



DEVELOPMENT ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL DEVELOPMENT ASSESSMENT PANEL

Held on Tuesday, 6 December 2016 commencing at 5.02 pm in
the Council Chambers, 43-51 Tanunda Road, Nuriootpa

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1. WELCOME

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne (Presiding Member)
David Hughes
Deirdre Reiman
Grant Hewitt
Richard Miller
Tony Hurn
Scotty Milne

Council Staff

Gary Mavrinac (Director – Development and Environmental Services)
Louis Monteduro (Senior Manager – Planning Services)
Maxine Lovett (Planner)
Sarah Davenport (Graduate Planner)
Jake Boswell (Graduate Planner)
Marie Thom (Minute Secretary)

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: D Hughes

Seconded: G Hewitt

That the minutes of the Council Development Assessment Panel meeting held on 8 November 2016 be received and confirmed.

CARRIED

4. BUSINESS ARISING FROM MINUTES

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

The following disclosures have been made in relation to:

Item	Panel Member
6.2 960/350/2016 – 103 Langmeil Road, Tanunda – Change of Use to Shop (Cellar Door) Extensive work as a Conveyancer is provided for the owners and also has a personal friendship with the owners	R Miller
7.3 ERD Court Appeal – Update - Development Application 960/126/2015 – Impact Church - Alteration of Existing Freestanding Advertisement from Externally Illuminated to Internally Illuminated by way of a Variable Message Board Parishioner of Impact Church – not a committee or board member – not a perceived conflict	T Hurn
9.1 - ERD Court Appeal – Development Application 960/390/2015 – PJ Seppelt – Extensions And Variations To Existing Restaurant and Function Centre Marriage Celebrant – performs ceremonies at the property – Indirect pecuniary interest	T Hurn
9.1 ERD Court Appeal – Development Application 960/390/2015 – PJ Seppelt – Extensions And Variations To Existing Restaurant and Function Centre Personal friend with the applicant	D Hughes

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/506/2016 (71-73 Murray Street Tanunda)

Representor

Mr George Skembos addressed the Panel at 5.05 pm and answered questions from the Panel.

Applicant

Mr Andrew Plush of Plush Group addressed the Panel at 5.11 pm and answered questions from the Panel.

Recommendation

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

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Development Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/509/2016 by JBG Architects Pty Ltd to undertake Hotel Additions and Alterations at 71-73 Murray Street Tanunda (CT 6142/396) subject to the following conditions and advisory notes:

- (1) The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application, unless varied by the following conditions.

Reason: To ensure the development is constructed exactly to assessed and approved plans.

- (2) The kerb and gutter shall be reinstated to the existing Murray Street access and either side of the Edward Street access to the satisfaction of Council.

Reason: To prevent the access via Murray Street and to ensure that the finished kerb and gutter is of high standard.

- (3) All car parking and vehicle manoeuvring areas shall be constructed and finished in bitumen, brick paving or concrete in accordance with approved engineering procedures.

Reason: To provide a more efficient car parking layout and ensure a high standard.

- (4) A detailed landscaping plan that includes the species and locations of local plant species shall be provided prior to the issuing of development approval. Landscaping shall be planted within 6 months of development approval.

Reason: To ensure a high standard of visual amenity.

- (5) The controlled discharge from the site shall be connected safely to Council's stormwater drainage system. The maximum point discharge to kerb and gutter up to a 10yr ARI event shall be 12 litres/second; 100yr ARI event shall be 20 litres/second.

Reason: To ensure stormwater management is constructed in accordance with Engineering standards.

- (6) Lighting from the car park shall not cause nuisance to adjacent properties or users of the car park.

Reason: To prevent nuisance to nearby residents.

- (7) The car parking spaces shall be delineated with the use of line marking.

Reason: To ensure a more efficient car parking layout.

- (8) Prior to development approval the applicant shall lodge and have approved by Council an application to alter the existing wastewater system pursuant to the provisions of the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*.

Reason: To meet the requirements of the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*.

Note

- (a) Trade waste shall not be discharged to the existing CWMS connection.

Panel Decision

Moved: S Milne
That the recommendation be adopted.

Seconded: T Hurn

CARRIED

6.2 960/350/2016 (103 Langmeil Road Tanunda)

R Miller left the meeting at 5.23pm due to a stated conflict of interest.

Applicant

Mr Graham Burns of Masterplan addressed the panel at 5.29pm.

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. 960/350/2016 by Masterplan to undertake Change of Use to Shop (Cellar Door Sales) (Non-Complying) at 103 Langmeil Road, Tanunda (CT 5450/86) subject to the concurrence of the Development Assessment 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. 960/350/2016 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 Council.

- (2) The opening hours for the cellar door sales area shall be 10.00am to 5.00pm Monday to Sunday, inclusive.

Reason: To maintain the amenity of the locality.

- (3) Not more than 50 patrons shall be present on the site of the cellar door sales outlet at any one time to the satisfaction of Council.

Reason: To maintain the amenity of the locality.

- (4) The development shall be connected to a wastewater system approved under the *South Australian Public Health Act 2011*. No trade waste is to be discharged into the CWMS system.

Reason: To ensure that the existing CMWS system is connected adequately.

- (5) Any lights used for the illumination of the subject land shall be baffled, sited and designed so as not to cause unreasonable nuisance to any person living in the vicinity of the subject land or to nearby vehicular traffic to the satisfaction of Council.

Reason: To maintain the amenity of the locality.

- (6) No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of Council.

Reason: To maintain the amenity of the locality.

- (7) 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 maintain the amenity of the locality.

- (8) Before the use commences and/or occupation of the development, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) Constructed
 - (b) Properly formed to such levels that they can be used in accordance with the plans
 - (c) Surfaced with an all-weather sealcoat or treated to prevent dust and gravel being emitted from the site
 - (d) Drained and maintained
 - (e) Line marked to indicate each car space and all access lanes
 - (f) Clearly marked to show the direction of traffic along access lanes and driveways

to the satisfaction of Council. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of Council.

Reason: To ensure that the proposed car parking complies with relevant Australian Standards.

- (9) All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property, to the satisfaction of Council.

Reason: To ensure that the proposed car parking complies with relevant Australian Standards.

- (10) A minimum of one car space must be provided for the exclusive use of disabled persons. The car space must be provided as close as practicable to a suitable entrance(s) of the building and must be clearly marked with a sign to indicate that the space(s) must only be utilised by disabled persons.

Reason: To ensure compliance with the *Disability Discrimination Act 1992*.

- (11) No bunting, streamers and festooning shall be displayed unless with the prior written consent of the Council.

Reason: To maintain the amenity of the locality.

- (12) Prior to the commencement of the land use hereby permitted, a Stormwater and Site Management Plan with supporting computations must be submitted to Council for approval. The plan shall at least include existing contours, features, existing stormwater infrastructure, proposed site works details, levels and grading, proposed stormwater drainage system, details of detention facility including volumes and discharge controls, proposed building floor levels, proposed paving

and connection details to and any upgrading if required of the existing external drainage systems to the satisfaction of Council.

Reason: To ensure that stormwater is adequately directed to the nominated point of discharge.

- (13) The controlled discharge from the site shall be connected safely to Council's stormwater drainage system. The maximum point discharge to kerb and gutter up to a 10 year ARI event shall be 12L/s; 100 year ARI event shall be 20L/s.

Reason: To ensure that stormwater is adequately directed to the nominated point of discharge.

Department of Environment, Water and Natural Resources Conditions

- (14) Details of materials, construction and attachment details of the new partitions and skylight shall be submitted for assessment by Council in consultation with the Department of Environment, Water and Natural Resources.

Reason: Nothing is shown in current application.

- (15) Any associated signage for the new use should be submitted for assessment by Council in consultation with the Department of Environment, Water and Natural Resources.

Reason: Nothing is shown in current application.

Advisory Notes

- (a) This consent is a Development Plan Consent only. Building Rules Consent for internal building work and change to the building classification should be applied for and received prior to changing the use of the buildings.
- (b) Please be advised that where a Private Certifier is appointed to undertake the building assessment, Council does not provide a service of advising the Private Certifier of site conditions or any matters relevant to the building assessment. It is recommended that a Private Certifier undertakes his or her own investigations and inspection of the site to become acquainted with site conditions and any other relevant matters.
- (c) The wastewater system (ie septic tank and effluent disposal system) for the cellar door sales outlet will require review and upgrade prior to commencing the activity. Further enquiries should be directed to an Environmental Health Officer on 85638444.
- (d) The installation of any advertisements may require an additional application. Further enquiries should be made with Council prior to installing any further advertisements.

Notes (DEWNR)

- (1) Should Council not adopt the above recommendation in full, it will be necessary to obtain the concurrence of the Development Assessment Commission before a decision is conveyed to the applicant.
- (2) Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department of Environment, Water and Natural Resources, or an additional referral to the Minister for Sustainability, Environment and Conservation. Such changes would include for example (a) an application to vary the planning consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the planning application.
- (3) To ensure a satisfactory heritage outcome, Council is requested to consult the Department of Environment, Water and Natural Resources in finalising any conditions or reserved matters above.
- (4) In accordance with Regulation 43 of the *Development Regulations 2008*, please send the Department of Environment, Water and Natural Resources a copy of the Decision Notification.
- (5) Council is requested to inform the applicant of the following requirements of the *Heritage Places Act 1993*.
 - (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
 - (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department of Environment, Water and Natural Resources.
- (6) Council is requested to inform the applicant of the following requirements of the *Aboriginal Heritage Act 1988*.
 - (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

Panel Decision

Moved: D Reiman

Seconded: T Hurn

That the recommendation be adopted.

CARRIED

R Miller returned to the meeting at 5.31pm.

7. REPORTS – PANEL UPDATES

7.1 DAC Concurrence Matters

Recommendation

That the report be received.

Panel Decision

Moved: D Hughes

Seconded: R Miller

That the recommendation be adopted.

CARRIED

7.2 ERD Court Appeal – Update - Development Application 960/154/2016 – Mayahn Pty Ltd – Land Division

Recommendation

That the report be received.

Panel Decision

Moved: S Milne

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

7.3 ERD Court Appeal – Update - Development Application 960/126/2015 – Impact Church - Alteration Of Existing Freestanding Advertisement From Externally Illuminated To Internally Illuminated By Way Of A Variable Message Board

Recommendation

That the verbal report be received.

Panel Decision

Moved: S Milne

Seconded: R Miller

That the recommendation be adopted.

CARRIED

7.4 ERD Court Appeal – Update – Development Application – 960/131/2016 – M And R Cooper - Detached Dwelling, Garage, Balcony, Verandahs And Water Tank

Recommendation

That the report be received.

Panel Decision

Moved: R Miller
That the recommendation be adopted.

Seconded: D Reiman

CARRIED

7.5 ERD Court Appeal – Update – Development Application – 960/428/2016 – Frost Protection Australia – Horticultural Buildings (Six Frost Fans)

Recommendation

That the report be received.

Panel Decision

Moved: D Hughes
That the recommendation be adopted.

Seconded: G Hewitt

CARRIED

8. Reports – Other Business

Nil.

9. REPORTS CONFIDENTIAL

9.1 ERD Court Appeal – Development Application 960/390/2015 – PJ Seppelt – Extensions And Variations To Existing Restaurant And Function Centre

Reason for Confidentiality

It is recommended that the public be excluded from the meeting, as it is necessary, in accordance with Section 56A(12)(a) of the *Development Act 1993* to receive, discuss or consider in confidence the following information or matters in relation to this item:

(viii) legal advice

That:

- (1) Pursuant to Subsection 56A(12)(a)(viii) of the *Development Act 1993* the Development Assessment Panel orders that the public be excluded from the meeting with the exception of the Director-Development and Environmental Services, Senior Manager-Planning Services, relevant Planning Officer and the Minute Secretary, on the basis that it will consider legal advice.
- (2) Accordingly, on this basis, the Development Assessment Panel is satisfied that the principle that meetings of the Development 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: S Milne
That the recommendation be adopted.

Seconded: G Hewitt

CARRIED

At 5.44pm the meeting moved into confidence.

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

D Hughes and T Hurn returned to the meeting at 5.56pm.

Moved: D Reiman
That the Development Assessment Panel has considered Confidential Item 9.1 ERD Court Appeal – Development Application 960/390/2015 – PJ Seppelt - Extensions and Variations to Existing Restaurant and Function Centre – Legal Advice in relation to Development Application 960/390/2015 and resolves as follows:

Seconded: R Miller

- (1) Confidential Resolution.
- (2) Confidential Resolution.
- (3) Confidential Resolution.
- (4) Confidential Resolution.
- (5) Confidential Resolution.
- (6) Confidential Resolution.
- (7) Confidential Resolution.
- (8) Confidential Resolution.
- (9) The Barossa Council Development Assessment Panel having considered this matter in confidence under Subsection 56A(12)(a)(viii) of the *Development Act 1993* makes an order pursuant to Section 56A(16) of the Act that minutes, report, documents and attachments provided at the meeting of 6 December 2016 in relation to confidential item 9.1 ERD Court Appeal – Development Application 960/390/2015 – PJ Seppelt – Extensions and Variations to Existing Restaurant and Function Centre - Legal Advice, other than the minutes recording the decision of the Development Assessment Panel on this item and recording this confidentiality order, be kept confidential and not made available for public inspection.

CARRIED

10. NEXT MEETING

Tuesday 7 February 2017 commencing at 5.00pm.

11. CLOSURE OF MEETING

Prior to closing the meeting Bruce Ballantyne thanked everyone for their help and contribution throughout the year and wished everyone a Merry Christmas.

The Presiding Member declared the meeting closed at 5.57 pm.

Confirmed

Date: Chairman: