

BAROSSA ASSESSMENT PANEL

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

Tuesday, 5 February 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 5:03pm.

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne	Presiding Member
Rob Veitch	Member
Deirdre Reiman	Member
Grant Hewitt	Member
Richard Miller	Member

Council Staff

Louis Monteduro	Assessment Manager
Gary Mavrinac	Director, Development and Environmental Services
Janine Lennon	Senior Assessment Officer, Planning
Jake Boswell	Assessment Officer, Planning
Ashleigh Gade	Assessment Officer, Planning
Phil Harnett	Contract Planner
Steve Kaesler	Manager, Engineering Services
Chris Kruger	Minute Secretary

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: G Hewitt

Seconded: R Miller

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 4 December 2018 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
6.2 DA 960/504/2018 Mount Crawford Dressage Club (Installation of four light towers)	D Reiman

Colleague and friend is a member of the Mount Pleasant Dressage Club

6.4 DA 960/568/2018 Angaston Bowling Club	D Reiman
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Partner in a business that supplies Lawn bowls, accessories and clothing.

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/476/2018 (54 Carlisle Street Williamstown)

Christopher and Nichola Richardson (Representors) provided a submission but did not attend to address the Panel.

Applicant
Elise and Benjamin Nelson 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. 960/476/2018 by Elise and Benjamin Nelson to undertake Construction of a domestic outbuilding measuring 7.5m x 15m x 3.6m wall height at 54 Carlisle Street, Williamstown (CT 6052/910) for the following reasons:

The proposed development is contrary to:

- o General Section, Siting & Visibility Module Principles of Development Control 4(a) & 5.

Reason: Outbuilding will interrupt landscape views.

- o General Section, Design and Appearance Module Principles of Development Control 4(a) & 4(b)

Reason: Outbuilding will be highly visible from adjoining dwelling.

- o Township Zone Objectives 2 and 5 and Principle of Development Control 6

Reason: Outbuilding not consistent with the prevailing or desired small scale character of the Zone.

- o Residential Policy Area 7 Objectives 2

Reason: Outbuilding not consistent with the prevailing or desired small scale character of the Zone.

- o Residential Policy Area 7 and Principle of Development Control 6

Reason: Outbuilding not consistent with the quantitative parameters sought for outbuildings in this Policy Area.

Panel Decision

Moved: R Miller

Seconded: R Veitch

That the Barossa Assessment Panel defer considerations of application 960/476/2018 to enable the applicant to liaise further with Council officers in relation to height requirements of the building.

CARRIED

6.2 960/504/2018 (Allotment 329 Cowell Road Mount Crawford)

D Reiman left the meeting at 5:14pm due to a stated conflict of interest.

A Crouch (Representor) provided a submission but did not attend to address the Panel.

Representors

Judith Hodson addressed the Panel at 5:15pm, and answered questions from the Panel.

Applicant

Craig and Veronica Hannam of Mount Crawford Dressage Club addressed the Panel at 5:22pm, 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. 960/504/2018 by the Mount Crawford Dressage Club to undertake the installation of four Light Towers (and associated generator) in association with an existing Equestrian Centre at Allot 329 Cowell Road, Mount Crawford (CT 5360/731) subject to the following reserved matter, conditions and advisory notes:

Reserved Matter

- (1) The provision of a noise management plan for events developed in conjunction with an acoustic engineer to identify potential impacts and suitable measures to reduce those effects.

Council Conditions

- (1) The development shall be undertaken in accordance with the listed endorsed plans and documentation (as amended) accompanying Application No. 960/504/2018 except where varied by any following condition(s):
 - Sports Lighting SA – preliminary lighting design – dated 2 August 2018
 - My Generator – generator specifications – dated 7 September 2018
 - Mount Crawford Dressage Club – Proposed New Site Map - undated
 - Mt Crawford Dressage Club statement dated 19 November 2018
 - Mt Crawford Dressage Club – Risk Management Policy dated September 2018

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

- (2) The generator shall be housed in a suitably designed acoustic minimising structure.

Reason: To ensure that the proposal meets the requirements of the Environment Protection (Noise) Policy

- (3) The lights shall be turned off by 11:00 pm and shall not be turned on again prior to sunrise the next day.

Reason: To minimise the potential amenity impacts associated with the lighting.

Advisory Notes

- (a) 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.

Panel Decision

Moved: R Veitch

Seconded: G Hewitt

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. 960/504/2018 by the Mount Crawford Dressage Club to undertake the installation of four Light Towers (and associated generator) in association with an existing Equestrian Centre at Allot 329 Cowell Road, Mount Crawford (CT 5360/731) subject to the following reserved matter, conditions and advisory notes:

Reserved Matter

- (1) The provision of a noise management plan for events developed in conjunction with an acoustic engineer to identify potential impacts and suitable measures to reduce those effects.

Council Conditions

(1) The development shall be undertaken in accordance with the listed endorsed plans and documentation (as amended) accompanying Application No. 960/504/2018 except where varied by any following condition(s):

- Sports Lighting SA – preliminary lighting design – dated 2 August 2018
- My Generator – generator specifications – dated 7 September 2018
- Mount Crawford Dressage Club – Proposed New Site Map - undated
- Mt Crawford Dressage Club statement dated 19 November 2018
- Mt Crawford Dressage Club – Risk Management Policy dated September 2018

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

(2) The generator shall be housed in a suitably designed acoustic minimising structure.

Reason: To ensure that the proposal meets the requirements of the Environment Protection (Noise) Policy

(3) The lights shall be turned off by 11:00 pm and shall not be turned on again prior to sunrise the next day.

Reason: To minimise the potential amenity impacts associated with the lighting.

(4) No more than four events using supplemental lighting shall be held at the site per calendar year.

NOTE: If one event is to be held over multiple days, each day shall be considered to be an "event".

Reason: To minimise the potential amenity impacts associated with the events.

Advisory Notes

(a) 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

D Reiman returned to the meeting at 5:42pm.

Representors

Tom and Leeanne Halfpenny addressed the Panel at 5:43pm, and answered questions from the Panel.

Rozlynn Seppelt addressed the Panel at 5:52pm, and answered questions from the Panel.

Applicant

Marco Forg addressed the Panel at 5:56pm, 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. 960/501/2018 by Marco Forg to undertake Tourist Accommodation (Camp Ground) with associated car parking, toilet and use of barn for extreme weather refuge when needed at 263 Laubes Road, Springton (CT 5302/69) subject to the following conditions and advisory notes:

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed (stamped) plans and documentation accompanying the application as amended and including:
 - Untitled Plans
 - Undated letter from Marco and Evie

unless varied by the following conditions.

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by The Barossa Council.

- (2) A toilet shall be provided on-site for guests in accordance with the relevant environmental health legislation and situated:

- At least 50 metres from a bore well or watercourse identified as a blue line on a current series 1:50,000 government standard topographic map.
 - In areas that are not subject to inundation by a 1 in 100 year average return interval flood or sited on land fill that would interfere with the flow of such flood waters.
- (3) Prior to the issuing of Development Approval a wastewater application and engineer's report outlining the type and size of system to be installed to deal with effluent as per the *Public Health (Wastewater) Regulations 2011*, 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 the land is developed in an orderly manner.

- (4) 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:
- Transport and storage of materials, goods or commodities to or from the land.
 - Appearance of any building, works or materials.
 - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - Presence of vermin.

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

- (5) No more than 30 guests shall reside on the land at any one time.

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

- (6) No sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose unless in the case of an emergency (ie bushfire warning).

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

- (7) Rubbish, machinery or other goods (other than the personal items of campers) must not be stored or left exposed outside so as to be visible from any public road or thoroughfare, to the satisfaction of Council.

Reason: To maintain the open rural character and amenity of the locality.

- (8) A bushfire survival plan shall be prepared and supported by Council and the Country Fire Service (CFS) prior to commencement of the use and the issue of Development Approval.

Reason: To better ensure the safety of all occupants.

- (9) Grasses within the primary campground area shall be reduced to a height of 10cms during the Fire Danger Season.

Reason: To minimise bushfire risk and enhance safety.

- (10) Safe and convenient access/egress shall be provided to the primary campground area for fire-fighting vehicles as follows:

- Access 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.

Reason: To enhance safety in the case of a fire and facilitate suitable maneuvering for fire fighting vehicles.

- (11) 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;

- (a) Is located in a convenient location on the allotment and accessible to firefighting 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 firefighting 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 an available water resource in the case of a fire.

Advisory Notes

- (1) Please note that the subject land is 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.
- (2) In accordance with the Fire and Emergency Services Act 2005 the owner or occupier of the land must, at all times, take reasonable steps to:
 - (a) Prevent or inhibit the outbreak of fire on the land.
 - (b) Prevent or inhibit the spread of fire through the land.
 - (c) Protect property on the land from fire.
 - (d) Minimise the threat to human life from a fire on the land.
- (3) 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.

Panel Decision

Moved: R Veitch

Seconded: R Miller

That the recommendation be adopted.

CARRIED

6.4 960/568/2018 (Lot 21 Valley Road Angaston)

D Reiman left the meeting at 6:18pm due to a stated conflict of interest.

Representors

Peter Miles addressed the Panel at 6:20pm, and answered questions from the Panel.

Applicant

Graham Burns (Masterplan SA), on behalf of Angaston Bowling Club addressed the Panel at 6:25pm, 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 development proposal is not seriously at variance to The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/568/2018 by Angaston Bowling Club Inc. to undertake Construction of two bowling greens, clubhouse (community centre), six light towers, associated car parking, landscaping and entrance sign at allotment 21 Valley Road, Angaston (CT 5263/647) subject to the concurrence of the State Planning Commission, and subject to the following conditions and advisory notes:

Reserved Matters

- (1) A stormwater drainage design including a Stormwater and Site Management Plan with supporting computations must be submitted to and approved by Council prior to the issue of Building Rules Consent and to the satisfaction of Council. The stormwater drainage design shall comply with the requirements listed below.
 - The plan shall at least include existing contours, features, existing stormwater infrastructure, proposed site works details, levels and grading, proposed stormwater drainage system, details of detention facility including volumes and discharge controls, proposed building floor levels, proposed paving and connection details to and any upgrading if required of the existing external drainage systems.
 - Detention shall be provided to limit the 1% AEP post-development peak discharge to the 5% pre-development peak discharge from the site.
 - No stormwater runoff from the site shall be permitted to discharge onto any adjacent property or the footpath verge, however;
 - The controlled discharge from the site shall be connected safely to the adjacent watercourse, and shall be consistent with the capacity of the system.

- The discharge point to the watercourse shall incorporate scour protection measures and shall not obstruct flows in the watercourse.
 - All necessary approvals from the relevant authority must be sought for discharging into the watercourse.
 - Pollution control devices shall be incorporated within the development to provide for the removal of gross pollutants, silt, grease and oil and possible harmful chemical pollutants.
- (2) The development must be connected to the SA Water sewer system or a waste system that complies with the relevant public and environmental health legislation to the satisfaction of Council.

Prior to the issue of Building Rules Consent the applicant shall satisfy either 'a' or 'b' below:

- (a) Liaise with SA Water and provide written confirmation to Council that the proposal will be connected to the SA Water sewer system at the applicants expense.

Please note: It is understood that the subject land does not currently have a connection to the SA Water sewer. A connection may be available in the future however its timing and the possibility of connection based on the design is unknown.

- (b) Lodge and obtain approval for an on-site waste management and disposal system that complies with the relevant public and environmental health legislation.

- (3) Prior to the issue of Building Rules Consent and to the satisfaction of Council, the applicant shall provide a rubbish collection plan which clearly details:

- (a) The type and size of bins to be used and collected.
- (b) The location of their collection.
- (c) The contractor to be used, if not council collection.

Council Conditions

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

- Statement of Support prepared by MasterPlan SA Pty Ltd dated October 2018.
- Statement of Effect prepared by MasterPlan SA Pty Ltd dated 6 November 2018.
- Coversheet, Perspective and Block Plan prepared by JBG Architects - Drawing Number A000 – Issue E.

- Site Plan prepared by JBG Architects - Drawing Number A002 – Issue E.
- Floor Plan Presentation prepared by JBG Architects - Drawing Number A100 – Issue E.
- Floor Plan prepared by JBG Architects - Drawing Number A101 – Issue D.
- Reflected Ceiling Plan and Roof Plan prepared by JBG Architects - Drawing Number A131 – Issue D.
- Elevations Presentation prepared by JBG Architects - Drawing Number A201 – Issue E.
- Sections prepared by JBG Architects - Drawing Number A301 – Issue D.
- Detail Plans prepared by JBG Architects - Drawing Number A401 – Issue D.
- Wet Area Details prepared by JBG Architects - Drawing Number A701 – Issue B.
- Perspectives Exterior prepared by JBG Architects - Drawing Number A901 – Issue D.
- Perspectives interior prepared by JBG Architects - Drawing Number A911 – Issue D

Unless varied by the following conditions.

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by The Barossa Council.

- (2) The premises shall not be used outside the hours of 6.00 am and 10.00 pm daily.

Reason: To maintain the amenity of the locality with respect to lighting and noise.

- (3) Any musical entertainment associated with the proposed use shall be contained indoors and limited to non-amplified acoustic music within the authorized hours of operation.

Reason: To minimise noise impacts upon the locality.

- (4) Any metal roof and wall cladding shall be of a 'Colorbond' type of finish (or a similar factory applied colour finish) in a muted green, brown, beige or other colour to blend with the natural features of the landscape or nearby buildings.

Reason: To ensure all buildings and structures are sympathetic to the locality.

- (5) All of the car park, driveway and vehicle maneuvering areas shall be sealed with bitumen, brick paving or concrete, line-marked and appropriately drained to ensure safe and convenient vehicle movements free of dust and mud, prior to the occupation of the use. For this purposes, the car park and vehicle maneuvering areas shall be maintained in suitable condition at all times.

Reason: To ensure safe and convenient vehicle movements that do not impact upon the amenity of the locality.

- (6) Each car parking space or area abutting a walkway, footpath, landscaped area or fence shall be provided with a vehicle wheel stop prior to the occupation of use of the development.

Reason: To ensure safe and convenient vehicle movements.

- (7) All lighting shall be directed and shaded in such a manner so as to cause no light spill nuisance to any person living in the vicinity of the subject land or to nearby vehicular traffic. Flood lights shall be turned off outside of the authorised operating hours (6.00am to 10.00 pm daily).

Reason: To prevent light nuisance to neighboring properties.

- (8) The landscaping as detailed in the application for development shall comprise locally indigenous species and be established prior to occupation/use of the development. Landscaping shall be maintained in good health and condition at all times with any such vegetation replaced if and when it dies or becomes seriously diseased with others of the same, or similar, respective varieties.

Reason: To enhance the appearance of the property and maintain the amenity of the locality.

- (9) Any battered land shall be planted with locally indigenous vegetation to stabilise soil from any erosion. The vegetation shall be planted prior to occupation/use of the development.

Reason: To prevent long term erosion and enhance the appearance of the resulting landform.

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

Reason: To minimize dust nuisance to surrounding properties.

- (11) 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 and Engineering.

- 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 minimise nuisance to surrounding properties during construction.

- (12) Temporary debris and sediment control measures shall be installed to prevent debris and sediment from entering Council's drainage system during all construction stages. Control measures shall be in accordance with a Site 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 a Development Approval being granted a copy of the site management plan shall be lodged with and approved by Council.

Reason: To prevent pollution to the nearby watercourse and to ensure sound site management practices.

Advisory Note

- (a) 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.

Panel Decision

Moved: R Miller

Seconded: R Veitch

That the recommendation be adopted.

CARRIED

D Reiman returned to the meeting at 6:34pm.

6.5 960/583/2018 (Piece 31 Steingarten Road Rowland Flat)

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. 960/583/2018 by Bryce Mark Neyland to Increase size of Existing Dam from 37.4 ML to 150 ML, 6.0 m high dam walls and relocation of associated pump station at Piece 31 Steingarten Road, Rowland Flat (CT 5157/647) 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 accompanying the application as amended and including:
- Statement of Effect prepared by Appius Pty Ltd (Bryce Neyland) – Revision A – 2018.11.20.
 - PER-ROW-EW-002 - Locality and Index prepared by Appius Pty Ltd – Revision B – 12.10.18.
 - PER-ROW-EW-002 - Dam Layout prepared by Appius Pty Ltd – Revision B – 12.10.18.
 - PER-ROW-EW-003 - Final Set Out Plan prepared by Appius Pty Ltd – Revision B – 12.10.18.
 - PER-ROW-EW-004 - Excavation Set Out Plan prepared by Appius Pty Ltd – Revision B – 12.10.18.
 - PER-ROW-EW-006 - Details prepared by Appius Pty Ltd – Revision B – 12.10.18.
 - Engineering Report/Technical Specification prepared by Appius Pty Ltd – Revision A – 2018.10.12.

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) The capacity of the storage dam shall not exceed 150 ML.

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

- (3) The dam and all associated works (including the spillway, the overflow channel) shall be designed by and constructed under the supervision of a suitably qualified and experienced engineer.

Reason: To ensure all components of the authorised development are suitably engineered, stable and safe.

- (4) The dam walls shall be constructed in accordance with sound engineering specifications and practice, being capable at all times to retain the designed capacity.

Reason: To ensure the authorised development is suitably engineered, stable and safe.

- (5) The spillway shall be designed to pass safely an estimated 1 in 100 year average recurrence interval flood.

Reason: To ensure the safe management of overflow water.

- (6) The spillway shall be constructed from non-erodible materials to the satisfaction of Council's Director – Works & Engineering.

Reason: To ensure the spillway remains in a suitable condition at all times and does not erode.

- (7) The walls of the dam (the batter) shall be planted with locally indigenous vegetation to minimise the visual impact of the dam walls and any erosion. The vegetation shall be carefully selected to prevent damage to the dam by way of root invasion, soil disturbance or plant overcrowding. The vegetation shall be planted within 3 months of the dams operation.

Reason: To enhance the visual appearance of the dam and minimise erosion.

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

Reason: To maintain the amenity of the locality.

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

Reason: To maintain the amenity of the locality.

- (10) Any metal roof and wall cladding shall be of a 'Colorbond' type of finish (or a similar factory applied colour finish) in a muted green, brown, beige or other colour to blend with the natural features of the landscape or nearby buildings.

Reason: To maintain the scenic qualities and visual appeal of the locality.

Advisory Notes

- (a) 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.

Panel Decision

Moved: G Hewitt

Seconded: D Reiman

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. 960/583/2018 by Bryce Mark Neyland to Increase size of Existing Dam from 37.4 ML to 150 ML, 6.0 m high dam walls and relocation of associated pump station at Piece 31 Steingarten Road, Rowland Flat (CT 5157/647) 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 accompanying the application as amended and including:
 - Statement of Effect prepared by Appius Pty Ltd (Bryce Neyland) – Revision A – 2018.11.20.
 - PER-ROW-EW-002 - Locality and Index prepared by Appius Pty Ltd – Revision B – 12.10.18.
 - PER-ROW-EW-002 - Dam Layout prepared by Appius Pty Ltd – Revision B – 12.10.18.
 - PER-ROW-EW-003 - Final Set Out Plan prepared by Appius Pty Ltd – Revision B – 12.10.18.
 - PER-ROW-EW-004 - Excavation Set Out Plan prepared by Appius Pty Ltd – Revision B – 12.10.18.
 - PER-ROW-EW-006 - Details prepared by Appius Pty Ltd – Revision B – 12.10.18.
 - Engineering Report/Technical Specification prepared by Appius Pty Ltd – Revision A – 2018.10.12.

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) The capacity of the storage dam shall not exceed 150 ML.

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

- (3) The dam and all associated works (including the spillway, the overflow channel) shall be designed by and constructed under the supervision of a suitably qualified and experienced engineer.

Reason: To ensure all components of the authorised development are suitably engineered, stable and safe.

- (4) The dam walls shall be constructed in accordance with sound engineering specifications and practice, being capable at all times to retain the designed capacity.

Reason: To ensure the authorised development is suitably engineered, stable and safe.

- (5) The spillway shall be designed to pass safely an estimated 1 in 100 year average recurrence interval flood.

Reason: To ensure the safe management of overflow water.

- (6) The spillway shall be constructed from non-erodible materials to the satisfaction of Council's Director – Works & Engineering.

Reason: To ensure the spillway remains in a suitable condition at all times and does not erode.

- (7) The walls of the dam (the batter) shall be planted with locally indigenous vegetation to minimise the visual impact of the dam walls and any erosion. The vegetation shall be carefully selected to prevent damage to the dam by way of root invasion, soil disturbance or plant overcrowding. The vegetation shall be planted within 3 months of the dams operation.

Reason: To enhance the visual appearance of the dam and minimise erosion.

- (8) Construction shall not take place on any Sunday or Public Holiday or after 7pm or before 7am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighboring properties.

Reason: To maintain the amenity of the locality.

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

Reason: To maintain the amenity of the locality.

- (10) Any metal roof and wall cladding shall be of a 'Colorbond' type of finish (or a similar factory applied colour finish) in a muted green, brown, beige or other colour to blend with the natural features of the landscape or nearby buildings.

Reason: To maintain the scenic qualities and visual appeal of the locality.

Advisory Notes

- (b) 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

6.6 960/279/2017 (Allotment 897 N Herbig Road Springton)

S Kaesler (Manager, Engineering Services) 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. 960/279/2017 by JBG Architects to undertake a Detached Dwelling with verandahs under main roof and Domestic Outbuilding (shed) at Allot 897 N Herbig Road, Springton (CT 5641/642) for the following reasons:

The proposed development is contrary to:

- o General Section (Hazards) Objective 5

Reason: The current state of the proposed access road (N Herbig Road) is not considered suitable for all-weather, safe and convenient use.

- o General Section (Hazards) Principles of Development Control 1, 7, 8, 9(a)(b)(c)

Reason: The current state of the proposed access road (N Herbig Road) is not considered suitable for all-weather, safe and convenient use.

- o General Section (Transportation and Access) Objective 1

Reason: The current state of the proposed access road (N Herbig Road) is not considered suitable for all-weather, safe and convenient use.

- o General Section (Transportation and Access) Principles of Development Control 22

Reason: The current state of the proposed access road (N Herbig Road) is not considered suitable for all-weather, safe and convenient use.

Panel Decision

Moved: R Veitch

Seconded: D Reiman

That the Barossa Assessment Panel defer considerations of application 960/279/2017 to enable the applicant to liaise further with Council officers in relation to all weather access, and infrastructure provisions.

CARRIED

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

7.1 960/461/2018 (3 Concordia Road Concordia)

Recommendation

The Barossa Assessment Panel, having considered the application, resolves that the development proposal is REFUSED without proceeding to make an assessment of the application pursuant to Section 39(4)(d) of the Development Act for the following reasons:

- (a) Contrary to the Desired Character of the Zone, the proposal is sited and sized to be prominent, particularly from the Barossa Valley Way, to the detriment of the open landscape character. On this basis, the proposal is contrary to the thrust and intent of the Zone's desired character despite not impacting upon primary production land uses.

- (b) Contrary to Objective 3 of the Zone, the size and appearance of the proposal is considered to detract from the scenic qualities of the surrounding rural landscape.
- (c) Contrary to General Section, Advertisements Principle 1, the proposal is prominently sited and of a size that is inconsistent with the predominant character of the surrounding landscape.
- (d) Contrary to General Section, Advertisements Principle 4, the proposal will advertise the sale of land within Springwood Estate, situated approximately 740 metres from the subject land. The proposal does not advertise information relating to the use of the subject land.
- (e) Contrary to General Section, Design and Appearance Principle 1, the proposal is of a size and scale that is not sympathetic to development in the locality. The advertisement is of a size that will dominate the surrounding character when travelling along the Barossa Valley Way.
- (f) Contrary to General Section, Design and Appearance Principle 11, the proposal is not considered to maintain or enhance the visual attractiveness of the locality which is primarily characterised by an open, undulating rural landscape.

Panel Decision

Moved: G Hewitt

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

8. REPORTS - PANEL UPDATES

8.1 SCAP Concurrence Matters

Recommendation

That the report be received.

Panel Decision

Moved: D Reiman

Seconded: R Veitch

That the recommendation be adopted.

CARRIED

9. REPORTS - OTHER BUSINESS

Nil.

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Tuesday 5 March 2019 commencing at 5.00pm.

12. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:50pm.

Confirmed

Date: Chairman: