



## **DEVELOPMENT ASSESSMENT PANEL**

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

Held on Tuesday, 7 March 2017 commencing at 5:02pm in  
the Council Chambers, 43-51 Tanunda Road, Nuriootpa

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## 1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5:02pm.

## 2. ATTENDANCE

### 2.1 Present

Panel Members

Bruce Ballantyne (Presiding Member)  
David Hughes  
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)  
Steve Kaesler (Manager, Engineering Services)  
Christine Kruger (Minute Secretary)

### 2.2 Apologies

Nil.

### 2.3 Absent

Nil.

## 3. CONFIRMATION OF MINUTES

Moved: T Hurn

Seconded: R Miller

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

**CARRIED**

Moved: S Milne

Seconded: G Hewitt

That the minutes of the Confidential 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
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
7.7 ERD Court Appeal – Development Application 960/235/2016 – CR Lindner Pty Ltd – Professional relationship with the Applicant, Directors of the Applicant and family members of the Applicant	R Miller

#### 6. REPORTS - APPLICATIONS FOR DECISION

##### 6.1 960/459/2016 (231 Murray Street Tanunda)

Representors

TA Schmaal addressed the Panel at 5:06pm, and answered questions from the Panel.

Applicant

T Zappia (Studio Nine Architects) addressed the Panel at 5:12pm, and answered questions from the Panel.

#### Recommendation

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

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Development Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/459/2016 by Studio Nine to undertake 52 Additional Motel Units and Internal Roads and Carpark at, Allotment 70, 231 Murray Street Tanunda (CT 5404/89) 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. 960/459/2016 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) A detailed Stormwater Management Plan, including supporting calculations shall be submitted to Council prior to the issuing of development approval which demonstrates how any overflow from the site will be managed post development. The SMP must be to the satisfaction of Council.

Reason: To ensure the sufficient drainage and in accordance with water sensitive urban design practices.

- (3) A detailed landscaping plan shall be submitted to Council showing all landscaping proposed in detail and shall include local indigenous plant species. The landscaping plan shall reflect the water sensitive urban design practices with regard to land form and drainage. The landscaping plan must be to the satisfaction of Council prior to the issuing of development approval.

Reason: To achieve a high level of amenity within the locality, soften the built form and assist in stormwater management.

- (4) Any lighting on the subject land shall not spill onto adjacent land.

Reason: Not to cause any unreasonably nuisance to nearby residents.

- (5) The use and associated activities shall not detrimentally effect the amenity of the locality and shall have regard to the Local Nuisance and Litter Control Act 2016.

Reason: Not to cause any unreasonably nuisance to nearby residents.

- (6) A payment to Council of **\$103,500** towards the infrastructure maintenance costs of the CWMS, calculated in accordance with SA Health Guidelines as follows:

- Standard house daily inflow calculated as: 150 litres/day/person x 3 persons = 450 litres/day
- 52 additional motel units x 2 beds = 104 persons. Daily inflow rate = 100 litres/day/person x 104 persons = 10,400 litres/day
- $10,400/450 = 23$  Equivalent standard houses
- Current contribution \$4,500/house, therefore  $\$4,500 \times 23 = \$103,500$

Payment to council shall be made prior to the issuing of development approval.

Reason: CWMS augmentation fee required in accordance with Council's Works and Engineering policy.

- (7) A waste receptacle shall be installed and shall be of sufficient capacity to accommodate all waste produced by the proposed development and shall be screened from public view and located so that it will not cause unreasonable nuisance to nearby residents, to the satisfaction of Council.

Reason: To ensure efficient management of waste to a high standard and prevent adverse effects on nearby residents.

- (8) Service areas shall be located in appropriate areas on the site that will not cause unreasonable nuisance to the adjoining residents.

Reason: To screen the service areas from view and maintain a high level of visual amenity.

- (9) Plant, equipment and fixed domestic machine noise including air conditioners, pumps, etc. shall be sited and screened appropriately to minimise noise emissions and shall be in accordance with the Environment Protection (Noise) Policy 2007.

Reason: To prevent unreasonable noise emissions that may have adverse effects on the amenity of the locality.

### **Advisory Notes**

- (a) Any fencing constructed along the Edinburgh Avenue frontage shall be in a style that has high level of amenity.

Moved: D Reiman

Seconded:

That the application be deferred until a site plan showing proposed re-alignment of the buildings facing Edinburgh Avenue be presented to the Panel.

Discussion ensued and D Reiman withdrew the Motion.

### **Panel Decision**

Moved: R Miller

Seconded: T Hurn

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

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Development Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/459/2016 by Studio Nine to undertake 52 Additional Motel Units and Internal Roads and Carpark at, Allotment 70, 231 Murray Street Tanunda (CT 5404/89) 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. 960/459/2016 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) A detailed Stormwater Management Plan, including supporting calculations shall be submitted to Council prior to the issuing of development approval which demonstrates how any overflow from the site will be managed post development. The SMP must be to the satisfaction of Council.

Reason: To ensure the sufficient drainage and in accordance with water sensitive urban design practices.

- (3) A detailed landscaping plan shall be submitted to Council showing all landscaping proposed in detail and shall include local indigenous plants and taller species adjacent two storey buildings. The landscaping plan shall reflect the water sensitive urban design practices with regard to land form and drainage. The landscaping plan must be to the satisfaction of Council prior to the issuing of development approval.

Reason: To achieve a high level of amenity within the locality, screen the bulk of two storey buildings and assist in stormwater management.

- (4) Any lighting on the subject land shall not spill onto adjacent land.

Reason: Not to cause any unreasonably nuisance to nearby residents.

- (5) The use and associated activities shall not detrimentally effect the amenity of the locality and shall have regard to the Local Nuisance and Litter Control Act 2016.

Reason: Not to cause any unreasonably nuisance to nearby residents.

- (6) A payment to Council of **\$103,500** towards the infrastructure maintenance costs of the CWMS, calculated in accordance with SA Health Guidelines as follows:

- Standard house daily inflow calculated as: 150 litres/day/person x 3 persons = 450 litres/day
- 52 additional motel units x 2 beds = 104 persons. Daily inflow rate = 100 litres/day/person x 104 persons =



- 10,400 litres/day
- $10,400/450 = 23$  Equivalent standard houses
- Current contribution \$4,500/house, therefore  $\$4,500 \times 23 = \$103,500$

Payment to Council shall be made prior to the issuing of development approval.

Reason: CWMS augmentation fee required in accordance with Council's Works and Engineering policy.

- (7) A waste receptacle shall be installed and shall be of sufficient capacity to accommodate all waste produced by the proposed development and shall be screened from public view and located so that it will not cause unreasonable nuisance to nearby residents, to the satisfaction of Council.

Reason: To ensure efficient management of waste to a high standard and prevent adverse effects on nearby residents.

- (8) Service areas shall be located in appropriate areas on the site that will not cause unreasonable nuisance to the adjoining residents.

Reason: To screen the service areas from view and maintain a high level of visual amenity.

- (9) Plant, equipment and fixed domestic machine noise including air conditioners, pumps, etc. shall be sited and screened appropriately to minimise noise emissions and shall be in accordance with the Environment Protection (Noise) Policy 2007.

Reason: To prevent unreasonable noise emissions that may have adverse effects on the amenity of the locality.

- (10) Any fencing constructed along the Edinburgh Avenue frontage shall be in a style that has a high level of amenity to the satisfaction of Council.

Reason: To maintain the character and amenity of the existing locality.

- (11) Details of signage for the exit driveway to be submitted to Council for review.

Reason: To ensure patrons are aware of local traffic conditions, exercise due care, and maintain safety.

- (12) The set-back of proposed units adjacent to Edinburgh Avenue are to be redesigned with increased setbacks to the satisfaction of Council, and proposed noise attenuation measures are to be submitted to Council for approval prior to construction proceeding.

Reason: To maintain the character and amenity of the existing locality.

#### **Advisory Notes**

- (a) Any masonry fencing exceeding a metre in height will require development approval from Council.

**CARRIED**

## **6.2 960/703/2016 (7 Albert Street Tanunda)**

### **Recommendation**

The Panel, having considered the application, resolves that the development proposal is REFUSED without proceeding to make an assessment of the application pursuant to Section 39(4)(d) of the Development Act for the following reasons:

- (a) Does not contribute to the desired character of the zone;
- (b) Is not an envisaged land use within the Zone.

### **Panel Decision**

Moved: R Miller

Seconded: S Milne

That the recommendation be adopted.

**CARRIED**

## **7. REPORTS - PANEL UPDATES**

### **7.1 DAC Concurrence Matter**

Development Assessment Commission Concurrence Applications

### **Recommendation**

That the report be received.

### **Panel Decision**

Moved: S Milne

Seconded: D Reiman

That the recommendation be adopted.

**CARRIED**

- 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 a Variable Message Board

**Recommendation**

That the verbal report be received.

**Panel Decision**

Moved: G Hewitt

Seconded: T Hurn

- (1) That the verbal report be received,
- (2) The Panel requests Council to expedite the finalisation of the application for relocating the existing sign, and information to be supplied with the application, be submitted within 30 days.

**CARRIED**

- 7.3** 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: D Hughes

Seconded: D Reiman

That the recommendation be adopted.

**CARRIED**

- 7.4** ERD Court Appeal – Development Application 960/428/2016 – Frost Protection Australia – Horticultural Buildings (Six Frost Fans)

**Recommendation**

That the verbal report be received.

### **Panel Decision**

Moved: D Hughes

Seconded: D Reiman

That the recommendation be adopted.

**CARRIED**

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

### **Recommendation**

That the verbal report be received.

### **Panel Decision**

Moved: D Hughes

Seconded: T Hurn

That the recommendation be adopted.

**CARRIED**

D Hughes and T Hurn left the meeting at 6:00pm due to a stated conflict of interest.

- 7.6** ERD Court Appeal – Development Application 960/390/2015 – PJ Seppelt – Extensions and Variations to existing Restaurant and Function Centre

### **Recommendation**

That the verbal report be received.

### **Panel Decision**

Moved: S Milne

Seconded: G Hewitt

That the recommendation be adopted.

**CARRIED**

D Hughes and T Hurn returned to the meeting at 6:03pm.

R Miller left the meeting at 6:03pm due to a stated conflict of interest.

- 7.7** ERD Court Appeal – Development Application 960/235/2016 – CR Lindner Pty Ltd – Land Division (67 allotments)

**Recommendation**

That the verbal report be received.

**Panel Decision**

Moved: D Hughes

Seconded: G Hewitt

That the recommendation be adopted.

**CARRIED**

R Miller returned to the meeting at 6:09pm.

**8. REPORTS - OTHER BUSINESS**

**Preparation of Annual Report**

B Ballantyne advised that a draft Annual Report (2016) for Council's Development Assessment Panel would be distributed for comment in due course.

**Apology for April Meeting**

R Miller advised that he will be tendering an apology for the 4 April 2017 Panel meeting.

**9. REPORTS – CONFIDENTIAL**

Nil.

**10. NEXT MEETING**

Tuesday 4 April 2017 commencing at 5.00pm.

**11. CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 6:10pm.

Confirmed

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