

BAROSSA ASSESSMENT PANEL

MINUTES OF THE THIRD MEETING OF THE BAROSSA ASSESSMENT PANEL held on

Tuesday, 6 March 2018 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 5:02pm.

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne	Presiding Member
Rob Veitch	Member
Grant Hewitt	Member
Mark Grossman	Deputy Member

Council Staff

Louis Monteduro	Assessment Manager
Gary Mavrincac	Director, Development and Environmental Services
Paul Mickan	Principal Planner
Elinor Walker	Planner
Dylan Grieve	Planner
Steve Kaesler	Manager Engineering Services
Chris Kruger	Minute Secretary

2.2 Apologies

R Miller.
D Reiman.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: G Hewitt

Seconded: R Veitch

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 5 December 2017 be received and confirmed.

4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

Nil.

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/623/2017 (26 Vine Vale Road Tanunda)

B Ballantyne advised the Panel that the all Representors who had indicated their wish to address to Panel, had withdrawn their requests.

Graham Burns (MasterPlan, on behalf of the Applicant JBG Architects) 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. 960/623/2017 by JBG Architects to undertake a Winery (49 Tonne Crush), Cellar Door, Restaurant and Advertising Sign at 26 Vine Vale Road Tanunda (CT 6151/258) subject to the following reserved matters, conditions and advisory notes:

Reserved Matters

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

- (1) Prior to the issuing of Development Approval the acoustic fence design must be submitted to Council for assessment in accordance with the alignment detailed on the endorsed Site Plan. The fence/landscape feature wall must be a minimum of 1.8 metres in height above the natural ground level. The design of the fence must be prepared by a suitably qualified acoustic engineer. The details of the design and acoustic qualities of the fence must be to the satisfaction of Council.

Reason: To ensure that the proposal is able to comply with the requirements of the *Environment Protection (Noise) Policy 2007*.

- (2) Prior to the issuing of Development Approval a landscape plan (prepared by a suitably qualified landscape architect or landscape designer) to the satisfaction of Council must be submitted to and approved by Council. When approved, the plan will be endorsed and will then form part of this consent. The landscaping plan must show the following:

- (a) The area or areas set aside for landscaping
- (b) A schedule of all proposed trees, shrubs/small trees and ground cover. This schedule shall include plants selected from the Council document 'Barossa Local Native Plant ' showing the botanical and common name of each plant, the quantity to be planted, the pot size and spacing
- (c) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material
- (d) Paving, retaining walls, acoustic fence design details and other landscape works including areas of cut and fill
- (e) Appropriate irrigation systems

Reason: To ensure that the subject site is appropriately landscaped in a manner that contributes to the character of the area.

- (3) Prior to the issuing of Development Approval a Stormwater Management Plan (SMP) prepared by a suitably qualified Civil Engineer, to the satisfaction of Council, must be submitted to and approved by Council. When approved, the plan will be endorsed and will then form part of this consent.

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

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/623/2017 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) Before the development commences, a Construction Management Plan must be submitted to and approved by Council. The Management Plan must show:
 - (a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures
 - (b) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction
 - (c) Where access to the site for construction vehicle traffic will occur
 - (d) Location of temporary fencing and timing of installment
 - (e) The location of trenching works, boring, and pits associated with the provision of services
 - (f) The location of any temporary buildings or yards
 - (g) *Measures designed to ensure the orderly management of the construction site, including complaint procedures and contact details in the event of a received complaint relating directly to construction works.*

Reason: To ensure that the construction process is managed in a manner which prevents adverse off-site impacts.

- (3) Prior to the issuing 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 the disposal of wastewater in accordance with the *South Australian Public Health Act 2011* and the *South Australian Public Health (Wastewater) Regulations 2013*.

- (4) Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of Council.

Reason: To ensure that the construction process is managed in a manner which prevents adverse off-site impacts.

- (5) All waste material not required for further onsite processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (6) The use and development must 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) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - (d) presence of vermin
 - (e) others as appropriate.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (7) A minimum 900 x 300 box culvert shall be provided in the new crossover to provide for free and unrestricted stormwater flows along Vine Vale Road within one month of the commencement of construction to the satisfaction of Council.

Reason: To ensure that stormwater flows are maintained along Council's road.

- (8) Unless with the prior written consent from Council, the development hereby permitted may only operate between the following hours:

- Monday to Saturday: 8.00am to 12.00am
- Sunday: 9.00am to 11.00pm
- Public Holidays: 9.00am to 11.00pm

No outdoor dining shall be permitted on the subject land past 10:00pm seven days a week.

Reason: To ensure that the hours of operation are stipulated and are to the satisfaction of Council.

- (9) Deliveries to and from the site (including waste collection) shall be from the central ingress/egress point and must only take place between:

- 7.00am and 8.00pm Monday to Saturday
- 8.00am and 5.00pm Sunday or public holiday

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (10) No more than (75) seats shall be made available within the restaurant hereby approved, unless with the prior written consent of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality and there are limitations on the number of patrons able to be accommodated on the site in accordance with The Barossa Development Plan.

- (11) Unless with the prior written consent from Council, the number of persons present on the property at any one time must not exceed 200, to the satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (12) Unless with the prior written consent from Council no more than six events shall occur on site annually.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (13) All winery work (crushing, barrel washing, storage of wine etc) must be carried out on an impervious area that drains to the approved wastewater management system.

Reason: To ensure that there is no adverse environmental impacts on the locality.

- (14) 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 satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (15) No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (16) Before the use commences and/or the building is occupied all external plant, air-conditioning and equipment must be acoustically treated or placed in soundproof housing to reduce noise in a manner which ensures compliance with the *Environment Protection (Noise) Policy, 2007*.

Reason: To ensure that the proposal is able to comply with the requirements of the *Environment Protection (Noise) Policy 2007*.

- (17) Before the use commences and/or the building is occupied, the acoustic fence must be erected and must be put in place in accordance with the endorsed acoustic report prepared by Sonus dated February 2018.

Reason: To ensure that the proposal is able to comply with the requirements of the *Environment Protection (Noise) Policy 2007*.

- (18) Goods must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare, to the satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (19) 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 & Engineering.
- (iv) 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 that the construction process is managed in a manner which prevents adverse off-site impacts.

- (20) Construction shall only take place between 7.00am and 7.00pm Monday to Saturday and not before 9.00am or after 5.00pm on Sunday and public holidays and the builder must take all practicable steps to minimise the impact of noise emissions on neighbouring properties to the satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (21) All external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (22) Unless with the prior written consent of Council, before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of Council.

Reason: To ensure that the subject site is appropriately landscaped and maintained in a manner that contributes to the character of the area.

- (23) The location and details of the signs, as shown on the endorsed plans, must not be altered unless with the prior written consent of Council.

Reason: To ensure ongoing consistency with the approved signage.

- (24) The signs must not contain any flashing or moving light, to the satisfaction of the Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (25) The signs must be constructed and maintained to the satisfaction of Council.

Reason: To ensure ongoing maintenance of the approved signage.

- (26) No bunting, streamers and festooning (string lights) shall be displayed unless with the prior written consent of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (27) 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 managed within the curtilage of the allotment to the satisfaction of Council.

- (28) The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bay) and must 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.

- (29) Before the *use commences and/or occupation of the development*, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- (a) Constructed
- (b) Properly formed to such levels that they can be used in accordance with the plans
- (c) Surfaced with an all-weather sealcoat or treated to the satisfaction of Council to prevent dust and gravel being emitted from the site
- (d) Drained and maintained
- (e) Line marked to indicate each car space and all access lanes
- (f) Clearly marked to show the direction of traffic along access lanes and driveways

To the satisfaction of Council. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of Council.

Reason: To ensure that all carparking and accessways are sealed and construction to the satisfaction of Council.

- (30) A minimum of 57 car spaces must be provided on the land for the development hereby permitted, to the satisfaction of Council.

Reason: To ensure that the approved number of car parks is available on the subject site in accordance with the endorsed plans at all times.

- (31) A minimum of one car space must be provided for the exclusive use of disabled persons. The car space(s) must be provided as close as practicable to a suitable entrance(s) of the building and must be clearly marked with a sign to indicate that the space(s) must only be utilised by disabled persons.

Reason: To ensure compliance with the requirements of the *Disability Discrimination Act 1992*.

- (32) The detailed design of all footpaths, roads and open spaces and other public areas must comply with the requirements of the *Disability Discrimination Act 1992*.

Reason: To ensure compliance with the requirements of the *Disability Discrimination Act 1992*.

- (33) All services, including electricity and telecommunication services are to be provided underground.

Reason: To ensure the appropriate construction of services and infrastructure.

Notes

- (a) Any works associated with the development, such as 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 Section 221 of the *Local Government Act 1999*. Further enquiries should be directed to the Works and Engineering team on 8563 8444.
- (b) The development is to meet the requirements of the *Food Act 2001 (SA)* and the *South Australian Public Health Act 2011* to the satisfaction of Council.

Panel Decision

Moved: G Hewitt

Seconded: R Veitch

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. 960/623/2017 by JBG Architects to undertake a Winery (49 Tonne Crush), Cellar Door, Restaurant and Advertising Sign at 26 Vine Vale Road Tanunda (CT 6151/258) subject to the following reserved matters, conditions and advisory notes:

Reserved Matters

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

- (1) Prior to the issuing of Development Approval the acoustic fence design must be submitted to Council for assessment in accordance with the alignment detailed on the endorsed Site Plan. The fence/landscape feature wall must be a minimum of 1.8 metres in height above the natural ground level. The design of the fence must be prepared by a suitably qualified acoustic engineer. The details of the design and acoustic qualities of the fence must be to the satisfaction of Council.

Reason: To ensure that the proposal is able to comply with the requirements of the *Environment Protection (Noise) Policy 2007*.

- (2) Prior to the issuing of Development Approval a landscape plan (prepared by a suitably qualified landscape architect or landscape designer) to the satisfaction of Council must be submitted to and approved by Council. When approved, the plan will be endorsed and will then form part of this consent. The landscaping plan must show the following:
 - (a) The area or areas set aside for landscaping
 - (b) A schedule of all proposed trees, shrubs/small trees and ground cover. This schedule shall include plants selected from the Council document 'Barossa Local Native Plant ' showing the botanical and common name of each plant, the quantity to be planted, the pot size and spacing

- (c) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material
- (d) Paving, retaining walls, acoustic fence design details and other landscape works including areas of cut and fill
- (e) Appropriate irrigation systems

Reason: To ensure that the subject site is appropriately landscaped in a manner that contributes to the character of the area.

- (3) Prior to the issuing of Development Approval a Stormwater Management Plan (SMP) prepared by a suitably qualified Civil Engineer, to the satisfaction of Council, must be submitted to and approved by Council. When approved, the plan will be endorsed and will then form part of this consent.

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

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/623/2017 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) Before the development commences, a Construction Management Plan must be submitted to and approved by Council. The Management Plan must show:
 - (a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures
 - (b) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction
 - (c) Where access to the site for construction vehicle traffic will occur
 - (d) Location of temporary fencing and timing of installment
 - (e) The location of trenching works, boring, and pits associated with the provision of services
 - (f) The location of any temporary buildings or yards
 - (g) *Measures designed to ensure the orderly management of the construction site, including complaint procedures and contact details in the event of a received complaint relating directly to construction works.*

Reason: To ensure that the construction process is managed in a manner which prevents adverse off-site impacts.

- (3) Prior to the issuing 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 the disposal of wastewater in accordance with the *South Australian Public Health Act 2011* and the *South Australian Public Health (Wastewater) Regulations 2013*.

- (4) Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of Council.

Reason: To ensure that the construction process is managed in a manner which prevents adverse off-site impacts.

- (5) All waste material not required for further onsite processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (6) The use and development must be managed so that the amenity of the area is not detrimentally affected to the satisfaction of Council, through the:

- (a) transport of materials, goods or commodities to or from the land
- (b) appearance of any building, works or materials
- (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
- (d) presence of vermin
- (e) any other noise emissions.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (7) A minimum 900 x 300 box culvert shall be provided in the new crossover to provide for free and unrestricted stormwater flows along Vine Vale Road within one month of the commencement of construction to the satisfaction of Council.

Reason: To ensure that stormwater flows are maintained along Council's road.

- (8) Unless with the prior written consent from Council, the development hereby permitted may only operate between the following hours:

- Monday to Saturday: 8.00am to 12.00 midnight
- Sunday: 9.00am to 11.00pm
- Public Holidays: 9.00am to 11.00pm

No outdoor dining shall be permitted on the subject land past 10:00pm seven days a week.

Reason: To ensure that the hours of operation are stipulated and are to the satisfaction of Council.

- (9) Deliveries to and from the site (including waste collection) shall be from the central ingress/egress point and must only take place between:

- 7.00am and 8.00pm Monday to Saturday
- 8.00am and 5.00pm Sunday or public holiday

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (10) No more than (75) seats shall be made available within the restaurant hereby approved, unless with the prior written consent of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality and there are limitations on the number of patrons able to be accommodated on the site in accordance with The Barossa Development Plan.

- (11) Unless with the prior written consent from Council, the number of persons present on the property at any one time must not exceed 200, to the satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (12) Unless with the prior written consent from Council no more than six events shall occur on site annually.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (13) All winery work (crushing, barrel washing, storage of wine etc) must be carried out on an impervious area that drains to the approved wastewater management system.

Reason: To ensure that there is no adverse environmental impacts on the locality.

- (14) 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 satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (15) No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (16) Before the use commences and/or the building is occupied all external plant, air-conditioning and equipment must be acoustically treated or placed in soundproof housing to reduce noise in a manner which ensures compliance with the *Environment Protection (Noise) Policy, 2007*.

Reason: To ensure that the proposal is able to comply with the requirements of the *Environment Protection (Noise) Policy 2007*.

- (17) Before the use commences and/or the building is occupied, the acoustic fence must be erected and must be put in place in accordance with the endorsed acoustic report prepared by Sonus dated February 2018.

Reason: To ensure that the proposal is able to comply with the requirements of the *Environment Protection (Noise) Policy 2007*.

- (18) Goods must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare, to the satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (19) 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 & Engineering.
 - (iv) 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 that the construction process is managed in a manner which prevents adverse off-site impacts.

- (20) Construction shall only take place between 7.00am and 7.00pm Monday to Saturday and the builder must take all practicable steps to minimise the impact of noise emissions on neighbouring properties to the satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (21) All external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (22) Unless with the prior written consent of Council, before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of Council.

Reason: To ensure that the subject site is appropriately landscaped and maintained in a manner that contributes to the character of the area.

- (23) The location and details of the signs, as shown on the endorsed plans, must not be altered unless with the prior written consent of Council.

Reason: To ensure ongoing consistency with the approved signage.

- (24) The signs must not contain any flashing or moving light, to the satisfaction of the Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (25) The signs must be constructed and maintained to the satisfaction of Council.

Reason: To ensure ongoing maintenance of the approved signage.

- (26) No bunting, streamers and festooning (string lights) shall be displayed unless with the prior written consent of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (27) 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 managed within the curtilage of the allotment to the satisfaction of Council.

- (28) The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bay) and must 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.

- (29) Before the *use commences and/or occupation of the development*, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- (a) Constructed
- (b) Properly formed to such levels that they can be used in accordance with the plans

- (c) Surfaced with an all-weather sealcoat or treated to the satisfaction of Council to prevent dust and gravel being emitted from the site
- (d) Drained and maintained
- (e) Line marked to indicate each car space and all access lanes
- (f) Clearly marked to show the direction of traffic along access lanes and driveways

To the satisfaction of Council. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of Council.

Reason: To ensure that all carparking and accessways are sealed and construction to the satisfaction of Council.

- (30) A minimum of 57 car spaces must be provided on the land for the development hereby permitted, to the satisfaction of Council.

Reason: To ensure that the approved number of car parks is available on the subject site in accordance with the endorsed plans at all times.

- (31) A minimum of two car spaces must be provided for the exclusive use of disabled persons. The car space(s) must be provided as close as practicable to a suitable entrance(s) of the building and must be clearly marked with a sign to indicate that the space(s) must only be utilised by disabled persons.

Reason: To ensure compliance with the requirements of the *Disability Discrimination Act 1992*.

- (32) The detailed design of all footpaths, roads and open spaces and other public areas must comply with the requirements of the *Disability Discrimination Act 1992*.

Reason: To ensure compliance with the requirements of the *Disability Discrimination Act 1992*.

- (33) All services, including electricity and telecommunication services are to be provided underground.

Reason: To ensure the appropriate construction of services and infrastructure.

Notes

- (1) Any works associated with the development, such as 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 Section 221 of the *Local*

Government Act 1999. Further enquiries should be directed to the Works and Engineering team on 8563 8444.

- (2) The development is to meet the requirements of the *Food Act 2001 (SA)* and the *South Australian Public Health Act 2011* to the satisfaction of Council.
- (3) The applicant is reminded of its general environmental duty as per Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that its activities on the whole site, including construction, do not pollute the environment in any way which causes or has the potential to cause environmental harm.

CARRIED

6.2 960/240/2017 (278 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 development proposal is not seriously at variance to The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/240/2017 by Lanzerac Country Estate Pty Ltd to Construct new dwelling and relocate and rearrange existing store, laundry, caretakers facilities and lounge within existing buildings at 278 Menge Road, Tanunda (CT 5223/19) subject to the concurrence of the State Planning Commission, and 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. 960/240/2017 except where varied by any condition(s) listed below.

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

- (2) The colour of the external roof and/or wall materials shall match or blend with those of the existing building.

Reason: To ensure a high standard of visual amenity.

- (3) 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* and *South Australian Public Health (Wastewater) Regulations 2013*.

Reason: To ensure the development is connected to an approved wastewater system.

- (4) Roof water shall be disposed of to the street watertable or drain in an easement under the control of the Council. Where roof water is directed to a rainwater tank the overflow shall be piped to the street watertable or council drain.

Reason: To ensure that stormwater is adequately directed to the nominated point of discharge.

Advisory Notes

- (1) Any landscaping of the site should retain and incorporate where possible the existing vines adjacent to the road in the vicinity of the proposed dwelling.

Panel Decision

Moved: R Veitch

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

7. REPORTS – Applications to Proceed to Assessment

Nil.

8. REPORTS – Panel Updates

8.1 State Planning Commission Concurrence Matters

L Monteduro and P Mickan provided a verbal update of a Concurrence matter.

Recommendation

That the Report be received.

Panel Decision

Moved: M Grossman

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

8.2 ERD Court Appeals and Enforcement Matters

Following a request from B Ballantyne, L Monteduro provided the Panel with an update of a current Court Appeal in relation to Council's categorisation of a Development Application for a dwelling on a rural allotment. The Directions Hearing is scheduled for Friday 9 March 2018.

Recommendation

That the verbal Report be received.

Panel Decision

Moved: G Hewitt

Seconded: R Veitch

That the recommendation be adopted.

CARRIED

9. REPORTS - OTHER BUSINESS

Nil.

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Tuesday 3 April 2018 commencing at 5.00pm.

12. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 5:25pm.

Confirmed

Date: Chairman: