

BAROSSA ASSESSMENT PANEL

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

Tuesday, 4 August 2020 commencing at 5:00pm

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



The Barossa Council

MINUTES

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1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5:06 pm.

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne	Presiding Member
Rob Veitch	Member
Grant Hewitt	Member
Deirdre Reiman	Member
Russell Johnstone	Deputy Member

Louis Monteduro	Assessment Manager (5:50pm)
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Council Staff

Gary Mavrinc	Director, Development and Environmental Services
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Paul Mickan	Principal Planner (5:50pm)
Janine Lennon	Senior Assessment Officer, Planning
Jake Boswell	Assessment Officer, Planning
Anthony Zollo	Assessment Officer, Planning (5:28pm)
Chris Kruger	Minute Secretary

2.2 Apologies

Richard Miller.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: D Reiman

Seconded: G Hewitt

That the minutes of the Barossa Assessment Panel meeting held on 7 July 2020 be received and confirmed.

CARRIED

4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

Nil.

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/190/2020 (28 Braunack Avenue Tanunda)

Representors

Liam Boschen (on behalf of Peter and Cheryl Boschen) addressed the Panel at 5:08pm, and answered questions from the Panel.

Applicant

Shaun Ahearn addressed the Panel at 5:15pm, 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. 960/190/2020 by Shaun Ahearn to undertake Change of use to include gym/fitness studio; Construction of a shed - combined domestic use and fitness studio (measuring 15.0m x 6.913m x 2.7m wall height) at 28 Braunack Avenue, Tanunda (CT 6101/297) subject to the following conditions and advisory notes:

Reserved Matter

- (1) The applicant shall supply an acoustic report relevant to the proposed development, prepared by a suitably qualified

professional, which gives regard to, but is not limited to the following:

- Hours of operation
- Numbers of clients
- Extent of activities to occur
- List of equipment for use
- The residential locality

to the satisfaction of council.

Council Conditions

(1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/190/2020, including:

- Site Plan, prepared by S Ahearn, received by council dated 22 May 2020
- Frontage Elevation Plan, prepared by S Ahearn, received by council dated 24 July 2020
- Shed Summary Details, prepared by Stratco, dated 21 April 2020
- Elevation Plans, prepared by Stratco, dated 21 April 2020
- Floor Plan, prepared by Stratco, dated 21 April 2020
- Studio Summary Area plan, prepared by S Ahearn, received by council dated 24 July 2020
- Intended Use Summary letter, prepared by S Ahearn, dated 24 April 2020
- Supplemental Application letter, prepared by S Ahearn, dated 10 May 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 Planning Authority.

(2) 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.

Stormwater 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 the stormwater is managed appropriately.

(3) The domestic section of the building authorised herein shall not be used for human habitation or occupation, or industrial or commercial use, at any time.

Reason: To ensure the relevant portion of the building remains used for domestic storage only.

- (4) 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, waste water, waste products, grit or oil
 - (d) Presence of vermin

Reason: To ensure the site does not detrimentally affect adjacent sites.

- (5) Unless with the prior written consent of Council, the authorised use herein may only operate between (inclusive) the following parameters:
- Monday – Friday: 7.00 am – 7.00 pm

Reason : To ensure the use occurs within nominated timeframes.

- (6) Unless with the prior written consent of Council, the authorised fitness studio herein may only service four (4) clients at any one time.

Reason: To ensure the use occurs with nominated maximum number of clients.

- (7) No internal or 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 reasonable satisfaction of Council.

Reason: To ensure no artificial sound amplification occurs.

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

Reason: To ensure any artificial lighting is appropriately managed to alleviate potential light spill.

- (9) Prior to occupation, the building shall be connected to an approved wastewater system.

Reason: To ensure wastewater is managed appropriately.

- (10) All commercial access to the fitness studio shall be via the personal access gate located abutting the frontage of the dwelling, adjacent the existing driveway.

Reason: To ensure no commercial traffic traverses through the front gate on site to minimise potential interface issues.

- (11) All off-street client car parking associated with the proposed development shall be within the bounds of the existing driveway (and widened where necessary), located at the western side of the site, forward of the dwelling.

Reason: To ensure car parking is provided off-street.

- (12) A car parking space compliant with the requirements of the Disability Discrimination Act shall be provided on site, on or adjacent the existing driveway, prior to the commencement of use.

Reason: To ensure a DDA compliant car park is provided on site.

- (13) The fitness studio component of the development shall be internally lined with soundproofing batts with minimum rating of R2.5, prior to the commencement of use, to the reasonable satisfaction of Council.

Reason: To ensure the building is appropriately lined to assist with sound mitigation.

- (14) Use of the fitness studio authorised herein shall be limited to one (1) instructor/staff per session.

Reason: To ensure all studio sessions occur with a maximum of one instructor.

Advisory Notes

- (a) Any variation of this approved development and/or the conditions of consent 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 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 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.

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

Panel Decision

Moved: R Veitch

Seconded: G Hewitt

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. 960/190/2020 by Shaun Ahearn to undertake Change of use to include gym/fitness studio; Construction of a shed - combined domestic use and fitness studio (measuring 15.0m x 6.913m x 2.7m wall height) at 28 Braunack Avenue, Tanunda (CT 6101/297) subject to the following conditions and advisory notes:

Reserved Matter

- (1) The applicant shall supply an acoustic report relevant to the proposed development, prepared by a suitably qualified professional, which gives regard to, but is not limited to the following:
 - Hours of operation
 - Numbers of clients

- Extent of activities to occur
- List of equipment for use
- The residential locality

to the satisfaction of council.

Council Conditions

(1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/190/2020, including:

- Site Plan, prepared by S Ahearn, received by council dated 22 May 2020
- Frontage Elevation Plan, prepared by S Ahearn, received by council dated 24 July 2020
- Shed Summary Details, prepared by Stratco, dated 21 April 2020
- Elevation Plans, prepared by Stratco, dated 21 April 2020
- Floor Plan, prepared by Stratco, dated 21 April 2020
- Studio Summary Area plan, prepared by S Ahearn, received by council dated 24 July 2020
- Intended Use Summary letter, prepared by S Ahearn, dated 24 April 2020
- Supplemental Application letter, prepared by S Ahearn, dated 10 May 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 Planning Authority.

(2) 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.

Stormwater 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 the stormwater is managed appropriately.

(3) The domestic section of the building authorised herein shall not be used for human habitation or occupation, or industrial or commercial use, at any time.

Reason: To ensure the relevant portion of the building remains used for domestic storage only.

- (4) 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, waste water, waste products, grit or oil
 - (d) Presence of vermin

Reason: To ensure the site does not detrimentally affect adjacent sites.

- (5) Unless with the prior written consent of Council, the authorised use herein may only operate between (inclusive) the following parameters:
- Monday – Friday: 7.00 am – 7.00 pm

Reason : To ensure the use occurs within nominated timeframes.

- (6) Unless with the prior written consent of Council, the authorised fitness studio herein may only service four (4) clients at any one time.

Reason: To ensure the use occurs with nominated maximum number of clients.

- (7) No internal or 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 reasonable satisfaction of Council.

Reason: To ensure no artificial sound amplification occurs.

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

Reason: To ensure any artificial lighting is appropriately managed to alleviate potential light spill.

- (9) Prior to occupation, the building shall be connected to an approved wastewater system.

Reason: To ensure wastewater is managed appropriately.

- (10) All commercial access to the fitness studio shall be via the personal access gate located abutting the frontage of the dwelling, adjacent the existing driveway.

Reason: To ensure no commercial traffic traverses through the front gate on site to minimise potential interface issues.

- (11) All off-street client car parking associated with the proposed development shall be within the bounds of the existing driveway (and widened where necessary), located at the western side of the site, forward of the dwelling.

Reason: To ensure car parking is provided off-street.

- (12) A car parking space compliant with the requirements of the Disability Discrimination Act shall be provided on site, on or adjacent the existing driveway, prior to the commencement of use.

Reason: To ensure a DDA compliant car park is provided on site.

- (13) The fitness studio component of the development shall be internally lined with soundproofing batts with minimum rating of R2.5, prior to the commencement of use, to the reasonable satisfaction of Council.

Reason: To ensure the building is appropriately lined to assist with sound mitigation.

- (14) Use of the fitness studio authorised herein shall be limited to:
- One instructor who is a resident of the subject premises
 - And no more than one assistant instructor at any time.

Reason: To ensure the maximum number of instructors associated with any fitness session is limited to two.

Advisory Notes

- (a) Any variation of this approved development and/or the conditions of consent 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 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 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.
- (d) 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.

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

CARRIED

6.2 960/278/2018 (Allot 892 Mengler Hill Road Bethany)

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. 960/278/2018 by Julie Krieg to undertake Construction of single-storey Detached Dwelling with Garage under main roof at Allot 892 Mengler Hill Road, BETHANY (CT 5362/527) 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. 960/278/2018 and listed below except where varied by any following conditions.
 - Location Plan, (Drawing No 621-S-01a) Drawn by Max Pritchard Gunner Architects, dated May 2020
 - Site Plan, (Drawing No 621-S-02a) Drawn by Max Pritchard Gunner Architects, dated May 2020

- Floor Plan, (Drawing No 621-S-03) Drawn by Max Pritchard Gunner Architects, dated May 2020
- North, East & West Elevations, (Drawing No 621-S-04) Drawn by Max Pritchard Gunner Architects, dated May 2020
- South Elevation & Section, (Drawing No 621-S-05) Drawn by Max Pritchard Gunner Architects, dated May 2020
- Architectural Intent Render, (Drawing No 621-S-08) Drawn by Max Pritchard Gunner Architects, dated May 2020
- Landscaping Plan, (Drawing No 621-S-09) Drawn by Max Pritchard Gunner Architects, dated May 2020
- Statement of Effect, prepared by George Manos, Botten Levinson Lawyers, dated May 2020
- Flora and Fauna Survey and Assessment for Proposed New Residence at Menglers Hill, prepared by Catherine Miles (Miles Environmental) and David Armstrong, dated August 2019
- Geotechnical Investigation Summary, prepared by Samuel Case (PT Design), dated 26 September 2018

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

- (2) All windows on the north facing façade of the building shall be glazed with anti-reflective glass.

Reason: To ensure that the desired character for the site is maintained.

- (3) All internal and external fencing shall be of open post, rail and wire style construction and shall be maintained to the reasonable satisfaction of Council.

Reason: To ensure that the desired character for the site is maintained.

- (4) Prior to Development Approval being issued the applicant shall lodge and have approved by Council an application to install a wastewater system pursuant to the provisions of the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*.

Reason: To ensure that the proposal is constructed in accordance with the requirements of the *South Australian Public Health Act 2011*.

- (5) Unless with the prior written consent of Council, the landscaping works shown on the endorsed plans must be carried out within 12

months of completion of the development and maintained to the satisfaction of Council.

Reason: To ensure that landscaping is installed and maintained in accordance with the Objectives and Principles of the Development Plan.

- (6) 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.

Reason: To ensure that the proposal is used, run and maintained as approved by the Relevant Authority.

- (7) Storm water disposal systems must be completed by the completion of the construction of the building. During construction, adequate measures must be taken to ensure the temporary disposal of surface or roof water does not affect neighbouring properties.

Reason: To ensure that the proposal is used, run and maintained as approved by the Relevant Authority.

- (8) Disturbed surfaces including any exposed batters as a result of excavation on the land shall be revegetated with indigenous species and stabilised within three months of the completion of the development, to the satisfaction of Council.

Reason: To ensure that landscaping is installed and maintained in accordance with the Objectives and Principles of the Development Plan.

- (9) Any rainwater tank shall be of a material/colour that matches or blends with that of the dwelling authorised herein, to the reasonable satisfaction of Council.

Reason: To ensure that landscaping is installed and maintained in accordance with the Objectives and Principles of the Development Plan.

Country Fire Service Conditions

- (10) Access to the building site shall provide safe and convenient access/egress for large bushfire fighting vehicles, where the furthest point to the building from the nearest public road is more than 30 metres shall meet the following:

- (a) be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles.

- (b) The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either–
 - i. A loop road around the building, OR
 - ii. A turning area with a minimum radius of 12.5 metres, OR
 - iii. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.
 - (c) Private access shall have minimum internal radii of 9.5 metres on all bends.
 - (d) Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.
- (11) Access to dedicated water supply shall be made available at all times for fire-fighting and:
- (a) The water supply outlet shall be easily accessible and clearly identifiable from the access way and at a distance of no greater than 30 metres from the proposed dwelling.
 - (b) The dedicated water supply and its location should be identified with suitable signage (ie blue sign with white lettering "FIRE WATER").
 - (c) Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
 - (d) Provision shall be made adjacent to the water supply for a flat hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
 - (e) SA CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
 - (f) A gravity fed water supply outlet may be remotely located from the tank to provide adequate access.
 - (g) All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
 - (h) All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.
 - (i) Ideally a remote water supply outlet should be gravity fed, where this is not possible the following dimensions shall be considered as the maximum capability in any hydraulic design for draughting purposes:

- i. The dedicated water supply outlet for draughting purposes shall not exceed 5 metre maximum vertical lift (calculated on the height of the hardstand surface to the lowest point of the storage) and no greater than six metre horizontal distance.
 - ii. The suction outlet pipework from the tank shall be fitted with an inline non return valve of nominal internal diameter not less than that of the suction pipe and be located from the lowest point of extract from the tank. All fittings shall be installed to allow for easy maintenance.
- (12) The accessible water supply shall be made available at all times for fire-fighting and shall meet the following:
- (a) Ministers Specification SA78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister's Specification SA78.
 - (b) A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.
 - (c) The minimum requirement of 22,000 litres may be combined with domestic use, providing the outlet for domestic use is located above the 22,000 litres of dedicated fire water supply in order for it to remain as a dedicated supply.
 - (d) The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.
 - (e) The water storage facility (and any support structure) shall be constructed of non-combustible material.
 - (f) The dedicated fire-fighting water supply shall be pressurised by a pump that has –
 - i. A minimum inlet diameter of 38mm, AND
 - ii. Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
 - iii. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.
 - (g) The dedicated fire-fighting water supply pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. An 'Operations Instruction Procedure' shall be located with the pump control panel.
 - (h) The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.

- (i) All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
 - (j) All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
 - (k) A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (ie at opposite ends of the dwelling).
 - (l) All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
 - (m) All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
 - (n) All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
 - (o) All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
 - (p) All fire-fighting hoses shall be readily available at all times.
- (13) A vegetation management zone (VMZ) shall be established and maintained within 20 metres of all exposed parts of the dwelling (or to the property boundaries – whichever comes first) as follows:
- (a) The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
 - (b) Reduction of vegetation shall be in accordance with *SA Native Vegetation Act 1991* and *SA Native Vegetation Regulations 2017*.
 - (c) Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
 - (d) Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
 - (e) Shrubs must not be planted under trees or must be separated by at least 1.5 times their mature height from the trees' lowest branches.
 - (f) Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
 - (g) No understorey vegetation shall be established within one metre of exposed parts of the dwelling (understorey is defined as plants and bushes up to two metres in height).
 - (h) Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves.

- (i) The VMZ shall be maintained to be free of accumulated dead vegetation.

Panel Decision

Moved: R Veitch

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

7. REPORTS – APPLICATIONS TO PROCEED/NOT TO PROCEED TO ASSESSMENT

Nil.

8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

8.1 960/87/2020 (759 Light Pass Road Angaston)

S Adams (Applicant) answered questions from the Panel at 5:39pm.

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 x 15.15m 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 5886/3829) subject to the following conditions and advisory notes:
 - (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
- Barrel Stacking and Finished Goods Storage Layouts, prepared by Brooksby Design and Drafting, as amended 16 July 2020
- Environmental Noise Assessment Report (ref: S6556C2), prepared by SONUS Pty Ltd, dated July 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 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.

NOTE: Juvenile or tube-stock plantings, without sufficient semi-mature plantings, are not acceptable and will not be considered to reasonably satisfy council for the purposes of this condition.

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

- (3) Unless with the prior written consent of Council, all 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, and not on any Sunday or Public Holiday, 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, and not on any Sunday or Public Holiday, 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.

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

- (14) All ongoing activities associated with the development, except where otherwise specified, shall be undertaken within the building authorised herein. The following activities are noted to occur underneath the canopy:

- Steam cleaning of barrels
- Forklift movements

- Mobile pumping (tank to barrel, and vice versa)

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

- (15) 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.

- (16) 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.

- (17) 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.

- (18) Other than within the first fortnight at the substantial completion of the development to fill the proposed building, all truck movements shall be limited to (on average) one truck movement through the site once per fortnight, to the reasonable satisfaction of council.

Reason: To ensure that truck movements through the site are in accordance with supplied documentation.

- (19) No crushing or fermenting of grape product, nor any bottling, shall occur on site at any time.

Reason: To ensure no grape crushing occurs on site.

- (20) Winery processing activities on site shall be limited to:

- Receival and dispatch of bulk wine;
- Transfer of wine from tank to barrel and vice versa
- Receival and dispatch of bottled wine.

Reason: To ensure all activities are in accordance with provided documentation

- (21) Any forklift operating at the site shall be fitted with a 'broadband' reversing alarm, and shall be of a type consistent with the submitted Environmental Noise Assessment report, submitted by SONUS, dated July 2020.

Reason: To ensure all noise emissions are maintained in accordance with the *Environment Protection (Noise) Policy 2007*.

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 Veitch

Seconded: G Hewitt

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 x 15.15m 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 5886/3829) subject to the following conditions and advisory notes:
 - (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
 - Barrel Stacking and Finished Goods Storage Layouts, prepared by Brooksby Design and Drafting, as amended 16 July 2020
 - Environmental Noise Assessment Report (ref: S6556C2), prepared by SONUS Pty Ltd, dated July 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 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.

NOTE: Juvenile or tube-stock plantings, without sufficient semi-mature plantings, are not acceptable and will not be considered to reasonably satisfy council for the purposes of this condition.

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

- (3) Unless with the prior written consent of Council, all 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 8.00 am – 4.00 pm, and not on any Saturday, Sunday or Public Holiday, 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 8.00 am – 4.00 pm, and not on any Saturday, Sunday or Public Holiday, 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.

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

- (14) All ongoing activities associated with the development, except where otherwise specified, shall be undertaken within the building authorised herein. The following activities are noted to occur underneath the canopy:

- Steam cleaning of barrels
- Forklift movements
- Mobile pumping (tank to barrel, and vice versa)

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

- (15) 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.

- (16) 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.

- (17) 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.

- (18) Other than within the first fortnight at the substantial completion of the development to fill the proposed building, all truck movements shall be limited to (on average) one truck movement through the site once per fortnight, to the reasonable satisfaction of council.

Reason: To ensure that truck movements through the site are in accordance with supplied documentation.

- (19) No crushing or fermenting of grape product, nor any bottling, shall occur on site at any time.

Reason: To ensure no grape crushing occurs on site.

- (20) Winery processing activities on site shall be limited to:

- Receival and dispatch of bulk wine;
- Transfer of wine from tank to barrel and vice versa
- Receival and dispatch of bottled wine.

Reason: To ensure all activities are in accordance with provided documentation

- (21) Any forklift operating at the site shall be fitted with a 'broadband' reversing alarm, and shall be of a type consistent with the submitted Environmental Noise Assessment report, submitted by SONUS, dated July 2020.

Reason: To ensure all noise emissions are maintained in accordance with the *Environment Protection (Noise) Policy 2007*.

- (22) Unless with the prior written consent of Council, the authorised use herein may only operate between (inclusive) the following parameters:

Monday to Friday 7:30am – 6pm

Additionally, any and all barrel washing/steaming/cleaning beneath the canopy shall be undertaken only between 9am – 4pm; and all deliveries to the site between 8am – 4pm.

Reason: To ensure all activities occur within the authorised hours of operation.

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.

CARRIED

8.2 960/513/2019 (25 North Street Angaston)

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. 960/513/2019 by Pyper Leaker Surveying and WS Rohrlach and KA Rohrlach to undertake Community Title Land Division - Create five additional allotments at 25 North Street, ANGASTON (CT 5365/610 and CT 5365/612) 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 960/132/2019 (960/D012/19) 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) Any and all internal existing wastewater system components that cross the proposed allotment boundaries must be severed or redirected at the applicants cost to ensure that wastewater system 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) The applicant shall construct all services and infrastructure to service each allotment, including:

- roads
- water supply
- storm water drainage
- electricity and communications

to the reasonable satisfaction of Council.

Reason: To ensure that minimum infrastructure requirements are met for the allotments.

- (4) All internal and external fencing shall be of open post, rail and wire style construction and shall be maintained to the reasonable satisfaction of Council.

Reason: To ensure that the desired character for the site is maintained.

Department of Planning, Transport & Infrastructure Conditions

- (5) All access shall be gained via rights of way C/D only.
- (6) The shared driveway shall cater for any simultaneous two-way movements of all expected vehicles.
- (7) To prevent dust and debris being transferred onto North Street, the shared access shall be sealed from the property boundary to the edge of the road carriageway.
- (8) Pedestrian sightlines shall be maintained at the access point in accordance with AS/NZS 2890.1:2004 Fig 3.3 'Minimum Sightlines for Pedestrian Safety'.
- (9) All vehicles must enter and exit North Street in a forward direction.
- (10) Stormwater shall be collected on-site and discharged without jeopardising the safety and integrity of North Street. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Panel Decision

Moved: G Hewitt

Seconded:

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 REFUSE Development Plan Consent for 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 (SCAP Unique ID 65941) at 25 North Street, ANGASTON SA 5353 (CT 5365/610 & CT 5365/612) for the following reasons:

The proposed development is contrary to:

- Land Division Module General Section Principles of Development Control 2(c) & (g)
Reason: Land is quite steep and the intended use of the land is likely to require excessive cut and/or fill; allotment 2 & allotment 6 will straddle Zone boundaries

- Waste Module General Section Principles of Development Control 3 & 7
Reason: Due to the slope of allotments 4, 5 and 6 some performance solutions will need to be used to enable on-site waste water disposal, suggesting that in accordance with PDCs 3 & 7 connection to SA Water sewer would be a better option for the proposed allotments
- Rural Living Zone, Precinct 17 – Angaston East Principle of Development Control 13
Reason: Three of the six allotments do not meet the minimum allotment size stipulated for the Precinct

The Motion lapsed due to the want of a Secunder.

Panel Decision

Moved: R Veitch

Seconded: R Johnstone

That the recommendation be adopted.

CARRIED

9. REPORTS - PANEL UPDATES

9.1 State Planning Commission Concurrence Matters

Recommendation

That the report be received.

Panel Decision

Moved: G Hewitt

Seconded: R Johnstone

That the recommendation be adopted.

CARRIED

With the leave of the Panel, it was agreed to defer Agenda Item 10.1 until after consideration of Confidential Item 11.1

11. REPORTS – CONFIDENTIAL

11.1 ERD Court Appeal – 960/345/2019 - 44 Washington Street Angaston – Torrens Title Land Division – Create One Additional Allotment

Reason for Confidentiality

It is recommended that the public be excluded from the meeting, as is necessary, in accordance with Section 13 of the Planning, Development and Infrastructure (General)

Regulations 2017 to receive, discuss or consider in confidence the following information or matters in relation to this item:

- (vii) to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

As this matter is before the Environment, Resources and Development Court and it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.

Recommendation

That:

- (1) Pursuant to Regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017* the Barossa Assessment Panel orders that the public be excluded from the meeting with the exception of the Director, Development and Environmental Services, Assessment Manager, Principal Planner, Assessment Officers, and the Minute Secretary, on the basis that this matter is before the Environment Resources and Development Court and therefore any disclosure could place the Panel in breach of the *Environment, Resources and Development Court Act 1993*.
- (2) Accordingly, on this basis, the Barossa Assessment Panel is satisfied that the principle meetings of the 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: D Reiman

Seconded: R Veitch

That the recommendation be adopted.

CARRIED

At 5:52pm the meeting moved into confidence.

At 5:54pm the confidential session ceased and the meeting reopened to the public.

Moved: R Johnstone

Seconded: G Hewitt

That the Barossa Assessment Panel has considered *Confidential Item 11.1 ERD Court Appeal – 960/345/2019 – 44 Washington Street* and resolves as follows:

- (a) Confidential Resolution.
- (b) Pursuant to Regulation 14(4) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the Barossa Assessment Panel resolves to exclude from the minutes and from the version of the agenda report made available to the public the information dealt with on a confidential basis by the Barossa Assessment Panel, until a decision of the Environment, Resources and Development Court is made on the basis that disclosure may result in a breach of the *Environment, Resources and Development Court Act 1993*.

10. REPORTS - OTHER BUSINESS

10.1 Planning Reform Updates – Delegation Workshop

G Mavrinac welcomed newly appointed Panel Members to the meeting. Jane Evans (Member) and Jake McVicar (Deputy Member) will commence their appointments from 1 October 2020.

Council's Governance Advisor attended the Panel meeting and gave a presentation pertaining to proposed Delegations under the *Planning, Development and Infrastructure Act 2016*. Draft Delegations will be formally presented to the first meeting of the new Panel when it commences in October 2020.

12. NEXT MEETING

Tuesday 1 September 2020 commencing at 5.00pm.

13. CLOSURE OF MEETING

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

Confirmed

Date: Chairman: