



## **DEVELOPMENT ASSESSMENT PANEL**

### **MINUTES OF THE MEETING OF THE BAROSSA COUNCIL DEVELOPMENT ASSESSMENT PANEL**

Held on Tuesday, 8 November 2016 commencing at 5.05pm 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)

Brian Irvine (Senior Planner)

Marie Thom (Minute Secretary)

**2.2 Apologies**

Nil.

**2.3 Absent**

Nil.

**3. CONFIRMATION OF MINUTES**

Moved: D Hughes

Seconded: T Hurn

That the minutes of the Council Development Assessment Panel meeting held on 4 October 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
7.2 - 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
7.2 - 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
7.4 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

## 6. REPORTS - APPLICATIONS FOR DECISION

### 6.1 960/464/2016 (Section 281 Moculta Road Moculta)

Representor

Mr Kevin Graetz addressed the Panel at 5.07pm.

Applicant

Mr Mark Baade of SK Planning on behalf of Huawei Technologies Australia Pty Ltd addressed the Panel at 5.12pm 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 development proposal is not seriously at variance to The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/464/2016 by Huawei Technologies Australia Pty Ltd to undertake the construction of a telecommunication facility at Section 281 Moculta Road Moculta (CT 5279/98) subject to the concurrence of the Development Assessment 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. 960/464/2016 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) A row of screening bushes and trees be planted adjacent to, and outside the southern and western fences around the facility.

Reason: To provide screening of the facility and improve the amenity value to the locality.

#### **Panel Decision**

Moved: S Milne

Seconded: D Hughes

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. 960/464/2016 by Huawei Technologies Australia Pty Ltd to undertake the construction of a telecommunication facility at Section 281 Moculta Road Moculta (CT 5279/98) subject to the concurrence of the Development Assessment 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. 960/464/2016 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) A row of screening bushes and trees be planted adjacent to, and outside the southern and western fences around the facility to the reasonable satisfaction of Council.

Reason: To provide screening of the facility and improve the amenity value to the locality.

**CARRIED**

## **6.2 960/401/2016 (1-3 Tanunda Road Nuriootpa)**

### **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. 960/401/2016 by Elderton Wines Pty Ltd to undertake conversion of an existing cellar door sales building to offices, and conversion of an existing dwelling to offices and cellar door sales area at 3 Tanunda Road Nuriootpa (CT 6101/315) 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. 960/401/2016 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) The opening hours for the cellar door sales area shall be 8.30am to 5.00pm Monday to Friday inclusive, and 11.00am to 4.00pm Saturday, Sunday and public holidays.

Reason: To maintain the amenity of the locality

- (3) Not more than 75 patrons shall be present on the site of the cellar door sales outlet at any one time.

Reason: To maintain the amenity of the locality.

- (4) Any external lighting shall be located and directed so that there is no overspill beyond the boundaries of the subject land.

Reason: To maintain the amenity of the locality.

### **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 8563 8444.
- (d) The installation of further advertisements may require an additional application. Further enquiries should be made with Council prior to installing any further advertisements.

### **Panel Decision**

Moved: R Miller  
That the recommendation be adopted.

Seconded: D Reiman

**CARRIED**

## **7. REPORTS – PANEL UPDATES**

### **7.1 DAC Concurrence Matters**

#### **Recommendation**

That the report be received.



### **Panel Decision**

Moved: D Reiman  
That the recommendation be adopted.

Seconded: T Hurn

**CARRIED**

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

D Hughes and T Hurn left the meeting at 5.24pm due to a stated conflict of interest.

### **Recommendation**

That the report be received.

### **Panel Decision**

Moved: R Miller  
That the recommendation be adopted.

Seconded: G Hewitt

**CARRIED**

D Hughes and T Hurn returned to the meeting 5.29pm.

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

### **Recommendation**

That the Panel resolve the appeal be settled by compromising the undersized allotment matters on the following basis:

- (1) Condition 3 of Development Approval No. 960/D007/2016 be deleted.
- (2) The amended plan for Development Application 960/D007/2016 in Attachment 3 be substituted for the plan previously approved by the Council.
- (3) Permit Development Application 960/D017/2015 to be varied to the extent of necessary consequential amendments to the boundaries of Allotment 139 as contained in Attachment 3.

### **Panel Decision**

Moved: R Miller  
That the recommendation be adopted.

Seconded: S Milne

**CARRIED**

**7.4 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 Panel resolve to reach a compromise in relation to this appeal on the basis of the matters raised in the report.

**Panel Decision**

Moved: D Hughes

Seconded: T Hurn

That the Panel resolve to consider a compromise in relation to this appeal on the basis of the matters raised in the written and verbal reports presented to the meeting.

**CARRIED**

**7.5 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: S Milne

Seconded: D Reiman

That the recommendation be adopted.

**CARRIED**

**8. Reports – Other Business**

**8.1 Development Assessment Panel Meeting Schedule For 2017**

**Recommendation**

That the Development Assessment Panel agree to continue to meet on the first Tuesday of each month (with the exception in November 2017) at The Barossa Council Chambers commencing at 5.00pm.

**Panel Decision**

Moved: D Reiman

Seconded: G Hewitt

That the recommendation be adopted.

**CARRIED**

**8.2 Welcome to M Thom**

B Ballantyne welcomed M Thom to the meeting and thanked her for her contribution to recording the minutes of the meeting.

**8.3 Brian Irvine - Retirement**

G Mavrinac announced to the panel that Brian is retiring and that this would be his last panel meeting. Mr Mavrinac thanked Brian for his involvement with the panel and wished him all the very best for his retirement.

**9. REPORTS CONFIDENTIAL**

Nil.

**10. NEXT MEETING**

Tuesday 6 December 2016 commencing at 5.00pm.

**11. CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 5.51 pm.

Confirmed

Date: ..... Chairman: .....