

# BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA ASSESSMENT PANEL  
held on

**Tuesday, 3 August 2021 commencing at 5:00pm**

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



*The Barossa Council*

# MINUTES

## Index

<b>1. Welcome</b>	Page 3
<b>2. Attendance</b>	Page 3
<b>3. Confirmation of Minutes</b>	Page 3
<b>4. Business Arising From Minutes</b>	Page 4
<b>5. Declaration of Interest by Members of the Panel</b>	Page 4
<b>6. Reports – Applications for Decision</b>	
6.1    960/35/2019 (65 Gods Hill Road Lyndoch)	Page 4
6.2    960/620/2019 (Allot 3 Eden Valley Road Angaston)	Page 10
<b>7. Reports – Applications to Proceed/Not to Proceed to Assessment</b>	
Nil.	Page 12
<b>8. Reports – Deferred Applications for Decision</b>	
8.1    Updates on Deferred Applications for Decision	Page 13
<b>9. Reports – Panel Updates</b>	
9.1    State Planning Commission Concurrence Matters	Page 13
9.2    Environment Resources and Development Court Appeal Updates	Page 13
<b>10. Reports – Other Business</b>	
Nil.	Page 13
<b>11. Reports – Confidential</b>	
Nil.	Page 13
<b>12. Next Meeting</b>	Page 14
<b>13. Closure of Meeting</b>	Page 14

## 1. WELCOME

The Presiding Member introduced Susan Giles (newly appointed Panel Member) and Myles Somers (Deputy 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	Member
Susan Giles	Member
Russell Johnstone	Deputy Member

Gary Mavrincac	Assessment Manager
----------------	--------------------

#### Council Staff

Janine Lennon	Acting Manager, Development Services
Anthony Zollo	Acting Senior Assessment Officer, Planning
Steve Kaesler	Manager, Engineering Services
Calvin Bacher	Assessment Officer, Planning
Chris Kruger	Minute Secretary

### 2.2 Apologies

Richard Miller.

### 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 July 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

##### 6.1 960/35/2019 (65 Gods Hill Road Lyndoch)

R Johnstone advised the Panel that as an Elected Member, he had received email correspondence from several of the representors, and that they formed part of the Agenda Report.

B Ballantyne confirmed that the Panel had also received the emails.

##### Representors

Jesse and Paula Mundy provided a submission but did not attend to address the Panel.

Sharon Major addressed the Panel at 5:04pm.

Brenda and Wayne Dutschke addressed the Panel at 5:07pm.

Royston (Rory) Deer addressed the Panel at 5:16pm.

Joanne Irvine and Peter Carr addressed the Panel at 5:23pm.

##### Applicant

Graham Burns (MasterPlan) on behalf of the Applicant CN Scalzi Investments Pty Ltd addressed the Panel at 5:29pm, 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. 960/35/2019 by Andrew Davidson Pty Ltd and CN Scalzi Investments Pty Ltd to undertake Torrens Title Land Division - Create 86 additional allotments at 65 Gods Hill Road, LYNDPOCH (CT 6208/305) subject to the following reserved matters, conditions and advisory notes:

### **Reserved Matters**

In accordance with s102(3)(a) of the *Planning Development & Infrastructure Act 2016* the relevant authority reserves its decision on the following matters:

- A. The assessment of the site contamination should be undertaken in accordance with the framework provided in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended in 2013) (the ASC NEPM). If site contamination exists, the provisions of Part 10A of the *Environment Protection Act 1993* (the EP Act) will apply.
- B. Drafting and execution of a Land Management Agreement(s) that commit the developer or future developers of the land to the following:
- a. Both building envelopes and bench levels for proposed allotments 33, 34, 35, 62, 63, 64 and 65. The location of the envelopes to be to the satisfaction of the Relevant Authority
  - b. The use, maintenance and ongoing management of the stormwater detention system to the satisfaction of Council.
  - c. The landscaping of Easement A with a nominated selection of native and indigenous trees, shrubs and groundcovers, the exclusion of any built form other than a boundary fence and to thereafter maintain that landscaping to the Council's satisfaction.

Noting that the entirety of the cost of establishing a Land Management Agreement will lie with the applicant, including covering any costs that Council may incur during the process.

### **Council Conditions**

- (1) The development shall be undertaken in accordance with the following endorsed plans and documentation (as amended) accompanying Application No. 960/35/2019 (960/D003/19) except where varied by any condition(s) listed below:
- Plan of Division – Drawn by Andrews & Associates; Ref 3554-PT101.v6
  - Site Stormwater Management Plan – Prepared by Southfront dated 13 Dec 2018
  - Stormwater Report – Prepared by Archer Environmental dated 21 June 2021

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) 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) A reserve planting plan shall be submitted to Council showing all of Reserve 103 landscaping in detail, including the type and location of plantings and any existing trees to be retained.
- (7) 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.
- (8) 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.

## Environment Protection Agency Conditions

- (1) The detailed design of the stormwater management system must be established in accordance with Site Stormwater Management Plan prepared by Southfront and submitted with the MasterPlan correspondence dated 14 December 2018 and must:
  - a. meet the following quality targets:
    - I. Suspended solids (SS) – 80% reduction of the typical urban annual load with no treatment
    - II. Total phosphorus (TP) – 60% reduction of the typical urban annual load with no treatment
    - III. Total nitrogen (TN) – 45% reduction of the typical urban annual load with no treatment
    - IV. Litter and gross pollutants – 90% reduction in total pollutant load compared with untreated stormwater runoff
  - b. ensure runoff is maintained at pre-development levels
  - c. ensure groundwater resources are not impacted
  - d. mitigate flood risk

## Panel Decision

Moved: G Hewitt

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. 960/35/2019 by Andrew Davidson Pty Ltd and CN Scalzi Investments Pty Ltd to undertake Torrens Title Land Division - Create 86 additional allotments at 65 Gods Hill Road, LYNDOCH (CT 6208/305) subject to the following reserved matters, conditions and advisory notes:

### Reserved Matters

In accordance with s102(3)(a) of the *Planning Development & Infrastructure Act 2016* the relevant authority reserves its decision on the following matters:

- A. The assessment of the site contamination should be undertaken in accordance with the framework provided in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended in 2013) (the ASC NEPM). If site contamination exists, the provisions of Part 10A of the *Environment Protection Act 1993* (the EP Act) will apply.

- B. Drafting and execution of a Land Management Agreement(s) that commit the developer or future developers of the land to the following:
- a. Both building envelopes and bench levels for proposed allotments 33, 34, 35, 62, 63, 64 and 65. The location of the envelopes to be to the satisfaction of the Relevant Authority
  - b. The use, maintenance and ongoing management of the stormwater retention/detention system to the satisfaction of Council.
  - c. The landscaping of Easement A with a nominated selection of native and indigenous trees, shrubs and groundcovers, the exclusion of any built form other than a boundary fence and to thereafter maintain that landscaping to the Council's satisfaction.

Noting that the entirety of the cost of establishing a Land Management Agreement will lie with the applicant, including covering any costs that Council may incur during the process.

### **Council Conditions**

- (1) The development shall be undertaken in accordance with the following endorsed plans and documentation (as amended) accompanying Application No. 960/35/2019 (960/D003/19) except where varied by any condition(s) listed below:
- Plan of Division – Drawn by Andrews & Associates; Ref 3554-PT101.v6
  - Site Stormwater Management Plan – Prepared by Southfront dated 13 Dec 2018
  - Stormwater Report (Revision 3) – Prepared by Archer Environmental dated 15 July 2021

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) 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) A reserve planting plan shall be submitted to Council showing all of Reserve 103 landscaping in detail, including the type and location of plantings and any existing trees to be retained.
- (7) 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.
- (8) 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.
- (9) A payment of a monetary Open Space Contribution shall be paid to Council calculated in accordance with Section 198 of the *Planning, Development and Infrastructure Act 1996* or Section 50 of the *Development Act 1993* in addition to any reserves shown on proposal plan.

Reason: Due to significantly less allowed, than the requirement of 12.5% required by the Act.

## Environment Protection Agency Conditions

- (1) The detailed design of the stormwater management system must be established in accordance with Site Stormwater Management Plan prepared by Southfront and submitted with the MasterPlan correspondence dated 14 December 2018 and must:
  - a. meet the following quality targets:
    - I. Suspended solids (SS) – 80% reduction of the typical urban annual load with no treatment
    - II. Total phosphorus (TP) – 60% reduction of the typical urban annual load with no treatment
    - III. Total nitrogen (TN) – 45% reduction of the typical urban annual load with no treatment
    - IV. Litter and gross pollutants – 90% reduction in total pollutant load compared with untreated stormwater runoff
  - b. ensure runoff is maintained at pre-development levels
  - c. ensure groundwater resources are not impacted
  - d. mitigate flood risk

**CARRIED**

### 6.2 960/620/2019 (Allot 3 Eden Valley Road 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 development proposal is not seriously at variance to The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/620/2019 by Dechellis Homes to undertake Construction of a single-storey detached dwelling with alfresco and front verandah under main roof at Allot 3 Eden Valley Road, ANGASTON (CT 5846/686; 5846/688; 5846/683) subject to the concurrence of the State Planning Commission, and subject to the following conditions and advisory notes:

#### Reserved Matters

In accordance with s102(3)(a) of the *Planning Development & Infrastructure Act 2016* the relevant authority reserves its decision on the following matters:

- A The amalgamation of the following property titles:
- Certificate of Title – Volume 5846, Folio 686
  - Certificate of Title – Volume 5846, Folio 688
  - Certificate of Title – Volume 5846, Folio 683

### **Council Conditions**

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/620/2019 except where varied by any condition(s) listed below:

- Statement of Effect - prepared by Regional Planning Directions and dated May 2021
- Site Layout Plan - prepared by Intrax Housing, Job No 126033 Drw No C01, Issue C and dated May 2021
- Site Layout Key Plan - prepared by Intrax Housing, Job No 126033 Drw No C03, Issue C and dated May 2021
- Site Plan & Survey Overlay prepared by Dechellis Homes, Job No DH2087, dated 19 April 2021
- Floor Plan prepared by Dechellis Homes, Job No DH2087, dated 19 April 2021
- Elevations prepared by Dechellis Homes, Job No DH2087, Sheets 3 & 4 dated 19 April 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 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 occupation, the building authorised herein shall be connected to an approved wastewater system to the reasonable satisfaction of Council.

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

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

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

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

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

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

- (6) The subject land is located within a Medium Bushfire Risk area. A dedicated and independent water supply shall be available at all times for fire fighting purposes which;
- a) Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and
  - b) Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case. (Any rainwater tank used for this purpose should be dedicated entirely for fire fighting and shall be of non combustible materials).

The provision of the dedicated water supply for fighting purposes shall comply with the Ministers Specification SA 78 'Bushfire fighting equipment and water supply requirements in designated bushfire prone areas'.

Reason: To ensure that the proposal is used, run and maintained in accordance with the Ministers Specification.

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

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

### **Panel Decision**

Moved: S Giles

Seconded: G Hewitt

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

Nil.

## 9. REPORTS - PANEL UPDATES

### 9.1 State Planning Commission Concurrence Matters

#### Recommendation

That the report be received.

#### Panel Decision

Moved: G Hewitt

Seconded: R Johnstone

That the recommendation be adopted.

**CARRIED**

### 9.2 Environment Resources and Development Court Appeal Updates

#### Recommendation

That the report be received.

#### Panel Decision

Moved: R Johnstone

Seconded: G Hewitt

That the recommendation be adopted.

**CARRIED**

## 10. REPORTS - OTHER BUSINESS

Nil.

## 11. REPORTS – CONFIDENTIAL

Nil.

**12. NEXT MEETING**

Tuesday 7 September 2021 commencing at 5.00pm.

**13. CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 6:10pm.

Confirmed

Date: ..... Chairman: .....