

BAROSSA ASSESSMENT PANEL

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

Tuesday, 7 July 2020 commencing at 5:00pm

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



The Barossa Council

MINUTES

Index

1.	Welcome	Page 4
2.	Attendance	Page 4
3.	Confirmation of Minutes	Page 4
4.	Business Arising	Page 5
5.	Declaration of Interest by Members of the Panel	Page 5
6.	Reports – Applications for Decision	
	6.1 960/87/2020 (759 Light Pass Road Angaston)	Page 5
	6.2 960/696/2019 (491 Stockwell Road Light Pass)	Page 10
7.	Reports – Applications to Proceed/Not to Proceed to Assessment	
	7.1 960/294/2020 (981 Light Pass Road Vine Vale)	Page 13
	7.2 960/206/2020 (19D Goldfields Road Cockatoo Valley)	Page 14
8.	Reports – Deferred Applications for Decision	Page 14
9.	Reports – Panel Updates	
	9.1 SCAP Concurrence Matter	Page 14
10.	Reports – Other Business	Page 14
	10.1 Planning Reform Updates	Page 15
11.	Reports – Confidential	Page 15
12.	Reports – Next Meeting	Page 15
13.	Closure of Meeting	Page 16

1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5:00pm.

2. ATTENDANCE

2.1 Present

Panel Members

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

Council Staff

Gary Mavrincac	Director, Development and Environmental Services
Janine Lennon	Senior Assessment Officer, Planning
Jake Boswell	Assessment Officer, Planning
Anthony Zollo	Assessment Officer, Planning (5:16pm)
Chris Kruger	Minute Secretary

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: G Hewitt

Seconded: D Reiman

That the minutes of the Barossa Assessment Panel meeting held on 2 June 2020 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
7.1 960/294/2020 981 Light Pass Road Vine Vale	Richard Miller
R Miller has a professional relationship with the owners of the land	

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/87/2020 (759 Light Pass Road Angaston)

Representors

Elinor Walker (ESD Planning & Design) addressed the Panel on behalf of Kerry Welton-Pizzey, and Mick Roehr at 5:03pm, and answered questions from the Panel.

Applicant

Annie Atkinson addressed the Panel on behalf of Sorby Adams Wines at 5:19pm, and answered questions from 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 GRANT Development Plan Consent for Application No. 960/87/2020 by Sorby Adams Wines to undertake 'Additions to an existing winery; Construction of a finished goods storage shed (measuring 33.4m x12.4m x 6.128m wall height) and construction of a canopy joining the two winery buildings (measuring 10.5m x 33.4m); Installation of a 385kl rain water

tank' at 759 Light Pass Road, Angaston (CT 5886/382) 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. 960/87/2020, including:
- Block Plan, prepared by Brooksby Design and Drafting, as amended 15 June 2020
 - Site Plan, prepared by Brooksby Design and Drafting, as amended 15 June 2020
 - Floor Plan, prepared by Brooksby Design and Drafting, as amended 15 June 2020
 - Elevation Plans, prepared by Brooksby Design and Drafting, as amended 15 June 2020
 - Wastewater Drainage Layout, prepared by Brooksby Design and Drafting, as amended 15 June 2020
 - Sorby Adams Wines Landscape Plan, prepared by Noble Landscapes Design, dated 21 June 2020
 - Environmental Engineer's Report – Environmental Impact Assessment of DA 960/87/2020, prepared by Archer Environmental Services, dated 15 May 2020
 - Response to Representations, prepared by Connor Atkinson and Associates – Urban and Rural planning, dated 18 May 2020
 - Water Tank Plan, prepared by Heritage Water Tanks, revision C, dated 23 February 2017

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) Before commencement of any building work, landscaping in accordance with the supplied Sorby Adams Wines Landscape Plan, prepared by Noble Landscapes Design, shall be substantially planted with appropriate semi-mature plantings, to the reasonable satisfaction of Council.

Reason: To ensure the development is suitably screened by the landscaping proposed.

- (3) Unless with the prior written consent of Council, the landscaping works shown on the endorsed plans must be carried out and completed within 6 months of the substantial completion of the development, and maintained to the reasonable satisfaction of Council.

Reason: To ensure landscaping is undertaken within a timely manner.

- (4) 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.

Storm water disposal systems must be fully installed at the completion of the construction of the building with adequate measures deployed during construction to ensure the temporary disposal of surface or roof water does not affect neighbouring properties, to the satisfaction of Council.

Reason: To ensure that stormwater is adequately managed at the site.

- (5) Construction shall not take place on any Sunday or Public Holiday or after 7.00 pm or before 7.00 am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

Reason: To minimise any adverse impact upon the amenity of the locality.

- (6) During construction or installation of all works associated with the development and proposed roads and utility services:
- a. Dust generated at the site shall be reasonably controlled at all times to prevent nuisance to occupants of adjoining land.
 - b. Noise generated at the site shall be kept to the minimum level that is reasonably practicable.
 - c. Appropriate erosion control measures shall be employed to prevent soil removal from the site by stormwater runoff, and to prevent siltation of watercourses, to the reasonable satisfaction of Council's Director – Works & Engineering.
 - d. Any dirt or debris from the site deposited onto existing roadways by the applicant's contactors or sub-contractors shall be cleared immediately.

Reason: To minimise any adverse impact upon the amenity of the locality.

- (7) The development authorised herein shall 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, wastewater, waste products, grit or oil
 - (d) Presence of vermin

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (8) No spraying of agricultural chemicals or other substances shall occur when weather or other conditions may carry spray drift onto adjoining property.

Reason: To minimise any adverse impact upon the amenity of the locality.

- (9) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Noise) Policy 2007, and such that any resulting noise is not considered a nuisance, to the reasonable satisfaction of Council.

Reason: To minimise any adverse impact upon the amenity of the locality.

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

Reason: To minimise any adverse impact upon the amenity of the locality.

- (11) Unless with the prior written consent of Council, the removal of any solid waste from the site shall be undertaken between 7.00 am – 7.00 pm, to the reasonable satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (12) Unless with the prior written consent of Council, all deliveries to the site shall be undertaken between 7.00 am – 7.00 pm, to the reasonable satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (13) Handling, loading and any outside storage of materials must be carried out in a controlled area where spills can be contained and stormwater run-off can be protected from contamination, to the reasonable satisfaction of Council.

Note: All ongoing activities associated with the development shall be undertaken within the building authorised herein.

Reason: To ensure waste water does not impinge the stormwater system on site.

- (14) All winery processing shall be undertaken on an impervious area to ensure that any spillages from such areas are directed to the on-site wastewater treatment system.

Reason: To allow the suitable management of waste water.

- (15) All car parking, driveways and vehicle manoeuvring areas shall be constructed and finished in bitumen, brick paving or concrete in accordance with approved engineering procedures prior to the occupation or use of the development.

Reason: To ensure that all car parking is sealed and constructed to the reasonable satisfaction of Council.

- (16) All on-site activities associated with the development herein shall be limited to the maturation and storage of barrelled wine and finished product only.

Reason: To ensure that activities are clearly limited to those within the scope of the application, not including any fermentation, crushing or bottling.

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) The applicant is advised that the bottling of wine, crushing of grape product (or similar), and fermentation must not occur on-site. Any expansion of the operation to incorporate these activities on-site is subject to additional consents. Contact Council's Development Services via phone (08) 8563 8444 if more information is required.
- (d) The applicant is reminded of its general environmental duty, as required by Section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. Practices to minimise noise impact on sensitive receivers include (but are not limited to):
- (i) shutting equipment down whenever not in use
 - (ii) application of broadband beepers on forklifts, and
 - (iii) ensuring equipment are operated in a way that reduces noise impact.
- (e) 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.

- (f) Any works associated with the development, such as tree planting, 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 1999*. Further enquiries should be directed to the Works and Engineering team on 8563 8444.

Panel Decision

Moved: R Miller

Seconded: R Veitch

The Barossa Assessment Panel resolved to defer consideration of Application 960/87/2020, pending further information to be provided by the Applicant:

- Acoustic Report
- Layout plan.

CARRIED

6.2 960/696/2019 (491 Stockwell Road Light Pass)

Mr Michael Richardson (Masterplan) answered questions from the Panel on behalf of the Applicant at 5:42pm.

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. 960/696/2019 by RD Falkenberg to undertake a Change of Use - to include the parking of three trucks to a maximum MRV size (liquid waste removal trucks) (Non-Complying) at 491 Stockwell Road, LIGHT PASS (CT 5339/954) for the following reasons:

The proposed development is contrary to:

General Section Character Preservation District Objective 1(c)

General Section Character Preservation District Principles of Development Control 1

General Section Orderly and Sustainable Development Objective 7

General Section Orderly and Sustainable Development Principles of Development Control 10

Primary Production (Barossa Valley Region) Zone Objectives 1, 3, 4 and 6

Primary Production (Barossa Valley Region) Zone Principles of Development Control 1, 2, 3 and 8

Reason: In that the development is not in accordance with the envisaged use and Desired Character for the District and Zone, further that it has resulted in the loss of a desired use from the District and Zone.

Panel Decision

Moved: R Miller

Seconded: R Veitch

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. 960/696/2019 by RD Falkenberg to undertake Change of Use - to include the parking of three trucks to a maximum MRV size (liquid waste removal trucks) at 491 Stockwell Road, Light Pass (CT 5339/954) subject to SCAP concurrence and the following conditions:
 1. The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/696/2019, including: Statement of Effect, prepared by Masterplan, dated May 2020; Site Plan, prepared by Masterplan, dated April 2020; 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 Relevant Authority.
 2. All driveways, vehicle manoeuvring and parking areas shall be drained and provided with an all-weather surface to the reasonable satisfaction of Council.
Reason: To minimise any adverse impact upon the amenity of the locality.
 3. The use is for the parking of three Medium Rigid Vehicles (MRV) only and does not include approval for any other commercial or industrial activities on the site.
Reason: To minimise any adverse impact upon the amenity of the locality.

4. Vehicles shall always enter and exit the property in a forward facing direction.
Reason: To minimise any adverse impact upon traffic flow within the locality.
5. No emptying, cleaning or washing of the Medium Rigid Vehicles shall occur on the site.
Reason: To minimise any adverse impact upon the amenity of the locality.
6. No receipt or storage of waste shall occur on the site, the Medium Rigid Vehicles shall be empty of waste prior to entering the site.
Reason: To minimise any adverse impact upon the amenity of the locality.

Advisory Notes

- a) Any variation of this approved development and / or the conditions of consent herein will require a separate request and approval by Council or other relevant planning authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.
- b) Any portion of Council's infrastructure damaged as a result of or associated with the development shall be repaired/reinstated to Council's satisfaction at the developer's expense.
- c) The applicant is advised that this consent does not permit anyone to clear, remove limbs or trim native vegetation. Any proposal to clear, remove limbs, or trim native vegetation will require approval or confirmation of exemption from the Native Vegetation Council. An interactive guide is available to help owners and others determine the requirements that apply under the Native Vegetation Act 1991, <https://www.environment.sa.gov.au/topics/native-vegetation/interactive-guide>. Any specific queries regarding the clearance, removal, or trimming of native vegetation should be directed to the South Australian Native Vegetation Council.
- d) 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.
- e) The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that the activities on the whole site, do not pollute the environment in a way which causes or may cause environmental harm. Practices to minimise noise impact on sensitive receivers include (but are not limited to):
 - (i) shutting equipment down whenever not in use, and
 - (ii) ensuring equipment is operated in a way that reduces noise impact.

CARRIED

7. REPORTS – APPLICATIONS TO PROCEED/NOT TO PROCEED

7.1 960/294/2020 (981 Light Pass Road Vine Vale)

R Miller left the meeting at 5:52pm due to a stated conflict of interest.

Mr Graham Burns (MasterPlan) answered questions from the Panel on behalf of the Applicant at 5:54pm.

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 that the development proposal is seriously at variance to The Barossa Council Development Plan and is therefore REFUSED pursuant to section 35(2) of the *Development Act 1993* for the following reasons:

The proposed development is contrary to:

- General Module – Land Division PDC 19; Character Preservation District PDC 1(c) Primary Production (BVR) Zone; PDC 2 and 4

Reason: Land Division will result in the fragmentation of productive primary production land.

- Primary Production (BVR) Zone; PDC 2, 25 and 26

Reason: Land Division not consistent with the principles of the Zone.

Panel Decision

Moved: R Veitch

Seconded: G Hewitt

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. 960/294/2020 by Brown Family Vineyards Pty Ltd and CJ Ahrens to undertake a Torrens Title Land Division – Create one additional allotment at 981 Light Pass Road Vine Vale

- (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.

R Miller returned to the meeting at 6:00pm.

7.2 960/206/2020 (19D Goldfields Road Cockatoo Valley)

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. 960/206/2020 by Pyper Leaker Surveying and JD Lewis to undertake Torrens Title Land Division - Create one additional allotment at 19D Goldfields Road, COCKATOO VALLEY (CT 5923/362).

- (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.

Panel Decision

Moved: R Veitch

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

Nil.

9. REPORTS - PANEL UPDATES

9.1 State Planning Commission Concurrence Matters

The Panel noted that Application 960/358/2019 – Brown Family Vineyards, 981 Light Pass Road Vine Vale, has since been withdrawn by the Applicant.

Recommendation

That the report be received.

Panel Decision

Moved: D Reiman

Seconded: R Veitch

That the recommendation be adopted.

CARRIED

10. REPORTS - OTHER BUSINESS

10.1 Planning Reform Updates

G Mavrinc distributed updated information in relation to Accreditation and training under the *Planning, Development and Infrastructure Act 2016 (Accredited Professionals Regulations 2019)*. It is the responsibility of Independent Panel members to gain and maintain their Accreditation. Further information was supplied relating to insurance cover through the Local Government Mutual Liability Scheme for Panel members.

Discussions will be held with Panel members in due course in relation to the delegation of relevant powers and functions under the updated Delegations template due for distribution shortly.

Recommendation

That the report be received.

Panel Decision

Moved: G Hewitt

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 4 August 2020 commencing at 5.00pm.

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:13pm.

Confirmed

Date: Chairman: