

BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA ASSESSMENT PANEL
held on

Tuesday, 5 November 2024, commencing at 5.00 pm

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



The Barossa Council

MINUTES

I N D E X

1. Welcome	3
2. Attendance	3
3. Confirmation of Minutes	4
4. Business Arising from Minutes	4
5. Declaration of Interest by Members of the Panel	4
6. Reports – Application for Decision (Planning, Development and Infrastructure Act 2016)	5
6.1 24017958 - 37-39 Angas Street Tanunda	5
6.2 24029182 - 614a Balmoral Road Cockatoo Valley	13
6.3 24016043 - 1312 Barossa Valley Way Lyndoch	20
7. Reports – Review of Assessment Manager Decisions (Planning, Development and Infrastructure Act 2016)	27
Nil	
8. Reports – Panel Updates	28
Nil	
9. Reports – Other Business	28
9.1 Barossa Assessment Panel Meeting Schedule 2025	28
9.2 Assessment Manager's Quarterly Report - July 2024 to September 2024	28
10. Reports – Confidential	28
10.1 Confidential Item - Development Application 23035013 - Lot 4 Duck Ponds Road Stockwell	28
11. Next Meeting	30
12. Closure of Meeting	30

1. WELCOME

Appointment of Presiding Member

Jake McVicar opened the meeting, provided an Acknowledgement of Country, and noted the recent resignation of Michael Wohlstadt (Presiding Member). Nominations for the position of Presiding Member for the 5 November 2024 meeting was then called.

PANEL DECISION

Moved: G Burns

Seconded: J Evans

That Susan Giles be appointed as Presiding Member for the Barossa Assessment Panel meeting held on Tuesday 5 November 2024.

CARRIED

The Presiding Member welcomed everyone, and introduced Panel members.

2. ATTENDANCE

2.1 Present

Panel Members

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

Jake McVicar	Assessment Manager
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Council Staff

Tom Marshall	Acting Manager, Development Services
Steve Kaesler	Manager, Engineering Services
Chris Kruger	Minute Taker

2.2 Apologies

Aaron Curtis.

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 1 October 2024 be received and confirmed.

CARRIED

4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

The following disclosures have been made in relation to:

Item	Panel Member
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6.2 – Application 24029182 – 614a Balmoral Road Cockatoo Valley	Graham Burns
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G Burns declared a Conflict of Interest in respect to Item 6.2 on the basis that in his capacity as previous consultant at Masterplan, that he provided planning advice in respect to the matter at Hebron.

10.1 – Application 23035013 – Lot 4 Duck Ponds Road Stockwell	Jane Evans
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J Evans declared an Interest in respect of Item 10.1 on the basis that she is a rural producer in an agricultural enterprise, however did not deem this to be a conflict, so therefore would remain in the meeting for the assessment of the application.

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

6.1 24017958 - 37-39 Angas Street Tanunda

Representors

Helen Szuty addressed the Panel at 5:09pm.

Matthew Halman addressed the Panel at 5:14pm, and answered questions from the Panel.

Applicant

John Maitland from Adelaide Planning and Development Solutions Pty Ltd on behalf of Metcalf Group (SA) Developments addressed the Panel at 5:21pm, and answered questions from the Panel.

PANEL DECISION

Moved: G Burns

Seconded: G Hewitt

Not Seriously at Variance

The Barossa Assessment Panel, having considered the application, resolves that the development proposal has sufficient merit, and is not Seriously at Variance with the Planning and Design Code.

CARRIED

PANEL DECISION

Moved: G Hewitt

Seconded: 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

MOTION

Moved: G Burns

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. 24017958 by Metcalf Group (SA) Development to undertake the Construction of three (3) supported accommodation buildings with associated combined fence and retaining wall structures (up to 2.7 metres in total height) at 37-39 Angas Street Tanunda (CT 2625/673 and CT 6525/678) 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 health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*.
- (2) The stormwater drainage design shall include Stormwater Calculations that evidence appropriate on-site detention to manage downstream flood risk. The Stormwater Calculations shall achieve all of the following:
 - (a) Detention shall be provided to limit the 5% AEP post-development peak discharge to the 5% AEP pre-development peak discharge from the site, or the maximum point discharge to the street up to a 10% AEP event shall be 12L/sec; 1% AEP event shall be 20L/sec, whichever is the lesser.

Council Conditions

- (1) The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application, unless varied by the following conditions:
 - Planning Statement by APDS, Version 1.0, dated 18 June 2024;
 - Site and Drainage Plan by KP Austruct, project no. 24/153, drawing no. SD1, issue P1, dated 13 June 2024;
 - Vegetation Assessment Data Report by EnviRO Environmental, dated 5 March 2024;
 - Application document set by Mavtect Designs, job no. 24-034, revision D, dated 3 October 2024.
- (2) Prior to occupation, the building authorised herein shall be connected and remain connected to an approved wastewater system to the reasonable satisfaction of council.
- (3) Storm water disposal systems must be fully installed at the completion of the construction of the buildings, in accordance with the Approved Civil & Siteworks Plan. Adequate measures shall be 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 building materials shall:

- Be muted and non-reflective in nature; and
 - Where metal cladding is used, it shall have a pre-colour treated finish; and
 - Be in accordance with the approved plans; and
 - Be new materials and maintained in good condition at all times.
- (5) The landscaping depicted on the approved plans shall be established within six (6) months from the date of substantial completion and shall be maintained and nurtured at all times thereafter, with any diseased or dying plants replaced in a timely manner.
- (6) The hereby approved supported accommodation shall contain a maximum of eight (8) residents at any one time consisting of the following:
- Dwelling 1 - Maximum of 3 residents
 - Dwelling 2 - Maximum of 2 residents
 - Dwelling 3 - Maximum of 3 residents
- (7) The hereby approved supported accommodation shall not exceed a maximum of one (1) staff members per building at any one time.
- (8) Prior to occupation, the access driveways (ie. between the property boundary and the kerb line) must be constructed in accordance with the approved Civil and Siteworks Plan and *Council's Standards and Requirements for the Design, Construction and Development of Infrastructure Assets*. The driveways must be sealed with approved durable material such as concrete, bricks, pavers or asphalt and match into existing footpath and road verge levels, to the satisfaction of Council.

Advisory Notes

- (1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- (2) This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- (3) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- (4) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by the relevant authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.

- (5) The adjoining owner should be advised of the proposed work on the boundary and issues such as access to perform work, removal of fences, finished levels and retaining walls should be resolved before building work commences. This approval does not create an automatic right to access neighbouring land.
- (6) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to Section 139 of the *Planning, Development and Infrastructure Act 2016*.

It is recommended that where mechanical equipment is proposed to be used to construct retaining walls, and where the dwelling may impede access for that equipment, the retaining walls be constructed prior to preparing the footings.

- (7) Any portion of Council's infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be repaired/reinstated to Council's satisfaction at the developer's expense.
- (8) Appeal rights - General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- (9) 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.

- (10) 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.
- (11) 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.

- (12) 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.

- (13) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the *Environment Protection (Commercial and Industrial) Noise Policy 2023*, and such that any resulting noise is not considered a nuisance, to the satisfaction of Council, including any existing infrastructure.
- (14) The applicant is advised that any retaining works to exceed greater than one vertical metre constitutes development, and requires development approval in its own right.

The Motion lapsed due to the want of a Seconder.

PANEL DECISION

Moved: G Hewitt

Seconded: G Burns

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. 24017958 by Metcalf Group (SA) Development to undertake the Construction of three (3) supported accommodation buildings with associated combined fence and retaining wall structures (up to 2.7 metres in total height) at 37-39 Angas Street Tanunda (CT 2625/673 and CT 6525/678) 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 health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*.

- (2) The stormwater drainage design shall include Stormwater Calculations that evidence appropriate on-site detention to manage downstream flow risk. The Stormwater Calculations shall achieve all of the following:
- (a) Detention shall be provided to limit the 5% AEP post-development peak discharge to the 5% AEP pre-development peak discharge from the site, or the maximum point discharge to the street up to a 10% AEP event shall be 12L/sec; 1% AEP event shall be 20L/sec, whichever is the lesser.

Council Conditions

- (1) The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application, unless varied by the following conditions:
- Planning Statement by APDS, Version 1.0, dated 18 June 2024;
 - Site and Drainage Plan by KP Austruct, project no. 24/153, drawing no. SD1, issue P1, dated 13 June 2024;
 - Vegetation Assessment Data Report by EnviRO Environmental, dated 5 March 2024;
 - Application document set by Mavtect Designs, job no. 24-034, revision D, dated 3 October 2024.
- (2) Prior to occupation, the building authorised herein shall be connected and remain connected to an approved wastewater system to the reasonable satisfaction of council.
- (3) Storm water disposal systems must be fully installed at the completion of the construction of the buildings, in accordance with the Approved Civil & Siteworks Plan. Adequate measures shall be 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 building materials shall:
- Be muted and non-reflective in nature; and
 - Where metal cladding is used, it shall have a pre-colour treated finish; and
 - Be in accordance with the approved plans; and
 - Be new materials and maintained in good condition at all times.
- (5) The landscaping depicted on the approved plans shall be established within six (6) months from the date of substantial completion and shall be maintained and nurtured at all times thereafter, with any diseased or dying plants replaced in a timely manner.

- (6) The hereby approved supported accommodation shall contain a maximum of eight (8) residents at any one time consisting of the following:
- Dwelling 1 - Maximum of 3 residents
 - Dwelling 2 - Maximum of 2 residents
 - Dwelling 3 - Maximum of 3 residents
- (7) Prior to occupation, the access driveways (ie. between the property boundary and the kerb line) must be constructed in accordance with the approved Civil and Siteworks Plan and *Council's Standards and Requirements for the Design, Construction and Development of Infrastructure Assets*. The driveways must be sealed with approved durable material such as concrete, bricks, pavers or asphalt and match into existing footpath and road verge levels, to the satisfaction of Council.

Advisory Notes

- (1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- (2) This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- (3) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years. in which case the approval will not lapse).
- (4) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by the relevant authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.
- (5) The adjoining owner should be advised of the proposed work on the boundary and issues such as access to perform work, removal of fences, finished levels and retaining walls should be resolved before building work commences. This approval does not create an automatic right to access neighbouring land.

- (6) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to Section 139 of the *Planning, Development and Infrastructure Act 2016*.

It is recommended that where mechanical equipment is proposed to be used to construct retaining walls, and where the dwelling may impede access for that equipment, the retaining walls be constructed prior to preparing the footings.

- (7) Any portion of Council's infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be repaired/reinstated to Council's satisfaction at the developer's expense.
- (8) Appeal rights - General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- (9) 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.

- 10) 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.

- (11) 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.
- (12) 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.

- (13) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the *Environment Protection (Commercial and Industrial) Noise Policy 2023*, and such that any resulting noise is not considered a nuisance, to the satisfaction of Council, including any existing infrastructure.
- (14) The applicant is advised that any retaining works to exceed greater than one vertical metre constitutes development, and requires development approval in its own right.

CARRIED

6.2 24029182 - 614a Balmoral Road Cockatoo Valley

G Burns left the meeting at 5:39pm due to an earlier stated Conflict of Interest.

PANEL DECISION

Moved: G Hewitt

Seconded: J Evans

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: 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: G Hewitt

Seconded: J Evans

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. 24029182 by Daniel Evans on behalf of Christadelphian Bible Camp Inc for *Variation to DA 23015775 - Demolition and replacement of dormitories H and F (instead of being temporarily relocated) and removal of conditions 14 and 15 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*.

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.
- ~~(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) 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*.

- (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).

Planning 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) 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

G Burns returned to the meeting at 5:43pm.

6.3 24016043 - 1312 Barossa Valley Way Lyndoch

Representors

Phillip Olnier addressed the Panel at 5.44pm, and answered questions from the Panel.

Christopher Stabolidas addressed the Panel at 5:50pm, and answered questions from the Panel.

Margaret Paton on behalf of Cathy Wills (Barossa Region Residents Association) addressed the Panel at 5:55pm, and answered questions from the Panel.

Khalee Field addressed the Panel on behalf of Brett Collins at 6:02pm.

Richard Hall addressed the Panel at 6:05pm.

Applicant

James Levinson (Botten Levinson) on behalf of Autra Resort Pty Ltd addressed the Panel at 6:11pm, and answered questions from the Panel.

PANEL DECISION

Moved: G Burns

Seconded: G Hewitt

Seriously at Variance

The Barossa Assessment Panel, having considered the application, resolves that the development proposal is not Seriously at Variance with the Planning and Design Code.

CARRIED

PANEL DECISION

Moved: G Burns

Seconded: G Hewitt

Character Preservation

Pursuant to Section 6(2) of the Character Preservation (Barossa Valley) Act 2012, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, has resolved that the proposed development does not adversely impact the character values of the district.

CARRIED

PANEL DECISION

Moved: G Burns

Seconded: G Hewitt

Granting of Planning Consent

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Planning, Development and Infrastructure Act 2016* resolves to APPROVE Planning Consent for Application No. 24016043 by Atura Resort Pty Ltd to undertake *Construction of six (6) tourist accommodation buildings and associated carparking* at 1312 Barossa Valley Way Lyndoch (CT 6296/847 and 6296/848) 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 and delegates authority to the Assessment Manager to resolve the 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 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, generally as per the Landscaping Concept Plan, prepared by LCS Landscapes;
 - b) Incorporate plantings to give effect to the final elevation plans (see Reserved Matter 4);
 - c) Final nominated species to be used, inclusive of some native species of tree planting (in addition to non-native species);
 - d) Pot sizes, noting advanced growth trees shall be used;
 - e) Irrigation and maintenance methods, including protection of plantings from vehicles;
 - f) Retention of existing native vegetation.
- (3) The stormwater drainage design shall include final Stormwater Management Plan and Stormwater Calculations. The plan shall adopt and achieve all of the following:
 - a) Detention shall be provided to limit the 5% AEP post-development peak discharge to the 5% AEP pre-development peak discharge from the site, or the maximum point discharge to the street up to a 10% AEP event shall be 12L/sec; 1% AEP event shall be 20L/sec, whichever is the lesser.
- (4) Final plans, elevations and sections shall be provided for examination by Council's Consultant Architect prior to approval, including eaves to the long sides of each unit, and open-sided arbor or pergola over the decking to allow for vine growth and to shade the deck of each unit, the inclusion of stairs and/or a ramp for safe and convenient access for each unit, and details of the materials used to enclose the sub-floor to prevent the entry of fire embers and additional façade materials of neutral colours which blend with the surrounding rural landscape.

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 the conditions listed below.
 - Cover Page, Nic Design Studio, 16 October 2024, N-24085_SD000
 - Site Plan, Nic Design Studio, 16 October 2024, N-24085_SD001
 - Proposed Cabin Plan, Elevations & Sections, Nic Design Studio, 16 October 2024, N-24085_SD002
 - Proposed DDA Cabin Plan, Elevations & Sections, Nic Design Studio, 16 October 2024, N-24085_SD003

- Interior Finish Impressions, Nic Design Studio, 16 October 2024, N-24085_SD004
 - View Study, Nic Design Studio, 16 October 2024, N-24085_SD005
 - View Study – Photos, Nic Design Studio, 16 October 2024, N-24085_SD006
 - View Study – Photos, Nic Design Studio, 16 October 2024, N-24085_SD007
 - View Study – Photos, Nic Design Studio, 16 October 2024, N-24085_SD008
 - Bushfire Risk Assessment, SA Bushfire Solutions, October 2024
 - Landscape Masterplan, LCS Landscapes, 11 October 2024, Revision B
 - Landscape Site Plan, LCS Landscapes, 11 October 2024, Revision B
 - Project Elements & Plant List, LCS Landscapes, 11 October 2024, Revision B
 - Covering Submission/Letter, LCS Landscapes, 15 October 2024
 - Traffic & Parking Statement, Phil Weaver & Associates, 11 October 2024
 - Figure 2 – Simultaneous MRV Entry / B99 Exit & MRV Internal Turn-around Phil Weaver & Associates, File 24-093, 11 October 2024
 - Figure 3 – Simultaneous B99 Entry / B99 Exit & Typical Accommodation Parking Space B85 Access, File 24-093, 11 October 2024
 - Civil Plan, TMK, DWG No, 2404076_C1/PJ, 17 October 2024
 - Civil Plan, TMK, DWG No, 2404076_C2/PJ, 17 October 2024
 - Civil Plan, TMK, DWG No, 2404076_C3/PJ, 17 October 2024
 - Civil Plan, TMK, DWG No, 2404076_C4/PJ, 17 October 2024
 - Civil Plan, TMK, DWG No, 2404076_C5/PJ, 17 October 2024
 - Civil Plan, TMK, DWG No, 2404076_C6/PJ, 17 October 2024
 - Civil Plan, TMK, DWG No, 2404076_C7/PJ, 17 October 2024
 - Civil Details, TMK, DWG No, 2404076_C8/PJ, 17 October 2024
 - Waste Management Plan, Colby Phillips, 10 October 2024
- (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 the Reserved Matter.
- (3) External building materials of the accommodation buildings and decking shall:
- a. Subject to the Reserved Matter, be in accordance with the approved plans; and
 - b. Be of non-reflective materials; and
 - c. Be of new materials and maintained in good condition at all times.
- (4) Storm water disposal systems must be fully installed at the completion of the construction of the buildings, in accordance with the approved plans. Adequate measures shall be 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.
- (5) The landscaping depicted on the approved plans, pursuant to the Reserved Matter, shall be established, prior to commencement of the use (as hereby approved) and shall be maintained and nurtured at all times thereafter, together with established vegetation proposed to be retained, with any diseased or dying plants replaced in a timely manner.
- (6) All driveway access, internal roadways and vehicle manoeuvring areas shall be constructed with all-weather crushed aggregate (or similar authorised alternative) 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 and vehicle manoeuvring areas shall be maintained in good condition at all times.

- (7) 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.
- (8) The internal intersection within the allotment, closest to the existing cellar door, shall provide for a clear priority of traffic movement for the main driveway (ie. serving the tourist accommodation units) and provide for a clearly delineated and safe path of travel for vehicles.
- (9) The open sides of the structures authorised herein shall not be enclosed on any side with any solid material, roller door, or the like.
- (10) All waste material shall be stored in covered containers screened from view and shall be regularly removed from the site.
- (11) 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.
- (12) 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*.
- (13) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Commercial and Industrial) Noise Policy 2023, such that any resulting noise is not considered a nuisance, to the satisfaction of Council.
- (14) A dedicated and independent water supply shall be available at all times for firefighting purposes, in accordance with the Hazards (Medium Bushfire Risk) Overlay and the Approved Bushfire Risk Assessment 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).
- (15) Prior to commencement of use, safe and convenient access/egress shall be provided to the accommodation buildings for fire-fighting vehicles and shall be maintained at all times thereafter as follows:
 - (a) Connected to an all-weather public road;
 - (b) Constructed with a formed, all-weather surface;

- (c) Constructed away from hazardous vegetation such as overhanging limbs and continuous cover of thick vegetation;
- (d) Located such that the need to clear native vegetation or a significant tree is avoided;
- (e) Have a minimum formed width of at least 3 metres (or 4 metres in steeper terrain);
- (f) Have a gradient of not more than 16 degrees (ie. a maximum slope of 1:3.5) at any point along the road or driveway;
- (g) Allow fire-fighting vehicles to travel in a continuous forward movement by constructing curved roads and driveways with curves that have a minimum external radius of 12.5 metres;
- (h) Allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by incorporating:
 - i. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres;
 - (i) Incorporate passing bays with a minimum formed width of 6 metres (or 7 metre in steeper terrain), including the road or driveway width and a minimum formed length of 17 metres. The passing bays should be constructed at 200 metre intervals along the road or driveway. Where it is necessary to provide adequate visibility, such as the nearest point to a public road or other passing bay, passing bays may be required at intervals of less than 200 metres.

Commissioner of Highways Conditions

- (16) All access to the development shall be gained in accordance with the Site Plan produced by Yogo Design & Consulting Pty Ltd, Drawing No. AA001, Revision L, dated 30/05/2024. The access shall be sealed in accordance with this plan.
- (17) All vehicles shall enter and exit the site in a forward direction. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
- (18) The largest vehicle permitted on-site shall be restricted to an 8.8 metre Medium Rigid Vehicle.
- (19) Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
- (20) All signage associated with the development shall be located within the subject property.
- (21) Stormwater run-off shall be collected on-site and discharged without impacting the safety or integrity of Barossa Valley Way. In addition, longitudinal drainage of Barossa Valley Way shall be maintained (including any required trafficable headwalls) adjacent and across the access in order to minimise the impact on the integrity and safety of the adjacent road

network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

- (22) No water or other substances shall be directed toward or drained onto the adjacent railway land, nor any installations that may cause backflow or wash that cause water impact.
- (23) No services shall be installed in or under the railway corridor without the prior approval of the asset owner.
- (24) Suitable fencing is to be erected and maintained along the boundary of the rail corridor at the applicant's expense.

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

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 Barossa Assessment Panel Meeting Schedule 2025

PANEL DECISION

Moved: G Hewitt

Seconded: G Burns

That the Barossa Assessment Panel agree to continue to meet on the first Tuesday of each month, with the exception of the January meeting which shall be held on Wednesday 22 January 2025 (due to a conflict with the Council meeting). All meetings shall be held at The Barossa Council Chambers commencing at 5.00 pm.

CARRIED

9.2 Assessment Manager's Quarterly Report - July 2024 to September 2024

PANEL DECISION

Moved: G Hewitt

Seconded: Evans

That the report be received.

CARRIED

10. REPORTS – CONFIDENTIAL

10.1 Confidential Item - Development Application 23035013 - Lot 4 Duck Ponds Road Stockwell

Reason for Confidentiality

It is recommended that the public be excluded from the meeting, as is necessary, in accordance with Section 13 of the *Planning, Development and Infrastructure (General) Regulations 2017* to receive, discuss or consider in confidence the following information or matters in relation to this item:

- (vii) matters that must be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (vii) legal advice;

As this matter is before the Environment, Resources and Development Court, it is a requirement of the court that matters be kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.

PANEL DECISION

Moved: J Evans

Seconded: G Burns

That:

- (1) Pursuant to Regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017* the Barossa Assessment Panel orders that the public be excluded from the meeting with the exception of the Director, Development and Community Services, Assessment Manager, Manager Engineering Services, Assessment Officers, and the Minute Secretary, on the basis that this matter is before the Environment Resources and Development Court and therefore any disclosure could place the Panel in breach of the Environment, Resources and Development Court Act 1993.
- (2) Accordingly, on this basis, the Barossa Assessment Panel is satisfied that the principal meetings of the assessment panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

CARRIED

At 6.45pm the meeting moved into confidence.

At 7:11pm the confidential session ceased and the meeting reopened to the public.

PANEL DECISION

Moved: J Evans

Seconded: G Burns

That the Barossa Assessment Panel has considered *Confidential Item 10.1 Confidential Item - Development Application 23035013 - Lot 4 Duck Ponds Road Stockwell* in relation to Development Application 23035013 and Appeal ERD-24-000073 *Dorrien Estate Winery Pty Ltd v The Barossa Council Assessment Panel*, and resolves as follows:

- (a) [Confidential Resolution]
- (b) [Confidential Resolution]
- (c) [Confidential Resolution]
- (d) Pursuant to Regulation 14(4) of the Planning, Development and Infrastructure (General) Regulations 2017, the Barossa Assessment Panel resolves to exclude from the minutes and from the version of the agenda report made available to the public the information dealt with on a confidential basis by the Barossa Assessment Panel, on the basis that this matter is before the Environment Resources and Development Court and therefore any disclosure could place the Panel in breach of the Environment, Resources and Development Court Act 1993, and therefore shall not be for public inspection until such time as a decision of the Environment Resources and Development Court has been made.

CARRIED

11. NEXT MEETING

Tuesday 3 December 2024 commencing at 5.00 pm

12. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 7.12pm.

Confirmed

Date:..... Chairman: