

BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA ASSESSMENT PANEL
held on

Tuesday, 6 February 2024, commencing at 5.00 pm

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



The Barossa Council

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1. WELCOME

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

2. ATTENDANCE

2.1 Present

Panel Members

Michael Wohlstadt	Presiding Member
Susan Giles	Member
Grant Hewitt	Member
Tony Hurn	Deputy Elected Member
Graham Burns	Deputy Member

Aaron Curtis	Assessment Manager
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Council Staff

Jake McVicar	Director, Development and Community Services
Tom Marshall	Assessment Officer, Planning
Calvin Bacher	Assessment Officer, Planning
Chris Kruger	Minute Secretary

2.2 Apologies

Jane Evans.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

PANEL DECISION

Moved: G Hewitt

Seconded: G Burns

That the minutes of the Barossa Assessment Panel meeting held on Wednesday 24 January 2024 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

Michael Wohlstadt

23014767 – 1 Koblenz Court Tanunda

M Wohlstadt declared an interest due to being the proprietor of a Bed and Breakfast business (representing 0.14% of the bed supply in the Barossa Tourist Region as defined by SA Tourism Commission, June 2023), however did not perceive it to be a conflict, and therefore would remain in the meeting during deliberations.

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

6.1 23014767 - 1 Koblenz Court 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: T Hurn

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. 23014767 by Emma Woods and Charles Whittaker-Smith to undertake "Change of Use from Dwelling to Tourist Accommodation (maximum of 6 guests between three bedrooms)" at 1 Koblenz Court, Tanunda (CT5322/267) 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. 23014767 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 six (6) guests shall be accommodated within the Tourist Accommodation facility at any one time.
- (4) All guest 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 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) 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 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.

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)

7.1 22027507 - 41 Whispering Wall Road Williamstown

Prior to the Panel meeting at 3:30pm, Panel members conducted a site inspection of the property location.

Mr Charlie Dubios (Masterplan), and Mr Alex Gill (owner) addressed the Panel at 5:15pm and answered questions.

PANEL DECISION

Moved: G Burns

Seconded: T Hurn

Set aside decision

The Barossa Assessment Panel resolves to set aside the decision of the Assessment Manager.

CARRIED

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: T Hurn

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: T Hurn

Seconded: G Hewitt

Granting of Planning Consent

Decision

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 22027507 by Alex Gill to undertake construction of an outbuilding – domestic storage (measuring 24.0m x 24.0m x 4.0m wall height subject to the following Reserved Matters and Conditions:

Reserved Matters

- (a) The final external colour for the outbuilding shall be authorised to the satisfaction of the Assessment Manager under delegation of the Assessment Panel; and
- (b) Final landscaping plan shall be submitted that incorporates tree planting adjacent the northern and southern elevations of the building shall be

authorised to the satisfaction of the Assessment Manager under delegation of the Assessment Panel;

- a) Tree species;
- b) The species shall achieve a mature height of at least 4m;
- c) Irrigation and maintenance methods;
- d) Pot sizes.

Council Conditions

- (1) The development shall be undertaken in accordance with the plans and documentation accompanying the application, unless varied by the following conditions.
- (2) All external building materials shall:
 - a) Have a pre-colour treated finish; and
 - b) Be in accordance with plans authorised under the Reserved Matter; and
 - c) Be new materials and maintained in good condition at all times.
- (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.

Storm water disposal systems must be fully installed at the completion of the construction of the building with adequate measures deployed during construction to ensure the temporary disposal of surface or roof water does not affect neighbouring properties, to the satisfaction of the relevant authority.

- (4) The building herein approved shall not be used for human habitation or occupation, or industrial or commercial purposes, at any time.
- (5) Landscaping shall be established in accordance with the Approved Plans authorised under the Reserved Matter. The landscaping shall be established during the next available growing season following the commencement of use of the outbuilding and shall be maintained to the reasonable satisfaction of Council thereafter.
- (6) The existing shed and shipping container located within the existing pad upon which the proposed outbuilding shall be built, shall be

removed from the site, prior to commencement of use of the outbuilding.

CARRIED

8. REPORTS – PANEL UPDATES

Nil.

9. REPORTS – OTHER BUSINESS

Nil.

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Tuesday 5 March 2024 commencing at 5.00 pm

12. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:03pm.

Confirmed

Date:..... Chairman: