

BAROSSA ASSESSMENT PANEL

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

Tuesday, 6 July 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 5:03pm.

2. ATTENDANCE

2.1 Present

Panel Members

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

Gary Mavrinac	Assessment Manager
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Council Staff

Anthony Zollo	Acting Senior Assessment Officer, Planning
Steve Kaesler	Acting Director, Works and Engineering Services
Sam Hosking	Heritage Advisor
Rugiyya Martin	Governance Advisor
Chris Kruger	Minute Secretary

2.2 Apologies

Richard Miller
Myles Somers

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 1 June 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

6.1 960/9/2021 (59-67 Murray Street Angaston)

Recommendation

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

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/9/2021 by JBG Architects to undertake Staged Hotel & Restaurant Redevelopment: Stage 1 - Hotel - Micro Brewery; Games Room; Kitchen; Sports Lounge; Function Room; Dining Room; Viewing Deck and Link to Restaurant; Stage 2 - Restaurant - Alterations and Additions; Stage 3 - Hotel - Accommodation suites and formalisation of car parking at 59-67 Murray Street, Angaston (CT 5107/200, CT 6007/443, CT 6045/448, CT 5130/291) subject to the following reserved matters, conditions and advisory notes:

Reserved Matters

Development Plan Consent is subject to provision, assessment and approval of:

- (1) A Stormwater Management Plan for the entire development be supplied by a qualified stormwater engineer to the satisfaction of Council's Works and Engineering Department prior to building rules consent being lodged for Stage 1 of the development.
- (2) A report detailing the management and disposal of all trade waste associated with Micro-Brewery, shall be provided prior to building rules consent being lodged for Stage 1 of the development.

- (3) A landscaping plan with a detailed species list be provided to the satisfaction of Council's Development Services Department prior to building rules consent being lodged for Stage 3 of the development.
- (4) A car parking plan in relation to CT 5130/291 (Kent Street car park) to be provided to the satisfaction of Council's Works and Engineering Department prior to building rules consent being lodged for Stage 3 of the development.

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/9/2021 except where varied by any condition(s) listed below.

Plan Type	Prepared by	Drawing No.	Issue No. or Date
Block Plan	JBG Architects	A001	P.03
Staging Plan	JBG Architects	A003	P.03
Coversheet + perspective	JBG Architects	A000	P.04
External Perspectives	JBG Architects	A901 & A902	P.01
Site Elevations	JBG Architects	A021 & A022	P.04
Site Plan	JBG Architects	A002	P.04
Presentation Plan - Ground	JBG Architects	A011	P.04
Presentation Plan – Level 1	JBG Architects	A012	P.04
Presentation Plan – Level 2	JBG Architects	A013	P.04
Presentation Plan – Roof	JBG Architects	A014	P.04
Existing & Demolition Plan	JBG Architects	A015	P.04
Existing & Demolition Plan – Level 1	JBG Architects	A016	P.04
Isometric View - ground	JBG Architects	A091	P.04
Isometric View – level 1	JBG Architects	A092	P.04
Isometric View – level 2	JBG Architects	A093	P.04
Isometric View – Roof	JBG Architects	A094	P.03
Internal Perspective	JBG Architects	A911	P.01
Internal Perspective	JBG Architects	A912	P.01
Traffic and Parking Assessment	Frank Siow and Associates	N/A	31 May 2021

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

- (2) The Licence Agreement over Council owned car park (known as Kent Street Car Park) shall be executed to the reasonable satisfaction of council and be provided to council prior to the issuing of Development Approval for Stage 1 of the development.

Reason: To ensure that the proposal proceeds in an orderly manner.

- (3) All mechanical plant equipment shall be appropriately designed, screened, positioned and located to ensure it is not prominently visible from any public place and that it does not detract from the built form or heritage value of any heritage listed item.

Reason: To ensure that the proposal maintains the integrity of heritage buildings.

- (4) Service vehicle and delivery vehicles shall only service the premises from the Kent Street Service and Refuse area as shown on plans by J G Architects - Presentation Plan – Ground – Drawing Number AO11 issue - P.04 between the hours of 9.00 am and 5.00 pm Monday to Saturday.

Reason: To ensure that the proposal proceeds in an orderly manner.

- (5) The applicant shall obtain a Trade Waste Permit from SA Water prior to commencing the operation of the Micro-brewery.

Reason: To ensure that the proposal proceeds in an orderly manner.

- (6) Trading hours for the Micro-brewery shall be limited to Sunday to Saturday 8.00 am – 4.00 pm.

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

- (7) The brewing capacity of the Micro-brewery shall be limited to 800 litres every two days.

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

- (8) There shall be no increase in operating hours of the hotel, restaurant, function room, gaming room and bar areas without the prior approval of the Relevant Authority.

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

- (9) There shall be no increase in overall capacity of the licensed area of the premises without the prior approval of the Relevant Authority.

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

- (10) The approval will only remain current whilst the licence agreement over the Kent street car park remain in place.

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

- (11) The parking areas shall be illuminated to the reasonable satisfaction of Council during the hours of darkness and when they are in use or likely to be used by patrons. Any such lighting shall be directed and shaded in such a manner as to cause no light spill nuisance to any person or adjoining land in the vicinity or nearby vehicular traffic.

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

- (12) Directional signs not exceeding 0.5sqm in face area shall be erected at vehicle access points to indicate the location of visitor parking.

Reason: To ensure that the proposal proceeds in an orderly manner.

- (13) The capacity of the accommodation suites shall not exceed 26 guests at any one time.

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

- (14) The construction yard located on the Kent Street (CT 5130/291) shall be removed prior to the construction of the car park associated with the subject site.

Reason: To ensure that the proposal proceeds in an orderly manner.

- (15) Any graffiti or vandalism to the exterior of the buildings shall be removed or repaired to the satisfaction of council in a timely manner.

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

Advisory Notes

- (1) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by Council or other relevant planning authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.
- (2) The adjoining owner should be advised of the proposed work on the boundary and issues such as access to perform work, removal of fences, finished levels and retaining walls should be resolved before building work commences. This approval does not create an automatic right to access neighboring land.
- (3) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to sec 139 of the *Planning, Development & Infrastructure Act 2016*.
- (4) It is recommended that where mechanical equipment is proposed to be used to construct any walls may impede access for that equipment, the walls be constructed prior to preparing the footings.
- (5) 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 Manager Engineering Services on 85638444.
- (6) 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.

- (7) Please be advised that where a Private Certifier is appointed to undertake the building assessment, Council does not provide a service of advising the Private Certifier of site conditions or any matters relevant to the building assessment. It is recommended that a Private Certifier undertakes his or her own investigations and inspection of the site to become acquainted with site conditions and any other relevant matter.
- (8) 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.
- (9) Construction shall not take place on any Sunday or Public Holiday or after 7.00 pm or before 7.00 am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

Panel Decision

Moved: G Hewitt

Seconded: R Johnstone

That the recommendation be adopted.

CARRIED

7. REPORTS – APPLICATIONS TO PROCEED/NOT TO PROCEED TO ASSESSMENT

Nil.

8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

8.1 Updates of Deferred Applications for Decision

Recommendation

That the report be received.

Panel Decision

Moved: R Johnstone

Seconded: J McVicar

That the recommendation be adopted.

CARRIED

9. REPORTS – PANEL UPDATES

9.1 State Planning Commission Concurrence Matters

Recommendation

That the report be received.

Panel Decision

Moved: R Johnstone

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: J McVicar

Seconded: R Johnstone

That the recommendation be adopted.

CARRIED

10. REPORTS - OTHER BUSINESS

10.1 Planning, Development and Infrastructure Act Delegations by The Barossa Assessment Panel

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 at 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 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 have been or are subject to delegation by Council and the Assessment Manager, respectively:
- Instrument A – Instrument of Delegation under the PDI Act – power of Council as a Council, Designated Authority and Designated Entity
 - Instrument D – Instrument of Delegation under the PDI Act – power of the Assessment Manager as a Relevant Authority
 - Delegations to the Strategic Planning and Development Policy Committee (under Instrument A) – which have been delegated by Council to the Committee

Panel Decision

Moved: G Hewitt

Seconded: J McVicar

That the recommendation be adopted.

CARRIED

10.2 Planning advice provided by Council Officers

G Mavrinc advised the Panel that a complaint had been received in relation to planning advice provided by Council officers. The complainant had requested that the information be tabled at the meeting of Barossa Assessment Panel, however this was deemed to be an inappropriate course of action for the following reasons;

1. The complaint related to advice of a Council officer, and not the Barossa Assessment Panel. Complaints in relation to the Barossa Assessment Panel are dealt with by the State Planning Commission, or by the Panel if the complaint relates to a decision made by the Assessment Manager.
2. Should a future development application for the site be submitted to the Panel for decision, the Panel may be compromised.

10.3 Register of Interest – Primary and Ordinary Returns

B Ballantyne reminded the Panel to submit Primary and Ordinary Returns prior to 27 August 2021.

11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 3 August 2021 commencing at 5.00pm.

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 5:21pm.

Confirmed

Date: Chairman: