



DEVELOPMENT ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL DEVELOPMENT ASSESSMENT PANEL

Held on Tuesday, 2 February 2016 commencing at 5:02pm 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 5:02pm.

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne (Presiding Member)

David Hughes

James Miller

Deidre Reiman

Richard Miller

Scotty Milne

Tony Hurn

Council Staff

Gary Mavrinac (Director – Development and Environmental Services)

Paul Mickan (Principal Planner)

Brian Irvine (Senior Planner)

Maxine Lovett (Planner)

Phil Harnett (Planner)

Steve Kaesler (Acting Director, Works and Engineering)

Christine Kruger (Minute Secretary)

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: D Hughes

Seconded: T Hurn

That the minutes of the Council Development Assessment Panel meeting held on 1 December 2015 be received and confirmed.

CARRIED

4. BUSINESS ARISING

Nil

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

The following disclosures have been made in relation to:

Item	Panel Member
6.1 960/671/2015 – Barossa Nest Pty Ltd Conflict of Interest – Personal and business relationship with Applicant and family	James Miller
6.3 960/126/2015 Parishioner at Impact Church Not a Committee or Board Member – no conflict	Tony Hurn

6. REPORTS - APPLICATIONS FOR DECISION

J Miller left the meeting at 5:05pm due to a stated conflict of interest in relation to Item 6.1.

6.1 960/671/2015 (1929 Barossa Valley Way, Rowland Flat)

Representors

Ms Jill Bowden addressed the Panel at 5:06pm, and answered questions from the Panel.

Applicant

Mr Llewellyn Wyeth 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 development proposal is not seriously at variance to The Barossa Council Development Plan
- (c) To GRANT Development Plan Consent for Application No. 960/671/2015 by Barossa Nest Pty Ltd to undertake a change of use from bed and breakfast (five guests to motel (eight guests), building extensions and swimming pool with safety barrier at 1929 Barossa Valley Way Rowland Flat (CT 5179/672) 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. 960/671/2015 except where varied by any condition(s) listed below.

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.

- (2) An independent storage of a minimum of 5,000 litres of water shall be available at all times for fire-fighting purposes that conforms with the following:

- The fire-fighting water supply shall be fitted with a fuel driven pump or an equivalent system that operates independent of mains electricity and is capable of pressurising the water for fire-fighting purposes.
- The fire fighting pump shall be located at or adjacent to the building to ensure occupants safety when operating the pump during a bushfire.

NB An "operations instruction procedure" shall be located with the pump control panel.

- All non-metal fire-fighting water supply pipes other than flexible connections to fire-fighting pumps shall be buried at least 300mm below finished ground level.
- The pump and flexible connections to the water supply shall be protected from the impact of fire by a suitably ventilated, non-flammable cover (metal or masonry material).
- A hose and nozzle capable of withstanding the pressures of the supplied water and of sufficient length to reach all parts of the building should be readily available at all times.
- Hoses (minimum 19mm [3/4"] internal diameter) and metal, spray jet nozzles capable of withstanding the pressures of the supplied water and of sufficient length to reach all parts of the building should be readily available at all times.
- The diameter of all fittings and flexible reinforced suction hose connecting the water supply to the fuel driven pump shall be no smaller than the diameter of the pump inlet valve.

Reason: To provide an adequate level of bushfire protection in

accordance with the Minister's Code – Undertaking development in Bushfire Protection Areas.

- (3) The vehicle turning area be redesigned to have a diameter of 25 metres, and all curves or bends in the driveway shall have a minimum inside radius of 9.5 metres, or otherwise modified to conform with the Minister's Code – Undertaking development in Bushfire Protection Areas.

Reason: To provide an adequate level of access in accordance with the Minister's Code – Undertaking development in Bushfire Protection Areas.

- (4) The disabled car park shall be sealed with bitumen, concrete, paving blocks or similar material.

Reason: To ensure that adequate disabled car parking facilities are provided.

- (5) The entrance to the public road shall be widened to enable vehicles to safely enter and exit the site simultaneously, and a passing bay be located midway along the length of the driveway.

Reason: To provide safe and convenient access.

- (6) The development shall be connected to a wastewater system approved under *the South Australian Public Health Act 2011* prior to the occupation of the building extension.

Reason: To ensure that effluent can be adequately disposed of.

- (7) Any external lighting associated with the development shall be of a low intensity type and shall not include spot lights or similar types of lights capable of directing a beam of light into neighbouring properties.

Reason: To ensure that outdoor lighting does not result in light spillage onto adjacent land.

- (8) The new building shall be equipped with an air conditioning unit(s) capable of recycling the internal air, to prevent the intrusion of any polluted external air.

Reason: To minimise the impact of odours from the neighbouring winery.

- (9) A farm type fence incorporating at least one strand of barb wire across the top shall be erected on the northern boundary from the rear of the Council owned community centre to the bank of the main channel of the North Para River.

Reason: To minimise disruption to viticultural activities on neighbouring land by minimising the risk of trespass.

Advisory Notes

- (a) 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.
- (b) 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.
- (c) 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.

Panel Decision

Moved: S Milne

Seconded: T Hurn

That the recommendation be adopted.

CARRIED

J Miller returned to the meeting at 5:33pm.

6.2 960/107/2015 (Allotment 299 Old Sturt Highway, Nuriootpa)

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. 960/107/2015

by Geoff Payne to undertake development at allotment 299 Old Sturt Highway, Nuriootpa (CT 5458/270) 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. 960/107/2015 except where varied by any condition(s) listed below.

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.

NOTE

- (a) The removal of Native Vegetation may require a permit from The Native Vegetation Council. Enquiries should be made to (08) 8303 9777.

Panel Decision

Moved: J Miller

Seconded: R Miller

That the recommendation be adopted.

CARRIED

6.3 960/126/2015 (Allotment 23, 7 Siegersdorf Road, Nuriootpa)

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 REFUSE Development Plan Consent for Application No. 960/126/2015 by Barossa New Life Centre Management Association Incorporated to undertake alteration of existing freestanding advertisement from

externally illuminated to internally illuminated by way of variable message board at 7 (Allotment 23) Siegersdorf Road, Nuriootpa (CT 6020/992) for the following reasons:

The proposed development is contrary to:

- Overlay Section Character Preservation District Overlay Objective 1

Reason: Internally illuminated advertisements are not considered characteristic of the surrounding landscape or a rural landscape generally. The proposed method of illumination is therefore considered to diminish the rural setting introducing a type of development that does not preserve or complement district.

- Overlay Section Character Preservation District Overlay Principle of Development Control 1

Reason: Internally illuminated advertisements are not considered characteristic of the surrounding landscape or a rural landscape generally. The proposed method of illumination is therefore considered to diminish the rural setting introducing a type of development that does not preserve or complement district.

- General Section Design and Appearance Objective 1

Reason: The proposal has a link to the subject land however the method of illumination does not reflect the rural locality or reinforce the positive aspects of the local environment.

- General Section Design and Appearance Principles of Development Control 10 and 11

Reason: The proposal has a link to the subject land however the method of illumination does not reflect the rural locality or reinforce the positive aspects of the local environment.

- General Section Siting and Visibility Objectives 1 and 2

Reason: The proposed method of illumination does not minimise the advertisements visual impact. The proposal is uncharacteristic of a rural landscape and diminishes the surrounding landscape quality.

- General Section Siting and Visibility Principle of Development Control 1

Reason: The proposed method of illumination does not minimise the advertisements visual impact. The proposal is uncharacteristic of a rural landscape and diminishes the surrounding landscape quality.

- Primary Production (Barossa Valley Region) Zone Objectives 3 and 6

Reason: Internally illuminated advertisements or variable message boards are not considered characteristic of the surrounding landscape or a rural landscape generally. The proposed method of illumination does not reinforce the desired character or preserve the landscape character.

- Primary Production (Barossa Valley Region) Zone Principle of Development Control 8

Reason: Internally illuminated advertisements or variable message boards are not considered characteristic of the surrounding landscape or a rural landscape generally. The proposed method of illumination does not reinforce the desired character or preserve the landscape character.

Panel Decision

Moved: R Miller

Seconded: S Milne

That the recommendation be adopted.

CARRIED

6.4 960/431/2015 (41 Randalls Road, Flaxman Valley)

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:

- 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.
- That the development proposal is not seriously at variance to The Barossa Council Development Plan.
- To GRANT Development Plan Consent for Application No. 960/431/2015 by Lionel and Vicki Heath to remove condition (3) of Development Application 960/155/2014 (non-complying) and provide Dependent Accommodation at 41 Randalls Road Flaxman Valley (CT 6121/385) subject to the concurrence of the Development Assessment Commission, and subject to the following conditions and advisory notes:

Note: The application is required to be referred to the Development Assessment Commission for concurrence as the proposal is varying a condition of Development Application 960/155/2014 (non-complying) that was considered and received concurrence by the Development Assessment Commission.

COUNCIL CONDITIONS

- (1) The development shall be undertaken in accordance with the endorsed plan and documentation (as amended) accompanying Application No. 960/431/2015 except where varied by any condition(s) listed below.

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.

- (2) Bedroom 2 within the existing building approved herein as Dependent Accommodation must be demolished prior to occupation of the building.

Reason: To achieve the approved floor area of the dependent accommodation.

- (3) The existing laundry located in the building approved herein as Dependent Accommodation must be removed prior to occupation of the building.

Reason: To meet the criteria for dependent accommodation.

- (4) Prior to the occupation of the Dependent Accommodation, the applicant must lodge and have approved by Council an application to alter the existing wastewater system to include the plumbing for the Dependent Accommodation, pursuant to the provisions of the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*.

Reason: To ensure the structure is connected to an approved wastewater system and is dependent on the existing dwelling.

- (5) Landscaping must be established along the northern boundary of the land north of dependent accommodation approved herein.

Reason: To provide screening/buffering along the boundary to separate the residential use from the adjoining horticultural use.

CFS CONDITIONS

(6) ACCESS TO DWELLING:

The Code Part 2.3.3.1 describes the mandatory provision for 'Private' roads and driveways to buildings, where the furthest point to the building from the nearest public road is more than 30 metres, shall provide safe and convenient access/egress for large Bushfire fighting vehicles.

NB: CFS has no objection to the proposed access driveway as detailed on drawing named Site Plan dated 22nd September 2015, providing it meets the following requirements.

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either–
 - A loop road around the building, OR
 - A turning area with a minimum radius of 12.5 metres, OR
 - A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.
- The all-weather road shall incorporate passing bays. The combined width of the passing bay and access track shall be 6m, and a minimum formed length of 17 metres. The passing bays should be constructed at 200 metre intervals along the road or driveway. Where it is necessary to provide adequate visibility, such as the nearest point to the public road or other passing bay, passing bays may be required at intervals of less than 200 metres.

(7) ACCESS (to dedicated water supply)

The Code Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for fire-fighting.

Ministers Specification SA 78 describes the mandatory provision

for access to the dedicated water for fire-fighting vehicles where the path of travel from the entrance to the property to the water storage facility is more than 30 metres in length, by an all-weather roadway:

- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- The driveway shall be constructed to be capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes, AND
- Provision shall be made adjacent to the water supply outlet for a hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the CFS appliance can easily connect to it rear facing.
(NOTE: the water supply outlet may be remotely located from the tank to provide adequate access).

NB: The proposed location of dedicated fire water has not been detailed on drawings provided. CFS has no objection to the existing static water supply being utilised as the dedicated supply, providing an outlet can be positioned remotely in accordance with the above, is easily accessible and clearly visible from the access way.

(8) WATER SUPPLY

The Code Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made available at all times for fire-fighting.

Ministers Specification SA78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister's Specification SA78:

- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.

NB: CFS notes an existing supply of water storage meets the minimum requirement of 22,000 litres. CFS has no objection to this supply being utilised as the dedicated supply for Bushfire fighting purposes.

- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter

terminating with a compliant CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.

- The water storage facility (and any support structure) shall be constructed of non-combustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has –
 - A minimum inlet diameter of 38mm, AND
 - Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
 - A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. An 'Operations Instruction Procedure' shall be located with the pump control panel.
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- Two (2) fire-fighting hoses shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (ie at opposite ends of the dwelling).
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- All fire-fighting hoses shall be readily available at all times.

(9) VEGETATION

The Code Part 2.3.5 mandates that landscaping shall include Bushfire Protection features that will prevent or inhibit the spread

of bushfire and minimise the risk to life and/or damage to buildings and property.

- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the dwelling (or to the property boundaries, whichever comes first) as follows:
 - The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.

NB: CFS notes that coverage of vegetation within 20m of the dwelling is currently greater than 30%.

- Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2003.
- Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
- Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
- Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height.
- Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
- No understorey vegetation shall be established within 1 metre of the dwelling (understorey is defined as plants and bushes up to 2 metres in height).
- Within 10 metres of a building, flammable objects such as plants, mulches and fences must not be located close to vulnerable parts of the building such as windows, decks and eaves.
- The VMZ shall be maintained to be free of accumulated dead vegetation.

ADVISORY NOTES

BUILDING CONSIDERATIONS

- (a) Bushfire prevention and safety requirements shall be completed prior to occupancy of the building(s).

- (b) For construction requirements and performance provisions, refer to the BCA Part 3.7 "FIRE SAFETY" Australian Standard TM3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".
- (c) Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but its intent is to provide a 'measure of protection' from the approach, impact and passing of a bushfire.
- (d) Should there be any need for further information, please contact the undersigned at the Development Assessment Service on (08) 8391 6077.

Panel Decision

Moved: J Miller

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

7. REPORTS - PANEL UPDATES

7.1 DAC Concurrence Matter

Recommendation

That the report be received.

Panel Decision

Moved: D Reiman

Seconded: S Milne

That the recommendation be adopted.

CARRIED

7.2 ERD Court Appeal Proceedings – Development Application 960/396/2013 – Hebron Christadelphian Bible Camp

Recommendation

That:

- (1) Pursuant to Subsection 56A(12)(a)(viii) of the *Development Act 1993* the Development Assessment Panel orders that the public be excluded from the meeting with the exception of the Director-

Development and Environmental Services, Principal Planner, Senior Planner, Planners, Acting Director, Works and Engineering and the Minute Secretary, on the basis that it will consider legal advice.

- (2) Accordingly, on this basis, the Development Assessment Panel is satisfied that the principle that meetings of the Development Assessment Panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Panel Decision

Moved: R Miller

Seconded: D Hughes

That the recommendation be adopted.

CARRIED

At 5:51pm the meeting moved into confidence.

As this portion of the meeting was discussion only, and there was no decision made in confidence, Minutes have not been recorded.

Moved D Reiman

Seconded D Hughes

That the Panel move out of confidence

CARRIED

At 6:00pm the confidential session ceased and the meeting reopened to the public.

Recommendation

That:

- (1) The report be received
- (2) The appeal in the Environment Resources and Development Court is defended.

Panel Decision

Moved: T Hurn

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

8. REPORTS - OTHER BUSINESS

8.1 Development Assessment Panel – Hearing Procedures

Recommendation

That:

- (1) The proposed amendments be adopted for inclusion in the Development Assessment Panel – 'Terms of Reference' and its 'Operating and Meeting Procedures', where applicable.
- (2) The revised 'Terms of Reference' and 'Operating and Meeting Procedures' with track changes be brought back to the next meeting, prior to presenting to Council for endorsement.

Panel Decision

Moved: R Miller

Seconded: J Miller

That the recommendation be adopted.

CARRIED

9. REPORTS – CONFIDENTIAL

Nil.

10. NEXT MEETING

Tuesday 1 March 2016 commencing at 5.00pm.

11. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:09pm.

Confirmed

Date: Chairman: