

BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA ASSESSMENT PANEL
held on

Tuesday, 5 October 2021, commencing at 5.00pm

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



The Barossa Council

MINUTES

I N D E X

1. Welcome	3
2. Attendance	3
3. Confirmation of Minutes	3
4. Business Arising from Minutes	4
5. Declaration of Interest by Members of the Panel	4
6. Reports – Applications for Decision (Development Act 1993)	4
6.1 960/104/2021 - 51 and 53-55 Railway Terrace Nuriootpa	4
7. Reports – Deferred Applications for Decision (Development Act 1993)	8
Nil	
8. Reports – Application for Decision (Planning, Development and Infrastructure Act 2016)	8
8.1 21007498 - 11 Penrice Road and 20 Prider Street Nuriootpa	8
9. Reports – Review of Assessment Manager Decisions (Planning, Development and Infrastructure Act 2016)	14
Nil	
10. Reports – Panel Updates	14
10.1 State Planning Commission Concurrence Applications	14
11. Reports – Other Business	14
Nil	
12. Reports – Confidential	15
Nil	
13. Next Meeting	15
14. Closure of Meeting	15

1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5:00pm.

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne	Presiding Member
Richard Miller	Member
Jake McVicar	Member
Susan Giles	Member
Myles Somers	Deputy Member

Council Staff

Gary Mavrinac	Assessment Manager
Janine Lennon	Acting Manager, Development Services
Anthony Zollo	Acting Senior Assessment Officer, Planning

2.2 Apologies

Grant Hewitt

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

PANEL DECISION

Moved: R Miller

Seconded: J McVicar

That the minutes of the Barossa Assessment Panel meeting held on 7 September 2021 be received and confirmed.

CARRIED

4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

The following disclosures have been made in relation to:

Item	Panel Member
8.1	Richard Miller
11 Penrice Road and 20 Prider Street Nuriootpa	

As an Elected Member of Council, has had prior involvement with Nuriootpa Centennial Park Masterplan matters.

6. REPORTS – APPLICATIONS FOR DECISION (DEVELOPMENT ACT 1993)

6.1 960/104/2021 - 51 and 53-55 Railway Terrace Nuriootpa

PANEL DECISION

Moved: S Giles

Seconded: M Somers

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 960/104/2021 by JBG Architects to undertake Demolition of existing building, Construction of a single storey office building and storage room with associated

staff parking and landscaping at 51 and 53-55 Railway Terrace Nuriootpa (CT 5133/ 334, CT 5700/961 and CT 5399/ 544) subject to the following conditions and advisory notes:

Reserved Matters

Reserved matters under section 102(3) of the Act, Planning Consent is subject to provision, assessment and approval of:

- (1) A landscaping plan with a detailed plant species schedule.

Council Conditions

- (1) The development shall be undertaken in accordance with the attached endorsed plans and documentation accompanying the application as amended and including:

Drawing Title	Drawing Number	Drawing Issue
Coversheet	A000	P6
Site Plan	A001	P5
Floor Plan	A120	P8

unless varied by the following conditions.

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

- (2) No building work shall commence on the site until a waste control system has been approved pursuant to the *South Australian Public Health Act 2011*.

Reason: To ensure the proposal is constructed in an orderly manner.

- (3) The building shall be connected to a wastewater system approved under the *South Australian Public Health Act 2011*.

NOTE: Prior to building work commencing 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 the proposal is constructed in an orderly manner.

- (4) The landscaping as detailed in the application for development shall be established within 12 months of substantial completion of the building and shall be maintained in good health and condition at all times. Any vegetation that dies or becomes seriously diseased shall be replaced with others of the same, or similar varieties.

Reason: To ensure landscaping is undertaken within a timely manner.

- (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.

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

Reason: To ensure that stormwater is adequately managed at the site.

- (6) 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.

Reason: To minimise any adverse impact upon the amenity of the locality.

- (7) Dust emissions from the site shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of Council.

Reason: To minimise any adverse impact upon the amenity of the locality.

- (8) The builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which at all times all builders waste shall be contained for the duration of the construction period and the receptacle shall be emptied as required.

Reason: To minimise any adverse impact upon the amenity of the locality.

- (9) All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap, prior to discharge to the stormwater system.

Reason: To minimise any adverse impact upon the amenity of the locality.

- (10) All car parking, driveways and vehicle manoeuvring areas shall comply with the requirements of AS2890.1 *Parking facilities – Part 1: Off-street car parking*.

Reason: To ensure the proposal is constructed in an orderly manner.

Advisory Notes

- (a) Any variation from the approved use or the approved application and the conditions of consent will require further application and approval from Council or other relevant planning authority. Approval of this application does not imply that future applications for variations will be approved. Any future application will be assessed by having regard to the relevant rules in force at the time it 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):

- (i) shutting equipment down whenever not in use
 - (ii) application of broadband beepers on forklifts, and
 - (iii) ensuring equipment are operated in a way that reduces noise impact.
- (d) Any proposal to clear, remove limbs or trim native vegetation, unless subject to an exemption under the *Native Vegetation Act 1991*, requires the approval of the Native Vegetation Council. Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council.
- (e) 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.

CARRIED

7. REPORTS – DEFERRED APPLICATIONS FOR DECISION (DEVELOPMENT ACT 1993)

Nil.

8. REPORTS – APPLICATION FOR DECISION (PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016)

8.1 21007498 - 11 Penrice Road and 20 Prider Street Nuriootpa

R Miller left the meeting 5:09pm due to an earlier stated declaration.

Representors

Tony Edwards addressed the Panel at 5:11pm, and answered questions from the Panel.

Una Harnath addressed the Panel at 5:16pm, and answered questions from the Panel.

Glenys and Grant Brooks addressed the Panel at 5:17pm, and answered questions from the Panel.

William Reilly addressed the Panel at 5:25pm, and answered questions from the Panel.

Kevin Platt addressed the Panel at 5:29pm, and answered questions from the Panel.

Applicant

Reb Rowe (Jensen Plus) and Jo Thomas (The Barossa Council) addressed the Panel at 5:34pm, and answered questions from the Panel.

PANEL DECISION

Moved: J McVicar

Seconded: M Somers

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Planning, Development and Infrastructure Act 2016* 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 Planning and Design Code.
- (c) To GRANT Development Plan Consent for 21007498 by The Barossa Council to undertake the Installation of a soccer pitch and associated fencing; Installation of a mini soccer pitch with associated fencing; Extension of access road and installation of carpark; Installation of four lighting towers at 27.4 metres high; associated earthworks, stormwater, landscaping and screening at 11 Penrice Road Nuriootpa and 20 Prider Street Nuriootpa (F172774/29) and (CT 5307/771) subject to the following conditions and advisory notes:

Council Conditions

- (1) The development shall be undertaken in accordance with the attached endorsed plans and documentation accompanying the application as amended and including:

134600SG01	Locality Plan	Version E
134600SG02	General Notes	Version E

134600SG03	Existing Conditions Plan	Version E
134600SG04	Demolition Plan	Version E
134600SG05	Layout Plan	Version E
134600SG06	Main Pitch	Version E
134600SG07	Car park and Miniroos Pitch	Version E
134600SG08	Road 1	Version E
134600SG09	Earthworks Plan	Version E
134600SG10	Fence Plan	Version E
134600SG11	Setout Plan	Version E
134600SG12	Section 1 Field A and B	Version E
134600SG13	Sections 2 – Road 1 and 2	Version E
134600SG14	Cross Sections 1 – Field A and B	Version E
134600SG15	Cross Sections 2 – Road 1	Version E
134600SG16	Cross Sections 3 – Road 2	Version E
134600SG17	Drainage Sections 1	Version E
134600SG18	Drainage Sections 2 and Pit Schedule	Version E
134600SG19	Standard Details 1	Version E
134600SG21	Standard Details 3	Version E
134600SG22	Standard Details 4	Version E
134600SG23	Standard Details 5	Version E
File#210519R4	Musco Lighting – Summary	23 Aug 21
File#210519R4	Musco – Illumination Summary 200 lux	23 Aug 21
File#210519R4	Musco – Illumination Summary Glare 200 lux	23 Aug 21
File#210519R4	Musco – Illumination Summary 150 lux	23 Aug 21
File#210519R4	Musco – Illumination Summary Glare 150 lux	23 Aug 21
File#210519R4	Musco – Illumination Summary 100 lux	23 Aug 21
File#210519R4	Musco – Illumination Summary Glare 100 lux	23 Aug 21
File#210519R4	Musco – Illumination Summary Blanket Spill 200 lux	23 Aug 21
File#210519R4	Musco – Illumination Summary Blanket Spill 150 lux	23 Aug 21
File#210519R4	Musco – Illumination Summary Blanket Spill 100 lux	23 Aug 21
File#210519R4	Musco – Illumination Summary - Spill Residential Area 200 lux	23 Aug 21
File#210519R4	Musco – Illumination Spill Residential Area 150 lux	23 Aug 21
File#210519R4	Musco – Illumination Spill Residential Area 100 lux	23 Aug 21
File#210519R4	Musco – Equipment Layout	23 Aug 21
Project 210519	Musco Lighting – Foundation and Pole assembly	16 May 21

unless varied by the following conditions.

- (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.
- (3) 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 the relevant authority.
- (4) The landscaping area depicted on the approved plans shall be established within six months from the date of Development Approval and maintained and nurtured at all times, with any diseased or dying plants replaced in a timely manner.
- (5) The lighting towers shall maintain a lux level of no greater than 100 lux on training evenings and no greater than 200 lux for specific sanctioned games.
- (6) The lighting towers shall not be operated without the baffles/hood being in place on the light towers.
- (7) The lighting towers shall be turned off ten minutes prior to the 10:00 pm curfew on any given day.
- (8) All training taking place on weeknights shall operate between the hours of 4:00 pm and 8:30 pm with no training on weekends outside of daylight hours.
- (9) Disturbed surfaces including any exposed batters as a result of excavation on the land shall be revegetated and stabilised within three months of the completion of the development, to the satisfaction of Council.
- (10) Dust emissions during construction on site shall be controlled by a dust suppressant or by watering regularly to avoid unreasonable impacts on adjacent land to the reasonable satisfaction of the relevant authority.
- (11) During construction or installation of all works associated with the development and proposed roads and utility services:

- (i) Dust generated at the site shall be reasonably controlled at all times to prevent nuisance to occupants of adjoining land.
 - (ii) Noise generated at the site shall be kept to the minimum level that is reasonably practicable.
 - (iii) 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's Director – Works and Engineering.
 - (iii) Any dirt or debris from the site deposited onto existing roadways by the applicant's contactors or sub-contractors shall be cleared immediately.
- (12) No access from Prider Street shall occur during the life of the development without the appropriate authorisation of the Relevant Authority.
- (13) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Noise) Policy 2007, and such that any resulting noise is not considered a nuisance, to the satisfaction of the Relevant Authority.

Advisory Notes

- (a) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by the relevant 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 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 neighbouring land.

- (d) 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.
- (e) 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.
- (f) 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.
- (g) The applicant is advised that this consent does not permit anyone to clear, remove limbs or trim native vegetation. 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.
- (h) The applicant is advised that any proposal to clear, remove limbs or trim native vegetation should be undertaken after first notifying the Native Vegetation Council of intended works.
- (i) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Noise) Policy 2007, and such that any resulting noise is not considered a nuisance, to the satisfaction of Council, including any existing infrastructure.
- (j) The applicant is advised that any retaining works to exceed greater than one vertical metre constitutes development, and requires development approval in its own right.
- (k) Be advised that ongoing discussions shall occur between Council and adjoining dwelling owners regarding the future landscaping and/as well as potential alterations to boundary

fences and/or screening, within the space between the development and adjoining residential properties.

CARRIED

R Miller returned to the meeting at 6:07 pm.

9. REPORTS – REVIEW OF ASSESSMENT MANAGER DECISIONS (PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016)

Nil.

10. REPORTS – PANEL UPDATES

10.1 State Planning Commission Concurrence Applications

PANEL DECISION

Moved: M Somers

Seconded: S Giles

That the report be received.

CARRIED

10.2 Environment, Resources and Development Court Appeal Updates

J Lennon advised the Panel that an Appeal has been lodged in relation to a number of Planning Consent Conditions for Development Application 960/9/2021 Angaston Hotel, 59-67 Murray Street Angaston)

PANEL DECISION

Moved: J McVicar

Seconded: R Miller

That the verbal report be received.

CARRIED

11. REPORTS – OTHER BUSINESS

Development Application 21008020 (Tourist Accommodation - 252 Murray Street Tanunda)

G Mavrinac advised the Panel that questions had been raised by Elected Members in relation to the determination that the proposal was 'not seriously at variance with the Planning and Design Code'.

For future clarification, it is proposed that recommendations within the report structure will be amended to address the determination process, with the intent to commence at the November 2021 meeting.

G Mavrinac will also address the Elected Member Workshop to be held in November 2021.

12. REPORTS – CONFIDENTIAL

Nil.

13. NEXT MEETING

Tuesday 2 November 2021 commencing at 5.00 pm

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:13pm.

Confirmed

Date:..... Chairman: