Notice to Community

7 July 2020 Barossa Assessment Panel

The Barossa Assessment Panel meeting of 7 July 2020 shall be conducted as per the attached agenda in the Council Chamber, Nuriootpa.

Council has proceeded with the introduction of technology to hold electronic meetings. E-meetings are being conducted in response to state laws controlling gatherings.

The public are encouraged to attend the meeting by linking into a livestream of the meeting. This will ensure the meeting remains accessible to the public without having to travel and attend unnecessarily.

A link to the livestream of the Panel Meeting can be found on the agenda web page.


To assist Council in complying with social distance laws, non-essential travel and the general management of COVID-19 risks please attend the meeting through the livestream or by viewing the recorded version.

If you are scheduled to make a representation to the Panel meeting please determine any risk to you and others. There will be limited capacity for public attendance and it is recommended if you are making a representation that you minimise the number of persons involved before deciding to make your submission.
Notice is hereby given that the twenty seventh meeting of the Barossa Assessment Panel will be held at the Council Offices, 43-51 Tanunda Road, Nuriootpa on

**Tuesday, 7 July 2020, commencing at 5:00 pm**

Louis Monteduro
Assessment Manager

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 2 June 2020 be received and confirmed. Refer Attachment 1.
BAROSSA ASSESSMENT PANEL

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

Tuesday, 2 June 2020 commencing at 5:00pm

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

MINUTES
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<td>13. Closure of Meeting</td>
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1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5:03pm.

2. ATTENDANCE

2.1 Present

Panel Members
Bruce Ballantyne  Presiding Member
Grant Hewitt  Member
Deirdre Reiman  Member
Richard Miller  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
Chris Kruger  Minute Secretary

2.2 Apologies

Rob Veitch.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: G Hewitt  Seconded: D Reiman
That the minutes of the Barossa Assessment Panel meeting held on 5 May 2020 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>
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<tbody>
<tr>
<td>6.1</td>
<td>R Miller</td>
</tr>
</tbody>
</table>

960/513/3019
25 North Street Angaston
R Miller has a professional relationship with the Applicants.

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/513/2019 (25 North Street Angaston)

R Miller left the meeting at 5:04pm due to a stated conflict of interest.

E Walker (ESD Planning and Design) distributed a plan showing possible building envelope options.

Representors
Drew Edwards (on behalf of David and Beryl Underwood) addressed the Panel at 5:07pm, and answered questions from the Panel.

Peter Flaherty addressed the Panel at 5:13pm, and answered questions from the Panel.

Applicant
Elinor Walker (ESD Planning and Design) addressed the Panel at 5:17 pm, and 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 development proposal is not seriously at variance to The Barossa Council Development Plan.

(c) To GRANT Development Plan Consent for Application No. 960/513/2019 by Pyper Leaker Surveying and W S Rohlfach and K A Rohlfach to undertake Community Title Land Division - Create five additional allotments at 25 North Street, ANGASTON (CT 5365/610 and CT 5365/612)
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 960/132/2019 (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 systems 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 applicant shall construct all services and infrastructure to service each allotment, including:

- roads
- water supply
- storm water drainage
- electricity and communications

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

**Department of Planning, Transport & Infrastructure Conditions**

(4) All access shall be gained via rights of way C/D only.

(5) The shared driveway shall cater for any simultaneous two-way movements of all expected vehicles.

(6) To prevent dust and debris being transferred onto North Street, the shared access shall be sealed from the property boundary to the edge of the road carriageway.

(7) Pedestrian sightlines shall be maintained at the access point in accordance with AS/NZS 2890.1:2004 Fig 3.3 ‘Minimum Sightlines for Pedestrian Safety’.

(8) All vehicles must enter and exit North Street in a forward direction.

(9) Stormwater shall be collected on-site and discharged without jeopardising the safety and integrity of North Street. Any
alterations to the road drainage infrastructure required to facilitate this shall be at the applicant’s expense.

Panel Decision

Moved: G Hewitt
Seconded: D Reiman

The Barossa Assessment Panel resolved to defer consideration of Application 960/513/2019, pending further information to be provided by the Applicant, such as potential for reduction in the number of allotments to comply with minimum requirements, siting of future buildings, access road construction and maintenance details, waste water system provision taking into account existing water bores, and nature of future boundary fencing.

CARRIED

R Miller returned to the meeting at 5:34pm.

6.2 960/62/2018/C (Allot 241 Research 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. 960/62/2018/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 Doreen Estate to site, installation of irrigation system, planting of all vegetation and landscaping. STAGE 2 - Construction of wastewater treatment plant and aeration and storage dam at Allot 241 Research Road, NURIOOTPA (CT 5886/228) 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. 960/62/2018/C except where varied by any condition(s) listed below.
a. Statement of Effect (SoE), prepared by MasterPlan and dated 17 March 2020;
b. Dorrien - Vinpact Wastewater Treatment and Re-use scheme– Supporting Information for Development Application prepared by Land Energy Pty Ltd and Waterform Pty Ltd and dated November 2019 (forming attachment A to the SoE); and
c. Variation Plans prepared by MasterPlan dated Nov 2019 (forming attachment B to the SoE).

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

(2) The proposed trees and vegetation on the subject land shall be maintained in good health and condition at all times. Any trees or vegetation that dies or becomes seriously diseased shall be replaced with others of the same, or similar varieties.

Reason: To maintain the amenity of the locality through the use of vegetation for screening.

(3) The site shall be maintained to the reasonable satisfaction of the Council at all times.

Reason: To contribute to the amenity of the locality.

Environment Protection Agency Conditions

(4) Prior to operation of the wastewater treatment system, the proposed aeration/storage dam must be constructed as described in:

a. Statement of Effect (SoE), prepared by MasterPlan and dated 17 March 2020;
b. Dorrien - Vinpact Wastewater Treatment and Re-use scheme– Supporting Information for Development Application prepared by Land Energy Pty Ltd and Waterform Pty Ltd and dated November 2019 (forming attachment A to the SoE); and
c. Variation Plans prepared by MasterPlan dated Nov 2019 (forming attachment B to the SoE).

Advisory Notes

(a) 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.

(b) An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to
contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements. Information on applying for a licence (including licence application forms) can be accessed here: http://www.epa.sa.gov.au/business_and_industry/applying_for_a Licence

(c) It is likely that a licence application would need to be accompanied by an Environmental Management Plan (including a commissioning plan). Further, licence conditions would likely require the provision of a Wastewater Irrigation Management Plan (WIMP) for irrigation on the subject land.

(d) A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.

(e) EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following website: http://www.epa.sa.gov.au

Panel Decision

Moved: R Miller Seconded: D Reiman
That the recommendation be adopted.
CARRIED

6.3 960/13/2020 (55 Mirooloo Road Flaxman Valley)

TWhite (Planning Solutions SA) 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 development proposal is not seriously at variance to The Barossa Council Development Plan.

(c) To GRANT Development Plan Consent for Application No. 960/13/2020 by MB Mason and JM Mason to undertake Partial Change in Use of existing building from Home Based Industry (Workshop/Classroom and Showroom) to include Cellar Door Sales at 55 Mirooloo Road, FLAXMAN VALLEY (CT
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 plans and documentation (as amended) accompanying the application, as follows:

- Statement of Support, prepared by Planning Solutions SA, dated January 2020
- Statement of Effect, prepared by Planning Solutions SA, dated April 2020 (including floor plans and elevations)

Unless varied by the following conditions.

Reason: To ensure the development is undertaken in accordance with authorised documentation.

(2) The development authorised herein, including any driveway or car parking areas, shall be managed so that the amenity of the area is not detrimentally affect, through the:

- Transport of materials, goods or commodities to or from the land
- Appearance of any building, works or materials
- Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil
- Presence of vermin

Reason: To ensure potential impacts to adjacent land users is minimised.

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

- Monday-Saturday: 9.00 am-5.00 pm
- Sunday: 10.00 am-4.00 pm

Reason: To ensure the development operates within authorised times.

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

Reason: To minimise potential impacts to adjacent land users.

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

Reason: To minimise potential impacts to adjacent land users.

(6) Any external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the reasonable satisfaction of council.

Reason: To minimise potential impacts to adjacent land users.

(7) All driveway access, car parking and vehicle manoeuvring areas shall comply with the requirements of AS2890.1 Parking facilities – Part 1: Off-street car parking

Reason: To ensure access and car parking is undertaken in accordance with relevant Australian Standards.

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) 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.

Panel Decision

Moved: D Reiman  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. 960/13/2020 by MB Mason and JM Mason to undertake Partial Change in Use of existing building from Home Based Industry (Workshop/Classroom and Showroom) to include Cellar Door Sales at 55 Mirooloo Road, FLAXMAN VALLEY (CT 5956/626) 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 plans and documentation (as amended) accompanying the application, as follows:

- Statement of Support, prepared by Planning Solutions SA, dated January 2020
- Statement of Effect, prepared by Planning Solutions SA, dated April 2020 (including floor plans and elevations)

Unless varied by the following conditions.

Reason: To ensure the development is undertaken in accordance with authorised documentation.

(2) The development authorised herein, including any driveway or car parking areas, shall be managed so that the amenity of the area is not detrimentally affect, through the:

- Transport of materials, goods or commodities to or from the land
- Appearance of any building, works or materials
- Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil
- Presence of vermin

Reason: To ensure potential impacts to adjacent land users is minimised.

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

Monday-Saturday: 9.00 am-5.00 pm
Sunday: 10.00 am-4.00 pm
Reason: To ensure the development operates within authorised times.

(4) No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the reasonable satisfaction of council.

Reason: To minimise potential impacts to adjacent land users.

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

Reason: To minimise potential impacts to adjacent land users.

(6) Any external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the reasonable satisfaction of council.

Reason: To minimise potential impacts to adjacent land users.

(7) All driveway access, car parking and vehicle manoeuvring areas shall comply with the requirements of AS2890.1 Parking facilities – Part 1: Off-street car parking

Reason: To ensure access and car parking is undertaken in accordance with relevant Australian Standards.

(8) Car parking to be compliant with disability access requirements, and established in accordance with Australian Standard 2890.6.

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) 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.

CARRIED

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

Nil.

8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

Nil.

9. REPORTS – PANEL UPDATES

9.1 SCAP Concurrence Matter

Recommendation

That the report be received.

Panel Decision

Moved: G Hewitt  Seconded: D Reiman

That the recommendation be adopted.

CARRIED

10. REPORTS – OTHER BUSINESS

Nil.

11. REPORTS – CONFIDENTIAL

11.1 ERD Court Appeal – 960/345/2019 – 44 Washington Street Angaston – Torrens Title Land Division – Create One Additional Allotment
Reason for Confidentiality

It is recommended that the public be excluded from the meeting, as is necessary, in accordance with Section 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(2) 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, Principal Planner, Assessment Officers, 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 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 5:48pm the meeting moved into confidence.

At 5:54pm the confidential session ceased and the meeting reopened to the public.

Moved: G Hewitt Seconded: R Miller

That the Barossa Assessment Panel has considered Confidential Item 11.1 ERD Court Appeal – 960/345/2019 – 44 Washington Street Angaston – Torrens Title Land Division – Create One Additional and resolves as follows:

(a) Confidential Resolution.

(b) Pursuant to Regulation 14(4) of the Planning, Development and Infrastructure (General) Regulations 2017, the Barossa Assessment Panel resolves to exclude from the minutes and from the version of the agenda report made available to the public the information dealt with on a confidential basis by the Barossa Assessment Panel.

CARRIED
12. **NEXT MEETING**

Tuesday 7 July 2020 commencing at 5.00pm.

13. **CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 5:57pm.

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

6.1 960/87/2020 (759 Light Pass Road Angaston)

**Applicant:** Sorby Adams Wines  
**Representors:**  
- Kerry Welton-Pizzey of 733a Light Pass Road, Angaston  
- Mick Roehr of 747 Light Pass Road, Angaston  
- Roger and Michelle Kruger of 735 Light Pass Road, Angaston  
- Mark Marsh of 750 Light Pass Road, Angaston

**APPLICATION DETAILS**

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<th>PROPOSAL</th>
<th>Additions to an existing winery: Construction of a Finished goods storage shed (measuring 33.4m x12.4m x 6.128m wall height) and construction of a canopy joining the two winery buildings (measuring 10.5m x 33.4m); Installation of a 385kl rain water tank</th>
</tr>
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<tr>
<td>APPLICANT</td>
<td>Sorby Adams Wines</td>
</tr>
<tr>
<td>OWNER</td>
<td>Simon Adams and Jillian Egert</td>
</tr>
<tr>
<td>APPLICATION NO</td>
<td>960/87/2020</td>
</tr>
<tr>
<td>CERTIFICATE(S) OF TITLE</td>
<td>CT5886/382</td>
</tr>
<tr>
<td>AREA</td>
<td>1.42 ha</td>
</tr>
<tr>
<td>CURRENT USE</td>
<td>Residential with Winery (barrel maturation and finished goods storage only) with ancillary office</td>
</tr>
<tr>
<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>
</tr>
<tr>
<td>POLICY/PRECINCT AREA</td>
<td>Nil</td>
</tr>
</tbody>
</table>
| OVERLAYS | Medium Bushfire Risk Area  
Character Preservation District                                                                                               |
| APPLICATION TYPE | Merit                                                                                   |
| CATEGORY OF DEVELOPMENT | Category 3                                                                            |
| REFERRALS | Nil                                                                                                                                  |
| PREVIOUS APPLICATIONS | 960/303/2019 – Change of use to include winery; Construction of a Winery (Barrel Maturation and Finished Goods Storage) with ancillary Office and Vineyard (Non-Complying) |
| ASSESSING OFFICER | Jake Boswell                                                                            |
| RECOMMENDATION | That Development Plan Consent be GRANTED                                                  |

**BACKGROUND**

This application expands on a previous development application 960/303/2019. That application was previously considered and authorised by the Barossa Assessment Panel at its 3 September 2019 meeting, with concurrence subsequently being granted by the State Commission Assessment Panel due to being a type of application which was non-complying.
This application seeks additions to that approved development. The additions comprise a second building of size 12m x 33m x 6m (amended from original submission of 15m x 33m), with a linking canopy between the two structures of 10m x 33m. It is also proposed to install a water tank of 385kl capacity. This will ensure that the completed development, if approval were to be granted, would stand as one of the larger groups of building in the locality — in terms of height and floor area. A landscaping plan has also be prepared and supplied to support the development, aiming to provide adequate screening.

The intent of the development is to enable a more efficient and safer layout of the authorised land use, to achieve relevant work health and safety requirements, as well as to ensure adequate water from the building is captured for reuse and firefighting purposes. The additional storage space would allow for lower stacks of barrels and pallets, improving work health and safety. The linking canopy between the two sheds would allow for an undercover area for the safe loading and unloading of wine.

The application does not seek to introduce any new land uses to the site. Site operations currently including:

- Receival and dispatch of bulk wine
- Transfer of wine from tank to barrel (and vice versa)
- Receival and dispatch of bottled wine

The current site operations do not include, nor propose to include:

- Receival of grapes
- Crushing or fermentation
- Pressing, storage or disposal of any marc or skins
- Bottling of wine

The development is considered to be finely balanced in its assessment. The development does not seek to expand the operation intensity nor introduce new uses. However the buildings are of a substantial size relative to both the subject site and locality.

Note also that part of the canopy has begun construction. A verbal stop work was issued.

This application has been assessed on merit due to not being a listed complying nor non-complying type of development.

However, it is noted that the preceding application (960/303/2019) was assessed and authorised as a non-complying development due to be located on an allotment with less than four hectares of vineyard. This remains to be the case due to the size of the subject site, and this development would thus be sequentially expanding on that non-complying development.

Category 3 public notification has been undertaken with four representations being received. All representations did not support the development.

**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 reasons:
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.

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 Regulations 2008 and the Procedural Matters of the Primary Production (Barossa Valley Region) Zone.

**Representations:** Four representations were received.

**Persons wishing to be heard:** Two representors identified that they wish to address the Panel.

- Kerry Welton-Pizey of 733a Light Pass Road, Angaston
- Mick Roehr of 747 Light Pass Road, Angaston

Both representors are represented by Elinor Walker of ESD Planning and Design.

**Applicant/s** Annie Atkinson of Connor Atkinson and Associates (Urban and Rural Planning), Peter Goss of Archer Environmental Services, and Simon Adams of Sorby Adams Wines wish to appear to respond to representations.

**Summary of Representations:** A number of representors raised concern regarding the following matters:

- Intensity of land use
- Becoming more of a warehouse, rather than winery connected with on-site primary production
- Adverse noise impacts
- Visual impact
- Lack of appropriate landscaping plans
- No direct relationship with primary production on the subject land due
- Proposal is inconsistent with relevant Zone provisions
- Stormwater management
- Wastewater and tradewaste management
- Car parking and traffic
- Potential enforcement issues

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

- The existing land use is approved and this development doesn’t seek to increase or change the existing use.
- The new building is required to meet the requirements of Worksafe SA.
- Frequency of traffic movements won’t change from the authorised land use.
- Building will be suitably insulated for temperature control, and this, combined with proposed landscaping, will assist with noise minimisation.
- Proposed number of car parking spaces was provided based on the Development Plan requirement, but has been reduced as staff numbers are limited to predominately two persons with no customers to attend the site.
- A qualified landscape architect has been engaged to prepare a suitable landscaping plan.
- External cladding of a muted grey/brown tone has been proposed to match with natural environment and existing building.
- Confirmation that approval is not sought for any new land uses.

An aerial view showing the representations properties is shown in Figure 1.
Figure 1: Aerial of Representations Properties
A copy of the representor concerns and the applicant’s response is contained in Attachment 2.

SITE AND LOCALITY
The subject site is 759 (Lot 191 of D22041) Light Pass Road, Angaston, a rectangular shaped allotment with road frontage of 50.19 metres and maximum depth of 284.85 metres. The site currently contains a single storey detached dwelling with ancillary domestic structures, including domestic outbuildings and a swimming pool. Construction has already been occurring with respect to authorised works in development application 960/303/2019 with the relevant building being substantially completed. An easement exists towards the rear of the land accommodating a natural gas pipeline(s), however is not affected by the development.

The land is approximately 1.4 ha in size, containing some native vegetation at the front portion of the site, and is relatively flat – although does contain a gradual slope upward toward the rear of the site.

Within the locality, horticulture is the predominant land use with many allotments containing established vineyards. Many allotments similarly contain detached dwellings with associated domestic structures and farm buildings. There are numerous wineries within the locality and upon the valley floor generally, inclusive of those contained on sites that are both greater and less than 4 hectares, respectively.

From the proposed building footprint, there are seven dwellings located within 300 metres.

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

The site is located within the Character Preservation District – Rural Area 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 18.
Figure 2: Zone Map
Figure 3: Overlay/Precinct Map
Figure 6: Site Photo – Existing Shed with unauthorised canopy

Figure 7: Site Photo – Side access way along northern boundary
Figure 8: Site Photo – Existing shed with unauthorised canopy, viewing west

Figure 9: Site Photo – Proposed water tank and car parking location
Figure 10: Site Photo – Existing building

Figure 11: Site Photo – Viewing rear of site (east)
Figure 12: Site Photo – Viewing rear of site and representor’s land (east)

Figure 13: Site Photo – Viewing representor’s site (north-west)
Figure 14: Site Photo – Current storage arrangement inside building
Figure 15: Site Photo – Current storage arrangement inside building
Figure 16: Site Photo – Viewing subject site from Light Pass Road (north-east)

Figure 17: Site Photo – Viewing subject site from representor’s land
REFERRALS
No referrals are required under Schedule 8 of the Development Regulations 2008.

Internal
The application was referred to:

Health Services
The proposed development doesn’t alter the wastewater system, only the tradewaste layout. A report from a suitably qualified engineer has been provided with the application.

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 proposed development comprises the erection of a relatively large shed and canopy, ancillary an existing winery (comprising maturation and storage only). A 385kl water tank is also proposed and of a considerable size, but considered proportional to the development at hand.

The new buildings will comprise an approximate six metre gutter height, to match the existing building on the site. The second shed will also be clad entirely in the same
muted/earthy material (Colorbond Gully) with the canopy comprising the same roof cladding – with open ends.

Substantial landscaping is also proposed to be incorporated into the development to soften the appearance of the site from predominately the northern and western orientation.

By virtue of establishing a building footprint of this size, there will ultimately be reduction in the amount of space available on site for the viticultural and horticultural purposes. Vineyards comprise a dominant part of the character in this locality and across the valley floor. The proposed development will reduce the ability of the site to achieve consistency with this aspect of the Act.

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

**Bushfire Protection Area**

The subject land is located within a Medium Bushfire Risk Area. The development does not include any habitable buildings and thus does not require associated bushfire works to be undertaken, relative to the development plan assessment.

**General Section**

**Design and Appearance**

Objectives 1

PDCs 2, 3, 4, 5, 7 and 14

The building work proposed is of a substantial size, with similar dimensions to the winery building previously approved at the site (being approximately 400 sqm in floor area with 6.1 metre height to gutter). The linking canopy will also stand with a 6.1 metre height and approximately 330 sqm area. At the completion of the development, the covered building area for the winery components on site will stand at around 1,230 sqm. This comprises around 9% of the total allotment size.

The building won’t be overly visible from the primary frontage along Light Pass Road. However, the building will have a substantial appearance from adjacent land currently used for primarily residential purposes. The size of the building when viewed from these adjacent sites (particularly the north and east) has potential to be extensive. Wineries aren’t uncommon in this locality, but are generally of a more boutique nature (although large buildings do exist). By virtue of the nature of development and the requirement for internal manoeuvring and size, this building will have the appearance of an industrial scale development, beyond that which was previously authorised.

Some of the existing views that adjacent sites currently enjoy will be further minimised relative to the previous authorisation.
at this site. To minimise these impacts and to soften the appearance of the building, the applicant has both supplied a landscaping plan and proposed a muted/earthy Colorbond cladding to match the existing structure on site as well as the natural environment. These components do assist with reducing the overall impact of the development, but the bulk and scale of the development remains substantial.

Landscaping, while it can achieve a well-screened outcome, in general shouldn’t be relied upon to screen inappropriate development. There is also a risk that if landscaping isn’t established to a reasonable standard as proposed, this could result in an ongoing enforcement matter for council administration.

All items associated with the development will be housed within buildings.

The total size of the completed development is substantial. This is larger than any existing/approved outbuilding or farm building in the locality.

All other Objectives and PDCs are deemed to comply.
change to the current operation practices. The development does not seek to introduce any crushing or fermentation typically associated with a winery development, nor is there an introduction of ancillary activities such as bottling.

The development may result in a change to wash down practices by introducing a new drainage channel to the canopy area. The introduction of the canopy may also produce tunnelling or echoing effects of noise, creating an increased impact to neighbours. Although by increasing landscaping and given the existing distance to neighbouring sites, impacts may not be dissimilar to the impact of traditional rural activities. Any activities shall be required to occur in accordance with the supporting documentation.

Of considerable concern is the visual appearance of the structure when viewed from adjacent land. While from a distance there may not be an unreasonable visual impact on the locality as a whole, the development will be visually substantial to adjacent owners and occupiers. The locality predominately consists of lower-scale domestic structures and numerous farm buildings associated with established viticultural activities. Where larger buildings are established (such as wineries), they are typically located on larger allotments being ancillary four hectares of vineyard. The subject site is only 1.42 ha in size.

In saying this, larger buildings are not void in this locality. However, each building does present potential visual impacts that conflict with established land uses nearby – such as adjacent dwellings and do not necessarily form a precedence that applies to all development in the region. In a lot of those scenarios, it is noted that generally larger buildings are adjacent public roads or the boundary of similarly used land (ie, wineries adjacent wineries).

Of note with respect to the subject site is that each adjacent land predominately exhibits residential as its primary use. The combined building size at the completion of the development will ensure that the development is toward the larger end of the scale within this locality. There is thus consequential impacts to the existing land uses of adjacent sites as a result.

The applicant has sought to address some of these concerns by preparation and submission of a landscaping plan – prepared by a suitably qualified landscape architect – as well as a reduction in the building area compared to the original submission (15m width amended to 12m width). While the landscaping plan is comprehensive and will provide a substantial screen and buffer, it will require ongoing maintenance and an initial period of growth. Landscaping should also not be relied upon in and of itself to screen excessive built form.
The development plan does provide leniency toward larger buildings/developments where they are well screened to adjacent sites.

All other Objectives and PDCs are deemed to comply.

**Landscaping, Fences and Walls**

Objectives 1
PDCs 1, 2, and 3

A landscaping plan has been supplied by the applicant, being prepared by a suitably qualified landscape architect. It is proposed to substantially landscape the northern and eastern portion of the allotment, adjacent those respective boundaries.

Species have been selected with respect to accommodating locally indigenous varieties, encompassing an eclectic mix of over-storey, under-storey, shrubs and grasses. The selected species are predominately evergreen ensuring year-round benefit of screening.

The landscaping, once matured, would provide a substantial screening benefit to adjacent allotments to the north and east.

However, landscaping should not be relied upon to screen development that is otherwise inappropriate. It is noted that additional landscaping to the extent proposed would minimise the available land that could be utilised for viticultural purposes. Semi-mature plantings have been proposed for plantings, however it is a concern that landscaping can take numerous years to achieve a level that is of satisfactory benefit for its intended purpose.

The benefit of the proposed landscaping plan is two-fold, ensuring long-term screening affect to the proposed development, but also substantially screening the existing structure that has been erected on the site that currently does not contain any screening at the rear of the site.

All other Objectives and PDCs are deemed to comply.

**Siting and Visibility**

Objectives 1 and 2
PDCs 1, 2, 4, 5, 6, 7, and 9

The proposed buildings will be sited adjoined to an existing building. There will be a setback to the northern boundary of nine metres (increased from an original submission of six metres), with landscaping and access-road located in this area. There will be a rear setback to the eastern boundary of approximately 80m. The proposed water tank will be located to the rear of the existing building.
The siting of the development is on a relatively flat site, but it does propose some cut to the rear (north-east) of the building footprint to accommodate a flat building level. There is also no clearance of native vegetation proposed or required.

The development is unlikely to be overly visible from the primary road frontage.

The structures will be very visible to the adjacent northern and eastern sites, particularly during the growing phase of any landscape buffer. Some of the views previously enjoyed by these sites will be diminished. Typically other wineries on similarly sized allotments tend to be adjacent non-residential or mixed use sites, or adjacent public road boundaries.

Substantial landscaping is proposed to be established but will take numerous years to fully establish, and ultimately won’t be a direct substitute for the existing/pre-development landscape.

The development will present as an industrial scale development on a site that is relatively small, further distancing itself from the appearance of being connected with primary producing activities on the subject site.

All other Objectives and PDCs are deemed to comply.

**Transportation and Access**

**Access for People with Disabilities**

**Vehicle Parking**

Objectives 2

PDCs 22, 23, 29, 31, 32 and 33

The access arrangements for this site shall remain predominately consistent with that which was authorised in Development Application 960/303/2019. The internal access road has been slightly altered to achieve a landscaping buffer that runs the length of the northern and eastern boundary.

A loop road is proposed to remain so that in the event of a fire, emergency vehicles can access the rear of the site.

Off-street parking has been provided to the rear of the site, with five spaces provided. This is less than half of the spaces required by Table Baro/1 – Off-street Vehicle Parking, however due to the existing and proposed operation of the development, this is considered acceptable. Sufficient space remains available on site if future car parking is required.

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

**Waste**

Wastewater

Waste Treatment Systems

Objective 2

PDCs 1, 2, 7, 10 and 17

There are no proposed changes to the wastewater layout on site.

An additional drain is proposed underneath the canopy to accommodate potential tradewaste, including occasional wash down and spillage. A report has been provided by a suitably qualified engineer suggesting that the proposal will achieve relevant environmental standards, without introducing unreasonable noise and odour impacts.

All other Objectives and PDCs are deemed to comply.

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**Zone Section**

**Primary Production (Barossa Valley Region) Zone**

Objectives 1, 3, 4, 5, and 6

The development seeks to expand an existing winery development with respect to floor area. The development doesn’t seek to introduce or alter any existing activities associated with that use.

The increase in floor area will further reduce the ability of the site to be usable for on-site primary producing or viticulture – although the existing site’s ability to be economically viable for that purposes is already limited. The development will present as a more industrial scale development rather than a winery being associated with on-site viticulture.

All other Objectives are deemed to comply.

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**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 located within the landscape and be inconspicuous in appearance from key tourist and scenic routes throughout the Barossa Valley Region.

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

**Desired Character**

The development is not sited upon a visually prominent site nor a major tourist route in the region. While not overly visible from key tourist and scenic routes, the site is visible from adjacent allotments as a result of the open nature of the locality – landscaping is proposed to assist with this.

Non-agricultural development will be limited to preserve natural appearances and scenic qualities of rural areas. The development will result in a substantially sized group of buildings, with a more than doubling of covered roof areas and wall height of six metres. The appearance of the development presents as a larger scale industrial development, and this visually large scale winery would appear more suited to be sited within a regional industrial area.

The development is not entirely consistent with the desired character of the zone.

**Land Use**

PDCs 1, 2, 3, 4 and 5

The development will result in the expansion of an existing winery that was previously authorised by the Barossa Assessment Panel. That authorisation was for a non-complying type of development, due to not being sited on an allotment that contains less than four hectares of vineyard. The subject site is only 1.5 ha (approximately) in size and thus cannot achieve this provision. Although the development does not seek to expand the operational components, regard is still given to the fact that the development forms a non-complying type of development, and is on an undersized allotment relative to PDC 4.

In this zone, wineries and industrial land uses should only be expanded in association with improvements in amenity, site access or waste management. It is noted that the proposed expansion does not encompass any of these items.

Given the site does not share a direct link with primary production on the land, or moreover can efficiently operate without said link, it raises the question as to whether a building expansion of the size proposed is appropriate. This is particularly the case given the site cannot provide the required four hectares of vineyard.

The rationale behind the second building is understood (being for a more efficient and safer working environment) and is generally supported. That being said, it does not infer that a second building of a substantial size would inherently be within the scope of zone provisions. It would be reasonable to suggest that the internal layout to cater for the
capacity of the approved operation would have been considered as part of, or prior to, the previous development application.

While the capacity of the operation is not proposed to be increased, it is noted that the inclusion of a canopy and secondary building will result in new movements on the site. Both by virtue of potential wash downs under the canopy area and forklift movements between the two buildings. Thus there may be potential new impacts to adjacent land users as a result of the increased floor area.

All other Objectives and PDCs are deemed to comply.

**Form and Character**

PDCs 8, 10, 15, 16, 18 and 24

The existing development was authorised with an understanding that it wouldn’t be entirely directly related to on-site primary production. It is reminded though that part of the rationale for granting that authorisation was the relatively small building footprint and its size and appearance being comparable to existing buildings in the locality – such as farm buildings. This proposed development will increase the footprint of the building, such that it will present more so as a traditional warehouse, rather than a winery that is associated with on-site production. It is important to make the distinction though that the use of the development will be as a ‘winery.’

Landscaping shouldn’t be relied upon to screen inappropriate development. However, the applicant has supplied and proposed a landscaping plan which is comprehensive. Development being undertaken in accordance with the landscaping plan would provide some benefit to adjacent land users, but whether it adequately screens the development would remain subject to implementation.

This development is not likely to warrant upgrading of public infrastructure nor alter authorised traffic movements to the site. The building footprint of the development will be less than 10% of the total site area.

All other PDCs are deemed to comply.

**Table Section**

**Baro/1 – Off Street Vehicle Parking Requirements**

The required car parking to satisfy Table Baro/1 is 17 on-site spaces. The application had been amended to include 17 spaces, however as a response to representations, has been greatly reduced to five spaces. While this is well below the prescribed rate, it is noted that this operation does not propose or require many staff numbers. As such, five spaces is considered acceptable to cater for the proposed development, with sufficient space on site for additional off-street parking, if required.
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. 960/87/2020 by Sorby Adams Wines to undertake ‘Additions to an existing winery; Construction of a finished goods storage shed (measuring 33.4m x 12.4m x 6.128m wall height) and construction of a canopy joining the two winery buildings (measuring 10.5m x 33.4m); Installation of a 385kl rain water tank’ at 759 Light Pass Road, Angaston (CT 5886/382) 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. 960/87/2020, including:

- Block Plan, prepared by Brooksby Design and Drafting, as amended 15 June 2020
- Site Plan, prepared by Brooksby Design and Drafting, as amended 15 June 2020
- Floor Plan, prepared by Brooksby Design and Drafting, as amended 15 June 2020
- Elevation Plans, prepared by Brooksby Design and Drafting, as amended 15 June 2020
- Wastewater Drainage Layout, prepared by Brooksby Design and Drafting, as amended 15 June 2020
- Sorby Adams Wines Landscape Plan, prepared by Noble Landscapes Design, dated 21 June 2020
- Response to Representations, prepared by Connor Atkinson and Associates – Urban and Rural planning, dated 18 May 2020
- Water Tank Plan, prepared by Heritage Water Tanks, revision C, dated 23 February 2017
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) Before commencement of any building work, landscaping in accordance with the supplied Sorby Adams Wines Landscape Plan, prepared by Noble Landscapes Design, shall be substantially planted with appropriate semi-mature plantings, to the reasonable satisfaction of Council.

Reason: To ensure the development is suitably screened by the landscaping proposed.

(3) Unless with the prior written consent of Council, the landscaping works shown on the endorsed plans must be carried out and completed within 6 months of the substantial completion of the development, and maintained to the reasonable satisfaction of Council.

Reason: To ensure landscaping is undertaken within a timely manner.

(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.

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

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

(5) 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 minimise any adverse impact upon the amenity of the locality.

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

a. Dust generated at the site shall be reasonably controlled at all times to prevent nuisance to occupants of adjoining land.

b. Noise generated at the site shall be kept to the minimum level that is reasonably practicable.

c. 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.

 d. 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 minimise any adverse impact upon the amenity of the locality.

(7) The development authorised herein shall be managed so that the amenity of the area is not detrimentally affected through the:

(a) Transport of materials, good or commodities to or from the land
(b) Appearance of any building, works or materials
(c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil
(d) Presence of vermin

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

(8) No spraying of agricultural chemicals or other substances shall occur when weather or other conditions may carry spray drift onto adjoining property.

Reason: To minimise any adverse impact upon the amenity of the locality.

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

Reason: To minimise any adverse impact upon the amenity of the locality.

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

Reason: To minimise any adverse impact upon the amenity of the locality.

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

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

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

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

(13) Handling, loading and any outside storage of materials must be carried out in a controlled area where spills can be contained and stormwater run-off can be protected from contamination, to the reasonable satisfaction of Council.

Note: All ongoing activities associated with the development shall be undertaken within the building authorised herein.

Reason: To ensure waste water does not impinge the stormwater system on site.
(14) All winery processing shall be undertaken on an impervious area to ensure that any spillages from such areas are directed to the on-site wastewater treatment system.

Reason: To allow the suitable management of waste water.

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

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

(16) All on-site activities associated with the development herein shall be limited to the maturation and storage of barrelled wine and finished product only.

Reason: To ensure that activities are clearly limited to those within the scope of the application, not including any fermentation, crushing or bottling.

**Advisory Notes**

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

(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 advised that the bottling of wine, crushing of grape product (or similar), and fermentation must not occur on-site. Any expansion of the operation to incorporate these activities on-site is subject to additional consents. Contact Council’s Development Services via phone (08) 8563 8444 if more information is required.

(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. Practices to minimise noise impact on sensitive receivers include (but are not limited to):

(i) shutting equipment down whenever not in use
(ii) application of broadband beepers on forklifts, and
(iii) ensuring equipment are operated in a way that reduces noise impact.
(e) Any proposal to clear, remove limbs or trim native vegetation, unless subject to an exemption under the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council.

(f) 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 pursuant to the Local Government Act 1999. Further enquiries should be directed to the Works and Engineering team on 8563 8444.
6.1 Attachment 1
DEVELOPMENT APPLICATION FORM

CONSENT TYPE APPLING FOR (Please tick appropriate box)

- Development Plan Consent (Planning Only)
- Building Rules Consent (Building Only) Privately Certified Yes No
- Full Development Approval (Both Planning and Building Consent)

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: Sorby Adams Wines
Postal Address: PO Box 875, Angaston SA
Phone: 042 864 3721
Email: simon@ sorbyadamswines.com

OWNER: Simon Adams & Julian Egbert
Postal Address: PO Box 875, Angaston SA
Phone: 042 864 3721
Email: simon@ sorbyadamswines.com

ARE YOU GOING TO BE AN OWNER BUILDER? YES NO

Have you engaged a Builder to undertake the works? YES NO

BUILDER: N/A

CONTACT PERSON FOR FURTHER INFORMATION: Name: Brooksby Design & Drafting
Phone: 8563 3630
Email: brooksbydesign@interode.com.net

DESCRIPTION OF PROPOSED DEVELOPMENT: Finished Goods Store Shed (Shed 2) & Canopy as Additions to Existing Shed 1 & Water Tank

EXISTING LAND USE: Primary Production (Barossa Valley Region)

AREA (m²) OF PROPOSED DEVELOPMENT: Refers to Drawings

LOCATION OF PROPOSED DEVELOPMENT:

House No: 753 Street: Light Pass Road Town: Angaston
Lot No: 191 Section: D 22041 Hundred: Moorooroo

Certificate of Title(s): Volume: 5886 Folio: 382

BUILDING RULES CLASSIFICATION SOUGHT:

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

DEVELOPMENT COST (do not include any fit out costs): $160,000

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: 27/02/2020

Agenda - Barossa Assessment Panel - 7 July 2020 55
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: Sorby Adams Wines
Postal Address: PO BOX 675, ANGASTON SA
Post Code: 5355
Phone: Mobile: 0428643721
Fax: -
Email: simon@sorbyadamswines.com

DATE OF APPLICATION: 27/02/2020

LOCATION OF PROPOSED DEVELOPMENT:
House No: 759 Street: LIGHT PASS ROAD Town: ANGASTON
Lot No: 191 Section: D2204.1 Hundred: MOOROOROO
Certificate of Title(s): Volume: 5886 Folio: 382

NATURE OF PROPOSED DEVELOPMENT: FINISHED GOODS STORAGE SHED (SHED 2) & CANOPY AS ADDITIONS TO EXISTING SHED 1 & WATERTANK

M.J. BROOKSBY (insert name) being the applicant or a person acting on behalf of the applicant (delete the inapplicable statement) for the development described above declare that the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the Regulations prescribed for the purposes of Section 86 of the Electricity Act 1996. I make this declaration under Clause 2A(1) of Schedule 5 of the Development Regulations 2008.

Signed: M.J. Brooksbury Date of Declaration: 27/02/2020
CONFIRMATION OF REGISTRATION

Certificate of Title - Volume 5886 Folio 382

Estate Type
FEE SIMPLE

Registered Proprietor(s)
SIMON DAVID SORBY ADAMS
JILLIAN EGERT
OF PO BOX 675 ANGASTON SA 5353
AS JOINT TENANTS

Description of Land
ALLOTMENT 191 DEPOSITED PLAN 22041
IN THE AREA NAMED ANGASTON
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 PIPELINES AUTHORITY OF SOUTH AUSTRALIA (T 3042923)

Schedule of Dealings

<table>
<thead>
<tr>
<th>Dealing Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>13185161</td>
<td>MORTGAGE TO WESTPAC BANKING CORPORATION (ACN: 007 457 141)</td>
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</table>

Registrar-General
Lands Titles Office

Land Services SA
Ground Floor, 101 Grenfell Street, Adelaide SA 5000
GPO Box 543, Adelaide SA 5001
Metro 08 8423 5000, Country 1800 648 176
Certificate of Title - Volume 5886 Folio 382

Parent Title(s)  CT 5259/366
Creating Dealing(s)  DDA 9411983
Title Issued  03/01/2003  Edition 5  Edition Issued  16/08/2017

Estate Type
FEE SIMPLE

Registered Proprietor
ANTHONY MARK DEVITO
JOSEPHINE LOUISE DEVITO
OF 759 LIGHT PASS ROAD ANGASTON SA 5353
AS JOINT TENANTS

Description of Land
ALLOTMENT 191 DEPOSITED PLAN 22041
IN THE AREA NAMED ANGASTON
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 PIPELINES AUTHORITY OF SOUTH AUSTRALIA (T 3042923)

Schedule of Dealings
Dealing Number  12772489
Description  MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD. (ACN: 005 357 522)

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

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<tr>
<th>DRAWING NO.</th>
<th>DRAWING CONTENT</th>
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<td>B00201</td>
<td>ELEVATIONS</td>
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<td>WASTEWATER DRAINAGE LAYOUT</td>
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**SECRETARY**

**AGENDA**

**Barossa Assessment Panel - 7 July 2020**

**DRAWING**

**INTERNAL ACCESS DRIVEWAY**

FORMATION OF INTERNAL DRIVEWAY TO BE CONSTRUCTED OF ALL-HEATHE COMPACTED RUBBLE OR GRAVEL MATERIAL. BE CONSTRUCTED AWAY FROM HAZARDOUS VEGETATION SUCH AS OVERHANGING LIMBS AND CONTINUOUS COVER OF THICK VEGETATION. BE LOCATED SO THAT THE NEED TO CLEAR NATIVE VEGETATION IS AVOIDED. HAVE A MINIMUM FORMED WIDTH OF 3 METRES. HAVE A GRADIENT OF NOT MORE THAN 16% (IE, A MAXIMUM SLOPE OF 1:3.5) AT ANY ONE POINT ALONG THE DRIVEWAY. ALL FIRE-FIGHTING VEHICLES TO TRAVEL IN A CONTINUOUS FORWARD MOVEMENT BY CONSTRUCTING CURVED ROADS AND DRIVEWAYS WITH CURVES THAT HAVE A MINIMUM EXTERNAL RADIUS OF 12.5M. ALL VEHICLES TO SAFELY ENTER & EXIT THE ALLOTMENT IN A FORWARD DIRECTION BY INCORPORATING A TURNING AREA WITH A MINIMUM RADIUS OF 12.5M.

**PROPOSED FINISHED GOODS STORAGE SHED 2 & CANOPY**

**PROPOSED WATER TANK**

(FOR FIREFIGHTING PURPOSES & WINERY USE) 385,000 LITRE CAPACITY

**PROPOSED VINEYARD**

BUSH VINES

**LANDSCAPED AREA**

**BOUNDARY 284.85m**

170.00m SETBACK

**BOUNDARY 284.85m**

**BLOCK PLAN**

SCALE 1:1000

AMENDMENT 02/04/20 & 15/06/20: VINEYARD INDICATED, CARPARKING NUMBERS ALTERED.

ADDITIONAL LANDSCAPING INCLUDED, SHED 2 REDUCED BY 3.0m IN WIDTH

---

**BROOKSBY DESIGN & DRAFTING**

5 John Street, Tanunda
PO Box 502, Tanunda SA 5352
Phone (08) 8563 9890
Email brooksfydesign@bigpond.com

All dimensions and levels shown on drawings are in millimetres (mm) unless otherwise indicated and should be verified on site before commencing building work. Any omissions must be reported to the design and drafting firm.

No scale is shown for this project.

**Project:**

**PROPOSED FINISHED GOODS STORAGE SHED, CANOPY & WATER TANK**

**Location:**

759 LIGHT PASS ROAD, LANGASTON

**Client:**

SORDY ADAMS WINES

**Drawing:**

600001

**Sheet No.:**

---

Agenda - Barossa Assessment Panel - 7 July 2020
FINISHED GOODS STORAGE SHED

CANOPY

SHED 1

FLOOR PLAN

SCALE 1:150

AMENDMENT 15/06/20: SHED 2 REDUCED BY 3.0m IN WIDTH
PLANT SCHEDULE

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21 June 2020

Sorby Adams Wines
759 Light Pass Road
Angaston
Mob: Simon 0428643721
Email: simon@sorbyadamswines.com

On Monday 15 June 2020 I met with Simon Sorby Adams on location in regards to a proposed Winery Finished Goods facility expansion. We discussed issues and concerns that needed to be taken into consideration for the landscape surrounds of the winery.

One of the main requirements from our discussion was to take the Barossa Bushgardens scheme as a strong influencing factor on plant selection for the landscape design. Screening the development from neighbouring views is another objective and overall aesthetic quality is an important part of the outcome.

Environmental Challenges on site

The site is located in a wide open field exposed to wind and sun. The area to be designed may receive late afternoon shade from the proposed development, particularly the north eastern boundary. Otherwise the site has a full sun aspect.

Soil type is of a sandy loam with a deeper clay/loam base.

Fire truck access is required. There is to be no overgrowth of tree limbs and shrubs onto the access road.

The threat of fire needs to be considered when selecting trees near the building.

An easement in the southern corner of the property is to have no plantings.

Screening of the development is required to the North and to the East of the property.
Design Solution

To assist with reading the plan on screen an A4 plant schedule and plant key have been provided. It is recommended the A4 sheets are printed prior to viewing the Landscape Plan.

As we approach the proposed development along the access road the north eastern boundary is to be planted with a row of Banksia integrifolia, underplanted with Hakea rugosa, Dianella revoluta, Olearia pannosa, Poa labillardieri and other grass species. While B integrifolia isn’t an endemic native species I believe it is a good selection for this area as it is a tall and narrow growing Banksia. They will create a good screen for the development from the Northern and Eastern quarters. It’s lower flammability compared to Eucalyptus sp, Caitris sp and Acacia sp make it a more suitable fire resistant species. The understory planting will fill out the garden bed and in combination with the Banksia provide good habitat and a pleasant avenue to traverse.

Once we move to the rear of the proposed development a selection of Eucalyptus sp are arranged along the boundary lines. E incrassata, E gracilis and E leucoxylon ssp pruinosa rise in height toward the back corners of the block.

A planting arrangement consisting of Hakea rostrata, Melaleuca acuminata Melaleuca lanceolata, Acacia pycnantha, Bursaria spinulosa and Leptospermum myrsinoides take up the roll of providing screening along the boundary lines.

A range of small shrubs and grasses help to provide diversity in habitat and offer differing flowering times for the landscape. Arranged in drifts and clusters these shrubs are spread and repeated throughout the garden. Grevillea sp, Correa sp, Acacia sp, Thomasia sp and Calytrix sp make up the majority of the selection.

The planting extends around the access road wrapping back towards the existing Winery. The Gardens will provide an amazing back drop to the central vineyard once established. With the provision of habitat it is expected that native, bird, insect and reptile species will inhabit the garden. The result will be a stand out in the surrounding paddocks and a good example of the Barossa Bushgardens scheme.
Plant Supply, Soil Preparation and Installation

Plant availability will need to be investigated. Some varieties may not be available in the requested pot size and some may not be available at all. If difficulties arise obtaining plants from local sources State Flora have a lot of the plants selected on their grow list. Orders for tube stock can be placed and plants will be supplied for the following planting season.

With every garden good soil is the key to longer term success. Sandy soils are easily leached of nutrients. Incorporating a good amount of organic compost and organic native fertilisers two weeks prior to planting would be an ideal start for the garden.

Staging the planting is also recommended.

Stage 1
Plant large screening shrubs and trees first. Set up irrigation and monitor during establishment. This will allow for easy access during the establishment period.

Stage 2
Fill out garden beds with smaller shrubs and trees. Install irrigation and monitor. Replace any failed plants and trees.

Stage 3
Plant out grasses along borders. Tube stock could be a good cost saving exercise due to the high number of plants in the garden.

See plant list for ideal spacing and number of plants

Mulching and Weed Management

A chunky mulch is great for native species as it allows the soil to breath. However weeds are and will be a challenge in the landscape. How this is managed will dictate how or if the gardens are mulched. More discussion is needed.

Irrigation

Trees

Irrigation for trees is to be separate from the smaller shrub layer.

Individual Shrubber adjustable emitters are best for irrigating trees. Especially advanced specimens. These can be set up in multiple configuration and located around the drip line of trees. They allow a good flow rate over a wider area than a drip emitter.

Large and smaller shrubs.

Drip irrigation either single emitter or 13 mm dripline to be installed. Areas where mass plantings are located use dripline and individual emitters for sparser plantings.
## PLANT LIST
### SORBY ADAMS WINES
#### ANGSTON

Plant spacing is based on the mature size of plants. In some instances a dense spacing allows for a mass of foliage sooner.

<table>
<thead>
<tr>
<th>Plant Species</th>
<th>Common Name</th>
<th>Pot size mm</th>
<th>Plant spacing m</th>
<th>Mature Height x width m</th>
<th>Number of Plants on plan</th>
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<tr>
<td><strong>Over-story</strong></td>
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<tr>
<td>Banksia integrifolia</td>
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<td><strong>Shrubs</strong></td>
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DEVELOPMENT NO: 960/303/2019
DEVELOPMENT PLAN CONSENT CONDITIONS

(2) Before commencement of any building work, a landscape plan to the reasonable satisfaction of Council must be submitted to and approved by Council. When approved, the plan will be endorsed and will then form part of this authorisation. The plan must show:
(a) A schedule of all proposed trees, shrubs and ground cover including botanical and common name of each plant (any landscaping vegetation should be of an adequate size/species that sufficiently screens the proposed development)
(b) The quantity of each to be planted
(c) The spacing between each to be planted
(d) The proposed method of irrigation
(e) The tube-stock/pot size of each to be planted

Note: Landscaping shall be provided at a reasonable maturity to provide effective and timely screening, and shall comprise locally indigenous species.

Reason: To ensure the development is suitably screened by the landscaping proposed.

(3) Unless with the prior written consent of Council, the landscaping works shown on the endorsed plans must be carried out and completed within 6 months of the significant completion of the development, and maintained to the reasonable satisfaction of Council.

Reason: To ensure landscaping is undertaken within a timely manner.
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Environmental Engineer’s Report
Environmental Impact Assessment of
DA 960 / 87 /2020

Effect of
Proposed additional Finished Goods Shed,
Canopy and 385 kl rainwater tank

Report 1130

759 Light Pass Rd ANGASTON
Assessment Requirement:

Sorby Adams Wines constructed a wine storage shed under DA 960 / 303 / 19. As part of this development, a shed with a toilet and office area was erected. The purpose of the shed was to store finished goods and mature wine in oak barrels at the site.

The operations at the site are:
- Receival of bulk wine
- Despatch of bulk wine
- Transfer of wine from tank to barrel and from barrel to tank
- Receival of bottled wine
- Despatch of bottled wine

The operations at the site do not include:
- Receival of grapes for processing or transfer
- Crushing of grapes into must
- Fermentation of grape juice or must
- Pressing of any wet marc
- Storage of marc
- Disposal of grape skins
- Bottling of wine

In order to protect the environment and to manage flows of any wastewater at the site, a sump was installed to enable the facility to dispose of any wastewater from production operations off site. In addition, the sewage at the site is also managed via an aerobic treatment system, which was installed under wastewater approval WWS/127/2014/AEROB and maintained in compliance with the SA Health rules and regulations in place for on site management of sewage wastewater.

The facility is seeking to add an additional area to store finished goods and this frees up floor space so that the floorplan goes from 170 pallet spaces to 320 pallet spaces. This means that the facility is able to have stacks of barrels lower in height which improves HSE risk, and provides the facility with the ability to store finished goods under more control. The facility will be able to store 656 barrels in a safe manner.

The DA is for an additional shed and for a canopy space to cover the area between the shed in order to provide an undercover area which provides a safe environment for the loading and unloading of wine. In addition, the facility is planning a 385 kl rainwater tank in order to control the flows of water at the site as part of its stormwater management plan.
1.0 COMPLIANCE WITH EXISTING DA
An important aspect of facilities like this is that they are in compliance with their existing DA. The site was visited by the engineer and an inspection of the facilities was undertaken.

1.1 Sewage Management
The facility had installed sanitary amenities as planned and these were connected to the aerobic system as approved. The facility was in full compliance.

1.2 Washwater Management
The facility had promised to install a drainage system and for that drainage system to be connected to a 5,000 l holding sump for off site disposal. The sump was planned to be alarmed with a high water float with no on-site disposal of washdown water planned.

Upon inspection, this was found to be the case. The facility was in full compliance.

1.3 Evidence of winemaking fermentation non-conformance
The DA was based on no processing of grapes at the site. The site was inspected and no evidence of any winemaking fermentation activities, such as spent marc pile, spillages of skins/stalks, marc bay, empty fermenters, was detected.

Upon inspection, the facility was in full compliance as a site where no grape processing occurred.

The nearest winery was found to be at 731 Light Pass Rd and a pile of spend grape marc was detected confirming this was an active winery crushing site.
2.0 WASTEWATER GENERATION
The initial submission estimated a wastewater generation rate of 12,800 l/yr from the washing of barrels at the site. Since commencement, the site has changed to a steam process of sanitising barrels dramatically reducing actual wastewater flowrates by half that expected.

2.1 Finished Goods
Finished goods are contained in boxes on pallets and do not generate wastewater. The only requirement is that the facility has a general environmental duty not to pollute and so these finished goods need to be stored safely and securely. In the unlikely event that a pallet is dropped during unloading or loading the operations must occur in an area where an spillage can be cleaned up or controlled. The canopy area being the more appropriate as it is also under cover.

Whilst in storage, any leakage or spill is easily controlled with the use of a concrete floor to prevent interaction with the ground, as well as the facility being able to contain and clean up any spillage on the concrete slab.

2.2 Barrel Storage and washing
Wastewater is generated from the facility when the barrels storing the wine are filled or unfilled. In compliance with EPA requirements, these activities occur on concrete pads and these are serviced by a drainage network to collect any spillages and direct them to the sump.

Each new vintage “creates” 125 barrels of wine to replace the wine that has been bottled throughout the years, however, due to the premium nature of the product, the facility holds more than one vintage and so the number of barrels at the site will also be more than one year’s worth. The estimated volume of wastewater in the original DA was based off of 2 washes per year and 20 l per barrel per wash. This was based on the use of old technology. The operator now uses a steam cleaning technology to rinse barrels and so the wastewater generation from the facility will be much less.

Est. Volume = 656 barrels x 8 l/wash x 2 washes/yr = 10,496 l/yr. This is less than the estimated 12,800 l/yr in the original DA.

It may be concluded that this DA will not increase the wastewater generation at the site.

3.0 BUNDING
The facility currently complies with EPA bunding requirements and this is to continue into the future.

4.0 NOISE MANAGEMENT
The facility layout has been cleverly designed with the design being that the non-PA doors of the facility face each other in the canopy. That means that any noise as a result of forklift movements, traffic movements or general operations is directed in on itself and not towards neighbours. In addition, there is an earth wall at the western end of the facility to prevent transference of noise off site.

5.0 HOURS OF OPERATION
The hours of operation of the facility are not planned to be varied as a result of this DA.
6.0 TRAFFIC MANAGEMENT
The facility has not indicated an increase in processing volumes, nor any additional activities at the site that may increase truck, ute, or car movements from the current levels of traffic.

6.1 CAR PARKING
The number of car parks at a facility is not determined by the facility itself, instead it is determined by Council planning by laws and the facility will need to comply with such requirements. As far as staff numbers at the site, the staff numbers are limited and visitor numbers low. The facility will require a disabled car parking place to comply with the BCA, but the total number of carparks on the plan seen by the engineer has a high over-reach in so much as those necessary for any staff or visitors.

6.2 TRAFFIC MOVEMENTS
The activity at the site is driven by the throughput of wine matured at the site and the volume of new wine in and out is not planned to increase.

7.0 STORMWATER MANAGEMENT
Any development is required to have a stormwater management plan and the increase in roof area at the site will increase the amount of stormwater generated and collected. The 385 kl tank seems larger than required, but a certain amount will be reserved for firefighting management, an amount of the excess collected rainwater will be used for influent water within the facility, some will be used on the vines proposed to be installed at the site, and then the site has water available for the dwelling at the site as well.

In addition, the site is to be landscaped and the landscaping plan is extensive. With the nett irrigation demand in the Barossa Valley at around 1,200 mm/yr of water, the collection of water from the roof areas will reduce the site’s demand on the SA Water reticulation network, which is better for the River Murray.

8.0 CONCLUSION
The proposed development at the site does not change the function of the site from that of the original DA. It offers the site an ability to work more safely and the traffic movements and any associated noise associated with the facility will not increase with this DA as there is no increase in the volume of wine per year to be matured at the site. The layout of the site is such that any activities creating noise, odour or waste are contained and controlled. The operator of the facility does not have plans to alter the hours of operation of the facility, not the activities at the facility.

The EPA requirements of bunding and effective wastewater management are in place and the site has adhered to the current DA rules, so there is no history of non-conformance that would suggest the operator of the facility would do otherwise into the future.

The rainwater tank proposed is larger than required, but if the operator uses the water wisely for other functions around the site, then the reliance of mains water is reduced substantially.

Signature:                      Date: 15-May-20

Peter Goss
BE (Hons) Dip Bus (Man) Dip OHS MIE Aust CP Eng NER
Mr Jake Boswell,
Barossa Council,
PO Box 867,
NURIOOTPA, SA. 5355.


Dear Jake,

I refer to your letter dated 7 May 2020, in which you invite a response to the representations received in respect of the above application.

We wish to make the following points in reply to the concerns expressed by the representors.

1. **Land Use.** The current land use and development of a winery was approved by both the Barossa Council and SCAP in September last year, with both authorities being fully cognisant of the Objectives and Principle of the Primary Production (Barossa Valley) Zone. The development was given public notification and no representations were received to the intended use of the land for storage and maturation of wine. The current development application continues to rest on this approval with no increased storage capacity and no increase of activity including traffic ingress to and egress from the site intended or proposed.

Provision of 17 car spaces is based upon the ratio of cars to floor area, but this is considered an unrealistic number to provide for the persons to be employed on the site – 2 employees, plus one more in periods of absolute necessity.

The large water tank is needed for fire fighting and for irrigation of the vines to be planted and for the extensive landscaping to be provided primarily for the visual benefit of the neighbouring property owners. Council did not require the applicant to submit a planning report to accompany this current application.

The purpose of the proposed extension of the second storage facility is for the necessary safe operation of the wine storage and maturation operations, and only and entirely for that purpose. There will be no bulk deliveries of grapes, no crushing or production of wine and no fermenting of wine or bottling processes on the subject land. It is to be made quite clear that none of these processes were ever contemplated or considered for any future operation. The
existing building does not provide a sufficient floor area for safe operational and workable space. All storage spaces between barrels and packaged wine racks must be of sufficient dimensions for movement of scissor lifts and forklifts. These spaces must be adequate in dimension for the safe operation of all machinery. These dimensions are set and governed by the requirements of WORKSAFE SA. It is also within the interests of the planning authority to be confident in the knowledge that the operations comply with all other prevailing legal requirements and practices for storage areas.

The “desired character” of the zone allows for “non-agricultural” development and this has led to the neighbouring land uses such as storage of unused road vehicles and the placement of fairly high profile earth-mounds for pursuit of private motor sport activities.

2. **Noise and Amenity.** The proposed canopy between the two buildings is to provide an all-weather loading and unloading area which is also designed to provide amelioration of any noise that may be generated by movements of goods from vehicles to storage areas. Movement of vehicles to and from the site in terms of vehicle capacity and days of delivery will not be changed from those stated in the original development application. The construction of the storage buildings are “triple walled”, to ensure the wine is kept to a suitable temperature; this type of construction will act to confine noise from forklift movement within the buildings. These buildings are more often completely closed up to maintain temperature control. The intention of the applicant has been to respect the existing amenity of the neighbouring landholders by placing the storage/maturation buildings in the best location; using the colours of cladding to provide the least visual intrusion and providing extensive tree planting to provide an improved landscape.

3. **Stormwater and Waste Water Design.** Any spillage of decanted wine from tank to barrel is minimal and this aspect of the development has been addressed by Archer Environmental Services, a company well respected in the field of waste water and stormwater management. Since there will be no increase in the capacity of wine storage, there is no increase in production of waste water. In addition, the production of waste water will now be far less than originally envisaged with the introduction of a steam-cleaning process which reduces the use of water to about 20% of the volume originally proposed. An amended waste engineers report has now been submitted to the Council.

4. **Car Parking and Traffic.** The concerns of car parking have been discussed above, and it is submitted that the over-provision of car spaces would appear to indicate that a higher number of employees are involved in the enterprise than is the case. Provision of 3 car spaces is an adequate number and perhaps one other for inspection purposes for Council inspections or OH and S purposes. Tanker traffic and small commercial vehicles collecting cartons of wine will remain as proposed under the original development application as approved by Council. The northern driveway will be screened from the neighbours to the north and east by the landscaped buffer of trees.

5. **Visual Impacts and Landscaping.** The visual impact of the existing storage/maturation building has been carefully considered as regards the colour of cladding. The colour chosen will also be used in the proposed new storage building thus producing a unifying visual effect. This particular colour is closely related to the traditional farm shed colour which blends with the elements of land and sky far more effectively than the creams, greens and charcoal greys often found in shed construction in recent years. These colours produce a jarring visual intrusion foreign to the prevailing rural amenity of this zone. As stated above, it was the intention of the applicant to provide extensive landscaping to soften the neighbours views of the storage buildings. The comprehensive landscape plan submitted has been prepared by a landscape specialist with detailed consideration of soil type, climate tolerance and
details of height, foliage and growth pattern. Attention to detail, visual amenity and screening are the central purpose to this landscape plan.

6. **Enforcement.** The approval sought is NOT for a full scale winery operation – it does not involve bulk grape receival, it does not involve grape crushing, it does not involve fermentation and the odours involved in that process. It DOES involve storage of finished wine and the maturation thereof and it does NOT involve any bottling. The wording on the development application is very clear. A planning authority can only consider and can only be limited in its consideration to the wording of the proposed development as submitted by the applicant. The planning authority has the task of imposing conditions of the operation of this development to ensure that it is used only for the storage and maturation of wine. All conditions in planning consents require monitoring from time to time, but if there is any concern regarding compliance under provisions of the Development Act as regards land use /conditions of consent, then there are other means by which these can be controlled to ensure these impositions are met.

I hope the contents of this response to the representations will be sufficient to allay their fears of a full-scale winery being approved and that the landscaping proposed will be accepted as an improvement to their visual amenity and the appearance and general outlook of the area. Please advise me if there are any other concerns we have not covered in this response.

Kind regards,

Annie Atkinson
Consulting Planner for Sorby Adams Wines

E A Atkinson, BTRP (Melb), Cert. Vitic. (MIT)
HOT375 - PLAN VIEW
4111m³ TANK x 3.4m HIGH
SCALE 1:50

HOT375 - ELEVATION
SCALE 1:50

TRUSS SCHEDULE

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<th>DESCRIPTION</th>
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<tr>
<td>A</td>
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<tr>
<td>B</td>
<td>Design 2</td>
</tr>
<tr>
<td>C</td>
<td>Design 3</td>
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TYPICAL TRUSS 1 ELEVATION

Typical Bolting Arrangement

NOTES:
1. WALL SHEET STEEL-GAUGE 2300
2. ROOF SHEETING-12MM TONGUE GROOVE WITH 6 MM PER 2400MM SPACING
3. COMPRESSIVE BOLT PROTECTION
4. ALL BOLTS W8 4.6 (8.8) HIGH
5. WALL SHEETING TO BE SCEWED AT 45° AT TOP OF RING
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

The Barossa Council

DEVELOPMENT No. 960/87/2020

Sorby Adams Wines

Name of Person(s) making Representation
Roger & Michelle Kruger

Address
POSTAL: 32 Bethany Road Tanunda
RESIDENTIAL: as above

Email Address
mkruger@gmail.com

Phone Number
0412 589 806 (Roger)

Nature of Interest Affected by Development
As landowner of a property nearby to this Category 3 Application, we are not in favour of this going ahead as our property will be greatly devalued.

Reasons for Representation
We also have concerns in regards to Council allowing such a construction of this size to be considered and also the EPA Noise regulations if these winery buildings being built.

The increased traffic along this road and area is also of great concern.

My Representation would be Overcome by (state action sought)

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

DATED 2/5/2020

Agenda - Barossa Assessment Panel - 7 July 2020
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

The Barossa Council

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<td>Sorby Adams Wines</td>
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<tr>
<td>Name of Person(s) making Representation</td>
<td>Kerry Welton-Pizzey</td>
</tr>
<tr>
<td>Address</td>
<td>POSTAL: Po Box 167, Nuriootpa</td>
</tr>
<tr>
<td></td>
<td>RESIDENTIAL: 733a Light Pass Rd, Angaston</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:mail@esdplanning.com">mail@esdplanning.com</a></td>
</tr>
<tr>
<td>Phone Number</td>
<td>0433772735</td>
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<td>(eg adjoining resident, landowner nearby, on behalf of organization or company)</td>
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<tr>
<td>Reasons for Representation</td>
<td>Concerns regarding:</td>
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<td>- Intensity of land use</td>
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<td>- Adverse noise impacts</td>
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<td>- Lack of detailed landscape plan and screening options inadequate</td>
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<td>- No direct relationship with primary production on the subject land due to the absence of any vineyard</td>
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<td>- Proposal does not achieve relevant objectives or PDC's contained within the zone.</td>
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<td>See attached letter for more detail.</td>
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<tr>
<td>My Representation would be Overcome by (state action sought)</td>
<td>Refusal of application</td>
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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): Elinor Walker (ESD Planning & Design)

SIGNED [Signature] DATED 6/5/20
Dear Jake,

ESD Planning and Design has been engaged by Kerry Welton-Pizzey, the landowner of 733A Light Pass Road, Angaston in order to lodge a representation on her behalf with respect to DA 960/87/2020 which is currently on public notice.

I have reviewed the following as part of this submission:

• The application documents that were publicly notified as part of the Category 3 Development Application,
• The Barossa Assessment Panel agenda for DA 960/303/2019 including the Attachments and Minutes, and
• The subject site from my client’s land.

We have significant concerns about the further intensification of the originally non-complying land use and have detailed the key concerns below:

LAND USE

There is no objection to the use of a winery on the valley floor, however this site is not considered suitable for the scale of winery proposed given the proximity of adjacent dwellings and the lack of any connection to the land being used for primary production.

Having viewed the site I can confirm that there is no vineyard on the subject site which is an essential part of demonstrating the suitability of the land use within the Primary Production (Barossa Valley) Zone. The applicant has not demonstrated that winery is in association with the primary production use of the land itself and as such it is clear that the proposed development is of an industrial nature. The scale of proposed ‘dry goods store ‘looks and smells’ like a fully functioning winery.

This is emphasised by the inclusion of a large loop accessway which essentially abuts the northern and eastern boundaries, the internal layout of the buildings, the provision of 17 car parks and a 385,000 litre water tank which is also to be used for the winery as detailed on the site plan.
As no planning report is submitted with the application it is unclear why the substantial canopy and additional winery building is needed. The existing ‘storage facility’ is a significant scale in its own right being; 6.1 metres in overall height with a floor area of 495m².

The proposed winery is significantly expands the nature and function of the original proposal in a manner which is not consistent with the intent of the BVR Zone. The use is more suited to an industrial or light industrial zone or a site that contains at least 4 hectares of vines. This allotment is essentially a hobby farm scale and the inclusion of ‘bush vines’ which have not yet been planted is a token gesture.

Whilst we acknowledge that planning cannot pre-empt unlawful activity/land use, there are many decisions of the Environment Resources and Development Court which do take into consideration how a proposal presents.

**NOISE AND AMENITY**

As the proposed winery and commercial scale access is in close proximity to neighbouring dwellings further detail should be submitted that demonstrates compliance with the Environment Protection (Noise) Policy 2007. No acoustic data of the existing environmental noise levels in the locality have been provided as a starting point for assessment. For a thorough interrogation of likely impacts it is recommended that an acoustic report prepared by a suitably qualified sound engineer is submitted with the application for further assessment.

**STORMWATER AND WASTE WATER DESIGN**

The proposed surface area for the winery is substantial for the size and topography of the site and as such it is difficult to ascertain any likely off-site impacts in the absence of a Stormwater Management Plan. Additionally, there are minimal details submitted with this application regarding waste disposal in the event of any spillage as result of winery operations on site. Whilst this is not a high risk, it should form part of the design of the drainage system. It is also not clear whether a 5000 litre winery waste water tank is sufficient or whether the engineering design is satisfactory from the application documents on public notice. It would be appropriate to for the original waste water engineer’s report to be updated to reflect the increase in surface area and distributed to any representors to the application.

**CARPARKING AND TRAFFIC**

The provision of 17 car parks for a wine and barrel store facility seems like overkill given that only 2 staff are proposed to be on site at any one time? This is of concern as it illustrates that potential scale of the winery being more than barrel and dry good store.
Further, there is insufficient details provided as to whether delivery times for the winery will be more frequent as a result of the increased storage capacity. The detail in the email provided with the public notice documents is very minimal and does not sufficient detail traffic movements or site management arrangements.

**VISUAL IMPACTS AND LANDSCAPING**

Inadequate details have been provided regarding screen planting adjacent to the eastern and northern boundaries. A detailed landscape plan as required by Condition 2 of DA 960/303/2019 should be provided in order to ascertain the effectiveness of the proposed landscape screen.

This is of particular concern given the height and bulk of the building that is proposed to be setback only 6 metres from the northern boundary. This setback is not considered appropriate for a building of this scale on primary production land.

**ENFORCEMENT**

If this development is approved it will be very hard to monitor internal activity as the building are enclosed. The extent of water supply, vehicle access and canopy area allows for the site to function for processing. As we are all aware it is problematic placing a condition on the consent that requires ongoing and extensive monitoring. The core land use test should be applied to the assessment of this application and further consideration needed as to whether this site is suitable for the scale of buildings proposed.

**CONCLUSION**

The proximity of other wineries in the locality is not the most effective litmus test given that the wineries in the locality are on larger sites and operate in conjunction with established vineyards either on the site or on abutting sites in the same ownership. Further consideration against the Barossa Development Plan is needed regarding the likely off-site and land use impacts of 1360m2 of undercover winery space on a 1.42 hectare site.

Please feel free to contact myself directly if you have any further questions or would like to discuss the issues raised in more detail. We look forward to receiving additional information as part of the full and proper assessment of any likely impacts of the proposed winery expansion.

Yours sincerely,

Elinor Walker
DIRECTOR
BA (urb.reg.planning) MPIA
**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. | «Application_Number» 960/87/2020  
| **Name of Person(s) making Representation** | «Applicant_Name»  
| Mick Roehr c/o - ESD Planning  
| **Address** | POSTAL: Po Box 843, TANUNDA 5352  
| RESIDENTIAL: 747 Light Pass Rd, Angaston  
| **Email Address** | mickroehrbuilders.com.au  
| **Phone Number** | 0407 976 559  
| **Nature of Interest Affected by Development**  
(eg adjoining resident, landowner nearby, on behalf of organization or company) | Adjacent landowner  
| **Reasons for Representation** | See attached letter.  
| **My Representation would be Overcome by** (state action sought) | Refusal of application.  

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): ELINOR WALKER/ESD PLANNING.

**SIGNED**  
[Signature]  
**DATED** 6/5/20
Dear Jake,

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This is of particular concern given the height and bulk of the building that is proposed to be setback only 6 metres from the northern boundary. This setback is not considered appropriate for a building of this scale on primary production land. Landscaping treatment should not mask an inappropriate development.

No details of any external lighting have been provided with the application and there are concerns that any external lighting could spill onto adjacent land to the north.

ENFORCEMENT

If this development is approved it will be very hard to monitor internal activity as the building are enclosed. The extent of water supply, vehicle access and canopy area allows for the site to function for processing. As we are all aware it is problematic placing a condition on the consent that requires ongoing and extensive monitoring. The core land use test should be applied to the assessment of this application and further consideration needed as to whether this site is suitable for the scale of buildings proposed.

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Yours sincerely,

Elinor Walker

DIRECTOR
BA (urb.reg.planning) MPIA

P: 0421 556 670
ABN: 14 733 135 840
117a Murray St, Tanunda
PO Box 493, Lyndoch SA 5351
mail@esdplanning.com
www.esdplanning.com
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

RECEIVED
- 6 MAY 2020

THE BAROSSA COUNCIL

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<td>- I BELIEVE THE FIRST APPLICATION WAS FOR A WINE STORAGE SHED BUT IT SEEMS APPARENT IT WILL BE A WINERY.</td>
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<td>- TRAFFIC INCREASE.</td>
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<td>- NOISE INCREASE.</td>
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<td>- POSSIBLE REDUCTION OF SURROUNDING PROPERTY VALUES.</td>
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My Representation would be Overcome by (state action sought)

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

DATED 05/05/2020
Mr Jake Boswell,
Barossa Council,
PO Box 867,
NURIOOTPA, SA. 5355.


Dear Jake,

I refer to your letter dated 7 May 2020, in which you invite a response to the representations received in respect of the above application.

We wish to make the following points in reply to the concerns expressed by the representors.

1. **Land Use.** The current land use and development of a winery was approved by both the Barossa Council and SCAP in September last year, with both authorities being fully cognisant of the Objectives and Principle of the Primary Production (Barossa Valley) Zone. The development was given public notification and no representations were received to the intended use of the land for storage and maturation of wine. The current development application continues to rest on this approval with no increased storage capacity and no increase of activity including traffic ingress to and egress from the site intended or proposed.

Provision of 17 car spaces is based upon the ratio of cars to floor area, but this is considered an unrealistic number to provide for the persons to be employed on the site – 2 employees, plus one more in periods of absolute necessity.

The large water tank is needed for fire fighting and for irrigation of the vines to be planted and for the extensive landscaping to be provided primarily for the visual benefit of the neighbouring property owners. Council did not require the applicant to submit a planning report to accompany this current application.

The purpose of the proposed extension of the second storage facility is for the necessary safe operation of the wine storage and maturation operations, and only and entirely for that purpose. There will be no bulk deliveries of grapes, no crushing or production of wine and no fermenting of wine or bottling processes on the subject land. It is to be made quite clear that none of these processes were ever contemplated or considered for any future operation. The
existing building does not provide a sufficient floor area for safe operational and workable space. All storage spaces between barrels and packaged wine racks must be of sufficient dimensions for movement of scissor lifts and forklifts. These spaces must be adequate in dimension for the safe operation of all machinery. These dimensions are set and governed by the requirements of WORKSAFE SA. It is also within the interests of the planning authority to be confident in the knowledge that the operations comply with all other prevailing legal requirements and practices for storage areas.

The “desired character” of the zone allows for “non-agricultural” development and this has led to the neighbouring land uses such as storage of unused road vehicles and the placement of fairly high profile earth-mounds for pursuit of private motor sport activities.

2. **Noise and Amenity.** The proposed canopy between the two buildings is to provide an all-weather loading and unloading area which is also designed to provide amelioration of any noise that may be generated by movements of goods from vehicles to storage areas. Movement of vehicles to and from the site in terms of vehicle capacity and days of delivery will not be changed from those stated in the original development application. The construction of the storage buildings are “triple walled”, to ensure the wine is kept to a suitable temperature; this type of construction will act to confine noise from forklift movement within the buildings. These buildings are more often completely closed up to maintain temperature control. The intention of the applicant has been to respect the existing amenity of the neighbouring landholders by placing the storage/maturation buildings in the best location; using the colours of cladding to provide the least visual intrusion and providing extensive tree planting to provide an improved landscape.

3. **Stormwater and Waste Water Design.** Any spillage of decanted wine from tank to barrel is minimal and this aspect of the development has been addressed by Archer Environmental Services, a company well respected in the field of waste water and stormwater management. Since there will be no increase in the capacity of wine storage, there is no increase in production of waste water. In addition, the production of waste water will now be far less than originally envisaged with the introduction of a steam-cleaning process which reduces the use of water to about 20% of the volume originally proposed. An amended waste engineers report has now been submitted to the Council.

4. **Car Parking and Traffic.** The concerns of car parking have been discussed above, and it is submitted that the over-provision of car spaces would appear to indicate that a higher number of employees are involved in the enterprise than is the case. Provision of 3 car spaces is an adequate number and perhaps one other for inspection purposes for Council inspections or OH and S purposes. Tanker traffic and small commercial vehicles collecting cartons of wine will remain as proposed under the original development application as approved by Council. The northern driveway will be screened from the neighbours to the north and east by the landscaped buffer of trees.

5. **Visual Impacts and Landscaping.** The visual impact of the existing storage/maturation building has been carefully considered as regards the colour of cladding. The colour chosen will also be used in the proposed new storage building thus producing a unifying visual effect. This particular colour is closely related to the traditional farm shed colour which blends with the elements of land and sky far more effectively than the creams, greens and charcoal greys often found in shed construction in recent years. These colours produce a jarring visual intrusion foreign to the prevailing rural amenity of this zone. As stated above, it was the intention of the applicant to provide extensive landscaping to soften the neighbours views of the storage buildings. The comprehensive landscape plan submitted has been prepared by a landscape specialist with detailed consideration of soil type, climate tolerance and
details of height, foliage and growth pattern. Attention to detail, visual amenity and screening are the central purpose to this landscape plan.

6. **Enforcement.** The approval sought is NOT for a full scale winery operation – it does not involve bulk grape receival, it does not involve grape crushing, it does not involve fermentation and the odours involved in that process. It DOES involve storage of finished wine and the maturation thereof and it does NOT involve any bottling. The wording on the development application is very clear. A planning authority can only consider and can only be limited in its consideration to the wording of the proposed development as submitted by the applicant. The planning authority has the task of imposing conditions of the operation of this development to ensure that it is used only for the storage and maturation of wine. All conditions in planning consents require monitoring from time to time, but if there is any concern regarding compliance under provisions of the Development Act as regards land use /conditions of consent, then there are other means by which these can be controlled to ensure these impositions are met.

I hope the contents of this response to the representations will be sufficient to allay their fears of a full-scale winery being approved and that the landscaping proposed will be accepted as an improvement to their visual amenity and the appearance and general outlook of the area. Please advise me if there are any other concerns we have not covered in this response.

Kind regards,

Annie Atkinson

Consulting Planner for Sorby Adams Wines

E A Atkinson, BTRP (Melb), Cert. Vitic. (MIT)
### APPLICATION DETAILS

<table>
<thead>
<tr>
<th>PROPOSAL</th>
<th>Change of Use - to include the parking of three trucks to a maximum MRV size (liquid waste removal trucks) (Non-Complying)</th>
</tr>
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<tbody>
<tr>
<td>APPLICANT</td>
<td>RD Falkenberg</td>
</tr>
<tr>
<td>OWNER</td>
<td>CR Falkenberg and RD Falkenberg</td>
</tr>
<tr>
<td>APPLICATION NO</td>
<td>960/696/2019</td>
</tr>
<tr>
<td>CERTIFICATE(S) OF TITLE</td>
<td>CT5339/954</td>
</tr>
<tr>
<td>AREA</td>
<td>6365 sqm</td>
</tr>
<tr>
<td>CURRENT USE</td>
<td>Dwelling – authorised Truck parking and waste transport depot - unauthorised</td>
</tr>
<tr>
<td>DEVELOPMENT PLAN VERSION</td>
<td>Consolidated 5 September 2019</td>
</tr>
<tr>
<td>ZONE</td>
<td>Primary Production (Barossa Valley Region) Zone</td>
</tr>
<tr>
<td>POLICY/PRECINCT AREA</td>
<td>Nil</td>
</tr>
<tr>
<td>OVERLAYS</td>
<td>Character Preservation District</td>
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<tr>
<td>CATEGORY OF DEVELOPMENT</td>
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<td>REFERRALS</td>
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<td>PREVIOUS APPLICATIONS</td>
<td>Refer report</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 REFUSED</td>
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### BACKGROUND

On 9 September 2019 a development application (960/559/2019) was received to construct a canopy measuring 26m x 19m x 5.0m gutter height) in association with residential and primary production use of the property. A site visit and review of the property history revealed the following:

- The current owners purchased the site circa 1996.
- Primary production use (approximately 2,700 sqm of vines) of the property appears to have been abandoned, with the vineyard removed between 2008 and 2011.
- Numerous trucks bearing the logo of Barossa Liquid Waste were observed on the site.
- Numerous trailers carrying portable toilets were observed on the site.
- Numerous cars on the site, whilst a few appeared to be currently unused there were about six cars that looked like they may be employee vehicles or linked to the business.
- A quite large pile (approximately 7m x 3m x 2.5m high) of used tyres were leaning against one of the sheds.
- The dwelling appears to have been fenced off from the rest of the site and being used in isolation to the remainder of the site.
- In addition to the dwelling, there are three large sheds on the site.
- The unauthorised installation of a large water tank appears to have been undertaken between 2008 and 2011.
- Unauthorised additions to the dwelling and the unauthorised addition of a lean-to to the rear shed appear to have been undertaken between 2011 and 2014.
In the absence of any immediately apparent need for a farm building, the applicant was asked what the structure was proposed to be used for. The response being “for parking of vehicles and trucks to keep them out of the weather”.

On 20 September 2019 a letter was sent to the applicant, advising that it had been detected that an unauthorised change of use had occurred on the site from ‘residential and primary production’ to ‘residential and transport depot’ and such a use would need to be approved prior to the assessment of a structure in association with that use occurring.

The application currently before the Panel was lodged on 12 November 2019. The application for the canopy has been placed on hold pending the outcome of this proposal.

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 refuse consent.

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

Representations: No representations were received.

DA HISTORY
961/03/1996 - Construction of an outbuilding - garage (measuring 18.0m x 9.1m x 3.6m wall height) – Approved and Constructed.
961/95/1997 - Construction of an outbuilding - extension to existing garage/shed (extension measures 9.1m x 10.8m x 3.6m wall height) – Approved and Constructed.
960/273/2010 - Construction of a domestic outbuilding - shed (measuring 18.3m x 7.8m x 3.0m wall height) – Approved and Constructed.
960/559/2019 - Construction of a canopy (measuring 26.0m x 19.0m x 5.0m gutter height) – On Hold.

SITE AND LOCALITY
The subject land is approximately 6365 sqm in overall area and contains a single storey dwelling, four sheds and some water tanks.

The site is relatively level and substantially devoid of vegetation.

Most properties in the locality feature a primary production use as vineyard, either as a stand alone use or in conjunction with rural living.

The site is located within the Primary Production (BVR) 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.
Figure 1: Zone Map
Figure 2: Policy Area Map
REFERRALS
No referrals were required under Schedule 8 of the Development Regulations 2008.

NON-COMPLYING
The application is a non-complying form of development, due to not being a listed exemption in the Procedural Matters non-complying exemption list for the Primary Production (BVR) Zone.

The Panel resolved, at its February 2020 meeting to proceed with an assessment of the proposal. The application is now represented to the Panel for a decision.

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

Objectives 1(c)

PDCs 1

The Objectives and Principle seek a district where the long term use of land for primary production and associated value adding enterprises is assured and promoted. The proposed use is not one that is envisaged for the district, further to this it appears that as a result of the unauthorised change of use, the envisaged and supported use of the land for viticulture has ceased.

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

See discussion under Hazards.

General Section

Hazards

Objectives 1, 2, 5 and 6

PDCs 1, 7, 8 and 15

All relevant Objectives and PDCs are deemed to comply.
Interface between Land Uses

Objectives 1 and 2
PDCs 1, 2, 6 and 7

Truck motor noise is the most common interface concern arising from this type of development. Using an internet calculator to estimate noise impacts at the nearest sensitive source (dwelling at 497 Stockwell Road), and assuming a standard truck motor noise of 100dB, the estimated noise at the dwelling will be around 40dB, which easily achieves the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.

All other Objectives and PDCs are deemed to comply.

Landscaping, Fences and Walls

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

Colorbond boundary fencing has been installed within 50m of the Stockwell Road frontage. No soft landscaping has been proposed and the removal of vines has resulted in the substantial reduction of soft landscaping from the site and its replacement with compacted hardstand areas.

All other Objectives and PDCs are deemed to comply.

Orderly and Sustainable Development

Objectives 7
PDCs 10

Development which would remove productive land from agriculture or diminish its overall productivity for primary production should not be undertaken unless the land is required for essential public purposes.

All other Objectives and PDCs are deemed to comply.

Transportation and Access

Objectives 2
PDCs 1, 8, 13, 22, 23, 27, 29, 30, 31, 32, 33, 37, 38 and 39

There is no existing formalised car parking associated with this development proposal nor is there any proposed but it is apparent from Council staff observations and the applicant’s consultant report that employees do park their personal vehicles on the site.

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

Primary Production (Barossa Valley Region) Zone

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

The Zone relevant Objectives seek:

- Economically productive, efficient and environmentally sustainable primary production.
- Preservation of rural land and landscape character by limiting additional dwellings and non-agricultural development.
- The long term continuation of farming, horticulture, viticulture and associated winery activities.
- 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 located within the landscape and be inconspicuous in appearance from key tourist and scenic routes throughout the Barossa Valley Region.

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

Land Use

PDCs 1, 2 and 3

1. The following forms of development are envisaged in the zone:

- diversification of existing farming activities through small scale tourist accommodation
- farming
- farm building
- horticulture
- viticulture
- winery
Development listed as non-complying is generally inappropriate.

Industry and warehousing should only be developed if it supports primary production, processing, storage and distribution of local primary produce or products produced on the same site, and should be developed where:

(a) it has a direct relationship with primary production.
(b) it is unlikely to limit or inhibit the use of adjoining land for primary production.
(c) the particular use requires a site in proximity to a particular natural resource or other product or materials sourced from the locality.
(d) it will not result in the alienation of land or water resources identified as significant for primary production or ecological reasons.
(e) the use would be inappropriate within a township.
(f) the capacity of the infrastructure, including roads, is capable of supporting the use without detriment to existing users.

All other Objectives and PDCs are deemed to comply.

Form & Character

PDCs 8 and 15

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.

All other PDCs are deemed to comply.

Zone Provisions Discussion

The Development Plan states that development within the Primary Production (Barossa Valley Region) Zone will have limited opportunities for non-agricultural development to preserve the natural appearance and scenic qualities of rural areas, as well as retain land for maximum horticultural and viticultural productivity. As detailed in the report background, all horticultural and viticultural productivity appear to have been abandoned on the site. Further the Development Plan states that 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, it is clear from the history of this site that in the time since the current owners purchased the
property, the productive land and land use character have been eroded. The Development Plan provides conditional support to non-primary production use as long as it meets the following:

(a) it has a direct relationship with primary production.
(b) it is unlikely to limit or inhibit the use of adjoining land for primary production.
(c) the particular use requires a site in proximity to a particular natural resource or other product or materials sourced from the locality.
(d) it will not result in the alienation of land or water resources identified as significant for primary production or ecological reasons.
(e) the use would be inappropriate within a township.
(f) the capacity of the infrastructure, including roads, is capable of supporting the use without detriment to existing users.

Points a, c and e listed above have not been met.

The proposed use is not one that is envisaged for the Zone. Further to this it appears that as a result of the unauthorised change of use, envisaged and supported use of the land for viticulture has ceased. The use is considered to be a critical issue which precludes this proposal from being worthy of consent.

CONCLUSION

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

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

RECOMMENDATION
The Barossa Assessment Panel, having considered the application 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. 960/696/2019 by RD Falkenberg to undertake a Change of Use - to include the parking of three trucks to a maximum MRV size (liquid waste removal trucks) (Non-Complying) at 491 Stockwell Road, LIGHTPASS (CT 5339/954) for the following reasons:
The proposed development is contrary to:

General Section Character Preservation District Objective 1(c)

General Section Character Preservation District Principles of Development Control 1

General Section Orderly and Sustainable Development Objective 7

General Section Orderly and Sustainable Development Principles of Development Control 10

Primary Production (Barossa Valley Region) Zone Objectives 1, 3, 4 and 6

Primary Production (Barossa Valley Region) Zone Principles of Development Control 1, 2, 3 and 8

Reason: In that the development is not in accordance with the envisaged use and Desired Character for the District and Zone, further that it has resulted in the loss of a desired use from the District and Zone.
6.2 Attachment 1
DEVELOPMENT APPLICATION FORM

COUNCIL: BAROSSA

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

OWNER: C R & R D FALKENBERG
Postal Address: PO BOX 497
ANGASTON SA 5353

BUILDER: TBA
Postal Address: 
Licence No: 

CONTACT PERSON FOR FURTHER INFORMATION:
Name: MICHAEL RICHARDSON - MASTERPLAN SA PTY LTD
Telephone: 8193 5600
Email: MICHAEL.R@MASTERPLAN.COM.AU
Mobile: 0417 828 979

EXISTING USE:
DETACHED DWELLING AND ANCILLARY STRUCTURES

DESCRIPTION OF PROPOSED DEVELOPMENT:
ADDITIONAL USE OF TRUCK PARKING FOR A MAXIMUM OF THREE HRV SIZE TRUCKS

LOCATION OF PROPOSED DEVELOPMENT:

House No: 491 Lot No: 
Section No (full/part): 
Section No (full/part): 
Street: STOCKWELL ROAD 
Town/Suburb: LIGHT PASS 
Volume: 5339 Folio: 954 
Hundred: 
Volume: 

LAND DIVISION:
Site Area (m²): 
Reserve Area (m²): 
Number of Additional Allotments (Excluding Road and Reserve): 
No of Existing Allotments: 
Lease: YES:  NO: 

BUILDING RULES CLASSIFICATION SOUGHT:
If Class 5, 6, 7, 8 or 9 classification is sought, state the proposed number of employees:
Female: Male:
If Class 9a classification is sought, state the number of persons for whom accommodation is required:
If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises:

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

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

DEVELOPMENT COST (Do not include any fit-out costs): $NIL

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

SIGNATURE: 
FOR AND ON BEHALF OF THE APPLICANT 

FOR OFFICE USE
Development No: 
Previous Development No: 
Assessment No: 

☐ Complying
☐ Non-complying
☐ Notification Cat 2
☐ Notification Cat 3
☐ Referrals/Concurrence
☐ DA Commission

Decision: 
Type: 

Planning: 
Building: 
Land Division: 
Additional: 
Dev Approval: 

Dated: 25 OCTOBER 2019
Statement in Support
Truck Parking (Retrospective)

at 491 Stockwell Road, Light Pass

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

November 2019
1.0 INTRODUCTION

This Statement in Support has been prepared pursuant to Regulation 17 (1) of the Development Regulations 2008 (the Regulations) for a retrospective development application for a change in use to truck parking for up to three (3) trucks on land currently used for residential purposes.

In determining the nature of development, we gave due consideration to Schedule 1 of the Regulations as to whether the proposal is properly characterised as a Road Transport Terminal or as Truck Parking.

Schedule 1 of the Regulations defines a road transport terminal as:

“means land used primarily for the bulk handling of goods for transport by road, whether or not the land is also used for—
(a) the loading and unloading of vehicles used to transport such goods; or
(b) the parking, servicing or repairing of vehicles used to transport such goods;”

and Schedule 3 of the Regulations defines the following as not being development:

“the parking of any vehicle not exceeding 3000 kilograms in weight (including the weight of any attached trailer) on land used for residential purposes;”

For a facility to constitute a Road Transport Terminal, the primary use of the site has to involve the bulk handing of goods. Where the primary use of the site is purely the parking of vehicles with no handling of goods, then the use is more properly characterised as truck parking. Where such a use occurs on a site used for residential purposes, the use constitutes Truck Parking where the weight of the vehicle exceeds 3,000 kilograms.

The applicant has confirmed that the rear of the site is used for parking of three septic waste trucks that exceed 3,000 kilograms in weight and that no bulk handling of goods for transport is conducted onsite. The vehicles leave the site in the morning, proceed to pump out septic tanks, they then dispose of their load at a disposal facility, are cleaned and then return to the subject site in the afternoon. For this reason, we consider the nature of development to comprise a change in use to truck parking on land used for residential purposes.

The site of the development is within the Primary Production (Barossa Valley Region) Zone (the Zone), as illustrated in the Barossa Council Development Plan (consolidated 5 September 2019).

The proposal represents a retrospective development. We are instructed that the parking of trucks has occurred on the subject site for approximately 25 years. We understand that there is no complaint history associated with the parking of trucks on the subject site. The use of the site has come to the attention of Council when the applicant made separate application for a canopy structure over the portion of the site where the trucks are parked. Council has subsequently invited the applicant to make a retrospective application for the truck parking, with the application for the canopy being placed on hold until the land use application is determined.
“All forms of Development” is listed as non-complying in the Procedural Matters section of the Zone, unless certain exceptions can be satisfied. As the proposal does not satisfy the exceptions the application represents a non-complying development.

It is necessary to first submit a Statement in Support to accompany a non-complying development application which sets out the planning merits of the proposal to determine whether further detailed assessment is to be undertaken.

This Statement in Support contains a description of the subject site, locality, proposed development, and a brief list of planning merits outlining why we consider the proposal warrants further detailed assessment.

2.0 SITE AND LOCALITY

The subject site (the site) is located on the eastern side of Stockwell Road at Light pass and has a total site area of 6,189 square metres.

The site is formally known as Allotment 100 in Deposited Plan 15028, Hundred of Moorooroo and is the whole of the land described in Certificate of Title Volume 5339 and Folio 954. The relevant Certificate of Title Register Search is provided in Attachment A and indicates that no existing easements would negatively impact the proposal.

The site comprises an existing detached dwelling with associated structures, water tanks, outbuildings associated with the dwelling, space at the rear of the site being open and used for storage and manoeuvring. Some scattered vegetation is located on the site. The existing dwelling is located at the front portion of the site and fronts Stockwell Road. The existing outbuildings are located central to the site with open areas located at the rear of the site.

The site is largely flat and regularly shaped with vehicle access provided at the south west corner of the site comprising of a compacted gravel driveway.

On our inspect, the majority of adjacent properties are used for viticulture with associated dwellings. One allotment maintains a dwelling with associated structures south of the site and appears to be used solely for residential purposes. As a result of the configuration of the site and adjacent properties, views of the truck parking activities are largely screened when viewed from the street. The adjoining allotment to the south comprises a dwelling and associated structures.

A Locality Plan is provided in Attachment B.

A set of images depicting the existing disposition of the subject site and locality are provided in Attachment C.
3.0 DESCRIPTION OF PROPOSED DEVELOPMENT

The applicant seeks approval for truck parking (for up to three (3) trucks of maximum HRV in size) on land used for residential purposes (retrospective).

The applicant parks no more than three (3) trucks onsite that store septic waste, of which is loaded, transported and disposed at different sites. The trucks exceed 3,000 kilograms in weight and are parked at the rear of the site. One truck is parked in an existing outbuilding and two are parked at the rear of the site’s existing outbuildings. The applicant has confirmed there is no short or long-term intention to expand the three (3) trucks being parked on site for which approval is sought.

The applicant and his brother are the sole operators of the trucks. The trucks leave the site at 7.30am and generally return to the site for parking by 3pm. The trucks only operate between Monday and Friday with no weekend movements. The trucks are parked onsite at all other times.

On our instruction, the trucks have been parking at the rear of the site for approximately 25 years with no complaints made to the applicant or Council in this time. The rear of the site once grew a small portion of vines; however, we have been instructed these were removed approximately 20 years ago.

A Site Plan prepared by BGI Building Group is provided in Attachment D and displays the location of the truck parking and associated residential buildings. No building work is proposed associated with the application, which is purely for the change of use. As the proposed activities are existing, no landscaping is proposed to be removed and the site provides ample space for truck manoeuvrability.

4.0 PLANNING MERITS

The proposal’s planning merits can be summarised as:

• the existing allotment is not of a size or configuration capable of harvesting economic outputs of primary produce (Zone Objective 2 and 3);

• the existing primary production activities on adjoining properties will be preserved as the Zone envisages (Zone Objective 1, 3 and 4);

• the applicant, who operates the trucks also lives in the dwelling on the site with his family;

• one existing outbuilding is used for parking of one truck, whilst the balance of space in the existing outbuildings is used for personal storage in association with the residential dwelling;

• the location of the proposed activities at the rear of the site ensures that no primary production activities will be impacted, and all activities will be largely screened when viewed from the street or scenic viewpoints in the Zone, as envisaged in the Zone’s Desired Character Statement;
the existing driveway is of an appropriate width and grade, thereby facilitating safe and convenient access for trucks and emergency vehicles if necessary (Zone PDC 17);

no vegetation is proposed to be removed, therefore it is not expected that this will negatively impact linkages for wildlife corridors, watercourses or surrounding natural resources, as expressed in the General Section for Natural Resources;

no additional service infrastructure is required for the parking of the associated trucks (General Section for Infrastructure);

no impact on the sites existing firefighting measures are proposed, thereby preserving the residential dwellings infrastructure required for such an event;

to our knowledge, the parking of trucks historically has raised no complaints from the general public or surrounding properties;

the existing appearance, bulk, scale and materiality of all buildings will be retained, of which has integrated seamlessly with the site and locality to date, as required within the relevant provisions of the General Section for Design and Appearance;

all storage, processing, transport and loading of waste into the trucks occurs offsite;

no truck movement occurs on weekends;

minimal maintenance of trucks is required as the site only facilitates the parking of three moderately sized trucks;

no expansion in the number, size and capacity of trucks is proposed, nor do we consider the site to be suited for such a purpose;

the front and side of the site is fenced and well landscaped to appropriately screen the parked trucks from the street;

the proposal makes efficient and effective use of the land available to be developed that would otherwise go underutilised;

the scenic and environmental attributes of the Zone will be appropriately preserved; and

on balance, the proposal is considered orderly and economic form of development.
5.0 CONCLUSION

We are of the opinion that the proposal demonstrates substantial planning merit to justify further detailed assessment as a non-complying form of development in accordance with Regulation 17(5) of the Regulations.

Michael Richardson
Bachelor of Urban and Regional Planning (Hons)

11 November 2019
ATTACHMENT A
Certificate of Title
Certificate of Title - Volume 5339 Folio 954

Parent Title(s)  CT 4242/6
Creating Dealing(s)  CONVERTED TITLE

Title Issued  14/05/1996  Edition 4  Edition Issued 25/05/2011

Estate Type
FEE SIMPLE

Registered Proprietor
CHRISTOPHER ROBERT FALKENBERG
ROBERT DAMIEN FALKENBERG
OF PO BOX 497 ANGASTON SA 5353
AS JOINT TENANTS

Description of Land
ALLOTMENT 100 DEPOSITED PLAN 15028
IN THE AREA NAMED LIGHT PASS
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
ATTACHMENT B
Locality Plan
Locality Plan

Subject Site
Zone Boundary
MinEx Mineral Extraction
PrPro(BVR) Primary Production (Barossa Valley Region)

491 STOCKWELL ROAD
LIGHT PASS
FOR Robert Falicenberg

© NOV 2019 IC:51468-L1-3A
MASTERPLAN.COM.AU
ATTACHMENT C
Images
Photo 1: Looking north along Stockwell Road from subject site driveway

Photo 2: Looking south along Stockwell Road from subject site driveway.
Photo 3: Looking west across Stockwell Road from subject site driveway.

Photo 4: Looking south-west towards existing sheds from rear of site.
Photo 5: Looking west towards existing shed, showing example of truck, from rear of site.

Photo 6: Example of truck to be parked on site.
Photo 7: Looking east towards rear of site from immediately east of existing shed.
ATTACHMENT D
Site Plan
Site Plan
Scale 1:500

BOUNDARY 137.20M
BOUNDARY 137.20M
BOUNDARY 45.11M
BOUNDARY 45.11M
EXISTING SHED
EXISTING SHED
EXISTING SHED
EXISTING RWT
EXISTING RESIDENCE

BAROSSA LIQUID WASTE
NEW CANOPY STRUCTURE

DATE: 27.7.19

PROJECT No: 21013
REV.: A
DESCRIPTION: PRELIMINARY
DATE: 27.7.19

DRAWN: B
DESCRIPTION: DEVELOPMENT APPROVAL
DATE: 9.9.19

CHECKED: B

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

Agenda - Barossa Assessment Panel - 7 July 2020

SITE PLAN_EXISTING
STATEMENT OF EFFECT
Truck Parking
at 491 Stockwell Road, Light Pass

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

May 2020
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1.0 INTRODUCTION

This Statement of Effect has been prepared for a retrospective Development Application for a change of use to include the parking of three (3) trucks to a maximum MRV size (liquid waste removal trucks) (Non-Complying).

The site of the development is within the Primary Production (Barossa Valley Region) Zone (the Zone), as illustrated in the Barossa Council Development Plan (consolidated 5 September 2019).

“All forms of Development” is listed as non-complying in the Procedural Matters section of the Zone unless certain exceptions can be satisfied. As the proposal does not satisfy the exceptions, the application represents a non-complying development.

On 4 February 2020, Barossa Council Assessment Panel resolved to proceed to further assess the application, and in so doing requested the preparation of this Statement of Effect and additional detail regarding the existing uses of the site.

The Statement of Effect has been prepared in accordance with Regulation 17(5) of the Development Regulations 2008 (Regulations).

It contains:

- a description of the subject site and locality;
- a description of the nature of the proposed development;
- a statement as to the provisions of the Development Plan which are relevant to an assessment of the proposed development;
- an assessment of the extent to which the proposed development complies with the provisions of the Development Plan; and
- an assessment of the expected social, economic and environmental effects of the development on its locality.

Additionally, Council sought the following additional information be provided:

- 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; and
- any other information or material that you think is relevant to the assessment of the proposal.

In preparing this Statement of Effect we have examined the proposed set of plans and examined the relevant provisions of the Council Development Plan.

We are satisfied that the proposal exhibits substantial planning merit to warrant Development Plan Consent, subject to receipt of the State Commission Assessment Panel’s concurrence.
2.0 SITE AND LOCALITY

2.1 Subject Site

The subject site (the site) is located on the eastern side of Stockwell Road at Light pass and has a total site area of approximately 6,189.1 square metres.

The site is formally known as Allotment 100 in Deposited Plan 15028, Hundred of Moorooroo and comprises the whole of the land described in Certificate of Title Volume 5339 and Folio 954. The relevant Certificate of Title Register Search indicates that no existing easements would negatively impact the proposal.

The site comprises an existing detached dwelling with associated structures, water tanks, outbuildings associated with the dwelling, space at the rear of the site being open and used for storage and manoeuvring. Some scattered vegetation is located on the site. The existing dwelling is located at the front portion of the site and fronts Stockwell Road. The existing outbuildings are located central to the site with open areas located at the rear of the site.

The site is largely flat and regularly shaped with vehicle access provided at the south-west corner of the site comprising of a compacted gravel driveway.

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

![Photograph 1: Front of subject site from Stockwell Road.](image-url)
Photograph 2: Looking south across hardstand area between dwelling and sheds.

Photograph 3: Looking north-west from the south-east corner of site.
Photograph 4: Looking south-west from the north-east corner of site.

Photograph 5: Looking east to rear of site.
2.2 Existing Land Uses

Council’s Assessment Panel requested additional information regarding the site’s existing uses.

It is noted that all the sheds on the subject site have existed since 2010. An extension to the dwelling and canopy attached to the easternmost shed has existed since at 2013.

The site owner uses the site for the storage of a wide variety of goods and chattels. They, and their children, own a significant number of passenger motor vehicles which are stored both within the sheds and on the open areas of the site. The site owner and their children, as a hobby, own race cars and go-karts which they keep in the sheds. The site owner and their children maintain their own motor vehicles, so store equipment associated with this within both the sheds and the open areas of the site.

The sheds also store other vehicles associated with the site owner’s use of the property including, at various times, trailers, boats, caravans and similar. Other household goods such as furniture and toys are also stored. Additionally, equipment associated with the maintenance of the allotment, given its size and location in the Primary Production Zone, is stored in the sheds.

The sheds currently on the subject site total 595 square metres which represents 9.6 per cent of the site area. This level of site coverage with sheds is considered to be typical for sites of this size in the Primary Production Zone.

The majority of the undeveloped site area is either sealed, rubble hardstand or grass. Larger vegetation is largely confined to the areas at the front of the site, in the immediate vicinity of the dwelling.

Please find an Existing Site Plan in Attachment 1 indicating the built form elements and open areas.

2.3 Locality

The locality extends in all directions from the subject site.

The locality is generally flat, with a minor slope from north-east to south-west.

On our inspection, the majority of adjacent properties are used for horticulture, specifically viticulture, with associated dwellings, outbuildings and other structures.

One (1) allotment maintains a dwelling with associated structures to the south of the site and appears to be used solely for residential purposes. As a result of the configuration of the site and adjacent properties, views of the proposed truck parking activities are largely screened when viewed from the street.

The level of amenity in the locality is best described as moderate, with the combination of dwellings, some of which have character attributes, and vineyards leading to an attractive visual environment. Like most primary production areas, amenity will be impacted by the primary production activities, which will result in externalities such as noise, traffic, dust and spray drift at various times of the year.
The following photographs depict the existing disposition of the locality:

Photograph 6: Looking north along Stockwell Road from site driveway.

Photograph 7: Looking south along Stockwell Road from site driveway.
Photograph 8: Looking north from northern boundary of site.

Photograph 9: Looking east from front of site.
3.0 DESCRIPTION OF PROPOSED DEVELOPMENT

In determining the nature of development, we initially gave due consideration to Schedule 1 of the Regulations as to whether the proposal is properly characterised as a Road Transport Terminal or as Truck Parking.

Schedule 1 of the Regulations defines a road transport terminal as:

*means land used primarily for the bulk handling of goods for transport by road, whether or not the land is also used for—*

(a) *the loading and unloading of vehicles used to transport such goods; or*

(b) *the parking, servicing or repairing of vehicles used to transport such goods;*

and Schedule 3 of the Regulations defines the following as not being development:

*the parking of any vehicle not exceeding 3000 kilograms in weight (including the weight of any attached trailer) on land used for residential purposes;*

For a facility to constitute a Road Transport Terminal, the primary use of the site has to involve the bulk handling of goods. Where the primary use of the site is purely the parking of vehicles with no handling of goods, then the use is more properly characterised as truck parking. Where such a use occurs on a site used for residential purposes, the use constitutes Truck Parking where the weight of the vehicle exceeds 3,000 kilograms.

The applicant has confirmed that the rear of the site is used for parking of up to three (3) septic waste trucks that exceed 3,000 kilograms in weight, and that no bulk handling of goods for transport is conducted onsite. The vehicles leave the site in the morning, proceed to pump out septic tanks, they then dispose of their load at a disposal facility, are cleaned and then return to the subject site in the afternoon. No waste is ever brought to site, and no cleanout of the trucks will occur on the site. For this reason, we consider the nature of development to comprise a change in use to truck parking on land used for residential purposes.

The proposal represents a retrospective development. We are instructed that the parking of trucks has occurred on the subject site for approximately 25 years. We understand that there is no complaint history associated with the parking of trucks on the subject site. The use of the site has come to the attention of Council when the applicant made separate application for a canopy structure over the portion of the site where the trucks are parked. Council has subsequently invited the applicant to make a retrospective application for the truck parking, with the application for the canopy being placed on hold until the land use application is determined.
The applicant parks no more than three (3) trucks on the site. The trucks exceed 3,000 kilograms in weight and are parked at the rear of the site. One (1) truck is parked in an existing outbuilding and two (2) are parked at the rear of the site’s existing outbuildings. The applicant has confirmed there is no short or long-term intention to expand the three (3) trucks being parked on site for which approval is sought.

The applicant and his brother are the sole operators of the trucks to be parked at the site. The trucks leave the site at 7.30 am and generally return to the site for parking by 3.00 pm. The trucks only operate between Monday and Friday with no weekend movements. The trucks are parked on-site at all other times. Some minor maintenance of the trucks will occur at the site.

The rear of the site once grew a small portion of vines; however, we have been instructed these were removed approximately 10 years ago.

The Site Plan prepared by BGI Building Group displays the location of the truck parking and associated residential buildings. No building work is proposed associated with the application, which is purely for the change of use. As the proposed activities are existing, no landscaping is proposed to be removed and the site provides ample space for truck manoeuvrability.

4.0 RELEVANT PROVISIONS OF THE DEVELOPMENT PLAN

The relevant Development Plan is the Barossa Council Development Plan (consolidated 5 September 2019).

The following provisions are considered to be most relevant to an assessment of the proposal’s merits:

Primary Production (Barossa Valley Region) Zone

Objectives: 1, 2, 3, 4 and 6.
Principles: 15, 16 and 17.

Interface Between Land Uses

Objectives: 1.
Principles: 1.

General Section - ‘Transportation and Access’

Objectives: 2.
Principles: 22, 23, 29 and 37.

General Section - ‘Natural Resources’

Objective: 1, 8, 9 and 10.
General Section - ‘Design and Appearance’

Objective: 1.

General Section - ‘Hazards’

Principles: 8.

General Section - ‘Infrastructure’

Objectives: 1.

General Section - ‘Orderly and Sustainable Development’

Objectives: 1, 2, 3 and 4.

5.0 DEVELOPMENT PLAN ASSESSMENT

5.1 Land Use

It is considered that the proposed development will not compromise the intent of the Objectives, Principle of Development Control (PDC) and Desired Character of the Zone, which are as follows:

The Zone

Objective 1: Economically productive, efficient and environmentally sustainable primary production.

Objective 2: Allotments of a size and configuration that promote the efficient use of land for primary production purposes.

Objective 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.

Objective 4: The long term continuation of farming, horticulture, viticulture and associated winery activities.

Objective 6: Development that contributes to the desired character of the zone.

Desired Character:

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.

We contend that the development will ensure the continuation of an existing land uses surrounding the site that provide economically productive, efficient and sustainable primary production.
The proposal preserves the intent of the above provisions as:

- the existing allotment is not of a size or configuration capable of harvesting economic outputs of primary produce;
- the existing primary production activities on adjoining properties will be preserved as the Zone envisages;
- one (1) existing outbuilding is used for parking of one (1) truck, whilst the balance of space in the existing outbuildings is used for personal storage in association with the residential dwelling as described earlier in this report;
- the location of the proposed activities at the rear of the site ensures that no primary production activities will be impacted, and all activities will be largely screened when viewed from the street or scenic viewpoints in the Zone, as envisaged in the Zone’s Desired Character Statement; and
- parking of trucks has occurred on the subject site for approximately 25 years and we understand that there is no complaint history associated with the parking of trucks on site.

Given the above, the use of the site for truck parking is considered to comply with the intent of the Zone and Development Plan.

5.2 Interface Between Land Uses

The existing use on the site has occurred for numerous years and to our knowledge without concern or complaint from adjoining owners or Council, therefore we do not anticipate that formalising this approval with Council will suddenly create such issues.

The Zone and the General Section for Interface between Land Uses states the following:

General Section – Interface Between Land Uses.

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

(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants
(b) noise
(c) vibration
(d) electrical interference
(e) light spill
(f) glare
(g) hours of operation
(h) traffic impacts.

The Zone.

PDC 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.
In terms of the provisions of the Development Plan relating to the interface between land uses, it is considered that the proposed development will not result in:

- creating unreasonable effluent, odour, smoke, fumes, dust or other airborne pollutants;
- the creation of unreasonable noise, particularly given the separation of the use from sensitive receptors;
- the storage, processing, transport and loading of waste into the trucks on site;
- minimal maintenance of trucks is required as the site only facilitates the parking of three (3) moderately sized trucks;
- light spill, vibration or electrical interference, particularly given the proposed hours of operation;
- moderate hours of operation; and
- significant levels of traffic movement or alterations to existing access arrangements.

For the reasons listed above, and combined with its continuous operation for numerous years without concern or complaint from neighbours, Council or other authorities, it is considered that the proposed development is unlikely to create unreasonable impact with adjoining land uses and therefore accords with the General Section of the Development Plan for Interface Between Land Uses.

Given the existing location of the parked trucks, we contend that no additional landscaping is necessary as the vehicles are screened to an appropriate level in all directions, thereby according with the intent of Zone PDC 15.

5.3 Transportation and Access

We contend that the proposed development will accord with provisions of the Zone and the General Section for Transportation and Access, which are as follows:

The Zone

PDC 16 All access points should be sited and designed to enable safe access and egress for all vehicles in a forward direction, and designed to allow vehicles to pass in the driveway.

PDC 17 Development should provide an access way of at least 3 metres wide that provides access for emergency vehicles to the rear of the allotment.

General Section – Transportation and Access

PDC 22 Development should have direct access from an all weather public road.

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

(a) avoids unreasonable interference with the flow of traffic on adjoining roads
(b) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision
(c) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.
PDC29  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.

PDC 37  Parking areas should be sealed or paved in order to minimise dust and mud nuisance.

The proposal accords with the above provisions as:

• the existing driveway is of an appropriate width and grade, thereby facilitating safe and convenient access for trucks and emergency vehicles if necessary;

• existing access is provided via an all-weather public road;

• no truck movement occurs on weekends;

• limited maintenance of trucks is required as the site only facilitates the parking of three (3) moderately sized trucks; and

• the site provides appropriate area for manoeuvring of the proposed trucks.

Given the above, the proposed development is considered to comply with the provisions of the General Section for Transportation and Access.

5.4 Design and Appearance

The Development Plan contains extensive provisions relating to the design and appearance of buildings and uses. In terms of the proposed development, the design, siting and appearance of all existing buildings will remain unchanged.

The General Section for Design and Appearance includes the following Objective:

General Section – Design and Appearance

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

The proposal will not impact or alter the form, scale, appearance, materials and colours of the site’s existing built form and will therefore continue to blend appropriately with the site and surrounding locality. The location and parking of the trucks will be largely screened from the street and separated significantly from any sensitive receptors, thereby preserving the visual amenity of the locality.

The proposed development is considered to comply with the intent of the General Section for Design and Appearance.
5.5 **Orderly and Sustainable Development**

The objectives of the General Section of the Development Plan for orderly development seek to ensure development creates safe, convenient and pleasant environments, that development occurs in an orderly sequence, and does not jeopardise the continuation of adjoining land uses. The proposal preserves the existing pattern of development in the immediate locality.

No change to driveway access or the provision of existing services including power and water is proposed. The development will not hinder or constrain the continuing use of adjacent properties, nor conflict with or constrain the continuing use of primary production activities in the wider area. No impact on the sites existing firefighting measures are proposed, thereby preserving the residential dwellings infrastructure required for such an event.

On this basis, the development is considered to comply with the orderly development provisions of the Development Plan.

6.0 **ASSESSMENT OF EXPECTED SOCIAL, ECONOMIC AND ENVIRONMENTAL EFFECTS**

6.1 **Expected Social Effects**

The proposed development is expected to have a neutral social effect because it will:

- not intensify the existing use of the land which has occurred for numerous years with no complaints to date.

6.2 **Expected Economic Effects**

The proposed development is expected to have a positive economic effect because it will:

- not result in the need for community expenditure, as no upgrade of infrastructure is required to service the site; and
- allow an existing local business to continue their operations.

6.3 **Expected Environmental Effects**

The proposed development is expected to contribute positively to the locality’s environment because:

- no earthworks are required; and
- no clearance of vegetation is proposed.

The proposal is not considered to create adverse environmental conditions on the site or to adjacent properties by way of odour, noise, dust or other nuisances.

The proposal is furthermore not expected to detract from the aesthetic appeal of the wider area, nor will it compromise the Zone’s existing character and appeal.
7.0 CONCLUSION

The planning merits of the proposal can be summarised as follows:

- the existing allotment is not of a size or configuration capable of harvesting economic volumes of primary produce;
- the existing primary production activities on adjoining properties should not be materially impacted by the proposal;
- the applicant, who operates the trucks, also lives in the dwelling on the site with his family;
- one (1) existing outbuilding is to be used for parking of one (1) truck, whist the balance of space in the existing outbuildings is used for personal storage in association with the residential dwelling as described earlier in this report;
- no primary production activities on the allotment will be impacted;
- the trucks are largely screened when viewed from the street or scenic viewpoints in the locality;
- the existing driveway is appropriate to service both the trucks and emergency vehicles if necessary;
- no vegetation is proposed to be removed, thus no negative impacts on natural resources will occur;
- no additional service infrastructure is required for the development;
- no impact on the sites existing firefighting measures are proposed;
- to our knowledge, the parking of trucks on the site historically has raised no complaints from the general public or surrounding properties;
- the existing appearance, bulk, scale and materiality of all existing buildings (other than the canopy to be demolished) will be retained;
- all storage, processing, transport and loading of waste into the trucks occurs offsite, no truck movement occurs on weekends and minimal maintenance of trucks will be required as the site only facilitates the parking of three moderately sized trucks;
- the front of the site is fenced and well landscaped to appropriately screen the parked trucks from the street;
- the proposal makes efficient and effective use of the land available to be developed that would otherwise go underutilised;
- the scenic and environmental attributes of the Zone will be appropriately preserved; and
- on balance, the proposal is considered orderly and economic form of development.
Based on our inspection of the site and locality, a review of the plans and an examination of the Development Plan, we are of the opinion that the proposal as shown on the proposed drawings appropriately complies with the provisions of the Development Plan and demonstrates sufficient merit to warrant Development Plan Consent being granted by the Council Assessment Panel and the concurrence of the State Commission Assessment Panel.

Michael Richardson  
Bachelor of Urban and Regional Planning (Hons)  
8 May 2020
Attachment 1
Subject Site

Site Area: 6189.1 m²
Sheds: 595 m²
Dwelling: 326 m²
Canopy: 80 m²
Total: 1001 m²
Site Coverage: 16.2%
### 7. REPORTS – APPLICATIONS TO PROCEED/NOT TO PROCEED TO ASSESSMENT

#### 7.1 960/294/2020 (981 Light Pass Road Vine Vale)

#### APPLICATION DETAILS

<table>
<thead>
<tr>
<th>PROPOSAL</th>
<th>Torrens Title Land Division - Create one additional allotment (Non-Complying)</th>
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<tbody>
<tr>
<td>APPLICANT</td>
<td>Brown Family Vineyards Pty Ltd and CJ Ahrens</td>
</tr>
<tr>
<td>OWNER</td>
<td>CJ Ahrens and Brown Family Vineyards Pty Ltd</td>
</tr>
<tr>
<td>APPLICATION NO</td>
<td>960/294/2020</td>
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<tr>
<td>CERTIFICATE(S) OF TITLE</td>
<td>CT5208/450 (amalgamation) CT5399/89 (amalgamation) CT6089/519 (division)</td>
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<td>AREA</td>
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<td>CURRENT USE</td>
<td>Amalgamation – Dwelling, sheds (outbuildings and farm buildings), Primary Production – Viticulture Division – Primary Production – Viticulture, Winery and associated structures</td>
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<td>DEVELOPMENT PLAN VERSION</td>
<td>Consolidated 5 September 2019</td>
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<td>ZONE</td>
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<td>POLICY/PRECINCT AREA</td>
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<td>OVERLAYS</td>
<td>Medium Bushfire Protection Character Preservation District</td>
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<tr>
<td>REFERRALS</td>
<td>SA Water Corporation State Panning Assessment Commission</td>
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<tr>
<td>PREVIOUS APPLICATIONS</td>
<td>Refer to section in report</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 REFUSED without proceeding to make an assessment</td>
</tr>
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### BACKGROUND

In June 2019 a similar application was lodged (960/358/2019), that proposal was presented to the 1 October 2019 Barossa Assessment Panel meeting, where the Panel agreed to proceed to assess and asked the Assessment Officer to seek legal advice regarding the appropriate nature and category of development.

Legal advice regarding the appropriate nature and category of development was presented to the 12 November 2019 Barossa Assessment Panel meeting and substantially concurred with the advice previously provided to the Panel by the Assessment Officer.
Full assessment was undertaken and the proposal was presented to the 2 February 2020 Barossa Assessment Panel (BAP) for a decision, with a recommendation to refuse for the following reasons:

- **General Module – Land Division PDC 2(a) Primary Production (BVR) Zone; Objective 2, PDC 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 PDC 19; Character Preservation District PDC 1(c) Primary Production (BVR) Zone; PDC 2, 4.**
  
  Reason: Land Division will result in the fragmentation of productive primary production land.

- **Primary Production (BVR) Zone; PDC 2, 25, 26.**
  
  Reason: Land Division not consistent with the principles of the Zone.

At that meeting the BAP determined to grant Development Plan Consent to the proposal subject to the concurrence of the State Commission Assessment Panel (SCAP). On 3 June 2020 Council received advice that the SCAP does not concur with the BAP’s determination for the following reasons:

- No additional allotments are to be created partly or wholly within the Primary Production (Barossa Valley Region) Zone.
- A winery should be established on an allotment with at least 4 hectares of vineyard.
- Allotments should be of a size and configuration that promote the efficient use of land for primary production purposes; and
- Land division should not result in the fragmentation of productive primary production land.

The application was subsequently withdrawn and a new altered application has been submitted (refer Attachment 1). The most recent proposal is different from the previous iteration, in that Light Pass Road will no longer form the boundary between the proposed allotments. Rather one allotment will be a combination of two pieces on either side of Light Pass Road and a corridor between vineyards north of the water course will form the boundary between the two proposed allotments. This new scheme will if successful allow for approximately 11.73 ha of vineyard associated with the existing winery.

As per the previous application, this land division application is unusual in that it includes a land division and a land amalgamation, as per the following detail the two components cannot be considered as a single development and further the amalgamation is not development at all.

Development Regulations 2008; Schedule 5 – Requirements for Application to Relevant Authority:

3—Requirements for general land division applications for development approval—proposal plans:

(4) The land comprised in a plan for the division of land must consist of a single allotment or an aggregation of contiguous allotments.
(5) For the purposes of subclause (4), allotments separated only by a road or a road reserve will be regarded as contiguous.

As the land to be amalgamated is not contiguous with the land to be divided, they must be considered as two separate components.

Development Regulations 2008; Schedule 3 – Acts and activities that are not development:

11—Amalgamation of land

The amalgamation of 2 or more contiguous allotments.

As the two allotments to be amalgamated are contiguous, the amalgamation component of this application is not development.

Figure 1: Aerial View of Locality and Sites

An aerial view of the locality and sites are shown in Figure 1, the land to be divided is outlined in pink, the land to be amalgamated is outlined in orange.

Due to the above this report will be with regard to the land division component which is development and is non-complying.

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

Attachment 2 provides a copy of the State Commission Assessment Panel’s determination not to concur.

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

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

- In accordance with Section 39(4)(d) of the Development Act, to refuse consent, without proceeding to make an assessment of the application.
PREVIOUS APPLICATIONS
967/138/1986 – Change of use of existing building to winery – approved and lapsed.
967/179/1986 – Construction of a shed to be used as a winery (measuring 7.5m x 5.0m x 2.5m wall height) – approved and constructed.
967/D006/87 – Land Division – Create one additional allotment – Refused.
960/65/1997 – Construction of a domestic outbuilding - garage (measuring 9.1m x 5.2m x 2.7m wall height) – approved and constructed.
960/390/2001 - Construction of a domestic outbuilding - garage (measuring 6.1m x 6.1m x 3.0m wall height) – approved and constructed.
960/556/2001 – Construction of a storage building associated to winery (measuring 9.15m x 4.5m x 2.7m wall height) - approved and constructed.
960/521/2006 – Construction of additional winery building (measuring 10.2m x 14.3m x 2.7m wall height) increase crush from 50t to a maximum of 200t – DPC only – constructed.
960/906/2007 – Installation of a double sided vineyard advertising sign (measuring 1.2m x 1.2m of advertising area) – approved and constructed.
960/760/2008 – Construction of a barrel store in association with an existing winery (305 sqm floor area) – approved and constructed.
960/893/2011 – Torrens Title Land Division – Boundary Re-Alignment – approved and undertaken.
960/340/2019 - Construction of additional winery facilities up to 500 tonne additional crush, barrel store, private tasting and cellar door sales; with ancillary laboratory, office, carpark, covered loading area (total crush capacity for property of 700 tonnes) – Fees Outstanding.
960/358/2019 - Torrens Title Land Division - Create one additional allotment (Non-Complying) – withdrawn.

SITE AND LOCALITY
The subject land is located within the Primary Production (Barossa Valley Region) Zone.

The site is comprised of two pieces, separated by Light Pass Road. Piece 200 on the eastern side of Light Pass Road has an area of 3.972 hectares and has been developed with approximately 3.64 hectares of vines and a 200 tonne crush capacity winery. Piece 201 has an area of approximately 22.4 ha on the western side of Light Pass Road which contains an established vineyard and several farm buildings.

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 multiple dwellings in the locality in addition to a winery building directly to the north of the subject land.

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

The site is located within the Character Area Overlay as shown in Figure 3.

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

Site photos are provided in Figure 6.
Figure 2: Zone Map
Figure 3: Character Area Overlay Map
Figure 4: Aerial – Locality

Figure 5: Aerial – Site
NON-COMPLYING – NOT TO PROCEED WITH ASSESSMENT

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

(a) refuse the application pursuant to Section 39(4) of the Act without proceeding with an assessment.

The application is a non-complying form of development, due to Primary Production (Barossa Valley Region) Zone - Procedural Matters, detailing that all development (subject to exception) is non-complying within this Zone. The land division exception requirement reads as follows:

Land division that meets one of the following criteria:

(a) no additional allotments are created wholly or partly located within the zone.

(b) to create a separate allotment containing an existing State or local heritage place not exceeding one hectare (excluding the area of any appendage for the purpose of giving access to a public road)

Neither of these exception criteria have been met.

The applicant has provided a brief Statement of Support pursuant to Regulation 17 of the Development Regulations 2008, which is included in Attachment 1.

ASSESSMENT

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

The land division proposal does not include an alteration to land use. It should be noted that existing piece 200 has a dwelling (albeit currently unused) and associated domestic outbuilding, a dwelling ruin and a winery.

Piece 201 is developed as vineyards with a few farm buildings in association with the use. If the proposal is granted consent, Allot 30 is of a size that a proposal for a dwelling would be non-complying. It is noted that an application has previously been lodged for a winery (totalling 700 tonne for the entire site) on proposed Allot 30 but no fees were paid.
The Character Preservation District provisions seek to preserve the long term use of land for primary production, the Development Plan discourages the fragmentation of allotments as it results in a long term reduction in land being used for primary production due to loss of critical mass as the expense of horticulture or agriculture on smaller allotments resulting in primary production no longer being a profitable exercise.

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

**Hazards**

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

PDCs 1, 3, 7, 8, 9, 10, 15 and 16

There is direct public road access to all allotments. Whilst the existing dwelling appears to have a rainwater tank, it is unknown whether the property meets the mandatory requirements for a dwelling in a medium bushfire risk area. If the Panel determines that it is appropriate to grant consent for this land division, it is recommended that a condition is included for the mandatory bushfire requirements for the existing dwelling.

All other relevant Objectives and PDCs are deemed to comply.

**Infrastructure**

Objectives 1, 2, 3, 4 and 5

PDCs 1, 2, 3, 4, 5 and 10

All relevant Objectives and PDCs are deemed to comply.

**Land Division**

Objectives 1, 2 and 3

PDCs 1, 2, 5, 6, 8, 18 and 19

As discussed under the Character Preservation District, the creation of the new allotment would result in the fragmentation of productive primary production land.

All other relevant Objectives and PDCs are deemed to comply.

**Landscaping, Fences and Walls**

Objectives 1 and 2

PDCs 4

All relevant Objectives and PDCs are deemed to comply.
### Orderly and Sustainable Development

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

All relevant Objectives and PDCs are deemed to comply.

### Transportation and Access

Objectives 1 and 2  
PDCs 1, 2, 13, 22, 23, 29, 30, 31, 32 and 33  

All relevant Objectives and PDCs are deemed to comply.

### Waste

Objectives 1 and 2  
PDCs 1, 2, 3, 5, 7, 10, 11, 13 and 14,  

All relevant Objectives and PDCs are deemed to comply.

### Zone Section

**Primary Production (Barossa Valley Region) Zone**

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

The Zone Objectives seek allotments of a size and configuration that promote the efficient use of land for primary production purposes. As previously discussed the fragmentation of land within the Zone suggests that the proposal will not meet this Objective.

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 located within the landscape and be inconspicuous in appearance from key tourist and scenic routes throughout the Barossa Valley Region.

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

PDCs 1, 2 and 4

The Development Plan states that development listed as non-complying is generally inappropriate.

All other relevant Objectives and PDCs are deemed to comply.

**Form and Character**

PDCs 8

Development should not be undertaken unless it is consistent with the desired character for the zone. In particular the Desired Character states:

Opportunities for non-agricultural development will be limited to ..... retain land for maximum horticultural and viticultural productivity.

As previously discussed the fragmentation of land is not deemed conducive to maximising horticultural and viticultural productivity.

All other relevant PDCs are deemed to comply.

**Land Division**

PDCs 25 and 26

Land division should only occur in the form of a readjustment of allotment boundaries in order to achieve at least one of the following:

(a) correct an anomaly in the placement of those boundaries with respect to the location of existing buildings or structures.
(b) improve the land for the purpose of primary production
(c) conservation natural environmental features.

The proposal does not meet any of these criteria.

The Development Plan states that land division should not result in an additional number of allotments partly or wholly located within the zone. This proposal if successful will result in an additional allotment within the Zone. Even if the amalgamation of allotments was able to be considered as a part of this application, the amalgamation site is in the Rural Landscape Protection Zone.

No relevant PDCs are deemed to comply.
CONCLUSION

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

- Creation of an additional allotment within the Primary Production (Barossa Valley Region) Zone.

The proposed development is seriously at variance to the Development Plan for the reasons given above and below (refer to Recommendation). Accordingly, Development Plan Consent must be refused pursuant to section 35(2) of the Development Act 1993.

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 PDC 19; Character Preservation District PDC 1(c) Primary Production (BVR) Zone; PDC 2 and 4
  
  Reason: Land Division will result in the fragmentation of productive primary production land.

- Primary Production (BVR) Zone; PDC 2, 25 and 26
  
  Reason: Land Division not consistent with the principles of the Zone.
7.1 Attachment 1
## Application Detail

### General
- **Unique Id:** 68038
- **Development No.:** 966/D013/20
- **Application Type:** Conventional Land Division
- **Application Extent:** Provisional Development Plan Consent with Land Division Consent
- **Land Use/Building Consent:** No
- **Council Name:** The Barossa Council
- **Agents Reference:** PL99990
- **Short Reference:** 981 LighVine Va
- **Submitting Agents Name:** Pyper Leaker Surveying Services Pty Ltd
- **Submitted By:** Brett Potter, Pyper Leaker Surveying Services Pty Ltd
- **Application Status:** Lodged & Distributed (No Decision)

### Application Type Details: Conventional Land Division
- **Total Area of Land to be Divided:** 42.52 hectares
- **Reserve Area:** 0 hectares
- **Number of existing allotments:** 3
- **Number of proposed allotments (excluding 3 road and reserve):** 0
- **Number of additional allotments:** 0

### Applicant Details

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<td>Brown Family Vineyards</td>
<td>c/- Pyper Leaker Surveying Services</td>
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<td>Brett Potter</td>
<td>78 Goodwood Road Wayville, 5034</td>
<td>8373 3880</td>
<td></td>
<td><a href="mailto:info@pleurvey.com.au">info@pleurvey.com.au</a></td>
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### Subject/Property Details
- **House No.:** 981 & 993c
- **Lot No.:** 1, 2, 142 & 220
- **Street:** Light Pass Road
- **Suburb/Town:** Vine Vale
- **Hundred:** Norconoe
Reference Section:

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Other Details

Existing Use: Rural Living & Vineyards
Description of Proposed Development: 3 into 3 Torrens realignment
Does either schedule 21 or 22 of the Development Regulations 1993 Or schedule 9, item 16 of the PDI Regs 2019 apply?:
Notes:

Additional Information Requests:

Additional Fees and Payments:

Lodgement Date: 09 Jun 2020
Months for Development Approval Request: 12

Categorisation Details

Decision Authority: Council
Application Classification: Major
Kind of Development: Non-Complying
Notification Category: Not Applicable
Zone: Primary Production (PPR) & Rural Landscape Protec
Development Plan Map No: Baro/24
Allocated Planner: Biljana Prodic
Categorisation Comments: Allotment 33 is non-contiguous with piece 32 as per Development Regulations 2008 Schedule 5 Item 3 (4)(5) and as such should not be part of this application
Categorised By: Biljana Prodic
Categorisation Date: 17 Jun 2020

Distribution Details

Referral Agency
Development Assessment Commission

Referred to Agent
16 Jun 2020
First Accessed
17 Jun 2020
Referral State
Current
Due Date
11 Aug 2020
Response
Show

SA Water Corporation
16 Jun 2020
16 Jun 2020
Returned on 17 Jun 2020

Decision Authority
Distributed for Decision
First Accessed
16 Jun 2020
Decision State
Decision issued
Current
Decision
Show

The Barossa Council
16 Jun 2020
17 Jun 2020

Decision Details

There has not yet been a decision submitted for this application

Overturned Decision Details

There are no overturned decision details currently available for this application

Clock Stops (State Commission Assessment Panel only)

No clock stops have been set

Lodgement Fees

Fee Invoice No. 63805
Fee Invoice Date 09 Jun 2020
Invoice Description New Application Invoice
Fee Status Fees Paid

Fee Line Type Description Total Fee ($) Lodgement Fee (boundary adjustment) 120.50 Land Division Fee (boundary adjustment) 77.50 Statement of Requirements Fee (boundary adjustment) 316.00 Certificate of Approval Fee (boundary adjustment) 111.00 DMC Consultation Report Fee (boundary adjustment) 74.50
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### Additional CoA Fees

**There are currently no Certificate of Approval (CoA) fees generated for this application**

### Application Documents

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**Final Plan Documents for Certificate of Approval (CoA)**

There are no Final Plans for Certificate of Approval (CoA) currently associated with this application

**Certified Certificate of Approval (CoA) Plan Documents**

There are no Certified Certificate of Approval (CoA) Plans currently associated with this application
PIECES SCHEDULE

ONE LOT COMPRISSES TOTAL AREA

PIECES 31* & 32* 13.127ha APPROX

PIECES 31* & 32* 13.151ha APPROX

PIECE 32* 3.972ha APPROX

PIECE 32* 3.50 ha APPROX

NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY FINANCIAL DEALINGS INVOLVING THIS LAND. THIS NOTE IS AN INTEGRAL PART OF THE PLAN.

NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY FINANCIAL DEALINGS INVOLVING THIS LAND. THIS NOTE IS AN INTEGRAL PART OF THE PLAN.

PROPOSED REALIGNMENT AND REDESIGNATION OF PARCELS.

ALLOTMENT 1 IN F3707, AND ALLOTMENT 220 IN D117342 DO NOT FORM PART OF THIS DIVISION.

ALLOTMENT 33 IS TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED A (GRO NO. 133 BOOK 34)

PIECE 32* IS SUBJECT TO EASEMENT(S) OVER THE LAND MARKED B (TG 936430)

PIECE 32* IS SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED D.

NOTE: THIS PLAN WAS PREPARED AS A PROPOSED SUBDIVISION AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. THE DIMENSIONS SHOWN HEREON ARE SUBJECT TO SURVEY AND THE REQUIREMENTS OF COUNCIL AND OTHER RELEVANT AUTHORITIES.

SCALE 1:7,500 (A3) REVISION 0

DATA SUBJECT TO SURVEY

DATE: 26/05/2020 BPM 114 9580
STATEMENT IN SUPPORT

LAND DIVISION – THREE ALLOTMENTS INTO THREE

AT: 981 AND 993C LIGHT PASS ROAD, VINE VALE

FOR: BROWN FAMILY VINEYARDS

1.0 INTRODUCTION

MasterPlan SA Pty Ltd has been engaged by Brown Family Vineyards to prepare this Statement in Support for an application for a land division consisting of boundary realignment and allotment amalgamation. This land division comprises two components: the division of one allotment into two, and the amalgamation of two allotments into one. The land division does not create any additional allotments.

The proposal is subject to The Barossa Council Development Plan (consolidated 1 November 2018).

The allotment to be divided comprises two pieces (Pieces 200 and 201) and is at 981 Light Pass Road. These pieces are situated directly opposite one another but on opposite sides of the road. The plan of division proposes to convert each piece into two separate allotments (one allotment comprising Pieces 31 and 32 and the balance renumbered as Allotment 30. Pieces 200 and 201 are in the Primary Production (Barossa Valley Region) Zone of the Development Plan.

Allotments 2 and 142 to be amalgamated into one allotment are at 993C Stockwell Road. These allotments are sited 290 metres to the east and are in the Rural Landscape Protection Zone of the Development Plan. They will be renumbered as Allotment 33 when amalgamated.

Attachment A comprises a ‘Plan of Division’ prepared by Pyper Leaker Surveying Services. Attachment B consists of a similar ‘Plan of Division’ prepared by our office showing additional relevant information including contours, zone boundaries, houses, surrounding allotments and other applicable features.

Principle of Development Control (PDC) 26 of the Primary Production (Barossa Valley Region) Zone is pertinent to the development and states:

**PDC 26** Land division should not result in an additional number of allotments partly or wholly located within the zone.

The development does not create any additional allotments overall. However, the proposal does create an additional allotment in the Primary Production (Barossa Valley Region) Zone. Therefore, the development does not conform to PDC 26.
Zone PDC 26 corresponds with a clause in the Procedural Matters section of the Primary Production (Barossa Valley Region) Zone which states that land division within the Zone is classed as a *non-complying* development in circumstances where an additional allotment is created. This restriction applies to the proposal because the development proposes to create two allotments from a single allotment within this Zone. Accordingly, the land division is a non-complying development.

In accordance with Regulation 17(1) of the *Development Regulations 2008* this Statement in Support is provided to assist Council in deciding whether to proceed with further assessment of the application.

### 2.0 SUBJECT LAND AND LOCALITY

Light Pass Road forms the primary (and only) frontages to Pieces 200 and 201. Piece 200 has a total frontage of 140.94 metres. Piece 201 has two frontages to Light Pass Road, as Allotment 202 (not part of this application) bisects the frontage. Nonetheless, the total combined frontage of Piece 201 is 265.78 metres. Piece 200 has a site area of 3.97 hectares. Piece 201 is larger, with a site area of approximately 22.30 hectares. This results in the allotment comprising the two Pieces having a total site area of 26.27 hectares.

Piece 200 is located on the eastern side of Light Pass Road, whilst Piece 201 is sited on the western side of the road.

Pieces 200 and 201 are both rectangular in shape; however, Piece 201 has an irregularly shaped ‘cut-out’ along the eastern road frontage. This ‘cut-out’ accommodates Allotment 202, which is not part of the application as noted previously.

Pieces 200 and 201 are utilised for viticultural purposes. This land use pattern can be seen in the background satellite image of the Site and Locality Plan at Attachment B.

Piece 200 contains a detached dwelling with various farm buildings surrounding it. These structures are sited in the north-western quadrant of Piece 200, adjacent to Light Pass Road. Piece 201 also has an array of small outbuildings, all of which are associated with the viticultural use of the property; however, the piece does not contain a dwelling.

Pieces 200 and 201 are relatively flat, as they are sited on the alluvial plain of the Barossa Valley.

Isolated trees are situated on Pieces 200 and 201. Trees also follow the alignment of a watercourse which traverses both pieces.

Stockwell Road forms the primary (and only) frontage to Allotment 2. Allotment 2 is rectangular in shape, with a depth of 421 metres and a total site area of approximately 11.98 hectares. Despite Stockwell Road comprising the principal means of access to Allotment 2, the property can access Light Pass Road through Allotment 142 and a right of way over Allotment 140.
Allotment 142 does not have a road frontage, instead utilising the above-described right of way over Allotment 140 to gain access to Light Pass Road. Allotment 142 is rectangular in shape, having an approximate width of 158 metres, a depth of 284.60 metres and a total site area of 4.49 hectares.

Allotments 2 and 142 have a common boundary, with their respective western and eastern boundaries being shared.

Allotments 2 and 142 are both utilised for viticultural purposes. However, Allotment 2 contains a dwelling, but Allotment 142 does not. The dwelling is sited adjacent to the southern boundary of the allotment and is surrounded by various outbuildings and other farm buildings.

The topography of Allotments 2 and 142 is variable. There are steep hills in the north-east and south of Allotment 2, which result in a noticeable ascending gradient originating from the western portion of the allotments.

The subject land is situated approximately 3.9 kilometres east-northeast of the town centre of Tanunda, within the surrounding viticultural region of the Barossa Valley. Consequently, the subject land is also within the Barossa Valley Character Preservation District.

The allotments comprising the subject land are formally described as:

• Piece 200 in Deposited Plan 88229, in the Hundred of Moorooroo in Certificate of Title Volume 6089, Folio 511;

• Piece 201 in Deposited Plan 88229, in the Hundred of Moorooroo in Certificate of Title Volume 6089, Folio 511;

• Allotment 2 in Filed Plan 114336, in the Hundred of Moorooroo in Certificate of Title Volume 5208, Folio 450; and

• Allotment 142 in Filed Plan 172403, in the Hundred of Moorooroo in Certificate of Title Volume 5399, Folio 89.

These Certificate of Titles are enclosed within Attachment C.

A watercourse traverses the subject land, as mentioned above. This watercourse flows from the adjacent eastern hills through Allotments 2 and 142, and then into Pieces 200 and 201. It runs in an east-west direction, terminating at the North Para River in Tanunda.

The south-western, western and northern portions of the locality comprise viticultural uses which define the surrounding visual landscape. The southern and eastern locality constitutes a range of rolling hills. These hills contain scattered trees but are largely unvegetated.
3.0 THE PROPOSED DEVELOPMENT

The application proposes to create Pieces 31 and 32 comprising one allotment separated only by Light Pass Road, to create Allotment 30 fronting Light Pass Road, and to amalgamate Allotments 2 and 142 to form one allotment fronting Stockwell Road.

Pieces 31 and 32 will have an overall site area of 13.127 hectares. The balance of this land will be created as Allotment 30 with a site area of 13.151 hectares.

Allotment 33 will be created from the amalgamation of Allotments 2 and 142. It will have a frontage to Stockwell Road of 284.60 metres, a depth of approximately 570 metres and an overall site area of 16.25 hectares. It will continue to have access to Light Pass Road via a right-of-way marked “A” on the plan of division.

No additional allotments will be created. The proposed allotments will continue to be used for primary production purposes, namely viticulture and livestock grazing.

4.0 STATEMENT OF SUPPORT

The development is a land division which divides three allotments into three allotments by boundary realignment and boundary amalgamation. As the proposal does not increase the total number of allotments, the development fulfils the principal aim of Zone PDC 26. The Development Plan does not specify minimum requirements for the site area of resulting allotments. Thus, all proposed allotments of the development do not breach any provision regarding minimum site area requirements.

We have concluded from our initial assessment of the relevant Development Plan provisions that there is sufficient merit for the proposal to be considered in more detail. The application’s planning merits are:

- the land division ensures the continuation of primary production on each proposed allotment that is economically productive, efficient and environmentally sustainable (Objective 1, Primary Production (BVR) Zone);
- the proposed development ensures the long-term continuation of viticulture (Objective 4, Primary Production (BVR) Zone);
- the proposed allotments are of a size and configuration that will promote the efficient use of land for primary production purposes (Objective 2 Primary Production (BVR) Zone);
- the land division will not fragment, clear, or reduce in size any areas of native vegetation; particularly the vegetation corridor aligning the watercourse (Desired Character of the Primary Production (BVR) Zone and General Section, Land Division, PDC 3);
the development preserves rural land and the landscape character by limiting additional dwellings and non-agricultural development (Objective 3 and the Desired Character Statement of the Primary Production (BVR) Zone and Objective 1 of the Barossa Valley Character Preservation District Overlay);

- the land division will ensure that each proposed allotment has direct access to an existing road (General Section, Land Division, PDC 4);

- the land division does not restrict or create unsafe access to existing portions of the subject land (PDC’s 16 and 17 of the Primary Production (BVR) Zone);

- the land division creates allotments appropriate for their intended use (General Section, Land Division, Objective 2);

- the proposed allotments will not result in the fragmentation of productive primary production land, or strip development along roads, or prejudice against the proper and orderly development of townships, or remove native vegetation or result in uneconomic costs to the community for the provision of services (General Section, Land Division, PDC 19);

- the individual allotments to be created do not straddle more than one zone, policy area or precinct (General Section, Land Division PDC 2); and

- the proposed allotments will be physically and legally connected by a right of way marked “A” on the plan of division.

5.0 CLOSURE

Having regard to the nature of the site and locality, and the relevant provisions of the Development Plan, the proposal is considered to be an appropriate form of development that warrants further assessment and consideration by Council based on the planning merits listed above.

On this basis, it is considered that the application has suitable merit to warrant further detailed assessment of the development application.

A more detailed Statement of Effect will be provided on receipt of Council’s support.

Graham Burns
MPIA (Fellow)
B/A in Planning

28 May 2020
ATTACHMENT A
PROPOSED PLAN OF DIVISION

Council: THE BAROSSA COUNCIL

Dev. No.: 5208/450

Title System: Real Property Act

Title Reference: C/T 6089/519, 5399/89

Also Affected: 5148/486 & 6205/327

Total Area: APPROX 42.52ha

Map Reference: 6628/05/E, 6728/01/H & J

Hundred: MOOROOROO

Area: VINE VALE

Q200* IN D88229
Q201* IN D88229
A142 IN F172403
A2 IN F114336
A1 IN F3707
A220 IN D117342

Enlargement A

Not to Scale

Enlargement B

Not to Scale

PIECES SCHEDULE

One Lot comprises

Total Area

PIECES 31* & 32*

13.127ha APPROX

PROPOSED REALIGNMENT AND REDESIGNATION OF PARCELS.

Allotment 1 in F3707, and Allotment 220 in D117342 do not form part of this division.

Allotment 33 is together with free and unrestricted right( s) of way over the land marked A (GRO No. 133 Book 34)

Piece 32* is subject to easement(s) over the land marked B (TG 936430)

Piece 32* is subject to free and unrestricted right(s) of way over the land marked D.

NOTE:

This Plan was prepared as a proposed subdivision and should not be used for any other purpose. The dimensions shown hereon are subject to survey and the requirements of Council and other relevant authorities.

No reliance should be placed on the information on this plan for any financial dealings involving this land. This note is an integral part of the plan.

Scale: 1:7,500 (A3)

Revision: 0

Data Subject to Survey

Date: 26/05/2020

Ref: 171

Scale: 1: 7,500 (A3)

Revision: 0

Data Subject to Survey

Date: 26/05/2020

Ref: 171

Scale: 1: 7,500 (A3)

Revision: 0

Data Subject to Survey

Date: 26/05/2020

Ref: 171

Scale: 1: 7,500 (A3)

Revision: 0

Data Subject to Survey

Date: 26/05/2020

Ref: 171

Scale: 1: 7,500 (A3)

Revision: 0

Data Subject to Survey

Date: 26/05/2020

Ref: 171

Scale: 1: 7,500 (A3)

Revision: 0

Data Subject to Survey

Date: 26/05/2020

Ref: 171

Scale: 1: 7,500 (A3)

Revision: 0

Data Subject to Survey

Date: 26/05/2020

Ref: 171

Scale: 1: 7,500 (A3)

Revision: 0

Data Subject to Survey

Date: 26/05/2020

Ref: 171

Scale: 1: 7,500 (A3)

Revision: 0

Data Subject to Survey

Date: 26/05/2020

Ref: 171

Scale: 1: 7,500 (A3)

Revision: 0

Data Subject to Survey

Date: 26/05/2020

Ref: 171

Scale: 1: 7,500 (A3)

Revision: 0

Data Subject to Survey

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Ref: 171

Scale: 1: 7,500 (A3)

Revision: 0

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Scale: 1: 7,500 (A3)

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Ref: 171

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Data Subject to Survey

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Scale: 1: 7,500 (A3)

Revision: 0

Data Subject to Survey

Date: 26/05/2020

Ref: 171

Scale: 1: 7,500 (A3)

Revision: 0

Data Subject to Survey

Date: 26/05/2020

Ref: 171
ATTACHMENT B
ATTACHMENT C
Certificate of Title - Volume 5208 Folio 450

Parent Title(s)  CT 2627/31
Creating Dealing(s)  CONVERTED TITLE

Estate Type
FEE SIMPLE

Registered Proprietor
CRAIG JAMES AHRENS
OF VINE VALE NEAR TANUNDA SA 5352

Description of Land
ALLOTMENT 2 FILED PLAN 114336
IN THE AREA NAMED VINE VALE
HUNDRED OF MOOROOROO

Easements
NIL

Schedule of Dealings
Dealing Number  Description
12870244  MORTGAGE TO RURAL BANK LTD. (ACN: 083 938 416)

Notations
Dealings Affecting Title  NIL
Priority Notices  NIL
Notations on Plan  NIL
Registrar-General's Notes  NIL
Administrative Interests  NIL
This plan is scanned from certificate of title 2627/31

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
Certificate of Title - Volume 5399 Folio 89

Parent Title(s)  
CT 2627/30

Creating Dealing(s)  
CONVERTED TITLE

Title issued  
20/02/1997  
Edition 4  
Edition issued  
03/07/2014

Estate Type  
FEE SIMPLE

Registered Proprietor  
CRAIG JAMES AHRENS  
OF VINE VALE NEAR TANUNDA SA 5352

Description of Land  
ALLOTMENT 142 FILED PLAN 172403  
IN THE AREA NAMED VINE VALE  
HUNDRED OF MOOROOROO

Easements  
TOGETHER WITH RIGHT(S) OF WAY OVER THE LAND MARKED A (GRO NO.133 BOOK 34)

Schedule of Dealings

Dealing Number  
12870244

Description  
MORTGAGE TO RURAL BANK LTD. (ACN: 083 938 416)

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 2627730
SEE TITLE TEXT FOR EASEMENT DETAILS

FOR METRIC CONVERSIONS
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
Certificate of Title - Volume 6089 Folio 519

Parent Title(s)  CT 5545/154, CT 6084/751
Creating Dealing(s)  RTC 11696599
Title Issued  19/01/2012  Edition 3  Edition Issued  30/10/2018

Estate Type
FEE SIMPLE

Registered Proprietor
BROWN FAMILY VINEYARDS PTY. LTD. (ACN: 627 932 263)
OF CARE 19 STELZER ROAD TANUNDA SA 5352

Description of Land
ALLOTMENT COMPRISING PIECES 200 AND 201 DEPOSITED PLAN 88229
IN THE AREA NAMED VINE VALE
HUNDRED OF MOOROODUROO

Easements
SUBJECT TO EASEMENT(S) OVER THE LAND MARKED B (TG 9364309)
SUBJECT TO EASEMENT(S) OVER THE LAND MARKED D

Schedule of Dealings

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<tr>
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<th>Description</th>
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<td>MORTGAGE TO AUSTRALIA &amp; NEW ZEALAND BANKING GROUP LTD. (ACN: 005 357 522)</td>
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<td>13029947</td>
<td>MORTGAGE TO DEANS WINE CONSULTING PTY. LTD. (ACN: 628 634 962) AND THE BRAWNACK ALBATROSS PTY. LTD. (ACN: 129 778 570) AS JOINT TENANTS</td>
</tr>
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Notations

Dealings Affecting Title  NIL
Priority Notices  NIL
Notations on Plan  NIL
Registrar-General's Notes
APPROVED FX253665
Administrative Interests  NIL
Agenda - Barossa Assessment Panel - 7 July 2020
## Tax Invoice / Receipt

**ABN:** 92 366 288 135  
**Agency:** Department of Planning, Transport and Infrastructure  
**Address:** PO Box 1815, Adelaide SA 5001  
**Phone:** 7109 7018

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<th>GST incl.</th>
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<td>Land Division Fee (boundary adjustment)</td>
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<td>DAC Consultation Report Fee (boundary adjustment)</td>
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| Total                                                     | $699.50   | $0.00 | $699.50   |

### APPLICATION DETAILS

**Unique Id:** 68038  
**Development Number:** 960/D013/20  
**Agents Reference:** PL9580  
**Applicant:** Brown Family Vineyards  
**Owner:** Brown Family Vineyards  
**Type:** DirectDebit  
**Agent:** Pyper Leaker Surveying Services Pty Ltd  
**Address:** 78 Goodwood Road Wayville, 5034  
South Australia

### TRANSACTION DETAILS

**Received:** Tuesday, 09 Jun 2020  
**Receipt Ref. No:** 54318507234  
**Process Id:** DEV6803820200609081016905  
**Amount Paid:** $699.50  
**Payment Method:** Direct Debit
GOVERNMENT ADMINISTRATIVE INTERESTS

- **Land Division interests**
  
  960/D023/19 – refused

- No Environmental Protection Act interests

- No State Heritage interests

- No Aboriginal Heritage interests

Record on the Property Interests System for this property at the date of lodgement of the application

Other Government Departments may have administrative interests recorded but this has not been searched by the Planning Services Branch of the Department of Planning, Transport and Infrastructure

NOTE: The Certificate of Title should be checked for registered interests e.g. Land Management Agreements
17 June 2020

Our Ref: H0099251

The Chairman
State Commission Assessment Panel
50 Flinders St
ADELAIDE SA 5000

Dear Sir/Madam

PROPOSED LAND DIVISION APPLICATION NO: 960/D013/20 AT VINE VALE

In response to the abovementioned proposal, I advise that this Corporation has no requirements pursuant to Section 33 of the Development Act.

Yours faithfully

Sarah Johnson
for MANAGER LAND DEVELOPMENT & CONNECTIONS
7.1 Attachment 2
June 2020

Ms Janine Lennon
The Barossa Council
43-51 Tanunda Road
NURIOOTPA SA 5355

Dear Ms Lennon

Applicant: Homburg Real Estate C/- Pyper Leaker Surveying Services Pty Ltd
Application Number: 960/D023/19
Council Reference: 960/358/2019
Proposed Development: Torrens Title Land Division of one (1) existing allotment to create two (2) allotments (non-complying development)
Subject Land: 981 Light Pass Road, Vine Vale

Pursuant with Section 8 (2) of the Character Preservation (Barossa Valley) Act 2012, and with Section 35 (3) (b) (i) of the Development Act 1993 and Regulation 25 of the Development Regulations 2008, I advise that the State Commission Assessment Panel does not concur with the proposal of the Barossa Council to grant Development Plan Consent to the abovementioned non-complying development application, for the following reasons:

- no additional allotments are to be created partly or wholly within the Primary Production (Barossa Valley Region) Zone;
- a winery should be established on an allotment with at least four (4) hectares of vineyard;
- allotments should be of a size and configuration that promote the efficient use of land for primary production purposes; and
- land division should not result in the fragmentation of productive primary production land.

If you have any questions relating to this matter, please contact Ben Scholes of this office by telephone on (08) 8402 1861 or email benjamin.scholes@sa.gov.au.

Yours sincerely

Sally Smith
EXECUTIVE DIRECTOR – PLANNING & LAND USE SERVICES
as delegate of the
STATE COMMISSION ASSESSMENT PANEL
APPLICATION DETAILS

<table>
<thead>
<tr>
<th>PROPOSAL</th>
<th>Torrens Title Land Division - Create one additional allotment (Non-Complying)</th>
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<tbody>
<tr>
<td>APPLICANT</td>
<td>JD Lewis</td>
</tr>
<tr>
<td>OWNER</td>
<td>JD Lewis</td>
</tr>
<tr>
<td>APPLICATION NO</td>
<td>960/206/2020</td>
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<td>CERTIFICATE(S) OF TITLE</td>
<td>CT5923/362</td>
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<td>AREA</td>
<td>9.4 ha</td>
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<td>CURRENT USE</td>
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<td>DEVELOPMENT PLAN VERSION</td>
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<td>PRECINCT AREA</td>
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<td>OVERLAYS</td>
<td>Character Preservation Area – Rural Living Area Bushfire Risk - Medium</td>
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<td>CATEGORY OF DEVELOPMENT</td>
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<td>REFERRALS</td>
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<td>DPTI-Transport Services Division</td>
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<td>SEA Gas</td>
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<td>DEM-Gas</td>
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<td>PREVIOUS APPLICATIONS</td>
<td>See background</td>
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<tr>
<td>ASSESSING OFFICER</td>
<td>Janine Lennon</td>
</tr>
<tr>
<td>RECOMMENDATION</td>
<td>Proceed to assessment in accordance with Regulation 17(3)(b) of the Development Regulations 2008.</td>
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BACKGROUND

The application was lodged on 20 April 2020 to create one additional allotment, the proposal was received by Council on 1 May 2020. Council has no record of receiving any planning enquiries prior to the subdivision application or of providing any advice regarding the potential for subdivision of this site.

The existing allotment was created as a result of a sub-division approval in 1972 (as were nine of the adjoining lots). The existing dwelling was constructed circa 1974.

The proposal is non-complying due to allotment size. The proposal is presented to the Panel for determination to proceed to assess.

Proposed is the creation of one additional allotments, two allotments in total:

<table>
<thead>
<tr>
<th>Allotment</th>
<th>Area</th>
<th>Frontage</th>
<th>Improvements to remain</th>
</tr>
</thead>
<tbody>
<tr>
<td>81</td>
<td>4.10 ha</td>
<td>147.03m</td>
<td>Dwelling and swimming pool</td>
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<tr>
<td>82</td>
<td>2823 sqm</td>
<td>43.0m</td>
<td>Outbuildings</td>
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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 site has a total area of approximately 9.4 hectares and generally rectangular in area with a road frontage to Williamstown Road and right of way access to Goldfields Road.

The site currently contains:

- A single-storey detached dwelling
- Swimming pool
- Multiple small farm buildings
- The SEA Gas line traverses the site

The main site/locality characteristics are:

- Rural living allotments
- Single-storey detached dwellings
- Large boundary setbacks
- Open, rural style fencing
- Extensive native vegetation
- Low site coverage percentages
- There are approximately 40 allotments within Precinct 31 – Speck Road, it appears that eight of those allotments are less than 6.0 ha in area, therefore allotments of 6.0 ha and larger is a strong characteristic of the Precinct.

The site is located within the Rural Living Zone, as shown in Figure 1.

The site is located within the 31-Speck Road Precinct as shown in Figure 2.

The site is located within the Rural Living Area - Character Preservation Area Overlay as shown in Figure 3.

The site is located within the Medium – 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 8.
Figure 1: Zone Map
Figure 2: Precinct Map
Figure 3: Character Preservation Area Map
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 allotment sizes being less
than the 6.0 hectare minimum for Rural Living Zone, Precinct 31 - Speck Road.

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

Zone Section

Rural Living Zone Objectives 1 and 2

The Zone relevant Objectives seek:

- A zone consisting of large allotments, detached
dwellings and rural activities that do not adversely
impact the amenity of the locality.

- 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.

Irregular shaped allotments, including battle-axed allotments (particularly with lengthy
 driveways or shared access arrangements) will not be created.

Land division will create allotments of adequate size, dimension and shape that ensure
dwellings are able to be located in unobtrusive locations, away from prominent sites
and ridgetops, and where possible out of view of arterial roads and tourist routes.

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.

Fencing that is open in nature and utilises wooden posts and wire reinforces the rural
and semi-rural character and would be in keeping with those typically found located
within the zone. Where fencing is required for the privacy of a dwelling or its associated
private open space areas, fencing will be constructed of materials and colours that
blend with the natural character of the locality, be unobtrusively located and screened
with vegetation.

Land Use PDC 2

Development listed as non-complying is generally
inappropriate.
**Form & Character**
PDC 6

Development should not be undertaken unless it is consistent with the desired character for the zone.

**Land Division**
PDC 6

Land division should only be undertaken where no additional allotment or allotments are created and the purpose of the plan of division is to provide for a minor re-adjustment of allotment boundaries in order to correct an anomaly in the placement of those boundaries with respect to the location of existing buildings and structures.

**Precinct 31 – Speck Road**
PDC 31

Land division should not result in allotments of less than 6.0 hectares.

**DISCUSSION**
The Development Plan states that development within the Rural Living Zone will maintain an open, semi-rural and rural character that contrasts with the built-up areas and rural land. The Speck Road Precinct features the second largest minimum area requirements of the Rural Living Zone at 6 hectares, with the adjoining Goldfields Precinct being the largest at 20 hectares. The site is adjacent to the Primary Production Zone that features minimum allotment sizes of 40 hectares. The proposed development is clearly contrary to the intent of the Development Plan with regard to allotment sizes. Within this Precinct approximately 20% of the allotments are undersized, the majority of these were approved in 1972 prior to the Development Plan’s current rural living provisions.

The Development Plan further states that fencing that is open in nature and utilises wooden posts and wire reinforces the rural and semi-rural character and would be in keeping with those typically found located within the zone. It is notable that the proposed allotment sizes are large enough that open style fencing will likely be maintained in accordance with the desired character.

A review of the application history for this Precinct reveals that no non-complying land divisions have been approved since the advent of the current Rural Living Objectives and Principles. As a non-complying application, the Panel has the opportunity to reinforce the minimum allotment sizes specified by the Development Plan and refuse to proceed to further assessment of this proposal. Noting that ultimately approval of this proposal could trigger further applications for undersized allotments in this Precinct, which future Panels may find increasingly difficult to refuse as the character of the locality progressively changes.

**CONCLUSION**

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

**Proceed to Development Plan Consent Assessment**
When assessed against the relevant provisions of the Development Plan it is considered that the proposed development, on balance, warrants further assessment.
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. 960/206/2020 by Pyper Leaker Surveying and JD Lewis to undertake Torrens Title Land Division - Create one additional allotment at 19D Goldfields Road, COCKATOO VALLEY (CT5923/362).

(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.
7.2 Attachment 1
Application Details

General

- Unique Id: 67699
- Development No: 960/D008/20
- Application Type: Conventional Land Division
- Application Extent: Provisional Development Plan Consent with Land Division Consent
- Land Use/Building Consent: No
- Council Name: The Barossa Council
- Agents Reference: PL10415
- Short Reference: Lewis 19D GoldCockato
- Submitting Agents Name: Pyper Leaker Surveying Services Pty Ltd
- Submitted By: Brett Potter, Pyper Leaker Surveying Services Pty Ltd
- Application Status: Lodged & Distributed (No Decision)

Application Type Details: Conventional Land Division

- Total Area of Land to be Divided: 9.369 hectares
- Reserve Area: 0 hectares
- Number of existing allotments: 1
- Number of proposed allotments (excluding road and reserve): 2
- Number of additional allotments: 1

Applicant Details

Salutation Name Organisation Name Address
Mr Joel Lewis c/- Pyper Leaker Surveying Services 78 Goodwood Road Wayville 5034 South Australia AUSTRALIA

Owner Details

Salutation Name Organisation Name Address
Mr Joel Lewis c/- Pyper Leaker Surveying Services 78 Goodwood Road Wayville 5034 South Australia AUSTRALIA

Contact Details

Salutation Name Address Telephone Fax Email
Mr Brett Potter 78 Goodwood Road Wayville, 5034 South Australia AUSTRALIA Telephone 1: 8373 3880 Telephone 2: Fax 1: Fax 2: info@plsurvey.com.au

Subject/Property Details

- House No.: 19D
- Lot No.: 8
- Street: Goldfields Road
- Suburb/Town: Cockatoo Valley
- Hundred: Barossa

Title Reference and Plan Parcel

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<tr>
<th>Title Code</th>
<th>Title Description</th>
<th>Volume</th>
<th>Folio</th>
<th>Plan Code</th>
<th>Plan Description</th>
<th>Plan No.</th>
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<td>Certificate of Title</td>
<td>5923</td>
<td>362</td>
<td>F</td>
<td>Filed Plan</td>
<td>100261</td>
<td>A8</td>
</tr>
</tbody>
</table>

Other Details

- Existing Use: Rural Residential House (House Without Primary Production)
- Description of Proposed Development: 1 into 2 Torrens division
- Does either schedule 21 or 22 of the No Development Regulations 1993 apply?:
- Notes:
- Additional Information Requests:

Title Reference and Plan Parcel

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<tr>
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<th>Title Description</th>
<th>Volume</th>
<th>Folio</th>
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<td>F</td>
<td>Filed Plan</td>
<td>100261</td>
<td>A8</td>
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</table>
Lodgement Date: 20 Apr 2020
Months for Development Approval Request: 12

Categorisation Details
- Decision Authority: Council
- Application Classification: Major
- Kind of Development: Non-Complying
- Notification Category: Not Applicable
- Zone: Rural Living\Precinct 31
- Development Plan Map No.: Baro/26
- Allocated Planner: Biljana Prokic
- Categorisation Comments: Mandatory referral to DPTI-Transport Services - Schedule 8 Item 3
- Categorised By: Biljana Prokic
- Categorisation Date: 27 Apr 2020

Distribution Details
- Referral Agency: Development Assessment Commission
  - First Accessed: 27 Apr 2020
  - Due Date: 22 Jun 2020
- Referral Agency: SA Water Corporation
  - First Accessed: 27 Apr 2020
  - Due Date: 25 May 2020
- Referral Agency: DPTI - Transport Services Division
  - First Accessed: 28 Apr 2020
  - Due Date: 25 May 2020
- Referral Agency: South East Australia Gas Pty Ltd
  - First Accessed: 27 Apr 2020
  - Due Date: 25 May 2020
- Referral Agency: Department for Energy and Mining (gas)
  - First Accessed: 27 Apr 2020
  - Due Date: 25 May 2020

Decision Authority
- Distributed for Decision: The Barossa Council
  - First Accessed: 01 May 2020
  - Decision State: Current

Decision Details
There has not yet been a decision submitted for this application

Overturned Decision Details
There are no overturned decision details currently available for this application

Clock Stops (State Commission Assessment Panel only)
No clock stops have been set

Lodgement Fees
- Fee Invoice No.: 63447
  - Fee Invoice Date: 20 Apr 2020
  - Invoice Description: New Application Invoice
  - Fee Status: Fees Paid

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<td>Statement of Requirements Fee (additional allotment)</td>
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Certificate of Approval (CoA) Details
- CoA Id: 61648
- Stage Number: 001
- Status: Awaiting DA Decision
- Certificate Plan: Detail
- Issue Date: 
- Issuing Officer: 
- Date Deposited: 
- Deposited Plan No. (DP): 
- Detail

There are no further Certificate of Approval (CoA) details

Certificate of Approval (CoA) Clearance Requirements Details
- CoA Clearance Requirement Description: SA Water has no requirements pursuant to the Development Act.
  - CoA Id: 61648
  - Stage No.: 001
  - Agency Name: SA Water Corporation
  - Distribution Date: 
  - Status: No Requirements

Additional DA Fees
- Fee Desc: 
- Fee Issue Date: 
- Payment Date: 
- Total Fee ($) Incl. GST: 
- Detail

No Fees have been paid yet
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### Additional CoA Fees

There are currently no Certificate of Approval (CoA) fees generated for this application.

### Application Documents

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There are no Final Plans for Certificate of Approval (CoA) currently associated with this application.

There are no Certified Certificate of Approval (CoA) Plans currently associated with this application.
NOTE: THIS PLAN WAS PREPARED AS A PROPOSED SUBDIVISION AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. THE DIMENSIONS SHOWN HEREON ARE SUBJECT TO SURVEY AND THE REQUIREMENTS OF COUNCIL AND OTHER RELEVANT AUTHORITIES.

NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY FINANCIAL DEALINGS INVOLVING THIS LAND. THIS NOTE IS AN INTEGRAL PART OF THE PLAN.

SCALE: 1:2000 (A3)

DATA SUBJECT TO SURVEY

DATE: 25/03/2020

REVISION: 0

DATA SUBJECT TO SURVEY

DATE: 25/03/2020

REVISION: 0

AREA:

MIDDLETON ROAD

19D GOLDFIELDS ROAD

ALLOTMENT 8 IN F100261

AND AMENDMENTS

STATEMENTS CONCERNING EASEMENTS

ALLOTMENTS 81 AND 82 ARE SUBJECT TO EASEMENT(S) OVER THE LAND MARKED QQ (TG 9601110)

FOR FULL DELINEATION OF EASEMENT PLEASE REFER TO CT 5923/362.

ALLOTMENT 81 IS TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED D.

EXISTING DWELLING AND OUTBUILDINGS ON ALLOTMENT 81 ARE TO REMAIN.

ALLOTMENT 82 IS VACANT.
Certificate of Title - Volume 5923 Folio 362

Parent Title(s)  CT 5906/977, CT 5906/978
Creating Dealing(s)  VE 9789802

Estate Type
FEE SIMPLE

Registered Proprietor
JOEL DAVIN LEWIS
OF 19D GOLDFIELDS ROAD COCKATOO VALLEY SA 5351

Description of Land
ALLOTMENT 8 FILED PLAN 100261
IN THE AREA NAMED COCKATOO VALLEY
HUNDRED OF BAROSSA

Easements
SUBJECT TO EASEMENT(S) OVER THE LAND MARKED QQ (TG 9601110)
TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED D

Schedule of Dealings

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Notations

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<td>Notations on Plan</td>
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<td>Registrar-General's Notes</td>
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<td>Administrative Interests</td>
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STATEMENT OF SUPPORT

PLAN OF DIVISION TO CREATE ONE ADDITIONAL ALLOTMENT

AT: ALLOTMENT 8 WILLIAMSTOWN ROAD, COCKATOO VALLEY

FOR: MR JOEL LEWIS

1.0 INTRODUCTION

This Statement of Support has been prepared for the accompanying plan of division by Pyper Leaker Surveying Services to create the following two allotments from an existing allotment of 9.369 hectares:

• proposed Allotment 81 of 4.10 hectares; and
• proposed Allotment 82 of 5.269 hectares.

The plan of division is non-complying because each proposed allotment is less than 6.0 hectares in this part of the Rural Living Zone (Speck Road Precinct 31).

Subregulation 17(1) of the Development Regulations 2008 requires that a statement in support of the application" must be provided for a development listed as non-complying in the Development Plan.

2.0 THE SITE

The site of the proposed development is a rural allotment of 9.369 hectares with frontage to Williamstown Road. The allotment is gently undulating, with native vegetation scattered about the site.

No watercourses or dams are located on the site.

The site has frontage to Sandy Creek - Williamstown Road. The Development Plan at Transport Overlay Map Baro/26 identifies this section of the road as a Secondary Arterial Road. Traffic volumes are in the order of 3,300 vehicles per day.¹

The owner’s residence is located towards the rear of the site. Access to the residence is available from a registered right of way marked “D”, extending through neighbouring land to Middleton Road. The 15.25-metre-wide right of way confers free and unrestricted rights to access the site.

¹ Source: Department of Planning, Transport and Infrastructure. Annual Average Daily Traffic Estimates 24 hour, two-way flows (14 September 2015)
A second easement is registered over the site, marked QQ on the Certificate of Title. Easement QQ protects an underground natural gas distribution pipeline. The easement is in favour of Australian Gas Networks.

A view of the site from Williamstown Road is shown in Image 1 below:

3.0 THE LOCALITY

The locality consists of gently undulating rural land, punctuated with isolated stands of native vegetation. Areas cleared or substantially cleared of vegetation are used for non-commercial livestock grazing. Dwellings, sheds and outbuildings are scattered throughout the locality, but not to such an extent as to be highly visible from Williamstown Road. Indeed, most buildings are setback a generous distance from Williamstown Road and blend into the rural landscape.

Allotment sizes in Speck Road Precinct 31 vary. The attached plan prepared by this office shows every allotment in Precinct 31 and identifies those which are less than 6.0 hectares in area. Those allotments are detailed in the Table below:

Table: Allotments less than 6.0 hectares in Speck Road Precinct 31.

<table>
<thead>
<tr>
<th>ALLOTMENT</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td>Allotment 1 – Yettie Road</td>
<td>Triangular shaped allotment of 4.047 hectares.</td>
</tr>
<tr>
<td>Allotment 3 – Williamstown Road</td>
<td>Regularly shaped allotment of 2.05 hectares with frontage to Williamstown Road. Right-of-way access to Goldfields Road.</td>
</tr>
<tr>
<td>Allotment 4 – Williamstown Road</td>
<td>Regularly shaped allotment of 1.214 hectares with frontage to Williamstown Road. Right-of-way access to Goldfields Road.</td>
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<tr>
<td>Allotment 1 in DP94134 (CT 6142/988)</td>
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<tr>
<td>---------------------------------</td>
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</tr>
<tr>
<td>Allotment 8 – Speck Road, Whispering Wall Road</td>
<td>Triangular shaped allotment of 3.812 hectares.</td>
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<tr>
<td>Allotment 2 – Middleton Road, Williamstown Road</td>
<td>Irregular shaped allotment of 1.361 hectares with frontage to Middleton Road and Williamstown Road.</td>
</tr>
<tr>
<td>Allotment 1 – Middleton Road</td>
<td>Regularly shaped allotment of 1.214 hectares with frontage to Middleton Road.</td>
</tr>
<tr>
<td>Allotment 5 – Williamstown Road</td>
<td>Regularly shaped allotment of 1.46 hectares with frontage to Williamstown Road.</td>
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</table>

The subject land, along with allotments on the western side of Williamstown Road, is in an area of Medium Bushfire Risk, as detailed on Bushfire Protection Area BPA Map Baro/11 of the Development Plan. The ‘Bushfire’ provisions of the Development Plan, especially General Section: Bushfire Principles 7, 8, 14 and 15 are relevant to an assessment of the proposal’s planning merits.

### 4.0 DEVELOPMENT PLAN POLICY

The site and surrounding locality is in the Rural Living Zone and Speck Road Precinct 31 of The Barossa Council Development Plan – see Zone Map Baro/26 and Precinct Map Baro/26. It is also in the Barossa Character Preservation District (Overlay Map Baro/26 – Heritage and Character Preservation District).

The Desired Character Statement for the Rural Living Zone seeks to “accommodate rural living activities on a range of allotment sizes, based on characteristics of the land, landscape appearance, siting and vegetation”.

The Desired Character also calls for “land division [which] will create allotments of adequate size, dimension and shape that ensure dwellings are able to be located in unobtrusive locations, away from prominent sites and ridgetops, and where possible out of view of arterial roads and tourist routes”.

Land division creating allotments of less than 6.0 hectares is listed as non-complying, while Principle 31 for Precinct 31 Speck Road states that “land division should not result in allotments of less than 6.0 hectares”.

No other policies are listed in the Development Plan to explain or justify why a minimum allotment size of 6.0 hectares has been prescribed for Precinct 31. Indeed, the Rural Living Zone only lists two (2) land division principles of development control. Only Principle 11 is relevant to the proposed plan of division:

**PDC 11** Irregular shaped allotments, including battle-axed allotments (particularly with lengthy driveways or shared access arrangements) should not be created.
5.0 THE PLAN OF DIVISION

It is proposed to create two regular-shaped allotments as shown on the plan of division prepared by Pyper Leaker Surveying Services:

- Allotment 81 of 4.10 hectares; and
- Allotment 82 of 5.269 hectares.

Both allotments are regularly shaped with frontage to Williamstown Road.

Both allotments will continue to be subject to the gas pipeline easement QQ, and Allotment 81 will continue to be subject to a free and unrestricted right-of-way over the land marked E. This right of way allows access to Middleton Road.

Allotment 82 is gently undulating, featuring scattered vegetation and open pasture that has been used for occasional livestock grazing.

Access to Allotment 82 will be from Williamstown Road. As previously noted, this corridor is a Secondary Arterial Road and is under the care and control of the Commissioner of Highways. It is bitumen sealed and line marked, and carries a 100 kilometre per hour speed limit.

Proposed Allotment 82 is not highly visible from Williamstown Road due to the existence of native vegetation in the road reserve. A break in the vegetation provides limited views of the proposed allotment, and the opportunity to create safe and convenient vehicle access. Image 1 in section 2.0 of this Statement shows this part of the site.

6.0 SUPPORTING STATEMENT

There are compelling reasons in support of the application. They are:

(i) both proposed allotments are regular in shape;
(ii) proposed Allotment 82 can be provided with safe and convenient access to Williamstown Road without the need to clear native vegetation;
(iii) many opportunities exist to construct a dwelling on Allotment 82 without the need for extensive earthworks or removal of native vegetation, and where it can be screened from Williamstown Road;
(iv) both proposed allotments will be larger than all other ‘undersized’ allotments in Speck Road Precinct 31, as detailed in the Table above;
(v) the plan of division will maintain the smaller allotment pattern in this part of Precinct 31 between Balmoral Road and Yettie Road; and
(vi) the plan of division is an area of medium bushfire risk, where proposed Allotment 82 has suitable building sites that are located well away from vegetation that would otherwise pose an unacceptable bushfire risk.

7.0 CONCLUSION

We are of the opinion that the proposal to divide Allotment 8 into two allotments in accordance with the plan of division prepared by Pyper Leaker Surveying Services demonstrates sufficient support to warrant assessment against the Development Plan in accordance with sub-regulation 17(3)(b) of the Development Regulations 2008.

Graham Burns  FPIA
B/A in Planning
3 April 2020
28 April 2020

Our Ref: H0097413

The Chairman
State Commission Assessment Panel
50 Flinders St
ADELAIDE SA 5000

Dear Sir/Madam

PROPOSED LAND DIVISION APPLICATION NO: 960/D008/20 AT COCKATOOP VALLEY

In response to the abovementioned proposal, I advise that this Corporation has no requirements pursuant to Section 33 of the Development Act.

Yours faithfully

Kylie Day
for MANAGER LAND DEVELOPMENT & CONNECTIONS
26 May 2020

Development Assessment Commission
Submitted via the Electronic Land Division Lodgement Site (EDALA)

To Whom It May Concern,

**Land Division Application: Development Number 960/D008/20**

I refer to the above land division application 67699 in the vicinity of Pipeline Licence (PL) 13, licensed to SEA Gas for the South Australian section of the Port Campbell to Adelaide Pipeline (PCA) under the *Petroleum and Geothermal Energy Act 2000 (PGE Act)*.

The *PGE Act* requires all transmission pipelines to be designed, constructed, operated and maintained in accordance with Australian Standard (AS) 2885: *Pipelines – Gas and Liquid Petroleum* (Regulation 29). 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.

AS 2885 requires that the pipeline be designed to ensure it will be compatible with the surrounding land use. Where there is a change in land use, it must be demonstrated that risks have been reduced to As Low as Reasonably Practicable (ALARP).

This land division application has been referred to the Department for Energy and Mining (DEM) as it is within the measurement length of the Pipeline.

Prior to any development being undertaken in the proposed location, the pipeline operator will need to be provided with further information to determine whether there are any threats associated with the construction work (including installation of new services in the vicinity of the pipeline) and long term maintenance of the development that could impact the integrity of the pipeline.

If this land division application is approved, DEM recommends a condition that a Safety Management Study (SMS) for the development must be requested from the pipeline licensee to identify actions required to manage risk in accordance with AS2885 and that the proponent, licensee and relevant stakeholders must participate in a SMS validation workshop. The controls and actions identified in the SMS must then be implemented.

Direct contact with SEA Gas on this matter should be through Michael Jarosz on 0477 112 463.

If you have any queries in relation to this matter, please contact Michael Malavazos on (08) 8429 2470 or Michael.Malavazos@sa.gov.au.

Yours sincerely,

Michael Malavazos
Director Engineering Operations
Energy Resources Division
Department for Energy and Mining
6 May 2020

The Presiding Member
State Commission Assessment Panel
GPO Box 1815
ADELAIDE SA 5001

Dear Ms Fogarty

SCHEDULE 8 - REFERRAL RESPONSE

<table>
<thead>
<tr>
<th>Development No.</th>
<th>960/D008/20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Joel Lewis</td>
</tr>
<tr>
<td>Location</td>
<td>Williamstown Road, Cockatoo Valley</td>
</tr>
<tr>
<td>Proposal</td>
<td>Land Division (1 into 2)</td>
</tr>
</tbody>
</table>

I refer to the above development application forwarded to the Commissioner of Highways (CoH) in accordance with Section 37 of the Development Act 1993. The proposed development involves development adjacent a main road as described above. The following response is provided in accordance with Section 37(4) (b) of the Development Act 1993 and Schedule 8 of the Development Regulations 2008.

CONSIDERATION

Williamstown Road is an arterial road under the care, control and management of the CoH. At this location, Williamstown Road carries approximately 3,900 vehicles per day (11.5% commercial vehicles) and has a posted speed limit of 100km/h. Proposed Allotment 81 will retain its access to Goldfields Road via right of way D. In keeping with the Department of Planning, Transport and Infrastructure’s (DPTI) policy to minimise access points onto arterial roads in the interest of road safety, DPTI prefers that proposed Allotment 82 is also afforded use of existing right of way D. Should Council not support that view, any access via Williamstown Road to serve Allotment 82 should meet the Safe Intersection Sight Distance (SISD) requirements shown in the Austroads ‘Guide to Road Design, Part 4A ‘Unsignalised and Signalised Intersections’.

ADVICE

It is this department’s preference that Allotment 82 is also afforded use of existing right of way D. Should Council not support that view, DPTI would support that on the provision that the following conditions are attached to any approval given:

1. The Williamstown Road access to Allotment 82 must meet the Safe Intersection Sight Distance (SISD) requirements shown in the Austroads ‘Guide to Road Design, Part 4A ‘Unsignalised and Signalised Intersections’.
2. All vehicles must enter and exit Allotment 82 in a forward direction.
3. All access to/from Allotment 81 shall be gained via right of way D only.

Yours sincerely

[Signature]

A/Manager, Transport Assessment
for Commissioner of Highways

Agenda - Barossa Assessment Panel - 7 July 2020
1 June 2020

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

Dear Sir

Re: Proposed Development Application No. 960/D008/20 (ID 67699) by Joel Lewis

Further to my letter dated 28 April 2020 and to assist the Council in reaching a decision on this application, copies of consultation agency reports received by the State Commission Assessment Panel (SCAP) are available for your consideration.

Should Council decide to approve this application, the following requirements of the SCAP must be included as a condition of approval, pursuant to Section 33 (1) (c) of the Development Act.

1. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

SA Water Corporation has no requirements pursuant to the Development Act.

Council’s particular attention is drawn to the comments by the Department of Planning, Transport and Infrastructure – Transport Services for this application, advising the recommended conditions be attached to any approval issued.

Council’s particular attention is drawn to the comments by DEM – Department for Energy and Mining (gas) for this application.

The SCAP does not generally support non-complying land division applications without adequate and detailed justification.

Should Council decide to approve this proposal as a non-complying land division, all relevant details pertaining to the application will need to be sent to the SCAP for concurrence purposes. You are referred to Section 35 (3) of the Development Act 1993 and Regulation 25 (b) of the Development Regulations 2008 with respect to the details required.

Yours faithfully

Biljana Prokic
LAND DIVISION COORDINATOR – PLANNING SERVICES
as delegate of the
STATE COMMISSION ASSESSMENT PANEL
8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

Nil.
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>960/358/2019</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>Not Granted 24/5/2020 (4/2/2020 panel meeting)</td>
</tr>
<tr>
<td>960/654/2019</td>
<td>Frank Nesci Homes</td>
<td>Allot 4 Mugge Road Sandy Creek</td>
<td>Construction of a single-storey detached dwelling with double garage, alfresco and verandahs under main roof, and a retaining wall measuring 1.2m vertical height</td>
<td>Granted 28/05/2020 (5/5/2020 panel meeting)</td>
</tr>
<tr>
<td>960/62/2018/C</td>
<td>Vinpac International Pty Ltd</td>
<td>Allot 241 Research Road Nuriootpa</td>
<td>Construction of a Winery Wastewater Treatment Facility (8.7ML storage &amp; aeration dam) and Irrigation Water Re-use (inflow up to 61.5ML/year) (Non-Complying); AMENDMENT- Construction of two additional dams for aeration (6ML &amp; 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 Dorrien Estate to site,</td>
<td>Awaiting SPC Concurrence 2/6/2020 panel meeting</td>
</tr>
</tbody>
</table>
### RECOMMENDATION

That the report be received.

<table>
<thead>
<tr>
<th>Date</th>
<th>Applicant</th>
<th>Address</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>960/13/2020</td>
<td>MB &amp; J M</td>
<td>55 Mirooloo Road Flaxman Valley</td>
<td>Partial Change in Use of existing building - from Home Based Industry (Workshop/Classroom &amp; Showroom) to include Cellar Door Sale</td>
<td>Concurrence granted 25/06/2020 (2/6/2020 panel meeting)</td>
</tr>
</tbody>
</table>
10. REPORTS – OTHER BUSINESS

10.1 PLANNING REFORM UPDATES

PROFESSIONAL ACCREDITATION
Regulation 19 of the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019 provides a mechanism for a person seeking to remain accredited under these regulations who must apply on a yearly basis to the accreditation authority for the continuation of the accreditation.

An application can be made at least 28 days before each anniversary of the granting of accreditation. The accreditation authority may refuse to consider an application under this regulation if the application is made earlier than two months before the relevant anniversary date.

It is the Accredited professionals responsibility to maintain their annual registration.

RECOMMENDATION
That the report be received.
11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 4 August 2020 commencing at 5.00 pm.

13. CLOSURE OF MEETING