

BAROSSA ASSESSMENT PANEL

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

Tuesday, 6 August 2019 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
Grant Hewitt	Member
Deirdre Reiman	Member
Russell Johnstone	Deputy Member

Louis Monteduro	Assessment Manager
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Council Staff

Gary Mavrinac	Director, Development and Environmental Services
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Paul Mickan	Principal Planner
Jake Boswell	Assessment Officer, Planning
Ashleigh Gade	Assessment Officer, Planning
Christine Kruger	Minute Secretary

2.2 Apologies

Rob Veitch.
Richard Miller.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: D Reiman

Seconded: G Hewitt

That the minutes of the Barossa Assessment Panel meeting held on 4 June 2019 be received and confirmed.

CARRIED

4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

Nil.

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/243/2019 (1916 Barossa Valley Way Rowland Flat)

Representors

Llewellyn Wyeth (on behalf of Llewellyn Wyeth, Geraldine Frater-Wyeth and Marie France Frater) addressed the Panel at 5:05pm, and answered questions from the Panel.

Applicant

Stewart Hocking (MasterPlan) on behalf of Sam Ielo (Pernod Ricard) addressed the Panel at 5:10pm, 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. 960/243/2019 by Sam Ielo c/o MasterPlan SA to undertake the reconfiguration of existing carpark layout, construction of two carport structures, the installation of two solar panel arrays (one on each carport) and the construction and installation of inverter station and other infrastructure associated with the solar panels at 1916 Barossa Valley Way, Rowland Flat (CT 6076/18), Allotment 2 Barossa Valley Way, Rowland Flat (CT 5675/259) and 1927 Barossa Valley Way, Rowland Flat (CT 5455/652) 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. 960/243/2019 and including:
 - Site Overview Plan prepared by AGL dated 11 June 2019, received 11 June 2019

- Module Layout Plan prepared by AGL dated 11 June 2019, received 11 June 2019
- Structure Elevation Plan prepared by AGL dated 11 June 2019, received 11 June 2019
- Planning Report prepared by MasterPlan dated April 2019, received 24 April 2019 (inclusive of amended Site Plan and Traffic Report received 22 May 2019)
- Car Parking Layout prepared by RMA Engineers received 22 May 2019
- Car Park Linemarking Plan prepared by RMA Engineers received 22 May 2019
- B85 Swept Path prepared by RMA Engineering received 22 May 2019.

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

- (2) All car parking areas shall be configured in accordance with the drawings T-SK0108 and T-SK0110 prepared by RMA Engineers. All driveway access, circulation roadways and car parking areas shall be in accordance with AS2890.1 Parking Facilities – Part 1: Off-Street Car Parking.

Reason: To ensure safe and convenient vehicle access.

- (3) All roof water from the structures herein approved shall be managed in accordance with drawing G-1.1 prepared by AGL on 11 June 2019 and directed to the existing stormwater system. No stormwater from the site shall enter into any building, affect the stability of any building, or create an unhealthy or dangerous condition, or run onto or over the land of an adjoining owner or the footpath verge.

Reason: To ensure that stormwater is managed as approved by the Planning Authority.

- (4) During construction or installation of all works associated with the development and proposed roads and utility services:
- (i) Dust generated from 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 the construction process is managed in a manner which prevents adverse off-site impacts.

- (5) 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 ensure no adverse impacts during construction of the development.

Advisory Notes

- (1) 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.
- (2) This approval does not constitute an approval to undertake any associated works within the road reserve. Any works associated with the development such as tree planting, tree removal, footpath renewal or any alteration to vehicle entrances proposed to be undertaken within the road reserve (ie. the carriageway, verge or footpath area) requires an independent approval from Council and the Department of Planning, Transport and Infrastructure. Further enquiries should be directed to the Department of Planning, Transport and Infrastructure or Council's Works & Engineering Team.
- (3) 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.
- (4) Please note that the subject land may be affected by the *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017* and as such further approval from the Native Vegetation Council may be required should any native vegetation be sought to be removed or adversely affected.

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. 960/243/2019 by Sam Ielo c/o MasterPlan SA to undertake the reconfiguration of existing carpark layout, construction of two carport structures, the installation of two solar panel arrays (one on each carport) and the construction and installation of inverter station and other infrastructure associated with the solar panels at 1916 Barossa Valley Way, Rowland Flat (CT 6076/18), Allotment 2 Barossa Valley Way, Rowland Flat (CT 5675/259) and 1927 Barossa Valley Way, Rowland Flat (CT 5455/652) 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. 960/243/2019 and including:
- Site Overview Plan prepared by AGL dated 11 June 2019, received 11 June 2019
 - Module Layout Plan prepared by AGL dated 11 June 2019, received 11 June 2019
 - Structure Elevation Plan prepared by AGL dated 11 June 2019, received 11 June 2019
 - Planning Report prepared by MasterPlan dated April 2019, received 24 April 2019 (inclusive of amended Site Plan and Traffic Report received 22 May 2019)
 - Car Parking Layout prepared by RMA Engineers received 22 May 2019
 - Car Park Linemarking Plan prepared by RMA Engineers received 22 May 2019
 - B85 Swept Path prepared by RMA Engineering received 22 May 2019.

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

- (2) All car parking areas shall be configured in accordance with the drawings T-SK0108 and T-SK0110 prepared by RMA Engineers. All driveway access, circulation roadways and car parking areas shall be in accordance with AS2890.1 Parking Facilities – Part 1: Off-Street Car Parking.

Reason: To ensure safe and convenient vehicle access.

- (3) All roof water from the structures herein approved shall be managed in accordance with drawing G-1.1 prepared by AGL on 11 June 2019 and directed to the existing stormwater system. No

stormwater from the site shall enter into any building, affect the stability of any building, or create an unhealthy or dangerous condition, or run onto or over the land of an adjoining owner or the footpath verge.

Reason: To ensure that stormwater is managed as approved by the Planning Authority.

- (4) During construction or installation of all works associated with the development and proposed roads and utility services:
- (i) Dust generated from 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 the construction process is managed in a manner which prevents adverse off-site impacts.

- (5) 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 ensure no adverse impacts during construction of the development.

Advisory Notes

- (1) 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.
- (2) This approval does not constitute an approval to undertake any associated works within the road reserve. Any works associated with the development such as tree planting, tree removal, footpath renewal or any alteration to vehicle entrances proposed to be undertaken within the road reserve (ie. the carriageway, verge or footpath area) requires an independent approval from

Council and the Department of Planning, Transport and Infrastructure. Further enquiries should be directed to the Department of Planning, Transport and Infrastructure or Council's Works & Engineering Team.

- (3) 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.
- (4) Please note that the subject land may be affected by the *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017* and as such further approval from the Native Vegetation Council may be required should any native vegetation be sought to be removed or adversely affected.
- (5) 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.

CARRIED

6.2 960/82/2019 (205 Willows Road Stockwell)

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. 960/82/2019 by All Steel Transportable Homes to undertake Demolition of existing dwelling and demolition of a carport and construction of a dwelling (Stage 1), and construction of two verandahs, two water storage tanks, a carport and landscaping (Stage 2) – Non-Complying at 205 Willows Road, Stockwell (CT 5255/894) 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. 960/82/2019, including:
- Statement of Support, prepared by A & J Doecke, received by Council dated 13 March 2019
 - Site Plan, Drawing No. WD01, prepared by All Steel Transportable Homes, received by Council dated 25 June 2019
 - Floor Plan, Drawing No. WD02, prepared by All Steel Transportable Homes, received by Council dated 25 June 2019
 - Elevations, Drawing No. WD03, prepared by All Steel Transportable Homes, received by Council dated 25 June 2019
 - Landscape and Demolition Plan, drawn by GRJ dated 24.06.2019, issue 1.3, received by Council dated 25 June 2019
 - Verandah, Carport and Water Tank Plan, drawn by GRJ dated 24.06.2019, issue 1.2, received by Council dated 25 June 2019
 - Verandah and Carport Elevations, drawn by GRJ dated 24.06.2019, issue 1.2, received by Council dated 25 June 2019
 - Detail Survey, Drawing No. 19020EB-DET-1-V1, Sheet 1 of 2, prepared by Civil Surveys and Design, received by Council dated 25 June 2019
 - Detail Survey, Drawing No. 19020EB-DET-1-V1, Sheet 2 of 2, prepared by Civil Surveys and Design, received by Council dated 25 June 2019
 - Statement of Effect, prepared by Heynen Planning Consultants, received by Council dated 25 June 2019

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) 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.

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

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

- (4) Safe and convenient access/egress shall be provided to the dwelling for fire-fighting vehicles as follows:
- Access to the building shall be of all-weather construction, with a minimum formed road surface width of 4 metres and must allow forward entry and exit for large fire fighting vehicles
 - all dead end roads or tracks shall be constructed to allow large fire fighting vehicles to turn around with safety by use of either:
 - a) a turnaround area with a minimum formed road surface diameter of 25 metres; or
 - b) a "T" or "Y" shaped turnaround area with minimum formed road surface leg lengths of 7.5 metres and minimum inside road radii of 8.5 metres;
 - All road curves shall have a minimum inside road radii of 8.5 metres
 - Solid crossings over waterways shall be provided to withstand the weight of large bushfire appliances (GVW 21 tonnes)
 - Vegetation overhanging the access road shall be pruned to achieve a minimum vertical height clearance of 4 metres.

NOTE ONLY

Compliance with the bushfire protection conditions is not a guarantee that the dwelling will not burn, but their intent is to provide a 'refuge' from the approach, impact and passing of a bushfire.

Reason: To ensure that safe and convenient access is provided to the site, in accordance with the Minister's Code.

- (5) The subject land is located within a Medium Bushfire Risk area.

A dedicated and independent water supply shall be available at all times for firefighting purposes which;

- (i) 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
- (ii) 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 firefighting and shall be of non-combustible materials).

The provision of the dedicated water supply for fire 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 sufficient water is available for bushfire fighting purposes, in accordance with the Minister's Code.

- (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) During construction or installation of all works associated with the development and proposed roads and utility services:

- Dust generated at the site shall be reasonably controlled at all times to prevent nuisance to occupants of adjoining land
- Noise generated at the site shall be kept to the minimum level that is reasonably practicable
- 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
- Any dirt or debris from the site deposited onto existing roadways by the applicant's contractors or sub-contractors shall be cleared immediately.

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

- (8) The landscaping as detailed in the application for development shall be established within 3 months of substantial completion of the demolition of the existing dwelling, 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, to the reasonable satisfaction of Council.

Reason: To ensure that the site is adequately screened and landscaped.

- (9) Within six months of a Statement of Compliance being issued for the new dwelling authorised herein, the existing dwelling shall be demolished and removed from the site, to the reasonable satisfaction of Council.

Reason: To ensure that not more than one dwelling exists at the site for a period exceeding six months.

NOTES

- (a) 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.

- (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.
- (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.

Panel Decision

Moved: D Reiman

Seconded: R Johnstone

That the recommendation be adopted.

CARRIED

6.3 960/449/2018 (7B North Street Angaston)

Mr Trevor White (Planning Solutions SA) addressed the Panel at 5:27pm on behalf of the Applicant, 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 REFUSE Development Plan Consent for Application No. 960/449/2018 by Aspire Homes (SA) Pty Ltd to undertake Construction of a Two Storey Detached Dwelling with Garage under main roof and associated earthworks including Retaining Walls up to 3.2m high at 7B North Street, Angaston (CT 6197/213) for the following reasons:

The proposed development is contrary to:

- General Section Objectives Design and Appearance Objective 1; Orderly and Sustainable Development Objective 4; General Section Principles of Development Control Design and Appearance Principle of Development Control 1; Siting and Visibility Principle of Development Control 1(a-c), 2(b), 4(a-c) and 5; Sloping Land Principle of Development Control 1, 2(a-d) and 7(a & b); Orderly and Sustainable Development Principle of Development Control 1.

Reason: A two-storey structure in a visually prominent position.

- General Section Objectives Natural Resources Objective 10 and 13; General Section Principles of Development Control Natural Resources Principle of Development Control 1 and 39; Siting and Visibility Principle of Development Control 7 and 9(c); Sloping Land Principle of Development Control 1 and 3; Transportation and Access Principle of Development Control 29(d)

Reason: Extensive cut and fill, and a highly visible driveway.

- Rural Living Zone Objective 1 and 2 and Principle of Development Control 6

Reason: A two-storey structure in a visually prominent position that does not meet the Desired Character for the Zone.

Panel Decision

Moved: G Hewitt

Seconded: R Johnstone

That the Barossa Assessment Panel defer considerations of application 960/449/2018 to enable the applicant to provide a detailed site plan layout with contours and scaling details along with clarification of cut and fill. The Panel requests that the Applicant further consider the matter of the driveway, and other matters as raised in the report.

CARRIED

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

7.1 960/305/2019 (1249 Light Pass Road Bethany)

Recommendation

The Barossa Assessment Panel, having considered the application for consent to carry out a Non Complying development of land and pursuant to the provisions of the *Development Act 1993* resolves that the development proposed has sufficient merit to proceed to make an assessment of the Application No.

960/350/2019 by Andrew Stiller to undertake the Construction of an additional farm building - storage shed (measuring 13.8m x 36.0m x 5.6m wall height); and the additional use of the site for industry - cooperage at 1249 Light Pass Road, Bethany (CT 5741/909).

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Development 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) That the Panel resolves to proceed to assessment of a non-complying development proposal.
- (d) The Panel advises that in order to progress the application, and before undertaking the obligatory public notification, a Statement of Effect must be prepared by the applicant. In terms of Regulation 17(5) this Statement must describe and address:
 - The nature of the development and its locality.
 - The provisions of the Development Plan relevant to an assessment of the proposal.
 - The extent to which the proposal complies with these provisions
 - An assessment of the expected social, economic and environmental effects of the proposal and locality.
 - Any other information or material that you think is relevant to the assessment of the proposal.
 - Demonstrate that the proposed development will not contribute to the pollution or reduction of surface and/or underground water resources.
 - Demonstrate that the proposed development will be of a scale that complements the rural landscape setting, has no environmental impact, and is appropriate to the existing infrastructure and services available.

Panel Decision

Moved: G Hewitt

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

Nil.

9. REPORTS – PANEL UPDATES

9.1 SCAP Concurrence Matter

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

10. REPORTS - OTHER BUSINESS

Nil.

11. REPORTS – CONFIDENTIAL

11.1 ERD COURT APPEAL – Update – Development Application 960/279/2017 – JBG Architects (M and K Fitzpatrick) – Lot 897 N Herbig Road Springton – Detached Dwelling With Verandahs Under Main Roof and Domestic Outbuilding (Shed) at 897 N Herbig Road Springton

L Monteduro addressed the Panel, and confirmed that Council officers had received notification advising of the potential withdrawal of the Appeal, with the Applicant stating their intent to liaise with Council's Works and Engineering Department for a possible solution.

For this reason, the scheduled Confidential Agenda item was not required to be addressed, and therefore the Panel did not enter into Confidence.

12. OTHER BUSINESS

Schedule 2 Register of Interest

B Ballantyne reminded Panel Members to submit the Schedule 2, Register of Interest, Ordinary Return, by no later than Thursday 29 August 2019.

13. NEXT MEETING

Tuesday 3 September 2019 commencing at 5.00pm.

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 5:43pm.

Confirmed

Date: Chairman: