

BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA ASSESSMENT PANEL
held on

Tuesday, 3 October 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

Aaron Curtis advised the Panel that Jake McVicar has resigned from his position as Independent Member of the Panel and that Graham Burns will be attending future Panel meetings as the Deputy Independent Member unless and until such time as Council appoints a replacement member, pursuant to Clause 5.7 or 5.8 of the Barossa Assessment Panel Terms of Reference.

2.1 Present

Panel Members

Michael Wohlstadt	Presiding Member
Susan Giles	Member
Grant Hewitt	Member
Jane Evans	Member
Graham Burns	Deputy Member

Aaron Curtis	Assessment Manager
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Council Staff

Janine Lennon	Acting Manager, Development Services
Jake Boswell	Assessment Officer, Planning
Tom Marshall	Assessment Officer, Planning
Richard Cocker	Engineer
Christine Kruger	Minute Secretary

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

PANEL DECISION

Moved: G Hewitt

Seconded: S Giles

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 5 September 2023 and the Special Barossa Assessment Panel meeting held on Wednesday 20 September 2023 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 – 614a Balmoral Road Cockatoo Valley	Jane Evans

J Evans advised she has previously been contacted by D Schaefer of 58 Goldfields Road, Cockatoo Valley in relation to another matter in her capacity as an Elected Member. The matter was not relevant to the development application and J Evans did not consider this to be a conflict of interest.

J Evans advised that she has also previously been contacted by A Miojlic of 48 Goldfields Road, Cockatoo Valley in respect to a general enquiry regarding the Hebron site. J Evans advised A Miojlic she could not speak to matters in respect to the development application and she referred the matter to the Assessment Manager. J Evans did not consider this to be a conflict of interest.

M Wohlstadt advised that he was recently contacted by D Schaefer of 58 Goldfields Road, Cockatoo Valley. M Wohlstadt advised the conversation ended as soon as it became apparent that D Schaefer was calling in respect to the Hebron development. M Wohlstadt did not consider this to be a conflict of interest.	Michael Wohlstadt
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G Burns declared a Conflict of Interest in respect to Item 6.1 on the basis that in his capacity as previous consultant at Masterplan, that he provided previous planning advice in respect to the matter of Hebron.

6.2 – Allotment 1 Gods Hill Road Lyndoch
G Burns declared a Conflict of Interest in respect to Item 6.2 on the basis that in his capacity as previous consultant at Masterplan, that he acted on behalf of the developer and applicant, Oakford Homes.

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

G Burns left the meeting at 5:05pm due to an earlier stated Conflict of Interest.

6.1 23015775 - 614a Balmoral Road Cockatoo Valley

Representors

Shelley Arnold addressed the Panel at 5:12pm, and answered questions from the Panel.

Dianne Schaefer provided a submission but did not attend to address the Panel.

Nicole Emes addressed the Panel at 5:30pm, and answered questions from the Panel.

Jacalyn Seddon addressed the Panel at 5:41pm, and answered questions from the Panel.

Tabatha Dellar-Walmsley on behalf of Chris Walmsley addressed the Panel (via Teams) at 5:46pm, and answered questions from the Panel.

Cameron Ainslie addressed the Panel at 5:54pm, and answered questions from the Panel.

Applicant

Daniel Evans, Kevin Casey and Jeff Johnson addressed the Panel at 5:58pm, and answered questions from the Panel.

Kerry Lancaster made an informal presentation to the Panel at 6:17pm.

PANEL DECISION

Moved: J Evans

Seconded: G Hewitt

The Barossa Assessment Panel, having considered application No. 23015775 by Daniel Evans on behalf of Christadelphian Bible Camp Inc for amendments to 960/592/2018, and with the verbal consent of the Applicant to place the application on hold, resolves that the application be deferred to allow further clarification of such matters, including the description and nature of use, the total numbers of persons permitted on the site, compliance with conditions of previous consents, local nuisance impacts, and disability access issues.

CARRIED

6.2 23007773 - Allotment 1 Gods Hill Road Lyndoch

Representors

Aaron Lipp provided a submission but did not attend to address the Panel.

Mark Betros addressed the Panel at 6:21pm.

Applicant

Phil Harnett (URPS) on behalf of Oakford Homes addressed the Panel at 6:26pm, and answered questions from the Panel.

PANEL DECISION

Moved: J Evans

Seconded: G Hewitt

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.

PANEL DECISION

Moved: S Giles

Seconded: J Evans

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. 23007773 by Oakford Homes to undertake construction of retaining walls up to 2.8 metres high in association with earthworks for land division at Lot 1 Gods Hill Road (CT-6208/305) 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. 23007773 except where varied by any condition(s) listed below.
 - Retaining Wall Plan, TMK Engineering, Drawing No. 2108186-C21/2, No 2, dated 19 September 2023
 - Retaining Wall Sections, TMK Engineering, Drawing No. 2108186-C22/2, No 2, Dated 19 September 2023.
- (2) A temporary fence shall be established along the common boundary (adjacent 87 Gilbert Street) during the period of construction of the retaining wall and fence to ensure that private yards of neighbours are secure and kept private, to the reasonable satisfaction of the 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. Fencing work is subject to the provisions of the *Fences Act 1975*.
- (7) The adjoining owner/s 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 neighbouring land.
- (8) 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* and Regulation 64 of the *Planning, Development and Infrastructure (General) Regulations 2017*. 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.

G Burns returned to the meeting at 6:40pm.

6.3 23016854 - 49 Basedow Road Tanunda

Representors

Ben Stephen provided a submission but did not attend to address the Panel.

Applicant

Shane Schiller (Farmtech Pty Ltd) answered questions from the Panel at 6:42pm.

PANEL DECISION

Moved: J Evans

Seconded: G Hewitt

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: G Burns

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. 23016854 by Farmtech Pty Ltd to undertake *Change of use from light industry to service trade premises (agricultural equipment showroom and spare parts)* at 49 Basedow Road, Tanunda (CT 5360/790) 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. 23016854 except where varied by any condition(s) listed below:
 - Site Plan, prepared by the Applicant, Drawing No. 2, dated 21 September 2023
 - Delivery Plan, prepared by the Applicant, dated 22 September 2023
 - Site Plan (partially amended), prepared by the Applicant, Drawing No. 1, dated 18 July 2023

Note: The site plan, dated 21 September 2023 prevails in respect to the approved car parking layout.

- (2) The development authorised herein shall operate between the following hours:
 - (a) Monday to Friday: 9:00 am – 5:00 pm
- (3) All external lighting must be in accordance with AS 4282:2019 'Outdoor Lighting Obtrusive Effects' so as to prevent any adverse effect on adjoining sensitive receivers.
- (4) Provision shall be made for appropriate storage and disposal of waste to the reasonable satisfaction of the Relevant Authority. All waste storage areas shall be screened from public view at all times.
- (5) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Noise) Policy 2007 (or later Policy as amended from time to time), such that any resulting noise is not considered a nuisance, to the satisfaction of the Relevant Authority.
- (6) All car parking, driveways and manoeuvring areas shall comply with the requirements of Australian Standard 2890 - Parking Facilities – Off-street car parking. The approved car parks shall be linemarked, prior to commencement of use.
- (7) Prior to the commencement of use, the driveway crossover to Basedow Road shall be reduced to a maximum 7 metre width (at gutter) towards the eastern property frontage to allow safe and convenient vehicular access to the car park area.

The resulting redundant portion of the existing gutter invert shall be sawcut and removed and reinstated to upright kerb and gutter to match adjacent levels and profile. The redundant portion of the driveway apron shall be sawcut and removed, and verge area reinstated with new material matching existing adjacent verge materials, levelled to match top of new kerb and gutter levels.
- (8) Prior to the commencement of use, a concrete upstand along the portion of property frontage that is adjacent the car parking spaces shall be constructed to separate the car parking from the footpath in Basedow Road and restrict vehicle access/egress to the approved driveway access point.
- (9) The largest vehicle permitted to enter the site shall be no greater than a MR Vehicle, with maximum length of 12.5 metres.
- (10) Any mechanical and/or servicing work associated with the development herein shall be undertaken within enclosed buildings, to the reasonable satisfaction of the relevant authority.
- (11) All storage and/or display of goods/products (including machinery for maintenance/servicing) shall occur within enclosed buildings, to the reasonable satisfaction of the relevant authority.

- (12) The existing landscaping beds as contained within the approved site plan shall be planted out with trees, shrubs and groundcovers as appropriate to complement the existing landscaping within these areas. The landscaping shall be established prior to the commencement of use, and shall be maintained in good health and condition thereafter. Any dead or diseased plantings shall be immediately replaced.

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) 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 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.
- (4) 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.
- (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) Waste collection noise is declared to constitute a local nuisance pursuant to Schedule 1 of the *Local Nuisance and Litter Control Act 2016* where undertaken before 9.00 am or after 7.00 pm on any Sunday or public holiday or after 7.00 pm or before 7.00 am on any other day. The applicant is advised to schedule waste collection movements during times that do not constitute a Local Nuisance.
- (7) 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/nativevegetation/interactiveguide> Any specific queries regarding the clearance, removal or trimming of native vegetation should be directed to the South Australian Native Vegetation Council.

CARRIED

S Giles and J Evans left the meeting at 7:03pm.

M Wohlstadt adjourned the meeting for a short break at 7:03pm, and recommenced the meeting at 7:06pm.

6.4 23022756 - 34 John Street Tanunda

PANEL DECISION

Moved: G Burns

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 Burns

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: G Hewitt

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. 23022756 by Simon Liersch to undertake the "Change of use from dwelling to short term tourist accommodation (max of

eight guests)" at 34 John Street, Tanunda (CT 5948/4) 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. 23022756 except where varied by any condition(s) listed below.
- (2) Prior to occupation, the building authorised herein shall be connected and remain connected to an approved wastewater system.
- (3) No more than eight (8) guests shall be accommodated within the Tourist Accommodation facility at any one time.
- (4) All guests vehicle parking must be contained within the site boundary.

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) This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- (3) Where an approved development has been substantially commenced within 2 years from the operative date of approval the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years. in which case the approval will not lapse).
- (4) 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.
- (5) 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.

- (6) 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.
- (7) 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.
- (8) 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.

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.

- (9) 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 Council, including any existing infrastructure.
- (10) You are advised that construction or alteration of any footpath, kerb, gutter or crossover on Council land will require a permit, under the *Local Government Act 1999* from Council's Works and Engineering Services. It is illegal to undertake work on Council land without permission.

If the existing entranceway (driveway cross-over) is to be removed it must be re-instated with kerb and gutter, including appropriate restoration of the footpath and verge, to Council's standard specification. Please contact Council's Works and Engineering Services to confirm the required standards.

Driveway cross-overs which affect a pedestrian footpath should maintain the level of the footpath or be consistent with the proposed footpath levels in instances where the footpath has not being constructed. When final Development Approval is applied for this should be shown on the plans. Please note that construction is to be in accordance with the Disability Discrimination Act and relevant Australian Standards.

Further enquiries should be directed to the Works and Engineering team on 8563 8444.

CARRIED

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

Nil.

8. REPORTS – PANEL UPDATES

8.1 Environment Resources and Development Court Appeal Updates

PANEL DECISION

Moved: G Hewitt

Seconded: G Burns

That the report be received.

CARRIED

9. REPORTS – OTHER BUSINESS

9.1 Assessment Manager Quarterly Report - April 2023 to June 2023

PANEL DECISION

Moved: S Giles

Seconded: J Evans

That the report be received.

CARRIED

9.2 Variation to Barossa Assessment Panel Delegations - Updates to Legislation

PANEL DECISION

Moved: G Hewitt

Seconded: G Burns

That the Barossa Assessment Panel:

- (1) In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016*, the powers and functions under Instrument C and specified in the proposed Instruments of Delegation contained in Attachment 1 of the report entitled "Variations to Barossa Assessment Panel Delegations – Updates to Legislation" are hereby delegated from 3 October 2023, to the position of Assessment Manager except where otherwise indicated in the Attachment, subject to the conditions and limitations specified in the proposed Instrument of Delegation.
- (2) Such powers and functions may be further delegated by the Assessment Manager in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016*, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

CARRIED

G Burns left the meeting at 7:24pm.

10. REPORTS – CONFIDENTIAL

Nil.

11. OTHER BUSINESS

Resignation of Jake McVicar as Independent Member of Barossa Assessment Panel

A Curtis advised that Jake McVicar has tendered his formal resignation from the Panel. A Curtis acknowledged and thanked Jake for his significant contribution to the successful operation of the Panel over the past three years, and advised that Jake will commence in his new role of Director, Development and Community Services on 16 October 2023.

Application 23015775 – 614a Balmoral Road Cockatoo Valley

The Panel discussed the development application following decision of the Panel to adjourn the matter.

12. NEXT MEETING

Tuesday 7 November 2023 commencing at 5.00 pm

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 7:47pm.

Confirmed

Date:..... Chairman: