

BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA ASSESSMENT PANEL
held on

Tuesday, 5 March 2024, commencing at 5.00 pm

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



MINUTES

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1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5.00 pm.

2. ATTENDANCE

2.1 Present

Panel Members

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

Aaron Curtis	Assessment Manager
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Council Staff

Jake McVicar	Director, Development and Community Services
Marie Thom	Minute Secretary

2.2 Apologies

Nil.

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 Tuesday 6 February 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 – Application 23034819 - Lot 101 Biscay Road Tanunda	Jane Evans

J Evans declared a conflict of interest in respect to report item 6.1 on the basis that she has known the representors Robert O'Callaghan and James March of Rockford Wines personally, and worked with them on a voluntary basis assisting with community initiatives for a number of years.

.1 – Application 23034819 - Lot 101 Biscay Road Tanunda	Michael Wohlstadt
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M Wohlstadt declared a conflict of interest in relation to report item 6.1 on the basis that he prepared a planning opinion on behalf of Grant Burge and Rockford Wines through his planning consultancy business, Planning Advisory Services.

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

J Evans and M Wohlstadt left the meeting at 5.01 pm due to an earlier stated conflict of Interest.

PANEL DECISION

Moved: G Hewitt

Seconded: S Giles

That the panel appoint Mr Graham Burns as Acting Presiding Member for report item 6.1, Application 23034819, Lot 101 Biscay Road Tanunda due to Mr Michael Wohlstadt declaring a conflict of interest.

CARRIED

6.1 23034819 - Lot 101 Biscay Road Tanunda

Representors

Ms Amy Heinicke, Managing Director of Rockford Wines and Mr Grant Burge provided a joint submission and addressed the panel at 5.10 pm and answered questions from the panel.

Applicant

Mr Mark Baade Planning Consultant from Waveconn Operations Pty Ltd addressed the Panel at 5.27 pm and answered questions from the Panel.

PANEL DECISION

Moved: S Giles

Seconded: G Hewitt

Not Seriously at Variance

The Barossa Assessment Panel, having considered the application, resolves that the development proposal has sufficient merit, and is not seriously at variance with the Planning and Design Code.

CARRIED

PANEL DECISION

Moved: S Giles

Seconded: G Hewitt

Character Preservation

Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, has resolved that there are potential impacts on the character values of the district, but is worthy of further consideration

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. 23034819 by Waveconn Operations Pty Ltd to undertake the construction of a telecommunications facility including: 30 metre monopole, antennas, equipment cabinets and fencing at Lot 101 Biscay Road, Tanunda (CT 5282/151) 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 the application except where varied by any condition(s) listed below.

- Locality Plan, Prepared by Waveconn, Drawing No. AS 5352-005-00

- Site Plan, Prepared by Waveconn, Drawing No AS 5352-005-P1, Revision B-1 Dated 8 August 2023
 - Site Layout, Prepared by Waveconn, Drawing No. AS5352-005-P2, Revision B-1, Dated 8 August 2023
 - Site Elevation, Prepared by Waveconn, Drawing No AS5352-005-P3, Revision B-1, Dated 8 August 2023
 - Planning Report prepared by SAQ Consulting Pty Ltd, dated 30 November 2023
- (2) The equipment cabinets associated with the telecommunications facility 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) The adjoining owners should be advised of the proposed work on the boundary and matters 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.
- (4) 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.
- (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) 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.

- (7) 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.
- (8) 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.

CARRIED

J Evans and M Wohlstadt returned to the meeting at 6.05 pm.

M Wohlstadt resumed the position of Presiding Member.

6.2 23035013 - Lot 4 Duck Ponds Road Stockwell

Representor

Kevin Walsh was not in attendance for the meeting.

Applicant

Mr David Hutchinson from Access Planning (SA) Pty Ltd, Ms Bridget Lindsay from Pinion Advisory and Mr Chris Timms from Dorrien Estate Winery jointly addressed the Panel at 6.09 pm and answered questions from the Panel.

Mr Steve Kaesler, Manager, Engineering Services addressed the panel at 6.43 pm and answered questions from the Panel.

The applicants removed themselves from the meeting at 7.01 pm to consider the panels request for deferral of the application.

The applicants returned to the meeting at 7.02 pm and advised the panel they consent to the application being put on hold for period of no more than two months, pending additional information for consideration of the panel.

PANEL DECISION

Moved: J Evans

Seconded: M Wohlstadt

Deferral 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 DEFER Planning Consent with the consent of the applicant, for Application No. 23035013 by Access Planning (SA) Pty Ltd to undertake the Construction of a 160 ML irrigation dam, with maximum fill of 11 metres and max cut of 6.5 metres at Lot 4 Duck Ponds Road Stockwell (CT

5229/947 for a period of two months in order to enable, under delegation of the Panel through the Assessment Manager:

- undertake an independent assessment by a suitably qualified geotechnical engineer of the Dam Hazard and Consequence Category Assessment and all other design documents associated with construction of the dam, noting its proximity to the township of Stockwell; and
- Advise of any other information that may be relevant to assist in mitigating the risk associated with the construction of the dam.

CARRIED

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

Nil.

8. REPORTS – PANEL UPDATES

Nil.

9. REPORTS – OTHER BUSINESS

9.1 Assessment Manager Quarterly Report - October 2023 to December 2023

PANEL DECISION

Moved: G Hewitt

Seconded: G Burns

That the report be received.

CARRIED

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Tuesday 2 April 2024 commencing at 5.00 pm

12. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 7.14 pm.

Confirmed

Date:..... Chairman: