

# BAROSSA ASSESSMENT PANEL

MINUTES OF THE TWENTY FIFTH MEETING OF THE BAROSSA ASSESSMENT PANEL  
held on

**Tuesday, 5 May 2020 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 5:01pm.

## 2. ATTENDANCE

### 2.1 Present

Panel Members

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

Louis Monteduro	Assessment Manager
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Council Staff

Gary Mavrinc	Director, Development and Environmental Services
Janine Lennon	Senior Assessment Officer, Planning
Chris Kruger	Minute Secretary

### 2.2 Apologies

Rob Veitch.

### 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 3 March 2020 be received and confirmed subject to the following amendment:

- (1) Page 5, Declaration of Interest by Members of the Panel be amended to state –  
Panel member – Deirdre Reiman  
6.1

960/587/2019  
Allotment 1 Rhine Park Road, Eden Valley  
D Reiman had been approached by a colleague of the Applicant.

**CARRIED**

#### **4. BUSINESS ARISING**

Nil.

#### **5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL**

Nil.

#### **6. REPORTS – MEETING PROCEDURES**

##### **6.1 Barossa Assessment Panel Terms of Reference and Operating and Meeting Procedures**

###### **Recommendation**

That the Barossa Assessment Panel note the minor amendment to the Terms of Reference and endorse the new Meeting and Operating Procedures contained in the report.

###### **Panel Decision**

Moved: D Reiman

Seconded: G Hewitt

That the recommendation be adopted.

**CARRIED**

#### **7. REPORTS - APPLICATIONS FOR DECISION**

##### **7.1 960/35/2019 (65 Gods Hill Road Lyndoch)**

B Ballantyne advised that following discussions between the Applicant, Council administration and the Presiding Member, the application has been deferred for consideration to a future meeting.

##### **7.2 960/546/2019 (1312 Barossa Valley Way Lyndoch)**

## Representors

Chris and Sue Parkes provided a submission but did not attend to address the Panel.

Rud Nicholson addressed the Panel at 5:08pm on behalf of Astrid Kortegast and Rud Nicholson, and answered questions from the Panel.

## Applicant

Elinor Walker (ESD Planning and Design) addressed the Panel on behalf of Wilsford Group (applicant) at 5:15pm, 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. 960/546/2019 by ESD Planning and Design Pty Ltd to undertake additions and alterations to an existing winery - expansion from a maximum of 50 tonne/annum processing to a maximum of 500 tonne/annum processing; construction of three additional winery buildings, 3 x 61kl rain water tanks, associated earthworks and retaining walls up to 2.4 metres high at 1312 Barossa Valley Way, LYNDOK (CT 6101/50; 6101/49) subject to the following reserved matters, conditions and advisory notes:

### Reserved Matters

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

- (1) Landscaping Plan, detailing proposed plant species, location and planting schedule.
- (2) Updated Civil Works Plan detailing how all changes in levels will be managed
- (3) Updated Stormwater Management Plan isolating trade waste drainage from stormwater drainage and detailing the following:
  - (a) No wastewater from winery operations shall be permitted to discharge into the stormwater system.
  - (b) The stormwater drainage design must include a stormwater and site management plan with supporting computations compliant 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.

- (c) The stormwater drainage system shall be designed in accordance with the current edition of Australian Rainfall and Runoff (IEA) and AS3500.3:2003 Plumbing and drainage – Stormwater drainage and Council's requirements.
  - (d) The requirements for stormwater detention are separate to the requirements for stormwater retention. Stormwater retention systems may be required within the development to maximise on-site reuse via internal plumbing and/or reticulation to gardens and/or soakage systems and as required by current State Government regulations. Reference South Australian Appendix to the Building Code of Australia (BCA) and the South Australian Housing Code (SAHC).
  - (e) The detailed design drawings must be submitted to Council's Works and Engineering Services department for approval prior to any works commencing on site.
  - (f) Detention shall be provided to limit the 5% AEP ( $\approx$  20yr ARI) post-development peak discharge to the 5% AEP ( $\approx$  20yr ARI) pre-development peak discharge from the site. The post-development analysis is required to demonstrate that critical storm duration is clearly identified. The outlet restriction system details and hydraulic design computations are required.
  - (g) The controlled discharge from the site shall be connected safely to Council's stormwater drainage system. The underground stormwater pipe system shall be extended to connect safely to the existing watercourse running through the site on the eastern side of the internal roadway. Any direct connection of a stormwater drainage system to a watercourse shall incorporate scour protection measures and shall not obstruct flows in the watercourse. The discharge to Council's drainage system or a watercourse shall be consistent with the capacity of the system.
- (4) Updated Traffic Management Plan detailing two way vehicle access for the largest vehicles entering and exiting the site & nominating the locations of staff car parking and customer car parking

### **Council Conditions**

(1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/546/2019 except where varied by any condition(s) listed below.

- Planning Report – Prepared by ESD Planning & Design, undated
- Perspective and Block Plan; Drawn by JBG Architects, Project No 1846, Drawing No A000, Issue D
- Site Plan; Drawn by JBG Architects, Project No 1846, Drawing No A002, Issue C & D
- Site Plan – Access Roads; Drawn by JBG Architects, Project No 1846, Drawing No A003, Issue C
- Floor Plan; Drawn by JBG Architects, Project No 1846, Drawing No A101, Issue D
- Elevations Presentation; Drawn by JBG Architects, Project No 1846, Drawing No A201, Issue D
- Vehicle Simulation Plan – Sheet 1; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C6.0, Issue A
- Vehicle Simulation Plan – Sheet 2; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C6.1, Issue A
- Vehicle Simulation Plan – Sheet 3; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C6.2, Issue A
- Location Plan; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C1.0, Issue B
- General Notes; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C1.1, Issue B
- Existing Site Plan – Sheet 1; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C2.0, Issue B
- Existing Site Plan – Sheet 2; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C2.1, Issue B
- Civil Stormwater Management Plan – Sheet 1; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C3.0, Issue D
- Civil Stormwater Management Plan – Sheet 2; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C3.1, Issue C
- Civil Details; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C5.0, Issue B
- Winery Wastewater Management Plan – Prepared by Archer Environmental, dated August 2019
- Letter to EPA - Prepared by Archer Environmental, dated 30 October 2019
- Site Management Plan – Prepared by ESD Planning & Design, undated
- Environmental Noise Assessment – Prepared by Sonus, dated December 2019

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

(2) 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.

(3) 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.

(4) Not more than 500 tonnes of grapes are to be processed onsite per year.

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

(5) 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 environmental impacts on the locality.

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

- Vintage: Monday to Saturday: 6.00 am to 9:00 pm inclusive.
- Non-Vintage: Monday to Friday: 7:00 am -5:00 pm
- No operation Saturday, Sunday and Public Holidays

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

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

- 7.00 am and 6.00 pm Monday to Saturday

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

- (8) 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.

- (9) 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.

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

- (i) Dust generated at the site shall be reasonably controlled at all times to prevent nuisance to occupants of adjoining land.
- (ii) Noise generated at the site shall be kept to the minimum level that is reasonably practicable.
- (iii) Appropriate erosion control measures shall be employed to prevent soil removal from the site by stormwater runoff, and to prevent siltation of watercourses, to the reasonable satisfaction of Council's Director – Works and Engineering.
- (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.

- (11) 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.

- (12) 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.

- (13) All stormwater from buildings, paving and 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.

- (14) 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.

- (15) All driveways, vehicle manoeuvring and vehicle parking areas shall comply with the requirements of AS2890.1 Parking facilities – Part 1: Off-street car parking, AS2890.2 Parking facilities – Part 2: Off-street commercial vehicle facilities, and AS2890.6 Parking facilities – Part 6: Off-street parking for people with disabilities.

All driveways, vehicle manoeuvring and vehicle parking areas shall be constructed and finished in an all-weather material in accordance with approved engineering procedures prior to the occupation or use of the development.

Reason: To ensure that the car parking and access ways are designed to Council's satisfaction.

- (16) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Noise) Policy 2007, such that any resulting noise is not considered a nuisance, 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 and Local Nuisance and Litter Control Act 2016.

- (17) No solid or liquid trade waste shall be discharged to the stormwater system to the satisfaction of Council.

Reason: To ensure that the health and structure of native vegetation is not adversely affected during construction.

- (18) 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.

Reasons: To ensure noise nuisance and other impacts are limited and to maintain the amenity of the locality.

### **Environment Protection Authority Conditions**

- (19) The total quantity of grapes crushed must not exceed 500 tonnes per annum.
- (20) Bottling of wine must not occur on site.
- (21) Prior to operation of the winery additions, all physical sound attenuation measures specified on pages 8 and 9 of the Environmental Noise Assessment Report, prepared by SONUS and dated December 2019 (Reference No. S6306C2) must be installed.
- (22) During operation, all operational measures specified on pages 8 and 9 of the Environmental Noise Assessment Report, prepared by SONUS and dated December 2019 (Reference No. S6306C2) must be implemented.
- (23) All solid wastes must be removed by an EPA licenced waste transporter at least once a month during vintage (and more frequently as required) and disposed of to a facility licenced by the EPA to receive such waste.
- (24) Prior to the operation of the winery additions, bunding to the new winery buildings, wastewater tanks and loading areas must be installed and connected to the wastewater management system.
- (25) Any substances that by their nature or amount have the potential to cause environmental harm must be stored within an impervious bund with a net capacity of at least 120% of the largest vessel within the bunded area. Note: Refer to the EPA's Guideline for Bunding and spill management for further guidance - [http://www.epa.sa.gov.au/files/47717\\_guide\\_bunding.pdf](http://www.epa.sa.gov.au/files/47717_guide_bunding.pdf).
- (26) The wastewater management system must be installed prior to the operation of the winery additions.

### **Department of Planning, Transport and Infrastructure Conditions**

- (27) The access to/from the Barossa Valley Way shall be sealed and widened sufficiently to accommodate simultaneous two-way movement of a 19 metre semi-trailer with a passenger vehicle. The design of the access shall ensure that longitudinal drainage along the Barossa Valley Way is maintained and water does not pool adjacent the road.

- (28) All vehicles shall enter and exit the site in a forward direction.
- (29) Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of the road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

### **Environment Protection Authority 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 (including ensuring any stormwater contaminated by winery waste does not discharge into the nearby creek).
- (b) Information regarding timing of sludge removal should be provided to the neighbours that may be impacted by odour during the procedure.
- (c) A contingency plan should be developed that details the management of wastewater in the event of equipment failure (such as the aerator or pump system), to ensure that such failure does not lead to significant odour impacts.
- (d) EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: <http://www.epa.sa.gov.au>

### **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 proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/546/2019 by ESD Planning and Design Pty Ltd to undertake additions and alterations to an existing winery - expansion from a maximum of 50 tonne/annum processing to a maximum of 500 tonne/annum processing; construction of three additional winery buildings, 3 x 61kl rain water tanks, associated

earthworks and retaining walls up to 2.4 metres high at 1312 Barossa Valley Way, LYNDOK (CT 6101/50; 6101/49) subject to the following reserved matters, conditions and advisory notes:

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- (3) Updated Stormwater Management Plan isolating trade waste drainage from stormwater drainage and detailing the following:
  - (a) No wastewater from winery operations shall be permitted to discharge into the stormwater system.
  - (b) The stormwater drainage design must include a stormwater and site management plan with supporting computations compliant 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.
  - (c) The stormwater drainage system shall be designed in accordance with the current edition of Australian Rainfall and Runoff (IEA) and AS3500.3:2018 Plumbing and drainage – Stormwater drainage and Council's requirements.
  - (d) The requirements for stormwater detention are separate to the requirements for stormwater retention. Stormwater retention systems may be required within the development to maximise on-site reuse via internal plumbing and/or reticulation to gardens and/or soakage systems and as required by current State Government regulations. Reference South Australian Appendix to the Building Code of Australia (BCA) and the South Australian Housing Code (SAHC).
  - (e) The detailed design drawings must be submitted to Council's Works and Engineering Services department for approval prior to any works commencing on site.
  - (f) Detention shall be provided to limit the 5% AEP ( $\approx$  20yr ARI) post-development peak discharge to the 5% AEP ( $\approx$  20yr ARI) pre-development peak discharge from the site. The

post- development analysis is required to demonstrate that critical storm duration is clearly identified. The outlet restriction system details and hydraulic design computations are required.

- (g) The controlled discharge from the site shall be connected safely to Council's stormwater drainage system. The underground stormwater pipe system shall be extended to connect safely to the existing watercourse running through the site on the eastern side of the internal roadway. Any direct connection of a stormwater drainage system to a watercourse shall incorporate scour protection measures and shall not obstruct flows in the watercourse. The discharge to Council's drainage system or a watercourse shall be consistent with the capacity of the system.
- (4) Updated Traffic Management Plan detailing two way vehicle access for the largest vehicles entering and exiting the site & nominating the locations of staff car parking and customer car parking.

### **Council Conditions**

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/546/2019 except where varied by any condition(s) listed below.
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  - Elevations Presentation; Drawn by JBG Architects, Project No 1846, Drawing No A201, Issue D
  - Vehicle Simulation Plan – Sheet 1; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C6.0, Issue A
  - Vehicle Simulation Plan – Sheet 2; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C6.1, Issue A

- Vehicle Simulation Plan – Sheet 3; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C6.2, Issue A
- Location Plan; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C1.0, Issue B
- General Notes; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C1.1, Issue B
- Existing Site Plan – Sheet 1; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C2.0, Issue B
- Existing Site Plan – Sheet 2; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C2.1, Issue B
- Civil Stormwater Management Plan – Sheet 1; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C3.0, Issue D
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- Civil Details; Drawn by Triaxial Consulting, Project No TX13927, Drawing No C5.0, Issue B
- Winery Wastewater Management Plan – Prepared by Archer Environmental, dated August 2019
- Letter to EPA - Prepared by Archer Environmental, dated 30 October 2019
- Site Management Plan – Prepared by ESD Planning & Design, undated
- Environmental Noise Assessment – Prepared by Sonus, dated December 2019

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

- (2) 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.



- (3) 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.

- (4) Not more than 500 tonnes of grapes are to be processed onsite per year.

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

- (5) 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 environmental impacts on the locality.

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

- Vintage: Monday to Saturday: 6.00 am to 9:00 pm inclusive.
- Non-Vintage: Monday to Friday: 7:00 am -5:00 pm
- No operation Saturday, Sunday and Public Holidays

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

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

- 7.00 am and 6.00 pm Monday to Saturday

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

- (8) 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.

- (9) 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.

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

- (i) Dust generated at the site shall be reasonably controlled at all times to prevent nuisance to occupants of adjoining land.
- (ii) Noise generated at the site shall be kept to the minimum level that is reasonably practicable.
- (iii) Appropriate erosion control measures shall be employed to prevent soil removal from the site by stormwater runoff, and to prevent siltation of watercourses, to the reasonable satisfaction of Council's Director – Works and Engineering.
- (iv) 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 ensure that the construction process is managed in a manner which prevents adverse off-site impacts.

- (11) 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.

- (12) 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.

- (13) All stormwater from buildings, paving and 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.

- (14) 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.

- (15) All driveways, vehicle manoeuvring and vehicle parking areas shall comply with the requirements of AS2890.1 Parking facilities – Part 1: Off-street car parking, AS2890.2 Parking facilities – Part 2: Off-street commercial vehicle facilities, and AS2890.6 Parking facilities – Part 6: Off-street parking for people with disabilities.

All driveways, vehicle manoeuvring and vehicle parking areas shall be constructed and finished in an all-weather material in accordance with approved engineering procedures prior to the occupation or use of the development.

Reason: To ensure that the car parking and access ways are designed to Council's satisfaction.

- (16) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Noise) Policy 2007, such that any resulting noise is not considered a nuisance, 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 and Local Nuisance and Litter Control Act 2016.

- (17) No solid or liquid trade waste shall be discharged to the stormwater system to the satisfaction of Council.

Reason: To ensure that the health and structure of native vegetation is not adversely affected during construction.

- (18) 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.

Reasons: To ensure noise nuisance and other impacts are limited and to maintain the amenity of the locality.

### **Environment Protection Authority Conditions**

- (19) The total quantity of grapes crushed must not exceed 500 tonnes per annum.
- (20) Bottling of wine must not occur on site.
- (21) Prior to operation of the winery additions, all physical sound attenuation measures specified on pages 8 and 9 of the Environmental Noise Assessment Report, prepared by SONUS and dated December 2019 (Reference No. S6306C2) must be installed.
- (22) During operation, all operational measures specified on pages 8 and 9 of the Environmental Noise Assessment Report, prepared by SONUS and dated December 2019 (Reference No. S6306C2) must be implemented.
- (23) All solid wastes must be removed by an EPA licenced waste transporter at least once a month during vintage (and more frequently as required) and disposed of to a facility licenced by the EPA to receive such waste.
- (24) Prior to the operation of the winery additions, bunding to the new winery buildings, wastewater tanks and loading areas must be installed and connected to the wastewater management system.
- (25) Any substances that by their nature or amount have the potential to cause environmental harm must be stored within an impervious bund with a net capacity of at least 120% of the largest vessel within the bunded area. Note: Refer to the EPA's Guideline for Bunding and spill management for further guidance - [http://www.epa.sa.gov.au/files/47717\\_guide\\_bunding.pdf](http://www.epa.sa.gov.au/files/47717_guide_bunding.pdf).
- (26) The wastewater management system must be installed prior to the operation of the winery additions.

### **Department of Planning, Transport and Infrastructure Conditions**

- (27) The access to/from the Barossa Valley Way shall be sealed and widened sufficiently to accommodate simultaneous two-way movement of a 19 metre semi-trailer with a passenger vehicle. The design of the access shall ensure that longitudinal drainage along the Barossa Valley Way is maintained and water does not pool adjacent the road.
- (28) All vehicles shall enter and exit the site in a forward direction.

- (29) Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of the road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

#### **Environment Protection Authority 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 (including ensuring any stormwater contaminated by winery waste does not discharge into the nearby creek).
- (b) Information regarding timing of sludge removal should be provided to the neighbours that may be impacted by odour during the procedure.
- (c) A contingency plan should be developed that details the management of wastewater in the event of equipment failure (such as the aerator or pump system), to ensure that such failure does not lead to significant odour impacts.
- (d) EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: <http://www.epa.sa.gov.au>

**CARRIED**

### **7.3 960/654/2019 (Allot 4 Mugge Road Sandy Creek)**

#### **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. 960/654/2019 by Frank Nesci Homes to undertake Construction of a single-storey

detached dwelling with double garage, alfresco and verandahs under main roof, and a retaining wall measuring 1.2 metres vertical height (Non-Complying) at Allotment 4 Muggie Road, Sandy Creek (CT 5273/3) 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. 960/654/2019 except where varied by any condition(s) listed below:

- Site Plan prepared by Frank Nesci Homes, dated 7 November 2019
- Site Plan Scaled prepared by Frank Nesci Homes, dated 2 April 2020
- Civil Plan Revision A prepared by FMG Engineering, dated 14 April 2020
- Site Plan Revision A prepared by FMG Engineering dated 14 April 2020
- Floor Plan prepared by Frank Nesci Homes, dated 20 December 2020
- Elevation Plan prepared by Frank Nesci Homes, dated 30 March 2020
- Landscape Concept Plan prepared by LCS Landscapes, dated 12 March 2020
- Landscape Layout Plans prepared by LCS Landscapes, dated 12 March 2020
- Planting Schedule prepared by LCS Landscapes, dated 12 March 2020
- Statement of Effect, written by Heynen Planning Consultants, dated 13 March 2020

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

(2) All stormwater shall be managed in accordance with the Civil Plan Revision A prepared by FMG Engineering dated 8 January 2020. The discharged points as shown on the Civil Plan shall be fitted with adequate scour protection. No stormwater shall enter into any building, affect the stability of any building, or create an unhealthy or dangerous condition, or run onto or over land of an adjoining owner.

All stormwater disposal systems must be fully installed at the completion of the construction of the building, with adequate measures employed during construction to ensure disposal of surface or roof water does not affect neighbouring properties.

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

- (3) The subject land is located within a Medium Bushfire Risk Area. A dedicated and independent water supply shall be available at all times for fire-fighting purposes which:
- o Is located adjacent to the building or in another convenient location on the allotment accessible to firefighting vehicles (safe and convenient access shall be provided), and
  - o Comprises a minimum of 5,000 litres where the property is not connected to mains water (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 Specifications SA 78 'Bushfire fighting equipment and water supply requirements in designated bushfire prone areas'.

Reason: To ensure that construction is undertaken in accordance with the Minister's Code: Undertaking development in Bushfire Protection Areas.

- (4) The landscaping as detailed in the application for development shall be established within 3 months of the substantial completion of the building and shall be maintained in good health and condition at all times. Any vegetation that dies or becomes seriously diseased shall be replaced with others of the same, or similar varieties.

Reason: To ensure that landscaping is installed and maintained in accordance with the Objectives and Principles of the Development Plan.

- (5) 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 contractors or sub-contractors shall be cleared immediately.

Reason: To ensure there is no adverse amenity impacts to the locality during construction.

- (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 practical steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

Reason: To ensure there is no adverse amenity impacts to the locality during construction.

### **Advisory Notes**

- (1) Any variations of this approved development and/or the conditions of consent will require a separate request and approval by Council or the 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.
- (2) 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.
- (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.
- (4) Any proposal to clear, remove limbs, or trim native vegetation will require approval or confirmation of exemption from the Native Vegetation Council. An interactive guide is available to help owners and others determine the requirements that apply under the *Native Vegetation Act 1991*: <https://www.environment.sa.gov.au/topics/native-vegetation/interactive-guide>. Any specific queries regarding the clearance, removal or trimming of native vegetation should be directed to the South Australian Native Vegetation Council.

### **Panel Decision**

Moved: D Reiman

Seconded: R Miller

That the recommendation be adopted.

**CARRIED**



### 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. 960/76/2020 by B Stones to undertake Construction of a domestic outbuilding - shed (measuring 10.0m x 10.0m x 4.36m wall height) and associated 46,400L rainwater tank (measuring 3.16m total height) at 10 Rousevell Road, Williamstown (CT 5229/522) for the following reasons:

The proposed development is contrary to:

- General Section – Design and Appearance, Principles of Development Control 1 and 4

Reason: The outbuilding will be visually apparent from surrounding land in the locality and represents an increase in the bulk and scale of domestic outbuildings in the locality.

- Rural Living Zone Objective 1

Reason: The height of the outbuilding will impact upon the visual amenity of its surrounds.

- Rural Living Zone Principle of Development Control 9

Reason: The outbuilding is not consistent with the quantitative parameters sought for outbuildings in the Zone.

### Panel Decision

Moved: R Miller

Seconded: D Reiman

That the recommendation be adopted.

**CARRIED**

## 8. REPORTS – APPLICATIONS TO PROCEED/NOT TO PROCEED TO ASSESSMENT

### 8.1 960/89/2020 (467 Research Road Nuriootpa)

Further information provided by the Applicant, was distributed to Panel members for consideration.

#### 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. 960/89/2020 by Rosenvale Pty Ltd to undertake a Change of use to include Function Centre - with three functions per week; increase occupancy to 200 patrons; increase to operating hours 7.00 am to 1.00 am at 467 Research Road, Nuriootpa (CT 5540/920) for the following reasons:

The proposed development is contrary to:

- Primary Production (Barossa Valley Region) Zone Objectives 4, 5 and 6, Principle of Development Control, Land Use 1, 2 and 7.

Reason: The development is not consistent with the land use sought for the Zone.

#### Panel Decision

Moved: D Reiman

Seconded:

That the recommendation be adopted.

The motion lapsed due to the want of a seconder.

#### Panel Decision

Moved: G Hewitt

Seconded: R Miller

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 that the development proposal has sufficient merit to proceed to make an assessment of the Application No. 960/89/2020 (467

Research Road Nuriootpa) by Rosenvale Pty Ltd – Change of use to include Function Centre – with three functions per week; increase occupancy to 200 patrons; increase to operating hours 7:00am to 1:00am (non-complying).

**CARRIED**

## **9. REPORTS – Deferred Applications for Decision**

Nil.

## **10. REPORTS - PANEL UPDATES**

### **10.1 SCAP Concurrence Matter**

#### **Recommendation**

That the report be received.

#### **Panel Decision**

Moved: G Hewitt

Seconded: D Reiman

That the recommendation be adopted.

**CARRIED**

## **11. REPORTS - OTHER BUSINESS**

#### 960/345/2019 – 44 Washington Street Angaston

L Monteduro advised that the Panel's decision to refuse the application for a land division has been appealed. A preliminary conference will be held 18 May 2020. An update will be provided to the Panel in due course.

#### Planning, Development and Infrastructure Legislation Update

G Mavrincac advised that the Panel that briefings held with the Local Government Association (LGA) and Department of Planning, Transport and Infrastructure (DPTI) have indicated that Phase Three of the Code is still scheduled to commence in September 2020. A Summary of Submissions made in relation to Phase Three is still to be received, however discussions are being held between the Transition Manager (DPTI) and Council's Principal Planner in relation to Council's submission.

Council staff have been nominated to pilot the electronic Portal, commencing mid-May.

## **12. REPORTS – CONFIDENTIAL**

Nil.

**13. NEXT MEETING**

Tuesday 2 June 2020 commencing at 5.00pm.

**14. CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 5:51pm.

Confirmed

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