



## **DEVELOPMENT ASSESSMENT PANEL**

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

Held on Tuesday, 2 May 2017 commencing at 5:00pm in  
the Council Chambers, 43-51 Tanunda Road, Nuriootpa

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## **1. WELCOME**

The Presiding Member welcomed everyone, and opened the meeting at 5:00pm.

## **2. ATTENDANCE**

### **2.1 Present**

Panel Members

Bruce Ballantyne (Presiding Member)

David Hughes

Grant Hewitt

Deirdre Reiman

Richard Miller

Scotty Milne

Tony Hurn (5:54pm)

Council Staff

Peter Morgan (Acting Director – Development and Environmental Services)

Louis Monteduro (Senior Manager – Planning Services)

Paul Mickan (Principal Planner)

Christine Kruger (Minute Secretary)

### **2.2 Apologies**

T Hurn (for lateness).

### **2.3 Absent**

Nil.

## **3. CONFIRMATION OF MINUTES**

Moved: D Hughes

Seconded: R Miller

That the minutes of the Council Development Assessment Panel meeting held on 7 March 2017 be received and confirmed.

**CARRIED**

## **4. BUSINESS ARISING**

Nil.

## **5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL**

The following disclosures have been made in relation to:

Item	Panel Member
7.5 ERD Court Appeal – Development Application 960/390/2015 – PJ Seppelt – Marriage Celebrant – performs ceremonies at the property – indirect pecuniary interest	T Hurn
7.5 ERD Court Appeal – Development Application 960/390/2015 – PJ Seppelt – Personal friend of the Applicant	D Hughes
7.6 ERD Court Appeal – Development Application 960/235/2016 – CR Lindner Pty Ltd – Professional relationship with the Applicant, Directors of the Applicant and family members of the Applicant	R Miller

## **6. REPORTS - APPLICATIONS FOR DECISION**

### **6.1 960/809/2016 (111A Needles Road Williamstown)**

Representors

Paula Garrard-Talbot addressed the Panel at 5:03pm, and answered questions from the Panel.

Trevor Taylor addressed the Panel at 5:08pm, and answered questions from the Panel.

Jennifer Asmussen addressed the Panel at 5:15pm, and answered questions from the Panel.

Trevor Edwards addressed the Panel at 5:20pm, and answered questions from the Panel.

Applicant

Lauren Nicholson and Matt Evans (Aurecon) addressed the Panel at 5:23pm, 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. 960/809/2016 by Aurecon Australasia Pty Ltd on behalf of NBN Co Limited to undertake a Telecommunications Tower at 111A Needles Road, Williamstown (CT 5291/379) subject following conditions and advisory notes:

### **Conditions**

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/809/2016 except where varied by any condition(s) listed below.

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

- (2) The existing native vegetation on the site shall be retained.

Reason: To provide screening of the facility and amenity value to the locality.

- (3) The site shall be maintained to the reasonable satisfaction of the Council at all times.

Reason: To contribute to the amenity of the locality.

### **Panel Decision**

Moved: S Milne

Seconded: D Reiman

That the recommendation be adopted.

**CARRIED**

## **6.2 960/500/2016 (52 Siegersdorf Road, Tanunda)**

Mr P Mickan advised the Panel that the Development Application consisted of one bedroom and a loft, and not two bedrooms as previously stated.

## 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. 960/500/2016 by Scott Dutschke to undertake Bed and Breakfast Accommodation at 52 Siegersdorf Road (CT 5228/480) 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. 960/500/2016 except where varied by any condition(s) listed below.

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

- (2) Stormwater from the site shall be directed away from all buildings.

Reason: To ensure efficient and safe disposal of stormwater that does not cause damage or inundation to buildings and surrounding areas.

- (3) The tourist accommodation (Bed and Breakfast) approved herein shall be used for tourist accommodation only and not as a permanent dwelling.

Reason: A second dwelling on the site is not permitted.

- (4) The maximum number of guests shall not exceed five occupants at any one time.

Reason: Consistent with the requirements for small scale Bed and Breakfast tourist accommodation.

- (5) Prior to building work commencing the applicant shall lodge and have approved by Council an application to alter the existing wastewater system.

Reason: Pursuant to the provisions of the South Australian Public Health Act 2011 and South Australian Public Health (Wastewater) Regulations 2013.

- (6) The subject land is located within a Medium Bushfire Risk or within 500 metres of a High Bushfire Risk area.

A dedicated and independent water supply shall be available at all times for fire fighting purposes which;

- (a) Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and
- (b) Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case. (Any rainwater tank used for this purpose should be dedicated entirely for fire fighting and shall be of non combustible materials).
- (c) The driveway and access shall be unobstructed for large vehicles to be able to turn around and exit in a forward motion.

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'.

### **Advisory Notes**

- (1) The approval herein does not include signage/advertisements. Any new signage will require a separate development application.

### **Panel Decision**

Moved: R Miller

Seconded: D Hughes

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. 960/500/2016 by Scott Dutschke to undertake Bed and Breakfast Accommodation at 52 Siegersdorf Road (CT 5228/480) 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. 960/500/2016 except where varied by any condition(s) listed below.

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

- (2) Stormwater from the site shall be directed away from all buildings.

Reason: To ensure efficient and safe disposal of stormwater that does not cause damage or inundation to buildings and surrounding areas.

- (3) The tourist accommodation (Bed and Breakfast) approved herein shall be used for tourist accommodation only and not as a permanent dwelling.

Reason: A second dwelling on the site is not permitted.

- (4) The maximum number of guests shall not exceed five occupants at any one time.

Reason: Consistent with the requirements for small scale Bed and Breakfast tourist accommodation.

- (5) Prior to building work commencing the applicant shall lodge and have approved by Council an application to alter the existing wastewater system.

Reason: Pursuant to the provisions of the South Australian Public Health Act 2011 and South Australian Public Health (Wastewater) Regulations 2013.



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

A dedicated and independent water supply shall be available at all times for fire fighting purposes which;

- (a) Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and
- (b) Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case. (Any rainwater tank used for this purpose should be dedicated entirely for fire fighting and shall be of non combustible materials).
- (c) The driveway and access shall be unobstructed for large vehicles to be able to turn around and exit in a forward motion.

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'.

### **Advisory Notes**

- (1) The approval herein does not include signage/advertisements. Any new signage will require a separate development application.

**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: D Hughes

That the recommendation be adopted.

**CARRIED**

## **7.2 ERD Court Appeals and Enforcement Matters**

ERD Court Appeal – Update – Development Application 960/126/2015 – Impact Church – Alteration of existing freestanding advertisement from externally illuminated to internally illuminated by way of a Variable Message Board

### **Recommendation**

That the verbal report be received.

### **Panel Decision**

Moved: D Reiman

Seconded: G Hewitt

That the recommendation be adopted.

**CARRIED**

## **7.3 ERD Court Appeals and Enforcement Matters**

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

### **Recommendation**

That the verbal report be received.

### **Panel Decision**

Moved: D Hughes

Seconded: G Hewitt

That the recommendation be adopted.

**CARRIED**

## **7.4 ERD Court Appeals and Enforcement Matters**

ERD Court Appeal – Development Application 960/506/2016 – Andrew Plush – Hotel Additions and Alterations

### **Recommendation**

That the verbal report be received.

### **Panel Decision**

Moved: R Miller

Seconded: D Hughes

That the recommendation be adopted.

**CARRIED**

T Hurn entered the meeting at 5:54pm

T Hurn and D Hughes left the meeting at 5:54pm due to stated conflicts of interest.

### **7.5 ERD Court Appeals and Enforcement Matters**

ERD Court Appeal – Development Application 960/390/2015 – PJ Seppelt  
– Extensions and Variations to Existing Restaurant and Function Centre

#### **Recommendation**

That the verbal report be received.

#### **Panel Decision**

Moved: D Reiman

Seconded: S Milne

That the recommendation be adopted.

**CARRIED**

T Hurn and D Hughes returned to the meeting at 5:59pm.

R Miller left the meeting at 5:50pm due to a stated conflict of interest.

### **7.6 ERD Court Appeals and Enforcement Matters**

ERD Court Appeal – Development Application 960/235/2016 – CR  
Lindner Pty Ltd – Land Division (67 Allotments)

#### **Recommendation**

That the verbal report be received.

#### **Panel Decision**

Moved: D Hughes

Seconded: D Reiman

That the recommendation be adopted.

**CARRIED**

R Miller returned to the meeting at 6:01pm.

## **8. REPORTS - OTHER BUSINESS**

### **8.1 2016 Annual Report – The Barossa Council Development Assessment Panel**

**Recommendation**

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

**Panel Decision**

Moved: D Hughes

Seconded: T Hurn

That the recommendation be adopted.

**CARRIED**

**Appointment of Development Assessment Panel**

B Ballantyne informed the Panel that the introduction of the *Planning, Development and Infrastructure Act 2016* would necessitate changes to the composition of the Development Assessment Panel as from 1 July 2018. All Independent Members expressed consent for their re-appointment to the Panel until 30 June 2018, pending a review of requirements and Council endorsement.

**Apology for June 2016 meeting**

B Ballantyne tendered an apology for the June 2016 meeting.

**9. REPORTS – CONFIDENTIAL**

Nil.

**10. NEXT MEETING**

Tuesday 6 June 2017 commencing at 5.00pm.

**11. CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 6:05pm.

Confirmed

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