

BAROSSA ASSESSMENT PANEL

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

Tuesday, 13 November 2018 commencing at 5:00pm

in the Council Chambers, 43-51 Tanunda Road, Nuriootpa



The Barossa Council

MINUTES

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1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5:03pm.

2. ATTENDANCE

2.1 Present

Panel Members

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

Council Staff

Louis Monteduro	Assessment Manager
Janine Lennon	Assessment Officer
Jake Boswell	Assessment Officer

2.2 Apologies

Nil.

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 2 October 2018 be received and confirmed.

CARRIED

4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

Nil.

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/152/2018 (Lot 1 Wynns Road Flaxman Valley)

J Boswell (Assessment Officer) addressed the Panel and advised that the representation from C Taylor had been lodged within the appropriate time frame and was not late.

Representors

V Waples addressed the Panel at 5:07pm, and answered questions from the Panel.

B Waples addressed the Panel at 5:15pm, and answered questions from the Panel.

M Millikan and L Mitchell addressed the Panel at 5:24pm, and answered questions from the Panel.

MM and JW Evans addressed the Panel at 5:32pm, distributing rainfall data and answered questions from the Panel.

T Schurgott and W Seeliger both provided a submission but did not attend to make a presentation to the Panel,

Applicant

Chris Timms (Treasury Wines) addressed the Panel at 5:41pm, 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. 960/152/2018 by Bill Harding of HydroPlan to undertake the Alterations of Two Dams

(including levees) at Allot 1 Wynns Road, Flaxman Valley (CT 5372/696 and CT 5231/199) 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. 960/152/2018 including:

- Development Application Report: High Eden Dam Upgrades, dated 28 March 2018, inclusive of:
 - Report for application to clear two isolated trees and four patches of trees for proposed extension of two dams, Eden Valley, dated 2 March 2018;
 - Native Vegetation Management Plan – SEB
- Overall Tree Layout Plan, Rev. 2, dated 9 July 2018
- Overall Detailed Site Layout, Rev. 2, DWG. 14474-106, dated 9 July 2018;
- Detailed Site Layout, Rev. 2, DWG. 14474-201, dated 9 July 2018;
- Detailed Site Layout, Rev. 2, DWG. 14474-202, dated 9 July 2018;
- Detailed Site Layout, Rev. 2, DWG. 14474-203, dated 9 July 2018;
- Typical Cross Sections Sheet, Rev. 2, DWG. 14474-301, dated 9 July 2018;
- Cross Sections Sheet, Rev. 2, DWG. 14474-311, dated 9 July 2018;
- Cross Sections Sheet, Rev. 2, DWG. 14474-313, dated 9 July 2018

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

(2) The development authorised herein shall 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) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
- (d) Presence of vermin.

Reason: To ensure no adverse amenity impacts on the locality

(3) 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, including any existing pump infrastructure.

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

(4) Any pump and/or pumping-system to be used in association with the development authorised herein, shall include noise

attenuation devices to mitigate an external noise impacts outside the subject land, to the reasonable satisfaction of Council.

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

- (5) Temporary debris and sediment control measures shall be in place prior to construction commencing and shall be maintained at all times during construction, to the reasonable satisfaction of Council.

Reason: To ensure no adverse environmental impacts during construction of the development.

- (6) During construction or installation of all works associated with the development and proposed (internal) roads and utility services:
- (a) Dust generated at the site shall be reasonably controlled at all times to prevent nuisance to occupants of adjoining land.
 - (b) Noise generated at the site shall be kept to the minimum level that is reasonably practicable.
 - (c) Appropriate erosion control measures shall be employed to prevent soil removal from the site by water runoff, and to prevent siltation of watercourses, to the reasonable satisfaction of Council.
 - (d) Any dirt or debris from the site deposited onto existing roadways by the applicant's contractors or sub-contractors shall be cleared away immediately.

Reason: To ensure no adverse impacts during construction of the development.

- (7) 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 relevant builders must take all practicable steps to minimise the impact of noise emissions on neighbouring properties.

Reason: To ensure no adverse impacts during construction of the development.

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

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

- (9) Ground covers shall be provided at a ratio of three to four plants per square metre on all battered embankments, so as to provide complete coverage within six months from the date of construction, to the reasonable satisfaction of Council. The plans shall be indigenous and of local provenance.

Reason: To support stabilisation of the dams' banks.

- (10) Disturbed surfaces including any exposed batters as a result of excavation on the land shall be revegetated with indigenous species and stabilised within three months of the completion of the development, to the satisfaction of Council.

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

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

Reason: To ensure structural adequacy of the development.

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

Reason: To ensure structural adequacy of the development.

- (13) Prior to the filling/use of the dams authorised herein, a certificate verifying adequacy of construction shall be supplied to Council by a suitably qualified engineering professional, to the reasonable satisfaction of Council.

Reason: To ensure structural adequacy of the development.

- (13) Any overflow channels shall be constructed to carry safely any water from the dams or detention areas to the watercourse adjacent the dam, to the reasonable satisfaction of Council.

Reason: To ensure structural adequacy of the development and minimise any environmental impacts.

- (14) Any overflow channel or swale shall:

- (a) Be constructed from materials that shall result in the provision of a stabilised waterway.
- (b) Enter the watercourse adjacent to the dam in such a manner as it shall not cause erosion of the watercourse.

Reason: To ensure structural adequacy of the development and minimise any environmental impacts.

- (15) Within six months from the substantial completion of the development, commencement of works to implement the approval Significant Environmental Benefit agreement (ref: 2018/2003/960) with the Native Vegetation Council shall have occurred, to the reasonable satisfaction of Council.

Reason: To ensure minimal adverse environmental impact.

- (16) Prior to the filling of dams authorised herein with any surface water, water from a watercourse or underground supply, and through the life of the development, the landowner must hold a relevant water allocation and irrigation license.

Reason: To ensure compliance with the relevant water affect laws.

Natural Resources Management: Adelaide Mount Lofty Ranges Conditions

- (17) The proposed works must be undertaken in a manner that prevents silt or sediment leaving the site including, but not limited to, the use of erosion and sediment control measures, such as catch/diversion drains, re-vegetation, hay bale barriers, filter fences, sediment traps and basins.
- (18) After completion of the proposed works, any captured sediment must be removed from the watercourse and, disposed of appropriately where it cannot migrate into a nearby watercourse.
- (19) The proposed works must not have a detrimental impact on the bed and bank stability of the watercourse or inhibit the natural flow regime of the watercourse.
- (20) All excavated material must be removed from the watercourse and securely stored away from the watercourse to ensure that it does not return to the watercourse.
- (21) Destruction of vegetation shall only occur where it will not cause destruction to significant habitat and/or wildlife.
- (22) There must be a minimum distance of 20 metres between a watercourse or well and the fuelling site for machinery used to undertake construction.
- (23) The excavation and removal of rock, sand or soil must not adversely impact on the ecology of a watercourse, lake or floodplain. Also it must not adversely impact on migration of aquatic biota and must not alter the natural flow regime of a watercourse.
- (24) Upon completion of the site works, soil excavated for the purpose of this proposal shall be replaced and compacted to prevent accelerated erosion.
- (25) Any work must not increase the risk of flooding.
- (26) Construction shall not be undertaken a minimum of three days before and/or during a high rainfall event (20mm or greater) to reduce the risk of damage to the watercourse bed and banks. Weather forecasts reported by the Bureau of Meteorology are available on-line and the seven day forecast must be checked before work commences.

- (27) Removal of a dam shall not result in increased erosion, downstream sedimentation and decline water quality.

Advisory Notes

- (1) Any variation from the approved use or the approved application and the conditions of consent will require further application and approval from Council or other relevant planning authority. Approval of this application does not imply that future applications for variations will be approved. Any future application will be assessed by having regard to the relevant rules in force at the time it is lodged.
- (2) 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) Please note that the subject land may be affected by the *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017* and as such further approval from the Native Vegetation Council may be required should any native vegetation be sought to be removed or adversely affected.
- (4) It is noted that this application does not propose an increase to the existing water license applicable for this land.

Panel Decision

Moved: R Veitch

Seconded:

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. 960/152/2018 by Bill Harding of HydroPlan to undertake the Alterations of Two Dams (including levees) at Allot 1 Wynns Road, Flaxman Valley (CT 5372/696 and CT 5231/199) 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. 960/152/2018 including:

- Development Application Report: High Eden Dam Upgrades, dated 28 March 2018, inclusive of:
 - Report for application to clear two isolated trees and four patches of trees for proposed extension of two dams, Eden Valley, dated 2 March 2018;
 - Native Vegetation Management Plan – SEB
- Overall Tree Layout Plan, Rev. 2, dated 9 July 2018
- Overall Detailed Site Layout, Rev. 2, DWG. 14474-106, dated 9 July 2018;
- Detailed Site Layout, Rev. 2, DWG. 14474-201, dated 9 July 2018;
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- Cross Sections Sheet, Rev. 2, DWG. 14474-311, dated 9 July 2018;
- Cross Sections Sheet, Rev. 2, DWG. 14474-313, dated 9 July 2018

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

- (2) The development authorised herein shall 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) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - (d) Presence of vermin.

Reason: To ensure no adverse amenity impacts on the locality

- (3) 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, including any existing pump infrastructure.

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

- (4) Any pump and/or pumping-system to be used in association with the development authorised herein, shall include noise attenuation devices to mitigate an external noise impacts outside the subject land, to the reasonable satisfaction of Council.

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

- (5) Temporary debris and sediment control measures shall be in place prior to construction commencing and shall be maintained at all

times during construction, to the reasonable satisfaction of Council.

Reason: To ensure no adverse environmental impacts during construction of the development.

- (6) During construction or installation of all works associated with the development and proposed (internal) roads and utility services:
- (a) Dust generated at the site shall be reasonably controlled at all times to prevent nuisance to occupants of adjoining land.
 - (b) Noise generated at the site shall be kept to the minimum level that is reasonably practicable.
 - (c) Appropriate erosion control measures shall be employed to prevent soil removal from the site by water runoff, and to prevent siltation of watercourses, to the reasonable satisfaction of Council.
 - (d) Any dirt or debris from the site deposited onto existing roadways by the applicant's contractors or sub-contractors shall be cleared away immediately.

Reason: To ensure no adverse impacts during construction of the development.

- (7) Construction shall take place between 7.00 am and 7.00 pm Monday to Saturday, and the relevant builders must take all practicable steps to minimise the impact of noise emissions on neighbouring properties.

Reason: To ensure no adverse impacts during construction of the development.

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

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- (9) Ground covers shall be provided at a ratio of three to four plants per square metre on all battered embankments, so as to provide complete coverage within six months from the date of construction, to the reasonable satisfaction of Council. The plans shall be indigenous and of local provenance.

Reason: To support stabilisation of the dams' banks.

- (10) Disturbed surfaces including any exposed batters as a result of excavation on the land shall be revegetated with indigenous species and stabilised within three months of the completion of the development, to the satisfaction of Council.

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

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

Reason: To ensure structural adequacy of the development.

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Reason: To ensure structural adequacy of the development and minimise any environmental impacts.

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Reason: To ensure structural adequacy of the development and minimise any environmental impacts.

- (15) Within six months from the substantial completion of the development, commencement of works to implement the approval Significant Environmental Benefit agreement (ref: 2018/2003/960) with the Native Vegetation Council shall have occurred, to the reasonable satisfaction of Council.

Reason: To ensure minimal adverse environmental impact.

- (16) Prior to the filling of dams authorised herein with any surface water, water from a watercourse or underground supply, and through the life of the development, the landowner must hold a relevant water allocation and irrigation license.

Reason: To ensure compliance with the relevant water affect laws.

Natural Resources Management: Adelaide Mount Lofty Ranges Conditions

- (17) The proposed works must be undertaken in a manner that prevents silt or sediment leaving the site including, but not limited to, the use of erosion and sediment control measures, such as catch/diversion drains, re-vegetation, hay bale barriers, filter fences, sediment traps and basins.
- (18) After completion of the proposed works, any captured sediment must be removed from the watercourse and, disposed of appropriately where it cannot migrate into a nearby watercourse.
- (19) The proposed works must not have a detrimental impact on the bed and bank stability of the watercourse or inhibit the natural flow regime of the watercourse.
- (20) All excavated material must be removed from the watercourse and securely stored away from the watercourse to ensure that it does not return to the watercourse.
- (21) Destruction of vegetation shall only occur where it will not cause destruction to significant habitat and/or wildlife.
- (22) There must be a minimum distance of 20 metres between a watercourse or well and the fuelling site for machinery used to undertake construction.
- (23) The excavation and removal of rock, sand or soil must not adversely impact on the ecology of a watercourse, lake or floodplain. Also it must not adversely impact on migration of aquatic biota and must not alter the natural flow regime of a watercourse.
- (24) Upon completion of the site works, soil excavated for the purpose of this proposal shall be replaced and compacted to prevent accelerated erosion.
- (25) Any work must not increase the risk of flooding.
- (26) Construction shall not be undertaken a minimum of three days before and/or during a high rainfall event (20mm or greater) to reduce the risk of damage to the watercourse bed and banks. Weather forecasts reported by the Bureau of Meteorology are available on-line and the seven day forecast must be checked before work commences.
- (27) Removal of a dam shall not result in increased erosion, downstream sedimentation and decline water quality.

Advisory Notes

- (1) Any variation from the approved use or the approved application and the conditions of consent will require further application and

approval from Council or other relevant planning authority. Approval of this application does not imply that future applications for variations will be approved. Any future application will be assessed by having regard to the relevant rules in force at the time it is lodged.

- (2) 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) Please note that the subject land may be affected by the *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017* and as such further approval from the Native Vegetation Council may be required should any native vegetation be sought to be removed or adversely affected.
- (4) It is noted that this application does not propose an increase to the existing water license applicable for this land.

The motion lapsed for the want of a Secunder.

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.
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Reserve Matter

- (1) The Department for Environment and Water be consulted in respect of the type and subsequent deployment of low flow devices for dam (s) to the satisfaction of Council.

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/152/2018 including:
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Reason: To ensure minimal adverse environmental impact.

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Reason: To ensure compliance with the relevant water affect laws.

Natural Resources Management: Adelaide Mount Lofty Ranges Conditions

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- (4) It is noted that this application does not propose an increase to the existing water license applicable for this land.

CARRIED

6.2 960/62/2018 (Allot 241 Research Road Nuriootpa)

NJP and K Herrmann provided a submission but did not attend to make a presentation to 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. 960/62/2018 by Dorrien Estate Winery to undertake construction of a winery wastewater treatment facility and irrigation water re-use at Allot 241 Research Road,

Nuriootpa (CT 5886/228) subject to the concurrence of the State Planning Commission, and subject to the following conditions and advisory notes:

Council conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/82/2018 except where varied by any condition(s) listed below.
- Statement of Support, prepared by MasterPlan and dated 6 February 2018
 - Statement of Effect, prepared by MasterPlan and dated 18 May 2018
 - Site Context Plan, prepared by MasterPlan and dated Feb 2018
 - Wastewater Treatment Facility and Irrigation Re-use Scheme report, prepared by Land Energy Pty Ltd and dated October 2017
 - Proposed WWTP Site – Effluent Irrigation Re-use report, prepared by Land Energy Pty Ltd and dated July 2017
 - Letter from Land Energy Pty Ltd to Environment Protection Authority dated 21 September 2018 and attachments.

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

- (2) The proposed trees and vegetation on the subject land shall be maintained in good health and condition at all times. Any trees or vegetation that dies or becomes seriously diseased shall be replaced with others of the same, or similar varieties.

Reason: To maintain the amenity of the locality through the use of vegetation for screening.

- (3) The site shall be maintained to the reasonable satisfaction of the Council at all times.

Reason: To contribute to the amenity of the locality.

Environment Protection Agency Conditions

- (4) Prior to operation of the wastewater treatment system, the proposed aeration/storage dam must be constructed as described in:
- a. the Wastewater Treatment Facility and Irrigation Re-use Scheme report prepared by Land Energy Pty Ltd and dated October 2017, and
 - b. the Land Energy Pty Ltd correspondence to the Environment Protection Authority dated 21 September 2018.

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.
- (b) An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements. Information on applying for a licence (including licence application forms) can be accessed here: http://www.epa.sa.gov.au/business_and_industry/applying_for_a_license.
- (c) A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.

Panel Decision

Moved: D Reiman

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 development proposal is not seriously at variance to The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/62/2018 by Dorrien Estate Winery to undertake construction of a winery wastewater treatment facility and irrigation water re-use at Allot 241 Research Road, Nuriootpa (CT 5886/228) subject to the concurrence of the State Planning Commission, and subject to the following conditions and advisory notes:

Council conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/82/2018 except where varied by any condition(s) listed below.
 - Statement of Support, prepared by MasterPlan and dated 6 February 2018

- Statement of Effect, prepared by MasterPlan and dated 18 May 2018
- Site Context Plan, prepared by MasterPlan and dated Feb 2018
- Wastewater Treatment Facility and Irrigation Re-use Scheme report, prepared by Land Energy Pty Ltd and dated October 2017
- Proposed WWTP Site – Effluent Irrigation Re-use report, prepared by Land Energy Pty Ltd and dated July 2017
- Letter from Land Energy Pty Ltd to Environment Protection Authority dated 21 September 2018 and attachments.

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

- (2) The proposed trees and vegetation on the subject land shall be maintained in good health and condition at all times. Any trees or vegetation that dies or becomes seriously diseased shall be replaced with others of the same, or similar varieties.

Reason: To maintain the amenity of the locality through the use of vegetation for screening.

- (3) The site shall be maintained to the reasonable satisfaction of the Council at all times.

Reason: To contribute to the amenity of the locality.

- (4) The machinery for the aeration of the aerobic dam shall be fitted with a wireless alarm that provides immediate information, to the person responsible for the operation of the system, should there be a fault with the machinery that results in the cessation of aeration in the dam.

Reason: To maintain the amenity of the locality through the avoidance of odour generation.

Environment Protection Agency Conditions

- (4) Prior to operation of the wastewater treatment system, the proposed aeration/storage dam must be constructed as described in:
- a. the Wastewater Treatment Facility and Irrigation Re-use Scheme report prepared by Land Energy Pty Ltd and dated October 2017, and
 - b. the Land Energy Pty Ltd correspondence to the Environment Protection Authority dated 21 September 2018.

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.

- (b) An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements. Information on applying for a licence (including licence application forms) can be accessed here: http://www.epa.sa.gov.au/business_and_industry/applying_for_a_license.
- (c) A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.

CARRIED

6.3 960/697/2016 (20 Yettie Road Williamstown)

Kym Smith, Yvonne Gravier, Heidi Pitman and Liliana Medhurst each provided submissions but did not attend to make a presentation to 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. 960/697/2016 by Penny Fischer to undertake a Land Division – Community Title – One (1) allotment into four (4) at 20 Yettie Road Williamstown (CT 5111/918) subject to the following conditions and advisory notes:

Council Conditions – Development Plan Consent

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/697/2016 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) The payment of the CWMS augmentation charge required pursuant to Section 188 of the Local Government Act be made to Council prior to the issuing of the Certificate of Approval. The charge payable is the charge current at the time of payment. (see note below).

Reason: To ensure that effluent can be satisfactorily disposed of from the proposed allotments and that the allotments are suitable for their intended use.

NOTE ONLY

- Pursuant to Section 188 of the Local Government Act, the Council requires an augmentation charge to be paid for each additional allotment connected to the CWMS system. At the time of approval the current charge is \$4500 per allotment. Based upon the current charge a payment of \$13500.00 is required (3 additional allotments @ \$4500/allotment). This charge is reviewed periodically, and the augmentation charge to be paid is the charge applicable at the time the payment is made. Please enquire with the Council office prior to making payment for the current charge.

Development Assessment Conditions – Land Division Consent

- (1) The financial requirements of SA Water shall be met for the provision of water supply. On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

- (2) Payment of \$20,028 into the Planning and Development Fund (3 allotment(s) @ \$6676/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
- (3) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

Panel Decision

Moved: R Veitch

Seconded: R Miller

That the recommendation be adopted.

CARRIED

6.4 960/425/2018 (1-15 Murray Street Nuriootpa)

Representors

Graeme Macfarlan and Elinor Walker (ESD Planning and Design) addressed the Panel at 6:13pm, circulating suggested conditions for consideration, and answered questions from the Panel

Applicant

Michael Ricardson (Masterplan) and Neil Retallick, CEO, Community Co-Operative Store) 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 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 notes:

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) Maintenance and testing of the generator shall only occur between 6 .00 pm and 10.00 pm and the occupiers of 17 Murray Street, Nuriootpa shall be given 24 hours' notice of such maintenance and testing.

Reason: To ensure the amenity of the immediate locality.

- (3) 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 ensure the amenity of the immediate locality.

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

Reason: To ensure that the development complies with best engineering practice and is adequately maintained.

- (5) A dilapidation report shall be prepared including photographs and/or video footage to document the pre-development structural condition of all buildings on adjoining land at 17 Murray Street, Nuriootpa. The dilapidation report shall be prepared within six (6) months of Development Approval, with copies provided to the affected adjoining landowner and Council.

Reason: To ensure the condition of buildings within the immediate locality.

Advisory Notes

- (1) The development shall 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 Panel defer consideration of Development Application 960/425/2017 to seek additional information in relation to justification for the proposed siting of the generator, setbacks, location of access paths, noise emissions and vibrations and exhaust fumes and consideration of additional conditions.

CARRIED

7. REPORTS –APPLICATIONS TO PROCEED TO ASSESSMENT

Nil

8. REPORTS - PANEL UPDATES

8.1 SCAP Concurrence Matter

Recommendation

That the report be received.

Panel Decision

Moved: D Reiman

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

9. REPORTS - OTHER BUSINESS

9.1 Development Assessment Panel Meeting Schedule for 2019

Recommendation

That the Barossa Assessment Panel agree to continue to meet on the first Tuesday of each month (with the exception in November 2019) at The Barossa Council Chambers commencing at 5:00pm.

Panel Decision

Moved: G Hewitt

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

Congratulations to Bruce Ballantyne

On behalf of the Barossa Assessment Panel, G Mavrinac congratulated B Ballantyne on his recent elevation to Fellow at the Planning Institute of Australia Awards held 9 November 2018. Bruce has been a member of the Planning Institute of Australia for over 32 years and has enjoyed an extensive career.

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Tuesday 4 December 2018 commencing at 5.00pm.

12. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:57pm.

Confirmed

Date: Chairman: