

BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA ASSESSMENT PANEL
held on

Tuesday, 1 April 2025, commencing at 5.00 pm

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



The Barossa Council

MINUTES

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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

Geoff Parsons	Presiding Member
Graham Burns	Member
Sarah Elding	Member
Rachel Knuckey	Member
Jane Evans	Member

Aaron Curtis	Assessment manager
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Council Staff

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

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

PANEL DECISION

Moved: J Evans

Seconded: G Burns

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 3 December 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 24039553 - Unit 1 - 1A Para Road Tanunda

Representors

Roger Hefford provided a submission but did not attend to address the Panel.

Kelly Phillips provided a submission but did not attend to address the Panel.

Applicant

Karen French, Sue Brecevic and Karl Roth addressed the Panel at 5:04pm, and answered questions from the Panel.

PANEL DECISION

Moved: J Evans

Seconded: R Knuckey

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: J Evans

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: J Evans

Seconded: R Knuckey

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. 24039553 by Karen French and Sue Brecevic to undertake "Change of use to shop (café) and animal keeping (dog day care) at Unit 1, 1a Para Road, Tanunda (CT 5275/874) 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 matters shall be reserved for further assessment prior to the granting of Development Approval and shall be delegated to the Assessment Manager:

- (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*.
- (2) The applicant shall lodge and have approved by the relevant authority an amended car parking layout plan detailing line marking for existing and proposed car parking spaces, complying with the requirements of AS2890.1 *Parking facilities – Part 1: Off-street car parking*.
- (3) The applicant shall lodge and have approved by the relevant authority an amended site plan showing the location of all fencing to the perimeter of the external yard space which shall comprise of solid fencing to a height of 1.8m.

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 24039553 except where varied by any condition(s) listed below.
 - ☐ Tenancy entrance plan
 - ☐ Email correspondence, dated 25 October 2024
 - ☐ Email correspondence – response to request for further information dated 13 March 2025
 - ☐ Site plan prepared by Rarcoola dated 10 August 2023
 - ☐ Floor plan provided by applicant
 - ☐ Management Plan and Cleaning Schedule provided by applicant, dated 13 February 2025.
- (2) The café (shop) authorised herein shall operate between the following hours:
 - (c) Monday to Saturday: 9.00 am to 4.00 pm (inclusive)
 - (d) Sunday: 10.00 am to 4.00 pm (inclusive)
- (3) The Dog Day Care (Animal Keeping) authorised herein shall operate between the following hours:
 - (d) Monday to Friday: 7.00 am to 6.30 pm (inclusive)
 - (e) Saturday: 10.00 am to 4.00 pm (inclusive)
 - (f) Sunday: 10.00 am to 3.00 pm (inclusive)
- (4) Provision shall be made for appropriate storage and regular disposal of waste to the reasonable satisfaction of Council. All waste storage areas shall be kept in covered bins and shall be screened from public view at all times.

- (5) 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 Council.
- (6) The east facing roller doors shall be closed at all times when dogs are being kept in the building.
- (7) 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.
- (8) All car parking line marking shall be finished in accordance with the car parking layout plan, approved pursuant to Reserved Matter 2, within three months of commencement of use.
- (9) No dogs shall stay on the premises overnight at any time.

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) 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

6.2 25001912 - 13 Elizabeth Street Tanunda

Representors

Andrew Evans on behalf of Kathy Evans addressed the Panel at 5:27pm, and answered questions from the Panel.

Applicant

Mack Robinson addressed the Panel at 5:33pm, and answered questions from the Panel.

PANEL DECISION

Moved: G Burns

Seconded: S Elding

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: R Knuckey

Seconded: J Evans

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: R Knuckey

Seconded: S Elding

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. 25001912 by Mack Robinson for "Change of Use from dwelling to shared use comprising tourist accommodation (up to 6 guests) and dwelling" at 13 Elizabeth Street, Tanunda (CT 5523/886) 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. 25001912 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 guests shall be accommodated within the Tourist Accommodation facility at any one time.

Advisory Notes

- (1) The applicant is reminded of the requirements of the Short Term Holiday Rental Accommodation Bill 2021 through the operation of the tourist accommodation use.
- (2) 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.
- (3) 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.
- (4) 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).
- (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) 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.
- (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) 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.

- (10) 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.
- (11) 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

6.3 25000149 - 9 Edward Street Tanunda

Representors

Christie Schulz addressed the Panel at 5:59pm, and answered questions from the Panel.

Applicant

Sheila Sharma addressed the Panel (via Teams and telephone) at 6:07pm, and answered questions from the Panel.

PANEL DECISION

Moved: R Stuckey

Seconded: G Burns

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 Elding

Seconded: J Evans

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: R Stuckey

Seconded: S Elding

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. 25000149 by Ms Sheila Sharma to undertake "Change of use from dwelling to tourist accommodation (up to 6 guests)" at 9 Edward St Tanunda (CT5711/701) 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. 25000149 except where varied by any condition(s) listed below.
- (2) Prior to commencement of use, 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.

Advisory Notes

- (1) The applicant is reminded of the requirements of the *Short Term Holiday Rental Accommodation Bill 2021* through the operation of the tourist accommodation use.
- (2) 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.
- (3) 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.

- (4) 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).
- (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) 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.
- (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) 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.

- (10) 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.
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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)

Nil.

8. REPORTS – PANEL UPDATES

8.1 Environment Resources and Development Court Appeal Updates

PANEL DECISION

Moved: G Burns

Seconded: R Knuckey

That the report be received.

CARRIED

9. REPORTS – OTHER BUSINESS

9.1 Assessment Manager's Quarterly Report - October 2024 to December 2024

PANEL DECISION

Moved: G Burns

Seconded: J Evans

That the report be received.

CARRIED

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Tuesday 6 May 2025 commencing at 5.00 pm

12. CLOSURE OF MEETING

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

Confirmed

Date:..... Presiding Member.....