

# BAROSSA ASSESSMENT PANEL

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

**Tuesday, 3 December 2019 commencing at 5:01pm**

in the Council Chambers, 43-51 Tanunda Road, Nuriootpa



*The Barossa Council*

# MINUTES

## Index

|  |         |
|--|---------|
| <b>1. Welcome</b>  | Page 3  |
| <b>2. Attendance</b>   | Page 3  |
| <b>3. Confirmation of Minutes</b>  | Page 3  |
| <b>4. Business Arising</b>   | Page 3  |
| <b>5. Declaration of Interest by members of the Panel</b>  | Page 4  |
| <b>6. Reports Applications for Decision</b>  |         |
| 6.1 960/571/2019 (77 Samuel Road Nuriootpa)  | Page 4  |
| 6.2 960/208/2019 (228 Moculta Road, 276 Moculta Road, Allot 91 Moculta Road, Allot 1 Moculta Road, 422A Moculta Road and 516 Moculta Road Penrice) | Page 5  |
| <b>7. Reports – Applications to Proceed/Not to Proceed to Assessment</b>   |         |
| 7.1 960/513/2019 (25 North Street Angaston)  | Page 7  |
| <b>8. Reports – Deferred Applications for Decision</b>   |         |
| Nil.   | Page 9  |
| <b>9. Reports – Panel Updates</b>  |         |
| 9.1 State Planning Commission Concurrence Matters  | Page 9  |
| <b>10. Reports – Other Business</b>  |         |
| 10.1 Barossa Assessment Panel Terms of Reference and Operating and Meeting Procedures  | Page 9  |
| <b>11. Reports - Confidential</b>  |         |
| Nil.   | Page 9  |
| <b>12. Next Meeting</b>  | Page 9  |
| <b>13. Closure of Meeting</b>  | Page 10 |

## 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           |
| Deirdre Reiman   | Member           |
| Richard Miller   | Member           |

Council Staff

|                 |                                     |
|-----------------|-------------------------------------|
| Louis Monteduro | Assessment Manager                  |
| Janine Lennon   | Senior Assessment Officer, Planning |
| Jake Boswell    | Assessment Officer, Planning        |
| Ashleigh Gade   | Assessment Officer, Planning        |
| Marie Thom      | Minute Secretary                    |

### 2.2 Apologies

Grant Hewitt - Member  
Gary Mavrinnac – Director Development & Environmental Services

### 2.3 Absent

Nil.

## 3. CONFIRMATION OF MINUTES

Moved: R Miller  
That the minutes of the Barossa Assessment Panel meeting held on Tuesday 12 November 2019 be received and confirmed.

**CARRIED**

Moved: R Veitch  
That the confidential minutes of the Barossa Assessment Panel meeting held on Tuesday 12 November 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 |
|--|--------------|
| 7.1<br>960/513/2019 – 25 North Street Angaston<br>R Miller has a professional relationship<br>with the owners of the property. | R Miller     |

## 6. REPORTS - APPLICATIONS FOR DECISION

### 6.1 960/571/2019 (77 Samuel Road Nuriootpa)

Mr R Vater, the owner of the site, 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 proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To REFUSE Development Plan Consent for Application No. 960/571/2019 by Opalescent Signs to undertake Installation of advertising signage; 3 x free-standing advertisements; 3 x flag advertisements; 3 x fascia signs at 77 Samuel Road, Nuriootpa (CT 5480/328) for the following reasons:

The proposed development is contrary to:

- General Section – Advertisements, Principles of Development Control 2(a), 10 and 15.

Reason: Due to the proliferation of signage and the number of free-standing advertising signs.

- General Section - Interface Between Land Uses, Principle of Development Control 1.

Reason: Due to the proposed operating times for the illumination of signage.

- Industry (Barossa Valley Region) Zone, Principle of Development Control 15(a)

Reason: The proposal includes the use of flags.

## Panel Decision

Moved: R Miller

Seconded: D Reiman

That the proposal be deferred pending additional information on an amended design for the proposed signage.

**CARRIED**

### **6.2 960/208/2019 (228 Moculta Road, 276 Moculta Road, Allot 92 Moculta Road, Allot 1 Moorooroo Road, 422A Moculta Road and 516 Moculta Road Penrice**

#### **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. 960/208/2019 by Graham Fechner to undertake Torrens Title Land Division – Boundary Re-alignment – Non-Complying at 228 Moculta Road, 276 Moculta Road, Allot 91 Moculta Road, Allot 1 Moorooroo Road, 422A Moculta Road, and 516 Moculta Road, Penrice (CT 5202/252; 5314/652; 5459/709; 5630/136; 5856/285; 5973/91) 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. 960/208/2019, including:
  - Proposed Land Division, 66677\_pland\_1\_V01, Sheet 2 of 2, ref. C127/19, prepared by Gilbert Surveys Pty Ltd, received 11 April 2019
  - Statement of Effect, dated 16 October 2019, prepared by Planning Chambers Pty Ltd, received 11 November 2019.

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) Prior to the issue of a Certificate of Approval, any and 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 entirely within its boundaries.

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

- (3) Prior to the issue of a Certificate of Approval, the location of any septic tank and associated plumbing servicing an existing dwelling shall be confirmed as being on the same allotment as the respective dwelling.

Reason: To ensure all wastewater infrastructure is maintained entirely on its respective allotment.

### **State Commission Assessment Panel Conditions**

- (4) The financial requirements of the SA Water Corporation shall be met for the provision of water supply. (SA Water H0084465).

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.

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

### **SA Water Conditions**

- (5) 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.

### Panel Decision

Moved: R Miller

Seconded: R Veitch

That the recommendation be adopted.

**CARRIED**

## 7. APPLICATIONS TO PROCEED/NOT TO PROCEED TO ASSESSMENT

### 7.1 960/513/2019 (25 North Street Angaston)

R Miller left the meeting at 5.16pm due to a conflict of interest.

#### 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. 960/513/2019 by Pyper Leaker Surveying and W S Rohrlach and K A Rohrlach to undertake Community Title Land Division - Create five additional allotments at 25 North Street, ANGASTON SA 5353 (CT 5365/610 and 5365/612).

- (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 and requests the following examinations in their future submissions in support of this proposal:
- Proposed building envelopes that ensure that future dwellings are able to be located in unobtrusive locations, away from prominent sites and ridgetops, and where possible out of view of arterial roads and tourist routes.

- Evidence that on-site waste water systems meets the requirements of the *South Australian Public Health Act 2011*, the Wastewater Regulations, the *Environment Protection Act 1993* and the Environment Protection (Water Quality) Policy 2003 and includes consideration of potential off-site cumulative impacts on surface and/or groundwater quality than connection to reticulated sewer.

### Panel Decision

Moved: D Reiman

Seconded: R Veitch

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. 960/513/2019 by Pyper Leaker Surveying and W S Rohrlach and K A Rohrlach to undertake Community Title Land Division - Create five additional allotments at 25 North Street, ANGASTON SA 5353 (CT 5365/610 and 5365/612).

- (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 and requests the following examinations in their future submissions in support of this proposal:
  - Proposed building envelopes and contour plans that ensure that future dwellings are able to be located in unobtrusive locations, away from prominent sites and ridgetops, and where possible out of view of arterial roads and tourist routes.
  - Evidence that on-site waste water systems meets the requirements of the *South Australian Public Health Act 2011*, the Wastewater Regulations, the *Environment Protection Act 1993* and the Environment Protection (Water Quality) Policy 2003 and includes consideration of potential off-site cumulative impacts on surface and/or groundwater quality than connection to reticulated sewer.

**CARRIED**

R Miller returned to the meeting at 5.20pm.



## **8. REPORTS – DEFERRED APPLICATIONS FOR DECISION**

Nil.

## **9. REPORTS - PANEL UPDATES**

### **9.1 STATE PLANNING COMMISSION CONCURRENCE APPLICATIONS**

#### **Recommendation**

That the report be received.

#### **Panel Decision**

Moved: R Veitch

Seconded: D Reiman

That the recommendation be adopted

**CARRIED**

## **10. REPORTS - OTHER BUSINESS**

### **10.1 BAROSSA ASSESSMENT PANEL TERMS OF REFERENCE AND OPERATING AND MEETING PROCEDURES**

#### **Recommendation**

That:

- (1) The proposed changes to the current Terms of Reference referred to Council for consideration and endorsement for the Barossa Assessment Panel as outlined in the report be formally endorsed for the period up to 30 June 2020.
- (2) The Barossa Assessment Panel further consider changes to the Operating and Meeting Procedures that would be effective from 1 July 2020 and a further report be submitted for final endorsement prior to that date.

#### **Panel Decision**

Moved: R Veitch

Seconded: D Reiman

That the recommendation be adopted.

**CARRIED**

## **11. REPORTS – CONFIDENTIAL**

Nil.

## **12. NEXT MEETING**

Tuesday 4 February 2020 commencing at 5.00pm.

### 13. CLOSURE OF MEETING

B Ballantyne extended Christmas and New Years greetings to the panel members and council staff.

The Presiding Member declared the meeting closed at 5.28 pm.

Confirmed.

Date: \_\_\_\_\_ Chairman: \_\_\_\_\_