

BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA ASSESSMENT PANEL
held on

Tuesday, 3 December 2024, commencing at 5.00 pm

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



The Barossa Council

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1. WELCOME

Appointment of Presiding Member

Aaron Curtis opened the meeting at 5:05pm noting the vacant position of Presiding Member, and called for Nominations for the position of Presiding Member for the 3 December 2024 meeting.

Graham Burns nominated himself for the position of Presiding Member.

PANEL DECISION

Moved: G Hewitt

Seconded: S Giles

That Graham Burns be appointed as Presiding Member for the Barossa Assessment Panel meeting held on Tuesday 3 December 2024.

CARRIED

The Presiding Member welcomed everyone, and introduced Panel members.

2. ATTENDANCE

2.1 Present

Panel Members

Graham Burns	Presiding Member
Susan Giles	Member
Grant Hewitt	Member
Jane Evans	Member

Aaron Curtis	Assessment Manager
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Council Staff

Steve Kaesler	Manager, Engineering Services
Chris Kruger	Minute Taker

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 November 2024 be received and confirmed.

CARRIED

4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

Nil.

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

6.1 23022220 - 5-9 Tanunda Road, 11 Tanunda Road, 13 Tanunda Road Nuriootpa and 1 Staehr Street Nuriootpa

Representors

Brett Beinke on behalf of Dean and Sue Harrison, Brett Beinke and Vivian Castro, addressed the Panel at 5:11pm, and answered questions from the Panel.

Malcolm Simpkin addressed the Panel at 5:17pm, and answered questions from the Panel.

Applicant

Kuol Baak (PC Infrastructure Pty Ltd) addressed the Panel at 5:27pm, and answered questions from the Panel.

Steve Kaesler (Manager, Engineering Services) answered questions from the Panel at 5:46pm.

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: J Evans

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: S Giles

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. 23022220 by OTR Pty Ltd to undertake "Demolition of building, construction of a carwash comprising three manual bays and one automatic bay, a dog wash, two vacuum bays, four EV charging bays, 6m Pylon sign, fencing, car parking, manoeuvring areas and landscaping, new access to Staehr Street and amendment to drive through, car parking and landscaping associated with Hungry Jacks fast food restaurant at 5-9 Tanunda Road, 11 Tanunda Road, 13 Tanunda Road Nuriootpa and 1 Staehr Street Nuriootpa (CT 6152/598, CT6152/599, CT 5933/756, CT 5404/78) 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 following matter shall be reserved for further assessment, to the satisfaction of the Assessment Manager, prior to the granting of Development Approval:

- (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*.

Note: An augmentation fee may be charged by Council for the connection of additional loads to the Nuriootpa CWMS, based on the need to construct additional treatment infrastructure to cater for the additional wastewater loads from the development/site.

- (2) Updated Civil and Siteworks Plan that reflects the final authorised layout for the development pursuant to Planning Consent Condition 1. The Civil and Siteworks Plan shall include detailed design of proposed alterations to existing underground stormwater infrastructure in Staehr Street, including side entry pit and pipework connecting to the side entry pit on the southern side of Staehr Street.
- (3) Stormwater Management Plan evidencing that:
 - Post-development peak rate of runoff from the site must not exceed the pre-development peak rate of runoff from the site or the maximum acceptable discharge to Council's infrastructure, whichever is the lesser;
 - Detention shall be provided to limit the 5% AEP post-development peak discharge to the 5% AEP pre-development peak discharge from the site;
 - The maximum point discharge to kerb and gutter for up to a 10% AEP event shall be 12L/sec; 1% AEP event shall be 20L/sec;
 - Runoff shall be treated to achieve desired water quality levels consistent with the Environment Protection Authority's '*Stormwater Pollution Prevention Code of Practice for Local, State and Federal Government*'.
- (4) The allotments described as 13 Tanunda Road and 1 Staehr Street (allotments 1 and 2, Deposited Plan D95608, shall be amalgamated into one allotment and evidence provided that such amalgamation has taken place.
- (5) Final fencing design in respect to the identified acoustic fence and car wash wall (of bay 4) to Staehr Street referred in the Environmental Noise Assessment, prepared by Sonus, that incorporates improved design outcome for this fence and wall to Staehr Street, incorporating one or more of the following:

- Recessing of the 2.1 metres fence in from the boundary to enable landscaping to be presented to the street in front of the fence;
 - Articulation of the fence and wall in form of varied materials, colours, finishes and/or artist patterning;
 - Incorporating of plantings within the landscaping bed (adjacent Staehr Street) to achieve a mature height of at least 2 metres.
- (6) Updated Elevation Plan that shows the final extent of enclosure to the eastern and western ends of the automatic car wash, in accordance with the recommendations of the Sonus Environmental Noise assessment.

Council Conditions

- (1) The development shall be undertaken in accordance with the following endorsed plans and documentation (as amended) accompanying Development Application No. 23022220 except where varied by the conditions listed below:
- Site Plan, ADS Architects, 18 September 2024;
 - Elevation Plan 1, ADS Architects, 18 September 2024;
 - Elevation Plan 2, ADS Architects, 18 September 2024;
 - Landscape Plan, Oxigen, Issue 15.047.124 Issue E;
 - Transport Impact Assessment, SALT3, 5 September 2024;
 - Sonus Environmental Noise Assessment, S7757C1, May 2023;
 - Lighting Assessment, TMK, 2305055, 29 May 2024.
- (2) Prior to commencement of use, the car wash shall be connected and remain connected to an approved wastewater system to the reasonable satisfaction of Council, pursuant to the Reserved Matter.
- (3) The development authorised herein shall be restricted in terms of operating hours as follows:
- 7:00am to 10:00pm, Monday to Sunday inclusive (and inclusive of all Public Holidays).
- (4) All external lighting must be in accordance with AS 4282:2019 'Outdoor Lighting Obtrusive Effects' so as to prevent any adverse effect on adjoining sensitive receivers.
- (5) Provision shall be made for appropriate storage and disposal of waste to the reasonable satisfaction of the Relevant Authority. All waste storage areas shall be screened from public view at all times.
- (6) Stormwater disposal systems must be fully installed prior to commencement of use in accordance with the Approved Civil and Siteworks Plan, approved by

Council pursuant to the Reserved Matter. Adequate measures shall be deployed during construction to ensure the temporary disposal of surface or roof water does not affect neighbouring properties.

- (7) The detailed design of all internal footpaths and other publicly accessible areas within the site must comply with the requirements of the Disability Discrimination Act 1992.
- (8) 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*, such that any resulting noise is not considered a nuisance, to the satisfaction of the Relevant Authority.
- (9) The external building materials shall:
 - (a) Be of new non-reflective materials; and
 - (b) Be in accordance with the approved plans; and
 - (c) Be maintained in good condition at all times.
- (10) The car park and manoeuvring area shall be kept clear and unobstructed of buildings and structures at all times, so as to enable continual and ongoing use of these areas.
- (11) All car parking, driveways and manoeuvring areas shall comply with the requirements of Australian Standard 2890 Parking Facilities – Off-street car parking. All car parks shall be line-marked.
- (12) All car parking, driveways and vehicle manoeuvring areas (including driveway crossovers) shall be constructed and finished in bitumen, brick paving or concrete in accordance with approved engineering procedures, prior to commencement of use.
- (13) The landscaping depicted on the approved plans, pursuant to the Reserved Matter, shall be established, prior to commencement of use (as hereby approved) and shall be maintained and nurtured at all times thereafter, together with established vegetation proposed to be retained, with any diseased or dying plants replaced in a timely manner.
- (14) The Staehr Street access and the car wash car park entry at the Hungry Jacks end (ie. adjacent Hungry Jacks waiting bays) shall be closed to ensure that access is not achievable at times when the car wash is closed in nature of a boom gate or other similar mechanism to preclude access.
- (15) All existing crossovers to Staehr Street shall be closed, shall be no longer used for access and the verge reinstated to match existing surface to the satisfaction of

Council. In respect of the existing crossover adjacent to the section of upright kerb, this crossover shall be reinstated to upright kerb in accordance with Council's engineering standard detail.

Commissioner of Highways Conditions

- (16) A final access and car parking plan shall be submitted to the satisfaction of the Department for Infrastructure and Transport prior to Building Consent being granted. All access and car parking shall be in accordance with this plan.
- (17) The access points shall be suitably signed and line-marked to reinforce the desired traffic flow.
- (18) All vehicles shall enter and exit the site in a forward direction.
- (19) Sightlines between the Tanunda Road/Staehr Road junction and the Staehr Road access shall be maximised. The transformer shall be located so that it does not impact on driver sightlines at the access points, the Tanunda Road/Staehr Road junction or between the Tanunda Road/Staehr Road junction and the Staehr Road access.
- (20) Stormwater run-off shall be collected on-site and discharged without impacting the integrity and safety of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.
- (21) Illuminated signage shall not flash, scroll, move or imitate a traffic control device in any way.
- (22) The LED fuel price signs, shall incorporate white LED on a black background only. These signs may change on an as-needs basis. The time taken for consecutive displays to change shall be no more than 0.1 second.
- (23) The LED signs affixed to the pylon sign shall be permitted to display one self-contained message every 45 seconds. The time taken for consecutive displays to change shall be no more than 0.1 second.
- (24) Signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Accordingly, all illumination signs visible from the arterial road network shall be limited to a low level of illumination (ie. < 150Cd/m²), except in the case of electronic signage, which shall be limited to the following stepped luminance levels:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminance (Cd/m ²) Max
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Sunny Day	40000	6300
Cloudy Day	4000	1100
Twilight	400	300
Dusk	40	150
Night	<4	150

- (25) The operational system for the fuel price sign/s shall incorporate an automatic error detection system that will turn the display off or to a blank, black screen should the screen or system malfunction.
- (26) Any floodlighting associated with the site shall be positioned and/or shielded so as to not produce glare or create a distraction for passing motorists on the abutting roads.

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) 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.
- (5) 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.
- (6) 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.

- (7) 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.
- (8) 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.
- (9) 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.
- (10) 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/nativevegetation/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.
- (11) 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 2007*, 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 Variation to Barossa Assessment Panel Delegations - Updates to Legislation

PANEL DECISION

Moved: G Hewitt

Seconded: S Giles

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 Instruments of Delegation contained in Attachment 1 of the report entitled "Variations to Barossa Assessment Panel Delegations – Updates to Legislation" are hereby delegated from 3 September 2024, to the position of Assessment Manager except where otherwise indicated in the Attachment, subject to the conditions and limitations specified in the proposed Instrument of Delegation.
- (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

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Wednesday 22 January 2025 commencing at 5.00 pm

12. CLOSURE OF MEETING

Aaron Curtis advised that the December meeting was the final meeting for the current term of the Panel, and thanked Panel members for their valuable contributions made during the two year term.

The Presiding Member declared the meeting closed at 6:30pm.

Confirmed

Date:..... Chairman: