

BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA ASSESSMENT PANEL
held on

Tuesday, 6 August 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 5:01pm.

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	Senior Assessment Officer, Planning
Chris Kruger	Minute Taker

2.2 Apologies

Jane Evans.

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 2 July 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 24012554 – Lot 76 Lindsay Park Road Moculta, 598 Moculta Road Moculta and Lot 281 Moculta Road Moculta	Michael Wohlstadt

Michael Wohlstadt declared an interest in respect of item 6.1 as he is a Primary Producer, however did not perceive it to be a conflict of interest so therefore will remain and participate in the meeting.

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

6.1 24012554 - Lot 76 Lindsay Park Road Moculta, 598 Moculta Road Moculta and Lot 281 Moculta Road Moculta

Representors

Rob Morgan provided a submission but did not attend to address the Panel.

Brian Lee addressed the Panel at 5:06pm, and answered questions from the Panel.

Applicant

Ian Mason and Jason Miller (Australian Frost Fans) and Mathew Ward (Echo Acoustics) answered questions from the Panel (via Teams) at 5:20pm, on behalf of Treasury Wine Estates Vintners.

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: S Giles

Seconded: G Burns

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 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. 24012554 by Treasury Wine Estates Vintners to undertake the 'Installation and operation of two (2) FrostBoss C49 and two (2) FrostBoss C59 frost fans with Perkins engine' at Lot 76 Moculta Road, Moculta (CT 5131/) subject to the following conditions and advisory notes:

Council Conditions

- (1) The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application, unless varied by the following conditions.
 - Environmental Noise Assessment by Echo Consulting, reference no. 23-40-1, dated 22 April 2024.
 - Structural Drawings for Frost Fans C49 by Design Phase, project no. 1951, sheets 000, S.01 and S.02, issue 1, dated 25/06/2021.
 - Structural Drawings for Frost Fans C59 by Design Phase, project no. 1951, sheets 000, S.01 and S.02, issue 1, dated 01/03/2019.
- (2) The frost fans must be operated in accordance with the provisions of the *Environment Protection (Commercial and Industrial) Noise Policy 2023* 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 fans 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 fans shall be set with a fan 'start' temperature of 1°C and a fan 'stop' temperature of 3°C.
- (7) The operating motor speed for the Frost Boss C49 frost fans must be mechanically limited to a maximum of 1750 rpm and the fan speed must not exceed a maximum of 418 rpm.
- (8) The operating motor speed for the Frost Boss C59 frost fans must be mechanically limited to a maximum of 1800 rpm and the fan speed must not exceed a maximum of 365 rpm.

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

6.2 24003640 - Lot 634 Elizabeth Street Tanunda

Representors

Ivan Feaviour addressed the Panel at 5:56pm, and answered questions from the Panel.

Marco Cirillo addressed the Panel at 6:01pm, and answered questions from the Panel.

Applicant

Nick Wilson (Masterplan), on behalf of Bartsch Builders Pty Ltd addressed the Panel at 6:10pm, and answered questions from the Panel.

Tony Hurn left the meeting at 6:19pm.

The meeting was suspended for a short break at 6:19pm.

Tony Hurn returned to the meeting at 6:20pm.

The meeting resumed at 6:20pm.

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: 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: G Hewitt

Seconded: T Hurn

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. 24003640 by Bartsch Builders Pty Ltd to undertake the "Construction of a store building (measuring 8.3 metres x 12 metres x 3.6 metre wall height)" at (CT 6287/27) subject to the following reserved matters, conditions and advisory notes:

- (1) The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application, unless varied by the following conditions.
 - Block Plan by Bartsch Builders, Job no. KITE, Sheet no. BB001, revision E, dated 19/06/2024.
 - Site Plan by Bartsch Builders, Job no. KITE, Sheet no. BB002, revision E, dated 19/06/2024.

- Floor and Elevation Plan by Bartsch Builders, Job no. KITE, Sheet no. BB101, revision E, dated 19/06/2024.
- (2) The store building herein approval shall be used for storage of domestic and land maintenance related items/goods/equipment with no human habitation, commercial or industrial activities to be undertaken at any time, to the reasonable satisfaction of the Relevant Authority.
 - (3) The landscaping depicted on the approved Landscaping - Site Enlargement Plan by MasterPlan (dated April 2024) shall be established within 3 months from commencement of use and shall be maintained and nurtured at all times thereafter, with any diseased or dying plants replaced in a timely manner.
 - (4) Prior to use of the building herein approved, the access driveway between the property boundary and the kerb line must be constructed in accordance with the Council's Standards and Requirements for the Design, Construction and Development of Infrastructure Assets. The driveway must be sealed with an approved durable material such as concrete, bricks, pavers or asphalt and match into existing footpath and road verge levels, to the satisfaction of Council.
 - (5) All external building materials shall be:
 - (a) in accordance with the approved plans; and
 - (b) new materials and maintained in good condition at all times.
 - (6) 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.
 - (7) 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.
 - (8) 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.

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 2 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 2 years from the operative date of approval, the approval will then lapse 3 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) 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) 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.
- (13) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Commercial and Industrial) Noise Policy 2023, and such that any resulting noise is not considered a nuisance, to the satisfaction of Council, including any existing infrastructure.

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's Quarterly Report- April 2024 to June 2024

PANEL DECISION

Moved: G Hewitt

Seconded: Hurn

That the report be received.

CARRIED

Application 23035013 – Lot 4 Duck Ponds Road Stockwell – Construction of 160 ML Irrigation Dam

A Curtis advised that an Appeal has been received in respect of the application for the Irrigation Dam proposed for Lot 4 Duck Ponds Road, Stockwell. The Appeal has been listed for a Hearing in September. Staff will attend and provide an update to the Panel in due course.

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Tuesday 3 September 2024 commencing at 5.00 pm

12. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:41pm.

Confirmed

Date:..... Chairman: