



## **DEVELOPMENT ASSESSMENT PANEL**

**Notice of The Barossa Council Development Assessment Panel meeting to be held at the Council Offices, 43-51 Tanunda Road, Nuriootpa on Tuesday, 3 February 2015, commencing at 5:00pm**

Ian Baldwin  
ACTING CHIEF EXECUTIVE OFFICER  
THE BAROSSA COUNCIL

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# A G E N D A

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**1. WELCOME**

**2. PRESENT**

**3. APOLOGIES**

Nil

**4. CONFIRMATION OF MINUTES**

Development Assessment Panel meeting held on 2 December 2014.

**5. BUSINESS ARISING FROM MINUTES**

**6. DECLARATION OF INTEREST BY MEMBERS OF PANEL**

**7. VISITORS TO THE MEETING**

|           |  |
|-----------|--|
| DA/DAP/R3 | <p>Applicant<br/>         Representative from Ultimate Engineering<br/>         Jamie Botten, Botten Levinson Lawyers</p> <p>Representor<br/>         Sarah Kuchar</p> |
|-----------|--|

**8. APPLICATIONS FOR DECISION**

|           |              |                                   |  |
|-----------|--------------|-----------------------------------|--|
| DA/DAP/R1 | 960/575/2014 | 931 Stockwell Road,<br>Vine Vale  | Vineyard and Buffer<br>Associated<br>Treatments<br>(Merit)                   |
| DA/DAP/R2 | 960/457/2014 | 28 Yettie Road,<br>Williamstown   | Land Division – 1<br>Allotment into 2<br>(Merit)                             |
| DA/DAP/R3 | 960/602/2014 | 3052B Sturt<br>Highway, Stockwell | Extension to Light<br>Industry (Engineering)<br>(Merit)                      |
| DA/DAP/R4 | 960/611/2014 | 1015 Stockwell<br>Road, Vine Vale | Wine Interpretative<br>Centre – Cultural &<br>Exhibition Facility<br>(Merit) |

**9. OTHER BUSINESS**

|     |  |
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| 9.1 | Development Assessment Commission Concurrence Applications |
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**10. CONFIDENTIAL AGENDA**

Nil.

**11. NEXT MEETING**

3 March 2015 commencing at 5.00pm

**12. CLOSE OF MEETING**

## **PLEASE NOTE**

Report attachments are not included in this Agenda due to copyright laws.

The full Agenda can be viewed at the Principal Office of The Barossa Council, 43–51 Tanunda Road, Nuriootpa, between 9.00am – 5.00pm, Monday – Friday.

For further information, please contact The Barossa Council on 85638 489.

**DEVELOPMENT ASSESSMENT PANEL**

**3 FEBRUARY 2015**

**DEBATE AGENDA**

**DA/DAP/R1**

|   |   |
|---|---|
| <b>DEVELOPMENT APPLICATION NO:</b>  | 960/575/2014 (Prop ID 102657)   |
| <b>APPLICANT:</b>   | Noel and Cheryl Heidenreich   |
| <b>OWNER:</b>   | Noel and Cheryl Heidenreich   |
| <b>SUBJECT LAND:</b>  | 931 Stockwell Road, Vine Vale   |
| <b>PROPOSAL:</b>  | Vineyard and Associated Buffer Treatments   |
| <b>ZONE/POLICY AREA:</b>  | Rural Landscape Protection Zone (Map Baro/11)<br>Character Preservation District (Map Baro/11)  |
| <b>PROCEDURE:</b>   | Merit   |
| <b>REFERRALS:</b>   | Not Applicable  |
| <b>PUBLIC NOTICE:</b>   | Category 3 – 3 Representations  |
| <b>KEY ISSUES:</b>  | Interface between land uses – Noise, Spray Drift  |
| <b>DEVELOPMENT PLAN PROVISIONS:</b><br><br><b>CONSOLIDATION DATE:</b><br>21 February 2013 | Refer <u>Attachment 4</u> for extracts from: <ul style="list-style-type: none"><li>• Rural Landscape Protection Zone Objectives &amp; Principles of Development Control</li><li>• Hazards Objectives &amp; Principles of Development Control</li><li>• Interface between Land Use Objectives &amp; Principles of Development Control</li><li>• Natural Resources Objectives &amp; Principles of Development Control</li></ul> |
| <b>RECOMMENDATION:</b>  | Grant Development Plan Consent and Full Development Approval  |
| <b>OFFICER:</b>   | Philip Harnett  |

**SUBJECT LAND AND LOCALITY**

The subject land fronts Stockwell Road and contains a dwelling, ancillary outbuildings and rain water tanks. The subject land slopes east to west, down toward Stockwell Road and a watercourse traverses the southern portion of the land. The subject land wraps around the northern, eastern and southern boundaries of 943 and 955 Stockwell Road, Vine Vale and is situated within a Medium Bushfire Risk Area.

The wider locality is characterised by the Barossa Ranges to the east and the valley floor to the west. Vineyards and dispersed dwellings are prevalent throughout the wider locality.

A map showing the location of the subject land and planning zones form Attachment 1.

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The applicant seeks Development Plan Consent for a recently planted vineyard and associated buffer treatments. The vineyard would comprise a headland of 8 metres fronting Stockwell Road and would also require the removal of dispersed fig and plum trees. The vineyard rows will travel east to west. A chemical storage shed is not proposed.

Details of the application form Attachment 2.

**PUBLIC NOTIFICATION**

The application has been publicly notified as a Category 3 development pursuant to Section 38 of the Development Act 1993.

Three representations were received. A copy of the representations and the applicants response form Attachment 3.

**PROVISIONS OF THE DEVELOPMENT PLAN**

The subject land lies within the Rural Landscape Protection Zone of the authorised Development Plan, consolidated 21 February 2013.

The provisions of the Development Plan most relevant to the consideration of the proposal form Attachment 4.

**PLANNING ASSESSMENT**

Low intensity farming, grazing and viticulture are envisaged within the zone where rural land and the scenic natural landscape character are preserved. The proposal is considered to reasonably comply with the desired character of the zone however, the proposal must manage the following matters given the presence of nearby dwellings.

**Amenity**

Property at 943 Stockwell Road contains two dwellings in which the dwelling closest to Stockwell Road is to be removed, as per development approval 960/51/2010 (replacement of an existing dwelling (new detached dwelling and demolition of existing dwelling)). Property at 955 Stockwell Road comprises one detached dwelling. The proposal has potential to impact upon the amenity of these properties by way of noise and spray drift.

Both 943 and 955 Stockwell Road comprise an element of mature vegetation within their respective allotments and adjacent boundaries shared with the subject land. The proposed vineyard would have a separation distance of 10 metres from shared property boundaries. A 5 metre wide buffer comprising Crimson Bottlebrush (*Callistemon Citrinus*), native to Australia, is proposed within this separation distance and would be planted approximately 2 metres from shared boundaries. Crimson Bottlebrush grows to an average height and width of 3 metres. The applicant has indicated that ground cover within the vegetation buffer would include natural grasses that would be kept mowed and clean so as not to encourage mice, rats and snakes. To prevent low level spray drift the provision of shrubs at ground level are considered appropriate.

Generally, spraying and harvesting time would take place between 4:00am and midnight when conditions are suitable. The applicant has indicated that the volume of the tractor and sprayer would not exceed 78 decibels whilst the harvester would not exceed 84 decibels as per each vehicles respective specification. In addition, the applicant has confirmed that gas guns would not be used.

Spraying and night time harvesting are standard viticulture practices which could potentially be regarded as environmental nuisance. Council's Development Plan - General Section 'Interface between Land Uses' principle 8 states that the potential for adverse impacts resulting from rural development should be minimised by maintaining adequate separation between horticulture and other sensitive uses. The Environment Protection (Noise) Policy 2007 states that noise levels measured outside of a noise affected premises in a rural area should not exceed 57dB(A) during the day and 50dB(A) during the night. In accordance with a representation request, the proposal would be setback 10 metres from shared property boundaries, however as spraying times are based on weather conditions it is not possible to notify representors when spraying will occur. The proposed separation distance including an appropriate vegetation buffer is considered suitable to minimise potential environmental nuisance by way of noise and spray drift. Should the application be approved conditions would need to be applied to reinforce these matters.

#### Bushfire

The subject land is located within a Medium Bushfire Risk Area. The Minister's Code: Undertaking development in Bushfire Protection Areas states that trees and shrubs should not be planted closer to any building than a distance equivalent to their mature height. The proposed vegetation buffer would be planted adjacent the boundaries of 943 and 955 Stockwell Road, Vine Vale. The proposed vegetation buffer would not be planted closer to the existing dwellings than their mature height of 3 metres.

#### Natural Resources

General Section, Natural Resources Principle of Development Control 21 states, horticulture that increases the amount of surface runoff should include a strip of land at least 20 metres wide measured from the top of existing banks on each side of a watercourse that is:

- (a) fenced to exclude livestock
- (b) kept free of development, including structures, formal roadways or access ways for machinery or any other activity causing soil compaction or significant modification of the natural surface of the land

- (c) Re-vegetated with locally indigenous vegetation comprising trees, shrubs and other groundcover plants to filter runoff so as to reduce the impacts on native aquatic ecosystems and to minimise soil loss eroding into the watercourse.

The proposed vineyard would include a separation distance of 15 metres from the banks of the watercourse, however is not expected to unreasonably increase runoff. It is possible that vehicles would manoeuvre within the proposed separation distance which could occur irrespective of the proposal. A formal roadway or access way is not proposed. The applicant has indicated that weeds may be controlled by livestock during the winter and that the watercourse would be sown with fescue pasture to limit any erosion. The 15 metre separation distance is considered acceptable in this circumstance.

### **CONCLUSION**

Low intensity farming, grazing and viticulture are envisaged within the zone. The 'Desired Character' of the zone states that opportunities for additional dwellings and non-agricultural development will be limited to where rural productivity is maintained. The zone generally aims to accommodate rural productivity such as low intensity viticulture whilst new dwellings are only accommodated under limited circumstances when associated with farming activities.

A reasonable element of disturbance is expected for sensitive land uses, such as dwellings in rural zones, however appropriate measures must be considered to preserve residential amenity. By way of separation distances, vegetation buffering and expelling the use of gas guns, reasonable and effective measures are proposed to preserve residential amenity whilst maintaining rural productivity as desired by the zone. On balance and having regard to all of the relevant provisions of the Development Plan it is considered that the proposal is not seriously at variance with the provisions of the Development Plan and has sufficient merit to warrant approval subject to conditions.

### **RECOMMENDATION:**

That the Development Assessment Panel has considered all relevant assessment matters and the officer's report prepared in relation to Development Application Number 960/575/2014 and resolves:

- (A) That pursuant to Section 35(2) of the Development Act, the proposal is not seriously at variance with the relevant provisions of The Barossa Council Development Plan.
- (B) 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.
- (C) That pursuant to Section 33(1)(a) of the Development Act, development application number 960/575/2014 be granted Development Plan Consent and Full Development Approval, subject to the following conditions:
- (1) The development shall be undertaken in accordance with the plans and documentation accompanying the application (as amended), unless varied by the following conditions.

- (2) The vineyard shall be designed with sufficient manoeuvring area for vehicles and machinery at the end of each row so as not to encroach onto any public verge by vehicles and machinery engaged in vineyard maintenance or harvesting.
- (3) The vineyard shall be setback a minimum of 10 metres from all boundaries shared with 943 (CT 5408/323) and 955 (CT 5412/119) Stockwell Road, Vine Vale.
- (4) No spraying of agricultural chemicals shall occur when weather conditions will carry spray drift onto adjoining property.
- (5) The vegetation buffer(s) shall be planted with a mixture of trees, shrubs and ground cover species with predominantly long, thin and rough leaves, capable of forming a dense vegetation buffer to the reasonable satisfaction of Council.
- (6) Existing stands of native vegetation shall not be removed in association with the approved vineyard.
- (7) Audible bird scaring devices, including gas guns, shall not be used in accordance with the approved vineyard.
- (8) Work associated with the approved vineyard shall be consistent with the relevant provisions of the Environment Protection (Noise) Policy 2007.

#### **NOTES**

- (a) Where possible neighboring properties should be notified in advance whenever spraying or after hours work are going to occur.
- (b) The applicant is reminded of its 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 do not pollute the environment in a way which causes or may cause environmental harm.

**DEVELOPMENT ASSESSMENT PANEL****3 FEBRUARY 2015****DEBATE AGENDA****DA/DAP/R2**

|   |   |
|---|---|
| <b>DEVELOPMENT APPLICATION NO:</b>  | 960/457/2014 (Prop ID 1165961)  |
| <b>APPLICANT:</b>   | Colin Austen  |
| <b>OWNER:</b>   | Colin Austen  |
| <b>SUBJECT LAND:</b>  | 28 Yettie Road, Williamstown  |
| <b>PROPOSAL:</b>  | Land Division – 1 Allotment into 2  |
| <b>ZONE/POLICY AREA:</b>  | Township Zone, Policy Area 7 – Residential  |
| <b>PROCEDURE:</b>   | Merit   |
| <b>REFERRALS:</b>   | SA Water  |
| <b>PUBLIC NOTICE:</b>   | Category 1  |
| <b>KEY ISSUES:</b>  | Creation of a 'battlaxe' style allotment out of character within the Williamstown township  |
| <b>DEVELOPMENT PLAN PROVISIONS:</b><br><b>CONSOLIDATION DATE:</b><br>21 February 2013 | Township Zone Objectives 3 & 5. Principles of Development Control 3 & 6.<br>Council Wide Land Division Objective 2. Principle of Development Control 7. |
| <b>RECOMMENDATION:</b>  | Refusal   |
| <b>OFFICER:</b>   | Karen Mitrovic  |

**BACKGROUND**

At the November 2014 meeting of the Development Assessment Panel, panel members considered a request from the Applicant of this application for the matter to be deferred in order to provide time for them to engage a consultant to provide supporting advice in relation to the application.

This advice has since been received by Council and forms *Attachment 1*.

The advice supplied by the Applicant's consultant has not altered the recommendation for the proposal and, as such, the following report is unchanged from the agenda supplied to Panel members in November 2014.

**SUBJECT LAND AND LOCALITY**

The subject land is located within the Township Zone and is within Policy Area 7 – Residential.

The subject land is irregular in shape with a frontage to Yettie Road of 32.30 metres and a depth of 44.32 metres on the western boundary and 50.04 metres on the eastern boundary. The allotment has an overall land size of 1500 square metres.

The allotment currently contains a single storey detached dwelling and associated outbuildings. The locality contains allotments varying in size from approximately 800 square metres to 4000 square metres. Most allotments in the area contain a detached dwelling and associated outbuildings.

A locality plan forms Attachment 2.

Details of the application form Attachment 3.

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The applicant seeks Development Plan and Land Division Consent to create a new allotment within the Township Zone at Williamstown.

The proposed land division seeks to divide one allotment measuring approximately 1500 square metres in size into two allotments. Proposed allotment 101 will be 784 square metres in size while proposed allotment 102 will be 717 square metres.

Both proposed allotments have access to Yettie Road, with proposed allotment 101 containing an existing dwelling and associated outbuildings.

**REFERRALS**

The Development Regulations 2008 requires that the Development Assessment Commission undertake the appropriate consultation with various State Government Agencies. As a result, the proposal was referred to SA Water who have provided comment on the proposed development. SA Water had no objection to the proposed development and have indicated that standard conditions should be applied in the event that the application were to be approved.

**PUBLIC NOTIFICATION**

The proposed development is a Category 1 form of development and did not require any form of public notification.

**PROVISIONS OF THE DEVELOPMENT PLAN**

The proposed development is located within the Township Zone, Policy Area 7 – Township of the authorised Development Plan, consolidated 21 February 2013.

The relevant Zone and Council Wide Objectives and Principles of Development Control are listed below.

***TOWNSHIP ZONE******Objectives***

3. *Conservation and enhancement of the main road streetscape and scenic rural setting of the township.*

5. *Development that contributes to the desired character of the zone.*

### **Principles of Development Control**

3. *Residential development should be mainly in the form of low-density detached dwellings, with a limited range of increased density development.*
6. *Development should not be undertaken unless it is consistent with the desired character for the zone.*

## **RESIDENTIAL POLICY AREA 7**

### **Objectives**

*A policy area primarily for low-density residential development.*

2. *Development that contributes to the desired character of the policy area.*

### **Principles of Development Control**

2. *Development should not be undertaken unless it is consistent with the desired character for the policy area.*
7. *Allotments should vary in size and be suitable to facilitate a use of land consistent with the objectives of the policy area and should:*
  - (a) *be not less than 500 square metres in area*
  - (b) *have a minimum frontage to a public road of at least 12 metres.*

## **COUNCIL WIDE – LAND DIVISION**

### **Objective:**

2. *Land division that creates allotments appropriate for the intended use.*

### **Principles of Development Control**

- 7 *Allotments in the form of a battle-axe configuration should:*
  - (a) *have an allotment area consistent with that desired located within the relevant zone or policy area (excluding the area of the 'handle' of such an allotment)*
  - (b) *provide for an access onto a public road, with the driveway 'handle' being not less than 6 metres in width nor more than 50 metres in length*
  - (c) *contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction*
  - (d) *not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape*
  - (e) *be avoided where their creation would be incompatible with the prevailing pattern of development.*

**PLANNING ASSESSMENT**

The proposed land division is not consistent with Objective 5 and Principle of Development Control 6 of the Township Zone, as it does not contribute to and is not consistent with the desired character of the zone. The desired character encourages development which 'will maintain the attractive visual amenity of the approaches to townships' and encourage the retention of 'the existing character, as derived from the small-scale and residential style of buildings and pleasant open rural surrounds'.

The prevailing character of the area is one of large residential allotments with generous setbacks to dwellings and regular allotment patterns. The proposed land division would result in the creation of two allotments which are not in keeping with this character. The creation of a 'battle-axe' allotment is out of character for the locality and would result in the construction of a dwelling with no frontage to a public road.

Within the locality of the site, allotments have regular patterns and incorporate generous land sizes and frontages to public roads. There is an exception to this, with 30 Yettie Road having been separated from 28 Yettie Road in the form of a large 'battle-axe' style allotment via approval granted in March 2012. This is an exception within the locality with most allotments in the area maintaining large areas and an open character.

The desired character for the Township zone also states that 'the existing character, as derived from the small-scale and residential style of buildings and pleasant open rural surrounds, will be retained' and 'it is expected that development will maintain the overall low scale, low density character and development will reflect the prevailing generous front, side and rear boundary setbacks'. Construction of a new dwelling at the rear of the existing dwelling will be at odds with the desired character of the township as it will increase density in an undesirable manner and result in the construction of a new dwelling without frontage to a public road and with minimal setbacks to site boundaries.

The Williamstown township desired character also encourages the retention of existing vegetation, whether native or non-native, which makes a positive contribution to the character and amenity. Multiple established trees currently exist at the rear of the subject land, and it is likely that these trees would need to be removed in order to allow for the construction of a new dwelling on proposed allotment 102.

The proposed division will result in the creation of two allotments, one of which does not meet the minimum criteria listed in Principle of Development Control 7 of Residential Policy Area 7. This Principle of Development Control indicates that allotments should have a minimum frontage of 12 metres. Proposed allotment 102 does not meet this requirement as it has only a 6 metre frontage to Yettie Road. The presence of a minimum allotment frontage results in the expectation that allotments will follow a regular allotment pattern in order to allow for generous setbacks and attractive streetscapes.

Although proposed allotment 102 has an overall size of 717 square metres, a large portion of this is attributed to land within the access way to the rear of the property. Only 552 square metres of the allotment is available at the rear of the allotment for a dwelling to be constructed, with additional portions of this area used only for vehicle maneuvering.

Residential Policy Area 7 does allow for infill allotments to be created in appropriate locations as specified in the desired character, however this is only in circumstances where the development will be 'consistent with the scale, form and streetscape character of the area'. In this instance it is considered that the creation of a 717 square metre 'battle-axe' infill allotment would have a negative impact upon the amenity of the area and will not be consistent with the streetscape character of the area.

In support of their application, Mr Andrew Butcher, on behalf of the applicant, has provided indicative plans showing a proposed dwelling footprint and vehicle maneuvering areas on proposed lot 102. Whilst these documents do indicate that a dwelling would fit on the proposed allotment, it is considered that the dwelling would not meet Objective 5 and Principles of Development Control 3 and 6 of the Township Zone.

In addition, Mr Butcher has indicated that multiple 'battle-axe' style allotments have been approved in the locality. All but one of these developments were approved prior to the current Development Plan requirements relating to minimum frontages being in place. The current requirements were imposed in the Development Plan consolidated on the 18 of August 2011.

The approval of the division of 28 Yettie Road, Williamstown into two allotments, including one 'battle-axe' style allotment was granted in March 2012, and was supported by Council staff as the proposal was in accordance with Concept Plan Map Baro/6 within Council's Development Plan.

### **CONCLUSION**

The proposed land division will result in the creation of an allotment which is at variance with the objectives and principles of the Development Plan. The creation of a 'battle-axe' style allotment is at variance with the desired character of the Williamstown township which seeks to retain a low density typical of country towns with large rural residential style allotments in the north western fringe of the town.

Given that the proposed development is unable to satisfy key objectives and principles of development control of Council's Development Plan, it is considered that the proposal does not warrant the granting of Development Plan Consent.

### **RECOMMENDATION:**

That the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/457/2014 (960/D025/14) and resolves as follows:

- (A) That the proposal is sufficiently at variance with the relevant provisions of The Barossa Council Development Plan consolidated 21 February 2013.
- (B) That Development Plan Consent be refused for the development comprised in Development Application 960/457/2014 (960/D025/14) for the following reasons:
  - (1) The proposal is at odds with Objective 5 and Principle of Development Control 6 of the Township Zone as it does not contribute to, and is not consistent with, the desired character for the zone.

- (2) The proposed development is at variance with Principle of Development Control 7 of the Council Wide – Land Division section as it will create a 'battle-axe' allotment which would be incompatible with the prevailing pattern of development.

**DEVELOPMENT ASSESSMENT PANEL****3 FEBRUARY 2015****DEBATE AGENDA****DA/DAP/R3**

|   |   |
|---|---|
| <b>DEVELOPMENT APPLICATION NO:</b>  | 960/602/2014 (Prop ID 117881)   |
| <b>APPLICANT:</b>   | Ultimate Engineering & Maintenance Services Pty Ltd   |
| <b>OWNER:</b>   | Marsue Enterprises Pty Ltd  |
| <b>SUBJECT LAND:</b>  | 3052B Sturt Highway, Stockwell  |
| <b>PROPOSAL:</b>  | Extension to Light Industry (Engineering)   |
| <b>ZONE/POLICY AREA:</b>  | Primary Production (Barossa Valley Region)  |
| <b>PROCEDURE:</b>   | Merit   |
| <b>REFERRALS:</b>   | Nil   |
| <b>PUBLIC NOTICE:</b>   | Category 3 – 1 Representation   |
| <b>KEY ISSUES:</b>  | Representation received during public notification period   |
| <b>DEVELOPMENT PLAN PROVISIONS:</b><br><b>CONSOLIDATION DATE:</b><br>21 February 2013 | Primary Production (Barossa Valley Region) Zone Objectives 1, 3, 4, 5 & 6. Principles of Development Control 8, 16 & 22.<br>Council Wide Design and Appearance Objective 1. Principles of Development Control 1, 2, 3, 7 & 11. Industrial Development Objectives 1, 3, 5 & 9. Principles of Development Control 4 & 7. Interface Between Land Uses Objectives 1 & 2. Principles of Development Control 1, 2, 6 & 9. Transportation and Access Objective 2. Principles of Development Control 1, 2, 11, 13, 22, 23, 24, 31, 32 & 33. |
| <b>RECOMMENDATION:</b>  | Grant Development Plan Consent  |
| <b>OFFICER:</b>   | Karen Mitrovic  |

**SUBJECT LAND AND LOCALITY**

The subject land is located within the Primary Production (Barossa Valley Region) Zone and is located within an area identified as Concept Plan Map Baro/11 – Light Industry and Warehouse Area.

The subject land is one of a number of community lots in a Community Titles Act subdivision. The site is regular in shape with a frontage to an internal access roadway off the Sturt Highway. The site has a frontage of approximately 97 metres and a depth of approximately 74 metres and an area of 7179 square metres. The subject land currently contains existing shedding used for light industrial purposes.

The current use of the subject land is a crane hire depot which includes crane maintenance and storage on the site.

The predominant land use in the locality is for viticultural purposes, with many allotments containing vineyards. Multiple allotments in the area also contain dwellings in association with the viticultural activities on site, and a large scale winery is located approximately 700 metres to the north of the subject land.

A locality plan forms Attachment 1.

Details of the application form Attachment 2.

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The applicant seeks Development Approval to construct an addition to the existing shed on the site, in addition to a new storage shed.

The proposed addition will be located to the west of the existing building and will be 15 metres long, 15 metres wide and match the existing building's wall height at 6 metres. This structure will be used in conjunction with the existing building on site as a machine and fabrication area.

The proposed new shed will be used for equipment storage.

The roof, walls and doors will be of a Colorbond Pale Eucalypt finish.

The proposed hours of operation are 7.00 am to 4.00 pm, Monday to Friday, with 15 employees to operate the site.

The Applicant currently operates an engineering business from an allotment on Greenock Road at Nuriootpa within the Light Regional Council area. The on-site work includes low-scale fabrication work, maintenance and servicing work, storage and associated administration. It is proposed that this development will operate in a similar manner.

**REFERRALS**

No referrals are required under Schedule 8 of the Development Regulations, 2008.

**PROCEDURAL MATTERS**

All forms of development are non-complying within the Primary Production (Barossa Valley Region) Zone with only certain forms of development listed as exemptions to the non-complying process. The proposed development meets the criteria for an exemption to the non-complying process as it is for light industry within Concept Plan

Map Baro/11 – Light Industry and Warehouse Area. The application was therefore considered as a merit form of development.

**PUBLIC NOTIFICATION**

The application is a Category 3, merit form of development and it therefore required public notification. Adjacent land owners and directly affected persons were notified in writing, and an advertisement was also placed in the local newspaper. One representation was received and their comments are summarised below:

- The application contravenes multiple sections of the Barossa Council Development Plan

The following representor would like to be heard by the Panel:

- Sarah Kuchar

A copy of the representation forms Attachment 3.

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

- The zones mentioned in the representation are not relevant to the subject land.
- The subject land is located in an area which has been identified for light industrial use.
- Landscaping has been incorporated into the proposal.
- The subject land is located in the Primary Production (Barossa Valley Region) Zone, rather than many of the zones identified by the representor.

Details of the applicant's response forms Attachment 4.

**PLANNING ASSESSMENT**

The relevant Development Plan Zone and Council Wide Objectives and Principles of Development Control (PDCs) are discussed below.

**Character Preservation Overlay**

The proposed development is also located within the Character Preservation District. Objective 1 of the Character Preservation Overlay indicates that this is a district where:

- (a) *scenic and rural landscapes are highly valued, retained and protected*
- (b) *development near entrances to towns and settlements does not diminish the rural setting, character and heritage values associated with those towns and settlements*
- (c) *the long term use of land for primary production and associated value adding enterprises is assured and promoted*
- (d) *activities positively contribute to tourism*
- (e) *the heritage attributes of the district are preserved*
- (f) *buildings and structures complement the landscape.*

It is considered that the proposed development is consistent with the character preservation district overlay. The proposal will not adversely impact upon the scenic or rural landscape character of the land or the locality, nor will it reduce the ability of land to be used for primary production purposes.

### General Section - Advertisements

Two signs are proposed as part of the application. One sign is to be located at the entry point of the subject land and incorporates two panels measuring 1 metre by 1 metre. The second sign is to be located on the façade of the existing shed on the site. This sign will measure 2.5 metres by 1.5 metres. It is considered that the proposed signage for the site will not result in a negative impact upon the amenity of the area, and that the proposal is consistent with the objectives and principles of development control within Council's Development Plan for advertising.

### General Section - Design and Appearance

The proposed development is consistent with Principles of Development Control 1 and 3 as the design is sympathetic to the scale of development in the locality. The proposed extension to the existing shedding will continue the form of the existing structure. The extension will also have external finishes matching the existing structure, with Pale Eucalypt Green colour and Trimdeck cladding.

The proposed new shed will also match the existing structure on site and be Pale Eucalypt Green colour and have Trimdeck cladding.

The proposed extension and new building have been designed to have minimal impact upon the subject land and adjoining properties. The design is similar to other buildings located in the area and will not detract from the amenity of the area. The setback from public roads, location of existing vegetation, proposed additional landscaping and proposed colour schedule would result in the proposed buildings not being prominently visible from Primary or Secondary Roadways, or from a tourist route as identified within Council's Development Plan.

### General Section - Industrial Development

The proposed development is located in an area identified as being appropriate for light industrial type development. The proposal is consistent with Objective 1 as the subject land has existing access to major transport corridors.

The proposal is consistent with Principle of Development Control 7 as it will not adversely impact upon adjoining land uses or occupiers through the emission of effluent, odours, smoke, fumes, dust or other airborne pollutants, noise, vibration, electrical interference, light spill or glare and will not adversely impact upon traffic, nor will the proposed operating hours be excessive.

The requirements of Principle of Development Control 8 are also met as the proposed development incorporates landscaping along the southern boundary of the site which will screen the structure from neighbouring properties and major thoroughfares.

Parking requirements for industrial development and the associated office component have been met in accordance with Table Baro/1 – Off Street Vehicle Parking Requirements. Council's Development Plan requires a total of 16 on site car parks, with the proposed development providing 25 parks.

### General Section - Interface Between Land Uses

As discussed above the proposal will not detrimentally affect the amenity of the locality or cause unreasonable interference through the emission of effluent, odours, smoke, fumes, dust or other airborne pollutants, noise, vibration, electrical

interference, light spill, glare or traffic impacts, and as such is consistent with Principle of Development Control 1.

The proposal is consistent with Principles of Development Control 3 and 5 as it will result in the continuation of the light industrial use of land identified in Concept Plan Map Baro/11 – Light Industry and Warehouse Area. The proposed land use is an appropriate form of development within the area and will not result in a negative impact upon existing or future land uses which are appropriate in the locality. Land located directly to the north and south of the subject land is currently used for primary production purposes, the continued use and expansion within the site for light industrial purposes will not interfere with the primary production use of adjoining land.

One representation was received in relation to the proposal from the nearest adjoining dwelling owner. This dwelling is located approximately 125 metres from the proposed development. It is considered that the proposed use of the land will not result in excessive noise from the site which could impact upon neighbouring residential land uses. The proposed hours of operation are also considered not to be excessive and should not result in a negative impact on neighbouring properties.

#### Primary Production (Barossa Valley Region) Zone

Objectives 1, 4 and 6 of the zone seek to encourage economically productive, efficient and environmentally sustainable primary production and the long term continuation of farming, horticulture, viticulture and associated winery activities. The proposed development is located in an area which is designated for light industrial purposes. The use of the site for this purpose will not diminish the capacity for the surrounding properties to be used to meet the overall desired character for the zone.

The proposed development is consistent with Principle of Development Control 22 of the zone which indicates that industry and warehousing type development should be developed within land identified in Concept Plan Map Baro/11 – Light Industry and Warehouse Area, in accordance with the concept plan design. The proposed structure locations and landscaping plan are consistent with the design within the concept plan and their visual impact will be minimal as the intended materials will be consistent with the existing structure on site.

#### **CONCLUSION**

The proposed development is a merit form of development within the zone and is considered to be a reasonable addition to the existing industrial use of the land. It will not detract from or inhibit existing land uses considered appropriate within the Primary Production (Barossa Valley Region) Zone, or detrimentally affect potential for future appropriate land uses.

Having regard to the provisions of the Primary Production (Barossa Valley Region) Zone and the Council Wide Section in the relevant Development Plan, the proposal is not seriously at variance with the provisions of the Development Plan and displays sufficient merit to warrant Development Plan Consent.

#### **RECOMMENDATION:**

That the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/602/2014 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) 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.
- (C) Grant Development Plan Consent to Development Application 960/602/2014 subject to the following conditions:
- (1) The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application.
  - (2) The landscaping as detailed in the application for development shall be established prior to occupation/use of the development and shall be maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased with others of the same, or similar, respective varieties.
  - (3) All external lighting of the site, including car parking areas and buildings, shall be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site to the reasonable satisfaction of the Council or its delegate.
  - (4) All stormwater from buildings, paving and from areas that immediately surround the perimeter of the building shall be disposed of in a manner that does not result in entry of water into the building, or affect the stability of the building, or create an unhealthy or dangerous condition, or run onto or over land of an adjoining owner.
  - (5) Storm water disposal systems must be completed by the completion of the construction of the building. During construction, adequate measures must be taken to ensure the temporary disposal of surface or roof water does not affect neighbouring properties.
  - (6) The stormwater management drainage system for the proposed development shall be completed in accordance with Council's Stormwater Management Guide.
  - (7) The development shall be connected to a wastewater system approved under the South Australian Public Health Act 2011.

## **NOTES**

- (a) The applicant is reminded of its 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.

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

**DEVELOPMENT ASSESSMENT PANEL****3 FEBRUARY 2015****DEBATE AGENDA****DA/DAP/R4**

|   |   |
|---|---|
| <b>DEVELOPMENT APPLICATION NO:</b>  | 960/611/2014 (Prop ID 116915)   |
| <b>APPLICANT:</b>   | JBG Architects  |
| <b>OWNER:</b>   | LWJ Pech  |
| <b>SUBJECT LAND:</b>  | 1015 Stockwell Road, Vine Vale  |
| <b>PROPOSAL:</b>  | Wine Interpretative Centre – Cultural & Exhibition Facility   |
| <b>ZONE/POLICY AREA:</b>  | Rural Landscape Protection  |
| <b>PROCEDURE:</b>   | Merit   |
| <b>REFERRALS:</b>   | Nil   |
| <b>PUBLIC NOTICE:</b>   | Category 3 – 1 Representation   |
| <b>KEY ISSUES:</b>  | Representation received during public notification period   |
| <b>DEVELOPMENT PLAN PROVISIONS:</b><br><b>CONSOLIDATION DATE:</b><br>21 February 2013 | Rural Landscape Protection Zone Objectives 1 & 4. Principles of Development Control 1, 5, 6, 7, 8 & 9.<br>Council Wide Design and Appearance Objective 1. Principles of Development Control 1, 2, 5, 7, 11, 12 & 15. Siting and Visibility Objectives 1 & 2. Principles of Development Control 1, 2, 3, 4, 5 & 9. Tourism Development Objectives 1, 2, 3, 4 & 5. Principles of Development Control 2, 3, 9, 10, 14 & 15. Transportation and Access Objectives 1 & 2. Principles of Development Control 22, 23, 25, 30, 31, 32 & 33. |
| <b>RECOMMENDATION:</b>  | Grant Development Plan Consent  |
| <b>OFFICER:</b>   | Karen Mitrovic  |

**SUBJECT LAND AND LOCALITY**

The subject land is located within the Rural Landscape Protection Zone.

The subject land has a frontage to Stockwell Road of approximately 164.7 metres and a depth of approximately 186 metres and an area of just over 3 hectares. The site of the proposed development is currently vacant.

The predominant land use in the locality is for viticultural purposes, with many allotments containing vineyards. Multiple allotments in the area also contain dwellings in association with the viticultural and primary production activities on site.

A locality plan forms Attachment 1.

Details of the application form Attachment 2.

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The applicant seeks Development Approval to construct a wine interpretative centre for use as a cultural and exhibition facility. The intent of the development is to provide a facility for use by the Barons of the Barossa to store wine and provide a meeting place and, on a small scale, promote the Barossa wine region through events.

The expected use of the facility per year will be the following:

- 12 monthly Grand Council meetings
- 4 major events for up to 80 persons
- 6 Master Classes
- Small tourist buses by special appointment (expected to be minimal)
- Up to 30 deliveries of small parcels of wine for storage (at end of vintage)
- Miscellaneous visits for administrative purposes etc.

The proposed development incorporates a meeting room, cellar, administration offices and associated facilities. A marquee is also proposed to be located to the west of the proposed building for use during major events.

**REFERRALS**

No referrals are required under Schedule 8 of the Development Regulations, 2008.

**PROCEDURAL MATTERS**

The proposed form of development is not listed as a non-complying form of development nor is it listed within Council's Development Plan or the Development Regulations as either a Category 1 or 2 form of development. As such, the proposal required Category 3 public notification.

**PUBLIC NOTIFICATION**

The application is a Category 3, merit form of development and therefore adjacent land owners and directly affected persons were notified in writing, and an advertisement was also placed in the local newspaper. One representation was received and their comments are summarised below:

- The scale of activity on the site is unclear
- Stormwater management must be considered
- Traffic management must be considered

- How will security lighting impact upon the landscape
- Water pressure may be affected by the proposed development

A copy of the representation forms Attachment 3.

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

- The proposed activities on the site have been expanded upon
- Stormwater management will be completed in accordance with Australian Standards and Council requirements
- Traffic movement to and from the site will be minimal and will be controlled by separate entry and exit points
- Movement sensor operated security lighting will be located appropriately so as to avoid impacting upon neighbouring property owners
- Expected water usage will be minimal

Details of the applicant's response forms Attachment 4.

### **PLANNING ASSESSMENT**

The relevant Zone and Council Wide Objectives and Principles of Development Control (PDCs) are discussed below.

#### Character Preservation Overlay

The proposed development is also located within the Character Preservation District. Objective 1 of the Character Preservation Overlay indicates that this is 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 long term use of land for primary production and associated value adding enterprises is assured and promoted*
- activities positively contribute to tourism*
- the heritage attributes of the district are preserved*
- buildings and structures complement the landscape.*

It is considered that the proposed development is consistent with the character preservation district overlay. The proposal will not adversely impact upon the scenic or rural landscape character of the land or the locality, nor will it reduce the ability of land to be used for primary production purposes.

#### General Section - Design and Appearance

The proposed development is consistent with Objective 1 and Principles of Development Control 1, 3 and 11. The proposed development has been designed specifically to suit the subject land and to work with the contours of the land to minimise the impact of the structure upon the natural landscape.

The proposal has been designed to have minimal impact upon the subject land and adjoining properties and incorporates extensive landscaping to screen the visible sections of the structure from public spaces.

The external finishes of the structure include a grass mound roof and hardwood clad and stone walls in a light and natural tone. These external finishes will result in the proposed development blending with the existing landscape.

The proposal is consistent with Principle of Development Control 15 which refers to lighting. External lighting is proposed for the development for security purposes. This lighting will be limited to movement sensor operated security lighting which will be located to avoid light spill onto adjoining properties.

Stormwater management in accordance with Council's requirements is proposed as part of the development. Council's works and engineering section have advised that the subject land and the proposed built form will allow for appropriate stormwater management on the site which will ensure that no adjoining property owners are impacted by stormwater runoff.

#### General Section – Siting and Visibility

Objectives 1 and 2 and Principles of Development Control 1 and 4 seek to protect rural landscapes and minimise the visual impact of development upon the natural character of the area. The proposed development is consistent with these requirements as it has been designed to suit the existing contours of the land and to minimise the visual impact upon the land by incorporating a grass mound roof, substantial landscaping and muted colour tones for external finishes. The mass of the building has been minimised through the use of varying wall and roof lines and incorporating the grass mound roof.

#### General Section – Transportation and Access

The proposed development is consistent with the relevant Objectives and Principles of Development within the General Section - Transportation and Access.

The proposed development includes two proposed entry/exit points to the site. Council's works and engineering section have reviewed the proposal and have advised that the internal road width of 5.5 metres is appropriate and the entry/exit points provide sufficient sight distances.

Council's Development Plan does not provide an indicative requirement for on-site parking for a development such as this, however the proposal incorporates 68 vehicle parks and substantial additional area for expansion to car parking if required in the future. Given the proposed scale of activities on the site it is considered that the number of car parks provided will be sufficient to meet the requirements of the development.

#### Rural Landscape Protection Zone

The zone seeks to preserve the natural and rural character of the area whilst encourages some forms of small scale tourist developments. As discussed above, the proposed development has been designed appropriately to blend with the existing character of the area and have minimal impact upon the landscape and adjoining property owners. The proposal will provide a facility for small scale tourism and the promotion of the Barossa wine region.

The proposed development is consistent with the desired character for the zone which encourages buildings to be well set back from roadways, minimal excavation and filling and the introduction of vegetation with development to improve landscape appearances.

#### **CONCLUSION**

The proposed development is a merit form of development within the zone which will not detract from or inhibit existing land uses considered appropriate within the Rural Landscape Protection Zone, or detrimentally affect potential for future appropriate land uses.

Having regard to the provisions of the Rural Landscape Protection Zone and the Council Wide Section in the relevant Development Plan, the proposal is not seriously at variance with the provisions of the Development Plan and displays sufficient merit to warrant Development Plan Consent.

#### **RECOMMENDATION:**

That the Development Assessment Panel has considered all relevant assessment matters and the officer's report in relation to Development Application 960/611/2014 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) 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.
- (C) Grant Development Plan Consent to Development Application 960/611/2014 subject to the following conditions:
  - (1) The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application.
  - (2) The landscaping as detailed in the application for development shall be established prior to occupation/use of the development and shall be maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased with others of the same, or similar, respective varieties.
  - (3) All external lighting of the site, including car parking areas and buildings, shall be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site to the reasonable satisfaction of the Council or its delegate.
  - (4) The stormwater management drainage system for the proposed development shall be completed in accordance with Council's Stormwater Management Guide.

- (5) The applicant/owner shall connect the approved development to the adjoining street by vehicle crossovers which shall be designed, located and constructed to Council requirements. The cost of construction is to be borne by the applicant/owner.
- (6) The development shall be connected to a wastewater system approved under the South Australian Public Health Act 2011.

**NOTES**

- (a) The applicant is reminded of its 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.
- (b) 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.

## DEVELOPMENT ASSESSMENT PANEL

3 FEBRUARY 2015

### 9. OTHER BUSINESS

#### 9.1 DEVELOPMENT ASSESSMENT COMMISSION CONCURRENCE APPLICATIONS (B61)

The Development Assessment Panel requested details of responses received from the Development Assessment Commission, relating to applications referred for concurrence.

To date the following applications (non-complying or requiring concurrence under the Character Preservation Legislation), in which the Panel were the decision authority, have been received from the Commission as follows:

| DA NUMBER     | APPLICANT              | ADDRESS                           | NATURE OF DEVELOPMENT                     | DAC DECISION  |
|---------------|------------------------|-----------------------------------|---|---|
| 960/1049/2013 | JBG Architects Pty Ltd | 329 Penrice Road, Light Pass      | Construction of a Detached Dwelling       | Concurrence Refused<br>7/01/2015<br>(02/09/2014 panel meeting)<br>(Refer to <u>attached</u> correspondence) |
| 960/203/2014  | Wegener Constructions  | 87 Schrapels Road, Mount Pleasant | Indoor Horse Arena and Associated Storage | Concurrence Granted<br>5/01/2015<br>(11/11/2014 panel meeting)  |

#### RECOMMENDATION:

That the report be received.