

BAROSSA ASSESSMENT PANEL

Notice is hereby given that a meeting of the Barossa Assessment Panel will be held at the Council Offices, 43-51 Tanunda Road, Nuriootpa on

Tuesday, 7 October 2025, commencing at 5.00 pm

Aaron Curtis
Assessment Manager



AGENDA

Due to federal copyright law restrictions, attachments associated with the proposed development are available on our website for viewing only and are locked for printing or copying.

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All meetings are recorded and the recording will be available to view on the Council's website.

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1. WELCOME**2. ATTENDANCE****2.1 Present****2.2 Apologies****2.3 Absent****3. CONFIRMATION OF MINUTES****RECOMMENDATION**

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 2 September 2025 be received and confirmed.

4. BUSINESS ARISING**5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL**

The Minister's Assessment Panel Members – Code of Conduct requires that a member of an assessment panel who has a direct or indirect personal or pecuniary interest in a matter before the assessment panel (other than an indirect interest that exists in common with a substantial class of persons):

- a. must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the assessment panel; and
- b. must not take part in any hearings conducted by the assessment panel, or in any deliberations or decision of the assessment panel, on the matter and must be absent from the meeting when any deliberations are taking place or decision is being made.

A member of an assessment panel will be taken to have an interest in a matter if an associate of the member (within the meaning of section 3(7) of the PDI Act) has an interest in the matter.

Any member that considers that they have an interest must notify the Presiding Member and have it recorded in the minutes as to the nature and extent of the interest.

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

6.1 25025886 - 2 Barossa Valley Way Lyndoch

APPLICATION DETAILS

PROPOSAL	Variation to Development Application 24004484 – Amendment to Condition 3 to increase operating hours
APPLICANT	The Barossa Council
OWNER	The Barossa Council
APPLICATION NO	25025886
CERTIFICATE(S) OF TITLE	CT 5677/210 and CT 6302/953
AREA	9.99 ha
CURRENT USE	Recreation
PLANNING AND DEVELOPMENT CODE VERSION	Version 2025.15 – 14 August 2025
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Recreation Zone Rural Zone
OVERLAYS	Character Preservation District (Township) Hazards (Bushfire - Urban Interface) Hazards (Flooding - Evidence Required) Native Vegetation Prescribed Water Resources Area Traffic Generating Development Urban Transport Routes Water Protection Area
APPLICATION TYPE	Code Assessed - Performance Assessed
PUBLIC NOTIFICATION	Not Notified
REFERRALS	Nil
PREVIOUS APPLICATIONS	23014800 – Land Division – Boundary Realignment 24004484 – Recreational Facility comprising the refurbishment of the existing oval (including a new clubroom, lighting and a viewing pavilion) and the construction of a new multi-use sports and athletics oval, netball courts and a playground, together with associated car parking and ancillary buildings and structures
ASSESSING OFFICER	Paul Vivian (Consultant Planner)
RECOMMENDATION	That Planning Consent be GRANTED subject to Conditions

INTRODUCTION

In 2024, Masterplan Pty Ltd lodged an application (DA 24004484) on behalf of The Barossa Council for a recreational facility at Lyndoch Recreation Park (now known as Barossa Park), comprising the refurbishment of the existing oval (including a new clubroom, lighting and a viewing pavilion) and the construction of a new multi-use sports and athletics oval, netball courts and a playground, together with associated car parking and ancillary buildings and structures. This application was presented to a Special Barossa Assessment Panel meeting on 26 March 2024. The Panel resolved to grant Planning Consent subject to Reserved Matters and Conditions. Development Approval was issued on 20 November 2024.

The Barossa Council in partnership with the State Government has delivered the redevelopment of Lyndoch Recreation Park into a key sporting hub for the Barossa region. The upgraded facility compliments other recreational infrastructure servicing the Barossa, including those developed through The Barossa Council's Big Project such as at Nuriootpa, Tanunda and Angaston. Lyndoch Recreation Park now known as Barossa Park is a destination for both sporting and other events, with its new facilities contributing to increased regional visitation and community use. Notably, Barossa Park hosted AFL matches during the 2025 Gather Round.

Within the approved development application, the hours of operation were outlined for the clubrooms as follows:

- Monday to Thursday 4.00 pm – 10.00 pm
- Friday 4.00 pm – Midnight
- Saturday 7.00 am – Midnight
- Sunday 7.00 am – 10.00 pm

A minor variation was subsequently approved by the Assessment Manager as delegate for the Barossa Assessment Panel to enable the clubrooms to be used from 7.00 am on any day.

This application seeks to amend Condition 3 of Development Authorisation 24004484, for the purposes of extending the hours of operation of the approved clubroom facilities as follows:

- Monday to Thursday 7.00 am – Midnight (a two hour extension)
- Friday and Saturday 7.00 am – 2.00 am the following day (a two hour extension)
- Sunday 7.00 am – 10.00 pm - no change

The site is located within the Recreation Zone. The proposed development was not subject to public notification, pursuant to legal advice that public notification is not required in relation to an amendment to operating hours.

This application is subject to decision of the Barossa Assessment Panel for the following reason:

- (1) The application is proposed by The Barossa Council and is not a minor development.

An assessment of the proposal has taken place against the Planning and Design Code and it has been found that the proposal will achieve general compliance with the Desired Outcome for the Zone and key Performance Outcomes in the Code.

The key assessment matter is the potential amenity impact on nearby residential properties from the proposed extended operating hours. The Environmental Noise Report prepared by Resonate in support of DA 24004484 concluded that the clubroom activity (up to 350 people) would not conflict with relevant EPA noise criteria either during the day or night time. The application states the approved hours for amplified music will not change and identifies that the extended hours are primarily to allow sufficient time for cleaning and closure of the clubroom within operating hours. As part of the assessment, further consideration has been given to the appropriate closure time for patrons and it is considered appropriate that all patrons have departed the site by 11.00 pm on a weekday and 1.00 am on Friday and Saturday evenings (with no change to Sunday 10.00 pm closure).

Taking into account the noise mitigation measures implemented under DA 24004484, the proposal is considered to achieve an appropriate balance between Council's and the sporting clubs' aspirations to utilise the upgraded facility, while maintaining an acceptable level of impact on the surrounding locality. Accordingly, Planning Consent is supported, subject to recommended conditions.

SITE AND LOCALITY

The site contains the Lyndoch Recreation Park known as Barossa Park comprising:

- New clubroom, viewing pavilion, and netball and tennis courts
- Upgraded existing oval and new second oval that can also operate as an athletics field
- Cricket practice facilities for the Lyndoch Cricket Club
- Associated car parking and landscaping.

The site is bound to the west by the Burge Family Winemakers cellar door, to the south by a rail corridor and Bevilaqua Terrace, and to the east by the Lyndoch Bowling Club and series of dwellings with frontage to Barossa Valley Way or Rushall Road.

The 'main' entry connects onto Barossa Valley Way with a secondary access point located further west along this road frontage (there are no public road access points onto Bevilaqua Terrace). There are existing stands of trees primarily along the front and rear boundaries.

The site is located at the edge of the Lyndoch township and forms a semi-open 'buffer' between the urban scale residential streets west and further south of the site to the larger vineyards and farming properties east and north of Barossa Valley Way. There is a notable transition from 'township' to 'rural' across the Barossa Valley Way.

The locality is considered to extend across Barossa Valley Way incorporating the rural properties between the arterial road and Lyndoch Creek and extends east and west of the site to incorporate existing vineyards (including Burge Family Winemakers) and the Barossa Bowling Club and residential development. There is a physical interface with the rail corridor (now a bike path) and Bevilaqua Terrace to the south and nearby dwellings, many with a view onto the subject land. There is potential for dwellings

within close proximity to the site to be affected by noise impacts. Therefore, they form part of the assessment locality.

Figure 1 below provides a Zone map and details of the locality of the site.

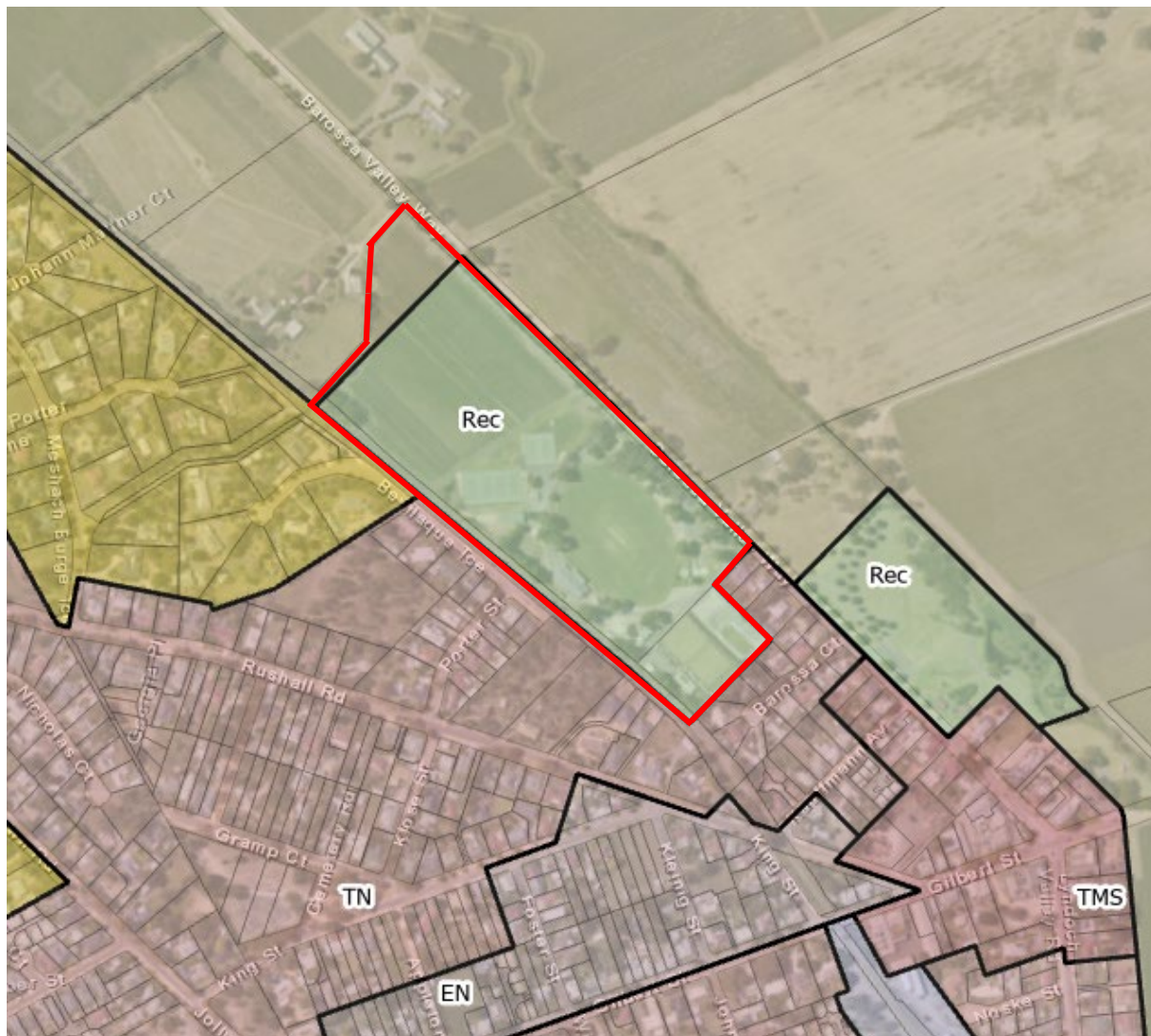


Figure 1: Zone map

An aerial view of the site and locality are contained in **Figure 2** and **Figure 3**.

Site photos are provided in **Figure 4** to **Figure 10**.



Figure 2: Aerial – Locality



Figure 3: Aerial – Site



Figure 4: Site Photo – Looking north across oval toward clubrooms



Figure 5: Site Photo- Looking east from car park



Figure 6: Site Photo – Looking south-west toward existing dwellings



Figure 7: Site Photo – Looking north-east



Figure 8: Site Photo – Looking north-west across oval toward clubroom



Figure 9: Site Photo – Looking south-west across oval toward bowls club



Figure 10: Site Photo – Looking west across oval

PROPOSAL

This variation seeks to amend Condition 3, for the purposes of extending the hours of operation of the clubroom facilities. Approved and proposed operating hours are:

Approved

- Monday to Thursday 7.00 am – 10.00 pm
- Friday and Saturday 7.00 am – Midnight
- Sunday 7.00 am – 10.00 pm

Proposed

- Monday to Thursday 7.00 am – Midnight (a two hour extension)
- Friday and Saturday 7.00 am – 2.00 am the following day (a two hour extension)
- Sunday 7.00 am – 10.00 pm - no change

The application seeks an extension of the clubroom's overall operating hours primarily to allow additional time for patrons to vacate the premises and for staff to undertake necessary closing procedures following events or functions.

The current approval also permits amplified music to be played at any time during the approved hours of operation. In recognition of the proposed extension to operating hours, the planning report from Masterplan accompanying the application advises it is not intended to extend the permitted hours for amplified music. The following conditions are suggested within the planning report:

The playing of amplified music in the clubrooms shall not exceed the following times:

- *Monday to Thursday 4.00 pm to 10.00 pm*
- *Friday 4.00 pm to midnight*
- *Saturday 7.00 am to midnight*
- *Sunday 7.00 am to 10.00 pm*

All doors must remain closed with the use of an airlock for entry/exit during playing of amplified music after 10.00 pm. Background music can be played at all times within the function areas with all doors remaining open.

As part of the assessment, further consideration has been given to the appropriate closure time for patrons and it is considered appropriate that all patrons have departed the site by 11.00 pm on a weekday and 1.00 am on Friday and Saturday evenings (with no change to Sunday 10.00 pm closure).

Attachment 1 contains a copy of the application and associated documentation.

APPLICATION TYPE

The application site is located within the Recreation Zone under the Planning and Design Code. A small section of the subject land remains in the Rural Zone (where no built form was proposed under DA 24004484).

The proposed development is neither assigned as a form of 'Accepted' or 'Deemed to Satisfy' development under Tables 1 and 2 of the Recreation Zone, nor as a 'Restricted' form of development under Table 4.

The proposal is therefore "Code Assessed – Performance Assessed" in nature in accordance with Table 3 of the Recreation and Rural Zones, Planning and Design Code.

PUBLIC NOTIFICATION

The planning consultant (Masterplan) on behalf of Council has submitted that the proposal does not constitute "Development" and is therefore not subject to public notification requirements. This interpretation is based on Section 107(1–4) of the *Planning, Development and Infrastructure Act 2016* (the Act), which outlines the notification procedures for Code-assessed applications. In this regard, public notification is only triggered where a proposal is considered to involve "Development" as defined under the Act. The consultant contends that while an application is required to vary a condition imposed on an existing development authorisation, such a variation does not in itself constitute "Development."

Interpretation of this matter is supported by case law, particularly *Adelaide Hills Recycling Pty Ltd v Development Assessment Commission* [2010] SAERDC 53. In that matter, the Environment, Resources and Development Court (ERD Court) determined that a variation application seeking to amend a condition of consent did not constitute "Development" in its own right. As such, the proposal was not allocated a public notification category and public notification was not required.

Council staff have previously obtained legal advice on this matter, which has confirmed that an application seeking to amend or remove a condition of an existing development authorisation does not constitute "Development" for the purposes of

the Act. The advice from the planning consultant is accepted. On this basis, public notification is not applicable and therefore no public notification was undertaken as part of the process.

REFERRALS

External

This application was not subject to any referrals pursuant to Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017* and Part 9 of the Planning and Design Code.

Internal

There were no internal referrals undertaken in respect to the application.

ASSESSMENT

Please refer to the following link, the Planning and Design Code extract for this proposal, dated 14 August 2025 - Version 2025.15.

Planning and Design Code Extract Link	Relevant Code <u>Extract</u>
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Seriously at Variance

Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, it is recommended that the Panel determine that the proposed development is not Seriously at Variance with the relevant provisions of the Planning and Design Code.

Barossa Park is recognised as a significant sporting and community asset within the Barossa region. Recent upgrades have enhanced the range of facilities available, including the provision of a new clubroom. The clubroom is managed by local sporting clubs under lease arrangements with Council, and, consistent with typical community sporting facilities, is utilised for a combination of sporting, fundraising, event, and private functions in support of club operations.

The application seeks to amend the operating hours of the clubroom to provide a two-hour extension per evening (excluding Sundays). The purpose of the extension is to facilitate longer use of the facility and to enable adequate time for post-event cleaning and closure. Importantly, no variation is proposed to the currently approved hours for amplified music.

The principal assessment matter concerns potential amenity impacts on nearby residential properties arising from the proposed extended operating hours. The Environmental Noise Report prepared by Resonate, submitted in support of DA 24004484, concluded that clubroom activities (up to 350 patrons) would comply with the relevant provisions of the *Environment Protection (Noise) Policy 2007* during both daytime and night-time periods. A copy of the Resonate report is contained in **Attachment 2**.

As part of the assessment, further consideration has been given to the appropriate closure time for patrons and it is considered appropriate that all patrons have departed the site by 11.00 pm on a weekday and 1.00 am on Friday and Saturday evenings (with no change to Sunday 10.00 pm closure).

Having regard to the noise mitigation measures incorporated under DA 24004484, the proposal is considered to appropriately balance Council's and the sporting clubs' objectives for maximising community use of the upgraded facility with the requirement to maintain acceptable amenity outcomes for the locality. Accordingly, Planning Consent is supported, subject to the recommended conditions. Given all of the above, the proposal is not considered to be Seriously at Variance with the relevant provisions of the *Planning and Design Code*.

Character Preservation (Barossa Valley) Act 2012

Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, having regard to the objects of the Act, it is recommended that the Panel determine that the proposed development does not adversely impact the character values of the district as listed below:

- (a) the rural and natural landscape and visual amenity of the district
- (b) the heritage attributes of the district
- (c) the built form of the townships as they relate to the district
- (d) the viticultural, agricultural and associated industries of the district
- (e) the scenic and tourism attributes of the district

It is considered that the proposed changes to clubroom operating hours do not adversely affect the five character values.

Assessment

Detailed assessment of the proposal has taken place against the relevant provisions of the Planning and Design Code as quoted above. Commentary is provided below under headings.

Land Use

Recreation Zone	
Desired Outcomes	
DO1	Provision of a range of accessible recreational facilities.
Relevant Performance Outcomes/Designated Performance Features	
Land use and Intensity	
PO 1.1 Development is associated with or ancillary to the primary purpose of structured, unstructured, active and/or passive recreational facilities.	DTS/DPF 1.1 Development comprises one or more of the following: a) Car parking b) Change rooms c) Golf course d) Indoor recreation facility e) Lighting for night use of facilities f) Market g) Motorsport track and associated activities h) Office ancillary to recreation facility i) Open space j) Outdoor sports courts k) Playground l) Racecourse and associated activities m) Recreation area n) Shop ancillary to recreation facility o) Showground and associated activities p) Special event

	q) Spectator viewing structure r) Sporting clubrooms s) Sporting ovals and fields t) Stadium u) Swimming pool v) Tourist accommodation ancillary to recreation facility
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Barossa Park is a longstanding established use and is best described as a recreation area pursuant to Part 7 – Land Use Definitions of the Planning and Design Code.

The proposal does not alter the approved land use as a recreation area, nor alter the existing built form or any physical elements of the site.

The proposal does not conflict with Performance Outcome (PO) 1.

Interface between Land Uses

Interface between Land Uses	
Desired Outcomes	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
Relevant Performance Outcomes/Designated Performance Features	
General Land Use Compatibility	
PO 1.1 Sensitive receivers are designed and sited to protect residents and occupants from adverse impacts generated by lawfully existing land uses (or lawfully approved land uses) and land uses desired in the zone.	DTS/DPF 1.1 None are applicable.
PO 1.2 Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.	DTS/DPF 1.2 None are applicable.
Hours of Operation	
PO 2.1 Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to: (a) the nature of the development. (b) measures to mitigate off-site impacts. (c) the extent to which the development is desired in the zone. (d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.	DTS/DPF 2.1 Development operating within the following hours: (Nil Applicable)

Activities Generating Noise or Vibration	
PO 4.1 Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.1 Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.
PO 4.2 Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor workspaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including: (a) locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers. (b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers. (c) housing plant and equipment within an enclosed structure or acoustic enclosure. (d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.	DTS/DPF 4.2 None are applicable.
PO 4.4 External noise into bedrooms is minimised by separating or shielding these rooms from service equipment areas and fixed noise sources located on the same or an adjoining allotment.	DTS/DPF 4.4 Adjacent land is used for residential purposes.
PO 4.5 Outdoor areas associated with licensed premises (such as beer gardens or dining areas) are designed and/or sited to not cause unreasonable noise impact on existing adjacent sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.5 None are applicable.
PO 4.6 Development incorporating music achieves suitable acoustic amenity when measured at the boundary of an adjacent sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers.	DTS/DPF 4.6 Development incorporating music includes noise attenuation measures that will achieve

	the following noise levels: ☐	
	Assessment location	Music noise level
	Externally at the nearest existing or envisaged noise sensitive location	Less than 8dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum ($LOCT_{10,15} < LOCT_{90,15} + 8dB$)

As part of the original assessment of DA 24004484, the assessment report acknowledged the development had potential to generate noise from a range of sources, including sporting activities, clubroom usage, vehicle and service vehicle movements and general visitor activity. The upgraded facilities were intended to be utilised by multiple community sporting and athletics organisations, including the Barossa Districts Football and Netball Club, Lyndoch Tennis Club, Lyndoch Cricket Club, and Lyndoch Little Athletics.

To inform the assessment, Council engaged Resonate to prepare an Environmental Noise Assessment – Acoustic Services Report (dated 6 March 2024). A copy of the Environmental Noise Assessment is contained in **Attachment 2**.

Resonate undertook background noise monitoring over a continuous seven day period between 16 – 23 February 2024, at the south-western boundary of the site. The survey identified the following baseline conditions:

- Daytime average - 51 dB(A) Leq,15 min
- Night-time average - 47 dB(A) Leq,15 min

Identified sensitive receivers included:

- 1312 Bevilaqua Terrace (Rural Zone – dwelling retained by Burge Family Winemakers following land sale).
- Residential properties along Barossa Valley Way, Barossa Court, Rushall Road and Bevilaqua Terrace (Township Neighbourhood Zone and Rural Zone).

The assessment considered all components of the redevelopment, including:

- The new clubroom (capacity up to 350 persons, indoor and outdoor, day and night use)
- New netball courts
- Recreation green and athletics track
- Playground
- Car parking areas

The report concluded that, with the implementation of the indicative noise mitigation measures outlined, noise emissions from the development would be capable of complying with the following:

- Planning and Design Code provisions relating to interface between land uses.
- *Environment Protection (Commercial and Industrial Noise) Policy 2023*.
- *Local Nuisance and Litter Control Act 2016*.
- EPA Guideline - Assessing Music Noise from Indoor Venues (2021).

It is noted the assessment confirmed the facility is capable of operating at full capacity, accommodating up to 350 patrons (both indoor and outdoor) together with associated amplified music (subject to conditions), and generating the same levels of vehicle activity to daytime operations, without resulting in adverse noise impacts.

It was considered in the Panel report that the proposal satisfied POs 2.1, 4.1, 4.2 and 4.6 of the Interface Between Land Uses module. The Panel ultimately resolved to grant Planning Consent for the development. Development Approval for DA 24004484 was issued in November 2024, subject to 24 conditions including:

- Condition 3 - clubroom operating hours
- Condition 5 - general compliance with the *Environment Protection (Noise) Policy 2007*
- Condition 6 - external lighting in accordance with AS4282:2019 'Outdoor Lighting Obtrusive Effects'
- Condition 15 - implementation of acoustic treatments in accordance with Resonate report (this condition was addressed during construction)

A minor variation was approved by the Assessment Manager (as delegate for the Barossa Assessment Panel) for the 2025 Gather Round between 11 April to 13 April 2025 to allow the clubroom to operate between 7.00 am – 2.00 am and for the clubrooms to be used on an ongoing basis from 7.00 am on any day.

Condition 3 was amended to read as follows:

Operating hours of the clubrooms shall not exceed the following times:

- *Monday to Thursday 7.00 am – 10.00 pm*
- *Friday 7.00 am – Midnight*
- *Saturday 7.00 am – Midnight*
- *Sunday 7.00 am – 10.00 pm*

Operating hours of the clubrooms from 11 April to 13 April 2025 (inclusive) shall not exceed the following times - 7.00 am – 2.00 am the following day.

Essentially this variation seeks to amend Condition 3, for the purposes of extending the hours of operation of the clubroom (including viewing pavilion) facilities. There is no change to:

- Hours for recreation activities, practice and game times
- No change to hours for amplified music
- No change to the maximum number of patrons in the clubroom at any given time

The impacts on the amenity of sensitive receivers from noise generating activities has been considered in the acoustic report previously prepared by Resonate in that the extended hours of operation sought in this application were considered in the Resonate report. The report showed compliance with noise criteria for use of the facility day or night, such that the variation application can meet PO 4.1.

While it is recognised that Resonate has demonstrated compliance and acoustic treatments have been implemented, a concern with late night closure for six nights of

the week and no revised restriction on patrons leaving may result in adverse affects upon nearby residents (i.e. patrons could feasibly remain until 12.00 pm midnight or 2.00 am) which may thus be in conflict with PO 2.1.

As part of the assessment, further consideration has been given to the appropriate closure time for patrons and it is considered appropriate that all patrons have departed the site by 11.00 pm on a weekday and 1.00 am on Friday and Saturday evenings (with no change to Sunday 10.00 pm closure).

The effect of this proposal is that it provides one hour for staff to clean and close the clubrooms and satisfies the primary reason for the amendment application which is to give greater flexibility for clean up and exit of patrons. The recommended condition of consent is therefore as follows:

Monday to Thursday

- Patrons leaving the premises – 11.00 pm
- Staff leaving the premises (i.e. full closure) – midnight

Friday and Saturday

- Patrons leaving the premises – 1.00 am the following day
- Staff leaving the premises (i.e. full closure) – 2.00 am the following day

Sunday

- Sunday 7.00 am – 10.00 pm - no change

In addition, the current approval permits amplified music to be played at any time during the approved hours of operation. In recognition of the proposed extension to operating hours, the planning report from Masterplan accompanying the application advises it is not intended to extend the permitted hours for amplified music. The following conditions are suggested within the planning report:

The playing of amplified music in the clubrooms shall not exceed the following times:

- *Monday to Thursday 4.00 pm to 10.00 pm*
- *Friday 4.00 pm to midnight*
- *Saturday 7.00 am to midnight*
- *Sunday 7.00 am to 5.00 pm*

All doors must remain closed with the use of an airlock for entry/exit during playing of amplified music after 10.00pm. Background music can be played at all times within the function areas with all doors remaining open.

Subject to the above recommended conditions, in addition to continuation of all other applicable conditions under the original DA 24004484, it is considered that the variation application sufficiently complies with the relevant Interface Between Land Uses Module policies, noting that:

- The recent upgrade of Lyndoch Recreation Park and its facilities has been designed to minimise adverse impacts on nearby sensitive receivers. Key elements, including the clubroom, parking, and entry points, have been

positioned closer to Barossa Valley Way, and the buildings have been constructed in accordance with the recommendations of the Resonate acoustic report. This variation application does not alter any physical elements of the development and retains compliance with PO 1.2.

- Based on the findings of the Resonate acoustic report, the clubroom can operate at both day and night, at full patronage with associated traffic generation, without producing adverse noise impacts on nearby residential properties. In the context of the proposed conditions, the extended operating hours are expected to remain compliant and achieve an acceptable amenity outcome, consistent with PO 2.1 and PO 4.1.
- The Resonate assessment measured noise levels for patrons both inside and outside the clubrooms and demonstrated compliance at all times. The proposed variation does not alter the assessment criteria employed by Resonate, and existing restrictions on amplified music (including mandatory door closures) remain in effect. The additional restriction requiring patrons to vacate the site by a specified time provides a definitive cessation point for all activities and is considered an acceptable outcome when tested against PO 4.5 and PO 4.6.
- Council also continues to be the owner of the land and has lease arrangements in place with all tenants at the site. The terms of the lease require ongoing obligation of the tenants to comply with relevant laws. Should issues arise, there is avenue to address concerns.

Overall, the proposed facility located within recreation zoned land and positioned a practicable distance from most sensitive receivers together with the outlined conditions of consent is such that the proposal is considered to address relevant interface policies in this section of the Code.

Character Preservation Overlay

Character Preservation District Overlay (Not in township)	
Desired Outcomes	
DO1	<i>Recognise, protect and enhance the special character of Character Preservation Districts.</i>
DO2	<i>The long term use of land outside of townships for primary production and associated value adding enterprises is assured and promoted.</i>
Relevant Performance Outcomes/Designated Performance Features	
Built Form and Character in the Rural Area	
PO 3.1 <i>Preservation of existing natural features including topography, watercourses and mature trees.</i>	DTS/DPF 3.1 <i>None are applicable.</i>
PO 3.2 <i>Buildings and structures do not interrupt views of the skyline through measures including being sited below ridge lines.</i>	DTS/DPF 3.2 <i>None are applicable.</i>
PO 3.3 <i>Buildings and structures harmonise with the natural features of the landscape and reinforce the rural character through the use of muted, neutral, non-reflective landscape colours on external surfaces.</i>	DTS/DPF 3.3 <i>None are applicable.</i>
PO 3.4 <i>Large buildings and structures are sited and oriented to minimise their visual bulk, particularly if close to roads or in open settings</i>	DTS/DPF 3.4 <i>None are applicable.</i>

<i>where there are no other buildings or mature trees in close proximity.</i>	
PO 3.5 <i>Buildings and structures are grouped to create compact clusters well set back from public roads.</i>	DTS/DPF 3.5 <i>None are applicable.</i>
PO 3.6 <i>Development mitigates the need for long, steep access roads that require excessive grading or removal of vegetation.</i>	DTS/DPF 3.6 <i>None are applicable.</i>

The proposed development does not alter the built form or layout of the Lyndoch Recreation Park, such that POs 3.1 – 3.6 are not relevant. Notwithstanding, the development is not considered to be in conflict with the special character of the Character Preservation District.

Overlays

The following Overlays have been considered in the assessment of the proposed development but are not addressed in further detail given that the variation application only relates to operating hours:

- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding - Evidence Required)
- Native Vegetation
- Prescribed Water Resources Area
- Traffic Generating Development
- Urban Transport Routes
- Water Protection Area

CONCLUSION

The proposal seeks an extension to the operating hours of the clubrooms.

The application was subject to 'Performance Assessment' and was not subject to notification.

The Lyndoch Recreation Park (now known as Barossa Park) is a valued community and sporting asset. The proposed extension of operating hours seeks to improve functionality without increasing amplified music use. Noise impacts have been previously assessed under an acoustic report completed for the development and which concluded that the hours of operation as now proposed are acceptable.

As part of the assessment, further consideration has been given to the appropriate closure time for patrons and it is considered appropriate that all patrons have departed the site by 11.00 pm on a weekday and 1.00 am on Friday and Saturday evenings (with no change to Sunday 10.00 pm closure). In addition, a further condition is recommended in relation to amplified music noise.

In summary, the proposal is considered to achieve an appropriate balance between Council's and the sporting clubs' aspirations to utilise the upgraded facility, while maintaining an acceptable level of impact on the surrounding locality. Accordingly, Planning Consent is supported, subject to recommended conditions.

RECOMMENDATION 1

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.

RECOMMENDATION 2

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.

RECOMMENDATION 3

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. 25025886 by The Barossa Council for a Variation to Development Application 24004484 – Amendment to Condition 3 to increase operating hours. at 2 Barossa Valley Way Lyndoch (CT 5677/210 and CT 6302/953) subject to the following Conditions of Consent:

Council Conditions

- (1) The development shall be undertaken in accordance with the following endorsed documents accompanying Application No. 25025886 except where varied by any condition(s) listed below:
 - Planning Report, Masterplan, 21 August 2025
- (2) Except where varied by this Development Authorisation, all Conditions of Consent pursuant to Development Authorisation 24004484 shall continue to apply.
- (3) Operating hours of the clubrooms (inclusive of the viewing pavilion) shall not exceed the following times:
 - Monday to Thursday 7.00 am - Midnight
 - Friday 7.00 am – 2.00 am the following day
 - Saturday 7.00 am – 2.00 am the following day
 - Sunday 7.00 am – 10.00 pm

And shall be subject to the following:

Monday to Thursday

- Patrons shall leave the premises – 11.00 pm
- Staff leaving the premises (i.e. full closure) – midnight

Friday and Saturday

- Patrons leaving the premises – 1.00 am the following day
 - Staff leaving the premises (i.e. full closure) – 2.00 am the following day
- (4) The playing of amplified music in the clubrooms (including the viewing pavilion) shall not exceed the following times:
- Monday to Thursday 4.00 pm – 10.00 pm
 - Friday 4.00 pm – Midnight
 - Saturday 7.00 am – Midnight
 - Sunday 7.00 am – 10.00 pm
- (5) All doors must remain closed with the use of an airlock for entry/exit during playing of amplified music after 10.00pm. Background music can be played at all times within the function areas with all doors remaining open.
- (6) Any noise generating activity undertaken at the site shall 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.

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) 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.

- (6) 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.
- (7) Construction shall not take place on any Sunday or Public Holiday or after 7:00pm or before 7:00am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.
- (8) The applicant is advised that this consent does not permit anyone to clear, remove limbs or trim native vegetation. Any proposal to clear, remove limbs or trim native vegetation will require approval or confirmation of exemption from the *Native Vegetation Council*. An interactive guide is available to help owners and others determine the requirements that apply under the *Native Vegetation Act 1991*, <https://www.environment.sa.gov.au/topics/native-vegetation/interactive-guide>. Any specific queries regarding the clearance, removal or trimming of native vegetation should be directed to the South Australian Native Vegetation Council. The applicant is advised that any proposal to clear, remove limbs or trim native vegetation should be undertaken after first notifying the Native Vegetation Council of intended works.
- (9) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the *Environment Protection (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.
- (10) The development shall comply with the Food Act 2001 and Food Safety Standard. For further information, please visit: www.barossa.sa.gov.au/development-business/food-industries/food-health-and-safety.
- (11) The sale and consumption of alcohol on the premises is subject to licence under the *Liquor Licensing Act 1997*. For further information, please visit: www.sa.gov.au/topics/business-and-trade/liquor/apply/club.

Commissioner of Highways

- (12) Approval for temporary traffic control for each event will need to be obtained from DIT – Roadworks. The Traffic Management Centre Roadworks team can be contacted on 1800 434 058 or email dit.roadworks@sa.gov.au. The event traffic management will need to be developed in accordance with: https://dit.sa.gov.au/data/assets/pdf_file/0020/121/394/DOCS_AND_FILES-8197504-v5-Guidelines_for_Events_on_SA_Roads.pdf
- (13) Should traffic flows on Barossa Valley Way be affected during the construction phase the applicant shall contact DIT for any necessary traffic control. Approval for temporary traffic control will need to be obtained from DIT's Traffic Management Centre (TMC). The company engaged for traffic control will need to provide the TMC with a copy of the traffic management plan and

seek approval for any temporary traffic control/signage. The Traffic Management Centre Roadworks team can be contacted on 1800 434 058 or email dit.roadworks@sa.gov.au.

Native Vegetation Council

- (14) 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 2024/3069/960.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Application and Associated Documents
Attachment 2 Resonate Acoustic Report

Development Locations

Location 1

Location reference

LOT 100 BAROSSA VALLEY WAY LYNDOK SA 5351

Title Ref

CT 6302/953

Plan Parcel

D134915 AL100

Additional Location Information**Council**

THE BAROSSA COUNCIL

Zone Overlays

Zones

- Recreation
- Rural

Sub-zones

(None)

Overlays

- Character Preservation District
- Character Preservation District
- Hazards (Bushfire - Medium Risk)
- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding - Evidence Required)
- Limited Land Division
- Native Vegetation
- Prescribed Water Resources Area
- Traffic Generating Development
- Urban Transport Routes
- Water Protection Area

Variations

- Minimum Site Area (Minimum site area is 25 ha)
- Minimum Dwelling Allotment Size (Minimum dwelling allotment size is 25 ha)

Application Contacts

Applicant(s)

Stakeholder info

The Barossa Council

[REDACTED]
[REDACTED]
[REDACTED]

Contact

Stakeholder info

Mrs Valeria Forbes

[REDACTED]
[REDACTED]



Invoice Contact

Stakeholder info

The Barossa Council
PO Box 867 Nuriootpa SA 5355



Land owners

Stakeholder info

The Barossa Council
PO Box 867 Nuriootpa SA 5355



Nature Of Development

Nature of development

Variation to Development Application 24004484 - Amendment to Condition 3

Development Details

Current Use

Lyndoch Recreation Park.

Proposed Use

Lyndoch Recreation Park.

Development Cost

\$1.00

Proposed Development Details

Variation to Development Application 24004484 - Amendment to Condition 3

Element Details

You have selected the following elements

Other - Community - \$1.00

- Sporting Clubroom

Purpose of the development

The primary purpose of this development is to raise revenue for the Council.

No

Septic/Sewer information submitted by applicant

Does this development require a new septic system or amendment to an existing septic system? i.e. septic tank and / or wastewater disposal area?

No

Certificate of Title information submitted by applicant

Does the Certificate of Title (CT) have one or more constraints registered over the property?

Unsure

Consent Details

Consent list:

- Planning Consent
- Building Consent

Have any of the required consents for this development already been granted using a different system?

No

Planning Consent

Apply Now?

Yes

Who should assess your planning consent?

Assessment panel/Assessment manager at The Barossa Council

Building Consent

Do you wish to have your building consent assessed in multiple stages?

No

Apply Now?

No

More information for consent approvals

Do you have an agreement with a State Government Agency related to your application? (Preliminary Agreement)

No

Should your application require public notification, who will be responsible for erecting the sign on the land?

Relevant Authority

Declarations

Electricity Declaration

In accordance with the requirements under Clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017, the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Native Vegetation Declaration

The proposed development will not or would not, involve the clearance of Native Vegetation under the Native Vegetation Act 1991, including any clearance that may occur in connection with a relevant access point and/or driveway, and/or within 10m of a building (other than a residential building or tourist accommodation), and/or within 20m of a dwelling or addition to an existing dwelling for fire prevention and control, and/or within 50m of residential or tourist accommodation in connection with a requirement under a relevant overlay to establish an asset protection zone in a bushfire prone area.

Submission Declaration

All documents attached to this application have been uploaded with the permission of the relevant rights holders. It has been acknowledged that copies of this application and supporting documentation may be provided to interested persons in accordance with the Act and Regulations.

Documents

Document	Document Type	Date Created
53821LET11.pdf	All application documentation	22 Aug 2025 8:58 AM

Application Created User and Date/Time

Created User

epr.guajardb@sa.gov.au

Created Date/Time

22 Aug 2025 8:58 AM



21 August 2025

Aaron Curtis
Assessment Manager
The Barossa Council
43-51 Tanunda Road
Nuriootpa SA 5355

Our Ref: 53821LET11

Dear Aaron

Re: Variation to Development Application 24004484 - Amend Condition 3

MasterPlan SA has been engaged by The Barossa Council ('the applicant') to prepare and lodge a variation to Development Authorisation 24004484 relating to the Lyndoch Recreation Park at Lot 100 Barossa Valley Way, Lyndoch ('the subject site').

DA 24004484 received final development approval on 20 November 2024 and accordingly the authorisation remains operative. A copy of the Decision Notification Form (DNF) is **enclosed**.

This variation seeks to amend Condition 3, for the purposes of extending the hours of operation of the clubroom facilities.

At present, Condition 3 reads as follows:

Operating hours of the clubrooms shall not exceed the following times:

- *Monday to Thursday 7:00 am – 10:00 pm*
- *Friday 7:00 am – Midnight*
- *Saturday 7:00 am – Midnight*
- *Sunday 7:00 am – 10:00 pm*

Operating hours of the clubrooms from 11 April to 13 April 2025 (inclusive) shall not exceed the following times: 7am – 2am the following day

33 Carrington Street
Adelaide SA 5000
(08) 8193 5600
www.masterplan.com.au

Offices in SA | NT | QLD
ABN 30 007 755 277
plan@masterplan.com.au



Condition 3 was previously amended by way of a minor variation to accommodate extended hours of operation, including earlier opening times, and a temporary extension of closing times specifically catering to the period of the Gather Round event between 11 April – 13 April 2025. The period for the temporary extended closing hours has since ceased.

To support the ongoing and future operational requirements of the facility, the applicant is now seeking an extension to the hours of operation on a permanent basis.

For the reasons herein, we have concluded that the proposed extended hours of operation are appropriate and will not unreasonably impact on the amenity of nearby sensitive receivers.

Proposed Variation

Condition 3 is proposed to be amended as follows:

Operating hours of the clubrooms shall not exceed the following times:

- Monday to Thursday 7:00 am – Midnight
- Friday 7:00 am – 2:00 am the following day
- Saturday 7:00 am – 2:00 am the following day
- Sunday 7:00 am – 10:00 pm

The proposed changes to the approved hours of operation are summarised in **Table 1** below.

Table 1: Summary of Proposed Changes to Hours of Operation

Approved Hours of Operation	Proposed Hours of Operation	Proposed Change
Monday to Thursday 7:00 am – 10:00pm	Monday to Thursday 7:00 am – Midnight	Extend closing time by 2 hours
Friday 7:00 am – Midnight	Friday 7:00 am – 2:00 am the following day	Extend closing time by 2 hours
Saturday 7:00 am – Midnight	Saturday 7:00 am – 2:00 am the following day	Extend closing time by 2 hours
Sunday 7:00 am – 10:00 pm	Sunday 7:00 am – 10:00 pm	No change.



The current approval allows for amplified music to be played at all times within the hours of operation. Noise generated by the proposed development is also controlled by Conditions 5 and 15, which state:

Condition 5

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.

Condition 15

All acoustic treatments outlined within the final acoustic report authorised pursuant to the Reserved Matter shall be implemented as part of Stage 5.

As all acoustic treatments were installed in accordance with Condition 15, (following the recommendations of an acoustic report which sought to seek compliance with the *Environment Protection (Noise) Policy 2007*) the current levels and times of amplified music are considered to be acceptable.

Whilst the variation seeks to extend the operating hours, it does not seek to extend the hours during which amplified music is played. Rather, it seeks to provide additional time for patrons to leave the facility and for staff to undertake the necessary tasks to close the venue following the end of events and functions.

Specifically, in line with current amplified music arrangements, the Clubroom closing times are proposed to operate as follows:

- Monday to Thursday - 10pm for amplified music, closing time of midnight.
- Friday and Saturday- Midnight for amplified music, closing time of 2am the following day.
- Sunday - 5pm for amplified music, closing time of 10pm.

Procedural Matters

In respect to the approved development, Section 128 Sub-clause (1) of the *Planning, Development and Infrastructure Act 2016* (the Act), provides the right for a person to seek a variation of a development authorisation previously given.

In this instance, the authorisation is still operative (Sub-clause (2)(a)) as per the **enclosed** DNF.



It is noted that the Clubroom was originally a development element that required public notification as part of DA 24004484, as it was not a form of development listed as exempt in Table 5 of the Recreation Zone. Notwithstanding, whilst this variation seeks to vary Condition 3, which relates to the Clubroom, it does not constitute 'development' in its own right.

An application that does not involve "development" is not subject to public notification.

In respect to the above we reference Section 107-Performance assessed development, *Planning, Development and Infrastructure Act 2016*, states:

1. *In a case where proposed development is to be assessed as code assessed development and the development cannot be assessed, or fully assessed, as deemed-to-satisfy development, the development will be assessed on its merits against the Planning and Design Code.*
2. *(2) In connection with subsection (1)-*
 - (a) *to the extent that 1 or more elements of the proposed development may be classified as deemed-to-satisfy under the Planning and Design Code (if any)-that part of the development will be taken to have been granted planning consent; and*
 - (b) *to the extent that paragraph (a) does not apply (including on the basis that the paragraph does not apply at all)-the development will be assessed on its merits against the Planning and Design Code; and*
 - (c) *to the extent that paragraph (b) applies-the development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code (disregarding minor variations).*
3. *If a proposed development is to be assessed under this section-*
 - (a) *subject to a decision of a relevant authority made in accordance with a practice direction, notice of the application for planning consent must be given, in accordance with the regulations, to-*
 - (i) *an owner or occupier of each piece of adjacent land; and*
 - (ii) *members of the public by notice on the relevant land; and*
 - (b) *a person may, in accordance with the regulations and within a period prescribed by the regulations, make representations to the relevant authority in relation to the granting or refusal of planning consent; and*



- (c) *if a representation is made under paragraph (b) (being a representation received in accordance with the regulations and within a period prescribed by the regulations), the relevant authority must forward to the applicant a copy of the representation and allow the applicant to respond, in accordance with the regulations and within a period prescribed by the regulations, to those representations.*

4. *The subject matter of-*

- (a) *any notice required under subsection (3)(a); and*
- (b) *any representation under subsection (3)(b),*

must be limited to what should be the decision of the relevant authority as to planning consent in relation to the performance based elements of the development as assessed on its merits (and a relevant authority should limit the matters that it will take into account in the same way).

The Planning, Development and Infrastructure Act 2016 defines development to mean:

- (c) *a change in the use of land; or*
- (d) *building work; or*
- (e) *the division of an allotment; or*
- (f) *the construction or alteration (except for Crown, a council or public authority (but so as not to derogate from the operation of paragraph (e)) of a road, street or thoroughfare on land (including excavation or other preliminary or associated work); or*
- (g) *in relation to State heritage place—the demolition, removal, conversion, alteration or painting of, or addition to, the place or any other work that could materially affect the heritage value of the place; or*
- (h) *in relation to a local heritage place—any work (including painting) that could materially affect the heritage value of the place (including, in the case of a tree, any tree-damaging activity) specified by the Planning and Design Code for the purposes of this paragraph (whether in relation to local heritage places generally or in relation to the particular local heritage place); or*
- (i) *the external painting of a building within an area specified by the Planning and Design Code for the purposes of this paragraph; or*
- (j) *in relation to a regulated tree—any tree-damaging activity; or*
- (k) *the creation of fortifications; or*
- (l) *prescribed mining operations on land; or*
- (m) *prescribed earthworks (to the extent that any such work or activity is not within the ambit of a preceding paragraph); or*



(n) an act or activity in relation to land declared by or under the regulations to constitute development,
(including development on or under water) but does not include an act or activity that is declared by or under the regulations not to constitute development for the purposes of this Act.

We, therefore, submit that the request by the Applicant to amend a condition imposed on the development authorisation, while requiring an application, does not constitute 'development' in its own right.

Interpretation of this matter is assisted by reference to the matter of '*Adelaide Hills Recycling Pty Ltd v Development Assessment Commission [2010] SAERDC 53*' where it was held that if the subject of the variation application did not represent 'development' in its own right, it was not allocated a public notification category, resulting in no public notification required.

In the '*Adelaide Hills Recycling Pty Ltd v Development Assessment Commission [2010] SAERDC 53*' case, it was proposed to vary a condition of consent, which in itself did not represent 'development'.

Similarly, this application proposes an amendment that should not represent a form of 'development' in its own right. The proposed amendment to Condition 3 in relation to hours of operation is therefore not considered to be subject to notification provisions.

Should Council form the opinion that the proposal constitutes development as it deals with operational matters associated with the Clubroom, we nonetheless contend that the proposal should be reasonably exempt from notification on the basis that it is minor in nature and will not unreasonably impact on the owners or occupiers of land in the locality. As further detailed in the following section, the proposed extended hours of operation are considered minor in nature for the following reasons:

- The hours of amplified music are not sought to be extended.
- Patrons will continue to vacate the venue following the stoppage of amplified music at the current closing times.
- Anticipated noise-generating activities will therefore be limited to primarily staff vehicles leaving the facility, noting that vehicle movements will be in the direction of the road and not toward residential areas.
- The anticipated additional noise-generating activities modest and will not exceed the threshold of acceptable noise levels determined by Resonate's original noise assessment.



Assessment

Condition 3 seeks to ensure the development achieves Performance Outcome 2.1 of the Interface Between Land Uses module, which seeks to protect the amenity of sensitive receivers from noise-generating activities through appropriate hours of operation.

PO 2.1 reads as follows:

PO 2.1

Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:

- (a) the nature of the development
- (b) measures to mitigate off-site impacts
- (c) the extent to which the development is desired in the zone
- (d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.

In forming our opinion that the proposed extended hours of operation will not result in unreasonable impacts to the amenity of sensitive receivers in line with PO 2.1 above, we have reviewed the Environmental Noise Assessment report prepared by Resonate in March 2024 to accompany the lodgement of DA 24004484.

The assessment considered a range of noise-generating activities including music, vehicle activities and patron noise, and concluded that the design and operation of the facility is compliant with the relevant noise requirements, therefore demonstrating that the impacts on nearby sensitive receivers would be within acceptable levels if all the acoustic recommendations are adhered to.

Subsequent advice was sought from Resonate with respect to this variation to understand the potential noise implications from extending the closing hours of the Clubroom. Resonate advised that as long as the proposed activities (both general and music) align with those previously assessed, no further acoustic assessment is required as noise generation would theoretically remain within the acceptable threshold.

Amplified Music

Noise from amplified music was assessed by Resonate during the following periods:

- Monday to Thursday 4 pm to 10 pm
- Friday 4 pm to midnight
- Saturday 7 am to midnight
- Sunday 7 am to 5 pm.



The existing closing times for amplified music are not sought to be extended as part of this variation and will continue to be in line with the above time periods, therefore, there will be no additional noise impacts generated from music beyond what was previously considered appropriate from an Acoustic perspective, subject to the following key noise mitigation strategies:

- All doors closed and use of airlock for entry / exit during playing of amplified music during late night functions.
- Background music can be played at all times within the function areas with all doors remaining open.

In line with Resonate’s advice, as the hours of amplified music are not sought to be extended as part of this variation, the amenity of nearby sensitive receivers will not be impacted on this basis.

The applicant welcomes the inclusion of the following separate condition of consent which nominates the amplified music hours in line with Resonate’s advice:

The playing of amplified music in the clubrooms shall not exceed the following times:

- Monday to Thursday 4 pm to 10 pm.
- Friday 4 pm to midnight.
- Saturday 7 am to midnight.
- Sunday 7 am to 5 pm.

All doors must remain closed with the use of an airlock for entry / exit during playing of amplified music after 10pm.

Background music can be played at all times within the function areas with all doors remaining open.

General Activities

The general noise-generating activities considered in Resonate’s assessment were as outlined in **Table 2** below.

Table 2: Assessed and Approved Activities

Noise Sources	Location	Period	
		Day – 7 am to 10pm	Night – 10pm – 7am
Building Services	Plant Room on first floor.	All plant operating at 100% capacity	Only 2 condensers and 1 heat pump operating at full capacity during nighttime



Noise Sources	Location	Period	
		Day – 7 am to 10pm	Night – 10pm – 7am
Vehicle Activities	Formal Parking to the east.	35 car movements in 15-minute period in the formal parking areas	35 car movements in 15-minute period in the formal parking areas
	Informal parking to the northwest.	40 car movements in 15-minute period in the informal parking areas	40 car movements in 15-minute period in the informal parking areas
Patron Noise	Function room and covered outdoor areas.	At full capacity (350 people)	At full capacity (350 people)
		150 people indoor. 100 people outdoor.	150 people indoor. 100 people outdoor.
People Noise	Sporting field.	100 people distributed across the sporting field.	No activity.

The noise assessment above considered noise generation associated with different activities over two set periods: 'Day', being during the hours between 7am to 10pm, and 'Night', being during the hours between 10pm and 7am. This methodology means that noise occurring throughout each Day or Night period are assessed distinct criteria, and are theoretically considered acceptable as long as they remain within the acceptable threshold of activity.

In essence, Resonate's assessment demonstrates that the facility could operate at full capacity of patrons (subject to amplified music conditions) and have the same number vehicle movements as during the day, without resulting in excessive noise pollution.

The currently approved closing times and the proposed closing times fall within the 'Night' period and are therefore subject to the same assessment. Extending the hours of operation does not have any implications on Resonate's findings and does not necessitate further assessment.

From a practical perspective, the purpose of the extended hours of operation are to provide staff with sufficient time to close the venue following functions and events. Patrons are expected to vacate the facility following the amplified music closure times, in line with current operations, and will not result in additional material noise impacts.



The extended hours of operation will result in primarily staff vehicles leaving the premises over an additional two (2) hours. We are of the view that this will not unreasonably impact on nearby sensitive receivers for the following reasons:

- the number of vehicle movements will be modest and remain within the limits considered by Resonate's during the Night period, in line with current operations.
- vehicles will exit the site in the direction of the road, away from the residential area.

For these reasons, we have formed the view that the proposed extended operating hours by way of amending Condition 3, will not unreasonably impact on the amenity of nearby sensitive receivers and therefore continues to align with PO 2.1 of the Interface Between Land Uses module.

Conclusion

We conclude that the proposed variation to amend Condition 3 to facilitate extended the hours of operation of the Clubroom is appropriate having regard to the intent of PO 2.1 of the Interface Between Land Uses module, as it will result in minimal additional noise-generating activities that will not compromise the amenity of nearby sensitive receivers. This is demonstrated by the fact that the activities proposed to occur during the additional hours of operation will be minor and remain within the threshold of acceptable noise levels outlined in Resonate's original acoustic advice.

For the reasons outlined herein, we are of the view that the proposed variation warrants Planning Consent being granted.

If you require any further information or clarification, please don't hesitate to contact the undersigned on 8193 5600.

Yours sincerely

Valeria Forbes
MasterPlan SA Pty Ltd



DECISION NOTIFICATION FORM

Section 126(1) of the Planning, Development and Infrastructure Act 2016

TO THE APPLICANT(S):

Name: The Barossa Council
Postal address: PO Box 867 NURIOOTPA SA 5355
Email: bclark@barossa.sa.gov.au

IN REGARD TO:

Development application no.: 24004484	Lodged on: 18 Nov 2024
Nature of proposed development: Recreational Facility comprising the refurbishment of the existing oval (including a new clubroom, lighting and a viewing pavilion) and the construction of a new multi-use sports and athletics oval, netball courts and a playground, together with associated car parking and ancillary buildings and structures Staged development as follows: Stage 1: Site Civil Works and Infrastructure Stage 2: Clubroom Building Substructure Stage 3: Clubroom Building Superstructure and Viewing Pavilion Substructure and Superstructure Stage 4: Building Services, Vertical Support & Fitout Stage 5: Landscaping and Remaining Works	

Stages

Number	Stage Description
5 of 5	Landscaping and Remaining Works

LOCATION OF PROPOSED DEVELOPMENT:

Location reference: 2 BAROSSA VALLEY WAY LYNDONCH SA 5351		
Title ref.: CT 5677/209	Plan Parcel: F38979 AL55	Council: THE BAROSSA COUNCIL
Location reference: 1312 BAROSSA VALLEY WAY LYNDONCH SA 5351		
Title ref.: CT 6101/50	Plan Parcel: D89654 AL744	Council: THE BAROSSA COUNCIL
Location reference: LOT 304 BEVILAQUA TCE LYNDONCH SA 5351		
Title ref.: CT 5438/511	Plan Parcel: D23019 AL304	Council: THE BAROSSA COUNCIL

DECISION:

Decision type	Decision (granted/refused)	Decision date	No. of conditions	No. of reserved matters	Entity responsible for decision (relevant authority)
Planning Consent	Granted	26 Mar 2024	24	0	Assessment Panel at The Barossa Council

This form constitutes the form of a decision notification under section 126(1) of the Planning, Development and Infrastructure Act 2016, as determined by the Minister for Planning for the Purposes of regulation 57(1) of the Planning, Development and Infrastructure (General) Regulations 2017. Published: 7 July 2022.



Government of South Australia
Department for Trade and Investment

Building Consent Stage 1	Granted	17 Apr 2024	0	0	Luke Trento - TF Certifiers + Consultants - Building Level 1
Staged Development Approval - Planning Consent; Building Consent Stage 1	Granted	16 May 2024	24	0	The Barossa Council
Building Consent Stage 2	Granted	20 May 2024	0	0	Luke Trento - TF Certifiers + Consultants - Building Level 1
Staged Development Approval - Building Consent Stage 2	Granted	6 Jun 2024	0	0	The Barossa Council
Building Consent Stage 3	Granted	2 Aug 2024	0	0	Luke Trento - TF Certifiers + Consultants - Building Level 1
Staged Development Approval - Building Consent Stage 3	Granted	12 Aug 2024	0	0	The Barossa Council
Building Consent Stage 4	Granted	6 Sept 2024	0	0	Luke Trento - TF Certifiers + Consultants - Building Level 1
Staged Development Approval - Building Consent Stage 4	Granted	9 Sept 2024	0	0	The Barossa Council
Building Consent Stage 5	Granted	12 Nov 2024	0	0	Luke Trento - TF Certifiers + Consultants - Building Level 1
Development Approval - Building Consent Stage 5	Granted	20 Nov 2024	0	0	The Barossa Council

FROM THE RELEVANT AUTHORITY: The Barossa Council

Date: 20 Nov 2024

MINOR VARIATION TO PREVIOUS AUTHORISATION

Consent affected	Description of minor variation	Date minor variation endorsed*	Entity responsible for decision
Planning Consent; Building Consent Stage 1; Development Approval For: Planning Consent Building Consent - Stage 1; Building Consent Stage 2; Development Approval For: Building Consent - Stage 2; Building Consent Stage 3; Development Approval For: Building Consent - Stage 3	Amend nature of development regarding staging	6 Sept 2024	The Barossa Council; TF Certifiers + Consultants
Planning Consent	Amendment to allocation of reserved matters to stages	16 Apr 2024	The Barossa Council
Planning Consent; Building Consent Stage 1; Development Approval For: Planning Consent Building Consent - Stage 1	Amendment of staging list within nature of development to align with BRC descriptions,		The Barossa Council; TF Certifiers + Consultants

Planning Consent	Addition of staging	7 Apr 2024	The Barossa Council
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** Date minor variation endorsed does not affect operative date of original consent.*

CONDITIONS

Planning Consent

Condition 1

The development shall be undertaken in accordance with the following endorsed plans and documentation accompanying the application except where varied by the conditions listed below:

- Planning Report, Masterplan, February 2024
- Architectural Plans, Dash Architects:
 - Cover Sheet, SK00 Rev D
 - Location Plan, SK01 Rev D
 - Site Plan – Existing, SK02 Rev D
 - Site Plan – Demolition, SK03, Rev D
 - Site Plan – Proposed, SK04, Rev D
 - Site Plan – Proposed Building Setout, SK04.1, Rev B
 - Site Plan – Proposed Lighting, SK04.2, Rev B
 - Site Plan – Proposed Fencing, SK04.3, Rev B
 - Ground Floor Plan – Proposed, SK05, Rev D
 - First Floor Plan – Proposed, SK06, Rev D
 - Roof Plan – Proposed, SK07, Rev D
 - Elevation – Proposed, SK08, Rev D
 - Renders 1, SK09, Rev D
 - Renders 2, SK10, Rev D
 - Renders 3, SK11, Rev D
- LBW Co, Preliminary Site Investigation – Site History Lyndoch Recreation Park, 23.01.24, 241507 R01
- Site Infrastructure Review, Lucid Consulting Australia, 16 February 2024, LCE101210-002a
- Combined Services Concepts, Lucid Consulting Australia, 19 February 2024, LCE101210, Sheets 1 and 2
- Obtrusive Lighting Assessment, Lucid Consulting Australia, 16 February 2024, LCE101210-005
- Lighting Concept Rev 1, Lucid Consulting Australia, 16 February 2024, Page 1, 2, 3 and 4 of 4
- Jupiter Exeloo Specification
- Native Vegetation Clearance Lyndoch Recreation Park Data Report, JS Ayre & Associates, 5 February 2024
- Stormwater Management Plan, WGA, Stormwater Management Plan, WGA232616-RP-CV-0001_B, 23 February 2024
- Stormwater Design Report, WGA, WGA232616-RP-CV-0003_A, 12 April 2024
- Bulk Earthworks Plan, Site Overview, WGA, WGA232616-SK-CV-0001, Rev A
- Bulk Earthworks Plan, Plan and Sections, Main Oval, WGA, WGA232616-SK-CV-0002 Rev A
- Bulk Earthworks, Plan and Sections, Second Oval, WGA, WGA232616-SK-CV-0003 Rev A
- Bulk Earthworks, Plan and Sections, Netball Courts, WGA, WGA232616-SK-CV-0004 Rev A
- Environmental Noise Assessment, Resonate, A240080RP1, Revision 0, 6 March 2024
- Early Works Technical Specification, WGA, WGA232616-SP-CV-0001_A, 5 April 2024
- Lyndoch Recreation Park (Final Landscape Concept Package), Landskap, ref. 24.012, 24 May 2024
- Traffic Impact Assessment, WGA, WGA232616-RP-CV-0002_4, 2 September 2024

Condition 2

Prior to occupation, the buildings authorised herein shall be connected and remain connected to the Lyndoch CWMS to the reasonable satisfaction of Council.

Condition 3

Operating hours of the clubrooms shall not exceed the following times:

- Monday to Thursday 4:00 pm – 10:00 pm
- Friday 4:00 pm – Midnight
- Saturday 7:00 am – Midnight
- Sunday 7:00 am – 10:00 pm

Condition 4

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.

Condition 5

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.

Condition 6

All external lighting shall be in accordance with AS4282:2019 'Outdoor Lighting Obtrusive Effects' so as to prevent any adverse effect on adjoining sensitive receivers.

Condition 7

The lighting towers shall maintain a lux level of no greater than that approved under the Lucid Obtrusive Lighting Assessment, dated 16 February 2023

Condition 8

The lighting towers shall be turned off by no later than 10:00 pm on any day.

Condition 9

All waste material shall be stored in covered containers screened from view and shall be regularly removed from the site.

Condition 10

All stormwater management from the site shall be in accordance with the final Stormwater Management Plan, authorised pursuant to the Reserved Matter. Bulk stormwater and drainage works shall be completed in Stage 1 with balance of stormwater works completed in Stage 4.

Condition 11

Stormwater disposal systems shall be fully installed as part of Stage 4 development. 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 Council.

Condition 12

All landscaping shown on the landscaping plan, authorised pursuant to the Reserved Matter, shall be established in accordance with the landscaping plan, as part of Stage 6 and prior to commencement of use and shall be maintained and nurtured at all times thereafter, with any diseased or dying plants replaced in a timely manner.

Condition 13

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*.

Condition 14

Except where otherwise shown on the Approved Plans, the driveway access, car parking and vehicle manoeuvring areas shall be constructed with sealed pavement and comply with the requirements of AS 2890.1 Parking facilities – Part 1: Off-street car parking and AS 2890.6 Parking facilities – Part 6: Off-street parking for people with disabilities. The driveway access, internal roadways, car parking and manoeuvring areas shall be constructed prior to commencement of use and shall be maintained in good condition at all times thereafter.

Condition 15

All acoustic treatments outlined within the final acoustic report authorised pursuant to the Reserved Matter shall be implemented as part of Stage 5.

Conditions imposed by Commissioner of Highways under Section 122 of the Act**Condition 16**

Access to the development shall be located in accordance with the dash architects Site Plan SK04.1, Project No. DA234510, Revision B, Dated 19/2/2024. The internal roadway between the two access points shall be two-way and the internal junctions shall be designed to minimise impacts on the adjacent access points. Line marking and delineation shall be provided at the access points and internal junctions adjacent to the access points to minimise the potential for vehicular conflict adjacent Barossa Valley Way.

Condition 17

As a minimum, the main access and secondary access shall be provided with BAR and BAL treatments (ideally the main access should be provided with a CHR(s) treatment to improve road safety). All treatments shall be of full depth pavement.

Condition 18

Pedestrian refuges shall be provided on Barossa Valley Way to enable the safe crossing of pedestrians.

Condition 19

All required road works on Barossa Valley Way shall be designed and constructed in accordance with Austroads Guides/Australian Standards and to the satisfaction of DIT. All associated costs (including project management and any necessary road lighting and drainage upgrades) shall be borne by the applicant. All works shall be completed prior to operation of the development.

Note: Prior to undertaking detailed design, the applicant shall contact Mr Victor Ling, Senior Asset Manager, Regional South Zone 2 on telephone (08) 7133 1969, mobile 0467 784 657 or via email: Victor.Ling@sa.gov.au to progress this. The applicant will be required to enter into a Developer Agreement with DIT to undertake and complete this work.

Condition 20

All off-street car parking shall be designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2009*. Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in *AS/NZS 2890.1:2004*, shall be provided at the property line adjacent to the access points to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.

Condition 21

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.

Condition 22

A traffic management plan for event traffic management shall be submitted to the satisfaction of Council and the Department for Infrastructure and Transport prior to any large event being held onsite.

This plan shall:

- a. Provide details of all parking (including overflow parking) and traffic flow through the site;
- b. Identify any passenger set down areas, including any buses accessing the site;
- c. Identify any pedestrian management measures required;
- d. Identify all traffic restrictions and traffic control devices required to facilitate the traffic movements.

All access and traffic management for the event shall be in accordance with this plan.

Condition 23

Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Conditions imposed by Native Vegetation Council under Section 122 of the Act

Condition 24

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.

Building Consent Stage 1

None

Building Consent Stage 2

None

Building Consent Stage 3

None

Building Consent Stage 4

None

Building Consent Stage 5

None

ADVISORY NOTES

Planning Consent

Advisory Note 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.

Advisory Note 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.

Advisory Note 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).

Advisory Note 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.

Advisory Note 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 neighboring land.

Advisory Note 6

Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to sec 139 of the Planning, Development & Infrastructure Act 2016.

Advisory Note 7

Appeal rights - General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

Advisory Note 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.

Advisory Note 9

Construction shall not take place on any Sunday or Public Holiday or after 7.00pm or before 7.00am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

Advisory Note 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.

Advisory Note 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.

Advisory Note 12

The development shall comply with the Food Act 2001 and Food Safety Standard. For further information, please visit: www.barossa.sa.gov.au/development-business/food-industries/food-health-and-safety

Advisory Note 13

The sale and consumption of alcohol on the premises is subject to licence under the *Liquor Licensing Act 1997*. For further information, please visit: www.sa.gov.au/topics/business-and-trade/liquor/apply/club

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act**Advisory Note 14**

Approval for temporary traffic control for each event will need to be obtained from DIT – Roadworks. The Traffic Management Centre Roadworks team can be contacted on 1800 434 058 or email dit.roadworks@sa.gov.au. The event traffic management will need to be developed in accordance with: https://dit.sa.gov.au/__data/assets/pdf_file/0020/121394/DOCS_AND_FILES-8197504-v5-Guidelines_for_Events_on_SA_Roads.pdf

Advisory Note 15

Should traffic flows on Barossa Valley Way be affected during the construction phase the applicant shall contact DIT for any necessary traffic control. Approval for temporary traffic control will need to be obtained from DIT's Traffic Management Centre (TMC). The company engaged for traffic control will need to provide the TMC with a copy of the traffic management plan and seek approval for any temporary traffic control/signage. The Traffic Management Centre Roadworks team can be contacted on 1800 434 058 or email dit.roadworks@sa.gov.au

Advisory Notes imposed by Native Vegetation Council under Section 122 of the Act**Advisory Note 16**

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 2024/3069/960.

Building Consent Stage 1**Advisory Note 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.

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.

This consent or approval will lapse at the expiration of 24 months from its operative date, subject to the below.

An approved development must be substantially commenced within 24 months of the date of Development Approval, and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Some drawings may be stamped "tender issue" or "preliminary". Note any changes may require further review and consent and are to be reviewed by the Certifier.

Pursuant to Section 102(1) and Regulation 29 of the Planning, Development & Infrastructure Act electronic copies of the plans, drawings, specifications and other documents and information lodged by the applicant, stamped or otherwise endorsed with the private certifier's consent and the Decision Notification Form have been lodged via the SA Planning portal. Pursuant to Regulation 53(5) where a council is acting as the relevant authority for the purpose of granting the final development approval under the Act and the council has received notice, via a scheme applying under the SA Planning portal, that all relevant consents have been granted under Division 1 of Part 7 of the Act (and that none of those consents have lapsed), the council must, within five business days, if the consents are consistent, grant the final development approval.

Where the word "shall" is used in conferring a power, it implies that the power must be exercised.

Proprietary type materials and products are to be selected and installed in accordance with the manufacturer's recommendations and relevant standards.

A copy of the completed **Statement of Compliance, Parts A & B** (attached to the applicant's copy of this consent) for the building work must be provided to Trento Fuller within 10 business days after a notice of completion with respect to the building work is given.

- **Part A** of the statement must be signed by the licensed building work contractor responsible for carrying out the relevant building work or, if there is no such person, by a registered building work supervisor or a private certifier;
- **Part B** must be signed by the owner of the relevant land, **or** by someone acting on his or her behalf.

Advisory Note 2

If a building owner proposes to carry out building work of a prescribed nature described in Regulation 64 that is, in accordance with the regulations, to be treated for the purposes of Section 139 of the Planning, Development & Infrastructure Act as building work that affects the stability of other land or premises (the affected land or premises), the following provisions apply:

- (a) the person undertaking the development must ensure that a notice in the prescribed form is provided to the owner of the affected site in accordance with the regulations (being a notice that informs the owner that the person undertaking the development may require access to the affected site within a period prescribed by the regulations); and
- (b) subject to paragraph (c), the person undertaking the development is then entitled to gain access to the affected site at any reasonable time in order to protect the affected site and to carry out such other work in relation to the affected site as the owner of the affected site may require under paragraph (d); and
- (c) before the person undertaking the development seeks access under paragraph (b), the person must give notice of the proposed work in accordance with the regulations; and
- (d) subject to paragraph (e), the owner of the affected land may require the person who gains access under paragraph (b) to undertake other work that the owner is authorised under the regulations to require; and
- (e) a person who is subject to a requirement to undertake work under paragraph (d) may apply to the Court for a determination of what proportion (if any) of the expense incurred by the person in the performance of the work should be borne by the owner of the affected site and the person may then recover an amount determined by the Court from the owner of the affected site as a debt in a court of competent jurisdiction.

A reference to an Australian Standard in the documents is considered to be a reference to the relevant edition and amendments listed in Specification A1.3 of Volume 1, or Part 1.4 of Volume 2, of the Building Code of Australia (as amended from time to time), current at the date of the application for Building Consent.

Pursuant to section 146 of the Planning, Development & Infrastructure Act a licensed building work contractor who is carrying out the work or who is in charge of carrying out the work; or if there is no such licensed building work contractor, the building owner, must, in accordance with Regulation 93, notify the council of the commencement or completion of a prescribed stage of work (a mandatory notification stage).

Set-off dimensions shall be from the allotment boundaries and not necessarily the fence lines.

The position and manner of discharge of the stormwater drainage system at the property boundary shall be to the satisfaction of the appropriate authority (council). The drainage system shall be completed by the finish of construction of the house in accordance with AS2870.

The assessment of the footing design is based on the minimum requirements of the BCA and AS2870. Additional advice should be sought from the engineer if the owner requires a higher level of footing performance.

Footpaths leading to the building and to the building perimeter shall be graded to provide safe access or be provided with steps complying with BCA Part 3.9.

This assessment is for compliance with the requirements of the *Building Rules* as defined in the Planning, Development & Infrastructure Act and does not imply compliance with any other Act or Regulation.

The provision of the Building Rules relevant in consideration of this application (pursuant to Section 132(3) of the Planning, Development & Infrastructure Act is the Building Code of Australia (BCA) 2022 as well as the BCA referenced Standards or regulations adopted under the Act, unless approved otherwise.

Building Consent Stage 2

This is a staged consent for the Clubroom Building Substructure component of the development only. An additional consent is required prior to the commencement of any other portion of the works.

A previous staged consent was issued for the Site Civil Works and Infrastructure and shall be read in conjunction with this consent.

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.

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.

This consent or approval will lapse at the expiration of 24 months from its operative date, subject to the below.

An approved development must be substantially commenced within 24 months of the date of Development Approval, and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Some drawings may be stamped "tender issue" or "preliminary". Note any changes may require further review and consent and are to be reviewed by the Certifier.

Pursuant to Section 102(1) and Regulation 29 of the Planning, Development & Infrastructure Act electronic copies of the plans, drawings, specifications and other documents and information lodged by the applicant, stamped or otherwise endorsed with the private certifier's consent and the Decision Notification Form have been lodged via the SA Planning portal. Pursuant to Regulation 53(5) where a council is acting as the relevant authority for the purpose of granting the final development approval under the Act and the council has received notice, via a scheme applying under the SA Planning portal, that all relevant consents have been granted under Division 1 of Part 7 of the Act (and that none of those consents have lapsed), the council must, within five business days, if the consents are consistent, grant the final development approval.

Where the word "shall" is used in conferring a power, it implies that the power must be exercised.

Proprietary type materials and products are to be selected and installed in accordance with the manufacturer's recommendations and relevant standards.

A reference to an Australian Standard in the documents is considered to be a reference to the relevant edition and amendments listed in Specification A1.3 of Volume 1, or Part 1.4 of Volume 2, of the Building Code of Australia (as amended from time to time), current at the date of the application for Building Consent.

Pursuant to section 146 of the Planning, Development & Infrastructure Act a licensed building work contractor who is carrying out the work or who is in charge of carrying out the work; or if there is no such licensed building work contractor, the building owner, must, in accordance with Regulation 93, notify the council of the commencement or completion of a prescribed stage of work (a mandatory notification stage).

Set-off dimensions shall be from the allotment boundaries and not necessarily the fence lines.

The position and manner of discharge of the stormwater drainage system at the property boundary shall be to the satisfaction of the appropriate authority (council). The drainage system shall be completed by the finish of construction of the house in accordance with AS2870.

The assessment of the footing design is based on the minimum requirements of the BCA and AS2870. Additional advice should be sought from the engineer if the owner requires a higher level of footing performance.

Footpaths leading to the building and to the building perimeter shall be graded to provide safe access or be provided with steps complying with BCA Part 3.9.

This assessment is for compliance with the requirements of the *Building Rules* as defined in the Planning, Development & Infrastructure Act and does not imply compliance with any other Act or Regulation.

The provision of the Building Rules relevant in consideration of this application (pursuant to Section 132(3) of the Planning, Development & Infrastructure Act is the Building Code of Australia (BCA) 2022 as well as the BCA referenced Standards or regulations adopted under the Act, unless approved otherwise.

Building Consent Stage 3

Advisory Note 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.

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.

This consent or approval will lapse at the expiration of 24 months from its operative date, subject to the below.

An approved development must be substantially commenced within 24 months of the date of Development Approval, and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Some drawings may be stamped "tender issue" or "preliminary". Note any changes may require further review and consent and are to be reviewed by the Certifier.

Pursuant to Section 102(1) and Regulation 29 of the Planning, Development & Infrastructure Act electronic copies of the plans, drawings, specifications and other documents and information lodged by the applicant, stamped or otherwise endorsed with the private certifier's consent and the Decision Notification Form have been lodged via the SA Planning portal. Pursuant to Regulation 53(5) where a council is acting as the relevant authority for the purpose of granting the final development approval under the Act and the council has received notice, via a scheme applying under the SA Planning portal, that all relevant consents have been granted under Division 1 of Part 7 of the Act (and that none of those consents have lapsed), the council must, within five business days, if the consents are consistent, grant the final development approval.

Where the word "shall" is used in conferring a power, it implies that the power must be exercised.

Proprietary type materials and products are to be selected and installed in accordance with the manufacturer's recommendations and relevant standards.

Any roof trusses (if installed) shall be erected, installed and braced in accordance with AS4440, the manufacturer's specifications and good trade practice.

Adequate roof truss chord restraints (if installed) shall be provided at the maximum centres nominated in the truss calculations. Where purlins / battens are used to provide chord restraint and the purlin/ batten is discontinuous and joined at a truss chord additional restraint in the form of blocking or similar shall be provided to adequately restrain the truss chord.

Glazed elements shall be installed in accordance with AS1288 including safety glass where required. Note requirements for Grade A Safety Glass in certain building uses as per AS1288 Section 5. Work Health & Safety

[WH&S] provisions should be considered with regard to the replacement of existing glazing, particularly where glass has been installed prior to 1990.

The installation of air-conditioner condenser units and planter boxes on upper storey balcony floors can compromise the barrier (balustrade) and facilitate climbing. Appropriate non-climbable screening may ensure the safety of occupants using the balcony.

A person must not occupy a building on which building work is carried out unless an appropriate certificate of occupancy has been issued for the building.

A copy of the completed **Statement of Compliance, Parts A & B** (attached to the applicant's copy of this consent) for the building work must be provided to Trento Fuller within 10 business days after a notice of completion with respect to the building work is given.

- **Part A** of the statement must be signed by the licensed building work contractor responsible for carrying out the relevant building work or, if there is no such person, by a registered building work supervisor or a private certifier;
- **Part B** must be signed by the owner of the relevant land, **or** by someone acting on his or her behalf.

Advisory Note 2

If a building owner proposes to carry out building work of a prescribed nature described in Regulation 64 that is, in accordance with the regulations, to be treated for the purposes of Section 139 of the Planning, Development & Infrastructure Act as building work that affects the stability of other land or premises (the affected land or premises), the following provisions apply:

- (a) the person undertaking the development must ensure that a notice in the prescribed form is provided to the owner of the affected site in accordance with the regulations (being a notice that informs the owner that the person undertaking the development may require access to the affected site within a period prescribed by the regulations); and
- (b) subject to paragraph (c), the person undertaking the development is then entitled to gain access to the affected site at any reasonable time in order to protect the affected site and to carry out such other work in relation to the affected site as the owner of the affected site may require under paragraph (d); and
- (c) before the person undertaking the development seeks access under paragraph (b), the person must give notice of the proposed work in accordance with the regulations; and
- (d) subject to paragraph (e), the owner of the affected land may require the person who gains access under paragraph (b) to undertake other work that the owner is authorised under the regulations to require; and
- (e) a person who is subject to a requirement to undertake work under paragraph (d) may apply to the Court for a determination of what proportion (if any) of the expense incurred by the person in the performance of the work should be borne by the owner of the affected site and the person may then recover an amount determined by the Court from the owner of the affected site as a debt in a court of competent jurisdiction.

A reference to an Australian Standard in the documents is considered to be a reference to the relevant edition and amendments listed in Specification A1.3 of Volume 1, or Part 1.4 of Volume 2, of the Building Code of Australia (as amended from time to time), current at the date of the application for Building Consent.

Pursuant to section 146 of the Planning, Development & Infrastructure Act a licensed building work contractor who is carrying out the work or who is in charge of carrying out the work; or if there is no such licensed building work contractor, the building owner, must, in accordance with Regulation 93, notify the council of the commencement or completion of a prescribed stage of work (a mandatory notification stage).

The intent of a termite barrier system, constructed in accordance with the requirements of the BCA, is to ensure that termites will not enter a building by a concealed route. The installation of termite barriers will not stop termite activity from occurring on the site. In addition to the correct installation of a termite barrier, its effectiveness will rely on regular maintenance and competent inspection. A durable notice must be fixed to the building in a prominent location, such as in a meter box or the like, advising the building occupants that the system should be inspected and maintained and should indicate

- the method of termite risk management; and
- the date of installation of the system; and
- where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;

· the installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.

The requirements in the BCA are minimum requirements and owners of buildings may choose to incorporate additional termite management systems in their buildings.

Set-off dimensions shall be from the allotment boundaries and not necessarily the fence lines.

The position and manner of discharge of the stormwater drainage system at the property boundary shall be to the satisfaction of the appropriate authority (council). The drainage system shall be completed by the finish of construction of the house in accordance with AS2870.

The assessment of the footing design is based on the minimum requirements of the BCA and AS2870. Additional advice should be sought from the engineer if the owner requires a higher level of footing performance.

Footpaths leading to the building and to the building perimeter shall be graded to provide safe access or be provided with steps complying with BCA Part 3.9.

This assessment is for compliance with the requirements of the *Building Rules* as defined in the Planning, Development & Infrastructure Act and does not imply compliance with any other Act or Regulation.

The provision of the Building Rules relevant in consideration of this application (pursuant to Section 132(3) of the Planning, Development & Infrastructure Act is the Building Code of Australia (BCA) 2022 as well as the BCA referenced Standards or regulations adopted under the Act, unless approved otherwise.

Building Consent Stage 4

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.

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.

This consent or approval will lapse at the expiration of 24 months from its operative date, subject to the below.

An approved development must be substantially commenced within 24 months of the date of Development Approval, and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Some drawings may be stamped "tender issue" or "preliminary". Note any changes may require further review and consent and are to be reviewed by the Certifier.

Pursuant to Section 102(1) and Regulation 29 of the Planning, Development & Infrastructure Act electronic copies of the plans, drawings, specifications and other documents and information lodged by the applicant, stamped or otherwise endorsed with the private certifier's consent and the Decision Notification Form have been lodged via the SA Planning portal. Pursuant to Regulation 53(5) where a council is acting as the relevant authority for the purpose of granting the final development approval under the Act and the council has received notice, via a scheme applying under the SA Planning portal, that all relevant consents have been granted under Division 1 of Part 7 of the Act (and that none of those consents have lapsed), the council must, within five business days, if the consents are consistent, grant the final development approval.

Where the word "shall" is used in conferring a power, it implies that the power must be exercised.

Proprietary type materials and products are to be selected and installed in accordance with the manufacturer's recommendations and relevant standards.

Glazed elements shall be installed in accordance with AS1288 including safety glass where required. Note requirements for Grade A Safety Glass in certain building uses as per AS1288 Section 5. Work Health & Safety [WH&S] provisions should be considered with regard to the replacement of existing glazing, particularly where glass has been installed prior to 1990.

The installation of air-conditioner condenser units and planter boxes on upper storey balcony floors can compromise the barrier (balustrade) and facilitate climbing. Appropriate non-climbable screening may ensure the safety of occupants using the balcony.

A person must not occupy a building on which building work is carried out unless an appropriate certificate of occupancy has been issued for the building.

A copy of the completed **Statement of Compliance, Parts A & B** (attached to the applicant's copy of this consent) for the building work must be provided to Trento Fuller within 10 business days after a notice of completion with respect to the building work is given.

- **Part A** of the statement must be signed by the licensed building work contractor responsible for carrying out the relevant building work or, if there is no such person, by a registered building work supervisor or a private certifier;

- **Part B** must be signed by the owner of the relevant land, **or** by someone acting on his or her behalf.

If a building owner proposes to carry out building work of a prescribed nature described in Regulation 64 that is, in accordance with the regulations, to be treated for the purposes of Section 139 of the Planning, Development & Infrastructure Act as building work that affects the stability of other land or premises (the affected land or premises), the following provisions apply:

(a) the person undertaking the development must ensure that a notice in the prescribed form is provided to the owner of the affected site in accordance with the regulations (being a notice that informs the owner that the person undertaking the development may require access to the affected site within a period prescribed by the regulations); and

(b) subject to paragraph (c), the person undertaking the development is then entitled to gain access to the affected site at any reasonable time in order to protect the affected site and to carry out such other work in relation to the affected site as the owner of the affected site may require under paragraph (d); and

(c) before the person undertaking the development seeks access under paragraph (b), the person must give notice of the proposed work in accordance with the regulations; and

(d) subject to paragraph (e), the owner of the affected land may require the person who gains access under paragraph (b) to undertake other work that the owner is authorised under the regulations to require; and

(e) a person who is subject to a requirement to undertake work under paragraph (d) may apply to the Court for a determination of what proportion (if any) of the expense incurred by the person in the performance of the work should be borne by the owner of the affected site and the person may then recover an amount determined by the Court from the owner of the affected site as a debt in a court of competent jurisdiction.

A reference to an Australian Standard in the documents is considered to be a reference to the relevant edition and amendments listed in Specification A1.3 of Volume 1, or Part 1.4 of Volume 2, of the Building Code of Australia (as amended from time to time), current at the date of the application for Building Consent.

Pursuant to section 146 of the Planning, Development & Infrastructure Act a licensed building work contractor who is carrying out the work or who is in charge of carrying out the work; or if there is no such licensed building work contractor, the building owner, must, in accordance with Regulation 93, notify the council of the commencement or completion of a prescribed stage of work (a mandatory notification stage).

Set-off dimensions shall be from the allotment boundaries and not necessarily the fence lines.

The position and manner of discharge of the stormwater drainage system at the property boundary shall be to the satisfaction of the appropriate authority (council). The drainage system shall be completed by the finish of construction of the house in accordance with AS2870.

The assessment of the footing design is based on the minimum requirements of the BCA and AS2870. Additional advice should be sought from the engineer if the owner requires a higher level of footing performance.

Footpaths leading to the building and to the building perimeter shall be graded to provide safe access or be provided with steps complying with BCA Part 3.9.

This assessment is for compliance with the requirements of the *Building Rules* as defined in the Planning, Development & Infrastructure Act and does not imply compliance with any other Act or Regulation.

The provision of the Building Rules relevant in consideration of this application (pursuant to Section 132(3) of the Planning, Development & Infrastructure Act is the Building Code of Australia (BCA) 2022 as well as the BCA referenced Standards or regulations adopted under the Act, unless approved otherwise.

Building Consent Stage 5

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.

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.

This consent or approval will lapse at the expiration of 12 months from its operative date, subject to the below.

An approved development must be substantially commenced within 12 months of the date of Development Approval, and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Some drawings may be stamped "tender issue" or "preliminary". Note any changes may require further review and consent and are to be reviewed by the Certifier.

Pursuant to Section 102(1) and Regulation 29 of the Planning, Development & Infrastructure Act electronic copies of the plans, drawings, specifications and other documents and information lodged by the applicant, stamped or otherwise endorsed with the private certifier's consent and the Decision Notification Form have been lodged via the SA Planning portal. Pursuant to Regulation 53(5) where a council is acting as the relevant authority for the purpose of granting the final development approval under the Act and the council has received notice, via a scheme applying under the SA Planning portal, that all relevant consents have been granted under Division 1 of Part 7 of the Act (and that none of those consents have lapsed), the council must, within five business days, if the consents are consistent, grant the final development approval.

Where the word "shall" is used in conferring a power, it implies that the power must be exercised.

Proprietary type materials and products are to be selected and installed in accordance with the manufacturer's recommendations and relevant standards.

Pursuant to Section 152(1)(a) of the Act, a certificate of occupancy is not required in respect of a Class 10 building under the Building Code.

A reference to an Australian Standard in the documents is considered to be a reference to the relevant edition and amendments listed in Schedule 2 of Volume 1 or Volume 2, of the Building Code of Australia (as amended from time to time), current at the date of the application for Building Consent.

Pursuant to section 146 of the Planning, Development & Infrastructure Act a licensed building work contractor who is carrying out the work or who is in charge of carrying out the work; or if there is no such licensed

building work contractor, the building owner, must, in accordance with Regulation 93, notify the council of the commencement or completion of a prescribed stage of work (a mandatory notification stage).

Set-off dimensions shall be from the allotment boundaries and not necessarily the fence lines.

The position and manner of discharge of the stormwater drainage system at the property boundary shall be to the satisfaction of the appropriate authority (council). The drainage system shall be completed by the finish of construction of the house in accordance with AS2870.

The assessment of the footing design is based on the minimum requirements of the BCA and AS2870. Additional advice should be sought from the engineer if the owner requires a higher level of footing performance.

Footpaths leading to the building and to the building perimeter shall be graded to provide safe access or be provided with steps complying with BCA Part 11.2

This assessment is for compliance with the requirements of the Building Rules as defined in the Planning, Development & Infrastructure Act and does not imply compliance with any other Act or Regulation.

The provision of the Building Rules relevant in consideration of this application (pursuant to Section 132(3) of the Planning, Development & Infrastructure Act is the Building Code of Australia (BCA) 2022 as well as the BCA referenced Standards or regulations adopted under the Act, unless approved otherwise.

CONTACT DETAILS OF CONSENT AUTHORITIES

Name: The Barossa Council	Type of consent: Planning
Telephone: 08 8563 8444	Email: development@barossa.sa.gov.au
Postal address: PO Box 867, Nuriootpa SA 5355	

Name: TF Certifiers + Consultants	Type of consent: Building
Telephone: 0883100212	Email: admin@tfcertifiers.com.au
Postal address: Suite 301, 100 Pirie Street, Adelaide SA 5000	

BUILDING CLASSIFICATION/S

Building Consent Stage 1

Essential safety provisions apply: No

Building work Site Civil Works and Infrastructure

Building Classification	Approved number of occupants
10B - Fence, mast, Antenna, swimming pool	N/A

Building Consent Stage 2

Essential safety provisions apply: No

Building work Clubroom Building

Building Classification	Approved number of occupants
9B - Assembly building	N/A - Staged Consent only.

7B - Building that is used for storage, or display of goods or produce for sale by wholesale	N/A - Staged Consent only.
--	----------------------------

Building Consent Stage 3

Essential safety provisions apply: No

Building work Clubroom

Building Classification	Approved number of occupants
9B - Assembly building	N/A - to be issued in later stage.

Building work Viewing Pavilion

Building Classification	Approved number of occupants
9B - Assembly building	N/A - to be issued in later stage.
7B - Building that is used for storage, or display of goods or produce for sale by wholesale	N/A - to be issued in later stage.

Building Consent Stage 4

Essential safety provisions apply: Yes

Building work Clubroom Building

Building Classification	Approved number of occupants
9B - Assembly building	Spectators & Patrons = 1250 Upper and 500 Ground. Staff = 50 Upper and Ground.

Building work Viewing Pavilion

Building Classification	Approved number of occupants
9B - Assembly building	200

Building Consent Stage 5

Essential safety provisions apply: No

Building work Athletics Shed and Public Toilets

Building Classification	Approved number of occupants
10A - Open or private garage, shed etc	N/A

CERTIFICATE OF BUILDING INDEMNITY INSURANCE

Domestic building work must not commence before a copy of the certificate of Building Indemnity Insurance has been lodged with the relevant authority. If not already lodged, you must lodge the required certificate of insurance before notice is given of intended commencement of building work (regulation 36).

Building Consent Stage 1**Building work Site Civil Works and Infrastructure**

Certificate of Building Indemnity Insurance received: (Not specified)

Building Consent Stage 2**Building work Clubroom Building**

Certificate of Building Indemnity Insurance received: (Not specified)

Building Consent Stage 3**Building work Clubroom**

Certificate of Building Indemnity Insurance received: (Not specified)

Building work Viewing Pavilion

Certificate of Building Indemnity Insurance received: (Not specified)

Building Consent Stage 4**Building work Clubroom Building**

Certificate of Building Indemnity Insurance received: (Not specified)

Building work Viewing Pavilion

Certificate of Building Indemnity Insurance received: (Not specified)

Building Consent Stage 5**Building work Athletics Shed and Public Toilets**

Certificate of Building Indemnity Insurance received: (Not specified)

REQUIRED NOTIFICATIONS

You are advised that notice and/or documentation must be provided to council when the following stages of building work are reached (regulation 93):

Building Consent Stage 1**Building work Site Civil Works and Infrastructure**

- Commencement of Building work (1 business day's notice)
- Completion of Building work (1 business day's notice)

Building Consent Stage 2**Building work Clubroom Building**

- Commencement of Building work (1 business day's notice)
- Completion of Building work (1 business day's notice)

Building Consent Stage 3**Building work Clubroom**

- Completion of Framing (1 business day's notice)
- Completion of Footings prior to pouring (1 business day's notice)

Building work Viewing Pavilion

- Commencement of Building work (1 business day's notice)
- Completion of Building work (1 business day's notice)

Building Consent Stage 4**Building work Clubroom Building**

- Commencement of Building work (1 business day's notice)
- Completion of Fire Safety systems (1 business day's notice)
- Completion of Building work (1 business day's notice)

Building work Viewing Pavilion

- Commencement of Building work (1 business day's notice)
- Completion of Building work (1 business day's notice)

Building Consent Stage 5**Building work Athletics Shed and Public Toilets**

- Commencement of Building work (1 business day's notice)
- Completion of Building work (1 business day's notice)

Note regulation 57(7) allows the relevant authority issuing the notice to specify any additional stage of building work for which notice must be given to the council under regulation 93.

Where a building certifier is issuing the building consent the use of this regulation is to inform the council of stages of work when a notification should be provided and an inspection may occur at the council's discretion. If applicable, notifications specified under 57(7) are therefore intended to be in addition to mandatory notifications and any notifications specified by council under 93(1)(b) or (c) when issuing the final Development Approval.

*To submit the requested notifications, log in to the SA planning portal and select **Submit mandatory building notifications**.*

STATEMENT OF COMPLIANCE

A Statement of Compliance is required at the completion of all building work, except in respect of a Class 10 building other than a swimming pool or private bushfire shelter.

Building Consent Stage 1**Building Work Site Civil Works and Infrastructure**

The following certificates, reports or other documents must be provided to the building certifier or council (as relevant) with the completed Statement of Compliance under regulation 57(8)(c).

(None specified)

Building Consent Stage 2**Building Work Clubroom Building**

The following certificates, reports or other documents must be provided to the building certifier or council (as relevant) with the completed Statement of Compliance under regulation 57(8)(c).

(None specified)

Building Consent Stage 3**Building Work Clubroom**

The following certificates, reports or other documents must be provided to the building certifier or council (as relevant) with the completed Statement of Compliance under regulation 57(8)(c).

(None specified)

Building Work Viewing Pavilion

The following certificates, reports or other documents must be provided to the building certifier or council (as relevant) with the completed Statement of Compliance under regulation 57(8)(c).

(None specified)

Building Consent Stage 4**Building Work Clubroom Building**

The following certificates, reports or other documents must be provided to the building certifier or council (as relevant) with the completed Statement of Compliance under regulation 57(8)(c).

(None specified)

Building Work Viewing Pavilion

The following certificates, reports or other documents must be provided to the building certifier or council (as relevant) with the completed Statement of Compliance under regulation 57(8)(c).

(None specified)

Building Consent Stage 5**Building Work Athletics Shed and Public Toilets**

The following certificates, reports or other documents must be provided to the building certifier or council (as relevant) with the completed Statement of Compliance under regulation 57(8)(c).

(None specified)

A blank copy of the Statement of Compliance is available on the SA planning portal. The Statement of Compliance and other required documents may be uploaded to the SA planning portal on completion.

BUILDING OCCUPATION/COMPLETION**Building Consent Stage 1****Building work Site Civil Works and Infrastructure**

Building classification 10B - Fence, mast, Antenna, swimming pool

A Certificate of Occupancy issued under section 152 is required for this building before it can be occupied: No

Building Consent Stage 2**Building work Clubroom Building**

Building classification 9B - Assembly building

A Certificate of Occupancy issued under section 152 is required for this building before it can be occupied: Not Applicable

Building classification 7B - Building that is used for storage, or display of goods or produce for sale by wholesale

A Certificate of Occupancy issued under section 152 is required for this building before it can be occupied: Not Applicable

Building Consent Stage 3**Building work Clubroom**

Building classification 9B - Assembly building

A Certificate of Occupancy issued under section 152 is required for this building before it can be occupied: Not Applicable

Building work Viewing Pavilion

Building classification 9B - Assembly building

A Certificate of Occupancy issued under section 152 is required for this building before it can be occupied: Not Applicable

Building classification 7B - Building that is used for storage, or display of goods or produce for sale by wholesale

A Certificate of Occupancy issued under section 152 is required for this building before it can be occupied: Not Applicable

Building Consent Stage 4**Building work Clubroom Building****Building classification 9B - Assembly building**

A Certificate of Occupancy issued under section 152 is required for this building before it can be occupied: Yes

The Certificate of Occupancy will be issued by: The building certifier

Building work Viewing Pavilion**Building classification 9B - Assembly building**

A Certificate of Occupancy issued under section 152 is required for this building before it can be occupied: Yes

The Certificate of Occupancy will be issued by: The building certifier

Building Consent Stage 5**Building work Athletics Shed and Public Toilets****Building classification 10A - Open or private garage, shed etc**

A Certificate of Occupancy issued under section 152 is required for this building before it can be occupied: No

Note section 152 of the Act and regulation 103, requires a Certificate of Occupancy to be issued before a building can be occupied. A Certificate of Occupancy is not required for a Class 10 building or for a Class 1a building where the application for building consent is lodged and verified within the SA planning portal before 1 October 2024. In the meantime, a person must not occupy a Class 1a building for which a Certificate of Occupancy is not required unless it meets the minimum standards for occupancy under regulation 103H(2).

Completion of a building will be signalled by the receipt of the Statement of Compliance required for that building, or the final Statement of Compliance where multiple statements are required.

Section 152(2) of the Act states that 'A certificate of occupancy will be issued by council', noting that section 154 allows a building certifier to exercise this power should they elect to, where either: the building is owned occupied by the Crown or an agency or instrumentality of the Crown; or if they issued the building rules consent for that building.

The authority above – either building certifier or council – will therefore be responsible for issuing this Certificate following receipt of the Statement of Compliance and other documentation as required to provide assurance that the building is suitable for occupation.

Note the default authority for issuing this Certificate remains the council, should there be no building certifier or if the certifier elects not to issue this Certificate, noting that a council may still elect not to issue a certificate, if the council is not satisfied the building is suitable for occupation under section 152(6) of the Act.

Contact details for the purposes of this notification

Name The Barossa Council

Email development@barossa.sa.gov.au

Phone 08 8563 8444

Notifications may also be provided via the SA planning portal.



8 March 2024

The Barossa Council
PO Box 867
NURIOPTA SA 5355

Attention: Aaron Curtis

Dear Aaron

**Re: Additional Documentation – Acoustic Report
for DA 24004484**

Please find **enclosed** herein, the Acoustic Report prepared by Resonate to assist with the assessment of the Lyndoch Recreation Park Redevelopment (DA 24004484).

The report outlines a range of recommended noise mitigation treatments to minimise potential impacts from the operation of the facility on nearby sensitive receivers. We note that the full extent of recommendations will be further considered in the detailed design phase of the project.

Additionally, the recommendations outlined in Resonate's report demonstrate that, with the appropriate noise mitigation treatments, the noise emissions from the operation of the proposed development will be able to comply with the relevant noise requirements. We therefore consider the proposal to satisfy the relevant provisions of the Code (DO1, PO 4.1, PO 4.2 PO 4.4, PO 4.6 – Interface Between Land Uses).

We trust that this information will assist in the assessment of the proposal. Please don't hesitate to contact the undersigned on 8193 5600 if you wish to discuss further.

Yours sincerely

Valeria Guajardo
MasterPlan SA Pty Ltd

enc: Acoustic Report prepared by Resonate.



33 Carrington Street
Adelaide SA 5000
(08) 8193 5600
www.masterplan.com.au

Offices in SA | NT | QLD
ISO 9001:2015 Certified
ABN 30 007 755 277
plan@masterplan.com.au

53821LET02



Lyndoch Recreation Park Redevelopment

Environmental Noise Assessment

A240080RP1 Revision 0
Wednesday, 6 March 2024

www.resonate-consultants.com

**Document Information**

Project	Lyndoch Recreation Park Redevelopment
Client	DASH Architects
Report title	Environmental Noise Assessment
Project Number	A240080

Revision Table

Report revision	Date	Description	Author	Reviewer
0	6 March 2024	First issue	Eleanor Tan	Deb James



Glossary

A-weighting	A spectrum adaption that is applied to measured noise levels to represent human hearing. A-weighted levels are used as human hearing does not respond equally at all frequencies.
Characteristic	Associated with a noise source, means a tonal, impulsive, low frequency or modulating characteristic of the noise that is determined in accordance with the Guidelines for the use of the Environment Protection (Noise) Policy (Noise Policy) to be fundamental to the nature and impact of the noise.
Continuous noise level	A-weighted noise level of a continuous steady sound that, for the period over which the measurement is taken using fast time weighting, has the same mean square sound pressure as the noise level which varies over time when measured in relation to a noise source and noise-affected premises in accordance with the Noise Policy
Day	Between 7 am and 10 pm as defined in the Noise Policy
dB	Decibel—a unit of measurement used to express sound level. It is based on a logarithmic scale which means a sound that is 3 dB higher has twice as much energy. We typically perceive a 10 dB increase in sound as a doubling of loudness.
dB(A)	Units of the A-weighted sound level.
Frequency (Hz)	The number of times a vibrating object oscillates (moves back and forth) in one second. Fast movements produce high frequency sound (high pitch/tone), but slow movements mean the frequency (pitch/tone) is low. 1 Hz is equal to 1 cycle per second.
Indicative noise level	Indicative noise level determined under clause 5 of the Noise Policy.
L ₉₀	Noise level exceeded for 90 % of the measurement time. The L ₉₀ level is commonly referred to as the background noise level.
L _{eq}	Equivalent Noise Level—Energy averaged noise level over the measurement time.
L _{max}	The maximum instantaneous noise level.
Night	Between 10.00 p.m. on one day and 7.00 a.m. on the following day as defined in the Noise Policy
Noise source	Premises or a place at which an activity is undertaken, or a machine or device is operated, resulting in the emission of noise
Quiet noise designated area	A noise designated area is a quiet noise designated area if the land uses under the Planning & Design Code provisions that make land use rules for the noise designated area are principal land uses that fall within either or both of the following land use categories: (a) Residential; (b) Rural Living;



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1 Introduction

This report outlines the environmental noise assessment for the proposed Lyndoch Recreation Park located at 2 Barossa Valley Way, Lyndoch South Australia 5351. It is noted that the redevelopment of the Lyndoch Recreation Park is to expand the existing subject site to 1312 Barossa Valley Way.

The redevelopment involves the following:

- Refurbishing existing Oval to AFL standards
- Refurbishing existing cricket club rooms
- New building (combined clubrooms) to house all sports, event space, change rooms and supporting spaces
- New netball courts
- New recreation green / athletics track and supporting pedestrian link with exercise equipment
- Relocating little athletics
- New shelter to support second oval functions
- New playground / family garden and landscape seating
- New carparks and formalising roadway.

The new two-storey combined clubrooms is to accommodate a multipurpose community space catering for functions of up to 350 people, together with associated covered outdoor areas, kitchen, servery, and bar area on the first floor, gymnasium for training, canteen, change rooms and first aid rooms on the ground floor.

The noise impact assessment has been undertaken in consideration of the following guidelines:

- Planning & Design Code
- *Environment Protection (Commercial & Industrial Noise) Policy 2023* (Noise Policy)
- *Local Nuisance and Litter Control Act 2016*
- Environment Protection Authority (EPA) *Guideline Assessing music noise from indoor venues* (2021).



2 Proposed development

2.1 Location

The subject site is located across 2 Barossa Valley Way and 1312 Barossa Valley Way, Lyndoch South Australia 5351. It is noted that 1312 Barossa Valley Way is an existing vineyard.

Figure 1 shows an aerial image of the site in relation to adjacent land and zoning.

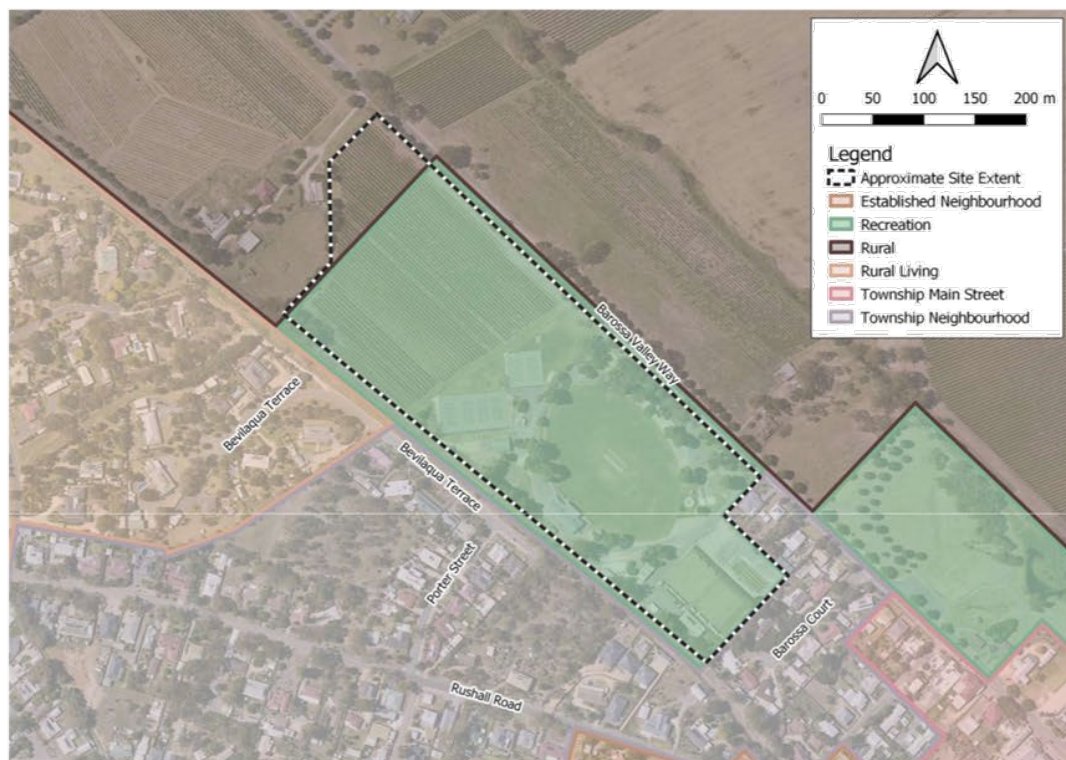


Figure 1 Aerial image of site, adjacent land, and zoning



2.2 Operation

It is proposed to have the following hours of operation, with the activities as outlined in Table 1.

The proposed hours of operation are:

- Oval
 - Monday to Thursday 5 pm to 9 pm
 - Friday 5 pm to 10 pm
 - Saturday 7 am to 10 pm
 - Sunday 7 am to 5 pm
- Clubrooms
 - Monday to Thursday 4 pm to 10 pm
 - Friday 4 pm to midnight
 - Saturday 7 am to midnight
 - Sunday 7 am to midnight.

Table 1 Proposed activity

Noise sources	Location	Period	
		Day—7 am to 10 pm	Night—10 pm to 7 am
Building services plant			
Condensers	Plant room on first floor	All plant operating at 100% capacity	Plant operating at 75% capacity
Building services plant			
Vehicle activities	- Formal parking to the east - Informal parking to the northwest	35 car movements in 15-minute period in the formal parking areas 40 car movements in 15-minute period in the informal parking areas	35 car movements in 15-minute period in the formal parking areas 40 car movements in 15-minute period in the informal parking areas
People noise			
Patron noise	Function room and covered outdoor areas	At full capacity (350 people) 250 indoor 100 people outdoor	At full capacity (350 people) 250 indoor 100 people outdoor
People noise	Sporting field	100 people distributed across the sporting field.	No activity

2.2.1 Existing use

The majority of the site to the southwest will retain its existing use. In accordance with the application of the Noise Policy, this noise assessment only considers noise from the new use as outlined in Table 1.



3 Planning & Design Code

3.1 Zoning

3.1.1 Subject site

The subject site is located within the Barossa Council and the consist of land parcels which are primarily located in the Recreation zone, with the remaining northernmost land parcel located in the Rural zone. The relevant Assessment Provisions for the two zones are outlined in Table 2.

Table 2 Relevant Assessment Provisions

Assessment Provisions	
Recreation zone	
Desired Outcome	
DO1	Provision of a range of accessible recreational facilities.
Performance Outcomes	Deemed-to-Satisfy Criteria / Designated Performance Feature
PO1.1 Development is associated with or ancillary to the primary purpose of structured, unstructured, active and / or passive recreational facilities.	DTS/DPF 1.1 Development comprises one or more of the following: (a) Car parking (b) Change rooms (c) Golf course (d) Indoor recreation facility (e) Lighting for night use of facilities (f) Market (g) Motorsport track and associated activities (h) Office ancillary to recreation facility (i) Open space (j) Outdoor sports courts (k) Playground (l) Racecourse and associated activities (m) Recreation area (n) Shop ancillary to recreation facility (o) Showground and associated activities (p) Special event (q) Spectator viewing structure (r) Sporting clubrooms (s) Sporting ovals and fields (t) Stadium (u) Swimming pool (v) Tourist accommodation ancillary to recreation facility
Rural zone	

Lyndoch Recreation Park Redevelopment—Environmental Noise Assessment

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Desired Outcome	
DO1	A zone supporting the economic prosperity of South Australia primarily through the production, processing, storage and distribution of primary produce, forestry and the generation of energy from renewable sources.
DO2	A zone supporting diversification of existing businesses that promote value-adding such as industry, storage and warehousing activities, the sale and consumption of primary produce, tourist development and accommodation.
Performance Outcomes	Deemed-to-Satisfy Criteria / Designated Performance Feature
PO1.1 The productive value of rural land for a range of primary production activities and associated value adding, processing, warehousing and distribution is supported, protected and maintained.	Development comprises one or more of the following: (a) Advertisement (b) Agricultural building (c) Brewery (d) Carport (e) Cidery (f) Commercial forestry (g) Dairy (h) Dam (i) Distillery (j) Dwelling (k) Dwelling addition (l) Farming (m) Horse keeping (n) Horticulture (o) Industry (p) Intensive animal husbandry (q) Low intensity animal husbandry (r) Outbuilding (s) Renewable energy facility (t) Shop (u) Small-scale ground mounted solar power facility (v) Stock slaughter works (w) Tourist accommodation (x) Transport distribution (y) Verandah (z) Warehouse (aa) Winery (bb) Workers' accommodation



3.1.2 Adjacent land

The closest noise affected receptors are located around the site as shown in Figure 1, with details outlined in Table 3.

Table 3 Closest noise affected receptors with respect to the subject site

Location	Receivers	Zone	Desired outcomes
East	Residential receiver across Barossa Valley Way	Rural zone	Table 2
Southeast	Residential receivers along Barossa Valley Way	Township Neighbourhood zone	Table 2
	Residential receiver on Barossa Court		
South	Residential receiver on Rushall Road		
Southwest	Residential receiver along Bevilaqua Terrace		
West	Residential receiver on Bevilaqua Terrace	Rural Living zone	Table 4
Northwest	1312 Barossa Valley Way	Rural zone	Table 2

Table 4 Relevant Desired Outcome—Rural Living zone

Desired Outcome	
DO1	A spacious and secluded residential lifestyle within semi-rural or semi-natural environments, providing opportunities for a range of low-intensity rural activities and home-based business activities that complement that lifestyle choice.

3.2 Interface between land uses

Interface between Land Uses is a General Development Policy that is relevant to the subject site. The relevant Assessment Provisions relating to noise are outlined in Table 5.

Table 5 Relevant Assessment Provisions—Activities generating noise or vibration

Relevant Assessment Provisions	
Desired Outcome	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
PO 4.1 Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.1 Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.



Relevant Assessment Provisions					
PO 4.2 Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including: a) locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers c) housing plant and equipment within an enclosed structure or acoustic enclosure d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.	DTS/DPF 4.2 None are applicable.				
PO 4.4 External noise into bedrooms is minimised by separating or shielding these rooms from service equipment areas and fixed noise sources located on the same or an adjoining allotment.	DTS/DPF 4.4 Adjacent land is used for residential purposes.				
PO 4.5 Outdoor areas associated with licensed premises (such as beer gardens or dining areas) are designed and/or sited to not cause unreasonable noise impact on existing adjacent sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.5 None are applicable.				
PO 4.6 Development incorporating music achieves suitable acoustic amenity when measured at the boundary of an adjacent sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers	DTS/DPF 4.6 Development incorporating music includes noise attenuation measures that will achieve the following noise levels: <table border="1"> <thead> <tr> <th>Assessment location</th><th>Music noise level</th></tr> </thead> <tbody> <tr> <td>Externally at the nearest existing or envisaged noise sensitive location</td><td>Less than 8dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum ($L_{OCT10,15} < L_{OCT90,15} + 8dB$)</td></tr> </tbody> </table>	Assessment location	Music noise level	Externally at the nearest existing or envisaged noise sensitive location	Less than 8dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum ($L_{OCT10,15} < L_{OCT90,15} + 8dB$)
Assessment location	Music noise level				
Externally at the nearest existing or envisaged noise sensitive location	Less than 8dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum ($L_{OCT10,15} < L_{OCT90,15} + 8dB$)				



4 Noise monitoring

Background noise monitoring was undertaken at the southwestern boundary of the project site, from Friday, 16 to Friday, 23 February 2024.

4.1 Instrumentation

The noise measurements were taken with a calibrated Rion NL-52 (SN: 820994) sound level meter, which is a Class 1 instrument suitable for field and laboratory use. The sound level meter was calibrated both before and after the measurements using a Class 1 Brüel & Kjær 4231 sound level calibrator, and the calibration was found to have not drifted. Both the sound level meter and calibrator carry current calibration certificates from a NATA accredited laboratory. Copies of the calibration certificates are available on request.

4.2 Results

The results of the noise monitoring are briefly summarised in Table 6. Daily plots of the measured noise levels are provided in Appendix B—Daily measured noise levels.

Table 6 Noise monitoring summary

Summary period	Measurement Period	Average noise levels, dB(A)	Minimum background noise levels, dB(A)
		L _{eq,15min}	L _{90,15min}
Day (07:00 – 22:00)	16/02/2024 – 23/02/2024	51	29
Night (22:00 – 07:00)	16/02/2024 – 23/02/2024	47	22



5 Noise criteria

5.1 Environmental noise policy

As noted in DTS/DPF 4.1, environmental noise emissions from the subject site should comply with the *Environment Protection (Noise) Policy 2007*. This policy has been superseded on 31 October 2023 by the *Environment Protection (Commercial & Industrial Noise) Policy 2023 (Noise Policy)*. As such, noise emissions from the site will be assessed under the 2023 Noise Policy.

The noise goals in the Noise Policy are based on the zoning of the development and the closest noise affected premises. The land uses primarily promoted by the zones are used to determine the environmental noise criteria with the indicative noise factors shown in Table 7.

Table 7 Excerpt from Noise Policy—Table 2(subclause(1)(b))

Land use category	Indicative noise factor dB(A)	
	Day (7 am to 10 pm)	Night (10 pm to 7 am)
Rural living	47	40
Residential	52	45
Rural industry	57	50
Light industry	57	50
Commercial	62	55
General industry	65	55
Special industry	70	60

Based on the zoning and the relevant Assessment Provisions for the zones of the subject site and the adjacent receptors, the primarily promoted land uses and the relevant criteria for the receptors in each zone are outlined in Table 8.

In accordance with Part 5 of the Noise Policy, the relevant criteria are the average of the relevant indicative noise factors less 5 dB(A) for new sources.

Table 8 Summary of zones, land uses, and Noise Policy criteria

Site	Zone	Land use(s)	Criteria, dB(A)	
			Day (7 am to 10 pm)	Night (10 pm to 7 am)
Subject site	Recreation Rural zone	Commercial, Rural industry	N/A	N/A
Residential receivers across Barossa Valley Way	Rural zone	Rural industry	Leq 53	Leq 46
1312 Barossa Valley Way				



Site	Zone	Land use(s)	Criteria, dB(A)	
			Day (7 am to 10 pm)	Night (10 pm to 7 am)
Residential receivers along Barossa Valley Way	Township Neighbourhood zone	Residential	Leq 51	Leq 44 L _{max} 60 ⁽¹⁾
Residential receiver on Barossa Court				
Residential receiver on Rushall Road				
Residential receiver along Bevilaqua Terrace				
Residential receiver on Bevilaqua Terrace	Rural Living zone	Rural living	Leq 48	Leq 41 L _{max} 60 ⁽¹⁾

(1) A maximum noise criterion of L_{max} 60 dB(A) at night, 10 pm to 7 am, is applicable as the receptors are located within a 'quiet noise designated area' (being either a residential or rural living land use)

5.2 Music noise

5.2.1 EPA criteria

Music noise emissions are typically assessed under the Environment Protection Authority (EPA) Guideline *Assessing music noise from indoor venues* (2021). This guideline has been developed by the South Australian EPA to assist the assessment of music noise emissions for development applications.

For new music venues, if the development is for a venue at which music is the prime source of entertainment, such as a night club, or is such that music noise is likely to be audible outside the venue, the venue should be designed to achieve the following music noise (L_{A10,15min}) criteria externally at the nearest existing noise sensitive location: "less than 8 dB above the background noise level (L_{90,15min}) in any octave band of the sound spectrum".

The basis of criteria is consistent with DTS/DPF 4.6 of the Planning & Design Code, Interface between Land Uses.

The guideline notes that '...this is a design criterion is for use by an acoustic engineer, and is not intended to be used as a condition of development approval as it is difficult to measure and enforce.'

5.2.2 Background noise and resultant criteria

The background noise level should be the lowest background noise level measured over a 15-minute period during the time of day when the proposed development will operate.

Background noise monitoring was undertaken at southwestern boundary of the project site from Friday, 16 to Friday, 23 February 2024. Detail of the survey is provided in Section 4.



The lowest background noise levels measured during the operating hours of the clubhouse are as follow, with the corresponding lowest background spectral levels presented in Table 9.

- Monday to Thursday 4 pm to 10 pm: $L_{90,15min}$ 28 dB(A)
- Friday 4 pm to midnight : $L_{90,15min}$ 30 dB(A)
- Saturday 7 am to midnight: $L_{90,15min}$ 33 dB(A)
- Sunday 7 am to 5 pm: $L_{90,15min}$ 30 dB(A)

Table 9 Lowest measured background noise levels

	Noise level, dB(Lin)						
	Octave band centre frequency, Hz						
	63	125	250	500	1000	2000	4000
Monday to Thursday 4 pm to 10 pm	41	35	26	23	21	19	17
Friday 4 pm to midnight	35	32	26	27	25	20	18
Saturday 7 am to midnight	40	34	28	28	29	24	16
Sunday 7 am to 5 pm	36	33	27	28	25	19	16

Based on the measured background noise levels, the L_{10} music noise criteria as outlined in Table 10 are applicable.

Table 10 Applicable music noise criteria

Music noise criteria, L_{10}	Noise level, dB(Lin)						
	Octave band centre frequency, Hz						
	63	125	250	500	1000	2000	4000
Monday to Thursday 4 pm to 10 pm	49	43	34	31	29	27	25
Friday 4 pm to midnight	43	40	34	35	33	28	26
Saturday 7 am to midnight	48	42	36	36	37	32	24
Sunday 7 am to 5 pm	44	41	35	36	33	27	24



5.3 Local Nuisance and Litter Control Act

The *Local Nuisance and Litter Control Act 2016* (LNLC Act) provides a means to assess noise from waste collection at a commercial premises.

The requirements for under the LNLC Act for this source are outlined in Table 11.

Table 11 Requirements of the LNLC Act

Description	Example noise sources	Nuisance trigger
Waste collection	Waste collection	If it is considered that that the noise has travelled from the domestic premises to neighbouring premises: • before 9am or after 7pm on any Sunday or public holiday; or • after 7pm or before 7am on any other day.

With respect to noise, the LNLC Act was written to utilise subjective compliance assessments and therefore does not include any specific noise goals.

We note that the LNCL Act is used to assess whether an existing noise source constitutes a local nuisance. It is not intended to be used during the planning stage. However, the LNLC Act requirements regarding noise associated with waste collection are to provide a restriction on the hours on when the waste collection activities to be occurred once the development is operational.



6 Assessment

6.1 Noise modelling

6.1.1 Modelling parameters

Modelling was undertaken in SoundPLAN Environmental Software v9.0 program.

The model predicts sound pressure levels under meteorological conditions favourable to propagation from noise sources. These conditions are for downwind propagation, or, equivalently, propagation under a well-developed moderate groundbased temperature inversion, such as that which commonly occurs at night.

Specific terms are provided in the algorithm for the following physical effects:

- geometrical divergence
- atmospheric absorption
- ground effect
- reflection from surfaces
- screening by obstacles.

6.1.2 Modelling scenarios

Modelling scenarios aligned with the operations as outlined in Section 2.2 are presented in Table 12.

Table 12 Modelling scenarios

Scenario	Activity	Time period	Applicable noise criteria
1	• Car park activity • Patron activity for the use of clubrooms • Sporting field activity • Mechanical plant	Day 7 am to 10 pm	Noise Policy day (Table 8)
2	• Car park activity • Patron activity for the use of clubrooms • Mechanical plant	Night 10 pm to 7 am	Noise Policy day (Table 8)
3	Music noise	• Monday to Thursday 4 pm to 10 pm • Friday 4 pm to midnight • Saturday 7 am to Midnight • Sunday 7 am to midnight	EPA Music noise guidelines, criteria as outlined in Table 10



6.2 Sound levels

6.2.1 Patron noise

Noise levels for patron noise have been derived based on AAAC SA *Draft Guide for Music Venues and Outdoor Areas*.

6.2.2 Vehicle movements

Sound levels for delivery movements are based on Resonate's database.

Carpark noise emissions are based on the *Parking Area Noise Recommendations for the Calculation of Sound Emissions of Parking Areas, Motorcar Centers and Bus Stations as well as of Multi-Storey Car Parks and Underground Car Parks 6 Revised Edition*, Bayerisches Landesamt für Umwelt, 2007, document.

6.2.3 Building services plant

The sound levels for the major building services plant have been provided and are outlined in Table 13.

Table 13 Sound power levels for building services plant

Location	Unit	Quantity	Sound level
1F Plant room	REYQ20BYM	2	L _w 89 dB(A)
	RXC60AV1A	3	L _w 68 dB(A)

6.2.4 Music noise

The assumed music noise levels are:

- Background music—75 dB(A) L₁₀.
- Function room (wedding etc)—92 dB(A) L₁₀

6.3 Recommended treatments

6.3.1 Building services noise

At this stage of the development process, only indicative plant selections have been provided. The selections and location of plant are subject to change as the design develops. Sound power levels, noise attenuation, and enclosures or barriers are to be designed during detailed design stage to ensure compliance with required noise emission levels.

Acoustic treatments that may have to be considered are outlined in Table 14.

Table 14 Indicative acoustic treatments for building services

Plant and/or location	Potential noise mitigation options
Plant selection & operation	• Plant selection as outlined in Table 13.
Level 1 Plant room	• Absorptive treatment to internal plant room walls and ceiling • Metal deck roof • Solid walls, construction acoustically equivalent to R_w 50 construction • Acoustic louvres may or may not be required based on extent required for air flow. To be decided during detailed design.



Suitable acoustic absorption products for different plant areas are provided in Table 15.

Table 15 Recommended absorptive treatments

NRC	Panel
Internal plant rooms	
0.95	Martini Absorb HD 50
	Bradford Supertel 75 Acoustituff
1.0	Megasorber FM50 – 50 mm
	Martini Absorb HD 75
	Bradford Supertel 75 HD Perf / Unfaced

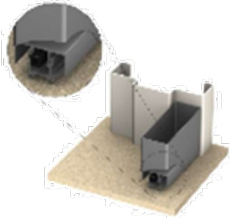
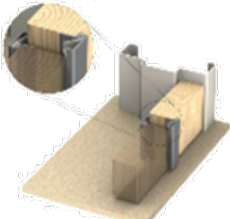
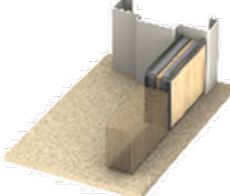
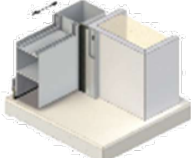
6.3.2 Clubrooms

Recommended acoustic treatments that may have to be considered to control music noise emissions from the site are outlined in Table 16.

Table 16 Indicative treatments for the clubrooms

Item	Indicative treatment
External facade	- Glass to be acoustically equivalent to R_w 40 proprietary glass such as 12.5 mm VLam Hush with appropriate seal. - External solid facade to be acoustically equivalent to R_w 50.
External doors	R_w 30 doors. Hinged door: - Framed 12.5 mm VLam Hush (or other R_w 40 glazing) - High quality rubber contact seals for the head and the jambs acoustically equivalent to Kilargo IS7080si or Daven RP10si  Figure 2 IS7080si  Figure 3 RP10si - dropdown seal at the bottom acoustically equivalent to Kilargo IS8110si

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Item	Indicative treatment
	 Figure 4 IS8110si - double doors to also have meeting stile seals acoustically equivalent to Kilargo 2xIS7060si or IS7071si, or Raven 2xRP16si or 2xRP71si  Figure 5 IS7060si  Figure 6 IS7071si  Figure 7 RP16si  Figure 8 RP71si Sliding door: - Framed 12.5 mm VLam Hush (or other R_w 40 glazing) - create an airtight seal using: - Schlegel Q-Lon seals or equivalent between the mullion and the sliding element 2 x Schlegel Q-Lon seals or equivalent to the lock stile - Raven 2xRP51F on the head and bottom of the door  Figure 9 QLon  Figure 10 RP51F OR - AWS Slidemaster with 10.38 mm laminated glass to achieve a minimum R_w 30 rating. - Lotus 'Acoustic Sliders – Glazed' (R_w 30)—face sliders Airlock entry for entry / exit during playing of amplified music during functions formed with 2 x R_w 30 doors.
Airlock	- Airlock entry for entry / exit during playing of music during late night functions - Airlock to be formed with 2 x R_w 30 doors - Ensure one set of doors is closed at all times.



Item	Indicative treatment																												
Music noise limit	- Background music can be played at all times within the function areas with all doors remained open. - For amplified music, limit the music noise within the venue to L_{10} 92 dB(A) with a spectrum as shown below <table><tr><th colspan="7">Noise level, L_{10} dB(Lin)</th></tr><tr><th colspan="7">Octave band frequency</th></tr><tr><td>63</td><td>125</td><td>250</td><td>500</td><td>1000</td><td>2000</td><td>4000</td></tr><tr><td>88</td><td>94</td><td>93</td><td>89</td><td>84</td><td>83</td><td>81</td></tr></table> - The music noise can be limited using a system similar to the Sentry Sound limiters (https://www.waveformacoustics.com.au/noise-and-sound-limiters).	Noise level, L_{10} dB(Lin)							Octave band frequency							63	125	250	500	1000	2000	4000	88	94	93	89	84	83	81
Noise level, L_{10} dB(Lin)																													
Octave band frequency																													
63	125	250	500	1000	2000	4000																							
88	94	93	89	84	83	81																							
Roof/ceiling	- Metal deck roof 9 mm fibre cement sheet, with a minimum surface density of 19 kg/m² 300 mm purlins 100 mm, 32 kg/m³ insulation within ceiling cavity 2 x13 mm sound rated plasterboard - Any feature ceiling to be under the acoustic ceiling																												
Internal partitions	Full height wall on Level 1 to be extended to the underside of the roof, acoustically equivalent to R_w 50 construction.																												
Internal absorption	To control reverberant noise levels within the function area, acoustic absorption (equivalent to an NRC 0.7 ceiling) is required. Note that this will be required to provide a suitable internal space for the various proposed uses. Details to be provided as the design progress.																												
Operational hour limit	Limit hours of music as the operation hour of the clubrooms outlined in Section 2.2.																												

6.4 Predicted noise levels

6.4.1 General activity

A summary of the predicted noise levels at the receptors is presented in Table 17 and Table 18 for day and night time emissions respectively.

Table 17 Predicted noise levels—Scenario 1

Prediction location	Predicted noise level, L_{eq} dB(A)	Noise Policy day time criteria, dB(A)
1312 Barossa Valley Way	≤ 46	53
Residential receivers across Barossa Valley Way	≤ 37	
Residential receivers in Township neighbourhood zone	≤ 45	51
Residential receivers in Rural Living zone	≤ 42	48



Table 18 Predicted noise levels—Scenario 2

Prediction location	Predicted noise level, Leq dB(A)	Noise Policy day time criteria, dB(A)
1312 Barossa Valley Way	≤ 45	46
Residential receivers across Barossa Valley Way	≤ 36	
Residential receivers in Township neighbourhood zone	≤ 44	44
Residential receivers in Rural Living zone	≤ 36	41

6.4.2 Music noise

The highest predicted music noise levels with the music noise limit outlined in Table 16 at the residential receptors are presented in Table 19.

Table 19 Predicted music noise levels compared to criteria

	Noise level, dB(Lin)						
	Octave band centre frequency, Hz						
	63	125	250	500	1000	2000	4000
Predicted music noise level, L ₁₀	43	40	34	28	20	16	8
Minimum applicable music criteria at each frequency	43	40	34	31	29	27	24

As the highest predicted music noise level at the residential receptors achieves the minimum applicable music criteria at each frequency during all proposed operational hours of the clubrooms, the use of amplified music of L_{A10} 92 dB within the clubrooms will satisfy DTS/DPF 4.6 of the Planning & Design Code, Interface between Land Uses provided the indicative treatments for the clubrooms are implemented as outlined in Table 16.

6.5 Waste collection

In order for waste collection activities to not considered as creating a noise nuisance under the LNLC Act, waste collection is to be restricted to:

- 9 am to 7 pm on a Sunday or public holiday
- 7 am to 7 pm on any other day.



7 Conclusion

An environmental noise impact assessment has been undertaken for the proposed Lyndoch Recreation Park located across 2 Barossa Valley Way, Lot 304 Bevilaqua Terrace and 1312 Barossa Valley Way, Lyndoch South Australia 5351

This assessment has demonstrated that, with the indicative noise mitigation treatments detailed in this report the noise emissions from the operation of the proposed development will be able to comply with the relevant documents:

- Planning & Design Code
- *Environment Protection (Commercial & Industrial Noise) Policy 2023* (Noise Policy)
- *Local Nuisance and Litter Control Act 2016*
- Environment Protection Authority (EPA) *Guideline Assessing music noise from indoor venues* (2021).

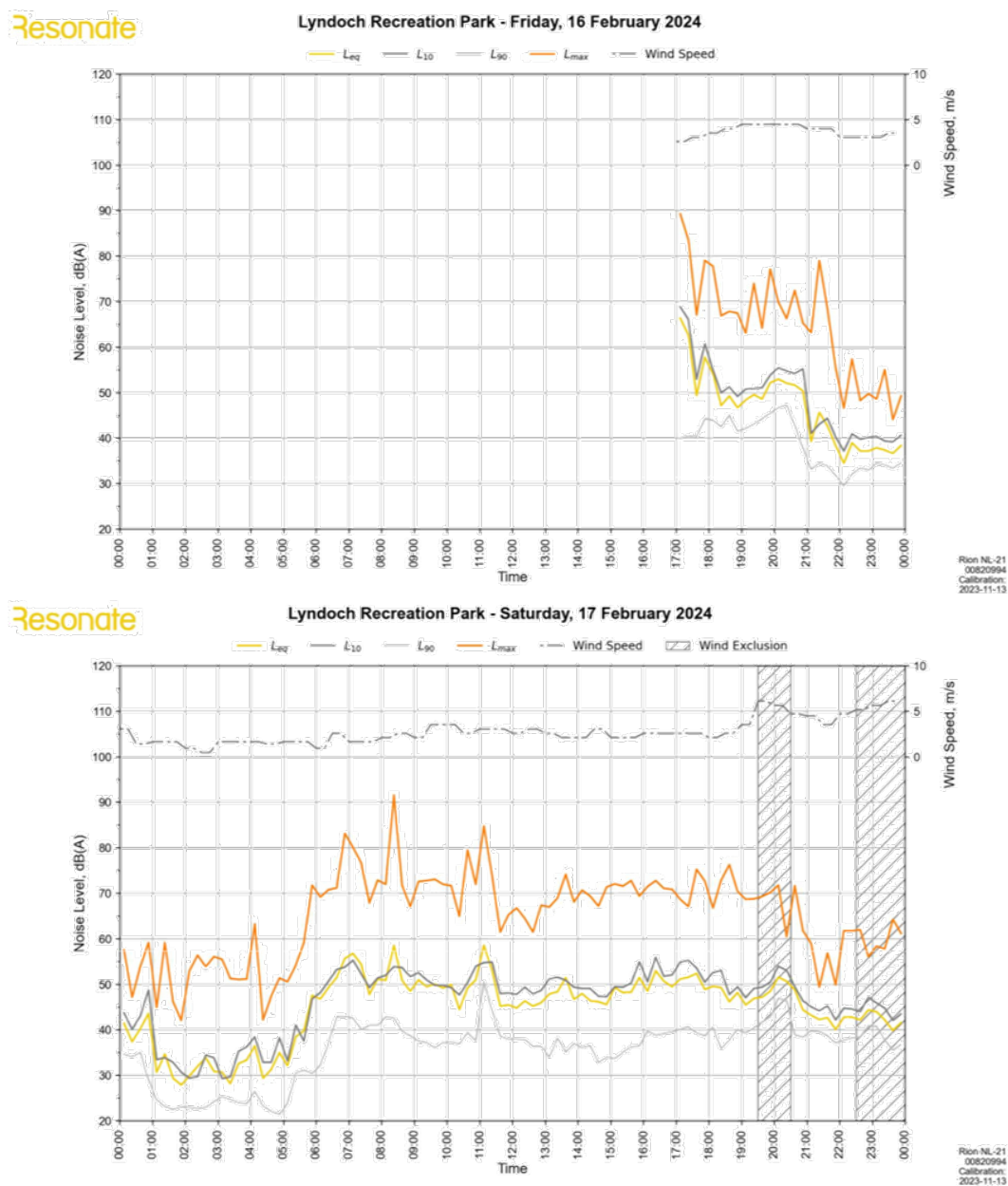
All recommended treatments will be further reviewed and refined during the detailed design of the development, and as such, all recommendations provided within the report are to be considered as indicative only to demonstrate that the proposed development is able to comply with the relevant noise requirements.



Appendix A—Site Plan

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Appendix B—Daily measured noise levels



Lyndoch Recreation Park Redevelopment—Environmental Noise Assessment

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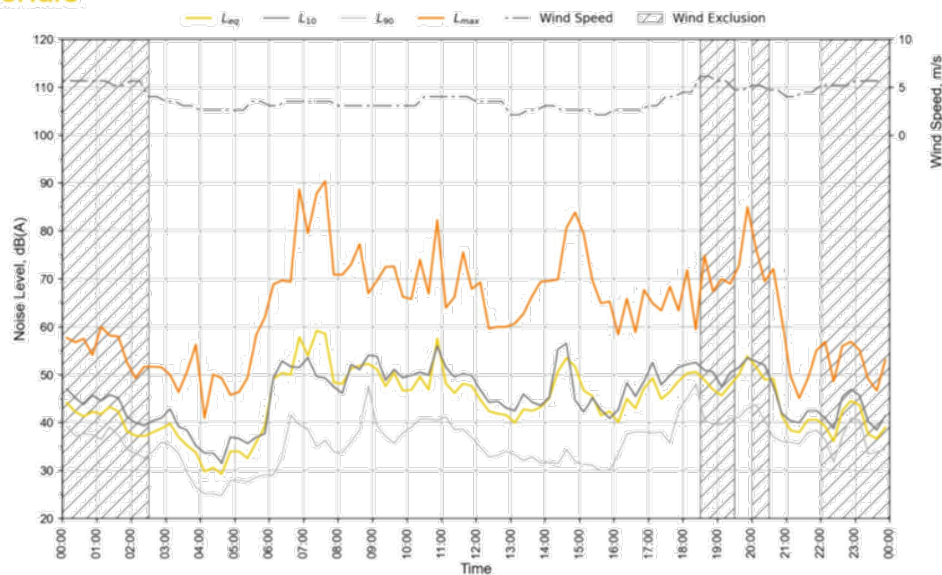
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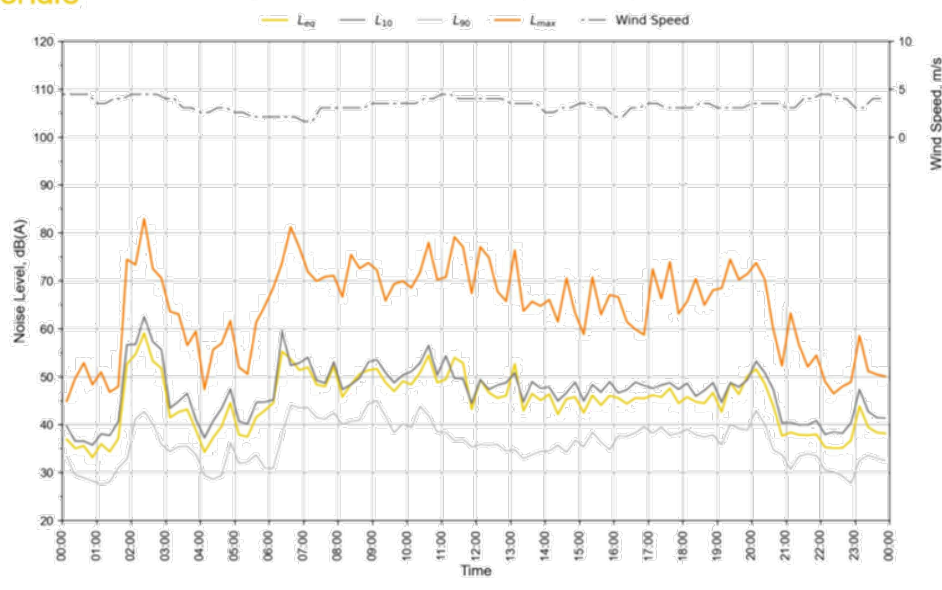
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Lyndoch Recreation Park - Sunday, 18 February 2024



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Lyndoch Recreation Park - Monday, 19 February 2024



Lyndoch Recreation Park Redevelopment—Environmental Noise Assessment

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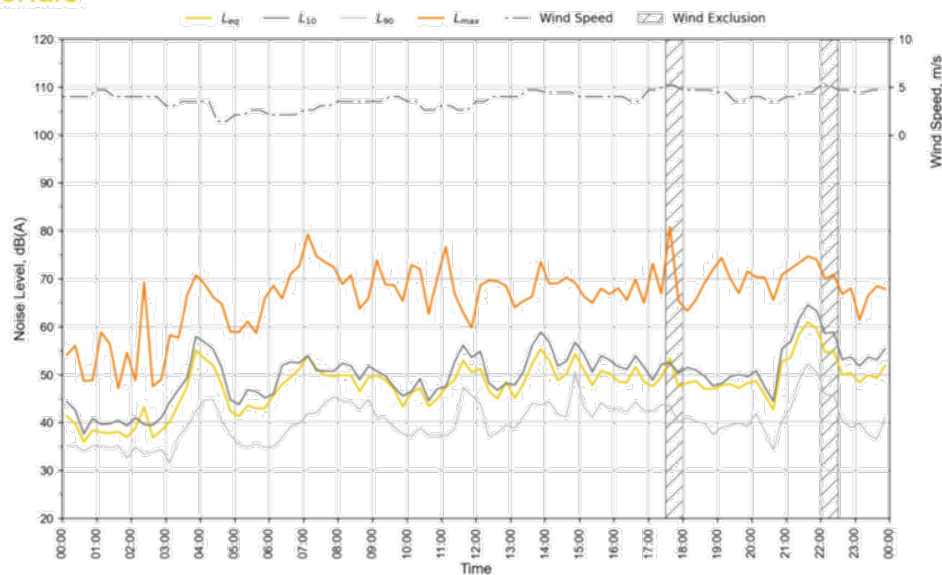
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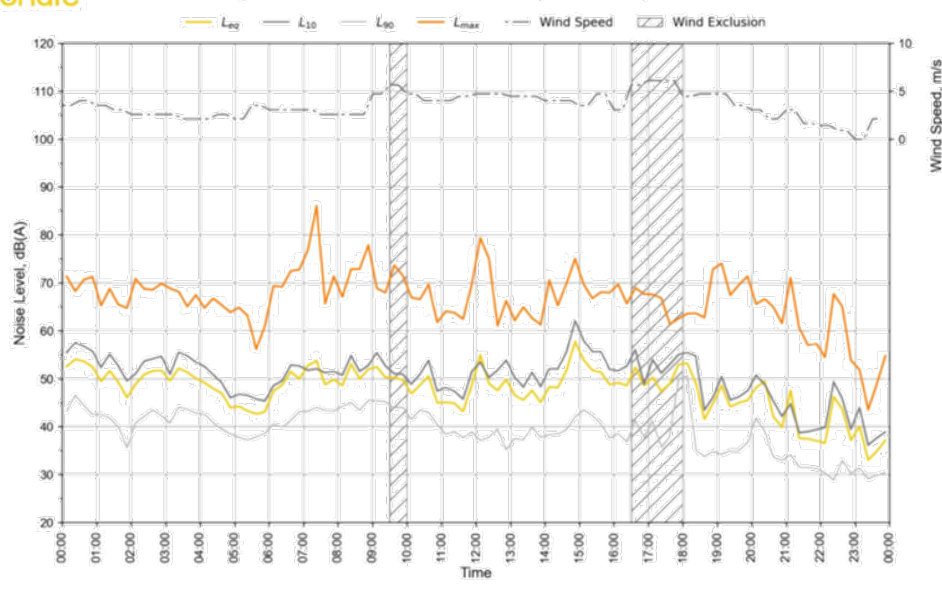
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Lyndoch Recreation Park - Tuesday, 20 February 2024



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Lyndoch Recreation Park - Wednesday, 21 February 2024



Lyndoch Recreation Park Redevelopment—Environmental Noise Assessment

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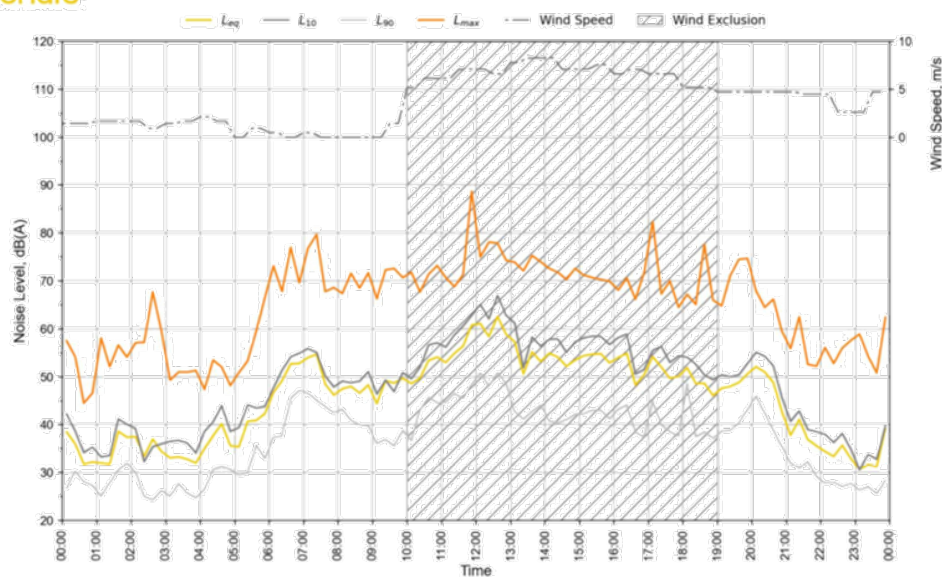
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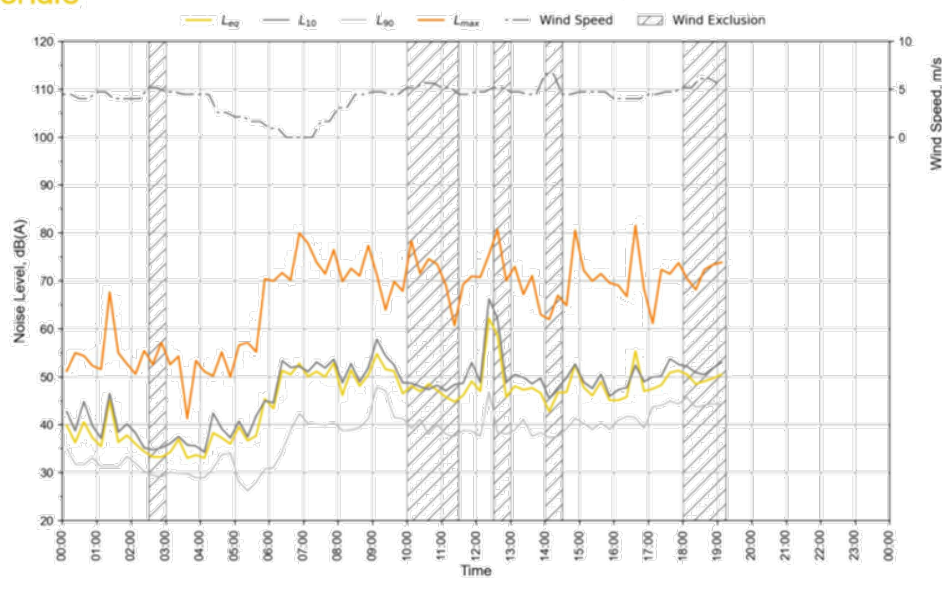
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Lyndoch Recreation Park - Thursday, 22 February 2024



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Lyndoch Recreation Park - Friday, 23 February 2024



Lyndoch Recreation Park Redevelopment—Environmental Noise Assessment

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Acoustics • EMF • Structural Dynamics • Vibration

Thursday, 30 May 2024

Project number: A240080
Reference: A240080LT1A

Chris Greening
DASH Architects
Level 2, 141 - 149 Ifould Street
Adelaide

Dear Chris,

**Lyndoch Recreation Park Redevelopment
Response to Acoustic Reserved Matter**

1 Introduction

This letter outlines our response to the reserved matter relating to acoustics for Lyndoch Recreation Park Redevelopment (LRPR). Reserved Matter 5 is outlined below:

Reserved Matter 5

All recommended acoustic treatments identified by Resonate within the Approved acoustic report shall be subject to final review as part of detailed design, so as to ensure that the desired noise attenuation levels are achieved, pursuant to the Environment Protection (Noise) Policy 2007 (or later policy as amended from time to time).

2 Recommendations and review

2.1 Basis of review

Our assessment demonstrates that, with the indicative noise mitigation treatments detailed in the Environmental Noise Assessment (the Acoustic Report), A240080RP1 revision 0 dated 6 March 2024, the noise emissions from the operation from the proposed development will be able to comply with the relevant documents:

- Planning & Design Code
- *Environment Protection (Commercial & Industrial Noise) Policy 2023* (Noise Policy)
- *Local Nuisance and Litter Control Act 2016*
- Environment Protection Authority (EPA) Guideline

Lyndoch Recreation Park Redevelopment—Response to Acoustic Reserved Matter

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The recommended treatments are documented in Section 6.3 in the Acoustic Report, A240080RP1, and the following sections provide an acoustic review of the proposed operation, treatment and construction of the development. The acoustic review is based on:

- Updated architectural drawings provided by Dash Architects on the 8th of May 2024 (included in Appendix A—Architectural Drawings)
- Information regarding mechanical services units, noise data, and operation provided by Lucid Consulting Engineers (outlined in Section 2.3)
- Advice regarding the operational hours confirmed by The Barossa Council (outlined in Section 2.4)
- Advice regarding the use of airlock during amplified music use confirmed by the Barossa Council (outlined in Section 2.4).

2.2 Clubroom construction

The external glazed facade, external doors, ceiling and roof construction as indicated in the updated Architectural Drawings (as shown in Appendix A—Architectural Drawings) comply with the recommendations in the Acoustic Report.

2.3 Building services

Indicative treatments to control the noise emissions from the operation of the mechanical plant were provided in the Acoustic Report based on the assumptions of indicative plant selections and location.

The current proposed details of the external building services have been updated and are outlined as follows:

- Proposed external units:
 - Condensers:
 - 2 x REYQ20TAY1 (L_{WA} 86 dB per unit)
 - 1 x REYQ10TAY1 (L_{WA} 78 dB)
 - Heat pumps:
 - 2 x heat pumps (L_{pA} 69 dB at 3 m per unit)
 - Evaporative unit:
 - 1 x RPA3200OP (L_{WA} 83 dB)
- Operating conditions:
 - All plant operating at full capacity during daytime (7 am to 10 pm)
 - Only 2 condensers and 1 heat pump operating at full capacity during night time (10 pm to 7 am)
- Location:
 - Located adjacent to the Level 1 store as shown in Appendix A—Architectural Drawings
 - Architectural louvres to all side of the plant extent.

Based on the proposed units and operating conditions, the noise from the building services will be within the noise criteria as outlined in the Acoustic Report.

2.4 Operation

2.4.1 Operational hours

The operation hours for the LRPR facility have been verified to be:

- Oval
 - Monday to Thursday 5 pm to 9 pm
 - Friday 5 pm to 10 pm

Lyndoch Recreation Park Redevelopment—Response to Acoustic Reserved Matter

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Acoustics • EMF • Structural Dynamics • Vibration

- Saturday 7 am to 10 pm
- Sunday 7 am to 5 pm
- Clubrooms
 - Monday to Thursday 4 pm to 10 pm
 - Friday 4 pm to midnight
 - Saturday 7 am to midnight
 - Sunday 7 am to midnight

These operating hours align with the Acoustic Report.

2.4.2 Music noise limits

During operation, the music noise is to be limited to the following:

- Background music can be played at all times within the function areas with all doors remained open.
- Amplified music can be played (with limits as outlined in the Acoustic Report) with all doors closed and use of airlock for entry / exit during playing of amplified music during late night functions.

The above align with the recommendations outlined in the Acoustic Report.

3 Closure

Please let me know if you have any queries or wish to discuss the above.

Yours sincerely,

A handwritten signature in black ink, appearing to be "Deb James".

Deb James
Director
p +61 8 8155 5888
m +61 422 047 275
deb.james@resonate-consultants.com



Acoustics • EMF • Structural Dynamics • Vibration

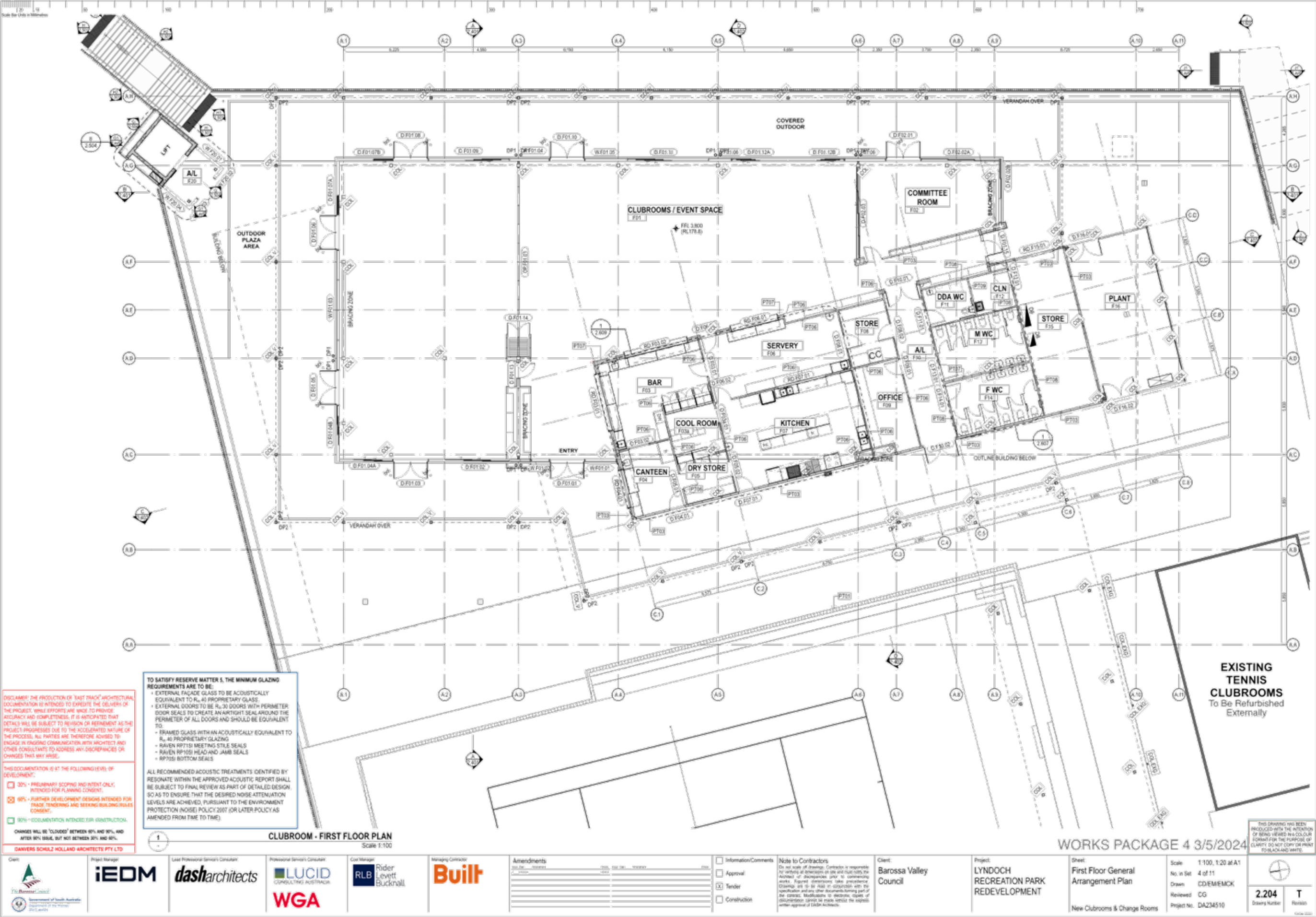
Appendix A—Architectural Drawings

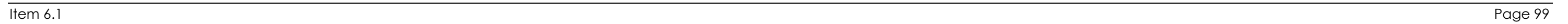
Lyndoch Recreation Park Redevelopment—Response to Acoustic Reserved Matter

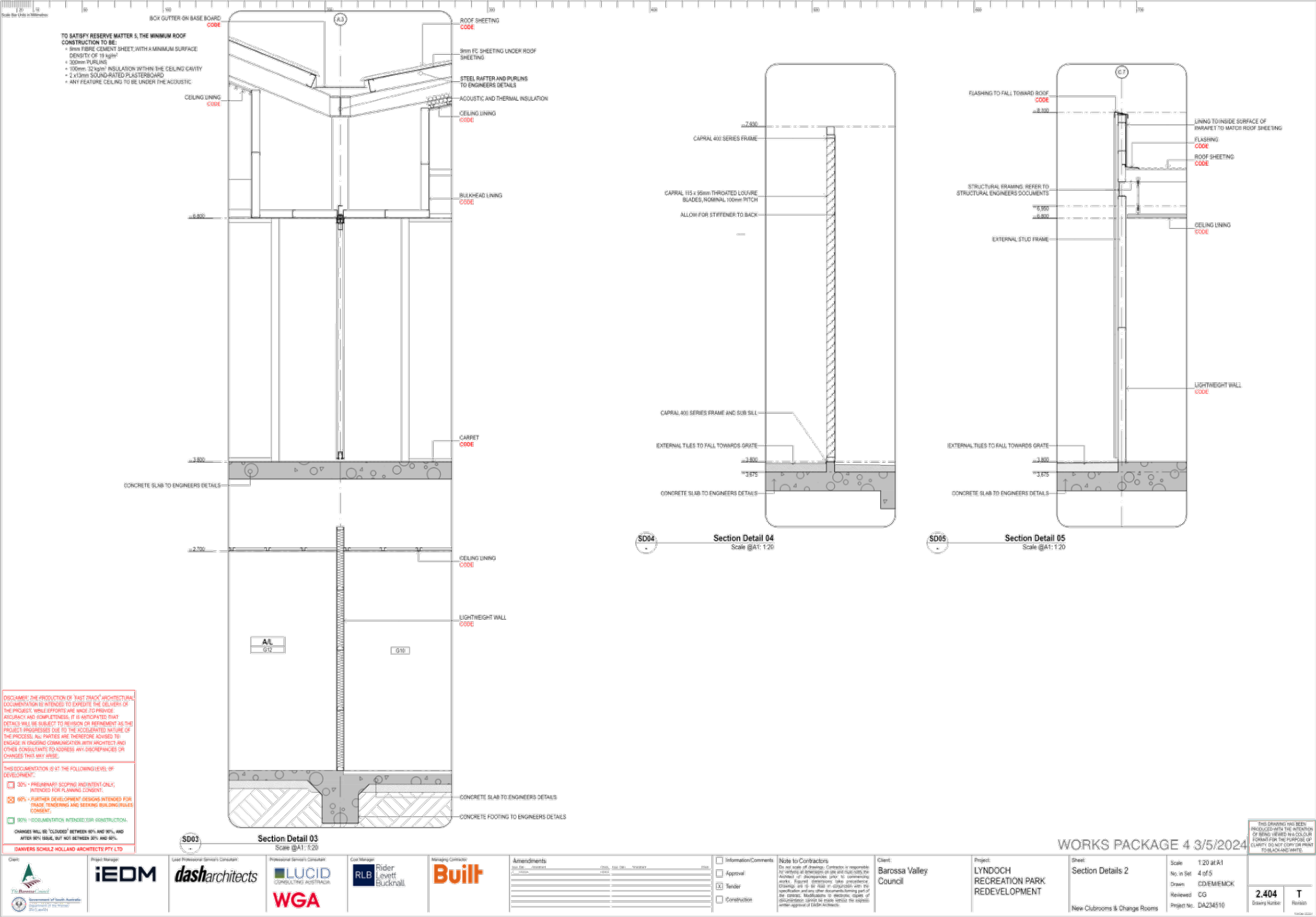
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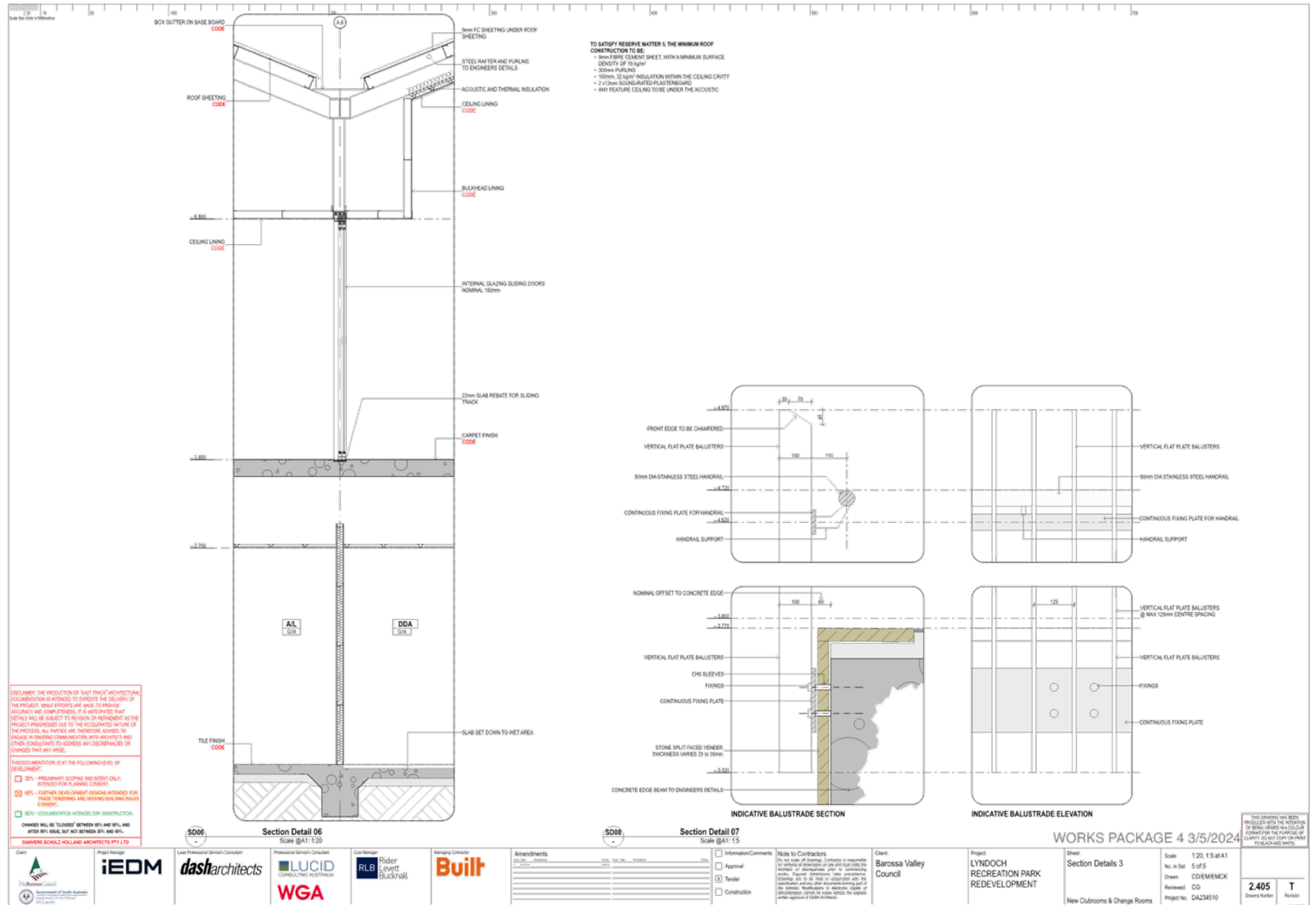
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7. REPORTS – REVIEW OF ASSESSMENT MANAGER DECISIONS (PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016)

Nil.

8. REPORTS – PANEL UPDATES

Nil.

9. REPORTS – OTHER BUSINESS

9.1 Review of the Barossa Assessment Panel Operating and Meeting Procedures

INTRODUCTION

Section 18 of the *Planning, Development and Infrastructure (General) Regulations 2017* outlines that except insofar as a procedure is prescribed by the Act or these Regulations, the procedures of an Assessment Panel in relation to the conduct of its business will be as determined by the Assessment Panel.

This report presents proposed amendments to the Barossa Assessment Panel Operating and Meeting Procedures (the *Operating Procedures*) for adoption.

DISCUSSION

The *Operating Procedures* were last amended by the Panel on 6 June 2023. A copy of the current *Operating Procedures* are contained in **Attachment 1**.

A discussion paper was presented to the Panel at the meeting of 3 June 2025 to identify some areas for improvement to the *Operating Procedures* such as having a standing Presiding Member and acknowledging live recordings of meetings.

Good governance and best practice decision making requires regular review of the processes guiding decision making by the Panel. Experience from working with the *Operating Procedures* has also identified some areas for improvement.

Draft amended *Operating Procedures* are contained in **Attachment 2**. The following changes are proposed:

- Clause 2.2. Insert new sentence clarifying that Panel members are generally expected to attend meetings in person.
- Clause 2.12. Amend the clause to require the Panel shall appoint a Deputy Presiding Member as a standing appointment.
- Clause 3.5. New clause stating that all meetings shall be live recorded and the Presiding Member shall inform members of the gallery of the recording.
- Clause 10.1. Insert new sentence clarifying that as general rule representors will be afforded the opportunity to appeal personally or by representative.
- Clause 17.3. Amend title to reflect the current role – Director – Development and Community Services.

The majority of these changes were discussed at the Panel meeting of 3 June 2025 and Panel members were generally supportive. The proposed changes improve certainty for the Panel members, staff, applicants and the community and broadly reflect current practice of the Panel.

CONCLUSION

This report presents amendments to the *Operating Procedures* which will improve decision making and represent good governance and best practice operations of the Panel. The Panel is invited to approve the amendments to the *Operating Procedures*.

RECOMMENDATION

That the report be received.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Operating and Meeting Procedures adopted at the 6 June 2023
Assessment Panel meeting
- Attachment 2 Operating and Meeting Procedures - Proposed Amendments

BAROSSA ASSESSMENT PANEL OPERATING AND MEETING PROCEDURES



Document Owner:	The Barossa Council	Previous Approval	07/06/2022
Document Control Officer:	DDES	Current Approval Date:	06/06/2023
HPE Content Manager	CD/23/18	Next Review Date:	06/06/2027

1. APPLICATION

- 1.1. These Operating and Meeting Procedures apply to the Barossa Assessment Panel ("the Panel") established under section 83 of the *Planning, Development and Infrastructure Act 2016* ("the PDI Act") and having regard to the Terms of Reference for the Panel as adopted by the Council.
- 1.2. The Panel is a relevant authority pursuant to section 93 of the PDI Act.
- 1.3. The following principles should be applied with respect to the procedures to be observed at a Panel meeting:
 - 1.3.1. procedures should be fair and contribute to open, transparent and informed decision-making;
 - 1.3.2. procedures should encourage appropriate community participation as may be required under the PDI Act and the *Planning, Development and Infrastructure (General) Regulations 2017* ("the PDI Regulations");
 - 1.3.3. procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
 - 1.3.4. procedures should be sufficiently certain to give applicants, representors and the general community confidence in the deliberations at the meeting.
- 1.4. Interactions between Members of the Panel, the public, Council staff and elected Members of the Council are to be courteous and respectful.

2. MEETING NOTICE, TIMES AND VENUE

- 2.1. Scheduled meetings of the Panel will be held on the first Tuesday of each month (excluding the first Tuesday meeting in January) at 5pm, in person at the Council Offices, 43-51 Tanunda Road, Nuriootpa, or via online platform,

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electronic or other means as determined by the Panel in consultation with the Assessment Manager unless there are no matters to be considered.

- 2.2. For the sake of clarity, if an in person meeting is convened, then individual Panel members may, with the prior permission of the Presiding Member, attend the meeting via online platform, electronic or other means.
- 2.3. Written notice of a meeting of the Panel must be given to each member of the Panel by the Assessment Manager at least three (3) business days before the date of the meeting.
- 2.4. The notice must set out the date, time and place of the meeting or, alternatively, long-in or other details for a meeting held via online platform, electronic or other means, and contain or be accompanied by the agenda for the meeting. The notice may be given to a Member of the Panel:
 - 2.4.1. personally; or
 - 2.4.2. by delivering the notice (whether by post or otherwise) to the usual place of residence of the Member or to another place authorised in writing by the Member; or
 - 2.4.3. by leaving the notice for the Member at an appropriate place at the principal office of the Council, if authorised in writing by the Member to do so; or
 - 2.4.4. by a means authorised in writing by the Member as being an available means of giving notice (e.g. email or facsimile transmission).
- 2.5. A notice that is not given in accordance with clause 2.4 of this document is taken to have been validly given if the Assessment Manager considers it impracticable to give the notice in accordance with that clause and takes action the Assessment Manager considers reasonably practicable in the circumstances to bring the notice to the attention of the Member.
- 2.6. Special meetings (being additional meetings or alternative meetings) of the Panel may be required in special circumstances to expedite decisions on applications before the Panel, and will be called at the discretion of the Presiding Member in consultation with the Assessment Manager. Members of the Panel, applicants, representors and the public shall be given five (5) clear business days' notice of a special meeting of the Panel.
- 2.7. Public notice of a scheduled meeting will be provided at the Council office and on the Council's website.
- 2.8. A copy of the Agenda and reports from the Administration for every meeting of the Panel shall be available for viewing by the public at the Council office at least three (3) business days before the meeting.

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- 2.9. A copy of the Agenda and reports from the Administration for every meeting of the Panel shall be available for viewing on the Council's web site at least three (3) business days before the meeting.
- 2.10. A meeting of the Panel will commence as soon after the time specified in the notice of the meeting, as a quorum is present in accordance with clause 4.1 and 4.2 of these Operating and Meeting Procedures.
- 2.11. If a meeting is adjourned to another day, the Assessment Manager must:
 - 2.11.1. give notice of the adjourned meeting to each Member setting out the date, time and place of the meeting; and
 - 2.11.2. give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place/platform of the meeting together with access details (as relevant) to be placed on display at the principal office of the Council and/or the Council's website as determined by the Assessment Manager.
- 2.12. In the event the Presiding Member is not present, then the Panel shall appoint one of its members as the acting Presiding Member.

3. PUBLIC ACCESS TO MEETINGS

- 3.1. Members of the public are entitled to attend a meeting of the Panel other than as set out in sub-section 3.2 of these Operating and Meeting Procedures. Where a meeting is to occur in person, attendance may occur by attending the place of the meeting and observing the meeting from the public gallery. Where a meeting is to occur via online platform, electronic or other means, the meeting will be livestreamed or otherwise made accessible in a manner deemed appropriate by the Assessment Manager such that members of the public can hear and see the meeting as they would if located in the public gallery of an in person meeting.
- 3.2. The Panel may exclude the public from attendance at a meeting—
 - 3.2.1. during so much of the meeting as is necessary to receive, discuss or consider in confidence any of the following matters:
 - (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - (ii) information the disclosure of which—
 - (A) could unreasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and

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- (B) would, on balance, be contrary to the public interest;
- (iii) information the disclosure of which would reveal a trade secret;
- (iv) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
 - (A) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (B) would, on balance, be contrary to the public interest;
- (v) matters affecting the safety or security of any person or property;
- (vi) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
- (vii) matters that should be considered in confidence in order to ensure that the 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;
- (viii) legal advice;
- (ix) information relating to actual litigation, or litigation that the Panel believes on reasonable grounds will take place;
- (x) information the disclosure of which—
 - (A) would divulge information provided on a confidential basis by or to a Minister of the Crown, the State Planning Commission, or another public authority or official; and
 - (B) would, on balance, be contrary to the public interest;

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3.2.2. during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the Panel.

3.3. For the sake of clarity, where a meeting is convened via online platform, electronic or other means, and the Panel resolves to exclude the public from the meeting as per clause 3.2 above, exclusion of the public will occur, as relevant, through the livestream being paused, audio and video feeds being disabled or other means as determined by the Assessment Manager, for the duration of the confidential item.

3.4. The Panel is committed to transparency in decision making. Accordingly, the Panel's powers to enter into confidence as detailed at clause 3.2 above must be used sparingly and in extenuating circumstances and only in consultation with or on the advice of the Assessment Manager.

4. QUORUM

4.1. A quorum at a meeting of the Panel is a number obtained by dividing the total number of Members of the Panel for the time being in office by two (2), ignoring any fraction resulting from the division, and adding one (1).

4.2. The Panel comprises five (5) members and therefore a quorum at a meeting is three (3) members.

4.3. If the number of apologies received by the Presiding Member or the Council, indicate that a quorum will not be present at a meeting, the Presiding Member, may adjourn the meeting to a specified day and time.

4.4. Should a quorum not be reached within 30 minutes of the scheduled commencement time of the meeting and there is no apparent prospect of achieving a quorum within a reasonable time thereafter, the meeting will be cancelled and the business on the agenda will be considered at the next meeting of the Panel.

4.5. If a meeting is adjourned for want of a quorum, the Assessment Manager will record in the minutes the reason for the adjournment, the names of any Members present, and the date and time to which the meeting is adjourned.

4.6. In the event the Presiding Member is not present, then the Panel shall appoint one of its members as the acting Presiding Member.

5. DEPUTY MEMBERS

5.1. If a Member is, on reasonable grounds, unable to attend a meeting or part of a meeting, he or she must use his or her best endeavours to notify the Presiding Member or Assessment Manager at his or her earliest opportunity.

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- 5.2. If notification pursuant to sub-section 5.1 is given, the Assessment Manager may request a Deputy Member attend the meeting in place of the Member for the meeting or part of the meeting.
- 5.3. Unless the context otherwise requires, a reference to a Member in these Operating and Meeting Procedures includes a Deputy Member.

6. DEPUTY MEMBERS ATTENDING THE PANEL MEETING

- 6.1. If a Member provides sufficient notice, in advance of a meeting, that they are unavailable to attend a meeting, the relevant Deputy Member is to be notified by the Assessment Manager to attend and participate in that entire meeting.
- 6.2. If a Member has a conflict of interest in relation to an item on the meeting agenda and there is a risk that a quorum will not be achieved for that item, the Deputy Member is to be notified by the Assessment Manager to attend the meeting and participate for that item only.
- 6.3. The Assessment Manager will undertake all reasonable measures to ensure that Deputy Members are notified as required by clauses 6.1 and 6.2 above as soon as possible.
- 6.4. For clarity, if the Council Member appointed to the Panel is unavailable to attend a meeting, the Deputy Member who will be notified to attend the meeting will be the Deputy Member (Council member). If an independent Member of the Panel is unavailable to attend a meeting, the Deputy Member who will be notified to attend the meeting will be the Deputy Member (Independent Member), who is not an elected Member of the Council.

7. VOTING

- 7.1. Each Member of the Panel present at a meeting of the Panel is entitled to one (1) vote on a matter arising for decision and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.
- 7.2. Clause 7.1 does not apply to a person who is appointed as an 'additional member' of the Panel under Section 85 of the PDI Act.
- 7.3. All Members (other than additional members) of the Panel will participate in the decision of the Panel by a vote.
- 7.4. All decisions of the Panel shall be made on the basis of a majority consensus decision of the Members present. Where a meeting is held in-person, voting may occur by show of hands. In meeting is convened via online platform, electronic or other means, the Presiding Member will determine how voting should occur.

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- 7.5. Minutes shall record the decision of the Panel on each development application and record a mover and seconder for items decided by vote.
- 7.6. A majority vote of the Panel shall be recorded in the minutes as the decision of the Panel and the vote or views of individual Members shall not be recorded in the minutes.
- 7.7. Members of the Panel cannot submit any notice of motion to revoke or amend previous decisions of the Panel.
- 7.8. A member or members cannot abstain from voting in relation to a matter arising for decision.

8. CONDUCT

- 8.1. Members of the Panel must act at all times in accordance Section 15(2) of the PDI Act and with the Assessment Panel Member - Code of Conduct ("the Code of Conduct") adopted by the Minister under Schedule 3 of the PDI Act.
- 8.2. The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by a Member, an applicant, a representor or any person or persons present at the meeting of the Panel until such time as the disruption or disturbance ceases, or failing that, order a persons or persons to leave the meeting. Where a meeting is convened via online platform, electronic or other means, the Presiding Member may mute or disconnect a person from the meeting where they are causing disruption or disturbance.
- 8.3. As specified in the Assessment Panel Members – Code of Conduct, Members of the Panel must not initiate individual discussions with applicants, representors or government agencies regarding a matter that is or is likely to be before the panel for determination, and, if placed in a situation where such discussion is unavoidable, should not express an opinion that could be constructed as having made a decision in relation to the proposal before the panel has collectively assessed and determined the development application.
- 8.4. Members of the Panel must carefully consider all agenda reports and recommendations prior to and during meetings. If a Member of the Panel does not agree with a recommendation made, the Member must articulate their reasons. Where the Panel departs from a recommendation, it must provide sufficient reasons for its decisions to comply with the requirements of the Act and so that appropriate minutes can be recorded.
- 8.5. In circumstances where a Member of the Panel has a question arising from an agenda report, they should raise their question with the Assessment Manager no later than 24 hours prior to the meeting so that the Assessment Manager can thoroughly consider the question, communicate it to other Members of the Panel and prepare an appropriate response.

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9. CONFLICT OF INTEREST

- 9.1. If a Member of the Panel is of the view that they have a conflict of interest in relation to a matter before the Panel, the Member must:
 - 9.1.1. as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the Panel; and
 - 9.1.2. make a disclosure clearly stating the nature of that interest in writing to the Presiding Member, and then in the Panel meeting when the relevant agenda item is reached, make a verbal disclosure to the assessment Panel and remove themselves from the meeting in accordance with clause 7(b) of the Code of Conduct.
- 9.2. If an interest is declared by a Member at a Panel meeting the nature of the interest must be recorded in the minutes of that meeting.

10. HEARING OF REPRESENTATIONS

- 10.1. Pursuant to Regulation 50(5) of the PDI Regulations, where a person has:
 - 10.1.1. made a written representation in accordance with Regulation 50(1) of the PDI Regulations; and
 - 10.1.2. indicated an interest in appearing before the Panel,the Panel may, if it considers that it would assist the Panel in making its decision on an application, allow a representor an opportunity to appear personally or by a representative before the Panel in support of their representation.
- 10.2. For the sake of clarity, appearance before the Panel includes appearance by online platform, electronic or other means where a meeting is not held in person.
- 10.3. Pursuant to Regulation 50(6) of the PDI Regulations, if the Panel determines to hear representors in accordance with clause 10.1, it must:
 - 10.3.1. give notice to the applicant of the place and time where the representor has been invited to appear; and
 - 10.3.2. if the applicant appears, allow the applicant, either personally or by representative, a reasonable opportunity, on request, to respond to any relevant matter
- 10.4. Hearing of representations by the Panel will take place at the commencement of the consideration of the relevant agenda item.
- 10.5. Persons making representations will be allocated five (5) minutes to address the Panel, unless otherwise determined by the Presiding Member, acting

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reasonably. Additional time may be provided in accordance with clause 13.3.

- 10.6. The applicant is allocated ten (10) minutes to respond to the representations made to the Panel, unless otherwise determined by the Presiding Member, acting reasonably. Additional time may be provided in accordance with clause 13.3.
- 10.7. Representors and applicants will not be allowed a further opportunity to address the Panel after the conclusion of the hearing of representations, unless the members of the Panel wish to question or seek clarification on a matter under consideration of the Panel.
- 10.8. Only representors (or their representative) who have made representation in accordance with Regulation 50 of the PDI Regulations, and with the consent of the Panel, will be entitled to be heard by the Panel.
- 10.9. Representors must be personally present (or represented) at the meeting scheduled to hear their verbal representation. If a representor (or their representative) is not present at the relevant time, the opportunity to be heard in support of their representation is forfeited.
- 10.10. Where no representors appear at the hearing of representations an applicant may only be heard (at the discretion of the Presiding Member) where their written response to representations requires explanation or where the Panel will otherwise benefit from hearing from them.
- 10.11. Members of the Panel may question and seek clarification from representors and the applicant at the conclusion of their address to the Panel.
- 10.12. Where a meeting is to be held via online platform, electronic or other means, the hearing of representations and the application will occur in a manner which allows the representors and applicant to interact with the Panel as per clauses 10.1 – 10.11 above.
- 10.13. Pursuant to regulation 50(6) of the PDI Regulations, a representor must indicate on their written representation whether they wish to appear personally or by representative to be heard on their representation. Elected members of the Council may, in their personal capacity and not in their capacity as elected members, make representations on development applications or act as the representative of a representor and be heard at a meeting of the Panel. Where this occurs, elected members of the Council can be treated no differently to other representors or representatives of representors and the Panel must have regard to sections 93, 98 and 99 of the PDI Act and the capacity of the Panel as an independent relevant authority and that it does not act at the direction of the Council.

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10.14. Individual elected members of The Barossa Council do not have a right to be heard by the Panel otherwise than in accordance with clause 10.13 above.

10.15. In determining to hear representors in accordance with clause 10.1, the Panel delegates the power to exercise discretion to the Assessment Manager.

11. MINUTES AND OTHER DOCUMENTS

11.1. The Panel must ensure that accurate minutes are kept of its proceedings.

11.2. The minutes of the proceedings of a meeting will record:

11.2.1. how the meeting was convened and when it commenced;

11.2.2. the names of the members of the Panel present;

11.2.3. the name and time of Members of the Panel entering or leaving the meeting;

11.2.4. the name of a person who has made a verbal representation to the Panel at the meeting;

11.2.5. the name of a person who appears in relation to an application for review of an Assessment Manager decision (including the Assessment Manager or delegate);

11.2.6. the decision of the Panel;

11.2.7. the decision of the panel to exclude public attendance including reasons.

11.2.8. a disclosure by a member of the Panel of a direct or indirect pecuniary interest in any aspect of a development or anybody associated with any aspect of a development required under the PDI Act.

11.3. Members of the public are entitled to reasonable access to:

11.3.1. the agendas for meetings of the Panel; and

11.3.2. the minutes of meetings of the Panel.

11.4. The Panel may, before it releases a copy of any minutes under clause 11.3, exclude from the minutes information about any matter dealt with on a confidential basis by the Panel.

11.5. Minutes must be available under clause 11.3 within five (5) business days after their adoption by the Members of the Panel.

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- 11.6. Minutes shall not be formal minutes until adopted by the Panel at the next meeting of the Panel. However, this does not preclude the issue of a Decision Notification advising of the determination of the Panel immediately after a meeting at which the Panel made its determination.
- 11.7. Upon adoption of the minutes, the Presiding Member shall authorise the minutes by signature and date of adoption on the last page of the minutes.

12. SITE INSPECTIONS AND LOCALITY VISITS

- 12.1. Formal site visits may be arranged on request from a Member of the Panel. A Member of the Panel may request attendance of a Council Officer to provide relevant information. The Panel will not hear deputations at a formal site visit.
- 12.2. Locality visits by one or more Members of the Panel must be undertaken in accordance with the Code of Conduct.

13. INFORMATION RECEIVED AFTER MEETING AGENDA IS FINALISED

- 13.1. At the discretion of the Presiding Member (in consultation with Members of the Panel), any new or additional material submitted to the Panel by an applicant or representor, in accordance with clause 13.2 above may be:
 - 13.1.1. accepted and considered; or
 - 13.1.2. not accepted and not considered,the Presiding Member's determination in this regard is final.
- 13.2. In determining whether to accept and consider the information pursuant to clause 13.4.1, the Presiding Member should consider the following:
 - a) The content of the information and whether it is relevant to the matter of whether Planning Consent should be granted;
 - b) The time available for the information to be properly considered by the applicant, the representors (as relevant) and the Panel;
 - c) The reasons why the information was not provided within the application (or representation as relevant);
 - d) Prejudice that may be suffered on the other party (applicant or representor/s as relevant) by accepting or not accepting the information.
- 13.3. Whenever new or additional information or material provided by the applicant is accepted and considered by the Panel, representors may be provided with five additional minutes to their hearing time to address the

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Panel on the additional information. The applicant will be provided with five (5) additional minutes to respond to the representors' comments.

- 13.4. Whenever new or additional information or material provided by a representor is accepted and considered by the Panel, the representor who provided the information or material may be provided with five (5) additional minutes to their hearing time to address the Panel on the additional information. The applicant will be provided with five additional minutes to respond to the representor's comments

14. FORM OF DEBATE AND MOTIONS

- 14.1. In order to ensure informed decision making and to facilitate comprehensive consideration of issues, debate and discussion by the Panel of matters before it shall be, as far as practicable, informal within the bounds of professional meeting procedures and the principles of natural justice and procedural fairness.
- 14.2. In the interests of informality, during hearings of representations the Presiding Member will be referred to as "Presiding Member", and Members of the Panel will be referred to by their first name (not by title or position). In subsequent discussion of items during in the meeting of the Members (including the Presiding Member) may refer to each other by their first names and address Council staff by their first names.
- 14.3. At the conclusion of debate and discussion of matters, the Presiding Member will call for a motion enabling the Panel to determine the matter.
- 14.4. A motion will lapse if it is not seconded at the appropriate time.
- 14.5. The Presiding Member, in the absence of comment/discussion in relation to the matter requiring determination, will either move a motion or will request a motion to be moved and seconded.
- 14.6. Voting in favour or against a motion, as requested by the Presiding Member, shall be by show of hand.
- 14.7. The Presiding Member will request each Member to vote on a motion and then declare the outcome.

15. DECISION MAKING

- 15.1. The Panel must have regard to the Planning and Design Code as the basis for its decisions along with any written and verbal representations.
- 15.2. The Panel will make decisions in accordance with the timeframes set out in section 125 of the PDI Act.
- 15.3. To ensure that timeframes are met for making decisions the Panel will make a decision to either grant or refuse Planning Consent, and will generally not

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defer applications for the purpose of requesting further information or amendments, unless the Panel determines that a deferral is the most appropriate resolution given the circumstances under consideration by the Panel as the case may be.

15.4. In making a decision, the Panel:

15.4.1. must state whether the proposal is seriously at variance with the Planning and Design Code, in doing so must refuse to grant Planning Consent and provide reasons for the decision;

15.4.2. if the proposal is not seriously at variance with the Planning and Design Code, the Panel must determine whether Planning Consent is granted or refused.

(a) Where Planning Consent is granted subject to conditions, reasons why the conditions have been imposed must be provided.

(b) Where Planning Consent is refused, the reason for refusal must be provided.

15.5. All agenda reports will contain a recommendation which accords with the assessing officer's assessment of the development application. In circumstances where the assessment of a development application is considered by administration to be finely balanced, an alternative recommendation may be provided. Alternative recommendations may require further detail to be inserted by the Panel. Members of the Panel are expected to thoroughly consider recommendations before they are adopted. If the Panel determines a development application contrary to a recommendation, the Panel must ensure that the decision is thorough and contains adequate, clear and understandable reasons. Where a Member of the Panel wishes to move a recommendation which differs from that made by administration, the Member should contact the Assessment Manager for advice on their recommendation at least twenty four (24) hours prior to the meeting.

16. ASSESSMENT PANEL REVIEW OF DECISIONS OF ASSESSMENT MANAGER

16.1. This clause applies to reviews commenced by applicants pursuant to section 203 of the PDI Act ("Application for Review"). For clarity, this process applies to applications assessed and determined by the Assessment Manager as the relevant authority pursuant to section 96 of the PDI Act. No representations are permitted for the original applications or the review process.

16.2. Applications for Review:

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16.2.1. may, pursuant to section 201 of the PDI Act, relate to:

- (a) any assessment, request, decision, direction or act of the Assessment Manager that is relevant to any aspect of the determination of the relevant application;
- (b) a decision to grant or refuse a development authorisation; or
- (c) the imposition of conditions in relation to a development authorisation; or
- (d) subject to any exclusion prescribed by the PDI Regulations, any other assessment, request, decision, direction or act of a relevant authority under this Act in

16.2.2. must be submitted using the [Application to Assessment Panel for Assessment Manager's Decision Review](#) ("the Form");

16.2.3. lodged in a manner identified on the Form; and

16.2.4. lodged within one month of the applicant receiving notice of the reviewed matter pursuant to clause 16.2.1 above, unless the Presiding Member in their discretion, grants an extension of time.

16.3. In determining whether to grant an extension of time, the Presiding Member may consider:

16.3.1. the reasons for the delay;

16.3.2. the length of the delay;

16.3.3. whether any rights or interests of other persons would be affected by allowing the review to be commenced out of time;

16.3.4. the interests of justice;

16.3.5. whether the applicant has, or is within time to, appeal the prescribed matter to the ERD Court;

16.3.6. any other matters the Presiding Member considers relevant; and

16.3.7. consultation with the Assessment Manager.

16.4. The Assessment Manager must ensure that the following documents are provided on the relevant Agenda for an Application for Review:

16.4.1. a report to the Panel containing all of the details of the relevant development application and the details of the reviewed decision;

16.4.2. all materials which were before the Assessment Manager (or their delegate) at the time of the reviewed decision including (as relevant):

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- (a) application documents, reports, submissions, plans, specifications or other documents submitted by the applicant;
 - (b) internal and/or external referral responses; and
 - (c) any report from administration or an external planning consultant provided to the Assessment Manager (or their delegate);
- 16.4.3. any assessment checklist used by the Assessment Manager (or their delegate) when making the reviewed decision;
- 16.4.4. any other information requested by the Presiding Member.
- 16.5. The Assessment Manager must advise the applicant of the time and date of the Panel meeting at which the review application will be heard.
- 16.6. The applicant will be provided with five (5) minutes to address the Panel on their review and why they believe the Panel should reach a different decision to that made by the Assessment Manager or their delegate.
- 16.7. On review, the Panel will consider the reviewed decision afresh on the information provided to it and on the submissions of the applicant.
 - 16.7.1. Information, materials, plans, details, specifications and other documents which were not before the Assessment Manager at the time of the decision on the Prescribed Matter will not be considered by the Panel.
 - 16.7.2. In addition to clause 16.6 above, the Presiding Member may permit Panel members to ask questions or seek clarification from the applicant and/or the Assessment Manager, in his or her discretion.
- 16.8. The Assessment Manager must be present at the Panel meeting to respond to any questions or requests for clarification from the Panel.
- 16.9. Where the decision was made by a delegate of the Assessment Manager, the delegate may appear in place of the Assessment Manager.
- 16.10. The Presiding Member will invite all Panel Members to speak on any matter relevant to the review.
- 16.11. The Panel may resolve to defer its decision if it considers it requires additional time or information to make its decision.
- 16.12. The Panel may, on a review:
 - 16.12.1. affirm the Assessment Manager's decision on the Prescribed Matter;
 - 16.12.2. vary the Assessment Manager's decision on the Prescribed Matter; or

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16.12.3.set aside the Assessment Manager's decision on the Prescribed Matter and substitute its own decision.

16.13.The Assessment Manager will advise the applicant, in writing, of the Panel's decision within five (5) business days of the meeting or otherwise prescribed by the PDI Regulations.

17. PLANNING APPEALS

17.1. Should an appeal be lodged in relation to a decision of the Panel, the Panel will determine whether any "compromise proposal" is appropriate or the matter proceed to a hearing in the Environment, Resources and Development Court.

17.2. Should the Panel not make a decision in respect of an application within the time prescribed in the PDI Act and the Panel receives a deemed consent notice from the applicant in accordance with section 125(2) of the PDI Act, the Panel to decide whether to apply to the Court to have deemed consent notice quashed.

17.3. The Assessment Manager/Director, Development and Environmental Services/CEO is authorised to make decisions as to the conduct of appeals (including Judicial Review) subject to consulting with the Presiding Member.

17.4. Any compromise arising from an appeal shall be presented to the Panel for a decision.

17.5. In the event of an urgent matter, that the Panel may determine by electronic meeting in accordance with its General Operating Procedures.

18. QUARTERLY REPORTING

18.1. The Assessment Manager will prepare:

18.1.1. A quarterly report of the development applications determined under delegated authority of the Barossa Assessment Panel for the previous period;

18.1.2. A report at the next meeting of the Panel for any development application delegated by the Panel where a deemed consent notice has been received.

19. VALIDITY OF PROCEEDINGS

19.1. A proceeding of the Panel (and any decision made by the Panel) is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

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20. COMPLAINTS

- 20.1. A person may make a complaint to the State Planning Commission ("the Commission") if the person believes that a Member of the Panel has acted in contravention of the Code of Conduct.
- 20.2. A complaint must:
 - 20.2.1. be in writing; and
 - 20.2.2. contain particulars of the allegation on which the complaint is based; and
 - 20.2.3. be verified by statutory declaration.
- 20.3. Except with the approval of the Commission, a complaint must not be lodged with the Commission more than six (6) months after the day on which the complainant first had notice of the matters alleged in the complaint.

21. MISCELLANEOUS MATTERS

- 21.1. An applicant may not defer matters from the meeting agenda after the agenda has been sent to Members of the Panel, unless agreed at the meeting or by the Presiding Member prior to the meeting. The applicant must make this request in writing to the Assessment Manager, including reason(s) for their request to defer.
- 21.2. Should a Member of the Panel receive by direct post, fax, e-mail or other means, information in relation to a development application being assessed by Council development assessment officers which may be referred for decision by the Panel at a future time, then the Member of the Panel should immediately forward the information received to the Assessment Manager. The Member of the Panel should not acknowledge receipt of the information nor enter into discussion with the sender in relation to any matters contained within the information received. If a Member of the Panel receives such information, he or she must disclose this fact at the relevant Panel meeting, and confirm that the information will not be taken into account for the purposes of making a decision on the relevant application.
- 21.3. Should a request be made for public comment on the operations or decisions made by the Panel then the matter should be referred to the Presiding Member. Comment may be made at the discretion of the Presiding Member.
- 21.4. A Member of the Panel at a meeting may request independent expert advice on any relevant matter before the Panel. Such requests are to be referred to the Assessment Manager for approving of and authorising the engagement of any independent experts. If the Assessment Manager

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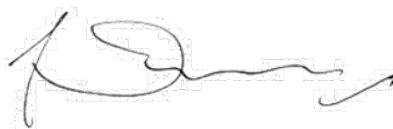
decides not to engage such advice the Panel must be advised of the decision and the reason as soon as reasonably possible.

21.5. The role of the Panel is not one of mediator or arbitrator for parties expressing divergent views but as is a decision maker charged with the responsibility of assessing each development application against the Planning and Design Code. It is a role that is inquisitorial rather than adversarial. The Panel does not therefore have a role as a mediator or arbitrator at its meetings or otherwise between an applicant and representors.

22. OTHER MATTERS

22.1. Except insofar as a procedure is not prescribed by the PDI Act or PDI Regulations under the PDI Act, the procedures of the Panel in relation to the conduct of its business will be as determined by the Panel.

22.2. The Panel will review these Operating and Meeting Procedures on an annual basis.

Signed**Dated:**

21 June 2023
Presiding Member

BAROSSA ASSESSMENT PANEL OPERATING AND MEETING PROCEDURES



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HPE Content Manager	CD/23/18	Next Review Date:	06/06/2027

1. APPLICATION

- 1.1 These Operating and Meeting Procedures apply to the Barossa Assessment Panel ("the Panel") established under section 83 of the *Planning, Development and Infrastructure Act 2016* ("the PDI Act") and having regard to the Terms of Reference for the Panel as adopted by the Council.
- 1.2 The Panel is a relevant authority pursuant to section 93 of the PDI Act.
- 1.3 The following principles should be applied with respect to the procedures to be observed at a Panel meeting:
 - 1.3.1 procedures should be fair and contribute to open, transparent and informed decision-making;
 - 1.3.2 procedures should encourage appropriate community participation as may be required under the PDI Act and the *Planning, Development and Infrastructure (General) Regulations 2017* ("the PDI Regulations");
 - 1.3.3 procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
 - 1.3.4 procedures should be sufficiently certain to give applicants, representors and the general community confidence in the deliberations at the meeting.
- 1.4 Interactions between Members of the Panel, the public, Council staff and elected Members of the Council are to be courteous and respectful.

2. MEETING NOTICE, TIMES AND VENUE

- 2.1 Scheduled meetings of the Panel will be held on the first Tuesday of each month (excluding the first Tuesday meeting in January) at 5pm, in person at the Council Offices, 43-51 Tanunda Road, Nuriootpa, or via online platform,

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electronic or other means as determined by the Panel in consultation with the Assessment Manager unless there are no matters to be considered.

- 2.2 For the sake of clarity, if an in person meeting is convened, then individual Panel members may, with the prior permission of the Presiding Member, attend the meeting via online platform, electronic or other means. [As general rule, Panel members are expected to attend meetings in person.](#)
- 2.3 Written notice of a meeting of the Panel must be given to each member of the Panel by the Assessment Manager at least three (3) business days before the date of the meeting.
- 2.4 The notice must set out the date, time and place of the meeting or, alternatively, long-in or other details for a meeting held via online platform, electronic or other means, and contain or be accompanied by the agenda for the meeting. The notice may be given to a Member of the Panel:
- 2.4.1 personally; or
- 2.4.2 by delivering the notice (whether by post or otherwise) to the usual place of residence of the Member or to another place authorised in writing by the Member; or
- 2.4.3 by leaving the notice for the Member at an appropriate place at the principal office of the Council, if authorised in writing by the Member to do so; or
- 2.4.4 by a means authorised in writing by the Member as being an available means of giving notice (e.g. email or facsimile transmission).
- 2.5 A notice that is not given in accordance with clause 2.4 of this document is taken to have been validly given if the Assessment Manager considers it impracticable to give the notice in accordance with that clause and takes action the Assessment Manager considers reasonably practicable in the circumstances to bring the notice to the attention of the Member.
- 2.6 Special meetings (being additional meetings or alternative meetings) of the Panel may be required in special circumstances to expedite decisions on applications before the Panel, and will be called at the discretion of the Presiding Member in consultation with the Assessment Manager. Members of the Panel, applicants, representors and the public shall be given five (5) clear business days' notice of a special meeting of the Panel.
- 2.7 Public notice of a scheduled meeting will be provided at the Council office and on the Council's website.

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- 2.8 A copy of the Agenda and reports from the Administration for every meeting of the Panel shall be available for viewing by the public at the Council office at least three (3) business days before the meeting.
- 2.9 A copy of the Agenda and reports from the Administration for every meeting of the Panel shall be available for viewing on the Council's web site at least three (3) business days before the meeting.
- 2.10 A meeting of the Panel will commence as soon after the time specified in the notice of the meeting, as a quorum is present in accordance with clause 4.1 and 4.2 of these Operating and Meeting Procedures.
- 2.11 If a meeting is adjourned to another day, the Assessment Manager must:
- 2.11.1 give notice of the adjourned meeting to each Member setting out the date, time and place of the meeting; and
- 2.11.2 give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place/platform of the meeting together with access details (as relevant) to be placed on display at the principal office of the Council and/or the Council's website as determined by the Assessment Manager.
- 2.12 The Panel shall appoint a Deputy Presiding Member as a standing appointment to act as the Presiding Member in the event the Presiding member is not present. The Deputy Presiding Member shall receive all of the necessary powers given to the Presiding Member under these Operating and Meeting Procedures for the duration of the meeting and in relation to any powers necessary to be exercised prior to or immediately following the meeting. In the event the Presiding Member is not present, then the Panel shall appoint one of its members as the acting Presiding Member.

3. PUBLIC ACCESS TO MEETINGS

- 3.1 Members of the public are entitled to attend a meeting of the Panel other than as set out in sub-section 3.2 of these Operating and Meeting Procedures. Where a meeting is to occur in person, attendance may occur by attending the place of the meeting and observing the meeting from the public gallery. Where a meeting is to occur via online platform, electronic or other means, the meeting will be livestreamed or otherwise made accessible in a manner deemed appropriate by the Assessment Manager such that members of the public can hear and see the meeting as they would if located in the public gallery of an in person meeting.
- 3.2 The Panel may exclude the public from attendance at a meeting—

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- 3.2.1 during so much of the meeting as is necessary to receive, discuss or consider in confidence any of the following matters:
- (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - (ii) information the disclosure of which—
 - (A) could unreasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and
 - (B) would, on balance, be contrary to the public interest;
 - (iii) information the disclosure of which would reveal a trade secret;
 - (iv) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
 - (A) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (B) would, on balance, be contrary to the public interest;
 - (v) matters affecting the safety or security of any person or property;
 - (vi) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
 - (vii) matters that should be considered in confidence in order to ensure that the 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;
 - (viii) legal advice;
 - (ix) information relating to actual litigation, or litigation that the Panel believes on reasonable grounds will take place;
 - (x) information the disclosure of which—

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- (A) would divulge information provided on a confidential basis by or to a Minister of the Crown, the State Planning Commission, or another public authority or official; and
- (B) would, on balance, be contrary to the public interest;

3.2.2 during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the Panel.

3.3 For the sake of clarity, where a meeting is convened via online platform, electronic or other means, and the Panel resolves to exclude the public from the meeting as per clause 3.2 above, exclusion of the public will occur, as relevant, through the livestream being paused, audio and video feeds being disabled or other means as determined by the Assessment Manager, for the duration of the confidential item.

3.4 The Panel is committed to transparency in decision making. Accordingly, the Panel's powers to enter into confidence as detailed at clause 3.2 above must be used sparingly and in extenuating circumstances and only in consultation with or on the advice of the Assessment Manager.

3.5 Except where the matter is discussed in confidence pursuant to clause 3.2, all meetings shall be live recorded and the recording shall be displayed on Council's website. At the opening of the meeting, the Presiding Member shall inform members of the gallery that the meeting is being recorded.

4. QUORUM

- 4.1 A quorum at a meeting of the Panel is a number obtained by dividing the total number of Members of the Panel for the time being in office by two (2), ignoring any fraction resulting from the division, and adding one (1).
- 4.2 The Panel comprises five (5) members and therefore a quorum at a meeting is three (3) members.
- 4.3 If the number of apologies received by the Presiding Member or the Council, indicate that a quorum will not be present at a meeting, the Presiding Member, may adjourn the meeting to a specified day and time.
- 4.4 Should a quorum not be reached within 30 minutes of the scheduled commencement time of the meeting and there is no apparent prospect of achieving a quorum within a reasonable time thereafter, the meeting will be cancelled and the business on the agenda will be considered at the next meeting of the Panel.

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- 4.5 If a meeting is adjourned for want of a quorum, the Assessment Manager will record in the minutes the reason for the adjournment, the names of any Members present, and the date and time to which the meeting is adjourned.
- 4.6 In the event the Presiding Member is not present, then the Panel shall appoint one of its members as the acting Presiding Member.

5. DEPUTY MEMBERS

- 5.1 If a Member is, on reasonable grounds, unable to attend a meeting or part of a meeting, he or she must use his or her best endeavours to notify the Presiding Member or Assessment Manager at his or her earliest opportunity.
- 5.2 If notification pursuant to sub-section 5.1 is given, the Assessment Manager may request a Deputy Member attend the meeting in place of the Member for the meeting or part of the meeting.
- 5.3 Unless the context otherwise requires, a reference to a Member in these Operating and Meeting Procedures includes a Deputy Member.

6. DEPUTY MEMBERS ATTENDING THE PANEL MEETING

- 6.1 If a Member provides sufficient notice, in advance of a meeting, that they are unavailable to attend a meeting, the relevant Deputy Member is to be notified by the Assessment Manager to attend and participate in that entire meeting.
- 6.2 If a Member has a conflict of interest in relation to an item on the meeting agenda and there is a risk that a quorum will not be achieved for that item, the Deputy Member is to be notified by the Assessment Manager to attend the meeting and participate for that item only.
- 6.3 The Assessment Manager will undertake all reasonable measures to ensure that Deputy Members are notified as required by clauses 6.1 and 6.2 above as soon as possible.
- 6.4 For clarity, if the Council Member appointed to the Panel is unavailable to attend a meeting, the Deputy Member who will be notified to attend the meeting will be the Deputy Member (Council member). If an independent Member of the Panel is unavailable to attend a meeting, the Deputy Member who will be notified to attend the meeting will be the Deputy Member (Independent Member), who is not an elected Member of the Council.

7. VOTING

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- 7.1 Each Member of the Panel present at a meeting of the Panel is entitled to one (1) vote on a matter arising for decision and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.
- 7.2 Clause 7.1 does not apply to a person who is appointed as an 'additional member' of the Panel under Section 85 of the PDI Act.
- 7.3 All Members (other than additional members) of the Panel will participate in the decision of the Panel by a vote.
- 7.4 All decisions of the Panel shall be made on the basis of a majority consensus decision of the Members present. Where a meeting is held in-person, voting may occur by show of hands. In meeting is convened via online platform, electronic or other means, the Presiding Member will determine how voting should occur.
- 7.5 Minutes shall record the decision of the Panel on each development application and record a mover and seconder for items decided by vote.
- 7.6 A majority vote of the Panel shall be recorded in the minutes as the decision of the Panel and the vote or views of individual Members shall not be recorded in the minutes.
- 7.7 Members of the Panel cannot submit any notice of motion to revoke or amend previous decisions of the Panel.
- 7.8 A member or members cannot abstain from voting in relation to a matter arising for decision.

8. CONDUCT

- 8.1 Members of the Panel must act at all times in accordance Section 15(2) of the PDI Act and with the Assessment Panel Member - Code of Conduct ("the Code of Conduct") adopted by the Minister under Schedule 3 of the PDI Act.
- 8.2 The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by a Member, an applicant, a representor or any person or persons present at the meeting of the Panel until such time as the disruption or disturbance ceases, or failing that, order a persons or persons to leave the meeting. Where a meeting is convened via online platform, electronic or other means, the Presiding Member may mute or disconnect a person from the meeting where they are causing disruption or disturbance.
- 8.3 As specified in the Assessment Panel Members – Code of Conduct, Members of the Panel must not initiate individual discussions with applicants, representors or government agencies regarding a matter that is or is likely to be before the panel for determination, and, if placed in a situation where such discussion is unavoidable, should not express an opinion that could be

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constructed as having made a decision in relation to the proposal before the panel has collectively assessed and determined the development application.

- 8.4 Members of the Panel must carefully consider all agenda reports and recommendations prior to and during meetings. If a Member of the Panel does not agree with a recommendation made, the Member must articulate their reasons. Where the Panel departs from a recommendation, it must provide sufficient reasons for its decisions to comply with the requirements of the Act and so that appropriate minutes can be recorded.
- 8.5 In circumstances where a Member of the Panel has a question arising from an agenda report, they should raise their question with the Assessment Manager no later than 24 hours prior to the meeting so that the Assessment Manager can thoroughly consider the question, communicate it to other Members of the Panel and prepare an appropriate response.

9. CONFLICT OF INTEREST

- 9.1 If a Member of the Panel is of the view that they have a conflict of interest in relation to a matter before the Panel, the Member must:
- 9.1.1 as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the Panel; and
- 9.1.2 make a disclosure clearly stating the nature of that interest in writing to the Presiding Member, and then in the Panel meeting when the relevant agenda item is reached, make a verbal disclosure to the assessment Panel and remove themselves from the meeting in accordance with clause 7(b) of the Code of Conduct.
- 9.2 If an interest is declared by a Member at a Panel meeting the nature of the interest must be recorded in the minutes of that meeting.

10. HEARING OF REPRESENTATIONS

- 10.1 Pursuant to Regulation 50(5) of the PDI Regulations, where a person has:
- 10.1.1 made a written representation in accordance with Regulation 50(1) of the PDI Regulations; and
- 10.1.2 indicated an interest in appearing before the Panel,
- the Panel may, if it considers that it would assist the Panel in making its decision on an application, allow a representor an opportunity to appear personally or by a representative before the Panel in support of their representation. [As a general rule, representors will be afforded the opportunity to appear personally or by representative before the Panel.](#)

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- 10.2 For the sake of clarity, appearance before the Panel includes appearance by online platform, electronic or other means where a meeting is not held in person.
- 10.3 Pursuant to Regulation 50(6) of the PDI Regulations, if the Panel determines to hear representors in accordance with clause 10.1, it must:
 - 10.3.1 give notice to the applicant of the place and time where the representor has been invited to appear; and
 - 10.3.2 if the applicant appears, allow the applicant, either personally or by representative, a reasonable opportunity, on request, to respond to any relevant matter
- 10.4 Hearing of representations by the Panel will take place at the commencement of the consideration of the relevant agenda item.
- 10.5 Persons making representations will be allocated five (5) minutes to address the Panel, unless otherwise determined by the Presiding Member, acting reasonably. Additional time may be provided in accordance with clause 13.3.
- 10.6 The applicant is allocated ten (10) minutes to respond to the representations made to the Panel, unless otherwise determined by the Presiding Member, acting reasonably. Additional time may be provided in accordance with clause 13.3.
- 10.7 Representors and applicants will not be allowed a further opportunity to address the Panel after the conclusion of the hearing of representations, unless the members of the Panel wish to question or seek clarification on a matter under consideration of the Panel.
- 10.8 Only representors (or their representative) who have made representation in accordance with Regulation 50 of the PDI Regulations, and with the consent of the Panel, will be entitled to be heard by the Panel.
- 10.9 Representors must be personally present (or represented) at the meeting scheduled to hear their verbal representation. If a representor (or their representative) is not present at the relevant time, the opportunity to be heard in support of their representation is forfeited.
- 10.10 Where no representors appear at the hearing of representations an applicant may only be heard (at the discretion of the Presiding Member) where their written response to representations requires explanation or where the Panel will otherwise benefit from hearing from them.
- 10.11 Members of the Panel may question and seek clarification from representors and the applicant at the conclusion of their address to the Panel.

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10.12 Where a meeting is to be held via online platform, electronic or other means, the hearing of representations and the application will occur in a manner which allows the representors and applicant to interact with the Panel as per clauses 10.1 – 10.11 above.

10.13 Pursuant to regulation 50(6) of the PDI Regulations, a representor must indicate on their written representation whether they wish to appear personally or by representative to be heard on their representation. Elected members of the Council may, in their personal capacity and not in their capacity as elected members, make representations on development applications or act as the representative of a representor and be heard at a meeting of the Panel. Where this occurs, elected members of the Council can be treated no differently to other representors or representatives of representors and the Panel must have regard to sections 93, 98 and 99 of the PDI Act and the capacity of the Panel as an independent relevant authority and that it does not act at the direction of the Council.

10.14 Individual elected members of The Barossa Council do not have a right to be heard by the Panel otherwise than in accordance with clause 10.13 above.

10.15 In determining to hear representors in accordance with clause 10.1, the Panel delegates the power to exercise discretion to the Assessment Manager.

11. MINUTES AND OTHER DOCUMENTS

11.1 The Panel must ensure that accurate minutes are kept of its proceedings.

11.2 The minutes of the proceedings of a meeting will record:

11.2.1 how the meeting was convened and when it commenced;

11.2.2 the names of the members of the Panel present;

11.2.3 the name and time of Members of the Panel entering or leaving the meeting;

11.2.4 the name of a person who has made a verbal representation to the Panel at the meeting;

11.2.5 the name of a person who appears in relation to an application for review of an Assessment Manager decision (including the Assessment Manager or delegate);

11.2.6 the decision of the Panel;

11.2.7 the decision of the panel to exclude public attendance including reasons.

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11.2.8 a disclosure by a member of the Panel of a direct or indirect pecuniary interest in any aspect of a development or anybody associated with any aspect of a development required under the PDI Act.

11.3 Members of the public are entitled to reasonable access to:

11.3.1 the agendas for meetings of the Panel; and

11.3.2 the minutes of meetings of the Panel.

11.4 The Panel may, before it releases a copy of any minutes under clause 11.3, exclude from the minutes information about any matter dealt with on a confidential basis by the Panel.

11.5 Minutes must be available under clause 11.3 within five (5) business days after their adoption by the Members of the Panel.

11.6 Minutes shall not be formal minutes until adopted by the Panel at the next meeting of the Panel. However, this does not preclude the issue of a Decision Notification advising of the determination of the Panel immediately after a meeting at which the Panel made its determination.

11.7 Upon adoption of the minutes, the Presiding Member shall authorise the minutes by signature and date of adoption on the last page of the minutes.

12. SITE INSPECTIONS AND LOCALITY VISITS

12.1 Formal site visits may be arranged on request from a Member of the Panel. A Member of the Panel may request attendance of a Council Officer to provide relevant information. The Panel will not hear deputations at a formal site visit.

12.2 Locality visits by one or more Members of the Panel must be undertaken in accordance with the Code of Conduct.

13. INFORMATION RECEIVED AFTER MEETING AGENDA IS FINALISED

13.1 At the discretion of the Presiding Member (in consultation with Members of the Panel), any new or additional material submitted to the Panel by an applicant or representor, in accordance with clause 13.2 above may be:

13.1.1 accepted and considered; or

13.1.2 not accepted and not considered,

the Presiding Member's determination in this regard is final.

13.2 In determining whether to accept and consider the information pursuant to clause 13.4.1, the Presiding Member should consider the following:

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- a) The content of the information and whether it is relevant to the matter of whether Planning Consent should be granted;
- b) The time available for the information to be properly considered by the applicant, the representors (as relevant) and the Panel;
- c) The reasons why the information was not provided within the application (or representation as relevant);
- d) Prejudice that may be suffered on the other party (applicant or representor/s as relevant) by accepting or not accepting the information.

13.3 Whenever new or additional information or material provided by the applicant is accepted and considered by the Panel, representors may be provided with five additional minutes to their hearing time to address the Panel on the additional information. The applicant will be provided with five (5) additional minutes to respond to the representors' comments.

13.4 Whenever new or additional information or material provided by a representor is accepted and considered by the Panel, the representor who provided the information or material may be provided with five (5) additional minutes to their hearing time to address the Panel on the additional information. The applicant will be provided with five additional minutes to respond to the representor's comments

14. FORM OF DEBATE AND MOTIONS

14.1 In order to ensure informed decision making and to facilitate comprehensive consideration of issues, debate and discussion by the Panel of matters before it shall be, as far as practicable, informal within the bounds of professional meeting procedures and the principles of natural justice and procedural fairness.

14.2 In the interests of informality, during hearings of representations the Presiding Member will be referred to as "Presiding Member", and Members of the Panel will be referred to by their first name (not by title or position). In subsequent discussion of items during in the meeting of the Members (including the Presiding Member) may refer to each other by their first names and address Council staff by their first names.

14.3 At the conclusion of debate and discussion of matters, the Presiding Member will call for a motion enabling the Panel to determine the matter.

14.4 A motion will lapse if it is not seconded at the appropriate time.

14.5 The Presiding Member, in the absence of comment/discussion in relation to the matter requiring determination, will either move a motion or will request a motion to be moved and seconded.

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14.6 Voting in favour or against a motion, as requested by the Presiding Member, shall be by show of hand.

14.7 The Presiding Member will request each Member to vote on a motion and then declare the outcome.

15. DECISION MAKING

15.1 The Panel must have regard to the Planning and Design Code as the basis for its decisions along with any written and verbal representations.

15.2 The Panel will make decisions in accordance with the timeframes set out in section 125 of the PDI Act.

15.3 To ensure that timeframes are met for making decisions the Panel will make a decision to either grant or refuse Planning Consent, and will generally not defer applications for the purpose of requesting further information or amendments, unless the Panel determines that a deferral is the most appropriate resolution given the circumstances under consideration by the Panel as the case may be.

15.4 In making a decision, the Panel:

15.4.1 must state whether the proposal is seriously at variance with the Planning and Design Code, in doing so must refuse to grant Planning Consent and provide reasons for the decision;

15.4.2 if the proposal is not seriously at variance with the Planning and Design Code, the Panel must determine whether Planning Consent is granted or refused.

(a) Where Planning Consent is granted subject to conditions, reasons why the conditions have been imposed must be provided.

(b) Where Planning Consent is refused, the reason for refusal must be provided.

15.5 All agenda reports will contain a recommendation which accords with the assessing officer's assessment of the development application. In circumstances where the assessment of a development application is considered by administration to be finely balanced, an alternative recommendation may be provided. Alternative recommendations may require further detail to be inserted by the Panel. Members of the Panel are expected to thoroughly consider recommendations before they are adopted. If the Panel determines a development application contrary to a recommendation, the Panel must ensure that the decision is thorough and

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contains adequate, clear and understandable reasons. Where a Member of the Panel wishes to move a recommendation which differs from that made by administration, the Member should contact the Assessment Manager for advice on their recommendation at least twenty four (24) hours prior to the meeting.

16. ASSESSMENT PANEL REVIEW OF DECISIONS OF ASSESSMENT MANAGER

16.1 This clause applies to reviews commenced by applicants pursuant to section 203 of the PDI Act ("Application for Review"). For clarity, this process applies to applications assessed and determined by the Assessment Manager as the relevant authority pursuant to section 96 of the PDI Act. No representations are permitted for the original applications or the review process.

16.2 Applications for Review:

16.2.1 may, pursuant to section 201 of the PDI Act, relate to:

- (a) any assessment, request, decision, direction or act of the Assessment Manager that is relevant to any aspect of the determination of the relevant application;
- (b) a decision to grant or refuse a development authorisation; or
- (c) the imposition of conditions in relation to a development authorisation; or
- (d) subject to any exclusion prescribed by the PDI Regulations, any other assessment, request, decision, direction or act of a relevant authority under this Act in

16.2.2 must be submitted using the [Application to Assessment Panel for Assessment Manager's Decision Review](#) ("the Form");

16.2.3 lodged in a manner identified on the Form; and

16.2.4 lodged within one month of the applicant receiving notice of the reviewed matter pursuant to clause 16.2.1 above, unless the Presiding Member in their discretion, grants an extension of time.

16.3 In determining whether to grant an extension of time, the Presiding Member may consider:

16.3.1 the reasons for the delay;

16.3.2 the length of the delay;

16.3.3 whether any rights or interests of other persons would be affected by allowing the review to be commenced out of time;

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- 16.3.4 the interests of justice;
- 16.3.5 whether the applicant has, or is within time to, appeal the prescribed matter to the ERD Court;
- 16.3.6 any other matters the Presiding Member considers relevant; and
- 16.3.7 consultation with the Assessment Manager.
- 16.4 The Assessment Manager must ensure that the following documents are provided on the relevant Agenda for an Application for Review:
 - 16.4.1 a report to the Panel containing all of the details of the relevant development application and the details of the reviewed decision;
 - 16.4.2 all materials which were before the Assessment Manager (or their delegate) at the time of the reviewed decision including (as relevant):
 - (a) application documents, reports, submissions, plans, specifications or other documents submitted by the applicant;
 - (b) internal and/or external referral responses; and
 - (c) any report from administration or an external planning consultant provided to the Assessment Manager (or their delegate);
 - 16.4.3 any assessment checklist used by the Assessment Manager (or their delegate) when making the reviewed decision;
 - 16.4.4 any other information requested by the Presiding Member.
- 16.5 The Assessment Manager must advise the applicant of the time and date of the Panel meeting at which the review application will be heard.
- 16.6 The applicant will be provided with five (5) minutes to address the Panel on their review and why they believe the Panel should reach a different decision to that made by the Assessment Manager or their delegate.
- 16.7 On review, the Panel will consider the reviewed decision afresh on the information provided to it and on the submissions of the applicant.
 - 16.7.1 Information, materials, plans, details, specifications and other documents which were not before the Assessment Manager at the time of the decision on the Prescribed Matter will not be considered by the Panel.
 - 16.7.2 In addition to clause 16.6 above, the Presiding Member may permit Panel members to ask questions or seek clarification from the applicant and/or the Assessment Manager, in his or her discretion.

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- 16.8 The Assessment Manager must be present at the Panel meeting to respond to any questions or requests for clarification from the Panel.
- 16.9 Where the decision was made by a delegate of the Assessment Manager, the delegate may appear in place of the Assessment Manager.
- 16.10 The Presiding Member will invite all Panel Members to speak on any matter relevant to the review.
- 16.11 The Panel may resolve to defer its decision if it considers it requires additional time or information to make its decision.
- 16.12 The Panel may, on a review:
- 16.12.1 affirm the Assessment Manager's decision on the Prescribed Matter;
 - 16.12.2 vary the Assessment Manager's decision on the Prescribed Matter;
or
 - 16.12.3 set aside the Assessment Manager's decision on the Prescribed Matter and substitute its own decision.
- 16.13 The Assessment Manager will advise the applicant, in writing, of the Panel's decision within five (5) business days of the meeting or otherwise prescribed by the PDI Regulations.

17. PLANNING APPEALS

- 17.1 Should an appeal be lodged in relation to a decision of the Panel, the Panel will determine whether any "compromise proposal" is appropriate or the matter proceed to a hearing in the Environment, Resources and Development Court.
- 17.2 Should the Panel not make a decision in respect of an application within the time prescribed in the PDI Act and the Panel receives a deemed consent notice from the applicant in accordance with section 125(2) of the PDI Act, the Panel to decide whether to apply to the Court to have deemed consent notice quashed.
- 17.3 The Assessment Manager/Director, Development and [Community Environmental Services/CEO](#) is authorised to make decisions as to the conduct of appeals (including Judicial Review) subject to consulting with the Presiding Member.
- 17.4 Any compromise arising from an appeal shall be presented to the Panel for a decision.
- 17.5 In the event of an urgent matter, that the Panel may determine by electronic meeting in accordance with its General Operating Procedures.

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18. QUARTERLY REPORTING

18.1 The Assessment Manager will prepare:

18.1.1 A quarterly report of the development applications determined under delegated authority of the Barossa Assessment Panel for the previous period;

18.1.2 A report at the next meeting of the Panel for any development application delegated by the Panel where a deemed consent notice has been received.

19. VALIDITY OF PROCEEDINGS

19.1 A proceeding of the Panel (and any decision made by the Panel) is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

20. COMPLAINTS

20.1 A person may make a complaint to the State Planning Commission ("the Commission") if the person believes that a Member of the Panel has acted in contravention of the Code of Conduct.

20.2 A complaint must:

20.2.1 be in writing; and

20.2.2 contain particulars of the allegation on which the complaint is based; and

20.2.3 be verified by statutory declaration.

20.3 Except with the approval of the Commission, a complaint must not be lodged with the Commission more than six (6) months after the day on which the complainant first had notice of the matters alleged in the complaint.

21. MISCELLANEOUS MATTERS

21.1 An applicant may not defer matters from the meeting agenda after the agenda has been sent to Members of the Panel, unless agreed at the meeting or by the Presiding Member prior to the meeting. The applicant must make this request in writing to the Assessment Manager, including reason(s) for their request to defer.

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- 21.2 Should a Member of the Panel receive by direct post, fax, e-mail or other means, information in relation to a development application being assessed by Council development assessment officers which may be referred for decision by the Panel at a future time, then the Member of the Panel should immediately forward the information received to the Assessment Manager. The Member of the Panel should not acknowledge receipt of the information nor enter into discussion with the sender in relation to any matters contained within the information received. If a Member of the Panel receives such information, he or she must disclose this fact at the relevant Panel meeting, and confirm that the information will not be taken into account for the purposes of making a decision on the relevant application.
- 21.3 Should a request be made for public comment on the operations or decisions made by the Panel then the matter should be referred to the Presiding Member. Comment may be made at the discretion of the Presiding Member.
- 21.4 A Member of the Panel at a meeting may request independent expert advice on any relevant matter before the Panel. Such requests are to be referred to the Assessment Manager for approving of and authorising the engagement of any independent experts. If the Assessment Manager decides not to engage such advice the Panel must be advised of the decision and the reason as soon as reasonably possible.
- 21.5 The role of the Panel is not one of mediator or arbitrator for parties expressing divergent views but as is a decision maker charged with the responsibility of assessing each development application against the Planning and Design Code. It is a role that is inquisitorial rather than adversarial. The Panel does not therefore have a role as a mediator or arbitrator at its meetings or otherwise between an applicant and representors.

22. OTHER MATTERS

- 22.1 Except insofar as a procedure is not prescribed by the PDI Act or PDI Regulations under the PDI Act, the procedures of the Panel in relation to the conduct of its business will be as determined by the Panel.
- 22.2 The Panel will review these Operating and Meeting Procedures on an annual basis.

Signed Dated:
Presiding Member

9.2 Appointment of Deputy Presiding Member

INTRODUCTION

Subject to the adoption of the amended Barossa Assessment Panel Operating and Meeting Procedures as outlined within Item 9.1 of this agenda, the Panel is asked to appoint a standing Deputy Presiding Member for the duration of the current term of the Panel, expiring 31 December 2026.

DISCUSSION

Clause 2.12 of the amended Barossa Assessment Panel Operating and Meeting Procedures states:

2.12 The Panel shall appoint a Deputy Presiding Member as a standing appointment to act as the Presiding Member in the event the Presiding Member is not present. The Deputy Presiding Member shall receive all of the necessary powers given to the Presiding Member under these Operating and Meeting Procedures for the duration of the meeting and in relation to any powers necessary to be exercised prior to or immediately following the meeting.

This report invites the Panel to appoint a standing Deputy Presiding Member for the duration of the current term of the Panel, expiring 31 December 2026.

CONCLUSION

The Panel is asked to appoint a standing Deputy Presiding Member for the duration of the current term of the Panel, expiring 31 December 2026.

RECOMMENDATION

That the Panel appoint.....as the standing Presiding Member for the Barossa Assessment Panel for the duration of the current term of the Panel, expiring 31 December 2026, pursuant to Clause 2.12 of the Barossa Assessment Panel Operating and Meeting Procedures.

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Tuesday 4 November 2025 commencing at 5.00 pm

12. CLOSURE OF MEETING

The Presiding Member will declare the meeting closed.