

BAROSSA ASSESSMENT PANEL

MINUTES OF THE TWENTY FIRST MEETING OF THE BAROSSA ASSESSMENT PANEL held on

Tuesday, 12 November 2019 commencing at 5:01pm

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 5:01pm.

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne	Presiding Member
Rob Veitch	Member
Grant Hewitt	Member
Richard Miller	Member

Council Staff

Gary Mavrinac	Directory, Development & Environmental Services
Paul Mickan	Principal Planner
Janine Lennon	Senior Assessment Officer, Planning
Jake Boswell	Assessment Officer, Planning
Steve Kaesler	Manager, Engineering Services
Marie Thom	Minute Secretary

2.2 Apologies

Deirdre Reiman

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: R Veitch

Seconded: G Hewitt

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 1 October 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
11.1 Legal Advice – 960/358/2019 981 Light Pass Road Vine Vale. R Miller has a professional relationship with the owners of the property.	R Miller

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/21/2019 (960/D030/18) (17 Rushall Road Lyndoch)

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 GRANT Development Plan Consent for Application No. 960/21/2019 (960/D030/18) by Trilogy Property Developments Pty Ltd (c/o Andrew and Associates) to undertake Torrens Title Land Division - create one additional allotment at 17 Rushall Road, Lyndoch (CT 6229/265) subject to the following conditions and advisory notes:

Development Plan Consent Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/21/2019 including:
 - Plan of Division for Development Approval, reference 218216-5, dated received 15 January 2019;
 - Planning Report – Stage Two Land Division (One into Two), dated December 2018.

unless 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) Buildings nominated to be removed, and/or buildings that are located over a proposed boundary shall be removed from the site prior to the issue of the Certificate of Approval.

Reason: To ensure development is undertaken in accordance with the authorised plans and to avoid the siting of buildings over boundaries.

- (3) The payment of the CWMS augmentation charge shall 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.

Note: Pursuant to Section 188 of the *Local Government Act 1999*, 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 \$4,500 is required (1 additional allotment @ \$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.

Reason: To ensure appropriate and ongoing connections of wastewater infrastructure.

Land Division Consent Requirements

- (1) Prior to the issue of any Certificate of Approval, a Stormwater Management Plan shall be prepared and supplied to Council for consideration and approval. Prior to the issue of any Certificate of Approval, that authorised Stormwater Management Plan shall be constructed on site to the reasonable satisfaction of Council.

Note: Where affecting any adjacent land, appropriate easements shall be provided to accommodate infrastructure.

Reason: To ensure appropriate management and discharge of stormwater.

- (2) The applicant shall construct all necessary services and infrastructure to service each allotment, including:

- roads
- water supply
- drainage
- waste disposal (sewer or CWMS)
- electricity, public lighting and communications.

to the reasonable satisfaction of Council.

Reason: To ensure appropriate infrastructure is installed.

- (3) During construction of infrastructure temporary debris and sediment control measures shall be installed to prevent debris and sediment from leaving the site during all construction stages. Temporary debris and sediment control measures shall be in place prior to construction commencing and shall be maintained at all times during construction.

Reason: To ensure minimal impacts to the amenity of adjacent land owners/occupiers during development.

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

Council must be notified 24 hours prior to the following:

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

Note: Existing connection points shall be utilised where existing, with new connection points being constructed where required.

Reason: To ensure appropriate wastewater infrastructure is provided.

- (5) The proposed CWMS reticulation shall be designed by an appropriately qualified Engineer. The design shall comply with the "Septic Tank Effluent Drainage Scheme Design Criteria" and Council's CWMS Guidelines and the construction of the CWMS reticulation and/or extension to the proposed allotment/s including connection to the existing CWMS pipeline, inspection points, and the disconnection of redundant inspection points shall be undertaken by the applicant at no cost to Council.

Reason: To ensure appropriate wastewater infrastructure is provided.

- (6) Prior to the issue of a Certificate of Approval, detailed design drawings and specification covering the location of the connection point and inspection point/s, flushing point/s, invert levels and ground levels etc. shall be designed by an appropriately qualified Engineer, and be provided to the Director-Works and Engineering (or appropriate delegate) for consideration.

Reason: To ensure appropriate wastewater infrastructure is provided.

- (7) Prior to the issue of any Certificate of Approval, a 3m wide easement shall be provided for CWMS infrastructure and illustrated on the final plan. Where shared with stormwater drainage the easement shall be 4.0m wide.

Reason: To ensure infrastructure is accommodate within respective easements.

- (8) All internal existing sewer drainage that crosses the proposed allotment boundaries must be severed or redirected at the applicants cost to ensure that pipe work relating to each allotment is contained within its boundaries.

Reason: To ensure all on-site services are maintained entirely on its respective allotment.

- (9) The location of any septic tank and associated plumbing servicing an existing dwelling shall be confirmed as being on the same allotment as the dwelling and outside of required/proposed easements. If necessary, a new septic tank shall be installed on the same allotment as the dwelling, and be connected to the dwelling and Community Wastewater Management Scheme prior to the issue of Certificate of Approval.

Note: Any septic tank proposed to be abandoned must be decommissioned in a manner acceptable to the Council's Public and Environmental Health Officer.

Reason: To ensure all on-site services are maintained entirely on its respective allotment.

State Commission Assessment Panel Conditions

- (10) The financial requirements of the SA Water Corporation shall be met for the provision of water supply. (SA Water H0081077)

SA Water Corporation further advise that an investigation will be carried out to determine if the water and/or sewer connection/s to your development will be costed as standard or non-standard.

On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries

- (11) Payment of \$7253.00 into the Planning and Development Fund (1 allotment/s @ \$7253.00 /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 State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.

SA Water Corporation Conditions

- (12) 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 State Commission Assessment Panel for Land Division Certificate purposes.

Advisory Notes

- (a) Any variations from the approved use or the approved application and the conditions of consent will require further application and approval from Council or other relevant planning authority. Approval of this application does not imply that future applications for variations will be approved. Any future application will be assessed by having regard to the relevant rules in force at the time it is lodged.
- (b) Any portion of Council's infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be repaired/reinstated to Council's satisfaction at the developer's expense.
- (c) It is noted that works including demolition may require development approval by Council prior to commencement of works. Please contact Council by phone (08) 8563 8444 for more information.
- (d) The applicant is advised that any proposal to clear, remove limbs or trim native vegetation, unless subject to an exemption under the *Native Vegetation Act 1991*, requires the approval of the Native Vegetation Council. Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8303 9777.
- (e) All driveway access shall comply with the requirements of AS2890.1 *Parking facilities – Part 1: Off-street car parking*. Access to proposed Lot 80 shall be established to Klose Street.
- (f) No stormwater runoff from the site shall be permitted to discharge onto any adjacent property or the footpath verge.

Panel Decision

Moved: R Veitch

Seconded: R Miller

That the recommendation be adopted.

CARRIED

6.2 960/171/2019 (268 Williamstown Road Cockatoo Valley)

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. 960/171/2019 by Anthea Smith C/- Planwright Building Design and Drafting Services to undertake the demolition of existing outbuildings totalling 210 square metres in floor area and construction of a domestic outbuilding – shed (measuring 30m x 12m x 3.6m wall height) at 268 Williamstown Road, Cockatoo Valley (CT 6190/173) for the following reasons:

The proposed development is contrary to:

- General Section – Design and Appearance, Principles of Development Control 1 and 4.

Reason: The outbuilding will be visually apparent from surrounding properties and roads in the locality and will represent a significant increase in the bulk and scale of domestic outbuildings in the locality.

- Rural Living Zone Objective 1

Reason: The outbuilding will impact upon the visual amenity of the locality.

- Rural Living Zone, Zone Principle of Development Control 9

Reason: The outbuilding is not consistent with the quantitative parameters sought for outbuildings in the Zone.

Panel Decision

Moved: G Hewitt

Seconded: R Veitch

That the Barossa Assessment Panel defer consideration of application 960/171/2017 so the applicant can consider reducing the size of the proposal even further and provide additional information to this effect.

CARRIED

6.3 960/305/2019 (1249 Light Pass Road Bethany)

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 development proposal is not seriously at variance to The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/305/2019 by AK Stiller to undertake the Construction of an additional farm building - storage shed (measuring 13.8m x 36.0m x 5.6m wall height); and the additional use of the site for industry - cooperage (Non-Complying) at 1249 Light Pass Road, Bethany SA 5352 (CT 5741/909) subject to the concurrence of the State

Planning 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. 960/305/2019 except where varied by any condition(s) listed below.

- Site Plan – Drawn by Masterplan, dated June 2019
- Elevations – Drawn by Mandy Gerhardy, dated 27 May 2019
- Stormwater Plan – Drawn by Mandy Gerhardy, dated 23 May 2019
- Statement of Effect – Prepared by Masterplan, dated August 2019

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.

- (2) The development and/or use hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:

- (a) Transport of materials, good or commodities to or from the land
- (b) Appearance of any building, works or materials
- (c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
- (d) Presence of vermin

Reason: To ensure that the proposal is used, run and maintained as approved by the Assessing Authority, and to protect the amenity of the locality.

- (3) The external wall and roof colours shall be maintained as listed in the approved plans.

Reason: To ensure that the proposal is used, run and maintained as approved by the Assessing Authority.

- (4) All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of Council.

Reason: To ensure that the proposal is used, run and maintained as approved by the Assessing Authority, and to protect the amenity of the locality.

- (5) Provision shall be made for the appropriate storage and disposal of garbage to the satisfaction of Council. All garbage storage areas must be screened from public view.

Reason: To ensure that the proposal is used, run and maintained as approved by the Assessing Authority, and to protect the amenity of the locality.

- (6) The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of Council.

Reason: To ensure that the proposal is used, run and maintained as approved by the Assessing Authority, and to protect the amenity of the locality.

- (7) The development hereby permitted must not cause any nuisance or loss of amenity in any adjacent or nearby land by reason of the discharge of stormwater. The method of which, must in accordance with the endorsed Stormwater Management Plan.

Reason: To ensure that the proposal is used, run and maintained as approved by the Assessing Authority, and to protect the amenity of the locality.

- (8) Stormwater 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.

Reason: To ensure that the proposal is used, run and maintained as approved by the Assessing Authority, and to protect the amenity of the locality.

Advisory Notes

- (a) Any variation from the approved use or the approved application and the conditions of consent will require further application and approval from Council or other relevant planning authority. Approval of this application does not imply that future applications for variations will be approved. Any future application will be assessed by having regard to the relevant rules in force at the time it is lodged.
- (b) Any portion of Council's infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be repaired/reinstated to Council's satisfaction at the developer's expense.
- (c) Any works associated with the development, such as street tree planting, street tree removal, footpath renewal or construction of new vehicle entrances proposed to be undertaken within the road reserve (ie. the carriageway, verge or footpath area) requires an independent approval from Council pursuant to the Local Government Act. Further enquiries should be directed to the Works and Engineering team on 8563 8444.
- (d) The applicant is advised that any proposal to clear, remove limbs or trim native vegetation, unless subject to an exemption under the *Native Vegetation Act 1991*, requires the approval of the Native Vegetation Council. Any queries regarding the clearance of native vegetation

should be directed to the Native Vegetation Council Secretariat on 8303 9777.

- (e) The applicant is advised that any proposal to clear, remove limbs or trim native vegetation should be undertaken after first notifying the Native Vegetation Council of intended works.
- (f) Construction shall not take place on any Sunday or Public Holiday or after 7.00pm or before 7.00am on any other day, and all practical steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

Panel Decision

Moved: R Veitch

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

6.4 960/518/2019 (303 Vine Vale Road Vine Vale)

Mr G Burns, applicant, addressed the panel and answered questions of 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 development proposal is not seriously at variance to The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/518/2019 by Master Plan SA Pty Ltd to undertake a Change of use of a detached dwelling to Small Scale Tourist Accommodation (motel) housing up to twelve guests (Non-Complying) at 303 Vine Vale Road, Vine Vale SA 5352 (CT 5585/756) subject to the concurrence of the State Planning Commission, and subject to the following conditions:

Council conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/518/2019 except where varied by any condition(s) listed below.
 - Statement of Effect, prepared by MasterPlan and dated 9 September 2019
 - Site Plan –drawn by JBG Architects, Drawing No A002, Issue M, dated 15 August 2018

- Existing & Demolition Plan – drawn by JBG Architects, Drawing No A100, Issue K, dated 15 August 2018
- Floor Plans – drawn by JBG Architects, Drawing No A101, Issue M, dated 15 August 2018
- Roof Plan & Reflected Ceiling Plan – drawn by JBG Architects, Drawing No A111, Issue L, dated 15 August 2018
- Presentation Elevations – drawn by JBG Architects, Drawing No A200, Issue L, dated 15 August 2018
- Perspectives – drawn by JBG Architects, Drawing No A901, Issue L, dated 15 August 2018

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.

- (2) No more than 12 people shall be accommodated within the accommodation facility at any one time.

Reason: To ensure that the proposal is maintained as small scale tourist accommodation.

- (3) Before the use commences and/or occupation of the development, all car parking, access driveways and vehicle manoeuvring areas shall be in accordance with AS2890.1 Parking Facilities – Part 1: Off-street car parking and AS2890.6 Parking Facilities – Part 6: Off-street parking for people with disabilities

Reason: To ensure that all car parking and access ways are constructed to the satisfaction of Council.

- (4) Unless with the prior written consent of Council, before the occupation of the development and/or use commences, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Council.

Reason: To ensure that the proposal is used, run and maintained as approved by the Planning Authority.

- (5) The subject land is located within a Medium Bushfire Risk area.

A dedicated and independent water supply shall be available at all times for fire fighting purposes which;

- (a) Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and
- (b) Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case. (Any rainwater tank used for this purpose should be dedicated entirely for fire fighting and shall be of non combustible materials).

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

Reason: To ensure that the proposal is used, run and maintained as approved by the Planning Authority.

- (6) Prior to the issue of Development Approval a waste control system shall be approved pursuant to the South Australian Public Health Act 2011.

Reason: To ensure that the proposal is constructed in accordance with the requirements of the *South Australian Public Health Act 2011*.

- (7) The premises shall not be occupied or used for the approved purpose until all work has been completed in accordance with the approved application and the conditions of consent.

Reason: To ensure that the proposal is used, run and maintained as approved by the Planning Authority.

Panel Decision

Moved: G Hewitt

Seconded: R Veitch

That the recommendation be adopted.

CARRIED

7. APPLICATIONS TO PROCEED/NOT TO PROCEED TO ASSESSMENT

7.1 960/485/2019 (Allot 404 Richard Street Penrice)

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:

- (a) The proposed development is contrary to:

- General Character Preservation District Overlay: Objective 1(c), 2 and 3 Principle of Development Control 1.

Reason: The development is not consistent with the land use sought for Character Preservation Area.

- Mineral Extraction Zone Objectives 1, 2 and 3, Principle of Development Control, Land Use 1, 2 and 3.

Reason: The development is not consistent with the land use sought for the Zone.

- General Section – Orderly and Sustainable Development Module: Objective 4, Principles of Development Control 1 and 8.

Reason: The development will prejudice the achievement of the provisions of the Zone.

Panel Decision

Moved: R Miller
That the recommendation be adopted.

Seconded: G Hewitt

CARRIED

7.2 960/486/2019 (Allot 378 Richard Street Penrice)

RECOMMENDATION

The Barossa Assessment Panel, having considered the application, resolves that the development proposed 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) The proposed development is contrary to:

- General Character Preservation District Overlay: Objective 1(c), 2 and 3 Principle of Development Control 1.

Reason: The development is not consistent with the land use sought for Character Preservation Area.

- Mineral Extraction Zone Objectives 1, 2 and 3, Principle of Development Control, Land Use 1, 2 and 3.

Reason: The development is not consistent with the land use sought for the Zone.

- General Section – Orderly and Sustainable Development Module: Objective 4, Principles of Development Control 1 and 8.

Reason: The development will prejudice the achievement of the provisions of the Zone.

Panel Decision

Moved: G Hewitt
That the recommendation be adopted.

Seconded: R Veitch

CARRIED

7.3 960/487/2019 (25 Breackneck Hill Road and Allot 758 Saleyards Road Penrice)

RECOMMENDATION

The Barossa Assessment Panel, having considered the application, resolves that the development proposed 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) The proposed development is contrary to:

- General Character Preservation District Overlay: Objective 1(c), 2 and 3 Principle of Development Control 1.

Reason: The development is not consistent with the land use sought for Character Preservation Area.

- Mineral Extraction Zone Objectives 1, 2 and 3, Principle of Development Control, Land Use 1, 2 and 3.

Reason: The development is not consistent with the land use sought for the Zone.

- General Section – Orderly and Sustainable Development Module: Objective 4, Principles of Development Control 1 and 8.

Reason: The development will prejudice the achievement of the provisions of the Zone.

Panel Decision

Moved: R Veitch

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

7.4 960/603/2019 (264 Burns Road Mount Pleasant)

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. 960/603/2019 by E and V Heuritsch Pty Ltd to undertake Construction of multi-purpose equestrian centre with main arena and muster area, shop, function room with kitchen/bar, office, amenities, with freestanding sign, ancillary parking and landscaping (Non-Complying) at 264 Burns Road, Mount Pleasant SA 5235 (CT 5905/953).

- (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, but highlights to the applicant concerns regarding the siting and built form of the proposed development and also the need for additional information detailing how the equestrian centre will be run.

Panel Decision

Moved: R Miller

Seconded: R Veitch

That the recommendation be adopted.

CARRIED

8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

8.1 960/317/2019 (3 Smith Street Angaston)

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 GRANT Development Plan Consent for Application No. 960/317/2019 by MD Moliviatis to undertake Construction of a domestic outbuilding - shed (measuring 12.25m x 6.0m x 2.7m wall height) at 3 Smith Street, ANGASTON SA 5353 (CT 5632/48) subject to the following conditions:

Council conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/317/2019 except where varied by any condition(s) listed below.
 - Site Plan, prepared by Michael Moliviatis
 - Job Details, prepared by Stratco, Dated 11 May 2019
 - Floor Plan, prepared by Stratco, Dated 11 May 2019
 - Elevations, prepared by Stratco, Dated 11 May 2019
 - Further Information Letter, prepared by Michael Moliviatis, Dated 3 June 2019

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.

- (2) The external wall and roof colours shall be maintained as listed in the approved plans.

Reason: To ensure that the proposal is used, run and maintained as approved by the Assessing Authority.

- (3) 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.

Stormwater 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.

Reason: To ensure that the proposal is used, run and maintained as approved by the Assessing Authority.

- (4) Any clearance, trimming or removal of any native vegetation outside of the designated building envelope, shall be undertaken only with written confirmation/permit by the Native Vegetation Council (or relevant authority).

Reason: To ensure that the proposal is used, run and maintained as approved by the Assessing Authority.

- (5) Disturbed surfaces including any exposed batters as a result of excavation on the land shall be revegetated with indigenous species and stabilised within three months of the completion of the development, to the satisfaction of Council.

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

- (6) The building herein approved shall not be used for human habitation or occupation, or industrial or commercial use, at any time.

Reason: To ensure that the proposal is used, run and maintained as approved by the Assessing Authority.

Panel Decision

Moved: R Miller
That the recommendation be adopted.

Seconded: G Hewitt

CARRIED

9. REPORTS - PANEL UPDATES

9.1 STATE PLANNING COMMISSION CONCURRENCE APPLICATIONS

Recommendation

That the report be received.

Panel Decision

Moved: R Veitch

Seconded: G Hewitt

That the recommendation be adopted

CARRIED

10. REPORTS - OTHER BUSINESS

10.1 PLANNING DEVELOPMENT AND INFRASTRUCTURE ACT - TRAINING

Recommendation

That the report be received.

Panel Decision

Moved: R Miller

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

10.2 APPOINTMENT OF ADDITIONAL MEMBERS TO AN ASSESSMENT PANEL

Recommendation

That the report be received.

Panel Decision

Moved: R Miller

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

10.3 BAROSSA ASSESSMENT PANEL MEETING SCHEDULE FOR 2020

Recommendation

That the Barossa Assessment Panel agree to continue to meet on the first Tuesday of each month at The Barossa Council Chambers commencing at 5.00 pm

Panel Decision

Moved: R Veitch

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

11. REPORTS – CONFIDENTIAL

11.1 LEGAL ADVICE - 960/358/2019 –981 LIGHT PASS ROAD VINE VALE – TORRENS TITLE LAND DIVISION – DIVISION OF TITLE TO CREATE ONE ADDITIONAL ALLOTMENT; AMALGAMATION OF TWO ALLOTMENTS TO CREATE ONE LESS ALLOTMENT

Reason for Confidentiality

It is recommended that the public be excluded from the meeting, as is necessary, in accordance with Section 13 of the *Planning, Development and Infrastructure (General) Regulations 2017* to receive, discuss or consider in confidence the following information or matters in relation to this item:

- (i) legal advice;

Recommendation

That:

- (1) Pursuant to Regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017* the Barossa Assessment Panel orders that the public be excluded from the meeting with the exception of the Director, Development and Environmental Services, Assessment Manager, Principal Planner, Assessment Officers and the Minute Secretary, on the basis that it will consider legal advice.
- (2) Accordingly, on this basis, the Barossa Assessment Panel is satisfied that the principle meetings of the assessment panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Panel Decision

Moved: R Miller

Seconded: R Veitch

That the recommendation be adopted.

CARRIED

At 5.47pm the meeting moved into confidence.

R Miller left the meeting at 5.47pm due to a conflict of interest.

At 5.55pm the confidential session ceased and the meeting reopened to the public.

R Miller returned to the meeting at 5.55pm.

11.2 ERD COURT APPEAL – UPDATE – DEVELOPMENT APPLICATION 960/279/2017 – JBG ARCHITECTS (M AND K FITZPATRICK) – LOT 897 N HERBIG ROAD SPRINGTON – DETACHED DWELLING WITH VERANDAHS UNDER MAIN ROOF AND DOMESTIC OUTBUILDING (SHED)

REASON FOR CONFIDENTIALITY

It is recommended that the public be excluded from the meeting, as is necessary, in accordance with Section 13 of the *Planning, Development and Infrastructure (General) Regulations 2017* to receive, discuss or consider in confidence the following information or matters in relation to this item:

- (i) legal advice;

RECOMMENDATION

That:

- (1) Pursuant to Regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017* the Barossa Assessment Panel orders that the public be excluded from the meeting with the exception of the Director, Development and Environmental Services, Assessment Manager, Principal Planner, Assessment Officers and the Minute Secretary, on the basis that it will consider legal advice.
- (2) Accordingly, on this basis, the Barossa Assessment Panel is satisfied that the principle meetings of the assessment panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Panel Decision

Moved: G Hewitt

Seconded: R Miller

That the recommendation be adopted and Mr Steve Kaesler, Manager, Engineering Services attend the resumption of the confidential meeting.

CARRIED

At 5.56pm the meeting moved back into confidence.

At 6.11pm the confidential session ceased and the meeting reopened to the public.

12. NEXT MEETING

Tuesday 3 December 2019 commencing at 5.00pm.

G Hewitt advised he will be an apology for the 3 December 2019 meeting.

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6.13pm.

Confirmed.

Date: _____ Chairman: _____