



**DEVELOPMENT ASSESSMENT PANEL**

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

Held on Tuesday, 6 June 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

David Hughes (Deputy Presiding Member)

Grant Hewitt

Deirdre Reiman

Richard Miller

Scotty Milne

Tony Hurn

Council Staff

Gary Mavrinac (Director – Development and Environmental Services)

Louis Monteduro (Senior Manager – Planning Services)

Maxine Lovett (Planner)

Elinor Walker (Contract Planner)

Christine Kruger (Minute Secretary)

### **2.2 Apologies**

Bruce Ballantyne (Presiding Member).

### **2.3 Absent**

Nil.

## **3. CONFIRMATION OF MINUTES**

Moved: T Hurn

Seconded: D Reiman

That the minutes of the Council Development Assessment Panel meeting held on 2 May 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 |
|---|--------------|
| 6.2 DA 960/598/2016 – Aurecon Australasia Pty Ltd – Met with representor while acting in the capacity of Elected Member   | Tony Hurn    |
| 7.5 ERD Court Appeal – Development Application 960/390/2015 – PJ Seppelt – Marriage Celebrant – performs ceremonies at the property – indirect pecuniary interest | Tony Hurn    |
| 7.5 ERD Court Appeal – Development Application 960/390/2015 – PJ Seppelt – Personal friend of the Applicant   | David Hughes |

## 6. REPORTS - APPLICATIONS FOR DECISION

### 6.1 960/78/2017 (114 Springbett Road Concordia)

Representors

Peter Graham addressed the Panel at 5:02pm.

Applicant

Matthew Johnson (Aurecon Australasia on behalf of Vodafone Hutchison Australia) addressed the Panel at 5:07pm, 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) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (b) To GRANT Development Plan Consent for Application No. 960/78/2017 by Aurecon Australasia to undertake a Telecommunications Tower - 30m Monopole and Associated Equipment at 114 Springbett Road Concordia (CT 6059/375)

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. 960/78/2017 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 the amenity of the locality.

### **Panel Decision**

Moved: R Miller

Seconded: S Milne

That the recommendation be adopted.

**CARRIED**

## **6.2 960/598/2016 (Lot 100 Penrice Road Angaston)**

T Hurn left the meeting at 5:14pm due to a stated conflict of interest.

#### Representors

Chantel Wiles (on behalf of Ken and Jennifer Kroehn) addressed the Panel at 5:15pm, and answered questions from the Panel.

Ross Dawkins addressed the Panel at 5:20pm, and answered questions from the Panel. Mr Dawkins distributed an aerial map indicating a possible alternative site for the Tower.

Paul Trevorror addressed the Panel at 5:28pm, and answered questions from the Panel.

#### Applicant

Mark Baade (SK Planning on behalf of Huawei Technologies Australia Pty Ltd) addressed the Panel at 5:32pm, 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. 960/598/2016 by Huawei Technologies Australia Pty Ltd to undertake a Telecommunications Tower – 30m Monopole and Associated Fencing and Equipment Shelters at Lot 100 Penrice Road, Angaston (CT 5739/869) subject to the 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. 960/598/2016 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 landscaping as detailed in the application for development shall be established within 12 months of substantial completion of the building and shall be maintained in good health and condition at all times. Any vegetation that dies or becomes seriously diseased shall be replaced with others of the same, or similar varieties.

Reason: To contribute the amenity of 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: R Miller

That consideration of Development Application 960/598/2016 be deferred to enable the applicant to examine alternative siting options, providing evidence of examination and confirmation of consultation and owner responses, in addition to landscape perspectives showing appearance of proposed tower on selected site(s).

**CARRIED**

T Hurn returned to the meeting at 5:52pm.

### **6.3 960/765/2017 (7 Siegersdorf Road Tanunda)**

Applicant

Tom Game (Botten Levinson Lawyers, on behalf of Impact Property Barossa Incorporated)) addressed the Panel at 5:55pm, 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. 960/765/2016 to undertake Removal and Replacement of existing electronic and static advertisement signage (two signs) at 7 Siegersdorf Road, Nuriootpa (CT 6020/992) subject to the following reserved matters and conditions.

## Reserved Matters

Development Plan Consent is subject to provision, assessment and approval of:

- (1) Before the signage the subject of the consent is installed and existing signage removed, three copies of a satisfactory landscape plan must be provided and approved. To this

end, the Senior Manager, Planning Services is authorised to approve the plan if it is to his satisfaction. When approved, the plan will be endorsed and will then form part of this consent together with a condition requiring that landscaping be established in accordance with the landscaping plan and thereafter maintained in good condition to the reasonable satisfaction of the Council with dead or diseased plants replaced in a timely fashion. The plan must show:

- (a) A survey of all existing vegetation and natural features.
- (b) The area or areas set aside for landscaping adjacent to Barossa Valley Way frontage.
- (c) A schedule of all proposed trees, shrubs/small trees and ground cover. This schedule shall include plants selected from the Council document 'Barossa Bushgardens Local Native Plant List' showing the botanical and common name of each plant, the quantity to be planted, the pot size and spacing;.
- (d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material.
- (e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill.
- (f) Appropriate irrigation systems.

Reason: To ensure that the subject site is appropriately and adequately landscaped to the satisfaction of Council.

- (2) Amended southern and western elevations of the existing Place of Worship consistent with the drawings prepared by BGI Building Group dated 25/11/2016 (Drawing no. BG\_03) which details the external colours and materials, including paint colour swatches. The external colours of the building must be painted in muted earthy tones to the satisfaction of Council.

Reason: To ensure that the external colours of the existing Place of Worship, for which the signage is to be mounted on, are unobtrusive and appropriate in the context of the subject site.



## Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/765/2016 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 following existing advertising signs must be removed from the subject land (CT 6020/992) within 28 days of the date of the consent hereby granted.
  - (a) The entire structure of the freestanding sign that is located in the south western corner of the site. This includes all footings, supporting structure and signage panel inserts to the satisfaction of Council.

Reason: To ensure that existing signage is removed entirely from the subject site within a reasonable timeframe.

- (3) The location and details of the sign(s), as shown on the endorsed plans, must not be altered unless with the prior written consent of Council. This includes the extent of internal illumination of the Electronic Sign.

Reason: To ensure that the approved signage is not altered or varied without the prior consent of Council.

- (4) The sign(s) must not contain any flashing or moving light, to the satisfaction of Council.

Reason: To ensure that the approved signage does not create driver distraction or become visually prominent in the landscape.

- (5) The advertisements within the electronic sign hereby permitted may only rotate an image once in a 24 hour period to the satisfaction of Council.

Reason: To ensure that the approved signage does not create driver distraction or become visually prominent in the landscape.

- (6) The sign(s) must not be illuminated by any external means, which includes floodlighting, unless with the prior written consent of Council.

Reason: To ensure that the approved signage does not create driver distraction or become visually prominent in the landscape.

- (7) The sign(s) must be constructed and maintained to the satisfaction of Council.

Reason: To ensure the ongoing maintenance of the approved signage.

- (8) No flags, flashing lights, bunting, streamers, and or festooning shall be displayed unless with the prior written consent of Council.

Reason: To ensure that the amenity of the locality is protected.

- (9) Luminance levels of the electronic sign must not exceed the levels contained within the Department of Planning, Transport and Infrastructure "Advertising Signs Assessment Guidelines for Road Safety" Appendix 5, in particular luminance levels must comply with AS 4852.1:2009, Table 3.3 and Appendix C.

Reason: To ensure that the approved signage does not create driver distraction or become visually prominent in the landscape.

- (10) Unless with the prior written consent of Council, the landscaping works shown on the endorsed plans must be carried out and completed within 6 months of the date of the consent and maintained to the satisfaction of Council thereafter.

Reason: To ensure that the landscaping works as detailed on any endorsed landscape plan is adequately maintained to the satisfaction of Council.

### **Panel Decision**

Moved: S Milne

Seconded: R Miller

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: T Hurn

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 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: S Milne

Seconded: D Reiman

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 report be received.

##### **Panel Decision**

Moved: T Hurn

Seconded: R Miller

That the recommendation be adopted.

**CARRIED**

T Hurn and D Hughes left the meeting at 6:22pm due to a stated conflict of interest, and G Hewitt assumed the chair.

#### **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: S Milne

Seconded: D Reiman

**CARRIED**

T Hurn and D Hughes returned to the meeting at 6:28pm. D Hughes resumed the Chair.

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

#### **APPOINTMENT OF ASSESSMENT PANEL**

G Mavrincac advised that a report will be presented to the 20 June 2017 Council Meeting, seeking a resolution to establish an Assessment Panel in line with forthcoming provisions of the *Planning, Development and Infrastructure Act 2016*.

**MEETING ATTENDANCE**

R Miller advised that he will be an apology for the July and August Development Assessment Panel Meeting. T Hurn will also be an apology for the July 2017 Development Assessment Panel Meeting.

**10. NEXT MEETING**

Tuesday 4 July 2017 commencing at 5.00pm.

**11. CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 6:32pm.

Confirmed

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