

# BAROSSA ASSESSMENT PANEL

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

**Tuesday, 5 March 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 5:01 pm.

## 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
Janine Lennon	Senior Assessment Officer, Planning
Jake Boswell	Assessment Officer, Planning
Chris Kruger	Minute Secretary

### 2.2 Apologies

Nil.

### 2.3 Absent

Nil.

## 3. CONFIRMATION OF MINUTES

Moved: D Reiman

Seconded: R Veitch

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 5 February 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

### 6.1 960/533/2018 (41 Randalls Road Flaxman Valley)

L and V Heath (Applicants) 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 Approval for Application No. 960/533/2018 by L and V Heath to undertake the addition of horse keeping activity (three horses) to an existing rural living property at 41 Randalls Road, Flaxman Valley (CT 6121/385) subject to the following conditions:

#### Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed site plan and property management plan (as amended) accompanying Application No. 960/533/2018 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) A maximum of three horses shall be kept on the land at any one time.

Reason: Not to exceed the approved number of horses on the site and to be consistent with the carry capacity of the land in terms of soil and water quality for the zone.

- (3) Vegetation buffers shall be planted within the next planting season following Development Approval, dead trees shall be replaced

and the buffers maintained in accordance with the approved site plan.

Reason: To improve the plant biodiversity and prevent soil erosion on the site.

- (4) All existing native trees on the site shall be retained and the health of the trees shall be maintained.

Reason: To prevent loss of biodiversity and habitat and retain the character of the locality.

- (5) Excess manure shall not stockpile on the site and shall be removed regularly.

Reason: To prevent odours and to maintain water quality.

- (6) Good pasture coverage shall be achieved on the site at all times.

Reason: To prevent soil degradation and maintain water quality.

- (7) The property management plan provided with the subject application shall be implemented.

Reason: To maintain soil and water quality and prevent weed infestation.

### Panel Decision

Moved: R Miller

Seconded: D Reiman

That the recommendation be adopted.

**CARRIED**

## 7. APPLICATIONS TO PROCEED/NOT TO PROCEED TO ASSESSMENT

Nil.

## 8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

### 8.1 960/425/2018 (1-15 Murray Street Nuriootpa)

#### 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. 960/425/2018 by The Community Co-Operative Store to undertake Installation of generator (retrospective) at 1-15 Murray Street, Nuriootpa (CT 6191/67) subject to the following conditions and advisory note:

### **Council Conditions**

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/425/2018 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) Other than for maintenance and testing, the generator shall only be used as an auxiliary power source when power supply from the electricity network is unavailable, unless with the prior consent of Council.

Reason: To maintain amenity within the immediate locality.

- (3) The generator shall be maintained in good working order at all times, particularly the exhaust and vibration measures, and shall be maintained in accordance with the manufacturers recommended schedule.

Reason: To ensure that the development complies with best engineering practice.

- (4) Vibration dampers consistent with manufacturers recommendations be installed on the generator and maintained in a serviceable condition in accordance with manufacturer specifications.

Reason: To ensure the generator is operated and maintained in accordance with manufacturer requirements.

### **Advisory Note**

- (1) The development shall be in accordance with the *Environment Protection Act 1993* (the EP Act), and by the *Environment Protection (Noise) Policy 2007* (Noise Policy).

## Panel Decision

Moved: R Veitch

Seconded: D Reiman

That the recommendation be adopted.

**CARRIED**

## 9. REPORTS - PANEL UPDATES

### 9.1 SCAP Concurrence Matter

#### Recommendation

That the report be received.

#### Panel Decision

Moved: G Hewitt

Seconded: R Miller

That the recommendation be adopted.

**CARRIED**

## 10. REPORTS - OTHER BUSINESS

Nil.

## 11. REPORTS – CONFIDENTIAL

### 11.1 960/152/2018 (Lot 1 Wynns Road Flaxman Valley)

#### Reason for Confidentiality

It is recommended that the public be excluded from the meeting, as is necessary, in accordance with Section 13 of the *Planning, Development and Infrastructure (General) Regulations 2017* to receive, discuss or consider in confidence the following information or matters in relation to this item:

(viii) Legal advice

#### Recommendation

That:

(1) Pursuant to Section 13 of the *Planning, Development and Infrastructure (General) Regulations 2017* the Barossa Assessment Panel orders that the public be excluded from the meeting with the exception of the



Assessment Manager, Assessment Officers and the Minute Secretary, on the basis that it will consider legal advice.

- (2) Accordingly, on this basis, the Barossa Assessment Panel is satisfied that the principle that meetings of the assessment panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

### **Panel Decision**

Moved: R Miller

Seconded: G Hewitt

That the recommendation be adopted.

**CARRIED**

At 5:25pm the meeting moved into confidence.

At 5:37pm the confidential session ceased and the meeting reopened to the public.

Marcus Rolfe (URPS, on behalf of Applicant) Chris Timms and George Taylor (Treasury Wine Estates) answered questions from the Panel.

R Veitch left the meeting at 5:59pm.

### **Panel Decision**

Moved: D Reiman

G Hewitt

That the Barossa Assessment Panel recommend to Council that it settles the requirements of its Reserved Matter in respect to Development Application 960/152/2018 and resolves as follows:

- (1) That the Statement of Intent be signed. The document is unsigned with blank spaces where the signature should be;
- (2) That the signed Statement of Intent be accompanied by a covering letter from Department for the Environment and Water, confirming that Treasury Wine Estates have consulted the Department for the Environment and Water on the matter of low flow devices and are exploring this option with them.

**CARRIED**

## **10. NEXT MEETING**

Tuesday 2 April 2019 commencing at 5.00pm. R Miller has tendered his apology.

**11. CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 6:04pm.

Confirmed

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