

BAROSSA ASSESSMENT PANEL

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

Tuesday, 6 April 2021 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 5:04pm.

2. ATTENDANCE

2.1 Present

Panel Members

| | |
|------------------|---------------------------|
| Bruce Ballantyne | Presiding Member |
| Rob Veitch | Member |
| Grant Hewitt | Member |
| Richard Miller | Member |
| Jake McVicar | Deputy Member (via Teams) |

| | |
|---------------|--------------------|
| Gary Mavrinac | Assessment Manager |
|---------------|--------------------|

Council Staff

| | |
|---------------|--------------------------------------|
| Janine Lennon | Acting Manager, development Services |
| Jake Boswell | Assessment Officer, Planning |
| Anthony Zollo | Assessment Officer, Planning |
| Calvin Bacher | Assessment Officer, Planning |
| Chris Kruger | Minute Secretary |

2.2 Apologies

Nil.

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 March 2021 be received and confirmed.

CARRIED

4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

Nil.

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/230/2020 (3000 Barossa Valley Way Tanunda)

Representors

Sophia Kapsiotis addressed the Panel at 5:07pm, and answered questions from the Panel.

Applicant

Trevor White (Planning Solutions SA Pty Ltd on behalf of AFT Lister Consulting Trust) 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. 960/230/2020 by AFT Lister Consulting Trust to undertake Demolition of Existing Dwelling and Construction of Cellar Door Sales and Change of Use of Shedding to Winery (Wine Maturation) - Cellar Door at 3000 Barossa Valley Way, Tanunda (CT 6130/480) 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. 960/230/2020 as listed below:
- Statement of Support (partially superseded), prepared by Planning Solutions SA, dated 18 May 2020
 - Statement of Effect, prepared by Planning Solutions SA, dated December 2020
 - Demolition Plan, prepared by Amanda Schmidt Design and Drafting, dated on 3/11/2020, received 4 November 2020
 - Elevation Plan, prepared by Amanda Schmidt Design and Drafting, dated on 3/11/2020, received 4 November 2020
 - Proposed Lower Floor Plan, prepared by Amanda Schmidt Design and Drafting, dated on 3/11/2020, received 4 November 2020
 - Proposed Upper Floor Plan, prepared by Amanda Schmidt Design and Drafting, dated on 3/11/2020, received 4 November 2020
 - Site Plan, prepared by Amanda Schmidt Design and Drafting, dated on 3/11/2020, received 4 November 2020
 - Streetscape Elevation Plan, prepared by Amanda Schmidt Design and Drafting, dated on 3/11/2020, received 4 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) Prior to the issue of Development Approval the applicant shall lodge and have approved by the relevant authority 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 the building authorised herein is serviced with an adequate wastewater system.

- (3) The hours of operation of the premises shall not exceed the times:
- Monday – Saturday: 9:00 am to 5:00 pm
 - Sunday and Public Holidays: 9.00am to 5.00pm

Reason: To ensure the proposed development operates within the authorised hours.

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

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

Reason: To ensure stormwater is adequately managed on the site.

- (5) 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.

Reason: To ensure the amenity of the locality is not detrimentally affected.

- (6) Unless with the prior written consent from Council, no events in association with the shop (cellar door) shall occur, notwithstanding typical operations and gatherings within authorised operative hours.

Reason: To ensure no events occur outside of the authorised parameters.

- (7) No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of Council.

Reason: To ensure impacts to noise amenity are minimal.

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

Reason: To ensure any light spill doesn't create an unreasonable impact to amenity.

- (9) Unless with the prior written consent of Council, the capacity of the cellar door authorised herein shall not exceed 75 patrons at any time.

Reason: To ensure the capacity of the cellar door doesn't exceed the authorised amount.

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

Reason: To ensure any impacts by vehicle traffic and dust nuisance are minimised.

- (11) Provision shall be made for the appropriate storage and disposal of garbage to the reasonable satisfaction of Council. All garbage storage areas must be screened from public view.

Reason: To ensure visual amenity is not unreasonably impacted.

- (12) All waste material/liquids not required for further on site processing must be regularly removed from the site such that no odour is created to the extent that it is considered a nuisance, to the reasonable satisfaction of Council.

Reason: To ensure wastes are appropriately managed on site.

- (13) Unless with the prior written consent of Council, the removal of all solid and liquid waste from the site shall be undertaken within standard operational hours, to the reasonable satisfaction of Council.

Reason: To ensure wastes are appropriately managed on site.

- (14) Unless with the prior written consent of Council, all deliveries to the site shall be undertaken within standard operational hours, to the reasonable satisfaction of Council.

Reason: To ensure all deliveries to the site occur within authorised operative hours.

- (15) Construction shall not take place on any Sunday or Public Holiday or after 7.00 pm or before 9.00 am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

Reason: To ensure construction hours are limited to minimise amenity impacts to adjacent allotments.

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

- (a) Dust generated at the site shall be reasonably controlled at all times to prevent nuisance to occupants of adjoining land.
- (b) Noise generated at the site shall be kept to the minimum level that is reasonably practicable.
- (c) Appropriate erosion control measures shall be employed to prevent soil removal from the site by stormwater runoff, and to prevent siltation of watercourses, to the reasonable satisfaction of Council.
- (d) 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 amenity impacts are managed throughout construction of the development.

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

Reason: To ensure any spills can be handled appropriately.

- (18) All ongoing activities and storage of items associated with the winery shall be undertaken within the building authorised herein (with the exception of any loading/unloading/washing activities).

Reason: To ensure all activities and storage of items are undertaken within enclosed buildings.

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

Reason: To ensure all activities occur on impervious areas to minimise environmental risks from spillages.

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

Reason: To ensure only maturation and storage occurs on site.

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

Reason: To ensure no crushing, fermenting or bottling occur on site.

- (22) Truck movements shall be limited to (on average) one truck movement through the site once per fortnight, to the reasonable satisfaction of council.

Reason: To ensure truck movements are limited in accordance with the proposal.

- (23) Obscuring screening (or an otherwise authorised appropriate alternative) shall be erected up to a height of 1.7 metres above the upper floor level associated with the upper viewing deck, on the eastern and southern aspects of that space, and such that potential incidental overlooking to the adjacent southern allotment is not of an unreasonable nature, to the reasonable satisfaction of council.

Reason: To ensure screening is provided to the upper viewing platform to restrict passive overlooking to adjacent land.

- (24) All winery and wastewater tanks must be bunded to ensure a net capacity of at least 120% of the volume of the largest tank within each bunded area.

Reason: To ensure bunding is provided to minimise environmental risks.

- (25) Wastewater/trade-waste must not enter any area required for the adequate management of stormwater on the site.

Reason: To ensure wastewater and trade waste are not mixed with stormwater management systems on site.

Department of Transport Conditions

- (26) All access to the development shall be gained via the existing access point on Barossa Valley Way in accordance with the site plan produced by Amanda Schmidt Design and Drafting, Sheet 2 of 6, dated 3 November 2020.
- (27) The access point shall be a minimum of seven metres wide and be sealed from the property boundary to the edge of the road seal, in order to maximise traction for vehicles exiting the site and minimise debris being dragged onto the carriageway.
- (28) All vehicles shall enter and exit the site in a forward direction.
- (29) The redundant crossover on Barossa Valley Way shall be closed and reinstated to Council's standard at the applicant's expense.
- (30) Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of Barossa Valley Way. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.
- (31) No more than 50 tonnes per annum of grape product shall be processed on site, without the prior written consent of the relevant 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) Any portion of Council's infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be

repaired/reinstated to Council's satisfaction at the developer's expense.

- (c) The applicant is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. Practices to minimise noise impact on sensitive receivers include (but are not limited to):
- shutting equipment down whenever not in use
 - application of broadband beepers on forklifts, and
 - ensuring equipment are operated in a way that reduces noise impact
- (d) The applicant is reminded that odour at the treatment and storage tanks should be regularly monitored. Odour reduction canisters on tank vents may assist with odour prevention, although the wastewater treatment system should be checked in the first instance to ensure aerobic conditions in the wastewater.
- (e) The applicant is reminded that noise from construction, demolition and site preparation activities is required to meet the mandatory provisions of Part 6 Division 1 of the Environment Protection (Noise) Policy 2007.
- (f) 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>
- (g) 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-](https://www.environment.sa.gov.au/topics/native-vegetation/interactive-guide) guide. Any specific queries regarding the clearance, removal, or trimming of native vegetation should be directed to the South Australian Native Vegetation Council.
- (h) The applicant is advised that the bottling of wine, crushing of grape product (or similar), and fermentation must not occur on-site. Any expansion of the operation to incorporate these activities on-site is subject to additional consents. Contact

Council's Development Services via phone (08) 8563 8444 if more information is required.

- (i) 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.
- (j) Prior to the commencement of the use authorised herein, notification is required to be given to Council's Health Services. Contact can be made by phone (08) 8563 8444, or by email to barossa@barossa.sa.gov.au
- (k) Events are not approved generally as part of this application and are subject to specific information being provided to council when individual event details are known. The nature and extent of any events would be subject to council assessment and if liquor is to be served at such events an appropriate licence is to be sought which is also subject to Council assessment.

Panel Decision

Moved: R Veitch

Seconded: G Hewitt

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/230/2020 by AFT Lister Consulting Trust to undertake Demolition of Existing Dwelling and Construction of Cellar Door Sales and Change of Use of Shedding to Winery (Wine Maturation) - Cellar Door at 3000 Barossa Valley Way, Tanunda (CT 6130/480) 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. 960/230/2020 as listed below:
- Statement of Support (partially superseded), prepared by Planning Solutions SA, dated 18 May 2020
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 - Streetscape Elevation Plan, prepared by Amanda Schmidt Design and Drafting, dated on 3/11/2020, received 4 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) Prior to the issue of Development Approval the applicant shall lodge and have approved by the relevant authority 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 the building authorised herein is serviced with an adequate wastewater system.

- (3) The hours of operation of the premises shall not exceed the times:
- Monday – Saturday: 9:00 am to 5:00 pm
 - Sunday and Public Holidays: 9.00am to 4.00pm

Reason: To ensure the proposed development operates within the authorised hours.

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

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

Reason: To ensure stormwater is adequately managed on the site.

- (5) 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.

Reason: To ensure the amenity of the locality is not detrimentally affected.

- (6) Unless with the prior written consent from Council, no events in association with the shop (cellar door) shall occur, notwithstanding typical operations and gatherings within authorised operative hours.

Reason: To ensure no events occur outside of the authorised parameters.

- (7) No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of Council.

Reason: To ensure impacts to noise amenity are minimal.

- (8) Any external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of Council.
- Reason: To ensure any light spill doesn't create an unreasonable impact to amenity.
- (9) Unless with the prior written consent of Council, the capacity of the cellar door authorised herein shall not exceed 75 patrons at any time.
- Reason: To ensure the capacity of the cellar door doesn't exceed the authorised amount.
- (10) All car parking, driveways and vehicle manoeuvring areas shall be constructed and finished in bitumen, brick paving or concrete (or similar authorised alternative) in accordance with approved engineering procedures prior to the occupation or use of the development.
- Reason: To ensure any impacts by vehicle traffic and dust nuisance are minimised.
- (11) Provision shall be made for the appropriate storage and disposal of garbage to the reasonable satisfaction of Council. All garbage storage areas must be screened from public view.
- Reason: To ensure visual amenity is not unreasonably impacted.
- (12) All waste material/liquids not required for further on site processing must be regularly removed from the site such that no odour is created to the extent that it is considered a nuisance, to the reasonable satisfaction of Council.
- Reason: To ensure wastes are appropriately managed on site.
- (13) Unless with the prior written consent of Council, the removal of all solid and liquid waste from the site shall be undertaken within standard operational hours, to the reasonable satisfaction of Council.
- Reason: To ensure wastes are appropriately managed on site.

- (14) Unless with the prior written consent of Council, all deliveries to the site shall be undertaken within standard operational hours, to the reasonable satisfaction of Council.

Reason: To ensure all deliveries to the site occur within authorised operative hours.

- (15) Construction shall not take place on any Sunday or Public Holiday or after 7.00 pm or before 9.00 am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

Reason: To ensure construction hours are limited to minimise amenity impacts to adjacent allotments.

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

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

Reason: To ensure amenity impacts are managed throughout construction of the development.

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

Reason: To ensure any spills can be handled appropriately.

- (18) All ongoing activities and storage of items associated with the winery shall be undertaken within the building authorised herein (with the exception of any loading/unloading/washing activities).

Reason: To ensure all activities and storage of items are undertaken within enclosed buildings.

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

Reason: To ensure all activities occur on impervious areas to minimise environmental risks from spillages.

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

Reason: To ensure only maturation and storage occurs on site.

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

Reason: To ensure no crushing, fermenting or bottling occur on site.

- (22) Truck movements shall be limited to (on average) one truck movement through the site once per fortnight, to the reasonable satisfaction of council.

Reason: To ensure truck movements are limited in accordance with the proposal.

- (23) Obscuring screening (or an otherwise authorised appropriate alternative) shall be erected up to a height of 1.7 metres above the upper floor level associated with the upper viewing deck, on the eastern and southern aspects of that space, and such that potential incidental overlooking to the adjacent southern allotment is not of an unreasonable nature, to the reasonable satisfaction of council.

Reason: To ensure screening is provided to the upper viewing platform to restrict passive overlooking to adjacent land.

- (24) All winery and wastewater tanks must be bunded to ensure a net capacity of at least 120% of the volume of the largest tank within each bunded area.

Reason: To ensure bunding is provided to minimise environmental risks.

- (25) Wastewater/trade-waste must not enter any area required for the adequate management of stormwater on the site.
- Reason: To ensure wastewater and trade waste are not mixed with stormwater management systems on site.
- (26) No more than 50 tonnes per annum of grape product shall be processed on site, without the prior written consent of the relevant authority.

Department of Transport Conditions

- (27) All access to the development shall be gained via the existing access point on Barossa Valley Way in accordance with the site plan produced by Amanda Schmidt Design and Drafting, Sheet 2 of 6, dated 3 November 2020.
- (28) The access point shall be a minimum of seven metres wide and be sealed from the property boundary to the edge of the road seal, in order to maximise traction for vehicles exiting the site and minimise debris being dragged onto the carriageway.
- (29) All vehicles shall enter and exit the site in a forward direction.
- (30) The redundant crossover on Barossa Valley Way shall be closed and reinstated to Council's standard at the applicant's expense.
- (31) Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of Barossa Valley Way. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Advisory Notes

- (a) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by Council or other relevant planning authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.
- (b) Any portion of Council's infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be

repaired/reinstated to Council's satisfaction at the developer's expense.

- (c) The applicant is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. Practices to minimise noise impact on sensitive receivers include (but are not limited to):
- shutting equipment down whenever not in use
 - application of broadband beepers on forklifts, and
 - ensuring equipment are operated in a way that reduces noise impact
- (d) The applicant is reminded that odour at the treatment and storage tanks should be regularly monitored. Odour reduction canisters on tank vents may assist with odour prevention, although the wastewater treatment system should be checked in the first instance to ensure aerobic conditions in the wastewater.
- (e) The applicant is reminded that noise from construction, demolition and site preparation activities is required to meet the mandatory provisions of Part 6 Division 1 of the Environment Protection (Noise) Policy 2007.
- (f) 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>
- (g) 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-](https://www.environment.sa.gov.au/topics/native-vegetation/interactive-guide) guide. Any specific queries regarding the clearance, removal, or trimming of native vegetation should be directed to the South Australian Native Vegetation Council.
- (h) The applicant is advised that the bottling of wine, crushing of grape product (or similar), and fermentation must not occur on-site. Any expansion of the operation to incorporate these activities on-site is subject to additional consents. Contact

Council's Development Services via phone (08) 8563 8444 if more information is required.

- (i) 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.
- (j) Prior to the commencement of the use authorised herein, notification is required to be given to Council's Health Services. Contact can be made by phone (08) 8563 8444, or by email to barossa@barossa.sa.gov.au
- (k) Events are not approved generally as part of this application and are subject to specific information being provided to council when individual event details are known. The nature and extent of any events would be subject to council assessment and if liquor is to be served at such events an appropriate licence is to be sought which is also subject to Council assessment.

CARRIED

6.2 960/573/2020 (161 The Barracks Cockatoo Valley)

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. 960/573/2020 by APM and A Porter to undertake Internal alterations to an existing two-storey dwelling; Construction of an additional single-storey dwelling (for purpose of dependant accommodation) attached to the existing dwelling including single garage and rear verandah under main roof (Non-Complying) at 161 The Barracks, COCKATOO VALLEY (CT 5392/403) 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. 960/573/2020 except where varied by any condition(s) listed below.

- Statement of Effect - prepared by Planning Solutions SA and dated December 2020.
- Site Plan - prepared by Do Home Design, dated 13 August 2020
- Plan Detail - prepared by Do Home Design, dated 6 August 2020
- Elevations - prepared by Do Home Design, dated 6 August 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:
- 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
 - 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.

- (8) The second dwelling/dependant accommodation as approved shall only be occupied by immediate family members of the primary dwelling.

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

Panel Decision

Moved: G Hewitt

Seconded: R Veitch

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: R Miller

Seconded: J McVicar

That the recommendation be adopted.

CARRIED

9. REPORTS - PANEL UPDATES

9.1 State Planning Commission Concurrence Applications

Recommendation

That the report be received.

Panel Decision

Moved: G Hewitt

Seconded: R Veitch

That the recommendation be adopted.

CARRIED

9.2 Environment Resources and Development Court Appeal Updates

Recommendation

That the report be received.

Panel Decision

Moved: G Hewitt

Seconded: R Veitch

That the recommendation be adopted.

CARRIED

10. REPORTS - OTHER BUSINESS

10.1 Planning Reform Updates

G Mavrinc advised that the transition to the Portal from 19 March 2021 has been going reasonably well, with no major issues reported.

Unfortunately Jane Evans was unable to gain Accreditation as an Independent Member of the Barossa Assessment Panel under the *Planning, Development and Infrastructure Act 2016*, so has had to relinquish her position on the Barossa Assessment Panel. A report will be submitted to Council seeking to fill the position vacated by Jane.

10.2 Member Apology

R Miller advised that he will be tendering an apology for the 4 May 2021 Panel Meeting.

11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 4 May 2021 commencing at 5.00pm.

13. CLOSURE OF MEETING

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

Confirmed

Date: Chairman: