

BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA ASSESSMENT PANEL
held on

Tuesday, 2 May 2023, commencing at 5.00pm

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



The Barossa Council

MINUTES

I N D E X

1. Welcome	3
2. Attendance	3
3. Confirmation of Minutes	3
4. Business Arising from Minutes	4
5. Declaration of Interest by Members of the Panel	4
6. Reports – Deferred Applications for Decision (Development Act 1993)	4
Nil	
7. Reports – Application for Decision (Planning, Development and Infrastructure Act 2016)	4
7.1 23005204 - Allotment 321 Parrot Hill Road Moculta	4
8. Reports – Review of Assessment Manager Decisions (Planning, Development and Infrastructure Act 2016)	7
Nil	
9. Reports – Panel Updates	7
Nil	
10. Reports – Other Business	7
Nil	
11. Reports – Confidential	8
Nil	
12. Next Meeting	8
13. Closure of Meeting	8

1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5:00pm.

2. ATTENDANCE

2.1 Present

Panel Members

Michael Wohlstadt	Presiding Member
Jake McVicar	Member
Susan Giles	Member (via Teams)
Grant Hewitt	Member
Jane Evans	Member

Aaron Curtis	Assessment Manager
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Council Staff

Gary Mavrinac	Director, Development and Community Services
Janine Lennon	Senior Assessment Officer, Planning
Chris Kruger	Minute Secretary

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

PANEL DECISION

Moved: G Hewitt

Seconded: J Evans

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 7 March 2023 be received and confirmed.

CARRIED

4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

Nil.

6. REPORTS – DEFERRED APPLICATIONS FOR DECISION (DEVELOPMENT ACT 1993)

Nil.

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

7.1 23005204 - Allotment 321 Parrot Hill Road Moculta

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: J McVicar

Seconded: G Hewitt

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 potential impacts on the character values of the district, but is worthy of further consideration.

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 Application No. 23005204 by Australian Frost Fans Pty Ltd to undertake installation and operation of one frost fan at Lot 321 Parrot Hill Rd, Moculta (CT 5529/393) 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. xxx except where varied by any condition(s) listed below.

Plan Type	Prepared By	Drawing No.	Issue No./Date
C49 Tower Elevations	Design Phase	Sheet No. 1 Issue 1	26 June 2023
C49 Foundation and Baseplate Details	Design Phase	Sheet No. 2, Issue 1	26 June 2023
Acoustic Report	Echo Acoustic Consulting	Reference ID: 23-26-1	22 Feb 2023

- (2) The frost fan must be operated in accordance with the provisions of the *Environment Protection (Noise) Policy 2007* relating to frost fans, as amended or superseded from time to time.
- (3) An annual report shall be prepared detailing the prevailing ambient temperature, times and duration the frost fan was in use as well as setting out any maintenance, repairs, modification or other service. The report(s) shall be provided to the Relevant Authority on request and shall be prepared at least once each calendar year.
- (4) No audible alarm to signal frost malfunction shall be installed. A limiting switch may be installed that immediately turns the frost fan off during a malfunction and includes an effective operator warning system that can be remotely monitored, to the satisfaction of the Relevant Authority. A person capable of managing the use and function of the approved frost fan shall be available to attend promptly, to the reasonable satisfaction of the Relevant Authority, at the vineyard site, at all times during operations.

- (5) The frost fan shall be maintained at all times in good repair and condition, in accordance with the manufacturer's specifications. Maintenance, repair, modification work or other service on the frost fan shall only be carried out between 7:00 am and 10:00 pm. A log of all such work shall be kept and produced to the Relevant Authority upon request.
- (6) The frost fan shall be set with a fan 'start' temperature of 1.5°C and a fan 'stop' temperature of 3.5°C.
- (7) The operating motor speed for the frost fan must be mechanically limited to a maximum of 1750 rpm and the fan speed must not exceed a maximum of 418 rpm.
- (8) The diesel engine cabinet attached to the frost fan shall be clad using a muted colour, such as Colorbond "Woodland Grey".

Advisory Notes

- (1) 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.
- (2) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by the relevant 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.
- (3) The adjoining owners should be advised of the proposed work on the boundary and matters such as access to perform work, removal of fences, finished levels and retaining walls should be resolved before building work commences. This approval does not create an automatic right to access neighbouring land.
- (4) 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 road carriageway, verge or footpath area) requires an independent approval from Council pursuant to the *Local Government Act 1999*. Further enquiries should be directed to the Works and Engineering team on 8563 8444.

- (5) 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.
- (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.
- (7) The applicant is advised that this consent does not permit anyone to clear, remove limbs or trim native vegetation. 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 others determine the requirements that apply under 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 South Australian Native Vegetation Council.
- (8) The applicant is advised that any proposal to clear, remove limbs or trim native vegetation should be undertaken after first notifying the Native Vegetation Council of intended works.

CARRIED

8. REPORTS – REVIEW OF ASSESSMENT MANAGER DECISIONS (PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016)

Nil.

9. REPORTS – PANEL UPDATES

Nil.

10. REPORTS – OTHER BUSINESS

Growth and Infrastructure Investment Strategy and the Barossa Character Preservation District Review

A Curtis advised Panel members that Council recently endorsed the resolution to commence public consultation on the Growth and Infrastructure Investment Strategy Investment Strategy and the Barossa Character Preservation District Review. This will entail a two month consultation period with a number of engagement tools being utilised, including the Your Say Barossa Platform. Comments are invited until 5:00pm 30 June 2023.

Updated Operating and Meeting Procedures

A Curtis advises the Panel that the current Operating and Meeting Procedures are being reviewed and a draft will be presented to next Panel meeting for consideration.

Agenda schedule

M Wohlstadt commented on the lead time between the agenda receipt and the meeting date, suggesting that consideration be given the provision of upcoming application summary advice prior to the distribution of the agenda, to allow potential site visits to be scheduled. This will be considered by Council administration.

11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 6 June 2023 commencing at 5.00 pm

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 5:16pm.

Confirmed

Date:..... Chairman: