

BAROSSA ASSESSMENT PANEL

MINUTES OF THE TWENTIETH MEETING OF THE BAROSSA ASSESSMENT PANEL held on

Tuesday, 1 October 2019 commencing at 5:00pm

in the Council Chambers, 43-51 Tanunda Road, Nuriootpa



The Barossa Council

MINUTES

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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
Rob Veitch	Member
Grant Hewitt	Member
Russell Johnstone	Deputy Member

Louis Monteduro	Assessment Manager
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Council Staff

Gary Mavrinc	Director, Development and Environmental Services
Janine Lennon	Senior Assessment Officer, Planning
Ashleigh Gade	Assessment Officer, Planning
Chris Kruger	Minute Secretary

2.2 Apologies

Richard Miller.
Deirdre Reiman.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: G Hewitt

Seconded: R Veitch

That the minutes of the Barossa Assessment Panel meeting held on 3 September 2019 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
7.4 960/358/2019 (981 Light Pass Road Vine Vale). R Johnstone is acquainted with the Mortgagor of the Proponent.	R Johnstone

REPORTS WITHDRAWN FROM MEETING AGENDA

B Ballantyne advised the Panel that following requests from Applicants, the following Development Applications have been withdrawn from consideration at the Meeting of the Barossa Assessment Panel 1 October 2019:

- 6.2 960/171/2019 – 268 Williamstown Road, Cockatoo Valley
- 7.1 960/485/2019 – Allotment 404 Richard Street Penrice
- 7.2 960/486/2019 – Allotment 378 Richard Street Penrice
- 7.3 960/487/2019 – 25 Breakneck Road and Allotment 758 Saleyards Road, Penrice

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/317/2019 (3 Smith Street Angaston)

J Lennon (Senior Assessment Officer, Planning) advised the Panel that subsequent to the publishing of the Agenda, the Applicant had lodged a separate application for the verandah, and has since received approval for the verandah.

M Moliviatis (Applicant) answered questions from the Panel.

Recommendation

The Barossa Assessment 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 Barossa 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 REFUSE Development Plan Consent for Application No. 960/317/2019 by MD Moliviatis to undertake Construction of a verandah attached to the rear of an existing dwelling; Construction of a domestic outbuilding - shed (measuring 12.25m x 6.0m x 3.6m wall height) at 3 Smith Street, Angaston (CT 5632/48) for the following reasons:

The proposed development is contrary to:

- General Section, Siting and Visibility Module Principles of Development Control 4(a) and (b).

Reason: Due to the visual impact of the outbuilding as viewed from adjoining properties.

- General Section, Design and Appearance Module Principles of Development Control 4(a)

Reason: Due to the visual impact of the outbuilding as viewed from adjoining properties.

- General Section, Residential Development Module Principles of Development Control 23 and 24.

Reason: Proposal not consistent with the quantitative parameters sought for Private Open Space with Residential Development.

- Residential Zone Objectives 4; Principle of Development Control 6

Reason: Outbuilding not consistent with the Desired Character of the Zone.

- Residential Zone Principle of Development Control 8

Reason: Outbuilding not consistent with the quantitative parameters sought for outbuildings in this Zone.

Panel Decision

Moved: R Johnstone

Seconded: R Veitch

That the Barossa Assessment Panel defer considerations of application 960/317/2019 to enable the applicant to provide further information in relation to the height of the proposed shed.

CARRIED

7. REPORTS – APPLICATIONS TO PROCEED/NOT TO PROCEED TO ASSESSMENT

7.4 960/358/2019 (981 Light Pass Road Vine Vale)

R Johnstone left the meeting at 5:08pm due to a stated conflict of interest.

Recommendation

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves that the development proposal is seriously at variance to The Barossa Council Development Plan and is therefore REFUSED pursuant to Section 35(2) of the *Development Act 1993* for the following reasons:

The proposed development is contrary to:

- Primary Production (BVR) Zone; Principles of Development Control Land Division 25, 26.

Reason: Land Division not consistent with the principles of the Zone.

Panel Decision

Moved: R Veitch

Seconded: G Hewitt

The Barossa Assessment Panel, having considered the application for consent to carry out a Non Complying development of land and pursuant to the provisions of the *Development Act 1993* resolves that the development proposal has sufficient merit to proceed to make an assessment of the Application No. 960/358/2019 by Homburg Real Estate - Nuriootpa to undertake Torrens Title Land Division - Division of title to create one additional allotment; and amalgamation of two allotments to create one less allotment - (SCAP Unique ID 65304) - Non-Complying at 981 & 993C Light Pass Road, VINE VALE, CTs 5208/450, 5399/89, 6089/519.

- (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) That the Panel resolves to proceed to assessment of a non-complying development proposal.
- (d) The Panel advises that in order to progress the application, and before undertaking the obligatory public notification, a Statement of Effect must be prepared by the applicant. In terms of Regulation 17(5) this Statement must describe and address:-
 - The nature of the development and its locality

- The provisions of the Development Plan relevant to an assessment of the proposal
- The extent to which the proposal complies with these provisions
- An assessment of the expected social, economic and environmental effects of the proposal and locality
- Any other information or material that you think is relevant to the assessment of the proposal

CARRIED

R Johnstone returned to the meeting at 5:20pm.

7.5 960/413/2019 (29 Samuel Road Nuriootpa)

Recommendation

The Barossa Assessment Panel, having considered the application for consent to carry out a Non Complying development of land and pursuant to the provisions of the *Development Act 1993* resolves that the development proposal has sufficient merit to proceed to make an assessment of the Application No. 960/413/2019 by Barossa Enterprises Inc to undertake removal of a portion of vineyard, construction of a community service building containing education/training rooms and offices, with associated car parking and additional vehicle exit to Samuel Road in association with the light industry workshop on site at 29 Samuel Road, Nuriootpa, CT 5468/741.

- (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) That the Panel resolves to proceed to assessment of a non-complying development proposal.
- (d) The Panel advises that in order to progress the application, and before undertaking the obligatory public notification, a Statement of Effect must be prepared by the applicant. In terms of Regulation 17(5) this Statement must describe and address:
 - The nature of the development and its locality
 - The provisions of the Development Plan relevant to an assessment of the proposal
 - The extent to which the proposal complies with these provisions
 - An assessment of the expected social, economic and environmental effects of the proposal and locality
 - Any other information or material that you think is relevant to the assessment of the proposal

Panel Decision

Moved: R Veitch

Seconded: R Johnstone

That the recommendation be adopted.

CARRIED

7.6 960/466/2019 (75 Murray Street Angaston)

Recommendation

The Barossa Assessment Panel, having considered the application for consent to carry out a Non Complying development of land and pursuant to the provisions of the *Development Act 1993* resolves that the development proposal has sufficient merit to proceed to make an assessment of the Application No. 960/466/2019 by Marx Real Estate to undertake Change of Use from dwelling to office including building alterations, additions and partial replacement of existing verandah at 75 Murray Street, Angaston (CT 5321/496).

- (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) That the Panel resolves to proceed to assessment of a non-complying development proposal.

Panel Decision

Moved: G Hewitt

Seconded: R Veitch

That the recommendation be adopted.

CARRIED

8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

8.1 960/132/2019 (19 Sunnydale Avenue Kalbeeba)

John Stimson (Stimson Consulting Pty Ltd, on behalf of Applicant) answered questions from the Panel.

Recommendation

The Barossa Assessment 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:

The proposed development is contrary to:

- Rural Living Zone Objectives 1 and 2; Desired Character; Principle of Development Control Form and Character 6.

Reason: Land Division not consistent with the prevailing or desired character of the Zone.

- Rural Living Zone Principles of Development Control Land Use 2 and Land Division 6; Precinct PDC 26

Reason: Land Division not consistent with the quantitative parameters sought for outbuildings in this Policy Area.

Panel Decision

Moved: R Veitch

Seconded: R Johnstone

The Barossa Assessment Panel, having considered the application for consent to carry out a Non Complying development of land and pursuant to the provisions of the *Development Act 1993* resolves that the development proposal has sufficient merit to proceed to make an assessment of the Application No. 960/132/2019 by Andrew Janicki to undertake Torrens Title Land Division - Create two additional allotments - Non-Complying at 19 Sunnydale Avenue, Kalbeeba, CT 5568/672.

- (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) That the Panel resolves to proceed to assessment of a non-complying development proposal.
- (d) The Panel advises that in order to progress the application, and before undertaking the obligatory public notification, a Statement of Effect must be prepared by the applicant. In terms of Regulation 17(5) this Statement must describe and address:-
 - The nature of the development and its locality
 - The provisions of the Development Plan relevant to an assessment of the proposal
 - The extent to which the proposal complies with these provisions

- An assessment of the expected social, economic and environmental effects of the proposal and locality
- Any other information or material that you think is relevant to the assessment of the proposal

CARRIED

9. REPORTS - PANEL UPDATES

9.1 SCAP Concurrence Matter

Recommendation

That the report be received.

Panel Decision

Moved: R Veitch

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

10 REPORTS - OTHER BUSINESS

Release of the Planning and Design Code for Consultation

G Mavrinc confirmed that the State Planning Commission released the draft Planning and Design Code for public consultation on 1 October 2019.

The Barossa Council is included in Phase Three and as such, consultation runs from 1 October 2019 until midnight on 28 February 2019.

11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 12 November 2019 commencing at 5.00pm.

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 5:38pm.

Confirmed

Date: Chairman: