

# BAROSSA ASSESSMENT PANEL

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

Tuesday, 3 November 2020, commencing at 5:00 pm

Louis Monteduro  
Assessment Manager



## AGENDA

Please note that due to federal copyright law restrictions, attachments associated with the proposed development are available on our website for viewing only and are locked for printing or copying

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

## INDEX

1.	Welcome	Page 3
2.	Attendance	Page 3
3.	Confirmation of Minutes	Page 3
4.	Business Arising From Minutes	Page 23
5.	Declaration of Interest by Members of the Panel	Page 23
6.	Reports – Applications for Decision	
6.1	960/131/2020 (7D North Street Angaston) Applicant: Damian and Helen Lister Representors: Simon and Tanya Wales David and Beryl Underwood	Page 24
6.2	960/364/2020 (Allot 897 N Herbig Road Springton) Applicant: Greg Burgess of Access Surveyors and Development Managers on behalf of Mark and Kate Fitzpatrick Representors: D Rositano G Middleton	Page 78
6.3	960/221/2020 (43 Rushlea Road Eden Valley) Applicant: Henri Mueller of Regional Planning Directions on behalf of Brenton Karger and Sharlene Sampson-Karger Representors: J Lillecrapp and R Arguijo (together with Ann Atkinson)	Page 145
6.4	960/635/2019 (77 Centenary Avenue Nuriootpa)	Page 253
7.	Reports – Applications to Proceed/Not to Proceed to Assessment Nil.	Page 275
8.	Reports – Deferred Applications for Decision Nil.	Page 275
9.	Reports – Panel Updates	
9.1	State Planning Commission Concurrence Matters	Page 276

10.	Reports – Other Business	
	10.1 Planning Reform Updates	Page 277
	10.2 Barossa Assessment Panel Meeting Schedule for 2021	Page 278
11.	Reports – Confidential	
	Nil.	Page 279
12.	Next Meeting	Page 279
13.	Closure of Meeting	Page 279

1. WELCOME

2. ATTENDANCE

2.1 Present

2.2 Apologies

2.3 Absent

3. CONFIRMATION OF MINUTES

Recommendation

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 4 August 2020 be received and confirmed. Refer *Attachment 1*.

3 Attachment 1

# BAROSSA ASSESSMENT PANEL

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

Tuesday, 6 October 2020 commencing at 5:00pm

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



*The Barossa Council*

## MINUTES



## Index

1.	Welcome	Page 4
2.	Attendance	Page 4
3.	Confirmation of Minutes	Page 4
4.	Business Arising	Page 5
5.	Declaration of Interest by Members of the Panel	Page 5
6.	Reports – Applications for Decision	
	6.1 960/671/2015/A (1929 Barossa Valley Way Rowland Flat)	Page 5
	6.2 960/206/2020(19D Goldfields Road Cockatoo Valley)	Page 8
	6.3 960/514/2019 (Allot 26 Moorpark Street Nuriootpa)	Page 10
7.	Applications to Proceed/Not to Proceed to Assessment	
	7.1 960/189/2020 (71 Menge Road Tanunda)	Page 12
	7.2 960/620/2019 (Allot 3 Eden Valley Road Angaston)	Page 13
8.	Reports – Deferred Applications for Decision	Page 14
9.	Reports – Panel Updates	
	9.1 State Planning Commission Concurrence Matters	Page 14
10.	Reports – Other Business	
	10.1 Planning Reform Updates	Page 14
11.	Reports – Confidential	
	11.1 ERD Court Appeal – 960/345/2019 – 44 Washington Street, Angaston – Torrens Title Land Division	Page 14
	11.2 Assessment Manager Report – Barossa Assessment Panel Issues	Page 15
12.	Reports – Next Meeting	Page 16
13.	Closure of Meeting	Page 17

## 1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5:04pm.

## 2. ATTENDANCE

### 2.1 Present

#### Panel Members

Bruce Ballantyne	Presiding Member
Rob Veitch	Member
Grant Hewitt	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
Anthony Zollo	Assessment Officer, Planning
Steve Kaesler	Manager, Engineering Services
Chris Kruger	Minute Secretary

### 2.2 Apologies

Jane Evans  
Jake McVicar

### 2.3 Absent

Nil.

## 3. CONFIRMATION OF MINUTES

Moved: G Hewitt

Seconded: R Veitch

That the minutes of the Barossa Assessment Panel meeting held on 4 August 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:

Item	Panel Member
6.3 960/514/2019 Allotment 26 Moorpark Street Nuriootpa R Miller has a professional relationship with the applicant.	Richard Miller

#### 6. REPORTS - APPLICATIONS FOR DECISION

##### 6.1 960/671/2015/A (1929 Barossa Valley Way Rowland Flat)

###### Representors

Rebecca Jenke addressed the Panel at 5:07pm, and answered questions from the Panel.

Jill Bowden addressed the Panel at 5:12pm, and answered questions from the Panel.

###### Applicant

Geraldine Frater-Wyeth addressed the Panel at 5:19pm, 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 proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/671/2015/A by G Frater-Wyeth to undertake Change of use from Bed and Breakfast (Five guests) to Motel (Eight Guests), Building Extension (guest dining area) - (Non-Complying) - Variation to Condition 9 relating to boundary fencing

at 1929 Barossa Valley Way, Rowland Flat (CT 5179/672) 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. 960/671/2015/A (and 960/671/2015) as listed below:

- Block Plan, prepared by the applicant, amended and received by council dated 22 September 2020
- Fencing Plan, prepared by the applicant, received by council dated 22 September 2020

Except where varied by this development authorisation, and 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) Prior to any landscaping planting within the extent of the North Para River floodplain, a suitably detailed landscaping plan prepared by a suitably qualified professional shall be submitted to, and approved by, council, with any plantings to be undertaken within nine months from the date of authorisation, to the reasonable satisfaction of council.

Reason: To ensure appropriate landscaping is authorised and undertaken within a reasonable timeframe.

- (3) Within 12 months of the substantial commencement of the development, all vegetation within the scope of this authorisation shall be established and managed with appropriately semi-mature varieties that forms a dense vegetation buffer and thereafter maintained throughout the life of the development, to the reasonable satisfaction of council.

Reason: To ensure landscaping is established to fulfil its intended purpose within a reasonable timeframe, and throughout the life of development.

- (4) Within 3 months of the substantial commencement of the development, fencing as detailed within the application shall be completed, to the reasonable satisfaction of council.

Reason: To ensure boundary fencing is constructed and completed within a reasonable timeframe.

#### Advisory Notes

- (a) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by Council

or other relevant planning authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.

- (b) Any works associated with the development, such as tree planting, tree removal, footpath renewal or construction of new vehicle entrances proposed to be undertaken within the road reserve (ie the carriageway, verge or footpath area) requires an independent approval from Council pursuant to the Local Government Act. Further enquiries should be directed to the Works and Engineering team on 8563 8444.
- (c) Any portion of Council's infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be repaired/reinstated to Council's satisfaction at the developer's expense.
- (d) The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that the activities on the whole site including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- (e) 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.
- (f) Any proposal to clear, remove limbs, or trim native vegetation will require approval or confirmation of exemption from the Native Vegetation Council. An interactive guide is available to help owners and others determine the requirements that apply under the *Native Vegetation Act 1991*: <https://www.environment.sa.gov.au/topics/native-vegetation/interactive> -guide. Any specific queries regarding the clearance, removal, or trimming of native vegetation should be directed to the South Australian Native Vegetation Council.
- (g) The adjoining owner should be advised of the proposed work on the boundary and issues such as access to perform work, removal of fences, finished levels and retaining walls should be resolved before building work commences. This approval does not create an automatic right to access neighboring land.

#### Panel Decision

Moved: R Miller

Seconded: R Veitch

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 to REFUSE application 960/671/2015/A in order to minimise safety risks and the disruption to viticultural activities on neighbouring land and to minimise the risk of trespass.

CARRIED

## 6. REPORTS - APPLICATIONS FOR DECISION

### 6.2 960/206/2020 (19D Goldfields Road Cockatoo Valley)

#### 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. 960/206/2020 by Pyper Leaker Surveying and JD Lewis to undertake Torrens Title Land Division - Create one additional allotment (Non-Complying) at 19D Goldfields Road, Cockatoo Valley (CT 5923/362) subject to the concurrence of the State Planning Commission pursuant to Section 8(2) of the *Character Preservation (Barossa Valley) Act 2012*, and subject to the following conditions):

#### Council conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/206/2020 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 wastewater system components that cross the proposed allotment boundaries must be severed or redirected at the applicants cost to ensure that the wastewater system relating to each allotment is contained entirely within its boundaries.

Reason: To ensure all on-site services are maintained entirely on its respective allotment.

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

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

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

- (4) The applicant shall construct all services and infrastructure to service each allotment, including:
- road access
  - storm water drainage
  - electricity and communications

to the reasonable satisfaction of Council.

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

#### DPTI – Transport Services Division Conditions

- (5) 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'.
- (6) All vehicles must enter and exit Allotment 82 in a forward direction.
- (7) All access to-from Allotment 81 shall be gained via right of way D only.

#### Dept for Energy and Mining (Gas) Conditions

- (8) A Safety Management Study (SMS) for the development shall 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 shall participate in a SMS validation workshop. The controls and actions identified in the SMS shall then be implemented.

## Panel Decision

Moved: R Miller

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

## 6. REPORTS - APPLICATIONS FOR DECISION

### 6.3 960/514/2019 (Allot 26 Moorpark Street Nuriootpa)

R Miller left the meeting at 5:38pm, due to an earlier stated conflict of interest.

J Lennon confirmed recent discussions held with the applicants and advised that the applicant is now prepared to address crossland flow requirements within a Reserve Matter, and therefore an alternative recommendation was tabled for consideration.

S Kaesler answered questions from the Panel, addressing engineering and stormwater management issues.

#### CONCLUSION

Not seriously at variance:

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

Development Plan Consent should be granted

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

#### Recommendation

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

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the development proposal is not seriously at variance to The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/514/2019 by Pyper Leaker Surveying and I D Mader to undertake Torrens Title Land Division - Create 33 additional allotments at Allot 26 Moorpark Street, Nuriootpa SA 5355 (CT 5915/478) subject to the following reserved matter and conditions:

## RESERVED MATTERS

In accordance with s33(3) of the Development Act 1993 the relevant authority reserves its decision on the following matters:

- a) Resolution and management of the existing and expected cross land stormwater and nominated flood event flow. Management of the local through stormwater catchment runoff during the high North Para River cut off is required, for a 20 year 4 hour storm. This will require safe internal storage or safe outfall to the existing external water course.

## DEVELOPMENT PLAN CONSENT CONDITIONS

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/514/2019 (960/D033/19) except where varied by any condition(s) listed below.
- (2). The applicant shall construct all necessary services and infrastructure to service each allotment, including:
  - roads
  - water supply
  - storm water drainage
  - waste disposal (CWMS)
  - electricity, public lighting and communicationsto the reasonable satisfaction of Council. (Note Only: This may include constructing drains outside of the site, or contributing to upgrades, where existing drains are inadequate to accept additional water or sewerage.)
- (3) On site detention shall be provided to limit the 5% AEP ( $\approx$  20yr ARI) post-development peak discharge to the 5% AEP ( $\approx$  20yr ARI) pre-development peak discharge from the site.
- (4) During construction of infrastructure temporary debris and sediment control measures shall be installed to prevent debris and sediment from leaving the site during all construction stages. Control measures shall be in accordance with a soil erosion and drainage management plan, which shall provide such pollution prevention measures as required to comply with the "Environmental Protection Authority's Stormwater Pollution Prevention Codes of Practice":
  - For the Community
  - For Local, State, and Federal Government
  - For the Building and Construction IndustryTemporary debris and sediment control measures shall be in place prior to construction commencing and shall be maintained at all times during construction. Prior to construction, a copy of the soil erosion and drainage management plan shall be provided to Council for approval.
- (5) A street planting plan shall be submitted to Council showing all verge landscaping in detail, including the type and location of plantings and any existing trees to be retained.
- (6) Street Lighting shall be provided in accordance with a design and specifications conforming to Australian Standard 1158.1 and approved by

ETSA Utilities and Council. Lighting columns shall be standard ETSA Utilities design approved by Council.

- (7) All allotment boundaries abutting reserves shall be adequately fenced using 1800mm high "Good Neighbour" colorbond fencing using the same colour and material profile. All fencing costs shall be borne by the Developer.

Panel Decision

Moved: R Veitch

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

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

### 7.1 960/189/2020 (71 Menge Road, Tanunda)

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. 960/189/2020 by Inception Design to undertake construction of an indoor horse arena (measuring 63.4m x 25.0m x 5.0m wall height) and the installation of a 290kl water tank at 71 Menge Road, Tanunda (CT 5565/851).

- (a) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (b) That the Panel resolves to proceed to assessment of a non-complying development proposal, subject to the provision of the following additional information:
- Statement of Effect
  - Review external colour choice with preference for a more earthy colour
  - Any other information or material that you think is relevant to the assessment of the proposal

Panel Decision

Moved: R Veitch

Seconded: G Hewitt

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 to REFUSE Application No. 960/189/2020 by Inception Design to undertake construction of an indoor horse arena (measuring 63.4m x 25.0m x 5.0m wall height) and the installation of a 290kl water

tank at 71 Menge Road, Tanunda (CT 5565/851) as the proposed development appears to be an over development of the site and therefore the character and amenity of the location would be compromised.

CARRIED

## 7.2 960/620/2019 (Allot 3 Eden Valley Road, Angaston)

### 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. 960/620/2019 by Dechellis Homes to undertake Construction of a single-storey detached with double garage, alfresco and front verandah under main roof at Allot 3 Eden Valley Road, Angaston (CT 5846/686; 5846/688 and 5846/683).

- (a) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (b) That the Panel resolves to proceed to assessment of a non-complying development proposal, subject to the provision of the following additional information:
  - Statement of Effect
  - Detailed, scaled site plan showing:
    - Stormwater drainage details
    - Contours, excavation, fill, finished bench levels, finished floor levels, retaining walls
    - Location, size and use of existing and proposed buildings and structures
    - Existing and proposed trees and native vegetation areas
    - Driveway/s, manoeuvring and car parking area/s
    - Easements, watercourses and bores
  - Consideration of the amalgamation of the three allotments into one allotment
  - Consideration given to Primary Production Zone PDCs 11, 12, 13 and 14
  - Lodgement of an application for an onsite waste water system
  - Any other information or material that you think is relevant to the assessment of the proposal.

### Panel Decision

Moved: R Miller

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

## 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: R Veitch

That the recommendation be adopted.

CARRIED

## 10. REPORTS - OTHER BUSINESS

### 10.1 Planning Reform Updates

Nil.

## 11. REPORTS – CONFIDENTIAL

Nil.

### 11.1 ERD Court Appeal – 960/345/2019 – 44 Washington Street Angaston – Land Division

#### 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:

- (vii) to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

As this matter is before the Environment, Resources and Development Court and it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.

## 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, Assessment Officers, and the Minute Secretary, on the basis that this matter is before the Environment Resources and Development Court and therefore any disclosure could place the Panel in breach of the *Environment, Resources and Development Court Act 1993*.
- (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 Veitch

Seconded: R Miller

That the recommendation be adopted.

CARRIED

At 6:10pm the meeting moved into confidence.

At 6:13pm the confidential session ceased and the meeting reopened to the public.

Moved: R Veitch

Seconded: G Hewitt

That the Barossa Assessment Panel has considered *Confidential Item 11.1 ERD Court Appeal - 960/345/2019 – 44 Washington Street* 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, until a decision of the Environment, Resources and Development Court is made on the basis that disclosure may result in a breach of the *Environment, Resources and Development Court Act 1993*.

CARRIED

## 11.2 Assessment Manager Report – Barossa Assessment Panel Issues

### 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:

- (i) 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, Assessment Officers, and the Minute Secretary, on the basis that this matter 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: G Hewitt

Seconded: R Miller

That the recommendation be adopted.

CARRIED

At 6:13pm the meeting moved into confidence.

At 7:08pm the confidential session ceased and the meeting reopened to the public.

Moved: R Miller

Seconded: G Hewitt

That the Barossa Assessment Panel has considered *Confidential Item 11.2 Assessment Manager Report – Barossa Assessment Panel* 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 3 November 2020 commencing at 5.00pm.

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 7:08pm.

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

### 6.1 960/131/2020 (7D North Street Angaston)

Applicant: Damian and Helen Lister  
Representors: Simon and Tanya Wales of 7C North Street, Angaston  
David and Beryl Underwood of 17-19 North Street, Angaston

#### APPLICATION DETAILS

PROPOSAL	Excavating and filling totalling approximately 670 cubic metres and batter up to 3.5m high
APPLICANT	Damian and Helen Lister
OWNER	Damian and Helen Lister
APPLICATION NO	960/131/2020
CERTIFICATE(S) OF TITLE	CT 6197/215
AREA	1 hectare
CURRENT USE	Vacant
DEVELOPMENT PLAN VERSION	Consolidated 5 September 2019
ZONE	Rural Living
POLICY/PRECINCT AREA	15 – Angaston East Precinct
OVERLAYS	Nil
APPLICATION TYPE	On-Merit
CATEGORY OF DEVELOPMENT	Category 3
REFERRALS	Nil
PREVIOUS APPLICATIONS	960/122/2016 – Community Title Land Division - create six additional allotments - DAC Unique ID 53506
ASSESSING OFFICER	Jake Boswell
RECOMMENDATION	That Development Plan Consent be REFUSED

#### BACKGROUND

This application has been submitted as a result of compliance proceedings.

Council became aware of earthworks which had occurred at this site in July 2019, with subsequent investigation confirming that the works are 'development' and thus require development approval.

An application was submitted in March 2020 and subsequent assessment has been undertaken.

The application seeks the retrospective approval of earthworks resulting in approximately 670 cubic metres and battering up to 3.5m high.

The application was publicly notified, closing 24 June 2020. Four representations have been received with two wishing to be heard.

*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:

- (1) To refuse development plan consent, with respect to a merit application, other than where:
  - requested information has not been provided within legislative time frames.
  - no representations have been received as a result of category 2 or 3 public notification.
- (2) 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.
- (3) 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 Rural Living Zone.

Representations:	Four representations were received.  Location of the representations within 60 metre radius are shown in <i>Figure 1</i> .
Persons wishing to be heard:	Simon and Tanya Wales of 7C North Street, Angaston David and Beryl Underwood of 17-19 North Street, Angaston
Applicant/s	Damian and Helen Lister of 7D North Street, Angaston wish to appear to respond to representations.
Summary of Representations:	A number of representors raised concern regarding the following matters: <ul style="list-style-type: none"><li>• Future development</li><li>• Impact to natural landform</li><li>• Visual appearance</li><li>• Excessive extent of earthworks</li><li>• Stormwater runoff</li></ul>
Applicant Response:	The applicant's response to the representations is summarised below: <ul style="list-style-type: none"><li>• This application seeks retrospective approval for earthworks only, not building work</li><li>• Vegetation on the battered embankment will assist with beautifying and screening</li><li>• Hill side development inevitably results in embankments</li><li>• A relatively even amount of cut/fill has been undertaken</li><li>• Battering undertaken to accommodate future shedding and manoeuvring area</li></ul>

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 7D North Street, Angaston being identified as Lot 104 of Community Plan 41099, Volume 6197 Folio 215. The land is part of a community title land division development undertaken in 2016 resulting in the creation of six additional allotments. Of the resulting allotments, the subject site and four additional allotments share frontage to a common driveway with access to North Street (secondary arterial road). Two other allotments within the development contain separate access at the rear of the site, to Gawler Park Road.

The subject site is approximately one hectare in size, being an irregular shaped allotment. The site contains a narrow frontage of approximately 15 metres to the common driveway, splaying to a maximum width of approximately 100 metres.

The subject site has a substantial slope upwards, from west to east, with a total difference in site level of around 20 vertical metres. The works proposed have been undertaken already, and this application seeks retrospective approval for those works. The resulting plateau level is approximately 3.5 metres above and below the peak high and low points.

Adjacent sites and the locality generally share similar topography to the subject site. Many of those sites have been subject to development, including ancillary earthworks. Development in this locality has sought generally to minimise required earthworks. With respect to adjacent allotments that exist within the same community development as the

subject land, the maximum authorised battered fill in this locality is 1.8 metres above natural ground level.

The site is located within the Rural Living Zone, as shown in *Figure 2*.

The site is located within the Angaston East Precinct 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 16*.

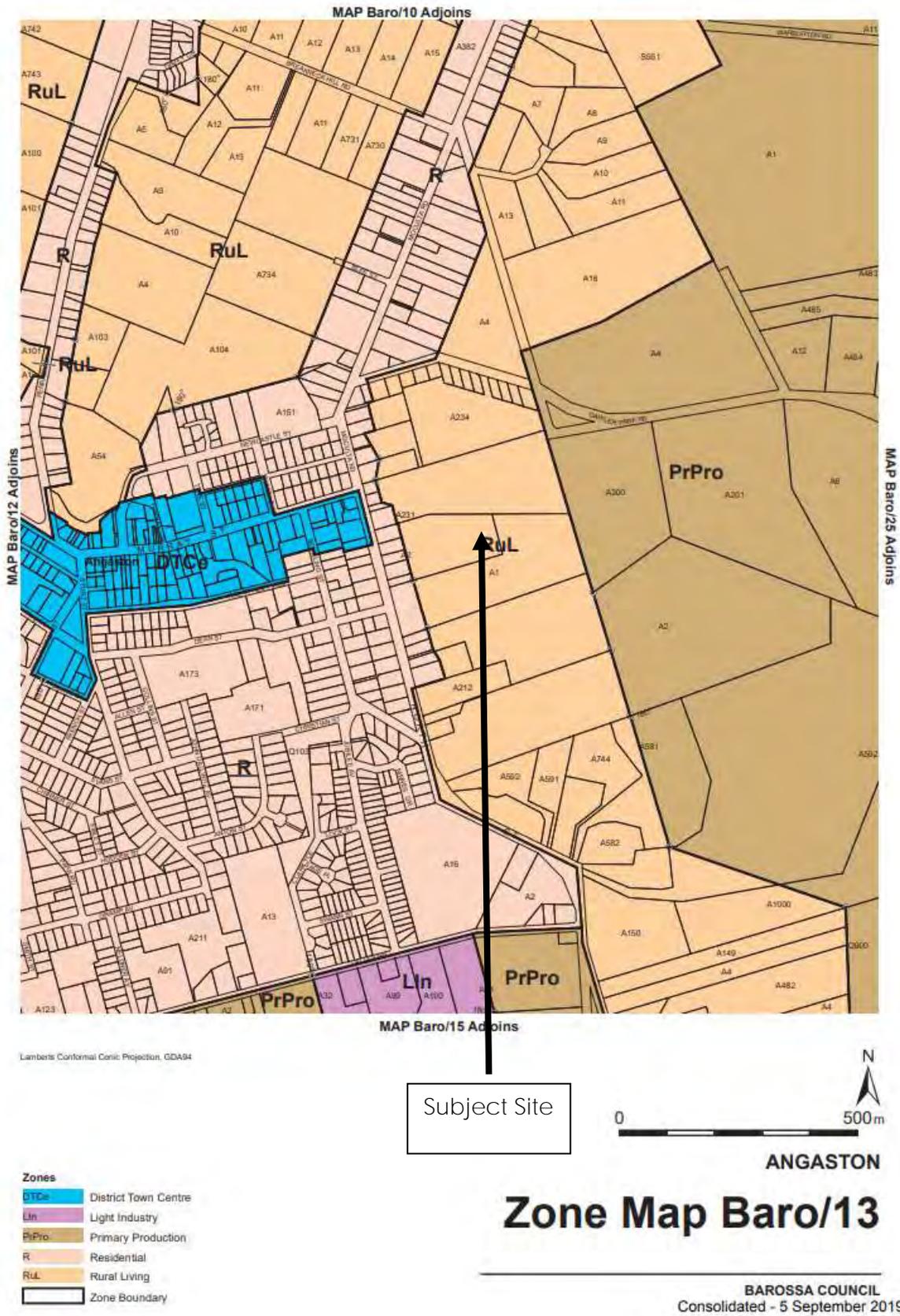


Figure 2: Zone Map

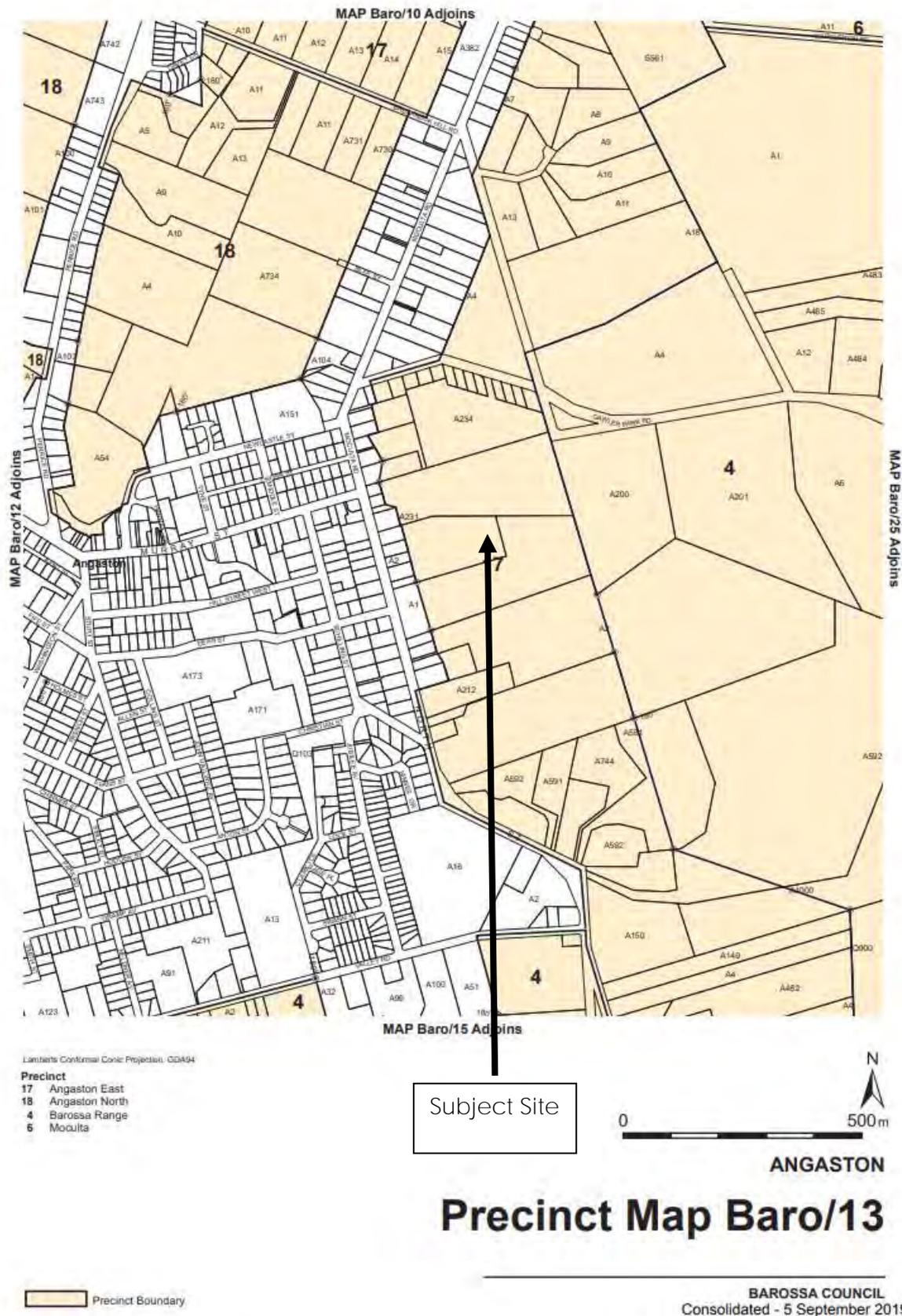


Figure 3: Precinct Map



Figure 4: Aerial – Locality



Figure 5: Aerial – Site



Figure 6: Site Photo – Viewing east from Angaston township side (west)



Figure 7: Site Photo – Outlook from plateau (north-west)



Figure 8: Site Photo – Outlook from plateau (south-west)



Figure 9: Site Photo – Outlook from plateau (west)



Figure 10: Site Photo – Outlook over plateau (south-west)



Figure 11: Site Photo – Outlook over plateau (south)



Figure 12: Site Photo – Outlook over plateau (west)



Figure 13: Site Photo – Outlook over plateau (north)



Figure 14: Site Photo – Rear embankment



Figure 15: Site Photo – Viewing east toward embankment



Figure 16: Site Photo – Viewing east toward embankment

REFERRALS

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

ASSESSMENT

Qualitative Criteria

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

*Overlay Section*

Character Preservation District

The subject land is located within the Township area. The site is not overly visible within the region, however can be seen from various vistas due to its rise in elevation toward the rear of the site.

The development being largely in itself a change in the natural landform isn't consistent with the intent of the Act. The intent of the resulting platform is to accommodate a future building site. That future building will be artificially elevated due to the nature of the fill undertaken.

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  
Landslip

Objectives 1  
PDCs 1, 26, 27 and 28

The proposed development will contain a relatively large batter ancillary to the site fill, and a relatively large batter ancillary to the cut at the rear. No retaining is proposed. Landscaping is proposed upon the filled batter to assist with appearance/screening, with an added benefit of stabilisation.

The rear batter is proposed to remain exposed.

There is a general risk of landslip, as with any earthworks in a sloping locality. The batter created is not of an unreasonable grade and sufficient vegetation planting should reduce longterm risk of landslip and erosion. There is sufficient space to adjacent boundaries such that landslip and erosion is unlikely to impinge upon adjacent sites.

All other Objectives and PDCs are deemed to comply.

Landscaping, Fences  
and Walls

Objective 1  
PDCs 1, 2 and 3

Some ancillary landscaping has been proposed to be incorporated, including a combination of native and exotic species, trees, shrubs and ground covers, and with moss rocks included throughout the filled embankment.

Landscaping, when completed and maintained, shall provide some of the appearance of a blank earth batter. However, the landscaping is unlikely to reduce the overall bulky appearance of the works.

All other Objectives and PDCs are deemed to comply.

Siting and Visibility

Objectives 1 and 2  
PDCs 1 and 9

The earthworks undertaken will be relatively noticeable within the locality. While earthworks are not uncommon in this locality due to the slope and topography of the region, the extent of work proposed is not insignificant and is greater than adjacent sites with similar topography.

The works undertaken and proposed development will be visible from outside the subject site and within the locality from select vistas – due to its elevated position in the locality. Ultimately the incorporation of landscaping may ensure the works blend into the existing landform – although such landscaping would be subject to ongoing maintenance. Of concern is that the resulting plateau – by virtue of the amount of works undertaken – may unreasonably prejudice potential future development. In this regard, it will be very

difficult for a future building to achieve consistency with relevant development policies that seek to limit visibility of buildings, if sited upon the as-proposed plateau.

All other Objectives and PDCs are deemed to comply.

#### Sloping Land

Objective 1  
PDCs 1, 2 and 7

The development incorporates a relatively even amount of cut and fill, rather than expansive filling or cutting. However, given the slope of the site, this results in a substantial change in the natural landform of the site.

The cutting and filling undertaken exceeds a maximum of 1.5 metres. While no building is currently proposed, it's noted that earthworks associated with building work should be limited and undertaken to limit the visual impacts of buildings or structures.

All other Objectives and PDCs are deemed to comply.

#### Zone Section

##### Rural Living Zone

Objectives 1 and 2

Excavations in this zone should be undertaken in a manner that minimises any detrimental effect on the natural scenic attractiveness of the locality. The works proposed within this retrospective application are relatively substantial, both in its context within the locality and in comparison to those adjacent sites with similar characteristics.

A relatively even approach of cut and fill is proposed, however the resulting works result in an outcome that is relatively substantial – resulting in a building platform that will restrict and potentially impinge upon future development.

This development in isolation isn't considered to contribute to the desired character of the zone.

All other Objectives are deemed to comply.

#### 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. Home based industry or other businesses will be limited to where such industry is complementary to the semi-rural use of land.*

*Development will maintain an open, semi-rural and rural character that contrasts with the built-up areas and rural land. The division of land will be orderly, co-ordinated and in accordance with the Concept Plan Map Baro/8 - Rural Living (Cockatoo Valley). Irregular shaped allotments, including battle-axed allotments (particularly with lengthy driveways or shared access arrangements) will not be created.*

*Buildings are to be unobtrusively located, away from prominent sites, ridgetops or similar visually exposed locations, set at least 25 metres from the road and involve excavations and reshaping of landform with minimum detrimental effect on any vegetation on the site or the natural scenic attractiveness of the locality. Access roads and driveways should follow the natural form of the land, minimise the needs for excavation or filling and be landscaped to blend with the natural appearance of the zone. Where portions of the zone are adjacent to or form part of the entrance to a township, development will ensure that it visually enhances the approach into the township.*

*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.*

*It is expected that buildings will be of such a form and design, including materials and colours, as to harmonize and blend with the natural and rural character of land located within the zone. Buildings will be limited to single storey in form and incorporate low-pitched roofs of a non-reflective texture and natural earth colours.*

*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.*

Desired Character                      The desired character of the zone envisages development that minimises the alteration of natural landforms, and which enhances the natural scenic attractiveness of the locality.

This development doesn't propose any buildings, but will result in a development that substantially alters the natural landform. While future landscaping is proposed and may screen the development and ensure a more 'green' development and appearance, there is invariably a change in the appearance of the land. This will impinge upon the appropriateness of future buildings at this site.

The appearance of the site and dependence on landscaping is not ideal. Although it will assist, there may be times in which landscaping/ground covers may become diseased, or die off, exposing the earth battering.

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

Land Use                                      PDCs 1

The proposed extent of fill is not an envisaged form of development in the zone. Future building plans have not been provided, but it is understood that this plateau is to

accommodate a future domestic outbuilding (shed), an envisaged form of development.

All other Objectives and PDCs are deemed to comply.

## CONCLUSION

Not seriously at variance

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

Development Plan Consent should be 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. 960/131/2020 by DGP and HM Lister to undertake Excavating and filling totalling approximately 670 cubic metres and batter up to 3.5m high at 7D North Street, Angaston (CT 6197/215) for the following reasons:

The proposed development is contrary to:

- General Section (Sloping Land) Objective 1  
Reason: The development does not minimise visual impacts.
- General Section Principle of Development Control 1  
Reason: The development does not integrate with the natural topography and does not minimise the need for earthworks.
- General Section Principle of Development Control 2  
Reason: The development does not minimise its visual impact nor minimises the extent of cut and/or fill.
- General Section Principle of Development Control 7  
Reason: The maximum height and depth of the earthworks exceed 1.5 metres, not preserving the natural landform.

- Rural Living Zone Objective 2

Reason: The development does not contribute to the desired character of the zone.

- Rural Living Zone Principle of Development Control 6

Reason: The development is not consistent with the desired character for the zone.

6.1 Attachment 1

## DEVELOPMENT APPLICATION FORM



**CONSENT TYPE APPLYING FOR (Please tick appropriate box)**

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

OFFICE USE ONLY	
DEVELOPMENT NO.: 960/	1
PROPERTY NO.:	
VG NO.:	

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

**APPLICANT:** ..... DAMIEN + HELEN LISTER

Postal Address: ..... 19 IAN SHOWELL DRIVE RENMARK ..... Post Code: 5341

Phone: 0437623822 ..... Mobile: 0422273830 ..... Fax: .....

Email: ..... lister.10@hotmail.com

**OWNER:** ..... AS ABOVE

Postal Address: ..... Post Code: .....

Phone: ..... Mobile: ..... Fax: .....

Email: .....

ARE YOU GOING TO BE AN OWNER BUILDER? YES  NO

**BUILDER:** ..... N/A

Postal Address: ..... Post Code: .....

Phone: ..... Mobile: ..... Fax: .....

Email: ..... Builders Licence No.: .....

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

**CONTACT PERSON FOR FURTHER INFORMATION:** Name: ..... HELEN OR DAMIEN LISTER

Phone: 0437623822 ..... Mobile: 0422273830 ..... Fax: .....

Email: ..... lister.10@hotmail.com

**DESCRIPTION OF PROPOSED DEVELOPMENT:** ..... benching area for proposed shed.

**EXISTING LAND USE:** ..... Vacant land

**AREA (m<sup>2</sup>) OF PROPOSED DEVELOPMENT:** .....

**LOCATION OF PROPOSED DEVELOPMENT:**

House No: 7D ..... Street: NORTH ST ..... Town: ANGSTON

Lot No: 29 104 ..... Section: ..... Hundred: MOOROOOO

Certificate of Title(s): Volume: CT 6182 ..... Folio: 347

**BUILDING RULES CLASSIFICATION SOUGHT:** ..... Present Classification .....

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

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

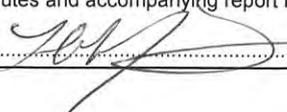
If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises: .....

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

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

**DEVELOPMENT COST** (do not include any fit out costs): \$ 17000-

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:** 19.3.20

DEVELOPMENT REGULATIONS 2008

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

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

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

APPLICANT:	DAMIEN + HELEN LISTER		
Postal Address:	19 IAN SHOWELL DRIVE RENMARK	Post Code:	5341
Phone:	0437 623 822	Mobile:	04222 73830
Fax:	—		
Email:	lister.10@hotmail.com		

DATE OF APPLICATION: 19/3/20

LOCATION OF PROPOSED DEVELOPMENT:			
House No:	7D	Street:	NORTH ST
Town:	ANGASTON		
Lot No:	7D Lot 104	Section:	
Hundred:			
Certificate of Title(s):	Volume: CT 6182	Folio:	347

NATURE OF PROPOSED DEVELOPMENT:	benching area for proposed shed site
---------------------------------	--------------------------------------

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

Signed:  Date of Declaration: 19/3/20

REAL PROPERTY ACT, 1886



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



## Certificate of Title - Volume 6197 Folio 215

Parent Title(s) CT 6182/347  
Creating Dealing(s) ACT 12790383  
Title Issued 25/09/2017 Edition 2 Edition Issued 13/12/2017

### Estate Type

FEE SIMPLE

### Registered Proprietor

DAMIEN GLENDINNING PATRICK LISTER  
HELEN MARIE LISTER  
OF 25 GAWLER PARK ROAD ANGASTON SA 5353  
AS JOINT TENANTS

### Description of Land

LOT 104 PRIMARY COMMUNITY PLAN 41099  
IN THE AREA NAMED ANGASTON  
HUNDRED OF MOOROOROO

### Easements

NIL

### Schedule of Dealings

NIL

### Notations

Dealings Affecting Title NIL

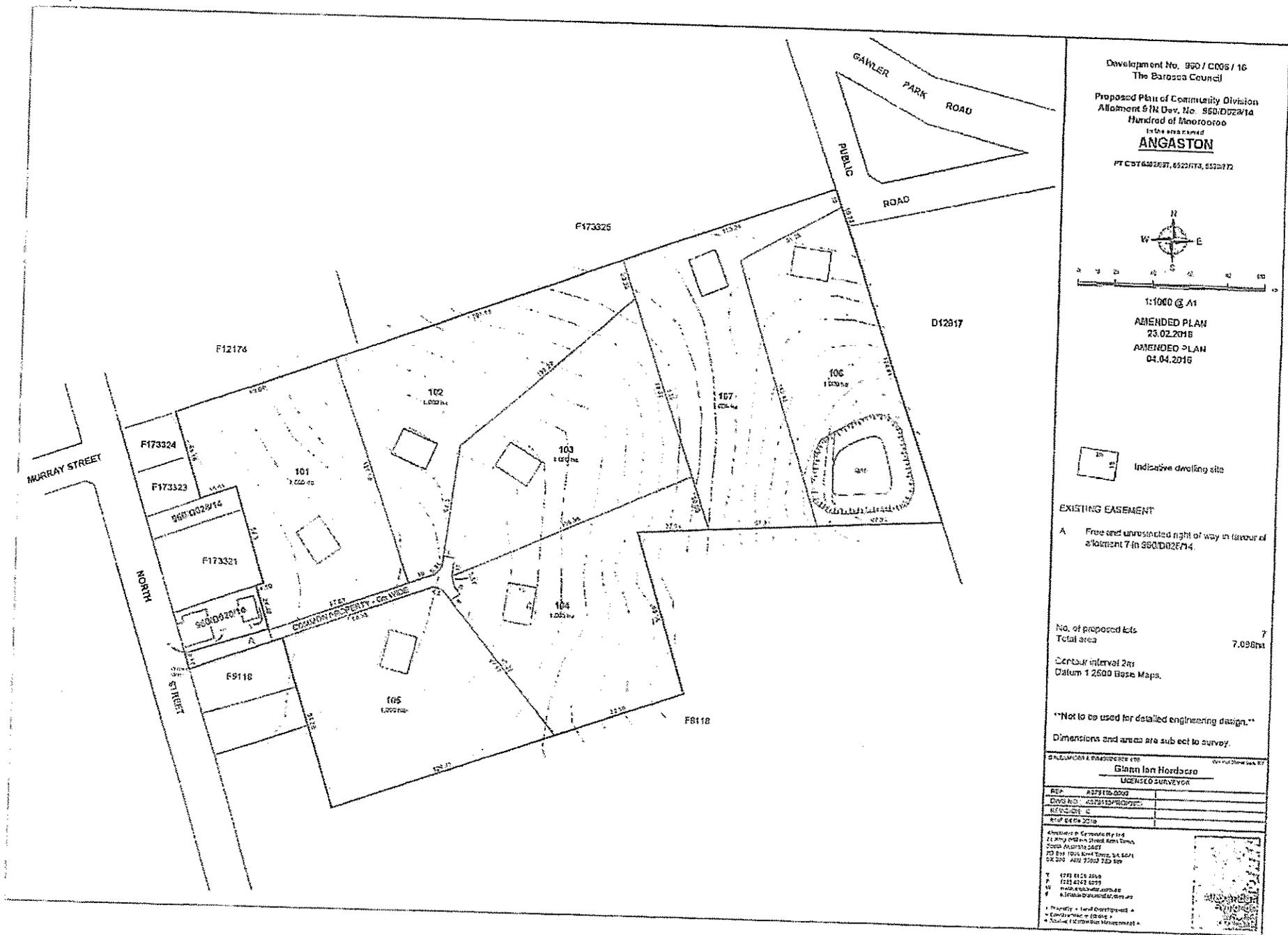
Priority Notices NIL

#### Notations on Plan

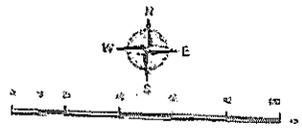
Lodgement Date	Dealing Number	Description	Status
01/09/2017	12790384	SCHEME DESCRIPTION	FILED
01/09/2017	12790385	BY-LAWS	FILED

Registrar-General's Notes NIL

Administrative Interests NIL



Development No. 950 / CD06 / 16  
 The Barossa Council  
 Proposed Plan of Community Division  
 Allotment 9 in Dev. No. 950/CD24/14  
 Hundred of Mooreroo  
 In the area named  
**ANGASTON**  
 PT CD16492697, 6520/173, 5520/172



1:1000 @ A4  
 AMENDED PLAN  
 23.02.2016  
 AMENDED PLAN  
 04.04.2016



**EXISTING EASEMENT**

A Free and unrestricted right of way in favour of allotment 7 in 950/DR27/14.

No. of proposed lots 7  
 Total area 7.096ha

Contour interval 2m  
 Datum 1 2500 Base Maps.

"Not to be used for detailed engineering design."

Dimensions and areas are subject to survey.

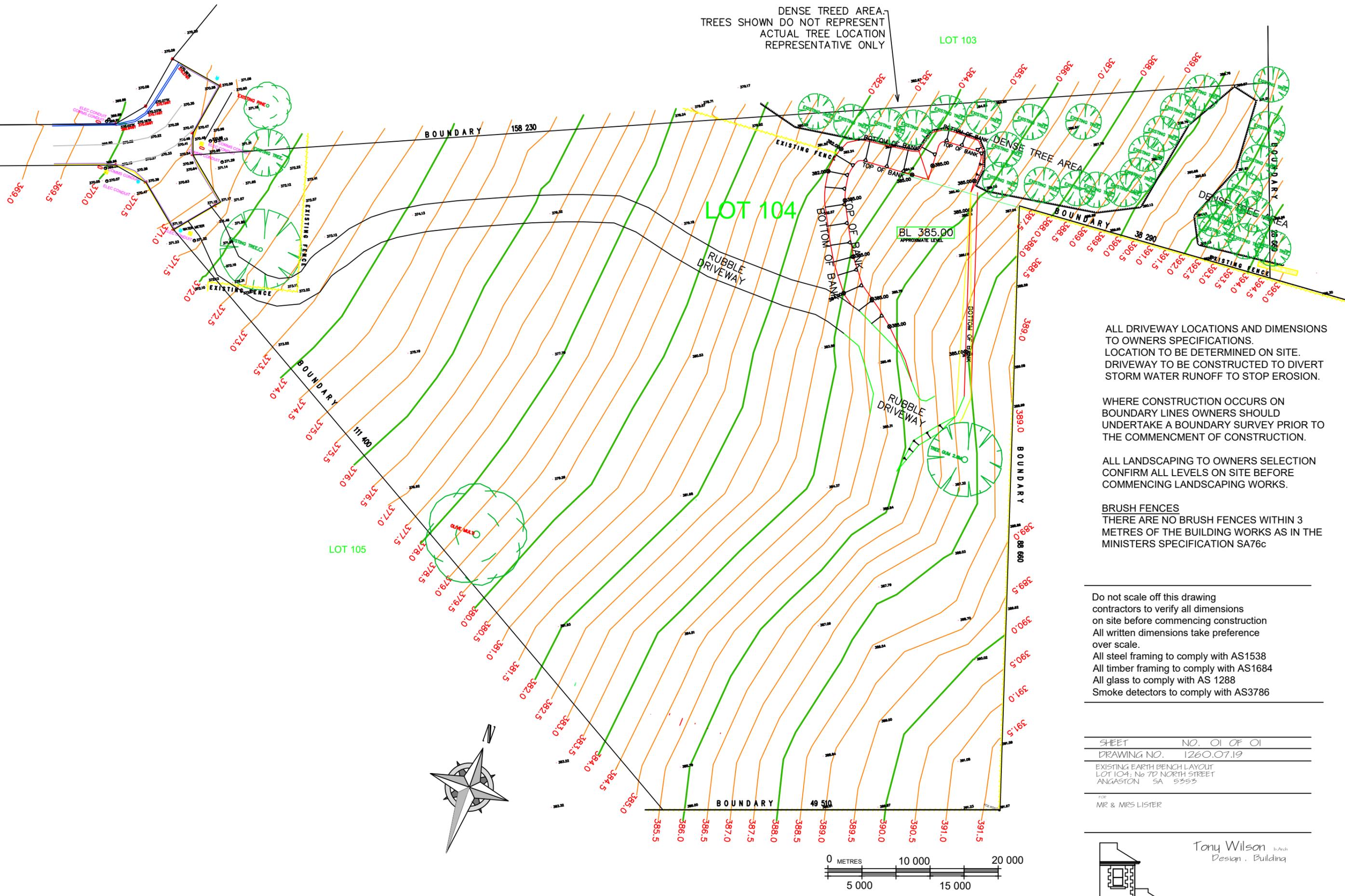
Glen Ingham & Associates Pty Ltd  
**Glen Ingham**  
 LICENSED SURVEYOR

REP	95716-0002
DEVS NO.	CD24/14/14
REF NO.	0
DATE	23/02/2016

4/10/2016  
 21 King William Street, Adelaide SA 5000  
 08 8363 1200  
 20 King William Street, Adelaide SA 5000  
 08 8363 1200

T 08 8363 1200  
 F 08 8363 1209  
 M 08 8363 1200  
 E glen@glengham.com.au  
 glen@glengham.com.au

• Property • Land Development •  
 • Engineering • Survey •  
 • National Fire Protection Association •



ALL DRIVEWAY LOCATIONS AND DIMENSIONS TO OWNERS SPECIFICATIONS. LOCATION TO BE DETERMINED ON SITE. DRIVEWAY TO BE CONSTRUCTED TO DIVERT STORM WATER RUNOFF TO STOP EROSION.

WHERE CONSTRUCTION OCCURS ON BOUNDARY LINES OWNERS SHOULD UNDERTAKE A BOUNDARY SURVEY PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

ALL LANDSCAPING TO OWNERS SELECTION CONFIRM ALL LEVELS ON SITE BEFORE COMMENCING LANDSCAPING WORKS.

**BRUSH FENCES**  
THERE ARE NO BRUSH FENCES WITHIN 3 METRES OF THE BUILDING WORKS AS IN THE MINISTERS SPECIFICATION SA76c

Do not scale off this drawing  
contractors to verify all dimensions on site before commencing construction  
All written dimensions take preference over scale.  
All steel framing to comply with AS1538  
All timber framing to comply with AS1684  
All glass to comply with AS 1288  
Smoke detectors to comply with AS3786

SHEET NO. 01 OF 01  
DRAWING NO. 1260.07.19  
EXISTING EARTH BENCH LAYOUT  
LOT 104: No 7D NORTH STREET  
ANGASTON SA 5353  
FOR MR & MRS LISTER

Tony Wilson *Arch*  
Design . Building

PO Box 55  
Kapunda SA 5373  
Ph & Fax 8566 3306  
tonywilson19@bigpond.com 48

**Shrubby bushes:**

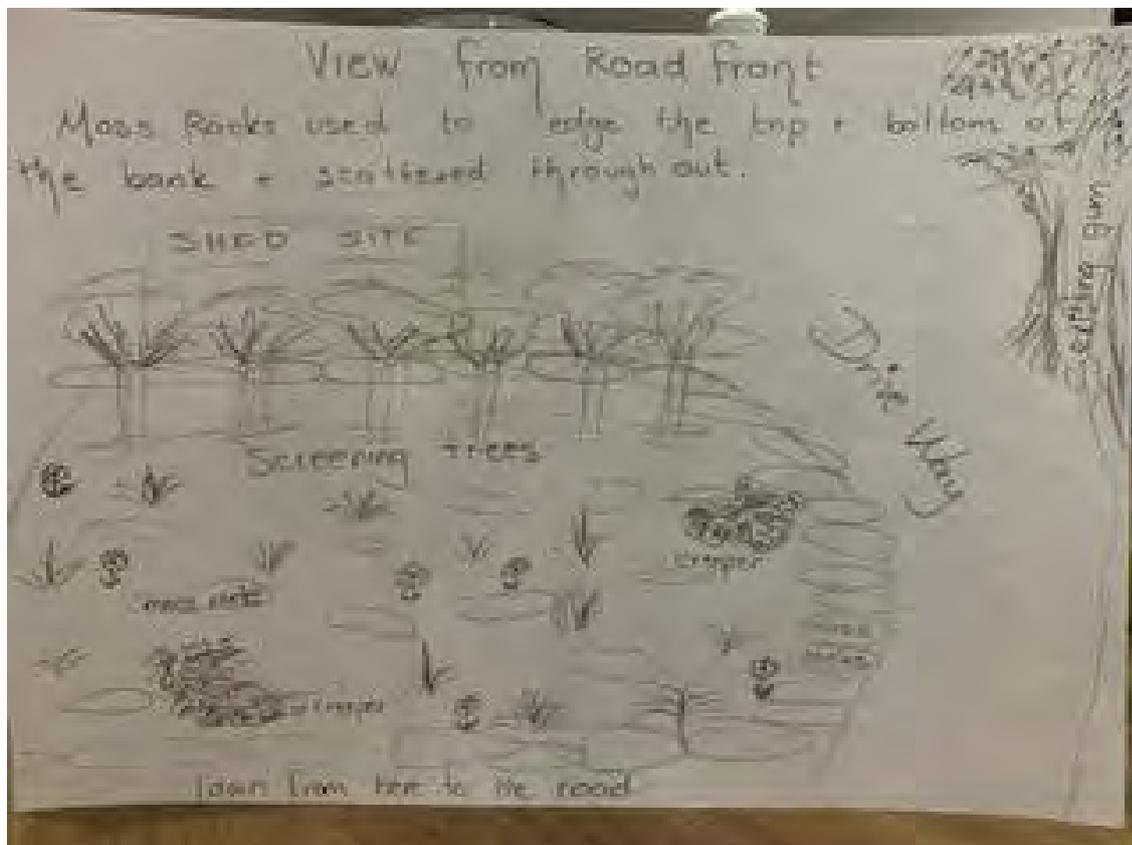
Australian Daisies (Brachyscome)  
Banksia (Banksias)  
Bottlebrush (Callistemon)  
Flame Pea (Chorizema)  
Grevillea (Pink lady, dimorpha, baueri )  
Lavender  
Boronia (Clauta)  
Callistemon (Harkness and Mauve Mist)  
Diosama (Coleonema)  
Agapantha  
Yakka

**Creepers:**

Pandoreas (Wonga Wonga Vine) - flowers white and soft pale pink  
Fraser Island Creeper  
Pandorea Jasminoides Charisma - creeper  
Boganvillia  
Hardenbergia

**Trees for screening:**

Gum tree (Eucalyptus and Corymbia)  
Lilly Pilly  
Pittosporum  
Bottlebrush  
Acmena (green screen)  
Acmena (Cherry surprise)  
Acmena (Forest flame)  
Buxus Microphylla (Japanese Box)









The shrubby bushes are to be planted throughout the garden bank on the slope.

The trees for screening will be planted 1-2 m apart at the top of the bank to screen the site that is designated for a shed.

The agapantha bulbs will be planted amongst the moss rocks used to edge the bank.

The creepers will be planted 5-10 metres apart towards the top of the bank slope and allowed to creep down the hill side with gorgeous flowers.

Watering will occur through a dripper system from the (BIO CYCLE) – hoses / pipes will be covered with bark chips

### **Shrubby bushes:**

Australian Daisies (Brachyscome).	20 plants – medium size
Banksia (Banksias)	20
Bottlebrush (Callistemon)	20
Flame Pea (Chorizema)	20
Grevillea (Pink lady, dimorpha, baueri )	20
Lavender	10
Boronia (Clauta)	10
Callistemon (Harkness and Mauve Mist)	10
Diosama (Coleonema)	30
Agapantha	bulbs to line the edges (lots)
Yakka	10

### **Creepers:**

Pandoreas (Wonga Wonga Vine) - flowers white and soft pale pink	4
Fraser Island Creeper	4
Pandorea Jasminoides Charisma – creeper	4
Boganvillia	4
Hardenbergia	4

### **Trees for screening:**

Lilly Pilly	10 plants 2-4 m heigh
Pittosporum	10
Bottlebrush	10
Acmena (green screen)	5
Acmena (Cherry surprise)	5
Acmena (Forest flame)	5
Buxus Microphylla (Japanese Box)	5

So, above is option 1 for landscaping the slope at 7D North street Angaston

Option 2 is to lawn and irrigate the entire area

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](mailto:development@barossa.sa.gov.au)



The Barossa Council

<b>DEVELOPMENT No.</b>	960/131/2020 D G P Lister and H M Lister
<b>Name of Person(s) making Representation</b>	AJ and DM Morrish
<b>Address</b>	POSTAL: 7 Dean St Angaston SA 5353  RESIDENTIAL: As above
<b>Email Address</b>	darlene.morrish@outlook.com
<b>Phone Number</b>	0419 849 449
<b>Nature of Interest Affected by Development</b> (eg adjoining resident, landowner nearby, on behalf of organization or company)	Adjacent landowner (7E Noah St, Angaston)
<b>Reasons for Representation</b>	Please refer to attachment 1
<b>My Representation would be Overcome by</b> (state action sought)	Reinstating lot to it's original form including removal of driveway and deconstruction of fill and batter.
<b>You must indicate below if you wish to be heard by Council's Barossa Assessment Panel in respect to your representation :</b>	
<b>I WISH TO BE HEARD IN RESPECT TO THIS REPRESENTATION</b>	No
<b>I WILL BE REPRESENTED BY</b> (if applicable):	

SIGNED



DATED 23/6/2020

## Reasons for representation re: development no. 960/131/2020

We have the following concerns regarding the Notice of Application for Category 3 Development, development no. 960/131/2020:

1. Insufficient information is contained within the application; the site plan does not indicate where the main dwelling will be located. Therefore there is insufficient content to approve application for proposed shed site without first understanding how this will link to a dwelling on the vacant land.
2. The Barossa Council Development Plan states that “Residential outbuildings, including garages and sheds, should not be constructed unless in association with an existing dwelling.” Thus it seems that approval for proposed shed site should *proceed* or at least be *in conjunction* with an application for a proposed dwelling at 7D North St, Angaston.
3. Driveway appears to encroach upon neighbouring land, being 7E North St, Angaston. This may also inhibit erection of shared fencing between 7D & 7E North Street due to the inappropriate placement of the already completed rubble driveway.
4. The Barossa council Development Plan states that “Buildings...in undulating landscapes should be sited in unobtrusive locations and in particular should be:  
(a) sited below the ridgeline  
(b) sited within valleys or behind spurs  
(c) sited in such a way as to not be visible against the skyline when viewed from public roads”.

As 7D is located directly at the end of the common driveway, a significant part of this property is visible from North Street, Angaston. As such, careful consideration should be given to the size of the batter, placement of dwellings and outbuildings. The proposed shed site, in it's elevated position, to the extreme NE corner of the property, maybe quite visible from North Street and appears inappropriately positioned within the contours of the existing landscape.

**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](mailto:development@barossa.sa.gov.au)



<b>DEVELOPMENT No.</b>	960/131/2020 DGP LISTER and HM LISTER
<b>Name of Person(s) making Representation</b>	SN and TL WALES
<b>Address</b>	Postal: PO Box 125 ANGASTON Residential: 12 Park Road ANGASTON
<b>Email Address</b>	<a href="mailto:simon@scribbleandthink.com">simon@scribbleandthink.com</a>
<b>Phone Number</b>	0404 022 995
<b>Nature of Interest Affected by Development</b> (eg adjoining resident, landowner nearby, on behalf of organization or company)	We are the landowners of Lot 103/7C North Street, which immediately abuts 7D.

<p><b>Reasons for Representation</b></p>	<p>We are of the understanding that rural residential blocks in this area should be developed with the minimum impact to the natural environment, and maintaining the existing contours and appeal where possible.</p> <p>We would argue strongly that adding a 3.5m soil bank and subsequently a building atop it, in plain view of the common entry and lot owners around it, is not in keeping with this philosophy at all.</p> <p>The application includes a request for Planning <u>and</u> Building Consent, which implies the owners of 7D have attempted to circumvent the guidelines in place by undertaking development in advance and retrospectively acquire Consent, making it easier for any building to be constructed in due course.</p> <p>The benched area has been developed:</p> <ul style="list-style-type: none"> <li>• of a height and volume that adversely impacts the existing appeal and enjoyment of the lots around it: it entirely changes what we (and others) see and feel, interrupting the natural contour and rolling hill aspect;</li> <li>• extremely close to our adjoining boundary, and in doing so has blocked our view to the south/south-south-east. Instead of a natural landscape, we now see an abrupt wall of soil, which, even if planted to 'soften' will not detract from the size and gradient of the soil bank on this boundary;</li> <li>• specifically with a footprint and volume that would indicate the intent would be for any subsequent building and surrounding driveway to be extremely substantial in their construction, further impacting the existing appeal and views enjoyed. If, as is mentioned, it is for a shed, why is there a need for such a large bank height? Why raise the bench to such a height for a utility building that doesn't need a view? Even assuming a smaller height shed of 2.4m, this would mean a total height of around 6m from the existing natural contour - something that would severely impact our enjoyment of our block. This would be made worse by the fact that we have to remove a large % of our dead or dying trees in this area. Although we intend to replant, we should not have to do so primarily to screen out a large, steep bank and future shed right on our boundary;</li> <li>• such that we have concerns for how water run-off would be managed on the bank adjoining our boundary (its gradient steep enough that storm water would not be contained by planting alone);</li> <li>• with an approach driveway and front soil bank which negatively impact the view and appeal on arrival into the common driveway shared by 7A-7E - it is the first thing people see.</li> </ul>
<p><b>My Representation would be Overcome by</b> (state action sought)</p>	<p>Relocating the benched area planned for any building, and further away from adjoining boundaries. And on this relocation, benching of a much smaller/less intrusive nature, planning for a building to be 'light on the landscape' (and in line with the area guidelines) through either split levelling, piling or a mix, and undertaking extensive planting such that existing appeal of this area is not compromised.</p> <p>This would place it out of line of sight of the common entry, minimise adjoining boundary impact, allow better water run-off management and fit into the natural environment more appropriately.</p>
<p><b>You must indicate below if you wish to be heard by Council's Barossa Assessment Panel in respect to your representation :</b></p>	
<p><b>I WISH TO BE HEARD IN RESPECT TO THIS REPRESENTATION:                      YES</b></p>	
<p><b>I WILL BE REPRESENTED BY</b> (if applicable): —</p>	

**Image references**



1. View from 7C south-south-west to 7D - prior to development.



2. View from 7C south-south-west to 7D - after development.



3. View from 7C south-south-west to 7D - after development.



4. View from common entry looking ENE before development, showing gentle contour and gradual slope to 7C from 7D.



5. View from common entry looking ENE after development, showing abrupt change to contour from 7D.



6. View from common entry looking ENE after development, showing transition of original contour/hill closer to 7C.



7. View from N edge of development looking WSW to common entry, showing arguable excessive bench height/volume for utility building.



8. View looking ENE up to development, showing arguable excessive bench height/volume for utility building, and proximity to 7C.



9. View looking SSE from 7C to development, showing arguable excessive bench height and abrupt change of landscape/view.

**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](mailto:development@barossa.sa.gov.au)



The Barossa Council

DEVELOPMENT No.	960/131/2020 D G P Lister and H M Lister
Name of Person(s) making Representation	MARC & HALEY LOWER
Address	POSTAL: 49 JACARANDA DRIVE CRAIGMORE SA 5114 RESIDENTIAL: (SAME)
Email Address	lower.haley@outlook.com
Phone Number	0400 365 661 0447652762
Nature of Interest Affected by Development <small>(eg adjoining resident, landowner nearby, on behalf of organization or company)</small>	LAND OWNER OF LAND DIVISION
Reasons for Representation	AS THE CURRENT LANDING HAS ALREADY BEEN MADE IT IS CLEAR AS SOON AS YOU DRIVE INTO THE STREET. A SHED WOULD STAND OUT BUT A HOME WOULD
My Representation would be Overcome by (state action sought)	BE MUCH BETTER. SUGGEST IT SHOULD NOT GO AHEAD
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	NO
I WILL BE REPRESENTED BY (if applicable):	THE COUNCIL

SIGNED

*M. Lower*  
Agenda - Barossa Assessment Panel - 3 November 2020

DATED

24-6-2020

**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](mailto:development@barossa.sa.gov.au)



RECEIVED  
24 JUN 2020  
The Barossa Council

The Barossa Council

DEVELOPMENT No.	960/131/2020 D G P Lister and H M Lister
Name of Person(s) making Representation	David + Beryl Underwood.
Address	POSTAL: P.O. Box 589 ANGASTON SA 5353  RESIDENTIAL: 17-19 North Street Angaston SA. 5353
Email Address	underwoodhill@bigpond.com
Phone Number	0468 389 370
Nature of Interest Affected by Development <small>(eg adjoining resident, landowner nearby, on behalf of organization or company)</small>	Adjoining resident
Reasons for Representation	Non complying. See Attached sheet.
My Representation would be Overcome by <small>(state action sought)</small>	See attached sheet.

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 <small>(if applicable):</small>	Drew Edwards Developments.

SIGNED

Agenda - Barossa Assessment Panel - 3 November 2020

DATED

23/6/20

## **Reasons For Representation**

The site has currently a non approved / unauthorized development. There is a massive pad of approximately 30 metres x 20 metres and with 670 cubic metres infill. This has been created with a significant cut and fill which is located to within 3.5 metres of our established rural boundary fence and with a 3.5 metre drop. This has been done without consultation.

We can't agree to anything that is there because the proper process has not been followed. The work has been done without approval. To give feedback at this stage sets a poor precedent for future developments.

We are not against development, but we expect a fair and just process to be followed by applicants and by the council using the established planning rules. We can't support this development without all the information.

## **My Representation would be Overcome by (state Action Required)**

That there is a new application showing the full extent of the owner's proposed development with shed and house plans together with landscaping

**OR**

Returning site to its original state

Hi Jake,

**DEVELOPMENT NUMBER : 960/131/2020**

Thanks for your feedback with regard to our **excavation and fill application.**

In response to the statements of representation we have addressed the items / queries relating only to our application for **(Excavation and Fill Benching area)**

It is important to note firstly that we were unaware that excavation of our property would require council approval. We were simply looking to gain access via a sealed driveway to the top of our property and a levelled area to give ourselves, the architect and the surveyor a visual for our plan.

Our previous experience with property led us to believe that excavation and cut size was not necessarily a separate application process. Our ignorance stems from this experience– detail follows:

We owned a property in Angaston (Gawler Park Road) prior to the purchase of 7D North Street .

When we purchased the established Gawler park Rd property it had 3 substantial cut and fills which literally dropped off without any battering, vegetation, landscaping or garden plantings. Upon our purchase we went to considerable expense (time and money) to beautify the embankments with moss rocks / stairs and plants.

Our current application for **excavation and fill** includes our vegetation plan and we have every intention of beautifying / landscaping / retaining our embankment.

Our application is for **excavation and fill benching area** only not yet for building consent - therefore logically it follows that neither shed nor dwelling plans were included in this application. We are well aware that a shed cannot be constructed on the site until a house is built.

There have been a number of assumptions made in these “statements of Representation” that are irrelevant and inaccurate.

Having spent some time driving / looking around the Barossa Valley we note there are many **excavated cut and fills** with large embankments

even including the new Angaston playground. This is the nature of building on a hill / sloping site and does not necessarily mean it is abrupt / impeding/ excessive or obtrusive.

## **S and T Wales. Owner of 7C**

It should be noted that whilst we did receive notification of 7B's development application, we did not ever receive notification for 7C and their excavation and building has already commenced.

They raised 5 points and our response is as follows:

1. The property sizes in this estate are approximately 2.5 acres thus we are not building on top of each other. The photos and videos show that the height and volume of our excavated area does not interrupt anyone's views or change the feel of the existing land.
2. The **excavation and fill** is not on the adjoining boundary, if you look at the boundary pegs and the shape of our property you can see that we own a substantial amount of the land into the wood lot tree area. 7C's view of our property is completely impeded by the abundance of trees on our adjoining boundary line "The abrupt wall of soil" they mention is concealed by those same trees and is currently well vegetated with green grass which as suggested in our application, we intend to landscape. With the location of 7C's dwelling it is noted they face North West overlooking the existing farm house / wood cutters property. Our excavated area is to their south / south east hidden behind trees.
3. The size of the pad is not for a huge shed, as assumed, but rather allowing for ease of vehicle manoeuvrability / turning space. This will not and has not impacted views, appeal or enjoyment of our land.
4. Their Concern relating to water run off is not applicable - it has already been established that even without the intended extensive landscaping and plantings, the soil has remained in place. (Vegetation plan was included)

5. There are 3 large substantial trees at the bottom of the common shared driveway, so our batter is not the first thing anyone sees as they enter this Estate.

The photos S and T Wales have included are not recent and already the excavation land looks more visually pleasing, and will improve again when the landscaping has been completed. (vegetation plan was included)

### **M and H Lower. land owner of land division**

(Not relevant to our application)

The representation states that a shed would “stand out”. Details of the type / style /colour / dimensions of a shed were not included in our application, again this was for an **excavation and fill benched area** only.

We did state in our vegetation plan that we would be planting screening trees / bushes at the top of the bank for privacy / screening and beautification.

### **D and B Underwood - adjoining resident**

An excavated area 3.5 meters inside our boundary to the Underwood’s property is nowhere near their dwelling, but rather it backs onto a dense community of gum trees bushes and grass Not impeding or interrupting anyone’s views. We are at a loss to understand how a cut on our property would pose a problem to them.

Again, our application to council was for **excavation and fill benched area** only not a shed and dwelling as yet.

Their comment suggesting returning the site to its original state is non-sensical because the block was always going to require excavation and fill to enable building to commence.

### **A and D Morrish: 7E**

1. Our application is for **excavation and fill benched area** only not a shed or dwelling at this stage. (irrelevant to our application)
  
2. We are aware that a shed cannot be built before a house (irrelevant to our application)
  
3. The rubble driveway was put in place according to the “Desirable” guidelines. At the time it was laid it looked to be within the boundary of the sited pegs. The more the track has been driven on, the more the gravel has spread out. We can see now that it possibly has encroached on the land owners of 7E and are very sorry. We have organised for a bobcat to come and scoop up the small amount and replace it on the inside of our track. Please keep in mind that the rubble on the ground is unlikely to inhibit any future rural style fencing.
  
4. In reference to the location of buildings ( again this is an **excavation and fill benched area application** only) the most appropriate position for a dwelling on 7D is at the top of the hill to make the most of the incredibly beautiful views.
  - (a) irrelevant to our property. -
  - (b) irrelevant to our property – there are no valleys or spurs on our property. ( it is a hill)
  - (c) irrelevant to our property. Due to the tree line in the background on the Underwood’s property, it will not be visible against the skyline from public roads, so is within the guidelines mentioned. (unlike the dwelling currently being built on 7C.)

Contrary to the claim made that the placement of the dwelling / shed, may be quite visible from the common driveway, the 3 large trees at the entrance to our property obscure any vision of our **excavation and fill benched area** and are the first things one sees as one enters the common driveway.

We would like to be notified of when our application goes to the assessment panel so that we can attend and have the opportunity to state our case.

Please see photos of our block taken during July 2020

Kind Regards

Helen and Damien Lister





The 4 photos above show the common driveway. Our property 7D being directly behind the 3 large trees. The excavated site is not visible from here as suggested.



The 2 photos above is the view from 7C. towards our property 7D With the vegetation now grown, the said. "wall of soil" / excavated site is not visible from here.



Driveway done to “desirable “ guidelines. View from our block back to the common entry.





2 photos above      Our driveway – excavation and fill directly ahead.



Excavated site - gradual neat slope. Blends in with the rolling hills in this area.



Entrance to our property 7D



Love our views.



Cut /  
excavation at the new Angaston playground. There are many cut / fill excavated sites around the Barossa very similar in size to ours  
Our point being this is the nature of developing on a hill / sloped property.

## 6.2 960/364/2020 (Allot 897 N Herbig Road Springton)

Applicant: Greg Burgess of Access Surveyors and Development Managers on behalf of Mark and Kate Fitzpatrick  
 Representors: D Rositano of 40 Williamstown Road Springton  
 G Middleton on 9 L Staricks Road Springton

### APPLICATION DETAILS

PROPOSAL	Construction of a detached dwelling with undercroft garage, gymnasium and store room (all non-habitable), decks and verandahs; Construction of a domestic outbuilding - garage (measuring 12.0m x 12.0m x 2.7m wall heights) and associated earthworks
APPLICANT	M and K Fitzpatrick
OWNER	M and K Fitzpatrick
APPLICATION NO	960/364/2020
CERTIFICATE(S) OF TITLE	CT 5641/642
AREA	16ha approx.
CURRENT USE	Grazing
DEVELOPMENT PLAN VERSION	Consolidated 5 September 2020
ZONE	Primary Production
POLICY/PRECINCT AREA	Nil
OVERLAYS	Character Preservation District Medium Bushfire Risk Area
APPLICATION TYPE	Non-Complying
CATEGORY OF DEVELOPMENT	Category 3
REFERRALS	Nil
PREVIOUS APPLICATIONS	960/279/2017 (Detached Dwelling with verandahs under main roof and Domestic Outbuilding (Shed))
ASSESSING OFFICER	Jake Boswell
RECOMMENDATION	That Development Plan Consent be GRANTED

### BACKGROUND

This application seeks approval to construct a detached dwelling with undercroft, and the construction of a domestic outbuilding, with associated earthworks.

This is in essence a variation to a previous development application (ref: 960/279/2017) that was granted Development Plan Consent by order of the Environment, Resources and Development Court of South Australia, dated 11 February 2020, following support by the Barossa Assessment Panel at its meeting on 4 February 2020. That outcome follows from conference proceedings in the Court after the application was initially refused by the Barossa Assessment Panel at its 2 April 2019 meeting (refusal based on access and road concerns).

This application is consistent with that prior application. The only addition is the inclusion of an undercroft garage, with gymnasium and store room (all non-habitable), sited entirely below the dwelling.

The application is a Non-Complying Category 3 form of development. Category 3 public notification has been undertaken, with two representations being received, both seeking to be heard.

*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:

- (1) With respect to a non-complying application:
  - to grant consent other than which in the opinion of the sub-delegate is of a minor nature.
- (2) 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.
- (3) Where in the opinion of the sub-delegate, it is appropriate to refer the application to the Barossa Assessment Panel.

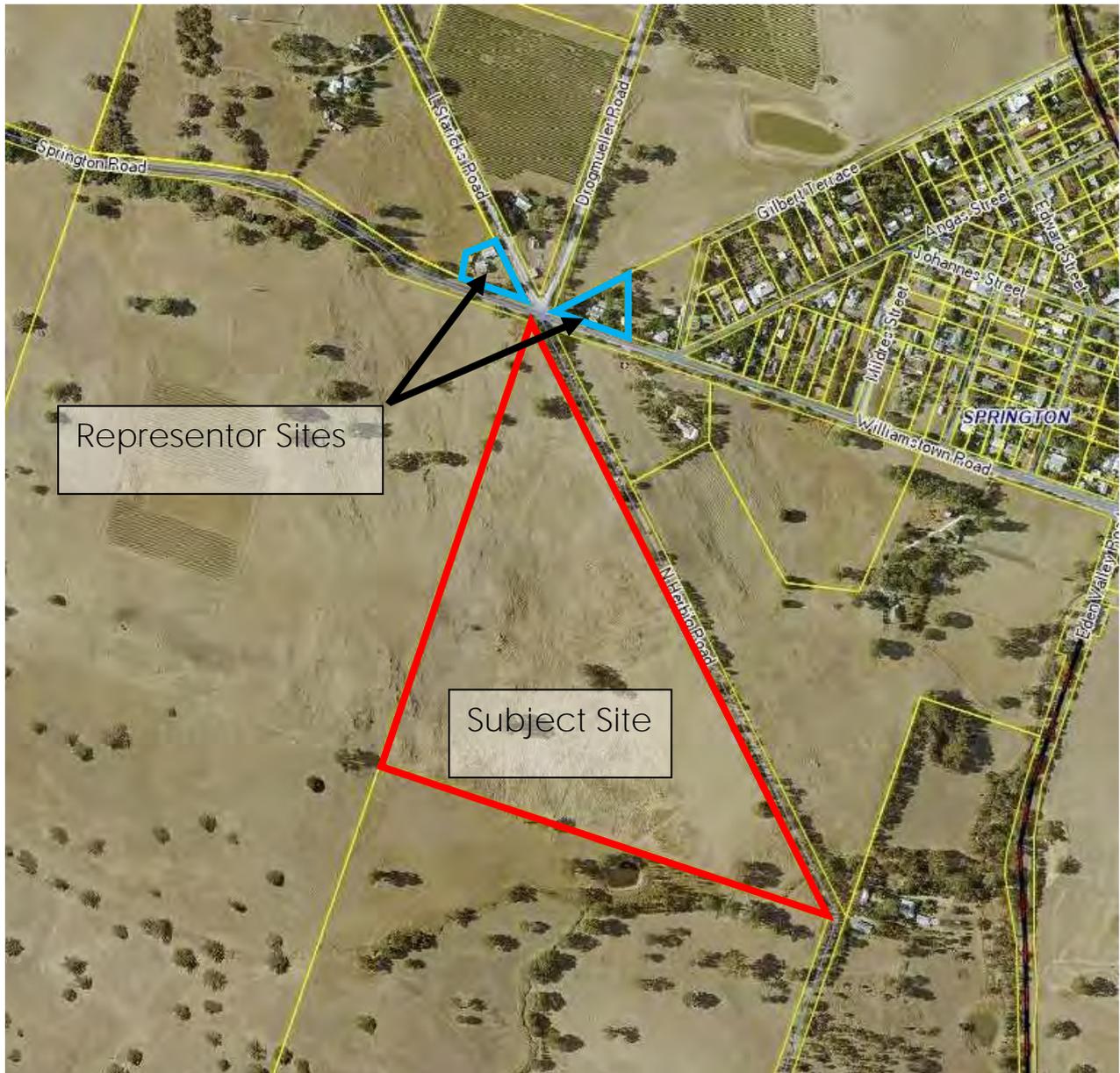
#### PUBLIC NOTIFICATION

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 Zone.

Representations:	Two representations were received.  Location of the representations within 60km radius are shown in <i>Figure 1</i> :
Persons wishing to be heard:	Two representors identified that they wish to address the Panel: <ul style="list-style-type: none"><li>• D Rositano of 40 Williamstown Road, Springton</li><li>• G Middleton of 9 L Staricks Road, Springton</li></ul>
Applicant/s	Greg Burgess of Access Surveyors and Development Managers on behalf of M and K Fitzpatrick (the Applicant) wishes to appear to respond to representations.
Summary of Representations:	The representors raised concern regarding the following matters: <ul style="list-style-type: none"><li>• Use of the outbuilding (garage)</li><li>• Potential and future use of the outbuilding (garage)</li><li>• Impact and deterioration to N Herbig Road</li><li>• Traffic risks around Williamstown Road intersection</li><li>• Appearance and design of proposed building</li><li>• Siting and visibility</li><li>• Impact to ongoing primary producing</li></ul>
Applicant Response:	The applicant's response to the representations is summarised below: <ul style="list-style-type: none"><li>• Structures located at the flattest sections of the site to minimise earthworks</li></ul>

- Structures to be used in accordance with their proposed land uses
- Outbuilding (garage) to also house farming and land management, with wash-up area
- Road surface and traffic impacts addressed with previously assessed MFY Traffic Engineers report
- Buildings have been designed/sited to support grazing activities on site

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 land is located adjacent the Springton Township, and is primarily used for the purposes of grazing land. The land is approximately 16.2 ha in size and is currently vacant. The land undulates to a reasonable degree, and is relatively clear of native vegetation.

The land surrounding the subject site, at all orientations, is primarily used for primary production purposes (mainly grazing), with ancillary detached dwellings and similar land sizes. To the north-east is the Springton Township which contains predominately single storey detached dwellings with associated domestic structures. That township is predominately covered by a character area, and contains numerous heritage items.

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

The site is located within the Character Preservation District 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 10*.

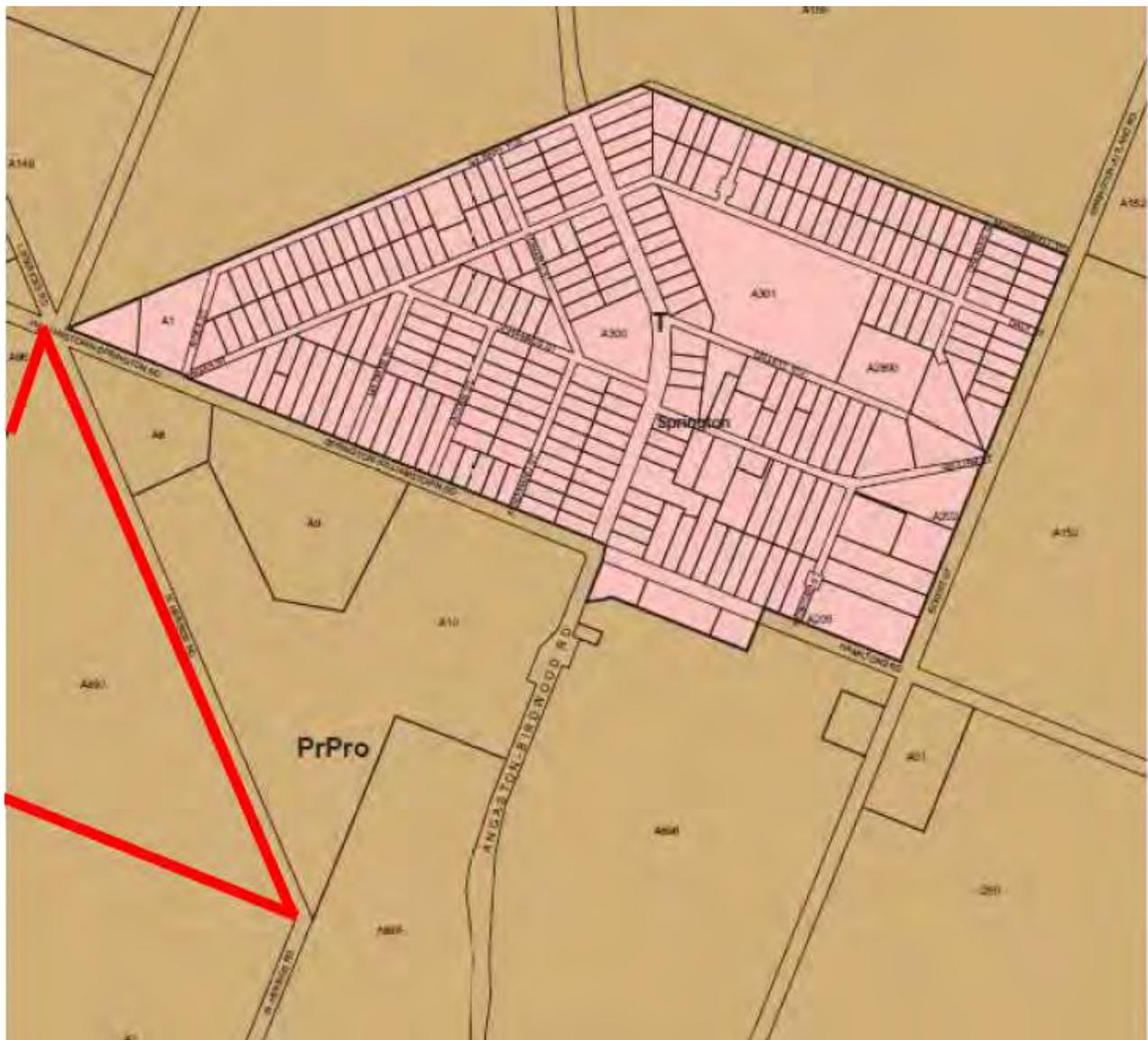


Figure 2: Zone Map



Figure 3: Character Preservation District Overlay



Figure 4: Aerial – Locality



Figure 5: Aerial – Site



Figure 6: Site Photo

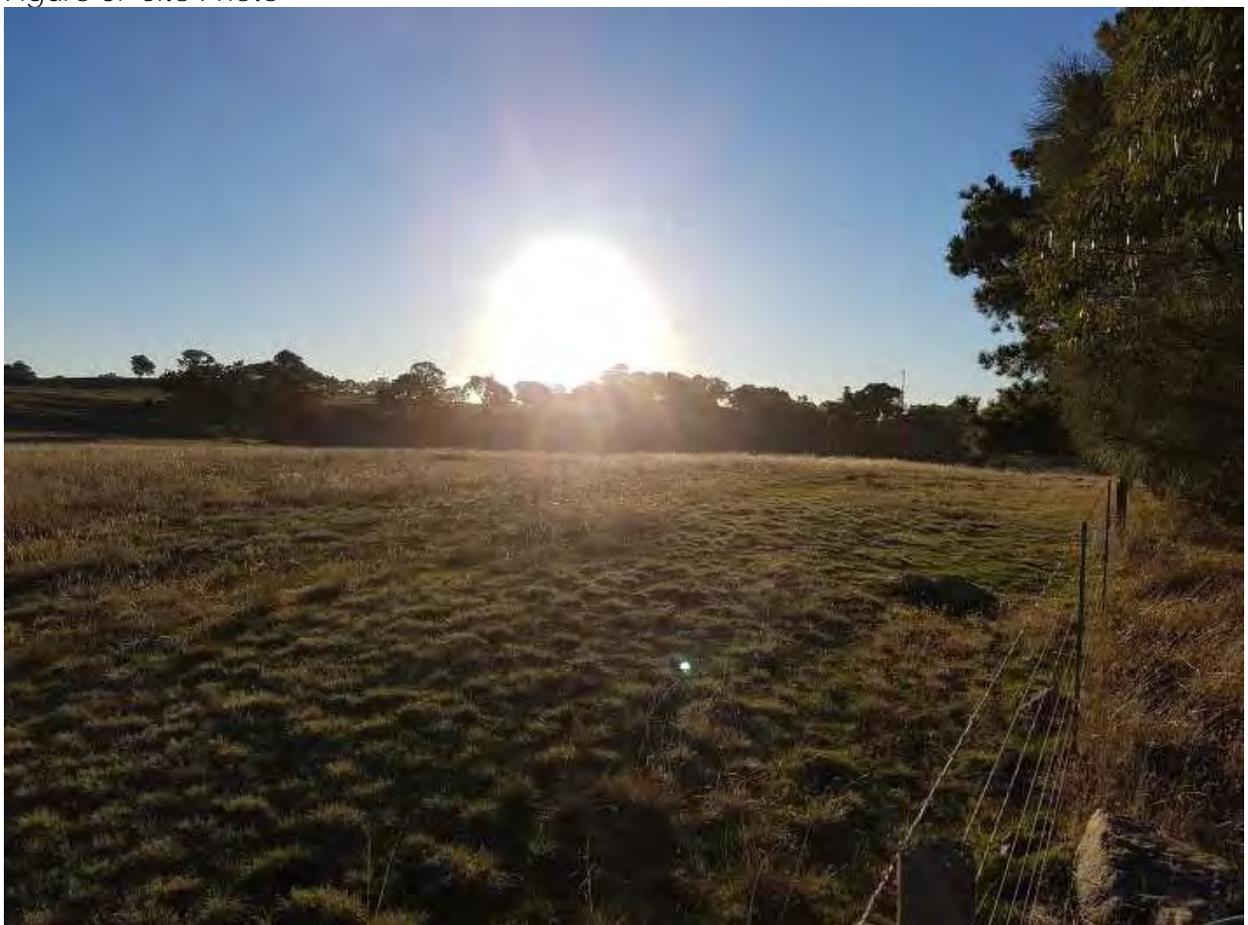


Figure 7: Site Photo



Figure 8: Site Photo



Figure 9: Site Photo



Figure 10: Site Photo

#### REFERRALS

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

#### NON-COMPLYING

The application is a non-complying form of development, due to the procedural matters of the Primary Production Zone.

In particular, the development does not satisfy item (g)(v), in that the undercroft garage opening results in the development including a floor level directly above another floor level, where the upper floor level is not located entirely at or below finished ground level.

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

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

- (1) This development (other than the undercroft) has previously been approved by Court Order, with support from the Barossa Assessment Panel (per DA 960/279/2017).
- (2) This development is reasonably in keeping with the intent of the desired character of the zone, and is only non-complying based on the inclusion of the undercroft.
- (3) Despite the inclusion of the undercroft, the dwelling will still maintain the upper floor level at ground level, resulting in minimal additional visual impacts. This isn't considered to introduce a grave departure from the intent of the Development Plan.

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

## ASSESSMENT

### Qualitative Criteria

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

#### *Overlay Section*

Character Preservation District      The subject land is located within the Rural Area, as identified by the *Character Preservation (Barossa Valley) Act 2012* (the Act). The intent of this Act is to maintain the character and landscape amenity of the Barossa region. The proposed development seeks for a dwelling to be constructed within the Springton area. This dwelling is to be sited near the peak of the subject site. An undercroft is also to be incorporated, below the floor level of the main dwelling.

The dwelling is to be of contemporary design, and of a character that is much more modern than existing, older dwellings within the locality. Furthermore, the majority of dwellings in the region are sited at a level that is relatively lower than the proposed dwelling. Taking into account the topography of the site and the nature of the development, there is potential for the development to be more visible than other existing dwellings in the landscape. However, the siting of the dwelling is unlikely to result in the dwelling being unreasonably visible from prominent vistas within the locality, in particular the Springton township and Eden Valley Road.

From both viewing points, the topography of the land and the position of existing native vegetation obscure the view of the development site. Therefore, while there may be some visual impact resulting from the development, this is unlikely to be to an unreasonable degree such that it contradicts the intent of the Act.

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

Bushfire Protection Area      The subject land is located entirely within the Medium Bushfire Risk Area.

In order to achieve compliance with the 'Minister's Code for undertaking development in Bushfire Protection Areas' a range of provisions are required to be satisfied.

The development achieves, or is able to achieve, the majority of these provisions including the incorporation of appropriate on-site manoeuvring areas and supply of water for bushfire fighting purposes.

The Minister's Code (2.3.3 and 2.3.3.1) outlines that it is essential that the means of entry to and exit from an allotment ensures that residents, as well as fire-fighting and emergency services, can safely enter and exit private allotments. The Code acknowledges that public roads should be constructed with a formed, all-weather surface and be constructed away from hazardous vegetation such as overhanging limbs (among other provisions). Given the historical nature of N Herbig Road, this road-way does not achieve these provisions. N Herbig Road is a sign-posted dry weather road only and subsequently is not considered appropriate for all-weather access.

In regards to a dwelling application, the Code requires that any private road or driveway achieves connection of a formed, all-weather public road when the dwelling is located more than 30 metres from the primary boundary. The proposed dwelling is located no more than 30 metres from this boundary.

An internal access way that runs parallel to N Herbig Road is proposed to be created, which will be constructed to an all-weather standard, with an internal manoeuvring area.

It is noted that the gate located on the boundary of the land with N Herbig Road, is approximately 200 metres from the intersection of N Herbig Road and Williamstown Road and may only be used during dry weather conditions, and at all other times only as a point of egress from the land by fire-fighting and other emergency service vehicles. It is recommended this be addressed with a condition of consent – if the application is to be supported.

### *General Section*

Design and Appearance Objectives 1  
PDCs 1, 2, 3, 5, 7 and 9

The proposed development is contemporary in its design, to a greater extent than existing dwellings within the locality.

The dwelling incorporates a high level of articulation in its appearance and has been designed with an intent to provide above average passive solar efficiencies.

The external materials comprise roof cladding in Colorbond Dune and walls consisting of a 'natural tone' render. Given this, the external claddings are not considered to be unreasonable and are unlikely to result in an unreasonable amenity impact to the locality.

The undercroft component will be largely below the finished ground level at the completion of the development, but will be visible from the south-eastern orientation by virtue of its garage opening. This is only likely to be visible from a small area, as the sides of the openings incorporate earth batters which will screen that opening.

The development does not unreasonably detract from the existing views of residential sites within the locality, nor from public spaces, and is unlikely to be visually obtrusive from Eden Valley Road.

All other Objectives and PDCs are deemed to comply.

Hazards  
Bushfire

Objective 5  
PDCs 1, 7, 8, 9, 10 and 12

The subject land is located within a Medium Bushfire Risk area, with the development seeking the construction of a habitable building.

N Herbig Road is considered an unformed public road and is not considered suitable for all-weather use. The road surface contains areas of exposed rock, and is not constructed to a public standard.

There are existing dwellings that use this road for access, however those dwellings all contain separate access to all-weather roads.

The development incorporates an internal access way from a section nearer to the Williamstown Road intersection, to be constructed to an all-weather standard. It is also recommended that if the application is to be supported, that the use of N Herbig Road to the gate located on the boundary of the land with N Herbig Road, approximately 200 metres from the intersection of Williamstown Road, is only to be used during dry weather conditions and at all other times, only as a point of egress from the land by fire-fighting and other emergency service vehicles.

All other Objectives and PDCs are deemed to comply.

Landscaping,  
and Walls

Fences  
Objective 1  
PDCs 1, 2 and 3

The proposed development seeks to establish landscaping for screening purposes. This is primarily located to the northwest of the dwelling location, and would assist screening when viewed from that orientation. This is the orientation in which the development is most clearly visible from a public space, and the screen planting would reduce the visual impact of the development. While screen planting cannot be solely relied upon when considering visual

impacts, it is noted that the incorporation of native screen planting would soften the built form of the development.

The landscape screening is to be located in a position such that it benefits from the on-site wastewater system and is to be established with all native varieties.

All other Objectives and PDCs are deemed to comply.

Residential  
Development  
Garages, Carports and  
Outbuildings

Objectives 1 and 2  
PDCs 1, 5, 12 and 14

This dwelling incorporates a dwelling under main roof, in the form of an undercroft garage. Sufficient car parking spaces are accommodated.

A secondary domestic outbuilding (garage) is also proposed on site, which can also provide under-cover car parking as required.

There is sufficient space on site for visitor car parking.

The contemporary design of the dwelling is such that it varies from traditional building design within the locality, however the articulation of the dwelling and incorporation of sound architectural principles ensure that the building is of a high-level design and contributes to the amenity of the locality. The design of the garage is such that it complements the building form and external material/colour schedule of the dwelling.

The inclusion of the undercroft garage is not likely to unreasonably impinge upon the visual aesthetics of the development, and will only be visible from the south-east. The majority of this undercroft, bar the opening, will be located below finished ground level.

All other Objectives and PDCs are deemed to comply.

Siting and Visibility

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

The development will be visible from outside the subject site, primarily from private land from the south and west. The topography of the site and the nature of the development is such that the development is unlikely to be overly visible from the north and east, with existing established native vegetation assisting with this.

The undercroft garage opening will present a new visual element to the south/east. There may be some detracting from the natural landscape, however is not likely to be unreasonable given the context of the larger building to be sited above. The bulk of the undercroft will be sited below finished ground level and not visible from outside the site.

All other Objectives and PDCs are deemed to comply.

Transportation and  
Access  
Access

Objective 1  
PDC 22

The development seeks to utilise access from N Herbig Road, with dual access. A single access point near the intersection of N Herbig and Williamstown Road is to be utilised as a primary access point, with an internal all-weather access to be provided to the dwelling, with internal manoeuvring area.

A second access point approximately 200 metres from the N Herbig Road intersection is also proposed. This isn't considered suitable for the purposes of all-weather access due to the current condition of that road. Access through this gate should be restricted to dry-weather conditions only, and for the purpose of emergency service vehicles in all other conditions.

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

Objectives 2  
PDCs 1, 2, 3, 10 and 11

A wastewater application has previously been assessed and approved by Council's Health Services (ref: WWS/65/2017) for the proposed development. The inclusion of the undercroft does not result in variations to that wastewater application.

All other Objectives and PDCs are deemed to comply.

### Zone Section

Primary Production Zone Objectives 1 and 5

The proposed development would not unreasonably impact the site, from an economic or environmental perspective, and would not detract from the site's ability to accommodate primary production. The construction of a dwelling in this location would assist with better management of the land and would not detract from the usability of the site.

The development does not detract from the desired character of the Zone.

All other Objectives are deemed to comply.

## Desired Character

*The zone comprises a range of landscapes with varying soil quality, underground water supplies and rainfall levels. Development of grazing and broadacre farming land uses is the most appropriate form of agricultural use located within the zone, with limited opportunities for more intensive uses such as horticulture and viticulture located within the uplands areas of the zone such as the Barossa Range. Development will take into account the capability and suitability of the land for the intended use.*

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

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

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

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

## Desired Character

The subject land is not practically useable for broadacre farming – due to the size and topography of the lot. The land is usable, and is currently used, for grazing. The construction of the proposed development is not likely to unreasonably impinge upon the continued use of the land for this purpose.

With no minimum allotment sizes for dwellings in this locality, there is scope that a dwelling on the site is acceptable.

There are no designated scenic/tourist routes within the locality, however Eden Valley Road (secondary arterial road) is located approximately 550 metres from the development location. This route experiences relatively high volumes of traffic. The siting of the dwelling is such that it is located with a finished floor level not at the peak of the site, and is sited slightly downhill on the western side – away from Eden Valley Road.

The undercroft garage opening will be somewhat visible from this locality, but the bulk of the appearance shall be largely below the ridgeline. The dwelling itself will contain the bulk of the appearance, and as such the undercroft isn't likely to further exacerbate the visual aesthetic.

Furthermore, the development location is in close proximity to the Springton Township, where buildings are common throughout. Given these factors, and taking into account the topography the land between the subject land and Eden Valley Road, the proposed dwelling is unlikely to be overly visible with any notable vista.

The proposal seeks to establish vegetation landscaping to assist with screening of the development. This vegetation is to be native.

#### Land Use

PDCs 1, 5 and 7

A dwelling is not an envisaged form of development within this Zone. The construction of this dwelling would not result in more than one dwelling being constructed, and the proposed building location will ensure the building is largely screened from views by taking advantage of existing native screening, as well as new native screening. The existing topography of the site and locality shall also assist in this regard.

The proposed development is to be constructed to assist with the primary production functions of the land – allowing the land owners to better manage the site. Furthermore, the construction of proposed development would not unreasonably impinge upon the site's ability to accommodate effective primary production.

All other Objectives and PDCs are deemed to comply.

#### Form and Character

PDCs 10, 11, 12, 13, 14 and 15

The proposed development has been designed in a contemporary manner with a high degree of articulation and architectural features. The dwelling and outbuilding are to be single storey in nature, with relatively low roof forms to

reduce the overall bulk of the buildings. The dwelling will contain an undercroft which will be sited below the finished ground level.

The development primarily incorporates Colorbond Dune (roofs) and external rendering in 'natural tones' which shall ensure the buildings adequately blend with the natural landscape. Furthermore, these colours/materials are not considered overly reflective.

The floor plan design of the dwelling ensures that a living space is located with a northern orientation, and appropriately located internal doors to assist with passive solar efficiency. The total window area facing east and west does not exceed 50 percent of the total window area of the dwelling, and sufficient eaves/verandahs have been provided to the western orientation. The roof form of the building incorporates a north facing area of 10 sqm with a pitch of 18 degrees.

The proposed driveway location does not result in unreasonable earthworks being undertaken when taking into account the topography and contouring of the land, inclusive of access to the garage. The garage is detached from the dwelling and sited in a location such that it is not visually obtrusive when viewed from outside the land.

The appearance of the outbuilding (garage) is of a high architectural design, beyond that of a typical storage building. It has been noted from the applicant that this structure is to be used for storage only, with an internal hand wash basin. It is not reasonable to assume use of this building as something other than proposed, with design of buildings determined by the preference of an applicant.

All other PDCs are deemed to comply.

## CONCLUSION

Not seriously at variance

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

Development Plan Consent should be granted

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

## RECOMMENDATION

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

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.

- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/364/2020 by M and K Fitzpatrick to undertake Construction of a detached dwelling with undercroft garage, gymnasium and store room (all non-habitable), decks and verandahs; Construction of a domestic outbuilding - garage (measuring 12.0m x 12.0m x 2.7m wall heights) and associated earthworks at Allot 897 N Herbig Road, Springton (CT 5641/642) subject to the following conditions and advisory notes:

#### Council Conditions

- (1) The Development (including the proposed vehicle cross-over on the Council's road reserve) shall be undertaken in accordance with the following plans, by JBG Architects Pty Ltd, Job 1644 and documentation (as amended) accompanying the Application comprising:
  - (a) Coversheet and Block plan, dated 24 March 2020, Issue J (inclusive of internal roadway)
  - (b) Site Plan Existing, dated 24 March 2020, Issue J
  - (c) Site Plan Masterplan, dated 24 March 2020, Issue J
  - (d) Floor Plan – Lower, dated 24 March 2020, Issue J
  - (e) Floor Plan – Ground, dated 24 March 2020, Issue J
  - (f) Elevations, dated 24 March 2020, Issue J
  - (g) Garage Details, dated 24 March 2020, Issue J
  - (h) Statement of Support, prepared by M & K Fitzpatrick, dated 14 August 2020
  - (i) Statement of Effect, prepared by Access SDM, dated 30 August 2020

except where varied by any subsequent condition set out below (as relevant).

Reason: to ensure the development is undertaken in accordance with authorised documents

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

Reason: To ensure stormwater is managed in a suitable manner.

- (3) Stormwater disposal measures must be fully installed at the completion of the construction of the approved buildings with adequate measures deployed during construction to ensure that the temporary disposal of surface or roof water does not affect neighbouring properties, to the reasonable satisfaction of the Council.

Reason: To ensure stormwater systems are completed in conjunction with the development, in a timely manner

- (4) The approved dwelling shall be connected to an authorised wastewater system prior to occupation.

Reason: To ensure wastewater is satisfactorily managed on the site.

- (5) Safe and convenient access/egress shall be provided to the approved dwelling for fire-fighting vehicles as follows:

- (a) access to the dwelling via the proposed all-weather rubble track (shown on plan no.2.1.1 above), shall be properly maintained in sound condition at all times.
- (b) any vegetation overhanging the access road shall be pruned to achieve a minimum vertical height clearance of 4 metres at all times.
- (c) the gate located on the boundary of the land with N Herbig's Road approximately 200 metres from the intersection of N Herbig's Road and Williamstown Road, may only be used during dry weather conditions and, at all other times, only as a point of egress from the land by fire-fighting and other emergency service vehicles.

Reason: To ensure access can be provided in a safe and convenient manner.

- (6) Disturbed surfaces including any exposed batters as a result of excavation on the land associated with the development shall be revegetated with indigenous species and stabilised within three (3) months of the completion of the Development.

Reason: To ensure disturbed surfaces are reinstated and/or landscaped within a timely manner.

- (7) The land is located within a Medium Bushfire Risk area. Accordingly, a dedicated and independent water supply shall be available at all times for fire-fighting purposes which:

- (a) is located adjacent to the approved dwelling or in another convenient location on the allotment accessible to fire fighting vehicles (with safe and convenient access to be provided); and
- (b) comprises a minimum of 2,000 litres of water where the land is connected to mains water, or 5,000 litres in any other case. (Any rainwater tank used for this purpose shall be dedicated entirely for fire-fighting and shall be of non-combustible materials).

Reason: To ensure the provisions of the Minister's Code for undertaking development in bushfire protection areas are achieved.

- (8) The provision of the dedicated water supply for fire-fighting purposes specified in (7) above, shall comply with the Ministers Specification SA 78 'Bushfire fighting equipment and water supply requirements in designated bushfire prone areas'.

Reason: To ensure the provisions of the Minister's Code for undertaking development in bushfire protection areas are achieved.

## NOTES

- (a) The adjoining owner should be advised of the proposed work on the boundary and issues such as access to perform work, removal of fences, finished levels and retaining walls should be resolved before building work commences. This approval does not create an automatic right to access neighbouring land.
- (b) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to regulation 75 of the Development Regulations.
- (c) It is recommended that where mechanical equipment is proposed to be used to construct retaining walls, and where the dwelling may impede access for that equipment, the retaining walls be constructed prior to preparing the footings.
- (d) Any variation of this approved development and/or the conditions of consent herein 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.
- (e) 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.
- (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.
- (g) The applicant is advised that this consent does not permit anyone to clear, remove limbs or trim native vegetation. Any proposal to clear, remove limbs, or trim native vegetation will require approval or confirmation of exemption from the Native Vegetation Council. An interactive guide is available to help owners and others determine the requirements that apply under the *Native Vegetation Act 1991*, <https://www.environment.sa.gov.au/topics/native-vegetation/interactive-guide> Any specific queries regarding the clearance, removal, or trimming of native vegetation should be directed to the South Australian Native Vegetation Council.
- (h) The applicant is advised that any proposal to clear, remove limbs or trim native vegetation should be undertaken after first notifying the Native Vegetation Council of intended works.

- (i) The applicant is advised that any retaining works to exceed greater than one vertical metre constitutes development, and requires development approval in its own right. For further information regarding this, or to facilitate an application to be submitted to Council, please contact Council's Development and Environmental Services team on (08) 8563 8444.
- (j) Prior to building work commencing the applicant shall lodge and have approved by Council an application to install a wastewater system pursuant to the provisions of the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*.
- (k) 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 practical steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

6.2 Attachment 1

RECEIVED  
13 July 2020

DEVELOPMENT APPLICATION FORM  
The Barossa Council



CONSENT TYPE APPLYING 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)

OFFICE USE ONLY

DEVELOPMENT NO.: 960// \_\_\_\_\_

PROPERTY NO.: \_\_\_\_\_

VG NO.: \_\_\_\_\_

APPLICATION FORM & RELEVANT DOCUMENTATION CAN BE EMAILED TO [development@barossa.sa.gov.au](mailto:development@barossa.sa.gov.au)

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

APPLICANT: MARK & KATE FITZPATRICK

Postal Address: 391 MAWSON ST NAILSWORTH Post Code: 5083

Phone: \_\_\_\_\_ Mobile: 0407 664 668 Fax: \_\_\_\_\_

Email: maka.42bigpond.com

OWNER: "AS PER ABOVE"

Postal Address: \_\_\_\_\_ Post Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

RECEIVED  
10 JUL 2020  
THE BAROSSA COUNCIL

ARE YOU GOING TO BE AN OWNER BUILDER?  YES  NO

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

BUILDER: \_\_\_\_\_

Postal Address: \_\_\_\_\_ Post Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_ Builders Licence No.: \_\_\_\_\_

CONTACT PERSON FOR FURTHER INFORMATION: Name: MARK FITZPATRICK

Phone: \_\_\_\_\_ Mobile: 0407 664 668 Fax: \_\_\_\_\_

Email: maka.42bigpond.com

DESCRIPTION OF PROPOSED DEVELOPMENT: NEW BUILD HOUSE / GARAGE

EXISTING LAND USE: PRIMARY PRODUCTION LAND

AREA (m<sup>2</sup>) OF PROPOSED DEVELOPMENT: HOUSE - 548m<sup>2</sup> GARAGE - 144m<sup>2</sup>

LOCATION OF PROPOSED DEVELOPMENT:

House No: \_\_\_\_\_ Street: N HERBIG RD Town: SPRINGTON

Lot No: 897 Section: \_\_\_\_\_ Hundred: \_\_\_\_\_

Certificate of Title(s): Volume: 5641 Folio: 642

BUILDING RULES CLASSIFICATION SOUGHT: \_\_\_\_\_ Present Classification \_\_\_\_\_

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

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

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

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

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

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

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: MAT Dated: 10.7.2020

**RECEIVED**  
**13 July 2020**  
**The Barossa Council**

**DEVELOPMENT REGULATIONS 2008**

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

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

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

APPLICANT: <u>MARK + KATE FITZPATRICK</u>	
Postal Address: <u>39 MAWSON ST NAILSWORTH</u>	Post Code: <u>5083</u>
Phone: _____	Mobile: <u>0407 664 668</u> Fax: _____
Email: <u>maka.42bigpond.com</u>	

DATE OF APPLICATION: 10.7.2020

LOCATION OF PROPOSED DEVELOPMENT:	
House No: _____	Street: <u>N HERBIG RD</u> Town: <u>SPRINGTON</u>
Lot No: <u>897</u>	Section: _____ Hundred: _____
Certificate of Title(s): Volume: <u>5641</u>	Folio: <u>642</u>

NATURE OF PROPOSED DEVELOPMENT: <u>NEW BUILD HOUSE / GARAGE</u>
---

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

Signed:  Date of Declaration: 10.7.2020



**RECEIVED**  
**13 July 2020**  
**The Barossa Council**

Product Register Search (CT 5641/642)  
 Date/Time 08/07/2020 08:13AM  
 Customer Reference 5678  
 Order ID 20200708000440

REAL PROPERTY ACT, 1986



South Australia

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



## Certificate of Title - Volume 5641 Folio 642

Parent Title(s) CT 1789/162  
 Creating Dealing(s) CONVERTED TITLE  
 Title Issued 31/03/1999 Edition 3 Edition Issued 19/10/2016

### Estate Type

FEE SIMPLE

### Registered Proprietor

MARK ANTHONY FITZPATRICK  
 KATRINA ANNE FITZPATRICK  
 OF 39 MAWSON STREET NAILSWORTH SA 5083  
 AS JOINT TENANTS

### Description of Land

ALLOTMENT 897 FILED PLAN 169836  
 IN THE AREA NAMED SPRINGTON  
 HUNDRED OF JUTLAND

### Easements

NIL

### Schedule of Dealings

Dealing Number	Description
12600363	MORTGAGE TO NATIONAL AUSTRALIA BANK LTD. (ACN: 004 044 937)

### Notations

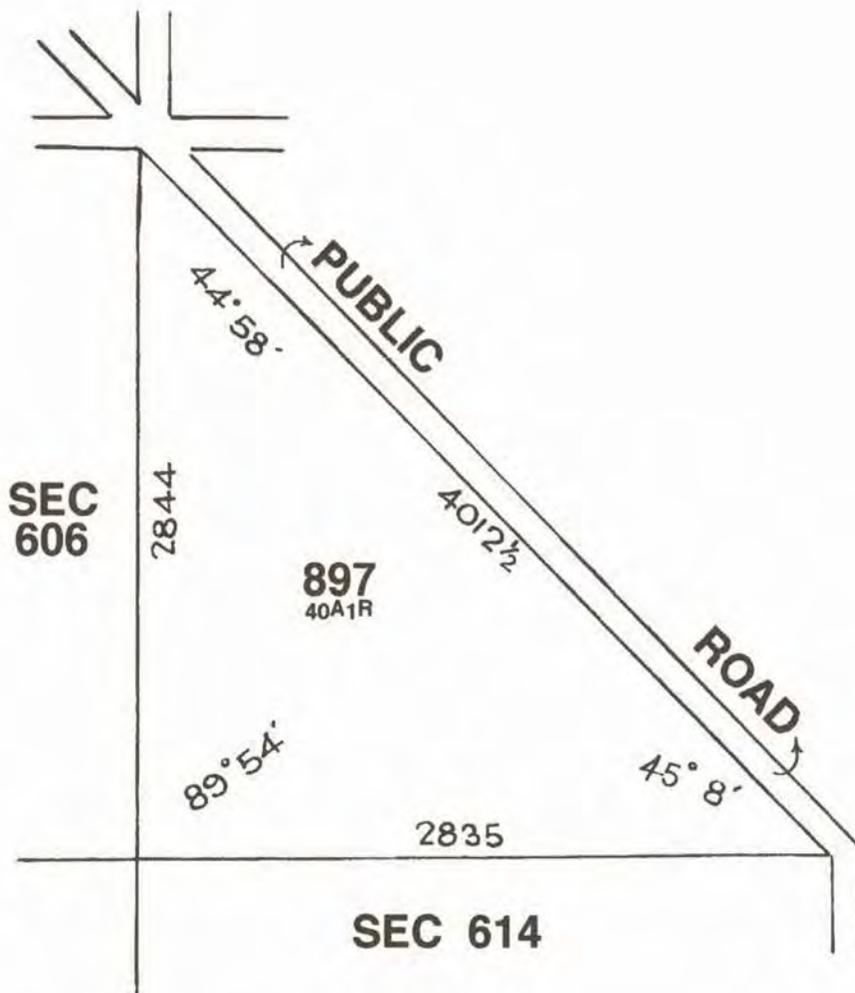
Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



**RECEIVED**  
**13 July 2020**  
**The Barossa Council**

Product Register Search (CT 5641/642)  
 Date/Time 08/07/2020 08:13AM  
 Customer Reference 5678  
 Order ID 20200708000440

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 1789/162



FOR METRIC CONVERSION	
1 LINK	= 0.201168 METRES
1 CHAIN	= 100 LINKS
1 ACRE	= 0.404686 HECTARES
1 ROOD	= 1011.7 m <sup>2</sup>
1 PERCH	= 25.29 m <sup>2</sup>

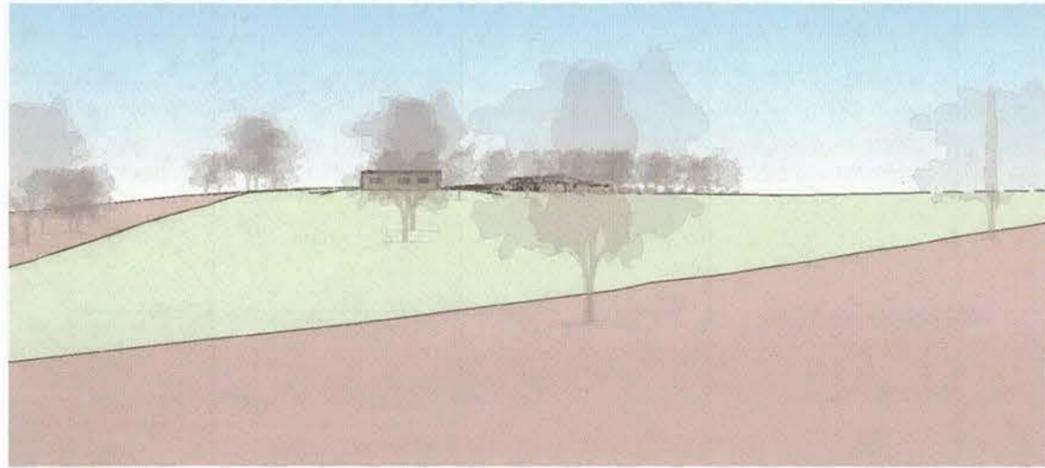
NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION

# FITZPATRICK HOUSE NEW RESIDENCE & GARAGE

## ARCHITECTURAL DRAWING LIST

DWG No.	DWG CONTENT	ISSUE	DATE	ISSUED FOR
A000	COVERSHEET + BLOCKPLAN	J	24.03.20	REVISED PA
A001	SITE PLAN FIXINGS	J	24.03.20	REVISED PA
A002	SITE PLAN MASTERPLAN	J	24.03.20	REVISED PA
A101	FLOOR PLAN - LOWER	J	24.03.20	REVISED PA
A102	FLOOR PLAN - GROUND	J	24.03.20	REVISED PA
A201	ELEVATIONS	J	24.03.20	REVISED PA
A202	GARAGE DETAILS	J	24.03.20	REVISED PA

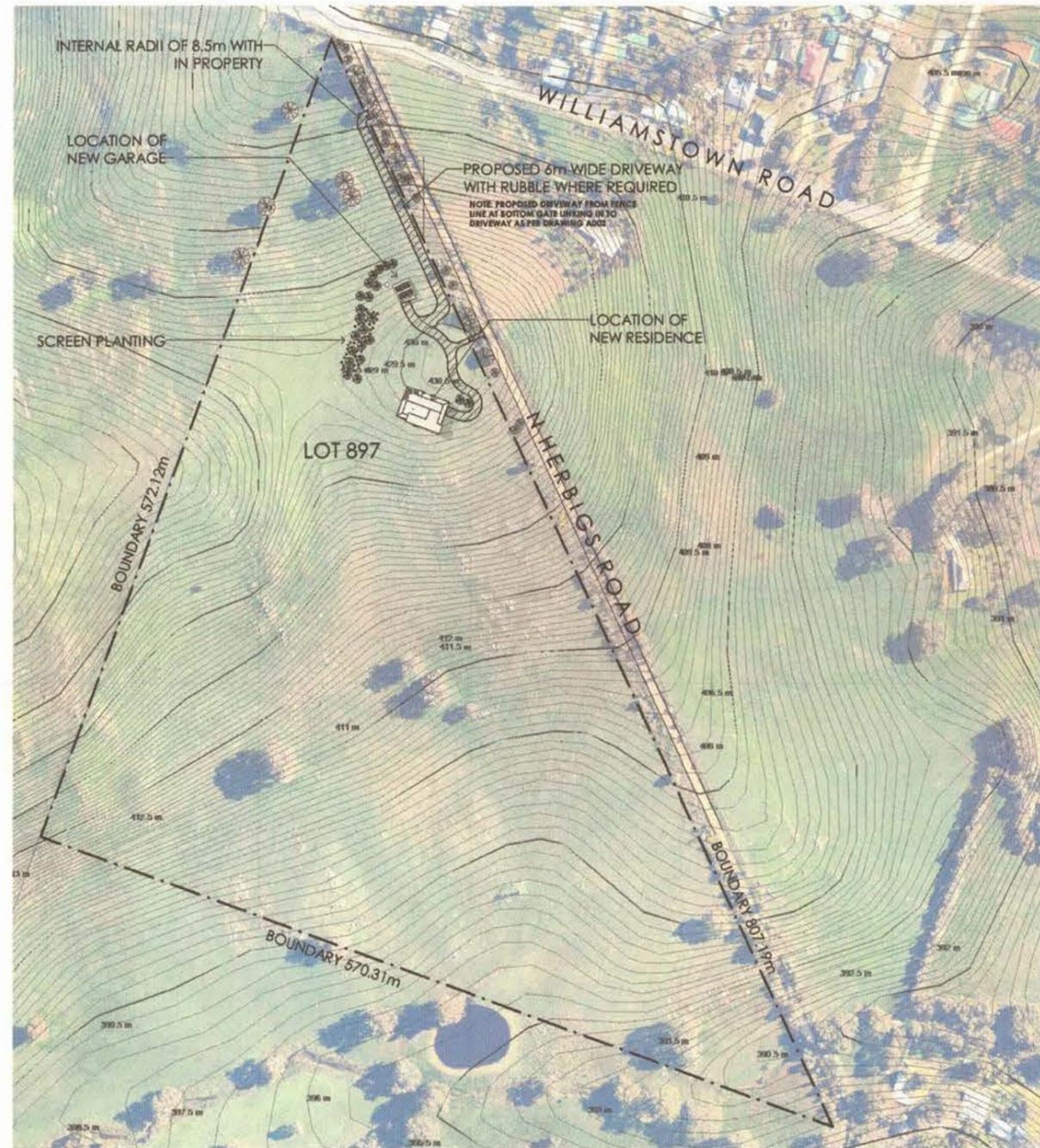
**RECEIVED**  
**13 July 2020**  
**The Barossa Council**



2 VIEW FROM WILLIAMSTOWN RD



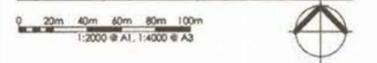
3 PERSPECTIVE 1



1 BLOCK PLAN  
1:2000

**NOTES**  
 This drawing is copyright and the property of JBG Architects Pty. Ltd. and must not be used without written authorisation. Do not scale this drawing. All dimensions shown on drawings are in millimetres unless otherwise noted and should be verified on site before commencing building works. These architectural drawings are to be read in conjunction with the building specification and consultant drawings. Any discrepancies are to be referred to the project architect for clarification prior to work commencing.

Issue	Issued For	By	Chkd	Date
B	PA REVIEW	AJ	JG	14.03.17
C	ENERGY EFFICIENCY	AJ	JG	21.03.17
D	PA & SA	AJ	JG	28.03.17
F	PA REVIEW	AJ	JG	10.07.17
G	REVISED PA	IN	JO	14.09.18
H	REVISED PA	IN	JO	07.11.18
I	REVISED PA	IN	IN	27.11.19
J	REVISED PA	IN	IN	24.03.20



4 PERSPECTIVE 2

Agenda - Barossa Assessment Panel - 3 November 2020

Architect  
**J B G ARCHITECTS PTY LTD**  
 38 MURRAY STREET  
 TANUNDA 5352  
 P: 08 8553 1133  
 E: admin@jbgarchitects.com

Client  
**M & K FITZPATRICK**

Project Name  
**FITZPATRICK HOUSE  
 NEW RESIDENCE & GARAGE**

Project Address  
**LOT 897 N HERBIG RD  
 SPRINGTON SA**

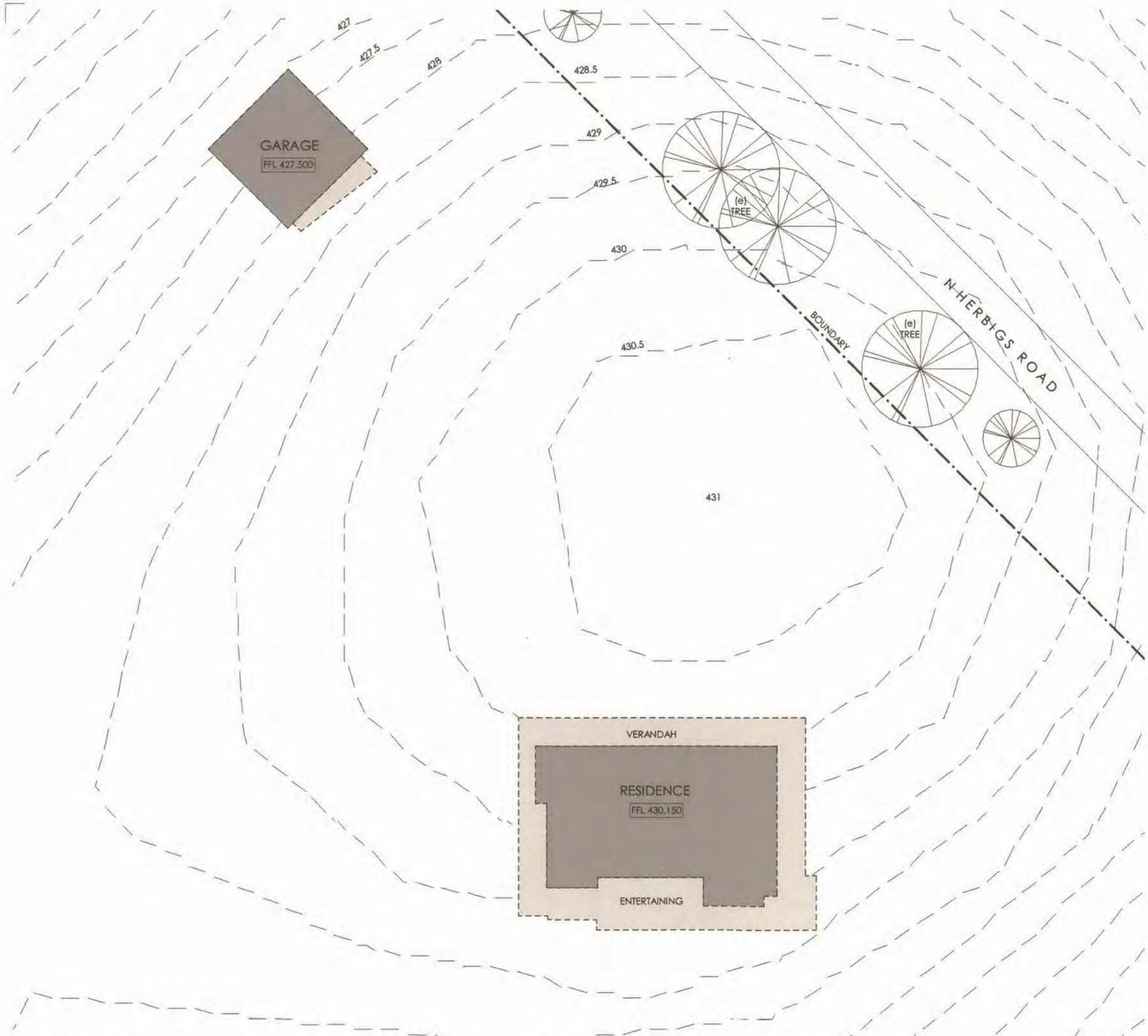
Drawing Title  
**COVERSHEET +  
 BLOCKPLAN**

Project Number  
**1644**

Drawing Number Issue  
**A000 J**

NOT FOR CONSTRUCTION





**NOTES**  
 This drawing is copyright and the property of JBG Architects Pty. Ltd. and must not be used without written authorization. Do not scale this drawing. All dimensions shown on drawings are in millimetres unless otherwise noted and should be verified on site before commencing building work. These architectural drawings are to be read in conjunction with the building specification and consultant drawings. Any discrepancies are to be referred to the project architect for clarification prior to work commencing.

Issue	Issued For	By	Chkd	Date
F	PA REVIEW	AJ	JG	10.07.17
G	REVISED PA	IN	JG	14.09.18
H	REVISED PA	IN	JG	01.11.18
J	REVISED PA	IN	IN	24.03.20

**RECEIVED**  
**13 July 2020**  
**The Barossa Council**

Architect  
**J B G ARCHITECTS PTY LTD**  
 38 MURRAY STREET  
 TANUNDA 5352  
 P. 08 8543 1133  
 E. admin@jbgarchitects.com

Client  
**M & K FITZPATRICK**

Project Name  
**FITZPATRICK HOUSE  
 NEW RESIDENCE & GARAGE**

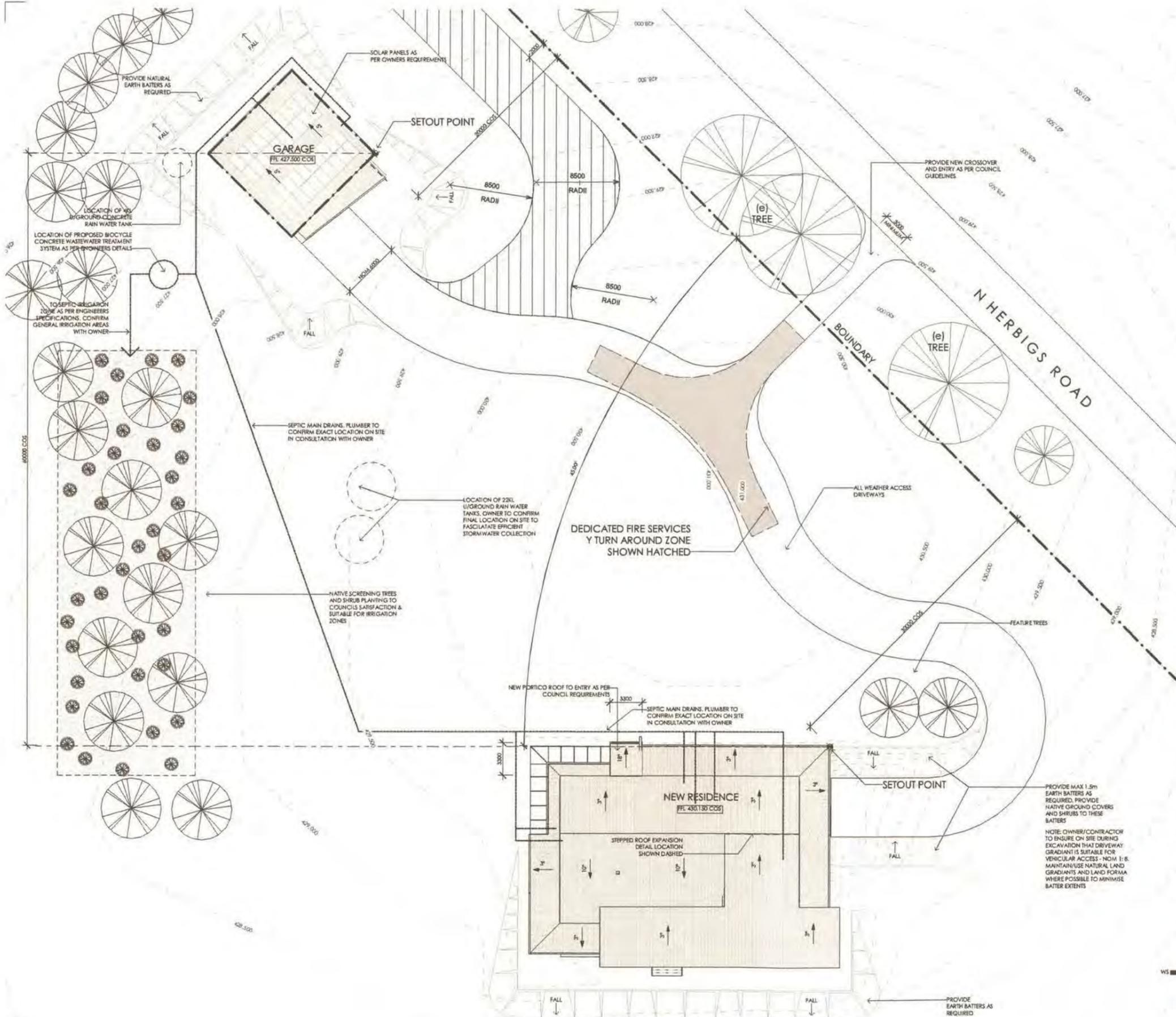
Project Address  
**LOT 897 N HERBIG RD  
 SPRINGTON SA**

Drawing Title  
**SITE PLAN EXISTING**

Project Number  
**1644**

Drawing Number Issue  
**A001 J**





**SITE NOTES**

**SITE SET-UP - BOUNDARY IDENTIFICATION:**  
SET-UP DIMENSIONS SHALL BE FROM THE ALLOTMENT BOUNDARIES AND NOT NECESSARILY THE FENCE LINES. BOUNDARY + EASEMENT LINES ARE TO BE IDENTIFIED BY THE BUILDER ON SITE PRIOR TO CONSTRUCTION.

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

THERE ARE NO BRUSH FENCES WITHIN 3M OF THE NEW BUILDING WORKS.

**GENERAL LANDSCAPING:**  
PROVIDE PERIMETER PROTECTION AROUND BUILDING TO AN APPROVED METHOD AS SCHEDULED IN THE ENGINEERS FOOTING CONSTRUCTION REPORT. (TYPICALLY 1000mm WIDE PERIMETER PAVING TO ENGINEERS DETAILS)

GENERALLY LANDSCAPE LAYOUT (PLANT SPECIES) SHALL BE AS INDICATED ON DRAWING OR DETAILS OF PLANTING + PLANT SPECIES TO BE PROVIDED TO COUNCIL SATISFACTION PRIOR TO COMMENCEMENT ON SITE.

**SITE SERVICES:**  
**ELECTRICAL SUPPLY:** PROVIDE NEW UNDERGROUND ELECTRICAL CABLE SUPPLY FROM CLOSEST INFRASTRUCTURE CONNECTION/ ON-SITE SOLAR PANEL ELECTRICAL SUPPLY (GIVE INFO)

**WATER SUPPLY:** (a) WATER METER + PIPE SUPPLY TO REMAIN/ PROVIDE NEW WATER METER + PIPE SUPPLY FROM CLOSEST INFRASTRUCTURE CONNECTION/ NEW ON-SITE WATER STORAGE TANK (GIVE INFO)

**WASTEWATER DISPOSAL:** PROVIDE NEW ON-SITE WASTEWATER DISPOSAL AS INDICATED ON DRAWINGS- REFER TO CONSULTANT WASTEWATER ENGINEER REPORT FOR FURTHER DETAILS

**GAS SUPPLY:** (a) GAS SUPPLY TO REMAIN/ PROVIDE NEW GAS SUPPLY LINE FROM CLOSEST INFRASTRUCTURE/ PROVIDE ON-SITE LPG BOTTLE GAS SUPPLY (GIVE INFO)  
\* DO NOT LOCATE GAS BOTTLES OR SUPPLY WITHIN 2000 OF ELECTRICAL OR AIR-CONDITIONING UNITS

**TELECOMMUNICATION/DATA SUPPLY:** (a) CABLE SUPPLY TO REMAIN/ PROVIDE NEW UNDERGROUND CABLE SUPPLY FROM CLOSEST INFRASTRUCTURE CONNECTION (GIVE INFO)

THE FINAL LOCATION OF NEW SERVICES/ CABLES / DRAINS / TANKS IS TO BE CONFIRMED BETWEEN THE OWNER AND BUILDER PRIOR TO INSTALLATION.  
EXISTING SERVICES INDICATED ON THE DRAWINGS MAY HAVE BEEN LOCATED BY A FIELD SURVEY. OTHER SERVICES MAY EXIST THAT WERE NOT VISIBLE AT SURFACE LEVELS AT THE TIME OF SURVEY. AS SUCH PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE RELEVANT AUTHORITIES SHOULD BE CONTACTED REGARDING UNDERGROUND SERVICES.

**STORMWATER MANAGEMENT:**  
TO BE DIRECTED AWAY FROM BUILDING BY FALLS IN PAVING AND SURROUNDING GARDEN LEVELS.

THE METHOD OF STORMWATER DISPOSAL MUST NOT RESULT IN THE ENTRY OF WATER INTO ANY BUILDING OR ON TO THE LAND OF ANY ADJOINING OWNER.

**ROOF WATER COLLECTION:**  
ROOF WATER FROM A MINIMUM OF 50m<sup>2</sup> OF THE ROOF CATCHMENT AREA OF THE BUILDING TO BE DIRECTED TO A RAINWATER TANK (MIN 1000 LITRE CAPACITY) VIA 50MM DIAM PVC STORMWATER PIPES. OVERFLOW TO BE DIRECTED MINIMUM 10M AWAY FROM TANK TOWARDS NEARBY GARDEN AREAS. INLET + OVERFLOW OF RAINWATER TANKS TO BE FITTED WITH MOSQUITO PROOF, NON-DEGRADABLE SCREENS. RAINWATER TO BE PLUMBED TO THE FOLLOWING FIXTURES: (WHERE APPLICABLE) WC, WATER HEATER, ALL LAUNDRY COLD WATER OUTLETS.

**RAIN WATER TANKS:**  
TO LOCATIONS AS SCHEDULED ON SITE PLAN

**BUILDING IN BUSHFIRE PRONE AREAS:**  
IT HAS BEEN IDENTIFIED THAT THIS SITE IS SITUATED IN A MEDIUM BUSHFIRE RISK AREA.

**NEW CROSSOVERS:**  
NEW CROSSOVERS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH LOCAL COUNCILS SPECIFICATIONS AND GUIDELINES. REFER CONSULTING ENGINEERS DETAILS FOR PAVEMENT DESIGN.

**TERMITE TREATMENT:**  
PROVIDE TERMITES TREATMENT STAINLESS STEEL MESH OR "HOMEGUARD" BIFLEX BARRIER SYSTEM TO PERIMETER OF NEW BUILDING SLABS/ STRIP FOOTINGS+ UNDER TIMBER FRAMED ELEMENTS+ BRICK PERS + TO ALL SLAB PENETRATIONS. THE SLAB TO ACT AS PHYSICAL BARRIER TO REMAINDER OF BUILDING.

PROVIDE CHEMICAL SOIL BARRIER BY "BIFENTHRIN" OR "TERMIGRUE" INSECTICIDE SPRAY TO PERIMETER OF FOOTING + UNDER DECK AREA.

BUILDER + OWNER ARE TO ENSURE A PERIODIC VISUAL INSPECTION FOR TERMITES BY MAINTAINING A MINIMUM 75MM FOOTING EDGE EXPOSURE + 25MM CLEARANCE TO ALL OBJECTS ADJACENT SLAB EDGE (UNLESS OTHERWISE SPECIFIED BY LEVELS).  
ALL TERMITE SYSTEMS TO BE INSTALLED BY ACCREDITED CONTRACTOR.  
TERMITE SYSTEMS + FITTED IN ACCORDANCE WITH MANUFACTURERS SPECIFICATION AND AS 3660.1.

**GENERAL NOTE:**  
THIS PLAN MAY HAVE BEEN PREPARED FROM A COMBINATION OF FIELD SURVEY AND EXISTING RECORDS FOR THE PURPOSE OF SHOWING EXISTING SITE CONDITIONS AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.

DRAWINGS SHOULD BE READ IN CONJUNCTION WITH LATEST COPIES OF THE "CERTIFICATES OF TITLE FOR ANY ADDITIONAL ENCUMBRANCES OR EASEMENTS LOCATED ON THE PROPERTY."

**AEROBIC WASTEWATER TREATMENT**  
**AEROBIC WASTEWATER TREATMENT SYSTEMS:**  
TO THE STANDARD FOR THE CONSTRUCTION, INSTALLATION AND OPERATION OF SEPTIC TANK SYSTEMS IN SOUTH AUSTRALIA SUPPLEMENT B - SOUTH AUSTRALIAN HEALTH COMMISSION.

AS PER MANUFACTURERS DETAILS.

**IRRIGATION ZONE PLANTINGS:**  
AS PER "TREAT" SUITABLE PLANTS FOR THE SURFACE IRRIGATION DISPOSAL AREA, OR SIMILAR SUPPLIERS RECOMMENDATIONS AND SPECIFICATION

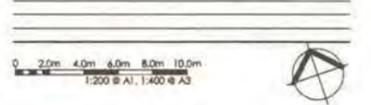
AS PER COUNCIL GUIDELINES.

**WARNING SIGNS MUST DISPLAY RED LETTERING AT LEAST 20mm HEIGHT ON A WHITE BACKGROUND. WORDING: "WARNING- RECLAIMED WATER NOT SUITABLE FOR HUMAN CONTACT/CONSUMPTION"**

**NOTES**

This drawing is copyright and the property of JBG Architects Pty. Ltd. and must not be used without written authorization. Do not scale this drawing. All dimensions shown on drawings are in millimetres unless otherwise noted and should be verified on site before commencing building works. These architectural drawings are to be used in conjunction with the building specification and consultant drawings. Any discrepancies are to be referred to the project architect for clarification prior to work commencing.

Issue	Issued For	By	Chkd	Date
B	PA REVIEW	AJ	JG	16.03.17
C	ENERGY EFFICIENCY	AJ	JG	21.03.17
D	PA & EA	AJ	JG	28.08.17
F	PA REVIEW	AJ	JG	10.07.17
G	REVISED PA	TN	JG	14.09.18
H	REVISED PA	TN	JG	01.11.18
I	REVISED PA	TN	TN	21.11.19
J	REVISED PA	TN	TN	24.03.20



**RECEIVED**  
**13 July 2020**  
**The Barossa Council**

Architect  
**J B G ARCHITECTS PTY LTD**  
38 MURRAY STREET  
TANUNDA 5352  
E: [info@jbgarchitects.com](mailto:info@jbgarchitects.com)  
Client

**M & K FITZPATRICK**

Project Name  
**FITZPATRICK HOUSE  
NEW RESIDENCE & GARAGE**

Project Address  
**LOT 897 N HERBIG RD  
SPRINGTOWN SA**

Drawing Title  
**SITE PLAN  
MASTERPLAN**

Project Number  
**1644**

Drawing Number Issue  
**A002 J**

**NOT FOR CONSTRUCTION**



**PLAN LEGEND**

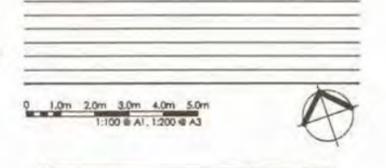
- WALL NOTES:**
- ALL FINISHES AS SCHEDULED ON DRAWING A201 ELEVATIONS.
  - DIMENSIONS TO FLOOR PLAN TYPICALLY EXCLUDE CLADDINGS + LININGS.
  - ALL WALL FRAMING TO ENGINEERS DETAILS AND AS 1684.
  - SELECT EXTERNAL NON-COMBUSTIBLE CLADDINGS SUITABLE FOR THE DESIGNATED BUSHFIRE ATTACK LEVEL (IF APPLICABLE).
  - INSTALLATION OF PROPRIETARY CLADDINGS / LININGS TO MANUFACTURERS DETAILS.
  - PROVIDE INSULATION AND SARKING AS SCHEDULED OR EQUIVALENT TO ALL EXTERNAL WALLS.
  - USE WATER RESISTANT PLASTERBOARD TO ALL WET AREAS AS SCHEDULED OR WET AREA DETAILS DRAWING.
  - ALL CONTROL JOINTS IN MASONRY WALLS + AAC POWER PANELS SHALL BE INSTALLED IN ACCORDANCE WITH THE ENGINEERS SITE INVESTIGATION AND FOOTING CONSTRUCTION REPORT.
  - SUB FLOOR WALLS TO CONTAIN VENTILATION BRICKS / VENTS TO THE PERIMETER OF THE WALL TO BCA 3.4.1 + VENTS TO CONTAIN APPROPRIATE TERMITE TREATMENT + BUSHFIRE GUARDS.
  - PROVIDE BITUMEN TANKING SOLUTION TO WATERPROOF CELLAR WALL / FLOOR JUNCTIONS AS REQUIRED.
- DOOR + WINDOW NOTES:**
- ALL DOOR SWINGS + SLIDING DIRECTIONS AS INDICATED ON FLOOR PLAN.
  - MEASURE + CONFIRM ALL WINDOW + DOOR STRUCTURAL OPENING DIMENSIONS ON SITE PRIOR TO FABRICATION.
  - CONFIRM ALL DOOR + WINDOW HARDWARE SELECTIONS WITH OWNER PRIOR TO FABRICATION. ENSURE HARDWARE SUT FRAME THICKNESS + CLEARANCES TO WALL STRUCTURE.
- EXTERNAL DOORS + WINDOWS:**
- FIT WITH MATCHING INSECT SCREENS AND SELECTED HARDWARE TO OWNERS REQUIREMENTS.
  - PROVIDE DRAUGHT PROTECTION + WEATHER SEALS TO ALL EXTERNAL SWING DOORS.
- ALUMINIUM:**
- ALUMINIUM SLIDING DOOR FRAMES TO BE FABRICATED WITH LOW PROFILE (BURSTING HOME SILL OR EQUIVALENT) OR CONCEALED THRESHOLDS - CONFIRM PROFILE SELECTION WITH OWNER.
- INTERNAL DOORS:**
- 3045 (90% INVO) HIGH SOLID CORE TIMBER PANEL DOORS (UNLESS NOTED OTHERWISE) AS INDICATED ON DWGS - PRIMED DOOR FACE TO OWNERS SELECTION.
  - FIT WITH SELECTED DOOR HANDLES, PRIVACY LOCKS + DOOR STOPS TO OWNERS SPECIFICATION.
  - FOR ALL W.C.S, IF THE SHORTEST DISTANCE BETWEEN THE PAN AND THE NEAREST PART OF THE DOOR FRAME IS 1200mm OR LESS, THEN THE DOORS ARE TO BE FITTED WITH REMOVABLE HINGES.
- DOOR + WINDOW LEGEND:**
- ABD ALUMINIUM BI FOLD DOOR
  - AD ALUMINIUM DOOR
  - AFD ALUMINIUM FRENCH DOOR
  - APD ALUMINIUM PIVOT DOOR
  - ASD ALUMINIUM SLIDING DOOR
  - AAW ALUMINIUM AWNING WINDOW
  - ACW ALUMINIUM CASEMENT WINDOW
  - AHW ALUMINIUM DOUBLE HUNG WINDOW
  - AFG ALUMINIUM FIXED GLASS
  - ALW ALUMINIUM LOUVER WINDOW
  - ASW ALUMINIUM SLIDING WINDOW
  - AFS ALUMINIUM FRAMELESS SASH
  - GD GARAGE DOOR / SHUTTER
  - CSD CAVITY SLIDER DOOR + 'SEXIS' CAVITY RELEASE SYSTEM
- FLOOR FINISHES:**
- FFL DENOTES FINISHED FLOOR LEVEL.
  - CONFIRM ALL FLOOR SELECTIONS WITH OWNER PRIOR TO ORDERING INSTALLATION.
  - ALIGN FLOOR + WALL TILE JOINTS.
  - INSTALL FLOOR COVERINGS TO MANUFACTURERS SPECIFICATIONS.
- FLOOR FINISH LEGEND:**
- CA01 CARPET + UNDERLAY
  - CO01 CONCRETE
  - CO02 CONCRETE POLISHED
  - CT01 CEMENTITIOUS TOPPING + SURFACE MOOPIERS
  - DK01 TIMBER DECKING
  - PV01 PAVES
  - TU01 WET AREA FLOOR TILES
  - TM01 HARDWOOD TIMBER FLOORBOARDS
  - V01 VINYL

- BALUSTRADE + HANDRAIL NOTES:**
- BALUSTRADE SHALL BE MIN 1000MM HIGH PROPRIETARY TYPE BALUSTRADE SYSTEM DESIGNED AND INSTALLED IN ACCORDANCE WITH AS 1170.1.
  - ALL OPENINGS WITH BALUSTRADE SHALL NOT PERMIT A SPHERE OF 125MM DIAM TO PASS THROUGH IT AT ANY POINT.
- PROPRIETARY BALUSTRADE DETAILS (GIVE INFO):**
- STAINLESS STEEL BALUSTRADE CABLES - AT 100MM MAX SPACINGS APART WITH SUPPORT POSTS AT 2000MM MAX SPACINGS APART.
  - TOPRAIL TO OWNERS SELECTION.
- 1102 EXTERNAL STAIR:**
- CONCRETE CONSTRUCTION.
  - TREADS SHALL HAVE A NON-SLIP FINISH OR A SUITABLE NON-SLIP STRIP NEAR THE EDGE OF THE TREADS COMPLYING WITH BCA PART 3.9.1.3.
  - PROVIDE HANDRAIL ALONG ONE (OR BOTH) SIDES OF STAIR RUN.
- RISER + GOING CALCULATIONS:**
- RF = NOM 350MM
  - 20 RISERS AT 175MM (115 MIN / 190 MAX)
  - 19 GOINGS AT 275MM (240 MIN / 355 MAX)
  - 2R + G = 625 MM (BCA COMPLYING STAIR SLOPE RELATIONSHIP: 2R + G = 550 MIN TO 700 MAX)
- BALUSTRADE + HANDRAIL NOTES:**
- BALUSTRADE SHALL BE MIN 1000MM HIGH PROPRIETARY TYPE BALUSTRADE SYSTEM DESIGNED AND INSTALLED IN ACCORDANCE WITH AS 1170.1.
  - ALL OPENINGS WITH BALUSTRADE SHALL NOT PERMIT A SPHERE OF 125MM DIAM TO PASS THROUGH IT AT ANY POINT.

**NOTES**

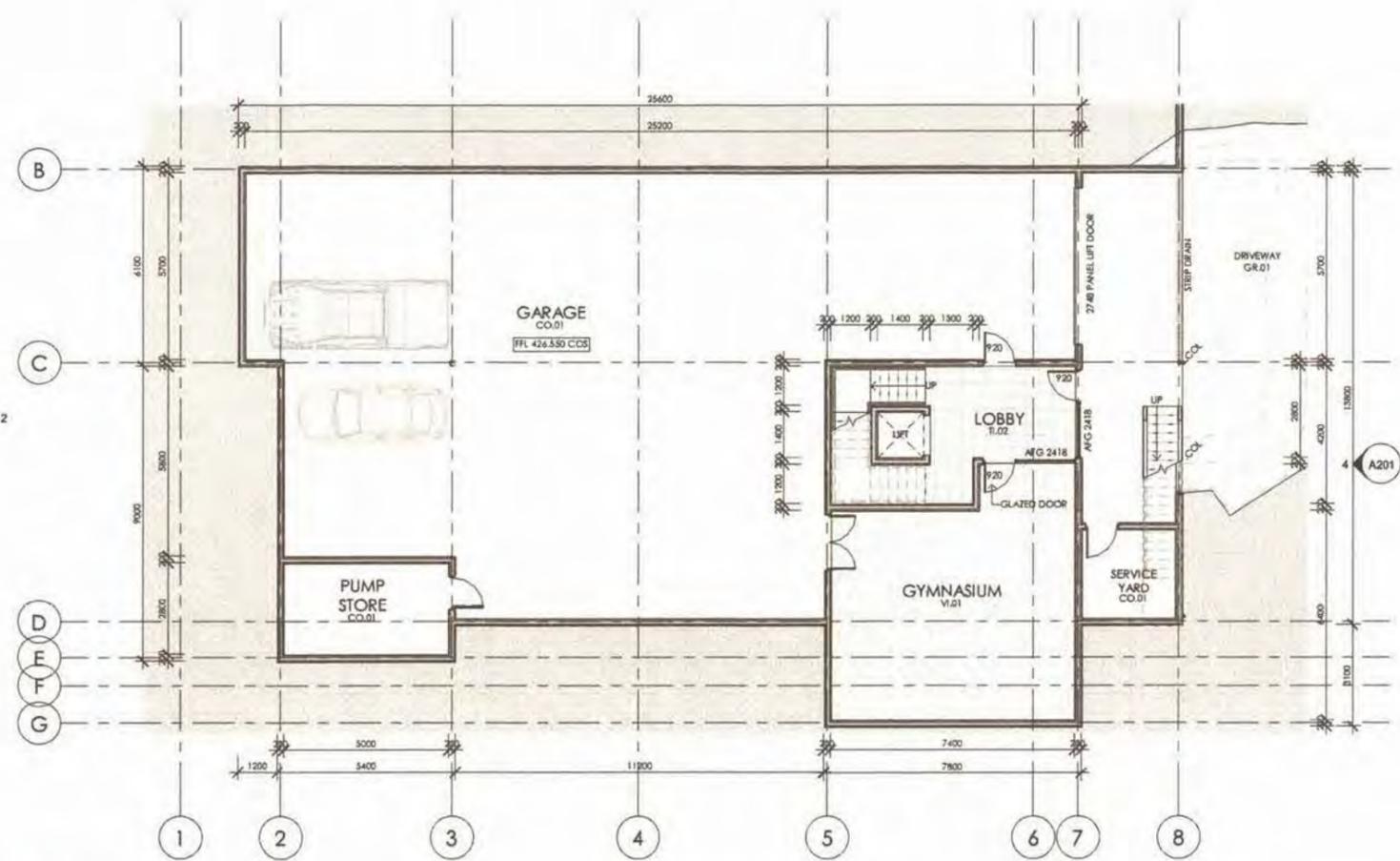
This drawing is copyright and the property of JBG Architects Pty. Ltd. and must not be used without written authorisation. Do not scale this drawing. All dimensions shown on drawings are in millimetres unless otherwise noted and should be verified on site before commencing building works. These architectural drawings are to be read in conjunction with the building specification and consultant drawings. Any discrepancies are to be referred to the project architect for clarification prior to work commencing.

Issue	Issued For	By	Chkd	Date
B	PA REVIEW	AJ	JG	16.03.17
C	ENERGY EFFICIENCY	AJ	JG	27.03.17
D	PA & LA	AJ	JG	28.03.17
F	PA REVIEW	AJ	JG	10.07.17
J	REVISED PA	IN	IN	24.08.20



SITE AREA COVERAGE	sqm
SITE (APPROX)	162,890.00
UPPER LIVING - ENCLOSED	363.00
VERANDAH - UNENCLOSED	195.00
ENTERTAINING DECK - UNENCLOSED	123.00
<b>TOTAL NEW BUILDING WORK AREA</b>	<b>1079.89</b>

**RECEIVED**  
**13 July 2020**  
**The Barossa Council**



**1 FLOOR PLAN-LOWER**  
 A201 1:100

**WALL LEGEND**

- THERMACELL (300SERIES) 200mm THICK WALL PROVIDE RENDER TO EXTERNAL FACES & PLASTERBOARD TO INTERNAL FACES
- THERMACELL (300SERIES) 150mm THICK WALL PROVIDE PLASTERBOARD TO INTERNAL FACES
- COL □ COLUMN TO ENGINEERS DETAILS
- POST □ NOM 100SQ STEEL POST TO ENGINEERS DETAILS

Architect  
**J B G ARCHITECTS PTY LTD**  
 38 MURRAY STREET  
 TANUNDA 5352  
 P. 08 8563 1155  
 E. admin@jbgarchitects.com

**M & K FITZPATRICK**

Project Name  
**FITZPATRICK HOUSE  
 NEW RESIDENCE & GARAGE**

Project Address  
**LOT 897 N HERBIG RD  
 SPRINGTON SA**

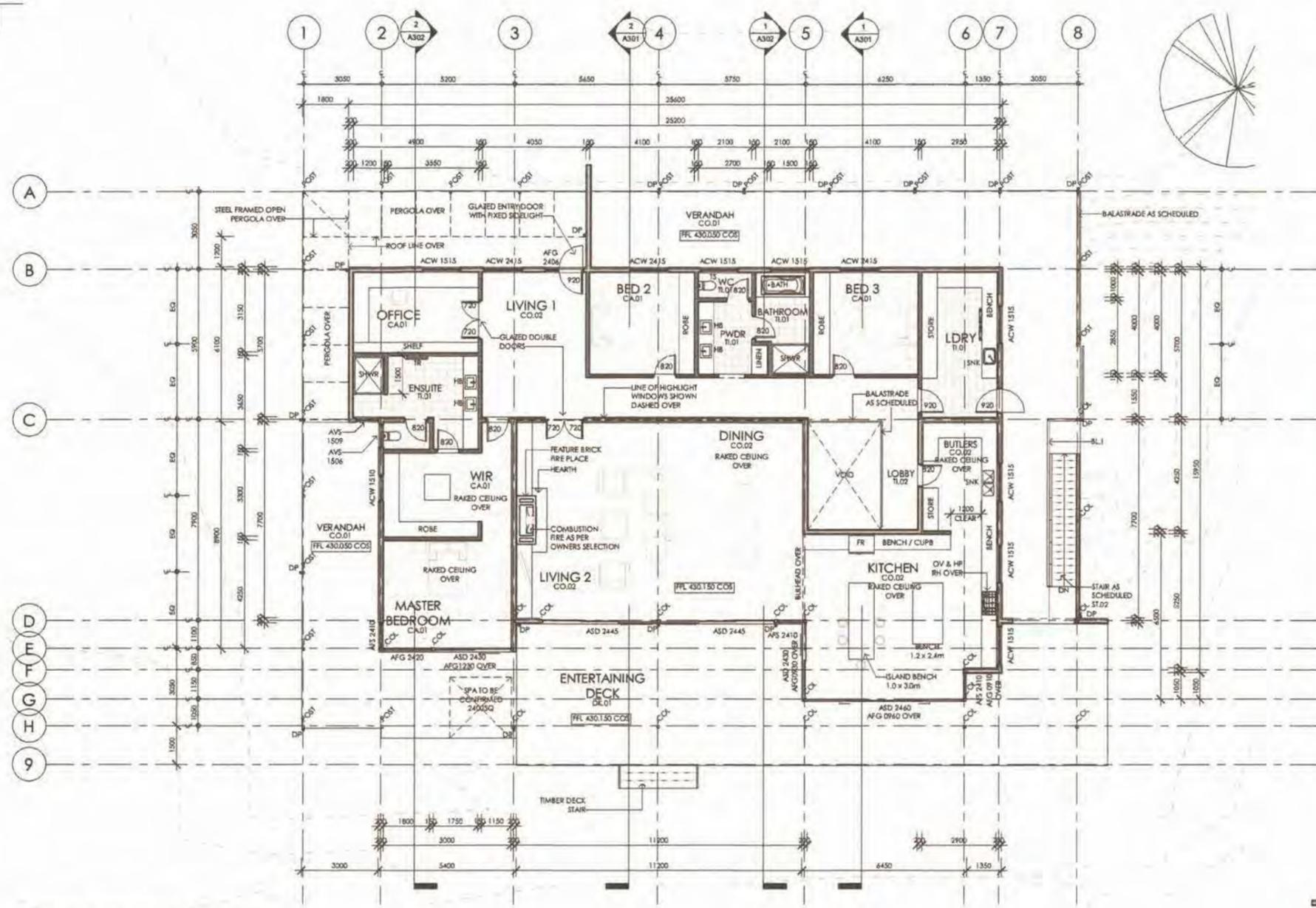
Drawing Title  
**FLOOR PLAN - LOWER**

Project Number  
**1644**

Drawing Number Issue  
**A101 J**

**NOT FOR CONSTRUCTION**





**1 FLOOR PLAN-GROUND**  
A301 1:100

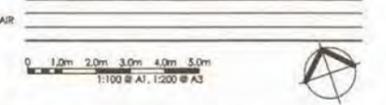
**PLAN LEGEND**

- WALL NOTES:**
- ALL FINISHES AS SCHEDULED ON DRAWING A.201 ELEVATIONS.
  - DIMENSIONS TO FLOOR PLAN TYPICALLY EXCLUDE CLADDINGS & LININGS.
  - ALL WALL FRAMING TO ENGINEERS DETAILS AND AS 1684.
  - SELECT EXTERNAL NON-COMBUSTIBLE CLADDINGS SUITABLE FOR THE DESIGNATED BUSHFIRE ATTACK LEVEL (IF APPLICABLE).
  - INSTALLATION OF PROPRIETARY CLADDINGS / LININGS TO MANUFACTURERS DETAILS.
  - PROVIDE INSULATION AND SARKNET AS SCHEDULED OR EQUIVALENT TO ALL EXTERNAL WALLS.
  - USE WATER RESISTANT PLASTERBOARD TO ALL WET AREAS AS SCHEDULED ON WET AREA DETAILS DRAWING.
  - ALL CONTROL JOINTS IN MASONRY WALLS + AAC POWER PANELS SHALL BE INSTALLED IN ACCORDANCE WITH THE ENGINEERS SITE INVESTIGATION AND FOOTING CONSTRUCTION REPORT.
  - SUB FLOOR WALLS TO CONTAIN VENTILATION BRICKS / VENTS TO THE PERIMETER OF THE WALL TO BCA 3.4.1 + VENTS TO CONTAIN APPROPRIATE TREATMENT + BUSHFIRE GUARDS.
  - PROVIDE STAIN/TANNING SOLUTION TO WATERPROOF CELLAR WALL / FLOOR JUNCTIONS AS REQUIRED.
- DOOR + WINDOW NOTES:**
- SWING DIRECTIONS AS INDICATED ON FLOOR PLAN.
  - MEASURE + CONFIRM ALL WINDOW + DOOR STRUCTURAL OPENING DIMENSIONS ON SITE PRIOR TO FABRICATION.
  - CONFIRM ALL DOOR + WINDOW HARDWARE SELECTIONS WITH OWNER PRIOR TO FABRICATION. ENSURE HARDWARE SUT FRAME THICKNESS + CLEARANCES TO WALL STRUCTURE.
- EXTERNAL DOORS + WINDOWS:**
- FIT WITH MATCHING INSECT SCREENS AND SELECTED HARDWARE TO OWNERS REQUIREMENTS.
  - PROVIDE DRAUGHT PROTECTION + WEATHER SEALS TO ALL EXTERNAL SWING DOORS.
- (ALUMINIUM)**
- ALUMINIUM SLIDING DOOR FRAMES TO BE FABRICATED WITH LOW PROFILE (NURSING HOME SILL OR EQUIVALENT) OR CONCEALED THRESHOLDS - CONFIRM PROFILE SELECTION WITH OWNER.
- INTERNAL DOORS:**
- 2040 (GIVE INFO) HIGH SOLID CORE TIMBER PANEL DOORS (UNLESS NOTED OTHERWISE AS INDICATED ON DWGS - FINISH DOOR FACE TO OWNERS SELECTION).
  - FIT WITH SELECTED DOOR HANDLES, PRIVACY LOCKS + DOOR STOPS TO OWNERS SPECIFICATION.
  - FOR ALL W.C.'S, IF THE SHORTEST DISTANCE BETWEEN THE PAN AND THE NEAREST PART OF THE DOOR FRAME IS 1200mm OR LESS, THEN THE DOORS ARE TO BE FITTED WITH REMOVABLE HINGES.
- DOOR + WINDOW LEGEND:**
- ABD ALUMINIUM BI FOLD DOOR
  - AD ALUMINIUM DOOR
  - AFD ALUMINIUM FRENCH DOOR
  - AFD ALUMINIUM FRENCH DOOR
  - ASD ALUMINIUM SLIDING DOOR
  - AHW ALUMINIUM AWNING WINDOW
  - ACW ALUMINIUM CASEMENT WINDOW
  - AHW ALUMINIUM DOUBLE HUNG WINDOW
  - AFG ALUMINIUM FIXED GLASS
  - ALW ALUMINIUM LOUVER WINDOW
  - ASW ALUMINIUM SLIDING WINDOW
  - AFS ALUMINIUM FRAMELESS SASH
  - GD GARAGE DOOR / SHUTTER
  - CSJ CAVITY SLIDER DOOR + JEAN'S CAVITY RELEASE SYSTEM
- FLOOR FINISHES:**
- FFL DASHES: FINISHED FLOOR LEVEL.
  - CONFIRM ALL FLOOR SELECTIONS WITH OWNER PRIOR TO ORDERING/INSTALLATION.
  - ALIGN FLOOR + WALL TILE JOINTS.
  - INSTALL FLOOR COVERINGS TO MANUFACTURERS SPECIFICATIONS.
- FLOOR FINISH LEGEND:**
- CA.01 CARPET + UNDERLAY
  - CO.01 CONCRETE
  - CO.02 CONCRETE POLISHED
  - CT.01 CEMENTITIOUS TOPPING + SURFACE COEFFERS
  - DK.01 TIMBER DECKING
  - PV.01 PAVERS
  - TL.01 WET AREA FLOOR TILES
  - TM.01 HARDWOOD TIMBER FLOORBOARDS
  - V.01 VINYL
- WALL LEGEND**
- THERMACELL (300SERIES) 200mm THICK WALL. PROVIDE RENDER TO EXTERNAL FACES & PLASTERBOARD TO INTERNAL FACES
  - THERMACELL (300SERIES) 150mm THICK WALL. PROVIDE PLASTERBOARD TO INTERNAL FACES
  - COL C COLUMN TO ENGINEERS DETAILS
  - POST D NOM 100SQ STEEL POST TO ENGINEERS DETAILS

**NOTES**

This drawing is copyright and the property of JBG Architects Pty. Ltd. and must not be used without written authorization. Do not scale this drawing. All dimensions shown on drawings are in millimetres unless otherwise noted and should be verified on site before commencing building works. These architectural drawings are to be read in conjunction with the building specification and consultant drawings. Any discrepancies are to be referred to the project architect for clarification prior to work commencing.

Issue	Issued For	By	Chkd	Date
B	PA REVIEW	AJ	JG	14.03.17
C	ENERGY EFFICIENCY	AJ	JG	21.03.17
D	PA & EA	AJ	JG	28.03.17
F	PA REVIEW	AJ	JG	10.07.17
G	REVISED PA	IN	JG	14.09.18
H	REVISED PA	IN	JG	01.11.18
J	REVISED PA	IN	IN	24.03.20



SITE AREA COVERAGE		HP
SITE (APPROX)	143,890.00	
UPPER LIVING - ENCLOSED	345.00	
VERANDAH - UNENCLOSED	193.00	
ENTERTAINING DECK - UNENCLOSED	123.00	
<b>TOTAL NEW BUILDING WORK AREA</b>	<b>1070.50</b>	<b>HP</b>

**RECEIVED**  
**13 July 2020**  
**The Barossa Council**

Architect  
**J B G ARCHITECTS PTY LTD**  
38 MURRAY STREET  
TANUNDA 5352  
P. 08 8563 1185  
E. admin@jbgarchitects.com

Client  
**M & K FITZPATRICK**

Project Name  
**FITZPATRICK HOUSE  
NEW RESIDENCE & GARAGE**

Project Address  
**LOT 897 N HERBIG RD  
SPRINGTON SA**

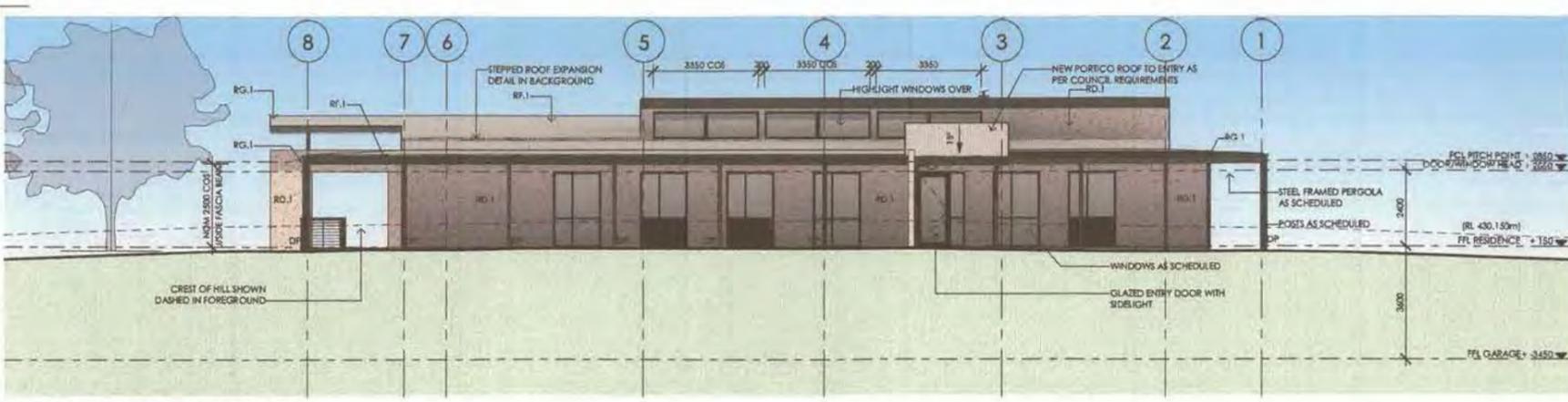
Drawing Title  
**FLOOR PLAN -  
GROUND**

Project Number  
**1644**

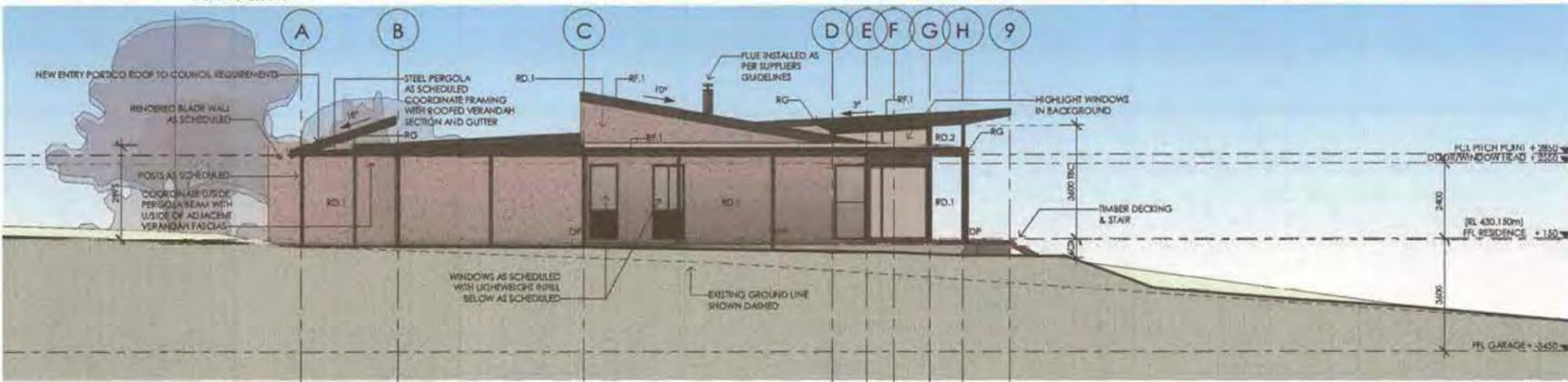
Drawing Number  
**A102** Issue  
**J**

NOT FOR CONSTRUCTION

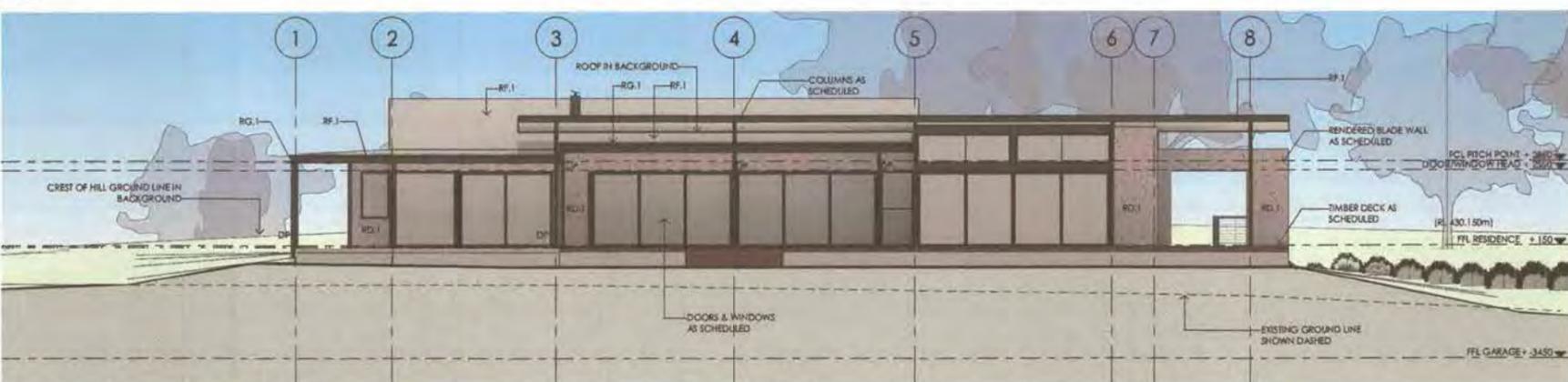




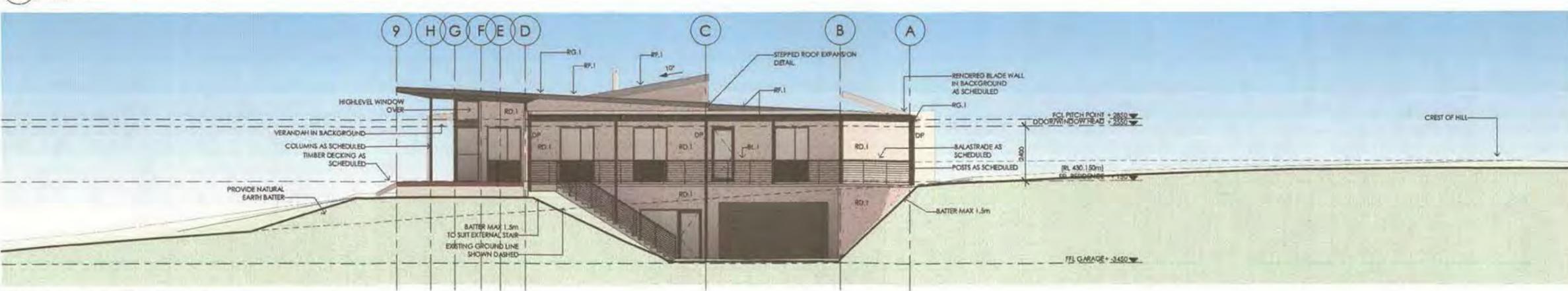
1 NORTH EAST ELEVATION  
1:100  
0 1.0m 2.0m 3.0m 4.0m 5.0m  
1:100 @ A1, 1:200 @ A3



2 NORTH WEST ELEVATION  
1:100



3 SOUTH WEST ELEVATION  
1:100



4 SOUTH EAST ELEVATION  
1:100

EXTERNAL FINISHES SCHEDULE

- ROOF + TRIMS:**  
**SHEET CLADDING:**  
 RF.1: ROOF CLADDING  
 • TRIPLE OAK 'DEEP' WITH MATCHING FLASHINGS, COLORBOND FINISH: DUNE  
 • SELECT APPROPRIATE ROOF SHEET PROFILE TO SUIT ROOF PITCH
- SKYLIGHTS + ROOF WINDOWS:**  
 SKY.1: SKYLIGHTS  
 • FRAME FINISH TO MATCH ROOF COLOUR  
 • INSTALL ROOF WINDOWS AT MINIMUM REQUIRED ROOF PITCH TO MANUFACTURERS SPECIFICATIONS
- FASCIAS + BARGE BOARDS:**  
 • FASCIA FINISH PAINTED TO MATCH COLORBOND WOODLAND GREY
- GUTTERS:**  
 RG: ROOF GUTTER  
 • 160mm QUAD GUTTERS  
 • GUTTER FINISH TO MATCH COLORBOND WOODLAND GREY  
 • GUTTERS TO ACHIEVE A MINIMUM 1:200 FALL / BOX GUTTERS TO ACHIEVE A MINIMUM 1:100 FALL TOWARDS DOWNPIPES  
 • ALL NEW GUTTERS TO CONTAIN A BASIC LEAF GUARD MESH
- DOWNPIPES / RAINHEAD:**  
 DP: DOWNPIPE  
 • 100dia DOWNPIPES WITH WALL BRACKETS AT 2000 C/C MAX.  
 • DOWNPIPES AS INDICATED ON DRAWING TO BE SPACED MAXIMUM 12M APART. LOCATIONS HAVE BEEN DETERMINED BASED ON VISUAL APPEARANCE AND TO FACILITATE ROOF DRAINAGE. IF FURTHER DOWNPIPES ARE REQUIRED, CONSULT OWNER OR ARCHITECT FOR PRIOR APPROVAL.  
 • DOWNPIPE FINISH TO MATCH COLORBOND WOODLAND GREY
- SOFFITS / EAVES LINING:**  
 FC.1: FIBRE CEMENT SHEETS  
 • FIBRE CEMENT SHEETS WITH JOINING STRIPS SETOUT EVENLY.  
 • PAINTED FINISH: WHITE TO OWNERS SELECTION  
 • REFER TO REFLECTED CEILING PLAN FOR FURTHER INFORMATION  
 • PROVIDE EAVES TO WALL TRIMS AT JUNCTION AS REQUIRED
- WALLS:**  
**RENDER FINISH:**  
 RD.1: RENDER FINISH  
 • RENDER / TEXTURE COAT FINISH TO WALLS, FINISH: NATURAL TONE  
 RD.2: RENDER FINISH  
 • RENDER / TEXTURE COAT FINISH TO WALLS, FINISH: LIGHT NATURAL TONE TO CONTRAST RD.1
- PL.1: PAINT FINISH**  
 • PAINT TYPE (LUSTRE) TO MATCH FINISH TO MATCH COLORBOND WOODLAND GREY
- EXPOSED STEELWORK:**  
 • STEELWORK IN PAINTED FINISH TO MATCH COLORBOND MONUMENT
- WINDOWS + DOORS:**  
**ALUMINUM FRAMES:**  
 • ALUMINUM FRAME IN POWDERCOAT FINISH, COLOUR TO MATCH COLORBOND MONUMENT
- GARAGE DOOR:**  
 • COLORBOND FINISH TO MATCH WOODLAND GREY  
 • BALD DOORS OR GLIDER DOOR MANUFACTURERS CONFIRM HARDWARE/AUTOMATION/WINDOWS/FINISHES WITH OWNER  
 • DOORS TO HAVE AUTOMATIC OPENING DEVICE
- BALCONIES/BALUSTRADES:**  
 BL.1: BALUSTRADE TYPE 1  
 • BALUSTRADE EXTENT AND CONSTRUCTION AS SCHEDULED ON FLOORPLAN DRAWINGS
- GENERAL NOTES:**  
 SELECT APPROPRIATE MATERIALS IN CONJUNCTION WITH THE REQUIREMENTS FOR APPLICABLE BUSHFIRE RISK AREA + FIRE RESISTANT MATERIALS NEAR BOUNDARIES.  
 THE BUILDER IS TO PROVIDE A SAMPLE OF EXTERNAL MATERIAL COLOURS + FINISHES TO THE OWNER PRIOR TO ORDERING.

**NOTES**  
 This drawing is copyright and the property of JBG Architects Pty. Ltd. and must not be used without written authorisation. Do not scale this drawing. All dimensions shown on drawings are in millimetres unless otherwise noted and should be verified on site before commencing building works. These architectural drawings are to be read in conjunction with the building specification and consultation drawings. Any discrepancies are to be referred to the project architect for clarification prior to work commencing.

Issue	Issued For	By	CR'd	Date
B	PA REVIEW	AJ	JG	16.09.17
C	ENERGY EFFICIENCY	AJ	JG	27.03.17
D	PA & SA	AJ	JG	08.09.17
F	PA REVIEW	AJ	JG	10.09.17
G	REVISED PA	IN	JG	14.09.18
J	REVISED PA	IN	IN	24.03.20

**RECEIVED**  
**13 July 2020**  
**The Barossa Council**

Architect  
**J B G ARCHITECTS PTY LTD**  
 38 MURRAY STREET  
 TANUNDA 5352  
 P. 08 8545 1155  
 E. admin@jbgarchitects.com

Client  
**M & K FITZPATRICK**

Project Name  
**FITZPATRICK HOUSE  
 NEW RESIDENCE & GARAGE**

Project Address  
**LOT B97 N HERBIG RD  
 SPRINGTON SA**

Drawing Title  
**ELEVATIONS**

Project Number  
**1644**

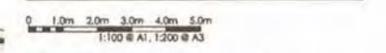
Drawing Number Issue  
**A201 J**

NOT FOR CONSTRUCTION



**NOTES**  
 This drawing is copyright and the property of JBG Architects Pty. Ltd. and must not be used without written authorisation. Do not scale this drawing. All dimensions shown on drawings are in millimetres unless otherwise noted and should be verified on site before commencing building works. These architectural drawings are to be read in conjunction with the building specification and consultant drawings. Any discrepancies are to be referred to the project architect for clarification prior to work commencing.

Issue	Issued For	By	Chkd	Date
A	PA REVIEW	AJ	JG	14.03.17
C	ENERGY EFFICIENCY	AJ	JG	21.03.17
D	PA & SA	AJ	JG	26.03.17
F	PA REVIEW	AJ	JG	10.07.17
G	REVISED PA	IN	JG	14.09.18
H	REVISED PA	IN	JG	01.11.18
J	REVISED PA	IN	IN	24.03.20



**EXTERNAL FINISHES SCHEDULE**

- ROOF + TRIMS:**  
**SHEET CLADDING:**  
 RF.1: ROOF CLADDING  
 • TRUE OAK "DEEP" WITH MATCHING FLASHINGS.  
 • COLORBOND FINISH: DUNE  
 • SELECT APPROPRIATE ROOF SHEET PROFILE TO SUIT ROOF PITCH
- FASCIA + BARGE BOARDS:**  
 • FASCIA FINISH PAINTED TO MATCH COLORBOND WOODLAND GREY
- GUTTERS:**  
 RG.1: ROOF GUTTER  
 • 125mm QUAD GUTTERS  
 • GUTTER FINISH: WOODLAND GREY  
 • GUTTERS TO ACHIEVE A MINIMUM 1:200 FALL / BOX GUTTERS TO ACHIEVE A MINIMUM 1:100 FALL TOWARDS DOWNPIPES.  
 • ALL NEW GUTTERS TO CONTAIN A BASIC LEAF GUARD MESH.
- DOWNPIPES/RAINHEAD:**  
 DP.1: DOWNPIPE  
 • 100dia DOWNPIPES WITH WALL BRACKETS AT 2000 C/C MAX.  
 • DOWNPIPES AS INDICATED ON DRAWING - TO BE SPACED MAXIMUM 12M APART. LOCATIONS HAVE BEEN DETERMINED BASED ON VISUAL APPEARANCE AND TO FACILITATE ROOF DRAINAGE. IF FURTHER DOWNPIPES ARE REQUIRED CONSULT OWNER OR ARCHITECT FOR PRIOR APPROVAL. (DNV18183)  
 DOWNPIPE FINISH: TO MATCH COLORBOND WOODLAND GREY
- WALLS:**  
**RENDER FINISH:**  
 RD.1: RENDER FINISH  
 • RENDER / TEXTURE COAT FINISH TO WALLS. FINISH: "NATURAL TONE"
- EXPOSED STEELWORK:**  
 • STEELWORK IN PAINTED FINISH; TO MATCH COLORBOND MONUMENT
- WINDOWS + DOORS:**  
**ALUMINIUM FRAMES:**  
 • ALUMINIUM FRAME IN POWDERCOAT FINISH; COLOUR TO MATCH COLORBOND MONUMENT
- GARAGE DOOR:**  
 • COLORBOND FINISH TO MATCH COLORBOND WOODLAND GREY  
 • "B.D" DOORS OR "GLIDEROL" MANUFACTURERS; CONFIRM HARDWARE/AUTOMATION/WINDOWS/FRISHES WITH OWNER  
 • DOORS TO HAVE AUTOMATIC OPENING DEVICE
- GENERAL NOTES:**  
 SELECT APPROPRIATE MATERIALS IN CONJUNCTION WITH THE REQUIREMENTS FOR APPLICABLE BUSHFIRE RISK AREA + FIRE RESISTANT MATERIALS NEAR BOUNDARIES.
- THE BUILDER IS TO PROVIDE A SAMPLE OF EXTERNAL MATERIAL COLOURS + FINISHES TO THE OWNER PRIOR TO ORDERING.

**RECEIVED**  
**13 July 2020**  
**The Barossa Council**

Architect  
**J B G ARCHITECTS PTY LTD**  
 38 MURRAY STREET  
 TANUNDA 5352  
 P: 08 8553 1122  
 E: admin@jbgarchitects.com

**M & K FITZPATRICK**

Project Name  
**FITZPATRICK HOUSE  
 NEW RESIDENCE & GARAGE**

Project Address  
**LOT 897 N HERBIG RD  
 SPRINGTON SA**

Drawing Title  
**GARAGE DETAILS**

Project Number  
**1644**

Drawing Number Issue  
**A202 J**



**PLAN LEGEND**

- WALL NOTES:**
- ALL FINISHES AS SCHEDULED ON DRAWING A201 ELEVATIONS.
  - DIMENSIONS TO FLOOR PLAN TYPICALLY EXCLUDE CLADDING + LININGS.
  - ALL WALL FRAMING TO ENGINEERS DETAILS AND AS 1684.
  - SELECT EXTERNAL NON COMBUSTIBLE CLADDINGS SUITABLE FOR THE DESIGNATED BUSHFIRE ATTACK LEVEL (IF APPLICABLE).
  - INSTALLATION OF PROPRIETARY CLADDINGS / LININGS TO MANUFACTURERS DETAILS.
  - PROVIDE INSULATION AND SARKING AS SCHEDULED OR EQUIVALENT TO ALL EXTERNAL WALLS.
  - USE WATER RESISTANT PLASTERBOARD TO ALL WET AREAS AS SCHEDULED ON WET AREA DETAILS DRAWING.
  - ALL CONTROL JOINTS IN MASONRY WALLS + AAC POWER PANELS SHALL BE INSTALLED IN ACCORDANCE WITH THE ENGINEERS SITE INVESTIGATION AND FOOTING CONSTRUCTION REPORT.
  - SUB FLOOR WALLS TO CONTAIN VENTILATION BRICKS / VENTS TO THE PERIMETER OF THE WALL TO BCA 3.4.1 + VENTS TO CONTAIN APPROPRIATE TERMITE TREATMENT + BUSHFIRE GUARDS.
  - PROVIDE BITUMEN TANKING SOLUTION TO WATERPROOF CELLAR WALL / FLOOR JUNCTIONS AS REQUIRED.

- DOOR + WINDOW NOTES:**
- ALL DOOR SWINGS + SLIDING DIRECTIONS AS INDICATED ON FLOOR PLAN.
  - MEASURE + CONFIRM ALL WINDOW + DOOR STRUCTURAL OPENING DIMENSIONS ON SITE PRIOR TO FABRICATION.
  - CONFIRM ALL DOOR + WINDOW HARDWARE SELECTIONS WITH OWNER PRIOR TO FABRICATION. ENSURE HARDWARE SUIT FRAME THICKNESS + CLEARANCES TO WALL STRUCTURE.
- EXTERNAL DOORS + WINDOWS:**
- FIT WITH MATCHING INSECT SCREENS AND SELECTED HARDWARE TO OWNERS REQUIREMENTS.
  - PROVIDE DRAUGHT PROTECTION + WEATHER SEALS TO ALL EXTERNAL SWING DOORS.

- ALUMINIUM:**
- ALUMINIUM SLIDING DOOR FRAMES TO BE FABRICATED WITH LOW PROFILE (NURSING HOME SILL OR EQUIVALENT) OR CONCEALED THRESHOLDS - CONFIRM PROFILE SELECTION WITH OWNER.

- INTERNAL DOORS:**
- 2040 (DNV INFO) HIGH SOLID CORE TIMBER PANEL DOORS (UNLESS NOTED OTHERWISE) AS INDICATED ON DWGS- PRIMED DOOR FACE TO OWNERS SELECTION.
  - FIT WITH SELECTED DOOR HANDLES, PRIVACY LOCKS + DOOR STOPS TO OWNERS SPECIFICATION.
  - FOR ALL WC'S, IF THE SHORTEST DISTANCE BETWEEN THE PAN AND THE NEAREST PART OF THE DOOR FRAME IS 1200mm OR LESS, THEN THE DOORS ARE TO BE FITTED WITH REMOVABLE HINGES.

- DOOR + WINDOW LEGEND:**
- ABD ALUMINIUM B FOLD DOOR
  - AD ALUMINIUM DOOR
  - AFD ALUMINIUM FRENCH DOOR
  - APD ALUMINIUM PIVOT DOOR
  - ASD ALUMINIUM SLIDING DOOR

- AAW ALUMINIUM AWNING WINDOW
- ACW ALUMINIUM CASEMENT WINDOW
- AHW ALUMINIUM DOUBLE HUNG WINDOW
- AFG ALUMINIUM FIXED GLASS
- ALW ALUMINIUM LOUVRE WINDOW
- ASW ALUMINIUM SLIDING WINDOW
- AFS ALUMINIUM FRAMELESS SASH

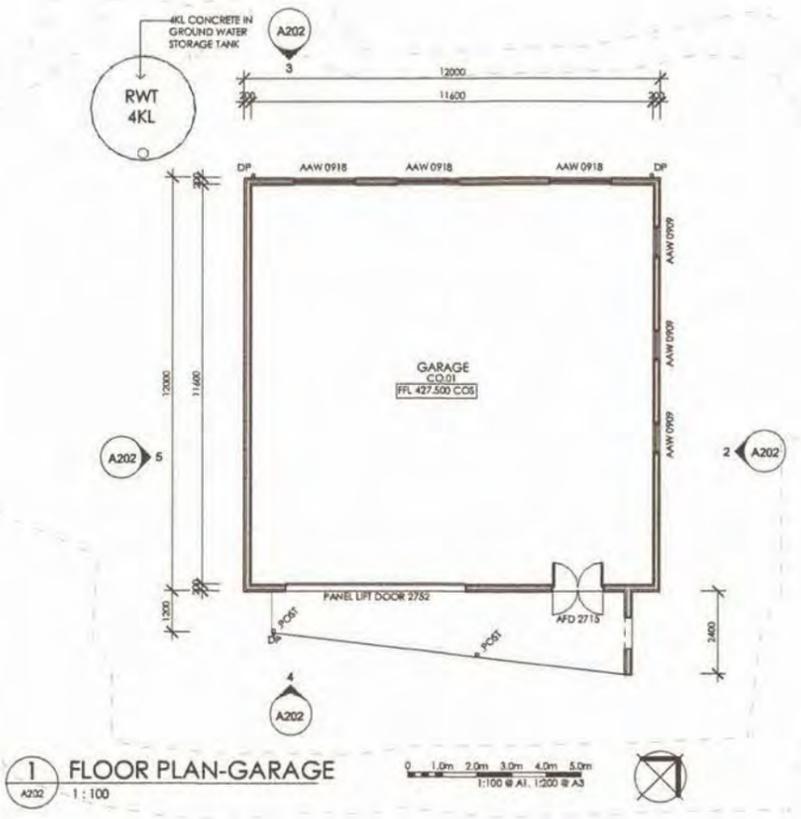
- GD GARAGE DOOR / SHUTTER
- CSO CAVITY SLIDER DOOR + JESSE'S CAVITY RELEASE SYSTEM

- FLOOR FINISHES:**
- FFL DENOTES FINISHED FLOOR LEVEL
  - CONFIRM ALL FLOOR SELECTIONS WITH OWNER PRIOR TO ORDERING/INSTALLATION.
  - ALIGN FLOOR + WALL TILE JOINTS
  - INSTALL FLOOR COVERINGS TO MANUFACTURERS SPECIFICATIONS

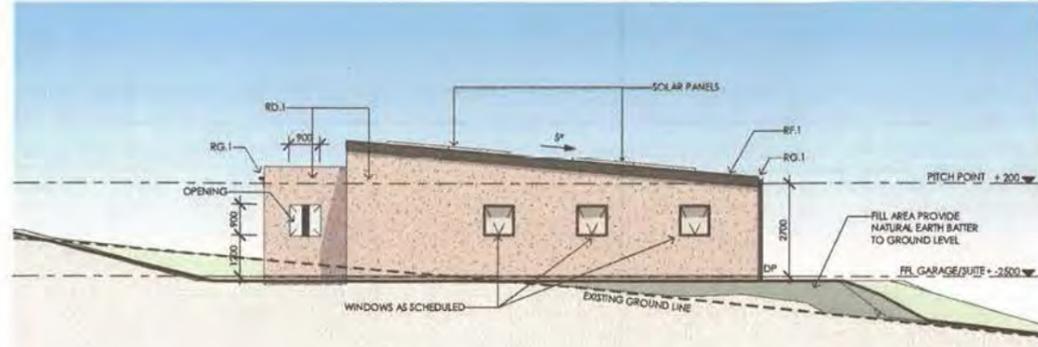
- FLOOR FINISH LEGEND:**
- CA.01 CARPET + UNDERLAY
  - CO.01 CONCRETE
  - CT.01 CERAM/TILE TOPPING + SURFACE MODIFIERS
  - DC.01 TIMBER DECKING
  - P.V.01 PAVERS
  - TL.01 WET AREA FLOOR TILES
  - TM.01 HARDWOOD TIMBER FLOORBOARDS
  - V.L.01 VINYL

- WALL LEGEND**
- THERMACELL (300SERIES) 200mm THICK WALL. PROVIDE RENDER TO EXTERNAL FACES + PLASTERBOARD TO INTERNAL FACES.
  - THERMACELL (300SERIES) 150mm THICK WALL. PROVIDE PLASTERBOARD TO INTERNAL FACES.
  - COL. □ COLUMN TO ENGINEERS DETAILS.
  - POST □ NOM 100SQ STEEL POST TO ENGINEERS DETAILS.

SITE AREA COVERAGE	Area	Unit
SITE (APPROX)	162,890.00	m <sup>2</sup>
GARAGE	144.00	m <sup>2</sup>
VERANDAH - UNENCLOSED	19.00	m <sup>2</sup>
TOTAL NEW BUILDING WORK AREA	163.00	m <sup>2</sup>



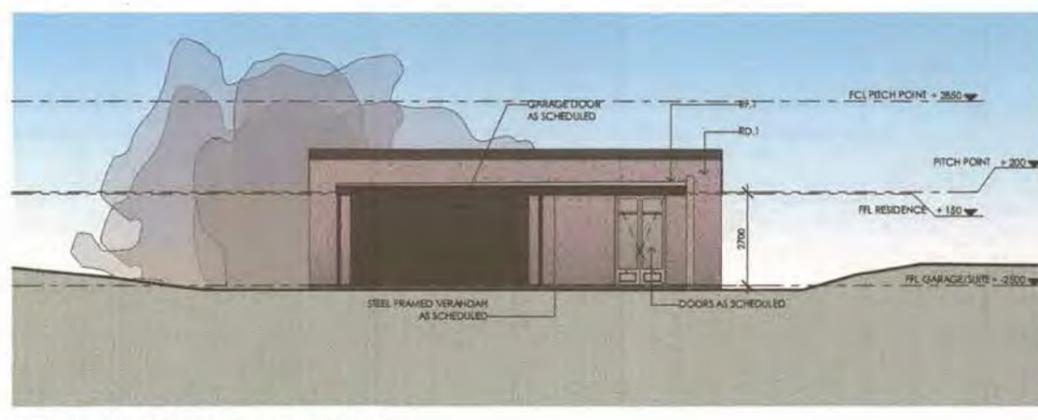
**1 FLOOR PLAN-GARAGE**  
 A202 1:100



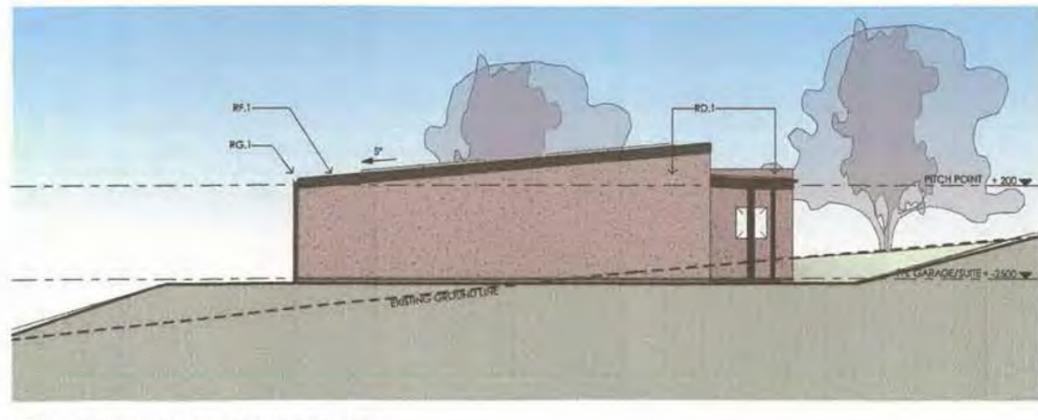
**2 EAST ELEVATION-GARAGE**  
 A202 1:100



**3 NORTH ELEVATION-GARAGE**  
 A202 1:100



**4 SOUTH ELEVATION-GARAGE**  
 A202 1:100

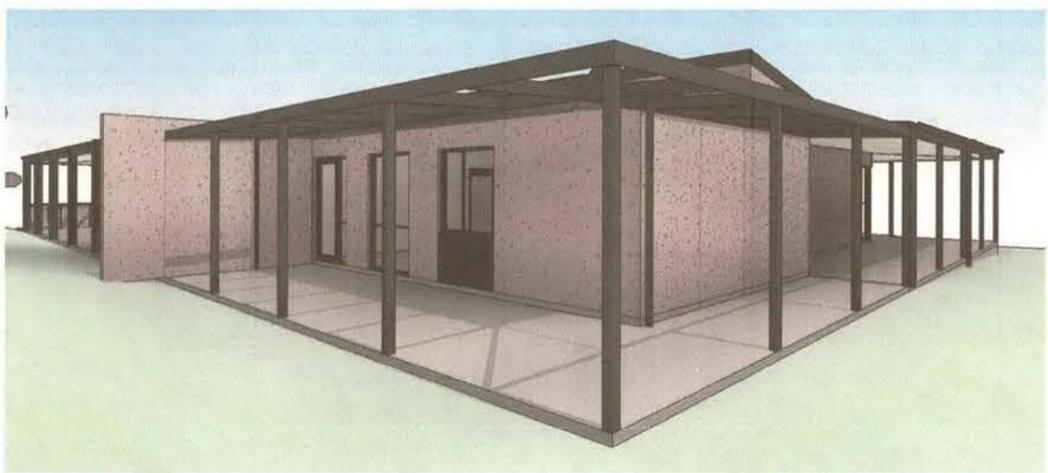


**5 WEST ELEVATION-GARAGE**  
 A202 1:100

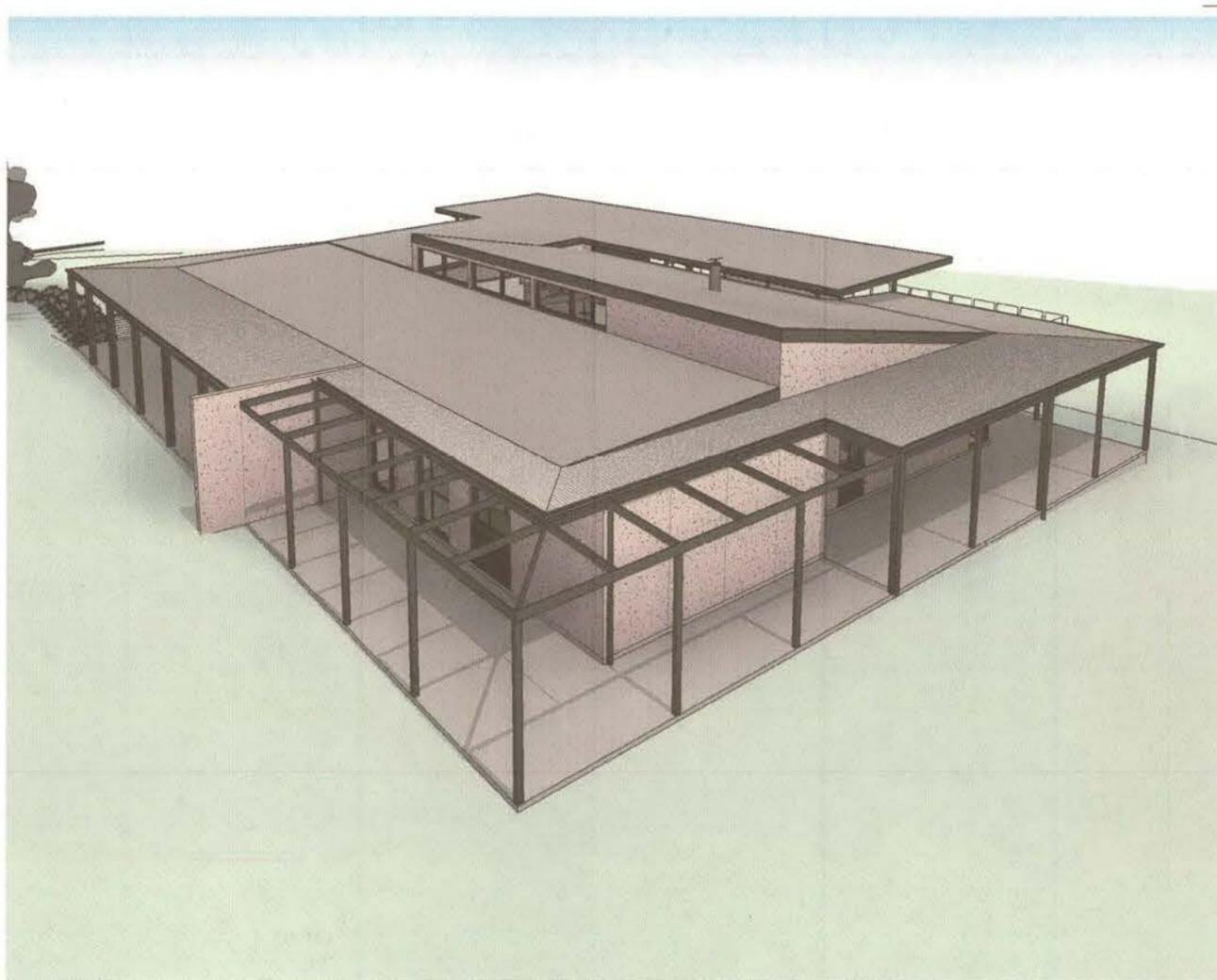
NOT FOR CONSTRUCTION



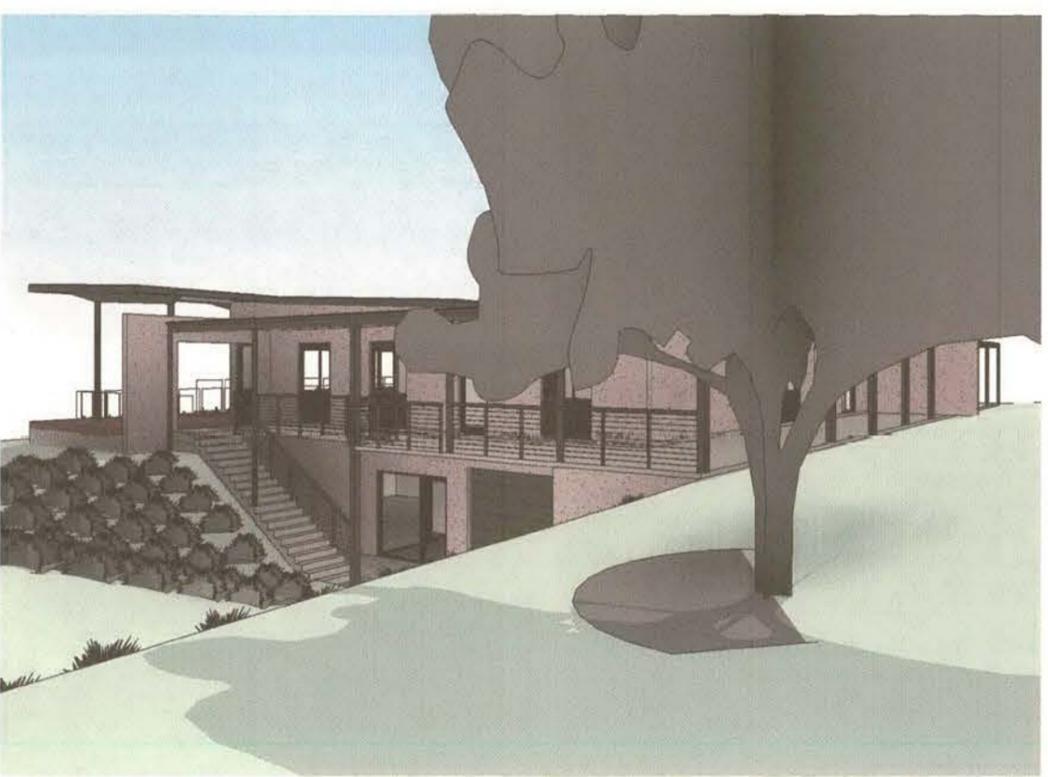
1 PERSPECTIVE 3



2 PERSPECTIVE 4



3 PERSPECTIVE 5



4 PERSPECTIVE 6

Agenda - Barossa Assessment Panel - 3 November 2020



5 PERSPECTIVE 7

**NOTES**  
 This drawing is copyright and the property of JBG Architects Pty. Ltd. and must not be used without written authorisation. Do not scale this drawing. All dimensions shown on drawings are in millimetres unless otherwise noted and should be verified on site before commencing building works. These architectural drawings are to be used in conjunction with the building specification and consultant drawings. Any discrepancies are to be referred to the project architect for clarification prior to work commencing.

Issue	Issued For	By	Checked	Date
B	PA REVIEW	AJ	JG	16.03.17
C	ENERGY EFFICIENCY	AJ	JG	21.03.17
D	PA & SA	AJ	JG	28.03.17
F	PA REVIEW	AJ	JG	10.07.17

**RECEIVED**  
13 July 2020  
The Barossa Council

Architect  
**J B G ARCHITECTS PTY LTD**  
 38 MURRAY STREET  
 TANUNDA 5352  
 P: 08 8563 1155  
 E: admin@jbgarchitects.com.au

Client  
**M & K FITZPATRICK**

Project Name  
**FITZPATRICK HOUSE  
 NEW RESIDENCE &  
 GARAGE/UNIT**

Project Address  
 LOT 897 N HERBIG RD  
 SPRINGTON SA

Drawing Title  
**PERSPECTIVES**

Project Number  
**1644**

Drawing Number  
 A901

Issue  
 F

NOT FOR CONSTRUCTION



© copyright JBG Architects Pty. Ltd. All rights reserved

## **STATEMENT OF SUPPORT**

The Barossa Council  
43-51 Tanunda Road  
Nurioopta SA 5355

14 August 2020

Attention: Mr J. Boswell

Dear Jake,

### **Development Application 960/364/2020**

**Dwelling, shed, earthworks and non habitable under croft earthworks**

**Lot 897 N Herbig Road, Springton SA**

Please find below a Statement of Support in accordance with Regulation 17 of the Development Regulations for the above development.

The following Statement of Support has been prepared in accordance with Regulation 17 (1) of the Development Regulations 2008 as requested by Council.

### **Subject lands**

The application is proposed for Allotment 897 F169836, Certificate of Title 5641/642 at N Herbig Road, Springton.

The lands are south-west of the Springton Township and part of the rural area adjoining the Township. Adjoining lands comprise larger allotments used for primary production with owner residences on the lands. There is no visual connection between the rural lands and the township

The lands are located on the south west side of N Herbig Road near the intersection with Williamstown Road with a frontage to N Herbig Road of some 800metres and comprising approximately 16.2 Ha.

The land has a plateau adjacent N Herbig Road and generally slopes to the south and south west with a ridgeline approximately east-west to the north of the plateau. A small number of mature native vegetation trees are scattered across the site, with the balance lands primarily used for sheep grazing.

The subject land is used for open grazing with identifiable rock outcrops.

### **Application details**

A proposed dwelling is positioned towards the north east approximately 30 metres setback from N Herbig Road adjacent the plateau. The proposed dwelling has a lower level consisting of garaging, gymnasium and storage located within an excavated basement. The upper level is to be constructed on a benched area above the lower level and consist of three bedrooms, living areas, kitchen and amenities. A covered deck area is proposed on

the southern side to take advantage of the distant views across the rural landscape to the south.

The lower level is below ground with a maximum depth below natural ground of 3.45 metres. It will be accessed on the western side via the garage and entrance lobby. The finished floor level of the ground floor is set lower than the plateau by 1 metre.

The proposed dwelling is of a high quality contemporary architectural form with a range of skillion and flat roof sections. It has a floor area of approximately 1070m<sup>2</sup> including the basement, ground level and decking. The general wall height of the dwelling ranges from 2.8 to 4 metres.

Finishes for the dwelling consist of:

- colorbond True Oak 'dune' roofing;
- rendered exterior walls in 'natural tone';
- aluminium frame powder coated windows with colour to match colorbond 'monument'; and
- garage door with colorbond finish in 'woodland grey'

### **Development Plan Commentary**

The application will be assessed against the relevant provisions of The Barossa Council Development Plan, consolidated 5<sup>th</sup> September 2019. The lands are covered by Zone maps Baro/32 and Baro/39 show the subject land being located in the Primary Production Zone.

The proposed development is a non-complying form of development due to the depth of excavation for the basement level of up to 3.4 metres being greater than 1.5 metres. All other areas are compliant with the development code and subject to merit assessment.

#### *Primary Production Zone*

The provisions of the Primary Production Zone identify the economic, efficient and environmentally sustainable use of land for primary production. The desired character statement identifies opportunities for additional dwellings to be established within the zone where they do not conflict with the use of land for primary production and maintain the open landscape character. The proposed dwelling and access driveway covers a minor portion of the site adjacent N Herbig Road and enables the owners to live on the rural property, providing for full and proper management of the sheep and breeding stock.

The proposed dwelling is located in an area of less productive soil type and towards one side of the site, optimising the lands for rural activities and positioned to have minimum visual impact from long distance views towards the site. This is further reinforced by the dwelling colours and flatter roof blending with the natural terrain of the site.

The dwelling is not visible from Springton or the public road system in the vicinity, with terrain separation and native vegetation along road verges and not visible from designated scenic routes.

The zone provisions contain a number of requirements in relation to the location, visibility and design of dwellings and buildings within the zone. The proposal is considered to achieve the general intent of these provisions with the following aspects noted:

- the dwelling is connected to the ongoing primary production use of the land and is not located within 500 metres from an existing intensive animal keeping operation
- there is no other dwelling existing or proposed for the site
- the design and construction of the dwelling utilises environmentally sustainable design principles and will be self-sufficient in terms of power and water supply
- the dwelling is setback 30 metres from N Herbig Road and approximately 250 metres to Springton Road and 600 metres to the Eden valley Road to the east
- the dwelling is sited just off the plateau area and blends with the site terrain
- the dwelling is encircled by a series of verandas and pergolas with a high degree of articulation and fenestration to provide shadow, detailing and interest to all façades
- the skillion and flat roof sections proposed for both buildings limit the bulk, scale and visual impact of the buildings
- the proposed materials are non-reflective and of natural colours, reinforcing the blend with topography
- the proposal will be self-sufficient in terms of water, power and waste water disposal and will not result in any cost to the community in terms of servicing

The dwelling addresses the specific clauses of the development plan regarding dwelling nature, location and site impact and satisfies the general intent of the zone.

The application will have a minimal impact upon the primary production capacity of the lands and due to the owner being resident at the site provide support for animal husbandry.

#### *Council Wide*

The proposal demonstrates a significant degree of merit against the Council Wide provisions of the Development Plan as noted following:

- is of a contemporary design with the overall form and scale considered to be sympathetic to the locality and rural surrounds
- does not restrict any existing views
- incorporates a suitable degree of landscaping
- is setback from adjoining roads and boundaries so as to minimise visual impact
- will be self-sufficient in terms of electricity generation and water storage
- utilises passive solar design techniques to shade the facades whilst allowing a high degree of natural light within the internal living areas
- is not within an area that is susceptible to natural hazards or risks
- provides a sufficient level of water storage, access and turnaround for firefighting purposes
- has safe and convenient access to N Herbig Road
- does not jeopardise the continuing use of adjoining land

- does not cause an unacceptable impost upon services or the surrounding community
- provides for a high level of residential amenity with sufficient open space, natural light and ventilation and outlook
- has a ground floor level below the adjoining ridgeline and high point upon the subject land
- seeks to minimise the building foot print upon the land by utilising the slope to incorporate garaging and utility spaces below ground as well as underground rainwater tanks
- balances the extent of cut and fill for development works with the resulting screed slopes to be stabilised and vegetated

### **Summary**

The development is a non-complying form of development on account of the level of excavation from positioning the garaging below the habitable area. Despite this outcome we consider the outcome to be positive in terms of minimising building foot print, aesthetic impact and visibility minimisation.

The proposal will allow the owners to provide a higher level of animal husbandry whilst maximising the primary output capacity with minimal impact upon the rural lands.

This is further reinforced by positioning the residence below the plateau high point and to one side of the property, consolidating primary production area of the lands with a minimal visual impact. This is reinforced by the selected materials and finishes, planting of a landscaped screen, retention of existing mature vegetation and substantial setbacks from adjoining roads.

The resultant impact will not be significant and is comparatively lessened with the smaller footprint resulting from the lower level of development, albeit creating a single non compliance.

Site productivity is protected and the character of the locality is not negatively impacted.

Apart from the single non compliance the application presents with merit against the Development Plan and demonstrates a clear and strong reinforcement of the rural activities of the site and sympathetic design criteria ensuring a low level visual impact both on the lands and when viewed from afar.

We believe the application warrants a full assessment and exhibits strong merit characteristics relegating the non compliance aspect to a minor nature.

**Yours sincerely**

**Mark and Kate Fitzpatrick**

39 Mawson Street

Nailsworth

SA 5083

# ACCESS SDM PTY LTD

ABN 72 111 199 734

18A Cameron Road  
Mount Barker SA 5251

7 St Margaret Drive  
Stirling SA 5152

---

30 August 2020

The Barossa Council  
43-51 Tanunda Road  
Nuriootpa SA 5355

Attention: Mr J. Boswell

Dear Jake,

**Development Application 960/364/2020**  
**Dwelling, shed, earthworks and**  
**non habitable undercroft earthworks (Non Complying)**  
**Lot 897 N Herbig Road, Springton SA**

Please find following a Statement of Effect for a proposed Development at Allotment 897 F169836, at N Herbig Road, Springton.

The Application is determined as a non complying application due to the undercroft portion of the dwelling causing excavation exceeding 1.5metres cut and or fill at the location of the residence.

Please contact me directly if you have any queries or require further information to assist completion of this application.

**Yours sincerely**

**Access SDM Pty Ltd**

Greg Burgess

---

**Surveyors & Development Managers**

Mobile 0407 391 691 --/-- [surdev@bigpond.net.au](mailto:surdev@bigpond.net.au) --/-- P 8391 3000 / F 8391 2330

# **STATEMENT OF EFFECT**

## **960/364/2020**

### **Dwelling, shed, earthworks and non habitable under croft earthworks (Non Complying)**

This Statement of Effect has been prepared pursuant to Section 39(2)(d) of the Development Act 1993 and Clauses 17(4) & (5) of the Development Regulations 1993 for a proposed two storey office building, minor consulting and related works.

The Application is non complying by virtue of the portion of the structure related to the dwelling below the living area including excavation that exceeds 1.5metres in height.

#### Subject Lands and Locality

The application is proposed for Allotment 897 F169836, Certificate of Title 5641/642 at N Herbig Road, Springton.

The lands are south-west of the Springton Township and part of the rural area adjoining the Township. Adjoining lands comprise larger allotments used for primary production with owner residences on the lands. There is no visual connection between the rural lands and the township

The Springton Township zone commences 30 metres from the northern apex of the lands on the northern side of the road junctions of N Herbig and Williamstown Road.

The lands are located on the south west side of N Herbig Road near the intersection with Williamstown Road with a frontage to N Herbig Road of some 800metres and comprising approximately 16.2 Ha.

The land has a plateau adjacent N Herbig Road and generally slopes to the south and south west with a ridgeline approximately east-west to the north of the plateau. A small number of mature native vegetation trees are scattered across the site, with the balance lands primarily used for sheep grazing.

The subject land is used for open grazing with identifiable rock outcrops

#### Application proposal

A proposed dwelling is positioned towards the north east approximately 30 metres setback from N Herbig Road adjacent the plateau. The proposed dwelling has a lower level consisting of garaging, gymnasium and storage located within an excavated basement. The upper level is to be constructed on a benched area above the lower level and consist of three bedrooms, living areas, kitchen and

amenities. A covered deck area is proposed on the southern side to take advantage of the distant views across the rural landscape to the south.

The lower level is below ground with a maximum depth below natural ground of 3.45 metres. It will be accessed on the western side via the garage and entrance lobby. The finished floor level of the ground floor is set lower than the plateau by 1 metre.

The proposed dwelling is of a high quality contemporary architectural form with a range of skillion and flat roof sections. It has areas of approximately 1070m<sup>2</sup> including the basement, ground level and decking. The general wall height of the dwelling ranges from 2.8 to 4 metres.

Finishes for the dwelling consist of:

- colorbond True Oak 'dune' roofing;
- rendered exterior walls in 'natural tone';
- aluminium frame powder coated windows with colour to match colorbond 'monument'; and
- garage door with colorbond finish in 'woodland grey'

## Adjoining Land Use

The lands are contained in the Primary Production zone.

Surrounding adjoining parcels are within the Primary Production zone and range in area from 1.8ha to 33 ha. All but one of the parcels have dwellings and shedding. Adjoining land uses are primary production oriented.

Topography, vegetation cover, site grades and types of land use across the parcels are consistent and described as rolling hills.

## Available Documentation and Site Information

The Statement of Effect has been prepared following a review of

- The site by inspection
- Engineering report of the site for effluent management
- Site layout Plans incorporating Building Architectural elevations and Plans and isometric views

## Land Zoning

The application will be assessed against the relevant provisions of The Barossa Council Development Plan, consolidated 5<sup>th</sup> September 2019. The lands are covered by Zone maps Baro/32 and Baro/39 and show the subject land being located in the Primary Production Zone and the Primary Production Zone (Barossa Valley Region) Zone.

Council Wide provisions considered are the Character Preservation District Overlay, Siting and Visibility and Sloping Land.

Key provisions considered in this Statement

Council Wide

Character Preservation Overlay

Objective 1 (a)(c)(f)

Siting and Visibility

Objective 1,2

Principal of Development Control

1(a)(b)(c)

2(b)(c)

3(a)(c)(d)(e)

4(a)(b)(c)

5,6,7,

9(b)(c)

Sloping Land

Objective 1

Principal of Development Control

1

2(a)(b)(c)€

4

7(a)(b)(c)(d)

Primary Production Zone

Objective 1,2

Principal of Development Control

2

5(a)(b)

7(a)(b)(e)

11(a)(b)(c)(d)(e)(f)(g)

13(a)(b)(c)(d)(e)(f)(g)

14

15

Primary Production Barossa Valley Region) Zone

Objective 1,2,3

Principal of Development Control

2

5(a)(b)

6(a)(b)(e)(g)

14,16,17

## Assessment Against Key Development Plan Provisions

### *Rural Landscape*

*Scenic and rural landscapes are highly valued, retained and protected  
Protection of scenically attractive areas, particularly natural and rural landscape  
The protection and enhancement of the areas visual amenity and landscape  
quality , including land visible from tourist routes*

*Character Preservation Overlay*

*Objective 1 (a)*

*Siting and Visibility*

*Objective 1,2*

*Principal of Development Control*

*1(a)(b)(c)*

*2(b)(c)*

*3(a)(c)(d)(e)*

*Primary Production Zone*

*Principal of Development Control*

*5(a)(b)*

*Primary Production (Barossa) Zone*

*Objective 3*

*Principal of Development Control 14*

The proposed dwelling and shed are setback approximately 30 metres from N Herbig Road and adjacent the dominant topographic plateau feature of the site. This position has been examined with regard to long distance views towards the land, proximity of existing vegetation of the road verge and height of the topography of the land.

The location minimises structure protrusion and driveway length across and into the primary production lands and does not impact upon the open landscape nature of the site.

It is apparent that the position maintains a visual link to the existing N Herbig Road vegetation and provides a visual barrier and coloured back drop to the structures when viewed from afar

structures are positioned adjacent and set off the high plateau (the shed to the north and dwelling to the south). This position provides distant views to the land are of the topographic feature with secondary views of the structures, being set lower and to one side of the plateau.

Dwelling footprint is compact and not sprawling, although large in dimension and views as a single element on the terrain

Site inspection appears that the shed and dwelling are visually separated from the Springton township and public road systems from existing mature vegetation to the north and north east.

Visibility from Eden Valley Road is screened by terrain separation and grade changes and mature vegetation along road verges.

- the dwelling is connected to the ongoing primary production use of the land and is not located within 500 metres from an existing intensive animal keeping operation
- there is no other dwelling existing or proposed for the site
- the design and construction of the dwelling utilises environmentally sustainable design principles and will be self-sufficient in terms of power and water supply
- the dwelling is setback 30 metres from N Herbig Road and approximately 250 metres to Springton Road and 600 metres to the Eden valley Road to the east
- the dwelling is sited just off the plateau area and blends with the site terrain
- the dwelling is encircled by a series of verandas and pergolas with a high degree of articulation and fenestration to provide shadow, detailing and interest to all façades
- the skillion and flat roof sections proposed for both buildings limit the bulk, scale and visual impact of the buildings
- the proposed materials are non-reflective and of natural colours, reinforcing the blend with topography
- the proposal will be self-sufficient in terms of water, power and waste water disposal and will not result in any cost to the community in terms of servicing

## *Primary Production Sustainability*

*The long term use of land for primary production and associated value adding enterprises is assured*

*Economically productive, efficient and environmentally sustainable primary production*

*Allotments of a size and configuration that promote the efficient use of land for Primary Production*

*The number of buildings and structures on land outside of urban areas should be limited to that necessary for the efficient management of the land*

*Character Preservation Overlay*

*Objective 1 (a)*

*Siting and Visibility*

*Principal of Development Control*

*6*

*Primary Production Zone*

*Objective 1,2*

*Principal of Development Control 7(a)(b)*

*Primary Production (Barossa Valley Region) Zone*

*Objective 1,2*

*Principal of Development Control*

*6(a)(b)(e)(f)*

The subject lands are an existing parcel and boundaries are not affected by this for the application

Current land use is grazing and sheep breeding; the site has no residential or major shed structure.

The proposal is for a single dwelling, shed and driveway. These structures are all located in close proximity (within 40 metres) of N Herbig Road along the higher portion of the site across areas of exposed rock. This portion of the site is the least productive in terms of grass production as observed by the owners over 5 years.

The shed is a freestanding large shed for secure and all weather storage of equipment and goods associated with primary production

A single dwelling is proposed including residential living areas on the ground level structure and non habitable areas below the ground level structure, associated with carparking, storage and residential facilities. It is apparent carparking and additional storage areas are provided below the ground level residential component of the structure and negates the need for a second garage adjacent the residence.

Entry to the garage area is discrete from the residence as viewed from afar as it is cut in at an angle and visually the garage door is obscured. Limiting the number of structures and visually disguising the garaging addresses PDC 6 Siting and Visibility. This approach creates excavation exceeding 1.5 metres and results in a non compliance of the application

The dwelling is connected to the ongoing primary production use of the land providing an on site residence for the land owner enabling continual monitoring of breeding stock and lambs during season and daily management activities.

## *Dwelling Effect to Landscape*

*Buildings and structures compliment the landscape*

*Buildings and structures should be designed to minimise their visual impact in the landscape*

*The mass of buildings should be low and the roof lines should compliment the natural form of the land*

*The mass of buildings should be minimised by variations in wall and roof lines and by floor plans which compliment the contours of the land*

*Large eaves, verandahs and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings*

*Character Preservation Overlay*

*Objective 1(f)*

*Principal of Development Control 4(a)(b)(c)*

*Sloping Site*

*Objective 1*

*Principal of Development Control 1*

*Primary Production Zone*

*Principal of Development Control*

*11(a)(b)(c)(d)(e)(f)(g)*

The isometric views and elevations of the dwelling demonstrate a design that compliments the land scape generally and the landscape form of the immediate area of the dwelling.

Flat or gently sloping roof lines intersect each other and over lap at different levels. When viewed from afar the dwelling blends with the existing localised plateau of the site and sites low on the topography

Darker columns present as tree trunks against a lighter vertical wall surface creating an image that blends with native trees.

Large overhanging verandahs protrude from the roof maximising solar gain and shade through the summer and winter periods.

The overall effect is a dwelling that sits softly and comfortably adjacent the existing site plateau. The over all mass presentation is low and small.

The volume of space within the building and those areas associated with non habitable areas of storage, parking and associated dwelling infrastructure are imperceptibly hidden below the residential structure at ground level.

This design solution, whilst strong and effective creates a non compliance by causing excavation to achieve the visual out come and minimisation of mass at ground level greater than 1.5 metres.

## *Dwelling Effect with Sloping Land*

*Development on sloping land designed to minimise environmental and visual impacts and protect soil stability*

*Development and associated driveways and access racks , including related earthworks should be sited , designed and undertaken in a manner that*

- *Minimises their visual impact*
- *Reduces the bulk of buildings and structures*
- *Minimises the extent cut/fill*
- *Does not cause instability of any embankment or cutting*
- *Protects the development and surround from erosion*

*Development sites should not be at risk of landslip*

*The cutting and / or filling of land outside townships and urban areas should*

- *Be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land*
- *Only be undertaken to reduce the visual impact of buildings*
- *Only be undertaken to if the resultant slope can be stabilised to prevent erosion result in stable scree slopes covered with top soil to preserve the natural character of the area*

*Sloping Land*

*Objective 1*

*Principal of Development Control*

1

2 (a)(b)(c)(e)(g)

4

*Primary Production Zone*

*Principal of Development Control 11(d)*

The entire allotment is sloping, with steeper slopes increasing away from N Herbig Road. The flattest area is at the location of the site Plateau, adjacent the proposed house site. The Form and Character outline of PDC11(a)-(g), dictates design criteria that are key to the construction of a new dwelling.

These include single storey, low profile, variations in roof lines be sited on excavated rather than filled land. The elevations and isometrics of the proposal strongly conform with these principles. This compliance is only possible, due to the sloping nature of the site, if excavation is utilised to attain the Principles. This further creates a Development of reduced scale and mass and is addressed elsewhere

Key to the attainment of the principals is the use of excavation rather than fill asset out in PDC 11(d).

A sloping site, as set out in Council Wide Sloping Land Objective 1 and PDC 1 and 2 identifies key guidelines and principles relating to

- Erosion reduction
- Batter stabilisation
- Reduced bulk and mass
- Reduces cut and fill and as a result reduced batters
- Advisory note PDC 7(a) suggests fill / cut maximum of 1.5 metres
- Primary Production Zone PDC11(d) establishing a principal of excavation over fill

The dwelling design addresses effectively these Objectives and Principals as indicated in the Isometrics and elevations.

However it is apparent from a sloping site principles that a combination of 1.5 cut and 1.5 fill creates and increased exposure of batters subject to erosion, requirement for retaining walls, and most importantly a deformation of the existing natural surface slope and profile.

The development has effectively satisfied both the Primary Production Zone PDC 11 (a)-(g) and Sloping land PDC 2 that when compared create opposing guidelines. As an example,

- Excavate over fill verse cut and fill
- Minimise batters and retaining walls but utilise 1.5 fill
- Establish structures that minimise terrain profile disturbance but incorporate battering
- Utilise single storey but reduce the profile of fill and minimise site disturbance

These competing PDC effectively create a position on a sloping site of either non compliance or poorly designed site works creating exposed batters, sites subject to erosion, and elevated structures and fill that destroy a natural site profile.

It is apparent the application as shown in the isometrics and elevations addresses all of the guidelines of Sloping Land PDC1 PDC2 (a)(b)(c)(e)(g), PDC4 and PDC7 (a)(b)(c)(d) and Primary Production PDC11(a)(b)(c)(d)(e)(f)(g) except for the single PDC 7(a).

Most importantly the visual outcome of the development is single storey with no scarring or erodible surface.

Effectively the PDC outline a set of qualitative principles in comparison to a single quantitative principal, being excavation to not exceed 1.5 metres.  
The effective qualitative assessment of the application is merit and compliance  
The effective quantitative assessment is exceeding 1.5metres excavation and causing a single non compliance.

## *Site Screening*

*Development should be screened through establishing landscaping using indigenous species*

*All access points should be sited and designed to enable safe access and egress for all vehicles*

*Development should provide an access way of at least 3.0 wide that provides access for emergency vehicles to the rear of the allotment*

### *Siting and Visibility*

*Principal of Development Control 9(b)(c)*

*Primary Production Zone*

*Principal of Development Control 14*

*Primary Production (Barossa Valley Region) Zone*

*Principal of Development Control 16,17*

Site access occurs immediately adjacent the site plateau and is confined to the area between the proposed structures and N Herbig Road.

The driveway is at grade and 3.0 wide and incorporates a Ministers Code reversing area for emergency vehicles.

The driveway area is screened by existing native vegetation along the road verge that provides intermittent views to the development.

The Development exhibits effective screening and attainment of the Ministers Code requirements

## *Site suitability for Primary Production*

*Allotments of a size and configuration that promotes the efficient use of land for primary production purposes*

*Primary Production Zone*

*Principal of Development Control*

*2*

*Primary Production (Barossa Valley Region) Zone*

*Principal of Development Control 2*

The Development does not include creation of a new allotment or alteration of boundaries.

The allotment has significant area and dimension and primary production capacity is not impacted by the construction of the dwelling, shed and driveway.

## *Site Outbuildings*

*The number of outbuildings should be limited and located in unobtrusive locations and screened from views from public roads and townships*

*Primary Production Zone*

*Principal of Development Control 15*

The Development proposes a single shed for storage of farm equipment. The shed is located adjacent the site plateau and set about 2 metres below the height of the plateau. The shed is positioned away from the prime areas of Primary production lands.

The shed obtains screening from the existing verge vegetation, the plateau, the proposed house and planted vegetation to the west and north west as shown in the site plan

Effective screening occurs for the shed

## *Dwelling Energy gain*

*Detached Dwellings should be designed and constructed in the following manner;-*

*A floor plan including a window facing between 20dege and 30degW of north*

*Have a total window area facing east and west that does not exceed50% of the total window area of the dwelling*

*Provide external shading to west facing windows in the form of eaves and awnings of at least 450mm width*

*Provide external shading to north facing windows to allow winter sun to penetrate but provides shade in summer*

*Have a total roof layout that incorporates an area of at least 10sqm that faces 30degW and 20degE of north and has a roof pitch of at least 18deg*

*Primary Production Zone*

*Principal of Development Control 13(a) – (g)*

The Development proposes a dwelling orientated towards the north.

An assessment of the Building by the Architect verifies the dwelling addresses the physical requirements of PDC 13(a)-(g).

The incorporation of considered roofing over varied slopes and overlapping levels creates an effective solar solution and aesthetic outcome with the structure melding with the terrain slope.

## Summary

The development when considered and viewed against the existing terrain, vegetation, sight lines to and from the site and topographic slope exhibits a strong alignment of the Development Plan Objectives and Principals of Development Control

The architectural plans, isometrics and elevations provide coloured information and details that demonstrate an effective design that blends effectively with the terrain and vegetation of the locality

The primary production capacity of the lands are not adversely impacted by the development proposal.

The Application in achieving a strong and effective outcome for the residence in comparison the development guidelines of Sloping Land PDC1 PDC2 (a)(b)(c)(e)(g), PDC4 and PDC7 (a)(b)(c)(d) and Primary Production PDC11(a)(b)(c)(d)(e)(f)(g) creates a non compliance to PDC 7(a).

The advisory PDC states excavation should be kept to a minimum and be limited to a maximum depth no greater than 1.5 metres.

The depth of excavation exceeds the maximum as it occurs up to 3.4 metres in a location below the residence at ground level.

The excavation causing the non compliance enables a strong aesthetic outcome for the dwelling in comparison the Objectives and PDC

The Effect of this non compliance is not apparent or visible for the completed development apart from a portion of the lead in driveway to the carpark. This visibility is only apparent when standing immediately in front of the driveway and not visible from any direction away from the site.

The direct Effect of the non compliance enables a strong compliance of the residence in areas of the Development plan and creates a visually compliant development on this rural property.

Apart from the single non compliance the application presents with merit against the Development Plan and demonstrates a clear and strong reinforcement of the rural activities of the site and sympathetic design criteria ensuring a low level visual impact both on the lands and when viewed from afar.

Yours sincerely

Access SDM

Greg Burgess LS

6.2 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](mailto:development@barossa.sa.gov.au)



The Barossa Council

<b>DEVELOPMENT No.</b>	960/364/2020 M A Fitzpatrick and K A Fitzpatrick
<b>Name of Person(s) making Representation</b>	D. A. Rositano
<b>Address</b>	POSTAL: PO Box 19 Springton 5235 RESIDENTIAL: 40 Williamstown Road Springton 5255
<b>Email Address</b>	dom@domenicrositano.com
<b>Phone Number</b>	0433 121928
<b>Nature of Interest Affected by Development</b> (eg adjoining resident, landowner nearby, on behalf of organization or company)	adjoining resident
<b>Reasons for Representation</b>	See Attached
<b>My Representation would be Overcome by</b> (state action sought)	
<b>You must indicate below if you wish to be heard by Council's Barossa Assessment Panel in respect to your representation :</b> <u>yes</u>	
<b>I WISH TO BE HEARD IN RESPECT TO THIS REPRESENTATION</b>	<u>yes</u>
<b>I WILL BE REPRESENTED BY</b> (if applicable):	

SIGNED

DATED

28/9/20

## Reasons for Representation

My concern is the intended use of the outbuilding that appears on the plan as a “garage” and is also referred to as a shed in other supporting documents. To begin with the main house has an extremely well-appointed basement garage/gym/storage area. So, what will the stand-alone garage be used for?

I refer to The Barossa Council Development Plan, consolidated 5<sup>th</sup> September 2019

Zone Section

Primary Production Zone

Principles of Development Control

Land Use:

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

- commercial forestry
- dairy farming
- farming
- horticulture
- tourist accommodation (including through the diversification of existing farming activities and conversion of farm buildings).

2 Development listed as non-complying is generally inappropriate.

5 Buildings should primarily be limited to farm buildings, a detached dwelling associated with primary production on the allotment and residential outbuildings that are:

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

7 A dwelling should only be developed if:

- (a) there is a demonstrated connection with farming or other primary production
- (b) it does not result in more than one dwelling per allotment

The stand-alone outbuilding “garage’s” physical design does not appear to be consistent with its implied use and description and is also a fair way away from the main dwelling. To comply with PDC 5 (a) and (b) a closer grouping to the main dwelling in another location away from the Williamstown Rd would be more appropriate. As it is presented in the plans the outbuilding will be in full view from the main roads.

The outbuilding is specified with two waste outlets, 6 high-quality windows complete with screens, a double door entrance way with what looks like a lobby, verandah, roller door and a modern city urban style rendered exterior (The Barossa Council, General Section, Design and Appearance, PDC 1, 2 & 5).

In my view I do not think it is unreasonable to assume that it was designed for human habitation. Perhaps a B&B business or Granny flat. It does not appear to be a storage area for grains, chemicals, farm machinery and animal husbandry as would be expected of an outbuilding "shed or garage" as described in the statement of support.

The non-complying development does not complement the Township Zone guidelines in that it is not of the desired character for precinct 39 and bears no resemblance of the pre 1950's architectural style outlined for the area. It will block the only 360 degree view we have of the town and will stand out in the approach to the town from Williamstown.

Other concerns are the condition of N.Herbig road. The council has not maintained this road to be used regularly and is not suitable for wet weather. It reaches the Williamstown Rd on a steep decline where it becomes part of a five-way intersection. Across from the Williamstown Rd lies L. Starick Rd and Droegemueller Rd which meets the Williamstown Rd at an incline making it a difficult intersection to negotiate because you have to drive into the intersection to be able to see traffic coming from either side of the Williamstown Rd. Now there is barely any traffic if at all from N. Herbig Rd but if that were to be used to service the entry to an access point for this proposed development the intersection would become exponentially more dangerous.

My property is on the corner of Williamstown and Droegemueller Rd with the 50K sign being at my driveway, the other end of the block being the five-way intersection. To give a little bit more perspective the intersection is at the bottom of Busy's Hill so the approach to the intersection from Williamstown on the Williamstown Rd makes this intersection particularly dangerous as it is in an 80 km zone going downhill. There have been many accidents with some collisions ending up in my yard. My house is a 160-year-old heritage listed property which is set awfully close to the Williamstown road. If traffic is open to what is just a track being N. Herbig Rd a collision from that side would put my house directly in its path and will make it extremely dangerous.

At present N. Herbig Rd is used as a nature trail. Will the extra traffic further deteriorate a road already in poor condition and who will be responsible for its maintenance? It should be considered seriously that the trails appeal could be diminished if more traffic degrades the presently unmaintained road.

Will the more prominent entry further up N. Herbig road from the proposed entry be used as a regular access point?

The proposed entry point close to the intersection is subject to flooding in extreme weather events. The (Barossa Council, General Section, Hazards PDC 4 & 5) What, if any considerations have been made for the access point?

Since the preparation of this document it has come to my attention that the out-building ("garage in the plans") in this development was indeed originally submitted as a habitable building suitable for a B&B business which accounts for its design and rejected by council. In principle this present application should be rejected as it is the same as the rejected plan minus the internal walls and rebadged a shed.

Under the Zone Section, Primary Production, PDC tourist accommodation is envisaged for existing farm buildings to be converted and or upgraded for tourist use. This will also serve to preserve the heritage of the area.

Approval of the outbuilding, which can only be described as non-habitable in name only, would make it a "potential existing" farm building in lieu of gaining merit for future applications.

The Barossa Council, Zone Section, Primary Production, Principles for Development Control, Section 5 guidelines clearly state that buildings be directly associated with primary production and in subsection:

(a) grouped together on the allotment and set back from allotment boundaries to minimise the visual impact of buildings on the landscape as viewed from public roads

(b) screened from public roads and adjacent land by existing vegetation or landscaped buffers

As the plans are presented the out-building is intentionally spaced away from the main dwelling and it will be clearly visible from the main roads with no existing vegetation and buffers, contrary to the guidelines. Coupled with that the out-buildings description in the statement of support and the statement of effect is deliberately misleading in that it is referred to as a "shed"

Section 7 is also clear in that the land is to be used primarily for primary production with development only approved on that basis.

An argument can be made as to the use of the land being for residential purposes with sheep being used as lawn mowers rather than the land being used primarily for primary production. It would be difficult for one to earn a living from primary production on this allotment due to the rocky outcrops and size. Undeveloped it could be absorbed into an existing holding and provide a useful extra paddock.

So, I find it difficult to accept that the plans are a bona fide application.

My Representation would be Overcome by

A redesign of plans for the outbuilding "Garage" to be consistent with the description provided in the Statement of Support and The Statement of Effect being a "shed" and relocated closer to the main dwelling out of sight from the Williamstown Road consistent with The Barossa Council, Zone Section, Primary Production, PDC 5(a) and (b) & General Section, Design and Appearance, PDC 1, 2 & 5 or completely omitted.

The design to be constant with the Desired Character of precinct 39 and relocated out of view as to be unobtrusive to the approach and surrounding views.

**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](mailto:development@barossa.sa.gov.au)

RECEIVED  
29 SEP 2020  
The Barossa Council



The Barossa Council

DEVELOPMENT No.	960/364/2020 M A Fitzpatrick and K A Fitzpatrick
Name of Person(s) making Representation	G. MIDDLETON
Address	POSTAL: P.O. BOX 120 MT PLEASANT 5235  RESIDENTIAL: LOT 1 WILLIAMSTOWN RD SPRINGTON CAN L. STARICK RD SPRINGTON
Email Address	
Phone Number	0447 150 979
Nature of Interest Affected by Development <small>(eg adjoining resident, landowner nearby, on behalf of organization or company)</small>	LAND OWNER OPPOSITE SIDE OF WILLIAMSTOWN RD N.W.
Reasons for Representation	SEE ATTACHMENT 1, 2, 3, 4 LOCATION OF GARAGE (STAND ALONE) PDC 5 <sup>(A)</sup>  IMPACT FROM WILLIAMSTOWN RD USAGE, N. HERBIG RD NATIVE WALKING TRAIL  IMPACT EXAMPLE BEING ALREADY HAVE PDC 5 <sup>(A)</sup> PROBLEMS ON ANOTHER CORNER L. STARICK RD TO MOUTH OF THIS HAPPENING HERITAGE REDESIGN & GROUPING INTENTION OF USE OR MERGED WITH OTHER GRAZING LAND MINISTRIAL STATEMENT ENVIRONMENT  LOCATION OF ANY OUT BUILDINGS SOUTH WEST (RE APPLICATION YDBGA) (RE DWELLING) (STILL UNDER CONSTRUCTION)
My Representation would be Overcome by <small>(state action sought)</small>	
You <u>must</u> 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	<input checked="" type="checkbox"/> YES
I WILL BE REPRESENTED BY <small>(if applicable)</small> :	

SIGNED

DATED

25/9/2020

25/9/2020

- ① THE SITE PLAN SHOWS A SECOND "GARAGE" (STAND ALONE)  
THE LAYOUT OF THIS BUILDING SHOWS 2 CONNECTION POINTS  
TO A WATER WASTE SYSTEM

THIS INDICATES THAT THE USE OF THIS BUILDING  
COULD BE FOR

- (A) ANOTHER DWELLING OR  
HUMAN ACCOMMODATION SUCH  
AS GRANNY FLAT OR A  
B & B FACILITY MOTEL TYPE OR  
(B) WORKSHOP WITH KITCHEN SINK  
AND W.C.

- ② THE PLAN

DOES NOT INDICATE WHETHER THE USE  
OF THIS BUILDING IS FOR

ANYTHING TO DO WITH PRIMARY PRODUCTION  
(SHEEP GRAZING AS STATED IN THE STATEMENT  
OF SUPPORT) IN THAT IT WOULD BE AN  
UNSUITABLE DESIGN FOR THE STORAGE OF HAY, GRAIN  
ETC IN CONNECTION WITH PRIMARY PRODUCTION  
IN SHORT THERE IS NO ADMISION IN THE WAY OF  
THE DOCUMENTATION AS TO THE INTENTION OF  
THE USE OF THIS BUILDING

- ③ THE "GARAGE" IS NOT GROUPED TOGETHER PDC 5<sup>(A)</sup>  
WITH THE OTHER BUILDING - THE DETACHED DWELLING  
IN THIS RESPECT THERE MAY BE AN IMPLICATION  
THAT THE "GARAGE" MAY HAVE BEEN DESIGNED (STAND ALONE)  
FOR PURPOSES OTHER THAN A "BONAFIDE" GARAGE

25/9/2020

(4)

UNNECESSARY VISUAL IMPACT OF "GARAGE" (STAND ALONE)  
FROM WILLIAMSTOWN ROAD  
AND MY PROPERTY HOUSE BEING DIRECTLY OPPOSITE  
"GARAGE" SITIING

DANGERS OF OPENING UP TRAFFIC ON N. HERBIG ROAD  
(AT PRESENT A DRY WEATHER TRACK)  
NORTHERN END BEING A FIVE WAY INTERSECTION  
WITH WILLIAMSTOWN ROAD TRAFFIC

N. HERBIG ROAD (TRACK) BEING A LOCALLY POSTED WALKING TRAIL  
& NATIVE WILDLIFE CORRIDOR  
EFFECTS ON THIS TRACK COULD SEE A VARIETY OF BIRD  
LIFE DISPLACEMENT  
WITH SERIOUS VEHICAL DAMAGE TO ROAD (TRACK)

ON THE OTHER L. STARICK ROAD I AM STILL DEALING  
WITH A NON GROUPING OF SHEDS OF ANOTHER DEVELOPMENT  
OF WHICH THIS MEANS I WOULD HAVE ISSUES  
OF "GARAGE" "BUILDINGS" ON TWO FRONTS SLIGHTLY UNFAIR

2 OF 3

25/9/2020

MY REPRESENTATION OVERCOME

CALL FOR RE-DESIGN OF "GARAGE" NEW APPLICATION  
WOULD BE FOR "GARAGE" (STAND ALONE) TO BE  
MORE IN LINE WITH PRIMARY PRODUCTION FOR HAY & GRAIN  
TRACTOR SPRAY EQUIPMENT ECT AND A LOCATION  
AWAY FROM WILLIAMSTOWN ROAD

THERE ARE A VARIETY OF OTHER SITES SOUTH WEST  
OF DWELLING & PROPOSAL SITE THAT COULD COMPLY WITH GROUPING  
PDC 5<sup>(A)</sup> AND NOT VISUAL FROM WILLIAMSTOWN ROAD

INTENTION OF USEAGES TO BE CLEARLY STATED OF BUILDINGS  
AND COMPLY WITH HERITAGE LOCAL AMENITIES & ENVIRONS  
FOR GOOD HONEST FARMING PRACTICES

STATE MINISTERIAL INVOLVMENT IF NEEDED BE AS  
FOR THIS STILL BEING ~~A~~ NON-COMPLYING WITH  
QUESTIONS OF CONCERN TO MINISTER FOR CLARITY

OR FOR THE PROPERTY TO BE ABSORBED INTO  
ANOTHER FARM

3 OF 3

18 October 2020

The Barossa Council  
43-51 Tanunda Road  
Nuriootpa SA 5355

Attention: Mr J. Boswell

Dear Jake,

**Development Application 960/364/2020  
Dwelling, shed, earthworks and  
non habitable under croft earthworks (Non Complying)  
Lot 897 N Herbig Road, Springton SA**

Please find below the response following Public Notification of the above application.

There were two responses:

DA Rositano – 40 Williamstown Road adjoining resident

GI Middleton of Lot 1 Williamstown Road – adjoining resident

To assist with clarity photos are attached as follows

Photo 1 view from shed location towards Lot 1 Williamstown Road (Middleton)

Photo 2 view of house at 40 Williamstown Road (Rossitano)

Photo 3 view from 40 Williamstown road towards subject site (Rossitano)

Photo 4 view of shed at Lot 1 shed

Photo 5 view from Lot 1 towards subject site

Photo 6 view along Williamstown Road.

**General background**

The subject application is for a Dwelling, shed, earthworks and non habitable under croft portion. The application in general terms seeks to establish a residence for the owners and shed for the farm. The farm is a registered business for sheep farming (specialised) and has steadily grown in flock numbers through breeding. The application seeks to establish a sustainable business of specialised lambing and provides a sensitive residence blending with the location and topography. The shed will house garaging of farm equipment, storage

and secure containment of farming supplies. The application is non complying by virtue of the cut/fill that exceeds 1.5 metres as part of having carparking and non habitable features positioned such that the floor level of the residence is at the same level of the existing site topography.

The development as a whole (residence and shed) is a high quality structure, architecturally design residence and shed. The energy efficiency, aesthetic outlook and land use is as described in the application.

*The owner acknowledges the structures are contemporary and architecturally designed and may differ from existing structures in the locality. Considerable existing mature vegetation exists around the perimeter of the lands, with additional planting to the south and south west of the shed. All structures will be used for their intended and approved Land Use.*

*We welcome an inspection of the subject lands and adjoining properties in this regard to verify the responses and the application details and respective land use.*

We make no comment on the personal views of the representors, but rely upon the quality, aesthetic value and architecturally designed structures and the overall application in comparison to the Development Plan Objectives and Policies.

### **Response DA Rositano**

The shed is located, together with the house on the flattest portion of the site. The location is in reasonably close proximity to the road minimising encroachment into primary production lands. Access to the site has been approved and accepted by Council.

The Shed is not suitable or applied for as a habitable area. The shed is to be used for garaging of farm equipment, storage and farm production purposes. It is intended that a hand basin would be provided for water access for farm management purposes, such as mixing of agricultural materials, hand cleaning and the like.

Together the structures are visually sheltered and have extensive existing native vegetation between the site and both representors buildings and site in general and are not visible from the Springton Township.

The existing Public Roads of the area are a matter for Council. The application as reviewed by MFY Traffic Engineers identifies that additional vehicle movements for the adjoining road infrastructure are negligible, noting further that N Herbig Road carries very few traffic movements. Additional vehicle movements along N Herbig Road will not affect or alter the enjoyment of the road as a walking trail.

The placement of structures on the land are considerate of the Development Plan guidelines as a whole, a primary concern is the continuance, sustainability and minimum intrusion into the lands. On balance the placement and design addresses the Development Plan requirements.

## **Response G Middleton**

### **Item 1**

The Shed is not suitable or applied for as a habitable area. The shed is to be used for garaging of farm equipment, storage and farm production purposes. It is intended that a hand basin would be provided for water access for farm management purposes, such as mixing of agricultural materials, hand cleaning and the like.

### **Item 2**

The Shed is not intended for habitation (viz item 1). The primary production of the site is lambing that will necessarily require storage of hay and similar materials for sheep. The property is not used for grain or hay production and as such has no storage requirement other than particular feed requirements for sheep and lambs.

### **Item 3**

The shed is located, together with the house on the flattest portion of the site. The location is in reasonably close proximity to the road minimising encroachment into primary production lands and minimising the need for vehicle movement through the primary production lands. The location of the dwelling and shed have been positioned to take advantage of existing vegetation screening.

Garaging for residential vehicles is provided with the dwelling

### **Item 4**

Photo 1, 4 and 5 indicate the level of vegetation around the properties and the visual interface between between Lot 1 and the subject land. The shed is required for garaging of tractors, equipment, storage and secure containment of farming. Strong perimeter screening is apparent along the existing road verges. Noise or odour generation would not be generated as a result of the land use of the shed.

The shed location is in reasonable access to the perimeter of the site and minimises the impact upon the primary production areas of the lands.

## **General items**

The existing Public Roads of the area are a matter for Council. The application as reviewed by MFY Traffic Engineers identifies that additional vehicle movements for the adjoining road infrastructure are negligible, noting further that N Herbig Road carries very few traffic movements. Additional vehicle movements along N Herbig Road will not affect or alter the enjoyment of the road as a walking trail or wild life habitat provided verge vegetation is not removed. The application seeks to increase vegetation to the area of the application south and south west of the shed.

The shed is not intended for large scale storage of hay and grain storage, but for support of sheep and lambing activities. The location of the residence and shed minimises the impact upon primary production lands and vehicle movement into the lands.

The shed is screened by existing vegetation to the north and east. Additional screen planting has been included as part of the application to the north and west of the shed location (internal to the site). The shed entry and higher level of activity associated with the shed is on the south side and facing away from Williamstown Road.

The residence and shed are rendered and painted in similar tones and products, with primary colours of neutral tones as indicated in the documentation

## **Summary**

The owners currently do not live on the lands but have a sheep breeding business that is developing in size. It is their intention to live and work on the property and continue to develop the sheep breeding

The application seeks to construct a residence and farm shed, both on the flatter portion of the site and with reasonable access to public road without primary lands intrusion.

The structures have been designed to a high quality and are sympathetic to each other in design and colour.

The structures are aligned with the Development plan, and significantly screened from Public Roads with additional screening to occur to the north and north west of the shed

Both structures are set well back from Williamstown Road and as indicated in the photos are not visually apparent from either house of the representors.

On balance the structures are in accordance with the Development Plan and support on going sustainability of the primary production capability of the lands.

**Yours sincerely**

**Access SDM Pty Ltd**

Greg Burgess



1



2



3



4



5



6

### 6.3 960/221/2020 (43 Rushlea Road Eden Valley)

Applicant: Henri Mueller of Regional Planning Directions on behalf of Brenton Karger and Sharlene Sampson-Karger  
 Representors: J Lillecrapp and R Arguijo (together with Ann Atkinson) of 39 Rushlea Road Eden Valley

#### APPLICATION DETAILS

PROPOSAL	Construction of a Domestic Horticultural Netting Structure (approximately 620 sqm x 2.9m height)
APPLICANT	B Karger and S Sampson-Karger
OWNER	B Karger and S Sampson-Karger
APPLICATION NO	960/221/2020
CERTIFICATE(S) OF TITLE	CT 5485/108
AREA	4000 sqm (approx)
CURRENT USE	Dwelling with associated domestic structures and activities
DEVELOPMENT PLAN VERSION	Consolidated 5 September 2019
ZONE	Primary Production
POLICY/PRECINCT AREA	Nil
OVERLAYS	Character Preservation District
APPLICATION TYPE	On-Merit
CATEGORY OF DEVELOPMENT	Category 3
REFERRALS	Nil
PREVIOUS APPLICATIONS	Nil
ASSESSING OFFICER	Jake Boswell
RECOMMENDATION	That Development Plan Consent be GRANTED

#### BACKGROUND

This development application is as a result of informal compliance action.

The structure in question has been erected as a covering over an existing orchard, operating at a domestic scale with a variety of tree species. The structure contains maximum dimensions of approximately 56 metres by 24 metres, being an irregular shape, comprising a total area of around 620 sqm.

The structure has a maximum height of 2.9m and is entirely clad in a galvanised wire netting. The sides of the structure have been tapered down such that no wall height is greater than 1.8m.

The application has been assessed on Merit, while also being considered as a Category 3 type of development.

Public notification has been undertaken with 16 submissions being received. Some submissions did not achieve the legislated requirements to be considered a valid representation. One representation has been received whom wishes to address the panel.

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

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

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

Representations: Seven representations were received, along with a further nine submissions (informal representations).

One late submission (informal representation) was received.

Three representations/submissions raised concern with the application.

13 representations/submissions were in support of the application

Location of the representation whom wishes to be heard is shown on *Figure 1*:

Persons wishing to be heard: One representor identified that they wish to address the Panel:

- J Lillecrapp and R Arguijo (together with Ann Atkinson)

Applicant/s Henri Mueller of Regional Planning Directions on behalf of B Karger and S Sampson-Karger (the Applicant) wishes to appear to respond to representations.

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

- Encroachment of structure over boundary
- Visual appearance and glare
- Type and appearance of cladding
- Impact to adjacent primary production activities
- Interface between land uses
- Size of structure
- Length of structure on boundary
- Connection to boundary fence
- Strength of structure and risk
- Concern that structure won't meet Building Rules requirements
- Position forward of dwelling
- Liability if structure fails
- Impact to wastewater system

- The structure is commercial in nature
- Not in keeping with the character of the locality

Issues raised by late representations have been covered by the representations received.

Applicant  
Response:

The applicant's response to the representations is summarised below:

- The structure is domestic
- Has been designed to maximise environmental sustainability
- Inadvertently sited with an encroachment over the side boundary
- Amended position to avoid encroachment over boundaries
- The structure has an overall more attractive appearance than conventional netting
- Glare is not unreasonable
- Structure has been tapered to ensure minimal height at boundary (1.8m, consistent with fence allowances)
- Difficulty of sourcing dark wiring
- Is sited well below adjacent road level, such that the visibility of the structure is reduced from the public realm
- Building rules and structural components will be addressed at the Building Rules assessment stage

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



Figure 1: Aerial of Representations Properties

A copy of the representor concerns, all representations and submissions, as well as the applicant's response, is contained in *Attachment 2*.

#### SITE AND LOCALITY

The subject site is 43 Rushlea Road, Eden Valley. The site contains a frontage to Rushlea Road of approximately 70 metres and depth of approximately 75 metres. The site slopes away from the road frontage, with the site being on the low-side of the road.

The site currently contains a detached dwelling with associated outbuildings, and domestic orchard. The netting structure that is the subject of this retrospective application currently exists to cover that orchard. There is minimal native vegetation on the site.

The locality comprises a range of sites and land uses. To the west is the Eden Valley Township, with smaller allotment sizes primarily used for residential purposes, with detached dwellings and domestic outbuildings being the predominant development. To the south are rural living allotments with similar land uses. To the north and east are larger, primary producing allotments which are generally used for grazing purposes, with associated residential uses. Directly adjacent to the east is a similarly sized allotment used predominately for domestic purposes.

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

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

Site photos are provided in *Figure 5* to *Figure 12*.





Figure 3: Aerial – Locality



Figure 4: Aerial – Site



Figure 5: Site Photo – On road, viewing north-west



Figure 6: Site Photo – On road, viewing north



Figure 7: Site Photo – Viewing north-west



Figure 8: Site Photo – Viewing south-west



Figure 9: Site Photo – Viewing north

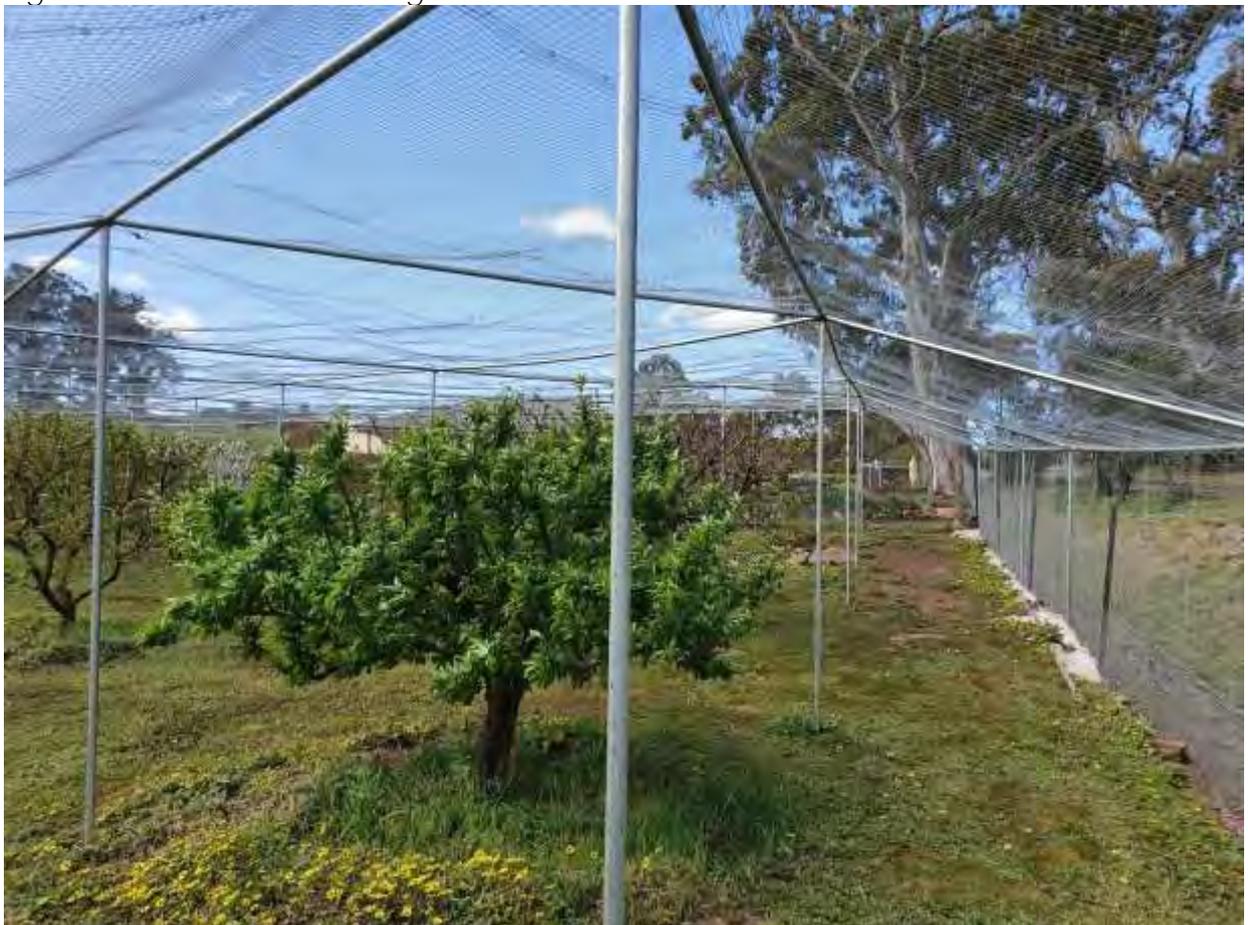


Figure 10: Site Photo – Inside structure, viewing east adjacent road frontage



Figure 11: Site Photo – inside structure, viewing south



Figure 12: Site Photo – Inside structure, viewing north

## REFERRALS

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

An internal referred to council's Building Services was undertaken, in which it was advised that there is no immediate risk to public safety and that setback to boundaries as proposed is not at variance with the National Construction Code.

## 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 appearance of the structure, in the context of the locality, is unlikely to be detrimental to the character of the Barossa Valley region. The structure is sited within a low point in the locality, with no part sited near any ridgelines.

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

Bushfire Protection Area      The subject site is located within a medium bushfire risk area.  
  
The development does not impinge upon the requirements for development in this type of region.

#### *General Section*

Design and Appearance Building Setbacks from Road Boundaries      Objectives 1  
PDCs 1, 2, 3, 4, 5, 7, 17 and 18

The structure is clad in a thin gauge galvanised wire netting, entirely covering the roof area and all sides. The wire is largely permeable and as a result can be seen-through. This ensures the structure has a relatively low impact upon the natural landscape in terms of its appearance, with the covered vegetation and orchard still visible.

At present, there is a known encroachment with the position of the structure. At its maximum, this is about 170mm. The applicants have amended the proposal to ensure the structure is brought in off-boundary, such that the structure is sited entirely within their allotment. In saying this, the minimum boundary from the western shared boundary with the adjacent land will be 30mm minimum, for a length of approximately 56 metres.

This is relatively substantial, being more than 50% of the length of that side boundary. Although from the relevant adjacent site, this is less than 1% of that total boundary. The structure

has been designed with a maximum height adjacent the boundary of 1.8 metres, tapering in to a peak height of 2.9 metres. This is relatively low in height, with the portion nearest the boundary being no greater than a standard fence that could be constructed without need for approval.

The impacts are also reduced by virtue of the permeable cladding. While not insignificant, overshadowing and visual impacts are unlikely to be unreasonable given the nature of the development and the open-nature of the adjacent site.

The structure is proposed to encroach beyond the front building line of the dwelling, being sited adjacent the front allotment boundary. Generally structures should not encroach forward of their associated dwellings. It is noted that the subject site and the position of the structure is set-down approximately 1 metre below the relative level of Rushlea Road, and as such the appearance of the structure is generally reduced.

All other Objectives and PDCs are deemed to comply.

Interface between Land Uses

Objectives 1 and 2  
PDCs 1, 2, 5 and 10

This structure is to provide covering to a domestic orchard – an acceptable activity on the site. Use of the orchard or the installation of the proposed building is not likely to unreasonably impact upon the ongoing activities of the adjacent primary production allotment (to the west/north).

The building of a structure on boundary (with a known encroachment to be resolved) may present some impact to the adjacent site. In particular, it is understood that the site is utilised as grazing land. There is a risk that animals grazing on that site could cause incidental damage to the structure, and create a structural or liability risk. However, it is noted that structures can be erected on boundaries, whether it be a small shed or fence. These structures would all be subject to a general risk of damage, and it is not implausible that livestock can increase those risks. This structure is unlikely to bring an inherent increased risk of damage.

As it is permeable, risks of stormwater runoff to adjacent sites are not increased.

Any associated risks and compliance with orchard management or spraying is managed by other agencies.

All other Objectives and PDCs are deemed to comply.

## Siting and Visibility

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

The proposed structure, by virtue of the subject site's characteristics, is located at a relatively low-point of the locality. The structure does not impinge upon any ridgelines or vistas within the region. The open-style cladding is less visually intrusive than traditional sheet-metal claddings, and the site levels being approximately 1 metre below the relative road level also assist with minimising the overall appearance of the structure.

The use of galvanised cladding, albeit a permeable wiring, is not ideal. This has the potential to increase glare to adjacent sites. The permeable nature of the design reduces the overall risk and likelihood of glare. Glaring is predominately of concern to any dwellings which are sited at a higher level than the structure. There is one dwelling sited higher, being 39 Rushlea Road, Eden Valley, north of the subject site. The structure is visible from the curtilage of the dwelling, but is likely to be less visible from inside the dwelling. While some glare may be present to users of the site on certain days of the year, the overall impact is unlikely to be unreasonable.

All other Objectives and PDCs are deemed to comply.

## Zone Section

Primary Production Zone Objectives 3 and 5

The proposed development does not unreasonably prejudice on any ongoing primary production land users and is not seriously at variance with the desired character of the zone.

All other Objectives are deemed to comply.

## Desired Character

*The zone comprises a range of landscapes with varying soil quality, underground water supplies and rainfall levels. Development of grazing and broadacre farming land uses is the most appropriate form of agricultural use located within the zone, with limited opportunities for more intensive uses such as horticulture and viticulture located within the uplands areas of the zone such as the Barossa Range. Development will take into account the capability and suitability of the land for the intended use.*

*Located within the North Mount Lofty Ranges and South Mount Lofty Ranges, small scale, low impact agricultural and home based industries are encouraged where they expand the economic base of the Mount Lofty Ranges and Barossa Valley. Industries will be limited to those based upon the processing of agricultural produce primarily from the Barossa Valley Region. Home based industries will be limited to those based on rural, arts, crafts, tourist, cultural or heritage activities appropriate to the Region. Such agricultural and home based industries will complement the character of the zone and enhance tourist or heritage activities and be compatible with local areas. Forms of large*

scale winery and industrial development are more appropriate within industry zones within townships or regional industrial areas established specifically for such purposes.

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

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

Desired Character                      The proposed structure is relatively sympathetic to the locality, being of a low scale and sited in a relatively low position in the locality. The proposed development is not considered to detract from the desired character of the zone.

Land Use                                      PDCs 1 and 5

A structure of this type is not non-complying in the zone, and is generally sympathetic to the envisaged uses of the zone. While not being a farm building or dwelling, the building is to provide protection to a domestic orchard on the site. By virtue of the subject site, the structure is generally grouped with existing buildings on site. The structure will be visible from outside the site, but isn't sited in a visually obstructing position. The height has been kept minimal and by being sited on the low side of the road, is naturally lower in the locality.

All other Objectives and PDCs are deemed to comply.

Form and Character                      PDCs 10, 11 and 15

The constructed building is relatively low and not dominating in its appearance. It contains a peak height of 2.9 metres,

with walls of 1.8 metres, which is comparatively low for structures in this locality. The position of the building in the locality is also at a relatively low point, not affecting any vistas or ridgetops.

The structure is relatively large in floor area and its length adjacent the boundary. If clad in sheet-metal, this would be a substantial visual appearance. With utilising the permeable wire netting on the roof and sides, the structure can be seen through and as such has a much less visual intrusion – the vegetation within and behind can still be seen.

In saying this, the use of the galvanised cladding isn't wholly sympathetic to the character of the locality. Galvanised wiring has the potential to result in glare, and may present some impact to nearby land users. However, galvanised materials tend to dull and fade over time, such that any resulting glare is likely to be minimised through the life of the development.

All other PDCs are deemed to comply.

## CONCLUSION

Not seriously at variance

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

Development Plan Consent should be granted

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

## RECOMMENDATION

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

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/221/2020 by B Karger and S Sampson-Karger to undertake Construction of a Domestic Horticultural Netting Structure (approximately 620 sqm x 2.9m height) at 43 Rushlea Road, Eden Valley (CT 5485/108) 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. 960/221/2020, including:

- Site Plan, prepared by S Sampson-Karger, as amended dated 20 Oct 2020
- Elevation Plan, Northern end view and Southern end view, prepared by the applicant, dated 20 Oct 2020
- Elevation Plan, Eastern side view, prepared by the applicant, dated 7 Aug 2020 (part 1)
- Elevation Plan, Eastern side view, prepared by the applicant, dated 7 Aug 2020 (part 2)
- Elevation Plan, Eastern side view, prepared by the applicant, dated 7 Aug 2020 (part 3)
- Elevation Plan, Western side view, prepared by the applicant, dated 7 Aug 2020 (part 1)
- Elevation Plan, Western side view, prepared by the applicant, dated 7 Aug 2020 (part 2)
- Elevation Plan, Western side view, prepared by the applicant, dated 7 Aug 2020 (part 3)
- Elevation Plan, Western side view, prepared by the applicant, dated 7 Aug 2020 (part 4)
- Additional Information Letter, prepared by S Sampson-Karger and B Karger, dated 7 Aug 2020

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) Prior to rectification of the side boundary encroachment, and construction in accordance with the plans authorised herein, the owner/applicant shall have the site surveyed by a suitably qualified professional, such that the position of the subject site boundaries and boundary setbacks is accurately determined, to the reasonable satisfaction of council.

Reason: To ensure the structure is accurately located in accordance with the authorised plans.

- (3) Except with the prior written consent of council, the structure authorised herein shall remain clad in wire netting at all times, to the reasonable satisfaction of council, with no sections to be clad in sheet metal at any time.

Reason: To ensure the structure is clad at all times with authorised claddings.

#### Advisory Notes

- (a) The adjoining owner should be advised of the proposed work on the boundary and issues such as access to perform work, removal of fences, finished levels and retaining walls should be resolved before building work commences. This approval does not create an automatic right to access neighbouring land.
- (b) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to Regulation 75 of the Development Regulations.

- (c) It is recommended that where mechanical equipment is proposed to be used to construct retaining walls, and where the dwelling may impede access for that equipment, the retaining walls be constructed prior to preparing the footings.
- (d) Any variation of this approved development and/or the conditions of consent herein 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.
- (e) 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.
- (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.
- (g) The applicant is advised that this consent does not permit anyone to clear, remove limbs or trim native vegetation. Any proposal to clear, remove limbs, or trim native vegetation will require approval or confirmation of exemption from the Native Vegetation Council. An interactive guide is available to help owners and others determine the requirements that apply under the *Native Vegetation Act 1991*, <https://www.environment.sa.gov.au/topics/native-vegetation/interactive-guide> Any specific queries regarding the clearance, removal, or trimming of native vegetation should be directed to the South Australian Native Vegetation Council.
- (h) The applicant is advised that any proposal to clear, remove limbs or trim native vegetation should be undertaken after first notifying the Native Vegetation Council of intended works.
- (i) The applicant is advised that any retaining works to exceed greater than one vertical metre constitutes development, and requires development approval in its own right. For further information regarding this, or to facilitate an application to be submitted to Council, please contact Council's Development and Environmental Services team on (08) 8563 8444.
- (k) Prior to building work commencing the applicant shall verify on-site that the structure will not impinge upon the position of the on-site wastewater system. Any encroachment or impingement to this system may require the applicant to lodge and have approved by Council a variation application to install a wastewater system pursuant to the provisions of the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*.

- (l) 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 practical steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

6.3 Attachment 1



**DEVELOPMENT APPLICATION FORM**

CONSENT TYPE APPLYING FOR (Please tick appropriate box)

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

**OFFICE USE ONLY**

DEVELOPMENT NO.: 960/ \_\_\_\_\_ / \_\_\_\_\_

PROPERTY NO.: \_\_\_\_\_

VG NO.: \_\_\_\_\_

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

APPLICANT: BRENTON KARGER & SHARLENE SAMPSON-KARGER

Postal Address: PO Box 28 ANGASTON SA Post Code: 5353

Phone: \_\_\_\_\_ Mobile: 0403 574879 Fax: \_\_\_\_\_

Email: sharlenesampson@hotmail.com

OWNER: As Above

Postal Address: \_\_\_\_\_ Post Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

ARE YOU GOING TO BE AN OWNER BUILDER?  YES  NO

BUILDER: \_\_\_\_\_

Postal Address: \_\_\_\_\_ Post Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_ Builders Licence No.: \_\_\_\_\_

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

CONTACT PERSON FOR FURTHER INFORMATION: Name: Sharlene Sampson-Karger & Brenton Karger

Phone: \_\_\_\_\_ Mobile: 0403574879 Fax: \_\_\_\_\_

Email: sharlenesampson@hotmail.com

DESCRIPTION OF PROPOSED DEVELOPMENT: Horticultural Netting

EXISTING LAND USE: Orchard

AREA (m<sup>2</sup>) OF PROPOSED DEVELOPMENT: 620m<sup>2</sup>

LOCATION OF PROPOSED DEVELOPMENT:

House No: 43 Street: Rushlea Road Town: EDEN VALLEY

Lot No: 2 Section: 11849 Hundred: JUTLAND

Certificate of Title(s): Volume: 5485 Folio: 108

BUILDING RULES CLASSIFICATION SOUGHT: 10a Present Classification 10a

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: \_\_\_\_\_

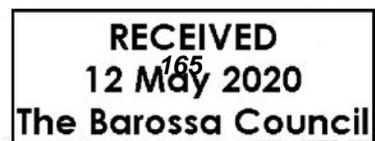
DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 2008 APPLY?  YES  NO

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

DEVELOPMENT COST (do not include any fit out costs): \$ 4800

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

SIGNED: [Signature] Dated: 8/5/2020



**DEVELOPMENT REGULATIONS 2008**

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

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

OFFICE USE ONLY	
DEVELOPMENT NO.: 960/	1
PROPERTY NO.:	

APPLICANT:	Sharlene Sampson-Karger		Brenton Karger	
Postal Address:	PO Box 28		ANGASTON SA	Post Code: 5353
Phone:		Mobile: 0403574879	Fax:	
Email:	sharlenesampson@hotmail.com			

DATE OF APPLICATION: 8.1.5.2020

LOCATION OF PROPOSED DEVELOPMENT:				
House No:	43	Street:	Rushlea Road	Town: EDEN VALLEY
Lot No:	2	Section:	11849	Hundred: JUTLAND
Certificate of Title(s):	Volume: 5485	Folio:	108	

NATURE OF PROPOSED DEVELOPMENT:	Horticultural Netting
---------------------------------	-----------------------

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

Signed:  Date of Declaration: 8/5/2020

<p><b>RECEIVED</b> 12 May 2020 The Barossa Council</p>
--





## EDEN VALLEY CFS BRIGADE

Postal Address:  
9 Hearls Road  
Eden Valley SA 5235  
Ph: 85641022

The Barossa Council  
PO Box 867  
NURIOOTPA SA 5355

7<sup>th</sup> April 2020

### TO WHOM IT MAY CONCERN

On Saturday 4<sup>th</sup> April 2020 I attended the residence, at their request, of Brenton Karger and Sharlene Sampson-Karger at 43 Rushlea Road, Eden Valley.

They wanted me to investigate the fire danger of a new, all steel, enclosure over their fruit tree orchard. The all steel structure has no flammable material which alleviates any fire danger in my opinion. It has 3 doors, one each end, and a double one in the middle.

The structure is a credit to its owners.

John Richardson  
Captain  
Mob: 0429641331

Eden Valley CFS

Kevin and Deborah Davey  
47 Rushlea road.  
Eden Valley, S.A. 5235  
Mobile 0422 891 408

Re: Horticultural structure

To whom it may concern.

In relation to the Horticultural structure over fruit trees on the neighbouring properties Western boundary of no. 43 Rushlea road.

I/we, Deborah and Kevin Davey wish to advise that in no way do we oppose this structure.

I/we, do however commend both Sharlene Sampson-Karger and Brenton Karger for their consideration to all close neighbours and their communication in regards to the impact this structure may have.

It is by no means an obstruction to traffic or aesthetically unpleasant to look at as compared to bird netting that was previously used.

I/we would also commend them on the consideration taken in regards to the native wildlife to this area.

As we are acting wildlife carers we know that bird netting poses a detrimental effect on birds, bats, reptiles, possums etc. causing them to be entangled in the bird netting and surcomming to terrible injuries and death.

The Horticultural structure in question also allows vision through the wire netting that the usual bird netting does not allow as it restricts vision.

Please do not hesitate to contact us on the above phone number if more information is needed.

Regards, Kevin and Deborah Davey.



7 August 2020

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

By email: [jboswell@barossa.sa.gov.au](mailto:jboswell@barossa.sa.gov.au)

Dear Jake

<b>DEVELOPMENT NO:</b>	960/221/2020
<b>APPLICANT:</b>	B B Karger and S A Sampson-Karger
<b>NATURE OF THE DEVELOPMENT:</b>	Construction of a Domestic Horticultural Netting Structure (approx. 620sqm x 2.9m maximum height)
<b>SUBJECT LAND:</b>	43 Rushlea Road, EDEN VALLEY SA 5235

As per your correspondence dated 28 July 2020 please find enclosed the additional information requested by Council in regards to our horticultural netting.

- 1) Please find attached the amended site plan which includes the setbacks from front and side boundaries together with septic tank and effluent irrigation areas marked.
- 2) Please also find attached 3 documents outlining the dimensions, including height of the horticultural netting from each perspective.

Please note that the Land Elevation has not been altered at all and follows the natural fall of the land. The material used for cladding is 25mm x 25mm x 1.24mm galvanised wire netting.

As shown on these drawings the wall height along the entirety of both front boundary and side adjoining boundary of 39 Rushlea Road (Southern and Western Sides) is 1.8 metres high.

This lowered wall height, is less than Councils requirements of 2.1 metres for a fence not requiring council consent and was designed to negate any negative impact on either of these boundaries. Due to the lowered wall height it allows placement of the wall up to, but not attached to, either boundary fence. As such, we don't believe that this deviates from the Development Plan whatsoever as it is no different than a fence or a garden trellis. These walls are then angled up and set back by 2.4 metres from Rushlea Road (Southern boundary) and set back 3 metres from 39 Rushlea Road property (Western boundary) until they reach their maximum roof height of 2.9 metres.

It needs to be noted that only a small portion of the netting extends forward of the Dwelling. Should the netting end at the front of dwelling line, a handful of pre-existing trees would be missed from protection. To alter this boundary to be in line with the front of the dwelling would mean that these trees would need to go back to the environmentally toxic, wildlife hazard, increased fire risk traditional eyesore nylon nets which also deform the tree growth and increases pest and disease problems which are then difficult to control. Please refer to the recommendations previously provided to Council from John Richardson, Captain Eden Valley Fire Service and Wildlife Carers Deborah and Kevin Davey in regards to its fire risk and environmental impact.

I also wish to draw your attention to pre-existing horticultural structures at 46 Kalimna Road, Nuriootpa which is on the property boundary. The property on the corner of Moculta Road and Player Court, Angaston has a netting structure which is both on the property boundary and forward of the dwelling in its entirety. 37 Second Street Nuriootpa is an example of an entire netting structure encompassing most of the front yard. 880 Keyneton Road, Keyneton, 449 Keyneton Road, Keyneton also have structures forward of dwellings, notwithstanding numerous netting structures forward of dwellings throughout the Lobethal region.

It is also worth noting that Rushlea Road is elevated above our natural property level approximately 1m+ in height and as such lessens the visual height of our structure from the road to approximately 1.9 metres maximum. The precedence of these horticultural structures all being forward of dwellings and right up to the edge of property boundaries provides evidence that construction of horticultural netting can deviate from the Development Plan successfully.

In regards to the nominated cladding material, the wire netting we used is far superior in many aspects to traditional nylon netting as noted in our email dated 25 June 2020 regarding lifespan, end of life options, fire risk and hazards to wildlife. This grey wire netting also provides enhanced viewing through it to allow it to blend within the surrounds and not provide visual restrictions. It also needs to be noted that the 25mm x 25mm aperture allows successful passage through for pollination by bees and small beneficial insect eating birds. Furthermore, the wire netting provides an additional purpose of keeping our chickens that forage under our fruit trees safe from predators.

We also note that currently the Australian Government is providing funding for installation of horticultural netting and that these grants are supported in Barossa Council region. Although we do not meet the criteria in these circumstances for funding, it again shows support that netting infrastructure is a key element to successful protection of trees.

Finally we wish to reiterate from our email dated 25 June 2020 the statement made the Environment Resources and Development Courts in the recent *SPRAFF & ORS V ADELAIDE HILLS COUNCIL AND LENNANE ORCHARDS (2020) SAERDC 11* . The Court states under s128 "An assessment of a proposed development must recognize that the reality on the ground may be different from that assumed by the Development Plan and that a planning decision should be a common-sense decision according to the circumstances" This statement supports that although our proposal deviates from the Development Plan in Councils opinion in regards to position forward of dwelling and proximity to side boundary, that it was done so following a commonsense approach according to the circumstances of pre-existing tree placement and was done in a manner of minimum impact upon any party.

As such, the Barossa Council Development Assessment Panel should feel secure in granting Development Approval for the horticultural netting unaltered to its present state with the knowledge of the precedence set by both the Adelaide Hills Council the Environment Resources and Development Courts, in addition to the existence of pre-existing structures in similar circumstances and the garnered support from the community in general as evidenced by the previously forwarded support letters.

Kind Regards



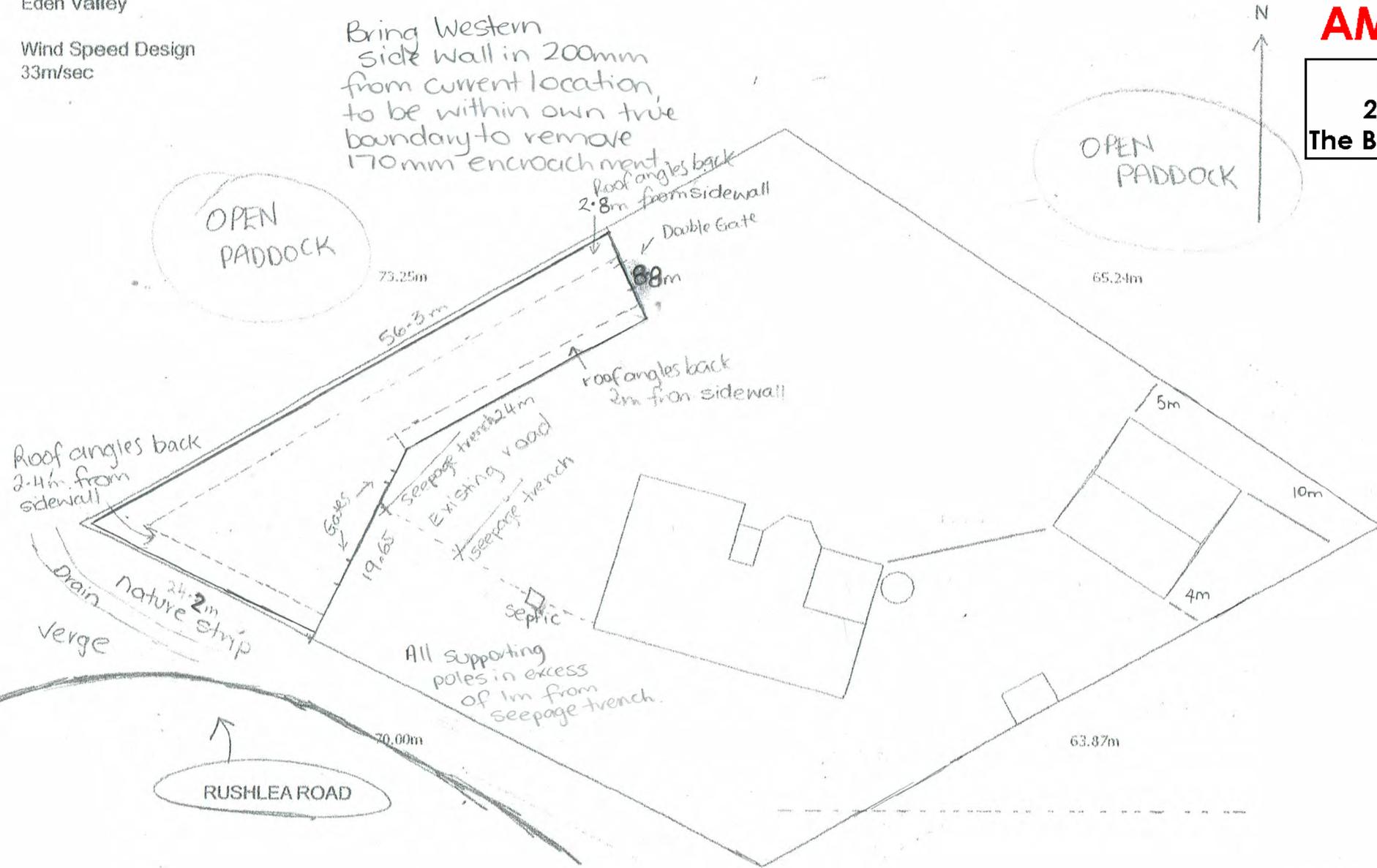
Sharlene Sampson-Karger and Brenton Karger

Sharlene Sampson-Karger  
43 Rushlea Road,  
Eden Valley

Wind Speed Design  
33m/sec

Bring Western  
side wall in 200mm  
from current location,  
to be within own true  
boundary to remove  
170mm encroachment

**AMENDED**  
RECEIVED  
20 Oct 2020  
The Barossa Council



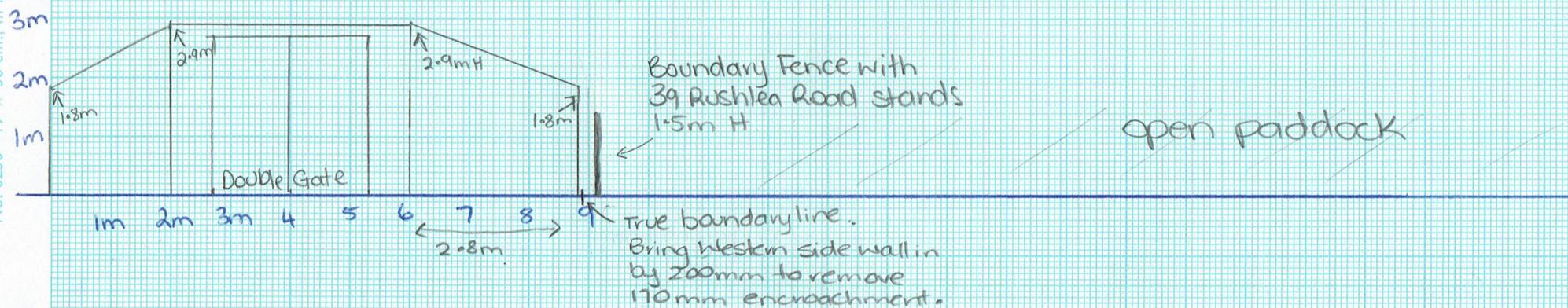
Site Plan  
Scale 1:500

**AMENDED**

RECEIVED  
20 Oct 2020  
The Barossa Council

Land Elevation follows natural fall of land. No alterations made.

No. 0230 19 x 30 cm., in mm.



Southern End view 1:100

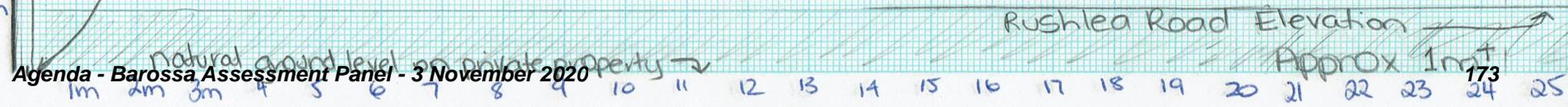
--- Boundary Fence Height

Boundary Fence on both Western and Southern Sides at 1.5m H

True boundary line - bring western side wall in by 200mm to remove 170mm encroachment.

Roof section slopes away 2-4m from end wall facing Rushlea Road.

OPEN Paddock



# Eastern Side View (As seen from 43 Rushlea Road) 1:100

RECEIVED  
7 Aug 2020  
The Barossa Council

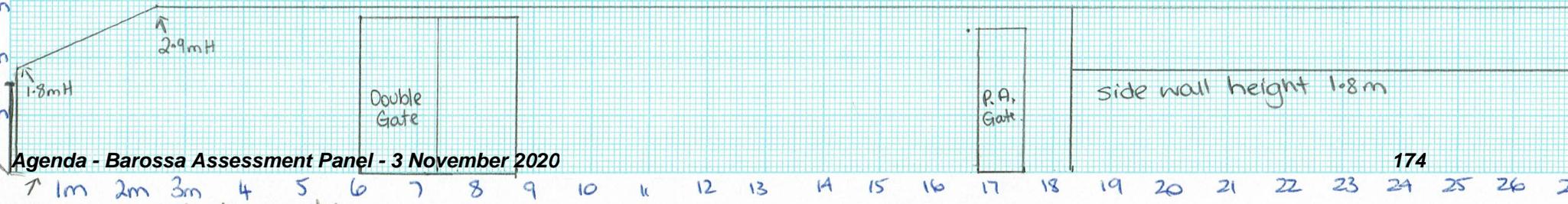
No. 0230 19 x 30 cm., in mm.

N →

Rushlea Road  
Front boundary

Rushlea Road Verge  
Elevation  
Approx 1m  
↓

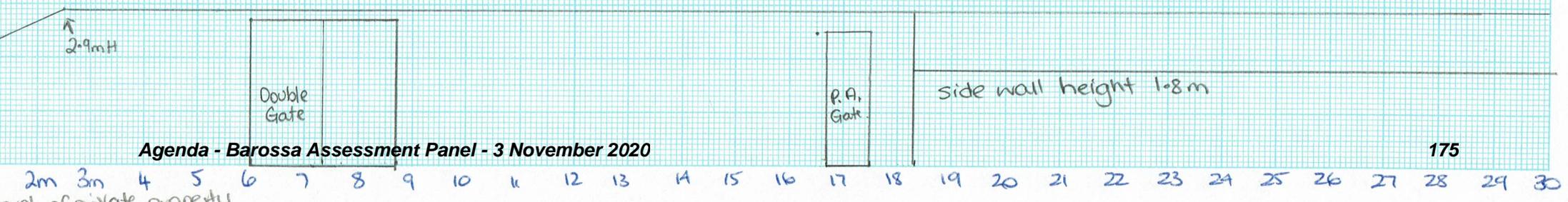
GORMACK GRAY ARCHITECTS



Agenda - Barossa Assessment Panel - 3 November 2020

Eastern Side View (As seen from 43 Rushlea Road) 1:100

RECEIVED  
7 Aug 2020  
The Barossa Council



Agenda - Barossa Assessment Panel - 3 November 2020

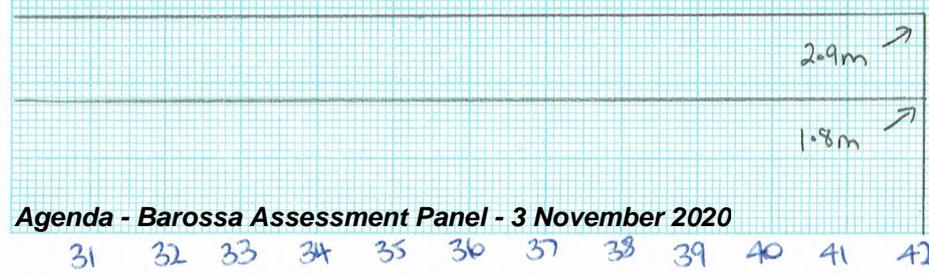
level of private property 2m 3m 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

Eastern Side View

RECEIVED  
7 Aug 2020  
The Barossa Council

No. 0230 19 x 30 cm., in mm.

GORMACK GRAPH PAPERS ®



Roof section slopes away  
2m from Eastern Side wall.

# Western Side View (As seen from 39 Rushlea Road)

1:100

RECEIVED  
7 Aug 2020  
The Barossa Council

No. 0230 19 x 30 cm., in mm.

----- = Boundary Fence Height

← N

GORMACK GRAPH PAPERS ®

3m  
2m  
1m

↗ 2.9m

↗ 1.8m

↑  
Boundary Fence at 1.5m

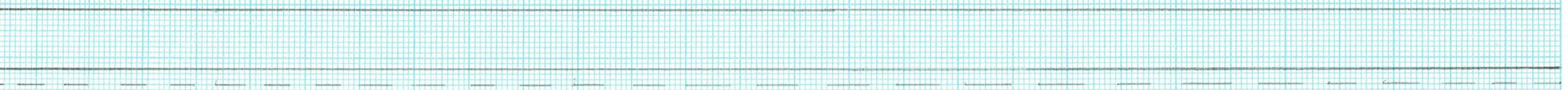
Agenda - Barossa Assessment Panel - 3 November 2020

1m 2m 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27

Western Side View (As seen from 39 Rushlea Road) 1:100

RECEIVED  
7 Aug 2020  
The Barossa Council

= Boundary Fence Height



↑  
Boundary Fence at 1.5m

Western Side view

RECEIVED  
7 Aug 2020  
The Barossa Council

Happy to add native  
small trees to cover  
in addition to what  
there with written a  
from Council.

Roof section slopes away 3m  
from western side wall.

↑  
Boundary Fence at 1.5m

corner end  
assembly

179

Roof  
awa  
South  
(AUS

Agenda - Barossa Assessment Panel - 3 November 2020

31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 m

No. 0230 19 x 30 cm., in mm.

GORMACK GRAPH PAPERS ®

# Western Side View

RECEIVED  
7 Aug 2020  
The Barossa Council

Happy to add native shrubs /  
small trees to council verge  
in addition to what's already  
there with written approval  
from Council.

Roof section slopes away 3m  
from Western side wall.

Roof section slopes  
away 2.4m from  
Southern side  
(Rushlea Road) wall.

Rushlea Road verge  
built up approx  
1m.

corner end  
assembly

180

6.3 Attachment 2

**From:** [Kate & Pete](#)  
**To:** [Development](#)  
**Subject:** Public Representation for Netting application - 43 Rushlea Road  
**Date:** Thursday, 13 August 2020 11:34:27 AM

---

Dear Council Members,

I have seen in the paper the development application for the construction of orchard netting on the property located at 43 Rushlea Rd, Eden Valley.

My family were residing with the neighbours for quite a number of months a couple of years ago, whose driveway is adjacent to this. We know both properties extremely well. The netting does not obstruct or hinder the driveway, nor the obstruct the view from the neighbouring residence AT ALL, and, in fact, it is a very well-constructed, PERSONAL orchard.

It is a well-known fact in the Eden Valley community that these neighbours complain regularly about ANYTHING the residents at 43 Rushlea Rd, Eden Valley do, with NO SUBSTANCE, due to a disagreement some years ago.

The residents at 43 Rushlea Road keep their premises immaculate at all times, unlike their neighbours and this complaint is just another attempt to make their lives difficult.

Kind regards,

Kate Heading

Former Barossa Resident

**From:** [Deborah Davey](#)  
**To:** [Development](#)  
**Subject:** Fwd: Horticultural structure.  
**Date:** Friday, 14 August 2020 8:23:10 PM

---

----- Forwarded message -----

From: **Deborah Davey** <[devinoaks47@gmail.com](mailto:devinoaks47@gmail.com)>  
Date: Friday 14th August  
Re:

Kevin and Deborah Davey  
47 Rushlea road.  
Eden Valley. S.A. 5235  
Mobile 0422 891 408

Re: Category 3 development Horticultural netting structure.

To Chief Executive Officer.

In relation to the Horticultural netting struction over fruit trees on the neighbouring properties ..... boundary of no. 43 Rushlea road, Eden Valley.

I/we, Deborah and Kevin Davey wish to advise that in no way do we oppose this structure. I/we, do however commend both Sharlene and Brenton Karger for their utmost consideration to all close neighbours and their communication in regards to the impact this structure may have.

It is by no means an obstruction to traffic or aesthetically unpleasant to look at as compared to HDPE bird netting that was previously used.

I/we would also commend them on the consideration taken in regards to the native wildlife to this area.

As we are acting wildlife carers we know that HDPE bird netting poses a detrimental effect on birds, bats, reptiles, possums etc. causing them to be entangled in the bird netting and surcomming to terrible injuries and death.

The Horticultural netting structure in question also allows vision through the wire netting that the usual HDPE bird netting does not allow as it restricts vision and also poses a high fire risk during the summer months that the wire netting and structure does not.

Please do not hesitate to contact us on the above phone number if more information is needed.

Regards, Kevin and Deborah Davey.

**From:** [Sarah Davey](#)  
**To:** [Development](#)  
**Subject:** Re: 43 Rushlea Road Eden Valley  
**Date:** Monday, 17 August 2020 1:48:21 PM

---

To the Cheif Executive Officer,

I am writing to express my views on the property 43 Rushlea Road Eden Valley.

I have seen the structure and think it is a great idea. Its sound and sturdy, great for the wild life as birds and reptiles cant get caught and die a slow death like they do in the netting that is typically used in orchards and vineyards. Bees can still get in to pollinate. A few chickens inside the structure help keep bugs away is a brilliant idea to reduce the use of pesticides especially with the water way close by.

The structure also benifits the community as the last crop harvested was swapped with locals. I have traded lemons for figs. So it helps promote a real sence of community.

As an employee of Maggie Beer i have learnt so much about sustainability, environmental awareness, and reducing wastage and see the structure out does all expectations in these. Plus the more fruit not getting eaten by the birds means more jams to swap. And you never know we could have the next Maggie in the Barossa all because of an amazing structure.

Kindest Regards

Sarah Davey

**From:** [kanbarra@bigpond.com](mailto:kanbarra@bigpond.com)  
**To:** [Development](#)  
**Subject:** Construction of a Horticultural Netting Structure  
**Date:** Monday, 17 August 2020 9:43:44 PM

---

Chief Executive Officer  
The Barossa Council

We are writing to support the building of a netting cage over the existing fruit trees at 43 Rushlea Road, Eden Valley. We have witnessed first-hand, the stress and frustration, that the vindictive neighbours have caused by continuously harassing this family. We feel the owners should be congratulated on taking steps to try and make themselves as self-sufficient as they can, with growing their own fruit for their family and sharing with other families. The erection of this cage has been constructed thoughtfully, and solidly, with the aim to protect the fruit from scavenging birds. It does no harm to the birds or any other wildlife. From the road view the cage is not imposing or offensive.

I hope you can settle this matter in favour of the family so they can move forward and enjoy the benefits of this cage.

Allen & Coralie Sampson,  
Kapunda. SA 5373

**From:** [Brian](#)  
**To:** [Development](#)  
**Subject:** Representation re development Application 960/221/2020  
**Date:** Thursday, 20 August 2020 11:23:35 AM  
**Attachments:** [img056.jpg](#)

---

Attached please find our statement.

Regards Brian Gillespie

**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](mailto:development@barossa.sa.gov.au)



The Barossa Council

<b>DEVELOPMENT No.</b>	960/221/2020 B B Karger and S A Sampson-Karger
<b>Name of Person(s) making Representation</b>	PAMELA AND BRIAN GILLESPIE
<b>Address</b>	POSTAL: PO Box 40, EDEN VALLEY 5235  RESIDENTIAL: 2A ROGMASCHTS ROAD EDEN VALLEY 5235
<b>Email Address</b>	brian.gillespie@bigpond.com
<b>Phone Number</b>	0428 445 022
<b>Nature of Interest Affected by Development</b> (eg adjoining resident, landowner nearby, on behalf of organization or company)	Adjoining resident
<b>Reasons for Representation</b>	We support this application totally. It is a neat and professional solution to a number of problems. Any objection could only be due to malice.
<b>My Representation would be Overcome by</b> (state action sought)	N/A
<b>You must indicate below if you wish to be heard by Council's Barossa Assessment Panel in respect to your representation :</b>	
<b>I WISH TO BE HEARD IN RESPECT TO THIS REPRESENTATION</b>	
<b>I WILL BE REPRESENTED BY</b> (if applicable):	

SIGNED

*Pamela Gillespie* *B Gillespie*

DATED

20/08/2020

**From:** [Sharon Weber](#)  
**To:** [Development](#)  
**Subject:** Construction of a Domestic Horticultural Netting Structure  
**Date:** Thursday, 20 August 2020 12:12:50 PM

---

Michael and Sharon Weber  
Lot 72 Rushlea Road Eden Valley S.A. 5235

Chief Executive Officer

We are writing in regard to the structure on 43 Rushlea Road Eden Valley. The structure in question looks amazing and more people should cover trees this way. The structure looks strong and secure and most important a safe environment for wildlife. As we have discovered with using the traditional netting birds and reptiles get caught and suffer a slow and horrible death.

As far as we are concerned it is a win win for produce productivity and for the safety of wildlife in the area.

In no way do we have any issues of concern with the structure in question.

Regards Michael and Sharon Weber.

**From:** [Tricia Mason](#)  
**To:** [Development](#)  
**Subject:** 960/221/2020  
**Date:** Monday, 24 August 2020 8:32:08 AM

---

Re;Construction of a Horticultural Netting Structure.  
43 Rushlea road . Eden Valley.

I wish to disclose my view in the Horticultural Netting Structure.

I feel the structure visually is pleasing to the land surrounding it and in no way appears imposing or of not belonging to the environment.

I can see from the vast array of fruit trees that the Horticultural Netting structure is clearly in place to protect and preserve the array of home grown fruits from pests such as the galahs and native possums in the Eden Valley area.

I see no fundamental objection or reason to discriminate the structure and think it is an asset to the family on building such a strong , well maintained, asthetically pleasing structure.

Yours sincerely

Patricia Jane.

Address not found

Your message wasn't delivered to [development@barossa.sa.giv.au](mailto:development@barossa.sa.giv.au) because the domain [barossa.sa.giv.au](http://barossa.sa.giv.au) couldn't be found. Check for typos or unnecessary spaces and try again.

The response was:

DNS Error: 4705505 DNS type 'mx' lookup of [barossa.sa.giv.au](http://barossa.sa.giv.au) responded with code NXDOMAIN Domain name not found: [barossa.sa.giv.au](http://barossa.sa.giv.au)

Show quoted text

**From:** [Lynne Jones](#)  
**To:** [Development](#)  
**Subject:** Catagory 3 Development 960/221/2020  
**Date:** Monday, 24 August 2020 9:27:48 AM  
**Attachments:** [Cataqory 3 Development .docx](#)

---

To the Chief Executive Officer. Please find attached a representation regarding Development 960/221/2020.

I request a confirmation of receipt of this representation.

Yours sincerely  
Derek & Lynne Jones

Category 3 development no. 960/221/2020

Rushlea Road. Eden Valley.

To the Chief Executive Officer

Barossa Council

It would seem, that this construction of a solid metal structure has already been erected & therefore we assume that it already has council approval???

The sight & size of such a structure appearing around the Barossa area would certainly spoil the ambience of the valley & have an impact on the environmental beauty & bird life of the area whilst traditional bird netting does not!

The possibility, in the future, of the enclosure of this structure would further increase it's unsightliness & also set a precedent for other, one acre +, block owners to follow suite.

Having a large number of fruit trees ourselves, we have no objection to the traditional bird netting as it is less obtrusive & non- permanent.

Derek & Lynne Jones

20, Keyneton Road. Eden Valley

**From:** [Tamara and Anthony Dewell](#)  
**To:** [Development](#)  
**Subject:** Construction of a Horticultural Netting Structure - 43 Rushlea Road Eden Valley  
**Date:** Monday, 24 August 2020 7:11:15 PM

---

To the Chief Executive Officer Barossa Council

As residents of Eden Valley, we are writing to address the issue of - Construction of a Horticultural Netting Structure on 43 Rushlea Road Eden Valley.

As regular road users and users of that section of road for exercise, we see no issue with the structure.

The structure appears to be well considered in its strength of construction and visual appearance.

We see a family being self sufficient with their way of life in producing food and produce. We were actually thinking of doing a similar with our fruit trees.

Regards

Tamara and Anthony Dewell

1745 Eden Valley Road

Eden Valley SA 5235

**From:** [Erica Myatt](#)  
**To:** [Development](#)  
**Subject:** 43 Rustle Road  
**Date:** Wednesday, 26 August 2020 1:02:05 PM  
**Attachments:** [To The Chief Executive Officer.docx](#)

---

To The Chief Executive Officer-Barossa Valley Council,

I am writing to you in regards to Development No. 960/221/2020-43 Rushlea Road Eden Valley.

I would like to begin by saying I applaud the Kargers for the building of such an environmentally friendly and sound structure and I believe we could use a lot more like these around. Much nicer to see than some of the eye saws I witnessed driving through the Adelaide Hills during the holidays with the kids and a bonus that the little birds aren't caught and killed in the netting. I run a new and blooming food business in the Barossa and was lucky enough to sample the produce that is being protected here and I am looking forward to sampling more in the future and hopefully showcase some. I believe taking down this structure would be a huge detriment to our entire community as the Kargers are often donating and sharing the produce near and far and without the structure the birds would take it all. As the business owner it was amazing to be able to go out to the property and walk through the orchard without hazards and to see the full environmental cycle they have created was brilliant. To be honest the only thing I wasn't keen on was having my photo taken every time I entered the property by the next door neighbor. I truly think these guys are a way for the future and that more people could learn a lot from what they have going on out there.

I do have a couple of issues to bring forward here though.

1. Why and How does this structure make the paper over one person's complaint, yet we didn't see anything in the paper for places such as Hungry Jacks and we are all fighting to have a vote on The Oscar. Something that is a monstrosity and completely against our heritage look?
2. Is this really an issue we face given the times of Covid. Are we not about community, helping each other and wanting to give. That is what these people do and do well, come on guys look at the common denominator here, same person different complaint every week.
3. Can you please supply me with documents of time frame to finish cladding on a house as I believe said next door neighbor to be in breach.
4. Can I also see papers approving a quarry on the property next door.

Thank you for taking the time to read my views and I hope to see a happy ending for all going forward.

Kind Regards  
Erica Myatt

**From:** [Kylie Burrows](#)  
**To:** [Development](#)  
**Subject:** Development No: 960/221/2020 support letter  
**Date:** Wednesday, 26 August 2020 2:08:44 PM  
**Attachments:** [Application letter.docx](#)

---

To whom it may concern,

Please find enclosed letter of support for the development no 960/221/2020.

Regards  
Kylie Burrows  
0428215914

20/08/2020

To the Chief Executive Officer, The Barossa Council,

I am writing in response to the application for category 3 Development no 960/221/2020 at 43 Rushlea Road, Eden Valley.

As a local resident I wholeheartedly support this application, for the follow reasons as listed below:

1. It is good for the surrounding wildlife.
2. It creates an Environmentally friendly area to grow fruit, and thus promoting permaculture.
3. As we are trying to encourage people to be more Self-sufficient, this is the perfect opportunity to promote this.
4. This structure does not impact on any local neighboring properties and is also not distracting from the road at all.
5. It is not offensive to look at, and in fact I personally think that it has been manufactured very empathetically to the local surrounds.

I fail to see any draw backs from this structure and believe that it has benefits for the local community. This is because produce grown from under this structure is already being shared with residents, encouraging engagement amongst the local community.

I believe that this structure is an improvement that has been produced at a high quality level and in a very sympathetically way to the surrounding environment.

Regards

Kylie Burrows.

**From:** [Lara Kuiper](#)  
**To:** [Development](#)  
**Subject:** Development 960/221/2020  
**Date:** Wednesday, 26 August 2020 4:29:54 PM

---

To interested parties

I regularly drive past the orchard in question and had not really taken any notice of the structure

I have now slowed down to examine it and feel it does not detract from the surroundings

It has less visual impact than the nets seen all throughout Lenswood and the surrounding hills

Netting is imperative to protect Apple and cherry orchards from birds and bats

The structure in question allows for passage by smaller birds and insects

I support the structure

Kind regards

Lara Kuiper

**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](mailto:development@barossa.sa.gov.au)

**RECEIVED**

26 AUG 2020

THE BAROSSA COUNCIL



The Barossa Council

DEVELOPMENT No.	960/221/2020 B B Karger and S A Sampson-Karger
Name of Person(s) making Representation	Jon Lillicrapp & Rosario Arguiso
Address	POSTAL: PO Box 37, EDEN VALLEY SA 5235  RESIDENTIAL: 39 RUSHLEARD, EDEN VALLEY SA 5235
Email Address	jonandchari@inet.net.au
Phone Number	Jon - 0435111647 - CHARL - 0412242742 (ROSARIO)
Nature of Interest Affected by Development (eg adjoining resident, landowner nearby, on behalf of organization or company)	ADJOINING RESIDENT AND ADJOINING LAND OWNER.
Reasons for Representation	REF ATTACHED REPRESENTATION.
My Representation would be Overcome by (state action sought)	SET BACK STRUCTURE TO LEVEL WITH THE HOUSE AT FRONT 2m FROM SIDE BOUNDARY (SURVEYED) AND ACTUAL HORTICULTURAL NETTING NOT WIRE.
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): Jon Lillicrapp, ROSARIO ARGUIISO, ANNIE ATKINSON.	

SIGNED

DATED

26/08/2020

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

**Notice of Application for Category 3 Development, 960/221/2020**

Dear Martin McCarthy,

Please find attached our written Representation in objection to the approval of Development No. 960/221/2020.

Many thanks



Jon Lillecrapp and Rosario Arguijo

26/08/2020.



26/8/2020

Written Representation of objection to  
Development No: 960/221/202

REPRESENTATION IN RESPECT OF DEVELOPMENT APPLICATION 960/221/2020 MADE TO THE  
BAROSSA COUNCIL BY B KARGER AND S SAMPSON-KARGER FOR THE PURPOSE OF CONSTRUCTING A  
DOMESTIC HORTICULTURAL NETTING STRUCTURE ON LAND 43 RUSHLEA ROAD, EDEN VALLEY.

1. The applicants, in constructing the building, removed an existing boundary fence without regard to the Fences Act 1975 and installed steel columns and wire as a boundary fence without reference to the joint owner of such boundary fence.
2. The structural columns were not erected on and do not exist on the title boundary of the subject land as shown on the survey plan prepared by SKS Surveys Pty Ltd, dated 4/3/2020.
3. Although the applicant has applied for Building Rules consent, no structural details of the structure have been made available to the representors or to Council to determine whether the structural materials or method of construction are sufficient for the purpose of containing cattle or sheep on their grazing property.
4. The development has been undertaken contrary to the Desired Character of the Primary Production Zone, of Councils' Development Plan, in particular whereby "construction of outbuildings and structures will include the planting of locally indigenous species... to ...screen the structure from views in the locality."
5. The setback of the development from the public road does not comply with PDC 17(a) - Design and Appearance - General Section of Councils' Development Plan.
6. The setback of the structure from the north-west and north-east boundaries of the subject land to the representors grazing property should be at least sufficient to comply with PDC 9 (b) - Siting and Visibility - General Section of Councils' Development Plan.
7. The development prejudices the continuation of safe grazing of cattle and sheep in that it does not provide an adequate boundary fence to contain such stock as required in Objective 3 - Orderly and Sustainable Development - General Section of Councils' Development Plan.
8. The development is a domestic and therefore an "urban" structure which should only be located in a zone designated for an "urban and domestic" structure as required in Objective 6 - Orderly and Sustainable Development - General Section of Councils' Development Plan.
9. The development involves the expansion of an existing domestic use and activity - it has not been designed to improve the visual appearance of the site and the locality as required in PDC 9 - Orderly and Sustainable Development - General Section of Councils' Development Plan.
10. This "urban" development, in its present location and form of construction prejudices the operations of the adjacent grazing property by virtue that the "boundary fence" could not adequately contain cattle and sheep within the grazing property as required by PDC 12 - Interface between Land Uses - General Section of Councils' Development Plan.
11. The development has not been sited or constructed to minimise the negative impact on the existing land use on the adjoining grazing property by building as a boundary fence a structure that will not be sufficient for the containment of cattle and sheep as required by PDC 2 - Interface between Land Uses - General Section of Councils' Development Plan.

Written Representation of objection to  
Development No: 960/221/202

12. The Development Application refers to "horticultural netting". The wire mesh used in this structure is not the normally accepted netting used in orchards or vineyards. Horticultural netting is nylon/ plastic mesh netting used widely in the fruit production industry as referred to in the Spragg vs AHC appeal ERD 19-109. Such netting was certainly not the type of heavy wire netting as proposed by the applicants.
13. The Development Application states that the use of the subject land is "orchard". This is not an accurate definition of the existing use. It is not an orchard but simply a detached dwelling with a number of fruit trees and a poultry run, all contained within a domestic setting on a residentially-sized allotment.
14. The applicant is apparently of the opinion that the nylon/plastic netting used by 99% of horticulturalists and vigneron in Australia is toxic! This is absolute nonsense. This is the type of netting that should be used on a structure without any footings, primarily because of its weight and secondly because of its non-reflective qualities.



EA Atkinson BTRP, (Melb.) Cert. Vitic. (MIT.)

25/8/20

Written Representation of objection to  
Development No: 960/221/202

The owners of 39 Rushlea Road would like to state the following in objection to the retrospective approval of Development Application 960/221/2020:

1. Property owners of 39 Rushlea Road, are fully impacted by the illegal erection of this structure without application or approval. The property owners of 39 Rushlea Road, do not support and have never supported the approval and building of this 620m<sup>2</sup> structure which currently intrudes onto their property. Any correspondence to suggest support of this structure from the owners of 39 Rushlea Road is untrue.
2. The structure has no set back from the boundary. The structure is currently attached to fence line posts and extends past the title boundary.
  - a. Please refer to photo 1 to 5 and Certified document by a licenced surveyor identifying the structure to be on the property of 39 Rushlea Road.
  - b. No consent from 39 Rushlea Road has been sought for this structure to form part of the boundary fence under the Fences Act 1975.
  - c. 39 Rushlea Road does not provide consent for this structure to form part of the boundary fence. Correspondence in support of this structure by 39 Rushlea Road suggesting such, could be deemed to be fraudulent.
  - d. Please refer to correspondence between both property owners (in attachments) in relation the removal of permaline posts on the boundary, and subsequent erection of this structure.
    - i. Correspondence from the applicants dated 10 January 2020 states "This is a free-standing structure entirely within the boundary of our property and as such is of no concern to you whatsoever."(see attachments). This indicates no consultation or consideration has been made to the owners of 39 Rushlea Road. (refer to letters included in attachments)
    - ii. The permaline posts on the boundary, which were removed by the applicant at the time of placement of the wire mesh structure have been unable to be reinstated, due to the placement of this structure and its attachment to the "boundary".
    - iii. The placement of this structure has resulted in the inability for owners of 39 Rushlea Road to farm adjacent land, resulting in a loss of income via a reduction of stock through inability to use the acreage adjacent to the fence.
    - iv. The height of the boundary fence to 39 Rushlea Road has been lifted from 1.3m to 1.5 without consent and is currently in dispute (photo 6). Please refer to correspondence from 43 Rushlea Road following the removal of the permaline posts (see attachments and refer to photo 6).
3. The structure is clad with Wire Mesh and not Horticultural Netting (refer to photos 1 & 2). This silver wire mesh is highly reflective (refer to photo's 7 & 8). The structure currently has horticultural netting referred to as toxic at each of the entry ways and on the floor perimeter (refer to photo's 4, 7, 10, 12).
4. We question the structural integrity of this structure of which no footings or foundations, no specification of the material used for the frame has been provided. We feel this application is incomplete and misleading as the weight of the cladding used is up to 1kg per square meter (approx. 1 tonne including sides).
5. Due to our local knowledge of the area and this being the third year of dry season we express our concerns of the instability of the soil once it becomes wet where this

Written Representation of objection to  
Development No: 960/221/202

Structure has been constructed. I have worked in the Geotechnical Engineering and Civil Construction Industries for 27 years and have always had concerns with the structure only being thin steel poles driven into the ground. The location of the structure is at the lowest point on 43 Rushlea Road and the natural flow of water passes through this area. When an average rainfall year comes this soil will become saturated and have no allowable bearing capacity to hold 1 tonne of structure at 2.9m high on thin steel poles. This has been a concern of ours since the permapine post were removed by the applicant from the joint boundary for the same reason with only star droppers to contain our stock. As this structure is connected to the our boundary fence to Rushlea Road this will expose us to having stock on the Road should the structure fail and bring down our external Fence.

6. Who holds liability when this structure fails.
7. In respect to the drawings of property layout we state the following:
  - a. The drawings incorrectly identify a drain. This drain does not exist as it would flow into 39 Rushlea Road, private property without an easement. Please refer to email stating there are no easements on the 39 Rushlea Road property.
    - i. Council verge abuts private property with no easements in place for drainage of water into private property. Please refer to email stating no easements existing on property at 39 Rushlea Road.
    - ii. There is no existing council stormwater infrastructure due to the primary production zoning of 43 and 47 Rushlea Road.
  - b. The drawings incorrectly identify a nature strip.
    - I. This is council verge and native vegetation as seen in photo 14 (dated 7/01/2016 from Google Maps) was removed in 2017 by the applicant (43 Rushlea Road) (photo 15) during modification of council verge without application or approval to The Barossa Council.
    - II. The owners of 39 Rushlea Road, were not in agreement to this modification without approval and any correspondence or indication to the contrary is untrue.
    - III. This area indicated as the nature strip on the drawings, abuts 39 Rushlea Road driveway entry.
    - IV. The "Native Strip" referred to in drawings, forms part of the Council verge and has current services and survey marker in place. (Refer to Photo 12)
    - V. The drawing refers to open paddock. However, there is no representation in the drawings to 39 Rushlea Road driveway adjacent to the structure. (refer to photo's 8, 9, 10, 14, 15, 16)
  - c. The drawings refer to roof and sidewall. These terms are indicative of a commercial structure of 620m<sup>2</sup> and not a Domestic Horticultural Netting structure with canopy and sides.
  - d. The amended drawings in question do not indicate footings yet the application is for the approval of planning and building. We question the structural integrity of the structure with approximate weight of galvanised wire mesh indicated to be used at up 1kg per square metre on a 620m<sup>2</sup> structure.
  - e. Where is the engineering verification of the applicants windspeed design of 33m/sec (which is approx. 120km/h).

Written Representation of objection to  
Development No: 960/221/202

- f. Effluent irrigation is currently adjacent to the driveway marked "existing road" which is a compacted surface and consequently may impact on 39 Rushlea Road property.
  - g. Significant tree on boundary line is not identified.
  - h. Mature trees as stated are not drawn to show placing. Photo 11, 12 and 16, indicates that the current positioning of the "mature" trees would be equally covered if the structure was moved off the boundary by at least 2m.
  - i. The drawings do not identify the distance from the structure to the primary dwelling.
8. The title of this application misrepresents the material that has been used to clad the structure.:
- a. The title reads Horticultural Netting yet as stated in the application letter, "The material used for cladding is 25mm x 25mm x 1.24mm galvanised wire.."
  - b. The word "Cladding" suggests this is a commercial structure of 620m<sup>2</sup> not a Domestic Horticultural Netting structure as represented in the title.
  - c. This misleading title on an application which requires public responses does not represent the appropriation of public appeal fairly.
  - d. The Cladding material indicated weighs approximately 1kg per square metre. (as per website : <https://tradewarehouse.com.au/aviary-wire-mesh-25mm-square-holes.html>)
9. The definitions used to identify the make up of this structure within the application consists of the words "cladding" "wall", "roof" as well "fence" and "trellis".
- a. This structure is titled Domestic Horticultural netting structure. A Structure of this nature does not have walls. It has netting on the sides and a canopy not a roof.
  - b. This is a 620m<sup>2</sup> structure with an adjusted height of 2.9m attached to the fence not a fence itself. This is a substantial structure placed adjacent to Rushlea Road and directly affecting 39 Rushlea Road, boundary.
  - c. The peak height of a structure does not indicate a set back.
  - d. In reference to the suggestion that this structure is no different to fence or trellis, approval should be based on the height of 2.9m.
  - e. For this structure to form part of a boundary fence, approval from adjoining neighbours would have to be sought.
  - f. As per Certified documents this Structure is currently placed within the property of 39 Rushlea Road.
  - g. As per the Development (Horticultural Netting) Variation Regulations 2018 clause 17 a structure of this nature would be considered commercial. This land could never really be developed for Primary Production and therefore could not be described as an Orchard. If the applicant claims that it is an Orchard then, the structure is required to be set back 5m from a road as per the Development (Horticultural Netting) Variation Regulations 2018 clause 17 1(d)(ii).
10. The structure is not in keeping with the local community aesthetics and leads to future compound structures being granted approval within the community.
11. There is no structure of this nature using galvanised wire abutting boundary fences and in front of the main dwelling within the local community.

Written Representation of objection to  
Development No: 960/221/202

12. Of the five identified Structures stated only 3 are within The Barossa Council. One of these addresses does not have a structure in front of the property. The other two use Netting not galvanised wire and one of these is temporary using plastic piping to hold the netting in place. All other identified structures are not in front of the main dwelling and all structures listed use netting not galvanised wire.
13. The galvanised wire mesh is highly reflective and therefore is in conflict with 5-Variation of schedule 1A, 17 Horticultural netting, (1)(b).
  - a. The positioning of this highly reflective mesh is at eye level to motorists traveling on Rushlea Road.
  - b. The highly reflective mesh is a nuisance for the adjoining property by virtue of glare.



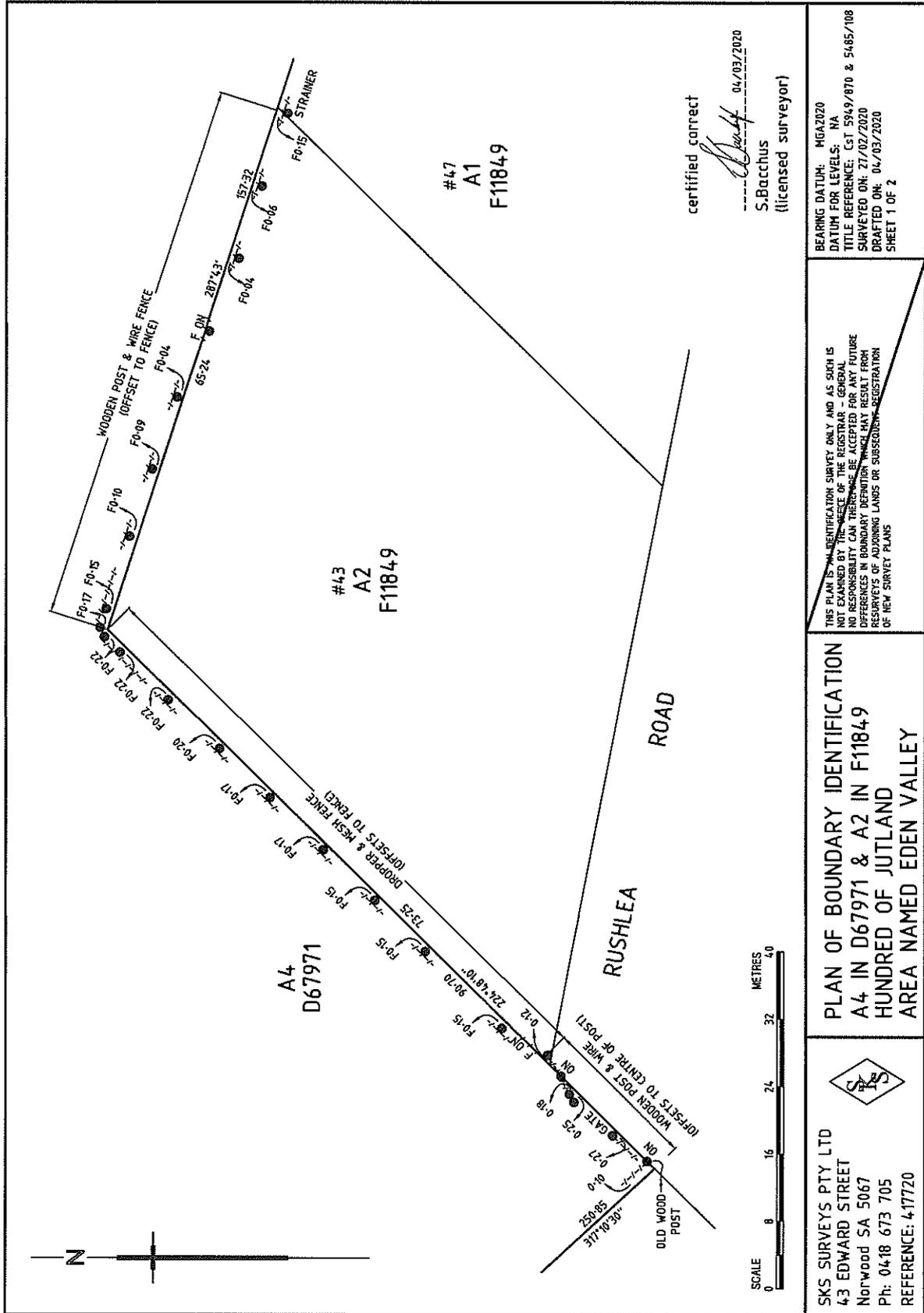
Jon Lillecrapp

26/08/2020  
Date



Rosario Arguijo  
Date

Written Representation of objection to  
Development No: 960/221/202



BEARING DATUM: MGA2020  
DATUM FOR LEVELS: NA  
TITLE REFERENCE: CST 5849/870 & 5485/108  
SURVEYED ON: 27/02/2020  
DRAFTED ON: 04/03/2020  
SHEET 1 OF 2

THIS PLAN IS AN IDENTIFICATION SURVEY ONLY AND AS SUCH IS NOT EXAMINED BY THE OFFICE OF THE REGISTRAR - GENERAL. NO RESPONSIBILITY CAN THEREFORE BE ACCEPTED FOR ANY FUTURE DIFFERENCES IN BOUNDARY DEFINITION WHICH MAY RESULT FROM RE-SURVEYS OF ADJACENT LANDS OR SUBSEQUENT REGISTRATION OF NEW SURVEY PLANS.

**PLAN OF BOUNDARY IDENTIFICATION**  
A4 IN D67971 & A2 IN F11849  
HUNDRED OF JUTLAND  
AREA NAMED EDEN VALLEY

SKS SURVEYS PTY LTD  
43 EDWARD STREET  
Northwood SA 5067  
Ph: 0418 673 705  
REFERENCE: 4.17720

certified correct  
*S. Bacchus*  
S. Bacchus  
(licensed surveyor)  
04/03/2020

#47  
A1  
F11849

#43  
A2  
F11849

#44  
A4  
D67971

Additional Documentation 1 – Certified Survey

Jon Lillecrapp & Rosario Arguijo



Photo 1



Photo 2



*Photo 3 – Structure is on fence line.*



*Photo 4 – Structure is on fence line with “toxic” Horticultural Netting placed on perimeter floor.*



*Photo 6 – Boundary fence at 1.3m height*



*Photo 5 – Structure pushes past fence star pickets.*



Photo 7 – Reflective glare

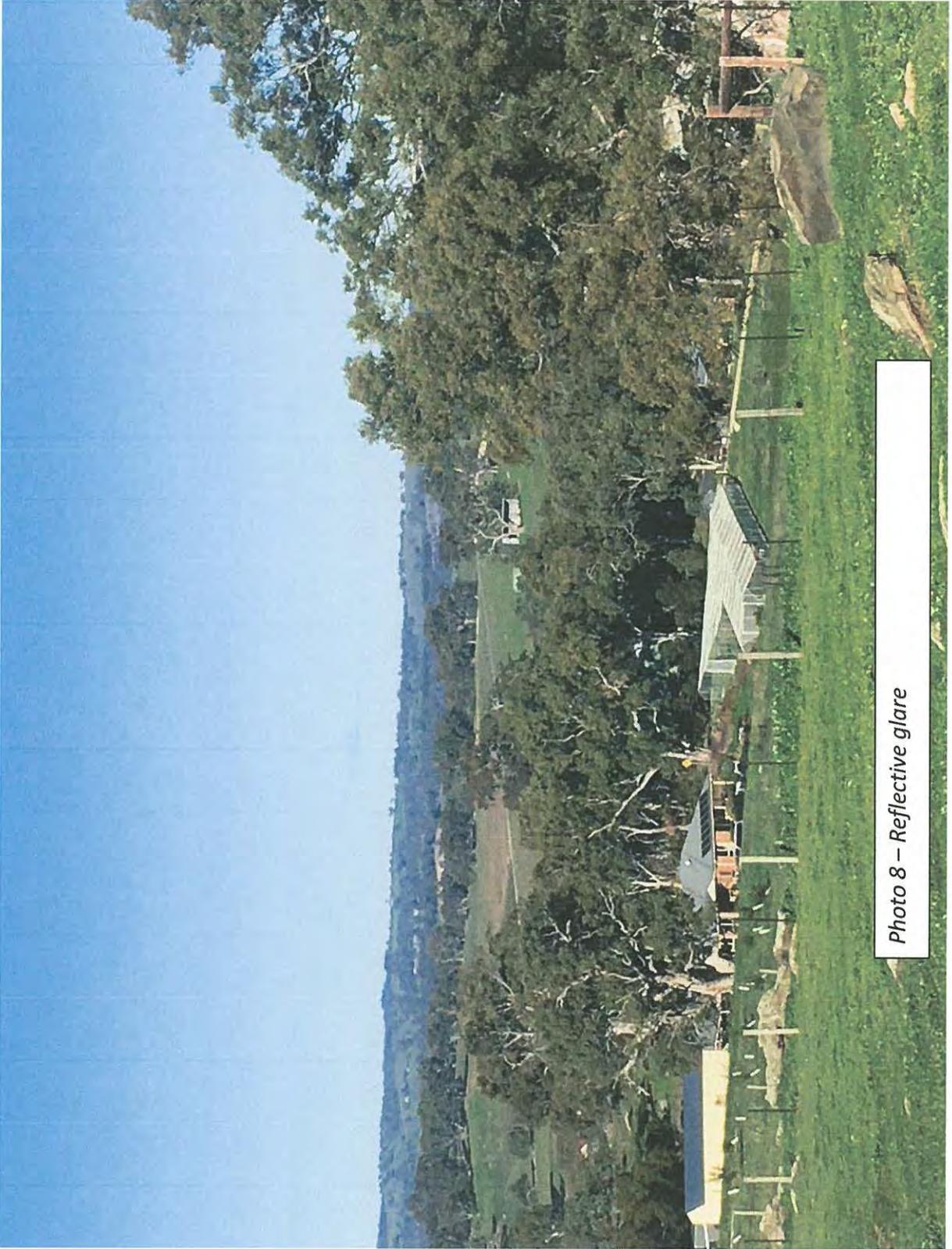


Photo 8 – Reflective glare



Photo 9 – “Toxic” Horticultural Netting placed on structure boundary floor.

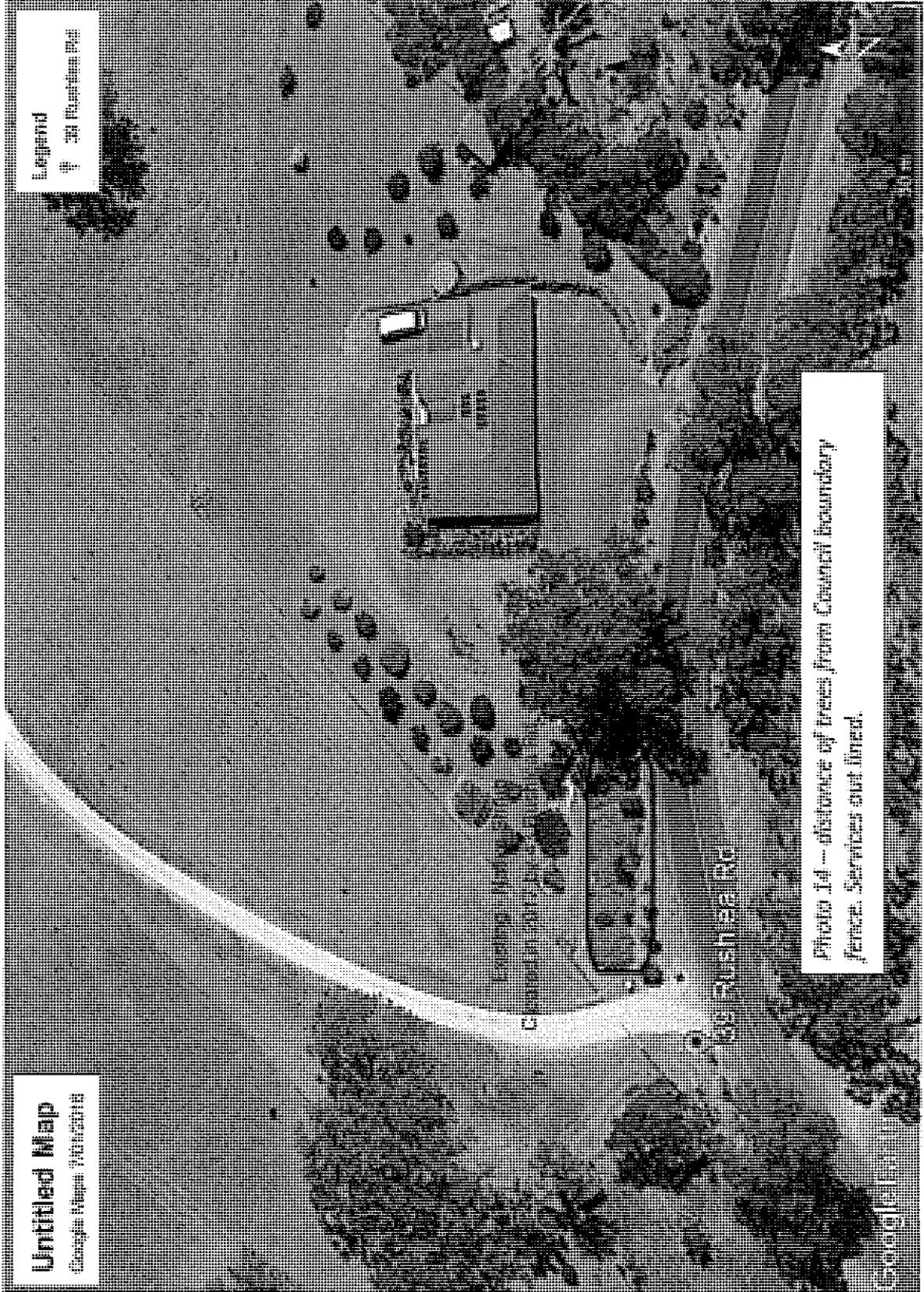


*Photo 10 – “toxic” Horticultural netting covering Doors and along perimeter floor.*





Photo 13 – shows existing vegetation cleared by applicant and 8 permaline posts removed by applicant.  
Photo circa 2015

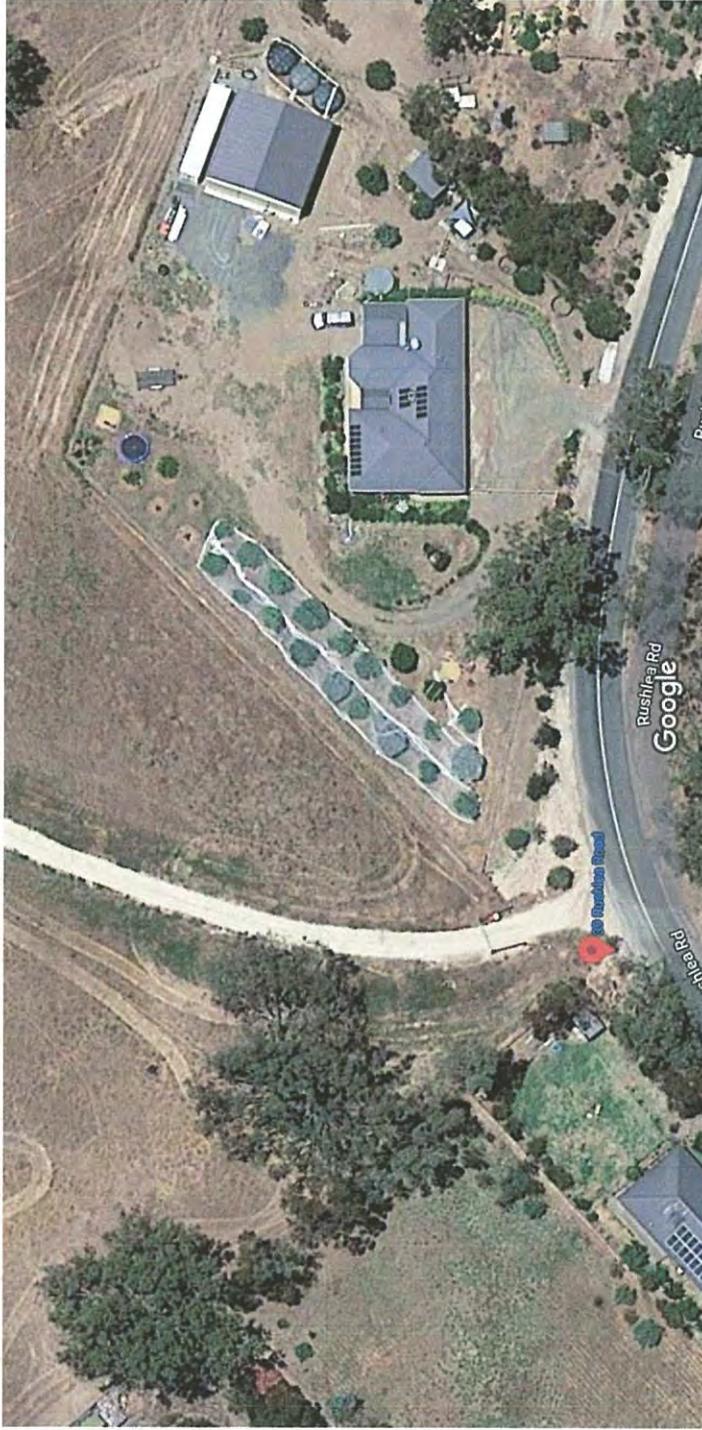


Written Representation of objection to  
Development No: 960/221/202

39 Rushlea Rd - Google Maps

8/22/2020

Google Maps 39 Rushlea Rd



*Photo 15 – Taken from Google maps post clearing of  
native scrub by applicants in 2017.*

<https://www.google.com.au/maps/place/39+Rushlea+Rd,+Eden+Valley+SA+5235/@-34.639455,139.1011565,87m/data=!3m1!1e3!4m5!3m4!1s0x6ab9dcf35fa11cb9:0x7041e5db31fca9f8m2!3d-34.639...> 1/2

Written Representation of objection to  
Development No: 960/221/202

25/08/2020

Location SA Viewer



*Photo 16 – downloaded from location SA viewer.  
Identifying structure placement on property. No  
stormwater drain identified on Location SA viewer*

<https://location.sa.gov.au/viewer/>

Written Representation of objection to  
Development No: 960/221/202



Written Representation of objection to  
Development No: 960/221/202

From: Sandy Beaglehole <sandy.beaglehole@landsservices.com.au>  
Date: Friday, 17 July 2020 at 10:23 am  
To: chari arguijo <jonandchari@inet.net.au>  
Subject: Easement Notation

▼ Attachments:

image001.png 4.36 KB

Open  
Save  
Remove

Hi

I have check out the address that you supplied and there does not appear to be any registered easements over this title.

Sandy  
Property Examiner

From: chari arguijo <jonandchari@inet.net.au>  
Sent: Thursday, 16 July 2020 4:08 PM  
To: Customer Support <CustomerSupport@landsservices.com.au>  
Subject: Easement Notation 39 Rushlea Road Eden Valley

To whom it may concern

I am writing to request in writing an easement notation on my land with the address of 39 Rushlea Road Eden Valley.

Written Representation of objection to  
Development No: 960/221/202

*Information contained within the representation is confidential and marked as the intellectual property of 39 Rushlea Road owners, to be used in support of statements held within this representation only. Any reproduction or use by third parties of the information contained within this representation will be deemed as copyright.*

Written Representation of objection to  
Development No: 960/221/202

6 December 2019

Mr Jon Lillecrapp  
39 Rushlea Road  
EDEN VALLEY SA 5235

To Mr Lillecrapp

**Boundary fence between 39 Rushlea Road and 43 Rushlea Road EDEN VALLEY**

It has recently come to our attention that you no longer wish to honour the agreement made in February 2017 between yourself and us, witnessed by Deborah and Kevin Davey of 47 Rushlea Road EDEN VALLEY, in regards to the fence between our properties. This was evidenced by accusations made by yourself about us, which were subsequently cleared of any wrongdoing by Eddie of the Mount Pleasant Police Station police reference number 5AP1900243285.

Under the original agreement it was determined that we would cover the costs to remove the old fence and replace with a new fence (due to the poor state the pre-existing fence that allowed stock to wander onto our property) provided we were able to complete the fence to the standard we best saw fit.

As such, we provided bobcat work, labour and all materials to upkeep our end of the agreement. The fence was mostly completed however still needs the final removal of permapine posts and replacement with steel droppers due to deterioration. It was with this intent that the droppers installed between the permapine posts stand taller than the posts to allow for the top wire to be run. As you are aware this replacement of posts with droppers and top wire has already been completed on our Western boundary (parallel to your driveway).

With your obvious disregard to the original agreement and apparent intent to wish to alter this agreement we have no choice but to offer two options;

- 1) You may reimburse us for your share of labour, machinery work and materials as outlined in the attachment due to breach of agreement and we will proceed under the Fences Act 1975 where both parties burden the costs equally;
- 2) You may honour the original agreement and we will complete the fence on our Northern Boundary to the standard already achieved on our Western boundary without further interference, claims or duress from you. Therefore with you continuing to provide no contribution to the replacement and completion of the fence it will be deemed you relinquish any claim to any fencing materials (ie permapine posts) that may be able to be salvaged as you already took all of the fencing wire that was taken down for your own use.

Written Representation of objection to  
Development No: 960/221/202

If, within thirty (30) days after service of this notice, we do not receive a written response from you it will be deemed you have agreed to the original terms of the agreement set in 2017 and you will be bound thereby and we will progress with the fence on our Northern boundary as outlined above.

Sincerely



Sharlene Sampson-Karger  
43 Rushlea Road  
EDEN VALLEY SA 5235



Brenton Karger  
43 Rushlea Road  
EDEN VALLEY SA 5235

CC: Deborah and Kevin Davey, 47 Rushlea Road, EDEN VALLEY  
CC: Barossa Council, PO Box 867, Nuriootpa

Written Representation of objection to  
Development No: 960/221/202

**Schedule of costs**

	Time	Rate	Subtotal	Total
<b>Machinery</b>				
Bobcat Hire	4 hours	\$60.00	\$240.00	
Fuel – 10L		\$ 1.40	\$ 14.00	
				<b>\$254.00</b>
<b>Labour</b>				
2 people	20 hours	\$50.00	\$1000.00	
<i>(Professional contractor charges at \$75 p/h for 2 people)</i>				<b>\$1000.00</b>
<b>Materials</b>				
Stiffstay HG 13/122/5 x 50M Mesh	132M	\$405.00	\$1069.20	
Mesh underground 50M x 300mm	132M	\$ 80.00	\$ 211.20	
Tie Wire	1 rolls	\$ 22.00	\$ 22.00	
Droppers – 210mm (installed)	22 droppers	\$ 10.30	\$ 226.60	
Droppers – 210mm (to be installed)	6 droppers	\$ 10.30	\$ 61.80	
Top Wire x 2 strand 4mm 500M	264M	\$220.00	\$ 116.16	
Netting Clips	¼ box	\$ 24.50	\$ 12.25	
				<b>\$1719.21</b>
				<b>\$2973.21</b>
<b>Additional</b>				
Old fencing materials taken by Jon Lillecrapp – All fencing wire 132M \$1m		\$132	\$3105.21	
Permapine Posts damaged in removal–No value - deteriorated		\$ 0		
Permapine Posts to be removed x 6 posts, assuming no damage value \$1 each to be divided equally				

Costs split equally between properties, plus up to 3 permapine posts each (assuming no damage)

**AMOUNT OWING:**

**Jon Lillecrapp to reimburse Brenton Karger and Sharlene Sampson-Karger \$1552.61**

**Upon receipt of payment we will provide Jon Lillecrapp 3 x permapine posts (assuming all 6 are removed without damage due to deterioration) or half of up to 6 posts that are removed still in sound condition (whichever is greater)**

Written Representation of objection to  
Development No: 960/221/202

Mr B Karger and Mrs S Sampson-Karger  
43 Rushlea Road  
Eden Valley SA 5235

3 January 2020

**Ref: Unauthorised amendment to boundary fence between 43 and 39 Rushlea Road, Eden Valley.**

Dear Mr Karger and Mrs Sampson-Karger,

Thank you for your correspondence dated 6 December, 2019 and received via registered mail on Friday, 20 December, 2019; confirming as per police report, SAP190024328S that you have removed the permaline post from the boundary fence between the two properties listed above.

As you confirmed to the police that you have in fact removed the permaline posts, which has been done without an agreement; we have no further recourse but to engage a licensed surveyor, at your cost, as per the Act, to ensure the boundary line has not been compromised, and re-peg the boundary line with accuracy. (Please refer to Form 2 attached to this correspondence.)

We have never agreed as per your statement that, *you complete the fence to the standard you best saw fit*. We have never had an ongoing agreement to repair, replace or modify the boundary fence. The Fencing Act does not allow for this written or otherwise. It should be noted at this point the original was in good working order.

As per the Law of Property Act 1936, Section 30; verbal agreements over interest in land can be "at will" only.

A 75 meter section of fence with only star pickets is not structurally sound and will fail as it is no more than a temporary fence. Noting that you have a temporary structure leaning over the boundary and joined to the fence this section of the fence will fail. We are unable to graze our livestock in this area due to the lack of structural integrity of the boundary fence due to the current modification you have made without agreement as per the Act. This has compromised our earnings, and will continue to do so until the fence is reinstated to a suitable standard as per The Fences Act.

As per Section 12(8)(aa) : in the case of a fence dividing land, of not less than 0.8 hectare in area, used for primary production purposes from land used for residential or other purposes—an adequate fence is a fence that is adequate for the primary production purposes or a fence that is adequate for the residential or other purposes, whichever would cost less. Hence the variation to the boundary fence was at your cost as it was not required.

As you have now compromised the structural integrity of the boundary fence by removing the posts and end assembly, we notify you in advance that should the fence fail and urgent need of repair to restore the fence be required, we will not contribute to costs as per Section 16. in particular Section (16) (3) ; An adjoining owner shall not be entitled to recover contribution for any fencing work under this Act in so far as that fencing work consists in the repair of damage resulting from his own wrongful act or default.

Page 1 of 2

Written Representation of objection to  
Development No: 960/221/202

Further to the removal of the permaline posts by yourselves, as long as your structure is joined to the fence the integrity of the fence is compromised due to your actions. You are not to carry out any further works on any boundary fence emergency or otherwise as we cannot stock this paddock due to the temporary fence that now adjoins our wester/eastern boundary. Any work carried out on this fence will be done so contravening The Fencing Act 1975.

Further to this, the fence is required to be reinstated to its previous post and end assembly structure to ensure we are able to graze livestock. Due to the removal of the posts and end assembly, by yourselves, and as you have joined your temporary structure to the fence it is now compromised and likely to fail. Works to reinstate the integrity of the fence as per Form 2 attached, are required to be conducted by a mutually agreed fencing contractor to ensure validity of final works. As per the Act, Form 2 is attached to this correspondence. We note that we have never received a Form 2 as per the Act from yourselves for any modification, repairs or otherwise to the fence.

As per the Fences Act 1975, Section 5, we have never received a Form 2 from you to indicate intention to recover costs for repair, maintenance or replacement of the boundary fence between both properties prior to works being conducted. We acknowledge that your correspondence dated 6<sup>th</sup> December 2019, is confirmation of works you have undertaken without prior consent or agreement between both parties.

As per Section 8 (2) of the Act; ... no contribution shall be recoverable under the provisions of this Act in respect of fencing work performed before the proponent becomes entitled to proceed with the fencing work under subsection (1) of this section. There is no claim to recover costs under an agreement.

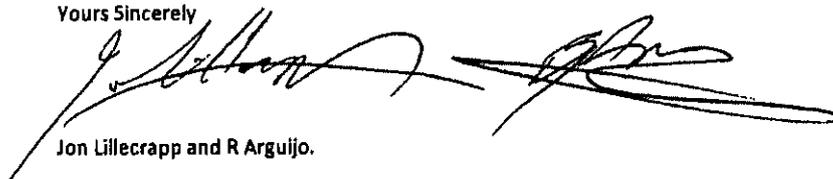
As per Section 8 (5), consent to modify the wire at your cost was concluded in early 2017. As our records show there had been no modifications for over 56 days to the fence. This states that you cannot claim any unauthorised alterations for modifications post completion May 2017.

We do not authorise any further works to be carried out on any of our adjoining boundary fences, until mediation has been completed and an agreement has been reached. Further works, agreed by both parties in writing will be carried out by, a mutually agreed provider and not yourselves. You shall not carry out any further works on any boundary fence, adjoining our properties.

We take this opportunity to further enforce that you do not have permission to enter our property without prior consent. We also confirm that there are no outstanding agreements for unauthorised use of our property, modification to boundary fences or otherwise as per the Law of Property Act 1936, and The Fencing Act 1975.

At this time we would welcome mediation for closure of this matter.

Yours Sincerely



Jon Lillecrapp and R Arguijo.

CC. SAPOL, Barossa Council.

Written Representation of objection to  
Development No: 960/221/202

**FORM NO. 2**

*Notice of Intention to Perform Replacement, Repair or Maintenance Work*

(1) To: \_\_Mr B Karger and Mrs S Sampson-Karger

(2) Owner of: 43 Rushlea Road, Eden Valley SA 5235

TAKE NOTICE that I propose that work be performed in relation to a fence dividing your land and my land at:

(3) 39 - 43 Rushlea Road, Eden Valley SA 5235

The particulars of my proposal are as follows:—

(4)

1. Replace all permapipe posts to 1.3 meter height utilizing 2.1 meter posts, 100 to 125mm diameter.
2. Replace and reinstate all box end assemblies, with 2.1m, 150 to 200mm strainers, with 2.7 to 3m struts, reinstating the corner 3.6m strut at the 90 degree return as per the existing fence.
3. Utilising existing 1.3m high stiff stay wire that is currently on the adjoining fence. Existing star pickets(22 currently on the fence) to be spaced evenly between approximately 9m spaced permapipe posts.
4. 3 x 3.15mm high tensile Warratar straining wire to attach the 1.3m stiff stay wire at 0.05m, 0.65m and 1.3m above ground.
5. Survey costs to confirm alignment and set out for fencing contractor at 100% of survey costs at your expense as you have modified the fence. Additional survey to confirm correct alignment with posts central to the boundary at 100% your cost as you have modified the fence without permission.
6. Work to be carried out by a mutually agreed fencing contractor at 50% of materials and labor shared equally between both parties.
7. All materials to be disposed of by the fencing contractor at cost to be shared equally between both parties.
8. The temporary structure within your property currently joined to the boundary fence is required to be moved within your property to a suitable distance as advised by the appointed fencing contractor to enable the above agreed works to be carried out.
9. No further works, maintenance, repair or otherwise is to be carried out by either party, with the exception of the removal of the temporary structure to enable the fencing contractor to carry out works required.

We have provided an estimate of costs to be confirmed with quotes from licensed Surveyor and Fencing Contractors.

(5) Estimate of costs to are :

Costs covered at 100% expense by 43 Rushlea Road owner:

Survey Costs estimated

\$1200.

Costs covered by both parties at 50% share:

17 x 2.1m green permapipe posts, 100-125mm

\$20(each) supplied by fencer.

5 x strainer posts 2.1m, 150-200mm

\$50(each) supplied by fencer.

Approximately 500m of 3.15mm Warratar high tensile fencing wire.

\$200 supplied by fencer.

4 x 2.7 -3m struts 100-125mm

\$30(each) supplied by fencer.

1 x 3.6m strut

\$40(each) supplied by fencer.

Page 1 of 2

Written Representation of objection to  
Development No: 960/221/202

Labor to cut off chicken wire to be left in the ground and salvage materials for reuse and removal of existing posts struts and star pickets by fencer. Approximately one days work \$750.00  
Labor to install strain and reinstate fence on boundary, approximately 2 days work. \$1,500.00

(6) Total cost of fencing work \$ 4,200

(7) Amount claimed from you : Survey \$1200. (estimate to be confirmed by quote from licensed surveyor.)

Fencing costs at 50% (of \$3,000.00) - \$1,500.00

Materials already removed from fence are to be disposed of at your expense adhering to current legislations.

Total \$2,700.00 (Estimate to be confirmed once all quotes have been received and a fencer agreed on.)

(8) Name and address of proposed fencing contractor:

Estimate to be confirmed once all quotes have been received and a fencer agreed on.

N.B.—IF YOU DO NOT WITHIN THIRTY DAYS AFTER SERVICE OF THIS NOTICE SERVE UPON ME A CROSS-NOTICE IN ACCORDANCE WITH THE FENCES ACT, YOU WILL BE DEEMED TO HAVE AGREED TO THESE PROPOSALS AND WILL BE BOUND THEREBY.

This Notice is given pursuant to the *Fences Act 1975*.

(9) Dated : 3 January 2020

(10) (Signed) Jon Lillecrapp.



---

(11) Name and address for service of a cross-notice

Jon Lillecrapp and R Arguijo

PO Box 37

Eden Valley, SA 5235

Written Representation of objection to  
Development No: 960/221/202

10 January 2020

Jon Lillecrapp  
PO Box 37  
EDEN VALLEY SA 5235

To Mr Lillecrapp

**Boundary fence between 39 Rushlea Road and 43 Rushlea Road EDEN VALLEY**

We refer to your registered mail dated 3 January 2020 and received 7 January 2020 and advise that no unauthorised amendment was made to the boundary fence between our properties as it was completed with your permission as outlined in our previous correspondence and witnessed.

We offer NO AGREEMENT TO ENGAGE a licensed surveyor or fencer, implied or otherwise, as the boundary location has not been altered whatsoever.

The *mesh portion of total fence replacement* between our properties was replaced 3 years ago with your permission and was placed onto the permaline posts and end assemblies that were currently in situ (albeit the permaline posts were in poor condition). This is the first time we have received any notification that you had any concerns with the location of the fenceline. However, as no alteration to the fenceline location was made we have no need to engage a surveyor or fencer.

We refer to your note that the fence between our properties "*was in good working order*" however a fence with bailing twine holding wires together, that allows stock to 'wander at large' is not a fence in good order for either primary production or residential purposes.

To reiterate your point "as per Section 12(8)(aa): in the case of a fence dividing land, of not less than 0.8 hectare in area, used for primary production purposes from land used for residential or other purposes – an adequate fence is a fence that is adequate for the primary production purposes or a fence that is adequate for the residential or other purposes" the variation to the fence *was* required as the fence was not fit for either purpose. As such, we chose to replace it with a fence of a better quality than what was required and we offered (and you accepted) to bear the costs of replacing the fence in its same location at our cost with your agreement due to *its exceedingly improved quality*.

The fence is not temporary in any manner as the steel droppers at 2100mm in length are in the ground to a depth of 600mm and as such is structurally sound and to an exceedingly high standard.

To address your concern that the structural integrity of the boundary fence has been altered by the removal of the end assemblies, these have not be altered, repaired, modified or replaced by any manner whatsoever.

## Written Representation of objection to Development No: 960/221/202

We note your concern that you believe our horticultural bird netting is attached to the fence which is accusatory and untrue. This is a free-standing structure entirely within the boundary of our property and as such is of no concern to you whatsoever.

A Form 2 was not provided to you originally to indicate the replacement of the fence, as we had a mutually agreed, *witnessed* by other interested parties, verbal agreement between us. The work was *almost completed*, minus the replacement of the permaline posts with steel droppers and the top wires run. This is a legally acceptable method of agreement "If you and your neighbour agree on the work and the cost-sharing, you do not have to follow the procedure under the Fences Act."

<https://lsc.sa.gov.au/resources/FencesandtheLawBooklet.pdf>

In your correspondence dated 3 January 2020 you acknowledge the agreement we made regarding the fence; \* 'Form 2' that states you require 'labour to cut off chicken wire'. We had not referenced this in our previous written correspondence to you. As this chicken wire is buried in the ground it shows you were witness to and a part of the conversations making our agreement to the materials used, standard aimed to be achieved and quality required.

\*Your letter dated 3 January 2020 states "the variation to the boundary fence was at your cost"

\*Your letter dated 3 January 2020 states "consent to modify the wire at your cost"

In reference to your point relating to any urgent repairs being required that you would not contribute, we advise that the fence is of an excellent standard and adequate for its purpose and any failure to the fence integrity would only occur during any wrongful act, whether negligent or willfully, ie damage by machinery (as per section 16(3)).

Therefore to summarise we have addressed your concerns;

- 1) The boundary line has not been altered/modified/moved in any manner and as such we will incur no costs whatsoever for surveyors.
- 2) The mesh and steel droppers (2100mm in length) fence on the Western/Eastern is in excellent working condition *in excess of what is required* for either primary production or residential purposes. As such we will incur no costs whatsoever for fencers and fencing material to replace, repair or modify this fence and give no permission to do so.
- 3) The fence on the Northern/Southern boundary we are willing to complete at our cost as outlined below using our materials and labour to match it to the standard of the Western boundary.
- 4) The end assemblies have never been moved, altered or modified in any manner whatsoever.
- 5) The horticultural structure is completely within our boundary and not attached to the fence and bears no concern to you.
- 6) All our claims can be proven.

Written Representation of objection to  
Development No: 960/221/202

As such we offer the following cross-notice proposal;

We complete the fence on our Northern / Southern Boundary to the exceptionally high standard achieved on the Western / Eastern boundary (which provides you with a cost free, excellent condition fence which far exceeds any requirements for primary production). We confirm that no access to your property has happened nor is it required whatsoever.

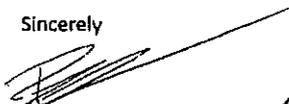
This requires the removal of the final 6 perma-pine posts on the Northern/Southern boundary and replacement with steel droppers (2100mm in length) belted into the ground to 600mm deep, tied to the pre-installed stiff stay mesh. Running of 2 x top wires. Extension of corner posts in end assembly for the purposes of running the 2 x top wires.

With this proposal of works we offer to seek no monetary compensation from you and plan to start at the expiry of thirty (30) days after service of this notice upon you.

This matter will be escalated should you choose not to accept our cross-notice proposal.

This letter is summarised on Form 3 attached.

Sincerely



Brenton Karger



Sharlene Sampson-Karger

CC: Deborah and Kevin Davey, 47 Rushlea Road, EDEN VALLEY  
CC: Barossa Council, PO Box 867, NURIOOTPA

Written Representation of objection to  
Development No: 960/221/202

Mr B Karger and Mrs S Sampson-Karger  
43 Rushlea Road  
Eden Valley SA 5235

3 February 2020

**Ref: Unauthorised amendment to boundary fence between 39 and 43 Rushlea Road, Eden Valley.**

Dear Mr Karger and Mrs Sampson-Karger

Thank you for your correspondence dated 10 January 2020 and postmark stamped 13 January 2020 via registered mail.

This letter confirms our objection to your Form 3 notice. Please refer to Form 3 attached.

As stated in our previous correspondence: We have never had an ongoing agreement to repair, replace or modify the boundary fence. As per Section 8 (5), consent to modify the wire at your cost was concluded in early 2017. We have had no communications with you post this completion. As per our previous correspondence and as our records show there had been no modifications for over 56 days to the fence from May to July 2017, hence that agreement was concluded in July 2017. We have not been in discussions with you regarding the fence since this date. Therefore there is no agreement to remove the permaline posts. This has been completed on your own accord not as part of an agreement between both parties.

The fence is required to be reinstated to its previous post and end assembly structure to ensure we are able to graze livestock. Due to the removal of the posts, by yourselves, and lack of end assembly at the south western corner (which is required) and as you have joined your structure to the fence it is now compromised and will fail. Works to reinstate the integrity of the fence as per Form 3 attached, are required to be conducted by a mutually agreed fencing contractor to ensure validity of final works. As per the Act, Form 3 is attached to this correspondence.

We do not intend to enter into further correspondence where unfounded allegations are used to intimidate, harass, provoke, defamation, or evoke slander, towards ourselves. At this time we would welcome mediation for closure of this matter.

We do not authorise any further works to be carried out on any of our adjoining boundary fences, until mediation has been completed and an agreement has been reached. Further works, agreed by both parties in writing will be carried out by, a mutually agreed provider and not yourselves. You shall not carry out any further works on any boundary fence, adjoining our properties. A surveyor will be required to set out and pick up the proposed reinstatement of the boundary fence in the best interest of both parties to ensure there are no continuing unresolved issues in the future.

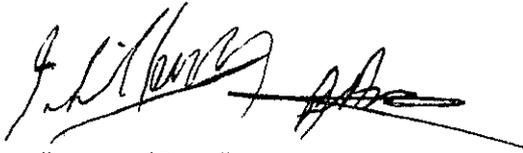
We take this opportunity to further enforce that you do not have permission to enter our property without prior consent. We also confirm that there are no outstanding agreements for unauthorised use of our property, modification to boundary fences or otherwise as per the Law of Property Act 1936, and The Fencing Act 1975.

Page 1 of 2

Written Representation of objection to  
Development No: 960/221/202

We look forward to an amicable conclusion to the matter.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'J Lillecrapp and R Arguijo', written over a horizontal line.

J Lillecrapp and R Arguijo.

CC. SAPOL, Barossa Council.

Written Representation of objection to  
Development No: 960/221/202

**FORM NO. 3**

*Cross-Notice*

To: Mr B Karger and Mrs S Sampson-Karger

TAKE NOTICE that I object to the notice given by you pursuant to the *Fences Act 1975* and dated the 10<sup>th</sup> day of January 2020.

The particulars of my objection are as follows:

We have no intention of allowing any further works to be carried out on any boundary fence between both properties by yourselves.

We have no intention of having, past, present or future, a boundary fence between both properties without permapipe post.

I make the following counter-proposals:

The particulars of my proposal are as follows:—

1. Replace all permapipe posts to 1.3 meter height utilizing 2.1 meter posts, 100 to 125mm diameter.
2. Replace and reinstate all box end assemblies, with 2.1m, 150 to 200mm strainers, with 2.7 to 3m struts, reinstating the corner 3.6m strut at the 90 degree return as per the existing fence.
3. Utilising existing 1.3m high stiff stay wire that is currently on the adjoining fence. Existing star pickets(22 currently on the fence) to be spaced evenly between approximately 9m spaced permapipe posts.
4. 3 x 3.15mm high tensile Warratar straining wire to attach the 1.3m stiff stay wire at 0.05m, 0.65m and 1.3m above ground.
5. Survey costs to confirm set out and alignment for fencing contractor at 100% of survey costs at your expense as you have modified the fence. Additional survey to confirm correct alignment with posts central to the boundary at 100% your cost as you have modified the fence without agreement or consent.
6. Work to be carried out by a mutually agreed fencing contractor at 50% of materials and labor shared equally between both parties.
7. All materials to be disposed of by the fencing contractor at cost to be shared equally between both parties.
8. The temporary structure within your property currently joined to the boundary fence is required to be moved within your property to a suitable distance as advised by the appointed fencing contractor to enable the above agreed works to be carried out.
9. No further works, maintenance, repair or otherwise is to be carried out by either party, with the exception of the removal of the temporary structure to enable the fencing contractor to carry out works required.

We have provided an estimate of costs to be confirmed with quotes from licensed Surveyor and Fencing Contractors.

Estimate of costs to are :

Costs covered at 100% expense by 43 Rushlea Road owner:

Survey Costs estimated \$1200.

Written Representation of objection to  
Development No: 960/221/202



17 February 2020

**BY EXPRESS POST  
PRIVATE AND CONFIDENTIAL**

Mr. J Lillecrapp  
39 Rushlea Road  
EDEN VALLEY SA 5235

Dear Sir,

**FENCING DISPUTE WITH B KARGER & S SAMPSON-KARGER**

We are instructed to act on behalf of Mr. B Karger and Mrs. S Sampson-Karger ('our Clients') in relation to their current fencing dispute with you.

We have been provided with a copy of your correspondence to our Clients, dated 3 February 2020 (hereafter 'the Cross Notice'). We have also been provided the various correspondence between the parties since the matter arose in early December 2019 for our review.

We are in the process of seeking instructions from our Clients about the matter. However, for the purposes of the timeframes contained within the Cross Notice, it is advised that our Client does not agree to the counter proposals contained within. We state that our Client is not bound by the counter-proposals, and any actions by you should not reflect any agreement of the same.

It is important to note that our Clients wish to resolve this matter on an amicable basis, and without recourse to litigation. Accordingly, we request that no further action be taken against our Client (and no further costs be voluntarily incurred by you at this stage to rectify what you allege to be unauthorized use of, and modification of, the areas and property in dispute), until we can provide you with our Clients' formal position in relation to

Written Representation of objection to  
Development No: 960/221/202

all outstanding issues.

If you have any questions in relation to the above, please do not hesitate to contact the writer.

Yours sincerely,



Kathryn Adams  
**Principal Solicitor**  
+61452 614454  
kathryn@hallettlaw.com.au

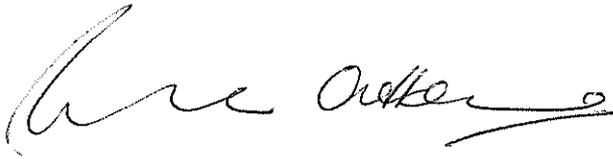
HALLETT LAW  
47 Murray Street  
ANGASTON SA 5353

REPRESENTATION IN RESPECT OF DEVELOPMENT APPLICATION 960/221/2020 MADE TO THE BAROSSA COUNCIL BY B KARGER AND S SAMPSON-KARGER FOR THE PURPOSE OF CONSTRUCTING A DOMESTIC HORTICULTURAL NETTING STRUCTURE ON LAND 43 RUSHLEA ROAD, EDEN VALLEY.

1. The applicants, in constructing the building, removed an existing boundary fence without regard to the Fences Act 1975 and installed steel columns and wire as a boundary fence without reference to the joint owner of such boundary fence.
2. The structural columns were not erected on and do not exist on the title boundary of the subject land as shown on the survey plan prepared by SKS Surveys Pty Ltd, dated 4/3/2020.
3. Although the applicant has applied for Building Rules consent, no structural details of the structure have been made available to the representors or to Council to determine whether the structural materials or method of construction are sufficient for the purpose of containing cattle or sheep on their grazing property.
4. The development has been undertaken contrary to the Desired Character of the Primary Production Zone, of Councils' Development Plan, in particular whereby "*construction of outbuildings and structures will include the planting of locally indigenous species... to ...screen the structure from views in the locality.*"
5. The setback of the development from the public road does not comply with *PDC 17(a) - Design and Appearance - General Section of Councils' Development Plan.*
6. The setback of the structure from the north-west and north-east boundaries of the subject land to the representors grazing property should be at least sufficient to comply with *PDC 9 (b) - Siting and Visibility - General Section of Councils' Development Plan.*
7. The development prejudices the continuation of safe grazing of cattle and sheep in that it does not provide an adequate boundary fence to contain such stock as required in *Objective 3 - Orderly and Sustainable Development - General Section of Councils' Development Plan.*
8. The development is a domestic and therefore an "urban" structure which should only be located in a zone designated for an "urban and domestic" structure as required in *Objective 6 - Orderly and Sustainable Development - General Section of Councils' Development Plan.*
9. The development involves the expansion of an existing domestic use and activity - it has not been designed to improve the visual appearance of the site and the locality as required in *PDC 9 - Orderly and Sustainable Development - General Section of Councils' Development Plan.*
10. This "urban" development, in its present location and form of construction prejudices the operations of the adjacent grazing property by virtue that the "boundary fence" could not adequately contain cattle and sheep within the grazing property as required by *PDC 12 - Interface between Land Uses - General Section of Council's Development Plan.*
11. The development has not been sited or constructed to minimise the negative impact on the existing land use on the adjoining grazing property by building as a boundary fence a structure that will not be sufficient for the containment of cattle and sheep as required by *PDC 2 - Interface between Land Uses - General Section of Councils' Development Plan.*

RECEIVED  
26 AUG 2020  
THE BAROSSA COUNCIL  
237

12. The Development Application refers to "horticultural netting". The wire mesh used in this structure is not the normally accepted netting used in orchards or vineyards. Horticultural netting is nylon/ plastic mesh netting used widely in the fruit production industry as referred to in the Spragg vs AHC appeal ERD 19-109. Such netting was certainly not the type of heavy wire netting as proposed by the applicants.
13. The Development Application states that the use of the subject land is "orchard". This is not an accurate definition of the existing use. It is not an orchard but simply a detached dwelling with a number of fruit trees and a poultry run, all contained within a domestic setting on a residentially-sized allotment.
14. The applicant is apparently of the opinion that the nylon/plastic netting used by 99% of horticulturalists and vigneron in Australia is toxic! This is absolute nonsense. This is the type of netting that should be used on a structure without any footings, primarily because of its weight and secondly because of its non-reflective qualities.



EA Atkinson BTRP, (Melb.) Cert. Vitic. (MIT.)

25/8/20

## Marie Thom

---

**From:** MBX Barossa  
**Sent:** Thursday, 27 August 2020 8:21 AM  
**To:** MBX Development and Environmental Services  
**Subject:** FW: Construction of a horticultural of netting structure Develop No 960/221/2020

**From:** Ria Tscharke [mailto:prtscharke@gmail.com]  
**Sent:** Wednesday, 26 August 2020 5:48 PM  
**To:** MBX Barossa <barossa@barossa.sa.gov.au>  
**Subject:** Fwd: Construction of a horticultural of netting structure Develop No 960/221/2020

----- Forwarded message -----

**From:** **Ria Tscharke** <[prtscharke@gmail.com](mailto:prtscharke@gmail.com)>  
**Date:** Wed, 26 Aug 2020 at 3:23 pm  
**Subject:** Construction of a horticultural of netting structure Develop No 960/221/2020  
**To:** <[develop@barossa.sa.gov.au](mailto:develop@barossa.sa.gov.au)>

Dear Chief executive officer;

We Peter and Regina Tscharke of 4 Rogasch road Eden Valley , have no problem with the design and construction of the Horticultural netting structure .

It looks neat and strong and it's a credit to Brenton and Charlene for coming up with this brilliant structure .It's not an eye sore .

So we approve of it.

Kind Regards  
Peter & Regina Tscharke .

## Marie Thom

---

**From:** Dennis Browning <dbrowning1975@gmail.com>  
**Sent:** Saturday, 29 August 2020 9:05 AM  
**To:** Development  
**Subject:** 960/221/2020 43 Rushlea Rd Eden Valley

Hi All,

I do apologize the late mail as I understand cut off was 26.08.2020 but would hope this may be taken into consideration with councils decision on this matter.

I have lived at 6 Rogaschs Rd Eden Valley for approximately 2.5yrs and our property backs onto an adjoining property with 43 Rushlea Rd.

I am in complete support of the covering of the fruit trees for which this application has been raised for and see no problems with it. I mean this is exactly why we moved here, the chance to plant some fruit trees while educating our children on a sustainable future.

Please contact me for any further information, I would be more than happy to assist.

Regards,

0417808273

Dennis Browning

17<sup>th</sup> September 2020

Jake Boswell  
Assessment Officer - Planning  
Barossa Council  
PO Box 867  
Nuriootpa, SA 5355

Dear Jake,

**APPLICANTS RESPONSE TO COMMENTS RECEIVED (DA No. 960/221/2020)**

I write on behalf of Mr. B. Karger and Mrs. S. Sampson-Karger (my Clients) in response to the representations and comments from the Category 3 Public Consultation process for their proposal to erect a wire bird netting structure for a domestic fruit orchard on a rural residential property at 43 Rushlea Road, Eden Valley.

Seven representations were received including five in favour and two against. In addition eight informal submissions were received making comment on the proposal. The representations and informal submissions are addressed below.

**Representation by Mr. K. and Mrs. D Davey of 47 Rushlea Road**

- They are wildlife carers in the area.
- In no way opposed to the proposal and commend the applicants for their consideration of close neighbors in relation to the impact of the proposal.
- It would not obstruct traffic and is by no mean aesthetically unpleasant compared to bird netting previously used.
- The proposal is preferable to other bird netting and its impact on wildlife including birds, bats, reptiles, possums etc.
- Proposed wire netting is see through whereas HDPE bird netting is more visually imposing and is a fire risk in bushfire season.

***Applicant's response***

- Noted and agree with all of the comments by Mr. and Mrs. Davey.

**Representation by P & B Gillespie**

- Supports application as it is a neat and professional solution.
- Suggests objections may be motivated by malice.

***Applicant's response***

- Noted and agree with the comments on the structure.

- See comments regarding complainants further below.

**Representation by M & S Weber**

- No issues of concern
- Structure looks strong and is safe alternative to other netting

***Applicant's response***

- Noted and agreed

**Representation by Derek and Lynne Jones**

- Assumed the construction is a solid metal structure, has been erected, and approved.
- Claims the structure would impact on the environmental beauty and bird life.
- Possible future enclosure would increase its impact and set a precedent for others.
- Have no objection to traditional bird netting.

***Applicant's Response***

- The proposal is not a solid metal structure, as the wire is permeable.
- The character of the locality is influenced by the edge effect of the township with buildings and structures close to the rear of allotments and close to the roadside.
- The proposal is less impacting than the existing structures and would be consistent with the character of the locality at the edge of the township.
- The future enclosure of the structure is unlikely, as this would defeat the purpose of the bird wire enclosure and no precedent would be set.
- Traditional bird netting has been tried and was proven unsatisfactory.

**Representation by T. & A. Dewell**

- As regular users of that section of Rushlea Road they see no issue with the structure.
- See a family being self sufficient in home produce and are considering same.

***Applicants response***

- Noted and agree with the representation.

**Representation by J. Lillecrapp and R. Arguijo**

- The applicant requests to be heard and has included A Atkinson in the request.
- Their objection would be overcome if the structure were setback level with the house and 2m from the side boundary, and used horticultural netting not wire.
- As property owners of 39 Rushlea Road they feel fully impacted and do not support the proposal.
- Points out that there may be some overlap of the property boundary and has supplied a boundary survey showing the pre-existing fenceline and objects to the proposal not having any setback.

- Correspondence relating to the Fencing Act has been submitted as part of their submission.
- They allege that the structure forms part of the fence and impedes their ability to reinstate the fence with the original permapine posts.
- It is alleged that there has been a loss of income as a result of the proposal suggesting that they have not been able to keep the same levels of livestock.
- They point out that fencing issues are still in dispute.
- It is alleged that the wire mesh is highly reflective, and is not bird netting, but that bird netting is lying on the ground around the enclosure.
- Points to potential waterlogging and impact on structural integrity of upright struts.
- Questions the structural integrity of the proposal and its load bearing capacity.
- Alleges the structure is connected to the fence and will be at risk if the structure fails and brings down the fence raising the question of liability.
- A number of allegations are made in relation to past removal of vegetation on the verge and nature strip abutting their driveway entrance and alleged discrepancies on the plans in relation to their property.
- Alleges the proposal is a commercial structure due to references to roof and sidewall.
- Various comments and questions are raised in relation to footings and windspeed design.
- Claims significant tree on boundary has not been identified.
- Mature fruit trees would be covered if the structure were moved 2 metres from the boundary.
- Suggests a variety of misleading references have been made to describe the proposal as indicative of commercial nature and as such should be 5m back from a road.
- Alleges the structure is not consistent with local community aesthetics.
- Suggests there are no other such structures abutting boundary fences and in front of the main dwelling.
- Suggests there are only three such structures within the Barossa Council.
- Suggests the galvanized wire mesh is highly reflective to drivers and a nuisance to the adjoining property.

#### ***Applicant's response***

- It is noted that three people are nominated as wishing to be heard on the representation, which is highly irregular and should be limited to one person.
- Ms. Atkinson did not indicate that she wished to be heard, nor that she was representing anyone other than herself and her comments are separate from the representation. Hence we feel that Ms. Atkinson should explain her role either as representing Clients or as a separate person making informal comment on the proposal.

- The requested side boundary setback of 2m and a front setback in line with the front of the dwelling is not supported by my Client's as it does not enable them to protect the existing domestic orchard.
- Whilst it is noted that they do not support the proposed structure my Client's feel that this is mainly because of the unresolved boundary fence issue.
- The modifications to the fence were undertaken to prevent incursions by livestock and it is noted from the survey that the existing corner post at the southwestern side of the property is shown as being inside the subject land. Whilst there may be some overlap of the boundary this is only likely to be minor and my Clients are prepared to adjust the structure so that the overlap is resolved.
- It is alleged that they are fully impacted by the proposal but the dwelling is on the hill and the proposal is hardly likely to be visible from their dwelling. In addition the wire will continue to fade to a dull grey and is highly transparent thereby reducing the visual impact considerably.
- The character of the locality is also significantly affected by the edge effect of the township with a number of highly visible outbuildings and structures forming part of the character of the locality.
- My Clients agree that the structure should not form part of the fence and my Clients inadvertently placed one of the corner posts inside of the fencepost wire situated on their property but this will be adjusted and remedied. This is the same existing corner post at the southwestern corner inside the subject land.
- The issues have been raised some seven months after the survey was undertaken and the fence posts are not all shown on the survey plan making it difficult to know how far out my Clients are from over the boundary my Clients are or aren't over the boundary as a result. My Clients endeavor to work collaboratively with the neighbors on this issue so as to clarify any boundary discrepancy.
- My Clients note that previous and existing fencing is substandard and in need of replacement along much of the complainant's property boundary and their fencing problems are much more far reaching and to pick the relatively short yet effective section of upgraded fencing along my Client's boundary seems a bit one sided and unfair. As indicated my Client's are prepared to adjust the structure along the boundary and will endeavor to resolve fencing issues under the Fences Act.
- The structure has not been completed with all work stopped on notification from the Council. Existing bird netting has been laid along the ground at the base of the wire to prevent entry by birds.
- The concern is noted in relation to potential for water logging and my Client's will endeavor to ensure this does not threaten the structural integrity of the proposal through the Building Rules Consent process.
- The proposal is not connected to the fence other than at the southern corner post and this will be remedied. Structural integrity issues will be addressed during the building rules consent stage of the project and as such any liability risk would be negated.

- With respect the allegations raised in relation to past events and references made to matters not on the subject land are not considered relevant to the proposal at hand and the fact that these are even raised highlights a litany of seemingly unresolved matters potentially clouding the issues at hand for the complainants.
- The proposal is not a commercial structure and the orchard is existing and reasonably ancillary to the residential use of the property. Any oversupply of produce is shared with the community plus family and friends.
- The design of footings and wind speed design is a matter for the building rules assessment phase and will be considered at this stage of the process.
- The wastewater irrigation area has previously been approved by Council and is outside of the proposed structure.
- The orchard is an existing activity reasonably ancillary to the existing use of the land for residential purposes.
- No significant tree legislation applies to rural areas.
- Cover for mature trees if structure moved inward by 2m is acknowledged but would inhibit tree and property maintenance as well as adding a future row of vines and propagation of other plants in the future.
- As indicated above the proposal is not a commercial horticulture operation and any mistaken references to *cladding*, *wall*, *roof*, or *bird netting* rather than *bird wire* or otherwise are not intended to be misleading (also see comments in response to Anne Atkinson below).
- The proposal is domestic by virtue of the fact that it is reasonably ancillary to the residential use of the property and not intended for commercial purposes, and not by virtue of its construction.
- The proposal seeks to use the land more efficiently for fruit production to create self-sufficiency for the family, improved environmental management, and to be able to share with the community and friends.
- As indicated the locality is characterized by the edge effect of the township and development close to and adjacent to boundaries already exists in the area and can be expected to continue particularly if there is growth of the township.
- Other structures located elsewhere in the Council area are not relevant to the considerations for this proposal. Uniqueness and innovation are not sufficient reasons to oppose an application but rather are a reflection of the ingenuity of the applicants. The structure is highly transparent and will fade thereby ensuring any visual effects will reduce over time.
- The mesh is well screened from the road by existing vegetation, including on my Client's own land and other properties in the vicinity.

#### **Representation by P. & R. Tucharke**

- Has no problem with the design, construction, and appearance of the structure.

***Applicants Response***

- Noted and agreed

**Comments by D. Browning**

- Backs onto an adjoining property with 43 Rushlea Road.
- Moved there to plant some fruit trees and educate his children on living sustainably and fully supports the application.

**Applicant's response**

- Noted and agreed.

**Comments by Kate Heading**

- Former resident in the area
- Says proposal does not hinder driveway, nor obstruct the view from neighboring residence, and has been well constructed.
- Suggests neighbor's opposition may be influenced by a past dispute.

***Applicant's response***

- Noted and agree with the comments on driveway, views, and quality of construction.
- See comments regarding complainants above.

**Comments by Sarah Davey**

- The proposal is a creative idea and has been well constructed.
- The wire protects lizards, birds, and other wildlife from harm whilst bees can still pollinate and the chickens provide a biological insect control.
- The proposal has a community benefit being conducive to local bartering of fruit and jams whilst resulting in reduced loss of fruit from birds.

***Applicant's response***

- Noted and agree with the comments particularly in relation to the ecological sustainability of the proposal and the benefits to the community.

**Comments by Allen and Coralie Sampson**

- Owners are to be congratulated for their efforts in attaining self-sufficiency and in sharing the fruit with other families.
- The cage is constructed thoughtfully and solidly and does no harm to the birds.
- The view from the road is not imposing or offensive and they hope for a positive resolution in favour of the applicants.

***Applicant's Response***

- Noted and agree with above

**Comments by Tricia Mason**

- Find the structure visually pleasing and in keeping with the surrounding environment.

- The fruit trees need protecting from birds and possums in the area.
- Cannot see any reason to object to the structure or discriminate against it.

***Response by Applicant***

- Noted and agreed

**Comments by Erica Myatt**

- It is an environmentally friendly and sound structure and is visually more appealing than other netting structures.
- Taking down the structures would be a huge detriment to the community as the owners share their produce.
- Was amazed at the environmental cycle they have created and questions why the application was publicly advertised.
- Questions if is an issue for our Covid times and suggests that community, helping each other, and wanting to give is what it should be about.
- Suggests neighbors are serial complainers with double standards and breeches next door.

***Applicant's response***

- Agree with first four dot points
- Two Questions raised are rhetorical and do not require an answer.
- My Client's just want to get along with their neighbors and prefer not to make comment in relation to neighbor's inconsistencies and alleged breeches

**Comments by Kylie Burrows**

- Supports the application wholeheartedly.
- It is good for wildlife, is environmentally friendly permaculture, and promotes self-sufficiency.
- The proposal does not impact on neighboring properties and the road, and is in keeping with the local surrounds.
- Cannot see any drawbacks from the proposal, which would have benefits for the local community through sharing of produce.

***Applicant's response***

- Noted and agree with comments

**Comments by Lara Kuiper**

- The structure does not detract from surroundings
- Visual impact is less than the nets throughout the Adelaide Hills
- Need the protection for the orchard from birds and bats.
- Allows for the passage of smaller birds and insects.

- Supports the structure.

***Response by Applicant***

- Agreed and noted.

**Comments by E. A. Atkinson**

- Alleges the Applicants removed the boundary fence and installed steel columns and wire as fencing without consultation with the neighbor in breach of the Fences Act 1975
- Alleges columns are situated on the adjoining property.
- No structural details were provided with the application to determine if adequate for sheep and cattle.
- Suggest the proposal requires landscape planting to screen it from views in the locality.
- Suggests setback from street not in compliance with PDC 17(a) under Design and Appearance.
- Suggests setback from side and rear boundary not consistent with Principle 9 under *Siting and Visibility*.
- Suggests fencing not adequate for safe grazing of cattle and sheep and as such does not comply with Objective 3 under Orderly and Sustainable Development.
- Suggests the proposal has not been designed to improve the visual appearance of the site and is contrary to Principle 9 under Orderly and Sustainable Development.
- Suggests the proposal by virtue of the boundary fence and building as a boundary fence could not adequately contain cattle or sheep and is inconsistent with Principle 2 and 12 under Interface between Land Uses.
- Suggests wire mesh is not the standard form of netting used in orchards or vineyards.
- Suggests the existing land use is a detached dwelling and not an orchard.
- Suggests plastic netting is not toxic and is the type of netting that should be used for the type of structure being proposed due to its non-reflective qualities. Plastic netting also presents a high fire danger risk during bushfire season.

***Applicant's response***

- My Client's were experiencing problems with livestock getting into their property and after speaking with the neighbor acted on what they took to be a positive verbal response.
- The western side of the structure abuts the fence and while there may be a small overlap of the property boundary this is not the case for the entire boundary.
- My Clients are prepared to adjust the western side of the structure so that there is no overlap of the property boundary and will request the neighbor takes a consistent approach to boundary issues in relation to the northern boundary fence.

- Structural details will be provided at the Provisional Building Rules consent stage and are not relevant to the Provisional Development Plan Consent stage.
- The proposal is well screened from the road by existing roadside planting.
- As per comments above the character of the locality is influenced by the edge effect of the township where buildings are built to rear and side boundaries and close to the front boundary and is in accordance with Principle 17 (a) for *Design and Appearance*.
- Fencing is not part of the proposal and is subject to a separate yet to be resolved process under the Fences Act and as such Objective 3 under *Orderly and Sustainable Development* does not apply in this instance. However it should be noted that since the fencing was repaired and horse wire was installed there have been no incursions of livestock on the subject land.
- The proposal presents a tidy appearance to neighbors and is in accord with Principle 9 for *Orderly and Sustainable Development*.
- As mentioned above the fencing issue is a separate matter and should not be conflated with the proposed bird exclusion structure. It is acknowledged that the fencing issue needs to be resolved to the satisfaction of both parties separate from this proposal.
- At the same time the orchard and structure provide an adequate buffer from adjoining primary production and would satisfy Principles 2 and 12 under *Interface Between Land Use*.
- We agree that the materials used differ from the bird netting widely used in primary production but the use of wire netting is more prevalent on residential properties.
- We agree that the existing detached dwelling is a residential land use and point out that the domestic orchard is reasonably ancillary to the residential use of the land.
- Use of plastics associated with horticulture results in considerable waste to land fill, and finding ecologically sustainable alternatives is consistent with the goals for a circular economy. According to the local CFS Captain's assessment plastic netting also presents a fire risk during bushfire season.

### **Summary and Conclusions**

On balance the proposal is highly supported by local residents and others with the exception of the owners of 39 Rushlea Road, Mr and Mrs Jones, and Ms Ann Atkinson. It is unclear whether Ms Atkinson is acting for the owners of 39 Rushlea Road and we feel she should declare her interest in the matter before being given an opportunity to address the Panel and request that the representation be limited to one person. My Clients would like to appear in response to their representation.

The locality is strongly affected by edge effects associated with the township resulting in buildings and structures close to rear, side, and front boundaries. The proposed structure is highly transparent and any issues associated with reflectivity will fade away over time. Existing roadside vegetation and the elevated nature of the verge provides effective screening from the road.

Any issues associated with fencing can be addressed through the process under the Fences Act and the side of the bird protection structure will be modified to address any boundary issues. Structural issues will be addressed through the building rules stage.

In short I believe the proposal is a creative and somewhat unique approach to bird protection for the existing domestic orchard, which is reasonably ancillary to the domestic use of the property. As such I have no hesitation in recommending the proposal for favourable consideration.

Should you require additional information or have any questions in relation to the above please do not hesitate to contact me on 08 85682037 or 0488451970 or via email on [henri@regionalplanningdirections.com.au](mailto:henri@regionalplanningdirections.com.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'H. Mueller', with a long horizontal flourish extending to the right.

Henri Mueller

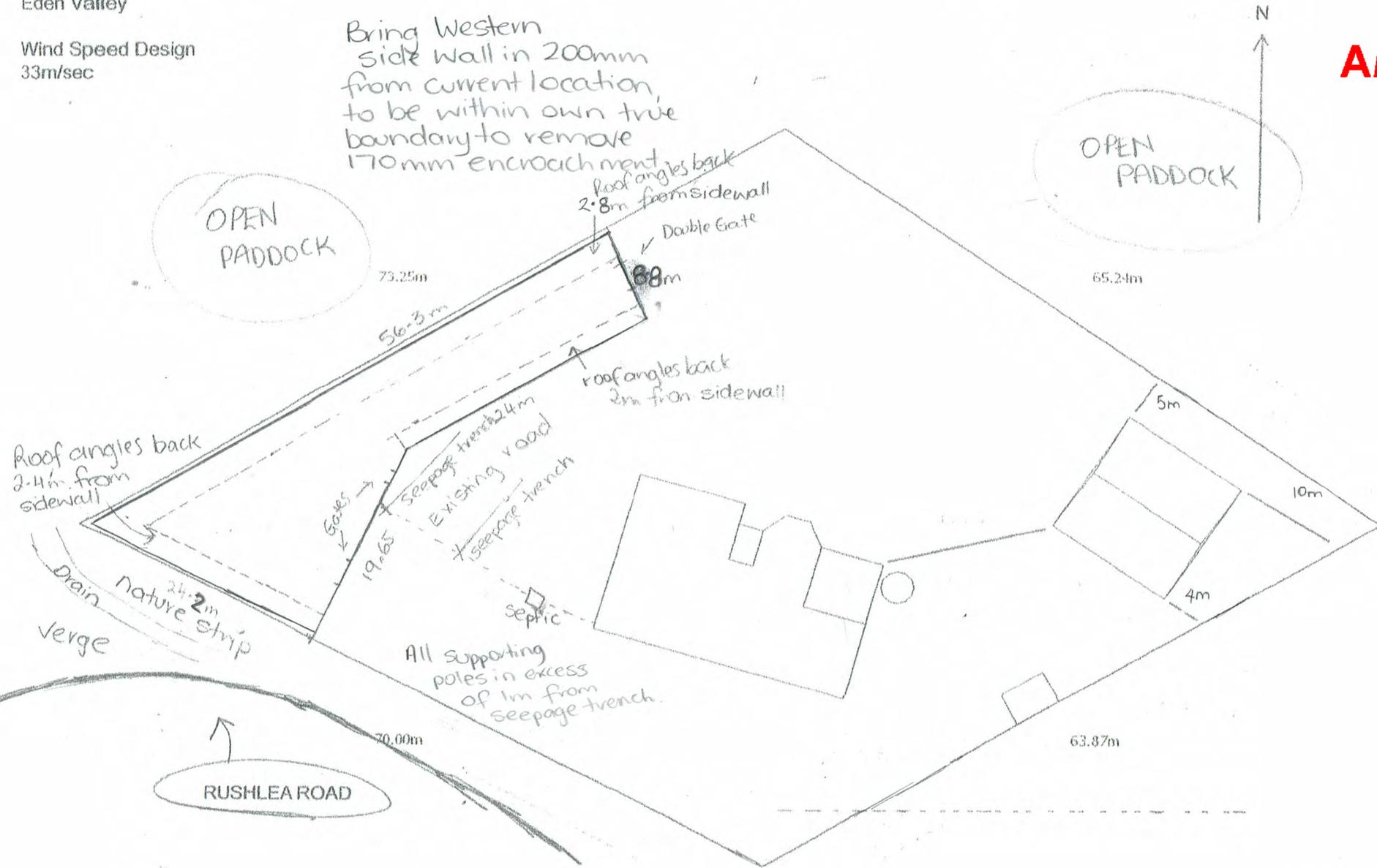
**DIRECTOR – REGIONAL PLANNING DIRECTIONS**

Sharlene Sampson-Karger  
43 Rushlea Road,  
Eden Valley

Wind Speed Design  
33m/sec

Bring Western  
side wall in 200mm  
from current location,  
to be within own true  
boundary to remove  
170mm encroachment

**AMENDED**

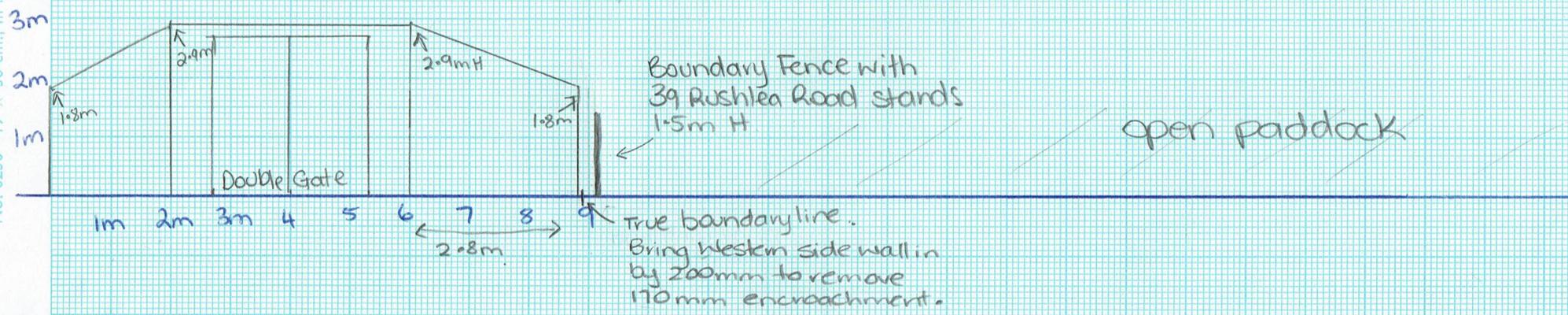


Site Plan  
Scale 1:500

**AMENDED**

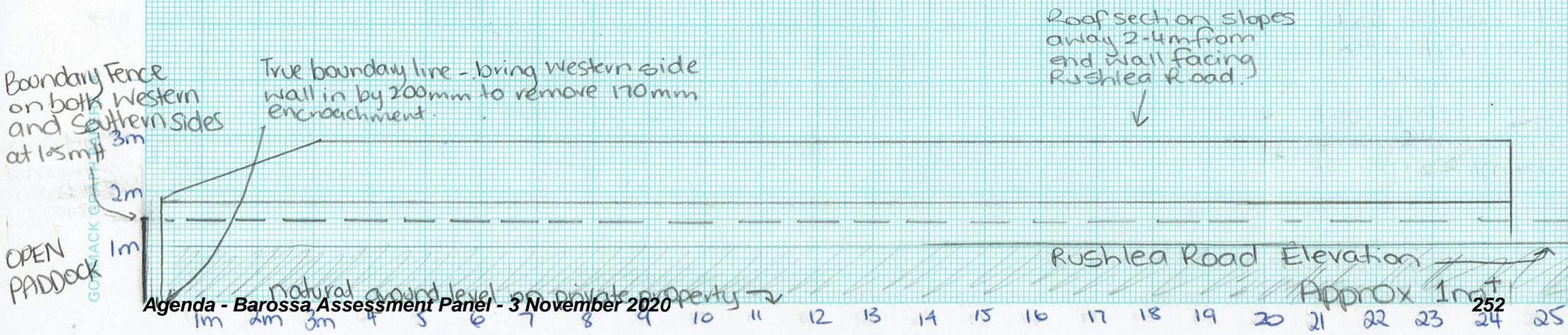
Land Elevation follows natural fall of land. No alterations made.

No. 0230 19 x 30 cm., in mm.



Southern End view 1:100

--- Boundary Fence Height



## 6.4 960/635/2019 (77 Centenary Avenue Nuriootpa)

### APPLICATION DETAILS

PROPOSAL	Construction of a domestic outbuilding - garage (measuring 7.5m x 6.05m x 3.0m wall height)
APPLICANT	Apex Home Improvements
OWNER	CW Maskell
APPLICATION NO	960/635/2019
CERTIFICATE(S) OF TITLE	CT 6212/697
AREA	600 sqm
CURRENT USE	Residential - Dwelling
DEVELOPMENT PLAN VERSION	Consolidated 5 September 2019
ZONE	Residential
POLICY/PRECINCT AREA	Nil
OVERLAYS	Nil
APPLICATION TYPE	Merit
CATEGORY OF DEVELOPMENT	Category 1
REFERRALS	Nil
PREVIOUS APPLICATIONS	960/50/2008 – Land Division 960/654/2018 – Single-storey detached dwelling
ASSESSING OFFICER	Janine Lennon
RECOMMENDATION	That Development Plan Consent be REFUSED

### BACKGROUND

The applicant originally applied to construct a domestic outbuilding of 55.05 sqm in area, measuring 9.1m x 6.05m x 3.0m wall height). After it was pointed out that this size building could only be accommodated with 400mm side setbacks, the size of the shed was reduced. (Note that a full set of plans reflecting the reduction in size has not been submitted).

The proposal presented to the Panel is for a garage that measures 7.5m x 6.05m x 3.0m wall height, setback 1.5m from the primary street boundary at the closest point. Staff have raised the following concerns with the applicant on a number of occasions dating from 31 October 2019:

- The 1.5m and 2.2m side setbacks shown on the site plan are not achievable (the site plan is incorrectly drawn), but at the closest point/s greater than 1.0 metre setback is achievable on either side of the shed.
- Whilst a 3.0 metre wall height is shown for the shed, finished floor level has been nominated to be the same as the dwelling, therefore 3.2 metres above natural ground level, exceeding the maximum for the Residential Zone.
- 1.6 metre primary street boundary setback is not acceptable with regard to the provisions of the Development Plan.

Whilst as an assessment body we are unable to confirm that a compromise solution will be acceptable without the compromise solution of plans being submitted, it is considered that the following changes to the proposal may result in a more supportable assessment:

- reducing the proposed wall height to 2.7 metres; and
- a maximum 1.2 metre setback between the existing garage and the proposed outbuilding; and
- provision of only one single-width roller door to the street façade of the outbuilding, located immediately adjacent to the existing garage; and
- ensuring that the above listed roller door has a minimum street boundary setback of 5.5 metres

*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) To refuse development plan consent, with respect to a merit application, other than where:
- requested information has not been provided within legislative time frames.
  - no representations have been received as a result of category 2 or 3 public notification.

#### PUBLIC NOTIFICATION

The application is a Category 1 form of development pursuant to Section 38 and Schedule 9 of the *Development Act 1993* and Regulations 2008 and the Procedural Matters of the Residential Zone and therefore no public notification was undertaken.

#### SITE AND LOCALITY

The site is an irregular shaped allotment of 600 sqm and currently features a single-storey detached dwelling with double garage under main roof. The site is quite flat with a 29.3m frontage to Centenary Avenue. The proposed garage is intended to run parallel to the existing garage and therefore the primary street setback will start at 5.7m but will reduce to 1.5m.

The locality is the result of a residential subdivision creating 57 allotments in 2008. Not all stages of the development have been completed with detached dwellings being approved (if not yet constructed) on the existing titled sites. A number of the allotments also feature domestic outbuildings but none sited as close to the primary street frontage as proposed in this application.

The site is located within the Residential Zone, as shown in *Figure 1*.

An aerial view of the locality and site are shown in *Figure 2* and *Figure 3*.

Site photos are provided in *Figure 4* to *Figure 6*.

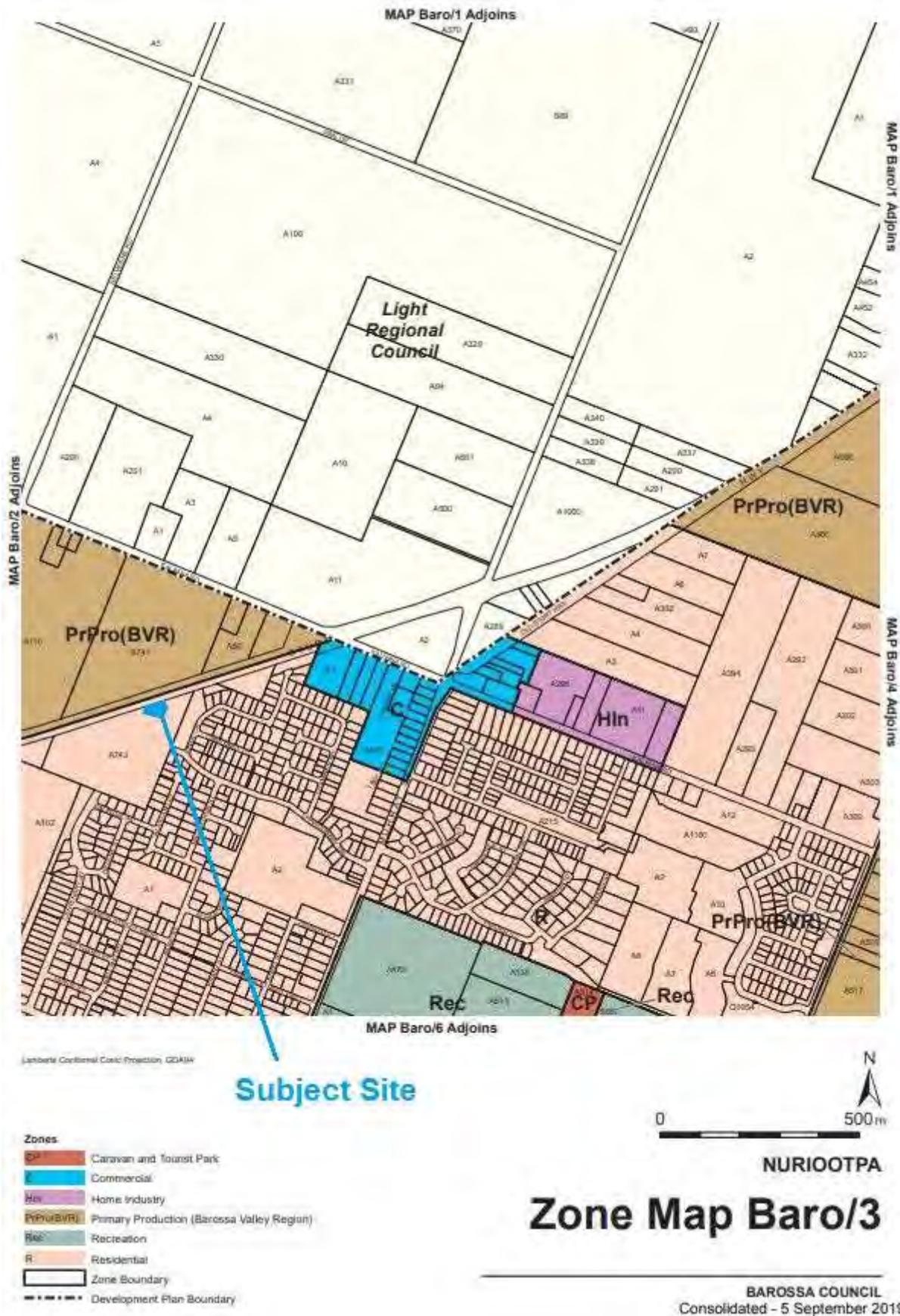


Figure 1: Zone Map



Figure 2: Aerial – Locality



Figure 3: Aerial – Site



Figure 4: Site Photo - Standing on Centenary Avenue, outbuilding - garage is intended to extend three bays to the right of the existing garage



Figure 5: Site Photo - Standing to the north of the site looking south along Centenary Avenue, demonstrating the reduced setback to the north of the dwelling (ie not the minimum primary street setback required for a garage)



Figure 6: Site Photo - Standing on northern property boundary corner looking back towards house across proposed shed location

#### REFERRALS

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

#### ASSESSMENT

##### Quantitative Criteria

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

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
STREET SETBACK Zone PDC 8	No closer than any building on the site, or adjacent site. (6.5 metres at the closest point)	1.6 metres  Complies with standard: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Partial
SIDE/REAR SETBACKS Zone PDC 8	1.0m	2.2 metres at closest point  On-site measurement shows distance between existing garage and side boundary fence = 9.8 metres, therefore 2.2 metres is not achievable.

		Complies with standard: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Partial
PRIVATE OPEN SPACE  General Section; Residential Development PDC 23	20% or 120 sqm	31% or 186 sqm  Complies with standard: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Partial
OUTBUILDINGS  Zone PDC 8	max height 3.0 metres (from natural ground level)  max area of 100 sqm	3.2 metres  45.4 sqm  Complies with standard: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Partial Refer to qualitative discussion

#### Qualitative Criteria

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

#### *Overlay Section*

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

#### *General Section*

Design and Appearance Building Setbacks from Road Boundaries Objectives 1 and 2 PDCs 1, 2, 3, 4, 7 and 17

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

PDC 1 The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.

PDC 2 Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walling facing areas exposed to public view.

PDC 3 Buildings should be designed to reduce their visual bulk and provide visual interest through design elements such as:

- (a) articulation
- (b) colour and detailing
- (c) small vertical and horizontal components
- (d) design and placing of windows
- (e) variations to facades

PDC 17 The setback of buildings from public roads should:

- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality.
- (b) contribute positively to the streetscape character of the locality.
- (c) not result in or contribute to a detrimental impact upon the function, appearance or character of the locality.

The existing dwelling on the site is well articulated, with a complementary colour pallet and wall heights of less than 2.4 metres. At its closest point the dwelling is sited 6.5 metres from the primary street boundary.

The proposed outbuilding is 7.5 metres wide with a 3.0 metre wall height. The street frontage, whilst including two roller doors will not be articulated, will be of a single colour, will have wall height notably exceeding those of the associated dwelling and will be sited as close as 1.5 metres from the primary street boundary.

All other relevant Objectives and PDCs are deemed to comply.

Residential  
Development  
Garages, Carports and  
Outbuildings  
Street and Boundary  
Setbacks  
Site Coverage  
Private Open Space  
Site Facilities and  
Storage  
Car Parking and Access

Objectives 1

PDCs 12, 13, 15, 19, 20, 23, 34, 35 and 36

PDC 12 Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complement the associated dwelling.

PDC 13 Garages and carports facing the street should not dominate the streetscape.

PDC 15 Garages and carports facing the street should:

- (a) be of a maximum opening width of 6 metres or 50 per cent of the frontage width, whichever is less

PDC 19 Carports and garages should be set back from road and building frontages so as to:

- (a) contribute to the desired character of the area
- (b) not adversely impact on the safety of road users
- (c) provide safe entry and exit
- (d) not dominate the appearance of dwellings from the street.

PDC 20 Site coverage should be limited to ensure sufficient space is provided for:

- (f) front, side and rear boundary setbacks that contribute to the desired character of the area.

The existing dwelling has a 5.11 metre wide roller door. When combined with the proposed two roller doors in the garage this will result in 10.0 metres of roller door to the street frontage, exceeding the maximum by 50%. The proposal will effectively result in a four car wide driveway.

As previously detailed in the Design and Appearance module, the proposal does not meet setback and visual appearance criteria for the locality.

All other relevant Objectives and PDCs are deemed to comply.

#### Siting and Visibility

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

PDC 4 Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:

- (a) the profile of buildings should be low and the rooflines should complement the natural form of the land.
- (b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land.
- (c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.

PDC 9 Development should be screened through the establishment of landscaping using locally indigenous plant species:

- (b) along allotment boundaries to provide permanent screening of buildings and structures when viewed from adjoining properties and public roads.

- (c) along the verges of new roads and access tracks to provide screening and minimise erosion.

As previously discussed the design and the siting of the building will result in a negative streetscape impact which cannot be ameliorated through landscaping between the outbuilding and the street frontage due to the insufficient street setback and the proposed driveway access.

All other relevant Objectives and PDCs are deemed to comply.

Transportation and  
Access  
Movement Systems  
Access  
Vehicle Parking

Objectives 2  
PDCs 10, 23, 31. 32 and 33

PDC 33 Vehicle parking areas should be sited and designed in a manner that will:

- (f) minimise the number of vehicle access points to public roads.

As previously discussed the proposed development will result in quadruple vehicle access points to a single-detached dwelling.

All other relevant Objectives and PDCs are deemed to comply.

## Zone Section

### Desired Character

*The zone comprises residential areas within three townships located within the Barossa region - Angaston, Nuriootpa and Tanunda. The residential areas of the townships have developed over a number of periods and this is reflected in the variety in housing ages and character. ....*

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

*It is envisaged that new dwellings and outbuildings will be complementary to the spaces around buildings found in the locality, particularly in regard to front, side and rear setbacks and extent of site covered. Buildings comprising second storeys will be provided with larger side and rear setbacks than single storey buildings. ....*

Desired Character It is considered that the proposal does not meet the following aspect of the Desired Character Statement:

It is envisaged that new dwellings and outbuildings will be complementary to the spaces around buildings found in the locality.

Land Use PDCs 1, 2 and 5

All relevant PDCs are deemed to comply.

Form and Character PDCs 6 and 8

PDC 6 Development should not be undertaken unless it is consistent with the desired character for the zone.

PDC 8 Sheds, garages and similar outbuildings should be designed located within the following parameters:

Parameter	Value
Maximum Floor Area	100 sqm
Maximum wall height (from natural ground level)	3.0 metres
Minimum Setback from side and rear boundaries	1 metre for wall heights over 2.7 metres
Minimum setback from a public road or public open space area	No closer than any building on the site, or adjacent site.

As previously detailed the proposal does not meet the relevant aspect of the Desired Character statement and does not meet the minimum setback requirement from a public road.

All other relevant PDCs are deemed to comply.

## CONCLUSION

Not seriously at variance

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

Development Plan Consent should be 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. 960/635/2019 by Apex Home Improvements to undertake Construction of a domestic outbuilding - garage (measuring 7.5 m x 6.05 m x 3.0 m wall height) at 77 Centenary Avenue, NURIOTPA for the following reasons:

The proposed development is contrary to:

- General Section Objectives  
Design and Appearance Module –1
- General Section Principles of Development Control  
Design and Appearance Module –1, 2, 3 and 17  
Residential Development Module – 12, 13, 15, 19 and 20(f)  
Siting and Visibility Module – 4  
Transport and Access Module – 33(f)
- Residential Zone Objective 1
- Residential Zone Principles of Development Control 6 and 8

Reason: The outbuilding is expected to have an unacceptable impact upon the amenity and safety of the locality due to its size, its street setback, the dominance of the total number of roller doors and the total number of vehicle access points for the site.

## 6.4 Attachment 1

# DEVELOPMENT APPLICATION FORM



607 Marion Road SOUTH PLYMPTON SA 5038  
 Phone: 08 8374 2211  
 Email: pbs@pbsaust.com.au  
 www.pbsaust.com.au

PBSA Ref # 53518

FOR BUILDING RULES CONSENT BY PBS AUSTRALIA  
 DEVELOPMENT PLAN CONSENT BY COUNCIL/PRIVATE CERTIFIER

COUNCIL: Barossa

COUNCIL DA #: (if applicable)

**DEVELOPMENT PLAN CONSENT 'APPLICANT'**  
 NAME: Apex Home Improvements  
 POSTAL ADDRESS: C/- 607 Marion Road SOUTH PLYMPTON SA 5038  
 TELEPHONE: 8297 9577 Mob: 0408 707 789 Email: pbs@pbsaust.com.au

**BUILDING RULES CONSENT 'APPLICANT'**  
 NAME: Apex Home Improvements  
 POSTAL ADDRESS: 40 Raglan Ave Edwardstown SA 5039  
 TELEPHONE: Mob: Email:

**OWNER**  
 NAME: Chris Maskell  
 POSTAL ADDRESS: 10 A South Australia Ave Nth Haven 5018  
 TELEPHONE: Mob: 0498 79 184 Email:

**EXTERNAL CLADDING (IF APPLICABLE)** Is a designated building product being used? (PTO for clarification):  Yes / No

**BUILDER (IF KNOWN)** Has a Building Work Contract between the owner and builder been entered into?: Yes/No  
 NAME: Apex Home Improvements  
 POSTAL ADDRESS: 40 Raglan Ave Edwardstown SA 5039  
 TELEPHONE: 8297 9577 Mob: Email:

**CONTACT PERSON FOR FURTHER INFORMATION**  
 NAME: Matthew Farrell Home/Work Ph: Ph: 8297 9577 Fax: Email: mfarrell@apexhi.com.au

**LOCATION OF PROPOSED DEVELOPMENT**  
 House No: Lot No: 22 Street: Centenary Ave  
 Suburb: Nuriootpa

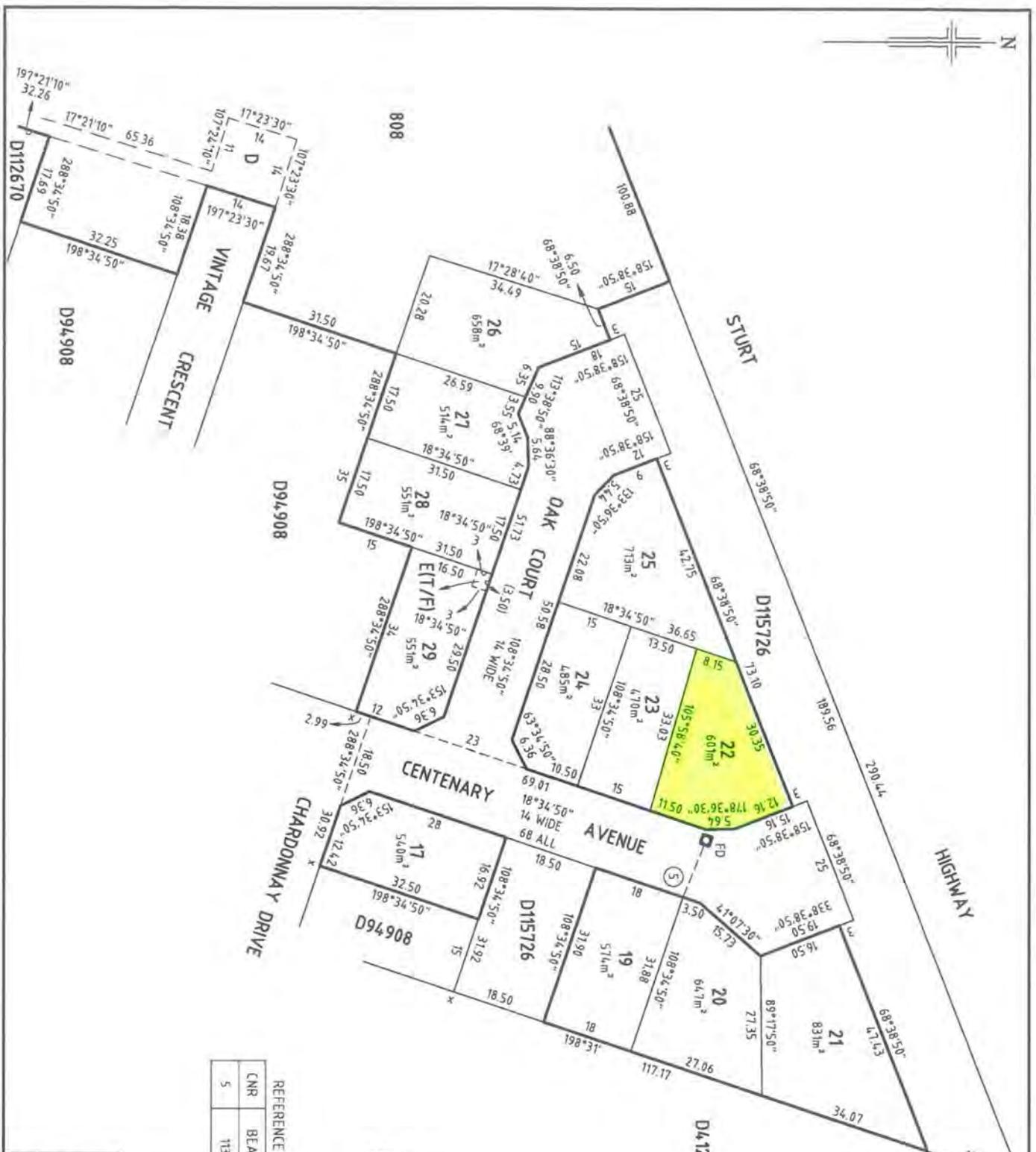
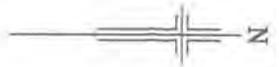
**DESCRIPTION OF PROPOSED DEVELOPMENT:**  
 (ie: two storey dwelling with carport, addition to dwelling, factory, demolition of...)  
**Note:** This development may be undertaken in stages as provided in Section 39 of the Development Act  
 DEVELOPMENT COST (estimated): \$ 19,000 (if over \$40,000 x 0.25% = CITB levy amount)  
 I hereby declare that the proposed development, subject of this application is consistent with the Development Plan Consent application documents and any conditions attached there to. I further hereby declare that this development may be undertaken in stages as provided for in Subsection 39 (8) of the Development Act.

**I, THE APPLICANT/OWNER/BUILDER, CAN CONFIRM THAT...**

- A copy of the Planning Consent from Council is: Enclosed / going to be supplied when issued / not applicable
- A copy of the Stamped Plans from Council are: Enclosed / going to be supplied when issued
- The Council 'staged' Development Approval fee: Has been paid upon lodgement to the council / is to be paid by PBS
- The Construction Industry Training Board Levy: Has been paid and a receipt is supplied / is to be paid by PBS / is N/A
- Does the Application Involve Tree Damaging Activity To A Significant Tree? Yes / No
- Has an Energy Efficiency Report (if applicable) been supplied? Yes / No / still to come / PBS to do / DTS
- Have Truss Calcs been supplied Yes / No / still to come / NA
- Outstanding Documents / details still to come are:

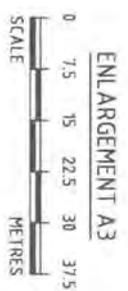
Signed: Chad Watson  
 (OWNER / APPLICANT / BUILDER)

Date: 5/9/19 PTO



REFERENCE MARKS

CNR	BEARING	FROM	DIST	PM NO
5	113°17'	PM FD	11.89	6629/8029



**Alexander & Symonds Pty. Ltd.**  
 11 KING WILLIAM STREET, KENT TOWN  
 P.O. BOX 1000 KENT TOWN 5071  
 Tel (08) 8130 1666 Fax (08) 8362 0099 A.B.N. 93 007 753 988  
 REFERENCE A043TRIL103A(A) VINTAGE ESTATE  
 HW 23/07/2018 STAGE 3A

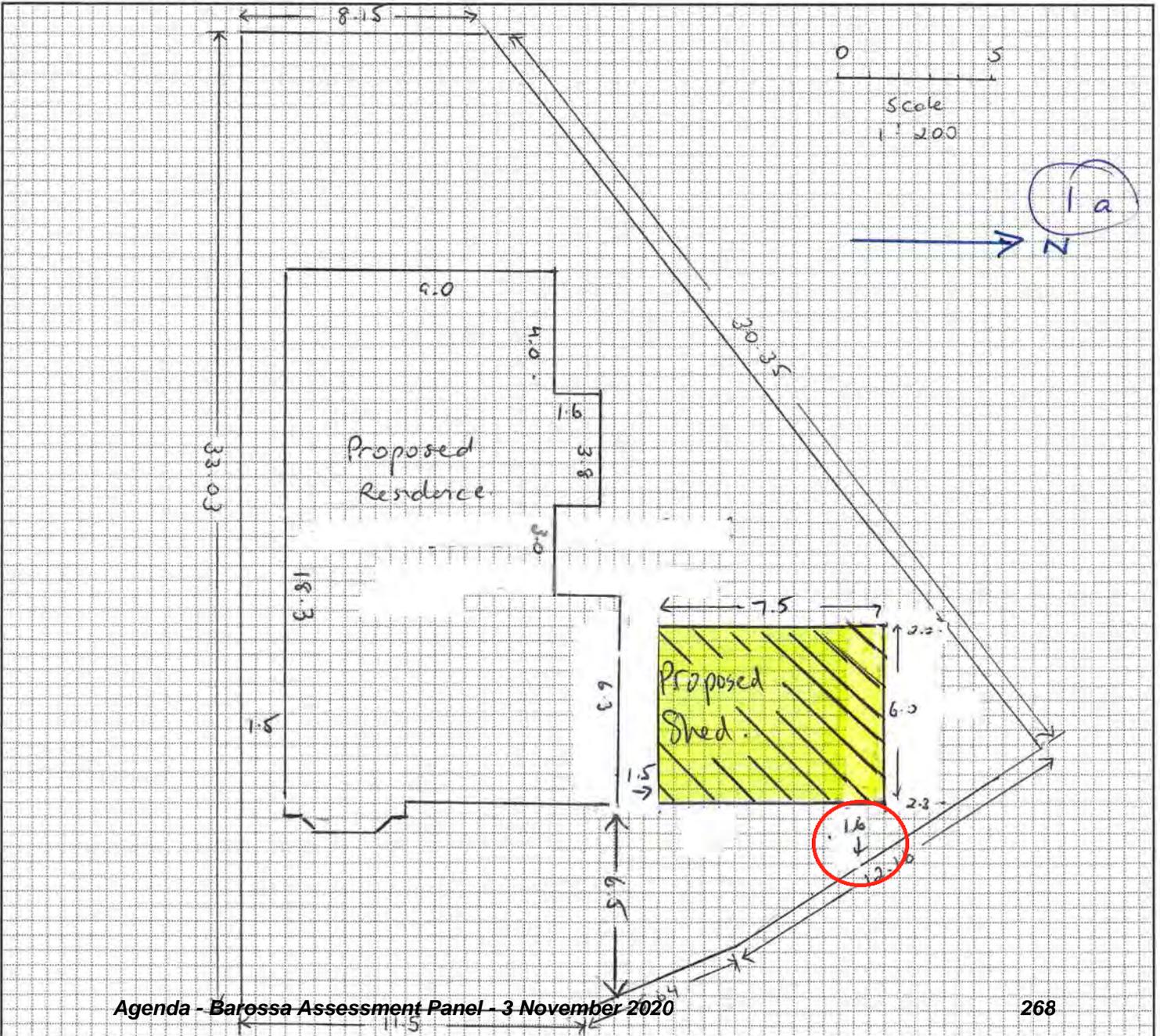
**D119340**  
 SHEET 3 OF 3  
 63986\_pland\_2\_V02\_Version\_4

ADDENDUM TO CONTRACT 2012.  
 CUSTOMER Mr/Mrs/Miss/Ms Chris Maskell  
 POSTAL ADDRESS 10A South Australia One One,  
North Haven S.A PIC 5018.  
 SITE ADDRESS Lot 22, Centenary Ave.  
Nuriootpa S.A. PIC 5355  
 CITY COUNCIL OF Barossa.  
 EMAIL ADDRESS cwmaskell@gmail.com.

DATE 2/9/19.  
 PHONE (H) \_\_\_\_\_  
 FAX \_\_\_\_\_  
 PHONE (W) \_\_\_\_\_  
 PHONE (M) 0448879184.  
 SALES PERSON Matthew.  
JE 101540

**CARPORT & VERANDA SPECIFICATIONS**

DECKING: ZINC	<input type="checkbox"/>	COLOUR	<input type="checkbox"/>	HI-RIB	<input type="checkbox"/>	KLIP DECK 0.53	<input type="checkbox"/>	FLATDECK	<input type="checkbox"/>	CORRO .47	<input type="checkbox"/>	F/GLASS OZ	<input type="checkbox"/>	POLYCARBONATE	<input type="checkbox"/>	OTHER	<input type="checkbox"/>	
FRAME: GALV	<input type="checkbox"/>	POWDERCOATED	<input type="checkbox"/>	BEAM 1	<input type="checkbox"/>	150 LC15	<input type="checkbox"/>	150 LC19	<input type="checkbox"/>	150 LC24	<input type="checkbox"/>	200LC15	<input type="checkbox"/>	200LC19	<input type="checkbox"/>	200LC24	OTHER	<input type="checkbox"/>
ENCLOSED BEAM	<input type="checkbox"/>		<input type="checkbox"/>	BEAM 2/3	<input type="checkbox"/>	150 LC15	<input type="checkbox"/>	150 LC19	<input type="checkbox"/>	150 LC24	<input type="checkbox"/>	200LC15	<input type="checkbox"/>	200LC19	<input type="checkbox"/>	200LC24	OTHER	<input type="checkbox"/>

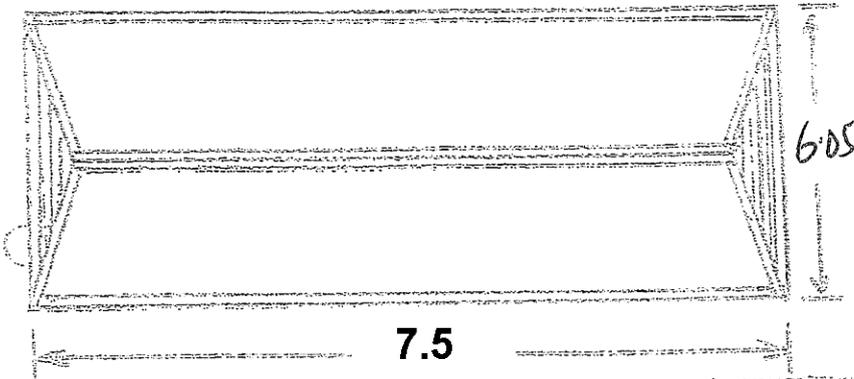




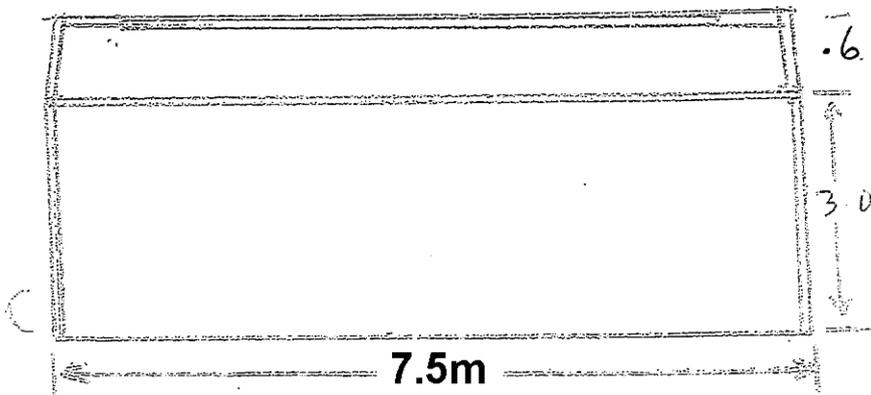
40 Raglan Avenue  
 Edwardstown SA 5039  
 Phone 08 8297 9377  
 Fax 08 8293 8056  
 Web: [www.apexhomeimprovements.com.au](http://www.apexhomeimprovements.com.au)

ABN: 74 933 395 619  
 ACN: 152 804 469  
 BLD: 56686

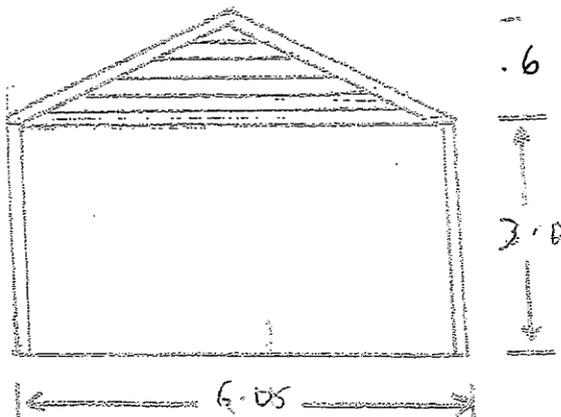
TOP VIEW



SIDE VIEW



FRONT VIEW



SPECIFICATIONS

Name: Chris Maskell  
 Address: Lot 22 Centenary Ave  
 Nuriootpa  
 Phone No. 044 88 791 84  
 Garage Size: 7.5m x 6.05m x 3.0m  
 Wind Code: 2  
 Frame: 150L 1.5  
 Rafts: 75L 1.0  
 Roofing: Corro 42 c/Band  
 Walling: Lo Rib 32 c/Band  
 Doors: 4 x Side Roller Doors  
 Footings: 700 x 450 mm  
 Concrete: —  
 s/water: by owner  
 Pitch: 12°  
 Council: Barossa  
 Column Spacings: 3m  
 Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# APEX HOME IMPROVEMENTS

40 Raglan Avenue  
Edwardstown SA 5039  
PHONE: 08 8297 9577 Fax: 08 8293 8056  
WEBSITE: [www.apexhomeimprovements.com.au](http://www.apexhomeimprovements.com.au)  
Basic Steel Pty Ltd.



CLIENT: Chris Maxwell

SITE: Lot 22, Century Ave  
Nuriootpa

PROPOSED: Shed

## SPECIFICATIONS:

SIZE: 7.5m x 6.05m x 3.0m high

ATTACHED/FREESTANDING: \_\_\_\_\_

STYLE: C-Section

ROOFING: .42 roofing grade - Durostone

FRAME WORK: 150 UC15

FRAME WORK: 75 UC10

COLUMNS: 150 UC15

FOOTINGS: 700 Deep x 450 Dia

PITCH: 12°

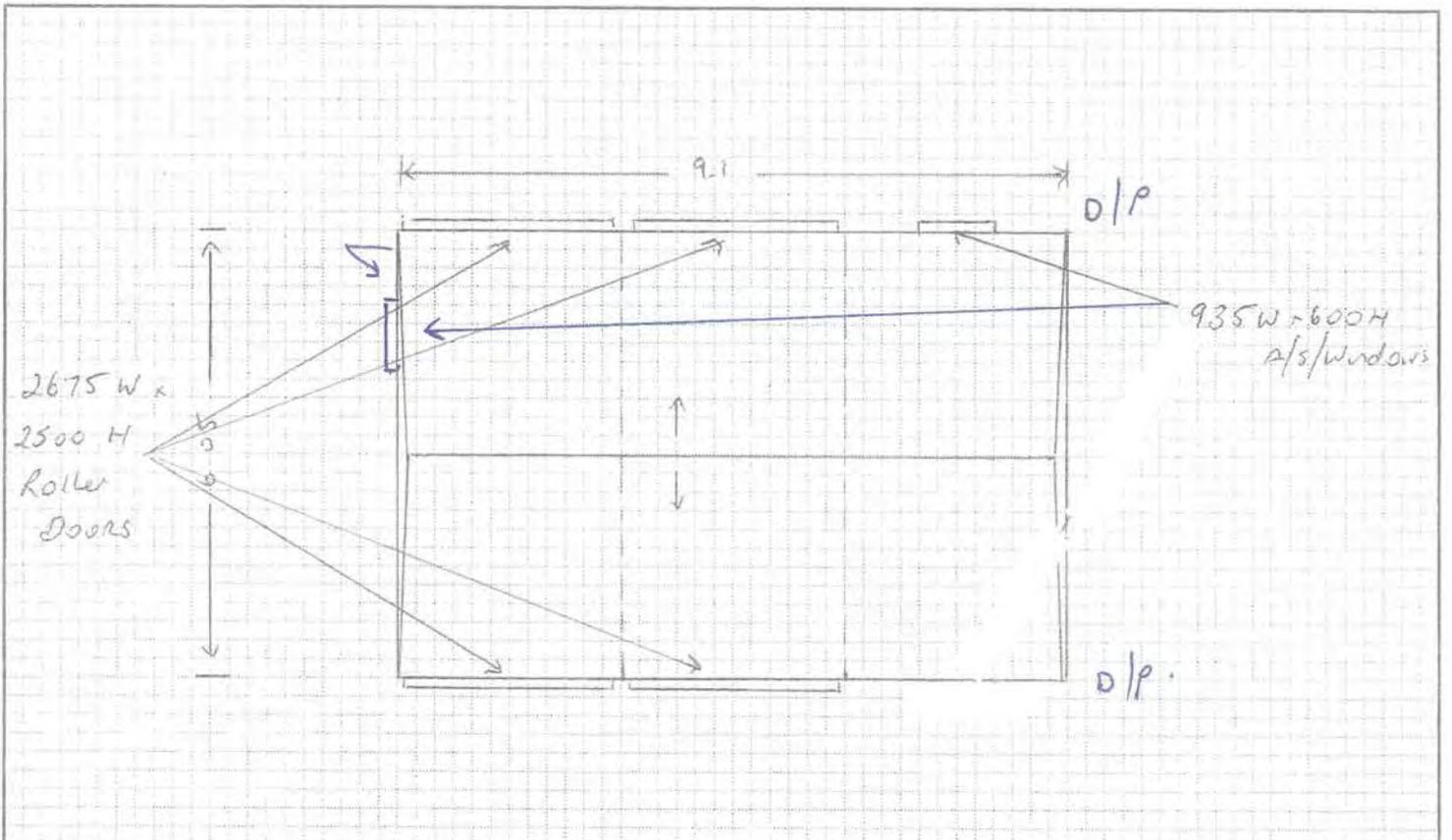
DOWNPIPES: Connected to Stormwater by owner

ADDENDUM TO CONTRACT 2012  
 CUSTOMER Mr/Mrs/Miss/Ms Chris Maskell  
 POSTAL ADDRESS 10A South Australia One Dve,  
North Haven S.A. P/C 5018  
 SITE ADDRESS Lot 22, Centenary Ave,  
Nuriootpa S.A. P/C 5355  
 CITY COUNCIL OF Barossa.  
 EMAIL ADDRESS cwmaskell@gmail.com.

DATE 2/9/19.  
 PHONE (H) \_\_\_\_\_  
 FAX \_\_\_\_\_  
 PHONE (W) \_\_\_\_\_  
 PHONE (M) 0448879184  
 SALES PERSON Matthew  
JE 101540.

**CARPORT & VERANDAH SPECIFICATIONS**

DECKING: ZINC <input type="checkbox"/>	COLOUR <input type="checkbox"/>	HI-RIB <input type="checkbox"/>	KLIP DECK 0.53 <input type="checkbox"/>	FLATDECK <input type="checkbox"/>	CORRO .47 <input type="checkbox"/>	F/GLASS OZ <input type="checkbox"/>	POLYCARBONATE <input type="checkbox"/>	OTHER <input type="checkbox"/>	_____	
FRAME: GALV <input type="checkbox"/>	POWDERCOATED <input type="checkbox"/>	BEAM 1 <input type="checkbox"/>	150 LC15 <input type="checkbox"/>	150 LC19 <input type="checkbox"/>	150 LC24 <input type="checkbox"/>	200LC15 <input type="checkbox"/>	200LC19 <input type="checkbox"/>	200LC24 <input type="checkbox"/>	OTHER <input type="checkbox"/>	_____
ENCLOSED BEAM <input type="checkbox"/>		BEAM 2/3 <input type="checkbox"/>	150 LC15 <input type="checkbox"/>	150 LC19 <input type="checkbox"/>	150 LC24 <input type="checkbox"/>	200LC15 <input type="checkbox"/>	200LC19 <input type="checkbox"/>	200LC24 <input type="checkbox"/>	OTHER <input type="checkbox"/>	_____



- \* Please check location of roller doors + windows
- \* Please mark in where Access door goes
- \* Please nominate which end for downpipes

**SUPERSEDED**

**28 May 2020**

2

ADDENDUM TO CONTRACT 2012

CUSTOMER Mr/Mrs/Miss/Ms Chris Maskell. DATE 11/9/19

POSTAL ADDRESS 10A South Australia One Dr. PHONE (H) \_\_\_\_\_  
N-L Havel S.A PIC 5018 FAX \_\_\_\_\_

SITE ADDRESS Lot 22, Centenary Ave. PHONE (W) \_\_\_\_\_  
Nuriootpa S.A. PIC U5355 PHONE (M) 0448879184

CITY COUNCIL OF Barossa SALES PERSON Matt Ken

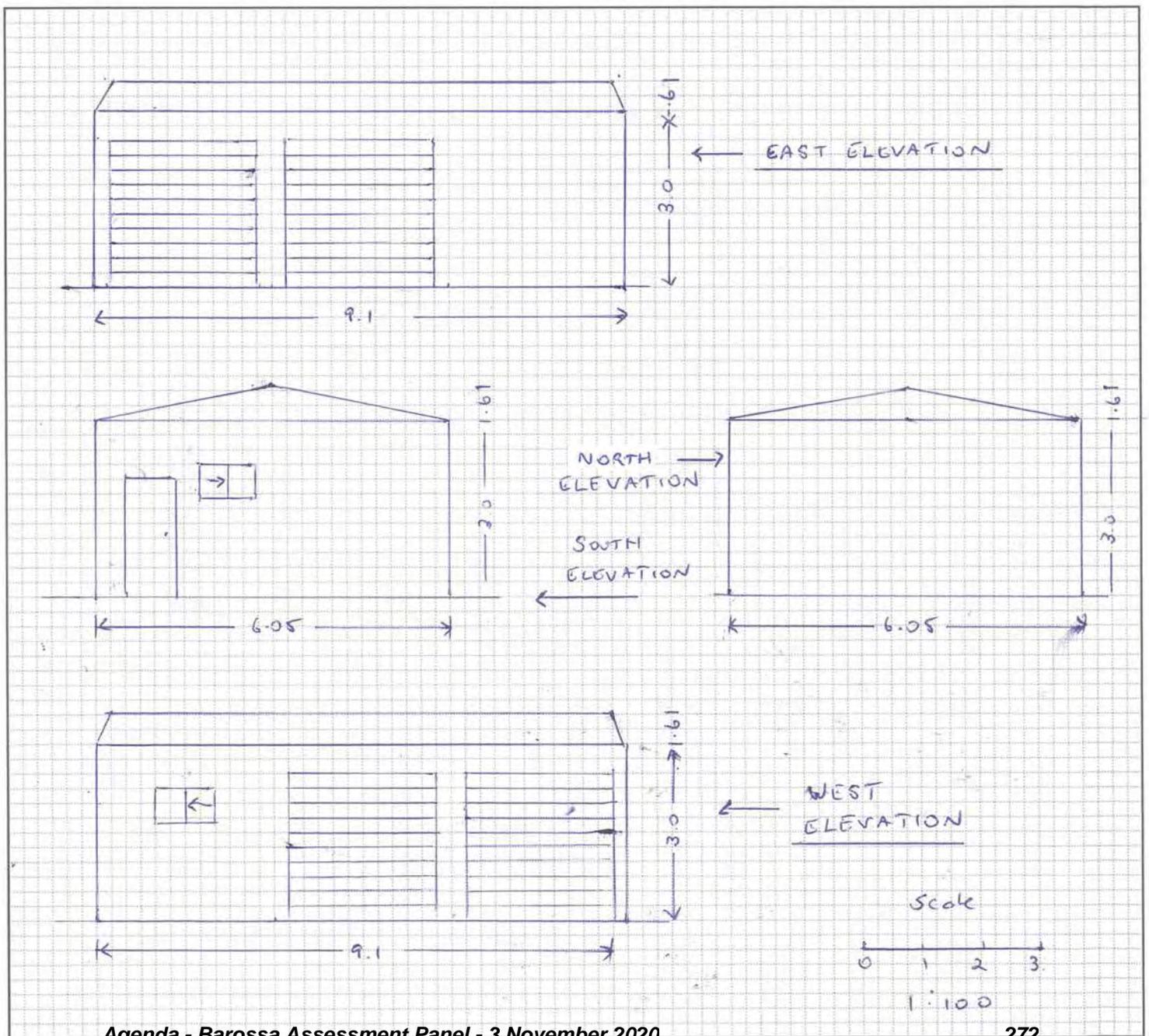
EMAIL ADDRESS cwmaskell@gmail.com

**CARPORT & VERANDAH SPECIFICATIONS**

DECKING: ZINC  COLOUR  HI-RIB  KLIP DECK 0.53  FLATDECK  CORRO .47  F/GLASS OZ  POLYCARBONATE  OTHER

FRAME: GALV  POWDERCOATED  BEAM 1  150 LC15  150 LC19  150 LC24  200LC15  200LC19  200LC24  OTHER

ENCLOSED BEAM  BEAM 2/3  150 LC15  150 LC19  150 LC24  200LC15  200LC19  200LC24  OTHER





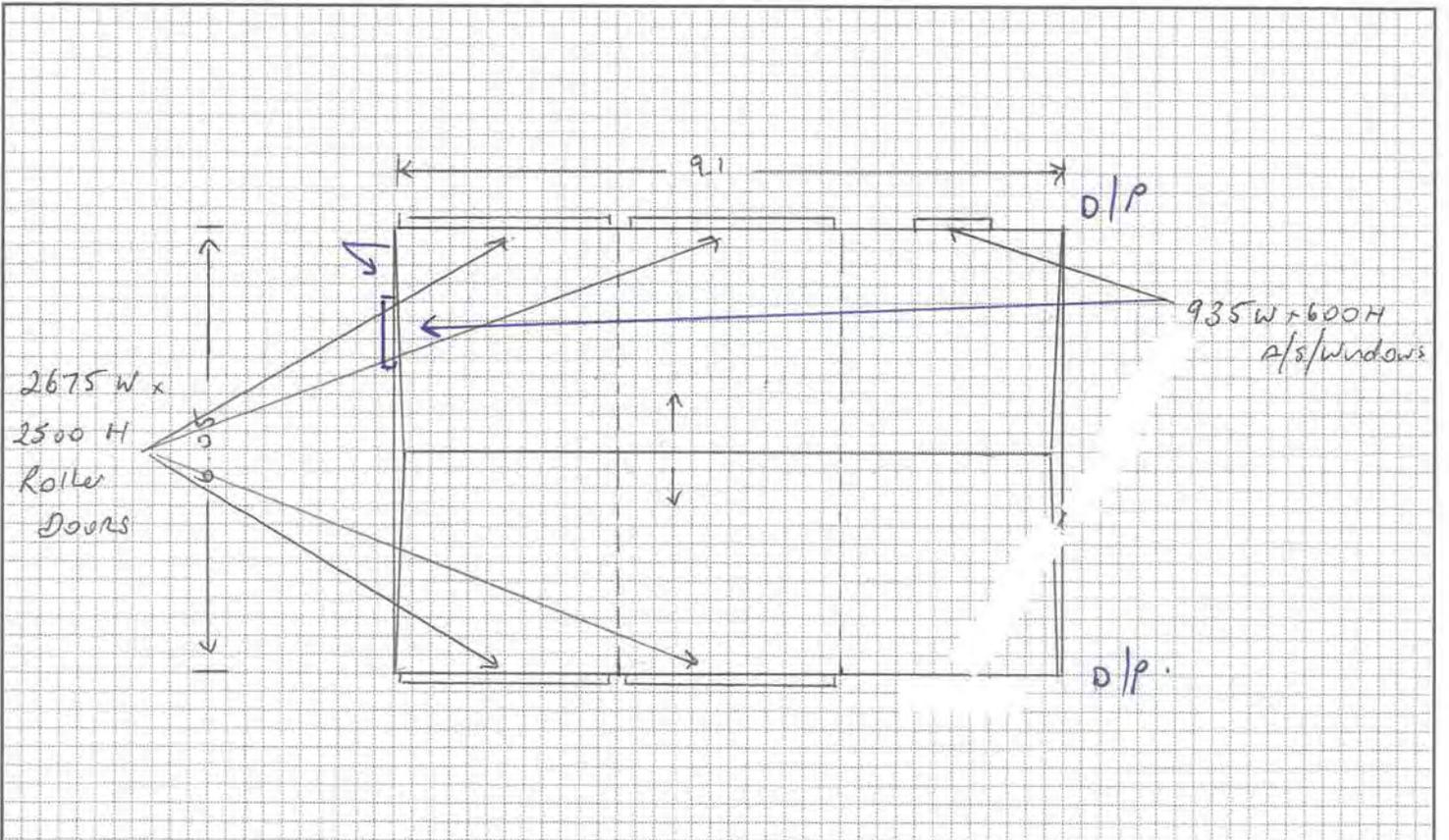
**SUPERSEDED**  
**28**  
**May**  
**2020**

ADDENDUM TO CONTRACT 2012  
 CUSTOMER Mr/Mrs/Miss/Ms Chris Maskell  
 POSTAL ADDRESS 10A South Australia One Dve,  
North Haven S.A. P/C 5018  
 SITE ADDRESS Lot 22, Centenary Ave,  
Nuriootpa S.A. P/C 5355  
 CITY COUNCIL OF Barossa  
 EMAIL ADDRESS cwmaskell@gmail.com

DATE 2/9/19  
 PHONE (H) \_\_\_\_\_  
 FAX \_\_\_\_\_  
 PHONE (W) \_\_\_\_\_  
 PHONE (M) 0448879184  
 SALES PERSON Matthew  
JE 101540

**CARPORT & VERANDAH SPECIFICATIONS**

DECKING: ZINC	<input type="checkbox"/>	COLOUR	<input type="checkbox"/>	HI-RIB	<input type="checkbox"/>	KLIP DECK 0.53	<input type="checkbox"/>	FLATDECK	<input type="checkbox"/>	CORRO .47	<input type="checkbox"/>	F/GLASS OZ	<input type="checkbox"/>	POLYCARBONATE	<input type="checkbox"/>	OTHER	<input type="checkbox"/>	
FRAME: GALV	<input type="checkbox"/>	POWDERCOATED	<input type="checkbox"/>	BEAM 1	<input type="checkbox"/>	150 LC15	<input type="checkbox"/>	150 LC19	<input type="checkbox"/>	150 LC24	<input type="checkbox"/>	200LC15	<input type="checkbox"/>	200LC19	<input type="checkbox"/>	200LC24	OTHER	<input type="checkbox"/>
ENCLOSED BEAM	<input type="checkbox"/>		<input type="checkbox"/>	BEAM 2/3	<input type="checkbox"/>	150 LC15	<input type="checkbox"/>	150 LC19	<input type="checkbox"/>	150 LC24	<input type="checkbox"/>	200LC15	<input type="checkbox"/>	200LC19	<input type="checkbox"/>	200LC24	OTHER	<input type="checkbox"/>



- \* Please check location of Roller doors + windows
- \* Please mark in where Access door goes
- \* Please nominate which end for downpipes

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

Nil.

8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

Nil.

## 9. REPORTS – PANEL UPDATES

### 9.1 STATE PLANNING COMMISSION CONCURRENCE APPLICATIONS

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

DA NUMBER	APPLICANT	ADDRESS	NATURE OF DEVELOPMENT	DAC DECISION
960/513/2019	WS & KA Rohrlach	25 North Street Angaston	Community Title Land Division – Create five additional allotments	Concurrence granted 30/9/2020 (4/8/2020 panel meeting)
960/206/2020	JD Lewis	19D Goldfields Road Cockatoo Valley	Torrens Title Land Division – Create one additional allotment	Awaiting Concurrence (6/10/2020 panel meeting)

#### RECOMMENDATION

That the report be received.

10. REPORTS – OTHER BUSINESS

10.1 PLANNING REFORM UPDATES

Nil.

## 10.2 BAROSSA ASSESSMENT PANEL MEETING SCHEDULE FOR 2021

The first Barossa Assessment Panel meeting will be held on Tuesday 2 February 2021, with the possibility of a special meeting in late January 2021, which will be advised to the Panel Members if necessary.

Thereafter, Panel meetings will be held on the first Tuesday of each month (subject to Panel concurrence).

The following schedule of meeting dates is provided for confirmation.

2 February 2021  
2 March 2021  
6 April 2021  
4 May 2021  
1 June 2021  
6 July 2021  
3 August 2021  
7 September 2021  
5 October 2021  
2 November 2021  
7 December 2021

### RECOMMENDATION

That the Barossa Assessment Panel agree to continue to meet on the first Tuesday of each month at The Barossa Council Chambers commencing at 5.00pm.

11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 1 December 2020 commencing at 5.00 pm.

13. CLOSURE OF MEETING