



DEVELOPMENT ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL DEVELOPMENT ASSESSMENT PANEL

Held on Tuesday, 1 August 2017 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 5:03pm.

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne (Presiding Member)

David Hughes

Grant Hewitt

Deidre Reiman

Scotty Milne

Tony Hurn

Council Staff

Gary Mavrinc (Director – Development and Environmental Services)

Louis Monteduro (Senior Manager – Planning Services)

Maxine Lovett (Planner)

Sam Hosking (Heritage Advisor)

Christine Kruger (Minute Secretary)

2.2 Apologies

Richard Miller.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: D Hughes

Seconded: D Reiman

That the minutes of the Council Development Assessment Panel meeting held on 4 July 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
8.1 DA 960/598/2016 – Auercom Australasia Pty Ltd Met with Representor whilst acting in the capacity of Elected Member	Tony Hurn

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/785/2016 (Lot 108 Eden Valley Road Springton)

Representors

Lynne Sampson addressed the Panel at 5:05pm, and answered questions from the Panel.

Applicant

Evelyn Guell (owner) and Carly Scheepens (John Scheepens Design and Construction) addressed the Panel at 5:14pm, 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. 960/785/2016 by John Scheepens Design and Construction to undertake Tourist Accommodation (Bed and Breakfast) at Lot 108 Eden Valley Road Springton CT 5372/372) 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. 960/785/2016 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 Council.

- (2) Stormwater runoff from the site shall not be permitted to discharge onto any adjacent property or the footpath verge.

Reason: To prevent the stormwater from entering adjoining allotments.

- (3) Allotments 16, 17, 18, 19, 20, 21, 22 and 108 as shown on the site plan Job Number S1616 Revision B dated 30/6/2017 shall be amalgamated. A revised copy of the Certificate of Title showing the subject land as one allotment shall be provided to Council prior to the issuing of development approval.

Reason: To ensure the building and effluent system is wholly within one allotment and the 'site' can function as one allotment with sufficient separation distances from adjoining land uses.

- (4) Access shall be via the new access point shown on site plan -Job Number S1616 Revision B dated 30/6/2017. The existing access point to/from Eden Valley Road shall be permanently closed and fenced off to prevent further use.

- The access being designed and constructed in accordance with Austroads Guide to Road Design Part 4, Figure 7.2 and be sealed from the property boundary to the road edge;
- The access being graded in accordance with AS/NZS 2890.1:2004;
- Ensuring the access achieves Safe Intersection Sight Distance as designed in Austroads Guide to Road Design Part 4A.

Reason: To comply with AS/NZS 2890. 1:2004 'Prohibited Locations of Access Driveways'.

- (5) The maximum number of guests shall not exceed four at any one time.

Reason: Consistent with the requirements of a small scale tourist accommodation.

- (6) The building is approved for tourist accommodation and shall not at any time be wholly or partly converted to or used as a dwelling.

Reason: The subject approval is for tourist accommodation and does not support the use of the land for residential purposes.

(7) 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 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case. (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'.

(8) Waste receptacles shall be located and designed to minimise adverse impacts on both the site and surrounding areas from the generation of surface water and groundwater pollution, traffic, noise, odours, dust, vermin, weeds, litter and visual impact.

Reason: to prevent any disturbance or adverse amenity impacts to local residents.

(9) Landscaping shall include the use of native and local indigenous plant species and shall retain all existing native vegetation.

Reason: to achieve a high level of amenity and contribute to the biodiversity of the region.

(10) A stock fence shall be constructed/replaced along boundaries of the subject land, to the satisfaction of Council.

Reason: To establish a stock proof boundary fence in character with the existing fencing within locality.

- (11) The operation of the tourist facility and shall adhere to the Local Nuisance and Litter Act 2016.

Reason: To prevent any noise or nuisance that may affect nearby residents.

NOTES

- (a) Tourist accommodation business is subject to provisions of the *Food Act 2001* and *Safe Drinking Water Act 2011*.

Panel Decision

Moved: S Milne

Seconded: T Hurn

That the recommendation be adopted.

CARRIED

6.2 960/159/2017 (143 Krondorf Road Krondorf)

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. 960/159/2017 by Tanunda Vintners Pty Ltd to undertake Shop (General Store and Cafe) and Community Hall, associated site works, car parking and demolition of existing dwelling and outbuilding at 143 Krondorf Road Krondorf (CT 5571/174) 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. 960/159/2017 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 the Planning Authority.

- (2) A detailed Stormwater Management Plan shall be submitted and approved by Council prior to issuing development approval. The detailed Stormwater Management Plan shall include the entire site.

Reason: To meet council engineering requirements for stormwater management to ensure effective drainage and water sensitive design principles are achieved.

- (3) A fully dimensioned Site Plan shall be submitted and approved by Council prior to development approval and shall depict roadways, vehicle manoeuvring areas, parking aisle widths and car park spaces. Car parking layout shall comply with AS2890.

Reason: To ensure that the car parking layout complies with Australian Standard 2890 for off street car parking.

- (4) The hours of operation for the shop and café shall be between:

8.00am and 5.00pm seven days a week.

Reason: To be consistent with the nature of the use with regard to nearby residents.

- (5) Vehicle access points shall be limited to a maximum of two.

One vehicle access point shall be available to the public with the second access point for delivery vehicles only. The existing vehicle access point shall be closed permanently.

Reason: To minimise vehicle access points onto Krondorf Road.

- (6) Prior to development approval 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*.

Reason: To ensure the development is connected to an

approved wastewater system that's meets the requirements of the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*.

- (7) Landscaping shall include the use of native and local indigenous plant species and shall retain all existing native vegetation.

Reason: To achieve a high level of amenity and contribute to the biodiversity of the region.

- (8) Waste receptacles shall be located and designed to minimise adverse impacts on both the site and surrounding areas from the generation of surface water and groundwater pollution, traffic, noise, odours, dust, vermin, weeds, litter and visual impact.

Reason: To prevent any disturbance or adverse amenity impacts to local residents.

- (9) The operation of the tourist facility shall have regard to the *Local Nuisance and Litter Act 2016*.

Reason: To prevent any noise or nuisance that may affect nearby residents.

- (10) All buildings and structures herein approved shall be painted a muted green, brown, beige or other colour to blend with the natural features of the landscape or nearby buildings and shall not be reflective in nature.

Advisory Notes

- (a) The approved development does not include any advertisements/signage. A subsequent development application is required for any proposed signage.

Panel Decision

Moved: D Hughes

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 development proposal is not seriously at variance to The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/159/2017 by Tanunda Vintners Pty Ltd to undertake Shop (General Store and Cafe) and Community Hall, associated site works, car parking and demolition of existing dwelling and outbuilding at 143 Krondorf Road Krondorf (CT 5571/174) 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. 960/159/2017 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 the Planning Authority.

- (2) A detailed Stormwater Management Plan shall be submitted and approved by Council prior to issuing development approval. The detailed Stormwater Management Plan shall include the entire site.

Reason: To meet council engineering requirements for stormwater management to ensure effective drainage and water sensitive design principles are achieved.

- (3) A fully dimensioned Site Plan shall be submitted and approved by Council prior to development approval and shall depict roadways, vehicle manoeuvring areas, parking aisle widths and car park spaces. Car parking layout shall comply with AS2890.

Reason: To ensure that the car parking layout complies with Australian Standard 2890 for off street car parking.

- (4) The hours of operation for the shop and café shall be between:

8.00am and 5.00pm seven days a week.

Reason: To be consistent with the nature of the use with regard to nearby residents.

- (5) Vehicle access points shall be limited to a maximum of two.

One vehicle access point shall be available to the public with the second access point for delivery vehicles only. The existing vehicle access point shall be closed permanently.

Reason: To minimise vehicle access points onto Krondorf Road.

- (6) Prior to development approval 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*.

Reason: To ensure the development is connected to an approved wastewater system that's meets the requirements of the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*.

- (7) Landscaping shall include the use of native and local indigenous plant species and shall retain all existing native vegetation.

Reason: To achieve a high level of amenity and contribute to the biodiversity of the region.

- (8) Waste receptacles shall be located and designed to minimise adverse impacts on both the site and surrounding areas from the generation of surface water and groundwater pollution, traffic, noise, odours, dust, vermin, weeds, litter and visual impact.

Reason: To prevent any disturbance or adverse amenity impacts to local residents.

- (9) The operation of the store and cafe shall adhere to the *Local Nuisance and Litter Act 2016*.

Reason: To prevent any noise or nuisance that may affect nearby residents.

- (10) Where buildings and structures herein approved are to be painted, then a muted green, brown, beige or other colours to blend with the natural features of the landscape or nearby buildings shall be utilised and shall not be reflective in nature.

Reason: To ensure that any maintenance or painting work

outside of the specified colour schedules consists of colours that are non-reflective and consistent with the character of the locality.

Advisory Notes

- (a) The approved development does not include any advertisements/signage. A subsequent development application is required for any proposed signage.

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 Reiman

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

7.2 ERD Court Appeals and Enforcement Matters

ERD Court Appeal – Development Application 960/428/2016 – Frost Protection Australia – Horticultural Buildings (Six Frost Fans)

Recommendation

That the report be received.

Panel Decision

Moved: S Milne

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

8. REPORTS - OTHER BUSINESS

8.1 960/598.2016 – Telecommunications Tower – Lot 100 Penrice Road Angaston

T Hurn left the meeting at 5:38pm due to a stated conflict of interest.

Recommendation

That the report be received.

Panel Decision

Moved: S Milne

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

T Hurn returned to the meeting at 5:40pm.

Update on introduction of Planning, Development and Infrastructure Act 2016(PDI Act)

Following a query from B Ballantyne, G Mavrincac advised the Panel that Council Assessment Panels are required to operate under new Planning Development and Infrastructure Act 2016 (PDI Act) from 1 October 2017, with the State Planning Commission assuming new responsibilities as from 1 August 2017.

Council officers are currently reviewing report templates, Operating and Meeting Procedures, and Terms of Reference to align with the new Legislation.

9. REPORTS – CONFIDENTIAL

Nil.

10. NEXT MEETING

Tuesday 5 September 2017 commencing at 5.00pm.

11. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 5:43pm.

Confirmed

Date: Chairman: