

BAROSSA ASSESSMENT PANEL

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

Wednesday, 22 February 2023, commencing at 5.00 pm

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



The Barossa Council

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1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5:01pm.

2. ATTENDANCE

2.1 Present

Panel Members

Michael Wohlstadt	Presiding Member
Jake McVicar	Member
Susan Giles	Member
Grant Hewitt	Member
Jane Evans	Member
Aaron Curtis	Assessment Manager

Council Staff

Gary Mavrinac	Director, Development and Environmental Services
Steve Kaesler	Manager, Engineering Services
Chris Kruger	Minute Secretary

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. BUSINESS ARISING

Nil.

4. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

Nil.

5. REPORTS – APPLICATION FOR DECISION (PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016)

5.1 22043062 - Allot 102 Samuel Road Nuriootpa

Representors

Ian Falkenberg addressed the Panel at 5:03pm, and answered questions from the Panel.

Applicant

Jason Cattonar (Future Urban) representing Nuriootpa Traders Pty Ltd, addressed the Panel at 5:14pm, and answered questions from the Panel.

Ben Wilson (Cirqa) answered questions from the Panel (via Teams) at 5:23pm.

Harry Pho (MLEI) answered questions from the Panel at 5:26pm.

Steve Kaesler (Manager, Engineering Services) answered questions from the Panel at 5:31pm.

PANEL DECISION

Moved: J McVicar

Seconded: G Hewitt

Not Seriously at Variance

The Barossa Assessment Panel, having considered the application, resolves that the development proposal has sufficient merit, and is not seriously at variance with the Planning and Design Code.

CARRIED

PANEL DECISION

Moved: G Hewitt

Seconded: S Giles

Character Preservation

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, has resolved that there are no significant impacts on the character values of the district.

CARRIED

PANEL DECISION

Moved: J McVicar

Seconded: G Hewitt

Granting of Planning Consent

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the Planning, Development and Infrastructure Act 2016 resolves to GRANT Planning Consent for Development Application No. 22043062 involving “*Construction of an integrated storage and transport distribution facility comprising storage and warehousing buildings, ancillary offices, workers’ accommodation, truck workshop, container storage area, weighbridge, fuel storage, retaining walls and fencing and associated hardstand car parking and manoeuvring areas, stormwater basins, landscaping and Samuel Road site access upgrades*” by Nuriootpa Traders Pty Ltd at Allot 102, Samuel Road, Nuriootpa (CT Volume 6160 / Folio 23) subject to the following reserved matters, conditions and advisory notes:

Reserved Matters

Pursuant to Section 102(3) of the *Planning, Development and Infrastructure Act 2016*, the Relevant Authority reserves its decision in relation to the following matters, and delegates the decision to authorise satisfaction of Reserved Matters to the Assessment Manager:

- (1) The applicant shall submit a final working Landscape Plan for approval, that includes all of the following:
 - a) Final location for all proposed landscaping, comprising trees, shrubs and groundcovers;
 - b) Final nominated species to be used, noting species shall be suited to the local conditions;
 - c) Shade trees within the hardstand areas;
 - d) Planting types and locations to be considerate of site features including batters and detention basins;
 - e) Landscaping to stabilise batters and prevent overland flow of stormwater management;
 - f) Pot sizes, noting advanced growth trees shall be used;
 - g) Irrigation and maintenance methods, including protection of plantings from vehicles and pedestrians;
 - h) Retention of existing native vegetation as marked on the approved plans.
- (2) The relevant toilet facilities as shown within the approved buildings shall be granted authorisation to connect to an authorised wastewater system pursuant to the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*.
- (3) Construction Environment Management Plan which shall include all of the following:

- a) Proposed hours of operation during construction;
 - b) Arrangements for management of stormwater noise and dust during construction period;
 - c) Measures to minimise drag-out from the site during wet weather events;
 - d) Where contaminated soils are identified and/or disturbed, measures to contain soils to the satisfaction of the EPA;
 - e) Access is preserved for Teusner Wines via the existing right of way.
- (4) The stormwater drainage design shall include final Stormwater Management Plan and Stormwater Calculations. The plan shall adopt and achieve all of the following:
- a) Detention shall be provided to limit the 5% AEP post-development peak discharge to the 5% AEP pre-development peak discharge from the site. The pipework connecting the site discharge to Kalimna Creek shall be appropriately sized to accommodate the 1% AEP discharge flows, inclusive of the upstream catchment express flows.
 - b) The impervious and pervious fractions shall be 90% and 10% respectively.
 - c) Stormwater flow passage from the external catchment shall be addressed and contained within appropriate easement as it relates to the whole of the site, registered to The Barossa Council. The easement shall be 3 metres wide or 4 metres where shared with a CWMS easement. It must be demonstrated that there is adequate space to establish the easement.
 - d) The current Nuriootpa CWMS drain traversing the site shall be replaced with a new drain, constructed to SA Health CWMS standard and shall be sized to service all current connected CWMS loads and projected capacity from the development. The drain shall be protected by an easement to The Barossa Council.
 - e) All new loads charged on the Nuriootpa CWMS shall be subject to a single connection point at the nominated point of connection to the new drain.
- (5) Final Civil and Siteworks Plan, prepared by a qualified and experienced stormwater engineer, for all civil and stormwater works, which shall address all of the following:
- a) Finished floor level for all buildings and hardstand surfaces;
 - b) Cut/fill details;
 - c) Retaining walls, kerbing and ramps, designs and grades;
 - d) Car parking dimensions, aisle widths, circulation movements and associated parking markings and signage;
 - e) Stormwater management arrangements including pipes, sumps, drains, swales and basins, sizes and grades;
 - f) Water sensitive design measures;
 - g) Surface water treatment to ensure water quality objectives are met;

- h) The new two-way vehicle access to the property at the northern connection to Samuel Road is in conflict with an existing underground stormwater concrete pipe that conveys stormwater from west to east in Samuel Road.
 - i) The minimum gate offset between the gate and Samuel Road boundary shall be adequate to accommodate the temporary parking of a B-Triple, to enable the temporary holding of the vehicle in an instance when the access gate is closed.
- (6) In respect to the final design and selection of air conditioning and ventilation equipment, an environmental noise assessment undertaken to assess sound power levels and relevant/applicable noise attenuation, enclosures or barriers required in order for the proposal to comply with the *Environment Protection (Noise) Policy 2007* (or later policy as amended from time to time).
- (7) Final designs for the Samuel Road access points to service the development, shall be provided, to give effect to the complete access design, which shall accord with the advice of Lisa Sapio, Manager – Development Services, Light Regional Council, 8 February 2023 and the acceptance of such works confirmed by the applicant in email from Jason Cattonar, Associate Director, Future Urban, 13 February 2023.
- Note: An Infrastructure Deed of Agreement shall be executed between Nuriootpa Traders Pty Ltd and Light Regional Council, to give effect to necessary works required within Samuel Road, as agreed between the parties.
- (8) Final designs for all batters and retaining walls as identified on the approved plans, with provision for appropriate stormwater management arrangements in place to manage overland flow and landscaping to stabilise soils and prevent erosion.
- (9) A Renewable Energy Assessment report shall be submitted, that assesses the total electrical demands of the facility and the optimal amount of roof top solar and other renewable forms of energy proposed to support that demand.

Council Conditions

- (1) The development shall be undertaken in accordance with the details submitted with the application and the following stamped approved plans and documents, except where varied by the conditions contained herein:

Plan Type	Prepared By	Drawing No./Doc No.	Issue No./Date
Planning Report	Future Urban	V3	22.12.22
Response to Representations	Future Urban	Not Stated	09.02.23
Site Plan	Startari	No. 143 A020 Rev 6	01.02.23
Fence Elevations	Startari	No. 143 A021 Rev 3	01.02.23
Landscape Site Plan	Startari	No. 143 A030 Rev 6	01.02.23
Overall Ground Floor Plan	Startari	No. 143 A100 Rev 6	01.02.23
Office and Sleeping Quarters Floor Plan	Startari	No. 143 A101 Rev 3	01.02.23
Workshop Floor Plan	Startari	No. 143 A102 Rev 2	01.02.23
Site External Elevations	Startari	No. 143 A200 Rev 5	01.02.23
Workshop External Elevations	Startari	No. 143 A201 Rev 3	01.02.23
Office and Sleeping Quarters External Elevations	Startari	No. 143 A202 Rev 3	01.02.23
Sections	Startari	No. 143 A220 Rev 4	01.02.23
Sections	Startari	No. 143 A221 Rev 3	01.02.23
3D Render	Startari	No. 143 A300 Rev 3	01.02.23
Environmental Noise Assessment	Resonate	A210816RP1 Rev A	13.12.22
Response to Representations	Resonate	A210816 Ref A210816LT1	08.2.23
Traffic and Parking Report	Cirqa	Project No. 22488 Rev V1.0	20.12.22
Response to Representations	Cirqa	Ref BNW	07.02.23
Stormwater Report	MLEI	Ref A2021-11834	01.02.23
Data Report	Ecosphere Ecological Solutions	Not Stated	12.12.23
Visual Lighting Advice	Lucid	LCE24497-001	17.01.23
Lighting Plan	Lucid	SK-EL-00001	17.01.23

- (2) An augmentation fee is applicable to account for the increase in loads on the Nuriootpa CWMS, pursuant to The Barossa Council's rates and charges, as levied under the *Water Industry Act*.

Note: The actual augmentation fee to be charged will be calculated and advised at time of Wastewater Application assessment.

- (3) Prior to commencement of use, the development shall be connected and remain connected to an approved wastewater system, pursuant to the *South Australian Public Health Act 2011*, to the reasonable satisfaction of the Relevant Authority.
- (4) The external building materials shall:
 - a) Be of new non-reflective materials; and
 - b) Be in accordance with the approved plans; and
 - c) Be maintained in good condition at all times.
- (5) Prior to occupation of the development, the landscaping works shown on the Approved Landscaping Plan, pursuant to Reserved Matter 1, must be carried out, completed and maintained to the satisfaction of the Relevant Authority. Any dead or diseased plantings shall be replaced.
- (6) Boundary retaining walls and fencing shall be established, prior to commencement of use, in accordance with the Approved Plans.
- (7) The stormwater disposal system shall be fully installed, prior to commencement of use, in accordance with the Approved Stormwater Management Plan and Approved Civil and Site Works Plan, pursuant to Reserved Matters 4 and 5 respectively. Adequate measures shall be deployed during construction, pursuant to the Construction Environmental Management Plan authorised by Reserved Matter 3, such that temporary disposal of surface or roof water does not adversely impact neighbouring properties.
- (8) All car parking, driveways and vehicle manoeuvring areas shall be constructed and finished in sealed surface in accordance with the Civil and Siteworks Plan, approved by the Relevant Authority pursuant to Reserved Matter 5. The surface shall consist of brick paving, concrete or bitumen to a standard appropriate for the intended traffic volumes and vehicles types. Individual car parking bays shall be clearly line-marked. Car parking, driveways and vehicle manoeuvring areas shall be completed, prior to commencement of use, and shall be maintained at all times thereafter in good condition to satisfaction of the Relevant Authority.
- (9) The car parking layout and associated aisle widths and car park manoeuvring areas shall be designed and constructed to comply with AS

2890.1 – Off-street Parking, Part 1 and Austroads "Guide to Traffic Engineering Practice Part 11 – Parking", AS 2890.2 – *Facilities for Commercial Vehicles*, and AS 2890.6 *Off-Street Parking for People with Disabilities*.

- (10) The car parking, driveways and vehicle manoeuvring areas shall be kept clear and unobstructed of buildings and structures, so as to enable continual and ongoing use of the car parking, driveways and manoeuvring areas at all times.
- (11) All loading and unloading of vehicles and manoeuvring of vehicles in connection with the approved development shall be carried out entirely within the site, at all times.
- (12) The detailed design of all internal footpaths and other publicly accessible areas within the site shall comply with the requirements of the *Disability Discrimination Act 1992*.
- (13) The minimum gate offset between the gate and Samuel Road boundary shall be adequate to accommodate the temporary parking of a B-Triple, to enable the temporary holding of the vehicle in an instance when the access gate is closed.
- (14) The maximum design vehicle accessing the site shall not exceed B-double.
- (15) Noise levels from the integrated storage and transport distribution facility measured at residences (the noise affected premises) shall comply with the *Environment Protection (Noise) Policy 2007* (or later policy as amended from time to time) at all times.
- (16) All of the recommendations contained in the Environmental Noise Assessment, prepared by Resonate, dated 13 December 2022, A210816RP1, Revision A and subsequent Environmental Noise Assessment, pursuant to Reserved Matter 6, shall be implemented to the extent applicable to the development. Refrigerated trailers, containers, units and the like are not permitted on the site at any time.
- (17) Except where otherwise approved, external lighting shall be restricted to that necessary for safe operations within the site and lighting shall be directed and shaded as necessary. All external lighting shall be in accordance with *Australian Standard 4282 – 2019 Outdoor Lighting Obtrusive Effects* so as to prevent any adverse effect or nuisance on adjoining sensitive receivers or drivers on adjacent public roads.
- (18) A bunding system shall be established in respect of the proposed fuel storage area, prior to commencement of use and shall be maintained in good condition at all times thereafter, in accordance with the

Environment Protection Authority Guidelines "*Liquid Storage*", May 2016, in order to minimise the risk of environmental harm from liquid spills and/or leaks.

- (19) The Energy Efficiency report, approved by the Relevant Authority under Reserved Matter 9, shall be implemented, prior to commencement of use.

Native Vegetation Council Conditions

- (20) Clearance areas are to be defined with barriers, pegs, flags or temporary fencing to ensure that native vegetation outside of the approved area is not damaged.
- (21) Native vegetation and trees retained in close proximity to the construction activity zone are to be protected with barriers (ie. fencing or flagging) in accordance with the Australian Standard for Protection of Trees on Development Sites AS 4970-2009.
- (22) Stockpiled materials, including cleared vegetation and excavated soil is not to be placed under native trees or on top of native understorey outside the approved area;
- (23) Construction vehicles, equipment or materials are not to be stored or placed on top of native vegetation outside the approved clearance area;
- (24) Construction vehicles, equipment or materials are not to be stored or placed within the Tree Protection Zone of retained trees.

Advisory Notes

- (1) Any variation of this approved development and/or the conditions of consent will require a separate request and approval from the Relevant Authority. Granting of Consent does not necessarily imply that future requests for variations will be approved. Any future requests will be assessed by having regard to the relevant rules and requirements in form at the time any request is made.
- (2) Any portion of Council's infrastructure damaged as a result of work undertaken in relation to the development shall be repaired and/or reinstated to Council's satisfaction at the developer's expense.
- (3) Any proposal to clear, remove limbs or trim native vegetation will require approval or confirmation of exemption from the Native Vegetation Council. An interactive guide is available to help owners and applicants determine the requirements that apply pursuant to the *Native Vegetation Act 1991*: <https://www.environment.sa.gov.au/topics/native-vegetation/interactive-guide>. Any specific queries regarding the

clearance, removal or trimming of native vegetation should be directed to the Native Vegetation Council.

- (4) The adjoining owner should be advised of the proposed work on the boundary and issues such as access to perform work, removal of fencing, finished levels and retaining walls should be resolved before commencement of building work. This approval does not give right to access neighbouring land or to replace or erect boundary fencing. Fencing work is subject to the provisions of the *Fences Act 1975*.
- (5) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to Regulation 75 of the *Planning, Development and Infrastructure (General) Regulations 2017*. Where mechanical equipment is required to construct retaining walls, the retaining walls may need to be constructed prior to construction of footings on-site.
- (6) 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.
- (7) EPA information sheets, guidelines documents, technical bulletins etc. can be accessed on the following web site: <http://www.epa.sa.gov.au>.
- (8) The applicant is reminded that demolition and construction is required to be carried out so that it complies with the provisions of the *Local Nuisance and Litter Control Act 2016*. Under the *Local Nuisance and Litter Control Act 2016*, construction noise is declared a local nuisance as follows:

The noise has travelled from the location of the construction activity to neighbouring premises –

- On any Sunday or public holiday; or
- After 7.00 pm or before 7.00 am on any other day.

- (9) The applicant has signed the Powerline Declaration, pursuant to Schedule 8(6) of the *Planning, Development and Infrastructure (General) Regulations 2017*, that the proposed development would not be contrary to the regulations prescribed for the purposes of Section 86 of the *Electricity Act 1996*. The approved plans incorporate a container storage area, and portion of this area is subject to the powerline easement. Storage of containers, is subject to the relevant horizontal and vertical clearance requirements prescribed for buildings under the *Electricity Act 1996* and associated Regulations. Insofar as the development (ie. including containers) does not achieve relevant clearance requirements, the activity is not authorised unless otherwise given consent from the

Office of the Technical Regulator. For further information, please contact the Office of the Technical Regulator at dsd.otr@sa.gov.au or 8226 5500.

- (10) Any works associated with the development, such as tree planting, tree removal, footpath renewal or the like, to be undertaken within the road reserve (ie. the road carriage, verge or footpath area) is subject to separate approval pursuant to the *Local Government Act 1999*. Further enquiries should be directed to Council's Engineering Services Department on 8563 8444.
- (11) This Consent does not grant authorisation to advertisements or external light fixtures and fittings, except to the extent that such works are not 'Development' and do not contravene any condition contained within this Authorisation. Separate development authorisation is required for any advertisements or external light fixtures or fittings.
- (12) Infrastructure works required external to the site in the nature of stormwater works within Falkenberg Road and Old Mill Road, to enable connection of the stormwater outflow to Kalimna Creek, are subject to a Deed of Agreement, signed between The Barossa Council and Nuriootpa Traders Pty Ltd.

The proposal also incorporates stormwater pipe connecting from the site, through Commissioner of Highways land, to the pipe alignment within 'Old Mill Road'. The section of pipe through Commissioner of Highways land, is subject to grant of consent from Commissioner of Highways.

- (13) All proposed works within Samuel Road are located within Light Regional Council and are subject to authorisation from Light Regional Council, pursuant to *Local Government Act 1999*. The parties shall enter into an Infrastructure Deed of Agreement to give effect to necessary works required within Samuel Road, as agreed between the parties.

Native Vegetation Council Conditions

- (14) The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2023/3112/960.

6. OTHER BUSINESS

Planning and Design Code

The Panel notes the lack of policies within the Planning and Design Code regarding orderly, economic and sustainable development.

The Panel also noted the lack of policies in the Planning and Design Code in relation to ribbon development.

7. NEXT MEETING

Tuesday 7 March 2023 commencing at 5.00 pm

8. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:09pm.

Confirmed

Date:..... Chairman: