



DEVELOPMENT ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL DEVELOPMENT ASSESSMENT PANEL

Held on Tuesday, 6 September 2016 commencing at 5:00pm 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 5:00pm.

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne (Presiding Member)

Richard Miller

Scotty Milne

Grant Hewitt

Tony Hurn

Council Staff

Gary Mavrinc (Director – Development and Environmental Services)

Louis Monteduro (Senior Manager – Planning Services)

Paul Mickan (Principal Planner)

Brian Irvine (Senior Planner)

Maxine Lovett (Planner)

Phil Harnett (Planner)

Elinor Sedman (Contract Planner)

Steve Kaesler (Manager, Engineering Services)

Christine Kruger (Minute Secretary)

2.2 Apologies

D Reiman

D Hughes

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: T Hurn

R Miller

That the minutes of the Council Development Assessment Panel meeting held on 2 August 2016 be received and confirmed.

CARRIED

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
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7.2 Verbal Report	Tony Hurn
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ERD Court Appeal – Update –
Development Application
960/126/2015 – Impact Church
Parishioner of Impact Church – not a
Committee or Board member – no
conflict

8.1	Tony Hurn
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960/390/2015 – Peter Seppelt
Indirect pecuniary interest.

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/22/2016 (517 Stockwell Road Light Pass)

Representors

Bronwyn Lowke addressed the Panel at 5:01pm, and answered questions from the Panel.

Applicant

Ben Chipman (on behalf of Tomfoolery Wines) addressed the Panel at 5:07pm, and answered questions from the Panel.

Steve Kaesler (Manager, Engineering Services) answered questions from the Panel at 5:17pm.

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. 960/22/2016 by Tomfoolery Wines Pty Ltd to undertake a Change of Use – Dwelling to Cellar Door Sales at 517 Stockwell Road Light Pass (CT 5671/415) 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. 960/22/2016 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 entrance driveway be widened to a minimum of 6m in width between the edge of bitumen on the road and the building line of the cellar door sales building.

Reason: To ensure access is safe and convenient.

- (3) The two shrubs depicted on the site plan be removed, and the roadside shrub on the southern side of the entrance be trimmed.

Reason: To ensure that access is safe and convenient.

- (4) A minimum of 16 on-site car parking spaces be provided.

Reason: To ensure adequate car parking is provided.

- (5) A standard parking sign (white 'P' on blue background) with arrow is erected at the entrance directing patrons to the parking area.

Reason: To ensure patrons are aware of the location of the parking area and to discourage parking on the roadside.

Panel Decision

Moved: S Milne

Seconded: G Hewitt

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. 960/22/2016 by Tomfoolery Wines Pty Ltd to undertake a Change of Use – Dwelling to Cellar Door Sales at 517 Stockwell Road Light Pass (CT 5671/415) 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. 960/22/2016 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 entrance driveway be widened to a minimum of 6m in width between the edge of bitumen on the road and the building line of the cellar door sales building prior to the occupation of the building.

Reason: To ensure access is safe and convenient.

- (3) The two shrubs depicted on the site plan be removed, and the roadside shrub on the southern side of the entrance be trimmed prior to the occupation of the building.

Reason: To ensure that access is safe and convenient.

- (4) A minimum of 16 on-site car parking spaces be provided prior to the occupation of the building.

Reason: To ensure adequate car parking is provided.

- (5) A standard parking sign (white 'P' on blue background) with arrow is erected at the entrance directing patrons to the parking area prior to the occupation of the building.

Reason: To ensure patrons are aware of the location of the parking area and to discourage parking on the roadside.

CARRIED

6.2 960/252/2016 (4 Schilling Street and 31 Hill Street East Angaston)

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 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. 960/252/2016 by Barossa Village Incorporated to undertake Supported Accommodation (Two Detached Dwellings, Two Group Dwellings, Two Residential Flat Buildings comprising Four Dwellings all with Garages Under Main Roof and Internal Access Road) at 4 Schilling Street Angaston (CT 5795/442) and 31 Hill Street East Angaston (CT 5409/666) 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. 960/252/2016 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) Prior to the granting of full development approval a detailed schedule of materials, finishes and samples for all the building external surfaces is to be submitted for endorsement to the satisfaction of the relevant authority. Once approved, the schedule will form part of this consent. The schedule must not be altered without the prior written approval of the relevant authority and any changes must demonstrate that they are consistent with the original design concept for the development.

Reason: To ensure that the external colours and finishes of each dwelling are complimentary to the surrounding neighbourhood character.

- (3) Prior to the granting of full development approval, three copies of a landscape plan to the satisfaction of the relevant authority must be submitted to and approved by the relevant authority. When approved, the plan will be endorsed and will then form part of this permit. The landscaping plan must be generally in accordance with the landscape concept plan dated (9/6/2016) prepared by (JBG Architects). The plan must show:

- (a) A survey of all existing vegetation and natural features.
- (b) The area or areas set aside for landscaping.
- (c) A schedule of all proposed trees, shrubs/small trees and ground cover. This schedule shall include a mixture of indigenous plants selected from the Council document 'Barossa Bush Gardens-Barossa Regional Native Plant List' showing the botanical and common name of each plant,

the quantity to be planted, the pot size and spacing.

- (d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material.
- (e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill.
- (f) Appropriate irrigation systems.
- (g) The provision of canopy trees throughout the development as appropriate, including in the front setback area of the proposed buildings.

Reason: To ensure that the subject site is adequately landscaped and maintained.

- (4) Prior to the granting of full development approval an amended Stormwater Management Plan (SMP) shall be submitted to the satisfaction of the relevant authority and when approved shall be endorsed to form part of this consent. The amended SMP shall be generally consistent with the concept plan submitted with the application dated 11/7/2016 (Drawing no. TX-11871.00 -C01, C02 & C05) but amended to show:

- Survey Notes – amend reference to surveyor (Blaxlands) and MGA Zone (Barossa is MGA Zone 54).
- Driveway accesses from Schilling Street and Hill Street are to grade down from property boundary at 2.5% to top of kerb (225mm above existing watertable levels), to prevent ingress of existing flows within these streets.
- Provide retaining wall details. Show extent of proposed retaining walls including top and bottom levels.
- Provide finished surface (fill) levels to demonstrate acceptable pavement/yard grading around units.
- Provide finished surface levels for autocourt/parking area to demonstrate acceptable grading.
- Review RL's provided for all Inter-allotment drainage pits to suit finished levels as above.
- Review proposed FFL's of units in relation to roadway levels adjacent driveways. Gradients on many driveways appear to be unacceptably steep. Driveways shall not be steeper than 5% in any direction.

- Modify note to pit 14 – “Connect new 225Ø pipe to existing pit at 1.0% minimum grade. Existing invert to be confirmed on site prior to construction”.

Reason: To ensure that the stormwater is directed and treated to the satisfaction of Council.

- (5) Unless with the prior written consent of the relevant authority, before the occupation of the development and/or use commences, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the relevant authority.

Reason: To ensure that the subject site is adequately landscaped and maintained.

- (6) All external lighting must be designed, baffled and located so as to prevent adverse effects on adjoining land, to the satisfaction of the relevant authority.

Reason: To prevent light spill onto adjacent land.

- (7) The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the relevant authority.

Reason: To ensure that the development is visually cohesive with the existing neighbourhood character.

- (8) Air-conditioning and other plant and equipment installed on the subject building(s) shall be positioned and baffled so that noise disturbance is minimised, to the satisfaction of the relevant authority.

Reason: To ensure that there are no adverse noise impacts to adjacent land owners/occupiers.

- (9) Before the use commences and/or occupation of the development, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

(a) Constructed.

(b) Properly formed to such levels that they can be used in accordance with the endorsed plans.

(c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the relevant authority to prevent dust and gravel being emitted from the site.

(d) Drained and maintained.

- (e) Line marked to indicate each car space and all access lanes.
- (f) Clearly marked to show the direction of traffic along access lanes and driveways;

to the satisfaction of the relevant authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the relevant authority.

Reason: To ensure the areas set aside for car parking and access are adequately sealed and marked in accordance with the endorsed plans.

- (10) All disused or redundant vehicle crossings must be removed and the area reinstated to footpath, kerb and channel, to the satisfaction of the relevant authority.

Reason: To ensure that the new crossovers are constructed to Councils satisfaction.

- (11) All bin storage areas as shown on the endorsed plans shall be maintained and screened from public view to the satisfaction of the relevant authority.

Reason: To ensure that bin storage areas are maintained to the satisfaction of Council and do not create an adverse amenity impact.

- (12) All areas of private open space for each dwelling, common access and circulation areas shall comply with AS 1428.1-2009 (New Building Work), Clauses 6.1-6.3 and 7.2 to ensure the development complies with the *Disability and Discrimination Act 1992*.

Reason: To ensure that the supported accommodation land use complies with relevant Disability and Discrimination legislation and able to be used for people with limited mobility.

- (13) Temporary debris and sediment control measures shall be in place prior to construction commencing and shall be maintained at all times during construction to the satisfaction of the relevant authority.

Reason: To ensure adequate sediment control measures in order to limit off site impacts.

- (14) Roof water shall be disposed of to the street water table or drain in an easement under the control of the Council. Where roof water is directed to a rainwater tank the overflow shall be piped to the street water table or council drain as shown in the endorsed Stormwater Management Plan.

Reason: To ensure effective stormwater management to prevent

adverse environmental effects.

Advisory Notes

- (i) 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.
- (ii) 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.

Panel Decision

Moved: R Miller

Seconded: T Hurn

That the recommendation be adopted.

CARRIED

6.3 960/72/2016 (50 Daly Road Lyndoch)

M Lovett (Planner) introduced the Application and confirmed that the wall height of the dam is three metres

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. 960/72/2016 by Torbreck Vintners Pty Ltd to undertake a Water Storage Dam at 50 Daly Road Lyndoch (CT 5576/287) 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. 960/72/2016 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) A perimeter fence no greater than 1.8 metres in height constructed of post and wire shall be constructed around the perimeter of the dam.

Reason: To secure the dam so that it cannot be accessed by the public.

- (3) A detailed landscaping plan, to the satisfaction of Council, shall be provided and shall include native grasses, groundcovers, medium height overstorey plants and understorey native trees and shrubs, to be planted outside of the perimeter fence, prior to development approval.

Reason: To provide a comprehensive landscaping plan that meets the desired character of the area, being native vegetation, to the satisfaction of Council.

- (4) Landscaping shall be implemented in accordance with the landscaping plan to the satisfaction of Council.

Reason: To provide additional screening around the perimeter fence of the dam to soften the visual appearance of the structures, stabilise the soil around the dam walls and blend with existing vegetation within the locality.

- (5) The capacity of the dam shall not exceed 28 Megalitres.

Reason: To ensure that the dam is not enlarge or out of context of the approved plans.

- (6) Engineering plans and details, approved by a suitably qualified structural engineering shall be provided to Council.

Reason: To ensure the dam has been assessed and meets engineering requirements with regard to the structural integrity of the dam.

- (7) The dam and all associated works (including the spillway, overflow channel) shall be designed and constructed under the supervision of a suitably qualified and experienced engineer.

Reason: To ensure the dam is constructed in accordance with approved engineering plans.

- (8) On completion of the dam a certificate shall be provided by a suitably qualified and experienced engineer certifying the structural integrity and that the dam capacity does not exceed 28 megalitres.

Reason: To ensure the dam is constructed in accordance with the approved engineering plans.

- (9) Temporary debris and sediment control measures shall be in place prior to construction commencing and shall be maintained at all times during construction.

Reason: To prevent excessive soil disturbance, erosion and nuisance.

Panel Decision

Moved: S Milne

Seconded: R Miller

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. 960/72/2016 by Torbreck Vintners Pty Ltd to undertake a Water Storage Dam at 50 Daly Road Lyndoch (CT 5576/287) 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. 960/72/2016 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) A perimeter fence no greater than 1.8 metres in height constructed of post and wire shall be constructed around the perimeter of the dam.

Reason: To secure the dam so that it cannot be accessed by the public.

- (3) A detailed landscaping plan, to the satisfaction of Council, shall be provided and shall include native grasses, groundcovers, medium height overstorey plants and understorey native trees and shrubs, to be planted outside of the perimeter fence, prior to development approval.

Reason: To provide a comprehensive landscaping plan that meets the desired character of the area, being native vegetation, to the satisfaction of Council.

- (4) Landscaping shall be implemented in accordance with the landscaping plan to the satisfaction of Council.

Reason: To provide additional screening around the perimeter fence of the dam to soften the visual appearance of the structures, stabilise the soil around the dam walls and blend with existing vegetation within the locality.

- (5) The capacity of the dam shall not exceed 28 Megalitres.

Reason: To ensure that the dam is not enlarge or out of context of the approved plans.

- (6) Engineering plans and details, approved by a Geotechnical Engineer shall be provided to Council.

Reason: To ensure the dam has been assessed and meets engineering requirements with regard to the structural integrity of the dam.

- (7) The dam and all associated works (including the spillway, overflow channel) shall be designed and constructed under the supervision of a suitably qualified and experienced engineer.

Reason: To ensure the dam is constructed in accordance with approved engineering plans.

- (8) On completion of the dam a certificate shall be provided by a suitably qualified and experienced engineer certifying the structural integrity and that the dam capacity does not exceed 28 megalitres.

Reason: To ensure the dam is constructed in accordance with the approved engineering plans.

- (9) Temporary debris and sediment control measures shall be in place prior to construction commencing and shall be maintained at all times during construction.

Reason: To prevent excessive soil disturbance, erosion and nuisance.

CARRIED

6.4 960/377/2016 (146 Ken Hicks Road Mount Pleasant)

M Lovett (Planner) introduced the Application and advised that the Application will also require referral to the Environment Protection Authority (EPA).

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 development proposal is not seriously at variance to The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/377/2016 by Ralph and Linda Satchell to undertake Horse Keeping at 146 Ken Hicks Road Mount Pleasant (CT 5853/994) 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. 960/377/2016 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) A maximum of 20 horses shall be kept on the land at any one time.

Reason: Not exceed the approved numbers of horses on the site and to be consistent with the carry capacity of the land in terms of soil and water quality for the zone.

- (3) Landscaping shall be established on the site and located between paddocks using local indigenous plant species.

Reason: To improve the plant biodiversity and prevent soil erosion on the site.

- (4) The minor watercourse on the site shall be maintained in good health and shall not be accessible to livestock.

Reason: To prevent degradation of the watercourse caused by erosion, and to maintain water quality.

- (5) All existing native trees on the site shall be retained and the health of the trees shall be maintained.

Reason: To prevent loss of biodiversity and habitat and retain the character of the locality.

- (6) Excess manure shall not stockpile on the site and shall be removed regularly.

Reason: To prevent odours and to maintain water quality.

- (7) Good pasture coverage shall be achieved on the site at all times.

Reason: To prevent soil degradation and maintain water quality.

- (8) The property management plan provided with the subject application shall be implemented.

Reason: To maintain soil and water quality and prevent weed infestation.

Panel Decision

Moved: T Hurn

Seconded: R Miller

That the recommendation be adopted.

CARRIED

7. REPORTS - PANEL UPDATES

7.1 ERD Court Appeal – Update – Development Application 960/396/2013 – Hebron Christadelphian Bible Camp – Verbal Report

Recommendation

That the verbal report be received.

Panel Decision

Moved: S Milne

Seconded: R Miller

That the recommendation be adopted.

CARRIED

7.2 ERD Court Appeal – Update – Development Application 960/126/2015 – Impact Church – Verbal Report

Recommendation

That the verbal report be received.

Panel Decision

Moved: R Miller

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

8. REPORTS - OTHER BUSINESS

T Hurn left the meeting at 5:36pm due to a stated conflict of interest.

B Irvine introduced the Application and advised that the wording contained within the Reserved Matter A should be Function Centre rather than Restaurant.

8.1 960/390/2015 (274 Laubes Road Springton – Peter Seppelt)

Representors

C Turnbull (representing Sonus Pty Ltd) addressed the Panel at 5:39pm, and answered questions from the Panel.

K and J McIntyre addressed the Panel at 5:53pm, and answered questions from the Panel.

C Bullock and C Nay addressed the Panel at 6:01pm, and answered questions from the Panel.

Applicant

D Jurevicius (representing Resonate Acoustics) addressed the Panel at 6:17pm, and answered questions from the Panel.

L Vanblyenburgh (on behalf of the Applicant) addressed the Panel at 6:29pm, 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. 960/390/2015 by Peter Seppelt to establish a function centre and undertake extension and variations to existing restaurant at 274 Laubes Road Springton (CT 5647/373) subject to the following reserved matter and conditions and advisory notes:

Reserved Matter

Development Plan Consent is subject to provision, assessment and approval of:

- (A) Information on the type of proposed noise limiting device to be fitted to music equipment in the restaurant (together with the proposed method of calibration) and associated sensors and monitoring equipment shall be submitted to Council for approval before installation.
- (B) Further noise sampling be undertaken at the noise affected premises to determine background noise levels at those noise affected premises, and that the revised background noise levels be submitted for approval of Council.

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/390/2015 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) Not more than 40 functions shall be held in any one calendar year and not more than one function shall be held per week.

The operating hours of the function activities shall be:

- Friday 12 midday to 12 midnight
- Saturday 10.00am to 12 midnight
- Sundays 10.00am to 5.00pm

For the purposes of these conditions a function shall mean:

- (a) A group booking for up to 120 people which reserves the whole of the premises exclusively, or
- (b) The use of the building depicted on the site plan as the 290sqm winery building, by guests or patrons to the premises, or
- (c) Circumstances where more than 75 guests or patrons are present in the premises, or

- (d) Circumstances where guests or patrons are served outside of the approved restaurant hours.

Reason: To clarify the operating constraints of the function centre and to minimise potential adverse consequences associated with the proposal.

- (3) Not more than 75 guests or patrons associated with the combined activities of cellar door and restaurant shall be present on the site at any one time.

The operating hours of the restaurant activity shall be:

- Monday to Friday 10.00am to 10.00pm
- Saturday 10.00am to 12 midnight
- Sunday 10.00am to 5.00pm

but shall not be used more than four times in any one week.

Reason: To clarify the operating constraints of the restaurant and to minimise potential adverse consequences associated with the proposal.

- (4) Not more than 40 guests or patrons shall be present on the site at any one time when the cellar door only is open (ie when the restaurant and function centre is not open or operating).

The operating hours of the cellar door shall be:

- 10.00am to 5.00pm, seven days a week

Reason: To clarify the operating constraints of the cellar door function centre and to minimise potential adverse consequences associated with the proposal.

- (5) Service shall not be provided to guests or patrons outside of the approved operating hours.

Service shall not be provided to guests and patrons outside of buildings after 9.30pm on any day.

Reason: To minimise potential adverse consequences associated with the proposal.

- (6) A noise limiting device referred to in the Reserved Matter above and subsequently approved shall be installed to all electronic equipment used to amplify music in the restaurant and function centre building prior to the commencement of the utilisation of this consent.

Entertainment shall not be provided outside of the approved operating hours.

Musical entertainment (amplified and non-amplified) shall not be

provided outside of any building before midday or after 6.00pm on any day.

Music noise levels measured at any noise affected premises shall not exceed the background noise level (as approved in accordance with the Reserved Matter prior to the commencement of the utilisation of this consent) plus 8dB.

Source noise level (continuous) emitted from a source not referred to or covered by any other condition, shall not exceed 50 dB(A) when measured at a noise affected premises.

Reason: To minimise potential adverse consequences associated with the proposal.

- (7) The areas depicted as 'lawn and gardens', generally between the complex of buildings and the dam shall not be used for function activities after 6.00pm on any day.

Reason: To minimise potential adverse consequences associated with the proposal.

- (8) The existing car park south of the building depicted as 'cellar door' on the site plan shall be expanded and established to accommodate a minimum of 45 cars, prior to the commencement of utilisation of this consent.

Reason: To ensure that adequate number of car parking spaces are provided.

- (9) A disabled car park shall be provided which conforms with the relevant Australian Standard and is sealed. A sealed pathway shall be provided between the disabled car park and the entrance of the building depicted as 'cellar door' on the site plan.

Reason: To ensure that car parking is provided for disabled people.

- (10) The northern access point to the car park (adjacent to the cellar door building) shall be signposted and used as the entrance only, and the southern access point shall be signposted and used as the exit only.

Reason: To minimise potential adverse consequences associated with the proposal by minimising the number of traffic movements on Laubes Road adjacent to tourist accommodation facility.

- (11) The staff car parking area shall be established prior to the commencement of the utilisation of this consent.

Reason: To ensure that adequate number of car parking spaces are provided.

- (12) External spot lights, flood lights and similar lights shall be positioned and directed to avoid light spill into neighbouring properties.

Reason: To minimise potential adverse consequences associated with the proposal.

Advisory Notes

- (i) Building Rules Consent is also required before Development Approval can be issued. The proposed use of the building and variations should not commence until Development Approval is issued.
- (ii) 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.

Panel Decision

Moved: R Miller

Seconded: S Milne

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 REFUSE Development Plan Consent for Application No. 960/390/2015 by Peter Seppelt to establish a function centre and undertake extension and variations to existing restaurant at 274 Laubes Road Springton (CT 5647/373) for the following reasons:
1. The proposed development fails to meet General Section, Interface between Land Uses, Objective 1 in that it will result in adverse impact and conflict between land uses.
 2. The proposed development fails to meet General Section, Interface between Land Uses, Objective 2 in that it will not protect community health and amenity or support the operation of all desired land uses.
 3. The proposed development fails to meet General Section, Interface between Land Uses, Principle of Development Control 1(b) and (h) in that it will detrimentally affect the amenity of the locality and

cause unreasonable interference through noise and traffic impacts respectively.

4. The proposed development fails to meet General Section, Interface between Land Uses, Principle of Development Control 2 in that it is not sited and designed to minimise negative impact on existing and potential future land uses considered appropriate in the locality.
5. The proposed development fails to meet General Section, Interface between Land Uses, Principle of Development Control 6 in that it is not sited, designed and constructed to minimise negative impacts of noise and to avoid unreasonable interference.
6. The proposed development fails to meet General Section, Interface between Land Uses, Principle of Development Control 7 in that it not consistent with the relevant provisions in the current *Environment Protection (Noise) Policy*.
7. The proposed development fails to meet General Section, Orderly and Sustainable Development, Objective 1 as it does not achieve orderly and economic development that creates a safe, convenient and pleasant environment in which to live.
8. The proposed development fails to meet General Section, Orderly and Sustainable Development, Objective 3 as it would jeopardize the continuance of adjoining authorised land uses.
9. The proposed development fails to meet General Section, Orderly and Sustainable Development, Principle of Development Control 1 as it would prejudice the development of the zone for its intended purpose.
10. The proposed development fails to meet Character Preservation District Overlay, Objective 1 (d) as it would not contribute positively to tourism in its proposed form.
11. The proposed development fails to meet Zone Section, Objective 5 in that it does not contribute to the desired character as it comprises an expansion of existing winery uses that would not occur in association with improvements to the amenity, visual impact, site access, and environment protection standards.
12. The proposed development fails to meet Zone Section, Principle of Development Control, Land Use 1 as the proposed form of development is not envisaged in the zone.

CARRIED

T Hurn returned to the meeting at 7:05pm.

8.2 Council Development Assessment Panel Complaint Handling Policy

Recommendation

That the Development Assessment Panel having considered *Item 8.1 Council Development Assessment Panel Complaint Handling Policy*, adopt the policy and request that the Council's Chief Executive Officer execute his signature to the approved policy.

Panel Decision

Moved: R Miller

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

9. REPORTS – CONFIDENTIAL

Nil.

10. NEXT MEETING

Tuesday 4 October 2016 commencing at 5.00pm.

11. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 7:08pm.

Confirmed

Date: Chairman: