



DEVELOPMENT ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL DEVELOPMENT ASSESSMENT PANEL

Held on Tuesday, 3 May 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

Richard Miller

Scotty Milne

Tony Hurn

Council Staff

Gary Mavrinac (Director – Development and Environmental Services)

Louis Monteduro (Senior Manager – Planning Services)

Brian Irvine (Senior Planner)

Phil Harnett (Planner)

Steve Kaesler (Acting Director, Works and Engineering)

Christine Kruger (Minute Secretary)

2.2 Apologies

D Reiman.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: D Hughes

Seconded: J Miller

That the minutes of the Council Development Assessment Panel meeting held on 5 April 2016 be received and confirmed.

CARRIED

3. CONFIRMATION OF CONFIDENTIAL MINUTES

Moved: S Milne

Seconded: D Hughes

That the minutes of the Confidential Council Development Assessment Panel meeting held on 5 April 2016 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
Confidential Item 9.1 (ERD Court Appeal – Impact Church) Parishioner of Impact Church – not a Committee or Board member – no conflict.	T Hurn

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/557/2015 (224 Krondorf Road (Allotment 573), Krondorf)

Representors

Fraser Vivian (did not appear in support of his application).

Neil Bullock addressed the Panel at 5:04pm, and answered questions from the Panel.

Applicant

Jessica Greatwisch addressed the Panel at 5:09pm, and answered questions from the Panel.

Recommendation

The Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Development Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/557/2015 by Jessica Greatwisch to undertake development at 224 Krondorf Road (Allotment 573), Krondorf (CT 5875/186) 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. 960/557/2015 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) The approved Shop (Cellar Door) shall not be occupied by more than 15 patrons/customers at any one time.

Reason: To ensure the scale and occupancy does not unreasonably affect the amenity of the locality or exceed that approved by the planning authority.

- (3) No more than one walking tour with a maximum of eight participants shall take place at any one time.

Reason: To ensure the scale and occupancy does not unreasonably affect the amenity of the locality or exceed that approved by the planning authority.

- (4) At entirely the applicants cost, native, semi-mature, screen planting of a suitable mature height, width and leaf density shall be planted adjacent the western (full boundary length) and south-western boundary of 226 Krondorf Road, Krondorf, to ensure residential amenity is maintained with respect to privacy and noise, and to prevent any dust transmission.

Any trees shall be planted prior to the operation of the use and 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 other of the same, or similar, respective varieties.

Reason: To maintain adjacent residential amenity.

- (5) All vehicles associated with the approved development shall be parked within the property boundaries of 224 Krondorf Road (Allotment 573), Krondorf (CT 5875/186) with no associated vehicles being parked beside adjacent roads.

Reason: To maintain the amenity of the locality and ensure road safety for all modes of transportation.

- (6) Intermittent 'waiting bays' of suitable length and width shall be provided adjacent the approved/existing driveway to ensure safe and convenient vehicle movements and to enable vehicles to leave in a forward direction. A 'waiting bay' shall specifically be provided with the straight section of the approved driveway as it extends from Krondorf Road.

Reason: To ensure safe and convenient vehicle movements. Specifically to ensure all vehicles leave the subject land in a forward direction.

- (7) All car parking, driveway, waiting bays and vehicle maneuvering areas shall be covered with sufficient crushed rock and aggregate to provide a smooth and durable all-weather surface free from mud and dust, and shall be maintained in good condition at all times.

Reason: To ensure safe and convenient vehicle movements and maintain the amenity of the locality.

- (8) Each car parking space or area abutting a walkway, footpath, landscaped area, fence or building frontage shall be provided with a vehicle wheel stop or 900mm high bollard prior to the occupation or use of the approved development.

Reason: To delineate car parking spaces and prevent damage to walkways, landscaped areas, fences or building frontages.

- (9) Deliveries associated with the approved use shall not be made outside of approved shop (Cellar Door) operating hours being 9:00am to 5:00pm daily.

Reason: To maintain the amenity of the locality.

- (10) Any light(s) proposed to illuminate the subject land shall be directed and shaded in such a manner so as to cause no light spill nuisance to any person living in the vicinity of the subject land or to nearby vehicular traffic.

Reason: To maintain the amenity of the locality and reduce light spill.

- (11) Noise emanating from the approved use shall not exceed the limitations of the relevant Environment Protection (Noise) Policy.

Reason: To maintain the amenity of the locality.

- (12) No musical entertainment associated with the approved development shall take place.

Reason: To maintain the amenity of the locality.

- (13) All wet areas (toilets, bathrooms, kitchens etc.) shall be connected to a waste control system that complies with the relevant public and environmental health legislation applying to that type of system.

Reason: To maintain the amenity of the locality and ensure waste is suitably managed.

- (14) The subject land is located within a Medium Bushfire Risk area.

A dedicated and independent water supply shall be available at all time for fire-fighting purposes which:

- (a) Is located adjacent to the existing dwelling or in another convenient location on the allotment accessible to fire-fighting vehicles, and
- (b) Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case (any rainwater tank used for this purpose should be dedicated entirely for fire-fighting and shall be of non-combustible materials).

The provision of the dedicated water supply for fire fighting purposes shall comply with the Ministers Specification SA 78 'Bushfire fighting equipment and water supply requirements in designated bushfire prone areas'.

NOTES

- (a) The provision of advertisements, including flags, buntings, A-frames etc. may require further consent/approval from Council.
- (b) Any alterations to Council land, including the trimming or removal of roadside vegetation, requires the further consent/approval of Council.

Panel Decision

Moved: J Miller

Seconded: R Miller

That the recommendation be adopted.

CARRIED

6.2 960/641/2015 (114 Jollytown Road Lyndoch)

Recommendation

The Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Development Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.

- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/641/2015 (960/D031/15) by Paul Rayner to undertake land division at 114 Jollytown Road (CT 6096/424) 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. 960/641/2015 (960/D031/15) 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) The applicant shall construct all necessary services and infrastructure to service each allotment, including:

- roads
- water supply
- storm water drainage
- waste disposal (CWMS)
- electricity, public lighting and communications

to the reasonable satisfaction of Council. (Note Only: This may include constructing drains outside of the site, or contributing to upgrades, where existing drains are inadequate to accept additional water or sewerage.)

Reason: To ensure that the proposed allotments are as adequately serviced and suitable for their intended use.

- (3) The pavement of the proposed road (lot 101) shall be extended to and join the existing pavement in Jollytown Road.

Reason: To ensure proposed roads are adequately connected to the existing road network to provide safe and convenient access.

- (4) A reserve with a minimum width of 0.1 metre shall be created along the entire length of road boundary of lots 1 and 32 adjacent to Jollytown Road.

Reason: To control access to Jollytown Road

- (5) During construction of infrastructure temporary debris and sediment control measures shall be installed to prevent debris and

sediment from leaving the site during all construction stages. Control measures shall be in accordance with a soil erosion and drainage management plan, which shall provide such pollution prevention measures as required to comply with the "Environmental Protection Authority's Stormwater Pollution Prevention Codes of Practice":

- For the Community
- For Local, State, and Federal Government
- For the Building and Construction Industry

Temporary debris and sediment control measures shall be in place prior to construction commencing and shall be maintained at all times during construction. Prior to construction, a copy of the soil erosion and drainage management plan shall be provided to Council for approval.

Reason: To ensure that pollution to waterways is minimised during construction.

- (6) The payment of the CWMS augmentation charge required pursuant to Section 188 of the Local Government Act be made to Council prior to the issuing of the Certificate of Approval. The charge payable is the charge current at the time of payment. (see note below)

Reason: To ensure that effluent can be satisfactorily disposed of from the proposed allotments and that the allotments are suitable for their intended use.

NOTE ONLY

Pursuant to Section 188 of the Local Government Act, the Council requires an augmentation charge to be paid for each additional allotment connected to the CWMS system. At the time of approval the current charge is \$4500 per allotment. Based upon the current charge a payment of \$144000 is required (32 additional allotments @ \$4500/allotment). This charge is reviewed periodically, and the augmentation charge to be paid is the charge applicable at the time the payment is made. Please enquire with the Council office prior to making payment for the current charge.

- (7) Allotment boundaries abutting reserves shall be provided with a Colorbond 'Good Neighbour' fence with a minimum height of 1800mm.

Reason: To control access to the detention basin on the reserve for safety purposes.

- (8) Street name signs shall be supplied and installed as part of the development.

Street signs shall generally be located 1.85m from the back of kerb (to the pole) or as detailed in AS1742.5. Street signs shall

comply with the Australian Standards and be provided with a 200mm pointer blade.

Note Only: This approval or consent does not include approval of street names. Suggested street names of a historical/Barossa nature should be supplied to Council for consideration to enable street names to be approved pursuant to the Local Government Act prior to the preparation of the final plan and issue of the Certificate of Approval.

Reason: To assist in providing safe and convenient access.

- (d) To GRANT Land Division Consent for Application No. 960/641/2015 (960/D031/15) by Paul Rayner to undertake land division at 114 Jollytown Road (CT 6096/424) subject to the following conditions and advisory notes:

- (1) Drainage easements be provided wherever necessary to provide for drainage of the allotments and roads.

Drainage easements shall have a minimum width of 3 metres for a single service and 4 metres where 2 services are provided.

Easements be provided wherever necessary for electrical purposes.

Reason: To ensure that adequate provision is made for the creation of appropriate easements for the purposes of drainage, electricity supply and sewerage services

- (2) The road reserves shall have a minimum width of 14 metres, except culs de sac which shall have a minimum width of 25 metres and a minimum length of 25 metres.

Where a "T" or "Y" turning head is used at the end of road in lieu of a cul de sac, each leg of the turning head shall have a minimum width and length of 14 metres.

Reason: To ensure that adequate provision is made for roads in accordance with Council's requirements.

- (3) A corner cut-off measuring 4.5 metres in each direction be provided at the intersection of all roads.

Reason: To ensure that adequate provision is made for roads in accordance with Council's requirements.

- (4) All roads and civil works shall be constructed in accordance with drawings and specifications designed by a professional engineer submitted to and approved by Council before construction commences. The design shall generally be in accordance with the appropriate Australian Standards, technical codes of practice, Council land division guidelines and Australian Road Rules, and in line with current engineering practice. In particular:

- (a) All site construction work shall be carried out under the supervision of a Professional Engineer in accordance with plans and specifications approved by Council. Council shall be notified prior to each stage inspection (24 hours in advance) for attendance, with each completed stage put in writing to Council.
- (b) The Specification shall require the contractor to implement an inspection and testing program to ensure conformity of the works with the Specification. All test results shall be provided to Council and approved prior to a Certificate of Practical Completion being issued.
- (c) All earthworks associated with the development shall be stabilised in accordance with certified engineering design and practices against erosion and failure. Earthworks must not encroach across neighbouring property boundaries. When fill or cut at the property boundary exceeds 200mm, a retaining wall with existing ground and proposed wall levels shall be specified.
- (d) Defects Liability Period for the development will be 12 months from the Council's written acceptance of Practical Completion.
- (e) Geotechnical testing shall be undertaken and appropriate road pavement design shall be prepared. Geotechnical test results and pavement design calculations shall be provided with the drawings for approval.
- (f) Minimum road grades shall be 0.5% and maximum road grades shall be 15% unless otherwise approved.
- (g) Road pavements shall have a minimum width of 7 metres. The pavement of any cul de sac shall have a minimum radius of 9 metres. Where a "T" or "Y" turning area is used in lieu of a cul de sac, each leg shall have a road pavement with a minimum width of 7 metres and a minimum length of 14 metres.
- (h) All roads shall be sealed with an AC10, 30mm thick Bituminous Hotmix wearing course. Pavements are to be designed based on Austroads "Guide to Pavement Design for Light Traffic: A supplement to Austroads Pavement Design Guide", and "Guide to Asset Management Part 5: Pavement Performance" using 95 percentile confidence limits for the ultimate traffic loading and a 20 year design life.
- (i) The road pavement (and kerb) shall be extended to connect neatly with the pavement of Jollytown Road.
- (j) No vehicle access/egress to allotment is to be provided

within (10) metres of the intersecting roads. (This is pursuant to Australian Road Rules 1999, Rule 170(3)(a)).

- (k) The road verge on both sides of the carriageway shall have a minimum width of 3.0 metres with a 2.5% grade the top of kerb and be topped with 100mm of clean topsoil. The road verge at the ends of a "T" or "Y" turning area shall be a minimum of 3.5 metres. Batters into allotments are to be no steeper than 1 in 6.
- (l) Where a lot grades towards a roadway, driveway levels at the boundary shall be specified at a minimum of 225mm above the adjacent street watertable level. Where a lot grades away from a roadway, a continuous barrier shall be specified (including any driveway) along the frontage boundary at a minimum of 300mm above the adjacent watertable levels
- (m) All necessary signs, road name signs, traffic control devices and pavement markings shall be provided in accordance with AS1742. All required statutory approvals shall be obtained from the relevant authorities. Copies of all relevant approvals shall be submitted prior to the approval of the plans and specifications.
- (n) Adequate measures shall be implemented to suppress dust generated during site works to ensure that dust generation does not become a nuisance off-site. Machinery should not generally be operated outside the hours of 7.00am to 6.00pm daily.
- (o) All roads shall be provided with kerb and gutter to the reasonable satisfaction of the Council. Semi-mountable kerb shall be provided adjacent residential properties. 200mm high upright kerb shall be provided adjacent any reserves and non residential properties.
- (p) Kerb openings for the disposal of stormwater shall be provided for each allotment that drains to the road.
- (q) A complete set of "As Constructed" drawings shall be provided to Council in .pdf and .dwg file formats prior to the issue of the Certificate of Practical Completion. The survey shall include all features, but not limited to natural surface levels, any fill levels, all services including inverts and top-stone levels (water, CWMS/sewer, stormwater and electrical) and structures (kerbing, retaining walls etc) to sufficiently verify design plans.

Reason: To ensure that adequate provision is made for roads and kerb in accordance with Council's requirements.

- (5) Concrete block paved footpaths of 1.8m wide shall be provided on one side adjacent to the roadway in accordance with plans

and specifications approved by Council. The footpath cross fall shall not exceed 2.0%. Pedestrian ramp accesses, including tactile ground surface indicators, are to be provided in accordance with Australian Standards AS1428.

Reason: To ensure that adequate provision is made for footpaths in accordance with Council's requirements.

- (6) A stormwater drainage system shall be constructed and installed in accordance with a Stormwater Management Plan supplied to and approved by Council prior to the commencement of work to ensure that all allotments and roads are adequately drained. The Stormwater Management Plan shall be prepared in accordance with Council's stormwater drainage guidelines, "Australian Rainfall and Runoff", Australian Standard 3500.3:2003 and to the satisfaction of the Council as follows:
- (a) Detailed stormwater design calculations justifying the Stormwater Management Plan shall be provided.
 - (b) The Stormwater Management Plan shall include existing contours, features, existing stormwater infrastructure, proposed site works details, levels and grading, proposed stormwater system details, details of the detention system including volumes and discharge controls, proposed building floor levels, proposed paving and connection details to and any upgrading if required of the existing external drainage systems.
 - (c) The Stormwater Management Plan shall consider ultimate development of all catchment areas contributing to runoff over or through the land division.
 - (d) The drainage system shall be designed making provision for future development (buildings and paved areas) covering up to 75% of allotment areas.
 - (e) The underground pipe system shall provide for runoff generated by a minimum 10 year Average Recurrence Interval (ARI) storm event with overflow paths provided for a 100 year ARI storm event that will prevent stormwater runoff inundating properties.
 - (f) Minor drainage systems shall be provided to limit gutter flow widths to a maximum of 1.5m for a 10 year ARI storm. Where overflow path discontinuity occurs and property flooding may occur a minimum of 100 standard is required.
 - (g) Stormwater runoff from the site shall not discharge into any adjacent property (other than via a pipe placed in an easement) or to the road verge without prior consent of the land owner and Council. The discharge to Council's drainage system or a watercourse shall be consistent with the capacity of the system.

- (h) Where a lot grades away from a roadway, back of allotment drainage shall be provided.
- (i) Pollution control devices shall be incorporated within the development to provide for the removal of stormwater borne pollutants, consistent with current best practice and EPA requirements.
- (j) Minimum pipe size for road drainage shall be 375mm and pipes shall be rubber ring jointed.

The minimum depth of reinforced box culverts shall be 225mm.

- (k) Any direct connection of the stormwater drainage system to a watercourse shall incorporate scour protection measures and shall not obstruct flows in the watercourse.
- (l) Stormwater detention systems shall be incorporated into the stormwater drainage system to ensure that the peak flow discharging from the whole development site (and wider catchment) post development from a 100 year ARI storm does not exceed that from the pre development site (and catchment) from a 20 year ARI storm. The post development analysis is required to demonstrate that critical storm duration is clearly identified. The outlet restriction system details and hydraulic design computations are required.
- (m) The stormwater detention basin shall have a flat verge with a minimum width of 3 metres around the edge of the basin to facilitate access of maintenance vehicles and equipment.

The detention basin shall have batters with a maximum slope of 1 (vertical) in 6 (horizontal).

The detention basin shall be seeded and landscaped to Council's satisfaction.

- (n) Land used for the detention basin and any associated swale drains and overland flow paths (within the land division) shall be designated as "drainage reserve".
- (o) Any controlled discharge from the detention basin shall discharge to the railway line in accordance with the requirements of the railway operator.
- (p) "As Constructed" drawings shall be provided to Council electronically in "dwg" or "dxf" format.

Reason: To ensure that adequate provision is made for drainage of stormwater in accordance with Council's requirements.

- (7) Underground electrical power be provided to each allotment in accordance with a design approved by SA Power Networks and Council.

Where appropriate, services should be provided in a common service trench located in accordance with the publication titled "Services in Streets – A Code for the Placement of Infrastructure Services in New and Existing Streets."

NOTE ONLY

Locating pad mounted transformers and switching cabinets on reserves is not generally accepted. If a Council reserve is regarded as the only possible location, agreement should be obtained from Council before finalising the design.

Reason: To ensure that adequate provision is made for electrical services in accordance with Council's requirements.

- (8) Street Lighting be provided in accordance with a design and specifications conforming to Australian Standard 1158.1 and approved by SA Power Networks and Council.

Lighting columns shall be a standard SA Power Network design approved by Council, and shall be positioned 1850mm behind back of kerb to allow for a 1800mm wide footpath.

Reason: To ensure that adequate provision is made for the lighting of roads in accordance with Council's requirements.

- (9) A Community Wastewater Management Scheme reticulation system shall be installed to provide each allotment with a connection point to the CWMS at the boundary of the allotment, in accordance with a technical design and specifications prepared by a professional engineer and approved by Council, prior to the commencement of work.

The design shall comply with the "Septic Tank Effluent Drainage Scheme Design Criteria and the Council's CWMS Guidelines and show the new drains and connection points locations, flushing points, inspection points, depths, gradients etc and:

- Provide for the disconnection of any proposed unused or redundant inspection points and connection points
- Ensure that the drain(s) shall be bedded, haunched and covered with 5mm screenings

The specifications should provide for notification to Council 24 hours prior to:

- Commencement of work on the site
- Testing of the CWMS pipelines and associated infrastructure
- Backfilling of trenches, and provide for
- The provision of test results to Council.
- The provision of "As constructed" drawings to Council in hardcopy and electronically in "dwg" or "dxf" format.

Reason: To ensure that adequate provision is made for drainage and disposal of effluent in accordance with Council's requirements.

- (10) The payment of a monetary open space contribution to Council of \$207616 (32 allotments @\$6488/allotment).

Reason: To ensure that adequate provision is made for open space in accordance with the requirements of the Development Act.

SA Water Condition

- (11) The financial, augmentation requirements of the SA Water Corporation shall be met for the provision of water supply. (SA Water 90039/07).

The necessary easement shall be granted to the SA Water Corporation free of cost.

Approximately 820 metres of 150mm diameter main along Jollytown Road is required. A link into the 150mm diameter main in Rushall Road and the 80mm diameter main in Jollytown Road outside the development entrance is also required.

NOTE ONLY – SA Water Corporation further advises that an investigation will be carried out to determine if the connections for this development will be costed as standard or non-standard.

Reason: To ensure that adequate provision is made for the provision of a water supply in accordance with requirements of a water industry entity.

Development Assessment Commission Condition

- (12) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

Reason: To ensure that the requirements of the Development Assessment Commission are met.

Advisory Notes

- (1) All internal water and sewerage piping, and other services that cross the proposed new allotment boundaries should be severed and/or redirected at the developer's cost to ensure that services related to each allotment are contained within its boundaries.
- (2) The applicant is reminded of its general environmental duty, as per Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that its activities on the whole site, including construction, do not pollute the environment in any way which causes or has the potential to cause environmental harm.

A completed "Application for Construction or Modification on Council Property" is required, pursuant to the Local Government Act for any works to be undertaken on the road or other land owned or under the care and control of Council.

Any portion of Council's infrastructure damaged as a result of work undertaken on or associated with the development shall be repaired/reinstated to Council's satisfaction at the developer's expense.

- (3) The applicant is advised to contact the Council when all Council conditions have been complied with and request Council's release for the issue of the Certificate of Approval. Any bonding arrangements should be in place prior to seeking the issue of the Certificate of Approval.
- (4) For further information regarding this approval and the conditions of approval please contact the relevant officer:

Brian Irvine	Planning Officer	Ph 8563 8486
Richard Cocker	Civil Engineer	Ph 8563 8496
Michael Clark	CWMS Coordinator	Ph 8563 8479

Panel Decision

Moved: D Hughes

Seconded: T Hurn

That the recommendation be adopted.

CARRIED

6.3 960/131/2016 (27-29 (allotment 101) Penrice Road, Angaston)

Tom Game (Botten Levinson Lawyers, on behalf of applicant) answered questions from the Panel.

Recommendation

The Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Development Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To REFUSE Development Plan Consent for Application No. 960/131/2016 by Mark Cooper and Rachel Cooper to undertake development at 27-29 (allotment 101) Penrice Road, Angaston (CT 5566/837) for the following reasons:

The proposed development is contrary to:

- Rural Living Zone Objective 1

Reason: The proposal would adversely impact the amenity of the locality.

- Rural Living Zone Objective 2

Reason: The proposal does not contribute to the Desired Character of the zone as it would result in an obtrusively located development situated on a prominent, visually exposed location inherently impacting the natural scenic attractiveness of the locality as well as the open, rural character to the West.

- Rural Living Zone Desired Character

Reason: The proposal would result in an obtrusively located development situated in a prominent, visually exposed location inherently impacting the natural scenic attractiveness of the locality as well as the open, rural character to the West.

- Rural Living Zone Principle of Development Control 6

Reason: Development should not be undertaken unless it is consistent with the desired character of the zone.

- General Section Natural Resources Objective 13

Reason: The proposal fails to protect the scenic qualities of natural and rural landscapes.

- General Section Natural Resources Principles of Development Control 1

Reason: The proposal fails to have minimum impact on scenically attractive areas.

- General Section Siting and Visibility Objective 1

Reason: The proposal fails to protect scenically attractive areas, particularly natural and rural landscapes.

- General Section Siting and Visibility Objective 2

Reason: The proposal fails to protect and enhance the areas visual amenity and landscape quality.

- General Section Siting and Visibility Principles of Development Control 1

Reason: The development has not been sited to minimise its visual impact on the natural and rural character of the area as well as areas of high visual and scenic value, particularly rural areas.

- General Section Siting and Visibility Principles of Development Control 2

Reason: The proposal has not been sited in an unobtrusive location.

- General Section Siting and Visibility Principles of Development Control 3

Reason: The proposal has not been sited in an unobtrusive location or sufficiently below the ridgeline to achieve the intent of the principle.

Panel Decision

Moved: R Miller

Seconded: S Milne

That the recommendation be adopted.

CARRIED

7. REPORTS - PANEL UPDATES

7.1 DAC Concurrence Matter

Development Assessment Commission Concurrence Applications

Recommendation

That the report be received.

Panel Decision

Moved: S Milne

Seconded: R Miller

That the recommendation be adopted.

CARRIED

7.2 ERD Court Appeals and Enforcement Matters

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

Recommendation

That the report be received.

Panel Decision

Moved: D Hughes

Seconded: J Miller

That the recommendation be adopted.

CARRIED

8. REPORTS - OTHER BUSINESS

8.1 Annual Report 2015 – The Barossa Council Development Assessment Panel

Recommendation

That the Panel endorses the report for submission to Council for information.

Panel Decision

Moved: R Miller

Seconded: T Hurn

That the recommendation be adopted.

CARRIED

9. REPORTS – CONFIDENTIAL

9.1 ERD Court Appeal – Development Application 960/126/2015 – Impact Church – Legal Advice

Reason for Confidentiality

It is recommended that the public be excluded from the meeting, as is necessary, in accordance with Section 56A(12)(a) of the *Development Act 1993* to receive, discuss or consider in confidence the following information or matters in relation to this item:

(viii) Legal Advice

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, Senior Manager-Planning Services, Principal Planner, Senior Planner, Planners 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: D Huges

Seconded: S Milne

That the recommendation be adopted.

CARRIED

At 5:58pm the meeting moved into confidence.

At 6:13pm the confidential session ceased and the meeting reopened to the public.

Moved: J Miller

Seconded: S Milne

That the Development Assessment Panel has considered *Confidential Item 9.1 ERD Court Appeal – Development Application 960/126/2015 – Impact Church – Legal Advice* in relation to Development Application 960/126/2015 and ERD Court appeal 65 of 2016 and resolves as follows:

- (1) Confidential Resolution.
- (2) The Barossa Council Development Assessment Panel having considered this matter in confidence under Subsection 56A(12)(a)(viii) of the *Development Act 1993* makes an order pursuant to Section 56A(16) of the Act that minutes, report, documents and attachments provided at the meeting of 3 May 2016 in relation to confidential item 9.1 ERD Court

Appeal – Development Application 960/126/2015 – Impact Church – Legal Advice, other than the minutes recording the decision of the Development Assessment Panel on this item and recording this confidentiality order, be kept confidential and not made available for public inspection.

(3) Confidential Resolution.

CARRIED

10. OTHER BUSINESS

J Miller advised the Panel of his appointment to the position of CEO, District Council of Mallala, and tendered his resignation from the Panel forthwith.

S Milne thanked James for his professional and valuable input, which was reiterated by B Ballantyne, adding thanks for James’s contribution to the Panel.

11. NEXT MEETING

Tuesday 7 June 2016 commencing at 5.00pm.

12. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:17pm.

Confirmed

Date: Chairman: