

BAROSSA ASSESSMENT PANEL

MINUTES OF THE THIRTIETH MEETING OF THE BAROSSA ASSESSMENT PANEL
held on

Tuesday, 3 November 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 newly appointed Panel Member Jane Evans and all attendees, and opened the meeting at 5:00pm

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne	Presiding Member
Rob Veitch	Member
Grant Hewitt	Member
Jane Evans	Member
Russell Johnstone	Deputy Member

Louis Monteduro	Assessment Manager
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Council Staff

Gary Mavrincac	Director, Development and Environmental Services
Janine Lennon	Senior Assessment Officer, Planning (5:19pm)
Jake Boswell	Assessment Officer, Planning
Anthony Zollo	Assessment Officer, Planning (5:21pm)
Chris Kruger	Minute Secretary

2.2 Apologies

Richard Miller.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: G Hewitt

Seconded: R Veitch

That the minutes of the Barossa Assessment Panel meeting held on 6 October 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
6.3 960/221/2020 43 Rushlea Road Eden Valley	Jane Evans
J Evans has personally known the two representors for a number of years.	

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/131/2020 (7D North Street Angaston)

Representors

Tanya Wales addressed the Panel at 5:04pm, and answered questions from the Panel.

Drew Edwards (on behalf of David and Beryl Underwood) addressed the Panel at 5:06pm, and answered questions from the Panel.

Applicant

Damian and Helen Lister addressed the Panel at 5:08pm, 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 REFUSE Development Plan Consent for Application No. 960/131/2020 by DGP and HM Lister to undertake Excavating and filling totalling

approximately 670 cubic metres and batter up to 3.5m high at 7D North Street, Angaston (CT 6197/215) for the following reasons:

The proposed development is contrary to:

- General Section (Sloping Land) Objective 1

Reason: The development does not minimise visual impacts.

- General Section Principle of Development Control 1

Reason: The development does not integrate with the natural topography and does not minimise the need for earthworks.

- General Section Principle of Development Control 2

Reason: The development does not minimise its visual impact nor minimises the extent of cut and/or fill.

- General Section Principle of Development Control 7

Reason: The maximum height and depth of the earthworks exceed 1.5 metres, not preserving the natural landform.

- Rural Living Zone Objective 2

Reason: The development does not contribute to the desired character of the zone.

- Rural Living Zone Principle of Development Control 6

Reason: The development is not consistent with the desired character for the zone.

Panel Decision

Moved: R Veitch

Seconded: R Johnstone

That the recommendation be adopted.

CARRIED

6.2 960/364/2020 (Allot 897 N Herbig Road Springton)

Representors

D Rositano provided a submission but did not attend to address the Panel.

G Middleton addressed the Panel at 5:16pm, and answered questions from the Panel.

Applicant

Greg Burgess of Access Surveyors and Development Managers and Mark and Kate Fitzpatrick addressed the Panel at 5:18pm, 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. 960/364/2020 by M and K Fitzpatrick to undertake Construction of a detached dwelling with undercroft garage, gymnasium and store room (all non-habitable), decks and verandahs; Construction of a farm building (measuring 12.0m x 12.0m x 2.7m wall heights) and associated earthworks (Non-Complying) at Allot 897 N Herbig Road, Springton (CT 5641/642) subject to the following conditions and advisory notes:

Council Conditions

- (1) The Development (including the proposed vehicle cross-over on the Council's road reserve) shall be undertaken in accordance with the following plans, by JBG Architects Pty Ltd, Job 1644 and documentation (as amended) accompanying the Application comprising:
 - (a) Coversheet and Block plan, dated 24 March 2020, Issue J (inclusive of internal roadway)
 - (b) Site Plan Existing, dated 24 March 2020, Issue J
 - (c) Site Plan Masterplan, dated 24 March 2020, Issue J
 - (d) Floor Plan – Lower, dated 24 March 2020, Issue J
 - (e) Floor Plan – Ground, dated 24 March 2020, Issue J
 - (f) Elevations, dated 24 March 2020, Issue J
 - (g) Garage Details, dated 24 March 2020, Issue J
 - (h) Statement of Support, prepared by M & K Fitzpatrick, dated 14 August 2020
 - (i) Statement of Effect, prepared by Access SDM, dated 30 August 2020

except where varied by any subsequent condition set out below (as relevant).

Reason: to ensure the development is undertaken in accordance with authorised documents

- (2) All stormwater from the approved buildings, paving and from areas that immediately surround the perimeter of the approved buildings shall be disposed of in a manner that does not result in entry of water into the buildings, affect the stability of the buildings, create an unhealthy or dangerous condition, or run onto, or over land of an adjoining owner.

Reason: To ensure stormwater is managed in a suitable manner.

- (3) Stormwater disposal measures must be fully installed at the completion of the construction of the approved buildings with adequate measures deployed during construction to ensure that the temporary disposal of surface or roof water does not affect neighbouring properties, to the reasonable satisfaction of the Council.

Reason: To ensure stormwater systems are completed in conjunction with the development, in a timely manner

- (4) The approved dwelling shall be connected to an authorised wastewater system prior to occupation.

Reason: To ensure wastewater is satisfactorily managed on the site.

- (5) Safe and convenient access/egress shall be provided to the approved dwelling for fire-fighting vehicles as follows:

- (a) access to the dwelling via the proposed all-weather rubble track (shown on plan no.2.1.1 above), shall be properly maintained in sound condition at all times.
- (b) any vegetation overhanging the access road shall be pruned to achieve a minimum vertical height clearance of 4 metres at all times.
- (c) the gate located on the boundary of the land with N Herbig's Road approximately 200 metres from the intersection of N Herbig's Road and Williamstown Road, may only be used during dry weather conditions and, at all other times, only as a point of egress from the land by fire-fighting and other emergency service vehicles.

Reason: To ensure access can be provided in a safe and convenient manner.

- (6) Disturbed surfaces including any exposed batters as a result of excavation on the land associated with the development shall be revegetated with indigenous species and stabilised within three (3) months of the completion of the Development.

Reason: To ensure disturbed surfaces are reinstated and/or landscaped within a timely manner.

- (7) The land is located within a Medium Bushfire Risk area. Accordingly, a dedicated and independent water supply shall be available at all times for fire-fighting purposes which:
- (a) is located adjacent to the approved dwelling or in another convenient location on the allotment accessible to fire fighting vehicles (with safe and convenient access to be provided); and
 - (b) comprises a minimum of 2,000 litres of water where the land is connected to mains water, or 5,000 litres in any other case. (Any rainwater tank used for this purpose shall be dedicated entirely for fire-fighting and shall be of non-combustible materials).

Reason: To ensure the provisions of the Minister's Code for undertaking development in bushfire protection areas are achieved.

- (8) The provision of the dedicated water supply for fire-fighting purposes specified in (7) above, shall comply with the Ministers Specification SA 78 'Bushfire fighting equipment and water supply requirements in designated bushfire prone areas'.

Reason: To ensure the provisions of the Minister's Code for undertaking development in bushfire protection areas are achieved.

NOTES

- (a) The adjoining owner should be advised of the proposed work on the boundary and issues such as access to perform work, removal of fences, finished levels and retaining walls should be resolved before building work commences. This approval does not create an automatic right to access neighbouring land.
- (b) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to regulation 75 of the Development Regulations.
- (c) It is recommended that where mechanical equipment is proposed to be used to construct retaining walls, and where the dwelling may impede access for that equipment, the retaining walls be constructed prior to preparing the footings.
- (d) 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.
- (e) 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.

- (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.
- (g) 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.
- (h) 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.
- (i) The applicant is advised that any retaining works to exceed greater than one vertical metre constitutes development, and requires development approval in its own right. For further information regarding this, or to facilitate an application to be submitted to Council, please contact Council's Development and Environmental Services team on (08) 8563 8444.
- (j) Prior to building work commencing 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*.
- (k) 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 practical steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

Panel Decision

Moved: R Veitch

Seconded: J Evans

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. 960/364/2020 by M and K Fitzpatrick to undertake Construction of a detached dwelling with undercroft garage, gymnasium and store room (all non-habitable), decks and verandahs; Construction of a domestic outbuilding - garage (measuring 12.0m x 12.0m x 2.7m wall heights) and associated earthworks at Allot 897 N Herbig Road, Springton (CT 5641/642) subject to the following conditions and advisory notes:

Council Conditions

- (1) The Development (including the proposed vehicle cross-over on the Council's road reserve) shall be undertaken in accordance with the following plans, by JBG Architects Pty Ltd, Job 1644 and documentation (as amended) accompanying the Application comprising:
 - (a) Coversheet and Block plan, dated 24 March 2020, Issue J (inclusive of internal roadway)
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except where varied by any subsequent condition set out below (as relevant).

Reason: to ensure the development is undertaken in accordance with authorised documents

- (2) All stormwater from the approved buildings, paving and from areas that immediately surround the perimeter of the approved buildings shall be disposed of in a manner that does not result in entry of water into the buildings, affect the stability of the buildings, create an unhealthy or dangerous condition, or run onto, or over land of an adjoining owner.

Reason: To ensure stormwater is managed in a suitable manner.

- (3) Stormwater disposal measures must be fully installed at the completion of the construction of the approved buildings with

adequate measures deployed during construction to ensure that the temporary disposal of surface or roof water does not affect neighbouring properties, to the reasonable satisfaction of the Council.

Reason: To ensure stormwater systems are completed in conjunction with the development, in a timely manner

- (4) The approved dwelling shall be connected to an authorised wastewater system prior to occupation.

Reason: To ensure wastewater is satisfactorily managed on the site.

- (5) Safe and convenient access/egress shall be provided to the approved dwelling for fire-fighting vehicles as follows:

- (a) access to the dwelling via the proposed all-weather rubble track (shown on plan no.2.1.1 above), shall be properly maintained in sound condition at all times.
- (b) any vegetation overhanging the access road shall be pruned to achieve a minimum vertical height clearance of 4 metres at all times.
- (c) the gate located on the boundary of the land with N Herbig's Road approximately 200 metres from the intersection of N Herbig's Road and Williamstown Road, may only be used during dry weather conditions and, at all other times, only as a point of egress from the land by fire-fighting and other emergency service vehicles.

Reason: To ensure access can be provided in a safe and convenient manner.

- (6) Disturbed surfaces including any exposed batters as a result of excavation on the land associated with the development shall be revegetated with indigenous species and stabilised within three (3) months of the completion of the Development.

Reason: To ensure disturbed surfaces are reinstated and/or landscaped within a timely manner.

- (7) The land is located within a Medium Bushfire Risk area. Accordingly, a dedicated and independent water supply shall be available at all times for fire-fighting purposes which:

- (a) is located adjacent to the approved dwelling or in another convenient location on the allotment accessible to fire fighting vehicles (with safe and convenient access to be provided); and
- (b) comprises a minimum of 2,000 litres of water where the land is connected to mains water, or 5,000 litres in any other case. (Any rainwater tank used for this purpose shall be dedicated

entirely for fire-fighting and shall be of non-combustible materials).

Reason: To ensure the provisions of the Minister's Code for undertaking development in bushfire protection areas are achieved.

- (8) The provision of the dedicated water supply for fire-fighting purposes specified in (7) above, shall comply with the Ministers Specification SA 78 'Bushfire fighting equipment and water supply requirements in designated bushfire prone areas'.

Reason: To ensure the provisions of the Minister's Code for undertaking development in bushfire protection areas are achieved.

NOTES

- (a) The adjoining owner should be advised of the proposed work on the boundary and issues such as access to perform work, removal of fences, finished levels and retaining walls should be resolved before building work commences. This approval does not create an automatic right to access neighbouring land.
- (b) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to regulation 75 of the Development Regulations.
- (c) It is recommended that where mechanical equipment is proposed to be used to construct retaining walls, and where the dwelling may impede access for that equipment, the retaining walls be constructed prior to preparing the footings.
- (d) 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.
- (e) 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.
- (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.

- (g) 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.
- (h) 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.
- (i) The applicant is advised that any retaining works to exceed greater than one vertical metre constitutes development, and requires development approval in its own right. For further information regarding this, or to facilitate an application to be submitted to Council, please contact Council's Development and Environmental Services team on (08) 8563 8444.
- (j) Prior to building work commencing 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.
- (k) 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 practical steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.
- (l) The applicant/owner is advised that the authorised freestanding garage, as shown on the authorised plans herein, is to be used in association with farming activities, consisting of farming and implement storage purposes only, and not to be used for human habitation.

CARRIED

6.3 960/635/2019 (43 Rushlea Road Eden Valley)

J Evans left the meeting at 5:30pm due to a stated conflict of interest.

Representors

J Lillecrapp and R Arguijo (together with Ann Atkinson) addressed the Panel at 5:31pm, and answered questions from the Panel.

Applicant

Henri Mueller of Regional Planning Directions and Brenton Karger and Sharlene Sampson-Karger addressed the Panel at 5:47pm, 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. 960/221/2020 by B Karger and S Sampson-Karger to undertake Construction of a Domestic Horticultural Netting Structure (approximately 620 sqm x 2.9m height) at 43 Rushlea Road, Eden Valley (CT 5485/108) 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. 960/221/2020, including:
 - Site Plan, prepared by S Sampson-Karger, as amended dated 20 Oct 2020
 - Elevation Plan, Northern end view and Southern end view, prepared by the applicant, dated 20 Oct 2020
 - Elevation Plan, Eastern side view, prepared by the applicant, dated 7 Aug 2020 (part 1)
 - Elevation Plan, Eastern side view, prepared by the applicant, dated 7 Aug 2020 (part 2)
 - Elevation Plan, Eastern side view, prepared by the applicant, dated 7 Aug 2020 (part 3)
 - Elevation Plan, Western side view, prepared by the applicant, dated 7 Aug 2020 (part 1)
 - Elevation Plan, Western side view, prepared by the applicant, dated 7 Aug 2020 (part 2)
 - Elevation Plan, Western side view, prepared by the applicant, dated 7 Aug 2020 (part 3)
 - Elevation Plan, Western side view, prepared by the applicant, dated 7 Aug 2020 (part 4)
 - Additional Information Letter, prepared by S Sampson-Karger and B Karger, dated 7 Aug 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) Prior to rectification of the side boundary encroachment, and construction in accordance with the plans authorised herein, the owner/applicant shall have the site surveyed by a suitably qualified professional, such that the position of the subject site boundaries and boundary setbacks is accurately determined, to the reasonable satisfaction of council.

Reason: To ensure the structure is accurately located in accordance with the authorised plans.

- (3) Except with the prior written consent of council, the structure authorised herein shall remain clad in wire netting at all times, to the reasonable satisfaction of council, with no sections to be clad in sheet metal at any time.

Reason: To ensure the structure is clad at all times with authorised claddings.

Advisory Notes

- (a) The adjoining owner should be advised of the proposed work on the boundary and issues such as access to perform work, removal of fences, finished levels and retaining walls should be resolved before building work commences. This approval does not create an automatic right to access neighbouring land.
- (b) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to Regulation 75 of the Development Regulations.
- (c) It is recommended that where mechanical equipment is proposed to be used to construct retaining walls, and where the dwelling may impede access for that equipment, the retaining walls be constructed prior to preparing the footings.
- (d) 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.
- (e) 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.

- (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.
- (g) 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.
- (h) 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.
- (i) The applicant is advised that any retaining works to exceed greater than one vertical metre constitutes development, and requires development approval in its own right. For further information regarding this, or to facilitate an application to be submitted to Council, please contact Council's Development and Environmental Services team on (08) 8563 8444.
- (k) Prior to building work commencing the applicant shall verify on-site that the structure will not impinge upon the position of the on-site wastewater system. Any encroachment or impingement to this system may require the applicant to lodge and have approved by Council a variation 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*.
- (l) 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 practical steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

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. 960/221/2020 by B Karger and S Sampson-Karger to undertake Construction of a Domestic Horticultural Netting Structure (approximately 620 sqm x 2.9m height) at 43 Rushlea Road, Eden Valley (CT 5485/108) 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. 960/221/2020, including:
 - Site Plan, prepared by S Sampson-Karger, as amended dated 20 Oct 2020
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 - Elevation Plan, Eastern side view, prepared by the applicant, dated 7 Aug 2020 (part 2)
 - Elevation Plan, Eastern side view, prepared by the applicant, dated 7 Aug 2020 (part 3)
 - Elevation Plan, Western side view, prepared by the applicant, dated 7 Aug 2020 (part 1)
 - Elevation Plan, Western side view, prepared by the applicant, dated 7 Aug 2020 (part 2)
 - Elevation Plan, Western side view, prepared by the applicant, dated 7 Aug 2020 (part 3)
 - Elevation Plan, Western side view, prepared by the applicant, dated 7 Aug 2020 (part 4)
 - Additional Information Letter, prepared by S Sampson-Karger and B Karger, dated 7 Aug 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) Prior to Building Rules assessment (therefore prior to rectification of the side boundary encroachment), and construction in accordance with the plans authorised herein, the owner/applicant shall have the site surveyed by a suitably

qualified professional (a licensed surveyor), such that the position of the subject site boundaries and boundary setbacks is accurately determined, to the reasonable satisfaction of council.

Reason: To ensure the structure is accurately located in accordance with the authorised plans.

- (3) Except with the prior written consent of Council, the structure authorised herein shall remain clad in wire netting at all times, to the reasonable satisfaction of Council, with no sections to be clad in sheet metal at any time.

Reason: To ensure the structure is clad at all times with authorised claddings.

Advisory Notes

- (a) The adjoining owner should be advised of the proposed work on the boundary and issues such as access to perform work, removal of fences, finished levels and retaining walls should be resolved before building work commences. This approval does not create an automatic right to access neighbouring land.
- (b) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to Regulation 75 of the Development Regulations.
- (c) It is recommended that where mechanical equipment is proposed to be used to construct retaining walls, and where the dwelling may impede access for that equipment, the retaining walls be constructed prior to preparing the footings.
- (d) 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.
- (e) 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.
- (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.

- (g) 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.
- (h) 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.
- (i) The applicant is advised that any retaining works to exceed greater than one vertical metre constitutes development, and requires development approval in its own right. For further information regarding this, or to facilitate an application to be submitted to Council, please contact Council's Development and Environmental Services team on (08) 8563 8444.
- (k) Prior to building work commencing the applicant shall verify on-site that the structure will not impinge upon the position of the on-site wastewater system. Any encroachment or impingement to this system may require the applicant to lodge and have approved by Council a variation 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*.
- (l) 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 practical steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

CARRIED

J Evans returned to the meeting at 5:53pm.

6.4 960/635/2019 (77 Centenary Avenue Nuriootpa)

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. 960/635/2019 by Apex Home Improvements to undertake Construction of a domestic outbuilding - garage (measuring 7.5 m x 6.05 m x 3.0 m wall height) at 77 Centenary Avenue, NURIOOTPA for the following reasons:

The proposed development is contrary to:

- General Section Objectives
Design and Appearance Module –1
- General Section Principles of Development Control
Design and Appearance Module –1, 2, 3 and 17
Residential Development Module – 12, 13, 15, 19 and 20(f)
Siting and Visibility Module – 4
Transport and Access Module – 33(f)
- Residential Zone Objective 1
- Residential Zone Principles of Development Control 6 and 8

Reason: The outbuilding is expected to have an unacceptable impact upon the amenity and safety of the locality due to its size, its street setback, the dominance of the total number of roller doors and the total number of vehicle access points for the site.

Panel Decision

Moved: G Hewitt

Seconded: J Evans

That the recommendation be adopted.

CARRIED

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

Nil.

8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

Nil.

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

10. REPORTS - OTHER BUSINESS

10.1 Planning Reform Updates

G Mavrincac advised the Panel that the Commission has announced a further consultation on Phase Three of the Code commencing 4 November 2020, for a period of six weeks. Council will submit any issues or concerns.

10.2 Barossa Assessment Panel Meeting Schedule for 2021

Recommendation

That the Barossa Assessment Panel agree to continue to meet on the first Tuesday of each month at The Barossa Council Chambers commencing at 5.00pm.

Panel Decision

Moved: G Hewitt

Seconded: J Evans

That the recommendation be adopted.

CARRIED

11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 1 December 2020 commencing at 5.00pm.

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:01pm.

Confirmed

Date: Chairman: