

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 April 2026, 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.

Plans contained in this agenda are subject to Copyright Laws.

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 3 March 2026 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 26002152 - 50 Jollytown Road Lyndoch

APPLICANT:	Lynley Down
REPRESENTORS:	Monica Wohlstadt

APPLICATION DETAILS

PROPOSAL	Change of use from existing ancillary accommodation to shared use comprising ancillary and tourist accommodation
APPLICANT	Lynley Down
OWNER	Lynley Down
APPLICATION NO	26002152
CERTIFICATE(S) OF TITLE	CT 5949/902
AREA	1163 square metres
CURRENT USE	Residential
PLANNING AND DEVELOPMENT CODE VERSION	Version 2026.3 – 12 February 2026
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Township Neighbourhood Zone
OVERLAYS	Character Preservation District (Township) Hazards (Bushfire - Urban Interface) Hazards (Flooding - Evidence Required) Native Vegetation Prescribed Water Resources Area Water Protection Area
APPLICATION TYPE	Performance Assessed
PUBLIC NOTIFICATION	Notified – Sign on land
REFERRALS	Nil
PREVIOUS APPLICATIONS	960/941/2004 – Land Division 960/500/2010 – Dwelling Additions 24002655 – Construction of Ancillary Accommodation (measuring 10m x 6m x 3.07m) with ancillary decking under main roof
ASSESSING OFFICER	Alexander Phillis
RECOMMENDATION	That Planning Consent be GRANTED subject to Conditions

INTRODUCTION

The applicant is seeking development approval for a change of use from an existing ancillary accommodation building to a shared use comprising both ancillary

accommodation and tourist accommodation with the capacity to accommodate up to two guests. No other elements are proposed within the application.

The subject site is located within the Township Neighbourhood Zone where Tourist Accommodation does not have an applicable Accepted, Deemed to Satisfy or Restricted Pathway. The application was therefore classified as a Performance Assessed – Code assessed application that was publicly notified in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016*.

One representation was received during the public notification period. The representor objects to the development and has requested to be heard in support of their submission to the Assessment Panel.

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

- (1) *Representations have been received as a result of public notification and at least one of the representors have indicated a desire to be heard in support of their representation.*

This report provides a detailed assessment of the proposal against the relevant provisions of the Planning and Design Code.

The proposed development seeks to amend the use of the existing ancillary accommodation building to include that of short-term accommodation to travellers on a commercial basis in accordance with the definition of 'Tourist Accommodation' within Part 7 of the Planning and Design Code. This land use is not specifically listed as an envisaged form of development within the Township Neighbourhood Zone.

Although the proposal is not directly identified as an envisaged use within the Zone, complementary non-residential uses are anticipated within the Zone. It is considered the proposed use does not unreasonably impact on the residential character or amenity of the surrounding area and is a compatible non-residential land use that can complement the surrounding residential properties, having regard to the low scale of the proposed use and limited potential interface impacts expected to occur.

The proposal is considered to warrant the granting of Planning Consent, subject to conditions.

SITE AND LOCALITY

The subject site is 50 Jollytown Road, Lyndoch. The existing ancillary accommodation building is located at the rear northern end of the allotment with vehicle access and associated car parking located at the southern end of the allotment.

The site contains an existing single storey detached main dwelling with an associated carport, as well as the existing ancillary accommodation building to the rear. The property is reasonably regular in shape consisting of 1,163 square metres. The main frontage is to Jollytown Road (20 metres) while the site also has rear frontage to Rushall Road, separated by a portion of council reserve parallel to Zerk Drive.

The site is located adjoining the zone boundary to the Rural Living Zone to the south-west. The surrounding land uses are primarily residential.

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

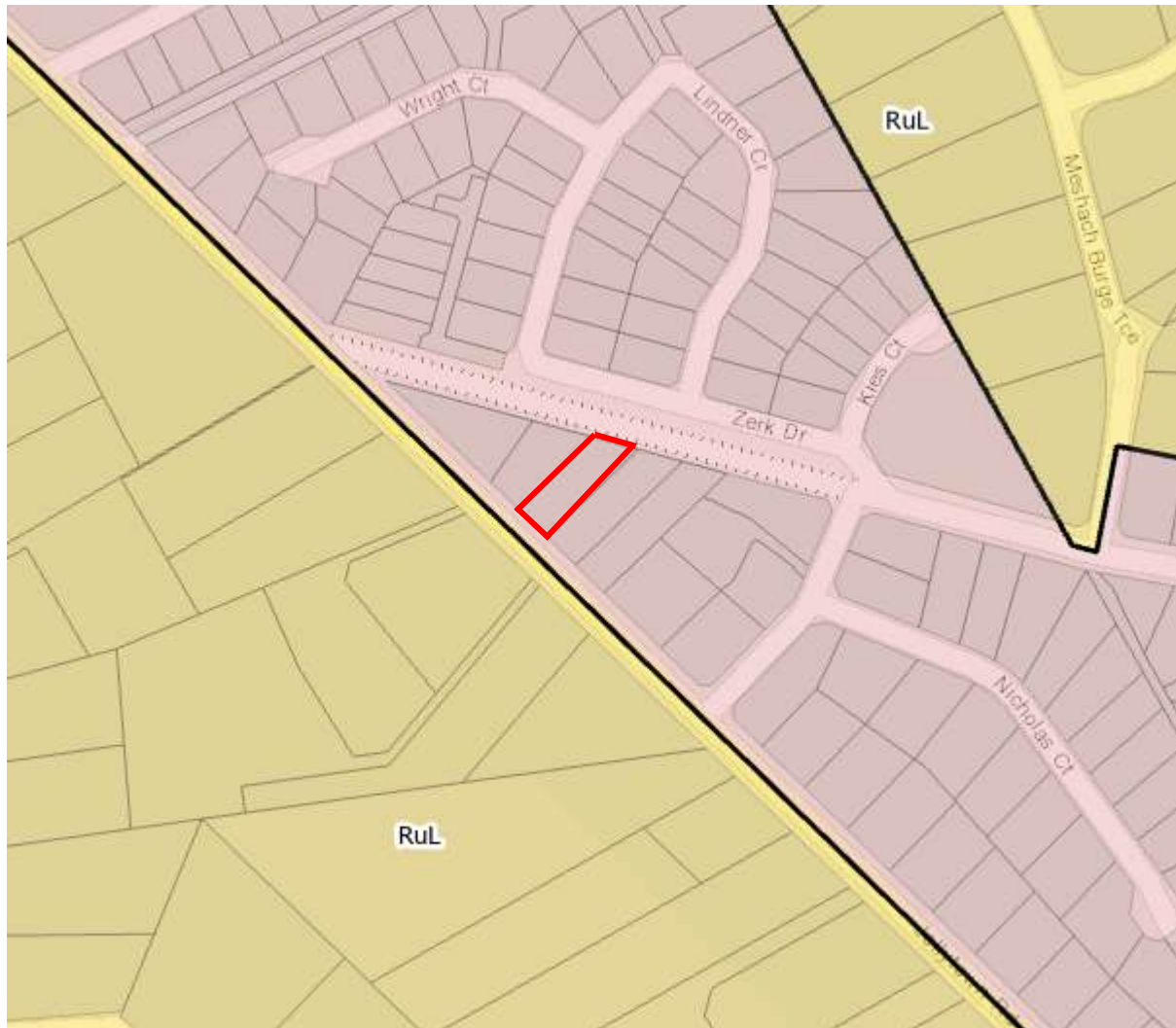


Figure 1: Zone Map

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 14**.



Figure 2: Aerial – Locality



Figure 3: Aerial – Site



Figure 4: Site Photo – Road frontage looking at front of existing main dwelling



Figure 5: Site Photo – Front of site looking south-east along Jollytown Road



Figure 6: Site Photo – Front of site looking north-west along Jollytown Road



Figure 7: Site Photo – Frontage looking along existing driveway from Jollytown Road



Figure 8: Site Photo – Proposed designated car parking space for the tourist accommodation use



Figure 9: Site Photo – Shared tourist accommodation and ancillary accommodation facing north-east



Figure 10: Site Photo – Shared tourist accommodation and ancillary accommodation facing north-west



Figure 11: Site Photo – Shared tourist accommodation and ancillary accommodation facing north-west



Figure 12: Site Photo – taken from decking area of shared tourist accommodation and ancillary accommodation facing south



Figure 13: Site Photo – taken from decking area of shared tourist accommodation and ancillary accommodation facing north-east



Figure 14: Site Photo – Bedroom window of the shared tourist accommodation and ancillary accommodation facing north-east

PROPOSAL

The proposal involves the change of use from an existing ancillary accommodation building to a shared use comprising both ancillary accommodation and tourist accommodation. There is no signage or building work proposed within this application, other than any necessary internal works to meet the National Construction Code for Building Consent.

The proposed development will result in the existing ancillary accommodation building having an additional land use of short term accommodation. The applicant seeks flexibility to rent the building for short-term tourism accommodation (ie air bnb) at times (ie during Gather Round) while having capacity to utilise for ancillary accommodation at other times (to accommodate her mother).

While some minor works are required to facilitate vehicle access, the existing double width driveway to Jollytown Road will remain largely unchanged for access to the on-site vehicle parking space. The ancillary building includes one bedroom, a living/dining/kitchen area and a bathroom and is sought to accommodate a maximum of two guests at any one time.

Access to the property is via a lawful existing access point from Jollytown Road to a double width driveway internal to the subject site. The site includes one uncovered parking space to be utilised for proposed tourist accommodation while allowing for continued use of at least two existing car parking spaces for the dwelling underneath the existing carport.

Screening treatment to the upper portion of the north-west window is proposed to a height of 1.55 metres above the finished floor level.

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

APPLICATION TYPE

The site is located within the Township Neighbourhood Zone under the Planning and Design Code.

The proposed development does not have an applicable Accepted, Deemed to Satisfy or Restricted Pathway, pursuant to Table 1, 2 and 4 of the Township Neighbourhood Zone. The application is also not listed within Table 3 of the Township Neighbourhood Zone, such that the proposed development does not have a specified list of 'Applicable Policies'. Instead, the application is determined to be 'All Other Code Assessed Development' in accordance with Part 1 – Rules of Interpretation of the Planning and Design Code (Version 2026.3).

PUBLIC NOTIFICATION

The application was subject to public notification in accordance with Table 5 – Procedural Matters – Notification of the Township Neighbourhood Zone. Tourist Accommodation is not excluded from public notification due to not being listed within 'Class of Development (Column A)' within Table 5.

The table below provides details of the public notification process.

Representations: One representation was received during the public notification period as follows:

- Monica Wohlstadt

No late representations were received.

Person wishing to be heard: The representor wishes to be heard.

- Monica Wohlstadt

Applicant Lynley Down the Applicant wishes to appear to respond to the representation.

Time period for Public Consultation 2 March 2026 to 23 March 2026

The table below summarises the contents of the representations and the applicant's responses.

Summary of Representations

Representor/s

Applicant's Response

- | | |
|---|--|
| <ul style="list-style-type: none"> - Further screening is required to give privacy to the adjacent property to the west (52 Jollytown Road) from the | <ul style="list-style-type: none"> - Window treatment is proposed to the top portion of the north-west master bedroom window to address privacy concerns. |
|---|--|

proposed tourist accommodation, particularly the side window.

- *Concerns with the existing ancillary accommodation building meeting relevant building regulations.*
- *The guest parking area cannot be utilised.*
- *The applicant continues to advertise the ancillary accommodation on 'Airbnb'.*
- *The ancillary building has been constructed in accordance with relevant requirements.*
- *The guest parking cannot be utilised by all renters due to low clearance to the driveway. This matter is currently being addressed with council.*
- *The Airbnb listing is not 'active' as all dates are blocked out.*

A copy of the representation is contained in **Attachment 2** and the applicant's response to the representation is contained in **Attachment 3**.

REFERRALS

External

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

Internal

The following internal advice has been received from staff:

Engineering Services	<i>Driveway levels within the subject site are able to be modified by the landowner to achieve suitable access while maintaining existing stormwater management conditions.</i>
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ASSESSMENT

Please refer to the following link, the Planning and Design Code extract for this proposal, Version 2026.3 – 12 February 2026:

<i>Planning and Design Code Extract Link</i>	<i>Relevant Code <u>Extract</u></i>
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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.

The proposed change of use is considered to be of a size, scale and intensity that is reasonable in the context of the subject site in a Township Neighbourhood Zone. While tourist accommodation is not a use that is listed within DTS/DPF 1.1 of the Township Neighbourhood Zone, the small-scale nature of the proposed tourist accommodation, the characteristics of the locality (being primarily residential) and that no changes are proposed to the exterior of the ancillary building mean the proposed development is not in material conflict with the provisions of the Township Neighbourhood Zone.

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.

The proposed development will not diminish the visual amenity of the township landscape in that there are no physical building alterations proposed, such that the development will maintain the existing heritage attributes of the district and the building form of the township.

Further discussion is contained under the Assessment section below in relation to the Character Preservation District Overlay.

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

Township Neighbourhood Zone	
Desired Outcomes	
DO1	Accommodation of a range of housing types that respond to housing preferences in a manner that contributes to and enhances township streetscapes and original settlement patterns.
Relevant Performance Outcomes/Designated Performance Features	
Land use and Intensity	
PO 1.1 <i>Predominantly residential development with complementary non-residential uses compatible with the township streetscapes and established settlement patterns.</i>	DTS/DPF 1.1 <i>Development comprises one or more of the following:</i> (a) Ancillary accommodation (b) Co-living (c) Consulting room (d) Dwelling (e) Office (f) Recreation area (g) Shop
PO 1.2 <i>Commercial activities improve community access to services are of a scale and type to maintain residential amenity.</i>	DTS/DPF 1.2 <i>A shop, consulting room or office (or any combination thereof) satisfies any one of the following:</i> (a) <i>it is located on the same allotment and in conjunction with a dwelling where all the following are satisfied:</i> (i) <i>does not exceed 50 sqm gross leasable floor area.</i> (ii) <i>does not involve the display of goods in a window or about the dwelling or its curtilage.</i>

	(b) it reinstates a former shop, consulting room or office in an existing building (or portion of a building) and satisfies one of the following: (i) the building is a State or Local Heritage Place. (ii) is in conjunction with a dwelling and there is no increase in the gross leasable floor area previously used for non-residential purposes.
PO 1.3 Non-residential development is located and designed to improve community accessibility to services, primarily in the form of: (a) small-scale commercial uses such as offices, shops and consulting rooms. (b) community services such as educational facilities, community centres, places of worship, child care facilities and other health and welfare services. (c) services and facilities ancillary to the function or operation of supported accommodation or retirement facilities (d) open space and recreation facilities.	DTS/DPF 1.3 None are applicable.
PO 1.4 Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.	DTS/DPF 1.4 None are applicable.

The proposed use is not directly identified within DTS/DPF 1.1 as an envisaged form of development within the Township Neighbourhood Zone.

To determine the suitability of the proposed use, it is necessary to give consideration to the intent of Performance Outcome (PO) 1.1 and DTS/DPF 1.1. PO 1.1 seeks predominantly residential development with complementary non-residential activities that support an active, convenient and walkable neighbourhood.

The proposed development seeks to encourage complementary commercial use through the addition of short-term commercial accommodation to the existing long-term residential ancillary accommodation. This change is considered to reasonably fit within PO 1.1. The non-residential uses envisaged within the associated DTS/DPF 1.1 (i.e. consulting room, office, shop etc) are uses that may have a greater level of impact upon the existing residential use than the proposed Tourist Accommodation, which seeks to utilise the existing ancillary accommodation building. In this way, it is considered that the proposal will not compromise the character and amenity of the neighbourhood, thereby aligning with Desired Outcome (DO) 1.

It is difficult to draw connection to PO 1.2 in that the proposed commercial use does not directly improve community access to services, although this PO does highlight amenity impacts. The proposal is of a scale that is likely to maintain residential amenity due to it being an accommodation use with limited potential parking impacts on the surrounding road network with one on-site parking space being provided for the

tourist accommodation use in addition to at least two existing car parking spaces underneath the existing carport.

The application does not directly achieve PO 1.3 as the proposed use is not directly related to community services. However, as discussed above, the intended use is considered to be reasonably consistent with the intended form of development within the zone when considering the desired residential amenity and character of the neighbourhood and that the use has a similar or lesser impact to such uses.

The intent of PO 1.4 seeks to protect the residential character and amenity of the neighbourhood from non-residential land uses. The proposal does not propose visual alterations of the existing ancillary accommodation building, other than in the form of privacy screening, thereby maintaining the building's existing contribution to the residential character. The amenity of the neighbourhood can be maintained through the low scale of the proposed use, the provision of the on-site car parking and through general management of the use by the landlord or their agent. General law enforcement routes by SAPOL (should the guests create amenity impacts such as noise etc) remain applicable in the same way as other residential properties.

Character Preservation District Overlay

<i>Character Preservation District Overlay (Township)</i>	
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	
PO 2.1 <i>Development occurring at the edge of townships is sympathetic to the rural landscape and reinforces a clear transition between townships and rural landscape through measures including:</i> <i>(a) being of a low scale.</i> <i>(b) orientating residential development towards the rural area.</i> <i>(c) ensuring visual separation from the rural area through landscaping and road reserves.</i>	DTS/DPF 2.1 <i>None are applicable.</i>
PO 2.2 <i>Development contributes to and maintains the historic identity and character of townships through appropriate:</i> <i>(a) form</i> <i>(b) scale</i> <i>(c) siting</i> <i>(d) design</i> <i>(e) landscaping.</i>	DTS/DPF 2.2 <i>None are applicable.</i>
PO 2.3 <i>Adaptive re-use of rural structures and historic and/or character buildings supports their preservation and ongoing contribution to the landscape.</i>	DTS/DPF 2.3 <i>None are applicable.</i>

The subject site is located within the Lyndoch township boundary having a separation distance of approximately 310 metres (west) from the nearest rural area identified within the *Character Preservation (Barossa Valley) Act 2012*. The subject property is separated by other residential properties and is not considered to be located at or on the edge of the township. Therefore, PO 2.1 is not considered to be impacted.

As mentioned earlier, the proposal does not seek to alter any of the existing built form or undertake any alterations to the site. The existing ancillary building, fences and landscaping areas are all not proposed to be altered within this application. The proposal is therefore considered to be in alignment with PO 2.2.

The existing ancillary building is not of significant historic or character value when considered on its own, however the established main dwelling does make a positive contribution to the streetscape and township character. This application will retain all existing buildings, such that the existing contribution to the streetscape is unchanged.

In summary, the proposal is considered to satisfy key provisions within the Character Preservation District Overlay.

Interface between Land Uses

Interface between Land Uses	
Desired Outcomes	
DO1	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 1.2 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 2.1 None are applicable.

The proposed land use is not expected to adversely impact on adjoining sensitive receivers (dwellings) having regard to the nature of additional use proposed in the form of short-term accommodation.

The representor raised concerns with privacy, particularly from the bedroom window of the existing ancillary accommodation window facing north-west toward 52 Jollytown Road, Lyndoch. In response, the applicant has proposed translucent screening to this window for an extent of 450 mm from the top of the window (1.55 metres above finished floor level). Privacy to the other adjacent allotment (48 Jollytown Road, Lyndoch) is considered to be managed by existing screening fixed to the boundary fence which was a condition of approval for the ancillary building (Development Application ID 24002655).

The use itself is not expected to give rise to nuisance impacts. Issues associated with behaviour of the guests are not considered to be materially relevant to the applicable policy and are ongoing management issues that would need to be resolved by the landlord or their agent. These matters are also able to be addressed by SAPOL in the same way as other residential properties. Possible nuisance impacts are not expected

to be any different to the ordinary occupation of an existing dwelling within a Township Neighbourhood Zone. DO1 is considered to be achieved.

Infrastructure and Renewable Energy Facilities

Infrastructure and Renewable Energy Facilities	
Desired Outcomes	
DO1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.
Relevant Performance Outcomes/Designated Performance Features	
General	
PO1.1 Development is located and designed to minimise hazard or nuisance to adjacent development and land uses.	DTS/DPF 1.1 None are applicable.
Water Supply	
PO 11.1 Development is connected to an appropriate water supply to meet the ongoing requirements of the intended use.	DTS/DPF 11.1 Development is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the on-going requirements of the development.
Wastewater Services	
PO 12.1 Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following: (a) it is wholly located and contained within the allotment of the development it will service. (b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources. (c) septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm.	DTS/DPF 12.1 Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following: (a) the system is wholly located and contained within the allotment of development it will service; and (b) the system will comply with the requirements of the South Australian Public Health Act 2011.

The proposed development will involve reuse of an existing ancillary accommodation building that achieves setbacks typical of a residential outbuilding. It is not expected that existing facilities servicing the building such as air conditioning will create hazard or nuisance for neighbouring properties, noting that accommodation will continue for both short term accommodation and the current long term occupation.

The existing water supply and waste control system will be maintained and are considered to be suitable to service the land use for the number of occupants expected. Given the number of occupants for the proposed tourist accommodation will not exceed two, the proposal will not exceed the capacity of the existing septic tank on the site nor increase loads into the Lyndoch CWMS.

Overall, the development is considered to satisfy the above mentioned DO1 and PO's.

Transport, Access and Parking

Transport, Access and Parking	
Desired Outcomes	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Relevant Performance Outcomes/Designated Performance Features	
Vehicle Access	
PO 3.1 <i>Safe and convenient access minimises impact or interruption on the operation of public roads.</i>	DTS/DPF 3.1 <i>The access is:</i> (a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land. Or (b) not located within 6m of an intersection of two or more roads or a pedestrian activated crossing.
PO 3.5 <i>Access points are located so as not to interfere with street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.</i>	DTS/DPF 3.5 <i>Vehicle access to designated car parking spaces satisfy (a) or (b):</i> (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land. (b) where newly proposed, is set back: i. 0.5 metres or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner. ii. Two metres or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance. iii. Six metres or more from the tangent point of an intersection of two or more roads. iv. outside of the marked lines or infrastructure dedicating a pedestrian crossing.

Access for People with Disabilities	
PO 4.1 <i>Development is sited and designed to provide safe, dignified and convenient access for people with a disability.</i>	DTS/DPF 4.1 <i>None are applicable.</i>
Vehicle Parking Rates	
PO 5.1 <i>Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:</i> <i>(a) availability of on-street car parking.</i> <i>(b) shared use of other parking areas.</i> <i>(c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared.</i> <i>(d) the adaptive reuse of a State or Local Heritage Place.</i> <i>(e) Proximity to high frequency public transport</i>	DTS/DPF 5.1 <i>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</i> <i>(a) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the site is in a Designated Area.</i> <i>(b) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements where (a) does not apply.</i> <i>(c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.</i>
Vehicle Parking Areas	
PO 6.2 <i>Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.</i>	DTS/DPF 6.2 <i>None are applicable.</i>

Table 1 - General Off-Street Car Parking Requirements	
Vehicle Parking Rates	
<i>Tourist accommodation other than a caravan and tourist park</i>	<i>One car parking space per accommodation unit/guest room.</i>

The proposed development will be accessed via an existing lawful access point to Jollytown Road, thereby satisfying both PO 3.1 and 3.5.

The property consists of flat areas such that there is capacity to accommodate for disability access. Confirmation of any requirement to this regard are considered within the assessment of the Building Consent, which shall follow if Planning Consent is granted.

The proposal seeks to utilise the existing ancillary accommodation building having one bedroom. In accordance with Table 1, the proposed development should be served by one vehicle space. The parking rates do not require these spaces to be covered. In addition to retention of at least two car parking spaces serving the dwelling underneath the existing carport, the proposed additional car parking space is accessible and functional. The driveway width is 5.5 metres in the location of this car parking space, such that it allows for a vehicle to safely pass a vehicle parked in this car parking space up to the existing carport.

The representor raised concerns with the suitability of the existing access to Jollytown Road. The driveway crossover exhibits a raised hump in order to prevent stormwater from entering the site. The existing hump may restrict access for vehicles with low clearance. While the applicant advises they are in the process of working through the issue with Council's Civil Infrastructure Department, comment was sought from Council's Engineering Services Department. Council's Engineering Services Department advise that the driveway levels within the subject site are able to be modified (raised) by the landowner to achieve suitable access by flattening out the transition, while still maintaining existing stormwater management conditions. It is recommended that a Condition of Consent be applied in relation to this matter, should the development be approved.

In summary, it is considered that PO 5.1 is achieved.

Native Vegetation

Native Vegetation Overlay	
Desired Outcomes	
DO1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.
Relevant Performance Outcomes/Designated Performance Features	
Environmental Protection	
PO1.1 Development avoids, or where it cannot be practically avoided, minimises the clearance of native vegetation taking into account the siting of buildings, access points, bushfire protection measures and building maintenance.	DTS/DPF 1.1 An application is accompanied by: (a) a declaration stating that the proposal will not, or would not, involve clearance of native vegetation under the Native Vegetation Act 1991, including any clearance that may occur: i. in connection with a relevant access point and / or driveway. ii. within 10 metres of a building (other than a residential building or tourist accommodation). iii. within 20 metres of a dwelling or addition to an existing dwelling for fire prevention and control. iv. 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 Or (b) a report prepared in accordance with Regulation 18(2)(a) of the Native Vegetation Regulations 2017 that establishes that the clearance is categorised as 'Level 1 clearance'.

No native vegetation clearance is required as part of this application. Therefore, PO 1.1 is achieved.

Clearance from Overhead Powerlines

General Development Policies	
Clearance from Overhead Powerlines	
Desired Outcomes	
DO1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Relevant Performance Outcomes/Designated Performance Features	
PO 1.1 Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.	DTS/DPF 1.1 One of the following is satisfied: (a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. (b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.

The applicant has provided an electricity declaration such that PO 1.1 is achieved.

Other Overlays

The following Overlays have been considered in the assessment of the proposed development but are not applicable given that:

Hazards (Bushfire - Urban Interface) (Urban Interface)

The proposal does not seek land division or the creation of a road.

Hazards (Flooding - Evidence Required)

The proposal does not propose any alterations to the existing floor level or drainage system.

Prescribed Water Resources Area

The proposed use is serviced by mains water and will not be impact on surface water, watercourses or wells.

Water Protection Area

The proposal does not involve activities with the potential to harm or impact on water supply.

CONCLUSION

The proposal involves the "Change of use from existing ancillary accommodation to shared use comprising ancillary and tourist accommodation" at 50 Jollytown Road, Lyndoch.

The application was subject to Performance Assessment and public notification. The application was notified in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016* and was subject to receipt of one representation in objection, electing to be heard.

This report has provided a detailed assessment of the proposal against the relevant provisions of the Planning and Design Code.

The proposal is considered to be reasonably consistent with the DO and POs of the Township Neighbourhood Zone whilst also satisfying other relevant policies identified within applicable Overlays and the general section of the *Planning and Design Code* as they apply to the subject site and the development.

While the proposed land use is not directly identified as an envisaged use, it is considered that the proposed use does not unreasonably impact on the residential character or amenity of the surrounding area, through utilising the existing ancillary accommodation on the site for the use. The land use is also considered to be a compatible non-residential land use that is complementary to the surrounding residential properties.

With the consideration to the assessment within this report, this application warrants Planning Consent being granted, subject to Conditions of Consent.

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. 26002152 by Lynley Down to undertake "Change of use from existing ancillary accommodation to shared use comprising ancillary and tourist accommodation" at 50 Jollytown Rd Lyndoch (CT 5949/902) subject to the following reserved matters, conditions and advisory notes:

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 26002152 except where varied by any condition(s) listed below.

- (2) Prior to commencement of use, the building authorised herein shall be connected and remain connected to an approved wastewater system.
- (3) No more than two (2) guests shall be accommodated within the Tourist Accommodation facility at any one time.
- (4) Prior to commencement of the use, the driveway crossover, vehicle access and onsite carparking is required to be designed and constructed in accordance with AS 2890.1. The crossover shall retain a raised profile (ie. hump) in order to avoid ingress of stormwater into the site.
- (5) Prior to commencement of the use, installation of screening in the areas shown on the approved plans shall be installed with a maximum 25% transparency to a height of at least 1.55 metres above finished floor level. The screening shall remain in place in good condition at all times thereafter.

Advisory Notes

- (1) The applicant is reminded of the requirements of the Short Term Holiday Rental Accommodation Bill 2021 through the operation of the tourist accommodation use.
- (2) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- (3) This consent or approval will lapse at the expiration of two years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- (4) Where an approved development has been substantially commenced within two years from the operative date of approval, the approval will then lapse three years from the operative date of the approval (unless the development has been substantially or fully completed within those three years, in which case the approval will not lapse).
- (5) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by the relevant authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.
- (6) Any portion of Council's infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be repaired/reinstated to Council's satisfaction at the developer's expense.
- (7) Appeal rights - General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

- (8) The applicant is reminded of its general environmental duty, as required by Section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- (9) The applicant is advised that this consent does not permit anyone to clear, remove limbs or trim native vegetation. Any proposal to clear, remove limbs, or trim native vegetation will require approval or confirmation of exemption from the Native Vegetation Council. An interactive guide is available to help owners and others determine the requirements that apply under the Native Vegetation Act 1991, <https://www.environment.sa.gov.au/topics/native-vegetation/interactive-guide>. Any specific queries regarding the clearance, removal, or trimming of native vegetation should be directed to the South Australian Native Vegetation Council.

The applicant is advised that any proposal to clear, remove limbs or trim native vegetation should be undertaken after first notifying the Native Vegetation Council of intended works.

- (10) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Noise) Policy 2007, and such that any resulting noise is not considered a nuisance, to the satisfaction of Council, including any existing infrastructure.
- (11) You are advised that construction or alteration of any footpath, kerb, gutter or crossover on Council land will require a permit, under the Local Government Act 1999 from Council's Works and Engineering Services. It is illegal to undertake work on Council land without permission.

If the existing entranceway (driveway cross-over) is to be removed it must be re-instated with kerb and gutter, including appropriate restoration of the footpath and verge, to Council's standard specification. Please contact Council's Works and Engineering Services to confirm the required standards. Driveway cross-overs which affect a pedestrian footpath should maintain the level of the footpath or be consistent with the proposed footpath levels in instances where the footpath has not been constructed. When final Development Approval is applied for this should be shown on the plans. Please note that construction is to be in accordance with the Disability Discrimination Act and relevant Australian Standards.

Further enquiries should be directed to the Works and Engineering team on 8563 8444.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Application and Associated Documentation [↓](#) 
- Attachment 2 Representations Received [↓](#) 
- Attachment 3 Applicants Response to Representations [↓](#) 

Development Locations

Location 1

Location reference

50 JOLLYTOWN RD LYNDOK SA 5351

Title Ref

CT 5949/902

Plan Parcel

D68587 AL3

Additional Location Information**Council**

THE BAROSSA COUNCIL

Zone Overlays

Zones

- Township Neighbourhood

Sub-zones

(None)

Overlays

- Character Preservation District
- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding - Evidence Required)
- Native Vegetation
- Prescribed Water Resources Area
- Water Protection Area

Variations

- Minimum Frontage (Minimum frontage is 12m)
- Minimum Site Area (Minimum site area is 500 sqm)
- Minimum Side Boundary Setback (Minimum side boundary setback is 1m)

Application Contacts

Applicant(s)

Stakeholder info

Ms Lynley Down

[REDACTED]

Contact

Stakeholder info

Ms Lynley Down

[REDACTED]

[REDACTED]

Invoice Contact

Stakeholder infoMs Lynley Down
**Land owners****Stakeholder info**Ms Lynley Down
PO Box 276 Lyndoch SA 5351
Tel. 0411 041 197
lynley_down@hotmail.com**Submitted For**

epn.thommari@sa.gov.au submitted this application for Lynley Down (lynley_down@hotmail.com)

Nature Of Development**Nature of development**

Change of use for granny flat from ancillary accommodation to shared use comprising ancillary and tourist accommodation

Development Details**Current Use**

Ancillary Accommodation

Proposed Use

Shared Ancillary and Tourist Accommodation

Development Cost

\$1.00

Proposed Development Details

Change of use for granny flat from ancillary accommodation to shared use comprising ancillary and tourist accommodation

Element Details

You have selected the following elements

Change of use - \$0.00

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

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?

Yes

Who should assess your building consent?

Graham Brown

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?

Applicant

Who is the builder or contractor engaged for the proposed development?

Owner Builder

Declarations

Certificate Of Title

I acknowledge and understand that the relevant Certificate of Title for the site of my proposed development may contain a registered interest (including an easement, right of way, land management agreement or other encumbrance) that may restrict development or use of the land or portions of land.

Building Safely Near Powerlines

I declare that developing in accordance with the plans submitted will comply with the minimum safety clearance distances.

Native Vegetation Declaration

The proposed development will not involve the clearance of Native Vegetation under the Native Vegetation Act 1991.

Submission Declaration

In accordance with section 119(13) of the Planning, Development and Infrastructure Act 2016, I confirm that the owner of land has consented to the making of this application and that 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
DA 50 Jollytown Road Lyndoch.pdf	All application documentation	27 Jan 2026 11:26 AM

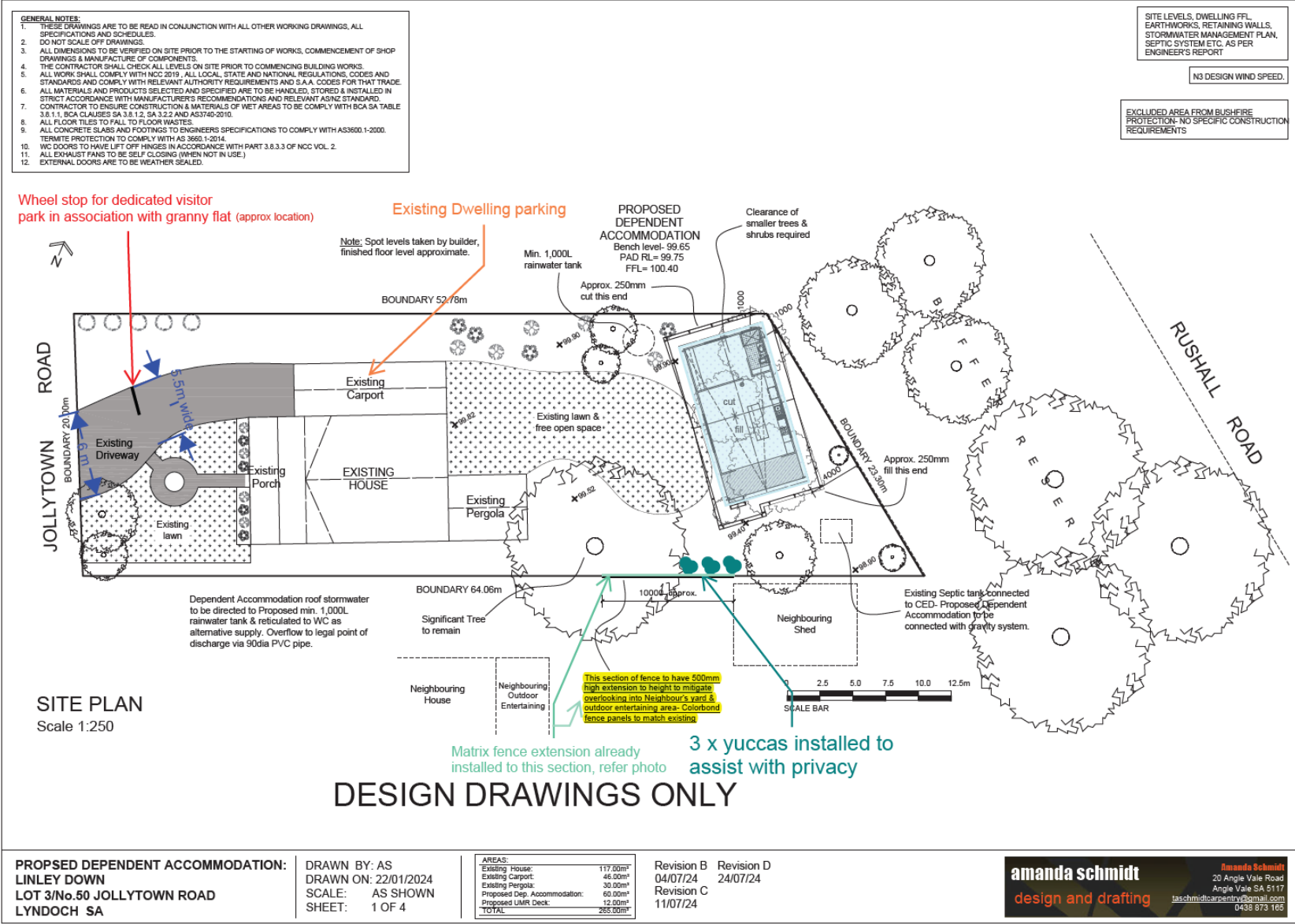
Application Created User and Date/Time

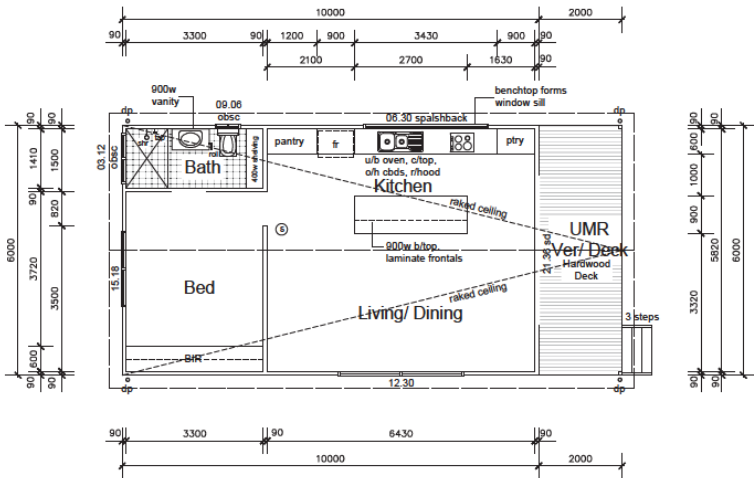
Created User

epn.thommari@sa.gov.au

Created Date/Time

27 Jan 2026 11:26 AM





PROPOSED FLOOR PLAN
Scale 1:100 @ A3

DESIGN DRAWINGS ONLY

PROPOSED DEPENDENT ACCOMMODATION:
LINLEY DOWN
LOT 3/No.50 JOLLYTOWN ROAD
LYNDOCH SA

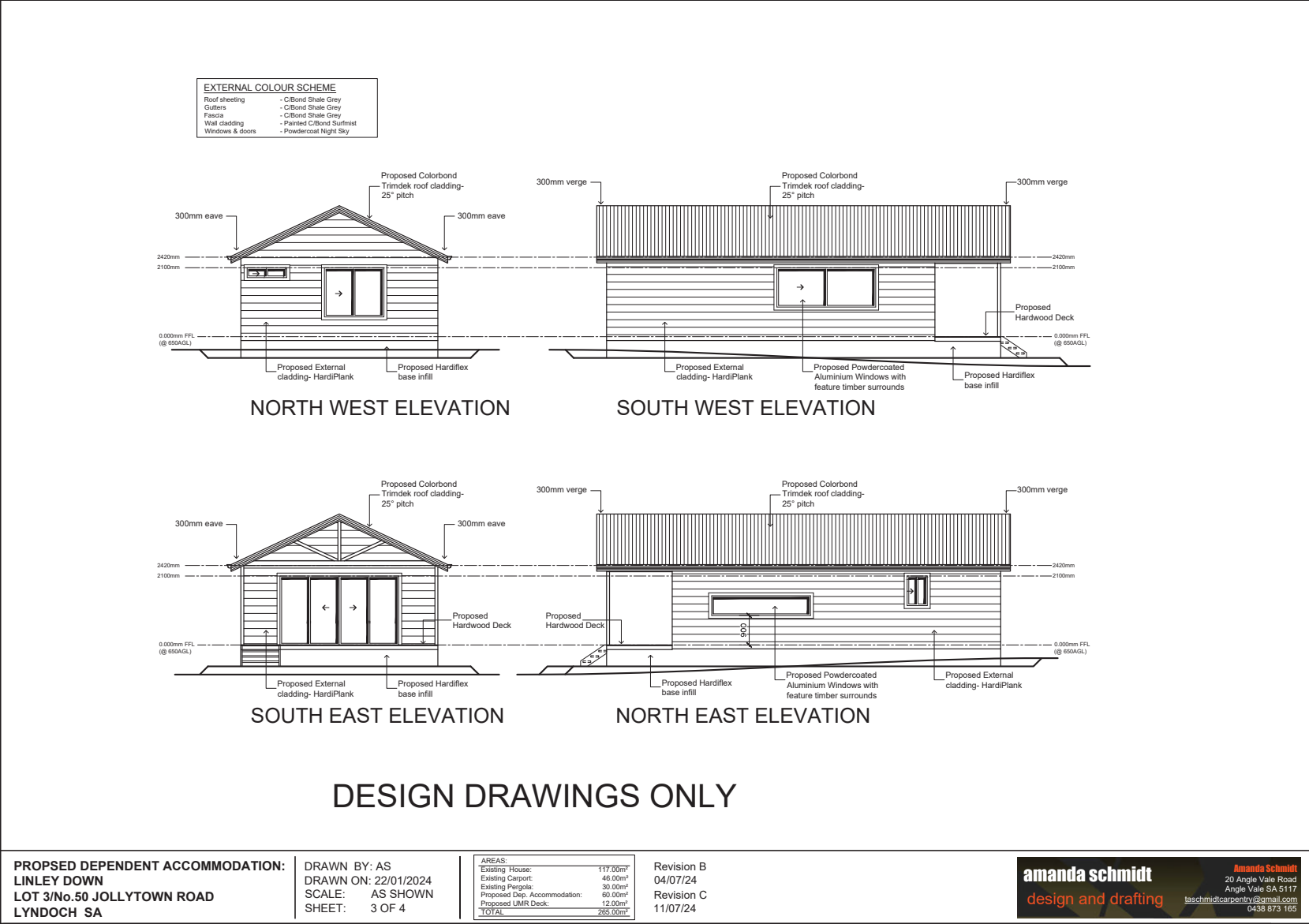
DRAWN BY: AS
DRAWN ON: 22/01/2024
SCALE: AS SHOWN
SHEET: 2 OF 4

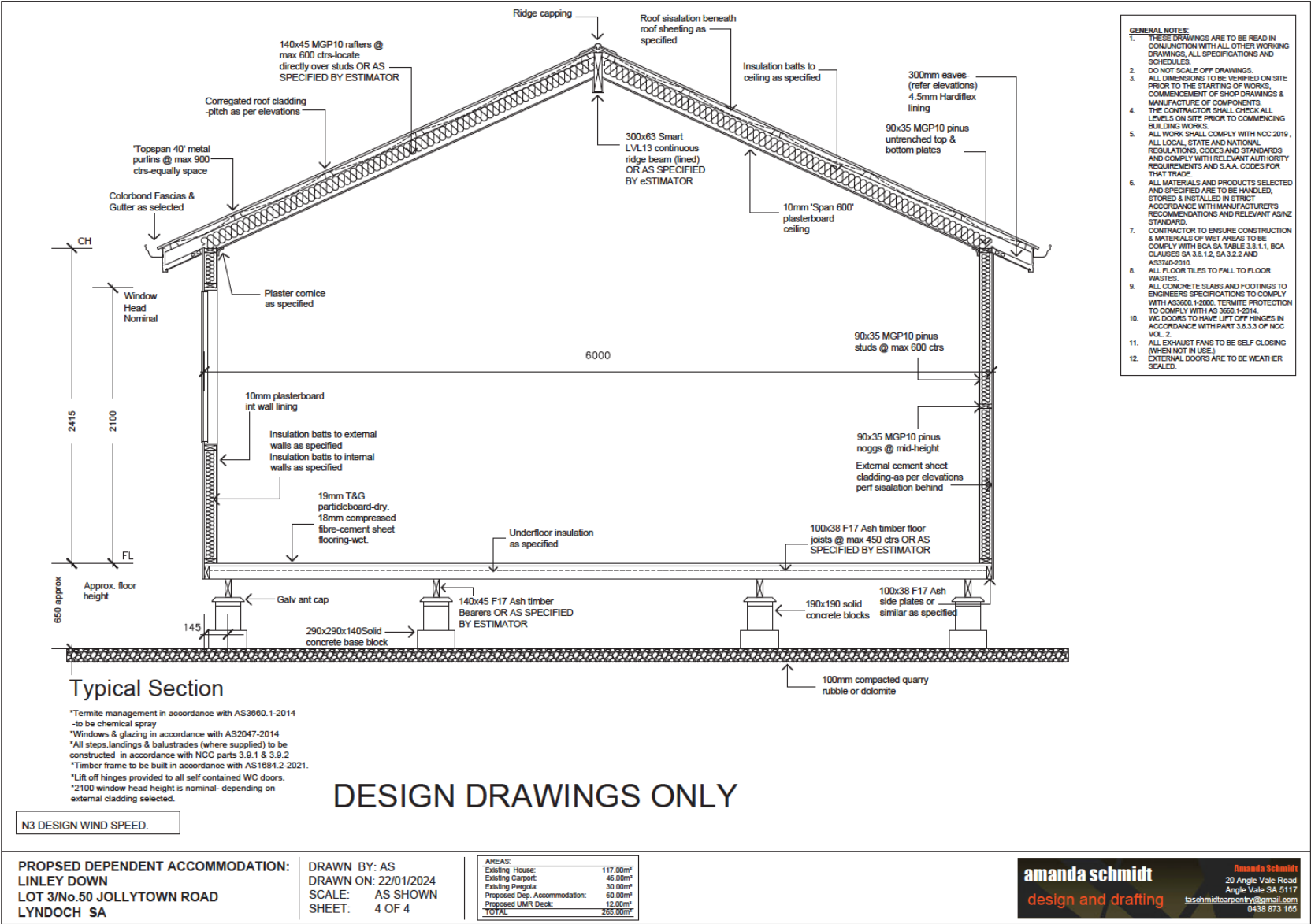
AREAS:	
Existing House:	117.00m²
Existing Carport:	46.00m²
Existing Pergola:	30.00m²
Proposed Dep. Accommodation:	60.00m²
Proposed UMR Deck:	12.00m²
TOTAL:	265.00m²

Revision B
04/07/24
Revision C
11/07/24

amanda schmidt
design and drafting

Amanda Schmidt
20 Angle Vale Road
Angle Vale SA 5117
taschmidtcarpentry@gmail.com
0438 873 165





04/02/2026

Applicant: Lynley Down

Application ID: 26002152

Consent: Planning Consent

Proposed Development: Change of use of granny flat from ancillary accommodation to dual-purpose ancillary and tourist accommodation

Subject Land: 50 JOLLYTOWN RD LYNDON SA 5351

Title ref.: CT 5949/902

Plan Parcel: D68587 AL3

Council: THE BAROSSA COUNCIL

To The Barossa Council,

Please find a response to the Request for Documentation issued 3/02/2026:

Operation and Management Plan – detailed plan for the operation and management of the site, confirming (but not limited to) the following:

- maximum number of guests proposed – **2 guests**
- Check-in and check-out times – **Check-in 3pm and check-out 11am**
- house rules – **No parties, no noise after 10pm**
- management of the site and any other relevant information regarding the operation of the proposed use – **Management by owner, Owner lives in existing dwelling**

Kind Regards,

Lynley

From: Lynley Down [REDACTED]
Sent: Wednesday, 18 February 2026 7:00 AM
To: The Barossa Council
Subject: Re: 50 Jollytown Road, Lyndoch

Hi Isabelle,

Re Change of use of granny flat from ancillary accommodation to dual-purpose ancillary and tourist accommodation

Further information in relation to the use of the land: -

The primary purpose for the build of the ancillary dwelling on 50 Jollytown Road, Lyndoch was to house my Mum when the time comes. My Dad died 2 years ago, and the property has been handed down through the family since the 1880's when the cottage was built by my ancestors as first settlers in the Barossa.

I intend on passing this land to my daughter when my time comes and hope she keeps the tradition going with the "Edmonds" family heritage. I'm a single mum who works 2 jobs and the only way I can keep up with the mortgage is to rent out the granny flat until such a time as Mum is ready to move in.

I intend to rent the granny flat as short-term tourist accommodation through Airbnb to help meet the growing demand in Lyndoch, particularly following the development of Barossa Park.

The main dwelling on the property, being the cottage, is currently used as my primary place of residence.

Thank you for taking my proposal into consideration.

Kind regards,

Lynley







Facing east of granny flat



Northern side of granny flat



Southern side of granny flat



Facing southern boundary fence (fence extension installed to improve privacy and reduce overlooking)

Details of Representations

Application Summary

Application ID	26002152
Proposal	Change of use of granny flat from ancillary accommodation to dual-purpose ancillary and tourist accommodation
Location	50 JOLLYTOWN RD LYNDOK SA 5351

Representations

Representor 1 - Monica Wohlstadt

Name	Monica Wohlstadt
Address	
Submission Date	16/03/2026 10:31 AM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons Refer Attached	

Attached Documents

RepresentationMonicaWohlstadt-13751150.pdf
--

Barossa Council
43 – 51 Tanunda Road
NURIOOTPA SA 5355

Ms Monica Wohlstadt

[REDACTED]
[REDACTED] [REDACTED] [REDACTED]

13th March, 2026

Dear Sir / Madam

Re: Application ID 26002152 50 Jollytown Road, LYNDOK SA 5351

As a person directly affected by the development application of the above property I request the proposed variations as follows:-

1. Further screening to give privacy to my property on the western side of the applicant's boundary. The dead trees are of no substantial screening. From my deck, the window on this side, it is clear that my privacy is impacted. I request permanent screening to prevent this.
2. It was clear that the applicant engaged in a builder, therefore why wasn't regulations followed, eg fire zone requirements, screening privacy and any further building regulations ?
3. There is a guest parking area, can't it be utilised at present, instead of a car parked permanently on the council verge, making it difficult to enter my property and also difficult for the weekly council trucks.
4. The applicant continues to advertise the above property on "air bnb" whilst the submission is being reviewed.

I request that the Barossa planning department refuse the application in its current form until the modifications are addressed.

I wish to be notified of my submission.

With kind regards

Monica Wohlstadt

[REDACTED]

Lynley Down



20th March 2026

Barossa Council
43-51 Tanunda Road
Nuriootpa SA 5355

Attn: Alexander Phillis, Assessment Officer

Re Application ID 26002152

Dear Alexander,

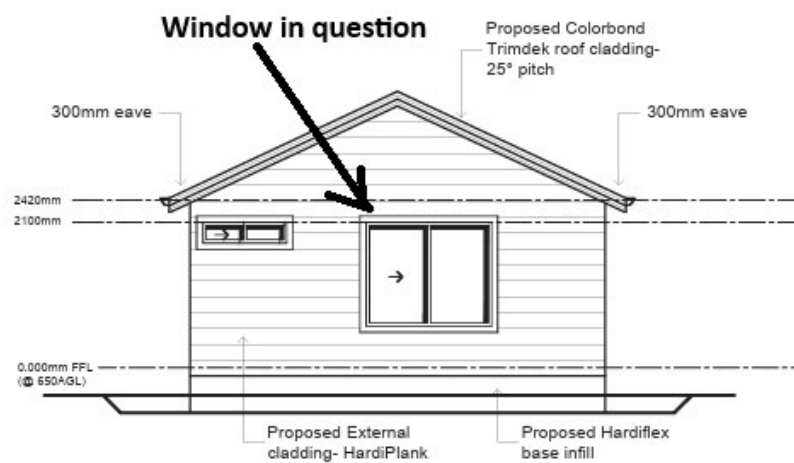
Please find following my response to the letter of objection from Ms Wohlstadt.

1. In relation to further screening regarding privacy:
 - I have attached photos of the trees, none of which are dead.
 - I have included photographs of the outlook from the bedroom of the granny flat which has both sheer curtains for privacy and a block out blind plus citrus trees above the fence line.
 - I propose installing opaque window tint on the master bedroom window (NW elevation), extending 45 cm down from the top of the window pane, as shown in the attached example photo. The product to be used will be Rabbitgoo 100% light-blocking, anti-UV, heat-control static cling window film, or a similar equivalent.
2. The building was done in consultation with the Barossa Council.
3. The guest parking cannot be used by the current renters due to their car being low. The Barossa Council built up the top portion of my driveway to deflect water issues Mr Batton was having a number of years ago and has caused issues with low cars ever since. I addressed council a number of times over the years in relation to this. The matter is now being address by council.
4. The AirBnB listing is not “active” as all dates are blocked out.

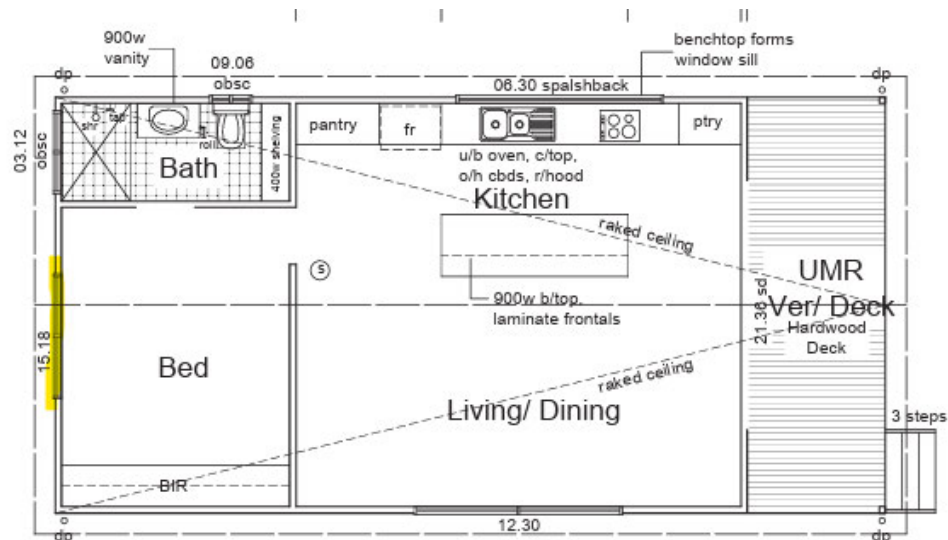
Please contact me if you require anything further.

Kind regards

Lynley



NORTH WEST ELEVATION

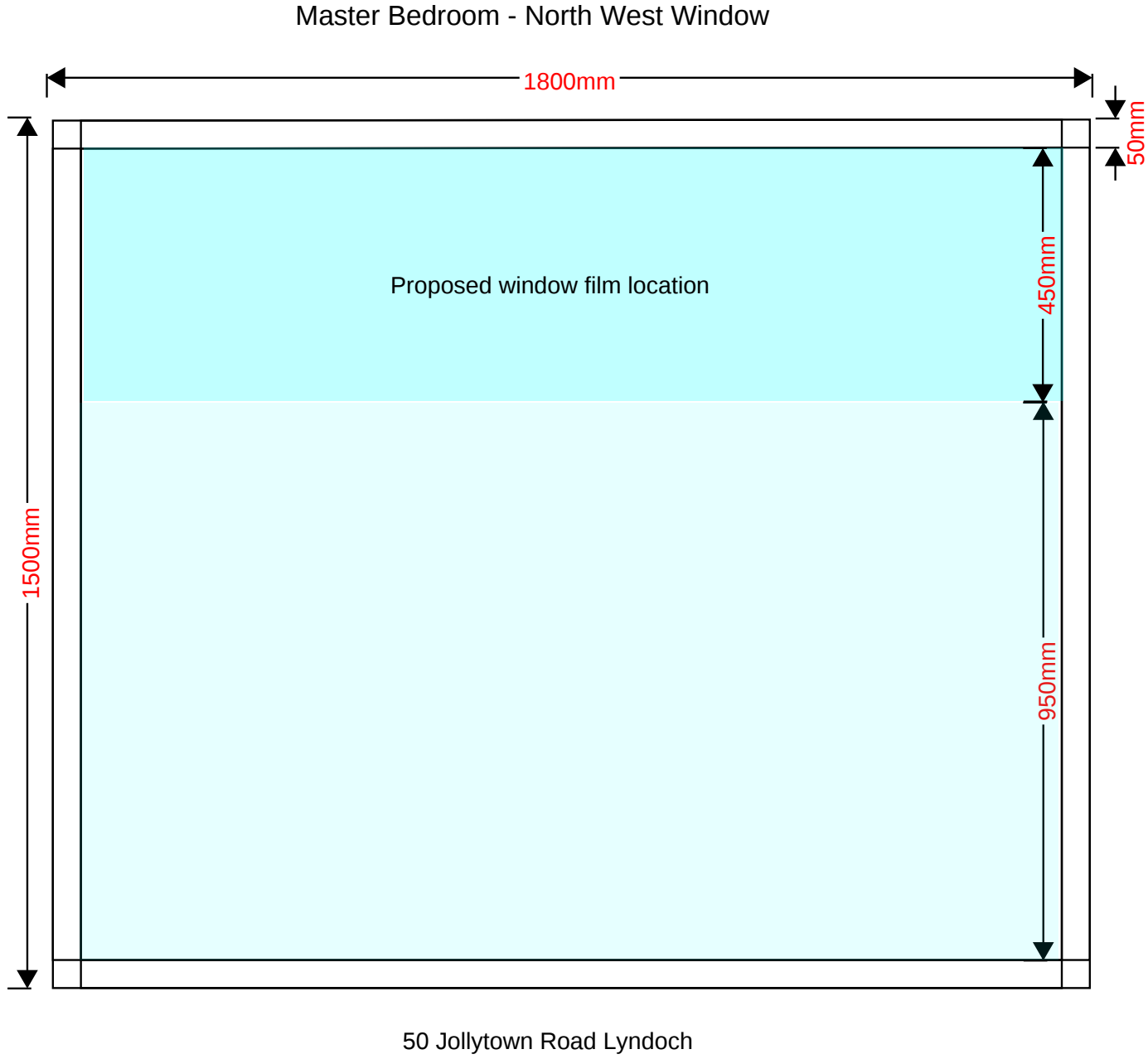












6.2 25025096 - 1064 High Eden Road Flaxman Valley

APPLICATION DETAILS

PROPOSAL	Alterations to existing on-stream water storage dam to off-stream water storage dam (turkey nest) by creating a new dam wall to divert water flows
APPLICANT	Treasury Wine Estates
OWNER	Tolley Scott and Tolley Pty Ltd
APPLICATION NO	25025096
CERTIFICATE(S) OF TITLE	CT 5442/915
AREA	1,856,317.67 sqm
CURRENT USE	Primary Production - Vineyard
PLANNING AND DEVELOPMENT CODE VERSION	Version 2025.15 – 14 August 2025
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Rural Zone
OVERLAYS	Character Preservation District Hazards (Bushfire - Medium Risk) Hazards (Flooding - Evidence Required) Limited Land Division Murray-Darling Basin Native Vegetation Prescribed Water Resources Area River Murray Tributaries Protection Area Water Protection Area Water Resources
APPLICATION TYPE	Code Assessed – Performance Assessed
PUBLIC NOTIFICATION	Notified – No Sign Required
REFERRALS	Minister administering the <i>River Murray Act 2003</i> – Department for Environment and Water Northern and Yorke Landscape Board
PREVIOUS APPLICATIONS	960/393/1998 – Shelter Sheds 960/741/1999 – Shed Extension 960/294/2004- Farm Shed 960/879/2006 – Horticultural Building (Pump Shed) 960/906/2008 – Farm Shed 960/630/2012 – Farm Building
ASSESSING OFFICER	Aaron Curtis – Senior Manager Development Services
RECOMMENDATION	That Planning Consent be Granted subject to a Reserved Matter and Conditions of Consent

INTRODUCTION

The applicant seeks Development Approval for *"Alterations to existing on-stream water storage dam to off-stream water storage dam (turkey nest) by creating a new dam wall to divert water flows"* at 1064 High Eden Road, Flaxman Valley.

The proposed development was subject to Performance Assessment and public notification. The application was notified in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016* and one representation was received. Following discussions with the applicant, the representor no longer objects to the proposal and has withdrawn their submission.

The application was subject to agency referrals to the Minister administering the *River Murray Act 2003* and the Northern and Yorke Landscape Board on basis that the development involves alterations to an existing dam within the River Murray Tributaries Area Overlay and the Prescribed Water Resources Area Overlay under the Planning and Design Code. Neither agency has objected to the development.

The site is located within the Rural Zone under the Planning and Design Code. The proposed works will not alter the existing use of the land but rather involve a change to the function of an existing dam, so as to remove on-stream water capture and instead function as a turkey nest that will be filled from another dam located on adjacent land to the north in the North Para catchment.

The effect of the change is to return water to the catchment flow and environment by creating a new dam wall. The turkey nest dam will be utilised for subsequent transfer to the main dam for irrigation purposes or use for chemical application to vines and for the washing of harvesters. Such works will result in a net positive environmental benefit to downstream flows in the Marne-Saunders catchment.

The proposed works involve some alteration to the dam at the entry point. The works are not substantial in that they involve a small amount of fill to close off the dam inlet. As such, the works will not have a detrimental effect upon the appearance of the land. There are several existing trees in the vicinity of the dam that will be retained as a result of the proposed works.

For all of the above reasons, Planning Consent is recommended, subject to a Reserved Matter and Conditions of Consent.

SITE AND LOCALITY

The site for the proposed development comprises a single parcel of land described as 1064 High Eden Road, Flaxman Valley. The land parcel is an irregular shaped triangular parcel of land in order of 185 hectares in size and has frontage to High Eden Road along its northern boundary for a length of approximately 2.5 kms.

The site is undulating with general slope from west down to east. High Eden Road forms a ridge and is the dividing line between the North Para catchment to the north and Marne-Saunders catchment to the south. The high point of the site is at the western corner (510 metre elevations) and low point in the south-west corner (400 metre elevations).

The site contains five existing water storage dams, the largest of which is located centrally within the site on-stream. A smaller dam is located off-stream immediately

south of this large dam. The other three dams are also of smaller size, two located on-stream and one off-stream and are located in the north-eastern corner of the site.

The dam, subject of this application is located on-stream adjacent to Allot 90. At its nearest point, the dam is located approximately 500 metres from High Eden Road and approximately 200 metres south of several existing workshop buildings.

Approximately two thirds of the site is covered in vines with the remaining one third comprising of open paddocks, native vegetation and the water storage dams/watercourses. The native vegetation is primarily concentrated around the main large dam and along the watercourses.

In the north-eastern corner, there are several clusters of small buildings (nine in total) and several water storage tanks, comprising an administration office, workshop and storage buildings. There is also a further farm shed and water storage tank located adjacent High Eden Road, centrally within the site and two sheds located south of the main large dam on the site. There is a main entry/access road to High Eden Road in the north-east corner and connects to these outbuildings and integrates with a network of access tracks through the site.

The locality is principally defined by visual reference. The site is readily visible from High Eden Road due to this road forming a ridgeline. There are substantive views across the site out to the south. Due to the works being limited to internal works in the dam, the locality does not extend well beyond the boundaries of the site.

The land in the locality comprises undulating rural land used for a mix of dryland grazing and viticulture. Land parcels are generally large with the subject land and several other parcels to the south and west being in excess of 100 hectares. Land to the north and east comprises generally smaller land parcels in order of 40 hectares or thereabouts.

The original vegetation cover has been substantially cleared as result of rural farming pursuits, however, some substantive areas of native vegetation remain, especially along watercourses and in road reserves. Large River Red Gums are a significant feature of the landscape. Water storage dams are a common feature in the landscape, located both on and off-stream.

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

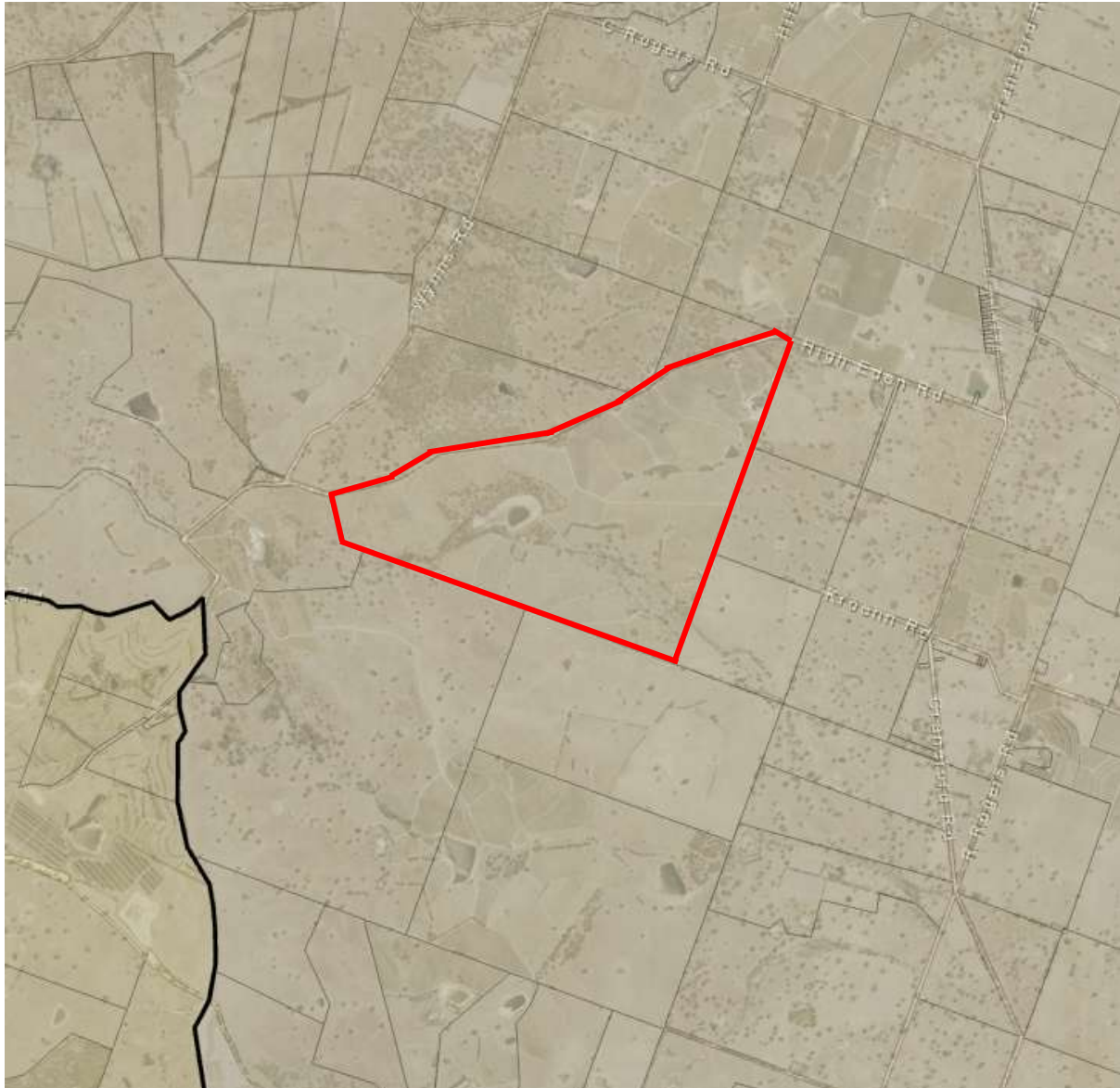


Figure 1: Zone Map and Locality – Rural Zone

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

Site photos are provided in **Figures 4** to **7**.

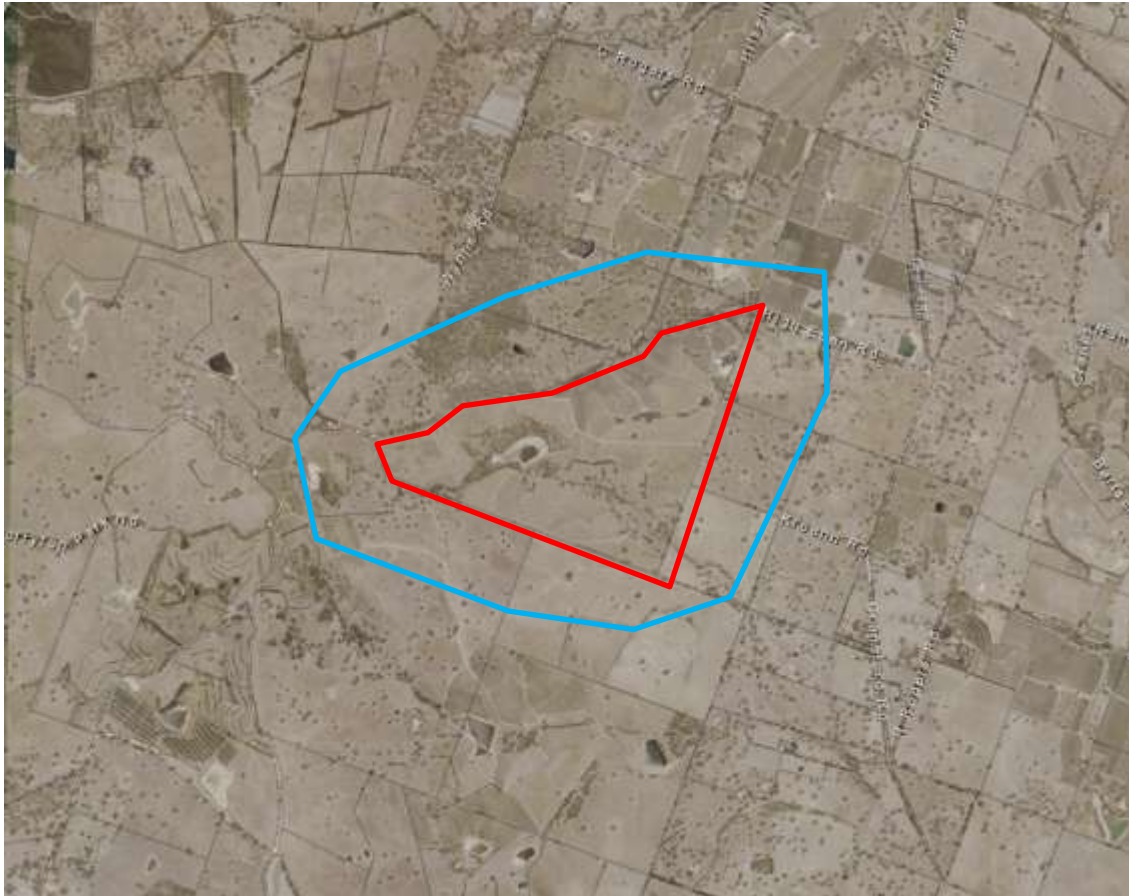


Figure 2: Aerial – Locality Plan – Site in red, Locality boundary in blue



Figure 3: Aerial – Site, site boundary in red, dam subject to proposed works in yellow



Figure 4: Site Photo looking north-east toward existing dam, subject of the application



Figure 5: Site Photo looking south-east, toward embankment on southern side, this is the site of proposed works to close off the entry to the dam



Figure 6: Site Photo looking south-west, toward existing spill weir and erosion stabilising rocks at the inlet to the existing dam



Figure 7: Site Photo looking south-west, further photo of the existing spill weir



Figure 8: Site Photo looking south-east toward the site from High Eden Road



Figure 9: Site Photo looking south toward the site from High Eden Road



Figure 10: Site Photo looking south-west toward the site from High Eden Road



Figure 11: Site Photo looking west along High Eden Road



Figure 12: Looking west toward the main large dam on the site



Figure 13: Looking north-west toward the main large dam on the site

PROPOSAL

The proposed development involves re-working a portion of an existing dam wall at 1064 High Eden Road, Flaxman Valley in order to remove it from the existing stream flow and create it as a Turkey-nest dam.

The proposed development comprises the following key works:

- The shallow creek line of the existing 12.5ML (approx.) dam is to be diverted around the southern edge of the dam, along a swale below the wall and back into the stream below the eastern side of the dam.
- The diverted stream swale will be lined with rock of varying size to prevent erosion and native grass cover encouraged to take hold so as to help bind the soil together.
- An existing internal road culvert, just below the eastern edge of the existing dam, will be enlarged and upgraded to prevent flooding over the dirt road and to reduce the risk of sediment entering the catchment.
- An existing "Flows For The Future" low-flow syphon line is to be maintained in-situ, along with a small concrete weir installed by the Department for Environment and Water as part of that stream-flow restoration project.

The outcome of the works is that it will effectively return surface water captured in this dam to the Marne-Saunders catchment as downstream environmental flows.

It is proposed to fill the turkey-nest dam from an existing water source on adjoining vineyard in the North Para catchment (on northern side of High Eden Road). The water stored in the turkey-nest dam will be used for subsequent transfer to the main dam for irrigation purposes or use for chemical application to vines and for the washing of harvesters.

It is important to note the works involving transfer of water from the existing water course to the subject dam is not 'Development' and is thus not subject to assessment as part of this development application. Notwithstanding, the applicant can only transfer water in the manner proposed provided that the extracted water volume remains within the existing water license entitlement and annual allocation.

In addition, should new infrastructure be required that involves installation of new pipework under or across High Eden Road, permit must be obtained from Council pursuant to Section 221 of the *Local Government Act 1999*.

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

APPLICATION TYPE

The site is located within the Rural Zone under the Planning and Design Code.

The proposed development is not assigned as a form of 'Accepted Development' under table 1, 'Deemed to Satisfy' development under Table 2 of the Zone, or as a 'Restricted' form of development under Table 4. Therefore, the application is subject to the 'Performance Assessed' assessment pathway.

PUBLIC NOTIFICATION

The application was subject to public notification in accordance with Table 5 – Procedural Matters – Notification of the Rural Zone.

The table below provides further details of the public notification process:

Representations:

One representation was received as follows:

- Ms Janet Keightley

Ms Keightley objected to the development on grounds that the proposal was understood to be capturing and storing more water from the surface catchment, whereas the intent of the development is to return water to the catchment flow and environment.

The existing watercourse will be diverted from above the dam, flow around the southern edge and return to the natural watercourse below the dam. This will prevent stream flow from entering the dam and effectively making the dam a "turkey nest" storage facility.

Ms Keightley has subsequently advised Council she no longer objects to the proposal therefore has withdrawn her submission.

Time period for Public Consultation 4 September 2025 to 24 September 2025

A copy of the representation from Ms Keightley is contained in **Attachment 2** as well as her further written confirmation of withdrawal. The applicant's response to the representation is contained in **Attachment 3**.

REFERRALS

External

Pursuant to Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017* and Part 9 of the Planning and Design Code, the development application was subject to the following referrals:

Legislative Trigger	Planning and Design Code Trigger
Minister administering the River Murray Act 2003 - Schedule 9(3)(16) of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i> .	Development comprising the erection, construction, modification, enlargement or removal of a dam, wall or other structure that will collect or divert, or collects or diverts water flowing in a watercourse or surface water flowing over land within the River Murray Tributaries Protection Area Overlay
Northern and Yorke Landscape Board – Schedule 9(3)(12) of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i>	Development that comprises the erection, construction, modification enlargement or removal of a dam, wall or other structure that will collect or divert, or collects or diverts surface water flowing over land.

Referral responses have been received and are contained in **Attachment 4**. The responses from the referral agencies are as follows:

Referral Agency	Comments
Minister administering the River Murray Act 2003	The Delegate for the Minister administering the River Murray Act 2003 does not object to the development and should the development be approved, has directed to attach conditions to any Approval given.
Northern and Yorke Landscape Board	The Board supports the removal of the on-stream dam (12.5 ML 426MARD0419) and conversion to a turkey nest dam, returning the water back to natural stream flow in the Marne-Saunders catchment. This has the potential to support increased flow and provide beneficial environmental outcomes for the upper Marne catchment. The Board does not support the transportation of water (via pipeline or other mechanism) from a source the Barossa Prescribed Water Resources Area (PWRA) to a catchment area within the Marne Saunders Prescribed Water Resources Area. However, the Board cannot restrict this water transfer from occurring if the extracted volume remains within the existing water license entitlement and annual allocation (refer WL-003839).

Internal

The application was not subject to any internal consultation with staff.

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 Extract
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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 they proposed development is not Seriously at Variance with the relevant provisions of the Planning and Design Code.

The application involves alterations to an existing dam in order to convert the dam to a turkey nest. The effect of the changes is to return water back to natural stream flow in the catchment, thus providing beneficial environmental outcomes. Development of this kind is clearly not Seriously at Variance with 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 noted above, the proposed works will return water back to natural stream flow in the catchment, thus providing beneficial environmental outcomes. This directly accords with “the rural and natural landscape and visual amenity of the district” as outlined in Section 7 of the *Character Preservation Act 2012*.

In addition, the proposed development will not result in any change in the appearance of the site when viewed from neighbouring land or any public road, such that the development will ensure “the scenic and tourism attributes of the district” are recognised.

Assessment

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

Land Use

Rural Zone	
Desired Outcomes	
DO 1	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.
DO 2	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.
Relevant Performance Outcomes/Designated Performance Features	
Land use and Intensity	
PO 1.1 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.	DTS/DPF 1.1 Development comprises one or more of the following: 1. Advertisement 2. Agricultural building 3. Brewery 4. Carport 5. Cidery 6. Commercial forestry 7. Dairy 8. Dam 9. Distillery 10. Dwelling 11. Dwelling addition 12. Farming 13. Horse keeping 14. Horticulture 15. Industry 16. Intensive animal husbandry 17. Low intensity animal husbandry 18. Outbuilding

	19. Renewable energy facility 20. Shop 21. Small-scale ground mounted solar power facility 22. Stock slaughter works 23. Tourist accommodation 24. Transport distribution 25. Verandah 26. Warehouse 27. Winery 28. Worker's accommodation.
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The proposed development involves alterations to an existing dam. While such form of development is not mentioned in DPF 1.1, a 'dam' is an envisaged form of development. The alterations are proposed to divert flow around the edge of the dam such that stream flow is returned to the system.

The altered dam that will function in the form of a turkey nest will be used for purposes associated with the existing viticultural use of the land including capability to transfer the water to the main dam for irrigation purposes or use for chemical application to vines and for the washing of harvesters.

Such form of development is 'in-principle' appropriate in the Rural Zone.

Character Preservation Overlay

Character Preservation District Overlay (Not in township)	
Desired Outcomes	
DO 1	Recognise, protect and enhance the special character of Character Preservation Districts.
DO 2	The long term use of land outside of townships for primary production and associated value adding enterprises is assured and promoted.
Relevant Performance Outcomes/Designated Performance Features	
Built Form and Character in the Rural Area	
PO 3.1 Preservation of existing natural features including topography, watercourses and mature trees.	DTS/DPF 3.1 None are applicable.

The site is located within the 'Rural Area' under the Character Preservation District. The proposed development will comply with Performance Outcome 3.1 in that it will preserve the natural features of the site. The works will not substantially alter the appearance of the dam in that the inlet to the dam will be filled to close the dam to fill on the high side. Such works on the site are minor in the context of the size of the land, the substantive setbacks and screening provided by existing vegetation.

Overall, the development is considered to accord with the Desired Outcomes 1 and 2 and PO 3.1.

- An existing "Flows For The Future" low-flow syphon line is to be maintained in-situ, along with a small concrete weir installed by the Department for Environment and Water as part of that stream-flow restoration project.

Prescribed Water Resources Area Overlay

Prescribed Water Resources Overlay	
Desired Outcomes	
DO 1	Sustainable water use in prescribed water resources areas maintains the health and natural flow paths of surface water, watercourses and wells.
Relevant Performance Outcomes/Designated Performance Features	
Water Catchment	
PO 1.2 Development comprising the erection, construction, modification, enlargement or removal of a dam, wall or other structure that will collect or divert surface water flowing over land is undertaken in a manner that maintains the quality and quantity of flows required to meet the needs of the environment as well as downstream users.	DTS/DPF 1.2 None are applicable.

As noted above, the development application was subject to referral to the Northern and Yorke Landscape Board for assessment pursuant to the 'Procedural Matters' listed within the table in the Prescribed Water Resources Area Overlay. In the referral response, dated 23rd February 2026, it notes that:

The Marne-Saunders Water Allocation Plan (amended in 2019) provides the subject dam is located in Reach M1- Marne Headwaters which is described as follows:

The Marne headwaters are ephemeral drainage lines and minor streams in the high rainfall area at the top of the Marne catchment. The streamflow moves quickly through the reach with very little permanent water or areas of in-stream habitat that retain water for long periods. There are some exceptions such as Boehm's Spring, where discharge of underground water supports water-dependent ecosystems. The headwaters provide a large part of the flow for the rest of the catchment and as a result, dams tend to be concentrated here.

The Landscape Board supports the removal of the on-stream dam (12.5ML 426MARD0419) and conversion to a turkey nest dam, returning the water back to natural stream flow in the Marne-Saunders catchment. The advice suggests the proposal has the potential to support increased flow and provide beneficial environmental outcomes for the Upper Marne catchment.

The Landscape Board has also noted that the altered turkey-nest dam will import water on occasional basis from an adjoining vineyard in the North Para catchment. The Landscape Board advises that it does not support the transportation of water (via pipeline or other mechanism) from a source in the Barossa Prescribed Water Resources Area, however, it cannot restrict this water transfer from occurring if the extracted volume remains within the existing water license entitlement and annual allocation.

It is concluded the modification to the dam will improve the quantity of flows in the Marne-Saunders catchment and therefore have a net positive effect upon the catchment. While the Board does not support transfer of water in manner outlined above, this is beyond scope of this development application.

Overall, PO 1.2 is considered to be met.

River Murray Tributaries Protection Area Overlay

River Murray Tributaries Protection Area Overlay	
Desired Outcomes	
DO 1	Sustainable water use and conservation of riverine environments within the River Murray Tributaries Area.
Relevant Performance Outcomes/Designated Performance Features	
Water Catchment	
PO 1.1 Development comprising the erection, construction, modification, enlargement or removal of a dam, wall or other structure that will collect or divert surface water flowing over land is undertaken in a manner that maintains the quality and quantity of flows required to meet the needs of the environment and downstream users.	DTS/DPF 1.1 Development involving the construction of a retaining wall that will not materially result in the collection or diversion of surface water flowing over land or water flowing in a watercourse.

PO 1.1 is identical to that of PO 1.1 of the Prescribed Water Resources Area Overlay and DO 1 has similar objective to that of DO 1 in the Prescribed Water Resources Area Overlay in that the development should result in sustainable water use.

For the reasons expressed above in relation to the Prescribed Water Resources Area Overlay, the development is considered to satisfy both the DO 1 and PO 1.1 of the River Murray Tributaries Protection Area Overlay.

Native Vegetation

Native Vegetation Overlay	
Desired Outcomes	
DO 1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.
Relevant Performance Outcomes/Designated Performance Features	
Water Catchment	
PO 1.1 Development avoids, or where it cannot be practically avoided, minimises the clearance of native vegetation taking into account the siting of buildings, access points, bushfire protection measures and building maintenance.	DTS/DPF 1.1 An application is accompanied by: (a) A declaration stating that the proposal will not, or would not, involve clearance of native vegetation under the Native Vegetation Act 1991, including any clearance that may occur: i. in connection with a relevant access point and /or driveway ii. within 10 metres of a building (other than a residential building or tourist accommodation) iii. within 20 metres of a dwelling or addition to an existing dwelling for fire prevent and control iv. within 50 metres 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. Or (b) A report prepared in accordance with Regulation 18(2)(a) of the Native Vegetation Regulations 2017 that establishes that the clearance is categorised as 'Level 1 clearance'.
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The applicant has provided a declaration pursuant to DTS/DPF 1.1, such that PO 1.1 is met. Notwithstanding, the plans show there are a number of established trees located in the vicinity of the works. The alteration to the dam will result in fill being deposited at the inlet to the dam to close it from catchment in flows. In doing this work, there will be some alterations to the existing surface levels in proximity to four existing trees.

It is estimated the change in surface levels adjacent to several of the trees will be in magnitude of approximately 500 mm. While not substantial, changes in the surface levels has potential to impact upon the health of several existing native trees. While these trees are not substantive in size, there is a need to ensure the works do not result in harm to the trees.

It is noted that neither referral agency raised this matter as a concern for the proposed development. It is also accepted that a trade off in competing these works is that there is site alterations in proximity to the trees but the benefit is that there will be net positive downstream environmental benefits.

To ensure the impact upon the trees is properly assessed, and if necessary, approval granted for any works impacting native trees pursuant to the *Native Vegetation Act 1991*, it is proposed that a Reserved Matter be applied, requesting further assessment of the proposed works as it relates to the impact upon the native trees. It is considered this approach is acceptable in the circumstances and addresses the PO.

Other Overlays

The following Overlays have been considered in the assessment of the proposed development but are not applicable given that:

Hazards (Bushfire – Medium Risk)

The site is located within the Hazards (Bushfire – Medium Risk). The proposed works have no implications for policies within the Overlay.

Hazards (Limited Land Division)

Land division is not proposed, such that this Overlay is not relevant to the proposed development.

CONCLUSION

The applicant seeks Development Approval for "Alterations to existing on-stream water storage dam to off-stream water storage dam (turkey nest) by creating a new dam wall to divert water flows" at 1064 High Eden Road, Flaxman Valley.

The application was subject to Performance Assessment and public notification. The application was notified in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016* and one representation was received. Following discussions with the applicant, the representor no longer objects to the proposal and has withdrawn their submission.

The application was subject to agency referrals to the Minister administering the *River Murray Act 2003* and the Northern and Yorke Landscape Board on basis that the development involves alterations to an existing dam within the River Murray Tributaries Area Overlay and the Prescribed Water Resources Area Overlay under the Planning and Design Code. Neither agency has objected to the development.

The site is located within the Rural Zone under the Planning and Design Code. The proposed works will not alter the existing use of the land but rather involve a change to the function of an existing dam, so as to remove on-stream water capture and instead function as a turkey nest that will be filled from another dam located on adjacent land to the north in the North Para catchment.

The effect of the change is to return water to the catchment flow and environment by creating a new dam wall. The turkey nest dam will be utilised for subsequent transfer to the main dam for irrigation purposes or use for chemical application to vines and for the washing of harvesters. Such works will result in a net positive environmental benefit to downstream flows in the Marne-Saunders catchment.

The proposed works involve some alteration to the dam at the entry point. The works are not substantial in that they involve a small amount of fill to close off the dam inlet. As such, the works will not have a detrimental effect upon the appearance of the land. There are several existing trees in the vicinity of the dam that will be retained as a result of the proposed works.

For all of the above reasons, Planning Consent has been recommended, subject to a Reserved Matter and Conditions of Consent.

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 Development Application No. 25025096 by Treasury Wine Estates to undertake "Alterations to existing on-stream water storage dam to off-stream water storage dam (turkey nest) by creating a new dam wall to divert water flows" at 1064 High Eden Road, Flaxman Valley (CT 5442 / 915) subject to the following Reserved Matter and Conditions:

Reserved Matter

Pursuant to Section 102(3) of the *Planning, Development and Infrastructure Act 2016*, the following matters shall be reserved for further assessment and shall be to the satisfaction of the Assessment as delegate for the Barossa Assessment Panel:

- (1) A native vegetation report, prepared by an accredited consultant, to assess the impact of proposed dam alterations upon the existing native trees adjacent to the dam. The report shall identify tree protection measures necessary to ensure the ongoing preservation of the trees as part of the works. Should the works have an unacceptable level of impact upon the trees, such that they require removal pursuant to the *Native Vegetation Act 1991*, Consent shall be obtained from the Native Vegetation Council for all relevant tree removals.

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation accompanying Development Application No. 25025096 except where varied by any condition listed below.

Minister administering the River Murray Act 2003 – Conditions

- (2) During works or construction activities associated with the development, the subject land must be managed in a manner so as to prevent erosion and pollution of the site and the environment, including keeping the area in a tidy state and ensuring that any waste materials are appropriately contained to ensure no pollutants (including excavation or fill material) enters the River Murray system.
- (3) Any fill material brought to the site must be clean and not contaminated by construction or demolition debris, industrial or chemical matter, or pest plant or pathogenic material.
- (4) Any excavation or fill material surplus to the requirements of the development must be disposed of such that it will not:
 - a) Be located within the floodplain of any watercourse;
 - b) Impede the natural flow of any surface waters;
 - c) Allow sediment to enter any water body;

- d) Adversely impact native vegetation;
 - e) Facilitate the spread of pest plant and pathogenic material.
- (5) Any exposed areas created or exacerbated during the works must be appropriately stabilised to minimise the potential for erosion and the entry of sediment into the River Murray system.

Advisory Notes

- (1) Any variation of this approved development and/or the Conditions of Consent will require a separate development approval from the Relevant Authority. Granting of this Planning Consent does not imply that future requests for variations will be approved. Any future requests will be assessed by having regard to the relevant rules and requirements in form at the time that any request is made.
- (2) Any portion of Council's infrastructure damaged as a result of work undertaken in relation to the development shall be repaired and/or reinstated to Council's satisfaction at the developer's expense.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) EPA information sheets, guidelines documents, technical bulletins etc. can be accessed on the following web site: <http://www.epa.sa.gov.au>.
- (7) The applicant is reminded that demolition and construction is required to be carried out such that it complies with the provisions of the *Local Nuisance and Litter Control Act 2016*. Under the *Local Nuisance and Litter Control Act 2016*, construction noise is declared a Local Nuisance as follows:

The noise has travelled from the location of the construction activity to neighbouring premises –

- On any Sunday or Public Holiday; or
 - After 7:00pm or before 7:00am on any other day.
- (8) Any works on Council land such as underground pipework in High Eden Road is subject to separate approval pursuant to the *Local Government Act 1999*. Further enquiries should be directed to Council's Engineering Department on 8563 8444.
- (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.

Minister administering the River Murray Act 2003 – Advisory Notes

- (10) The applicant is advised of their general duty of care under the *River Murray Act 2003* to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
- (11) The applicant is advised that the approved development is subject to the provisions of *The Water Allocation Plan for the Marne Saunders Prescribed Water Resources Area* (available at: <https://www.landscape.sa.gov.au/mr/water/water-allocation-plans/marne-saunders>) and the *Northern and Yorke Landscape Board Water Affecting Activity Control Policy* (available at: <https://www.landscape.sa.gov.au/ny/water/water-affecting-activities>).
- (12) Prior to the clearance of native vegetation (including reeds) for any purpose, the applicant should consult the Native Vegetation Council to determine relevant requirements under the *Native Vegetation Act 1991* and its Regulations, which may include the provision of a Significant Environmental Benefit. Note that 'clearance' means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances, grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9777 or visit: <http://www.nvc.sa.gov.au>.
- (13) The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or remains may be present on the subject land. Under section 20 of the *Aboriginal Heritage Act 1988* (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (The Minister). If the planned activity is likely to damage, disturb or interfere with a site or object,

authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act. For further information and to request a search of the Register of Aboriginal Sites and Objects from the Attorney-General's Department – Aboriginal Affairs and Reconciliation, visit: <http://taawika.sa.gov.au>.

- (14) This approval does not obviate any considerations that may apply to the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth). For further information visit: <http://www.environment.gov.au/epbc>.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- | | |
|--------------|--|
| Attachment 1 | Application and Associated Documentation ↓  |
| Attachment 2 | Representation Received including Withdrawal of Representation ↓  |
| Attachment 3 | Applicants Response to Representation ↓  |
| Attachment 4 | Referral Responses ↓  |

Development Locations

Location 1

Location reference

1064 HIGH EDEN RD FLAXMAN VALLEY SA 5235

Title Ref

CT 5442/915

Plan Parcel

F10547 AL2

Additional Location Information**Council**

THE BAROSSA COUNCIL

Zone Overlays

Zones

- Rural

Sub-zones

(None)

Overlays

- Character Preservation District
- Hazards (Bushfire - Medium Risk)
- Hazards (Flooding - Evidence Required)
- Limited Land Division
- Murray-Darling Basin
- Native Vegetation
- Prescribed Water Resources Area
- River Murray Tributaries Protection Area
- Water Protection Area
- Water Resources

Variations

- Minimum Site Area (Minimum site area is 32 ha)

Application Contacts

Applicant(s)

Stakeholder info

Mr Angus Davidson

[REDACTED]

Contact

Stakeholder info

Mr Angus Davidson

[REDACTED]

Invoice Contact

Stakeholder infoMr Angus Davidson
[REDACTED]
[REDACTED]**Land owners****Stakeholder info**Tolley Scott & Tolley Ltd
[REDACTED]
[REDACTED]**Nature Of Development****Nature of development**

To re-work a portion of the existing dam wall in order to remove it from the existing stream flow and create it as a Turkey-nest dam.

The shallow creek line is to be diverted around the southern edge of the dam, along a swale below the wall and back into the stream below the eastern side of the dam.

The diverted stream swale will be lined with rock of varying size to prevent any erosion and grass cover encouraged to take hold so as to help bind soil together. Rock will be sourced from stockpiles previously removed from various areas of the property - when vineyards were established, these rocks were removed as part of the development process and have been unused since. Native grasses seeds will be sown initially and their growth encouraged as much as possible.

To cater for additional stream flow, an existing internal road culvert, just below the eastern edge of the existing dam, will be enlarged and upgraded to prevent flooding over the dirt road and reduce the risk of sediment entering the catchment. Any excavated material will be utilised to shape any required low embankments to help reduce the risk of flooding over roads and areas where vineyard machinery may access. Additionally, these low embankments will help delineate areas of safe operation for vineyard equipment.

The existing stream is predominantly dry and flows maybe once or twice per year after heavy or lengthy rain periods. The catchment zone is contained wholly within the subject land and approximately 30Ha in area.

An existing "Flows For The Future" low-flow syphon line is to be maintained in-situ, along with a small concrete weir installed by DEW as part of that stream-flow restoration project.

The proposed works would effectively return surface water captured in this dam to the Marne-Saunders catchment as downstream environmental flows.

Major earthworks will be completed by a contractor organisation while smaller tasks such as grass seeding will be done by TWE staff as deemed safe and appropriate to their skill set.

Development Details**Current Use**

Dam (12.5ML 426MARD0419) currently on a stream as part of the Marne-Saunders Catchment.

It currently acts as a catchment and storage facility to transfer water to our main dam for irrigation c

Proposed Use

It is proposed to remove the Dam (12.5ML 426MARD0419) from the catchment and make it a turkey-nest storage dam only, where water can be stored for subsequent transfer to the main dam for irrigation purposes or to a smaller dam to access for use for chemical application to vines and for the washing harvesters. This is to facilitate the importation of water on occasional basis from our adjoining vineyard in the North Para catchment.

The aim is to remove the Dam (12.5ML 426MARD0419) from the catchment and thereby return that volume of water back to the natural stream flow in the Marne-Saunders Catchment.

Development Cost

\$10,000.00

Proposed Development Details

To re-work a portion of the existing dam wall in order to remove it from the existing stream flow and create it as a Turkey-nest dam.

The shallow creek line is to be diverted around the southern edge of the dam, along a swale below the wall and back into the stream below the eastern side of the dam.

The diverted stream swale will be lined with rock of varying size to prevent any erosion and grass cover encouraged to take hold so as to help bind soil together. Rock will be sourced from stockpiles previously removed from various areas of the property - when vineyards were established, these rocks were removed as part of the development process and have been unused since. Native grasses seeds will be sown initially and their growth encouraged as much as possible.

To cater for additional stream flow, an existing internal road culvert, just below the eastern edge of the existing dam, will be enlarged and upgraded to prevent flooding over the dirt road and reduce the risk of sediment entering the catchment. Any excavated material will be utilised to shape any required low embankments to help reduce the risk of flooding over roads and areas where vineyard machinery may access. Additionally, these low embankments will help delineate areas of safe operation for vineyard equipment.

The existing stream is predominantly dry and flows maybe once or twice per year after heavy or lengthy rain periods. The catchment zone is contained wholly within the subject land and approximately 30Ha in area.

An existing "Flows For The Future" low-flow syphon line is to be maintained in-situ, along with a small concrete weir installed by DEW as part of that stream-flow restoration project.

The proposed works would effectively return surface water captured in this dam to the Marne-Saunders catchment as downstream environmental flows.

Major earthworks will be completed by a contractor organisation while smaller tasks such as grass seeding will be done by TWE staff as deemed safe and appropriate to their skill set.

Element Details

You have selected the following elements

Other - Rural - \$10,000.00

- Water storage infrastructure change of use

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?

Yes

Who should assess your building consent?

The Barossa Council

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

Who is the builder or contractor engaged for the proposed development?

Builder or contractor has not yet been engaged

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
C2510262 Hatz Dam Proposed Re- alignment High L evel.pdf	Location Plan	15 Aug 2025 12:42 PM
C2510262 Hatz Dam Realignment Base Plan & Notes A D 20250813.pdf	Survey Plan	15 Aug 2025 12:42 PM
C2510262 Hatz Dam Realignment Plan & Notes AD 202 50815.pdf	Survey Plan	15 Aug 2025 12:42 PM

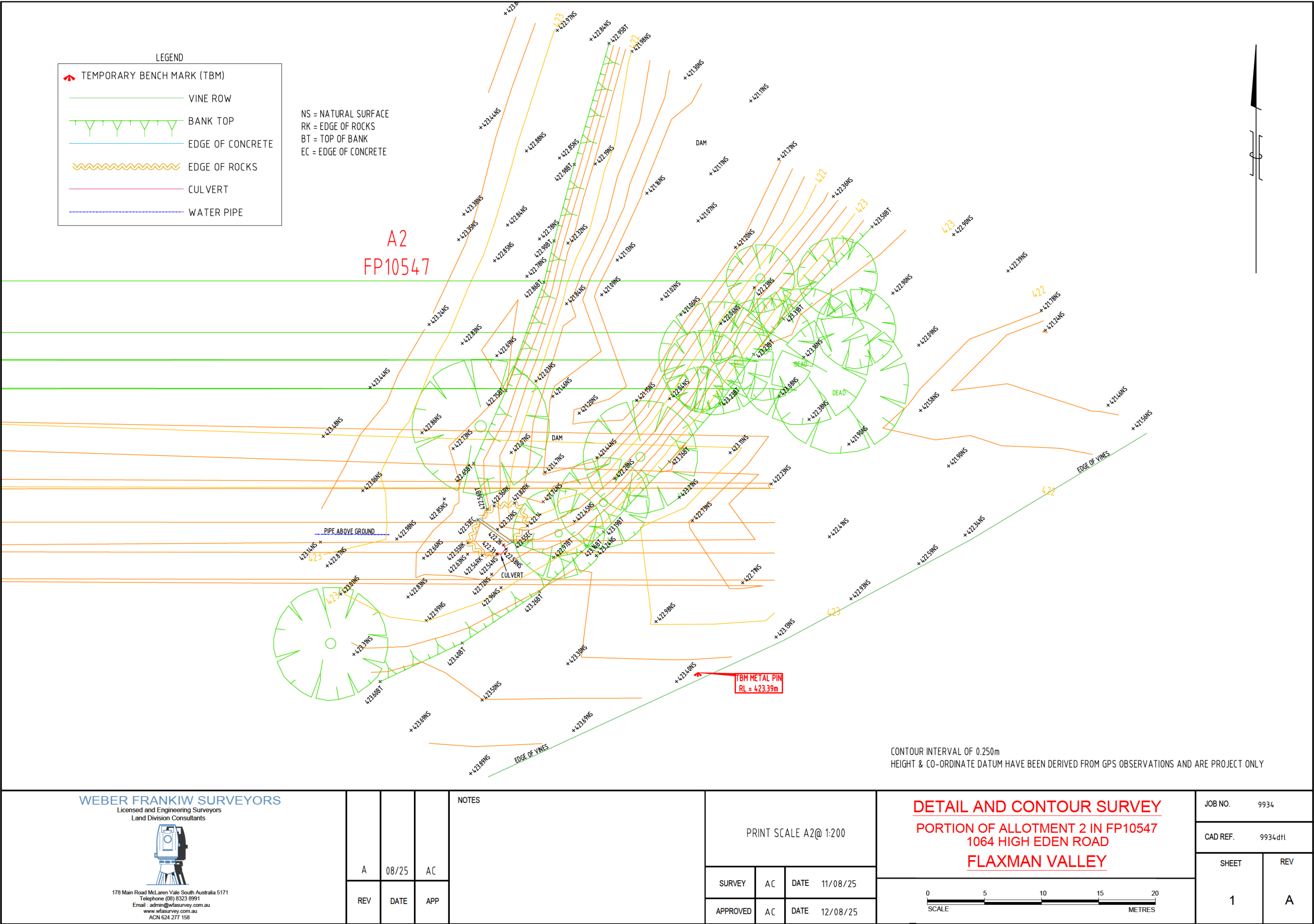
Application Created User and Date/Time

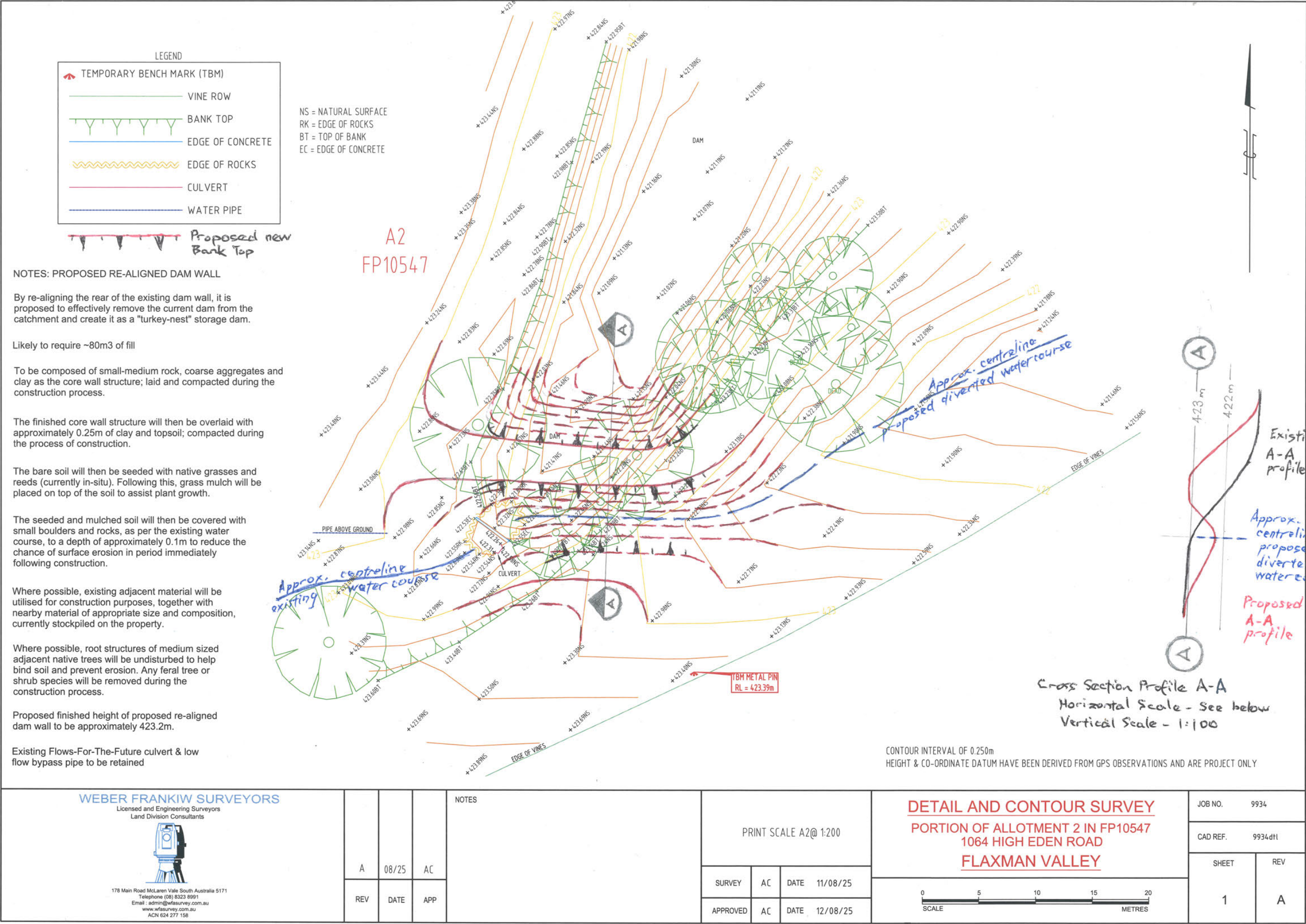
Created User

angus.davidson

Created Date/Time

15 Aug 2025 12:42 PM





WEBER FRANKIW SURVEYORS

Licensed and Engineering Surveyors
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A	08/25	AC
REV	DATE	APP

NOTES

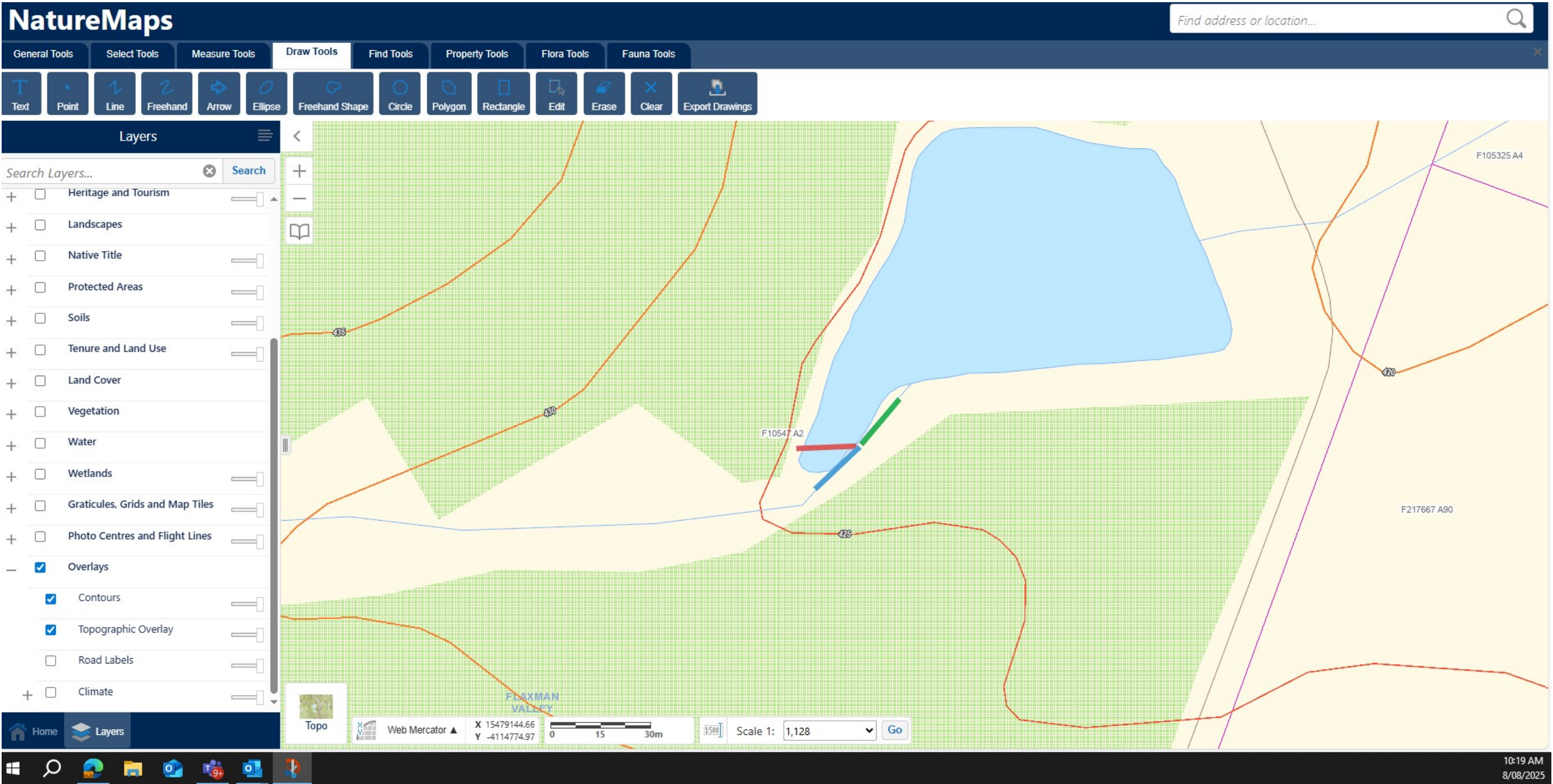
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SURVEY	AC	DATE	11/08/25
APPROVED	AC	DATE	12/08/25

DETAIL AND CONTOUR SURVEY
PORTION OF ALLOTMENT 2 IN FP10547
1064 HIGH EDEN ROAD
FLAXMAN VALLEY

SCALE

JOB NO.	9934
CAD REF.	9934.dtl
SHEET	REV
1	A



25025096: 1064 High Eden Rd Flaxman Valley SA 5235**Wording provided to the Portal by the applicant****Nature of development**

To re-work a portion of the existing dam wall in order to remove it from the existing stream flow and create it as a Turkey-nest dam.

The shallow creek line is to be diverted around the southern edge of the dam, along a swale below the wall and back into the stream below the eastern side of the dam.

The diverted stream swale will be lined with rock of varying size to prevent any erosion and grass cover encouraged to take hold so as to help bind soil together. Rock will be sourced from stockpiles previously removed from various areas of the property - when vineyards were established, these rocks were removed as part of the development process and have been unused since. Native grasses seeds will be sown initially and their growth encouraged as much as possible.

To cater for additional stream flow, an existing internal road culvert, just below the eastern edge of the existing dam, will be enlarged and upgraded to prevent flooding over the dirt road and reduce the risk of sediment entering the catchment.

Any excavated material will be utilised to shape any required low embankments to help reduce the risk of flooding over roads and areas where vineyard machinery may access. Additionally, these low embankments will help delineate areas of safe operation for vineyard equipment.

The existing stream is predominantly dry and flows maybe once or twice per year after heavy or lengthy rain periods. The catchment zone is contained wholly within the subject land and approximately 30Ha in area. An existing "Flows For The Future" low-flow syphon line is to be maintained in-situ, along with a small concrete weir installed by DEW as part of that stream-flow restoration project.

The proposed works would effectively return surface water captured in this dam to the Marne-Saunders catchment as downstream environmental flows.

Major earthworks will be completed by a contractor organisation while smaller tasks such as grass seeding will be done by TWE staff as deemed safe and appropriate to their skill set.

Proposed use

It is proposed to remove the Dam (12.5ML 426MARD0419) from the catchment and make it a turkey-nest storage dam only, where water can be stored for subsequent transfer to the main dam for irrigation purposes or to a smaller dam to access for use for chemical application to vines and for the washing harvesters.

This is to facilitate the importation of water on occasional basis from our adjoining vineyard in the North Para catchment. The aim is to remove the Dam (12.5ML 426MARD0419) from the catchment and thereby return that volume of water back to the natural stream flow in the Marne-Saunders Catchment.



Our Ref: 1341206

4 February 2026

By Email Only

Daniel Walton
Senior River Planner, Coast Unit
Department for Environment and Water
81-95 Waymouth Street
ADELAIDE SA 5000

Email: DEW.RiverMurrayReferrals@sa.gov.au

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Dear Mr Walton

Development Application ID 25025096 - Request for Further Information

This firm acts for the Applicant for this development application.

We refer to your letter addressed to our client dated 5 December 2025 described as "Request for Information" issued in your capacity as a delegate of the Minister for the *River Murray Act 2023* (Minister) (**December Letter**). We respond as follows.

Summary of response

1. The December Letter does not request our client to provide additional information reasonably required by the Minister to assess the proposal and is therefore not a valid request under section 122(3)(a) of the *Planning, Development and Infrastructure Act 2016* (**PDI Act**).
2. The applicant responded by letter dated 1 December 2025 to a request for information issued by Kym Gerner as delegate of the Minister dated 1 October 2025 (**RFI**) and from that time the 30 business days for your response resumed.
3. The period of 30 business days for the Minister to respond has now elapsed and pursuant to section 122(1)(b), of the PDI Act, the Minister is presumed to have no desire to respond to the planning authority.
4. The development is taking place in the Marne Saunders PWRA not the Barossa PWRA. The views of the Northern and Yorke Landscape Board (**Board**) are utterly irrelevant.
5. In any event, the views expressed by the Board in its letter of 4 December 2025 (attached to the December Letter) are misconceived and cannot properly be relied on by the Minister or the planning authority in making a decision about this application.

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Proposed development

6. The development application seeks development authorisation to modify a dam in the Marne Saunders PWRA. The works are to convert the dam from a catchment dam which captures surface water to a mere storage or 'turkey nest dam'. The application documents expressly state that it will *"re-work a portion of the existing dam wall in order to remove it from the existing stream flow and create it as a Turkey nest dam"*. The application further noted that the *"proposed works would effectively return surface water captured in this dam to the Marne-Saunders catchment as downstream environmental flows"*.
7. The DA makes it clear that the development activity (and relevant water affecting activities) will occur in the Marne-Saunders PWRA:
8. The development proposal comprises the following *water affecting activities* under the Act:
 - 8.1 Modification of a dam for the purposes of s104(3)(d) of the Act requiring authorisation by a water management authorisation or a permit granted by the relevant authority; and
 - 8.2 Using imported water, brought into the region by means of a pipe or other channel, for the purposes of s 104(4)(i) of the Act which must not be contrary to an applicable WAP or water affecting activities control policy.

Referral to the Minister

- 8.3 The Barossa Council has referred the DA to the Minister in accordance with item 16 of the table in Schedule 9 of the PDI Regulations.
- 8.4 The Planning and Design Code specifies the relevant referral trigger in the River Murray Tributaries Protection Area Overlay Procedural Matters table at (a) for:

"...development that comprises the erection, construction, modification, enlargement or removal of a dam, wall or other structure that will collect or divert, or collects or diverts water flowing in a watercourse or surface water flowing over land."
9. The purpose of the referral is for the Minister:

"to provide expert assessment and direction to the relevant authority on potential impacts from development on the health of the River Murray system, its natural flow regime (including floodwaters), water quality and cultural heritage".

Comment from Board

- 9.1 The Minister has sought advice from the Northern and Yorke Landscape Board, pursuant to Regulation 43(2)(a) of the PDI Regulations. The First RFI stated:

*Given the **nature of the activity and potential impacts on the environment in this locality**, advice has been sought from the Northern and Yorke Landscape Board for consideration and inclusion in the Minister's referral response. (our emphasis)*
10. As noted in the DA and above, the proposed water affecting activities are **not** within the Northern and Yorke Landscape Board region and instead are within the Marne-Saunders Prescribed Water Resources Area (PWRA) and subject to the Marne Saunders WAP.
11. The comments of the Northern and Yorke Landscape Board are irrelevant.

The RFI

12. On 1 October 2025 the Minister issued the RFI and requested further information about "a number of aspects of the proposed turkey nest dam".
13. The RFI incorrectly stated:

Advice is also being sought from the DEW Water Licensing Branch regarding the removal of the existing dam (12.5ML 426MARD0419) to convert it to a turkey-nest storage dam to “facilitate the importation of water on occasional basis from our adjoining vineyard in the North Para catchment”.

It should be noted that **this dam is located within the Barossa Prescribed Water Resource Area (PWRA)** and advice is being sought as to whether the applicant is permitted to undertake this physical transfer of water between PWRA to the turkey nest dam which is located (across the road) in the Marne Saunders PWRA. (emphasis added)

14. On 1 December 2025 the Applicant responded to the RFI and confirmed that:
 - 14.1 the nature of the proposal was to return stream flows to the Marne-Saunders PWRA.
 - 14.2 The dam subject to this development application is 426MARD0419, listed on Water Licence (WL) 202805 (in the Marne Saunders PWRA).

The December Letter

15. The December Letter asserts that the proposal is inconsistent with the Barossa WAP principally by reference to the letter from the Board dated 4 December 2025.
16. The Board objects to the proposed "transportation of water" from the Barossa Prescribed Water Resources Area (PWRA) to land within the Marne Saunders PWRA on two grounds:
 - 16.1 Firstly, the Board asserts that the conditions of our client's water licence (WL-003839) require that water allocations be used only on specified land parcels, and that the proposed transport of water to land within the Marne Saunders PWRA would be incompatible with those conditions.
 - 16.2 Secondly, the Board contends that the proposal does not align with the objectives and principles of the current 2009 Barossa WAP. The Board also seeks to rely on the anticipated policy direction of the draft amended Barossa WAP proposed for adoption in 2026—which the Board claims will seek to restrict the transfer of surface water due to declining surface-water resources in the Barossa PWRA.
17. The views of the Board on these topics are utterly irrelevant.
 - 17.1 It has no role in the grant or variation of any water licence. That task resides solely with the Water Minister¹.
 - 17.2 No water affecting activity of relevance to this application occurs within the area of the Board. It is all to occur in the Marne Saunders PWRA.
18. The comments made by the Board and apparently adopted by you are misconceived and require correction lest the planning authority be misled.

Licence Conditions to be varied by separate application

19. Our client intends to apply under s 124(1)(a) of the Act to vary WL 3839 to nominate the land in Allotment 2 in FP 10547 among the parcels for use of water under condition 1.
20. The Water Minister has the power to vary the water licence where:
 - (a) The water access entitlement is consistent with the relevant WAP (s 124(3)(a)(i); and
 - (b) The licence conditions are not seriously at variance with the relevant WAP (s 124(3)(a)(ii);
 - (c) The variation is in the public interest (s 124(3)(b))
 - (d) The variation is consistent with the requirements of any relevant regulation (s 124(3)(c)).
21. Contrary to the Board's assertion, the proposal does not offend any of the Barossa WAP principles including principal 22.

¹ See section 103(1) of the Landscape South Australia Act 2019.

22. The claimed inconsistency with principal 22 rests on the Board's assertion that:
- "The Upper Flaxman Valley Catchment is already over prescribed and movement of water would have adverse impacts on the potential for environmental flows and ramifications on the downstream users as well as recharge to the receiving aquifer".
23. This conclusion is fundamentally misconceived. The proposal involves no change, whatsoever, to the Applicant's authorised water allocation. It merely seeks to permit the use of a modest volume (of up to 25 ML) of already-allocated water from an existing dam within the Barossa PWRA, to another location, just over the road but outside the Barossa PWRA.
24. This is movement of water post-take, not an additional extraction.
25. The quantum, rate, timing and location of authorised extraction from the Barossa PWRA remain unchanged. There is no change to the allocation on WL 3839.
26. Because the proposal introduces no additional extraction pressure on the Barossa water resource it **cannot** have any impact (let alone any "significant detrimental impact") on:
- (a) The water resource;
 - (b) Water dependent ecosystems;
 - (c) Existing water users;
 - (d) The productive capacity of the land;
 - (e) The amount of duration of discharge from surface water/watercourses to underground water resources;
 - (f) The quality of the underground water or surface water/watercourse water.
27. The Board asserts that the proposed "*movement of water would have **adverse impacts** on the potential for environmental flows ...*" (our emphasis).
28. This is plainly nonsense.
29. The proposal does not alter the volume, location or manner of taking water from the Barossa PWRA. Environmental flows and downstream yield in the sub-catchment area of the Barossa PWRA are unaffected.
30. On the contrary, as acknowledged by the Board, the proposal will return water back to natural stream flow in the Marne-Saunders PWRA, which will increase flow and provide beneficial environmental outcomes. This is consistent with the general objectives and principles in clause 8.2 of the Marne-Saunders WAP.
31. The Board incorrectly asserts that the proposal will have *ramifications on the downstream users*.
32. There are no downstream impacts from the proposal in the Barossa PWRA because the Applicant's allocation of water remains the same and the quantity of water available to downstream users is also unchanged.
33. Conversely, the impacts of the proposal in the Marne-Saunders PWRA are beneficial to downstream users because the effect of the dam modification works is to return water back to natural flows which will increase flows available to downstream users.
34. The Board's concerns that the proposal would contribute to "recharge to the receiving aquifer" are entirely unfounded. The proposal will not affect recharge to the receiving aquifer associated with irrigation in either PWRA because:
- (a) the water currently is (and will continue to be) applied strictly for productive irrigation purposes within the root zone of the vines.
 - (b) the volume of water proposed to be used is modest (up to a maximum of 25ML);

- (c) the irrigation will be tailored to crop agronomic requirements and delivered through efficient irrigation methods designed to maximise plant uptake and minimise percolation losses.
 - (d) vines have relatively shallow and defined root systems and the proposed irrigation will be calibrated to maintain soil moisture only within this narrow root zone. As a result, virtually all applied water is either taken up by the plants or retained within the upper soil profile.
35. Any incidental infiltration that might occur is negligible, diffuse and insufficient to alter groundwater levels or contribute to aquifer supply.
 36. Given the low volume of water applied, the precision of application methods, and the physiological water requirements of grapevines, the proposal will not have any meaningful impact on recharge under any recognised hydrological or regulatory definition.
 37. The water will be used entirely for productive purposes, and the irrigation regime has been designed to ensure that no surplus water reaches the depth necessary to interact with, enter, or "recharge" any aquifer.

Amended WAP is irrelevant

38. The Board's objection to the proposal, in part relies on elements of the **draft** amended WAP.
39. The draft amended Barossa WAP is currently undergoing community consultation, is not yet finalised and has not been approved by the Water Minister. Section 56(1) of the Act expressly states that a WAP or an amendment to a WAP "does not have effect until it has been approved by the Water Minister." Until that approval occurs, the draft amended WAP is legally inert.
40. Accordingly, the draft amended WAP has no statutory force, cannot impose obligations on proponents and cannot be relied upon to assess, constrain, or restrict any current proposal.
41. Reliance by the Minister on a draft WAP is a legal error.

Relevant policies in relevant WAP

42. The proposed development is consistent with both the Barossa WAP and the Marne-Saunders WAP. Importantly, there are no adverse impacts from the proposal in the Barossa PWRA and in the Marne Saunders PWRA the proposal offers material benefits to the natural flow regime and other users.
43. The proposal is consistent with the Barossa WAP because -
 - (a) There are no policies which prohibit or even speak against water being taken for use outside the PWRA.
 - (b) The water allocation, the location of taking and the manner of taking in the Barossa PWRA is unchanged.
 - (c) While the proposal involves a change to the location of the use of a small volume of water this will have no impacts on the Barossa water resource, other users or other watercourses for the purposes of principle 22 of the Barossa WAP.
44. The proposal is consistent with the Marne-Saunders WAP because -
 - (a) Principle 173 provides that a permit is only required if imported water is directly applied or is stored in a dam that is not a "turkey nest" dam. The purpose of this application is to create a turkey nest dam to store the water.
 - (b) The water quality is excellent and it will be stored in a dam or dams that already exist on the land. The use of the water to irrigate vines will not affect underground water levels, affect the productive capacity of land (by salinity, sodicity, waterlogging, perched water tables, toxicity or nutrient concentrations), affect water dependent ecosystems or otherwise change the quality of water resources for the purposes of principle 177 in the Marne-Saunders WAP.

- (c) The proposal offers material benefits to the environment and other users by returning water to natural flows, which will increase environmental flows in the catchment and have beneficial impacts on the environment and downstream users.

These matters will be raised with the planning authority and we will ask it to promptly make a decision on the application.

Yours faithfully



James Levinson
Partner
HWLE Lawyers

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Rosie Jervis
Partner
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Level 14, 83 Pirie Street | Adelaide SA 5000

Details of Representations

Application Summary

Application ID	25025096
Proposal	Alterations to existing on-stream water storage dam to off-stream water storage dam (turkey nest) by creating a new dam wall to divert water flows
Location	1064 HIGH EDEN RD FLAXMAN VALLEY SA 5235

Representations

Representor 1 - Janet Keightley

Name	Janet Keightley
Address	
Submission Date	24/09/2025 11:29 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I have a concern about further restricting the flow of water from the headwaters of the Marne River by diverting water and increasing the volume of the current dam - and therefore the flow to downstream property owners as well as ultimately the River Murray. This concern is based on the acceptance that there is currently a change in climate with reduced rainfall in the area and drought occurring widely across the state. Evidence for my concern is, as an adjacent owner of a property at the headwaters of the Para River, on inspection this week, the dams I am aware of on this adjacent head water are, at the end of winter, not at capacity and therefore there has been no downstream flow from those dams. I therefore do not believe the planning application should be approved. I believe there is a need to support agriculture across all of the catchment area not just priority being given to those upstream. i would like to be notified of the date, time and location of the hearing in order that I may attend.

Attached Documents

Tom Marshall

From: Jan Keightley [REDACTED]
Sent: Thursday, 25 September 2025 5:47 PM
To: Tom Marshall
Cc: Development
Subject: [EXTERNAL] RE: 25025096 - Representation received - 1064 High Eden Rd Flaxman Valley Withdrawal of objection.

CAUTION: This Message originated outside your organization. Treat all attachments and hyperlinks with suspicion.

Good afternoon Tom

Thank you for following up on my submission.

It appears that I did not manage to gain access to all of the details of the proposal when considering whether to lodge my concern about the proposed work contained in this Development Application.

I have just spoken with Angus Davidson who has described the plan in detail.

I therefore am happy with the proposal as described by Angus and request that my objection to the proposal be withdrawn.

With thanks

Jan

From: Tom Marshall <tmarshall@barossa.sa.gov.au>
Sent: Thursday, 25 September 2025 2:06 PM
To: [REDACTED]
Cc: Development <Development@barossa.sa.gov.au>
Subject: 25025096 - Representation received - 1064 High Eden Rd Flaxman Valley

Hi Janet,

Thank you for submitting a representation in relation to the development application at 1064 High Eden Rd, Flaxman Valley (DA 25025096).

I note within online representation you have elected not to be heard, but the wording you have submitted has requested details of the meeting to be provided so you can attend. I wanted to clarify this as if no representors wish to be heard, the application will be subject to decision under staff delegation whereas if a representor does wish to be heard, the application would then be presented to the Barossa Assessment Panel.

Can you confirm whether you wish to be heard by the Barossa Assessment Panel or not? Noting this can change the procedural process as noted above.

I further note this application has been referred to the State Government to consider its impacts and requirements pursuant to the *River Murray Act 2003*.

Please feel free to contact me if you would like to discuss further or if you want further clarification on the application process.

Kind regards,

Tom Marshall

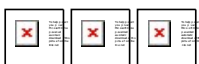
Senior Assessment Officer - Planning

E: tmarshall@barossa.sa.gov.au | T: 08 8563 8434



43-51 Tanunda Road | PO Box 867 NURIOOTPA SA 5355

www.barossa.sa.gov.au | T: 08 8563 8444



We acknowledge the Ngadjuri, Peramangk and Kaurna people and their ancestral connection to land and pay respects to Elders past, present and emerging.

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Details of Representations

Application Summary

Application ID	25025096
Proposal	Alterations to existing on-stream water storage dam to off-stream water storage dam (turkey nest) by creating a new dam wall to divert water flows
Location	1064 HIGH EDEN RD FLAXMAN VALLEY SA 5235

Representations

Representor 1 - Janet Keightley

Name	Janet Keightley
Address	224A Angas Street ADELAIDE SA, 5000 Australia
Submission Date	24/09/2025 11:29 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

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Attached Documents

AD 30min Phone Conversation with Jan K (16:50, 25th Sept) to discuss issues raised and explain project more fully.
Subsequent to this, she will speak to Tom Marshall at BV Council to withdraw her Objection to the project.

AD Representation Formal Response: (8th Oct)

After reviewing the application wording, it appeared there was the possibility of misinterpreting the intent of the development. Representor 1 had taken this incorrect interpretation, believing the intent of the application was to capture and store more water from the surface catchment.

The actual intent of this application is to return water to the catchment flow and environment. The existing watercourse will be diverted from above the dam, flow around the southern edge and return to the natural watercourse below the dam. This will prevent any stream flow from entering and effectively make the dam a "turkey's nest" storage facility. With the proposed development, future streamflow in this watercourse will become downstream environmental flow.



Government of South Australia
Department for Environment
and Water

Coast Unit

81-95 Waymouth Street
Adelaide SA 5000
GPO Box 1047
Adelaide SA 5001
Australia
Ph: +61 8 7421 0251
www.environment.sa.gov.au

12 February 2026

Aaron Curtis
Planning Officer
The Barossa Council

Dear Aaron

Development Application ID:	25025096
Applicant:	Angus Davidson (Tolley Scott & Tolley Ltd)
Proposal:	Alterations to existing on-stream water storage dam to off-stream water storage dam (turkey nest) by creating new dam wall to divert water flows
Location:	1064 High Eden Road, Flaxman Valley, CT 5442/915, F10547 A2
Relevant Authority:	The Barossa Council
Date received by DEW:	22 August 2025

Thank you for referring the above mentioned development application to the Minister for the time being administering the *River Murray Act 2003* ('the Minister') in accordance with Section 122(1)(a) of the *Planning, Development and Infrastructure Act 2016* and Schedule 9(3)(16) of the *Planning, Development and Infrastructure (General) Regulations 2017*.

The proposed development is within a River Murray Protection Area and has been assessed against the Objects of the *River Murray Act 2003* and its Objectives for a Healthy River Murray. These Objects and Objectives include consideration of potential impacts on river health, environmental flows, water quality and the human dimensions of the River Murray system.

Pursuant to Section 22(4)(c) of the River Murray Act, the Minister must take into account the views, responses or requirements of any other person or body that, in the opinion of the Minister, are relevant to an assessment of a statutory authorisation. Further, Regulation 43 of the Planning, Development and Infrastructure Regulations provides that the Minister may, in providing a response to the Relevant Authority, make that response on the basis of a matter raised by another Minister or authority responsible for, or involved in, the administration of a related operational Act (listed under Section 5 of the River Murray Act).

In accordance with the above, the Minister's delegate consulted with authorities responsible for the administration of the *Landscape South Australia Act 2019*, including the Department for Environment and Water (Water Science and Monitoring) and the Northern and Yorke Landscape Board.

ASSESSMENT**River Health**

The development application does not propose the clearance of native vegetation or of any habitat that may form part of a corridor for the movement of native species. However, should any removal or trimming of native vegetation be intended at any stage, the applicant should consult the Native Vegetation Council to ascertain relevant requirements under the *Native Vegetation Act 1991* and its Regulations.

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Environmental Flows

It is understood that the Northern and Yorke Landscape Board (NYLB) is in receipt of a referral of the application by virtue of the subject land being located within the Prescribed Water Resources Area Overlay of the Planning and Design Code, and the Marne Saunders Prescribed Water Resources Area (PWRA) pursuant to the *Landscape South Australia Act 2019*. It should be noted that the Marne Saunders PWRA straddles the boundary between the Northern and York region and the Murraylands and Riverland Landscape Board's region.

As the NYLB would, if not for the operation of Section 106(1)(e) of the Landscape South Australia Act, be responsible for the assessment of a Water Affecting Activity permit for the construction and/or modification of a dam within its region, the Delegate defers to the NYLB for specific comments and technical requirements of the Water Allocation Plan for the Marne Saunders PWRA¹ (WAP) and the NYLB Water Affecting Activity Control Policy².

While outside the scope of the referral, for the Relevant Authority and applicant's information, it is advised that the applicant would need to apply to the Department for Environment and Water for a Water Affecting Activity permit to import water from the Barossa PWRA to the Marne Saunders PWRA. That application would be assessed against the principles of the WAP, specifically:

8.2.2 Principles

117. A water affecting activity will be conducted in such a way that it ensures all of the following:
 - a) maintenance of acceptable water quality;
 - b) equitable sharing of the water available for consumptive use;
 - c) maintenance of natural hydrological and hydrogeological systems;
 - d) preservation of environmental water requirements and ecosystems dependent on water;
 - e) protection against the risk of harm to public and private assets and public safety from flooding; and
 - f) continued monitoring of potential impacts from the activity.
118. A water affecting activity must not:
 - a) cause or exacerbate soil erosion, bank or bed destabilisation of a watercourse or lake or erosion of a floodplain;
 - b) be located in ecologically or culturally sensitive areas where this will or is likely to have significant detrimental impacts, where ecologically sensitive areas include, but are not limited to, key environmental assets;
 - c) have significant detrimental impacts on water resources, other natural resources, or communities at both local and regional levels;
 - d) have significant detrimental impacts on water-dependent ecosystems, biodiversity and habitat preservation, where impacts may result from changes in factors including, but not limited to:
 - i. ecologically significant components of the water regime;
 - ii. ability of aquatic biota to migrate;
 - iii. habitat presence, quality and/or availability;
 - iv. sedimentation; and/or
 - v. ecologically significant components of water quality;
 - e) cause or exacerbate unnatural waterlogging and/or rising water tables;
 - f) cause unacceptable deterioration in the quality of surface water, underground water or water in a watercourse or lake;
 - g) create or exacerbate the incidence or intensity of local or regional flooding or increase the flood risk to public and private assets, communities or individuals, unless the activity is associated with licensed flood irrigation and does not cause adverse impacts to other assets, communities or individuals; and
 - h) impact on authorised devices or activities for scientific purposes.

¹ Download from: <https://www.landscape.sa.gov.au/mr/water/water-allocation-plans/marne-saunders>

² Download from: <https://www.landscape.sa.gov.au/ny/water/water-affecting-activities>

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and

8.10 Use of effluent and imported water

The following principles apply specifically to an activity under:

- Section 127 (5) (i) of the NRM Act, comprising using water in the course of carrying on a business in the Marne-Saunders PWRA at a rate that exceeds 1 ML per annum if the water has been brought into the region by means of a pipe or other channel ("using imported water"); or
- Section 127 (5) (j) of the NRM Act, comprising using effluent in the course of carrying on a business in the Marne-Saunders PWRA at a rate that exceeds 1 ML per annum ("using effluent").

They are additional to the general principles and objectives expressed for all water affecting activities in section 8.2.

173. A permit under this Plan is only required for using effluent or imported water where:
 - a) the effluent or imported water will be applied to land directly or following use in another process; and/or
 - b) imported water will be stored in a dam that is not a **turkey nest dam**.
174. A permit shall not be granted for the use of effluent if the effluent will be stored in a dam that is not a **turkey nest dam**.
175. A permit for using effluent will not be required where the user or type of enterprise is legally obligated to comply with a mandatory code of practice that encompasses storing and using effluent in a manner that is consistent with these principles. Examples of such a code of practice include, but are not limited to, the Environment Protection Authority's Code of Practice for Milking Shed Effluent (2003).
176. Where effluent is imported into the Marne Saunders PWRA then that water will be treated as effluent for the purposes of this section.
177. Storage and/or use of effluent or imported water must not:
 - a) cause a rise in underground water level sufficient to detrimentally affect structures, assets or natural resources;
 - b) affect the productive capacity of land by causing significant detrimental impacts including but not limited to increasing salinity, sodicity, waterlogging, perched water tables, toxicity and nutrient concentrations;
 - c) cause significant detrimental impacts on water-dependent ecosystems; and
 - d) result in unacceptable changes to the quality of water resources.
178. A permit shall not be granted for the use of effluent in an area defined as a **key environmental asset**.
179. Effluent and chlorine-treated imported water shall not be discharged directly or indirectly into watercourses.
180. Storage facilities for effluent and imported water shall be constructed and operated in a manner that prevents significant detrimental impacts on quality of water resources and health of water-dependent ecosystems.
181. Effluent must only be stored in a closed system with no natural catchment that is constructed to prevent:
 - a) leakage to the surrounding soils (unless carried out as a component of an approved aquifer storage scheme); and
 - b) overflow onto land or into watercourses.

Water Quality

Provided that the site is appropriately managed during construction works to avoid the potential for sediment and other pollutants to enter the River Murray system or erosion of the surrounding landform, and that the site is appropriately stabilised following completion of the works, the proposed development is unlikely to adversely impact water quality. To this end it should be noted that the *Northern and Yorke Landscape Board Water Affecting*

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*Activity Control Policy*³ includes principles requiring that the design, construction and maintenance of a dam should not result in watercourse erosion or allow silt or sediment to enter any watercourse.

Human Dimension

The River Murray and its overflow and tributary areas have abundant evidence of Aboriginal occupation. The subject land may therefore contain Aboriginal sites, objects or remains given its location within the River Murray system. It is recommended that the applicant request a search of the Aboriginal Heritage Register from the Attorney General's Department - Aboriginal Affairs and Reconciliation via <http://taawika.sa.gov.au>, prior to the commencement of any ground disturbing activities.

RESPONSE

In accordance with Section 122(5)(b)(ii) of the *Planning, Development and Infrastructure Act 2016*, the Relevant Authority is directed to attach the following conditions to any approval:

Conditions

1. During works or construction activities associated with the development, the subject land must be managed in a manner as to prevent erosion and pollution of the site and the environment, including keeping the area in a tidy state and ensuring any waste materials are appropriately contained to ensure no pollutants (including excavation or fill material) enter the River Murray system.
2. Any fill material brought to the site must be clean and not contaminated by construction or demolition debris, industrial or chemical matter, or pest plant or pathogenic material.
3. Any excavation or fill material surplus to the requirements of the development must be disposed of such that it will not:
 - a. be located within the floodplain of any watercourse;
 - b. impede the natural flow of any surface waters;
 - c. allow sediment to enter any water body;
 - d. adversely impact native vegetation;
 - e. facilitate the spread of pest plant and pathogenic material.
4. Any exposed areas created or exacerbated during the works must be appropriately stabilised to minimise the potential for erosion and the entry of sediment into the River Murray system.

It is recommended that the following notes be attached to any approval:

Notes

1. The applicant is advised of their general duty of care under the *River Murray Act 2003* to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
2. The applicant is advised that the approved development is subject to the provisions of *The Water Allocation Plan for the Marne Saunders Prescribed Water Resources Area* (available at: <https://www.landscape.sa.gov.au/mr/water/water-allocation-plans/marne-saunders>) and the *Northern and Yorke Landscape Board Water Affecting Activity Control Policy* (available at: <https://www.landscape.sa.gov.au/ny/water/water-affecting-activities>).
3. Prior to the clearance of native vegetation (including reeds) for any purpose, the applicant should consult the Native Vegetation Council to determine relevant requirements under the *Native Vegetation Act 1991* and its Regulations, which may include the provision of a Significant Environmental Benefit. Note that 'clearance' means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots,

³ Available via: <https://www.landscape.sa.gov.au/ny/water/water-affecting-activities>

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drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9777 or visit: <http://www.nvc.sa.gov.au>.

4. The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or remains may be present on the subject land. Under section 20 of the *Aboriginal Heritage Act 1988* (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act. For further information and to request a search of the Register of Aboriginal Sites and Objects from the Attorney-General's Department - Aboriginal Affairs and Reconciliation, visit: <http://taawika.sa.gov.au>.
5. This approval does not obviate any considerations that may apply to the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). For further information visit: <http://www.environment.gov.au/epbc>.

In determining this response I have had regard to, and have sought to further, the Objects and Objectives of the *River Murray Act 2003*.

These conditions and notes include consideration of social and cultural issues and they are applied in order to help achieve the balance between the economic and environmental sustainability of the regions that include the River Murray system.

Any comments or queries relating to the contents of this correspondence, and a copy of the decision notification form, may be directed to: DEW.RiverMurrayReferrals@sa.gov.au.

Yours sincerely



Daniel Walton
Senior River Planner, Coast Unit
Delegate for the
Minister for the time being administering the *River Murray Act 2003*

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Northern and Yorke Landscape Board

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Clare SA 5453
Tel 08 8841 3444
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www.landscape.sa.gov.au/ny

23 February 2026

Aaron Curtis
The Barossa Council

Response loaded to PlanSA portal

Dear Aaron,

Development Application ID 25025096**Applicant:** Angus Davidson**Landowner:** Tolley Scott & Tolley Ltd**Address:** 1064 HIGH EDEN RD FLAXMAN VALLEY SA 5235**Proposal (extract):**

It is proposed to convert a dam (12.5ML 426MARD0419) into a turkey-nest storage dam only, where water can be stored for subsequent transfer to the main dam for irrigation purposes or to a smaller dam to access for use for chemical application to vines and for the washing harvesters. The proposal is to isolate the dam by diverting the watercourse around it. This is to facilitate the importation of water on occasional basis from our adjoining vineyard in the North Para catchment. The aim is to remove the Dam (12.5ML 426MARD0419) from the catchment and thereby return that volume of water back to the natural stream flow in the Marne-Saunders Catchment.

The existing stream is predominantly dry and flows infrequently, after heavy or lengthy rain periods. The catchment zone is contained wholly within the subject land and approximately 30Ha in area.

Response

Development Application ID 25025096 has been referred to the Northern and Yorke Landscape Board as the subject land is within the Northern and Yorke Landscape Board Region. The Development Application refers to the removal of a dam in the Marne Saunders Prescribed Water Resources Area which straddles both the Northern and Yorke and Murraylands and Riverland Landscape Board regions.

This response has been prepared in conjunction with the relevant staff from the Murraylands and Riverland Landscape Board.

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A response was provided on 4 December 2025 from the Northern and Yorke Landscape Board to the Department for Environment and Water for submission. This letter is replying to the direct development application referral received on 9 February 2026.

The Northern and Yorke Landscape Board (the Board) re-iterates the following statement regarding the proposal to remove the on-stream dam and convert to a turkey nest dam:

- The Board **supports** the removal of the on-stream dam (12.5ML 426MARD0419) and conversion to a turkey nest dam, returning the water back to natural stream flow in the Marne-Saunders catchment. This has the potential to support increased flow and provide beneficial environmental outcomes for the Upper Marne catchment.
- The Marne-Saunders Water Allocation Plan (amended in 2019) provides the subject dam is located in Reach M1 – Marne Headwaters which is described as follows: *The Marne headwaters are ephemeral drainage lines and minor streams in the high rainfall area at the top of the Marne catchment. The streamflow moves quickly through the reach, with very little permanent water or areas of in-stream habitat that retain water for long periods. There are some exceptions such as Boehm's Spring, where discharge of underground water supports water-dependent ecosystems. The headwaters provide a large part of the flow for the rest of the catchment, and as a result, dams tend to be concentrated here.*
- The Marne-Saunders Water Allocation Plan outlines the following Environmental Objectives for assets in each reach (refer Table 4), which includes:
 - Water quality - Restore or rehabilitate water quality delivered from the reach to downstream.
- Through the removal of the on-stream dam, it is hoped that additional water flow will move from Reach M1 through the towards the Marne Gorge and lower reaches of the catchment area.

During the review of the Development Application, it was noted that the resultant turkey-nest dam will be used for water storage and to feed a smaller dam for use in chemical application and washing of equipment. The Development Application noted; *This is to facilitate the importation of water on occasional basis from our adjoining vineyard in the North Para catchment.*

As outlined in the letter dated 4 December 2025, the Northern and Yorke Landscape Board **does not support** the transportation of water (via pipeline or other mechanism) from a source the Barossa Prescribed Water Resources Area (PWRA) to a catchment area within the Marne Saunders Prescribed Water Resources Area (PWRA). **However, the Board cannot restrict this water transfer from occurring if the extracted volume remains within the existing water licence entitlement and annual allocation (refer WL-003839).**

The Board is committed to ensuring that the water resources in the Barossa PWRA are managed to maintain the current environmental, societal and economic outcomes. To monitor the environmental condition, Environmental Water Requirements (EWR's) have been developed using data from the 1997 to 2016 period. The December 2025 Barossa PWRA EWR assessment, completed by the Department for Environment and Water, provides that the Upper Flaxman Valley

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Catchment, along with all other surface water catchments with the Barossa PWRA have not met the 18 metrics required to meet the EWR's needed to support the water-dependent ecosystems. The metrics use a three-year moving average approach to assess the conditions over the most recent three years relative to targets established during the baseline (30 year) period.

This assessment, along with observations of permanent pools throughout the PWRA and data from other water users, confirms that the Barossa PWRA is under significant stress. Water users in the downstream reaches of the Upper Flaxman Valley Catchment have had on occasion and at great expense, had to resort to carting water to irrigate vines due to the lack of surface water flows.

These impacts, to both the environment and water users, is despite the limited extraction occurring by this licensee, with only 16,065kL of their substantial 353,000kL licenced volume used in 2024-2025 (data provided by Department for Environment and Water, 5 February 2026).

Although not referenced in the Development Application, subsequent communications from Mr James Levinson on behalf of the applicant, have provided that the applicant '*seeks to permit the use of modest volume (of up to 25ML) of already-allocated water*'. Should the applicant extract a further 25ML, although well within the licenced entitlement, it represents a significant increase (more than double) on water extraction from the 2024-2025 water use year.

The Board recognises and commends the proponent for investing in alternate water supplies (including recycled water programs) in the Barossa, therefore reducing their extraction from the surface water resource. Details of the proponents water sustainability initiatives are outlined in their **Cultivating a Brighter Future Report 2025**, which outlines a suite of sustainable water, community and business initiatives. However, the Board is conscious that additional extraction from the Upper Flaxman Valley Catchment may result in detrimental impacts downstream. Principle 22 of the Barossa Water Allocation Plan provides elements which must be considered in approval of allocations by the Minister:

22. Water may only be allocated where the Minister is satisfied that the proposed location of taking, and the proposed manner of taking and use of the water will have no significant detrimental impact on:

- a) the water resource;*
- b) water dependent ecosystems;*
- c) existing water users, either licensed or stock and/or domestic users;*
- d) the productive capacity of the land, including but not limited to, increases in land salinisation, waterlogging, or perched water tables;*
- e) the amount or duration of discharge from surface water/watercourses to underground water resources, and must not detrimentally affect any ecosystems that depend on that discharge; or*
- f) the quality of the underground water or surface water/watercourse water.*

It must be noted that the Board does not hold any known authority or legal ability to limit the extraction of water by the proponent under Water Licence WL-003839, or limit where or how the extracted water is used.

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For further information on the current status of the water resource, or to clarify any statement in this response, please contact Rebecca Howard, Manager Business and Planning on 0428629417 or at Rebecca.howard@sa.gov.au

Yours sincerely

Rebecca Howard
Manager, Business and Planning
Northern and Yorke Landscape Board

23/02/2026

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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 Variation to Barossa Assessment Panel Delegations - Updates to Legislation

INTRODUCTION

The *Planning, Development and Infrastructure Act 2016* (PDI Act) confers powers directly on:

- Council as a Council, Designated Authority and Designated Entity
- Council as a Relevant Authority
- **the Barossa Assessment Panel as a Relevant Authority; and**
- the Assessment Manager as a Relevant Authority.

These powers are separated into four Instruments of Delegation, Instruments A – D.

Relevant Authorities, including the Barossa Assessment Panel, may delegate their powers and functions pursuant to Section 100 of the PDI Act. Used well, delegations improve effectiveness and efficiency by allowing the day-to-day operations and administration to be carried out by staff, who have the relevant expertise and experience to deal with such matters.

Council's Delegation Register and instruments are based on Local Government Association (LGA) templates. The LGA has recently issued several updates to its delegation instruments under the PDI Act, amending Instruments A, B, C and D.

This report seeks the Panel's consent to authorise amendments to Instrument C – delegations from the Barossa Assessment Panel to the Assessment Manager. A copy of the amendments to Instrument C, are contained in **Attachment 1** and **Attachment 2**.

DISCUSSION

The LGA's delegation framework has been reviewed and updates have been identified within Instrument C as listed below:

New Provisions

- Minor variations to Deemed to Satisfy criteria.
- Minor Variation to Planning Consent.
- Notification of Deemed Planning Consent Notice.
- Procedural referrals where development would not impact a shipwreck.

Changed Provisions

- Circumstances in which Outline Consent may be granted.
- Environment and Food Production Areas – Greater Adelaide.
- Change of use where remediation is required after the issue of Planning Consent.
- Land Division where remediation is required after the issue of Planning Consent.
- Various changes under the Tree Canopy Off Set Scheme.
- Delegation source referencing changes.

Deleted Provisions

- Use of funds from the Tree Canopy Off Set Scheme.

CONCLUSION

The Barossa Assessment Panel has the opportunity to consider these new provisions identified through legislative amendments for delegation to the Assessment Manager under Instrument C, being the Instrument of Delegation under the *Planning Development and Infrastructure Act 2016*.

RECOMMENDATION

That the Barossa Assessment Panel:

- (1) In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016*, the powers and functions under Instrument C and specified in the proposed Instruments of Delegation contained in Attachments 1 and 2, are hereby delegated from 8 April 2026, to the position of Assessment Manager, subject to the conditions and limitations specified in the proposed Instrument of Delegation.
- (2) Such powers and functions may be further delegated by the Assessment Manager in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016*, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Amendment to the BAP Delegations - December 2025 [↓](#) 
- Attachment 2 Amendment to the BAP Delegations - March 2026 [↓](#) 

Instrument C – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel

NEW Provisions

#	Delegation Source	Provision	Item Delegated	Conditions & Limitations
803930	State Planning Commission Practice Direction 19 Minor Variations 2024	cl 6(1)	70. Minor Variations to DTS Criteria 70.1 The power pursuant to clause 6(1) of the State Planning Commission Practice Direction 19 Minor Variations 2024 (PD19) to consider that a variation (or multiple variations) to any DTS criteria that is relevant to a DTS development application constitutes a minor variation under Section 106(2) of the PDI Act if the delegate is satisfied that: 70.1.1 the extent (if any) to which the variation departs from a measurable feature of the DTS criteria is insignificant; and 70.1.2 the extent (if any) to which the variation will impact adjacent land is insignificant; and 70.1.3 the effect of the variation will not be contextually important.	
803931	State Planning Commission Practice Direction 19 Minor Variations 2024	cl 6(2)	70. Minor Variations to DTS Criteria 70.2 The power pursuant to clause 6(2) of PD19 to consider more than one variation to DTS criteria.	
803932	State Planning Commission Practice Direction 19 Minor Variations 2024	cl 7(1)	71. Minor Variation to Planning Consent 71.1 The power pursuant to clause 7(1) of PD19 to consider that a variation to a planning consent (including any variation of a condition or consent) is minor in nature as provided by Section 128(2) of the PDI Act and Regulation 65(1) of the PDI General Regulations if the delegate is satisfied that: 71.1.1 the variation is insignificant; and 71.1.2 the extent (if any) to which the variation will impact adjacent land is insignificant; and 71.1.3 the effect of the variation will not be contextually important.	

#	Delegation Source	Provision	Item Delegated	Conditions & Limitations
803933	State Planning Commission Practice Direction 19 Minor Variations 2024	cl 7(2)	71. Minor Variation to Planning Consent 71.2 The power pursuant to clause 7(2) of PD19 if a particular element or aspect of a planning consent which is sought to be varied has previously been varied (either under Section 128(2)(b) of the PDI Act or as a minor variation) to consider any subsequent variation under clause 7 of PD19 in comparison to the original planning consent (prior to any variations).	
803934	State Planning Commission Practice Direction 19 Minor Variations 2024	71. Minor Variation to Planning Consent	71. Minor Variation to Planning Consent 71.3 The power pursuant to clause 7(3) of PD19 in the case of multiple variations to a planning consent for different elements or aspect, whether occurring concurrently or via a series of variations over time (and either previously under Section 128(2)(b) of the PDI Act or as minor variations) to be satisfied that the cumulative effect of all variations when considered together is minor in nature in comparison to the original planning consent (prior to any variations).	
803929	State Planning Commission Practice Direction 12 - Conditions	cl 6	61. Notification of Deemed Planning Consent Notice 61.1 The power pursuant to clause 6 of the State Planning Commission Practice Direction 12 – Conditions Consent (PD12), where a person has issued a Deemed Planning Consent Notice (the Notice) to the relevant authority pursuant to Section 125(2) of the PDI Act, to upon receipt of the Notice, provide a copy of the Notice to: 61.1.1 any other relevant authority that has given or is considering another development authorisation relating to the same development; and 61.1.2 if the application was referred to a prescribed body under Section 122 of the PDI Act – to that prescribed body or bodies; and 61.1.3 if the owner of land to which the application related is not a party to the application – to the owner of the land; and 61.1.4 if any person has made a representation to the relevant authority in respect of the proposed development – to that person or persons; and 61.1.5 in the case of restricted development, the Environment, Resources and Development Court.	

CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Conditions & Limitations
737006	State Planning Commission Practice Direction 18 Outline Consent	cl5(1)(b)	6869 . Circumstances in Which Outline Consent May be Granted 6869 .1 The power pursuant to clause 5(1)(b) of the State Planning Commission Practice Direction 18 Outline Consent (PD18) to provide advice to an applicant that if the application were to be for planning consent, the council would request the Minister to give notice under Section 94(1)(g) of the PDI Act.	
326394	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning Regulations, Development Planning and Infrastructure Design (General) Regulations 2017 Code and Planning, Practice Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 Directions of Powers of an Assessment Panel (Instrument C)	s7(5)(d)	1.Environment and Food Production Areas – Greater Adelaide 1.2_ The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments in an environment and food production area , to, if the proposed development will create additional allotments in an environment and food production area that are to be used for residential development, refuse to grant development authorisation in relation to the proposed development.	
502956	Site State Planning Commission Practice Direction 14 Site Contamination Assessment 2021	cl 12	6061 62. Change of Use Where Remediation is Required After the Issue of Planning Consent – Section 127(1)(b) of Act 60 6162 .1 The power pursuant to clause 12 of the State Planning Commission Practice Direction (Site Contamination Assessment) 2021 (PD14) to be satisfied that a site is suitable for its intended use subject to remediation being undertaken and to issue a planning consent without the remediation	

#	Delegation Source	Provision	Item Delegated	Conditions & Limitations
			work having been carried out, subject to Condition A, B or C in PD14 as relevant.	
502957	SiteState Planning Commission Practice Direction 14 Site Contamination Assessment 2021	cl 13	6163. Land Division Where Remediation is Required After the Issue of Planning Consent – Section 127(1)(b) of Act 61 6263.1 The power pursuant to clause 13 of PD14 to be satisfied in relation to proposed land division that a site is suitable for its intended use subject to remediation being undertaken and to issue a planning consent without the remediation work having been carried out subject to the consent being subject to the following condition: A land division certificate under Section 138 of the Planning, Development and Infrastructure Act 2016 must not be issued until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.	
502958	SiteState Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme	cl 6(2)	626364. Reserved Matter 62 6364.1 The power pursuant to clause 6(2) of State Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme (PD16) to where an applicant has elected to reserve consideration of the DTS/DPF Policy in the Overlay, as provided for in the Code and under Section 102(4) of the PDI Act, to require the applicant to provide documents which are considered by the delegate as sufficient to confirm whether the relevant development site includes a Designated Soil Type.	Not applicable in the Council area

#	Delegation Source	Provision	Item Delegated	Conditions & Limitations
502959	SiteState Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme	cl 7	63 64 65 . Process for Payments to the Fund 63 64 65 .1 The power pursuant to clause 7 of PD16 where an applicant has elected to make a payment into the Fund, in lieu of planting a tree (or trees) as provided in the DTS/DPF Policy in the Overlay, to verify the payment as being correct in accordance with the Scheme, prior to the granting of development authorisation under the PDI Act.	Not applicable in the Council area
502960	SiteState Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme	cl 8(3)	64 65 66 . Development within Council Fund Designated Areas 64 65 66 .1 The power pursuant to clause 8(3) of PD16, where a development application relates to a site which is located both within a Council Fund Designated Area and within the Overlay to impose a condition requiring payment into a Council Fund, irrespective of an election by the applicant to plant a tree or make a payment into the Fund as provided under the Scheme.	Not applicable in the Council area.
502961	Urban Tree Canopy Off-set Scheme	cl 6(4)	65 66 67 . Payment into Fund 65 66 67 .1 The power pursuant to clause 6(4) of the Urban Tree Canopy Off-set Scheme (UTCOS) where an applicant has elected to make a contribution to the fund under this scheme to impose a condition on the relevant development authorisation for planning consent requiring that payment of the amount specified in clause 6(1) of the UTCOS be made into the fund before the issue of development approval for the subject development application.	Not applicable in the Council area
638656	Urban Tree Canopy Off-set Scheme	cl 9	66 67 68 . Use of Money from Fund 66 67 68 .1The power pursuant to clause 9 of the UTCOS to use money distributed from the fund for any of the following purposes (and for no other purpose):	Not applicable in the council area

#	Delegation Source	Provision	Item Delegated	Conditions & Limitations
			666768 .1.1to provide for the planting, establishment and maintenance of trees within reserves or public land anywhere within a designated local government area; or 666768 .1.2the purchase of land within a designated local government area to ensure: 666768 .1.2.1the preservation of trees; or 666768 .1.2.2that trees can be established in an area with a low urban tree canopy level or a demonstrated urban tree canopy loss.	

INSTRUMENT C – INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF AN ASSESSMENT PANEL

NEW Provisions

#	Delegation Source	Provision	Item Delegated	Conditions & Limitations
822049	Planning and Design Code	PD Code	53.Procedural Referrals 53.11The power to and in accordance with the PD Code to form the opinion that the development would not substantially impact the shipwreck (or associated relics) and would not warrant a referral when considering the purpose of the referral.	

CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Conditions & Limitations
326398	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning Regulations , Development Planning and Infrastructure Design (General) Regulations 2017 Code and Planning Practice Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 Directions of	s102(1)	5.Matters Against Which Development Must Be Assessed 5.1The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development): 5.1.1-	The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which one or more of the following apply: 1. No valid representations are received; 2. All valid representations are withdrawn; 3. No representor who has lodged a valid representation wishes to be heard; 4. A deemed consent notice has been served

#	Delegation Source	Provision	Item Delegated	Conditions & Limitations
	Powers of an Assessment Panel (Instrument C)		5.1.1.1 the relevant provisions of the Planning Rules; and 5.1.1.2 to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development, <u>and:</u> <u>5.1.1.3 if relevant, requirements applying under Part 15 Division 2 (other than under Section 198),</u> (planning consent);	on the Panel under Section 125(2) of the Act. 5. The applicant has not agreed to extend the statutory timeframe within which the Panel must determine the development application pursuant to Regulation 53 of the Regulations, and that timeframe will expire before the next meeting of the Panel is scheduled to occur. For avoidance of doubt, the delegate may not exercise the power pursuant to Section 102(1)(a) of this Act where the following apply: • The application is proposed by The Barossa Council unless it is a minor development such as street and park furniture, advertising signs, public toilets facilities, sheds on reserves; and • Where the Assessment Manager determines that the nature of the application is best determined by the Panel, having regard to the type of application, the public interest, and extent to which the proposed application meets the provisions of the Planning Design Code.

DELETED Provisions

#	Delegation Source	Provision	Item Delegated	Conditions & Limitations
638656	Urban Tree Canopy Set-Off Scheme	cl 9	68. Use of Money from Fund 68.1The power pursuant to clause 9 of the UTCOS to use money distributed from the fund for any of the following purposes (and for no other purpose): 68.1.1to provide for the planting, establishment and maintenance of trees within reserves or public land anywhere within a designated local government area; or 68.1.2the purchase of land within a designated local government area to ensure: 68.1.2.1the preservation of trees; or 68.1.2.2that trees can be established in an area with a low urban tree canopy level or a demonstrated urban tree canopy loss.	

9.2 Assessment Manager Quarterly Report - October 2025 to December 2025

BACKGROUND

Clause 18 of the Barossa Assessment Panel Operating and Meeting Procedures requires the Assessment Manager to prepare a quarterly report of:

- The development applications determined under delegated authority of the Barossa Assessment Panel for the previous period
- 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.

This report provides a quarterly report for the period October 2025 to December 2025.

REPORT

The Panel is assigned as a relevant authority in its own right under the *Planning, Development and Infrastructure Act 2016*. In the exercise of its duties, the Panel delegated to the Assessment Manager specific duties and powers on its behalf. Delegations enhance decision making processes and allow nominated matters to be resolved efficiently and effectively without the need for the Panel's consideration.

The delegations provide for:

- Administrative matters to assist in the timely processing of applications such as verifying development applications, undertaking statutory referrals and public notification.
- Determining prescribed development applications.

The planning applications received by The Barossa Council for the period are summarised in the table below.

	Number
Planning Applications Lodged	143
Planning Applications determined (excluding Private Certification)	124
Notified Applications	9
Determined Planning Consents by Relevant Authority (excluding Private Certification):	
• BAP	3
• Assessment Manager (AM)	110
• AM for BAP	11

The number of development applications that were notified during this period was 9. There were 110 development applications determined by the Assessment Manager. Three development applications were determined by the Panel and 11 development

applications were determined by the Assessment Manager under delegation of the Panel.

There are no outstanding development applications subject to decision under the repealed *Development Act 1993* (prior to 19 March 2021).

Development Applications Assessed under Delegated Authority of BAP by the Assessment Manager

The development applications considered by the Assessment Manager under Delegated Authority of the Panel are summarised below:

Development Application 25000579 – 46 Railway Terrace Nuriootpa Construction of a commercial building consisting of two (2) shop tenancies (380 sqm each) with associated carparking, landscaping and stormwater management works Representations – Nil Decision – Planning Consent Granted 13 October 2025 subject to conditions
Development Application 25010989 – 44 Maria Street Tanunda Construction of dwelling alterations and additions with attached garage involving the partial demolition of existing dwelling and demolition of existing outbuilding Representations – Nil Decision – Planning Consent Granted 22 December 2025 subject to conditions
Development Application 25014427 – 29-37 Tolley Road Nuriootpa Variation of Development Application 23031603 – Alteration to two (2) water tanks by increasing the height from 2.2 m to 8.43 m and their capacity from 157.8kL each to 450kL each for fire protection purposes Decision – Planning Consent Granted 22 December 2025 subject to conditions
Development Application 25019687 – 7-9 John Street Tanunda Change of use from a shop/dwelling to an office, including exterior repairs to the building (gutter replacement, harditex base sheeting, painting) with an associated carpark, landscaping and the demolition of an existing outbuilding Representations – Nil Decision – Planning Consent Granted 2 December 2025 subject to conditions
Development Application 25021128 – Lot 742 Keith Street Extension Tanunda Construction of workshop and two storey display showroom to be used for purpose of motor repair station (motorcycle service and repairs) and service trade premises, detention tank and associated signage, access, car parking and landscaping Representations – Nil Decision – Planning Consent Granted 29 November 2025 subject to conditions
Development Application 25024617 – Lot 608 Lyndoch Valley Road Williamstown Store (for domestic storage) Representations – Nil Decision – Planning Consent Granted 16 October 2026 subject to conditions
Development Application 25026081 – 175 Stott Highway Angaston and Lot 10 Stott Highway Angaston Variation of Development Application 24027037 – Removal of one (1) tourist accommodation building to a total of eight (8), amended siting and orientation of tourist accommodation buildings and inclusion of four (4) carports Decision – Planning Consent Granted 22 October 2025 subject to conditions

Development Application 25027709 – 66 Seppeltsfield Road Nuriootpa

Construction of a Store – 14.47m x 6.59m x 3.8m wall height, in association with the existing use of the land (cellar door/tourist accommodation/vineyard)

Representations – Nil

Decision – Planning Consent Granted 10 November 2025 subject to conditions

Development Application 25028395 – Lot 32 Balmoral Road Kalbeeba

Construction of a store (for domestic storage only) to be associated with a dwelling in the future – 21m x 9m x 3.3m wall height, with an associated canopy attached – 9m x 6m x 3.3m wall height

Representations – Nil

Decision – Planning Consent Granted 5 November 2025 subject to conditions

Development Application 25031198 – 1 Staehr Street Nuriootpa, 11 Tanunda Road Nuriootpa and 13 Tanunda Road Nuriootpa

Variation to Development Application 23022220 (replace enclosed automatic wash bay with a DIY wash bay, increase height of eastern boundary fence to 2.4m and acoustic fencing to vacuum bays)

Decision – Planning Consent Granted 15 October 2025 subject to conditions

Development Application 25032219 – 13-15 Penrice Road Nuriootpa

Installation of four (4) replacement lighting towers (each 30m high)

Representations – Nil

Decision – Planning Consent Granted 28 November 2025 subject to conditions

Deemed Consents

No deemed consent notices have been received for this period.

CONCLUSION

The Assessment Manager's Quarterly Report for the period October 2025 to December 2025 be received and noted.

RECOMMENDATION

That the report be received.

9.3 Barossa Assessment Panel 2025 Annual Report

INTRODUCTION

In accordance with Section 12.1 of the Terms of Reference of the Barossa Assessment Panel, a report shall be prepared for Council on an annual basis, detailing issues for consideration by Council. The report shall include advice on trends, issues and other matters relating to planning or development that has become apparent or arising through the Panel's assessment of applications under the Act.

An information report was presented to the Council at the meeting of 17 February 2026 titled '*Barossa Assessment Panel 2025 Annual Report*'. The annual report is contained in Attachment 1.

CONCLUSION

For the Panel's information.

RECOMMENDATION

That the report be received.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Council Report presented to the 17 February 2026 Council Meeting
- Barossa Assessment Panel 2025 Annual Report [↓](#) 

MATTERS FOR INFORMATION

6.2 BAROSSA ASSESSMENT PANEL 2025 ANNUAL REPORT

**Author: Administrative and Technical Support Officer
26/3853**

The Barossa Assessment Panel (BAP) was established for the purpose of acting as a delegate of the council in its role as a 'Relevant Authority' pursuant to Section 83(1) of the *Planning, Development and Infrastructure Act 2016* (PDI Act). The role of the Panel is to make decisions on development applications in accordance with the PDI Act.

In accordance with Section 12.1 of the Terms of Reference of the Barossa Assessment Panel, a report shall be prepared for Council on an annual basis, detailing issues for consideration by Council. The report shall include advice on trends, issues and other matters relating to planning or development that has become apparent or arising through the Panel's assessment of applications under the Act.

For the reporting period 1 January 2025 to 31 December 2025, the Panel comprised of the following members:

- Geoff Parsons – Presiding Member
- Graham Burns – Independent Member (Deputy Presiding Member)
- Rachel Knuckey – Independent Member
- Sarah Elding – Independent Member
- Jane Evans – Council Member
- Peter O'Dwyer – Deputy Independent Members
- Tony Hurn – Deputy Council Member

Jane Evans formally resigned from her position as the Council Member following the December 2025 Panel meeting. Council elected Tony Hurn as the Council Member at the Council Meeting of 16 December 2025.

Throughout the 2025 reporting period the following data on panel activities and development applications is provided for Council's information.

A total of eight Barossa Assessment Panel meetings were held in 2025, with no meetings held in January, February, March and November due to no items being required to be presented for a decision. The table below summarises the members attendance.

Ordinary Council Meeting

17 February 2026

PANEL MEMBER	ATTENDANCE
Geoff Parsons	8
Graham Burns	8
Rachel Knuckey	8
Sarah Elding	8
Jane Evans	4
Tony Hurn	2
Peter O'Dwyer	0

The table below summarises key statistics from the Barossa Assessment Panel meetings held during 2025.

	2025
Meeting	
Number of Meetings	8
Applications Presented for Decision	14
Applications subject to representors appearing	10
Other Business Items	
Delegations, Quarterly Assessment Manager reports, Operating Procedures, Appeal matters	11
Decisions	
Approved	13
Refused	1
Deferred	0
Applications for Review	
Review of Assessment Managers Decision	0
ERD Court Appeals	
Submitted	0

The types of applications and the nature of development with their assessment pathway presented to the panel are as follows:

Type of Development	Number of Applications	Nature of Proposal
Commercial	3	- Change of use to shop (café) and animal keeping (dog day care) to unit 1 – 1A Para Road, Tanunda - Construction of a car wash comprising three manual bays and two automatic bays, five vacuum bays; erection of pylon advertising sign (measuring 3.58m x 3.38m high) and installation of associated signage; construction of acoustic fencing

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Ordinary Council Meeting

17 February 2026

		(up to 2.9m high) and associated landscaping – 69-71 Murray Street, Nuriootpa Construction of building additions to existing shop (butcher) including demolition of existing verandah, construction of new verandah (over footpath) and installation of one advertising sign – 98 Melrose Street, Mount Pleasant
Industrial	1	Truck and trailer parking facility (expansion of existing road transport terminal) with associated four (4) security lighting towers (up to 6 metres in height) and acoustic earthen mound (up to 1.5 metres in height) with an acoustic fence sited atop (2 metres in height) and associated altered internal driveway, stormwater management and landscaping area – 37 Moppa Road South, Nuriootpa
Other	2	- Construction of a telecommunications facility consisting of a 30m monopole, antennas, equipment cabinet and security fencing (up to 2.4m in height) – 2591 Sturt Highway Nuriootpa - Change of use to animal keeping (comprising a total of 25 dogs with up to 10 greyhounds for racing purposes) and associated kennel enclosures in association with existing dwelling – 102 Hamiltons Road, Springton
Recreation	2	- Variation to Development Application 24004484 – Amendment to Condition 3 to increase operating hours – 2 Barossa Valley Way, Lyndoch - Installation of four (4) light towers (each 27 metres high) and removal of six (6) existing light towers – 13-21 Washington Street, Angaston
Residential	1	Construction of a two storey dwelling addition and alterations to existing single storey dwelling including partial demolition of existing roof structure – 22 John Dallwitz Avenue, Angaston

Ordinary Council Meeting

17 February 2026

Rural	2	• Installation and operation of two (2) frost fans (FrostBoss C59) – Lot 425 Light Pass Road Light Pass • Installation and operation of four (4) frost fans (FrostBoss C59) – Lot 852 Seppeltsfield Road Tanunda
Tourist Accommodation	3	• Change of use from dwelling to shared use comprising tourist accommodation (up to six guests) and dwelling – 13 Elizabeth Street, Tanunda • Change of use from dwelling to tourist accommodation (up to six guests) – 9 Edward Street, Tanunda • Construction of dwelling additions/alterations, decking and change of use of to a combined tourist accommodation (up to 6 guests) and dwelling use – 106-108 Murray Street, Tanunda

The Panel identified one policy matter for further consideration in respect to the spatial application of the single storey building height Technical and Numeric Variation (TNV) in Angaston. This matter arose from consideration of a development application for a two storey dwelling addition in the Established Neighbourhood Zone at 22 John Dallwitz Avenue, Angaston, which was ultimately refused due to the policy not supporting this form of development. The Panel identified the need for review of the spatial application of the single storey height TNV and Historic Area Overlay, due to the policy not seeming to be overly fit for purpose for this locality. The Panel ultimately adhered to the policy settings but found there were tensions between the existing character of development in the locality and the intent of the policy.

The single storey height limit applies to the residential areas of Angaston, Tanunda and Nuriootpa and was transitioned directly over from the previous Development Plan policy that preceded the Planning and Design Code. The policy seeks to maintain a single storey character. The policy has been in place for many years and it is timely for the policy to be reviewed. The endorsed Phase 1 Growth and Infrastructure Investment Strategy has identified the need to undertake investigations in relation to future infill capacity in the Neighbourhood Zone and to review policy settings in the Planning and Design Code to understand infill opportunities. There is opportunity for this review to occur as part of the Local Housing Strategy which Councils in the Greater Adelaide Regional Plan are required to prepare.

ATTACHMENTS

Nil

9.4 Amendment to 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.

Clause 2.1 of the *Barossa Assessment Panel Operating and Meeting Procedures* (the Operating and Meeting Procedures) sets out that:

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

For reasons as outlined in this report, Members are asked to consider a change to the Barossa Assessment Panel meeting schedule for remainder of 2026. Should the Panel resolve to alter the meeting schedule, amended *Operating and Meeting Procedures* shall be adopted as well as change to the current approved meeting dates for 2026.

DISCUSSION

The Members are invited to consider whether to adopt a change to the meeting schedule of the Panel for the remainder of 2026. This matter is presented for consideration as a result of a change to the calendar availability of the Presiding Member of the Panel, Mr Geoff Parsons.

The views of Panel Members were sought in relation to a possible change to the meeting schedule. Suggested alternate meeting schedules were canvassed with members. It was found that all members could accommodate a change to the meeting schedule to that of the second Tuesday of the month.

This report outlines recommendation to alter the meeting schedule from the first Tuesday of the month to that of the second Tuesday of the month. While this is recommended, it is ultimately for the Panel to decide if it wishes to amend the meeting schedule.

If the Panel does not wish to alter the schedule, the current schedule would remain. In such case, the Presiding Member may not be available for some meetings, in which case the Deputy Presiding Member, Mr Graham Burns would act in the role of Presiding Member. The Deputy Independent Member, Mr Peter O'Dwyer would also be able to attend as Independent Member.

The proposed changes to the *Operating and Meeting Procedures* are outlined in **Attachment 1**.

Should the Panel adopt the amended *Operating and Meeting Procedures*, the following schedule of meeting dates are requested to be approved. Note that the Council Chambers is not available on the second Tuesday in November, in which case it is proposed to hold the November meeting on the first Tuesday of this month.

12 May 2026
9 June 2026
14 July 2026
11 August 2026
8 September 2026
13 October 2026
3 November 2026
8 December 2026

CONCLUSION

Amended Operating and Meeting Procedures are presented for the Panel's consideration, to facilitate a change to the meeting schedule from the first Tuesday of the month to the second Tuesday of the month, such that the Presiding Member can attend all future scheduled meetings. If the change is not made, the current schedule would remain, noting that the Presiding Member may not be able to attend some meetings.

RECOMMENDATION

That the Barossa Assessment Panel resolves to:

- (1) Adopt the amended Operating and Meeting Procedures as contained in Attachment 1.
- (2) Adopt the following amended meeting schedule for the remainder of 2026, which involves meeting on the second Tuesday of each month, with the exception of the November meeting which shall be held on the first Tuesday of the month, 3 November 2026. All meetings shall be held at The Barossa Council Chambers commencing at 5.00 pm:

12 May 2026
9 June 2026
14 July 2026
11 August 2026
8 September 2026
13 October 2026
3 November 2026
8 December 2026

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Operating and Meeting Procedures - Proposed Amendments [↓](#) 

BAROSSA ASSESSMENT PANEL OPERATING AND MEETING PROCEDURES



Document Owner:	The Barossa Council	Previous Approval	06/06/2023
Document Control Officer:	DDES	Current Approval Date:	07/10/2025
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 ~~second~~^{first} Tuesday of each month (excluding the ~~first~~^{second} Tuesday meeting in January) at 5pm, in person at the Council Offices, 43-51 Tanunda Road, Nuriootpa, or via online

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platform, 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.

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:

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- (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—
 - (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.
- 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.
- 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.

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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

- 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.

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- 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 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

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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.
- 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:

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- 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.
- 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

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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.

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.

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- 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:
 - 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);

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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.

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

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- 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 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

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- 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;
- 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.

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- 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.
- 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.

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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 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;

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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.

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

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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

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Tuesday 5 May 2026 commencing at 5:00 PM

12. CLOSURE OF MEETING

The Presiding Member will declare the meeting closed.