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

Tuesday, 2 March 2021, commencing at 5:00 pm

Louis Monteduro
Assessment Manager

AGENDA

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

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

2. ATTENDANCE

2.1 Present

2.2 Apologies

Rob Veitch

2.3 Absent

3. CONFIRMATION OF MINUTES

**Recommendation**

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

MINUTES OF THE THIRTY SECOND MEETING OF THE BAROSSA ASSESSMENT PANEL held on

Tuesday, 2 February commencing at 5:00pm

in the Council Chambers, 43-51 Tanunda Road, Nuriootpa
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1. WELCOME

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

2. ATTENDANCE

2.1 Present

Panel Members
Bruce Ballantyne  Presiding Member
Rob Veitch  Member
Grant Hewitt  Member
Jane Evans  Member
Richard Miller  Member

Council Staff
Gary Mavrinac  Director, Development and Environmental Services
Janine Lennon  Senior Assessment Officer, Planning
Rugiyya Martin  Governance Advisor
Chris Kruger  Minute Secretary

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: G Hewitt  Seconded: R Miller

That the minutes of the Barossa Assessment Panel meeting held on 1 December 2020 be received and confirmed.

CARRIED

4. BUSINESS ARISING

Nil.
5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

Nil.

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/704/2020 (30 Tanunda Road Nuriootpa)

Recommendation

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

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

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

(c) To GRANT Development Plan Consent for Application No. 960/704/2020 by Tarac Properties Pty Ltd to undertake Change of use of Tenancy from Office to Consulting Rooms (Non-Complying) at 30 Tanunda Road, NURIOOTPA (CT-6190/859) subject to the following conditions and advisory notes:

   Council Conditions

(1) The development shall be undertaken in accordance with the endorsed and listed plans and documentation (as amended) accompanying Application No. 960/704/2020 except where varied by any condition(s) listed below:

   • Statement of Effect, prepared by Stimson Consulting, dated 1 December 2020;
   • Chateau GF4 tenancy plan, dated 10 November 2020

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

Panel Decision

Moved: R Miller Seconded: R Veitch

That the recommendation be adopted.

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

   Nil.

8. **REPORTS – DEFERRED APPLICATIONS FOR DECISION**

8.1 **Updates on Deferred applications for decision**

   **Recommendation**
   
   That the report be received.

   **Panel Decision**
   
   Moved: G Hewitt  
   Seconded: R Miller  
   That the recommendation be adopted.
   
   CARRIED

9. **REPORTS – PANEL UPDATES**

9.1 **State Planning Commission Concurrence Matters**

   **Recommendation**
   
   That the report be received.

   **Panel Decision**
   
   Moved: R Veitch  
   Seconded: G Hewitt  
   That the recommendation be adopted.
   
   CARRIED

9.2 **Environment Resources and Development Court Appeal Updates**

   **Recommendation**
   
   That the report be received.

   **Panel Decision**
   
   Moved: G Hewitt  
   Seconded: R Miller  
   That the recommendation be adopted.
   
   CARRIED
10. REPORTS - OTHER BUSINESS

10.1 Planning Reform Updates

G Mavrinac advised that the Minister has confirmed the 'go live' date of 19 March 2021 for Phase Three councils. Council is working towards business readiness by 19 February 2021, with work nearing completion on checklists and minor processes.

The Minister has advised that no further enhancements will be made to the system after the last week in February, to enable to smooth transition on 19 March 2021. Any further enhancements will be made post the ‘go live’ date.

Panel members are encouraged to partake in any accreditation training as it becomes available.

10.2 Accredited Professionals Notification Policy and Accredited Professionals Notification Process

Recommendation

That the Barossa Assessment Panel receive and endorse the Accredited Professionals Notification Policy and Accredited Professionals Notification Process.

Panel Decision

Moved: G Hewitt Seconded: R Miller
That the recommendation be adopted.

CARRIED

10.3 Planning Development and Infrastructure Act Delegations by the Barossa Assessment Panel

Recommendation 1

That the Barossa Assessment Panel:

(1) In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016, the Barossa Assessment Panel hereby delegates to the person occupying or acting in the office of the Assessment Manager the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation, subject to the conditions and/or limitations, if any, specified in the proposed Instrument of Delegation.

(2) Such powers and functions may be further delegated by Assessment Manager in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Assessment Manager
sees fit, unless otherwise indicated in the proposed Instrument of Delegation.

**Panel Decision**

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

**RECOMMENDATION 2**

That the Barossa Assessment Panel:

(1) Act under Section 99(1)(b) of the Planning, Development and Infrastructure Act 2016 (the PDI Act) in relation to all development applications received by it that involve the performance of building work.

(2) Pursuant to Section 99(1)(c) of the Planning, Development and Infrastructure Act 2016, where the Panel has determined to act under Section 99(1)(b) of the Planning, Development and Infrastructure Act 2016, that the Barossa Assessment Panel refers the assessment of the development in respect of the Building Rules to The Barossa Council.

(3) That the Panel note that, prior to publication, the standing referral contained in Instrument C - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016 – Powers of the Barossa Assessment Panel will be updated by officers in accordance with the Panel’s resolution.

**Panel Decision**

Moved: R Miller  
Seconded: G Hewitt  
That the recommendation be adopted.  
**CARRIED**

**RECOMMENDATION 3**

That the Barossa Assessment Panel receive and note the following proposed Instruments of Delegation under the Planning, Development and Infrastructure Act 2016, noting that the powers and functions contained in these instruments are subject to delegation by Council and the Assessment Manager, respectively:


**Panel Decision**

Moved: G Hewitt  
Seconded: R Miller  
That the recommendation be adopted.  
**CARRIED**
11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 2 March 2021 commencing at 5:00pm.

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 5:29pm.

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

6.1 960/459/2020 - Allot 57 William Hawke Road Concordia

**Applicant:** Trevor White of Planning Solutions SA on behalf of Frank Nesci Homes  
**Representors:** Mr Leigh Smith of 144 William Hawke Road Concordia

**APPLICATION DETAILS**

| PROPOSAL | The Construction of a single-storey detached dwelling with alfresco area under main roof; construction of a domestic outbuilding - garage (20m x 10m x 3.5m wall height) and Rainwater tanks with associated site earthworks (Non-Complying) |
| APPLICANT | Frank Nesci Homes |
| OWNER | AS O’Hara and CJ O’Hara |
| APPLICATION NO | 960/459/2020 |
| CERTIFICATE(S) OF TITLE | CT 6182/216 |
| AREA | 61.74 Ha |
| CURRENT USE | Primary Production |
| DEVELOPMENT PLAN VERSION | Consolidated – 5 September 2019 |
| ZONE | Primary Production |
| POLICY/PRECINCT AREA | Precinct 5 Concordia |
| OVERLAYS | Medium Bushfire Risk Area  
Character Preservation District |
| APPLICATION TYPE | Non-Complying |
| CATEGORY OF DEVELOPMENT | Category 3 |
| REFERRALS | Nil |
| PREVIOUS APPLICATIONS | 960/747/2014 – Land Division Creating Two Allotment from One (One additional allotments) |
| ASSESSING OFFICER | Anthony Zollo |
| RECOMMENDATION | That Development Plan Consent be GRANTED |

**BACKGROUND**

The subject site comprises a single allotment created from a land division application (960/747/2014) that received Development Plan Consent and Land Division Consent in July 2015.

Prior to this, a land division application 960/674/2008 sought boundary realignments to a series of existing sites along Concordia Road, Teusner Road and William Hawke Road.

The current application before the panel seeks to construct a single storey detached dwelling with alfresco area under the main roof, the construction of a domestic outbuilding, rainwater tanks and associated earthworks.
Council provided preliminary advice prior to the lodgement of the application and this forms part of the assessment documents, in relation to the applicants highlighted responses in achieving/not achieving the exemptions from non-complying development under the procedural matters within the previously noted Development Plan.

The application has attempted to address a number of design features that exempt it from a non-complying form of development however, not all requirements were achieved.

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

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

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

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

Representations: One representation was received.

Location of the representation within a 60km radius is shown in Figure 1.

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

- Leigh Smith of 144 William Hawke Road Concordia

Applicant/s
Trevor While of Planning Solutions SA on behalf of Frank Nesci Homes (the Applicant) wishes to appear to respond to representations.

Summary of Representations:
The representor raised concerns regarding the following matters:

- While not having an issue with the proposed dwelling, as long as access off William Hawke Road is not permitted
- Permanent driveway would be far from suitable
- Land was purchased with main access from Concordia Road and should remain as approved from council
- Contribution of $2000.00 to a section of William Hawke Road was made to the council in 1995 with agreement of the road being suitable for one household only
- Current condition of roadway is unsafe for additional use
- Junction to Concordia Road will need to be widened with new fencing, stormwater culverts, dust control and tree removal will need to be considered if additional use was granted.

 Applicant Response: The applicant’s response to the representation is summarised below:
• Had the landowners chosen to decrease the window area on the eastern and western aspects of the proposed single storey detached dwelling and not take advantage of the existing panoramic views over the Barossa Valley, then the development proposal would not have been treated as a non-complying form of development and would not have been advertised as category 3 but rather category 1. Which means the adjoining landowners would not have been advised of the development proposal and the discussion of access would not have been raised.

• Allotment 57 has direct access to both William Hawke Road and Concordia Road. It should also be noted that William Hawke Road is a public road under the care and control of the Barossa Council.

• William Hawke Road currently provides direct access to four existing residential properties along the portion of William Hawke Road, located to the north of Concordia Road.

• The surface of William Hawke Road is constructed on locally sourced road material that provides an all-weather surface that is wide enough for local traffic and is maintained by the Barossa Council when required.

• Enquiries with Council’s Engineering staff confirmed that the existing road surface was regarded and reshaped on 3 September 2020.

• However, the most significant aspect is that the section of William Hawke Road, north of Concordia Road is a ‘dead end’ road and as such has a limited volume of traffic movement, where the actual movements are limited to the residential properties and any visitors to those properties.

• Reference to both Kies and Domain Real Estate where both organisations confirm that the ‘subject land’ was advertised as being Lot 57 William Hawke Road and therefore it is not unreasonable for any purchaser to believe that access to the subject land would be gained off William Hawke Road.

• In regards to the purchase of land, this is not an issue that is relevant to the development application for the proposed new single storey detached dwelling and needs to be dealt with under the Road Opening and Closing Act 1991. However, the issue has been discussed with the landowners of Allotment 57 and they have indicated that should such an application for the closure of the lower section of Lot 1 and 2 the applicants would support such and application.

An aerial view showing the representor property is shown in Figure 1 below
A copy of the Representors concerns is contained in Attachment 2.

A copy of the Applicants response can be found in Attachment 3.

SITE AND LOCALITY
The subject site is approximately 61.74 hectares and is located approximately 2.5 km north of the township of Sandy Creek and approximately 3.1 km west of the township of Rosedale. The subject site is bounded by the North Para River to the northern boundary and adjacent to the Light Regional Council along the same boundary.

The site is currently being used for share farming purposes with crops currently on site. The land is void of any structures, with limited stands of native vegetation on the site. The majority of vegetation exists in close proximity to the North Para River and a watercourse to the eastern boundary. Albeit these stands are sparse in their establishment.

The subject land is surrounded by similar sized allotments with varying configurations. Dwellings are a common feature within the locality with the majority of sites having some form of residential use associated with existing primary production (crop and grazing land) or horticultural (vineyards) uses.
The site is located within the Primary Production Zone, as shown in Figure 2.
The site is located within the Precinct Area 5 – Concordia as shown in Figure 3.
The site is located within the Character Preservation District as shown in Figure 4.
The site is located within the Bushfire Risk - Medium as shown in Figure 5.
An aerial view of the locality and site are shown in Figure 6 and Figure 7.
Site Photos are provided in Figure 8 and Figure 9.
Figure 2: Zone Map
Figure 3: Policy Area Map
Figure 4: Overlay – Character Preservation Area – District
Figure 5: Overlay – Bushfire Risk – Medium
Figure 8: Site Photo-looking north from Concordia Road frontage. Subject site in Background.

Figure 9: Site Photo Looking North West from William Hawke Road frontage towards dwelling location.
REFERRALS

Internal
The application was referred to:

Health Service
An application for the installation of an aerobic septic tank system was lodged with council’s Health Services Department and was approved in September 2020.

Works and Engineering Services
William Hawke Road is an existing public road under the care and control of Council.

- The portion of William Hawke Road between McCallum Road and Concordia Road consists of a rural sheeted surface of nominal seven metre width.
- Grading is conducted as required, with last grading undertaken 14 October 2020.
- The portion of William Hawke Road north of Concordia Road consists of a rural sheeted surface of nominal four metre width.
- Grading is conducted as required, with last grading undertaken 3 September 2020.
- William Hawke Road north of Concordia Road does not connect to any adjoining road network (is of a ‘No Through Road’ nature) and provides vehicular access to four properties containing residential dwellings (the proposed new dwelling will make five). We note the new property is proposed to access from this made road section.
- Given the ‘No Through Road’ nature of the road, the low anticipated vehicle numbers, clear line of sight, absence of roadside vegetation and the sheeted material road construction, it is considered that the level of service provided by the road is appropriate and suitable for the proposed additional traffic expected to be generated by the proposed new dwelling.
- All ongoing maintenance of the road and future upgrades, if and when required, is the responsibility of Council.

External
No external referrals are required under Schedule 8 of the Development Regulations 2008
NON-COMPLYING

The application is a non-complying form of development, due to a dwelling being non-complying within the procedural matters of the Primary Production zone of the relevant Development Plan Consolidated - 5 September 2019 unless it can achieve all of the following criteria:

Dwelling

Except where the detached dwelling complies with the following criteria:

- (i) is not located in areas subject to inundation by a 1-in-100 year average return interval flood event
- (ii) is sited at least 25 metres from any watercourse
- (iii) is sited at least 300 metres from an existing winery or 500 metres from an existing intensive animal keeping land use
- (iv) the vertical distance between any point at the top of any external wall and the finished ground level immediately below that point on the wall is less than three metres, other than gable ends of the dwelling where the distance is less than five metres
- (v) there is no floor level directly above another floor level, except where the upper floor level is located wholly at or below finished ground level
- (vi) the depth of excavation and/or filling of land is less than 1.5 metres, except for the purpose of constructing an earth-sheltered dwelling
- (vii) it does not involve the clearance of native vegetation comprising trees and/or shrubs
- (viii) contains a day living area incorporating at least one window that faces between 20° east and 30° west of true north
- (ix) contains doors between living areas and between a living area and other rooms and corridors
- (x) **has a total window area facing east and west not exceeding 50 percent of the total window area of the dwelling**
- (xi) external eaves or awnings of a minimum 450 millimetres in width is provided to west facing windows
- (xii) roof incorporates an area of at least 10 sqm that faces between 30° west and 20° east of true north and has a pitch of greater than 18°
- (xiii) at least 1000 litres of stormwater from the roof is collected, stored and re-used located within the dwelling
- (xiv) is to be connected to an approved waste treatment system satisfying the following criteria:
  - (A) no part of a septic tank effluent drainage field or any other wastewater disposal area (eg. irrigation area) located within 50 metres of a watercourse
  - (B) no part of a septic tank effluent drainage field or any other wastewater disposal area (eg. irrigation area) located in areas subject to inundation by a 1-in-100 year average return interval flood event
  - (C) does not have a wastewater disposal area located on any land with a slope greater than 20 per cent (1-in-5), or a depth to bedrock or seasonable or permanent watertable less than 1.5 metres
  - (D) septic tank or any other wastewater treatment facility located on land likely to be inundated by a 1-in-10 year average return interval flood event.

All but one (highlighted in bold above) of the criteria has been met by the proposal and therefore the application was not exempt from a non-complying assessment.

The applicant has provided a Brief Statement of Support pursuant to Regulation 17 of the Development Regulations 2008, which is included in Attachment 1.
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. When assessed against the relevant provisions of the Development Plan it is considered that the proposed development, on balance, warrants further assessment for Development Plan Consent subject to the additional information being supplied in the form of a Statement of Effect.

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 not required pursuant to the Covid-19 Emergency Response (Further Measures) Amendment Act 2020. Alternatively, should the Panel refuse the application, no appeal rights are afforded to the applicant.

ASSESSMENT

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

<table>
<thead>
<tr>
<th>DEVELOPMENT PLAN PROVISIONS</th>
<th>STANDARD</th>
<th>ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE AREA</td>
<td>32 ha</td>
<td>61.74 ha</td>
</tr>
<tr>
<td>PDC 25 within Precinct 5 Concordia</td>
<td></td>
<td>Complies with standard: Yes No Partial</td>
</tr>
<tr>
<td>NORTH AND SOUTH SETBACKS</td>
<td>Development Plan is Silent</td>
<td>North – 440m approximately South – 850m approximately</td>
</tr>
<tr>
<td>EAST AND WEST SETBACKS</td>
<td>Development Plan is Silent</td>
<td>East – 180m approximately West – 250m approximately</td>
</tr>
<tr>
<td>CARPARKING SPACES</td>
<td>Three spaces with at least one undercover required</td>
<td>Three provided undercover and at least two visitor parks available. Total of five parking spaces.</td>
</tr>
</tbody>
</table>

Attachment 1

Agenda - Barossa Assessment Panel - 2 March 2021
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 intent of this Act is to maintain the character and landscape amenity of the Barossa region.

The proposed development seeks for a single-storey detached dwelling, a domestic outbuilding in the form of a garage, rainwater tanks, with associated earthworks to be constructed within the site.

This dwelling is to be sited near the peak of the subject site. The dwelling is to be of contemporary design, and of a character that is modern when considering the existing, older dwellings within the locality.

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 Concordia Road to the south of the dwellings siting. Even from William Hawke Road which provides access to the site.

From this viewing points, the topography of the land minimises 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.

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 more than 30 metres from this boundary and as such it will be a requirement that the driveway be all-weather access.

An internal access way/driveway is proposed from William Hawke Road, which will be constructed to an all-weather standard, with an internal manoeuvring area in close proximity to the proposed garage and dedicated rainwater tanks.

**General Section**

**Design and Appearance**

Objectives 1

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

The proposed development is contemporary in its design, and therefore different to existing dwellings within the locality.

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

The external materials to the dwelling comprise roof cladding in Colorbond Basalt and walls consisting of a ‘natural limestone block. The garage compliments the dwelling design by replicating the roof colour in Basalt with a shale grey wall colour.

Given this, the external claddings are not considered to be unreasonable and are unlikely to result in an unreasonable amenity impact to the locality.

All other Objectives and PDCs are deemed to comply.
**Energy Efficiency**

**On-site Energy Generation**

Objective 2  
PDCs 1, 2 and 3

The orientation of the proposed dwelling is north-south and the outbuilding is east-west. This provides a reasonable ability to place photo-voltaic cells on both structures into the future. The ability to have solar storage facilities on site will increase the energy efficiency of this proposal and not to take the load off the grid during evenings or low sunlight days.

The siting of the proposed structures does not form any overshadowing to adjacent land or buildings.

All other Objectives and PDCs are deemed to comply.

**Hazards**

**Bushfire**

Objectives 2 and 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.

Both Concordia Road and William Hawke Road are designated as all-weather roads. Internal Roads provide for appropriate access to the dwelling and outbuildings with sufficient on site tanks to be located suitably to allow for the required access should it be needed.

All other Objectives and PDCs are deemed to comply.

**Infrastructure**

Objectives 1 and 5  
PDCs 1, 6 and 10

The proposal has adequate access to the supply of electricity, stormwater and drainage. A wastewater application has been approved by council’s Health Services. Access is gained from an all weather roadway in William Hawke Road. There is no requirement to clear any native vegetation for the proposed siting of the new structures. The proposal has also been designed for sufficient water storage for the effective use of the land.

All other Objectives and PDCs are deemed to comply.

**Landscaping, Fences and Walls**

Objectives 1  
PDCs 1 and 3

The proposal has been designed to include appropriate landscaping to the site. The form of two metre wide landscaping within the battered area will assist in visual amenity while reduce landslip or erosion from the cut and fill taking place as part of the development proposal. The proposal will not limit the solar access or cause damage to building within the vacinity.
All other Objectives and PDCs are deemed to comply.

**Orderly and Sustainable Development**

Objectives 3, 5 and 7

PDCs 1 and 8

The current use of the land is for primary production purposes for both growing of crops and grazing of animals. It has been noted by the applicant, the existing use will continue albeit in a reduced capacity given the siting of the buildings, access requirements and the need to provide sufficient distance between crops and habitable buildings for fire risk purposes.

Given the size of the allotment, the proposal, along with the continued use of the land for primary production purposes, will have minimal impact on both the land and adjoining land holders and the lawful land uses within the locality.

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

The proposal seeks to construct a garage separate to the proposed dwelling.

This domestic outbuilding (garage) is also proposed in close proximity to the dwelling and with sufficient space to turn vehicles, including emergency vehicles, to exit the site in a forward motion.

The proposed colours and roof form complement the proposed dwelling and sufficient connection to rainwater tanks allows for appropriate stormwater discharge.

There is sufficient space on site for visitor car parking and manoeuvring.

All other Objectives and PDCs are deemed to comply.

**Siting and Visibility**

Objectives 1 and 2

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

The proposed development will be visible from outside the subject site, primarily from private land from the north, east 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 south as well as parts from the south-west and south-east.

Every effort has been made to reduce the visual impacts by cutting into the land, however, the minimisation of this cutting has allowed some visibility to take place from adjoining land albeit not in a manner considered unreasonable.
The proposal has shown structures being grouped together to minimise visual impacts on the land and driveway access has been carefully designed to ensure safe and confident access whilst blending with the topography of the land.

All other Objectives and PDCs are deemed to comply.

**Transportation and Access**

Objectives 1
PDCs 22 and 31

The site provides for access to and from an all weather roadway in William Hawke Road with a single access point which has been previously established on site and is not being utilised for access and egress for the dwelling proposal. Whilst there is another access point off Concorida Road this is a considerable distance from the siting of the dwelling.

The proposal for a domestic outbuilding provides for three or more vehicle parking bays within the structure and this achieves the minimum requirement within Table Baro/1 - Off Street Vehicle Parking Requirements.

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

All other Objectives and PDCs are deemed to comply.

**Waste**

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

A wastewater application has previously been assessed and approved by Council’s Health Services (WWS/145/2020) for the proposed development.

All other Objectives and PDCs are deemed to comply.

**Primary Production Zone**

Objectives 1 and 5

The proposed development would not unreasonably impact the site or locality, 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.

It is anticipated that the expansion of existing winery and industrial uses will only occur in association with improvements to the amenity, visual impact, site access and environmental protection standards of such activities.

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.

The stands of existing native vegetation within and surrounding Sandy Creek Conservation Park add to the landscape character consisting of a patchwork of open cropped and grazing areas interspersed with stands of vegetation. Development will result in the protection and expansion of stands of native vegetation within and outside of the Sandy Creek Conservation Park, and across the zone generally.

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 currently being used for cropping and at times grazing. The introduction of a dwelling and domestic outbuilding in the form of a garage has the potential to improve the farming of the land and it is not likely to unreasonably impinge upon the continued use of the land for this purpose.

There are no designated scenic/tourist routes within the locality, with the closest scenic tourist route being over two kilometres away south of the sandy creek township being Barossa Valley Way.

The domestic outbuilding will be the most visible structure from the local roadways however, it has been designed in a colour and material that blends into the landscape whilst matching the dwellings roof colours. The bulk of the appearance shall be largely below the ridgeline for the dwelling and given the topography little can be seen from the roadways of Concordia Road and William Hawke Road.

Dwellings and other buildings are common throughout the locality. Given these factors, and taking into account the topography, the land between the subject land and any notable roadway, the proposed dwelling is unlikely to be overly visible with any notable vista.

The proposal seeks to establish vegetation landscaping along the batter of the land to assist with screening and visual impacts from the development. This vegetation should be native in its plantings.

**Land Use**

PDCs 1, 5 and 7

Whilst 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 the topography that slopes downwards towards the Para River and the minimal amount of cut taking place on to the land.

The proposed development is to be constructed to assist with the primary production functions of the land – potentially providing 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, as the land is well over 32 hectares and the footprint of the proposal is minimal.

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 reasonable degree of articulation. The dwelling and outbuilding are to be single storey in nature, with practical roof forms to reduce the overall bulk of the buildings. The dwelling will be sited slightly lower due to the cut into the land.

The development primarily incorporates Colorbond Basalt (roofs) and external sandstone walls to the dwelling which provides for a ‘natural tone’ which ensures the buildings adequately blend with the natural landscape. Furthermore, these colours and 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 proposal has not been able to achieve a minimum 50% total window area to the east and west and the proposal sits at 75%. Whist this could be considered excessive, the proposal has been designed to provide a minimal visual and economic impacts of the site and locality.

The proposed driveway location comes off an existing access point from William Hawke Road and does not result in unreasonable earthworks being undertaken when taking into account the topography and contouring of the land.

The appearance of the outbuilding has been designed to blend with the proposed dwelling and surrounding landscape.

All other PDCs are deemed to comply.
The proposed dwelling is located on a parcel of land that is greater than 32 hectares

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. 960/459/2020 by Frank Nesci Homes to undertake the construction of a single-storey detached dwelling with alfresco area under main roof; construction of a domestic outbuilding - garage (20m x 10m x 3.5m wall height) and rainwater tanks with associated site earthworks (Non-Complying) at Allot 57 William Hawke Road, CONCORDIA (CT 6182/216) subject to the following conditions and advisory notes:

Council Conditions

(1) The development shall be undertaken in accordance with the attached endorsed plans and documentation accompanying the application as amended and including:

- Site Plan by Frank Nesci Homes
- Site Layout dated 10/8/2020 by Frank Nesci Homes
- Floor Plan dated 3/8/2020 by Frank Nesci Homes
- Elevations Plan dated 3/8/2020 by Frank Nesci Homes
- Elevations of outbuilding by Shed King

unless varied by the following conditions.

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

(2) The premises shall not be occupied or used for the approved purpose until all work has been completed in accordance with the approved application and the conditions of consent.
Reason: To ensure that the proposal is used, run and maintained as approved by the Relevant Authority.

(3) The building shall be connected to a wastewater system approved under the South Australian Public Health Act 2011.

NOTE: 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.

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

(4) The colour of the external roof and/or wall materials shall match or blend with other buildings herein approved. Where metal cladding is used, it shall have a colorbond type of finish.

Reason: To ensure that the desired character for the site is maintained.

(5) Roof water shall be disposed of to the street watertable or drain in an easement under the control of the Council. Where roof water is directed to a rainwater tank the overflow shall be piped to the street watertable or council drain.

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

(6) The Domestic outbuilding herein approved shall not be used for human habitation or occupation, or industrial or commercial purposes.

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

(7) Prior to occupation, safe and convenient access/egress shall be provided to the dwelling for fire-fighting vehicles as follows:

(a) connected to an all-weather public road
(b) constructed with a formed, all-weather surface
(c) constructed away from hazardous vegetation such as overhanging limbs and continuous cover of thick vegetation
(d) located such that the need to clear native vegetation or a significant tree is avoided
(e) have a minimum formed width of 3 metres (or 4 metres in steeper terrain), unless otherwise required by 2.3.4.1
(f) have a gradient of not more than 16 degrees (ie. a maximum slope of 1:3.5) at any point along the road or driveway
(g) allow fire-fighting vehicles to travel in a continuous forward movement by constructing curved roads and driveways with curves that have a minimum external radius of 12.5m
(h) allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by incorporating either:

I. a loop road around the building
II. a turning area with a minimum radius of 12.5 metres
III. a ‘T’ or ‘Y’ shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres

(i) incorporate solid, all-weather crossings that are capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes, over any watercourse identified on either a current State Government topographic map (1: 50 000) or otherwise identified as a crossing required to provide appropriate access for fire-fighting vehicles

(j) incorporate passing bays with a minimum formed width of six metres (or seven metres in steeper terrain), including the road or driveway width, and a minimum formed length of 17 metres. The passing bays should be constructed at 200 metre intervals along the road or driveway. Where it is necessary to provide adequate visibility, such as the nearest point to a public road or other passing bay, passing bays may be required at intervals of less than 200 metres.

Reason: To ensure that the proposal is used, run and maintained in accordance with the Ministers Specification.

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

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

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

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

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

(iii) Appropriate erosion control measures shall be employed to prevent soil removal from the site by stormwater runoff, and to prevent siltation of watercourses, to the reasonable satisfaction of Council’s Director – Works and Engineering.

(iv) Any dirt or debris from the site deposited onto existing roadways by the applicant’s contractors or sub-contractors shall be cleared immediately.

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

(10) All cleaning waste, spills and contaminated water shall be directed to an approved wastewater management system.

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

(11) Dust emissions from the site shall be controlled by a dust suppressant or by watering regularly to avoid unreasonable impacts on adjacent lands to the reasonable satisfaction of the relevant authority.
Reason: To ensure that the proposal is used, run and maintained as approved by the Relevant Authority.

Advisory Notes

(1) 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.

(2) 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 Manager Work and Engineering.

(3) 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.

(4) Please be advised that where a Private Certifier is appointed to undertake the building assessment, Council does not provide a service of advising the Private Certifier of site conditions or any matters relevant to the building assessment. It is recommended that a Private Certifier undertakes his or her own investigations and inspection of the site to become acquainted with site conditions and any other relevant matter.

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

(6) Construction shall not take place on any Sunday or Public Holiday or after 7.00pm or before 7.00am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.
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) Privately Certified ☒ Yes ☐ No
☐ Full Development Approval (Both Planning and Building Consent)

OFFICE USE ONLY
DEVELOPMENT NO.: 969/
PROPERTY NO.: 
VG NO.: 

APPLICATION FORM & RELEVANT DOCUMENTATION CAN BE EMAILED TO development@barossa.sa.gov.au

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

APPLICANT: Frank Nesci Homes
Postal Address: PO Box 630 Gawler SA ........................................ Post Code: 5118
Phone: 85231022 Mobile: ........................................ Fax: ........................................
Email: julie@franknescihomes.com.au

OWNER: C J & A S O’Hara
Postal Address: 37 Aquila Boulevard Roxby Downs SA ........................................ Post Code: 5725
Phone: ........................................ Mobile: 0433 391 681 ........................................ Fax: ........................................
Email: caohara@bigpond.com

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

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

BUILDER: Frank Nesci Homes
Postal Address: PO Box 630 Gawler SA ........................................ Post Code: 5118
Phone: 85231022 Mobile: ........................................ Fax: ........................................
Email: julie@franknescihomes.com.au
Builders Licence No.: BLD10650

CONTACT PERSON FOR FURTHER INFORMATION: Name: Julie Rullo
Phone: 85231022 Mobile: ........................................ Fax: ........................................
Email: julie@franknescihomes.com.au

DESCRIPTION OF PROPOSED DEVELOPMENT:
New B/V detached dwelling with Verandahs, Alfresco with Front Porches and separate Shed

EXISTING LAND USE: Primary Production

AREA (m²) OF PROPOSED DEVELOPMENT: 682.05m²

LOCATION OF PROPOSED DEVELOPMENT:
House No: ........................................ Street: William Hawke Road ........................................ Town: Concordia
Lot No: 57 Section: ........................................ Hundred: Barossa
Certificate of Title(s): Volume: 6182 Folio: 216

BUILDING RULES CLASSIFICATION SOUGHT: 1.10 & 10A Present Classification Primary Production
If Class 6, 8, 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): $500,000.00 For House $50,000.00 For Shed

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 agendas, minutes and accompanying report is made available on Council’s website.

SIGNED: ........................................ Dated: 18/08/2020
DECLARATION OF APPLICANT
(Pursuant to Clause 2A(1) of Schedule 5)

TO: The Barossa Council
43-51 Tanunda Road
PO Box 867
NUR/IOOTPA SA 5355

APPLICANT: Frank Nesci Homes
Postal Address: PO Box 630 Gawler SA
Post Code: 5118
Phone: 85231022 Mobile: Fax:
Email: julie@franknescihomes.com.au

DATE OF APPLICATION: 18/08/2020

LOCATION OF PROPOSED DEVELOPMENT:
House No: Lot No: 57
Street: William Hawke Road Section: 6182
Town: Concordia Hundred: Barossa
Certificate of Title(s): Volume: 216 Folio:

NATURE OF PROPOSED DEVELOPMENT: New Detached B/V Dwelling and separate Shed

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

Signed: .................................... Date of Declaration: 18/08/2020
CONFIRMATION OF REGISTRATION NOTICE

The following dealings have been registered -

Dealing(s):
- DISCHARGE OF MORTGAGE 13002478
- TRANSFER 13002479
- MORTGAGE 13002480

Title(s):
- CT 6182/216

Registration Date: 22/10/2018
Customer Reference: ANZSSR73150061

Confirmations of registration are attached on the following page(s).

Graeme Jackson
Registrar-General
Lands Titles Office
CONFIRMATION OF REGISTRATION

Certificate of Title - Volume 6182 Folio 216

Estate Type

FEE SIMPLE

Registered Proprietor(s)

CHRISTOPHER JOHN O'HARA
ASHLEY SARAH O'HARA
OF 37 AQUILA BOULEVARD ROXBY DOWNS SA 5725
AS JOINT TENANTS

Description of Land

ALLOTMENT 57 DEPOSITED PLAN 113396
IN THE AREA NAMED CONCORDIA
HUNDRED OF BAROSSA

Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED C ON D113396 (TG 10854220)

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED G ON D113396 (TG 10807512)

SUBJECT TO RIGHT(S) OF WAY OVER THE LAND MARKED H ON D113396 (RTC 12609337)

TOGETHER WITH RIGHT(S) OF WAY OVER THE LAND MARKED A ON D113396 (GRO NO. 448 BOOK 80)

Schedule of Dealings

Dealing Number   Description

13002480         MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD. (ACN: 005 357 522)

Registrar-General

Lands Titles Office

ABN 71 967 041 422

Land Services
Ground Floor, 101 Grenfell St, Adelaide 5000
GPO Box 1354, Adelaide SA 5001, DX 58195
Metro 08 8423 5000, Country 1800 648 176

Agenda - Barossa Assessment Panel - 2 March 2021 47
### Agenda - Barossa Assessment Panel - 2 March 2021

**Area Name:** Concordia  
**Council:** The Barossa Council  
**Development No:** 960/041/14/001/85690  
**Approved:** Steve Andrews  
**Deposited:** Mark McNeil  
**Reference Number:** 15659.5  
**Scheme Reference:** S2291_text_01_v05_Version_5

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<th>Surveyors Certification:</th>
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| John C Bested & Associates Pty Ltd  
362 Magill Rd  
Kensington Park, SA 5068  
Ph: 83327111  
Fax: 83341829  
Agent Code: JCBA  
Reference: 15659.5 |
| I Samuel Thomas Seski, a licensed surveyor do hereby certify:  
1) That this plan has been made from surveys carried out by me or under my personal supervision and in accordance with the Survey Act 1992.  
2) That the field work was completed on the 21st day of April 2016  
2nd day of August 2016 Samuel Thomas Seski Licensed Surveyor |

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**Annotations:**  
No occupation exists on surveyed boundaries of subject land unless shown otherwise. Centreline of North Para River plotted from D60054
Job: C & A O’Hara
Location: Lot 57 William Hawke Road, Concordia SA

Approx. 180m from boundary intersection to house—See peg markers on site

Approx. 850m from Southern boundary—See peg markers on site

Approx. 440m from Para River to house

Approx. 250m from Western boundary to house

Approx. 180m from boundary intersection to house—See peg markers on site

Boundary line centre of North Para River

13.825m

490.14m

1382.95m (616.70m) (250.62m)
10th August 2020

The Barossa Council
PO Box 867
Nuriootpa SA 5355

C & A O’Hara
37 Aquila Boulevard
Roxby Downs SA 5727

To Whom it may concern,

RE: LOT 57 WILLIAM HAWKE ROAD CONCORDIA

Advice for council on our intensions for living on our property.

Currently we lease the property to a local farmer, for the purpose of cereal cropping and running sheep.
Our intensions are to build a family home on the property for us to raise our 3 children in a rural environment,
We will continue to farm the property, either by initially engaging contractors to put in a crop for the first 1 or two seasons, whilst we also run our own livestock (Sheep or Cattle) on the areas that are not under crop, Or by way of a share farm agreement with a local farmer.
However, it is most definitely our full intention to continue to use the land for primary production to its full potential.

Kind Regards,

Chris O’Hara
M. 0418 816 063
E. cohara@roxbyhydraulics.com.au
Preliminary Advice – Lot 57 Williams Hawke Road Concordia

Zoning – Primary Production
Precinct - Concordia
Bushfire Risk Area – Medium
Contour Map -

Flooding - N/A

Zoning requirements:
The site is located within the Primary Production Zone and as such has the following Principle of Development Control associated with its assessment.
**Land Use**

PDC 7 A dwelling should only be developed if:

(a) there is a demonstrated connection with farming or other primary production

(b) the location of the dwelling will not inhibit the continuation of farming, other primary production or other development that is in keeping with the provisions of the zone

(c) it is located more than 500 metres from an existing intensive animal keeping operation unless used in association with that activity

(d) it does not result in more than one dwelling per allotment

(e) it is designed and constructed utilising environmentally sustainable design principles.

**Form and Character**

PDC10 - Development should not be undertaken unless it is consistent with the desired character for the zone.

PDC - 11 Buildings should be unobtrusive in appearance, not detract from the open natural character of the zone and, in particular should:

(a) be single storey

(b) be of a low profile with roof lines that complement the natural form of the land

(c) comprise variations in wall and roof lines and floor plans which complement the contours of the land so as to minimise the mass of the building

(d) be sited on an excavated rather than a filled site in order to reduce the vertical profile of the building

(e) incorporate large eaves, verandas and pergolas into designs to create shadowed areas which reduce the bulky appearance of buildings

(f) utilise non-reflective materials and be finished in colours that blend with the natural environment

(g) be screened by existing native vegetation when viewed from roads located within the zone or from townships.

PDC12 Detached dwellings should:

(a) not be located in areas subject to inundation by a 1-in-100 year average return interval flood event nor be sited on land fill which would interfere with the flow of such flood water

(b) demonstrate access to a year round water supply and a safe and efficient effluent disposal system which will not pollute watercourses or underground water resources or be a risk to health

(c) cater for a safe, clean, tidy and unobtrusive area for the storage and disposal of refuse so that the desired natural character of the zone is not adversely affected

(d) not create a potential demand for the provision of services at a cost to the community.
**PDC13** Detached dwellings should be designed and constructed in the following manner:

(a) have a floor plan design that

(i) locates a day living area incorporating at least one window that faces between 20° east and 30° west of true north

(ii) is appropriately zoned so that doors are placed between living areas and other rooms and corridors (b) have a total window area facing east and west that does not exceed 50 per cent of the total window area of the dwelling

(c) provide external shading to west facing windows in the form of either eaves or awnings of at least 450 millimetres in width

(d) provide external shading to north facing windows that allows winter sun to penetrate, but provides shade in summer

(e) have a roof layout that incorporates an area of at least 10 square metres that faces 30° west and 20° east of true north and has a roof pitch of at least 18°

(f) collects, stores and re-uses roof stormwater within and about the dwelling, provided water storage requirements for fire protection purposes are not compromised.

**PDC14** Driveways and access tracks should follow the contours of the land to reduce their visual impact and erosion from water runoff and be surfaced with dark materials. Excavation and/or filling of land should be kept to a minimum to preserve the natural form of the land and native vegetation.

**PDC15** The number of outbuildings should be limited, they should be grouped together, located in unobtrusive locations and screened from view for public roads or townships.

**Precinct Specific Provisions**

**Precinct 5 Concordia**

**PDC 25** A dwelling should only occur on an allotment greater than 32 hectares in area.

**Council Comments**

Council draw your attention to the listed Principles of Development Control when considering the suitability for a dwelling and its locality on the site.

Specifically I draw your attention to the Highlighted PDC’s (written in blue) that you and your clients should take into consideration when designing the dwelling and placing in on site.

In all the proposal is in keeping with the majority of PDC’s, I have provided a contour map to assist you in locating an area they will allow the dwelling to be built without raising the land as noted in the PDC, cut and fill will have to form part of the application and retaining walls if required will need to be demonstrated council do recommend you seek the assistance of a surveyor before proceeding to a decision on location.

Colour scheme is reasonable and if maintained will meet the requirements of the relevant PDC’s

Lastly, dwellings are non-complying in this zone, unless you can achieve the following requirements. Anything steps outside of these requirements it becomes a non-complying form of development and planning reports in the way of statement of support and statement.
of effects will be required as part of the process of assessment. I have placed indicators that
show that you may need to make amendments or provide evidence that is achieves these
requirements.

😊 - Achieved

😊 - Evidence required

😊 - Not achieved

Non-Complying

Dwelling

where the detached dwelling complies with the following criteria:

(i) is not located in areas subject to inundation by a 1-in-100 year average return interval
flood event 😊

(ii) is sited at least 25 metres from any watercourse 😊

(iii) is sited at least 300 metres from an existing winery or 500 metres from an existing
intensive animal keeping land use 😊

(iv) the vertical distance between any point at the top of any external wall and the
finished ground level immediately below that point on the wall is less than 3 metres,
other than gable ends of the dwelling where the distance is less than 5 metres 😊

ACHIEVED! - REFER TO ELEVATION PLAN, WITH NOTED MEASUREMENTS AS REQUIRED

(v) there is no floor level directly above another floor level, except where the upper floor
level is located wholly at or below finished ground level

(vi) the depth of excavation and/or filling of land is less than 1.5 metres, except for the
purpose of constructing an earth-sheltered dwelling 😊

(vii) it does not involve the clearance of native vegetation comprising trees and/or shrubs 😊

(viii) contains a day living area incorporating at least one window that faces between 20°
east and 30° west of true north 😊

ACHIEVED! - REFER TO FLOOR & ELEVATION PLANS
NOTING RUMPUS ROOM LARGE GRAND WINDOWS FACING NORTH

(ix) contains doors between living areas and between a living area and other rooms and
corridors 😊 YES! - AS NOTED ON FLOOR PLAN

(x) has a total window area facing east and west not exceeding 50 percent of the total
window area of the dwelling 😊

NOT QUITE ACHIEVED - 25% OF TOTAL WINDOW AREA TO NORTH/ SOUT, HOWEVER ON THIS WE WOULD LIKE YOUR APPROVAL ON MERIT, AS WE BELIEVE THE VIEWS OF BAROSSA RANGES AND OUR FARMLAND OUTWAYS THIS CONDITION. IF WE WERE TO RUN WINDOWS AS PER THE CONDITION THE HOUSE WOULD JUST LOOK OVER A SHEEP Paddock UP HILL? PLEASE ALSO NOTE THAT THIS HOUSE ACHIEVED 6.2 STARS FROM OUR ENERGY RATING ENGINEERS. THIS EXCEEDS THE MINIMUM 6 STARS, THIS WOULD OUTWAY THE NORTH/SOUTH PROVISIONS DETAILED IN THE BAROSSA OLD NON-COMPLYING CONDITIONS (written before energy ratings were a thing)

(xi) external eaves or awnings of a minimum 450 millimetres in width is provided to west
facing windows 😊

YES AS NOTED ON PLAN, VERANDAH TO ALL ELEVATIONS

(xii) roof incorporates an area of at least 10m² that faces between 30° west and 20° east
of true north and has a pitch of greater than 18° 😊

YES, OVER 70m² ACHIEVED

(xiii) at least 1000 litres of stormwater from the roof is collected, stored and re-used
located within the dwelling 😊

2X 77,000LT TANKS WILL BE PROVIDED. THE HOUSE IS RUNNING ON RAIN WATER SUPPLY ONLY. NO MAINS DOMESTIC METERED WATER IS AVAILABLE
is to be connected to an approved waste treatment system satisfying the following criteria:

(A) no part of a septic tank effluent drainage field or any other wastewater disposal area (eg irrigation area) located within 50 metres of a watercourse
(B) no part of a septic tank effluent drainage field or any other wastewater disposal area (eg irrigation area) located in areas subject to inundation by a 1-in-100 year average return interval flood event
(C) does not have a wastewater disposal area located on any land with a slope greater than 20 percent (1-in-5), or a depth to bedrock or seasonable or permanent watertable less than 1.5 metres
(D) septic tank or any other wastewater treatment facility located on land likely to be inundated by a 1-in-10 year average return interval flood even 😊 ACHIEVED!

SEE CIVIL PLAN AND ENGINEERS WWS REPORT

Council is confident that should changes be needed to the design and location of the dwelling you will be able to achieve it without compromise to the enjoyment of the dwelling.

Please Note: rainwater tanks are a Category 3 development in this Zone, to assist you in this process council recommend the location of rainwater tanks for domestic and firefighting purpose be located in a manner that reduces visual impact in the locality, to be hidden behind building lines and be of a colour scheme that complements the dwelling and surrounding area. If this can be achieved we are more likely to minor the categorisation to cat 1 minor.
STATEMENT of SUPPORT

Construction of a detached dwelling, verandahs, alfresco area, front porches and separate domestic outbuilding located on Allotment 57 (DP45537), 57 William Hawke Road
CONCORDIA SA

Prepared for

Mr C J & Mrs A S O'Hara
(Frank Nesci Homes – The Applicant)

September 2020
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1.0 - LEGISLATIVE REQUIREMENTS:

Planning Solutions (SA) Pty Ltd have been engaged to act for Mr CJ & AC O'Hara, the owners of the subject land contained in the Certificate of Title Volume 6182 Folio 216, being identified as Allotment 57, in Deposited Plan 113396, Hundred of Barossa, in an area known as Concordia (a copy of the Certificate of Title is attached in Appendix 'A').

This Statement of Support is required under Regulation 17(1) of the Development Regulations 2008 and will outline the reasons why an application for the construction of a single storey detached dwelling with alfresco area under the main roof, construction of a domestic outbuilding (garage) measuring 20.00m x 10.00m x 3.50m wall height and associated earthworks on allotment 57 William Hawke Road in the area known as Concordia has been deemed to be a ‘non-complying’ form of development.

The 'subject land', identified as Allotment 57, has a total area of approximately 62.5ha and a consolidated frontage to William Hawke Road of 616.70 metres. The 'subject land' is located entirely within the Primary Production Zone and Precinct 5 Concordia of the Barossa Council Development Plan (5 September 2019 - consolidation).

The 'subject land' is also located within the Heritage and Character Preservation District and therefore reference will also be made to the policy provision in the Character Preservation District Overlay. It is also acknowledged and understood that where the Objectives and/or Principles of Development Control in the Character Preservation District shown on this Overlay (refer to Overlay attached in Appendix 'C') are in conflict with the relevant General Section Objectives and/or Principles of Development Control in the Development Plan, the Overlay will prevail.

The allotment at the time of writing this report, the 'subject land' was devoid of any built form and the allotment is used for cereal cropping, which is envisaged in Primary Production Zone.

The allotment is entirely contained within both the Primary Production Zone and Precinct 5 Concordia, which states the following in relation to the construction of a detached dwelling.

<table>
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<tr>
<th>Form of Development</th>
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<tbody>
<tr>
<td>Dwelling</td>
<td>Except for a detached dwelling:</td>
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<tr>
<td></td>
<td>(a) within Precinct 7 Paper Town, where the allotment is 32 hectares or greater or</td>
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<td>(b) within Precinct 4 Barossa Range, where:</td>
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<td>(i) the allotment is at least 100 hectares or</td>
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<td></td>
<td>(ii) identified in Table Baro/3 - Infill Dwelling Sites</td>
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<td></td>
<td>(iii) where a habitable dwelling exists as at 18 September 1990</td>
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<td>on one of a group of allotments, the total area of which exceeds 100 hectares provided both (A) and (B) are satisfied:</td>
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<td>(A) that group of allotments is amalgamated to form one</td>
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<td>allotment of greater than 100 hectares and</td>
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<td>(B) the new dwelling is constructed within 200 metres of the existing dwelling on that allotment or</td>
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<td>(iv) on an allotment created after 27 June 1996 by the amalgamation of three or more contiguous, vacant</td>
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<td></td>
<td>allotments where the resultant allotment size is at least 50 hectares or</td>
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<td></td>
<td>(c) within Precinct 6 Moculta, where:</td>
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<td></td>
<td>(i) the allotment is at least 60 hectares or</td>
</tr>
<tr>
<td></td>
<td>(ii) identified in Table Baro/3 - Infill Dwelling Sites</td>
</tr>
<tr>
<td></td>
<td>(iii) where a habitable dwelling exists as at 18 September 1990</td>
</tr>
<tr>
<td></td>
<td>on one of a group of allotments, the total area of which exceeds 100 hectares provided both (A) and (B) are satisfied:</td>
</tr>
</tbody>
</table>
(A) that group of allotments is amalgamated to form one allotment of greater than 60 hectares and
(B) the new dwelling is constructed within 200 metres of the existing dwelling on that allotment or
(iv) on an allotment created after 27 June 1996 by the amalgamation of three or more contiguous, vacant allotments where the resultant allotment size is at least 30 hectares or
(d) involving the conversion of an existing heritage building for residential purposes or
(e) where it is located outside of Precinct 4 Barossa Range, Precinct 6 Moculta or Precinct 7 Paper Town and where there is no habitable dwelling existing on the same allotment (apart from a State or local heritage place used as a tourist accommodation facility) and
(f) where no valid planning authorisation to erect a dwelling on the same allotment exists and
(g) where no other application for development authorisation has been made and is not yet determined for a dwelling on the same allotment where the detached dwelling complies with the following criteria:
(i) is not located in areas subject to inundation by a 1-in-100 year average return interval flood event
(ii) is sited at least 25 metres from any watercourse
(iii) is sited at least 300 metres from an existing winery or 500 metres from an existing intensive animal keeping land use
(iv) the vertical distance between any point at the top of any external wall and the finished ground level immediately below that point on the wall is less than 3 metres, other than gable ends of the dwelling where the distance is less than 5 metres
(v) there is no floor level directly above another floor level, except where the upper floor level is located wholly at or below finished ground level
(vi) the depth of excavation and/or filling of land is less than 1.5 metres, except for the purpose of constructing an earth-sheltered dwelling
(vii) it does not involve the clearance of native vegetation comprising trees and/or shrubs
(viii) contains a day living area incorporating at least one window that faces between 20° east and 30° west of true north
(ix) contains doors between living areas and between a living area and other rooms and corridors
(x) has a total window area facing east and west not exceeding 50 per cent of the total window area of the dwelling
(xi) external eaves or awnings of a minimum 450 millimetres in width is provided to west facing windows
(xii) roof incorporates an area of at least 10m² that faces between 30° west and 20° east of true north and has a pitch of greater than 18°
(xiii) at least 1000 litres of stormwater from the roof is collected, stored and re-used located within the dwelling
(xiv) is to be connected to an approved waste treatment system satisfying the following criteria:
(A) no part of a septic tank effluent drainage field or any other wastewater disposal area (eg irrigation area) located within 50 metres of a watercourse
(B) no part of a septic tank effluent drainage field or any other wastewater disposal area (eg irrigation area) located in areas subject to inundation by a 1-in-100 year flood event.
average return interval flood event
(C) does not have a wastewater disposal area located on any land with a slope greater than 20 per cent (1-in-5), or a depth to bedrock or seasonable or permanent watertable less than 1.5 metres
(D) septic tank or any other wastewater treatment facility located on land likely to be inundated by a 1-in-10 year average return interval flood event.

The ‘subject land’ is not located in either Precinct 7 Paper Town, Precinct 4 Barossa Range or Precinct 6 Moculta, however the exemptions do provide some direction where the dwelling will be located outside Precinct 7 Paper Town, Precinct 4 Barossa Range or Precinct 6 Moculta where there is no habitable dwelling existing on the same allotment, apart from a State or local heritage place used as a tourist accommodation facility. As indicated previously the ‘subject land’ is devoid of existing built form and is used for cereal cropping as the primary activity.

In determining if this proposal is a non-complying form of development the proposal needs to satisfy all of the following criteria:

(f) where no valid planning authorisation to erect a dwelling on the same allotment exists and

The ‘subject land’ is devoid of any existing built form and is currently used for cereal cropping as the primary land use.

(g) where no other application for development authorisation has been made and is not yet determined for a dwelling on the same allotment where the detached dwelling complies with the following criteria:

There is no other development authorisation lodged with the Barossa Council awaiting assessment other than the development application that has already been lodged by Frank Neschi Homes for current dwelling and associated outbuilding.

(i) is not located in areas subject to inundation by a 1-in-100 year average return interval flood event

The location of the proposed dwelling and associated domestic outbuilding will be elevated high enough above the banks of the Para River so that the proposed dwelling will not be subjected to 1:100 year ARI flood event.

(ii) is sited at least 25 metres from any watercourse

The nearest watercourse to the subject land is the Para River. Refer to the proposed location of the dwelling and the associated outbuilding which confirms the dwelling will be located approximately 180 metres from the bank of the watercourse, thus exceeding the suggested minimum distance of 25 metres.

(iii) is sited at least 300 metres from an existing winery or 500 metres from an existing intensive animal keeping land use

There is no winery or intensive animal keeping land use within the nominated separation distances listed above, hence the proposal complies with the separation distances.

(iv) the vertical distance between any point at the top of any external wall and the finished ground level immediately below that point on the wall is less than 3 metres, other than gable ends of the dwelling where the distance is less than 5 metres

Refer to Elevation Plan attached in Appendix ‘E’ of this report which confirms that the main house wall height is 2.910 metres and the overall height of the proposed dwelling at the Gable Peak wall height is 4.960, with both dimensions satisfying the criteria above.

(v) there is no floor level directly above another floor level, except where the upper floor level is located wholly at or below finished ground level

The proposal is for a single storey detached dwelling and as such therefore is no additional floors above or below the proposed ground floor level of the dwelling.

(vi) the depth of excavation and/or filling of land is less than 1.5 metres, except for the purpose of constructing an earth-sheltered dwelling
The location of the proposed dwelling and associate outbuilding on the allotment requires some cut and fill operations as shown on the Part Site Plan attached in Appendix ‘E’, however the depth of the cut or fill is less than the 1.50 metres nominated in the exceptions.

(vii) it does not involve the clearance of native vegetation comprising trees and/or shrubs

As the ‘subject land’ is currently used as cereal cropping as the primary land use activity, the allotment is devoid of any native vegetation and therefore the construction of the proposed dwelling and the associated outbuilding requires no vegetation clearance.

(viii) contains a day living area incorporating at least one window that faces between 20° east and 30° west of true north

Refer to Floor Plan attached in Appendix ‘E’ which notes that the proposed rumpus room has significant large windows facing north which will provide natural heating to the room during the winter months.

(ix) contains doors between living areas and between a living area and other rooms and corridors

Also refer to attached Floor Plan in Appendix ‘E’ which shows the doors in locations to satisfy the provisions listed above.

(x) has a total window area facing east and west not exceeding 50 per cent of the total window area of the dwelling

The design of the proposed new dwelling is not able to achieve the 50% window area. The design has 25% of the window area on the northern and southern aspect and 75% on the eastern and western aspects of the building. Consideration was of course given to attempting to achieve the required window area at the expense of loosing the iconic views of the allotment that has and will continue to be used for cereal cropping and also the picturesque Barossa Ranges. However, it should also be stated that the decision to retain the current design of the dwelling has not detracted from the energy efficiency of the proposed building which is still able to achieve a 6.2 star energy rating.

(xi) external eaves or awnings of a minimum 450 millimetres in width is provided to west facing windows

The western aspect of the proposed new dwelling has a 2.40m wide raked verandah for the full length of the building, hence covering all the windows and door entrances on the western aspect of the building, thus complying with the minimum of 450mm eaves or awnings.

(xii) roof incorporates an area of at least 10m² that faces between 30° west and 20° east of true north and has a pitch of greater than 18°

The orientation of the proposed dwelling is able to achieve a greater area than the 10m² required. In this instance the area is greater than 70m².

(xiii) at least 1000 litres of stormwater from the roof is collected, stored and re-used located within the dwelling

Considering mains water is not connected or available to the site, the applicants propose to install 2- 77,000 litre aboveground rainwater storage tanks. Rainwater run-off from the proposed dwelling and associated domestic outbuilding will be harvested and piped to the 2 rainwater storage tanks. The colour of the proposed tanks will be commensurate with the external colour scheme of the proposed built form.

(xiv) is to be connected to an approved waste treatment system satisfying the following criteria:

(A) no part of a septic tank effluent drainage field or any other wastewater disposal area (eg irrigation area) located within 50 metres of a watercourse
(B) no part of a septic tank effluent drainage field or any other wastewater disposal area (eg irrigation area) located in areas subject to inundation by a 1-in-100 year average return interval flood event
(C) does not have a wastewater disposal area located on any land with a slope greater than 20 per cent (1-in-5), or a depth to bedrock or seasonable or permanent watertable less than 1.5 metres
(D) septic tank or any other wastewater treatment facility located on land likely to be inundated by a 1-in-10 year average return interval flood event.
The issues relating to the proposed wastewater drainage system has been addressed in the Engineers WWS Report and associated Civil Plan. A separate wastewater development application will be lodged as a separate application and will be approved by Councils EHO, prior to the issuing of Development Plan Consent.

**In summary**, the proposed development has been able to achieve all of the exemption provisions except for 50% window area on the eastern and western aspect of the dwelling, hence the proposal will be assessed as a non-complying form of development.

Council's Development Plan is silent in relation to the public notification and the author is directed to Schedule 9 of the Development Regulations 2008, which states the following in relation to the proposed development:

**Part 1 – Category 1 development:**

2 Except where the development is classified as non-complying under the relevant Development Plan, any development which comprises —

(i) 1 or more detached dwellings;

The proposal for the construction of a detached dwelling is a ‘non-complying’ form of development and as such cannot be treated as a Category 1 minor, for the purposes of public notification. The proposal will therefore default to Category 3 for public notification.

**In summary**, the proposal for the construction of a detached dwelling including undercover carparking, alfresco area, front and rear verandahs will be assessed as a ‘non-complying’ form of development and Category 3 for the purposes of public notification.

In preparing this Statement of Support, staff from Planning Solutions (SA) Pty Ltd have carried out the following to demonstrate that even though the application has been deemed to be a ‘non-complying’ form of development, it contains considerable ‘merit’ and is worthy of further assessment.

- I have viewed the ‘subject land’ and its locality;
- Considered the nature of the proposal in detail;
- I have considered the impact that the proposal may have on the adjoining landowners considering that the immediate locality is also zoned the same as the subject land and the proposal is commensurate with similar existing forms of rural development exhibited in the immediate locality;
- I have considered the benefit of developing an existing underutilised allotment through the construction of a dwelling, but also developing the undersized allotment with value adding activities that are sustainable and commensurate with the size of the allotment and the cleared areas available on the site;
- I have considered the proposal against the relevant General Module, Zone and Precinct provisions, contained in Council's current Development Plan (5 September 2019 - consolidation)
2.0 - SUBJECT LAND:

The ‘subject land’ is located north of the rural township of Sandy Creek and abutting the North Para River, with access to the site being off William Hawke Road. The ‘subject land’ is identified as Allotment 57 in Deposited Plan 113396, Hundred of Barossa in the area known as Concordia and contained within Certificate of Title Volume 6182 Folio 216 (a copy of the Certificate of Title is attached in Appendix ‘A’).

Allotment 202 is best described as an ‘irregular shaped allotment’ with a total area of 62.5ha in area with a consolidated frontage of 616.70 metres to William Hawke Road.

The ‘subject land’ is almost devoid of native vegetation, with isolated trees in random locations, however, the construction of the proposed dwelling and associated domestic outbuilding will have no impact on the trees that exist on the site as none of the existing trees require removal to allow the construction of the proposed built form.

The location of the proposed dwelling and associated outbuilding has been carefully selected on the site, where the built form will be constructed below the ridgeline that runs through the centre of the site, and therefore the built form will not be seen from Concordia Road and will have limited exposure from William Hawke Road. There is a watercourse located on the eastern side of the allotment that feeds into the North Para River, however, this watercourse has no effect on the construction of the proposed internal roadworks that will provide access to the proposed built form off William Hawke Road.

Again, the location of the proposed new dwelling and associated domestic outbuilding has been professionally designed by Frank Nesci Homes, Building Designers who been strategically sited to ensure the built form on the site are grouped together and the extent of cut and fill operations is minimal.

The perimeter boundaries of the ‘subject land’ are fenced using a traditional rural stock fence as the applicants propose to either continue to crop the allotment under the existing share farm agreement or a combination of cereal cropping and stock grazing as a method of maintaining the natural grasses of the allotment to a manageable high to minimize any bushfire potential.

3.0 - LOCALITY:

Concordia is located north of the hamlet of Sandy Creek. The immediate locality is characterized by allotments of varying sizes and configurations with the predominant land uses being either primary production or horticulture (vineyards) activities. Many of the allotments abut the North Para River and several of the existing dwellings are on allotments of approximately 1 hectare. The ‘subject land’ is of sufficient area to continue to be used for both cereal cropping and stock grazing in the future.

In the wider locality are a number of single storey detached dwellings with associated outbuildings that are used for either the parking of vehicles and machinery or other equipment used in the day to day management of the rural activities on the allotments. Within this immediate area there is no defined development pattern as the road pattern and the allotment configuration is akin to the natural topography of the area.

Located south east of the ‘subject land’ are allotments that have a strand of native vegetation with vineyards being planted on the open areas that have been cleared in the past. The areas of native vegetation are more significant along the existing watercourses that feed into the North Para River.

The allotments to the south of the ‘subject land’ are larger in areas with no defined regularity on the allotment configuration, however these allotments are primarily used for cereal cropping.
The allotments to the west of the site are smaller in area and again are predominantly used for cereal cropping or stock grazing.

Many of the allotments, in the wider locality have been developed with a dwelling and associated outbuildings, that are grouped together and used for the storage of personal vehicles and machinery associated with the maintenance of the allotment.

The proposed development for the construction of a single storey detached dwelling with alfresco area under the main roof, construction of a domestic outbuilding (garage) measuring 20.00m x 10.00m x 3.50m wall height and associated earthworks provides the applicants with the opportunity to further develop to existing primary production activities on the allotment with stock grazing (sheep or cattle) by residing on the property. These activities will have minimal impact on the adjoining landowners as these activities are envisaged within the Primary Production Zone.

4.0 - PROPOSAL:

The applicant seeks Development Plan Consent for the construction of a single storey detached dwelling with alfresco area under the main roof, construction of a domestic outbuilding (garage) measuring 20.00m x 10.00m x 3.50m wall height and associated earthworks on allotment 57 which abuts William Hawke Road. The proposal is deemed to be a 'non-complying' form of development as the design of the proposed dwelling is unable to achieve a total window area on the eastern and western aspects not exceeding 50% of the total window area of the dwelling: In this case there is 75% window area of the eastern and western aspects of the proposed new dwelling.

The 'subject land' is contained entirely within the Primary Production Zone and Precinct 5 Concordia of the Barossa Council Development Plan (5 September 2019 - consolidation) and is depicted on Zone and Precinct 5 Maps Baro/22 (refer to attached Zone and Precinct Maps in Appendix ‘B’).

The proposed single storey detached dwelling with alfresco area under the main roof, construction of a domestic outbuilding (garage) measuring 20.00m x 10.00m x 3.50m wall height and associated earthworks has been professionally designed by Frank Nesci Homes who are prominent and well respected home builders in Gawler (a copy of the proposed Concept plans is attached in Appendix ‘E’).

Proposed Dwelling:

The proposed single storey detached dwelling, including alfresco area under the main roof, construction of a domestic outbuilding – garage (measuring 20.0m x 10.0m x 3.50m wall height) and associated earthworks, consists of the following components:

- Rear verandah which runs for the full length of the dwelling, and alfresco area;
- Front verandah which also runs almost the full length of the dwelling;
- Master Bedroom, which includes W.I.R., plus separate ensuite comprising of vanity basins, shower and WC and a separate Study or Parents Retreat;
- Bedrooms 2, 3 and 4 all include walk in robes (WIR’s):
- Guest Bedroom, with built in robe:
- Separate Solar Battery Storeroom and separate storage area:
- Rumpus Room located on the northern aspect of the proposed new dwelling:
- Separate bathroom to service bedrooms 2, 3 and 4, including bath, vanity and shower:
- Separate powder room to service bedrooms 2, 3 and 4, including second vanity:
- Separate WC to service bedrooms 2, 3 and 4:
- Laundry, including washing machine and storage cupboards;
- Entry Porch;
- Separate Mud Room and associated porch area;
- Kitchen, living and meals area, with separate walk-in pantry;
- Alfresco area that is accessible from both the meals and living areas.

The proposed domestic outbuilding will provide at least 1 undercover carparking space (refer to Part Site Plan attached in Appendix ‘E’).

**Proposed Domestic Outbuilding:**

This proposal also includes the construction of a domestic outbuilding, measuring 20.00m long x 10.00m wide x 3.50m wall height, that will be used for the parking of the residents vehicle and other machinery and equipment used in the day to day maintenance and operations of the proposed allotment, especially in the vicinity of the proposed built form.

Located on the eastern aspect of the proposed domestic outbuilding will be a noncombustible aboveground rainwater storage tank, where the harvested water will be dedicated to CFS use should the need arise. The same size rainwater storage tank will be located on the northern aspect of the proposed dwelling where the harvested water will be plumbed to the new dwelling as mains water is not available to the site. Overflow from both tanks will be piped away from the built form and used for irrigation of future landscaping:
5.0 - DEVELOPMENT ASSESSMENT:

The 'subject land' is contained entirely within the Primary Production Zone and Precinct 5 Concordia of the Barossa Council Development Plan (5 September 2019 - consolidation) and is depicted on Zone and Precinct 5 Maps Baro/22 (refer to attached Zone and Precinct Maps in Appendix 'B').

The desired character statement identifies the role of the Primary Production Zone to accommodate broadacre farming pattern and undulating wooded pastures together with isolated dwellings and scattered farm buildings. The zone also anticipates buildings to be limited to single storey in height and be designed to minimise the disturbance of the natural ground levels, and use design techniques to reduce the bulk and massing through materials and finishes that are of a low reflective nature and subdued colours that match the rural landscape, whilst using passive solar techniques, use of renewable energy and harvesting of rainwater runoff to be stored and reused within the dwelling.

The proposed external colour scheme for the proposed built form is listed below:

**Proposed Dwelling**
- Colorbond roof: Basalt (inc. verandah)
- Colorbond gutters: Basalt (inc. verandah)
- Colorbond fascia: Monument (inc. verandah)
- Powder coated windows/doors: Monument
- Gable barge boards: Monument
- Brick: WA Limestone block
- Posts: Monument
- Front door: Monument

**Proposed Domestic Outbuilding**
- Shed Roof: Basalt
- Shed Walls: Shale Grey
- RW Tank: Shale Grey

Both the desired character statement and PDC 11(f) of the Primary Production Zone states the following:

(f) utilise non-reflective materials and be finished in colours that blend with the natural environment

The proposed dwelling external colour scheme consists of a combination of light and dark greys, black and limestone colours that blend in with the natural environment and existing landscape. The colour scheme for the proposed domestic outbuilding and storage tanks are in keeping and commensurate with the proposed dwelling. In addition, the applicants have chosen paint and material finishes that are non-reflective in nature to ensure and reduce any glare from the proposed built form on adjoining landowners or users of the adjoining public roads. The proposed colour scheme satisfies both the desired character statement and PDC 11(f) listed above.

**PDC 7** A dwelling should only be developed if:
1. there is a demonstrated connection with farming or other primary production
2. the location of the dwelling will not inhibit the continuation of farming, other primary production or other development that is in keeping with the provisions of the zone
3. it is located more than 500 metres from an existing intensive animal keeping operation unless used in association with that activity
4. it does not result in more than one dwelling per allotment
5. it is designed and constructed utilising environmentally sustainable design principles.
The existing allotment is currently used for cereal cropping under a share farm agreement. After the construction of the proposed new dwelling and associated domestic outbuilding the majority of the allotment will continue to be used for cereal cropping under the same agreement. The only area that will not be cropped will be an area around the dwelling, hence there is a connection with a primary production land use, which complies with PDC 5(a) and (b).

Approval for this development proposal will result in only one dwelling being located on the allotment, which complies with PDC 5(d).

The location of the proposed dwelling will be located further than 500 metres from any intensive animal keeping operation in the immediate locality. The proposed dwelling will not be associated with any intensive animal keeping on the ‘subject land’, which complies with PDC 5(c).

The design and orientation of this proposal has considered and utilised a number of environmentally sustainable design techniques. There is no mains water connected to the site and therefore the applicants propose to install 2 – 77,000 litre aboveground rainwater storage tanks, one of which will be used for firefighting purposes and the other will be connected to the proposed dwelling. In addition, the applicants propose to have a solar battery store within the dwelling so that power generated from photovoltaic cells can be stored in batteries for future use, rather than depending on electricity generated from fossil fuel sources.

The only reason this proposal has been deemed to be a ‘non-complying’ form of development is the design of the proposed dwelling is unable to achieve a total window area on the eastern and western aspects not exceeding 50% of the total window area of the dwelling: In this case there is 75% window area of the eastern and western aspects of the proposed new dwelling.

However, this aspect of the proposal should not be viewed in a negative light as the applicants have engaged the services of an energy efficiency consultant to determine the energy rating for the proposed dwelling. Whilst the requirement is to achieve a 6 star energy rating, the current design is still able to achieve a 6.2 star energy rating.

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

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

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

The proposal is for the construction of a single storey detached dwelling and associated residential outbuilding which are grouped together (refer attached Site Plan in Appendix ‘E’). The proposed dwelling is setback approximately 180 metres east from the North Para River and approximately 850 metres north of the southern boundary of the allotment, hence the proposed built form is setback to minimise any visual impact when viewed from public roads. Considering William Hawke Road is a dead end road which only services dwellings on adjoining allotments, then the most dominant view is from Concordia Road which is more than 1.44 kilometres from the proposed built form, thus further minimising any visual impact created by the development proposal (refer to Site Plan attached in Appendix ‘E’ for the setbacks to the proposed built form).

As indicated previously in this submission the allotment is devoid of significant strands of native vegetation, with single trees being randomly located on the allotment. This however provides the applicants with an opportunity of landscaping in the vicinity of the proposed dwelling and outbuilding thus further minimising any visual impact from adjoining public roads.

The ‘subject land’ is located within the medium bushfire risk area as defined on Bushfire Protection Area BPA Map Baro/1 and as such there is no mandatory referral required to the
CFS under Schedule 8 of the Development Regulations 2008 (refer to BPA Map Baro/1 attached in Appendix ‘D’).

Access to the subject land is gained off William Hawke Road which is a local unsealed road under the care and control of Council. All access roads within the site will be constructed from compacted crushed rock which has either been bought to the site or sourced through the cut and fill operations undertaken to provide a building platform for the existing storage shed. The existing internal roads are equal to or greater than 3.00 metres in width, which will allow for emergency vehicle access, if required.

The location of the proposed dwelling has been carefully sited on the allotment to ensure the following:

- Does not require the removal of any of the existing native vegetation;
- The sighting on the allotment of the proposed dwelling to minimise the extent of any further cut and fill on the site;
- Located to provide adequate separation distance from the dwellings located on the adjoining allotments and any visual impact from adjoining public roads, and
- The proposed internal access has been carefully selected to follow the natural topography of the site and therefore minimise the extent of cut and fill operations, thus reducing erosion on the allotment.

The subject land is located more than 500 metres from any intensive animal keeping activities in the immediate locality and this proposal will not be associated with any intensive animal keeping of the ‘subject land’.

The immediate locality is characterised by allotments of varying sizes and configurations with the predominant land uses being either primary production or horticulture (vineyards) activities. Many of the allotments abut the North Para River and several of the existing dwellings are on allotments of approximately 1 hectare. The ‘subject land’ is of sufficient area to continue to be used for both cereal cropping and stock grazing in the future.
6.0 - CONCLUSION:

As outlined above, notwithstanding the non-complying assignment of this application it is considered that the proposed development has sufficient merit to warrant further assessment, based on the following reasons:

- The proposed development will provide economic activity and investment opportunities to the region without compromising the key objectives for the zone or the existing precinct provisions.

- The 'subject land' is located entirely within the Primary Production Zone and Precinct 5 Concordia which supports value adding activities, including expansion of the existing primary production activities on allotments of this size.

- The existing allotment has adequate frontage to William Hawke Road which provides a safe and convenient access to the 'subject land';

- The proposed development is adequately serviced by all or the required services to allow occupation of the proposed dwelling. In addition, the applicants have elected to harvest both rainwater run-off and solar energy to service the proposed dwelling.

- The orderly nature of the development in its location; and

- The siting of the proposed new building will not require the removal of any existing eucalypt trees randomly located on the site (refer to Site Plan attached in Appendix ‘E’);

- The proposed dwelling has been carefully designed, sited and a selected exterior finish to ensure there is minimal visual impact when viewed from either Concordia Road or other public roads in the immediate locality.

The construction of a single storey detached dwelling with alfresco area under the main roof, construction of a domestic outbuilding (garage) measuring 20.00m x 10.00m x 3.50m wall height and associated earthworks, combined with the applicants desire to further enhance and value add to the existing primary production activities already being undertaken on the site is unlikely to detract from the area’s visual amenity or surrounding primary production or horticulture activities. It will, however, bring economic stimulus, growth and opportunity to the local area. Such outcomes are entirely consistent with the relevant provisions of development contained within the applicable Development Plan.

Taking into consideration the abovementioned merits of the proposal, the applicant seeks support from Council to proceed with a more detailed assessment of the proposal by requesting a Statement of Effect for further consideration.

Trevor V White
Managing Director
MURP MPIA Grad Cert Bldg & Planning, Dip Bus
APPENDIX A
(Certificate of Title)
CONFIRMATION OF REGISTRATION

Certificate of Title - Volume 6182 Folio 216

Estate Type
FEE SIMPLE

Registered Proprietor(s)
CHRISTOPHER JOHN O'HARA
ASHLEY SARAH O'HARA
OF 37 AGUILA BOULEVARD ROXBY DOWNS SA 5725
AS JOINT TENANTS

Description of Land
ALLOTMENT 57 DEPOSITED PLAN 113396
IN THE AREA NAMED CONCORDIA
HUNDRED OF BAROSSA

Easements
SUBJECT TO EASEMENT(S) OVER THE LAND MARKED C ON D113396 (TG 10854220)
SUBJECT TO EASEMENT(S) OVER THE LAND MARKED G ON D113396 (TG 10807512)
SUBJECT TO RIGHT(S) OF WAY OVER THE LAND MARKED H ON D113396 (RTC 12609337)
TOGETHER WITH RIGHT(S) OF WAY OVER THE LAND MARKED A ON D113396 (GRO NO. 448 BOOK 80)

Schedule of Dealings
Dealing Number Description
13002480 MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD. (ACN: 005 357 522)

Registrar-General
Lands Titles Office

ABN 71 967 041 422

Land Services
Ground Floor, 101 Grenfell St, Adelaide 5000
GPO Box 1354, Adelaide SA 5001, DX 58195
Metro 08 6423 5000, Country 1800 648 176

Mr CJ & Mrs AS O’Hara
Agenda - Barossa Assessment Panel - 2 March 2021

Statement of Support
74
ENLARGEMENT B2
NOT TO SCALE

ENLARGEMENT C2
NOT TO SCALE

REFERENCE MARKS

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ENLARGEMENT A2
NOT TO SCALE

ENLARGEMENT D2
NOT TO SCALE

D113431

D80054

TEUSNER ROAD

CONCORDIA ROAD

TEUSNER ROAD

CONCORDIA ROAD

WILLIAM HAYKE ROAD

F19063

D113431

G

57

62.50ha

APPROX

0.23

65.50ha

10.00

56

40.50ha
APPENDIX B
(Zone and Precinct Map – Baro/22)
The 'subject land' identified as Allotment 57, in DP113396 and on which a proposed new dwelling and ancillary structures will be constructed is entirely contained within the Primary Production Zone of the Barossa Council Development Plan (5 September 2019 - consolidation).
The 'subject land' identified as Allotment 57, in DP113396 and on which a proposed new dwelling and ancillary structures will be constructed is entirely contained within the Precinct 5 Concordia of the Barossa Council Development Plan (5 September 2019 - consolidation)
APPENDIX C

(Heritage Character Preservation District – Overlay Map Baro/22)
The 'subject land' identified as Allotment 57, in DP113396 is contained within the Heritage and Character Preservation District of the Barossa Council Development Plan (5 September 2019 - consolidation) as defined on Overlay Map Baro/22 – Heritage and Character Preservation District.
APPENDIX D
(Bushfire Protection Area – BPA Map Baro/1)
The 'subject land' identified as Allotment 57, in DP113396 is contained within the Medium Bushfire Risk Area of the Barossa Council Development Plan (5 September 2019 consolidation) and as such there is no mandatory referral to the CFS required under Schedule 8 of the Development Regulations 2008.
APPENDIX E

(Concept Plans – including Site Plan, Elevations and Floor Layout)
Dear Chris O’Hara,

Thank you for your enquiry with Shed King regarding your new steel structure.

Here at Shed King we understand your need for a customised solution that not only meets your design & aesthetic requirements but is also practical, meets the Building Code of Australia (BCA), will stand strong in your local conditions & provides exceptional value. We provide Real Sheds – Real Value™.

With 30 years in business we have gained extensive experience and knowledge across all these facets as well as having built strong relationships with local trades, suppliers, councils and our customers.

We are an authorised distributor of Fair Dinkum Sheds allowing us access to the knowledge and support of a group that has sold over 180,000 sheds in 20 years. All Shed King Sheds are made from quality Australian BlueScope® Steel with G450 tensile strength and Z350 coating. We are ShedSafe™ accredited - giving you the confidence that your shed has been designed to suit your site. The design has been tested and checked by licensed structural engineers and meets all requirements of the Building Code of Australia (BCA). **Note: Since May 1st 2019 a new National Construction Code (NCC19) has been introduced. Our buildings are designed to meet this Standard.**

Your satisfaction throughout any part of the process and with the final product is our focus; If there is anything we can do to help you make a decision or to make your project run smoothly, please do not hesitate to contact us.

Regards,

Justin Smith
Steel Structure Specialist
Shed King
1 Somerset Circuit, Lonsdale, SA, 5160
E: justin@shedking.com.au
W: www.shedking.com.au
M: 0414 069 951
## Customer Details

Customer Name: Chris O'Hara
Site Address: Lot 57 William Hawke Rd Concordia 5118
Mobile: Phone: 0418816063
Email: cohara@roxbyhydraulics.com.au

## Quotation Overview

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### Footing

**SLAB**
Min 100mm Slab thickened locally under each column by BORED footing
Concrete in Vertical Bored hole locally under each column 450mm x 600mm Diameter x Depth
The above foundation details are only suitable for soil classification A.S. or M and S.B.V. 100 kPa min.
For other soil types refer to a registered structural engineer.
Refer to sheet No '4' in plans for details other than shown on specification sheet and footing diagram sheet

### Notes
### YOUR QUOTE

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### TOTAL PRICE

INC GST $60,514.00

INDEMNITY INSURANCE IS NOT INCLUDED IN THIS QUOTATION

### THE NEXT STEP

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Total 100%

### Confirmation of Order

I hereby agree to place this order based on the details and terms and conditions provided.

**Customer name:**

**Customer signature:**

**Date:**

### Bank Details

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*Agenda - Barossa Assessment Panel - 2 March 2021*
CREDIT CARD FACILITIES ARE AVAILABLE IN STORE OR OVER THE PHONE

TERMS & CONDITIONS

1. **E J Luis Holdings Pty Ltd, T/ A Shed Master Custom Solutions & The Shed King ABN 12 616 460 498 (“the seller”)** for the value set out on the Contract Document and in accordance with the terms and conditions below shall provide and deliver to the buyer’s land (“the site”) the materials for the structure (“the materials”) as specified in the contract document. These terms & conditions, together with all of the details specified in the contract document comprise the whole of the agreement between the seller and the buyer (“the contract”) unless otherwise expressly agreed to in writing.

2. **TIMING:** Any times quoted in this contract are estimates only. The seller cannot and shall not be liable to the purchaser or any other person for damages or in any manner whatsoever, which may result from failure or delay in delivering the materials by the estimated times. The completion of this contract is conditional upon receipt of payment (including clearance of all deposited monies), receipt of materials ordered, and the granting of building approval. The parties agree that the estimated times are targets only and the seller agrees to make all reasonable effort to meet such targets.

3. **PRICE:** The purchase price shown will be fixed for a period of 30 days from the date of this contract. Any variations or scope changes shall not be binding upon the seller unless expressly agreed to in writing by it with any costs resulting from such variation to be borne by the buyer. Should the buyer terminate this contract then the seller shall be entitled to a sum equal to five (5) % of the contract value, such sum which may be deducted from the deposit if it is sufficient.

4. **APPROVALS:**
   a.) The seller shall on behalf of the buyer prepare general architectural sketches of the structure comprising the materials and shall include steel to steel connection and footing details. The seller shall include a certificate of compliance if the purchaser specifically requests the same at the contract date: The seller shall only be responsible for complying with the requirements of the relevant Shire to the extent of its obligations under this Contract.
   b.) The Buyer shall provide its own Site Plan and obtain all other details as required by relevant authorities and the Seller shall submit the plan for approval with all costs imposed being borne by the Buyer.

5. **DESIGN:** The seller supplies all buildings and the materials on an “ex-works” basis designed in accordance with the current edition of AS1170.2 for regions A, B, C & D Terrain Cat 2 to 4 enclosed. Buyers requiring buildings outside these designs must advise the seller of any required amendments to this contract. Accessories manufactured by others are selected on the performance data provided to the seller and is the responsibility of those manufacturers. All reasonable effort has been made to design, manufacture and supply the correct components and quantities; However, the buyer or the buyer’s erector is responsible for any practical site
modification necessary to complete the structure. The seller fully reserves the right to supply standard sizes, designs and components where the buyer requirements fall outside the seller’s standard range and also to vary all plans, designs and specifications at any time without notice.

6. SITE: The amount of the contract does not include any costs of levelling or otherwise preparing the site unless stated. Costs for any additional work required on site shall be borne by the buyer. Once the buyer enters into the contract then from that date the seller shall have the license and authority to enter the site during working hours without further notice to the buyer for the purpose of completing the contract. The seller or its agents shall not be liable for any damage caused to any pipe, cable, driveway, verge, path, lawn, vegetation or other unforeseen structures. If the buyer delays completion of site preparation and this unduly hinders the progress of the works, then the seller reserves the right to perform the site preparation at the buyer’s expense by giving 2 weeks’ written notice of such intention to the buyer.

7. BUILDERS MATERIALS: Any excess builders materials left on site may be removed by the builder.

8. RUBBISH MATERIALS: The seller does not assume the responsibility for trade waste or rubbish. Building Licenses generally require a waste bin to be made available. This service can be provided by the seller at the cost of the buyer.

9. CONCRETE: Where the contract provides that the buyer will carry out any work (the buyer’s work), the buyer takes full responsibility for the performance of the buyer’s work, for protection of the buyer’s work and for any damage to the works caused by performance of the buyer’s work. The builder is not liable for the buyer’s work and the buyer indemnifies and will keep indemnified the builder against any loss and damage suffered by reason of the performance of the buyer’s work.

10. PAYMENT: The buyer shall pay to the seller:
   a.) The deposit on the contract date with the balance of the purchase price by way of the progress payments stated on the contract. Payment is due within 7 days of the invoice date on each progress payment invoice:
   b.) If you are purchasing kit only goods then a 10% deposit is payable on the contract date. A payment to bring the amount paid up to 50% of the total contract price is then required to be paid prior to materials being ordered. The balance is due to be paid prior to delivery or pick up of the kit. If the kit is not paid in full when ready for delivery/pick up then a storage fee of $100 plus GST per week will apply.
   c.) Any additional costs which are to be borne by the buyer pursuant to this contract in such manner and at such times as the seller determines by notice in writing to the buyer.
   d.) Should the buyer pay by credit card a surcharge of 2.2% of the invoice value being paid will be applied to the payment to cover the sellers costs.
   e.) The seller reserves the right to charge the buyer interest on late payments.
   f.) Should the buyer fail to make any payments required pursuant to the contract the seller may in addition to any other rights it has at law, enter the site to remove any materials delivered. Any payments required pursuant to this contract which remain unpaid for a period of 90 days shall result in the materials being sold with the seller entitled to retain an amount equaling the balance to be paid by the purchaser pursuant to the contract.
11. DELIVERY: The parties agree that:
   a.) The seller shall not be liable for loss or damage sustained to the materials by any carrier other than the seller’s;
   b.) The seller shall not be liable for any claim as to damage or shortages in the materials unless the buyer provides particulars of such shortages to the seller within five (5) days of receipt of materials at the site;
   c.) The seller reserves the right to organise & charge as extra to the contract for deliveries considered by the seller to be outside the delivery area or description nominated by the buyer and/or where additional delivery costs are incurred (e.g. over a fence)
   d.) Where access to the site is deemed difficult or unsafe by the delivery driver, the materials will be set down as close as practical to the site at the driver’s discretion and the buyer may have to relocate the materials to the actual site prior to the arrival of the buyer’s/seller’s erector (whichever is applicable) at no cost to the seller;
   e.) Identification of the site with suitable markers or pegs must be made by the buyer before delivery. In rural locations where necessary, assistance with unloading and labour or plant hire to unload shall be the buyer’s responsibility. The buyer is also to provide a clear map with instructions on how to find the site.
   f.) The buyer will be responsible for the covering of their purchased materials on site against weather, damage and/or theft.

12. TITLE: All materials bought or delivered to the site by the seller shall remain the property of the seller until payment in full of the contract amount together with any other costs to be borne by the buyer. In the event that the seller provides building services surplus & unused materials shall remain the property of the builder and the buyer shall ensure that the same are returned to the seller.

13. MEASUREMENTS: All measurements are nominal unless stated otherwise. Architectural drawings are provided as a guide only to the general appearance of the structure & measurements are not to be used for construction purposes. Length and/or width (span) of buildings usually represent the distance between the inside of the wall cladding. Height is measured from the top of flooring to top of fascia purlin on gable roof of building & top of highest fascia purlin on skillions.

14. DISCLAIMER: Any advice, recommendation, information, assistance or service provided by the seller, its employees, agents & sub-contractors is given in good faith and is believed to be appropriate and reliable and all liability arising from any of these matters is fully disclaimed. The seller, its suppliers and/or its contractors will not be liable nor accept any consequential damages or claims.

15. LIABILITY: The seller shall cease to be liable for any loss or damage caused by fire, theft or injury to goods after delivery of the materials to the site is completed. The seller accepts no responsibility whatsoever for consequential loss or damage attributable to defective workmanship, materials or design or delays in delivery.

16. AGREEMENT: All conversations, warranties, representations and statements not contained within this contract are expressly excluded and shall not be part of the contract or to have induced the order. The seller exercises great care to deliver quality materials and as such makes no guarantee expressed or implied as to the
life, description, quality, productiveness, or any other matters of packaging supplies sold; or assume any legal liability or responsibility for any problems with any materials purchased by the buyer.

17. INSPECTION: The buyer must inspect the materials immediately and must within five (5) days after the date of delivery to the site give written notice to the seller, with particulars, of any claim that the materials are not in accordance with the contract. If the buyer fails to give that notice, to the extent permitted by statute, the materials are deemed to have been accepted by the buyer.

18. RETURN: The buyer must not return any goods or materials which it claims are not in accordance with the contract, unless the seller has first given its written approval to their return. The return of the goods and materials must be freight and cartage prepaid by the buyer.

19. LITIGATION/DEBT COLLECTION COSTS: Any legal action for recovery of moneys owed by the buyer shall be issued at an appropriate court in South Australia, or out of such court as the seller in its discretion wishes. Should the buyer wish to commence proceedings against the seller in relation to the contract, the buyer must commence such proceedings out of the appropriate court in South Australia, such court having the exclusive jurisdiction to deal with the matter. All costs relating to debt recovery will be passed onto the buyer and the buyer will be liable to pay for any such costs.

20. WAIVER: Any consent or waiver by the seller to any breach of any of its obligations under this contract is not to be construed as a consent or waiver to any other breach by the buyer of the same or any of the buyer's obligations under this contract. Any waiver granted by the seller must be in writing and signed by a director of the seller.

21. REFUND: Deposit will be refunded to the buyer less the cost of engineering and less an administration fee equal to 2% of the total contract value, if building approval is not granted (non-approval must be in writing by

<table>
<thead>
<tr>
<th>By Signing Below, You are Agreeing to Our Terms &amp; Conditions</th>
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</thead>
<tbody>
<tr>
<td>Customer Name: Chris O'Hara</td>
</tr>
<tr>
<td>Site Address: Lot 57 William Hawke Rd Concordia 5118</td>
</tr>
<tr>
<td>Mobile:</td>
</tr>
<tr>
<td>Email: <a href="mailto:cohara@roxbyhydraulics.com.au">cohara@roxbyhydraulics.com.au</a></td>
</tr>
<tr>
<td>Customer Ref: 53780</td>
</tr>
<tr>
<td>Phone: 0418816063</td>
</tr>
</tbody>
</table>

Signature: ___________________________ Date: _______________________

the relevant local authority/shire). The contract cannot otherwise be terminated unless agreed in writing by the owner of Shed Master Custom Solutions. A refund will also not be authorized if a period of greater than 12 months has elapsed between the date of the contract and the date that a refund is requested.
STATEMENT of EFFECT

Construction of a detached dwelling, verandahs, alfresco area, front porches and separate domestic outbuilding located on Allotment 57 (DP45537), 57 William Hawke Road
CONCORDIA SA

Prepared for

Mr C J & Mrs A S O’Hara
(Frank Nesci Homes – The Applicant)

November 2020
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1.0 - LEGISLATIVE REQUIREMENTS:

Planning Solutions (SA) Pty Ltd have been engaged to act for Mr CJ & AS O’Hara the owners of the subject land contained in the Certificate of Title Volume 6182 Folio 216, being identified as Allotment 57, in Deposited Plan 113396, Hundred of Barossa, in an area known as Concordia (a copy of the Certificate of Title is attached in Appendix ‘B’).

The applicants seek Development Plan Consent for the construction of a single storey detached dwelling with alfresco area under the main roof, construction of a domestic outbuilding (garage) measuring 20.00m x 10.00m x 3.50m wall height and associated earthworks on allotment 57 William Hawke Road at Concordia is a ‘non-complying’ form of development but is worthy of further assessment.

Council has previously received and considered a brief Statement of Support prepared by Planning Solutions SA Pty Ltd that outlined the nature of the proposed development. Accordingly, the applicant was advised by email dated 26 October 2020 indicating that Council had confirmed acceptance of the brief Statement of Support for the proposal and advised, pursuant to Regulation 17(3)(b) of the Development Regulations 2008, that Council had resolved to proceed with further assessment of the application.

This Statement of Effect has been prepared in accordance with Regulation 17(5) of the Development Regulations 2008, which requires the Statement of Effect to include the following:

(a) a description of the nature of the development and the nature of its locality; and
(b) a statement as to the provisions of the Development Plan which are relevant to the assessment of the proposed development; and
(c) an assessment of the extent to which the proposed development complies with the provisions of the Development Plan; and
(d) an assessment of the expected social, economic and environmental effects of the development on its locality; and
(e) any other information specified by the relevant authority when it resolves to proceed with an assessment of the application (being information which the relevant authority reasonably requires in the circumstances of the particular case)

and may include such other information or material as the applicant considers supports the proposal.

In preparing this Statement of Effect, staff from Planning Solutions (SA) Pty Ltd have carried out the following to demonstrate that even though the application is deemed to be a ‘non-complying’ form of development, it contains considerable ‘merit’ and is worthy of Council’s support:

- I have viewed the ‘subject land’ and its locality;
- Considered the nature of the proposal in detail;
- I have considered the impact that the proposal may have on the adjoining landowners considering that the immediate locality is also zoned the same as the subject land and the proposal is commensurate with similar existing forms of rural development exhibited in the immediate locality;
- I have considered the benefit of developing an existing underutilised allotment through the construction of a dwelling, but also developing the undersized allotment with value adding activities that are sustainable and commensurate with the size of the allotment and the cleared areas available on the site;
- I have considered the proposal against the relevant General Module, Zone and Precinct provisions, contained in Council’s current Development Plan (5 September 2019 - consolidation)
2.0 - SUBJECT LAND:

The ‘subject land’ is located north of the rural township of Sandy Creek and abutting the North Para River, with access to the site being off William Hawke Road. The ‘subject land’ is identified as Allotment 57 in Deposited Plan 113396, Hundred of Barossa in the area known as Concordia and contained within Certificate of Title Volume 6182 Folio 216 (a copy of the Certificate of Title is attached in Appendix ‘B’).

Allotment 202 is best described as an ‘irregular shaped allotment’ with a total area of 62.5ha in area with a consolidated frontage of 616.70 metres to William Hawke Road.

The ‘subject land’ is almost devoid of native vegetation, with isolated trees in random locations, however, the construction of the proposed dwelling and associated domestic outbuilding will have no impact on the trees that exist on the site as none of the existing trees require removal to allow the construction of the proposed built form.

The location of the proposed dwelling and associated outbuilding has been carefully selected on the site, where the built form will be constructed below the ridgeline that runs through the centre of the site, and therefore the built form will not be seen from Concordia Road and will have limited exposure from William Hawke Road. There is a watercourse located on the eastern side of the allotment that feeds into the North Para River, however, this watercourse has no effect on the construction of the proposed internal roadworks that will provide access to the proposed built form off William Hawke Road.

Again, the location of the proposed new dwelling and associated domestic outbuilding has been professionally designed by Frank Neschi Homes, Building Designers who been strategically sited to ensure the built form on the site are grouped together and the extent of cut and fill operations is minimal.

The perimeter boundaries of the ‘subject land’ are fenced using a traditional rural stock fence as the applicants propose to either continue to crop the allotment under the existing share farm agreement or a combination of cereal cropping and stock grazing as a method of maintaining the natural grasses of the allotment to a manageable high to minimize any bushfire potential.

3.0 - LOCALITY:

Concordia is located north of the hamlet of Sandy Creek. The immediate locality is characterized by allotments of varying sizes and configurations with the predominant land uses being either primary production or horticulture (vineyards) activities. Many of the allotments abut the North Para River and several of the existing dwellings are on allotments of approximately 1 hectare. The ‘subject land’ is of sufficient area to continue to be used for both cereal cropping and stock grazing in the future.

In the wider locality are a number of single storey detached dwellings with associated outbuildings that are used for either the parking of vehicles and machinery or other equipment used in the day to day management of the rural activities on the allotments. Within this immediate area there is no defined development pattern as the road pattern and the allotment configuration is akin to the natural topography of the area.

Located south east of the ‘subject land’ are allotments that have a strand of native vegetation with vineyards being planted on the open areas that have been cleared in the past. The areas of native vegetation are more significant along the existing watercourses that feed into the North Para River.

The allotments to the south of the ‘subject land’ are larger in areas with no defined regularity on the allotment configuration, however these allotments are primarily used for cereal cropping.
The allotments to the west of the site are smaller in area and again are predominantly used for cereal cropping or stock grazing.

Many of the allotments, in the wider locality have been developed with a dwelling and associated outbuildings, that are grouped together and used for the storage of personal vehicles and machinery associated with the maintenance of the allotment.

The proposed development for the construction of a single storey detached dwelling with alfresco area under the main roof, construction of a domestic outbuilding (garage) measuring 20.00m x 10.00m x 3.50m wall height and associated earthworks provides the applicants with the opportunity to further develop to existing primary production activities on the allotment with stock grazing (sheep or cattle) by residing on the property. These activities will have minimal impact on the adjoining landowners as these activities are envisaged within the Primary Production Zone.

**4.0 - PROPOSAL:**

The applicant seeks **Development Plan Consent** for the construction of a single storey detached dwelling with alfresco area under the main roof, construction of a domestic outbuilding (garage) measuring 20.00m x 10.00m x 3.50m wall height and associated earthworks on allotment 57 which abuts William Hawke Road. The proposal is deemed to be a ‘non-complying’ form of development as the design of the proposed dwelling is unable to achieve a total window area on the eastern and western aspects not exceeding 50% of the total window area of the dwelling: In this case there is 75% window area of the eastern and western aspects of the proposed new dwelling.

The ‘subject land’ is contained entirely within the **Primary Production Zone and Precinct 5 Concordia** of the Barossa Council Development Plan (5 September 2019 - consolidation) and is depicted on Zone and Precinct 5 Maps Baro/22 (refer to attached Zone and Precinct Maps in Appendix ‘C’).

The proposed single storey detached dwelling with alfresco area under the main roof, construction of a domestic outbuilding (garage) measuring 20.00m x 10.00m x 3.50m wall height and associated earthworks has been professionally designed by Frank Nesci Homes who are prominent and well respected home builders in Gawler (a copy of the proposed Concept plans is attached in Appendix ‘F’).

**Proposed Dwelling:**

The proposed single storey detached dwelling, including alfresco area under the main roof, construction of a domestic outbuilding – garage (measuring 20.0m x 10.0m x 3.50m wall height) and associated earthworks, consists of the following components:

- Rear verandah which runs for the full length of the dwelling, and alfresco area;
- Front verandah which also runs almost the full length of the dwelling;
- Master Bedroom, which includes W.I.R., plus separate ensuite comprising of vanity basins, shower and WC and a separate Study or Parents Retreat;
- Bedrooms 2, 3 and 4 all include walk in robes (WIR’s);
- Guest Bedroom, with built in robe:
- Separate Solar Battery Storeroom and separate storage area;
- Rumpus Room located on the northern aspect of the proposed new dwelling;
- Separate bathroom to service bedrooms 2, 3 and 4, including bath, vanity and shower:
- Separate powder room to service bedrooms 2, 3 and 4, including second vanity;
- Separate WC to service bedrooms 2, 3 and 4:
- Laundry, including washing machine and storage cupboards;
- Entry Porch;
- Separate Mud Room and associated porch area;
- Kitchen, living and meals area, with separate walk-in pantry;
- Alfresco area that is accessible from both the meals and living areas.

The proposed domestic outbuilding will provide a least 1 undercover carparking space (refer to Part Site Plan attached in Appendix ‘E’).

**Proposed Domestic Outbuilding:**

This proposal also includes the construction of a domestic outbuilding, measuring 20.00m long x 10.00m wide x 3.50m wall height, that will be used for the parking of the residents vehicle and other machinery and equipment used in the day to day maintenance and operations of the proposed allotment, especially in the vicinity of the proposed built form.

Located on the eastern aspect of the proposed domestic outbuilding will be a noncombustible aboveground rainwater storage tank, where the harvested water will be dedicated to CFS use. Should the need arise. The same size rainwater storage tank will be located on the northern aspect of the proposed dwelling where the harvested water will be plumbed to the new dwelling as mains water is not available to the site. Overflow from both tanks will be piped away from the built form and used for irrigation of future landscaping.

**Site Access:**

Access to the subject land is gained off William Hawke Road which is a local unsealed road under the care and control of Council. All access roads within the site will be constructed from compacted crushed rock which has either been bought to the site or sourced through the cut and fill operations undertaken to provide a building platform for the existing storage shed. The existing internal roads are equal to or greater than 3.00 metres in width, which will allow for emergency vehicle access, if required.

The allotment is of adequate size and configuration to ensure that all vehicles entering and exiting the site, do so in a forward direction, ensuring the safe and efficient movement of vehicles on the adjoining public road.

**Stormwater Management:**

The design and orientation of this proposal has considered and utilised a number of environmentally sustainable design techniques. There is no mains water connected to the site and therefore the applicants propose to install 2 – 77,000 litre aboveground rainwater storage tanks, one of which will be used for firefighting purposes and the other will be connected to the proposed dwelling. The overflow from the existing rainwater storage tank is piped away from the buildings and allowed to discharge over the existing landscape or can be piped to proposed garden bed or tree plantings, whichever the applicants chose as being the most beneficial.

**Bushfire Provisions:**

The ‘subject land’ is located within the medium bushfire risk area as defined on Bushfire Protection Area BPA Map Baro/1 and as such there is no mandatory referral required to the CFS under Schedule 8 of the Development Regulations 2008 (refer to BPA Map Baro/1 attached in Appendix ‘E’).

**External Colour Scheme:**

The proposed external colour scheme for the proposed built form is listed below:

**Proposed Dwelling**
- Colorbond roof: Basalt (inc. verandah)
- Colorbond gutters: Basalt (inc. verandah)
- Colorbond fascia: Monument (inc. verandah)
- Powder coated windows/doors: Monument
- Gable barge boards: Monument
- Brick: WA Limestone block
- Posts: Monument
- Front door: Monument

**Proposed Domestic Outbuilding**

- Shed Roof: Basalt
- Shed Walls: Shale Grey
- RW Tank: Shale Grey

The proposed dwelling external colour scheme consists of a combination of light and dark greys, black and limestone colours that blend in with the natural environment and existing landscape. The colour scheme for the proposed domestic outbuilding and storage tanks are in keeping and commensurate with the proposed dwelling. In addition, the applicants have chosen paint and material finishes that are non-reflective in nature to ensure and reduce any glare from the proposed built form on adjoining landowners or users of the adjoining public roads.
5.0 – NATURE & CLASSIFICATION OF DEVELOPMENT:

The nature & classification of the construction of a single storey detached dwelling, including alfresco area under the main roof, construction of a domestic outbuilding – garage (measuring 20.0m x 10.0m x 3.50m wall height) and associated earthworks located on Allotment 57, William Hawke Road at Concordia is based on the following:

The ‘subject land’ is contained entirely within the Primary Production Zone and Precinct 5 Concordia of the Barossa Council Development Plan (5 September 2019 - consolidation) which accommodates broadacre farming pattern and undulating wooded pastures together with isolated dwellings and scattered farm buildings.

The allotment at the time of writing this report, the ‘subject land’ was devoid of any built form and the allotment is used for cereal cropping, which is envisage in Primary Production Zone.

The allotment is entirely contained within both the Primary Production Zone and Precinct 5 Concordia, which states the following in relation to the construction of a detached dwelling.

<table>
<thead>
<tr>
<th>Form of Development</th>
<th>Exceptions</th>
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<tbody>
<tr>
<td>Dwelling</td>
<td>Except for a detached dwelling:</td>
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<tr>
<td></td>
<td>(a) within Precinct 7 Paper Town, where the allotment is 32 hectares or greater or</td>
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<td>(b) within Precinct 4 Barossa Range, where:</td>
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<td>(i) the allotment is at least 100 hectares or</td>
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<td></td>
<td>(ii) identified in Table Baro/3 - Infill Dwelling Sites</td>
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<tr>
<td></td>
<td>(iii) where a habitable dwelling exists as at 18 September 1990 on one of a group of allotments, the total area of which exceeds 100 hectares provided both (A) and (B) are satisfied:</td>
</tr>
<tr>
<td></td>
<td>(A) that group of allotments is amalgamated to form one allotment of greater than 100 hectares and</td>
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<td>(B) the new dwelling is constructed within 200 metres of the existing dwelling on that allotment or</td>
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<td>(iv) on an allotment created after 27 June 1996 by the amalgamation of three or more contiguous, vacant allotments where the resultant allotment size is at least 50 hectares or</td>
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<td>(c) within Precinct 6 Moculta, where:</td>
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<td></td>
<td>(i) the allotment is at least 60 hectares or</td>
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<td></td>
<td>(ii) identified in Table Baro/3 - Infill Dwelling Sites</td>
</tr>
<tr>
<td></td>
<td>(iii) where a habitable dwelling exists as at 18 September 1990 on one of a group of allotments, the total area of which exceeds 100 hectares provided both (A) and (B) are satisfied:</td>
</tr>
<tr>
<td></td>
<td>(A) that group of allotments is amalgamated to form one allotment of greater than 60 hectares and</td>
</tr>
<tr>
<td></td>
<td>(B) the new dwelling is constructed within 200 metres of the existing dwelling on that allotment or</td>
</tr>
<tr>
<td></td>
<td>(iv) on an allotment created after 27 June 1996 by the amalgamation of three or more contiguous, vacant allotments where the resultant allotment size is at least 30 hectares or</td>
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<td>(d) involving the conversion of an existing heritage building for residential purposes or</td>
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<td></td>
<td>(e) where it is located outside of Precinct 4 Barossa Range, Precinct 6 Moculta or Precinct 7 Paper Town and where there is no habitable dwelling existing on the same allotment (apart from a State or local heritage place used as a tourist accommodation facility) and</td>
</tr>
</tbody>
</table>
|                     | (f) where no valid planning authorisation to erect a dwelling on the
same allotment exists and
(g) where no other application for development authorisation has
been made and is not yet determined for a dwelling on the
same allotment where the detached dwelling complies with
the following criteria:
(i) is not located in areas subject to inundation by a 1-in-100
year average return interval flood event
(ii) is sited at least 25 metres from any watercourse
(iii) is sited at least 300 metres from an existing winery or 500
metres from an existing intensive animal keeping land use
(iv) the vertical distance between any point at the top of any
external wall and the finished ground level immediately
below that point on the wall is less than 3 metres, other
than gable ends of the dwelling where the distance is less
than 5 metres
(v) there is no floor level directly above another floor level,
except where the upper floor level is located wholly at or
below finished ground level
(vi) the depth of excavation and/or filling of land is less than
1.5 metres, except for the purpose of constructing an
earth-sheltered dwelling
(vii) it does not involve the clearance of native vegetation
comprising trees and/or shrubs
(viii) contains a day living area incorporating at least one
window that faces between 20° east and 30° west of true
north
(ix) contains doors between living areas and between a living
area and other rooms and corridors
(x) has a total window area facing east and west not
exceeding 50 per cent of the total window area of the
dwelling
(xi) external eaves or awnings of a minimum 450 millimetres in
width is provided to west facing windows
(xii) roof incorporates an area of at least 10m² that faces between
30° west and 20° east of true north and has a pitch of greater
than 18°
(xiii) at least 1000 litres of stormwater from the roof is collected,
stored and re-used located within the dwelling
(xiv) is to be connected to an approved waste treatment system
satisfying the following criteria:
(A) no part of a septic tank effluent drainage field or any
other wastewater disposal area (eg irrigation area)
located within 50 metres of a watercourse
(B) no part of a septic tank effluent drainage field or any
other wastewater disposal area (eg irrigation area)
located in areas subject to inundation by a 1-in-100 year
average return interval flood event
(C) does not have a wastewater disposal area located on
any land with a slope greater than 20 per cent (1-in-5),
or a depth to bedrock or seasonable or permanent
watertable less than 1.5 metres
(D) septic tank or any other wastewater treatment facility
located on land likely to be inundated by a 1-in-10 year
average return interval flood event.

The ‘subject land’ is not located in either Precinct 7 Paper Town, Precinct 4 Barossa Range or
Precinct 6 Moculta, however the exemptions do provide some direction where the dwelling will
be located outside Precinct 7 Paper Town, Precinct 4 Barossa Range or Precinct 6 Moculta
where there is no habitable dwelling existing on the same allotment, apart from a State or local
heritage place used as a tourist accommodation facility. As indicated previously the ‘subject
land’ is devoid of existing built form and is used for cereal cropping as the primary activity.
In determining if this proposal is a non-complying form of development the proposal needs to satisfy all of the following criteria:

1. where no valid planning authorisation to erect a dwelling on the same allotment exists and

The ‘subject land’ is devoid of any existing built form and is currently used for cereal cropping as the primary land use.

2. where no other application for development authorisation has been made and is not yet determined for a dwelling on the same allotment where the detached dwelling complies with the following criteria:

There is no other development authorisation lodged with the Barossa Council awaiting assessment other than the development application that has already been lodged by Frank Nesci Homes for current dwelling and associated outbuilding.

(i) is not located in areas subject to inundation by a 1-in-100 year average return interval flood event

The location of the proposed dwelling and associated domestic outbuilding will be elevated high enough above the banks of the Para River so that the proposed dwelling will not be subjected to 1:100 year ARI flood event.

(ii) is sited at least 25 metres from any watercourse

The nearest watercourse to the subject land is the Para River. Refer to the proposed location of the dwelling and the associated outbuilding which confirms the dwelling will be located approximately 180 metres from the bank of the watercourse, thus exceeding the suggested minimum distance of 25 metres.

(iii) is sited at least 300 metres from an existing winery or 500 metres from an existing intensive animal keeping land use

There is no winery or intensive animal keeping land use within the nominated separation distances listed above, hence the proposal complies with the separation distances.

(iv) the vertical distance between any point at the top of any external wall and the finished ground level immediately below that point on the wall is less than 3 metres, other than gable ends of the dwelling where the distance is less than 5 metres

Refer to Elevation Plan attached in Appendix ‘F’ of this report which confirms that the main house wall height is 2.910 metres and the overall height of the proposed dwelling at the Gable Peak wall height is 4.960, with both dimensions satisfying the criteria above.

(v) there is no floor level directly above another floor level, except where the upper floor level is located wholly at or below finished ground level

The proposal is for a single storey detached dwelling and as such therefore is no additional floors above or below the proposed ground floor level of the dwelling.

(vi) the depth of excavation and/or filling of land is less than 1.5 metres, except for the purpose of constructing an earth-sheltered dwelling

The location of the proposed dwelling and associate outbuilding on the allotment requires some cut and fill operations as shown on the Part Site Plan attached in Appendix ‘F’, however the depth of the cut or fill is less than the 1.50 metres nominated in the exceptions.

(vii) it does not involve the clearance of native vegetation comprising trees and/or shrubs

As the ‘subject land’ is currently used as cereal cropping as the primary land use activity, the allotment is devoid of any native vegetation and therefore the construction of the proposed dwelling and the associated outbuilding requires no vegetation clearance.

(viii) contains a day living area incorporating at least one window that faces between 20° east and 30° west of true north

Refer to Floor Plan attached in Appendix ‘F’ which notes that the proposed rumpus room has significant large windows facing north which will provide natural heating to the room during the winter months.

(ix) contains doors between living areas and between a living area and other rooms and corridors

Also refer to attached Floor Plan in Appendix ‘F’ which shows the doors in locations to satisfy the provisions listed above.
(x) has a total window area facing east and west not exceeding 50 per cent of the total window area of the dwelling.

The design of the proposed new dwelling is not able to achieve the 50% window area. The design has 25% of the window area on the northern and southern aspect and 75% on the eastern and western aspects of the building. Consideration was of course given to attempting to achieve the required window area at the expense of losing the iconic views of the allotment that has and will continue to be used for cereal cropping and also the picturesque Barossa Ranges. However, it should also be stated that the decision to retain the current design of the dwelling has not detracted from the energy efficiency of the proposed building which is still able to achieve a 6.2 star energy rating.

(xi) external eaves or awnings of a minimum 450 millimetres in width is provided to west facing windows.

The western aspect of the proposed new dwelling has a 2.40m wide raked verandah for the full length of the building, hence covering all the windows and door entrances on the western aspect of the building, thus complying with the minimum of 450mm eaves or awnings.

(xii) roof incorporates an area of at least 10m² that faces between 30° west and 20° east of true north and has a pitch of greater than 18°.

The orientation of the proposed dwelling is able to achieve a greater area than the 10m² required. In this instance the area is greater than 70m².

(xiii) at least 1000 litres of stormwater from the roof is collected, stored and re-used located within the dwelling.

Considering mains water is not connected or available to the site, the applicants propose to install 2-77,000 litre aboveground rainwater storage tanks. Rainwater run-off from the proposed dwelling and associated domestic outbuilding will be harvested and piped to the 2 rainwater storage tanks. The colour of the proposed tanks will be commensurate with the external colour scheme of the proposed built form.

(xiv) is to be connected to an approved waste treatment system satisfying the following criteria:

(A) no part of a septic tank effluent drainage field or any other wastewater disposal area (eg irrigation area) located within 50 metres of a watercourse.

(B) no part of a septic tank effluent drainage field or any other wastewater disposal area (eg irrigation area) located in areas subject to inundation by a 1-in-100 year average return interval flood event.

(C) does not have a wastewater disposal area located on any land with a slope greater than 20 per cent (1-in-5), or a depth to bedrock or seasonable or permanent watertable less than 1.5 metres.

(D) septic tank or any other wastewater treatment facility located on land likely to be inundated by a 1-in-10 year average return interval flood event.

The issues relating to the proposed wastewater drainage system has been addressed in the Engineers WWS Report and associated Civil Plan. A separate wastewater development application will be lodged as a separate application and will be approved by Council’s EHO, prior to the issuing of Development Plan Consent.

In summary, the proposed development has been able to achieve all of the exemption provisions except for 50% window area on the eastern and western aspect of the dwelling, hence the proposal will be assessed as a non-complying form of development.

Council’s Development Plan is silent in relation to the public notification and the author is directed to Schedule 9 of the Development Regulations 2008, which states the following in relation to the proposed development:

Part 1 – Category 1 development:

2 Except where the development is classified as non-complying under the relevant Development Plan, any development which comprises —

(a) the construction of any of the following (or of any combination of any of the following):

(i) 1 or more detached dwellings;
The proposal for the construction of a detached dwelling is a ‘non-complying’ form of development and as such cannot be treated as a Category 1 minor, for the purposes of public notification. The proposal will therefore default to Category 3 for public notification.

**In summary**, the proposal for the construction of a detached dwelling including undercover carparking, alfresco area, front and rear verandahs will be assessed as a ‘non-complying’ form of development and Category 3 for the purposes of public notification.
6.0 DEVELOPMENT PLAN:

The 'subject land' is contained entirely within the Primary Production Zone and Precinct 5 Concordia of the Barossa Council Development Plan (5 September 2019 - consolidation) and is depicted on Zone and Precinct 5 Maps Baro/22 (refer to attached Zone and Precinct Maps in Appendix C).

In assessing the proposed development, the following Zone, Precinct and General Module provisions of the Barossa Council Development Plan are of relevance as to the appropriateness of this non-complying application.

**Primary Production Zone:**
Desired Character of Zone
Principles of Development Control: 5, 7, 10, 11, 12, 13, 14 and 15

**Precinct 5 Concordia:**
Principles of Development Control: 24, 25 and 26

**General Modules:**

*Design and Appearance:*
Objectives: 1
Principles of Development Control: 1, 2, 3, 4, 5 and 7

*Energy Efficiency:*
Objectives: 1 and 2
Principles of Development Control: 1, 2 and 3

*Hazards:*
Principles of Development Control: 1, 4, 7, 9, 12 and 28

*Infrastructure:*
Objectives: 1 and 5
Principles of Development Control: 1, 8 and 10

*Orderly & Sustainable Development:*
Objectives: 1, 2, 3, 4, 5 and 7
Principles of Development Control: 1, 6 and 8

*Siting & Visibility:*
Objectives: 1 and 2
Principles of Development Control: 1, 2, 4, 5, 7 and 9

*Transportation and Access:*
Principles of Development Control: 4, 22 and 29

*Waste:*
Principles of Development Control: 1, 3 and 4
7.0 ASSESSMENT:

Having regard to the relevant provisions of the Barossa Council Development Plan (5 September 2019 - consolidation) the following matters should be considered when assessing the proposed development.

Primary Production Zone:

Desired Character Statement:

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

The desired character statement identifies the role of the Primary Production Zone to accommodate grazing and broadacre farming land uses along with undulating wooded pastures together with isolated dwellings and scattered farm buildings. The zone also anticipates buildings to be limited to single storey in height and be designed to minimise the disturbance of the natural ground levels, and use design techniques to reduce the bulk and massing through materials and finishes that are of a low reflective nature and subdued colours that match the rural landscape, whilst using passive solar techniques, use of renewable energy and harvesting of rainwater run-off to be stored and reused within the dwelling.

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

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

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

The proposal is for the construction of a single storey detached dwelling and associated residential outbuilding which are grouped together (refer attached Site Plan in Appendix ‘F’). The proposed dwelling is setback approximately 180 metres east from the North Para River and approximately 850 metres north of the southern boundary of the allotment, hence the proposed built form is setback to minimise any visual impact when viewed from public roads. Considering William Hawke Road is a dead end road which only services dwellings on adjoining allotments, then the most dominant view is from Concordia Road which is more than 1.44 kilometres from the proposed built form, thus further minimising any visual impact created by the development proposal (refer to Site Plan attached in Appendix ‘F’ for the setbacks to the proposed built form).

As indicated previously in this submission the allotment is devoid of significant strands of native vegetation, with single trees being randomly located on the allotment. This however provides the applicants with an opportunity of landscaping in the vicinity of the proposed dwelling and outbuilding thus further minimising any visual impact from adjoining public roads.

PDC 7 A dwelling should only be developed if:

(a) there is a demonstrated connection with farming or other primary production

(b) the location of the dwelling will not inhibit the continuation of farming, other primary production or other development that is in keeping with the provisions of the zone

(c) it is located more than 500 metres from an existing intensive animal keeping operation unless used in association with that activity

(d) it does not result in more than one dwelling per allotment

(e) it is designed and constructed utilising environmentally sustainable design principles.
The existing allotment is currently used for cereal cropping under a share farm agreement. After the construction of the proposed new dwelling and associated domestic outbuilding the majority of the allotment will continue to be used for cereal cropping under the same agreement. The only area that will not be cropped will be an area around the dwelling, hence there is a connection with a primary production land use, which complies with PDC 5(a) and (b).

Approval for this development proposal will result in only one dwelling being located on the allotment, which complies with PDC 5(d).

The location of the proposed dwelling will be located further than 500 metres from any intensive animal keeping operation in the immediate locality. The proposed dwelling will not be associated with any intensive animal keeping on the ‘subject land’, which complies with PDC 5(c).

The design and orientation of this proposal has considered and utilised a number of environmentally sustainable design techniques. There is no mains water connected to the site and therefore the applicants propose to install 2 – 77,000 litre aboveground rainwater storage tanks, one of which will be used for firefighting purposes and the other will be connected to the proposed dwelling. In addition, the applicants propose to have a solar battery store within the dwelling so that power generated from photovoltaic cells can be stored in batteries for future use, rather than depending on electricity generated from fossil fuel sources.

The only reason this proposal has been deemed to be a ‘non-complying’ form of development is the design of the proposed dwelling is unable to achieve a total window area on the eastern and western aspects not exceeding 50% of the total window area of the dwelling: In this case there is 75% window area on the eastern and western aspects of the proposed new dwelling.

However, this aspect of the proposal should not be viewed in a negative light as the applicants have engaged the services of an energy efficiency consultant to determine the energy rating for the proposed dwelling. Whilst the requirement is to achieve a 6 star energy rating, the current design is still able to achieve a 6.2 star energy rating.

**PDC 10** Development should not be undertaken unless it is consistent with the desired character for the zone.

The development site is located within the Primary Production Zone to accommodate broadacre farming pattern and undulating wooded pastures together with isolated dwellings and scattered farm buildings. The zone also anticipates buildings to be limited to single storey in height and be designed to minimise the disturbance of the natural ground levels, and use design techniques to reduce the bulk and massing through materials and finishes that are of a low reflective nature and subdued colours that match the rural landscape, whilst using passive solar techniques, use of renewable energy and harvesting of rainwater run-off to be stored and reused within the dwelling.

The design of the proposed new dwelling has been professionally designed by Frank Nesci Homes who are prominent and well respected home builders in Gawler who considered the primary objectives of the zone in the design, design techniques, materials and finishes, colour scheme to match the rural landscape (a copy of the proposed Concept plans is attached in Appendix ‘F’).

**PDC 11** Buildings should be unobtrusive in appearance, not detract from the open natural character of the zone and, in particular should:

(a) be single storey

(b) be of a low profile with roof lines that complement the natural form of the land

(c) comprise variations in wall and roof lines and floor plans which complement the contours of the land so as to minimise the mass of the building

(d) be sited on an excavated rather than a filled site in order to reduce the vertical profile of the building
(e) incorporate large eaves, verandas and pergolas into designs to create shadowed areas which reduce the bulky appearance of buildings

(f) utilise non-reflective materials and be finished in colours that blend with the natural environment

(g) be screened by existing native vegetation when viewed from roads located within the zone or from townships.

The proposed dwelling external colour scheme consists of a combination of light and dark greys, black and limestone colours that blend in with the natural environment and existing landscape. The colour scheme for the proposed domestic outbuilding and storage tanks are in keeping and commensurate with the proposed dwelling. In addition, the applicants have chosen paint and material finishes that are non-reflective in nature to ensure and reduce any glare from the proposed built form on adjoining landowners or users of the adjoining public roads. The proposed colour scheme satisfies both the desired character statement and PDC 11(f) listed above.

Again, the location of the proposed new dwelling and associated domestic outbuilding has been professionally designed by Frank Nesci Homes, Building Designers who been strategically sited to ensure the built form on the site are grouped together and the extent of cut and fill operations is minimal.

In addition, the building designers have incorporated verandahs along the majority of the rear of the dwelling and on selected portions of the front elevation. This approach minimises direct sunlight on the windows of the proposed dwelling, thus keeping the inside of the building cooler during period of extreme summer heat.

The proposed dwelling external colour scheme consists of a combination of light and dark greys, black and limestone colours that blend in with the natural environment and existing landscape. The colour scheme for the proposed domestic outbuilding and storage tanks are in keeping and commensurate with the proposed dwelling. In addition, the applicants have chosen paint and material finishes that are non-reflective in nature to ensure and reduce any glare from the proposed built form on adjoining landowners or users of the adjoining public roads.

The existing allotment is devoid of native vegetation as the allotment is used for cereal cropping, hence the construction of the proposed dwelling and associated infrastructure does not require the removal of any native vegetation.

**PDC 12** Detached dwellings should:

(a) not be located in areas subject to inundation by a 1-in-100 year average return interval flood event nor be sited on land fill which would interfere with the flow of such flood water

(b) demonstrate access to a year round water supply and a safe and efficient effluent disposal system which will not pollute watercourses or underground water resources or be a risk to health

(c) cater for a safe, clean, tidy and unobtrusive area for the storage and disposal of refuse so that the desired natural character of the zone is not adversely affected

(d) not create a potential demand for the provision of services at a cost to the community.

The proposed wastewater treatment system achieves the following:

- No part of the septic tank effluent drainage system is located within 50 metres of the existing North Para River, which borders the northern boundary of the allotment:

- No part of the proposed wastewater drainage system, including the proposed irrigation area will not be subjected to flood inundation in a 1:100 year ARI event or a 1:10 year ARI event.

- Does not have a wastewater disposal system located on any land on the site associated with the proposed new dwelling of having a slope greater than 20% or 1:5
gradient or the depth of bedrock or seasonable or permanent watertable less than 1.50 metres.

Hence all of the utilities required to be provided for the occupation of the proposed new dwelling can be provided from existing public utilities or through the installation of renewable forms of energy generation and harvesting of rainwater run-off from the proposed built form.

**PDC 13** Detached dwellings should be designed and constructed in the following manner:

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

The design and orientation of this proposal has considered and utilised a number of environmentally sustainable design techniques. There is no mains water connected to the site and therefore the applicants propose to install 2 – 77,000 litre aboveground rainwater storage tanks, one of which will be used for firefighting purposes and the other will be connected to the proposed dwelling.

The western aspect of the proposed new dwelling has a 2.40m wide raked verandah for the full length of the building, hence covering all the windows and door entrances on the western aspect of the building, thus complying with the minimum of 450mm eaves or awnings.

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

All access roads within the site will be constructed from compacted crushed rock which has either been bought to the site or sourced through the cut and fill operations undertaken to provide a building platform for the existing storage shed. The existing internal roads are equal to or greater than 3.00 metres in width, which will allow for emergency vehicle access, if required.

**PDC 15** The number of outbuildings should be limited, they should be grouped together, located in unobtrusive locations and screened from view for public roads or townships.

Again, the location of the proposed new dwelling and associated domestic outbuilding has been professionally designed by Frank Neschi Homes, Building Designers who been strategically sited the proposed built form on the site to ensure they are grouped together and the extent of cut and fill operations is minimal.

**Precinct 5 Concordia**

**PDC 24** Intensive rural industries of a factory type, such as chicken and other poultry hatcheries and batteries, and other large buildings used for the intensive keeping of animals or intensive agriculture in an artificial environment, should not be established or expanded.
The proposed does not involve the establishment or expansion of an intensive rural industry and therefore PDC 25 of Precinct 5 Concordia does not apply to this Development Application.

**PDC 25**  A dwelling should only occur on an allotment greater than 32 hectares in area.

The ‘subject land’ identified as allotment 57 is approximately 62.50 hectares and therefore the allotment is larger than the minimum allotment area suggested in PDC 25.

**PDC 26**  Land division should create additional allotments of greater than 40 hectares in area.

The proposal does not include a land division and therefore PDC 26 of Precinct 5 Concordia does not apply to the Development Application

**General Modules Policy Provisions:**

**Design and Appearance:**

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

**Principles of Development Control:**

**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.

The proposed single storey detached dwelling has been professionally designed by Frank Nesci Homes who are prominent and well respected house designers and builders within the Gawler and Barossa Valley Area. The proposed design and external colour scheme are subdued colours to match the rural landscape (a copy of the proposed Concept plans is attached in Appendix ‘F’).

**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 4**  Where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise:

(a) the visual impact of the building as viewed from adjoining properties  
(b) overshadowing of adjoining properties and allow adequate sun light to neighbouring buildings.

The visual bulk of the proposed built form has been minimised through stepping the building line of the proposed dwelling, use of colour and detailing, long vertical windows, including the placement of the windows, especially in the rear elevation. In addition, the building designers have incorporated verandahs along the majority of the rear of the dwelling and on selected portions of the front elevation. This approach minimises direct sunlight on the windows of the proposed dwelling, thus keeping the inside of the building cooler during periods of extreme summer heat.

The location of the proposed new dwelling, domestic outbuilding and rainwater storage tanks are located 850 metres from the southern boundary, 180 metres from the eastern boundary, 250 metres from the western boundary and 440 metres from the North Para River and therefore the visual impact of the proposed built form is minimal when viewed from the adjoining public
roads and will be located off the allotment boundaries significantly to have no overshadowing effect or prohibit sun-light to neighbouring buildings.

**PDC 5** Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces.

**PDC 7** The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare.

The proposed single storey detached dwelling has been professionally designed by Frank Nesci Homes who are prominent and well respected house designers and builders within the Gawler and Barossa Valley Area. The proposed design and external colour scheme are subdued colours to match the rural landscape (a copy of the proposed Concept plans is attached in Appendix ‘F’).

The proposed dwelling external colour scheme consists of a combination of light and dark greys, black and limestone colours that blend in with the natural environment and existing landscape. The colour scheme for the proposed domestic outbuilding and storage tanks are in keeping and commensurate with the proposed dwelling. In addition, the applicants have chosen paint and material finishes that are non-reflective in nature to ensure and reduce any glare from the proposed built form on adjoining landowners or users of the adjoining public roads. The proposed colour scheme satisfies both the desired character statement and PDC 7 listed above.

The proposed colour scheme satisfies both the desired character statement and PDC 7 listed above.

The orientation of the proposed new dwelling not only takes advantage of the picturesque views over the Barossa Valley, but is sited and located off the allotment boundaries and will not restrict existing views from neighbouring properties or public open spaces. Hence the proposal complies with the PDC’s listed above.

**Energy Efficiency:**

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

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

**Principles of Development Control:**

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

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

(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings

(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.

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

(a) taking into account overshadowing from neighbouring buildings

(b) designing roof orientation and pitches to maximise exposure to direct sunlight.

The orientation of the proposed dwelling has a north-south orientation; however, the proposed domestic outbuilding has an east-west orientation which provides and ideal opportunity for the installation of photovoltaic cells on both the dwelling and domestic outbuilding. As there are limited public utilities available to the allotment the applicants have embraced harvesting rainwater run-off from the proposed built form for future use and the use of renewable energy.

To ensure maximum benefit is achieved from the generation of renewable energy the applicants propose to have a solar battery storage room within the dwelling. This battery room will allow energy generated during maximum sunlight hours each day, store the energy in the proposed
batteries and then use the stored energy during periods when the energy is not being generated.

Due to the siting of the proposed new dwelling, the built form will be adequately located off the allotment boundaries to have no overshadowing or preventing sun-light to neighbouring buildings so they too are able to take advantage of harvesting the sunlight for natural heating.

*The proposal complies with the Objectives and Principles of Development Control listed above:*

**Hazards:**

**PDC 1** Development should be excluded from areas that are vulnerable to, and cannot be adequately and effectively protected from, the risk of hazards.

**PDC 4** Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.

The location selected for the proposed new dwelling, domestic outbuilding and rainwater storage tanks is an elevated position where there is a fall of 14 metres from the proposed dwelling to the top of the bank of the North Para River (north of the dwelling). South of the proposed dwelling site the topography of the allotment rises approximately 10 metres, hence the proposed dwelling and associated infrastructure will not be subjected to flood inundation by a 1:100 year ARI event.

**PDC 7** The following bushfire protection principles of development control apply to development of land identified as General, Medium and High bushfire risk areas as shown on the Bushfire Protection Area BPA Maps - Bushfire Risk.

Reference has been made to the Bushfire Protection Area BPA Maps - Bushfire Risk which confirms the ‘subject land’ is located within the Medium Bushfire Protection Area as defined on BPA Map Baro/1 and as a result there is no mandatory requirement under Schedule 9 of the Development Regulations 2008 for the development proposal to be referred to the CFS or MFS.

**PDC 9** Buildings and structures should be located away from areas that pose an unacceptable bushfire risk as a result of one or more of the following:

(a) vegetation cover comprising trees and/or shrubs
(b) poor access
(c) rugged terrain
(d) inability to provide an adequate building protection zone
(e) inability to provide an adequate supply of water for fire-fighting purposes.

**PDC 12** Buildings and structures should be designed and configured to reduce the impact of bushfire through using simple designs that reduce the potential for trapping burning debris against the building or structure, or between the ground and building floor level in the case of transportable buildings.

**PDC 28** Development in areas susceptible to landslip should:

(a) incorporate split level designs to minimise cutting into the slope
(b) ensure that cut and fill and heights of faces are minimised
(c) ensure cut and fill is supported with engineered retaining walls or are battered to appropriate grades
(d) control any erosion that will increase the gradient of the slope and decrease stability
(e) ensure the siting and operation of an effluent drainage field does not contribute to landslip
(f) provide drainage measures to ensure surface stability is not compromised
(g) ensure natural drainage lines are not obstructed.

The location of the proposed new dwelling, domestic outbuilding and rainwater storage tanks have been sited on the allotment to minimise the extent of cut and fill operations. The location of
the new built form is not susceptible to land slip and as can be seen on the attached Site Plan in Appendix ‘F’ confirms the extent of cut and fill, where the cut and fill batters will be landscaped to minimise the extent of erosion due to stormwater run-off.

Whilst the existing allotment will continue to be used for cereal cropping there will be a substantial area around the proposed building form to minimise potential bushfire risk. The proposal also includes an internal road that will provide adequate access from the proposed dwelling to an adjoining public road in case of a bushfire.

Considering mains water is not connected or available to the site, the applicants propose to install 2-77,000 litre aboveground rainwater storage tanks. Rainwater run-off from the proposed dwelling and associated domestic outbuilding will be harvested and piped to the 2 rainwater storage tanks. One tank will be located by the northern aspect of the proposed dwelling whilst the other will be located on the eastern aspect of the proposed domestic outbuilding. The tank near the domestic outbuilding will be dedicated to firefighting purposes, should the need arise. The colour of the proposed tanks will be commensurate with the external colour scheme of the proposed built form.

*Hence, the proposal complies with the Principles of Development Control listed above:*

**Infrastructure:**

*Objective 1* Infrastructure provided in an economical and environmentally sensitive manner.

*Objective 5* The efficient and cost-effective use of existing infrastructure.

**Principles of Development Control:**

*PDC1* Development should not occur without the provision of adequate utilities and services, including:

(a) electricity supply
(b) water supply
(c) drainage and stormwater systems
(d) waste disposal
(e) effluent disposal systems
(f) formed all-weather public roads
(g) telecommunications services
(h) social infrastructure, community services and facilities.

*PDC 8* Electricity infrastructure should be designed and located to minimise visual and environmental impacts.

*PDC 10* Utilities and services, including access roads and tracks, should be sited on areas already cleared of native vegetation. If this is not possible, their siting should cause minimal interference or disturbance to existing native vegetation and biodiversity.

Electricity could be connected to the site as power is available in William Hawke Road, however the applicants have chosen a more sustainable approach for electricity. The applicants propose to install photovoltaic cells on the built form and store the generated energy by providing a battery store room within the proposed dwelling (refer to attached Floor Plan in Appendix ‘F’ for the location of the battery store room).

The applicants propose to install a Taylex septic treatment system. The proposed inground wastewater system will be located 8.000 metres north of the northern aspect of the proposed new dwelling, in addition there will also be 200m² of irrigation area located north of the proposed septic treatment system (refer to attached Site Plan in Appendix ‘F’).

The design and orientation of this proposal has considered and utilised a number of environmentally sustainable design techniques. There is no mains water connected to the site
and therefore the applicants propose to install 2 – 77,000 litre aboveground rainwater storage tanks, one of which will be used for firefighting purposes and the other will be connected to the proposed dwelling. The overflow from the existing rainwater storage tank is piped away from the buildings and allowed to discharge over the existing landscape or can be piped to proposed garden bed or tree plantings, whichever the applicants chose as being the most beneficial.

Access to the subject land is gained off William Hawke Road which is a local unsealed road under the care and control of Council. All access roads within the site will be constructed from compacted crushed rock which has either been bought to the site or sourced through the cut and fill operations undertaken to provide a building platform for the existing storage shed. The existing internal roads are equal to or greater than 3.00 metres in width, which will allow for emergency vehicle access, if required.

The allotment is of adequate size and configuration to ensure that all vehicles entering and exiting the site, do so in a forward direction, ensuring the safe and efficient movement of vehicles on the adjoining public road.

Hence all of the utilities required to be provided for the occupation of the proposed new dwelling can be provided from existing public utilities or through the installation of renewable forms of energy generation and harvesting of rainwater run-off from the proposed built form.

Hence, the proposal complies with the Objectives and Principles of Development Control listed above:

**Orderly & Sustainable Development:**

*Objective 1* Orderly and economic development that creates a safe, convenient and pleasant environment in which to live.

*Objective 2* Development occurring in an orderly sequence and in a compact form to enable the efficient provision of public services and facilities.

*Objective 3* Development that does not jeopardise the continuance of adjoining authorised land uses.

*Objective 4* Development that does not prejudice the achievement of the provisions of the Development Plan.

*Objective 5* Development abutting adjoining Council areas having regard to the policies of that Council’s Development Plan.

*Objective 7* Development of rural land primarily for primary production and other uses compatible with maintaining rural productivity.

**Principles of Development Control:**

*PDC 1* Development should not prejudice the development of a zone for its intended purpose.

*PDC 6* Development should be located and staged to achieve the economical provision of public services and infrastructure, and to maximise the use of existing services and infrastructure.

*PDC 8* Vacant or underutilised land should be developed in an efficient and co-ordinated manner to not prejudice the orderly development of adjacent land.

As indicated previously in this Report the development site (Allotment 57) is currently used for cereal cropping and once harvest is completed the stubble provides a sustainable food source for short term stock grazing. It should be noted that the allotment will continue to be used for cereal cropping after the construction of the proposed built form.

The immediate locality is characterized by allotments of varying sizes and configurations with the predominant land uses being either primary production or horticulture (vineyards) activities. Many of the allotments abut the North Para River and several of the existing dwellings are on
allotments of approximately 1 hectare. The ‘subject land’ is of sufficient area to continue to be used for both cereal cropping and stock grazing in the future and will have no impact on the continuance of those lawful existing land uses in the immediate locality.

Hence all of the utilities required to be provided for the occupation of the proposed new dwelling can be provided from existing public utilities or through the installation of renewable forms of energy generation and harvesting of rainwater run-off from the proposed built form.

Considering many of the adjoining allotments have a dwelling and associated farm buildings it is not unreasonable to state that the construction of the proposed built form (dwelling and associated infrastructure) will not have an impact on the lawful existing land uses on adjoining allotments in the immediate locality.

_Hence, the proposal complies with the Objectives and Principles of Development Control listed above:_

**Siting & Visibility:**

**Objective 1** Protection of scenically attractive areas, particularly natural and rural landscapes.

**Objective 2** Protection and enhancement of the area’s visual amenity and landscape quality, including land visible from tourist routes.

**Principles of Development Control:**

**PDC 1** Buildings should be sited in unobtrusive locations and, in particular, should:

(a) be grouped together

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

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

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

(a) sited below the ridgeline

(b) sited within valleys or behind spurs

(c) on allotments which abut any tourist route, railway or scenic road, be set back at least 100 metres from the tourist route, railway or scenic route.

**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.

Due to the topography of the existing allotment the siting of the proposed dwelling will be located below the existing ridgeline on the site and hence the proposed new built form will not be visible from William Hawke Road.

The proposed built form consisting of the proposed dwelling, domestic outbuilding and rainwater storage tanks are grouped together. Sited below the existing ridgeline on the site and the allotment does not abut a tourist route, railway or scenic road, however the proposed built form is setback more than 100 metres from any of the allotment boundaries.

The mass or bulky appearance of the proposed new dwelling has been achieved by articulation of the building lines, use of a variety window styles and verandahs and dedicated alfresco area.
PDC 5 The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.

The proposed dwelling external colour scheme consists of a combination of light and dark greys, black and limestone colours that blend in with the natural environment and existing landscape. The colour scheme for the proposed domestic outbuilding and storage tanks are in keeping and commensurate with the proposed dwelling. In addition, the applicants have chosen paint and material finishes that are non-reflective in nature to ensure and reduce any glare from the proposed built form on adjoining landowners or users of the adjoining public roads.

PDC 7 Driveways and access tracks should be designed and constructed to blend sympathetically with the landscape and to minimise interference with natural vegetation and landforms.

PDC 9 Development should be screened through the establishment of landscaping using locally indigenous plant species:

(a) around buildings and earthworks to provide a visual screen as well as shade in summer, and protection from prevailing winds  
(b) along allotment boundaries to provide permanent screening of buildings and structures when viewed from adjoining properties and public roads  
(c) along the verges of new roads and access tracks to provide screening and minimise erosion.

Access to the subject land is gained off William Hawke Road which is a local unsealed road under the care and control of Council. All access roads within the site will be constructed from compacted crushed rock which has either been bought to the site or sourced through the cut and fill operations undertaken to provide a building platform for the existing storage shed. The existing internal roads are equal to or greater than 3.00 metres in width, which will allow for emergency vehicle access, if required

Surrounding the proposed new dwelling will be substantial landscaping which will also be planted on the cut and fill batter created in establishing the building platforms for the proposed built form. The landscaping will not only assist in bushfire risk protection but also assist to screen the proposed development.

Hence, the proposal complies with the Principles of Development Control listed above:

Transportation & Access:

Principles of Development Control:

PDC 4 Roads should be sited and designed to blend with the landscape and be in sympathy with the terrain.

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

William Hawke Road is constructed of compacted crushed rock which provides and all-weather surface. The proposed internal roadworks to the new dwelling and associated infrastructure will also be constructed of compacted crushed rock, thus providing an all-weather surface (refer to photographs attached in Appendix ‘A’). Hence the proposed development has direct access to and from an all-weather road (William Hawke Road), which complies with PDC’s 4 and 22 listed above.

PDC 29 Driveways, access tracks and parking areas should be designed and constructed to:

(a) follow the natural contours of the land
(b) minimise excavation and/or fill
(c) minimise the potential for erosion from run-off
(d) avoid the removal of existing vegetation
From the Aerial Plan **attached** in Appendix ‘F’ of this document it can be seen that the proposed new access road to the proposed built form follows the existing topography of the allotment, thus minimising the extent of cut and fill operations and minimises the potential for erosion from the extent of cut and fill. The existing Allotment (Allotment 57) is used for cereal cropping and this land use activity will continue on the allotment after the construction of the proposed new dwelling and associated infrastructure. The allotment is devoid of native vegetation; hence the proposal does not require the removal of any native vegetation. The proposal complies with PDC 29 listed above.

**Waste:**

**PDC 1** Development should be sited and designed to prevent or minimise the generation of waste (including wastewater) by applying the following waste management hierarchy in the order of priority as shown below:
- (a) avoiding the production of waste
- (b) minimising waste production
- (c) reusing waste
- (d) recycling waste
- (e) recovering part of the waste for re-use
- (f) treating waste to reduce the potentially degrading impacts
- (g) disposing of waste in an environmentally sound manner.

**PDC 3** Development should avoid as far as practical, the discharge or deposit of waste (including wastewater) onto land or into any waters (including processes such as seepage, infiltration or carriage by wind, rain, sea spray, stormwater or by the rising of the water table).

**PDC 4** Untreated waste should not be discharged to the environment, and in particular to any water body.

The applicants propose to install a Taylex septic treatment system. The proposed inground wastewater system will be located 8.000 metres north of the northern aspect of the proposed new dwelling, in addition there will also be 200m² of irrigation area located north of the proposed septic treatment system (refer to **attached** Site Plan in Appendix ‘F’).

The proposed wastewater treatment system achieves the following:

- No part of the septic tank effluent drainage system is located within 50 metres of the existing North Para River, which borders the northern boundary of the allotment:

- No part of the proposed wastewater drainage system, including the proposed irrigation area will not be subjected to flood inundation in a 1:100 year ARI event or a 1:10 year ARI event.

- Does not have a wastewater disposal system located on any land on the site associated with the proposed new dwelling of having a slope greater than 20% or 1:5 gradient or the depth of bedrock or seasonable or permanent watertable less than 1.50 metres.

The proposed wastewater disposal system will be approved prior to the granting of Development Approval for the proposed dwelling.

*Hence the proposal complies with the principles of development control listed above.*
8.0 SOCIAL, ECONOMIC & ENVIRONMENTAL IMPACTS

8.1 Social Impact:
The proposed development will not have any negative social impacts on the Concordia rural community.

8.2 Economic Impact:
The construction of the proposed new dwelling, domestic outbuilding and aboveground rainwater storage tanks will provide economic benefit to the local business community as the applicants have selected a local home builder for the project.

The construction of the proposed new dwelling will allow the applicants to move from remote South Australia to Concordia to provide a better level of education for their children and well as stimulate the economy through supporting local business outlets within the local community.

8.3 Environmental Impact:
The proposed construction of the new dwelling, domestic outbuilding and aboveground rainwater storage tanks will have no negative environmental impact on the environment due to the following aspects:

- Access to the proposed site follows the natural topography of the site in order to minimise the extent of cut and fill, thus also minimising any erosion caused by the earthworks. The internal roadworks will be constructed of compacted crushed rock material, with consideration being given to the use of ‘dolomite’ crushed rock which has less visual impact than ‘quartz’ crushed rock.

- There is no mains water connected to the site and therefore the applicants propose to install 2 – 77,000 litre aboveground rainwater storage tanks, one of which will be used for firefighting purposes and the other will be connected to the proposed dwelling. The overflow from the existing rainwater storage tank is piped away from the buildings and allowed to discharge over the existing landscape or can be piped to proposed garden bed or tree plantings, whichever the applicants chose as being the most beneficial.

- The proposed dwelling external colour scheme consists of a combination of light and dark greys, black and limestone colours that blend in with the natural environment and existing landscape. The colour scheme for the proposed domestic outbuilding and storage tanks are in keeping and commensurate with the proposed dwelling. In addition, the applicants have chosen paint and material finishes that are non-reflective in nature to ensure and reduce any glare from the proposed built form on adjoining landowners or users of the adjoining public roads.

- Wastewater generated from the occupation of the proposed new dwelling will be connected to an approved wastewater disposal system to ensure the wastewater is adequately treated and does not pose a risk to public health.

- The location of the existing building on the 'subject land' will not detract from the visual amenity or the natural character of the locality; and

- The majority, if not all of the utilities required for the operation and occupation of the proposed new dwelling will be generated on the site through the installation of photovoltaic cells, storage of the energy in on-site batteries, harvesting and reuse of rainwater run-off and the safe and efficient disposal of wastewater.
9.0 - CONCLUSION:

As outlined above, notwithstanding the non-complying assignment of this application it is considered that the proposed development has sufficient merit to warrant further assessment, based on the following reasons:

- The proposed development will provide economic activity and investment opportunities to the region without compromising the key objectives for the zone or the existing precinct provisions.
- The 'subject land' is located entirely within the Primary Production Zone and Precinct 5 Concordia which supports value adding activities, including expansion of the existing primary production activities on allotments of this size.
- The existing allotment has adequate frontage to William Hawke Road which provides a safe and convenient access to the 'subject land';
- The proposed development is adequately serviced by all or the required services to allow occupation of the proposed dwelling. In addition, the applicants have elected to harvest both rainwater run-off and solar energy to service the proposed dwelling.
- The orderly nature of the development in its location; and
- The siting of the proposed new building will not require the removal of any existing eucalypt trees randomly located on the site (refer to Site Plan attached in Appendix ‘F’);
- The proposed dwelling has been carefully designed, sited and a selected exterior finish to ensure there is minimal visual impact when viewed from either William Hawke Road or other public roads in the immediate locality.

The construction of a single storey detached dwelling with alfresco area under the main roof, construction of a domestic outbuilding (garage) measuring 20.00m x 10.00m x 3.50m wall height and associated earthworks, combined with the applicants desire to further enhance and value add to the existing primary production activities already being undertaken on the site is unlikely to detract from the area's visual amenity or surrounding primary production or horticulture activities. It will, however, bring economic stimulus, growth and opportunity to the local area. Such outcomes are entirely consistent with the relevant provisions of development contained within the applicable Development Plan.

Taking into consideration the abovementioned merits of the proposal, the applicant seeks support from Council to proceed with a more detailed assessment of the proposal by granting Development Plan Consent.

Trevor V White
Managing Director
MURP MPIA Grad Cert Bldg & Planning, Dip Bus
APPENDIX A
(Site Photographs)
PHOTOGRAPH No.1
Photograph taken from the centreline of William Hawke Road looking in a westerly direction showing the new stock gates to the proposed access to the new dwelling, associated domestic outbuilding and rainwater storage tanks. The proposed new access will be constructed of compacted crushed rock material to provide an all-weather surface and to also ensure mud is not dragged from the site onto William Hawke Road.

Photograph provided by Planning Solutions (SA) Pty Ltd – 18 November 2020

PHOTOGRAPH No.2
Photograph taken from the new access to allotment 57 looking in a northerly direction showing that there is adequate slight distance along William Hawke Road to ensure the safe and efficient movement of vehicles to and from the site. William Hawke Road is constructed on compacted crushed rock material, thus providing an all-weather surface.

Photograph provided by Planning Solutions (SA) Pty Ltd – 18 November 2020
PHOTOGRAPH No.3
Photograph taken from the new access to allotment 57 looking in a southerly direction showing that there is adequate slight distance along William Hawke Road to ensure the safe and efficient movement of vehicles to and from the site. William Hawke Road is constructed on compacted crushed rock material, thus providing and all-weather surface.

Photograph provided by Planning Solutions (SA) Pty Ltd – 18 November 2020

PHOTOGRAPH No.4
Photograph taken from just inside the new access to allotment 57, looking in north-easterly direction showing the existing shearing shed and stockyards on the property on the eastern side of William Hawke Road.

Photograph provided by Planning Solutions (SA) Pty Ltd – 18 November 2020
PHOTOGRAPH No.5
Photograph taken from the approximate located of the proposed dwelling and associated infrastructure, looking towards the east showing the views over the Barossa Valley that will be enjoyed from the proposed new dwelling and surrounds.

Photograph provided by Planning Solutions (SA) Pty Ltd – 18 November 2020

PHOTOGRAPH No.6
Photograph taken looking in a southerly direction from near the western boundary of allotment 57 showing how the topography of the existing allotment rising from the North Para River towards the south. The added advantage of this aspect is that the proposed built form on the allotment will not be seen from William Hawke Road, hence screened from public view.

Photograph provided by Planning Solutions (SA) Pty Ltd – 18 November 2020
PHOTOGRAPH No. 7
Photograph taken from near the south-western corner of the allotment 57, looking in an easterly direction, again demonstrating how the allotment rises from the west and again the topography of the proposed new built form will not be visible from William Hawke Road.

Photograph provided by Planning Solutions (SA) Pty Ltd – 18 November 2020

PHOTOGRAPH No. 8
Photograph taken from near the south-western corner of the allotment 57, looking in an northerly direction, adjacent to the western boundary of the allotment showing how the topography of the allotment has a gradual gradient before the allotment fall towards the North Para River.

Photograph provided by Planning Solutions (SA) Pty Ltd – 18 November 2020
PHOTOGRAPH No.9
Photograph taken from the approximate located of the proposed dwelling and associated infrastructure, looking towards the east showing the views over the Barossa Valley that will be enjoyed from the proposed new dwelling and surrounds.
Photograph provided by Planning Solutions (SA) Pty Ltd – 18 November 2020

PHOTOGRAPH No.10
Photograph taken from near the western boundary opposite the location of the proposed new dwelling and associated infrastructure looking in a north-westerly direction showing the cropping land abutting the development site. The existing allotment is being used for cereal cropping and that practice will continue after the construction of the proposed new dwelling.
Photograph provided by Planning Solutions (SA) Pty Ltd – 18 November 2020
PHOTOGRAPH No.11
Photograph taken near the western boundary of the allotment looking in a northerly direction, showing how the allotment falls off towards the North Para River. The proposed new built form on the allotment will not be visible from William Hawke Road due to the selected location for the built form being below the ridge line on the allotment.

Photograph provided by Planning Solutions (SA) Pty Ltd – 18 November 2020

PHOTOGRAPH No.12
Photograph taken from just inside the new access point to the allotment, looking in a northerly direction showing how the topography of the allotment rises to the north before falling towards the North Para River. The proposed new dwelling and associated infrastructure will not be seen from William Hawke Road as the proposed built form will be constructed north of the existing ridge.

Photograph provided by Planning Solutions (SA) Pty Ltd – 18 November 2020
APPENDIX B
(Certificate of Title)
CONFIRMATION OF REGISTRATION

Certificate of Title - Volume 6182 Folio 216

Estate Type
FEE SIMPLE

Registered Proprietor(s)
CHRISTOPHER JOHN O'HARA
ASHLEY SARAH O'HARA
OF 37 AGUILA BOULEVARD ROXBYS DOWNNS SA 5725
AS JOINT TENANTS

Description of Land
ALLOTMENT 57 DEPOSITED PLAN 113396
IN THE AREA NAMED CONCORDIA
HUNDRED OF BAROSSA

Easements
SUBJECT TO EASEMENT(S) OVER THE LAND MARKED C ON D113396 (TG 10864220)
SUBJECT TO EASEMENT(S) OVER THE LAND MARKED G ON D113396 (TG 10807512)
SUBJECT TO RIGHT(S) OF WAY OVER THE LAND MARKED H ON D113396 (RTC 12609337)
TOGETHER WITH RIGHT(S) OF WAY OVER THE LAND MARKED A ON D113396 (GRO NO. 448 BOOK 80)

Schedule of Dealings
Dealing Number Description
13002480 MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD. (ACN: 005 357 522)

Registrar-General
Lands Titles Office

Land Services
Ground Floor, 101 Grenfell St, Adelaide 5000
GPO Box 1354, Adelaide SA 5001, DX 58195
Metro 08 6423 5000, Country 1800 646 176

ABN 71 967 041 422
APPENDIX C
(Zone and Precinct Map – Baro/22)
The 'subject land' identified as Allotment 57, in DP113396 and on which a proposed new dwelling and ancillary structures will be constructed is entirely contained within the Primary Production Zone of the Barossa Council Development Plan (5 September 2019 - consolidation).
The 'subject land' identified as Allotment 57, in DP113396 and on which a proposed new dwelling and ancillary structures will be constructed is entirely contained within the **Precinct 5 Concordia** of the Barossa Council Development Plan (5 September 2019 - consolidation).

**Precinct Map Baro/22**

BAROSSA COUNCIL
Consolidated - 5 September 2019
APPENDIX D
(Heritage Character Preservation District – Overlay Map Baro/22)
The 'subject land' identified as Allotment 57, in DP113396 is contained within the Heritage and Character Preservation District of the Barossa Council Development Plan (5 September 2019 - consolidation) as defined on Overlay Map Baro/22 – Heritage and Character Preservation District.
APPENDIX E
(Bushfire Protection Area – BPA Map Baro/1)
The 'subject land' identified as Allotment 57, in DP113396 is contained within the Medium Bushfire Risk Area of the Barossa Council Development Plan (5 September 2019 - consolidation) and as such there is no mandatory referral to the CFS required under Schedule 8 of the Development Regulations 2008.

See enlargement map for accurate representation.

Bushfire Protection Area
BPA Map Baro/1
BUSHFIRE RISK
BAROSSA COUNCIL
Consolidated - 5 September 2019

Mr CJ & Mrs AS O'Hara
Agenda - Barossa Assessment Panel - 2 March 2021
Statement of Effect
45
146
APPENDIX F

(Concept Plans – including Site Plan, Elevations and Floor Layout)
Job: C & A O'Hara

Location: Lot 57 William Hawke Road, Concordia SA
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

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| DEVELOPMENT No. | 960/459/202C  
| FRANK NESCI HOMES |

| Name of Person(s) making Representation | |

| Address | POSTAL: P.O Box 1027  
Gawler SA 5118  
RESIDENTIAL:  
144 William Hawke Road Concordia |

| Email Address | karleigh1@bigpond.com |

| Phone Number | 0404801225 |

| Nature of Interest Affected by Development |  
(eg adjoining resident, landowner nearby, on behalf of organization or company) | Road access  
Letter attached |

| Reasons for Representation | Safety concerns  
Life style disruptions |

| My Representation would be Overcome by (state action sought) | Continued use of driveway  
on Concordia Road  
William Hawke Road Emergency use only |

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

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

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

**SIGNED**

[Signature]

**DATED**

[Date]  
13/12/2020
CEO Barossa Council,

In relation to development 960/459/2020

My wife and I wish to advise that we have no issue with the proposed dwelling providing permanent access is not via William Hawke Road. The occasional use for large vehicles and emergencies would be acceptable but a permanent driveway would be far from suitable. The property in concern was purchased with the main driveway entrance identified on Concordia Road and should remain so as approved by Council.

I contributed $2000 to a section of William Hawke Road in 1995 and have assisted in its surface and verge maintenance since then. This was agreed with council as suitable for one household. In its current condition it would not be safe for any permanent additional traffic.

The Concordia Road junction, widening and increased maintenance, new fencing, stormwater culverts, dust control and tree removal would all need to be considered if permanent additional use was granted.

Currently the residents accept this unique road in its current condition and are happy to enjoy the lifestyle and security it offers which they sought when purchasing along William Hawke Road.

As mentioned we have no issue with a new home development and look forward to new neighbours but not at the expense of safety and lifestyle.

I would also consider making application to purchase the lower section, Lot 1/2 of William Hawke Road if possible to stop any further applications and would consider planting native trees as a nature strip if agreed. The road has little use in its current form and is barely accessible and quite dangerous down toward the River.

We thank you for the opportunity to share our views and interest's.

Regards

Leigh and Karen Smith

144 William Hawke Road
Concordia

0404801225
6.1 Attachment 3
Dear Anthony,

RE: DA 960/459/2020 – RESPONSE TO WRITTEN REPRESENTATION RECEIVED REGARDING THE CONSTRUCTION OF A SINGLE STOREY DETACHED DWELLING LOCATED ON ALLOTMENT 57, WILLIAM HAWKE ROAD AT CONCORDIA.

In response to the Category 3 written representation received by the Barossa Council in relation to DA 960/459/2020 and forwarded to the applicant via email on 17 December 2020, pursuant to Section 38(8) of the Development Act 1993, Planning Solutions (SA) Pty Ltd have been authorised by the applicant to prepare and submit the following response to the written representation received, pursuant to Section 38(9) of the Development Act 1993, and have sought an extension for the time in which to respond, taking into consideration to public holidays between 25 December 2020 and 1 January 2021.

This response addresses the planning issues raised in the written representation and has been prepared in consultation with the Applicant (Frank Nesci Homes) and the document has also been reviewed by the same, prior to submission to the Barossa Council.

This document will provide a formal response only to the following planning issues that were raised in the written representation received by the Barossa Council at the close of the public notification in relation to Development Application 960/459/2020. There was one (1) written representation received opposing the proposed development based on the access to the subject land being off William Hawke Road.

This response addresses the issues raised in the written representation and has been prepared in consultation with the Applicant (Frank Nesci Homes for Mr C & Mrs A O’Hara) and the documentation has also been reviewed by the same, prior to submission to the Barossa Council.

The following issues were raised by the only written representation are listed below:

1. The written representor advised that they have no issues with the proposed dwelling, provided permanent access is not via William Hawke Road which is considered not to be safe for any permanent additional traffic.

2. It is considered that the Concordia Road intersection would need to be upgraded if permanent additional use were granted.

3. Suggestion has been made that the existing residents accept this unique road in its current form and hence enjoy the lifestyle and security it offers which they sought when purchasing along William Hawke Road.

4. Contributed $2000 to a section of William Hawke Road in 1995 and also maintain the verge as well since 1995.

5. Would consider making an application to purchase the lower section of Lot1/2 of William Hawke Road to stop any further applications and consider the planting of native vegetation as a nature strip.
Issue 1:
The written representor advised that they have no issues with the proposed dwelling, provided permanent access is not via William Hawke Road which is considered not to be safe for any permanent additional traffic.

Response 1:
It is acknowledged that allotment 57 has direct access to both William Hawke Road and Concordia Road. It should also be noted that William Hawke Road is a public road under the care and control of the Barossa Council, which has been confirmed by Council. What this means is that as a public road reserve and therefore can be used by both the existing residential properties abutting the road but can also be used by the public for general access.

Prior to submission of the development application by Frank Nesci Homes, extensive discussions were undertaken with Council’s Planning Staff where the discussions primarily focused around the extent of window area located on the eastern and western aspects of the proposed single storey dwelling exceeding 50%, eventhough the energy rating for the proposed dwelling was able to achieve a 6.2 star rating with the window area exceeding 50% on the nominated aspects.

The following should be noted:
- Had the landowners chose to decrease the window area on the eastern and western aspects of the proposed single storey detached dwelling and not take advantage of the existing panoramic views over the Barossa Valley, then the development proposal would not have been treated as a non-complying form of development and would not have been advertised as a category 3 but rather category 1, which means the adjoining landowners would not have been advised of the development proposal and the discussion of access would not have been raised.

There are a number of critical issues that need to be stated at this point in relation to William Hawke Road:
1. The section of road in question relates to the portion of William Hawke Road, north of the Concordia Road.
2. Access to the proposed new single storey detached dwelling located on Allotment 57 will gain access off the portion of William Hawke Road located north of Concordia Road.
3. William Hawke Road currently provides direct access to 4 existing residential properties along the portion of William Hawke Road, located to the north of Concordia Road; and finally
4. The surface of William Hawke Road is constructed on locally sourced road material that provides and all-weather surface that is wide enough for local traffic and is maintained by the Barossa Council when required.
5. Enquiries with Council’s Engineering staff confirmed that the existing road surface was regarded and reshaped on 3 September 2020;
6. However, the most significant aspect is that the section of William Hawke Road, north of Concordia Road is a ‘dead end’ road and as such has a limited volume of traffic movements, where the actual movements are limited to the residential properties and any visitors to those properties.

Issue 2:
It is considered that the Concordia Road intersection would need to be upgraded if permanent additional use were granted.

Response 2:
As part of the development application assessment process, it is not uncommon for planning staff to refer applications internally to other departments within Council for comments on particular issues (for example engineering aspects such as stormwater management, road access or wastewater management).
As part of the initial discussions undertaken by the applicant (Frank Nesci Homes) an aerial site plan was prepared and discussed with Council prior to the preparation of the final documentation being submitted as part of the development application. I can confirm that there have been no comments raised in relation to the access being gained off William Hawke Road.

Again, I reiterate that the portion of William Hawke Road, north of Concordia Road is a ‘dead end’ road and as such has a limited volume of traffic movements which predominantly is limited to the existing residences and any visitors to those properties.

**Issue 3:**

*Suggestion has been made that the existing residents accept this unique road in its current form and hence enjoy the lifestyle and security it offers which they sought when purchasing along William Hawke Road.*

**Response 3:**

Reference to both Kies and Domain real estate where both organisations confirm that the ‘subject land’ was advertised as being Lot 57 William Hawke Road and therefore it is not unreasonable for any purchaser to believe that access to the subject land would be gained off William Hawke Road.

Having accepted the fact that the address was advertised as Lot 57 William Hawke Road, the applicant (Frank Nesci Homes) proceeded to design the proposed single storey detached dwelling with access off William Hawke Road.

Considering the issues outlined in William Hawke Road, especially north of Concordia Road, combined with the fact that this portion of William Hawke Road is a ‘dead end’, thus creating limited vehicle movements, has an all-weather surface, is greater than 3.00 metres in width to cater for the movement of emergency services vehicles should the need arise and the absence of roadside vegetation in the vicinity of the proposed access point to the proposed new dwelling, it is considered that the condition of the existing road is adequate for the additional traffic movements that will be generated by the new dwelling.

**Issue 4:**

*Contributed $2000 to a section of William Hawke Road in 1995 and also maintain the verge as well since 1995.*

**Response 4:**

This is not a planning issue and any such contribution is an agreement with Council and therefore the applicants will be making no further comment in relation to this issue.

**Issue 5:**

*Would consider making an application to purchase the lower section of Lot1/2 of William Hawke Road to stop any further applications and consider the planting of native vegetation as a nature strip.*

**Response 5:**

This is not an issue that is relevant to the development application for the proposed new single storey detached dwelling and needs to be dealt with under the Road Opening and Closing Act 1991, however, the issue has been discussed with the landowners of Allotment 57 and they have indicated that should such an application for the closure of the lower section of Lot 1/2 the applicants would support such and application.

A representative from Planning Solutions (SA) Pty Ltd will attend the CAP Meeting at the appropriate time to represent the client and landowners.

Should you have any queries regarding the information provided, please do not hesitate in contacting the undersigned in the first instance by telephone on 0420 501 680 or by email at trevor@planningsolutionssa.com.au.
Yours sincerely

Trevor V White
Managing Director

MURP MPIA Grad Cert Bldg & Planning, Dip Bus

att: Documentation listed above
cc: Mr Jamie Nesci, 8 Adelaide Road, Gawlers SA 5118
Mr Chris O’Hara, 37 Aquila Boulevard, Roxby Downs SA 5725
BACKGROUND
The proposed development seeks the construction of a carport, attached to an existing freestanding double garage, forward of the associated dwelling.

The dwelling and garage forward of dwelling were approved together as part of a 2013 application.

It is understood that part of the justification for approving the garage in its current position was due to the rear of the site being flood affected, and that the structure would not be located forward of the building line established by two existing dwellings on the adjacent allotments. Those adjacent sites form local heritage places.

This proposed carport will be located in front of that building line.

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

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

(1) Where in the opinion of the sub-delegate, it is appropriate to refer the application to the Barossa Assessment Panel.
PUBLIC NOTIFICATION
The application is a Category 1 form of development pursuant to Section 38 and Schedule 9 of the Development Act 1993 and Development Regulations 2008 and the Procedural Matters of the Rural Living Zone.

SITE AND LOCALITY
The subject site is 78 Langmeil Road, Tanunda. The site has a frontage to Langmeil Road of approximately 20 metres, with a depth of approximately 186 metres extending to the North Para River which forms the rear boundary.

The site contains an existing double storey dwelling with ancillary freestanding garage located forward of that dwelling. The garage is sited in line with two existing dwellings on adjacent sites. Each adjacent site contains a local heritage place. The garage is orientated side on to the road frontage, and its appearance is screened by an existing front fence and landscaping.

The subject site, and western side of Langmeil Road is located within the Rural Living Zone, predominately comprising residential land uses (with some allotments utilising ancillary horticulture). Allotments vary in size and function. The eastern side of Langmeil Road is within a Residential Zone, utilised for residential purposes.

The locality contains a wide range of building types and designs, containing many local and some State heritage items but also new contemporary designs. The streetscape does contain examples of buildings/structures sited forward of established building lines and adjacent front boundaries.

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

The site is located within the Tanunda Precinct as shown in Figure 2.

The site is partially affect by the Flood Hazard Overlay as shown in Figure 3.

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

Site photos are provided in Figure 6 to Figure 9.
Figure 1: Zone Map
Figure 2: Precinct Map

Precinct Map Baro/16

- TANUNDA
- MAP Baro/16 Adjoins
- Light Regional Council
- Subject Site

Leonardo Cartographic, Property DBA
Precinct
14 Tanunda West
15 Tanunda North
32 Tanunda
40 Waipana Weery
9 Largsneill Road

Precinct Boundary
Development Plan Boundary

BAROSSA COUNCIL
Consolidated - 5 September 2019

Agenda - Barossa Assessment Panel - 2 March 2021
Figure 3: Hazard (Flood) Map
Figure 4: Aerial – Locality
Figure 5: Aerial – Site
Figure 6: Site Photo

Figure 7: Site Photo
**REFERRALS**
No referrals are required under Schedule 8 of the Development Regulations 2008.

**Internal**
The application was referred to:

**Heritage Advisor**
The Heritage Advisor has raised several concerns with the development. In particular, the proximity of the structure to the street boundary and its position forward of existing structures on the site. It will also be protruding nearer the front boundary than an existing adjacent local heritage place, encroaching upon the established building line created by adjacent sites.

It is noted that the structure is also relatively low scale, and won’t be readily visible due to its design, front landscaping and being sited on the lower side of the road.

**ASSESSMENT**

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

**Overlay Section**

**Character Preservation District** The subject site is within the Rural Living Area of the Character Preservation District. The proposed development is not likely to substantially detract from the established character of the Barossa region.

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**

Objective 1
PDCs 1, 7, 17 and 18

The proposal will be generally low scale and complement the built form of existing structures on the site.

Of concern is the location, being sited forward of the existing buildings on the site, and in front of the established building line and only around 2.5 metres from the front boundary.

From a review of previous applications/assessments on this site, it appears that concessions in assessment were provided in authorising the current position of the existing garage due to it being in line with both established buildings on adjacent sites.
The structure will encroach upon that established building line. It is noted that there are several buildings located within the locality that contain minimal setbacks to the front boundary, so it is not entirely outside the character of the locality. However most of these structures have been established for many years, or are heritage items, and mostly without an established building line formed by adjacent sites.

All other Objectives and PDCs are deemed to comply.

**Heritage Places**

**Objectives 1 and 4**
**PDC 6**

The proposed structure does not conform to established building setback patterns established by local heritage buildings located directly adjacent the subject site.

Existing local and State heritage items are further away, but within the locality, do contain facades on the front boundary.

All other Objectives and PDCs are deemed to comply.

**Landscaping, Fences and Walls**

**Objective 1**
**PDC 2 and 4**

Landscaping at the front of the site has been established independently from the development, but does incidentally provide some screening from the road frontage.

The landscaping is deciduous, and thus won’t provide year round screening.

A front fence has also been established which also provides significant screening to the frontage.

All other Objectives and PDCs are deemed to comply.

**Residential Development**

**Garages, Carports and Outbuildings**

**Objectives 1**
**PDCs 12, 13, 14 and 19**

The proposed carport will be open sided and attached to an existing garage with skillion roof form, sloping down toward the front of the site. The roof will be metal roof sheeting to match the garage and dwelling.

The structure will be sited in front of existing buildings on the site and has potential to further impact the streetscape.

This carport aims to provide additional covered parking spaces. Two covered spaces already exist on site, per the existing garage.

All other Objectives and PDCs are deemed to comply.
Zone Section

**Rural Living Zone**

Objective 2

The development is generally consistent with 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 development is of a low scale, generally consistent with building designs in the locality. Some screening is provided for the structure. Its position forward of the dwelling does increase the visual exposure of the structure which is not ideal.

Land Use

PDC 1

The proposed development is a domestic structure ancillary a dwelling. This is an envisaged form of development.

All other Objectives and PDCs are deemed to comply.

Form and Character

PDCs 6 and 9

The built form of the proposed structure is generally not inconsistent with the desired character of the zone. The structure is of a size, scale and appearance consistent with the relevant design requirements. The structure is forward of the dwelling which is not encouraged.

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. 960/675/2020 by JR Ellbourn and SD Sebris to undertake Construction of a carport attached to an existing double garage, forward of the associated dwelling at 78 Langmeil Road, Tanunda (CT6234/122) 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. 960/675/2020, including the following:

- Partial Site Plan, prepared by the applicant, dated received 2 November 2020;
- Elevation Plan, prepared by the applicant, dated received 2 November 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) All stormwater from buildings, paving and from areas that immediately surround the perimeter of the building shall be disposed of in a manner that does not result in entry of water into the building, or affect the stability of the building, or create an unhealthy or dangerous condition, or run onto or over land of an adjoining owner.

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

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

(3) The unenclosed/open sides of the building authorised herein shall remain unenclosed and open-sided, at all times.

Reason: To ensure the structure remains open sided and unenclosed.

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) 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.

(c) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to regulation 75 of the Development Regulations.
(d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) Construction shall not take place on any Sunday or Public Holiday or after 7.00pm or before 7.00am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

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

APPLICATION FORM & RELEVANT DOCUMENTATION CAN BE EMAILED TO development@barossa.sa.gov.au

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

<table>
<thead>
<tr>
<th>APPLICANT:</th>
<th>Shanna Seboris &amp; Jeff Embourg</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postal Address:</td>
<td>78 Langmuir Road, TANUNDA</td>
</tr>
<tr>
<td>Phone:</td>
<td>0434 439 817</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:Shannas2009@hotmail.com">Shannas2009@hotmail.com</a></td>
</tr>
</tbody>
</table>

| OWNER:  | WO Woke |
| Postal Address: | ................................................................. |
| Phone: | ................................................................. |
| Email: | ................................................................. |

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

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

| BUILDER:  | Barossa Glicking & Pergolas |
| Postal Address: | PO BOX 600, Greenock |
| Phone: | 8542 8557 |
| Email: | info@barossagap.com.au |
| Builders Licence No.: | 206 12 8 |

| CONTACT PERSON FOR FURTHER INFORMATION: Name: | Adam |
| Phone: | 04.34.678.90 |
| Email: | ................................................................. |

DESCRIPTION OF PROPOSED DEVELOPMENT:

- Outside flat roof single story pool

EXISTING LAND USE: Residential

AREA (m²) OF PROPOSED DEVELOPMENT: 27 m²

LOCATION OF PROPOSED DEVELOPMENT:

- House No: 78
- Street: Langmuir Rd
- Town: TANUNDA
- Lot No: ........................................
- Section: ........................................
- Hundred: MOD 0000
- Certificate of Title: Volume: 99.1
- Folio: 406

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 2003 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): $3,000.00

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 2008 and where public notice 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: 28 10 20
**DECLARATION OF APPLICANT**
(Pursuant to Clause 2A(1) of Schedule 5)

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

<table>
<thead>
<tr>
<th>APPLICANT: Shana Sebris</th>
<th>Jeff Eubourn</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postal Address: 78 Longmead Road, TANUNDA</td>
<td>Post Code: 5352</td>
</tr>
<tr>
<td>Phone: 0434 939 876</td>
<td>Mobile:</td>
</tr>
<tr>
<td>Email: <a href="mailto:shana.s.2009@hotmail.com">shana.s.2009@hotmail.com</a></td>
<td></td>
</tr>
</tbody>
</table>

**DATE OF APPLICATION:** 28/10/20

<table>
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<tr>
<th>LOCATION OF PROPOSED DEVELOPMENT:</th>
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<tbody>
<tr>
<td>House No: 78</td>
</tr>
<tr>
<td>Lot No:</td>
</tr>
<tr>
<td>Certificate of Title(s): Volume:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NATURE OF PROPOSED DEVELOPMENT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Single Carport</td>
</tr>
</tbody>
</table>

I, Jeffrey Eubourn, (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: 28/10/20
Certificate of Title - Volume 5901 Folio 406

Parent Title(s)  CT 5854/122, CT 5899/572
Creating Dealing(s)  T 9616882

Estate Type
FEE SIMPLE

Registered Proprietor
ROHAN THOMAS SEMMLER
KRISTEE LEE SEMMLER
OF 78 LANGMEIL ROAD TANUNDA SA 5352
AS JOINT TENANTS

Description of Land
ALLOTMENT 96 FILED PLAN 173166
IN THE AREA NAMED TANUNDA
HUNDRED OF MOOROOROO

Easements
SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED A

Schedule of Dealings
Dealing Number  Description
12625977  MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD. (ACN: 005 357 522)

Notations
Dealings Affecting Title  NIL
Priority Notices  NIL
Notations on Plan  NIL
Registrar-General's Notes  NIL
Administrative Interests  NIL
THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 2031/1
SEE TITLE TEXT FOR EASEMENT DETAILS
ALLOTMENT 95 IS A CLOSED ROAD IN RP 2892

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

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION
APPLICATION DETAILS

<table>
<thead>
<tr>
<th>PROPOSAL</th>
<th>Change of use to Dance Studio in basement of Chateau Building (Non-Complying)</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT</td>
<td>Barossa Dance Company</td>
</tr>
<tr>
<td>OWNER</td>
<td>Tarac Properties Pty Ltd</td>
</tr>
<tr>
<td>APPLICATION NO</td>
<td>960/828/2020</td>
</tr>
<tr>
<td>CERTIFICATE(S) OF TITLE</td>
<td>CT 6190/859</td>
</tr>
<tr>
<td>AREA</td>
<td>Office</td>
</tr>
<tr>
<td>CURRENT USE</td>
<td>Consolidated 5 September 2019</td>
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<tr>
<td>DEVELOPMENT PLAN VERSION</td>
<td>Industry (Barossa Valley Region)</td>
</tr>
<tr>
<td>ZONE</td>
<td>1 – Beckwith Park</td>
</tr>
<tr>
<td>POLICY/PRECINCT AREA</td>
<td>3 – Beckwith Park Mixed Use/Industry</td>
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<tr>
<td>OVERLAYS</td>
<td>Character Preservation Area – Township</td>
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<tr>
<td></td>
<td>Bushfire Protection Area – Excluded</td>
</tr>
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<td>APPLICATION TYPE</td>
<td>Non-Complying</td>
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<tr>
<td>CATEGORY OF DEVELOPMENT</td>
<td>Category 3</td>
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<td>REFERRALS</td>
<td>Nil</td>
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<tr>
<td>PREVIOUS APPLICATIONS</td>
<td>See Report for Site History</td>
</tr>
<tr>
<td>ASSESSING OFFICER</td>
<td>Janine Lennon</td>
</tr>
<tr>
<td>RECOMMENDATION</td>
<td>That Development Plan Consent be GRANTED</td>
</tr>
</tbody>
</table>

BACKGROUND

The history of the site includes:

- Building was originally used as an office in association with a winery
- Much of the original winery operations have moved to an alternate site
- The building was subsequently split into tenancies. This tenancy has not previously been let.

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 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 Industry (Barossa Valley Region) Zone.

Representations:  No representations were received.

SITE AND LOCAITY
The subject land is located within the Industry (Barossa Valley Region) Zone, Policy Area 1 – Beckwith Park and Precinct 3 Beckwith Park Mixed Use/Industry.

The subject land fronts Tanunda Road and is part of the Beckwith Park Industry and Business Centre. The entire site has an area of approximately 16 hectares. The proposed development is a tenancy located within the Chateau Building.

The subject land is currently used for a mixture of land uses including, alcohol generation, cellar door sales, wine storage, office and administration, staff amenities and storage. No additional floor area is proposed as a part of the application.

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

The site is located within the 1 – Beckwith Park Policy Area as shown in Figure 2.

The site is located within the 3 – Beckwith Park Mixed Use/Industry Precinct as shown in Figure 3.

The site is located within the Beckwith Park Concept Plan as shown in Figure 4.

An aerial view of the locality and site are shown in Figure 5 and Figure 6.
Figure 1: Zone Map
Figure 2: Policy Area Map
Figure 3: Precinct Map
**Figure 4: Concept Plan**

---

**Concept Plan Map Baro/13**

**BECKWITH PARK**

**GENERAL INDUSTRY PRECINCT**

**BAROSSA COUNCIL**

Consolidated - 5 September 2019
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:

- All forms of development in this zone being non-complying subject to exception
- A dance studio is not listed as an exception in accordance with the Procedural Matters for the Industry (Barossa Valley Region) Zone

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

The 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 refuse the application, no appeal rights are afforded to the applicant.

ASSESSMENT

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

<table>
<thead>
<tr>
<th>DEVELOPMENT PLAN PROVISIONS</th>
<th>STANDARD</th>
<th>ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>CARPARKING SPACES Table Baro/1 - Off Street Vehicle Parking Requirements</td>
<td>10 spaces required per 100 sqm therefore 63 spaces required</td>
<td>Staff and patrons will utilise the existing carparking areas at the front (23 spaces available) and rear (114 spaces available) of the Chateau building. Plus an additional 100 spaces located approximately 80 metres to the north. Resulting in a total carparking requirement for this portion of the site of approximately 205 parks</td>
</tr>
<tr>
<td>Most closely matches “Community Centre”</td>
<td>Complies with standard: ☒ Yes</td>
<td>☐ No</td>
</tr>
</tbody>
</table>

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

General Section

Centres & Retail Development
Objectives 1 and 7
All relevant Objectives are deemed to comply.

Community Facilities
Objectives 1 and 2
PDCs 1 and 2
All relevant Objectives and PDCs are deemed to comply.
Industrial Development

Objectives 3, 5 and 9

The Development Plan aims to protect industrially zoned allotments and uses from encroachment by adjoining uses that would reduce industrial development or expansion. Given that the proposed dance studio will be occupying a long term vacant tenancy, the proposal is not expected to impact upon existing industry uses or reduce the potential for industrial development and/or expansion in the locality.

All relevant Objectives are deemed to comply.

Orderly and Sustainable Development

Objectives 1, 2, 3 and 4

PDCs 1, 6 and 8

Whilst the proposed land use is not in accordance with the land uses envisaged for this zone, it will not prejudice the achievement of the provisions of the Development Plan.

All relevant Objectives and PDCs are deemed to comply.

Transportation and Access

Land Use

Access for People with Disabilities

Vehicle Parking

Objectives 2 and 4

PDCs 1, 22, 23, 27, 28, 29, 30, 31, 32, 33 and 37

Extensive car parking areas are provided both to the front and the rear of the building. Access for people with mobility disabilities has been provided from the rear car park.

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 relevant Objectives and PDCs are deemed to comply.

Zone Section

Industry (Barossa Valley Region) Zone

Objectives 1 and 2

Zone Objective 1 seeks a zone accommodating a wide range of industrial, warehouse, storage and transport land uses of regional significance, particularly wineries and other activities which support the region’s viticulture and wine making industry. The proposed land use is not in accordance with the above criteria but will not result in the restriction of these listed activities.

All other Objectives are deemed to comply.
Desired Character
The industrial and commercial activities of the Barossa Valley region are vital to the long term social and economic health of the region’s community. The provision of suitable, accessible industrial land is important for accommodating the growth of existing industrial operations as well as providing for new businesses. In addition, the likely expansion of wine storage and processing for anticipated export market, along with opportunities for major, new enterprise development, will place additional demands on the region which should be met through the provision of suitable land, appropriately located near existing facilities, services and transport.

It is expected that development will be primarily for industrial and commercial activities of regional significance or which support the viticulture and wine-making industry of the surrounding region. Such activities will vary in terms of scale and types of impacts having regard to the nature of surrounding activities.

Incompatible uses will be prevented from establishing located within the zone and will not compromise the function and operation of existing industrial and associated activities.

The landscape qualities of the zone will be enhanced through appropriate landscaping, siting and design of development particularly in areas readily visible from the roads identified on Overlay Maps – Transport.

Desired Character
The proposed land use is not envisaged by the Desired Character statement but it will not compromise the function and operation of existing industrial and associated activities.

Land Use
PDCs 1 and 2
The proposed development is not an envisaged land use and as a non-complying land use is considered to be generally inappropriate in this location.

All other relevant PDCs are deemed to comply.

Policy Section
Beckwith Park Policy
Area 1
Objectives 1 and 2
Zone Objective 1 seeks a policy area primarily accommodating a wide range of industrial, warehousing, storage and transport land uses of regional significance as well as a variety of supplementary commercial uses such as offices, service trade premises and bulky goods outlets (retail showrooms). The proposed land use is not in accordance with the above criteria but will not result in the restriction of these listed activities.

All other Objectives are deemed to comply.
**Desired Character**
The policy area is to cater for a variety of industrial and commercial uses of regional significance or which support the region's viticulture and wine-making industry. Development will respect and complement characteristics that make up the character of each Precinct identified below:

**Precinct 3 Beckwith Park Mixed Use/Industry**
The precinct, as shown on Precinct Map Baro/5 and Precinct Map Baro/6, will comprise a mixture of industrial, warehouse, storage and transport/logistics land uses together with commercial uses such as offices, service trades premises and bulky goods outlets (retail showrooms) which are primarily orientated towards Tanunda Road.

The expansion of centre type facilities such as shops is not desired, although limited retail associated with the uses envisaged in the zone and policy area is appropriate.

The precinct fronts onto Tanunda Road which is a secondary arterial road that forms a 'gateway' to the south of Nuriootpa. Development along this approach road will be distinctive and of a high standard of design and landscape quality to reflect the gateway significance of the location.

It is envisaged that the built form character of the precinct will continue to respond to the historic and prevailing character of large masonry and/or sheet metal portal frame buildings with a strong horizontal emphasis and expansive volume and site coverage. Large and expansive blank walls fronting Tanunda Road will be avoided through the incorporation of architectural and design elements. Exposed services, infrastructure and plant from existing and new industrial development, as well as the external loading and storage areas, will be unobtrusive to Tanunda Road and where possible will be 'sleeved' by built form or screened with filtered views utilising landscape planting.

Buildings will be complemented by high quality landscaping including the establishment of a landscaped entry statement into the Precinct from the Tanunda Road, as well as landscape buffer adjacent Tanunda Road and the rail corridor forming the eastern boundary of the precinct.

Development in the precinct will, where possible, be designed to ensure the separation of articulated vehicle movements from parking and traffic movements generated from service trades and bulky goods type retailing. Where possible, the reciprocal sharing of parking areas between complementary land uses is appropriate, provided peak times of use do not coincide.

The existing TST Distillery Chimney (State heritage place) and the original front facade of the Penfolds Winery (local heritage place) will be preserved and protected with future development designed and sited to respect the setting and composition of these important building elements that provide a visual cue, signal and reminder of the historic and long standing use of the site for the process of wine and spirit making in Nuriootpa.

Signage will be of a high quality of design and appropriately sited to complement the zone's gateway significance. Signage will be limited to the identification of use(s) on the site and, where possible, grouped to avoid clutter.

Development will contribute positively to streetscape and road verge treatments, to enhance the appearance of the approach to the town.
Desired Character

The proposed development does not conflict with the Desired Character statement.

Land Use

PDC 1

The proposed development is not envisaged within this Policy Area.

All other relevant PDCs are deemed to comply.

Form and Character

PDC 3

All relevant PDCs are deemed to comply.

Precinct Section

Precinct 3 Beckwith Park

Mixed Use/Industry

PDCs 8, 9 and 10

The Development Plan seeks land uses that are of regional significance together with a variety of commercial uses which are in keeping with the core industrial role and function of the precinct. As a dance studio the proposed use does not necessarily meet this criteria but it will not prevent the criteria from being met.

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 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. 960/828/2020 by Barossa Dance Company to undertake a Change of use to Dance Studio in basement of Chateau Building (Non-Complying) at Beckwith Park, 30 Tanunda Road, Nuriootpa (CT 6190/859) 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. 960/828/2020 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) The tenancy access for people with a disability shall remain freely accessible for all staff and patrons of the dance studio during operating hours.

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) Privately Certified ☐ Yes ☐ No
☐ Full Development Approval (Both Planning and Building Consent)

APPLICATION FORM & RELEVANT DOCUMENTATION CAN BE EMAILED TO development@barossa.sa.gov.au

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

APPLICANT: BARRISA DANCE COMPANY
Postal Address: PO BOX 846 TANUNDA 5352
Phone: 0417 493494 Mobile: 0417 493494 Sarah Hudson Fax:
Email: barissadancecompany@bigpond.com

OWNER: TARAC PROPERTIES
Postal Address: PO BOX 6, NURIOOTPA
Phone: 0412 335 556 Mobile: Ben Scott Fax:
Email: ben.scott@tarc.com.au

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

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

BUILDER:
Postal Address: 
Phone: 
Mobile: 
Fax: 
Email: 
Builders Licence No.:

CONTACT PERSON FOR FURTHER INFORMATION: Name: JOHN STIMSON - Stimson Consulting
Phone: 0402 445 568 Mobile: Fax:
Email: john@stimsonconsulting.net.au

DESCRIPTION OF PROPOSED DEVELOPMENT: Dance studio

EXISTING LAND USE: vacant tenancy in existing building

AREA (m²) OF PROPOSED DEVELOPMENT:

LOCATION OF PROPOSED DEVELOPMENT:
House No: 10 Street: Tanunda Rd Town: Nuriootpa
Lot No: 6190 Section: 
Hundred: Mooroonooro
Certificate of Title(s): Volume: Folio:

BUILDING RULES CLASSIFICATION SOUGHT: Present Classification
If Class 5, 6, 7, 8 or 9 classification is sought, state the proposed number of employees: Male: Female:
If Class 9c classification is sought, state the number of persons for whom accommodation is proposed:
If Class 9c 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): $5000

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: 23.12.2020
To be read in conjunction with conditions of development approval.

NOTE:
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. Any discrepancies are to be referred to the project architect for clarification prior to work commencing.

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ESSENTIAL SERVICES

1. Fire Protection

   - Fire Detectors
     - SMOKE ALARMS: AS 3786-1993 (SMOKE ALARMS) AND BE
       INTERCONNECTED.
     - ONE SMOKE DETECTOR IS FITTED, THEY ARE TO
       BE ACTIVATED BY THE SMOKE DETECTION AND ALARM SYSTEM.
     - IF ELECTRONIC STRIKES ARE TO BE UTILISED THEY WILL NEED TO
       BE INTERCONNECTED.
     - ALL SMOKE ALARMS SHALL BE HARD WIRED INTO ELECTRICAL
       SYSTEM WITH 9V BATTERY BACK UP SYSTEM. WHERE MORE THAN
       ONE SMOKE DETECTOR IS FITTED, THEY MUST BE HARD WIRED TO
       PROPERLY OPERATE.
   - Fire Extinguishers
     - 2.5KG CAPACITY CO2 TYPE FIRE EXTINGUISHER
     - 4.5KG CAPACITY AB(E) RATING DRY CHEMICAL TYPE FIRE
       EXTINGUISHER
     - 9LITRE CAPACITY WATER TYPE FIRE EXTINGUISHER
   - Fire Blankets
     - F1 (FABRIC COVERED) OR FOAM: AS/NZS 1841.5.
     - WATER: AS/NZS 1841.2.
     - WET CHEMICAL: AS/NZS 1841.3.
     - FOAM: AS/NZS 1841.4.
   - Fire Hose Reels
     - ALL FIRE HOSE REELS TO BE IN ACCORDANCE WITH AS
       STANDARDS MARK: REQUIRED.
     - SELECTION AND LOCATION: AS INDICATED + TO AS 2444.
     - ALL FIRE HOSE REELS TO BE ACCESSED FROM EXIT DOORS.
     - NON-RECHARGEABLE: TO AS/NZS 1841.8.
   - Fire Extinguisher Location
     - FIRE BLANKETS:
     - FIRE HOSE REELS:
     - FIRE EXTINGUISHERS:

2. Electrical

   - Exit Signage
     - EXIT SIGN (THORN SIMPLE EXIT CODE: SIM110M)
     - RUN MAN’ EXIT LIGHT
     - EXIT SIGN(S) MUST BE CLEARLY VISIBLE TO PERSONS
       APPROACHING THE EXIT, AND BE INSTALLED ON, ABOVE OR
       ADJACENT TO EACH:
         • BUSH LANDSCAPED AREA
         • HORIZONTAL EXIT PASSAGEWAY, CORRIDOR, HALLWAY HAVING A LENGTH MORE
         • FIRE-ISOLATED PASSAGEWAY; AND  (CLASS 2 OR 3) IN EVERY
         • EMERGENCY BATTERY BACKED LIGHT
       - Provide portable fire extinguisher and location signs
   - Emergency Lighting
     - EMERGENCY LIGHTING SYSTEM:
     - EXIT SIGN(S) MUST BE CLEARLY VISIBLE TO PERSONS
       APPROACHING THE EXIT, AND BE INSTALLED ON, ABOVE OR
       ADJACENT TO EACH:
         • BUSH LANDSCAPED AREA
         • HORIZONTAL EXIT PASSAGEWAY, CORRIDOR, HALLWAY HAVING A LENGTH MORE
         • FIRE-ISOLATED PASSAGEWAY; AND  (CLASS 2 OR 3) IN EVERY
         • EMERGENCY BATTERY BACKED LIGHT
       - Provide portable fire extinguisher and location signs
   - Smoke Alarms
     - SMOKE DETECTOR - HARDWIRED.
   - Smoke Detectors
     - SMOKE DETECTORS: TO AS 3786-1993 (SMOKE ALARMS) AND BE
       INTERCONNECTED.

3. General

   - FOR CONSTRUCTION
   - To be read in conjunction with
   - Conditions of Development Approval.
STATEMENT OF EFFECT

Change of Use of Basement to a Dance Studio

30 - 38 Tanunda Rd
Nuriootpa
960/828/2020

Prepared for Barossa Dance Company
29 January 2021
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1 Introduction 3
2 Proposal 4
3 Subject Land and Locality 6
4 Development Plan Considerations 9
5 Social, Environmental and Economic Effects 13
6 Conclusion 14

Appendix 1 Letter from Council dated 22 January 2021
Appendix 2 Certificate of Title
Appendix 3 Statement of Support
1. INTRODUCTION

This report has been prepared as a Statement of Effect pursuant to Regulation 17 of the Development Regulations 1993 in relation to a change of land use of the basement at 30 - 38 Tanunda Rd Nuriootpa which is the Chateau building at Beckwith Park to a dance studio. The Statement of Support was accepted by The Barossa Council in its letter dated 22 January 2021 (see appendix 1).

The proposal is a non-complying form of development as all forms of development in the Industry (Barossa Valley Region) Zone are listed as non-complying with some exceptions, and the proposal is not listed.

Notwithstanding the proposal is non-complying it is considered the proposal warrants the consent of the Council’s Development Assessment Panel. The proposal displays considerable merit, will enhance the locality and complies with the vast majority of relevant Development Plan policies.
2 PROPOSAL

The proposal is to use the basement in the Chateau building at Beckwith Park as a dance studio. The floor plan for the basement of the Chateau building is shown below.

The proposed dance studio (approximately 624sqm in floor area) is to have the following spaces/rooms:

- three studios (121sqm, 104sqm, 112sqm)
- a waiting room
- two stores
- a change room
- an electrical/communications room
- two staircases

A copy of the proposed layout of the tenancy is below. Please ignore the text stating "Un-occupied Area". New fire rated walls and doors are to be constructed – see red lines on plan below.

Pedestrian access can be made in three ways.
Classes will occur Monday – Friday commencing after school (3:45pm – 9:00pm)
There are four staff including the owner. One works each day, two work Mondays and Wednesdays, and the fourth works Tuesdays and Thursdays.
Class sizes vary from 2 – 18 students
The age of students ranges from 3 – 18 years.
The three studios have staggered class times. For example, studio 1 will finish at 4:30pm and studio 2 will finish at 4:45pm. This is to enable staggered drop off and pickup times thus reducing parking demand.
Typically younger students (<5yrs old) have a parent stay in the waiting room. Students aged 5 – 7 typically have parents walk them into the waiting room and then the parents leave and come back at the end of the class. Older students are typically dropped off/picked up in the carpark.
3  SUBJECT LAND AND LOCALITY

3.1  Subject Land

The subject land is Allotment 10 in Deposited Plan 89070. The Certificate of Title is Volume 6190 Folio 855. The land is 2.604ha in size, has a 218.67m frontage to Tanunda Road and is 126.51m deep. An aerial photo of the site and locality is shown below.

The subject land is part of Beckwith Park – Barossa Industry and Business Centre.

"The objective for the park was (and remains) to develop a significant commercial and industry hub capable of accommodating both the wine industry and broader business and industry community. The site provides a broad range of accommodation including warehousing, manufacturing, cellars, bulk wine storage, offices and land capable of development to suit a variety of uses."

Existing tenants at Beckwith Park include:

- Tarac Technologies
- Penfolds
- Barossa Distilling Company
- Country Home Services
- Ember Pizza
- Home of the Brave
- Orora Packaging
- RDA Barossa
- Tim Smith Wines
- Uni SA Rural Health
- Graeme Smith Industrial Insulation
- Regional Transport Training Services
The Chateau building is a purpose built office building. The basement has been unoccupied for around a decade, but was previously used as an entertainment and events venue.

3.2 Locality

The character of the locality is considered to be mixed. The unused rail line is located in front of the subject land. On the eastern side of Tanunda Rd opposite the subject land is the Barossa Council offices and library, Barossa Valley Hire, Barossa Dental, Barossa Self Storage, Heuzenroder’s lawyers and a detached dwelling. Further to the south are vineyards. The zoning in the locality is also mixed with Industry (Barossa Valley Region), Commercial, Residential, Primary Production and Recreation all within 350m of the subject land. Photos of the locality are on the following pages.
4 DEVELOPMENT PLAN CONSIDERATIONS

The subject land is located in the Industry (Barossa Valley Region) Zone as shown on the plan below with the red star:

The subject land is located in the Mixed Use Precinct 3 as shown on the Concept Plan below with the red star.
The relevant Development Plan policies are listed and discussed below in the following three categories:

- Land Use
- Amenity and Environment
- Access and Parking

### 4.1 Land Use

The relevant policies are:

- **Industry (Barossa Valley Region) Zone**: Objective 1, PDC 1, 2
- **Beckwith Park Policy Area 1**: Objective 1, PDC 1
- **Precinct 3 Beckwith Park Mixed Use / Industry**: PDC 8, 10
- **Centres and Retail Development**: Objectives 1, 7, PDC 11
- **Orderly and Sustainable Development**: Objectives 2, 3, 6, PDC 1, 3, 11

Whilst the objectives of the Zone and Policy Area seek industrial, warehouse, storage and transport land uses the Desired Character statement for Precinct 3 seeks these as well commercial uses such as offices, service trade premises and bulky goods outlets, however shops are not envisaged.

The structure of the Zone has every land use as non-complying with a few exceptions. This is an unusual structure to the policy in all Development Plans in SA, which gives rise to numerous land uses that can be suitably located in the Zone having to go through a non-complying process.

The South Australian Planning Policy Library Terminology List (DPLG 2011) has Dance Hall as a subset of Hall or Entertainment Venue. However, a dance studio is more of training/education use, as a dance hall is a facility that is more of a pay to enter adult (most likely) entertainment venue. Dance studios (usually teaching children) are typically located in community halls, school halls, and indoor recreation centres.

These are typically located in Community zones, Special Use zones, Recreation zones, centre zones and sometimes industrial zones.

As the Chateau building is a purpose built administration building as opposed to an industrial building having offices, training rooms and consulting rooms are suitable uses to be accommodated in such as structure.

Whilst not strictly relevant the Centres and Retail Development PDC 11 gives criteria for when shops located outside of centre zones are appropriate. Such criteria are useful with this proposal as well. The proposal is not of a size that will hinder the town centre. It is not of a type that could lead to the physical deterioration of the town centre. The proposal is unlikely to negatively impact on adjoining development – most of which is owned by Tarac Properties whom are leasing the basement to the applicant.

The proposal is not considered to be inappropriate in the Zone in terms of the land use as its impact(s) on the achievement of the zone are little to none. In terms of other zones in the town it is noted that there is little vacant space in the District Town Centre Zone and none that is suitable for this business. This southern end of Nuriootpa has range of uses that could be located in the District Town Centre Zone (eg: the Council and library, training facility, consulting rooms, Home of the Brave). As such the proposal will not detrimentally impact on the function of the District Town Centre Zone.
The proposal will provide a service to the town and surrounds which is a desirable factor.

Centres and Retail Development Objective 7 indicates the townships are to be the main focus of business, retail, community and administrative facilities. The subject land is located within the township.

Interestingly in the upcoming Phase 3 Planning and Design Code Beckwith Park will be in the Strategic Employment Zone. Within that zone a Training Facility is an envisaged use (DTS/DPF 1.1) and an indoor recreation facility is also envisaged (DTS/DPF 1.2).

4.2 Amenity and Environment

The relevant policies are:

- Industry (Barossa Valley Region) Zone Objective 2 PDC 9
- Beckwith Park Policy Area 1 Objective 2 PDC 3
- Precinct 3 Beckwith Park Mixed Use / Industry PDC 8, 9, 10
- Orderly and Sustainable Development Objective 1

The desired character of the Zone is described as an industrial and commercial area that is vital to the long term economic and social health of the region, with the Precinct having supplementary commercial uses although shops are not desired.

There is no external building work proposed as part of the application so the visual amenity of the locality will remain. The proposal will assist in creating a pleasant town by providing a needed service.

Noise from the dance studio is minimal as it is limited to domestic level music and given the space is underground and potential sensitive uses are around 150m away it is considered noise is not an issue of concern.

4.3 Access and Parking

The relevant policies are:

- Transportation and Access PDC 22, 30, 31, 32, 33, 35, 37, 39

Vehicular access to the subject land will occur via the existing sealed access point from Tanunda Rd across the rail line.

Pedestrians have two choices of access to the building. Whilst unlikely given the nature of the proposal, persons with mobility issues can access the basement using the lift which is accessed from the rear entry (main carparking area). There are two staircases that can be utilised.

Parking is available in three locations on the subject land. Firstly, in front of the Chateau building to the south of the main pedestrian entry where there are 23 spaces. Secondly, the main parking area is located behind the building where there are 113 spaces (plus 8 motorcycle spaces). Thirdly, there 20 spaces in front of Home of the Brave. This gives a total of 158 carparking spaces on the subject land. With the existing tenants there is never a time where carparking is unavailable. Usually there is more than 60% of the spaces available. In the Chateau building there is 1734sqm of occupied floorspace with nine businesses and 35 FTE staff. This is made up of the following:

- SA Health – Rural Support Services (office) 415sqm, max 16 employees on site
. Country SA PHN (office) 476sqm, max 4 employees on site
. Uni SA – Dept of Rural Health (office) max 3 employees
. Barossa Campus RDA 325sqm, max 2 employees on site with some students accessing
. Country Home Services (office) 242sqm, max 3 employees on site
. Valley Kids Therapy Services (office/consulting) 92sqm, max 4 employees on site
. First Drop Wines, Tim Smith Wines, Tarac Properties (office) 100sqm, max 6 employees

Tenancy 4 on the ground floor has 218sm of floorspace. This space is subject to a separate development application (960/704/2020) for consulting rooms and has a carparking requirement according to Table Baro/1 of 21.8 spaces.

There is approximately 7500sqm of warehouse on the subject land, however this space can’t be occupied due to building rules compliance issues and as such can’t have a carparking requirement. The First Drop Cellar door has 200sqm of floorspace and there is 600sqm of floorspace in that building which is unoccupied. There is a 350sqm shed on the western side of the main carparking area which is used for storage.

The tenancy for the dance studio has a total floor area of 624sqm. Using the community centre parking requirement a total of 62 spaces would be required. This is considered to be an amount of parking that is substantially more than is expected to be required. There are a maximum of 3 spaces required for staff. If all three studios were full (keeping in mind the staggered starting and closing times) there would be 54 students – note the maximum that the studio has had with three classes operating has been 48 students. Given more than half of students are of an age where parents drop off and pickup around 21 spaces (just under half) would be required. The estimated number of drop off and pickup spaces required is 10. As such the maximum total number of spaces required would be 34.

Using Table Baro/1 parking requirements:

<table>
<thead>
<tr>
<th>Time / day</th>
<th>Date</th>
<th>Number of cars parked</th>
</tr>
</thead>
<tbody>
<tr>
<td>am Friday</td>
<td>15 May 2020</td>
<td>26</td>
</tr>
<tr>
<td>am Thursday</td>
<td>31 October 2019</td>
<td>61</td>
</tr>
<tr>
<td>am Sunday</td>
<td>18 November 2018</td>
<td>7</td>
</tr>
<tr>
<td>am Monday</td>
<td>11 December 2017</td>
<td>40</td>
</tr>
<tr>
<td>pm Saturday</td>
<td>26 November 2016</td>
<td>11</td>
</tr>
<tr>
<td>am Thursday</td>
<td>10 December 2015</td>
<td>51</td>
</tr>
</tbody>
</table>

It is considered the proposal will not cause a parking issue, even when the unoccupied spaces in various buildings are occupied.
5 SOCIAL, ENVIRONMENTAL AND ECONOMIC EFFECTS

There are considered to be no adverse effects of any consequence stemming from the proposal.

5.1 Social

The proposal will have a positive health and social impact on the users due to the physical activity being undertaken.

The proposal as a non-complying application will be placed on Category 3 public notification, which enables the opportunity for locals and interested parties to comment.

5.2 Environmental

The traffic impacts on Tanunda Rd are minimal (essentially the same as present).

The proposal will be upgrading and reusing an existing building.

There are no discernible negative impacts on amenity to adjoining properties or the locality.

5.3 Economic

The proposal will enable the Barossa Dance Company to provide an increased number of dance classes in bespoke accommodation for the residents of the Barossa Valley and surrounds.

From an infrastructure perspective the proposal will not pose demands on public infrastructure beyond what is the current capacity.

The proposal will have no negative economic impacts.

With internal partitioning and upgrading in lighting to one of the access doors there will be some minor benefits to the construction industry.
7 CONCLUSION

In summary, the proposal is considered to be appropriate even though it is non-complying as:

- it is compliant with many of the relevant provisions of the Development Plan
- the proposal’s use is considered suitable within the Mixed Use Precinct
- the proposal will not detrimentally impact of the achievements of the Zone or other Zones in Nuriootpa
- the proposal will provide enhanced recreation services to Nuriootpa and surrounds
- it is an orderly, economic and sustainable development
- it will not pose a burden on public infrastructure or services
- there is more than ample carparking available on site

The proposal is considered to be not seriously at variance with the Development Plan. It is considered to warrant the consent of the Council Assessment Panel.

_________________________
John A Stimson, MPIA

29 January 2021
Appendix 1

Letter from Council dated 22 January 2021
Dear Sir/Madam,

DEVELOPMENT NUMBER: 960/828/2020
APPLICANT: Barossa Dance Company
PROPOSAL: Change of use to Dance Studio in basement of Chateau Building
SUBJECT LAND: Beckwith Park, 30 Tanunda Road, NURIOOTPA

Council has resolved to proceed with an assessment of the above application which is for a non-complying form of development.

This decision was made pursuant to Regulation 17(3)(b) of the Development Regulations, 1993 on the basis of the application details and the brief statement supplied.

However, to take the application further, and before giving the obligatory public notification, a Statement of Effect must be prepared by the applicant.

In terms of Regulation 17(5) this Statement must describe and address:-

- The nature of the development and its locality
- The provisions of the Development Plan relevant to an assessment of the proposal
- The extent to which the proposal complies with these provisions
- An assessment of the expected social, economic and environmental effects of the proposal and locality
- Confirmation of safe and convenient access for people with a disability after regular business hours
- Information confirming adequacy of car parking provision.
- Any other information or material that you think is relevant to the assessment of the proposal

Once this information has been received, the application will be processed in accordance with the statutory requirements relating to non-complying development.

You are again reminded that no rights of appeal exist against a refusal by Council following its assessment of the application.
Appendix 2

Certificate of Title
Certificate of Title - Volume 6190 Folio 855

Parent Title(s)  CT 5130/952, CT 5324/782, CT 5523/303, CT 5523/304 AND OTHERS
Creating Dealing(s)  RTC 12557516
Title Issued  15/05/2017  Edition 1  Edition Issued 15/05/2017

Estate Type
FEE SIMPLE

Registered Proprietor
TARAC PROPERTIES PTY. LTD. (ACN: 126 737 255)
OF PO BOX 78 NURIOOTPA SA 5355

Description of Land
ALLOTMENT 10 DEPOSITED PLAN 89070
IN THE AREA NAMED NURIOOTPA
HUNDRED OF MOOROOROO

Easements
SUBJECT TO EASEMENT(S) OVER THE LAND MARKED CC ON D89070 (T 4715627)
SUBJECT TO EASEMENT(S) OVER THE LAND MARKED WW ON D89070 (RTC 12557516)
SUBJECT TO RIGHT(S) OF WAY OVER THE LAND MARKED PP ON D89070 (RTC 12557516)
SUBJECT TO RIGHT(S) OF WAY AND EASEMENT(S) OVER THE LAND MARKED KK ON D89070 (RTC 12557516)
TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED AAA ON D89070 APPURTENANT ONLY TO THE LAND MARKED Z ON D89070 (T 4715626)
TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED AC ON D89070 (RTC 12557516)
TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED C IN F51219 APPURTENANT ONLY TO THE LAND MARKED Z ON D89070 (TG 11196157)
TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED C IN F51219 APPURTENANT ONLY TO THE LAND MARKED Z ON D89070 (TG 11196159)
TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED DDD ON D89070 APPURTENANT ONLY TO THE LAND MARKED Z ON D89070 (TG 11002091)
TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED FF ON D89070 APPURTENANT ONLY TO THE LAND MARKED Z ON D89070 (T 4715626)
TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED G ON D89070 APPURTENANT ONLY TO THE LAND MARKED Z ON D89070 (T 4715627)
TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED H ON D89070 APPURTENANT ONLY TO THE LAND MARKED Z ON D89070 (T 4715626)
TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED J ON D89070 APPURTENANT ONLY TO THE LAND MARKED Z ON D89070 (T 4715627)
TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED N ON D89070 APPURTENANT ONLY TO THE LAND MARKED Z ON D89070 (TG 11002091)
TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED QQ ON D89070 FOR DRAINAGE PURPOSES (RTC 12557516)

TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED SS ON D89070 (RTC 12557516)

TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED ZZ ON D89070 APPURTEANT ONLY TO THE LAND MARKED Z ON D89070 (T 4715627)

TOGETHER WITH RIGHT(S) OF WAY OVER THE LAND MARKED RR ON D89070 (RTC 12557516)

TOGETHER WITH RIGHT(S) OF WAY AND EASEMENT(S) OVER THE LAND MARKED E IN F51219 APPURTEANT ONLY TO THE LAND MARKED Z ON D89070 (TG 11196159)

## Schedule of Dealings

<table>
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<tr>
<th>Dealing Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>12748622</td>
<td>MORTGAGE TO WESTPAC BANKING CORPORATION (ACN: 007 457 141)</td>
</tr>
</tbody>
</table>

## Notations

- **Dealings Affecting Title**: NIL
- **Priority Notices**: NIL
- **Notations on Plan**: NIL
- **Registrar-General's Notes**: NIL

**Administrative Interests**

CONFIRMED IN SA HERITAGE REGISTER 09/01/1992
Certificate of Title

Title Reference: CT 6190/855
Status: CURRENT
Parent Title(s): CT 5130/952, CT 5324/782, CT 5523/303, CT 5523/304 AND OTHERS
Dealing(s) Creating Title: RTC 12557516
Title Issued: 15/05/2017
Edition: 1

Dealings

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<th>Dealing Type</th>
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<td>03/07/2017</td>
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<td>WESTPAC BANKING CORPORATION (ACN: 007 457 141)</td>
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Appendix 3

Statement of Support
22 December 2020

Mr L Monteduro
Manager Development Services
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

Dear Louis

**Beckwith Park – Proposed Dance Studio**

The Barossa Dance Company has engaged the services of Stimson Consulting to prepare a development application for a proposed dance studio to be located in the basement of the Chateau building at Beckwith Park. This Statement of Support is lodged on behalf of the applicant to meet the requirements of Regulation 17(1) of the Development Regulations as the proposal is a non-complying form of development in the Industry (Barossa Valley Region) Zone.

The Barossa Dance Company currently operates out of the Arts Centre at Faith College Tanunda.

**The Subject Land and Locality**

The subject land is Allotment 10 in Deposited Plan 89070. The Certificate of Title is Volume 6190 Folio 855. The land is 2.604ha in size, has a 218.67m frontage to Tanunda Road and is 126.51m deep. An aerial photo of the site and locality is shown below.
The subject land is part of Beckwith Park – Barossa Industry and Business Centre.

“The objective for the park was (and remains) to develop a significant commercial and industry hub capable of accommodating both the wine industry and broader business and industry community. The site provides a broad range of accommodation including warehousing, manufacturing, cellars, bulk wine storage, offices and land capable of development to suit a variety of uses.”

Existing tenants at Beckwith Park include:

- Tarac Technologies
- Penfolds
- Barossa Distilling Company
- Country Home Services
- Ember Pizza
- Home of the Brave
- Nuriootpa Traders
- Steiny’s
- Steins Taphouse
- Tim Smith Wines
- Uni SA Rural Health
- Treasury Wine Estates
- Cellarmasters
- Bean Addiction Coffee Roasters
- Country SA PHN
- First Drop Wines
- Graeme Smith Industrial Insulation
- Orora Packaging
- RDA Barossa
- Regional Transport Training Services
- Valley Kids (physio)

The Chateau building is a purpose built office building. The basement has been unoccupied for around a decade but was previously been used as an entertainment and events venue.

The unused rail line is located in front of the subject land. On the eastern side of Tanunda Rd opposite the subject land is the Barossa Council offices and library, Barossa Valley Hire, Barossa Mitsubishi and Hyundai, Barossa Dental, Barossa Self Storage and a detached dwelling. Further to the south are vineyards.

The Proposal

The proposal is to use the basement in the Chateau building at Beckwith Park as a dance studio. The floor plan for the basement of the Chateau building is shown below.

The proposed dance studio is to have the following spaces/rooms:
- three studios
- a waiting room
- two stores
- a change room
- an electrical/communications room

A copy of the proposed layout of the tenancy is below. Please ignore the text stating “Unoccupied Area”. New fire rated walls and doors are to be constructed – see red lines on plan below.

Pedestrian access can be made in three ways.

- via the existing lift (which caters for disabled persons) – see Photo A below
- via the stairs from lobby on the Ground Floor of the Chateau building – see Photo B below
- via the external stairs from the rear carparking area – see Photo C below D on the following page
Operationally, the following is relevant:

- Classes will occur Monday – Friday commencing after school (3:45pm – 9:00pm)
- There are four staff including the owner. Two work each day, one works Mondays and Wednesdays, and the fourth works Tuesdays and Thursdays.
- Class sizes vary from 2 – 18 students
- The age of students ranges from 3 – 18 years.
- The three studios have staggered class times. For example, studio 1 will finish at 4:30pm and studio will finish at 4:45pm. This is to enable staggered drop off and pickup times.
- Typically younger students (<5yrs old) have a parent stay in the waiting room. Students aged 5 – 7 typically have parents walk them into the waiting room and then the parents leave and come back at the end of the class. Older students are typically dropped off/picked up in the carpark.

Assessment

The proposal is located in the Industry (Barossa Valley Region) Zone, the Beckwith Park Policy Area 1 and Precinct 3 Beckwith Park Mixed Use/Industry. Whilst the objectives of the Zone and Policy Area seek industrial, warehouse, storage and transport land uses the Desired Character statement for Precinct 3 seeks these as well commercial uses such as offices, service trade premises and bulky goods outlets, however shops are not envisaged.

The South Australian Planning Policy Library Terminology List (DPLG 2011) has Dance Hall as a subset of Hall or Entertainment Venue. However, a dance studio is more of training/education use, as a dance hall is a facility that is more of a pay to enter adult (most likely) entertainment venue. Dance studios (usually teaching children) are typically located in community halls, school halls, and indoor recreation centres. These are typically located in Community zones, Special Use zones, Recreation zones, centre zones and sometimes industrial zones.

Interestingly in the upcoming Phase 3 Planning and Design Code Beckwith Park will be in the Strategic Employment Zone. Within that zone a Training Facility is an envisaged use (DTS/DPF 1.1) and an indoor recreation facility is also envisaged (DTS/DPF 1.2).

The structure of the Zone has every land use as non-complying with a few exceptions. This is an unusual structure to the policy in all Development Plans in SA, which gives rise to numerous land uses that can be suitably located in the Zone having to go through a non-complying process.
The main impacts of a dance studio are typically related to carparking and noise. In this instance there is a plethora of carparking spaces available on site and in very close proximity to the tenancy. Noise is not expected to be an issue given the tenancy is in the basement and the operating hours are largely after hour business hours.

The proposal is not expected to have any external impacts that will detrimentally effect other uses in the Zone.

Given the locality, the scale and likely impact of the proposed consulting room I am satisfied the proposal can successfully coexist within the Zone. I consider there is sufficient merit demonstrated above for the Barossa Council to proceed to assess the application under Regulation 17(3)(b).

A Statement of Effect will be prepared and submitted providing a detailed assessment against the Development Plan provisions under the following topics:

- land use
- amenity and environment
- transportation and access

Should you have any queries regarding the above please do not hesitate to contact me on 0402134568 or via email - john@stimsonconsulting.net.au

Yours sincerely

STIMSON CONSULTING PTY LTD

[Signature]

JOHN STIMSON
Managing Director

Enc.
APPLICATION DETAILS

<table>
<thead>
<tr>
<th>PROPOSAL</th>
<th>Installation of a free-standing pylon sign; advertising cellar door (Non-Complying)</th>
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</thead>
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<tr>
<td>APPLICANT</td>
<td>Rhys Hewitt Graphic - Alliance Pty Ltd</td>
</tr>
<tr>
<td>OWNER</td>
<td>Wilsford Group Pty Ltd</td>
</tr>
<tr>
<td>APPLICATION NO</td>
<td>960/224/2020</td>
</tr>
<tr>
<td>CERTIFICATE(S) OF TITLE</td>
<td>CT 6101/50</td>
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<td>DEVELOPMENT PLAN VERSION</td>
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<td>OVERLAYS</td>
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<tr>
<td>PREVIOUS APPLICATIONS</td>
<td>See Report</td>
</tr>
<tr>
<td>ASSESSING OFFICER</td>
<td>Janine Lennon</td>
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<tr>
<td>RECOMMENDATION</td>
<td>That Development Plan Consent be GRANTED subject to the concurrence of the State Planning Commission</td>
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BACKGROUND

960/546/2019 – Additions and Alterations to existing winery – Consent Granted 5 May 2020 – Pending Development Approval
960/28/2020 – Installation of one x single-sided advertising display – Development Approval Granted

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 seek concurrence from the State Planning Commission to grant consent other than which in the opinion of the sub-delegate is of a minor nature.

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

Representations: No representations were received.

SITE AND LOCALITY
The subject site has an overall area of 11.87 ha and comprises of two allotments. The site is gently undulating with a slope of approximately 1 in 12, the lowest point being the northern most corner of the site and generally rising as you move south-west away from Barossa Valley Way.

Whilst the majority of the site is within the Primary Production (Barossa Valley Region) Zone, a portion of the site is also within the Township Zone. The proposed development area is wholly within the Primary Production (Barossa Valley Region) Zone.

The site currently contains a vineyard (approximately 9 ha), a dwelling (vacant) a cellar door and numerous sheds associated with the vineyard, dwelling and existing winery.

The cellar door is open 10.00 am to 5.00 pm, Thursday, Friday, Saturday and Monday.

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

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

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

Site photos are provided in Figure 5.
Figure 1: Zone Map
Figure 2: Overlay Map
REFERRALS
No referrals are required under Schedule 8 of the Development Regulations 2008.

NON-COMPLYING
The application is a non-complying form of development, as it does not meet non-complying exemptions due to being in a >80km/h speed limit area and will result in more than two advertisements on the allotment.

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

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

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

**Character Preservation District**

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

General Section

**Advertisements**

- **Objectives 1, 2 and 3**
- **PDCs 1, 2, 4, 5, 9, 10, 12, 14 and 15**

Whilst there is proposed to be more than one advertising sign on the site, the site has quite a long frontage with approximately 250 metres between each sign. Signs will not be visible from each other.

The sign is less than 1.0 sqm in advertising area, it is not illuminated, will not form a visual proliferation and will not create a hazard with regard to drivers’ attention and safety.

All other Objectives and PDCs are deemed to comply.

Zone Section

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

- **Objectives 1, 4, 5 and 6**

1. **Economically productive, efficient and environmentally sustainable primary production.**
2. **The long term continuation of farming, horticulture, viticulture and associated winery activities.**
3. **Winery and small-scale tourist facilities only where the character and function of viticulture activities are not adversely affected.**
4. **Development that contributes to the desired character of the zone.**

All relevant Objectives are deemed to comply.

**Desired Character**

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

The zone is characterised by open undulating terrain combined with isolated stands of natural vegetation and scattered dwellings and farm buildings. The open nature of the land results in a landscape highly sensitive to development for non broad-acre farming or viticulture purposes. For this reason, it is expected that development will be carefully designed and located to blend within the landscape and be inconspicuous in appearance from key tourist and scenic routes throughout the Barossa Valley Region.
Opportunities for non-agricultural development will be limited to preserve the natural appearance and scenic qualities of rural areas, as well as retain land for maximum horticultural and viticultural productivity. Similarly, large scale wineries and industrial development and dwellings will be limited in location and design to maximise productive land and prevent the incremental erosion of the existing landscape character. Forms of large scale winery and industrial development are more appropriate within regional industrial areas established specifically for such purposes.

Provision has been made for the development of a highway service centre at the corner of the Sturt Highway and Belvidere Road, with policy area specific policies applicable to this land contained in Nuriootpa Sturt Highway Service Centre Policy Area 13.

Pockets of native vegetation exist throughout the zone, however are isolated as a result of past clearing practices. Development will result in the conservation of existing stands of native vegetation and increase the planting of native vegetation in important locations, such as along watercourses. It is expected that broadacre farming and horticultural land use will not take place on land containing mature native vegetation in the Altona to North Para River area.

**Desired Character**
As previously detailed the site has quite a long frontage with approximately 250 metres between each sign. Signs will not be visible from each other. As the sign has less than 1.0sqm in advertising area it will not form an unduly notable element in the landscape.

**Form and Character**
PDCs 8

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

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 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. 960/224/2020 by Rhys Hewitt Graphic - Alliance Pty Ltd to undertake Installation of a free-standing pylon sign; advertising cellar door (Non-Complying) at 1312 Barossa Valley Way, LYNDOCH (CT 6101/50) subject to the concurrence of the State Planning Commission, and subject to the following conditions and advisory notes:

**Council conditions**

(1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/224/2020 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) The herein authorised advertising sign shall be displayed in a manner that does not move, does not flash, and does not reflect light so as to be an undue distraction to motorists, at all times, to the reasonable satisfaction of Council.

**Reason:** To ensure that the amenity of the locality is maintained.

(3) The herein authorised advertising sign shall not be internally illuminated, nor externally flood lit, at any times, to the reasonable satisfaction of Council.

**Reason:** To ensure that the amenity of the locality is maintained.

(4) The herein authorised advertising sign shall be displayed with subdued colours and materials that are harmonious with the natural environment, at all times, to the reasonable satisfaction of Council.

**Reason:** To ensure that the amenity of the locality is maintained.

(5) The herein authorised advertising sign shall contain messaging which is related to the land use located upon the relevant subject land, at all times, to the reasonable satisfaction of Council.

**Reason:** To ensure that the amenity of the locality is maintained.
6.4 Attachment 1
## DEVELOPMENT APPLICATION FORM

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)

**APPLICATION FORM & RELEVANT DOCUMENTATION CAN BE EMAILED TO development@barossa.sa.gov.au**

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

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Rhys Hewett Graphic - Alliance Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>10 Valley Side Drive, Crafers</td>
</tr>
<tr>
<td>Phone</td>
<td>0408 718 288</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:rhyis@graphicalliance.com.au">rhyis@graphicalliance.com.au</a></td>
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<tr>
<th>Owner</th>
<th>Wilsford Group Pty Ltd</th>
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<tbody>
<tr>
<td>Address</td>
<td>268 Glen Osmond Road, Fullarton</td>
</tr>
<tr>
<td>Phone</td>
<td>0488 858 888</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:info@burgefamily.com.au">info@burgefamily.com.au</a></td>
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<tr>
<th>ARE YOU GOING TO BE AN OWNER BUILDER?</th>
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<thead>
<tr>
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- 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: .

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<td>Has the Construction Industry Training Fund Act 1993 Levy Been Paid?</td>
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</table>

<table>
<thead>
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<th>Development Cost (do not include any fit out costs):</th>
<th>$1500</th>
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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.

<table>
<thead>
<tr>
<th>Signed</th>
<th>13-5-2020</th>
</tr>
</thead>
</table>

Agenda - Barossa Assessment Panel - 2 March 2021
Top and bottom 50mm steel tubing powder coated black

Sign face - 850 wide single sided

Open 1 sided 600 x 200 held in place by chains

350mm diameter hole filled with concrete

3000 mm to ground level 100 mm steel tubing powder coated black

1850mm to bottom of sign

1200mm under ground

Rhys Hewett
Designer / Art Director
0408 718 288
rhys@graphicalliance.com.au
www.graphicalliance.com.au
ABN 45 107 407 198
SIGN A

4.5m from Northern boundary
1m inside of Eastern Boundary

1312 Barossa Valley Way

Driveway

100 m
STATEMENT OF EFFECT

FREESTANDING ADVERTISING SIGN
1312 BAROSSA VALLEY WAY LYNDRA

DA NO. 960/224/2020
CONTENTS

SUBJECT SITE AND LOCALITY 1
PROPOSAL 2
PROCEDURAL MATTERS 3
PLANNING ASSESSMENT 4-6
KEY ISSUES 6
ASSESSMENT OF EFFECTS 7
CONCLUSION 8
SUMMARY

ESD Planning & Design has been engaged by Wilsford Group Pty Ltd to prepare a Statement of Effect with respect to DA 960/224/2020. The application seeks the construction of a free-standing advertising sign on the subject site in association with the existing Burge Family Winery and cellar door sales.

The report is to be read in conjunction with the plans prepared by Graphic Alliance which have been submitted with the application.

In preparing this report we have undertaken a review of the following:
- Certificate of title (Appendix A)
- Subject land and locality
- Plans prepared by Graphic Alliance (Appendix B)

SUBJECT SITE AND LOCALITY

The subject site contains two allotments which are identified as Allotment 743 Deposited Plan 89654 (CT Volume 6101 Folio 49) and Allotment 744 Deposited Plan 89654. Allotment 743 contains an easement for drainage purposes as detailed on the Copy of Title included in Appendix A.

The total site area is 11.87 hectares with a street frontage of 550 metres to Barossa Valley Way. Allotment 743 has an overall area of 4.02 hectares and Allotment 744, 7.85 hectares.

The topography of the land is undulating with an overall fall of 16 metres from the southern boundary to the northern boundary.

The site forms part of the gateway into the Lyndoch township, which forms an integral part of the landscape character of the township.

The site is adjacent to the Lyndoch recreation reserve to the east, a cellar door, cafe and vineyard to the north and a rural living area to the south, adjacent the disused rail line.

There are existing signs within the locality, including two (2) small freestanding signs along the frontage of the subject site and a several freestanding signs opposite the subject site at Kies Family Wines.

Figure 1. Subject site. Source: NEARMAP
PROPOSAL

The proposal is for the construction of a free standing advertising sign, to be located within the subject site containing the existing winery and vineyard.

As detailed on the plans submitted with the application, the sign contains an advertisement area of 0.85m², is located in the north eastern corner of the subject site which is adjacent to a secondary arterial road (Barossa Valley Hwy).

Consistent with existing freestanding signs in the immediate locality, the sign will be set back 1 metre from the site’s Barossa Valley Highway boundary and 4.5 metres from the northern boundary and will contain directional information relating to identification of the existing Burge Family Wines cellar door.

The sign’s frame is to be constructed of 50mm steel tubing which will be powder coated and painted black.

The overall height of the proposed sign is 3 metres from natural ground level.

The sign is proposed to contain simple and clear contemporary graphics in colours (maroon, white and black) which complement the existing signs on the site and branding of Burge Family Wines.
PROCEDURAL MATTERS

Council has categorised the signage application as non-complying as the non-complying table within the Primary Production (Barossa Valley Region) Zone states that advertisements are to be categorised as non-complying except for where they meet the following exceptions:

‘Advertisement and/or advertising hoarding where the development achieves at least one of (a), (b) or (c):
(a) is adjacent to a road with a speed limit of less than 80 km/h
(b) has an advertisement area of 2 square metres or less and achieves all of the following:
(i) the message contained thereon relates entirely to a lawful use of land,
(ii) the advertisement is erected on the same allotment as the use it seeks to advertise, and
(iii) the advertisement will not result in more than two advertisements on the allotment.
(c) is located within Nuriootpa Sturt Highway Service Centre Policy Area 13 and is limited to information relating to approved services and facilities within the Policy Area.

The development is not able to achieve exemption (b) (iii) as:

• The advertisement will result in more than two advertisements on the allotment.

Public Notification

As the proposed sign is non-complying it is a Category 3 form of development for public notification purposes as the development is not a minor alteration or addition pursuant to Schedule 9 Part 1 (3)(a) of the Development Regulations.

Referrals

Referral of the application is not required pursuant to Section 37(1) of the Development Act and Schedule 8 of the Development Regulations.
PLANNING PROVISIONS

The subject site is zoned Primary Production (Barossa Valley Region) Zone and is within the Heritage and Character Preservation District Overlay.

A small portion of allotment 743 is zoned Township Zone and within Recreation Policy Area (6). No development is proposed within this portion of the allotment.

The subject site is also within the Bushfire Protection Area (Medium Bushfire Risk).

PLANNING ASSESSMENT

Zoning

The objectives of the Primary Production (Barossa Valley Region) Zone, as relevant to the proposal, are:

3 Preservation of rural land and landscape character by limiting additional dwellings and non-agricultural development, except as provided for in Nuriootpa Sturt Highway Service Centre Policy Area 13.
4 The long term continuation of farming, horticulture, viticulture and associated winery activities.
5 Winery and small-scale tourist facilities only where the character and function of viticulture activities are not adversely affected.
6 Development that contributes to the desired character of the zone.

Relevant policies supporting these objectives seek to ensure development is consistent with the zone’s desired character which states:

‘The most intensive and historic viticulture land use in the region occurs in this zone, developed as a result of soil type, agricultural productivity, groundwater availability and settlement patterns. The zone also has a unique and attractive landscape character that forms the actual and perceived viticulture and tourist focus of the region. It is envisaged that development will enhance the function of this zone as the focus of the traditional Barossa Valley Region.'
The zone is characterised by open undulating terrain combined with isolated stands of natural vegetation and scattered dwellings and farm buildings. The open nature of the land results in a landscape highly sensitive to development for non broad-acre farming or viticulture purposes. For this reason, it is expected that development will be carefully designed and located to blend located within the landscape and be inconspicuous in appearance from key tourist and scenic routes throughout the Barossa Valley Region.

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

Similarly, being in the Character Preservation Area, policies seek to ensure that scenic and rural landscapes are highly valued, retained and protected in the locality.

The existing land use, a winery (which includes a cellar door) is an envisaged land use within the zone and signage associated with the existing use of the site is reasonably expected and considered appropriate, providing it does not adversely impact upon the landscape character.

The application is non-complying as this is the 3rd sign of this type, however all three signs are of a similar scale and are spread across a road frontage of over 550 metres, ensuring they are not dominant in the landscape. There are no incompatible signs in the locality or any other signs on the southern side of Barossa within a 50 metre radius.

The size, siting and design of the sign is consistent with the typical design and pattern of signage for wineries within the Barossa (and more specifically the gateway into the Lyndoch Township) as the sign is not sited within close proximity to existing signs and is on a black gloss simple frame with an advertisement area limited to 0.85m².

Overall, it is considered the additional sign does not adversely impact upon visual amenity or the landscape character of the area as it:

- Is limited in size to 0.85m² and 3 metres in height;
- Is not illuminated;
- Is located entirely within the subject site’s boundaries and does not obscure views to vistas or objects of high amenity value due to its small scale and location;
• Complements the existing signage theme on the site; and
• Is located a sufficient distance from existing signs so it doesn’t result in visual clutter or dominance in the broader landscape.

KEY ISSUES

ADVERTISEMENTS

The proposal is considered to achieve the objectives and the relevant Principles of Development control of the General Advertisements section on the following basis:

• The picturesque landscape will not be scarred or disfigured by the advertisement as it is small scale and the design complements the existing surrounding winery and tourism signage in the locality.

• Although Barossa Valley Way is an arterial road with a speed limit of 80km/h or more, the signage is not proposed to be located at an intersection with another road, is not illuminated, and contains simple and clear contemporary graphics to ensure it is not liable to be interpreted as an official traffic sign or to create driver distraction or a hazard.

• The sign does not impair sightlines of drivers as it is not located near a driveway on the site and does not overhang the road reserve.

• The sign is considered to be consistent with the desired character of the locality as it is consistent with the surrounding signs in terms of siting, scale, structure, design and colours and materials.

• The additional sign does not result in visual clutter as there are no incompatible signs in the locality or any other signs on the southern side of Barossa within a 50 metre radius. Additionally, signs associated with the site are spread over a 550 metre frontage.

• Information contained on the sign relates to the use of the land by giving tourists advance notice of the entrance to the cellar door upon approach.

• The sign is located entirely within site’s boundaries and does not obscure views to vistas or objects of high amenity value due to its small scale and location.
ASSESSMENT OF EFFECTS

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

SOCIAL EFFECTS

The proposal is considered to have positive social effects on the local community, the community more broadly and for national and international visitors to the Barossa Valley as the proposed sign with assist with way finding. There are no adverse social impacts associated with the proposed sign.

ECONOMIC EFFECTS

The proposed sign will assist with way finding for visitors within the region to the Burge Family cellar door which in turn supports tourism and its positive economic effects. There are no adverse economic impacts associated with the proposed sign.

ENVIRONMENTAL EFFECTS

Having inspected the subject site thoroughly, it is considered that there are no adverse environmental impacts as a result of the proposed sign as the footprint of the sign is small and does not impact on any areas of vegetation or require significant footings for its construction, resulting in limited earthworks.
CONCLUSION

The proposed sign is consistent with the scale and design of other winery (cellar door) directional signage within the Barossa region and will assist with way finding for visitors to the Burge Family winery, consequently supporting tourism in the region.

Importantly the proposed sign will not adversely impact upon the scenic rural landscape character of the locality or present as a hazard for users of the surrounding road network or the subject site.

Having reviewed the relevant policies contained within the Barossa Development Plan (Consolidated – 5 September 2019), it is considered that there is sufficient policy basis for the development and as such the proposed freestanding advertising sign is not seriously at variance with the Barossa Development Plan and warrants Development Plan Consent.

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

ZOE DELMENICO
Principal Planner
BA (Chem. & Chem. Process Tech.)
Grad Dip (Environment & Planning)
Accredited Professional MPIA
BACKGROUND
The subject site is located at Allot 2 Rocky Valley Road, Angaston. The proposed development comprises a single-storey detached dwelling with a double garage, deck and verandah, installation of a 200kl rain water tank and associated earthworks. The footprint of the building generally aligns with the contours of the land with less than one metre of cut and/or fill proposed.

Council staff determined to proceed to assessment under delegation, the proposal was placed on public notification and no representations were received.

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.
Where in the opinion of the sub-delegate, it is appropriate to refer the application to the Barossa Assessment Panel.

PUBLIC NOTIFICATION
The application is a Category 3 form of development pursuant to Section 38 and Schedule 9 of the Development Act 1993 and Development Regulations 2008 and the Procedural Matters of the Rural Landscape Protection Zone.

Representations: No representations were received.

SITE AND LOCALITY
The subject site is located on the western face of the Barossa Range and is approximately 29.3 hectares in overall area. It is bound by Stockwell Road to the north-west and Rocky Valley Road to the north-east. The land is undulating with a fall of approximately 85 metres from the southern comer of the site to the northern comer, an overall slope ratio of approximately 1 in 10.

There are isolated remanant mature trees and other indigenous species scattered across the site, with patches of rocky outcrop. Some exotic plants are also present, such as a small vineyard and a mixed orchard.

The locality is largely grazing land characterised by open grassland. The escarpment that the site is located within provides a backdrop for the length of the Barossa Valley floor. The dwelling location itself will not be visible from the Valley floor.

Development Application History
960/193/1994 – Implement shed - Approved and Constructed
960/575/1998 – Dwelling – Approved then Lapsed
960/711/1999 – Addition to implement shed - Approved and Constructed
960/782/2006 – Farm Building – Machinery Shed – Approved and Constructed
960/385/2009 – Addition to machinery shed - Approved and Constructed
960/75/2018 – Farm Building – Approved and Constructed

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

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

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

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

Site photos are provided in Figure 6 to Figure 10.
Figure 1: Zone Map
Figure 2: Bushfire Overlay Map
Figure 3: Character Preservation Area Overlay Map
Figure 4: Aerial – Locality
Figure 5: Aerial – Site

Figure 6: Site Photo - Dwelling site from Rocky Valley Road, a number of vines are intended to be relocated
Figure 7: Site Photo - View north-west towards the Valley from the proposed dwelling site, no view of the Valley floor
Figure 8: Site Photo - Dwelling is proposed to have a northerly orientation with views towards Rocky Valley Road.

Figure 9: Site Photo - View west towards the Valley from the proposed dwelling site, no view of the Valley floor.
Figure 10: Site Photo – Nearest adjoining dwelling - 69 Rocky Valley Road from proposed dwelling site, red circle indicates dwelling location on this site (barely visible)

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

NON-COMPLYING
The application is a non-complying form of development, due to being for the construction of a dwelling which is listed as a non-complying form of development except where exception criteria is met. Exception criteria cannot be met in this instance.

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

The applicant has provided a Statement of Effect pursuant to Regulation 17 of the Development Regulations 2008, which is included in Attachment 1. Should the Panel refuse the application, no appeal rights are afforded to the applicant.

ASSESSMENT

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

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<th>DEVELOPMENT PLAN PROVISIONS</th>
<th>STANDARD</th>
<th>ASSESSMENT</th>
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<tr>
<td>SITE AREA</td>
<td>100 ha</td>
<td>29 ha</td>
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<tr>
<td>Procedural Matters</td>
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<tr>
<td>CUT &amp; FILL</td>
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<td>0.8 metres</td>
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<td>Zone PDC - 6</td>
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<td>Complies with standard: ☒ Yes ☐ No ☐ Partial</td>
</tr>
<tr>
<td>CARPARKING SPACES</td>
<td>Three spaces required</td>
<td>&gt;3 spaces provided, at least two undercover</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td>Carparking Table</td>
<td></td>
<td>Complies with standard: ☑ Yes ☐ No ☐ Partial</td>
</tr>
</tbody>
</table>

**Qualitative Criteria**

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

**Overlay Section**

**Character Preservation Area**

Objectives 1, 2 and 3

PDC 1

Objective 1 has been met in that the proposed built form has been designed to work with and complement the landscape. Objectives 2 and 3 have not been met in that the proposal will result in residential (rural living style) development outside of townships, settlements and rural living areas. With regard to Principle of Development Control (PDC) 1, one of the Objectives have been met but the other two haven’t, suggesting that the Principle of Development Control has not been met.

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**

Discussed under Hazards heading.

**General Section**

**Design and Appearance**

Objectives 1 and 2

PDCs 1, 2, 3, 5, 7, 11, 12, 14, 15 and 17

PDC 12 seeks buildings to be designed so that their main façade faces the primary street frontage of the land on which they are situated. In this location given that the desired character is looking for buildings and structures to be screened from view as much as possible, it is considered appropriate that the dwelling does not address the primary street, rather the narrowest elevation of the dwelling (garage elevation) will be visible from the primary street. For vehicles travelling at or near the speed limit views of the dwelling will be fleeting glimpses only.

All other relevant Objectives and PDCs are deemed to comply.
### Energy Efficiency
**On-site Energy Generation**

- **Objectives**: 1 and 2
- **PDCs**: 1, 2 and 3

The dwelling has been designed to maximise passive solar efficiency as well as facilitate the efficient use of photovoltaic cells and solar hot water systems by designing roof orientation which maximises exposure to direct sunlight.

All relevant Objectives and PDCs are deemed to comply.

### Hazards
**Bushfire**

- **Objectives**: 1, 2, 5 and 6
- **PDCs**: 1, 3, 7, 8, 9, 10, 12, 15, 26 and 27

The proposal is in a Medium Bushfire Protection Area and the dwelling is to be located 23 metres (at its closest point) from Rock Valley Road. An appropriate condition referring to the Ministers Specification for bushfire affected areas has been included as a recommended condition of consent.

All relevant Objectives and PDCs are deemed to comply.

**Landslip**

**Objectives**: 1, 2, 5 and 6
**PDCs**: 1, 3, 7, 8, 9, 10, 12, 15, 26 and 27

The proposal is in a Medium Bushfire Protection Area and the dwelling is to be located 23 metres (at its closest point) from Rock Valley Road. An appropriate condition referring to the Ministers Specification for bushfire affected areas has been included as a recommended condition of consent.

All relevant Objectives and PDCs are deemed to comply.

### Interface between Land Uses
**Noise**

- **Objectives**: 1 and 2
- **PDCs**: 1, 2, 4, 5 and 6

All relevant Objectives and PDCs are deemed to comply.

**Rural Interface**

- **Objectives**: 1 and 2
- **PDCs**: 1, 2, 4, 5 and 6

All relevant Objectives and PDCs are deemed to comply.

### Landscaping, Fences and Walls

- **Objectives**: 1 and 2
- **PDCs**: 1, 2, 3 and 4

The site is currently fenced with rural style, post and wire fencing, no change to the fencing has been proposed.

All relevant Objectives and PDCs are deemed to comply.

### Natural Resources
**Water Sensitive Design**

- **Objectives**: 1, 2, 5, 6, 7, 8, 9, 10 and 13
- **PDCs**: 1, 2, 4, 5, 7, 8, 10, 14, 26, 27, 28, 29, 30, 31, 32, 33, 34, 38 and 39

In accordance with PDC 13 the proposal has been designed to largely protect the scenic qualities of the natural and rural landscapes. As the dwelling will not be visible from the Valley floor, it is unlikely to be visible from neighbouring dwellings and will have limited visiblility from Rocky Valley Road.

All relevant Objectives and PDCs are deemed to comply.

**Biodiversity and Native Vegetation**

**Soil Conservation**

**Orderly and Sustainable Development**

- **Objectives**: 1, 2, 3 and 4
- **PDCs**: 1, 2 and 8

All relevant Objectives and PDCs are deemed to comply.
Residential Development

Design and Appearance
Garages, Carports and Outbuildings
Street and Boundary Setbacks
Site Coverage
Private Open Space
Noise
Car Parking and Access

Objectives

PDCs 5, 6, 7, 9, 10, 11, 12, 15, 16, 17, 19, 20, 21, 22, 23, 24, 30, 34 and 35

The slope of the site means that the provision of a minimum area of private open space with a maximum slope on 1 in 10 is achieved without additional earthworks.

All relevant Objectives and PDCs are deemed to comply.

Siting and Visibility

Objectives

PDCs 1, 2, 3, 4, 5, 6, 7 and 9

As discussed under the Design and Appearance heading, as well as the Landscaping Fences and Walls heading.

The driveway is proposed to be curved to minimise its intrusion into the landscape and reduce the amount of earthworks required to make it trafficable.

All relevant Objectives and PDCs are deemed to comply.

Sloping Land

Objectives

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

As detailed in Attachment 1 the proposal includes up to 0.8 metres of cut and 0.5 metres of fill, meeting the relevant parameters of the Development Plan.

All relevant Objectives and PDCs are deemed to comply.

Transportation and Access

Access
Vehicle Parking

Objectives

PDCs 22, 23, 29 and 31

All relevant Objectives and PDCs are deemed to comply.

Waste

Wastewater
Waste Treatment Systems

Objectives

PDCs 1, 2, 3, 4, 5, 7, 10, 11, 13 and 14

At this time no waste water application has been received. A condition has been recommended requiring that a waste water system is approved prior to an application for Development Approval. Despite no application being received, a waste water system has previously been approved for this site therefore it is reasonable to assume that a future application will be able to be approved.

All other relevant Objectives and PDCs are deemed to comply.
Zone Section

**Rural Landscape Protection Zone**

Objectives 1, 2 and 4

All relevant Objectives are deemed to comply.

**Desired Character**

The zone encompasses a natural landscape that provides a scenic backdrop to the Barossa Valley floor. The preservation of rural land and the scenic natural landscape character is the primary objective of the zone, with low intensity land uses, involving landscape preservation the preferred form of development located within the zone, particularly in those locations visible from the valley floor. It is expected that opportunities for additional dwellings and non-agricultural development, will be limited to only circumstances where the natural appearance and scenic quality of the zone is preserved and rural productivity is maintained. Opportunities exist for small-scale tourist accommodation development located within the zone to adapt and reuse existing historic buildings, or as subordinate, small-scale additions to existing dwellings.

Buildings and structures will be clustered and screened from view as much as possible. This can be achieved by placing dwellings within valleys, behind spurs or positioned in a manner that allows them to be screened by native vegetation. Development that skylines or appears obtrusive or stark in the landscape is inappropriate within this zone.

Maintaining the natural landform is essential in the placement of buildings, with excavation and filling kept to a minimum. Excavation is preferred to the filling of land in the placement of buildings. Buildings will be setback as far as possible from roads, with access tracks primarily designed and constructed to minimise erosion and follow natural landforms.

Buildings and structures will be unobtrusive in design and limited to single-storey, with low roof pitches designed to follow existing natural contours of the land. Buildings will be constructed using materials and finishes of a low reflective nature and subdued earthy colours to blend with the natural landscape.

Significant clearing of native vegetation has occurred in this zone and many areas are susceptible to erosion due to the steep slopes. Any new development will need to assist in revegetation of land to improve landscape appearance, stabilise slopes and prevent erosion. Existing native vegetation will be conserved and complemented by additional plantings of locally indigenous plant species as a priority.

**Desired Character**

The design of the proposed development is substantially in accordance with the Desired Character statement for the Zone.

**Land Use**

PDCs 1, 2 and 3

Whilst Principle of Development Control 2 states that development listed as non-complying is generally inappropriate, Principle of Development Control 3 states that a dwelling should only be developed if:

(a) there is a demonstrated connection with farming or other primary production.
(b) the location of the dwelling will not inhibit the continuation of farming, other primary production or other development that is in keeping with the provisions of the zone.

(c) it is located more than 500 metres from an existing intensive animal keeping operation unless used in association with that activity.

(d) it does not result in more than one dwelling per allotment.

It is noted that the dwelling will meet points a-d.

In an effort to add merit to the proposal, despite the fact that the overall site does not meet the 100 ha minimum for a dwelling in this zone, the applicant has proposed (at the time of consent) to amalgamate the two allowances effectively reducing the fragmentation of this zone.

All other relevant Objectives and PDCs are deemed to comply.

**Form and Character**

PDCs 5, 6, 7, 8 and 9

As previously detailed, point a of Principle of Development Control 9 has been substantially met with the exception of point (g):

Buildings, including structures, should be located in unobtrusive locations and, in particular, should:

(a) be located so as not to be visible against the skyline when viewed from roads located within the zone, from the Barossa Valley floor or areas located within the adjacent Council.

(b) have the roof line below the lowest point of the abutting road when the allotment is on the low side of the road.

(c) be sited on excavated rather than a filled site in order to reduce the vertical profile of the building.

(d) be screened by existing native vegetation when viewed from roads located within the zone or from the Barossa Valley floor.

(e) be located well below the ridge line.

(f) be located within valleys or behind spurs.

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

Whilst the dwelling will be set on the high side of the road, a 23 metre set back may not be considered “set well back” given the rural setting. Despite this, the chosen dwelling location is considered to be the most ideal site for a dwelling in this location due to the lack of visibility from outside of the site and the amount of earthworks and impact upon primary
production land that may be required to site the dwelling in another location.

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 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 the reserved matter and 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. 960/700/2020 by PD Grillett and AP Grillett to undertake Construction of a single-storey detached dwelling with a double garage, deck and verandah; Installation of a 200kl rain water tank; associated earthworks (Non-Complying) at Allot 2 Rocky Valley Road, ANGASTON (CT 5178/743 and 5178/838) subject to the following reserved matters, conditions and advisory notes:

Reserved Matters

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

A The amalgamation of the following property titles:

- Certificate of Title – Volume 5178, Folio 734
- Certificate of Title – Volume 5178, Folio 838

Council Conditions

(1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/700/2020 except where varied by any condition(s) listed below.

- Statement of Effect - prepared by Planning Solutions SA and dated January 2021
- Coversheet, Perspective - prepared by JBG Architects, Drw No A000, Issue C and dated 27 Oct 2020
- Block Plan prepared by JBG Architects, Drw No A001, Issue C and dated 27 Oct 2020
- Site Plan prepared by JBG Architects, Drw No A002, Issue C and dated 27 Oct 2020
- Floor Plan prepared by JBG Architects, Drw No A101, Issue C and dated 27 Oct 2020
- Elevations 1 & 2 prepared by JBG Architects, Drw No A201, Issue C and dated 27 Oct 2020
- Elevations 3 & 4 prepared by JBG Architects, Drw No A202, Issue C and dated 27 Oct 2020
- Septic Plan - Ground prepared by JBG Architects, Drw No A501, Issue C and dated 27 Oct 2020
- Perspective 2 - prepared by JBG Architects, Drw No A901, Issue C and dated 27 Oct 2020

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

(2) The colours of the external roof and/or wall materials shall be muted and non-reflective in nature. Where metal cladding is used, it shall have a colorbond type of finish.

Reason: To ensure that the desired character for the site is maintained.

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

Reason: To ensure that the proposal is constructed in accordance with the requirements of the South Australian Public Health Act 2011.

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

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

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

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

(6) The subject land is located within a Medium Bushfire Risk area. A dedicated and independent water supply shall be available at all times for fire fighting purposes which:
(a) Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and

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

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

Reason: To ensure that the proposal is used, run and maintained in accordance with the Ministers Specification.

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

Reason: To ensure that the proposal is used, run and maintained as approved by the Relevant Authority.
6.5 Attachment 1
DEVELOPMENT APPLICATION FORM

COUNCIL: BAROSSA COUNCIL
APPLICANT: Mr P & Mrs A GRILLET
Postal Address: 43 PARADALE DRIVE TANUNDA SA 5352
OWNER: LYRIC PARK PTY LTD
Postal Address: 42 PARADALE DRIVE TANUNDA SA 5352
BUILDER: TBA

CONTACT PERSON FOR FURTHER INFORMATION
Name: Trevor V White
Telephone: 8523 3890 (work) 0420501680 (Ah)
Fax: (work) (Ah)

EXISTING USE:
Primary Production

DESCRIPTION OF PROPOSED DEVELOPMENT:
Construction of a New Single Storey Detached Dwelling, Above ground
Rainwater Water Storage Tank.

LOCATION OF PROPOSED DEVELOPMENT:
House No: Lot No: Section No (full/part): DP107036
Street: ROCKY VALLEY ROAD Hundred: Moorooroo
Town/Suburb: ANGASTON Volume: 5178 Folio: 743

LAND DIVISION:
Site Area (m²) Reserve Area (m²) No of existing allotments:
Number of additional allotments (excluding road and reserve):
BUILDING RULES CLASSIFICATION SOUGHT: 1A
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 X

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

DEVELOPMENT COST (do not include any fit-out costs): $300,000 (Inc GST)

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

SIGNATURE: Trevor V. White – Town Planner
Dated: 09 / 11 / 2020
STATEMENT of EFFECT

Construction of a single storey detached dwelling, balcony, aboveground rainwater storage tank and associated earthworks located on Allotment 2 (FP107036), Rocky Valley Road
ANGASTON SA

Prepared for

Mr P & Mrs A Grillet
(The Applicant)

January 2021
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**APPENDIX A**
Site Photographs

**APPENDIX B**
Certificate of Title

**APPENDIX C**
Zone Map Baro/24

**APPENDIX D**
Heritage Character Preservation District – Overlay Map Baro/24

**APPENDIX E**
Bushfire Protection Area
BPA Map Baro/6

**APPENDIX F**
Concept Plans, including
Site, Floor Plan and Elevations
1.0 - LEGISLATIVE REQUIREMENTS:

Planning Solutions (SA) Pty Ltd have been engaged to act for Mr P & Mrs A Grillett the applicants for the construction of a new single storey detached dwelling, balcony and above ground rainwater storage tank on Allotment 2 which is contained in Certificate of Title Volume 5178 Folio 743, in Filed Plan 107036, Hundred of Moorooroo, in an area known as Angaston (a copy of the Certificate of Title is attached in Appendix ‘B’).

The applicants seek Development Plan Consent for the construction of a new single storey detached dwelling, balcony and above ground rainwater storage tank on allotment 2 Rocky Valley Road at Angaston is a ‘non-complying’ form of development but is worthy of further assessment.

Council has previously received and considered a brief Statement of Support prepared by Planning Solutions SA Pty Ltd that outlined the nature of the proposed development. Accordingly, the applicant was advised by email dated 18 December 2020 indicating that Council had confirmed acceptance of the brief Statement of Support for the proposal and advised, pursuant to Regulation 17(3)(b) of the Development Regulations 2008, that Council had resolved to proceed with further assessment of the application.

This Statement of Effect has been prepared in accordance with Regulation 17(5) of the Development Regulations 2008, which requires the Statement of Effect to include the following:

(a) a description of the nature of the development and the nature of its locality; and
(b) a statement as to the provisions of the Development Plan which are relevant to the assessment of the proposed development; and
(c) an assessment of the extent to which the proposed development complies with the provisions of the Development Plan; and
(d) an assessment of the expected social, economic and environmental effects of the development on its locality; and
(e) any other information specified by the relevant authority when it resolves to proceed with an assessment of the application (being information which the relevant authority reasonably requires in the circumstances of the particular case)

and may include such other information or material as the applicant considers supports the proposal.

In preparing this Statement of Effect, staff from Planning Solutions (SA) Pty Ltd have carried out the following to demonstrate that even though the application is deemed to be a ‘non-complying’ form of development, it contains considerable ‘merit’ and is worthy of Council’s support.

- I have viewed the 'subject land' and its locality;
- Considered the nature of the proposal in detail;
- I have considered the siting of the proposed new single storey detached dwelling on the allotment to avoid the built form being seen from the Barossa Valley Floor.
- I have considered the proposal to ensure the development preserves the natural landscape and the external colour scheme is commensurate with the natural environment and landscape.
- I have considered the benefits of residing on the allotment and to continue the extensive landscaping and tree plantings that have already been undertaken by the current owners of the property as this tree planting and landscaping has prevented extensive erosion on the allotment.
- I have considered the proposal against the relevant General Module and Zone policy provisions, contained in Council’s current Development Plan (5 September 2019 - consolidation)
2.0 - SUBJECT LAND:

The 'subject land' is located east of the township of Tanunda in a unique area that forms a backdrop to the Barossa Valley floor, with access to the site being gained off Rocky Valley Road. The 'subject land' is identified as Allotment 2 in Filed Plan 107036, Hundred of Moorooroo in the area known as Angaston and contained within Certificate of Title Volume 5178 Folio 743 (a copy of the Certificate of Title is attached in Appendix 'B').

The applicants propose to purchase both Allotment 2 and Section 768, which have a combined area of 29 hectares (72 acres). Whilst the proposed dwelling will be constructed on Allotment 2, the applicants have indicated their willingness to amalgamate both the titles once the dwelling has been approved as the purchase of the land is dependent on approval for the proposed dwelling.

Allotment 2 is best described as a 'rectangular shaped allotment' with a total area of 8.09 hectares (20 acres) in area with a consolidated frontage of 160.33 metres to Rocky Valley Road.

The 'subject land' has a small number of randomly located mature eucalypts on the property and the location of the proposed new dwelling and associated infrastructure will require the removal of one small eucalypt, however, the existing owners have invested considerable time and money in landscaping and beautifying the area near the eastern boundary of the allotment and at the head of the existing watercourse that traverses through the allotment. To minimise soil erosion the current owners have also stone pitched the watercourse in strategic locations in order to minimise the extent of erosion during periods of prolonged and heavy rain events.

The location of the proposed dwelling and associated outbuilding has been carefully selected on the site, where the built form will be constructed below the ridgeline that runs through the centre of the site, and therefore the built form will not be seen from the Barossa Valley floor. There is a watercourse traversing through the centre of the allotment, this watercourse has two dams that have been constructed over the years, which can be used for stock grazing but has no impact on the proposed dwelling or the internal road network.

Again, the location of the proposed new dwelling and associated domestic outbuilding has been professionally designed by JCB Architects of Tanunda who been strategically sited the proposed built form to ensure the built is grouped together, the extent of cut and fill operations is minimal and the built form is not visible from the Barossa Valley Floor.

The perimeter boundaries of the 'subject land' are fenced using a traditional rural stock fence as the applicants propose to continue with the landscaping already commenced on the site but also have the option of stock grazing as a method of maintaining the natural grasses of the allotment to a manageable height, thus reducing bushfire hazards.

3.0 - LOCALITY:

The 'subject land' is located east of the Tanunda township where the landscape rises from the valley floor and forms a backdrop to the Barossa Valley. The immediate locality is characterized by allotments of varying sizes and configurations with the predominant land uses being either stock grazing or horticulture (vineyards) activities. The 'subject land' is of sufficient area to continue to be used for both viticulture and stock grazing from time to time in the future.

In the wider locality are a number of allotments that have no dwellings and associated outbuildings associated with the land use as a built form on many of the allotments would be visible from the valley floor and therefore not supportable, where this proposal is able to be located in such a manner as to not be visible from the valley floor. Within this immediate area there is no defined development pattern as the road pattern and the allotment configuration is akin to the natural topography of the area.
Many of the allotments in the higher ridges in the locality of the proposed development site have strands of native vegetation with some of the allotments just having random tree plantings on the allotment. On the areas that are devoid of native vegetation or on those areas that have been cleared in the past, many are used for viticultural activities. However, as you move from the higher ridges to the valley floor the viticultural activities become more abundant.

Some but not all of the allotments in and closer to the valley floor have been developed with a dwelling and associated outbuildings connected to the operations of the vineyards. The built form however in the higher ridges is much sparser due to the fact the built form needs to be not visible from the valley floor.

The proposed development for the construction of a single storey detached dwelling and rainwater storage tank and associated earthworks provides an opportunity for the applicants to further develop and rejuvenate the existing vineyard on the property and occasional stock grazing. These activities are envisaged in the zone and have minimal impact on the adjoining landowners in the immediate locality.

4.0 - PROPOSAL:

The applicants seek Development Plan Consent for the construction of a single storey detached dwelling, balcony and aboveground rainwater storage tank on allotment 2 which abuts Rocky Valley Road. The proposal is deemed to be a ‘non-complying’ form of development as the ‘subject land’ is less than 100 hectares in area, there was no habitable dwelling existing on the allotment prior to 18 September 1990 and the allotment is not the result of the amalgamation of three of more contiguous allotment to form a resultant allotment of 50 hectares or more.

The ‘subject land’ is contained entirely within the Rural Landscape Protection Zone of the Barossa Council Development Plan (5 September 2019 - consolidation) and is depicted on Zone Map Baro/24 (refer to attached Zone Map in Appendix ‘C’).

The proposed single storey detached dwelling with balcony has been professionally designed by JCB Architects who are prominent and well respected architects in Tanunda (a copy of the proposed Concept plans is attached in Appendix ‘F’).

Proposed Dwelling:

The proposed single storey detached dwelling and balcony consists of the following components:

- Master Bedroom, which includes W.I.R, plus separate ensuite comprising of vanity basins, shower and separate WC;
- Bedrooms 2, 3 and 4 all include walk in robes (WIR’s);
- Separate Sewing Room;
- Separate Living Room;
- Separate Study
- Separate bathroom to service bedrooms 2, 3 and 4, including bath, vanity and shower:
- Separate WC to service bedrooms 2, 3 and 4:
- Laundry, including washing machine, sink and storage cupboards;
- Kitchen, lounge area and dining room, with separate walk-in pantry;
- Deck framed balcony (including balustrade) at the front of the dwelling which could also be used as an outdoor living area, and
- Garage under main roof for the parking of 2 vehicles.
Proposed Aboveground Rainwater Storage Tank:
The applicants propose to install a 200 KL above ground rainwater storage tank where rainwater run-off from the proposed new building will be harvested and piped to the proposed tank. The majority of the stored water will be used for bushfire fighting purposes. In addition, a minimum of 5000 litres of the stored water will be retained for bushfire fighting requirements with a domestic tap being located 400mm above finished ground level.

The proposed rainwater storage tank will be fabricated from non-combustible metal material. The external colour scheme of the proposed rainwater storage tank will be colorbond ‘woodland grey’ which is commensurate with the colour scheme of the proposed new single storey detached dwelling.

The overflow from the proposed rainwater storage will be piped a minimum of 10 metres from the tank and could be used for irrigation of any additional tree planting once the new dwelling has been constructed (refer to Part Site Plan attached in Appendix ‘F’).

Site Access:
Access to the ‘subject land’ will be gained off Rocky Valley Road via an existing access point. The construction of the proposed new dwelling does not require any changes to this access point or the construction of any additional access.

Rocky Valley Road is an unsealed public road which has been constructed from compacted quartzite crushed rock which provides an all-weather surface. The access and internal driveway are also constructed from the same material thus providing an all-weather surface, which will prevent mud from the allotment being dragged onto Rocky Valley Road.

Wastewater Disposal System:
The applicants propose to install a new 3000 litre concrete septic tank which will be located a minimum of 2.50 metres from the proposed dwelling (refer to attached Site Plan in Appendix ‘F’) for the location of the proposed new tank.

Wastewater from the proposed new septic tank will be piped to wastewater soakage trenches to consulting engineers details, located on level ground on the site and located a minimum of 3.00 metres from the site boundary and also 50 metres from an existing da/watercourse on the allotment.

Prior to Council issuing Development Approval the applicants will lodge a wastewater application with Council once Development Plan Consent has been granted (refer to Site Plan attached in Appendix ‘F’ for the location and extent of proposed soakage trenches associated with the proposed new wastewater system).

Bushfire Provisions:
The ‘subject land’ is located within the medium bushfire risk area as defined on Bushfire Protection Area BPA Map Baro/1 and as such there is no mandatory referral required to the CFS under Schedule 8 of the Development Regulations 2008 (refer to BPA Map Baro/6 attached in Appendix ‘E’).

External Colour Scheme:
The proposed external colour scheme for the proposed built form is listed below:
Proposed Dwelling:
- Colorbond roof: Woodland Grey (inc. verandah)
- Colorbond gutters: Woodland Grey (inc. verandah)
- Colorbond fascia: Woodland Grey (inc. verandah)
• Powder coated windows/doors: Woodland Grey
• Gable barge boards: Woodland Grey
• Underside of the 600mm eave overhang will be painted in ‘off white’
• Brick: PGH ‘Warm Stone’ (refer to sample below)
• Columns: Woodland Grey
• Front door: Sliding Door – powder coated frame in ‘Woodland Grey’; and
• Garage Door – Panel Door (Woodland Grey)

**Proposed Aboveground Rainwater Storage Tank:**

• RW Tank: Colorbond ‘Woodland Grey’

The proposed external colour scheme and finishes consist of warm earthy colours that have been carefully selected to match and blend with the rural landscape considering this location plays such a critical backdrop to the Barossa Valley floor. The storage tank is in keeping and is commensurate with the proposed new dwelling. In addition, the applicants have chosen paint and finishes that are non-reflective in nature to ensure and reduce any glare from the proposed new built form on the adjoining landowners or users of the adjoining public road (Rocky Valley Road) - (a copy of the proposed Concept plans is **attached** in Appendix ‘F’).

![Brickwork Sample](image-url)

The above colour palette provides a snapshot of the revised brickwork for the proposed dwelling has been amended from the original PGH Connoisseur Nougat to PGH Warm Stone which comes from their standard brick selection.

The change in brick colour was suggested by Council’s Planning Staff to select a brick colour that was more earthy than the original selected brick.
5.0 – NATURE & CLASSIFICATION OF DEVELOPMENT:

The nature & classification for the construction of a new single storey detached dwelling, balcony and above ground rainwater storage tank located on Allotment 2, Rocky Valley Road at Angaston is based on the following:

The 'subject land' is contained entirely within the Rural Landscape Protection Zone of the Barossa Council Development Plan (5 September 2019 - consolidation) and is depicted on Zone Map Baro/24 which contains a natural landscape that provides a scenic backdrop to the Barossa Valley floor (refer to attached Zone Map in Appendix ‘C’) and

The allotment at the time of writing this report, the ‘subject land' contained a domestic outbuilding for the storage of machinery used in the maintenance of the allotment and the planting and maintenance of the substantial vegetation that has been planted by the current owners over a number of years along with the existing vineyard on the site.

The allotment is entirely contained within both the Rural Landscape Protection Zone which states the following in relation to the construction of a detached dwelling, balcony, rainwater storage tank and associated earthworks.

<table>
<thead>
<tr>
<th>Form of Development</th>
<th>Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td>Except for a detached dwelling that satisfies criteria (a) and (b), or (c) or (d)</td>
</tr>
<tr>
<td></td>
<td>(a) is on an allotment greater than 100 hectares</td>
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<td></td>
<td>(b) will not result in more than one dwelling on the allotment</td>
</tr>
<tr>
<td></td>
<td>(c) where a habitable dwelling exists as at 18 September 1990 on one of a group of allotments, the total area of which exceeds 100 hectares provided:</td>
</tr>
<tr>
<td></td>
<td>(i) that group of allotments is amalgamated to form one allotment of greater than 100 hectares and</td>
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<tr>
<td></td>
<td>(ii) the new dwelling is constructed within 200 metres of the existing dwelling on that allotment</td>
</tr>
<tr>
<td></td>
<td>(d) on an allotment created after 27 June 1996 by the amalgamation of three or more contiguous, vacant allotments where the resultant allotment size is greater than 50 hectares.</td>
</tr>
</tbody>
</table>

The proposal fails to meet exceptions (a) and (b) as the allotment size is less than 100 hectares in area (is actually 8.09 hectares). The proposal also fails to comply with exemptions (c) and (d) as there is no lawfully approved dwelling on the allotment and the 'subject land' is not the result of amalgamation of three or more contiguous allotments to create a resultant allotment of 50 hectares or more, therefore the proposal for the construction of a single storey detached dwelling, balcony, aboveground rainwater storage tank and associated earthworks will be assessed as a non-complying form of development.

Council’s Development Plan is silent in relation to the public notification and the author is directed to Schedule 9 of the Development Regulations 2008, which states the following in relation to the proposed development:

**Part 1 – Category 1 development:**

2 Except where the development is classified as non-complying under the relevant Development Plan, any development which comprises —

(a) the construction of any of the following (or of any combination of any of the following):

(i) 1 or more detached dwellings;

The proposal for the construction of a detached dwelling is a ‘non-complying’ form of development and as such cannot be treated as a Category 1 minor, for the purpose of public notification. The proposal will therefore default to Category 3 for public notification.
In summary, the proposal for the construction of a detached dwelling including undercover carparking, alfresco area, front and rear verandahs will be assessed as a ‘non-complying’ form of development and Category 3 for the purposes of public notification.
6.0 DEVELOPMENT PLAN:

The 'subject land' is contained entirely within the Rural Landscape Protection Zone of the Barossa Council Development Plan (5 September 2019 - consolidation) and is depicted on Zone Map Barol/24 (refer to attached Zone Map in Appendix ‘C’).

In assessing the proposed development, the following Zone and General Module provisions of the Barossa Council Development Plan are of relevance as to the appropriateness of this non-complying application.

Rural Landscape Protection Zone:

Desired Character of Zone

Principles of Development Control: 5, 7, 10, 11, 12, 13, 14 and 15

General Modules:

Design and Appearance:

Objectives: 1
Principles of Development Control: 1, 2, 3, 4, 5 and 7

Energy Efficiency:

Objectives: 1 and 2
Principles of Development Control: 1, 2 and 3

Hazards:

Principles of Development Control: 1, 4, 7, 9, 12 and 28

Infrastructure:

Objectives: 1 and 5
Principles of Development Control: 1, 8 and 10

Orderly & Sustainable Development:

Objectives: 1, 2, 3, 4, 5 and 7
Principles of Development Control: 1, 6 and 8

Siting & Visibility:

Objectives: 1 and 2
Principles of Development Control: 1, 2, 4, 5, 7 and 9

Transportation and Access:

Principles of Development Control: 4, 22 and 29

Waste:

Principles of Development Control: 1, 3 and 4
7.0 ASSESSMENT:

Having regard to the relevant provisions of the Barossa Council Development Plan (5 September 2019 - consolidation) the following matters should be considered when assessing the proposed development.

Rural Landscape Protection Zone:

Desired Character Statement:

The desired character statement identifies the Rural Landscape Protection Zone as being a zone that encompasses a natural landscape that provides a scenic backdrop to the Barossa Valley floor.

Careful consideration has been given to the citing of the proposed new single storey detached dwelling, balcony and associated infrastructure to ensure the proposed built form is not visible from the Barossa Valley floor, which has been achieved.

Maintaining the natural landform is essential in the placement of buildings, with excavation and filling kept to a minimum. Excavation is preferred to the filling of land in the placement of buildings. Buildings will be setback as far as possible from roads, with access tracks primarily designed and constructed to minimise erosion and follow natural landforms.

The selection of the site for the proposed new single storey detached dwelling was selected on two aspects – that of not being visible from the valley floor and the other being to limit the extent of any cut and fill operations. From the Concept Plans attached in Appendix ‘F’ shows the extent of cut and fill. The finished floor level of the proposed new dwelling has been carefully calculated to minimise the extent of cut and fill, thus limiting any change to the existing topography of the allotment in the vicinity of the new built form, hence the proposal complies with the requirements of the Desired Character Statement for the zone.

Buildings and structures will be unobtrusive in design and limited to single-storey, with low roof pitches designed to follow existing the natural contours of the land. Buildings will be constructed using materials and finishes of a low reflective nature and subdued earthy colours to blend with the natural landscape.

Having located the dwelling and associated infrastructure so that the built form is not visible from the valley floor, effort was concentrated on the design of the proposed new dwelling to ensure the building was single storey with a low pitched roof. The proposed external colour scheme and finishes consist of warm earthy colours that have been carefully selected to match and blend with the rural landscape considering this location plays such a critical backdrop to the Barossa Valley floor. The storage tank is in keeping and is commensurate with the proposed new dwelling. In addition, the applicants have chosen paint and finishes that are non-reflective in nature to ensure and reduce any glare from the proposed new built form on the adjoining landowners or users of the adjoining public road.

The external colour scheme and material finishes are listed below:

Proposed Dwelling

- Colorbond roof: Woodland Grey (inc. balcony)
- Colorbond gutters: Woodland Grey (inc. balcony)
- Colorbond fascia: Woodland Grey (inc. balcony)
- Powder coated windows/doors: Woodland Grey
- Gable barge boards: Painted to compliment wall colour
- Roof Eaves Overhang – Painted ‘Off White’
- Brick: PGH – Warm Stone
- Posts: Woodland Grey
- Garage Panel door – Woodland Grey
- Front Sliding Door: powder coated in Woodland Grey
Aboveground Rainwater Storage Tank:

- Non Combustible Metal Finish – Woodland Grey

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

- detached dwelling and a building associated with farming activities
- low intensity farming and grazing and viticulture
- recreation and tourist infrastructure for the interpretation and appreciation of the natural features of the zone
- supplementation of existing farming activities through small scale tourist accommodation: - within an existing building, and
  - in the form of farm stay, guesthouse, or bed and breakfast accommodation as an integral part of a group of farm buildings.

**PDC 5** Development should not be undertaken unless it is consistent with the desired character for the zone.

The proposal for the construction of a single storey detached dwelling and rainwater storage tank for which the majority of the harvested water will be used for fire-fighting purposes is development that is envisaged within the zone. In addition, located on the allotment is an existing vineyard which will be rejuvenated by the applicants to a more sustainable and economic business once the applicants are living on the site. The focus of the applicants is around sustaining the existing environment, planting additional landscaping to improve the property and reduce any increase in soil erosion by the watercourse that traverses through the centre of the allotment and not on tourism activities. Hence the proposal complies with PDC 1 and PDC 5 of the Zone.

**PDC 2** Development listed as non-complying is generally inappropriate.

Non-complying is a process and does not mean that you cannot have your development proposal approved just because it has been deemed to be a non-complying form of development, but rather the process requires a demonstration of the merits of the application and any potential impacts on the adjoining landowners and or occupiers.

Some of the merits of this application are listed below:

- The location of the proposed dwelling and rainwater storage tank is not visible from the Barossa Valley Floor:
- The dwelling has a connection with viticulture already undertaken on the property and which will be rejuvenated and extended in the future.
- The proposed warm earthy colour scheme and finishes of the proposed built form is commensurate with the existing rural landscape: and
- The extensive landscaping that has been commenced on the site by the current owners will be further extended to complement the existing rural environment and character of the immediate locality.

All of the above are aspects that demonstrate merit for the proposed development of the ‘subject land’.

**PDC 3** A dwelling should only be developed if:

(a) there is a demonstrated connection with farming or other primary production
(b) the location of the dwelling will not inhibit the continuation of farming, other primary production or other development that is in keeping with the provisions of the zone
(c) it is located more than 500 metres from an existing intensive animal keeping operation unless used in association with that activity
(d) it does not result in more than one dwelling per allotment.
Approval of the development proposal will only result in one dwelling on the subject land. The location of the proposed new dwelling is located more than 500 metres from any intensive animal keeping activity. The location of the proposed new dwelling will have no impact on the operations of the existing vineyard nor will it prohibit the applicants’ grazing stock on the allotment for short periods of time to manage the natural grasses and minimise bushfire risk. There is an existing vineyard on the allotment which will be rejuvenated and extended in the future and when combined with the stock grazing demonstrates the connection to farming and primary production activities and therefor the proposal complies with PDC 3 of the zone.

**PDC 6** The excavation and/or filling of land should:

(a) be no greater than 1.5 metres from natural ground level
(b) only be undertaken in order to reduce the visual impact of buildings or structures or to construct water storage facilities for use on the allotment
(c) result in stable scree slopes that are covered with topsoil and landscaped so as to preserve and enhance or assist in the re-establishment of, the natural character of the locality.

**PDC 9** Buildings, including structures, should be located in unobtrusive locations and, in particular, should:

(a) be located so as not to be visible against the skyline when viewed from roads located within the zone, from the Barossa Valley floor or areas located within the adjacent Council.
(b) have the roof line below the lowest point of the abutting road when the allotment is on the low side of the road
(c) be sited on excavated rather than a filled site in order to reduce the vertical profile of the building
(d) be screened by existing native vegetation when viewed from roads located within the zone or from the Barossa Valley floor
(e) be located well below the ridge line
(f) be located within valleys or behind spurs
(g) be set well back from public roads, particularly when the allotment is on the high side of the road.

The selection of the site for the proposed new single storey detached dwelling was selected on two aspects – that of not being visible from the valley floor and the other being to limit the extent of any cut and fill operations. From the Concept Plans attached in Appendix ‘F’ shows the extent of cut and fill is 0.800 metres which is half of the allowable depth of cut of fill suggested in PDC 6 listed above.

The finished floor level of the proposed new dwelling has been carefully calculated to minimise the extent of cut and fill, thus limiting any change to the existing topography of the allotment in the vicinity of the new built form.

The cut and fill operations will be undertaken in the selected location so that proposed built form is not visible from the valley floor. The existing cut batters will be landscaped at the rear of the proposed dwelling in order to minimise erosion of the batters. The fill batter will be located under the proposed balcony decking and will be subjected to no erosion. With the cut batters landscaped with groundcover the earthworks will not detract from the existing rural landscape and character, thus complying with PDC 6 listed above.

The proposed built form has been located on the allotment so the apex of the roof is located below the skyline and not visible from the valley floor. The area for the proposed new dwelling has been designed to have a balanced cut and fill operation where the majority of the fill batter is located under the proposed balcony decking and hence not subjected to stormwater run-off erosion.

Whilst the location of the proposed dwelling is only located 23.000 metres of the northern boundary of the site, this is a result of making sure the building is not visible from the valley floor.
and also is on an area of the allotment that required minimal cut and fill operations. With the balance cut and fill and the fact the proposed building is only a single storey detached dwelling then the building will not be totally visible from the adjoining public road, hence the proposal complies with PDC 9 listed above.

The ‘subject land’ is located within the medium bushfire risk area as defined on Bushfire Protection Area BPA Map Baro/6 and as such there is no mandatory referral required to the CFS under Schedule 8 of the Development Regulations 2008 (refer to BPA Map Baro/6 attached in Appendix ‘E’).

The immediate locality is characterised by allotments of varying sizes and configurations with the predominant land uses being either primary production or horticulture (vineyards) activities. The ‘subject land’ is of sufficient area to continue to be used for both viticulture and stock grazing in the future.

Access to the subject land is gained off Rocky Valley Road which is a local unsealed road under the care and control of Council. All access roads within the site will be constructed from compacted crushed rock which provides an all-weather surface. The existing internal roads are equal to or greater than 3.00 metres in width, which will allow for emergency vehicle access, if required.

As indicated previously in this submission the allotment is devoid of significant strands of native vegetation, with single trees being randomly located on the allotment. This however provides the applicants with an opportunity of continuing the existing landscaping undertaken by the current owners of the land thus minimising the visual impact of the proposed new dwelling when viewed from the adjoining public roads.

**General Modules Policy Provisions:**

### Design and Appearance:

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

**Principles of Development Control:**

**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.

The proposed single storey detached dwelling has been professionally designed by JBC Architects who are prominent and well respected architects within the Barossa Valley Area. The proposed design and external colour scheme of warm earthy colours have been carefully selected to match and blend with the rural landscape considering this location plays such a critical backdrop to the Barossa Valley floor (a copy of the proposed Concept plans is attached in Appendix ‘F’).

**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 4** Where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise:

- (a) the visual impact of the building as viewed from adjoining properties
(b) overshadowing of adjoining properties and allow adequate sunlight to neighbouring buildings.

Due to the importance of the landscape which is a critical backdrop this area is to the Barossa Valley floor then the location of built form is critical to ensuring any built form within zone cannot be seen from the valley floor. Located to the west of the proposed dwelling and associated infrastructure is an existing vineyard which the applicants wish to maintain and rejuvenate, however this vineyard is not visible from the valley floor and as such the selected location for the proposed dwelling is also not visible from the valley floor, which preserves the uniqueness of the zone and locality.

The visual bulk of the proposed built form has been minimised through minimal cut and fill operations, use of colours and detailing, placement and style of windows, especially on the northern elevation. In addition, the building designers have incorporated a verandah along the majority of the northern aspect of the dwelling including timber balcony.

The location of the proposed new dwelling and rainwater storage tank is located 23,000 and 19,000 metres respectively from the eastern boundary of the subject land. Whilst the proposed dwelling, balcony and rainwater storage tank will be partially visible from Rocky Valley Road the proposal will not be seen from the Barossa Valley floor which has been achieved. Due to the location of existing built form on neighbouring properties, combined with the setbacks from the eastern boundary the proposal will have no overshadowing effect or prohibit sunlight to neighbouring buildings.

**PDC 5** Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces.

**PDC 7** The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare.

The proposed single storey detached dwelling has been professionally designed by JBC Architects who are prominent and well respected architects within the Barossa Valley Area. The proposed design and external colour scheme of warm earthy colours have been carefully selected to match and blend with the rural landscape considering this location plays such a critical backdrop to the Barossa Valley floor (a copy of the proposed Concept plans is attached in Appendix ‘F’).

The proposed dwelling external colour scheme consists of a combination of earthy colours and colorbond ‘woodland grey’ for the proposed roof, fibre cement finish to the front door, garage door and window frames that blend in with the natural environment and existing landscape. The colour scheme for the proposed rainwater storage tank is also in keeping and commensurate with the proposed dwelling (colorbond ‘woodland grey’). In addition, the applicants have chosen paint and material finishes that are non-reflective in nature to ensure and reduce any glare from the proposed built form on adjoining landowners or users of the adjoining public roads. The proposed colour scheme satisfies both the desired character statement and PDC 7 listed above.

The orientation of the proposed new dwelling not only takes advantage of the picturesque views to the north but is sited and located off the eastern allotment as not to restrict existing views from neighbouring properties or public open spaces. Hence the proposal complies with the PDC’s listed above.

**Energy Efficiency:**

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

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

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

PDC 2 Buildings should be sited and designed:
(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings
(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.

PDC 3 Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:
(a) taking into account overshadowing from neighbouring buildings
(b) designing roof orientation and pitches to maximise exposure to direct sunlight.

The orientation of the proposed dwelling has an east-west orientation which provides and ideal opportunity for the installation of photovoltaic cells on the roof of the proposed new dwelling. The applicants have embraced harvesting of rainwater run-off from the proposed dwelling and have also chosen to install photovoltaic cells on the northern aspect of the proposed gable roof of the new dwelling to generate energy from a renewable energy source rather than rely on energy generated from fossil fuel.

To ensure maximum benefit is achieved from the generation of renewable energy the applicants also have the opportunity to have a solar battery storage room within the garage area. The battery storage option will allow energy generated during maximum sunlight hours each day, store the energy in the proposed batteries and then use the stored energy during periods when the energy is not being generated.

Due to the siting of the proposed new dwelling, the built form will be adequately located off the allotment boundaries to have no overshadowing or preventing sun-light to neighbouring buildings so they too are able to take advantage of harvesting the sunlight for natural heating.

*The proposal complies with the Objectives and Principles of Development Control listed above:*

**Hazards:**

**PDC 1** Development should be excluded from areas that are vulnerable to, and cannot be adequately and effectively protected from, the risk of hazards.

**PDC 4** Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.

The location selected for the proposed new dwelling and rainwater storage tank is an elevated position where there is a fall of approximately 10 metres from the proposed dwelling to the north-eastern corner of the allotment, hence the proposed dwelling and associated infrastructure will not be subjected to flood inundation in a 1:100 year ARI event even though there is a watercourse traversing through the allotment on the western end of the existing vineyard.

**PDC 7** The following bushfire protection principles of development control apply to development of land identified as General, Medium and High bushfire risk areas as shown on the [Bushfire Protection Area BPA Maps - Bushfire Risk](https://example.com).

Reference has been made to the [Bushfire Protection Area BPA Maps - Bushfire Risk](https://example.com) which confirms the ‘subject land’ is located within the Medium Bushfire Protection Area as defined on BPA Map Baro/6 and as a result there is no mandatory requirement under Schedule 9 of the Development Regulations 2008 for the development proposal to be referred to the CFS or MFS.

**PDC 9** Buildings and structures should be located away from areas that pose an unacceptable bushfire risk as a result of one or more of the following:
(a) vegetation cover comprising trees and/or shrubs
(b) poor access
(c) rugged terrain
(d) inability to provide an adequate building protection zone
(e) inability to provide an adequate supply of water for fire-fighting purposes.

**PDC 12** Buildings and structures should be designed and configured to reduce the impact of bushfire through using simple designs that reduce the potential for trapping burning debris against the building or structure, or between the ground and building floor level in the case of transportable buildings.

**PDC 28** Development in areas susceptible to landslip should:
(a) incorporate split level designs to minimise cutting into the slope
(b) ensure that cut and fill and heights of faces are minimised
(c) ensure cut and fill is supported with engineered retaining walls or are battered to appropriate grades
(d) control any erosion that will increase the gradient of the slope and decrease stability
(e) ensure the siting and operation of an effluent drainage field does not contribute to landslip
(f) provide drainage measures to ensure surface stability is not compromised
(g) ensure natural drainage lines are not obstructed.

The location of the proposed new dwelling, and rainwater storage tank has been sited on the allotment to minimise and balance the extent of cut and fill operations. The location of the new built form is not susceptible to landslip and as can be seen on the attached Site Plan in Appendix ‘F’ confirms the extent of cut and fill, where the cut and fill batters will be landscaped to minimise the extent of erosion due to stormwater run-off.

Whilst the existing allotment has an existing vineyard which the applicants wish to rejuvenate with the remainder of the allotments being available for stock grazing to minimise potential bushfire risk. The proposal also includes an internal road that will provide adequate access from the proposed dwelling to an adjoining public road in case of a bushfire.

Considering mains water is not connected or available to the site, the applicants propose to install a 200,000 litre aboveground rainwater storage tank. Rainwater run-off from the proposed dwelling will be harvested and piped to the rainwater storage tank. The tank will be located by the northern aspect of the proposed dwelling whilst the other will be located north of the proposed new dwelling. A minimum of 5000 litres of the harvested rainwater will be dedicated to firefighting purposes, should the need arise. The colour of the proposed tank will be commensurate with the external colour scheme of the proposed built form (woodland grey).

*Hence, the proposal complies with the Principles of Development Control listed above:*

**Infrastructure:**

**Objective 1** Infrastructure provided in an economical and environmentally sensitive manner.

**Objective 5** The efficient and cost-effective use of existing infrastructure.

**Principles of Development Control:**

**PDC1** Development should not occur without the provision of adequate utilities and services, including:

(a) *electricity supply*
(b) *water supply*
(c) *drainage and stormwater systems*
(d) *waste disposal*
(e) *effluent disposal systems*
(f) formed all-weather public roads
(g) telecommunications services
(h) social infrastructure, community services and facilities.

PDC 8 Electricity infrastructure should be designed and located to minimise visual and environmental impacts.

PDC 10 Utilities and services, including access roads and tracks, should be sited on areas already cleared of native vegetation. If this is not possible, their siting should cause minimal interference or disturbance to existing native vegetation and biodiversity.

Electricity and other public utilities are not connected to the subject land and are not available in the adjoining Rocky Valley Road, however the applicants have chosen a more sustainable approach for electricity. The applicants have embraced harvesting of rainwater run-off from the proposed dwelling and have also chosen to install photovoltaic cells on the northern aspect of the proposed gable roof of the new dwelling to generate energy from a renewable energy source rather than rely on energy generated from fossil fuel.

To ensure maximum benefit is achieved from the generation of renewable energy the applicants also have the opportunity to have a solar battery storage area within the proposed garage area. The battery storage option will allow energy generated during maximum sunlight hours each day, store the energy in the proposed batteries and then use the stored energy during periods when the energy is not being generated.

The applicants propose to install a new 3000 litre concrete septic tank which will be located a minimum of 2.50 metres from the proposed dwelling (refer to attached Site Plan in Appendix ‘F’) for the location of the proposed new tank.

Wastewater from the proposed new septic tank will be piped to wastewater soakage trenches to consulting engineers details, located on level ground on the site and located a minimum of 3.00 metres from the site boundary and also 50 metres from an existing da/watercourse on the allotment.

The applicants propose to install a 200 KL above ground rainwater storage tank where rainwater run-off from the proposed new building will be harvested and piped to the proposed tank. The majority of the stored water will be used for bushfire fighting purposes. In addition, a minimum of 5000 litres of the stored water will be retained for bushfire fighting requirements with a domestic tap being located 400mm above finished ground level. The proposed rainwater storage tank will be fabricated from non-combustible metal material. The external colour scheme of the proposed rainwater storage tank will be colorbond ‘woodland grey’ which is commensurate with the colour scheme of the proposed new single storey detached dwelling.

The overflow from the proposed rainwater storage will be piped a minimum of 10 metres from the tank and could be used for irrigation of any additional tree planting once the new dwelling has been constructed.

Access to the ‘subject land’ will be gained off Rocky Valley Road via an existing access point. The construction of the proposed new dwelling does not require any changes to this access point or the construction of any additional access. Rocky Valley Road is an unsealed public road which has been constructed from compacted quartzite crushed rock which provides an all-weather surface. The access and internal driveway are also constructed from the same material thus providing an all-weather surface, which will prevent mud from the allotment being dragged onto Rocky Valley Road.

The allotment is of adequate size and configuration to ensure that all vehicles entering and exiting the site, do so in a forward direction, ensuring the safe and efficient movement of vehicles on the adjoining public road.
Hence all of the utilities required for the occupation of the proposed new dwelling can be provided through the installation of renewable forms of energy generation, harvesting of rainwater run-off from the proposed new built form, the installation of a traditional wastewater management system, all-weather internal roadworks and a substantial compacted crushed rock area in from the proposed garage that also provides a hardstand area for emergency service vehicles, should the need arise.

_Hence, the proposal complies with the Objectives and Principles of Development Control listed above:_

**Orderly & Sustainable Development:**

**Objective 1** Orderly and economic development that creates a safe, convenient and pleasant environment in which to live.

**Objective 2** Development occurring in an orderly sequence and in a compact form to enable the efficient provision of public services and facilities.

**Objective 3** Development that does not jeopardise the continuance of adjoining authorised land uses.

**Objective 4** Development that does not prejudice the achievement of the provisions of the Development Plan.

**Objective 5** Development abutting adjoining Council areas having regard to the policies of that Council’s Development Plan.

**Objective 7** Development of rural land primarily for primary production and other uses compatible with maintaining rural productivity.

**Principles of Development Control:**

**PDC 1** Development should not prejudice the development of a zone for its intended purpose.

**PDC 6** Development should be located and staged to achieve the economical provision of public services and infrastructure, and to maximise the use of existing services and infrastructure.

**PDC 8** Vacant or underutilised land should be developed in an efficient and co-ordinated manner to not prejudice the orderly development of adjacent land.

As indicated previously in this Report the development site (Allotment 2) contains a machinery storage shed, existing vineyard and substantial tree and shrub plantings that have been undertaken by the current landowners. It is the intentions of the applicants to better manage the existing vineyard and continue the revegetation of the subject land, once the proposed new dwelling has been established (refer to photographs attached in Appendix ‘A’).

The immediate locality is characterized by allotments of varying sizes and configurations with the predominant land uses being either stock grazing or horticulture (vineyards) activities. The ‘subject land’ is of sufficient area to continue to be used for both viticulture and stock grazing from time to time in the future. In the wider locality are a number of allotments that have no dwellings and associated outbuildings associated with the land use as a built form on many of the allotments would be visible from the valley floor and therefore not supportable, where this proposal is able to be located in such a manner as to not be visible from the valley floor. Within this immediate area there is no defined development pattern as the road pattern and the allotment configuration is akin to the natural topography of the area.

Many of the allotments in the higher ridges in the locality of the proposed development site have strands of native vegetation with some of the allotments just having random tree plantings on the allotment. On the areas that are devoid of native vegetation or on those areas that have been cleared in the past, many are used for viticultural activities. However, as you move from the higher ridges to the valley floor the viticultural activities become more abundant.
Some but not all of the allotments in and closer to the valley floor have been developed with a dwelling and associated outbuildings connected to the operations of the vineyards. The built form however in the higher ridges is much sparser due to the fact the built form needs to be not visible from the valley floor.

Hence all of the utilities required for the occupation of the proposed new dwelling can be provided through the installation of renewable forms of energy generation, harvesting of rainwater run-off from the proposed new built form, the installation of a traditional wastewater management system, all-weather internal roadworks and a substantial compacted crushed rock area in from the proposed garage that also provides a hardstand area for emergency service vehicles, should the need arise.

Several of the adjoining allotments in the immediate locality have a dwelling and associated outbuildings and therefore it is not unreasonable to state that the construction of the proposed new dwelling and aboveground rainwater storage tank will not have an impact on the lawful existing land uses on adjoining allotments in the immediate locality due to the undulating landscape, including areas of native vegetation.

Hence, the proposal complies with the Objectives and Principles of Development Control listed above:

**Siting & Visibility:**

**Objective 1** Protection of scenically attractive areas, particularly natural and rural landscapes.

**Objective 2** Protection and enhancement of the area’s visual amenity and landscape quality, including land visible from tourist routes.

**Principles of Development Control:**

**PDC 1** Buildings should be sited in unobtrusive locations and, in particular, should:

(a) be grouped together

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

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

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

(a) sited below the ridgeline

(b) sited within valleys or behind spurs

(c) on allotments which abut any tourist route, railway or scenic road, be set back at least 100 metres from the tourist route, railway or scenic route.

**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 rofflines 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.

Due to the topography of the existing allotment the siting of the proposed dwelling will be located below the existing ridgeline on the site as well as not being seen from the valley floor, the existing topography along with the proposed earthworks to establish the building platform for the proposed new dwelling the dwelling will be partially seen from Rocky Valley Road, however the visual impact will be minimal.
The proposed built form consisting of the proposed dwelling, balcony and rainwater storage tank is grouped together. Sited below the existing ridgeline on the site and the allotment does not abut a tourist, route, railway or scenic road, however the proposed built form is setback more than 23 metres from the eastern boundary of allotment 2.

The mass or bulky appearance of the proposed new dwelling has been achieved by articulation of the building lines, use of a variety window styles and verandahs, carefully selected colour scheme and material finishes and dedicated balcony area.

**PDC 5**  The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.

The proposed dwelling external colour scheme consists of a combination of warm earthy colours that blend in with the natural environment and existing landscape. The colour scheme for the aboveground rainwater storage tank is in keeping and commensurate with the proposed dwelling. In addition, the applicants have chosen paint and material finishes that are non-reflective in nature to ensure and reduce any glare from the proposed built form on adjoining landowners or users of the adjoining public road.

**PDC 7** Driveways and access tracks should be designed and constructed to blend sympathetically with the landscape and to minimise interference with natural vegetation and landforms.

**PDC 9** Development should be screened through the establishment of landscaping using locally indigenous plant species:

(a) around buildings and earthworks to provide a visual screen as well as shade in summer, and protection from prevailing winds

(b) along allotment boundaries to provide permanent screening of buildings and structures when viewed from adjoining properties and public roads

(c) along the verges of new roads and access tracks to provide screening and minimise erosion.

Access to the subject land is gained off Rocky Valley Road which is a local unsealed road under the care and control of Council. All access roads within the site have been constructed from compacted crushed rock and the proposed hardstand area in front of the proposed garage will also be constructed of the same crushed rock material that provides and all-weather surface as well as a hardstand area for emergency service vehicles, should the need arise.

Surrounding the proposed new dwelling will be landscaping which will also be planted on the cut and fill batter created in establishing the building platform for the proposed new dwelling. The proposed landscaping will complement some of the plantings that have already been undertaken on the site, thus assisting in bushfire risk protection but also assist to screen the proposed development from Rocky Valley Road.

**Hence, the proposal complies with the Principles of Development Control listed above:**

**Transportation & Access:**

**Principles of Development Control:**

**PDC 4**  Roads should be sited and designed to blend with the landscape and be in sympathy with the terrain.

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

Rocky Valley Road is local council road that is constructed of compacted crushed rock which provides and all-weather surface, including the existing internal roadworks on Allotment 2. The proposed hardstand area in front of the proposed garage will also be constructed of the same crushed rock material that provides and all-weather surface as well as a hardstand area for emergency service vehicles, should the need arise (refer to photographs attached in Appendix
‘A’ and concept plans in Appendix ‘F’). Hence the proposed development has direct access to and from an all-weather road (Rocky Valley Road), which complies with PDC’s 4 and 22 listed above.

**PDC 29** Driveways, access tracks and parking areas should be designed and constructed to:

(a) follow the natural contours of the land
(b) minimise excavation and/or fill
(c) minimise the potential for erosion from run-off
(d) avoid the removal of existing vegetation
(e) ................................................

From the Site Plan attached in Appendix ‘F’ of this document it can be seen that the proposed new access road to the proposed garage located on the eastern aspect of the new dwelling (UMR) will be integrated with the earthworks associated with the construction of the building platform for the dwelling, however, in general terms the new hardstand will predominantly follow the natural topography in this immediate area to reduce the extent of cut and fill. To further reduce the chance of erosion on the batters created by the earthworks the applicants propose to grow groundcover on both the cut and fill batters.

Also located on the allotment is an existing vineyard which will be rejuvenated by the applicants to a more sustainable and economic business once the applicants are living on the site. The focus of the applicants is around sustaining the existing environment, planting additional landscaping to improve the property and reduce any increase in soil erosion by the watercourse that traverses through the centre of the allotment. The allotment is devoid of large strands of native vegetation; has random mature eucalypts on the site hence and the construction of the proposed new dwelling and aboveground rainwater storage tank does not require the removal of any native vegetation. The proposal complies with PDC 29 listed above.

**Waste:**

**PDC 1** Development should be sited and designed to prevent or minimise the generation of waste (including wastewater) by applying the following waste management hierarchy in the order of priority as shown below:

(a) avoiding the production of waste
(b) minimising waste production
(c) reusing waste
(d) recycling waste
(e) recovering part of the waste for re-use
(f) treating waste to reduce the potentially degrading impacts
(g) disposing of waste in an environmentally sound manner.

**PDC 3** Development should avoid as far as practical, the discharge or deposit of waste (including wastewater) onto land or into any waters (including processes such as seepage, infiltration or carriage by wind, rain, sea spray, stormwater or by the rising of the water table).

**PDC 4** Untreated waste should not be discharged to the environment, and in particular to any water body.

The applicants propose to install a traditional concrete septic treatment system located a minimum of 2.50 metres from the western aspect of the proposed new dwelling. The wastewater from the septic tank will be piped to dedicated soakage trenches located to the north of the proposed new dwelling. The proposed soakage trenches will be located a minimum of 3.000 metres from the eastern boundary of the allotment and 50 metres from the existing...
dams and watercourse that traverses through the allotment on the western side of the existing vineyard (refer to attached Site Plan in Appendix ‘F’).

The proposed wastewater treatment system achieves the following:

- No part of the septic tank effluent drainage system will be located within 50 metres of the existing watercourse that traverses through the allotment or closer than 2.50 meters from the proposed dwelling;

- No part of the proposed wastewater drainage system, including the proposed soakage trenches will not be subjected to flood inundation in a 1:100 year ARI event or a 1:10 year ARI event.

- Does not have a wastewater disposal system located on any land on the site associated with the proposed new dwelling of having a slope greater than 20% or 1:5 gradient or the depth of bedrock or seasonable or permanent watertable less than 1.50 metres.

The proposed wastewater disposal system will be submitted and approved prior to the granting of Development Approval for the proposed dwelling.

*Hence the proposal complies with the principles of development control listed above.*
8.0 SOCIAL, ECONOMIC & ENVIRONMENTAL IMPACTS

8.1 Social Impact:
The proposed development will not have any negative social impacts on the Angaston rural community.

8.2 Economic Impact:
The construction of the proposed new dwelling, balcony and aboveground rainwater storage tank will provide economic benefit to the local business community as the applicants have selected a local home builder for the project.

The construction of the proposed new dwelling will allow the applicants to move permanently back to the Barossa Valley and therefore provide a better level of education for their children and well as stimulate the economy through supporting local business outlets within the local community.

8.3 Environmental Impact:
The proposed construction of the new dwelling, balcony and aboveground rainwater storage tank will have no negative environmental impact on the environment due to the following aspects:

- Access to the site is off Rocky Valley Road via an existing access point with the internal roadworks following the natural topography of the site which minimised the extent of cut and fill. The additional internal roadworks will be constructed of compacted crushed rock material, with consideration being given to the use of a ‘quartzite’ compacted crushed rock to match the existing internal roadworks.

- There is no mains water connected to the site and therefore the applicants propose to install a 200,000 litre aboveground rainwater storage tank for the storage of harvested rainwater. 5000 litres of the stored water will be dedicated for firefighting purposes, should that need arise. The overflow from the existing rainwater storage tank will be piped away from the building and allowed to discharge over the existing landscape (mature vegetation).

- The proposed dwelling external colour scheme consists of a combination of earthy colours and colorbond ‘woodland grey’ for the proposed roof, fibre cement finish to the front door, garage door and window frames that blend in with the natural environment and existing landscape. The colour scheme for the proposed rainwater storage tank is also in keeping and commensurate with the proposed dwelling (colorbond ‘woodland grey’). In addition, the applicants have chosen paint and material finishes that are non-reflective in nature to ensure and reduce any glare from the proposed built form on adjoining landowners or users of the adjoining public roads.

- Wastewater generated from the occupation of the proposed new dwelling will be connected to an approved wastewater disposal system to ensure the wastewater is adequately treated and does not pose a risk to public health.

- The location of the existing building on the ‘subject land’ will not detract from the visual amenity or the natural character of the locality due to the selected color scheme and finishes and located on the site in order to preserve the backdrop to the Barossa Valley floor.

- The majority, if not all of the utilities required for the operation and occupation of the proposed new dwelling will be generated on the site through the installation of photovoltaic cells, storage of the energy in on-site batteries, harvesting and reuse of rainwater run-off and the safe and efficient disposal of wastewater.
9.0 - CONCLUSION:

As outlined above, notwithstanding the non-complying assignment of this application it is considered that the proposed development has sufficient merit to warrant further assessment, based on the following reasons:

- The proposed development will provide economic activity and investment opportunities to the region without compromising the key objectives for the zone or the existing precinct provisions.

- The ‘subject land’ is located entirely within the Rural Landscape Protection Zone which supports value adding activities, including expansion of the existing farming and viticultural activities on allotments of this size.

- The existing allotment has adequate frontage to Rocky Valley Road which provides a safe and convenient access to the ‘subject land’;

- The proposed development is adequately serviced by all or the required services to allow occupation of the proposed dwelling. In addition, the applicants have elected to harvest both rainwater run-off and solar energy to service the proposed dwelling.

- The orderly nature of the development in its location; and

- The siting of the proposed new building will require minimal cut and fill operations and only requires the removal of one existing tree to ensure the proposed new built form is not visible from the valley floor.

- The proposed dwelling has been carefully designed, sited and a selected exterior finish to ensure there is minimal visual impact when viewed from either Rocky Valley Road or other public roads in the immediate locality.

The construction of a single storey detached dwelling, balcony and associated earthworks, combined with the applicants desire to further enhance and value add to the existing viticulture activities already being undertaken on the site is unlikely to detract from the area’s visual amenity or surrounding horticulture activities. It will, however, bring economic stimulus, growth and opportunity to the local area. Such outcomes are entirely consistent with the relevant provisions of development contained in Council’s current Development Plan.

Taking into consideration the abovementioned merits of the proposal, the applicant seeks support from Council to proceed with a more detailed assessment of the proposal by granting Development Plan Consent.

Trevor V White
Managing Director
MURP MPIA Grad Cert Bldg & Planning, Dip Bus
APPENDIX A
(Site Photographs)
PHOTOGRAPH No.1
Photograph taken from the centre of Rocky Valley Road showing the existing access to the ‘subject land’. The proposed development does not require any changes to the existing access or the creation of any new access points. The access is constructed of compacted crushed rock which provides an all-weather surface.

Photograph provided by Planning Solutions (SA) Pty Ltd – 09 October 2020.

PHOTOGRAPH No.2
Photograph taken from the centreline of Rocky Valley Road looking in a westerly direction in the vicinity of the existing entrance to the ‘subject land’. Rocky Valley Road is an unsealed public road that is constructed from compacted crushed rock material that provides an all-weather surface. The photograph also demonstrates that there is ample sight distance along Rocky Valley Road for the safe and efficient movements of vehicles to and from the ‘subject land’.

Photograph provided by Planning Solutions (SA) Pty Ltd – 09 October 2020.
PHOTOGRAPH No.3
Photograph taken from the centreline of Rocky Valley Road looking in an easterly direction in the vicinity of the existing entrance to the ‘subject land’. Rocky Valley Road is an unsealed public road that is constructed from compacted crushed rock material that provides an all-weather surface. The photograph also demonstrates that there is ample sight distance along Rocky Valley Road for the safe and efficient movements of vehicles to and from the ‘subject land’.

Photograph provided by Planning Solutions (SA) Pty Ltd – 09 October 2020.

PHOTOGRAPH No.4
Photograph taken looking in a westerly direction towards the valley floor from the location of the proposed single storey detached dwelling. The photograph demonstrates that the valley floor is not visible from the location chosen for the proposed new built form.

Photograph provided by Planning Solutions (SA) Pty Ltd – 28 September 2020.
PHOTOGRAPH No.5
Photograph taken looking in a southerly direction from the approximate location of the proposed single storey detached dwelling and rainwater storage tank. The existing vineyard will be rejuvenated and expanded by the applicants. The photograph also shows the existing farm building that is used for the storage of machinery and equipment used in the maintenance of the site.

Photograph provided by Planning Solutions (SA) Pty Ltd – 09 October 2020.

PHOTOGRAPH No.6
Photograph taken looking in a westerly direction over the existing vineyard. As seen from this photograph the further you move south from the Rocky Valley Road boundary the valley floor becomes more visible and therefore the proposed new single storey detached dwelling cannot move any further south from the selected location as the built form would be visible from the valley floor which would then have an impact on the existing rural landscape and character.

Photograph provided by Planning Solutions (SA) Pty Ltd – 09 October 2020.
PHOTOGRAPH No.7
Photograph taken showing some of the extensive landscaping that has been undertaken on the allotment by the current owners. These plantings have been established at the head of the existing watercourse that traverses through the centre of the allotment. These existing plantings reduce the amount of soil erosion caused by the watercourse.

Photograph provided by Planning Solutions (SA) Pty Ltd – 09 October 2020.

PHOTOGRAPH No.8
Photograph taken showing some of the extensive landscaping that has been undertaken on the allotment by the current owners. These plantings have been established at the head of the existing watercourse that traverses through the centre of the allotment. These existing plantings reduce the amount of soil erosion caused by the watercourse. The applicants propose to expand the existing plantings to further add to the rural landscape and character of the immediate locality.

Photograph provided by Planning Solutions (SA) Pty Ltd – 09 October 2020.
PHOTOGRAPH No.9
Photograph taken showing the stone pitching that has been installed along the existing watercourse that traverses through the existing allotment to reduce the velocity of the water along the watercourse, thus minimising soil erosion during prolonged and heavy rainfall events.

Photograph provided by Planning Solutions (SA) Pty Ltd – 09 October 2020.

PHOTOGRAPH No.10
Photograph taken showing the crushed rock access track to the existing farm building located on the allotment. This building is used for the storage of machinery and equipment used in the maintenance and day to day operations on the allotment.

Photograph provided by Planning Solutions (SA) Pty Ltd – 28 September 2020.
PHOTOGRAPH No.11
Photograph taken from the existing farm building looking in a northerly direction over the existing watercourse and vineyard. The proposed new single storey detached dwelling and rainwater storage tank will be located in a cleared area below the vehicles parked in the background. The proposed built form will not be visible from the valley floor.

Photograph provided by Planning Solutions (SA) Pty Ltd – 09 October 2020.

PHOTOGRAPH No.12
Photograph taken looking in a westerly direction from the existing farm building showing the valley floor. This building can be seen from the valley floor, however, the proposed new dwelling and associated infrastructure will not be visible.

Photograph provided by Planning Solutions (SA) Pty Ltd – 09 October 2020.
APPENDIX B
(Certificates of Title)
Certificate of Title - Volume 5178 Folio 743

Parent Title(s)       CT 1856/158
Creating Dealing(s)   CONVERTED TITLE
Title Issued          31/03/1994
Edition               3
Edition Issued        28/06/2011

Estate Type
FEE SIMPLE

Registered Proprietor
LYRIC PARK PTY. LTD. (ACN: 150 853 151)
OF C/- 42 PARADALE DRIVE TANUNDA SA 5352

Description of Land
ALLOTMENT 2 FILED PLAN 107036
IN THE AREA NAMED ANGASTON
HUNDRED OF MOOROOROO

Easements
NIL

Schedule of Dealings
NIL

Notations
Dealings Affecting Title    NIL
Priority Notices             NIL
Notations on Plan            NIL
Registrar-General's Notes    NIL
Administrative Interests     NIL
This plan is scanned from Certificate of Title 1856/158
Certificate of Title - Volume 5178 Folio 838

Parent Title(s)  CT 1294/102
Creating Dealing(s)  CONVERTED TITLE
Title Issued  31/03/1994  Edition 3  Edition Issued  28/06/2011

Estate Type
FEE SIMPLE

Registered Proprietor
LYRIG PARK PTY. LTD. (ACN: 150 853 151)
OF C/- 42 PARADALE DRIVE TANUNDA SA 5352

Description of Land
SECTION 768
HUNDRED OF MOOROOROO
IN THE AREA NAMED ANGASTON

Easements
NIL

Schedule of Dealings
NIL

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

(Zone Map – Baro/24)
APPENDIX D
(Heritage Character Preservation District – Overlay Map Baro/24)
APPENDIX E
(Bushfire Protection Area – BPA Map Baro/6)
APPENDIX F

(Concept Plans – including Site Plan, Elevations and Floor Layout)
NEW RESIDENCE
EXISTING SHED
TITLE BOUNDARY APPROX 525M

ROCKY VALLEY ROAD

EXISTING DAM
EXISTING GRAVEL DRIVEWAY
EXISTING SHED

EXISTING DAM

NEW ONSITE WASTEWATER DISPOSAL SYSTEM

NEW RESIDENCE

TITLE BOUNDARY APPROX 775M

TITLE BOUNDARY APPROX 400M

EXISTING VINEYARD

EXISTING DAM

EXISTING DAM

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Issued For: Project Number
Architects Client: PETER + ANDREA GRILLETT
LOT 2 STOCKWELL RD (ROCKY VALLEY RD), ANGASTON, SA
CT: 5178 / 743

JBG ARCHITECTS
PTY LTD
38 MURRAY STREET
TANUNDA 5352

GRIELLETT
LOT 2 STOCKWELL RD (ROCKY VALLEY RD),
ANGASTON, SA
CT: 5178 / 743

ABN 31 852 116 195

P. 08 8563 1155
E. admin@jbgarchitects.com

27/10/2020 2:12:08 PM

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OUTLINE OF BUILDING

FOOTING FOOTPRINT

NEW 3000L CONCRETE SEPTIC TANK—LOCATE MIN 2500MM FROM BUILDINGS

UNDERGROUND ROOF WATER COLLECTION DRAIN TO WATER STORAGE TANK. BUILDER TO DETERMINE DOWNPIPE LOCATIONS.

UNDERGROUND WASTEWATER MAIN DRAIN: PLUMBER TO CONFIRM LOCATIONS OF DRAIN + INSPECTION OPENINGS ON SITE

WASTEWATER SOAKAGE TRENCHES TO CONSULTING ENGINEERS DETAILS—LOCATED ON LEVEL GROUND + MIN 3M FROM Boundaries + 50M FROM (e) DAM / WATER SOURCE

THIS TANK TO BE USED FOR BUSHFIRE FIGHTING PURPOSES. A MINIMUM 5000L OF WATER RETAINED FOR BUSHFIRE FIGHTING REQUIREMENTS WITH DOMESTIC TAP LOCATED 400MM ABOVE FINISHED GROUND LEVEL. TANK TO BE FABRICATED FROM A NON-COMBUSTIBLE METAL MATERIAL. FINISH COLORBOND WOODLAND GREY

WATER STORAGE TANK 200KL

NEW ALL WEATHER DRIVEWAY

CLEAR VINE ROWS FROM AROUND HOUSE—CONFIRM EXTENT WITH OWNER

1.3 GRADIENT EARTH BATTER—CONFIRM EXTENT OF BATTER ON SITE. LEVEL OUT FINISHED BATTER TO COMPLEMENT NATURAL GROUND FALL WHERE POSSIBLE. PROVIDE GRADED SWALE AT BASE OF CUT BATTER. CONFIRM STORMWATER RUNOFF POINT ON SITE

SOLAR POWER PANELS: SERVICES CONSULTANT TO CONFIRM SYSTEM REQUIREMENTS + PANEL AMOUNT. ENGINEER TO MAKE WEIGHT LOADING ALLOWANCE TO ROOF FRAME.

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REFER TO SITEPLAN NOTES ON DRAWING A.002

SITE PLAN

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NOT FOR CONSTRUCTION

TOTAL NEW BUILDING WORK AREA 425.0 m²

SITE AREA COVERAGE

NEW RESIDENCE: ENCLOSLED 345.0
NEW RESIDENCE: UNENCLOSSED 80.0

Drawing Title

Project Name

Drawing No. Issue

Project Number

Architects Client

Issued For Issue To

NOTES

Agenda - Barossa Assessment Panel - 2 March 2021

313

Site Address

LOT 2 STOCKWELL RD (ROCKY VALLEY RD),
ANGASTON, SA
CT: 5178 / 743

PETER + ANDREA GRIELLETT

JG GB

1:250

1:250 A0

A002

2019

2039-Grillett House-201015-Concept.rvt

27/10/2020 2:12:09 PM

1

2.5m 5.0m 7.5m 10.0m 12.5m

1:250 B A

2039

A002

GRILLETT HOUSE

SITE PLAN
SITE NOTES

SITE SETOUT + BOUNDARY IDENTIFICATION:
Set-off dimensions shall be from the allotment boundaries and not the existing or proposed fence lines. Boundary + easement lines are to be identified by the builder onsite 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.

GENERAL LANDSCAPING:
Provide perimeter protection around building to an approved method as scheduled in the engineers footing construction report. (Typically 100mm wide perimeter paving to engineers details)

SITE SERVICES:
ELECTRICAL SUPPLY: Onsite solar panel electrical supply (Confirm with owner)
For new and altered site power connections (including alterations + additions):
• Provide new meter box and associated cable infrastructure in accordance with SA power networks installation rules - Confirm final locations onsite with owner, provide new digital power meter in consultation with owners preferred retail electrical supplier.

WATER SUPPLY: New onsite water storage tank

WASTEWATER DISPOSAL: Provide new onsite wastewater disposal, as indicated on drawings. Refer to consultant wastewater engineer report for further details

GAS SUPPLY: Provide onsite LPG bottle gas supply (confirm with owner)

TELECOMMUNICATION/DATA SUPPLY: (confirm with owner)
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 fall in paving and surrounding garden levels.

ROOF WATER COLLECTION:
Roof water from a minimum of 50m2 of the roof catchment area of the building to be directed to a rainwater tank (min 1000 litre capacity) via 100mm diameter 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 and has a BAL of 12.5. Refer to construction detailing on separate drawing.

DEDICATED BUSHFIRE TANK:
Dedicated bushfire fighting tank(s) as scheduled on site plan. Tank to be constructed of a non combustible material (metal/concrete) or fully submerged below ground level.

For BAL 12.5 Bushfire Risk areas provide tank with minimum 5KL water retention (or 2KL retention with mains connection + float device). Provide a domestic tap fitting to tank min 400mm above finished ground level to suitable location.

TERMIT TREATMENT:
Provide Termi-mesh stainless steel mesh or 'Homeguard' Biflex barrier system, to perimeter of new building slabs/ strip footings + under timber framed elements + brick piers + to all slab penetrations. The slab to act as physical barrier to remainder of building.

Provide chemical soil barrier by 'Bifentrin' or 'Termicure' insecticide spray to perimeter of footing + under deck areas.

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 manufacturer’s 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.

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FLOOR PLAN - GROUND

1:100

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GRILLETT HOUSE

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ABN 31 852 116 195

Drawing Title: FLOOR PLAN

Project Name: GRILLETT HOUSE

Drawing No.: A101

Issue: 0

Architects Client: JBG

Issued For: PETER + ANDREA

Issue To: GRILLETT HOUSE

PREPARED BY: JBG

DATE: 27/10/2020

WARNING

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Agenda - Barossa Assessment Panel - 2 March 2021
INTERNAL DOORS:
- Swing direction as indicated on DWG.
- Door frame profile + finish to owners selection.
- Provide 3 high security 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 swing is 1200mm or less, then the doors are to be fitted with removable hinges.

DOOR + WINDOW LEGEND:
- AD Aluminium Door
- ASD Aluminium Sliding Door
- AAW Aluminium Awning Window
- AHW Aluminium Double Hung Window
- AFW Aluminium Fixed Glass Window
- ASW Aluminium Sliding Window

GLAZING:
- All glazing shall be in accordance with the external glazing calculations in the energy efficiency report. Confirm selection with owner.
- All glazing shall be in accordance with AS1288 + wind speeds as per engineers calculations.
- Generally clear glass throughout + semi-translucent frosted glass to privacy areas of building. Confirm areas with owner.
- Refer to glazing requirements in conjunction to the bushfire risk level (if applicable) for safety glass + toughened glass.

JOINERY + FIXTURE FITOUT:
- The following typically applies to kitchen, bathroom, etc fitout:
- Builder to confirm all finishes + selection of fixtures and hardware + other speciality joinery details with owner.
- Measure + confirm all joinery/fixture dimensions to manufacturers details.
- Installation of all fixtures/fittings to manufacturers specifications.

BALUSTRADE + HANDRAIL NOTES:
- Balustrade panel with 1000mm high proprietary type balustrade system designed and installed in accordance with AS1170.1.
- All openings within balustrade shall not permit a sphere of 125mm diam to pass through it at any point.

PROPRIETARY BALUSTRADE DETAILS:
- Stainless Steel Balustrade Cables - at 1000mm max spacings + support posts at 2000mm max spacings
- Top rail to owners selection

FREE STANDING HEATERS:
- Provide a non combustible hearth min 400mm wide at base + sides of heating unit + min 150mm high.
- Heat unit to be located min 50mm in front of min 900mm masonry heat shield. Masonry wall to extend min 600mm above heater unit + 400mm at sides.
- Alternatively to a masonry wall select a heater unit with inbuilt heat shield to the fireplace which has been certified to comply with AS2198.
- Flue to be located min 400mm from timber + combustible walls.
FINISHED GROUND LEVEL +0
FINISHED CEILING LEVEL +2700
DOOR + WINDOW HEAD LEVEL 1 +2100
DOOR + WINDOW HEAD LEVEL 2 +2400

FIBRE CEMENT CLADDING TO OWNERS
SELECTION. PAINT FINISH: CREAM
TO COMPLEMENT WALL COLOUR

ROOF CLADDING: CORRUGATED PROFILE IN
COLORBOND WOODLAND GREY WITH
MATCHING TRIMS. SELECT APPROPRIATE
ROOF SHEET PROFILE TO SUIT ROOF PITCH

SOLAR POWER PANELS: SYSTEM
DESIGN + INSTALLATION TO SERVICE
CONSULTANT DETAILS

FIBRE CEMENT CLADDING TO SELECTED EXTERIOR WALLS IN PAINTED FINISH:
COLORBOND WOODLAND GREY

EXPOSED STEELWORK IN FINISH:
COLORBOND WOODLAND GREY

25°

BALUSTRADE AS SCHEDULED
HEATER FLUE TERMINATION HEIGHT
TO MANUFACTURERS SPECIFICATION

GARAGE DOOR IN FINISH FINISH: COLORBOND
WOODLAND GREY. DOOR SIZE AS NOTED ON
FLOORPLAN. INSTALLATION TO MANUFACTURERS
DETAILS. HARDWARE/AUTOMATION WINDOWS/
FINISHES WITH OWNER.

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.

FIBRE CEMENT CLADDING TO OWNERS
SELECTION. PAINT FINISH: CREAM
TO COMPLEMENT WALL COLOUR

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to work commencing.

Drawing Title
Project Name
Drawing No. Issue
Project Number
Architects Client
Issued For
Issue To

NOTES

ABN 31 852 116 195

J B G ARCHITECTS
38 MURRAY STREET
TANUNDA 5352
CT: 5178 / 743

PETER + ANDREA
GRILLETT
LOT 2 ROSEWELL RD (ROCKY VALLEY RD)
ANGASTON, SA

GRILLETT HOUSE

ELEVATIONS

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3 ELEVATION SOUTH

FACE BRICK WALL FINISH:
'PGH CONNOISSEUR NOUGAT' BRICKS. PROVIDE 'BRICK ON EDGE' SILL BELOW WINDOWS

EXTERNAL DOOR + WINDOW FRAMES IN POWDERCOAT FINISH: COLORBOND WOODLAND GREY

FINISHED GROUND LEVEL

4 ELEVATION WEST

ROOF EAVES OVERHANG= 600MM. FIBRE CEMENT SHEET LINING WITH JOINING STRIPS SETOUT EVENLY. PAINTED FINISH: OFF WHITE. PROVIDE EAVES TO WALL TRIMS AT JUNCTION AS REQUIRED

FINISHED GROUND LEVEL

NOT FOR CONSTRUCTION
FLEXIBLE COUPLINGS

FOR SITES WITH SOIL CLASSIFICATION H1, H2, E:
- PROVIDE FLEXIBLE EXPANSION COUPLINGS ON ALL SEWER AND STORMWATER DRAINS.
- EXPANSION JOINTS - TYPICALLY ALONG DRAIN RISERS + JUNCTIONS TO MAIN DRAINS + ALONG MAIN DRAIN RING (MAX 6M APART)
- SWIVEL EXPANSION JOINT - TYPICALLY ON DRAINS EXITING THE FOOTING WITHIN 1M OF THE BUILDING PERIMETER.

ADDITIONAL SWIVEL/EXPANSION CONNECTIONS ARE REQUIRED AT UNDERGROUND SEPTIC TANK/ WATER TANK JUNCTIONS OR SIMILAR FIXTURES.
- REFER TO CONSULTING ENGINEERS REPORT + PREFERRED SUPPLIER 'STORM PLASTIC' FOR FURTHER DETAILS.

FLEXIBLE COUPLINGS WITH FURTHER DETAILS.

FLEXIBLE COUPLING ON MAIN DRAINS
- TO DISCHARGE TO MAIN DRAIN BY 100dia SOIL PIPE AT 1:50 FALL.
- TO CONNECT DIRECT TO MAIN DRAIN BY 100dia SOIL PIPE AT 1:50 FALL.

HEADVENT IN WALLFRAME - DISCHARGE TO ATMOSPHERE

DISCLAIMER: THIS DRAWING IS NOT AN ENGINEERING DRAWING. IT IS A GENERAL REPRESENTATION OF WHAT IS ON SITE + IS TO BE CONFIRMED WITH PROPRIETOR PRIOR TO INSTALLATION. ENGINEERING DETAILS TO BE CONFIRMED BY RELEVANT SUBCONTRACTORS PRIOR TO INSTALLATION.
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PERIOD 2 PERSPECTIVES EXTERIOR

2 PERSPECTIVE 2

A901

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CT: 5178 / 743

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38 MURRAY STREET
TANUNDA 5352

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APPLICATION DETAILS

| PROPOSAL | Torrens Title Land Division - Create 33 additional allotments - Additional Allotment, Removal of Previous DPC Condition 3, Amendment – Rewording of Condition 7 |
| APPLICANT | Pyper Leaker Surveying and ID Mader |
| OWNER | Everfar Pty Ltd and Southace Pty Ltd |
| APPLICATION NO | 960/514/2019/A |
| CERTIFICATE(S) OF TITLE | CT5915/478 |
| AREA | 3.39 ha |
| CURRENT USE | Vacant Residential Land |
| DEVELOPMENT PLAN VERSION | Consolidated 1 November 2018 |
| ZONE | Residential Zone |
| POLICY/ PRECINCT AREA | Nil |
| OVERLAYS | Concept Plan – Nuriootpa Township Character Preservation Area – Township Bushfire Risk - Excluded |
| APPLICATION TYPE | Merit |
| REFERRALS | State Commission Assessment Panel, SA Water, Environment Protection Authority |
| ASSESSING OFFICER | Janine Lennon |
| RECOMMENDATION | That Development Plan Consent be GRANTED |

BACKGROUND
In 1992 Council compulsorily acquired a portion of the applicants land for the purposes of flood mitigation works in association with the North Para River. The components of that agreement included:

- The owner would be indemnified from the requirement to provide open space in association with any future land division (this portion of the agreement was included in the application documents).
- Council would install flood mitigation infrastructure to protect the owner’s remaining land from flooding from the North Para River.
- The owner was advised that local ponding and flooding could still occur on their remaining land due to overland flows and restricted outflow at high river levels and was put on notice that “provisions to prevent local flooding may be required by the developer”.

In 2002 two land division applications were lodged by the owner. The first 960/103/2002 was approved and created Robin Avenue, five allotments at the end of Moorpark Street and four allotments on the western side of Kaezler Drive, as well as the subject land. The
second application 960/137/2002 was substantially similar to the current proposal and was ultimately lapsed after failing to reach a resolution for drainage and flooding concerns.

A subsequent land division was lodged 19 August 2019, at that time assessment staff raised concerns regarding the following:

- Setback of residential allotments from the Nuriootpa waste water lagoons
- Detention for stormwater run-off generated by the proposed residential development
- Management of the existing overland flow

After much negotiation the concerns were addressed to a point that was supportable by the assessing officers and Development Plan Consent was issued by the Panel on 6 October 2020.

On 25 November 2020 an amendment was lodged to the proposal that re-envisioned the stormwater management of the site and facilitated the creation of an additional allotment. This amendment was granted consent on 18 December 2020. Refer Attachment 1 for Development Plan Consent stamped plans.

On 18 January 2021, a further request was submitted requesting amendments to Condition 7 being for the external fencing of allotments abutting Council’s reserves, refer Attachment 2.

Attachment 1 provides a copy of the current Development Plan Consent Decision Notification Form and Stamped Plan.

Attachment 2 provides a copy of the amendment proposal.

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

(1) Where in the opinion of the sub-delegate, it is appropriate to refer the application to the Barossa Assessment Panel.

PUBLIC NOTIFICATION

As the original application was a Category 1 form of development pursuant to Section 38 and Schedule 9 of the Development Act 1993 and Development Regulations 2008 and the Procedural Matters of the Residential Zone, the proposed amendment to Condition 7 may not be placed upon Public Notification.

SITE AND LOCALITY

The subject land consists of one allotment and is referred to as Allot 26 Moorpark Street, Nuriootpa.

The land is of an irregular shape and has an area of approximately 3.39 hectares. It is bordered on two sides by residential allotments (to the north and west), with the North Para River to the east and Old Mill Road (to the south). The land has two existing access points from Moorpark Street and Kaesler Drive.

The site currently contains no improvements and features, a line of mature native vegetation along the southern and eastern boundaries. The land is quite flat with a level change of approximately 0.5 metres across the site and with a general slope of approximately 1 in 400.
The locality is characterised as a rural/residential fringe. Land to the south of the subject site is used as primary production, viticulture and grazing. North and west of the site are residential allotments averaging 900 sqm in area.

An aerial view of the locality and site are shown in Figure 1 and Figure 2.

Site photos are provided in Figure 3 to Figure 6.

![Aerial view of the locality and site](image-url)

**Figure 1: Aerial – Locality**
Figure 2: Aerial – Site

Figure 3: Site Photo – View from End of Moorpark Street
Figure 4: Site Photo – View from end of Kaezler Drive

Figure 5: Site Photo – View from Old Mill Road
**REFERRALS**
No referrals are required under Schedule 8 of the Development Regulations 2008.

**Internal**
The application was referred to:

**Works & Engineering Services**  Allotment boundaries abutting Reserve 48 (allotments 16-21 inclusive) are required to be provided with 1800mm high ‘Good Neighbour’ Colorbond fencing in accordance with Condition 7.

Provision of an 'open' style fence (to Council satisfaction) where allotment boundaries abut the linear park reserve (allotment 20, 22 and 34) is acceptable to Engineering.

Having this portion of fencing constructed by the developer will assist in achieving a consistent fencing product to be utilised within the locality.

All fencing costs shall be borne by the developer.
DISCUSSION
There is general agreement between the applicant and Council’s Works and Engineering Services that the conditioned requirement for 1800mm high ‘Good Neighbour’ Colorbond fencing adjoining Reserve 48 will be retained.

There is also general agreement between the applicant and Council’s Works and Engineering Services that fencing is not required between the proposed road reserves and the linear park reserve nor between Allotment 1 and the road reserve.

The area of potential conflict between the applicant’s request, the Development Plan and Works and Engineering Services is where Allotments 20, 22 and 34 share a boundary with the linear park.

- The applicant is proposing no fencing along this boundary to enable attractive views of the linear park.

- Works and Engineering Services would be satisfied with open style fencing. Council’s “Standards and Requirements for the Design, Construction and Development of Infrastructure Assets” stipulates:

  All allotment boundaries abutting reserves (excluding any 0.1 metre reserve strip where required) shall be adequately fenced using 1800mm high ‘Good Neighbour’ colourbond fencing.

  Where allotments are designed to front a reserve, an open style of fencing shall be provided by the developer as approved by Council.

  All fencing costs shall be borne by the Developer/Applicant.

- The Development Plan seeks:

  Fences that in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land.

  Open spaces and recreation areas should be located and designed to maximise safety and security by ensuring that within urban areas, their edges are overlooked by housing, commercial or other development that can provide effective informal surveillance.

CONCLUSION
In line with the applicant’s desire to maintain attractive views of the linear park, the Development Plan’s Principle regarding passive surveillance of recreational areas and Council’s “Standards and Requirements for the Design, Construction and Development of Infrastructure Assets”, it appears that where allotments 20, 22 and 34 share a boundary with the linear park the condition may be changed to seek an open style of fencing to Council’s satisfaction.

As stated by the applicant’s consultant, this fencing will need to be reviewed at the time that a development application for a future dwelling is lodged to ensure that private open space requirements are met for the dwelling.
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. 960/514/2019/A by Pyper Leaker Surveying and ID Mader to undertake Torrens Title Land Division - Create 33 additional allotments - Additional Allotment, Removal of Previous DPC Condition 3 - Amendment – R wording of Condition 7 at Allot 26 Moorpark Street, Nuriootpa (CT 5915/478) 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. 960/514/2019 (960/D033/19) except where varied by any condition(s) listed below:

- Plan of Division – Drawn by Pyper Leaker, Ref PL8002, dated 25 Nov 2020

(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 communications

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) A comprehensive stormwater drainage design is required and shall include a stormwater and site management plan with supporting report. The plan shall include existing contours, features, existing stormwater infrastructure, proposed site works details, levels and grading, proposed stormwater drainage system, details of detention facilities (if required) including volumes and discharge controls, proposed paving and connection details to and any upgrading if required of the existing external drainage systems, to the reasonable satisfaction of Council.
(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 Industry

Temporary 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 SA Power Networks (SAPN) and Council. Lighting columns shall be standard SAPN design approved by Council.

(7) All allotment boundaries abutting Reserve 48 shall be adequately fenced with 1800mm high “Good Neighbour” colorbond fencing using a single colour and single material profile. The allotment boundaries between allotments 20, 22 and 24 and the linear park shall be fenced with either the above detailed “Good Neighbour” fencing or an open style of fencing, the style and colour to be approved by the relevant authority. All fencing shall be installed by the developer and all costs shall be borne by the Developer.
6.6 Attachment 1
DECISION NOTIFICATION FORM
DEVELOPMENT ACT 1993

FOR DEVELOPMENT APPLICATION
9677938958

DEVELOPMENT NUMBER
960/D033/19
COUNCIL DEVELOPMENT NUMBER
960/514/2019/A

REGISTERED ON 7 December 2020

TO: Pyper Leaker Surveying and I D Mader
65 Goodwood Rd
WAYVILLE SA 5034

LOCATION OF PROPOSED DEVELOPMENT:
Subject Land: Allot 26 Moorpark Street, NURIOOTPA SA 5355
CT: CT-5915/478

NATURE OF PROPOSED DEVELOPMENT:
Torrens Title Land Division - Create 33 additional allotments - Amendment - Additional Allotment, Removal of Previous DPC Condition 3 (SCAP Unique ID - 65942)

FROM: THE BAROSSA COUNCIL

In respect of this proposed development you are informed that:

<table>
<thead>
<tr>
<th>Nature of Decision</th>
<th>Decision</th>
<th>No. of Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Plan Consent</td>
<td>GRANTED</td>
<td>(REFER ATTACHED)</td>
</tr>
<tr>
<td>Land Division Consent</td>
<td>STILL REQUIRED</td>
<td></td>
</tr>
<tr>
<td>DEVELOPMENT APPROVAL</td>
<td>STILL REQUIRED</td>
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</tbody>
</table>

Reasons for this decision, any conditions imposed, and the reasons for imposing those conditions are set out on the attached sheet.

No work can commence on this development unless a Development Approval has been obtained.

Date of Decision: 18-Dec-2020
Signed: [Signature]

Development Assessment Commission or delegate
Council’s Chief Executive Officer or delegate

Date: 18-Dec-2020
Expiry: 18-Dec-2022

Private Certifier
Sheets Attached

Agenda - Barossa Assessment Panel - 2 March 2021
RESERVED MATTERS

In accordance with s33(3) o 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.

Reserved Matter addressed via amended plans, detailed in Development Plan Consent Condition 1 below.

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:

1) Plan of Division – Drawn by Pyper Leaker, Ref PL8002, dated 25 Nov 2020

(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 communications

To 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) A comprehensive stormwater drainage design is required and shall include a stormwater and site management plan with supporting report. The plan shall include existing contours, features, existing stormwater infrastructure, proposed site works details, levels and grading, proposed stormwater drainage system, details of detention facilities (if required) including volumes and discharge controls, proposed paving and connection details to and any upgrading if required of the existing external drainage systems, to the reasonable satisfaction of Council.

(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 Industry
Temporary 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 SA Power Networks (SAPN) and Council. Lighting columns shall be standard SAPN 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.
1. If this is a consent or a consent with conditions:
   - the development must be substantially commenced
   or
   - for land division, you must apply for certificates of approval

   within **twelve months** of the date of this notification unless this period has been extended by the Council or the State Planning Commission,

   and:

   - any act or work authorised or required by this notification must be completed within **three years** of the date of the notification or a longer time as allowed by the Council or the State Planning Commission.

   You will require a fresh consent before commencing or continuing the development if you are unable to satisfy or wish to vary these requirements.

2. This consent or approval is given for the reason that the development is generally in accordance with the provisions of the development plan and any conditions imposed are to ensure compliance with those provisions.

3. Any clearance of native vegetation requires the approval of the Native Vegetation Council under the Native Vegetation Act 1991.

4. You are also advised that the final land division certificate must be obtained from the State Planning Commission to complete the development within 3 years of the date of the Notification unless this period is extended by the Commission.

5. Rights of appeal may exist against conditions which have been imposed on a Development Plan Consent, Refusal (appeal rights do not apply to applications for non-complying forms of development) or Development Approval.

   Any appeal must be lodged at the Environment Resources Development Court within 15 days (third parties) and two months (applicants) on the day on which this notice is received or such longer time as the Court may allow.

   Contact the ERD Court if you wish to appeal. The Court is located at the Sir Samuel Way Building, Victoria Square, Adelaide (telephone number 82040300).

6. If your application was the subject of third party representations, any consent, or consent subject to conditions shall not operate until fifteen (15) days from the date of the decision made on the application. if there is an appeal by a third party, any consent or consent subject to conditions shall not operate until determination of the appeal. Fifteen (15) days from the date of the decision on your application, contact the Environment, Resources and Development Court to find out if there has been an appeal lodged.
ETSA REGULATIONS 1988
Please note under ETSA Regulations 1988 it is your responsibility as owner or builder to ensure that any new building/structure (or any alteration), does not breach the stipulated powerline clearance. Building near overhead powerlines can sometimes create dangerous situations, whilst underground cables can often be covered in such a way as to make maintenance impossible.

Failure to observe these clearances will incur a significant penalty unless prior arrangements are made with ETSA.

Council approval does not include ETSA approval.

DISABILITY DISCRIMINATION ACT 1992
You are advised that this approval does not ensure compliance with the Disability Discrimination Act 1992, and developers will be liable for complaints under that Act. Your attention is drawn to Australian Standard 1428 Parts 1 - 4 which provides some technical direction on how to cater for people with disabilities not covered by the Building Code of Australia (BCA).

DEVELOPMENT OUTSIDE SUBJECT LAND
Any development on boundaries or outside the subject land or in connection with road reserves needs a separate approval from council under the Local Government Act eg stormwater connections, driveway crossovers, electrical and water connections. Application forms can be obtained from Council and offences may be prosecuted.

ALLETTMENT BOUNDARIES
Allotment Boundaries will not be certified by Council staff. The onus of ensuring that buildings are sited in the approved position on the correct allotment is the responsibility of the owner.

PROTECTION OF PROPERTY
Your co-operation is sought in ensuring that the street, road, kerb, gutter, and footway are protected from damage during delivery of any building materials to the site. Re-instatement costs can be recovered from the owner in addition to a penalty imposed by a court, if damage is caused. Any changes to existing entrance-ways must be approved by Council.

SA WATER
Townships – where an allotment is served by SA Water Sewer, the owner is required to give notice to that department of the intended building work.

WARNINGS
The owner is warned that the Council is required to approve the minimum allowable footing sizes under the Regulations and AS2870. Such designs do not provide a guarantee against footing failures. Advice from a qualified engineer in this matter is recommended.

This approval does not imply compliance with the (State) Electricity Trust of South Australia Act 1946, Equal Opportunity Act 1984 and the Commonwealth Disability Discrimination Act 1993 as amended or the regulations thereunder. It is the responsibility of the applicant and the person erecting the building to ensure compliance with same.
Council: BAROSSA
TITLE SYSTEM: REAL PROPERTY ACT
TITLE REFERENCE: CT 5915/478
TOTAL AREA: 3.324ha
MAP REFERENCE: 6628/46/E & M
HUNDRED: NURIOOTPA
AREA: NURIOOTPA

ALLOTMENT 26 IN D63967
MOORPARK STREET

STATEMENTS CONCERNING EASEMENTS ANNOTATIONS AND AMENDMENTS

ALLOTMENT 9 IS SUBJECT TO EASEMENT(S) OVER THE LAND MARKED B(T/F) TO DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 890000) (RTC 9739447).

PORTION OF ALLOTMENTS 10, 11 & 12 MARKED A IS TO BE SUBJECT TO A SERVICE EASEMENT TO THE COUNCIL FOR THE AREA FOR DRAINAGE PURPOSES.

SITE IS VACANT.

STAGING DETAILS
STAGE 1 - A1-6, A31-34 AND PORTION OF 1000 ROAD.
STAGE 1A - A7-12 AND A28-30.
STAGE 2 - A13-27, A48 (RESERVE), BALANCE OF 1000 ROAD.

AMENDED PLAN 06/02/2020
ALLOTMENTS 17-20 & 48 RESERVE ALTERED, ALLOTMENT 21 REMOVED

AMENDED PLAN 10/03/2020
CUT CORNERS INCREASED TO 4.50m, CUL-DE-SAC WIDENED TO 25m

AMENDED PLAN 06/02/2020
ALLOTMENTS 17-20 & 48 RESERVE ALTERED, ALLOTMENT 21 REMOVED

ALLOTMENTS 16-20, ROAD RESERVE AND 48 RESERVE AMENDED, ALLOTMENT 21 CREATED

DEVELOPMENT PLAN CONSENT GRANTED SUBJECT TO CONDITIONS

Date: 18/12/2020
Authorised Officer: jlenon

THE BAROSSA COUNCIL

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

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

SCALE 1:1,000 (A3) REVISION: 0
DATA SUBJECT TO SURVEY
DATE: 25/11/2020 BP REVISION 002

Agenda - Barossa Assessment Panel - 2 March 2021

PROPOSED PLAN OF DIVISION

DEVELOPMENT PLAN

SCALE METRES
CUT CORNERS INCREASED TO 4.50m, CUL-DE-SAC WIDENED TO 25m
AMENDED PLAN 10/03/2020

ALLOTMENTS 17-20 & 48 RESERVE ALTERED, ALLOTMENT 21 REMOVED

AMENDED PLAN 06/02/2020
ALLOTMENTS 17-20 & 48 RESERVE ALTERED, ALLOTMENT 21 REMOVED

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ALLOTMENTS 17-20 & 48 RESERVE ALTERED, ALLOTMENT 21 REMOVED

ALLOTMENTS 16-20, ROAD RESERVE AND 48 RESERVE AMENDED, ALLOTMENT 21 CREATED

DEVELOPMENT PLAN CONSENT GRANTED SUBJECT TO CONDITIONS

Date: 18/12/2020
Authorised Officer: jlenon

THE BAROSSA COUNCIL

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

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SCALE 1:1,000 (A3) REVISION: 0
DATA SUBJECT TO SURVEY
DATE: 25/11/2020 BP REVISION 002

Agenda - Barossa Assessment Panel - 2 March 2021
6.6 Attachment 2
Janine:

Thank you for issuing the Decision Notification Form and stamped plans for our client’s plan of division of Allotment 26 Moorpark Street Nuriootpa.

The approval is in order except for Condition 7 which reads:

7. **All allotment boundaries abutting reserves shall be adequately fenced using 1800mm high “Good Neighbour” Colorbond fencing using the same colour and materials profile. All fencing costs shall be borne by the Developer.**

The plan of division as you know adjoins two reserves:

- Proposed Reserve 48 alongside Old Mill Road; and
- The existing reserve over North Para River which is known as Nuriootpa Linear Park.

Our client agrees that Condition 7 should apply to the rear of those allotments which back onto Reserve 48 alongside Old Mill Road.

Allotments 1, 20, 22 and 34 will abut or face North Para River and the associated linear park. The linear park is an attractive feature containing a diverse amount of mature vegetation and mounding which adds to its visual appeal and amenity.

If applied ‘to the letter’, Condition 7 would deny the owners and occupiers of these allotments the attractive views onto the linear park. It might also deny the public at large with the opportunity to access the linear park from the two public roads which have been designed to terminate at this reserve.

We acknowledge that one purpose of Condition 7 is to ensure that the owners and occupiers of allotments abutting reserves are provided with private open space. Indeed this requirement is specified in General Section: Residential Development Principles 21 to 25 of the Development Plan, which requires at least 20 per cent of the dwelling site area to be included as private open space. With site areas of 837 square metres, 650 square metres, 956 square metres and 955 square metres for Allotments 1, 20, 22 and 34 respectively, the Development Plan’s open space requirements are capable of being comfortably achieved.

The now-approved land division will require these and other allotments to be raised in the order of 900mm to satisfy Council’s stormwater management requirements. This will be achieved by the construction of a Kensington-style sleeper retaining wall to physically define the boundary and to protect the allotments from floodwaters.

When building applications are made, the Council will no doubt assess those applications to ensure, among other things, that adequate and appropriate private open space is provided in accordance with the Development Plan. On our preliminary assessment, the required amount of private open space can easily be provided at the rear of all four allotments in accordance with the Development Plan, noting that they are oriented generally north-south.

The Development Plan contemplates that residential development adjacent to the linear park should be designed and sited to capture views of this feature. Residential Zone Principle 10, while applying to medium density residential development, states:

10. **Medium density residential development on sites adjoining the Nuriootpa Linear Park should enhance the southern entrance to Nuriootpa as viewed from Murray Street by:**

(a) Orienting buildings to face the Nuriootpa Linear Park;
(b) N/A;
(c) N/A

One way to remedy this anomaly would be to amend Condition 7. A suggested form of wording could be:

7. **Other than Allotments 1, 20, 22 and 34, 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.**

We believe that this amendment is minor and could therefore be facilitated by the use of Regulation 47A.

If you agree, would you kindly reissue the DNF with Condition 7 amended as suggested above.

Regards,

Graham Burns
0413 832 602

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**Agenda - Barossa Assessment Panel - 2 March 2021**
7. REPORTS – APPLICATIONS TO PROCEED/NOT TO PROCEED TO ASSESSMENT

Nil.
**8. REPORTS – DEFERRED APPLICATIONS FOR DECISION**

**8.1 UPDATES ON DEFERRED APPLICATIONS FOR DECISION**

The following applications have been deferred by the panel as follows:

<table>
<thead>
<tr>
<th>DA NUMBER</th>
<th>APPLICANT</th>
<th>ADDRESS</th>
<th>NATURE OF DEVELOPMENT</th>
<th>POSITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>960/784/2016</td>
<td>Outhred English &amp; Associates Pty Ltd</td>
<td>252 Murray Street Tanunda</td>
<td>Construction of a tourist accommodation complex incorporating 203 Rooms, Conference Centre, Restaurant, Gymnasium &amp; Wellness Spa Facilities, Carparking and Landscaping (Non-Complying)</td>
<td>Pending Further Information – on hold at the applicants request</td>
</tr>
<tr>
<td>960/158/2018</td>
<td>MICA Australia Pty Ltd</td>
<td>48 George Street Williamstown</td>
<td>Construction of a 50 tonne Winery; a 50 seat Restaurant, an additional Cellar Door area and additions and alterations to the existing Dwelling (Non-Complying)</td>
<td>Pending Further Information – on hold at the applicants request</td>
</tr>
<tr>
<td>960/35/2019</td>
<td>Andrew Davidson Pty Ltd &amp; CN Scalzi Investments Pt Ltd</td>
<td>65 Gods Hill Road Lyndoch</td>
<td>Torrens Title Land Division - Create 86 additional allotments</td>
<td>Pending Further Information – on hold at the applicants request</td>
</tr>
</tbody>
</table>

**RECOMMENDATION**

That the report be received.
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.

<table>
<thead>
<tr>
<th>DA NUMBER</th>
<th>APPLICANT</th>
<th>ADDRESS</th>
<th>NATURE OF DEVELOPMENT</th>
<th>DAC DECISION</th>
</tr>
</thead>
<tbody>
<tr>
<td>960/206/2020</td>
<td>JD Lewis</td>
<td>19D Goldfields Road</td>
<td>Torrens Title Land Division – Create one additional allotment</td>
<td>Awaiting Concurrence (6/10/2020 panel meeting)</td>
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<td></td>
<td>Cockatoo Valley</td>
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<tr>
<td>960/445/2019</td>
<td>HA Robb</td>
<td>668 Balmoral Road</td>
<td>Undertake horse keeping activity – three horses</td>
<td>Concurrence granted 2/2/2021 (1/12/2020 panel meeting)</td>
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<tr>
<td></td>
<td></td>
<td>Cockatoo Valley</td>
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</table>

RECOMMENDATION
That the report be received.
The following applications are currently within the ERD Court appeals process.

<table>
<thead>
<tr>
<th>DA NUMBER</th>
<th>APPLICANT</th>
<th>ADDRESS</th>
<th>NATURE OF DEVELOPMENT</th>
<th>POSITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>960/345/2019</td>
<td>DG Thoms</td>
<td>44 Washington Street Angaston</td>
<td>Torrens Title Land Division – Create one additional allotment</td>
<td>Land Management Agreement drafted. Conference of parties to be held on 19 November 2020.</td>
</tr>
<tr>
<td>960/671/2015/A</td>
<td>GJ Frater-Wyeth</td>
<td>1929 Barossa Valley Way Rowland Flat</td>
<td>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</td>
<td>An appeal has been lodged against the decision of The Barossa Council Development Assessment Panel to refuse a variation application to amend Condition 9. A scheduled conference is being held on the 22 February 2021.</td>
</tr>
</tbody>
</table>

**RECOMMENDATION**
That the report be received.
10. REPORTS – OTHER BUSINESS

10.1 PLANNING REFORM UPDATES

A verbal update shall be provided.
11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 6 April 2021 commencing at 5.00 pm.

13. CLOSURE OF MEETING