



The Barossa Council

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

Held on Tuesday, 2 July 2013 commencing at 5:00pm in
the Council Chambers, 43-51 Tanunda Road, Nuriootpa

WELCOME

Mr Bruce Ballantyne welcomed everyone and opened the meeting.

PRESENT

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

Mr Louis Monteduro (Acting Director – Development & Environmental Services), Mr Paul Mickan (Principal Planner) Mr Brian Irvine (Senior Planner), Ms Maxine Lovett (Planner) and Mrs Christine Kruger (Minute Secretary) – Council Staff.

APOLOGIES

Nil.

LEAVE OF ABSENCE

Nil.

MINUTES OF PREVIOUS MEETING

MOVED Mr Hughes that the Minutes of the Development Assessment Panel meeting held on Tuesday, 4 June 2013 as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Mr Miller

CARRIED

BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

DECLARATION OF INTEREST BY MEMBERS OF PANEL

Nil.

APPLICATIONS FOR DECISION**DEBATE AGENDA****DA/DAP/R1****D466/13****SALVADORE(sic) DEPALMA – LAND DIVISION (RE-ALIGNMENT OF BOUNDARIES) - MERIT**

A copy of the Certificate of Title Volume 5740 Folio 26 – Closed Road, was distributed to Panel Members for information.

Mr Monteduro advised the Panel that a telephone call had been received from Mr De Palma (Applicant and Property Owner) just prior to the commencement of the Panel Meeting. Mr DePalma requested that the application be deferred until a later date. As no new information could be provided, the Panel declined the request.

MOVED Mr Milne that the Development Assessment Panel, having considered all relevant matters and the provisions of the Development Plan in relation to development application 960/466/2013 (960/D005/13), resolves to refuse Development Plan Consent, and not support the application based on the following provisions of the Development Plan:

- Primary Production Zoning Objectives 2 and 5
- Principles of Development Control 21 and 22
- Council Wide, Natural Resources Principle of Development Control 27.

Seconded Mr Miller**CARRIED**

DEVELOPMENT APPLICATION NO:	960/466/2013 (960/D005/13)
APPLICANT:	Salvadore DePalma
OWNER:	Salvadore DePalma
SUBJECT LAND:	Lots 1, 2 3 & 4 McIntyre Road, Sandy Creek and closed road. CT 5208/994, 5934/102, 5934/103, 5934/104 and 5740/26.
PROPOSAL:	Land Division – Realignment of Boundaries
SIZE:	Lot 101 = 23.75ha, Lot 102 = 27.25ha, Lot 103 = 6.675ha, Lot 104= 6.284ha, Lot 105= 6.006ha.
ZONE/POLICY AREA:	Primary Production Zone, Precinct 5 - Concordia
REFERRALS:	Department of Planning, Transport & Infrastructure
PUBLIC NOTICE:	Merit - Category 1
KEY ISSUES:	The proposal reconfigures the allotments allowing for a dwelling to be located on 'closed road' allotment resulting in higher density of dwellings in the immediate locality.

DEVELOPMENT PLAN PROVISIONS: CONSOLIDATION DATE:	Council Wide; Hazards: Objectives 1, 2 & 5. Principle of Development Controls :1, 3, 7, 8, 9, 10(b) & 14. Land Division Objectives: 1, 2, 3 & 4. Principle of Development Controls: 1, 2, 3, 4(g), 18 & 19. Natural Resources Objectives: 1, 8 & 9. Principle of Development Control: 1, 3, 27, 28, 30(c)(e), 32(a)(c)(d)(e) & 33. Rural Living Zone Objectives: 1 & 2. Principle of Development Control 1, 8, 27 – Precinct 27 Lorke Road. Development Plan consolidated 24 January 2013
RECOMMENDATION:	Refusal
OFFICER:	Maxine Lovett

SUBJECT SITE AND LOCALITY

The subject land is located in the Primary Production Zone and in Precinct 5 (Concordia). The land is comprised of 4 allotments, Lot 1 (23.73ha), Lot 2 (27ha), Lot 3 (8.43ha), Lot 4 (8.16ha), in addition to a closed road, (2.42ha) that has been purchased by the applicant. There is one existing access point via Rosedale Road that provides access to Lot 2 with another access point to Lot 4 via Barossa Valley Highway. The access to Lot 1 is via McIntyre Road. Lots 1 and 2 each contain a dwelling and associated outbuildings and Lots 3 and 4 are both vacant. Allotments 103, 104 and 105 contain stands of mature native vegetation that are quite dense within these smaller proposed allotments.

The immediate surrounding locality consists of allotments located in the Primary Production Zone, with the allotments to the north and west of the subject land falling into Precinct 5. The allotments surrounding the subject land north of Barossa Valley Highway, range in area from approximately 9ha to 60ha and is a mix of vacant allotments and some containing dwellings. The land in the locality is used for grazing and vineyards.

DESCRIPTION OF PROPOSAL

The proposed land division (boundary alignment) intends to re-align the boundaries from 4 existing allotments and one closed road allotment to create 5 allotments. No additional allotments are proposed. The intent of the land division is to create allotments that are configured for better use as building allotments. The re- alignment of the closed road, forms an allotment that would appear to accommodate a future dwelling. The proposed access to Lot 105 is via the existing access from Rosedale Road. The proposed access to Lots 103, 104 and 105 is via a shared access (from Rosedale Road, the access point is yet to be confirmed and is to be located to comply with the Department of Planning, Transport and Infrastructure requirements) which forms a right of way over proposed Lot 104. Access to Lot 101 is via McIntyre Road.

REFERRALS

The subject land fronts on to a Department of Planning, Transport and Infrastructure Road and pursuant to Schedule 8, 2, 2 of the Development Regulations the application has been referred to the Department of Planning, Transport and Infrastructure for comment.

A copy of Department of Transport, Planning and Infrastructure response was included with the Agenda.

PROVISIONS OF THE DEVELOPMENT PLAN

The relevant zoning Objectives and Principles of Development Control are listed below.

PRIMARY PRODUCTION ZONE OBJECTIVES

Objective 2: Allotment size and configuration that promote the efficient use of land for primary production;

Objective 5: Development that contributes to the desired character of the area.

Principles of Development Control

21. *Land division should only occur where it will promote economically productive, efficient and sustainable primary production and, other than within Precinct 5 Concordia, not create any additional allotments.*
22. *Land division involving boundary realignment should only occur where the number of resulting allotments of less than 32 hectares is not greater than the number that existed prior to the realignment.*

PLANNING ASSESSMENT

Desired Character

The proposed land division intends to reconfigure the boundary of five existing allotments (including a closed Road). Relocating the existing boundary of the closed road, will allow the formation of five allotments, with four to be accessed via Rosedale Road and Barossa Valley Highway, where currently only 3 allotments exist. The closed road, in its current form, is not perceived as an ideal allotment for building purposes, and by relocating the boundary, will form three allotments in the range of 6 ha with the balance of the land resulting in 27.25 ha. Allotment 101 (accessed via McIntyre Road) remains relatively unchanged in area. The intent of the land division is to create allotments that are configured to accommodate dwellings. Given that allotments 1 and 2 contain existing dwellings, the current allotment layout would allow potential dwellings to be constructed on each Lots 3 and 4, whilst the closed road would not be desirable as a building allotment. Therefore 4 dwellings would be the maximum density in its current form. The proposed reconfiguration would result in 5 potential dwellings within the immediately locality. The density of allotments will be increased at the southern end of the subject land, where two allotments will be reconfigured to form three. With reference to Principle of Development Control 21, the proposal does not promote efficient and sustainable primary production.

Principle of Development Control 22 states that a boundary realignment should not create allotments less than 32 hectares. Notwithstanding the current allotment sizes, which are less than 32 hectares, the proposal will further promote allotments less than 32 hectares and slightly less in area than the current allotment sizes.

The proposal is therefore not supported by Principle of Development Control 21 and 22 of the Primary Production Zone and would not be orderly and proper planning for the area.

The proposal has potential to increase the density of dwellings in the locality and does not support the effective use of the land for primary production.

Access

The proposal includes a right of way to be located on proposed allotment 104 to allow access to allotments 103, 104 and 105 to ensure that only one access point via Rosedale Road is required. Department of Planning, Transport and Infrastructure supports the right of way as it does not result in an increase in the existing access points. There is currently one existing access point to the subject land via Rosedale.

Native Vegetation

Proposed allotments 103, 104 and 105 contain dense, mature native vegetation. To site a dwelling on these allotments would require substantial clearance of vegetation to allow for dwellings, provision for firebreaks, driveways and outbuildings. The allotments in their current form are slightly larger in area and consist of only two allotments that span access this vegetated area. The Council wide provisions with the Development Plan, in regards to Natural Resources, Principle of Development Control 27, states that *development should be designed and sited to minimise the loss and disturbance to native flora and fauna*. The proposal does not do this.

CONCLUSION

The proposed boundary realignment will result in a potential to increase the density of dwellings in the immediate locality. The proposed allotment sizes are not conducive to efficient and sustainable primary production and could potentially result in the removal of significant mature vegetation.

OTHER BUSINESS

DEVELOPMENT ASSESSMENT COMMISSION CONCURRENCE APPLICATIONS

MOVED Mr Hughes that the report be received.

Seconded Mrs Roehr

CARRIED

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

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

DA NUMBER	APPLICANT	ADDRESS	NATURE OF DEVELOPMENT	DAC DECISION
960/150/2012	CA Payne	67 Melrose Street, Mount Pleasant	Shop (Local Produce Sales) and associated Carparking	Concurrence Granted 28/5/2013 (5/2/13 panel meeting)
960/450/13	Trix Unit Trust	26 Fiedler Street, Tanunda	Change of use: Residential to Office	Concurrence Granted 28/5/2013 (7/5/2013 panel meeting)

LEAVE OF ABSENCE & APOLOGY

Mr Miller advised that he will be seeking a Leave of Absence for the August Meeting of the Development Assessment Panel.

Mrs Roehr also advised that her availability will still need to be confirmed closer to the date of the August meeting.

NEXT MEETING

Tuesday, 6 August 2013 commencing at 5.00pm.

CLOSURE OF MEETING

Mr Ballantyne declared the meeting closed at 5.10pm.

Confirmed

Date: Chairman: