

BAROSSA ASSESSMENT PANEL

MINUTES OF THE SECOND MEETING OF THE BAROSSA ASSESSMENT PANEL held on

Tuesday, 5 December 2017 commencing at 5:00pm

in the Council Chambers, 43-51 Tanunda Road, Nuriootpa



The Barossa Council

MINUTES

Index

1.	Welcome	Page 4
2.	Attendance	Page 4
3.	Confirmation of Minutes	Page 5
4.	Business Arising	Page 5
5.	Declaration of Interest by Members of the Panel	Page 5
6.	Reports - Applications for Decision	
6.1	960/704/2016 (42 Hatch Street Nuriootpa)	Page 5
6.2	960/714/2015 (Section 526 Flaxmans Valley Road Flaxman Valley)	Page 6
6.3	960/244/2017 (160 Murray Street Tanunda))	Page 7
7.	Reports - Panel Updates	
7.1	SCAP Concurrence Matters	Page 13
7.2	ERD Court Appeals and Enforcement Matters	Page 14
8.	Reports - Other Business	
8.1	Barossa Assessment Panel Meeting Schedule	Page 14
8.2	Planning, Development and Infrastructure Act 2016 – Accreditation Scheme Discussion Paper	Page 15
9.	Reports - Confidential	Page 15
10.	Next Meeting	Page 15
11.	Closure of Meeting	Page 15

1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5:03pm.

B Ballantyne presented a Certificate of Thanks to retiring Panel Member David Hughes in appreciation of his contribution to the Panel over a period of seven years.

Newly appointed Panel Member, Rob Veitch was introduced and welcomed to the Panel.

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne	Presiding Member
Grant Hewitt	Member
Deirdre Reiman	Member
Rob Veitch	Member
Richard Miller	Member

Council Staff

Gary Mavrinac	Director – Development and Environmental Services
Louis Monteduro	Assessment Manager
Sarah Davenport	Graduate Planner
Steve Kaesler	Manager – Engineering Services
Chris Kruger	Minute Secretary

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: D Reiman

Seconded: G Hewitt

That the minutes of the Barossa Assessment Panel meeting held on 3 October 2017 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
6.1 DA 960/704/2016 Professional and personal relationship with owner of property	Richard Miller

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/704/2016 (42 Hatch Street Nuriootpa)

R Miller left the meeting at 5:06pm due to a stated conflict of interest.

S Kaesler (Manager, Engineering Services) answered questions from the Panel.

S Grocke (owner) answered questions from the Panel.

Recommendation

The Barossa Assessment 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 Barossa 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. 960/704/2016 by John Bested Surveyors and Associates to undertake a Land Division at 42 Hatch Street Nuriootpa (CT 5704/892) for the following reasons:
The proposed development is contrary to:
- General Section Land Division Objective 2

Reason: The proposed allotments are not appropriate for intended purpose.
 - General Section Land Division Principles of Development Control 2

Reason: The allotment size and shape make them unsuitable for intended use
 - Residential Zone Objective 4

Reason: The allotment layout does not contribute to the desired character of the zone.
 - Residential Zone Principles of Development Control 6 and 15

Reason: The proposed allotment layout does not sufficiently provide functional private open space and vehicle parking and does not complement the prevailing character of the surrounding area.

Panel Decision

Moved: R Veitch

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

R Miller returned to the meeting at 5:11pm.

6.2 960/714/2015 (Section 526 Flaxmans Valley Road Flaxman Valley)

Recommendation

The Barossa Assessment Panel, having considered the application for consent to carry out a Non Complying development of land and pursuant to the provisions of the *Development Act 1993* resolves that the

development proposal has sufficient merit to proceed to make an assessment of the Application No. 960/714/2015 by M Steinert to undertake a Dwelling, Tourist Accommodation and associated amenities building at Section 526 Flaxmans Valley Road Flaxman Valley (CT5331/762).

- (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) That the Panel resolves to proceed to assessment of a non-complying development proposal.

Discussion ensued. R Veitch requested that the following matters be considered during final assessment of the application:

- Native vegetation requirements
- Traffic management
- Proximity to water course
- Surface and condition of access road
- Fire management
- Electricity service to property
- Cattle grazing

Panel Decision

Moved: G Hewitt

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

6.3 960/244/2017 (160 Murray Street Tanunda)

Recommendation

The Barossa Assessment 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 Barossa 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. 960/244/2017 by Masterplan SA Pty Ltd to undertake a Change of Use of the land from Dwelling to Consulting Room (Denture Clinic) and Office at 160 Murray Street Tanunda (CT 5535/240) subject to the concurrence of the State Planning 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. 960/244/2017 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 Council.

- (2) Unless with the prior written consent from Council, the premises shall not be used outside of the hours of 9:00am to 5:00pm Wednesday to Thursday.

Reason: To avoid unreasonable nuisance that may affect nearby residents.

- (3) A minimum of five car spaces must be provided on the land to the satisfaction of Council.

Reason: To avoid unreasonable nuisance that may affect nearby residents.

- (4) Before the use hereby approved commences, 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 plans
- (c) Surfaced with an all-weather sealcoat or treated to the satisfaction of Council 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

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

Reason: To ensure safe and convenient access and egress to the subject land.

(5) Prior to the issue of Development Approval an amended site plan, consistent with the site plan, must be submitted to Council which shows:

- (a) The removal of the Manchurian Pear and Crepe Myrtle and replaced with indigenous ground cover and canopy trees selected from the Barossa Bush Gardens Local Native Plant List.

Reason: To contribute to the amenity of the locality and contribute to the biodiversity of the region.

(6) Prior to full Development Approval being granted, a Civil and Stormwater Management Plan must be submitted to Council for assessment to the satisfaction of Council. The stormwater drainage system shall be designed in accordance with Council's stormwater drainage guidelines, Australian Rainfall and Runoff and AS/NZS 3500.3:2003. When approved, the plan and report will be endorsed and will then form part of this consent.

Reason: To comply with AS/NZS 3500.3:2003. 'Plumbing and drainage Stormwater drainage'

(7) The development must be managed so that the amenity of the area is not detrimentally affected, through the:

- (a) Transport of materials, good or commodities to or from the land
- (b) Appearance of any building, works or materials
- (c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
- (d) Presence of vermin

Reason: To avoid unreasonable nuisance that may affect nearby residents.

(8) Any external lighting must be designed, directed and located so as to prevent adverse effect on adjoining land, to the satisfaction of Council.

Reason: To ensure the development does not cause off site amenity impacts.

Department of Transport Planning and Infrastructure Conditions

- (1) The site shall be served by a single access point direct to/from Murray Street. No additional vehicular access shall be permitted.
- (2) The Murray Street access shall be a minimum of 6.0 metres in width at the property boundary and extend this width for a minimum of 6.0 metres into the site.
- (3) The access point shall comply with Figure 3.3. 'Minimum Sight Lines for Pedestrian Safety' as defined in AS/NZ2890.1:2004.
- (4) All car parking shall be a minimum of 3.0 metres from the Murray Street property boundary and shall be consistent with AS/NZ2890.1:2004.
- (5) All vehicles shall enter and exit the site in a forward direction.
- (6) Stormwater run-off shall be collected on site and discharged without jeopardising the integrity and safety of Murray Street. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicants cost.

Panel Decision

Moved: R Veitch

Seconded: G Hewitt

The Barossa Assessment 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 Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
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 - (a) Transport of materials, good or commodities to or from the land
 - (b) Appearance of any building, works or materials
 - (c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - (d) Presence of vermin

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- (5) All vehicles shall enter and exit the site in a forward direction.
- (6) Stormwater run-off shall be collected on site and discharged without jeopardising the integrity and safety of Murray Street. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicants cost.

NOTE

Access for people with a disability shall be provided in accordance with the requirements of the National Construction Code and Australian Standard 1428.1.

CARRIED

7. REPORTS - PANEL UPDATES

7.1 SCAP Concurrence Matter

State Planning Commission Concurrence Matters

L Monteduro advised the Panel that Council had received advice that Application 960/159/2017 – Tanunda Vintners Pty Ltd, has been recommended for refusal of concurrence by the State Planning Commission following concerns relating to the retail floor space. Council has advised the applicant accordingly.

Recommendation

That the report be received.

Panel Decision

Moved: D Reiman

Seconded: R Miller

That the recommendation be adopted.

CARRIED

7.2 ERD Court Appeals and Enforcement Matters

ERD Court Appeal – Development Application 960/742/2016 – Stimson Consulting (John Day) – Recreational Vehicle and Caravan Parking with Ancillary Maintenance and Washing (Light Industry)

Recommendation

That the verbal report be received.

Panel Decision

Moved: D Reiman

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

8. REPORTS - OTHER BUSINESS

8.1 Barossa Assessment Panel Meeting Schedule

Recommendation

That the Barossa Assessment Panel agree to continue to meet on the first Tuesday of each month (with the exception in November 2018) at The Barossa Council Chambers commencing at 5:00pm.

Panel Decision

Moved: D Reiman

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

8.2 Planning, Development and Infrastructure Act 2016 – Accreditation Scheme Discussion Paper

G Mavrinnac advised the Panel that it is envisaged that a Discussion Paper on the Accreditation Scheme will be released next month prior to its finalisation early in 2018, for implementation from July 1, 2018.

Information Sessions will be offered through the Department of Planning, Development and Infrastructure and the Planning Institute of Australia, in addition to other providers.

9. REPORTS – CONFIDENTIAL

Nil.

10. NEXT MEETING

Tuesday 6 February 2018 commencing at 5.00pm.

11. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 5:32pm, and extended Christmas Greetings to Panel Members and Staff.

Confirmed

Date: Chairman: