

BAROSSA ASSESSMENT PANEL

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

Tuesday, 2 October 2018 commencing at 5:00pm

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



The Barossa Council

MINUTES

Index

1.	Welcome	Page 4
2.	Attendance	Page 4
3.	Confirmation of Minutes	Page 4
4.	Business Arising	Page 5
5.	Declaration of Interest by Members of the Panel	Page 5
6.	Reports - Applications for Decision	Page 5
	6.1 960/158/2018 (48 George Street Williamstown)	Page 5
	6.2 960/237/2018 (7 Miller Street Springton)	Page 5
7.	Reports – Applications to Proceed to Assessment	Page 8
8.	Reports – Deferred Applications for Decision	Page 8
	8.1 960/78/2018 (128 Calton Road Kalbeeba)	Page 8
9.	Reports – Panel Updates	Page 12
	9.1 SCAP Concurrence Matter	Page 12
10.	Reports – Other Business	Page 12
	10.1 Accredited Professional Scheme Draft August 2018	Page 12
11.	Reports - Confidential	Page 12
12.	Next Meeting	Page 13
13.	Closure of Meeting	Page 13

1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5:02pm.

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
Gary Mavrinc	Director, Development and Environmental Services
Janine Lennon	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 4 September 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

6.1 960/158/2018 (48 George Street Williamstown)

L Monteduro advised the Panel that application 960/158/2018 had been withdrawn by Council administration, on behalf of the Applicant, Green Light Planning Solutions.

6.2 960/237/2018 (7 Miller Street, Springton)

Representors

Nicola Snadden (on behalf of Springton Property Pty Ltd) addressed the Panel at 5:05pm, and answered questions from the Panel. A Copy of a medical certificate was produced which confirmed an existing medical condition. Photographs demonstrating views of the subject land and neighbouring properties were also distributed.

James Bowden addressed the Panel at 5:15pm, and answered questions from the Panel.

Applicant

Michelle Barr (Edenmae Pty Ltd) addressed the Panel at 5:24pm, 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. 960/237/2018 by Edenmae Pty Ltd to undertake a variation to development application 960/597/2014 to extend operating hours to 11.00 pm and increase to 50 patrons, maximum at 7 Miller Street, Springton (CT 5983/854) 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. 960/237/2018, including:
- Email dated 21 June 2018 from Michelle Barr (Edenmae) to The Barossa Council
 - Letter dated 11 April 2018 from Michelle Barr (Edenmae) to The Barossa Council unless where varied by any condition(s) below.
- Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.
- (2) No more than 50 patrons shall be accommodated on-site at any one time.
- Reason: To ensure that there is no adverse amenity impacts on the locality.
- (3) The premises shall not be used outside the hours of 10:00 am to 11:00 pm on any day.
- Reason: To ensure that there is no adverse amenity impacts on the locality.
- (4) No live music shall be played courtyard, without the prior consent from Council.
- Reason: To ensure that there is no adverse amenity impacts on the locality.
- (5) Noise generated at the site shall be kept to the minimum level that is reasonably practicable to the satisfaction of Council.
- Reason: To ensure that there is no adverse amenity impacts on the locality.
- (6) Signage shall be provided within the property boundary advising patrons, to leave quietly and avoid disturbing the neighbours, or to that affect.
- Reason: To ensure that there is no adverse amenity impacts on the locality.

Advisory Notes

- (1) Development should be consistent with the relevant provisions in the current *Environment Protection (Noise) Policy*.

Panel Decision

Moved: R Miller

Seconded: D Reiman

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) To REFUSE Development Plan Consent for Application No. 960/237/2018 by Edenmae Pty Ltd to vary Application 960/597/2014 to extend operating hours to 11:00pm and increase to 50 patrons maximum for land located at 7 Miller Street, Springton for the following reasons:

The proposed development is contrary to:

- Township Zone Objective 5

Reason: Development that contributes to the desired character of the zone.

- Springton Character Statement

Reason: It is envisaged that opportunities for commercial, retail or industrial development in Springton will be limited to those compatible with the residential amenity and character. Development particularly in the main street area will reflect the existing character.

- Land Use Principles of Development Control 4

Reason: Business and commercial development should be of a scale and function consistent with the role of the township as a local service centre supplying a range of goods and services to the local community, the surrounding district and visitors to the area.

- Form and Character Principles of Development Control 6

Reason: Development should not be undertaken unless it is consistent with the desired character for the zone.

CARRIED

7. REPORTS – APPLICATIONS TO PROCEED TO ASSESSMENT

Nil.

8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

8.1 960/78/2018 (128 Calton Road Kalbeeba)

A Motion was out by the Chair, that the Barossa Assessment Panel to move into confidence.

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:

- (iv) commercial information of a confidential nature (not being a trade secret) the disclosure of which-
 - (A) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (B) would, on balance, be contrary to the public interest

Recommendation

That:

- (1) Pursuant to Section 13 of the *Planning, Development and Infrastructure (General) Regulations 2017* the Barossa Assessment Panel orders that the public be excluded from the meeting with the exception of the Assessment Manager, Planners and the Minute Secretary, on the basis that it will consider radio frequency coverage mapping for development application 960/78/2018.
- (2) Accordingly, on this basis, the Barossa Assessment Panel is satisfied that the principle that meetings of the assessment panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Panel Decision

Moved: D Reiman

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

At 5:43pm the meeting moved into confidence and discussion ensued. A presentation was made to the Panel by Daniel Hay of Visionstream on behalf of Telstra. As no decision was made, there are no minutes applicable.

At 6:09pm the confidential session ceased and the meeting reopened to the public.

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) That the Barossa Assessment Panel view the radio frequency coverage mapping confidentially at the Barossa Assessment Panel meeting.
- (b) 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.
- (c) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (d) To GRANT Development Plan Consent for Application No. 960/78/2018 by Visionstream on behalf of Telstra to undertake Telecommunications Facility; consisting of a 40 metres Monopole (overall height no greater than 40.84 metres), triangular head frame, six (6) panel antennas (no greater than 2.8 metres in length), three (3) remote radio units, one (1) equipment shelter and a 2.4 metre high fence surrounding the telecommunications facility at 128 Calton Road, Kalbeeba (CT 5753/94) 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. 960/78/2018, including:
 - Document titled Planning Assessment Report Project No.: SN06544.01 dated November 2017
 - Document titled Barossa Valley – Kalbeeba: SN06544.01 – submitted to The Barossa Council on 13 September 2018
 - DWG No. S107414 – S1, G8, G8-1 dated 15 May 2018 and submitted to Council on 13 September 2018
 - DWG No. S107414 – S1-1, S1-2, S3 dated 15 May 2018 and submitted to Council on 13 February 2018

Unless where varied by any condition(s) below.

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

- (2) The existing 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 local native vegetation for screening.

- (3) The landscaping as detailed in the application for development shall be established at the time of substantial completion of the building and shall be maintained in good health and condition at all times. Any 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 local native vegetation for screening.

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

Reason: To contribute to the amenity of the locality.

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) That the Barossa Assessment Panel view the radio frequency coverage mapping confidentially at the Barossa Assessment Panel meeting.
- (b) 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.
- (c) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (d) To GRANT Development Plan Consent for Application No. 960/78/2018 by Visionstream on behalf of Telstra to undertake Telecommunications Facility; consisting of a 40 metres Monopole (overall height no greater than 40.84 metres), triangular head frame, six (6) panel antennas (no greater than 2.8 metres in length), three (3) remote radio units, one (1) equipment shelter and a 2.4 metre high fence surrounding the telecommunications facility at 128 Calton Road, Kalbeeba (CT 5753/94) 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. 960/78/2018, including:
- Document titled Planning Assessment Report Project No.: SN06544.01 dated November 2017
 - Document titled Barossa Valley – Kalbeeba: SN06544.01 – submitted to The Barossa Council on 13 September 2018
 - DWG No. S107414 – S1, G8, G8-1 dated 15 May 2018 and submitted to Council on 13 September 2018
 - DWG No. S107414 – S1-1, S1-2, S3 dated 15 May 2018 and submitted to Council on 13 February 2018

Unless where varied by any condition(s) below.

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

- (2) The existing 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 local native vegetation for screening.

- (3) The additional landscaping as detailed in the application for development shall be established at the time of substantial completion of the building and shall be maintained in good health and condition at all times. Any vegetation that dies or becomes seriously diseased shall be replaced with others of the same, or similar varieties.

A plan showing all proposed landscaping is to be submitted depicting suitable plant species that screen the buildings and the tower to the reasonable satisfaction of council. Plant species should be compatible for use with residential development and be designed to screen the bulk of the proposed equipment shelter and the height of the tower structure.

Reason: To maintain the amenity of the locality.

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

Reason: To contribute to the amenity of the locality.

CARRIED

9. REPORTS - PANEL UPDATES

9.1 SCAP Concurrence Matter

Recommendation

That the report be received.

Panel Decision

Moved: D Reiman

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

10. REPORTS – OTHER BUSINESS

10.1 Accredited Professional Scheme Draft August 2018

Recommendation

That the Barossa Assessment Panel having considered Item 9.1 Accredited Professional Scheme – Draft August 2018 resolves to note that the scheme draft paper has been released for consultation and that members can make a submission by 17 October 2018.

Panel Decision

Moved: R Veitch

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 13 November 2018 commencing at 5.00pm.

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:20pm.

Confirmed

Date: Chairman: