

# BAROSSA ASSESSMENT PANEL

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

**Tuesday, 2 June 2020 commencing at 5:00pm**

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



*The Barossa Council*

# MINUTES



## Index

<b>1.</b>	<b>Welcome</b>	Page 4
<b>2.</b>	<b>Attendance</b>	Page 4
<b>3.</b>	<b>Confirmation of Minutes</b>	Page 4
<b>4.</b>	<b>Business Arising</b>	Page 5
<b>5.</b>	<b>Declaration of Interest by Members of the Panel</b>	Page 5
<b>6.</b>	<b>Reports – Applications for Decision</b>	
	6.1 960/513/2019 (25 North Street Angaston)	Page 5
	6.2 960/62/2018/C (Allot 241 Research Road Nuriootpa)	Page 7
	6.3 960/13/2020 (55 Mirooloo Road Flaxman Valley)	Page 9
<b>7.</b>	<b>Reports – Applications to Proceed/Not to Proceed to Assessment</b>	Page 14
<b>8.</b>	<b>Reports – Deferred Applications for Decision</b>	Page 14
<b>9.</b>	<b>Reports – Panel Updates</b>	
	9.1 SCAP Concurrence Matter	Page 14
<b>10.</b>	<b>Reports – Other Business</b>	Page 14
<b>11.</b>	<b>Reports – Confidential</b>	
	11.1 ERD Court Appeal – 960/345/2019 – 44 Washington Street Angaston – Land Division – Create One Additional Allotment	Page 15
<b>12.</b>	<b>Reports – Next Meeting</b>	Page 16
<b>13.</b>	<b>Closure of Meeting</b>	Page 16

## 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
Grant Hewitt	Member
Deirdre Reiman	Member
Richard Miller	Member

Louis Monteduro	Assessment Manager
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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

Rob Veitch.

### 2.3 Absent

Nil.

## 3. CONFIRMATION OF MINUTES

Moved: G Hewitt

Seconded: D Reiman

That the minutes of the Barossa Assessment Panel meeting held on 5 May 2020 be received and confirmed.

**CARRIED**

## 4. BUSINESS ARISING

Nil.

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

The following disclosures have been made in relation to:

Item	Panel Member
6.1 960/513/3019 25 North Street Angaston R Miller has a professional relationship with the Applicants.	R Miller

## 6. REPORTS - APPLICATIONS FOR DECISION

### 6.1 960/513/2019 (25 North Street Angaston)

R Miller left the meeting at 5:04pm due to a stated conflict of interest.

E Walker (ESD Planning and Design) distributed a plan showing possible building envelope options.

Representors

Drew Edwards (on behalf of David and Beryl Underwood) addressed the Panel at 5:07pm, and answered questions from the Panel.

Peter Flaherty addressed the Panel at 5:13pm, and answered questions from the Panel.

Applicant

Elinor Walker (ESD Planning and Design) addressed the Panel at 5:17 pm, 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. 960/513/2019 by Pyper Leaker Surveying and W S Rohrlach and K A Rohrlach to undertake Community Title Land Division - Create five additional allotments at 25 North Street, ANGASTON (CT 5365/610 and CT 5365/612)

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 960/132/2019 (960/D012/19) 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) Any and all internal existing waste water system components that cross the proposed allotment boundaries must be severed or redirected at the applicants cost to ensure that waste water systems relating to each allotment is contained entirely within its boundaries.

Reason: To ensure all on-site services are maintained entirely on its respective allotment.

- (3) The applicant shall construct all services and infrastructure to service each allotment, including:

- roads
- water supply
- storm water drainage
- electricity and communications

to the reasonable satisfaction of Council.

Reason: To ensure that minimum infrastructure requirements are met for the allotments.

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

- (4) All access shall be gained via rights of way C/D only.
- (5) The shared driveway shall cater for any simultaneous two-way movements of all expected vehicles.
- (6) To prevent dust and debris being transferred onto North Street, the shared access shall be sealed from the property boundary to the edge of the road carriageway.
- (7) Pedestrian sightlines shall be maintained at the access point in accordance with AS/NZS 2890.1:2004 Fig 3.3 'Minimum Sightlines for Pedestrian Safety'.
- (8) All vehicles must enter and exit North Street in a forward direction.
- (9) Stormwater shall be collected on-site and discharged without jeopardising the safety and integrity of North Street. Any

alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

## Panel Decision

Moved: G Hewitt

Seconded: D Reiman

The Barossa Assessment Panel resolved to defer consideration of Application 960/513/2019, pending further information to be provided by the Applicant, such as potential for reduction in the number of allotments to comply with minimum requirements, siting of future buildings, access road construction and maintenance details, waste water system provision taking into account existing water bores, and nature of future boundary fencing.

**CARRIED**

R Miller returned to the meeting at 5:34pm.

## 6.2 960/62/2018/C (Allot 241 Research Road 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 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/C by Vinpac International Pty Ltd and Master Plan SA Pty Ltd to undertake Construction of a Winery Wastewater Treatment Facility (8.7ML storage and aeration dam) and Irrigation Water Re-use (inflow up to 61.5ML/year); AMENDMENT - Construction of two additional dams for aeration (6ML and 9ML), 8.7ML dam to be used as storage, alteration to irrigation system and planting scheme, installation of pipework to and from VINPAC. STAGE 1 - Construction of pipeline from Dorrien Estate to site, installation of irrigation system, planting of all vegetation and landscaping. STAGE 2 - Construction of wastewater treatment plant and aeration and storage dam at Allot 241 Research Road, NURIROOTPA (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. 960/62/2018/C except where varied by any condition(s) listed below.

- a. Statement of Effect (SoE), prepared by MasterPlan and dated 17 March 2020;
- b. Dorrien - Vinpac Wastewater Treatment and Re-use scheme – Supporting Information for Development Application prepared by Land Energy Pty Ltd and Waterform Pty Ltd and dated November 2019 (forming attachment A to the SoE); and
- c. Variation Plans prepared by MasterPlan dated Nov 2019 (forming attachment B to the SoE).

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. Statement of Effect (SoE), prepared by MasterPlan and dated 17 March 2020;
  - b. Dorrien - Vinpac Wastewater Treatment and Re-use scheme – Supporting Information for Development Application prepared by Land Energy Pty Ltd and Waterform Pty Ltd and dated November 2019 (forming attachment A to the SoE); and
  - c. Variation Plans prepared by MasterPlan dated Nov 2019 (forming attachment B to the SoE).

#### **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\\_licence](http://www.epa.sa.gov.au/business_and_industry/applying_for_a_licence)

- (c) It is likely that a licence application would need to be accompanied by a Environmental Management Plan (including a commissioning plan). Further, licence conditions would likely require the provision of a Wastewater Irrigation Management Plan (WIMP) for irrigation on the subject land.
- (d) 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.
- (e) 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: R Miller

Seconded: D Reiman

That the recommendation be adopted.

**CARRIED**

### **6.3 960/13/2020 (55 Mirooloo Road Flaxman Valley)**

T White (Planning Solutions SA) 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. 960/13/2020 by MB Mason and JM Mason to undertake Partial Change in Use of existing building from Home Based Industry (Workshop/Classroom and Showroom) to include Cellar Door Sales at 55 Mirooloo Road, FLAXMAN VALLEY (CT

5956/626) 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 plans and documentation (as amended) accompanying the application, as follows:
- Statement of Support, prepared by Planning Solutions SA, dated January 2020
  - Statement of Effect, prepared by Planning Solutions SA, dated April 2020 (including floor plans and elevations)

Unless varied by the following conditions.

Reason: To ensure the development is undertaken in accordance with authorised documentation.

- (2) The development authorised herein, including any driveway or car parking areas, shall be managed so that the amenity of the area is not detrimentally affect, through the:
- Transport of materials, goods or commodities to or from the land
  - Appearance of any building, works or materials
  - Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil
  - Presence of vermin

Reason: To ensure potential impacts to adjacent land users is minimised.

- (3) Unless with the prior written consent of Council, the use authorised herein may only operate between (inclusive) the following hours:

Monday-Saturday: 9.00 am-5.00 pm

Sunday: 10.00 am-4.00 pm

Reason: To ensure the development operates within authorised times.

- (4) No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the reasonable satisfaction of council.

Reason: To minimise potential impacts to adjacent land users.

- (5) Any noise generating activity 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 potential impacts to adjacent land users.

- (6) 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 potential impacts to adjacent land users.

- (7) All driveway access, car parking and vehicle manoeuvring areas shall comply with the requirements of AS2890.1 *Parking facilities – Part 1: Off-street car parking*

Reason: To ensure access and car parking is undertaken in accordance with relevant Australian Standards.

**Notes:**

- (a) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by Council or 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.
- (b) 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.
- (c) 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.
- (d) 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.

**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. 960/13/2020 by MB Mason and JM Mason to undertake Partial Change in Use of existing building from Home Based Industry (Workshop/Classroom and Showroom) to include Cellar Door Sales at 55 Mirooloo Road, FLAXMAN VALLEY (CT 5956/626) 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 plans and documentation (as amended) accompanying the application, as follows:
- Statement of Support, prepared by Planning Solutions SA, dated January 2020
  - Statement of Effect, prepared by Planning Solutions SA, dated April 2020 (including floor plans and elevations)

Unless varied by the following conditions.

Reason: To ensure the development is undertaken in accordance with authorised documentation.

- (2) The development authorised herein, including any driveway or car parking areas, shall be managed so that the amenity of the area is not detrimentally affect, through the:
- Transport of materials, goods or commodities to or from the land
  - Appearance of any building, works or materials
  - Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil
  - Presence of vermin

Reason: To ensure potential impacts to adjacent land users is minimised.

- (3) Unless with the prior written consent of Council, the use authorised herein may only operate between (inclusive) the following hours:

Monday-Saturday: 9.00 am-5.00 pm

Sunday: 10.00 am-4.00 pm

Reason: To ensure the development operates within authorised times.

- (4) No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the reasonable satisfaction of council.

Reason: To minimise potential impacts to adjacent land users.

- (5) Any noise generating activity 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 potential impacts to adjacent land users.

- (6) 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 potential impacts to adjacent land users.

- (7) All driveway access, car parking and vehicle manoeuvring areas shall comply with the requirements of AS2890.1 *Parking facilities – Part 1: Off-street car parking*

Reason: To ensure access and car parking is undertaken in accordance with relevant Australian Standards.

- (8) Car parking to be compliant with disability access requirements, and established in accordance with Australian Standard 2890.6.

**Notes:**

- (a) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by Council or 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.
- (b) 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.
- (c) 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.

- (d) 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.

**CARRIED**

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

Nil.

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

Nil.

**9. REPORTS - PANEL UPDATES**

**9.1 SCAP Concurrence Matter**

**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**

**11.1 ERD Court Appeal – 960/345/2019 – 44 Washington Street Angaston – Torrens Title Land Division – Create One Additional Allotment**

## 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 Regulation 13(2) 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 Director, Development and Environmental Services, Assessment Manager, Principal Planner, 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 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: D Reiman

That the recommendation be adopted.

**CARRIED**

At 5:48pm the meeting moved into confidence.

At 5:54pm the confidential session ceased and the meeting reopened to the public.

Moved: G Hewitt

Seconded: R Miller

That the Barossa Assessment Panel has considered Confidential Item 11.1 ERD Court Appeal – 960/345/2019 – 44 Washington Street Angaston – Torrens Title Land Division – Create One Additional and resolves as follows:

- (a) Confidential Resolution.
- (b) Pursuant to Regulation 14(4) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the Barossa Assessment Panel resolves to exclude from the minutes and from the version of the agenda report made available to the public the information dealt with on a confidential basis by the Barossa Assessment Panel.

**CARRIED**

**12. NEXT MEETING**

Tuesday 7 July 2020 commencing at 5.00pm.

**13. CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 5:57pm.

Confirmed

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