

BAROSSA ASSESSMENT PANEL

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

Tuesday, 1 June 2021 commencing at 5:00pm

in the Council Chambers, 43-51 Tanunda Road, Nuriootpa



The Barossa Council

MINUTES

Index

1. Welcome	Page 3
2. Attendance	Page 3
3. Confirmation of Minutes	Page 3
4. Business Arising From Minutes	Page 3
5. Declaration of Interest by Members of the Panel	Page 3
6. Reports – Applications for Decision	
6.1 960/89/2020 (467 Research Road Nuriootpa)	Page 4
6.2 960/454/2020 (111-115 Murray Street Nuriootpa)	Page 8
7. Reports – Applications to Proceed/Not to Proceed to Assessment	
Nil.	Page 13
8. Reports – Deferred Applications for Decision	
8.1 Updates on Deferred Applications for Decision	Page 13
9. Reports – Panel Updates	
9.1 State Planning Commission Concurrence Matters	Page 13
9.2 Environment Resources and Development Court Appeal Updates	Page 13
10. Reports – Other Business	
Nil.	Page 14
11. Reports – Confidential	
11.1 960/671/2015/A (1929 Barossa Valley Way Rowland Flat)	Page 15
12. Next Meeting	Page 15
13. Closure of Meeting	Page 15

1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5.02pm.

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne	Presiding Member
Grant Hewitt	Member
Rob Veitch	Member
Jake McVicar	Deputy Member
Richard Miller	Member
Gary Mavrinac	Assessment Manager

Council Staff

Janine Lennon	Acting Manager, Development Services
Jake Boswell	Assessment Officer, Planning
Anthony Zollo	Assessment Officer, Planning
Marie Thom	Minute Secretary

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: G Hewitt

Seconded: J McVicar

That the minutes of the Barossa Assessment Panel meeting held on 4 May 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

6.1 960/89/2020 (467 Research Road Nuriootpa)

Recommendation

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

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) Subject to Concurrence of the State Planning Commission, GRANT Development Plan Consent for Application No. 960/89/2020 by Rosenvale Pty Ltd to undertake Change of use to include Function Centre - with three functions per week and separate operating hours at 467 Research Road, Nuriootpa (CT 5540/920) 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. 960/89/2020 except where varied by any condition(s) listed below.
 - Statement of Effect – prepared by Masterplan – dated August 2020
 - Event Management Plan – prepared by Masterplan – undated
 - Site Plan - prepared by Masterplan – dated August 2020
 - Floor Plan - prepared by Masterplan – dated August 2020
 - Site Plan Enlargement - prepared by Masterplan – dated December 2020
 - Traffic and Carparking Assessment Report – prepared by Cirqa – dated 14 December 2020
 - Amendment Letter – prepared by Masterplan – dated 19 April 2021
 - Environmental Noise Assessment - prepared by Sonus, dated 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:
 - Music shall only be played through an in-house system that can be calibrated to ensure the following maximum music noise levels are maintained:

	Noise Level in Octave Band Centre Frequencies (dB(A))						
	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
Music Noise Level in the centre of Function Space (L _{A10,15min})	66	74	79	83	83	77	74

- Speakers for the in-house system shall be positioned in the south eastern corner of the function room, pointing towards the centre of the space
- There shall be a maximum of 100 patrons at the venue
- Patrons shall not be outside after 10.00 pm, other than when leaving the venue or for fresh air
- Coaches or buses shall not idle when in the car park
- All openings (doors and windows) into the function room shall remain normally closed (other than for egress) when a level of music greater than background is played
- All music shall cease by 11.30 pm

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

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

- 7.00 am until 12.00 midnight
- No more than 15 patrons may remain at the venue after 12.00 midnight
- All patrons and staff shall vacate the venue and the property by 2.00am

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

(4) The Function Centre shall operate in accordance with the Event Management Plan.

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

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) Subject to Concurrence of the State Planning Commission, GRANT Development Plan Consent for Application No. 960/89/2020 by Rosenvale Pty Ltd to undertake Change of use to include Function Centre - with three functions per week and separate operating hours at 467 Research Road, Nuriootpa (CT 5540/920) 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. 960/89/2020 except where varied by any condition(s) listed below.
- Statement of Effect – prepared by Masterplan – dated August 2020
 - Event Management Plan – prepared by Masterplan – undated
 - Site Plan - prepared by Masterplan – dated August 2020
 - Floor Plan - prepared by Masterplan – dated August 2020
 - Site Plan Enlargement - prepared by Masterplan – dated December 2020
 - Traffic and Carparking Assessment Report – prepared by Cirqa – dated 14 December 2020

- Amendment Letter – prepared by Masterplan – dated 19 April 2021
- Environmental Noise Assessment - prepared by Sonus, dated 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:

- Music shall only be played through an in-house system that can be calibrated to ensure the following maximum music noise levels are maintained:

	Noise Level in Octave Band Centre Frequencies (dB(A))						
	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
Music Noise Level in the centre of Function Space ($L_{A10,15min}$)	66	74	79	83	83	77	74

- Speakers for the in-house system shall be positioned in the south eastern corner of the function room, pointing towards the centre of the space
- There shall be a maximum of 100 patrons at the venue
- Patrons shall not be outside after 10.00 pm, other than when leaving the venue or for fresh air
- Coaches or buses shall not idle when in the car park
- All openings (doors and windows) into the function room shall remain closed (other than for egress) when a level of music greater than background is played
- All music shall cease by 11.30 pm

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

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

- 7.00 am until 12.00 midnight
- No more than 15 patrons may remain at the venue after 12.00 midnight
- All patrons and staff shall vacate the venue and the property by 2.00am

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

(4) The Function Centre shall operate in accordance with the Event Management Plan.

Reason: To ensure that the amenity requirements for the locality are 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) 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) 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 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

6.2 960/454/2020 (111-115 Murray Street Nuriootpa)

Recommendation

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

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.

- (c) To GRANT Development Plan Consent for Application No. 960/454/2020 by Alexander Symonds to undertake Torrens Title Land Division - create 50 additional allotments at 111-115 Murray Street, NURIOOTPA (CT 5182/471) 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. 960/454/2020 (960/D021/20) except where varied by any condition(s) listed below:

- Plan of Division – Drawn by Andrews & Associates; Ref 20A0781 Rev B
- Planning Report – Prepared by Branford Planning & Design – September 2020
- Traffic Impact Assessment – Prepared by GTA Consultants – September 2020
- Arborist Report – Prepared by Arborman Tree Solutions – August 2020
- Preliminary Infrastructure & Services Report – Prepared by Greenhill Engineers – September 2020

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

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

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

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

- (3) Stormwater detention shall be provided to limit the 1% AEP (\approx 100yr ARI) post-development peak discharge to the 10% AEP (\approx 10yr ARI) pre-development peak discharge from the site.
- (4) 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.
- (5) 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 Council reserves shall be adequately fenced with either 1800mm high "Good Neighbour" colorbond fencing using a single colour and single material profile or an 1800mm high 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.

Department for Infrastructure & Transport Conditions

- (8) All access to Lot 11-14 shall be gained via the internal road network only. No direct access to Murray Street will be permitted.
- (9) Lot 15 shall gain access to Murray Street adjacent the northern boundary and future development shall ensure forward entry and exit vehicular movements can be achieved.
- (10) The redundant crossovers on Murray Street shall be reinstated to Council standard kerb and gutter at the applicants cost prior to the dwellings becoming habitable.
- (11) Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
- (12) The applicant shall ensure that all stormwater generated by the proposal is appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network.

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. 960/454/2020 by Alexander Symonds to undertake Torrens Title Land Division - create 50 additional allotments at 111-115 Murray Street, NURIOTPA (CT 5182/471) 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. 960/454/2020 (960/D021/20) except where varied by any condition(s) listed below:
 - Plan of Division – Drawn by Andrews & Associates; Ref 20A0781 Rev B
 - Planning Report – Prepared by Branford Planning & Design – September 2020
 - Traffic Impact Assessment – Prepared by GTA Consultants – September 2020
 - Arborist Report – Prepared by Arborman Tree Solutions – August 2020
 - Preliminary Infrastructure & Services Report – Prepared by Greenhill Engineers – September 2020

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

- (2) The applicant shall construct all necessary services and infrastructure to service each allotment, including:
 - roads
 - water supply
 - storm water drainage
 - waste disposal (CWMS)
 - electricity, public lighting and communications

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

- (3) Stormwater detention shall be provided to limit the 1% AEP (\approx 100yr ARI) post-development peak discharge to the 10% AEP (\approx 10yr ARI) pre-development peak discharge from the site.
- (4) 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.
- (5) 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 Council reserves shall be adequately fenced with either 1800mm high "Good Neighbour" colorbond fencing using a single colour and single material profile or an 1800mm high 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.
- (8) There shall be no abstraction of groundwater for any use.

Department for Infrastructure & Transport Conditions

- (8) All access to Lot 11-14 shall be gained via the internal road network only. No direct access to Murray Street will be permitted.

- (9) Lot 15 shall gain access to Murray Street adjacent the northern boundary and future development shall ensure forward entry and exit vehicular movements can be achieved.
- (10) The redundant crossovers on Murray Street shall be reinstated to Council standard kerb and gutter at the applicants cost prior to the dwellings becoming habitable.
- (11) Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
- (12) The applicant shall ensure that all stormwater generated by the proposal is appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network.

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: J McVicar

Seconded G Hewitt

That the recommendation be adopted.

CARRIED

9. REPORTS – PANEL UPDATES

9.1 State Planning Commission Concurrence Applications

Nil.

9.2 Environment Resources and Development Court Appeal Updates

Recommendation

That the report be received.

Panel Decision

Moved: R Veitch

Seconded G Hewitt

That the recommendation be adopted.

CARRIED

10. REPORTS - OTHER BUSINESS

Nil.

11. REPORTS – CONFIDENTIAL

11.1 960/671/2015/A – (1929 Barossa Valley Way Rowland Flat)

Reason for Confidentiality

It is recommended that the public be excluded from the meeting, as is necessary, in accordance with Section 13 of the *Planning, Development and Infrastructure (General) Regulations 2017* to receive, discuss or consider in confidence the following information or matters in relation to this item:

- (vii) Matters that should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;

As this matter is before the Environment, Resources and Development Court and it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.

Recommendation

That:

- (1) Pursuant to Regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017* the Barossa Assessment Panel orders that the public be excluded from the meeting with the exception of the Director, Development and Environmental Services, Assessment Manager, Assessment Officers, and the Minute Secretary, on the basis that this matter is before the Environment Resources and Development Court and therefore any disclosure could place the Panel in breach of the *Environment, Resources and Development Court Act 1993*.
- (2) Accordingly, on this basis, the Barossa Assessment Panel is satisfied that the principle meetings of the assessment panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Panel Decision

Moved: R Miller

Seconded R Veitch

That the recommendation be adopted.

CARRIED

At 5.13 pm the meeting moved into confidence.

At 5.17pm the confidential session ceased and the meeting reopened to the public.

Moved: R Miller

Seconded R Veitch

That the Barossa Assessment Panel has considered *Confidential Item 11.1 960/671/2015/A – 1929 Barossa Valley Way Rowland* and resolves as follows:

- (a) Confidential Resolution
- (b) Pursuant to regulation 14(4) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the Barossa Assessment Panel resolves to exclude from the minutes and from the version of the agenda report made available to the public the information dealt with on a confidential basis by the Barossa Assessment Panel, until a decision of the Environment, Resources and Development Court is made on the basis that disclosure may result in a breach of the *Environment, Resources and Development Court Act 1993*.

CARRIED

10. OTHER MATTERS

On behalf of Council and the Barossa Assessment Panel G Mavrinac and B Ballantyne farewelled and extended their thanks to Rob Veitch on his last meeting and wished him all the best for the future.

10. NEXT MEETING

Tuesday 6 July 2021 commencing at 5.00pm.

11. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 5.20 pm

Date:

Chairman: