

BAROSSA ASSESSMENT PANEL

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

Tuesday, 4 December 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
Rob Veitch	Member (5:09pm)
Deirdre Reiman	Member
Grant Hewitt	Member
Richard Miller	Member

Council Staff

Gary Mavrinac	Director, Development and Environmental Services
Louis Monteduro	Assessment Manager
Janine Lennon	Senior Assessment Officer - Planning
Chris Kruger	Minute Secretary

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

D Reiman

Seconded: G Hewitt

That the minutes of the Barossa Assessment Panel meeting held on 13 November 2018 be received and confirmed.

CARRIED

4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

Nil

The following disclosures have been made in relation to:

Item	Panel Member
Report 6.1 Poonawatta Enterprises – Cellar Door Sales Outlet , Deck and Advertising Sign	Rob Veitch A letter of support from the Barossa, Gawler, Light and Adelaide Plains (BGLAP) RDA CEO is included in the attachment to the application. As Adelaide Plains Council's Board Member, it may be perceived as a conflict of interest.

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/305/2018 (1227 Eden Valley Road Flaxman Valley)

R Veitch had declared a conflict of interest, however was not in attendance at the time the application was considered by 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. 960/305/2018 by Poonawatta Enterprises to undertake Cellar Door and Advertising signage at 1227 Eden Valley Road, Flaxman Valley (CT 5832/396) 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. 960/305/2018 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 Barossa Council.

- (2) Prior to the issuing of Development Approval a wastewater application and engineer's report outlining the type and size of system to be installed to deal with effluent as per the *Public Health (Wastewater) Regulations 2011*, to the satisfaction of Council, must be submitted to and approved by Council. When approved, the plan will be endorsed and will then form part of this consent.

Reason: To ensure the land is developed in an orderly manner.

- (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:

- 11.00 am to 5.00 pm, seven days per week.

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

- (5) 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.

- (6) 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.

- (7) During construction of the approved development the following shall be mitigated and measures taken so that:

- Dust generated at the site shall be reasonably controlled at all times to prevent nuisance to occupants of adjoining land.
- Noise generated at the site shall be kept to the minimum level that is reasonably practicable.
- Appropriate erosion control measures shall be employed to prevent soil removal from the site by stormwater runoff, and to prevent siltation of watercourses, to the reasonable satisfaction of Council's Director – Works and Engineering.
- Any dirt or debris from the site deposited onto existing roadways by the applicant's contactors or sub-contractors shall be cleared immediately.

Reason: To ensure that the construction process is managed in a manner which prevents adverse off-site impacts.

- (8) 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.

- (9) 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.

- (10) 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.

- (11) Before the use commences and/or occupation of the development, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- Constructed
- Properly formed to such levels that they can be used in accordance with the plans
- Surfaced with an all-weather material to the satisfaction of Council to prevent dust and gravel being emitted from the site
- Drained and maintained
- Delineated to indicate each car space and all access lanes

to the satisfaction of Council.

Reason: To ensure that all car parking and access ways are sealed and construction to the satisfaction of Council.

Department of Planning, Transport and Infrastructure Conditions

- (12) The access to Eden Valley Road shall be designed in general accordance with Brooksby Design and Drafting, Proposed Cellar Door Sales Building, Deck and Roadside Sign Plan, Sheet 1, Issue D, dated 21 August 2018. The 7.3 metres wide access at the property boundary shall be flared to the sealed carriageway.
- (13) The access point shall be spray sealed from the sealed carriageway to the property boundary to minimise deterioration of the road edge and dust and stones being dragged onto the sealed carriageway.
- (14) All vehicles shall enter and exit the site in a forward direction.
- (15) All off-street car parking areas shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
- (16) The advertising sign shall be located fully within private property and positioned so as not to restrict driver sight lines entering and exiting the widened access.
- (17) Any stormwater run-off shall be collected on-site and disposed of safely without jeopardising the safety of the adjacent roads. Any alterations to the existing road drainage infrastructure as a result of this development shall be at the expense of the applicant.

Advisory Notes

- (1) 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.

Panel Decision

Moved: R Miller

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

The meeting adjourned at 5:08pm to allow for the arrival of R Veitch.

R Veitch joined the meeting, and the meeting recommenced at 5:10pm.

6.2 960/819/2017 (159 Herrmann Thumm Drive Lyndoch)

Graham Burns (Masterplan) addressed the Panel at 5:11pm on behalf of the Applicant, Chateau 1847 Yaldara, and answered questions from the Panel.

Recommendation

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the development proposal is not seriously at variance to The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/819/2017 by Chateau 1847 Yaldara to undertake alterations to an existing two-storey building, demolition and partial demolition of numerous sheds; Continue use as a Function Centre (ground floor), additional use Motel incorporating eleven rooms (first floor) at 159 Herrmann Thumm Drive, Lyndoch (CT 5879/169) 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. 960/819/2017 except where varied by any condition(s) listed below.
 - Statement of Effect, prepared by MasterPlan and dated 12 October 2018
 - Site Plan – Existing Demolition, drawn by Studio Nine Architects, Drawing No 0910-368-PA01, dated 12.12.2017
 - Site Plan – Proposed, drawn by Studio Nine Architects, Drawing No 0910-368-PA02, dated 18.02.2018

- Manor House – Ground Floor Plan Existing – Existing Demolition, drawn by Studio Nine Architects, Drawing No 0910-368- PA03, dated 12.12.2017
- Manor House – First Floor Plan Existing, drawn by Studio Nine Architects, Drawing No 0910-368-PA04, dated 12.12.2017
- Manor House – Ground Floor Proposed, drawn by Studio Nine Architects, Drawing No 0910-368-PA05, dated 12.12.2017
- Manor House – First Floor Proposed, drawn by Studio Nine Architects, Drawing No 0910-368-PA06, dated 12.12.2017
- Manor House – Roof Plan, drawn by Studio Nine Architects, Drawing No 0910-368-PA07, dated 12.12.2017
- Manor House – Elevations - Existing, drawn by Studio Nine Architects, Drawing No 0910-368-PA08, dated 12.12.2017
- Manor House – Elevations - Proposed, drawn by Studio Nine Architects, Drawing No 0910-368-PA09, dated 12.12.2017

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

- (2) Prior to the issue of Development Approval a waste control system shall be approved pursuant to the *South Australian Public Health Act 2011*.

Reason: To ensure that the proposal is constructed in accordance with the requirements of the *South Australian Public Health Act 2011*.

- (3) Prior to occupation of the approved works, two accessible parking bays will be provided in accordance with Accessible (Disabled) Parking – AS 2890.6, detail of the accessible parking bays shall be provided to the satisfaction of Council prior to the issue of Development Approval.

Reason: To ensure that the proposal has adequate regard to the provision of access to people with disabilities.

- (4) No more than 22 people shall be accommodated within the accommodation facility at any one time.

Reason: To ensure that the proposal is maintained as small scale tourist accommodation.

- (5) The premises shall not be occupied or used for the approved purpose until all work has been completed in accordance with the approved application and the conditions of consent.

Reason: To ensure that the proposal is used, run and maintained as approved by the Planning Authority.

- (6) The colour of the external roof and/or wall materials shall match or blend with those of the existing building. Where metal cladding is used, it shall have a colorbond type of finish.

Reason: To ensure that the proposal is used, run and maintained as approved by the Planning Authority.

- (7) The existing landscaping (with the exception of the four pine trees to be removed) shall be retained to screen the structure/development and shall be replaced if they die or become seriously diseased with other landscaping plant species of the same expected mature height and foliage cover.

Reason: To ensure that the proposal is used, run and maintained as approved by the Planning Authority.

Panel Decision

Moved: R Miller

Seconded: R Veitch

That the recommendation be adopted.

CARRIED

7. REPORTS – APPLICATIONS TO PROCEED TO ASSESSMENT

Nil.

8. REPORTS - PANEL UPDATES

8.1 SCAP Concurrence Matter

State Planning Commission Concurrence Matters.

Recommendation

That the report be received.

Panel Decision

Moved: D Reiman

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

9. REPORTS - OTHER BUSINESS

Appointment of Elected Member (s) to Barossa Assessment Panel

Following the recent Local Government Elections, G Mavrinac acknowledged the re-appointment of Cr Richard Miller (Member) to the Barossa Assessment Panel, and that of Cr Russell Johnstone as Deputy Member for a two year term, aligning with the Terms of Reference.

Independent Panel Members are appointed to 30 June 2019 pending the implementation of the Accredited Professionals Scheme, for which a recruitment process will commence prior to the introduction of the Scheme.

Information Papers available on the SA Planning Portal

B Ballantyne referred members to the SA Planning Portal (www.saplanningportal.sa.gov.au) as an excellent source for Papers in relation to various Planning matters,

Christmas Greetings

B Ballantyne thanked Panel Members and Council Staff for their contributions during 2018, and extended Christmas greetings.

10. REPORTS – CONFIDENTIAL

Nil.

CARRIED

11. NEXT MEETING

Tuesday 5 February 2019 commencing at 5.00pm.

12. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 5:24pm.

Confirmed

Date: Chairman: