



The Barossa Council

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL DEVELOPMENT ASSESSMENT PANEL

Held on Tuesday, 4 March 2014 commencing at 5:00pm in
the Council Chambers, 43-51 Tanunda Road, Nuriootpa

WELCOME

Bruce Ballantyne welcomed everyone and opened the meeting.

PRESENT

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

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

APOLOGIES

Nil.

LEAVE OF ABSENCE

Nil.

MINUTES OF PREVIOUS MEETING

MOVED D Hughes that the Minutes of the Development Assessment Panel meeting held on Tuesday, 4 February 2014 as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded S Milne

CARRIED

BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

DECLARATION OF INTEREST BY MEMBERS OF PANEL

R Miller declared a conflict of interest in relation to DA/DAP/R5 (H & J Haese) due to a professional relationship with the applicant, and DA/DAP/R6 (Bonnacci Group (SA) Pty Ltd – Grant Burge Wines – Illaparra Winery), due to a professional relationship with the applicant, the Directors of the applicant and family members of the Directors.

S Roehr declared an interest in relation to DA/DAP/R6 (Bonnacci Group (SA) Pty Ltd – Grant Burge Wines – Illaparra Winery). S Roehr advised that she did not have a direct pecuniary interest, however has had direct dealings with the applicant in relation to fundraising for the Liberal Party in the Electorate of Schubert, and as the President of the Schubert SEC Liberal Party of Australia (SA Division) this involvement could potentially be perceived as an indirect conflict of interest.

APPLICATIONS FOR DECISION

DEBATE AGENDA

DA/DAP/R1 **D1049/2013 (101846)**
JBG ARCHITECTS – CONSTRUCTION OF A 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 960/1049/2013 and resolves as follows:

- (A) Pursuant to Regulation 17(3)(b) of the Development Regulations 2008, The Barossa Council proceeds with an assessment of Development Number 960/1049/13;
- (B) The Applicant be advised that the Statement of Effect needs to address the standard information as outlined in Regulation 17(5)(a) to (d) of the Development Regulations and, in addition, provide support of the proposal from an agricultural specialist with regard to the impact of the proposed dwelling on existing agricultural uses on the land in in the surrounding area.

Seconded K Goldstone

CARRIED

DEVELOPMENT APPLICATION NO:	960/1049/2013 (Prop ID 101846)
APPLICANT:	JBG Architects
OWNER:	Graham and Lynnette Mattner
SUBJECT LAND:	329 Penrice Road, Light Pass
PROPOSAL:	Construction of a Detached Dwelling
ZONE/POLICY AREA:	Primary Production Zone, Barossa Range Precinct
PROCEDURE:	Non-Complying
REFERRALS:	Nil
PUBLIC NOTICE:	Category 3
KEY ISSUES:	Non-Complying form of development in Primary Production, Barossa Range Policy Area

DEVELOPMENT PLAN PROVISIONS:	Preservation District Overlay
CONSOLIDATION DATE: 21 February 2013	Primary Production Zone Council Wide: Design and Appearance Energy Efficiency Interface Between Land Uses Residential Development Siting and Visibility
RECOMMENDATION:	Proceed with Assessment of the Non-Complying form of development
OFFICER:	Karen Mitrovic

SUBJECT LAND AND LOCALITY

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

The site is regular in shape with a frontage to Penrice Road of approximately 37.01 metres, a depth of 107.83 metres and an overall size of 3990.79 square metres.

The Applicant currently has a small vineyard planted on the subject land which would be removed in the event that a dwelling is able to be established on the site.

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

Surrounding properties range in size from approximately 2000 square metres to approximately 15 hectares. Numerous allotments in the vicinity contain detached dwellings and associated residential activities on allotments of less than 4000 square metres, with the remaining allotments in the area largely being used for primary production purposes, in the form of viticulture.

DESCRIPTION OF PROPOSAL

The applicant seeks development plan consent for the construction of a new dwelling with a setback of approximately 20 metres from Penrice Road.

REFERRALS

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

PUBLIC NOTIFICATION

The proposed development is a non-complying, category 3 form of development. No public notification has been undertaken at this stage. If the Development Assessment Panel concur with the recommendation and the application continues through the assessment process, the development will go through the public notification process.

PROVISIONS OF THE DEVELOPMENT PLAN

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.

ASSESSMENT

Prior to a full assessment of the application being undertaken, it is necessary to determine whether the proposed development has sufficient merit to proceed to the next stage of the assessment process.

From a brief overview of the proposal against Council's Development Plan, it would appear that the development satisfies the majority of objectives and principles which would relate to the subject land and type of development. It would therefore seem appropriate that the proposal proceed to a full assessment and undergo public notification.

Given that the proposed development is located within the Character Preservation District it is important for the Development Assessment Panel to determine if the application should continue to the next stage of assessment. Although a thorough assessment of the application is yet to be undertaken, it appears that the proposal is not at odds with the Character Preservation District Overlay.

CONCLUSION

While the proposed dwelling is a non-complying form of development, it 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 site is not sufficient in size to be used as a productive primary production entity.

Having regard to the provisions of the Primary Production Zone and Council Wide requirements in The Barossa Council Development Plan, the proposal is not seriously at variance with the provisions of the Development Plan and displays sufficient merit to warrant the continued assessment of the application against Council's Development Plan. This does not indicate support for the proposal, simply that it warrants further assessment. This allows the application to proceed to the next stage, where the Applicant must prepare and provide a Statement of Effect, after which public notification will be undertaken, followed by a detailed assessment and further consideration of the proposal by the Development Assessment Panel.

DA/DAP/R2

D1029/2013 (107597)

L BONDARENKO – LAND DIVISION – 1 ALLOTMENT INTO 2 (MERIT)

MOVED D Hughes that the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/1029/2013 and resolves as follows:

- (A) That the proposal is sufficiently at variance with the relevant provisions of The Barossa Council Development Plan consolidated 21 February 2013.
- (B) That Development Plan Consent be refused for the development comprised in Development Application 960/1029/2013 for the following reasons:
 - (1) The proposal is at odds with Objective 5 and Principle of Development Control 6 of the Township Zone as it does not contribute to, and is not consistent with, the desired character for the zone.
 - (2) The proposed development is at variance with Principle of Development Control 7 of the Council Wide – Land Division section as it will create a 'battle-axe' allotment which would be incompatible with the prevailing pattern of development.

Seconded R Miller

CARRIED

DEVELOPMENT APPLICATION NO:	960/1029/2013 (Prop ID 107597) Karen
APPLICANT:	Leon Bondarenko
OWNER:	Leon Bondarenko
SUBJECT LAND:	23 Gilbert Street, Lyndoch
PROPOSAL:	Land Division – 1 Allotment into 2

ZONE/POLICY AREA:	Township Zone, Policy Area 7 - Residential
PROCEDURE:	Merit
REFERRALS:	SA Water
PUBLIC NOTICE:	Category 1
KEY ISSUES:	Creation of a 'battle-axe' style allotment which is out of character within the Lyndoch township
DEVELOPMENT PLAN PROVISIONS: CONSOLIDATION DATE:	Township Zone Objectives 3 and 5. Principles of Development Control 3 and 6. Council Wide Land Division Objective 2. Principle of Development Control 7.
RECOMMENDATION:	Refusal
OFFICER:	Karen Mitrovic

SUBJECT LAND AND LOCALITY

The subject land is regular in shape with a frontage to Gilbert Street of 30.18 metres and a depth of 66.99 metres, with an overall land size of 2021.76 square metres.

The allotment currently contains a single storey detached dwelling and associated outbuildings. The locality contains allotments varying in size from approximately 1000 square metres to 2500 square metres. Most allotments in the area contain a detached dwelling and associated outbuildings.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks Development Plan and Land Division Consent to create a new allotment within the Township Zone at Lyndoch.

The proposed land division seeks to divide on allotment measuring 2021.76 square metres in size into two allotments. Proposed allotment 20 will be 1025 square metres in size while proposed allotment 21 will be 997 square metres.

Both proposed allotments have access to Gilbert Street although the creation of the crossover for proposed allotment 21 would likely result in the need to remove one or two established street trees.

Proposed allotment 20 contains the existing dwelling in addition to the waste control system for the existing dwelling. Proposed allotment 21 currently contains two outbuildings associated with the existing dwelling. The Applicant has indicated that these structures will be removed in the event that the application is approved.

REFERRALS

The Development Regulations 2008 requires that the Development Assessment Commission undertake the appropriate consultation with various State Government Agencies. As a result, the proposal was referred to SA Water who have provided comment on the proposed development. SA Water had no objection to the proposed development and have indicated that standard conditions should be applied in the event that the application were to be approved.

PUBLIC NOTIFICATION

The proposed development is a Category 1 form of development and did not require any form of public notification.

PROVISIONS OF THE DEVELOPMENT PLAN

The proposed development is located within the Township Zone, Policy Area 7 – Township of the authorised Development Plan, consolidated 21 February 2013.

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

TOWNSHIP ZONE**Objectives**

Objective 3: *Conservation and enhancement of the main road streetscape and scenic rural setting of the township.*

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

Principles of Development Control

3 *Residential development should be mainly in the form of low-density detached dwellings, with a limited range of increased density development.*

6 *Development should not be undertaken unless it is consistent with the desired character for the zone.*

RESIDENTIAL POLICY AREA 7**Objectives**

Objective 1: *A policy area primarily for low-density residential development.*

Objective 2: *Development that contributes to the desired character of the policy area.*

Principles of Development Control

2 *Development should not be undertaken unless it is consistent with the desired character for the policy area.*

7 *Allotments should vary in size and be suitable to facilitate a use of land consistent with the objectives of the policy area and should:*

- (a) *be not less than 500 square metres in area*
- (b) *have a minimum frontage to a public road of at least 12 metres.*

COUNCIL WIDE – LAND DIVISION**Objective**

Objective 2: *Land division that creates allotments appropriate for the intended use.*

Principles of Development Control

7 *Allotments in the form of a battle-axe configuration should:*

- (a) *have an allotment area consistent with that desired located within the relevant zone or policy area (excluding the area of the 'handle' of such an allotment).*
- (b) *provide for an access onto a public road, with the driveway 'handle' being not less than 6 metres in width nor more than 50 metres in length*
- (c) *contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction.*
- (d) *not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape.*
- (e) *be avoided where their creation would be incompatible with the prevailing pattern of development.*

PLANNING ASSESSMENT

The proposed land division is not consistent with Objective 5 and Principle of Development Control 6 of the Township Zone, as it does not contribute to and is not consistent with the desired character

of the zone. The desired character encourages development which 'will maintain the attractive visual amenity of the approaches to townships' and encourage the retention of 'the existing character, as derived from the small-scale and residential style of buildings and pleasant open rural surrounds'.

The prevailing character of the area is one of large residential allotments with generous setbacks to dwellings and regular allotment patterns. The proposed land division would result in the creation of two allotments which are not in keeping with this character. The creation of a 'battle-axe' allotment is out of character for the locality and would result in the construction of a dwelling with no frontage to a public road.

Within the locality of the site, allotments have regular patterns and incorporate generous land sizes and frontages to public roads. There are two instances of 'battle-axe' style properties in the locality at 3 and 4 Kleinig Street, however this is not the primary frontage to the properties, rather small sliver of land for the provision of services.

The desired character for the Lyndoch township also states that 'it is expected that development will maintain the overall low scale, low density character... and development will reflect the prevailing generous front, side and rear boundary setbacks'. Construction of a new dwelling at the rear of the existing dwelling will be at odds with the desired character of the township as it will increase density in an undesirable manner and result in the construction of a new dwelling without frontage to a public road and with minimal setbacks to site boundaries.

The Lyndoch township desired character also encourages the retention of existing vegetation, whether native or non-native, which makes a positive contribution to the character and amenity. Multiple established trees currently exist at the rear of the subject land, it is likely that these trees would need to be removed in order to allow for the construction of a new dwelling on proposed allotment 21. In addition, four established street trees are located in front of the subject land. These trees positively contribute to the character of the streetscape but one, possibly two, would need to be removed in order for a crossover to be established to access proposed allotment 21.

The proposed division will result in the creation of two allotments which technically meet the minimum criteria listed in Principle of Development Control 7 of Residential Policy Area 7. The 12 metre frontage of proposed allotment 21 has been achieved by introducing a 12m x 12m area at the start of the 'battle-axe' in order to meet the minimum requirement. It is considered that the 12 metre minimum frontage has been encouraged to reduce the instances of 'battle-axe' allotments and that although the proposal technically meets the minimum requirement, the proposal is not consistent with the intent of the principle. The presence of a minimum allotment frontage results in the expectation that allotments will follow a regular allotment pattern in order to allow for generous setbacks and attractive streetscapes.

Although proposed allotment 21 has an overall size of 997 square metres, a large portion of this is attributed to land in within the access way to the rear of the property. Only 643 square metres of the allotment is available at the rear of the allotment for a dwelling to be constructed, with additional portions of this area used only for vehicle maneuvering.

Residential Policy Area 7 does allow for infill allotments to be created in appropriate locations as specified in the desired character, however this is only in circumstances where the development will be 'consistent with the scale, form and streetscape character of the area'. In this instance it is considered that the creation of a 'battle-axe' infill allotment would have a negative impact upon the amenity of the area and will not be consistent with the streetscape character of the area.

CONCLUSION

The proposed land division will result in the creation of an allotment which is at variance with the objectives and principles of the Development Plan. The creation of a 'battle-axe' style allotment is at variance with the desired character of the Lyndoch township which seeks to retain a character of large, open allotments at a low density.

Given that the proposed development is unable to satisfy key objectives and principles of development control of Council's Development Plan, it is considered that the proposal does not warrant the granting of Development Plan Consent.

DA/DAP/R3 **D1053/2013 (113055)**
S & T BOGOMOLOV – DETACHED DWELLING, DECK AND OUTBUILDING
(NON-COMPLYING)

K Mitrovic addressed the Panel and made reference to the amendment to Condition 2 and additional note that was distributed to Panel Members prior to the meeting.

MOVED R Miller that the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/1053/2013 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 960/1053/2013 subject to the following conditions:
- (1) The development shall be undertaken in accordance with the plans and documentation accompanying the application, unless varied by the following conditions.
 - (2) The dwelling shall be connected to a wastewater system approved under the South Australian Public Health Act 2011.
 - (3) 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 5000 litres (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 fighting purposes shall comply with the Ministers Specification SA 78 'Bushfire fighting equipment and water supply requirements in designated bushfire prone areas'.

NOTES ONLY

- 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.

- Bushfire prevention and safety requirements shall be completed prior to occupancy of the building(s).
- The buildings shall incorporate the construction requirements for buildings in Bushfire Prone areas in accordance with the Building Code of Australia and Australian Standard™3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".
- 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.
- 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 K Goldstone

CARRIED

DEVELOPMENT APPLICATION NO:	960/1053/2013 (Prop ID 113055)
APPLICANT:	S & T Bogomolov
OWNER:	S & T Bogomolov
SUBJECT LAND:	Lot 20 Jutland Road, Springton
PROPOSAL:	Detached Dwelling, Deck and Outbuilding
ZONE/POLICY AREA:	Primary Production Zone
PROCEDURE:	Non-Complying
REFERRALS:	Nil
PUBLIC NOTICE:	Category 3 – Nil Representations
KEY ISSUES:	Dwelling does not meet all criteria listed in the non-complying exceptions list
DEVELOPMENT PLAN PROVISIONS:	Council Wide Design and Appearance: Objectives 1. Principle of Development Control 1, 2, 3, 5, 7 & 8. Energy Efficiency Objectives 1 & 2. Principle of Development Control 1, 2 & 3. Natural Resources Objectives 1, 8, 10, 12 & 13. Principle of Development Control 1, 26, 27, 29, 34, 38 & 39. Siting and Visibility Objectives 1 & 2. Principle of Development Control 1, 2, 3, 4 & 5. Sloping Land Objectives 1. Principle of Development Control 1, 2, 3, 4 & 7.
CONSOLIDATION DATE: 21 February 2013	Primary Production Zone Objectives 1 & 5. and Desired Character Statement. Principles of Development Control 2, 7, 10, 11, 12, 13, 14 & 15. Preservation District Overlay Procedural Matters Non- Complying Development

RECOMMENDATION:	Grant Development Plan Consent and Seek Concurrence of the Development Assessment Commission
OFFICER:	Maxine Lovett

SUBJECT LAND AND LOCALITY

The subject land has a frontage to Jutland Road (unsealed) of 577 metres with an area totaling 24.36 ha. The land contains a ridgeline approximately 125 metres from the western boundary and the contours slope downward toward to the east and west with an average gradient of around 1:4. The slope gradually decreases towards the eastern boundary.

The site is mainly cleared and has been used for grazing in the past and contains patches of remnant vegetation. A water course traverses the allotment from north to south and is located approximately 90 metres from the eastern boundary and 320 metres from the proposed dwelling site. The closest dwelling is located on the adjoining allotment to the east of the subject land and is approximately 600 metres from the site of the proposed dwelling.

A green Colorbond shed is located on the allotment approximately 90 metres from the northern boundary.

The locality consists of large rural allotments in the range of 30 – 100 hectares of mainly grazing land with pockets of remnant vegetation around the ridgelines and valleys. Many allotments contain a detached dwelling and farm buildings.

The site is located in a Medium Bushfire Risk Area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal is to construct a small single storey detached dwelling, deck and outbuilding. The dwelling has a floor area of 94m², the deck 32m² and the outbuilding 76m². The proposed dwelling is set back 235 metres from the front boundary and 170 metres from the western boundary.

The dwelling has a unique design that involves prefabricated structural panels being bolted together to form a series of segmented and intersecting arches with glazing to the end walls. Corrugated steel cladding forms the low profile curved roof and wall cladding, finished in Colorbond 'Pale Eucalypt'. The dwelling is elevated on posts to avoid any cut and fill and will be located below the ridgeline.

The decking area extends out 2.4 metres from the dwelling along the length of the eastern elevation of the dwelling.

The Colorbond outbuilding, currently exists on the site (no approvals currently exist) and has an area of 76m² with a wall height of 2.7 metres. The proposed outbuilding is used for storage purposes and is located 160 metres from the proposed dwelling site. The subject application includes the details of the outbuilding as a retrospective proposal.

An application to install a worm farm waste system to treat sewerage and waste water on site has been lodged with the development application and is currently being assessed by Council's Environmental Health Officer.

Three rainwater tanks with a total capacity of 66,000 litres are proposed to harvest storm water from the dwelling and shed for domestic water use.

An off-grid power system (8-10kW solar panels) is proposed to be located on the shed roof.

REFERRALS

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

PROCEDURE

The proposed development is for a detached dwelling deemed as non-complying, as some of the siting and design criteria has not been satisfied in accordance with the non-complying exemptions list within the Primary Production Zone.

The Planning Officer has resolved to proceed with the application under delegation pursuant to Regulation 17(4) of the Development Regulations 2008 on the basis that the proposal has merit.

A Statement of Support was provided with the Agenda.

A Statement of Effect was included with the Agenda.

PUBLIC NOTIFICATION

The application has been determined to be a Category 3 form of development pursuant to Schedule 9 of the Development Regulations, is classified as a non-complying development under the relevant Development Plan.

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.

PROVISIONS OF THE DEVELOPMENT PLAN

The proposed development is located within the Primary Production 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.

Primary Production Zone

Objective: 1: Development that contributes to the desired character of the zone.

Principles of Development Control

7 *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 utilizing environmentally sustainable design principles.*

Non-Complying Development

Dwelling - Except for a detached dwelling

Where the detached dwelling complies with the following criteria:

- (i) is not located in areas subject to inundation by a 1-in-a 100 year average return interval flood event.*
- (ii) is sited at least 25 metres from any watercourse;*
- (iii) is sited at least 300 metres from an existing winery or 500 metres from an existing intensive animal keeping land use;*
- (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.*
- (v) there is no floor level directly above another floor level, except where the upper floor level is located wholly at or below finished ground level;*
- (vi) the depth of excavation and/or filling of land is less than 1.5 metres, except for the purpose of constructing an earth sheltered dwelling.*
- (vii) it does not involve the clearance of native vegetation comprising trees and/ or shrubs;*
- (viii) contains a day living area incorporating at least one window that faces between 20° east and 30° west of true north.*
- (ix) contains doors between living areas and between a living and other rooms and corridors*
- (x) has a total window area facing east and west not exceeding 50 per cent of the total window area of the dwelling*

- (xi) external eaves or awnings of a minimum 450 millimetres in width is provided to west facing windows;
- (xii) roof incorporates an area of at least 10m² that faces between 30° west and 20° east of true north and has a pitch greater than 18°
- (xiii) at least 1000 litres of stormwater from the roof is collected, stored and re-used located within the dwelling;
- (xiv) is to be connected to an approved waste treatment system.

COUNCIL WIDE - SITING AND VISIBILITY

Objective 1: Protection of scenically attractive areas, particularly natural and rural landscapes

Principles of Development Control

- 1 Development should be sited and designed to minimize its visual impact on:
 - (a) the natural, rural or heritage character of the area;
- 3 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) set well back from public roads;
 - (c) be located in a setting where landscape features such as trees, vegetation and landforms provide an enclosing space, setting or screen.
- 4 Buildings and structures should be designed to minimize visual impact in the landscape, in particular:
 - (a) the profile of buildings should be low and the rooflines should complement the natural form of the land
 - (b) the mass of buildings should be minimised by variations in wall and rooflines and by floor plans which complement the contours of the land
- 5 The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.

COUNCIL WIDE – SLOPING LAND

Objective 1: Development on sloping land designed to minimize environmental and visual impacts and protect soil stability and water quality.

Principles of Development Control

- 1 Development and associated driveways and access tracks should be sited and designed to integrate with the natural topography of the land and minimise the need for earthworks.
- 2 Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:
 - (a) minimises their visual impact
 - (b) reduces the bulk of the buildings and structures
 - (c) minimises the extent of cut and/or fill
 - (d) minimises the need for, and the height of retaining;
 - (e) does not cause or contribute to instability of any embankment or cutting.
- 7 The cutting and filling of land outside townships and urban areas should:
 - (a) be kept to minimum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation.

PLANNING ASSESSMENT

The proposed dwelling is single storey and set well back from Jutland Road. The dwelling is to be situated below the ridgeline whilst enclosed within the landform and will avoid any earthworks by situating the structure on posts. The dwelling will not be at all visible from the road and meets Principle of Development Control 1, 3 and 4 of Council Wide Siting and Design. The curved roof line of the dwelling complements the landscape and does not have the appearance of a typical dwelling.

The proposal has been determined to be non-complying as it does not satisfactorily meet all the criteria for a detached dwelling as listed in the non-complying exceptions list. The proposal does not meet (iv), (x) and (xii), however although the proposed development does not technically meet these requirements, it is considered that the proposal is sympathetic to the desired character of the area and meets the intent of the Principles of Development Control for the Primary Production Zone.

(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.*

The proposed dwelling is located on posts with the highest point of the dwelling measuring 6.7 metres above natural ground level. The lowest point measured from the top of the roof is 3.6 metres from natural ground. The structure is partially obscured by the contours of the land. The design results in no soil disturbance or cut and fill, leaving the land in its natural form. The design is unique as it has a curved roof that also forms the walls so there is no defined wall height. The proposed dwelling would have similar if not less visual and height impact as a standard single storey dwelling.

(x) *Has a total window area facing east and west not exceeding 50 per cent of the total window area of the dwelling.*

The proposed dwelling has glazing on the north and east elevations. Minimal glazing (sliding door) is located on the west elevation. The glazing on the eastern elevation exceeds 50 per cent of all the window area.

The design has provided sufficient glazing to the north and given the floor area and layout of the dwelling, provides adequate light and solar benefits to the living area. The overhang of the roof is 600mm, providing adequate shading from the angle of the summer sun. In addition, windows have been provided to the south elevation allowing for cross ventilation reducing the reliance on mechanical cooling systems. The bedroom and bathroom wall separate the northern and southern windows, when heat is needed to be retained, these rooms can be closed off preventing heat loss to the living areas. Passive solar design principles have been applied to the design.

The glazing to the east will affect the solar performance slightly and cause the dwelling to heat up in the summer when the morning sun is able to penetrate the glass at this angle. However, glazing to the east is considered to result in less intense heat build-up as opposed to glazing on the west.

The small footprint of the dwelling has respect to energy efficiency whilst the Building Code will also regulate the energy efficiency of the dwelling with regard to design and materials.

(xii) *Roof incorporates an area of at least 10m² that faces between 30° west and 20° east of true north and has a pitch greater than 18°.*

Technically, the proposed dwelling does not meet this principle, but the intent of this principle is able to be achieved.

The curved design of the roof does not fit with the requirement for a pitched roof at an angle sufficient for photovoltaic solar panels to be positioned at the optimum angle for efficiency. The proposed dwelling meets other energy efficient design principles and should not be compromised by this Principle.

The proposal has scope to incorporate an off-grid power system (8-10kW solar panels) to be located on the shed roof. The roof has a pitch of 13° but this angle can be assisted with the use of a tilt frame for the panels. The shed is positioned so that the gable ends face east and west allowing for panels to be fitted to the northern elevation.

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.

CONCLUSION

The proposal has been determined as a non-complying development as it does not meet 3 principles relating to siting and design within the Primary Production Zone.

However, the proposal overall is sympathetic to the land form, meets the principles of the desired character for the Primary Production Zone, and has elements in keeping with passive solar design principles. The dwelling is set back from the road, has a low profile and does not offend siting, design, appearance or sloping land principles. As a consequence of the unique design, the proposed dwelling is compromised by the stringent design criteria that have deemed the proposal as non-complying. The proposal does however meet the intent of these principles and warrants approval.

DA/DAP/R4**D909/2013 (113158)**

JBG ARCHITECTS – EXPANSION OF AN EXISTING SERVICE INDUSTRY (CHEESE MAKING AND CHEESE SALES) OPERATING AT 67B MURRAY STREET, ANGASTON, ONTO ADJOINING LAND LOCATED AT 67C MURRAY STREET, ANGASTON COMPROMISING THE DEMOLITION OF EXISTING BUILDINGS AND THE CONSTRUCTION OF A NEW BUILDING TO ACCOMMODATE EXPANDED RETAIL ACTIVITIES, MATURATION ROOM PACKAGING AND WRAPPING FACILITIES, INCIDENTAL STORAGE, OFFICE, STAFF AMENITIES AND DELIVERY/DISPATCH FACILITIES (NON-COMPLYING)

S Hosking (Heritage Advisor) answered questions from the Panel in relation to the proposed concrete panel wall on the western boundary of the development.

Victoria McClurg (Owner) confirmed willingness to negotiate and implement any necessary changes to the final colour finish of the western boundary wall.

MOVED D Hughes that the Development Assessment Panel has considered all relevant assessment matters and the officer's report prepared in relation to Development Application 960/909/2013 and resolves:

- (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 960/909/2013 be granted Development Plan Consent subject to the following conditions:
- (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) Roof water be disposed of to the street water table at a rate not exceeding 12 litres per second for a 1 in 10 year storm event and 20 litres per second for a 1 in 100year storm event.
 - (3) Any external plant or equipment shall be located in a position be muffled or otherwise sound proofed to an extent necessary to prevent a noise nuisance to residential neighbours.
 - (4) All forms of waste shall be stored and/or disposed of in a manner that does not harm the environment, create a threat to public health or a nuisance.
 - (5) The concrete panel wall on the western boundary shall be finished in an agreed colour which contributes to the streetscape of Angaston, to the satisfaction of Council.

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.

- A survey of the site is recommended prior to commencing building work to clarify the exact location of the site boundaries and minimize the risk of encroachment.
- 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*.
- The adjoining owner should be advised of the proposed work on the boundary and issues such as access to perform work, removal of fences, finished levels and retaining walls should be resolved before building work commences. This approval does not create an automatic right to access neighboring land.
- Any works associated with the development, such as new kerbing, tree removal, laying of stormwater pipes, footpath renewal or construction of new vehicle entrances proposed to be undertaken within the road reserve (i.e. the carriageway, verge or footpath area) requires an independent approval from Council pursuant to the Local Government Act. Further enquiries should be directed to the Works and Engineering Department of Council.
- The stone wall proposed to be retained will require stabilisation during and after construction to ensure its long term structural integrity.

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

Seconded S Roehr

CARRIED

DEVELOPMENT APPLICATION NO:	960/909/2013 (Prop ID 113158)
APPLICANT:	JBG Architects
OWNER:	Angaston Properties Pty Ltd
SUBJECT LAND:	Barossa Valley Cheese Company, 67b and 67c Murray Street, Angaston. Lot 102 in DP 62511, CT 5979/514 (67b) and Lot 20 in FP 47267, CT 5979/513 (67c)
PROPOSAL:	Expansion of an Existing Service Industry (Cheese Making and Cheese Sales) operating at 67b Murray Street, Angaston onto adjoining land located a 67c Murray Street, Angaston comprising the demolition of existing builders and the construction of a new building to accommodate expanded retail activities, maturation room packaging and wrapping facilities, incidental storage, office, staff amenities and delivery/dispatch facilities (Non-Complying)
ZONE/POLICY AREA:	District Town Centre, Map Baro/13 Historic Conservation Area 1 – Angaston Centre
PROCEDURE:	Non-Complying
REFERRALS:	Internal Referral to Heritage Advisor
PUBLIC NOTICE:	Category 3 – Four Representations
KEY ISSUES:	Non-Complying status, Historic Character of locality, demolition of stone building, car parking
DEVELOPMENT PLAN PROVISIONS:	Refer <i>Attachment 3</i> for extracts from: <ul style="list-style-type: none"> • Advertisements

CONSOLIDATION DATE: 21 February 2013	<ul style="list-style-type: none"> • Centres and Retail Development • Design and Appearance • Heritage Places • Historic Conservation Area • Industrial Development • Interface between Land Uses • Landscaping, Fences and Walls • Natural Resources • Orderly and Sustainable Development • Siting and Visibility • Tourism Development • Transportation and Access • Waste • District Town Centre Zone
RECOMMENDATION:	Grant Development Plan Consent and Seek Concurrence of the Development Assessment Commission
OFFICER:	Brian Irvine

SUBJECT LAND AND LOCALITY

The subject land comprises 2 near rectangular shaped allotments fronting Murray Street, but extending back to Kent Street at the rear.

The premises on 67b were built relatively recently in a historic style and are used for the manufacture and retail sale of cheese. The land at 67c Murray Street has an old stone building set back from the street in a garden setting with other additions and carports at the rear. All of the buildings on 67c are built on (or near) the western boundary which has a minor kink of 300mm in it.

The land has a moderate slope from back to front and from east to west. Vehicular access is from Kent Street which functions as a 'service lane' to all of the properties along that part of Murray Street. The old railway station is located on the other side of Kent Street, part of which has been developed as a car parking area behind the boundary wall. Murray Street is the main street of the town with a concentration of retail and commercial land uses.

All surrounding land is within the Town Centre Zone with the exception of the reserve diagonally opposite in Murray Street, which is in the Residential Zone.

The building to the east of the existing Barossa Valley Cheese premises is a locally listed heritage building and is used as a restaurant. Further east, a number of buildings are being redeveloped as part of an upgrade and expansion of the Angaston Hotel. The allotment to the west has a dwelling which is listed as a Contributory Item, meaning that it contributes to the historic character of the locality. The next property west is used as a motor vehicle show room and car sales yard. The old Angaston Railway Station, which is listed as a State Heritage place, is located on land to the south, on the opposite side of Kent Street. The site is also opposite the Penrice Road intersection with Murray Street. The land on the western side of the intersection is used as a reserve and is also listed on the State Heritage list. The old stone building on the eastern side of the intersection is also on the local heritage list.

The locality is defined as the area of surrounding land and roads from which the site can be viewed. The Murray Street view has a historic and commercial character, whereas the Kent Street view is different with a service lane character.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal involves expanding the existing premises by building over the entire allotment of 67c Murray Street. This will enable the introduction of manufacture of hard cheeses and some minor rearrangements of functions in the existing building. The new building will be used for the maturation storage of cheeses, cold storage, packing and wrapping, staff amenities, dry goods store, office and expansion of the retail function.

The style of the proposed new building mimics the existing premises with the exception of the roof and the rear wall. The buildings on 67c will be removed with the exception of the western wall of the stone building on the boundary.

Any external plant and equipment will be located either in the roof space or on top of the existing garage roof.

Vehicular and pedestrian movements will remain the same, with all access through 67b.

It is hoped to double the production of cheese over the next 10 years from the utilisation of 4,000-5,000 litres of milk to 10,000 litres in 2025. The maximum number of employees on site at any one time is expected to increase from 6 to 7.

Existing waste storage and removal arrangements will continue, with increased frequency of removal where necessary.

Trading hours for the shop are intended to remain the same, but an increased number of customers is expected.

Car parking arrangements are also intended to remain the same, with the utilisation of kerb side parking in Murray Street and the parking area in the railway station.

The Statement of Effect was included with the Agenda.

PROVISIONS OF THE DEVELOPMENT PLAN

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

Following the receipt of legal advice, the proposal was deemed to be a non-complying form of development in the zone.

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

CONSULTATION

No statutory consultation with government agencies was required. The application was referred to Council's heritage advisor which resulted in discussions with the applicant's architect, which in turn resulted in some amendments to the design.

PUBLIC NOTIFICATION

The application was subjected to Category 3 form of public notification and 4 representations were received. Three were general supportive and one raised a number of concerns for the Panel's consideration.

A copy of the representations were provided with the Agenda.

Response to the representations were included with the Agenda.

PLANNING ASSESSMENT

Nature of Development

The activities involve the manufacture of cheese and the retailing of product manufactured on site. This fits the definition of service industry, which is a sub-category of industry which is listed as a non-complying form of development.

Although non-complying, the Character Statement for the zone does state that the function of the centre is to cater for visiting tourists to the district. Similarly, objective 6 in the Tourism Development section seeks tourism development "that contributes to local communities by adding vitality to neighbouring townships, regions and settlements". The business is tourist orientated with a retail façade presented to the public. The industrial function, although comprising the greater portion of the property, is less obvious and on first impressions does not appear to conflict with business functions of the zone. It was therefore decided to use delegated powers to proceed with the assessment of the application.

Although it can be argued that the manufacturing activity could be moved off-site to an industrial zone, (and there are a number of provisions in the Industrial "Development section to support this approach), it is equally true that the retail activity is reliant upon the manufacturing of cheese on-site to be successful. The marketing strategy aims to differentiate Barossa Valley Cheese from the

supermarket product by emphasising it as an artisan's product, which in turn requires the cheese to be made on-site.

Building Style

Principle 4, in the Centres and Retail Development section, states that a single architectural theme should be established and that additions should be complimentary to the existing development. This is reinforced by a number of provisions in Design and Appearance, and Historic Conservation Area sections.

The existing building fits in well with the character of the streetscape and the new building exhibits a number of features to co-ordinate with the existing building. This includes the use of hipped roof in part of the extension, a front parapet wall and verandah.

The use of a skillion roof over a large part of the new building was of concern but it has been pointed out that it is not visible from the footpaths roads or footpaths.

Similarly there is a concern that a western view of the side wall will be bland and uninviting. This has also been raised by the neighbour, and appears to be supported by principle 2, in the Design and Appearance section, which states that "buildings should be designed and sited to avoid creating extensive areas of uninterrupted walling facing areas exposed to public view." Related to this is principle 18 of the same section that suggests that the setback of the new building should be the average of the setbacks of the 2 neighbouring buildings. If this is adhered to the length of the side wall will be shortened and less prominent in any view. Principle 4, in the Landscaping, Fences and Walls section, should also be taken into consideration where it states that walls should incorporate articulation or other detailing where there is a large expanse of wall facing the street. However, the view of the new side wall will not be dissimilar to that of the existing side wall of the existing premises, which has not drawn adverse comments or criticism. Walls of this nature are not uncommon in this type of zone and a reasonable attempt has been made to introduce some variation into the wall with the colour scheme and the retention of the existing stone wall.

Overall the scale and style of development is sympathetic with its surrounds and is not out of context with the nearby heritage items.

Demolition of Building

One of the representations has expressed concern over the demolition of the old stone building. This building is not listed on the State Heritage Register, the local heritage list or the list of contributory items. Nevertheless it may be of some local historic interest and its external appearance does assist in setting the historic character of the locality. The building has been inspected with the Council's Heritage advisor and the inside is badly affected with salt damp. Surprisingly it is not visible on the outside, although the lower portions of the wall hidden by the bushes were not inspected. The building has not yet reached a dangerous stage but is considered uneconomic to renovate for commercial purposes.

Given that the building is not heritage listed and the new building will not be out of character of the area, the demolition of the building is not opposed.

Industrial Activity

There does not appear to be any significant harmful effects beyond the boundary of the site attributed to the industrial activity such as those listed in principle 7 of the Industrial Development section.

However, a reversing manoeuvre either into or out of the delivery area, off Kent Street, will be required contrary to Principle 4 in the Industrial Development section. However traffic volumes are low in Kent Street, which primary function is to provide service access to the rear of the premises fronting Murray Street. Conflict with traffic movements in Kent Street is not expected, and this is not expected to change once the hotel redevelopment is completed.

67c Murray Street is not currently used for car parking and its development will not reduce the number of parking spaces available. However increased demand for parking may eventuate as a result of the development. It is proposed to utilise an existing off-street parking area in the railway station area and kerbside parking on the basis that:

- most staff will park in the station area
- opening hours will not conflict with the hotel peak trading times
- most customers are tourist who also visit other premises in the street
- The shop is near the western end of the main street and more kerb side parking is available further west within a convenient distance, without impacting on other businesses.

If Table Baro/1 is applied proportionally to the areas of industry, office and shop, 8 additional car parking spaces would be required. Given that there is only one extra staff member expected, eight additional parking spaces is considered to be excessive.

External plant and equipment have the potential to create a noise nuisance to the neighbouring residents. It is proposed to place any such plant on the garage roof which is on the opposite side of the property from the neighbouring residence which will have the effect of minimising the potential for nuisance. Nevertheless it may be prudent to place a condition on any approval requiring any external equipment to be muffled to the extent necessary to avoid nuisance.

Waste disposal has been satisfactory in the past and no changes are required as a result of the extensions other than an increased frequency of collection.

Stormwater Disposal

Care will be required to ensure that stormwater discharge to the street water table does not exceed the Council's standard of 12 litres per second. This can be addressed with a condition of approval and note attached to any consent.

Representations

Three of the four representations were generally supportive and emphasised the positive business benefits to the town of expanding the business. The fourth representation raised the following matters:

- Heritage - Some background information of the building has been provided and comparisons made to other situations where heritage buildings have been saved. However the building is not heritage listed and is not afforded the protection of such a listing. Nevertheless the building does contribute to the historic character of the locality. This needs to be weighed against the practicality of retaining the building and the effect that the new building will have.
- Public Notice - A concern has been expressed about inadequate public notification. The application has been publicly notified in accordance with the legislation and in the same manner as all other category 3 applications.
- Potential Impacts - The risk of damage to the representor's property during the building phase will need to be addressed by the builder and is not a matter that can be taken into consideration as part of the planning assessment. The builder will be liable for any damages.

The ambiance of the residential property will be affected, but the dwelling is in a District Town Centre Zone and a residential character cannot reasonably be expected to be retained into the future.

The concern about being "boxed in" by both the length and the height of the boundary walls is supported by several provisions of the Development Plan. This has been referred to above in respect of how the wall will look when viewed from public spaces. The designer has attempted to add some interest and variation to the wall with the colour scheme and retaining the stone wall on the boundary. The representor has indicated a preference for a dark grey wall with no light, white, yellow or bright reflective colours facing their property, and no painting or plastering of that wall. The use of natural grey concrete instead of a Grey Shale painted finish will assist meeting the representor's request but there is some aesthetic merit in painting the first panel yellow as proposed.

- Implications of Expansion - Delivery times and type of vehicles, hours of operation etc are addressed in the application and are generally satisfactory. Parking, noise and stormwater are addressed above.
- Legalities - Council cannot require the parties to reach agreement as part of the assessment process or as a condition of consent.

- Access to the Representor's Property - The representor is concerned that trespass may occur during the building phase. This is a matter outside of Council's jurisdiction. Builders and contractors should be aware that they have no right to use adjoining property.
- Removal of boundary fence - The representor does not wish to see the boundary fence at the front removed. This is a matter for the two parties to negotiate and resolve. The fence is not heritage listed and can be removed without Council approval.
- Other boundary work - Care will be required by the builder to ensure that the neighbour is not inconvenienced and that no damage occurs. The wall will need to be stabilised during and after construction, but that is a building assessment matter.
- Possums - This is a matter for the applicant or builder to address.
- Alternatives - Council is required to assess and decide upon the proposal placed before it by the applicant. If, on balance, it should be approved, and if not it should be refused. It would not be correct to refuse a proposal if it was satisfactory but the relevant authority considered that there may be a better proposal.

CONCLUSION

Although the nature of development falls into the non-complying process, the proposal is compatible with, and complimentary to the retail and commercial activity in the zone, without creating any significant adverse effects. The expansion of the business will assist in improving the tourism appeal of the Angaston main street, while being sympathetic to the historic character of the locality.

The proposal is not seriously at variance with the provisions of the Development Plan and displays sufficient merit to warrant granting Development Plan consent subject to conditions.

DA/DAP/R5

D613/2013 (116520)

H & J HAESE – LAND DIVISION – BOUNDARY RE-ALIGNMENT (MERIT)

R Miller left the meeting at 5.35pm, due to a stated conflict of interest.

MOVED K Goldstone that the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/613/2013 and resolves as follows:

- (A) The proposal is not seriously at variance with the relevant provisions of The Barossa Council Development Plan consolidated 21 February 2013.
- (B) Grant Development Plan Consent and Land Division Consent to Development Application 960/613/2013 subject to the following conditions:

Development Plan Consent Conditions

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

Land Division Consent Conditions

- (1) 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.

Seconded S Milne

CARRIED

DEVELOPMENT APPLICATION NO:	960/613/2013 (Prop ID 116520)
APPLICANT:	Howard and Joan Haese
OWNER:	Howard and Joan Haese
SUBJECT LAND:	Section 567 and Section 567A Trial Hill Road, Altona
PROPOSAL:	Land Division – Boundary Realignment
ZONE/POLICY AREA:	Rural Landscape Protection
PROCEDURE:	Merit
REFERRALS:	SA Water
PUBLIC NOTICE:	Category 1
KEY ISSUES:	Realignment of property boundaries within a rural area
DEVELOPMENT PLAN PROVISIONS:	Rural Landscape Protection Zone Objectives 1, 2 and 4. Principles of Development Control 1, 5, 8 and 11.
CONSOLIDATION DATE: 21 February 2014	Council Wide Land Division Objectives 1, 2 and 4. Principles of Development Control 1, 2, 4, 18 and 19.
RECOMMENDATION:	Grant Development Approval
OFFICER:	Karen Mitrovic

SUBJECT LAND AND LOCALITY

The subject land comprises two allotments, one measuring 180 hectares in size and one at 7.28 hectares in size. Both existing allotments are irregular in shape with the smaller allotment currently being landlocked, with no frontage to a made public road.

The subject land is one of the largest land holdings in the locality which contains allotments varying in size from 6000 square metres to 180 hectares. Most allotments in the area are used solely for primary production purposes in the form of viticulture, broad acre farming or grazing whilst some allotments also contain a detached dwelling and associated outbuildings and farm buildings.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks Development Plan and Land Division Consent to realign the property boundary between two existing allotments under the same ownership.

The proposed land division seeks to alter the property boundary to create two large farming entities. The current configuration of allotments has resulted in one usable allotment of 180 hectares and one small, unusually shaped allotment of 7.28 hectares. Should the proposed boundary realignment be approved both allotments will be sufficient in size to accommodate farming practices at 59.57 hectares and 128.28 hectares in size.

REFERRALS

The Development Regulations 2008 requires that the Development Assessment Commission undertake the appropriate consultation with various State Government Agencies. As a result, the proposal was referred to SA Water who have provided comment on the proposed development. SA Water had no objection to the proposed development and had no requirements should the application be approved.

PROVISIONS OF THE DEVELOPMENT PLAN

The proposed development is located within the Rural Landscape Protection 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.

RURAL LANDSCAPE PROTECTION ZONE**Objectives:**

Objective 2: *Low-intensity rural activities on large land holdings.*

Principles of Development Control

11 *Land division should not be undertaken except where it will facilitate the retention of native vegetation on a single allotment and provided no additional allotments are created.*

COUNCIL WIDE – LAND DIVISION**Objectives**

Objective 2: *Land division that creates allotments appropriate for the intended use.*

Objective 4: *Land division restricted in rural areas to ensure the efficient use of rural land for primary production and avoidance of uneconomic infrastructure provision.*

Principles of Development Control

18 *Rural land should not be divided if the resulting allotments would be of a size and configuration likely to impede the efficient use of rural land for any of the following:*

- (a) *primary production*
- (b) *value adding industries related to primary production*
- (c) *protection of natural resources.*

19 *Rural land should not be divided where new allotments would result in any of the following:*

- (a) *fragmentation of productive primary production land*
- (b) *strip development along roads or water mains*
- (c) *prejudice against the proper and orderly development of townships*
- (d) *removal of native vegetation for allotment boundaries, access roads, infrastructure, dwellings and other buildings or firebreaks.*

PLANNING ASSESSMENT

This application has been brought before the Panel for decision, as Council has received multiple applications within the past 18 months which have had similar circumstances. Although the proposal is similar to some applications which have been refused by the Panel, the proposal relates different policy requirements and will result in a different outcome.

The proposed development does not offend the requirements for land division within Council Wide and the Rural Landscape Protection Zone as set out in Council's Development Plan. Objective 2 of the Zone encourages low-intensity rural activities on large land holdings. The proposed boundary realignment will result in the creation of two allotments of appropriate size to accommodate viable primary production activities at a low level of intensity.

The key intent of the zone is for allotments to be used for primary production purposes. Currently only one of the allotments on the subject land is able to be used for this purpose. Should the proposed boundary realignment be approved, both allotments will be sufficient in size to accommodate primary production activities at a low intensity.

The realignment of the boundaries will result in a vacant allotment of greater than 100 hectares, however, the outcome of the proposed boundary realignment would essentially maintain the current

situation, which is one allotment of less than 100 hectares and one allotment of greater than 100 hectares. The application for the construction of a dwelling on a site greater than 100 hectares in size would be assessed as a merit form of development. The desired character of the Rural Landscape Protection zone speaks of allowing additional dwellings in circumstances where the natural appearance and scenic quality of the zone is preserved and rural productivity is maintained. The Applicant has advised that it is not their intent to construct a dwelling on the vacant allotment, however should an application be lodged it is considered that the proposal would be able to achieve the desired character outcomes for additional dwellings in the zone.

The zone is relatively silent on the matter of land division however, Principle of Development Control 11 does make mention of land division only being appropriate where it will facilitate the retention of native vegetation or where no additional allotments will be created. In this instance the proposal is for a boundary realignment so the application is consistent with this requirement.

The proposal is also able to meet the relevant Council Wide requirements for land division. Principle of Development Control 19 suggests that land should not be divided if the configuration would impede the efficient use of the land for primary production purposes. Both proposed allotments are considered to be of an appropriate size to accommodate primary production activities and to avoid impeding any value adding industries relating to primary production.

The requirements of Principle of Development Control 19 of the Council Wide land division section will also be met by the proposed development. It is considered that the creation of two large farming parcels will not result in the fragmentation of productive primary production land as both allotments will be sufficient in size to continue being utilised for productive primary production purposes, which is evidenced by the size of surrounding properties. The subject land is one of the largest land holdings in the area with adjoining land ranging in size from 28 hectares to 103 hectares, with some allotments in the locality being as small as 6000m². The allotments in the area, less than 100 hectares in size appear to be sufficient to maintain viable primary production activities.

The subject land is located within the Character Preservation District Overlay.

The proposed land division meets the requirements of the Character Preservation District as it will not result in the creation of any new allotments and will encourage the continued use of the land for primary production purposes.

CONCLUSION

The proposed boundary realignment does not offend the requirements of the Development Plan in relation to land division within the Rural Landscape Protection zone. Both of the proposed allotments are considered to be sufficient in size to be a viable primary production entity in their own right.

It is considered that the proposal meets the criteria of the Development Plan on balance and warrants Land Division and Development Plan Consent being granted.

R Miller returned to the meeting at 5.37pm.

DA/DAP/R6 **D849/2013 (113531)**
GRANT BURGE WINES PTY LTD – WINERY EXTENSION COMPRISING WINE MATURATION STORAGE/DRY GOODS STORAGE BUILDING, EXTENSIONS TO THE LOADING BUILDING, BOTTLING HALL. OFFICES, CAR PARKING AREA AND ROADWAYS, RAILWAY CROSSING AND ASSOCIATED INFRASTRUCTURE (MERIT)

R Miller and S Roehr left the meeting at 5.38pm, due to stated conflicts of interests.

Graham Burns (MasterPlan SA) addressed the Panel at 5.39pm on behalf of CR Lindner Nominees Pty Ltd and Vintage Real Estate Pty Ltd (Representors), relative to DA/DAP/R6.

Michael Wohlstadt (Planning Advisory Services) addressed the Panel at 5.54pm, on behalf of Grant Burge Wines Pty Ltd (Applicant), relative to DA/DAP/R6.

I Baldwin answered questions from the Panel in relation to buffer zones.

MOVED K Goldstone that the Development Assessment Panel has considered all relevant assessment matters and the officer's report prepared in relation to Development Application 960/849/2013 and resolves:

- (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 960/849/2013 be granted Development Plan Consent subject to the following Reserved Matters and conditions:

Reserved Matters

- (1) Prior to the granting of Building Rules Consent and the issuing of Development Approval, the applicant must provide Council with a stormwater retention and disposal design for further assessment and approval.
- (2) Prior to the granting of Building Rules Consent and the issuing of Development Approval, the applicant must provide Council with a winery wastewater and effluent treatment facility design for further assessment and approval. The design shall include detail of the design of the facility, details of any agreement for the disposal of treated winery effluent to the Council operated CWMS, and detail of any on-site disposal of effluent.
- (3) Prior to the granting of Building Rules Consent and the issuing of Development Approval, the applicant must provide Council with an Environmental Noise Assessment prepared by a suitably qualified consultant for further assessment and approval.

Conditions of 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 retention and disposal system (approved in accordance with the above Reserved Matter) shall be installed and completed prior to the occupation and utilisation of any portion of the approved development.
- (3) The upgrading of the winery wastewater treatment facility, and the installation of the on-site effluent disposal system (approved in

accordance with the above Reserved Matter) shall be completed prior to the testing or commissioning of any bottling plant.

- (4) A wine transfer pipeline between the winery facilities on lot 56 in DP 64534 (Murray Street) and the bottling plant shall be installed and made operational prior to the commissioning of the bottling plant.
- (5) The building in which the bottling plant will be located shall be built in accordance with the Environmental Noise Assessment report (prepared and approved to satisfy the above Reserved Matter).
- (6) The bottling plant shall be operated in accordance with the Environmental Noise Assessment report (prepared and approved to satisfy the above Reserved Matter).
- (7) The railway crossing and access track through lot 58 in DP 64534 (168 Menge Road) shall be constructed generally in accordance with Intrax drawings 38790 C1 and C2 revision D, and the requirements of the railway owner and operator, with all roadways and approaches to the railway crossing being sealed, prior to the occupation and utilisation of any new building in the approved development.
- (8) The Hobbs Street entrance to lot 56 in DP 64534 shall be closed to general vehicular traffic upon completion of the railway crossing, and shall only be used as an emergency exit.
- (9) A waste disposal system shall be installed in accordance with a design approved pursuant to the South Australian Public Health Act 2011.
- (10) Any external lighting shall be designed, located, and if necessary shielded to prevent light spill into neighbouring properties.
- (11) All wine, wine products, and wastewater stored on the site must be stored within an appropriate bund with net capacity of 120 percent of the capacity of the largest tank within the bunded area and must take into consideration the capacity displaced by any other tanks and foundations within the same bunded area.
- (12) An Irrigation Management Plan must be implemented and irrigation must be appropriately managed to avoid run off or spray drift, particularly in areas with reduced separation distance from roadways and watercourses.
- (13) Waste sludge removed from the wastewater management system must be disposed of to a site licensed by the Environment Protection Authority to receive that waste.
- (14) Where bottling and/or vehicle loading/unloading activities are to be undertaken at night (between the hours of 10:00pm on one day and 7:00am on the next day), all pedestrian and vehicle access doors (and any other openings) must be kept closed as far as reasonably practicable.

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.
- This consent does not fetter Council's discretion to reach an independent agreement with the applicant or owners of the land in respect of disposal of effluent to the CWMS scheme
- 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.
- 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 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.
- The applicant is advised that a contingency plan would need to be updated following approval of the proposal to include the additional storage area, bottling hall, changes to the wastewater treatment system, and irrigation of treated wastewater in accordance with condition 315-441 of existing EPA Licence 1858.
- The winery is likely to be required to record details of any complaints received and actions taken to address the issue. This would be required and managed through the existing EPA licence.
- 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 S Milne**CARRIED**

DEVELOPMENT APPLICATION NO:	960/849/2013 (Prop ID 113531)
APPLICANT:	Grant Burge Wines Pty Ltd
OWNER:	Illaparra Winery Pty Ltd
SUBJECT LAND:	Illaparra Winery, Menge Road, Tanunda, Lot 58 in DP 64534, CT 5928/915
PROPOSAL:	Winery Extension comprising wine maturation storage/dry goods storage building, extensions to the loading building, bottling hall, offices, car parking area and roadways, railway crossing and associated infrastructure
ZONE/POLICY AREA:	Residential Zone, Map Baro/16 and 17, Policy Area 11 – Menge Road, Precinct 40 – Illaparra Winery
PROCEDURE:	Merit
REFERRALS:	Environment Protection Authority
PUBLIC NOTICE:	Category 2 – Six Representations
KEY ISSUES:	Interface between land uses, design, traffic movements and parking, stormwater, effluent disposal, noise
DEVELOPMENT PLAN PROVISIONS:	See <i>Attachment 3</i> for extracts from:
CONSOLIDATION DATE: 21 February 2013	<ul style="list-style-type: none"> • Design and Appearance • Hazards • Industrial Development • Infrastructure • Interface between Land Uses • Natural Resources • Orderly and Sustainable Development • Siting and Visibility • Transportation and Access • Waste • Residential Zone
RECOMMENDATION:	Grant Development Plan Consent
OFFICER:	Brian Irvine

BACKGROUND

Planning consent for a substantial winery development on the site (of which the existing building was only a small part) was granted planning consent in 2002. The existing building and waste treatment plant was completed as stages 1 and 2 but the remainder of the consent lapsed.

Another application, similar to the current proposal was lodged in 2010, and following an appeal regarding the nature of development, has been held in abeyance pending the outcome of the current proposal. That appeal emphasised that the Murray Street and Menge Road facilities collectively form a single winery on one site.

The current application, which includes a number of changes from the 2010 application, has been lodged because the land has been rezoned since 2010 with revised provisions in the Development Plan generally supportive of expanding the winery on the site.

SUBJECT LAND AND LOCALITY

The majority of the proposed new development is located on lot 58 fronting Menge Road, but the site also includes lot 56 fronting Murray Street. (The two allotments are divided by the railway line).

The Menge Road allotment has an area of 8.06 hectares and a frontage to Menge Road of 142 metres. It also has a minor road frontage to Walden and Hobbs Street near the railway. Part of the allotment has been developed for winery purposes in conjunction with the Murray Street portion of the winery, with a large building used for maturation of wine, storage and a loading area. Part of the

land behind and to the north of the existing building has been leveled for future building work, while the remainder has a small vineyard, an effluent treatment facility serving both parts of the winery and other unused land. A small dam and landscaping is situated between the existing building and Menge Road.

The site is relatively flat, but does fall toward the north-western corner where a creek passes under the railway line. There is no vegetation on the site other than the vineyard and landscaping established around the existing building.

Vehicular access is through an entrance established as part of the application for the existing building. It is bitumised and suitable for B double trucks. The bitumen driveway extends down the side of the building to the loading area.

The land to the north and south of the site is in the Residential Zone but is currently being utilised for vineyards. This land has only recently been rezoned and an application has been lodged for a residential subdivision over portion of that land. Currently the closest residential allotment (excluding farm houses) is in Walden Street, approximately 245 metres from the proposed new buildings. (However the proposal does include other elements that are closer to Walden Street than the proposed buildings).

The land to the east is in the Primary Production (Barossa Valley Region) Zone and is used for viticulture.

The land immediately to the west, on the other side of the railway line, is used for the substantive part of the Illaparra Winery (ie Murray St site) that includes the crushing, fermentation and maturation functions as well as the cellar door sales area. The Murray Street portion of the winery is in the Light Industry Zone and the land immediately to its north is used for a range of light industries, whereas land immediately to the south is in the Residential Zone and is used for detached dwellings.

Currently the locality has a viticultural character typical of the Barossa Valley, but it is recognised that it will change over time as Menge Road becomes the 'hard edge between the township and the viticultural land uses.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal is to extend the existing winery and involves:

- Building a new wine maturation and storage building equal to the size of the existing building
- Extending the enclosed loading area
- Building a new dry goods storage and bottling building
- Building a new office
- Building a new car parking and vehicle manoeuvring area
- Extending the driveway to the railway line and building a railway crossing to create an internal vehicular link between the two parts of the winery
- Upgrading the winery waste treatment and disposal system
- Installing a wine pipeline between the Murray Street part of the winery and the bottling plant
- Other associated infrastructure improvements

The new buildings will be built in the same style as the current building, with little or no space between the buildings. The office building, which faces the internal spaces of the allotment has a different style expected of its different use. The major buildings have an overall height of 12 metres, galvanised iron roofs to match the existing building. Walls will be precast concrete panels and custom orb in colours to match the existing building.

Additional tanks and infrastructure will be located along the northern boundary. No screening details have been provided.

Although not specifically stated, it is expected that the carparking area, railway crossing, and the interconnecting driveway will be bitumenised. It is proposed that all grape and wine delivery to the Murray Street portion of the winery will be diverted through the Menge Road entrance once the railway crossing is completed. It is only the railway crossing and the modified traffic arrangements that impacts upon the Murray Street portion of the site.

Total volumes of winery effluent produced are expected to increase to 8.5 megalitres per annum, with 8ML to be disposed of to the CWMS scheme (subject to Council agreement) and 0.5ML to be disposed of on-site. An on-site effluent disposal system is proposed to service the staff toilets and kitchen.

Stormwater is proposed to be retained on site and released slowly to the railway culvert.

All vehicular movements are proposed to be through the existing entrance at Menge Road. This was developed as part of the original 2002 proposal and is suitable for B-double traffic. No vehicular access is proposed off Hobbs Street or Walden Street.

It is implied in the application that the new facilities will operate 24 hours. It is unlikely that it will operate 24 hours per day 365 days a year, but grape deliveries will occur around the clock during vintage and bottling, and delivery of wine and dispatch can be expected to occur outside of normal business hours.

The Statement of Effect was provided within the Agenda.

PROVISIONS OF THE DEVELOPMENT PLAN

The Menge Road allotment lies within the Residential Zone, Menge Road Policy Area 11 and Precinct 40 Illaparra Winery, of the Development Plan, consolidated 21 February 2013.

The proposal is deemed to be a merit form of development in the zone. A winery in the Menge Road Policy Area 11 is specifically exempt from being non-complying.

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

REFERRALS

The application was referred to the Environment Protection Authority for consideration. Their report is included as *Attachment 4*.

PUBLIC NOTIFICATION

Alterations or additions to an existing winery within the Menge Road Policy Area 11 is listed as a Category 2 form of development.

The application was publically notified and six representations were received.

A copy of the representations were provided with the Agenda.

Response to the representations were included with the Agenda.

PLANNING ASSESSMENT

Interface Between Land Uses

When the land between the railway and Menge Road was rezoned for residential purposes, recognition and a high degree of protection for the existing winery was written into the Development Plan. Wineries and residential development are not normally regarded as compatible forms of land use, but in this instance there are numerous policy area provisions that require new nearby residential development to have regard to the existing winery operations. In fact, the provisions create an obligation for applicants of new residential development to demonstrate that the new development has been designed to be compatible with the existing winery. This is best summarised in the Menge Road Policy Area objective 4 which states:

“Development that does not compromise the ongoing operations of the existing winery”.

Expansion of the winery is also envisaged in the policy area principle 6 and precinct principle 16.

However, this support towards the winery operation does not excuse the winery to have regard to the future residential development of the land. The “Interface Between Land Use” section is still relevant to the assessment, and in particular:

Objective 1: Development located and designed to prevent adverse impact and conflict between land uses.

Principle 2: Development should be sited and designed to minimise negative impact on existing and potential future land uses considered appropriate in the locality.

Principle 5: Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses considered appropriate for the zone should not be developed or should be designed to minimise negative impacts.

Residential development on the adjoining land is recognised as appropriate, with care, and therefore these provisions require that consideration be given to the impact that the winery expansion will have on the future residential development.

Principle 1 in the same section states:

Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

- (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants*
- (b) noise*
- (c) vibration*
- (d) electrical interference*
- (e) light spill*
- (f) glare*
- (g) hours of operation*
- (h) traffic impacts*

When considering what constitutes unreasonable interference or an adverse effect upon the amenity of the locality, appropriate weight must be given to the obligation for the future residential development to make appropriate concessions and not compromise the ongoing operations of the winery.

Design

The new buildings will generally be in the same style as the existing building. The large expanse of the building and wall appears to offend "Design and Appearance" principles 2 and 3. This is off-set, in part, by:

- the large setback distance from Menge Road
- existing landscaping between Menge Road and the buildings
- existing and proposed mounding and landscaping along the southern boundary
- a proposed buffer between the winery land and future residential development on the southern side (within the residential development)

Traffic Movements and Parking

The calculated number of parking spaces required in accordance with Table Baro/1 is 83, (using the category of "industry, store or warehouse"), whereas 49 are proposed. Although no reasons have been given to justify the lower number, given that there is no alternative parking areas available it is reasonable to assume that the number of parking spaces is related to the actual number of employees on the property. The buildings are sufficiently isolated to ensure that any overflow parking will be on their own land and that no detriment will be caused to surrounding land or roads.

No analysis of traffic movements has been provided as part of this application. However the following changes are expected to occur:

- Bulk wine currently delivered through Murray Street or Hobbs Street will be 'diverted' and delivered through Menge Road, resulting in increased movements through the Menge Road entrance and use of the new railway crossing.
- Grape deliveries during vintage to the Murray Street portion of the site will also be diverted from the Murray Street and Hobbs Street entrances to the Menge Road entrance, resulting in the increased use of that entrance and the new railway crossing.

- Bulk wine, currently taken from the Murray Street portion of the site to an off-site bottling plant and returned to the Menge Road storage facility, will be piped to the bottling plant (or delivered internally over the new crossing), resulting in a decrease in traffic movements.
- Wine originating from other affiliated wineries, currently bottled off-site but delivered to Menge Road for maturation or storage, will be delivered to Menge Road as bulk wine for bottling, resulting in no change in traffic movements.
- The increased storage capacity will result in more dispatched movements through the Menge Road entrance.

An overall increase in truck movements through the Menge Road entrance is expected. This is offset by a decrease in the number of movements through the Murray Street and Hobbs Street entrances, which is regarded as a significant benefit, and the fact that the Menge Road entrance was constructed with a larger development in mind. A detailed analysis of traffic movements is not considered necessary.

Traffic movements over the new railway crossing are expected to be noticed by nearby residents. There is little that can be done to alleviate noise nuisance, but dust nuisance can be prevented by ensuring that the new driveway and crossing are sealed. It is recommended that the crossing be installed prior to the utilisation of any of the new buildings to ensure that the advantages associated with the crossing are not delayed or allowed to lapse. This can be addressed with a condition of consent.

Stormwater

The increase in impervious areas creates a requirement to detain stormwater to regulate the discharge to the railway culvert. A previous flood study of the downstream portion of the watercourse suggests that the lower part of the Menge Road allotment is subject to flooding, although the proposed buildings are regarded to be safely above any expected flood level.

A design for stormwater mitigation has been presented. Although the Council's engineering staff still have a number of details to resolve they have indicated that the design presented provides sufficient confidence to enable this matter to be listed as a reserved matter.

Winery Effluent Treatment and Disposal

The winery currently generates effluent volumes of up to 8 megalitres per annum. That is currently treated and disposed of to the Council's CWMS scheme. The bottling plant will increase the volume of effluent generated, but with improvements to other processes it is expected that the net increase will be 0.5ML to a total of 8.5ML. A review of the treatment facility has revealed that improvements will be required to enable continued discharge to the CWMS scheme. The information provided is conceptual in nature, and the design required to satisfy Council will be detailed and involved. It is appreciated that there is a reluctance to commit to an expensive and time consuming design exercise without an indication of outcome of the application. Although the information presented is conceptual in nature, it does provide sufficient confidence to conclude that it can be addressed as a reserved matter.

The arrangements to dispose of winery effluent to the CWMS scheme have not been formalised in an agreement. A request to dispose of effluent to the CWMS scheme was made in late 1996 and in principle support to dispose of 5.4ML to the CWMS scheme was indicated. It is assumed that this support was given to alleviate nuisance issues associated with the treatment and disposal of effluent from the winery as it then existed. The volumes of effluent have since increased up to 8ML per annum without comment from Council. Given that:

- disposal of effluent is fundamental to the operation of the winery
- no formal agreement has been entered into to provide a reliable means of disposal
- it is proposed to increase the volume of effluent produced
- improvements to the treatment system are required

It is appropriate that a formal agreement is entered into to provide certainty into the future. The Environment Protection Authorities requirements are also premised on the assumption that an agreement is entered into prior to granting Development Plan Consent. (This is discussed later.)

The initial indications are that Council would not be fundamentally opposed to a formal agreement but negotiations will need to address:

- discharge times
- discharge rates
- pre-treatment criteria
- total volumes
- contributions to upgrades and service charges
- disconnect triggers
- and other matters that may be identified by management such as risk management and liabilities

There is a mutual expectation that an agreement can be reached but there has been insufficient time to progress any discussions.

This is an awkward issue to address. A condition requiring an agreement be reached may not be valid because the decision would not create the finality required of a consent or approval. As a stand-alone matter, it probably would not qualify as a reserved matter because an agreement, by itself, would not require any further assessment. However, it can be linked as a reserved matter to the design of the treatment plant and onsite disposal referred to below.

It is expected that the disposal of effluent to the CWMS scheme will account for 8ML, leaving 0.5ML to be disposed of on-site. A proposal for on-site disposal has been presented but a number of issues remain unresolved, including:

- The treatment that occurs is to improve the quality of the effluent to enable it to be discharged into the CWMS scheme for further treatment by Council before final disposal to land. No additional treatment is proposed for the 0.5ML that is proposed to be disposed of to land on-site.
- Part of the area listed for disposal is within 50 metres of a watercourse or body of water.
- The slope of the aeration dam walls is not known and they may also be unsuitable for disposal.
- The extent of flood prone land is not known with certainty.

Nevertheless, there is certainty that there is sufficient land available for on-site disposal and therefore this matter can be made a reserved matter. The final design will need to be coordinated with the stormwater mitigation design.

Waste System Application

A waste system application for the disposal of toilet and kitchen effluent has not yet been approved. It is proposed to utilise an on-site disposal system instead of connecting to the CWMS scheme. There does not appear to be any impediment to the installation of such a system and therefore it is suggested that this be addressed with a condition of consent.

Environment Noise Assessment

A 2002 study related to an earlier proposal has been presented. That earlier proposal, whilst it included a number of similar features such as the railway crossing, had a different arrangement of buildings and did not include a bottling plant.

A new study may therefore be warranted. It is appreciated that any future new residential development nearby will be required to ensure that dwellings are designed to meet particular noise standards, but it would be inappropriate to interpret that provision as enabling the winery to emit unlimited noise. A reasonable level of noise abatement should be expected from the winery so that an equally reasonable level of abatement can be implemented in the housing development to achieve the required levels of protection.

The applicant has previously advised that a new environment noise assessment is impractical to undertake until plant and equipment have been ordered and more detailed building design work undertaken, which will not occur until after planning consent is granted. This impasse can be resolved by making this matter a reserved matter.

Environment Protection Authority

At page 5 of the EPA report it is stated " it is unreasonable to expect the existing Illaparra Winery operations to address the noise impact on sensitive receivers which have not yet been built or gained development approval." This is a reference to the future residential development of

neighbouring land. However, having regard to the "Interface between Land Use" section, it is appropriate that extensions to the winery have regard to future neighbouring development, balanced with the obligation that the residential development also has.

The Environment Protection Authority has recommended that the effluent disposal agreement be finalised prior to granting Development Plan Consent and have directed Council to attach certain conditions and notes to any consent on the assumption that the agreement is entered into first. The Environment Protection Authority does not have the power to direct Council to enter into an agreement prior to attaching the conditions but the intent can be achieved by formulating the related reserved matter to require it to be resolved prior to granting Development Approval.

Representations

The representations have expressed concern with the adverse impacts that the winery extension will have on the future development of the adjoining residential zoned land. As stated above, the Development Plan does recognise the existence of the winery and contemplates further expansion, and places obligations upon the residential development to be compatible with the existing winery. That does not obviate the winery's responsibility to also have regard to the future residential development, but the nature of the Development Plan does emphasise that careful thought is required to achieve the appropriate balance between the two types of land uses.

Staging

There is no reference to staging of the proposal.

Reserved Matters

Section 33(3) of the Development Act states "A relevant authority may, in granting a Development Plan Consent, reserve its decision on a specified matter until further assessment of the relevant development under this Act."

CONCLUSION

The new building work is significant and has the potential to be prominent. However, given the location and the 'concessions' provided for in the Development Plan it is not considered to have a detrimental effect on the visual amenity of the area.

A number of functional aspects of the proposal require further input and assessment, but are of a nature that can be adequately addressed with conditions of approval or to be listed as reserved matters.

R Miller and S Roehr returned to the meeting at 6.23pm.

OTHER BUSINESS

TREASURY WINE ESTATES VINTNERS LIMITED – VINEYARD, APPLICATION 960/889/2013 – REPORT TO DEVELOPMENT ASSESSMENT PANEL 4 FEBRUARY 2014

K Mitrovic advised the Panel that Council had received notice that an appeal had been lodged with the ERD Court in relation to the above matter by a third party representor, Mr Klemm.

Details of the discussion held between the Applicant and the Appellant following the lodgement of the appeal with the Court were not disclosed to K Mitrovic, however the outcome of the discussions was that a compromise position had been reached.

An additional 10 metre headland is to be introduced between the proposed vineyard and Mr Klemm's property, and will extend along the southern boundary of the site.

The Court will now issue an Order in relation to the proposal, finalising the matter.

The Decision Notification Form will be re-issued with the amended conditions of approval.

DEVELOPMENT ASSESSMENT COMMISSION CONCURRENCE APPLICATIONS

MOVED S Milne that the report be received.

Seconded S Roehr

CARRIED

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

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

DA NUMBER	APPLICANT	ADDRESS	NATURE OF DEVELOPMENT	DAC DECISION
960/948/2013	P & N Button	Lot 878 Rocky Valley Road, Angaston	Demolition of Dwelling and Construction of a New Detached Dwelling	Concurrence Granted 12/02/2014 (21/01/2014 panel meeting)
960/592/2013	S Giannitto	Lot 213 Cockatoo Lane, Sandy Creek	Construction of a New Detached Dwelling	Concurrence Granted 12/02/2014 (21/01/2014 panel meeting)

DEVELOPMENT ASSESSMENT PANEL ANNUAL REPORT

Mr Ballantyne requested that Panel members consider items for inclusion within the forthcoming Development Assessment Panel Annual Report (2013-2014).

NEXT MEETING

Tuesday, 1 April 2014 commencing at 5.00pm.

CLOSURE OF MEETING

Mr Ballantyne declared the meeting closed at 6.28pm.

Confirmed

Date: Chairman: