

BAROSSA ASSESSMENT PANEL

MINUTES OF THE THIRTY FIRST MEETING OF THE BAROSSA ASSESSMENT PANEL
held on

Tuesday, 1 December 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 5:01pm.

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne	Presiding Member
Jane Evans	Member (via Teams)
Grant Hewitt	Member
Jake McVicar	Deputy Member
Russell Johnstone	Deputy Member

Louis Monteduro	Assessment Manager
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Council Staff

Gary Mavrinc	Director, Development and Environmental Services
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Janine Lennon	Senior Assessment Officer, Planning
Jake Boswell	Assessment Officer, Planning
Steve Kaesler	Manager, Engineering Services
Chris Kruger	Minute Secretary

2.2 Apologies

Rob Veitch.
Richard Miller.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: Grant Hewitt

Seconded: R Johnstone

That the minutes of the Barossa Assessment Panel meeting held on 3 November 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
6.1 960/358/2020 Allotment 932 Heggies Boundary Road, Flaxman Valley J Evans has a personal association with Mr James Lindner (Family proprietor of Langmeil Winery)	Jane Evans

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/358/2020 (Allot 932 Heggies Boundary Road, Flaxman Valley)

J Evans disconnected from the meeting at 5:03pm, due to an earlier stated conflict of interest.

Representors

Jon Alcorn addressed the Panel at 5:04pm, and answered questions from the Panel.

Jon Alcorn addressed the Panel on behalf of Howard Andretzke at 5:07pm, and answered questions from the Panel.

Applicant

Matthew McCulloch (Langmeil Winery) and Jason Miller (Aussie Frost Fans) addressed the Panel at 5:14pm, 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. 960/358/2020 by Langmeil Winery to undertake Installation of two horticultural buildings (C59 Frost Fans) at Allot 932 Heggies Boundary Road, FLAXMAN VALLEY (CT 613/1182) 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. 960/358/2020 except where varied by any condition(s) listed below.

- Environmental Noise Assessment Report and Site Plan – prepared by Sonus – Dated August 2020
- Field Test Assessment of Noise Report – Prepared by Hegley Acoustic Consultants – Dated August 2015
- Structural Drawings for Frost Fans C59 – Drawn by Designphase Civil & Structural Engineers – Dated 1 March 2019

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

- (2) The diesel engine cabinet attached to the frost fan shall be clad using a muted colour, such as, Colorbond “Woodland Grey”.

Reason: To minimise the impact on the amenity of the locality.

- (3) The location of the frost fan and associated equipment as part of the development hereby approved must at all times be consistent with the approved plans.

Reason: To ensure that the proposal is undertaken and maintained in accordance with the approval.

- (4) The frost fan shall be set with a fans 'start' temperature of 1°C and a fans 'stop' temperature of 3°C.

Reason: To minimise the impact on the amenity of the locality.

- (5) The frost fans shall be maintained in accordance with the manufacturer's specifications.

Reason: To ensure that the use of the fans undertaken and maintained in accordance with the approval.

- (6) Maintenance, repair, modification work or other service on the frost fan shall only be carried out between 7.00 am and 10.00 pm

Monday to Saturday. A log of all such work shall be kept and produced to the Council upon request.

Reason: To minimise the impact on the amenity of the locality.

- (7) The development must be maintained at all times in good repair and condition.

Reason: To minimise the impact on the amenity of the locality.

- (8) No audible alarm to signal frost fan malfunction shall be installed.

Reason: To minimise the impact on the amenity of the locality.

- (9) A limiting switch may be installed that immediately turns affected fans off during a malfunction, and includes an effective operator warning system that can be remotely monitored, to the satisfaction of the Council.

Reason: To minimise the impact on the amenity of the locality.

- (10) An annual report shall be prepared detailing the prevailing ambient temperature, times and duration the frost fans were in use as well as setting out any maintenance, repairs, modification, or other service. The report(s) shall be provided to the Council on request and not more than once each year.

Reason: To ensure that the use of the fans undertaken and maintained in accordance with the approval.

- (11) A person capable of managing the use and function of the approved frost fans shall be available to attend promptly, to the reasonable satisfaction of the Council, at the vineyard site, at all times the fans are operating.

Reason: To ensure that the use of the fans undertaken and maintained in accordance with the approval.

- (12) The frost fans must be operated in accordance with the provisions of the Environment Protection (Noise) Policy 2007 relating to frost fans, as amended or superseded from time to time.

Reason: To ensure that the use of the fans undertaken and maintained in accordance with the approval.

Panel Decision

Moved: R Johnstone

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

Jane Evan re-joined the meeting at 5:26pm.

6.2 960/586/2018/A (712 Research Road Light Pass)

Representors

Greg and Leanne Kleinig addressed the Panel at 5:29pm, and answered questions from the Panel.

Applicant

Natalie Hooper addressed the Panel at 5:33pm, 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. 960/586/2018/A by M and N Hooper to undertake 'construction of four six metre high lighting towers and 3.6m high mesh fence (associated with tennis court ancillary to existing dwelling) – AMENDMENT – replacement of light fittings' at 712 Research Road, Light Pass (CT 5558/332) 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. 960/586/2018/A, including:
 - Lighting Plan, prepared by Legacy Lighting, dated received 17 August 2020
 - Data Sheet – Asymmetric Series (Legacy 375), prepared by Legacy Lighting, dated received 17 August 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) The development authorised herein shall be managed so that the amenity of the area is not detrimentally affected, through the:

- (a) Transport of materials, goods 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.

and such that any resulting activity is not considered a nuisance, to the reasonable satisfaction of Council.

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

- (3) Any lighting from the proposed lighting towers shall be appropriately treated in such a manner so as to limit light spill nuisance that may impact the amenity of neighbouring properties or vehicle traffic, to the reasonable satisfaction of Council.

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

- (4) The landscaping as detailed in the application for development shall be established within six months of substantial completion of the development and shall be maintained in good health and condition at all times. Any vegetation that dies or becomes seriously diseased shall be replaced with others of the same, or similar varieties, to the reasonable satisfaction of Council.

Reason: To ensure there is no additional unreasonable amenity impact on the locality.

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) 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 neighboring land.
- (c) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to regulation 75 of the Development Regulations.
- (d) 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.

- (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. Further enquiries should be directed to the Works and Engineering team on 8563 8444.
- (f) 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.
- (g) Please be advised that where a Private Certifier is appointed to undertake the building assessment, Council does not provide a service of advising the Private Certifier of site conditions or any matters relevant to the building assessment. It is recommended that a Private Certifier undertakes his or her own investigations and inspection of the site to become acquainted with site conditions and any other relevant matter.
- (h) 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*. Contact Council's Environmental Health Officer on 85638444 for further information.
- (i) 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.
- (j) 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.
- (k) 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.

Panel Decision

Moved: J McVicar

Seconded: R Johnstone

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. 960/586/2018/A by M and N Hooper to undertake 'construction of four six metre high lighting towers and 3.6m high mesh fence (associated with tennis court ancillary to existing dwelling) – AMENDMENT – replacement of light fittings' at 712 Research Road, Light Pass (CT 5558/332) 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. 960/586/2018/A, including:

- Lighting Plan, prepared by Legacy Lighting, dated received 17 August 2020
- Data Sheet – Asymmetric Series (Legacy 375), prepared by Legacy Lighting, dated received 17 August 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) The development authorised herein shall be managed so that the amenity of the area is not detrimentally affected, through the:
 - (e) Transport of materials, goods or commodities to or from the land;
 - (f) Appearance of any building, works or materials;
 - (g) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (h) Presence of vermin.

and such that any resulting activity is not considered a nuisance, to the reasonable satisfaction of Council.

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

- (3) Any lighting from the proposed lighting towers shall be appropriately treated in such a manner so as to limit light spill nuisance that may impact the amenity of neighbouring properties or vehicle traffic, to the reasonable satisfaction of Council.

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

- (4) The landscaping as detailed in the application for development shall be established within six months of substantial completion of the development and shall be maintained in good health and condition at all times. Any vegetation that dies or becomes seriously diseased shall be replaced with others of the same, or similar varieties, to the reasonable satisfaction of Council.

Reason: To ensure there is no additional unreasonable amenity impact on the locality.

- (5) Unless with the prior written consent of the Council, the light fittings to be installed shall be nominated Legacy 375W LED Wide Flood, established and operated in accordance with the submitted Lighting Plan, prepared by Legacy Lighting, dated received 17 August 2020, and the submitted Data Sheet – Asymmetric Series (Legacy 375), prepared by Legacy Lighting, dated received 17 August 2020, to the reasonable satisfaction of Council.

Reason: To ensure the development is undertaken in accordance with the plans stamped as approved by the Planning authority.

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) 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 neighboring land.
- (c) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to regulation 75 of the Development Regulations.
- (d) 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.

- (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. Further enquiries should be directed to the Works and Engineering team on 8563 8444.
- (f) 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.
- (g) Please be advised that where a Private Certifier is appointed to undertake the building assessment, Council does not provide a service of advising the Private Certifier of site conditions or any matters relevant to the building assessment. It is recommended that a Private Certifier undertakes his or her own investigations and inspection of the site to become acquainted with site conditions and any other relevant matter.
- (h) 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*. Contact Council's Environmental Health Officer on 85638444 for further information.
- (i) 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.
- (j) 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.
- (k) 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.

CARRIED

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. 960/536/2020 by Weeks Building Group to undertake Construction of a single-storey detached dwelling with double garage, front porch and rear alfresco under main roof at Allot 5 Williamstown Road, Williamstown (CT 6216/383) 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. 960/536/2020, including:
 - Site Plan – Sheet 1, prepared by Weeks Building Group, dwg. No. SP01, Rev. A, dated 12 August 2020
 - Site Plan – Sheet 2, prepared by Weeks Building Group, dwg. No. SP02, Rev. A, dated 12 August 2020
 - Landscaping Plan, prepared by Weeks Building Group, dwg. No. LP01, Rev. A, dated 12 August 2020
 - Ground Floor Plan, prepared by Weeks Building Group, dwg. No. GFP01, Rev. A, dated 12 August 2020
 - Elevations – Sheet 1, prepared by Weeks Building Group, dwg. No. EL01, Rev. A, dated 12 August 2020
 - Elevations – Sheet 2, prepared by Weeks Building Group, dwg. No. EL02, Rev. A, dated 12 August 2020
 - Site and Drainage Plan, prepared by GINOS Engineering, for Weeks Building Group, dwg. No. 39685, SR2-1, dated September 2020
 - External Selections, prepared by Weeks building Group, job No. 63587, dated 9 October 2020
 - Statement of Support, prepared by Heynen Planning Consultants, dated 14 September 2020
 - Statement of Effect, prepared by Heynen Planning Consultants, dated received 14 October 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 stormwater is appropriately managed on the site.

- (3) Prior to occupation, the dwelling authorised herein shall be connected to an approved wastewater system.

Reason: To ensure wastewater is appropriately managed.

- (4) The access/driveway to the dwelling shall be:

- (a) connected to an all-weather public road
- (b) constructed with a formed, all-weather surface
- (c) constructed away from hazardous vegetation such as overhanging limbs and continuous cover of thick vegetation
- (d) located such that the need to clear native vegetation or a significant tree is avoided
- (e) have a minimum formed width of 3 metres (or 4 metres in steeper terrain), unless otherwise required by 2.3.4.1
- (f) have a gradient of not more than 16 degrees (ie a maximum slope of 1:3.5) at any point along the road or driveway
- (g) allow fire-fighting vehicles to travel in a continuous forward movement by constructing curved roads and driveways with curves that have a minimum external radius of 12.5m
- (h) allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by incorporating either:
 - I. a loop road around the building
 - II. a turning area with a minimum radius of 12.5m
 - III. a 'T' or 'Y' shaped turning area with a minimum formed length of 11m and minimum internal radii of 9.5m
- (i) incorporate solid, all-weather crossings that are capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes, over any watercourse identified on either a current State Government topographic map (1: 50

000) or otherwise identified as a crossing required to provide appropriate access for fire-fighting vehicles.

- (j) incorporate passing bays with a minimum formed width of 6 metres (or 7 metres in steeper terrain), including the road or driveway width, and a minimum formed length of 17 metres. The passing bays should be constructed at 200 metre intervals along the road or driveway. Where it is necessary to provide adequate visibility, such as the nearest point to a public road or other passing bay, passing bays may be required at intervals of less than 200 metres.

Reason: To ensure consistency with the Minister's Code for undertaking development in Bushfire Risk Areas.

- (5) The subject land is located within a Medium Bushfire Risk area.

A dedicated and independent water supply shall be available at all times for fire fighting purposes which;

- (a) Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and
- (b) Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case. (Any rainwater tank used for this purpose should be dedicated entirely for fire fighting and shall be of non combustible materials).

The provision of the dedicated water supply for fire fighting purposes shall comply with the Ministers Specification SA 78 'Bushfire fighting equipment and water supply requirements in designated bushfire prone areas'.

Reason: To ensure consistency with the Minister's Code for undertaking development in Bushfire Risk Areas.

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

Reason: To ensure disturbed surfaces and exposed batters are appropriately managed.

Advisory Notes

- (1) 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.

- (2) 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.
- (3) 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*. Further enquiries should be directed to Works and Engineering Services on 8563 8444.
- (4) 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.
- (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 practical steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.
- (6) 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.
- (7) 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 satisfaction of Council.

Panel Decision

Moved: G Hewitt

Seconded: R Johnstone

That the recommendation be adopted.

CARRIED

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. 960/445/2019 by HA Robb to undertake horse keeping activity - three horses in total at 668 Balmoral Road, Cockatoo Valley (CT 5353/447) subject to the concurrence of the State Planning Commission pursuant to Section 8(2) of the *Character Preservation (Barossa Valley) Act 2012*, 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. 960/445/2019, including:
 - Site Plan – 'proposed infrastructure', prepared by H Robb, dated received 30 July 2019
 - Site Layout Plan, prepared by H Robb, dated received 30 July 2019
 - Statement of Support, prepared by H Robb, dated 30 July 2019
 - Statement of Effect, prepared by Urban and Regional Planning Solutions, dated 26 August 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.

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 stormwater is appropriately managed.

- (3) All waste associated with the horse keeping activity shall be picked up daily and managed in a manner that does not result in an unreasonable level of amenity impact to adjacent land owners and/or occupiers, to the reasonable satisfaction of council.

Reason: To ensure waste is appropriately managed on the site.

- (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 minimal impact to the amenity of the locality.

- (5) Throughout the life of the development, the site shall be reasonably managed so as to prevent the entry of any waste or silt into any adjacent watercourse(s), to the reasonable satisfaction of council.

Reason: To protect the health and integrity of the adjacent watercourse.

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) 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 neighboring land.
- (c) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to regulation 75 of the Development Regulations.

- (d) 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.
- (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*. Further enquiries should be directed to the Works and Engineering team on 8563 8444.
- (f) 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.
- (g) Please be advised that where a Private Certifier is appointed to undertake the building assessment, Council does not provide a service of advising the Private Certifier of site conditions or any matters relevant to the building assessment. It is recommended that a Private Certifier undertakes his or her own investigations and inspection of the site to become acquainted with site conditions and any other relevant matter.
- (h) 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*. Contact Council's Environmental Health Officer on 85638444 for further information.
- (i) 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.
- (j) 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.
- (k) 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.

Panel Decision

Moved: J Evans

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

6.5 960/663/2020 (2-4 Gransbury Court 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 proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/663/2020 by Crest Constructions for the undertaking of earthworks across two residential sites to accommodate future dwellings at 2-4 Gransbury Court, Angaston (CT 6074/696) 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. 960/663/2020, including:
 - Planning Report, prepared by Planning Studio, dated 28 October 2020
 - Benching Plan, prepared by TMK Consulting Engineers, drawing no. 2007267-C100/E, dated 10 September 2020
 - Earthworks Plan, prepared by the applicant, drawing no. CC-201119-1, dated 20 November 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.

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 stormwater is suitably managed.

- (3) 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 reasonable satisfaction of Council.

Reason: To assist with erosion control of battered areas.

- (4) Unless with the prior written consent of council (or approved as part of a subsequent development application affecting the subject land), within 3 months of the completion of the development, erosion and drainage control measures shall be installed at the site that ensures effective long term erosion and drainage management, to the reasonable satisfaction of council.

Reason: To ensure erosion and drainage issues do not arise to adjacent sites.

- (5) The levels of cut and fill approved in Condition 1 are to be confirmed by a licensed surveyor and their report submitted to council prior to any dwelling being developed on the subject land.

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

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) 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 neighboring land.

- (c) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to regulation 75 of the Development Regulations.
- (d) 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.
- (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*. Further enquiries should be directed to the Works and Engineering team on 8563 8444.
- (f) 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.
- (g) Please be advised that where a Private Certifier is appointed to undertake the building assessment, Council does not provide a service of advising the Private Certifier of site conditions or any matters relevant to the building assessment. It is recommended that a Private Certifier undertakes his or her own investigations and inspection of the site to become acquainted with site conditions and any other relevant matter.
- (h) 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*. Contact Council's Environmental Health Officer on 85638444 for further information.
- (i) 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.
- (j) 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.
- (k) 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.

Panel Decision

Moved: J McVicar

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

6.6 960/290/2020 (53-57 Kalimna Road, 785 and 795 Research Road 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 GRANT Development Plan Consent for Application No. 960/290/2020 by Andrew & Associates Pty Ltd and Grosser Engineering Pty Ltd to undertake Torrens Title Land Division - Create 81 additional allotments in four stages (SCAP Unique ID 68064), Stage 1 - Allotment 100, Stage 2 - 51 allotments, Stage 3 - 19 allotments and Stage 4 - 13 allotments at 53-57 Kalimna Road, 785 and 795 Research Road, NURIOTPA (CT 5367/171, CT 5475/248; and CT 5056/381) subject to the following reserved matters, conditions and advisory notes:

Reserved Matters

In accordance with s33(3) of the *Development Act 1993* the relevant authority reserves its decision on the following matters:

- (A) The assessment of the site contamination should be undertaken in accordance with the framework provided in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended in 2013) (the ASC NEPM). If site contamination exists, the provisions of Part 10A of the *Environment Protection Act 1993* (the EP Act) will apply.

Council Conditions

(1) The development shall be undertaken in accordance with the following endorsed plans and documentation (as amended) accompanying Application No. 960/290/2020 (960/D011/20) except where varied by any condition(s) listed below.

- Plan of Division – Drawn by Andrews & Associates; Ref 219017-4C-1
- Plan of Division – Drawn by Andrews & Associates; Ref 219017-4C-2
- Stormwater Management Report – Prepared by MLEI

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

(2) The applicant shall construct all necessary services and infrastructure to service each allotment, including:

- roads
- water supply
- storm water drainage
- waste disposal (CWMS)
- electricity, public lighting and communications

to the reasonable satisfaction of Council.

(Note Only: This may include constructing drains outside of the site, or contributing to upgrades, where existing drains are inadequate to accept additional water or sewerage.)

(3) On site detention shall be provided to limit the 5% AEP (\approx 20yr ARI) post-development peak discharge to the 5% AEP (\approx 20yr ARI) pre-development peak discharge from the site.

(4) During construction of infrastructure temporary debris and sediment control measures shall be installed to prevent debris and sediment from leaving the site during all construction stages. Control measures shall be in accordance with a soil erosion and drainage management plan, which shall provide such pollution prevention measures as required to comply with the "Environmental Protection Authority's Stormwater Pollution Prevention Codes of Practice":

- For the Community
- For Local, State, and Federal Government
- For the Building and Construction Industry

Temporary debris and sediment control measures shall be in place prior to construction commencing and shall be maintained at all times during construction. Prior to construction, a copy of the soil erosion and drainage management plan shall be provided to Council for approval.

- (5) A street planting plan shall be submitted to Council showing all verge landscaping in detail, including the type and location of plantings and any existing trees to be retained.
- (6) Street Lighting shall be provided in accordance with a design and specifications conforming to Australian Standard 1158.1 and approved by SA Power Networks (SAPN) and Council. Lighting columns shall be standard SAPN design approved by Council.
- (7) All allotment boundaries abutting reserves shall be adequately fenced using 1800mm high "Good Neighbour" colorbond fencing using the same colour and material profile. All fencing costs shall be borne by the Developer.

Environment Protection Agency Conditions

- (8) The detailed design of the stormwater management system must be established in accordance with the treatment train proposed in the Stormwater Management Report prepared by MLEI dated 7 May 2020 and must:
 - a. ensure all runoff from rain events up to and including a 1% AEP are captured and retained on site
 - b. ensure groundwater resources are not impacted
 - c. mitigate flood risk
 - d. adequately maintained

Environment Protection Agency Advisory Notes

- (a) The applicant is reminded of its general environmental duty, as required by Section 25 of the *Environment Protection Act*, 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.
- (b) EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: <http://www.epa.sa.gov.au>.
- (c) The applicant is reminded that due care should be taken to prevent or minimise adverse impacts and to appropriately manage stormwater runoff during construction and post-construction. Guidance can be found in the EPA's Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry: http://www.epa.sa.gov.au/files/47790_bccop1.pdf
- (d) If during any site works, contamination is identified which poses actual or potential harm to the health or safety of human beings or the environment that is not trivial, taking into account the land use, or harm to water that is not trivial, the applicant may need to remediate the contamination in accordance with EPA guidelines.

Panel Decision

Moved: G Hewitt

Seconded: R Johnstone

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 Updates on Deferred Applications for Decision

Recommendation

That the report be received.

Panel Decision

Moved: G Hewitt

Seconded: R Johnstone

That the recommendation be adopted.

CARRIED

9. REPORTS - PANEL UPDATES

9.1 State Planning Commission Concurrence Matter

Recommendation

That the report be received.

Panel Decision

Moved: J McVicar

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

9.2 Environment Resources and Development Court Appeal Updates

L Monteduro advised the Panel that due to the COVID-19 lockdown, the Conference of parties had been adjourned to 21 December 2020.

Recommendation

That the report be received.

Panel Decision

Moved: R Johnstone

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

9.3 Delegations Policy

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 Attorney-General's Department issued Phase Three councils with a Business Readiness Checklist that contains recommended tasks. This is being used as a basis of Council's own checklist which is being prepared.

Council staff are currently finalising comments on the Planning and Design Code (Phase 3 Amendment) which is due to be submitted by 18 December 2020.

10.2 COVID-SAFE MEETINGS

Recommendation

The Assessment Panel note and receive the report and acknowledge the Covid-Safe Plan being implemented by council administration on its behalf.

Panel Decision

Moved: R Johnstone

Seconded: J Evans

That the recommendation be adopted.

CARRIED

11. REPORTS – CONFIDENTIAL

11.1 Assessment Panel – Operating and Meeting Procedures

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:

- (viii) legal advice

Recommendation

- (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, Assessment Officers, and the Minute Secretary, on the basis that this matter it will consider legal advice.
- (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: R Johnstone

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

At 6:13pm the meeting moved into confidence.

At 6:34pm the confidential session ceased and the meeting reopened to the public.

Panel Decision

Moved: R Johnstone

Seconded: G Hewitt

That the Assessment Panel:

- (1) Resolve to lift Report 11.2 from 6 October 2020 meeting from the table for further consideration and resolve to receive and note that report.

CARRIED

Panel Decision

Moved: R Johnstone

Seconded: G Hewitt

That the Assessment Panel:

- (2) Confidential Resolution,
- (3) Confidential Resolution.
- (4) 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.

CARRIED

12. NEXT MEETING

Tuesday 2 February 2020 commencing at 5.00pm.

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:36pm, and extended Christmas Greetings to Panel Members and Staff..

Confirmed

Date: Chairman: