone provisions that envisage some dwellings in the District Town Centre.

Objective 1, 2 and 3 for the Zone, when read together, indicate that the primary purpose of the zone is for town centre related business uses with some provision for medium density residential development in conjunction with non-residential development. This is reinforced by the non-complying list that lists dwellings as non-complying except where in conjunction with non-residential development, and zone principle 2 that states that development listed as non-complying is generally inappropriate. Similarly, zone principle 1 identifies dwellings in conjunction with non-residential development and a residential flat building in conjunction with non-residential development as envisaged forms of development. A dwelling located in the same building as, and either above or behind an office, shop or similar business use, is regarded as being in conjunction with a non-residential use, and in conformity with those provisions as well as zone principle 8.

However, zone principle 1 also refers to affordable housing without any reference to being in conjunction with non-residential development. Similarly, zone principle 3 refers to residential development that does not prejudice the operation of existing or future retail activity without clarifying whether it should be in conjunction with non-residential use. Zone principle 4 also refers to "residential use only" which, logically cannot be in conjunction with a non-residential use. While these principles, together with Centres and Retail Objective 4, can be used to support an argument that it is not essential for residential development to be in conjunction with non-residential uses, they do need to be read in context. The principles are intended to achieve the objectives, and zone objective 3 states that medium density development should be in conjunction with non-residential development. It is therefore not necessary for the principles to repeat the intent. The reference to "residential use only" in zone principle 4 is clearly limited to specific properties and therefore not intended to imply a more lenient application of the 'in conjunction' requirement.

On balance, the intent of the zone provisions appear to enable residential development in the zone on one hand, but to also limit such development on the other hand, so that it does not dominate the use of any particular parcel of land or otherwise prevent its use for the primary purpose of the zone.

CONCLUSION

The proposal involves the building of 3 row dwellings which are intended to have their own individual allotments. The aesthetic appeal of the design is compatible with the character of the locality. Although the development plan does envisage some form of housing in the Zone it is also clear that, on balance, dwellings should occur only in conjunction with non-residential development to ensure that the primary purpose of the zone is not compromised by residential development. The proposal is also deficient in car parking to an extent that it will affect neighbouring land uses.

On balance, it is concluded that the proposal is sufficiently at variance with the provisions of the Development Plan to justify refusal.

**DA/DAP/R3 D595/2013 (113547, 106232, 111392, 117082, 111139)
BAROSSA LAND DEVELOPMENTS – LAND DIVISION (6 LOTS INTO 335 LOTS
AND 6 RESERVED (MERIT)**

R Miller left the meeting at 5.39pm, due to a stated conflict of interest.

Michael Wohlstadt, (Planning Advisory Services) addressed the Panel relative to DA/DAP/R3 at 5.40pm, on behalf of Grant Burge Wines,

Graham Burns (MasterPlan) addressed the Panel relative to DA/DAP/R3 at 5.47pm, on behalf of Barossa Land Developments.

K Mitrovic (Planner) clarified further details of the application. Since the completion of the Report, that Applicant had advised Council that they had been granted access to the adjoining property for the purpose of data collection, subject to several requirements, however the Applicant did not feel that the requirements could be met.

Council has received the EPA's report in relation to the proposal. K Mitrovic confirmed that the EPA has an advisory capacity only, and are unable to direct Council to refuse the development. Given this advisory capacity, the report from the EPA should be given equal weight to all other information submitted in relation to the proposal for assessment against the Development Plan.

The requirement for the Applicant to provide odour modelling data from the source of the perceived odour, rather than the receptor was considered onerous and appears to be substantially more detailed than any previous requests made to the Applicants, including during the recent assessment of the proposed winery extension to the adjoining site.

MOVED S Milne that the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/D010/13 (Council Reference 960/595/2013) and resolves as follows:

(A) The proposal is not seriously at variance with the relevant provisions of The Barossa Council Development Plan consolidated 21 February 2013.

(B) Grant Development Plan Consent and Land Division Consent to Development Application 960/D010/13 (Council Reference 960/595/2013) subject to the following reserved matters and conditions:

Reserved Matters

(A) Flood Management

For the purpose of ensuring and demonstrating that the development proposal is safe from flooding, a "Flood Management Report" shall be

provided to the approval of Council. The report shall demonstrate that the proposal will comply with current best practice as recommended by "Australian Rainfall and Runoff, Reprinted Edition 2001", in particular Book 111, Section 1.10, Recommendations, "Flood Mitigation" and also the included reference "Guidelines for Floodplain Management Australia", (Australian Water Resources Council, 1985). The approved Report shall form the basis for detailed design and documentation of the development.

(B) Stormwater Management

For the southern sector, no stormwater outfall exists for the proposed development. A stormwater management report shall be provided for Council's approval, to demonstrate that stormwater outfalls from the whole southern sector can be provided and in what form, based on direct links, as a basis for detailed design and documentation.

Development Plan Consent Conditions

- (1) The land division shall be undertaken in accordance with the plans accompanying the application, unless varied by the following conditions.
- (2) A Land Management Agreement shall be entered into between the applicant and future owners of the affected dwelling allotments to ensure that the requirements outlined in the report completed by Sonus Pty Ltd, dated May 2013, reference S4161C3, are met.
- (3) A 3 metre high barrier shall be constructed along the rear property boundary of Allotments 1 to 14 in the stamped approved plan. The location of the barrier is outlined in the report completed by Sonus Pty Ltd, dated May 2013, reference S4161C3.
- (4) The applicant shall provide for the construction of all necessary services and infrastructure including but not necessarily limited to roads, stormwater drainage, waste disposal, electricity, public lighting and communications to the reasonable satisfaction of Council and all relevant authorities. All associated costs shall be borne by the developer.
- (5) The applicant shall construct all necessary services and infrastructure to service each allotment, including:
 - roads,
 - water supply,
 - storm water drainage,
 - waste disposal (CWMS),
 - electricity, public lighting and communications

to the reasonable satisfaction of Council. (Note Only: This may include constructing drains outside of the site, or contributing to upgrades, where existing drains are inadequate to accept additional water or sewerage.)

- (6) All roads and civil works shall be constructed in accordance with drawings and specifications designed by a professional engineer submitted to and

approved by Council before construction commences. The design shall generally be in accordance with the appropriate Australian Standards, technical codes of practice, approved guidelines, Council land division guidelines and Australian Road Rules. In particular:

- a. The applicant shall engage a Chartered Professional Engineer to prepare a detailed design, calculations and specification for construction of infrastructure to the reasonable satisfaction of the Director-Works and Engineering. The design shall generally be in accordance with relevant Australian Standards, technical codes of practice, approved guidelines, Council land division guidelines and Australian Road Rules and generally meet good engineering practice.
- b. The design drawings and specification shall be prepared and be provided to the Director-Works and Engineering for separate construction approvals for the following: earthworks, base course, sub-base course, road sealing, effluent construction, flood management and stormwater construction etc, for large staged development.
- c. The applicant shall be responsible for and bear all costs associated with obtaining approvals related to the Council works from relevant authorities. These approvals shall be submitted to Council prior to final Council approval of the plans and specifications.
- d. All test results shall be provided to Council and approved prior to a Certificate of Practical Completion being issued.
- e. All site construction work shall be carried out under the supervision of a Professional Engineer in accordance with plans and specifications approved by Council. Council shall be notified prior to each stage inspection (48 hours in advance) for attendance.
- f. The Specification shall require the contractor to implement an inspection and testing program to ensure conformity of the works with the Specification. All test results shall be provided to Council and approved prior to a Certificate of Practical Completion being issued.
- g. All earthworks associated with the development shall be stabilised in accordance with certified engineering design and practices against erosion and failure. Earthworks must not encroach across neighbouring property boundaries. When fill or cut at the property boundary exceeds 200mm, a retaining wall with existing ground and proposed wall levels shall be specified.
- h. Defects Liability Period for the development will be 12 months from the Council's written acceptance of Practical Completion.
- i. Geotechnical testing shall be undertaken and appropriate road pavement design shall be prepared. All pavement design calculations shall be provided with the drawings for approval.
- j. Road pavements shall have a minimum width of 7 metres. The pavement of the cul de sac shall have a minimum radius of 9 metres.
Alternative turning areas shall be designed to the satisfaction of Council and enable a large single unit vehicle to undertake a

'U' turn or a three point turn.

- The available road reserve space at any "T" turnaround end is required to be large enough to cater for a large single unit vehicle, plus adequate verge space. The road reserve width at any "T" end is required to be widened to 15m to accommodate the roadway.
- k. All roads shall be sealed with an AC10, 30mm thick Bituminous Hotmix wearing course. Pavements are to be designed based on "ARPG21 A Guide for the Design of New Pavements for Light Traffic" using 95 percentile confidence limits for the ultimate traffic loading and a 20 year design life.
- l. Road seal widths shall be a minimum of 8 metres with a 15m wide road reserve for connector roads and 7m wide with a 14m wide road reserve for local residential streets.
- m. No vehicle access/egress to allotment is to be provided within (10) metres of the intersecting roads. (This is pursuant to Australian Road Rules 1999, Rule 170(3)(a)).
- n. The road verge shall be topped up with 100mm of clean topsoil with a minimum grade of 75mm from the boundary to the top of kerb.
- o. The road verge on both sides of the carriageway shall be shaped to provide a minimum width of 3.5 metres adjacent the kerb, with a 2.5% grade towards the road top of kerb and be graded uniformly to be suitable for pedestrian traffic. Batters into allotments are to be no steeper than 1 in 6.
- p. All necessary signs, road name signs, traffic control devices and pavement markings shall be provided in accordance with AS1742. All required statutory approvals shall be obtained from Transport SA for traffic control devices.
- q. Adequate measures shall be implemented to suppress dust generated during site works to ensure that dust generation does not become a nuisance off-site. Machinery should not generally be operated outside the hours of 7am to 6pm daily.
- r. All roads shall be provided with kerb and gutter to the reasonable satisfaction of the Council. Semi-mountable kerb shall be provided adjacent residential properties. 200mm high upright kerb shall be provided adjacent any reserves and nonresidential properties.
- s. Kerb openings for the disposal of stormwater shall be provided for each allotment that drains to the road.
- t. Kerb inverts and crossing places shall be provided in upright kerbs for safe and convenient access to allotments where necessary to the satisfaction of Council.
- u. Temporary debris and sediment control measures designed in line with the Environmental Protection Authority's "Stormwater Pollution Prevention Codes of Practice" shall be installed prior to and maintained at all times during construction.
- v. "As Constructed" drawings shall be provided to Council in hardcopy and electronically in "dwg" or "dxf" format.

(7) Council must be notified 24 hours prior to the following:

- Commencement of any work on site.
 - Testing of all CWMS pipelines and associated infrastructure.
 - Backfill of all CWMS pipelines and associated infrastructure.
- (8) The payment of the CWMS augmentation charge required pursuant to section 188 of the Local Government Act be made to Council prior to the issuing of the Certificate of Approval. The charge payable is the charge current at the time of payment. (see note below)

Reason: To ensure that effluent can be satisfactorily disposed of from the proposed allotments and that the allotments are suitable for their intended use.

NOTE ONLY

Pursuant to Section 188 of the Local Government Act, the Council requires an augmentation charge to be paid for each additional allotment connected to the CWMS system. At the time of approval the current charge is \$4500 per allotment. Based upon the current charge a payment of \$1507500 is required (335 additional allotments requiring new connections @ \$4500/allotment). This charge is reviewed periodically, and the augmentation charge to be paid is the charge applicable at the time the payment is made. Please enquire with the Council office prior to making payment for the current charge.

- (9) The Applicant shall provide for the disconnection of any inspection points on the existing CWMS pipeline where necessary.
- (10) The CWMS drain shall be bedded, haunched and covered by 5mm screenings.
- (11) All allotment boundaries abutting reserves shall be adequately fenced using 1800mm high "Good Neighbour" colourbond fencing. All fencing costs shall be borne by the Developer.
- (12) The applicant shall arrange for consolidation of titles so that the land shown as reserve and other abutting reserves are contained within one Certificate of Title.
- (13) The applicant shall submit to Council a landscaping plan showing all landscaping proposals in detail, including the type and location of plantings and any existing trees to be retained, and maintain for a period of 12 months from Practical Completion to the satisfaction of the Director-Works and Engineering. The applicant is to remove all noxious weeds and vegetation from all reserves and ensure that all reserves are left in a condition suitable for Council to mow and maintain to the reasonable satisfaction of the Director-Works and Engineering.
- (14) An appropriate sized water meter to be provided at no cost to Council in the area of the "Reserve" in a location as shall be determined by the applicant and the Director-Works and Engineering.

- (15) No stormwater or other substances shall be directed toward or drained onto the railway land.
- (16) Suitable fencing must be erected and maintained at all times to prevent persons and vehicles from entering the rail corridor (GWA is exempt from the Fencing Act).
- (17) The proposed use of the land must not in any way obstruct the visibility or alter the use of the railway land.

Land Division Consent Conditions

- (1) Drainage easements be provided wherever necessary to provide for drainage of the allotments and roads.

Drainage easements shall have a minimum width of 3 metres for a single service and 4 metres where 2 services are provided,

Easements be provided wherever necessary for electrical purposes.

- (2) Each allotment shall be provided with a connection point to the Community Wastewater Management Scheme at the boundary of the allotment, in accordance with a technical design and specifications approved by Council, prior to the commencement of work.

The design shall be prepared by a professional engineer and show the new drains and connection points locations, flushing points, inspection points, depths, gradients etc.

The specifications should provide for:

- Council inspections prior to backfilling of trenches,
- The provision of test results to Council.
- Provision of "As constructed" drawings to Council in hardcopy and electronically in "dwg" or "dxf" format.

NOTE: Non compliance with this requirement will delay the Council's clearance for the issuing of the Certificate of Approval.

- (3) The proposed extension to the CWMS shall be designed in by a Civil Engineer. The design shall comply with the "Septic Tank Effluent Drainage Scheme design Criteria" and Council's CWMS Guidelines. The detailed design and documentation covering the location of the extension, connection point, inspection point/s, flushing point, invert levels and ground levels etc shall be provided for Council's consideration and compliance with the Director-Works and Engineering prior to "Development Assessment Commission" clearance.
- (4) On approval of the application, all internal existing sewer drainage that crosses the proposed allotment boundaries must be severed or redirected at the applicants cost to ensure that the pipe work relating to each allotment is contained within its boundaries.

- (5) A 4.5m x 4.5m corner cut-off on proposed corner allotments shall be provided at intersections and shall be shown on the plan and vested to The Barossa Council to allow adequate road and verge widths.
- (6) The stormwater drainage system shall be designed in accordance with Council's stormwater drainage guidelines, AS/NZS 3500.3:2003 and Australian Rainfall and Runoff.
- (7) The stormwater management plan for the development shall be based on ultimate development of the allotments. For residential allotments it shall be assumed that 75% of the area of the lots is impervious, unless it is demonstrated that alternative is appropriate.

The underground system shall provide for runoff generated by a minimum 10yr ARI event with overflow paths provided for a minimum 100yr ARI event or as required by the approved flood management plan that will prevent stormwater runoff inundating properties.

- (8) An unobstructed overland flow path shall be designed for a minimum 100yr ARI event or as required by the approved flood management plan.

Detention shall be provided by a 100yr ARI storm where a flow path cannot be achieved.

No stormwater runoff from the site shall be permitted to discharge onto any adjacent property or the footpath verge. The discharge to council's drainage system or a watercourse shall be consistent with the capacity of the systems.

- (9) Minor drainage systems shall be designed for a minimum of 10year ARI event with gutter flow widths limited to a maximum of 1.5m. Where overflow path discontinuity occurs and property flooding may occur, a minimum 100 year standard is required or as required by the approved flood management plan.
- (10) Where a lot grades away from a roadway, a continuous barrier shall be specified (including any driveway) along the frontage boundary to protect against road gutter flows. These requirements must also meet the requirements of the approved flood management plan.
- (11) Detention shall be provided to limit the 100yr ARI post-development peak discharge to the 20yr ARI pre-development peak discharge from the site.

The perimeter of a detention facility shall be a minimum of 2.5m from the property boundary and edge of verge. The maximum grade on the internal embankment and external embankment (if constructed) on a detention basis shall be 1 in 6.

- All works necessary beyond the property boundary shall be specified to comply with Council's requirements and standard details

- Any direct connection of a stormwater system to a water course shall incorporate scour protection measures and shall not obstruct flows in the water course.
 - A stormwater and site management plan, with supporting computations, shall be provided demonstrating, to Council's satisfaction, compliance with the above requirements. The plan shall at least include existing contours, features, existing stormwater infrastructure, proposed site works details, levels and grading, proposed stormwater system details, detention system volumes and discharge controls, proposed building floor levels, proposed paving and connection details to and any upgrading if required of the existing external drainage systems.
- (12) The proposed land division shall be considered as partly flood prone land. Flood management shall comply with an approved stormwater flood management plan in accordance with the approved flood management and stormwater management plans submitted to Council (in accordance with the above Reserved Matters).
- (13) The design shall provide for rear allotment drainage system and appropriate easements where necessary.
- Where a future dwelling on an allotment cannot drain directly to Council's stormwater drainage system, rear of allotment drainage systems, including connection points in easements, based on 10year ARI events shall be provided.
- (14) An open drainage channel with batters no greater than 1:6 and with an adequate capacity to manage the runoff from the 100 year ARI critical rainstorm over the fully developed catchment, shall be installed to the satisfaction of the Director- Works and Engineering. The open channel shall be designed so that it does not scour, with a minimum requirement to be grass lining.
- (15) All drainage infrastructure in private property shall be covered by an easement in favour of Council and at no cost to Council. The easement width shall be adequate to cover the drainage infrastructure and allow maintenance of the infrastructure. A minimum of three metres shall be provided.
- (16) Minimum pipe size for road drainage shall be 375mm and rubber ring jointed.
- Minimum depth of reinforced box culverts shall be 225mm.
- (17) The road verge on both sides of the carriageway shall be shaped to provide a minimum width of 3.5 metres adjacent the kerb, with a 2.5% grade towards the road top of kerb and be graded uniformly to be suitable for pedestrian traffic. Batters into allotments are to be no steeper than 1 in 6.
- (18) Concrete block paved footpaths of 1.8m wide shall be provided as a minimum on one side adjacent to the roadway in all "Local Residential"

streets, and on both sides of all "Collector" roads. Location of footpaths to be at the reasonable satisfaction of the Director-Works and Engineering, with the footpath cross fall not exceeding 2.5% and designed for construction traffic loads.

All footpaths shall be constructed at a point in time when most of housing development in the land division has been completed to avoid dilapidation by construction traffic.

- (19) Pedestrian pram ramp accesses, including tactile ground surface indicators, are to be provided in accordance with Australian Standards AS1428 by the developer.
- (20) The financial and augmentation requirements of the SA Water Corporation shall be met for the provision of water supply (SA Water 90043/13).

The necessary easements shall be granted to the S A Water Corporation free of cost.

- (21) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES

- (a) Land Division Conditions 1 to 19 inclusive are the requirements of Council and Conditions 20 to 21 are the requirements of the Development Assessment Commission.
- (b) SA Water Corporation further advise that approximately 1,160m of DN 200 main is required along Menge Rd interconnecting the existing mains in Basedow Road and Magnolia Road.
- (c) Suggested street names of a historical/Barossa nature can be supplied to Council for consideration.
- (d) Department of Planning, Transport and Infrastructure advise that the subject land is in the vicinity of two level crossings. As such, train drivers will be obligated to sound warning devices in a manner that ensures road vehicles and pedestrians are aware of their approach.
- (e) The applicant is reminded of its general environmental duty, as per Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that its activities on the whole site, including construction, do not pollute the environment in any way which causes or has the potential to cause environmental harm.
- (f) Suggested street names should be submitted to Council for consideration prior to submitting the final plan. Street names are considered at a Council meeting and names suggested by the applicant may not always be adopted.

It is recommended that any suggested names be submitted at least 8 weeks prior to lodging the final plan to avoid delays.

- (g) The applicant is advised to contact the Council when all Council conditions have been complied with and request Council's release for the issue of the Certificate of Approval. Any bonding arrangements should be in place prior to seeking the issue of the Certificate of Approval.
- (h) Any portion of Council's infrastructure damaged as a result of work undertaken, on or associated with the development shall be repaired/reinstated to Council's satisfaction at the developer's expense.
- (i) For further information regarding this approval and the conditions of approval please contact the relevant officer:

Karen Mitrovic	Planning Officer	Ph 8563 8484
Bob Williams	Civil Engineer	Ph 8563 8496
Michael Clark	CWMS Co-Ordinator	Ph 8563 8479

Seconded D Hughes

CARRIED

DEVELOPMENT APPLICATION NO:	960/595/2013 (Prop ID 113547, 106232, 111392, 117082, 111139)
APPLICANT:	Barossa Land Developments
OWNER:	CR Lindner Nominees Pty Ltd and Vintage Real Estate Pty Ltd
SUBJECT LAND:	80 Basedow Road, Tanunda, 98 Basedow Road, Tanunda, Allotment 544 Menge Road, Tanunda, Allotment 8-11 Section 14 Wilberth Street, Tanunda and Allotment 752 Menge Road, Tanunda
PROPOSAL:	Land Division (6 Lots into 335 Lots and 6 Reserves)
ZONE/POLICY AREA:	Residential Zone, Policy Area 11 – Menge Road
PROCEDURE:	Merit
REFERRALS:	Development Assessment Commission, SA Water, Environment Protection Authority, Department of Planning, Transport & Infrastructure – Transport Services, Urban Renewal Authority (Affordable Housing)
PUBLIC NOTICE:	Category 2 – Two Representations (one received after the notification period ceased)
KEY ISSUES:	Allotment configuration, site contamination, stormwater management, odour modeling, Environment Protection Authority recommendation
DEVELOPMENT PLAN PROVISIONS:	Residential Zone (Map Baro/16, 17 & 18) Policy Area 11 – Menge Road (Map Baro/16,17 & 18)
CONSOLIDATION DATE: 21 February 2013	Concept Plan Map Baro/16 Council Wide Land Division
RECOMMENDATION:	Grant Development Plan Consent and Land Division Consent
OFFICER:	Karen Mitrovic

SUBJECT LAND AND LOCALITY

The Applicant seeks approval to divide 6 allotments into 335 residential allotments, public roads and reserves. The development site is 35.49 hectares in area and is currently used for general grazing and viticultural purposes. The site has frontages to Menge Road, Basedow Road, Wilberth Street and Hobbs Street. The land also has frontage to the Angaston railway line.

Residential development is located to the north, south and west of the subject land with viticulture uses being located immediately to the east, on the opposite side of Menge Road. Light industrial development and other viticulture uses are located further south in the locality, across Basedow Road. A recreation facility and school grounds are situated further east.

The subject development area comprises two sites separated by winery development with access to Menge Road. This development has a site area of 7.98 hectares and is currently occupied by a winery warehouse, dry goods store and associated winery wastewater treatment lagoon which is located at the western property boundary of the winery site.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application proposes to divide the subject land into 335 residential allotments ranging from 507 to 2561 square metres. The proposal also includes the construction of multiple roads and several reserves to be used as recreational space, and in some cases, stormwater detention basins.

Three access roads will be constructed to enter the southern section of the proposed land division and one access road will be constructed off Menge Road to access the northern section of the proposed land division.

REFERRALS

The Development Assessment Commission undertook routine referrals to government agencies including SA Water, Department Planning, Transport & Infrastructure - Transport Services (DPTI), Environment Protection Authority, and the Urban Renewal Authority.

SA Water and DPTI have standard requirements which will be included as conditions of approval. DPTI requested that Council include a condition on any approval to require that two car parking spaces be removed from both the north-eastern and south eastern sides of Murray Street adjacent the Murray Street/Basedow Road junction to provide enhanced motorist sight lines at this location. However, this is not a condition which the Applicant can comply with and is a matter which can be resolved through consultation with Council's engineering section.

The requirements of the Urban Renewal Authority relating to affordable housing have been met through a Land Management Agreement between the developer and the Minister for Housing and Urban Development.

The Environment Protection Authority has requested additional information which has not been provided at this time. As a result the Environment Protection Authority has recommended that the application be refused. However, the type of referral undertaken by the Development Assessment Commission to the Environment Protection Authority is only in regard to the proposed land division, which does not enable them to direct Council to do so. Therefore, while Council has had regard to the views of the Environment Protection Authority, staff have elected to proceed with assessment. The applicant provided an Odour Impact Assessment report in relation to the existing waste treatment facility located on the adjoining winery site to the Environment Protection Authority and the report includes details in relation to surveys undertaken with nearby residents in addition to calculations in relation to odour. However, the Environment Protection Authority have requested that the Applicant undertake odour modeling on the actual waste treatment facility, on the winery site rather than at the development site. The Applicant attempted to comply with this request but was not permitted access to the winery site to undertake this work.

Notwithstanding, Council's planning staff have undertaken assessment of the application and determined there is an acceptable risk for the following reasons:

- There are existing dwellings located closer to the wastewater treatment facility than proposed allotments within the land division application.

- The construction of the winery warehouse and dry goods store and associated wastewater treatment facility was referred to the Environment Protection Authority in accordance with Schedule 22 of the Development Regulations. As a result of this referral the Environment Protection Authority advised "that there is unlikely to be odour or wastewater management problems" (letter to Council dated 17 September 2002). This advice was given with the existing dwellings closer than 70 metres from the facility already in place.
- Council's records indicate that no complaints have been received in relation to odour from the existing wastewater treatment facility.
- Given the results of the existing modelling which has been undertaken by the applicant, it is extremely unlikely that modelling undertaken from the odour source will produce different results if measured from the wastewater facility itself.
- One complaint, (not specific to the wastewater treatment facility at the winery site), was received during the Odour Impact Assessment survey of surrounding dwellings but could not be substantiated.

Schedule 8 of the Development Regulations 2008 empowers Council to proceed in relation to matters of (minor) environmental significance contained in Schedule 21 of the Regulations. The proposed division of land is contained in the schedule by reference to it being for 'more than 50 allotments' and to this end while regard to the comments and requirements of the Environment Protection Authority is necessary, the Development Assessment Commission and council's Development Assessment Panel are still able to proceed to assess and decide the outcome of the proposal, despite the Environment Protection Authority recommending that the application should be refused (due to their requirements not being met).

More discussion regarding the Environment Protection Authority and other agency requirements is set out below. Copies of the full reports with further details from all agencies are were included within the Agenda.

PROVISIONS OF THE DEVELOPMENT PLAN

The subject land lies within the Residential Zone of The Barossa Council Development Plan, consolidated 21 February 2013 and the provisions of the Plan relevant to the consideration of the proposed division of land were provided within the Agenda. The proposal is a merit form of development within the zone and is therefore subject to the consent of council.

PUBLIC NOTIFICATION

The application is listed as Category 2 within council's Development Plan and it therefore required public notification of adjoining land owners and directly affected persons. Two representations were received, however one of the representations was received after the notification period had ceased. The concerns of the representor whose response was received within the notification period are summarised below:

- Concern regarding acoustic impact from the winery, in particular the impact from the recently approved expansion of the winery.
- Some proposed new allotments are located so as to be at odds with Principles 3 and 4 of Menge Road Policy Area 11 in the Residential Zone.
- The odour impact assessment associated with the proposal is incomplete.
- The application is not in a form which can be assessed and approved.

A copy of the representation forms and a copy of the representation received after the notification period had ceased was provided with the Agenda.

The following representor wishes to be heard by the Panel:

- Mr Michael Wohlstadt on behalf of Grant Burge Wines Pty Ltd

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

- Accompanying documentation has been supplied with the application to support the location of allotments within the separation distances specified within Principles 3 and 4 of Menge Road Policy Area 11 in the Residential Zone.
- The application supplied to Council was supported by appropriate documentation for assessment.

PLANNING ASSESSMENT

Allotment Configuration

The minimum allotment site area within the Residential Zone is 500 square metres, with a minimum frontage for detached dwellings of 15 metres. All allotments incorporated in the proposed development are greater than 500 square metres in size. With the exception of proposed lots 260, 263, 270, 271, 272, 273, 274 and 313, which are located on no-through roads; all allotments meet the minimum frontage requirement. The allotment size of the sites which do not meet the minimum frontage requirement have been increased to substantially greater than the minimum 500 square metres to compensate for the reduced frontage.

Due to the overall allotment configuration of the proposed development, several of the proposed allotments are of a non-symmetrical shape however, indicative building envelopes, to demonstrate that the allotments are suitable for purpose are provided. This indicative building envelope can be seen in the Masterplan report dated 12 February 2014, in the attachment "Design Guideline for Typical Corner Allotment". This indicative plan has confirmed that a dwelling which meets the minimum setback and private open space requirements can be located on allotments 139, 149, 157, 167, 175, 185, 193 and 203.

Overall, the provision of the proposed range of allotment sizes and shapes will assist in achieving Objective 2 for the Menge Road Policy Area 11 which encourages a range of dwellings types to cater for changing demographics, particularly smaller household sizes and supported accommodation.

The applicant has also incorporated a design which is consistent with Menge Road Policy Area 11 Principle of Development Control 8 which provides numerous minimum buffer widths and design requirements. This Principle also makes reference to bicycle and pedestrian links within the development. Proposed Reserve 502 and 503 will allow for bicycle and pedestrian traffic between Menge Road and Murray Street.

Open Space

The applicant is required to provide a minimum of 12.5% open space reserve within the proposed land division or make a financial contribution towards the provision of open space.

Given the overall size of the subject land, 12.5% would equate to 4.47 hectares of open space. The proposed development provides a total of 5.67 hectares of open space reserve, excluding proposed Reserve 503 which is intended to be utilised solely for the provision of a stormwater detention basin. This equates to 15.98% of the total site and is considered to satisfy the requirements in relation to the provision of open space.

Site Contamination

A preliminary environmental site assessment was undertaken by FMG Engineering on behalf of the applicant given the change in land use from agricultural to a more sensitive land use of residential. This assessment comprised an Environmental Site History and a Preliminary Intrusive Site Investigation.

The result of the analysis completed by FMG Engineering is that no potential contaminants of concern were found in soil samples from the site, with the exception of the existing commercial portion of the site. The commercial portion of the site which is being referred to is contained within proposed lot 350.

FMG Engineering has concluded that the soils beneath all sections of the proposed development site(s), with the exception of proposed lot 350 are considered suitable for residential development. They have also recommended that further investigation is undertaken on proposed lot 350 in the event that redevelopment is proposed at a later stage.

The planning consultant has confirmed that proposed lot 350 will not be developed for residential purposes until further investigations and/or remedial works indicate that the site is appropriate for a more sensitive land use. This has been secured by a Deed of Agreement between Barossa Land Developments and the land owners.

Stormwater Management

The applicant has engaged FMG Engineering to complete a stormwater management plan for the proposed division. The report prepared by FMG indicates that works will be undertaken to ensure that post development outflows do not exceed allowable pre-development conditions. It will also be necessary for remedial works along the existing watercourse, in the northern section of the division, which will be undertaken in order to contain flooding to existing levels.

Bio-retention swales will be formed as part of the stormwater management plan to improve quality for stormwater detention, with minor alterations to the existing watercourse to control the flow of floodwaters and facilitate stormwater detention. Reserve 503 in the north-western corner of the southern portion of the division will also be vested to Council as a Reserve to accommodate stormwater detention.

Council's Engineering section have requested some additional details in relation to the proposed stormwater management plan which will be provided to Council in accordance with the reserve matter specified in the recommendation.

Road Layout/Design

The unusual design of the road network within the southern portion of the proposed division has been designed specifically to allow for a central reserve and square. Council's Engineering section have reviewed the proposed configuration and believe that required standards can be met. Intersection points within the plan of division can be designed to ensure that the intersections are safe and convenient. A copy of this detail can be seen in Masterplan's report dated 12 February 2014, in the attachment "Indicative Carriageway Design".

The location of entry points into the proposed division is consistent with Menge Road Policy Area 11 Principle of Development Control 9. In addition, the use of cul de sacs and no through roads has been minimised to provide a layout which is designed to enhance the efficient movement of traffic in accordance with Principle of Development Control 17 of the Council Wide Land Division section.

Odour Modeling Assessment

Menge Road Policy Area 11 Principle of Development Controls 3, 5 and 6 make reference to the environmental impacts which a winery may have upon residential development, and vice versa. Principle of Development Control 3 makes reference to a generic separation distance of 300 metres between an area used for a winery wastewater facility and residential development - unless odour modelling demonstrates that residential development would have no significant impact from the winery or associated activities, and the wastewater facility will have no adverse impact upon the proposed residential development.

As discussed earlier, the applicant has supplied an Odour Impact Assessment survey in relation to the existing waste treatment facility located on the adjoining allotment, owned and operated by Illaparra Winery. This report includes details in relation to surveys undertaken with nearby residents in addition to calculations in relation to odour flux.

The outcomes of the Odour Impact Assessment undertaken by On Site Technology Pty Ltd are sufficient to consider that the proposed land division and any subsequent dwellings will not be negatively impacted by odour from the existing waste treatment facility on the adjoining allotment. As discussed in the Referrals section of the report, this conclusion has been met for the following reasons:

- There are existing dwellings located closer to the wastewater treatment facility than proposed allotments within the land division application.
- The construction of the winery warehouse and dry goods store and associated wastewater treatment facility was referred to the Environment Protection Authority in accordance with Schedule 22 of the Development Regulations. As a result of this referral the Environment Protection Authority advised "that there is unlikely to be odour or wastewater management

problems" (letter to Council dated 17 September 2002). This advice was given with the existing dwellings closer than 70 metres from the facility already in place.

- Council's records indicate that no complaints have been received in relation to odour from the existing wastewater treatment facility.
- Given the results of the existing modelling, which has been undertaken by the applicant, it is extremely unlikely that modelling undertaken from the odour source will produce different results if measured from the wastewater facility itself.
- One complaint, (not specific to the wastewater treatment facility at the winery site), was received during the Odour Impact Assessment survey of surrounding dwellings but could not be substantiated.

Any future dwellings in the proposed division will be constructed with the existing wastewater treatment facility in place and at a greater distance from the facility than existing dwellings in the area. Given that Council has not received any complaints from the existing dwellings in the area, it could be reasonably expected subject to reasonable performance management that no complaints would be received from dwellings located further away. It is therefore considered that future residential development within 300 metres of the facility will not have a significant impact upon the winery or associated activities or adversely affect the amenity of the locality due to odour.

There are numerous waste water facilities within close proximity to residential development throughout the Council's region.

The documentation provided by the applicant is considered to satisfy Council's Development Plan requirements in relation to land division and future residential development in proximity to wastewater treatment facilities.

Traffic Impacts

The applicant has provided a report prepared by consultants, Phil Weaver & Associates in relation to traffic management which was undertaken during the rezoning process of the subject land. This report can be found in the Masterplan's report dated 28 May 2013, in Appendix D "Phil Weaver and Associates Letter". The report took into account the impact of the proposed residential development of the subject land on existing roads in the area, including Menge Road, Basedow Road and the intersections of Magnolia Road with Murray Street, and Basedow Road with Murray Street.

The conclusion of this report indicates that the rezoning and subsequent residential development of the subject land would not have an adverse impact upon the existing road network and that the forecast increases to traffic movements can be readily accommodated. Council's Engineering section have also reviewed the proposed development and have indicated that they agree with this assessment.

Noise Assessment

An environmental noise assessment of the proposed division was undertaken by Sonus Pty Ltd at the request of the applicant. Given the location of the Illaparra Winery facility located at Menge Road being situated between the two proposed development sites. This report has been supplied in support of the proposal in relation to Development Plan requirements for noise sources and their impact upon sensitive land uses.

The report prepared by Sonus has recommended the following to ensure that the proposal satisfies the relevant requirements of the Development Plan and Environmental Protection (Noise) Policy in relation to the existing winery warehouse and dry goods store at Menge Road:

- 2 metre high boundary fences on the northern and southern side of the winery warehouse and dry goods store, constructed from either Colorbond sheet steel or equivalent (ie. Similar or greater surface density), or an earth mound to the same height, or a combination of earth mound and fence, with the fence being sealed airtight at all junctions, including with the ground.
- 10.38 millimetre laminated and sealed glass is installed to all upper storeys in habitable rooms of dwellings built on those allotments identified in red highlighted in Appendix A of Sonus' report.

The above recommendations are based on on-site observations, previous noise level measurements of truck and forklift movements, and unloading activity involving one truck driving into the facility and storage canopy every 15 minutes, with the doors open.

Sonus conducted continuous noise measurements and audio recordings of railway noise, measured 20 metres from the Angaston railway corridor in accordance with the zone requirements of Policy Area Principle of Development Control 11. The measurements were taken over a two day period during which two trains passed by. Sonus subsequently has recommended the following acoustic treatment measurements for the allotments close to and adjoining the railway corridor:

- A 3 metre high fence shall be constructed along the corridor boundary as detailed on Appendix A of the Sonus report.
- Single storey dwellings only shall be constructed on allotments identified in green highlighted in Appendix A of the Sonus Report.

A change in the allotment configuration on amended plans has led to the original allotment numbers identified in the Sonus report being different, however the areas indicated in red and green highlighted on Appendix A of their report remains accurate. The requirements of the Sonus report will be enforced through conditions of approval and a Land Management Agreement being placed over the land to ensure that any future owner of the affected allotments would need to comply with the necessary mitigation measures.

It is considered that the measures outlined above will ensure that the requirements of Menge Road Policy Area 11 Principle of Development Controls 4 and 13 will be met. The applicant has demonstrated that the introduction of noise mitigating precautions on proposed dwellings will ensure that the existing winery use will not have a significant effect on proposed residential development.

CONCLUSION

The proposed land division will result in the creation of a residential development which is consistent with the requirements of Council's Development Plan and warrants Land Division Consent and Development Plan Consent being granted.

S Miller returned to the meeting at 6.01pm.

OTHER BUSINESS

DEVELOPMENT ASSESSMENT COMMISSION CONCURRENCE APPLICATIONS

MOVED S Milne that the Report be received.

Seconded D Hughes

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 applications (non-complying or requiring concurrence under the Character Preservation Legislation), in which the Panel were the decision authority, have been received from the Commission as follows:

DA NUMBER	APPLICANT	ADDRESS	NATURE OF DEVELOPMENT	DAC DECISION
960/1053/2013	S & T Bogomolov	Lot 20 Jutland Road, Springton	Detached Dwelling, Deck and Outbuilding	Concurrence Granted 14/04/2014 (04/03/2014 panel meeting)

960/909/2013	JBG Architects	Barossa Valley Cheese Company, 67b and 67c Murray Street, Angaston	Expansion of an Existing Service Industry (Cheese Making and Cheese Sales) operating at 67b Murray Street, Angaston onto adjoining land located a 67c Murray Street, Angaston comprising the demolition of existing buildings and the construction of a new building to accommodate expanded retail activities, maturation room packaging and wrapping facilities, incidental storage, office, staff amenities and delivery/dispatch facilities	Concurrence Granted 10/04/2014 (04/03/2014 panel meeting)
--------------	----------------	--	---	---

DA NUMBER	APPLICANT	ADDRESS	NATURE OF DEVELOPMENT	DAC DECISION
960/717/2013	Tarac Properties Pty Ltd	Lot 100 Barossa Valley Way, Nuriootpa	Wine Sales and Storage, Office Accommodation, Food and Tourism Based Retail and Café/Restaurant (Including Culinary Education Centre)	Concurrence Granted 24/04/2014 (04/02/2014 panel meeting)

COUNCIL'S DEVELOPMENT ASSESSMENT PANEL ANNUAL REPORT - 2013

MOVED S Milne that the Panel endorses the Development Assessment Panel Annual Report – 2013 (as amended) for submission to Council for information.

Seconded K Goldstone

CARRIED

THE BAROSSA COUNCIL DEVELOPMENT ASSESSMENT PANEL

2013 ANNUAL REPORT

(Draft for submission to Panel Meeting 13 May 2014)

The Barossa Council has appointed a Development Assessment Panel in accordance with the provisions of Section 56A of the Development Act 1993. The Panel as required by the Act comprises four independent members one of which is the Presiding Member and three elected Council members.

As at January 2013 the Barossa Development Assessment Panel comprised:

- Bruce Ballantyne as the Independent Presiding Member.
- David Hughes, Kelvin Goldstone and Craig Grocke as the three Independent Members.
- Scotty Milne, Richard Miller and Susie Roehr as the three Elected Members.

On 19 November 2013 Council appointed Panel Members Bruce Ballantyne as the Independent Presiding Member, David Hughes, Kelvin Goldstone and Susan Shannon as the three Independent Members, Scotty Milne, Richard Miller and Susie Roehr as the three Elected Members. Craig Grocke did not seek re-appointment.

The Panel wishes to extend its thanks to Craig Grocke (Independent Member), who provided a valuable contribution and guidance to the operation of the Panel.

David Hughes is appointed by the Panel as the Deputy Presiding Member.

Ian Baldwin, Council’s Director - Development and Environmental Services, is Public Officer for the Panel.

The Panel operates in accordance with the relevant provisions of the Development Act 1993 and Regulations. In so far as the procedures and the Terms of Reference for the Panel are not prescribed in the Act and Regulations the Panel can determine its own procedures. To this effect The Panel at its meeting held on the 13 November 2012 adopted its current Operating and Meeting Procedures.

Under Section 56A subsection (2) (b) of the Development Act 1993 the Panel may “as it thinks fit, provide advice and reports to the Council on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under this Act”.

The following report provides information to the Council on:

- The activities of the Panel for the period January 2013 to December 2013 including information on the number of applications brought to the Panel for determination and other relevant statistical information and
- Planning or development issues which the Panel wishes to bring to the attention of Council.

STATISTICAL DATA ON PANEL ACTIVITIES AND DEVELOPMENT APPLICATIONS

The statistical data collected is for 2013 and includes the meetings held 5 February 2013 to 3 December 2013.

Number of Panel meetings held = 10

PANEL MEMBERS NAME	ATTENDANCE RECORD
Bruce Ballantyne	10
Kelvin Goldstone	9
Craig Grocke*	8
Scotty Milne	7
David Hughes	10
Richard Miller	6
Susie Roehr	7
Susan Shannon**	0

*Craig Grocke Panel Member to 21 November 2013

**Susan Shannon Panel Member from 22 November 2013

Number of development application reports received = 33

BREAK DOWN OF DECISIONS/RECOMMENDATIONS	NUMBER OF APPLICATIONS
Approved	21
Refused	6
Deferred	4
Non-complying (Included in above)	3
Non Complying: To Proceed	1
Non Complying: Not to Proceed	1
Consent: To Proceed	0

TYPES OF DEVELOPMENT	NUMBER OF DEVELOPMENT APPLICATIONS	COMPRISE OF:
Commercial	9	<ul style="list-style-type: none"> • Construction of Signage, • Change of use from existing industry (micro-brewery) and tasting room, restaurant to include entertainment in the form of light amplified music. • Change of use of land and existing buildings to a shop (local produce and sales) and associated car parking. • Motel (Hosted accommodation) including associated car park, Swimming Pool and Tennis Court. • Change of use from Dwelling to Offices. • Request for extension of consent for detached dwelling and associated excavation and fill. • Two Outbuildings and Retaining Wall. • Change of use from dwelling to offices – amendments to conditions of approval – application for variation. • Variation to application – amendment to building design.
Residential	2	<ul style="list-style-type: none"> • Detached Dwelling. • Detached Dwelling.
Land Division	14	<ul style="list-style-type: none"> • 57 allotments, roads and reserve. • Boundary re-alignment. • 1 allotment into 2. • 1 allotment into 4. • 1 additional allotment • 50 allotments. • Re-alignment of boundaries. • Land Division by Community Plan to create 2 allotments. • Extension of approval for Land Division. • Variation to Land Division. • Extension to approval for Land Division.
Rural	6	<ul style="list-style-type: none"> • Variation to Planning Consent.

		<ul style="list-style-type: none"> • Detached Dwelling and rain water tank. • Outbuilding and Retaining Wall. • Dwelling addition.
Industrial	2	Mechanical Repair Workshop, Office, Rainwater Tanks, onsite parking area and fence. (This application went to the Panel twice)

APPEALS TO THE ENVIRONMENT RESOURCES & DEVELOPMENT COURT AND SUPREME COURT

There were 2 appeals made to the Environment Resources and Development Court against determinations made by the Panel. Firstly Development Application DA 960/889/13 being a change of use to vineyard, the matter was settled prior to the conference and a court order issuing amended conditions of approval was issued. Secondly Development Application DA 960/466/2013 being a Land Division (refused), the matter is still proceeding and a Hearing of the Court is set for 19 and 20 May 2014.

2. PLANNING AND DEVELOPMENT ISSUES AND RELEVANT MATTERS

During the Panel's consideration of development applications there were a number of issues and matters which arose and in the opinion of the Panel should be brought to the attention of the Council. This information may assist Council in its strategic planning for The Barossa Council and in particular Council consideration of amendments to the Development Plan

2.1 Residential Development

To assist the Panel in its deliberation on proposed residential development consideration could be given to investigating the potential to increase roof pitches to promote better design, more criteria addressing sloping land, greater guidance for the preferred location of two storey dwellings, open space connectivity, and recreational areas.

2.2 Rural Living intensification

The Panel is aware that challenges are evident with development in these areas notwithstanding that a proposal may satisfy the respective minimum lot size. Of specific concern is the need to satisfy bushfire safety requirements (clearance, access and egress) while development policies also seek to minimise clearance of native vegetation. This issue is paramount in the Sandy Creek, Cockatoo Valley, and Williamstown corridor. However it should be noted that the Character Preservation (Barossa Valley) Act requires the Development Assessment Commission to give concurrence to any proposal to create additional allotments within specified rural living areas and also prevents Council reducing the existing minimum lot size within the existing precincts.

2.3 Rural Service Industries

There is a need to provide flexibility to regarding location and suitability, potential for adaptive future re-use of larger vacated buildings in rural areas for rural-related businesses such as machinery servicing and repairs.

2.4 Townships

There would appear to be more structure and spatial planning needed to protect character elements while allowing denser forms of development, and future infill of residential areas. The Panel would be assisted if the Development Plan more clearly identified areas where higher density development is envisaged.

2.5 Rural Dwellings in Primary Production Areas

The Barossa Development Plan could give greater guidance and certainty regarding development policy in primary production areas for amalgamation of allotments, minimum lot sizes, and criteria for dwellings on undersize lots.

2.6 Primary Production Areas

The current Barossa Development Plan performance criteria for buffer distances and interface areas in Primary Production Areas, requires a review due to ongoing changes and challenges facing agricultural land uses.

2.7 Land Division

Open space contribution, reserve provision, stormwater detention / retention areas and their useability have been ongoing matters of concern that need to be the subject of more detailed policy formation. In particular, more strategically consolidated open space and reserve areas are warranted through a review of current assets and assessment of future needs. A local strategic Council policy on how it will administer open space requirements in new land divisions based on asset management methodology is recommended. This should include among other things, criteria for requiring, enhancing, and linking open space to maximise benefit to the community that would also assist the Panel in its decision making and staff in making recommendations.

The Panel has endeavoured at all times to assist applicants, persons making representations, and the general public in understanding the decision making process and how the final outcomes were arrived at.

The Panel expresses its appreciation to Council members, Council Management Team and Planning staff for their support and assistance.

This report is submitted to Council by the Presiding Member on behalf of the members of The Barossa Council Development Assessment Panel.

Bruce Ballantyne
PRESIDING MEMBER

NEXT MEETING

Tuesday, 3 June 2014 commencing at 5.00pm.

CLOSURE OF MEETING

Mr Ballantyne declared the meeting closed at 6.09pm.

Confirmed

Date: Chairman: