

# BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA ASSESSMENT PANEL  
held on

**Tuesday, 1 October 2024, commencing at 5.00 pm**

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



*The Barossa Council*

## MINUTES

## **I N D E X**

|                                                                                                                |           |
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| Nil                                                                                                            |           |
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| Nil                                                                                                            |           |
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## 1. WELCOME

### Appointment of Deputy Presiding Member

Aaron Curtis advised the Panel that Michael Wohlstadt (Presiding Member) has tendered an apology for the meeting, therefore an Acting Presiding Member would need to be appointed.

### PANEL DECISION

Moved: G Hewitt

Seconded: T Hurn

That Graham Burns be appointed as Acting Presiding Member for the Barossa Assessment Panel meeting held on Tuesday 1 October 2024

**CARRIED**

The Acting Presiding Member welcomed everyone, and opened the meeting at 5:00pm.

## 2. ATTENDANCE

### 2.1 Present

#### Panel Members

|              |                         |
|--------------|-------------------------|
| Graham Burns | Acting Presiding Member |
| Susan Giles  | Independent Member      |
| Grant Hewitt | Independent Member      |
| Tony Hurn    | Deputy Elected Member   |

Aaron Curtis                      Assessment Manager

#### Council Staff

|              |                                              |
|--------------|----------------------------------------------|
| Jake McVicar | Director, Development and Community Services |
| Chris Kruger | Minute Taker                                 |

### 2.2 Apologies

Michael Wohlstadt  
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 6 August 2024 be received and confirmed.

**CARRIED**

### 4. BUSINESS ARISING

Nil.

### 5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

Graham Burns advised the Panel that Masterplan represents the applicants for both reports for decision (6.1 and 6.2). Graham is a former long term employee and Director of Masterplan however he retired from Masterplan in 2023 and has not had any input in any way to both applications, and therefore did not deem it to be a conflict of interest.

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

#### 6.1 24016872 - 1916 Barossa Valley Way Rowland Flat

Representors

Anne Graves addressed the Panel at 5:07pm, and answered questions from the Panel.

Geoff Graves answered questions from the Panel at 5:17pm.

Applicant

Charlie Dubois (Masterplan) on behalf of Pernod Ricard Winemakers Pty Ltd addressed the Panel at 5:21pm, and answered questions from the Panel.

Simon Moore (Sonus) answered questions from the Panel at 5:24pm.

#### PANEL DECISION

Moved: G Hewitt

Seconded: S Giles

**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: 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. 24016872 by Pernod Ricard Winemakers Pty Ltd to undertake Alterations and additions to existing winery (comprising receival area, fermenter area, tank farm, processing building and canopy), including an operational crush capacity increase of 6,000 tonnes a year (up to 26,000) and construction of retaining wall at 1916 Barossa Valley Way, Rowland Flat (CT 6076/18 and CT 6287/246) subject to the following Conditions and advisory notes:

**Council Conditions**

(1) The development shall be undertaken in accordance with the following endorsed plans and documentation accompanying Application No. 24016872 except where varied by any condition(s) as listed below:

- Planning Report, Masterplan, 7 June 2024, 53765REP01
- Site Plan, Masterplan
- Proposed Demolition Site Plan, Linney Engineering Services, 22.02.24, DWG No. 2328-D0001, Rev A
- Proposed Demolition Local Plan, Linney Engineering Services, 29.05.24, DWG No. 2328-D0002, Rev B
- Proposed Site Plan, Linney Engineering Services, 24.05.24, DWG No. 2328-D0003, Rev A

- Proposed General Arrangement Plan, Linney Engineering Services, DWG No. 2328-D0004, 29.05.24, Rev B
  - Proposed Sections & Elevations, Linney Engineering Services, DWG No. 2328-D0005, 29.05.24, Rev B
  - Additional Wastewater Storage Tanks, Pernod Ricard, Issue A6, 29.11.23
  - Stormwater & Spill Management Plan, Linney Engineering Services, May 2024, Job No. 2328, Rev A Final
  - Stormwater & Spill Management Catchment Plan, Linney Engineering Services, DWG No. 2328-D0013, 27.05.24, Rev A
  - Stormwater Calculations, Linney Engineering Services, Drainage Calculations, 240523
  - Stormwater & Spill Management Bunding Plan, Linney Engineering Services, DWG No. 2328-D0014, 27.05.24, Rev A
  - Stormwater & Spill Management Drainage Plan, Linney Engineering Services, DWG No. 2328-D0015, 27.05.24, Rev A
  - Pipeline Calculations, Linney Engineering Services, Drainage Calculations, 240523
  - Tradewaste Drainage Schematic, Linney Engineering Services, DWG No. 2328-D0011, 27.05.24, Rev A
  - Wastewater Treatment Capacity Review, JJC Operations Pty Ltd, 25.05.24
  - Vehicle Circulation Plan, Masterplan, June 2024, 53765, C1-3A
  - Letter to The Barossa Council, Masterplan, 06.08.24
  - Environmental Noise Assessment, Sonus, S8186C2, August 2024
  - Letter in response to EPA Information Request, Masterplan, 05.08.24
  - Rowland Flat Environmental Plan, Pernod Ricard, 17 May 2018
  - Letter in response to EPA Information Request, Masterplan, 23.08.24
  - Site Plan – Ownership, Masterplan, August 2024, 53765, S2-3A
  - Response to Representations, Masterplan, 13.08.24
- (2) The external surfaces of the authorised buildings and structures shall:
- a) Be of new materials;
  - b) Be maintained in good condition at all times.
- (3) 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. Stormwater disposal systems must be fully installed at the completion of the construction of the buildings 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.
- (4) 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.
- (5) All solid waste produced during the wine making process will be collected in suitable sealed bins and removed from site for disposal at an appropriately licensed premises, in order to avoid amenity and environmental impacts arising from odour and leachate.

- (6) 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.
- (7) Except where otherwise approved, the freestanding and open sides of the canopies shall remain open and unobstructed, pursuant to the Approved Plans, at all times.

#### Environment Protection Authority Conditions

- (8) Prior to operation of the proposed infrastructure, the noise mitigation 'Option A', as presented in the SONUS Environmental Noise Assessment S8186C2, dated August 2024, must be implemented.
- (9) The sound power level of the bag press installed must not exceed 90 dB(A).
- (10) All wastewater (including contaminated stormwater) from the existing and new tank farm areas, external processing and pavement areas that are immediately adjacent buildings, must be directed to the existing trade waste drainage system, that connects to the wastewater treatment plant.
- (11) Clean roof runoff (clean stormwater) is to be kept separate (ie. collected via a sealed drainage system) and reused on-site. Where overflow occurs, the water can be directed to the trade waste drainage network.

#### **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 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) 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.
- (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 (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.
- (11) The approval herein does not include advertising signage, any proposed signage shall be the subject of a separate approval.
- (12) Any portion of Council's infrastructure damaged as a result of work undertaken, on or associated with the development shall be repaired/reinstated at the developers/expense.
- (13) The following stormwater and wastewater advisory notes are provided:
  - (a) The stormwater design for the development does not permit stormwater discharge onto any adjacent property, the footpath verge or Council's stormwater drainage system.
  - (b) There is no existing Council CWMS infrastructure in the vicinity of the site.



- (c) The wastewater design for the site only permits management of wastewater and trade waste within the site.

Heritage SA Advisory Notes

- (14) Any changes to the proposal for which Planning Consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Climate, Environment and Water. Such changes would include for example (a) an application to vary the Planning Consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the development application.
- (15) Please note the following requirements of the *Heritage Places Act 1993*:
- (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
  - (b) Where it is known in advance (or if there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department for Environment and Water.

- (16) Please note the following requirements of the *Aboriginal Heritage Act 1988*:
- (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

Environment Protection Authority Advisory Notes

- (17) The applicant/owner/operator is reminded of the general environmental duty, as required by Section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- (18) The EPA recommends that the health of the woodlot be maintained if it is to be used as a contingency for irrigation of wastewater in the future.
- (19) More information about the EPA licensing requirements can be found by contacting the Environment Protection Authority on (08) 8204 2058 or email [EPALicensing@sa.gov.au](mailto:EPALicensing@sa.gov.au).
- (20) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: [www.epa.sa.gov.au](http://www.epa.sa.gov.au).

**CARRIED**

## 6.2 24021139 - 221 Yaldara Drive Lyndoch

### Representors

Barossa Region Residents Association provided a submission but did not attend to address the Panel.

Jared Siviour addressed the Panel at 5:39pm, and answered questions from the Panel.

### Applicant

Greg Vincent (Masterplan) and Karl Roth of KPHR Investments Pty Ltd addressed the Panel at 5:46pm, and answered questions from the Panel.

### 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: 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. 24021139 by KPHR Investments Pty Ltd for the Variation to Application ID 21018528 – Various building design amendments resulting in an increase in 24 accommodation rooms, internal configuration changes providing for an increase in some commercial floor areas and alteration of car parking design and configuration at 221 Yaldara Drive, Lyndoch (CT 5718/899) subject to the following reserved matters, conditions and advisory notes:

### **Reserved Matter**

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

- (1) The applicant shall submit a final working Landscape Plan for approval, that includes all of the following:
  - a) Final location for all proposed landscaping comprising trees, shrubs and groundcovers
  - b) Final nominated species to be used
  - c) Pot sizes, noting advanced growth trees shall be used
  - d) Irrigation and maintenance methods
- (2) A wastewater application shall be approved for the Nexus Suites, pursuant to the *SA Public Health Act 2011*.
- (3) Final Civil & Siteworks Plan that shall address all of the following amendments:
  - a) All vehicle access to the site shall be via the existing access point within the unmade public road reserve of Fuss Road, nominally 75 metres from Yaldara Drive;
  - b) All cut/fill batters shall be wholly contained within the subject site;
  - c) 1 metre blind aisle extension is required at the western end of car park 2;
  - d) Remove driveway access connections towards the western property boundary from car park 1 and replace with kerb and gutter. Note: There is no vehicle connectivity in this location. This will also prevent unrestricted surface flows from entering the unmade public road reserve adjacent the site;
  - e) Design surface contours shown within the car park areas and roadways appear to be incomplete in sections, or display old/redundant design information.
- (4) All plans containing references to "Future Fuss Road Public Road Extension (By Others)" shall be amended to remove such references.

### **Council Conditions**

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 21028528 except where varied by any condition(s) listed below.

Development Application 21028528

| <b>Plan Type</b>                             | <b>Prepared By</b> | <b>Drawing No.</b> | <b>Issue No./Date</b> |
|----------------------------------------------|--------------------|--------------------|-----------------------|
| Planning Report                              | Masterplan         | Report             | 7 July 2021           |
| Cover Sheet                                  | Brown Falconer     | 3429 DA01 Rev 1    | 7 July 2021           |
| Location Plan                                | Brown Falconer     | 3429 DA02 Rev 1    | 7 July 2021           |
| Context and Site Analysis                    | Brown Falconer     | 3429 DA03 Rev 1    | 7 July 2021           |
| Site Plan                                    | Brown Falconer     | 3429 DA04 Rev 1    | 7 July 2021           |
| Overall Floor Plan – Existing and Demolition | Brown Falconer     | 3429 DA05 Rev 1    | 7 July 2021           |
| Overall Floor Plan                           | Brown Falconer     | 3429 DA06 Rev 1    | 7 July 2021           |
| Overall Roof Plan                            | Brown Falconer     | 3429 DA07 Rev 1    | 7 July 2021           |
| General Arrangement Plan – Upper Ground      | Brown Falconer     | 3429 DA08 Rev 1    | 7 July 2021           |
| Hotel Accommodation                          | Brown Falconer     | 3429 DA09 Rev 1    | 7 July 2021           |
| Site Elevations                              | Brown Falconer     | 3429 DA10 Rev 1    | 7 July 2021           |
| Main Building - Elevations                   | Brown Falconer     | 3429 DA11 Rev 1    | 7 July 2021           |
| Glass House – Floor and Roof Plans           | Brown Falconer     | 3429 DA12 Rev 1    | 7 July 2021           |
| Materials                                    | Brown Falconer     | 3429 DA13 Rev 1    | 7 July 2021           |
| 3D Images                                    | Brown Falconer     | 3429 DA14 Rev 1    | 7 July 2021           |
| 3D Images                                    | Brown Falconer     | 3429 DA15 Rev 1    | 7 July 2021           |
| 3D Images                                    | Brown Falconer     | 3429 DA16 Rev 1    | 7 July 2021           |
| 3D Images                                    | Brown Falconer     | 3429 DA17 Rev 1    | 7 July 2021           |
| 3D Images                                    | Brown Falconer     | 3429 DA18 Rev 1    | 7 July 2021           |
| 3D Images                                    | Brown Falconer     | 3429 DA19 Rev 1    | 7 July 2021           |
| 3D Images                                    | Brown Falconer     | 3429 DA20 Rev 1    | 7 July 2021           |
| 3D Images                                    | Brown Falconer     | 3429 DA21 Rev 1    | 7 July 2021           |
| 3D Images                                    | Brown Falconer     | 3429 DA22 Rev 1    | 7 July 2021           |
| 3D Images                                    | Brown Falconer     | 3429 DA23 Rev 1    | 7 July 2021           |
| Landscape Master Plan                        | Greenhill          | 21.2733 Rev D      | Oct 2021              |
| Landscape Vision                             | Greenhill          | 21.2733 Rev D      | Oct 2021              |
| Materials Palette                            | Greenhill          | 21.2733 Rev D      | Oct 2021              |
| Site Plan                                    | Greenhill          | 21.2733 Rev C      | Oct 2021              |
| Master Plan                                  | Greenhill          | 21.2733 Rev D      | Oct 2021              |
| Planting Palette A                           | Greenhill          | 21.2733 Rev D      | Oct 2021              |
| Planting Palette B                           | Greenhill          | 21.2733 Rev D      | Oct 2021              |
| Planting Palette C                           | Greenhill          | 21.2733 Rev D      | Oct 2021              |
| Visual Assessment                            | Oxygen             | N/A                | 26 Oct 2021           |
| Infrastructure Investigation                 | Lucid Consulting   | LCE21310-002       | 29 June 2021          |
| Native Vegetation                            | EBS Ecology        | Rev 3              | 1 July 2021           |

|                                 |                          |                  |                   |
|---------------------------------|--------------------------|------------------|-------------------|
| Clearance Report                |                          |                  |                   |
| Stormwater Management Plan      | CPR Consulting Engineers | 210242           | 6 July 2021       |
| Overall Site Plan               | CPR Consulting Engineers | 210242-C01 Rev A | July 2021         |
| Stormwater Management Plan      | CPR Consulting Engineers | 210242-C02 Rev B | July 2021         |
| Earthwork Plan                  | CPR Consulting Engineers | 210242-C03 Rev A | July 2021         |
| Sections – Sheets 2             | CPR Consulting Engineers | 210242-C05 Rev A | July 2021         |
| Updated Stormwater Calculations | CPR Consulting Engineers | 210242           | 13 September 2021 |
| Sections – Sheets 2             | CPR Consulting Engineers | 210242-C04 Rev A | July 2021         |
| Transport Impact Assessment     | GTA Consultants          | S212760 Issue A  | 5 July 2021       |
| Environmental Noise Assessment  | Resonate                 | A210431RP1 Rev 0 | 23 July 2021      |
| Environmental Noise Assessment  | Resonate                 | A210431RP1 Rev A | 8 September 2021  |
| Site Waste Water Concept Plan   | Lucid Consulting         | 21310            | 29 October 2021   |
| Land Capability Assessment      | Arris Pty Ltd            | Report           | 21 December 2021  |
| Land Capability Assessment      | Arris Pty Ltd            | Letter           | 9 February 2022   |
| Outdoor Lighting Assessment     | Lucid Consulting         | Report           | 23 September 2021 |
| Response to Representations     | Masterplan               | Report           | 23 September 2021 |

Development Application 22022572

| Plan Type                                        | Prepared By    | Drawing No.     | Issue No./Date |
|--------------------------------------------------|----------------|-----------------|----------------|
| Nexus Hotel Suites Architectural Drawing Package | Brown Falconer | DA100-DA114     | 01.07.22       |
| Overall Site Plan                                | CPR            | 210242-C10, C01 | Rev B          |
| Stormwater Management Plan                       |                | 210242-C10, C11 | Rev A          |
| Stormwater Management Plan                       | CPR            | 210242-C10, C02 | Rev B          |

|                                                                |                         |            |                       |
|----------------------------------------------------------------|-------------------------|------------|-----------------------|
| Stormwater Management Plan                                     | CPR                     | 01.07.22   | 210242                |
| Stormwater Management Plan                                     | CPR                     | 210242-C10 | Rev A                 |
| Stormwater Management Plan                                     | CPR                     | 210242-C11 | Rev A                 |
| Planning Report                                                | Masterplan              | July 2022  | 52205REP02            |
| Arboricultural Impact Assessment and Development Impact Report | Arborman Tree Solutions | 27.06.22   | ATS6860 – 221YalDrDIR |
| Landscape Master Plan                                          | GD Studia               | June 2022  | Ref 21.2733           |
| Visual Lighting Advice                                         | Lucid                   | 28.06.22   | LCE21310-007          |
| Wastewater Treatment Report                                    | Lucid                   | 28.06.22   | 21310-006             |
| Environmental Noise Assessment                                 | Resonate                | 29.06.22   | A210431RP2 Rev A      |
| Traffic Impact Assessment                                      | Stantec                 | 01.07.22   | 301400416             |

Development Application 24021139

| <b>Plan Type</b>                         | <b>Prepared By</b> | <b>Drawing No.</b> | <b>Issue No./Date</b> |
|------------------------------------------|--------------------|--------------------|-----------------------|
| Planning Report                          | Masterplan         | 52205REP03-Draft   | 12 July 2024          |
| Cover Sheet                              | Brown Falconer     | DA201 Rev 2        | 12.07.24              |
| Amendment Overview Plan                  | Brown Falconer     | DA210 Rev 1        | 05.07.24              |
| Context and Site Analysis                | Brown Falconer     | DA211 Rev 1        | 05.07.24              |
| Site Plan                                | Brown Falconer     | DA212 Rev 1        | 05.07.24              |
| Overall Plan and Existing and Demolition | Brown Falconer     | DA213 Rev 1        | 05.07.24              |
| Site Sections                            | Brown Falconer     | DA214 Rev 1        | 05.07.24              |
| Overall Floor Plan – Upper               | Brown Falconer     | DA215 Rev 3        | 05.04.24              |
| Overall Floor Plan – Mid                 | Brown Falconer     | DA216 Rev 1        | 05.07.24              |
| Overall Floor Plan – Lower               | Brown Falconer     | DA217 Rev 1        | 05.07.24              |
| Overall Floor Plan – Roof                | Brown Falconer     | DA218 Rev 1        | 05.07.24              |
| General Arrangement                      | Brown Falconer     | DA220 Rev 1        | 05.07.24              |

|                                                                                 |                |             |          |
|---------------------------------------------------------------------------------|----------------|-------------|----------|
| Plan - Main Building                                                            |                |             |          |
| General Arrangement Plan – Mid Level – Hotel Ring Building - North              | Brown Falconer | DA221 Rev 1 | 05.07.24 |
| General Arrangement Plan – Mid Level – Hotel Ring Building – South              | Brown Falconer | DA222 Rev 1 | 05.07.24 |
| General Arrangement Plan – Lower Level – Hotel Ring Building and Suites – North | Brown Falconer | DA223 Rev 1 | 05.07.24 |
| General Arrangement Plan – Lower Level – Hotel Ring Building – South            | Brown Falconer | DA224 Rev 1 | 05.07.24 |
| Glass House Plan Incl Pool                                                      | Brown Falconer | DA225 Rev 1 | 05.07.24 |
| Site Elevations                                                                 | Brown Falconer | DA230 Rev 1 | 05.04.24 |
| Main Building – Elevations                                                      | Brown Falconer | DA231 Rev 1 | 05.07.24 |
| Hotel Ring Buildings – Typical Elevations                                       | Brown Falconer | DA232 Rev 1 | 05.07.24 |
| Hotel Suites Building – Elevations                                              | Brown Falconer | DA233 Rev 1 | 05.07.24 |
| Main and Hotel Ring Buildings – Material Overlay of 3Ds                         | Brown Falconer | DA234 Rev 1 | 05.07.24 |
| Hotel Suites Building – Material Overlay of 3Ds                                 | Brown Falconer | DA235 Rev 1 | 05.07.24 |
| Typical Ring Rooms Plan                                                         | Brown Falconer | DA240 Rev 1 | 05.07.24 |
| Typical Suites Rooms                                                            | Brown Falconer | DA241 Rev 2 | 12.07.24 |
| 3D Images                                                                       | Brown Falconer | DA280 Rev 2 | 12.07.24 |
| 3D Images                                                                       | Brown Falconer | DA281 Rev 2 | 12.07.24 |
| 3D Images                                                                       | Brown Falconer | DA282 Rev 2 | 12.07.24 |
| 3D Images                                                                       | Brown Falconer | DA283 Rev 2 | 12.07.24 |
| 3D Images                                                                       | Brown Falconer | DA284 Rev 2 | 12.07.24 |

|                                           |                |                     |          |
|-------------------------------------------|----------------|---------------------|----------|
| 3D Images                                 | Brown Falconer | DA285 Rev 2         | 12.07.24 |
| Cover Page                                | GD Studia      | Issue D             | 11.07.24 |
| Design Background                         | GD Studia      | Issue C             | 11.07.24 |
| Landscape Vision                          | GD Studia      | Issue A             | 03.07.24 |
| Landscape Site Plan                       | GD Studia      | Issue C             | 11.07.24 |
| Landscape Masterplan                      | GD Studia      | Issue C             | 11.07.24 |
| Planting Palette 1                        | GD Studia      | Issue B             | 05.07.24 |
| Planting Palette 2                        | GD Studia      | Issue A             | 03.07.24 |
| Planting Palette 3                        | GD Studia      | Issue B             | 11.07.24 |
| Typical Landscape Section                 | GD Studia      | Issue A             | 05.07.24 |
| Materials Palette                         | GD Studia      | Issue B             | 05.07.24 |
| Landscape Concept Plan                    | GD Studia      | Issue C             | 11.07.24 |
| Planting Palette 4                        | GD Studia      | Issue A             | 03.07.24 |
| Landscape Concept Plan                    | GD Studia      | Issue B             | 05.07.24 |
| Landscape Vision                          | GD Studia      | Issue A             | 03.07.24 |
| Landscape Concept Plan                    | GD Studia      | Issue A             | 05.07.24 |
| Planting Palette 5                        | GD Studia      | Issue B             | 05.07.24 |
| Traffic and Parking Review                | ETA            | #eta 1000028        | 09.07.24 |
| Amendment to Acoustic Report for Planning | Resonate       | A210431LT2A         | 04.07.24 |
| Stormwater Management Plan                | CPR Engineers  | 210242 Rev B        | 12.07.24 |
| Overall Site Plan                         | CPR Engineers  | 210242 – C01 Rev D  | 10.07.24 |
| Bulk Earthworks Plan                      | CPR Engineers  | 210242 – C200 Rev E | 10.07.24 |
| Civil Siteworks                           | CPR Engineers  | 210242 – C201 Rev C | 10.07.24 |
| Stormwater Layout                         | CPR Engineers  | 210242 – C202 Rev C | 12.07.24 |
| Civil Sections                            | CPR Engineers  | 210242 – C210 Rev B | 10.07.24 |
| Catchments Area Plan                      | CPR Engineers  | SK1 Rev A           | 28.06.24 |
| Stormwater Catchment Plan                 | CPR Engineers  | C202 Rev C          | 12.07.24 |
| Updated Wastewater Treatment              | Lucid          | 21310-010           | 05.07.24 |



|                                    |             |       |           |
|------------------------------------|-------------|-------|-----------|
| Site Wastewater Concept            | Lucid       | Rev 3 | 05.07.24  |
| Native Vegetation Data Report      | EBS Ecology | Rev 2 | 19.08.24  |
| Visual Assessment of Nexus Barossa | Oxigen      |       | July 2024 |

- (2) The external building materials of all approved buildings 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.
- (3) All waste material shall be stored in covered containers screened from view and shall be regularly removed from the site. All vehicles removing waste must have a fully secured and contained load such that no waste is spilled and/or dust or odour created to the satisfaction of Council.
- (4) 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 reasonable satisfaction of the relevant authority.
- (5) All tree management measures, identified within the Arboricultural Impact Assessment and Development Impact Report, prepared by Arborman Tree Solutions, dated 27 June 2022, shall be implemented in accordance with the recommendations contained within the report.
- (6) No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose. Any noise audible within the external deck/spa authorised under this Planning Consent shall not exceed 'background noise levels' at any time, so as to ensure the amenity of occupants and neighbouring properties is preserved.
- (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) Prior to occupation of the development, the landscaping works shown on the Approved Landscaping Plan, pursuant to Reserved Matter 1, must be carried out, completed and maintained to the satisfaction of Council. Any dead or diseased plantings shall be replaced.
- (9) Storm water disposal systems must be fully installed at the completion of the construction of the buildings, in accordance with the Approved Stormwater Management Plan (as initially approved under Applications 21018528 and 22022572 and as amended under this Planning Consent, with adequate measures deployed during construction to ensure the temporary disposal of surface or roof water does not affect neighbouring properties.

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- (10) Before the use commences and/or occupation of the development, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) Constructed
  - (b) Properly formed to such levels that they can be used in accordance with the plans
  - (c) Surfaced with an all-weather sealcoat or treated to the satisfaction of Council to prevent dust and gravel being emitted from the site
  - (d) Drained and maintained
  - (e) Line marked to indicate each car space and all access lanes
  - (f) Clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of Council. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of Council.
- (11) The detailed design of all footpaths, access roads, open spaces and other publicly accessible areas must comply with the requirements of the *Disability Discrimination Act 1992*.
- (12) 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.
- (13) All driveway access, internal roadways, car parking and vehicle maneuvering areas shall be constructed with sealed pavement, and comply with the requirements of AS2890.1 Parking facilities – Part 1: Off-street car parking and AS2890.6 Parking facilities – Part 6: Off-street parking for people with disabilities. The driveway access, internal roadways, car parking and maneuvering areas shall be maintained in good condition at all times.
- (14) Delivery vehicles to a maximum size of an 8.8 metre Medium Rigid Vehicle shall access the loading area adjacent the main building. Waste collection vehicles shall be restricted to accessing south-western service area located adjacent the main entry point to the site.
- (15) Access to the building sites shall be of an all-weather sealcoat or treated sealed surface, with a minimum formed road surface width of at least six metres and must allow forward entry and exit for large fire-fighting vehicles at all times.
- (16) Provision shall be made adjacent to the water supply for a flat hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than six metres from all water supply outlets.
- (17) SA CFS appliance's inlet is rear mounted; therefore, the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.

- (18) The bushfire fighting water supplies shall be clearly identified and fitted with an outlet of at least 50 mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.
- (19) The operating hours of the restaurant and function space (ie. the period in which patrons or customers are in attendance) shall be limited to the following hours of operation:
- Sunday to Thursday 7.00 am to 12.00 pm
  - Friday to Saturday 7.00 am – 1.00 am
- (20) Development Authorisation for the whole of the development shall be granted within two years from the date of this Decision Notification (ie. 1 October 2026).

### **Environment Protection Authority Conditions**

- (21) Prior to operation, the wastewater management system must be installed as specified in the Land Capability Assessment for Onsite Disposal of Treated Effluent including Environmental Study at 221 Yaldara Drive, Lyndoch, prepared by Arris, dated 21 December 2021 (uploaded to the Plan SA Portal on 10 March 2022).
- (22) Prior to operation, the Wastewater System Monitoring Plan must be prepared as specified in the Land Capability Assessment for Onsite Disposal of Treated Effluent including Environmental Study at 221 Yaldara Drive, Lyndoch, prepared by Arris, dated 21 December 2021 (uploaded to the Plan SA Portal on 10 March 2022). The Wastewater System Monitoring Plan must be implemented for the operational life of the wastewater system.

### **Native Vegetation Council Conditions**

- (23) Prior to any clearance of native vegetation, the Native Vegetation Council must provide written confirmation that the Significant Environmental Benefit requirements under the *Native Vegetation Act 1991* have been satisfied.
- (24) Native Vegetation and trees retained in close proximity to the construction activity zone are to be protected with barriers (i.e. fencing or flagging) in accordance with the Australian Standard for Protection of Trees on Development Sites AS 4970-2009.
- (25) Construction vehicles, equipment, stockpiled materials or excavated soil are not to be stored or placed within the Tree Protection Zone of retained trees.

### **Advisory Notes**

- (1) This Consent supersedes the Planning Consent granted by the Barossa Assessment Panel under Application 21018528 on 5 April 2022 and Application 22022572 granted by the Barossa Assessment Panel on 4 October 2022 Conditions of Consent.

- (2) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by Council or other relevant planning 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) 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.
- (4) Please be advised that where a Private Certifier is appointed to undertake the building assessment, Council does not provide a service of advising the Private Certifier of site conditions or any matters relevant to the building assessment. It is recommended that a Private Certifier undertakes his or her own investigations and inspection of the site to become acquainted with site conditions and any other relevant matters.
- (5) 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.
- (6) The applicants are encouraged to prepare and display a BUSHFIRE SURVIVAL PLAN (BSP) designed specifically for the purpose of any guests that may be in residence during a bushfire event, especially during the Fire Danger Season.
- (7) 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) No advertising signage has been included in this proposal and advertising signage shall require a separate application and development approval.
- (9) The nominated times for refuse collection are described in the application and are binding on the applicant. Attention is also drawn to waste collection noise which is defined as a thing that constitutes local nuisance, pursuant to Schedule 1 of the *Local Nuisance and Litter Control Act 2016*. The definition states:

In the case of waste collection noise – the noise has travelled from the place at which it was generated to neighbouring premises:

- Before 9.00 am or after 7.00 pm on any Sunday or public holiday; or
- After 7.00 pm or before 7.00 am on any other day.

### **Environment Protection Authority Advisory Notes**

- (10) The applicant/owner/operator are 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 activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- (11) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: [www.epa.sa.gov.au](http://www.epa.sa.gov.au).

### **Native Vegetation Council Advisory Notes**

- (12) The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2024/3239/960.

**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**

Tuesday 5 November 2024 commencing at 5.00 pm

A Curtis advised the Panel that he would be an apology for the meeting scheduled for 5 November 2024.

## **12. CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 6:23pm.

Confirmed

Date:..... Chairman: .....