



DEVELOPMENT ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL DEVELOPMENT ASSESSMENT PANEL

Held on Tuesday, 7 February 2017 commencing at 5:01pm in
the Council Chambers, 43-51 Tanunda Road, Nuriootpa

Index

1.	Welcome	Page 3
2.	Attendance	Page 3
3.	Confirmation of Minutes	Page 3
4.	Business Arising	Page 3
5.	Declaration of Interest by Members of the Panel	Page 4
6.	Reports - Applications for Decision	Page 4
6.1	960/235/2016 (55 Radford Road Angaston)	Page 4
6.2	960/590/2016 (19 Bevilaqua Terrace Lyndoch)	Page 17
6.3	960/552/2016 (Lot 193 Krieg Road Lyndoch)	Page 20
7.	Reports - Panel Updates	
7.1	DAC Concurrence Matters	Page 26
7.2	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	Page 26
7.3	ERD Court Appeal – Update – Development Application 960/131/2016 – M and R Cooper – Detached Dwelling, Garage, Balcony, Verandahs and Water Tank	Page 26
7.4	ERD Court Appeal – Development Application 960/428/2016 – Frost Protection Australia – Horticulture Buildings (Six Frost Fans)	Page 27
7.5	ERD Court Appeal – Development Application 960/506/2016 – Andrew Plush – Hotel Additions and Alterations	Page 27
7.6	ERD Court Appeal – Development Application 960/390/2015 – PJ Seppelt – Extensions and Variations to Existing restaurant and Function Centre	Page 28
7.7	R Fewster – Lot 892 Mengler Hill Road Bethany – Development Application – 960/932/2008 – Change of ownership of the Land and to Build Application	Page 28
8.	Reports - Other Business	Page 28
8.1	Development Assessment Panel Appointment of Deputy	Page 28

Presiding Member

9. **Next Meeting**

Page 29

10. **Closure of Meeting**

Page 29

1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5:01pm.

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne (Presiding Member)

David Hughes

Grant Hewitt

Deidre 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)

Steve Kaesler (Manager, Engineering Services)

Christine Kruger (Minute Secretary)

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: G Hewitt

Seconded: D Reiman

That the minutes of the Council Development Assessment Panel meeting held on 6 December 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
6.1 960/235/2016 – CR Lindner Nominees Professional relationship with the Applicant, Directors of the Applicant and family members of the Directors	R Miller
7.6 ERD Court Appeal – Development Application 960/390/2015 – PJ Seppelt Marriage Celebrant – performs ceremonies at the property – indirect pecuniary interest	T Hurn
7.6 ERD Court Appeal – Development Application 960/390/2015 – PJ Seppelt Personal friend of the Applicant	D Hughes

6. REPORTS - APPLICATIONS FOR DECISION

R Miller left the meeting at 5:03pm due to a stated conflict of interest.

6.1 960/235/2016 (55 Radford Road Angaston)

Representors

Simon Cannon (URPS on behalf of Yalumba) addressed the Panel at 5:05pm, and answered questions from the Panel.

Peter Miles addressed the Panel at 5:11pm, and answered questions from the Panel.

Rebekah Richardson (on behalf of self, Peter Gabel and Vanessa Lambert) addressed the Panel at 5:21pm, and answered questions from the Panel.

Applicant

Graham Burns (Master plan, on behalf of CR Lindner Nominees) addressed the Panel at 5:26pm, 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 authorise the Senior Manager, Planning Services to GRANT Development Plan Consent and Land Division Consent to Application No. 960/235/2016 (960/D012/16) by CR Lindner Pty Ltd to undertake Land Division at 55 Radford Road Angaston (CT 6077/583) subject to:
 - (i) A Land Management Agreement requiring the provision of a 40 metre building setback line as detailed on the Plan of Division (dated 20/12/16) for lots 50 to 38 and 60 to 52 and design guidelines being entered into to the satisfaction of the Senior Manager, Planning Services.

The design guidelines in the LMA must address:

- a. Landscaping design and maintenance within the 40 metre building setback area.
- b. Roof Design
- c. Corner Lots
- d. Building Setbacks.
- e. Colour Scheme and building materials.
- f. Fencing
- g. Landscaping
- h. Retaining Walls
- i. Driveways
- j. Outbuildings and Screenings.

The costs for the preparation and execution of the agreement must be borne by the Development Consent holder; and

- (ii) 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. 960/235/2016 (960/D012/16) 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 Council.

- (2) The subdivision of the land must proceed in the order of stages shown on the endorsed Staging Plan except with the prior written consent of Council.
- (3) Prior to the grant of Section 51 Clearance for Stage 1 of the development an amended Plan of Division must be submitted which consolidates Lots 51 and 52 into one parcel of land.
- (4) Prior to the granting of Section 51 Clearance for Stage 1 of the development:
 - (i) An amended Stormwater Management Plan, consistent with the FMG Engineering report dated 15/5/2015 shall be submitted to Council which demonstrates how any overflow from the development will be transported along the Valley Road road reserve in order to discharge to the creek at the existing main culvert crossing. The amended SMP must be to the satisfaction of Council; and
 - (ii) any drainage works required by the SMP must be provided and constructed or otherwise bonded to the Council's satisfaction.
- (5) Prior to the grant of Section 51 clearance for Stage 1, a landscape masterplan to the satisfaction of the Council, for the entire subdivision, must be submitted to and approved by Council. When approved, the landscape masterplan will be endorsed and will then form part of the consent. The landscape masterplan must be drawn to scale with dimensions and three copies must be provided. The landscape masterplan must show:
 - a. the overall landscaping theme to be developed for the subdivision;
 - b. the type or types of species to be used for street tree planting in the subdivision; and
 - c. the principles of the proposed treatment of the open space and drainage reserves.
- (6) Before any works associated with the land division commence, detailed civil works plans for the relevant stage of works to the satisfaction of Council must be submitted to and approved Council. The following Engineering conditions including requirements and design standards

apply to each stage of the land division hereby permitted and must be satisfied prior to the Section 51 clearance for each stage.

- (7) Before the commencement of works for any stage of the land division, a detailed landscape plan prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by Council. When approved, the plan will be endorsed and will then form part of the consent. The landscape plan must be drawn to scale with dimensions and three copies must be provided. The plan must be consistent with any endorsed landscape master plan and must show:
 - (a) New plantings including their layout to be provided in any road reserves and municipal reserves.
 - (b) A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - (c) The proposed layout, materials and finishes paths, areas of pavement, playgrounds, play items, structures and street furniture.
 - (d) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls.
 - (e) Additional supporting information, such as certified structural designs or building forms.
 - (f) The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
 - (g) All proposed street-tree planting using semi-advanced trees, with minimum container size of 45 litres.
- (8) The landscaping works shown on the approved landscape plan for any stage must be carried out and completed to the satisfaction of Council prior to the issue of Section 51 clearance for that stage or any other time agreed in writing by Council.

- (9) The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of Council for a period of two summers from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period. The applicant is also to remove all noxious weeds and vegetation from all reserves and all ensure that all reserves are left in a condition to allow for adequate maintenance to the satisfaction of Council.
- (10) Prior to the granting of Section 51 clearance all land to be filled and to be used for a dwelling must be filled and compacted in accordance with Australian Standard AS 3798. The results of the tests must be produced and be to the satisfaction of Council.
- (11) A Professional Engineer shall provide detailed design drawings, calculations and specification for the road layout, including sub-base course, base course and road sealing and stormwater drainage systems etc, for construction approvals. The design shall generally be in accordance with relevant Australian Standards, technical codes of practice, Council land division guidelines, Australian Road Rules and in line with current Engineering practice.
- (12) All site construction works shall be carried out under the supervision of a Professional Engineer in accordance with the approved plans and specifications. Council shall be notified prior to each stage inspection (24 hours in advance) for attendance, with each completed stage put in writing to Council.
- (13) All test results shall be provided to Council and approved prior to a Certificate of Practical Completion being issued.
- (14) 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.
- (15) Geotechnical test results shall be provided with the pavement design and calculations.
- (16) 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.

- (17) Collector Roads shall have a minimum sealed carriageway width of 8 metres with a minimum 15m wide road reserve.
- (18) Local Residential streets shall have a minimum sealed carriageway width of 7 metres with a minimum 14m wide road reserve.
- (19) New Collector Road through the site is to extend to existing pavement in Radford Road and Valley Road. New pavement profiles and levels shall match neatly to existing road pavements.
- (20) Minimum road grades shall be 0.5% and maximum road grades shall be 15% unless approved otherwise.
- (21) All necessary signs, traffic control devices and pavement markings shall be provided in accordance with AS1742. All required statutory approvals shall be obtained from Department of Planning, Transport and Infrastructure (DPTI) for traffic control devices.
- (22) 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.
- (23) All roads shall be provided with kerb and gutter. Semi-mountable or 150mm high upright kerb shall be provided adjacent residential properties. 200mm high upright kerb shall be provided adjacent all reserves and non-residential properties. Kerb openings for the disposal of stormwater shall be provided for each allotment that drains to the road.
- (24) Kerb and gutter shall be provided along the eastern side of Radford Road for full extent of the development, to match neatly with existing kerb to the north of the site.
- (25) Kerb and gutter shall be provided along the northern side of Valley Road for full extent of the development, and along the western side of Valley Road from southeast corner of site to new internal connector road. (Note: kerb and gutter

wing returns are required at the intersection of the proposed new connector road with Valley Road.

- (26) Road pavement of Valley Road shall be extended to meet new kerb and gutter for full extent of the development.
- (27) Kerb inverts and crossing places shall be provided in upright kerbs for safe and convenient access to allotments where necessary.
- (28) 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 cost borne by the developer.
- (29) The design drawings and specification shall be provided for separate construction approvals for the following: earthworks, base course, sub-base course, road sealing, effluent construction and stormwater construction etc, for large staged development.
- (30) All site construction works shall be carried out under the supervision of a Chartered Professional Engineer in accordance with the approved plans and specifications. Council shall be notified prior to each stage inspection (24 hours in advance) for attendance, with each completed stage put in writing to Council.
- (31) Adequate measures shall be implemented to suppress dust generated during site works, to ensure that dust generation does not become a nuisance off-site. Site development machinery should not generally be operated outside the hours of 7:00am to 7:00pm daily.
- (32) 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.
- (33) Suggested street names of a historical/Barossa nature can be supplied to Council for consideration. Street name signs shall be supplied and installed as part of the development.

- (34) Street signs shall generally be located 1.85m from back of kerb (to face of pole) or as detailed in AS1742.5. All costs to be borne by the Developer.
- (35) Street signs shall comply with the Australian Standards and be provided with a 200mm pointer blade.
- (36) Concrete block paved footpaths shall be a minimum width of 1.8m and grade towards the kerb and gutter with a cross-fall not exceeding 2.0%. The foot path shall be provided on one side adjacent to the roadway in all 'Local Residential' streets, and on both sides of all 'Collector' roads with all costs borne by the Developer. The location of footpaths shall generally be determined by the applicant and approved by Council's Works and Engineering Department.
- (37) All footpaths shall be constructed at a point in time when most of housing development in the land division has been completed to avoid dilapidation by construction traffic.
- (38) Pedestrian pram ramp accesses, including tactile ground surface indicators, are to be provided in accordance with Australian Standards AS1428 by the developer.
- (39) The applicant shall provide for the construction of all necessary services and infrastructure including but not necessarily limited to roads, stormwater drainage, waste disposal, electricity, public lighting and communications to the reasonable satisfaction of Council and all relevant authorities. All associated costs shall be borne by the developer.
- (40) All services, including communications and electricity, shall be placed underground to the requirements of the relevant service providers. Where appropriate services should be provided in a common service trench located as recommended in a publication titled "Services in Streets – A Code for the Placement of Infrastructure Services in New and Existing Streets".
- (41) Any portion of Council's infrastructure damaged as a result of work undertaken, on or associated with the development shall be repaired/reinstated to at the developer's expense.
- (42) 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.

- (43) An appropriate sized water meter shall be provided in Reserves at no cost to Council in locations as determined by the applicant and approved by Council's Works and Engineering Department.
- (44) A completed "Application for Construction or Modification on Council Property" form is to be provided with all designs extending beyond the property boundary.
- (45) Upon practical completion the Contractor shall arrange for a complete "As Constructed" survey to be undertaken to 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. The completed detail survey must be issued to Council in .pdf and .dwg file formats.
- (46) This survey must be submitted to Council prior to Certificate of Practical Completion (CPC) being issued.
- (47) Defects Liability Period for a development will be 12 months from written acceptance of Practical Completion.

STORMWATER

- (48) The stormwater drainage design must include a stormwater and site management plan with supporting computations compliant with the requirements listed below. The plan shall at least include existing contours, features, existing stormwater infrastructure, proposed site works details, levels and grading, proposed stormwater drainage system, details of detention facility 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.
- (49) The stormwater drainage system shall be designed in accordance with Council's stormwater drainage guidelines, Australian Rainfall and Runoff and AS/NZS 3500.3:2003.
- (50) The requirements for stormwater detention are separate to the requirements for stormwater retention. Stormwater retention systems may be required within the development to maximise on-site reuse via internal plumbing and/or reticulation to gardens and / or soakage systems and as required by current State Government regulations. Reference South Australian Appendix to the Building Code of Australia (BCA) and the South Australian Housing Code

(SAHC).

- (51) The Stormwater Management Plan for the development shall be based on ultimate development of the allotments. For residential allotments it shall be assumed that 75% of the area of the lots is impervious, unless it is demonstrated that alternative is appropriate.
- (52) No stormwater runoff from the site shall be permitted to discharge onto any adjacent property or the footpath verge. The discharge to council's drainage system or a watercourse shall be consistent with the capacity of the systems.
- (53) The underground system shall provide for runoff generated by a minimum 10year ARI event with overflow paths provided for a 100year ARI event that will prevent stormwater runoff inundating properties.
- (54) An unobstructed overland flow path shall be designed for the 100year ARI event. Detention shall be provided for a 100year ARI storm where a flow path cannot be achieved.
- (55) Minor drainage systems shall be designed for a minimum of 10year ARI event with gutter flow widths limited to a maximum of 1.5m. Where overflow path discontinuity occurs and property flooding may occur, a minimum 100 year standard is required.
- (56) Provide for rear allotment drainage with appropriate easements where drainage to the street gutter is not achievable.
- (57) It is Council's Policy that any increase in stormwater flows from a development be managed on site to minimize the impact on Council's stormwater infrastructure, water courses or other properties.
- (58) Stormwater detention systems shall be incorporated within the development to ensure that the peak flow rate discharging from the whole development site post development does not exceed the peak flow rate from the pre-development site. 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.

- (59) Detention shall be provided to limit the 100year ARI post-development peak discharge to the 20year ARI pre-development peak discharge from the site.
- (60) Any 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 equipment and batters with a maximum slope of 1 (vertical) in 6 (horizontal). Detention basins shall be seeded and landscaped to Council's satisfaction. Detention basins shall not incorporate retaining walls.
- (61) Land used for detention basins, swale drains and overland flow paths shall be designated as 'drainage reserves'.
- (62) The controlled discharge from the site shall be connected safely to Council's stormwater drainage system. Stormwater outfall is to be under Valley Road adjacent Allotment 100, and connect safely to existing watercourse in Allotment 20 (63 Valley Road). Note: easement for drainage purposes required. Discharge to watercourse is to be via a piped system to cater for up to a 2 year ARI event flow rate. An open drainage swale shall be provided to cater for up to a 100 year ARI event.
- (63) Runoff shall be treated to achieve desired water quality levels consistent with current best practice, Council's guidelines and the Environmental Protection Authority's 'Stormwater Pollution Prevention' code of practice for the community.
- (64) All Council owned drainage infrastructure within private property shall be covered by a 3m wide easement. Where shared with Sewer infrastructure the easement shall be 4m.
- (65) Any direct connection of a stormwater drainage system to a water course shall incorporate scour protection measures and shall not obstruct flows in the water course.
- (66) Any required open drainage channel shall be designed so that it does not scour, with a minimum requirement to be grass lining. Batters shall be no greater than 1:6.
- (67) Minimum pipe size for road drainage shall be 375mm and rubber ring jointed.
- (68) Minimum size of reinforced box culverts shall be 300mm(W)x225mm(H).

ELECTRICAL

- (69) Underground electrical power shall 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 'Services in Streets – A Code for the Placement of Infrastructure Services in New and Existing Streets'.
- (70) The lighting system shall comply with SA Power Networks standards. 42 Watt CF lamps are to be provided for residential streets. All costs to be borne by the developer.
- (71) The light column shall be located 1850mm behind back of kerb to allow for an 1800mm wide footpath.
- (72) Pad mounted transformers and switching cabinets are not to be located in Council reserves. If a Council reserve is the only possible location, they are to be installed to the side boundary of the reserve, and Council is to be involved in selecting the location.

Department of Planning Transport and Infrastructure (DPTI) Conditions

- (73) The financial and augmentation requirements of the SA Water Corporation shall be met for the provision of water supply. (SA Water 90045/16).

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

- (74) 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.

SA Water

- (75) The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
- (76) The augmentation requirements of SA Water shall be met.
- (77) The necessary easements shall be vested to SA Water.
- (78) A water main from the corner of Neldner Avenue and Valley Road is required to be extended to this development

site. Approx. 195m of DN150 duplicate main is required on Radford Road. A parcel of land 12.5m x 14m in size along Radford Road will need to be vested to SA Water for a Booster Pump Station, which is required for a later stage of this development.

Environment Protection Authority (EPA)

- (79) Prior to construction commencing a Construction Environment Management Plan (CEMP) must be prepared to the satisfaction of The Barossa Council which addresses the mitigation of noise, air quality impacts, soil erosion and drainage, and management of site contamination during the construction phase.
- (80) The Construction Environment Management Plan (CEMP) which is prepared to the satisfaction of the Barossa Council must be implemented during the construction phase.
- (81) The stormwater management system associated with the proposed land division must be designed and constructed in accordance with the treatment measures proposed in the stormwater management plan prepared by FMG Engineering and dated 15 May 2016 and must:
- a. meet the following quality targets:
 - i. Suspended solids (SS) - 80% reduction of the typical urban annual load with no treatment
 - ii. Total phosphorus (TP) - 60% reduction of the typical urban annual load with no treatment
 - iii. Total nitrogen (TN) - 45% reduction of the typical urban annual load with no treatment
 - b. ensure runoff is maintained at pre-development levels
 - c. ensure groundwater resources are not impacted
 - d. mitigate flood risk
- (82) The sewer main must be extended to the proposed land division site to enable collection, transfer and treatment of wastewater from subsequent development of the allotments to the Angaston Waste Water Treatment Plant.

Notes

The following notes provide important information for the benefit of the applicant and are requested to be included in any approval:

1. The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment

Protection Act, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

2. The applicant is reminded that on 1 January 2016 the Environment Protection (Water Quality) Policy 2015 came into effect. The Environment Protection (Water Quality) Policy 2015 can be found at:

[https://www.legislation.sa.gov.au/LZIC/POL/Environment%20Protection%20\(Water%20Quality\)%20Policy%202015.aspx](https://www.legislation.sa.gov.au/LZIC/POL/Environment%20Protection%20(Water%20Quality)%20Policy%202015.aspx)

3. Further information on the management of stormwater for the construction industry can be found at:

http://www.epa.sa.gov.au/environmental_info/water-quality/programs/stormwater/pollution_prevention_for_building-and_construction

4. EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site:

Panel Decision

Moved: S Milne

Seconded: T Hurn

That the recommendation be adopted.

CARRIED

R Miller returned to the meeting at 6:04pm.

6.2 960/590/2016 (19 Bevilaqua Terrace 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 development proposal is not seriously at variance to The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/590/2016 by Jodie Ayres to undertake Land Division at 19 Bevilaqua Terrace Lyndoch (CT 5112/827) subject to the concurrence of the Development Assessment Commission, and subject to the following conditions and advisory notes:
- (d) To GRANT Development Plan Consent for Application No 960/590/2016 by Jodie Ayres to undertake Land Division at 19 Bevilaqua Terrace Lyndoch (CT 5112/827) subject to the concurrence of the Development Assessment Commission pursuant to Section 8 (2) of the *Character Preservation (Barossa Valley) Act 2012*, and subject to the following conditions:

Development Plan Consent Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation accompanying Application No. 960/590/2016 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) Any future dwelling and outbuildings shall have the roof stormwater directed to the Bevilaqua Terrace street water table.

Reason: To prevent stormwater entering the Council reserve.

Land Division Consent Conditions

- (1) A 1 metre wide reserve shall be incorporated within the allotment that extends the length of and adjacent to the eastern boundary of allotment 301.

Reason: To prevent access to allotment 301 via the unmade road. Vehicle access shall be via Bevilaqua Terrace only.

- (2) Each allotment be provided with a connection point to the Community Wastewater Management Scheme at the boundary of the allotment to the satisfaction of Council. An “as constructed” drawing showing the location of the

connection points(s), surface level and invert level shall be provided to Council.

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

- (3) 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)

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 \$4500 is required (1 x 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.

- (4) Payment of \$6676 into the Planning and Development Fund (1 allotment/s @ \$6676 /allotment).

Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.

- (5) The financial requirements of the SA Water Corporation shall be met for the provision of water supply (SA Water H0050364). An investigation will be carried out to determine if the connection/s to the development will be costed as standard or non standard. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

- (6) 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.

Panel Decision

Moved: D Reiman

Seconded: D Hughes

That the recommendation be adopted.

CARRIED

6.3 960/552/2016 (Lot 193 Krieg 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 development proposal is not seriously at variance to The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/552/2016 by Longridge Group to undertake a Detached Dwelling at (CT 6037/877) 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. 960/552/2016 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) Landscaping shall be established in the form of ground covers along the earth batter around the dwelling..

Reason: To stabilise the soil and reduce the potential for soil erosion as a result of excavation.

- (3) Prior to building work commencing the applicant shall lodge and have approved by Council an application to install a wastewater system pursuant to the provisions of the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*.

Reason: to meet the requirements of the *South Australian Public health Act 2011* and *South Australian Public health (Wastewater) Regulations 2013*.

SA Country Fire Service Conditions

- (4) ACCESS TO DWELLING

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

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 4 metres and must allow forward entry and exit for large fire-fighting vehicles.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either–
 - I A loop road around the building, OR
 - li A turning area with a minimum radius of 12.5 metres
 - lii A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and Vertical height clearance of 4 metres.
- Understorey vegetation either side of the access road shall be reduced To a maximum height of 10cm for a distance of 2 metres. Mature trees within this fuel reduced zone may remain.
- The gradient of the access road shall not exceed 16

- degrees (29%), in steep terrain the construction of the public road or driveway shall be a sealed surface.
- The all weather road is to be constructed such that it is protected from water erosion of the traffic surface. The road surface shall be profiled to manage storm water runoff to appropriate drains, at one or both sides of the traffic surface.
 - The accumulated volumes of water shall be directed via:
 - i. open drains, or
 - li culverts and pipes under the traffic surface, and/or away from same, Without causing further soil erosion, silting of adjacent areas or water courses or instability of any embankment or cutting.
 - Solid crossings over waterways shall be provided to withstand the weight of large bushfire appliances (GVM 21 tonnes).

(5) ACCESS (to dedicated water supply)

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

Ministers Specification SA 78 describes the mandatory provision for access to the dedicated water for fire-fighting vehicles where the path of travel from the entrance to the property to the water storage facility is more than 30 metres in length, by an all-weather roadway:

- Water supply outlet shall be easily accessible and clearly identifiable from the access way.
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent to the water supply for a flat hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the CFS appliance can easily connect to it rear facing.

(6) WATER SUPPLY

The Code Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made

available at all times for fire-fighting.

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

- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.
- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.
- The water storage facility (and any support structure) shall be constructed of non-combustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has:
 - I A minimum inlet diameter of 38mm, AND
 - li Is powered by a petrol or diesel engine with a power rating of at 3.7kW (5hp), OR
 - lii A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. An 'Operations Instruction Procedure' shall be located with the pump control panel.
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (ie at opposite ends of the dwelling).

- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- All fire-fighting hoses shall be readily available at all times.

(7) VEGETATION

The Code Part 2.3.5 mandates that landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property.

- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the dwelling (or to the property boundaries – whichever comes first) as follows:
 - i. The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'. NB: CFS notes that coverage of vegetation within 20m of the dwelling is currently greater than 30%.
 - ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2016.
 - iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
 - iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
 - v. Shrubs must not be planted under trees and must

- be separated by at least 1.5 times their mature height.
- vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
 - vii. No understorey vegetation shall be established within 1 metre of the dwelling (understorey is defined as plants and bushes up to 2 metres in height).
 - viii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves.
 - ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

Reason: To comply with the Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) [The Code] as published under Regulation 106 of the Development Regulations 2008 applies.

NOTES

- (a) Bushfire prevention and safety requirements shall be completed prior to occupancy of the building(s).
- (b) For construction requirements and performance provisions, refer to the BCA Part 3.7 "FIRE SAFETY" Australian Standard TM3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".
- (c) Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but its intent is to provide a 'measure of protection' from the approach, impact and passing of a bushfire.
- (d) The removal of native vegetation requires prior consultation with the Native Vegetation Council <http://www.environment.sa.gov.au/about-us/boards-and-committees/native-vegetation-council>. The Native Vegetation Council (NVC) is an independent body established by the *Native Vegetation Act 1991*.

Panel Decision

Moved: D Reiman

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: R Miller

Seconded: D Reiman

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 – Update – Development Application – 960/131/2016 – M and R Cooper – Detached Dwelling, Garage, Balcony, Verandahs and Water Tank

Recommendation

That the verbal report be received.

Panel Decision

Moved: S Milne

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

7.4 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 Reiman

Seconded: R Miller

That the recommendation be adopted.

CARRIED

7.5 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 and D Hughes left the meeting at 6:19pm due to a stated conflict of interest.

7.6 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: G Hewitt

Seconded: S Milne

That the recommendation be adopted.

CARRIED

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

7.7 R Fewster – Lot 892 Mengler Hill Road Bethany – Development Application – 960/932/2008 – Change of Ownership of the Land and to Build Approved Application

Recommendation

That the verbal report be received.

Panel Decision

Moved: G Hewitt

Seconded: D Hughes

That the recommendation be adopted.

CARRIED

L Monteduro advised the Panel that Botten Levinson had lodged an application for review of Council's category classification in relation to Development Application 960/235/2016 – Land Division – 55 Radford Road Angaston. The Hearing is scheduled for 27 February 2017.

8. REPORTS - OTHER BUSINESS

8.1 Development Assessment Panel Appointment of a Deputy Presiding Member

Recommendation

That the Development Assessment Panel appoints David Hughes to the position of Deputy Presiding Member of the Panel.

Panel Decision

Moved: S Milne

Seconded: R Miller

That the recommendation be adopted.

CARRIED

10. NEXT MEETING

Tuesday 7 March 2017 commencing at 5.00pm.

11. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:35pm.

Confirmed

Date:.....

Chairman: