



*The Barossa Council*

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

Held on Tuesday, 6 October 2015 commencing at 5:01pm in  
the Council Chambers, 43-51 Tanunda Road, Nuriootpa

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**WELCOME**

Bruce Ballantyne welcomed everyone, and opened the meeting.

**PRESENT**

Bruce Ballantyne (Presiding Member), David Hughes, James Miller, Deidre Reiman, Richard Miller, Scotty Milne and Tony Hurn – Panel Members.

Gary Mavrinac (Director – Development and Environmental Services), Paul Mickan (Principal Planner), Brian Irvine (Senior Planner), Maxine Lovett, Phil Harnett (Planners), Steve Kaesler (Manager, Engineering Services) and Christine Kruger (Minute Secretary) – Council Staff.

**APOLOGIES**

Nil.

**LEAVE OF ABSENCE**

Nil.

**MINUTES OF PREVIOUS MEETING**

**MOVED** T Hurn that the Minutes of the Development Assessment Panel meeting held on Tuesday, 1 September 2015 as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

**Seconded** D Reiman

**CARRIED**

**BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil.

**DECLARATION OF INTEREST BY MEMBERS OF PANEL**

Nil.

**DEBATE AGENDA****DA/DAP/R1****D354/2014 (109853)****KEVIN AUSTIN – LAND DIVISION (1 ALLOTMENT INTO 33) -MERIT**

Phil Harnett (Planner) introduced the report and advised that an additional condition had been added to the recommended Development Plan Consent Conditions (condition 7).

**MOVED** R Miller that the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/354/2014 (960/D013/14) and resolves as follows:

- (A) The proposal is not seriously at variance with the relevant provisions of The Barossa Council Development Plan consolidated 21 February 2013.
- (B) Grant Development Plan Consent and Land Division Consent to Development Application 960/354/2014 (960/D013/14) subject to the following conditions:

**Development Plan Consent Conditions**

- (1) The land division shall be undertaken in accordance with the plans accompanying the application, unless varied by any of the following conditions.
- (2) The applicant shall construct all necessary services and infrastructure to each allotment, including:
- roads
  - water supply
  - storm water drainage
  - waste disposal (CWMS)
  - electricity, public lighting and communications

to the reasonable satisfaction of Council. All associated costs shall be borne by the developer.

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

- (3) The pavement of the proposed road (Road 1) shall be extended to and join the existing pavement in Tungkillio Road.
- (4) 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 "Environment Protection Authority's 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 commencing construction 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 the Council's Manager of Engineering Services for approval.

- (5) 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: 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 \$148,500.00 is required (33 additional allotments requiring new connections @ \$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.

- (6) All allotment boundaries abutting reserves shall be adequately fenced using 1800mm high "Good Neighbour" colourbond fencing. All fencing costs shall be borne by the Developer.
- (7) A reserve, a minimum of 0.1 metre wide, shall be shown on the final plan along the south-eastern side boundary of allotment 10 and along the south-eastern rear boundaries of allotments 11, 12, 13 and 14.

#### **Land Division Consent Conditions**

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

Drainage easements shall have a minimum width of three metres for a single service and four metres where two services are provided.

Easements be provided wherever necessary for electrical purposes.

- (9) The proposed extension to the CWMS shall be designed by a Civil Engineer. The design shall comply with the "Septic Tank Effluent Drainage Scheme Design Criteria" and Council's CWMS Guidelines.

The detailed design and documentation covering the location of the extension, connection point, inspection point/s, flushing point, invert levels and ground levels etc shall be provided for Council's consideration and compliance with the Director-Works and Engineering prior to "Development Assessment Commission" clearance.

- (10) The CWMS drain shall be bedded, haunched and covered by 5mm screenings.

Council must be notified 24 hours prior to the following:

- Commencement of any CWMS work on site.
- Testing of all CWMS pipelines and associated infrastructure.
- Backfill of all CWMS pipelines and associated infrastructure.

- (11) Each allotment shall be provided with a connection point to the Community Wastewater Management Scheme at the boundary of the allotment, in accordance with a technical design and specifications approved by Council, prior to the commencement of work.

The design shall be prepared by a professional engineer and show the new drains and connection points locations, flushing points, inspection points, depths, gradients etc.

The specifications should provide for:

- Council inspections prior to backfilling of trenches,
- The provision of test results to Council.
- Provision of "As constructed" drawings to Council in hardcopy and electronically in "dwg" and "pdf" formats.

Note: Non-compliance with this requirement will delay the Council's clearance for the issuing of the Certificate of Approval.

- (12) 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".

- (13) Street lighting be provided in accordance with a design and specifications confirming to Australian Standard 1158.1 and approved by SA Power Network and Council. Lighting columns shall be standard SA Power Networks design approved by Council.

- (14) 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 the 1987 edition of "Australian Rainfall and Runoff", Australian Standard 3500, 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 consider ultimate development of all catchment areas contributing to runoff over or through the land division.
- c. 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. Any stormwater detention basin shall have a flat verge with a minimum width of three metres around the edge of the basin to facilitate access of maintenance equipment and batters with a maximum slope of one (vertical) in six (horizontal).
- d. Stormwater runoff from the site shall not discharge into any adjacent property other than via a pipe placed in an easement or land under the care and control of Council and in accordance with a design approved by Council.
- e. Where a lot grades away from a roadway, back of allotment drainage shall be provided.
- f. 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.
- g. The Stormwater Management Plan shall include existing contours, features, existing stormwater infrastructure, proposed site works details, levels and grading, proposed stormwater system details, detention system volumes and discharge controls, and connection details to and any upgrading if required of the existing external drainage systems.
- h. The drainage system shall be designed making provision for future development (buildings and paved areas) covering up to 75% of allotment areas. The 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.
- i. Minimum pipe size for road drainage shall be 375mm and pipes shall be rubber ring jointed.
- j. Any direct connection of the stormwater drainage system to a watercourse shall incorporate scour protection measures and shall not obstruct flows in the watercourse.
- k. "As Constructed" drawings shall be provided to Council in hardcopy and electronically in "dwg" and "pdf" formats.

- (15) Land used for detention basins, swale drains and overland flow paths shall include adequate land for access and maneuvering of maintenance vehicles, and be designated as "drainage reserves".
- (16) Properties located at intersections shall provide a 4.5m x 4.5m corner cut-off vested to The Barossa Council to allow adequate road and verge widths. All fencing structures or other improvements shall be removed from that portion of land affected by the corner cut off, with all costs borne by the developer.
- (17) 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, approved guidelines, Council land division guidelines and Australian Road Rules. In particular:
- a. The applicant shall engage a Chartered Professional Engineer to prepare a detailed design, calculations and specification for construction of infrastructure to the reasonable satisfaction of the Director-Works and Engineering. The design shall generally be in accordance with relevant Australian Standards, technical codes of practice, approved guidelines, Council land division guidelines and Australian Road Rules and generally meet good engineering practice.
  - b. The design drawings and specification shall be prepared and be provided to the Director-Works and Engineering for separate construction approvals for the following: earthworks, base course, sub-base course, road sealing, effluent construction, flood management and stormwater construction etc, for large staged development.
  - c. The applicant shall be responsible for and bear all costs associated with obtaining approvals related to the Council works from relevant authorities. These approvals shall be submitted to Council prior to final Council approval of the plans and specifications.
  - d. All test results shall be provided to Council and approved prior to a Certificate of Practical Completion being issued.
  - e. 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 (48 hours in advance) for attendance.
  - f. 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.
  - g. 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.

- h. Defects Liability Period for the development will be 12 months from the Council's written acceptance of Practical Completion.
- i. Geotechnical testing shall be undertaken and appropriate road pavement design shall be prepared. All pavement design calculations shall be provided with the drawings for approval.
- j. Road pavements shall have a minimum width of 7 metres. The pavement of the cul de sac shall have a minimum radius of 9 metres. "Bulbing" shall be provided on bends to assist traffic movements. Alternative turning areas shall be designed to the satisfaction of Council and enable a large single unit vehicle to undertake a 'U' turn or a three point turn.
  - 1. The available road reserve space at any "T" turnaround end is required to be large enough to cater for a large single unit vehicle, plus adequate verge space. The road reserve width at any "T" end is required to be widened to 15m to accommodate the roadway.
- k. All roads shall be sealed with an AC10, 30mm thick Bituminous Hot mix wearing course. Pavements are to be designed based on Austroads "Guide to Pavement Technology Part 2: Pavement Structural Design", "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.
- l. No vehicle access/egress to an allotment is to be provided within (10) metres of the intersecting roads. (This is pursuant to Australian Road Rules 1999, Rule 170(3)(a)).
- m. The road verge on both sides of the carriageway shall be a minimum width of 3.5 metres. Provide a 2.5% grade towards the top of kerb with 100mm of clean topsoil. Batters into allotments are to be no steeper than 1 in 6.
- n. 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 Transport SA for traffic control devices.
- o. 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.
- p. 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 nonresidential properties.
- q. Kerb openings for the disposal of stormwater shall be provided for each allotment that drains to the road.
  - r. Kerb inverts and crossing places shall be provided in upright kerbs for safe and convenient access to allotments where necessary to the satisfaction of Council.
  - s. Temporary debris and sediment control measures designed in line with the Environmental Protection Authority's "Stormwater Pollution Prevention Codes of Practice" shall be installed prior to and maintained at all times during construction.
  - t. "As Constructed" drawings shall be provided to Council in hardcopy and electronically in "dwg" and "pdf" formats.
- (18) Concrete block paved footpaths of 1.5m wide shall be provided as a minimum on one side adjacent to the roadway in all "Local Residential" streets, and on both sides of all "Collector" roads. Location of footpaths to be at the reasonable satisfaction of the Director-Works and Engineering, with the footpath cross fall not exceeding 2.5% and designed for construction traffic loads. Pedestrian pram ramp accesses, including tactile ground surface indicators, are to be provided in accordance with Australian Standards AS1428 by the developer.

All footpaths shall be constructed at a point in time when most of the housing development in the land division has been completed to avoid dilapidation by construction traffic.

- (19) The Tungkillo Road/Road 1 junction shall be provided with a basic right-turn treatment (BAR) and a basic left-turn treatment (BAL) in accordance with the Austroads 'Guide to Road Design, Part 4A'. All junction works must be undertaken to the satisfaction of the Department of Planning, Transport and Infrastructure, with all costs (including design, construction, project management, vegetation removal & any roadside drainage or road lighting improvements) to be borne by the developer.

Note: The applicant must contact this department's A/Project Liaison Engineer, Traffic Operations, Mrs Christina Canatselis on telephone (08) 82268262 or mob. 0401120490 or via email [christina.canatselis@sa.gov.au](mailto:christina.canatselis@sa.gov.au) to obtain technical approvals for the new junction, prior to undertaking any works. All works shall be completed prior to Section 51 land division certificates being issued.

- (20) The two existing Tungkillo Road access gates must be permanently closed and fenced-off. No additional vehicle access onto Tungkillo Road shall be permitted.
- (21) No stormwater from this division shall be permitted to discharge on-surface to Tungkillo Road. Additionally, any existing drainage of Tungkillo Road must be accommodated in the development and



any alterations to road drainage infrastructure as a result of the development shall be at the expense of the applicant.

- (22) The financial and augmentation requirements of the SA Water Corporation shall be met for the provision of water supply (SA Water 90076/14).
- (23) The necessary easements shall be vested to the S A Water Corporation free of cost.

Note: If a connection/s off an existing main is required, an investigation will be carried out to determine if the connection/s to your development will be costed as standard or non-standard.

- (24) 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.

**NOTES**

- (a) 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.
- (b) Suggested street names should be submitted to Council for consideration prior to submitting the final plan. Street names are considered at a Council meeting and names suggested by the applicant may not always be adopted. It is recommended that any suggested names be submitted at least 8 weeks prior to lodging the final plan to avoid delays.
- (c) 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.
- (d) 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.

**Seconded J Miller**

**CARRIED**

<b>DEVELOPMENT APPLICATION NO:</b>	960/354/2014 (960/D013/14) (Prop ID 109853)
<b>APPLICANT:</b>	Mr Kevin Austin, Care Bleeze Neale Surveyors
<b>OWNER:</b>	Mr Kevin Austin
<b>SUBJECT LAND:</b>	Lot 101 Tungkillo Road, Mount Pleasant CT 6115/103

<b>PROPOSAL:</b>	Land Division (1 Allotment into 33)
<b>ZONE/POLICY AREA:</b>	Township Zone, Policy Area 8 – Residential Mount Pleasant. Area Excluded from Character Preservation District
<b>PROCEDURE:</b>	Merit
<b>REFERRALS:</b>	Development Assessment Commission, SA Water, Department of Planning, Transport and Infrastructure – Maintenance Section, Department of Planning, Transport and Infrastructure – Transport Services Division, Department of Education and Child Development, Renewal SA (Affordable Housing), The Barossa Council – Works and Engineering
<b>PUBLIC NOTICE:</b>	Category 1 – No Public Notification
<b>KEY ISSUES:</b>	Concept Plan – Vegetation Buffer, Allotment Sizes and Frontage Widths, Stormwater, Waste Disposal
<b>DEVELOPMENT PLAN PROVISIONS:</b>  <b>CONSOLIDATION DATE:</b> 21 February 2013	Township Zone Objectives 2, 3 and 5. Township Zone Principles 3, 6 and 10. Policy Area 8 - Residential Mount Pleasant. Objectives 1, 2 and 3. Policy Area 8 - Residential Mount Pleasant Principles 2, 3, 7, 8 and 9. Hazard Objectives 4 and 5. Hazard Principles 14 and 15. Interface between Land Uses Objectives 1. Interface between Land Uses Principles 4, 5, 10 and 12. Land Division Objectives 1, 2 and 3. Land Division Principles 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 15, 16 and 17. Natural Resources Objectives 1, 2, 4, 6, 7, 8, 9 and 10. Natural Resources Principles 1, 2, 3, 4, 8, 9, 11, 12, 13, 17, 19, 20, 21, 23, 25, 26, 27, 28, 29 and 34. Sloping Land Objectives 1. Sloping Land Principles 1, 2, 3, 4 and 5. Transportation and Access Objectives 1, 2, 3 and 4. Transportation and Access Principles 1, 2, 3, 4, 8, 9, 14, 22, 23, 24, 25, 28 and 29. Waste Objectives 1 and 2. Waste Principles 1, 2, 3 and 4. Character Preservation District Overlay Objectives 1 and 2. Character Preservation District Overlay Principle 1.
<b>RECOMMENDATION:</b>	Grant Development Plan Consent and Land Division Consent
<b>OFFICER:</b>	Philip Harnett

**SUBJECT LAND AND LOCALITY**

The subject land is allotment 101 Tungkillio Road, Mount Pleasant which is approximately 10.1 hectares located on the corner of Tungkillio Road and Herriot Road.

The subject land slopes down from east to west and comprises a watercourse adjacent Tungkillio Road. The Watershed Protection (Mount Lofty Ranges) Zone is located to the east, on the opposite side of Herriot Road.

The wider locality includes both low density residential development that is characteristic of Mount Pleasant, and open rural farming land.

A map showing the location of the subject land, zoning and policy area was provided with the Agenda.

Concept Plan Map Baro/14 specifically relates to the subject land.

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The applicant seeks Development Plan Consent and Land Division Consent to create 33 allotments (32 additional) as well as a 'loop' road and a reserve. Proposed allotments range in size and are intended to be used for residential development.

The plan of division and supporting information was included within the Agenda.

**CONSULTATION**

Reports have been received from the following agencies:

- Development Assessment Commission
- SA Water
- Department of Planning, Transport and Infrastructure – Transport Services Division
- Renewal SA (Affordable Housing)

The Department of Planning, Transport and Infrastructure – Maintenance Section as well as the Department of Education and Child Development made no comment.

A copy of each report was provided with the Agenda.

The Barossa Council's – Works and Engineering Department have also reviewed the application.

**PROVISIONS OF THE DEVELOPMENT PLAN**

The subject land lies within the Township Zone and Policy Area 8 – Residential Mount Pleasant of the authorised Development Plan, consolidated 21 February 2013.

**PLANNING ASSESSMENT****Concept Plan**

Concept Plan Map Baro/14 specifically relates to the subject land recommending a dedicated vehicular access point from Tungkillo Road as well as vegetation buffers in particular locations. The proposal generally complies with the concept plan however, does not provide a vegetation buffer adjacent the south-eastern boundary parallel with Herriot Street and the Watershed Protection (Mount Lofty Ranges) Zone.

The intent of a vegetation buffer along this boundary could be to visually define town boundaries, as well as functionally separate residential uses in the Township Zone from envisaged low intensity farming and grazing land uses envisaged within the Watershed Protection (Mount Lofty Ranges) Zone.

Herriot Road consists of compacted rubble with large, established road side vegetation on both sides and adjacent the south-eastern boundary of the subject land. The width of the road and the established vegetation is considered to reasonably define the township boundary and functionally separate land uses.

**Desired Character and Allotment Configuration**

The 'Desired Character' of the Township Zone expects that development will maintain the overall low scale, low density character and will reflect the prevailing generous front, side and rear boundary setbacks. Development will maintain the attractive visual amenity of the approaches to towns and all development will have regard to the environmental qualities of the surrounding area and in particular the water catchment function of the Mount Lofty Ranges Watershed.

The 'Desired Character' of 'Policy Area 8 – Residential Mount Pleasant' expects development will be primarily for residential purposes at low densities. It is envisaged that development will maintain and enhance existing residential amenity whilst retaining trees and watercourses.

As per 'Policy Area 8 – Residential Mount Pleasant' allotments should vary in size and generally not be less than 800 square metres. Thirteen of the proposed allotments exceed 800sqm however 20 do not. The majority of allotments less than 800sqm are in excess of 740sqm and conducive to a low density character. Proposed allotments 7, 8 and 9 are significantly less than the general 800sqm allotment size however, are located directly opposite proposed public open space and are reasonably setback from Tungkillo Road. These allotments will contribute to a range of allotment sizes and affordable housing options.

An allotment should generally not have a frontage less than 15 metres. Allotments 8, 9, 18, 19 and 33 would have frontages less than 15 metres to a public road however, remain suitable for residential development. These reduced frontages are not considered detrimental to the character of the locality.

**Affordable Housing**

Affordable housing should be distributed and include a minimum 15% of residential dwellings. This equals four to five dwellings.

The administrative system to achieve affordable housing requires a land management agreement to be entered into between the relevant Minister and the applicant, and then offering the designated allotments at below a calculated price point to eligible purchasers. If the allotments are not 'taken up' within a designated time frame they can be offered on the open market.

The applicant has not had further discussions with Renewal SA who administer the provision of affordable housing. It is however acknowledged that smaller allotments 7, 8 and 9 within the proposed plan of division would provide more affordable land options. Provision of three smaller allotments does not achieve the minimum 15%

#### Open Space

The applicant is required to provide a minimum of 12.5% open space reserve within the proposed land division or make a financial contribution towards the provision of open space.

The total area of the allotment is 4.33 hectares. A minimum of 0.54 hectares is therefore required as open space. The proposed reserve (allotment 100) is 0.85 hectares. Sufficient open space has therefore been provided.

#### Road Layout/Design

Vehicular access to the site would be from Tungkillo Road, which is a secondary arterial road. The location of the vehicular access point complies with Concept Plan Map Baro/14. The applicant has confirmed that the vehicular access point to the site enables adequate sight distances in which the Department of Planning, Transport and Infrastructure – Transport Services Division no longer raises objection subject to recommended conditions.

The plan of division proposes a loop road to service proposed allotments. The predominant road width is 15 metres. To ensure suitable sight lines at all junctions 4.5 metre corner cut-offs are recommended.

Council's Works and Engineering Department have reviewed the proposed Road Layout/Design. Subject to conditions no objection is raised to the proposal.

#### Storm Water Management

Storm water should be capable of being drained safely and efficiently from each proposed allotment to the water-table without discharging onto another property.

The applicant has submitted a 'Drainage Report'. The subject land slopes down from east to west and thus 'fill' over the rear of particular allotments is proposed to enable gravity drainage of the allotments to the street water table. The filling of these allotments requires boundary retaining walls, none of which would exceed one metre in height. Storm water, from portion of allotment 32 will need to be pumped to the water table of the proposed road.

Two detention basins are proposed within the proposed reserve. These basins detain water from the development prior to entering the existing storm water pipes which travel under Tungkillo Road and form part of the existing drainage system.

Rear of allotment storm water drains are proposed for particular allotments which slope away from their proposed road frontages.

Council's Works and Engineering Department have reviewed the application including the submitted 'Drainage Report'. Subject to conditions no objection is raised to the proposal.

#### Waste Disposal

Each proposed allotment would be serviced by Council's CWMS (Community Wastewater Management Scheme). The existing CWMS would be extended east along Tungkillo Road and then throughout the proposed division to service each allotment. Each subsequent dwelling would then have a septic tank connecting to the CWMS.

Council's Works and Engineering Department have reviewed the application. Subject to conditions no objection is raised to the proposal.

#### Character Preservation District

Objective one of the Character Preservation District Overlay states a district where scenic and rural landscapes are highly valued, retained and protected, development near entrances to towns and settlements does not diminish the rural setting, character and heritage values associated with those towns and settlements.

The proposal reasonably complies with Objective 1 of the Character Preservation District Overlay.

**CONCLUSION**

The proposed land division generally complies with the majority of provisions of the Development Plan, and on balance, the proposal is considered to warrant Development Plan Consent and Land Division Consent subject to conditions.

Proposed allotments are suitable for their intended purpose and of a size and layout that will maintain the overall low scale, low density character of Mount Pleasant. The approach to Mount Pleasant will be maintained given the location of the reserve and established road side vegetation alongside Herriot Street.

Relevant infrastructure relating to storm water and waste can be reasonably supplied and ensured by way of specific conditions.

**DA/DAP/R2****D396/2013 (109777)****HEBRON CHRISTADELPHIAN BIBLE CAMP INC. – DEMOLITION AND REPLACEMENT OF EXISTING DORMITORY ACCOMMODATION - MERIT**

Mr Garry Loughhead addressed the Panel at 5.18pm, relative to DA/DAP/R2.

Mr Tim Edgecombe responded to questions from the Panel, on behalf of the Applicant, Hebron Christadelphian Bible Camp.

**MOVED** S Milne that the Development Assessment Panel has considered all relevant assessment matters in relation to Development Application Number 960/396/2013 and resolves as follows:

- (A) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Development Assessment Panel has had regard to the objects of the Act and, in determining this application, seeks to further the objects of that Act.
- (B) The proposal is not seriously at variance with the relevant provisions of The Barossa Council Development Plan consolidated 10 November 2011.
- (C) Grant Development Plan Consent to Development Application 960/396/2013 subject to the following conditions:
  - (1) The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application, unless varied by the following conditions.
  - (2) All five existing dormitories shall be completely demolished/removed prior to the new approved dormitories being located on the site.
  - (3) No more than 144 persons shall be accommodated within the approved dormitory accommodation at any one time.
  - (4) The total numbers of persons at the site shall not exceed 144 persons at any one time.
  - (5) Caravans and tents, or other forms of temporary accommodation, shall not be established on the site at any time.

- (6) Car parking shall be restricted to the designated car parking area as shown on the approved site plan.
- (7) Any lights used for the illumination of the subject land shall be sited and designed so as not to cause unreasonable nuisance to any person living in the vicinity of the subject land.
- (8) The use and any associated activities carried out on the site shall not detrimentally affect the amenity of the locality by reason of noise, smell, fumes, smoke, soot, ash or dust.
- (9) No outdoor sports, outdoor activities and outdoor services shall occur on the site.
- (10) Services and gatherings shall only occur within the dining hall and gymnasium and shall be limited between the hours of 7.00am and 9.00pm.
- (11) The applicant shall submit a detailed landscaping plan, providing extensive screening along the southern and eastern boundaries of the subject land, and shall include the type of plantings and existing trees to be retained, to the reasonable satisfaction of Council within three months from the date of this decision. The landscaping shall be implemented prior to the occupation of the approved dormitories.
- (12) The site shall be landscaped to achieve a high level of amenity commensurate with the locality and to the reasonable satisfaction of Council.
- (13) All existing native vegetation on the site shall be maintained.
- (14) Adequate provisions be made for the disposal of stormwater to the reasonable satisfaction of Council. Where possible, stormwater should be retained on site by the use of natural drainage methods.
- (15) The premises shall be kept tidy, free of graffiti and in good repair and condition to the satisfaction of Council at all times.
- (16) 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).

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

Seconded T Hurn

CARRIED

DEVELOPMENT APPLICATION NO:	960/396/2013 (Prop ID 109777)
APPLICANT:	Hebron Christadelphian Bible Camp Inc
OWNER:	Hebron Christadelphian Bible Camp Inc
SUBJECT LAND:	616 Balmoral Road, Cockatoo Valley (CT 5897/233)
PROPOSAL:	Demolition and Replacement of Existing Dormitory Accommodation
ZONE/POLICY AREA:	Rural Living Zone, Precinct 22 Cockatoo Valley South
PROCEDURE:	Merit
REFERRALS:	Not Applicable
PUBLIC NOTICE:	Category 3 – Three Representations
KEY ISSUES:	Land Use
DEVELOPMENT PLAN PROVISIONS:	<u>Council Wide</u>
CONSOLIDATION DATE: 10 November 2011	<ul style="list-style-type: none"> <li>• Design and Appearance</li> <li>• Hazards</li> <li>• Interface between Land Uses</li> <li>• Landscaping, Fences and Walls</li> <li>• Natural Resources</li> <li>• Orderly and Sustainable Development</li> <li>• Siting and visibility</li> <li>• Transportation and Access</li> <li>• Waste</li> </ul>
	<u>Rural Living Zone</u>
	<ul style="list-style-type: none"> <li>• Objectives: 1 and 2.</li> <li>• Desired Character Statement</li> <li>• Principles of Development Control: 1, 6, 8, 21</li> </ul>
RECOMMENDATION:	Grant Development Plan Consent
OFFICER:	Maxine Lovett

#### SUBJECT LAND AND LOCALITY

The subject land is irregular in shape and has a frontage to Balmoral Road of 120.5 metres with an area totaling 15.32 hectares.

The site is used as a camp site/recreational facility and contains numerous buildings including five dormitories, gymnasium, two outbuildings, a dining hall and verandah, toilets, laundry, recreation hall, two classrooms and a grassed area with shelter sheds. There are also varying numbers of caravans parked on the site. A caretakers residence is located near the entrance of the site.

Apart from the caretakers residence, the buildings are grouped together at the rear of the allotment and are accessed via an unsealed driveway from Balmoral Road. An unsealed informal car parking area is located to the north of the dining hall. An easement traverses the land for the purpose of an underground pipeline from Barossa Reservoir.

The existing historic approval for the site is described as a 'Camp Site' allowing a maximum capacity to accommodate 144 persons.

Some established vegetation in the form of large stands of gum trees are located amongst the buildings and the southern boundary of the allotment.

The subject land is located in the medium bushfire risk area within the relevant Development Plan therefore the proposal does not require referral to the SA Country Fire Service.

The immediate locality consists of rural allotments ranging from approximately 4 hectares to 56 hectares in area. The majority of the allotments each contain detached dwellings and outbuildings and are used for agricultural and lifestyle purposes.

#### **BACKGROUND**

The Hebron Christadelphian Bible Camp Inc purchased the existing camp site and dormitory accommodation in 1988 and lodged a development application that was subsequently approved for an 'Extension of the Existing Camp Site'. The approval included three new dormitories, toilet block, dining room extension, and a recreation hall with the site providing sleeping facilities to accommodate a maximum of 144 persons.

There are a number of caravans currently on the site providing additional accommodation potentially increasing the capacity on the site.

The Christadelphian Bible Camp Inc have been advised by the Building Fire Safety Committee that the existing dormitories do not meet the current Building Fire Safety requirements and that they are required to be upgraded or replaced.

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

The applicant seeks consent to remove the five existing dormitories and replace with two transportable buildings. The applicant intends to modify the floor layout of the buildings to create individual dormitories that are partitioned within the buildings.

The two replacement dormitories each have a floor area of 234sqm, a floor to ceiling height is 2.7 metres with an overall height from ground level of 3.6 metres. The buildings are clad in Colorbond corrugated iron.

The combined floor area of the existing five dormitories is 422.7sqm. The combined floor area of the proposed two dormitories is 468sqm. The proposal will result in an increase of 10.5 percent of the existing floor area of the accommodation facilities. The dormitories will be divided into separate rooms that will be fitted with bunk beds and wardrobe storage. The number and layout of beds proposed to be fitted in the dormitories allow for varying configurations to accommodate different family groups.

Proposed Dormitory B will be located 20 metres from the closest point of the southern boundary. Dormitory A will be located parallel to Dormitory B and situated 60 metres from the eastern boundary. The dormitories will be screened from the eastern boundary by the existing gymnasium building.

There are no additional wet areas.

An informal unsealed car parking area is located west of the existing dining hall and has an area of 2400sqm.

#### **PROCEDURAL MATTERS**

The application has been determined to be an on merit development.

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

The subject land is located within the Rural Living Zone, Precinct 22 of the relevant Development Plan, consolidated 10 November 2011.

#### **PUBLIC NOTIFICATION**

The application was subjected to Category 3 public notification. Three representations were received. The following two representors wish to be heard by the Panel:

- Todd and Jodie Barnes
- Garry and Rosemary Loughhead



The issues raised by the representors are listed as follows:

- Increase in floor area
- Inappropriate development
- Proposal will intensify use
- Noise and loud music
- Some existing buildings do not have development approval

A copy of the representations was provided with the Agenda.

The applicant's response to the representations is summarised below:

- The development footprint will marginally increase by 45.3sqm
- The proposal represents a total increase in site coverage of 0.02%
- No increase in capacity or change of land use
- The site has a long standing existing use and the current buildings have existing approvals
- Noise impacts can be monitored by the relevant authorities

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

### **PLANNING ASSESSMENT**

The subject site currently provides overnight accommodation and recreational facilities for large groups of people. The dormitory accommodation on the site is existing and the proposal intends to upgrade the accommodation to meet current Building Fire Safety requirements.

Representors stated concerns that there may be unapproved building work on the site. Council records confirm that approval for the buildings on site have been issued over the years with various development applications. It is noted that the current caravan parking on the site is not part of the approvals and this activity has evolved over the years resulting in a potential increase in accommodation capacity.

Whilst it is understood that the existing use and facilities have caused some distress and are not conducive to the character of the locality, the proposed development when considered within the context of the site and existing use, will not change the status quo. The built area will have a minor increase to the footprint with no increase in numbers of people on the site. There is unlikely to be any further impact from the proposed development and it will not change the current use of the site.

The floor plan of the proposed dormitories shows the number of beds provided having potential to exceed the maximum capacity of 144 persons. The applicant has provided the following reasoning:

*Whilst the floor plan shows more than 144 beds, this is not an indication of the maximum number of people that will be accommodated on the site, rather the proposed configuration is required to provide flexibility in the accommodation arrangements. For example, if a number of family groups need to be accommodated then they are provided with individual rooms for privacy purposes which may result in a family of four being accommodated in a room with 8 beds and thus not all the beds are used/required.*

*If only 144 beds were provided then visitors, particularly family groups, would likely be required to be split up and share rooms with other people. In addition, limiting the beds to 144 would likely result in the continual need for beds to be moved from room to room in order to obtain the desired configuration of visitors.*

### **Landscaping**

The land already contains a significant amount of vegetation along these boundaries, furthermore, the proposed buildings are to be setback extensively from the boundaries and positioned in the middle of the existing group buildings. As a result, the proposed buildings will be largely screened from the adjoining properties to the south and east by the existing landscaping and development on the site.

The site would benefit from some additional landscaping to provide infill screening amongst the existing vegetation. Some of the issues raised by the representors relate to noise and the intensity of the land use. The use of the site will be softened by providing additional screening plants along the southern and western boundaries. Mature trees currently exist surrounding the existing buildings and provide good screening, this can be improved by planting understorey plants around the perimeter

of the property. Further landscaping may alleviate any noise issues and provide privacy for the adjoining residents.

#### Design and Appearance

The proposed replacement dormitories are larger structures than the existing dormitories. (The existing consist of five smaller structures with varying floor areas totalling 422.7sqm). The accommodation facilities for the site will be consolidated within the two proposed dormitories rather than spanning across five smaller structures.

The proposed dormitories will have a wall height of 2.7 metres with an overall height from ground level of 3.6 metres. The structures are clad in Colorbond corrugated iron and will be non-reflective. The appearance of the proposed structures will be similar to the existing structures on the site such as the dining hall and gymnasium, only smaller in proportion.

#### Siting and Visibility

The existing buildings are clustered together in the south west corner of the site with the mature trees providing some screening to adjoining properties. The buildings, (apart from the care takers residence that appears as a dwelling) are not visible from Balmoral Road. The proposed dormitories will be located amongst the existing buildings, will be screened by mature native vegetation and will not be visible from neighbouring dwellings. The proposed development is sited in a location that will have no detrimental impact on visual amenity any more than the current situation and satisfies Principle of Development Control 3.

Principle of Development Control 3 of Council Wide Siting and Visibility states:

3. *Buildings should be sited in unobtrusive locations and, in particular, should:*
- (a) *Be grouped together;*
  - (b) *Where possible be located in such a way as to be screened by existing vegetation when viewed from public roads.*

#### Rural Living Zone

The envisaged character for the Rural Living Zone is for open, (low density) semi-rural and rural character. The existing use of the site is characterised by building clustered together with a considerably intense land use. The recreational and accommodation facilities, although considered to be inappropriate in the locality, have existed for many years.

The Rural Living Zone Precinct 22 has a specific provision with regard to the existing land use. Precinct 22, Principle of Development Control 21 states:

*“Further expansion of the existing recreational and accommodation facilities should not occur.”*

The proposed development is not considered to be an expansion of the recreational and accommodation facilities and therefore is a merit development in the Rural Living Zone. The proposal will not change the existing character of the site and will not be visible from Balmoral Road. No additional access points are proposed.

The subject land is located in an area identified by Council's Development Plan as a Medium Bushfire Risk Area. Should the proposal receive consent, a condition has been applied to ensure that the proposal is consistent with the Minister's Code for undertaking development in bushfire protection areas.

In summary, the concerns raised by the representors relate to matters resulting from the current land use. The proposed development will not change the current land use and is unlikely to intensify the use. The proposed development is not considered to be a further expansion of the existing recreational and accommodation facilities but will replace some existing buildings. The use of the site would benefit from the imposition of conditions to overcome some of the concerns conveyed by the nearby residents.

#### **CONCLUSION**

The subject proposal intends to replace five existing dormitories with two larger buildings resulting in a slightly larger floor area. There is no change to the existing recreational buildings. The proposal has an increase in floor area but is considered to be minor in the context of the site. The proposal is not

considered to be an expansion of the existing and recreational accommodation facilities, instead a renewal and replacement of the existing.

The site has approval for a capacity of 144 persons and the proposed development will not result in an increase in capacity. The proposal is not considered to be an expansion of the existing recreational and accommodation facilities and therefore satisfies Principle of Development Control 21 of the Rural Living Zone.

## **OTHER BUSINESS**

### **9.1**

#### **APPEAL PROCEEDINGS - DEVELOPMENT APPLICATION 960/86/2015 – J & P BRUNO (Prop ID 1165785) 5.33PM**

**MOVED** S Milne 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 & Environmental Services, Principal Planner, Planners and the Minute Secretary, on the basis that it will consider legal advice and background information provided prior to the meeting, which relates to current Appeal proceedings.
- (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.

**Seconded** R Miller

**CARRIED**

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

**MOVED** S Milne that the Panel move out of confidence

**Seconded** D Hughes

**CARRIED**

#### **RESUMPTION OF OPEN DEVELOPMENT ASSESSMENT PANEL MEETING – 5.54PM**

**MOVED** S Milne that

- (1) 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 the associated documents distributed prior to the Confidential Development Assessment Panel discussion held on 6 October 2015 in relation to 9.1 Appeal Proceedings – Development Application 960/86/2015 – J & P Bruno, be kept confidential until such time as the Appeal is finalised.
- (2) The report be received and the Development Assessment Panel agrees to compromise following receipt of updated information regarding the conference of parties held at the Environment, Resources and Development Court; and legal advice namely, the “lounge/function/training room”, which was the subject of some confusion

due to the misconception that this area would be used for hosting functions such as weddings, to be removed from the proposal.

**Seconded** T Hurn

**CARRIED**

At its meeting held on the 4 August 2015, the Development Assessment Panel (DAP) considered development application 960/86/2015 and resolved to refuse the proposed development.

The Applicant has since lodged an appeal against this decision with the Environment, Resources and Development Court. Legal advice is to be distributed separately. A conference of interested parties was held on the 28 September 2015.

The Appellant has offered a potential compromise position for the consideration of the Development Assessment Panel as follows:

The "lounge/function/training room", which was the subject of some confusion due to the misconception that this area would be used for hosting functions such as weddings, has been removed from the proposal.

A copy of the compromise plans were provided with the Agenda and a verbal update will be provided at the Development Assessment Panel meeting. Legal advice has been sought and will be distributed for consideration upon receipt.

In the interim the "Residents of Cockatoo Valley" have submitted a report in support of their submissions against the development.

**9.2**

**DEVELOPMENT ASSESSMENT COMMISSION CONCURRENCE APPLICATIONS**  
**(B61)**

**MOVED** D Hughes that the report be received.

**Seconded** T Hurn

**CARRIED**

The following applications have received or are awaiting concurrence from the Development Assessment Commission.

<b>DA NUMBER</b>	<b>APPLICANT</b>	<b>ADDRESS</b>	<b>NATURE OF DEVELOPMENT</b>	<b>DAC DECISION</b>
960/47/2015	Living Focus Pty Ltd	65 Whispering Wall Road, Williamstown	Part Demolition, Restaurant including Associated Function Areas, Shop (Retail Areas and Kiosk), Shade Sails and Ancillary Car Parking Area	Awaiting DAC Concurrence (04/08/2015 panel meeting)
960/414/2014	Fiona and Colin Sheppard	662 Flaxmans Valley Road, Flaxman Valley	Winery, Cellar Door and Associated Restaurant	Concurrence Granted 14/9/2015 (01/09/2015 panel meeting)

**9.3****NEW REPORTING TEMPLATE**  
**(B61)**

**MOVED** S Milne that the Development Assessment Panel having considered Item 9.1 New Reporting Template, resolves to support the new reporting template as from the November meeting.

**Seconded** D Reiman

**CARRIED**

**BACKGROUND**

A requirement of the planning system is for a planning authority to determine if a development proposal is 'seriously at variance' with the requirements of the relevant Development Plan. Before the council or panel decides whether the proposed development is seriously at variance with the provisions of the plan, it is important it forms a view as to the aims of the plan as a basis for the assessment. This is of particular importance when considering whether a non-complying application has been demonstrated to be 'not seriously at variance' with the Development Plan.

In order to make a decision, the council or panel need to consider the development proposal against all relevant provisions of the development plan, so that an 'on balance' decision can be made.

**DISCUSSION**

Within the assessment system, there is a degree of variability in how a development proposal is considered and assessed against the provisions of the plan. The challenge is ensuring a level of consistency in the interpretation of the provisions, and in assessing similar proposals.

In order to ensure a level of consistency in the decision making process, it is proposed that a new reporting template be introduced with the intent to ensure that the assessing officer and the DAP members have adequately considered all relevant provisions and the 'at variance' test.

A copy of the template was provided with the Agenda.

The template consists of standard text (green text) and variable/input text (Red text).

The template provides both a quantitative and qualitative assessment summary of a proposal against relevant provisions.

If adopted, the report template seek to assist in determining if a proposal is deemed to comply with a provision to assist in the determination that a proposal is at variance with the development plan. When not discussed directly, it is determined that other objectives and Principles of Development Controls are deemed to comply.

The report template seeks to conclude whether a development proposal is 'seriously at variance' or 'not seriously at variance' with the development plan in making a recommendation to the panel.

If adopted, there will also be some minor adjustment to the structure of the meeting agenda and minutes.

**APOLOGIES FOR DECEMBER 2015 MEETING**

S Milne and D Reiman gave notice of their inability to attend the December 2015 Development Assessment Panel Meeting.

**NEXT MEETING**

Tuesday 10 November 2015 commencing at 5.00pm.

**CLOSURE OF MEETING**

Mr Ballantyne declared the meeting closed at 6.03pm.

Confirmed

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