

BAROSSA ASSESSMENT PANEL

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

Tuesday, 2 March 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 5:00pm.

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne	Presiding Member
Grant Hewitt	Member
Jane Evans	Member
Richard Miller	Member

Council Staff

Gary Mavrinac	Director, Development and Environmental Services
Janine Lennon	Senior Assessment Officer, Planning
Jake Boswell	Assessment Officer
Anthony Zollo	Assessment Officer
Steve Kaesler	Manager, Engineering Services
Sam Hosking	Heritage Advisor
Chris Kruger	Minute Secretary

2.2 Apologies

Rob Veitch.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: G Hewitt

Seconded: R Miller

That the minutes of the Barossa Assessment Panel meeting held on 2 February 2021 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
6.5 960/700/2020 Allotment 2 Rocky Valley Road Angaston R Miller has a professional association with the Applicants (PD and AP Grillett).	R Miller
6.6 960/514/2019/A Allotment 26 Moorpark Street Nuriootpa R Miller has a professional relationship with the Applicants (Pyper Leaker surveying and ID Mader).	R Miller

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/459/2020 (Allotment 57 William Hawke Road Concordia)

Representors
Leigh Smith provided a submission but did not attend to address 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. 960/459/2020 by Frank Nesci Homes to undertake the construction of a single-storey detached dwelling with alfresco area under main roof; construction of a domestic outbuilding - garage (20m x 10m x 3.5m wall height) and rainwater tanks with associated site earthworks (Non-Complying) at Allot 57 William Hawke Road, CONCORDIA (CT 6182/216) subject to the following conditions and advisory notes:

Council Conditions

- (1) The development shall be undertaken in accordance with the attached endorsed plans and documentation accompanying the application as amended and including:

- Site Plan by Frank Nesci Homes
- Site Layout dated 10/8/2020 by Frank Nesci Homes
- Floor Plan dated 3/8/2020 by Frank Nesci Homes
- Elevations Plan dated 3/8/2020 by Frank Nesci Homes
- Elevations of outbuilding by Shed King

unless varied by the following conditions.

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

- (2) The premises shall not be occupied or used for the approved purpose until all work has been completed in accordance with the approved application and the conditions of consent.

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

- (3) The building shall be connected to a wastewater system approved under the South Australian Public Health Act 2011.

NOTE: 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*.

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

- (4) The colour of the external roof and/or wall materials shall match or blend with other buildings herein approved. Where metal cladding is used, it shall have a colorbond type of finish.

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

- (5) Roof water shall be disposed of to the street watertable or drain in an easement under the control of the Council. Where roof water

is directed to a rainwater tank the overflow shall be piped to the street watertable or council drain.

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

- (6) The Domestic outbuilding herein approved shall not be used for human habitation or occupation, or industrial or commercial purposes.

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

- (7) Prior to occupation, safe and convenient access/egress shall be provided to the dwelling for fire-fighting vehicles as follows:

- (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 12.5 metres
 - III. a 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres
- (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 six metres (or seven 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 that the proposal is used, run and maintained in accordance with the Ministers Specification.

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

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

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

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

- (10) All cleaning waste, spills and contaminated water shall be directed to an approved wastewater management system.

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

- (11) Dust emissions from the site shall be controlled by a dust suppressant or by watering regularly to avoid unreasonable impacts on adjacent lands to the reasonable satisfaction of the relevant authority.

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

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 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 Manager Work and Engineering.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) Construction shall not take place on any Sunday or Public Holiday or after 7.00pm or before 7.00am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

Panel Decision

Moved: G Hewitt

Seconded: R Miller

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. 960/459/2020 by Frank Nesci Homes to undertake the construction of a single-storey detached dwelling with alfresco area under main roof; construction of a domestic outbuilding - garage (20m x 10m x 3.5m wall height) and rainwater tanks with associated site earthworks (Non-Complying) at Allot 57 William Hawke Road, CONCORDIA (CT 6182/216) subject to the following conditions and advisory notes:

Council Conditions

- (1) The development shall be undertaken in accordance with the attached endorsed plans and documentation accompanying the application as amended and including:
- Site Plan by Frank Nesci Homes
 - Site Layout dated 10/8/2020 by Frank Nesci Homes
 - Floor Plan dated 3/8/2020 by Frank Nesci Homes
 - Elevations Plan dated 3/8/2020 by Frank Nesci Homes
 - Elevations of outbuilding by Shed King

unless varied by the following conditions.

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

- (2) The premises shall not be occupied or used for the approved purpose until all work has been completed in accordance with the approved application and the conditions of consent.

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

- (3) The building shall be connected to a wastewater system approved under the South Australian Public Health Act 2011.

NOTE: 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*.

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

- (4) The colour of the external roof and/or wall materials shall match or blend with other buildings herein approved. Where metal cladding is used, it shall have a colorbond type of finish.

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

- (5) All stormwater from buildings, paving and from areas that immediately surround the perimeter of the building shall be disposed of in a manner that does not result in entry of water into

the building, or affect the stability of the building, or create an unhealthy or dangerous condition, or run onto or over land of an adjoining owner.

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

- (6) The Domestic outbuilding herein approved shall not be used for human habitation or occupation, or industrial or commercial purposes.

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

- (7) Prior to occupation, safe and convenient access/egress shall be provided to the dwelling for fire-fighting vehicles as follows:

- (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 of the Ministers Code 2009 "Undertaking Development in Bushfire Protection Areas".
- (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 12.5 metres
 - III. a 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres
- (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 six metres (or seven 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 that the proposal is used, run and maintained in accordance with the Ministers Specification.

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

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

- (9) During construction or installation of all works associated with the development and proposed roads and utility services:

- (i) Dust generated at the site shall be reasonably controlled at all times to prevent nuisance to occupants of adjoining land.
- (ii) Noise generated at the site shall be kept to the minimum level that is reasonably practicable.
- (iii) Appropriate erosion control measures shall be employed to prevent soil removal from the site by stormwater runoff, and to prevent siltation of watercourses, to the reasonable satisfaction of Council's Director – Works and Engineering.
- (iv) Any dirt or debris from the site deposited onto existing roadways by the applicant's contactors or sub-contractors shall be cleared immediately.

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

- (10) All cleaning waste, spills and contaminated water shall be directed to an approved wastewater management system.

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

- (11) Dust emissions from the site shall be controlled by a dust suppressant or by watering regularly to avoid unreasonable impacts on adjacent lands to the reasonable satisfaction of the relevant authority.

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

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 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 Manager Work and Engineering.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) Construction shall not take place on any Sunday or Public Holiday or after 7.00pm or before 7.00am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

CARRIED

6.2 960/675/2020 (78 Langmeil Road Tanunda)

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. 960/675/2020 by JR Ellbourn and SD Sebris to undertake Construction of a carport attached to an existing double garage, forward of the associated dwelling at 78 Langmeil Road, Tanunda (CT 6234/122) 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. 960/675/2020, including the following:
- Partial Site Plan, prepared by the applicant, dated received 2 November 2020;
 - Elevation Plan, prepared by the applicant, dated received 2 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 that stormwater is appropriately managed on the site.

- (3) The unenclosed/open sides of the building authorised herein shall remain unenclosed and open-sided, at all times.

Reason: To ensure the structure remains open sided and unenclosed.

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 1999*. 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) 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.
- (h) Construction shall not take place on any Sunday or Public Holiday or after 7.00pm or before 7.00am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.
- (i) 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: R Miller

Seconded: J Evans

That the recommendation be adopted.

CARRIED

6.3 960/828/2020 (30 Tanunda Road Nuriootpa)

Mr Ben Scott (on behalf of Applicant) 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. 960/828/2020 by Barossa Dance Company to undertake a Change of use to Dance Studio in basement of Chateau Building (Non-Complying) at Beckwith Park, 30 Tanunda Road, NURIOOTPA (CT 6190/859) 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. 960/828/2020 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 tenancy access for people with a disability shall remain freely accessible for all staff and patrons of the dance studio during operating hours.

Reason: To ensure compliance with the *Disability Discrimination Act 1992*.

Panel Decision

Moved: R Miller

Seconded: J Evans

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 development proposal is not seriously at variance to The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/224/2020 by Rhys Hewitt Graphic - Alliance Pty Ltd to undertake Installation of a free-standing pylon sign; advertising cellar door (Non-Complying) at 1312 Barossa Valley Way, LYNDOCH (CT 6101/50) subject to the concurrence of the State Planning Commission, and subject to the following conditions and advisory notes:

Council conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/224/2020 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 herein authorised advertising sign shall be displayed in a manner that does not move, does not flash, and does not reflect light so as to be an undue distraction to motorists, at all times, to the reasonable satisfaction of Council.

Reason: To ensure that the amenity of the locality is maintained.

- (3) The herein authorised advertising sign shall not be internally illuminated, nor externally flood lit, at any times, to the reasonable satisfaction of Council.

Reason: To ensure that the amenity of the locality is maintained.

- (4) The herein authorised advertising sign shall be displayed with subdued colours and materials that are harmonious with the natural environment, at all times, to the reasonable satisfaction of Council.

Reason: To ensure that the amenity of the locality is maintained.

- (5) The herein authorised advertising sign shall contain messaging which is related to the land use located upon the relevant subject land, at all times, to the reasonable satisfaction of Council.

Reason: To ensure that the amenity of the locality is maintained.

Panel Decision

Moved: G Hewitt

Seconded: R Miller

That the recommendation be adopted.

CARRIED

6.5 960/700/2020 (Allotment 2 Rocky Valley Road Angaston)

R Miller left the meeting at 5:18pm due to an earlier stated conflict of interest.

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. 960/700/2020 by PD Grillett and AP Grillett to undertake Construction of a single-storey detached dwelling with a double garage, deck and verandah; Installation of a 200kl rain water tank; associated earthworks (Non-Complying) at Allot 2 Rocky Valley Road, ANGASTON (CT 5178/743 and 5178/838) 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 amalgamation of the following property titles:
- Certificate of Title – Volume 5178, Folio 734
 - Certificate of Title – Volume 5178, Folio 838

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended)

accompanying Application No. 960/700/2020 except where varied by any condition(s) listed below.

- Statement of Effect - prepared by Planning Solutions SA and dated January 2021
- Coversheet, Perspective - prepared by JBG Architects, Drw No A000, Issue C and dated 27 Oct 2020
- Block Plan prepared by JBG Architects, Drw No A001, Issue C and dated 27 Oct 2020
- Site Plan prepared by JBG Architects, Drw No A002, Issue C and dated 27 Oct 2020
- Floor Plan prepared by JBG Architects, Drw No A101, Issue C and dated 27 Oct 2020
- Elevations 1 & 2 prepared by JBG Architects, Drw No A201, Issue C and dated 27 Oct 2020
- Elevations 3 & 4 prepared by JBG Architects, Drw No A202, Issue C and dated 27 Oct 2020
- Septic Plan - Ground prepared by JBG Architects, Drw No A501, Issue C and dated 27 Oct 2020
- Perspective 2 - prepared by JBG Architects, Drw No A901, Issue C and dated 27 Oct 2020

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

- (2) The colours of the external roof and/or wall materials shall be muted and non-reflective in nature. Where metal cladding is used, it shall have a colorbond type of finish.

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

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

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

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

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

- (5) Storm water disposal systems must be completed by the completion of the construction of the building. During

construction, adequate measures must be taken to ensure the temporary disposal of surface or roof water does not affect neighbouring properties.

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

- (6) 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 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 that the proposal is used, run and maintained in accordance with the Ministers Specification.

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

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

Panel Decision

Moved: G Hewitt

Seconded: J Evans

That the recommendation be adopted.

CARRIED

R Miller returned to the meeting at 5:20pm.

6.6 960/514/2019A (Allotment 26 Moorpark Street Nuriootpa)

R Miller left the meeting at 5:21pm due to an earlier stated conflict of interest.

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. 960/514/2019/A by Pyper Leaker Surveying and ID Mader to undertake Torrens Title Land Division - Create 33 additional allotments - Additional Allotment, Removal of Previous DPC Condition 3 - Amendment – Rewording of Condition 7 at Allot 26 Moorpark Street, NURIOTPA (CT 5915/478) subject to the following conditions:

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/514/2019 (960/D033/19) except where varied by any condition(s) listed below:
 - Plan of Division – Drawn by Pyper Leaker, Ref PL8002, dated 25 Nov 2020
 - Concept Stormwater Outfall Plan – Drawn by Herriot consulting, Sheet P40 - Rev A, dated November 2020
- (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) A comprehensive stormwater drainage design is required and shall include a stormwater and site management plan with supporting report. The plan shall include existing contours, features, existing stormwater infrastructure, proposed site works details, levels and grading, proposed stormwater drainage system, details of detention facilities (if required) including volumes and discharge controls, proposed paving and connection details to and any upgrading if

required of the existing external drainage systems, to the reasonable satisfaction of Council.

- (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 Reserve 48 shall be adequately fenced with 1800mm high "Good Neighbour" colorbond fencing using a single colour and single material profile. The allotment boundaries between allotments 20, 22 and 34 and the linear park shall be fenced with either the above detailed "Good Neighbour" fencing or an open style of fencing, the style and colour to be approved by the relevant authority. All fencing shall be installed by the developer and all costs shall be borne by the Developer.

Panel Decision

Moved: G Hewitt

Seconded: J Evans

That the recommendation be adopted.

CARRIED

R Miller returned to the meeting at 5:24pm.

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: J Evans

That the recommendation be adopted.

CARRIED

9. REPORTS - PANEL UPDATES

9.1 State Planning Commission Concurrence Matters

Recommendation

That the report be received.

Panel Decision

Moved: G Hewitt

Seconded: R Miller

That the recommendation be adopted.

CARRIED

9.2 Environment Resources and Development Court Appeal Updates

Recommendation

That the report be received.

Panel Decision

Moved: R Miller

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

10. REPORTS - OTHER BUSINESS

10.1 Planning Reform Updates

G Mavrinc advised the Panel that Council is well prepared for the 'go live' date of 19 March 2021.

Updated Building Fire Safety Terms of Reference and Inspection Policy will be presented to Council for endorsement on 16 March 2021.

11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 6 April 2021 commencing at 5.00pm.

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 5:34pm.

Confirmed

Date: Chairman: