Notice is hereby given that the twenty fourth meeting of the Barossa Assessment Panel will be held at the Council Offices, 43-51 Tanunda Road, Nuriootpa on Tuesday, 3 March 2020, 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.
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1. **WELCOME**

2. **ATTENDANCE**

   2.1 **Present**

   2.2 **Apologies**

   2.3 **Absent**

3. **CONFIRMATION OF MINUTES**

**Recommendation**

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 4 February 2020 be received and confirmed. Refer [Attachment 1](#).

That the confidential minutes of the Barossa Assessment Panel meeting held on Tuesday 4 February 2020 be received and confirmed.
Attachment 1
BAROSSA ASSESSMENT PANEL

MINUTES OF THE TWENTY THIRD MEETING OF THE BAROSSA ASSESSMENT PANEL held on

Tuesday, 4 February 2020 commencing at 5:00pm

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

MINUTES
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1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5:02pm.

2. ATTENDANCE

2.1 Present

Panel Members
Bruce Ballantyne Presiding Member
Rob Veitch Member
Grant Hewitt Member
Richard Miller Member
Deirdre Reiman Member
Louis Monteduro Assessment Manager

Council Staff
Gary Mavrinac Director, Development and Environmental Services
Janine Lennon Senior Assessment Officer, Planning
Jake Boswell Assessment Officer, Planning
Ashleigh Gade Assessment Officer, Planning
Steve KAESLER Manager, Engineering Services
Sam Hosking Heritage Advisor
Chris Kruger Minute Secretary

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: D Reiman Seconded: R Miller
That the minutes of the Barossa Assessment Panel meeting held on 3 December 2019 be received and confirmed.

CARRIED
4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

The following disclosures have been made in relation to:

<table>
<thead>
<tr>
<th>Item</th>
<th>Panel Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.3 960/358/2019</td>
<td>R Miller</td>
</tr>
<tr>
<td>981 Light Pass Road Vine Vale</td>
<td>R Miller has a professional relationship with the owners of the property.</td>
</tr>
</tbody>
</table>

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/158/2018 48 George Street, Williamstown

B Ballantyne confirmed that the consideration of 6.1 – 960/158/2018 has been withdrawn from the Agenda, as the application has been deferred to allow the applicant to address additional issues that have been raised in correspondence to Council.

6.2 960/132/2019 (19 Sunnydale Avenue Kalbeeba)

Mr John Stimson (Stimson Consulting) answered questions from the Panel on behalf of the Applicant. Mr Stimson confirmed that the Area of Allotment 36 is 3126 sqm.

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) That the proposed development is not seriously at variance with The Barossa Council Development Plan.

(b) To REFUSE Development Plan Consent for Application No. 960/132/2019 by Hennig & Co Pty Ltd and AD Janicki to undertake Torrens Title Land Division - Create two additional allotments at 19 Sunnydale Avenue, Kalbeeba (CT 5568/672) for the following reasons:

The proposed development is contrary to:
• General Section – Land Division Module Principle of Development Control 8(d).
   Reason: Land Division is likely to result in the removal of native vegetation.

• General Section - Landscaping, Fences and Walls Module Principle of Development Control 4(b); Rural Living Zone Objectives 1 and 2; Desired Character; Principle of Development Control Form and Character 6
   Reason: Land Division not consistent with the prevailing or desired character of the Zone.

• Rural Living Zone Principles of Development Control Land Use 2 and Land Division 6; Precinct Principle of Development Control 26.
   Reason: Land Division not consistent with the quantitative parameters sought for outbuildings in this Policy Area.

Panel Decision

Moved: R Veitch          Seconded: R Miller
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) That the proposed development is not seriously at variance with The Barossa Council Development Plan.

(b) To GRANT Development Plan Consent for Application No. 960/132/2019 (960/D012/19) by Hennig & Co Pty Ltd and A D Janicki to undertake Torrens Title Land Division - Create two additional allotments (Non-Complying) at 19 Sunnydale Avenue, KALBEEBA SA 5118 (CT 5568/672) subject to the concurrence of State Planning Commission, and the following conditions:

(1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No 960/132/2019 (960/D012/19) 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) Any and all internal existing waste water system components that cross the proposed allotment boundaries must be severed or redirected at the applicants cost to ensure that waste water system relating to each allotment is contained entirely within its boundaries
Reason: To ensure all on-site services are maintained entirely on its respective allotment.

(3) The subject land is located within a Medium Bushfire Risk area. A dedicated and independent water supply shall be available at all times for fire fighting purposes which:
   (a) Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and
   (b) Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case (Any rainwater tank used for this purpose should be dedicated entirely for fire fighting and shall be of non combustible materials).

The provision of the dedicated water supply for fighting purposes shall comply with the Ministers Specification SA 78 ‘Bushfire fighting equipment and water supply requirements in designated bushfire prone areas’.

Reason: To ensure that minimum bushfire safety requirements are met for the existing dwelling.

(4) The applicant shall construct all services and infrastructure to service each allotment, including:
   - roads,
   - water supply,
   - storm water drainage,
   - electricity, public lighting and communications,
   to the reasonable satisfaction of Council.

Reason: To ensure that minimum infrastructure requirements are met for the allotments.

(5) All internal and external fencing shall be of open post and rail style construction and shall be maintained to the reasonable satisfaction of Council.
Reason: To ensure that the desired character for the site is maintained.

CARRIED

6.3 960/358/2019 (981 Light Pass Road Vine Vale)

R Miller left the meeting at 5:11pm due to a stated conflict of interest.

Mr G Burns (Masterplan) answered questions from the Panel on behalf of the Applicant.
**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 that the development proposal is seriously at variance to The Barossa Council Development Plan and is therefore REFUSED pursuant to Section 35(2) of the Development Act 1993 for the following reasons:

The proposed development is contrary to:

- **General Module – Land Division Principle of Development Control 2(a)
  Primary Production (BVR) Zone; Objective 2, Principle of Development Control 4.**

  Reason: Land Division will result in an allotment that is no longer of a suitable size for its current use.

- **General Module – Land Division Principle of Development Control 19; Character Preservation District Principle of Development Control 1(c)
  Primary Production (BVR) Zone; Principle of Development Control 2 and 4**

  Reason: Land Division will result in the fragmentation of productive primary production land.

- **Primary Production (BVR) Zone; Principle of Development Control 2, 25 and 26.**

  Reason: Land Division not consistent with the principles of the Zone.

**Panel Decision**

Moved: R Veitch  
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 development proposal is not seriously at variance to The Barossa Council Development Plan.

(c) To GRANT Development Plan Consent for Application No. 960/358/2019 (960/D023/19) by Homburg Real Estate to undertake Torrens Title Land Division - Create one additional allotment (Non-Complying) at 981 Light Pass Road, VINE VALE SA 5352 (CT 6089/519) subject to the concurrence of State Planning Commission, and the following conditions:
(1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No 960/358/2019 (960/D023/19) 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) The subject land is located within a Medium Bushfire Risk area. A dedicated and independent water supply shall be available at all times for fire fighting purposes which:

(a) Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and

(b) Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case (Any rainwater tank used for this purpose should be dedicated entirely for fire fighting and shall be of non combustible materials).

The provision of the dedicated water supply for fighting purposes shall comply with the Ministers Specification SA 78 ‘Bushfire fighting equipment and water supply requirements in designated bushfire prone areas’.

Reason: To ensure that minimum bushfire safety requirements are met for the existing dwelling.

R Miller returned to the meeting at 5:27pm

6.4 960/413/2019 (29 Samuel Road Nuriootpa)

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. 960/413/2019 by Barossa Enterprises Inc to undertake Removal of a portion of vineyard, construction of a community service building containing education/training rooms and offices, with associated car parking and additional vehicle exit to Samuel Road at 29 Samuel Road, Nuriootpa (CT
5468/741) subject to the concurrence of the State Planning Commission, and subject to the following conditions and advisory notes:

(1) The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application, unless varied by the following conditions.

- Site Concept Plan, Drawn by Masterplan, dated July 2019.
- Site Plan, Drawing No BG_10, Rev A, dated 5 March 2019.

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

(2) Prior to the issue of Development Approval, a landscaping plan shall be provided to the satisfaction of Council. Unless with the prior written consent of Council, before the occupation of the development and/or use commences, the landscaping works shown on the landscaping plan must be carried out, completed and maintained to the satisfaction of the Council.

Reason: To ensure that landscaping is installed and maintained in accordance with the Objectives and Principles of the Development Plan.

(3) The development and/or use hereby permitted must 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, vapor, steam, soot, ash, dust, waste water, waste products, grit or oil
(d) Presence of vermin

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

(4) Prior to the issue of Development Approval, an external lighting plan shall be provided to the satisfaction of Council. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of Council.
Reason: To ensure that external lighting is installed and maintained in accordance with the Objectives and Principles of the Development Plan.

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

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

(6) Before the use commences and/or occupation of the development, the area(s) set aside for the parking and maneuverability of vehicles and access lanes as shown on the endorsed plans must be:

(a) Constructed
(b) Properly formed to such levels that they can be used in accordance with the plans
(c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site
(d) Drained and maintained
(e) Line marked to indicate each car space and all access lanes
(f) Clearly marked to show the direction of traffic along access lanes and driveways
to the satisfaction of Council. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of Council.

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

(7) Vehicle crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of Light Regional Council and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of Light Regional Council.

Reason: To ensure that the proposal is constructed in accordance with the requirements of the Local Government Act 1999.

(8) The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bay[s]) and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of Council.

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

(9) The development hereby permitted must not cause any nuisance or loss of amenity in any adjacent or nearby land by reason of the
discharge of stormwater. The method of which, must in accordance with the endorsed Stormwater Management Plan.

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

(10) Prior to the issue 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 that the proposal is constructed in accordance with the requirements of the South Australian Public Health Act 2011.

Panel Decision

Moved: R Veitch Seconded: R Miller
That the recommendation be adopted.

CARRIED

6.5 960/345/2019 (44 Washington Street, Angaston)

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. 960/345/2019 by Bleaze Neale & Associates to undertake Torrens Title Land Division - Create one additional allotment at 44 Washington Street, Angaston (CT 5717954) for the following reasons:

The proposed development is contrary to:

- General Section Historic Conservation Area Objective 4, Desired Character and Principle of Development Control 16

Reason: The proposed division does not conserve the landscape and allotment patterns that contribute positively to the historic character of the locality.
• General Section Historic Conservation Area Principle of Development Control 4

Reason: The proposal would result in a vacant residential allotment intended for the purpose of residential development, wherein that residential development would subsequently impact upon the view to, and prominence of, a Contributory Item.

• General Section Historic Conservation Area Principle of Development Control 15

Reason: The proposal would result in a vacant residential allotment intended for the purpose of residential development, wherein that residential development would likely involve substantial cut and/or fill to the site that would have a negative impact as viewed from the streetscape and as it relates to adjoining land.

• Residential Zone Principle of Development Control 16

Reason: The land division does not create an allotment suitable for its purpose when taking into account the prevailing pattern of development and character of the surrounding area.

Panel Decision

Moved: D Reiman  
Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

6.6 960/479/2019 (35 Murray Street Tanunda)

J Wood, on behalf of the Applicant answered questions from the Panel.

S Hosking (Heritage Advisor) clarified Heritage queries 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.
To REFUSE Development Plan Consent for Application No. 960/479/2019 by Wonganella Constructions Pty Ltd to undertake Demolition of Verandah over Council verge and Relocate Signage to Façade of Building at 35 Murray Street, Tanunda (CT 5125/753) for the following reasons:

The proposed development is contrary to:

- General Section (Historic Conservation Area) Objectives 1, 2, 3, 4 and 5;
  
  Reason: The development will remove an important historical architectural detail, not conserving or enhancing the historic built form, and being generally inconsistent with the desired character of the historic conservation area.

- General Section (Historic Conservation Area) Principles of Development Control 1, 2 and 7
  
  Reason: The development is generally inconsistent with the desired character of the historic conservation area, and is inconsistent with the desired built form (contained within Table Baro/2 – Historic Conservation Guidelines).

- District Town Centre Zone Objective 4
  
  Reason: The development generally does not contribute to the desired character of the zone.

- District Town Centre Zone Principle of Development Control 5
  
  Reason: The development is generally inconsistent with the Desired Character for the zone.

Panel Decision

Moved: R Veitch  
Seconded: R Miller

The Barossa Assessment Panel resolved to defer consideration of Application 960/479/2019, pending further information to be provided by the Applicant.

CARRIED

7. REPORTS – Applications to Proceed/Not to Proceed to Assessment

7.1 960/696/2019 (491 Stockwell Road Light Pass)

M Richardson (Masterplan) and R Falkenberg (Applicant) answered questions from the Panel.
Recommendation

The Barossa Assessment Panel, having considered the application, resolves that the development proposal for Application No. 960/696/2019 by Master Plan SA Pty Ltd to undertake Change of Use - to include the parking of three trucks to a maximum MRV size (liquid waste removal trucks) at 491 Stockwell Road, Light Pass 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:

(a) The proposal is contrary to the Primary Production (Barossa Valley Region) Zone: Objectives 1, 3, 4, 6 and Principles of Development Control 1, 2, 3 and 8 in that it is not in accordance with the envisaged use and Desired Character for the Zone.

Panel Decision

Moved: R Miller Seconded: D Reiman

The Barossa Assessment Panel, having considered the application for consent to carry out a Non Complying development of land and pursuant to the provisions of the Development Act 1993 resolves that the development proposal has sufficient merit to proceed to make an assessment of the Application No. 960/696/2019 by Master Plan SA Pty Ltd to undertake Change of Use - to include the parking of three trucks to a maximum MRV size (liquid waste removal trucks) at 491 Stockwell Road, LIGHT PASS SA 5355 CT 5339/954.

(a) Pursuant to Section 6(2) of the Character Preservation (Barossa Valley) Act 2012, the Development 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) That the Panel resolves to proceed to assessment of a non-complying development proposal.

(d) The Panel advises that in order to progress the application, and before undertaking the obligatory public notification, a Statement of Effect must be prepared by the applicant. In terms of Regulation 17(5) this Statement must describe and address:-

• The nature of the development and its locality
• The provisions of the Development Plan relevant to an assessment of the proposal
• The extent to which the proposal complies with these provisions
• An assessment of the expected social, economic and environmental effects of the proposal and locality
• Full detail of any on-site repairs and maintenance of vehicles occurring on site
• Further and better detail (including site plan) showing existing and proposed uses for each building and external area of the site
8. REPORTS – Deferred Applications for Decision

8.1 960/171/2019 (268 Williamstown Road Cockatoo Valley)

M Tekell (Applicant) answered queries 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. 960/171/2019 by Anthea Smith C/- Planwright BDDS to undertake the demolition of existing outbuildings totalling 210 square metres in floor area and construction of a domestic outbuilding – shed (measuring 21.6m x 12m x 3.6m wall height) at 268 Williamstown Road, Cockatoo Valley (CT 6190/173) for the following reasons:

The proposed development is contrary to:

- **General Section – Design and Appearance, Principles of Development Control 1 and 4**

  Reason: The outbuilding will be visually apparent from surrounding properties and roads in the locality and will represent an increase in the bulk and scale of domestic outbuildings in the locality.

- **Rural Living Zone Objective 1**

  Reason: The outbuilding will impact upon the visual amenity of the locality.

- **Rural Living Zone Principle of Development Control 9**

  Reason: The outbuilding is not consistent with the quantitative parameters sought for outbuildings in the Zone.
Panel Decision

Moved: R Veitch
Seconded: G Hewitt

The Barossa Assessment Panel resolved to defer consideration of Application 960/171/2019, pending further information to be provided by the Applicant.

CARRIED

8.2 960/571/2019 (77 Samuel Road Nuriootpa)

Mr R Vater (Applicant) 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. 960/571/2019 by Opalescent Signs to undertake Installation of advertising signage; 2 x free-standing advertising signs; 3 x flag advertisements at 77 Samuel Road, Nuriootpa (CT 5480/328) for the following reasons:

The proposed development is contrary to:

- General Section – Advertisements, Principles of Development Control 2(a), 10 and 15
  
  Reason: Due to the proliferation of signage and the number of free-standing advertising signs.

- General Section - Interface Between Land Uses, Principle of Development Control 1
  
  Reason: Due to the proposed operating times for the illumination of signage.

- Industry (Barossa Valley Region) Zone, Principle of Development Control 15(a)
  
  Reason: The proposal includes the use of flags.
Panel Decision

Moved: R Veitch  G Hewitt
That the recommendation be adopted.

CARRIED

9. REPORTS - PANEL UPDATES

9.1 SCAP Concurrence Matter

Recommendation
That the report be received.

Panel Decision
Moved: D Reiman  Seconded: G Hewitt
That the recommendation be adopted.

CARRIED

10. REPORTS - OTHER BUSINESS

B Ballantyne confirmed with the Panel that Report 6.1 – 960/158/2018 – 48 George Street Williamstown was withdrawn from the Panel meeting agenda for consideration only, but the application has been deferred and will be presented to a future Panel meeting for decision.

11. REPORTS - CONFIDENTIAL

11.1 ERD Court Appeal – Update – 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) at 897 N Herbig Road Springton

Reason for Confidentiality

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

(viii) legal advice
**Recommendation**

That:
1. Pursuant to Regulation 13 of the Planning, Development and Infrastructure (General) Regulations 2017 the Barossa Assessment Panel orders that the public be excluded from the meeting with the exception of the Director, Development and Environmental Services, Assessment Manager, Assessment Officers, Manager, Works and Engineering Services, and the Minute Secretary, on the basis that it will consider legal advice.
2. Accordingly, on this basis, the Barossa Assessment Panel is satisfied that the principle that meetings of the assessment panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

**Panel Decision**

Moved: R Miller  
Seconded: D Reiman

That the recommendation be adopted.

CARRIED

At 6:11pm the meeting moved into confidence.

At 6.15pm the confidential session ceased and the meeting reopened to the public.

Moved: R Veitch  
Seconded: G Hewitt

That the Barossa Assessment Panel has considered Confidential Item11.1 ERD Court Appeal – Update – Development Application 960/279/2017 – JBG Architects (M and K Fitzpatrick) – Lot 897 N Herbig Road Springer – Detached Dwelling with Verandahs under main roof and domestic Outbuilding (Shed) at 897 N Herbig Road Springer and resolves as follows:

1. Confidential Resolution.

2. having considered this matter in confidence under Section 13 of the Planning, Development and Infrastructure (General) Regulations 2017 makes an order pursuant to Section 14(4) of the Regulations that the report and associated documents and minutes of the Confidential Barossa Assessment Panel Meeting held on 4 February 2020 in relation to Confidential Item 11.1 ERD Court Appeal – Update – Development Application 960/279/2017 – JBG Architects (M and K Fitzpatrick) – Lot 897 N Herbig Road Springer – Detached Dwelling with Verandahs under main roof and domestic Outbuilding (Shed) at 897 N Herbig Road Springer, other than the minutes recording the decision of the Barossa Assessment Panel on this item and recording this confidentiality order, be kept confidential and not available for public inspection.

CARRIED
12. OTHER BUSINESS

Planning and Design Code Update
G Mavrinac provided the Panel with a verbal update on the proposed introduction of the Code and ePlanning Portal.

Council is currently preparing a submission to be presented to the February 2020 Council meeting prior to being forwarded, highlighting concerns around key elements applicable to the Barossa.

It is envisaged that a call for Expressions of Interest for Panel Membership commencing 1 July 2020 will be published shortly.

13. NEXT MEETING

Tuesday 3 March 2020 commencing at 5.00pm.

14. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:20pm.

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

#### 6.1 960/587/2019 (Allotment 1 Rhine Park Road Eden Valley)

**Applicant:** Gregg Jenkins of Heynen Planning Consultants on behalf of Longridge Group Pty Ltd

**Representors:** Wayne and Deb Judd
Philip and Louise Osborne

#### APPLICATION DETAILS

<table>
<thead>
<tr>
<th>PROPOSAL</th>
<th>Construction of a single-storey detached dwelling with deck and verandah under main roof and associated ground-mounted photovoltaic solar panels, 1 x 50000L rainwater tank, 2 x 22500L rainwater tanks and landscaping (Stages 1 &amp; 2) – Stage 1: Ground-mounted photovoltaic solar panels, 1 x 50000L rainwater tank, 2 x 22500L rainwater tanks and landscaping – Stage 2: Detached dwelling, deck and verandah (Non Complying).</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT</td>
<td>Longridge Group Pty Ltd</td>
</tr>
<tr>
<td>OWNER</td>
<td>Gary and Andrea Clasohm</td>
</tr>
<tr>
<td>APPLICATION NO</td>
<td>960/587/2019</td>
</tr>
<tr>
<td>CERTIFICATE(S) OF TITLE</td>
<td>CT 5486/81</td>
</tr>
<tr>
<td>AREA</td>
<td>30.8029ha</td>
</tr>
<tr>
<td>CURRENT USE</td>
<td>Primary Production</td>
</tr>
<tr>
<td>DEVELOPMENT PLAN VERSION</td>
<td>Consolidated 5 September 2019</td>
</tr>
<tr>
<td>ZONE</td>
<td>Primary Production Zone</td>
</tr>
<tr>
<td>POLICY/PRECINCT AREA</td>
<td>Nil</td>
</tr>
<tr>
<td>OVERLAYS</td>
<td>Barossa Character Preservation District</td>
</tr>
<tr>
<td></td>
<td>Medium Bushfire Risk Area</td>
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<tr>
<td>APPLICATION TYPE</td>
<td>Non-Complying</td>
</tr>
<tr>
<td>CATEGORY OF DEVELOPMENT</td>
<td>Category 3</td>
</tr>
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<td>REFERRALS</td>
<td>Nil</td>
</tr>
<tr>
<td>PREVIOUS APPLICATIONS</td>
<td>960/795/2017 – Farm Building (Implement Shed)</td>
</tr>
<tr>
<td>ASSESSING OFFICER</td>
<td>Ashleigh Gade</td>
</tr>
<tr>
<td>RECOMMENDATION</td>
<td>That Development Plan Consent be GRANTED subject to the concurrence of the State Planning Commission</td>
</tr>
</tbody>
</table>

#### BACKGROUND

This application was originally received by the Barossa Council on 20 September 2019. A preliminary assessment of the proposal determined that it did not meet two of the listed exclusions to Non-Complying development for a detached dwelling. The applicant was advised as such and considered the design of the proposal. Ultimately it was determined that the form of the proposed dwelling, particularly the skillion roof, could not be redesigned to meet these exclusion criteria.
Pursuant to the above the applicant continued with the proposal as a Non-Complying application. On 1 November 2019, administration resolved under delegation to proceed with an assessment of the proposal.

The Barossa Council thereafter received amended plans incorporating more energy efficient elements to the proposal, including the ground-mounted photovoltaic panels. After receipt of representations during the public notification period, the applicant submitted further amended plans with additional energy efficiency elements, additional rainwater storage capacity and with the inclusion of landscape screening.

The proposal as it is presented to the Barossa Assessment Panel is for the construction, over two stages, of ground-mounted solar photovoltaic panels, a 50,000 litre rainwater tank, two 22,500 litre rainwater tanks, screening landscaping, and a detached dwelling with deck and verandah under main roof.

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 Zone.

Representations: Two representations were received. Location of the representations within 60km radius are shown in Figure 1

Persons wishing to be heard: Two representors identified that they wish to address the Panel:
- Wayne and Deb Judd
- Philip and Louise Osborne

Applicant/s Gregg Jenkins of Heynen Planning Consultants on behalf of Longridge Group Pty Ltd (the Applicant) wishes to appear to respond to representations.

Summary of Representations: The representors raised concerns regarding the following matters:
- Siting – the visibility of the dwelling from surrounding land, the road and protrusion above the skyline, the siting of the dwelling on a ridgeline, the siting close to neighbouring boundaries, the visual impact of existing buildings on the subject site.
- Design – the modern style of the proposed dwelling.
- Rural Character – the protection of rural landscapes and their visual amenity.
- Privacy – potential for overlooking of nearby dwellings and land.
• Landscaping – lack of landscaping proposed.
• Land Use – the land being inappropriate for a sole living on agricultural production, there being no confirmation of farming activities being undertaken on the site.
• Historic Character – inconsistency with surrounding heritage places.
• Environmental – lack of energy and water resources in the area, undersized water storage capacity, disturbance to local wildlife.
• Bushfire – bushfire risk in the locality.

Applicant Response:
The applicant’s response to the representations is summarised below:

• The Primary Production Zone anticipates dwellings as appropriate forms of development.
• The subject land is used for the grazing of sheep and this will continue to occur.
• The dwelling incorporates northerly orientation, lightweight cladding to reduce heat loading, double glazing, cross-ventilation, use of ceiling fans, onsite power generation and onsite water collection and storage, with further external window treatments added in response to representations.
• The dwelling is located away from the watercourse on site.
• The dwelling is not sited within 300m of a winery land use as the adjoining land is used only for viticulture.
• The dwelling is sited in close proximity to the existing shed.
• The existing shed is predominantly hidden behind the ridgeline as viewed from the public road and just visible adjacent the entry to the representors land.
• The dwelling will be fully obscured from surrounding heritage places including the State Heritage Place 980 metres to the north east of the proposed dwelling, due to spatial separation and topography.
• The Development Plan does not seek “old style housing” and contemporary sustainable design displays a high degree of merit.
• A landscaping plan has been added to the proposal.
• The applicants have intent to include an additional 50000 litre water tank to capture shed run-off which has also been added to the proposal.
• There is an existing 45,000 litre rainwater tank on site, with the application seeking to add two 22,500 litre tanks and now an additional 50,000 litre tank.
• The nearest dwelling is separated by a distance exceeding 200 metres and changes in topography plus the additional landscaping proposed will prevent unreasonable loss of privacy.
A copy of the representor concerns and the applicant’s response is contained in Attachment 2.

SITE AND LOCALITY
The subject land has a total area of 30.9 hectares and a frontage of approximately 590 metres to Rhine Park Road. It is currently used for sheep grazing and contains a farm building and a rainwater tank.

The site is undulating with the highest point forming a ridge over 200m north of Rhine Park Road. The site slopes away from the ridge toward the road and toward the neighbouring dwelling which is sited approximately 60 metres from the subject site’s eastern boundary. To the north it slopes down toward the lowest point on the subject land, reflecting where the watercourse traverses the site. The watercourse passes from west to east approximately 600 metres from the Rhine Park Road frontage.

The subject land is sited approximately 580 metres at its closest point from Rhine Park Homestead and associated buildings which are State Heritage listed. The topography of the land prevents views from the subject site to the State Heritage buildings due to a ridgeline which runs generally parallel to the boundary of the associated land.

The locality is typically comprised of rural primary production land. Most allotments within the locality contain a single storey detached farmhouse in association with grazing or viticultural activities. The Eden Valley township is located approximately 1.5km to the west.

The site is located within the Primary Production Zone, as shown in Figure 2.

The site is located within the Character Preservation District Overlay as shown in Figure 3.
The site is located within a Medium Bushfire Risk Area as shown in Figure 4.

An aerial view of the locality and site are shown in Figure 5 and Figure 6.

Site photos are provided in Figure 7 to Figure 14.
Figure 3: Character Preservation District Overlay
Figure 4: Bushfire Risk Areas Overlay
Figure 5: Aerial – Locality

Figure 6: Aerial – Site
Figure 7: Site Photo; entrance to allotment on Rhine Park Road

Figure 8: Site Photo; looking east up the existing driveway
Figure 9: Site Photo; looking north-east at the peak of the driveway toward farm building.

Figure 10: Site Photo; looking north from the peak of the driveway toward livestock areas.
Figure 11: Site Photo; looking east from driveway peak across proposed dwelling site

Figure 12: Site Photo; looking east from beyond the proposed dwelling site
Figure 13: Site Photo; looking north-east approximately 70 metres from the boundary and 30 metres beyond the proposed dwelling site, toward the closest neighbouring dwelling.

Figure 14: Site Photo; looking north-west standing approximately 80 metres from the boundary and 20 metres from the proposed building site, toward the peak of the ridge which is located north-west of this point and visible behind the existing farm building.
Figure 15: Locality Photo; looking south-west from the parallel ridgeline on the site of 304 Rushlea Road Eden Valley, looking toward the development site and the existing farm building, approximately 700m from the proposed development site.

Figure 16: Locality Photo; looking south from behind the rear boundary fence of the subject land toward the proposed development site and the existing farm building on the site.
**REFERRALS**

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

**Internal**

The application was referred to:

- **Health Services**  
  The associated wastewater application has been approved.

**NON-COMPLYING**

The application is a non-complying form of development, due to the dwelling wall heights exceeding 3 metres in height from ground level to the highest point of the dwelling walls, and the dwelling having a roof pitch of less than 18°.

Administration resolved, under delegation to proceed with an assessment of the proposal. 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 intent of the Primary Production Zone Non-Complying criteria is to ensure the construction of environmentally sustainable dwellings of no more than single storey height. The proposal accounts for the criteria it cannot meet due to the form of the proposed skillion roof by incorporating additional self-sufficient and energy efficient design elements, which demonstrated that there was potential merit in the proposal.

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**

**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 Character Preservation District seeks that scenic and rural landscapes be retained and protected. The long term use of land for primary production and associated value adding enterprises is assured and promoted, the heritage attributes of the district are preserved and buildings and structures complement the landscape.

The proposed dwelling is consistent with the existing forms development within the area, in that it would be a single storey dwelling used as a farmhouse on land used for primary production.

The proposed structures will not be obtrusively visible as viewed from surrounding roads, though they will be visible as...
viewed from adjoining land. The proposal clusters all buildings with the existing buildings on the subject land to reduce the spread of buildings across the site, or the fragmentation of the existing primary production land.

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 site is situated within a Medium Bushfire Risk Area. Further assessment of the bushfire risk is undertaken below in the ‘Hazards’ section.

**General Section**

**Design and Appearance**

Objectives 1

PDCs 1, 5, 6 and 7

The proposed dwelling is contemporary in design but represents a form that is sympathetic to the existing scale of farmhouses in the locality. The proposal is for a single storey dwelling of a comparable floor size to typical farmhouses on surrounding allotments.

The structures are setback from site boundaries and are to be screened by strategic vegetation planting. The proposed dwelling wall height is reasonable given the overall design, and ensures that the posts of the building are enclosed with cladding consistent with that used on the dwelling walls.

All other Objectives and PDCs are deemed to comply.

**Energy Efficiency**

Objectives 1 and 2

PDCs 1, 2 and 3

All Objectives and PDCs are deemed to comply.

**Hazards**

**Bushfire**

Objective 5

PDCs 1, 7, 8, 9 and 10

The proposed dwelling is sited on accessible land, on the flatter portion of the allotment and avoids steep slopes, narrow ridge crests or other areas which cause unreasonable risk during bushfires.

The requirements under the **Minister’s Code: Undertaking development in Bushfire Protection Areas** have been addressed. The existing access driveway shall be extended to include two passing bays for firefighting vehicles and a turning area by the existing farm shed, dedicated water supply will be accessible from the southern-most 22500 litre rainwater tank and the proposed screening vegetation is to be sited 60 metres clear of the dwelling on all sides.
Orderly and Sustainable Development

Objective 3, 4 and 7
PDCs 1 and 2

The subject land is currently used for the grazing of sheep and the applicant has indicated that it will continue to be used for primary production purposes. The intent of the proposed dwelling is that it will be constructed in association with this ongoing use.

All other Objectives and PDCs are deemed to comply.

Residential Development

Objectives 1
PDCs 5, 9 and 22

The proposal sites the dwelling away from steep, undulating land on the subject site and achieves adequate separation from the watercourse which traverses the land to the north. It is noted that the dwelling has been sited on a sizable plateau and is clustered with existing buildings at this most accessible point of the site.

The dwelling has been sited and designed to maximise the northerly aspect with the windows of living areas, ground-level private open space and decking all oriented directly north.

All other Objectives and PDCs are deemed to comply.

Siting and Visibility

Objectives 1 and 2
PDCs 1, 2, 3, 4, 5, 7 and 9

It is considered that the siting of the dwelling close to the peak of a ridgeline is not typically ideal, but that the dwelling has been reasonably located on the subject site considering the topography and the siting of existing buildings.

The proposed dwelling is sited on a plateau which allows for the construction of a dwelling without obtrusive and detrimental earthworks. It is also clustered with the existing farm implement building, existing rainwater tank, and the sheep pens used for management of livestock on the site.

Further, the application involves the establishment of four stands of screening vegetation using native plant species, with a range of tall and medium trees and shrubs.

All other Objectives and PDCs are deemed to comply.

Transportation and Access

PDCs 22, 23 and 29

Access
All PDCs are deemed to comply.
Zone Section

**Primary Production Zone** Objectives 3 and 5

A dwelling in association with primary production is a land use compatible with the intent and desired character of the Primary Production Zone.

All other Objectives are deemed to comply.

**Desired Character**

The zone comprises a pleasant rural character derived from the broadacre farming pattern and undulating, wooded pastures together with the isolated dwellings and scattered farm buildings. The landscape character generally consists of open, undulating terrain with sparsely scattered stands of native vegetation. There are pockets of the zone where steep slopes and stands of native vegetation are more predominant, such as the upland areas of the Barossa Ranges. Development will recognise the limitations imposed by such characteristics and prevent the further erosion of soils, or removal of native vegetation. It is expected that development will be carefully designed and located to complement the open landscape character.

Other than within Precinct 4 Barossa Range, Precinct 6 Moculta and Precinct 7 Paper Town, there are opportunities for additional dwellings to be established within the zone, however only where it can be demonstrated that they do not conflict with the use of land for primary production purposes and maintain the open landscape character. Additional dwellings within Precinct 4 Barossa Range and Precinct 6 Moculta will be limited so as to maximise farm productivity and prevent incremental erosion of the existing landscape character. It is anticipated that buildings in the zone will be limited to single-storey in height, be designed and located so that they are not visible from public roads, particularly the Barossa Valley Highway, scenic or tourist routes, or from vistas within townships. Buildings will be designed to minimise the disturbance to the natural ground levels, utilising design techniques to reduce bulk and massing and be constructed using materials and finishes of a low reflective nature and subdued colour to match those found located within the landscape in order to be inconspicuous in appearance. Buildings will be designed and constructed with environmentally sustainable principles in mind, including passive solar techniques, use of renewable energy and harvesting of stormwater for re-use located within the dwelling and surrounds.

Pockets of native vegetation exist throughout the zone, however are isolated as a result of past clearing practices. It is expected that broadacre farming and horticultural land use will not take place on land containing stands of mature native vegetation. Development will result in the conservation of existing stands of native vegetation and increase the planting of locally indigenous vegetation in important locations, such as along watercourses. Development involving the construction of buildings or structures will include the planting of additional locally indigenous species to increase biodiversity and habitats for fauna, as well as screen the buildings and structures from views in the locality.
**Desired Character**

The proposed development is sited to avoid construction on steep slopes, or in a location which would require significant earthworks. The dwelling is single storey in height and will have limited visibility from public roads.

The colours and materials proposed are not reflective in nature and are not unreasonably bright, nor will they contrast strongly with the surrounding landscape, particularly after the establishment of the proposed landscaping.

The proposal incorporates sustainability features and the dwelling is designed to respond to the environment. The proposed rainwater tanks will harvest stormwater from the existing and proposed buildings, and the solar photovoltaic panels incorporate the use of renewable energy sources.

There is limited remnant native vegetation on the site, all of which will be preserved. Additional plantings of native species are proposed at a safe distance from the dwelling and serve both to increase native flora on site and to screen the existing and proposed buildings and structures from view from roads and neighbouring land. Notwithstanding this, it is noted that limited screening will be provided to the north and east of the site until the vegetation reaches relative maturity, and during such time the dwelling will be clearly visible from adjoining land.

**Land Use**

PDCs 1, 2, 5 and 7

All Objectives and PDCs are deemed to comply.

**Form and Character**

PDCs 10, 11, 12, 13, 14 and 19

The proposed dwelling is single storey with a low profile roof, sited to avoid significant excavation or fill. It is to be clad in non-reflective materials and screened on all sides by either landscaping buffers or the natural landform.

The proposed dwelling comprises externally mounted screens to provide coverage and external shading to eastern and western windows and a verandah area over the north-facing decking to screen the main living areas. Due to the orientation of the roof being inappropriate for such purpose, the applicant proposes ground-mounted solar panels to provide a renewable energy source to the dwelling.

The proposed buildings and structures are sited away from the watercourse which traverses the site. The proposed rainwater tanks, in addition with the existing tank on site, will assist in providing water supply to the site and harvesting stormwater for reuse.

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 development proposal is not seriously at variance to The Barossa Council Development Plan.

(c) To GRANT Development Plan Consent for Application No. 960/587/2019 by Longridge Group Pty Ltd to undertake Construction of a single-storey detached dwelling with deck and verandah under main roof and associated ground-mounted photovoltaic solar panels, 1 x 50000L rainwater tank, 2 x 22500L rainwater tanks and landscaping (Stages 1 & 2) – Stage 1: Ground-mounted photovoltaic solar panels, 1 x 50000L rainwater tank, 2 x 22500L rainwater tanks and landscaping – Stage 2: Detached dwelling, deck and verandah at Allotment 1 Rhine Park Road, Eden Valley (CT 5486/81) 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 (as amended) accompanying Application No. 960/587/2019 except where varied by any condition(s) listed below.

- Overall Site Plan prepared by Longridge Group Pty Ltd, received 13 February 2020
- Site Plan prepared by Longridge Group Pty Ltd, received 13 February 2020
- Floor Plan prepared by Longridge Group Pty Ltd, received 13 February 2020
- Elevation Plan prepared by Longridge Group Pty Ltd, received 13 February 2020
- External Colours and Selections prepared by Longridge Group Pty Ltd, received 6 December 2019
- Landscape Plan, received 13 February 2020
- PV-ezRack SolarTerrace III-A Installation Guide prepared by Clenergy, received 6 December 2019
- Honey Black Layout Module prepared by Trinasolar, received 6 December 2019
Statement of Effect prepared by Heynen Planning Consultants, received 6 December 2019

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

(2) All roof water shall be disposed of to rainwater tanks in accordance with the Site Plan prepared by Longridge Group Pty Ltd and received 13 February 2020. The overflow shall be safely managed on site and shall be fitted with adequate scour protection. No stormwater shall enter into any building, affect the stability of any building, or create an unhealthy or dangerous condition, or run onto or over land of an adjoining owner.

All stormwater systems must be fully installed at the completion of the construction of the building, with adequate measures employed during construction to ensure disposal of surface or roof water does not affect neighbouring properties.

Reason: To ensure stormwater is appropriately managed on the subject site.

(3) The subject land is located within a Medium Bushfire Risk area. A dedicated and independent water supply shall be available at all times for firefighting purposes which;

(a) Is located adjacent to the building or in another convenient location on the allotment accessible to firefighting vehicles (safe and convenient access shall be provided); and

(b) Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case. (Any rainwater tank used for this purpose shall be of non-combustible materials).

The provision of the dedicated water supply for firefighting purposes shall comply with the Ministers Specification SA 78 ‘Bushfire fighting equipment and water supply requirements in designated bushfire prone areas’.

Reason: To ensure the site continues to meet the requirements for dwellings in Medium Bushfire Risk areas.

(4) The landscaping as detailed in the application for development shall be established prior to the occupation of the associated dwelling and shall be maintained in good health and condition at all times. Any vegetation that dies or becomes seriously diseased shall be replaced with others of the same, or similar varieties, to the reasonable satisfaction of Council.

Reason: To ensure that the proposal is established and maintained as approved by the planning authority, and to protect the amenity of the locality.

(5) During construction or installation of all works associated with the development and proposed roads and utility services:

i. Dust generated at the site shall be reasonably controlled at all times to prevent nuisance to occupants of adjoining land.
ii. Noise generated at the site shall be kept to the minimum level that is reasonably practicable.

iii. Appropriate erosion control

iv. 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 there is no adverse amenity impacts to the locality during construction.

(6) Construction shall not take place on any Sunday or Public Holiday or after 7:00 pm or before 7:00 am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

Reason: To ensure that there is no adverse amenity impacts to the locality during construction.

Advisory Notes

(a) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by Council or other relevant planning authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.

(b) 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.

(c) The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that the activities on the whole site including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

(d) Any proposal to clear, remove limbs, or trim native vegetation will require approval or confirmation of exemption from the Native Vegetation Council. An interactive guide is available to help owners and others determine the requirements that apply under the Native Vegetation Act 1991: https://www.environment.sa.gov.au/topics/native-vegetation/interactive-guide. Any specific queries regarding the clearance, removal, or trimming of native vegetation should be directed to the South Australian Native Vegetation Council.
6.1 Attachment 1
# PLANNING APPLICATION FORM

**Job:** 4910CLW

**APPLICANT / BUILDER:** Longridge Group Pty Ltd  
158 Railway Terrace  
MILE END SA 5031  
Ph: 8301 8301  FAX: 8301 8302  
Licence NO: BLD 175837  
ABN NO: 45 100 117 922

**OWNER:** Gary & Andrea CLASOHM  
PO BOX 682  
GREENOCK SA 5360  
clasohm@hotmail.com;

**CONTACT PERSON FOR FURTHER INFORMATION:** Carolina Sossa  
Ph: 8301 8301  FAX: 8301 8302  
carolina@lshg.com.au

**EXISTING USE:** Single Storey Timber Framed Dwelling

**LOCATION OF PROPOSED DEVELOPMENT:** EDEN VALLEY, Lot 1 Rhine Park Road  
Vol: 5486  
FOLIO: 81

**BUILDING RULES CLASSIFICATION SOUGHT:** NO

**HAS THE CONSTRUCTION INDUSTRY TRAINING LEVY BEEN PAID:** YES

**DEVELOPMENT COST (excl fitout costs)** $181,697.40

I/We acknowledge that copies of this application and supporting documentation may be provided to interested parties in accordance with the Development Regulations 1993

**Signature:**  
Date: 18/8/19

**Signature:**  
Date: 18/8/19
DEVELOPMENT REGULATIONS 2008
Form of Declaration
(Schedule 5 clause 2A)

To: Barossa Council
From: LONGRIDGE GROUP P/L
Date of Application: 20 Sep 2019
Location of Proposed Development:
House No: Lot No: 1 Street: Rhine Park Road Town/Suburb EDEN VALLEY
Section No (full/part): Hundred:
Volume: 5486 Folio: 81

Nature of Proposed Development:

Single Storey Timber Framed Dwelling

1 Longridge Group P/L 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.

Date: 20/09/2019
Signed:

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.
Certificate of Title - Volume 5486 Folio 81

Parent Title(s)  CT 4174/251
Creating Dealing(s)  CONVERTED TITLE
Diagram Reference  4174251

Estate Type
FEE SIMPLE

Registered Proprietor
GARY WAYNE CLASOHM
'DREA LORRAE CLASOHM
OF PO BOX 682 GREENOCK SA 5360
AS JOINT TENANTS

Description of Land
ALLOTMENT 1 FILED PLAN 1514
IN THE AREA NAMED EDEN VALLEY
HUNDRED OF JUTLAND

Easements
NIL

Schedule of Dealings
Dealing Number  Description
12609878  MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA (ACN: 123 123 124)

Notations
Deals Affecting Title  NIL
Priority Notices  NIL
Notations on Plan  NIL
Registrar-General's Notes  NIL
Administrative Interests  NIL
HEYNEN
PLANNING CONSULTANTS
STATEMENT OF EFFECT

Location: Lot 1 Rhine Park Road
Eden Valley
Applicant: Longridge Group Pty Ltd (Sarah Homes)
Development Description: Detached Dwelling, Deck, Verandah and Ground Mounted Photovoltaic Solar Panels and Two 22500L Water Storage Tanks (Staged Consent)
Zone: Primary Production Zone
Overlays: Character Preservation District
Planning Authority: The Barossa Council
Concurrence Authority: State Commission Assessment Panel

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This Report Prepared by:
Gregg Jenkins
B Urb&RegPlan(Hons)
Suite 15 198 Greenhill Road
EASTWOOD SA 5063
8272 1433
Email: gregg@heynenplanning.com.au
PRELIMINARY:

The site, Lot 1 Rhine Park Road is a large parcel of land which is currently used for sheep grazing. Improvements currently located on the site are an existing shed (15 metres x 6.2 metres) and a 25000 litre water storage tank.

The “non-complying status” of the development is brought about by the following Primary Production Zone provisions:

**Dwelling**: where the detached dwelling complies with the following criteria:

- (iv) the vertical distance between any point at the top of any external wall and the finished ground level immediately below that point on the wall is less than 3 metres, other than gable ends of the dwelling where the distance is less than 5 metres
- (xi) external eaves or awnings of a minimum 450 millimetres in width is provided to west facing windows
- (xii) roof incorporates an area of at least 10m² that faces between 30° west and 20° east of true north and has a pitch of greater than 18°

This Statement of Effect has been prepared in accordance with Regulation 17(5) of the Development Regulations and has regard to the following:

- planning drawings prepared by Sarah Homes;
- Clenergy ground mount frames (13 pages);
- Trina Solar Honey™ 60 Layout Module.

ASSESSMENT APPROACH:

In determining the correct assessment approach, I am cognisant of the matter of City of Mitcham v Heathhill Nominees Pty Ltd [2000] SASC 46, which stated in relation to non-complying development:

"... The different procedures do not affect the question as to whether provisional Development Plan Consent should be granted or withheld in a particular case."

The above decision was reinforced in the matter of Klein Research Institute Ltd v District Council of Mount Barker & Ors [2000] EDLR 482 which states:

12. Whilst the proposed development stands to be assessed procedurally as ‘non-complying’ development (but with restrictions imposed by s35(3) and (4)), the development in other respects stands to be assessed upon its merits as a matter of planning judgement.

The judgements are particularly relevant given that the quantitative non-complying triggers typically reflect design criteria found elsewhere in the Development Plan, which like all Development Plan provisions are to be considered on merit as a guide to development and not as a statute.¹

Given that in a statutory sense the non-complying status does not import greater or lesser planning merit the development can conceivably still achieve sufficient planning merit to warrant the granting of Development Plan consent.

¹ Town of Walkerville v Adelaide Clinic Holdings Pty Ltd [1985] 38 SASR 161 at 187
THE SITE AND LOCALITY:

As illustrated in Appendix 1 (locality diagram), the site is located to the north of Rhine Park Road.

The site is largely cleared for grazing with sporadic vegetation observed over the site. An outbuilding and a large water storage tank is located on the southern side of the site, approximately 240 metres from the Rhine Park Road frontage.

The site slopes with a gentle rise from the south towards the north over the first third of the allotment, and then falls away slightly and rises again to the rear of the site.

As illustrated in Appendix 1, the locality is devoid of dense native with the land generally cleared for grazing, and to a lesser extend viticulture, while dwellings and outbuildings are also observed.

Eight dwellings and numerous outbuildings are present within the locality, while I note that vineyards are present both within the locality, and beyond the immediate vicinity becoming more prevalent to the west.

The amenity of the site is enhanced by the generally natural landscape with very low density housing to all sides.

Overall, the locality experiences a moderate to high level of amenity due to the nature of the topography and the natural beauty of the rural setting.

THIS APPLICATION:

This application seeks for the construction of a detached dwelling with an integrated deck and verandah and ground mounted photovoltaic solar panels and two 22500 litre water storage tanks, in the form of a staged consent as follows:

**Stage One:** Ground mounted photovoltaic solar panels and two 22500 litre water storage tanks

**Stage Two:** Detached dwelling, deck and verandah

THE PROPOSED DWELLING:

The dwelling is designed to incorporate the following:

- A finished floor level of 99.15, with a bench level of 98.5; and
- An open plan kitchen, dining and living room, three bedrooms (main with ensuite and walk in robe), a bathroom and laundry, along with an associated porch/deck.

The building form is restrained in its design, and well-articulated, with a skillion roof to enable light to enter the northern side of the dwelling in the winter months. Additionally, generous eaves on the northern elevation will provide shading from the summer sun.

I note that colours are non-reflective and of medium-grey tones which present a neutral backdrop to the vegetation with “Basalt” and “Windspray” specified for the external colours. The external materials selected are lightweight, which further reduces direct solar heat gain associated with solid masonry products via a reduction in thermal mass. High levels of insulation are provided to the walls and ceilings to assist in the 6 star energy rating.\(^2\)

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\(^2\) To be assessed at the building rules stage
Vehicle parking for the future occupants of the dwelling is available within the existing shed with access provided from the existing driveway, while only a minor extension required to the driveway is required. The driveway slope will be moderate and formed of locally sourced compacted rubble.

Rainwater storage to supply the dwelling will be via the provision of two 22500 litre water storage tanks finished in *Basalt* plus an additional existing 22500 litre tank connected to the existing shed that will remain.

The site coverage of the proposed dwelling is less than 1%.

Quantitative characteristics of the proposed dwelling include:

- a building footprint measuring 21.08 metres and 11.893 metres (inclusive of the deck);
- exterior walls ranging in height from 2.7 metres to 3.6 metres due to the skillion roof (from the top of footings);
- excavation of up to approximately 0.75 metres;
- minimal filling of the land; and
- a roof pitch of 7 degrees.

**ACCESS TO THE DWELLING:**

The existing access to the site will be retained, with only minor changes proposed to ensure the driveway is suitable for a 21 tonne firefighting vehicle to access the site, with appropriate overtaking room along the length of the driveway now provided (refer LSHG Site Plan).

**THE PROPOSED PHOTOVOLTAIC PANELS:**

As provided within the site plan and Appendix 2, the photovoltaic panels will provide the sole provision of electricity generation and storage for the dwelling, and comprise the following:

- two rows of ground mounted solar panels, with each row comprising 10 x 330 watt panels;
- an overall of 20 ground mounted panels on a frame measuring 10 metres by 3.3 metres;
- panels to face north with a 35 degree tilt;
- the panels are to be mounted approximately in line with the existing shed (250 metres from Rhine Park Road) and 14 metres to the west of he shed;
- a further 20 panels are to be mounted on the existing shed roof; and
- connection to two 13.8 kwh lithium batteries to provide 27.6 kwh of storage.

**THE LANDSCAPING:**

It is understood that no landscaping is proposed, and that no mature vegetation will be affected by the proposed development. The applicant seeks to retain the natural landscape character of the site with the natural vista and rural outlook being key characteristics for the applicant when selecting the house site.

Furthermore, the applicant seeks to maintain the available land for grazing purposes while the generous setbacks from the public road and property boundaries, and lack of visibility for the site negating the need for landscaping to obscure the articulated dwelling of appropriate colour and proportion.

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3 The roof mounted solar panels comprise development that does not require development plan consent, refer Schedule 1
PLANNING ANALYSIS:

I have assessed the development proposal against the relevant provisions of The Barossa Council Development Plan as consolidated on 5 September 2019 and believe the application is one which is suitable for the site and the locality.

The Development Plan:

Responses to the key Objectives and Principles of Development Control are provided in indented Italics. The Statement does not contain all of the relevant provisions of the Development Plan. For brevity provisions which pertain to the non-complying triggers and that of the landscape management are distilled into key planning matters addressed below:

Relevant Objectives pertain to the creation and retention of safe, pleasant and convenient development, and the preservation of the amenity of localities by not impairing the appearance of land, buildings and objects.

The site is located within a part of the Primary Production Zone that is well developed for "semi-rural" living use. The proposed dwelling within this context will be appropriate and not detrimental to the amenity of the locality.

I also note that the subject land and adjacent land is generally used for primary production purposes and accordingly a semi-rural living whilst farming the land use, in principle, is appropriate for the site. I am also aware that the Desired Character Statement for the Primary Production Zone seeks the following:

PRIMARY PRODUCTION ZONE- DESIRED CHARACTER
There are pockets of the zone where steep slopes and stands of native vegetation are more predominant, such as the upland areas of the Barossa Ranges. Development will recognise the limitations imposed by such characteristics and prevent the further erosion of soils, or removal of native vegetation. It is expected that development will be carefully designed and located to complement the open landscape character.

Clearly, the subject site is located in an area where native vegetation is less predominant, and the removal of native vegetation in this instance is not required to facilitate the Primary Production value of the site. The provision of a dwelling which sits in harmony with the sparse remnant vegetation is appropriate and will not detract from the desired character of the Primary Production Zone (while also not reducing the primary production capacity of the zone more generally).

Additionally, the proposed dwelling is located well back from Rhine Park Road, and is situated so as to take advantage of the northerly aspect of the site to further increase the solar gain in winter months.

In my opinion the proposed development will result in a dwelling that preserves the main characteristics that have contributed to the locality. Likewise, planning merit is displayed by the position, orientation and design of the building with respect to its scale and built form noting the characteristics of the locality.

A series of Development Plan provisions seek outcomes that ensure the amenity of localities is not impaired.
The locality is typified by the following characteristics:

(a) the land in all directions providing a natural and visually pleasing vista;
(b) a range of land uses including viticulture, grazing and/or cropping; and
(c) a very low density of dwellings with outbuilding dispersed throughout the locality.

The proposed development adheres to and in many respects repeats the above characteristics. Additionally, the schedule of colours and materials further complement the locality.

In relation to the set back of the dwelling from all boundaries, the dwelling will be positioned to utilise the existing driveway and shed and be set well back from Rhine Park Road. The dwelling will not be highly visible from the adjoining allotments.

I am of the opinion that the dwelling will preserve the amenity of the locality and will not dominate the landscape or contributory elements within the locality.

RESIDENTIAL DEVELOPMENT – CAR PARKING AND ACCESS

Development Plan provisions pertain to the adequacy of car parking, the provision of safe and convenient access, the supply of car parking to satisfy anticipated needs, at least three car parks per three bedroom dwelling and the maintenance of the natural vista.

The existing shed can accommodate greater than two cars. The driveway and generous land ensures car parking and access is appropriate while the retention of the existing driveway and re-use of the entry point negates the removal of roadside vegetation. It is also the case that the driveway areas have been designed to accommodate the access and manoeuvrability requirements set by the CFS including overtaking areas.

GENERAL SECTION – NATURAL RESOURCES:

The Development Plan seeks the maximised use of stormwater and minimising the concentration of stormwater discharge from sites.

Provision has been made for significant water storage. This is likely to enable concentrated stormwater flows from the site to be avoided and erosion mitigated, while opportunities for re-use will be substantial. Excess stormwater which is beyond the significant capacity of onsite stormwater detention tanks will be discharged onto the ground through spreaders and it is envisaged that no negative impact will result due to stormwater run-off.

The desire to retain, maintain and nurture the land will ensure the sustainable use of water and protect the ecological system. I also note that the building work creates minimal changes to the land form, ensuring the integrity of the site is upheld.

Furthermore, I am of the opinion that the management of stormwater in association with the dwelling will provide a preferred outcome as compared to the current informal arrangements onsite.

PRIMARY PRODUCTION ZONE – VISIBILITY OF THE PROPOSAL:

The Development Plan specifically seeks that buildings are sited to be visually unobtrusive from public roads and adjacent land, specifically with the following:
PDC 5 Buildings should primarily be limited to farm buildings, a detached dwelling associated with primary production on the allotment and residential outbuildings that are:

(a) grouped together on the allotment and set back from allotment boundaries to minimise the visual impact of buildings on the landscape as viewed from public roads
(b) screened from public roads and adjacent land by existing vegetation or landscaped buffers.

As previously noted, the proposed dwelling is setback a substantial distance from the road and other dwellings, with remnant vegetation to remain as a natural backdrop for the residents.

Additionally, the following provision relates to cut and fill on the site, noting cut or fill exceeding 1.5 metres is a non-complying trigger:

PDC 14 Driveways and access tracks should follow the contours of the land to reduce their visual impact and erosion from water runoff and be surfaced with dark materials. Excavation and/or filling of land should be kept to a minimum to preserve the natural form of the land and native vegetation.

Evidently, the contours of the site run in a north-west to south-east direction. With the applicant seeking to maximise solar gain in the winter months, and minimise solar gain in summer, a north facing dwelling with appropriate eaves has been proposed.

No retaining walls are proposed, with gentle battering of the slopes proposed to maintain a natural transition in the land. Furthermore the generous setbacks of the dwelling and associated cut and fill will make the height of cut and fill difficult to discern from beyond the allotment.

The Development Plan provisions with regard to visibility and cut and fill are in my opinion suitably upheld and the development highly appropriate.

PRIMARY PRODUCTION ZONE – DESIRED CHARACTER STATEMENT
Buildings will be designed to minimise the disturbance to the natural ground levels, utilising design techniques to reduce bulk and massing and be constructed using materials and finishes of a low reflective nature and subdued colour to match those found located within the landscape in order to be inconspicuous in appearance. Buildings will be designed and constructed with environmentally sustainable principles in mind, including passive solar techniques, use of renewable energy and harvesting of stormwater for re-use located within the dwelling and surrounds.

Upon review of the Desired Character Statement for the Primary Production Zone it is evident that an environmentally sustainable dwelling is sought. PDC 13 (provided below) gives additional quantitative criteria relating to sustainable housing:

PDC 13 Detached dwellings should be designed and constructed in the following manner:
(a) have a floor plan design that
(i) locates a day living area incorporating at least one window that faces between 20° east and 30° west of true north
(ii) is appropriately zoned so that doors are placed between living areas and other rooms and corridors
(b) have a total window area facing east and west that does not exceed 50 per cent of the total window area of the dwelling
(c) provide external shading to west facing windows in the form of either eaves or awnings of at least 450 millimetres in width
(d) provide external shading to north facing windows that allows winter sun to penetrate, but provides shade in summer
(e) have a roof layout that incorporates an area of at least 10 square metres that faces 30° west and 20° east of true north and has a roof pitch of at least 18°
(f) collects, stores and re-uses roof stormwater within and about the dwelling, provided water storage requirements for fire protection purposes are not compromised.
The floor plan is highly consistent with PDC 13 with the main open plan kitchen, living room and dining room and bedroom 1 having significant north facing windows\(^4\) while double glazing is specified for all window\(^5\). The lightweight cladding will allow the dwelling to cool rapidly externally and avoid storing the days heat during the cooler evenings in the summer months.

I also note that two additional 22500 litre water storage tanks are proposed, while the site currently one 22500 litre tank on site which are serviced by an existing outbuilding. Such storage is also consistent with the Development Plan.

I am also aware that the following non-complying triggers are pertinent to the application:

(xi) external eaves or awnings of a minimum 450 millimetres in width is provided to west facing windows,
(xii) roof incorporates an area of at least 10 m² that faces between 30° west and 20° east of true north and has a pitch of greater than 18°.

Turning to the non-complying trigger, while the non-complying wall of height of 3 metres from finished ground level is breached, the skillion roof (and subsequent wall heights exceeding 3 metres) will enable the main living areas to be orientated north, enabling further high-level glazing to be provided to assist in passive solar gain. It is also noteworthy that the wall height at the highest point is well under the 5 metres height “allowable” for a gable end.

Clearly the wall height departure does not result in a building of excess scale or inappropriate proportion while the solar orientation is highly appropriate.

Noting the height between the eave (or verge in this instance), a 450 mm verge to the west facing wall would not provide shade from the western sun. I also note that the sun will fall on only the walk-in robe and ensuite windows which are west facing.

The impact of the western sun is somewhat minimised by placing only two small windows on the western wall, each of which service non-habitable rooms, while the windows pertaining to bedroom 2 (which has a west facing external wall) is oriented to the south. In my opinion the lack of 450 mm eave or verge does not diminish the planning merit of the proposed development.

With regard to the west facing windows, of which the proposed dwelling has two, each is 2100 mm high and 600 mm in width. In this regard, the dwelling includes a total of 37.68 m² of glazing, with only 2.52 m² of glazing facing west\(^6\) and only 6.3 m² of glazing facing east. Of the remaining surfaces the southern boundary includes 3.66 m² of glazing while the northern façade totals 20.16 m² of glazing. Consequently, the provision of 54% of all glazing facing north inclusive of double glazing to all windows\(^7\), is on my opinion highly appropriate.

I assume the above non-complying trigger was included to ensure PV panels are effectively placed. While an area of 10 m² or greater would enable as few as six solar panels to be located on the roof\(^8\), this is vastly insufficient to power an off-grid house, such as the proposed development. Likewise, to “manipulate the roof” of the current proposal would preclude the skillion roof form that seeks to maximise access to valuable northern light.

Rather than amend the roof design to accommodate as little as 6 solar panels, the applicant seeks to utilise the existing roof of the adjacent farm building (labelled existing shed on Sheet 2/6) while also providing

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4 The windows pertaining to the open plan living space face 20 degrees east, and therefore are considered north facing.
5 Excluding the louvre windows
6 Excluding the dining room windows which are shaded by Bed 1
7 Excluding the louvre windows
8 A 300w Jinko Black solar panel measures 1.63 m² each.
ground mounted racks for solar panels. The proposed 13 kw solar storage system comprises the following:

- two rows of ground mounted solar panels, with each row comprising 10 x 330 watt panels;
- an overall of 20 ground mounted panels on a frame measuring 10 metres by 3.3 metres;
- panels to face north with a 35 degree tilt;
- the panels are to be mounted approximately in line with the existing shed (250 metres from Rhine Park Road) and 14 metres to the west of he shed;
- a further 20 panels are to be mounted on the existing shed roof;
- connection to two 13.8 kwh lithium batteries to provide 27.6 kwh of storage.

Clearly the roof area departure does not diminish the planning merit of the proposed development with significant PV solar panels and on-site storage proposed, with an amended site plan including the location of the panels and associated frame structure, with the following provisions upheld by the proposal:

**GENERAL SECTION – ENERGY EFFICIENCY**

**Objective 1** Development designed and sited to conserve energy, and minimise waste.

**Objective 2** Development that provides for on-site power generation including photovoltaic cells and wind power

**PDC 1** Development should provide for efficient solar access to buildings and open space all year around.

**PDC 2** Buildings should be sited and designed:

- (a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings
- (b) so that open spaces associated with the main activity areas face north for exposure to winter sun.

**PDC 3** Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:

- (a) taking into account overshadowing from neighbouring buildings
- (b) designing roof orientation and pitches to maximise exposure to direct sunlight.

**CHARACTER PRESERVATION DISTRICT OVERLAY**

I note the following key objectives and principles within the Character Preservation District:

**Objective 1** A district where:

- (a) scenic and rural landscapes are highly valued, retained and protected
- (b) development near entrances to towns and settlements does not diminish the rural setting, character and heritage values associated with those towns and settlements
- (c) the long term use of land for primary production and associated value adding enterprises is assured and promoted
- (d) activities positively contribute to tourism
- (e) the heritage attributes of the district are preserved
- (f) buildings and structures complement the landscape.

**Objective 2** Residential development is located inside townships, settlements and rural living areas.

**Objective 3** No expansion of rural living and settlement zones outside township areas.

**PDC 1** Development should be consistent with the Objectives for the district.

> While the inclusion of an additional dwelling is not expressly sought within the Character Preservation the intent for the protection of highly valued scenic routes and the retention of the rural character is preserved. Therefore a dwelling on the site is highly appropriate. Meanwhile no heritage is offended with the proposed dwelling being highly appropriate for the landscape and the environment.

> Additionally, the provision of accommodation on site is likely to result in better land management practices, which again will advance the intent of the Character Preservation District.

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9 The roof mounted solar panels comprise development that does not require development plan consent, refer Schedule 1
**GENERAL SECTION – NATURAL RESOURCES (BIODIVERSITY AND NATIVE VEGETATION):**

Supplementary to the above, PDC 26 to 34 of General Section (Natural Resources) addresses the policy intent of the Development Plan to conserve native vegetation and contribute to the re-vegetation of cleared land.

**PDC 26** Development should retain existing areas of native vegetation and where possible contribute to revegetation using locally indigenous plant species.

**PDC 27** Development should be designed and sited to minimise the loss and disturbance of native flora and fauna.

**PDC 28** The provision of services, including power, water, effluent and waste disposal, access roads and tracks should be sited on areas already cleared of native vegetation.

**PDC 29** Native vegetation should be conserved and its conservation value and function not compromised by development if the native vegetation does any of the following:
(a) provides an important habitat for wildlife or shade and shelter for livestock
(b) has a high plant species diversity or includes rare, vulnerable or endangered plant species or plant associations and communities
(c) provides an important seed bank for locally indigenous vegetation
(d) has high amenity value and/or significantly contributes to the landscape quality of an area, including the screening of buildings and unsightly views
(e) has high value as a remnant of vegetation associations characteristic of a district or region prior to extensive clearance for agriculture

**PDC 30** Native vegetation should not be cleared if such clearing is likely to lead to, cause or exacerbate any of the following:
(a) erosion or sediment within water catchments
(b) decreased soil stability
(c) soil or land slip
(d) deterioration in the quality of water in a watercourse or surface water runoff
(e) a local or regional salinity problem
(f) the occurrence or intensity of local or regional flooding.

**PDC 31** Development that proposes the clearance of native vegetation should address or consider the implications that removing the native vegetation will have on the following:
(a) provision for linkages and wildlife corridors between significant areas of native vegetation
(b) erosion along watercourses and the filtering of suspended solids and nutrients from runoff
(c) the amenity of the locality
(d) bushfire safety
(e) the net loss of native vegetation and other biodiversity.

**PDC 32** Where native vegetation is to be removed, it should be replaced in a suitable location on the site with locally indigenous vegetation to ensure that there is not a net loss of native vegetation and biodiversity.

**PDC 33** Development should be located and occur in a manner which:
(a) does not increase the potential for, or result in, the spread of pest plants, or the spread of any non-indigenous plants into areas of native vegetation or a conservation zone
(b) avoids the degradation of remnant native vegetation by any other means including as a result of spray drift, compaction of soil, modification of surface water flows, pollution to groundwater or surface water or change to groundwater levels
(c) incorporates a separation distance and/or buffer area to protect wildlife habitats and other features of nature conservation significance.

**PDC 34** Development should promote the long-term conservation of vegetation by:
(a) avoiding substantial structures, excavations, and filling of land in close proximity to the trunk of trees and beneath their canopies
(b) minimising impervious surfaces beneath the canopies of trees
(c) taking other effective and reasonable precautions to protect both vegetation and the integrity of structures and essential services.

*In this regard, the location of the dwelling has been selected balancing the requirement of being obscured from view from a public road or adjoining land, minimising the amount of cut and fill required and retaining the primary production value of the site.*
The waste control system is located in an area which will not require the clearing of mature trees, while the driveway carefully negotiates the site.

GENERAL SECTION – HAZARD (BUSHFIRE PROTECTION):

Given the appropriate driveway, CFS turn-around area and passing spaces, the sparse vegetation and public road access, along with 67500 litres of water for firefighting purposes, it is anticipated that the mitigation of bushfire hazard has been achieved by the proposal.

ASSESSMENT OF EFFECTS:

The following is provided as a comment on the broader effects of the proposed dwelling and ancillary works.

ENVIRONMENTAL EFFECT:

The subject land is located within the Primary Production Zone. The zone from an environmental perspective desires development that will protect the scenic qualities of the rural landscape. The proposed dwelling substantially maintains the existing natural landform of the subject land, and demonstrates a highly appropriate approach to maintaining the character of the locality.

With respect to water supply significant water storage capacity will be provided on site (67500 litres), and the re-use of this water accords with sustainability principles, meanwhile the on-site wastewater treatment will ensure no negative impacts result. In relation to power, all power will be generated and stored on-site via photovoltaic panels.

The main living spaces of the dwelling are largely oriented towards the north with generous eave overhangs where appropriate. Glazing is minimised on the east and west facing windows to minimise heat gain from early morning and afternoon sun when horizontal eaves are ineffective.

Overall, a positive environmental impact is envisaged.

SOCIAL EFFECT:

The proposed dwelling will provide for a type of housing desired by the applicant. In relation to the appearance of the land from adjoining properties and roads, the building and associated development is well setback and will be difficult to discern due to the generous boundary setbacks, the remnant native vegetation to the roadside and property boundary, and the consistent grouping of dwellings amongst “farm land”.

ECONOMIC EFFECT:

No significant economic impacts are anticipated, save for the short term employment benefits associated with the construction of the development and the small economic gain of additional residents residing within the region.

CONCLUSION:

Although constituting a non-complying kind of development, the proposal, in my opinion, displays significant conformity with the provisions of the Development Plan to warrant a decision to grant Development Plan consent, subject to the concurrence of the State Commission Assessment Panel.
I am of the opinion that the development is appropriate for a range of reasons including:

- the building design best manages the slope of the land by appropriately balancing the cut and fill of the site and the desire to maximize the northerly orientation of the site;
- the dwelling and visual impact from public roads and land will be generally minimal;
- all water and power requirements will be provided “on site”;
- no retaining walls are sought;
- the dwelling will sit comfortably in its location on the allotment;
- no vegetation will require clearance;
- the intent of the Character Preservation District is upheld;
- the Primary Production Zone provisions are preserved, or likely to be addressed; and
- the proposal dwelling responds appropriately to the desire for environmentally sustainable practices to be upheld in the Primary Production Zone.

Having considered the proposal it is evident that the non-complying trigger does not create a “domino effect” whereby other departures from the Development Plan are created. Rather, this assessment of the proposed development against the “package” of relevant provisions confirms that substantial planning merit exists.

On the merits of the proposal, I am of the opinion that Development Plan consent is warranted subject to the concurrence of the State Commission Assessment Panel.
APPENDIX 1: LOCALITY
APPENDIX 2: SOLAR FRAME DETAILS

Notes:
Two rows of racks each with 10 panels
Spacing of leg trusses to be confirmed at BRC stage
Dimensions in millimetres
NTS
**Overall Site Plan**

**Driedale 3E (Modified)**

- **Requested:** New Dwelling (Situs)
- **At:** Lot 1 Rhine Park Road, Eden Valley
- **Owner:** A. & G. Clasohm

**Areas:**
- **Living:** 130.48
- **Porch:** 7.36
- **Deck:** 3.94
- **Total:** 182.82

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**NOTE:**

- **Exact Location of Dwelling to be Pegged by Owner**
- Access incorporates an all-weather area capable of supporting the fighting vehicles with a gross mass (GMU) of 21 tonnes.
- Owner to ensure access track constructed away from hazardous vegetation such as overhanging limbs & continuous cover of thicker vegetation.
Floor Plan

Now Dwelling (Site Built)
Lot 1 Rhine Park Road
Eden Valley

FOR:
A. & G. Clasohm

DESIGN
Drysdale 3E (Modified)
Figured dimensions shall take preference over scaled drawings. Verify dimensions and levels before commencement. The design and details hereon remains the property of, and may not be used or copied in part or whole without written consent of Sarah Homes.

AREAS:

- LIVING 136.48

- PORCH 9.00

- GARAGE 44.18

TOTAL 199.66

BUSHFIRE NOTES:
- Provide Fire Rated roof capping to roof
- Provide aluminium mesh screens to windows
- Provide non-combustible base infill with stainless steel wired vents @ 1.2m. centres
- Owner to provide stainless steel door screens to all external sliding & swing doors
- Provide draft seals to all external swing doors
- Owner to provide non-combustible marble panel to base of wall cladding with all gaps sealed

OWNER

LONGRIDGE GROUP PTY LTD
158 Railway Terrace, Mile End SA 5031
tel (08) 8361 8333 | fax (08) 8361 8392
www.sarahhomes.com.au

DRAWN

MJ

SARAH

SCALE 1:100

DATE

25/07/19

CHANGED

R

68
Section A

Drysdale 3E (Modified)

Figured dimensions shall take preference over scaled drawings. Verify dimensions and levels before commencement.

The design and details herein remains the property of, and may not be used or copied in part or whole without written consent of Sarah Homes.

AREAS : M²

PROPOSED: New Dwelling (Site Built)

AT: Lot 1 Rhine Park Road
Eden Valley

FOR: A. & G. Clasohm

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Electrical Plan

Drysdale 3E (Modified)

DESIGN: Longridge Group Pty Ltd

A & G. Clasohm

Areas (Site Built):
- Now Dwelling: 136.48 M²
- Lot 1 Rhine Park Road, Eden Valley:
  - Living: 136.48 M²
  - Bedroom 1: 15.52 M²
  - Bedroom 2: 15.52 M²
  - Bedroom 3: 15.52 M²
  - Alfresco: 18.26 M²
  - Dine: 13.94 M²
  - Kit: 14.18 M²
  - Porch: 18.26 M²
  - Living: 18.26 M²
  - TOTAL: 180.26 M²

Copyright: Reserved

 owner: A. & G. Clasohm

Builder: G. Clasohm

Date: 3 March 2020

Notes:
- Provision made for 2-4 TV points to Home.
- Garage: 0.87 M²
- Storage: 0.87 M²

Electrical Legend:
- Single GPO
- Double GPO
- Television Point
- Exhaust Fan
- Fluoro Light
- Light Point
- LED Down Light
- Wall Mounted Light
- External Flood Light
- Heat/Light/Fan Unit
- Telephone Point
- Note: Client to arrange with Telstra

Note: Smoke detectors to be interconnected

All smoke detectors to be hardwired to consumer mains with battery backup installed in accordance with AS3786 1993.
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<th>Species</th>
<th>Common Name</th>
<th>Form</th>
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<tbody>
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<td>1</td>
<td>Eucalyptus odorata</td>
<td>Peppermint Box</td>
<td>Tree</td>
<td>7-15 m</td>
<td>Plants 1, 2 and 3 at 12 meters</td>
</tr>
<tr>
<td>2</td>
<td>Eucalyptus leucoxylon</td>
<td>Southern Blue Gum</td>
<td>Tree</td>
<td>6-30 m</td>
<td>Plants 4, 5 &amp; 6 at 5 meters</td>
</tr>
<tr>
<td>3</td>
<td>Eucalyptus camaldulensis</td>
<td>River Red Gum</td>
<td>Tree</td>
<td>10-30 m</td>
<td></td>
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<tr>
<td>4</td>
<td>Acacia acinacea</td>
<td>Gold-Dust Wattle</td>
<td>Shrub</td>
<td>1.5 m</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Acacia verticulata</td>
<td>Prickly Moses</td>
<td>Shrub</td>
<td>1.4 m</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Acacia pycantha</td>
<td>Golden Wattle</td>
<td>Shrub</td>
<td>3-8 m</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
* All plants supplied as tube stock
* Plants to be supplied by Trees for Life (or local nursery)
* Plants to be ordered prior to planting season
* Plants to be planted in Spring unless specified otherwise by nursery
* Supplementary watering to occur at planting and for first 12 months as required
* Tree Guards to be provided as required

Lot 1 Rhine Park Road Eden Valley
Landscape/Wind Buffer Planting Schedule
Sarah Homes Building & Colour Schedule

Owner: Gary & Andrea CLASOHM  
Site Address: Lot 1 Rhine Park Road EDEN VALLEY

Contract No: 4910CLW  

**EXTERNAL COLOURS AND SELECTIONS:**

<table>
<thead>
<tr>
<th>Type</th>
<th>Finish</th>
<th>Colour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roof</td>
<td>True Oak – Deep</td>
<td>Colorbond</td>
</tr>
<tr>
<td>Barge Capping</td>
<td>Pressed metal</td>
<td>Colorbond</td>
</tr>
<tr>
<td>Fascias</td>
<td>Pressed metal</td>
<td>Colorbond</td>
</tr>
<tr>
<td>Gutters</td>
<td>Rolled Steel OG</td>
<td>Colorbond</td>
</tr>
<tr>
<td>Downpipes</td>
<td>75mm Round PVC</td>
<td>2 coats Duraguard Low Sheen</td>
</tr>
<tr>
<td>Wall Cladding &amp; Gables</td>
<td>Scyon Axon 133</td>
<td>2 coats Duraguard Low Sheen</td>
</tr>
<tr>
<td></td>
<td>True Oak – Mid</td>
<td>Colorbond</td>
</tr>
<tr>
<td>Baseboards</td>
<td>Scyon Axon 133</td>
<td>2 coats Duraguard Low Sheen</td>
</tr>
<tr>
<td></td>
<td>True Oak – Mid</td>
<td>Colorbond</td>
</tr>
<tr>
<td>Eaves</td>
<td>Hardiflex</td>
<td>2 coats acrylic</td>
</tr>
<tr>
<td>Verandah Lining</td>
<td>Raked Hardiflex with Cover Molds to Joints</td>
<td>2 coats acrylic</td>
</tr>
<tr>
<td>Decks</td>
<td>Hardwood (Kapur)</td>
<td>Oiled</td>
</tr>
<tr>
<td>Steps</td>
<td>BY OWNER</td>
<td>BY OWNER</td>
</tr>
<tr>
<td>Posts</td>
<td>LOSP Timber</td>
<td>2 coats Duraguard Low Sheen</td>
</tr>
<tr>
<td>Laundry Door</td>
<td>Duracoat Tempered Hardboard Type: ½ Glass as per plans</td>
<td>2 coats Duraguard Low Sheen</td>
</tr>
<tr>
<td>Rainwater Tank</td>
<td>By Owner</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>Sisalation to Roof</td>
<td></td>
</tr>
</tbody>
</table>

Please note: We only recommend selected Solver External Colours and other manufactures paint may require a specific undercoat or more than 2 coats for opacity & is not included in contract price or variations (Excluding Hebel).

<table>
<thead>
<tr>
<th>Windows &amp; Sliding Doors:</th>
<th>Colour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sliding Doors</td>
<td>Aluminium sliding as per plan</td>
</tr>
<tr>
<td>Windows</td>
<td>Aluminium as per plan</td>
</tr>
<tr>
<td>Kitchen Window</td>
<td>Boutique Aluminium Frame as per plan</td>
</tr>
<tr>
<td>Wire Screens (window only)</td>
<td>Aluminium Frame to all windows</td>
</tr>
<tr>
<td>Louvre Windows</td>
<td>Aluminium Frame</td>
</tr>
</tbody>
</table>
PV-ezRack SolarTerrace III-A
Installation Guide V1.1

CONTENT

1. Introduction ..................................................................................................................... 2
2. Tools & Components ....................................................................................................... 3
3. Installation Guide .......................................................................................................... 10
4. Service ........................................................................................................................... 12
1 Introduction

Clenergy PV-ezRack® SolarTerrace III-A™ is a pre-assembled ground mount system suitable for large scale commercial and utility scale installations. PV-ezRack SolarTerrace III-A has been developed to fit any PV module. The innovative and patented SolarTerrace III-A T-Rails simplify and improve the accuracy of the installation. Using high quality engineered components SolarTerrace III-A saves developers and installers, time and money when delivering large scale projects.

Please review this manual thoroughly before installing your SolarTerrace III-A system. This manual provides (1) supporting documentation for building permit applications relating to PV-ezRack SolarTerrace III-A Mounting system, and (2) planning and installation instructions for SolarTerrace III.

SolarTerrace III-A parts, when installed in accordance with this guide, will be structurally adequate and will meet the AS/NZS 1170.2:2011 Amdt. 3-2012 standard. During installation and especially when working on the ground, you will need to comply with the appropriate occupational health and safety regulations. Please also check other regulations relevant to your local region. Make sure that you are using the latest version of the installation instruction guide, which you can do by contacting Clenergy by email on sales@clenergy.com.au, or contacting your local distributor.

The installer is solely responsible for:

- Complying with all applicable local or national building codes, including any that may supersede this manual;
- Ensuring that ezRack and other products are appropriate for the particular installation and the installation environment;
- Using only ezRack parts and installer-supplied parts as specified by ezRack (substitution of parts may void the warranty and invalidate the letter of certification on page 2);
- Ensuring that the ground condition are suitable;
- How to recycle: according to the local relative statute.
- How to disassemble: reverse installation process.
- Ensure that there are no less than two professionals working on the panel installation.
- Ensure the installation of the electrical equipment is performed by a professional and accredited electrician.
- Ensuring safe installation of all electrical aspects of the PV array.
2 Tools & Components

2.1 Installation Tools

<table>
<thead>
<tr>
<th>Allen Key 6mm (M8 Hexagon Socket Screw)</th>
<th>Electric Drill (ST4.8x16 self-tapping screw &amp; M8 Hexagon Socket Screw)</th>
<th>Measuring Tape</th>
<th>Marker Pen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Torque Wrench</td>
<td>String</td>
<td>Wrench</td>
<td></td>
</tr>
</tbody>
</table>

2.2 Components List

<table>
<thead>
<tr>
<th>PV ezRack STIII-A</th>
</tr>
</thead>
<tbody>
<tr>
<td>End Clamp</td>
</tr>
<tr>
<td>S-Anchor Plate</td>
</tr>
</tbody>
</table>
2.3 System Overview

1) End Clamp
2) Inter Clamp U18
3) T Rail Splice
4) Rail Clamp
5) T Rail 110*4200
6) T Rail 110
7) Truss support
8) Angle Al Support

(Optional)

2.4 System Layout
2.5 Installation Spacing

### STIII-A – Spacing

<table>
<thead>
<tr>
<th>Wind Zone</th>
<th>Region A, 30º tilt</th>
<th>Region B, 30º tilt</th>
<th>Region C, 20º tilt</th>
<th>Region D, 20º tilt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wind Speed (m/s)</td>
<td>43</td>
<td>52</td>
<td>64</td>
<td>80</td>
</tr>
<tr>
<td>Leg Spacing (m)</td>
<td>2.80</td>
<td>2.35</td>
<td>2.45</td>
<td>1.55</td>
</tr>
</tbody>
</table>

### STIII-A – Concrete Footing Options (All dimensions are in meters)

<table>
<thead>
<tr>
<th></th>
<th>Region A, 30º tilt</th>
<th>Region B, 30º tilt</th>
<th>Region C, 20º tilt</th>
<th>Region D, 20º tilt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continuous Paving Slab, L x T</td>
<td>2.00 x 0.15</td>
<td>2.20 x 0.20</td>
<td>2.10 x 0.15</td>
<td>2.60 x 0.20</td>
</tr>
<tr>
<td>Continuous Strip Footing, W x D</td>
<td>0.50 x 0.50</td>
<td>0.60 x 0.60</td>
<td>0.50 x 0.50</td>
<td>0.70 x 0.60</td>
</tr>
<tr>
<td>Individual Pad Footing, B x C x X</td>
<td>0.90 x 0.90 x 0.80</td>
<td>1.00 x 0.100 x 0.80</td>
<td>0.90 x 0.90 x 0.80</td>
<td>0.90 x 0.90 x 0.80</td>
</tr>
<tr>
<td>Transverse Strip Footing, L x A x D</td>
<td>2.00 x 0.70 x 0.60</td>
<td>2.00 x 0.80 x 0.70</td>
<td>2.00 x 0.70 x 0.60</td>
<td>2.00 x 0.70 x 0.60</td>
</tr>
</tbody>
</table>

Notes:
* Footing options based on firm class soils, ultimate bearing capacity 150kPa minimum
* Clearance panel above ground calculated 0.80m.
* Concrete grade: N32 minimum (site specific)
3. Installation Guide

Tilt angle: 30 degree
Clearance is 472mm
Panel size 1650x990x50mm as an example of the installation
There are two installation solutions according to the length of the support legs.

3.1 Install Pre-assembled Support

3.1.1 Solution 1

Step 1:
Unfold pre-assembled support as shown in Figure 2;

Step 2:
Fasten the M12*100 bolts from Al Tube and H Joint first, then rotate L anchor plate and S anchor plate in order to keep them in a same line, as shown as Figure 5.

Recommended Torque:
M8: 18~20N m
M12: 55~60N m
**Solution 2:**

**Step 1:**
Unfold pre-assembled support as shown in Figure 2;

**Step 2:**
Fasten the M12*100 bolts from Al Tube and H Joint first, then rotate L anchor plate and S anchor plate in order to keep them in a same line, as shown as Figure 5.

Recommended Torque:
M8: 18~20N m
M12: 55~60N•m

NOTE: The screw heads have to keep in a same direction
3.1.2 Connect the Pre-assembled Support and Concrete Base by using Foundation Bolts (M16x240) 
Recommended Torque: 
M16: 145~150 N\(\text{m}\)

3.1.3 Check the system and fasten the rest of bolts.
Recommended Torque: 
M8: 18~20 N\(\text{m}\) 
M12: 55~60 N\(\text{m}\)

3.1.4 According to the planning, repeat the above operation. Note that all the Tri-Groove Beam must be in the same line.
## 3.2 Install the T Rail

### 3.2.1
Mark the locations for Rail on Tri-groove beam according to Planning layout. (The dimensions shown on the right is based on an example of panel size)

### 3.2.2
Before installing the T rails to the Tri-groove beam, make sure the rail is long enough, otherwise connect the T rails using T rail splice.

It is recommended to connect the rails before installing them on the Tri-groove Beam

### 3.2.3
Before installing the T rails, mark the position of the rails on the beam
3.2.4
Mark the panel array perimeter and attach T rail to Tri-groove beam with one T rail clamp on each side.

Recommended Torque: M8: 18–20Nm

3.2.5
Install the other rails. Note: The end of the rails must line up.
### 3.3 Install Angle Al Support (Optional)

1. Insert M8 * 25 T-head bolt in the slot on the angle Al and rotate the bolt slightly.

2. Place the T-head bolt in the planned position of the Slotted Al-Tube

3. Fasten the T-bolt

4. Repeat the above operations and install T head bolt in another side of Al tube.

5. The installation is now completed.

**Recommended Torque:**
- M8: 18~20Nm
3.4 Install Panel

3.4.1 Install PV panel by Inter Clamps and End Clamps.

3.4.2 Keep 20mm vertical gap and 20mm horizontal gap between the two rows. Please take Inter Clamp U18 as the gap location.

3.4.3 Now the installation is completed.
4 Service

10 year limited Product Warranty, 5 year limited Finish Warranty

Clenergy co. Ltd warrants to the original purchaser (“Purchaser”) of product(s) that it manufactures (“Product”) at the original installation site that the Product shall be free from defects in material and workmanship for a period of ten (10) years, except for the anodized finish, which finish shall be free from visible peeling, or cracking or chalking under normal atmospheric conditions for a period of five (5) years, from the earlier of 1) the date the installation of the Product is completed, or 2) 30 days after the purchase of the Product by the original Purchaser (“Finish Warranty”).

The Finish Warranty does not apply to any foreign residue deposited on the finish. All installations in corrosive atmospheric conditions are excluded. The Finish Warranty is VOID if the practices specified by AAMA 609 & 610-02 – “Cleaning and Maintenance for Architecturally Finished Aluminum” (www.aamanet.org) are not followed by Purchaser. This Warranty does not cover damage to the Product that occurs during its shipment, storage, or installation.

This Warranty shall be VOID if installation of the Product is not performed in accordance with Clenergy’s written installation instructions, or if the Product has been modified, repaired, or reworked in a manner not previously authorized by Clenergy IN WRITING, or if the Product is installed in an environment for which it was not designed. Clenergy shall not be liable for consequential, contingent or incidental damages arising out of the use of the Product by Purchaser under any circumstances.

If within the specified Warranty periods the Product shall be reasonably proven to be defective, then Clenergy shall repair or replace the defective Product, or any part thereof, in Clenergy’s sole discretion. Such repair or replacement shall completely satisfy and discharge all of Clenergy’s liability with respect to this limited Warranty. Under no circumstances shall Clenergy be liable for special, indirect or consequential damages arising out of or related to use by Purchaser of the Product.

Manufacturers of related items, such as PV modules and flashings, may provide written warranties of their own. Clenergy’s limited Warranty covers only its Product, and not any related items.
THE Honey\textsuperscript{M} FRAMED 60 LAYOUT MODULE

**60 LAYOUT MONOCRystalline Module**

**320-340W**

**POWER OUTPUT RANGE**

**19.9% **

**MAXIMUM EFFICIENCY**

**0~+5W**

**POSITIVE POWER TOLERANCE**

Founded in 1997, Trina Solar is the world’s leading total solutions provider for solar energy. With local presence around the globe, Trina Solar is able to provide exceptional service to each customer in each market and deliver our innovative, reliable products with the backing of Trina as a strong, bankable brand. Trina Solar now distributes its PV products to over 100 countries all over the world. We are committed to building strategic, mutually beneficial collaborations with installers, developers, distributors and other partners in driving smart energy together.

**Comprehensive Products And System Certificates**

IEC61215/IEC61701/IEC61730/IEC61703
ISO 9001: Quality Management System
ISO 14001: Environmental Management System
ISO14064: Greenhouse gases Emissions Verification
OHSAS 18001: Occupation Health and Safety Management System

**High power output**

- Combined with MBB technology, maximum 340W

**Outstanding visual appearance**

- Designed with aesthetics in mind
- Thinner wires that appear all black at a distance

**Half-cell design brings higher efficiency**

- Half-Cell layout (120 monocrystalline) PERC Technology
- Low thermal coefficients for greater energy production at high operating temperature
- Low cell connection power loss due to half-cell layout (120 monocrystalline)

**Highly reliable due to stringent quality control**

- Over 30 in-house tests (UV, TC, HF etc)
- Internal test requirement of Trina more stringent than certification authority
- PID resistant
- 100% EL double inspection

**Certified to withstand the most challenging environmental conditions**

- 2400 Pa negative load
- 5400 Pa positive load
- 2400/2400 is the measured load, and the safety factor is 1.5 times

**LINEAR PERFORMANCE WARRANTY**

- 10 Year Product Warranty · 25 Year Linear Power Warranty
I-V CURVES OF PV MODULE (335W)

<table>
<thead>
<tr>
<th>Current (A)</th>
<th>Voltage (V)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>10</td>
<td>1.0</td>
</tr>
<tr>
<td>20</td>
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<td>30</td>
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<td>40</td>
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<td>100</td>
<td>10.0</td>
</tr>
<tr>
<td>110</td>
<td>11.0</td>
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P-V CURVES OF PV MODULE (335W)

<table>
<thead>
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<th>Voltage (V)</th>
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</thead>
<tbody>
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<td>0</td>
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<tr>
<td>100</td>
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<tr>
<td>200</td>
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</tr>
<tr>
<td>900</td>
<td>90.0</td>
</tr>
<tr>
<td>1000</td>
<td>100.0</td>
</tr>
</tbody>
</table>

ELECTRICAL DATA (STC)

- **Peak Power Watts - Pmax (Wp)**: 320, 325, 330, 335, 340
- **Power Output Tolerance - Pmax (W)**: 0 ~ +5
- **Maximum Power Voltage - VMPP (V)**: 33.4, 33.6, 33.8, 34.0, 34.2
- **Open Circuit Voltage - VOC (V)**: 40.3, 40.4, 40.6, 40.7, 41.1
- **Short Circuit Current - ISC (A)**: 10.20, 10.30, 10.39, 10.48, 10.55
- **Module Efficiency - % (**)**: 18.8, 19.1, 19.4, 19.7, 19.9

STC: Irradiance 1000W/m², Cell Temperature 25°C, Air Mass AM1.5.
*Measuring tolerance: ±3%.

ELECTRICAL DATA (NMOT)

- **Maximum Power - Pmax (Wp)**: 241, 245, 249, 253, 256
- **Maximum Power Voltage - VMPP (V)**: 31.1, 31.3, 31.5, 31.7, 32.0
- **Maximum Power Current - IMPP (A)**: 7.75, 7.84, 7.90, 7.96, 8.02
- **Open Circuit Voltage - VOC (V)**: 38.0, 38.1, 38.2, 38.3, 38.7
- **Short Circuit Current - ISC (A)**: 8.23, 8.31, 8.38, 8.45, 8.50

NMOT: Irradiance at 900W/m², Ambient Temperature 20°C, Wind Speed 1m/s.

MECHANICAL DATA

- **Solar Cells**: Monocrystalline
- **Cell Orientation**: 120 cells (6 x 20)
- **Module Dimensions**: 1698 x 1004 x 35 mm (66.85 x 39.53 x 1.38 inches)
- **Weight**: 18.7kg (41.2lb)
- **Glass**: 3.2mm (0.13 inches), High Transmission, AR Coated Tempered Glass
- **Encapsulant Material**: EVA
- **Backsheet**: White (.08) / Black (.05)
- **Frame**: 35 mm (1.38 inches) Anodized Aluminium Alloy
- **Cables**: Photovoltaic Technology Cable 4.0mm² (0.006 inches²), Portrait: N 140mm/P 285mm, Landscape: N 1200 mm/P 1200 mm (47.24/47.24 inches)
- **Connector**: MC4 / TS4

TEMPERATURE RATINGS

- **NMOT (Nominal Module Operating Temperature)**: 41°C (±3°C)
- **Temperature Coefficient of Pmax**: -0.37%/°C
- **Temperature Coefficient of VOC**: -0.29%/°C
- **Temperature Coefficient of ISC**: 0.05%/°C

(Do NOT connect Fuse in Combiner Box with two or more strings in parallel connection)

MAXIMUM RATINGS

- **Operational Temperature**: -40°C to +85°C
- **Maximum System Voltage**: 1000V DC (IEC), 1000V DC (UL)
- **Max Series Fuse Rating**: 20A

WARRANTY

- **10 year Product Workmanship Warranty**
- **25 year Linear Power Warranty**

(10 year Product Workmanship Warranty: 25 year Linear Power Warranty)

CAUTION: READ SAFETY AND INSTALLATION INSTRUCTIONS BEFORE USING THE PRODUCT.

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Version number: TSM_EN_2019_A

www.trinasolar.com
6.1 Attachment 2
| **STATEMENT OF REPRESENTATION**  
| **Pursuant to Section 38 of the Development Act 1993**  

**TO**  
Chief Executive Officer  
The Barossa Council  
PO Box 867  
NURIOOTPA SA 5355  
**EMAIL**  
development@barossa.sa.gov.au

---

| **DEVELOPMENT No.** | 960/587/2019  
| **Name of Person(s) making Representation** | WAYNE x DEB JUDD  
| **Address** | POSTAL:  
| | 249 RHINE PARK RD. EDEN VALLEY  
| | RESIDENTIAL:  
| | AS ABOVE  
| **Email Address** | c5ks+eelfabrication@live.com.au  
| **Phone Number** | 0414 570 961  
| **Nature of Interest Affected by Development** | Adjoining Resident  
| (eg adjoining resident, landowner nearby, on behalf of organization or company) |  
| **Reasons for Representation** | See Attached Letter x Photo's  

---

| **My Representation would be Overcome by** (state action sought) | See Attached Letter  

---

You must indicate below if you wish to be heard by Council’s Barossa Assessment Panel in respect to your representation:  
| **I WISH TO BE HEARD IN RESPECT TO THIS REPRESENTATION** | YES  
| **I WILL BE REPRESENTED BY** (if applicable): |  

---

**SIGNED**  

---

**DATED**  
27/1/20

---

Agenda - Barossa Assessment Panel - 3 March 2020
27 January 2020

The Barossa Council
Attention: Mr Martin McCarthy – Chief Executive Officer
PO Box 867
NURIOOTPA SA 5355

By email – development@barossa.sa.gov.au

Dear McCarthy

Statement of Representation
Development No: 960/587/2019
Allotment 1 Rhine Park Road, EDEN VALLEY

I write in reply to the letter received providing notice of the application for a Category 3 development lodged by Longridge Group on behalf of the owner Mr Gary & Ms Andrea Clasohm at Allotment 1 Rhine Park Road, Eden Valley – Development Application number 960/587/2019.

My wife and I own and live on the adjoining land at 249 Rhine Park Road and believe that we will be directly affected by the proposed development, and we wish to express our opposition to the proposed development in the location proposed.

We have read and considered the Statement of Effect prepared on behalf of the applicant and the supporting plans and details. We are of the view that there are a number of misleading statements in the application, together with insufficient plans and documentation that do not adequately illustrate sufficient compliance with the most relevant provisions of The Barossa Council Development Plan.

We are not opposed to a dwelling being constructed on the subject land, however we have concerns in relation to the proposed siting of the dwelling, both in terms of its impact on the general amenity and the Barossa Valley Character Preservation District, and the direct impact on our privacy and amenity that we currently enjoy from our dwelling and surrounds.

It is evident to us that the author of the Statement of Effect has
not viewed the subject land, nor (to our knowledge) have they been provided with the appropriate documentation to draw their stated conclusions, as the plans provided only provide a ‘snapshot’ of the property and do not illustrate the actual lay of the land. We also suggest that there is insufficient information provided to enable the planning authority to make an informed decision on the proposal, particularly in relation to the siting, design and potential resulting impacts on the rural character.

Our initial concerns are as follows:

**Siting, Visibility and Design**

The dwelling is proposed on the highest portion of the land. Contrary to the views expressed in the application documentation, the dwelling will be highly visible from surrounding land and visible from the road, and given the topography of the site, the dwelling will protrude above the skyline leading to a negative outcome and appearance, contrary to several Development Plan policies.

The overall site plan does not provide context by way of contours, and subsequently the localised site plan provides 4 contour lines that are spaced 0.5 metres apart, with a TBM mark off a metal pole.

The plans fail to show the ‘full picture’ and the fact that the dwelling is proposed to be sited practically on the hill top. The TBM is effectively the crest of the hill which then tapers off/slopes away on all sides at various degrees and the proposed FFL is 850mm below this point. This translates to the building sitting above the ridgeling by 3.9 metres, the impact of which is most noticeable from lower elevations such as the road and the surrounding dwellings.

The proposed development is at odds with the Council-wide Siting and Visibility and Sloping Land modules of the Development Plan, and if constructed in the proposed location would have a negative impact on the surrounding rural landscape character.

**Character Preservation District**

The Character Preservation District Overlay in the Development Plan seeks to reinforce the district where scenic and rural
landscapes are highly valued, retained and protected, and buildings and structures complement the landscape.

The proposed development, particularly the siting and design is considered to be at variance with the objectives of the Character Preservation District.

There are several other sites on the subject land where a dwelling of this design would be appropriate where it wouldn’t be visually dominant and would not have impacts on the rural amenity or amenity currently enjoyed by owners and occupiers of adjoining land.

In its current form, the application does not adequately address the provisions of the Character Preservation District.

**Amenity and Privacy**

Despite the broader negative impacts on rural character and amenity, the siting of the proposed dwelling will arguably have the most impact on us and the amenity we currently enjoy from our dwelling which we are currently in the process of extending.

Whilst we acknowledge the proposed dwelling is setback 105 metres from our common boundary, given the topography of the land and the orientation of the dwelling, this distance would appear to be a lot shorter resulting in the dwelling effectively overlooking our dwelling and private areas. This would have a negative impact on the level of privacy at our dwelling and impact the rural amenity we currently enjoy.

**Landscaping**

The application states that no landscaping is proposed. It also states that no landscaping is proposed due to the lack of visibility of the site. As outlined above, the proposed dwelling will have a detrimental visual impact on the rural locality, character preservation district and the visual amenity of adjoining properties.

Landscaping, together with an appropriate ongoing management plan for the irrigation and nurturing of vegetation should be required at a minimum and reinforced by way of condition. In
saying this we are aware of the vegetation requirements of the Ministers Code for Undertaking Development in a Bushfire Protection Area in terms of the location of vegetation in close proximity to a dwelling and therefore suggest that our concerns cannot be alleviated by landscaping alone.

The application states that the applicant also seeks to retain the natural landscape character of the site with the natural vista and rural outlook being key characteristics for the applicant when selecting a house site. Although this may be the case, the owners ‘outlook’ comes at the detriment of the natural rural landscape character/amenity and the outlook that is enjoyed and shared by many.

**Conclusion**

We do not object to a dwelling be constructed on the subject land, however we do object to the current application as the proposal offends key provisions of the Development Plan. The key provisions resolve primarily around the siting and design of the proposed dwelling; the relevant impact on the Barossa Valley Character Preservation District; and the impact on amenity and our privacy.

The proposal requires a different approach to design than that proposed to achieve the expectations for the built form outcome of this area.

In addition, the application documents are lacking important information that is necessary for the planning authority to support this proposal. The plans, elevations, and sections do not adequately illustrate the resulting impacts of the proposed development in the proposed location, some of which are described above.

The proposal does not provide relevant information for the planning authority to determine in favour of this application and further the proposal fails to satisfy a number of critical Development Plan provisions.

It is evident that the proposal is at variance with the Development Plan to a sufficient degree that the proposal in its current form does not warrant Development Plan Consent.

We intend to be present at the Council Assessment Panel meeting and wish to be heard either in person or by nominee.
Kind Regards

Wayne and Deb Judd

249 Rhine Park Road, Eden Valley
csksteelfabrication@live.com.au
0414 570 967
# STATEMENT OF REPRESENTATION

Pursuant to Section 38 of the Development Act 1993

| TO | Chief Executive Officer  
The Barossa Council  
PO Box 867  
NURIOOTPA SA 5355  
EMAIL | development@barossa.sa.gov.au |

## DEVELOPMENT No.

| 960/587/2019  
Longridge Group |

## Name of Person(s) making Representation

| PHILIP COLIN OSBORNE, LOUISE OSBORNE |

## Address

| POSTAL: P.O. BOX 92, EDEN VALLEY 5235  
RESIDENTIAL: 304 RUSHLEA ROAD, EDEN VALLEY 5235 |

## Email Address

| 7/2/20 - Redacted at representatives request. |

## Phone Number

|  |

## Nature of Interest Affected by Development

| ADJOINING LANDOWNER |

## Reasons for Representation

| SEE ATTACHED LETTER |

## My Representation would be Overcome by (state action sought)

| ENVIRONMENT RESOURCES + DEVELOPMENT COURT |

You must indicate below if you wish to be heard by Council's Barossa Assessment Panel in respect to your representation:

| I WISH TO BE HEARD IN RESPECT TO THIS REPRESENTATION |

| I WILL BE REPRESENTED BY (if applicable): |

**SIGNED**

| [Signature]  
DATED 29/01/2020 |
The Barossa Council
43-51 Tanunda Road
Nuriootpa
SA 5355

For the Attention of Ashleigh Gade, Assessment Officer, Planning.

Dear Sir

Re: Development Number: 960/587/2019 Lot 1 Rhine Park Road, Eden Valley.

Statement of Representation.

Reference your letter of 07 January 2020 regarding the above construction of single story detached dwelling with deck and veranda etc. We have based our submission on the basis of points made in the Development Plan Barossa Council: Consolidated 05 September 2019, together with information from Character Preservation (Barossa Valley) Act 2012 and Review of the Character Preservation (Barossa Valley) Act Review Outcomes Report June 2018 which defines the Barossa Valley Character Preservation District which we assume all planning applications are merited against. Our concerns in regard to this development are the following reasons:

1. SITE AND DESIGN:

Proposed position of the dwelling on this hill is at probably its highest point, probably one of the highest points in the whole area, it is going to be visual for miles around. Studying the local countryside, it would appear that there are no other houses positioned on such an open high point. APPENDIX 1 shows view opposite to the proposed site, photos APPENDIX 2 and APPENDIX 3. both show site location viewed from two different places on our property. Has the council’s officer actually visited the site?

Quoting from Development Plan Barossa Council: Consolidated 05 September 2019

PRINCIPLES OF DEVELOPMENT CONTROL: LAND USE (p.147):

Point 1: Does this development cover any of the land uses stated i.e. forestry, dairy, farming, horticulture, tourist accommodation?

Probably not. Do not consider that landowner could make a sole living from normal agriculture production on the size and type of terrain on this block, therefore the dwelling will not be farm based but lifestyle development in a primary production zone.
Point 2: Development listed as non-complying is generally inappropriate. Buildings should primarily be limited to farm buildings, a detached dwelling associated with primary production on the allotment and residential outbuildings that are:
   a) grouped together, set back from the allotment boundaries.
The plan shows buildings are quite separate and set quite close to neighbouring boundaries.
   b) screened from public roads and adjacent land by existing vegetation or landscaped buffers.
The extremely tall farming/implement shed already on site with solar panels on roof, bright blue 40’ container and previous owner’s livestock water storage tank are definitely not screened from adjoining properties, they stand out already considerably because of the siting even without the construction of a new dwelling. See APPENDIX 4. Photos clearly showing constructions already on the proposed site. There is no proposal to landscape the site, so the dwelling will always be exposed. The property will include its own inground septic system therefore some plantings will be necessary to avoid long term pollution.

Point 7: A dwelling should only be developed if:
   a) there is a demonstrated connection with farming or other primary production.
No mention in the application of any farming activities, it is a difficult block and would not sustain a quantity of normal livestock businesses. The majority of Eden Valley is extremely bare due to the drought conditions.

   b) the location of the dwelling will not inhibit the continuation of farming, other primary production other development that is in keeping with the provisions of the zone.
The proposed dwelling has been sited extremely close to neighbouring properties which are both horticultural- a vineyard, together with agriculture mainly livestock based, which may pose a nuisance to the new build.

   e) it is designed and constructed utilising environmentally sustainable design principles.
It has been designed with solar and water storage facilities because electricity or piped water are not readily available, there has been minimal rainwater available from rainfall this past two years. There is a small spring from neighbours leaking dam. The design has been drawn up by architects and is more akin to an estate development in Adelaide and not Eden Valley.

FORM & CHARACTER. Point 10: Development should not be undertaken unless it consistent with the desired character for the zone.
Photo of the proposed house design. (https://www.sarahhomes.com.au/drysdale-3e). On the basis of designs of nearby rural dwellings this design stands out considerably. The majority of our neighbours live in houses that are unobtrusive, stone or brick built, on the side of hills or valley floors and are not visible in the beautiful scenery of Eden Valley. This proposed dwelling will be seen by everyone in the area, it has not been thoughtfully sited in view of its visibility and encroachment on the environment.

**Quoting from Development Plan Barossa Council: Consolidated 05 September 2019:**

This house is being built in Primary Production Zone (p.146) OBJECTIVES (p149): clearly shown but would draw attention to:
Point 3 – *Protection of primary production from encroachment by incompatible land uses and protection of scenic qualities of rural landscapes.*
This development is clearly an intrusion on the farming land and is not in keeping with the scenery.
Point 4. *Development that contributes to the desired character of the zone.*
This proposed dwelling does not display any relevance to any established buildings in the area and does not contribute to the primary production zone.

**Character Preservation (Barossa Valley) Act 2012** cites:

- *Preserve the district as a separate entity from suburban Adelaide and promote a clear transition between village style townships and the rural landscape.*
- Identify and protect areas with recognised biodiversity and conservation value, including areas of native bushland, remnant vegetation, scattered trees and vegetation and habitats along watercourses and road reserves.
- Identify and protect important views in the district which contribute to the visual amenity and special character.
- Ensure the scale, siting, design and landscaping of built form harmonises with the natural features of the landscape and its historic pattern of settlement.

Comments: None of these points have been applied to this application

2. HERITAGE AND CONSERVATION

Positioning a new development on top of a hill in a beautiful rural zone does not contribute to either Heritage or Conservation. The design of the house is not in keeping with the zone, with several State Listed Heritage and Listed Heritage dwellings and buildings in the close vicinity:

Quoting from Development Plan Barossa Council: Consolidated 05 September 2019

p.297: 304 Rushlea Road Eden Valley: Rhine Park Homestead complex including homestead, cottage former stable, shearing shed and shearsers quarters State Heritage Register ID 14489.

p 281: Listed dwelling 206 Rhine Park Road, Eden Valley Farmhouse ID 16810.

Quoting from Development Plan Barossa Council: Consolidated 05 September 2019: Historic Conservation Area: This should also include areas where there are State and Listed dwellings.

OBJECTIVES: (p. 36)

1. The conservation of areas of historical significance.
2. Development that promotes, conserves and enhances the cultural significance and historic character of identified places and areas.
3. Development that complements the historic significance of the area.
4. The retention and conservation of places such as land, buildings, structures and landscape elements that contribute positively to the historic character of the area.
5. Development that contributes to desired character.

Allowing modern new builds does not fulfil any of these objectives i.e. the conservation of areas of historical significance in the Eden Valley area.
3. ENVIRONMENTAL ISSUES

Development control in an environment where there are no adequate services and utilities can result in disturbance to native vegetation and landscape whereby water usually allowed to fall in the catchment is harvested and taken out of the natural eco system.

Note on the planning application – there is already a 22500 large rainwater tank on site placed by the previous owner’s for stock water.

There is a proposal to install a further 2 x 22500 tanks = 45,000 litres of rainwater that is kept from the natural ecosystem of the area. Calculated rainfall collecting from dwelling roof design: roof sq. m x yearly rainfall (BOM.gov.au).

2019 Rainfall 310 mm in Eden Valley in a location 1k away from site—considerably less than the normal rainfall of between 600/700 mm.

2018 Rainfall 359 mm

2017 Rainfall 496 mm

Average of last three years = 388 mm

150m² x 388 = 58,200 litres

Average use per person in rural Australia is 100,000 litres per year. (yourhome.gov.au page 405).

Application is in two people’s names = 2 people living in proposed dwelling? May be more.

2 x 100,000 = 200,000 litre. There will be a large shortfall in collecting rainwater water and requirements needed to live on site, subsequently extra storage tanks will be sited on the property = very visible, and tankers will be needed to supply shortfall at a cost of $380/13000 litres drinking water, $280/13000 litres bore water.

Quoting from Development Plan Barossa Council: Consolidated 05 September 2019

Point 12: (page 50) Existing primary production uses and mineral extraction should not be prejudiced by the inappropriate encroachment of sensitive uses such as urban development.

Comments: In our past farming experience in the UK and Australia all too often people move into the countryside expecting an idyllic lifestyle and subsequently do not like the natural farming business interruptions, example: bird guns protecting vines, night shift grape harvesters working, daily noises from tractors, trucks, livestock and machinery.

4. HAZARDS

One major consideration to be taken when considering building a dwelling in the countryside is living with the danger of bushfires. Eden Valley is in a Medium Bushfire Zone. Bushfires are not new to the Eden Valley area with very large fires in the years 1932, 1943, and the latest in 2014 when 25,000 ha were burnt. Week beginning 11th November 2019 there were three fires in Eden Valley, one started by faulty water pump, one by a lawn mower and one by a burn off out of control.
MINISTER’S CODE ‘UNDEARTAKING DEVELOPMENT IN BUSHFIRE PROTECTION AREAS’
FEBRUARY 2009 (AMENDED OCTOBER 2012) Government of South Australia Page 5:
Any new dwelling should be constructed to bush fire safety standards and in particular ‘be located and designed to minimise risk from bushfires’ and ‘have access roads and tracks that are appropriately designed and built for entry and exit of vehicles including fire fighting vehicles during a fire’ ‘with safety access to the dedicated water supply’, and ‘be constructed for an expected bushfire attach level BAL 12.5.’

MINISTER’S CODE ‘UNDEARTAKING DEVELOPMENT IN BUSHFIRE PROTECTION AREAS’
FEBRUARY 2009 (AMENDED OCTOBER 2012) Government of South Australia Page 5 ‘Fire Truck turning area should be minimum radius 12.5 metres’. Shown on the dwelling application site map does not appear to show a clear turning circle, nor clear track access to water tanks.

MINISTER’S CODE ‘UNDEARTAKING DEVELOPMENT IN BUSHFIRE PROTECTION AREAS’
FEBRUARY 2009 (AMENDED OCTOBER 2012) Government of South Australia Page 7. 2.3.2.
Siting of Proposed Buildings: ‘The bushfire planning policies require buildings to be sited away from areas that pose an unacceptable bushfire risks, as shown in Figure 1. This includes areas with rugged terrain or hazardous vegetation.

Figure 1. A steep slope and dense vegetation increase the bushfire risk to buildings’

MINISTER’S CODE ‘UNDEARTAKING DEVELOPMENT IN BUSHFIRE PROTECTION AREAS’
FEBRUARY 2009 (AMENDED OCTOBER 2012) Page 8 Note 2: ‘The speed at which a bushfire travels increases significantly up a slope because it exposes the upcoming vegetation (grass, trees and shrubs) to preheating and drying’.
The consequences of building on top of a hill could be one of the most dangerous zones during a bush fire, especially with only one track in and out. We experience a lot of windy weather in Eden Valley, and with the unpredictability of bush fires every step should be taken to minimise risk to life.
5 INFRASTRUCTURE

Quoting from Development Plan Barossa Council: Consolidated 05 September 2019 Page 47

OBJECTIVES

1. *Infrastructure provided in an economical and environmentally sensitive manner.*
   Do not consider placing a dwelling/development on top of a hill in an extremely beautiful scenic zone to be environmentally sensitive.

2. *Infrastructure, including social infrastructure, provided in advance of need.*
   Social infrastructure provided in advance of need: there are at time of writing over 20 houses for sale in the Eden Valley/Springton area – many of them in rural areas on land, probably more if you included the Flaxman Valley and rural Angaston zone, you could realistically state that there is no need for this type of construction in a farming area.

3. *Suitable land for infrastructure identified and set aside in advance of need.*
   This land was not set aside for identified infrastructure, it is a primary production zone.

   Visual impact has definitely not been minimized, the farm building/implement shed and tank on site already look an eyesore, extreme visual exposure to the landscape surrounding the area. It is primary production land, so this is not cost effective. Could not see any car/garage facilities detailed on the plans, so will these too be added to the development?

5. *The efficient and cost-effective use of existing infrastructure.*
   The only existing infrastructure is a stock water tank. The farm/implement shed was built in 2018, one could question why it was allowed to be constructed on top of the hill?

Principles of Development Controls: — (page 47) clearly states that: 1. *Development should not occur without the provision of adequate utilities and services: electricity, water supply, drainage and stormwater systems, waste disposal, effluent disposal systems, telecommunication systems, formed all weather public roads (Rhine Park Road is a gravel road) gas services etc.*

None of these are readily available in this primary production zone.

6.LAND USE

Quoting from Development Plan Barossa Council: Consolidated 05 September 2019 Interface between Land Uses: Objectives (Page 49)

1. *Development located and designed to prevent adverse impact and conflict between land uses.*

2. *Protect community health and amenity and support the operation of all desired land uses.*
Comments: This development has not been located to prevent adverse impact and conflict between land uses. As previously stated, it is in a primary production zone and should be kept as such.

The siting of the development damages our right to privacy and peace on our land, it is overlooking a large amount of our property which we considered to be unspoilt and private, which our family could use without the worry of being overlooked. There is an abundance of wildlife in the area, which we are sure will be upset by their natural habitat being built on.

This area is extremely quiet and natural, the impact of a dwelling on top of a hill will undoubtedly impair an area that we purchased in 2018 which we thought would be unspoilt and that our views would be protected.

PRINCIPLES OF DEVELOPMENT CONTROL (P. 49)

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

- The emission of effluent, odour, smoke, fumes dust or other airborne pollutants.
- Noise
- Vibration
- Electrical interference
- Light spill
- Glare
- Hours of operation
- Traffic impacts

2. Development should be sited and designed to minimise negative impact on existing and potential future land uses considered appropriate in the locality.

3. Development adjacent to a Residential Zone or residential area within a Township Zone should be designed to minimise overlooking and overshadowing of nearby residential properties.

4. Residential development adjacent to non-residential zones and land uses should be located, designed and/or sited to protect residents from potential adverse impacts from non-residential activities.

5. Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses considered appropriate for the zone should not be developed or should be designed to minimise negative impacts.

Comments: All or any of these points could have an effect on our primary production business. Points 4 & 5 Residential development/sensitive issues etc are obviously being totally overlooked.

These points are also covered in Residential Development: Principles of Development Control Page 79:
1. Development should be sited and designed to minimise its visual impact on:

(a) the natural, rural or heritage character of the area

(b) areas of high visual or scenic value, particularly rural areas

(c) views from public reserves, tourist routes and walking trails.

2. Buildings outside of urban areas and in undulating landscapes should be sited in unobtrusive locations and in particular should be:

(a) sited below the ridgeline

(b) sited within valleys or behind spurs

(c) sited in such a way as to not be visible against the skyline when viewed from public roads, and especially from the Mount Lofty Ranges Scenic Road as shown on Overlay Maps - Transport

(d) set well back from public roads, particularly when the allotment is on the high side of the road

(e) be located in a setting where landscape features such as trees, vegetation and landforms provide an enclosing space, setting or screen.

Comments – the majority of these points should have been considered when planning this dwelling.

CONCLUSION

On studying the ‘Development Plan Barossa Council: Consolidated 05 September 2019’: it would appear that; a number of their recommendations have been totally overlooked and that this proposed dwelling falls outside of the Barossa Council Regulations.

We specifically purchased an old established property because it is in an area of unspoilt natural beauty. We cannot visually see any of our neighbours from our house because of their sensible positioning, we cannot see any lights at night, we do not suffer from any noise, pollution or industry. When we are working, we see the magnificence of the Red Gum trees, the surrounding countryside and hills with beautiful scenery which is to date unspoilt from our land.

We do not consider that the proposed dwelling design itself if applicable and in keeping with this area, we do not consider that the siting of the dwelling has been considered as to its effect on the surrounding natural beauty and its proximity and closeness to neighbours in which is an primary production zone and therefore falls outside the council regulations.
Regards

Philip & Louise Osborne

7/2/20 - Redacted at requestors request.

Fairfield Estate.
APPENDIX 3.
APPENDIX 4.
13 February 2020

The Barossa Council
ATT: Ashleigh Gade
PO Box 8679
NURIOOTPA SA 5355

By Email

Dear Ashleigh

**RE: DA 960/587/2019 LOT 1 RHINE PARK ROAD EDEN VALLE**

I understand that pursuant to Section 38 of the Development Act Council has undertaken public notification in relation to the application to construct a “detached dwelling”.

I confirm that the applicant has requested my opinion on the two representations received by Council, and in particular whether any of the issues mentioned affect the planning merit of the development.

Further to my written responses provided below, please find within additional planning drawings noting the following key amendments:

- additional 50000 litre water storage tank to be connected to the existing approved shed;
- inclusion of a landscaping/wind buffer plan utilising local plant species;
- provision of north window awning (Bedroom 1); and
- provision of retractable metal window screens to the west facing WIR and Ensuite and East facing living room windows.

As a result of the amendments, the proposal is now specifically for a detached dwelling with an integrated deck and verandah, ground mounted photovoltaic solar panels, two 22500 litre water storage tanks, a 50000 litre water storage tank, and landscaping in the form of a staged consent as follows:

**Stage One**: Ground mounted photovoltaic solar panels, two 22500 litre water storage tanks a 50 000 litre water storage tank and landscaping; and

**Stage Two**: Detached dwelling, deck and verandah.

For brevity, I have considered the matters raised within the two representations, and where relevant to The Barossa Council Development Plan, distilled the representors comments into italised subheadings, and provided my opinion thereafter.

*The appropriateness of both the land use and location of the dwelling within the Primary Production Zone*

Notwithstanding the comments raised, the Primary Production Zone clearly anticipates dwelling as an appropriate form of development, noting the following provisions: (my underlining)
Primary Production Zone

Desired Character: The zone comprises a pleasant rural character derived from the broadacre farming pattern and undulating, wooded pastures together with the isolated dwellings and scattered farm buildings.

Other than within Precinct 4 Barossa Range, Precinct 6 Moculta and Precinct 7 Paper Town, there are opportunities for additional dwellings to be established within the zone, however only where it can be demonstrated that they do not conflict with the use of land for primary production purposes and maintain the open landscape character.

The desired character statement expressly seeks for the continuation of “dwellings” to continue to contribute to the desired character of the zone.

Primary Production Zone

PDC 5 Buildings should primarily be limited to farm buildings, a detached dwelling associated with primary production on the allotment and residential outbuildings that are:
(a) grouped together on the allotment and set back from allotment boundaries to minimise the visual impact of buildings on the landscape as viewed from public roads
(b) screened from public roads and adjacent land by existing vegetation or landscaped buffers.

Again, detached dwellings are sought when associated with primary production, which in this instance the land is used for the grazing of sheep, and will continue to occur. The provisions that pertain to PDC 5 (a) and (b), with regards to the visual impact are addressed later within my response.

Primary Production Zone

PDC 7 A dwelling should only be developed if:
(a) there is a demonstrated connection with farming or other primary production
(b) the location of the dwelling will not inhibit the continuation of farming, other primary production or other development that is in keeping with the provisions of the zone
(c) it is located more than 500 metres from an existing intensive animal keeping operation unless used in association with that activity
(d) it does not result in more than one dwelling per allotment
(e) it is designed and constructed utilising environmentally sustainable design principles.

In considering PDC 7(a), this has previously been demonstrated. PDC 7(b) will be resolved by virtue of the continuation of primary production on the subject site by the applicant, while PDC 9(c) is likewise achieved as there is no intensive animal keeping within 500 metres of the dwelling.

Noting that no dwelling previously exists on the allotments PDC 7(d) is achieved, while the Statement of Effect noted the achievement of environmentally sustainable design principles such as orientation to the north, lightweight cladding to reduce heat loading, double glazing, cross ventilation, use of ceiling fans, onsite water collection and storage, and onsite power generation (PV panels) and storage.

PDC 7(e) is further achieved via the additional north window shading and east and west facing external window treatment that will reduce solar gain in summer months, yet allow winter sun penetration where desired.

Primary Production Zone

PDC 12 Detached dwellings should:
(a) not be located in areas subject to inundation by a 1-in-100 year average return interval flood event nor be sited on land fill which would interfere with the flow of such flood water
(b) demonstrate access to a year round water supply and a safe and efficient effluent disposal system which will not pollute watercourses or underground water resources or be a risk to health
(c) cater for a safe, clean, tidy and unobtrusive area for the storage and disposal of refuse so that the desired natural character of the zone is not adversely affected
(d) not create a potential demand for the provision of services at a cost to the community.
I also note the dwelling is located away from the watercourse at the rear of the site, while the addition of a detached dwelling will not place any significant demand on services at the cost of the community.

**Primary Production Zone**
**PDC 13** Detached dwellings should be designed and constructed in the following manner:
(a) have a floor plan design that
(ii) locates a day living area incorporating at least one window that faces between 20° east and 30° west of true north
(ii) is appropriately zoned so that doors are placed between living areas and other rooms and corridors
(b) have a total window area facing east and west that does not exceed 50 per cent of the total window area of the dwelling
(c) provide external shading to west facing windows in the form of either eaves or awnings of at least 450 millimetres in width
(d) provide external shading to north facing windows that allows winter sun to penetrate, but provides shade in summer
(e) have a roof layout that incorporates an area of at least 10 square metres that faces 30° west and 20° east of true north and has a roof pitch of at least 18°
(f) collects, stores and re-uses roof stormwater within and about the dwelling, provided water storage requirements for fire protection purposes are not compromised.

PDC 13 provides further additional environmentally sustainable design principle over PDC 7, which are addressed within my Statement of Effect and via the amended plans (enclosed within).

**Primary Production Zone**
**PDC 19** Residential and tourist accommodation development should not be located within 300 metres of existing winery or industrial land uses unless it can achieve at least one of the following:
(a) the development is located on the same allotment as the winery or industrial operation
(b) the development is located and designed to mitigate the likely noise, dust, odour and traffic impacts arising from the winery or industrial operation.

Finally, in considering PDC 19, the adjoining land includes that of viticulture, and is located 320 metres away from the proposed dwelling. It is likewise important to note that PDC 19 has no “role to play” as PDC 19 seeks a separation distance of 300 metres to a “winery1”, not “viticulture” (notwithstanding the achievement of the 300 m “test”).

Turning to the proposed location of the dwelling, the dwellings is to be cited in close proximity to the existing large shed, which is predominately hidden behind the ridgeline when viewed from the public road, with the shed that sits 6.1 metres above ground level (versus 4.5 metres to the highest point of the roof of the proposed dwelling) at various points. Figure 1 overleaf is taken from Rhine Park Road at the intersection of Kempe Road, with the shed obscured by the ridge. Figure 2, which was taken 300 metres east of Kempe Road shows that the highest point of the shed is just visible while with Figure 3, (adjacent the entry to the representors land) the shed and dwelling site is again obscured by the land.

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1 See Torresans Happy Valley Winery Pty Ltd v City of Onkaparinga & Anor [2005] SAERDC 51)
Figure 1: Location of Existing Shed and Proposed Dwelling from Kempe Road (not visible)

Figure 2: Location of Existing Shed and Proposed Dwelling from Rhine Park Road (ridge if shed slightly visible)

Figure 3: Shed and Dwelling Location not Visible from Rhine Park Road (adjacent entry to 249)
As a result, the proposal is highly consistent with the following provision pertaining to siting and visibility; (my underlining)

**General Section Siting and Visibility**

**PDC 2** Buildings should be sited in unobtrusive locations and, in particular, should:
(a) be grouped together
(b) where possible be located in such a way as to be screened by existing vegetation when viewed from public roads

**PDC 3** Buildings outside of urban areas and in undulating landscapes should be sited in unobtrusive locations and in particular should be:
(a) sited below the ridgeline
(b) sited within valleys or behind spurs
(c) sited in such a way as to not be visible against the skyline when viewed from public roads, and especially from the Mount Lofty Ranges Scenic Road as shown on Overlay Maps - Transport
(d) set well back from public roads, particularly when the allotment is on the high side of the road
(e) be located in a setting where landscape features such as trees, vegetation and landforms provide an enclosing space, setting or screen.

Finally, the addition of landscaping plan ensures the achievement of the following:

**PDC 9** Development should be screened through the establishment of landscaping using locally indigenous plant species:
(a) around buildings and earthworks to provide a visual a screen as well as shade in summer, and protection from prevailing winds
(b) along allotment boundaries to provide permanent screening of buildings and structures when viewed from adjoining properties and public roads
(c) along the verges of new roads and access tracks to provide screening and minimise erosion

Having considered the representations received, and in considering all of the above, the proposed dwelling displays planning merit, with the siting of the dwelling to be well obscured from public land and obscured in full from the “heritage” items.

Whether a stone or brick dwelling is expressly sought/are modern new builds appropriate

In considering whether the Development Plan seeks “stone or brick built” and/or buildings with “relevance to any established buildings in the area”, the following provisions are noted:

**Primary Production Zone**

**PDC 11** Buildings should be unobtrusive in appearance, not detract from the open natural character of the zone and, in particular should:
(a) be single storey
(b) be of a low profile with roof lines that complement the natural form of the land
(c) comprise variations in wall and roof lines and floor plans which complement the contours of the land so as to minimise the mass of the building
(d) be sited on an excavated rather than a filled site in order to reduce the vertical profile of the building
(e) incorporate large eaves, verandas and pergolas into designs to create shadowed areas which reduce the bulky appearance of buildings
(f) utilise non-reflective materials and be finished in colours that blend with the natural environment
(g) be screened by existing native vegetation when viewed from roads located within the zone or from townships.

**General Section Design and Appearance**

**PDC 1** The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.
PDC 11 Buildings, landscaping, paving and signage should have a co-ordinated appearance that maintains and enhances the visual attractiveness of the locality.

**General Section Energy Efficiency**

PDC 2 Buildings should be sited and designed:
(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings
(b) so that open spaces associated with the main activity areas face north for exposure to
It is anticipated that buildings in the zone will be limited to single-storey in height, be designed and located so that they are not visible from public roads, particularly the Barossa Valley Highway, scenic or tourist routes, or from vistas within townships.

In considering the impact on “heritage”, the following provision provides guidance

**General Section Heritage Places**

PDC 6 Development that materially affects the context within which the heritage place is situated should be compatible with the heritage place. It is not necessary to replicate historic detailing, however design elements that should be compatible include, but are not limited to:
(a) scale and bulk
(b) width of frontage
(c) boundary setback patterns
(d) proportion and composition of design elements such as rooflines, openings, fencing and landscaping
(e) colour and texture of external materials

It is my understanding that Council have formed the view that the proposal does not warrant referral to Heritage SA. I also note the proposed dwelling is not at all visible from the the heritage items which are located approximately 980 metres north east of the proposed dwelling as a result of the spatial separation and the change in topography.

I concur that the proposal will not materially affect the adjacent State Heritage items.

Likewise, in considering the conservative size of the proposed single storey dwelling, the separation distance to the adjacent local heritage “farmhouse” and the maintenance of spaciousness and openness, the proposal will not materially affect the local heritage item. Whilst there are a range of building in the locality, including State and local heritage, the Development Plan does not seek “old style housing”.

The contemporary and sustainable design (as previously established) displays a high degree of merit with the Development Plan.

*Whether the loss of harvested roof water will adversely impact the site*

I understand that concern has been raised regarding a perceived negative impact as a result of the capture of rainwater that will no longer “fall on the land”.

With a roof catchment area of 180 square metres, and a total site area of 308046 square metres, a percentage of 0.058% of the land will no longer receive “direct” rainfall as a result of the building footprint. Such an inconsequential loss does not “find voice” in the development plan.

*Is adequate infrastructure available to service the dwelling*

The applicants have advised that they already plan to include an additional 50000 litre water tank to capture shed “run off”. For completeness, this is now included in the amended plans.
The following water tanks are therefore observed:

- existing 45000 litre tank, to collect runoff from the shed;
- proposed 50000 litre tank, to collect runoff from the shed;
- two 22500 litre tanks, to collect runoff from the proposed dwelling.

As mains water terminates on Murray Street, the uses of water storage tanks totalling 140 kl on the proposed site is highly appropriate. There will be no demand on public infrastructure as the dwelling is “self-sufficient” for water, power and waste treatment. The following provision is therefore achieved:

**General Section Infrastructure**

**PDC 6** In areas where no reticulated water supply is available, buildings whose usage is reliant on a water supply should be equipped with an adequate and reliable on-site water storage system.

**Loss of privacy**

In considering the matter of a loss of privacy, the nearest adjoining building is located 65 metres from the shared boundary (Figure 4), and the proposed dwelling setback 105 metres from the western boundary and 228 from the southern boundary (Figure 5).
When considering the separation distance exceeding 200 metres between dwellings, the changes in topography and the existing and the north facing living areas of the proposal, I maintain the view that no loss of privacy or amenity that is beyond reasonable is proposed. Notwithstanding this, the additional landscaping will provide further privacy beyond that anticipated by the development plan.

In summary, the proposal displays a high degree of consistency with the Development Plan.

I welcome discussion in relation to my comments, if you so require, otherwise should the occasion arise to speak before the CAP, the applicant and/or representative would welcome this opportunity.

On behalf of the applicant I request that the application be scheduled for the next available CAP meeting.

Yours faithfully

Gregg Jenkins
BUrubRegPlan (Hons)
Heynen Planning Consultants
T 8272 1433
M 0475 933 823
E gregg@heynenplanning.com.au
APPLICATION DETAILS

| PROPOSAL | Change of Use from dwelling to office including building alterations, additions and partial replacement of existing verandah (Non-Complying) |
| APPLICANT | Marx Real Estate |
| OWNER | AC La Nauze and SD La Nauze |
| APPLICATION NO | 960/466/2019 |
| CERTIFICATE(S) OF TITLE | CT 5321/496 |
| AREA | 381.22 sqm |
| CURRENT USE | Residential |
| DEVELOPMENT PLAN VERSION | Consolidated 1 November 2018 |
| ZONE | Residential Zone District Town Centre Zone |
| POLICY/PRECINCT AREA | Nil |
| OVERLAYS | Character Preservation District |
| APPLICATION TYPE | Non-Complying |
| CATEGORY OF DEVELOPMENT | Category 3 |
| REFERRALS | Nil |
| PREVIOUS APPLICATIONS | NIL |
| ASSESSING OFFICER | Ashleigh Gade |
| RECOMMENDATION | That Development Plan Consent be GRANTED subject to the concurrence of the State Planning Commission |

BACKGROUND

This proposal seeks a change of use from an existing dwelling to an office, including the partial demolition and reinstatement of the front verandah, re-sheeting of the roofing, alterations and additions to the rear of the building, and the formalisation of car parking areas. The subject building is a listed Contributory Item.

The Barossa Assessment Panel first considered the item at the October 2019 meeting, where it was resolved that the application had sufficient merit to proceed to assessment.

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 Development Regulations 2008 and the Procedural Matters of the Residential Zone and District Town Centre Zone.

No representations were received.

SITE AND LOCALITY
The subject land is a 380 square metre allotment with frontage to Murray Street, South Terrace and Kent Street, Angaston. The allotment itself is comprised of two allotment pieces which straddle a zone boundary. The subject land is predominantly sited within the Residential Zone and contains an existing single storey detached dwelling, which is a listed Contributory Item. The site also contains an enclosed verandah to the rear of the existing dwelling and two domestic outbuildings used for storage.

The allotment also comprises a 19 square metre allotment piece of an irregular shape, which is sited directly adjacent the balance of the land separated by South Terrace. This allotment piece is sited within the District Town Centre Zone, for which South Terrace forms the zone boundary. It comprises a masonry wall ‘planter box’ that essentially forms part of the car parking boundary for the gym at 73 Murray Street, Angaston. This allotment piece is historic and its original function and purpose is unknown.

The locality is varied in character and forms part of the western extent of the Angaston township. Immediately to the north of the site is a recreation area, the Angaston Memorial Reserve. The site is also adjacent the Angaston Railway Station precinct, separated by Kent Street. To the east and south-east of the site the locality is generally commercial in nature and includes fitness centre, cafes, restaurants and retail shops. To the west and north-west are generally residential land uses with the exception of the Zion Lutheran Church which also has frontage to Murray Street and Kent Street.

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

The site is located within the Character Preservation District (Township Area) and Historic Conservation Area (Angaston Centre Area 1) as shown in Figure 2.

The site is located within the Transport Overlay Map 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 11.
Figure 1: Zone Map
Figure 2: Overlay/Precinct Map
Figure 3: Overlay/Precinct Map
Figure 4: Aerial – Locality

Figure 5: Aerial – Site
Figure 8: Site Photo

Figure 9: Site Photo
**REFERRALS**
No referrals are required under Schedule 8 of the Development Regulations 2008.

**Internal**
The application was referred to:

**Works & Engineering**
All vehicular access should be via South Terrace.

All stormwater to be safely discharged to the kerb and gutter via the existing outlet sleeves.

**Heritage Advisor**
Following amendments to the proposal it is considered the form and scale of the addition is appropriate, and the colours and materials selected are supportable.

**NON-COMPLYING**
The application is a non-complying form of development, due to the Procedural Matters for the Residential Zone which identify an office as a Non-Complying land use where it does not meet the following two exceptions:

(a) the total floor area is less than 50 square metres
(b) the site does not front an arterial road

The total floor area of the proposed office building excluding the verandah element is 128.33 square metres. The subject site fronts Murray Street which is a secondary arterial road. Pursuant to the above, the proposal is therefore considered to be a Non-Complying form of development.

The Barossa Assessment Panel determined to proceed to assessment of the application at the meeting held 1 October 2019.

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**

**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 site is within a township area as identified by the Character Preservation District Overlay.

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

**Historic Conservation Area**
- **Objectives**: 1, 2, 4 and 5
- **PDCs**: 3, 4 and 7

It is noted that the land immediate containing the Contributory Item is not within a Historic Conservation Area, but that notwithstanding this, the building is a listed Contributory Item. The small allotment piece separated by South Terrace is wholly located within the Angaston Centre Area of the Historic Conservation Area.

The proposed additions and alterations are sited to the rear of the Contributory Item and reflect the original form of the building. The partial demolition and reconstruction of the verandah will preserve the existing streetscape character, with shading over the footpath for pedestrians.

All other Objectives and PDCs are deemed to comply.

**Interface between Land Uses**
- **Objectives**: 1
- **PDCs**: 1 and 4

It is proposed that the office will be open between 8:30 am and 5:30 pm Monday to Friday, with no weekend or public holiday operation. This does not coincide with sensitive hours for nearby residential uses, and it is not considered that the operation of the business from this site will negatively impact adjoining residential amenity.

All other Objectives and PDCs are deemed to comply.

**Transportation and Access**
- **Objective**: 2
- **PDCs**: 23, 25, 30, 31, 32 and 33

The proposal retains the existing rear carport and garage areas to the rear of the site, to provide three on-site car parking areas. An additional space is provided in the location of the existing shed, which is to be demolished, which will be an accessible car parking space.

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.
Zone Section

**Residential Zone**

Objectives 3 and 4

All Objectives are deemed to comply.

**Desired Character**

The zone comprises residential areas within three townships located within the Barossa region - Angaston, Nuriootpa and Tanunda. The residential areas of the townships have developed over a number of periods and this is reflected in the variety in housing ages and character. There are still a number of areas within Angaston and Tanunda where historic dwellings from the 1870s-80s and 1920s, important growth periods of the townships, remain relatively intact and are predominant. These areas are also contained located within the Historic Conservation Area and the Tanunda Historic Character Policy Area 2. Development adjacent to the Historic Conservation Area or the Tanunda Historic Character Policy Area 2 will reflect the building styles of those areas.

Housing located within the townships is generally characterised by single storey, detached dwellings on large allotments typical of a country town, although there are examples of sympathetic medium density infill development within parts of Nuriootpa. It is expected that development will be complementary to the low scale, low density character of residential areas located within the townships, and in particular be principally in the form of single storey dwellings. Second storeys within roof spaces may be appropriate where they are appropriately designed in the context of the dwellings existing located within the locality, in terms of building height, scale and massing. Two storey development will be limited to large residential allotments where there is sufficient area to accommodate space around the building so that the building is not dominant in the streetscape or overbearing to adjoining properties.

**Desired Character**

The proposal will retain and adaptively reuse a listed Contributory Item which positively contributes to the heritage character of the locality. Notwithstanding that the use will no longer be residential, the low-density single-storey character will be retained and the building will otherwise present similarly to adjoining dwellings as viewed from Murray Street.

**Land Use**

PDCs 2 and 4

The proposed office will preserve an existing building of heritage character and is sited in the surrounds of commercial and recreational uses, in addition to neighbouring residential land. It is not considered that the operating hours for the business, which do not operate from early in the morning or extend late into the evening, are reasonable and will not detrimentally impact on the amenity of nearby residents.

**Form and Character**

PDC 6

All PDC 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 development proposal is not seriously at variance to The Barossa Council Development Plan.

(c) To GRANT Development Plan Consent for Application No. 960/466/2019 by Marx Real Estate to undertake the Change of Use from dwelling to office including building alterations, additions and partial replacement of existing verandah at 75 Murray Street, Angaston (CT 5321/496) 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 (as amended) accompanying the application, unless varied by the following conditions.

- Site Plan drawn by Brooksby Design & Drafting dated 21 January 2020;
- Demolition and Remedial Works Plan drawn by Brooksby Design & Drafting dated 21 January 2020
- Proposed Floor Plan drawn by Brooksby Design & Drafting dated 21 January 2020
- Elevation Plans drawn by Brooksby Design & Drafting dated 21 January 2020
- Colour Elevation by ESD Planning & Design received 22 November 2019
- Statement of Effect prepared by ESD Planning & Design dated October 2019

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

(2) The premises shall not operate outside the hours of 8:00 am to 6:00 pm Monday to Saturday.

Reason: To ensure that the development does not detrimentally impact upon the locality.
(3) All stormwater shall be managed in accordance with the Site Plan by Brooksby Design & Drafting dated 21 January 2020. No stormwater shall enter into any building, affect the stability of any building, or create an unhealthy or dangerous condition, or run onto or over land of an adjoining owner.

All stormwater disposal systems must be fully installed at the completion of the construction of the building, with adequate measures employed during construction to ensure disposal of surface or roof water does not affect neighbouring properties.

Reason: To ensure the proposal is established and maintained as approved by the planning authority.

(4) Before the use commences on the subject site, the area(s) identified for parking and manoeuvrability of vehicles as shown on the endorsed plans shall be:

(a) Constructed and properly formed to such levels that they can be used in accordance with the plans.
(b) Appropriately surfaced with an all-weather material.
(c) Clearly line marked to indicate each car space and all disabled/shared spaces.

All car parking spaces, manoeuvring areas and driveways shall comply with AD 2890.1 Parking facilities – Part 1: Off-street car parking and shall be maintained for these purposes at all times, to the reasonable satisfaction of Council.

Reason: To ensure that the proposal is established, used and maintained as approved by the planning authority.

(5) During construction or installation of all works associated with the development and proposed roads and utility services:

i. Dust generated at the site shall be reasonably controlled at all times to prevent nuisance to occupants of adjoining land.
ii. Noise generated at the site shall be kept to the minimum level that is reasonably practicable.
iii. Appropriate erosion control 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 & Engineering.
iv. Any dirt or debris from the site deposited onto existing roadways by the applicant’s contactors or sub-contractors shall be cleared immediately.

Reason: To ensure that there is no adverse amenity impacts to the locality during construction.
Construction shall not take place on any Sunday or Public Holiday or after 7.00 pm or before 7.00 am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

Reason: To ensure that there is no adverse amenity impacts to the locality during construction.

Advisory Notes

(a) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by Council or other relevant planning authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.

(b) Any works associated with the development, such as tree planting, tree removal, footpath renewal or construction of new vehicle entrances proposed to be undertaken within the road reserve (ie the carriageway, verge or footpath area) requires an independent approval from Council, or the Department of Planning, Transport and Infrastructure. Further enquiries should be directed to Council’s Works & Engineering Team on 8563 8444.

(c) 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.

(d) The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that the activities on the whole site including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

(e) Any proposal to clear, remove limbs, or trim native vegetation will require approval or confirmation of exemption from the Native Vegetation Council. An interactive guide is available to help owners and others determine the requirements that apply under the Native Vegetation Act 1991: https://www.environment.sa.gov.au/topics/native-vegetation/interactive-guide. Any specific queries regarding the clearance, removal, or trimming of native vegetation should be directed to the South Australian Native Vegetation Council.
6.2 Attachment 1
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<td>☑ Development Plan Consent (Planning Only)</td>
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<td>☐ Building Rules Consent (Building Only)</td>
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<td>☐ Full Development Approval (Both Planning and Building Consent)</td>
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| **APPLICATION FORM & RELEVANT DOCUMENTATION CAN BE EMailed TO** | [development@barossa.sa.gov.au] |

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

**APPLICANT:** MARK REAL ESTATE

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**OWNER:**

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**ARE YOU GOING TO BE AN OWNER BUILDER?**  YES

**Have you engaged a Builder to undertake the works?**  YES

**BUILDER:** N/A

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

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**DESCRIPTION OF PROPOSED DEVELOPMENT:** CHANGES OF USE FROM DWELLING TO OFFICE, PART REPLACEMENT FRONT VERANDAH & REAR RECESSION ADDITION

**EXISTING LAND USE:** REFER DRAWINGS

**AREA (m²) OF PROPOSED DEVELOPMENT:**

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**BUILDING RULES CLASSIFICATION SOUGHT:** 5

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 2008 APPLY?**  YES

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

**DEVELOPMENT COST** (do not include any fit out costs): $ 100,000

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 are made available on Council's website.

**SIGNED:** [Signature]  Dated: 07/08/2019
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

APPLICANT: MARX REAL ESTATE
Postal Address: PO BOX 109, ANGASTON SA Post Code: 5353
Phone: 8564 3884 office Mobile: 0407 775 951 Sara Fax:
Email: sara@marxrealestate.com.au (Sara La Nauze)

DATE OF APPLICATION: 07/08/2019

LOCATION OF PROPOSED DEVELOPMENT:
House No: 75 Street: MURRAY STREET Town: ANGASTON
Lot No: Pieces 31 & 92 Section: FP170445 Hundred: MOOROOROO
Certificate of Title(s): Volume: 5321 Folio: 496

NATURE OF PROPOSED DEVELOPMENT: CHANGE OF USE FROM DWELLING TO OFFICE, 
PART REPLACEMENT & FRONT VERANDAH & REAR RECEPTION ADDITION

I .................(insert name) being the applicant/a person acting on behalf of the 
appliant (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 

Signed: [Signature] Date of Declaration: 07/08/2019
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.
Certificate of Title - Volume 5321 Folio 496

Parent Title(s)               CT 864/94
Creating Dealing(s)          CONVERTED TITLE

Title Issued                  31/01/1996
Edition                        3
Edition Issued                 30/08/1996

Estate Type                   FEE SIMPLE

Registered Proprietor         DOROTHY PEARL CONSTABLE
                             OF 75 MURRAY STREET ANGASTON SA 5353

Description of Land           ALLOTMENT COMPRISING PIECES 91 AND 92 FILED PLAN 170445
                             IN THE AREA NAMED ANGASTON
                             HUNDRED OF MOOROOROO

Easements                    NIL

Schedule of Dealings          NIL

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 864/94  

SCHEDULE OF PIECES COMPRISED IN ONE ALLOTMENT

<table>
<thead>
<tr>
<th>PIECES COMPRISED IN ONE ALLOTMENT</th>
<th>TOTAL AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>91 &amp; 92</td>
<td>11 acres</td>
</tr>
</tbody>
</table>

* Asterisk denotes PIECE identifier only.

DISTANCES ARE IN FEET AND INCHES  
FOR METRIC CONVERSION

1 FOOT = 0.3048 metres  
1 INCH = 0.0254 metres

Note: Subject to all lawfully existing plans of division
1. Agenda - Barossa Assessment Panel - 3 March 2020

2. PROPOSED PART REPLACEMENT OF EXISTING VERANDAH

3. PROPOSED CHANGE-OF-USE FROM DWELLING TO OFFICE

4. PROPOSED NEW OFFICE

5. PROPOSED ACCESSIBLE WC

6. EXISTING OUTBUILDING TO BE REMOVED

7. CAR PARKING REQUIREMENTS
   BUILDING FLOOR AREA = 124.33m² (EXCLUDING ACCESS WC & VERANDAH)
   OFF-STREET CAR PARKING REQUIREMENT = 4
   (AT 1 PER 30m² OF FLOOR AREA)
   IN ACCORDANCE WITH AS/NZS 2890.1
   MINIMUM REQUIREMENTS:
   USER CLASS = 2/3
   CAR PARK SIZE = 2.6m X 5.4m
   AISLE WIDTH = 5.8m
   NOTE: CAR PARKING TO COMPLY WITH AS 2890 (2009)

8. SITE PLAN
   SCALE 1:200
   AMENDMENT 21/01/20: REVISED REAR ADDITION TO BUILDING

9. DRAWING LIST
   DW 000001: SITE PLAN
   DW 000101: EXISTING FLOOR PLAN
   DW 000201: PROPOSED FLOOR PLAN
   DW 000301: ELEVATIONS
NORTH ELEVATION

SCALE 1:100

75 MURRAY ST, ANGASTON
STATEMENT OF EFFECT

75 MURRAY ST, ANGASTON

CHANGE OF USE-OFFICE AND ASSOCIATED ADDITIONS AND ALTERATIONS (NON-COMPLYING)
CONTENTS

SUBJECT SITE AND LOCALITY 1-2
PROPOSAL 3
PLANNING PROVISIONS 4
CHARACTERISATION 4
PLANNING ASSESSMENT 5-10
CONCLUSION 11
SUMMARY

ESD Planning & Design has been engaged by Marx Real Estate to prepare a Statement of Effect in relation to DA 960/466/2019 which is for a change of use (office) and associated additions and alterations.

This application seeks to change the existing use from residential to office which will involve renovations, internally and externally, including new verandah roofing, internal fit out and a small addition at the rear for a reception area.

This statement is focused around the planning merits of whether an office is an appropriate use in the zone and consistent with policy contained within the Barossa Development Plan (Consolidated 5 September 2019).

SUBJECT SITE AND LOCALITY

The subject site is located at 75 Murray Street, Angaston which is adjacent to the western edge of the District Town Centre Zone.

The site is described as Pieces 91 & 92 FP 170445 (Certificate of Title CT5321/496).

The Certificate of Title does not contain any encumbrances or legal agreements.

The site has an overall area of 361 square metres and is a corner allotment with direct road frontage to Murray Street, South Terrace and Kent Street.

The site contains an existing dwelling and double car garage and is reasonably level. Vehicle access is gained via South Terrace, with no crossover located on Murray Street as the existing dwelling has zero frontage to the street and is constructed boundary to boundary.

As shown on the site plan submitted with the application the existing verandah is located over the footpath and within the road reserve.

Figure 1. Subject site.

Source: SAPPA
The subject site is located within the western entrance of the Angaston town centre and is directly opposite the open space reserve and Anytime Fitness to the east.

The pedestrian entrance into the existing building is gained via Murray street and can be accessed direct from the footpath given the zero frontage of the building.

Angaston town centre is typical of many historical townships which have excellent connectivity, the retail area is consolidated and lineal in structure. As such the site is within convenient walking distance of cafe’s, restaurants, the post office and a raft of retail developments.

There are a number state, local and contributory places within this precinct of Angaston as the allotment abuts the Historical Conservation Area to the east and south.

The amenity facilities within the open space reserve are listed as a State Heritage Place.
PROPOSAL

The proposal seeks to change the use of the existing dwelling to a real estate office, containing two office spaces, a meeting room, file storage areas and a reception area.

The existing building, which is a contributory item, is in poor condition and is need of extensive internal renovations (non-structural) and some external building works to repair the verandah and create a usable and inviting reception space. This includes the need to paint the external building, which does not require development approval as no external paint control apply.

The addition is similar in footprint and scale to the existing enclosed verandah area, with only a slight increase of approximately 7 square metres of floor area.

As part of the internal fit out of the building it is proposed that new accessible amenities are constructed to comply with the National Construction Code 2019 (NCC).

The total floor area of the office is appropriately 128 square metres, excluding the front verandah area.

The proposed hours of operation are Monday to Friday 8:30am to 5:30pm and will not be open to the public on the weekends or public holidays.

It is expected that 4 staff will be employed and on the site at any one time.

Lastly, the proposal includes the provision of 4 off street car parks which includes one disabled car park with an adjacent shared space.
PLANNING PROVISIONS

The subject site is zoned Residential and is affected by the Heritage and Character Preservation District Overlay as the dwelling is listed as a contributory item. The site is not within any policy or precinct areas.

CHARACTERISATION

The application has been characterised by Council as a non-complying form of development as outlined in the Non-Complying Table contained within the Residential Zone.

An Office is considered non-complying unless it can achieve the following exceptions:

(a) the total floor area is less than 50 square metres
(b) the site does not front an arterial road.

In this instance an Office is classified as non-complying as the total floor area proposed exceeds 50 square metres and the site fronts a secondary arterial road. The additions and alterations are also captured under this classification as they form part of the overall development application.
The proposal to use the existing dwelling on the subject land is considered to have sound planning merit. Having reviewed the relevant policies contained within the Barossa Development Plan (Consolidated 5 September 2019), it is considered that there is sufficient planning merit for the development and as such the proposed dwelling is not seriously at variance with the Barossa Development Plan.

**Zoning**

The change in use to an Office on the subject site specifically, is not considered to be at odds with the intent of the zone.

The intent of the residential zone is essentially to accommodate residential development with a range of dwelling types. The zone also envisages non-residential uses such as educational uses and other compatible activities that are small in scale, negligible in external impact and serve the needs of the local community.

It is also necessary that development contributes to the desired character of the area as stipulated in Objective 4.

In this context the Desired Character Statement requires that development will be complementary to the low scale, low density character of residential areas located within the townships, and in particular be principally in the form of single storey dwellings.

The zone provisions themselves are largely silent with respect to an Office within the zone, aside from PDC 4 which directs that non-residential development be of a nature and scale that:

(a) serves the local community
(b) is consistent with the character of the locality
(c) does not detrimentally impact on the amenity of nearby residents.
(d) does not result in an extension of a centre zone or result in ribbon retail or commercial development.
The proposal is able to achieve the policy intent on the following basis:

- The use will serve the local community through the provision of an office within the centre of the township.

- The proposal encourages the adaptive re-use of a contributory building. The additions and alterations are small in not alter the character and style of the building. The building, when renovated, will make a positive contribution to the streetscape.

- As the allotment is on the corner and has direct frontage to three roads there is minimal impact to adjacent residences. This being said, the hours of operation are reasonable and commensurate with the Environment Protection (Noise) Policy 2007, the Local Nuisance and Litter Control Act 2016 and the office is small in scale.

- At a strategic level the characteristics of site itself lends itself to commercial development without undermining the intent of the District Town Centre Zone. The site can logically be used as an Office without changing the on ground perception of an expansion to the centre zone. Additionally, the proposal will not promote ribbon development and the extension of the zone given that the vast extent of work to occur is internal fit out, cosmetic external renovations and the direct pedestrian access from the footpath into the entrance of the building will remain unaltered.
KEY ISSUES

There is very little policy references within the residential zone with respect to the development of Offices within the zone however broadly there are general policies that are relevant to the assessment which are broken down into key issues as follows:

Land Use

The proposed land use is considered to be appropriate on the subject site, regardless of the characterisation of the proposal as non-complying.

The use is consistent with basic good planning principles on the basis that;

• The proposed office makes best use of a building that is in need of repair that has direct frontage to Murray Street which is within the gateway entrance into the township of Angaston.

• The scale of the proposed use is commensurate with adjacent residential uses.

• The small extension and the car parking area is designed in an orderly and logical manner which will ensure that development that does not jeopardise the continuance of adjoining authorised land uses.

• The adaptive re-use of the contributory item will contribute positively to the public realm by activating the streetscape with a low impact use.

Interface & Amenity

The change in use of the building to a small office is not considered to have an adverse impact on the adjacent residence to the west, which is the only abutting residential use.

This is on the basis that;

• The footprint of the building is only being increased slightly and no additions are on the western elevation.

• The existing building is masonry and has high acoustic properties due to the density of the stone walls.
• The proposed hours of operation are reasonable and are consistent with both the Environment Protection (Noise) Policy 2007 and the Local Nuisance and Litter Control Act 2016.

• The proposed scale of the office is considered to be low impact as only 4 staff are expected to be on site at any one time and the rear of the site will continue to be used as a car park, albeit formalised with a slight increase in capacity.

• No external lighting is proposed and all vehicles to access the site and park will be during daylight hours, thus preventing nuisance from light spill.

**Access & Car Parking**

Objective 2 of Transportation & Access policy seeks to ensure that:

• **Development provides safe and efficient movement for all motorised and non-motorised transport modes**

• **access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles**

• **provides off street parking**

The proposed development is able to achieve this objective and relevant PDC’s 3, 9, 13, 22, 23, 31 & 33 on the following grounds:

• Traffic movements generated by the change in use from dwelling to small office are negligible. The average daily vehicle movements for a low density dwelling in a regional area is approximately 7.4 per dwelling compared to 11 per 100 m2 gross leasable floor area for an Office use.

• The car parking area will be formalised and line marked

• The access and parking areas are designed to comply with Australian Standard 2890.1 as the accessway and crossover is 6 metres in width and the dimensions of the car parking bays meet the standards.

• Parking for people with limited mobility has been included within the car parking area and is within close proximity to the rear entrance of the building.

• All standard passenger vehicles are able to enter and exit the site in a convenient forward motion.
• The quantity of off-street car parking provided is consistent with the off street car parking requirements contained within Table Baro/1- Off Street Car Parking Requirements. The minimum amount specified is 4 per 100 square metres. Additionally there is a minimum of 5 on street car parks within the immediate locality that are able to be utilised during peak office hours. The adjacent gymnasium has a very large car parking which is rarely utilised and there is little car parking demand within the precinct.

• No access is proposed to be gained from the secondary arterial road and the design of the intersection can suitably accommodate the expected slight increase in traffic volumes. The intersection of Murray Street and South Terrace has been designed to accommodate significant volumes of traffic likely to frequent the Angaston railway precinct. It is also is of a standard that is able to comply with Safe Intersection Sight Distance guidelines.

Landscaping, Fences & Walls

There is little opportunity to plant additional landscaping on the site however a new fence will be constructed along the western boundary which will not exceed 21. metres in overall height from natural ground level. As such the fence is not development in its own right. Not withstanding this the existing fence line is in dire need of repair and presents poorly to South Terrace. The construction of new fencing will improve the amenity of the adjacent residential property to the west and will provide additional privacy for the primary area of private open space.

In accordance with PDC 4 the fence will;

• Not result in damage to neighbouring trees.
• Be compatible with the associated development and with existing predominant.
• Enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance.
• Be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land.
• Be constructed of non-flammable materials.
ASSESSMENT OF EFFECTS

The assessment of the social, economic and environmental effects are required to be considered as part of a Statement of Effect pursuant to Regulation 17 (5)(d) of the Development Regulations 2008. These matters are considered below:

SOCIAL EFFECTS

The proposed development will have a positive social impact on the township due to the sensitive redevelopment and renovation of a contributory item within the gateway into Angaston. This is of particular relevance as the site is not affected by a Character Area or Heritage Overlay within the proposed Planning and Design Code and is therefore not proposed to be protected by any heritage controls.

The development will also have a positive social impact on the township by improving the visual appearance of the site at the streetscape level, from the footpath and the adjacent park.

ECONOMIC EFFECTS

The proposed development is orderly and economic as it utilises existing building which is in need of repair. The office will make a valuable contribution to the main street of Angaston through the provision of additional office space which is of a reasonable scale and does not create a disconnect with the core retail precinct.

The proposed use will provide additional employment opportunities within walking distance of a residential area, public transport (bus service) and a park. The issue of development approval for a generic small scale office on the site will have ongoing benefit to the local economy in the short and long term.

ENVIRONMENTAL EFFECTS

Having inspected the subject site thoroughly, it is considered that there are no adverse environmental impacts as a result of the development as no native vegetation is to be adversely affected as a result of the minor building works.
CONCLUSION

The proposal is considered to make a positive contribution to the township of Angaston with very minimal impacts on the streetscape or surrounding land uses.

The scale of development is reasonable and is consistent with relevant policies contained within the Barossa Development Plan.

Further, whilst there is no statutory effect to the Planning & Design Code as yet, it is worth considering that the proposal is consistent with the intended code in terms of land use, interface and scale specifically. The development of an Office within the proposed General Neighbourhood Zone is categorised as a form of ‘Performance Assessed’ development.

In terms of the proposed building works, it is important to note that the development will not alter the heritage fabric of the building. The renovations of the building, which includes alterations required to comply with the NCC, will enhance and promote the longevity of the contributory item in a positive and site responsive manner.

Utilising this building on a corner allotment opposite commercial development, picturesque open space and within 50 metres of the railway precinct, will result in a good planning outcome for Angaston without adversely affecting the amenity of the adjacent residential property to the west.

As such the proposal to develop the site for the purposes of an office is entirely appropriate and warrants the grant of Development Plan Consent.

Should you require any further information or clarification please do not hesitate to contact me.

Elinor Walker
(BA Urb.Reg.Planning)
MPIA
Dear Ashleigh,

I write in response to the further information request from Council dated 13 December 2019.

In response to the request for further information we have revised the design of the replacement of the existing structure on the south eastern elevation. We have amended the roof line to reflect a more traditional form which matches the existing roof pitch.

Additionally, please see attached a colour elevation of the façade which includes Dulux© colour swatches. The owner has decided to remove the use of any corporate blue colour and has instead incorporated neutral grey colours along with Antique White U.S.A © for all exterior walls.

With respect to the other matters raised in the letter I would like to make the following comments:

- No advertising is currently proposed and does not form part of this ‘non-complying’ application.

- The building is not affected by any internal heritage controls as it is a contributory item only. This item is proposed not to be listed as part of the new Planning & Design Code on public exhibition and therefore it is not considered appropriate to apply stronger planning controls than what currently exist as there is a clear strategic intent to de-list contributory items State wide. All contributory items are proposed to be contained within a Historic Area Overlay, which is not the case with this site at present.
• It is my understanding that the site is connected to reticulated sewer and therefore it is unclear as to why a waste application would be required, particularly as there is no material change to the underfloor plumbing.

• As stipulated in the planning submission there is ample on street car parking to accommodate 1 additional car park. Further there is limited space available on site to accommodate 1 additional car park. It is also not reasonable given the obvious on-street supply to request a traffic impact assessment as a result of a potential waiver of 1 car park.

• It is not proposed to alter the existing car parking structures at this stage and it is my view that it is beyond the ambit of the heritage adviser and Council planning staff to require the construction of new buildings as part of a Development Plan Consent application.

• It is not considered appropriate to remove rear loaded car parking on the basis of de-activation of a front entrance. The intent of this statement in your letter is a little perplexing.

Please feel free to contact me if you wish to discuss the issues raised in the request for further information.

Kind regards

Elinor Walker
DIRECTOR
BA (urb.reg.planning) MPIA
APPLICATION DETAILS

<table>
<thead>
<tr>
<th>PROPOSAL</th>
<th>Construction of an additional single-storey dwelling for the purpose of dependant accommodation (Non-Complying)</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT</td>
<td>Selecta Homes &amp; Building Company Pty Ltd</td>
</tr>
<tr>
<td>OWNER</td>
<td>TS De Wit</td>
</tr>
<tr>
<td>APPLICATION NO</td>
<td>960/552/2019</td>
</tr>
<tr>
<td>CERTIFICATE(S) OF TITLE</td>
<td>CT 5879/215</td>
</tr>
<tr>
<td>AREA</td>
<td>4.4 Ha</td>
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<td>CURRENT USE</td>
<td>Residential – Rural Living</td>
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<td>DEVELOPMENT PLAN VERSION</td>
<td>Consolidated – 5 September 2019</td>
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<tr>
<td>ZONE</td>
<td>Primary Production (Barossa Valley Region)</td>
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<tr>
<td>POLICY/PRECINCT AREA</td>
<td>Nil</td>
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<tr>
<td>OVERLAYS</td>
<td>Character Preservation District; Bushfire Risk - Medium</td>
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<tr>
<td>APPLICATION TYPE</td>
<td>Non-Complying</td>
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<tr>
<td>CATEGORY OF DEVELOPMENT</td>
<td>Category 3</td>
</tr>
<tr>
<td>REFERRALS</td>
<td>Nil</td>
</tr>
<tr>
<td>PREVIOUS APPLICATIONS</td>
<td>See body of Report</td>
</tr>
<tr>
<td>ASSESSING OFFICER</td>
<td>Janine Lennon</td>
</tr>
<tr>
<td>RECOMMENDATION</td>
<td>That Development Plan Consent be GRANTED subject to the concurrence of the State Planning Commission</td>
</tr>
</tbody>
</table>

BACKGROUND

Construction of an additional single-storey dwelling for the purpose of dependant accommodation.

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 seek concurrence from the State Planning Commission 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.

SITE AND LOCALITY

The subject land is located within the Primary Production (Barossa Valley Region) Zone.
The site has an area of 4.4ha, it is bounded by Research Road to the north and west, and a creek to the south. The site is currently used as a dwelling with associated outbuilding and water tanks, vineyards and secured truck parking area.

The predominant land use in the locality is for viticultural purposes, with almost all appropriately sized allotments in the area containing vines. However, there are various other uses in the locality such as Tanunda Primary School, Faith Lutheran College and the Rex Recreation Centre.

The history of the site includes:

- Property Applications: 960/827/1999, Change Of Land Use
- Property Applications: 960/200/2012, Two Storey Dwelling Addition
- Property Applications: 960/541/2012, Dwelling additions and Demolition of portion of existing Dwelling
- Property Applications: 960/750/2012, Outbuilding (Shed) and demolition of 2 existing outbuilding (sheds)
- Property Applications: 960/1014/2013, Rainwater Tank
- Property Applications: 960/485/2016, Bed and Breakfast Accommodation
- Property Applications: 960/640/2016, Verandah (attached)
- Property Applications: 960/103/2019, Installation of a swimming pool and associated safety fencing
- Property Applications: 960/152/2019, Alterations to an existing dwelling: removal of load bearing wall and replacement with beam; shifting of load bearing wall; installation of new window and associated lintel; installation of additional floor joists to support bath tub
- Property Applications: 960/298/2019, Change of Use from Bed and Breakfast to Dwelling

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 Bushfire Risk - Medium Overlay as shown in Figure 3.

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

Site photo is provided in Figure 6.
Figure 1: Zone Map
Overlay Map Baro/17
HERITAGE AND CHARACTER
PRESERVATION DISTRICT

Figure 2: Character Preservation District Overlay Map
Figure 3: Bushfire Risk – Medium Overlay Map
REFERRALS
No referrals are required under Schedule 8 of the Development Regulations 2008.

Internal
The application was referred to:

Health Services  A waste water application and approval will be required.

NON-COMPLYING
The application is a non-complying form of development, due to not meeting any of the non-complying exemption criteria listed for the Primary Production (BVR) Zone.

Administration resolved, under delegation to proceed with an assessment of the proposal. 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) Meets all but one of the six design criteria listed in the Development Plan for dependant accommodation.

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

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

Overlay Section

Character Preservation District

Interpretation

Where the Objectives and or Principles of Development Control that apply in relation to the Character Preservation District shown on this Overlay are in conflict with the relevant General Section Objectives and/or Principles of Development Control in the Development Plan, the Overlay will prevail.

Objectives

1. A district where:

(a) scenic and rural landscapes are highly valued, retained and protected.

(b) development near entrances to towns and settlements does not diminish the rural setting, character and heritage values associated with those towns and settlements.

(c) the long term use of land for primary production and associated value adding enterprises is assured and promoted.

(d) activities positively contribute to tourism.

(e) the heritage attributes of the district are preserved.

(f) buildings and structures complement the landscape.

2. Residential development is located inside townships, settlements and rural living areas.

3. No expansion of rural living and settlement zones outside township areas.

Principles Of Development Control

Form of Development

1. Development should be consistent with the Objectives for 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.
<table>
<thead>
<tr>
<th><strong>Bushfire Protection Area</strong></th>
<th>See Hazards Module</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Section</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Design and Appearance</strong></td>
<td>Objectives 1 and 2</td>
</tr>
<tr>
<td></td>
<td>PDCs 1, 2, 3, 6 and 7</td>
</tr>
<tr>
<td></td>
<td>PDC 6 Transportable buildings and buildings which are elevated on stumps, posts, piers, columns or the like, should have their suspended footings enclosed around the perimeter of the building with brickwork or timber, and the use of verandahs, pergolas and other suitable architectural detailing to give the appearance of a permanent structure.</td>
</tr>
<tr>
<td></td>
<td>Whilst a transportable style building has been proposed, the applicant proposes to clad the area between the ground and building floor level with hardiflex panels.</td>
</tr>
<tr>
<td></td>
<td>All other Objectives and PDCs are deemed to comply.</td>
</tr>
<tr>
<td><strong>Energy Efficiency</strong></td>
<td>Objectives 1 and 2</td>
</tr>
<tr>
<td><strong>On-site Energy Generation</strong></td>
<td>PDCs 1, 2 and 3</td>
</tr>
<tr>
<td></td>
<td>The dwelling is north-south facing, enabling optimum solar exposure to one side of the roof for photovoltaic cells.</td>
</tr>
<tr>
<td></td>
<td>Above standard insulation and double glazing has been proposed to reduce heating and cooling costs.</td>
</tr>
<tr>
<td></td>
<td>All relevant Objectives and PDCs are deemed to comply.</td>
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<tr>
<td><strong>Hazards</strong></td>
<td>Objectives 1, 2 and 5</td>
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<tr>
<td><strong>Bushfire</strong></td>
<td>PDCs 1, 3, 7, 8, 9, 10 and 12</td>
</tr>
<tr>
<td></td>
<td>Whilst a transportable style building has been proposed, the applicant proposes to clad the area between the ground and building floor level with hardiflex panels to reduce the potential for trapping burning debris against the building or structure.</td>
</tr>
<tr>
<td></td>
<td>A condition has been recommended regarding compliance with the Minister’s Code: Undertaking development in Bushfire Protection Areas.</td>
</tr>
<tr>
<td></td>
<td>All relevant Objectives and PDCs are deemed to comply.</td>
</tr>
<tr>
<td><strong>Orderly and Sustainable Development</strong></td>
<td>Objectives 1, 3, 4 and 7</td>
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<tr>
<td></td>
<td>PDCs 1, 2 and 9</td>
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<tr>
<td></td>
<td>All relevant Objectives and PDCs are deemed to comply.</td>
</tr>
</tbody>
</table>
Residential Development
Car Parking and Access
Dependent Accommodation

Objectives
1, 2, 3, 4 and 5
PDCs 34, 36, 38 and 41

PDC 41 Dependent accommodation (ie accommodation where the living unit is connected to the same services of the main dwelling) should be developed on the same allotment as the existing dwelling only where:

(a) the site is of adequate size and configuration.
(b) the accommodation has a small floor area relative to the associated main dwelling with a floor area not exceeding 50 square metres
(c) adequate outdoor space is provided for the use of all occupants.
(d) adequate on-site car parking is provided.
(e) the building is designed to, and comprises colours and materials that will, complement the original dwelling.
(f) the building is attached to the associated main dwelling.

Whilst the proposed dwelling has been nominated as “dependant accommodation” it does not meet all of the six design criteria listed in that the building is not attached to the main dwelling.

All other relevant Objectives and PDCs are deemed to comply.

Siting and Visibility

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

The proposed building will not be readily visible from outside of the site.

All relevant Objectives and PDCs are deemed to comply.

Waste
Waste Treatment Systems

Objectives
1 and 2
PDCs 1, 2, 3, 4, 5, 6, 10, 11, 13 and 14

At this time no waste water application has been received. A condition has been recommended requiring that a waste water system is approved prior to an application for Development Approval.

All other relevant Objectives and PDCs are deemed to comply.

Zone Section

Primary Production (Barossa Valley Region) Zone

Objectives
1, 3, 4 and 6

The proposed development is not expected to impact upon the long term continuation of primary production on the site.

All other relevant 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, groundwater 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

Whilst located approximately 54m from the main dwelling, the proposal is generally within the building cluster on the site. The building is located approximately 150m from the existing vineyard and therefore will not impinge on primary production use of the site.

Land Use

PDCs 1, 2 and 6

Whilst the proposed development does entail the construction of an additional dwelling on the site, the dwelling is proposed to be used as dependant accommodation and will be reliant upon the main dwelling for water, electricity, septic and laundry provision. Being within the Primary Production (Barossa Valley Region) Zone, excising the proposed dwelling from the remainder of the site would also be a non-complying proposal. A condition has been recommended requiring that the building only be used as dependant accommodation in association with the main dwelling.

All other relevant Objectives and PDCs are deemed to comply.

Form & Character

PDCs 8, 15, 16, 17 and 19

All relevant 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 development proposal is not seriously at variance to The Barossa Council Development Plan.

(c) To GRANT Development Plan Consent for Application No. 960/552/2019 by Selecta Homes and Building Company Pty Ltd to undertake Construction of an additional single-storey dwelling for the purpose of dependant accommodation at 92 Research Road, TANUNDA (CT 5879/215) 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 (as amended) accompanying Application No. 960/552/2019 and listed below except where varied by any following conditions.

- Site Layout, (Sheet no 1 of 8) Drawn by Selecta Homes, dated 3 September 2019
- Floor Plan, (Sheet no 2 of 8) Drawn by Selecta Homes, dated 3 September 2019
- Elevations, (Sheet no 3 of 8) Drawn by Selecta Homes, dated 3 September 2019
- Statement of Effect, written by SA Urban & Regional Planning, dated 6 January 2020

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

(2) Prior to Development Approval being issued 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 that the proposal is constructed in accordance with the requirements of the South Australian Public Health Act 2011.
(3) The subject land is located within a Medium Bushfire Risk area. A dedicated and independent water supply shall be available at all times for fire fighting purposes which:

a. Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and

b. Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case. (Any rainwater tank used for this purpose should be dedicated entirely for fire fighting and shall be of non combustible materials).

The provision of the dedicated water supply for fire fighting purposes shall comply with the Ministers Specification SA 78 'Bushfire fighting equipment and water supply requirements in designated bushfire prone areas'.

Reason: To ensure that landscaping is undertaken in accordance with the Minister’s Code: Undertaking development in Bushfire Protection Areas.

(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.

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

(5) Storm water disposal systems must be completed by the completion of the construction of the building. During construction, adequate measures must be taken to ensure the temporary disposal of surface or roof water and does not affect neighbouring properties.

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

(6) Disturbed surfaces including any exposed batters as a result of excavation on the land shall be revegetated with indigenous species and stabilised within three months of the completion of the development, to the satisfaction of Council.

Reason: To ensure that landscaping is installed and maintained in accordance with the Objectives and Principles of the Development Plan.

(7) Any rainwater tank shall be of a material/colour that matches or blends with that of the dwelling authorised herein, to the reasonable satisfaction of Council.

Reason: To ensure that landscaping is installed and maintained in accordance with the Objectives and Principles of the Development Plan.
The additional single-storey dwelling approved herein shall only be used for the purpose of dependant accommodation and shall not be used independently of the main dwelling.

Reason: To ensure that the proposal is used, run and maintained as approved by the Relevant Authority.
6.3 Attachment 1
COUNCIL: THE BAROSSA
APPLICANT: SELECTA HOMES & BUILDING COMPANY P/L
Postal Address: 1-8 DEUTER ROAD
BURTON SA 5110

OWNER: TANYA DE WIT
Postal Address: 92 RESEARCH ROAD
TANUNDA SA 5352

BUILDER: SELECTA HOMES & BUILDING COMPANY P/L
Postal Address: 1-8 DEUTER ROAD
BURTON SA 5110
Licence No. GL56332

CONTACT PERSON FOR FURTHER INFORMATION
Name: PAUL LING
Telephone: 8256 6300 Fax: 8280 8430
Email: paul.ling@selectahomes.com.au

EXISTING USE: EXISTING RESIDENCE
DESCRIPTION OF PROPOSED DEVELOPMENT:
SINGLE STOREY DWELLING

LOCATION OF PROPOSED DEVELOPMENT:
House No: 92 Lot No: 129 Road: RESEARCH RD Town/Suburb: TANUNDA
Section No: Hundred: MOOROOROO Volume: 5879 Folio: 216

LAND DIVISION: REFER TO ATTACHED SITE PLAN
Site Area (m²) Reserve Area (m²) No. of existing allotments
No. of additional allotments (excluding road & reserve): Lease: YES ☐ NO ☐

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 proposed number of occupants of the various spaces at the premises: ______

DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 2008 APPLY? NO
HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 2008 LEVY BEEN PAID? YES

DEVELOPMENT COST (do not include any fit-out costs): $86,800.00

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

SIGNATURE: __________________________ DATE: 06/09/2019
FLOOR PLAN
Scale 1:100
Double glazing to windows/sliding doors
Foilboard (Super 15) underfloor insulation
Sisalation fitted beneath roof cladding
R6.0 insulation batt to ceiling

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AREAS

PROPOSED: Dependant Living

FOR: Tanya De Wit

AT: Lot 129 (No.92) Research Road
Tanunda SA 5352

TOTAL 55.80
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SELECTA HOMES & BLDG CO.
TO BE USED ONLY FOR THE PROJECT SPECIFIED HEREIN.
WITTER DIMENSIONS TO TAKE PREVIOUS OVER SCALE.

PROPOSED: Dependant Living
FOR: Tanya De Wit
AT: Lot 129(No.92) Research Road
Tanunda, SA 5352

TOTAL 55.80

LOT & PORT WAKEFIELD ROAD
PARAFIELD GARDENS SA 5107
TELEPHONE (08) 8283 0477
FACSIMILE (08) 8281 7451

183
Certificate of Title - Volume 5879 Folio 216

Parent Title(s)  CT 5423/363
Creating Dealing(s)  TG 9367174
Title Issued  07/09/2002
Edition  4
Edition Issued  18/03/2019

Estate Type
FEE SIMPLE

Registered Proprietor
TANYA SANDRA DE WIT
OF 92 RESEARCH ROAD TANUNDA SA 5352

Description of Land
ALLOTMENT 129 FILED PLAN 172390
IN THE AREA NAMED TANUNDA
HUNDRED OF MOOROOROO

Easements
SUBJECT TO EASEMENT(S) OVER THE LAND MARKED C (TG 9367174)

Schedule of Dealings
Dealing Number  Description
13074661  MORTGAGE TO WESTPAC BANKING CORPORATION (ACN: 007 457 141)

Notations
Dealings Affecting Title  NIL
Priority Notices  NIL
Notations on Plan  NIL

Registrar-General's Notes
APPROVED FILED PLAN FOR LEASE PURPOSES FX49682
APPROVED FILED PLAN FOR LEASE PURPOSES FX54221

Administrative Interests  NIL
**STATEMENT OF EFFECT**

**PROPOSAL:** Dependent Accommodation (NON-COMPLYING)

**DEVELOPMENT APPLICATION:** 960/552/2019

**AT:** 92 Research Rd, TANUNDA

**FOR:** Selecta Homes & Building Company Pty Ltd

1.0 **Introduction**

SA Urban and Regional Planning have been engaged by Selecta Homes & Building Company Pty Ltd (‘client’) to prepare a Statement of Effect associated with non-complying Development Application 960/552/2019, which seeks to construct a dependent accommodation ancillary to the existing dwelling located at 92 Research Rd, Tanunda (‘the subject land”).

Regulation 17(5) of the Development Regulations, 2008 requires a Statement of Effect be prepared and submitted once the application has been permitted to proceed to a full assessment. Detailed within this Statement of Effect is my description of the following:

• the planning background;
• the subject site and locality, with specific regard to types of land use;
• nature of the proposed development;
• a detailed assessment of the application against the relevant Council Wide and Zone Objectives, Desired Character and Principles of Development Control (PDC) in the Barossa Council Development Plan (consolidated on 05 September 2019); and
• an assessment on the expected social, economic and environmental impacts of the proposed development on its immediate locality.

This report, as outlined above, is to be read in conjunction with the following documents:

• a recent copy of the relevant Certificate of Title, attached as Appendix A; and
• a site plan, floor plan and elevations, attached as Appendix B.

2.0 **Planning background**

Correspondence dated 19 December 2019 from Barossa Council advises that Council resolved on 12 December 2019 to proceed with a full assessment of development application 960/552/2019 for a dependent accommodation, following receipt of the statement of effect.

The subject site was recently purchased in January 2019 and up until recently has been used as a bed and breakfast (in line with development approval granted in 2016). Subsequently, the new owner has lodged a number of development applications in 2019, most notably, a development application for a change in use from bed and breakfast to a dwelling; returning the entire structure to a single dwelling use has been granted development approval.

3.0 **Subject Land**

The subject land is formally described as Allotment 129 in Certificate of Title Volume 5423 Folio 363
(see appendix A). It is approximately 4.34 hectares in size with a frontage to Research Road of 673.51 metres and creek forming the rear southern boundary.

The subject land is subject to an easement, which is 2.89 metres wide and located along the eastern side boundary for the entire length. The proposal is located clear of the easement, and no encroachment of the easement is proposed.

The development site contains an existing dwelling with ancillary outbuildings (shed, garage, verandah and carport), existing access to the subject land is via Research Road with no change to access proposed.

The site contains considerable vegetation to the front boundary as viewed from Research Road and notably, the site also contains approximately 2.4 hectares of mature Shiraz and Cabernet vines, as seen below:

4.0 Locality
The immediate locality comprises not only the subject site, which, is located entirely within the Primary Production (Barossa Valley Region) Zone and the Character Preservation District overlay, but also within the immediate locality to the south and west is the Community Zone (as shown by Overlay Map Baro/17 Heritage and Character Preservation District and Zone Map Baro/17 of the Development Plan).

4.1 Zoning
The site is located entirely within the Primary Production (Barossa Valley Region) Zone and within the Character Preservation District Overlay. Land uses listed below are consistent with the zoning for the immediate locality (as per Zone Map Baro/17 shown below)
4.2 Land Use

The land uses evident in the locality include:

North, East and South

Surrounding the subject site to the north, east and south are broadacre farming and viticulture. Notably to the south is the Faith Lutheran College, Brenton Langbein Theatre and Barossa Arts Centre.

West

Tanunda Primary School, The Rex: Barossa Aquatic and fitness and reserve located in the Community Zone. Further west (outside of the immediate locality), well serviced Tanunda with ready access to day to day services including medical, shopping and entertainment.

5.0 Nature of the Proposed Development

The client seeks to construct a dependent accommodation ancillary to the existing dwelling, as illustrated on plans attached (Appendix B). A more detailed description of the proposal is provided below.
5.1 Dependent Accommodation
The proposal is for a dependent accommodation, comprising a single bedroom with bathroom, kitchen, dining and living room (floor plan in Appendix B). The dependent accommodation is 9.3 metres wide x 6.0 metres deep, notwithstanding the internal floor area is less than 50m2 with a small covered porch of 6.12m2 located in line with the front façade (bedroom wall).

The Dependent accommodation is secondary to the existing dwelling, it will be connected to the same services as the main dwelling and developed on the same allotment including pump outline to existing septic as shown on amended plans (Appendix B).

The owner confirms that the dependent accommodation is for use by her father, allowing him to maintain a level of independence whilst enabling support and care from his family due to the proximity of being on the same site.

The proposed dependent accommodation is single storey and sited 35.0 metres from the primary frontage. The dependent accommodation is sited further back than existing structures on the subject site including the dwelling, so as not to detract from the existing open landscape and highly desirable vistas. The proposal seeks to complement the existing dwelling by way of colours, proposing the following:

- Roof and gutters- Colourbond ‘Wind Spray’
- External walls- painted ‘White Birch’
- Aluminium Windows- powder coated ‘White Birch’

6.0 procedural Matters
The subject land is located within the Primary Production (Barossa Valley Region) Zone of the Barossa Council Development Plan consolidated on 5 September 2019.

6.1 Type of Development
All forms of development are listed as non-complying, with a list of exceptions. Notably, this development is not listed as an exception. During the initial assessment it was highlighted to avoid the non-complying process the development would need to meet all the dependent accommodation criteria as per Principle of Development Control (PDC) 41 for General Section- Residential Development, as follows:

41 Dependent accommodation (i.e. accommodation where the living unit is connected to the same services of the main dwelling) should be developed on the same allotment as the existing dwelling only where:

a) the site is of adequate size and configuration
b) the accommodation has a small floor area relative to the associated main dwelling with a floor area not exceeding 50 square metres
c) adequate outdoor space is provided for the use of all occupants
d) adequate on-site car parking is provided
e) the building is designed to and comprises colours and materials that will, complement the original dwelling
f) the building is attached to the associated main dwelling.

The proposal does not satisfy parts (b) and (f) and therefore will not be exempt from assessment following the non-complying process. In particular, due to the proposed dependent accommodation not being physically attached to the main dwelling.
6.2 Public Notification
As the application is determined to be a non-complying form of development within the Primary Production (Barossa Valley Region) Zone of the Development Plan, the proposed development will be required to undergo Category 3 public notification.

6.3 Statutory Referrals
No statutory (external) referrals are required under Schedule 8 of the Development Regulations, 2008.

7.0 Assessment
Council Wide and Zone Objectives, Desired Character and Principles of Development Control (PDC) of the Development Plan, with a focus on floor area and siting. This assessment is to be read in conjunction with plans attached as Appendix B.

7.1 Land Use
The Desired Character for the Primary Production (Barossa Valley Region) Zone provides as follows:

The open nature of the land results in a landscape highly sensitive to development for non-broadacre 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.

This is reflective of the subject site, which is used for both residence and viticulture. The proposal is cognisant of the landscape, development on site exhibits large setbacks and a spacious open landscape. Built form has been carefully located to minimise its visual impact on desirable vistas and the proposed dependent accommodation seeks to do the same. It is considered that the following provisions are in my opinion, of particular relevance to this proposal in this location:

- General Section- Residential Development:
  - Objectives: 1, 2, 5
  - PDC: 1, 5, 9, 10, 11, 16, 20, 21, 22, 23, 24, 41
  The proposal helps fulfill the objectives for Residential Development, which seek to provide housing that meets the full range of needs and preferences of the community, catering for changing demographics including affordable housing for seniors in appropriate locations.

  The Proposal meets the PDCs identified above, whilst allowing for an alternate form of accommodation. The dependent accommodation does not hinder the provision of landscaping, private open space, safe and convenient car parking or create overshadowing for either the occupants of the main dwelling or proposed dependent accommodation. Nor does the proposal create nuisance to existing site features including the creek to the rear of the site or vegetation on site.

  Regarding PDC 41 as it relates to dependent accommodation, the proposal is not in accord with 41(b) and (f). The overall size (footprint of the dependent accommodation is 55.8m2 which consists of 49.5m2 of internal floor area and 6.3m2 of a porch). The dependent accommodation is not physically attached to the main dwelling, although on a balanced assessment of the proposal, the proposed
dependent accommodation being detached or a minor variation in building footprint does not create additional adverse impact on the subject land in its capacity to function as a residence and viticulture as opposed to the structure being attached to the dwelling or marginally smaller in size. The separation between the two structures does allow for the occupants of each form of accommodation to maintain some independence.

- General Section- Siting & Visibility:
  - Objectives: 1, 2
  - PDC: 1, 2, 3, 4, 5, 6, 9
  The proposal has a small footprint and is setback considerably from the primary frontage behind an existing stand of trees and other vegetation. On a whole, the proposal will not be visually intrusive and will essentially maintain the status quo as viewed by passing motorists/tourists. The siting and location of the dependent accommodation can be seen to fulfill the above-mentioned objectives and PDCs.

- Overlay Section- Character Preservation District Overlay:
  - Objectives: 1, 2, 3
  - PDC: 1
  All objectives are relevant to this proposal, whilst the dependent accommodation does not strictly add to tourism, the proposal is not considered to result in the unreasonable encroachment of an incompatible land use within the context of the existing uses on the site and the capacity to provide for accommodation that meets the needs of the community.

  In determining whether the proposal meets the objectives of the Character Preservation (Barossa Valley) Act 2012 or not, the proposal is to be considered against the objectives and character values of the Act and within the Development Plan. It has therefore been considered that the proposal will not detrimentally affect the special character of the district for the following reasons:
  - The proposal is considered to have limited impact on visual amenity and natural and rural landscapes of the character preservation district as the dependent accommodation is setback appropriately from the road frontage and screened from the surrounding public realm by existing vegetation;
  - The tourism attributes of the region will not be impacted given the proposal is associated with the existing dwelling on the land;
  - The proposed dependent accommodation is not considered to impact the heritage attributes of the region will not be impacted given that the proposal is associated with the existing dwelling on the land;
  - The proposal will not limit the use of the adjoining lands.

  It is considered that the objectives of the Act and Development Plan provisions will be met and the character of the district will be maintained and preserved.

- Zone Section- Primary Production (Barossa Valley Region) Zone:
  - Objectives: 1, 2, 3, 4, 5, 6
  - PDC: 1, 2, 6, 8, 11
  The proposal does not affect the long-term continuation of viticulture currently being undertaken on the subject land, nor will the character and function of viticulture activities be adversely affected in the locality.
PDC 1 seeks diversification of existing farming activities through small scale tourist accommodation: - within an existing building; and - in the form of farm stay, guesthouse, rural or nature retreat, or bed and breakfast accommodation as an integral part of a farm building complex. Whilst it is not sought for this proposal to be used for tourist accommodation, it is not outside the scope of the zoning to seek additional forms of accommodation. Previously, this site was used for dwelling and tourist accommodation, which saw an increase to people within the area, the proposed dependent accommodation seeks a similar result albeit for the ongoing lodging and care of an aging family member.

Objective 6 seeks that development contribute to the desired character of the zone and it is evident that the proposal is in keeping with the Desired Character for the Zone and objectives for the Character Preservation District Overlay. Albeit, the proposal is not strictly in accord with all the criteria set out in the Barossa Council Development Plan for dependent accommodation. The proposal displays merit for Development Plan Consent, which includes:

- Continuation of use as residence and viticulture;
- The new building is set well back from Research Road, behind a large stand of trees and landscaping, minimising the visual impact of built form on the landscape;
- All existing native and non-native vegetation is proposed to be retained;
- The dependent accommodation is to be established on the same allotment as the primary residence, using the same services;
- The dependent accommodation is single storey and will be painted and clad in pre-painted sheet metal that complements the existing dwelling;
- The dependent accommodation enables the site to meet the needs of the occupants by providing a form of accommodation that supports intergenerational care;
- The proposal is entirely consistent with the Objectives and the Desired Character sought for the Primary Production (Barossa Valley Region) Zone.

### 8.0 Social, Economic and Environmental Impacts

The proposed development, as outlined in this report, will have minimal social, economic and environmental impacts on adjacent properties and/or the immediate locality for the reasons outlined below.

#### 8.1 Social Impacts

The proposed development provides for a form of accommodation that enables the occupant to be close to family (on the subject site), in a location that also has close proximity to the established social infrastructure and services within Tanunda, whilst maintaining a degree of independence as the occupant is able to age in place. The social impact for occupants in the main residence and proposed dependent accommodation will be immeasurable.

#### 8.2 Economic Impacts

The economic impact will likely be evident most during the construction of the dependent accommodation, short term, economic benefit to the professionals involved in the design, facilitation and approval processes, the trades and building company involved in construction, and any number of manufacturers and suppliers of materials and fixtures of the proposed dependent accommodation. The long-term economic benefit is that community and surrounding townships benefit from an occupant that is consuming local
products and resources and utilising local services.

8.3 Environmental Impacts
The proposed dependent accommodation is sited well behind the existing residence and 35 metres from the primary frontage. The outcome of this development will not impact the use of adjoining land due to large expanses of separation nor will it create any undue impact on adjoining landowners. The proposal is modest in size, does not necessitate the clearing of regulated or significant trees, the siting does not detract from the visual amenity and natural character of the locality. The proposal does not create a negative environmental impact and is sensitive to its surrounds.

9.0 Summary
While it is respected that the application needs to be processed through the “non-complying” procedural requirements, in other respects, it needs to be assessed on its merits as a matter of planning judgement as is the case with every development application.

The project has qualities and benefits, for which the Development Act, through the provisions of Section 35 (3), gives the ability for applications of this nature to be approved where they demonstrate special merit.

For the reasons outlined there is a very sound and compelling case to support and grant Development Plan Consent for the proposed development, subject to conditions as appropriate for this type of development and that the concurrence of the State Planning Commission be sought by the Council.

Nick Simos
Bachelor of Urban & Regional Planning BURP, Honors, MPIA
Private Certifier Planning (PCP 006)
7. REPORTS – APPLICATIONS TO PROCEED/NOT TO PROCEED TO ASSESSMENT

7.1 960/62/2018/C (Allotment 241 Research Road Nuriootpa)

APPLICATION DETAILS

| PROPOSAL | Construction of a Winery Wastewater Treatment Facility (8.7ML storage & aeration dam) and Irrigation Water Re-use (inflow up to 61.5ML/year) (Non-Complying); AMENDMENT - Construction of two additional dams for aeration (6ML & 9ML), 8.7ML dam to be used as storage, alteration to irrigation system and planting scheme, installation of pipework to & from VINPAC; STAGE 1 - Construction of pipeline from Dorrien Estate to site, installation of irrigation system, planting of all vegetation and landscaping; STAGE 2 - Construction of wastewater treatment plant and aeration & storage dam (Non-Complying) |
| APPLICANT | Vinpac International Pty Ltd and Master Plan SA Pty Ltd |
| OWNER | Vinpac International Pty Ltd |
| APPLICATION NO | 960/62/2018/C |
| CERTIFICATE(S) OF TITLE | CT 5886/228 |
| AREA | 28.01Ha |
| CURRENT USE | Agriculture - cropping |
| DEVELOPMENT PLAN VERSION | Consolidated - 1 November 2018 |
| ZONE | Primary Production (Barossa Valley Region) |
| POLICY/PRECINCT AREA | Nil |
| OVERLAYS | Barossa Valley Character Preservation District |
| APPLICATION TYPE | Non-Complying |
| CATEGORY OF DEVELOPMENT | Category 3 |
| REFERRALS | Environment Protection Authority |
| PREVIOUS APPLICATIONS | 960/62/2018 |
| ASSESSING OFFICER | Janine Lennon |
| RECOMMENDATION | Proceed to assessment in accordance with Regulation 17(3)(b) of the Development Regulations 2008. |

BACKGROUND
Dorrien Estate Winery originally proposed to construct a new wastewater treatment and irrigation re-use facility. It has been foreshadowed that the wastewater treatment facility will also be used in the future by Vinpac International. The facility was intended to initially treat winery water generated by Dorrien Estate Winery, but with sufficient capacity to accept and treat wastewater from Vinpac International in the future.
The development site currently features two dams. Consent has previously been granted to convert the larger empty dam into an aeration/irrigation dam with the capacity to store 8.7 megalitres of treated waste water (40 days capacity at current flow rates, 32 days at planned maximum flow rates). The smaller dam will continue to be used for stormwater detention purposes.

Consent was granted for treated wastewater to be used to irrigate two Lucerne stands – one stand of 6.3ha to the north and the other of 7.9ha to the south. Vineyards were to be planted in four separate areas totalling 6.4ha they would also be irrigated with treated wastewater. The establishment of the irrigated areas was granted Development Approval as Stage 1 of the initial consent.

Several rows of predominantly native trees and shrub species were to be planted in a pseudo wind-break configuration – using gradational heights and canopy densities – along the northern and western road frontages, starting approximately 6 metres inside the property boundary and comprising a semi-contiguous 24 metre wide strip. These plantings includes locally occurring species, are suited to the soil type and will thrive under irrigated conditions. Native species of non-local origins may also be used where it is considered appropriate and to enrich the bio-diversity of the plantings.

The above described development was granted Development Plan Consent (subject to State Planning Commission concurrence) on 13 November 2018.

The latest application involves the following changes to the previous consent:

- Construction of two additional dams for aeration (6ML and 9ML)
- The 8.7ML dam to be used as storage
- Installation of pipework to and from VINPAC
- Irrigated Lucerne area reduced to one 9.9ha stand
- Irrigated Vineyards, two areas totalling 9.8ha
- Pseudo wind-break configuration – using gradational heights and canopy densities – along the northern and western road frontages, starting approximately 3.4 metres – 6 metres inside the property boundary and comprising a semi-contiguous 12 metre wide strip

- A 300mm-600mm high bund wall along the northern, western and southern property boundaries

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 in the opinion of the sub-delegate, it is appropriate to refer the application to the Barossa Assessment Panel.

SITE AND LOCALITY

The subject site is approximately 28.02ha in overall area.

The site contains two existing dams, and an associated outbuilding (pump house). The remainder of the site has been used for cropping although it does not appear to have been sown for the past five years. There is a strip of primarily native trees along the Diagonal Road frontage, but only one tree along the Research Road frontage.
The topography of the locality is very flat and the site is surrounded by vineyards. As a result of this the dams and associated building are only visible from Research Road and Diagonal Road, they are not and will not be visible from any dwellings in the locality.

The site is located within a locality that primarily features horticulture (vineyards), with a scattering of rural living sized allotments and a few wineries. Vineyards form the dominant vegetation of the locality with native and exotic trees associated with road verges and dwellings.

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.

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: Character Preservation District Overlay
Figure 3: Aerial – Locality

Figure 4: Aerial – Site
Figure 5: Site Photo Locations

Figure 6: Site Photo 1 from Research Road
Figure 7: Site Photo 2 from Research Road

Figure 8: Site Photo 3 from Diagonal Road
Figure 9: Site Photo 4 – large existing dam

Figure 10: Site Photo 5 – small existing dam
NON-COMPLYING – 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) resolve to proceed with an assessment of the application.

If the relevant authority resolves to proceed with an assessment, a statement of effect will be requested and the application would be assessed via the non-complying process.

The application is a non-complying form of development, due to all forms of Development being non-complying in the Primary Production (Barossa Valley Region) Zone, subject to list exceptions and a wastewater treatment facility is not one of those exceptions.

The applicant has provided a Brief Statement of Support pursuant to Regulation 17 of the Development Regulations 2008, which is included in Attachment 1.

RELEVANT SECTIONS OF THE DEVELOPMENT PLAN
The relevant sections of the Development Plan include, but are not limited to the following:

General Section

Waste Module

Objectives 1 and 2
PDCs 1(d, f and g), 2, 3, 4, 5, 6(b and c), 7, 8, 9, 11, 12, 13, 14, 15 and 17

1 Development that, in order of priority, avoids the production of waste, minimises the production of waste, reuses waste, recycles waste for reuse, treats waste and disposes of waste in an environmentally sound manner.

2 Development that includes the treatment and management of solid and liquid waste to prevent undesired impacts on the environment including, soil, plant and animal biodiversity, human health and the amenity of the locality.

Principles Of Development Control

1 Development should be sited and designed to prevent or minimise the generation of waste (including wastewater) by applying the following waste management hierarchy in the order of priority as shown below:

(d) recycling waste
(f) treating waste to reduce the potentially degrading impacts
(g) disposing of waste in an environmentally sound manner.

2 The storage, treatment and disposal of waste materials from any development should be achieved
without risk to health or impairment of the environment.

3 Development should avoid as far as practical, the discharge or deposit of waste (including wastewater) onto land or into any waters (including processes such as seepage, infiltration or carriage by wind, rain, sea spray, stormwater or by the rising of the water table).

4 Untreated waste should not be discharged to the environment, and in particular to any water body.

5 Development should include appropriately sized area to facilitate the storage of receptacles that will enable the efficient recycling of waste.

6 Development that involves the production and/or collection of waste and/or recyclable material should include designated collection and storage area(s) that are:

   (b) located to avoid impacting on adjoining sensitive environments or land uses.
   (c) designed to ensure that wastes do not contaminate stormwater or enter the stormwater collection system.

Wastewater

7 The disposal of wastewater to land should only occur where methods of wastewater reduction and reuse are unable to remove the need for its disposal, and where its application to the land is environmentally sustainable.

8 Wastewater lagoons should not be sited in any of the following areas:

   (a) within land subject to a 1-in-100 year average return interval flood event
   (b) within 50 metres of the top of the bank of a watercourse
   (c) where the base of the lagoon would be below any seasonal water table.

9 Artificial wetland system for the storage of treated wastewater, such as wastewater lagoons, should be:

   (a) sufficiently separated from adjoining sensitive uses to minimise potential adverse odour impacts.
   (b) sited and designed to minimise potential public health risks arising from the breeding of mosquitoes.

Waste Treatment Systems

11 The methods for, and siting of, effluent and waste storage, treatment and disposal systems should
minimise the potential for environmental harm and adverse impacts on:

(a) the quality of surface and groundwater resources
(b) public health
(c) the amenity of a locality
(d) sensitive land uses.

12 Waste treatment should only occur where the capacity of the treatment facility is sufficient to accommodate likely maximum daily demands including a contingency for unexpected high flows and breakdowns.

13 Any on-site wastewater treatment system/re-use system or effluent drainage field should be located within the allotment of the development that it will service.

14 A dedicated on-site effluent disposal area should not include any areas to be used for, or could be reasonably foreseen to be used for, private outdoor open space, driveways, car parking or outbuildings.

15 The spreading or discharging of treated liquid or solid waste onto the ground should only occur where the disposal area consists of soil and vegetation that has the capacity to store and use the waste without contaminating soil or surface or groundwater resources or damaging crops.

17 Winery waste management systems should be designed to ensure:

(a) surface runoff does not occur from the wastewater irrigation area at any time.
(b) wastewater is not irrigated onto waterlogged areas, land within 50 metres of a creek, or swamp or domestic or stock water bore, or land subject to flooding, steeply sloping land, or rocky or highly permeable soil overlaying an unconfined aquifer.
(c) wastewater is not irrigated over an area which is within 50 metres of any residence on neighbouring land or 10 metres of any type of publicly owned land.
(d) wastewater is released using low trajectory low pressure sprinklers, drip irrigators or agricultural pipe, and is not sprayed more than 1.5 metres into the air or in fine droplets if there is a potential for the spread of diseases from the wastewater.
(e) stormwater runoff from areas which are contaminated with grape or grape products is drained to winery waste management systems during vintage periods.
(f) stormwater from roofs and clean hard paved surfaces is diverted away from winery waste
management systems and disposed of in an environmentally sound manner or used for productive purposes.

Zone Section | Objectives 1, 3, 4, 5 and 6
--- | ---
**Primary Production (Barossa Valley Region) Zone** | 1 Economically productive, efficient and environmentally sustainable primary production.
 | 3 Preservation of rural land and landscape character by limiting additional dwellings and non-agricultural development, except as provided for in Nuriootpa Sturt Highway Service Centre Policy Area 13.
 | 4 The long term continuation of farming, horticulture, viticulture and associated winery activities.
 | 5 Winery and small-scale tourist facilities only where the character and function of viticulture activities are not adversely affected.
 | 6 Development that contributes to the desired character of the zone.

**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, groundwater 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.

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. It is expected that broadacre farming and horticultural land use will not take place on land containing mature native vegetation in the Altona to North Para River area.

**Land Use**

PDC 1, 2, 8, 15 and 19

1 The following forms of development are envisaged in the zone:
2 Development listed as non-complying is generally inappropriate

Form and Character

8 Development should not be undertaken unless it is consistent with the desired character for the zone.

15 Development should include landscaping that contributes to the visual amenity and landscape character of the locality by:

(a) screening buildings, structures and storage areas from roads identified in Overlay Maps – Transport as scenic lookouts.

(b) providing buffer areas to minimise the impact on sensitive uses.

(c) using locally indigenous plant species where possible.

19 Residential and tourist accommodation development should not be located within 300 metres of existing winery or industrial land uses unless at least one of the following is achieved:

(a) the development is located on the same allotment as the winery or industrial operation.

(b) the development is sited and designed to mitigate the likely noise, dust, odour, and traffic impacts arising from the winery or industrial operation.

DISCUSSION

Waste Module
The Development Plan clearly envisages that wastewater treatment will occur within the Council area and sets out a number of Objectives and Principles to ensure that it occurs in a responsible and sustainable manner. The proposed development meets the majority of these including:

- Development that recycles waste for reuse, treats waste and disposes of waste in an environmentally sound manner.
- The storage, treatment and disposal of waste materials from any development should be achieved without risk to health or impairment of the environment.
- The disposal of wastewater to land should only occur where methods of wastewater reduction and reuse are unable to remove the need for its disposal, and where its application to the land is environmentally sustainable.
- The methods for, and siting of, effluent and waste storage, treatment and disposal systems should minimise the potential for environmental harm and adverse impacts on the environment.
- Waste treatment should only occur where the capacity of the treatment facility is sufficient to accommodate likely maximum daily demands including a contingency for unexpected high flows and breakdowns.
- Winery waste management systems should be designed to ensure:

  (a) surface runoff does not occur from the wastewater irrigation area at any time.
  (b) wastewater is not irrigated onto waterlogged areas, land within 50 metres of a creek, or swamp or domestic or stock water bore, or land subject to flooding, steeply sloping land, or rocky or highly permeable soil overlaying an unconfined aquifer.
  (c) wastewater is released using low trajectory low pressure sprinklers, drip irrigators or agricultural pipe, and is not sprayed more than 1.5 metres into the air or in fine droplets if there is a potential for the spread of diseases from the wastewater.

The major area where the proposal deviates from the Objectives and Principles of this module is the Principle seeking that any on-site wastewater treatment system/re-use system or effluent drainage field should be located within the allotment of the development that it will service.

**Zone**
The waste treatment portion of this development is not listed as an envisaged use, rather development listed as noncomplying is generally considered inappropriate in this Zone.

Whilst not specifically listed as an envisaged use in its own right, the Development Plan does state that a winery may include waste treatment, storage, reuse and disposal.

Winery wastewater treatment equipment and effluent dams should be located no closer than 300 metres from residential development. The closest residential development is 390 metres away, therefore separation distances have been met.

**CONCLUSION**

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

**Proceed to Development Plan Assessment**
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 a Non Complying development of land and pursuant to the provisions of the Development Act 1993 resolves that the development proposal has sufficient merit to proceed to make an assessment of the Application No. 960/62/2018/C by Vinpac International Pty Ltd and Master Plan SA Pty Ltd to undertake Construction of a Winery Wastewater Treatment Facility (8.7ML storage and aeration dam) and Irrigation Water Re-use (inflow up to 61.5ML/year); AMENDMENT - Construction of two additional dams for aeration (6ML and 9ML), 8.7ML dam to be used as storage, alteration to irrigation system and planting scheme, installation of pipework to and from VINPAC; STAGE 1 - Construction of pipeline from Dorrrien Estate to site, installation of irrigation system, planting of all vegetation and landscaping; STAGE 2 - Construction of wastewater treatment plant and aeration & storage dam at Allot 241 Research Road, Nuriootpa (CT 5886/228).
(a) Pursuant to Section 6(2) of the Character Preservation (Barossa Valley) Act 2012, the Development 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) That the Panel resolves to proceed to assessment of a non-complying development proposal.
7.1 Attachment 1
COUNCIL: THE BAROSSA COUNCIL

APPLICANT: VINPAC INTERNATIONAL PTY LTD
Postal Address: C/- MASTERPLAN SA PTY LTD
33 CARRINGTON STREET, ADELAIDE, SA, 5000

OWNER: VINPAC INTERNATIONAL PTY LTD
Postal Address: 1 WOOLWORTHS WAY
BELLA VISTA NSW 2153

CONTACT PERSON FOR FURTHER INFORMATION:
Name: GRAHAM BURNS - MASTERPLAN SA PTY LTD
Telephone: 8193 5600
Email: GRAHAM@MASTERPLAN.COM.AU
Mobile: 0413 832 602

EXISTING USE:
APPROVED WINERY WASTEWATER TREATMENT FACILITY & PIPELINE

DESCRIPTION OF PROPOSED DEVELOPMENT: VARIATIONS TO APPROVED WASTEWATER TREATMENT & IRRIGATION REUSE SITE, AND ADDITIONAL PIPELINE FROM VINPAC INTERNATIONAL TO LOT 241 RESEARCH ROAD.

LOCATION OF PROPOSED DEVELOPMENT:
House No: Lot No: 241 Street: RESEARCH ROAD Town/Suburb: NURIOOTPA
Section No (full/part): Hundred: Volume: 5886 Folio: 228

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:

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): $5.0 Million

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

SIGNATURE: 12 DECEMBER 2019

MASTERPLAN SA PTY LTD FOR VINPAC INTERNATIONAL PTY LTD
DEVELOPMENT REGULATIONS 2008

Form of Declaration
(Schedule 5, Clause 2A)

To: The Barossa Council

From: MasterPlan SA Pty Ltd on behalf of Vinpac International Pty Ltd

Date of Application: 12 December 2019

Location of Proposed Development:

<table>
<thead>
<tr>
<th>House Number:</th>
<th>-</th>
<th>Lot Number:</th>
<th>241</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street:</td>
<td>Research Road</td>
<td>Town/Suburb:</td>
<td>Nuriootpa</td>
</tr>
<tr>
<td>Section No (full/part):</td>
<td>-</td>
<td>Hundred:</td>
<td>Moorooroo</td>
</tr>
<tr>
<td>Volume:</td>
<td>5886</td>
<td>Folio:</td>
<td>228</td>
</tr>
</tbody>
</table>

Nature of Proposed Development:

Variations to approved development in DA 960/62/2018 for consent to construct a winery wastewater treatment facility and irrigation water reuse for primary production purposes at Lot 241 Research Road Nuriootpa. The variations include an additional wastewater pipeline from Vinpac International at Angaston to Lot 241 Research Road Nuriootpa.

MasterPlan SA Pty Ltd, being the company acting on behalf of the applicant 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. We make this declaration under Clause 2A(1) of Schedule 5 of the Development Regulations 2008.

12 December 2019

Date

Signed

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:

- an internal alteration of a building; or
- an alteration to the walls of a building but not so as to alter the shape of the building.
Certificate of Title - Volume 5886 Folio 228

Parent Title(s)  CT 5569/569
Creating Dealing(s)  DDA 9411765
Title Issued  03/01/2003  Edition 2  Edition Issued  04/01/2017

Estate Type
FEE SIMPLE

Registered Proprietor
VINPAC INTERNATIONAL PTY. LTD. (ACN: 008 266 779)
OF 1 WOOLWORTHS WAY BELLA VISTA NSW 2153

Description of Land
ALLOTMENT 241 FILED PLAN 172502
IN THE AREA NAMED NURIOOTPA
HUNDRED OF MOOROOROO

Easements
SUBJECT TO THE EASEMENT(S) AS PROVIDED FOR BY SECTION 9 OF THE NATURAL GAS AUTHORITY ACT 1967
SUBJECT TO EASEMENT(S) OVER THE LAND MARKED A TO THE NATURAL GAS AUTHORITY OF SOUTH AUSTRALIA (T 3035762)

Schedule of Dealings
NIL

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 3660/122
SEE TITLE TEXT FOR EASEMENT DETAILS

FOR METRIC CONVERSION
1 LINK = 0.201168 METRES
1 CHAIN = 100 LINKS
1 ACRE = 0.404686 HECTARES
1 ROOD = 1011.7 m²
1 PERCH = 25.29 m²

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION
STATEMENT OF SUPPORT

Variation to approved development in DA 960/62/2018 for consent to construct a winery wastewater treatment facility, irrigation water reuse for primary production purposes and associated wastewater pipeline

AT: Allotment 241 Research Road, Nuriootpa and other land

FOR: Vinpac International Pty Ltd.

1.0 BACKGROUND

Dorrien Estate Winery Pty Ltd received Development Approval from The Barossa Council on 5 September 2019 for the development of a winery wastewater treatment facility and associated irrigation water reuse fields for primary production purposes at Allotment 241 Research Road, Nuriootpa. Stage 1 of the approval provides for the construction of the wastewater pipeline from Dorrien Estate Winery to the Research Road site, the installation of an associated irrigation system and the planting of vegetation and landscaping to be irrigated with the treated wastewater.

This application was approved in DA 960/62/2018/1.

It is now proposed to convey, via a second underground pipeline, the wastewater generated by Vinpac International at its wine making, packaging, bottling, distribution, laboratory and warehouse complex at 773 Stockwell Road, Angaston. The wastewater will be piped to Allotment 241 Research Road, Nuriootpa. It will be necessary to alter the approved wastewater treatment plant at Allotment 241 to receive and process Vinpac International’s wastewater, and to accommodate the proposed pipeline route from Stockwell Road to Allotment 241.

Dorrien Estate and Vinpac International are subsidiary companies of Pinnacle Drinks. Pinnacle Drinks manages the brand and marketing activities for the company’s wine, beer and spirit brands. Pinnacle Drinks exclusively supplies these brands to BWS, Dan Murphy’s and the ALH Pub Group.

2.0 DEVELOPMENT PLAN

Allotment 241 Research Road and the associated pipeline route between Vinpac International and Research Road are located in the Primary Production (BVR) Zone. These sites are also in the Character Preservation District. No Precincts or Policy Areas apply to this part of the Zone.

All forms of development are non-complying in the Primary Production (BVR) Zone, except for the developments listed in the Non-complying Table of the Zone’s Procedural Matters.

“Farming” and “Horticulture” are exempted and are therefore not non-complying in this zone. A wastewater treatment plant, and a pipeline designed to convey wastewater, are not exempted. Accordingly, the entire development must be assessed as non-complying.
This Statement of Support has been prepared for the accompanying development application. It has been prepared in accordance with Regulation 17(1) of the Development Regulations which requires the preparation of a Statement in Support to accompany the development application.

3.0 THE PROPOSAL

Proposed alterations to the wastewater treatment and irrigation reuse facility at Allotment 241 Research Road are detailed in the **Dorrien-Vinpac Wastewater Treatment and Reuse Scheme** report prepared by Land Energy Pty Ltd and Waterform Pty Ltd (November 2019). This report is at **Attachment A**.

The approved wastewater treatment and irrigation facility was designed to receive an average of 36ML of effluent from Dorrien Estate with an allowance for a 20 percent increase.

Vinpac International’s Stockwell Road plant incorporates a small sparkling wine production unit, but most of the wastewater is generated by the cleaning of wine storage tanks, wine transfer infrastructure and bottling wines. Annual average wastewater production volumes for Vinpac have been in the order of 43ML over recent years. A long-term maximum design wastewater discharge of 54.97ML per year has been determined for the Vinpac site. Approximately 28.7ML of this wastewater will either be treated at the company’s Stockwell Road site, or treated at the Research Road site and returned to the Vinpac site via a return pipe for direct irrigation of landscaping and turf. This will leave 26.3ML of wastewater being treated and irrigated at the Research Road site.

All plant and equipment at the Research Road site will be installed on a reinforced concrete bunded slab. The slab will incorporate a network of flow drains which will discharge into the aeration dam. Any hazardous and general chemicals at the wastewater treatment plant will be securely stored in a bunded enclosure.

A route for the new pipeline between Vinpac and Research Road has been selected but not yet surveyed. In-principle agreement has however been reached with those landowners whose properties the pipeline will pass through. The landowners’ written consent will be confirmed.

The approved and proposed pipeline route, an amended layout for the Research Road WWTP and irrigation areas and the Vinpac site is shown on the drawings at **Attachment B**.

The report jointly prepared by Land Energy and Waterform summarises the proposal as:

“... an outstanding example of integration and centralisation applied to waste management and environmental sustainability. Both the Dorrien and Vinpac operations have grown substantially over time, produce large volumes of wastewater and have finite space limitations at their respective sites. The development of a joint wastewater treatment facility and irrigation reuse scheme on a virtually greenfield site, located approximately midway between the two production facilities, enables significant economies of scale to be realised, and allows each of the individual facilities to concentrate on the respective core activities, while reducing overall the environmental impact of their operations.
The Dorrien Winemaking operation will be able to consolidate and upgrade their wastewater management infrastructure, reclaim a substantial area of land within the site, and significantly reduce the potential for complaints arising from wastewater odours emanating from the existing system. Significant direct cost savings are to be realised by transferring effluent irrigation operations to a Group-owned site, rather than the lease of an external third-party site.

The Vinpac International operation at Angaston currently operates a wastewater system which produces semi-treated effluent waste occasionally by the neighbouring Adelaide Brighton Cement operation, or to irrigate turf and landscape areas on the grounds of the site, and is otherwise removed by road tanker for treatment at the NPEC treatment works. The effluent produced remains biologically active and capable of generating significant malodour under anoxic conditions. In association with the proposed development, and upgrade works at the existing Vinpac wastewater system, the Vinpac wastewater would be pre-treated by a simple anaerobic process to improve the subsequent treatability of wastewater transferred to the Research Road wastewater treatment plant, and stabilise the effluent produced to a state which would reduce malodours related to the wastewater plan and any direct irrigation which might be applied.

The proposed Research Road wastewater treatment plant and irrigation reuse scheme will employ best practice technology and operating procedures in all aspects of the project. It will reduce or eliminate odour-related issues resulting from the Group’s activities in the Valley and will produce high quality treated effluent which will become a beneficial resource, rather than a problematic liability. The irrigation re-use operation will integrate well with the irrigated agriculture and viticulture character of the Barossa and will be a productive addition to the business overall”.

4.0 PLANNING MERITS

The proposal demonstrates substantial planning merit to justify further and more detailed assessment of the application in accordance with Regulation 17(5).

Those merits include:

(i) the proposal is “an outstanding example of integrated and centralisation applied to waste management and environmental sustainability” (comments attributed to the Dorrien-Vinpac Wastewater Treatment and Re-use Scheme by environmental consultants Land Energy and Waterform);

(ii) the proposal will provide for treated wastewater to be productively reused for agricultural, viticultural and landscaping purposes, consistent with the use of other land throughout the Barossa Valley;

(iii) the proposed wastewater pipeline will be underground and not be visible from public or private property, but will be nevertheless protected by easements registered on each affected property;
(iv) the pipeline and the use of Allotment 241 Research Road for its intended purposes will in all respects accord with Zone Objective 1 which promotes “[e]conomically productive, efficient and environmentally sustainable primary production”;

(v) the proposal confines all infrastructure and associated buildings to a central part of the Research Road allotment, so that they will not detract from the locality’s landscape character and scenic quality;

(vi) adverse impacts from the generation of malodours at the Dorrien Estate and Vinpac International donor sites will be eliminated;

(vii) no native vegetation will be removed to facilitate the proposal. To the contrary, substantial replanting of native vegetation will be undertaken along the Research Road and Diagonal Road boundaries at Allotment 241; and

(viii) the proposal will enable the donor sites at Dorrien Estate and Vinpac International to be more efficiently used for their intended and approved purposes.

For all of these reasons, we are of the opinion that the proposal warrants more detailed assessment against Regulation 17(5) of the Development Regulations 2008.

Graham Burns  MPIA (Fellow)
B/A in Planning

12 December 2019
ATTACHMENT A
Land Energy/Waterform Report
Dorrien-Vinpac Wastewater Treatment and Re-use Scheme

Supporting Information for Development Application

Wastewater Treatment Plant and On-site Irrigation Re-use

Research Road – Nuriootpa

WWTP & Irrigation Development – Barossa Valley – South Australia

Prepared By: LAND ENERGY PTY LTD & WATERFORM PTY LTD - November 2019

P O Box 651 McLaren Vale SA 5171
Phone (08) 8557 8787
www.landenergy.com.au

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1. INTRODUCTION

Pinnacle Drinks includes two major wine industry operations located in the Barossa Valley - Dorrien Estate on Siegersdorf Road near Tanunda and Vinpac International on Stockwell Road near Angaston. Dorrien Winemaking has submitted a development application to the Barossa Council for a proposed new wastewater treatment and irrigation re-use facility to be located on a site approximately 28 ha in total area, situated at the corner of Research Road and Diagonal Road (Lot A241) Nuriootpa, and approximately midway between the two production facilities. As part of the planning approval, provision is to be made for the collection, treatment and environmentally sustainable on-site irrigation re-use of the wastewater generated by the individual operations. Attachment 1 shows the relative locations of the Research Road site, Dorrien Estate Winery and surrounding area.

It is expected that as a newly-constructed (greenfield) development, opportunities will arise to employ state-of-the-art monitoring and control technologies, as well as best-practice operational procedures, and that this new facility will be not only sustainable with respect to wastewater management, but will be an example of leading-edge technology and practice within the industry.

In the preparation of this report the following documents have been used as references for design criteria, concept development and planning:

- Barossa Council Development Plan (Consolidated – September 2019)
- EPA Guidelines – Bunding and Spill Management (2016)
- Petroleum and Geothermal Energy Act 2000
- Australian Standard AS 2885: Pipelines – Gas and Liquid Petroleum
- Guideline for the Planning and Development of Land in the Vicinity of High Pressure Natural Gas and Liquid Petroleum Pipelines (Epic Energy & SEA Gas)

1.1 Dorrien Estate Winery - Operation & Capacity

Dorrien Estate produce a wide range of wine, processing fruit from many of the Australian Geographic Indications, with the majority from South Australia, ranging from the Riverland to the Coonawarra regions. Both Red and White premium table wines are produced in the ratio of approximately 75:25 respectively.

The Dorrien Estate facility (EPA licence 50464 – Dorrien Estate Winery Pty Ltd) differs from many wineries in that it is also a major receival/distribution centre for many wine brands as well as being an operational winery. As a result, a significant quantity of partially processed wine product is received and despatched from the site, which does not require the full degree of processing (from crush to pre-bottling), and which therefore does not produce the full complement of wastewater per unit of production (litre of wine, tonne of fruit etc.).

The Dorrien facility occupies an area of approximately 11.5 ha, and has a wine storage capacity of some 12,700 kL in stainless steel tankage, and approximately 1,800 kL in oak barrels. For the purposes of planning and design with respect to the proposed development and future production forecasts, the Dorrien site is considered to be at long-term capacity with a vintage crush capacity of approximately 14,000 tonnes.

In the last seven years from 2012 to 2018, Dorrien has processed an average vintage crush of 11,719 tonnes per annum, producing an average of approximately 28,200 kL of total effluent – including stormwater accessions from exposed work areas – with approximately 20,000 kL leaving the wastewater management system and used to irrigate nearby treelot and lucerne plantings.
1.2 Vinpac International - Operation & Capacity

Vinpac International is a specialist wine bottling, winemaking, laboratory and warehouse/despatch service located outside the Angaston township on a site of approximately 17.5 ha. It is part of the Woolworths group of companies and provides specialist bottling and packaging services. The organization operates up to six bottling lines and has large warehouses of approximately 34,000 m² which caters to the bottling needs of wineries throughout Australia. The site houses approximately 35,000 pallets of finished goods with an additional 11,500 pallets at offsite warehouses. The operation also has the capacity to store 7 million litres of bulk wine in tanks.

1.3 Water Supply

All three sites – Dorrien Estate, Vinpac and the Research Road property are supplied with potable water from the SA Water mains reticulation network, drawn from the River Murray via the Swan Reach or Morgan water treatment plants. Additional irrigation water supply will also be available from a groundwater bores on the Research Road site after extraction licence transfer procedures have been finalised. See also section 2.5 below.

2. WASTEWATER

Process wastewater is generated predominantly by cleaning, rinsing and flushing operations at both the Dorrien and Vinpac sites. The general principle applied to the collection and treatment of waste products at these facilities is to segregate the solids at the point of generation before they can enter the wastewater system.

Drains in the cellar areas of the operations are covered with heavy-duty grating to prevent large solids from entering the wastewater collection system. Wastewater is collected in the drainage system and directed by gravity to a number of sumps, and then pumped to the respective wastewater management system. Laboratories discharge waste reagents, indicators and sink wastes, as well as some diluted wine and juice to the respective site sewerage network. Refer to section 3 for further description of the wastewater treatment systems.

Wastewater including that from toilets and ablutions, lunchrooms and tasting areas is segregated from the main production facility wastewater system and in the case of Dorrien, is treated separately by approved aerobic wastewater treatment systems. Treated effluent from these units is used to irrigate garden beds and landscaped areas in accordance with SA Health guidelines and Local Council regulations. Sanitary waste from the Vinpac site is discharged directly to the Angaston (SA Water) sewerage network.

2.1 Wastewater Quality

Both contributing production sites have contracts in place with AWQC for regular sampling and analysis of their wastewater streams. Dorrien sample the final effluent from the existing irrigation holding pond on a monthly basis in accordance with the site EPA Licence, while Vinpac sample from their Storage Tank D fortnightly prior to discharge either to on-site irrigation, Adelaide Brighton Cement or NPEC via removal by tanker. Both wastewaters are tested for a comprehensive range of water quality analytes exceeding that stipulated in the relevant EPA guidelines.

Dorrien

As a large commercial winery and production facility, Dorrien is subject to peak wastewater volume and constituent loadings during and immediately following the annual vintage period. Approximately 50% of the annual wastewater is produced during the months February to April inclusive.

Wastewater at Dorrien Estate is currently treated prior to irrigation by gross-solids screening, settling and a combination of constructed reedbed, partial aeration for odour control and lagoon storage. While this rudimentary system is not capable of complete stabilisation and treatment of the incoming wastewater at the peak loading rates applied during the vintage period, it nevertheless has a substantial ameliorating impact on the biological strength as BOD (Biochemical Oxygen Demand), and pH variations of the wastewater, particularly outside of the peak vintage period.

Included in the works associated with the proposed development, will be a re-configuration of the existing wastewater system at the Dorrien site, which will continue to provide gross-solids screening and settling of the raw wastewater, prior to storage in enclosed tanks and pumping to the Research Road Wastewater Treatment Plant (WWTP) for continued processing. This re-configuration will remove the subsequent
treatment steps currently performed by the reed-bed and aeration lagoon, which will result in an overall higher-strength wastewater being produced, for discharge to the new WWTP, than is currently the case for the existing local irrigation re-use arrangements.

In order to characterise and quantify the difference in wastewater quality which will be pumped to the proposed Research Road WWTP, additional sampling and analysis of the raw wastewater stream at Dorrien has been conducted alongside the routine sampling and analysis program during the main vintage and post-vintage period for 2017 (Refer to Table 1 below). This will ensure that adequate biological treatment capacity is provided in the design and planning of the proposed Research Road WWTP. Attachment 2 provides some historical wastewater analysis statistical data from the Dorrien site, and the results of the 2017 raw wastewater analysis for comparison.

Vinpac

While the Vinpac facility incorporates a small sparkling wine production unit, the majority of the wastewater produced at this site is generated by the cleaning of wine storage tanks, wine transfer infrastructure and bottling lines. This means that although the primary constituents of the wastewater are derived from the same type of source material, and are hydro-chemically very similar, the gross and suspended solids components, normally associated with winery wastewater, are comparatively reduced in the Vinpac wastewater.

Vinpac wastewater also differs from that of Dorrien, and most other wineries, in that it is not markedly affected by vintage production peaks and troughs, due to its primary role as a bottling, packaging and distribution centre. The average BOD of the Vinpac wastewater would be expected to be similar to, but slightly higher than that generated by Dorrien, whereas the maximum BOD will be slightly lower than that of a winery. It is also expected that, given the reduced particulate and suspended solids concentrations of the Vinpac wastewater, the soluble BOD component will be higher than for the Dorrien wastewater.

Separate planning is also underway for an upgrade to the existing Vinpac wastewater management system, to improve the quality of the effluent produced – specifically to reduce malodours and provide some opportunistic reduction in BOD levels. This pre-treatment will also reduce the peak biological loading on the Research Road WWTP, as it will be able to supply either raw or pre-treated Vinpac wastewater to the WWTP. Attachment 3, shows wastewater analysis data from 2014 to 2016 at Vinpac.

Combined Wastewater Streams

The two production sites are expected to complement one another in terms of volume-weighted constituent concentration loadings. During vintage, the wastewater volume produced by Dorrien is at a maximum, and concentrations are relatively low; whereas the data suggests that for the same period, Vinpac flows are reduced, but concentrations are somewhat higher. The pre-treatment facilities at both contributing production sites will have an ameliorating effect on wastewater discharge quality, and the respective on-site stormwater diversion systems have the potential to improve wastewater quality parameters such as salinity at both sites due to dilution through blending with captured stormwater runoff.

The volume-weighted mean wastewater salinity at the expected discharge rates, for the majority of years, from the respective sites and the mean TDS values shown in table 1 below is estimated at approximately 1090 mg/L and trending downward, which is moderately saline but suitable for most reasonably salt-tolerant crops, and is considered to be manageable from a soil salinity perspective, based on the soil assessments conducted for project development planning.

Table 1. Wastewater Quality – Individual Sites & Combined Volume-weighted Means

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Nominal Inflow Volume (ML)</td>
<td>34.9</td>
<td>25.2</td>
<td>60.2</td>
</tr>
<tr>
<td>Total BOD&lt;sub&gt;5&lt;/sub&gt;</td>
<td>580 (16 – 3900)</td>
<td>2657 (1450 – 3950)</td>
<td>2486</td>
</tr>
<tr>
<td>TKN - N</td>
<td>39.1 (2 – 140)</td>
<td>30 (2 – 91)</td>
<td>45</td>
</tr>
<tr>
<td>Total P</td>
<td>12.9 (5.4 – 33.5)</td>
<td>13 (9 – 26)</td>
<td>15</td>
</tr>
<tr>
<td>TDS</td>
<td>1280 (820 – 2170)</td>
<td>918 (470 – 5620)</td>
<td>960</td>
</tr>
<tr>
<td>TSS</td>
<td>448 (2 – 3230)</td>
<td>-</td>
<td>500 (Estimate)</td>
</tr>
<tr>
<td>Turbidity (NTU)</td>
<td>-</td>
<td>52 (25 – 82)</td>
<td>60 (Estimate)</td>
</tr>
</tbody>
</table>
Vinpac wastewater quality data does not include Suspended Solids, but from site observations and recorded Turbidity data, gross and suspended solids concentrations appear to be relatively low, implying that the majority of the measured BOD$_5$ will be contributed by soluble organics. Dorrien by contrast, produces significant suspended solids in the wastewater, depending on prevailing vintage and production stages, ranging from 1 to 100% soluble total BOD$_5$ (average approximately 40%). Table 1 above shows the results for some of the main wastewater quality parameters from samples of raw (untreated) wastewater at Dorrien Estate during the vintage and post-vintage period of 2017, and at Vinpac for the three years 2014 to 2016, with the volume-weighted mean concentrations of the combined streams as indicative of wastewater inflow quality to the Research Road WWTP.

2.2 Wastewater Quantity

Both the Dorrien and Vinpac production facilities have been in operation for a considerable period, and have extensive wastewater monitoring data available to enable an accurate understanding of wastewater and effluent volumes, timing and variability as well as biochemical data. This allows the development of a sound design basis on which to establish process flow rates for current production rates and loadings, and assists with projections of future flow rates and volumes for longer-term planning.

As mentioned above, the annual vintage crush at Dorrien Estate has averaged around 11,700 tonnes over the last seven years, 2012 to 2018. The maximum physical and operational production capacity of the Dorrien site has been established at approximately 14,000 tonnes per annum, which was nearly reached in 2013 with a vintage crush of just over 13,000 tonnes. For design purposes in terms of biological treatment, pumping and storage volumes and irrigation re-use applications, the average wastewater production volume for the last seven years has been adopted and increased to represent an equivalent 14,000 tonne vintage crush, and stormwater accessions based on the 10% ARI rainfall statistic have been superimposed on this data to establish a long-term maximum design wastewater discharge volume of 36 ML/year from the Dorrien site to the proposed Research Road WWTP site, with an allowance for a future 20% increase.

Wastewater monitoring data from the Vinpac site show a relatively consistent monthly volume output, with a slight increase during the vintage period, most likely due to the presence of some limited winemaking activity on site, and a general increase in industry activity around vintage. Production rates are and have been relatively steady in recent years, which is reflected in an annual average wastewater production volume of approximately 43 ML/year over recent years. Taking forecast likely production growth of up to 20% for the foreseeable future into account, as well as the 10% ARI rainfall statistic, a long-term maximum design wastewater discharge volume of 54.97 ML/year has been determined for the Vinpac site.

Vinpac has an extensive area of irrigated amenity landscaping at the Angaston site, which includes approximately 3 ha of turfgrass watered by a newly installed pop-up sprinkler irrigation system using effluent from the existing on-site wastewater treatment system. These on-site irrigation diversions are generally possible for up to eight months of the year – weather conditions permitting, implying that under amenable climatic conditions, approximately 64% (35 ML) of the generated wastewater could be re-used on site for irrigation. For design and planning purposes, this on-site irrigation re-use allocation has been limited to approximately 52% or 28.7 ML, which will be returned to the Vinpac site after full secondary treatment for the purposes of irrigating the turf and landscape areas of the facility.

Significant capacity allowance and flexibility of retention and discharge has been built-in to the project design concept, through the substantial balance storage volume (BSV) situated at each of the three sites, as well the availability of alternative and contingency discharge options via third-party offsite re-use and/or emergency measures. These are discussed more fully in subsequent sections of this report.

2.2.1 Stormwater Accessions to Wastewater

Both the Dorrien and Vinpac production sites include exposed paved areas, generally involving tank farms and associated uses, which can be subject to product leakage, spills and general waste, particularly during vintage or at other specific times of the year.

The Vinpac site contains an exposed tank farm area of approximately 4,500 m$^2$ which is connected to the site wastewater drainage system via an automated and monitored stormwater diversion system (Station B3), which defaults to the wastewater drain, but which under a specific set of rainfall duration and intensity conditions as well as hydrochemical readings from the tank farm discharge stream, can divert what is determined by the monitoring system to be uncontaminated stormwater, to the main site stormwater drain. The contribution to total effluent volume generated at the Vinpac site, using a run-off co-efficient of 0.9 for concrete, is calculated as approximately 2.2 ML/year in the majority of years, and 3.0 ML/year in the 10%
concrete and bitumen is calculated as approximately 6.6 ML/year in the majority of years, and approximately the occasional operation of the stormwater diversion system described above. These volumes are incorporated into the projected effluent discharge figures previously discussed, and will in practice be somewhat lower than that calculated, due to the occasional operation of the stormwater diversion system described above.

2.3 Effluent Discharge Volumes

As illustrated above, climatic conditions and the duration and timing of the harvest and vintage period, as well as the capacity of retention and storage volumes on the supply side can have a significant influence on the quantity and timing of total effluent volumes generated at the two production sites which will provide the infeed flows to the proposed Research Road WWTP.

**Dorrien**

The average net effluent volume discharged to irrigation re-use from the Dorrien site for the last seven years was 20.0 ML/year as compared to the average effluent volume entering the wastewater system which was approximately 28.2 ML over the same period. The evaporation, transmission and seepage losses from the unlined earthen storage dams and reed-bed system which would account for this difference, will be substantially reduced as a result of the upgraded and re-configured wastewater management system proposed for the Dorrien site. Refer to section 3.1 below for information on the wastewater pre-treatment systems for both production sites. Table 2 below presents total annual and monthly effluent volume data for the Dorrien Estate site, based on the computed rainfall estimates calculated for the Majority of Years and the 1-in-10 Wet Year statistics.

**Table 2. Dorrien - Average & Projected Monthly Total Effluent Volumes (kL)**

<table>
<thead>
<tr>
<th>Production</th>
<th>Rain</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average</td>
<td>MoY</td>
<td>1521</td>
<td>3443</td>
<td>4429</td>
<td>2960</td>
<td>2694</td>
<td>2484</td>
<td>2589</td>
<td>2197</td>
<td>1989</td>
<td>1460</td>
<td>1088</td>
<td>944</td>
<td>27.8 ML</td>
</tr>
<tr>
<td>11,800 t</td>
<td>Wet</td>
<td>1675</td>
<td>3712</td>
<td>4742</td>
<td>3217</td>
<td>2910</td>
<td>2652</td>
<td>2703</td>
<td>2306</td>
<td>2121</td>
<td>1600</td>
<td>1201</td>
<td>1057</td>
<td>29.9 ML</td>
</tr>
<tr>
<td>Projected</td>
<td>MoY</td>
<td>1875</td>
<td>4456</td>
<td>5676</td>
<td>3620</td>
<td>3196</td>
<td>2910</td>
<td>3013</td>
<td>2524</td>
<td>2345</td>
<td>1900</td>
<td>1476</td>
<td>1248</td>
<td>34.2 ML</td>
</tr>
<tr>
<td>14,000 t</td>
<td>Wet</td>
<td>1998</td>
<td>4591</td>
<td>5813</td>
<td>3817</td>
<td>3412</td>
<td>3110</td>
<td>3149</td>
<td>2675</td>
<td>2514</td>
<td>2078</td>
<td>1609</td>
<td>1377</td>
<td>36.1 ML</td>
</tr>
</tbody>
</table>

**Vinpac**

The wastewater volume data for Vinpac shown below in table 3 are based on total discharge from the wastewater system in 2016 and 2017. Of the approximately 55 ML long-term projected wastewater volume to be transferred to the Research Road WWTP annually, some 28.7 ML of treated effluent will be returned to the Vinpac site to irrigate the extensive landscape and turfgrass areas which have been established.

**Table 3. Vinpac - Average & Projected Monthly Total Effluent Volumes (kL)**

<table>
<thead>
<tr>
<th>Production</th>
<th>Rain</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average</td>
<td>MoY</td>
<td>2344</td>
<td>3639</td>
<td>3200</td>
<td>2000</td>
<td>5879</td>
<td>3901</td>
<td>2310</td>
<td>5158</td>
<td>4576</td>
<td>4621</td>
<td>3225</td>
<td>2150</td>
<td>43.0 ML</td>
</tr>
<tr>
<td>2016-17</td>
<td>Wet</td>
<td>2387</td>
<td>3707</td>
<td>3260</td>
<td>2038</td>
<td>5988</td>
<td>3974</td>
<td>2353</td>
<td>5254</td>
<td>4661</td>
<td>4707</td>
<td>3285</td>
<td>2190</td>
<td>43.8 ML</td>
</tr>
<tr>
<td>Projected</td>
<td>MoY</td>
<td>2950</td>
<td>4582</td>
<td>4028</td>
<td>2518</td>
<td>7400</td>
<td>4911</td>
<td>2909</td>
<td>6492</td>
<td>5761</td>
<td>5817</td>
<td>4060</td>
<td>2707</td>
<td>54.1 ML</td>
</tr>
<tr>
<td>2022+</td>
<td>Wet</td>
<td>2997</td>
<td>4653</td>
<td>4091</td>
<td>2557</td>
<td>7514</td>
<td>4987</td>
<td>2954</td>
<td>6593</td>
<td>5850</td>
<td>5907</td>
<td>4123</td>
<td>2748</td>
<td>54.9 ML</td>
</tr>
</tbody>
</table>
2.4 Balance Storage & Flow Equalisation

While total effluent volumes discharged from the Dorrien site will increase under the proposed development and upgrade due to a reduction in evaporation and other losses, the wastewater/stormwater storage elements proposed will have the effect of reducing discharge variability through the flow-equalisation function of this on-site storage capacity.

Because the effluent data for the Vinpac site are total discharge volumes from the wastewater management system, these data already reflect the effect of the approximately 4.0 ML of balance storage (comprising some 3.7 ML of dam storage, and 0.4 ML in tanks) currently installed. This ‘smoothing’ effect is illustrated by the difference in the peak-to-mean ratios between the two production sites; Dorrien 2.8, and Vinpac 1.4.

2.4.1 Research Road WWTP Inflows

On completion of the development, the proposed Research Road joint WWTP facility will receive effluent flows from both the Dorrien Estate and Vinpac International production sites. These inflows will be separated into an SBR treatment plant (Vinpac wastewater) and aerated lagoons (Dorrien wastewater) with ability to direct flows according to the hydraulic and process conditions. The substantial balance storage volumes available will ameliorate any variability, and allow relatively constant and controlled flow rates to be handled by the wastewater treatment process.

Figure 1 below is the result of wastewater mass-balance calculations and demonstrates the flow-equalisation effect which the availability of significant retention storage has on the variability of the inflows to the Research Road WWTP. Based on the available and modelled data, a minimum of 6.1 ML of balance storage capacity would theoretically be sufficient to achieve the required flow equalisation. With some 15.5 ML of combined balance storage volume capacity ultimately available at the Research Road site, wastewater inflow variability should be minimised under normal operating conditions.

The data used in the flow equalisation modelling is based on 2016, 2017 and 2018 information from both production sites, with increases as previously outlined to account for future capacity expansion and maximum anticipated production and processing throughput.

![Research Road - Wastewater Flow Equalisation (Future Capacity)](image)

**Figure 1. Flow Equalisation – Research Road WWTP Infeed**

Figure 2 below shows the proportion of effluent generated at the Dorrien and Vinpac sites which are expected to be allocated between discharge to the Research Road WWTP site or on-site irrigation re-use at the Vinpac site.
Notwithstanding the capacity of balance storage available at the Research Road WWTP site, and a significant proportion of the vintage wastewater production occurring during the drier months of the year, the water use requirements of the irrigated crops established on the main WWTP site will be at maximum from about October through to the following February. As illustrated by the chart in figure 2 above, additional volumes which otherwise could be used for on-site irrigation at Vinpac, will be retained at the Research Road site during the peak-demand summer months, or in other extremely dry periods. The water requirements of the Research Road irrigation re-use scheme will be prioritised to ensure that the receiving site crops are maintained in viable condition to optimise their assimilation capacity throughout the year.

2.5 Oversupply and Undersupply Contingency

The total wastewater volume generated by both sites on the basis of the above assumptions by 2022 and beyond is approximately 89.2 ML/year, with around 60.6 ML being applied for irrigation re-use at the Research Road site in the Majority of Years (91.1 ML/year and 62.5 ML respectively for the 1-in-10 Year), with a future allowance for up to a maximum of 112 ML/year being treated through the facility. In practice, and taking regulatory agency requirements into account, provision will be required to accommodate periods when on-site irrigation re-use on the Vinpac site is not possible. Conversely, the cropping system to be established for irrigation re-use at the Research Road site will require access to supplementary irrigation volumes at times of high crop water use demand due to unseasonably hot weather, and/or low winery wastewater production.

In terms of supplementary irrigation requirements for Research Road during extended dry periods, a mains water supply will be connected to the WWTP (via appropriate backflow prevention measures), and arrangements for the transfer of an existing groundwater extraction licence from the Dorrien site to an existing production bore on Research Road are currently underway.

During extended periods of wet weather, low irrigation demand conditions or extended periods during which irrigation at the Vinpac site is restricted, there will be a significant excess of balance storage volume across the three sites available for short or long-term holding of treated effluent under such unusual conditions. The available balance storage will total approximately 21.7 ML and comprise:

- Dorrien Winery Pre-treatment Headworks: 2.1 ML
- Vinpac Pre-treatment Headworks: 4.1 ML
- Research Road BSV (in excess of minimum treatment volumes): 15.5 ML

Total combined balance storage volume capacity is therefore approximately 21.7 ML.
Figure 1 above indicates a minimum requirement of 6.1 ML to achieve effective flow equalisation, allowing relatively constant wastewater infeed to the WWTP despite variations in inflows. The availability of 21.7 ML of retention capacity provides a considerable buffer against periods of restricted discharge conditions.

In addition to the available balance storage capacity on the respective production and treatment sites, firm expressions of interest in being supplied with treated effluent for irrigation, have been received by the proponent from vineyard owners and operators in the vicinity of the WWTP site. As these potential recipients would require some form of holding capacity on their individual properties, this would provide further offsite capacity for winter or similar contingency volume storage in addition to that described above. Removal by tanker would always remain an available option – in extremis.

2.6 Wastewater Transfer

As part of the overall development project a rising main is to be installed to transfer wastewater/effluent from the Dorrien production site on Siegersdorf Road to the Research Road WWTP site over a distance of approximately 1900 m. Work is due to commence shortly on this pipeline, with the selected and approved route as shown in Attachment 4.

The current practice at Vinpac in respect of production wastewater volumes which are not used for on-site irrigation during the winter months, is removal by road tanker to the NPEC treatment works. This has been identified by Vinpac management as an unsustainable practice in the long-term, and in the context of the proposed Research Road WWTP project, decisions around preferred routes and construction of a rising main from Vinpac on Stockwell Road to the Research Road WWTP site are currently being made.

While the Dorrien rising main will be constructed in parallel with, or somewhat in advance of the main WWTP development, upgrade and re-configuration of the Dorrien wastewater inlet structures, pre-treatment and pumping works, and completion of the Vinpac rising main – being at present in the very early stages of consideration – is likely to lag the main development by an estimated 12 months or so. In order to enable the main project to proceed in all respects other than the completion of the Vinpac rising main connection, the intention is to incorporate an interim road tanker receival station into the upgraded wastewater inlet works at Dorrien, and to divert the loads currently destined for NPEC, to Dorrien for transfer to the Research Road site via the Dorrien rising main, once the Research Road WWTP is in operation.

As most if not all of these offsite tanker loads occur during the winter months – and outside of vintage when the Dorrien site produces less wastewater – the additional pumping and flow handling duty imposed on the Dorrien transfer works are not anticipated to produce any significant capacity constraints or operational issues. When the Vinpac rising main is completed and commissioned, routine tanker wastewater transfers from Vinpac to Dorrien would cease, however the capacity to accept occasional external wastewater volumes would be maintained for contingency purposes.

2.7 Project Staging

Project planning has also taken into account the possibility that the Vinpac wastewater component may not be sent to the Research Road WWTP in the medium-term if circumstances develop which delay its inclusion. In this scenario, establishment of the lucerne and possibly some vineyard plantings, as well as the associated above-ground irrigation componentry, may be delayed until Vinpac is online. Mains and bore water supplies would then be used to provide supplementary irrigation volumes if required, during the pre-vintage summer period, to avoid crop moisture stress.

The design capacity of the Research Road WWTP would not be significantly effected by any staging or delay in the Vinpac wastewater infeed to the system, as the peak instantaneous loadings are imposed predominantly by the Dorrien winery during and immediately following Vintage. The Dorrien winery wastewater stream also exhibits a higher peak:mean ratio in terms of both volume and quality, the maximum values of which need to be accommodated by the installed capacity of the WWTP.

3. WASTEWATER TREATMENT

The primary objectives in the design and development of the processes and system proposed herein can be summarised by the following characteristics:

- Robust – ability to handle the normal range of winery wastewater variations and shocks
- Operational simplicity – able to be operated by suitably trained WWTP operational staff
- Upgradeable – able to take advantage of emerging technologies and processes
Standards – aims to exceed regulatory requirements and community expectations
Sustainable – long-term environmental and social sustainability and local integration
Cost effective – specification to achieve required results at greatest practical cost efficiency

The availability of accurate current and historical monitoring data from both of the contributing production sites has enabled considerable initial design progress to be made in terms of conceptual process formats and preliminary physical layouts. However, although the overall schematic configuration and ultimate operation of the proposed scheme is unlikely to change substantially, there will be inevitable alterations to individual process steps and functional elements as the detailed design and specification work proceeds.

3.1 Wastewater Pre-treatment

In order to control and minimise odour produced at the source by un-treated winery wastewater, and to fully utilise the wastewater and stormwater storage capacity at each of the production sites, Dorrien and Vinpac will eventually upgrade their respective existing wastewater management systems which will ultimately integrate with the proposed development at Research Road. Both sites currently have rudimentary wastewater management systems which have been in place for a considerable time. The re-configuration and upgrade works proposed within the same area of the respective sites, will not constitute a change of land use, and will perform predominantly the same function as at present, but in an enhanced, and less mal-odour producing manner. These future proposed works on the Dorrien and Vinpac sites are not proposed as part of this current development application, but are raised only in order to convey the broader concept of the final envisaged scheme.

Dorrien

The future upgraded wastewater system at Dorrien Estate would involve the removal of the existing earthen holding dams and reed-bed, the re-instatement of the current site and consolidation of the wastewater system at the western end of the existing site. Attachment 5 is a schematic diagram showing the existing wastewater management system layout and the preliminary proposed wastewater pre-treatment headworks layout at Dorrien. The re-configured system would likely comprise the following elements:

- Rotary Drum Gross-solids Screen and Solid Waste Collection Bin
- Reinforced concrete sedimentation bays
- Sump – Combined supernatant collection and Tanker Discharge Inlet Works
- Wastewater Holding Tanks (2 x 160 kL)
- Plantroom – Transfer Pumps, Control & Monitoring Equipment
- Reinforced concrete bunded floor slab (Open side to Dam)
- Stormwater / Wastewater Holding Dam (Poly-lined with Leak-detection System)
- Existing 15 kW Floating Aerator to Dam for Odour Control (If Required)

Vinpac

The existing wastewater management system at Vinpac comprises screening, dam storage and pH correction, prior to discharge to on-site turf and landscape irrigation, Adelaide Brighton Cement (ABC) for re-use in kilns, or via road tanker to the NPEC treatment works near Nuriootpa. The intention of the proposed upgrade is to include adequate aeration and mixing in the existing storage dam in order to reduce odours and acidification of the stored wastewater. This relatively simple upgrade will improve the operating environment for staff and visitors at the Vinpac site, increase the quality of irrigation water used for on-site landscape irrigation, either directly or after treatment and return from the Research Road WWTP, and/or re-use by ABC. In terms of the overall development project, and from a wastewater treatment perspective, the upgrade would:

- enhance the aerobic status of the stored effluent prior to full treatment at Research Road
- stabilise and prevent the stored effluent from becoming anoxic, acidic and malodourous
- reduce or eliminate the need for pH correction
- enable the existing storage dam to be used as an active balance storage volume
- pre-condition the effluent for transfer to the Research Road WWTP via rising main

The proposed upgrade to the Vinpac wastewater management system will integrate readily with the existing plant, equipment and infrastructure, mainly requiring some additional electrical, process control and monitoring equipment, with the existing power supply being more than adequate for the proposed system additions. Some modification to the effluent discharge pumping plant may be required when the design of the proposed Vinpact to Research Road rising main is finalised.
3.2 Research Road Wastewater Treatment Plant

The proposed Research Road wastewater treatment system design will be based on biological oxidation processes. This is an aerobic biological process, which will utilise both closed tank sequencing batch reactors and open aeration dams and will be capable of producing treated effluent of controlled, low BOD and suspended solids. The primary use planned for the effluent is irrigation of Lucerne, grapevines with inter-row sward, and property boundary plantings. A mains water supply will also be piped to the WWTP from the existing SA Water meter connection. Attachment 13 shows the proposed WWTP layout.

The system will have two SBR tanks with a combined volume of 800 m³ and two aeration dams with a combined volume capacity of 15 ML, providing extended and managed hydraulic retention times from approximately 30 days through to 120 days depending on retention and discharge requirements. This relatively large retention, or surge, capacity period provides flow and load averaging to accommodate the periodic peaks observed in the data, and which are typical of winery wastewater flow characteristics, and also increases operational and maintenance flexibility at times of equipment failure or other contingency. The combined treatment processes will also provide the ability to hold odour free, treated wastewater for up to 3 months without discharge and consistently discharge wastewater of compliant quality.

3.2.1 Treatment Processes and Operation

This process methodology has been selected because it comprises a combination of relatively robust and well established technologies, which incorporates the necessary flexibility to accommodate the significant variation in wastewater quality and quantity which is typical of the winemaking industry. At the same time, it allows control over the discharge wastewater quality and complete control of odour that may be generated from septic conditions being allowed to eventuate in an overloaded system. The main components of the system as proposed for the Research Road site are:

- **Inlet works to receive wastewater flows via rising mains from the two production facilities of Dorrien Estate and Vinpac International.**
- **Dual tank SBR oxidation tanks for rapid and time controlled BOD/COD oxidation with the option to use this process in a primary function for Vinpac wastewater treatment and a secondary function for Dorrien wastewater treatment depending on seasonal needs.**
- **Polyethylene-lined aeration dams, consisting of a primary flow-through treatment system with 8 x high efficiency surface aspirators, and a final holding lagoon with a single aerator.**
- **Secondary effluent polishing treatment stage for controlled TSS/BOD reduction with UV disinfection reactor**
- **Waste activated-sludge de-watering, of thickened sludge from the SBR / lagoons. De-watered sludge to composting facility.**
- **Existing dam and treated effluent holding tanks for storage prior to on-site irrigation re-use.**
- **A range of monitoring, test, control, storage, conveyance and ancillary plant and equipment.**
- **Bunded and fenced WWTP shed area housing the plantroom, control centre**
- **Tanks, plant and equipment other than that associated with the aeration dam.**

The inlet works will provide receival points to accept inflows from the respective production sites, with the influent wastewater streams able to be directed to subsequent treatment processes depending on the discharge requirement. Vinpac wastewater is directed primarily to the SBR tanks and the Dorrien wastewater is directed to the aeration dams. Waste material is biodegraded by the indigenous microorganisms which develop naturally under the controlled aerobic process conditions which are conducive to their active metabolism.

On-site de-watering is provided for waste activated sludge removed from the SBR tanks, and removal from the site as a semi-dry solid to a licensed waste/composting facility. Removal as thickened liquid sludge by tanker is also a possible alternative, but increases the volume to be handled up to 4-fold, and is not as readily accepted by composting facilities. This procedure would be carried out periodically during the year, and need not occur during Vintage. The aeration dams are expected to be required to be de-sludged every
10 years and this sludge can be processed onsite. When operated as designed, any odours from the aeration dam are negligible, and the extended retention time produces sludge which is extremely stable, free of malodour, and which is amenable to de-watering for transport and/or composting. Normal operation will not impact visitors to the site, or neighbours due to the generation of malodours.

The main sources of operational noise will emanate from pumping plant, and the aerators installed in the dam. All pumps, insulated blowers and process equipment including irrigation filters etc. will be enclosed in the WWTP plant room, and the aerators whose dominant sound is similar to that of a water fountain, will operate at a water level well below the crest of the aeration dam which will attenuate the already low noise levels produced. Blowers for the SBR treatment function will be housed in acoustic enclosures.

3.2.2 Local Separation (Evaluation) Distances
The Research Road site is surrounded on all sides by established vineyards, with the proposed aeration dam and WWTP being approximately 270 m from the nearest public roadway, Diagonal Road. There are five residences on adjacent or nearby properties, which range in distances from the WWTP and aeration dam position of between 300 m and more than 400 m. Attachment 6 shows the location and distances from the various components of the proposed WWTP to the nearest dwellings, (evaluation distances).

Internally, 15 m buffer zones – including boundary screen planting comprising a range of local and appropriate tree and shrub species will be established along the two roadway frontages to Research Road and Diagonal Road. Non-irrigated exclusion zones of 8 m width have been specified on either side of the central stormwater drainage swale which bisects the site, and 6 m headlands have been allowed on the boundaries with the neighbouring vineyard properties. In addition to these buffer plantings and exclusion zones, a minimum 3.0 m wide and low-profile earthen bund (0.3 m high) will be constructed on the perimeter of all irrigated areas, immediately inside the property boundary. See Attachment 11.

![Figure 3. Schematic WWTP Process Diagram (Research Road)](image)

3.2.3 Aeration Dam Specification
At the current stage of project design it is anticipated that the proposed aeration dams are to be constructed as new lagoons, with dimensions and construction details as shown in table 4 below, and preliminary cross-sections as presented in Attachment 14. The layout plan in Attachment 11 shows the placement of the existing dam (which will also be the location of treated wastewater holding) with respect to the site boundaries, planted areas and the proposed WWTP.

Standing groundwater water levels in the bores on and surrounding the site are reported (DEWNR) at approximately 20 m depth for shallow bores drilled into the Quaternary unconfined surficial aquifers, and approximately 40 m for deeper production bores, this being the piezometric (potential) level of the penetrated confined aquifer – Rowland Flat Sand – which appears to commence at approximately 70 m depth in this area. Thus no impact on or by groundwater is anticipated with respect to the construction or operation of the proposed aeration dam.
### 3.2.4 WWTP Bunding

All plant and equipment including tanks and process vessels will be installed on a reinforced concrete bunded slab. The bund wall specification will be in compliance with the EPA Bunding & Spill Management Guidelines. The concrete slab within the bunding will incorporate a network of floor drains, which will discharge to the aeration dam. Any hazardous and general chemicals stored at the WWTP will be kept in a bunded area, which will incorporate all required spill management measures under the relevant regulations.

### 3.2.5 Leak Detection Monitoring

The Lagoon Risk Assessment Matrix from EPA Guideline 509/19 which is included at Attachment 17, classifies the treatment lagoons and the holding dam as Category 1 risk constructions. Although wastewater lagoons in this category are not required to have geomembrane liners, all three water storages on the Research Road site will be lined with a 1.5 mm HDPE geomembrane as indicated in Table 4 above.

In accordance with the guidelines, the liner will be subjected to geoelectric testing using the Liner Integrity Survey Assessment (LISA) method once the storages have been constructed, lined and commissioned. Follow-up assessments will be scheduled every 3 years after the initial test, as part of an ongoing monitoring and maintenance program for the WWTP. A LISA test will also be conducted immediately following any procedure which might impact liner integrity, or at any time if liner damage or breach is suspected.

### 3.3 Aeration Dam – Proximity to Water Resources

An existing surface drainage swale enters the Research Road site from east, and skirts the perimeter of the main dam, before passing through a small stormwater retention basin, then running through the site and exiting at the western boundary into a road culvert. This swale is not classed as a defined watercourse for the purposes of setback distances, as it is not represented by a blue-line on the 1:50,000 SA Government Topographical Mapsheet series, and does not have a well-defined bank or channel. Attachment 8 shows the location of the site on a 1:50,000 water resources map, with the nearest defined watercourses being more than 500 m to the northeast and southwest of the site. There are five registered groundwater bores on the site, the closest to the dam being located some 20.0 m from the north-eastern corner of the existing and proposed aeration dam location, however this bore will not be used for any stock or domestic water supply purposes under the proposed development, and would be abandoned and sealed if necessary. The remaining bores are either abandoned, or greater than 50 m from the dam.

### 3.4 Stormwater Management

The main stormwater issue at the Research Road site is the on-going management of the abovementioned surface drain which transects the site and feeds into the network of creeks and streams ultimately leading to the North Para River. Therefore, despite the surface drain not being a designated watercourse, a 16 m irrigation exclusion and buffer zone has been placed, straddling the surface drain (8 m on either side),

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**Table 4. Aeration Dams Specification**

<table>
<thead>
<tr>
<th>Dimensions</th>
<th>Lagoon 1: 70m x 46m x 3.5m. Lagoon 2: 70m x 70m x 5.0m</th>
</tr>
</thead>
<tbody>
<tr>
<td>TWL Depth</td>
<td>Lagoon 1: 3.5 m. Lagoon 2: 5.0 m</td>
</tr>
<tr>
<td>Freeboard</td>
<td>0.6 m</td>
</tr>
<tr>
<td>Capacity @ TWL</td>
<td>Lagoon 1: 6.0 ML. Lagoon 2: 9.0 ML</td>
</tr>
<tr>
<td>Bank Slope</td>
<td>3:1 Batter (18.4°)</td>
</tr>
<tr>
<td>Liner Material</td>
<td>Black HDPE – 1.5 mm thick + 4 x Egress Ladders</td>
</tr>
<tr>
<td>Leak Detection System</td>
<td>Geoelectric Liner Integrity Assessment at Commissioning, then 3 yearly</td>
</tr>
<tr>
<td>Sludge Retention Time</td>
<td>In excess of 30.0 days – less than 120 days</td>
</tr>
<tr>
<td>Aeration/Mixing (6 units)</td>
<td>High efficiency surface aspirator aerators</td>
</tr>
<tr>
<td>Motor &amp; Frame Size</td>
<td>6 x 15.0 kW to Lagoon 1, and 1 x 15.0 kW to Lagoon 2</td>
</tr>
<tr>
<td>Speed</td>
<td>1450 RPM or motor speed (BOD control)</td>
</tr>
<tr>
<td>Aerator &amp; Dam Access</td>
<td>None provided</td>
</tr>
<tr>
<td>Erosion Control</td>
<td>External embankments will be planted with local grass species</td>
</tr>
</tbody>
</table>
within which no effluent irrigation applications will occur. In addition, a minimum 3.0 m and 0.3 m high earthen bund will be constructed along the outer edge of the exclusion zone to prevent surface water from moving between the separated areas. If vegetation or plantings of any type are established within this buffer zone, only mains water fed irrigation would be used if considered necessary.

As part of the works proposed to formalise and reconstruct the existing earthen irrigation dam for use as a holding dam, some civil works will be required at the northeast corner of the dam bank, where the surface drain changes direction and runs along the back, or eastern side of the dam. These works are yet to be designed and specified in detail, but are expected to take the form of pre-cast headwalls, and possibly some gabion cage or similar construction to ensure adequate stormflow diversion and control structures are in place, and to prevent erosion. Attachment 15 shows the cross-sections of the existing earthen banks of the 8.5 ML holding dam, and the proposed geomembrane lined profile design.

### 3.5 Final Effluent Quality

The final effluent quality objective is to achieve a compliance limit BOD$_5$ level of less than 100 mg/L 90$^{th}$ percentile and 30 mg/L 75$^{th}$ percentile, and a substantial reduction in the other water quality parameters listed in Table 1 above. E-coli will be reduced to <10 orgs/100ml 90$^{th}$ percentile. Winery wastewater is generally deficient in Nitrogen and Phosphorus, and levels of these nutrients will be further reduced during the treatment process. The salinity of the final effluent will depend primarily on the average salinity of the source water used at the Dorrien and Vinpac sites, while the pH will normally be neutral or slightly alkaline.

Overall wastewater treatment performance can be managed carefully due to level of process control and retention options available to the operator, with the quality of the final effluent being controlled for discharge compliance.

#### 3.5.1 Winter (Balance) Storage

During the period from June to September inclusive, unless extremely dry weather conditions are experienced, irrigation applications may need to be suspended for a period if it is considered that the prevailing conditions are unsuitable to sustain acceptable field conditions. During such periods, which generally do not persist for more than a few days, wastewater inflows will be stored in the aeration dams (minimum 32 days of inflows) which have been designed with additional capacity, in excess of that required for wastewater treatment. This is managed by drawing the water level in the aeration dam down to approximately 1.6 m operating depth during the preceding irrigation season, and ahead of the winter season, thus making a minimum of 15.5 ML of capacity available for winter wastewater inflows, with an additional 4.0 ML of emergency capacity in freeboard usable if circumstances necessitate.

As well as the extra storage capacity in the Research Road aeration dam, the Dorrien and Vinpac sites will also have on-site storage of approximately 2.1 ML and 4.0 ML respectively which can be used to hold back wastewater transfers to the Research Road site if necessary. The main winter storage medium available however is that provided by the readily available water-holding (RAW) capacity of the 21 ha irrigation area soils, which is calculated at approximately 20 ML based on soil survey data. This combined potential winter storage is around 10 ML more than the projected maximum wastewater inflow to the WWTP during the June to September period. Further discussion on this is provided in section 7 – Water Balance.

This method of managing the winter storage of raw winery wastewater overcomes the issues of the storage of large volumes of putrescible waste for extended periods in anaerobic conditions, which would produce significant malodours, and render the stored waste extremely difficult to treat subsequently. No wastewater is left untreated on entry to the WWTP at any point during the year, and final stored wastewater may be returned to the plant headworks for further treatment if necessary at any time.

### 3.6 Solid & Semi-solid Waste

Wastewater generated at the production sites passes through various types of screen at the inlet to the respective wastewater management systems and prior to transfer to the Research Road WWTP. It is therefore not intended to include gross solids screening in the proposed WWTP prior to discharge into the aeration dam. It is also expected that there will be negligible vintage-related grape solids (stalks, stems, marc etc.), transferred to the new WWTP. Should any appreciable concentration of residual suspended solids be present in the wastewater transferred to the new plant, it is likely that additional screen filtration would be installed at the production site end where waste solids are already being managed.
The primary source of solid and/or semi-solid wastes to be considered at the Research Road WWTP is waste activated-sludge which is periodically extracted from the treatment process, de-watered and removed from the site as a solid cake. This can also be removed directly by road tanker, as a liquid slurry if the de-watering plant is inoperable for whatever reason. The other minor source of semi-solid waste is the settled solids which will slowly but inevitably accumulate in the base of the irrigation holding tanks. These will not require any special treatment or handling, but will be periodically flushed and drained back into the aeration dam. Back-wash flow from the irrigation filtration plant will also be returned to the process via the inlet works.

4. SITE ASSESSMENT

A preliminary reconnaissance soil survey was carried out in July 2016 prior to the purchase of the Research Road site and was followed, after the acquisition of the land, by a more detailed soil survey, site assessment and report in July 2017 including soil chemical sampling and analysis for crop suitability, and to establish baseline data for future environmental monitoring purposes. The full report Proposed WWTP Site Effluent Irrigation Re-use – Soil Survey & Land Capability Assessment (Fieldwork 17th February 2017), is included as Attachment 9 to this document. The report includes physical soil profile descriptions – with topsoil, rootzone and RAW determination, soil survey mapping, chemical analysis and sampling locations, as well as a discussion of agronomic considerations.

4.1 Topography and Surface Hydrology

The Research Road site slopes evenly and gently towards the south-east, with a total relief of approximately 6.5 m across the site, and a modal slope of approximately 0.76%, which is classified as a level plain in landform assessment terms. A cm-accurate topographic and feature survey has been carried out on the site and mapped to the Australian Height Datum (AHD).

Surface hydrology is generally unremarkable, with the most evident feature being the artificial surface drainage swale which transects the site, flowing from east to west, and a small stormwater retention basin immediately to the south of the existing irrigation dam. The stormwater swale is approximately 0.5 m deep at the centre with average side slopes of approximately 2.5%.

4.2 Groundwater

The site is within the Barossa Groundwater Management Zone, which is a subset of the Barossa Prescribed Water Resources Area and administered under the Natural Resources Management Act 2004. A search of the DEWNR spatial database for bores in the vicinity of the Research Road site (Lot A241 - CT 5886 228), identifies seven registered groundwater bores within the site boundary.

The data indicate standing water level depths for bores on the subject site range from 16.15 m to 38.5 m, cased to between 43.5 m and 93 m, suggesting that the target water-bearing formations are at depths greater than 43.5 m below surface. Most of the bores listed are terminated in the Tomr(Lower) or the lower sequence of the Rowland Flat Sand Aquifer, while some of the aquifers accessed are listed as Unnamed. The significant difference between the standing water levels and the cased depths of the bores, and the fact that they are all listed as having been drilled for irrigation extraction, indicates that they are accessing confined aquifers, with a significant aquitard or aquitards intervening between the surface and the aquifer. Attachment 10 lists hydrological data for all registered bores on the site as well as several more in the vicinity. Attachment 7 shows the bore locations in relation to the site boundaries.

5. CROP SELECTION

The dual objectives for the irrigated crop selection for this project are to establish sufficient perennial evapotranspirative demand and exploitable rootzone to approach overall hydrological balance, while growing viable crops which can sustainably assimilate the required volume of treated effluent and constituent loadings and produce meaningful commercial crop yields. The crops used also need to suit the soil types and range of prevailing climatic conditions of the site and be tolerant of, or derive benefit from, irrigation with reclaimed treated wine industry wastewater. The three main crop or planting categories comprising the 20.8 ha planted area are:

- Lucerne (9.9 ha)
- Winegrapes with inter-row sward (9.8 ha)
- Boundary Buffer Zone Tree Plantings (1.1 ha)
Lucerne

Lucerne generally grows well in the Barossa Valley, with the Research Road site being assessed by soil survey to be well suited to its establishment and growth. With more than 50 lucerne varieties available in Australia, a combination of varieties can be used to extend the active growing season of a lucerne stand over a full annual cycle. An active stand of lucerne will establish a deep exploitable rootzone, to optimise water use and drought-tolerance, and can be actively and aggressively managed by scheduled mowing to moderate crop water demand in extended dry periods. An irrigated lucerne stand grown for fodder or seed can last more than 10 years before requiring re-establishment.

Winegrapes & Inter-row Crop

The Research Road site is surrounded on all sides by established vineyards, and the area is demonstrably suitable for grape growing. Dorrien viticultural staff have indicated a desire to establish an irrigated vineyard as part of the cropping mix for the irrigation re-use project, with a view to producing Grade C fruit, which will enable the vines to be managed to optimise water use, while producing a commercially viable crop, integrating with the group’s overall production strategy.

An inter-row crop of either a permanent or regenerating annual sward, or an annual cover crop will be established in the vineyard to offset the decline in vineyard water use during the winter dormancy period. As for lucerne, this type of crop can be actively managed to control the water use profile throughout the year, without unduly compromising the health and productivity of the vineyard.

Tree Plantings

Several rows of predominantly native tree and shrub species will be planted in a pseudo wind-break configuration – using gradational heights and canopy densities – along the northern and western road frontages, starting approximately 6 m inside the property boundary and within the earthen bund. These plantings will include locally occurring species, where they are suited to the soil type and will thrive under irrigated conditions. Native species of non-local provenance may also be used where it is considered appropriate and to enrich the bio-diversity and utility of the boundary plantings. Attachment 11 shows the proposed general layout of the site, with the respective crop areas, boundary plantings and WWTP position.

6. CLIMATE

6.1 Statistical Rainfall Analysis

Data from the Bureau of Meteorology station at Tanunda (023318) were used to assess the climatic influences on an effluent irrigation re-use system at the proposed site. Two climatic models have been evaluated representing the statistically wettest year in ten, and the Majority of Years (MoY) rainfall year represented by a central-tendency rainfall model using all years of record, (149 years at this location). The maximum design precipitation using the 1-in-10 Wet year, provides a design limit to ensure that the proposed systems are able to accommodate a wetter than normal year, to the extent of an average recurrence interval (ARI) of 10 years. This is considered to be an appropriate methodology and it has been included to demonstrate the effect of a relatively high rainfall year on the hydrological modelling of the system.

The 10% annual exceedance probability (AEP) is calculated by computing the cumulative probability density function of the rainfall data and applying a Log Pearson III transform to account for regional skewness. The resulting 1-in-10 annual rainfall distribution is considered to produce a more representative rainfall model than the arbitrary use of the 90 percentile rainfall statistic. Figure 4 below graphs the respective rainfall statistics over an annual cycle.

As part of on-going environmental monitoring, irrigation scheduling and management, rainfall gauging will be established on the Research Road WWTP site. This will provide additional site-specific rainfall data to complement the BoM data and can be used to progressively refine the water balance modelling for the site over time.
6.2 Effective Rainfall

Of the rainfall which is recorded, a proportion is regarded as ineffective due to a range of factors which prevent the incident precipitation from entering the soil profile and being subsequently available for crop use. Various methods of determining Effective Rainfall have been developed, some adopting a simple percentage estimate, and others based on a combination of climatic and physiographical information, and even the use of the Southern Oscillation Index (SOI) in conjunction with long term average rainfall data. The method of determining effective rainfall used in this assessment, and based on the long term rainfall record at the Tanunda BoM station 023318, is to discount daily rainfall totals of less than 1.0 mm. In the majority-of-years case, this has resulted in effective rainfall percentages for the Tanunda data ranging from 77.1% to 81.8% (average 78.9%) for the period of record.

6.3 Evaporation Data

Data from Class A evaporation pans (E.panA) is used as a basis to determine crop evapotranspiration (ET) rates through the growing cycle. To compensate for the physical differences between a pan evaporimeter and a growing crop, and to account for differences between crops and climates, various factors are introduced into the calculation of Crop Water Use. The pan factor (Kp), generally ranging from 0.7 to 0.85 in semi-arid areas of Australia is affected by relative humidity, wind-run and the surrounding vegetation, is applied to the raw E.panA data yielding a Reference Crop ET rate (ETo). A crop coefficient (Kc) is then applied to the reference crop ET to calculate the ET rate of the subject crop (ETc).

The evaporation pan coefficient (Kp) used in this analysis is a variation of the regression equation developed by Allen et. al. (FAO 1998), and takes into account wind-run, relative humidity and green fetch distance at the evaporation pan site, as well as the effect of the bird-guard covering the pan. The raw E.panA figures used in this assessment are the long-term mean monthly pan evaporation values from the Nuriootpa Comparison BoM station (023321) data set (1970 – 1999).

7. WATER BALANCE

7.1 Hydrological Balance Modelling

The hydrological modelling for this assessment evaluates the dynamic interaction of the major inputs, outputs and storage changes under the influence of two climatic (statistical rainfall) models applied to the Research Road site, using site-specific data where it is available, such as the wastewater volume data from the Dorrien and Vinpac production sites, the soil survey data from the Research Road site, and appropriate published data where necessary, such as climatic and crop water use data.
In assessing the potential hydrological impact of effluent irrigation on the proposed receiving site, the aim has been to identify suitable combinations of cropping regime, irrigation area and balance storage volume which will minimise the degree to which the resulting alteration in hydrological conditions changes those which existed prior to irrigation. In other words to ensure a sustainable system, percolation and runoff should not increase significantly above rain-fed (pre-development) conditions, to minimise the degree of losses to the broader environment and minimise changes in catchment hydrology due to the development.

For the purposes of hydrological modelling it is necessary to constrain the major variables affecting the water balance analysis to reflect as closely as possible the conditions under which the system will be operating for most of the time. Some of the main assumptions and constraints which have been used in the hydrological modelling are listed below:

- An area-weighted mean crop coefficient (Kc) range of 0.61 to 0.91 has been calculated. The Kc value is used to modify the Pan evaporation (EpanA) data to reflect evapotranspiration (ETc) by the crops established on the site.

- The maximum allowed soil ECe estimate has been limited to less than 1.0 dS/m in the majority of years “Median” scenario. This is the upper limit rootzone soil salinity which is calculated to be maintained by a leaching fraction removing dissolved salts from the soil by percolation. Also see section 7.4 below.

- Effective rainfall is calculated as 78.9% of modelled rainfall data on average. Not all gauged rainfall enters the soil of the receiving site. For this assessment Effective Rainfall is considered to include only rainfall events ≥ 1.0mm/day from long-term daily rainfall records.

- Antecedent soil moisture volume is set at 25% and 15% of the maximum computed amount for the area (based on soil survey data), for the Wet and Median models respectively.

- Pan evaporation values are modified by relative humidity (RH) and average wind-speed data, among other variables. When mean RH is high, Epan and Et are suppressed due to a reduction in atmospheric vapour pressure deficit, and vice-versa.

### 7.2 Balance Storage Volume

The results of preliminary modelling undertaken in the pre-feasibility stage of the project indicated that Balance Storage Volume capacities between 4.0 and 14.0 ML produced results which would indicate hydrological sustainability, within the scope of the irrigation area available and the crop combinations selected. For modelling purposes a BSV size of 15.5 ML was modelled in more detail; this being the volume of treated effluent storage proposed independently by the WWTP design to provide the plant operator with the required irrigation scheduling and treatment process flexibility. The further modelling indicated that under full projected development conditions, in the 1-in-10 Wet Year (which models consecutive Wet years), the available irrigation area of approximately 21.0 ha would meet the conditions of long-term hydrological and salinity balance sustainability as described.

### 7.3 Water & Salinity Balance Modelling Results

Table 5 below presents a range of water and salinity mass-balance parameters derived from the hydrological modelling, based on the input data, constraints and assumptions previously discussed. The soil moisture component of the water balance, as determined by soil survey (RAW values), is the amount of water held within the crop rootzone, available to the plant between the soil matric potential (suction) values of minus 8 and minus 60 kPa (nominally Field-capacity and generic Crop Wilting-point respectively).

The aim of the irrigation schedule is to maintain soil moisture between these two values (also taking rainfall into account) to reduce crop moisture stress. The leaching component is the amount of soil water which is required, when using irrigation water of any appreciable salinity, to maintain long-term soil salinity at sustainable levels. Hence both the ETc and LF components of the net daily irrigation requirement are dependent on the RAW value being maintained at the maximum volumetric level (minimum soil suction) as far as practicable. Attachment 12 contains additional graphical modelling output information for the two rainfall scenarios; the Majority of Years or ‘Median’ model and the 1-in-10 Wet Year model/
Table 5. Water/Salinity Balance Modelling Results

<table>
<thead>
<tr>
<th>Modelled Rainfall Scenario</th>
<th>1-in-10 Wet Year</th>
<th>MoY “Median” Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Hydraulic Loading – Including Rainfall (ML/yr)</td>
<td>178.1</td>
<td>145.0</td>
</tr>
<tr>
<td>Total Effluent Volume (ML/yr)</td>
<td>62.5</td>
<td>60.6</td>
</tr>
<tr>
<td>Total Rainfall Equivalent Volume (ML/yr)</td>
<td>115.6</td>
<td>84.4</td>
</tr>
<tr>
<td>Effluent proportion of Total Hydraulic Loading</td>
<td>4.4%</td>
<td>4.2%</td>
</tr>
<tr>
<td>Irrigated Area (ha)</td>
<td>20.8</td>
<td></td>
</tr>
<tr>
<td>Irrigation Application Rate (mm/year)</td>
<td>300</td>
<td>291</td>
</tr>
<tr>
<td>Average Application Rate (mm/week)</td>
<td>5.8</td>
<td>5.6</td>
</tr>
<tr>
<td>Volume-weighted Mean Irrigation Water Salinity (dS/m)</td>
<td>0.35</td>
<td>0.40</td>
</tr>
<tr>
<td>Applied Leaching Fraction (LF = LR)</td>
<td>16.7%</td>
<td>14.3%</td>
</tr>
<tr>
<td>Estimated Soil Salinity (ECe – dS/m)</td>
<td>0.45</td>
<td>0.64</td>
</tr>
<tr>
<td>Estimated Conductivity of Percolate (dS/m)</td>
<td>0.39</td>
<td>0.43</td>
</tr>
<tr>
<td>Proportion of Applied Treated Effluent in Percolate</td>
<td>12.6%</td>
<td>10.0%</td>
</tr>
<tr>
<td>Percolation (LF) vs. Winter Rainfall Excess</td>
<td>75%</td>
<td>92%</td>
</tr>
</tbody>
</table>

7.4 Percolation (Leaching Fraction)

Percolation or leaching of the site soil profile is a critical parameter in the salt and water balance of an effluent irrigation system. The data in table 5 above show that in the majority of years (MoY), the total amount of effluent in the soil percolate (leaching fraction) would be approximately 10.0% of the applied effluent and 4.2% of the total hydraulic loading including rainfall additions.

The salinity of the percolate passing beyond the rootzone is calculated to be low at approximately 0.43 dS/m or around 275 mg/L TDS. Effective dilution of the applied effluent by incident rainfall reduces the salinity of the volume-weighted mean combined irrigant entering the soil, to an estimated 0.35 dS/m, and yields a calculated long-term soil salinity of 0.64 dS/m from an initial value of 0.67 dS/m from soil survey. These results are based on the occurrence in the majority of years, of a leaching fraction, usually during the period June to September, which is initiated by the operator through targeted irrigation applications when soil and weather conditions are suitable.

7.5 Crop Water Use

The crop water use approach adopted in the water balance modelling of the system was that of determining a crop-area-weighted-mean Kc (crop coefficient) value, which reflects the individual and proportional contribution to overall crop water use of the composite cropping regime. Crop coefficients for the crops involved, (Lucerne, Grapevine with inter-row sward and native trees) were obtained from Primary Industries & Resources South Australia (PIRSA), and were derived from Allen et al. (FAO 1998). The age and maturity of the various crops was also taken into account by applying a crop maturity factor to the Kc values (≤1.0) depending on their planting time and stage of development. Table 6 below sets out the individual monthly Kc values for the respective crop and planting type, and the area-weighted mean values used to determine crop water use.

Table 6. Individual & Area-Weighted Mean Kc Values

<table>
<thead>
<tr>
<th>CROP</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vines</td>
<td>0.70</td>
<td>0.70</td>
<td>0.63</td>
<td>0.51</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.32</td>
<td>0.55</td>
<td>0.70</td>
<td>0.70</td>
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<tr>
<td>Lucerne</td>
<td>0.95</td>
<td>0.95</td>
<td>0.95</td>
<td>0.93</td>
<td>0.90</td>
<td>0.90</td>
<td>0.90</td>
<td>0.91</td>
<td>0.94</td>
<td>0.95</td>
<td>0.95</td>
<td>0.95</td>
</tr>
<tr>
<td>Inter-row Sward (Oats)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.15</td>
<td>0.22</td>
<td>0.30</td>
<td>0.50</td>
<td>1.00</td>
<td>1.15</td>
<td>1.11</td>
<td>0.58</td>
<td>0.34</td>
<td>0.00</td>
</tr>
<tr>
<td>Boundary Trees (Native)</td>
<td>0.98</td>
<td>0.98</td>
<td>1.08</td>
<td>1.20</td>
<td>1.20</td>
<td>1.20</td>
<td>1.20</td>
<td>1.20</td>
<td>1.20</td>
<td>1.20</td>
<td>1.20</td>
<td>1.18</td>
</tr>
<tr>
<td>Area-wtd Mean Kc</td>
<td>0.61</td>
<td>0.61</td>
<td>0.65</td>
<td>0.66</td>
<td>0.59</td>
<td>0.65</td>
<td>0.81</td>
<td>0.86</td>
<td>0.91</td>
<td>0.78</td>
<td>0.73</td>
<td>0.62</td>
</tr>
</tbody>
</table>
8. IRRIGATION

The irrigation methods and systems used to apply treated effluent to the various crops to be established on the Research Road site have been selected and will be designed to provide the operators with the highest degree of operational control possible. It is envisaged that systems for monitoring, data acquisition and control of the irrigation system and the WWTP will be integrated with the existing SCADA systems in place at both the Dorrien and Vinpac sites. Attachment 11 shows the site and cropping/irrigation area layout.

8.1 Lucerne

The lucerne crop will ultimately be established over the northern half of the site, covering a planted area of approximately 9.9 ha, following an interim cereal crop or similar nurse crop to assist with establishment and weed control. The lucerne will be irrigated using a solid-set overhead sprinkler system with a spacing of 20 m x 18 m, and riser height limited to just above the height of the standing crop in order to reduce stream trajectory apex height. Sprinklers located on the perimeter of the irrigated area will be full-circle heads, to avoid the possibility of part-circle mechanism failure or mal-adjustment resulting in unintentional overspray. This overhead sprinkler system installation produces the maximum practical lucerne planting area within the shape constraints of the northern section of the site, provides a degree of operational redundancy for maintenance and repair requirements, and avoids irrigation application incursions into the drainage swale exclusion zone. Attachment 16 shows the proposed sprinkler irrigation system layout.

The sprinklers selected will use the latest nozzle and diffuser-plate technology, will operate at relatively low pressures, and apply the irrigation water just above the crop canopy, avoid aerosol spray drift. The preliminary design irrigation application rate has been specified at approximately 5.9 mm/hour, which is significantly lower than the lowest surface soil permeability rate as determined by soil survey and analysis.

8.2 Winegrapes and Inter-row Sward

The vineyard plantings will occupy the southern half of the site, and will surround the WWTP. To provide the application control required for proper viticultural management of the winegrapes, and also be able to apply irrigation to the inter-row space between vine rows, a dual system of drip and undervine micro-sprinklers will be used in these areas. The vineyard plantings will be established in two separate areas totalling 9.8 ha, and will be controlled independently of the lucerne irrigation system.

8.3 Boundary Plantings

The site boundary plantings will comprise a semi-contiguous 12 m wide strip of native tree and shrub species, of approximately 1.1 ha area on the northern and western site boundaries, with frontages to Diagonal Road and Research Road respectively. Drip irrigation will most-likely be used to irrigate these plantings, with control and operation being independent of the other irrigation systems.

8.4 Irrigation Headworks and Control

Various types and degrees of filtration are required for different irrigation methods. The requisite headworks for each irrigation sub-system will be installed in association with the WWTP. These will generally comprise pumping plant, screen, disc and/or sand filtration, chemical dosing equipment, monitoring and control systems. Final design and specification of this plant and equipment will be carried out when specific details of the irrigation systems have been finalised, as part of the detailed design phase of the development.

8.5 Soil Moisture Monitoring

Dorrien Winemaking viticultural operations currently use multi-sensor capacitance probes to monitor soil moisture, temperature and salinity in real-time at 10 cm intervals down the profile. It is expected that this practice will be continued at the Research Road WWTP and irrigation re-use facility, with several monitoring sites installed in the various crop areas and across soil types.

9. EFFLUENT IRRIGATION LOADING RATES

The loading factors used in the following discussion are based on the combined wastewater stream volumes from the Dorrien and Vinpac production sites, and the nominal reduction in average constituent loadings presently achieved by the rudimentary wastewater treatment system at Dorrien as outlined below in table 7. The level of treatment achieved at the Research Road WWTP is expected to be substantially greater than is the case at Dorrien.
For the sake of accuracy in assessment, the recent average reductions in some of the key constituent loading parameters which have been observed at Dorrien have been applied to the weighted mean combined (untreated) wastewater data from table 1 to arrive at figures which are closer to treated effluent concentrations than the untreated data from table 1. The loading rates calculated in this section can therefore be considered conservative, and are expected to be considerably lower when fully secondary treated effluent is produced at Research Road.

Table 7. Indicative Reductions in Wastewater Constituent Loadings at Dorrien

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Average &amp; Range (mg/L)</th>
<th>Raw Wastewater</th>
<th>% Reduction</th>
<th>Treated (Dorrien)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total BOD₅</td>
<td>2486</td>
<td>-75.8%</td>
<td>603</td>
<td></td>
</tr>
<tr>
<td>TKN - N</td>
<td>45</td>
<td>-22.3%</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>Total P</td>
<td>15</td>
<td>-14.0%</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>TDS</td>
<td>960</td>
<td>0.0%</td>
<td>960</td>
<td></td>
</tr>
<tr>
<td>TSS</td>
<td>500</td>
<td>-29.0%</td>
<td>355</td>
<td></td>
</tr>
</tbody>
</table>

9.1 Salinity (TDS)

On the basis of the volume-weighted mean TDS value of the combined streams from table 7, hydrologic modelling indicates that the weighted-mean conductivity of the water entering the soil profile as irrigation and rainfall would be of the order of 256 mg/L in the majority of years. This is a low value, and maintenance of soil salinity values at low soil salinity levels should be achievable with appropriate leaching and scheduling programs in place. The corresponding weighted-mean soil salinity as calculated from conductivity (ECₑ) values for the 1-in-10 Wet year is 221 mg/L TDS.

9.2 Nitrogen (TKN)

At an average Nitrogen (TKN) concentration of 35 mg/L and an average effluent application rate of 60.6 ML/annum (Median Rainfall Year), the nominal TKN-loading rate on the available receiving-site area of 20.8 ha would be approximately 102 kgN/ha.yr. A typical lucerne stand will use around 200 - 500 kgN/ha.yr, and while grapevines have a relatively low N-uptake rate, the inter-row sward could be expected to use around 200 kgN/ha.yr. Hence Nitrogen loadings at the nominated rates are not considered to constitute a design-limiting loading restriction.

9.3 Phosphorus (Total)

The specific P-loading rate based on the average effluent quality data given in table 7, of 13.0 mg/L, and on the projected irrigation flows (median rainfall year) and a receiving-site area of 20.8 ha is approximately 38 kgP/ha.yr. By coincidence, the combined crops to be established on the receiving site in the proposed configuration would be capable of removing up to approximately 34 kg/ha.yr of Phosphorus on an area-weighted mean basis, which implies a nominal balance between Total Phosphorus applications and crop uptake under the scenario considered. In addition, after full aerobic wastewater treatment, and pre-irrigation filtration, effluent Phosphorus concentrations are likely to be lower than those indicated above.

9.4 Organic Matter (BOD)

Organic matter (OM) loading is represented mainly by the concentration of BOD₅ in the effluent which has been calculated at a mean level of approximately 603 mg/L in the combined Dorrien – Vinpac wastewater streams. This level would results in a mean OM loading rate over the 20.8 ha irrigated area of approximately 4.8 kgOM/ha.day which is significantly less than the nominal 27 kgOM/ha.day often used as a guide to maintain adequate organic matter concentrations in a healthy soil. Given that treated effluent BOD₅ levels are expected to be an order of magnitude lower than those in table 7, organic matter inputs will likely need to be provided by other means such as application and integration of composted bio-solids into the upper soil profile in order to increase organic carbon levels.

10. SITE UTILITIES & INFRASTRUCTURE

A Dial-Before-You-Dig (DBYD) enquiry was initiated for the Research Road site in August 2016, resulting in responses from:

- APA Pipeline
- Barossa Infrastructure Ltd
Of these, two responders; Epic Energy and SA Power Networks identified infrastructure or assets within the property. SA Water was not among the responders, although an SA Water mains water meter connection is known to exist at the corner of Research Road and Diagonal Road, which may be positioned outside of the surveyed property boundary.

10.1 High Pressure Gas Pipeline (Epic Energy SA)

Two major high pressure gas transmission pipelines pass through the Adelaide metropolitan area. The Moomba to Adelaide pipeline (MAP), constructed in 1969 and operated by Epic Energy transports gas from the state’s north into Adelaide. The Port Campbell to Adelaide pipeline (PCA), constructed in 2003 and operated by SEA Gas, transports gas from South West Victoria to Adelaide. These pipelines deliver all the natural gas used for electric power generation in Adelaide, and the gas used for residential, commercial and industrial purposes in South Australia. The pipelines are classified as critical infrastructure, and generally they cannot be relocated.

The MAP includes a branch pipeline known as the Angaston lateral, which runs for part of its length through the Research Road property. The 219 mm diameter Angaston lateral, which is rated for a maximum operating pressure of 7,322 kPa (732 m head), enters the property close to the corner of Research Road and Diagonal Road, runs approximately due east, and exits the site at the eastern boundary after passing beneath the northern bank of the existing irrigation dam (refer Attachment 11).

High Pressure Pipelines are licensed and regulated by the Petroleum and Geothermal Group of Primary Industries and Resources South Australia (PIRSA) under the Petroleum and Geothermal Energy Act 2000. The Petroleum and Geothermal Energy Regulations 2000 require all High Pressure Pipelines to be designed, constructed, operated and maintained in accordance with Australian Standard (AS) 2885: Pipelines – Gas and Liquid Petroleum. This standard exists to ensure protection of the pipeline, which in turn ensures the safety of the community, protection of the environment and security of gas supply to users. The application of this Standard has maintained an enviable safety record for gas pipeline operation in Australia.

Epic Energy has been granted and has established an easement through the Research Road property, of approximately 15 m width over the pipeline route, which restricts land owner and third party activity. Unauthorised activity that interferes with the operation and management of a pipeline is prohibited under Section 93 of the Petroleum and Geothermal Energy Act. A Notification Area of 400 m, which encompasses the entire Research Road property, also applies to the Angaston lateral. The Notification Area is a radial distance from the pipeline equal to the Measurement Length (refer AS 2885 Clause 4.3.2) or alternate distance defined by the pipeline operator within which pipeline operators are required to be consulted regarding rezoning proposals and development projects to ensure that any changes to the pipeline location classification in accordance with AS2885 are identified.

In accordance with the draft guidelines, proponents of developments within a Notification Area should discuss their plans with Pipeline Operators at an early stage and prior to the lodgement of a Development Application. Epic Energy were consulted with respect to the proposed Research Road WWTP Development Application, and provided with information relating to proposed and likely activities related the development within or in the proximity of the pipeline easement. Epic Energy have reviewed the information provided, and have provided the following response:

- Plans showing the location of the irrigation pipelines to be provided which is to include the planned depth the flowlines are to be installed so we can determine the separation distance between the pipeline and the flowline;

- Preference for the 50 tonne crane to enter and exit the property from the planned access road off Research Road therefore not crossing the pipeline. If crane access is required from Diagonal Road an engineering calculation would be required to determine what works would need to be undertaken on the access road to protect the pipe;
• Specific detail on the volume and type of vehicles that will cross the pipeline via the Diagonal Road access road;

• No major alterations allowed to the northern end of the dam which is located on the easement and over the pipeline;

• Maintenance to the dam to account for appropriate remediation works including re-lining, erosion/slippage of the banks would be permitted subject to detailed information on machinery to be used and scope of works being undertaken (an Epic person would need to be on site during these activities); and

• All other conditions as documented in the standard terms and conditions form attached to the DBYD dated 26 August 2016 to be met by the developer.

A further DBYD enquiry will be required prior to any works being undertaken and given the planned activities (and the preliminary plans provided) it is likely that Epic will need to assist with further assessment once final designs have been completed and will need to be on site during certain aspects of construction.

10.2 Access Driveway
Vehicular access to the WWTP site will be via a driveway constructed off Research Road, with no significant traffic into or from the site via Diagonal Road. The driveway will be nominally 6.0 m wide and constructed from compacted road-base material. Attachment 11 shows the location of the access driveway.

10.3 Overhead Powerlines (SA Power Networks)
The DBYD enquiry response from SA Power Networks (SAPN) indicated that there were underground assets within the Research Road property, which appeared to comprise a single electricity pole of unknown specification, and a short underground cable run from this pole to the existing irrigation pump shed. Given the likely use of cranes and other large equipment during construction of the WWTP, and the fact that there are actually a total of three (3) electricity poles on the property, enquiries were made of SAPN by the proponent to obtain the physical and technical specifications of the SAPN infrastructure on the site, and to ascertain the required safe working clearances from the overhead power lines.

SAPN were unable to provide any information to assist with these enquiries, as a consequence of which an independent electrical engineering consultant, Anthony Mew Engineering & Associates, was engaged by the proponent to undertake an assessment of the SAPN infrastructure, and in accordance with the Electricity (General) Regulations 2012, determine the prescribed minimum safe clearances for machinery, vehicles, buildings and personnel, from the SAPN electricity infrastructure. Following a site visit and inspection, a report was provided assessing what effect the location and type of high-voltage (HV) overhead distribution powerlines would have on plant and equipment installed or operating on the site.

The electrical engineer’s report indicated that the powerline is an 11 kV spur, ending at the pole near the stormwater retention dam pump shed. This last (third) pole supports a pole-top transformer, of 100 kVA rating. The HV phase conductors appear to be three (3) strands of bare galvanised steel.

The South Australian Electricity Act 1996 and Regulations 2012, and specifications issued by the Office of the Technical Regulator, give the safe approach limit for a normal person to an overhead powerline up to 33.0 kV to be 3.0 m.

In the case of fixed plant and equipment installed on the site, this should be treated as a building as it will always remain at a fixed distance from the powerline, but a person may gain access to the equipment, hence the minimum clearance is 3.1 m for voltages between 1.0 kV and 33.0 kV. If any work or maintenance on installed plant and equipment is required that would decrease the stated clearance, then a risk assessment would be required.

10.4 Plant Facilities & Amenities
Existing facilities and infrastructure at the Research Road site will be upgraded where appropriate and replaced where necessary. Operation, monitoring and maintenance of the WWTP and irrigation systems will require the presence and active input of various personnel during working hours, which will necessitate the inclusion of basic operational, health and safety equipment and facilities. Operational testing, sampling
and analysis will need to be carried out routinely, and will require the use of an appropriate laboratory style work bench, and sink as well as a clean office area with desk and computer equipment.

The new WWTP will also include an emergency eye-wash/shower unit and hand-washing facilities, within the plantroom itself and unisex Access toilet and shower facilities housed in a separate 'Atco'-type amenities building. A suitably sized on-site wastewater treatment system (septic & soakage or AWTS and landscape irrigation) will be installed as per Council regulations and the Onsite Wastewater Systems Code 2003 to accommodate the wastewater from these amenities.

11. ENVIRONMENTAL MONITORING

11.1 Production Sites

Recording of wastewater volume and flow, as well as sampling and analysis of the respective wastewater streams at Dorrien and Vinpac will continue as at present, possibly with some standardising of analytes to produce a consistent data set for use across, and comparison between all three wastewater sites.

If effluent irrigation is completely discontinued at the winery site, Dorrien will no longer need to monitor soil and groundwater at its current effluent irrigation sites under the terms of its EPA Licence, and the poly-lining and leak-detection protocols to be considered under the auspices of a future development application for upgrade of the Dorrien headworks, would obviate the need for groundwater monitoring around the wastewater dams and reed-bed. There may be a requirement for a final de-commissioning audit to be conducted on the existing effluent irrigation (treelot and lucerne) and wastewater dam sites, however this will be the subject of on-going discussions with the Environment Protection Authority in the context of the project as a whole. Vinpac currently has no specific officially imposed environmental monitoring conditions related to wastewater, other than those which fulfil the requirements of the General Environmental Duty of Care and the Environment Protection (Water Quality) Policy 2003.

11.2 Research Road Site

The Environmental Monitoring Program (EMP) currently in force at Dorrien Estate, reproduced below in Table 8, was prepared in 2009 and covers the wastewater management system, the treelot and lucerne block effluent irrigation re-use sites. The proposed new full secondary aerobic WWTP at Research Road will produce significantly higher quality treated effluent than that currently possible at Dorrien, will produce significantly less odour, and will be applied to irrigate a viable cropping system under professional agronomic management. This should ultimately reduce the need for the intensive environmental monitoring currently undertaken under the Dorrien EMP, however is anticipated that in the initial years of operation, an EMP very similar to Dorrien Estate’s would be adopted.

Table 8. Example: Current Dorrien Environmental Monitoring Program (2009)

<table>
<thead>
<tr>
<th>Month</th>
<th>Source Water Quality</th>
<th>Wastewater Quality</th>
<th>Wastewater Volume</th>
<th>Effluent Irrigation Volume</th>
<th>Soil Condition</th>
<th>Soil Moisture</th>
<th>Groundwater Monitoring</th>
<th>Solid Waste Monitoring</th>
<th>Vegetation Monitoring</th>
<th>Odour Monitoring</th>
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</table>

* SWL measurement only
Once a reasonably comprehensive monitoring data-set has been collected for the new site, under a program similar to that shown above, a new EMP based on the relevant EPA guidelines, observed system performance and prevailing licence conditions can be developed specifically for the Research Road operation, for submission to and approval by the EPA.

12. SUMMARY

The proposed development project is an outstanding example of integration and centralisation applied to waste management and environmental sustainability. Both the Dorrien and Vinpac operations have grown substantially over time, produce large volumes of wastewater and have finite space limitations at their respective sites. The development of a joint wastewater treatment facility and irrigation re-use scheme on a virtually greenfield site, located approximately mid-way between the two production facilities, enables significant economies of scale to be realised, and allows each of the individual facilities to concentrate on the respective core activities, while reducing overall the environmental impact of their operations.

The Dorrien Winemaking operation will be able to consolidate and upgrade their wastewater management infrastructure, reclaim a substantial area of land within the site, and significantly reduce the potential for complaints arising from wastewater odours emanating from the existing system. Significant direct cost savings are to be realised by transferring effluent irrigation operations to a Group-owned site, rather than the lease of an external third-party property.

The Vinpac International operation at Angaston currently operates a wastewater system which produces semi-treated effluent used occasionally by the neighbouring Adelaide Brighton Cement operation, or to irrigate turf and landscape areas on the grounds of the site, and is otherwise removed by road tanker for treatment at the NPEC treatment works. The effluent produced remains biologically active and capable of generating significant malodour under anoxic conditions. In association with the proposed development, and upgrade works at the existing Vinpac wastewater system, the Vinpac wastewater would be pre-treated by a simple aerobic process to improve the subsequent treatability of wastewater transferred to the Research Road WWTP, and stabilise the effluent produced to a state which would reduce malodours related to the wastewater plant and any direct irrigation which might be applied.

The proposed Research Road WWTP and irrigation re-use scheme will employ best-practice technology and operating procedures in all aspects of the project. It will reduce or eliminate odour-related issues resulting from the Group’s activities in the Valley, and will produce high quality treated effluent which will become a beneficial resource, rather than a problematic liability. The irrigation re-use operation will integrate well with the irrigated agriculture and viticulture character of the Barossa, and will be a productive addition to the business overall.
Research Road WWTP & Irrigation Re-use Site
### Dorrien Estate Winer

**Raw Wastewater Analysis (inc. s/w)**

**Vintage 2017**

| Date       | Source     | BOD$_{total}$ (mg/L) | BOD$_{soluble}$ (mg/L) | TSS  (mg/L) | TKN  (mg/L) | NO$_x$ (mg/L) | NH$_4$ (mg/L) | Total P (mg/L) | pH  | EC  (dS/m) | TDS (mg/L) | Ca  (mg/L) | Mg  (mg/L) | Na  (mg/L) | K   (mg/L) | SAR (mg/L) | Cl  (mg/L) | Alk (mg/L) | HCO$_3$ (mg/L) | CO$_3$ (mg/L) |
|------------|------------|-----------------------|-------------------------|-------------|-------------|--------------|--------------|----------------|-----|----------|------------|----------|----------|-----------|----------|----------|----------|----------|---------------|
| 07-Mar-17  | Settling Pit | 375                   | 22.7                    | 0.05        | 0.25        | 14.9         | 4.5          | 1.3            | 720 | 26.1     | 12.9       | 193      | 108      | 7.72      | 105      | 0        | 0        | 0         |
| 04-May-17  | Settling Pit | 45                    | 2                       | 232          | 0.083       | 0.25         | 8.54         | 5.6            | 1.56 | 860      | 20.7       | 10.1     | 229      | 107       | 10.3     | 98       | 353      | 431      |
| 18-May-17  | Settling Pit | 2120                  | 1660                    | 360          | 0.109       | 1.44         | 6.53         | 10.5           | 1.97 | 1100     | 23.4       | 11       | 333      | 160       | 14.2     | 134      | 421      | 377      | 67        |
| 21-Jun-17  | Settling Pit | 3900                  | 3020                    | 908          | 0.108       | 4.64         | 25.3         | 6              | 2.77 | 1500     | 27.8       | 12.2     | 358      | 420       | 14.2     | 115      | 254      | 310      |
| 20-Jul-17  | Settling Pit | 3250                  | 2920                    | 890          | 0.05        | 0.51         | 19.8         | 6.3            | 2    | 1100     | 19.3       | 11.1     | 296      | 247       | 13.3     | 112      | 261      | 319      |
| 17-Aug-17  | Settling Pit | 2500                  | 2450                    | 1020         | 0.05        | 2.04         | 15           | 4.8            | 2.07 | 1100     | 20.7       | 8.53     | 237      | 474       | 14.2     | 134      | 421      | 431      | 67        |

**Descriptive Statistics**

- **Mean**:
  - Holding Dam 573 345 448 39.1 1.00 3.2 12.9 7.8 2.3 1281 104 10.0 337 246 10.7 65.6 1113 1329 14.2
  - Vintage 1370 906 591 48 0.1 2 13.8 7.2 2.5 1397 224 14 282 242 6 68 1204 1468 0
  - Non-Vintage 243 123 391 35 1.3 3.7 12.5 8.0 2.2 1228 56 8 356 246 13 65 1069 1264 20

### Treated Effluent Water Quality Stats: Dorrien Holding Dam (2011 - 2016)

| Date       | Source     | BOD$_{total}$ (mg/L) | BOD$_{soluble}$ (mg/L) | TSS  (mg/L) | TKN  (mg/L) | NO$_x$ (mg/L) | NH$_4$ (mg/L) | Total P (mg/L) | pH  | EC  (dS/m) | TDS (mg/L) | Ca  (mg/L) | Mg  (mg/L) | Na  (mg/L) | K   (mg/L) | SAR (mg/L) | Cl  (mg/L) | Alk (mg/L) | HCO$_3$ (mg/L) | CO$_3$ (mg/L) |
|------------|------------|-----------------------|-------------------------|-------------|-------------|--------------|--------------|----------------|-----|----------|------------|----------|----------|-----------|----------|----------|----------|---------------|
| Mean       | Holding Dam | 573                   | 345                     | 448          | 39.1        | 1.00         | 3.2          | 12.9           | 7.8 | 2.3      | 1281       | 104      | 10.0      | 337       | 246       | 10.7      | 65.6      | 1113      | 1329      | 14.2       |
| Median     | Holding Dam | 287                   | 94                      | 345.5        | 28.6        | 0.05         | 0.6          | 11.5           | 7.75| 2.255    | 1250       | 49.8     | 8.54      | 311.5     | 238       | 10.45     | 63.5      | 1045      | 1275      | 0.0        |
| Maximum    | Holding Dam | 3900                  | 2700                    | 3230         | 140         | 19.7         | 29.6         | 33.5           | 9.4 | 3.81     | 2170       | 529      | 21.4      | 732       | 413       | 30.7      | 118.0     | 2080      | 2330      | 181.0      |
| Minimum    | Holding Dam | 16                    | 1                       | 2            | 2           | 0.002        | 0.25         | 5.43           | 5.5 | 1.49     | 820        | 16.1     | 4.6       | 162       | 158       | 0.36      | 41.0      | 179       | 219       | 0.0        |

**Vintage**:

- Holding Dam 1370 906 591 48 0.1 2 13.8 7.2 2.5 1397 224 14 282 242 6 68 1204 1468 0

**Non-Vintage**:

- Holding Dam 243 123 391 35 1.3 3.7 12.5 8.0 2.2 1228 56 8 356 246 13 65 1069 1264 20
## VINPAC Wastewater Quality Analysis Results (2014 - 2016)

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| Mean     | 2407     | 2623         | 2940         | 2407     | 2623     | 2940     |
|          | 40       | 40          | 15,288       | 13       | 14       | 12,939   |
| Median   | 2300     | 2600         | 2470         | 2300     | 2600     | 2470     |
| Max      | 3390     | 3580         | 3950         | 26       | 17       | 14,298   |
| Min      | 1450     | 1780         | 1800         | 10       | 12       | 9,387    |

*Agenda - Barossa Assessment Panel - 3 March 2020*
Cellarmaster Wines Pty Ltd

Proposed WWTP Site

Effluent Irrigation Re-use

Soil Survey & Land Capability Assessment
(Fieldwork 17th February 2017)

Soil Description, Sampling, Analysis and Assessment

Research Road WWTP Site - Tanunda - South Australia

LAND ENERGY PTY LTD July 2017

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ATTACHMENTS: 5

- Attachment 1 - Brief eMail Report on the Preliminary Soil Assessment (July 2016)
- Attachment 2 - Soil Pit Locations for the Preliminary Assessment
- Attachment 3 - Soil Profile Descriptions – Detailed Soil Assessment (February 2017)
- Attachment 4 - Soil Profile Report – Topsoil, Rootzone, Permeability, ECe & RAW
- Attachment 5 - Full Soil Chemical Analysis Results – All Sampled Horizons
- Attachment 6 - Readily Available Water & Soil Core Locations (February 2017) - Mapsheet
DORRIEN – VINPAC: WASTEWATER TREATMENT & RE-USE

1. INTRODUCTION
Wastewater generated by the Dorrien Estate winery at Siegersdorf Rd – Tanunda, and Vinpac – Angaston, is to be treated at a new wastewater treatment plant (WWTP) to be constructed on land situated 1.2 km east of the Dorrien winery, and approximately 2.2 km west of the Vinpac site. Treated effluent produced by the new WWTP will be used to irrigate crops and plantings established on the site.

The site of the proposed WWTP and effluent irrigation re-use system is located on the corner of Research Road and Diagonal Road – Tanunda, and comprises approximately 28 ha of relatively flat arable land, previously used to grow carrots under irrigation. The land is surrounded by vineyards and has an existing irrigation dam and surface stormwater run-off retention dam, which intercepts stormwater flows conveyed from the catchment to the east via an artificial drainage channel, which then bisects the site an exits at the eastern (Research Rd) boundary via a culvert.

A preliminary site assessment was undertaken in July 2016, and a more detailed relaxed-grid reconnaissance-level survey, including soil sampling and analysis was conducted in February 2017 after the site was acquired. This report presents the findings of the site assessments and soil analysis results, with some coverage of agronomic considerations to inform planning decisions relating to potential crop types, planting layouts and irrigation methods and design.

2. SOIL ASSESSMENT METHODOLOGY
The preliminary soil assessment comprised six (6) soil inspection pits excavated to approximately 1.6 m for the purpose of initial physical profile characterisation, general land capability assessment and to identify any significant soil profile limitations or restrictions. Attachment 1 contains a brief eMail report describing the findings of the preliminary assessment. Attachment 2 shows the layout of the soil inspection pits, used for the preliminary assessment, denoted CM1 to CM6.

For the subsequent and more detailed soil survey, seventeen (17) soil core sites were identified in a relaxed-grid layout, and geo-coded. Each sample site was described as outlined below, and samples taken from separate observed soil horizons for chemical analysis. Soil cores were extracted to a depth of 2.0 m, with an EziProbe 2000 rig using 50mm polyethylene-sleeved push-tubes. Sampling positions were located on site with a hand-held GPS unit with an approximate accuracy of ± 4.0 m at the time of the fieldwork. The GPS co-ordinates of the sampled sites are provided in table 1 below.

Table 1. Soil Core GPS Co-ordinates

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3. SOIL PHYSICAL CHARACTERISTICS

The profiles were described as per the Australian Soil and Land Survey field handbook (McDonald et al. 1990). The characteristics described/assessed included:

- Depth of each layer
- Horizon
- Texture
- Fragments
- Colour (Munsell) & Mottle
- Structure
- Segregations
- Reaction to 1N HCl
- Carbonate Class
- Soil moisture status
- Root Abundance

3.1 General Observations

The described soil cores showed similar characteristics to the soil pits excavated for the preliminary soil assessment. Soil structure is more easily observed in a pit, however the structure is similar overall and can be described as single-grained loamy sand (well-mixed) over the remains of an A2 horizon, over a clayey B horizon which contains variable carbonate pockets and layers. The clay varies in texture from loamy clay to light/medium clay. This clay can vary in texture in a mottled pattern as well as in horizontal layers, which may indicate preferential drainage paths.

The A horizons are slightly deeper (50-60 cm) at the western end of the block, with shallower A horizons evident at the eastern side (30-40 cm). There are also shallower A horizons in the swale. There are indications of short-term waterlogging at the A2/B21 horizon interface, as fast-moving water from the sandy layer is slowed by the clay B horizon.

In general, the carbonate in the B horizon exists in separate layers or pockets, with soft fine lime mixed with the immediate clay, soft nodules and some fragments. The ordinary clay surrounding it has no visible fizz, indicating no free lime in the general clay. Full Soil Profile Descriptions are provided in Attachment 3, including fieldwork observations where appropriate.

3.2 Topsoil Depth, Rootzone Depth & Permeability

The topsoil over the block varies from 20 cm to 45 cm in depth but is most often around 30 cm. Rootzone depth has been determined based on the degree of root penetration likely – in the case of Grapevines – into the clay subsoil (upper B horizon), and on the presence (or absence) and Class of any soil carbonates observed in the profile (after Wetherby 2002). Rootzone depth ranges from 55 cm at site 11 in a limited area with relatively shallow Class I soil carbonates, to 120 cm at site 7, with a site-wide median depth of 95 cm. Lucerne would be expected to exploit a greater rootzone depth than those calculated for grapevines.

Soil hydraulic conductivity has been estimated based on the described soil profile texture and structure for each horizon, expressed as a depth-weighted mean permeability value in mm/day. Calculated profile permeability ranges from 67.2 mm/day at sites 11 and 13, to 189.3 mm/day at site 3. These data, for all soil core sites are presented in Attachment 4.

3.3 Readily Available Waterholding Capacity (RAW)

Readily Available Waterholding Capacity (RAW) has been calculated for each site (profile), using the minus 8 to minus 100 kPa soil moisture deficit figures, with the results shown on the mapsheet at Attachment 6, and in table form in Attachment 4. RAW represents the amount of water that is readily available to the plant. Profile rootzone RAW values across the site, at minus 100 kPa vary from 31.6 mm at core site 11, to 72.1 mm at site 16. The rootzone RAW data and map are important factor in decisions relating to efficient irrigation design and management.

Profile RAW can be calculated for any nominated moisture deficit value up to -1500 kPa (theoretical permanent wilting-point potential), depending on the required irrigation management objectives. The soil matric potential value of -100 kPa used to calculate RAW in this report would be considered towards the upper limit for grapevines, but at the lower limit for a crop such as Lucerne, hence its use in this context.
A figure for Exploited Rootzone RAW has also been given, which is derived from the observed extent and abundance of root colonisation through the soil profile, and reflects the nominal exploited rootzone of the weed species occupying the site at the time of the soil survey. As expected, these figures are lower than would be the case for irrigated and cultivated crops as expressed in the calculated Rootzone Depth figures. These data, for all soil core sites are presented in Attachment 4.

4. SOIL CHEMICAL CHARACTERISTICS

A total of 68 soil samples were collected from the 17 core sites, and despatched for laboratory chemical analysis. The key soil chemical parameters for consideration of site suitability and effluent irrigation management are discussed briefly below. The complete set of soil chemical analysis results is included at Attachment 5. This data will also provide a sound baseline dataset which can be used in future environmental sustainability and operational monitoring of the site.

4.1 Key Soil Chemical Parameters

Soil Salinity

Soil salinity throughout the site is low, ranging from a saturated extract conductivity (ECe) level of 0.14 dS/m in the A Horizon of core site 14, to 2.15 dS/m at the base of the mapped profile at core site 3. Integrating the individual horizon results to obtain a depth-weighted ECe for each core site profile, results in a maximum profile salinity value of 1.23 dS/m for core site 3.

There is no evident salinity pattern or trend across the site, and no apparent correlation with physical features such as elevation, topography or depth to clay. Average salinity as ECe is lower in the upper A Horizons of the site profile, and increases with depth, with higher levels coinciding with the presence of soil carbonates in the lower profile. (See figure 1 below).

Soil pH

Individual horizon pHw values range from 7.0 to 9.4 (6.0 to 8.3 in CaCl₂), with the highest values corresponding with the presence of soil carbonates deeper in the profile. Mean profile pHw ranges from 7.6 to 8.6 with an all-site profile average of 8.2. The majority of pHw levels in the upper layers (A Horizons) are between 7.0 and 8.0.

Soil Sodicity

Sodium Adsorption Ratio calculated from cation saturation paste extracts (SARe) show a range of values from 0.20 to 15.7, with an all sample average of 2.9. The higher values, which are restricted to the heavier clays deep in the profile, may indicate some tendency to Sodicity, corresponding as they do with elevated Exchangeable Sodium Percentage (ESP). However given the frequent presence of...
soil carbonates and some free lime in these deeper layers, the risk of sodicity-related structural impedance is considered to be low. In addition, the application of a slightly saline irrigant and the associated leaching fraction is likely to ameliorate the sodium dominance in these deeper layers and further reduce the likelihood of sodicity issues occurring.

**Major Soil Nutrients**

Average Ammonium Nitrogen and Nitrate Nitrogen levels are both low at 0.7 mg/kg and 1.4 mg/kg respectively. Occasionally higher levels of both occur in the topsoil at a small number of sites, likely due to residual fertiliser from previous land use, or from organic nitrogen in the sample from surface humus.

Average Colwell Phosphorus levels are considered marginal at 27 mg/kg, however levels in the topsoil of all sites is moderate to high for most crops, again representing residual concentration from previous fertiliser applications. Potassium (average 224 mg/kg) and Sulfur (22 mg/kg) are both classed as adequate, while Organic Carbon is rated as generally low at an average of 0.3%.

**Boron**

Boron (hot CaCl₂) was included in the soil chemical testing due to the presence of soil carbonates, elevated pH and some correlated spikes in salinity levels at the base of some profiles. The all-sample average Boron level across the site is 2.5 mg/kg with an range of 0.32 mg/kg to 9.37 mg/kg. The elevated levels (> approximately 3.0 mg/L considered high for some vine rootstocks) are limited to depths greater than 50 cm, with the average Boron concentration for the combined A-Horizons being 0.9 mg/kg, and 4.1 mg/kg for the B-Horizons.

5. **AGRONOMIC CONSIDERATIONS**

5.1 **Site Preparation**

Comprehensive weed control will be essential to establishing an effective and vigorous water-using crop. Lucerne would be a good, summer active water user with good sale prospects for hay. However, lucerne is not highly competitive with weeds when establishing. Lucerne varieties can be selected depending on when most growth is desired (ie. when irrigation/water use is most needed).

It is recommended that the block be re-slash if possible, and a knockdown herbicide applied to control the growing weeds currently colonising the site. It would be advisable to grow a cereal crop in the winter prior to crop planting if possible, to provide strong competition to the winter weeds and allow selective control of broadleaf weeds (radish, turnip) if required. This crop can be sprayed out or cut for hay to enable spring establishment of lucerne, or harvested with lucerne being established in late summer/autumn.

The soil surface will require levelling for practical use, especially for hay cutting. This does not imply that the central surface drain swale requires levelling, merely the general condition of the soil surface. As the site has not had a lucerne crop recently if at all, use of inoculant will be essential to establishing a good stand of lucerne.

5.2 **Vineyard Inter-row Swards**

The two main crops which have been considered for planting on the majority of the site are Grapevines and Lucerne. The preliminary water balance modelling which indicated that sustainable hydrological loadings were feasible, was based on Lucerne. However, the development of a vineyard over a suitable portion of the site may be feasible, if the net evapotranspiration capacity of the site can be maintained during winter – and vine dormancy – by the use of a combination of Lucerne and Vineyard with a winter-active inter-row sward.

It should be noted in this context that the possibility of discharging treated effluent to the Barossa Infrastructure Limited (BIL) scheme, via connection into an existing mainline running along the Research Road easement, may have the effect of reducing the winter hydraulic loading requirement on the site, possibly resulting in less reliance on winter crop evapotranspiration requirements. This option and the associated ramifications have yet to be investigated.

Several specialist agronomists and agricultural scientists from PIRSA and the private sector have been consulted in respect of the subject of inter-row swards for the intended application in the Barossa Valley area. The various responses, statements and opinions on the matter are set out below in the form of dot-points.
● A decision on what type of inter-row crop to use will depend on whether it is desired to have a permanent sward, a regenerating annual sward, or a cover crop to be sown each year. Whether the sward will be mowed, cut or sprayed-out; the requirement to produce a mulch from the sward, and whether or not the site is frost-prone.

● Depending on these requirements, and based on what is currently known about the site, and the operational limitations of the project, one line of investigation would be to consider an annual ryegrass/medic mix, kept mown and side-thrown for mulching the vine row, regenerating annually. If there is a requirement for a greater degree of control or for higher bulk, a disc-sown cereal rye and vetch crop, slashed in spring for mulch, and possibly sprayed out, would be an option.

● The impact of an inter-row sward on the establishment and early development of a new vineyard should be considered. It may be necessary to delay the establishment of a sward until the vines are established, and/or to initially limit the width of the planted sward, and the proportion of the inter-row space occupied by it, to reduce direct competition with the developing vine root systems.

● Work by Penfold (2006) in the Clare Valley, on established vines, showed that a Clover/Rye-Grass inter-row sward reduced vineyard yield to approximately 8 tonnes per ha, whereas a Ryegrass/Fescue sward reduced yield to around 5 tonnes per ha.

● A perennial mixed sward such as Clover/Rye may be suitable as it can be managed by means of mowing to reduce water use and competition in dry conditions. Alternatively a Ryegrass sward could be alternated with a Clover (White/Strawberry) sward to reduce the incidence of pest and/or disease as might be the case with a single monoculture.

● If an annual sward is considered preferable, a ‘green manure’ crop such as winter Oats could be sown in Autumn. Some varieties (e.g. Coolibah) can be mowed.

● Barley forms a dense annual cover crop, and could be used in a sward configuration. It is less tolerant of waterlogging than Oats (this should not be significant on these soils), but more salt-tolerant.

● Cereal Rye is suitable for cool regions and sandy soils, and is also less tolerant of waterlogging than Oats (but see above).

● Other Annuals to consider (alone or in blends) might be; Berseem Clover, Persian Clover and Italian Ryegrass.

● Morlat & Jacquet (2003) in the USA, used an inter-row sward of Wallaby Grass (Danthonia) in a vineyard, resulting in a yield reduction of only about 15%, and also reduced the incidence of Botrytis infection following rainy days during ripening.

Given the anticipated Grade C fruit to be produced from any proposed vine plantings on the site, at least some of these considerations may not be considered critical or sufficiently important to be taken into account in the planning process.

6. CONCLUSIONS
Based on the assessments conducted, the Research Road site appears to be generally suitable for crops such as lucerne, grapevines, native trees/shrubs, and a range of annual and perennial cereal species. Crop selection and area allocation will depend on practical considerations relating to husbandry, compatibility with other site operations and priorities, and the type of irrigation system best suited to the respective crop types and areas.

Attachments:
● Attachment 1 – Brief eMail Report – Preliminary Soil Assessment (July 2016)
● Attachment 2 – Soil Pit Locations – Preliminary Assessment
● Attachment 3 – Soil Profile Descriptions – Detailed Soil Assessment (February 2017)
● Attachment 4 – Soil Profile Report – Topsoil, Rootzone, Permeability, pH, ECe & RAW
● Attachment 5 – Full Soil Chemical Analysis Results – All Sampled Horizons
● Attachment 6 – Readily Available Water Map & Soil Core Locations (Feb 2017) – A3 Mapsheet
Hi Julie,

A preliminary reconnaissance soil survey of the site was undertaken on Thursday 28 July 2016. A sketch plan showing the geo-located backhoe pit positions is attached as well as profile photos.

The block is gently sloping to the southwest and has a shallow depression running WNW-ESE through the centre, which appears to be part of a local drainage network linking into the water course which runs in a south-westerly direction along the Diagonal Road easement. It is not clear at this point whether this central depression represents the removal of a portion of the A horizon, or where the removed material may have been re-deposited. There is also a surface drain running the full length of the northern boundary of the site.

The block was formerly used for carrot growing, and the top 40 cm of soil is sand to loamy sand, well-mixed and is light and aerated, despite not having been worked for many years. The pH is neutral to mildly alkaline throughout (7.0 - 8.5 generally increasing with depth). There are no signs of water repellence. Infiltration rate would be relatively high, especially in the A horizons. Water storage in the upper 50 cm would be on average 50mm Total, with a RAW value estimate of approx. 40mm. A more detailed calculation of Readily Available Water would be made after a full soil survey has been conducted.

Evidence of soil ripping was observed in the soil profile between 40-50 cm in places. This has mixed the sandy A horizon with clay clods from the top of the B horizon and the boundary between the sand and clay is disturbed. This means that water infiltration along this boundary, which would normally be moving from a fast infiltration through the sand to slow infiltration into a smooth clay layer, will have some variation in the infiltration rate depending on the depth of the textural transition. Roots from the prevailing weed species (mostly wild-radish and rye-grass) were observed to at least 160cm in all soil pits.

The profile makes the transition to the B horizon (texture varies between loamy clay to med-heavy clay) at approx. 50 cm throughout the block. The pH remains mildly alkaline, with occasional pockets of soft nodular carbonate at approx. 160 cm scattered over the block. The upper part of the B horizon generally has moderate structure and may be granular or blocky. This allows reasonable water movement and storage. As the profile deepens there are some very firm, dense layers of clay, represented by Pits CM3 and CM5, with very weak or massive structure which will take time for water to move into and through. Determination of hydraulic conductivity may be instructive in the context of a full soil survey. All described soil profiles were rated as 'moist' throughout during the inspection, and no free water or saturation was observed at any site.

The area is well suited to lucerne or mixed lucerne and cereal production. From the initial examination, there are no obvious problems with the site. Follow-up testing would examine the chemistry of the site and more detailed assessment of water movement and storage.

Hay production, with the crop removed from the site would assist in maintaining nutrient balance, and would avoid gradual pH increase as observed at the current Lucerne block. Overall, based on this preliminary field work, the site soils appear to be generally suitable for the purpose of sustainable irrigation of secondary-treated winery wastewater. Soil sampling for chemical analysis was not undertaken, and this will be critical in determining the ultimate suitability of the soil for the proposed purpose, and will inform decisions relating to irrigation management and crop selection etc.

Regards,

Phillip Baker (B.Sc M.Eng Env.Auditor)

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**Agenda - Barossa Assessment Panel - 3 March 2020**

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* Readily Available Water (holding Capacity)

**Median**
30.0 95.0 58.5 94.9 8.2 43.1 0.7

**Max**
45.0 120.0 72.1 189.3 8.6 50.4 1.2

**Min**
20.0 55.0 31.6 59.9 7.6 23.2 0.3
Customer Land Energy Pty Ltd
Job CTR 11117
Date 1/03/2017
Name

Depth

DOR 1
DOR 1
DOR 1
DOR 1
DOR 2
DOR 2
DOR 2
DOR 2
DOR 3
DOR 3
DOR 3
DOR 3
DOR 4
DOR 4
DOR 4
DOR 4
DOR 5
DOR 5
DOR 5
DOR 5
DOR 6
DOR 6
DOR 6
DOR 6
DOR 7
DOR 7
DOR 7
DOR 7
DOR 8
DOR 8
DOR 8
DOR 8
DOR 9
DOR 9
DOR 9
DOR 9

0-15
15-45
45-110
110-200
0-25
25-45
45-110
110-200
0-35
35-50
50-110
110-200
0-30
30-50
50-100
100-200
0-30
30-60
60-110
110-200
0-30
30-45
45-110
110-200
0-35
35-70
70-110
110-200
0-25
25-50
50-120
120-200
0-25
25-40
40-110
110-200

NH4-N

NO3-N
mg/kg

mg/kg
0.5
0.5
0.5
0.5
0.5
0.5
0.5
0.5
0.5
0.5
0.5
0.5
0.5
0.5
0.5
0.5
0.5
0.5
0.5
0.5
1.0
0.5
0.5
0.5
0.5
0.5
0.5
0.5
0.5
9.0
0.5
0.5
0.5
0.5
0.5
0.5

3
2
0.5
0.5
1
1
1
0.5
1
0.5
0.5
0.5
1
0.5
0.5
0.5
2
0.5
0.5
0.5
4
0.5
0.5
0.5
3
4
0.5
0.5
2
3
0.5
0.5
2
0.5
0.5
0.5

pH (H2O) Boron Hot ECe
Colwell - Colwell - Sulphur Organic EC(1:5) pH
ExCat - Ca ExCat - K Excat - Mg ExCat - Na Sat.Paste SARe
ESPe
P
K
Carbon
(CaCl2)
CaCl2
%
mg/kg
mg/kg
mg/kg %
dS/m
pH
pH
mg/kg
dS/m
meq/L
meq/L
meq/L
meq/L
%
Ratio
%
91
173
1.7
0.52
0.034
7
7.6
1.17
0.69
2.69
0.5
1.13
0.29
109.78
0.21
6.3%
44
110
2.2
0.32
0.036
7
7.7
1.17
0.27
0.93
0.24
0.79
0.52
75.54
0.56 21.0%
3
265
16.4
0.3
0.06
6.7
8.3
4.29
0.58
11.03
27.67
66.86
8.25
83.29
1.32
7.2%
2
296
103.9
0.14
0.271
8
9.3
7.56
1.46
0.58
0.17
0.94
11.01
99.35
12.63 86.7%
68
145
4
0.46
0.039
6.8
7.8
0.72
0.32
1.57
0.89
1.87
0.76
71.58
0.58 14.9%
42
98
11
0.26
0.054
7.3
8.2
0.62
0.43
1.42
0.26
1.17
0.84
68.38
0.74 22.8%
2
479
33.5
0.38
0.121
7.1
8.4
6.95
0.75
1.36
2.59
6.11
5.38
110.69
2.78 34.8%
1
311
59.7
0.17
0.325
8.3
9.4
8.94
1.2
0.32
0.09
0.55
9.47
93.78
14.36 90.8%
70
209
2.5
0.82
0.035
7
7.9
0.94
0.26
0.94
0.41
0.93
0.45
104.63
0.47 16.5%
14
33
1.3
0.18
0.02
7.8
8.6
0.32
0.19
0.7
0.29
0.72
0.35
82.3
0.42 17.0%
1
362
26.3
0.3
0.113
7.4
8.6
6.94
0.69
3.65
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20
6.05
111.5
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103.4
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7.9
9.2
9.37
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0.13
1.4
16.11
94.57
15.68 87.8%
52
166
1.6
0.54
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7
7.9
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0.22
0.89
0.35
0.89
0.23
79.77
0.24
9.7%
18
71
1.9
0.26
0.025
7.6
8.3
0.71
0.29
1.14
0.28
0.92
0.3
79.15
0.30 11.4%
1
313
5.7
0.25
0.044
7.1
8.3
3.71
0.27
1.8
2.78
6.62
1.74
101.75
0.85 13.4%
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329
33.4
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0.099
7.6
8.8
7.54
0.75
0.36
0.14
0.54
5.61
80.91
8.36 84.4%
50
148
0.9
0.43
0.026
7
7.8
0.55
0.3
1.19
0.37
0.77
0.27
58.24
0.27 10.4%
26
62
1
0.18
0.024
7.4
8.1
0.44
0.17
0.79
0.45
0.97
0.39
63.92
0.42 15.0%
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225
17.4
0.37
0.053
6.9
8.1
3.33
0.49
2.25
2.87
6.96
3.37
74.03
1.57 21.8%
1
190
51.4
0.17
0.108
7.3
8.4
5.7
1.14
0.73
0.12
0.78
7.85
70.74
9.03 82.8%
78
182
3.5
0.65
0.038
6.8
7.5
0.95
0.29
1.16
0.38
0.79
0.32
90.62
0.32 12.1%
26
50
2.1
0.21
0.02
7.2
7.8
0.52
0.24
1.17
0.35
1.11
0.32
56.85
0.30 10.8%
3
123
30.5
0.33
0.07
6.6
7.9
1.61
0.57
0.73
0.08
0.48
3.36
69.88
4.32 72.3%
2
109
81.8
0.19
0.135
6
7.3
1.38
1.07
0.76
0.06
0.63
7.14
84.47
8.56 83.1%
63
105
2
0.36
0.03
7
7.5
0.65
0.27
1.19
0.24
0.66
0.23
60.77
0.24
9.9%
23
40
2.1
0.18
0.024
6.8
7
0.38
0.24
1.07
0.27
0.8
0.29
63.11
0.30 11.9%
1
286
3.3
0.35
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0.45
11.23
18.52
41.97
5.41
72.14
1.05
7.0%
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312
40
0.15
0.069
7.2
8.8
5.03
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1.87
5.11
13.54
6.21
89.07
2.24 23.2%
77
221
3
0.76
0.044
7.1
8.1
1.27
0.28
1.16
0.28
0.78
0.4
84.79
0.41 15.3%
29
117
2.1
0.41
0.026
7.3
7.8
1.34
0.3
1.16
0.21
0.72
0.35
76.4
0.36 14.3%
1
324
14.1
0.33
0.058
7.1
8.5
2.49
0.39
4.94
9.57
22.45
3.79
87.16
1.02
9.3%
3
211
43.6
0.16
0.088
7.2
8.5
2.35
0.84
0.46
0.12
0.47
5.57
78.37
8.17 84.1%
72
179
1.6
0.53
0.03
7
7.7
0.86
0.28
1.2
0.25
0.65
0.27
76.87
0.28 11.4%
23
88
1.6
0.36
0.023
7.2
7.9
0.75
0.18
0.76
0.28
0.78
0.3
149.86
0.34 14.2%
1
277
43
0.27
0.079
6.9
8.1
2.62
0.49
0.48
0.21
0.7
3.2
102.63
4.17 69.7%
1
263
57.5
0.12
0.107
7.4
8.7
3.5
0.95
0.63
0.11
0.62
6.8
97.2
8.60 83.3%

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Attachment 5.1


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<th>NH₄-N</th>
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<th>Colwell- P</th>
<th>Colwell- K</th>
<th>Sulphur</th>
<th>Organic Carbon</th>
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<th>pH (CaCl₂)</th>
<th>Boron Hot CaCl₂</th>
<th>Ece</th>
<th>ExcCat - Ca</th>
<th>ExcCat - K</th>
<th>ExcCat - Mg</th>
<th>ExcCat - Na</th>
<th>Sat.Paste%</th>
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<th>ESPe</th>
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<td>mg/kg</td>
<td>mg/kg</td>
<td>mg/kg</td>
<td></td>
<td>%</td>
<td>dS/m</td>
<td>pH</td>
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<td>meq/L</td>
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*Agenda - Barossa Assessment Panel - 3 March 2020*
## Research Road Site Groundwater Data

Yellow → Allotment A 241

Tomr(Lower) = Rowland Flat Sand (lower) aquifer

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<th>ase_min_dia</th>
<th>purpose</th>
<th>atest_status</th>
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### Water/Salt Balance Modelling Results

(Majority of Years)

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<th>Perc.n</th>
<th>Supp.V</th>
<th>WRXs</th>
<th>Hrs/d</th>
<th>ML/ha/Y</th>
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#### Computed ET (ML)

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#### Balance Storage Volume (ML)

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#### Soil Storage Volume (ML)

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#### Total Applied Volume (ML)

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#### Effective Rainfall Additions (ML)

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#### Percolation/Leaching F. (ML)

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#### Modelled kci

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### Water/Salt Balance Modelling Results

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**Agenda - Barossa Assessment Panel - 3 March 2020**

**Attachment 12b**
NOTES:

ALL DIMENSIONS ARE IN METRES
ALL LEVELS ARE IN METRES

SECTION A-A
SCALE 1:400
LAGOON 1

SECTION B-B
LAGOON 1

SECTION C-C
LAGOON 2

LAGOON 1

LAGOON 2

FFL(+)0.0m
+2m
-2m
-4m
-6m

FFL(+)0.0m
+2m
-2m
-4m
-6m

FFL(+)0.0m
+2m
-2m
-4m
-6m

+2m
-2m
-4m
-6m

-2m
-4m
-6m

-2m
-4m
-6m

-2m
-4m
-6m

-2m
-4m
-6m

-2m
-4m
-6m

ATACHMENT 15

Agenda - Barossa Assessment Panel - 3 March 2020
ATTACHMENT 16

Agenda - Barossa Assessment Panel - 3 March 2020

LOT 241 RESEARCH ROAD
11.78ha
### APPENDIX 1  RISK ASSESSMENT MATRIX

**Instructions:** Select one category under each criteria by clicking 'Y' in the blue column opposite the category. Additional explanations are provided in Appendix 3A.

#### SITE: DORRIEN- VINPAC WWTP - RESEARCH ROAD NURIOOTPA

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<th>Score</th>
<th>Notes/Comments</th>
<th>Instructions</th>
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<td>Nominal capacity of lagoon (excluding freeboard)</td>
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</tr>
<tr>
<td>7</td>
<td>Max lagoon water depth</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7a 1m or less (evaporative)</td>
<td>0.2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7b &gt;1m to 3m (aerobic/facultative)</td>
<td>1.2</td>
<td>Y</td>
<td>1.2</td>
<td></td>
</tr>
<tr>
<td>7c &gt;3m to 6m (anaerobic)</td>
<td>4.8</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7d deeper than 6m</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Nature of wastewater (see Appendix 3A for definitions)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8a contaminated stormwater</td>
<td>0.2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8b treated wastewater</td>
<td>0.8</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8c composting</td>
<td>4.2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8d organic/nutrient</td>
<td>4.2</td>
<td>Y</td>
<td>4.2</td>
<td></td>
</tr>
<tr>
<td>8e reactive</td>
<td>6.4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8f hazardous</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Rating:** 16.9

**Preliminary category:** 1

**Select YES (Y) in the appropriate blue box if either of the scenarios in blue text apply**

A. Is the lagoon located within 100m of a watercourse?  
B. Is there potential groundwater that may intersect the base of lagoon liner?  

**RECOMMENDED CATEGORY:** 1
ATTACHMENT B
Approved and
Proposed Plans
Diagonal Road
VINPAC
INTERNATIONAL
PTY LTD

Angaston Road
Nuriootpa Trail
Rail

Stockwell Road
Angaston

FOR VINPAC INTERNATIONAL

1:5000
@ A3

FOR CONTINUATION
OF PIPELINE SEE
LOCALITY PLAN

© DEC 2019 IC:50697-VS1-3A
MASTERPLAN.COM.AU
8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

8.1 960/171/2019 (268 Williamstown Road Cockatoo Valley)

APPLICATION DETAILS

<table>
<thead>
<tr>
<th>PROPOSAL</th>
<th>Demolition of existing outbuildings totalling 210 square metres in floor area and construction of a domestic outbuilding – shed (measuring 17.5m x 12m x 3.6m wall height)</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT</td>
<td>Anthea Smith C/- Planwright BDDS</td>
</tr>
<tr>
<td>OWNER</td>
<td>Michael Tekell and Jessica Vantighem</td>
</tr>
<tr>
<td>APPLICATION NO</td>
<td>960/171/2019</td>
</tr>
<tr>
<td>CERTIFICATE(S) OF TITLE</td>
<td>CT 6190/173</td>
</tr>
<tr>
<td>AREA</td>
<td>9781.62 sqm</td>
</tr>
<tr>
<td>CURRENT USE</td>
<td>Dwelling with associated domestic outbuildings</td>
</tr>
<tr>
<td>DEVELOPMENT PLAN VERSION</td>
<td>Consolidated 1 November 2018</td>
</tr>
<tr>
<td>ZONE</td>
<td>Rural Living Zone</td>
</tr>
<tr>
<td>POLICY/PRECINCT AREA</td>
<td>Precinct 21 Cockatoo Valley</td>
</tr>
<tr>
<td>OVERLAYS</td>
<td>Barossa Character Preservation District, Medium Bushfire Risk Area</td>
</tr>
<tr>
<td>APPLICATION TYPE</td>
<td>Merit</td>
</tr>
<tr>
<td>CATEGORY OF DEVELOPMENT</td>
<td>Category 3</td>
</tr>
<tr>
<td>REFERRALS</td>
<td>Nil</td>
</tr>
<tr>
<td>PREVIOUS APPLICATIONS</td>
<td>960/736/2015 – Land Division</td>
</tr>
<tr>
<td>ASSESSING OFFICER</td>
<td>Ashleigh Gade</td>
</tr>
<tr>
<td>RECOMMENDATION</td>
<td>That Development Plan Consent be GRANTED</td>
</tr>
</tbody>
</table>

BACKGROUND

This development application seeks consent for the demolition of existing outbuildings and the construction of a single domestic outbuilding to be used for both domestic storage and the parking of vehicles. The proposal involves the removal of all existing outbuildings on the subject site and the subsequent construction of one new outbuilding. It is the intention of the applicant that the proposed outbuilding will rationalise the floor area of outbuildings on site.

The application was originally included in the agenda for the Barossa Assessment Panel meeting to be held on 1 October 2019, however it was withdrawn from the agenda at the request of the applicant via its consultant, Heynen Planning Consultants. Subsequent discussions occurred between the consultant and council staff including a potential reduction of floor area from 360 sqm to 259.20 sqm subject to receipt of a favourable response from Council. Council staff indicated that the reduced floor area would not address overall concerns and accordingly the applicant confirmed that it wanted the Panel to assess the application as originally submitted.
The proposal was presented in its originally submitted form to the Barossa Assessment Panel for consideration at the meeting held on 12 November 2019. After discussions with the applicant’s planning consultant, and consideration from the Panel, it was moved that the decision be deferred subject to amendments to the proposal.

Barossa Council received amended plans on 20 December 2019 demonstrating a reduction in the proposed floor area to 259.20 sqm, reduced associated earthworks and an amended landscaping concept. It was presented to the Barossa Assessment Panel for consideration at the meeting held on 4 February 2020. Following additional discussions with the applicant it was moved that the decision again be deferred subject to further amendments to the proposal.

The Barossa Council received these further amended plans on 12 February 2020. As per the original proposal it is still sought that all existing outbuildings on the site totalling approximately 210 sqm in floor area be demolished. It is now proposed that an outbuilding with a floor area of 210 sqm and 3.6 metre wall heights be constructed.

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

A copy of the original planning reports for previous iterations of the proposal, the request to withdraw the item from the October Panel agenda, and various emails between Heynen Planning Consultants and Council, both before the November Panel meeting and after the submission of amended plans, are contained in Attachment 2.

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

(1) Where in the opinion of the sub-delegate, it is appropriate to refer the application to the Barossa Assessment Panel

PUBLIC NOTIFICATION
The application is a Category 3 form of development pursuant to Section 38 and Schedule 9 of the Development Act 1993 and Development Regulations 2008 and the Procedural Matters of the Rural Living Zone. In regard to the Zone procedures an outbuilding of no more than 135 sqm is Category 1 but as it exceeds 135 sqm the proposal defaults to Category 3 under the Regulations.

Representations: Nil representations were received.

SITE AND LOCALITY
The subject land comprises a 9781.62 sqm allotment with an elongated trapezoid shape. It contains a single storey detached dwelling with associated outbuildings generally clustered around the dwelling. The site has a 66.58m frontage to Williamstown Road which is a State Government controlled secondary arterial road. There is existing access to the site via a crossover to the south of the dwelling. The subject land is also visible from Balmoral Road to the south.

The locality is predominantly comprised of rural living allotments generally with single storey detached dwellings and associated domestic outbuildings. The surrounding allotments are characterised by low density development set well back from site boundaries.

The allotments to the south-west of the subject land fronting Balmoral Road were created within the past two years and are currently undergoing development with dwellings and domestic outbuildings.

The site is located within the Rural Living Zone, as shown in Figure 1.
The site is located within the Cockatoo Valley Precinct, as shown in Figure 2.

The site is located within the Character Preservation District Overlay as shown in Figure 3.

The site is located within the Medium Risk Bushfire Risk Overlay as shown in Figure 4.

An aerial view of the locality and site are shown in Figure 5 and Figure 6.

Site photos are provided in Figure 7 to Figure 12.

Photos of the site viewed from Williamstown Road and Balmoral Road are provided in Figure 13 and Figure 14.
Figure 1: Zone Map
Figure 2: Precinct Map
Overlay Map Baro/22
HERITAGE AND CHARACTER PRESERVATION DISTRICT

Figure 3: Character Preservation District Overlay Map
Figure 4: Bushfire Protection Area Overlay Map
Figure 5: Aerial – Locality

Figure 6: Aerial – Site
Figure 7: Site Photo

Figure 8: Site Photo
Figure 13: Subject land viewed from Williamstown looking west

Figure 14: Distant view of subject land from Balmoral Road looking north
REFERRALS
No referrals are required under Schedule 8 of the Development Regulations 2008.

Internal
No internal referrals were undertaken.

ASSESSMENT

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

<table>
<thead>
<tr>
<th>DEVELOPMENT PLAN PROVISIONS</th>
<th>STANDARD</th>
<th>ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIVATE OPEN SPACE</td>
<td>20%</td>
<td>70% Complies with standard:</td>
</tr>
<tr>
<td>General Section</td>
<td></td>
<td>☒ Yes</td>
</tr>
<tr>
<td>Residential Development</td>
<td></td>
<td>☐ No</td>
</tr>
<tr>
<td>PDC 23</td>
<td></td>
<td>☐ Partial</td>
</tr>
</tbody>
</table>

| OUTBUILDINGS                | max height 3.6m  | 3.6m wall height (4.0m above natural ground level) |
|                            | max area of 200 sqm for allotments greater than 1 hectare | 5.1m overall height |
| Rural Living Zone PDC 9     | 210 sqm       | Complies with standard: |
|                            | ☒ Yes         | ☐ No                        |
|                            | ☐ 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 a “rural living area” as designated by the Character Preservation (Barossa Valley) Act 2012. The land is within a ‘Designated Area’ in the Character Preservation District Overlay within the Development Plan.

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.
Design and Appearance

Objectives 1
PDCs 1, 2, 4 and 5

The proposed outbuilding seeks to rationalise the existing outbuildings on site which will to some extent improve visual amenity. The proposed new outbuilding is intended to be screened directly on two elevations to reduce the visual impact of the wall height.

The outbuilding represents a modest increase in floor area as compared to typical existing outbuildings found within the locality, but it is not considered its bulk and scale would be unreasonable in their context on the site.

All other Objectives and PDCs are deemed to comply.

Hazards

Bushfire

Objectives 2
PDCs 1 and 9

The subject land is located in a Medium Bushfire Risk Area identified by the Development Plan. The proposal is for an outbuilding ancillary to the residential use on site and therefore does not involve a habitable building.

It is not considered that the location or design of the proposed outbuilding pose an unacceptable bushfire risk or prejudice the safety of the associated dwelling.

All other Objectives and PDCs are deemed to comply.

Zone Section

Rural Living Zone

Objective 1

The proposed outbuilding exceeds the wall height and floor area dimensions prescribed by the Development Plan and is moderately larger in floor area than the typical domestic outbuilding found within the locality.

Notwithstanding this, it is noted that it is not uncommon for outbuildings in the locality to have comparable wall heights. The outbuilding exceeds the floor area desired by the Rural Living Zone by a modest 5%. Additionally, it is considered that the landscaping proposed by the applicant shall over a period of time assist to reduce views to and from the outbuilding from adjoining land.

Desired Character

It is envisaged that development in the zone will accommodate rural living activities on a range of allotment sizes, based on characteristics of the land, landscape appearance, siting and vegetation.

Development will maintain an open, semi-rural character that contrasts with the built-up areas and rural land.
Buildings are to be unobtrusively located, away from prominent sites, ridgetops or similar visually exposed locations, set at least 25 metres from the road and involve excavations and reshaping of landform with minimum detrimental effect on any vegetation on the site or the natural scenic attractiveness of the locality.

Buildings will be obscured from view either by the natural form of the land, or otherwise screened with landscaping that provides a continuous belt of locally indigenous trees and shrubs to screen any exposed views of the development. Development on barren sites will be screened by appropriate perimeter landscape plantings in addition to the screening of buildings.

It is expected that buildings will be of such form and design, including materials and colours, as to harmonise and blend with the natural and rural character of land located within the zone. Buildings will be limited to single storey in form and incorporate low-pitched roofs of a non-reflective texture and natural earth colours.

**Desired Character**

The proposed outbuilding is to be constructed of non-reflective Custom Orb metal sheeting in a Colorbond-style finish. It is to be coloured a mid-grey. This is consistent with outbuildings within the locality.

The applicant has submitted a landscape plan with shrubs of two metres maturity to be placed against the walls and trees, with seven metres maturity to be placed at various distances from the walls. The applicant has undertaken perimeter planting in recent months and these trees can be expected to reach five metres in height at maturity. It is noted that until their maturity the building will remain visible from Williamstown Road and Balmoral Road and adjoining properties.

**Land Use**

PDC 1

This PDC is deemed to comply.

**Form and Character**

PDCs 8 and 9

The proposed outbuilding has a floor area of 210 sqm which exceeds the prescribed maximum floor area of 200 sqm by 10m² or 5%.

The overall building height of 5.1m is not consistent with the prescribed maximum height and due to the associated earthworks the outbuilding will appear higher than this from certain vantage points. It is acknowledged that the applicant has undertaken a section of perimeter planting and a landscaping plan demonstrates further screening around the outbuilding which will over time reduce the visual impact.

It is considered that on balance the floor area and overall height of the outbuilding do not represent a severe departure from the principles for the Rural Living Zone, and that the overall bulk and scale reflects the existing character of the locality.
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. 960/171/2019 by Planwright BDDS to undertake Demolition of existing outbuildings totalling 210 square metres in floor area and construction of a domestic outbuilding – shed (measuring 17.5m x 12m x 3.6m wall height) at 268 Williamstown Road, Cockatoo Valley (CT 6190/173) 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. 960/171/2019 except where varied by the following conditions.


iii. Elevation Plan drafted by Planwright Building Design & Drafting Service, dated 5 February 2020

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

(2) All stormwater shall be managed in accordance with the Block Plan drafted by Planwright Building Design & Drafting Service dated 5 February 2020. No stormwater shall enter into any 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.

The stormwater disposal systems shall be 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 reasonable satisfaction of Council.

Reason: To ensure that stormwater is adequately managed on the site.
(3) The domestic outbuilding (shed) herein approved shall be used for domestic storage purposes and shall not be used for human habitation or occupation, or industrial or commercial use, at any time.

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

(4) The landscaping as detailed in the application shall be established within 3 months of substantial completion of the building and shall be maintained in good health and condition. Any vegetation that dies or becomes seriously diseased shall be replaced with others of the same or similar varieties, to the reasonable satisfaction of Council.

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

(5) The existing perimeter landscaping shall be retained and maintained in good health to screen the development, and shall be replaced with a plant species of the same expected mature height if they die or becomes seriously diseased, to the reasonable satisfaction of Council.

Reason: To ensure that the proposal is maintained as approved by the Planning Authority.

(6) During construction or installation of all works associated with the development and proposed roads and utility services:

i. Dust generated at the site shall be reasonably controlled at all times to prevent nuisance to occupants of adjoining land.

ii. Noise generated at the site shall be kept to the minimum level that is reasonably practicable.

iii. Appropriate erosion control measures shall be employed to prevent soil removal from the site by stormwater run-off, and to prevent siltation of watercourses, to the reasonable satisfaction of Council’s Director – Works & Engineering.

iv. 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 there is no adverse amenity impacts to the locality during construction.

(7) Construction shall not take place on Sunday or Public Holidays or after 7:00 pm or before 7:00 am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

Reason: To ensure that there is no adverse amenity impacts to the locality during construction.
Advisory Notes

(a) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by Council or other relevant planning authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.

(b) 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.

(c) The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that the activities on the whole site including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

(d) Any proposal to clear, remove limbs, or trim native vegetation will require approval or confirmation of exemption from the Native Vegetation Council. An interactive guide is available to help owners and others determine the requirements that apply under the Native Vegetation Act 1991: https://www.environment.sa.gov.au/topics/native-vegetation/interactive-guide. Any specific queries regarding the clearance, removal, or trimming of native vegetation should be directed to the South Australian Native Vegetation Council.
8.1 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/...
PROPERTY NO.: 
VG NO.: 

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

APPLICANT: Anthea Smith, c/o Planwright B.P.O.
Postal Address: PO Box 894 Williamstown
Phone: 85247139 Mobile: 0400 265 496 Fax: 
Email: planwright.bpsds@bigpond.com

OWNER: Michael Tekell and Jessica Vantighem
Postal Address: PO Box 10 Cockatoo Valley
Phone: 
Mobile: 0428 817 912 Fax: 
Email: admin@tekellfamilyhomes.com.au

ARE YOU GOING TO BE AN OWNER BUILDER? YES

UILDER: Tekell Family Homes
Postal Address: PO Box 10 Cockatoo Valley
Phone: 
Mobile: 0428 817 912 Fax: 
Email: admin@tekellfamilyhomes.com.au Builders Licence No.: 268441

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

CONTACT PERSON FOR FURTHER INFORMATION: Name: Anthea Smith
Phone: 85247139 Mobile: 0400 265 496 Fax: 
Email: planwright.bpsds@bigpond.com

DESCRIPTION OF PROPOSED DEVELOPMENT: Freestanding steel frame shed

EXISTING LAND USE: Residential

AREA (m²) OF PROPOSED DEVELOPMENT: 360

LOCATION OF PROPOSED DEVELOPMENT:
House No: 
Street: Williamstown Road 
Lot No: 200 
Section: 
Hundred: Barossa
Lot: 6190 
Folio: 173

BUILDING RULES CLASSIFICATION Sought:
If Clause 6, 7, 8 or 9 classification is sought, state the proposed number of employees: 
Melc: 
Formic: 
If Clause 9a classification is sought, state the number of persons for whom accommodation is provided: 
If Clause 9b classification is sought, state the proposed number of occupants of the various spaces of the premises:

DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 2008 APPLY?
YES
HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 1993 LEVY BEEN PAID? YES

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: 
Dated: 26/3/19

Agenda - Barossa Assessment Panel - 3 March 2020

RECEIVED
26 March 2019
The Barossa Council
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

APPLICANT: Anthea Smith  
Postal Address: PO Box 894 Williamstown  
Phone: 85247134 Mobile: 0400 265 196

DATE OF APPLICATION: 26.3.19

LOCATION OF PROPOSED DEVELOPMENT:
House No: Lot No: 200
Street: Williamstown Rd  Section:  
Town: Coorong Valley  Hundred: Barossa
Certificate of Title(s): Volume: 6.190  Folio: 173

NATURE OF PROPOSED DEVELOPMENT: Free-standing steel frame shed

I, Anthea Smith, being the applicant/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:  Anthea Smith  Date of Declaration: 26/3/19

Agenda - Barossa Assessment Panel - 3 March 2020

RECEIVED  
26 March 2019  
The Barossa Council
CONFIRMATION OF REGISTRATION

Certificate of Title - Volume 6190 Folio 173

Estate Type
FEE SIMPLE

Registered Proprietor(s)
MICHAEL DAVID TEKELL
JESSICA CARINA CELESTE GHISLAINE VANTIGHEM
OF PO BOX 10 COCKATOO VALLEY SA 5361
AS JOINT TENANTS

Description of Land
ALLOTMENT 200 DEPOSITED PLAN 115397
IN THE AREA NAMED COCKATOO VALLEY
HUNDRED OF BAROSSA

Easements
NIL

Schedule of Dealings

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<tr>
<th>Dealing Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
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<td>MORTGAGE TO NATIONAL AUSTRALIA BANK LTD. (ACN: 004 044 037)</td>
</tr>
</tbody>
</table>

Registrar-General

Lands Titles Office
STORMWATER NOTES:
Shed Roof water to be directed to 22,500 rain water tank via 90mm upvc pipe and plumbed to dwelling.
Overflows to be directed min. 6m away from buildings/bdys and septic tank & soakage.
- DP = 100x50mm/90mm diam) down pipes
--- 90mm upvc pipe. Min. 1:200

Note: grade water away from shed

AREA M2
Proposed Shed = 210.00
Existing Sheds = 210.15
to be demolished

Revision: 3.4.19 Shed height reduced to 3.6m & screening plants added.
Revision: 20.5.19 levels & cut & fill shown.
Revision: 23.5.19 level & cut & fill locatn revised.
Revision: 13.11.19 Area of proposed shed reduced.
Revision: 5.2.20 Area of proposed shed further reduced.
Revision: 3.4.19 Area of existing sheds to be demolished noted

Date: 5.2.20

Revision: 13.11.19 Area of proposed shed reduced.
Revision: 5.2.20 Area of proposed shed further reduced.

Proposed Shed = 210.00

Existing Sheds = 210.15

to be demolished

**FLOOR PLAN**

**SCALE A3=1:100**

**AREA M2**

Proposed Shed = 210.00

Existing Sheds = 210.15

**TEKELL FAMILY HOMES**

LOT 200 no. 268 WILLIAMSTOWN ROAD
COCKATOO VALLEY SA 5351

PO BOX 10 COCKATOO VALLEY SA 5351

Ph. 8224 7139 Mob. 0400 265 496 email - planwrightbdds@bigpond.com
Notes:
Elevation profiles prepared using Esri ArcGIS Earth. All locations indicative. Imagery provided from drone footage taken November 2019.
**Screen Planting (Proposed)**

**Perimeter Planting (Shown Clouded)**

- **Eucalyptus odorata (Peppermint Box)**
  - Tree
  - Flowering Season: Evergreen
  - Typical Maximum Height When Mature: 7 m
  - Canopy Spread: 4 m - 8 m

- **Calyptrix tetragona (Common Fringe Myrtle)**
  - Shrub
  - Flowering Season: Spring
  - Typical Maximum Height When Mature: 2 m
  - Spread: 0.5 m - 1.5 m

- **Acacia iteaphylla (Flinders Ranges Wattle)**
  - Shrub
  - Flowering Season: Autumn, Winter
  - Typical Maximum Height When Mature: 5 m
  - Canopy Spread: 3 m - 6 m

Perimeter planting, proposed and existing at 1200 mm spacing. Taps for irrigation of plants at 30 metre spacing existing along all boundaries except Williamstown Road boundary.

**Agenda - Barossa Assessment Panel - 3 March 2020**
8.1 Attachment 2
Hi Ashleigh

Further to our discussion of 9 January 2020 and in relation to the BAP meeting scheduled for 4 February 2020, please find attached images illustrating:

- existing irrigated plantings within the area depicted on the Landscape Plan dated 06/09/2019 as prepared by HPC; and
- existing original tube stock being grown by the applicant on site in readiness for planting at the next available season.

As you correctly noted, the Desired Character (my underlining below) recognises that “plantings” are anticipated and this refers to intended landscaping and not existing.

**Rural Living Zone – Desired Character**

Buildings will be obscured from view either by the natural form of the land, or otherwise screened with landscaping that provides a continuous belt of locally indigenous trees and shrubs to screen any exposed views of the development. Development on barren sites will be screened by appropriate perimeter landscape plantings in addition to the screening of buildings.

As I have previously noted in my letter of 20 December 2019 the amended planning drawings achieve, in full, consistency with the Desired Character statement.

The applicant has confirmed with me a willingness to accede to a condition of consent that the proposed perimeter planting (108 plants) depicted on the Landscape Plan be planted and irrigated at the next available season, and regardless of whether the shed construction has commenced. In this way the landscaping will start to grow from autumn in advance of the shed.

Please ensure that this email and the attachments are placed on the 4 February 2020 BAP agenda documents.

Should you have any queries, please contact me at your convenience.

Regards

Garth Heynen
Heynen Planning Consultants
Suite 15, 198 Greenhill Road
EASTWOOD SA 5063
Celebrating 25 years of independent consulting

M 0417 848 061
T 8271 7944
20 December 2019

The Barossa Council
ATT: Ashleigh Gade
PO Box 867
NURIOOTPA SA 5355

By Email

Dear Ashleigh

RE: 960/171/2019 – SHED
268 WILLIAMSTOWN ROAD, COCKATOO VALLEY

Further to the decision of the Barossa Assessment Panel (BAP) to defer the assessment of the abovementioned application (meeting date 12 November 2019), please find attached the following amended and additional documents for consideration by Council:

- planning drawings prepared by Planwright (site plan, floor plan, elevations, date: 13/11/2019);
- landscape plan (date: 19/11/2019); and
- elevation profiles (date: 20/11/2019).

Briefly, the principle amendment made to the proposal which was previously considered by the BAP is a reduction in floor area to 259.20 m² (down from 360 m²). Further detail has also been provided on the plans with respect to existing and proposed irrigated landscaping (Acacia ileaphylla shrubs) around the perimeter of the site (at 1200 mm spacing).

I note that the reduced shed floor area continues (per the original proposal) to use a fill technique in order to create the ‘pad’ for the shed. In this regard, I note that the Development Plan guides as follows:

**General Section - Sloping Land**

**PDC 7** The cutting and/or filling of land outside townships and urban areas should:
(a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation
(b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment
(c) only be undertaken if the resultant slope can be stabilised to prevent erosion
(d) result in stable scree slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.

Although the Development Plan seeks excavation where possible, to minimise amount of fill the proposed maximum fill of 440 mm in this instance is not, in my view, unreasonable and importantly does not result in an “obtrusive” appearance. In this regard, the elevation profiles illustrate that the level of the proposed shed will be consistent with the levels of the buildings within the locality and therefore, will not have a negative visual impact on the locality.
Turning to the landscaping (existing and proposed) I note the following comment on Page 89 of the 12th of November 2019 BAP report:

“The siting of the proposed outbuilding places it in direct obstruction of views from the private open space of surrounding dwellings. Despite proposed landscape screening it will remain visible from Williamstown Road and Balmoral Road and adjoining properties.”

Respectfully, I disagree with the opinion of Council’s planning officer as it relates to the screening and visibility of the shed, noting that the Desired Character statement of the Zone specifically seeks the following:

**Rural Living Zone - Desired Character**

Buildings will be obscured from view either by the natural form of the land, or otherwise screened with landscaping that provides a continuous belt of locally indigenous trees and shrubs to screen any exposed views of the development. Development on barren sites will be screened by appropriate perimeter landscape plantings in addition to the screening of buildings.

In this first instance, it is clear that the Desired Character envisages that landscaping is desirable and an appropriate means of preserving or enhancing the natural character.

Accordingly and appropriately, the application proposes screening around all sides of the shed that will be visible from adjoining land and additionally, significant irrigated screening is present and proposed surrounding the perimeter of the land. Both of these solutions are specifically envisaged by the Development Plan or put another way, the Development Plan acknowledges that large swathes of the Zone are likely to be barren and that screen planting is a suitable means by which to minimise the visual impacts of buildings and improve the appearance of land generally within the Zone.

In my opinion it is critical for the BAP to acknowledge the desirability of landscaping and the longer term affect this has in relation to the appearance of the proposed building and the site more generally.

Lastly, I turn to the scale of the proposed building. As illustrated below in Figure 1, the building is of a scale that is consistent with and appropriate within the locality.

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**Figure 1:** Approximate Shed Location and Buildings within Locality
Clearly, a number of dwellings recently constructed within the locality are of similar and larger scale than the proposed shed. Accordingly, the shed will not be “conspicuous” within the locality or “out of kilter” with the existing buildings evident within the locality.

On review, having considered the revised proposal (a reduction of 100 m² and substantial landscaping), I remain of the opinion that the proposal is entirely appropriate considering the Development Plan and the locality. The amendments made to the proposal further reinforce this appropriateness and successfully address the reason for the “deferral decision” of the BAP.

The applicant looks forward to Council’s favourable consideration of the amended development application.

I welcome discussion in relation to my comments, if you so require.

Yours faithfully

Garth Heynen, MPIA
BA Planning, Grad Dip Regional and Urban Planning, Grad Dip Property

Enc. planning drawings prepared by Planwright (site plan, floor plan, elevations, date: 13/11/2019)
landscape plan (date: 19/11/2019)
elevation profiles (date: 20/11/2019)

cc. M Tekel, by email
Paul

Further to Louis’ email below, I understand that you are undertaking the planning assessment and preparing the agenda documents for DA 960/171/2019.

Can you please include this email string below commencing on 25/9/19 (our letter of that time attached for completeness as well) as attachments within the CAP report/assessment bundle.

As the documentation forms part of the information provided in support of the development I am of the view that it is relevant to the development application. The information is also useful information for the Barossa Assessment Panel as it highlights previous offers to reach a compromise on the size of the proposed structure. In my experience it is common practice for requests/suggested amendments to be summarised and detailed within the agenda documentation.

Regards

Garth Heynen
Heynen Planning Consultants
Suite 15, 198 Greenhill Road
EASTWOOD SA 5063
Celebrating 25 years of independent consulting

M 0417 848 061
T 8271 7944

Hi Garth,

I have referred this to the officer that will be reporting the matter and previously included your request.

To avoid doubt you may wish to package the information being referred to and send it to pmickan@baossa.sa.gov.au

Alternatively reply to this email with the information you need included (as Paul Mickan has now been copied in).

Cheers
Thank you Louis

Just for clarity, I understand this will include the email string below (particularly my emails of 4 and 9 October 2019) in the agenda background documents/attachments?

Regards

Garth Heynen
Heynen Planning Consultants
Suite 15, 198 Greenhill Road
EASTWOOD SA 5063
Celebrating 25 years of independent consulting

M 0417 848 061
T 8271 7944

Hi everyone

The officer that dealt with the matter is currently on leave. However, we are presenting the application to the 12 November 2019 panel meeting as per your request.

Louis

Can you please confirm Councils response in relation to my request of 9 October 2019, as below.

Regards

Garth Heynen
Heynen Planning Consultants
Suite 15, 198 Greenhill Road
EASTWOOD SA 5063
Celebrating 25 years of independent consulting

M 0417 848 061
T 8271 7944

Hi Louis
I note Council’s view that the 260 m² shed (i.e. 50 m² increase from what is present on the site currently) is inconsistent with the Development Plan.

We remain of the opinion however that Council’s approach places an undue emphasis on the quantitative provisions of the Development Plan and does not place sufficient ‘weight’ on the qualitative provisions of the Development Plan (as discussed below as two examples).

As we remain of the view that the development is entirely appropriate, the applicant has requested that the application proceeds to the BAP, as lodged (i.e. 360 m²). I trust that the application will be placed on the agenda for the next available BAP meeting and that all correspondence will be included in this agenda (including the email string below).

I also request that the revisions be made to the BAP report so as to remove comments with could have previously prejudiced (a) the applicant and (b) the making of an unbiased assessment of the proposed development.

Regards

Garth Heynen
Heynen Planning Consultants
Suite 15, 198 Greenhill Road
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M 0417 848 061
T 8271 7944

From: Louis Monteduro [mailto:LMonteduro@barossa.sa.gov.au]
Sent: Wednesday, 9 October 2019 1:02 PM
To: 'Garth Heynen'
Cc: admin@tekellfamilyhomes.com.au; 'Ben Gilbert'
Subject: RE: 960/171/2019 - 268 Williamstown Road, Cockatoo Valley (KJ 190172)

Dear Garth

Thank you for your correspondence dated 4 October 2019 clarifying this application and intended reduction of the size of the shed. The additional information has been reviewed by senior assessment officers.

As per our email dated 27 September 2019 the application and proposed amendment(s) appear to remain contrary to relevant provisions of the Development Plan. Accordingly we are unable to recommend the proposed amendments as a compromise.

From: Garth Heynen [mailto:garth@heynenplanning.com.au]
Sent: Friday, 4 October 2019 1:34 PM
To: Louis Monteduro <LMonteduro@barossa.sa.gov.au>
Cc: admin@tekellfamilyhomes.com.au; 'Ben Gilbert' <ben@heynenplanning.com.au>
Subject: FW: 960/171/2019 - 268 Williamstown Road, Cockatoo Valley (KJ 190172)

Louis

I note Council’s feedback and respectfully I remain of the view that the proposed 360 m² and suggested 280 m² shed options are reasonable in the context and circumstances associated with the subject land.

Turning to your comments of 27 September 2019 regarding the ‘unapproved’ buildings on the site, and noting that this has not been questioned by Council until now, the correct term to be applied should be ‘lawful’ or ‘unlawful’ buildings. In my view, the attached images of the sheds, verandahs and outbuildings illustrate buildings which ‘pre-date’ planning rules established within the Council Area (firstly with the Planning and Development Act 1966) and therefore pursuant to Section 37(1)) of that Act the structures are afforded ‘existing use rights’. Accordingly, the existing structures are “lawful” and it is reasonable and proper to have regard to these buildings in the assessment of planning merit.

It is also evident that these buildings are used for domestic storage, while I confirm again that the total floor area of these buildings amounts to 210 m².
In my opinion, the consolidation of disparate buildings and storage areas of varied and limited visual amenity into the proposed outbuilding will result in (a) the improved appearance of the land and buildings, (b) greater use and enjoyment of the land by the applicant; (c) improved stormwater management and re-use on site, (d) a clustering of remaining buildings on the subject land consistent with Rural Living Zone PDC 9(e) and (e) a improved security associated with the stored items. These outcomes warrant consideration of a slight increase in the Development Plan floor area guideline.

I am mindful that Council's correspondence and our responses will be included in any Barossa Assessment Panel (BAP) agenda and therefore, Council’s continued reminders that the ‘intended use’ must be declared are inappropriate and have the potential to prejudice the fair consideration of the application by the BAP - as evidenced in the original report prepared for the BAP (pages 59 and 60). I further note that the original BAP report at pages 58 and 61 refers to a 4.12 m building above natural ground level. Upon review of PDC 9 of the Rural Living Zone it is clear that the building height is simply that (i.e. 3.6 m). The inference from the BAP report is that the proposed building is ‘over height’ due to the fill required to create a ‘flat footprint’. In my opinion, the actual height of the building is appropriate and the extent of fill should properly be assessed having regard to the provisions within the Development Plan which relate to excavation and fill, for example Rural Living Zone, Desired Character (extract below – my underlining added):

Buildings are to be unobtrusively located, away from prominent sites, ridgetops or similar visually exposed locations, set at least 25 metres from the road and involve excavations and reshaping of landform with minimum detrimental effect on any vegetation on the site or the natural scenic attractiveness of the locality.

Furthermore, on review of the ‘Block Plan’ the extent of excavation and fill is as follows:

- northern corner 140 mm excavation;
- western corner 300 mm fill;
- eastern corner 100 mm fill;
- southern corner 502 mm fill.

I also note that the southern corner is not visible from public land and is set back 78 m from Williamstown Road and approximately 15 m from the southern side boundary. In my experience, the combination of excavation and fill is appropriate and not excessive, while no vegetation is effected by the development. Furthermore, consideration of all corners of the building is far more accurate than simply referring to the building as 4.12 m above natural ground level in the BAP report. It is hoped that the consistency of the development with the Rural Living Zone is more clearly enunciated in the revised report to the BAP.

Returning to the applicant’s intended use, this remains (as it has for the entirety of this application) as a domestic outbuilding, as accepted by Ashleigh Gade on 9 September 2019 and you on 25 September 2019. I confirm that the applicant is willing to accede to conditions of consent relating to the domestic nature of stored items and demolition of existing structures upon completion of the proposed outbuilding.

Finally, I advise that the applicant is willing to reduce the area of the shed to 260 m², to be confirmed by amended drawings subject to Councils favourable response to this compromise.

The applicant looks forward to receiving Council’s response to the above as soon as practicable.

Regards

Garth Heynen
Heynen Planning Consultants
Suite 15, 198 Greenhill Road
EASTWOOD SA 5063
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M 0417 848 061
T 8271 7944

From: Louis Monteduro [mailto:l.Monteduro@barossa.sa.gov.au]
Sent: Friday, 27 September 2019 10:42 AM
To: garth@heynenplanning.com.au
Subject: RE: 960/171/2019 - 268 Williamstown Road, Cockatoo Valley (KJ 190172)

Dear Garth

We refer to your proposal to reduce the size of the proposed outbuilding from 360 to 280 square metres. Our view is that this remains a departure from the provisions of the Development Plan.
The objectives and principles of development control for the Rural living Zone (particularly PDC 9) appear specific in their intent and it is recommended this principle and other provisions be closely observed.

In making any future application unapproved existing structures at the site should not be taken into account in assessment of the planning merits of the application.

The use of any existing outbuildings should not be taken into account however the intended use of future building needs to be adequately declared for assessment purposes.

The appearance and use of existing surrounding approved buildings and their use would need to be referred to in the context of the character of the site and locality.

From: garth@heynenplanning.com.au [mailto:garth@heynenplanning.com.au]
Sent: Wednesday, 25 September 2019 5:00 PM
To: Louis Monteduro <LMontedu@barossa.sa.gov.au>
Subject: Re: 960/171/2019 - 268 Williamstown Road, Cockatoo Valley (KJ 190172)

Thank you Louis

Regards

Garth Heynen
HPC by HTC
Hi Garth

The panel members have been advised of the withdrawal of the report.

Our views about compatible sizing will be confirmed on Friday.

Sent from my Samsung Galaxy smartphone.

----- Original message ------
From: "Louis Monteduro" <LMontedu@barossa.sa.gov.au>
To: "Garth Heynen" <garth@heynenplanning.com.au>
Cc: "admin@tekellfamilyhomes.com.au" <admin@tekellfamilyhomes.com.au>, "Ben Gilbert"<ben@heynenplanning.com.au>
Subject: 960/171/2019 - 268 Williamstown Road, Cockatoo Valley (KJ 190172)
Date: Wed, Sep 25, 2019 4:40 PM

Louis

Thank you for your emails below and your time on the phone.

As discussed, it is the applicant’s preference that the application be withdrawn from the BAP agenda entirely. Can you please ensure that this occurs and confirm as such.

In relation to the potential reduction in the m2 floor area of the shed and a condition of consent confirming appropriate items to be stored within the building I await your feedback in the next day or so.

Regards

Garth Heynen
Heynen Planning Consultants
Suite 15, 198 Greenhill Road
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Celebrating 25 years of independent consulting

M 0417 848 061
T 8271 7944

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Ps We would also confirm that the reporting officer previously advised there is there is no issue with the intended use.

Sent from my iPad

On 25 Sep 2019, at 10:33 am, Louis Monteduro <LMontedu@barossa.sa.gov.au> wrote:

Hi Garth

As discussed another option is we can provide written clarification to the BAP ahead of its 1 October 2019 meeting and added to its agenda which confirms that the two paragraphs cited in your letter dated 24 September 2019 are relevant in so far as describing the site and locality and only the commentary concerning the size of the existing shed is relevant to the assessment of DA 960/171/2019. That commentary does highlight it is an anomaly and should be treated as such.

The written clarification could also state that, in accordance with case law authorities from the Supreme and ERD Courts (including but not limited to Kouflides v City of Salisbury (1982) SASA 321 and Alberton v City of West Torrens [2001] SAERDC 81), the BAP:

· should not take the existence of potentially unapproved development into account in its assessment of DA 960/171/2019;

· the existing shed should be considered as just that and not a store;

· must assess the application on its own merit against the Development Plan; and

· that the explanation of the present use of the existing shed is for context only.

We would also attach a copy of your correspondence for their information and we could also seek to allow you to address the panel.

Alternatively we can fully withdraw the report.

-------- Original message --------
From: Garth Heynen <garth@heynenplanning.com.au>
Date: 24/09/2019 5:15 pm (GMT+09:30)
To: Louis Monteduro <LMontedu@barossa.sa.gov.au>
Cc: admin@tekellfamilyhomes.com.au, Janine Lennon <jlennon@barossa.sa.gov.au>, Ashleigh Gade
Hi Louis

Please find attached correspondence in relation to DA 960/171/2019 and the October 2019 “BAP” meeting.

Your urgent review and response is sought.

Regards

Garth Heynen
Heynen Planning Consultants
Suite 15, 198 Greenhill Road
EASTWOOD SA 5063
Celebrating 25 years of independent consulting

M 0417 848 061
T 8271 7944

Louis Monteduro
Manager, Development Services
T: 08 8563 8492
24 September 2019

The Barossa Council
ATT: Louis Monteduro
PO Box 867
NURIOOTPA SA 5355

By Email

Dear Louis

RE: 960/171/2019 – SHED
268 WILLIAMSTOWN ROAD, COCKATOO VALLEY

I write in reference to the report prepared for the 1 October 2019 meeting of the Barossa Assessment Panel (BAP) by Ashleigh Gade along with Ashleigh’s email of 9 September 2019 (attached as Appendix One).

Specifically, I hold serious concerns regarding Council’s assessment of Objective 1 of the Rural Living Zone where reference is made to a ‘nearby allotment fronting Balmoral Road’ (I presume this allotment to be Allotment 200 in D94760) and in particular Council’s presumed use of this building, for example:

“There is an example of an outbuilding of a comparable size on a nearby allotment fronting Balmoral Road. This outbuilding represents an anomaly within the locality and does not reflect the broader character of the locality.

Its intended use was similarly described to Council as being for domestic storage and parking of personally owned cars, a boat and a caravan. Since the original approval a land division has separated this existing outbuilding from the associated dwelling. There is signage on Balmoral Road advertising the family building business which directs visitors to this outbuilding, now functionally operating as a ‘store’, and it is likely it is no longer being used entirely for the approved domestic purpose.”

Plainly, it is highly inappropriate and improper for Council to infer that the proposed building will be used for anything other than a domestic outbuilding (i.e. the applicant’s intended use) through conjecture regarding an unrelated building within the locality. Put another way, to imply that the same circumstances will arise in the case of the proposed development is erroneous and misleading.

In this regard, I refer back to the planning opinion provided by Ben Gilbert from the HPC office to Council (which is included in the BAP agenda documents) which stated:

“It is not trite to say that the intended and expressed use of the applicant should carry substantial weight in the Council’s assessment. In this regard, there is a common law duty of a Council to act fairly as expressed in Grand Hotel Pty Ltd v Development Assessment Commission & Upham 1998 EDLR 834, when citing Kiao v West [1985] HCA 81 at 585 which stated:

"The statutory power must be exercised fairly, ie, in accordance with procedures that are fair to the individual considered in the light of the statutory requirements, the interests of the individual and the interests and purposes, whether public or private, which the statute seeks to advance or protect or permits to be taken into account as legitimate considerations .."
Further, as stated in Geoffrey High Stewart v Gerrick William George McQuade and Christine Mary McQuade [1997] SASC 6170 the intent of the applicant should be accepted as follows:

18. In correspondence between their solicitors and the Council the McQuades said that they did not seek approval for the use of the building as a dwelling. They acknowledged the continuing force of the conditions attached to the original planning consent and they acknowledged the continuing force of the court order already referred to. They maintained that their application did not relate to the use of the building but to the structural elements or structural form of the building.

62. For those reasons I do not accept the submission that the form of the building was decisive, and that the installation of a fitting or fixture which enabled the building to be used as a dwelling necessarily meant that the proposal was for a dwelling. In my opinion it was necessary to look further. In the present case there were existing restrictions on the use of the building and in that context, in my opinion, the court was entitled to conclude that the conclusion about the proposed use which would normally be drawn from the form of the building should not be drawn.

63. I therefore reject the submission that the fact that fixtures or fittings which rendered the building suitable for use as a dwelling necessarily meant that the proposal was for the use of the building as a dwelling.

In the same way, although the proposed outbuilding is, in theory, of a sufficient size to be used as suggested by Council, this is not the applicants intended use.”

Shortly after receiving our opinion, Council confirmed (Miss Gade’s email dated 9 September 2019) that Council did not have any concerns regarding the intended use. Clearly, Council’s inference in the report to the BAP is not consistent with this position. Again, patently the use of separate land and buildings is irrelevant to the assessment of DA 960/171/2019.

Returning to Council’s consideration of this entirely unrelated building as part of their assessment, the Supreme Court decision in Mar Mina (SA) v City of Marion & Anor is highly instructive with respect to what matters a relevant authority ought to consider when exercising its powers under the Act. In this regard, Section 33(1) of the Act sets out those matters against which a development proposal must be assessed prior to the grant of development approval by a relevant authority.

Relevantly, the authority must consider the provisions of the appropriate Development Plan and, in the case of the proposed development, whether the proposed building will be able to be used for the purposes of the intended use (and clearly not some other hypothetical use).

I am of the opinion that Council should take these concerns into account, and respectfully Miss Gade should amend the BAP report to remove all references to erroneous, invalid and misleading matters to ensure that these are not considered when deciding the application. Failure to do so will misguide the BAP members and potentially lead to a procedurally challengeable decision.

In light of the foregoing, the applicant requests that Council withdraw the application from the BAP agenda and confirms this withdrawal at its earliest convenience for the reasons above and to ensure that procedural fairness is afforded to the applicant.

Yours faithfully

Garth Heynen, MPIA
BA Planning, Grad Dip Regional and Urban Planning, Grad Dip Property
Appendix One

Ben Gilbert

From: Ashleigh Gade <agade@barossa.sa.gov.au>
Sent: Monday, 9 September 2019 2:09 PM
To: 'ben@heyenplanning.com.au'
Cc: admin@tekelifamilyhomes.com.au
Subject: RE: 960/171/2019 - Williamstown Road, Cockatoo Valley

Good afternoon Ben,

I have reviewed the additional information and your letter, as per your email.

Firstly, I note that your letter addresses concern that the intended use of the outbuilding is disputed by Council. That is not the case. I acknowledge that Janine Lennox queried the use during preliminary assessment of the proposal, however confirmation was subsequently received from Anthea Smith (Planner) as to its use as a domestic outbuilding. It has been described as and assessed as a domestic outbuilding thereafter. It should be noted that if it were suspected or being assessed as a commercial or storage building it would be non-complying within the Zone and would have been processed as such instead. It has been assessed on Merit as Category 3, as per the Procedural Matters pertaining to domestic outbuildings in the Rural Living Zone.

I have no concerns over the use of the outbuilding, and use for domestic purposes only would be a condition of Development Plan Consent in any case.

Notwithstanding the above, I maintain my concerns over the floor area of the proposed outbuilding. I acknowledge that quantitative factors alone may not wholly determine the appropriateness of a proposal, and also appreciate the applicant’s intent to landscape the area. Regardless of this, the Rural Living Zone seeks a maximum floor area of 200 square metres for domestic outbuildings, a figure which the proposed outbuilding is in excess of by 160 square metres, or 80%. This is a significant departure from Principle of Development Control (PDC) 19, and is not reflected in the existing character of the locality.

Please be advised that as it stands the application will proceed to the Barossa Assessment Panel for decision, unless the applicant seeks further time to consider or amend the proposal. The next appropriate meeting is to be held on October 1, and all supporting documentation should be provided to me by September 16.

Regards,

Ashleigh

From: Ben Gilbert [mailto:ben@heyenplanning.com.au]
Sent: Saturday, 7 September 2019 10:15 AM
To: Ashleigh Gade <agade@barossa.sa.gov.au>
Cc: admin@tekelifamilyhomes.com.au
Subject: 960/171/2019 - Williamstown Road, Cockatoo Valley

Hi Ashleigh

Please find attached additional information and my covering opinion to enable Council to continue its assessment of DA 960/171/2019.

Regards,

Ben Gilbert
E.Ult&RegPAn(Hons.)
Heynen Planning Consultants
Suite 75, 188 Greenhill Road
5 September 2019

The Barossa Council
ATT: Ashleigh Gade
PO Box 867
NURIOOTPA SA 5355

By Email

Dear Ashleigh

RE: 960/171/2019 – OUTBUILDING
268 WILLIAMSTOWN ROAD, COCKATOO VALLEY SA 5351

In response to Council’s emails (the latest of which was sent to the applicant on 28 March 2019 from Janine Lennon), please find attached additional documentation comprising;

- an amended site plan, detailing the location of all existing structures on the site; and
- a landscaping plan.

I understand that Council’s concerns centre around the size of the proposed shed (i.e. floor area of 360 m², wall height of 3.60 m and building height of 5.10 m) and specifically, this size compared to the outbuilding guideline in the Rural Living Zone, as per PDC 9:

Rural Living Zone
PDC 9 Outbuildings should:
(a) have a maximum height of 3.6 metres
(b) have a maximum area of 200 square metres for any allotments greater than 1 hectare in area, or 135 for those allotment below 1 hectare in area
(c) not overshadow or block light from the windows of a dwelling
(d) be finished in unobtrusive materials or natural colours
(e) be limited to one outbuilding per site and clustered with the existing dwelling to retain as much of the land in open or productive use
(f) be located in an unobtrusive locations, such as within valleys and below ridgelines, and screened by buildings and vegetation.

Noting the size of the allotment (1 hectare), a maximum floor area of 200 m² is sought within the zone¹. I am mindful, however, that a quantitative departure (i.e. from PDC 9(b)) should not automatically prove “fatal” to the planning merit of development. In this regard the matter of AG Building and Developments Pty Ltd v City of Holdfast Bay & Tanti [2009] SASC 11 is highly instructive.

“...it does not follow that because some minimum quantitative standards or guidelines are not met, the proposal must be rejected.”

¹ In my opinion, PDC 9(b) is properly read as a maximum area of 200 square metres for any allotments 1 hectare or greater, or 135 for those allotments below 1 hectare in area. If this provision was to be taken verbatim, there would be no maximum floor area for an allotment exactly 1 hectare in size.
In relation to the proper assessment process in the AG Building matter it was also noted:

"It required an assessment not of particular issues in watertight compartments, but rather as part of a single complex planning problem – whether the proposal as a whole should be approved."

The relevance of this judgement is that;

(a) sufficient separation is provided between the dwelling and proposed outbuilding so that there will be no overshadowing or effect on solar access on the existing dwelling as a result of the proposed outbuilding (PDC 9(c)); and

(b) the proposed outbuilding is to be clad in Colorbond (mid gray) and accordingly, will be unobtrusive and will blend with the natural environment (PDC 9(d)).

Additionally (as sought by PDC9(e)), the development will allow for the consolidation of a number of existing structures located onto the site, into the proposed outbuilding. The applicant intends to remove these structures at the completion of the development and accordingly, the total net increase in floor area is 150 m². The additional floor area will allow for the storage of a number of personal vehicles (8 in total), along with sundry items used to further the applicant’s enjoyment of the land and items required for the maintenance of the land. As a consequence, the development will result in the land being used in a more orderly fashion and will result in increased visual amenity within the locality, as sought by the Development Plan, see for example;

**General Section**

**Orderly and Sustainable Development**

**Objective 1** Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.

**Objective 8** Localities having substandard, unhealthy or obsolete development improved.

**Siting and Visibility**

**PDC 6** The number of buildings and structures on land outside of urban areas should be limited to that necessary for the efficient management of the land.

Further enhancing the visual amenity of the locality is the landscaping proposed surrounding the building, which will screen the building from adjoining pieces of land as well as Williamstown Road, once again as sought by the following Development Plan provisions;

**Rural Living Zone**

**Desired Character**

"Buildings will be obscured from view either by the natural form of the land, or otherwise screened with landscaping that provides a continuous belt of locally indigenous trees and shrubs to screen any exposed views of development..."

**General Section**

**Siting and Visibility**

**PDC 9** Development should be screened through the establishment of landscaping using locally indigenous plant species:

(a) around buildings and earthworks to provide a visual a screen as well as shade in summer, and protection from prevailing winds

(b) along allotment boundaries to provide permanent screening of buildings and structures when viewed from adjoining properties and public roads

(c) along the verges of new roads and access tracks to provide screening and minimise erosion.

In this regard, the species selected are present in areas of native vegetation within the Cockatoo Valley area and have been confirmed as being readily available at the Barossa Bushgardens nursery.
Accordingly, the proposed outbuilding is appropriate within the locality, while the development also incorporates additional indigenous vegetation to be established within the Cockatoo Valley area.

Lastly, I turn to Council’s queries regarding the use of the proposed building. As previously discussed and separately communicated by the applicant to Council, the proposed outbuilding will be used for domestic purposes in association with the existing dwelling. This point is important as some comments made previously by Council (i.e. emails from Janine Lennon dated the 27 and 28 March 2019) query whether the building is to be used entirely for domestic purposes or whether it will be used in association with the applicants construction business.

It is not trite to say that the intended and expressed use of the applicant should carry substantial weight in the Councils assessment. In this regard, there is a common law duty of a Council to act fairly as expressed in Grand Hotel Pty Ltd v Development Assessment Commission & Upham 1998 EDLR 834, when citing Kiao v West [1985] HCA 81 at 585 which stated:

"The statutory power must be exercised fairly, i.e., in accordance with procedures that are fair to the individual considered in the light of the statutory requirements, the interests of the individual and the interests and purposes, whether public or private, which the statute seeks to advance or protect or permits to be taken into account as legitimate considerations ...."

Further, as stated in Geoffrey High Stewart v Gerrick William George M cQuade and Christine Mary M cQuade [1997] SASC 6170 the intent of the applicant should be accepted as follows:

18. In correspondence between their solicitors and the Council the McQuades said that they did not seek approval for the use of the building as a dwelling. They acknowledged the continuing force of the conditions attached to the original planning consent and they acknowledged the continuing force of the court order already referred to. They maintained that their application did not relate to the use of the building but to the structural elements or structural form of the building.

62. For those reasons I do not accept the submission that the form of the building was decisive, and that the installation of a fitting or fixture which enabled the building to be used as a dwelling necessarily meant that the proposal was for a dwelling. In my opinion it was necessary to look further. In the present case there were existing restrictions on the use of the building and in that context, in my opinion, the court was entitled to conclude that the conclusion about the proposed use which would normally be drawn from the form of the building should not be drawn.

63. I therefore reject the submission that the fact that fixtures or fittings which rendered the building suitable for use as a dwelling necessarily meant that the proposal was for the use of the building as a dwelling.

In the same way, although the proposed outbuilding is, in theory, of a sufficient size to be used as suggested by Council, this is not the applicants intended use. Given that the applicant’s previous emails to Council along with this letter will form part of any approval documents, I am mindful that the Development Act 1993 provides the following of relevance;

Development Act 1993
Section 44—General offences
(2) A person must not undertake development contrary to a development authorisation under this Division.
(3) A person who has the benefit of a development must ensure that the development is used, maintained and operated in accordance with—
(a) any development authorisation under this Division; and
(b) any plans, drawings, specifications or other documents submitted to a relevant authority for the purposes of this Division that are relevant to any such approval.

Put simply, the applicant is required to comply with the "documents submitted to a relevant authority". This clause therefore applies to the use of the proposed outbuilding for domestic purposes.

In light of the foregoing, I am of the opinion that the proposed development displays substantial planning merit.

I also recall that the application has been placed on Category 3 notification by Council and that no representations were received against the proposed development. The applicant is hopeful that a delegated decision in support of the application can now be made.

Should you have any further questions, please do not hesitate to contact me at your convenience.

Yours faithfully

Ben Gilbert
B UrbRegPlan (Hons)
Heynen Planning Consultants
T 8272 1733
M 0419 858 698
E ben@heynenplanning.com.au
APPLICATION DETAILS

<table>
<thead>
<tr>
<th>PROPOSAL</th>
<th>Construction of a split-level Detached Dwelling with double Garage and alfresco under main roof and associated earthworks including Retaining Walls up to 1.5m high</th>
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<tr>
<td>APPLICANT</td>
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<tr>
<td>OWNER</td>
<td>M D Lower and H Lower</td>
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<td>960/449/2018</td>
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<tr>
<td>CATEGORY OF DEVELOPMENT</td>
<td>Merit</td>
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<td>REFERRALS</td>
<td>Category 1</td>
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<tr>
<td>PREVIOUS APPLICATIONS</td>
<td>960/122/2016 – Community Title Land Division</td>
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<tr>
<td>ASSESSING OFFICER</td>
<td>Janine Lennon</td>
</tr>
<tr>
<td>RECOMMENDATION</td>
<td>That Development Plan Consent be GRANTED</td>
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BACKGROUND

The application was previously presented to the August 2019 Barossa Assessment Panel meeting with a recommendation for refusal. At that time the application was for:

‘Construction of a Two Storey Detached Dwelling with Garage under main roof and associated earthworks including Retaining Walls up to 3.2m high’.

At the request of the applicant, the Panel deferred consideration of the proposal on the following basis:

‘to enable the applicant to provide a detailed site plan layout with contours and scaling details along with clarification of cut and fill; and that the Applicant further consider the matter of the driveway, and other matters as raised in the report’.

On 21 January 2020 amended plans were received that reflected a substantial design change for the proposed dwelling and ancillary works.

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

This application has been referred to the Barossa Assessment Panel for a decision for the following reason:
Where in the opinion of the sub-delegate, it is appropriate to refer the application to the Barossa Assessment Panel.

- Previously presented to Panel and Deferred

**PUBLIC NOTIFICATION**

The latest iteration of the proposal is considered to be a Category 1 form of development pursuant to Section 38 and Schedule 9 of the *Development Act 1993* and Development Regulations 2008 and the Procedural Matters of the Rural Living Zone and therefore public notification is not required.

The previous design was considered to be a Category 3 form of development pursuant to Section 38 and Schedule 9 of the *Development Act 1993* and Development Regulations 2008 and the Procedural Matters of the Rural Living Zone, due to the height of the retaining walls. We did receive one representation albeit late from an adjoining property owner and they flagged a number of concerns.

<table>
<thead>
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<th>Representations:</th>
<th>No representations were received.</th>
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<tbody>
<tr>
<td></td>
<td>1 late representation was received.</td>
</tr>
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Location of the representations within 60km radius are shown in Figure 1.

**Summary of Representations:**

The following issues were raised in the late representation:

**Driveway**

- The submitted documentation seems to show that the entry point is directly off the bitumen; however, this is solely part of our lot (103). Some of the boundary pegging defining this appears to have been removed.

- The driveway is linear, and seems to be hard up against the boundary with our lot. We understood the aesthetic preference would be for something more curvilinear/’softer’ and allowing for some boundary offset, which would be masked with some suitable planting. This would be a much better solution in our view.

**Building**

- Overall, we weren’t expecting a two-storey home (even if it uses the natural contour to ‘wedge’ itself into the land). From Council guidelines, we understood the strong preference was for single-storey buildings which in their development minimise cut/fill and scarring of the land. The proposed building in this development would seem to have significant mass and profile when built - and a 3.2m retaining wall would not appear to align with guidelines. Would a lower building with a lighter ‘footprint’ be a better approach?

- Given the above comment, the southern side upper balcony balustrade (overlooking our lot) indicates privacy screening to a higher height on the elevations, but visualises a lower height on the render. We understand the intent to use planting to help in screening, but given the intended height of this balcony, planting would take some time to reach a suitable height (if at all). We’re not convinced any screening...
would help reduce overlooking from this balcony (if the building were to proceed as a two-storey development).

**Storm/rainwater management**
- The documented spoon drain doesn’t seem to control water run-off within the lot; rather it pushes it across to our lot.
- Similarly, if the proposed driveway were to be set hard against the boundary with lot 103, then where would any stormwater run-off go, during particularly wet periods? Controlling run-off within the lot would be a better solution.

**Planting**
- Vineyard: is this intended to be properly managed - which includes the use of agricultural chemicals/sprays? How would any water run-off be managed (ie would it run down onto our lot)?

It is considered that the amended plans when combined with the recommended conditions fully address the neighbours’ concerns.

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

![Figure 1: Aerial of Representations Properties](image)
SITE AND LOCALITY

The subject land consists of one allotment and is referred to as 7B North Street, Angaston.

The land is of an irregular shape and has an area of approximately 1.003 hectares. It has an existing access point to North Street via a common property driveway.

The site currently contains untended grasses, two Norfolk island pine trees, one cotton palm and a small scrub at the base of the palm (species unknown) with an informal driveway extending along the southern boundary.

The locality is defined as the relatively small area of rural living zoned land that is situated east of North Street, south and west of Gawler Park Road (not including the residential sized allotments fronting Gawler Park Road) and north of 17-19 North Street, Angaston. The locality is comprised of rural living allotments ranging in size from 0.5ha to 3.5ha. The locality is on the side of a hill overlooking the centre of Angaston with the slope of the land varying from 1 in 10 to as steep as 1 in 4.

The site is located within the Rural Living Zone, as shown in Figure 2.

The site is located within the Precinct Area 17 – Angaston East as shown in Figure 3.

The site is excluded from the Bushfire Protection Area Overlay as shown in Figure 4.

The site is excluded from the Barossa Character Precinct Overlay as shown in 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 15.
Figure 2: Zone Map
Figure 3: Precinct Area Map
Figure 4: Bushfire Protection Area Overlay
Figure 5: Barossa Character Precinct Overlay
Figure 6: Aerial – Locality

Figure 7: Aerial – Site
Figure 8: Site Photo – viewed from common access, driveway will traverse just to the right of the two Norfolk Island Pines

Figure 9: Site Photo – standing on house site, looking along Murray Street to the west
Figure 10: Site Photo - standing on house site, looking south-west over Angaston

Figure 11: Site Photo - standing on house site, looking south across 7C and 7D
Figure 12: Site Photo - standing on house site, looking east over 7C & 28 Gawler Park Road, dwelling is on 28 Gawler Park Road

Figure 13: Site Photo - standing on house site, looking south-east over 7C
REFERRALS

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

Internal

Internal referrals have been undertaken. Whilst a waste water application is yet to be lodged, it appears possible to design a system that meets the relevant code.

With regard to stormwater, the proposed spreader pipe arrangement at each discharge point of the stormwater system is considered inadequate to safely manage stormwater runoff to prevent scour and potential nuisance to adjoining properties. Focussed point discharge as proposed is not acceptable. Bunding is required to be installed at each discharge location to provide sufficient detention volume to store the 5%AEP (≈ 20yr ARI) post-development peak discharge generated from the site. The post development
analysis is required to demonstrate that critical storm duration has been identified. Bunds shall be provided with a (nominal) 3m wide ‘spillway’ to facilitate sheet flow during large storm events. A condition has been recommended to cover this requirement.

**ASSESSMENT**

**Qualitative Criteria**

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

### Overlay Section

| Design and Appearance | Objectives 1 and 2  
|-----------------------|--------------------  
|                       | PDCs 1, 2, 3(a-e), 5, 7, 9, 12, 15 and 16(a-c) |

PDC 1 The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.

Whilst the building may be of a contemporary nature and exhibit an innovative style provided, the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.

PDC 2 Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walling facing areas exposed to public view.

The applicant has attempted to reduce the impact of the front façade of the dwelling by the use of different colours and materials of the dwelling (light coloured bricks, grey coloured cladding, dark coloured colorbond roof). The siting of the dwelling means that when viewed from a north-easterly direction along Murray Street the wide and low façade of the dwelling on the hillside would be visible above the roof line of 1 North Street, Angaston.

All other Objectives and PDCs are deemed to comply.

| Energy Efficiency | Objectives 1 and 2  
|-------------------|----------------------  
| On-site Energy Generation | PDCs 1, 2(a and b) and 3(a and b) |

PDC 1 Development should provide for efficient solar access to buildings and open space all year around.

The building design does not provide for direct northern light to any of the day time living areas or the outdoor alfresco area which is south-west facing.

All other Objectives and PDCs are deemed to comply.
Infrastructure

Objectives 1 and 5
PDCs 1(c, d, e), 4, 5 and 10

PDC 5 Development in townships should not occur without provision of an adequate reticulated domestic quality mains water supply and an appropriate waste treatment system.

An application for a waste water management system has not yet been lodged but should be included as a condition of consent should the Panel support Development Plan Consent for the proposal.

All other Objectives and PDCs are deemed to comply.

Landscaping, Fences and Walls

Objectives 1 and 2
PDCs 1(a-m), 2(a and b), 3(a-g) and 4(a-b and h)

PDC 2 Landscaping should:

(a) include the planting of locally indigenous species where appropriate.

All of the landscape plantings proposed are native plants, a number of the proposed planting species are also indigenous.

All other Objectives and PDCs are deemed to comply.

Natural Resources

Water Sensitive Design
Biodiversity and Native Vegetation
Soil Conservation

Objectives 1, 2, 3, 5, 6(a-g), 7, 10, 12 and 13
PDCs 1, 2, 5, 7(a-h), 8(a and b), 10, 11, 12, 14 (a and b), 15, 26, 28 and 39

Objective 10 Minimal disturbance and modification of the natural landform.

Objective 13 Protection of the scenic qualities of natural and rural landscapes.

PDC 1 Development should be undertaken with minimum impact on the natural environment, including air and water quality, land, soil, biodiversity, and scenically attractive areas.

PDC 39 Development should take place in a manner that will minimise alteration to the existing landform.

It is acknowledged that the site is relatively steep at approximately 1 in 5 around the dwelling site. The slope of the site and its location means that it is highly visible from the centre of Angaston and the latest plans demonstrate that the dwelling has been designed to minimise its visual impact in the landscape.

The driveway is proposed to be curved to minimise its intrusion into the landscape and reduce the amount of earthworks required to make it trafficable. The landscape planting will
also assist in stabilising the land and camouflaging the driveway.

The proposed landscape planting locations and mature species heights will result in a substantial screening of the dwelling as the plantings mature.

As detailed in Attachment 1 the proposal includes cut up to 1.5m in depth, with up to 0.45m of the cut and fill has been effectively minimised by the split level design.

PDC 26 Development should retain existing areas of native vegetation and where possible contribute to revegetation using locally indigenous plant species.

As detailed under the Landscaping, Fences and Walls module, all of the landscape plantings proposed are native plants, a number of the proposed planting species are also indigenous.

All other Objectives and PDCs are deemed to comply.

**Orderly and Sustainable Development**

Objectives 1, 2, 3, 4 and 5

PDCs 1, 2 and 8

The proposed development substantially complies with all relevant Objectives and PDCs with respect to the appearance of the land and building, scale, mass, siting and character of development.

**Residential Development**

Objectives 1

PDCs 27, 28, 34, 35, 36(a) and 40

The proposed development substantially complies with all relevant Objectives and PDCs.

**Siting and Visibility**

Objectives 1 and 2

PDCs 1(a-c), 2(a-c), 3(a-e), 4(a-c), 5, 7 and 9(a-c)

PDC 1 Development should be sited and designed to minimise its visual impact on:

(a) the natural, rural or heritage character of the area

(b) areas of high visual or scenic value, particularly rural areas

(c) views from public reserves, tourist routes and walking trails.

PDC 2 Buildings should be sited in unobtrusive locations and, in particular, should:

(b) where possible be located in such a way as to be screened by existing vegetation when viewed from public roads.

PDC 4 Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:
(a) the profile of buildings should be low and the rooflines should complement the natural form of the land.
(b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land.
(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.

As detailed under the Design and Appearance module, the applicant has amended the design to reduce the mass of the front façade of the dwelling by the use of different colours and materials, and reducing the frontage to a single-storey. The siting of the dwelling means that as people drive in a north-easterly direction along Murray Street they would view the full front façade of the dwelling on the hillside above the roof line of 1 North Street, Angaston. The proposed landscape planting locations and mature species heights will result in a substantial screening of the dwelling as the plantings mature.

PDC 7 Driveways and access tracks should be designed and surfaced to blend sympathetically with the landscape and to minimise interference with natural vegetation and landforms.

PDC 9 Development should be screened through the establishment of landscaping using locally indigenous plant species:

(a) around buildings and earthworks to provide a visual a screen as well as shade in summer, and protection from prevailing winds.
(b) along allotment boundaries to provide permanent screening of buildings and structures when viewed from adjoining properties and public roads.
(c) along the verges of new roads and access tracks to provide screening and minimise erosion.

The driveway is described as being constructed of compacted dolomite to achieve all weather access. The driveway is as steep as 1 in 5 and does not exceed the Development Plan’s slope requirements. The curved (meandering) nature of the driveway will reduce the potential for erosion issues. The curves to the driveway with vegetation on either side will not only improve the visual appearance but also has the potential to reduce erosion and maintenance requirements from the previously proposed straight driveway.
All other Objectives and PDCs are deemed to comply.

**Sloping Land**

Objectives 1
PDCs 1, 2(a-h), 3, 4, 5, 6 and 7(a-d)

PDC 1 Development and associated driveways and access tracks should be sited and designed to integrate with the natural topography of the land and minimise the need for earthworks.

PDC 2 Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:

(a) minimise their visual impact
(b) reduces the bulk of the buildings and structures
(c) minimises the extent of cut and/or fill
(d) minimises the need for, and the height of, retaining walls

PDC 3 Driveways and access tracks across sloping land should be accessible and have a safe, all-weather trafficable surface.

PDC 7 The cutting and/or filling of land outside townships and urban areas should:

(a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation.
(b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment.

As detailed under the Natural Resources module, it is acknowledged that the site is relatively steep at approximately 1 in 5 around the dwelling site. The slope of the site and its location means that it is highly visible from the centre of Angaston and the latest plans demonstrate that the dwelling has been designed to minimise its visual impact in the landscape.

The driveway is proposed to be curved to minimise its intrusion into the landscape and reduce the amount of earthworks required to make it trafficable. The landscape planting will also assist in stabilising the land and camouflaging the driveway.

The proposed landscape planting locations and mature species heights will result in a substantial screening of the dwelling as the plantings mature.

As detailed in Attachment 1 the proposal includes cut up to 1.5m in depth, with up to 0.45m of the cut and fill has been effectively minimised by the split level design.
Transportation and Access

Objectives 2(a and c)
PDCs 29(a-e)

PDC 29 Driveways, access tracks and parking areas should be designed and constructed to:

(a) follow the natural contours of the land
(b) minimise excavation and/or fill
(c) minimise the potential for erosion from runoff
(d) avoid the removal of existing vegetation
(e) be consistent with Australian Standard AS 2890 Parking facilities.

As previously mentioned in the Siting and Visibility module the driveway is described as being constructed of compacted dolomite to achieve all weather access. The driveway is as steep as 1 in 5 and does not exceed the Development Plan’s slope requirements. The curved (meandering) nature of the driveway will reduce the potential for erosion issues. The curves to the driveway with vegetation on either side will not only improve the visual appearance but also has the potential to reduce erosion and maintenance requirements from the previously proposed straight driveway.

Waste

Objectives 1 and 2
PDCs 1 (a-g), 3, 4, 5, 6(a-f), 10, 11(a-d), 13, 14 and 15

PDC 1 Development should be sited and designed to prevent or minimise the generation of waste (including wastewater) by applying the following waste management hierarchy in the order of priority as shown below:

(g) disposing of waste in an environmentally sound manner.

PDC 10 Development that produces any sewage or effluent should be connected to a waste treatment system that complies with (or can comply with) the relevant public and environmental health legislation applying to that type of system.

The proposal includes an indicative plan for the waste water management system but no application has been received at this time.

All other Objectives and PDCs are deemed to comply.
Zone Section

**Rural Living Zone**

Objectives 1 and 2

Objective 1 A zone consisting of large allotments, detached dwellings and rural activities that do not adversely impact the amenity of the locality.

Objective 2 Development that contributes to the desired character of the zone.

**Desired Character**

It is envisaged that development in the zone will accommodate rural living activities on a range of allotment sizes, based on characteristics of the land, landscape appearance, siting and vegetation...

Development will maintain an open, semi-rural and rural character that contrasts with the built-up areas and rural land...

Buildings are to be unobtrusively located, away from prominent sites, ridgetops or similar visually exposed locations, set at least 25 metres from the road and involve excavations and reshaping of landform with minimum detrimental effect on any vegetation on the site or the natural scenic attractiveness of the locality.

Access roads and driveways should follow the natural form of the land, minimise the needs for excavation or filling and be landscaped to blend with the natural appearance of the zone. Where portions of the zone are adjacent to or form part of the entrance to a township, development will ensure that it visually enhances the approach into the township...

Buildings will be obscured from view either by the natural form of the land, or otherwise screened with landscaping that provides a continuous belt of locally indigenous trees and shrubs to screen any exposed views of development. Development on barren sites will be screened by appropriate perimeter landscape plantings in addition to the screening of buildings.

It is expected that buildings will be of such a form and design, including materials and colours, as to harmonise and blend with the natural and rural character of land located within the zone. Buildings will be limited to single storey in form and incorporate low-pitched roofs of a non-reflective texture and natural earth colours.

**Desired Character**

The Desired Character statement seeks unobtrusively located development that is single-storey in form of non-reflective and natural earth colours. The development now substantially matches these descriptors. Further the driveway is proposed to be landscaped to blend with the natural appearance of the zone. The dwelling also obscured from view either by the natural form of the land, or otherwise screened with landscaping that provides a continuous belt of native and locally indigenous trees and shrubs to screen any exposed views of development.
Land Use  
PDCs 1, 2 and 3

The proposed development substantially complies with all relevant PDCs.

Form & Character  
PDCs 6

PDC 6 Development should not be undertaken unless it is consistent with the desired character for the zone.

As detailed under the Desired Character section, the proposal is now in accordance with the desired character for the zone.

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. 960/449/2018 by Aspire Homes (SA) Pty Ltd to undertake Construction of a split-level Detached Dwelling with double Garage and alfresco under main roof and associated earthworks including Retaining Walls up to 1.5m high at 7B North Street, ANGASTON (CT 6197/213) 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. 960/449/2018 and listed below except where varied by any following conditions.

- Site Plan, (Sheet no 1 of 3) Drawn by Aspire Homes, dated 21 November 2019
- Floor Plan, (Sheet no 1 of 1) Drawn by Aspire Homes, dated 21 November 2019
- Elevation, (Sheet no 5 of 7) Drawn by Aspire Homes, dated 11 May 2018, amended 24 July 2019
• Elevation, (Sheet no 4 of 7) Drawn by Aspire Homes, dated 21 November 2019
• Landscaping Design, (Sheet no 1 of 3) Drawn by Aspire Homes, dated 21 November 2019
• Civil Plan, (Sheet no 1 of 1) Drawn by FMG Engineering, Drawing No S35639-261396 Rev B, dated 13 July 2018

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

(2) Prior to Development Approval being issued 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 that the proposal is constructed in accordance with the requirements of the South Australian Public Health Act 2011.

(3) Unless with the prior written consent of Council, the landscaping works shown on the endorsed plans must be carried out within 12 months of completion of the development and maintained to the satisfaction of Council.

Reason: To ensure that landscaping is installed and maintained in accordance with the Objectives and Principles of the Development Plan.

(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.

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

(5) Storm water disposal systems must be completed by the completion of the construction of the building. During construction, adequate measures must be taken to ensure the temporary disposal of surface or roof water does not affect neighbouring properties.

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

(6) Prior to Development Approval being issued the applicant shall submit an updated stormwater plan and associated engineering that details the following:

(a) Bunding is required to be installed at each discharge location to provide sufficient detention volume to store the 5%AEP (= 20yr ARI) post-development peak discharge generated from the site. The post development analysis is required to demonstrate that critical storm duration has been identified.

(b) Bunds shall be provided with a (nominal) 3m wide ‘spillway’ to facilitate sheet flow during large storm events.

Reason: To ensure that the proposal is used, run and maintained as approved by the Relevant Authority.
Disturbed surfaces including any exposed batters as a result of excavation on the land shall be revegetated with indigenous species and stabilised within three months of the completion of the development, to the satisfaction of Council.

Reason: To ensure that landscaping is installed and maintained in accordance with the Objectives and Principles of the Development Plan.

Any rainwater tank shall be of a material/colour that matches or blends with that of the dwelling authorised herein, to the reasonable satisfaction of Council.

Reason: To ensure that landscaping is installed and maintained in accordance with the Objectives and Principles of the Development Plan.
8.2 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.: 96/6
PROPERTY NO.: 0
VG NO.: 0

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

APPLICANT: Aspire Homes (SA) Pty Ltd
Postal Address: 53 Murray St GAWLER
Phone: 1300 631 333 Mobile: Fax: 
Email: kelly@aspirehomes.com.au

OWNER: Marc & Haley Lower
Postal Address: 11 Murray St Gawler
Phone: Mobile: Fax: 
Email: 

ARE YOU GOING TO BE AN OWNER BUILDER? NO

BUILDER: As per applicant
Postal Address: 
Phone: Mobile: Fax: 
Email: 

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

CONTACT PERSON FOR FURTHER INFORMATION: Kelly McCartney
Phone: 1300 631 333 Mobile: Fax: 
Email: kelly@aspirehomes.com.au

DESCRIPTION OF PROPOSED DEVELOPMENT: Construction of two storey dwelling and retaining wall

EXISTING LAND USE: Vacant

AREA (m²) OF PROPOSED DEVELOPMENT: 419.89 m²

LOCATION OF PROPOSED DEVELOPMENT:
House No.: Street: North Street
Lot No.: Section: Angaston

Certificate of Title(s): Volume: 6197 Page: 213

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 2008 APPLY? YES
HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 1993 LEVY BEEN PAID? NO

DEVELOPMENT COST (do not include any fit out costs): $465,000.00

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 2008 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: Dated: 7/8/18

Agenda - Barossa Assessment Panel - 3 March 2020
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

<table>
<thead>
<tr>
<th>OFFICE USE ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEVELOPMENT NO.: 9660/1</td>
</tr>
<tr>
<td>PROPERTY NO.:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>APPLICANT: Aspire Homes (Sa) Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postal Address: 55 Murray St Gawler 5118</td>
</tr>
<tr>
<td>Phone: 1300631838 Mobile: Fax:</td>
</tr>
<tr>
<td>Email: <a href="mailto:kelly@aspirehomes.com.au">kelly@aspirehomes.com.au</a></td>
</tr>
</tbody>
</table>

DATE OF APPLICATION: 7/8/18

<table>
<thead>
<tr>
<th>LOCATION OF PROPOSED DEVELOPMENT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>House No: 102 Street: North street Town: Angaston</td>
</tr>
<tr>
<td>Lot No: 6197 Section: Angaston Hundred: Moorooboo</td>
</tr>
<tr>
<td>Certificate of Title(s): Volume: 213 Folio: 213</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NATURE OF PROPOSED DEVELOPMENT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>construction of two storey dwelling</td>
</tr>
</tbody>
</table>

I .......................................................(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: .................................. Date of Declaration: 7/8/18
Certificate of Title - Volume 6197 Folio 213

Parent Title(s)  CT 6182/347
Creating Dealing(s)  ACT 12790383

Estate Type
FEE SIMPLE

Registered Proprietor
MARC DOUGLAS LOWER
HALEY LOWER
OF LOT 102 NORTH STREET ANGASTON SA 5353
AS JOINT TENANTS

Description of Land
LOT 102 PRIMARY COMMUNITY PLAN 41099
IN THE AREA NAMED ANGASTON
HUNDRED OF MOORDOROO

Easements
NIL

Schedule of Dealings
Dealing Number  Description
12829872  MORTGAGE TO WESTPAC BANKING CORPORATION (ACN: 007 457 141)

Notations
Dealings Affecting Title  NIL
Priority Notices  NIL
Notations on Plan

Registrar-General’s Notes  NIL
Administrative Interests  NIL

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.
<table>
<thead>
<tr>
<th>PURPOSE:</th>
<th>PRIMARY COMMUNITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>AREA NAME:</td>
<td>ANGASTON</td>
</tr>
<tr>
<td>MAP REF:</td>
<td>8720/01C, 8729/05P</td>
</tr>
<tr>
<td>COUNCIL:</td>
<td>THE BARossa COUNCIL</td>
</tr>
<tr>
<td>LAST PLAN:</td>
<td>D113660</td>
</tr>
<tr>
<td>DEVELOPMENT NO:</td>
<td>903/C006/16/00/149513</td>
</tr>
<tr>
<td>APPROVED:</td>
<td>DARREN ZUB 05/06/2017</td>
</tr>
<tr>
<td>DEPOSITED:</td>
<td>JOHN KONOMOPOULOS 20/06/2017</td>
</tr>
<tr>
<td>AGENT DETAILS:</td>
<td>ALEXANDER &amp; SYMONDS PTY LTD</td>
</tr>
<tr>
<td></td>
<td>1ST FLOOR 11 KING WILLIAM ST</td>
</tr>
<tr>
<td></td>
<td>KENT TOWN SA 5267</td>
</tr>
<tr>
<td></td>
<td>PH: 81301066</td>
</tr>
<tr>
<td></td>
<td>FAX: 820/0098</td>
</tr>
<tr>
<td>AGENT CODE:</td>
<td>ALSY</td>
</tr>
<tr>
<td>REFERENCE:</td>
<td>A0791156TO-CP(A)</td>
</tr>
<tr>
<td>SURVEYORS CERTIFICATION:</td>
<td>I Mark Antony Peter Williams, a licensed surveyor under the Survey Act 1992, certify that (a) I am uncertain about the location of that part of the service infrastructure shown between the points marked &gt; and &lt; on the plan; and (b) This community plan has been correctly prepared in accordance with the Community Titles Act 1999. 8th day of September 2017 Mark Antony Peter Williams Licensed Surveyor</td>
</tr>
<tr>
<td>SUBJECT TITLE DETAILS:</td>
<td>PREFIX VOLUME FOLIO OTHER PARCEL ALLOTMENT(S)</td>
</tr>
<tr>
<td></td>
<td>CT 0162 347</td>
</tr>
<tr>
<td>OTHER TITLES AFFECTED:</td>
<td></td>
</tr>
<tr>
<td>EASEMENT DETAILS:</td>
<td>STATUS LAND BURDENED FORM CATEGORY IDENTIFIER PURPOSE IN FAVOUR OF CREATION</td>
</tr>
<tr>
<td></td>
<td>EXISTING COMMON PROPERTY SHORT FREE AND UNRESTRICTED RIGHT(S) A OF WAY</td>
</tr>
<tr>
<td></td>
<td>RTC 12612059</td>
</tr>
<tr>
<td>ANNOTATIONS:</td>
<td>THE POSITION OF THE PROPOSED SERVICE INFRASTRUCTURE HAS BEEN PLOTTED FROM ENGINEERING PLANS</td>
</tr>
<tr>
<td></td>
<td>THE COMMON PROPERTY IS DESIGNATED (C1) FOR LAND INFORMATION PURPOSES ONLY AND DOES NOT PROVIDE A LEGAL IDENTIFIER FOR THE COMMON PROPERTY</td>
</tr>
</tbody>
</table>

**Agenda - Barossa Assessment Panel - 3 March 2020**
19 January 2020

Ms Janine Lennon
Senior Development Officer – Planning
Barossa Council
43-51 Tanunda Road
NURIOOTPA SA 5355

Dear Janine,

RE: DA 960/449/2018 - AMENDED DOCUMENTATION FOR THE CONSTRUCTION OF A DWELLING LOCATED ON ALLOTMENT 102, 7B NORTH STREET IN ANGASTON

The original application was presented to Council’s CAP meeting held on 6 August 2019, with a recommendation for the application to be refused. As CAP decided to defer the application for additional information, prior to making a decision, the applicants have reconsidered the issues outlined in the CPA Report for the recommendation of refusal.

The most significant change to the original development application documentation is that the proposed dwelling has been changed from two-storey to a single storey detached dwelling which has a split floor level of 1.50 metres (refer to attached Elevations that show the difference in finished floor levels). The proposed dwelling is located on allotment 102 Hundred of Moorooroo, 7B North Street in the area known as Angaston. The subject land is contained in the Certificate of Title Volume 6197 Folio 213. Other changes are listed below:

1. The proposed driveway has been reconfigured so that the driveway is not long and steep and susceptible to excessive erosion;
2. Aspire Homes have advised that a waste water application has been submitted for consideration by FMG Engineers;
3. Landscaping has been focused on more planting of indigenous species, where all of the species recommended are local to the Barossa Valley Region;
4. The use of the single storey detached dwelling that has been stepped by 1.50 metres, significantly reduces the extension of cut and fill operations required to achieve the required finished floor level (FFL);
5. The proposed colour scheme and types of materials have been revised so that the proposed dwelling is not highly visible and none of the materials and finishes are light and reflective.

The following documentation is enclosed for Development Plan Consent Only as Building Rules will be sought by Private Certification:

- 3 copies of revised Floor Plan Design 21-11, Scale 1:100;
- 3 copies of Right and Left Elevations, plus Cross Section, Scale 1:100;
- 3 copies of Front and Rear Elevations, Scale 1:100;
- 3 copies of Variation Sheet, prepared by FMG Engineers;
- 3 copies of Site Plan New Plan 21-11, Scale 1:100;
- 3 copies of proposed Landscaping Plan, Scale 1:100; and
- 3 copies of Civil Plan, prepared by FMG Engineers, Scale 1:200@A2.
The applicants also seek clarification as to whether the amended information is required to be sent to the CAP for consideration or whether the amended development application can be granted Development Plan Consent, under delegation.

Should you have any queries regarding the information provided, please do not hesitate in contacting the undersigned in the first instance by telephone on 0420 501 680 or by email at trevor@planningsolutionssa.com.au

Yours sincerely

Trevor V White
Managing Director
MURP MPlA Grad Cert Big & Planning, Dip Bus

att: Documentation listed above
cc: Mr M & Mrs H Lower, Cl-Aspire Homes, 55 Murray Street, Gawler SA 5118
Standard Variation Sheet

Client Name: Aspire Homes (SA) Pty Ltd
Site Address: Lot 102, North Street, ANGASTON, SA 5353
Job Number: S35639 - 261396
Date: 10-Jan-2020

Details of Variation

1. Floor levels changed to more efficient equal cut-fill
2. Driveway spiral shortened slightly to fit in wastewater irrigation areas
3. Driveway slightly longer at top to allow reversing manoeuvre for vehicles
Right Elevation

Left Elevation

Cross section
Front Elevation

Rear Elevation
Planted along 50 metres of the northern boundary Eucalyptus radiata (narrow leaf Peppermint Gums) will be planted at 10 metre centres. At 5 metre centres between the Eucalyptus radiata it is proposed to plant 'dryland tea trees' (Melaleuca lanceolata) to provide low level screening.

Typically, of the bays of the proposed vehicle access track it is proposed to plant Eucalyptus leucoxylon (SA Blue Gums) as a medium height local indigenous tree and planted at 10 metre centres. At 5 metre centres between the Eucalyptus leucoxylon it is proposed to plant 'Broombush' (Melaleuca uncinata) to provide low level wind break and screening.

Planted in random locations it is proposed to plant Eucalyptus camaldulensis (River Red Gum) which provides a taller tree on the lower and wetter portions of the allotment.

LEGEND:
- Denotes Eucalyptus radiata (Peppermint Gums) planted at 10 metre centres along 50m of the northern boundary
- Denotes Eucalyptus leucoxylon (SA Blue Gums) planted at 10 metre centres
- Denotes Melaleuca lanceolata (Dryland tea tree) planted at 5 metre centres
- Denotes Melaleuca uncinata (Broombush) planted at 5 metre centres
- Denotes Eucalyptus camaldulensis (River Red Gums) planted at random locations on the lower portion of the allotment.

Note: All of the above nominated tree and plant species are native to South Australia and found in the Barossa Valley.
The following applications have received or are awaiting concurrence from the State Planning Commission.

<table>
<thead>
<tr>
<th>DA NUMBER</th>
<th>APPLICANT</th>
<th>ADDRESS</th>
<th>NATURE OF DEVELOPMENT</th>
<th>DAC DECISION</th>
</tr>
</thead>
<tbody>
<tr>
<td>960/208/2019</td>
<td>Graham Fechner</td>
<td>228 Moculta Road, 276 Moculta Road, Allot 92 Moculta Road, Allot 1 Moorooroo Road, 422A Moculta Road and 516 Moculta Road Penrice</td>
<td>Torrens Title Land Division – Boundary Realignment</td>
<td>Awaiting SPC Concurrence (3/12/2019 panel meeting)</td>
</tr>
<tr>
<td>960/132/2019</td>
<td>Hennig &amp; Co Pty Ltd on behalf of Andrew Janicki</td>
<td>19 Sunnydale Avenue Kalbeeba</td>
<td>Torrens Title Land Division – Create two additional allotments</td>
<td>Awaiting SPC Concurrence (4/2/2020 panel meeting)</td>
</tr>
<tr>
<td>960/358/2019</td>
<td>Brown Family Vineyards Pty Ltd</td>
<td>981 Light Pass Road Vine Vale</td>
<td>Torrens Title Land Division – Create one additional allotment</td>
<td>Awaiting SPC Concurrence (4/2/2020 panel meeting)</td>
</tr>
<tr>
<td>960/413/2019</td>
<td>Barossa Enterprises Inc</td>
<td>29 Samuel Road Nuriootpa</td>
<td>Removal of a portion of vineyard, construction of a community service building containing education/training rooms and offices, with associated car parking and additional vehicle exit to Samuel Road in association with the light industry workshop on site.</td>
<td>Awaiting SPC Concurrence (4/2/2020 panel meeting)</td>
</tr>
</tbody>
</table>

**RECOMMENDATION**
That the report be received.
10. REPORTS – OTHER BUSINESS

Nil.

11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 2 April 2020 commencing at 5.00 pm.

13. CLOSURE OF MEETING