



DEVELOPMENT ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL DEVELOPMENT ASSESSMENT PANEL

Held on Tuesday, 4 October 2016 commencing at 5:02pm in
the Council Chambers, 43-51 Tanunda Road, Nuriootpa

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1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5:02pm.

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne (Presiding Member)

David Hughes

Deidre Reiman

Tony Hurn

Grant Hewitt

Council Staff

Gary Mavrincac (Director – Development and Environmental Services)

Louis Monteduro (Senior Manager – Planning Services)

Maxine Lovett (Planner)

Christine Kruger (Minute Secretary)

2.2 Apologies

Richard Miller

Scotty Milne

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: T Hurn

Seconded: G Hewitt

That the minutes of the Council Development Assessment Panel meeting held on 6 September 2016 be adopted with the following amendments in relation to 8.1 – 960/390/2015 (274 Laubes Road Springton) – Peter Seppelt:

Reserved Matter

- (A) Information on the type of proposed noise limiting device to be fitted to music equipment in the Function Centre (together with the proposed method of calibration) and associated sensors and monitoring equipment shall be submitted to Council for approval before installation.

Council Condition 6, Paragraph 3

Amplified musical entertainment shall not be provided outside of any building.

Non-amplified musical entertainment shall not be provided outside of any building before mid-day or after 6:00pm on any day.

4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

The following disclosures have been made in relation to:

| Item | Panel Member |
|---|--------------|
| 7.3 Impact Church – Sign Appeal – Development Application 960/126/2015 Parishioner of Impact Church – not a Committee or Board Member – no conflict | T Hurn |

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/428/2016 (Lot 728 and 729 Wynns Road Flaxman Valley)

Representors

Lynne Scrivens addressed the Panel at 5:06pm, and answered questions from the Panel.

Ian Elsworthy addressed the Panel at 5.11pm, and answered questions from the Panel.

Nadia Crook addressed the Panel at 5:15pm, and answered questions from the Panel.

Applicant

Chris Timms (Treasury Wine Estates) and Ben Daking (Frost Protection Australia) addressed the Panel at 5:20pm, and answered questions from the Panel

Recommendation

The Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Development Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.

- (c) To GRANT Development Plan Consent for Application No. 960/428/2016 by Frost Protection Australia Pty Ltd to undertake Horticultural Buildings (Six Frost Fans) at Allotment 728 and 769 Wynns Road Flaxman Valley (CT 5427/972 and 5427/934) subject to the following conditions and advisory notes:

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/428/2016 except where varied by any condition(s) listed below.

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.

- (2) All six frost fans established on the site shall be the five blade C59 model Frostboss fan.

Reason: In accordance with the amended proposal to result in lower noise emissions from the blades.

- (3) The frost fans shall only be operated in the 'low noise' mode.

Reason: To achieve a noise level no greater than 55 dB(A) in accordance with the Environment Protection (Noise) Policy 2007, the acceptable noise level within a Primary Production Zone of 55 dB(A).

- (4) The frost fan engines shall be enclosed within a Colorbond steel clad structure measuring approximately 4m x 2m x 2m (length x width x height).

Reason: To further mitigate any noise emitted from the engines.

Advisory Notes

- (1) This consent does not exempt the operator of the frost fan from compliance with the requirements of the Environment Protection (Noise) Policy 2007 made under the Environment Protection Act, or any other relevant legislation.

Panel Decision

Moved: D Hughes

Seconded:

That the recommendation be adopted.

The Motion was lost due to the want of a seconder

Panel Decision

Moved: T Hurn

Seconded: D Reiman

The Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Development Assessment Panel has had regard to the objects of the Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To REFUSE Development Plan Consent for Application No 960/428/2016 by Frost Protection Australia Pty Ltd for Horticultural Buildings (Six Frost Fans) at Lot 728 and 729 Wynns Road Flaxman Valley (CT 5427/972 and CT 5427/934

Due to impact on character and amenity of the locality (visual and noise); The proposed development is contrary to the Development Plan - General Section – Interface between Land Uses;

PDC 1: in that the Development is considered to detrimentally affect the amenity of the locality and cause unreasonable interference as a result of noise.

And PDC 6: as the Development is not considered to be sited and designed to minimise negative impacts of noise to avoid unreasonable interference.

And is contrary to General Section – Siting and Visibility

PDC: 1. In that the development is not considered to be sited and designed to minimise its visual impact on:

- (a) the natural, rural or heritage character of the area
- (b) areas of high visual or scenic value, particularly rural areas..

CARRIED

6.2 960/133/2016 (25 L Staricks Road Springton)

Recommendation

The Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Development Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.

- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/133/2016 by Aurecon Australasia Pty Ltd on behalf of NBN Co Limited to undertake a Telecommunications Tower at 35 L Staricks Road Springton (CT 5291/779) subject to the concurrence of the Development Assessment Commission, and subject to the following conditions and advisory notes:

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/133/2016 except where varied by any condition(s) listed below.

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.

- (2) The existing native vegetation on the site shall be retained.

Reason: To provide screening of the facility and amenity value to the locality.

- (3) The site shall be maintained to the reasonable satisfaction of the Council at all times.

Reason: To contribute the amenity of the locality.

Panel Decision

Moved: D Reiman

Seconded: D Hughes

That the recommendation be adopted.

CARRIED

7. REPORTS - PANEL UPDATES

7.1 DAC Concurrence Matter

Development Assessment Commission Concurrence Applications

Recommendation

That the report be received.

Panel Decision

Moved: D Hughes

G Hewitt

That the recommendation be adopted.

CARRIED

7.2 ERD Court Appeals and Enforcement Matters

Hebron Christadelphian Bible Camp – Appeals Outcome – Development Application 960/396/2013

Recommendation

That the report be received.

Panel Members expressed their appreciation to Council Staff, in particular Louis Monteduro (Senior Manager, Planning Services), for all the work and commitment given to reach a satisfactory outcome.

Moved: D Hughes

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

7.3 ERD Court Appeals and Enforcement Matters

Impact Church – Sign Appeal – Development Application 960/126/2015

Recommendation

That the report be received.

Panel Decision

Moved: T Hurn

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

8. REPORTS - OTHER BUSINESS

Nil

9. REPORTS - CONFIDENTIAL

Nil

10. NEXT MEETING

Tuesday 8 November 2016 commencing at 5.00pm.

11. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:07pm.

Confirmed

Date: Chairman: