

BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA ASSESSMENT PANEL
held on

Tuesday, 6 June 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 5:00pm.

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
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Council Staff

Gary Mavrinac	Director, Development and Community Services
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 2 May 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 23008199 - 17 Fairbrother Circuit Nuriootpa

PANEL DECISION

Moved: S Giles

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: S Giles

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 no significant impacts on the character values of the district.

CARRIED

PANEL DECISION

Moved: J Evans

Seconded: S Giles

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. 23008199 by BGI Building Group to undertake "Amendment to Development Authorisation 21010952 for carport (Increase post height from 3.3 metres to 3.585 metres and enclose southern side of carport with aluminium slat panels and plastic pattern screens)" at 17 Fairbrother Circuit Nuriootpa subject to the following conditions and advisory notes:

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plan and documentation (as amended) accompanying Application No. 23008199 except where varied by any condition(s) listed below.

Plan Type	Prepared By	Drawing No.	Issue No. / Date
Site Plan	BGI BG	BG 10	Sep 22, Rev P2
Elevations	BGI BG	BG 20	Sep 22, Rev P2

- (1) Storm water disposal systems must be fully installed at the completion of the construction of the building with adequate measures deployed during construction to ensure the temporary disposal of surface or roof water does not affect neighbouring properties, to the satisfaction of the relevant authority.
- (2) The building herein approved shall not be used for human habitation or occupation, or industrial or commercial purposes, at any time.
- (3) Except where otherwise shown on the approved plans, the open side(s) of the structure authorised herein shall not be enclosed on any side with any solid material, roller door, or the like without the prior approval of relevant authority.

Advisory Notes

- (1) 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.

- (2) 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.
- (3) Please be advised that where a Private Certifier is appointed to undertake the building assessment, Council does not provide a service of advising the Private Certifier of site conditions or any matters relevant to the building assessment. It is recommended that a Private Certifier undertakes his or her own investigations and inspection of the site to become acquainted with site conditions and any other relevant matter.
- (4) 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.
- (5) 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.
- (6) The adjoining owner should be advised of the proposed work on the boundary and issues 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 neighboring land.
- (7) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to section 139 of the *Planning, Development and Infrastructure Act 2016*. It is recommended that where mechanical equipment is proposed to be used to construct retaining walls, and where the dwelling may impede access for that equipment, the retaining walls be constructed prior to preparing the footings.

CARRIED

7.2 22031513 - 11 Penrice Road Nuriootpa and 20 Prider Street Nuriootpa

Representors

Peter Thomas addressed the Panel at 5:14pm, and answered questions from the Panel.

Glenys and Grant Books addressed the Panel at 5:16pm, and answered questions from the Panel.

Applicant

David Barone (Jensen Plus) and Jo Thomas on behalf of The Barossa Council, addressed the Panel at 5:32pm, and answered questions from the Panel.

Alex Worrall, representing the Barossa United Football Club answered questions from the Panel at 6:03pm, and confirmed that the Club will be communicating with members, reiterating the need to adhere to strict noise and behaviour guidelines, and to be considerate of surroundings and neighbouring properties.

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 no significant impacts on the character values of the district.

CARRIED

PANEL DECISION

Moved: J Evans

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. 22031513 by The Barossa Council for construction of a new club room and change room facilities in association with soccer pitch at 11 Penrice Road

and 20 Prider Street Nuriootpa (CT CT 5307/771) 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:

- (1) The building shall be connected to a wastewater system approved under the *South Australian Public Health Act 2011*.

NOTE: Prior to building work commencing the applicant shall lodge and have approved by Council an application to install a wastewater system pursuant to the provisions of the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*.

- (2) The stormwater drainage design must include a final Stormwater and Site Management Plan (or equivalent to the satisfaction of the Relevant Authority). The plan shall address the following outstanding matters:

- A detailed drainage design is required for all of the proposed development and is to include a stormwater and site management plan with supporting computations compliant with the requirements listed below.
- The plan shall include at least existing contours, features, existing stormwater infrastructure, proposed site works details, levels, grading, proposed stormwater drainage system including connection details to the external drainage system.
- The stormwater drainage system shall be designed in accordance with the current edition of 'Australian Rainfall and Runoff' (IEA), AS3500.3 *Plumbing and drainage – Part 3: Stormwater drainage* and Council's requirements.
- The controlled discharge from the site shall be connected safely to the existing drainage system and shall be consistent with the capacity of the system.
- No stormwater runoff from the development shall be permitted to discharge onto any adjacent property.
- The existing detention basin adjacent the proposed development shall be safely connected to the existing stormwater drainage system by a suitably sized concrete reinforced pipe (RCP) to function as a temporary off-line storage facility during times of high flows.

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 22031513 except where varied by any condition(s) listed below.
 - Cover Sheet, prepared by DASH Architects, Project No DA203887, Drawing No WD01, Revision T2, dated 9 May 2023
 - Notes, Legends & Finishes, prepared by DASH Architects, Project No DA203887, Drawing No WD02, Revision T2, dated 9 May 2023
 - Site Plan, prepared by DASH Architects, Project No DA203887, Drawing No WD03, Revision T3, dated 9 May 2023

- Ground Floor Plan, prepared by DASH Architects, Project No DA203887, Drawing No WD04, Revision T3, dated 9 May 2023
 - Reflected Ceiling Plan, prepared by DASH Architects, Project No DA203887, Drawing No WD05, Revision T2, dated 9 May 2023
 - Roof Plan, prepared by DASH Architects, Project No DA203887, Drawing No WD06, Revision T1, dated 9 May 2023
 - East & West Elevations, prepared by DASH Architects, Project No DA203887, Drawing No WD07, Revision T2, dated 9 May 2023
 - North & South Elevations, prepared by DASH Architects, Project No DA203887, Drawing No WD08, Revision T2, dated 9 May 2023
 - Sections, prepared by DASH Architects, Project No DA203887, Drawing No WD09, Revision T2, dated 9 May 2023
 - Sections, prepared by DASH Architects, Project No DA203887, Drawing No WD10, Revision T2, dated 9 May 2023
 - Wet Area Details 1, prepared by DASH Architects, Project No DA203887, Drawing No WD11, Revision T2, dated 9 May 2023
 - Wet Area Details 2, prepared by DASH Architects, Project No DA203887, Drawing No WD12, Revision T1, dated 9 May 2023
 - Wet Area Details 3, prepared by DASH Architects, Project No DA203887, Drawing No WD13, Revision T1, dated 9 May 2023
 - Wet Area Details 4, prepared by DASH Architects, Project No DA203887, Drawing No WD14, Revision T2, dated 9 May 2023
 - Room Details 1, prepared by DASH Architects, Project No DA203887, Drawing No WD15, Revision T2, dated 9 May 2023
 - Room Details 2, prepared by DASH Architects, Project No DA203887, Drawing No WD16, Revision T1, dated 9 May 2023
 - Stair/Ramp Detail, prepared by DASH Architects, Project No DA203887, Drawing No WD17, Revision T1, dated 9 May 2023
 - Plan Details, prepared by DASH Architects, Project No DA203887, Drawing No WD18, Revision T1, dated 9 May 2023
 - Section Details 1, prepared by DASH Architects, Project No DA203887, Drawing No WD19, Revision T1, dated 9 May 2023
 - Section Details 2, prepared by DASH Architects, Project No DA203887, Drawing No WD20, Revision T1, dated 9 May 2023
 - Section Details 3, prepared by DASH Architects, Project No DA203887, Drawing No WD21, Revision T1, dated 9 May 2023
 - Door Schedule, prepared by DASH Architects, Project No DA203887, Drawing No WD22, Revision T1, dated 9 May 2023
 - Roller Door Schedule, prepared by DASH Architects, Project No DA203887, Drawing No WD23, Revision T1, dated 9 May 2023
 - Window Schedule, prepared by DASH Architects, Project No DA203887, Drawing No WD24, Revision T1, dated 9 May 2023
 - Finishes Schedule, prepared by DASH Architects, Project No DA203887, Revision T3, dated 9 May 2023
 - Environmental Noise Assessment, prepared by BESTEC, Ref 57535/6/1, Rev 02, dated 25 May 2023
 - Response to Representations, prepared by Jensen+, dated 9 May 2023
- (2) Prior to occupation, the building authorised herein shall be connected and remain connected to an approved wastewater system to the reasonable satisfaction of the Relevant Authority.

- (3) 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.
- (4) 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.
- (5) Stormwater disposal systems must be fully installed at the completion of the construction of the building with adequate measures deployed during construction to ensure the temporary disposal of surface or roof water does not affect neighbouring properties, to the satisfaction of the relevant authority.
- (6) Disturbed surfaces including any exposed batters as a result of excavation on the land shall be revegetated and stabilised within three months of the completion of the development, to the satisfaction of Council.
- (7) Dust emissions during construction on site shall be controlled by a dust suppressant or by watering regularly to avoid unreasonable impacts on adjacent land to the reasonable satisfaction of the relevant authority.
- (8) During construction or installation of all works associated with the development and proposed roads and utility services:
 - (i) Dust generated at the site shall be reasonably controlled at all times to prevent nuisance to occupants of adjoining land.
 - (ii) Noise generated at the site shall be kept to the minimum level that is reasonably practicable.
 - (iii) 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.
 - (iii) Any dirt or debris from the site deposited onto existing roadways by the applicant's contractors or sub-contractors shall be cleared immediately.
- (9) No access from Prider Street shall occur during the life of the development without the appropriate authorisation of the Relevant Authority.
- (10) Any noise generating activity undertaken 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 satisfaction of the Relevant Authority.
- (11) Operating hours shall not exceed the following times:
 - Weekdays 4:00 pm-9.00 pm

- Saturdays 8:00 am-12:00 am (note: pitch lighting is required to be turned off by 9.50 pm in accordance with Condition 7 of Development Approval ID21007498)
 - Sundays: 8:00 am to 6:00 pm
- (12) Music, whether live or pre-recorded shall only be played inside the clubrooms, and shall comply with the following:
- (a) When music is being played, all doors and windows shall remain closed; and
 - (b) An automatic sound limiter shall be used to monitor the sound pressure levels during functions; and
 - (c) The sound limiter shall be connected to the main amplifier power and set to cut the power if the maximum sound pressure level is exceeded; and
 - (d) External performers/DJ's shall use only the sound system and amplifier provided by the function centre; and
 - (e) The sound system shall be tuned and commissioned by an acoustic engineer once the function centre is completed, and the sound limiter is installed. The measured sound level at 1 metre from each speaker should not exceed the C-weighted sound pressure levels detailed in the Table below when pink noise is fed into the system; and
- | C-Weighted Sound Pressure Level (dB re 20µPa) from each Speaker at Octave Band Centre Frequency, Hz (measured at 1m) | | | | | | | | Overall, dBC |
|--|-----|-----|-----|------|------|------|------|--------------|
| 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 | 8000 | |
| 93 | 96 | 93 | 92 | 93 | 86 | 85 | 81 | 100 |
- (f) The function area sound system will have four speakers and must be re-assessed if different number of speakers is proposed; and
 - (g) Once the system is tuned, the noise levels at the nearest residential receivers shall be measured and the sound system settings adjusted if required to ensure the noise levels at the residential properties is below the maximum allowable values for music noise; and
 - (h) Once the nominated noise levels are achieved, the sound limiter and main amplifier should be locked by the system engineer to prevent the settings being adjusted by staff of performers.
- (13) Deliveries and rubbish collection shall only take place between 7:00 am and 7:00 pm Monday to Friday; between 8:00 am and 9:00 pm on Saturday and Sunday.
- (14) All external lighting must be in accordance with AS4282:2019 'Outdoor Lighting Obtrusive Effects' so as to prevent any adverse effect on adjoining sensitive receivers.

Advisory Notes

- (1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

- (2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- (3) Any variation to 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.
- (4) 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.
- (5) 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.
- (6) The development shall comply with the Food Act 2001 and Food Safety Standard. For further information, please visit:

www.barossa.sa.gov.au/development-business/food-industries/food-health-and-safety
- (7) The sale and consumption of alcohol on the premises is subject to licence under the *Liquor Licensing Act 1997*. For further information, please visit:

www.sa.gov.au/topics/business-and-trade/liquor/apply/club
- (8) Directional signage and wayfinding to the newly constructed public toilets at the Nuriootpa Centennial Park is recommended to inform users of available public amenities at the park.

Moved: J Evans

Seconded: G Hewitt

CARRIED

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

Nil.

9. REPORTS – PANEL UPDATES

Nil.

10. REPORTS – OTHER BUSINESS

10.1 Review of The Barossa Assessment Panel Operating and Meeting Procedures

PANEL DECISION

Moved: G Hewitt

Seconded: S Giles

That the draft Operating and Meeting Procedures be endorsed.

CARRIED

10.2 Assessment Manager Quarterly Reports - January 2023 to March 2023

PANEL DECISION

Moved: G Hewitt

Seconded: S Giles

That the report be received.

CARRIED

Agenda Schedule and Summary Advice

At its meeting held 2 May 2023, it was requested to Council administration that consideration be given to the provision of upcoming summary advice prior to the distribution of the Agenda, to allow potential site visits to be scheduled.

A Curtis advised the Panel that the request was deemed to be problematic due to governance and time constraints, therefore could not be provided.

Request for additional Information Reports

M Wohlstadt requested the provision of additional information reports relating to matters under appeal and application refusal data, as part of the Agenda going forward.

Meeting apologies

The following meeting apologies have been tabled:

Susan Giles – 4 July 2023

Michael Wohlstadt – 5 September 2023

11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 4 July 2023 commencing at 5.00 pm

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:25pm.

Confirmed

Date:..... Chairman: