

# BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA ASSESSMENT PANEL  
held on

**Tuesday, 7 November 2023, commencing at 5.00 pm**

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



*The Barossa Council*

## MINUTES

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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 |
| Susan Giles       | Member           |
| Grant Hewitt      | Member           |
| Jane Evans        | Member           |
| Graham Burns      | Deputy Member    |

|              |                    |
|--------------|--------------------|
| Aaron Curtis | Assessment Manager |
|--------------|--------------------|

#### Council Staff

|               |                                              |
|---------------|----------------------------------------------|
| Jake McVicar  | Director, Development and Community Services |
| Janine Lennon | Senior Assessment Officer, Planning          |
| Steve Kaesler | Manager, Engineering Services                |
| Chris Kruger  | Minute Secretary                             |

### 2.2 Apologies

Nil.

### 2.3 Absent

Nil.

## 3. CONFIRMATION OF MINUTES

### PANEL DECISION

Moved: S Giles

Seconded: G Hewitt

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 3 October 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 |
| 10.1 – 614a Balmoral Road Cockatoo Valley | Graham Burns |

G Burns declared a Conflict of Interest in respect to Confidential Item 10.1 on the basis that in his capacity as previous consultant at Masterplan, that he provided planning advice in respect to the matter of Hebron.

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

##### 6.1 23024769 - 1842 Barossa Valley Way Rowland Flat

#### PANEL DECISION

Moved: G Burns

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: J Evans

#### 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 in the assessment of this application.

**CARRIED**

## PANEL DECISION

Moved: G Hewitt

Seconded: G Burns

### 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. 23024769 by Koch Pilgrim Vineyards to undertake installation and operation of one frost fan at 1842 Barossa Valley Way, Rowland Flat (CT 5909/835) subject to the following conditions:

### Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 22028290 except where varied by any condition(s) listed below.
  - C59 Tower Elevations, Design Phase, Sheet No. 1, Issue 1, Dated 01.03.2019
  - C59 Foundation and Baseplate Details, Design Phase, Sheet No. 2, Issue 1, Dated 01.03.2019
  - Acoustic Report, Echo Acoustic Consulting, Reference ID; 23-37-1, Dated 23.08.23
- (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 1800 rpm and the fan speed must not exceed a maximum of 365 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) 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.
- (4) 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.
- (5) 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.

- (6) 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.
- (7) 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.

### **Heritage SA Advice Notes**

- (8) Any changes to the proposal for which Planning Consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Climate, Environment and Water. Such changes would include for example:
- a. an application to vary the Planning Consent, or
  - b. Building Rules documentation that incorporates differences from the proposal as documented in the development application.
- (9) Please note the following requirements of the *Heritage Places Act 1993*:
- a. If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
  - b. Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department for Environment and Water.

- (10) Please note the following requirements of the *Aboriginal Heritage Act 1988*.
- a. If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department

of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

**CARRIED**

## **6.2 Development Application 23027675 - Lot 102 Samuel Road Nuriootpa**

Jason Cattonar (Associate Director, Future Urban) answered questions from the Panel at 5:10pm.

Steve Kaesler (Manager, Engineering Services) answered questions from the Panel at 5:14pm.

### **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 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: G Hewitt

Seconded: G Burns

### **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. "Variation to Development



Application 22043062 (relocate detention basin and warehouse 2, altered building heights and floor areas, alteration to car parking, landscaping, native vegetation removal and cut/fill)" 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, that are delegated to the Assessment Manager to determine:

- (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) 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, or the maximum point discharge to kerb and gutter up to a 10% AEP event shall be 12L/sec; 1% AEP event shall be 20L/sec, whichever is the lesser.
  - 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.
- (4) 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.
- (5) 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).
- (6) 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.

- (7) 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.
- (8) 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.
- (9) In event that staging of the development is proposed, a staging plan that sets out the elements contained within each stage and the timing for satisfaction of conditions relevant to each stage.

### **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:

#### Development Application 22043062

| <b>Plan Type</b>                        | <b>Prepared By</b> | <b>Drawing No./Doc No.</b> | <b>Issue No./Date</b> |
|-----------------------------------------|--------------------|----------------------------|-----------------------|
| 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 |

Development Application 23027675

| Plan Type                                      | Prepared By  | Drawing No./Doc No. | Issue No./Date |
|------------------------------------------------|--------------|---------------------|----------------|
| Planning Report                                | Future Urban | Not Stated          | 19.09.23       |
| Site Plan                                      | Startari     | No. 104 A020 Rev 7  | 04.09.23       |
| Fence Elevations                               | Startari     | No. 104 A021 Rev 3  | 04.09.23       |
| Landscape Plan                                 | Startari     | No. 104 A030 Rev 7  | 04.09.23       |
| Ground Floor Plan – Office & Sleeping Quarters | Startari     | No. 104 A101 Rev 7  | 04.09.23       |
| Ground Floor Plan - Workshop                   | Startari     | No. 104 A110 Rev 1  | 04.09.23       |

|                                                  |          |                    |          |
|--------------------------------------------------|----------|--------------------|----------|
| Mezzanine Floor Plan - Workshop                  | Startari | No. 104 A111 Rev 1 | 04.09.23 |
| External Elevations - Site                       | Startari | No. 104 A200 Rev 6 | 04.09.23 |
| External Elevations - Workshop                   | Startari | No. 104 A201 Rev 4 | 04.09.23 |
| External Elevations – Office & Sleeping Quarters | Startari | No. 104 A202 Rev 4 | 04.09.23 |
| Sections - Workshop                              | Startari | No. 104 A250 Rev 1 | 04.09.23 |
| Sections – Office & Sleeping Quarters            | Startari | No. 104 A251 Rev 1 | 04.09.23 |
| Sections - Warehouses                            | Startari | No. 104 A252 Rev 1 | 04.09.23 |
| 3D Render                                        | Startari | No. 104 A300 Rev 3 | 04.09.23 |
| Overall Layout Plan – Sheet 1 of 2               | ADG      | No. C04 Rev A      | 24.08.23 |
| Overall Layout Plan – Sheet 2 of 2               | ADG      | No. C05 Rev A      | 24.08.23 |
| Earthworks Overall Layout                        | ADG      | No. C20 Rev B      | 24.08.23 |
| Earthworks Layout Plan Sheet 1 of 5              | ADG      | No. C21 Rev B      | 24.08.23 |
| Earthworks Layout Plan Sheet 2 of 5              | ADG      | No. C22 Rev B      | 24.08.23 |
| Earthworks Layout Plan Sheet 3 of 5              | ADG      | No. C23 Rev B      | 24.08.23 |
| Earthworks Layout Plan Sheet 4 of 5              | ADG      | No. C24 Rev B      | 24.08.23 |
| Earthworks Layout Plan Sheet 5 of 5              | ADG      | No. C25 Rev B      | 24.08.23 |
| Earthworks Site Sections Sheet 1 of 2            | ADG      | No. C26 Rev B      | 24.08.23 |
| Earthworks Site Sections Sheet 2 of 2            | ADG      | No. C27 Rev B      | 24.08.23 |
| Roadworks and Drainage Overall Layout            | ADG      | No. C30 Rev B      | 24.08.23 |
| Roadworks and Drainage Layout Plan Sheet 1 of 5  | ADG      | No. C31 Rev B      | 24.08.23 |

|                                                 |                                |                    |          |
|-------------------------------------------------|--------------------------------|--------------------|----------|
| Roadworks and Drainage Layout Plan Sheet 2 of 5 | ADG                            | No. C32 Rev B      | 24.08.23 |
| Roadworks and Drainage Layout Plan Sheet 3 of 5 | ADG                            | No. C33 Rev B      | 24.08.23 |
| Roadworks and Drainage Layout Plan Sheet 4 of 5 | ADG                            | No. C34 Rev B      | 24.08.23 |
| Roadworks and Drainage Layout Plan Sheet 5 of 5 | ADG                            | No. C35 Rev B      | 24.08.23 |
| Roadworks & Drainage Details Turn Paths         | ADG                            | No. C36 Rev A      | 24.08.23 |
|                                                 | Cirqa                          | Sheet 1 SH01 Ver C | 11.07.23 |
| Turn Paths                                      | Cirqa                          | Sheet 1 SH02 Ver C | 11.07.23 |
| Turn Paths                                      | Cirqa                          | Sheet 1 SH04 Ver C | 11.07.23 |
| Data Report                                     | Ecosphere Ecological Solutions | Not Stated         | 16.06.23 |

- (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 8, shall be implemented, prior to the 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](mailto: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 Note**

- (1) 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 2023/3205/960.

**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: S Giles

Seconded: G Hewitt

That the report be received.

**CARRIED**

## **9. REPORTS – OTHER BUSINESS**

### **9.1 Assessment Manager Quarterly Report - July 2023 to September 2023**

Discussion ensued in relation to the Judicial Review initiated by Geber Super Pty Ltd and the Australian Food and Beverage Group Pty. Ltd.

A Curtis advised that Council staff are currently analysing the judgement and a further report will be provided to the Panel in due course.

**PANEL DECISION**

Moved: J Evans

Seconded: G Hewitt

That the report be received.

**CARRIED**

## **9.2 Barossa Assessment Panel Meeting Schedule 2024**

**PANEL DECISION**

Moved: G Burns

Seconded: J Evans

That the Barossa Assessment Panel agree to continue to meet on the first Tuesday of each month, with the exception of the January meeting which shall be held on Wednesday 24 January 2024 (due to a conflict with the Council meeting). All meetings shall be held at The Barossa Council Chambers commencing at 5.00 pm.

**CARRIED**

## **9.3 Council and Regional Assessment Panels**

**PANEL DECISION**

Moved: G Burns

Seconded: G Hewitt

That the report be received.

**CARRIED**

## 10. REPORTS – CONFIDENTIAL

### 10.1 Confidential Item - 23015775 - 614a Balmoral Road Cockatoo Valley

G Burns and S Kaesler left the meeting 5:38pm.

#### 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:

(viii) legal advice;

On the basis that this matter could result in the release of legal information which could be expected to be kept confidential and disclosure could on balance be contrary to current or future legal obligations or duties, the advice be kept confidential until such time that the use of the site for purposes of a bible camp no longer exists.

#### PANEL DECISION

Moved: S Giles

Seconded: G Hewitt

That:

- (1) Pursuant to Regulation 13(2) 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 Director, Development and Community Services, Assessment Manager, Senior Assessment Officer Planning, Assessment Officers, and the Minute Secretary, on the basis that this matter could result in the release of legal information which could be expected to be kept confidential and disclosure could on balance be contrary to current or future legal obligations or duties.
- (2) Accordingly, on this basis, the Barossa Assessment Panel is satisfied that the principal 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.

**CARRIED**

At 5:38pm the meeting moved into confidence.

At 6:11pm the confidential session ceased and the meeting reopened to the public.

### **PANEL DECISION**

Moved: G Hewitt

Seconded: S Giles

That the Barossa Assessment Panel has considered *Confidential Item 10.1 Confidential Item - 23015775 - 614a Balmoral Road Cockatoo Valley* and resolves as follows:

- (a) Confidential Resolution
- (b) Pursuant to Regulation 14(4) of the Planning, Development and Infrastructure (General) Regulations 2017, the Barossa Assessment Panel resolves to exclude from the minutes and from the version of the agenda report made available to the public the information dealt with on a confidential basis by the Barossa Assessment Panel, on the basis that this matter could result in the release of legal information which could be expected to be kept confidential and disclosure could on balance be contrary to current or future legal obligations or duties, and shall not be available for public inspection until such time as the use of the site for purposes of a bible camp no longer exists.

**CARRIED**

G Burns returned to the meeting 6.11pm.

### **11. NEXT MEETING**

Tuesday 5 December 2023 commencing at 5.00 pm

### **12. CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 6:11pm.

Confirmed

Date:..... Chairman: .....