



DEVELOPMENT ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL DEVELOPMENT ASSESSMENT PANEL

Held on Tuesday, 7 June 2016 commencing at 5:01pm in
the Council Chambers, 43-51 Tanunda Road, Nuriootpa

Index

1.	Welcome	Page 3
2.	Attendance	Page 3
3.	Confirmation of Minutes	Page 3
4.	Business Arising	Page 4
5.	Declaration of Interest by Members of the Panel	Page 4
6.	Reports - Applications for Decision	Page 4
6.1	960/132/2016 (Lot 840 Burings Road Tanunda)	Page 4
6.2	960/42/2016 (284 Magnolia Road Vine Vale)	Page 5
7.	Reports - Panel Updates	
7.1	DAC Concurrence Matters	Page 6
7.2	ERD Court Appeals and Enforcement Matters – Update – Development Application 960/396/2013 – Hebron Christadelphian Bible Camp	Page 6
7.3	ERD Court Appeals and Enforcement Matters – Update – Development Application 960/391/2015 – Peter Seppelt	Page 7
7.4	ERD Court Appeals and Enforcement Matters – Update – Development Application 960/126/2015 – Impact Church	Page 7
8.	Reports - Other Business	Page 8
8.1	Deferred Matter – Development Application 960/390/2015 – Peter Seppelt	Page 8
9.	Next Meeting	Page 9
10.	Closure of Meeting	Page 9

1. WELCOME

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

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne (Presiding Member)
David Hughes
Deirdre Reiman
Richard Miller
Tony Hurn

Council Staff

Gary Mavrincac (Director – Development and Environmental Services)
Louis Monteduro (Senior Manager – Planning Services)
Maxine Lovett (Planner)
Phil Harnett (Planner)
Christine Kruger (Minute Secretary)

2.2 Apologies

S Milne.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: R Miller

Seconded: D Hughes

That the minutes of the Council Development Assessment Panel meeting held on 3 May 2016 be received and confirmed.

CARRIED

3. CONFIRMATION OF CONFIDENTIAL MINUTES

Moved: D Hughes

Seconded: T Hurn

That the minutes of the Confidential Council Development Assessment Panel meeting held on 3 May 2016 be received and confirmed.

CARRIED

4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

The following disclosures have been made in relation to:

Item	Panel Member
7.2 (ERD Court Appeal – Update – Development Application 960/396/2013 – Hebron Christadelphian Bible Camp) Parishioner of Impact Church – not a Committee or Board member – no conflict.	T Hurn
7.3 ERD Court Appeal – Update – Development Application 960/391/2015 – Peter Seppelt. Personal friendship with the Applicant.	D Hughes
8.1 Deferred Matter – Development Application 960/390/2015 – Peter Seppelt. Personal friendship with the Applicant.	D Hughes
7.3 ERD Court Appeal – Update – Development Application 960/391/2015 – Peter Seppelt. Contact made by a Councillor regarding status of application.	T Hurn
8.1 Deferred Matter – Development Application 960/390/2015 – Peter Seppelt Contact made by a Councillor regarding status of application.	T Hurn

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/132/2016 (Lot 840 Burings Road Tanunda)

Jack McVicar answered questions from the Panel on behalf of the Applicant at 5:06pm.

Recommendation

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

- (a) The proposed use does not sufficiently contribute to the desired character of the Primary Production (Barossa Valley Region) Zone.
- (b) The proposed use is not consistent with the desired character of the Primary Production (Barossa Valley Region) Zone.
- (c) Through the loss of primary production land, the proposal does not support the long term continuation of farming, horticulture, viticulture or associated winery activities.
- (d) The proposed use fails to preserve rural land for maximum horticultural and viticultural productivity.

Panel Decision

Moved: R Miller

Seconded: T Hurn

That the recommendation be adopted.

CARRIED

6.2 960/42/2016 (284 Magnolia Road Vine Vale)

Recommendation

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

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Development Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the development proposal is not seriously at variance to The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/42/2016 by Calabria Investments to undertake Vineyard Signage x 2 at 284 Magnolia Road Vine Vale (CT 5389/306) subject to the concurrence of the Development Assessment Commission, and subject to the following conditions and advisory notes:

Council conditions

- (1) The development of vineyard identification signage shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/42/2016 except where varied by any condition(s) listed below.

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

- (2) Signage shall not be illuminated or flashing.

Reason: Illuminated and flashing signage is not in character within the locality and may be hazardous.

Panel Decision

Moved: D Hughes

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

7. REPORTS - PANEL UPDATES

7.1 DAC Concurrence Matter

Development Assessment Commission Concurrence Applications

Recommendation

That the report be received.

Panel Decision

Moved: D Hughes

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

7.2 ERD Court Appeals and Enforcement Matters

ERD Court Appeal – Update – Development Application 960/396/2013 – Hebron Christadelphian Bible Camp.

Recommendation

That the report be received.

Panel Decision

Moved: R Miller

Seconded: T Hurn

That the recommendation be adopted.

CARRIED

7.3 ERD Court Appeals and Enforcement Matters

ERD Court Appeal – Update – Development Application 960/391/2015 – Peter Seppelt.

D Hughes and T Hurn left the meeting at 5:18pm due to a stated conflict of interest.

Recommendation

That the report be received.

Panel Decision

Moved: R Miller

Seconded: D Reiman

That the recommendation be adopted.

As Council's Development Assessment Panel Terms of Reference stipulate that a quorum for a meeting shall be the total number of members of the Panel in office, divided by two (2) (ignoring any fraction) and adding one (1), a quorum was lost due to the absence of two Members who had left the meeting due to a stated conflict of interest. Accordingly the matter will be reconsidered at the next meeting.

D Hughes and T Hurn returned to the meeting at 5:20pm.

7.4 ERD Court Appeals and Enforcement Matters

ERD Court Appeal – Update – Development Application 960/126/2015 – Impact Church.

Recommendation

That the report be received.

Panel Decision

Moved: R Miller

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

8. REPORTS - OTHER BUSINESS

8.1 Deferred Matter – Development Application 960/390/2015 – Peter Seppelt

D Hughes and T Hurn left the meeting at 5:22pm due to a stated conflict of interest.

Recommendation

That:

- (a) The report contained in Attachment 1 (Environmental Noise Assessment by Resonate Acoustics) be received.
- (b) The application be approved in accordance with the recommendation contained in Attachment 2 subject to the following additional conditions relating to noise attenuation and mitigation:

- (13) Music noise within the Function Centre (including live or recorded music or similar) shall be controlled by a noise-limiting device to achieve the following noise levels between the hours of 6.00pm to 12 midnight:

Entrance Door	Music noise level limit, dB(A)L ₁₀							Total dB(A)L ₁₀
	Octave band centre frequency, Hz							
	63	125	250	500	1000	2000	4000	
Open	72	73	77	72	67	68	73	81
Closed	83	86	89	86	80	77	81	93

- (14) Any amplified music provided in the function centre shall be connected to a noise-limiting device calibrated by an acoustic engineer to enable an absolute limit on the volume that the sound equipment can produce, to provide for an absolute music noise limit consistent with the requirements of condition (13).
- (15) The appointed acoustic engineer is to prepare a 'noise limiting device commissioning report' demonstrating that the absolute music noise level emitted by the premises is consistent with the requirements of condition (13). The 'noise limiting device commissioning report' is to clearly outline any requirements relevant to condition (13) to the satisfaction of Council.
- (16) Outside entertainment that includes unamplified acoustic music (including vocalists) shall not occur before 10.00am or after 6.00pm on any day.
- (17) Designated car parking areas shall have signage that advises patrons to minimise unnecessary noise disturbance to neighbouring properties when leaving the premises.

Panel Decision

Moved: D Reiman

Seconded: R Miller

That the report be withdrawn on the basis that matters pertaining to the application remain unresolved.

As Council's Development Assessment Panel Terms of Reference stipulate that a quorum for a meeting shall be the total number of members of the Panel in office, divided by two (2) (ignoring any fraction) and adding one (1), a quorum was lost due to the absence of two Members who had left the meeting due to a stated conflict of interest. Therefore, Development Application 960/390/2015 – Peter Seppelt remains deferred.

9. REPORTS – CONFIDENTIAL

Nil.

10. OTHER BUSINESS

R Miller advised that he will be an apology for the July and August 2016 Panel Meetings.

11. NEXT MEETING

Tuesday 5 July 2016 commencing at 5.00pm.

12. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 5:28pm.

Confirmed

Date: Chairman: