

BAROSSA ASSESSMENT PANEL

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

Tuesday, 4 June 2019, commencing at 5:00 pm

Louis Monteduro
Assessment Manager



AGENDA

Please note that 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

NOTE: Plans contained in this agenda are subject to Copyright Laws.

INDEX

1. Welcome	Page 3
2. Attendance	Page 3
3. Confirmation of Minutes	Page 3
4. Business Arising From Minutes	Page 15
5. Declaration of Interest by Members of the Panel	Page 15
6. Reports – Applications for Decision	
6.1 960/91/2019 (228 Nuraip Road Nuriootpa)	Page 16
Applicant: Michael Richardson of MasterPlan SA Pty Ltd on behalf of BGI Building Group	
Representors: Kim Hahn on behalf of Simon and Nicole Hahn and Jason and Kim Hahn	
6.2 960/664/2018 (183 Kalimna Road Nuriootpa)	Page 79
7. Reports – Applications to Proceed/Not to Proceed to Assessment	
7.1 960/722/2017 (30 Murray Street Angaston)	Page 132
8. Reports – Deferred Applications for Decision	
Nil.	Page 168
9. Reports – Panel Updates	
9.1 State Planning Commission Concurrence Matters	Page 169
9.2 ERD Court Appeal – Development Application 960/279/2017 – JBG Architects (M And K Fitzpatrick) – Lot 897 N Herbig Road Springton – Detached Dwelling With Verandahs Under Main Roof and Domestic Outbuilding (Shed)	Page 170
10. Reports – Other Business	
Nil.	Page 171
11. Reports - Confidential	
Nil.	Page 171
12. Next Meeting	Page 171
13. Closure of Meeting	Page 171

1. WELCOME

2. ATTENDANCE

2.1 Present

2.2 Apologies

2.3 Absent

3. CONFIRMATION OF MINUTES

Recommendation

That the minutes of the Development Assessment Panel meeting held on Tuesday 7 May 2019 be received and confirmed. Refer **Attachment 1**.

3 Attachment 1

BAROSSA ASSESSMENT PANEL

MINUTES OF THE SIXTEENTH MEETING OF THE BAROSSA ASSESSMENT PANEL held on

Tuesday, 7 May 2019 commencing at 5:00pm

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



The Barossa Council

MINUTES

Index

1.	Welcome	Page 4
2.	Attendance	Page 4
3.	Confirmation of Minutes	Page 4
4.	Business Arising	Page 5
5.	Declaration of Interest by Members of the Panel	Page 5
6.	Reports - Applications for Decision	
	6.1 960/217/2019 (54 Carlisle Street Williamstown)	Page 5
	6.2 960/615/2018 (20 Wild Street Williamstown)	Page 6
7.	Reports – Applications to Proceed to Assessment	Page 9
8.	Reports – Deferred Applications for Decision	Page 9
9.	Reports – Panel Updates	
	9.1 SCAP Concurrence Matter	Page 9
10.	Reports – Other Business	Page 9
11.	Reports - Confidential	Page 9
12.	Next Meeting	Page 9
13.	Closure of Meeting	Page 10

1. WELCOME

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

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne	Presiding Member
Rob Veitch	Member
Grant Hewitt	Member
Deirdre Reiman	Member
Richard Miller	Member

Louis Monteduro	Assessment Manager
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Council Staff

Gary Mavrinac	Director, Development and Environmental Services
Janine Lennon	Senior Assessment Officer, Planning
Chris Kruger	Minute Secretary

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: G Hewitt

Seconded: D Reiman

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 2 April 2019 be received and confirmed.

CARRIED

4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

Nil.

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/217/2019 (54 Carlisle Street Williamstown)

Benjamin Nelson (Applicant and owner) answered questions from the Panel.

Recommendation

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) 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, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To REFUSE Development Plan Consent for Application No. 960/217/2019 by Elise and Benjamin Nelson to undertake Construction of a domestic outbuilding measuring 7.5m x 13.3m x 3.4m wall height at 54 Carlisle Street, Williamstown (CT 6052/910) for the following reasons:

The proposed development is contrary to:

- General Section, Siting and Visibility Module Principles of Development Control 4(a) and 5.

Reason: Outbuilding will unduly interrupt landscape views.

- General Section, Design and Appearance Module Principles of Development Control 4(a) and 4(b)

Reason: Outbuilding will be highly visible from adjoining dwelling.

- Township Zone Objectives 2 and 5; Principle of Development Control 6

Reason: Outbuilding not consistent with the prevailing or desired small scale character of the Zone.

- Residential Policy Area 7 Objectives 2

Reason: Outbuilding not consistent with the prevailing or desired small scale character of the Zone.

- Residential Policy Area 7 Principle of Development Control 6

Reason: Outbuilding not consistent with the quantitative height parameter sought for outbuildings in this Policy Area.

Panel Decision

Moved: R Miller

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

6.2 960/615/2018 (20 Wild Street Williamstown)

Benjamin Garden (Applicant and owner) answered questions from the Panel.

Recommendation

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- 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, seeks to further the objects of that Act.
- That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- To GRANT Development Plan Consent for Application No. 960/615/2018 by Benjamin T Garden to undertake Construction of a domestic outbuilding - shed (measuring 9.5m x 8.0m x 3.6m wall height) and Swimming Pool with associated safety fencing at 20 Wild Street, Williamstown (CT 5857/281) subject to the following 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. 960/615/2018 including:
- Block Plan, prepared by applicant, dated 1 November 2018
 - Elevations East and West, prepared by applicant, Amended dated 23 April 2019;
 - Elevations North and South, prepared by Applicant, Amended dated 23 April 2019;
 - Roof Beam Layout, prepared by Applicant, dated 1 November 2018

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.

- (2) All stormwater from buildings, paving and from areas that immediately surround the perimeter of the building shall be disposed of in a manner that does not result in entry of water into the building, or affect the stability of the building, or create an unhealthy or dangerous condition, or run onto or over land of an adjoining owner.

Storm water disposal systems must be fully installed at the completion of the construction of the building with adequate measures deployed during construction to ensure the temporary disposal of surface or roof water does not affect neighbouring properties, to the satisfaction of Council.

Reason: To ensure that stormwater is adequately managed at the site.

- (3) The domestic outbuilding (shed) herein approved shall not be used for human habitation or occupation, or industrial or commercial use, at any time.

Reason: To ensure that the building is not used for a purpose other than for which it is authorised.

- (4) The domestic outbuilding (shed) herein approved, shall only be used for domestic storage purposes at all times, to the reasonable satisfaction of Council.

Reason: To ensure that the building is not used for a purpose other than for which it is authorised.

- (5) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Noise) Policy 2007, and such that any resulting noise is not considered a nuisance, to the satisfaction of Council, including any pump/filtration infrastructure.

Reason: To ensure that the proposal is able to comply with the requirements of the Environment Protection (Noise) Policy 2007.

Advisory Notes

- (1) Any variation from the approved use or the approved application and the conditions of consent will require further application and approval from Council or other relevant planning authority. Approval of this application does not imply that future applications for variations will be approved. Any future application will be assessed by having regard to the relevant rules in force at the time it is lodged.
- (2) 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.

Panel Decision

Moved: R Miller

Seconded: G Hewitt

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) 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, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To REFUSE Development Plan Consent for Application No. 960/615/2018 960/615/2018 by Benjamin T Garden to undertake Construction of a domestic outbuilding - shed (measuring 9.5m x 8.0m x 3.6m wall height) and Swimming Pool with associated safety fencing at 20 Wild Street, Williamstown (CT 5857/281) for the following reasons:

The proposed development is contrary to:

- Township Zone Objectives 2 & 5; Principle of Development Control 6
Reason: Outbuilding not consistent with the prevailing or desired small scale character of the Zone.
- Residential Policy Area 7 Objectives 2
Reason: Outbuilding not consistent with the prevailing or desired small scale character of the Zone.
- Residential Policy Area 7 Principle of Development Control 6
Reason: Outbuilding not consistent with the quantitative height or setback parameters sought for outbuildings in this Policy Area.

CARRIED

7. REPORTS – APPLICATIONS TO PROCEED/NOT TO PROCEED TO ASSESSMENT

Nil.

8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

Nil.

9. REPORTS - PANEL UPDATES

9.1 SCAP Concurrence Matter

Recommendation

That the report be received.

Panel Decision

Moved: D Reiman

Seconded: R Miller

That the recommendation be adopted.

CARRIED

10. REPORTS - OTHER BUSINESS

Barossa Assessment Panel appointments

A report will be presented to the 21 May 2019 Council meeting, recommending that Council appoint the members of the current Barossa Assessment Panel for the period of 1 July 2019 – 30 June 2020, pending Expressions of Interest to be called for future membership in line with the Accredited Professionals Scheme.

Apologies for July 2019 Barossa Assessment Panel

B Ballantyne and L Monteduro tendered apologies for the July 2019 meeting.

11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 4 June 2019 commencing at 5.00pm.

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 5:31pm.

Confirmed

Date: Chairman:

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 – APPLICATIONS FOR DECISION

6.1 960/91/2019 (228 Nuraip Road Nuriootpa)

Applicant: Michael Richardson of MasterPlan SA Pty Ltd on behalf of BGI Building Group
Representors: Kim Hahn on behalf of Simon and Nicole Hahn and Jason and Kim Hahn

APPLICATION DETAILS

PROPOSAL	Partial change of use of existing dwelling to restaurant and associated internal fitout; partial change of use of existing outbuilding to toilet facilities; creation of eighteen vehicle carpark associated with the restaurant; and demolition of outbuilding.
APPLICANT	BGI Building Group Pty Ltd C/o MasterPlan SA Pty Ltd
OWNER	Yu-Chih Lui
APPLICATION NO	960/91/2019
CERTIFICATE(S) OF TITLE	CT 5869/663
AREA	6456sqm
CURRENT USE	Dwelling with associated domestic outbuildings
DEVELOPMENT PLAN VERSION	Consolidated 1 November 2018
ZONE	Primary Production (Barossa Valley Region) Zone
POLICY/PRECINCT AREA	Nil
OVERLAYS	Nil
APPLICATION TYPE	On-Merit
CATEGORY OF DEVELOPMENT	Category 3
REFERRALS	Nil
PREVIOUS APPLICATIONS	960/940/2013 – Warehouse (Storage Building and Office) Non-complying – Withdrawn 960/663/2014 – Advertisement (Pole Mounted) - Approved
ASSESSING OFFICER	Jake Boswell
RECOMMENDATION	That Development Plan Consent be GRANTED

BACKGROUND

The development application is for a partial change of use of an existing dwelling to restaurant with associated internal fit out. Partial change of use of an existing outbuilding to include toilet facilities is also proposed, as is the creation of an associated car park to establish 18 parking spaces. The car parking was originally proposed to comprise seven parking spaces, however has been amended as a response to representor's concerns raised during the public notification period.

An outbuilding is also proposed to be demolished to accommodate the car park.

The site is currently utilised as a residential allotment with a self-contained dwelling and associated outbuildings. The site previously has been utilised as an approved hostel for tourist accommodation, however this use has ceased.

The restaurant herein would accommodate a total of 50 seats, 42 of those being within the existing building and opportunity for a further eight external of the building (either under the southern verandah, or adjacent the building's eastern elevation). The restaurant is proposed primarily to act as a type of 'desert bar' operating primarily in the realm of cakes, pastries and desserts.

The restaurant proposes to open seven days per week, operating Monday – Wednesday: 9.00am – 7.00pm and Thursday – Sunday : 9.00am – 9.30pm. The proposal does not seek the establishment of any external advertising and/or signage.

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

This application has been referred to the Barossa Assessment Panel for a decision for the following reason:

- (1) Where representations opposing a proposal have been received as a result of category 2 or 3 public notification and the representor has indicated a desire to be heard in support of a representation.

PUBLIC NOTIFICATION

The application is a Category 3 form of development pursuant to Section 38 and Schedule 9 of the *Development Act 1993* and Regulations 2008 and the Procedural Matters of the Primary Production (Barossa Valley Region) Zone.

Representations:	One representation was received (comprising four respondents from two allotments)
Persons wishing to be heard:	One representor identified that they wish to address the Panel: <ul style="list-style-type: none">• Kim Hahn, on behalf of the representation group
Applicant/s	A representative of MasterPlan SA Pty Ltd on behalf of BGI Building Group Pty Ltd (the Applicant) wishes to appear to respond to representations.
Summary of Representations:	The representors raised concern regarding the following matters: <ul style="list-style-type: none">• Excessive noise beyond what is typically expected of a Primary Production region• Increase in traffic movements• Increase in excessive smell and odour• Loss of privacy• Safety and Security
Applicant Response:	The applicant's response to the representation is summarised below: <ul style="list-style-type: none">• Nuraip Road and Barossa Valley Way currently exhibit large quantities of traffic movements which impinge the amenity of the locality.

- Majority of seating is within the existing building.
- Nature of the restaurant comprises low-odour foods, not subject to EPA prescriptions.
- Typical hours of operation and car parking located further away from boundary contribute to lesser impact on privacy and security.
- Patron behaviour is typically controlled by relevant liquor license conditions.
- Amended car parking design supplied to alleviate privacy concerns (representors made aware of the amendment which did not quell any concern).

An aerial view showing the representations properties is shown in *Figure 1*.

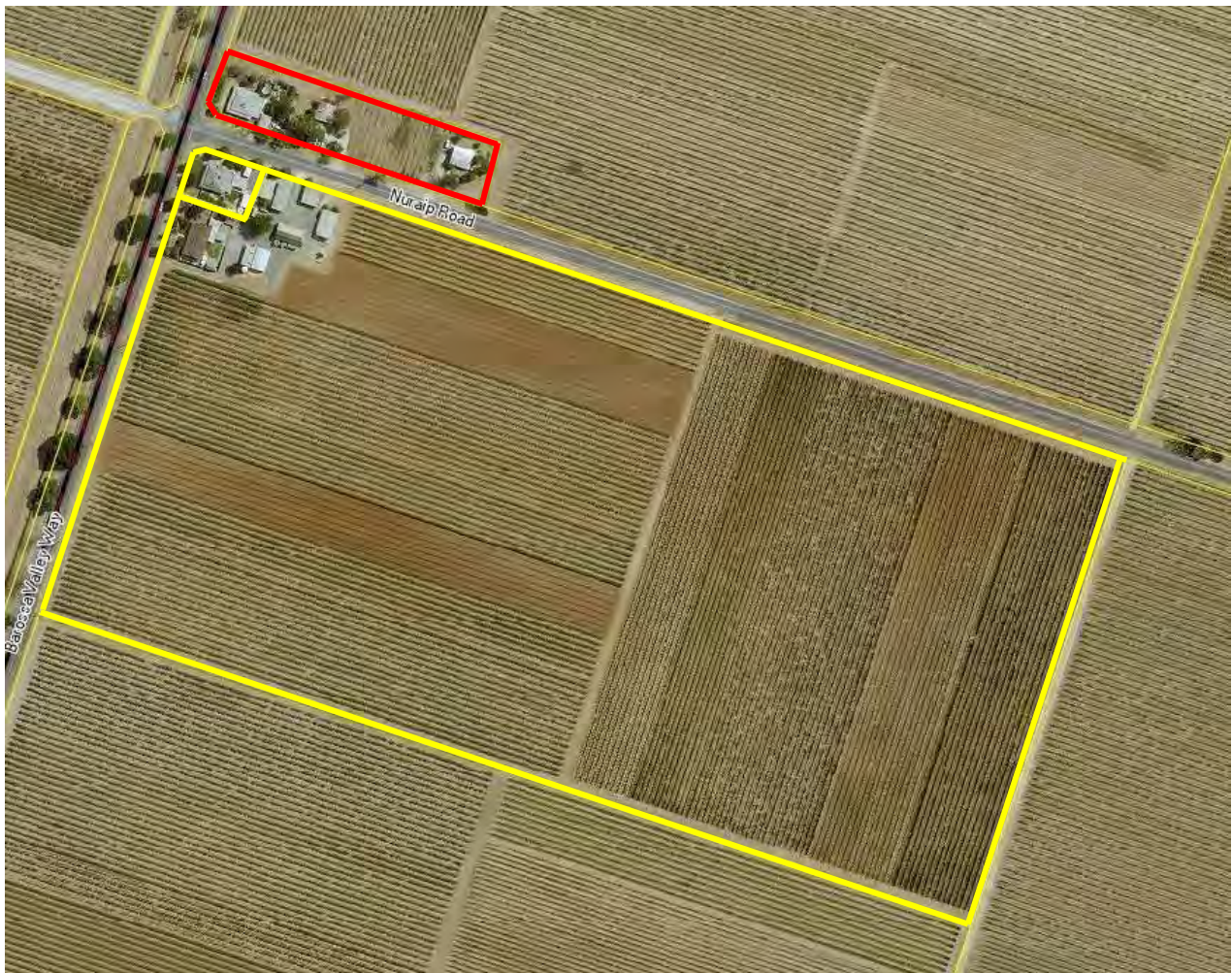


Figure 1: Aerial of Representations Properties (outlined in Yellow)

A copy of the representor concerns and the applicant's response is contained in Attachment 2.

SITE AND LOCALITY

The subject site comprises a 6456sqm rectangular allotment with primary frontage to Nuraip Road, and a secondary frontage to Barossa Valley Way – the latter being a secondary arterial road under the control of the State. The site contains a detached dwelling with associated outbuildings. Vineyards also exist on the land.

The building existing on the subject site, adjacent the eastern allotment boundary, does not benefit from residential/dwelling use rights.

The site is relatively flat and contains some stands of native vegetation. The site also contains two bores, noted as being operational.

The locality is predominately comprised of larger allotments used for horticultural purposes. Detached dwellings, associated outbuildings and farm buildings also feature consistently throughout the locality. To the south of the subject site is a smaller allotment which is primarily used for residential purposes. Adjacent that site is an additional dwelling sited on a larger allotment, also containing a vineyard. These dwellings are within 35m and 70m of the subject site, respectively.

The site is located within the Primary Production (Barossa Valley Region) Zone, as shown in Figure 2 and Figure 3.

The site is located within the Rural Area of the Character Preservation District Overlay as shown in Figure 4 and Figure 5.

An aerial view of the locality and site are shown in Figure 6 and Figure 7.

Site photos are provided in Figure 8 to Figure 11.

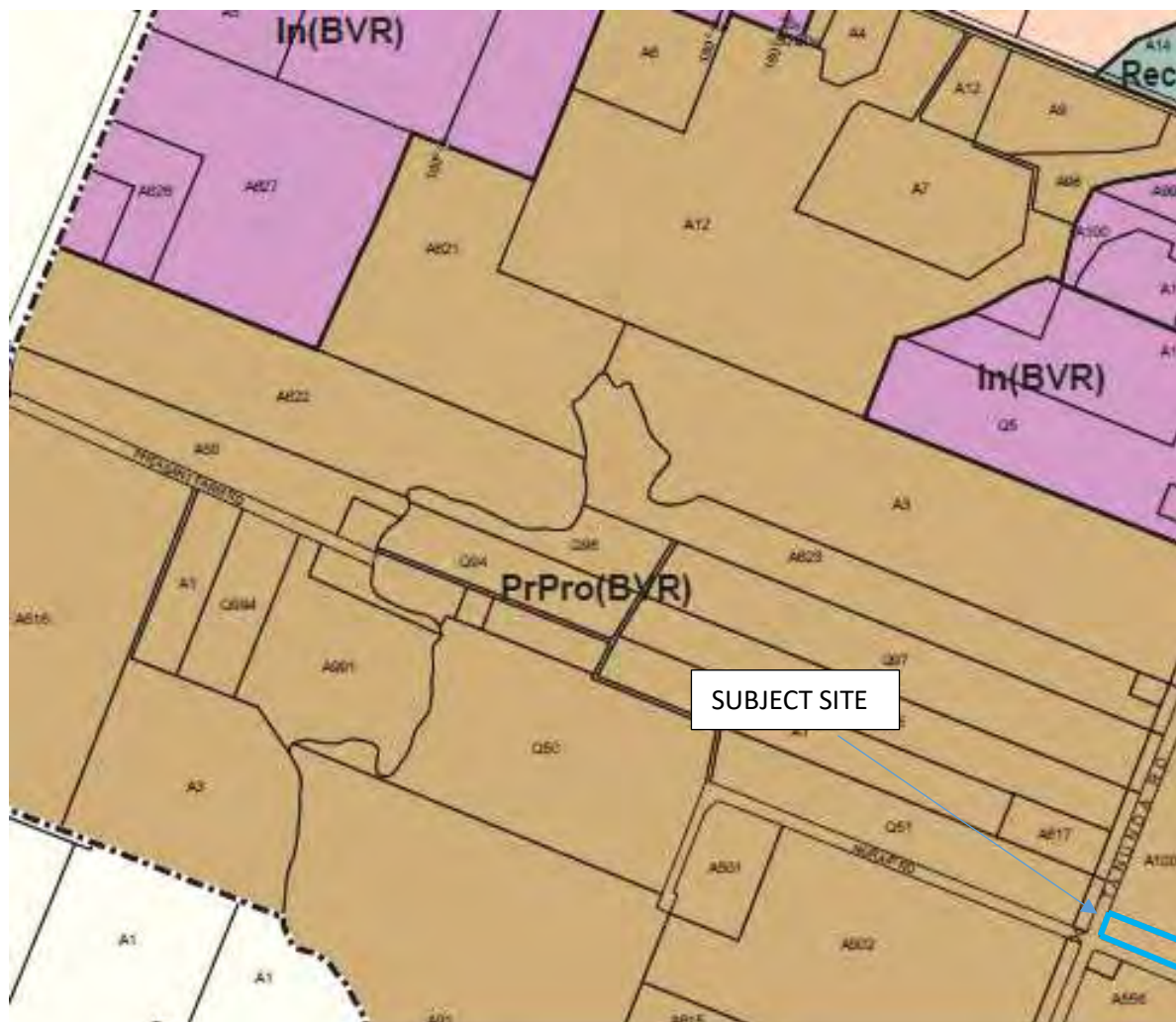


Figure 2: Zone Map

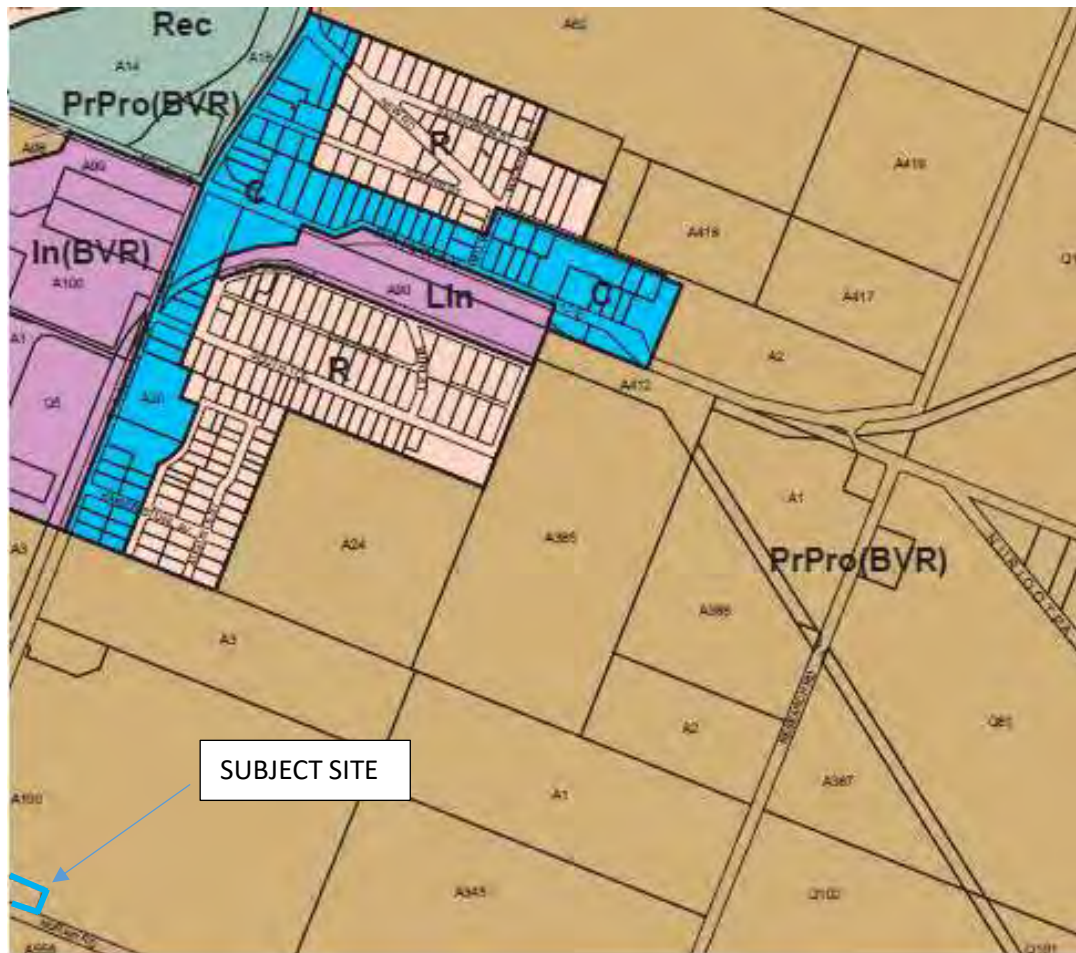


Figure 3: Zone Map



Figure 4: Overlay Map (Character Preservation)



Figure 5: Overlay Map (Character Preservation)



Figure 6: Aerial – Locality



Figure 7: Aerial – Site



Figure 8: Site Photo – Existing dwelling subject to change of use



Figure 9: Site Photo – Existing dwelling and outbuilding (for partial amenities use)



Figure 10: Site Photo – Location of proposed rear car park access



Figure 11: Site Photo – Outbuilding to be demolished and proposed car parking area

REFERRALS

No referrals are required under Schedule 8 of the Development Regulations 2008.

Internal

The application was referred to:

Health Services

While not a planning consideration, the kitchen/internal-fitout would need to occur to the appropriate standard as outlined within the relevant legislation. It is also noted that a Wastewater Application will be required for a development such as this, and potentially would require an upgrade to the wastewater infrastructure on site. **It's understood that a** wastewater system may require the input of a suitably qualified professional, however could be accommodated on site – despite the location of existing bores on site.

Council's Health Services will be required to be notified prior to the operation of any land use which includes the serving of food.

ASSESSMENT

CARPARKING SPACES	17 spaces required	18 provided
Table Baro/1 – Off Street Vehicle Parking Requirements		Complies with standard: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Partial

Qualitative Criteria

The proposal is assessed for consistency with the qualitative requirements of the Development Plan as outlined below:

Overlay Section

Character Preservation District

The proposed development is sited within the Rural Area of the Character Preservation district. The proposed development does not propose any substantial external building works, and as such there is unlikely to be an unreasonable material impact on the character of the district.

Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the assessing officer has had regard to the objects of the Act and, in determining this application, whether it seeks to further the objects of the Act.

Bushfire Protection Area

The subject land is located within a Medium Bushfire Risk area. The proposed development is of a kind that does not result in additional planning requirements associated with the bushfire risk level.

General Section

Interface between Land
Uses
Noise
Rural Interface

Objective 1
PDCs 1, 2, 5, 6, 7 and 8

This aspect of the development is finely balanced. It is acknowledged that there may be offsite impacts that occur from the proposed development, however the extent of those impacts may not be unreasonable given the uses' relatively low scale commercial nature.

While the introduction of a land use per the proposal can bring with it issues such as noise and odour, it is noted that the site and locality is located within a primary producing region, as opposed to residential or township context. Typically, dwellings within primary producing regions do not encompass the same amenity as their residential counterparts.

Nuraip Road is a noted commercial route, consistent with Barossa Valley Way, and as such there is already a considerable noise impact to sites adjacent that road which needs to be acknowledged. The introduction of a restaurant (with 90% of seating being indoor) could result in ambient noise during time of service, however it is unlikely to be to an unreasonable degree when considered against the context of a primary production locality. For context, the zoning provisions provide for a restaurant to be established (albeit in association with a winery) with a maximum seating capacity of 75 persons and floor area of 250 square metres. A lesser scale is proposed in this development.

The hours of operation for the development are not considered to be unreasonable for this type of development. By ensuring a maximum closing time of 9.30pm on Thursday - Sunday, any noise concerns would be restricted to this hour. A 7.00pm closing time Monday - Wednesday is also considered acceptable and would limit any potential noise impacts to adjacent sites.

Furthermore, the car parking layout has been amended throughout the assessment process to incorporate additional parking spaces and to provide an increased buffer distance to any adjoining dwelling. This is also likely to remove any potential of on-street parking, thus ensuring all traffic to the site can be located entirely on site and away from adjoining dwellings.

By virtue of the amended car parking layout, this is likely to reduce any privacy concerns that were present with the previous design. The car parking has been amended such that all spaces will be adjacent the northern site boundary, located as far as practical from any adjacent dwelling. Existing outbuildings, fences, and native vegetation will visually screen (and may provide some acoustic benefit) the

car parking from the adjacent southern dwellings – and vice versa – and the ingress/egress point is off-set with the dwelling adjacent to the south such that there is no direct view into the respective private open space. Furthermore, the seating of the restaurant will primarily occur within the existing building – although it is acknowledged that some outdoor dining is proposed – including potentially under the verandah adjacent Nuraip Road.

In any case, a restaurant which includes the service of alcohol would be subject to the responsible service of alcohol provisions pursuant to the *Liquor Licensing Act 1997*.

In regards to potential odour impacts resulting from food production on site, this is not considered to be unreasonable. The separation distance between the proposed restaurant area and the nearest dwelling is approximately 35 metres. Historically, similar forms of development have not been cause for substantial odour impacts, particularly in cases where development is of a scale that does not require the installation of extraction/exhaust systems or flues. Furthermore, the Environment Protection Authority (SA) does not require that this type of land use be considered within its separation of land uses guidelines, in respect to air quality and sensitive land uses.

The applicant has also acknowledged that waste bins are to be located to the rear of the existing building and hidden from view/screened. Waste is to be treated and disposed of by a licensed contractor on a regular basis. Given the proximity of adjacent dwellings, it is recommended that a condition be employed to ensure that waste is adequately managed and disposed in a manner that does not cause nuisance.

All other Objectives and PDCs are deemed to comply.

Orderly and Sustainable
Development

Objectives 1, 3, 4, 6 and 7
PDCs 1, 2, 4, and 5

The proposed development seeks the development of a restaurant within an existing building. This development is sited outside of any existing township boundary but is not a substantial ribbon style development, utilising an existing built form.

This site is currently not economically viable for any primary production to occur given its relatively small land size, and as such this proposed development does not reduce the overall capacity of the site for such a purpose.

The amended car parking layout does require the removal of an existing tree. This tree appears to be of native origin, and appears relatively substantial in nature. In any case, the approval of the Native Vegetation Council may be required

prior to removal of the tree, however it may be desirable if the car parking layout were amended to retain any native vegetation.

All other Objectives and PDCs are deemed to comply.

Transportation and
Access
Access
Access for People with
Disabilities
Vehicle Parking

Objective 2
PDCs 22, 23, 25, 29, 30, 31, 32, 33, 34 and 39

The site is adjacent Barossa Valley Way, a designated Secondary Arterial Road, however seeks no access from that roadway. All access is to be via Nuraip Road, with sufficient on site car parking spaces provided with forward ingress/egress to the allotment for all intended allotments. The driveway ingress/egress point is suitably located from Barossa Valley Way, setback approximately 80 metres from the Nuraip Road intersection.

Nuraip Road currently experiences a considerable amount of traffic flow, including both domestic and commercial traffic. This development is unlikely to unreasonably increase traffic/truck movements to the locality, but has potential to result in a not-insignificant increase.

As mentioned above, the amended car parking layout does require the removal of an existing tree. This tree appears to be of native origin, and appears relatively substantial in size. It may be desirable if the car parking layout were amended to eliminate the need for any native vegetation to be removed.

In determining Access for People with Disabilities, regard has been given to the Commonwealth's *Disability Discrimination Act 1992*, the *Access to All: Improving accessibility for consumers with disability* prepared by the Australian Human Rights Commission, Australian Standards and Council's Disability Access and Inclusion Plan.

All other Objectives and PDCs are deemed to comply.

Waste

Objectives 1 and 2
PDCs 1, 2 and 6

A wastewater application and subsequent approval is likely to be required in association with this proposed development. Council's Health Services have advised that a wastewater system can be accommodated on this site, subject to design. A wastewater engineer may be required to assist with the designing of any system.

It is recommended that a condition be applied to any consent, if granted, that wastewater approval is sought and attained prior to full development approval being issued.

Zone Section

Primary Production (Barossa Valley Region) Zone

Objectives 3 and 6

The proposed development will not unreasonably restrict future economically viable primary producing upon the subject land. This land is currently of a site and built form that restricts this kind of development. However, the development will introduce a new non-agricultural land use to the site. Development should primarily be restricted to primary producing related land uses, which is not achieved by this development.

All other Objectives are deemed to comply.

Desired Character

The most intensive and historic viticulture land use in the region occurs in this zone, developed as a result of soil type, agricultural productivity, ground water availability and settlement patterns. The zone also has a unique and attractive landscape character that forms the actual and perceived viticulture and tourist focus of the region. It is envisaged that development will enhance the function of this zone as the focus of the traditional Barossa Valley Region.

The zone is characterised by open undulating terrain combined with isolated stands of natural vegetation and scattered dwellings and farm buildings. The open nature of the land results in a landscape highly sensitive to development for non broad-acre farming or viticulture purposes. For this reason, it is expected that development will be carefully designed and located to blend located within the landscape and be inconspicuous in appearance from key tourist and scenic routes throughout the Barossa Valley Region.

Opportunities for non-agricultural development will be limited to preserve the natural appearance and scenic qualities of rural areas, as well as retain land for maximum horticultural and viticultural productivity.

Pockets of native vegetation exist throughout the zone, however are isolated as a result of past clearing practices. Development will result in the conservation of existing stands of native vegetation and increase the planting of native vegetation in important locations, such as along watercourses.

Desired Character

The proposed development will not unreasonably restrict future horticultural development on this site, given the existing site layout. The land size is currently of a scale whereby undertaking economically viable primary production would not be suitable. The site contains an existing built form which this development will not expand upon.

The development shall encompass the existing built form of the site, and therefore from a visual perspective there shall not be an unreasonable impact to the desired character of the Zone. This non-agricultural built form will generally conform to the desired character of the Zone.

Land Use

PDCs 1, 2 and 7

The proposed development is not an envisaged form of development in the Zone.

The development is neither a non-complying form of development, as a restaurant is a listed exemption from non-complying classification when it is developed within an existing building that was existing at 18 September 1990. The existing building herein was established prior to this date.

It is noted that this restaurant is not in association with an existing or proposed winery. However, it is acknowledged that when restaurants are accepted within the Zone, they should comprise a floor area less than 250sqm and seating capacity of 75 persons. The proposed development is within the scope of these provisions.

All other Objectives and PDCs are deemed to comply.

Form and Character

PDCs 8, 12, 13, 16 and 17

The development is somewhat consistent with the desired character of the Zone, as discussed above. The proposed development does not include any building works that will significantly alter the visual appearance of the site when viewed from outside the subject land.

The car parking will require the demolition of an existing building and may require removal of stands of vegetation. This may affect the external appearance of the site for an uncommon type of development in this Zone.

The development is located within 25 metres of two bores existing on the site which are noted as operational (located to the north and north-west of the existing dwelling). Furthermore, this restaurant would not be setback 50 metres from a road and would not be ancillary to either a maturation (winery) or cellar door sales area.

While this development is not considered to exacerbate a 'ribbon' style of development due to the built form primarily existing, there is potential that this development will not maintain a clear delineation between 'urban and rural' development in the Zone.

All other PDCs are deemed to comply.

CONCLUSION

Not seriously at variance

The proposed development is not seriously at variance with the Development Plan.

Development Plan Consent should be granted

When assessed against the relevant provisions of the Development Plan it is considered that the proposed development, on balance, warrants Development Plan Consent subject to conditions recommended below.

RECOMMENDATION

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) 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, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/91/2019 by BGI Building Group Pty Ltd C/o MasterPlan SA Pty Ltd to undertake Partial change of use of existing dwelling to restaurant and associated internal fitout; partial change of use of existing outbuilding to toilet facilities; creation of eighteen vehicle carpark associated with the restaurant; and demolition of outbuilding at 228 Nuraip Road, Nuriootpa (CT 5869/663) subject to the following 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. 960/91/2019 and including:
 - Planning Report – Additional use of Restaurant, prepared by MasterPlan SA Pty Ltd, dated February 2019, received 18 February 2019 (inclusive of amended Site Plan and Floor Plans received 16 April 2019)

except where varied by any condition(s) listed below.

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.

- (2) Unless with the prior written consent of Council, the use authorised herein may only operate between the following hours:

9.00 am – 7.00 pm: Monday – Wednesday

9.00 am – 9.30 pm: Thursday – Sunday

Reason: To ensure that the proposal is operated in accordance with the submitted/authorised documentation.

- (3) Unless with the prior written consent of Council, the capacity of the use authorised herein shall not exceed 50 patrons at any time.

Reason: To ensure that the proposal is operated in accordance with the submitted/authorised documentation.

- (4) All stormwater from buildings, paving and from areas that immediately surround the perimeter of the building shall be disposed of in a manner that does not result in entry of water into the building, or affect the stability of the building, or create an unhealthy or dangerous condition, or run onto or over land of an adjoining owner.

Storm water disposal systems must be fully installed at the completion of the construction of the building with adequate measures deployed during construction to ensure the temporary disposal of surface or roof water does not affect neighbouring properties, to the satisfaction of Council.

Reason: To ensure that stormwater is managed within the curtilage of the allotment to the satisfaction of Council.

- (5) The development authorised herein shall be managed so that the amenity of the area is not detrimentally affected, through the:
- (a) Transport of materials, good or commodities to or from the land
 - (b) Appearance of any building, works or materials
 - (c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - (d) Presence of vermin

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (6) Unless with the prior written consent from Council, no events in association with the restaurant shall occur, notwithstanding typical operations and gatherings within authorised operative hours.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (7) No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (8) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Noise) Policy 2007, such that any resulting noise is not considered a nuisance, to the satisfaction of Council.

Reason: To ensure that the proposal is able to comply with the requirements of the *Environment Protection (Noise) Policy 2007*.

- (9) All car parking, driveways and vehicle manoeuvring areas shall be constructed and finished in bitumen, brick paving or concrete in accordance with approved engineering procedures prior to the occupation or use of the development.

Reason: To ensure that all carparking is sealed and constructed to the satisfaction of Council.

- (10) All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the reasonable satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (11) Prior to the issuing of Development Approval, the applicant shall lodge and have approved by Council an application to install a wastewater system pursuant to the provisions of the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*.

Reason: To ensure compliance with the *South Australian Public Health Act 2011*.

- (12) Provision shall be made for the appropriate storage and disposal of garbage to the reasonable satisfaction of Council. All garbage storage areas must be screened from public view.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (13) All waste material not required for further on site processing must be regularly removed from the site such that no odour is created to the extent that it is considered a nuisance, to the reasonable satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (14) Unless with the prior written consent of Council, the removal of all solid waste from the site shall be undertaken between 7.00 am – 7.00 pm, to the reasonable satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

- (15) Unless with the prior written consent of Council, all deliveries to the site shall be undertaken between 7.00 am – 7.00 pm, to the reasonable satisfaction of Council.

Reason: To ensure that there is no adverse amenity impacts on the locality.

Advisory Notes

- (1) Any variation from the approved use or the approved application and the conditions of consent will require further application and approval from Council or other relevant planning authority. Approval of this application does not imply that future applications for variations will be approved. Any future application will be assessed by having regard to the relevant rules in force at the time it is lodged.

- (2) 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.

- (3) Events are not approved generally as part of this application and are subject to specific information being provided to council when individual event details are known. The nature and extent of any events would be subject to council assessment and if liquor is to be served at such events an appropriate licence is to be sought which is also subject to Council assessment.
- (4) Prior to the commencement of the use authorised herein, notification is **required to be given to Council's Health Services**. Contact can be made by phone (08) 8563 8444, or by email to barossa@barossa.sa.gov.au
- (5) The applicant is reminded of its general environmental duty as per Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that its activities on the whole site, including construction, do not pollute the environment in any way which causes or has the potential to cause environmental harm.
- (6) The applicant is advised that any proposal to clear, remove limbs or trim native vegetation, unless subject to an exemption under the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8303 9777.
- (7) The building located on the subject site adjacent the eastern allotment boundary does not benefit from existing use rights for residential or dwelling purposes.

6.1 Attachment 1

DEVELOPMENT APPLICATION FORM

COUNCIL: THE BAROSSA COUNCIL

APPLICANT: BG BUILDING GROUP PTY LTD

Postal Address: C/-MASTERPLAN SA PTY LTD
33 CARRINGTON STREET ADELAIDE 5000

OWNER: YU-CHIH LIUI

Postal Address: 152B MURRAY STREET
TANUNDA SA 5352

BUILDER: TBA

Postal Address: _____

Licence No: _____

CONTACT PERSON FOR FURTHER INFORMATION:

Name: MICHAEL RICHARDSON - MASTERPLAN SA PTY LTD

Telephone: 8193 5600

Email: MICHAELR@MASTERPLAN.COM.AU

Mobile: 0417 828 979

EXISTING USE:

DETACHED DWELLING AND OUTBUILDINGS

FOR OFFICE USE

Development No: _____

Previous Development No: _____

Assessment No: _____

☐ Complying

☐ Non-complying

☐ Notification Cat 2

☐ Notification Cat 3

☐ Referrals/Concurrence

☐ DA Commission

Application forwarded to DA

Commission/Council on:

/ /

Decision:

Type:

Date:

/ /

	Decision	Fees	Receipt No	Date
Planning:	Yes			
Building:				
Land Division:				
Additional:				
Dev Approval:				

DESCRIPTION OF PROPOSED DEVELOPMENT: ADDITIONAL USE OF RESTAURANT WITH ASSOCIATED CAR PARKING

LOCATION OF PROPOSED DEVELOPMENT:

House No: 228 Lot No: _____ Street: NURAIP ROAD Town/Suburb: NURIOOTPA

Section No (full/part): _____ Hundred: _____ Volume: _____ Folio: _____

Section No (full/part): _____ Hundred: _____ Volume: _____ Folio: _____

LAND DIVISION:

Site Area (m²): _____ Reserve Area (m²): _____ No of Existing Allotments: _____

Number of Additional Allotments - (Excluding Road and Reserve): _____ Lease: YES: ☐ NO: ☐

BUILDING RULES CLASSIFICATION SOUGHT:

If Class 5, 6, 7, 8 or 9 classification is sought, state the proposed number of employees: Female: _____ Male: _____

If Class 9a classification is sought, state the number of persons for whom accommodation is required: _____

If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises: _____

DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 2008 APPLY?

YES: ☐

NO: ☒

HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 1993 LEVY BEEN PAID?

YES: ☐

NO: ☒

DEVELOPMENT COST (Do not include any fit-out costs): \$250,000.00

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 2008.

SIGNATURE: _____



Dated: 15 JANUARY 2019

Planning Report

Additional use of Restaurant

at 228 Nuraip Road, Nuriootpa
for BG Building Group Pty Ltd



Prepared by
MasterPlan SA Pty Ltd
ABN 30 007 755 277, ISO 9001:2015 Certified
33 Carrington Street, Adelaide SA 5000
Telephone: 8193 5600, masterplan.com.au

February 2019

1.0 INTRODUCTION

MasterPlan SA Pty Ltd has been engaged by BG Building Group Pty Ltd to assist in the preparation and lodgement of a development application to change the use of an existing residential dwelling by adding an additional use on the form of a restaurant at 228 Nuraip Road, Nuriootpa.

The site is disposed as a single storey detached dwelling used primarily for residential purposes. The balance of the allotment on which the site is located comprises various domestic outbuildings, a small-scale vineyard and associated shed and a further dwelling.

The site sits within the Primary Production (Barossa Valley Region) Zone (the Zone) where "All forms of Development" is listed as *non-complying* in the Procedural Matters with a series of exemptions listed. One such exemption is the proposal being for a '*restaurant within or as an addition to a building existing at 18 September 1990*'. The building on the subject site is significantly older than this, and, on this basis, the proposal to add an additional use of restaurant is a merit form of development.

This report contains a description of the subject land, site, locality, and proposed development, and the reasons why further detailed assessment of the proposed development is warranted.

2.0 SUBJECT LAND AND SITE

2.1 Subject Land

The subject allotment (the land) is located on the corner of Nuraip Road and Barossa Valley Way. It is formally described as Allotment 101 in Deposited Plan 58183, Hundred of Moorooroo, in Certificate of Title Volume 5869, Folio 663. There are no easements or encumbrances on the Certificate of Title that would otherwise impede the proposed development.

A copy of the relevant Certificate of Title is attached as **Appendix A**.

The land has a frontage to Nuraip Road of 163.72 metres, a 6.37 metre corner cut off and a frontage to Barossa Valley Highway of 33.77 metres. The allotment is triangular and has a site area of 6456 square metres. The site maintains three vehicle access points from Nuraip Road.

The land consists of various building including two dwellings, associated outbuildings and sheds and also features small-scale vineyard located to the east of the dwelling into which the restaurant use is to be added. The other dwelling is located in the eastern portion of the land and is used in association with the small-scale vineyard.

The land is generally flat, with attractive landscaping between the western dwelling and the two road frontages. Further to the east of this dwelling, there is a number of outbuildings with vegetation interspersed with them. The largest shed is located close to the Nuraip Road frontage. The vineyard provides a degree of separation between the portion of the site associated with the western dwelling, and that associated with the eastern dwelling.

2.2 Subject Site

The subject site comprises a portion of the subject allotment, being the western portion of the allotment contain the western dwelling and the areas immediately to the west of it in which the outbuildings are located. The subject site excludes that portion of the allotment including the vineyard and the eastern dwelling.

A Site Plan is attached in **Appendix B** and depicts the subject site (the site) in context with the land.

The dwelling located on the subject site exhibits traditional design elements, with four bedrooms (1 ensuite), a laundry, a shared bathroom, kitchen, living, dining area and a footprint of approximately 200 square metres. A verandah surrounds the dwellings north, west and southern façade. The site comprises a mix of existing domestic outbuildings, a swimming pool, septic tank and water tanks used in associated with the western dwelling.

The following photographs depict the current disposition of the subject site:



Photo 1: Existing dwelling viewed from Nuraip Road.



Photo 2: Existing dwelling – Barossa Valley Highway frontage.



Photo 3: Existing dwelling – Nuraip Road frontage.



Photo 4: Yard to the east of existing dwelling.



Photo 5: Existing shed adjacent Nuraip Road.

4.0 THE LOCALITY

A Locality Plan is attached in **Appendix C** and depicts the subject land relative to nearby land uses along Nuraip Road and Barossa Valley Way.

The land is located wholly with the Primary Production (Barossa Valley Region) Zone, as shown on the Locality Plan, and separated from alternative zones (residential, commercial and industrial) to the north by over 500 metres.

The immediate locality is characterised by vineyards and low-density housing and sheds used in association with primary production activities. A dwelling exists immediately to the south of the subject site on the opposite side of Nuraip Road. Notable commercial uses in proximity of the land include Yalland & Papps Winery to the west, Kaesler Wines, Cottages and Dining to the north and the Barossa Nursery, also to the north.

The amenity of the locality is moderate to high and is influenced positively by the generally open nature of the area with horticulture in the form of vineyards being the predominant use. The dwellings, interspersed around the area are generally in good condition and surrounded by attractive landscaping, making a positive character contribution. The sheds on various properties are generally constructed of galvanised material and whilst not necessarily attractive, are an anticipated character element of the locality.

The amenity is adversely impacted by vehicular traffic, particularly commercial vehicles on the Barossa Valley Highway and the noise created from these movements.

The following photographs depict the immediate locality of the subject site:



Photo 6: Nuraip Road – Barossa Valley Way intersection.



Photo 7: Looking north along Barossa Valley Way.



Photo 8: Existing development to the south of the subject site.



Photo 9: Looking east along Nuraip Road.

5.0 DESCRIPTION OF PROPOSED DEVELOPMENT

The development comprises the change in use of the site through the addition of a restaurant with associated car parking.

Please refer to **Appendix D** for the proposal plans prepared by BG Building Group, that more fully illustrate the proposed alterations and additions to the building and the configuration of the car parking area.

The proposal Plans include:

- Site Plan Rev B - 21.11.18;
- Existing Floor Plan Rev B - 21.11.18; and
- Floor Plan Rev B - 21.11.18.

The property at 228 Nuraip Road, Nuriootpa is in the Primary Production (Barossa Valley Region) Zone (the Zone) of the Barossa Council Development Plan (consolidated version dated 1 November 2018, as shown on Map Baro/1 and Baro/6).

The proposed development comprises a change in use by commencing an additional use of a restaurant, whilst retaining, but reducing the floor area of the dwelling. The proposal includes the demolition of one shed currently used in association with the western dwelling and the removal of three trees.

The Floor Plan enclosed depicts the proposed configuration of rooms and indicates that one room will be utilised for a bedroom, kitchen, living, cake shop and dining. The proposed configuration comprises on internal alterations to the building. No external alterations to the existing dwelling are proposed as part of this application.

The restaurant will operate as follows:

- open seven days per week;
- hours of operation between Monday to Wednesday will be from 9.00 am to 7.00 pm;
- hours of operation between Thursday to Sunday will be from 9.00 am to 9.30 pm;
- the restaurant will predominantly sell deserts and cakes with additional food and locally sourced alcoholic drink options during the day and in the evenings;
- the restaurant will be operated with a maximum of 5 staff members at any one time; and
- the restaurant will accommodate a maximum of 50 seats (42 internal and 8 external).

Visitor and employee parking spaces will be located at the rear (nine spaces) and accessed via a single all-weather compacted gravel driveway from Nuraip Road. Given the extent of the site's existing buildings, structures and vegetation, the carpark will be surrounded by trees and outbuildings that will essentially screen parked vehicles from both the Nuraip Road and Barossa Valley Way frontages.

The proposal comprises the removal of four non-regulated trees. Notwithstanding this, the majority of existing landscaping and trees will be retained.

6.0 DEVELOPMENT PLAN ASSESSMENT

6.1 Land Use

It is our respectful submission that the proposed development does not jeopardise the character or intent of the Zone. The Zone's desired character supports the following;

The Zone – Desired Character

"The zone also has a unique and attractive landscape character that forms the actual and perceived viticulture and tourist focus of the region."

“The open nature of the land results in a landscape highly sensitive to development for non broad-acre farming or viticulture purposes.”

“Opportunities for non-agricultural development will be limited to preserve the natural appearance and scenic qualities of rural areas, as well as retain land for maximum horticultural and viticultural productivity.”

The proposed development will occur within the site’s existing dwelling and encompasses the western portion of the site only. The existing primary production activities to the east will be preserved as contemplated in the Zone’s desired character. The restaurant will provide an additional use that will essentially serve tourists as they explore the wider areas of the Barossa Region.

A small number of trees will be removed; however, these trees are not considered to provide significant visual, health or environmental amenity for the site and locality.

The development will be contained wholly within the existing building, thereby limiting any potential impacts on more sensitive uses in the locality involving broad acre farming and viticulture. Given the low anticipated impacts associated with the proposal, we contend that the development reasonably satisfies the intent of the Zone and will preserve the character and natural appearance of the locality.

The Zone’s Procedural Matters exclude restaurant additions from the non-complying list when developed in a building that pre-dates 18 September 1990. As the proposed restaurant will act as an additional use to the existing dwelling, and this building was constructed before 18 September 1990, the Zone contemplates such a development.

Further, detached dwellings are not envisaged in the Zone, and considered non-complying when on site’s less than 25 hectares in area, therefore the proposal is considered an improvement in terms of land use, particularly in context with the site’s existing development.

The Zone

PDC 7 Cellar door sales outlets and restaurants should only be established on the same allotment as, and be an ancillary use to a winery, and:

- (a) primarily sell and offer the tasting of wine that is produced located within the Barossa Valley Region**
- (b) not result in a gross leasable area greater than 25 square metres for the display and sale of any non-beverage or non-food items on the allotment**
- (c) not result in a gross leasable area greater than 250 square metres for wine tasting and retail sales (and this includes any retail sale of non-beverage or non-food items)**
- (d) not exceed a seating capacity for 75 persons**

Whilst the proposed restaurant will not be directly in association with a winery, a small-scale vineyard exists on the eastern portion of the site.

We confirm that the restaurant will sell wine that is produced in the Barossa Valley Region, will not result in a gross leasable floor area greater than 25 square metres for the sale non-beverage or non-food items, will not result in a gross leasable area greater than 250 square metres for sales and will not provide seating to cater in excess of 75 persons.

The proposed scale of development is considered appropriate in context with the surrounding locality and therefore will preserve the desired character of the Zone.

6.2 Design and Appearance

Principle of Development Control (PDC) 13 of the Zone stipulates that a restaurant should:

13 Restaurants and cellar door sales outlets should:

(a) not be sited:

- (i) within areas subject to inundation by a 1-in-100 year average return interval flood event or sited on land fill which would interfere with the flow of such flood waters**
- (ii) on land with a slope more than 20 per cent (1-in-5)**

The site does not appear to be subject to inundation by a 1-in-100-year average return interval flood event, nor is the slope of the existing site more than 20 per cent.

(b) be setback a minimum of 25 metres from any bore, well or watercourse, where a watercourse is identified as a blue line on a current series 1:50 000 Government standard topographic map or where there is observed a clearly defined bed and banks where water flows at any time and includes all:

- (i) dams or reservoirs that collect water flowing in a watercourse**
- (ii) lakes through which water flows**
- (iii) channels into which water has been diverted**
- (iv) any known underground seepage condition**

There does not appear to be a watercourse is located within 25 metres of the proposed restaurant.

(c) be setback a minimum of 50 metres from a road other than where occupying a local or state heritage listed building

The proposed restaurant will not be setback a minimum of 50 metres from a road, however it will be located in an existing building where a large majority of activities associated with the restaurant will be screened by existing walls, outbuildings and vegetation.

(d) not result in ribbon development along roads

We confirm that the proposed restaurant will sit within the building, of which is surrounded by primary production, and therefore will not result in ribbon development.

(e) maintain a clear delineation between urban and rural development.

The proposed restaurant will sit in an existing dwelling where a large majority of activities associated with the restaurant will be screened by existing walls, outbuildings and vegetation. Therefore, the rural activities associated with surrounding sites will not be compromised. In addition, the proposal will retain the urban and physical form of the existing dwelling.

The General Section of the Development Plan contains the following provisions relevant to the design and appearance of the proposal;

Objective 1 Development of a high architectural standard that responds to and reinforces positive aspects of the local environment and built form.

PDC 9 Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.

The proposed restaurant will be located within the site's existing dwelling. No external alteration to the dwelling is proposed to protect the existing character and appearance of the site's existing built form and environment. The entrance into the restaurant is clearly identifiable from the access and car park associated with the proposal.

Given the proposal will preserve the site's existing built form, we consider the relevant provisions of the Zone and the General Section for design and appearance to be satisfied.

6.3 Interface Between Land Uses.

The objectives of the Zone seek to preserve the rural character of the locality and promote continued and sustainable primary production. The application proposes no external change to the existing dwelling and a scale of development that is considered sympathetic to surrounding land uses.

The General Section of the Development contains the following provisions relating to interface between land uses;

General Section – Interface Between Land Uses

1 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

- (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants**
- (b) noise**

- (c) **vibration**
- (d) **electrical interference**
- (e) **light spill**
- (f) **glare**
- (g) **hours of operation**
- (h) **traffic impacts.**

The proposed restaurant will not involve unreasonable levels of noise, pollution, vibration, light spill, glare, hours of operation or traffic impacts that would otherwise comprise adjoining land uses. The proposal comprises the addition of a small-scale restaurant with a seating capacity of approximately 30 people. Sufficient provision for parking is provided and the proposed hours of operation are that of a standard restaurant.

The location of the restaurant within the site ensures that a sufficient buffer between adjoining properties is provided so as to preserve the amenities of restaurant customers. The restaurant will be located within the existing dwelling and therefore all operations will be screened by walls, outbuildings and landscaping.

Given the low scale of development proposed, we do not consider the proximity of adjoining primary production activities to be detrimental to the use of the restaurant, nor will this use jeopardise ongoing operations of adjoining land uses.

6.4 Transportation and Access

The General Section of the Development contains the following provisions relating to traffic and access;

Objective 2 Development that:

- (a) **provides safe and efficient movement for all motorised and non-motorised transport modes**
- (b) **ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles**
- (c) **provides off street parking**
- (d) **is appropriately located so that it supports and makes best use of existing transport facilities and networks**

PDC 23 Development should be provided with safe and convenient access which:

- (a) **avoids unreasonable interference with the flow of traffic on adjoining roads**
- (b) **accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision**
- (c) **is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties**

The relocated crossover along the southern boundary of the site will provide sufficient width for vehicles to safely enter and exit the site. The proposed access arrangement and car parking area will ensure safe movement of vehicles and ensure forward movement into and out of the site in accordance with relevant Australian Standards.

PDC 31 Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with *Table Baro/1 - Off Street Vehicle Parking Requirements*.

PDC 32 Development should be consistent with *Australian Standard AS 2890 Parking facilities*.

The proposed development includes seven onsite car parking spaces designed in accordance with the Australian Standards.

Table BAro/1 - Off Street Vehicle Parking Requirements, prescribes a parking requirement for restaurants as follows; '*1 per 3 seats provided or able to be provided*'. The development comprises a total of 30 seats, thereby creating a theoretical demand for 10 car parking spaces.

The proposed development provides a deficiency in car parking by three spaces. Whilst deficient, the Nuraip Road frontage provides the opportunity for additional parking should the need arise.

In addition, the business is unlikely to operate at full capacity for long periods of the day, therefore high demand for parking is only anticipated during peak business periods.

6.5 Waste Management

Bin storage areas will be located to the rear of the existing building and hidden from customers to ensure effective screening is achieved and the proposed restaurant amenities are preserved. Waste will be removed from the site on a regular basis by an appropriately licensed contractor.

Waste is to be stored, treated and disposed of without comprising the health of the environment and recycled as appropriately. The site maintains the full suite of essential services and any cost of upgrades to these services that may be necessary will be taken on by the applicant.

6.6 Orderly and Sustainable Development

The objectives of the General Section of the Development Plan for orderly development seek to ensure development creates safe, convenient and pleasant environments, that development occurs in an orderly sequence, and does not jeopardise the continuation of adjoining land uses. The proposal provides an orderly development that is low in scale. No change to existing crossovers is proposed, nor will existing services including power and water be significantly altered. The development will not hinder or constrain the continuing use of adjacent properties, nor conflict with or constrain the continuing use of primary production activities in the wider area. On this basis, the development is considered to comply with the orderly development provisions of the Development Plan.

7.0 CONCLUSION

The proposal's planning merits can be summarised as:

- the appearance and character of the existing building will be preserved;
- the proposal makes effective and efficient use of the building without altering its external residential appearance;
- no alterations of a structural nature will be made to the internal layout of the existing dwelling, thereby allowing for the building's adaptation back to a residential use if so required or desired in the future;
- the proposed site encompasses the western portion of the site only, with existing primary production activities to the east preserved as contemplated in the Zone;
- the proposed activities are considered small in scale and low in impact, thereby preserving adjoining land uses;
- nine off-street car parking spaces will be provided which is considered sufficient to meet the needs of expected visitors and employees;
- the proposed car park will be designed in accordance with the Australian Standards;
- all anticipated vehicles types entering and existing the site can do so in a forward direction;
- a majority of the site's existing vegetation will be retained;
- no advertisement or identification signs are proposed as part of this application;
- the proposed use will not operate outside of reasonable hours; and
- the proposal is an orderly and economic form of development.

We consider the proposal to be an appropriate development of the subject site and therefore warrants Development Plan Consent.



Michael Richardson

Bachelor of Urban and Regional Planning (Hons)

15 February 2019

APPENDIX A



REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5869 Folio 663

Parent Title(s) CT 5720/851

Creating Dealing(s) RTC 9181793

Title Issued	03/04/2002	Edition	2	Edition Issued	27/02/2013
--------------	------------	---------	---	----------------	------------

Estate Type

FEE SIMPLE

Registered Proprietor

YU-CHIH LIU
OF 2 MADISON COURT HALLETT COVE SA 5158

Description of Land

ALLOTMENT 101 DEPOSITED PLAN 58183
IN THE AREA NAMED NURIOOTPA
HUNDRED OF MOOROOROO

Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED C (RTC 9181793)

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes

APPROVED FX43665

Administrative Interests NIL



Register Search (CT 5869/663)
11/01/2019 08:59AM
51060
20190111000947
\$28.75



APPENDIX B



C	Commercial
In(BVR)	Industry (Barossa Valley Region)
PrPro(BVR)	Primary Production (Barossa Valley Region)
R	Residential
PA1	Policy Area 1 - Beckwith Park

for BG Building Group



APPENDIX C

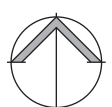


- Subject Allotment
- Subject Site
- Restaurant

Site Plan
CHANGE OF USE TO RESTAURANT

228 Nuraip Road
NURIOOTPA

for BG Building Group



1:500 @ A3

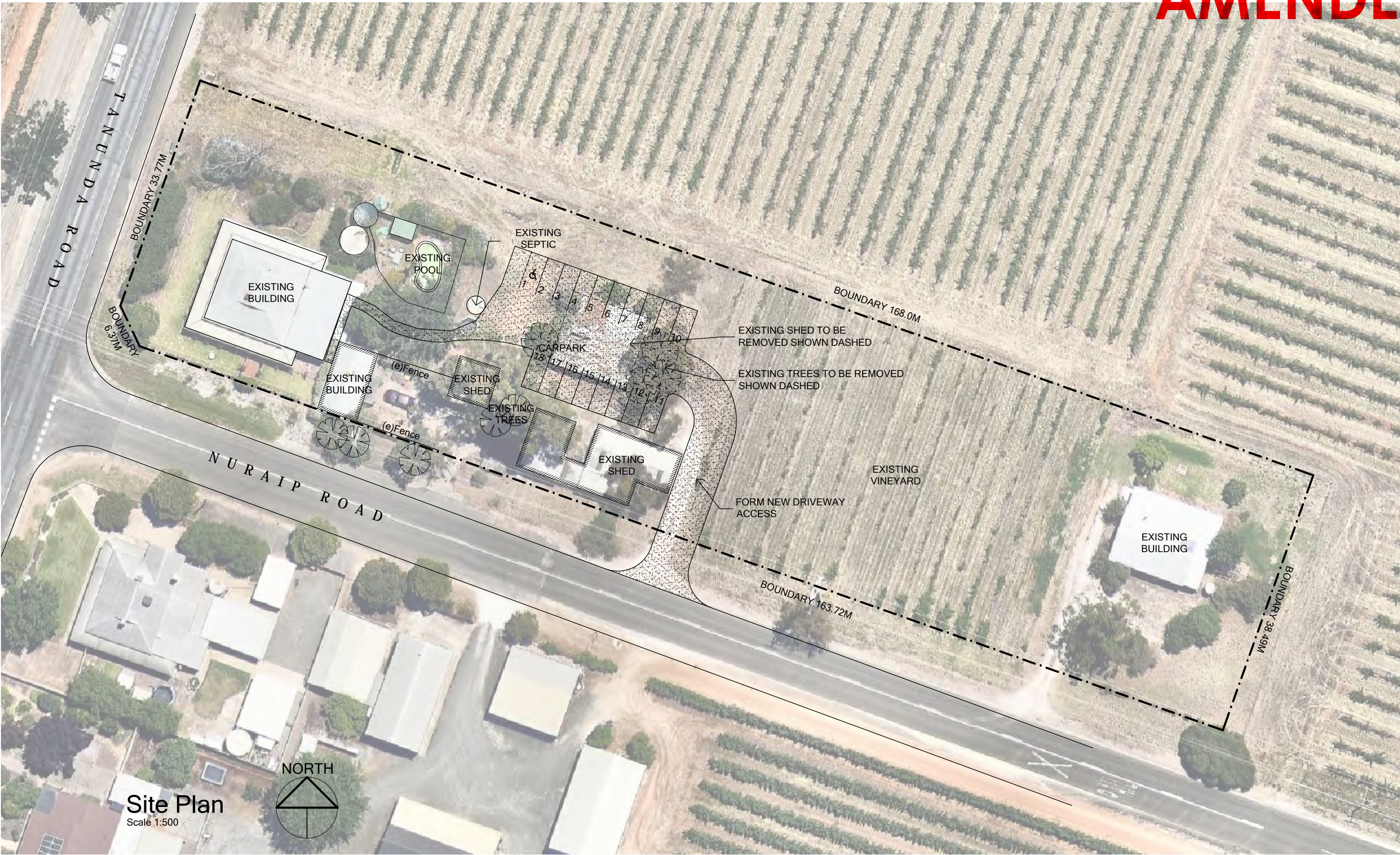
Agenda - Barossa Assessment Panel - 4 June 2019

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APPENDIX D

AMENDED



BGI Building Group

21 / 23 TANUNDA RD NURIOOPTA.
TEL:- (08) 85622799.
FAX:- (08) 85623107.
Email :- info@bgibg.com.au
Web :- www.bgibg.com.au

PROJECT No :-

20329

REV.

DESCRIPTION.

DATE.

REV.

DESCRIPTION.

DATE.

PHIL & WINNI LUI
CONVERSION OF EXISTING
HOUSE TO CAFE

DATE.

5.11.18

DRAWING No

BG_10

REV.

C

SCALE :-

SCALE

DRAWN :-

DRAWN

CHECKED :-

-

B

C

PLANNING CONSENT

PC_CARPARK AMENDED

21.11.18

12.4.19

RECEIVED
16 April 2019

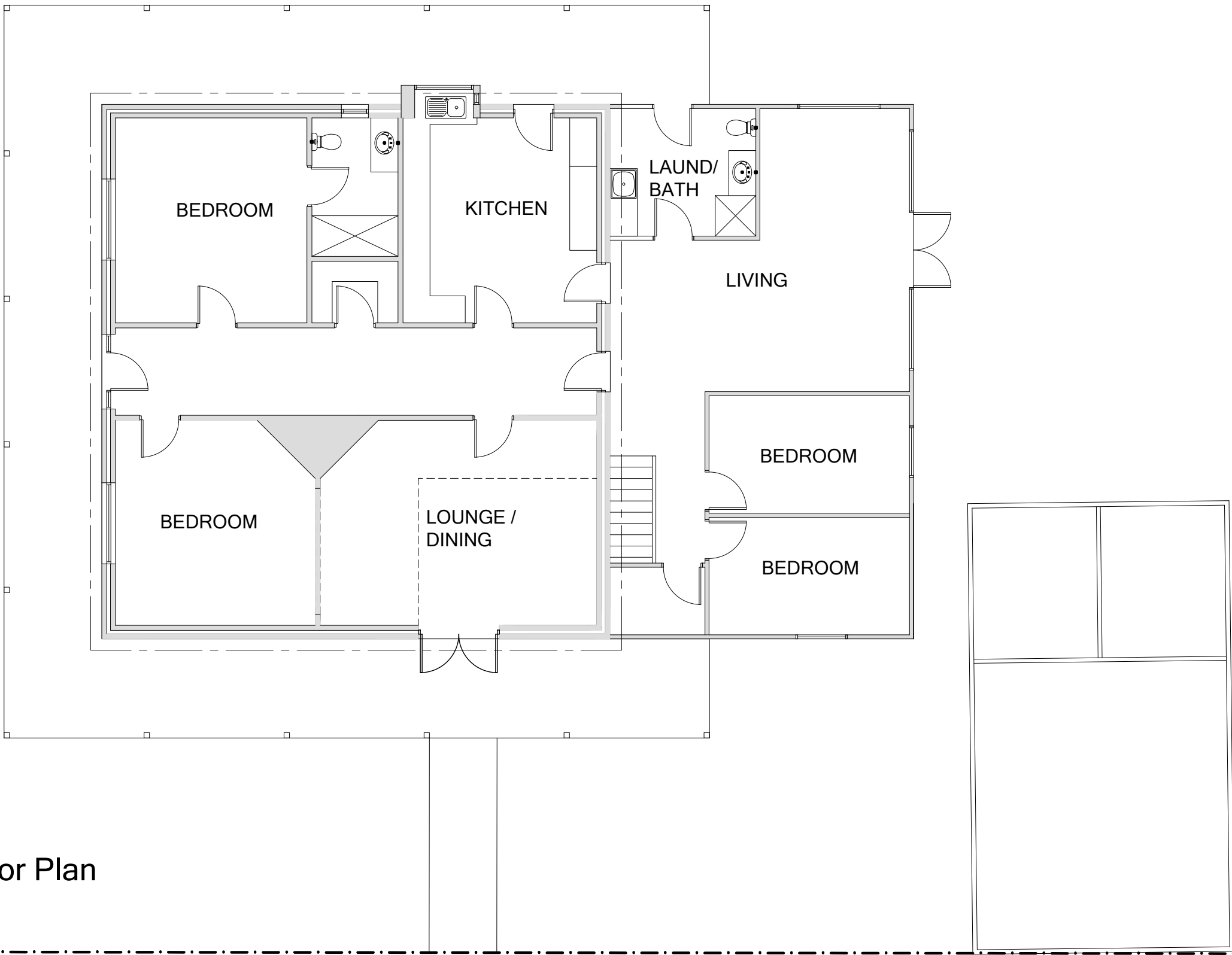
The Barossa Council

228 NURAIP RD, NURIOOTPA SA

SITE PLAN

61

Agenda Barossa Assessment Panel 14 June 2019

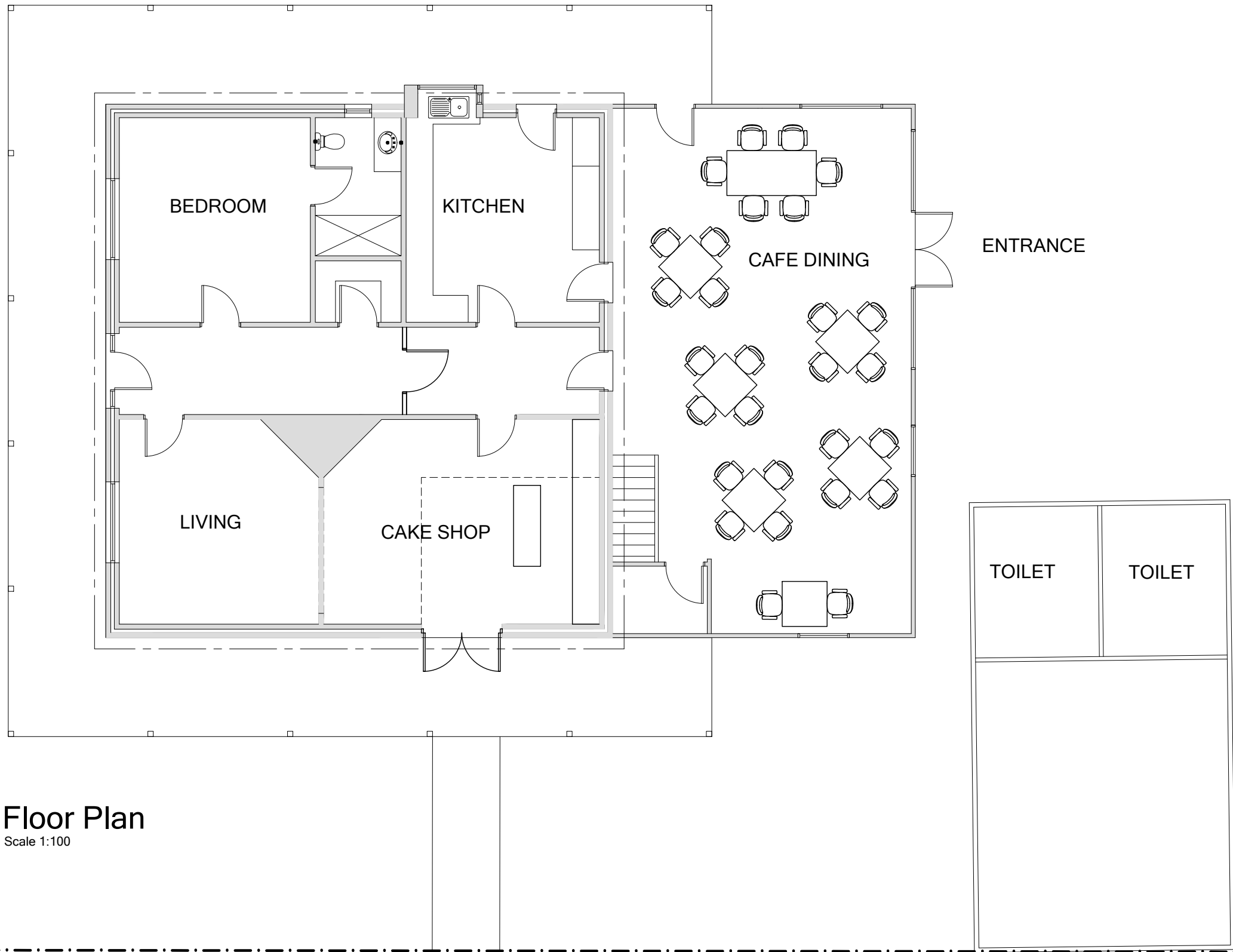


Existing Floor Plan
Scale 1:100

PROJECT No :-	20329	REV.		DESCRIPTION.	DATE.	REV.		DESCRIPTION.	DATE.
SCALE :-	SCALE	A		PRELIMINARY	5.11.18				
DRAWN :-	DRAWN	B		PLANNING CONSENT	21.11.18				
CHECKED :-	-								
APPROVED :-									

PHIL & WINNI LUI		DATE.	5.11.18
CONVERSION OF EXISTING HOUSE TO CAFE		DRAWING No	BG_20
228 NURAIP RD, NURIOOTPA SA		REV.	B
EXISTING FLOOR PLAN		62	

RECEIVED
16 April 2019
The Barossa Council



Floor Plan
Scale 1:100



BGI Building Group

21 / 23 TANUNDA RD NURIOOPTA.
TEL:- (08) 85622799.
FAX:- (08) 85623107.
Email :- info@bgibg.com.au
Web :- www.bgibg.com.au

PROJECT No :-

20329

REV.

DESCRIPTION.

DATE.

REV.

DESCRIPTION.

DATE.

PHIL & WINNI LUI

DATE.

SCALE :-

SCALE

A

PRELIMINARY

5.11.18

DRAWN :-

DRAWN

B

PLANNING CONSENT

21.11.18

CHECKED :-

-

APPROVED :-

-

CONVERSION OF EXISTING
HOUSE TO CAFE

5.11.18

DRAWING No

BG_20

REV.

B

228 NURAIP RD, NURIOOTPA SA

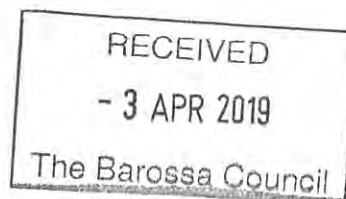
FLOOR PLAN

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RECEIVED
16 April 2019
The Barossa Council

6.1 Attachment 2

Chief Executive Officer
The Barossa Council
PO Box 867
NURIOOTPA SA 5355



2nd April 2019

Dear Sir/Madam,

Please find our statement of representation, pursuant to section 38 of the Development Act 1993.

Development No. 960/91/2019

Applicant BGI Building Group and Master Plan SA Pty Ltd.

Persons making representation: Mr. Simon and Mrs. Nicole Hahn
3144 Barossa Valley Way
Nuriootpa SA 5355

Mr. Jason and Mrs. Kim Hahn
227 Nuraip road
Nuriootpa SA 5355
PO Box 738
Nuriootpa SA 5355

Postal Address:

Email address: kim.hahn@tlhome.com.au

Nature of interest effected by development: Residents and landowners nearby

Reasons for Representation:

We are greatly concerned on how the proposed development will impact our existing quality of life on a permanent basis.

Concerns include;

Noise; with the proposed development will increase the noise we currently experience on a large scale. We will have to contend with multiple cars arriving and leaving on a continuous basis, car doors continuously shutting/slaming, loud conversations (usual with people arriving and leaving restaurants), loud conversations of the people dining outdoors, product delivery trucks.

Increased traffic; A successful restaurant will have customers at times to maximum capacity, ensuring that traffic is increased and continuous. With this tie in increased noise but also safety risks that do not exist now such as the time taken in our children crossing the road, the time taken in leaving our back driveways or sheds that lead directly onto Nuraip road.

Smell: There will be a continuous smell from the cooking of the food, outdoor dining and the cleaning procedures such as industrial dishwashing that will certainly be smelt from our homes. This will be offensive to us, we enjoy the rural smells within our homes and even limit our freedom in performing normal household tasks such as when we can hang out our washing to try and restrict our clothes smelling like a restaurant. Smelling all different types of food cooking on a restaurant level on a continuous basis will cause nausea,

Privacy- We will have a dramatic decrease in our privacy. Jason and Kim's driveway looks directly onto Nuraip road, providing the patrons of the restaurant with a complete view of our backyard, including our child's play areas. Jason and Kim's car shed also opens completely to Nuraip rod and the proposed Restaurant site.

Safety; We will experience a genuine increased fear to our safety. Primarily because of the increased strangers continuously viewing our home and children, yard, outdoor actions, vintage, classic and farming equipment and will have to remain at a heightened state of alertness regarding our safety and how we live in our home.

We are also highly uncomfortable with the knowledge that should the proposal go ahead, we will have a large number of individuals on a regular basis under the influence of alcohol a 10 second walk away from being able to enter our property and homes. This limits our confidence in even being able to allow our children play outside on their owns.

Security; With increased traffic and strangers continuously viewing our homes, equipment and personal activities comes this increases our likelihood of becoming victims of incidences such as theft, break in's, incidents with drunk or dangerous individuals.

Generalised effect is going to include the change to how we feel about where we live. We will not continue to feel secure, confident in our privacy, living with nature and the smell of rural home environments, or enjoy the neighbourhood feel of knowing who is next door to as most of the time, thus ensuring a relaxed way of living in the protection of our children.

Enjoying a rural way of living and the quality of life this provides to us and our children has been a major impact in decisions that impact our lives on a grander such as decisions to continue the family vineyard business and to remain in homes that have been in our family for over 100 years.

Our representation would be overcome if the proposed development was not accepted and a restaurant was not opened.

We do not view the need to be heard in respect to this representation unless the documented representation is not representation enough to decline the proposed development. If it is required Kim Hahn will represent us.

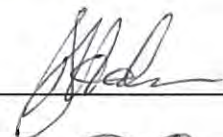
We thank you for considering our representation.

Kind Regards,

Simon, Nicole, Jason and Kim Hahn

Signed  Simon Hahn

Signed  Nicole Hahn

Signed  Jason Hahn

Signed  Kim Hahn

16 April 2019

Jake Boswell
Assessment Officer – Planning
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

Via email: jboswell@barossa.sa.gov.au

Dear Jake

**Re: Response to Representation
Development Application 960/91/2019
Partial Change of Use of Existing Dwelling to Restaurant
228 Nuraip Road, Nuriootpa**

On behalf of BG Building Group Pty Ltd, we write to provide this response to the letter of representation submitted in relation to the development application for the partial change of use of an existing dwelling to a restaurant at 228 Nuraip Road, Nuriootpa.

At the conclusion of the public notification process, Council received one letter of representation from S & N Hahn and J & K Hanh. The representation was from the adjoining owner/occupier of the properties located to the south of the proposed development at 227 Nuraip Road, Nuriootpa and 3144 Barossa Valley Way. The location of the representor's properties relative to the site of the development is shown on the Site and Locality Plan contained in **Attachment A**.

The representation opposes the development on the basis of concerns which include impacts on their amenity due to noise of patrons and vehicles and a diminished level of privacy and security; increased traffic and safety concerns; and odours from the restaurant.

Each of these matters are addressed in this correspondence.

Prior to addressing the matters raised in the representation, we seek to clarify the development, as there appears to be some discrepancy in the description of the development. We confirm that the proposed development is illustrated on the following plans from BGI Building Group (included in **Attachment B**):

- Site Plan Rev C - 21.11.18;

- Existing Floor Plan Rev B - 21.11.18; and
- Floor Plan Rev B - 21.11.18.

Revision B of the plans formed part of the application documents submitted to Council in February 2019. These plans illustrated the provision of nine (9) car parking spaces for the development and not seven (7) as listed on Council's description of the proposal. As part of this response to representations, the provision of car parking has been increased to 18 car parking spaces and the location of the driveway amended, as shown on Site Plan Rev C.

Furthermore, we seek to clarify the maximum seating capacity as being 42 seats with the opportunity for a maximum of eight (8) additional seats being located outside. The outside seating is proposed to occur within the yard adjacent to the eastern entrance or under the verandah adjacent the southern entrance.

Odour/Smell from Restaurant

Concerns were expressed in the letter of representation regarding continuous odours from cooking. Whilst it is acknowledged that continuous odours (even nice food odours) can cause nuisance, the scale of the proposal is not considered to be of a form that would result in continuous odour. There is no requirement for the proposed development to be considered by the Environment Protection Authority (EPA) in relation to separation of activities due to air quality.

The restaurant is to operate as a type of dessert bar, hence the plans illustrating 'cake shop'. The emphasis of the restaurant will be preparation and sale for consumption on site of a variety of cakes, pastries and desserts. Production of these goods generally involve baking rather than grilling/frying which are often associated with odours that may be considered unpleasant. We are informed that the proponent is likely to prepare some savoury food, but there is no plans or requirements for the installation of commercial deep fryers or similar equipment that would require extraction systems and flues. Should there be a requirement for the installation of extraction systems/flues this would be undertaken in accordance with current best practice and to the satisfaction of current legislation, including the Food Act 2001. It is also noted the location of the kitchen within the restaurant is on the northern side of the building with maximum separation from the dwellings to the south.

At the time of preparing detailed plans for building rules consent, the form and layout of the kitchen will be further resolved and will require ventilation to satisfy the relevant requirements of the Building Code of Australia. Should there be a requirement for installation of extraction equipment, Council's Environmental Health Officer will be able to advise of these requirements to ensure satisfaction with the relevant legislation and codes of practice.

Given the nature and scale of the business, the location of the kitchen and its separation from the representor's dwellings, the intervening road and proximity to the arterial road, it is not considered that odours from the restaurant would unreasonably impact upon the amenity of the dwellings. The kitchen proposed for the development would be designed and constructed to satisfy the relevant Building Code of Australia and Food Act 2001 requirements.

Noise

The representation expressed concerns regarding noise from patrons and vehicles. It is acknowledged that the introduction of this land use has the potential to vary the volume of traffic movements to the subject land.

The potential or perceived impact of these additional traffic movements must be considered in the context of the existing vehicle movements in the locality. Both the subject property and the representors dwellings are located with frontage to the Barossa Valley Way (Tanunda Road), which is a secondary arterial road. Barossa Valley Way in proximity to Nuraip Road has an annual average daily traffic volume (24 hour two-way flows) of 7,400 vehicles (source: Location SA Viewer – base year volumes 2018), including some 600 movements of commercial vehicles. It is our respectful submission that the volume and nature of vehicle movements in the locality currently adversely impacts the amenity of the locality.

Introduction of increased vehicle movements to the site of the development is not considered to adversely impact the residential amenity of the representor's properties for the following reasons:

- the subject land and the representor's properties are located within a primary production zone and therefore does not experience the same level of residential amenity as would be anticipated within a purely residential area;
- the relative additional volume of traffic associated with the development is considered minimal relative to the existing volumes currently experienced within the locality;
- the driveway for the development is sited from Nuraip Road to the east of the driveway of the dwelling at located at 227 Nuraip Road, such that it should not create unsafe conditions for people entering and exiting the site or creating direct views or impacts from vehicle lights into the dwelling;
- the separation of the car parking area from the nearest boundary of 227 Nuraip Road (the nearest dwelling) is approximately 35 metres. The manoeuvring area is sited behind existing fencing, vegetation and outbuildings located adjacent Nuraip Road, thereby minimising direct views of the car park and providing an acoustic barrier; and

- the road network appears to have the capacity to accommodate the additional traffic without queuing or creation of unsafe conditions that may adversely impact on the representor's property.

Concerns expressed regarding patron noise are respectfully considered to be overstated, particularly given:

- the maximum seating capacity of the restaurant is 50 (42 internal and eight (8) external) people;
- the majority of seating is within the existing building;
- existing fencing, vegetation and outbuildings to Nuraip Road are retained and provide a visual and/or acoustic barrier;
- there is a responsibility of the restaurant operator to serve alcohol in a responsible manner and manage patron behaviour in accordance with liquor licensing legislation (and subsequent liquor licence).

Privacy and Security

The effect of the proposal in relation to adverse impacts on privacy and security of the dwellings is not considered to be unreasonable for the following reasons:

- the hours of operation are not excessive and are generally comparable to many other similar cafes/restaurants and tourist facilities within the Barossa Valley;
- the access to the car park has been amended and further increases the separation between the dwelling at 227 Nuraip Road. The access is sited in a manner that there are not direct views to the driveway of the nearest dwelling to the south;
- both the site of the development and the nearest adjoining dwelling currently have fences along Nuraip Road that provide security and privacy;
- Provision of car parking has been increased to 18 car parking spaces. This number of car parking spaces is sufficient to ensure vehicle parking is not required on Nuraip Road;
- seating for the restaurant is principally within the building and does not have views to Nuraip Road of the adjoining properties;
- patron behaviour is the responsibility of the operator of the site and is generally closely managed via conditions of the liquor licence; and
- the proposal is a tourist venture similar to many located throughout the primary production areas of the Council area and without appropriate data it is unreasonable to link a restaurant with an increased incidence of crime.

Traffic and Road Safety

The representation indicates that the additional traffic to the subject site would create unsafe conditions on the road due. As previously stated, it is considered that the design and siting of the driveway provide suitable and safe access and parking and does not impinge on the safety of road users or the adjoining owners/occupiers for the following reasons:

- vehicles can enter and exit the site in a forward direction
- the driveway is suitably separated from the intersection of Barossa Valley Way and Nuraip Road; and
- car parking is provided in accordance with the Development Plan requirements for a restaurant, thereby limiting the need for any overflow parking on the roads.

CLOSURE

The concerns expressed in the representation are acknowledged and appreciated by our client, however when the proposed development is considered in a balanced manner and assessed against the relevant provisions of the Development Plan, it is considered that it suitably addresses matters of interface and traffic. On this basis, we do not consider the concerns raised in the representation to be fatal to the proposed development, but rather the proposed land use is considered appropriate and warrants the granting of Development Plan Consent.

A representative of the applicant will be in attendance at the Council Assessment Panel meeting to respond to the representation and provide further clarification of the development. Please advise of the date and time of the Panel meeting.

Should you require any further information or clarification, please contact the undersigned.

Yours sincerely



Michael Richardson
MasterPlan SA Pty Ltd

enc: As detailed
cc: BGI Building Group

ATTACHMENT A



- Subject Allotment
- Zone Boundary
- C

Commercial
- In(BVR)

Industry (Barossa Valley Region)
- PrPro(BVR)

Primary Production (Barossa Valley Region)
- R

Residential
- PA1

Policy Area 1 - Beckwith Park
- *

Dwellings
- ⊗

Representors

Locality Plan
CHANGE OF USE TO RESTAURANT

228 Nuraip Road
NURIOOTPA

for BG Building Group



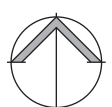
- Subject Allotment
- Subject Site
- Restaurant (Portion of Building)
- ✱ Representors

Site Plan

CHANGE OF USE TO RESTAURANT

228 Nuraip Road
NURIOOTPA

for BG Building Group



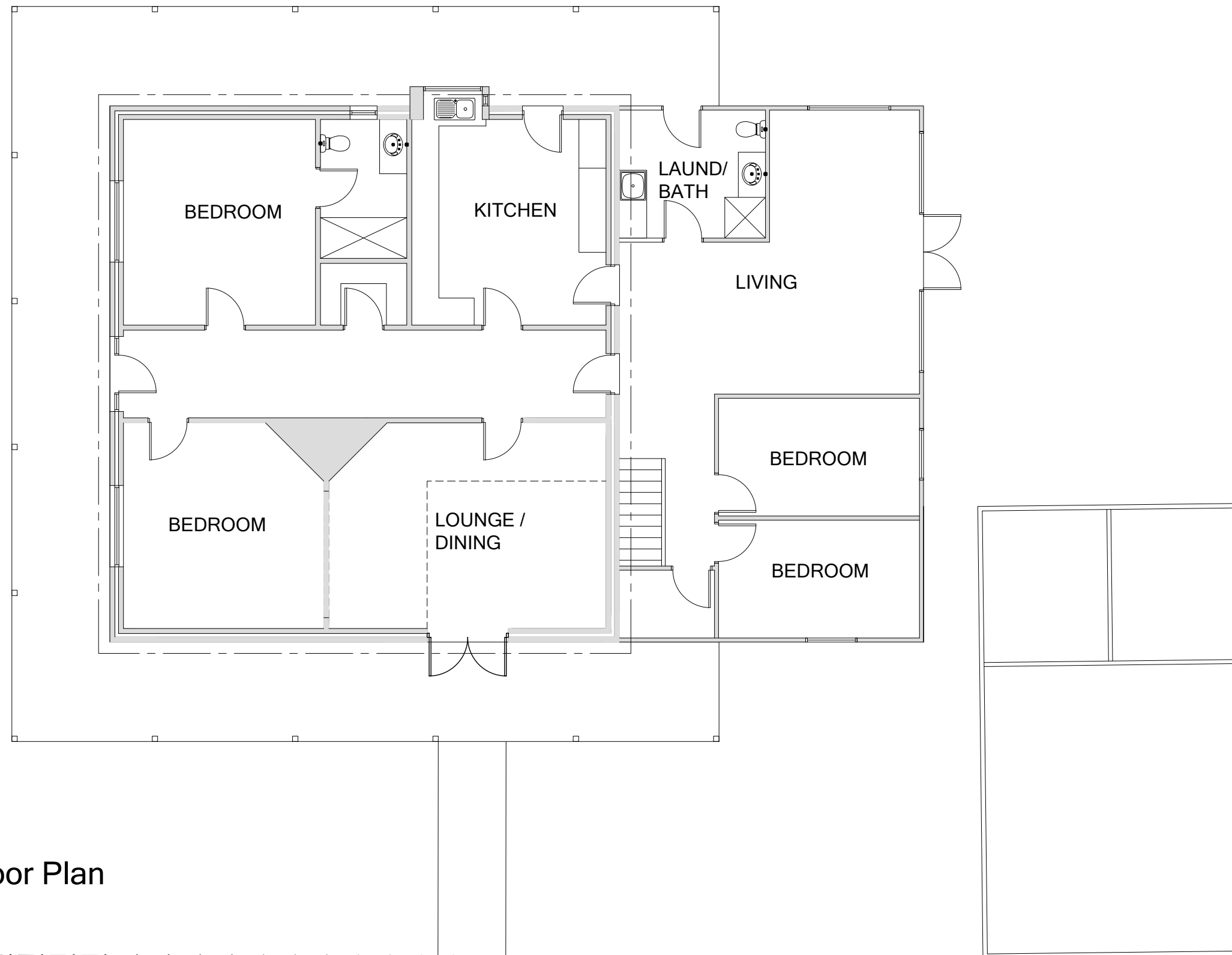
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Agenda - Barossa Assessment Panel - 4 June 2019

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ATTACHMENT B



6.2 960/664/2018 (183 Kalimna Road Light Pass)

APPLICATION DETAILS

PROPOSAL	Alterations and additions to an existing light industry building (carpentry and building). Enclosure of existing loading bay and extension to existing building to construct a new loading bay (measuring 10.75m x 6.0m x 3.6m wall height)
APPLICANT	D. Falkenberg
OWNER	D. Falkenberg
APPLICATION NO	960/664/2018
CERTIFICATE(S) OF TITLE	CT 5597/717
AREA	3976.5 sqm
CURRENT USE	Residential and Light Industry
DEVELOPMENT PLAN VERSION	Consolidated 1 November 2018
ZONE	Primary Production (Barossa Valley Region) Zone
POLICY/PRECINCT AREA	Nil
OVERLAYS	Barossa Character Preservation District Medium Bushfire Risk Area
APPLICATION TYPE	Non-Complying
CATEGORY OF DEVELOPMENT	Category 3
REFERRALS	Nil
PREVIOUS APPLICATIONS	960/1099/2008 – Demolition of existing Light Industry building and construction of a new Light Industry building.
ASSESSING OFFICER	Phil Harnett/Ashleigh Gade
RECOMMENDATION	That Development Plan Consent be GRANTED subject to the concurrence of the State Planning Commission.

BACKGROUND

The application seeks Development Plan Consent for the extension of an existing light industry building including the enclosure of an existing loading/unloading bay and the construction of a new loading/unloading bay to the rear of the existing building.

The subject land is situated in Light Pass, approximately 300m from the residential outskirts of Nuriootpa. The site was first established as a light industry premises in 1987 through the operation of a locksmith from the site.

The original light industry use of the site was conducted from a garage situated in the south-eastern corner of the subject site, fronting Kalimna Road. This original garage is no longer on the site as it was demolished and replaced through a subsequent approval in 2008.

In September 2008, Development Approval was given for the removal of the abovementioned shed and the construction of a new light industry building. This building comprised a workshop building, a small office and retail showroom area, and a loading/unloading canopy to the rear.

The applicant currently operates a cabinetry business from the light industry building and the extension to the existing floor area has been sought in order to situate new machinery and allow operations to continue from the site.

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

This application has been referred to the Barossa Assessment Panel for a decision for the following reason:

(1) With respect to a non-complying application:

- to grant consent other than which in the opinion of the sub-delegate is of a minor nature.

PUBLIC NOTIFICATION

The application is a Category 3 form of development pursuant to Section 38 and Schedule 9 of the *Development Act 1993* and Regulations 2008 and the Procedural Matters of the Primary Production (Barossa Valley Region) Zone.

Representations: Nil representations were received.

SITE AND LOCALITY

The subject land consists of one regular shaped allotment referred to as 183 Kalimna Road, Light Pass (CT 5597/717). The subject land has a total area of 3976.5sqm and a frontage of 55.92m to Kalimna Road. It currently contains a detached dwelling with two associated domestic outbuildings and a light industry building containing an office and retail space, a workshop area and a loading/unloading canopy.

There are three existing access points to the subject land from Kalimna Road. These are used for deliveries to the light industry building, access to the dwelling's double garage and the car parking at the front and rear of the light industry building respectively.

The locality comprises a pleasant rural character. The surrounding allotments vary in shape and size and are used primarily for a mixture of rural living and viticulture purposes. To the south-west is the residential edge of Nuriootpa and a number of recent land divisions within 'Barossa Estate'.

The site is located within the Primary Production (Barossa Valley Region) Zone, as shown in *Figure 1*.

The site is located within the Character Preservation District Overlay as shown in *Figure 2*.

The site is located within the Medium Bushfire Risk Overlay as shown in *Figure 3*.

An aerial view of the locality and site are shown in *Figure 4* and *Figure 5*.

Site photos are provided in *Figure 6* to *Figure 12*.

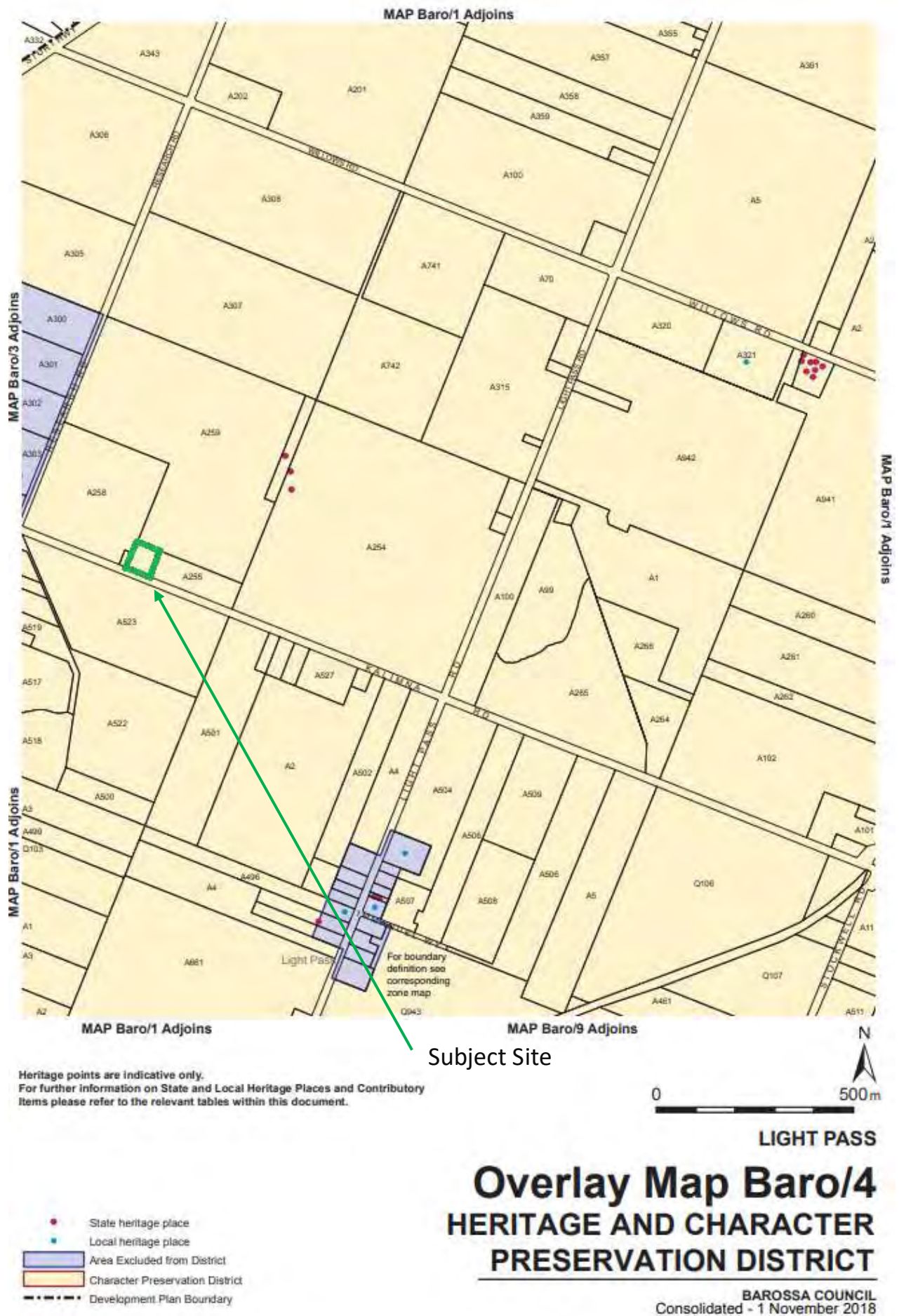
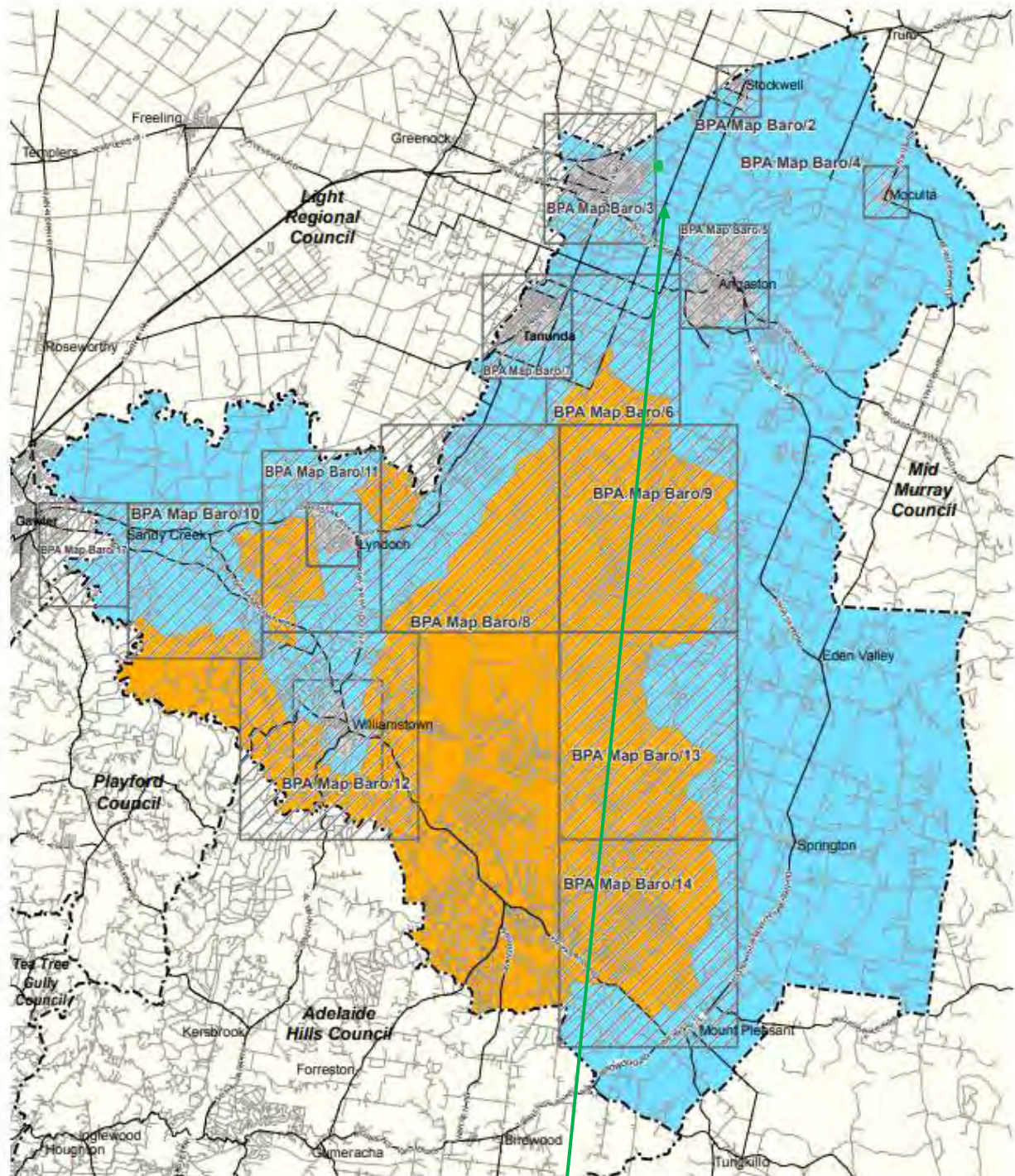


Figure 2: Character Preservation Overlay Map



See enlargement map for accurate representation.

Subject Site

Bushfire Protection Area BPA Map Baro/1 BUSHFIRE RISK

- High Bushfire Risk
- Medium Bushfire Risk
- Excluded area from bushfire protection planning provisions
- Development Plan Boundary

BAROSSA COUNCIL
Consolidated - 1 November 2018

Figure 3: Bushfire Protection Area



Figure 4: Aerial – Locality



Figure 5: Aerial – Site



Figure 6: Site Photo



Figure 7: Site Photo



Figure 8: Site Photo



Figure 9: Site Photo



Figure 10: Site Photo



Figure 11: Site Photo



Figure 12: Site Photo

REFERRALS

No referrals are required under Schedule 8 of the Development Regulations 2008.

Internal

The application was referred to:

Works and Engineering	Provision of vehicle parking is acceptable and should comply with AS 9890.1 for Off-Street Car Parking. Existing stormwater management should be maintained and adapted to ensure there is no discharge onto any adjacent property or on the footpath verge.
Health Services	There is no infringement upon the existing wastewater system and no associated wastewater application is required.

NON-COMPLYING

The application is a non-complying form of development as the proposal does not satisfy the non-complying exemption list within the Primary Production (Barossa Valley Region) Zone with regard to light industry.

- (b) The addition or expansion does not exceed 100 percent of the total floor area which existed as at 18 September 1990.

Administration resolved, under delegation to proceed with an assessment of the proposal on 24 December 2018. The application is now presented to the Panel for a decision.

The reasons for proceeding with the assessment pursuant to Regulation 17(3)(b) of the Development Regulations include.

- (1) The proposal is an extension to an existing and longstanding use that provides some economic benefit to the community.
- (2) The building work comprises an extension using appropriate building materials (Colorbond iron).
- (3) The area to be occupied by the building is not presently used for primary production. The increase in the non-primary production footprint would be negligible.

The applicant has provided a Statement of Effect pursuant to Regulation 17 of the *Development Regulations 2008*, which is included in *Attachment 1*. Should the Panel resolve to approve the application, the concurrence of the State Planning Commission is required. Alternatively, should the Panel refuse the application, no appeal rights are afforded to the applicant.

ASSESSMENT

Quantitative Criteria

The proposal is assessed for consistency with the quantitative requirements of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
CARPARKING SPACES General Section – Transportation and Access PDC 31	1.33 spaces required per 100sqm of floor area for industrial with a floor area between 200 - 2000sqm. 3.3 per 100sqm of floor area for office component. Total industrial floor area = 373.8sqm Total office floor area = 36sqm Six car parking spaces required.	Five provided (including one disabled car parking space). Complies with standard: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Partial

Qualitative Criteria

The proposal is assessed for consistency with the qualitative requirements of the Development Plan as outlined below:

Overlay Section

Character Preservation District	The subject land is located within the Rural Area, as identified by the <i>Character Preservation (Barossa Valley) Act 2012</i> (the Act). The development will not fragment or result in a loss of existing primary production land and will have limited visibility from the streetscape.
---------------------------------	---

Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the assessing officer has had regard to the objects of the Act and, in determining this application, whether it seeks to further the objects of the Act.

General Section

Design and Appearance	Objective 1 PDCs 1, 2, 3, 5, 7, 11 and 14
-----------------------	--

The proposed extension is situated behind the existing light industry building and as such will extend no closer to Kalimna Road. There will be limited visibility from Kalimna Road to the extended portion of the building.

The extension is simple in design with Custom Orb roofing and Trimdek wall cladding in a Colorbond finish, coloured "Classic Cream". The proposed colours and materials match those of the existing light industry building and ensure a consistent presentation.

The loading and unloading areas forming part of the proposed extension are situated at the rear of the building.

The proposed design and appearance of the building is contemporary in nature and sympathetic to the existing site context.

All other Objectives and PDCs are deemed to comply.

Hazards Bushfire	Objective 6 PDCs 1, 9, 11 and 12
---------------------	-------------------------------------

The subject land is located in a Medium Bushfire Risk Area identified by the Development Plan. Notwithstanding this, the proposal is not for a dwelling or other habitable dwelling. The light industry building will be occupied only during opening hours and the number of people residing on the property will not increase.

The proposal extends a non-rural and use outside of a High Bushfire Risk Area. It is considered the location and design of

the proposed extension does not post an unacceptable bushfire risk or prejudice the safety of the associated dwelling.

All other Objectives and PDCs are deemed to comply.

Industrial Development

Objective 4
PDCs 1, 3, 4, 5 and 7

The subject site is not situated within an industrial zone or policy area, nor is the industrial use on site ancillary to or situated adjacent to a primary production land use for which it produces or distributes products. However, it is noted that the subject site has accommodated this light industry land use in the currently locality for a period of over 30 years.

The proposed extension will increase the floor area of the light industry building by 63.42sqm from 346.4sqm to 410sqm. The building extension will have a height of 3.6m and be set back 3.85m from the south-eastern side boundary, which is consistent with the existing building.

There are two existing crossovers and access driveways on site which serve the light industry building. The eastern driveway serves the rear car parking area and allows manoeuvrability for cars to enter and exit the site in a forward direction. The western driveway provides access to the loading/unloading canopy and widens at the building to allow for manoeuvring of larger vehicles. Both driveways are to be extended relative to the additional building space and the new parking and loading/unloading locations.

The existing light industry land use operates during daylight hours and has since its opening. The workshop area contains machinery for cutting timber, drilling and assembly of cabinets, all of which is electrically operated and situated within the enclosed workshop space. It is intended that the extended workshop area will provide space for a new computer-operated cutting machine which permits a more efficient manufacturing process. There is no high-pitch drilling involved in the processes undertaken on site.

The dust generated from activities within the workshop is securely collected via a dust extractor. This and other associated waste is disposed of via a skip bin which is collected from the site and replaced once monthly.

It is considered that despite not being within an industrial zone or policy area nor being ancillary to primary production, light industry is a long-standing and reasonable use of the site. The proposed extension is designed to be consistent with the existing building and will not cause adverse impacts on adjoining uses through hours of operation, noise, dust or other harmful nuisance.

All other Objectives and PDCs are deemed to comply.

Interface between Land
Uses
Noise

Objectives 1, 2
PDCs 1, 2 and 6

The subject land is located within the Primary Production (Barossa Valley Region) Zone and is surrounded by both residential and primary production land uses, predominantly viticulture.

The proposed extension is situated approximately 50m away from both of the nearest neighbouring dwellings at 177 Kalimna Road and 189 Kalimna Road, to the north-west and south-east respectively. Immediately adjoining land to the rear is used for viticulture as is the land directly adjacent the subject site on Kalimna Road, which can be a noisy and/or dusty land use in its own right.

The proposed extension will not significantly increase the production capacity on the subject site. It is noted the primary necessity for the extension is to safely situate a new computer-operated cutting machine which is currently located inside the existing enclosed area with limited surrounding space.

The existing operating hours and techniques for dust and waste management are to be continued. Existing access points are to be retained. This will protect the amenity of the adjoining and nearby residential uses, including the dwelling on the subject site.

All other Objectives and PDCs are deemed to comply.

Natural Resources
Water Sensitive Design

Objectives 6, 7
PDCs 7 and 10

All roof water from the proposed extension is to be directed to an existing rainwater tank for storage. The overflow from the rainwater tank is managed on site and used to water the associated gardens.

All other Objectives and PDCs are deemed to comply.

Orderly and Sustainable
Development

Objectives 1, 2, 3, 4 and 7
PDCs 1, 2 and 3

The proposed light industry building is an extension to an existing light industry use on a site functionally undersized for primary production activity.

It is not considered the development prejudices the development of the zone for its intended purpose.

All other Objectives and PDCs are deemed to comply.

Siting and Visibility	<p>Objectives 1 and 2 PDCs 1, 2, 3, 4, 5, 6 and 9</p> <p>The proposed light industry building extension is situated to the rear of the existing building and views to the development from Kalimna Road will be limited. The building is further obscured adjoining properties by existing mature vegetation along the boundary of the subject site itself and those adjoining properties.</p> <p>There is an existing freestanding screen and lawn area at the Kalimna Road frontage which assists to visually separate the light industry building from the dwelling on site. This area also limits views to the rear of the light industry building and the loading/unloading areas from Kalimna Road.</p> <p>All other Objectives and PDCs are deemed to comply.</p>
<p>Transportation and Access</p> <p>Movement Systems</p> <p>Access</p> <p>Access for People with Disabilities</p> <p>Vehicle Parking</p>	<p>Objectives 2 PDCs 8, 12, 13, 22, 23, 24, 25, 29, 30, 31, 32, 33 and 39</p> <p>The subject site has existing separated access for standard passenger vehicles and tray trucks from the eastern and western driveways respectively. The existing customer parking is to be retained at the front of the light industry building, directly accessible from Kalimna Road.</p> <p>In determining Access for People with Disabilities, regard has been given to the Commonwealth's <i>Disability Discrimination Act 1992</i>, the <i>Access to All: Improving accessibility for consumers with disability</i> prepared by the Australian Human Rights Commission, Australian Standards and Council's Disability Access and Inclusion Plan. There is an existing disabled car parking space located directly in front of the office portion of the existing light industry building.</p> <p>All other Objectives and PDCs are deemed to comply.</p>
<i>Zone Section</i>	
<p>Primary Production (Barossa Valley Region) Zone</p>	<p>Objectives 1, 2, 3 and 6</p> <p>The proposal constitutes a reasonable extension to an existing light industry use that occurs on a site that is not a functional size for primary production use. It is not considered that development on the subject site impedes upon the development of adjoining properties for primary production purposes.</p> <p>The proposal allows for the continued operation of a local business that supports the local economy and provides local employment.</p> <p>All other Objectives are deemed to comply.</p>

Desired Character

The most intensive and historic viticulture land use in the region occurs within this zone, developed as a result of soil type, agricultural productivity, ground water availability and settlement patterns. The zone also has a unique and attractive landscape character that forms the actual and perceived viticulture and tourist focus of the region. It is envisaged that development will enhance the function of this zone as the focus of the traditional Barossa Valley Region.

The zone is characterised by open undulating terrain combined with isolated stands of natural vegetation and scattered dwellings and farm buildings. The open nature of the land results in a landscape highly sensitive to development for non-broad-acre farming or viticulture purposes. For this reason, it is expected that development will be carefully designed and located to blend within the landscape and be inconspicuous in appearance from key tourist and scenic routes throughout the Barossa Valley Region.

Opportunities for non-agricultural development will be limited to preserve the natural appearance and scenic qualities of rural areas, as well as retain land for maximum horticultural and viticultural productivity. Similarly, large scale wineries and industrial development and dwellings will be limited in location and design to maximise productive land and prevent the incremental erosion of the existing landscape character. Forms of large scale winery and industrial development are more appropriate within regional industrial areas established specifically for such purposes.

Desired Character

The proposed extension will maintain the small-scale nature of the existing industrial use on the subject site. The site is not currently used for primary production purposes and is not considered to have a site area significant enough to be successfully used for primary production purposes.

The sensitive siting and simple design of the proposed extension will not diminish the pleasant landscape character and will have limited visibility from public roads.

It is not considered that the proposed development will prejudice the use of the surrounding land for primary production purposes.

Land Use

PDCs 1, 2 and 3

The development of light industry is not envisaged within the zone. The extension to existing light industry which would increase the total floor area by over 100% based upon the total floor area which existed as at 18 September 1990 is generally considered inappropriate.

Notwithstanding this, industry development within the zone is considered supportable where it is unlikely to limit or inhibit the use of adjoining land for primary production and where the locality is capable of supporting the use without detriment to existing infrastructure users.

The proposed extension to the existing light industry building exceeds the desired parameters for expansion due to the modest floor area that existed as at 18 September 1990. It is

still considered that the proposal constitutes a reasonable and small-scale industrial use on the subject site.

The proposed development on the site is contained well within the site boundaries with appropriate setbacks. The light industrial use of the land is appropriately managed to reduce noise, dust and access impacts. It is therefore not considered likely to limit or inhibit the use of adjoining land for primary production purposes.

Form and Character

PDCs 15, 16, 17 and 18

The proposed extension will be screened by the existing light industrial building, the existing dwelling on site and an existing freestanding screen and grassed area which separates the light industry building from the dwelling.

The existing access points have a minimum width of approximately 4 metres and the movements of passenger vehicles and tray truck delivery vehicles are separated on site.

The proposed extension is to continue the 3.6 metre wall height and 3.85 metre side boundary setback of the existing light industry building. Considering the south-easterly orientation of this boundary and the setback distance it is not considered the building has the capacity to unduly overshadow the adjoining neighbour.

The development will result in a total site coverage over the entire site of approximately 36%. Of this, 16% is attributable to the residential use of the site and 20% will be attributable to the light industry use of the site.

All other PDCs are deemed to comply.

Table Section

Table Baro/1 – Off Street Vehicle Parking Requirements

An Industrial building is required to provide 3.3 car parking spaces per 100sqm of total floor area for office components and 1.33 car parking spaces per 100sqm of total floor area for non-office areas where the total industrial floor area is between 200sqm – 2000sqm.

The proposed extension would increase the total floor area of the light industry building to 410sqm, of which 36sqm is office space and 373.8sqm is non-office space.

The proposal therefore requires six car parking spaces.

The proposal provides for five car parking spaces, one of which being a disabled car parking space.

The intended customer parking consists of two car parking spaces situated to the front of the light industry building,

including the disabled parking space. This is considered appropriate to serve the needs of customers coming to the site, as customer meetings do not overlap and are generally a maximum of two per day.

The three rear car parking spaces are available for employees and/or trade visitors where applicable. It is understood that the business currently employs one apprentice cabinet maker and a further two part-time employees, with the capacity to expand in the near future to add an additional apprentice. The part-time nature of outside employment offsets the parking requirements for employees on site, making the parking provision functional for the intended purpose.

CONCLUSION

Not seriously at variance

The proposed development is not seriously at variance with the Development Plan.

Development Plan Consent should be granted

When assessed against the relevant provisions of the Development Plan it is considered that the proposed development, on balance, warrants Development Plan Consent subject to conditions recommended below.

RECOMMENDATION

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) 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, seeks to further the objects of that Act.
- (b) That the development proposal is not seriously at variance to The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/664/2018 by D Falkenberg to undertake Alterations and additions to an existing light industry building (carpentry and building), enclosure of existing loading bay and extension to existing building to construct a new loading bay (measuring 10.75m x 6.0m x 3.6m wall height) at 183 Kalimna Road, Light Pass (CT 5597/717) subject to the concurrence of the State Planning Commission, and subject to the following conditions and advisory notes:

Council conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation accompanying Application No. 960/664/2018 except where varied by any condition(s) listed below.
 - The Statement of Effect, prepared by E A Atkinson and dated February 2019.
 - Working Drawings, drawn by Brooksby Design & Drafting for D. Falkenberg dated November 2018, Sheet 1 of 1.

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.

- (2) The conditions of Development Approval 960/1099/2008 shall continue to apply except where varied by any condition(s) listed below.

Reason: To ensure that the site is managed in accordance with proposals approved by the Planning Authority.

- (3) The use of the building shall be managed so that the amenity of the area is not detrimentally affected through:

- transport of materials, goods or commodities to or from the land
- emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
- presence of vermin
- any other noise emissions.

Reason: To ensure there are no adverse impacts upon the amenity of the locality.

- (4) All roof water shall be directed to the existing stormwater system. All stormwater from buildings, paving and from areas that immediately surround the perimeter of the building shall be disposed of in a manner that does not result in entry of water into the building, or affect the stability of the building, or create an unhealthy or dangerous condition, or run onto or over land on an adjoining owner.

Reason: To ensure that the proposal is used, run and maintained as approved by the Planning Authority.

- (5) There is to be sufficient manoeuvring area available to all car parking and loading/unloading areas to enable all vehicles to enter and exit the site in a forward direction.

Reason: To ensure safe vehicular access to and from the development.

- (6) Before the completion of the development, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be, to the satisfaction of Council:

- constructed
- properly formed such that they can be used in accordance with the plans
- surfaced with an all-weather material to the satisfaction of Council to prevent dust and gravel being emitted from the site
- drained and maintained
- delineated to indicate each car space and all access lanes

Reason: To ensure that all car parking areas and access ways are sealed and constructed to the satisfaction of Council.

- (7) During construction or installation of the development measures shall be taken so that:
- dust generated on site shall be reasonably controlled at all times to prevent nuisance to occupants of adjoining land.
 - noise generated at the site shall be kept to the minimum level that is reasonably practicable.
 - appropriate erosion measures shall be employed to prevent soil removal from the site by stormwater runoff, and to prevent siltation of watercourses, to the reasonable satisfaction of Council's Director – Works and Engineering.
 - any dirt or debris from the site deposited onto existing roadways by the applicant's contractors or sub-contractors shall be cleared immediately.

Reason: To ensure that the construction process is managed in a manner which prevents adverse off-site impacts.

- (8) Construction shall take place between 7:00am and 7:00pm Monday to Saturday, and the relevant builders must take all practicable steps to minimise the impact of noise emissions on neighbouring properties.

Reason: To ensure no adverse impacts during construction of the development.

Advisory Notes

- (1) Any variation from the approved use or the approved application and the conditions of consent will require further application and approval from Council or other relevant planning authority. Approval of this application does not imply that future applications for variations will be approved. Any future application will be assessed by having regard to the relevant rules in force at the time it is lodged.
- (2) 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.
- (3) Please note that the subject land may be affected by the *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017* and as such further approval from the Native Vegetation Council may be required should any native vegetation be sought to be removed or adversely affected.

6.2 Attachment 1

DEVELOPMENT APPLICATION FORM



CONSENT TYPE APPLYING FOR (Please tick appropriate box)

- ☐ Development Plan Consent (Planning Only)
- ☐ Building Rules Consent (Building Only)
- ☒ Full Development Approval (Both Planning and Building Consent)

OFFICE USE ONLY

DEVELOPMENT NO.: 960/ _____ / _____

PROPERTY NO.: _____

VG NO.: _____

Please use BLOCK LETTERS and Black or Blue ink so that photocopies can be made of your application

APPLICANT: D. FALKENBERG

Postal Address: PO BOX 4, LIGHT PASS SA Post Code: 5355

Phone: 8562 3511 Mobile: 0417771677 Deonne Fax: -

Email: elitekitchensandcabinets@hotmail.com

OWNER: AS ABOVE

Postal Address: _____ Post Code: _____

Phone: _____ Mobile: _____ Fax: _____

Email: _____

ARE YOU GOING TO BE AN OWNER BUILDER? YES ☒ NO ☐

BUILDER: TO BE DETERMINED

Postal Address: _____ Post Code: _____

Phone: _____ Mobile: _____ Fax: _____

Email: _____ Builders Licence No.: _____

Please refer to attached fact sheet "Important Information for Owners and Builders".

CONTACT PERSON FOR FURTHER INFORMATION: Name: BROOKSBY DESIGN & DRAFTING

Phone: 8563 3690 Mobile: - Fax: -

Email: brooksbydesign@internode.on.net

DESCRIPTION OF PROPOSED DEVELOPMENT: CANOPY ADDITION TO EXISTING WORKSHOP & ENCLOSURE OF EXISTING CANOPY

EXISTING LAND USE: RESIDENTIAL (WITH LIGHT INDUSTRIAL SHED/WORKSHOP)

AREA (m²) OF PROPOSED DEVELOPMENT: REFER DRAWINGS

LOCATION OF PROPOSED DEVELOPMENT:

House No: 183 Street: KALIMNA ROAD Town: LIGHT PASS

Lot No: 256 Section: FP 173347 Hundred: MOOROO ROO

Certificate of Title(s): Volume: 5597 Folio: 717

BUILDING RULES CLASSIFICATION SOUGHT: _____ Present Classification: _____

If Class 5, 6, 7, 8 or 9 classification is sought, state the proposed number of employees: Male: _____ Female: 2 employees

If Class 9a classification is sought, state the number of persons for whom accommodation is provided: _____

If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises: _____

DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 2008 APPLY? YES/NO

HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 1993 LEVY BEEN PAID? YES ☒ NO ☐

DEVELOPMENT COST (do not include any fit out costs): \$ 20,000

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 2008 and where public notification is required may be made available on Council's website. Details provided by the applicant, written representations and other technical reports form part of the reports attached to Council's Development Assessment Panel agendas. The agenda, minutes and accompanying report is made available on Council's website.

SIGNED: for M.J. Brooksby Dated: 13/11/2018

DEVELOPMENT REGULATIONS 2008

DECLARATION OF APPLICANT
(Pursuant to Clause 2A(1) of Schedule 5)

TO: The Barossa Council
43-51 Tanunda Road
PO Box 867
NURIOOTPA SA 5355

OFFICE USE ONLY	
DEVELOPMENT NO.: 960/	/
PROPERTY NO.: _____	

APPLICANT: <u>D. FALKENBERG</u>	
Postal Address: <u>PO BOX 4, LIGHT PASS SA</u>	Post Code: <u>5355</u>
Phone: <u>8562 3511</u>	Mobile: <u>0417771677</u>
Fax: <u>—</u>	
Email: <u>elitekitchensandcabinets@gmail.com</u>	

DATE OF APPLICATION: 19, 11, 2018

LOCATION OF PROPOSED DEVELOPMENT:			
House No: <u>183</u>	Street: <u>KALIMNA ROAD</u>	Town: <u>LIGHT PASS</u>	
Lot No: <u>256</u>	Section: <u>FP 173347</u>	Hundred: <u>MOOROOKOO</u>	
Certificate of Title(s): Volume: <u>5537</u>	Folio: <u>717</u>		

NATURE OF PROPOSED DEVELOPMENT: <u>ADDITION & ALTERATIONS TO EXISTING WORKSHOP BUILDING</u>

I M. J. BROOKSBY (insert name) being ~~the applicant~~ a person acting on behalf of the applicant (delete the inapplicable statement) for the development described above declare that 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*. I make this declaration under Clause 2A(1) of Schedule 5 of the *Development Regulations 2008*.

Signed: M. J. Brooksby Date of Declaration: 19/11/2018

Note 1

This declaration is only relevant to those development applications seeking authorisation for a form of development that involves the construction of a building (there is a definition of 'building' contained in Section 4(1) of the Development Act 1993, other than where the development is limited to:

- (a) an internal alteration of a building; or*
- (b) an alteration to the walls of a building but not so as to alter the shape of the building.*

Note 2

The requirement of Section 86 of the Electricity Act 1996 do not apply in relation to:

- (a) a fence that is less than 2m in height; or*
- (b) a service line installed specifically to supply electricity of the building or structure by the operation of the transmission or distribution network from which the electricity is being supplied.*

Note 3

Section 86 of the Electricity Act 1996 refers to the erection of buildings in proximity to powerlines. The Regulations under this Act prescribe minimum safe clearance distance that must be complied with.

Note 4

The majority of applications will not have any powerline issues, as normal residential setbacks often cause the building to comply with the prescribed powerline clearance distances. Buildings/renovations located far away from powerlines, for example towards the back of properties, will usually also comply.

Particular care needs to be taken where high voltage powerlines exist; where the development:

- Is on a major road;*
- Commercial/industrial in nature; or*
- Built to the property boundary.*

Note 5

Information brochures 'Powerline Clearance Declaration Guide' and 'Building Safely Near Powerlines' have been prepared by the Technical Regulator to assist applicants and other interested persons. Copies of these brochures are available from Council and the Office of the Technical Regulator. The brochure and other relevant information can also be found at www.technicalregulator.sa.gov.au Phone 132324.

Note 6

In cases where applicants have obtained a written approval for the Technical Regulator to build the development specifies above in its current form within the prescribed clearance distances, the applicant is able to sign the form.



REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5597 Folio 717

Parent Title(s)	CT 2318/36		
Creating Dealing(s)	CONVERTED TITLE		
Title Issued	19/11/1998	Edition 4	Edition Issued 15/10/2014

Estate Type

FEE SIMPLE

Registered Proprietor

DEONNE ANTHONY FALKENBERG
OF PO BOX 4 LIGHT PASS SA 5355

Description of Land

ALLOTMENT 256 FILED PLAN 173347
IN THE AREA NAMED LIGHT PASS
HUNDRED OF MOOROOROO

Easements

NIL

Schedule of Dealings

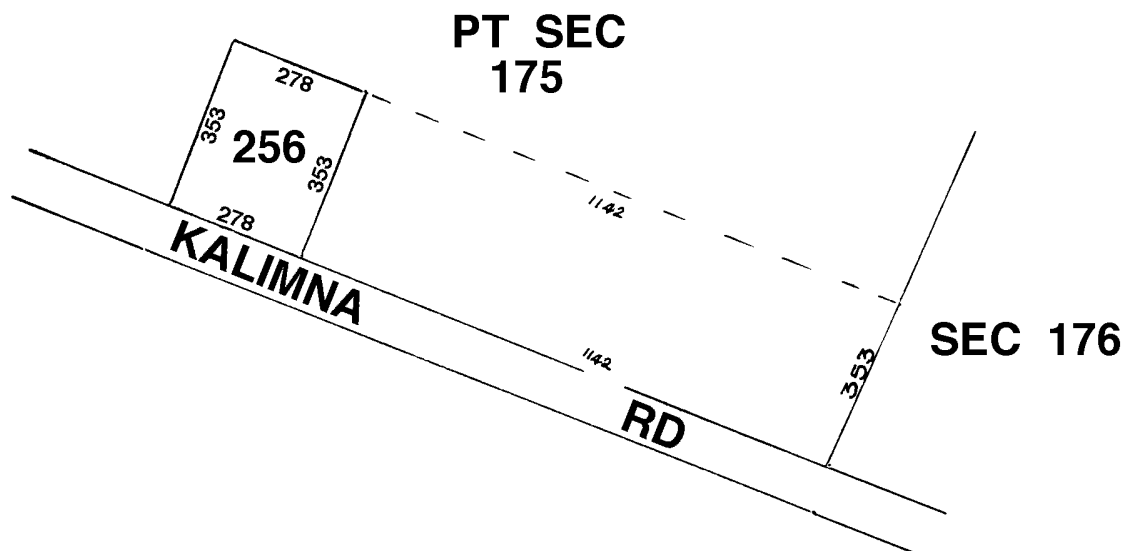
Dealing Number	Description
12202145	MORTGAGE TO WESTPAC BANKING CORPORATION

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



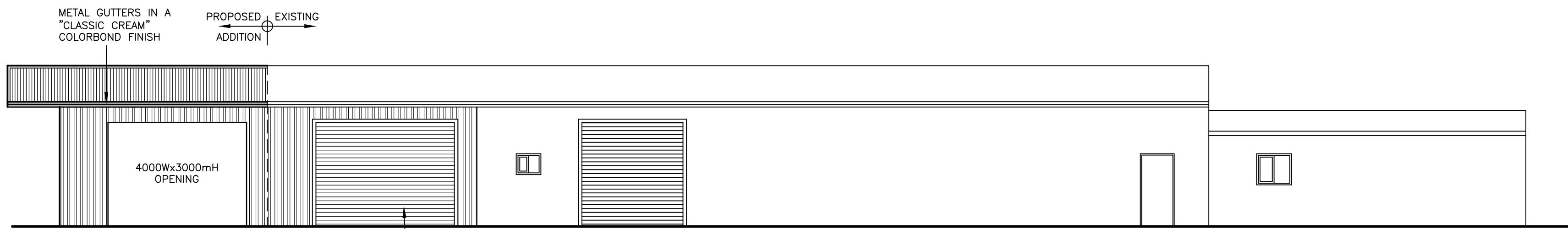
THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 2318/36



500 0 500 Lks

DISTANCES ARE IN LINKS
FOR METRIC CONVERSION
1 LINK = 0.201168 METRES
1 CHAIN = 100 LINKS

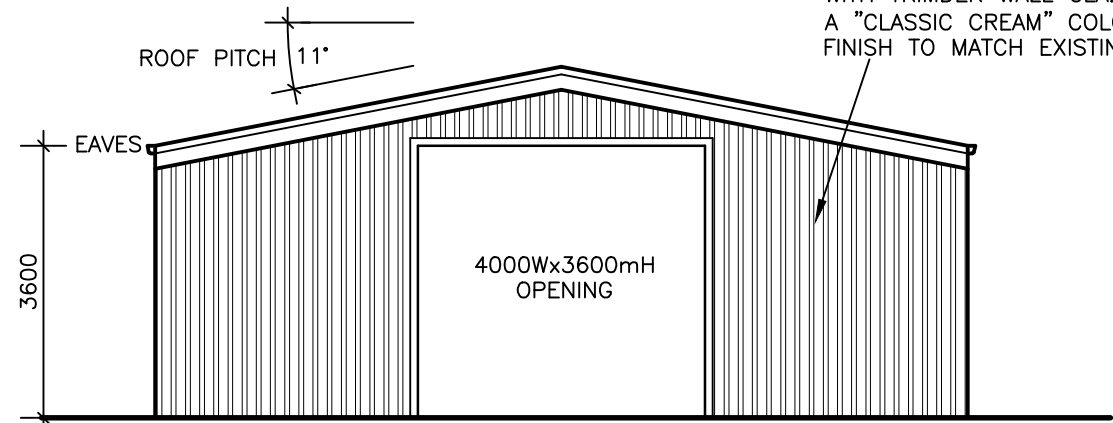
NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



WEST ELEVATION

SCALE 1:100

NEW 4000x3000H ROLLER DOOR
IN A "DARK GREY" COLORBOND
FINISH TO MATCH EXISTING



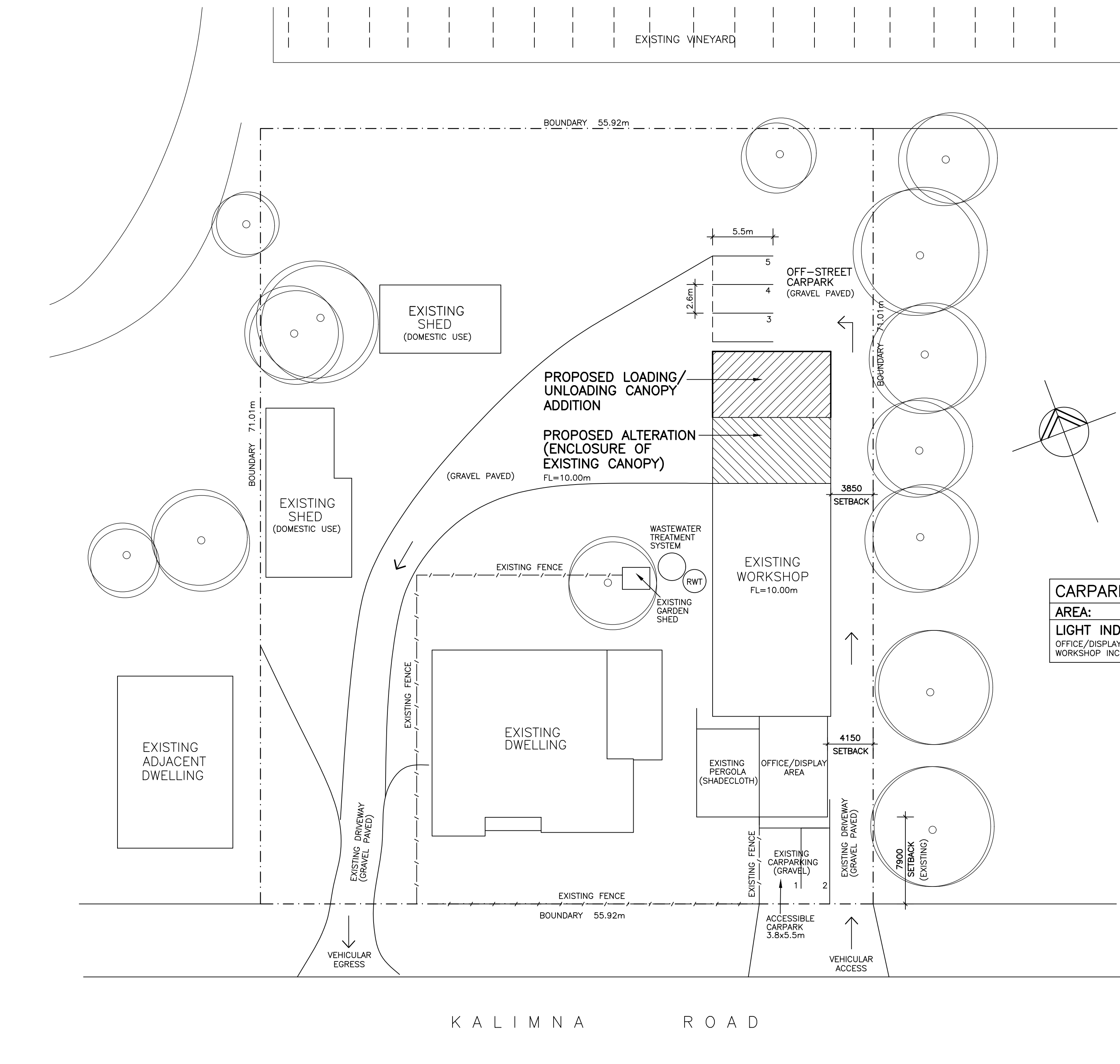
NORTH ELEVATION

SCALE 1:100

EAST ELEVATION

SCALE 1:100

STEEL FRAMED SHED STRUCTURE WITH TRIMDEK
WALL CLADDING IN A "CLASSIC CREAM"
COLORBOND FINISH TO MATCH EXISTING



SITE PLAN

SCALE 1:250

CONCRETE FLOOR SLAB:

NEW SLAB (TO CANOPY):
PROVIDE A 125 THICK CONCRETE
SLAB REINFORCED WITH R8@2 MESH
(TOP). CONCRETE: N32. ENSURE
U/SIDE OF SLAB IS PROTECTED WITH
A WATERPROOFING MEMBRANE

FIRE & EMERGENCY SERVICES
REQUIREMENTS

□ = MAINTAINED EMERGENCY LIGHT & EXIT SIGN,
MOUNTED ABOVE EXIT DOOR.
○FE = 6A:80B:(E) PORTABLE FIRE EXTINGUISHER,
IN ACCORDANCE WITH AS 2441

EXITS & EXIT DOORS:

ALL EXIT DOORS:
EXIT DOORS MUST BE READILY OPENABLE
WITHOUT A KEY FROM THE SIDE THAT
FACES A PERSON SEEKING EGRESS, BY
A SINGLE HAND DOWNWARD ACTION OR
PUSHING ACTION ON A SINGLE DEVICE
WHICH IS LOCATED BETWEEN 900mm
AND 1.2m FROM THE FLOOR

CARPARKING REQUIREMENTS

AREA:	RATIO:	CALCULATION:
LIGHT INDUSTRY	1 CARPARK PER 100m2	AREA = 413.42m2 / 100 = 4.13 ≈ 5 PARKS
OFFICE/DISPLAY AREA & NEW WORKSHOP INCLUDING CANOPY		TOTAL CARPARKS (INCLUDING ACCESSIBLE)

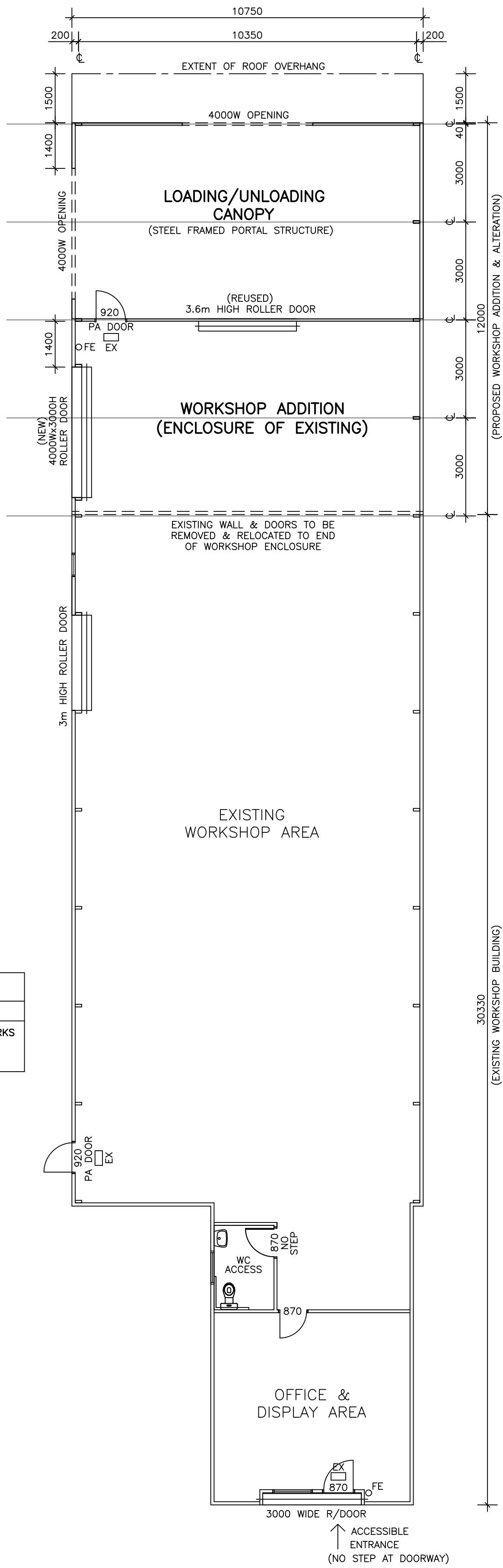
SITEWORKS & DRAINAGE NOTES:

THERE ARE NO TREES, SHRUBS OR EXISTING
STRUCTURES (OTHER THAN THOSE INDICATED)
ON THIS OR ADJOINING SITES OR PUBLIC
PLACES THAT WILL AFFECT OR BE AFFECTED
BY THE PROPOSED BUILDING WORKS

BRUSH FENCE:
THERE IS NOT A BRUSH FENCE WITHIN 3m
OF THE PROPOSED BUILDING WORK
SITE/SURFACE WATER RUN-OFF:
TO BE DIRECTED AWAY FROM BUILDING BY
FALLS IN PAVING AND SURROUNDING
GARDEN LEVELS

ROOF-WATER RUN-OFF:
TO BE DIRECTED INTO EXISTING STORMWATER
DISPOSAL SYSTEM VIA 90mmØ PVC
STORMWATER PIPES

DP DENOTES DOWNPIPE LOCATION



FLOOR PLAN

SCALE 1:100

B	19/11/18	DEVELOPMENT APPLICATION
A	NOV '18	OWNER'S REVIEW/APPROVAL
ISSUE	DATE	ISSUED FOR

AREAS:	m ²
WORKSHOP ENCLOSURE	63.42
CANOPY ADDITION	63.42
TOTAL	126.84
TOTAL BUILDING AREA =	413.42

**BROOKSBY
DESIGN & DRAFTING**
BUILDING DESIGN & DRAFTING SERVICES
5 John Street, Tanunda
PO Box 323, Tanunda SA 5352
Telephone: (08) 8563 3690
Email: brooksbysdesign@internode.on.net

ALL DIMENSIONS AND LEVELS SHOWN ON DRAWINGS
ARE IN MILLIMETRES (mm) UNLESS OTHERWISE
INDICATED AND SHOULD BE VERIFIED ON SITE
BEFORE COMMENCING BUILDING WORK.
ANY DISCREPANCIES MUST BE REPORTED TO THIS
OFFICE
THESE ARCHITECTURAL WORKING DRAWINGS SHALL
BE READ IN CONJUNCTION WITH THE STEEL
FABRICATOR'S STRUCTURAL STEEL DRAWINGS,
DETAILS & SPECIFICATION
TERMITE PROTECTION:
STEEL FRAMED STRUCTURAL MEMBERS, IN
ACCORDANCE WITH AS3660.1
BUSHFIRE PROTECTION:
NOT APPLICABLE TO THIS PROJECT
© COPYRIGHT

project:
PROPOSED ADDITION &
ALTERATION TO EXISTING
WORKSHOP BUILDING
address:
183 KALIMNA ROAD
LIGHT PASS
client:
D. FALKENBERG
ELITE KITCHENS & CABINETS

drawing:
WORKING DRAWINGS
date: NOVEMBER 2018
drawn: P.B. checked: M.J.B.
sheet no: 1 of 1

APPLICATION FOR DEVELOPMENT PLAN CONSENT – DA 960/664/2018

to

THE BAROSSA COUNCIL

for a

**PROPOSED EXTENSION TO AN EXISTING WORKSHOP
AND ENCLOSURE OF AN EXISTING CANOPY**

183, LOT 256, FP173347, KALIMNA ROAD, LIGHT PASS.

by

D.FALKENBERG

STATEMENT OF EFFECT

E A ATKINSON, BTRP (Melb), Cert. Vitic.(MIT)
Consulting Planner

February 2019

CONTENTS

Section	Page
1. INTRODUCTION	3
2. THE SITE OF THE DEVELOPMENT AND ITS CONTEXT	4
2.1 The Subject Land	4
2.2 The Locality	4
3. THE PROPOSAL	5
General Description and Details of the Development	5
4. NATURE OF THE DEVELOPMENT	5
5. ASSESSMENT AGAINST THE DEVELOPMENT PLAN	6
5.1 Land Use	7
5.2 Character and Appearance	7
5.3 Access and Car Parking	8
5.4 Environmental Considerations	9
6. ASSESSMENT OF EXPECTED EFFECTS ON THE LOCALITY	10
6.1 Social Effects	10
6.2 Economic Effects	10
6.3 Environmental Effects	11
7. SUMMARY AND CONCLUSIONS	12

APPENDICES

A - Zone/Overlay Maps Baro/4. B - Aerial Photo. C - Photographs of Site and Surroundings. D - Site Plans of the Development and Building Layout. E - Copy of Title.

1. INTRODUCTION

This Statement is in reference to an application for development consent made to the Barossa Council by D Falkenberg for a proposed extension to an existing workshop and the enclosure of an existing canopy on land known as Lot 256, FP 173347 Kalimna Road, Light Pass.

The purpose of the proposal is to extend the existing workshop and canopy in which the business of 'Elite Kitchens and Cabinets' has operated since 1997. The proposed extension to the existing building constitutes an extension to a building and land use classified as 'Light Industry', which, by virtue of a provision of the Barossa Development Plan, is defined as a 'non-complying' development. The current land use and development is defined as a dual use, being 'Residential and Light Industrial' and the industrial use of the land has been of a continuing nature since as far back as 1987.

In 2008, the Council gave approval for an extension to the existing workshop building for the purpose of extending the light industrial use. The extension sought in this particular application was for a floor area of 292.18 m², which exceeded the 100% extension limit as prescribed by the Barossa Development Plan, viz. 'being in excess of the floor area which existed on 18 September 1990.'

Of this 292.18 m², the currently proposed addition of 63.42m² is already under the roofed area. It is currently used as a loading canopy. A new roofed canopy for loading is now proposed and this has a floor area of 63.42m². The effect of this proposed development is that a further 63.42 m² will be used in the manufacturing process and the new roofed area will replace the existing loading canopy.

This Statement of Effect is required under the provisions of Section 39(2) (d) of the Development Act 1993, since the proposed development is a "non-complying" development under the provisions of the Primary Production (Barossa Valley Region) Zone of the Barossa Development Plan in particular, *'(b) where the addition or expansion does not exceed 100% of the total floor area which existed as at 18 September 1990.'*

This Statement will give a clear picture as to how both the proposed extension of the light industrial use and the proposed building extension will give due regard to and demonstrate compliance with the most relevant and important Objectives and Principles of Council's Development Plan, as consolidated on the 1 November 2018.

2. THE SITE OF THE DEVELOPMENT AND ITS CONTEXT

2.1 The Subject Land

The subject land is described as Lot 256, Kalimna Road, Light Pass, Hundred of Moorooroo, contained in land title Volume 2318, Folio 36 and is within the Primary Production (Barossa Valley Region) Zone in the Barossa Council Development Plan, Map Baro/4. (*Zone/Overlay Map - Appendix A*). It is also located within the Character Preservation District - Overlay Map Baro/4 (*Appendix A*)

The land is located on the north-east side of Kalimna Road and has a frontage of 55.92 metres to the north-eastern alignment of that road. It has a depth of 71.01 metres and is of a regular rectangular shape.

The subject land has an area of 3970.87m² and contains a substantial detached dwelling, ancillary domestic garaging and storage shed together with the buildings used for light industry. Since 1987, when the original garage fronting Kalimna Road was used for the light industrial use as a locksmith, the use of the land has been continually used for the dual purposes of 'Residential and Light Industrial'.

There are two vehicle access driveways, each with a minimum entrance width of 3 metres. The northern driveway gives access to the rear of the dwelling and the area used for loading /unloading of both building materials and the finished cabinets and kitchen fittings. The eastern driveway is used by the waste timber disposal skip contractor on a once-a-month basis. (*See Site Plan of Development -Appendix D.*)

Parking for two clients (one disabled) is located at the front of the light industrial building in which the showroom is located. Further parking for the staff is provided at the rear of the existing loading canopy and this will be moved further north to make way for the proposed building extension. (*See Photographs-Appendix C.*)

The owner has provided a horizontal timber fence between the dwelling and the original structure (the present showroom), thus providing a physical visual screen partially hiding the larger industrial building at the rear. (*See Photographs-Appendix C.*)

2.2 The Locality

The Zone/Overlay Maps in the attached Appendix A show the subject and surrounding land. Adjoining land to the east has extensive tree cover which provides dense vegetation cover as a backdrop to the existing light industrial building. Adjoining land on the north-western boundary contains a dwelling, garage and outbuildings on a land area approximately one sixth of the area of the subject land. Land at the northern rear is developed as a vineyard as is land opposite, on the southern side of Kalimna Road. All land in the immediate locality is within the Primary Production (Barossa Valley Region) Zone as well as being within the Character Overlay Preservation District.

3. THE PROPOSAL

General Description and Details of the Proposed Development.

It is proposed to extend the existing kitchen fittings and cabinet workshop building by extending the present floor area by 63.42 m² giving a total workshop floor area of 280.77m². The office and display area has a floor area of 36m². The extended area currently proposed comprises an extended canopy loading area, whilst the increased cabinetmaking area will occupy the present canopy loading area. This will increase the workshop area by 63.42 m². The building has been designed to extend the roof and wall height to match the design and construction of the existing building. *See Appendix C.*

The existing workshop area covering the floor area of 217.35m² contains the machines for cutting timber, drilling and assembly of the cabinets. The equipment comprises a computer-operated cutting machine, a panel saw, air compressor, dust extractors and general hand tools used in cabinetmaking. All these are electrically operated. The additional floor area will give an improved workspace for installation of more efficient manufacturing machines and extraction of dust and waste from the processes of cabinet production.

There is no cutting of steel and iron involved in the process of cabinetmaking and all noise is confined to cutting and drilling of timber and timber products. Waste product disposal is stored in a 1.5m³ capacity skip bin which is removed by JJ Richards's contractors once a month. Other minor waste articles such as lunch waste are removed in a Council bin on a weekly basis.

The hours of operation of the business are Monday to Friday, from 8 am to 5 pm. These hours of operation have been the 'modus operandi' for many years.

Customers visit the front showroom on an average of two (2) per day at the most, and parking for other visitors to the site is more than adequate, with this located at the rear of the dwelling where parking for trade or other business representatives will be adjacent to the extended canopy loading section of the extension. *See Appendix C.*

4. NATURE OF THE DEVELOPMENT

From a land use planning viewpoint, the nature of the proposed development is clearly for the extension of a light industrial use in terms of extending the working area by 63.42m². It is clear that the major use of the subject land is for residential purposes. In fact, the residential use of the subject land represents nearly 90% of the total occupation of the title area.

The increased working area of the light industrial building as now proposed constitutes approximately only 25 % of the present floor area currently used for industrial purposes.

It will be demonstrated in this Statement of Effect, that the proposed development will fit the criteria as outlined in the 'Desired Character' of the Primary Production (Barossa Valley Region) Zone as follows – *"Opportunities for non-agricultural development will be limited to preserve the natural appearance and scenic qualities of rural areas, as well as retain land for maximum horticultural and viticulture productivity."*

The opportunity referred to above was initially created, it is believed, in the 1930's when the title for the subject land was created as a housing allotment quite separate from the adjacent horticultural land use. This land, containing a dwelling and buildings for residential and domestic land use, was given the required government approval for land division many years ago, prior to the inception of any planning legislation in the state of South Australia.

5. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

In this assessment 'GS' means 'General Section'; 'PP(BVR)Z' means Primary Production (Barossa Valley Region)Zone; 'Obj' means 'Objective' and 'PDC' means Principle of Development Control'.

The relevant provisions of the Development Plan to this proposal include:-

GS Orderly and Sustainable Development Obj's. 1, 3, 4, 7; PDC's 1, 3.

GS Siting and Visibility Obj's 1, 2; PDC's 1(a)(b)(c), 2 (a)(b)(c), 3 (a)(c)(d)(e), 4 (a)(b)(c), 5, 6, 9 (a)(b)(c).

GS Design and Appearance Obj's 1, 2; PDC's 1, 2, 3 (a) to (e), 5, 7, 14.

GS Transport and Access PDC's 8, 12, 13, 22, 23 (a)(b)(c), 24, 29(a)(c)(d)(e), 30, 31, 32, 33 (a)(d)(i).

GS Interface between Land Uses Obj. 1; PDC's 1 (a) to (h), 2.

GS (Industrial Development) Obj's 2,4; PDC's 2, 3, 4, 5, 6(c), 7,

PP (BVR) Z, Desired Character; Obj. 3; PDC's 3(b)(d)(f), 8, 15 (a),16, 17, 18 (a)(b).
Character Preservation District Overlay Obj.1 (f).

5.1 Land Use

This proposed “non-agricultural” development fits the specific wording of the ‘Desired Character’ of the Primary Production (Barossa Valley Region) Zone as discussed above. The subject land was not the first intrusion of house-sized allotments in this zone north-east of the township of Nuriootpa. The Zoning Map Baro/4 shows at least 30 other residential allotments having been created over time. (*Appendix A*)

The subject land, its dwelling and small-scale industrial use, has not in the past caused disruption to the activities for which this zone was created. It is submitted the activities operating at present and the extension of such activities sought will have no effect, detrimental or otherwise, on future primary production in the immediate and/or surrounding area of Light Pass.

The light industrial activity on the subject land, as discussed above, provides a productive use of the land with activities contained within a shed a fraction of the size of agricultural sheds on nearby land. (*See Appendix C*) With the matter of building bulk taken into consideration, the buildings accommodating the existing and proposed light industrial use on the subject land are relatively non-obtrusive in comparison with the much larger agricultural buildings in the general vicinity.

The business of cabinet-making, as confined necessarily within an enclosed structure, has no effect at all on the horticultural land use on adjacent or neighbouring land in this area. *PP (BVR)Z Obj 3, PDC 8, 18(a),(c); GS (Orderly and Sustainable Development) Obj 3,4; PDC's 1, 3.*

This relatively small-scale business fulfills *Objective 2 of the General Section, Industrial Development* in terms of “home based industries in rural areas” and, in addition, also fulfills Objective 4 in that it will have “no adverse effects on the health and amenity of occupiers of land in adjoining zones,” or in fact, adjoining properties.

So, in effect, the subject land has too small an area to be used or developed for the purposes of primary production of almost any kind and the present use is considered the highest and best use for such a large residential allotment.

With respect to the zonal Principal 3, the non-agricultural amenity of the site will be limited to the internal operations of the business within the confines of the land title as it currently exists. Site access will be unchanged in terms of vehicular movement. Levels of waste management will improve with provision of the latest technology in dust extraction and removal systems.

5.2 Character and Appearance

The existing building is proposed to be lengthened a further six (6) metres in a northerly direction. The extension to the roof is for the canopy loading bay. The existing loading bay is to be incorporated in to the manufacturing area as extra floor space for production.

The appearance of the extended building from Kalimna Road will be imperceptible. It will be screened from the property immediately east by virtue of a thickly planted screen of trees. *(See Appendix C)* The extension will not be noticeable from the adjacent property to the west since the buildings at the rear of the dwelling on the subject land will almost hide any view toward such extension. The remaining views toward the proposed extension are from the vineyard to the north and some grazing land at the rear of the house next door. Thus the general appearance of the extended building from other properties and the public road will be relatively very difficult to see. *Character Preservation District Overlay Obj.1(f). (See Appendices B and C)*

The aerial photograph adequately demonstrates the above points relative to appearance. It is believed that appearance generally defines the character of an area or a neighbourhood, and it is therefore submitted that the proposed extended building will be so well hidden that there will be no substantial change or detriment caused to the character of the area. *(See Appendices B and C.)*

The attached photographs show the views from neighbouring properties toward the existing building and its extension. *(See Appendix C.)* The proposed extension has been designed to comply with the Objectives and Principles of Development Control of Council's Development Plan. *GS (Design and Appearance) Obj. 1; PDC's 1, 5, 7, 10; GS (Siting and Visibility) Obj.1 and 2; PDC's 1(a)(b)(c), 2(a)(b)(c), 3(a)(c)(d)(e), 6, 9(b).*

Colours and design of the extended building have been chosen to fit with the existing design of the present structure. Site plans and building details are attached as Appendix D. It is to be noted that the roof pitch and wall height of the existing building is to be carried through to the proposed extension. It is submitted that these design details will fit in sympathetically with the visual aspects of the surrounding environment. *GS (Design and Appearance), Obj. 1 and 2; PDC's 1, 2, 3(a), 5, 7, 10, 14; GS (Siting and Visibility) Obj.1 and 2; PDC's 1(a)(b), 4 (a)(b), 5, 6 ; PP(BVR)Z Obj. 3; PDC's 3(b)(d)(f), 8, 14, 15(a).*

With respect to the Character Preservation District Overlay provisions, it is submitted that the industrial use, having been established some 30 years ago, the present extension is relatively insignificant in terms of increased building bulk and no negative effects will be caused in respect of *Objectives 1(e) and (f)*.

5.3 Access and Car Parking

Access to the canopy and loading area is from the driveway located to the west of the dwelling. This driveway is used for the delivery of all materials to the business and these are delivered by tray truck and never by articulated vehicles. There is sufficient area for the turning of trucks to allow forward movement from the site to enter Kalimna Road. Employee and family vehicles also gain access to the rear parking via this driveway. *(See Site Plans of the Development - Appendix D.) GS (Transport and Access) PDC 8, 12, 13, 22, 23(a)(b)(c), 28, 30, 31, 32; GS (Industrial Development) PDC 4; PP (BVR)Z PDC 18(a).*

The eastern driveway is used approximately once a month for the removal of timber waste. Waste is stored in a sealed skip which is collected by the contractor using a front-located pickup system. The access driveways each have a width of 3 metres in accord with *PP(BVR)Z PDC 17. (See Site Plans of the Development - Appendix D.)*

Car parking for two (2) clients is located in front of the showroom and each of these reverse to the Kalimna Road frontage. One of these car spaces is of a width to provide for disabled drivers in accord with Australian Standards AS 2890 for car space dimensions. *GS (Transportation and Access) PDC 29(e), 30, 31; PP (BVR)Z PDC 18(a). (See Photographs Appendix C.)*

Reverse maneuver of vehicles serving the original garage (now the showroom and office) has been the practice since the original structure was built in the 1930's.

The Site Plans of the Development, *Appendix D*, show the points of vehicle entry/egress on the Kalimna Road frontage. *GS(Transport and Access) PDC 8, 22, 23(a)(b)(c).* It is to be noted that the proposed extension of the light industry will not require any increase in car parking over and above that which is already provided on the site plan. The parking has been sited and designed to comply with *GS(Transportation and Access) PDC 33 (a)(b)(c).*

The driveways and car spaces are surfaced with gravel to provide all-weather access. Surface runoff from rain is directed towards grassed areas on the site. *GS(Transportation and Access) PDC 29(c)(d).PP(BVR)Z PDC 16.*

5.4 Environmental Considerations

The proposed development, whilst being located on land zoned for primary production, is of a floor area and building design that is not dissimilar to other sheds in the vicinity. Its effect on the existing visual environment is considered minimal in terms of building bulk and height. *GS (Industrial Development) PDC 5, 6(c); GS (Orderly and Sustainable Development) Obj. 3, 4; PDC 1; GS (Design and Appearance) Obj. 1, 2, 3(b), 7, 14. (See Appendix C.)*

The office and showroom is sited at the front of the building and has been for many years; it complies with *GS (Industrial Development) Obj. 2; PDC's 2 and 3.*

With respect to noise generation from the activities within the building, it is to be noted that cutting, drilling and joining of the cabinets needs to be carried out in a clean and dustless environment. This necessitates that the processes carried out are within the building and generate very minimal external noise. The zone provides for noise generation usually attributed to mending of vineyard equipment such as ploughs, tractors, harvesters and spray equipment where maintenance and repairs involve quite a degree of noise at all hours. This light industry is a relatively quiet operation and only operates between 8 am and 5 pm five days a week. It will have no effect upon the adjacent viticultural/horticultural land uses. *PP(BVR)Z Obj.4; GS (Industrial Development) Obj's 2, 4;PDC 2,7;GS (Interface between Land Uses) Obj. 1,PDC 1(a)(b)(c)(d)(e)(f) and (g), 6.*

The only waste generated from the manufacture of cabinetry is confined to timber and timber-associated products and this is stored in a vermin-proof sealed skip for collection once a month. No wastes are stored whereby neighbouring land is affected. *GS (IndustrialDevelopment) PDC 7.*

The development also provides for a storm-water tank to receive all roof-runoff from the existing and proposed extension. This water is used for the garden so to maintain visual amenity provided by the existing landscaping.

6. ASSESSMENT OF EXPECTED EFFECTS ON THE LOCALITY

6.1 Social Effects

The social effects of the proposed extended light industry business will flow as economic benefits to the local towns in terms of trade. Local employment opportunities and increased business are needed in the Barossa region as the population increases. Clients are not confined to the towns of Angaston, Nuriootpa, Tanunda and Eden Valley and Mount Pleasant, but are as far afield as the Adelaide Hills region.

Efficiencies created by an expanded industry on their existing sites will also allow for an increase in turnover and local businesses, financial services and employment opportunity. Benefits will accrue both directly and indirectly. Increased competition for local trades will only create benefit for the building industry in the Barossa region.

This company has been able to increase employment opportunity by appointing an apprentice cabinetmaker in addition to the existing staff. The company also employs two other personnel on a part-time basis. An additional apprentice employee is planned for the near future.

A skilled workforce also has a 'flow on' effect on local 'well being' and this is a well-known social benefit for country regions as well as local towns. With manufacturing on the downturn in the Australian economy and consequent increase in imported cabinetry and furniture, all encouragement for locally manufactured products will keep the profits in the country and generate employment as well.

6.2 Economic Effects

As discussed above, the major economic effect of this proposed development will be increased opportunity for local business and employment.

With respect to our current economic environment, it is submitted that South Australia increasingly needs to promote local manufacturing so that it has a chance to survive the impacts from the cheap alternatives offered by foreign suppliers and large

hardware retailers providing cheaply manufactured goods with limited lifespan. There will always be the availability for bespoke kitchen fitting and cabinetry as an alternative which genuinely supports local enterprise. Supporting local industry is so important to the region as well as the State economy.

Whilst no additional employees are contemplated just at present, the additional floor area could provide for expansion of the business in the future.

Economic benefits to the community can only increase if the basic industries of the Barossa Region are supported in terms of environmentally sustainable growth of local industry. Small industries such as “Elite Kitchens and Cabinets” offer personal attention and aesthetic detail to their clients’ needs. Such service and expertise provided over the last 20 years bears evidence of the success of this business.

6.3 Environmental Effects

The operation of this business and methods of manufacture use the best technology in terms of environmentally safe production principles and practices. The operation of the workshop creates only timber and timber constructed materials and waste is minimal. All dust from the operation of the machines is collected by extraction processes using fine micron filters. Generated dust particles do not enter the exterior environment, and the dust extractors protect the prevailing air quality for the neighbours and the local environment.

Low volumes of noise from the processes carried out are confined to the interior of the workshop and no ‘high-pitch’ drilling and cutting of metal is involved. Cutting of metal, if necessary, is carried out on the site of the client for the final fitting and assembly.

All work undertaken in the workshop is governed by the standard occupation safety and health legislation under which all Australian industry must operate.

As outlined above all wastes are removed from the building into a sealed skip and from the site on a monthly basis by a contractor with a sealed container facility. The operations of the light industry on the subject land gives detailed and due regard to *PDC 7* as required by *GS (Industrial Development)* in Council’s Development Plan.

The access driveways and the parking areas are surfaced with gravel and dust is therefore not generated with the movement of delivery vehicles unloading materials to the canopied loading area. *GS (Transportation and Access) PDC 29 (a)(b)(c)(d)*.

With respect to the hazards of grassfire from neighbouring properties, all grass is mown on a regular basis thus minimizing the risks of such fire reaching the workshop. The internal risk of fire is managed with fire extinguishers as required by the Building Rules Australia. It is a reasonable assumption that the statutory requirements of the Country Fire Service and Building Rules will ensure that fire fighting water supply can be provided by mains water.

In consideration of the existing environment and the scenic and rural landscapes of this particular part of Kalimna Road, the proposed development of the extended building, having been screened by existing vegetation and the presence of residential buildings, will cause no detrimental impact to the outlook of the area.

It is considered the proposed development will not have any detrimental effect upon the stated Objectives of the Character Preservation District Overlay in this area of Light Pass.

7. SUMMARY & CONCLUSIONS

In summary, it is my opinion that the proposed extension to the existing light industrial building and the light industrial activities conducted by 'Elite Kitchens and Cabinets' will satisfy the relevant requirements of the Desired Character of the Primary Production (Barossa Valley Region) Zone, and the Principles of Development Control and the Objectives of the Barossa Development Plan as discussed throughout the body of this Statement. Although the proposed development falls within the definition of a 'non-complying' development, I believe that the extension of the building and the consequent industrial activity will not present any serious variance to the provisions of the Barossa Development Plan.

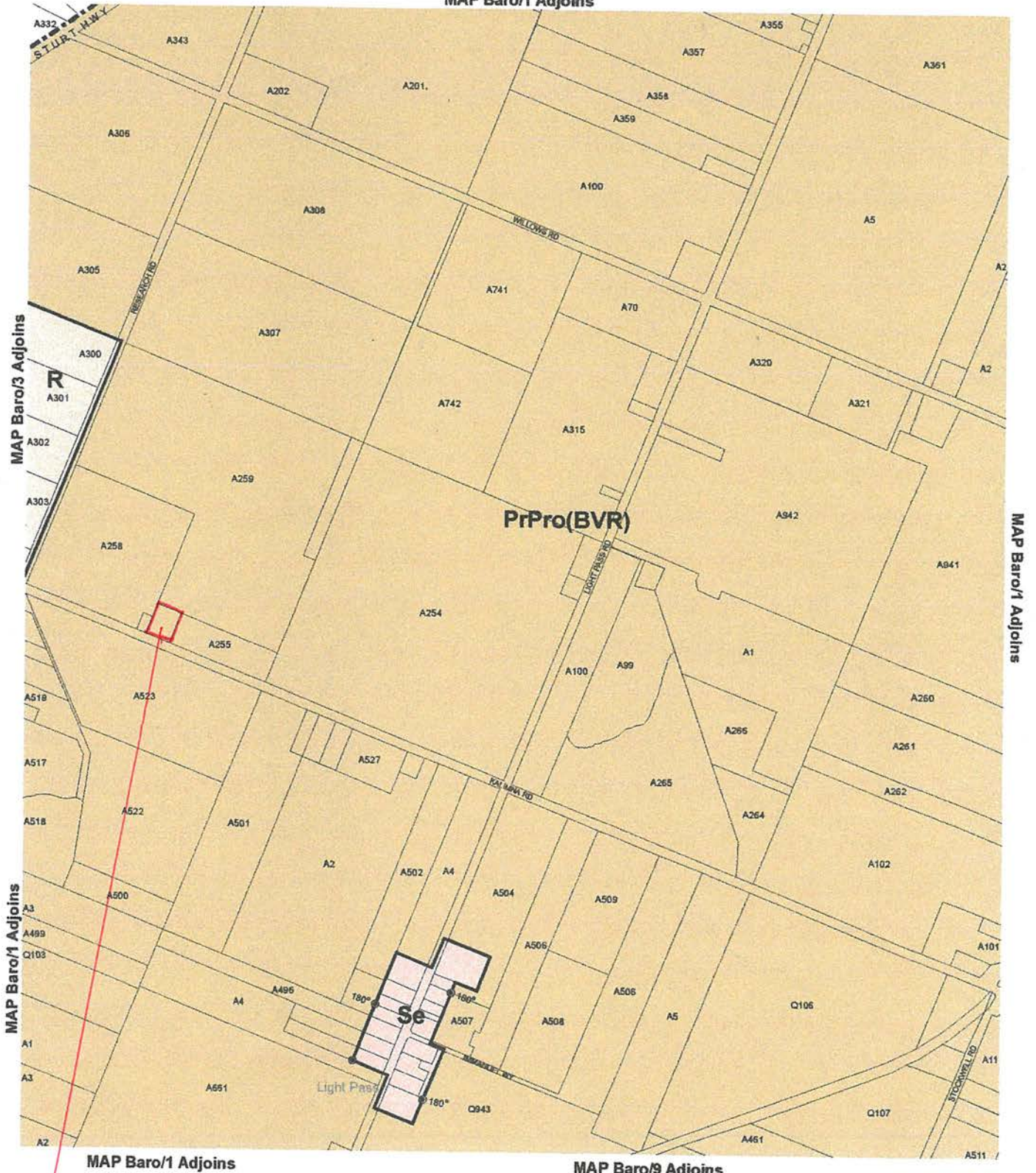
A handwritten signature in blue ink, appearing to read 'E A C Atkinson', with a long horizontal flourish extending to the right.

E A C Atkinson
BTRP (Melb.), Cert. Vitic. (MIT).
Consulting Planner

APPENDIX A

Zoning / Overlay - Maps Baro/4

MAP Baro/1 Adjoins



Lambert Conformal Conic Projection, GDA94

SUBJECT LAND

Zones	
PrPro(BVR)	Primary Production (Barossa Valley Region)
R	Residential
Se	Settlement
	Zone Boundary
	Development Plan Boundary

Zone Map Baro/4



Heritage points are indicative only.
For further information on State and Local Heritage Places and Contributory
Items please refer to the relevant tables within this document.

SUBJECT LAND

- State heritage place
- Local heritage place
- Area Excluded from District
- Character Preservation District
- Development Plan Boundary

Overlay Map Baro/4 **HERITAGE AND CHARACTER** **PRESERVATION DISTRICT**

APPENDIX B

Aerial Photo

Untitled Map

KALIMNA ROAD, LIGHT PASS



Google Earth

Image © 2019 CNES / Airbus
© 2018 Google

Legend



50 m

APPENDIX C

Photographs of the Site and Surroundings



CUSTOMER PARKING ✓ OFFICE & SHOWROOM



LAND OPPOSITE ✓ LARGE AGRICULTURAL SHED



VIEW NORTH-EASTERLY ✓ SCREENING - TREES & FENCE



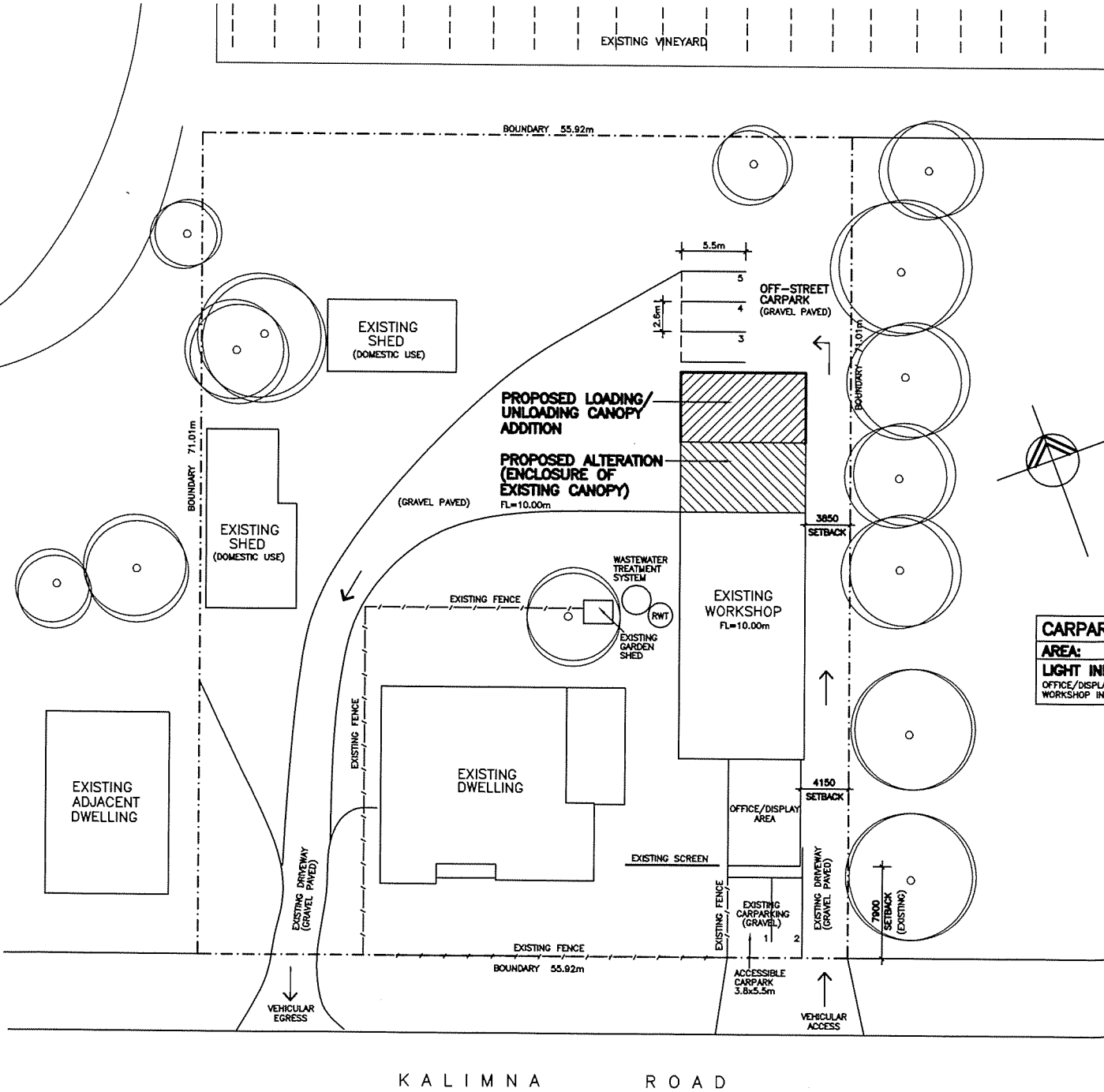
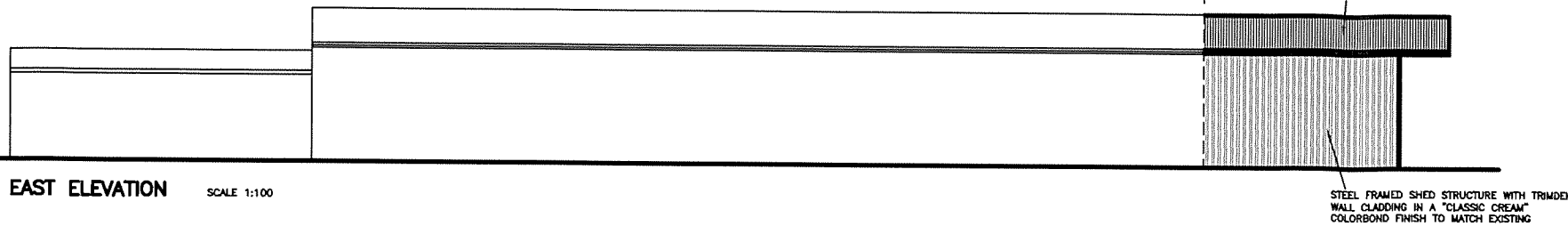
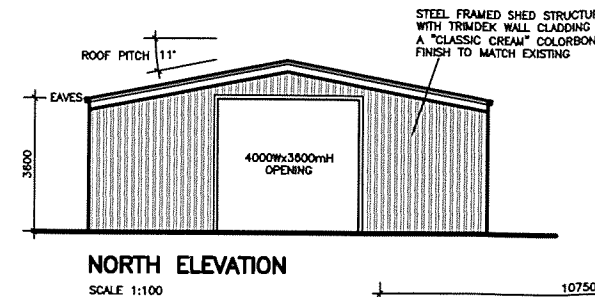
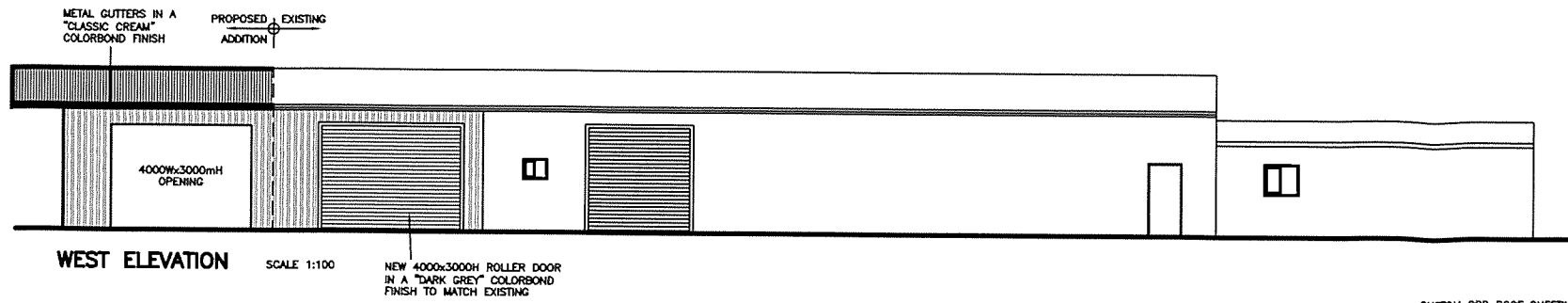
VIEW NORTHERLY ✓ SCREENING OF BUILDING



VIEW OF EXISTING BUILDING AND LOCATION OF EXTENSION

APPENDIX D

Site Plans of the Development and the Building Layout



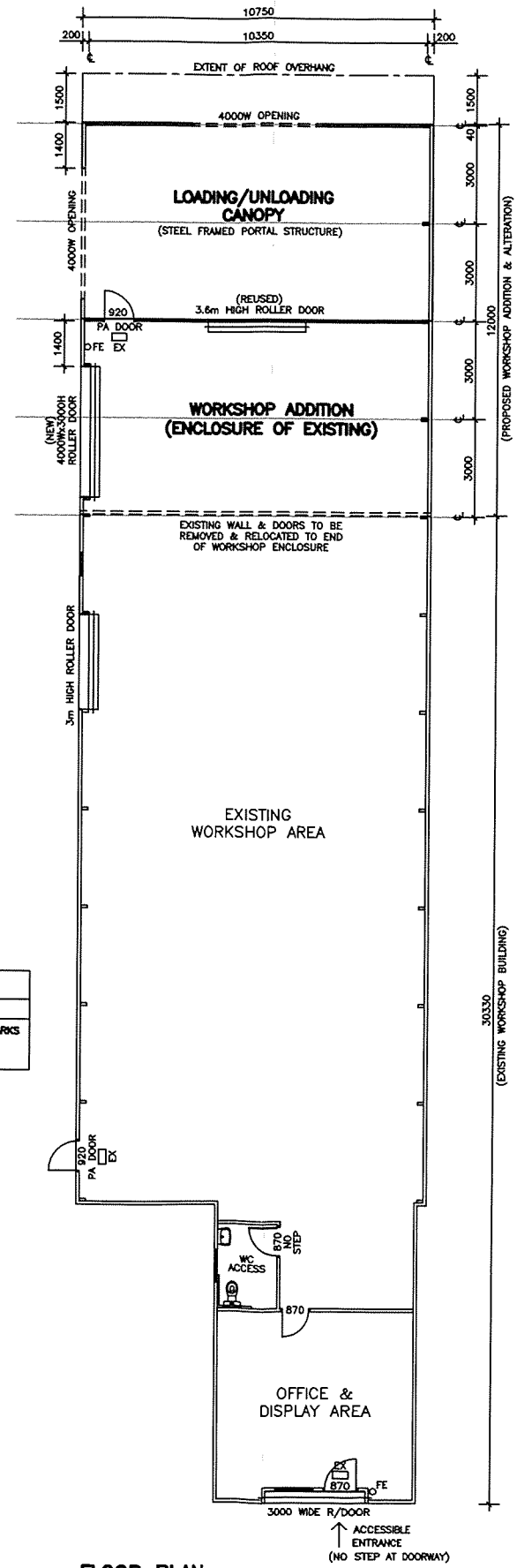
CONCRETE FLOOR SLAB:
NEW SLAB (TO CANOPY):
PROVIDE A 125 THICK CONCRETE SLAB REINFORCED WITH R182 MESH (TOP). CONCRETE: N32. ENSURE U/SIDE OF SLAB IS PROTECTED WITH A WATERPROOFING MEMBRANE.

FIRE & EMERGENCY SERVICES REQUIREMENTS
□ = MAINTAINED EMERGENCY LIGHT & EXIT SIGN, MOUNTED ABOVE EXIT DOOR.
○FE = 6A:80B(E) PORTABLE FIRE EXTINGUISHER, IN ACCORDANCE WITH AS 2441

EXITS & EXIT DOORS:
ALL EXIT DOORS:
EXIT DOORS MUST BE READILY OPENABLE WITHOUT A KEY FROM THE SIDE THAT FACES A PERSON SEEKING EGRESS, BY A SINGLE HAND DOWNWARD ACTION OR PUSHING ACTION ON A SINGLE DEVICE WHICH IS LOCATED BETWEEN 900mm AND 1.2m FROM THE FLOOR

AREA:	RATIO:	CALCULATION:
LIGHT INDUSTRY OFFICE/DISPLAY AREA & NEW WORKSHOP INCLUDING CANOPY	1 CARPARK PER 100m ²	AREA = 413.42m ² / 100 = 4.13 ≈ 5 PARKS TOTAL CARPARKS (INCLUDING ACCESSIBLE)

SITEWORKS & DRAINAGE NOTES:
THERE ARE NO TREES, SHRUBS OR EXISTING STRUCTURES (OTHER THAN THOSE INDICATED) ON THIS OR ADJOINING SITES OR PUBLIC PLACES THAT WILL AFFECT OR BE AFFECTED BY THE PROPOSED BUILDING WORKS
BRUSH FENCE:
THERE IS NOT A BRUSH FENCE WITHIN 3m OF THE PROPOSED BUILDING WORK
SITE/SURFACE WATER RUN-OFF:
TO BE DIRECTED AWAY FROM BUILDING BY FALLS IN PAVING AND SURROUNDING GARDEN LEVELS
ROOF-WATER RUN-OFF:
TO BE DIRECTED INTO EXISTING STORMWATER DISPOSAL SYSTEM VIA 90mm# PVC STORMWATER PIPES
DP DENOTES DOWNSPIPE LOCATION



B	19/11/18	DEVELOPMENT APPLICATION
A	NOV '18	OWNER'S REVIEW/APPROVAL
ISSUE	DATE	ISSUED FOR

AREAS:	m ²
WORKSHOP ENCLOSURE	63.42
CANOPY ADDITION	63.42
TOTAL	126.84
TOTAL BUILDING AREA =	413.42

BROOKSBY DESIGN & DRAFTING
BUILDING DESIGN & DRAFTING SERVICES
5 John Street, Tanunda
PO Box 323, Tanunda SA 5362
Telephone: (08) 8563 3690
Email: brooksbysdesign@internode.on.net

ALL DIMENSIONS AND LEVELS SHOWN ON DRAWINGS ARE IN MILLIMETRES (mm) UNLESS OTHERWISE INDICATED AND SHOULD BE VERIFIED ON SITE BEFORE COMMENCING BUILDING WORK. ANY DISCREPANCIES MUST BE REPORTED TO THIS OFFICE.
THESE ARCHITECTURAL WORKING DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE STEEL FABRICATOR'S STRUCTURAL STEEL DRAWINGS, DETAILS & SPECIFICATION
TERMITE PROTECTION:
STEEL FRAMED STRUCTURAL MEMBERS, IN ACCORDANCE WITH AS3680.1
BURSTURE PROTECTION:
NOT APPLICABLE TO THIS PROJECT
© COPYRIGHT

project: PROPOSED ADDITION & ALTERATION TO EXISTING WORKSHOP BUILDING
address: 183 KALIMNA ROAD LIGHT PASS
client: D. FALKENBERG ELITE KITCHENS & CABINETS
drawing: WORKING DRAWINGS
date: NOVEMBER 2018
drawn: P.B. **checked:** M.J.B.
sheet no: 1 of 128

APPENDIX E

Copy of Title



REAL PROPERTY ACT, 1985



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5597 Folio 717

Parent Title(s)	CT 2318/36		
Creating Dealing(s)	CONVERTED TITLE		
Title Issued	19/11/1998	Edition 4	Edition Issued 15/10/2014

Estate Type

FEE SIMPLE

Registered Proprietor

DEONNE ANTHONY FALKENBERG
OF PO BOX 4 LIGHT PASS SA 5355

Description of Land

ALLOTMENT 256 FILED PLAN 173347
IN THE AREA NAMED LIGHT PASS
HUNDRED OF MOOROOROO

Easements

NIL

Schedule of Dealings

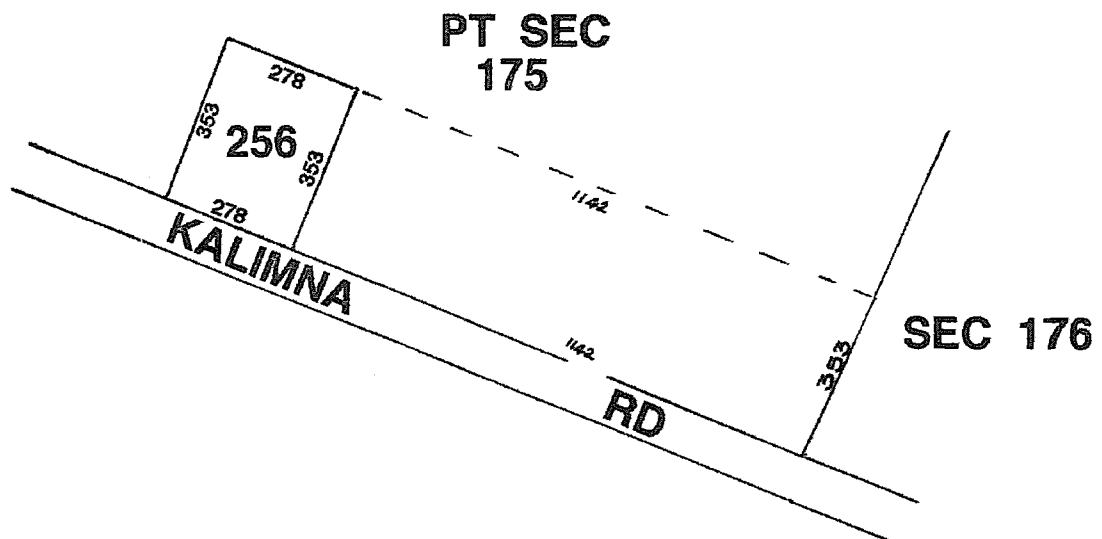
Dealing Number	Description
12202145	MORTGAGE TO WESTPAC BANKING CORPORATION

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 2318/36



500 0 500 Links

DISTANCES ARE IN LINKS
FOR METRIC CONVERSION
1 LINK = 0.201168 METRES
1 CHAIN = 100 LINKS

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION

7. REPORTS – APPLICATIONS TO PROCEED/NOT TO PROCEED TO ASSESSMENT

7.1 960/722/2017 – 30 Murray Street, ANGASTON

APPLICATION DETAILS

PROPOSAL	Demolition of former Flour Store/Mill Office - State Heritage Listed Item
APPLICANT	NH and T Murrie
OWNER	NH and T Murrie
APPLICATION NO	960/722/2017
CERTIFICATE(S) OF TITLE	CT 5688/505
AREA	5397sqm
CURRENT USE	Old Flour Store – vacant building
DEVELOPMENT PLAN VERSION	Consolidated 11 August 2018
ZONE	District Town Centre
POLICY/PRECINCT AREA	Historic Conservation Area
OVERLAYS	Angaston Central 1
APPLICATION TYPE	Non-Complying
CATEGORY OF DEVELOPMENT	Category 3
REFERRALS	State Heritage Branch
PREVIOUS APPLICATIONS	960/690/2006 – out-door eating area (Roaring 40s)
ASSESSING OFFICER	Janine Lennon
RECOMMENDATION	That Development Plan Consent be REFUSED without proceeding to make an assessment

BACKGROUND

The applicant has submitted a Development Application to demolish the Flour Store due to damage that occurred as a result of a verge tree losing a branch on 26 December 2016. It has been advised that the following damage most likely occurred as a result of the tree branch dropping on 26 December:

Lean-to at the front of Flour Store:

- Damage to the PVC spreader pipe
- Dents in the corrugated roof cladding
- Quad gutter detached from fascia

Front fence:

- Hardwood fence rail snapped
- Galvanised fencing mesh crushed

As a result of the above listed damage and the general dilapidation of the property, the applicant has submitted an application to demolish the building stating that repair is unviable.

Due to the State Heritage listing of the building, it was decided to refer the proposal to the State Heritage Branch prior to a decision to proceed to assess, in order to better inform the process and potentially save the applicant some fees.

Extensive negotiations have occurred with the applicant in an attempt to gain an amended application that has the potential to be supported, these negotiations ultimately failed to result in any amendments to the application.

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

This application has been referred to the Barossa Assessment Panel for a decision for the following reason:

(1) With respect to a non-complying application:

- In accordance with Section 39(4)(d) of the Development Act, to refuse consent, without proceeding to make an assessment of the application.

SITE AND LOCALITY

The 30 Murray Street, Angaston site is a combination of two property titles:

CT-5460/725 – Has a primary street frontage to Murray Street, and predominantly contains a restaurant called “Roaring 40s”.

CT-5688/505 – Has a primary street frontage to Tyne Street and contains three main buildings:

- Former Laucke Flour Mill (State Heritage Listed) - vacant
- Former Flour Store and Mill Office (State Heritage Listed) - vacant
- Shed - The Barossa Valley Machinery Preservation Society

The site is rectangular in shape with frontages to both Murray Street and Tyne Street with an overall site area of 5397sqm. The site is largely flat with the Angaston Creek running through the south-western corner. The site has approximately 40% built form coverage.

The site is located within the District Town Centre Zone, as shown in *Figure 1*.

The site is located within the Historic Conservation Area, Angaston Central 1 as shown in *Figure 2*.

An aerial view of the locality and site are shown in *Figure 3* and *Figure 4*.

Site photos are provided in *Figure 5* to *Figure 10*.

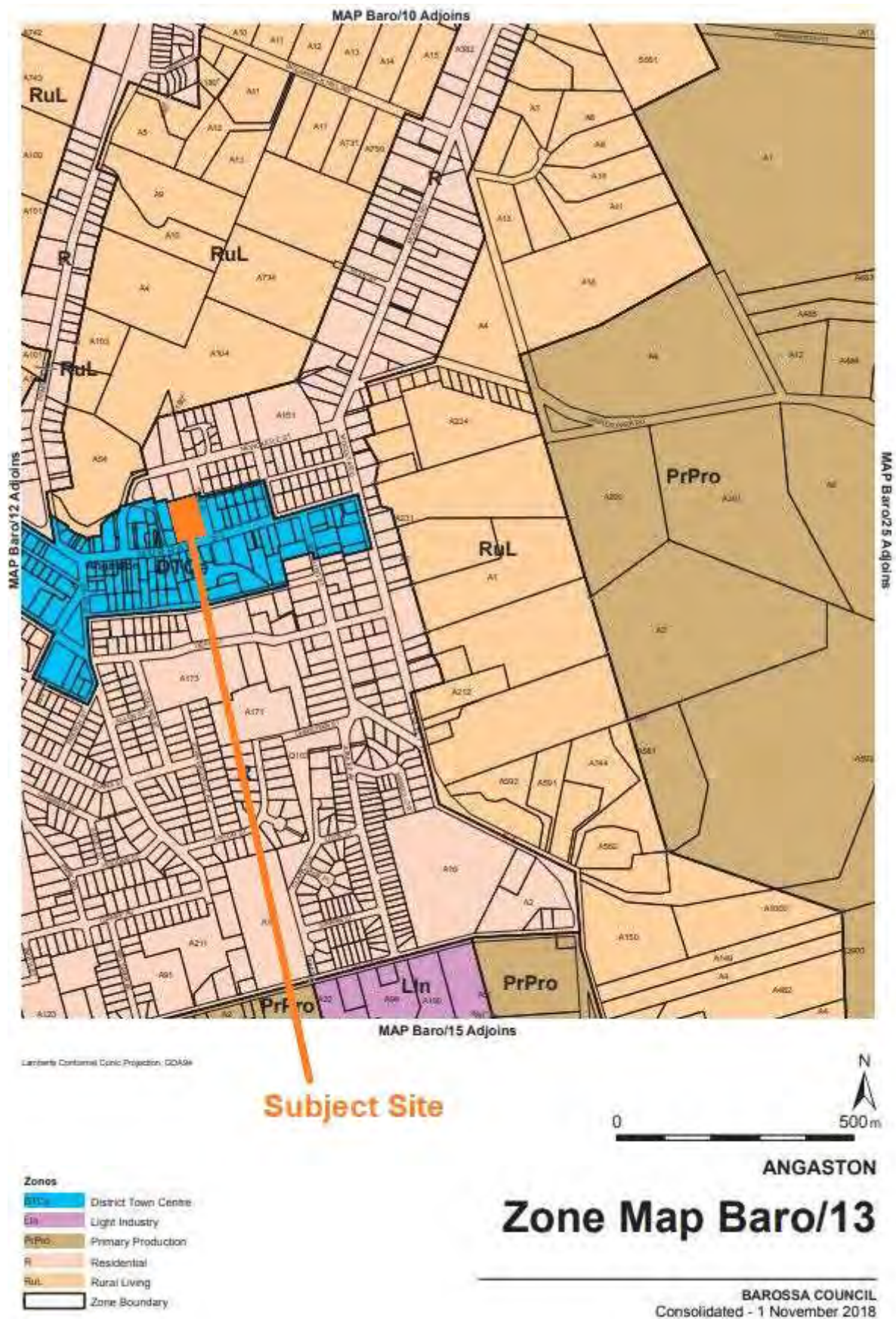


Figure 1: Zone Map

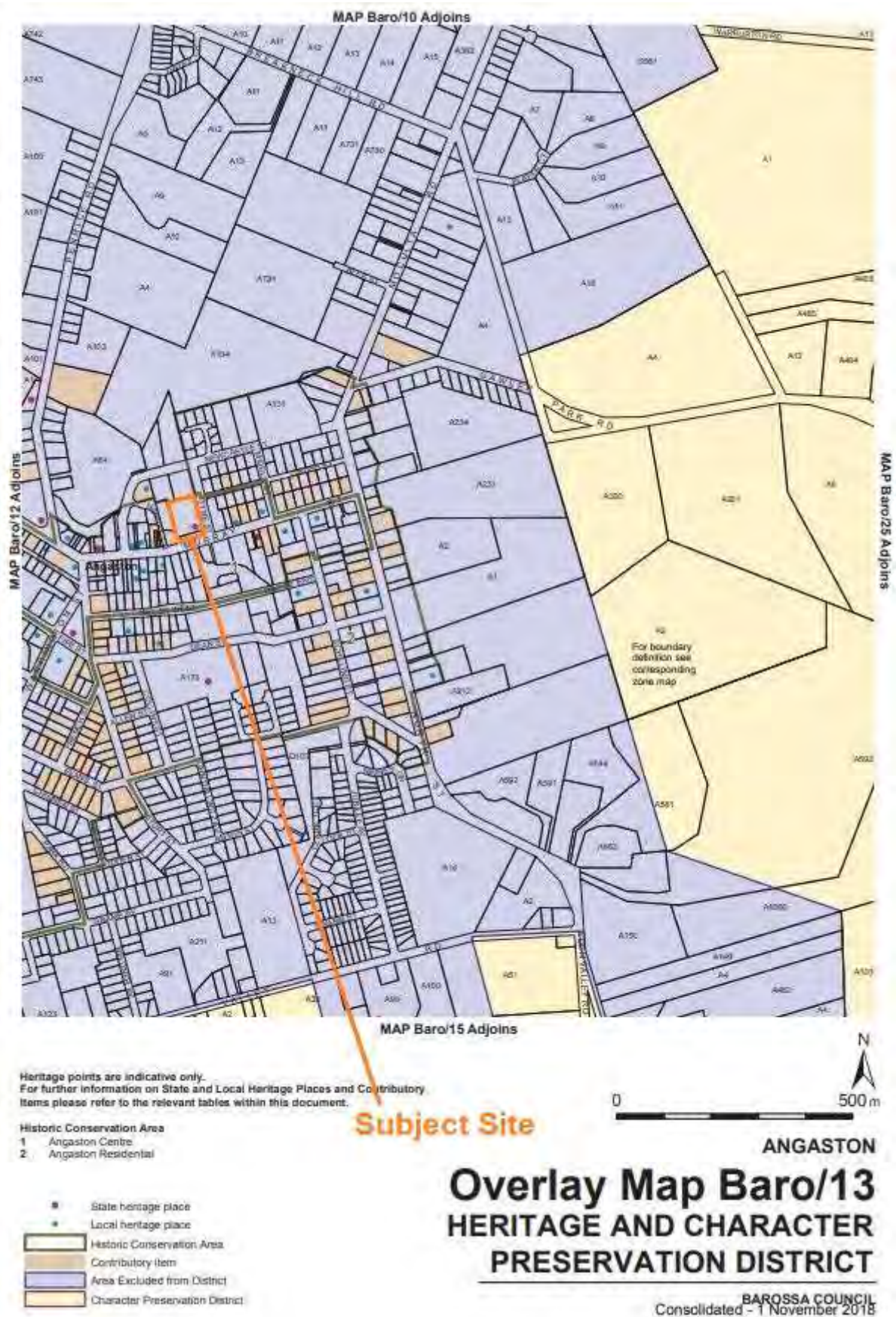


Figure 2: Overlay/Precinct Map



Figure 3: Aerial – Locality



Figure 4: Aerial – Site



Figure 5: Site Photo – Stone Building is Flour Mill and State Heritage Listed, shed to the right is not heritage listed



Figure 6: Site Photo – Flour Store and Flour Mill, both State Heritage Listed



Figure 7: Site Photo – Left is Roaring 40s, not State Heritage Listed, Flour Store & Mill also in photo



Figure 8: Site Photo – Roaring 40s



Figure 9: Site Photo – Rear of Flour Store building shown behind Roaring 40s



Figure 10: Site Photo – Rear of Flour Store building shown behind Roaring 40s

REFERRALS

External

Pursuant to section 36 of the *Development Act 1993*, the application was referred to:

State Heritage Branch	Demolition is not supported and the application should be refused.
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A full copy of the relevant report is attached, refer *Attachment 2*.

NON-COMPLYING – NOT TO PROCEED WITH ASSESSMENT

A person who applies for Development Plan Consent for a non-complying form of development must initially provide a brief statement in support of the application. After receipt of an application which relates to a non-complying form of development a relevant authority may:

- (a) refuse the application pursuant to Section 39(4) of the Act.

If the relevant authority resolves not to proceed with an assessment, the application is refused without further assessment.

DISCUSSION

Qualitative Criteria

The proposal is assessed for consistency with the qualitative requirements of the Development Plan as outlined below:

Heritage Places	<p>Objectives 1, 2, 3 and 4 PDCs 1(a & b), 2(a-i), 3 and 4</p> <p>The proposal is not in accordance with Objectives 1-4 or PDCs 1-4 in that it proposes the demolition of a State Heritage Item.</p>
Historic Conservation Area	<p>Objectives 1, 2, 3, 4, 5 and 6 PDCs 1, 3, 4 (a-e) and 6(a-c)</p>
Angaston Centre Area	<p><i>Desired Character</i></p> <p><i>It is expected that development will retain the historic character and cultural significance of the policy area through the retention of historic buildings and sensitively located and designed new development. All buildings identified to be of heritage significance or contributing to the character of this policy area will be carefully maintained and conserved. Work to these buildings should be undertaken in a manner so as to preserve historic fabric and be undertaken in a manner appropriate to the style and period of the building. This is of particular importance for places of early German construction techniques. The continued use of historic buildings is important and appropriately scaled tourism accommodation involving the restoration and re-use of historic buildings is encouraged.</i></p> <p><i>The sensitive redevelopment of sites that are presently incompatible with the historic character of the policy area is encouraged. Building forms for new development will relate to surrounding existing building forms, particularly those associated with the German and British culture and history of the area. Characteristics of early German buildings of timber and stone include steep gabled roofs and simple casement windows. The British influence ranges from modest stone colonial farmhouses with verandas to grander homesteads such as Collingrove.</i></p> <p><i>The original patterns of land division will be retained as far as is possible. The creation of new sites through land division and amalgamation will be limited to where it facilitates appropriate infill development that is complementary to and compatible with adjoining development of historic character and significance.</i></p> <p><i>Angaston Centre Area 1</i></p> <p><i>The retail and commercial core of Angaston, as shown on Overlay Map Baro/12 – Heritage and Character Preservation</i></p>

District and Overlay Map Baro/13 - Heritage and Character Preservation District, is characterised by the large collection of individually significant heritage buildings, particularly the banks, churches and hotels along Murray Street, dating from the 1860s. Many of these buildings have retained the early post-supported verandas which establish a special character along sections of Murray Street and provide an intimate pedestrian scale.

Development will respect and enhance the existing pattern of development and the nineteenth and early twentieth century buildings and streetscapes located within the precinct. Buildings of heritage significance along Murray Street will be retained, repainted and where missing, post-supported verandas reinstated.....

Along Murray Street, the creek links with the residential surrounds and, in association with the Murray Street park and rural backdrop, creates an attractive setting. The mature landscaping, deciduous street trees, the mature Moreton Bay Fig trees, English Elm and the grouping of deciduous trees adjacent to the Laucke Mill significantly add to the charm and character of Murray Street and will be retained and protected as a result of development.

Development in proximity to the creek, Hannay Crescent and the Hannay Crescent Cemetery at Angaston will preserve the open natural character derived by the original development and subdivision pattern, stonewalling and rural backdrop, in accordance with Concept Plan Map Baro/3 - District Town Centre (Angaston). The paddock like nature of the land adjoining the creek bank will be preserved via sufficient setbacks of new development.

PDC 6 Development will protect and be complementary to the character identified within each location below:

Buildings and structures should not be demolished in whole or in part, unless they are:

- (a) structurally unsafe and/or unsound and cannot reasonably be rehabilitated
- (b) inconsistent with the desired character for the policy area
- (c) associated with a proposed development that supports the desired character for the policy area

The application proposes the demolition of a State Heritage Listed building without evidence that it is structurally unsafe and/or unsound and cannot reasonably be rehabilitated nor is it associated with a proposed development that supports the desired character for the policy area.

Zone Section

District Town Centre
Zone

Objective 4

Desired Character

It is expected that each of the townships of Nuriootpa, Angaston and Tanunda will serve as the principal service centres for the surrounding district, providing both the services and facilities for the day-to-day needs of residents, as well as cater for visiting tourists to the district. Development will reinforce the perception of small-scale development that characterises each town centre.

Development will maintain the integrity and prominence of the original street facades and enhance the historic, low profile character and townscape of the zone. Any contemporary improvements will be integrated.

Without compromising the character of original buildings by having regard to the siting, scale, set-backs, architectural style and form, materials and external appearance of existing buildings in the locality. It is anticipated that development will not exceed two storeys in height.

Existing elements that contribute to the historic character of the streetscape will be retained. Development along each main street in the town will maintain and establish verandas supported by colonnades over footpaths and pedestrian walkways, together with display windows at street level. Advertisements and/or advertising hoardings will be limited and appropriately located and designed to complement the historic character of the townships. Streetscapes will be reinforced with street trees and a variety of fences and hedges.

Angaston

The main focus for development located within the zone within Angaston fronts Murray Street, from its intersection with North Street to the vicinity of Penrice Road. The area bounded by Washington Street, Sturt Street and Holmes Street will be retained as a focus of the town for community uses. It is expected that any redevelopment of the former Town Hall at 2 Sturt Street, Angaston will result in the reinstatement of the village green.

Development will reinforce the unique character derived from the distinctive layout, mix of land uses, heritage buildings, post-supported verandas and deciduous trees. It is envisaged that development will generally utilise existing historic building stock, with opportunities for new development limited to appropriate locations.

Car parking will be provided to the rear of development fronting Murray Street with landscape plantings around the periphery to provide for shade and screening. The objectives and principles that apply to the Historic Conservation Area are additional to those expressed for the whole of the Council area and for the zone.

Form and Character

PDCs 5

The application does not contribute to the desired character of the zone in that it will result in the demolition of a historic character item.

All other Objectives and PDCs are deemed to comply.

CONCLUSION

Seriously at Variance

The application is considered to be seriously at variance with The Barossa Council Development Plan and must be refused on this basis in accordance with Section 35(2) of the *Development Act 1993* for the following reasons:

- Proposal involves the demolition of a State Heritage listed item without evidence that it is structurally unsafe and/or unsound and cannot reasonably be rehabilitated nor is it associated with a proposed development that supports the desired character for the policy area.

Development Plan Consent should be refused

When assessed against the relevant provisions of the Development Plan, it is considered that the proposed development, on balance, does not warrant the granting of Development Plan Consent and should be refused for the reasons given below.

RECOMMENDATION

The Barossa Assessment Panel, having considered the application, resolves that the development proposed is REFUSED without proceeding to make an assessment of the application pursuant to Section 39(4)(d) of the Development Act for the following reasons:

The proposed development is contrary to:

- General Section, Heritage Places Module Objectives 1, 2, 3 and 4; Principles of Development Control 1(a and b), 2(a-i), 3 and 4.

Reason: Will result in the demolition of a State Heritage listed item.

- General Section, Historic Conservation Module Objectives 2, 4 and 5; Principles of Development Control 1, 3 and 6.

Reason: The proposal involves the demolition of a State Heritage listed item without evidence that it is structurally unsafe and/or unsound and cannot reasonably be rehabilitated nor is it associated with a proposed development that supports the desired character for the policy area.

- District Town Centre Zone Objective 4; Principle of Development Control 5

Reason: Demolition of a State Heritage listed item is not consistent with the desired character for the Zone.

7.1 Attachment 1

DEVELOPMENT APPLICATION FORM



CONSENT TYPE APPLYING FOR (Please tick appropriate box)

- ☐ Development Plan Consent (Planning Only)
- ☒ Building Rules Consent (Building Only)
- ☐ Full Development Approval (Both Planning and Building Consent)

OFFICE USE ONLY

DEVELOPMENT NO.: 960/ _____ 1 _____

PROPERTY NO.: _____

VG NO.: _____

Please use BLOCK LETTERS and Black or Blue ink so that photocopies can be made of your application

APPLICANT: N.H. & T. MURRIE

Postal Address: 56 HOWARD TCE HAZELWOOD PK SA Post Code: 5066

Phone: 84314497 Mobile: 0412735548 Fax: _____

Email: _____

OWNER: AS ABOVE

Postal Address: _____ Post Code: _____

Phone: _____ Mobile: _____ Fax: _____

Email: _____

ARE YOU GOING TO BE AN OWNER BUILDER? YES/NO NO

RECEIVED

03 November 2017

The Barossa Council

BUILDER: _____

Postal Address: _____ Post Code: _____

Phone: _____ Mobile: _____ Fax: _____

Email: _____ Builders Licence No.: _____

Please refer to attached fact sheet "Important Information for Owners and Builders".

CONTACT PERSON FOR FURTHER INFORMATION: Name: _____

Phone: _____ Mobile: _____ Fax: _____

Email: _____

DESCRIPTION OF PROPOSED DEVELOPMENT: Demolition of shed

EXISTING LAND USE: _____

AREA (m²) OF PROPOSED DEVELOPMENT: _____

LOCATION OF PROPOSED DEVELOPMENT: OR 30 MURRAY ST

House No: 2 Street: TYNE ST Town: ANGASTON

Lot No: 706 Section: 1735 Hundred: MOOROOKOO

Certificate of Title(s): Volume: 4244/193 2186/101 Folio: _____

BUILDING RULES CLASSIFICATION SOUGHT: _____ Present Classification _____

If Class 5, 6, 7, 8 or 9 classification is sought, state the proposed number of employees: Male: . Female: _____

If Class 9a classification is sought, state the number of persons for whom accommodation is provided: _____

If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises: _____

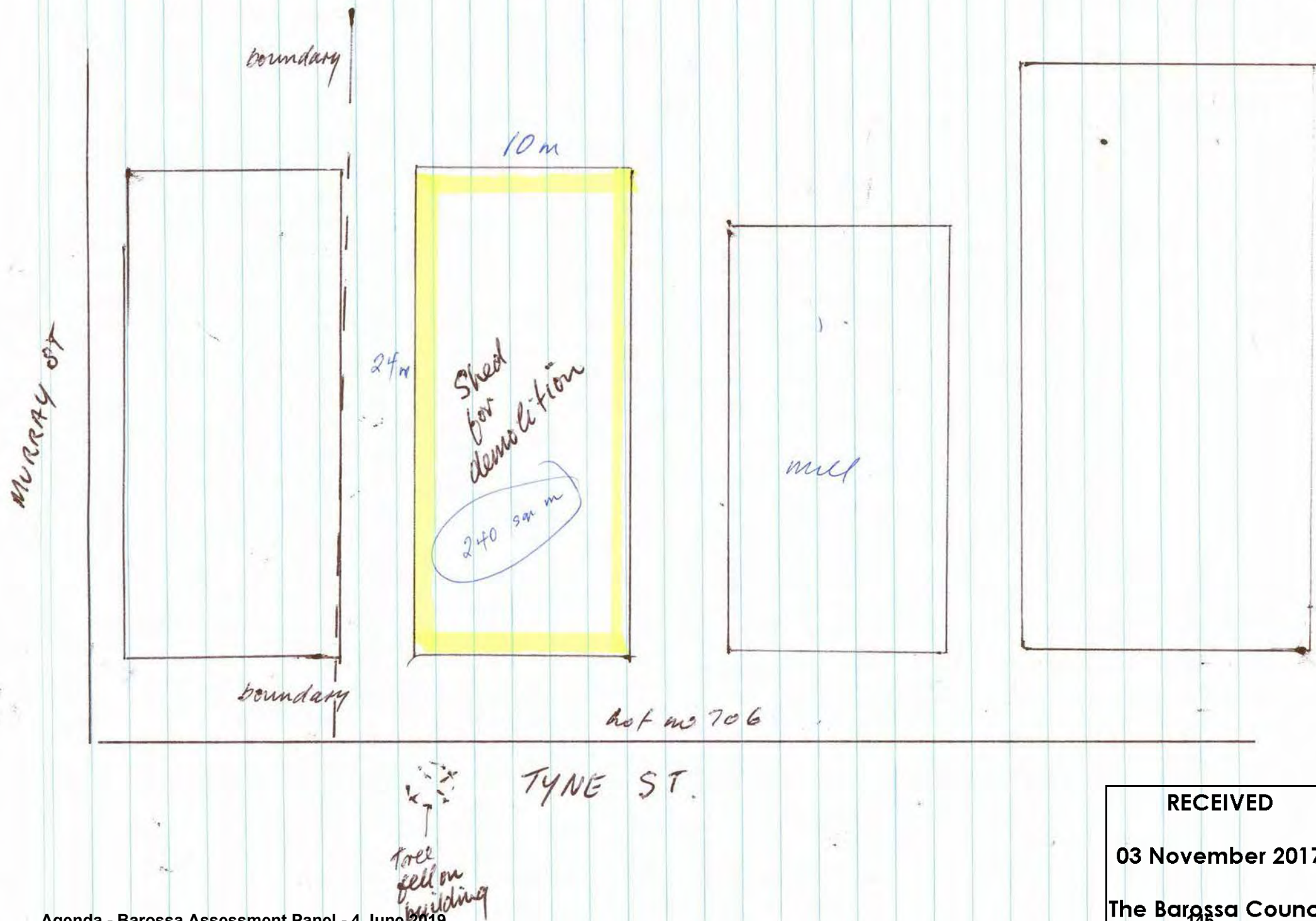
DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 1993 APPLY? YES/NO

HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 1993 LEVY BEEN PAID? YES/NO

DEVELOPMENT COST (do not include any fit out costs): \$ 1000

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 2008 and where public notification is required may be made available on Council's website. Details provided by the applicant, written representations and other technical reports form part of the reports attached to Council's Development Assessment Panel agendas. The agenda, minutes and accompanying report is made available on Council's website.

SIGNED: [Signature] Dated: 2.11.17





During the inspection I observed that the lean-to structure is in extremely poor condition and it was apparent, as detailed throughout this report, that the poor condition of the structure generally pre-exists the storm event.

I observed that the timber floor frame structure had partially collapsed and with a digital level I recorded deviations from level of up to 140mm over a distance as little as 600mm long. The floor frame to the adjacent section of the lean-to, which was not impacted by the tree, was in equivalent condition and in my opinion is a fair reflection of the floor condition prior to the tree impact.

I do not consider the partial collapse of the floor frame to be attributable to the tree impact and rather as a result of long term deterioration of the building.

Therefore, I consider the repair of the floor frame to be a maintenance related issue.

I observed that the external walls were also in very poor condition.

The galvanized metal wall cladding to the southern elevation has detached from the timber frame and the associated timber window has dislodged from the wall frame opening. The support post located at the corner of the southern wall and eastern wall elevations has snapped. The snapped end of post that is subject to significant weathering and wood rot confirming that the damage is pre-existing and not as a result of the tree impact on 26th of December 2016.

The subject wall elevation (southern) adjoins a service driveway used by cars and trucks to make deliveries to the adjoining restaurant. In my opinion the damage evident to the timber framed window, corner support post and external cladding are consistent with a previous impact from a vehicle.

Review of Google Maps Street View (Image Capture: July 2016) revealed the damage to the timber framed window, corner support post and external cladding to have been present prior to the storm evident.

The only additional damage to the southern wall elevation, observed during the inspection compared to the Google Street View image, is a missing galvanized wall sheet measuring approximately 500mm x 500mm.

In my opinion the missing galvanized wall sheet is consistent with having detached from the wall frame during the removal of tree debris.

The eastern wall elevation incorporated four timber framed windows to which 50% of the glazing is missing or broken. The timber windows and wall framing, in particular the timber fascia/pitching beam, are subject to substantial wood rot in approximately 50% of the members.

Whilst I acknowledge that the wood rotten pitching beam is subject to some displacement that could have been contributed to by the tree impact, the primary cause of the displacement is the extreme decay in this section of the beam.

Therefore, I consider the condition of the fascia/pitching beam and the required repairs to be a maintenance related issue.

The Insured stated that the damaged glazing had been caused by the tree impact. Review of Google Maps Street View (Image Capture: July 2016) revealed the damaged and missing glazing to have existed at the date of image capture and therefore is not as a result of the tree impact.

The only additional damage to the eastern wall elevation, observed during the inspection compared to the Google Street View image, is a broken transom (horizontal member) and mullion (vertical member) to the southernmost window.



With regards to the external walls, I consider the tree impact related damage to be limited to the missing wall sheet to the southern elevation and the damage to the southern window on the eastern elevation.

The remaining damage and deterioration to external walls is considered to be pre-existing and repair is therefore considered a maintenance issue.

During the inspection I observed that the roof cladding is in poor condition and that the roof sheets had detached from the fascia due to the previously noted wood rotten fascia/pitching beam.

I observed damage to a PVC downpipe/spreader pipe which was secured to the roof cladding and dents to the corrugated roof cladding. I also observed that the quad gutter had detached from the fascia, which was now resting against the wall of the building.

Review of Google Maps Street View revealed that this damage was not present in July 2016 when the photograph was taken.

Therefore, I am of the opinion that the damage to the PVC spreader pipe, the corrugated roof cladding and the quad gutter has been caused by the tree impact.

I consider this to be as a result of storm activity.

It is however noted that the detachment of the quad gutter has been contributed to by maintenance related issues. The gutter was full of soil and debris and the wood rotten fascia has caused the gutter clips to detach.

The Insured then directed my attention to five damaged metal louvres to the façade of the building that adjoins the eastern wall elevation of the main building. The Insured stated that the louvres were damaged when tree branches, which were lodged between the louvres, were removed by emergency services.

Review of Google Street View (Image Capture: July 2016) revealed that the damage to the louvres existed prior to the storm event on the 26th of December 2016.

Therefore, I consider this to be a maintenance related issue.

The Insured then directed my attention to the front fence which he stated had been crushed by one of the tree branches. I observed that the hardwood fence rail had snapped and the galvanized fencing mesh had been crushed.

Review of Google Street View (Image Capture: July 2016) revealed that the damage to the front fence was not apparent in July 2016 when the photograph was taken.

I am therefore of the opinion that the damage to the fence has been caused by tree impact on the 26th of December 2016.

I consider this to be as a result of storm activity.

SUMMARY

I am of the opinion that the damage evident to the lean-to structure is largely pre-existing damage and not related to the storm event and associated tree impact on the 26th of December 2016.

I consider the storm related damage to be limited to the corrugated roof cladding, quad gutter, metal wall cladding (one sheet), the southernmost window on the eastern elevation and the front fence.



Due to the dilapidated state of the building I have used Google Street View (Image Capture: July 2016) in order to differentiate the storm related damage from the pre-existing damage/deterioration. As per your request, the relevant Google Street View imagery has been included in the photographic supplement (refer to the right hand columns of the photographs).

I have provided a Scope of Works for the repair of the resultant damage. It is advised that due to the dilapidated state of the building, substantial maintenance works, involving reconstruction of most structural elements, would be required by the Insured to facilitate any repairs.

As per our discussion it is understood that a Scope of Works for the maintenance related issues is not required.

Please do not hesitate to contact me if you require further information or assistance.

David Angus
Licensed Builder No. 233741
Building Consultant

Sergon Building Consultants

To speak to David Angus please **phone: 1300 735 720**
E-mail address: **info@sergon.com.au**

To: DEWNR.StateHeritageDA@sa.gov.au

Cc: barossa@barossa.sa.gov.au

DATE: 19 March 2018

ATT: Margaret Heathcote
Heritage SA
GPO BOX 1047
ADELAIDE SA 5001

RE: ANGASTON MILL

Dear Margaret,

Your request for further information on the 9th February 2018, regarding the flour store demolition application is as follows.

Item 1 - Heritage Impact Statement

I have contacted, Mr. Sam Hosking, and provided him with the details of the request. There has been no response to date.

I consider that Jean Fielding's book contains sufficient detail of the mill history.

Attached is a copy of the heritage assessment report 'Angaston Survey No20.pdf'. You will see that the mill stone building is the only building of significant interest. No mention of the flour or wheat buildings. Please also view attached copy of 'State Heritage Assessment July 1993.pdf'.

The Keynton 3, Evans, Makris and Jeffrey, the owners prior to my purchase in 1984, managed to destroy the interior of the flour store which has remained untouched as council served a notice on the building due to unapproved building work, by the Keynton 3.

As far as the flour store being a contributor to the development of the mill, it can be seen that it was replaced as a flour store with the building of a new flour store on the main street frontage in the early 1950s.

Since 1984 the only interest shown by the Barossa Community, apart from continued vandalism, was a request to have Mill tours for a vintage festival around 1987. Verna Graetz leased the main street building and the engine society the wheat store.

Item 2 - Report on unsafe condition of the building

Cunningham Lindsay loss adjusters,
Mr Chris Martland.

Attached: 'Forensic Building Consultancy report.pdf' 10.02.2017

LGA mutual Liability Scheme
Mr Daniel Vero
Attached: 'LGA mutual Liability Scheme.pdf' 31.10.2017

Homburg property leasing
Mr Andrew Beadman
Attached: 'Property contracting.pdf' 15.03.2018

Item 3 - Covered Links

The walkway roof between the south stone building and flour store to be removed.
It is proposed to terminate the eastern verandah at the south east corner and erect a matching return verandah to the south stone building, extending to the steel door, using salvaged items from the flour store (see illustration 'Angaston Sketch.pdf').

Any damage to guttering to the stone building to be replaced.

The walkway roof and iron wall between the flour store and the 'roaring 40s' to be retained.

Item 4 - Photographs of flour store

A record of the flour store is the responsibility of the council historic heritage keepers or the Angaston historical society, who hold substantial photos.

Adequate pictorial records already exist under the following:

Angaston Stores – Chinner ISBN 0958 906 300

Page 90 – Photo Holmes work team 1921 rear of mill.

Page 150 – Murray Street looking west 1985.

Page 151 – Lauckes Flour Mill 1946.

Wally Herzfeld ISBN 0949 267 171.

Page 152 – Lauckes Mill Angaston Pic 307.

Jean Fielding – Golden Grain ISBN 0908 090 846.

Page 44 – Eureka Roller Mills 1897.

Page 29 – Angaston Mill 1954.

Item 5 - Repair and Conservation

Stages 1 – 3

Stage 1.

Paint eaves front and rear, solver heritage grey.

Re, letter sign nameplate panel front and rear to original 'Edwin Davey & Sons'.

Replace 2 rear windows complete, painted solver grey.

Replace smashed glass to windows, paint solver grey.

Stage 2.

Repair verandah planking to front and side. Install railing between uprights.

Repair side verandah, roof and guttering.

Remove corrugated iron lean-to from north west corner of the verandah.

Remove verandah planking floor of this lean-to and other planking to the north. Terminating at the steel door

Terminate the eastern verandah at the south east corner and erect a matching return verandah to the south stone building extending to the steel door (see attached sketch 'Angaston Sketch.pdf').

Verandah to use salvaged iron and planking from demolition of flour store.

The walkway roof between the south stone building and flour store to be removed.

The walkway roof and iron wall between the flour store and 'roaring 40s' to be retained.

Stage 3.

The west rear section to be repaired

Flooring to the interior and roof iron to be replaced

The west rear building to be reinstated after being impacted by a storm damaged tree around 2011

While it would be nice to leave the flour store alone, I believe it has outlived its usefulness and is now impeding the viability of the 'Roaring 40s' lease, which is where funds for the upkeep of the stone building is sourced.

I refer you to the publication 'Angaston Stores' by Barry Chinner, national library of Australia ISBN 0958 906 300 Page 60.

"The O.B. Linke property 52-54 Murray Street.

Mr O.B. Linkie conducted his garage and electrical business until his death, after which the premises closed.

The buildings were actually in a very poor state and only the stone frontage could have been used in some type of reconstruction.

As with many old buildings, sentiment and history naturally come to the fore, but, without someone able and willing to finance the project there is but one answer!

Unfortunately, it is a matter of economics, preservation must be linked with a practical use for the thereafter!

Year 1982. Eventually the property was acquired by the Angaston Council and the buildings demolished, the area cleared, levelled and put to practical use as a carpark, for the present."

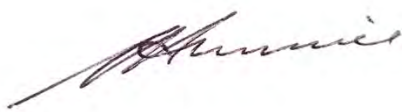
In conclusion, there is no interest shown by the council or the public in any of the preservation merits of the flour wheat or 'Roaring 40's' buildings.

Requests for meetings on site with the councils Elanor Walker, have been ignored.

Janke Boswell from planning was asked to organise onsite meetings with Elanor Walker and a council building officer. To date no result.

I trust that the planning approval can be made in a timely fashion having regard for the application being made 22.11.2017.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Neil Murrie', with a long, sweeping horizontal stroke extending to the left.

Neil Murrie
Proprietor
2 Tyne Street, Angaston.

Angaston Survey Item No.: 20

Former Laucke's flour mill

Tyne St

ANGASTON

ANALYSIS OF SIGNIFICANT INTEREST

Architectural

The main stone building was built in 1885.

It is constructed on four levels—including one below ground—to incorporate the milling machinery. The mill is built of random-sized stone with brick quoins and surrounds to openings. The gabled roof has ornate barge boards. Roof is clad in corrugated galvanised iron and the eaves have gutters. The building is on a basic rectangular floor plan approximately 6m x 13m.

A timber and corrugated galvanised iron verandah runs on the eastern and northern facades and has a floor of rough hewn gum. The verandah is supported by unsawn gum trunks. On the north-west corner of this verandah a small outhouse of corrugated galvanised iron has been erected.

The main, eastern facade has a double door, central, at ground level, with a rectangular casement window symmetrically placed on either side. The second level has similar windows, and the third level has a single window, centred.

The west facade of the building is of similar appearance to the east, but incorporates a section used as a boiler room. This has a skillion roof over it, supported by timber posts. Small sections of the stone wall have been extended to cover this area and have large casement windows. A semi-circular roofed corrugated galvanised iron addition has been placed on the ridge of the roof at this face.

There is a corrugated galvanised iron store shed attached to the southern face of the stone building and another similar shed adjacent to the north.

Internally, all levels of the stone building contain the flour milling machinery intact, with signage appended to indicate function.

Historical

Edwin Davey was born near Penzance, Cornwall. He arrived in South Australia with his family in 1849. He ventured to the Victorian diggings with his brothers in the early 1850s. In 1865 he and his brother James purchased the flour mill at Penrice, built by Captain Richard Rodda, although it is possible that they worked the mill before the purchase.

Davey's milling business expanded. On 2 July 1885, the Penrice mill burnt down. On 27 July an Angaston newspaper correspondent noted,

This township has assumed an unusually busy appearance consequent upon the erection of a new steam flourmill for Messrs E. Davey & Sons, to replace the one recently destroyed by fire at Penrice. The machinery and all the appointments are to be of the most recent and approved style, and

great efforts are now being being put forth to get the mill ready for work to meet the increasing demands of the district.

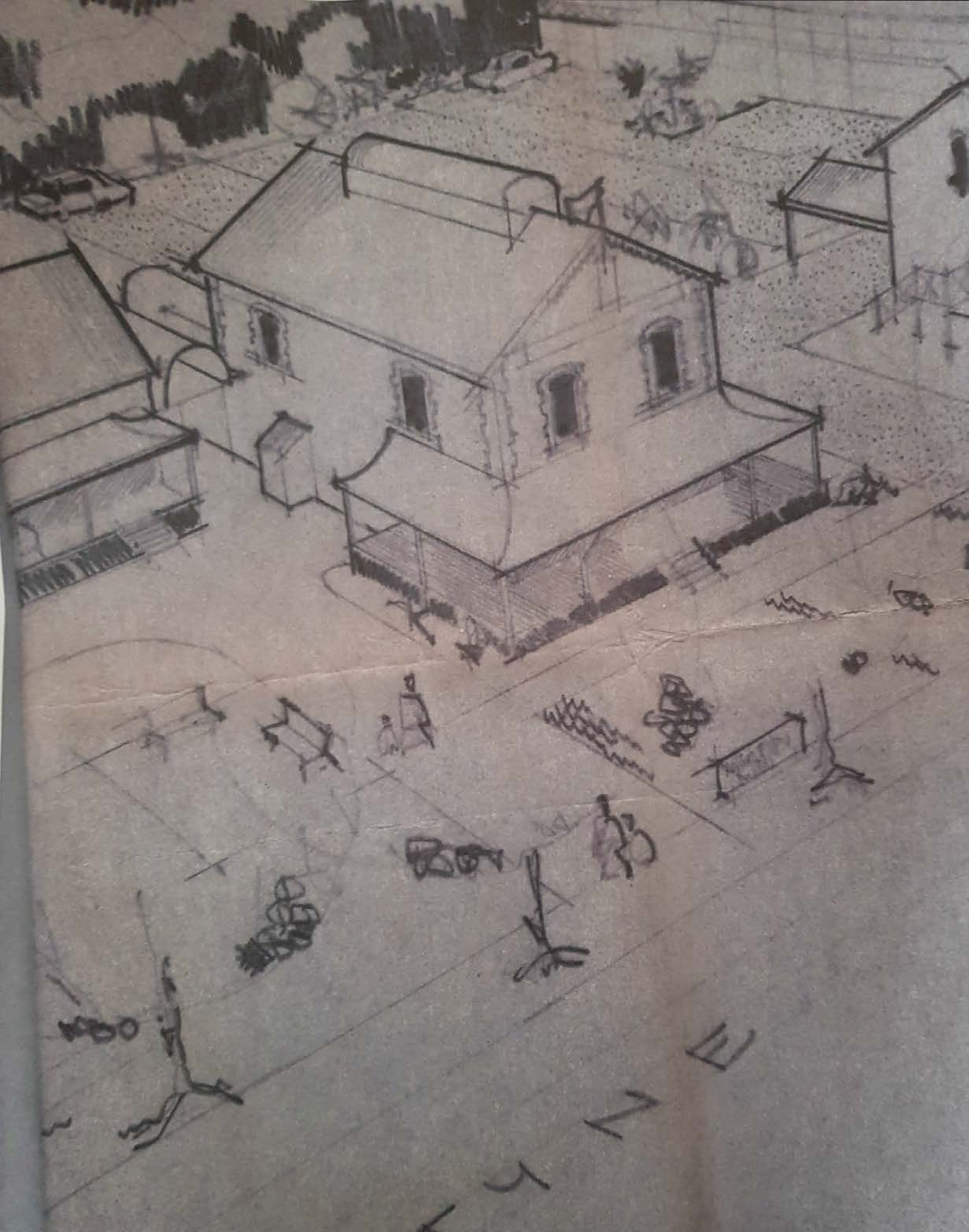
In 1895, Friedrich Laucke came from Germany and became head miller at the Angaston mill. Within a short time he purchased a mill at Greenock on his own account. After both reverses and successes in his trade Laucke became a significant miller. He was a partner in the Strathalbyn Milling Co. and in 1933 purchased the Angaston mill. This mill was worked until 1976.

References

Jean P. Fielding, *The golden grain: a history of Edwin Davey & Sons 1865-1985*, Melbourne, Hyland House, 1985.

E. T. Dean, *History of Angaston*, Mortlock Library D6829.

Barry Chinner, *Angaston Sketchbook*, Adelaide, Rigby, 1976.





Department of Environment and Land Management

55 Grenfell Street,
Adelaide, South Australia 5000
Telephone: (08) 207 2000
Facsimile: (08) 207 2490

Postal Address
G.P.O. Box 667- 1047
Adelaide
South Australia 5001

Reference: 12215
YL Reynolds
08 207 2382
Contact Officer:

STATE HERITAGE BRANCH

16 July 1993

Mr NH & Mrs T Murrie
56 Howard Terrace
Hazelwood Park SA 5066

Dear Mr & Mrs Murrie

Thank you for meeting with Gillian Strickland and myself on site at the mill at Angaston on Monday 5 July 1993.

I enclose a brief report on the buildings at the mill site for your consideration and comment and also a copy of the latest *State Heritage Newsletter* and Grant and Loan forms for your information. Please do not hesitate to call if you require any conservation or repair advice from our architects' free advisory service.

I have contacted John Chittleborough, the Curator at the National Motor Museum Birdwood, who is making enquiries into your difficulty in acquiring documentation acknowledging your loan of machinery to the Birdwood Mill.

I hope the report reflects the discussions we had on site and that you find agreement with our assessment. We would appreciate your acknowledgement or comments in writing regarding our recommendations.

Yours sincerely

(Mrs) Yvonne Reynolds
Architectural Historian
STATE HERITAGE BRANCH

FORMER LAUCKE FLOUR MILL, TYNE STREET, ANGASTON

STATE HERITAGE ASSESSMENT
JULY 1993

1. Lot 706, Certificate of Title Volume 4244 Folio 193, which is the site of the Bakery Shop facing Murray Street, is not included in the heritage assessment.
2. The allotment, Part of Section 425, Hundred of Moorooroo, Certificate of Title Volume 2186 Folio 101, is the location of the former stone and brick flour mill at Angaston which was placed on the Interim List of the State Heritage Register on 4 March 1993.

The mill building houses the roller mill machinery. It is possibly the only mill of this type still in working order remaining in South Australia. The owners and State Heritage recognise its State Heritage significance and are in agreement that this mill should be included on the State Heritage Register.

The mill has a boiler room on the west side with a skillion roof which extends along the rear wall forming a lean-to sheltered area. The large boiler mounted on concrete piers is also located at the rear of the main mill building. There are galvanised corrugated iron store-sheds attached to both the north and south sides of the mill.

The owner has repaired the guttering and fascia board of the northern verandah and plans to carry out repairs to the verandah floor boards which have rot damage on the outer edges. One cost-efficient solution may be to remove the damaged ends and reverse the boards up against a new board running along the stone wall. State Heritage would be prepared to support the proposal that repairs to the verandah floor be part-funded by a State Heritage Fund grant perhaps on a half-cost basis.

3. Also on Certificate of Title Volume 2186 Folio 101, located on the north of the mill is a large storage shed with an open sheltered area supported on high tree trunk posts. This structure is presently leased to the Angaston Historical Society for storage. It is not included in the heritage assessment.
4. Also on Certificate of Title Volume 2186 Folio 101, is a galvanised corrugated iron Flour Store with an attached Mill Office on the Tyne Street side. This structure is to the south of the mill and was linked to the mill in the 1950s with a first-storey roof covering the space in between the two buildings.

The Flour Store/Mill Office building has been little altered externally over the years; the addition of a triple window above the Mill Office on the Tyne Street facade being the most prominent alteration.

Historically the Mill and Flour Store/Mill Office have been synonymous, originally as the Eureka Roller Mill owned by Edwin Davey & Sons from 1885 and later as the Laucke Flour Mill from 1933 until 1976 when the mill ceased production. (Friedrich Laucke had connections with the mill as early as 1895 when he became head-miller at Angaston for Davey.) These two structures are identified in archival photographs of the mill from the Angaston Historical Society collection.

My preferred option would be to include the Flour Store/Mill Office with the Mill as a State Heritage Item, having been known together as 'the mill buildings' for many years. I acknowledge that it is difficult to assess the heritage significance of the Flour Store/Mill Office without having had the opportunity to inspect the interior of the structure. The agreement made on site was that the stone and brick mill building as identified by the 1990 survey *Heritage of Eight Lower North Towns* was the item to be included on the State Heritage Register and we will respect that agreement if you have concern regarding the additional listing of the Flour Store/Mill Office. It is possible however that this item may be recognised as of local historical importance by the District Council of Angaston at some time in the future.

15 March 2018

Re: Angaston Flour Store Building

Dear Neil,

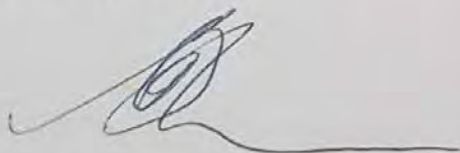
Having inspected the flour store building at Tyne Street, Angaston, I have concluded the following:

- The building is not a commercially lettable proposition.
- The interior flooring section and associated stone supports and timber joints have been removed rendering the area unsafe and uneconomical to repair to achieve commercial return.
- The roof requires re sheeting however the timber support structure does not meet building code standards and as such requires demolition or significant structural repairs.
- The front verandah has been impacted by storm damage and due to age and construction method is not a viable repair proposition and requires demolition.

I cannot advise you to attempt lease proposals with this building.

Yours faithfully

HOMBURG REAL ESTATE



Andrew Beadman
Property Management

7.1 Attachment 2

20-Mar-2019

N H and T Murrie
56 Howard Tce
HAZELWOOD PARK SA 5066

Dear Neil,

DEVELOPMENT NO:	960/722/2017
APPLICANT:	N H Murrie and T Murrie
NATURE OF THE DEVELOPMENT:	Demolition of former Flour Store/Mill Office
SUBJECT LAND:	Store (Old Flour Mill), 30A Murray Street, ANGASTON

With regard to the above detailed development application, please be advised of the following:

3 November 2017 – application was lodged with Council

22 January 2018 – the proposal was sent to Heritage SA for their comment due to the building being State Heritage listed

12 February 2018 – Heritage SA responded requesting the following additional information (attached):

- A Heritage Impact Statement (HIS) prepared by a qualified heritage consultant setting out the history of the metal clad Store building proposed to be demolished and its contribution to the historic development of the State Heritage listed Mill and the Angaston township. We are able to provide a list of experienced heritage consultants if required.
- A report from a building consultant or structural engineer confirming the unsafe state of the building.
- Clarification of any protection measures for removal of the covered links to the two adjoining buildings, particularly connections to the stone Mill building.
- How a historical record of the building will be kept, recording the building with drawings and photographs.
- Proposals for repair and conservation works to the stone Mill building that will be funded by the sale or reuse of the land made vacant by the demolition of the Store building.

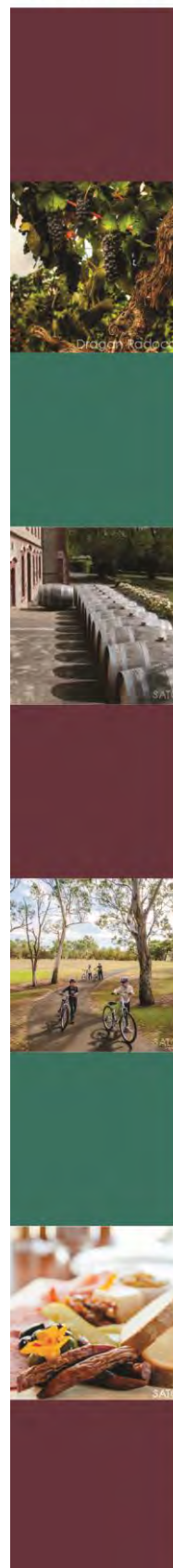
19 March 2018 – A reply was submitted to Heritage SA's request, it included:

- The July 1993 State Heritage Assessment for the building
- A report from a building consultant outlining the work required to repair the flour store building
- Some repair work to the Mill building (in three stages)
- It did not specifically address any of the five points in Heritage SA's request

11 April 2018 – Heritage SA sent a formal referral response (attached) recommending Refusal of the proposal noting that should Council seek to grant consent a condition should be added requiring *A detailed record of the building should be kept, recording the existing building with drawings and photographs to the satisfaction of Council in consultation with the Department for Environment and Water*

14 May 2018 – all relevant application fees were paid

22 January 2019 – an on-site meeting occurred between Heritage SA, Council, property owner, property tenant. Matters were discussed regarding the need for a HIS, whether the flour Store actually needs to be removed, potential for a Heritage Agreement for the Mill, potential for the property owner to access grants as a



heritage, lifestyle, opportunity, prosperity

Agreement. Heritage SA advised that they would review their advice based upon previous documentation and site discussions.

25 January 2019 – Heritage SA emailed all parties flagging an alternative recommendation that involved the addition of a Reserved Matter regarding conservation work to the Mill building noting that the three stages of repair work detailed in the 19 March 2018 letter is being treated as indicative only (should Council choose to support the proposal).

2 March 2019 – Letter received from property owner advising that they would prefer that Council follow the flagged alternative recommendation rather than refusing the proposal.

20 March 2019 – Heritage SA advised that following a complete review of all documentation available to them they note that there has been no change to the information that they had when they made their initial response to Council on 11 April 2018 and therefore confirm that their formal advice of 11 April 2018 still stands.

As a result of all of the above I propose to put the application to the 7 May 2019 meeting of the Barossa Assessment Panel for a decision.

In the meantime I would like to suggest an onsite meeting between you, your tenant Damon De Ruiter and me to discuss alternative scenarios and future development potential for the property, I will do my best to be available at your and Damon's convenience.

Please contact the undersigned if you require further assistance.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'JL', with a long horizontal flourish extending to the right.

Janine Lennon
Senior Assessment Officer - Planning

Ref: SH/12215D
Date: 09 February 2018

N H & T Murrie
56 Howard Terrace
Hazelwood Park
SA 5066

Heritage South Australia

Economic and Sustainable
Development Group

Level 8
81-91 Waymouth Street
Adelaide SA 5000

GPO Box 1047
Adelaide SA 5001
Australia
DX138

Ph: +61 8 8124 4960
Fax: +61 8 8124 4980

www.environment.sa.gov.au

Dear Mr & Mrs Murrie

REQUEST FOR FURTHER INFORMATION:

Application number: 960/722/17
Referral received: 22/01/2018
State Heritage place: Former Laucke's Flour Mill at 30 Murray Street/2 Tyne Street,
Angaston
Proposal: Demolition of metal clad Flour Store

The above development application affecting a State Heritage place has been referred to us for a response on behalf of the Minister for Sustainability, Environment and Conservation, in accordance with Section 37 of the *Development Act 1993*.

The information provided with the application is insufficient to enable a proper assessment to be undertaken. We therefore seek your cooperation in requesting the following additional information from the applicant, as provided for by Section 37(2) of the Act.

- A Heritage Impact Statement prepared by a qualified heritage consultant setting out the history of the metal clad Store building proposed to be demolished and its contribution to the historic development of the State Heritage listed Mill and the Angaston township. We are able to provide a list of experienced heritage consultants if required.
- A report from a building consultant or structural engineer confirming the unsafe state of the building.
- Clarification of any protection measures for removal of the covered links to the two adjoining buildings, particularly connections to the stone Mill building.
- How a historical record of the building will be kept, recording the building with drawings and photographs.
- Proposals for repair and conservation works to the stone Mill building that will be funded by the sale or reuse of the land made vacant by the demolition of the Store building.

When referring the additional information please send it to:
DEWNR
Heritage South Australia
Attention – Margaret Heathcote
GPO Box 1047
Adelaide SA 5001
Email: DEWNR.StateHeritageDA@sa.gov.au

and

The Barossa Council
Attention – Elinor Walker
PO Box 867
Nuriootpa
SA 5355
Email: barossa@barossa.sa.gov.au

Please note that the time taken to provide the requested information will extend the time frame for our response to the planning authority beyond the prescribed period (currently 19/03/2018).

For any heritage enquiries, I can be contacted on telephone 8124 4946 or e-mail DEWNR.StateHeritageDA@sa.gov.au.

Yours sincerely,



Margaret Heathcote
Senior Conservation Architect
Department of Environment, Water and Natural Resources
as delegate of the
MINISTER FOR SUSTAINABILITY, ENVIRONMENT AND CONSERVATION

Ref: SH/12215D
Date: 11 April 2018

Chief Executive Officer
The Barossa Council
PO Box 867
Nuriootpa 5355
Attention: Elinor Walker

Heritage South Australia
Economic and Sustainable
Development Group
Level 8
81-91 Waymouth Street
Adelaide SA 5000
GPO Box 1047
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Australia
DX138
Ph: +61 8 8124 4960
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www.environment.sa.gov.au

Dear Ms Walker

DESCRIPTION: DEMOLITION OF OUTBUILDING - FORMER LAUCKE'S FLOUR MILL AT 30 MURRAY STREET/2 TYNE STREET, ANGASTON

Application number: 960/722/17
Referral received: 22/01/2018
State heritage place: Former Laucke's Flour Mill, Tyne Street ANGASTON

The above application has been referred to the Minister for Environment and Water in accordance with Section 37 of the *Development Act 1993* as development that directly affects a State heritage place or, in the opinion of the relevant authority, materially affects the context within which a State heritage place is situated.

Statement of significance

The South Australian Heritage Register contains the following statement of significance for the subject property.

An extremely significant industrial building. The design is similar to many other mills, but the machinery is largely intact, making the interior of great importance. Edwin Davey bought Captain Richard Rodda's Penrice Mill in 1865. Davey ran this mill with great success until it burnt down in 1885. This Angaston mill was opened as the Eureka Roller Mills in that same year. The mill served the town, principally when it was run by the Laucke family, for over 90 years.

Heritage impact

The metal clad Flour Store building is situated on the southern side of the stone Flour Mill building, and was the second store structure built in the complex. Although the Flour Store may be of lesser significance than the stone former **Laucke's Flour Mill building**, it provides a valuable contribution to the understanding of the place and its historic development.

The aim in heritage conservation practice is to retain all fabric of significance, unless the fabric in question was of no significance or negative significance (often referred to as "intrusive"). Further, The Burra Charter recognises that removing fabric of low significance can only be contemplated if removal enhances or better interprets the higher values of the place. I consider that the subject Flour Store building is of sufficient heritage significance to add, rather than subtract from the heritage significance of the place.

The demolition proposal offers the financial support for conservation of the stone Mill building as a bargaining point. It should be noted that conservation of the remaining structures could be managed with a Heritage Agreement.

Recommendation

- A. The proposed development is considered to diminish the heritage significance of the above State heritage place, and is not supported for the following reasons .
- The applicant was asked to provide a Heritage Impact Statement prepared by a qualified heritage consultant setting out the history of the metal clad Flour Store building and its contribution to the historic development of the State Heritage listed Mill and the Angaston township. A suitable report has not been provided.
 - The *Heritage Places Act 1993* seeks to conserve State heritage places and to retain their heritage significance. The proposed demolition of the Flour Store building will diminish the heritage values of the place by removing an early structure from the Mill complex.
- B. In the event that the application is supported by Council and receives State Commission Assessment Panel concurrence, or is granted consent under appeal, the following condition/s should be incorporated into the consent or approval.
- Condition 1: A detailed record of the building should be kept, recording the existing building with drawings and photographs to the satisfaction of Council in consultation with the Department for Environment and Water.
- Reason for condition: *A proper historical record should be kept to inform the State Heritage listing of the former Mill and for future heritage interpretation by the community.*

General notes

1. Should Council not adopt the above recommendation in full, it will be necessary to obtain the concurrence of the State Commission Assessment Panel before a decision is conveyed to the applicant.
2. Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Environment and Water. Such changes would include for example (a) an application to vary the planning consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the planning application.
3. To ensure a satisfactory heritage outcome, Council is requested to consult the Department for Environment and Water in finalising any conditions or reserved matters above.
4. In accordance with Regulation 43 of the *Development Regulations 2008*, please send the Department for Environment and Water a copy of the Decision Notification.
5. Council is requested to inform the applicant of the following requirements of the *Heritage Places Act 1993*.
 - (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
 - (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.For further information, contact the Department for Environment and Water.
6. Council is requested to inform the applicant of the following requirements of the *Aboriginal Heritage Act 1988*.
 - (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

Any enquiries in relation to this application should be directed to Margaret Heathcote on telephone (08) 8124 4922 or e-mail DEWNR.StateHeritageDA@sa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'MQ' followed by a long horizontal stroke and a dot.

Michael Queale
Senior Heritage Conservation Architect
Department for Environment and Water
as delegate of the
MINISTER FOR ENVIRONMENT AND WATER

8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

Nil.

9. REPORTS – PANEL UPDATES

9.1 STATE PLANNING COMMISSION CONCURRENCE APPLICATIONS

The following applications have received or are awaiting concurrence from the State Planning Commission.

DA NUMBER	APPLICANT	ADDRESS	NATURE OF DEVELOPMENT	DAC DECISION
960/298/2018	John Vyden	403 Jutland Road Springton	Demolition of existing dwelling; and Construction of a single-storey, detached dwelling with porch and alfresco under main roof	Awaiting SPC Concurrence (2/4/2019 panel meeting)

RECOMMENDATION

That the report be received.

9.2 ERD COURT APPEAL – DEVELOPMENT APPLICATION 960/279/2017 – JBG ARCHITECTS (M AND K FITZPATRICK) – LOT 897 N HERBIG ROAD SPRINGTON – DETACHED DWELLING WITH VERANDAHS UNDER MAIN ROOF AND DOMESTIC OUTBUILDING (SHED)

An applicant appeal was lodged against refusal of a dwelling and outbuilding application located in the Primary Production Zone at Springton. The subject land is located outside the township boundaries of Springton and is constrained by way of access – in that N Herbig Road is not a formed road.

Reasons for refusal relate to access being sought to the dwelling utilising N Herbig Road. N Herbig Road is an unformed road that is not considered fit for purpose. Refusal was based upon a safe and convenient access not being possible without upgrade of N Herbig Road, or a suitably designed alternative access – which the applicant did not seek to pursue.

A preliminary conference was recently held with a compromise not being sought. A subsequent directions hearing has been arranged by the Court.

RECOMMENDATION

That the report be received and further updates be provided to the Panel.

10. REPORTS – OTHER BUSINESS

Nil.

11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 2 July 2019 commencing at 5.00 pm.

13. CLOSURE OF MEETING