



*The Barossa Council*

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

Held on Tuesday, 11 November 2014 commencing at 5:03pm 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, Scotty Milne, Richard Miller, Bob Sloane (from 5.10pm), and Kelvin Goldstone – Panel Members.

Louis Monteduro (Acting Director – Development and Environmental Services), Brian Irvine (Senior Planner), Karen Mitrovic, Maxine Lovett and Phil Harnett (Planners), and Christine Kruger (Minute Secretary) – Council Staff.

### **APOLOGIES**

S Shannon.

### **LEAVE OF ABSENCE**

Nil.

### **MINUTES OF PREVIOUS MEETING**

**MOVED** D Hughes that the Minutes of the Development Assessment Panel meeting held on Tuesday, 2 September 2014 as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

**Seconded** K Goldstone

**CARRIED**

### **BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil.

### **DECLARATION OF INTEREST BY MEMBERS OF PANEL**

Prior to the Meeting, B Sloane provided details to the Presiding Member of a conflict of interest in DA/DAP/R3. This was due to previous discussions with a member of the public, therefore necessitating that he could not be present when the application is considered.

**APPLICATIONS FOR DECISION****DEBATE AGENDA****DA/DAP/R1****D457/2014 (1165961)****COLIN AUSTIN – LAND DIVISION (1 ALLOTMENT INTO 2) - MERIT**

Mrs K Mitrovic addressed the Panel, confirming that a request to postpone consideration of the application had been received from the Applicant, Colin Austen.

It was agreed by the consensus of the Panel, to defer consideration of Development Application 960/457/2014 (960/D025/14) until the next Development Assessment Panel meeting, to be held on 2 December 2014.

<b>DEVELOPMENT APPLICATION NO:</b>	960/457/2014 (960/D025/14) (Prop ID 1165961)
<b>APPLICANT:</b>	Colin Austen
<b>OWNER:</b>	Colin Austen
<b>SUBJECT LAND:</b>	28 Yettie Road, Williamstown
<b>PROPOSAL:</b>	Land Division – 1 Allotment into 2
<b>ZONE/POLICY AREA:</b>	Township Zone, Policy Area 7 - Residential
<b>PROCEDURE:</b>	Merit
<b>REFERRALS:</b>	SA Water
<b>PUBLIC NOTICE:</b>	Category 1
<b>KEY ISSUES:</b>	Creation of a 'battle-axe' style allotment out of character within the Williamstown township
<b>DEVELOPMENT PLAN PROVISIONS:</b>	Township Zone Objectives 3 and 5. Principles of Development Control 3 and 6.
<b>CONSOLIDATION DATE:</b> 21 February 2013	Council Wide Land Division Objective 2. Principle of Development Control 7.
<b>RECOMMENDATION:</b>	Refusal
<b>OFFICER:</b>	Karen Mitrovic

**SUBJECT LAND AND LOCALITY**

The subject land is located within the Township Zone and is within Policy Area 7 – Residential.

The subject land is irregular in shape with a frontage to Yettie Road of 32.30 metres and a depth of 44.32 metres on the western boundary and 50.04 metres on the eastern boundary. The allotment has an overall land size of 1500 square metres.

The allotment currently contains a single storey detached dwelling and associated outbuildings. The locality contains allotments varying in size from approximately 800 square metres to 4000 square metres. Most allotments in the area contain a detached dwelling and associated outbuildings.

### **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The applicant seeks Development Plan and Land Division Consent to create a new allotment within the Township Zone at Williamstown.

The proposed land division seeks to divide one allotment measuring approximately 1500 square metres in size into two allotments. Proposed allotment 101 will be 784 square metres in size while proposed allotment 102 will be 717 square metres.

Both proposed allotments have access to Yettie Road, with proposed allotment 101 containing an existing dwelling and associated outbuildings.

### **REFERRALS**

The Development Regulations 2008 requires that the Development Assessment Commission undertake the appropriate consultation with various State Government Agencies. As a result, the proposal was referred to SA Water who have provided comment on the proposed development. SA Water had no objection to the proposed development and have indicated that standard conditions should be applied in the event that the application were to be approved.

### **PUBLIC NOTIFICATION**

The proposed development is a Category 1 form of development and did not require any form of public notification.

### **PROVISIONS OF THE DEVELOPMENT PLAN**

The proposed development is located within the Township Zone, Policy Area 7 – Township of the authorised Development Plan, consolidated 21 February 2013.

The relevant Zone and Council Wide Objectives and Principles of Development Control are listed below.

#### **TOWNSHIP ZONE**

##### **Objectives**

3. *Conservation and enhancement of the main road streetscape and scenic rural setting of the township.*
5. *Development that contributes to the desired character of the zone.*

##### **Principles of Development Control**

3. *Residential development should be mainly in the form of low-density detached dwellings, with a limited range of increased density development.*
6. *Development should not be undertaken unless it is consistent with the desired character for the zone.*

#### **RESIDENTIAL POLICY AREA 7**

##### **Objectives**

*A policy area primarily for low-density residential development.*

2. *Development that contributes to the desired character of the policy area.*

##### **Principles of Development Control**

2. *Development should not be undertaken unless it is consistent with the desired character for the policy area.*

7. *Allotments should vary in size and be suitable to facilitate a use of land consistent with the objectives of the policy area and should:*
- (a) *be not less than 500 square metres in area*
  - (b) *have a minimum frontage to a public road of at least 12 metres.*

### **COUNCIL WIDE – LAND DIVISION**

#### **Objective:**

2. *Land division that creates allotments appropriate for the intended use.*

#### **Principles of Development Control**

- 7 *Allotments in the form of a battle-axe configuration should:*
- (a) *have an allotment area consistent with that desired located within the relevant zone or policy area (excluding the area of the ‘handle’ of such an allotment)*
  - (b) *provide for an access onto a public road, with the driveway ‘handle’ being not less than 6 metres in width nor more than 50 metres in length*
  - (c) *contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction*
  - (d) *not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape*
  - (e) *be avoided where their creation would be incompatible with the prevailing pattern of development.*

### **PLANNING ASSESSMENT**

The proposed land division is not consistent with Objective 5 and Principle of Development Control 6 of the Township Zone, as it does not contribute to and is not consistent with the desired character of the zone. The desired character encourages development which ‘will maintain the attractive visual amenity of the approaches to townships’ and encourage the retention of ‘the existing character, as derived from the small-scale and residential style of buildings and pleasant open rural surrounds’.

The prevailing character of the area is one of large residential allotments with generous setbacks to dwellings and regular allotment patterns. The proposed land division would result in the creation of two allotments which are not in keeping with this character. The creation of a ‘battle-axe’ allotment is out of character for the locality and would result in the construction of a dwelling with no frontage to a public road.

Within the locality of the site, allotments have regular patterns and incorporate generous land sizes and frontages to public roads. There is an exception to this, with 30 Yettie Road having been separated from 28 Yettie Road in the form of a large ‘battle-axe’ style allotment via approval granted in March 2012. This is an exception within the locality with most allotments in the area maintaining large areas and an open character.

The desired character for the Township zone also states that ‘the existing character, as derived from the small-scale and residential style of buildings and pleasant open rural surrounds, will be retained’ and ‘it is expected that development will maintain the overall low scale, low density character and development will reflect the prevailing generous front, side and rear boundary setbacks’. Construction of a new dwelling at the rear of the existing dwelling will be at odds with the desired character of the township as it will increase density in an undesirable manner and result in the construction of a new dwelling without frontage to a public road and with minimal setbacks to site boundaries.

The Williamstown township desired character also encourages the retention of existing vegetation, whether native or non-native, which makes a positive contribution to the character and amenity. Multiple established trees currently exist at the rear of the subject land, and it is likely that these trees would need to be removed in order to allow for the construction of a new dwelling on proposed allotment 102.

The proposed division will result in the creation of two allotments, one of which does not meet the minimum criteria listed in Principle of Development Control 7 of Residential Policy Area 7. This Principle of Development Control indicates that allotments should have a minimum frontage of 12 metres. Proposed allotment 102 does not meet this requirement as it has only a 6 metre frontage to Yettie Road. The presence of a minimum allotment frontage results in the expectation that allotments will follow a regular allotment pattern in order to allow for generous setbacks and attractive streetscapes.

Although proposed allotment 102 has an overall size of 717 square metres, a large portion of this is attributed to land within the access way to the rear of the property. Only 552 square metres of the allotment is available at the rear of the allotment for a dwelling to be constructed, with additional portions of this area used only for vehicle maneuvering.

Residential Policy Area 7 does allow for infill allotments to be created in appropriate locations as specified in the desired character, however this is only in circumstances where the development will be 'consistent with the scale, form and streetscape character of the area'. In this instance it is considered that the creation of a 717 square metre 'battle-axe' infill allotment would have a negative impact upon the amenity of the area and will not be consistent with the streetscape character of the area.

In support of their application, Mr Andrew Butcher, on behalf of the applicant, has provided indicative plans showing a proposed dwelling footprint and vehicle maneuvering areas on proposed lot 102. Whilst these documents do indicate that a dwelling would fit on the proposed allotment, it is considered that the dwelling would not meet Objective 5 and Principles of Development Control 3 and 6 of the Township Zone.

In addition, Mr Butcher has indicated that multiple 'battle-axe' style allotments have been approved in the locality. All but one of these developments were approved prior to the current Development Plan requirements relating to minimum frontages being in place. The current requirements were imposed in the Development Plan consolidated on the 18 of August 2011.

The approval of the division of 28 Yettie Road, Williamstown into two allotments, including one 'battle-axe' style allotment was granted in March 2012, and was supported by Council staff as the proposal was in accordance with Concept Plan Map Baro/6 within Council's Development Plan.

### **CONCLUSION**

The proposed land division will result in the creation of an allotment which is at variance with the objectives and principles of the Development Plan. The creation of a 'battle-axe' style allotment is at variance with the desired character of the Williamstown township which seeks to retain a low density typical of country towns with large rural residential style allotments in the north western fringe of the town.

Given that the proposed development is unable to satisfy key objectives and principles of development control of Council's Development Plan, it is considered that the proposal does not warrant the granting of Development Plan Consent.

**DA/DAP/R2**

**D469/2014 (107438)**

### **ON THE RUN (OTR) 121 PTY LTD – ALTERATION AND ADDITIONS TO EXISTING SERVICE STATION INCLUDING SIGNAGE AND BLADE WALL - MERIT**

**MOVED** K Goldstone that the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/469/2014 and resolves as follows:

- (A) The proposal is not seriously at variance with the relevant provisions of The Barossa Council Development Plan consolidated 21 February 2013.
- (B) Grant Development Plan Consent to Development Application 960/469/2014 subject to the following conditions:

- (1) The development shall be undertaken in accordance with the plans and documentation accompanying the application, unless varied by the following conditions.
- (2) The site shall be landscaped to achieve a high level of amenity commensurate with the locality and to the reasonable satisfaction of Council.
- (3) The internal illumination of the sign shall not cause unreasonable nuisance to any person living in the vicinity of the subject land or to nearby vehicular traffic. The signage shall not include any flashing signage.

Seconded D Hughes

CARRIED

<b>DEVELOPMENT APPLICATION NO:</b>	960/469/2014 (Prop ID 104738)
<b>APPLICANT:</b>	On The Run (OTR) 121 Pty Ltd
<b>OWNER:</b>	Caltex Oil (Australia) Pty Ltd
<b>SUBJECT LAND:</b>	212-216 Murray Street, Tanunda
<b>PROPOSAL:</b>	Alteration and Additions to Existing Service Station Including Signage and Blade Wall
<b>ZONE/POLICY AREA:</b>	Light Industry
<b>PROCEDURE:</b>	Merit
<b>REFERRALS:</b>	Nil
<b>PUBLIC NOTICE:</b>	Category 2 – No Representations
<b>KEY ISSUES:</b>	Height and Appearance of Replacement Signage
<b>DEVELOPMENT PLAN PROVISIONS:</b>	Council Wide Advertisements Objective 3. Principles of Development Control 1 and 15.
<b>CONSOLIDATION DATE:</b> 21 February 2013	Light Industry Zone Objective 2. Principle of Development Control 3 and 8.
<b>RECOMMENDATION:</b>	Grant Development Plan Consent
<b>OFFICER:</b>	Maxine Lovett

**SUBJECT LAND AND LOCALITY**

The subject land is a corner allotment with a 102 metre wide frontage onto Murray Street, with a secondary street boundary along Para Road. The site has an area of 5082m<sup>2</sup> and is located in the Light Industry Zone of the Tanunda township, and is outside of the Character Preservation District overlay.

The land is currently used as a service station and also has an associated shop, within the building, providing take away foods and other products. The site has existing signage including two price board signs located along the frontage and one 8 metre high pylon sign located at the north east corner of the allotment. The front and southern boundaries of the site adjoins the Residential Zone and the northern boundary adjoins the Primary Production Zone (BVR). A reserve is located

directly across from the site on the opposite side of Murray Street, providing a buffer, separating residential development from the subject land. The Weintal Resort is located to the south and is on the opposite side of Murray Street. The rear of the subject site adjoins an allotment within the Light Industry Zone and contains multiple industrial tenancies.

### **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The proposal is to alter the existing building to incorporate a blade wall and additional signage and includes the rebranding of the current signage to display the corporate elements of On The Run Pty Ltd. The proposal includes the following:

- a new blade wall with a height of 6.58 metres to the existing building
- an internally illuminated corporate "C" sign on the blade wall and corresponding image within the black internally illuminated light box
- an internally illuminated corporate "On The Run" sign across the fascia of the existing building and canopy
- an internally illuminated light box "EAT" sign on the existing building and corresponding image within the black internally illuminated light box
- non-illuminated "We Never Close" sign across the fascia of the building
- replacement of the two price boards signs, each with a 3 metre high "BP" price board sign
- a 6.9 metre high BP pylon sign to replace the existing 8 metre high Caltex pylon sign in the same location

The hours of operation for an "On The Run" service station is 24 hours a day, seven days a week. The subject application is for the alterations and signage only, the use is existing. There are no conditions on the existing approval that limits the hours of operation.

Application details, site and elevation plans and supporting documents were provided with the Agenda.

### **REFERRALS**

No referrals are required under Schedule 8 of the Development Regulations, 2008.

### **PUBLIC NOTIFICATION**

The application has been determined to be a Category 2 form of development pursuant to Schedule 9 of the Development Regulations. The subject land adjoins a zone different to that of the subject land and the development is not considered to be of a minor nature.

Adjacent land owners were notified in writing. No representations were received in relation to the proposal.

### **PROVISIONS OF THE DEVELOPMENT PLAN**

The proposed development is located in the Light Industry Zone of the relevant Development Plan, consolidated 21 February 2013.

The relevant Zone and Council Wide Objectives and Principles of Development Control are listed below:

### ***LIGHT INDUSTRY ZONE***

#### **OBJECTIVES**

*Objective 2: Development that contributes to the desired character of the zone.*

#### **PRINCIPLES OF DEVELOPMENT CONTROL**

1. *Development should not be undertaken unless it is consistent with the desired character of the zone.*
2. *Advertisements and advertising hoardings should not include any of the following:*
  - (a) *Flashing or animated signs*
  - (b) *Bunting, streamers, flags, wind vanes and similar*
  - (c) *Roof-mounted advertisements projected above the roofline*

- (d) *Parapet-mounted advertisements projecting above the top of the parapet*

## **COUNCIL WIDE - ADVERTISEMENTS**

### **OBEJCTIVES**

*Objective 3: Advertisements and/or hoardings designed to enhance the appearance of the building and locality.*

### **PRINCIPLES OF DEVELOPMENT CONTROL**

- (1) *The location, siting, design, materials, size and shape of the advertisements and/or advertising hoardings should be:*

- (a) *consistent with the predominant character of the urban and rural landscape.*

15. *Free standing advertisements and/or advertising hoardings should be:*

- (b) *of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.*

### **PLANNING ASSESSMENT**

The proposed blade wall has a height that exceeds 1.7 metres above the height of the roofline of the existing building. Integrated into the existing building, it will not have the appearance of detached signage. The signage is internally illuminated and does not flash and is not roof-mounted or parapet-mounted and therefore can be supported by Principle of Development Control 2 of the Light Industry Zone. The blade wall is well set back from the front of the site and the colours and proportions are not considered to dominate the site or locality given the context of the site as a service station.

The colours proposed for the existing building are not 'busy' or striking in appearance and the red "EAT" wall signage will have no further visual effect than the existing red trim around the roofline of the existing building, that will be painted white as part of the subject proposal.

The proportions of the building will mainly remain the same and the colour scheme will not detract from the locality. The proposal is considered to enhance the site.

The main issue with the proposed development is the replacement signage along Murray Street, particularly the pylon signage. The proposed price board signage will replace the existing signage to approximately the same height. The proposed 6.9 metre high pylon signage will replace the existing 8 metre high Caltex pylon sign. Although the proposed pylon signage has a height less than the existing, the pylon sign will display various advertisements and will have a more prominent display area than the Caltex sign. The colours of the existing Caltex sign are not bright or contrasting within the locality and although large, the sign does not dominate the site. In comparison, the proposed pylon sign will have additional advertisements and will be more visible. However, it is considered that a more visible sign is acceptable within the zone and in association with the exiting use of the site.

The subject land does adjoin a Residential Zone. The residential development opposite the subject land it is screened from the proposed signage by a buffer reserve. There are other commercial uses within the immediate locality including the Weintal Resort, located opposite the subject land. This site has a large sign located along its frontage that is comparable in scale and visibility to the proposed pylon sign for the service station.

The mature street trees that line Murray Street will provide other tall visual elements that will soften the visual effect of the sign. When travelling along Murray Street the existing pylon sign is screened intermittently by the canopy of the street trees. The proposed pylon signage will be in the same location and lower in height but will be slightly more visible due to the infill advertising within the structure. Principle of Development Control 15 within the Council Wide –Advertisements section of the Development Plan states that '*free standing advertisements and/or advertising hoardings should be:*

- (c) *of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.*

The proposed pylon signage does not offend this principle as the existing signage is 8 metres in height, with the proposed signage being 6.9 metres. The proposed signage is compatible with the use of the site, whilst also bearing in mind the other features described within the immediate locality.

### **CONCLUSION**

The proposed alteration, additions and signage to the existing building are in keeping with the approved use and context of the site, locality and the zone. The proposal is supported by the Zoning and Council Wide Principles of Development Control.

The proposed signage is consistent with the proportions of the existing signage of the site although slightly more visible. On balance it is considered that the proposal will not be in contrast to or out of place in the location and is an acceptable form of development for an existing use within the Light Industry Zone.

### **DA/DAP/R3**

**D392/2014 (116662)**

### **NORTHERN INDUSTRIES – FACTORY EXTENSION AND ALTERATIONS - MERIT**

K Mitrovic (Planner) advised that a correction was required to page 16 of the report (first paragraph, last sentence), replacing the words “reserved matter” with “condition”.

Mrs Sue Harrison (Representor) addressed the Panel at 5.08pm relative to DA/DAP/R3, confirming concerns related to noise, storage of chemical and pallets, litter and rubbish removal, stormwater harvesting, odour and traffic.

B Sloane arrived at Meeting at 5.10pm.

B Sloane left the Meeting at 5.11pm due to a stated conflict of interest.

Mr Greg Tucker (Greg Tucker Planning), on behalf of Barossa Residential Estates Pty Ltd and Barossa Projects Pty Ltd, addressed the Panel at 5.14pm relative to DA/DAP/R3, in relation to litter, traffic, impact on Staehr Street streetscape, and process and procedures for assessment of the application, and details contained in various proposed plans.

Mr Grazio Maiorano addressed the Panel at 5.30pm, on behalf of Northern Industries Pty Ltd (Applicant) relative to DA/DAP/R3. Mr Maiorano confirmed that the compactor would be located on the eastern side of the property, and the building would extend to the eastern frontage. Mr Maiorano answered questions from the Panel in relation to the number of car parking spaces, and potential odour.

K Mirtovic advised the Panel that confirmation had been received from the Environment Protection Authority (EPA) of a follow up to concerns raised by a nearby resident regarding noise control, and it was found to be a minor issue.

**MOVED** S Milne that the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/392/2014 and resolves as follows:

- (A) The proposal is not seriously at variance with the relevant provisions of The Barossa Council Development Plan consolidated 21 February 2013.
- (B) Grant Development Plan Consent to Development Application 960/392/2014 subject to the following conditions:

**Development Plan Consent Conditions**

- (1) The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application.
- (2) Roof water shall be disposed of to the street watertable or drain in an easement under the control of Council. Where roof water is directed to a rainwater tank the overflow shall be piped to the street watertable or Council drain.
- (3) All loading and unloading of vehicles shall be carried out entirely upon the subject land.
- (4) All vehicles shall enter and exit the land in a forward direction.
- (5) Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
- (6) All external lighting of the site, including car parking areas and buildings, shall be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site to the reasonable satisfaction of the Council or its delegate.
- (7) The site shall be maintained and operated in a serviceable condition and in an orderly and tidy manner at all times to the reasonable satisfaction of the Council or its delegate.
- (8) The landscaping as detailed in the application for development shall be established prior to occupation/use of the development and shall be maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased with others of the same, or similar, respective varieties.
- (9) All car parking spaces shall be designed utilizing wheel stops where they are developed adjacent to boundary fencing.

**NOTES**

- The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- Construction activities should be carried out so that it complies with the mandatory construction noise provisions of Part 6, Division 1 of the Environment Protection (Noise) Policy 2007.

Seconded D Hughes

**CARRIED**

<b>DEVELOPMENT APPLICATION NO:</b>	960/392/2014 (Prop ID 116662)
<b>APPLICANT:</b>	Northern Industries
<b>OWNER:</b>	CCL Clear Image Labels Pty Ltd
<b>SUBJECT LAND:</b>	17-21 Railway Terrace, Nuriootpa
<b>PROPOSAL:</b>	Factory Extension & Alterations
<b>ZONE/POLICY AREA:</b>	Commercial/Residential
<b>PROCEDURE:</b>	Merit
<b>REFERRALS:</b>	Nil
<b>PUBLIC NOTICE:</b>	Category 3 – 5 Representations
<b>KEY ISSUES:</b>	Representations received during public notification period
<b>DEVELOPMENT PLAN PROVISIONS:</b>	Commercial Zone - Objectives: 1, 2 and 3. Principles of Development Control 5, 7 and 8.
<b>CONSOLIDATION DATE:</b> 21 February 2013	Council Wide: Design and Appearance Objective 1. Principles of Development Control 7, 11, 13, 14, 15 and 17. Industrial Development Objectives 1, 4, 6 and 9. Principles of Development Control 4, 7 and 8. Interface Between Land Uses Objectives 1 and 2. Principles of Development Control 1, 3, 5, 6 and 7. Transportation and Access Objective 1 and 2. Principles of Development Control 5, 11, 12, 13, 22, 23, 31 and 33. Waste Objective 1. Principles of Development Control 1, 5 and 6.
<b>RECOMMENDATION:</b>	Grant Development Plan Consent
<b>OFFICER:</b>	Karen Mitrovic

**SUBJECT LAND AND LOCALITY**

The majority of the subject land is located within the Commercial Zone, with the remainder of the site located within the Residential Zone.

The site is regular in shape with a frontage to Railway Terrace of approximately 60 metres, a secondary frontage of approximately 60 metres to Staehr Street and an overall size of 5460 square metres. The subject land currently contains an existing building used for the printing of labels, and ancillary administrative areas including offices, meeting rooms, toilets and change rooms for staff.

The existing use operates as follows:

- Hours of operation are generally 6:30am to 7.00pm, however no conditions of approval on the existing use relate to hours of operation and, as such, the facility is able to operate 24 hours.
- The factory operation incorporates three staff shifts, during which a maximum of 27 staff are on-site.
- Deliveries occur on a daily basis on the western side of the building.
- Waste is loaded into a compactor, existing on site, on the western side of the building.
- 38 non line-marked car parks are located on the property, this car park is accessed via a single crossover on Staehr Street.
- The loading and unloading area to the west of the building is accessed via an existing crossover on Railway Terrace with egress onto Staehr Street.

Land uses in the area are varied, with a mix of commercial properties in the locality in addition to residential allotments. To the west of the subject land is an employment agency and physiotherapy consulting rooms with commercial offices, and a medical clinic located to the east. An SA Water facility is located directly to the south of the site along with residential developments.

#### **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The applicant seeks Development Plan Consent for the construction of an addition to the existing facility currently on the subject land.

The existing building is currently used for the production of printed labels. The current land use has operated on the site for approximately 28 years, without any change of use.

The proposed development is intended to add a maintenance room to the eastern side of the structure, additional storage facilities to the western side and a “trash dock” to the northern side.

The proposed development additions are along approximately two thirds of the western wall, the majority of the northern wall and a small section of the eastern wall. This will add a total of 292.25sqm of floor space to the facility.

- The western addition is to be used for storage purposes.
- The eastern addition will be used as a maintenance room.
- The northern addition will be used as a storage area and waste management dock.

All extensions will be constructed of custom orb sheet cladding to match the existing building materials.

Existing pallet storage along the northern wall of the building will be relocated to a new pallet storage area along the western side of the building.

Delivery traffic visiting the site will continue to access the site via an existing one-way crossover on Railway Terrace, with vehicles exiting the site in a forward motion via an existing crossover point onto Staehr Street. Both crossovers have direct access to the bitumised road.

The applicant has advised that the proposed extension will facilitate the reduction in frequency of paper deliveries by approximately 25% due to increased storage capacity, and a general reduction in outdoor forklift activity due to the improved proximity of loading and unloading areas to storage areas.

Stormwater from the site currently flows to the street and into Council's stormwater infrastructure, and the applicant has advised that the proposed addition will also be connected to the street water table. Council's engineer has advised that the current system is acceptable and the proposed addition to the building may also be connected into Council's infrastructure to dispose of stormwater from the site.

**REFERRALS**

No referrals are required under Schedule 8 of the Development Regulations, 2008.

**PROCEDURAL MATTERS**

The subject land is located within both the Commercial Zone and the Residential Zone. The proposed development is considered to be a reasonable expansion to the existing use on the site and was therefore processed as a merit application. It is not listed as a Category 1 or 2 development within either zone, and as such, was considered to be a Category 3 form of development.

**PUBLIC NOTIFICATION**

The application is a Category 3 form of development and it therefore required public notification. Adjacent land owners and directly affected persons were notified in writing, and an advertisement was also placed in the local newspaper. Five representations were received and their comments are summarised below:

- Appearance of the proposed additions
- Impact of outdoor lighting
- Traffic movements to, from and on the site
- Insufficient detail provided for Council to make an assessment
- Fire safety requirements may not be met
- Stormwater disposal from the site
- Noise from the existing facility and potential noise from the proposed development
- Current site is untidy

The following representors wish to be heard by the Panel:

- Dean & Sue Harrison – 2 William Street, Nuriootpa
- Barossa Residential Estates Pty Ltd – 22 Staehr Street, Nuriootpa

A copy of the representations were included with the Agenda.

One representation was also received after the closure of the public notification period and as such was not forwarded to the applicant for response.

The applicant's response to the representations received within the public notification period is summarised below:

- Visual amenity will be improved by the proposed development by removing external storage
- Traffic movements to/from the site will not be altered by the proposed development
- Fire safety meets requirements and will be reviewed and assessed by a building private certifier
- No outdoor lighting is proposed
- Stormwater disposal from the site is in accordance with Council requirements
- Noise from the site will not be increased by the proposed development. The current facility complies with the Environment Protection Authority requirements.

Details of the applicant's response was provided with the Agenda.

**PLANNING ASSESSMENT**

The relevant Zone and Council Wide Objectives and Principles of Development Control are discussed below.

**General Section - Design and Appearance**

The proposed development is consistent with Principles of Development Control 1 and 3, as the bulk and scale of the proposed additions are consistent with the existing building on site. The overall appearance of the existing development on the site will not change substantially, no alterations will be visible from Railway Terrace, the main façade of the building and the construction of the addition to the north, will result in an improved view from Staehr Street as existing outdoor storage of stacked pallets and a shipping container will be relocated or removed from the site. The applicant has also advised that they will provide landscaping along Staehr Street to improve the appearance from the north.

### General Section - Industrial Development

Principle of Development Control 4 suggests that industrial development should enable all vehicles to enter and exit the site in a forward motion. The current vehicle movements on site will not be altered by the proposed development, with delivery vehicles entering the site to the west of the building from Railway Terrace and exiting onto Staehr Street in a forward motion.

The hours of operation will not alter as a result of this development, nor will the fundamental operations on site. There is expected to be a reduction in noise from the site due to a reduction in outdoor forklift activities and streamlined delivery of goods along the western side of the building. There will also be no additional external lighting on the site. The proposal will therefore meet the requirements of Principle of Development Control 7 as it will minimise any adverse impacts upon adjoining uses due to hours of operation, traffic, noise, glare or light spill.

The proposed development will incorporate landscaping along the northern boundary of the site which will act as a buffer between the land use and neighboring Residential Zone, this is in accordance with Principle of Development Control 8.

### General Section - Interface Between Land Uses

The proposal does not change the existing land use and fundamental manner in which the facility on site operates. The number of staff and the hours of operation will not increase. The proposed development is intended to facilitate a more streamlined and functional operation of the facility and should result in an improved interface with existing residential development in the area.

A reduction in noise from the site is envisaged as well as improvements to the visual amenity of the site. The relocation of the waste compactor on site to adjoin the waste storage area will result in it being located further from the nearest dwelling to the site. The western addition to the building will reduce outdoor forklift activity by allowing direct loading of goods to trucks. Paper deliveries by trucks to the site will also be reduced by approximately 25% due to increased on-site storage. The visual amenity of the site will be improved through the relocation of pallets from the rear of the building to a purpose built storage area on the western side and removal of the shipping container.

The applicant has also engaged a firm to provide a noise assessment of the current operation on the site, in order to ensure that the current noise levels are in accordance with the Environment Protection Authority requirements. This is in accordance with Principle of Development Control 7 which states that development should be consistent with the relevant provisions of the current Environment Protection (Noise) Policy.

### General Section - Transportation & Access

The existing on-site car parking consists of 38 car parking spaces. Council's Development Plan requires 43 spaces for the current activities on site, with the proposed addition resulting in the need for 2 additional parks. The applicant has advised that no more than 27 staff members are on site at any time, as the employees conduct shift work. The shortfall in car parking spaces on site is not considered to be significant in this case. Currently, multiple office staff members and visitors to the site make use of the 11 public car parking spaces located directly in front of the site. The availability of public car parking areas, and nature of operations would suggest that the site is able to operate successfully without reaching the number of car parks suggested within Council's Development Plan.

### Commercial Zone

The proposed development is consistent with Objective 3 of the zone, which encourages development that contributes to the desired character of the zone.

The desired character suggests that development should have 'regard to the residential amenity of the area and avoid potential future conflicts', and that 'buildings will be of a consistent scale and height to existing buildings and be complemented by high quality landscaping'. The proposed additions will result in an improved interface between the existing building on site and Staehr Street. Currently, storage of some goods on site is done in shipping containers, located along the western side of the building, with pallet storage also located within view of Staehr Street. Should the development receive consent, the storage of pallets will be undertaken out of view along the western side of the building, with the shipping containers on site being removed. The proposed additions are of a consistent scale to those in site, and are to be constructed of materials to match the existing building. Landscaping has been discussed with the applicant, and they will submit a

landscaping plan for approval by Council should the development receive Development Plan Consent. This has been reinforced through a condition.

The development will also allow for improved waste storage on site, with the northern addition to the building intended for use as an internal waste storage facility. The existing compactor on the site will be relocated to the north/eastern side of the building, to allow for access from the waste transfer area. This will improve the interface between the existing land use and surrounding residential development by reducing the need for external fork lift movements, and ensuring that waste from the site is properly contained until its removal.

### **CONCLUSION**

The proposed development does not represent a change in the existing use of the land, it is considered that the proposed addition will not have a detrimental impact upon the existing land uses in the area. It is for a relatively minor addition to an existing operation on site in order to allow for improved efficiency and operation within the business.

The proposal will not result in a fundamental amendment to the existing operational activities on the site, and will improve the visual amenity of the site by providing additional storage facilities within the structure, reducing outdoor and shipping container storage of goods.

It is considered that the proposal is not seriously at variance with the relevant provisions of the Development Plan and displays sufficient merit to warrant Development Plan Consent.

B Sloane returned to the Meeting at 5.56pm.

**DA/DAP/R4**

**D203/2014 (110978)**

### **WEGENER CONSTRUCTIONS – INDOOR HORSE ARENA AND ASSOCIATED STORAGE - NON COMPLYING**

**MOVED** D Hughes that the Development Assessment Panel has considered all relevant assessment matters and the officer's report prepared in relation to Development Application 960/203/2014 and resolves as follows:

- A. That pursuant to Section 35(2) of the Development Act, the proposal is not seriously at variance with the relevant provisions of The Barossa Council Development Plan.
- B. 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.
- C. That pursuant to Section 33(1)(a) of the Development Act, development application number 960/203/2014 be granted Development Plan Consent subject to the following conditions:
  - (1) The development shall be undertaken in accordance with the plans and documentation accompanying the application (as amended), unless varied by the following conditions.
  - (2) The arena shall not be used for commercial or business purposes, training of horses not kept on the property, or as a venue for holding events.

- (3) Manure and other waste collected from the arena shall be stored in a manner to prevent pollution to a water resource and shall be removed from the site regularly.
- (4) Any metal roof and wall cladding shall have a 'Colorbond' type of finish (or a similar factory applied colour finish) in a Pale Eucalypt or other similar colour.
- (5) Roof water shall be disposed of to a watercourse within the property in a manner that does not cause erosion to the land surface or the watercourse. Where roof water is directed to a rainwater tank the overflow shall be disposed of to the watercourse.
- (6) The existing trees on the property shall be retained and maintained. Any trees that die, become seriously diseased or require removal because they have become dangerous, shall be replaced with others of the same variety.

#### NOTES ONLY

- 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.
- 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.
- The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

D. Seek the concurrence of the Development Assessment Commission.

**Seconded** R Miller

**CARRIED**

<b>DEVELOPMENT APPLICATION NO:</b>	960/203/2014 (Prop ID 110978)
<b>APPLICANT:</b>	Wegener Constructions
<b>OWNER:</b>	Chris & Lesley Griggs
<b>SUBJECT LAND:</b>	87 Schrapels Road, Mount Pleasant
<b>PROPOSAL:</b>	Indoor Horse Arena and Associated Storage
<b>ZONE/POLICY AREA:</b>	Watershed Protection (Mount Lofty Ranges) Zone (Map Baro/33)
<b>PROCEDURE:</b>	Non-Complying
<b>REFERRALS:</b>	Nil
<b>PUBLIC NOTICE:</b>	Category 3 – No Representations
<b>KEY ISSUES:</b>	Size and Bulk of the Building, Waste Disposal and use of Zincalume
<b>DEVELOPMENT PLAN PROVISIONS:</b>	Refer <i>Attachment 3</i> for extracts from:
<b>CONSOLIDATION DATE:</b> 21 February 2013	<ul style="list-style-type: none"> <li>• Animal Keeping</li> <li>• Design &amp; Appearance</li> <li>• Interface between Land Uses</li> <li>• Natural Resources</li> <li>• Orderly &amp; sustainable Development</li> <li>• Siting &amp; Visibility</li> <li>• Waste</li> <li>• Character Preservation District Overlay</li> </ul> <p>Watershed Protection (Mount Lofty Ranges) Zone</p>
<b>RECOMMENDATION:</b>	Grant Development Plan Consent and Seek the Concurrence of the Development Assessment Commission
<b>OFFICER:</b>	Brian Irvine

### **SUBJECT LAND AND LOCALITY**

The subject land comprises a single allotment contained in Certificate of Title Volume 5221 Folio 542, described as Allotment 4 in Filed Plan 125151, situated at 87 Schrapels Road, Mount Pleasant. There is an easement over a pipeline to the Minister of Infrastructure.

The subject land has the shape of an irregular rectangle approximately 700 metres deep and 160 metres wide (at the site of the building), and 11 hectares in area. There is an existing house and shedding on the land, between the road and the pipeline. The land has been fenced into paddocks for horse keeping. An existing outdoor horse arena is located south of the house, adjacent to the southern boundary. A creek runs through the property, approximately parallel to the road, between the house and the road. A minor drainage line runs east-west through the north-western part of the land and exits the land through the northern boundary just west of the proposed building. The land has moderate slopes throughout, with a reasonable number of mature gum trees on the eastern portion of the land. (There are no trees near the proposed building).

The land to the north, south and west is very similar to the subject land in its topography and land use and parcel sizes. The land to the east is similar in topography but is held in a substantially larger allotment of 63 hectares. That allotment has no dwelling and is used for grazing purposes.

The abundance of mature trees and rural land uses collectively create a pleasant rural character that is typical of the hills area.

### **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The application seeks to construct an indoor horse arena and associated storage. It was originally proposed to build the arena over the existing outdoor arena (south of the house and adjacent to the southern boundary) but the application has been amended to locate the arena next to the northern boundary, on the western side of the pipeline.

It is proposed to use the building for private purposes only. The owners compete in equestrian events at the national level and require an indoor facility to enable them to train horses during the winter.

The proposed arena will be 70 metres long, 28.3 metres wide, with 5 metre high walls and an overall height of 7.5 metres to the top of the roof. It will be clad on 3 sides, with the eastern side left open. A storage lean-to, 35 metres long, 5 metres wide and 3 metres high is proposed to be located on the northern side of the arena. The walls are proposed to be clad in Colorbond Pale Eucalypts, but the roof cladding is proposed to be Zinalume.

The building will be sited 3 metres from the northern boundary and 20 metres west of the pipeline. The site is relatively flat, but approximately 600mm of cut and fill will be required.

No increase in the number of horses is proposed as a result of the arena. No new stables are proposed. The method of manure storage and disposal is intended to remain the same. Storm water disposal from the roof will be to rainwater tanks with the overflow being disposed of to the ground.

### **CONSULTATION**

No agency consultation was required.

### **PUBLIC NOTIFICATION**

The application has been publicly notified as a Category 3 Development pursuant to Section 38 of the Development Act 1993. No representations were received.

### **PROVISIONS OF THE DEVELOPMENT PLAN**

The subject land is situated within the Watershed Protection (Mount Lofty Ranges) Zone of the Development Plan, consolidated 21 February 2013.

The relevant Council Wide and Zone provisions of the Development Plan were provided with the Agenda.

### **PLANNING ASSESSMENT**

The property has existing use rights for horse keeping purposes. The indoor horse arena will be used for private horse training purposes and will complement the existing use of the land. It will not change the existing use of the land, cause additional horses to be kept on the land, or directly require other horse management practices on the land to change, although the use of the arena during winter will improve the management of the land. No explanation has been given about the future use of the existing outdoor arena, although logic suggests that it will be used less as an arena. The proposal is non-complying by default, ie all forms of development are non-complying except for a list of exceptions, and the proposed development is not listed on the list of exceptions.

#### **Animal Keeping**

The animal keeping section of the Development Plan contains a number of relevant Objectives and Principles. Animal keeping Principle 3 requires exercise areas to have surfaces resistant to erosion and adequate control of surface water run-off. The arena is covered and enclosed on 3 sides which will protect the area from erosion and prevent run-off from the surface of the arena.

Animal keeping Principle 5 states that stable, horse shelters and associated yard should be at least 50 metres from a watercourse. The corner of the arena will be approximately 5 metres from the minor drainage line that runs through the northern part of the property. This principle is orientated to protecting the watercourse from pollution. In this instance the watercourse is not well defined with a cut channel and there will be no run-off from the surface of the arena to course pollution. The open end side of the building will be more than 70m from the watercourse. Roof run-off will be

relatively clean water, and will be directed to rainwater tanks, with overflow being directed away from the building. Although the building will be close to the watercourse, no ill effect will be caused to the watercourse.

Animal keeping Principle 7 states that stables, horse shelters and associated yards should be sited a minimum of 30 metres from the nearest boundary to avoid adverse impacts from dust erosion and odour. The arena will be 8 metres from the northern boundary. However, the area is already used as a horse paddock, and will be substantially enclosed to control dust, erosion and odour. Furthermore the land on the other side of the boundary is also used for horse keeping. Although the building will be substantially less than 30 metres from the northern boundary, it should not cause any adverse impacts on the neighbouring land.

Animal keeping Principle 2 refers to manure storage and disposal, as do a number of principles from the Waste Control and Watershed Protection (Mount Lofty Ranges) Zone sections of the Development Plan. Current practice does not conform to the principle, but any condition of consent can only relate to the arena and cannot be imposed retrospectively to the management of the whole of the property. The existing manure storage area is located between the existing arena and the pipeline and is well removed from watercourses and does not appear to be creating any problems or issues. A condition is recommended to address the issue but given that the existing practice is not creating any issues, the total amount of manure will not increase as a result of the arena, and because a condition will only have a limited effect, only a generalise condition to avoid pollution is recommended.

Although some principles are not being fully complied with, the proposal does not offend the objective of avoiding adverse effects on surrounding development or area.

#### Design and Appearance/Siting and Visibility

The function of the building requires a large bulk and there is limited ability to provide articulation or other features to create visual interest as required by Design and Appearance Principle 3. However, the building will be approximately 380 metres from the nearest public road and will not be prominent in any view from a public space because of the number of trees between the building and the road, and the nature of the topography.

The building will be in plain view from neighbouring land, but should not be prominent in any view from neighbouring dwellings, because of the distances involved and the number of existing trees between the building and the neighbouring dwellings.

The walls of the building will be Colorbond but a Zinalume roof is proposed contrary to Design and Appearance Principle 7 and Siting and Visibility Principle 5. Although the building is reasonably isolated, the large expanse of shiny roof may cause it to be visible and attract attention from large distances away. This can be addressed with a condition of consent.

On balance the Design and Appearance, and the Siting and Visibility provisions of the Development Plan are not offended by the proposal if a condition is attached requiring the use of Colorbond type of roof material.

#### Interface between Land Uses/Orderly and Sustainable Development

The neighbouring land is used for horse keeping and because of the semi enclosed nature of the arena, it should not interfere with the existing use of neighbouring land.

There is no conflict with the Interface between Land Uses, or the Orderly and Sustainable Development Objectives and Principles contained in the Development Plan.

#### Waste Control

The Natural Resources, Waste, and Watershed Protection (Mount Lofty Ranges Zone sections of the Development Plan all contain provisions oriented to protecting water courses from pollution.

The main risk of pollution comes from the storage and disposal of manure. This has been discussed above under Animal Keeping. Roof water discharge is likely to be cleaner than the current surface run-off from the paddock on which the arena will be built. There may be a small amount of erosion from the cut and fill areas during construction until grass cover re-establishes. Minor amounts of dust may be emitted from the building but this is trivial and will be less than the existing open arena.

**CHARACTER PRESERVATION (BAROSSA VALLEY) ACT**

Section 6(2) of the Act requires any person or body to have regard to and seek to further the objects of the Act when exercising powers under any other Act (eg the Development Act).

The objects of the Character Preservation (Barossa Valley) Act are:

- (a) to recognise, protect and enhance the special character of the district while at the same time providing for the economic, social and physical well being of the community; and
- (b) to ensure that activities that are unacceptable in view of their adverse effects on the special character of the district are prevented from proceeding; and
- (c) to ensure that future development does not detract from the special character of the district; and
- (d) otherwise to ensure the preservation of the special character of the district.

The special character values relevant to this application are:

- (a) the rural and natural landscape and visual amenity of the district
- (d) the viticultural, agricultural and associated industries of the district
- (e) the scenic and tourism attributes of the district.

It is considered that the proposed development does not offend the objects of the Character Preservation (Barossa Valley) Act.

**CONCLUSION**

The application is for a non-complying form of development. Principle 9 for the Watershed Protection (Mount Lofty Ranges) Zone states:

*Development listed as non-complying is generally inappropriate and not acceptable unless it can be demonstrated that it does not undermine the Objectives and Principles of the Development Plan*

The horse keeping use of the land is an existing activity and the management of the existing land use will not change with any adverse consequences. Arena types of activity already take place on the land and the building of an enclosed arena will improve the overall management of the activity and reduce risks of pollution.

Although the building is large and bulky, it is relatively isolated and not prominent in any view from public spaces or neighbouring residents. Similarly, waste management can be addressed and no adverse consequences to neighbouring land have been identified.

It is concluded that the proposal does not undermine the Objectives and Principles of the Development Plan and on balance, the proposal is not seriously at variance with the provisions of the Development Plan and displays sufficient merit to warrant granting Development Plan Consent subject to conditions.

**DA/DAP/R5****D270/2014 (118487)****M BIRNIE – CHANGE OF USE TO CAFÉ, ENTERTAINMENT CONSENT AND CONSTRUCTION OF THREE VERANDAHS AND MASONARY PILLARS - MERIT**

**MOVED** S Milne that the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/270/2014 and resolves as follows:

- (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 proposal is not seriously at variance with the relevant provisions of The Barossa Council Development Plan consolidated 21 February 2013.
- (C) Grant Development Plan Consent to Development Application 960/270/2014 subject to the following conditions:
- (1) The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application.
  - (2) The site shall be maintained to the reasonable satisfaction of the Council at all times.
  - (3) The café shall not operate outside the hours of 6.00 am until 12 midnight 7 days a week unless written approval to vary the times is given by Council.
  - (4) The area marked "area 6" on the plan accompanying the application shall be limited to light amplified music.
  - (5) Noise levels shall not exceed the limits allowable under the Environment Protection (Noise) Policy

**Seconded** D Hughes

**CARRIED**

Ms M Burnie (Applicant) addressed the Panel at 6.08pm relative to DA/DAP/R5 and sought clarification of the definition of Light Amplified Music (as contained in condition 4) and "No Heavy Metal or Heavy Rock Bands", (as stated in the Hotel Licence).

Discussion ensued, and with the consensus of the Panel, it was agreed that a note of the discussion would be placed on the application/property file.

<b>DEVELOPMENT APPLICATION NO:</b>	960/270/2014 (Prop ID 118487)
<b>APPLICANT:</b>	M Birnie
<b>OWNER:</b>	M Birnie
<b>SUBJECT LAND:</b>	728 Barossa Valley Way, Sandy Creek
<b>PROPOSAL:</b>	Change of use to Café, Entertainment Consent and Construction of Three Verandahs and Masonry Pillars
<b>ZONE/POLICY AREA:</b>	Township Zone
<b>PROCEDURE:</b>	Merit
<b>REFERRALS:</b>	Nil
<b>PUBLIC NOTICE:</b>	Category 3 – 3 Representations

<b>KEY ISSUES:</b>	Representations received during public notification period
<b>DEVELOPMENT PLAN PROVISIONS:</b>  <b>CONSOLIDATION DATE:</b> 21 February 2013	Township Zone Objectives 1, 4 and 5. Principles of Development Control 1, 4, 6 and 9. Council Wide Heritage Places Objectives 1, 2, 3 and 4. Principles of Development Control 2, 3 and 7. Interface between Land Uses Objective 1. Principles of Development Control 1, 2, 6 and 7. Tourism Development Objectives 1, 2, 3 and 6. Principles of Development Control 2, 3 and 4. Transportation and Access Objective 2. Principles of Development Control 5, 8, 9, 22, 23 and 25.
<b>RECOMMENDATION:</b>	Grant Development Plan Consent
<b>OFFICER:</b>	Karen Mitrovic

### **SUBJECT LAND AND LOCALITY**

The subject land is located within the Township Zone of the Barossa Council Development Plan consolidated 21 February 2013.

The subject land fronts Barossa Valley Way and has secondary frontage to Williamstown Road. The site is approximately 9898 square metres in size, and comprises three allotments.

To the north of the site lies land used for primary production purposes, whilst rural living style allotments of varying size are located to the south, east and west of the property.

The site is currently used as a hotel which operates under its existing licensing between the following hours:

Sunday to Thursday – 11.00 am to midnight  
Friday to Saturday – 11.00 am to 2.00 am the following day

The current licensing allows for up to 230 people and no changes are proposed to increase this. In addition, no changes to trading hours are proposed as part of this application.

Informal parking is available on the site within an existing rubble based area for approximately 30 vehicles. On street parking for up to 20 vehicles is also available directly in front of the subject land.

The existing hotel building on the site is a Local Heritage Place.

### **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The applicant intends to change the use of an existing building on the site which had previously been used as a general purpose hall, to establish a café. The proposed café will have operating hours of 6.00 am to midnight, similar hours to the existing hotel on the property.

A change to the existing entertainment consent on the property is also proposed to incorporate the area located directly to the west and south of the proposed café. This area can be seen on the applicant's site plan as "entertainment area hatched".

The development also includes the construction of three verandahs and several masonry pillars. The verandahs are proposed to allow for a covered outdoor function and dining area, to operate as an extension to the existing hotel.

Works on the masonry pillars have been undertaken without development approval, so the applicant seeks to gain retrospective approval for them as part of this application.

### **REFERRALS**

No referrals are required under Schedule 8 of the Development Regulations, 2008.

**PROCEDURAL MATTERS**

The proposal does not meet any of the criteria set out in Schedule 9 of the Development Regulations or the Development Plan for Category 1 or 2 forms of public notification. The public notification category therefore defaults to Category 3.

**PUBLIC NOTIFICATION**

The application is a Category 3 form of development and therefore required public notification. Adjacent land owners and directly affected persons were notified in writing, and an advertisement was also placed in the local newspaper. Three representations were received and their concerns are summarised below:

- Noise from proposed entertainment consent area
- Proposed trading hour increase

The following representors wish to be heard by the Panel:

- Sheralee Menz & Greg Pate
- Trevor & Louise Pullman

A copy of the representations was provided with the Agenda.

One representation was also received after the closure of the public notification period and as such was not forwarded to the applicant for response.

The applicant's response to the representations received within the public notification period is summarised below:

- Proposed entertainment consent is for lightly amplified music and use of microphone for presentation purposes
- The trading hours are already in place, no additional trading hours are proposed

Details of the applicant's response was included within the Agenda.

The applicant has included in their response to the representations, letters of support for the application. These letters were not received by Council within the public notification period and therefore the authors of these letters are not entitled to speak before the Panel.

On 31 October 2014, the Applicant submitted a letter signed by two of the representors advising that they wished to set aside their previous correspondence in relation to the proposal and are now pleased with the proposed development on the site.

As this letter was received after the completion of the majority of this report, the representations were still taken into account during the writing of this report and are still considered to be valid, should the representors wish to attend the panel meeting.

A copy of the letter was provided with the Agenda.

**PLANNING ASSESSMENT**

The proposed development is located within the Township Zone, of the authorised Development Plan, consolidated 21 February 2013.

The relevant Zone and Council Wide Objectives and Principles of Development Control are discussed below.

**Heritage Places**

The proposed development is consistent with the Objectives and Principles of the heritage section in general but more specifically with Objectives 1 and 2 which encourage the conservation of State and local heritage places and the continued use, or adaptive re-use of State and local heritage places that supports the conservation of their cultural significance. The proposal seeks to retain the heritage item on the site and improve the facilities around it to increase the economic viability of the property which is a good way to encourage the continued retention of a heritage place.

### Interface between Land Uses

The representations received during the public notification period largely relate to concerns with excessive noise from the proposed extension to the existing entertainment license for the site.

The applicant has advised that they have spoken with the representors and advised of their intentions for the site in relation to the proposed extension to the entertainment license.

The site currently has an external area approved for entertainment consent, shown as "area 2" on the licensing plan provided by the applicant. "Area 6" is proposed to be used as an outdoor dining area and to have lightly amplified music to complement the outdoor dining.

Objective 1 states that development should be located and designed to prevent adverse impact and conflict between land uses.

A number of principles in this section also address noise including:

1. Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:
  - (b) noise
6. Development should be sited, designed and constructed to minimise negative impacts of noise and to avoid unreasonable interference.
7. Development should be consistent with the relevant provisions in the current Environment Protection (Noise) Policy.

The proposed entertainment licensed area will be located further from existing dwellings in the vicinity than the existing approved "area 2". It is considered that the use of lightly amplified music to complement outdoor dining will have minimal impact upon the surrounding property owners and occupiers. The proposed development is therefore consistent with Objective 1 and Principles of Development Control 1,6 and 7.

### Tourism Development

Objective 1 encourages environmentally sustainable and innovative tourism development. The proposed development is consistent with this objective as it will introduce a new facility to the Sandy Creek township.

Objective 2 encourages tourism development that assists in the conservation, interpretation and public appreciation of significant natural and cultural features including State or local heritage places. The proposed use will encourage tourism to the site and will complement the existing uses within the Local heritage place on site.

### Transportation and Access

The proposed development is consistent with the requirements for transport and access within Council's Development Plan. The current use is served by existing entry and exit points onto Barossa Valley Way will be retained and unchanged.

Council's Development Plan specifies that a hotel of this size should have approximately 56 car parks available.

The current car parking provision or approximately 50 parks on site and directly in front of the subject land, are considered to be sufficient to accommodate visitors and staff attending the site.

The applicant has however indicated a desire to increase on-site parking facilities in the future, subject to the success of the business on the site.

Given the adequate provision of on-site parking and lack of change to existing access/egress arrangements, it is considered that the proposal is consistent with the requirements of the Development Plan in relation to transportation and access.

The applicant has also indicated that should the current redevelopment be successful in attracting additional patronage to the site, they intend to redevelop the property to create a tourist facility, including accommodation facilities and additional car parking.

#### Character Preservation Overlay

The proposed development is also located within the Character Preservation District. Objective 1 of the Character Preservation Overlay indicates that this is a district where:

- (a) *scenic and rural landscapes are highly valued, retained and protected*
- (b) *development near entrances to towns and settlements does not diminish the rural setting, character and heritage values associated with those towns and settlements*
- (c) *the long term use of land for primary production and associated value adding enterprises is assured and promoted*
- (d) *activities positively contribute to tourism*
- (e) *the heritage attributes of the district are preserved*
- (f) *buildings and structures complement the landscape*

It is considered that the proposed development is consistent with the Character Preservation District overlay. The proposal will not adversely impact upon the scenic or rural landscape character of the land or the locality, nor will it reduce the ability of the land to be used for its intended purposes.

#### Township Zone

The proposed improvements to the site will deliver services to the local community and visitors to the area in the form of a local dining and café facility, providing a local service consistent with Principle of Development Control 4 of the zone.

The proposal is consistent with Objective 5 and Principle of Development Control 6, as the amendments will not impact on the amenity of the surrounding residential uses or impact on the established character of the township. The existing use of the site will continue, with the external amendments creating improved visual amenity and a better facility for the local and visiting community.

#### CONCLUSION

The proposed development will enhance tourism development within the region and will ensure that the local heritage place is retained and maintained to a high standard.

Having regard to the provisions of the Township Zone and the Council Wide Section in the relevant Development Plan, the proposal is not seriously at variance with the provisions of the Development Plan and displays sufficient merit to warrant Development Plan Consent.

#### OTHER BUSINESS

#### DEVELOPMENT ASSESSMENT COMMISSION CONCURRENCE APPLICATIONS

**MOVED** S Milne that the report be received.

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:

<b>DA NUMBER</b>	<b>APPLICANT</b>	<b>ADDRESS</b>	<b>NATURE OF DEVELOPMENT</b>	<b>DAC DECISION</b>
960/93/2014	T & L Campaniello	9A Railway Terrace, Mount Pleasant	Light Industry (Alterations and Additions to Existing Panel Beating and Spary Painting Business)	Concurrence Granted 2/09/2014 (05/08/2014 panel meeting)
960/155/2014	Construction Services Australia Pty Ltd	41 Randalls Road, Flaxman Valley	Demolition of Dwelling and Construction of a new Detached Dwelling	Concurrence Granted 30/09/2014 (02/09/2014 panel meeting)
960/312/2014	JBG Architects Pty Ltd	1929 Barossa Valley Way, Rowland Flat	Motel, Swimming Pool, Retaining Walls, Pergolas and Cellars	Concurrence Granted 21/10/2014 (02/09/2014 panel meeting)

**Seconded** R Miller

**CARRIED**

**NEXT MEETING**

Tuesday 2 December 2014 commencing at 5.00pm.

**CLOSURE OF MEETING**

Mr Ballantyne declared the meeting closed at 6.20pm, and thanked current Panel Members and staff for their positive contribution throughout the year. Panel Members will be appointed by Council at the Council Meeting to be held 18 November 2014.

Confirmed

Date: ..... Chairman: .....