

BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA ASSESSMENT PANEL
held on

Wednesday, 24 January 2024, commencing at 5.00 pm

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 – Application for Decision (Planning, Development and Infrastructure Act 2016)	4
6.1 22023146 - 52 Old Mill Road Nuriootpa	4
6.2 23025112 - 11A-13 Mill Street Tanunda, 15 MacDonnell Street Tanunda and 26 Fielder Street Tanunda	9
6.3 23025940 - 30 Bushman Street Tanunda	16
7. Reports – Review of Assessment Manager Decisions (Planning, Development and Infrastructure Act 2016)	20
Nil	
8. Reports – Panel Updates	21
Nil	
9. Reports – Other Business	21
9.1 Variation to Barossa Assessment Panel Delegations - Updates to Legislation	21
10. Reports – Confidential	21
Nil	
11. Next Meeting	22
12. Closure of Meeting	22

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 Hewett	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 Manager, Planning
Tom Marshall	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: G Hewitt

Seconded: S Giles

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 5 December 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	Graham Burns
Application 22023146	
52 Old Mill Road Nuriootpa	

G Burns advised that in his previous capacity of Planning Consultant with MasterPlan, he assisted Evarfar Pty Ltd and Southace Pty Ltd with a development application, but he is satisfied that he does not have a direct or indirect personal or pecuniary interest in the development application.

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

6.1 22023146 - 52 Old Mill Road Nuriootpa

Representors

Peter Furlong provided a submission but did not attend to address the Panel.

Julia Schneider provided a submission but did not attend to address the Panel.

Applicant

Andrew Humby (Humby Consulting) on behalf of Damon De Ruiter addressed the Panel at 5:04pm, and answered questions from the Panel.

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 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 Burns

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. 22023146 by Damon DeRuiter to undertake a Change of use of sheds to winery <50t/year; Construction of an agricultural building – implement shed (measuring 17.0m x 7.0m x 3.2m max roof height); Construction of a domestic outbuilding - carport (measuring 6.0m x 6.0m x 2.7m max roof height) at 52 Old Mill Road, Nuriootpa (CT 6158/990) subject to the following conditions and advisory notes:

Council Conditions

- (1) The development shall be undertaken in accordance with the following endorsed plans and documentation (as amended) accompanying Application No. 22023146 except where varied by any condition(s) as listed below:
 - Site Plan – Prepared by Dimension Design + Management; Revision 3, dated 2 February 2023
 - Site Plan 2 – Prepared by Dimension Design + Management; dated 21 June 2022

- Floor Plan Layouts – Prepared by Dimension Design + Management; Revision 2, dated 2 February 2023
 - Shed – Prepared by Dimension Design + Management; Revision 2, dated 2 February 2023
 - Carport – Prepared by Dimension Design + Management; Revision 3, dated 2 February 2023
 - On-Site Wastewater Assessment – prepared by Waterscope, dated 1 September 2023
 - Response to RFI – Prepared by Humby Consulting, dated 4 January 2024
- (2) All external building materials shall be new materials and always maintained in good condition.
- (3) 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. 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.
- (4) Surface stormwater runoff is directed away from the disposal area, ensuring that downpipes and RWT overflows are directed away from the wastewater holding tank.
- (5) 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.
- (6) The winery herein approved shall process no more than 50 tonne of grapes per year.
- (7) All solid waste produced during the wine making process will be collected in suitable sealed bins and removed from site for disposal at an appropriately licensed premises, in order to avoid amenity and environmental impacts arising from odour and leachate.

- (8) All wastewater produced during the wine making process will be collected in suitable sealed tank/s and removed from the site by an appropriate wastewater contractor, in order to avoid amenity and environmental impacts arising from odour and spills.
- (9) The winery wastewater tank shall be fitted with an audible and visual alarm with high level sensor in the tank is maintained, and functioning to alert the operator when the tank is near full, allowing sufficient time to have the tank pumped out before overflowing.
- (10) The wastewater system shall comply with Australian Standard 3500.
- (11) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Noise) Policy 2007 (or as amended from time to time), such that any resulting noise is not considered a nuisance, to the satisfaction of the Relevant Authority.
- (12) The maximum sized vehicle to access the site will not exceed SRV sized delivery vehicle (6.4 metres long as per AS2890.2-2020).
- (13) All waste material not required for further onsite processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained load so that no waste is spilled, or dust or odour is created to the satisfaction of the Relevant Authority.
- (14) Except where otherwise approved, the freestanding and open sides of the agricultural building and carport shall remain open and unobstructed, pursuant to the Approved Plans, at all times.

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 two 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 two years from the operative date of approval, the approval will then lapse three 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) 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.
- (9) 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.

- (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 Council, including any existing infrastructure.
- (11) The approval herein does not include advertising signage, any proposed signage shall be the subject of a separate approval.

CARRIED

6.2 23025112 - 11A-13 Mill Street Tanunda, 15 MacDonnell Street Tanunda and 26 Fielder Street Tanunda

Representors

Brian Conway addressed the Panel at 5:20pm and answered questions from the Panel.

Applicant

Julie Lewis (URPS) and Shae Taylor (Grieve Gillett Architects) addressed the Panel at 5:26pm and answered questions from the Panel.

Steve Kaesler (Manager, Engineering Services) answered questions from the Panel at 5:30pm.

PANEL DECISION

Moved: G Hewitt

Seconded: G Burns

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: 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. 23025112 by Tanunda Medical Centre to undertake a Staged Development comprising - Demolition of existing consulting rooms and residential flat building (containing three dwellings); Construction of a medical centre containing consulting and treatment rooms, and associated car parking and landscaping at 11A-13 Mill Street, 15 MacDonnell Street and 26 Fiedler Street, Tanunda (CT 5480/969, CT 5651/661, CT 5834/275, CT 5024/206-9) subject to the following reserved matter, conditions and advisory notes:

Reserved Matters

Pursuant to Section 102 (3) of the *Planning, Development and Infrastructure Act 2016*, the following matters shall be reserved for further assessment, to the satisfaction of the relevant authority, prior to the granting of Development Approval:

- (a) The applicant shall submit an updated civil design addressing matters regarding:
 - (i) Pedestrian access to Mill Street; and
 - (ii) Pedestrian ramp and approach footpath connecting the carpark to Fiedler Street; and
 - (iii) "No stopping" areas along the Mill Street and MacDonnell Street frontages.
- (b) The applicant shall submit a final working Landscape Plan for approval, that includes all of the following:

- (i) Final location for all proposed landscaping comprising trees, shrubs and groundcovers; and
- (ii) Final nominated species to be used, with a preference for indigenous local species; and
- (iii) Pot sizes, noting where advanced growth trees shall be used; and
- (iv) Irrigation and maintenance methods.

Note: Further conditions may be imposed on the Planning Consent in respect of the above matters.

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 23025112 except where varied by any condition(s) listed below.
 - Existing Site Plan – prepared by Grieve Gillett Architects, job no 22016, Dwg no DA01, Rev 2, dated 24 Aug 2023
 - Demolition Plan Stage 1 – prepared by Grieve Gillett Architects, job no 22016, Dwg no DA11, Rev 1, dated 24 Aug 2023
 - Demolition Plan Stage 2 – prepared by Grieve Gillett Architects, job no 22016, Dwg no DA12, Rev 1, dated 24 Aug 2023
 - Proposed Site Plan – prepared by Grieve Gillett Architects, job no 22016, Dwg no DA13, Rev 2, dated 24 Aug 2023
 - Ground Floor Plan – prepared by Grieve Gillett Architects, job no 22016, Dwg no DA20, Rev 3, dated 24 Aug 2023
 - Roof Plan – prepared by Grieve Gillett Architects, job no 22016, Dwg no DA21, Rev 2, dated 24 Aug 2023
 - Elevations – prepared by Grieve Gillett Architects, job no 22016, Dwg no DA31, Rev 1, dated 24 Aug 2023
 - Streetscape Elevations – prepared by Grieve Gillett Architects, job no 22016, Dwg no DA32, Rev 1, dated 24 Aug 2023
 - Materials Schedule – prepared by Wax Design, job no 23TMC, Rev 3, dated 23 Aug 2023
 - Legend – prepared by Wax Design, job no 23TMC, Dwg no L00, Rev E, dated 23 Aug 2023
 - External Works Plan – prepared by Wax Design, job no 23TMC, Dwg no L01, Rev E, dated 24 Aug 2023
 - External Works Plan – prepared by Wax Design, job no 23TMC, Dwg no L02, Rev E, dated 24 Aug 2023
 - Set Out Plan – prepared by Wax Design, job no 23TMC, Dwg no L03, Rev E, dated 24 Aug 2023
 - Set Out Plan – prepared by Wax Design, job no 23TMC, Dwg no L04, Rev E, dated 24 Aug 2023
 - Details – prepared by Wax Design, job no 23TMC, Dwg no D01, Rev E, dated 24 Aug 2023
 - Obtrusive Lighting Report – prepared by Secon Consulting Engineers, job no C3043, Rev 0, dated 16 Aug 2023

- Parking & Manoeuvrability Report – prepared by Cirqa, job no 33475/BNW, dated 21 Aug 2023
 - Stormwater Management Plan – prepared by CPR Engineers, job no 220058, Rev 0, dated 24 Aug 2023
 - Civil Notes, Siteworks Legend and Keyplan – prepared by CPR Engineers, dwg no 220058-C100, Rev 0, dated Oct 2023
 - Siteworks & Drainage Plan Sheet 1 – prepared by CPR Engineers, dwg no 220058-C200, Rev A, dated Dec 2023
 - Siteworks & Drainage Plan Sheet 2 – prepared by CPR Engineers, dwg no 220058-C201, Rev A, dated Dec 2023
 - Civil Details Sheet 1 – prepared by CPR Engineers, dwg no 220058-C300, Rev 0, dated Oct 2023
 - Civil Details Sheet 2 – prepared by CPR Engineers, dwg no 220058-C301, Rev 0, dated Oct 2023
- (2) All waste material not required for further onsite processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no waste is spilled, or dust or odour is created to the satisfaction of the Relevant Authority.
- (3) The external building materials of all approved buildings shall:
- (a) Be of new muted and non-reflective in nature
 - (b) be in accordance with the approved colours and materials schedule
 - (c) In case of metal cladding, shall have a pre-colour treated finishes
 - (d) be maintained in good condition at all times.
- (4) 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.
- (5) Prior to occupation of the replacement building, the landscaping works shown on the Approved Landscaping Plan, must be carried out, completed and maintained to the satisfaction of the Relevant Authority. Any dead or diseased plantings shall be replaced within the next planting season.
- (6) Storm water disposal systems must be fully installed at the completion of the construction of the building in accordance with the Approved Stormwater Management Plan. Adequate measures shall be deployed during construction, in accordance with the approved construction management plan, so as to ensure the temporary disposal of surface or roof water does not affect neighbouring properties.
- (7) The approved car parking (as hereby approved), shall be constructed in stage 2, within period of not more than 6 months following the completion of stage 1 so as to minimise the period of absence of on-site car parking.

The area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- (a) All driveway access, internal roadways, car parking and vehicle manoeuvring areas shall be constructed with sealed pavement, and comply with the requirements of AS2890.1 Parking facilities – Part 1: Off-street car parking and AS2890.6 Parking facilities – Part 6: Off-street parking for people with disabilities; and
 - (b) Properly formed to such levels that they can be used in accordance with the plans; and
 - (c) Drained and maintained; and
 - (d) Line marked to indicate each car space and all access lanes; and
 - (e) The visitor car park shall be clearly designated as such;
 - (f) Clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of Council. Car spaces, access lanes and driveways must be maintained and kept available for these purposes at all times.
- (8) Prior to commencement of use (in stage 1), the building/s authorised herein shall be connected and remain connected to an approved wastewater system to the reasonable satisfaction of council.
- (9) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the *Environment Protection (Noise) Policy 2007* (or as amended from time to time), such that any resulting noise is not considered a nuisance, to the satisfaction of the Relevant Authority.
- (10) The detailed design of all footpaths, open spaces and other publicly accessible areas must comply with the requirements of the *Disability Discrimination Act 1992*.
- (11) All redundant driveway crossovers and gutter inverts shall be removed and reinstated with upright kerb and gutter to match adjacent levels and profile, prior to completion of stage 2. The verge areas shall be reinstated to match existing adjacent verge materials and graded evenly to match levels at top of new kerbing.
- (12) The controlled discharge from the site shall be connected safely to Council's stormwater drainage system as follows:
- (a) The maximum point discharge to kerb and gutter up to a 10% AEP event shall be 12L/s; 1% AEP event shall be 20L/s.
 - (b) Detention shall be provided to limit the post-development peak discharge to the maximum permitted point discharge rates above.
 - (c) No stormwater runoff from the site shall be permitted to discharge onto any adjacent property or the footpath verge.

- (13) The disposal of all wastewater from the development shall be safely connected to Council's CWMS.
- (a) On approval of the wastewater design, all redundant sewer drainage shall be abandoned to Council satisfaction.
 - (b) All redundant sewer drainage that crosses the proposed allotment boundaries must be severed or redirected at the applicant's cost to ensure that the pipework relating to each allotment is contained within its boundaries.
 - (c) An augmentation fee may be charged by Council for the connection of additional loads to the CWMS, based on the need to construct additional treatment infrastructure to cater for the additional wastewater. The actual amount of any fee applicable will be calculated at time of Wastewater Application assessment.
- (14) The hours of operation of the premises shall not exceed the following times:
- Monday to Friday 7:00 am to 9:00 pm; and
 - Saturday 8:00 am to 5:00 pm
- (15) The applicant shall submit a construction management plan to address the following construction matters during phase of construction during stage 1 and stage 2, for approval by the Assessment Manager, prior to commencement of site works:
- (i) Construction staging and methodology;
 - (ii) Traffic and access requirements – including but not limited to, deliveries and crane/heavy machinery access and impacts;
 - (iii) Parking arrangements to minimise inconvenience to neighbours during period of construction in stages 1 and 2, noting absence of (or reduced) on-site car parking during stages 1 and 2;
 - (iv) Measures for the reduction of potential for mud and material drag out from the site by providing a hard surface at the entry/exit points to the site and a controlled washing zone prior to exiting the site;
 - (v) Containment of water run-off within the site, which will be filtered and cleaned to the satisfaction of Council if being discharged into the stormwater system;
 - (vi) Reduction of the potential for dust and other airborne particles by the use of water sprinklers and/or other means of containment;
 - (vii) The establishment of a compound for the storage of waste materials and litter. The compound must be covered to prevent litter from being blown away from the compound; and
 - (viii) Measures to minimise the potential for noise pollution through correct positioning of all mechanical equipment to ensure compliance with the requirements of the *Environment Protection (Noise) Policy*.

Advisory Notes

- (1) 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 been 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.

- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.

- (6) The approval herein does not include advertising signage, any proposed signage shall be the subject of a separate approval.

CARRIED

6.3 23025940 - 30 Bushman Street Tanunda

PANEL DECISION

Moved: G Burns

Seconded: S Giles

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: 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 Burns

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. 23025940 by JBG Architects to undertake 'Construction of a two-storey group dwelling on an existing residential site' at 30 Bushman Street, Tanunda (CT5133/412) 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 applicant shall lodge and have approved by the relevant authority 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 applicant shall submit a final Stormwater Management Plan to demonstrate the method and location of stormwater discharge to the street water table, with any plan required to be approved by Council.

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No 23025940 except where varied by any following condition(s) listed below:
 - Coversheet, Perspective by JBG Architects, Project No. 2309, Drawing No. A000, dated 4 September 2023
 - Site Plan by JBG Architects, Project No. 2309, Drawing No. A001, dated 24 October 2023
 - Floor Plan by JBG Architects, Project No. 2309, Drawing No. A101, dated 4 September 2023
 - Elevations by JBG Architects, Project No. 2309, Drawing No. A211, dated 4 September 2023
 - Response for information response by JBG Architects, Job No. 2309, dated 24 October 2023 and 8 November 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 council.
- (3) All external building materials shall:
 - (a) Be muted and non-reflective in nature; and
 - (b) Where metal cladding is used, it shall have a pre-colour treated finish; and
 - (c) Be in accordance with the approved plans; and
 - (d) Be new materials and 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 accordance with the Approved Stormwater Management Plan and 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.

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 Council.

- (5) 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.
- (6) Landscaping shall be established within the areas identified on the Approved plans, within 12 months from date of occupation of the dwelling. The landscaping shall be maintained and nurtured at all times thereafter with any diseased or dying plants replaced in a timely manner.
- (7) Within 3 months of dwelling occupation, the access driveway between the existing sealed driveway and the proposed garaging shall be completed in accordance with the Approved Plans.

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 two 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 two years from the operative date of approval, the approval will then lapse three years from the operative date of the approval (unless the development has been substantially or fully completed within those three 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) 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 neighbouring land.

- (6) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to sec 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.

- (7) 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.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) 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.

- (12) 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.
- (13) The applicant is advised that any retaining works to exceed greater than one vertical metre constitutes development, and requires development approval in its own right.
- (14) 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 been 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.

New services such as CWMS and water supply through the Garrett Court reserve are subject to consent of Council pursuant to the *Local Government Act 1999*.

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)

A Curtis advised the Panel that a request for a Review of Assessment Manager Decision had been received, and a report will be presented to the Panel Meeting to be held 6 February 2024.

8. REPORTS – PANEL UPDATES

Nil.

9. REPORTS – OTHER BUSINESS

9.1 Variation to Barossa Assessment Panel Delegations - Updates to Legislation

PANEL DECISION

Moved: G Burns

Seconded: G Hewitt

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 Instrument of Delegation contained in Attachment 1 of the report entitled “Variations to Barossa Assessment Panel Delegations – Updates to Legislation” are hereby delegated from 25 January 2024 to the positions indicated in Attachment 1.
- (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

Resignation of Janine Lennon

A Curtis advised the Panel of the resignation of J Lennon (Senior Assessment Officer – Planning) after five years with Council. A Curtis thanked Janine for her significant contribution to the effective operation of the Panel, acknowledging her great work, and wished her well for her future endeavours.

M Wohlstadt reiterated the above comments, and thanked Janine on behalf of the Panel.

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Tuesday 6 February 2024 commencing at 5.00 pm

12. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:21pm.

Confirmed

Date:..... Presiding Member: