

BAROSSA ASSESSMENT PANEL

MINUTES OF THE MEETING OF THE BAROSSA ASSESSMENT PANEL
held on

Tuesday, 7 April 2026, commencing at 5:00 PM

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



The Barossa Council

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1. WELCOME

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

2. ATTENDANCE

2.1 Present

Panel Members

Geoff Parsons	Presiding Member
Rachel Knuckey	Member – Via Teams
Graham Burns	Member
Sarah Elding	Member
Tony Hurn	Member

Aaron Curtis	Assessment Manager
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Council Staff

Jake McVicar	Director, Development & Community Services
Alex Phillis	Assessment Officer – Planning Services
Chris Kruger	Minute Taker

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

PANEL DECISION

Moved: G Burns

Seconded: R Knuckey

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

CARRIED

4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

Nil.

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

6.1 26002152 - 50 Jollytown Road Lyndoch

Representors

Monica Wohlstadt addressed the Panel at 5:04pm, and answered questions from the Panel.

Applicant

Lynley Down (on-line) addressed the Panel at 5:12pm, and answered questions from the Panel.

PANEL DECISION

Moved: G Burns

Seconded: R Knuckey

Seriously at Variance

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

CARRIED

PANEL DECISION

Moved: T Hurn

Seconded: S Elding

Character Preservation

Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, has resolved that there are no significant impacts on the character values of the district.

CARRIED

PANEL DECISION

Moved: G Burns

Seconded: R Knuckey

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, the operational and management plan, dated 4th February 2026 and all other documentation 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 use, installation of screening to the window of the bedroom on the north-west elevation shall be installed with a maximum 25% transparency to a height of at least 1.55m 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 being 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.

CARRIED

6.2 25025096 - 1064 High Eden Road Flaxman Valley

Angus Davidson (on behalf of the Applicant Treasury Wine Estates) answered questions from the Panel at 5:36pm.

PANEL DECISION

Moved: T Hurn

Seconded: G Burns

Seriously at Variance

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

CARRIED

PANEL DECISION

Moved: G Burns

Seconded: R Knuckey

Character Preservation

Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, has resolved that there are no significant impacts on the character values of the district.

CARRIED

PANEL DECISION

Moved: S Elding

Seconded: T Hurn

Granting of Planning Consent

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Planning, Development and Infrastructure Act 2016* resolves to GRANT Planning Consent for 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 appropriate 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>.

CARRIED

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

Nil.

8. REPORTS – PANEL UPDATES

Nil.

9. REPORTS – OTHER BUSINESS

9.1 Variation to Barossa Assessment Panel Delegations - Updates to Legislation

PANEL DECISION

Moved: R Knuckey

Seconded: S Elding

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.

CARRIED

9.2 Assessment Manager Quarterly Report - October 2025 to December 2025

PANEL DECISION

Moved: T Hurn

Seconded: R Knuckey

That the report be received.

CARRIED

9.3 Barossa Assessment Panel 2025 Annual Report

PANEL DECISION

Moved: G Burns

Seconded: T Hurn

That the report be received.

CARRIED

9.4 Amendment to Barossa Assessment Panel Operating and Meeting Procedures

PANEL DECISION

Moved: T Hurn

Seconded: G Burns

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

CARRIED

10. REPORTS – CONFIDENTIAL

Nil.

11. OTHER BUSINESS

Council Member representation on the Barossa Assessment Panel

The Chair acknowledged and thanked Cr Jane Evans for her valuable contribution to the Panel, following her resignation which was accepted by Council at its December 2025 meeting.

Cr Tony Hurn was welcomed as the Elected Council Member to the Barossa Assessment Panel.

12. NEXT MEETING

Tuesday 12 May 2026 commencing at 5:00 PM

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:04pm.

Confirmed

Date:..... Chairman: