

BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA ASSESSMENT PANEL
held on

Tuesday, 7 May 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 24003132 - Lot 14 Woodlands Road Cockatoo Valley	4
7. Reports – Review of Assessment Manager Decisions (Planning, Development and Infrastructure Act 2016)	7
Nil	
8. Reports – Panel Updates	8
Nil	
9. Reports – Other Business	8
9.1 Assessment Manager Quarterly Report - January 2024 to March 2024	8
10. Reports – Confidential	8
Nil	
11. Next Meeting	9
12. Closure of Meeting	9

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
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Council Staff

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

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

PANEL DECISION

Moved: G Burns

Seconded: G Hewitt

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 2 April 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 24003132

Michael Wohlstadt

Michael Wohlstadt declared an interest in respect of Item 6.1 as he is a Primary Producer, however did not perceive this to be a conflict of interest so will remain in the meeting during assessment of the application.

6.1 Application 24003132

Jane Evans

Jane Evans declared an interest in respect of Item 6.1 as she is a Primary Producer, however did not perceive this to be a conflict of interest so will remain in the meeting during assessment of the application.

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

6.1 24003132 - Lot 14 Woodlands Road Cockatoo Valley

Representors

Charles Teusner answered questions from the Panel at 5:03pm.

Applicant

Stefano Barilla (applicant) and Nick Simos (SA Urban and Regional Planning) addressed the Panel at 5:34pm, and answered questions from the Panel.

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: G Hewitt

Character Preservation

Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, has resolved that there are no significant impacts on the character values of the district.

CARRIED

PANEL DECISION

Moved: G Hewitt

Seconded: 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. 24003132 by Mr Stefano Barilla to undertake Change of use to horticulture – olive orchard at Lot 14 Woodlands Rd, Cockatoo Valley (CT 5995/563) subject to the following Reserved Matter, condition and advisory notes:

Reserved Matter

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

- (1) The applicant shall submit a landscaping plan to the satisfaction of the Assessment Manager as delegate for the Barossa Assessment Panel, that provides for a continuous landscape buffer adjacent to the northern boundary of the site, in order to mitigate the effect of spray drift upon the olive grove, using species suited to be resilient to the effect of spray chemicals. The landscaping strip shall be irrigated, nurtured and maintained and shall be established in the first growing season.

Council Conditions

- (1) The development shall be undertaken in accordance with the following endorsed plans and documentation accompanying the application, except where varied by the conditions listed below:
 - Site Plan, 23 January 2024, Drawing No. A
 - Covering Letter, SA Urban & Regional Planning, 2 February 2024
 - Response to Representations, SA Urban & Regional Planning, 17 April 2024

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

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 - January 2024 to March 2024

PANEL DECISION

Moved: G Hewitt

Seconded: G Burns

That the report be received.

CARRIED

Interface Management Code Amendment

A Curtis advised the Panel that the State Planning Commission has recently initiated an Interface Management Code Amendment which is proposed to review and strengthen interface management policies, focusing on sensitive land uses developed in proximity of existing industrial and employment activities, to protect the ongoing operations of existing industries.

The Code Amendment is yet to be released for public consultation. It is intended that Council will make a submission to the State Planning Commission during the public consultation period to bring attention to the current issues and concerns regarding rural interface issues impacting development in the Barossa region.

Status of Application 23035013 – Lot 4 Duckponds Road Stockwell – Dam

A Curtis informed the Panel that an Independent Report has been received and provided to the Applicant, who has agreed to the application being placed on hold, pending a further report to the Panel, which is envisaged to occur in July 2024.

Meeting Apology – 2 July 2024

G Burns tendered his apology for the Barossa Assessment Panel meeting scheduled for 2 July 2024.

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Tuesday 4 June 2024 commencing at 5.00 pm

12. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:26pm.

Confirmed

Date:..... Chairman: