

BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA ASSESSMENT PANEL
held on

Tuesday, 5 December 2023, 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 Council Member
Graham Burns	Deputy Independent Member

Aaron Curtis	Assessment Manager
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Council Staff

Jake McVicar	Director, Development and Community Services
Janine Lennon	Senior Assessment Officer, Planning
Jake Boswell	Assessment Officer, Planning
Steve Kaesler	Manager, Engineering Services
Chris Kruger	Minute Secretary

2.2 Apologies

Jane Evans

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 7 November 2023 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	Michael Wohlstadt
Application 23028433 – 278 Menge Road	
Tanunda	

M Wohlstadt advised of an Indirect Interest in respect to Item 6.1 on the basis that he operates a Bed and Breakfast in the Barossa Region, however he did not consider it to be a Conflict of Interest.

6.1	Graham Burns
Application 23028433 – 278 Menge Road	
Tanunda	

G Burns declared a Conflict of Interest in respect to Item 6.1 on the basis that in his previous role as a consultant planner with MasterPlan SA Pty Ltd, he provided independent professional planning advice to interests connected with 278 Menge Road Tanunda. While that advice was focussed primarily on the building known as Lanzerac Country Estate, he also provided advice on the adjacent transportable building which is now proposed to be converted and adaptively reused for tourist accommodation purposes.

6.2	Michael Wohlstadt
Application 22042820 – 1246 Barossa	
Valley Way, Lyndoch	

M Wohlstadt advised of an Indirect Interest in respect to Item 6.2 on the basis that he operates a Bed and Breakfast in

the Barossa Region, however he did not consider it to be a Conflict of Interest.

6.3

Graham Burns

Application 23015775

614a Balmoral Road Cockatoo Valley

G Burns declared a Conflict of Interest in respect to Item 6.3 on the basis that in his capacity as previous consultant at Masterplan, that he provided planning advice in respect to the matter of Hebron.

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

PANEL DECISION

Moved: T Hurn

Seconded: G Burns

With the Leave of the Meeting, it was proposed that Item 6.3 – 23015775 - 614a Balmoral Road Cockatoo Valley, be moved in order so that the application be considered first for the benefit of the Gallery attendees.

CARRIED

G Burns left the meeting 5.05 due to an earlier stated conflict of interest.

6.3 23015775 - 614a Balmoral Road Cockatoo Valley

Kevin Casey (Hebron) answered questions from the Panel at 5:27pm.

PANEL DECISION

Moved: G Hewitt

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 Hewitt

Seconded: S Giles

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: 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. 23015775 by Daniel Evans on behalf of Christadelphian Bible Camp Inc for Amendments to 960/592/2018-Demolition and Replacement Dormitory Accommodation and Classrooms (5 accommodation cabins and 2 classrooms) in association with existing camp site facility; Amendments include temporary Re-location of former Dormitories H and F (housing up to 60 beds), amendment to construction of three replacement dormitories: Building B to contain 36 beds and additional bathroom facilities, Building F to contain 30 beds and altered bathroom facilities and Buildings H to contain 32 beds and altered bathroom facilities; re-located former Dormitories H and F to be demolished and/or removed from the site at completion of replacement buildings at 614a Balmoral Road, Cockatoo Valley (CT 5897/233) subject to the following Reserved Matters, conditions and advisory notes:

Reserved Matters

- (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 submit and have approved a disability access plan for the site, in accordance with the *Disability Discrimination Act 1992* and *National Construction Code*.

Council Conditions

- (1) The development shall be undertaken in accordance with the attached endorsed plans and documentation accompanying the application as amended and including:

- a. Letter prepared by Daniel Evans on behalf of the Christadelphian Bible Camp Inc – dated 27 October 2023
- b. Email prepared by Kevin Casey, dated 22 June 2023
- c. Site Plan, prepared by Kevin Casey Design, Drawing No ADA-001, Rev B, dated 21 June 2023
- d. Partial Site Plan, prepared by Kevin Casey Design, Drawing No ADA-002, Rev B, dated 21 June 2023
- e. Cut and Fill Plan F & H, prepared by Kevin Casey Design, Drawing No ADA-003, Rev A, dated 25 March 2023
- f. Bld B Cut and Fill, prepared by Kevin Casey Design, Drawing No ADA-004, Rev A, dated 25 March 2023
- g. Drainage Plan, prepared by Kevin Casey Design, Drawing No ADA-005, Rev A, dated 25 March 2023
- h. Floor Plan Building B, prepared by Kevin Casey Design, Drawing No ADA-101, Rev A, dated 25 March 2023
- i. Floor Plan Building H, prepared by Kevin Casey Design, Drawing No ADA-103, Rev C, dated 21 June 2023
- j. Floor Plan Building F, prepared by Kevin Casey Design, Drawing No ADA-102, Rev C, dated 21 June 2023
- k. Elevations Block B, prepared by Kevin Casey Design, Drawing No ADA-201, Rev B, dated 25 March 2023
- l. Elevations Block F, prepared by Kevin Casey Design, Drawing No ADA-202, Rev A, dated 25 March 2023
- m. Elevations Block H, prepared by Kevin Casey Design, Drawing No ADA-203, Rev A, dated 25 March 2023

unless varied by the following conditions.

- (2) Prior to occupation, the buildings authorised herein shall be connected and remain connected to an approved wastewater system to the reasonable satisfaction of council.
- (3) All external building materials shall:
 - a. Be muted and non-reflective in nature; and
 - b. Where metal cladding is used, it shall have a pre-colour treated finish; and
 - c. Be in accordance with the approved plans; and
 - d. Be new materials and maintained in good condition at all times.
- (4) All stormwater from buildings, paving and from areas that immediately surround the perimeter of the building shall be disposed of in a manner that does not result in entry of water into the building, or affect the stability of the building, or create an unhealthy or dangerous condition, or run onto or over land of an adjoining owner.
- (5) 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.

- (6) 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.
- (7) 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.
- (8) All five existing dormitories shall be completely demolished/removed prior to the new approved dormitories being occupied.
- (9) No more than 144 persons shall be accommodated within the approved dormitory accommodation at any one time.
- (10) Car parking and van parking shall be restricted to the designated car parking area as shown on the site plan.
- (11) The use and any associated activities carried out on the site shall not have an unreasonable detrimental effect on the amenity of the locality by reason of noise, smell, fumes, smoke, soot, ash or dust.
- (12) The subject land is located within a Medium Bushfire Risk or an area within an urban interface area that is within 500 metres of a high bushfire risk area. The following shall be met, prior to occupation of the replacement dormitories, and shall be maintained at all times thereafter:
 - i. A dedicated and independent water supply shall be available at all times for firefighting purposes which;
 - ii. Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case (Any rainwater tank used for this purpose should be dedicated entirely for firefighting and shall be of non-combustible materials).
 - iii. The provision of the dedicated water supply for fighting purposes shall comply with the Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements.
- (13) The nominated asset protection zone shall be generally clear of vegetation and maintained to minimise the spread of fire between areas of hazardous vegetation and habitable buildings.

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- (14) Gatherings for the purpose of worship, biblical education and/or meditation involving more than 50 people in a single group shall only occur:
- a. within the dining hall or gymnasium; and
 - b. shall be limited to the hours of 7.00 am to 10.00 pm.
- (15) Gatherings in outdoor areas for the purpose of worship or biblical education involving 50 people or less in a single group shall only occur between the hours of 7.00 am to 9.00 pm. Gatherings in outdoor areas for the purpose of meditation involving 50 people or less in a single group may occur up to 11.00 pm.
- (16) Organised outdoor activities involving sporting-type activities (such as volleyball, cricket, football and soccer) and games may take place between the hours of 8.00 am and 9.00 pm. Any such activities shall not take place between the Recreational Hall and the eastern-most boundary of the subject land. Organised outdoor activities will only involve people of the Christadelphian faith (students and members) and their immediate family.
- (17) Outdoor fires may only occur subject to conditions 15, 16 and this condition as follows:
- a. a fire of no more than two square metres in area and contained within an appropriately designed containment device (including but not limited to a brazier, gas heater, etc) may occur in the area adjacent the dining hall;
 - b. a single bonfire of any size may be lit in the area adjacent to the creek, near the western boundary of the subject land, noting that this restriction does not apply to the fires in (17)a above;
 - c. no outdoor fire may be lit on total fire ban days unless in accordance with fire ban restrictions;
 - d. the fires described above may only occur whilst the camp site is occupied for the purposes of a Bible Camp by people (students or members) of the Christadelphian faith and their immediate families;
 - e. all fires must be extinguished by 11.00 pm;
- save that nothing herein contained prevents fires for land management purposes provided they comply with the relevant fire regulations (including being a suitable distance from any buildings on the subject land or adjacent land).
- (18) PA systems and amplification shall not be used outside of any buildings after 8.00 pm except for the purposes of implementing the fire action plan (for example evacuation warnings).

- (19) All development is to be maintained in a serviceable condition and in good repair with conditions being inspected by or on behalf of the Applicant on a regular basis and repairs conducted in a timely manner.
- (20) The perimeter of the property shall be fenced to prevent trespass with signage at intervals of at least 25m warning occupants not to trespass neighbouring land. Where new boundary fencing is required (where boundaries are presently unfenced), the new fencing shall be established, prior to occupation of the dormitory accommodation (hereby approved). Fencing is to be maintained in a serviceable condition and in good repair inspected on a regular basis by or on behalf of the Applicant and repairs conducted in a timely manner. Fencing is to be of post and wire construction and maintained to a standard to prevent trespass onto neighbouring properties. Nothing herein contained affects the rights available to any landowner pursuant to the *Fences Act 1975*.
- (21) The dormitory accommodation shall only be used by people (students or members) of the Christadelphian faith and their immediate families.
- (22) Caravans and tents shall only be present on the subject land during Camps or events and shall only be occupied by people (students or members) of the Christadelphian faith and their immediate families.
- (23) A responsible person shall be assigned before each Camp. The responsible person shall be provided in advance with all conditions relevant to any activities conducted at the site and have overall responsibility for enforcing adherence to these Conditions by all Camp users. The responsible person shall be required to provide a written statement in advance of that Camp which evidences they have read, understood and will adhere to these requirements.
- (24) Buildings other than the dormitories, caravans and tents shall not be used for any form of sleeping accommodation.
- (25) Before the use of any new dormitory commences, it's corresponding former building shall have been demolished or otherwise removed from the site.
- (26) Prior to occupation of the dormitories, the underfloor area of the building shall be enclosed and shall be painted in the same or a complementary colour to the building, to the reasonable satisfaction of council. The cladding shall be maintained for the life of the dormitories.
- (27) This consent, when approved, will also extend the time frame for 960/592/2018. The approval will then lapse 3 years from the operative date of the Development Approval (unless the development has been

substantially or fully completed within those 3 years, in which case the approval will not lapse).

- (28) All recommended actions under the disability access plan, approved under the Reserved Matter, shall be implemented, prior to occupation of the dormitory accommodation (hereby approved).

Advisory Notes Planning Consent

- (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) 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/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.

- (11) 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.

CARRIED

6.1 23028433 - 278 Menge Road Tanunda

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: G Hewitt

Seconded: S Giles

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: 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. 23028433 by Vintnerize Pty Ltd to undertake Change of Use from Dwelling to Tourist Accommodation, with Construction of Ancillary Deck and Verandah at 278 Menge Road, Tanunda (CT 5223/19) 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 Relevant Authority reserves its decision in relation to the following matters:

- (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*;

and/or demonstrate that the current wastewater system is of suitable sizing and capacity to service the development herein.

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 23028433 except where varied by any condition(s) listed below.

Plan Type	Prepared By	Drawing No.	Issue No./Date
Planning Report	MasterPlan	N/A	26 Septemb 2023
Site Plan	Jafari Design	N/A	31 August 2023
Site Plan (Enlarged)	Jafari Design	N/A	31 August 2023
Floor Plan	Jafari Design	N/A	31 August 2023
Elevations	Jafari Design	N/A	31 August 2023

- (2) Prior to occupation, the buildings authorised herein shall be connected and remain connected to an approved wastewater system to the reasonable satisfaction of council, pursuant to Reserved Matter 1.
- (3) The maximum number of tourist accommodation guests shall not exceed ten for the building authorised herein at any one time.
- (4) External building materials of the verandah and decking shall be:
- Constructed in accordance with the approved plans; and
 - Of new materials and maintained in good condition at all times.
- (5) 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 Council.
- (6) The landscaping depicted on the approved plans shall be established prior to the commencement of the land use (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.
- (7) All car parking, driveways and vehicle manoeuvring areas shall be constructed and finished in all-weather crushed aggregate (or similar

authorised alternative) in accordance with the approved plans and shall be completed prior to the occupation or use of the development, to the reasonable satisfaction of Council.

- (8) All car parking spaces associated with the development herein shall be provided with wheel-stops delineating each space and shall be finished in a manner consistent with AS 2890.
- (9) A dedicated and independent water supply shall be available at all times for firefighting purposes, in accordance with the Hazard (Medium Bushfire Risk) Overlay which:
 - (a) Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and
 - (b) Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case. (Any rainwater tank used for this purpose should be dedicated entirely for firefighting and shall be of non-combustible materials).
- (10) The open sides of the structures authorised herein shall not be enclosed on any side with any solid material, roller door, or the like without the prior approval of Relevant Authority.

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 (Noise) Policy 2007*, and such that any resulting noise is not considered a nuisance, to the satisfaction of Council, including any existing infrastructure.

CARRIED

M Wohlstadt moved a Motion Without Notice to include in the Minutes a verbal response in relation to Item 6.1 – 23028433 – 278 Menge Road Tanunda. The Motion lapsed for want of a Secunder.

G Burns returned to the meeting at 5:52pm.

6.2 22042820 - 1246 Barossa Valley Way Lyndoch

Steve Kaesler (Manager, Engineering Services) addressed the Panel and answered questions from the Panel at 5:55pm.

Tony Smith (owner) answered questions from the Panel at 6:03pm.

MOTION

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.

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 Burns

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. 22042820 by Pauline Hurren (Hurren Architects) to undertake 'Construction of a two-storey building containing two additional tourist accommodation units, in association with existing tourist accommodation' at 1246 Barossa Valley Way, Lyndoch (CT 6205/58) 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 Relevant Authority reserves its decision in relation to the following matters:

- (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 a Landscaping Plan, which complements appearance of the development herein to the reasonable satisfaction of the Relevant Authority, that shall include the location, species, number, pot size and maintenance methods for all proposed plantings.

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 23028433 except where varied by any condition(s) listed below.

Plan Type	Prepared By	Drawing No.	Issue No./Date
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Ground Floor Plan; Upper Level Floor Plan; Elevations	Hurren Architects	B	20 October 2023
Site Plan; Enlarged Plan; Driveway Elevation	Hurren Architects	B	20 October 2023

- (2) Prior to occupation, the buildings authorised herein shall be connected and remain connected to an approved wastewater system to the reasonable satisfaction of council, pursuant to Reserved Matter 1.
- (3) The maximum number of tourist accommodation guests shall not exceed four guests for the building authorised herein at any one time.
- (4) External building materials of the verandah and decking shall:
 - a. Be in accordance with the approved plans; and
 - b. Be new materials and maintained in good condition at all times.
- (5) 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.
- (6) The landscaping depicted on the approved plans shall be established, prior to commencement of the use (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.
- (7) All car parking, driveways and vehicle manoeuvring areas shall be constructed and finished in all-weather crushed aggregate (or similar authorised alternative) in accordance with the approved plans and shall be completed prior to the occupation or use of the development, to the reasonable satisfaction of the relevant authority.
- (8) All car parking spaces associated with the development herein shall be provided with wheel-stops delineating each space, and shall be finished in a manner consistent with AS2890.
- (9) A dedicated and independent water supply shall be available at all times for firefighting purposes, in accordance with the Hazard (Medium Bushfire Risk) Overlay which:
 - (c) Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and

- (d) Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case. (Any rainwater tank used for this purpose should be dedicated entirely for firefighting and shall be of non-combustible materials).
- (10) The open sides of the structures authorised herein shall not be enclosed on any side with any solid material, roller door, or the like without the prior approval of the Relevant Authority.

Commissioner of Highways Conditions

- (11) In order to maximise sight lines at the access, the 10 easternmost trees along the Barossa Valley Way property frontage shall be removed.
- (12) The access shall be widened to a minimum of 6 metres (measured at the site boundary).
- (13) The access point/s shall be sealed from the property boundary to the edge of the road seal, incorporating shoulder sealing either side of the access, in order to maximise traction for vehicles exiting the site and minimise debris being dragged onto the carriageway.
- (14) All stormwater run-off shall be collected on-site and discharged without impacting the safety or integrity of the adjacent road network. Longitudinal drainage along Main Road shall be maintained (including any required trafficable headwalls) adjacent to and across the widened access in order to minimise the impact on the integrity and safety of the adjacent road network. All costs associated with any upgrade/alterations to road drainage shall be borne by the applicant.

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 (Noise) Policy 2007, and such that any resulting noise is not considered a nuisance, to the satisfaction of Council, including any existing infrastructure.
- (12) The applicant is encouraged to prepare and distribute a guest book that informs guests to exercise due care when entering and exiting the site.

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 Hewitt

Seconded: G Burns

That the report be received.

CARRIED

9. REPORTS – OTHER BUSINESS

Nil.

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Wednesday 24 January 2024 commencing at 5.00 pm

12. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:35pm.

Confirmed

Date:..... Chairman: