



The Barossa Council

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL DEVELOPMENT ASSESSMENT PANEL

Held on Tuesday, 3 December 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, and Mr Scotty Milne – Panel Members.

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

APOLOGIES

Susie Roehr and Susan Shannon.

LEAVE OF ABSENCE

Nil.

COUNCIL APPOINTMENT OF DEVELOPMENT ASSESSMENT PANEL AND ELECTION OF DEPUTY PRESIDING MEMBER

Mr Ballantyne confirmed that Council had re-appointed all previous Panel Members for a further 12 months at the Council Meeting held on 19 November 2013 (with the exception of Craig Grocke who did not seek re-appointment). The position vacated by Craig Grocke has been filled by Susan Shannon.

MOVED Mr Miller that the Development Assessment Panel appoint Mr Hughes to the position of Deputy Presiding Member.

Seconded Mr Goldstone

CARRIED

MINUTES OF PREVIOUS MEETING

MOVED Mr Hughes that the Minutes of the Development Assessment Panel meeting held on Tuesday, 12 November 2013 as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Mr Goldstone

CARRIED

MINUTES OF PREVIOUS CONFIDENTIAL MEETING

MOVED Mr Miller that the Minutes of the Confidential Development Assessment Panel meeting held on Tuesday, 12 November 2013 as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Mr Hughes

CARRIED

BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

DECLARATION OF INTEREST BY MEMBERS OF PANEL

Mr Miller declared an interest in relation to DA/DAP/R1, DA/DAP/R2 and DA/DAP/R3 (The Barossa Council – Signage). Mr Miller was present in his capacity of Elected Member at the Council Meeting held on 18 June 2013, when a report on the proposal (7.4.1 Welcome to Tanunda Signage) was presented for decision.

APPLICATIONS FOR DECISION**DEBATE AGENDA**

DA/DAP/R1

D598/2013 (111530)

THE BAROSSA COUNCIL – CONSTRUCTION OF A SIGN (MERIT)

Mr Miller left the Meeting at 5.03pm.

MOVED Mr Milne that the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/598/2013 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 to Development Application 960/598/2013 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.

Seconded Mr Goldstone

CARRIED

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| DEVELOPMENT APPLICATION NO: | 960/598/2013 (Prop ID 111503) |
| APPLICANT: | The Barossa Council |
| OWNER: | The Barossa Council |
| SUBJECT LAND: | Allotment 1 Murray Street, Tanunda – Heinemann Park |
| PROPOSAL: | Construction of a Sign |

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| ZONE/POLICY AREA: | Recreation Zone |
| PROCEDURE: | Merit |
| REFERRALS: | Nil |
| PUBLIC NOTICE: | Category 3 – Two Representations |
| KEY ISSUES: | Representations received during public notification period |
| DEVELOPMENT PLAN PROVISIONS: | Recreation Zone Objective 5. Principle of Development Control 4. |
| CONSOLIDATION DATE: 21 February 2013 | Council Wide – Advertisements. Objectives 1 and 2. Principle of Development Controls 1, 4, 5, 6, 10, 14 and 20 |
| RECOMMENDATION: | Approval |
| OFFICER: | Karen Mitrovic |

SUBJECT LAND AND LOCALITY

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

The subject land is a single allotment owned by Council and used as public open space in the form of a maintained reserve.

The locality is varied, with land to the west of the subject land being located within the Primary Industry (Barossa Valley Region) Zone of Light Regional Council, and to the South within the Primary Production (Barossa Valley Region) Zone of The Barossa Council. The Tanunda Caravan Park is located to the east of the subject land with residential allotments to the north.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks Development Plan Consent to erect a freestanding sign within the Council reserve known as Heinemann Park.

This application is part of a larger overall plan for the erection of three signs within the Tanunda township.

The sign incorporates a welcome message for the township of Tanunda, and additional details relating to upcoming events within the town. The proposal is for the overall size and structure of the sign to remain and for the sign to consistently display a welcome to Tanunda message and the sponsorship of Wohlers Furniture and Homewares. However, the images on the sign are intended to be interchangeable so that current and upcoming events can be displayed.

The overall size of the sign is 2 metres wide x 1.3 metres high, attached to two freestanding support poles, each with a height of approximately 4.5 metres above natural ground level.

REFERRALS

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

In accordance with the Development Regulations, 2008, a referral to the Commissioner of Highways is only required under the following circumstances:

Development that will involve an advertising display on an existing arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan) and within 100 metres of a signalised intersection or a pedestrian actuated crossing where the display—

- (a) *will be internally illuminated and incorporate red, yellow, green or blue lighting; or*
- (b) *will incorporate a moving display or message; or*
- (c) *will incorporate a flashing light*

As a result, the application was not referred to the Commissioner of Highways for comment.

PUBLIC NOTIFICATION

The application is a Category 3, Merit form of development and therefore required public notification. Adjacent land owners and directly affected persons were notified in writing, and an advertisement was also placed in the local newspaper. Two representations were received and the concerns are summarised below:

- Proposal is not consistent with “Brand Barossa” guidelines
- DPTI guidelines
- Sponsored branding of the sign

A copy of the representations were provided with the Agenda.

The representation received from Regional Development Australia Barossa raises concerns with the proposal not being in keeping with the “Barossa’s Regional Brand”, rather than concern that the proposal does not meet with the criteria of the Development Plan.

The representors do not wish to be heard at the meeting of the Development Assessment Panel.

The applicant’s response to the representation is summarised below:

- Local business will have the opportunity to support community events by sponsorship of their temporary community event signage attached into the permanent signage subject to conditions
- The signage proposal submitted for Development Plan Consent is considered to be out of the scope of the Regional Signage Project
- DPTI guidelines for signage and artwork in road reserves have been used as part of the concept development, reflecting the three signage locations are within the 50km Urban Speed limit, imagery and text is clear and easily readable and driver distraction is considered low.

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

PROVISIONS OF THE DEVELOPMENT PLAN

The proposed development is located within the Recreation Zone of the authorised Development Plan, consolidated 21 February 2013.

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

COUNCIL WIDE – ADVERTISEMENTS

OBJECTIVES

Objective 1: Urban and rural landscapes that are not disfigured by advertisements and/or advertising hoardings.

Objective 2: Advertisements and/or advertising hoardings that do not create a hazard.

Principles of Development Control

1 The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:

- (a) consistent with the predominant character of the urban or rural landscape*
- (b) in harmony with any buildings or sites of historic significance or heritage value in the area*
- (c) co-ordinated with and complement the architectural form and design of the building they are to be located on.*

4 *The content of advertisements should be limited to information relating to the legitimate use of the associated land.*

6 *Advertisements and/or advertising hoardings should not be erected on:*

(a) *a public footpath or veranda post*

(b) *a road, median strip or traffic island*

(c) *a vehicle adapted and exhibited primarily as an advertisement*

(d) *residential land, unless erected to fulfill a statutory requirement or as a complying type of advertisement or advertising hoarding associated with the residential use of the land.*

14 *Advertisements and/or advertising hoardings should not create a hazard by:*

(a) *being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road*

(b) *being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals*

(c) *distracting drivers from the primary driving task at a location where the demands on driver concentration are high*

20 *Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.*

PLANNING ASSESSMENT

The proposed sign requires development approval as it does not meet the criteria listed in the Development Regulations, 2008, Schedule 3 – Acts and Activities which are not Development.

The proposal incorporates a welcome message along with interchangeable panels which are designed to provide information regarding upcoming/current events within the township. The sign also includes a sponsorship message which is to be displayed along the bottom of the panel.

The proposed signage is not subject to the Character Preservation District Overlay in the Development Plan.

Although the proposed sign is predominantly a welcome message for the township, the proposal is still an advertisement in accordance with the definition found within the Development Act 1993, Part 1-4(i).

Council Wide - Advertisements

Objective 1 specifies that advertisements should not disfigure the landscape in which they are constructed. The proposed sign will be located in a position which will be prominent enough to be visible to passing motorists, but will not have a negative impact upon the amenity of the area by disfiguring the landscape. The content, layout and colouring of the sign are considered to be appropriate for the intended purpose and will not be of an offensive nature.

Objective 2 and Principle of Development Control 14 require that advertisements and/or hoarding do not create a hazard. The height of the proposed sign will ensure that passers by can travel safely under the structure, and in the event of a vehicular accident, the sign will not create a hazard for drivers. The location of the sign within an existing Council reserve, approximately 6.5 metres from the edge of the road pavement, will ensure that the proposal will not be an obstruction for drivers.

As specified by Principle of Development Control 4, the content of advertisements should be limited to information relating to the legitimate use of the associated land. The content of the proposed sign includes information relating to upcoming and current events within the township with a small notation of the sign donor. Each of the representations received in relation to the proposed

development made note of the sponsorship of the sign by Wohlers Furniture and Homewares. The sponsorship of the proposed sign by Wohlers is not considered to be third party advertising, rather an acknowledgement of the contribution made by the business towards the construction cost of the sign. As a result, it is considered that the development is consistent with this requirement.

Principle of Development Control 20 states that advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more. Murray Street, Tanunda is listed as a secondary arterial road within the Development Plan, however the proposed sign is located adjacent to a road which has a speed limit of 50 km/h.

CONCLUSION

The proposed sign has been considered against the requirements of Council's Development Plan. It is considered that the proposed sign is not at variance with the Objectives and Principles of Development Control, both Council Wide and within the Recreation Zone, and warrants Development Plan Consent being granted.

DA/DAP/R2

D599/2013 (106147)

THE BAROSSA COUNCIL – CONSTRUCTION OF A SIGN (MERIT)

MOVED Mr Hughes that the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/599/2013 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 to Development Application 960/599/2013 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.

Seconded Mr Milne

CARRIED

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| DEVELOPMENT APPLICATION NO: | 960/599/2013 (Prop ID 106147) |
| APPLICANT: | The Barossa Council |
| OWNER: | The Barossa Council |
| SUBJECT LAND: | 57 Basedow Road, Tanunda |
| PROPOSAL: | Construction of a Sign |
| ZONE/POLICY AREA: | Light Industry Zone |
| PROCEDURE: | Merit |
| REFERRALS: | Nil |
| PUBLIC NOTICE: | Category 3 – One Representation |
| KEY ISSUES: | Representations received during public notification period |
| DEVELOPMENT PLAN PROVISIONS: | Light Industry Zone Objective 2. Principle of Development |

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| CONSOLIDATION DATE: 21 February 2013 | Control 3, 8 Council Wide Advertisements. Objectives 1 and 2. Principle of Development Controls 1, 4, 5, 6, 10, 14 and 20. |
| RECOMMENDATION: | Approval |
| OFFICER: | Karen Mitrovic |

SUBJECT LAND AND LOCALITY

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

The proposed sign is to be located within a Council road verge located adjacent industrial land.

The locality is varied, with land to the north of the subject land being located within the Residential Zone, and land to the south being located within the Light Industry Zone.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks Development Plan Consent to erect a freestanding sign within an existing Council road verge located on Basedow Road.

This application is part of a larger overall plan for the erection of three signs within the Tanunda township.

The sign incorporates a welcome message for the township of Tanunda, and additional details relating to upcoming events within the town. The proposal is for the overall size and structure of the sign to remain and for the sign to consistently display a welcome to Tanunda message and the sponsorship of Wohlers Furniture and Homewares. However, the images on the sign are intended to be interchangeable so that current and upcoming events can be displayed.

The overall size of the sign is 2 metres wide x 1.3 metres high, attached to two freestanding support poles, each with a height of approximately 4.5 metres above natural ground level.

REFERRALS

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

In accordance with the Development Regulations, 2008, a referral to the Commissioner of Highways is only required under the following circumstances:

Development that will involve an advertising display on an existing arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan) and within 100 metres of a signalised intersection or a pedestrian actuated crossing where the display—

- (a) *will be internally illuminated and incorporate red, yellow, green or blue lighting; or*
- (b) *will incorporate a moving display or message; or*
- (c) *will incorporate a flashing light*

As a result, the application was not referred to the Commissioner of Highways for comment.

PUBLIC NOTIFICATION

The application is a Category 3, Merit form of development and therefore required public notification. Adjacent land owners and directly affected persons were notified in writing, and an advertisement was also placed in the local newspaper. One representation was received and the concerns are summarised below:

- Proposal is not consistent with “Brand Barossa” guidelines
- DPTI guidelines

A copy of the representations were included with the Agenda.

The representation received from Regional Development Australia Barossa raises concerns with the proposal not being in keeping with the "Barossa's Regional Brand", rather than concern that the proposal does not meet with the criteria of the Development Plan.

The representor does not wish to be heard at the meeting of the Development Assessment Panel.

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

- Local business will have the opportunity to support community events by sponsorship of their temporary community event signage attached into the permanent signage subject to conditions
- The signage proposal submitted for Development Consent is considered to be out of the scope of the Regional Signage Project
- DPTI guidelines for signage and artwork in road reserves have been used as part of the concept development, reflecting the three signage locations are within the 50km Urban Speed limit, imagery and text is clear and easily readable and driver distraction is considered low.

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

PROVISIONS OF THE DEVELOPMENT PLAN

The proposed development is located within the Residential Zone of the authorised Development Plan, consolidated 21 February 2013.

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

LIGHT INDUSTRY ZONE

Principle of Development Control

8 *Advertisements and advertising hoardings should not include any of the following:*

- (a) *flashing or animated signs*
- (b) *bunting, streamers, flags, wind vanes and similar*
- (c) *roof-mounted advertisements projected above the roofline*
- (d) *parapet-mounted advertisements projecting above the top of the parapet.*

COUNCIL WIDE – ADVERTISEMENTS

OBJECTIVES

Objective 1: Urban and rural landscapes that are not disfigured by advertisements and/or advertising hoardings.

Objective 2: Advertisements and/or advertising hoardings that do not create a hazard.

Principles of Development Control

1 *The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:*

- (a) *consistent with the predominant character of the urban or rural landscape*
- (b) *in harmony with any buildings or sites of historic significance or heritage value in the area*
- (c) *co-ordinated with and complement the architectural form and design of the building they are to be located on.*

- 4 *The content of advertisements should be limited to information relating to the legitimate use of the associated land.*
- 6 *Advertisements and/or advertising hoardings should not be erected on:*
- (a) a public footpath or veranda post*
 - (b) a road, median strip or traffic island*
 - (c) a vehicle adapted and exhibited primarily as an advertisement*
 - (d) residential land, unless erected to fulfil a statutory requirement or as a complying type of advertisement or advertising hoarding associated with the residential use of the land.*
- 14 *Advertisements and/or advertising hoardings should not create a hazard by:*
- (a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road*
 - (b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals*
 - (c) distracting drivers from the primary driving task at a location where the demands on driver concentration are high*

PLANNING ASSESSMENT

The proposed sign requires development approval as it does not meet the criteria listed in the Development Regulations, 2008, Schedule 3 – Acts and Activities which are not Development.

The proposal incorporates a welcome message along with interchangeable panels which are designed to provide information regarding upcoming/current events within the township. The sign also includes a sponsorship message which is to be displayed along the bottom of the panel.

The proposed signage is not subject to the Character Preservation District Overlay in the Development Plan.

Although the proposed sign is predominantly a welcome message for the township, the proposal is still an advertisement in accordance with the definition found within the Development Act 1993, Part 1-4(i).

Light Industry Zone

The Light Industry Zone has specific requirements which relate to the construction of advertisements and advertising hoardings. Zone Principle of Development Control 8 recommends that:

Advertisements and advertising hoardings should not include any of the following:

- (a) flashing or animated signs*
- (b) bunting, streamers, flags, wind vanes and similar*
- (c) roof-mounted advertisements projected above the roofline*
- (d) parapet-mounted advertisements projecting above the top of the parapet.*

The proposed structure is consistent with these specific requirements as the proposal does not include any flashing, animated or movable components and is a freestanding structure.

Council Wide - Advertisements

Objective 1 specifies that advertisements should not disfigure the landscape in which they are constructed. The proposed sign will be located in a position which will be prominent enough to be visible to passing motorists, but will not have a negative impact upon the amenity of the area by disfiguring the landscape. The content, layout and colouring of the sign are considered to be appropriate for the intended purpose and will not be of an offensive nature.

The proposed sign is located within an existing Council verge, approximately 500mm from the edge of the road pavement. Objective 2 and Principle of Development Control 14 require that advertisements and/or hoarding do not create a hazard. The height of the proposed sign will ensure that passers by can travel safely under the structure, and in the event of a vehicular accident, the sign will not create a hazard for drivers.

As specified by Principle of Development Control 4, the content of advertisements should be limited to information relating to the legitimate use of the associated land. The content of the proposed sign includes information relating to upcoming and current events within the township with a small notation of the sign donor. Each of the representations received in relation to the proposed development made note of the sponsorship of the sign by Wohlers Furniture and Homewares. The sponsorship of the proposed sign by Wohlers is not considered to be third party advertising, rather an acknowledgement of the contribution made by the business towards the construction cost of the sign. As a result, it is considered that the development is consistent with this requirement.

CONCLUSION

The proposed sign has been considered against the requirements of Council's Development Plan. It is considered that the proposed sign is not at variance with the Objectives and Principles of Development Control, both Council Wide and within the Recreation Zone, and warrants Development Plan Consent being granted.

DA/DAP/R3**D600/2013 (104876)****THE BAROSSA COUNCIL – CONSTRUCTION OF A SIGN (MERIT)**

MOVED Mr Milne that the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/6002013 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 to Development Application 960/598/2013 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.

Seconded Mr Goldstone**CARRIED**

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| DEVELOPMENT APPLICATION NO: | 960/600/2013 (Prop ID 104876) |
| APPLICANT: | The Barossa Council |
| OWNER: | The Barossa Council |
| SUBJECT LAND: | Allotment 103 Robert Erwin Crescent, Tanunda |

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| PROPOSAL: | Construction of a Sign |
| ZONE/POLICY AREA: | Residential Zone |
| PROCEDURE: | Merit |
| REFERRALS: | Nil |
| PUBLIC NOTICE: | Category 3 – One Representation |
| KEY ISSUES: | Representations received during public notification period |
| DEVELOPMENT PLAN PROVISIONS: | Residential Zone Objective 4. Principle of Development Control 6. |
| CONSOLIDATION DATE: 21 February 2013 | Council Wide – <i>Advertisements</i> . Objectives 1 and 2. Principle of Development Controls 1, 4, 5, 6, 10, 14 and 20. |
| RECOMMENDATION: | Approval |
| OFFICER: | Karen Mitrovic |

SUBJECT LAND AND LOCALITY

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

The subject land comprises a single allotment owned by Council and used as public open space in the form of a maintained reserve.

The locality is varied, with land to the west of the subject land being located within the Primary Production (Barossa Valley Region) Zone, while allotments to the east are located within the Residential Zone.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks Development Plan Consent to erect a freestanding sign within an existing Council reserve located on Murray Street on the northern side of the Township of Tanunda.

This application is part of a larger overall plan for the erection of three signs within the Tanunda township.

The sign incorporates a welcome message for the township of Tanunda, and additional details relating to upcoming events within the town. The proposal is for the overall size and structure of the sign to remain and for the sign to consistently display a welcome to Tanunda message and the sponsorship of Wohlers Furniture and Homewares. However, the images on the sign are intended to be interchangeable so that current and upcoming events can be displayed.

The overall size of the sign is 2 metres wide x 1.3 metres high, attached to two freestanding support poles, each with a height of approximately 4.5 metres above natural ground level.

REFERRALS

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

In accordance with the Development Regulations, 2008, a referral to the Commissioner of Highways is only required under the following circumstances:

Development that will involve an advertising display on an existing arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan) and within 100 metres of a signalised intersection or a pedestrian actuated crossing where the display—

- (a) *will be internally illuminated and incorporate red, yellow, green or blue lighting; or*
- (b) *will incorporate a moving display or message; or*

- (c) *will incorporate a flashing light*

As a result, the application was not referred to the Commissioner of Highways for comment.

PUBLIC NOTIFICATION

The application is a Category 3, Merit form of development and therefore required public notification. Adjacent land owners and directly affected persons were notified in writing, and an advertisement was also placed in the local newspaper. One representation was received and the concerns are summarised below:

- Proposal is not consistent with “Brand Barossa” guidelines
- DPTI guidelines

A copy of the representations were included within the Agenda.

The representation received from Regional Development Australia Barossa raises concerns with the proposal not being in keeping with the “Barossa’s Regional Brand”, rather than concern that the proposal does not meet with the criteria of the Development Plan.

The representor does not wish to be heard at the meeting of the Development Assessment Panel.

The applicant’s response to the representation is summarised below:

- Local business will have the opportunity to support community events by sponsorship of their temporary community event signage attached into the permanent signage subject to conditions
- The signage proposal submitted for Development Consent is considered to be out of the scope of the Regional Signage Project
- DPTI guidelines for signage and artwork in road reserves have been used as part of the concept development, reflecting the three signage locations are within the 50km Urban Speed limit, imagery and text is clear and easily readable and driver distraction is considered low.

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

PROVISIONS OF THE DEVELOPMENT PLAN

The proposed development is located within the Residential Zone of the authorised Development Plan, consolidated 21 February 2013.

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

COUNCIL WIDE – ADVERTISEMENTS

Objectives:

Objective 1: Urban and rural landscapes that are not disfigured by advertisements and/or advertising hoardings.

Objective 2: Advertisements and/or advertising hoardings that do not create a hazard.

Principles of Development Control

1 The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:

- (a) *consistent with the predominant character of the urban or rural landscape*
- (b) *in harmony with any buildings or sites of historic significance or heritage value in the area*
- (c) *co-ordinated with and complement the architectural form and design of the building they are to be located on.*

- 4 *The content of advertisements should be limited to information relating to the legitimate use of the associated land.*
- 6 *Advertisements and/or advertising hoardings should not be erected on:*
- (a) *a public footpath or veranda post*
 - (b) *a road, median strip or traffic island*
 - (c) *a vehicle adapted and exhibited primarily as an advertisement*
 - (d) *residential land, unless erected to fulfil a statutory requirement or as a complying type of advertisement or advertising hoarding associated with the residential use of the land.*
- 14 *Advertisements and/or advertising hoardings should not create a hazard by:*
- (a) *being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road*
 - (b) *being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals*
 - (c) *distracting drivers from the primary driving task at a location where the demands on driver concentration are high*
- 20 *Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.*

PLANNING ASSESSMENT

The proposed sign requires development approval as it does not meet the criteria listed in the Development Regulations, 2008, Schedule 3 – Acts and Activities which are not Development.

The proposal incorporates a welcome message along with interchangeable panels which are designed to provide information regarding upcoming/current events within the township. The sign also includes a sponsorship message which is to be displayed along the bottom of the panel.

The proposed signage is not subject to Character Preservation District Overlay in the Development Plan.

Although the proposed sign is predominantly a welcome message for the township, the proposal is still an advertisement in accordance with the definition found within the Development Act 1993, Part 1-4(i).

Council Wide - Advertisements

Objective 1 specifies that advertisements should not disfigure the landscape in which they are constructed. The proposed sign will be located in a position which will be prominent enough to be visible to passing motorists, but will not have a negative impact upon the amenity of the area by disfiguring the landscape. The content, layout and colouring of the sign are considered to be appropriate for the intended purpose and will not be of an offensive nature.

Objective 2 and Principle of Development Control 14 require that advertisements and/or hoarding do not create a hazard. The height of the proposed sign will ensure that passers by can travel safely under the structure, and in the event of a vehicular accident, the sign will not create a hazard for drivers. The location of the sign within an existing Council reserve, approximately 5.3 metres from the edge of the road pavement, will ensure that the proposal will not be an obstruction for drivers.

As specified by Principle of Development Control 4, the content of advertisements should be limited to information relating to the legitimate use of the associated land. The content of the proposed

sign includes information relating to upcoming and current events within the township with a small notation of the sign donor. Each of the representations received in relation to the proposed development made note of the sponsorship of the sign by Wohlers Furniture and Homewares. The sponsorship of the proposed sign by Wohlers is not considered to be third party advertising, rather an acknowledgement of the contribution made by the business towards the construction cost of the sign. As a result, it is considered that the development is consistent with this requirement.

Principle of Development Control 20 states that Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more. Murray Street, Tanunda is listed as a secondary arterial road within the Development Plan, however the proposed sign is located adjacent to a road which has a speed limit of 50 km/h.

CONCLUSION

The proposed sign has been considered against the requirements of Council's Development Plan. It is considered that the proposed sign is not at variance with the Objectives and Principles of Development Control, both Council Wide and within the Recreation Zone, and warrants Development Plan Consent being granted.

Mr Miller returned to the Meeting at 5.09pm.

DA/DAP/R4

D530/2013 (111504)

BAROSSA VALLEY BREWING PTY LTD – CHANGE OF USE OF EXISTING INDUSTRY (MICRO-BREWERY) AND TASTING ROOM RESTAURANT TO INCLUDE ENTERTAINMENT IN THE FORM OF LIGHT AMPLIFIED ACOUSTIC MUSIC – (NON-COMPLYING)

MOVED Mr Hughes that Item DA/DAP/R4 be deferred for assessment following a request from Mr Denham D'Silva, Barossa Valley Brewing Pty Ltd. (Applicant) dated 29 November 2013 to withdraw the item from the meeting Agenda.

Seconded Mr Milne

CARRIED

DA/DAP/R5

KALIMNA ROAD UNIT TRUST (STRATEGY URBAN PROJECTS & ROGER PITT) – LAND DIVISION (57 ALLOTMENTS, ROADS AND RESERVE) – (MERIT)

MOVED Mr Milne that the Development Assessment Panel grants Development Plan Consent, Land Division Consent and Development Approval to application 960/D026/12 (Council Reference 960/00100/2013) subject to the following reserved matter and conditions:

Reserved Matter

A detailed design of the stormwater detention basin discharge pipe between the detention basin and the proposed drain through development application 960/D542/03 be submitted to Council and approved before construction work commences.

Conditions of Development Plan Consent

- (1) The land division shall be undertaken in accordance with the plans accompanying the application, unless varied by the following conditions.

- (2) The applicant shall construct all necessary services and infrastructure, including roads, storm water drainage, waste disposal (CWMS), electricity, public lighting and communications to the reasonable satisfaction of Council.

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

- (3) Each allotment shall have a minimum area of 1000 m².
- (4) The road boundary of lot 54 shall be located a minimum of 6.5 metres from the front of the existing dwelling. The side boundaries of lot 54 shall be a minimum of 1.5 metres from the sides of the dwelling, and the rear boundary of lot 54 shall be a minimum of 5 metres from the rear of the dwelling
- (5) The location of the septic tank and associated plumbing servicing the existing dwelling shall be confirmed as being on the same allotment as the dwelling, or a new septic tank shall be installed on the same allotment as the dwelling, and be connected to the dwelling and Community Wastewater Management Scheme prior to the issue of the Certificate of Approval.

NOTE ONLY

Any septic tank or on-site effluent disposal area proposed to be abandoned must be decommissioned in a manner acceptable to the Council's Public and Environmental Health Officer.

- (6) Roof water run-off and/or rainwater tank overflow from any buildings retained in proposed land division shall be piped to a road or new stormwater connection point prior to the issue of the Certificate of Approval.
- (7) Buildings (other than the dwelling) located over a proposed boundary shall be removed or modified so that the wall of a building is a minimum of 1 metre from the side and rear boundaries and 6.5 metres from a road boundary prior to the issue of the Certificate of Approval.

NOTE ONLY

Demolition requires a separate development application and approval.

- (8) The pavement of the proposed roads shall be extended to and join the existing pavements of adjoining streets and roads.
- (9) 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 \$261,000 is required (58 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.

- (10) The payment of the "Kalimna Road Development CWMS Connection" charge required pursuant to Section 188 of the Local Government Act be made to Council prior to the issuing of the Certificate of Approval. (see note below)

Reason To ensure that land division can be connected to the CWMS Trunk Main located in Kalimna Road, thereby ensuring that effluent can be satisfactorily disposed of 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 additional augmentation charge to be paid at a rate of \$2.69 per square metre of land in the land division, to connect to that part of the CWMS scheme serviced by the Kalimna Road CWMS Trunk Main. Based upon an area of 81,920m² a payment of \$220,364.80 is required.

- (11) The stormwater discharge pipe from the detention basin proposed to be located in the reserve and referred to in the reserved matter above shall be installed prior to the issue of the Certificate of Approval.
- (12) The payment of the "Kalimna Road Development Stormwater Headworks" charge as determined by Council pursuant to Section 188 of the Local Government Act be made to Council prior to the issuing of the Certificate of Approval. (see note below)

Reason To ensure that land division can be connected to the Kalimna Road Development Stormwater Headworks proposed to be installed between Kalimna Road and the North Para River, thereby ensuring that stormwater can be satisfactorily disposed of 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 at a rate of \$4.14 per square metre of land in the land division, to connect to the Kalimna Road Development Stormwater Headworks scheme. Based upon an area of 81920m² a payment of \$339,148.80 is required.

- (13) Easements shall be acquired and transferred to Council wherever the stormwater discharge pipe passes through private property prior to the issue of the Certificate of Approval.
- (14) During construction of infrastructure temporary debris and sediment control measures shall be installed to prevent debris and sediment from leaving the site during all construction stages. Control measures shall be in accordance with a soil erosion and drainage management plan, which shall provide such pollution prevention measures as required to comply with the "Environmental Protection Authority's Stormwater Pollution Prevention Codes of Practice":
- For the Community
 - For Local, State, and Federal Government
 - For the Building and Construction Industry
- Temporary debris and sediment control measures shall be in place prior to construction commencing and shall be maintained at all times during construction. Prior to construction, a copy of the soil erosion and drainage management plan shall be provided to Council for approval.
- (15) The reserve shall be landscaped in general accordance with the drawing submitted to Council and labeled "Detention Basin Landscape Concept, Project LG162, DWG 01 and dated 10.10.2012.
- (16) Allotment boundaries abutting reserves shall be provided with a Colorbond 'Good Neighbour' fence with a minimum height of 1800mm.

Conditions of Land Division Consent

- (1) Drainage easements be provided wherever necessary to provide for drainage of the allotments and roads, and for any CWMS infrastructure. 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) Road 'A' shall have a minimum width of 15 metres, (Note Only, Wider widths may be required for drainage purposes.) Other Road shall have a minimum width of 14 metres except the turning head of the cul de sac which shall have a minimum width and length of 25 metres.
- (3) A corner cut-off measuring a minimum of 4.5 metres in each direction be provided at the intersection of all roads.
- (4) 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 and Council's standard land division requirements. In particular:
- (a) 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 (24 hours or one full working day in advance) for attendance.

- (b) 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.
- (c) Defects Liability Period for the development shall be 12 months from the Council's written acceptance of Practical Completion.
- (d) Minimum road grades shall be 0.5% and maximum road grades shall be 15% unless otherwise approved.
- (e) 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 (ie the finished surface level at the allotment boundary shall be a minimum of 225mm above the adjacent watertable level) and be graded uniformly to be suitable for pedestrian traffic. Batters into allotments are to be no steeper than 1 in 6.
- (f) The surface of each residential allotment shall be graded towards the road.
- (g) The road pavement of Road 'A' shall have a minimum width of 8 metres. The road pavements of other roads shall have a minimum width of 7 metres. The pavement of the cul de sac shall have a minimum radius of 9 metres.
- (h) 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.
- (i) The pavement of the proposed roads shall be extended to and join the existing pavements of adjoining streets and roads.
- (j) All necessary signs (including street signs), traffic control devices and pavement markings shall be provided in accordance with AS1742.
- (k) Adequate measures shall be implemented to suppress dust generated during site works to ensure that dust generation does not become a nuisance off-site. Site development machinery should not generally be operated outside the hours of 7.00am to 7.00pm daily.
- (l) 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 non residential properties.

- (m) Kerb openings for the disposal of stormwater shall be provided for each allotment that drains to the road.
 - (n) "As Constructed" drawings shall be provided to Council in hardcopy and electronically in "dwg" or "dxf" format.
- (5) Concrete block paved footpaths of 1.5m wide shall be provided on one side adjacent to the roadway in accordance with plans and specifications approved by Council. The footpath cross fall shall not exceed 2.0%. Pedestrian pram ramp accesses, including tactile ground surface indicators, are to be provided in accordance with Australian Standards AS1428.
- (6) A stormwater drainage system shall be constructed and installed in accordance with a Stormwater Management Plan supplied to and approved by Council prior to the commencement of work to ensure that all allotments and roads are adequately drained. The Stormwater Management Plan shall be prepared in accordance with the 1987 edition of "Australian Rainfall and Runoff", Australian Standard 3500, and to the satisfaction of the Council as follows:
- (a) Detailed stormwater design calculations justifying the Stormwater Management Plan shall be provided.
 - (b) The Stormwater Management Plan shall consider ultimate development of all catchment areas contributing to runoff over or through the land division, and ensure that natural run-off from neighbouring land is not interrupted.
 - (c) Stormwater detention systems shall be incorporated into the stormwater drainage system to ensure that the peak flow discharging from the whole development site (and wider catchment) post development from a 100 year ARI storm does not exceed that from the pre-development site (and catchment) from a 100 year ARI storm. The outlet restriction system details and hydraulic design computations are required.

Any stormwater detention basin shall have a 'verge' with a minimum width of 2.5 metres between the edge of the basin and any boundary.

The maximum gradient of any embankment associated with a stormwater detention basin shall be 1 in 5.

- (d) Stormwater runoff from the site shall not discharge into any adjacent property other than via a pipe placed in an easement or land under the care and control of Council and in accordance with a design approved by Council.
- (e) All allotments shall grade towards a roadway.

- (f) Pollution control devices shall be incorporated within the development to provide for the removal of stormwater borne pollutants, consistent with current best practice and EPA requirements.
 - (g) The Stormwater Management Plan shall 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.
 - (h) The drainage system shall be designed making provision for future development (buildings and paved areas) covering up to 75% of allotment areas.
 - (i) The pipe system shall provide for runoff generated by a minimum 10 year Average Recurrence Interval (ARI) storm event with overflow paths provided for a 100 year ARI storm event that will prevent stormwater runoff inundating properties.
 - (j) Minor drainage systems shall be provided to limit gutter flow widths to a maximum of 1.5m for a 10 year ARI storm. Where overflow path discontinuity occurs and property flooding may occur a minimum of 100 year standard is required.
 - (k) Minimum pipe size for road drainage shall be 375mm and pipes shall be rubber ring jointed.
 - (l) "As Constructed" drawings shall be provided to Council in hardcopy and electronically in "dwg" or "dxf" format.
- (7) Underground electrical power be provided to each allotment in accordance with a design approved by SA Power Networks and Council. Where appropriate, services should be provided in a common service trench located in accordance with the publication titled "Services in Streets – A Code for the Placement of Infrastructure Services in New and Existing Streets".
- (8) Street Lighting be provided in accordance with a design and specifications conforming to Australian Standard 1158.1 and approved by SA Power Networks and Council. Lighting columns shall be standard SA Power Networks design approved by Council.
- (9) Each allotment 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.
- (10) The payment of a monetary open space contribution to Council calculated in accordance with section 50(7) of the Development Act in addition to the reserve shown on proposal plan.

NOTE ONLY.

The contribution is estimated to be \$237,500. The sum will be calculated correctly when the final plan is provided.

- (11) The financial, augmentation and easement requirements of the SA Water Corporation shall be met for the provision of water supply. (SA Water 90078/12).
- (12) 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 10 inclusive are the requirements of Council and Conditions 11 and 12 are the requirements of the Development Assessment Commission.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) For further information regarding this approval and the conditions of approval please contact the relevant officer:

Brian Irvine

Planning Officer

Ph

8563 8486

| | | | |
|---------------|-------------------|----|-----------|
| Bob Williams | Civil Engineer | Ph | 8563 8496 |
| Michael Clark | CWMS Co-ordinator | Ph | 8563 8479 |

Seconded Mr Goldstone

CARRIED

| | |
|---|--|
| DEVELOPMENT APPLICATION NO: | 960/D026/12 (960/100/2013) (Prop ID 102240) |
| APPLICANT: | Kalimna Road Unit Trust (Strategy Urban Projects & Roger Pitt) |
| OWNER: | GJ & JF Walker |
| SUBJECT LAND: | Lot 2, 41-47 Kalimna Road, Nuriootpa in FP 173385 |
| PROPOSAL: | Land Division (57 Allotments, Roads and Reserve) |
| ZONE/POLICY AREA: | Residential Zone (Map Baro/3) Precinct 8 – Kalimna Road (Map Baro/3) Medium Bushfire Protection Area (BPA Map Baro/2) Concept Plan Map Baro/2 |
| 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 1 |
| KEY ISSUES: | Stormwater disposal and stormwater detention, Impact on adjoining roads |
| DEVELOPMENT PLAN PROVISIONS: CONSOLIDATION DATE: | Numerous – Refer to <i>Attachment 3</i> Application Lodgement Date 8/8/2012 Development Plan Consolidation Date 11 November 2011, Modified by the Barossa Valley and McLaren Vale – revised – Protection Districts DPA (interim) 11 April 2012 |
| RECOMMENDATION: | Grant Development Approval |
| OFFICER: | Brian Irvine |

FUTHER INFORMATION (03 December 2013)

This application has been deferred from both the October and November Development Assessment Panel meetings to enable further discussion and negotiation with the applicants on the subject of open space contribution.

Council can require up to 12.5% of the area as open space reserve, which equates to 10,240m² of land. The applicant proposes a reserve of 3182m² which will also be used as a detention basin. It is proposed to address the difference with a monetary contribution paid to Council, calculated in accordance with a formulae contained in the Development Act. This will be approximately \$237,500 and will be calculated accurately when the Final Plan is submitted.

The Panel has expressed a desire to enlarge the reserve by adding lots 56 and 57 (additional area of 2918m², producing a total of 6100m² and a monetary contribution of \$139,137), and to consider a separate reserve in the general vicinity of lots 8, 9 and 10 so that it can be added to by other land divisions and to provide connectivity to the neighbouring area.

The applicant has expressed opposition to providing any further land for open space reserve. They have engaged Alan Rumsby from URPS to present their reasons for not enlarging the reserve. A

copy of the letter dated 22 November 2013 was provided with the Agenda. In summary the reasons are:

- With allotment sizes at 1000m² and larger, the need for local pocket parks is negated.
- Larger parks and reserves are within a reasonable distance.
- Nuriootpa is well serviced with existing areas and facilities for organised sports.
- The layout was designed and proceeded with on the basis of advice from the Council administration that there was a preference for a monetary contribution and that the detention basin, if adequately designed, will be accepted as open space.
- The monetary contribution would be payable to Council.
- The applicants have incurred significant additional costs for stormwater disposal not required by other developers.

The recommendation is to accept the reserve shown in the plan of division as open space and to require a monetary contribution for the remainder (see Land Division Consent condition 10).

If the Panel wishes to decide to require lots 56 and 57 to be open space, the following substitute condition is suggested.

“Land depicted as allotments 56, 57 and 58 (Reserve) on the proposed plan of division amended 9 May 2013 and comprising a total of 6100m² shall be vested in the Council to be held as open space, and

a payment of a monetary open space contribution be made to Council calculated in accordance with Section 50(7) of the Development Act.

NOTE ONLY

The contribution is estimated to be \$139,137. The sum will be calculated correctly when the final plan is provided.”

The remainder of the report and recommendation is a repetition of the reports presented to the October and November 2013, Development Assessment Panel meetings and are included for reference purposes.

BACKGROUND AND ADDITIONAL INFORMATION (12 November 2013)

This application was presented to the October meeting of the Panel where it was resolved to “defer consideration of Development Application 960/100/2013, to enable Council staff to negotiate with the Applicant to achieve the desired 12.5% of the site as an open space reserve.”

A meeting has been held with the applicants to discuss the matter but at the time of writing no written submission had been received.

The application requires assessment against the provisions of the Development Plan for planning consent and a separate assessment against the requirements of the Development Act and Regulations for land division consent.

The following extracts are drawn from the Development Plan to assist with the planning assessment:

Land Division

Principles of Development Control

4 *The design of a land division should incorporate:*

- (a) *roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities*
- (d) *suitable land set aside for useable local open space*

- 12 *The arrangement of roads, allotments, reserves and open space should enable the provision of a stormwater management drainage system that:*
- (a) *contains and retains all watercourses, drainage lines and native vegetation*
 - (b) *enhances amenity*
 - (c) *integrates with the open space system and surrounding area.*

Open Space and Recreation

- Objective 1: The creation of a network of linked parks, reserves and recreation areas at regional and local levels.*
- Objective 2: Pleasant, functional and accessible open spaces providing a range of physical environments.*
- Objective 3: A wide range of settings for active and passive recreational opportunities.*
- Objective 4: The provision of open space in the following hierarchy:*
- *State*
 - *Regional*
 - *District*
 - *Neighbourhood*
 - *Local*

Principles of Development Control

- 1 *Urban development should include public open space and recreation areas.*
- 2 *Public open space and recreation areas should be of a size, dimension and location that:*
- (a) *facilitate a range of formal and informal recreation activities*
 - (b) *provide for the movement of pedestrians and cyclists*
 - (c) *incorporate existing vegetation and natural features, watercourses, wildlife habitat and other sites of natural or cultural value*
 - (d) *link habitats, wildlife corridors, public open spaces and existing recreation facilities*
 - (e) *enable effective stormwater management*
 - (f) *provides for the planting and retention of large trees and vegetation.*
- 3 *Open space should be designed to incorporate:*
- (a) *pedestrian, cycle linkages to other open spaces, centres, schools and public transport nodes*
 - (b) *park furniture, shaded areas and resting places to enhance pedestrian comfort*
 - (c) *safe crossing points where pedestrian routes intersect the road network*
 - (d) *easily identified access points*
 - (e) *frontage to abutting public roads to optimise pedestrian access and visibility*
 - (f) *re-use of stormwater for irrigation purposes.*
- 6 *Neighbourhood parks should be at least 0.5 hectares and generally closer to 1 hectare in size, and provided within 500 metres of households that they serve.*
- 7 *Local parks should be:*
- (a) *a minimum of 0.2 hectares in size*
 - (b) *centrally located within a residential area, close to schools, shops and generally within 300 metres of households that they serve.*
- 8 *No more than 20 per cent of land allocated as public open space should:*
- (a) *have a slope in excess of 1-in-4*

(b) *comprise creeks or other drainage areas.*

13 *Landscaping associated with open space and recreation areas should:*

- (a) *not compromise the drainage function of any drainage channel*
- (b) *provide shade and windbreaks along cyclist and pedestrian routes, around picnic and barbecue areas and seating, and in car parking areas*
- (c) *maximise opportunities for informal surveillance throughout the park*
- (d) *enhance the visual amenity of the area and complement existing buildings*
- (e) *be designed and selected to minimise maintenance costs*
- (f) *provide habitat for local fauna.*

The Residential Zone provisions also refers to a concept plan that does not make any reference to open space in the Kalimna Road area, although it is listed in the plan's legend.

With respect to the land division consent, the Development Act states:

33 Matters against which development must be assessed

- (1) *A development is an approved development if, and only if, a relevant authority has assessed the development against, and granted a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):*
 - (a) *the provisions of the appropriate Development Plan (**development plan consent**);*
 - (c) *in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988)—the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under this Act):*
 - (ii) *open space will be provided, or a payment will be made in accordance with the requirements imposed under this Act;*

50 —Open space contribution scheme

- (1) *Where an application under this Part provides for the division of land into more than 20 allotments, and one or more allotments is less than one hectare in area—*
 - (a) *the council in whose area the land is situated; or*
 - (b) *if the land is not situated within the area of a council—the Development Assessment Commission,*
may require—
 - (c) *that up to 12.5 per cent in area of the relevant area be vested in the council or the Crown (as the case requires) to be held as open space; or*
 - (d) *that the applicant make the contribution prescribed by the regulations in accordance with the requirements of this section; or*
 - (e) *that land be vested in the council or the Crown under paragraph (c) and that the applicant make a contribution determined in accordance with subsection (7), according to the determination and specification of the council or the Development Assessment Commission and, in so acting, the council or the Development Assessment Commission must have regard to any relevant provision of the Development Plan that designates any land as open space and, in the case of a council, must not take any action that is at variance with that Development Plan without the concurrence of the Development Assessment Commission.*

Other subsections of the Act and the Regulations address monetary contributions in lieu of land.

Whilst the 2 consents are separate, Section 50 does require that consideration be given to relevant provisions of the Development Plan when considering open space for land division consent purposes.

The Works and Engineering Department advises that there is no recorded policy guiding the advice they give regarding proposed open space in land divisions. However it has been their standard practice to advise against the acquisition of small parcels of open space that will, in their opinion, become maintenance liabilities. The responsibility to decide upon open space requirements has been delegated to the Panel.

The pre-application process was lengthy in this instance (for a number of reasons), and a number of layouts and drafts were provided for discussion and advice from staff. Suggestions were made, in respect to one of the pre-application drafts that open space be provided in the general vicinity of 9, 10 and 11 but the then Director, Works and Engineering expressed a strong preference for a monetary contribution in lieu of a land contribution.

The applicants have proceeded to finalise and submit their design, and purchase the land, with an expectation that a monetary contribution will be required in lieu of land. A request for the full 12.5% will require further 7000m² (ie 6 or 7 allotments) to be allocated to be reserves. This will have a significant impact on the viability on the project that they have not factored in.

The concept plan does not identify a specific location for open space in the Kalimna Road area, but other provisions of the Development Plan support open space.

The remainder of the report and recommendation is a repetition of the report presented to the 1 October 2013 Development Assessment Panel meeting and is included for reference purposes. The recommendation assumes an open space contribution as proposed by the applicants with a monetary payment in lieu of the short fall in land. This will need to be amended if the Panel decides to require a greater proportion of land contribution.

SUBJECT LAND AND LOCALITY (1 October 2013)

The subject land involves a single rectangular shaped allotment at 41-47 Kalimna Road Nuriootpa with an area of 8.192 hectares. The allotment is approximately 143 metres wide and 573 metres deep, extending from Kalimna Road to the northern boundary of the Residential Zone.

The land to the north is used for grazing purposes and is located in the Primary Production (Barossa Valley Region) Zone. The land on the eastern side is comprised of two relatively large lots with a rural or rural living appearance, and is located in the Residential Zone. The larger of the two eastern lots has had a land division application lodged over it, which is still awaiting further information before it is assessed further. (That application is expected to be completely rearranged and resubmitted.) Most of the land on the western side is also located in the Residential Zone and is comprised of medium sized lots with a rural living character, with the exception of one parcel that has recently been subdivided into residential lots. A small portion of land adjoining the western boundary and fronting Kalimna Road is located in the Home Industry Zone. The land on the southern side of Kalimna Road is in the Residential Zone.

The land is near flat with a very fine fall towards Kalimna Road. There is a single detached dwelling on the current allotment approximately 90 metres from the road. There are numerous isolated medium sized gum trees on the site (with no significant understory) and an established olive grove planted between the gum trees behind the house.

A new residential subdivision has been established between the Old Sturt Highway and the western boundary of the subject land. A new road in that subdivision terminates at the western boundary, with stormwater and CWMS draining through the subject land.

The existing character of the site is a mixture of residential and rural living, and can best be described as "township/rural fringe" in the process of being developed for residential purposes. The locality extends approximately 250m-300m north and south from the northern and southern edges of the proposed development, and to Research Road to the east and the Old Sturt Highway to the West. A map showing the location of the subject land was included within the Agenda.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application proposes to divide the land into 57 residential allotments ranging from 1000 m² to 1521 m². The proposal also includes a reserve of 3000 m² adjacent to Kalimna Road that will serve as a landscaped stormwater detention basin.

It is proposed to extend roads into most of the adjoining allotments to enable the orderly division of those allotments in a coordinated manner.

Stormwater from the land division to the west will drain through the land division and discharge into a proposed detention basin in the proposed reserve. The basin will be sized to serve both land divisions. The outfall from the detention basin will be piped to the drainage pipe proposed to be installed in the "Hickinbotham Subdivision" to convey the water to the North Para River.

The plan of division and related correspondence was provided with the Agenda.

PROVISIONS OF THE DEVELOPMENT PLAN

The subject land lies within the Residential Zone of the authorised Development Plan, consolidated 11 November 2011 and modified by the Barossa Valley and McLaren Vale – revised – Protection Districts DPA (Interim) dated 11 April 2012.

The nature of development has been determined to be "Land Division" and the application has been determined to be a merit form of development.

The provisions of the Development Plan relevant to the consideration of the proposal are contained within the Agenda.

CONSULTATION

Agency reports have been received from the Development Assessment Commission, SA Water, Department Planning, Transport & Infrastructure - Transport Services, Environment Protection Authority, and the Urban Renewal Authority.

The Environment Protection Authority have requested additional information which has not been provided. This is addressed in the assessment.

Copies of the reports were provided with the Agenda.

The Council's Manager of Engineering Services was also consulted.

PUBLIC NOTIFICATION

The allotments are configured for residential development compatible with the purpose of the zone, and therefore, in accordance with the Development Regulations, Schedule 9, Clause 5, the proposal is a Category 1 form of development for public notification purposes.

PLANNING ASSESSMENT

The land is zoned for residential purposes and the allotment arrangement is typical of a residential subdivision. The layout is compatible with a grid layout referred to the Residential Zone Desired Character statement. There is a reasonable range of allotment sizes for detached dwellings ranging from the minimum of 1000 m² to 1521m².

The width of the road reserves are adequate and tie in with the adjoining roads and adjoining land. There is some minor variation from the Concept Plan Map Baro/2 but the intentions of that plan are achieved.

The Transport Services Division of DPTI have expressed concern as to the impact the proposed development will have on the Kalimna Road/Murray Street intersection. They recommend that no further approval be granted until a Traffic Impact Study is undertaken and improvements to the intersection identified. Although it is not stated, it is implied that the study and any improvements should be undertaken by the applicant. The recommendation is not supported for the following reasons:

- Traffic management issues should have been raised and resolved during the government agency consultation process when the area was recently rezoned.

- It is unfair to require a single developer that will contribute only a small proportion of the traffic loading to undertake such a study and subsequent works for the benefit of other developers.
- There is no mechanism to fairly distribute the costs between different developers over time, and the State Government has declined to entertain developer augmentation charges for such off-site works and services.
- It is the Council's and the Department's role.
- There is insufficient information provided by DTEI to justify refusal.

In the absence of a study, the Council and the Department will negotiate improvements to the intersection at a later date, if and when deteriorating traffic conditions warrants such works.

The disposal of stormwater from the area north of Kalimna Road has proven to be an awkward issue to address because of the very shallow gradients involved, lack of infrastructure and final disposal difficulties. The solution involves, in addition to the internal drainage and detention basin works, the applicant constructing a discharge drain under Kalimna Road and through the land opposite to connect to a proposed drain in the Hickinbotham land division, which will convey the water to the North Para River. There are a number of factors that need to be taken into regard when considering conditions of consent.

- A preliminary design of a stormwater detention basin in the reserve and a discharge drain has been undertaken to ensure that stormwater can be disposed of. A refined design will be required but for legal reasons the approval of that design will need to be a reserved matter. (The internal design of the stormwater system can be addressed with a land division condition, but the design of the external system will need to be addressed as a planning condition. However, as the final design will need to be made after the development approval is granted and a planning condition that requires further approval is invalid, the approval of the design of the external system will need to be made a reserve matter.
- The detention basin will be sized to service the proposed land division and the Steinborner Road land division, but the discharge pipe will need to be sized to service other future land divisions on the north side of Kalimna Road in accordance with an overall stormwater master plan.
- The discharge pipe through the Hickinbotham land division will need to be completed by a third party (ie Hickinbotham) prior to the land division proceeding.
- The cost of the drain through the Hickinbotham land division will need to be recouped with an augmentation charge.

The land in the locality falls generally from the east to the west, with a number of subtle depressions and 'channels'. Surface water therefore flows into the subject land along the eastern boundary. There is a concern that when the allotments in the subject land are filled to ensure adequate drainage of the land division, it will block the natural drainage of the land to the east, and cause water to dam on the neighbouring land. Whilst this may be addressed at a later date when the neighbouring land is developed, provision should be made in this land division for water entering the site and to prevent flooding of neighbouring land. This can be achieved by either installing a drain of adequate size to accept surface drainage water (ie predevelopment flows) from the neighbouring land (which haven't been taken into consideration in discussions or design work to date) or providing for an overland flow path.

Other standard drainage matters can be addressed with standard conditions of consent.

The Environment Protection Authority is required to respond within 4 weeks of referral, ie 14 September 2012 unless an extension of time is sought. Although the Environment Protection Authority have requested additional information from the applicant, it hasn't sought an extension of time and the applicant has not provided the information. The Council is entitled to proceed with the assessment, but it must be assumed that in the absence of the additional information, the Environment Protection Authority is recommending refusal. There is a concern that the Environment Protection Authority is attempting to assess the application rather than providing

advice to Council, and that their assessment is against the provisions of the Environmental Protection Act rather than the Development Plan. (Irrespective of the advice received, Council is obliged to assess an application against the provisions of the Development Plan.) The matters referred to in the request for information that relate to the Development Plan can be addressed with conditions of consent.

Effluent disposal will be achieved by connecting to the recently installed CWMS drain in Kalimna Road. That drain is being financed by charging an additional augmentation fee on new land divisions on the northern side of Kalimna Road. The internal design can be conditioned in the normal manner.

A significant but undetermined number of trees are expected to be removed, either as a result of the land division process or subsequent building of dwellings. However, the relatively large size of allotments will assist with the retention of a reasonable number of trees and represents a reasonable compromise between the objective of developing the area for residential purposes and Natural Resources objectives and principles advocating the retention of native vegetation.

The design generally satisfies the bushfire protection principles and the Minister's Code. Hazards principle 16 specifically refers to olive orchards, but the olives on the site will be substantially removed as a natural consequence of developing the land.

SA Water has advised of their standard requirement for water supply.

Electricity supply should be underground, and can be addressed with a condition of approval.

Council can require 12.5% of the site as an open space reserve, which equates to 10,240m². The proposed reserve is only 3000m². The Director-Works and Engineering has recommended that:

- The detention basin reserve be landscaped to enable it to be utilised as useable open space, and
- a monetary contribution be required in lieu of additional land in accordance with the formula set out in the Development Act. (This is expected to be approximately \$266,000)

If land is required for an overland flow path along the eastern boundary, it is suggested that it be large enough to be useful open space in the future, so that when it is no longer required for drainage purposes it can be used as a reserve. It is suggested that any such reserve be accepted as part of the open space instead of a drainage reserve.

Residential Objective 5 and Principle 4 refers to affordable housing. Renewal SA encourages affordable housing but the Council's policy planner has expressed an opinion that there is sufficient affordable housing opportunities in Nuriootpa without making a specific requirement.

CONCLUSION

The proposal coordinates well with, and links the adjoining developments and land. It is considered that the proposal is not seriously at variance with the provisions of the Development Plan and that it warrants approval subject to conditions to address the matters referred to in the report.

OTHER BUSINESS

DEVELOPMENT ASSESSMENT PANEL MEETING SCHEDULE FOR 2014 (B61)

MOVED Mr Goldstone that the Development Assessment Panel agree to continue to meet on the first Tuesday of each month (with the exception in November 2014) at The Barossa Council Chambers commencing at 5.00pm.

The next Development Assessment Panel Meeting will be held on Tuesday 4 February 2014, with the possibility of a special meeting in late January 2014 which will be advised to the Panel Members if necessary.

Thereafter, Panel meetings will be held on the first Tuesday of each month (subject to Panel concurrence), with the exception of the November 2014 meeting, due to the Melbourne Cup, which will be held on the second Tuesday of November.

The following schedule of meeting dates is provided for confirmation.

- 4 February 2014
- 4 March 2014
- 1 April 2014
- 6 May 2014
- 3 June 2014
- 1 July 2014
- 5 August 2014
- 2 September 2014
- 7 October 2014
- 11 November 2014
- 2 December 2014

Seconded Mr Hughes

CARRIED

POWERPOINT PRESENTATION ON THE CHARACTER PRESERVATION (BAROSSA VALLEY) ACT 2012

Mr Mickan provided an informative presentation to the Panel on the background and overview of the Character Preservation (Barossa Valley) Act 2012, which commenced operation on 18 January 2013.

POLICY GUIDELINES FOR OPEN SPACE CONTRIBUTIONS FOR LAND DIVISIONS

Mr Milne queried if Policies would be developed to offer guidance to the Panel to assist with decision making in relation to open space contribution requirements, thus providing clarity to the Panel and also Developers.

Mr Mickan confirmed that Council has recently endorsed the Strategic Directions Report (SDR), and which included items of relevance and or concern, taken from the Development Assessment Panel’s Annual reports for the previous four years. The SDR has identified the need for more detailed concept planning for undeveloped areas.

Mr Baldwin advised that advice will also be sought from other Councils.

Mr Milne extended Christmas Greetings to all.

NEXT MEETING

Tuesday, 4 February 2014 commencing at 5.00pm.

CLOSURE OF MEETING

Mr Ballantyne declared the meeting closed at 5.59pm, and extended Christmas Greetings to Panel Members and Council staff.

Confirmed

Date: Chairman: