

# BAROSSA ASSESSMENT PANEL

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

**Tuesday, 3 September 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 5:00pm.

## 2. ATTENDANCE

### 2.1 Present

Panel Members

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

Louis Monteduro – Assessment Manager

Council Staff

Gary Mavrinac	Director, Development and Environmental Services
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: G Hewitt

That the minutes of the Barossa Assessment Panel meeting held on 6 August 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

##### 6.1 960/221/2019 (2-4 Kalimna Road Nuriootpa)

Geoffrey and Colleen Martin, Brian Burman and Ashley Beane (Representors) provided submissions but did not attend to address 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. 960/221/2019 by Western Ridge Brewing & Distilling Co Pty Ltd to undertake the Change of Use from a warehouse to Micro Brewery (light industry) and Cellar Door (ancillary shop) at 2-4 Kalimna Road, Nuriootpa (CT 5215/460) 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. 960/221/2019 except where varied by any condition(s) listed below.
  - The "Nuri Bruri" development statement, prepared by David Henderson of Western Ridge Brewing, undated.
  - Site Plan, drawn by Brooksby Design & Drafting, sheet 1 of 1, dated December 2018.

- Stormwater Plan, prepared and drawn by Archer Environmental.
- Sewerage system capacity assessment, prepared & drawn by Archer Environmental
- Brewery Wastewater management, prepared and drawn by Archer Environmental.

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 to the satisfaction of Council, through the:

- transport of materials, goods or commodities to or from the land
- appearance of any building, works or materials
- emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
- presence of vermin
- any other noise emissions.

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

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

Trading hours for the cellar door shall be:

- Saturday to Thursday 11:00 am to 6:00 pm
- Friday 11:00 am to 7:00 pm

The Brewery Production area shall be staffed:

- Monday to Sunday 6:00am to 9:00 pm

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

- (5) Deliveries to and from the site (including waste collection) shall only take place between:

- 7.00 am and 5.00 pm Monday to Saturday

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

- (6) The maximum number of customers shall not exceed 20 at any one time.

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

- (7) 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.

- (8) No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

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

- (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) 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.

- (11) No bunting, streamers and festooning (string lights) shall be displayed unless with the prior written consent of Council.

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

- (12) All stormwater from buildings, paving and from areas that immediately surround the perimeter of the building shall be disposed of in a manner that does not result in entry of water into the building, or affect the stability of the building, or create an unhealthy or dangerous condition, or run onto or over land of an adjoining owner.

Reason: To ensure that stormwater is managed within the curtilage of the allotment to the satisfaction of Council.

- (13) The loading and unloading of goods from vehicles must only be carried out on the land 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.

- (14) Before the use commences and/or occupation of the development, all car parking, access driveways and vehicle manoeuvring areas shall be in accordance with AS2890.1 Parking Facilities – Part 1: Off-street car parking and AS2890.6 Parking Facilities – Part 6: Off-street parking for people with disabilities

Reason: To ensure that all carparking and accessways are constructed to the satisfaction of Council.

- (15) Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of Council.

Reason: To ensure the vehicle movement is available on the subject site in accordance with the endorsed plans at all times.

- (16) The detailed design of all footpaths, roads and open spaces and other public areas must comply with the requirements of the Disability Discrimination Act 1992.

Reason: To ensure compliance with the requirements of the Disability Discrimination Act 1992.

- (17) Prior to the commencement of operations, the wastewater drainage system must be operational and must be connected to the underground wastewater holding tank.

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

### **Panel Decision**

Moved: R Miller

R Veitch

That the recommendation be adopted.

**CARRIED**

## **6.1 960/303/2019 (759 Light Pass Road Angaston)**

### **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. 960/303/2019 by Sorby Adams Wines to undertake Change of use to include winery; Construction of a Winery (Barrel Maturation and Finished Goods Storage) with ancillary Office and Vineyard (Non-Complying) at 759 Light Pass Road, Angaston (CT 5886/382) 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. 960/303/2019, including:
- Statement of Support, prepared by EAC Atkinson, dated 3 June 2019
  - Statement of Effect, prepared by EA Atkinson, dated July 2019, including the following plans
  - Block Plan, prepared by Brooksby Design and Drafting, as amended 16 July 2019
  - Site Plan, prepared by Brooksby Design and Drafting, as amended 27 May 2019
  - Floor Plan, prepared by Brooksby Design and Drafting, as amended 27 May 2019
  - S.W. and N.E. Elevation, prepared by Brooksby Design and Drafting, as amended 27 May 2019
  - N.W. and S.E. Elevation, prepared by Brooksby Design and Drafting, as amended 27 May 2019
  - Wastewater Drainage Layout, prepared by Brooksby Design and Drafting, as amended 27 May 2019

except where varied by any condition(s) listed below.

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

- (2) Before commencement of any building work, a landscape plan to the reasonable satisfaction of Council must be submitted to and approved by Council. When approved, the plan will be endorsed and will then form part of this authorisation. The plan must show:
- (a) A schedule of all proposed trees, shrubs and ground cover including botanical and common name of each plant (any landscaping vegetation should be of an adequate size/species that sufficiently screens the proposed development)

- (b) The quantity of each to be planted
- (c) The spacing between each to be planted
- (d) The proposed method of irrigation
- (e) The tube-stock/pot size of each to be planted

Note: Landscaping shall be provided at a reasonable maturity to provide effective and timely screening, and shall comprise locally indigenous species.

Reason: To ensure the development is suitably screened by the landscaping proposed.

- (3) Unless with the prior written consent of Council, the landscaping works shown on the endorsed plans must be carried out and completed within 6 months of the significant completion of the development, and maintained to the reasonable satisfaction of Council.

Reason: To ensure landscaping is undertaken within a timely manner.

- (4) All stormwater from buildings, paving and from areas that immediately surround the perimeter of the building shall be disposed of in a manner that does not result in entry of water into the building, or affect the stability of the building, or create an unhealthy or dangerous condition, or run onto or over land of an adjoining owner.

Storm water disposal systems must be fully installed at the completion of the construction of the building with adequate measures deployed during construction to ensure the temporary disposal of surface or roof water does not affect neighbouring properties, to the satisfaction of Council.

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

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

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

- (6) Construction shall not take place on any Sunday or Public Holiday or after 7.00 pm or before 7.00 am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

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

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

- (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 stormwater runoff, and to prevent siltation of watercourses, to the reasonable satisfaction of Council's Director – Works & Engineering.
- (d) Any dirt or debris from the site deposited onto existing roadways by the applicant's contactors or sub-contractors shall be cleared immediately.

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

- (8) The development authorised herein shall be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) Transport of materials, good 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 that there is no adverse amenity impacts on the locality.

- (9) No spraying of agricultural chemicals or other substances shall occur when weather or other conditions may carry spray drift onto adjoining property.

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

- (10) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Noise) Policy 2007, and such that any resulting noise is not considered a nuisance, to the reasonable satisfaction of Council.

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

- (11) Any external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the reasonable satisfaction of Council.

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

- (12) Unless with the prior written consent of Council, the removal of all solid waste from the site shall be undertaken between 7.00 am – 7.00 pm, to the reasonable satisfaction of Council.

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

- (13) Unless with the prior written consent of Council, all deliveries to the site shall be undertaken between 7.00 am – 7.00 pm, to the reasonable satisfaction of Council.

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

- (14) 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 reasonable satisfaction of Council.

Note: All ongoing activities associated with the development shall be undertaken within the building authorised herein.

Reason: To ensure waste water does not impinge the stormwater system on site.

- (15) All winery processing shall be undertaken on an impervious area to ensure that any spillages from such areas are directed to the on-site wastewater treatment system.

Reason: To allow the suitable management of waste water.

- (16) All car parking, driveways and vehicle manoeuvring areas shall be constructed and finished in bitumen, brick paving or concrete in accordance with approved engineering procedures prior to the occupation or use of the development.

Reason: To ensure that all car parking is sealed and constructed to the reasonable satisfaction of Council.

### **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. The applicant is advised that the bottling of wine, crushing of grape product (or similar), and fermentation must not occur on-site. Any expansion of the operation to incorporate these activities on-site is subject to additional consents. Contact Council's Development Services via phone (08) 8563 8444 if more information is required.
4. 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. Practices to minimise noise impact on sensitive receivers include (but are not limited to):
  - (i) shutting equipment down whenever not in use
  - (ii) application of broadband beepers on forklifts, and
  - (iii) ensuring equipment are operated in a way that reduces noise impact
5. Any proposal to clear, remove limbs or trim native vegetation, unless subject to an exemption under the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council.
6. Any works associated with the development, such as tree planting, tree removal, footpath renewal or construction of new vehicle entrances proposed to be undertaken within the road reserve (ie the carriageway, verge or footpath area) requires an independent approval from Council pursuant to the Local Government Act. Further enquiries should be directed to the Works and Engineering team on 8563 8444.

### Panel Decision

Moved: R Veitch

Seconded: D Reiman

That the recommendation be adopted.

**CARRIED**

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

### **7.1 960/208/2019 (228 Moculta Road, 276 Moculta Road, Allot 91 Moculta Road, Allot 1 Moorooroo Road, 422A Moculta Road and 516 Moculta Road Penrice)**

#### **Recommendation**

The Barossa Assessment Panel, having considered the application for consent to carry out a Non Complying development of land and pursuant to the provisions

of the *Development Act 1993* resolves that the development proposal has sufficient merit to proceed to make an assessment of the Application No. 960/208/2019 by G Fechner to undertake Torrens Title Land Division - Boundary Re-alignment - DAC Unique ID 64677 - Non-Complying at 228 Moculta Road, 276 Moculta Road, Allot 91 Moculta Road, Allot 1 Moorooroo Road, 422A Moculta Road, 516 Moculta Road, Penrice (CT 5202/252; 5314/652; 5459/709; 5630/136; 5856/285; 5973/91).

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Development Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan;
- (c) That the Panel resolves to proceed to assessment of a non-complying development proposal.

**Panel Decision**

Moved: D Reiman

Seconded: R Miller

That the recommendation be adopted.

**CARRIED**

**8. REPORTS – DEFERRED APPLICATIONS FOR DECISION**

Nil.

**9. REPORTS - PANEL UPDATES**

**9.1 State Planning Commission Concurrence Matters**

**Recommendation**

That the report be received.

**Panel Decision**

Moved: G Hewitt

Seconded: D Reiman

That the recommendation be adopted.

**CARRIED**

**10. REPORTS - OTHER BUSINESS**

Nil.

**11. REPORTS – CONFIDENTIAL**

Nil.

**12. OTHER BUSINESS**

Meeting apology

R Miller tendered an apology for the 1 October Barossa Assessment Panel Meeting.

Update on Planning, Development and Infrastructure Act

G Mavrincac advised Panel Members to give consideration to forthcoming delegation requirements, and confirmed that Panel Member training would be available later in the year.

**13. NEXT MEETING**

Tuesday 1 October 2019 commencing at 5.00pm.

**14. CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 5:14pm.

Confirmed

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