

BAROSSA ASSESSMENT PANEL

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

Tuesday, 4 May 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 5:01pm.

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne	Presiding Member
Grant Hewitt	Member
Jake McVicar	Deputy Member
Russell Johnstone	Deputy Member

Gary Mavrinac	Assessment Manager
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Council Staff

Janine Lennon	Acting Manager, Development Services
Jake Boswell	Assessment Officer, Planning
Anthony Zollo	Assessment Officer, Planning
Calvin Bacher	Assessment Officer, Planning
Steve Kaesler	Manager, Engineering Services
Rugiyya Martin	Governance Advisor
Chris Kruger	Minute Secretary

2.2 Apologies

R Miller
R Veitch

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: G Hewitt

Seconded: R Johnstone

That the minutes of the Barossa Assessment Panel meeting held on 6 April 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

6.1 960/562/2019 (354 McCallum Road Rosedale)

Representors

Clare Smallridge addressed the Panel at 5:03pm, and answered questions from the Panel.

Applicant

Elinor Walker (ESD Planning & Design on behalf of Barossa Glen Pty Ltd) addressed the Panel at 5:09pm, and answered questions from the Panel.

Steve Kaesler (Manager, Engineering Services) 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. 960/562/2019 by Barossa Glen Pty Ltd to undertake Change of Use to function centre (maximum of 200 attendees) and small scale tourist accommodation (up to 5 guests) at 354 McCallum Road, ROSEDALE (CT 5942/430) 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. 960/562/2019 except where varied by any condition(s) listed below.

- Business Management Plan – McCallum Road, Rosedale – 960/562/2019 – Change of Use to function centre and tourist accommodation - undated.
- Planning Report - prepared by ESD Planning & Design - undated.
- Site Plan - prepared by ESD Planning & Design - undated
- Site Plan - prepared by Bleeze Neale & Associates Pty Ltd – undated – Sheet 1 and 2
- Floor Plan - prepared by ESD Planning & Design, Drw No SK001, undated
- Environmental Noise Assessment - prepared by Sonus, dated February 2020
- Traffic and Parking Assessment - prepared by MFY, dated 9 April 2020
- Car Park Layout - prepared by MFY, Project No 20-0022, Rev E, dated 26 March 2020
- Road impact email - prepared by Melissa Mellen – MFY, dated 19 June 2020
- Change Proposed Operating Hours email - prepared by Zoe Delmenico – ESD Planning & Design, dated 21 April 2021

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

(2) The Function Centre shall operate in accordance with the following noise amelioration requirements:

- The following music levels are not exceeded when measured within the northern Function Space room:

	Total	Noise Level in Octave Band Centre Frequencies						
		63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
Maximum allowable indoor music noise level	90	57	69	81	84	87	83	78

- When music is played within the northern Function Space room, all external doors shall be closed and access shall only occur through the adjacent lounge area in an airlock style arrangement
- Outdoor entertainment shall be restricted to acoustic performances by a single unamplified performer at the location shown in red in the Sonus Report included in the Planning Consent Stamped Plans
- all gaps in the existing ceiling shall be filled in and sealed airtight
- should any new glazing be proposed or existing replaced in doors or windows, it shall be replaced with a minimum of 10.38mm thick laminated glass (or acoustic equivalent) installed in a system with acoustic seals which achieve an airtight seal when closed

Reason: To ensure that the amenity requirements for the locality are maintained.

(3) The Function Centre shall operate within the following hours:

- Wednesday – Saturday 10.00 am until 12.30 am the following morning
- Sunday and Public Holidays –10.30 am until 12.30 am the following morning

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

(4) 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*.

(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) Prior to the issue of Development Approval the applicant shall submit a car parking plan detailing all civil works (cut, fill, surfacing, drainage etc), planter box and landscaping plan associated with the proposed car park, driveway and vehicle manoeuvrability areas.

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

(7) The subject land is located within a Medium Bushfire Risk area. A dedicated and independent water supply shall be available at all times for the short term tourist accommodation building 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 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 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 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.

- (9) The short term tourist accommodation rooms shall only be occupied as short term tourist accommodation and at a maximum of five guests total at any one time.

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

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. 960/562/2019 by Barossa Glen Pty Ltd to undertake Change of Use to function centre (maximum of 200 attendees) and small scale tourist accommodation (up to 5 guests) at 354 McCallum Road, ROSEDALE SA 5350 (CT 5942/430) 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. 960/562/2019 except where varied by any condition(s) listed below.

- Business Management Plan – McCallum Road, Rosedale – 960/562/2019 – Change of Use to function centre and tourist accommodation - undated.
- Planning Report - prepared by ESD Planning & Design - undated.
- Site Plan - prepared by ESD Planning & Design - undated
- Site Plan - prepared by Bleeze Neale & Associates Pty Ltd – undated – Sheet 1 & 2
- Floor Plan - prepared by ESD Planning & Design, Drw No SK001, undated
- Environmental Noise Assessment - prepared by Sonus, dated February 2020
- Traffic and Parking Assessment - prepared by MFY, dated 9 April 2020
- Car Park Layout - prepared by MFY, Project No 20-0022, Rev E, dated 26 March 2020
- Road impact email - prepared by Melissa Mellen – MFY, dated 19 June 2020
- Change Proposed Operating Hours email - prepared by Zoe Delmenico – ESD Planning & Design, dated 21 April 2021

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

- (2) The Function Centre shall operate in accordance with the following noise amelioration requirements:
- the following music levels are not exceeded when measured within the northern Function Space room:

	Total	Noise Level in Octave Band Centre Frequencies						
		63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
Maximum allowable indoor music noise level	90	57	69	81	84	87	83	78

- When music is played within the northern Function Space room, all external doors shall be closed and access shall only occur through the adjacent lounge area in an airlock style arrangement
- Outdoor entertainment shall be restricted to acoustic performances by a single unamplified performer at the location shown in red in the Sonus Report included in the Planning Consent Stamped Plans
- all gaps in the existing ceiling shall be filled in and sealed airtight
- all glazing associated with the “function area”, “lounge” and “entry” shall be replaced prior to commencement of use. All glazing shall be a minimum of 10.38mm thick laminated glass (or acoustic equivalent) installed in a system with acoustic seals which achieve an airtight seal when closed. This minimum glazing requirement shall be maintained for the life of the use as a function centre.

Reason: To ensure that the amenity requirements for the locality are maintained.

- (3) The Function Centre shall operate within the following hours:
- Wednesday – Saturday 10:00am until 12:30am the following morning
 - Sunday & Public Holidays – 10:30am until 12:30am the following morning

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

- (4) 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.

- (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) Prior to the issue of Development Approval the applicant shall submit a car parking plan detailing all civil works (cut, fill, surfacing, drainage etc), planter box and landscaping plan associated with the proposed car park, driveway and vehicle manoeuvrability areas. The car park shall include Disability Discrimination Act parking in accordance with AS2890 requirements.

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

- (7) The subject land is located within a Medium Bushfire Risk area. A dedicated and independent water supply shall be available at all times for the short term tourist accommodation building for firefighting 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 firefighting 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.

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

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

- (9) The short term tourist accommodation rooms shall only be occupied as short term tourist accommodation and by a maximum of five guests total at any one time.

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

- (10) A traffic management sign stating "no left turn" shall be installed at the driveway exit to the property. The sign shall be installed prior to the approved use commencing and shall be maintained for the life of the use as a function centre.

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

- (11) The approved car park shall be constructed in its entirety prior to the approved use commencing and shall be maintained for the life of the use as a function centre.

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

CARRIED

6.2 960/542/2020 (71 Menge 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. 960/542/2020 by Inception Design to undertake Construction of a single-storey dwelling

with attached verandahs, double garage and alfresco; conversion of existing dwelling to small scale, short term tourist accommodation (Non-Complying) at 71 Menge Road, TANUNDA (CT 5565/851) 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. 960/542/2020 except where varied by any condition(s) listed below.
- Statement of Effect - prepared by Inception Design and received by Council 17 February 2021
 - Overall Site Plan - prepared by Inception Design, Job No ID2819, Rev B, dated 9 February 2021
 - Site Plan - prepared by Inception Design, Job No ID2819, Rev B, dated 9 February 2021
 - Proposed Layout - prepared by Inception Design, Job No ID2819, Rev B, dated 9 February 2021
 - Elevations-1 - prepared by Inception Design, Job No ID2819, Rev B, dated 9 February 2021
 - Elevations-2 - prepared by Inception Design, Job No ID2819, Rev B, dated 9 February 2021
 - Sewer Layout - prepared by Inception Design, Job No ID2819, Rev B, dated 9 February 2021
 - Existing Dwelling - prepared by Inception Design, Job No ID2819, Rev B, dated 9 February 2021

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 not detailed in the approved colours and materials schedule. Where metal cladding is used, it shall have a pre-colour treated finish.

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

- (3) The finished floor level of the proposed dwelling shall not exceed 300mm above the existing ground level.

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

- (4) 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*.

- (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) Stormwater 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.

- (7) The subject land is located within a Medium Bushfire Risk area. A dedicated and independent water supply shall be available at all times for both the dwelling and the short term tourist accommodation building 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 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 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 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.

- (9) The short term tourist accommodation building shall only be occupied as short term tourist accommodation and by a maximum of six guests at one time.

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

- (10) At no time shall both buildings be concurrently used for long term residential accommodation.

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

Panel Decision

Moved: G Hewitt

Seconded: J McVicar

That the recommendation be adopted.

CARRIED

6.3 960/733/2020 (16-26 Vine Vale 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. 960/733/2020 by Ahrens Group to undertake Construction of a wine store/warehouse - shed (measuring 24m x 15.3m x 5m wall height) at 16-26 Vine Vale Road, Tanunda (CT 6151/258) 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. 960/733/2020, including:
- Site Plan – Implement Shed, prepared by JBG Architects, dwg. A004 revision dated 23 December 2020
 - Floor Plan – Implement Shed, prepared by JBG Architects, dwg. A114, revision dated 23 December 2020

- Elevation Plan, prepared by Ahrens Group, Job Ref: 107016, revision dated 30 March 2020
- Civil and Stormwater Management Plan – Sheet 1, prepared by Triaxial Consulting, dwg. No. TX12997.00, C3.0, Issue J, dated Jan 2021
- Civil and Stormwater Management Plan – Sheet 2, prepared by Triaxial Consulting, dwg. No. TX12997.00, C3.1, Issue J, dated Jan 2021
- Civil and Stormwater Management Plan – Sheet 3, prepared by Triaxial Consulting, dwg. No. TX12997.00, C3.2, Issue J, dated Jan 2021

except where varied by any condition(s) listed below.

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

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

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

Reason: To ensure that stormwater is managed within the curtilage of the allotment to the satisfaction of Council.

- (3) Unless with the prior written consent of Council, all deliveries to the site and pickup from the site (as well as any waste collections) shall be undertaken between 7.00 am – 7.00 pm Monday – Saturday, and between 9.00 am – 7.00 pm on any Sunday or Public Holiday, to the reasonable satisfaction of Council.

Reason: To ensure movements through the site are predominately within standard operating hours.

- (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, 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.

- (5) 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.

- (6) 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.

- (7) 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.

- (8) 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.

- (9) 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

- (10) All wine related activities associated with the development herein shall be limited to the storage of finished product only.

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

- (11) 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.

- (12) Truck movements (above 8.8 metre long service vehicles) servicing the development herein shall be limited to (on average) two 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.

- (13) The loading and unloading of goods from vehicles shall be carried out only in a manner that does not disrupt the circulation and parking of vehicles on the land, to the satisfaction of Council.

Reason: To ensure that the safe and convenient movement of all vehicles within the subject site.

- (14) Prior to the commencement of use, five on-site staff parking spaces shall be provided on site to service the development herein, additional to those car parking spaces and manoeuvring areas required by previous development authorisation ref: 960/623/2017 and associated variations.

Reason: To ensure appropriate number of car parking spaces remain on site.

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 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.
- (e) 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>
- (f) 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.
- (g) 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.
- (h) 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.
- (i) 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

Panel Decision

Moved: R Johnstone

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. 960/733/2020 by Ahrens Group to undertake Construction of a wine store/warehouse - shed (measuring 24m x 15.3m x 5m wall height) at 16-26 Vine Vale Road, Tanunda (CT 6151/258) 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. 960/733/2020, including:
 - Site Plan – Implement Shed, prepared by JBG Architects, dwg. A004 revision dated 23 December 2020
 - Floor Plan – Implement Shed, prepared by JBG Architects, dwg. A114, revision dated 23 December 2020
 - Elevation Plan, prepared by Ahrens Group, Job Ref: 107016, revision dated 30 March 2020
 - Civil and Stormwater Management Plan – Sheet 1, prepared by Triaxial Consulting, dwg. No. TX12997.00, C3.0, Issue J, dated Jan 2021
 - Civil and Stormwater Management Plan – Sheet 2, prepared by Triaxial Consulting, dwg. No. TX12997.00, C3.1, Issue J, dated Jan 2021
 - Civil and Stormwater Management Plan – Sheet 3, prepared by Triaxial Consulting, dwg. No. TX12997.00, C3.2, Issue J, dated Jan 2021

except where varied by any condition(s) listed below.

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

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

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

Reason: To ensure that stormwater is managed within the curtilage of the allotment to the satisfaction of Council.

- (3) Unless with the prior written consent of Council, all deliveries to the site and pickup from the site (as well as any waste collections) shall be undertaken between 7.00 am – 8.00 pm Monday – Saturday, and between 8.00 am – 7.00 pm on any Sunday or Public Holiday, to the reasonable satisfaction of Council.

Reason: To ensure movements through the site are predominately within standard operating hours.

- (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, 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.

- (5) 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.

- (6) 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.

- (7) 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.

- (8) 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.

- (9) 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

- (10) All wine related activities associated with the development herein shall be limited to the storage of finished product only.

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

- (11) 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.

- (12) Truck movements (larger than service vehicles) servicing the development herein shall be limited to (on average) two truck movements through the site once per fortnight, to the reasonable satisfaction of council.

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

- (13) The loading and unloading of goods from vehicles shall be carried out only in a manner that does not disrupt the circulation and parking of vehicles on the land, to the satisfaction of Council.

Reason: To ensure that the safe and convenient movement of all vehicles within the subject site.

- (14) Prior to the commencement of use, five on-site staff parking spaces shall be provided on site to service the development herein, additional to those car parking spaces and manoeuvring areas required by previous development authorisation ref: 960/623/2017 and associated variations.

Reason: To ensure appropriate number of car parking spaces remain on site.

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 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.
- (e) 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>
- (f) 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.
- (g) 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.

- (h) 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.
- (i) 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

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

J Lennon advised the Panel that DA 960/784/2016 has now been withdrawn and a new application submitted.

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 Applications

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

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 Development and Infrastructure Act 2016 Delegations by the Barossa Assessment Panel – Update to Instrument C

Recommendation

That the Barossa Assessment Panel:

- (1) In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016*, the Barossa Assessment Panel hereby delegates to the person occupying or acting in the office of the Assessment Manager the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the extract of the proposed Instrument of Delegation as Instrument C, subject to the conditions and/or limitations, if any, specified in the proposed Instrument of Delegation.
- (2) Such powers and functions may be further delegated by the Assessment Manager in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the Assessment Manager sees fit, unless otherwise indicated in the proposed Instrument of Delegation.
- (3) That the Barossa Assessment Panel receive and note the following proposed updates to the Instruments of Delegation under the *Planning, Development and Infrastructure Act 2016*, noting that the powers and functions contained in these instruments are subject to delegation by Council and the Assessment Manager, respectively:

- Instrument B – Instrument of Delegation under the PDI Act – power of Council as a Relevant Authority
- Instrument D – Instrument of Delegation under the PDI Act – power of the Assessment Manager as a Relevant Authority

Panel Decision

Moved: J McVicar

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 1 June 2021 commencing at 5.00pm.

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 5:48pm.

Confirmed

Date: Chairman: