



The Barossa Council

**MINUTES OF THE MEETING OF THE BAROSSA COUNCIL
DEVELOPMENT ASSESSMENT PANEL**

Held on Tuesday, 7 April 2015 commencing at 5:02pm 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, James Miller, Deidre Reiman, Scotty Milne, and Tony Hurn – Panel Members.

Ian Baldwin (Director – Development and Environmental Services), Louis Monteduro (Senior Manager – Planning Services), Phil Harnett (Planner), and Christine Kruger (Minute Secretary) – Council Staff.

APOLOGIES

R Miller.

LEAVE OF ABSENCE

Nil.

MINUTES OF PREVIOUS MEETING

MOVED D Hughes that the Minutes of the Development Assessment Panel meeting held on Tuesday, 3 March 2015 as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded T Hurn

CARRIED

BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

DECLARATION OF INTEREST BY MEMBERS OF PANEL

Nil.

DEBATE AGENDA

Nil.

OTHER BUSINESS**8 FERGUSSON COURT, LYNDOKH – APPEAL – OFFER OF SETTLEMENT THROUGH AMENDED PROPOSAL (960/401/2014)**

Mr Phil Harnett (Planner) introduced the report and advised that Land Division Consent Requirement Conditions 3 and 4 should be incorporated into Condition 2, making the total number of Land Division Consent Requirements 6 instead of 8 as listed in the Report.

MOVED S Milne that the Development Assessment Panel has considered all relevant assessment matters and the officer's report prepared in relation to Development Application 960/401/2014 and resolves:

- (A) That pursuant to Section 35(2) of Development Act, the revised proposal presented by the applicant in respect to Development Application 960/401/2014 is not seriously at variance with the relevant provisions of The Barossa Council Development Plan.
- (B) Authorise the Council Officer(s) attending the conference of the Court to agree to any minor changes or improvements to the conditions of consent that do not significantly change the purpose and intent of the Panel's decision.
- (C) Advise the Environment, Resources and Development Court that it supports the revised proposal and recommends that in the event the appeal is upheld, any Development Plan Consent and Land Division consent be subject to the following conditions:

Development Plan Consent Conditions

- (1) The land division shall be undertaken in accordance with the plan and documentation prepared by Mattsson and Martyn Surveying and Planning Consultants (Reference P11889/02/14, Date Drawn 18/12/14) unless varied by the following conditions.
- (2) The dwelling on Lot 201 shall be connected to the electrical supply at the street via an easement through Lot 200 prior to the issue of the certificate of approval.
- (3) Roof water run-off and rainwater tank overflow from buildings on Lot 201 shall be piped to the road prior to the issue of the Certificate of Approval.
- (4) The stormwater discharge shall be connected safely to the street gutter using a kerb invert sleeve.
- (5) The location of the septic tank and associated plumbing servicing the existing dwelling on Lot 201 shall be confirmed as being on the same allotment as the dwelling, or a new septic tank shall be installed on the same allotment as the dwelling, and be connected to the dwelling

and Community Wastewater Management Scheme prior to the issue of the Certificate of Approval.

- (6) The payment of the Community Wastewater Management Scheme (CWMS) augmentation charge of \$4,500 required pursuant to Section 188 of the Local Government Act, be made to Council prior to the issuing of the Certificate of Approval to ensure that effluent can be satisfactorily disposed of from the proposed allotments and that the allotments are suitable for their intended use.

(NOTE ONLY – Pursuant to Section 188 of the Local Government Act, Council requires an augmentation charge to be paid for each additional allotment connected to the Community Wastewater Management Scheme system.)

Land Division Consent Requirements

- (1) A 3 metre wide easement shall be provided along the southern boundary of Lot 200 in favour of lot 201 for electrical purposes.
- (2) Each allotment shall be provided with a connection point to the Community Wastewater Management Scheme at the boundary of the allotment, in accordance with a technical design and specification approved by Council, prior to the commencement of work.

The design shall be prepared by a professional engineer and show the new drains and connection point locations, flushing points, inspection points, depths, gradients etc.

The specification should provide for:

- i. Council inspections prior to backfilling of trenches.
 - ii. The provision of test results to Council.
 - iii. Provision of 'As Constructed' drawings to Council in hard copy and electronically in 'dwg' or 'dxf' format.
- (3) The financial requirements of SA Water shall be met for the provision of water supply.
 - (4) On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
 - (5) Payment of \$6488 into the Planning and Development Fund (1 allotment(s) @ \$6488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.

- (6) 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 J Miller

CARRIED

HISTORY

At its meeting held on the 3 December 2014, the Development Assessment Panel refused Development Plan Consent and Land Division Consent to Development Application 960/401/2014. A copy of the minutes and the refused plan (Reference P11889/02/14, Date Drawn 25/06/14), as per the 3 December 2014 meeting, were provided with the Agenda.

An appeal to the Environment, Resources and Development (ERD) Court against the decision for refusal was lodged. The notice of appeal was included within the Agenda.

An amended proposal was submitted at the ERD Court.

At a subsequent meeting held on the 3 March 2015, the Development Assessment Panel accepted the applicants request to withdraw the amended proposal to pursue the matter further with the court.

However, during the ERD Court conference on the 12 March 2015, the appellants reconsidered the amended proposal as withdrawn from the Development Assessment Panel meeting held on the 3 March 2015 and now seek endorsement of the amended plan which was included within the Agenda.

As the application was determined by the Development Assessment Panel, it is necessary for the Panel to consider the revised proposal. If the Panel supports the revised proposal, the Court will be advised accordingly. The Court would then typically uphold the appeal and overturn the Panel's original decision to refuse the application. If the Panel does not support the revised proposal the matter would proceed to a hearing.

PLANNING ASSESSMENT

With regard to the amended proposal each resulting allotment would exceed the minimum 500 square metres in area (excluding the handle of allotment 201) and would also have a minimum 12 metre frontage to a public road in accordance with Residential Policy Area 7, Principle of Development Control 7.

Each proposed allotment is capable of facilitating residential development and would reasonably maintain the low scale, low density character and prevailing character of front, side and rear boundary setbacks within Fergusson Court. The proposal is therefore considered to reasonably achieve the Desired Character objectives of the Township Zone and Residential Policy Area 7 and would not have an undue impact upon the streetscape.

DEVELOPMENT ASSESSMENT COMMISSION CONCURRENCE APPLICATIONS (B61)

MOVED S Milne that the report be received.

Seconded D Hughes

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
960/583/2014	Australian Transit Enterprises	Lot 11 Saleyards Road, Nuriootpa	Bus Depot	Concurrence Granted 18/03/2015 (02/12/2014 & 03/03/2015 panel meeting)

PREPARATION OF ANNUAL REPORT – COUNCIL’S DEVELOPMENT ASSESSMENT PANEL

Mr Ballantyne advised that the draft Annual Report had been distributed to current and immediate past term Panel Members for comments. Discussion ensued and additional comments provided were noted for incorporation into the final version of the document to be prepared by B Ballantyne (Presiding Member) with the assistance of L Monteduro (Senior Manager, Planning Services) for adoption at the May 2015 Panel Meeting. The Annual Report will subsequently be forwarded to Council for information.

APPEALS TO THE ENVIRONMENT RESOURCES & DEVELOPMENT COURT AND SUPREME COURT

D Hughes requested an update of the status of current Appeals. Prior to the response by L Monteduro, J Miller left the room at 5.20pm, as one of the Appeals related to an application prepared by J Miller prior to his appointment to the Panel.

J Miller returned to the Meeting at 5.28pm

NEXT MEETING

Tuesday 2 June 2015 commencing at 5.00pm.

CLOSURE OF MEETING

Mr Ballantyne declared the meeting closed at 5.30pm.

Confirmed

Date: Chairman: