



*The Barossa Council*

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

Held on Tuesday, 21 January 2014 commencing at 5:05pm in  
the Council Chambers, 43-51 Tanunda Road, Nuriootpa

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### **WELCOME**

Bruce Ballantyne welcomed everyone and opened the meeting, and introduced Susan Shannon (newly appointed Panel Member).

### **PRESENT**

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

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

### **APOLOGIES**

Susie Roehr.

### **LEAVE OF ABSENCE**

Nil.

### **MINUTES OF PREVIOUS MEETING**

**MOVED** S Milne that the Minutes of the Development Assessment Panel meeting held on Tuesday, 3 December 2013 as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

**Seconded** R Miller

**CARRIED**

### **BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil.

### **DECLARATION OF INTEREST BY MEMBERS OF PANEL**

Richard Miller declared a conflict of interest in relation to DA/DAP/R3, (Bonacci Group (SA) Pty Ltd – Grant Burge Wines (Illaparra Winery). In R Miller's capacity as a Registered Conveyancer, R Miller has a professional relationship with the applicant, Directors of the applicant and family members of the Directors.

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

DA/DAP/R1

D948/2013 (1165823)

**P & N BUTTON – DEMOLITION OF DWELLING AND CONSTRUCTION OF A NEW DETACHED DWELLING (NON-COMPLYING)**

The Panel sought and received information from Paul Button (Applicant) in relation to proposed roof cladding.

**MOVED** K Goldstone that the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/948/2013 and resolves as follows:

- (A) That 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 to Development Application 960/948/2013 subject to the following conditions:
  - (1) The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application, unless varied by the following conditions.
  - (2) Any metal roof and wall cladding shall be of a galvanized iron or 'Colorbond' type of finish (or a similar factory applied colour finish) in a muted grey, green, brown, beige or other colour to blend with the natural features of the landscape.
  - (3) The dwelling shall be connected to a wastewater system approved under the South Australian Public Health Act 2011.
  - (4) The existing dwelling on the subject land shall be demolished within 3 months of practical completion of the construction of the new dwelling herein approved.
  - (5) The subject land is located within a Medium Bushfire Risk area.

A dedicated and independent water supply shall be available at all times for fire fighting purposes which;

- (a) Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and
- (b) Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case. (Any rainwater tank used for this purpose should be dedicated entirely for fire fighting and shall be of non combustible materials).

The provision of the dedicated water supply for fire fighting purposes shall comply with the Ministers Specification SA 78 'Bushfire fighting equipment and water supply requirements in designated bushfire prone areas'.

### **NOTE**

- (a) Prior to building work commencing the applicant shall lodge and have approved by Council an application to install a wastewater system pursuant to the provisions of the South Australian Public Health Act 2011 and South Australian Public Health (Wastewater) Regulations 2013.

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

**Seconded** R Miller

S Milne requested that it be noted that he did not support the inclusion of galvanised iron within condition two of the Motion.

The Motion was put and

**CARRIED**

<b>DEVELOPMENT APPLICATION NO:</b>	960/948/13 (Prop ID 1165823)
<b>APPLICANT:</b>	Paul and Nerissa Button
<b>OWNER:</b>	Paul and Nerissa Button
<b>SUBJECT LAND:</b>	Lot 878 Rocky Valley Road, Angaston
<b>PROPOSAL:</b>	Demolition of Dwelling and Construction of a New Detached Dwelling
<b>SIZE:</b>	46.13 ha
<b>ZONE/POLICY AREA:</b>	Primary Production Zone, Barossa Range Precinct
<b>REFERRALS:</b>	Nil
<b>PUBLIC NOTICE:</b>	Category 3 Non-Complying – Nil Representations
<b>KEY ISSUES:</b>	Non-Complying Form of Development in Primary Product, Barossa Range Precinct
<b>DEVELOPMENT PLAN PROVISIONS:</b>	<u>Council Wide:</u> Design and Appearance Energy Efficiency Hazards Interface Between Land Uses Residential Development Siting and Visibility
<b>CONSOLIDATION DATE:</b> 21 February 2013	<u>Preservation District Overlay</u>  <u>Primary Production Zone</u>

<b>RECOMMENDATION:</b>	Grant Development Plan Consent and seek Concurrence of the Development Assessment Commission
<b>OFFICER:</b>	Karen Mitrovic

### **SUBJECT SITE AND LOCALITY**

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

The site is rectangular in shape with a frontage to Rocky Valley Road of approximately 922.7 metres and an overall size of 46.13 hectares.

The applicant currently resides on the subject land, within an existing dwelling which is to be demolished should this application receive Development Approval. The subject land also contains a dam and several small vineyards.

The surrounding locality is similar in nature to the subject land with multiple properties in the area containing a dwelling and primary production or horticultural activities.

The subject land is located within a Medium Bushfire Risk Area in accordance with Council's Development Plan.

### **DESCRIPTION OF PROPOSAL**

The applicant seeks Development Plan Consent for the demolition of an existing dwelling and the construction of a new dwelling, with a verandah and garage under the main roof. The dwelling will have a setback of approximately 72 metres from Rocky Valley Road and 435 metres from the north western property boundary.

### **REFERRALS**

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

### **PROCEDURAL MATTERS**

A dwelling is listed as a non-complying land use within the Primary Production Zone, unless it meets certain criteria. In this instance the proposed dwelling, located in the Barossa Range Precinct, is a non-complying form of development as it is to be constructed on an allotment of less than 100 hectares and the non-complying design criteria (g)-(ix) and (xii) are not able to be met. Within other zones in the Council area, Primary Production (Barossa Valley Region) for example, a replacement dwelling is exempt from the non-complying process. However, the Primary Production zone does not contain this exemption.

### **PUBLIC NOTIFICATION**

The application is a Category 3, Non-Complying form of development and it 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. No representations were received in relation to the proposal.

### **ASSESSMENT**

The proposed development is located in the Primary Production Zone, Barossa Range Precinct. A dwelling is a non-complying form of development within the Barossa Range Precinct unless it can meet certain criteria. The proposed dwelling does not meet the criteria for a merit assessment as the allotment is less than 100 hectares in size.

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

#### **Design and Appearance**

Objective 1 states that development should be "*of a high architectural standard that responds to and reinforces positive aspects of the local environment and built form*". In addition, Principle of Development Control 1 suggests that development should be sympathetic to the locality and appropriate within the context of its setting.

The proposed development has been designed to a high architectural standard in order to best suit the context of the land. The proposed dwelling is to be located on an existing level section of the allotment in order to minimise the visual impact upon neighbouring property owners. In addition, the dwelling will be located well below the ridgeline on the property to ensure that the building does not skyline.

#### Hazards

The proposed dwelling is located in a Medium Bushfire Risk area as designated within Council's Development Plan. The dwelling has been designed to meet the requirements of the Minister's Code for undertaking development in Bushfire Protection Areas. The subject land is sufficient in size to accommodate a turning area for emergency vehicles and a designated water supply of 5000 litres will be provided solely for use in the event of a bushfire.

#### Siting and Visibility

The proposed development is consistent with Principle of Development Control 3 which states that "*Buildings outside of urban areas and in undulating landscapes should be sited in unobtrusive locations and in particular should be:*

- (a) *sited below the ridgeline*
- (b) *sited within valleys or behind spurs*
- (d) *set well back from public roads, particularly when the allotment is on the high side of the road*
- (e) *be located in a setting where landscape features such as trees, vegetation and landforms provide an enclosing space, setting or screen".*

The site chosen for the proposed dwelling is below the ridgeline of the property. The existing established vegetation on the site along with established vegetation along the roadside will also assist in screening the proposed development from view. The nature of the slope of the land will ensure that the dwelling will not be visible from Rocky Valley Road unless specifically travelling to the subject land.

#### Sloping Land

The proposed development is consistent with Objective 1 for sloping land as it has been designed to suit the existing contours of the land and minimise the amount of cut and fill required. The objective seeks to ensure that "*development on sloping land be designed to minimise environmental and visual impacts and protect soil stability and water quality*". The location of the proposed dwelling has been specifically chosen to minimise the impact upon the land by constructing the dwelling on an existing level area of the allotment, thereby minimising the amount of cut and fill required.

#### 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 largely meets the criteria for this objective as the dwelling will not adversely impact on the scenic or rural landscape character of the land or locality in which the land is situated. The dwelling has also been architecturally designed to suit the contours of the land and minimise any impact it may have upon the landscape.

Objective 2 of the Character Preservation Overlay notes that residential development should be located inside townships, settlements and rural living areas. It is acknowledged that the proposed dwelling is not located in one of these areas, however, it is also considered that the proposed development will not detrimentally impact upon the continued use of allotments in the area being used for purposes consistent with the criteria of the Character Preservation Overlay. In addition,

the proposed development will not result in an additional dwelling being located on the site, rather a replacement dwelling in exchange for the existing dwelling on the site.

#### Primary Production Zone

The desired character for the zone states that proposed development will take into account the capability and suitability of the land for the intended use. The intended use throughout the zone is for the land to be used for primary production purposes. The subject land is currently used for horticultural purposes in the form of vineyards, and broad acre grazing.

The desired character also expects that development will be carefully designed and located to complement the open landscape character. The proposed dwelling has been specifically designed to blend with the current environment through the use of muted colour selections and construction materials. The location of the proposed dwelling has been selected to minimise the interference with the primary production use of the land whilst also minimising the visual impact upon any neighbouring dwellings and public roads.

Principle of Development Control 7 of the Primary Production Zone states that:

*A dwelling should only be developed if:*

- (a) *there is a demonstrated connection with farming or other primary production.*
- (b) *the location of the dwelling will not inhibit the continuation of farming, other primary production or other development that is in keeping with the provisions of the zone.*
- (c) *it is located more than 500 metres from an existing intensive animal keeping operation unless used in association with that activity.*
- (d) *it does not result in more than one dwelling per allotment.*
- (e) *it is designed and constructed utilising environmentally sustainable design principles.*

The proposed dwelling is consistent with Principle of Development Control 7 of the zone as the subject land is currently used primarily for primary production purposes in the form of viticulture and broad acre grazing. In addition, the location of the proposed dwelling will not inhibit the continuation of farming on the subject land or any nearby parcel of land.

The minimum allotment size recommended for the construction of a dwelling within the Barossa Range Precinct is 100 hectares as indicated in Principle of Development Control 23 of the Primary Production Zone. This is also the allotment size required for a dwelling to be a merit form of development.

The subject land is less than 100 hectares in size and totals 46.13 hectares. The proposed dwelling is intended to be a replacement for the existing dwelling on the site. Once the proposed dwelling is at practical completion, the existing dwelling will be decommissioned and demolished within 3 months.

Whilst it is acknowledged that the Development Plan does not seek to encourage further residential development in rural areas, it is considered that the proposed development is not at odds with the Development Plan, as the introduction of the proposed dwelling will not increase the number of dwellings within the area.

The proposed dwelling is consistent with Principle of Development Control 11 of the zone which states that:

*Buildings should be unobtrusive in appearance, not detract from the open natural character of the zone and, in particular should:*

- (a) *be single storey*
- (b) *be of a low profile with roof lines that complement the natural form of the land*
- (c) *comprise variations in wall and roof lines and floor plans which complement the contours of the land so as to minimise the mass of the building*
- (d) *be sited on an excavated rather than a filled site in order to reduce the vertical profile of the building*
- (e) *incorporate large eaves, verandas and pergolas into designs to create shadowed areas which reduce the bulky appearance of buildings*
- (f) *utilise non-reflective materials and be finished in colours that blend with the natural environment*

- (g) *be screened by existing native vegetation when viewed from roads located within the zone or from townships.*

The proposed dwelling is single storey with a low profile and is to be externally clad in muted, non-reflective materials to ensure that the structure blends with the rural character of the locality. The proposed dwelling site is located on an existing relatively flat section of the allotment, and will be screened by existing vegetation on the site and roadside.

Specific design criteria are recommended within the zone, in relation to new dwellings within the Primary Production Zone, Principle of Development Control 13 specifies the following:

*Detached dwellings should be designed and constructed in the following manner:*

- (a) *have a floor plan design that:*
- (i) *locates a day living area incorporating at least one window that faces between 20° east and 30° west of true north.*
  - (ii) *is appropriately zoned so that doors are placed between living areas and other rooms and corridors.*
- (b) *have a total window area facing east and west that does not exceed 50 per cent of the total window area of the dwelling.*
- (c) *provide external shading to west facing windows in the form of either eaves or awnings of at least 450 millimetres in width.*
- (d) *provide external shading to north facing windows that allows winter sun to penetrate, but provides shade in summer.*
- (e) *have a roof layout that incorporates an area of at least 10 square metres that faces 30° west and 20° east of true north and has a roof pitch of at least 18°.*
- (f) *collects, stores and re-uses roof stormwater within and about the dwelling, provided water storage requirements for fire protection purposes are not compromised.*

The proposed dwelling does not conform to all of these specific requirements, however it is considered that the design and siting are acceptable in this instance. All living areas within the dwelling face north, there are minimal west facing windows and external eaves to west facing windows will not be less than 900mm wide. The alfresco, along the northern side of the dwelling, will shade the northern windows of the dwelling and the requirements for water storage are not compromised. It should also be noted that as the dwelling does not conform to all of the listed criteria, this has an influence on the non-complying status of the application.

### **CONCLUSION**

Whilst the proposed dwelling is a non-complying form of development, the replacement of the existing dwelling on the site will not detract from or inhibit existing land uses considered appropriate within the Primary Production Zone, Barossa Range Precinct, or detrimentally affect potential for future primary production uses. The number of dwellings in the area will not be increased and the remainder of the subject land will continue to be utilised for grazing and viticultural purposes which is consistent with the requirements of the zone. The proposal is suitably designed and sited appropriately for the locality.

Having regard to the provisions of the Primary Production Zone in the relevant Development Plan, it is considered that 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**

**D592/2013 (109186)**

### **SANDRO GIANNITTO – CONSTRUCTION OF A NEW DETACHED DWELLING (NON-COMPLYING)**

**MOVED** S Milne that the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/592/2013 and resolves as follows:

- (A) That 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 to Development Application 960/592/2013 subject to the following conditions:

- (1) The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application, unless varied by the following conditions.
- (2) The external materials and finishes of the building herein approved shall be of a non-reflective nature and of muted, natural colour tones.
- (3) The dwelling shall be connected to a wastewater system approved under the South Australian Public Health Act 2011.
- (4) No stormwater shall be directed or discharged onto the rail corridor held by the Minister for Transport and Infrastructure to the north of the site.
- (5) ACCESS  
Private roads and access tracks shall provide safe and convenient access/egress for bushfire fighting vehicles.

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 4 metres and must allow forward entry and exit for large bushfire fighting vehicles.
- The all weather road is to be constructed such that it is protected from water erosion of the traffic surface. The road surface shall be profiled to manage storm water runoff to appropriate drains, at one or both sides of the traffic surface.

The accumulated volumes of water shall be directed via:

- (a) Open drains, or
  - (b) Culverts and pipes under the traffic surface, and/or away from the same, without causing further soil erosion, silting of adjacent areas or water courses or instability of any embankment or cutting.
- All dead end roads shall be constructed to allow large bushfire fighting vehicles to turn around with safety by use of either:
    - a turn around area with a minimum formed road surface diameter of 25 metres OR
    - a "T" or "Y" shaped turn around area with minimum formed road surface leg lengths of 11 metres and minimum inside road radii of 9.5 metres.
  - All road curves shall have minimum inside road radii of 9.5 metres
  - Solid crossings over waterways shall be provided to withstand the weight of large bushfire appliances (GVW 21 tonnes).



- All single carriageway roads shall have passing bays, with a minimum formed road surface width of 3 metres and a minimum length of 17 metres, constructed as near as practicable to 200 metre intervals.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vertical height clearance of 4 metres.

(6) VEGETATION

Landscaping shall include Bushfire protection features that will prevent or inhibit the spread of bushfire and minimise the risk of life and/or damage to buildings and property.

- Trees and shrubs shall not be planted closer to the dwelling or powerlines than the distance equivalent to their mature height.
- All trees within 20 metres of the building(s) shall be removed.
- All shrubs/understorey plants within 20 metres of the building(s) shall be removed. (Understorey is defined as plants and bushes up to 2 metres in height).
- Grasses within 20 metres of the dwelling or to the property boundaries, whichever comes first, shall be reduced to a height of 10cms during the Fire Danger Season.
- The existing garden shall be maintained to be free of accumulated dead vegetation.

(7) WATER SUPPLY

A supply of water shall be available at all times for fire-fighting purposes.

- Minister's Specification SA78 prescribes a dedicated water supply for bushfire fighting for the assessed bushfire attack level (BAL).
- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.
- This supply shall be fitted with a fuel driven pump or an equivalent system that operates independent of mains electricity and is capable of pressurising the water for bushfire fighting purposes.
- The pump and flexible connections to the water supply shall be protected from the impact of fire by a suitably ventilated, non-flammable cover (metal or masonry material).
- The diameter of all fittings and flexible reinforced suction hoses connecting the bushfire water supply to the fuel driven pump shall be no smaller than the diameter of the pump inlet valve.
- The bushfire fighting pump shall be located:
  - At or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire.  
NB: An 'Operations Instruction Procedure' shall be located with the pump control panel.
- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a fire service 64mm male London round thread adaptor which shall be accessible to bushfire fighting vehicles at all times.

- All non metal fire-fighting water supply pipes other than flexible connections to fire-fighting pumps shall be buried at least 300mm below finished ground level.
  - Two hoses (minimum 19mm [3/4"] internal diameter) and metal, spray jet nozzles capable of withstanding the pressures of the supplied water and of sufficient length to reach all parts of the building shall be readily accessible at all times.
  - The hoses and water connection points (taps) shall be located at or adjacent to the dwelling to ensure occupants safety when using the hoses during a bushfire.
- (8) Bushfire prevention and safety requirements shall be completed prior to occupancy of the building(s).
- (9) The buildings shall incorporate the construction requirements for buildings in Bushfire Prone areas in accordance with the Building Code of Australia and Australian Standard <sup>TM</sup>3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas"

### NOTES

- (a) Compliance with the bushfire protection conditions is not a guarantee that the dwelling will not burn, but their intent is to provide a 'refuge' from the approach, impact and passing of a bushfire.
- (b) Prior to building work commencing the applicant shall lodge and have approved by Council an application to install a wastewater system pursuant to the provisions of the South Australian Public Health Act 2011 and South Australian Public Health (Wastewater) Regulations 2013.
- (C) Seeks the concurrence of the Development Assessment Commission.

Seconded R Miller

**CARRIED**

<b>DEVELOPMENT APPLICATION NO:</b>	960/592/2013 (Prop ID 109186)
<b>APPLICANT:</b>	Sandro Giannitto
<b>OWNER:</b>	Sandro Giannitto
<b>SUBJECT LAND:</b>	Lot 213 Cockatoo Lane, Sandy Creek
<b>PROPOSAL:</b>	Construction of a New Detached Dwelling
<b>SIZE:</b>	46.3 ha
<b>ZONE/POLICY AREA:</b>	Primary Production Zone
<b>REFERRALS:</b>	Country Fire Service
<b>PUBLIC NOTICE:</b>	Category 3 – Non-Complying – 1 Representation
<b>KEY ISSUES:</b>	Non-Complying Form of Development

<b>DEVELOPMENT PLAN PROVISIONS:</b>  <b>CONSOLIDATION DATE:</b> 21 February 2013	<u>Council Wide:</u> Design and Appearance Energy Efficiency Hazards Interface Between Land Uses Residential Development Siting and Visibility  <u>Preservation District Overlay</u>  <u>Primary Production Zone</u>
<b>RECOMMENDATION:</b>	Grant Development Plan Consent and Seek Concurrence of the Development Assessment Commission
<b>OFFICER:</b>	Karen Mitrovic

### **SUBJECT SITE AND LOCALITY**

The site is located approximately 1km east of the Sandy Creek township and is located within the Primary Production Zone. The site has a frontage to Cockatoo Lane of approximately 465 metres with an overall size of 46.3 hectares, and an existing railway track located directly to the north.

The surrounding locality is varied with several allotments of 45 hectares or greater to the east of Cockatoo Lane, and smaller allotments of less than 10 hectares to the west. Most allotments in the area contain a detached dwelling and are rural living in nature.

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

### **DESCRIPTION OF PROPOSAL**

The applicant seeks Development Plan Consent for the construction of a new dwelling with a garage, carport and alfresco under the main roof. The proposal also incorporates a separate 2 bedroom 'dependent living' wing, attached to the main dwelling by a verandah/carport. The dwelling will have a setback of approximately 400 metres from Cockatoo Lane and 136 metres from the closest boundary to the south.

### **REFERRALS**

A referral to the Country Fire Service was undertaken in accordance with Schedule 8 of the Development Regulations, as the subject land is located in a High Bushfire Risk area.

No other referrals are required under Schedule 8.

### **PROCEDURAL MATTERS**

A dwelling is listed as a non-complying land use within the Primary Production Zone unless it meets certain criteria. In this instance the proposed dwelling is a non-complying form of development as it is not able to meet two of the criteria. These are listed below:

- (iv) The vertical distance between any point at the top of any external wall and the finished ground level immediately below that point on the wall is less than 3 metres, other than gable ends of the dwelling where the distance is less than 5 metres.
- (xi) External eaves or awnings of a minimum 450 millimetres in width is provided to west facing windows.

The proposed dwelling meets all other non-complying provisions with the exception of the two listed above. The reasons for not meeting the criteria are that the proposed dwelling:

- Is designed on stumps rather than a concrete slab and has 3 metre ceiling heights which results in an external wall height of 3.25 metres.

- Incorporates a 300mm eave overhang to the three west facing windows, which is less than the 450mm eave required.

### **PUBLIC NOTIFICATION**

The application is a Category 3, Non-Complying form of development and it 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 in relation to the proposed development, however the representor had mistaken the property and, upon being informed of this, formally withdrew their representation.

Council also received representation from the Department of Planning, Transport and Infrastructure as an adjoining land owner. They had no objection to the proposal but would appreciate a condition being placed on any decision for approval that no stormwater be discharged into the adjoining rail corridor. A copy of this representation was provided with the Agenda.

### **ASSESSMENT**

The proposed development is located in the Primary Production Zone. A dwelling is a non-complying form of development within the zone, if it fails to conform with certain design criteria.

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

#### **Design and Appearance**

Objective 1 states that development should be *“of a high architectural standard that responds to and reinforces positive aspects of the local environment and built form”*. In addition, Principle of Development Control 1 suggests that development should be sympathetic to the locality and appropriate within the context of its setting.

The proposed development has been designed to a high architectural standard in order to best suit the context of the land. The proposed dwelling is to be located on an existing level section of the allotment, away from property boundaries and screened from view by existing established vegetation.

#### **Hazards**

The dwelling has been designed to meet the requirements of the Minister’s Code for undertaking development in Bushfire Protection Areas. A referral was undertaken to the County Fire Service for the assessment of the proposed building site. The assessment identified the property as being in a BAL 19 area for Category of Bushfire Attack. The Country Fire Service have recommended that multiple conditions be placed on the application in the event that the development receives approval.

#### **Siting and Visibility**

The proposed development is consistent with Principle of Development Control 3 which states that *“Buildings outside of urban areas and in undulating landscapes should be sited in unobtrusive locations and in particular should be:*

- (a) *sited below the ridgeline*
- (b) *sited within valleys or behind spurs*
- (d) *set well back from public roads, particularly when the allotment is on the high side of the road*
- (e) *be located in a setting where landscape features such as trees, vegetation and landforms provide an enclosing space, setting or screen”*.

The site chosen for the proposed dwelling is on a relatively flat portion of the allotment, set well back from Cockatoo Lane. The dwelling will not be visible from Cockatoo Lane given the 400 metre setback from the road and the location of existing established vegetation on the subject land.

#### **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 largely meets the criteria for this objective as the dwelling will not adversely impact on the scenic or rural landscape character of the land or locality in which the land is situated. The dwelling has also been architecturally designed to suit the land and minimise any impact it may have upon the landscape.

Objective 2 of the Character Preservation Overlay notes that residential development should be located inside townships, settlements and rural living areas. It is acknowledged that the proposed dwelling is not located in one of these areas, however, it is also considered that the proposed development will not detrimentally impact upon the continued use of allotments in the area being used for purposes consistent with the criteria of the Character Preservation Overlay.

#### Primary Production Zone

The desired character for the zone states that proposed development will take into account the capability and suitability of the land for the intended use. The intended use throughout the zone is for the land to be used for primary production purposes. The subject land is not currently used for primary production purposes, however it is the intent of the Applicant to commence some form of primary production on the land in the event that the dwelling is approved.

The desired character also expects that development will be carefully designed and located to complement the open landscape character. The proposed dwelling has been specifically designed to blend with the current environment through the use of muted colour selections and construction materials. The location of the proposed dwelling has been selected to minimise the interference with the future primary production use of the land by the applicant whilst also minimising the visual impact upon any neighbouring dwellings and public roads.

Principle of Development Control 7 of the Primary Production Zone states that:

*A dwelling should only be developed if:*

- (a) *there is a demonstrated connection with farming or other primary production.*
- (b) *the location of the dwelling will not inhibit the continuation of farming, other primary production or other development that is in keeping with the provisions of the zone.*
- (c) *it is located more than 500 metres from an existing intensive animal keeping operation unless used in association with that activity.*
- (d) *it does not result in more than one dwelling per allotment.*
- (e) *it is designed and constructed utilising environmentally sustainable design principles.*

The proposed dwelling is consistent with Principle of Development Control 7 of the zone, as the intent of the Applicant is to begin using the property for primary production activities in the event that their dwelling receives approval. The location of the proposed dwelling will not inhibit farming on the subject land or any nearby parcel of land. It is understood that the property has recently been purchased by the Applicant and the construction of a habitable dwelling on the site will support the use of the land for primary production.

Specific design criteria are recommended within the zone in relation to new dwellings within the Primary Production Zone. Principle of Development Control 13 specifies the following:

*Detached dwellings should be designed and constructed in the following manner:*

- (a) *have a floor plan design that:*
  - (i) *locates a day living area incorporating at least one window that faces between 20° east and 30° west of true north.*
  - (ii) *is appropriately zoned so that doors are placed between living areas and other rooms and corridors.*

- (b) *have a total window area facing east and west that does not exceed 50 per cent of the total window area of the dwelling.*
- (c) *provide external shading to west facing windows in the form of either eaves or awnings of at least 450 millimetres in width.*
- (d) *provide external shading to north facing windows that allows winter sun to penetrate, but provides shade in summer.*
- (e) *have a roof layout that incorporates an area of at least 10 square metres that faces 30° west and 20° east of true north and has a roof pitch of at least 18°.*
- (f) *collects, stores and re-uses roof stormwater within and about the dwelling, provided water storage requirements for fire protection purposes are not compromised.*

The proposed dwelling does not conform to all of these specific requirements, however it is considered that the design and siting are acceptable in this instance. The proposal meets almost all of these elements with the exception of (c) in relation to eave width, as the proposed eave width on the western side of the dwelling is 300mm. It is considered that this is a minor variation to the requirement and the proposal is still worthy of support.

Principle of Development Control 18 states that “Development should not occur within 500 metres of a National Park, Conservation Park, Wilderness Protection Area or significant stands of native vegetation if it will increase the potential for, or result in, the spread of pest plants.” The proposed dwelling is to be sited approximately 250 metres from the closest point of the Sandy Creek Conservation Park, however it is not envisaged that the construction of the dwelling will increase the risk of pest plant spread. The Applicant intends to plant local indigenous plants in the immediate locality of the dwelling and is aware of the control requirements for pest plants.

With regard to the wall height of the proposed dwelling and its influence in making the application a non-complying form of development, it is considered that the variation from the specified value is minor. The non-complying list within the Primary Production Zone states that, in addition to other criteria, dwellings must have an external wall height of 3 metres or less to be a merit form of development. The wall height of the proposed dwelling is 3.25 metres due to the dwelling being constructed on ‘stumps’ rather than a traditional slab. The design of the proposed dwelling is such that the additional 250mm in wall height will not result in the building having an excessive height or bulk. A variety of roof elements and a ‘wrap around’ verandah will articulate the building to minimise its mass.

### **CONCLUSION**

Whilst it is acknowledged that the Development Plan generally does not seek to encourage further residential development in rural areas, it is considered that the proposed development is not at odds with the Development Plan requirements for dwellings within the Primary Production Zone.

Although the proposed development is a non-complying form of development, it is considered that the elements making the proposal non-complying are minor in nature and that the development is generally consistent with the objectives and principles of the Development Plan. As such, it is considered that the proposal warrants Development Plan Consent being granted.

**DA/DAP/R3**

**D815/2013 (113528)**

**BONACCI GROUP (SA) PTY LTD – DEMOLITION OF EXISTING VINTAGE CELLAR BUILDING AND CONSTRUCTION OF NEW VINTAGE CELLAR BUILDING AND CANOPY OVER GRAPE RECEIVAL AREA (WINERY ALTERATIONS) - (MERIT)**

R Miller left the meeting at 5.23pm, due to a stated conflict of interest.

B Irvine distributed a sample of the translucent panel proposed for use in both the walls and the roof at regular intervals.

The Panel sought and received clarification from a representative of the applicant (Bonacci Group) in relation to access and traffic movements.

**MOVED** S Milne that the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/815/2013 and resolves as follows:

- (A) That pursuant to Section 35(2) of the Development Act, the proposal is not seriously at variance with the relevant provisions of The Barossa Council Development Plan.
- (B) That pursuant to Section 33(1)(a) of the Development Act, Development Application Number 960/815/2013 be granted Development Plan Consent subject to the following Reserved Matter and conditions:

Reserved Matter

- (1) A landscaping plan detailing additional landscaping in and around the northern Murray Street entrance shall be submitted to the Council for approval prior to the issue of the Development Approval.

Conditions of Development Plan Consent

- (1) The development shall be undertaken in accordance with the plans and documentation accompanying the application (as amended), unless varied by the following conditions.
- (2) The stormwater disposal system, including the detention tank, be installed and completed prior to the occupation and utilization of the new building.
- (3) A bund or other mechanisms be incorporated into the design of the building with the capacity to contain spillages from the largest tank in the building.
- (4) Floor drains be incorporated into the design of the building and marc area to collect washdown water. The drains shall be connected to the winery effluent treatment facility.
- (5) Grape marc shall be removed on a regular basis and managed to ensure that it does not create an odour nuisance beyond the boundaries of the winery site.
- (6) Any external lighting shall be designed, located, and if necessary shielded to prevent light spill into neighbouring properties.
- (7) A railway crossing and access track through lot 58 in DP 64534 (168 Menge Road) to Menge Road be constructed generally in accordance with Intrax drawings 38790 C1 and C2 revision D, and the requirements of the railway owner and operator, prior to the occupation and utilization of the new building.

- (8) A Construction Environment Management Plan (CEMP) must be prepared and submitted to the satisfaction of the Barossa Council to address the mitigation or minimisation of impacts (especially noise, dust and water quality) during the construction phase.

Note: Guidance for the building and construction industry on pollution prevention of waters can be found by referring to the 'Handbook for Pollution Avoidance on Building sites' and the 'Stormwater Pollution Prevention Code of Practice' available at: [http://www.epa.sa.gov.au/xstd\\_files/Water/Code%20of%20practice/govcop1.pdf](http://www.epa.sa.gov.au/xstd_files/Water/Code%20of%20practice/govcop1.pdf)

#### NOTES ONLY

- Please be advised that where a Private Certifier is appointed to undertake the building assessment, Council does not provide a service of advising the Private Certifier of site conditions or any matters relevant to the building assessment. It is recommended that a Private Certifier undertakes his or her own investigations and inspection of the site to become acquainted with site conditions and any other relevant matter.
- Please note that no work can commence on the land as a result of this consent. This consent relates solely to the planning assessment. An application for Building Rules Consent is required to be assessed and approved before Development Approval can be issued to enable work to commence.
- The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- The *EPA Guidelines for Bunding and Spill Management* (June 2007) would assist with information on the appropriate design and management of bunded areas:  
[http://www.epa.sa.gov.au/xstd\\_files/Waste/Guideline/guide\\_bunding.pdf](http://www.epa.sa.gov.au/xstd_files/Waste/Guideline/guide_bunding.pdf).
- Construction activities should be carried out so that it complies with the mandatory construction noise provisions of Part 6, Division 1 of the *Environment Protection (Noise) Policy 2007*.
- An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain any changes to licensing requirements.
- A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.



- Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed on the following web site: <http://www.epa.sa.gov.au>

Seconded K Goldstone

CARRIED

<b>DEVELOPMENT APPLICATION NO:</b>	960/815/13 (Prop ID 113528)
<b>APPLICANT:</b>	Bonacci Group (SA) Pty Ltd
<b>OWNER:</b>	Illaparra Winery Pty Ltd
<b>SUBJECT LAND:</b>	Illaparra Winery, 161-165 Murray Street, Tanunda, Lot 56 in DP 64534, CT 5928/913
<b>PROPOSAL:</b>	Demolition of Existing Vintage Cellar Building and Construction of New Vintage Cellar Building and Canopy Over Grape Receiving Area (Winery Alterations)
<b>ZONE/POLICY AREA:</b>	Light Industry Zone, Map Baro/16
<b>PROCEDURE:</b>	Merit
<b>REFERRALS:</b>	Environment Protection Authority, Department of Planning, Transport and Infrastructure
<b>PUBLIC NOTICE:</b>	Category 2 - Two Representations
<b>KEY ISSUES:</b>	Winery Traffic in Hobbs Street, Impact on character and amenity of the locality
<b>DEVELOPMENT PLAN PROVISIONS:</b>	Refer <u>Attachment 3</u> for extracts from:
<b>CONSOLIDATION DATE:</b> 21 February 2013	<ul style="list-style-type: none"> <li>Design and Appearance</li> <li>Industrial Development</li> <li>Infrastructure</li> <li>Interface between Land Uses</li> <li>Natural Resources</li> <li>Siting and Visibility</li> <li>Transportation and Access</li> <li>Waste</li> <li>Light Industrial Zone</li> </ul>
<b>RECOMMENDATION:</b>	Grant Development Plan Consent subject to conditions
<b>OFFICER:</b>	Brian Irvine

### SUBJECT LAND AND LOCALITY

The subject land comprises a long established winery fronting Murray Street, together with a side access off Hobbs Street.

The winery site has a frontage of approximately 125 metres to Murray Street and extends back to the railway line. (The winery also utilizes other land on the other side of the railway line.) The winery incorporates all of the functions of a winery with the exception of bottling, including grape receiving, crushing, fermentation, maturation, offices and cellar door sales. It has increased its capacity over the last 25 years with numerous improvements and is now capable of processing up to approximately 4700 tonnes of grapes per annum.

The building to be demolished is an older industrial looking shed near the northern boundary, visible through the northern entrance but set back behind other buildings built on the road frontage.

The land to the north is in the Light Industrial Zone but used for a number of mixed uses. The allotment closest to the new development on the corner of Petras Street is relatively large and occupied by an unused house. The trees in its garden and along Murray Street will help to screen the new development from view in Murray Street. However, that allotment and others in Petras Street could reasonably be expected to be redeveloped in the foreseeable future with uses envisaged for the Zone.

The new development will be approximately 100 metres from the railway to the east. The land immediately on the other side is also owned by the winery and is subject to a separate application for further winery development. Other land on the eastern side of the railway line is zoned residential but is as yet undeveloped and is continued to be used for vineyards. The land to the south along Hobbs Street and to the west on the other side of Murray Street is in the Residential Zone and used for residential purposes.

Murray Street is the main thoroughfare through Tanunda and carries a relatively high volume of traffic. It is generally regarded as busy.

The character of the locality is one typically associated with a busy main road through a residential area with pockets of commercial development.

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

The proposal involves:

- The demolition of the existing vintage cellar building (1315 m<sup>2</sup>)
- Modifications to the adjoining structure
- Construction of new curved roof building generally in the same area but extending 6m closer to the northern boundary, to house potter fermentation tanks
- Building a cover over the existing grape receival area and crushers as an extension of the roof line of the proposed new building.

The new building and fermentation tanks will generally improve the efficiency and flexibility of the winery, and is not expected to increase the overall production capacity of 4700 tonnes.

The northern wall is nearly 44m long with a further 6m roofed area over the grape marc area. The setback from the northern boundary is 3ms at the Murray Street end and 3.92m at the other end. The roof overhang is approximately 3m.

The building is 13.5m high at the highest point of the curved roof. The northern wall is 10.5m high but because of the extent of the roof overhang and its curved nature, the bottom of the rafters on the northern overhang is 9.4m high. (There appears to be an error on the northern elevation where the eaves height is shown as 12.5m.)

The walls of the building have a two tone colour scheme, with the lower part in Colorbond Jasper (ie brown) and the upper part in Colorbond Paperbark (ie beige). The Paperbark colour is also used on the roof. Translucent panels will be placed in both the walls and the roof at regular intervals.

Stormwater will be disposed of to a 275,000 litre detention tank near the railway line where it will be released slowly into the underground drain.

Proposed truck movements are shown on drawing S02.

A new grape marc area is proposed at the eastern end of the building. Although it is an open area, it will have a roof.

Internal drains have not been shown but will be required to ensure that spillages and wash down water is disposed of to the effluent treatment plant. The existing effluent treatment plant on the other side of the railway line will be utilised.

No additional landscaping is proposed.

No changes to operating hours are proposed.

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

**PROVISIONS OF THE DEVELOPMENT PLAN**

The subject land lies within the Light Industry Zone of the Development Plan, consolidated 21 February 2013.

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

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

**CONSULTATION**

The application was referred to the Environment Protection Authority and the Transport Services Division of the Department of Planning, Transport and Infrastructure for consideration. Their reports were provided with the Agenda.

**PUBLIC NOTIFICATION**

Although a winery is an industrial function in a Light Industry Zone, the proposal required Category 2 type of public notification because the site is adjacent to a zone of a different type.

The application was publically notified and 1 representation has been received (co-signed by 2 people) raising a concern with winery traffic in Hobbs Street.

A copy of the representation and applicant's response were included within the Agenda.

**PLANNING ASSESSMENT****Visibility, Design and Amenity**

The new building is relatively large and can be expected to be noticed. It is not expected to be visible from Hobbs Street to the south or from dwellings or yards in that street as it will be screened from view by other winery buildings. Parts of the building may be visible from the other side of the railway line to the east, but it will be in excess of 200m away and substantially screened by other winery buildings and vegetation along the railway line.

The building will be dominant in the view from several properties on the northern boundary. This land is also in the Light Industrial Zone and can be expected to be developed or redeveloped for industrial purposes in the future. Nevertheless several Objectives and Principles in the "Industrial Development" part of the Development Plan address amenity and visual appeal. Objective 6 calls for the improved amenity of industrial areas and Principles 5 and 6 refer to design and visual impacts.

The building will be noticed from Murray Street and from several residences opposite the northern entrance. The top of the new building will be visible above the buildings fronting Murray Street from various angles when approached from the south, and between and over the trees when approached from the north. There are numerous provisions addressing appearance and visual prominence in the "Design and Appearance" and "Siting and Visibility" sections of the Development Plan.

Overall, the building designers have reached a reasonable compromise between functionality and appearance. The building needs to be as large as is proposed for functional reasons and the following features have been introduced to minimise the visual impact of its bulk:

- Large roof overhangs are used to create shadow lines over the walls
- A two tone colour scheme is used with 'earthy colours'.
- Translucent panels have been utilised to both improve natural lighting inside the building and to assist to break up the large expanse of walls,
- The large down pipes adds interest to the design as does the curved roof.

In summary, although the size of the building will draw attention to it, the building has been designed to be reasonably attractive consummate with its function as an industrial building.

**Landscaping**

No additional landscaping is proposed. Additional landscaping is supported by "Design & Appearance" Principle 14, "Industrial Development" Principle 8, "Siting & Visibility" Objective 2 and Principle 9, and "Light Industry Zone" Principle 5 and the Desired Character Statement. There does not appear to be any space available for any significant additional landscaping. The most appropriate location for further landscaping is in or near the northern Murray Street entrance where

additional tall trees will assist in reducing the prominence of the building. The use of this entrance for semi-trailers is marginal and there may be some scope for landscaping if the entrance is either eliminated or down-graded for use by rigid vehicles only. This is discussed later in the report.

#### Stormwater Disposal

Roof water from the new structure will be piped to a 275,000 litre detention tank proposed to be located at the rear of the site. Water will be slowly released into the drain/watercourse from the tank. This represents an improvement over the existing situation as neither the existing building or the surface areas being covered have any form of detention. No stormwater will be released to the railway corridor thus alleviating one of the concerns raised by the Department of Planning, Transport and Infrastructure.

Care will be required during construction to ensure that the watercourse is not obstructed, but this is best addressed by inspections during construction. Protection of the supports from erosion will be addressed as part of the detailed building design.

#### Environmental Issues

No details of internal drainage or bunding to contain spillages have been provided, nor has it been sought by the Environment Protection Authority. The supporting information states that "new drains and bunding will be installed to the Environment Protection Authorities requirements. Drainage of floors in a winery is standard practice and in this instance can be addressed with a condition of consent. The drains will need to be connected to the existing winery effluent treatment facility. The volume of effluent is not expected to increase. The outside grape marc bays will also require drainage.

Odour is addressed in the Environment Protection Authority report at page 3 under the heading of "Air Quality" where it is concluded that odour is not expected to become an issue at this site. However, no reference was made to the open air storage of grape marc. This will need to be properly managed to prevent it becoming an odour problem. Regular removal is expected to happen and should be addressed with a condition of consent.

The Environment Protection Authority has raised concerns with potential off-site impacts during construction and have directed that a condition be placed on any consent requiring the preparation and submission of a "Construction Environment Management Plan". They have also noted that noise generated from the site once the development is completed is likely to be improved.

#### Traffic

The representors have raised an issue with the amount of winery traffic in Hobbs Street. The applicants have responded that it is an existing situation and because the capacity of the winery is not being increased, there should be no increase in traffic.

Hobbs Street is a residential street but does provide access to the rear of the winery and an alternative access link to the Walden Street light industrial area. The use of the Hobbs Street entrance increased over the years as the winery evolved and expanded. However its use by commercial vehicles is considered to be unsafe and undesirable due to the condition and narrow nature of the street.

The winery had reached its current production capacity either in or before 2000 when the creek dissecting the site was piped. There was no vehicle bridge over the creek and therefore all grapes up to that point in time would have been delivered through the Murray Street entrances. (The Hobbs Street entrance would have been used to service the buildings on the south side of the creek.) Access to the grape crushing area would have been through the northern entrance off Murray Street and along the northern boundary, between the boundary and the building that is now proposed to be demolished. It is unlikely that articulated vehicles would have been able to access the crusher area conveniently, if at all. It is assumed that most, if not all grapes were delivered with rigid vehicles up until the time the creek was piped. The extent that grape delivery trucks currently use the northern entrance is unknown but aerial photography for both 2005 and 2011 indicate that it is still used regularly.

The site plan shows the track of an articulated vehicle entering the northern entrance and existing through the southern entrance. This type of movement is 'marginal' and not considered by the Council's Works and Engineering staff to be safe and convenient. A rigid vehicle is likely to be able to make the same manoeuvre adequately but the unloading of grapes in the confined space

available at the lower level will be awkward and inefficient. Once the new building is built, it will not be possible to navigate a truck between the northern boundary and the new building to access the grape crusher area. Therefore once the new building is constructed, it is reasonable to expect that all grape deliveries will need to be through the Hobbs Street entrance.

There is currently the potential to use the Murray Street entrance for the receipt of grapes in rigid vehicles. However, once the new building is constructed the operation of the winery will become reliant upon an access through a residential street. Any subsequent restriction of the use of Hobbs Street by commercial vehicles (eg load limits) would place the winery in an untenable position.

Council has refrained from seriously considering restricting commercial vehicles in Hobbs Street because there have been ongoing discussions about an alternative entrance almost from the time the creek was piped. An application in 2001 proposed an internal railway crossing and access to Menge Road via an internal road through that part of the winery on the eastern side of the railway. That never eventuated and the railway crossing and internal road have since been proposed in 2 subsequent applications that have not yet been brought to the Panel. Related discussions have recognised that the continued use of the Hobbs Street is unsafe and inappropriate and that a new internal railway crossing will enable the Hobbs Street entrance to be downgraded to be used as an emergency access.

Agreement has been reached between the railway operation and the winery for a crossing and a preliminary design has been prepared and accepted by the railway operator, but has not been included as part of this application.

Given that the proposed building will remove all possibility of grapes being delivered via the Murray Street entrance and that it will make the winery reliant upon an inappropriate entrance, it is considered appropriate that the railway crossing be made part of this application rather than relying upon another proposal that may not eventuate. The installation of the railway crossing can be made a condition of approval. This will also free up some area in the northern Murray Street entrance for additional landscaping. The submission of a landscaping plan can be made a reserved matter.

### **CONCLUSION**

The new building work is proposed to enable the existing winery to operate more efficiently. The building will be large and noticeable. However the designers have been effective in adding interest to the design so that it will not detrimentally affect the visual amenity of the area when viewed from public spaces.

Functional aspects of the proposal have either been adequately addressed or can be with appropriate conditions of approval. Stormwater and effluent disposal is satisfactory. The continued use of the Hobbs Street access and the effective redundancy of the northern Murray Street entrance is a contentious issue that also can be addressed with a condition of consent.

R Miller returned to the Meeting at 5.47pm.

### **OTHER BUSINESS**

**MOVED** D Hughes that the report be received.

**Seconded** S Milne

**CARRIED**

### **DEVELOPMENT ASSESSMENT COMMISSION CONCURRENCE APPLICATIONS**

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
960/463/2013	MF & RM Frost	Lot 2015 Flaxmans Valley Road, Angaston	Construction of a Detached Dwelling	Concurrence Granted 18/11/2013 (6/8/2013 panel meeting)
960/912/2013	A Rezaian	1246 Barossa Valley Way, Lyndoch	Variation to Application 960/546/2012	Concurrence Granted 8/11/2013 (1/10/13 panel meeting)

**PLANNING APPEAL – SALVATORE DE PALMA V BAROSSA COUNCIL-BOUNDARY RE-ALIGNMENT, SANDY CREEK (960/466/2013)**

B Ballantyne requested an update from Council staff regarding the progress of the Planning Appeal. P Mickan advised that the matter had passed the preliminary stage and may go to a full hearing, in which case it is anticipated that it will be held in March 2014. The Appellant is currently determining what evidence he will be calling.

**NEXT MEETING**

Tuesday, 4 February 2014 commencing at 5.00pm.

**CLOSURE OF MEETING**

Mr Ballantyne declared the meeting closed at 5.49pm.

Confirmed

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